

DATE OF DETERMINATION	16 December 2020
PANEL MEMBERS	Helen Lochhead (Chair), Sue Francis, Heather Warton
APOLOGIES	Khodr Saleh
DECLARATIONS OF INTEREST	Nadia Saleh - I have a conflict as I have voted on the proposal for 921 Punchbowl Rd previously. Under the provisions of the Panel's Code of Conduct I am considered to have a conflict of interest in the matter and cannot consider or vote on the matter when it comes before the Panel.

Papers circulated electronically on 2 December 2020.

MATTER DETERMINED

PPSSSH-13– CANTERBURY-BANKSTOWN – 1075/2019 – 921 PUNCHBOWL ROAD PUNCHBOWL 2196

Demolition of existing structures on the site and construction of a new facility for use as a registered club with shops/retail and office/business uses and car parking consisting of 423 spaces located in basement levels as well as at-grade, with other associated works including a new internal road, a publicly accessible courtyard and pocket park, associated civil engineering and drainage works and associated landscaping works.

The application was reported to the Sydney South Planning Panel for determination. Submissions in respect to this application were made to Canterbury-Bankstown Council and provided to the Sydney South Planning Panel and made available to other persons with an interest in the application (as described 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 and FSR, made under BLEP 2015, Clause 4.3 in relation to height of buildings and cl 4.4 Floor space ratio of the LEP.

The application has **not** demonstrated that:

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

the Panel is **not** satisfied that:

- a) the Applicant's written request adequately addresses the matters required to be addressed under BLEP 2015, Clause 4.3 in relation to height of buildings and cl 4.4 Floor space ratio of the LEP.

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.

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 did not support the Clause 4.6 variation to building height and FSR; and refused the application for the reasons outlined in the council assessment report. The Panel understands that this development application has been with Council for some time and maintains a number of non-compliances that remain outstanding. The Panel is also aware that a Planning Proposal is with DPIE for an amended Gateway for additional development on this site however the timeframe for this is unknown.

CONDITIONS




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

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:

- Sightlines and signage
- Height

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised in the submissions.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Sue Francis
 Heather Warton	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-13– CANTERBURY-BANKSTOWN – 1075/2019
2	PROPOSED DEVELOPMENT	Demolition of existing site structures and construction of a new facility for use as a registered club with shops/retail and office/business uses and car parking consisting of 420 spaces located in basement levels as well as at-grade, with other associated works including a new internal road, a publicly accessible courtyard and pocket park, associated civil engineering and drainage works and associated landscaping works.
3	STREET ADDRESS	921, 921A, 921B, 923 & 925 Punchbowl Road & 21 Canterbury Road, Punchbowl
4	APPLICANT/OWNER	Applicant: Cmt Architects Pty Ltd Owner: The Croatian Club Ltd
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"> • Section 4.15 of the Environmental Planning and Assessment Act, 1979 • Water Management Act 2000 • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 • Greater Metropolitan Regional Environmental Plan No 2 - Georges River Catchment • Bankstown Local Environmental Plan 2015 • Draft environmental planning instruments: <ul style="list-style-type: none"> • Draft Consolidated Canterbury Bankstown Local Environmental Plan 2020 • Development control plans: <ul style="list-style-type: none"> • Bankstown Development Control Plan 2015 • 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: 9 December 2020 • A Clause 4.6 submitted to vary the BLEP 2015, Clause 4.3 in relation to height of buildings. • Written submissions during public exhibition: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 8 July 2020 <ul style="list-style-type: none"> ○ Panel members: Heather Lochhead (Chair), Sue Francis, Heather Warton

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Stephen Arnold, Cassandra Gibbons ● Final briefing to discuss council's recommendation: 9 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Heather Lochhead (Chair), Sue Francis, Heather Warton ○ <u>Council assessment staff</u>: Stephen Arnold, Cassandra Gibbons ○ <u>Applicant representatives</u>: Chris Tsioulos, Michael Giorgio (planner)
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the council assessment report