

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

HELD ON 3 APRIL 2023

PANEL MEMBERS

PRESENT: Mr Anthony Hudson - Chairperson
Luke Foley - Expert Member
Mr Richard Thorp AM - Expert Member
Ms Linda Eisler - Community Representative - Canterbury
Mr Ian Stromborg OAM - Community Representative - Revesby

STAFF IN

ATTENDANCE: Ms Leisha McCarthy (Local Planning Panel Administration Officer)
Ms Robyn Winn (Coordinator Governance and property services)
Mr Andy Sharp (Director Planning, not present for the closed session)
Mr Ian Woodward (Manager Development, not present for the closed session)
Mr Andrew Hargreaves (Team Leader, Planning East, not present for the closed session)
Mr Warren Terry (Planner, not present for the closed session)
Ms Sophie Perry, (Planning Ingenuity, not present for the closed session)

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.02 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 any submissions made by objectors and applicants.

The Chairperson noted that on the agenda, for item 1- DA-779/2020 there were two owners that should have been noted on the list of owners, George Vasiliades and Peter Vasiliades. These owners were missing from the list, due to an administrative error.

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.

The public meeting closed at 6.08 p.m.

CBLPP Determination

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

THAT the minutes of the Canterbury Bankstown Local Planning Panel Meeting held on **5 December 2022** be confirmed.

DECISION

- 1 DA-779/2020 221-235 & 241-247A HOMER ST & 208 WARDELL RD, EARLWOOD: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A FIVE STOREY SHOP TOP HOUSING DEVELOPMENT WITH SHOPS AT GROUND FLOOR, RESIDENTIAL UNITS AT UPPER LEVELS AND TWO LEVELS OF BASEMENT CARPARKING AND SUBDIVISION OF THE SITE INTO TWO LOTS TO DEDICATE LAND AT THE REAR OF THE SITE TO FORM AN ACCESS LANEWAY**

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:

- Theodore Loucas, Architect and Garry Chapman (on behalf of applicant)

Panel Assessment

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

The applicants' representative indicated that the written submission received by the Council in response to the draft conditions in the agenda could be disregarded.

The Panel generally agrees with the assessment report and recommendation from the Council staff.

The Panel accepts the applicant's clause 4.6 variation of clause 4.3(2)- Height of buildings of the Canterbury Local Environment Plan 2012 (the LEP).

CBLPP Determination

THAT Development Application DA-779/2020 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to the recommended conditions:

1. The Panel is satisfied that the applicant's clause 4.6 of the LEP (height) adequately addresses the relevant matters of clause 4.6 (3) and that the proposed development will be in the public interest, because it is consistent with the objectives of the development standard that is contravened and the objectives of the B2 Local Centre Zone of the LEP (in accordance with clause 4.6 (4) (a) (ii)).
2. Amend the conditions referred below as set out below:

Conditions 1.1 b and e

- b. The Waste Management Plan prepared by Loucas Architects Project Ref. No Pn-0336; (subject to any changes by these conditions)

e. The 'Aldi Earlwood Loading Dock Management Plan' submitted in support of this application dated 18 November 2021 (subject to any changes by these conditions)

Condition 1.2(iii)

The plans submitted with the construction certificate are to include full engineering and construction details of the fence to be installed along the northern side of the new public laneway including details of footings. All works for the construction (including footings) are to be located wholly within the future road reserve of the new public laneway.

Condition 1.5

No approval is granted for use of any ground floor commercial premises through this determination notice. Separate consent through a new development application to Council is required before any use of the commercial premises (except where consent can be granted by a CDC or where any use is permissible without consent or as exempt development in accordance with the relevant legislation)

Condition 5.29 – add a 5.

5. The drainage by pipes and hoses of all landscaping works (including planter boxes and the like) consistent with any relevant details in the plans for condition 5.50

Condition 5.31

Details of the loading bay turntable, the boom gate between Basement 1 and Basement 2, the parking intercom/access arrangements at the vehicle entry/exit point are to be submitted to the principal certifier. These proposed mechanical devices are to be integrated in the design as demonstrated on the plans to be submitted with the Construction Certificate.

Condition 9.8 (second part)

The PC must receive from the consent holder a report from an appropriately qualified acoustic consultant, not previously involved with the development, stating that the recommendations outlined in the above stated report have been completed and that relevant noise criteria have been satisfied prior to the issue of any Occupation Certificate. A copy of the report is to be submitted to Council prior to the issue of any Occupation Certificate.

Condition 10.1

All deliveries, loading, unloading and waste and recycling services must only occur between 10am and 5pm Monday to Saturday inclusive. There will be no waste and recycling collections on Sundays and Public Holidays. Deliveries on Sundays and Public Holidays are limited to 10am to 5pm. These limitations are necessary to improve performance on the intersection at Homer Street and Wardell Road and the safety of all road users as well as protect the amenity of the neighbourhood. This applies the ongoing operation of the development.

Condition 10.2

The requirements of the final approved Waste Management Plan prepared by Loucas Architects Project Ref. No. Pn-0336 (as referred to in condition 5.52) shall be complied with at all times that the approved development is being carried out. The loading dock is to be used for all commercial and residential waste management and is to be coordinated with the 'Aldi Earlwood Loading Dock Management Plan dated 18 November 2021'. Any activities within the loading dock that do not involve vehicle

movements in and out of the dock must occur with all roller shutters closed and shall not occur between 10.00pm and 7am on any day.

Conditions Generally

In any condition where there is reference to PCA, delete " PCA" and replace with "PC"

3. Add new conditions as follows:

Condition 1.7

Any approval for strata subdivision is to include an operational plan of management incorporating the relevant operational details of:

- the Waste Management Plan prepared by Loucas Architects Project Ref. No Pn0336 (as amended by these conditions)
- the Communal Open Space Plan of Management 221-235, 241-247A Homer Street, 208 Wardell Road, Earlwood submitted in support of this application prepared by Chapman Planning Pty Ltd dated 22 December 2021
- the Aldi Earlwood Loading Dock Management Plan dated 18 November 2021
- the Acoustic Report Ref No. 2020-092 Rev A dated 30 November 2022 by Acoustic Noise and Vibration Solutions Pty Ltd (as amended by these conditions)
- the allocation (as part of the relevant lots) of parking spaces for commercial staff, commercial customer, residential parking spaces per apartment and residential visitor uses in accordance with the approved stamped plans for DA779/2020
- the responsibilities of the Building Manager and Strata Management in maintaining common property and waste management.

Condition 5.51 Adaptable units

All the adaptable units are to be clearly marked and referred to on the approved plans

Condition 5.52 Consolidated waste plan

The Waste Management Plan prepared by Loucas Architects Project Ref. No Pn-0336 is to be amended to include all waste and waste management requirements referred to in any conditions of this consent.

Condition 9.31 BASIX requirements

Prior to the issue of any Occupation Certificate the Principal Certifier shall be provided with a BASIX Verification Statement confirming all provisions of the approved BASIX Certificate have been implemented and are operational.

4. The reasons for the grant of consent are the reasons given in the council officers assessment report.

Vote: 4 – 0 in favour

2 DA-310/2022 65 VICTOR AVENUE, PICNIC POINT: CONSTRUCTION OF A TWO (2) STOREY CENTRE-BASED CHILD CARE FACILITY FOR 60 CHILDREN WITH BASEMENT PARKING AND ASSOCIATED LANDSCAPING.

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:

- Julie Horder, Town Planner, Planning Ingenuity

Panel Assessment

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

The Panel generally agrees with the assessment report and recommendation from the Council staff.

CBLPP Determination

THAT Development Application DA-310/2022 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to the recommended conditions:

1. Delete (without renumbering the remaining conditions) conditions 1.5, 2.36 and 4.3
2. Amend the conditions referred to below as set out below:

Condition 2.20

Stormwater drainage from the development shall be designed so as to comply with Council's Development Engineering Standards. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan Rev 1 dated 15/03/2022 prepared by Greenview consulting. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards and the relevant Australian Standards.

Condition 2.34

A detailed landscape plan prepared by a qualified landscape architect or qualified landscape designer must be approved by the certifier before the issue of a construction certificate. The landscape plan must generally be in accordance with plans named LD01 and LD02, Project Number VTR 22 and dated February 2022, submitted in support of this application. The landscape plan must be prepared in accordance with Bankstown DCP 2015 and must include the following features, notations and specifications:

- (a) The location of existing and proposed structures on the subject property/properties, including existing and proposed trees, impermeable areas, landscaped areas, deep soil zones, fixed furniture, shade structures, lighting, and other features,
- (b) Details of earthworks and soil depths, including mounding and retaining walls and planted boxes,
- (c) The location, number, pot size and type of chosen plant species. Details of planting procedures and long-term maintenance (if any), and
- (d) One 75ltr (minimum) major canopy tree shall be planted within the front setback to the development, and
- (e) Details of drainage and watering systems (if any).

Condition 6.13

The approved landscaping and external work must be maintained in accordance with plans named LD01 and LD02, Project Number VTR 22 and dated February 2022, submitted in support of this application post occupation and must not be altered or changed without Council approval or unless the altered work is carried out in accordance with the relevant provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

3. Add new conditions as follows:

Condition 2.39

Before the issue of a construction certificate the consent holder is to prepare and have approved by the certifier a final plan of management which is generally in accordance with the plan of management submitted with this application prepared by Anba Wanis Pty Ltd , dated, 22 September 2022 but also includes the following:

- (a) A requirement that staff (at the time of enrolment) provide parents a direction to utilise the approved basement car parking when available is to be approved by the principal certifier;
- (b) A requirement that staff adhere to the recommendations contained within the acoustic report submitted in support of this application prepared by Day Design Pty Ltd, titled 'Environmental Noise Impact Statement', reference number 7432-1.1R, dated 22 March 2022; and
- (c) Details on the ongoing management of the site landscaping as shown on plans named LD01 and LD02, Project Number VTR 22 and dated February 2022, submitted in support of this application.

Condition 2.40

All the necessary building and works details to implement the recommendations of the acoustic report submitted in support of this application prepared by Day Design Pty Ltd, titled 'Environmental Noise Impact Statement', reference number 7432-1.1R, dated 22 March 2022 are shown on the approved plans.

Condition 6.15

The final plan of management required under Condition 2.39 of this determination notice must be adhered to by all users of the site for the lifetime of the development.

4. The reasons for the grant of consent are the reasons given in the council officers assessment report.

Vote: 4 – 0 in favour