

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

**HELD IN THE COUNCIL CHAMBERS
BANKSTOWN**

ON MONDAY 5 NOVEMBER, 2018

PANEL MEMBERS

PRESENT: Mr Anthony Hudson -Chairperson
Mr Grant Christmas - Expert Member
Mr David Epstein - Expert Member
Ms Inaam Tabbaa - Community Representative Bass Hill
Mr Graeme Wilkinson - Community Representative Revesby
Mr Karl Saleh - Community Representative Roselands

STAFF IN

ATTENDANCE: Ms Maryann Haylock (Local Planning Panel Administration Officer)
Mr Brad McPherson (Manager Governance, not present for the closed session)
Mr Mitchell Noble (Manager Spatial 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 Warren Farleigh (Team Leader Urban Planning, not present for the closed session)
Ms Carmel O'Connor (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 and providing advice to Council on planning proposals.

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.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

CBLPP Determination

THAT the minutes of the Canterbury Bankstown Local Planning Panel Meeting held on Monday 8 October, 2018 be confirmed.

DECISION

1 **154 HECTOR STREET, CHESTER HILL: CONVERSION OF EXISTING UNAUTHORISED OUTBUILDING TO A SECONDARY DWELLING.**

Site Visit

An inspection of the site was undertaken prior to the last CBLPP meeting held on 8 October, 2018 by the Panel and staff members. Mr David Epstein was not present at the meeting on 8 October. An independent inspection of the site was conducted by Mr Epstein prior to the public hearing on 5 November, 2018.

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 considered this matter at the previous meeting on 8 October, 2018.

A further report has been put to the Panel which provides an assessment under the legislation following clarification of the issues previously raised by the Panel.

The Panel agrees with the assessment and the Panel's assessment has not changed.

In terms of the LEP, the proposal cannot be approved because the floor area of the secondary dwelling is greater than 60 square metres. Under Clause 5.49 of the LEP a secondary dwelling must not exceed 60 square metres (or 10% of the floor area of the principal dwelling) and this development standard cannot be varied by using Clause 4.6 of the LEP (Clause 4.6(8)(c)).

Further under clause 4.3(2B)(a) of the LEP the maximum wall height for a secondary dwelling is 3m. The proposal has a wall height of 3.4m. No clause 4.6 variation has been submitted for this development standard.

This means that the proposal is prohibited under the LEP.

In terms of the SEPP the application fails because there is also a 60 square metre requirement under clause 22(3)(b). No clause 4.6 variation has been submitted to vary this development standard (noting that clause 4.6 of the LEP relates to variations to the LEP and any other planning instruments).

In addition, the Panel is of the opinion that there are merit grounds to support a refusal of the application and these matters are:

- a) the site is considered unsuitable for the proposed development in that it would result in excessive site coverage and inadequate private open-space,
- b) there is inadequate direct solar access to living areas and poor amenity (room sizes) for the bedrooms in the dwelling, and
- c) a bathroom off the kitchen is both unsatisfactory and is likely not compliant with the BCA.

CBLPP Determination

THAT Development Application DA-655/2018 be **REFUSED** as per the reasons for refusal in Council staff report, with reason 12 being amended to read:

12. The site is considered unsuitable for the proposed development because:
- a) there would be excessive site coverage and inadequate open space
 - b) inadequate direct solar access to living areas and poor amenity (room sizes) for the bedrooms, and
 - c) a bathroom off the kitchen is unsatisfactory.
[Pursuant to Section 4.15(i)(a)(iii) of EPA Act]

Vote: 4 – 0 in favour

DECISION

2 APPLICATION TO AMEND CANTERBURY LOCAL ENVIRONMENTAL PLAN 2012: 194-198 LAKEMBA STREET, LAKEMBA AND 56-57 RAILWAY PARADE, LAKEMBA

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:

- Sonny Embleton – Town Planner (on behalf of the applicant)
- Matthew Pullinger – Architect and Urban Designer (on behalf of the applicant)
- Mark Syke – Applicant

Panel Assessment

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

The Panel notes the submissions of the applicant:-

- a) the Planning Proposal is independent of the Sydenham to Bankstown Urban Renewal Corridor Strategy (SBURCS) and was developed as part of a strategy with Site A.
- b) the site will inevitably be developed in conjunction with the metro upgrading of the train connections.
- c) that further work can be carried out to improve the Planning Proposal to address the issues raised in the report.

In contrast to this, the council officers' position is that the planning of this precinct and area cannot proceed until further work has been carried out to determine the future direction of the Lakemba precinct with input from the community and the Department of Planning and Environment together with the infrastructure planning that will support the increased density for this area.

While the Panel accepts that the site will ultimately accommodate increased development, the Panel agrees with the position of the Council staff.

There are a number of Urban design matters that need to be addressed which are set out in the report, in particular:

- the lack of a prescribed FSR combined with a blanket 40m height limit
- the low scale of surrounding development
- the 40m street wall height for 34m along Lakemba Street

- the 53m length of built form on the Croydon Street frontage without articulation
- the significant overshadowing of the proposed communal open space by the 12 storey building on Lakemba Street
- the lack of upper level setbacks
- increasing the ground floor commercial space
- impacts/separation integration with adjoining site to West.

The Panel also agrees that a Planning Proposal for these two sites would have repercussions for other sites in the local area and would be used as potential precedent for other sites which may seek to progress ahead of the settled strategic direction for the area.

In relation to Site A, the Panel notes that this site has progressed much further and was the subject of resolution prior to SBURCS and that it will proceed as a stand-alone Planning Proposal. This however does not justify proceeding with the proposed Planning Proposal.

The Panel is of the opinion that Site C must be part of a dedication package to the council in any further iteration of the Planning Proposal. This site is a small site and is effectively part of, or interconnected with, the existing park. It would be very difficult to develop and it seems clear to the Panel that this is a site that should be incorporated into the existing park, which would be part of the negotiation with the council in terms of benefits to the public of the Planning Proposal.

The Applicant has requested that the matter be deferred to enable the Applicant to carry out further work and have further discussion with the council staff to address the issues in the Council report.

The Panel agrees with the council officer's recommendation that the Planning Proposal not proceed at this stage.

However, this would not prevent the applicant from doing their own further work on the Planning Proposal which would be required whether the Planning Proposal moved forward now or at a later time.

CBLPP Recommendation

1. The Planning Proposal not proceed at this stage until further development and direction has been developed for the site and the area.
2. The proposal be reconsidered by Council when a vision for the Lakemba Town Centre has been established and Council and the Department of Planning and Environment have reached agreement on the approach to managing planning proposals in the corridor.
3. When the proposal is further considered the applicant should clearly indicate how Site C could be dedicated to the council as part of the reserve within the planning proposal.

Vote: 4 – 0 in favour

3 25 DRAVET STREET: EXISTING GARAGE AS A SECONDARY DWELLING AND CONSTRUCTION OF A DETACHED CARPORT

Site Visit

An inspection of the site was undertaken prior to the last CBLPP meeting held on 8 October, 2018 by the Panel and staff members, independent inspections were conducted by Mr Graeme Wilkinson and Mr David Epstein prior to the public hearing on 5 November, 2018.

Public Addresses

There was no public address for this item.

Panel Assessment

Mr Graeme Wilkinson was the community Panel member present for the deliberation and voting for this matter.

The Panel previously questioned the assessment framework for secondary dwellings and this has now been determined and the further report provided to the Panel.

The Panel agrees with the report and the assessment.

Further the Panel notes that there is a clause 4.6 variation to vary the 3m height limit under Clause 4.3(2B)(a) of the LEP and the Panel supports this variation for the reasons set out in the report. The Panel also notes there is a variation to the setback in the DCP which is also acceptable to the Panel.

CBLPP Determination

1. The Panel has formed the necessary opinions of satisfaction under clause 4.6(4) of the LEP and the clause 4.6 variation is upheld.
2. Development Application DA-437/2018 be **APPROVED** in accordance with the Council staff report recommended conditions of consent.

Vote: 4 – 0 in favour

The meeting closed at 7.45 p.m.

Declaration of Interest

| | |
|------------------------------------|---------------------------------------|
| MEETING DATE | 5/11/18 |
| Agenda Item/Panel reference number | 154 Hector steel cluster hall item 1. |

In relation to this matter, I declare that I have:

no known conflict of interest ☒

an actual¹ ☐, potential² ☐ or reasonably perceived³ ☐ conflict of interest as detailed below:

[illegible]

Signature

Date _____

Name _____

Please return this form to the Planning Panels Secretariat at enquiry@planningpanels.nsw.gov.au

¹ An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties.

² A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future.

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Declaration of Interest

| | |
|------------------------------------|---|
| MEETING DATE | 5/11/18 |
| Agenda Item/Panel reference number | Item 2 56-57 Railway Pde Lakemba P. Pyper |

In relation to this matter, I declare that I have:

no known conflict of interest ☒

an actual¹ ☐, potential² ☐ or reasonably perceived³ ☐ conflict of interest as detailed below:

[illegible]

Signature

Date _____

Name

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Declaration of Interest

| | |
|------------------------------------|---|
| MEETING DATE | 5/11/18 |
| Agenda Item/Panel reference number | Item 3 25 Dravet street ^{Padstow} Project |

In relation to this matter, I declare that I have:

no known conflict of interest ☒

an actual¹ ☐, potential² ☐ or reasonably perceived³ ☐ conflict of interest as detailed below:

[illegible]

Signature

Date _____

Name

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Planning Panels

Declaration of Interest

| | |
|------------------------------------|------------------------------|
| MEETING DATE | 5 November 2018 |
| Agenda Item/Panel reference number | Items 1, 2 and 3 LPP MEETING |

In relation to ~~this~~^{these} matters⁵ I declare that I have:

no known conflict of interest ☒

an actual¹ ☐, potential² ☐ or reasonably perceived³ ☐ conflict of interest as detailed below:

Signature

Date

DAVID EPSTEIN
Name

Please return this form to the Planning Panels Secretariat at
enquiry@planningpanels.nsw.gov.au

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Planning Panels

Declaration of Interest

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| MEETING DATE | 5 November 2018 |
| Agenda Item/Panel reference number | Item 1 - 154 Hector St Chester Hill |

In relation to this matter, I declare that I have:

no known conflict of interest ☒

an actual¹ ☐, potential² ☐ or reasonably perceived³ ☐ conflict of interest as detailed below:

W.A. Christensen

30/10/18

Signature

Date

W.A. Christensen

Grant Anthony Christensen

Name

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enquiry@planningpanels.nsw.gov.au

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Planning Panels

Declaration of Interest

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| MEETING DATE | 5 November 2018 |
| Agenda Item/Panel reference number | Item 2 - 194-198 Laburne St + 56-57 Railway Pde Rosebuds |

In relation to this matter, I declare that I have:

no known conflict of interest ☒

an actual¹ ☐, potential² ☐ or reasonably perceived³ ☐ conflict of interest as detailed below:

Grant Anthony Christy

Signature

30/10/18

Date

Grant Anthony Christy

Name

Please return this form to the Planning Panels Secretariat at enquiry@planningpanels.nsw.gov.au

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Planning Panels

Declaration of Interest

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| MEETING DATE | 5 November 2018 |
| Agenda Item/Panel reference number | Item 3 - 25 Davenport St Padstow. |

In relation to this matter, I declare that I have:

no known conflict of interest ☒

an actual¹ ☐, potential² ☐ or reasonably perceived³ ☐ conflict of interest as detailed below:

Signature

30/10/18

Date

Grant Anthony Christines

Name

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Declaration of Interest

| | |
|------------------------------------|-----------|
| MEETING DATE | 5-11-2018 |
| Agenda Item/Panel reference number | 3 |

In relation to this matter, I declare that I have:

no known conflict of interest ☒

an actual¹ ☐, potential² ☐ or reasonably perceived³ ☐ conflict of interest as detailed below:

[illegible]


Signature

5-11-2018

Date _____

GRAEME WILKINSON

Name

Please return this form to the Planning Panels Secretariat at enquiry@planningpanels.nsw.gov.au

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Declaration of Interest

| | |
|------------------------------------|------------------|
| MEETING DATE | 5 November 2018 |
| Agenda Item/Panel reference number | 2 ROSELANDS WARD |

In relation to this matter, I declare that I have:

no known conflict of interest ☒

an actual¹ ☐, potential² ☐ or reasonably perceived³ ☐ conflict of interest as detailed below:

.....
Signature

4-11-2018
Date

...Karl Saleh

.....
Name

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Declaration of Interest

| | |
|------------------------------------|------------------------------------|
| MEETING DATE | 05.11.2018 |
| Agenda Item/Panel reference number | Item 1, 154 HECTOR ST Chester Hill |

In relation to this matter, I declare that I have:

no known conflict of interest

an actual¹ ☐, potential² ☐ or reasonably perceived³ ☐ conflict of interest as detailed below:

[illegible]

.....
Signature Date 05.11.2018

INARM TABBAA

Name

Please return this form to the Planning Panels Secretariat at enquiry@planningpanels.nsw.gov.au

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