

<b>DATE OF DETERMINATION</b>	29 June 2022
<b>DATE OF PANEL DECISION</b>	29 June 2022
<b>DATE OF PANEL MEETING</b>	28 June 2022
<b>PANEL MEMBERS</b>	Helen Lochhead (Chair), Brian Kirk, Heather Warton, Bilal El-Hayek, Charlie Ishac
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held videoconference on 28 June 2022, opened at 9:30am and closed at 9.39am.

#### **MATTER DETERMINED**

PPSSSH-106 – Canterbury Bankstown – DA-503/2013/B - Close Street and Canterbury Road, Canterbury 2193

#### **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.

Following consideration of a modification application from the applicant, and Council's assessment of the modification against the SEPP (Resilience and Hazards) 2021, SEPP (Transport and Infrastructure) 2021, SEPP BASIX, SEPP 65/ADG, Canterbury Local Environmental Plan 2012 (CLEP 2012), Draft Canterbury Bankstown Local Environmental Plan 2020 and Canterbury Development Control Plan 2012 (CDCP 2012), the Panel is of the view that the modified development is not substantially the same development as that originally approved. The Panel is cognisant of the assessment of the original application that recognised this site to be a gateway site that provided an opportunity for superior site planning and built form outcome having regard to the consolidation of many allotments. It is considered that the proposed modification seriously denigrates the essence of the original approval.

There is insufficient merit in the modification to further contravene the development standards. The Panel is not satisfied that the development is in the public interest because it is inconsistent with desired future character of the area, includes significant height and FSR breaches, generates more overshadowing of communal areas and the public domain and does not provide adequate residential amenity across a range of considerations.

#### **Modification application**

The panel determined to refuse the modification application pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.


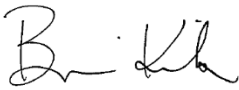



#### **REASONS FOR THE DECISION**

The panel determined to refuse the application for the reasons outlined in the council assessment report and the Panel's considerations above.

#### **CONSIDERATION OF COMMUNITY VIEWS**

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Traffic impacts
- Overdevelopment
- Overshadowing
- Airflow
- Setbacks
- Flooding
- Bulk and scale
- FSR
- Height
- ADG non-compliance
- Acoustic privacy

PANEL MEMBERS	
<div>Helen Lochhead (Chair)</div>	<div>Brian Kirk</div>
<div>Heather Warton</div>	<div>Bilal El-Hayek</div>
<div>Charlie Ishac</div>	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-106 – Canterbury-Bankstown– DA-503/2013/B
2	PROPOSED DEVELOPMENT	S4.55(2) modification to the approved development for demolition of existing structures at 242-248 Canterbury Road Canterbury and dedication of land to Council followed by demolition of remaining structures and construction of residential flat buildings and a shop top housing over two basement levels.
3	STREET ADDRESS	1-13 Close Street and 242-258 Canterbury Road, Canterbury 2193
4	APPLICANT/OWNER	Realize Architecture Pty Ltd / Metro storage Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	Environmental planning instruments: <ul style="list-style-type: none"> <li>• SEPP (Resilience and Hazards) 2021</li> <li>• SEPP (Transport and Infrastructure) 2021</li> <li>• SEPP BASIX, SEPP 65/ADG</li> <li>• Canterbury Local Environmental Plan 2012 (CLEP 2012)</li> <li>• Draft Canterbury Bankstown Local Environmental Plan 2020</li> <li>• Canterbury Development Control Plan 2012 (CDCP 2012)</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 14 June 2022</li> <li>• Written submissions during public exhibition: 12</li> <li>• Total number of unique submissions received by way of objection: 12</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 22 March 2022, 5 April 2022               <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Brian Kirk, Heather Warton, Bilal El-Hayek, Charlie Ishac</li> <li>○ <u>Council assessment staff</u>: Stephen Arnold, Aidan Harrington</li> <li>○ <u>DPIE</u>: Leanne Harris, Carolyn Hunt, Holly McCann</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 28 June 2022               <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Brian Kirk, Heather Warton, Bilal El-Hayek, Charlie Ishac</li> <li>○ <u>Council assessment staff</u>: Stephen Arnold, Anthony Betros, consultant planner</li> <li>○ <u>DPIE</u>: Leanne Harris, Carolyn Hunt, Sharon Edwards</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not Applicable