

DATE OF DETERMINATION	Thursday, 16 November 2017
PANEL MEMBERS	Maria Atkinson (Chair), John Roseth and Sue Francis
APOLOGIES	None
DECLARATIONS OF INTEREST	Michael Megna and Angelo Tsirekas declared a conflict of interest due to the Council connection to the site of the proposed development.

Public meeting held at Christie Conference Centre, 3 Spring St, Sydney on 16 November 2017, opened at 12:00 pm and closed at 1:00 pm.

MATTER DEFERRED

2017SCL012 – Canada Bay – DA2016/0492 AT 227-231 Victoria Road, Drummoyne - Demolition of all structures, amalgamation of two existing lots into one lot and construction of a mixed use building up to 7 storeys, containing 23 dwellings, a ground floor commercial tenancy and 27 basement car parking spaces

VERBAL SUBMISSIONS

- On behalf of the applicant – Nigel Dickson

REASONS FOR DEFERRAL

The Panel resolved unanimously to defer the determination of the matter, principally because it did not accept that the variation of height and FSR under cl 4.6 of the Canada Bay LEP 2013 was justified. The justification submitted by the applicant acknowledged that the decision of the Land and Environment Court (Four2Five v Ashfield (2015) NSWLEC 1009) requires establishing that the imposition of these two development standards is unreasonable and unnecessary. However, the applicant's justification does not establish this. There is nothing peculiar to this site that would indicate that the FSR of 2:1 and height of 20m should not be complied with. The fact that the site is well located to public transport, as suggested by the applicant, has already been taken into account when the zoning and development standards applying to the site were determined as part of making the Canada Bay LEP 2013.

The Panel notes other shortcomings in the proposal, namely:




- Inconsistency in floor to floor heights – 3.04m and 3.1m - resulting in a loss of amenity in the apartments;
- Poor natural cross ventilation – using skylights;
- Inaccuracy in the floor space calculation, which makes the exceedance even larger than indicated;

The Panel requests the applicant to submit, by 4 December 2017, an amended proposal that complies with the FSR and height development standards, (although the Panel would accept a height variation in respect of the lift tower if this resulted in access to communal open space on the roof) and addresses the other shortcomings of the proposal. The Panel requests the council assessment officer to provide, by 18 December 2017, a supplementary report that informs the Panel whether the amended proposal has complied with the Panel's request.

Following receipt of the supplementary report, the Panel will determine the application by communicating by electronic means unless the Chair considers that another public meeting is appropriate.

When this information has been received, the panel will determine the matter electronically.

The decision to defer the matter was unanimous.

PANEL MEMBERS	
 Maria Atkinson (Chair)	 John Roseth
 Sue Francis	