

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

**HELD IN THE COUNCIL CHAMBERS
BANKSTOWN**

ON 3 APRIL 2018

PANEL MEMBERS

PRESENT: Mr Anthony Hudson - Chairperson
Ms Jan Murrell - Expert Member
Mr Grant Christmas - Expert Member
Ms Inaam Tabbaa - Community Representative Bass Hill
Ms Kayee Griffin - Community Representative Canterbury
Mr Ian Stromborg - Community Representative Revesby
Mr Karl Saleh - Community Representative Roselands

STAFF IN

ATTENDANCE: Ms Chauntelle Mitchell (Local Planning Panel Administration Officer)
Mr Brad McPherson (Manager Governance, 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)
Ms Mine Kocak (Team Leader Planning - East, not present for the closed session)
Ms Samantha Mitchell (Executive Planner, not present for the closed session)
Ms Casandra Gibbons (Senior Planner, not present for the closed session)
Ms Juliette Kavanagh (Senior Planner, not present for the closed session)
Ms Shona Porter (Senior Planner, not present for the closed session)
Mr Michael Bonnici (Cadet Town Planner, not present for the closed session)

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.00 PM.

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 recommendation from the Council staff and the submissions made by objectors and the applicant and/or the applicant's representative(s) and determining the development applications.

DECLARATIONS OF INTEREST

The Chairperson asked the Panel if any member needed to declare a pecuniary interest in any of the items on the agenda. There were no declarations of interest.

DECISION

1 UNITS 13 AND 14/135 REX ROAD, GEORGES HALL: DEMOLITION AND RECONSTRUCTION OF TWO FIRE DAMAGED DWELLINGS WITHIN AN EXISTING MULTI-DWELLING HOUSING DEVELOPMENT

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

Public Addresses

There was no public address for this item.

Panel Assessment

Ms Inaam Tabbaa was the community panel member present for the deliberation and voting for this matter.

The Panel agrees with the report and the recommendation. One change to the recommendation is to include the schedule of finishes as part of condition 1.

The Panel also notes that the development application also includes some relatively minor works to dwelling number 15 and the description of the development in the notice of determination should include the reference to these works to dwelling 15.

CBLPP Determination

THAT Development Application DA-1207/2017 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments:

- A. The description of the approved development in the notice of determination is to be as follows:
"Demolition and reconstruction of two fire damaged dwellings (known as units 13 and 14), and works to unit 15 for the property at 135 Rex Road, Georges Hall."
- B. Amend condition 2 by inserting after the words "A.100 Revision G dated 29/01/2018" the following words "and Finishes and FFE Schedule dated 21/11/17".

Vote: 4 – 0 in favour

2 230-234 GEORGES RIVER ROAD, CROYDON PARK: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A FIVE STOREY MIXED USE DEVELOPMENT CONTAINING FOUR RETAIL TENANCIES, 24 RESIDENTIAL APARTMENTS, THREE LEVELS OF BASEMENT PARKING AND A ROOFTOP COMMUNAL OPEN SPACE AREA

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

Public Addresses

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

- Mr Brett Daintry (planner representing applicant)
- Mr David Doust (owners representative)

Panel Assessment

Ms Kayee Griffin was the community panel member present for the deliberation and voting for this matter.

The Panel agrees with the recommendation for approval subject to conditions. The Panel is including amendments to conditions as follows:

- a) the landscaping plan to increase the setbacks from the edge of the building to the commencement of the rooftop communal open space area to be a minimum of 2.5 metres around the whole of the area;
- b) consultation with Council about the appropriate species for street trees in the Georges River Road setback area;
- c) restrict the use of the rooftop communal open space area to specific hours;
- d) include a specific ongoing maintenance requirement of the landscaped areas on the site including the communal rooftop open space.

CBLPP Determination

THAT Development Application DA-361/2015 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions:

1. Amend condition 8 to make reference to the three landscape plans to be issue D and dated 29/01/18.
2. Insert new condition 8.8, as follows:
"8.8 The landscaping plan is to be amended to include the following:
 - a) setbacks from the edge of the building to the commencement of the rooftop communal open space area to be a minimum of 2.5 metres around all areas of the communal rooftop open space;
 - b) the applicant to consult with the Council about the appropriate species of street trees in the set back area with the Georges River Road frontage of this site."
3. Amend condition 9 by adding new point as follows:
"• The use of the rooftop communal open space area be restricted to the hours of 8am to 10pm Monday to Saturday and 9am to 10pm on public holidays and Sundays, and on New Year's Eve from 9am to 1am on the first of January."
4. Insert new condition 85A as follows:
"85A The final approved landscaping to be maintained for the life of the consent."

Vote: 4 – 0 in favour

3 582 HENRY LAWSON DRIVE, EAST HILLS: CONSTRUCTION OF A NEW DWELLING, FRONT FENCE AND IN GROUND SWIMMING POOL

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

Public Addresses

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

- Mr Dakarmanji Mahmoud (applicant)
- Mr Rabi Deheini (Designer representing applicant)

Panel Assessment

Mr Ian Stromborg was the community panel member present for the deliberation and voting for this matter.

The Panel agrees with the recommendation for approval. The Panel proposes:

- a) two trees in the front setback;
- b) three trees in the rear setback;
- c) some additional landscaping in the north west corner in the front yard area.

CBLPP Determination

THAT Development Application DA-1013/2017 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions:

1. Amend condition 10 as follows:
 - a) Delete the number "1" in point i. and replace with the number "2" and include the words "indigenous to the area" at the end of the sentence;
 - b) Delete the number "2" in point ii. and replace with the number "3" and include the words "indigenous to the area" at the end of the sentence;
 - c) Insert new point ix. to read as follows:
"ix. Landscaping in the north west corner in the front yard area."

Vote: 4 – 0 in favour

4 SUITE 2, 10-14 PADSTOW PARADE, PADSTOW: FITOUT OF TENANCY FOR FUTURE RETAIL/COMMERCIAL USE

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

Public Addresses

There was no public address for this item.

Panel Assessment

Mr Ian Stromborg was the community panel member present for the deliberation and voting for this matter.

The Panel agrees with the recommendation.

CBLPP Determination

THAT Development Application DA-1016/2017 be **APPROVED** in accordance with the Council staff report recommendation.

Vote: 4 – 0 in favour

5 **37 LUDGATE STREET, ROSELANDS: AMENDING APPLICATION FOR PERMANENT USE OF THE SITE AS A PLACE OF PUBLIC WORSHIP AS WELL AN INCREASE TO FRIDAY PRAYER FOR 120 WORSHIPPERS**

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

Written Submission

A written submission from the applicant was received for this matter.

Public Addresses

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

- Ms Maria Di Francesco (objector)
- Mr Kien Mac (objector)
- Mr Mark Birkinshaw (objector representing the Ludgate Street Residents Action Group)
- Mr Ahmad Kamaledine (representing the applicant)

Panel Assessment

Mr Karl Saleh was the community panel member present for the deliberation and voting for this matter.

The Panel generally agrees with the report, and the recommendation for a 12 month trial period including the proposed conditions.

The Panel notes the concerns of the residents and, in particular, the main concern relating to the Friday prayer period and the Ramadan period.

The Panel notes there was a discrepancy between the extent of complaints as asserted by residents and as asserted by the applicant's representative.

The Panel also notes the submission of the applicant that the applicant has on a number of occasions requested 120 persons for the Friday prayer.

In accordance with the previous condition for a trial period, the applicant has provided the appropriate reports in support of the 120 persons for the Friday prayer period. However a further trial period will enable the applicant to demonstrate that it can operate the premises to comply with the conditions particularly in relation to the numbers of persons onsite on Friday.

By way of comment the Panel recommends the compliance section of Council provide advice to the Development assessment team a summary of complaints received at the end of the trial period.

CBLPP Determination

THAT Development Application DA-299/2017 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments:

- A. The description of the approved development in the notice of determination is to be as follows:

“The use of the premises as a place of public worship, on a trial basis for 12 months”

- B. Changes to the recommended conditions:
1. Amend Condition 1 to read “in the event of any conditions” instead of “in the event of a conditions” in the second sentence.
 2. Amend condition 2 by deleting the words “, and the Mat Layout Floor Plan received by Council 12 March 2018” in the last sentence.
 3. Amend condition 3 as follows:
 - a) delete the words “within 3 months of 3 April 2018” in the second sentence and replace with the words “by 15 January 2019”;
 - b) in the last sentence delete the words “14 days” and replace with the words “21 days”.
 4. Amend condition 6 by inserting point (c) as follows:

“(c) Friday – Maximum Number of Persons on Premises
 All worshipers within any prayer session to be within the three prayer rooms and the relevant maximum number of persons (including 120 on Fridays) are to be confined to these areas. No worshipers to pray outside of these rooms or on any outdoor areas of the site.”
 5. Amend condition 10 to read as follows:

“10. The use is to be operated at all times strictly in accordance with the final Plan of Management to be submitted and approved as referred to in the conditions below except where they conflict with any conditions of this consent.”
 6. Amend condition 11 to read as follows:

“11. The Plan of Management prepared by Willana Associates dated July 2017 is to be amended as follows:

 - a) Include patrol of the facility by three Roads and Maritime Services (RMS) accredited parking control wardens during Friday midday Prayer.
 - b) The three traffic wardens to patrol at least 30 minutes prior to and 30 minutes after the scheduled Friday midday Prayer to ensure worshippers do not illegally park in surrounding streets, can be approached by local residents and facilitate safe traffic management in the area.
 - c) One of the wardens must be located at the front of the premises to monitor and count worshipper numbers and cease permitting entry once at capacity. One warden must patrol the Ludgate Street frontage and one warden must patrol the immediate streets for illegal parking.
 - d) The traffic wardens must record any number plates of any vehicles illegal parked, and prior to the commencement of prayers during the lecture period, announce number plates parked illegally and require the owner to park elsewhere.
 - e) Each traffic warden must be provided with brightly covered identification clothing.
 - f) A report must be provided to Council each month detailing the management strategies undertaken by the Roselands Mosque (or any Proponent operating under this consent or DA-486/2008) and submit attendance records for each Friday midday session.”
 7. Delete conditions 12, 13 and 14 and replace with the following:

“12. The Plan of Management must be uploaded and available for public view on the website and social media pages of the subject Mosque.

13. The premises are to be monitored by CCTV.

14. The updated Plan of Management is to be submitted to the Council for final approval within 21 days from the date of this consent.”
8. Delete conditions 15 to 18 and renumber subsequent conditions accordingly.
9. Amend condition 21 by deleting the words “Within thirty (30) days” and inserting the words “Within three (3) months”.
10. Amend condition 22 to read as follows:
 - “22. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an ‘offensive noise’ as defined in the Protection of the Environment Operations Act 1997 and Regulations.

In this regard, the operation of the premises and plant and equipment shall not give rise to a sound pressure level at any affected premises that exceeds the background $L_{A90, 15min}$ noise level, measured in the absence of the noise source/s under consideration by 5dB(A). The source noise level shall be assessed as an $L_{Aeq, 15min}$ and adjusted in accordance with the NSW Environment Protection Authority’s Industrial Noise Policy and Environmental Noise Control Manual.

Advice: Noise that is at level deemed to be “offensive” under the NSW Environment Protection Authority’s Industrial Noise Policy, Environmental Noise Control Manual (sleep disturbance), *Protection of the Environment Operations Act 1997* is considered a noise nuisance.

- Noise should not be audible inside a habitable room (lounge room, bedroom) 5db(a) above the background level. Eg Background 45db(a) + 5 = 50 db(a) should not be above this level.”
11. Insert additional conditions 22A and 22B (renumbered in accordance with point 8 above) to read as follows:
 - “22A To minimise the noise impact on the surrounding environment, the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to “offensive noise” as defined under the provisions of the Protection of the Environment Operations Act 1997.
 - 22B. If a noise nuisance occurs, the person in control of the premises must arrange for an acoustic investigation to be carried out at their own cost (by an accredited Acoustic Engineer) and submit a report to Council specifying recommendations and proposed methods for the control of noise emanating from the premises. The measures shall be approved by Council prior to implementation and shall be at full cost to the applicant.”

Vote: 4 – 0 in favour

The meeting closed at 8.40 p.m.