

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

**HELD IN THE COUNCIL CHAMBERS
BANKSTOWN**

ON 7 MAY 2018

PANEL MEMBERS

PRESENT: Mr Anthony Hudson - Chairperson
Ms Barbara Perry - Expert member
Mr Richard Thorp AM - Expert member
Mr Allan Winterbottom - Community Representative Bankstown
Mr Ian Stromborg OAM - Community Representative Revesby

STAFF IN

ATTENDANCE: Ms Chauntelle Mitchell (Local Planning Panel Administration Officer)
Mr Ian Woodward (Manager Development, not present for the closed session)
Mr Mitchell Noble (Manager Spatial Planning, not present for the closed session)
Mr Stephen Arnold (Coordinator Planning - West, not present for the closed session)
Mr Lia Chinnery (Coordinator Governance - Information and Committees, not present for the closed session)
Ms Kristy Bova (Executive Planner, not present for the closed session)
Ms Amita Maharjan (Strategic Planner, not present for the closed session)
Ms Casandra Gibbons (Senior 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

1 297-299 CANTERBURY ROAD, REVESBY: APPLICATION TO AMEND BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015: 297-299 CANTERBURY ROAD IN REVESBY

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 George Karavanas (Planner representing applicant)
- Ms Katherine Davies (Architect representing applicant)
- Mr Wayne Johnson (Traffic Engineer representing applicant)

Panel Assessment

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

The Panel agrees that the proposed hospital, for the reasons set out in the report, is a suitable use for this site.

The Panel understands that the applicant initially approached the Department of Planning with the development application. The Department then indicated that the changes to the FSR and height should be determined through a planning proposal process with the Council and this is the reason why the matter is before the Panel.

This matter has now been referred to the Panel to obtain guidance on how any site specific rezoning should proceed. The proposal is for a private hospital and the Planning Proposal would be for a site specific change to allow for a specific height and FSR for a hospital (noting that hospitals are already permissible with consent in this zone).

The Panel is of the opinion that the principal issue to determine is the height of the development, in conjunction with Bankstown Airport.

Following this, Council could then consider the urban design context so that an overall height could be established for the site.

The applicant stated that their consultant has had initial discussions with the airport. However, the Panel is of the opinion there is not sufficient certainty from the airport to establish what the appropriate height should be having regard to operational procedures for the airport.

Establishment of the height control for the site would then assist in determining the appropriate FSR for the site.

The Panel also agrees with the suggestion in the Council report that the infrastructure delivery mechanisms for the various traffic proposals, which the applicant agrees to, should be determined and the Panel agrees that this could be a Voluntary Planning Agreement. At this stage all that is necessary is for the applicant to provide a letter of offer to the Council indicating what will be proposed through the VPA mechanism. It would not be necessary for the VPA to be entered into and finalised at this time.

Further support for requesting the further height study and information arises from relevant Section 117 Ministerial Directions (now section 9.1 of the Act) to demonstrate to the Department that the application meets strategic merits for a gateway determination.

In this case consultation is required with relevant authorities (Bankstown Airport for height matters, and RMS for infrastructure matters) to demonstrate concurrence with the following S117 Directions prior to Gateway Determination:

- Direction 3.5 Development near Licensed Aerodromes
- Direction 3.4 Integrating Land Use & Transport

In accordance with these directions, Council must satisfy itself that the proposal for the site is appropriate in the context of its very close proximity to Bankstown Airport and associated aircraft movements. Given the importance of this issue when considering the merits of the proposal, it is essential that a prescribed airspace study be prepared to provide clarity about this issue early in the process. Confirmation from Bankstown Airport on the maximum height for the site will allow Council to determine the max. FSR for the site.

The Panel is of the opinion that the height should now be determined with Bankstown Airport Limited, together with the VPA offer so that the matter can then proceed to Gateway determination with the Department.

CBLPP Recommendation

The Panel is of the opinion that the applicant should now:

- (a) carry out the required airspace study in conjunction with Bankstown Airport Limited so that a height limit can be determined for the site;
- (b) provide a Voluntary Planning Agreement (VPA) offer to the Council, outlining the traffic and pedestrian matters that would be included in the VPA.

Further, the Panel agrees that any planning proposal would be a site specific proposal for a hospital, and that any new FSR and height controls would relate only to a hospital use on this site, to avoid any undesirable precedents for other sites.

Upon the submission of this information to the satisfaction of the Council, the matter could then proceed to a Gateway determination.

Vote: 4 – 0 in favour

DECISION

- 2 280 CHAPEL ROAD, BANKSTOWN: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A THREE STOREY MIXED COMMERCIAL-RESIDENTIAL DEVELOPMENT, COMPRISING TWO RESTAURANTS AND CAR PARKING AT GROUND FLOOR LEVEL, WITH SIX COMMERCIAL TENANCIES AT FIRST FLOOR LEVEL AND THREE RESIDENTIAL UNITS AT SECOND FLOOR LEVEL**

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 Colin De Lore (applicant/architect)
- Mr Paul Lam (representing owner)

Panel Assessment

Mr Allan Winterbottom was the community panel member present for the deliberation and voting for this matter.

The Panel agrees with the recommendation, subject to some changes to the conditions.

The Panel raised questions with regard to BCA compliance, in relation to exiting through the fire stairs, past the kitchen and down the right of way.

The approval will be subject to a deemed condition requiring strict compliance with the BCA. In the event that changes are required upon further BCA assessment for a Construction Certificate then a modification application may be required.

CBLPP Determination

THAT Development Application DA-562/2017 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions:

1. Amend the deferred commencement condition to read as follows:
“A Voluntary Planning Agreement (VPA) to provide for deficient seven (7) car parking spaces in accordance with the offer made by the Applicant in their letter dated 18 March 2018 to the Council shall be entered into prior to the issue of an operational consent.

The development contributions required to be paid in the operative part of the consent are not to be taken into account in the VPA, and the VPA payments are in addition to the Section payments in the operative part of the consent.

The VPA rates for the parking spaces are to be determined in accordance with the rates for parking in Bankstown Development Control Plan 2015 – Part B5, and indexed in the same way as those rates are indexed under that plan.”

2. Amend advisory note 5 to read as follows:
“The consent will lapse in two years if the deferred commencement consent is not satisfied and five years from the date the consent operates after the deferred commencement condition is satisfied.”
3. Amend condition 2 by amending the date “24/01/18” in row 5 of the table to read “27/02/18”.
4. Amend condition 3 by inserting the words “any of” after the words “for the use of” in the second sentence.
5. Amend condition 14 by inserting an additional point (h) as follows:
“h) This condition is to be read in conjunction with condition 23.”
6. Amend condition 46 by inserting the words “An operational” prior to the words “Closed Circuit Television”.
7. Delete condition 47.

Vote: 4 – 0 in favour

DECISION

- 3 **220 - 222 SOUTH TERRACE, BANKSTOWN: DEMOLITION OF EXISTING DWELLING, CONSOLIDATION OF TWO LOTS, RELOCATION OF EXISTING SEWER PIPE, CONSTRUCTION OF TWO STOREY BASEMENT CAR PARKING, NINE STOREY MIXED USE BUILDING COMPRISING GROUND FLOOR COMMERCIAL PREMISES (RESTAURANT) AND 91 RESIDENTIAL UNITS WITH ASSOCIATED SERVICES AND ON-SITE LANDSCAPING.**
S96(2) MODIFICATION: PROPOSED ADDITION OF ONE LEVEL OF BASEMENT (B3) UNDER THE APPROVED BUILDING

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 Harry Hirakis (objector on behalf of St Euphemia College) and Mr Hugh Rigney (Project Planner on behalf of objector)
- Mr Patrick Sim (Architect representing applicant)
Mr Terry Wu (Traffic Engineer representing applicant)

Panel Assessment

Mr Allan Winterbottom was the community panel member present for the deliberation and voting for this matter.

This is a Section 4.55 (old s96) application relating only to additional parking spaces in a third basement level.

The Panel notes the concern of the school, regarding the safety of school children from the increased numbers of cars which would be entering and exiting the development. The Panel is of the opinion that this can be addressed by an appropriate warning device, operating within school hours.

The Panel also notes that the parking spaces at the ground level should be restricted to commercial spaces, so that all residential parking is on the lower floors and that all residential spaces are to be allocated to residential units within the development and the relevant condition to be amended accordingly.

The Panel also notes that clause 30 of SEPP 65 provides that a modification of a development consent to which the SEPP applies can not be refused on the grounds of the car parking for the building being equal to or greater than the recommended minimum amount of car parking specified in the ADG. The Panel has considered the related issues that arise from the 16 additional spaces being provided.

CBLPP Determination

THAT Development Application DA-1314/2015 be **MODIFIED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions:

1. Insert additional condition 45A as follows:
"45A. A car park management plan is to be submitted to Council that provides a warning system/ traffic light system within the car park and which details how such management measures will function. The plan must clearly show the area within the property complies with sight distances for approaching

pedestrians on the footpath, with the installation of the relevant system. The system shall be designed and maintained to be functional during the peak school pick and drop off times, being those times during which 40km/h school zone speed limits are in operation.

The car park management plan shall detail, to the satisfaction of Council's Traffic Engineer, how access within the site can be feasibly managed in the event of failure of the any of the proposed systems."

2. Amend condition 74 so that it reads as follows:

"74) 183 off street car spaces being provided in accordance with the submitted plans. This shall comprise of a minimum:

145 residential spaces

18 residential visitor spaces

20 business / commercial spaces (all to be provided on the ground floor level)

Car parking spaces are to be provided for people with mobility impairment in accordance with AS 2890.1. All car parking spaces shall be allocated and marked according to these requirements.

All residential car spaces are to be allocated to and for use by specified units within the complex, final details at strata subdivision stage."

Vote: 4 – 0 in favour

DECISION

4 CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEMBER DISCLOSURE OF INTEREST RETURNS

Canterbury Local Planning Panel Member Disclosure of Interest Returns were tabled.

CBLPP Decision

The Panel notes that as required by clause 4.15 of the code of conduct for local planning panel members all disclosure of interest documents have now been submitted to the Council.

Vote: 5 – 0 in favour

The meeting closed at 7.59 p.m.