

**CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE**

**CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING**

**HELD AT THE CANTERBURY-HURLSTONE PARK  
RSL CLUB**

**ON MONDAY 1 APRIL 2019**

---

**PANEL MEMBERS**

**PRESENT:** Mr Anthony Hudson - Chairperson  
Ms Jan Murrell - Expert Member  
Ms Barbara Perry - Expert Member  
Ms Kayee Griffin - Community Representative Canterbury

**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 Allan Shooter (Acting Team Leader Urban Planning - 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 report and the recommendation from the Council staff and the submissions made by members of the public and providing advice to Council on the planning proposal.

**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.

**CBLPP Determination**

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

THAT the minutes of the Canterbury Bankstown Local Planning Panel Meeting held on **4 March 2019** be confirmed.

## **DECISION**

### **1 IMPLEMENTATION OF HURLSTONE PARK HEITAGE ASSESSMENT STUDY**

#### **Site Visit**

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

#### **Written Submission**

Written submissions were received for this matter and considered by the Panel from:

- Patricia Kaperonis
- Carmel Elliot
- Brett Smout
- Adrian & Michelle Tourle
- Sally Pertsinidis
- Canterbury Hurlstone Park Chamber of Commerce

#### **Public Addresses**

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

- Adrian Tourle
- Aris Drendrinos & Phil Schwenke (Canterbury Hurlstone Chamber of Commerce – President and Secretary)
- Marie Healy
- Louise Dortins
- Ben Hamilton
- Margaret Fasan (Representing the Hurlstone Park Association)
- Brett Smout
- Pierrette Khoury
- Patrick Ceran-Jerusalem
- Callantha Brigham
- Shaun Carter
- Belinda Keir
- Chris Anagnostou
- Marcus Dervin
- Kate Bernham
- Kathleen Murphy
- Peter Molloy
- Michelle Vandersander

#### **Panel Assessment**

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

#### **CBLPP A: Recommendation**

THAT the Panel recommend the following:

1. An amended planning proposal be submitted to the Department of Planning and Environment for an altered Gateway Determination incorporating the changes outlined in the council officers report subject to the changes identified in the discussion section (B) of this report.
2. Upon receiving a revised Gateway Determination, the planning proposal be placed on public exhibition along with associated amendments to Canterbury Development Control Plan 2012.

3. The General Manager be given delegated authority to make minor amendments to the Heritage Review, Draft Heritage Items and Heritage Conservation Area State Inventory Sheet forms, provided there is no change to the intention of these documents.
4. Council receive a further report outlining the findings of the exhibition period.

### **CBLPP B: Discussion**

As a general comment, the panel notes the strong community support both by the number of supportive submissions received and the number of persons attending at this meeting for heritage for Hurlstone Park .

#### **1. Tennent Parade:**

The Panel noted that there was a strong opposition to the listing of 16 to 30 Tennent Parade, Hurlstone Park as a Heritage Conservation Area. *Six of the eight owners were opposed to the HCA listing.*

While the reports recommend this as a conservation area, members of the Panel are of the opinion that there is insufficient evidence to justify a Heritage Conservation Area for these 8 dwellings at this point in time. The panel is also of the opinion that the site inspection revealed that this group of 8 houses had varying degrees of alterations and additions. In particular *more than half* had the original verandahs enclosed. While there is clearly a rhythm of the siting of the dwellings on the blocks of land that are all in an area of relatively steeply sloping topography and the **majority have** -substantial sandstone bases/*undercrofts* for the dwellings, however, in the opinion of the panel this would not justify a HCA. The presence of sandstone retaining wall fences is not a prevailing characteristic in the streetscape with a number having brick fences from various decades and excavated garages on the street boundary.

A majority of the Panel is of the opinion that the grouping *does not* - justify a Heritage Conservation Area Listing.

Many of the dwellings have been altered, in particular the Californian Bungalow appearance have been changed by infill of verandahs, continuation of garage features at the front, additional stairs and terrace areas at the front.

Also, a majority of the Panel is of the opinion that the heritage Information and studies about this area are not sufficiently detailed or specific enough to justify the Heritage Conservation Area.

However, one member of the Panel is of the opinion that the area should be designated as a Heritage Conservation Area primarily for the reasons outlined in the reports provided to the Panel (including the City Plan report dated 29 March 2019).

The Panel also noted a significant concern by the Tennent Parade residents about the notification and lack of specific engagement about this proposed HCA. There was also support from the public gallery against this HCA.

#### **2. Floss Street/Duntroon Street:**

There are a number of issues that the Panel needs to address.

The report proposes that numbers 34, 32, and 28 – 28A be Heritage items. The Panel does not agree with this recommendation. The Panel is of the opinion that the only building that

is worthy of being classified as a Heritage Item in this group of buildings, should be “The Chambers” building, at 30 Floss Street.

However, the Panel agrees that 34 and 32, 28 and 28A should be part of the Floss Street Conservation area and can be given the appropriate contributory item ranking.

Any future development in this part of the HCA would have to address impacts on the proposed heritage item of 30 Floss Street.

As to the height limit in this area, the Panel accepts the proposed height control of 9 metres in this section of the HCA.

There was a concern by a number of objectors about the proposed 11 metre height limit for the site No. 118 Duntroon – 36 Floss Street.

The Panel notes in the report reference to the Land and Environment Court judgement (Vasiliades v Canterbury Bankstown Council Commissioner Dickson 20 September 2017), which discusses the future character of this area having regard to the proposed draft LEP at that time which proposed a change in height from 14 to 11 metres.

This judgement was given after the public exhibition of the draft LEP as it then was.

In the Commissioners opinion as stated in the judgment:

- a. Three storeys was an appropriate height form for this site having regards to the existing and future character.
- b. The Consult Group building was the foremost building in this group of buildings located at the top of a prominent rise and that it set the datum for an appropriate maximum height for this group of buildings. The proposed development which was under the 14 metre height limit would compete and detract from the existing Consult Group building’s prominence.
- c. The proposed draft LEP at that time – (which proposed an 11 m height limit) was seeking to preserve the existing character and should also be 9 metres.

The panel notes that the council’s surveyed level of the datum building is between 9 and approximately 9.5 m.

Having regard to the proposal to make the datum building a heritage item the panel is not convinced that there should be a specific 11 m height limit for this site and that it should also be limited to 9 metres.

In relation to the other buildings, the Panel agrees that the 9 metre height limit is the appropriate height limit which is supported in the judgement.

The last matter to consider in this group of buildings is number 26 Floss Street.

Number 26 is part of the new proposed Starkey Street Conservation Area. While the Panel agrees that this area can be a separate Heritage Conservation Area, the Panel is of the opinion that number 26 Floss Street should be excluded from this Heritage Conservation Area (and any Conservation Area).

While number 26 will be an isolated site zoned B2 any future development of this site will be required to address the Heritage Conservation on one side and the lower zoned area on the other side, so that an appropriate transitional development is achieved.

The Panel suggests that further investigations be carried out to change the zoning from B2 to R3.

**3. 66 – 78 Crinan Street:**

The issue here is whether this grouping (which is the way it has been presented of Heritage significance) should be individually listed as Heritage Items, (although the collective part of it is important) or should it just be in the Heritage Conservation Area itself.

The Panel is of the opinion that these properties should not be listed as heritage items except for number 78 which should be listed a Heritage.

The individual properties will be within the HCA and can be given the appropriate contributory item ranking.

**4. Crinan Street Shops:**

The Panel agrees that this grouping of shops is a particularly coherent and unusual grouping of shops and the preservation of the street façade is important.

The primary issue however is whether the height should be reduced from 14 metres to 11 metres.

There was also a suggestion that the height in this area should be reduced to 9 metres.

The Panel is of the opinion that the 11 metre height is the appropriate height, however there needs to be some appropriate DCP controls that will ensure that the streetscape is conserved by ensuring that development towards the rear of these allotments would not overwhelm the streetscape. This will allow appropriate development for the future of this area.

**5. Railway Street:**

The Panel is of the opinion that this Conservation Area is worthy of exhibition at this stage.

However, the Panel notes that this area does not present as a coherent Heritage Conservation Area.

Further investigation of this area should take place during the exhibition.

**6. Contributory items:**

The panel notes that the studies that have been prepared have identified buildings as contributory items which have also been ranked. The Panel agrees that contributory items and any relevant rankings should form part of the associated DCP in order to properly and specifically identify contributory items.

**7. South District Plan**

The panel notes advice from council officers that the South District plan has been taken into consideration and the proposed draft LEP is consistent with this plan.

**Vote: 4 – 0 in favour**

The meeting closed at 10:10 pm



## Declaration of Interest

MEETING DATE	1/4/19.
Agenda Item/Panel reference number	1

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

no known conflict of interest ☒

an actual<sup>1</sup> ☐, potential<sup>2</sup> ☐ or reasonably perceived<sup>3</sup> ☐ conflict of interest as detailed below:

---

---

---

---

---

---

---

---

---

---

Signature

Date

Name

Please return this form to the Planning Panels Secretariat at  
[enquiry@planningpanels.nsw.gov.au](mailto:enquiry@planningpanels.nsw.gov.au)

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.

## Declaration of Interest

MEETING DATE	1 <sup>st</sup> APRIL 2019
Agenda Item/Panel reference number	Jan Murrell. Item 1

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

no known conflict of interest ☒

an actual<sup>1</sup> ☐, potential<sup>2</sup> ☐ or reasonably perceived<sup>3</sup> ☐ conflict of interest as detailed below:

---

---

---

---

---


---

---

---

---

---

Signature  Date 1/4/2019

Name Jan Murrell

Please return this form to the Planning Panels Secretariat at [enquiry@planningpanels.nsw.gov.au](mailto:enquiry@planningpanels.nsw.gov.au)

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.



## Declaration of Interest

MEETING DATE	1 / 4 / 2019
Agenda Item/Panel reference number	Implementation of the Istone Park Heritage Study

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

no known conflict of interest ☒

an actual<sup>1</sup> ☐, potential<sup>2</sup> ☐ or reasonably perceived<sup>3</sup> ☐ conflict of interest as detailed below:

---

---

---

---

---

---

---

---

---

---

Signature Barbara Perry Date 1 / 4 / 2019

Name Barbara Perry

Please return this form to the Planning Panels Secretariat at  
[enquiry@planningpanels.nsw.gov.au](mailto:enquiry@planningpanels.nsw.gov.au)

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.



## Declaration of Interest

MEETING DATE	1 April 2019
Agenda Item/Panel reference number	ITEM

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

no known conflict of interest ☒

an actual<sup>1</sup> ☐, potential<sup>2</sup> ☐ or reasonably perceived<sup>3</sup> ☐ conflict of interest as detailed below:

Please note I recognise Louise Darter's name on the address list as I met her about 3 weeks ago & was not aware until today that she would address the meeting. My meeting her had absolutely nothing to do with planning matters & related to Pre-poll during the recent NSW Elections

*K Griffin*  
Signature

1/4/2019  
Date

KAYEE FRANCES GRIFFIN  
Name

Please return this form to the Planning Panels Secretariat at  
[enquiry@planningpanels.nsw.gov.au](mailto:enquiry@planningpanels.nsw.gov.au)

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.