

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

HELD ON 1 MAY 2023

PANEL MEMBERS

PRESENT: Mr Anthony Hudson - Chairperson
Ms Barbara Perry - Expert Member
Mr David Epstein - Expert Member
Mr Ian Stromborg OAM - Community Representative Revesby and Bass Hill
Ms Linda Eisler – Community Representative Canterbury
Ms Inaam Tabbaa AM – Community Representative Roselands

STAFF IN

ATTENDANCE: Ms Leisha McCarthy (Local Planning Panel Administration Officer)
Ms Robyn Winn (Coordinator Governance)
Mr Andy Sharp (Director Planning, not present for the closed session)
Mr Ian Woodward (Manager Development, not present for the closed session)
Mr Stephen Arnold (Coordinator Planning West, not present for the closed session)
Mr George Gouvatsos (Coordinator Planning East, not present for the closed session)
Mr Bob Steedman (Team Leader Planning East, not present for the closed session)
Ms Juliette Kavanagh (Senior Town Planner, not present for the closed session)
Mr Christopher Phu (Senior Town Planner, not present for the closed session)
Ms Monica Samuel (Senior Town Planner, not present for the closed session)

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.00 PM.

ACKNOWLEDGEMENT OF COUNTRY

The panel acknowledges the traditional owners of the land where we are meeting today, the Darug and the Eora peoples, and we pay respect to their culture and their elders past, present and emerging.

INTRODUCTION

The Chairperson welcomed all those present and explained the functions of the Canterbury Bankstown Local Planning Panel and that the Panel would be considering the reports and the recommendations from the Council staff and the submissions made by objectors and determining the DAs on the agenda.

APOLOGIES

There were no apologies received.

DECLARATIONS OF INTEREST

The Chairperson advised that all Panel Members had submitted written Declarations of Interest returns prior to the meeting. The Chairperson also asked the Panel if any member needed to declare a conflict of interest in any of the items on the agenda. There were no declarations of interest.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

THAT the minutes of the Canterbury Bankstown Local Planning Panel Meeting held on **3 April 2023** be confirmed.

The meeting closed at 6.30 p.m.

DECISION

- 1 **DA-822/2021 29 & 31 WALDRON ROAD, SEFTON:** DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A 4 STOREY RESIDENTIAL FLAT BUILDING CONTAINING THIRTY-FIVE (35) RESIDENTIAL APARTMENTS, INCLUDING NINETEEN (19) APARTMENTS FOR AFFORDABLE RENTAL HOUSING, WITH BASEMENT LEVEL CAR PARKING

Site Visit

Individual site inspections were undertaken by the Panel members prior to the public hearing.

Public Addresses

The following people addressed the meeting in relation to this item:

- Ziad Boumelhem, Architect (on behalf of applicant)
- Georges Jreije, Architect (on behalf of applicant)
- Sophie Perry, Planner (on behalf of applicant)

Panel Assessment

Ian Stromborg OAM was the Community Panel Member present for the deliberation and voting for this matter.

The applicants' representatives requested a deferral on the basis that they could address the issues raised in the report by further plans. The applicant provided a tentative plan which was referred to in the report as being previously provided on 6 April 2023, but was not assessed in the report due to time constraints.

The Panel is of the opinion that there should be no deferral, as there are many issues to address including:

- Disabled access into the building
- Determining and resolving all issues including any design issues with the suggestion of having a substation in the basement and obtaining the relevant approval from Ausgrid
- How any widening of the entrance way, would present to the street and how this would be integrated to the front setback treatment
- The reference to the clause 4.6 variation on the portal relates to an earlier set of plans and not to the proposed development
- Moving the waste removal bins area back to the basement, may will raise a number of design related issues including the rearranged parking.
- The functionality of the communal area open space
- The applicant indicated that there would be no changes to the number of units per floor, per lift and the Panel questioned whether this would be appropriate

CBLPP Determination

THAT Development Application DA-822/2021 be **REFUSED** in accordance with the Council staff report recommendation, with the following additional grounds of refusal being added.

Ground 1 (i)

- 3.B1 and 3E1 the development does not respond to the streetscape; does not minimise the impact on solar access to adjacent properties and does not demonstrate how the deep soil areas would relate to the open space.

Vote: 4 - in favour / 0 - against

2 DA-604/2022 205A HOMER STREET, EARLWOOD: ALTERATIONS AND ADDITIONS TO EXISTING COMMERCIAL TENANCY AND CONVERSION TO A 34-PLACE CENTRE-BASED CHILD CARE FACILITY

Site Visit

Individual site inspections were undertaken by the Panel members prior to the public hearing.

Public Addresses

The following people addressed the meeting in relation to this item:

- Leanne Denton (against)

Panel Assessment

Linda Eisler was the Community Panel Member present for the deliberation and voting for this matter.

The Panel notes the advice from Council staff that as the childcare use is also a commercial premises, which is another permissible use, so an approval for a child care commercial premises does not make the existing residential units unlawful.

The panel notes the typographical error at the top of page 87 that should read that the development provides a total of 8 car spaces and which satisfies the parking rate requirements of the DCP.

The submissions of the objector focussed primarily on the parking and vehicular movements in the basement. The Panel notes the advice of the council officers that the parking is compliant with the councils' requirements and that conditions will assist with the pedestrian and vehicular movements in the basement.

The Panel agrees with the recommendation subject to the following amendments to proposed conditions about: the location of the waste bins, street planting and further details about the pedestrian safety within the car parking area.

CBLPP Determination

THAT Development Application DA-604/2022 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to the recommended conditions:

- *Condition 1.2 a) i) be amended to:*
 - Separate pedestrian access from the car park to the facility and in this case this is to include appropriate signage at the entrance to the building and at the top of the residents ramp to warn of pedestrian movements in the car park area and distinctive line marking for highlighting and demarcation of the pedestrian routes for the childcare users.
- *Condition 1.6 Acoustic*
 - Amend to include at the end of the condition
 - "except that the 2nd dot point at section 7.2 page 26 is deleted and in the next dot point
 - delete the word "alternatively" and amend the words "given time" to read "at any time".
- *Condition 1.11 add at the end of the condition*
 - 'The Plan of Management is to be updated prior to any construction

- certificate being issued to take into account any changes or inclusions to the plan by the conditions of consent'
- *Condition 2.3 – to be amended as follows*
 - a.- Insert word 'coloured' before word 'softfall'
 - Delete 'If any" from e. and f.
 - Delete c. and c.
 - Add new h.:
 - 'Planting of appropriate species such as olive trees to obtain a height so that the trees can be viewed from the childcare area in the grassed deep soil strip between the southern edge of the footpath and the outer edge of the building'.
 - Add new j. :
 - 'The installation of age appropriate climbing equipment to facilitate active play area activities that are consistent with the requirements of the Education and Care Services National Regulations and NSW Child Care Centre Planning Guideline.'
 - *Condition 2.18 add at the end of the condition*
 - 'This is to incorporate the measures referred to in condition 1.2 a) i).'
 - *Condition 2.22*
 - Sub paragraph a) to be amended to:
 - The carting route is to make use of the existing path in Bakers Lane so that the grassed deep soil strip between the southern edge of the footpath and the outer edge of the building is preserved and used as referred to in condition 2.3 h.
 - Sub paragraph c) to be amended by the words' the carriageway of' be added after the word 'on' and before the words 'Bakers Laneway'
 - Add a new subparagraph e):
The nominated waste collection point in Bakers Lane to be generally in the area shown as 'existing waste collection area ' on approved plan DA-4.02 dated 16/11/2022 rev B near the base of the stairs to the fire hydrant pump room and in this location only if necessary to meet any requirements, the grassed deep soil strip between the southern edge of the footpath and the outer edge of the building can be concrete.
 - Add the following at the end of the condition 2.22
'The requirements of this condition outweigh any inconsistencies between the requirements of this condition and any waste requirements of any other conditions'.
 - *Condition 5.2 to be amended:*
 - Add a second paragraph:
' All the requirements of condition 1.2a) have been implemented.
 - *Condition 6.11 add at the end of the condition*
 - that the child care centre is to maintain the trees referred to in condition 2.3
 - This is to include the maintenance of the trees referred to in condition 2.3 in accordance with the landscape architects plans and specifications referred to in condition 2.3 be included in the child care centre plan of management
 - *Condition 6.11 add new condition*
 - That the Child Care centre is to operate generally in accordance with the final Plan of Management

Vote: 3 - in favour / 1 - against

3 DA-35/2022 53 ALMA ROAD, PADSTOW DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A TWO-STOREY 48-PLACE CENTRE-BASED CHILD CARE FACILITY

Site Visit

Individual site inspections were undertaken by the Panel members prior to the public hearing.

Public Addresses

There was no public address in respect to this item.

The Panel notes the advice of council staff that clause 6.8 (a) and first part of (b) of the Bankstown LEP is a prohibition which cannot be varied by clause 4.6.

The vehicular access proposed is to a cul-de-sac road which makes the development prohibited.

Panel Assessment

Ian Stromborg OAM was the Community Panel Member present for the deliberation and voting for this matter.

CBLPP Determination

THAT Development Application DA-35/2022 be **REFUSED** in accordance with the Council staff report recommendation.

Vote: 4 - in favour / 0 - against

- 4 DA-157/2022 153 PENSURST ROAD, NARWEE DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF AN 8-STOREY SHOP TOP HOUSING DEVELOPMENT COMPRISING 3 LEVELS OF BASEMENT PARKING, GROUND FLOOR COMMERCIAL PREMISES, AND 33 RESIDENTIAL APARTMENTS**

Site Visit

Individual site inspections were undertaken by the Panel members prior to the public hearing.

Public Addresses

The following people addressed the meeting in relation to this item:

- Mirwan Hanna, Multiform Design & Construction P/L (applicant)
- Ross Howieson, Architect (on behalf of applicant)

Panel Assessment

Inaam Tabbaa was the Community Panel Member present for the deliberation and voting for this matter.

The Council has now confirmed that the site is subject to flooding and accepts the applicants' submission that this is what drove the design levels to the front street.

The Panel agrees to the recommendation that the application can be approved, subject to the following changes to the proposed conditions:

- Street tree planting to be provided.
- Rooftop disabled toilet in the communal open space.
- All light wells should not have roofing over them which requires cutting back the roof to the alignment of the building and on level 7 outside unit 7.03's bathroom and bedroom on the north eastern side.
- The Panel notes that the recommended conditions should include an Ausgrid condition about clearances for overhead mains (included as condition 1.8)

CBLPP Determination

THAT Development Application DA-157/2022 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to the recommended conditions:

1. Add Condition 1.8 as follows:
"Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site."
2. Add new condition 1.9 as follows:
 - (a) A disabled toilet is to be provided in the roof top communal open space
 - (b) Delete the part of the roof that extends over the lightwell on the north side of the building and the area shaded green on level 7 outside apartment 7.03's bathroom to allow for light penetration into the building in accordance with the Apartment Design Guide.
 - (c) Details of (a) and (b) to be in the approved construction certificate plans.
3. The heading for the group 2 Conditions be changed to 'Conditions Imposed by Water NSW'
4. Condition 3.43 to be amended to include sub paragraph i. – '3 street trees in the Council footpath area'
5. Amend condition 6.4: add the words '(specifically allocated to individual units with a minimum of at least one space per unit)' after the words 'residential spaces' in subparagraph a.
6. Add new Condition 7.23: 'The parking spaces referred to in condition 6.4 to be allocated and maintained as referred to in condition 6.4'

Vote: 4 – 0 in favour