

DATE OF DETERMINATION	21 December 2020
PANEL MEMBERS	Helen Lochhead (Chair), Clare Brown, Nadia Saleh
APOLOGIES	Heather Warton, Bilal El-Hayek
DECLARATIONS OF INTEREST	Stuart McDonald - The firm for which I work has undertaken the planning work on this DA.

MATTER DETERMINED

PPS-2018SSH048– CANTERBURY-BANKSTOWN – DA-503/2018 – 41 Broadarrow Road NARWEE

Demolition of existing structures and construction of eight (8) storey shoptop housing development containing basement parking, restaurants and a commercial tenancy on the ground floor and 63 residential apartments (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

- The panel considered: the matters listed at item 6, specifically State Environmental Planning Policy 55 – Contaminated Land (SEPP 55), State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) and the material listed at item 7 and the material presented at meetings and briefings and the matters listed at item 8 in Schedule 1.

Application to vary a development standard

- The Panel considered the written requests under Clause 4.6 from the applicant in respect of the breach of height, made under CLEP 2012, Clause 4.3 in relation to height of buildings of the LEP.

The application has demonstrated that:

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

The Panel is satisfied that:

- the Applicant's written request adequately addresses the matters required to be addressed under CLEP 2012, Clause 4.3 in relation to height of buildings of the LEP.

However, while there were minor non-compliances with regards to traffic, waste and parking and SEPP 65, it was considered that these could be addressed through minor design amendments, the major issue was that the application has not adequately demonstrated with sufficient documentation that the requirements of SEPP 55 to confirm that the site contamination can be effectively remediated and the site made suitable for the proposed use.

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 uphold the clause 4.6 variation to building height but to refuse the application as the panel was not satisfied as required under clause 7 of SEPP 55 that the site could be made suitable to accommodate the proposed use..

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel note that there were no submissions made during public exhibition

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Clare Brown
 Nadia Saleh	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPS-2018SSH048– CANTERBURY-BANKSTOWN – DA-503/2018
2	PROPOSED DEVELOPMENT	Demolition of existing structures and the construction of an eight (8) storey shop top housing development comprising 4 x commercial tenancies on the ground floor and 62 residential apartments above and four (4) levels of basement parking.
3	STREET ADDRESS	41 Broadarrow Road, Narwee
4	APPLICANT/OWNER	Loulla Costas and Yvette Costas
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value > \$30M
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy 55 – Contaminated Land (SEPP 55) State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) State Environmental Planning Policy 2004 (Building Sustainability Index: BASIX) Canterbury Local Environmental Plan 2012 (CLEP 2012) Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Canterbury Development Control Plan 2012 (CDCP 2012) Canterbury Development Contributions Plan 2013 (Contributions Plan 2013) Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 19 November 2020 Clause 4.6 variation requests: <ul style="list-style-type: none"> Canterbury Local Environmental Plan 2012 (CLEP 2012) The Clause 4.6 relates to Clause 4.3 Height of Buildings of the CLEP 2012 The subject site is in a B2 Local Centre Zone Written submissions during public exhibition: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: Tuesday, 12 March 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Helen Lochhead (Chair), Bruce McDonald, Nicole Gurran, Bilal El-Hayek <u>Council assessment staff</u>: Rita Nakhle, George Gouvatos Final briefing to discuss council's recommendation: Wednesday, 9 December 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Helen Lochhead (Chair), Clare Brown, Nadia Saleh <u>Council assessment staff</u>: Andrea Elias, Bob Steedman, Brad McPherson, Shakur Wais

		<ul style="list-style-type: none">○ <u>Applicant representatives:</u> Loulla Costas, Yvette Costas, Scott Barwick, Crystal Anson, Brandon Notaras, Fred Gennaoui, Todd Hore Connie Argyrou
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report