

DATE OF DETERMINATION	8 February 2022
DATE OF PANEL DECISION	7 February 2022
DATE OF PANEL MEETING	7 February 2022
PANEL MEMBERS	Helen Lochhead (Chair), Stuart McDonald, Heather Warton
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically prior to 7 February 2022.

MATTER DETERMINED

PPSSSH-79 – Canterbury Bankstown – DA-452/2021 - 280 – 300 Lakemba Street, Wiley Park 2195

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 Local Environmental Plan 2012 (LEP), that has demonstrated that:

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

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. cl. 4.3(Building height) of the LEP and the objectives for development in the B2- Local Centre zone; and
- c) the concurrence of the Secretary has been assumed

Development application

The panel determined to approve 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; and approve the application for the reasons outlined in the council assessment report and notably the proposed variations to the controls relating to building height, deep soil area, visual privacy (building separation), natural ventilation, front setbacks and building depth will not result in any significant adverse impact on the amenity of future occupants of the site as well as existing residents on adjoining properties. The design of the proposed development is considered compatible with the future and desired local character of the area and will positively contribute to the streetscape and the local built environment.




CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments.

- Add an additional requirement in the prior to CC section of the consent (Section 2 of the consent):
The Natural Ventilation Statement prepared by Windtech Consultants Pty Ltd dated 27 May 2021 and all the recommendations stated within the report, form part of the development consent and must be documented in the construction certificate drawings.
- Add an additional requirement in the prior to OC section of the consent (section 5 of the consent):
The Principal Certifier shall obtain a report from an appropriately qualified natural ventilation/wind consultant, not previously involved with the development, to undertake appropriate wind testing once the development is constructed, and prior to the issue of any Occupation Certificate, to confirm that the recommendations of the Natural Ventilation Statement prepared by Windtech Consultants Pty Ltd dated 27 May 2021 remain valid. Should the results of the additional testing require further design changes, further approval should be sought to incorporate any additional mitigation measures (if required). A copy of the report is to be submitted to Council prior to the issue of any Occupation Certificate.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Stuart McDonald
 Heather Warton	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-79 – Canterbury Bankstown – DA-452/2021
2	PROPOSED DEVELOPMENT	Demolition of existing structures, removal of 18 trees and the construction of a shop top housing development comprising 142 residential apartments within four residential podiums, rooftop communal open space; 2,195sqm of retail floor space, 3 storey basement car parking including a mezzanine level comprising 248 car spaces, storage and waste facilities. The development includes a dedication for new lane works along the rear and slip lane with associated public footpath.
3	STREET ADDRESS	280 – 300 Lakemba Street and 64-70 King Georges Road, Wiley Park 2195
4	APPLICANT/OWNER	Jacquel Australia Project Management (JAPM) Pty Ltd / Lakemba Street Developments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 Water Management Act 2000 State Environmental Planning Policy 55 – Remediation of Land (SEPP 55) State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Vegetation in Non-Rural areas) 2017 State Environmental Planning Policy 2004 (Building Sustainability Index: BASIX) State Environmental Planning Policy (Housing) 2021 Canterbury Local Environmental Plan 2012 (CLEP 2012) Draft environmental planning instruments: <ul style="list-style-type: none"> Draft SEPP Design & Place; Draft Consolidated Canterbury Bankstown LEP. Development control plans: <ul style="list-style-type: none"> Canterbury Development Control Plan 2012 (CDCP 2012) Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: N/A 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: 24 January 2022 Canterbury Local Environmental Plan 2012 (CLEP 2012) The Clause 4.6 relates to Clause 4.3 Height of Buildings of the CLEP 2012: and The subject site is in a B2 Local Centre Zone List any council memo or supplementary report received: 24 January 2022 Written submissions during public exhibition: 0

		<ul style="list-style-type: none"> Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 26 August 2021, <ul style="list-style-type: none"> <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton, Bilal El-Hayek, Nadia Saleh <u>Council assessment staff</u>: Alice Pettini, George Gouvatsos, Bob Steedman <u>DPIE</u>: Leanne Harris, Michelle Burns Site inspection: Panel members visited the site individually on different days due to Covid-19 precautions. Final briefing to discuss council's recommendation: 7 February 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Heather Warton <u>Council assessment staff</u>: Alice Pettini, George Gouvatsos, Bob Steedman. <u>DPIE</u>: Carolyn Hunt, Sharon Edwards
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report