

<b>DATE OF DETERMINATION</b>	Wednesday, 16 December 2020
<b>PANEL MEMBERS</b>	Helen Lochhead (Chair), Stuart McDonald, Renata Brooks, Nadia Saleh
<b>APOLOGIES</b>	Heather Warton
<b>DECLARATIONS OF INTEREST</b>	Bilal El-Hayek - has a perceived conflict of interest he lives next door to someone who has interest in the development and did not participate in discussion of this application.

Papers circulated electronically on 2 December 2020.

#### **MATTER DETERMINED**

2018SSH001 – CANTERBURY BANKSTOWN – 484/2017 at 280-300 Lakemba St and 64-70 King Georges Rd, Wiley Park – Demolition of existing structures, removal of trees and construction of four (4) x eight (8) storey shop top developments with 150 residential apartments. The amended proposal includes a ground level plaza, retail premises (including a supermarket), land dedication for new lane works along the rear, third slip lane on Lakemba Street by Voluntary Planning Agreement and three levels of basement car parking (as described in Schedule 1).

#### **PANEL CONSIDERATION AND DECISION**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

#### **Application to vary a development standard**

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Canterbury LEP 2012, Clause 4.3 in relation to height of buildings, the application has not demonstrated that:

- compliance with cl. 4.3 building height is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

#### **Development application**

The panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.





The decision was unanimous.

#### **REASONS FOR THE DECISION**

The panel determined to not accept the Clause 4.6 variation to building height and to refuse the application as there was a range of outstanding issues that needed to be addressed as set out in the council assessment report.

## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered the two submissions made during public exhibition.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Stuart McDonald
 Renata Brooks	 Nadia Saleh

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SSH001 – CANTERBURY BANKSTOWN – 484/2017
2	PROPOSED DEVELOPMENT	Demolition of existing structures, removal of trees and construction of four (4) x eight (8) storey shop top developments with 150 residential apartments. The amended proposal includes a ground level plaza, retail premises (including a supermarket), land dedication for new lane works along the rear, third slip lane on Lakemba Street by Voluntary Planning Agreement and three levels of basement car parking.
3	STREET ADDRESS	280-300 Lakemba St and 64-70 King Georges Rd, Wiley Park
4	APPLICANT/OWNER	<b>Applicant:</b> Lakemba Street Development Pty Ltd c/o Urbis Pty Ltd <b>Owner/s:</b> Lakemba Street Development Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over \$20M (DA lodged before 1 March 2019)
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>Water Management Act 2000</li> <li>State Environmental Planning Policy 55 – Contaminated Land (SEPP 55)</li> <li>State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65)</li> <li>State Environmental Planning Policy (Infrastructure) 2007 (SEPP 2007)</li> <li>State Environmental Planning Policy 2004 (Building Sustainability Index: BASIX)</li> <li>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>Canterbury Local Environmental Plan 2012 (CLEP 2012)</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Canterbury Development Control Plan 2012 (CDCP 2012)</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 25 November 2020</li> <li>Clause 4.6 variation requests: <ul style="list-style-type: none"> <li>Canterbury Local Environmental Plan 2012 (CLEP 2012);</li> <li>The Clause 4.6 relates to Clause 4.3 Height of Buildings of the CLEP 2012</li> <li>The subject site is in a B2 Local Centre Zone</li> </ul> </li> <li>Written submissions during public exhibition: 2</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 18 July 2018 <ul style="list-style-type: none"> <li>Panel members: Helen Lochhead (Chair), Bruce McDonald, Nicole Gurran, Nadia Saleh</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Zena Ayache, Stephen Arnold</li> <li>• Final briefing to discuss council's recommendation: 9 December 2020 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Renata Brooks, Nadia Saleh</li> <li>○ <u>Council assessment staff</u>: Alice Pettini, Narelle Bowly, Jeff Senior, Vesna Ristic, Isabelle Albert</li> <li>○ <u>Applicant representatives</u>: Sarah Horsfield, Brigitte Bradley, Louis Panagopoulos, Paolo Salotto, Mustapha Saboune, Abdallah Saboune, Chris Palmer</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Refusal
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report