

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

**HELD IN THE COUNCIL CHAMBERS
BANKSTOWN**

ON MONDAY 14 OCTOBER 2019

PANEL MEMBERS

PRESENT: Mr Anthony Hudson -Chairperson
Ms Jan Murrell - Chairperson / Expert Member
Mr Grant Christmas - Chairperson / Expert Member
Mr Allan Winterbottom- Community Representative Bankstown
Ms Kayee Griffin - Community Representative Canterbury
Mr Graeme Wilkinson - Community Representative Revesby

STAFF IN

ATTENDANCE: Ms Maryann Haylock (Local Planning Panel Administration Officer)
Mr Ian Woodward (Manager Development, not present for the closed session)
Ms Robyn Winn (Coordinator Governance, not present for the closed session)
Mr George Gouvatsos (Coordinator Planning – East, not present for the closed session)
Mr Stephen Arnold (Coordinator Planning - West, not present for the closed session)
Ms Samantha Mitchell (Executive Planner, not present for the closed session)
Ms Shona Porter (Senior Planner, not present for the closed session)
Mr Ryan Bevitt (Senior Town Planner, not present for the closed session)
Ms Kaitlin McCaffery (Town Planner, not present for the closed session)
Mr Andrew Hargreaves (Team Leader Development Systems, 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 recommendations from the Council staff and the submissions made by objectors and the applicant and/or the applicant's representative(s) in determining the development applications

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 **Monday 30 September 2019** be confirmed.

DECISION

- 1 66 CAMBRIDGE AVENUE, BANKSTOWN: DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF A TWO STOREY, 47 PLACE CHILD CARE CENTRE (5 X 2-3 YEARS, 42 X 3-6 YEARS), SEVEN EMPLOYEES (FIVE STAFF MAXIMUM AT ANY ONE TIME) WITH ONSITE PARKING AND LANDSCAPING.**

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:

- Stephen & Clarissa Hanna (representing objectors – Charbel & Rima Azzi, Mr & Mrs Grozdanovski)
- Mr Nick Spaseski on behalf of his parents Mr & Mrs Spaseski (objectors)
- Mario Mourad – Project Consultant/Planner (applicant)
- Nicholas Lycenko – Registered Architect (representing applicant)
- Rami Selim – Hemanote Consultant (representing applicant)
- Georgi Wei – Acoustic Engineer (representing applicant)

Panel Assessment

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

The Panel has a number of concerns about this application:-

- a) The breakup of the numbers of children between 2-3 and 3-6 with a disproportion amount of 3-6 year olds.
- b) The manner in which parking should be assessed and the amount of parking
- c) The difficulties in policing a control that permits only ten out of 47 children to be outside at any one time.

In relation to the parking, an issue was raised by a speaker about the correct parking rate to be used for the application.

There was a change to the Council's DCP on 11 June 2019.

The resolution of the Council for the amendments to the DCP made it clear that the changes to the DCP were to apply to development applications lodged after that date. The public notice of the amendments to the DCP also contained the same provision. In this regard, the Panel suggests that the Council take immediate steps to correct the DCP so that:

- (i) there is clear reference to fact that the amendments to the DCP made on 11 June 2019 only apply to applications lodged after that date; and
- (ii) that Part B6 clause 3.13 of the DCP be amended to be consistent with the car parking rates in Part B5 clause 2.3 of the DCP.

Therefore, in the Panel's opinion, the assessment of the parking should be carried out in accordance with the parking rates in the DCP prior to 11 June 2019. The Panel notes that the assessment by the Council staff was carried out on this basis.

This means that the parking complies with the required control. Condition 68 to be amended as follows:-

- 68) a maximum of five employees (whether full time or part time employees) are permitted within the premises at any one time.*

In relation to the breakup of the ages of children and in relation to the total number of children, the concern of the Panel is that these numbers have been driven by the parking requirements. The Panel notes that clause 26 of the SEPP provides that DCP requirements about age ratios or groupings are not to be applied to the development application.

The Panel's opinion on this issue can be addressed by a change to condition 67, which indicates that any future proposed changes to the numbers of children must properly address the parking rates that apply at that time. With Conditions 67 to be amended as follows:-

- 67) The childcare centre is restricted to a maximum of 47 children at any one time, comprising:*
- a) 5 x children aged 2-3 years; and*
 - b) 42 x children aged 3-6 years.*

The final matter identified above relates to an ongoing control of a proposed condition that only ten out of 47 children can be outside at any one time and that this could lead to difficult enforcement issues in the future.

The proposal provides for a large outdoor open space area which in the Panel's opinion should be used in an appropriate fashion.

It seems artificial to the Panel that only ten out of 47 children can be using this area at one time.

The Panel understands that the purpose of the control on the number of children in the rear yard is to address acoustic issues.

The Panel requests that the applicant obtain further evidence from their acoustic consultant as to whether more than ten children could be using the rear yard at any one time (for example 20 children). If so, what additional acoustic treatment could be implemented to cater for the additional noise, for example, changes to the fencing and particularly the inward angled section of the noise barrier.

CBLPP Determination

THAT Development Application DA-87/2019 RE: Demolition of existing structures, construction of a two storey, 47 place child care centre (5 x 2-3 years, 42 x 3-6 years), seven employees (five staff maximum at any time) with on-site parking and landscaping be **DEFERRED** for further consideration and final determination after the submission of the additional information by the applicant by the same Panel members electronically.

Vote: 4 – 0 in favour

DECISION

2 573 PUNCHBOWL ROAD, LAKEMBA: ALTERATIONS AND ADDITIONS TO THE EXISTING LAKEMBA SPORTS CLUB HOUSE FOR THE CONSTRUCTION OF A STORE ROOM.

Public Addresses

There was no public address for this matter.

Panel Assessment

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

The Panel agrees with the assessment report and the conditions.

CBLPP Determination

THAT Development Application DA-486/2019 RE: Alterations and additions to the existing Lakemba Sports club house for the construction of a store room be **APPROVED** in accordance with the Council staff report recommendations and conditions.

Vote: 4 – 0 in favour

DECISION

3 118 DUNTROON STREET AND 36 FLOSS STREET, HURLSTONE PARK: CONSTRUCTION OF A THREE STOREY MIXED USE DEVELOPMENT COMPRISING TWO COMMERCIAL UNITS AND A 32 ROOM BOARDING HOUSE

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 by the Panel for this matter from:-

- Wayne Dochau
- Anonymous
- Ying Yu
- Christopher Kaperonis
- Lyn Jones

Public Addresses

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

- Deborah Barkla (objector)
- Brett Snout (objector)
- Carmel Elliott (objector)
- Marie Healy Committee Member HPA (On behalf of the Hurlstone Park Association)
- Irene Fotiadis (objector)
- Patricia Kaperonis (objector)
- Dimitard & Janeta Dontchev (objector)
- Bruce Threlfo – Town Planning Consultant (representing applicant)
- Chris Katris – Architect (representing applicant)

Panel Assessment

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

In summary the Panel generally agrees that the application can be approved subject to conditions. The Panel has considered the submissions received, both oral and written, and given the B2 zoning of the site, the panel is of the opinion the proposed uses and building envelope are satisfactory. However, the Panel is concerned that more consideration must be given to the presentation of the development in the streetscape and the character of the area

Some general comments about the application are as follows:

Height - The Panel notes that 9 metres is the proposed height control for this area in the gateway determination has recently given to the current heritage planning proposal (but there has been no public exhibition). However, the Panel is of the opinion that the 9.1 metres proposed is acceptable in the circumstances and there amended plans to reduce the height by 100mm are not necessary(also noting that the current LEP control is 14 metres).

Notification- submissions were made regarding inappropriate notification periods for submissions to be made. The Panel notes that the application was amended recently and that the Council offices were of the opinion that the changes did not increase any impacts noting that there is no specific clause in the DCP about amended applications, which means it is solely at the discretion of the Council. In relation to the notification of the Panels agenda, the application was notified in the usual manner and the Panel is satisfied that the appropriate time has been allowed for comments to be made by members of the public.

Character - The Panel is of the opinion that the proposed development as shown in current plans require further changes when assessed for character and a development in the vicinity of a heritage item. While amended plans were submitted in response to Council's heritage officer's concerns the Panel considers further amendments are required to satisfy those concerns to ensure the development is more sympathetic to the character of the area. With amendments to the plans described below, the panel is of the opinion the character test of Clause 30A of the SEPP could be satisfied.

In relation to these further matters that need to be addressed the panel requires the applicant to submit amended plans and the following further information:

- (a) Amended plans endorsed by a heritage consultant (engaged by the applicant) to improve the streetscape presentation of the building having regard to the character of the area and the proposed heritage conservation area, including the item of heritage known as 'The Chambers'. The matters to be addressed include previous concerns of the Heritage Officer as follows:
 - I. Window to adopt a vertical proportion compatible elements found in the area;
 - II. The sliding door width to rooms along the street frontage to increase solid to void;
 - III. The brick openings on first level to reflect vertical proportions rather than horizontal;
 - IV. Solid masonry elements are to be introduced for the shopfronts to reflect a finer urban fabric as seen in the local shopping area;
 - V. The black tiles proposed to be substituted with a colour, material and finish that is more reflective of the conservation area.
 - VI. A revised schedule of materials, finishes and colours having regard to above design changes and to include ace bricks are to be dry pressed equivalent to Bowral Brown, Gertrudis Brown or Renovated Gertrudis Brown.
- (b) Plans and details to be prepared (to the point which the Councils Traffic Engineer would be confident that they would be accepted by the local traffic committee) as follows:

- I. The existing 'No Stopping Zone' along the frontage of the site (along Floss Street and Duntroon Street) is to be retained and extended (at no cost to Council) to include the whole frontage.
 - II. The provision of a speed cushion to be installed on the northern approach to the site in order to slow down vehicles navigating the bend to increase safety for the vehicles exiting the site.
- (c) Further details relating to waste and the collection of waste as follows:
- I. The plan showing how the bins would be presented on the street and the manner in which they would be collected and put to and from the street (this is to include a plan showing how the bins will be set out to ensure that there is pedestrian access along the street while the bins are on the street).
 - II. Councils waste management expert to confirm that the areas shown on the plan for both the boarding house use and the residential use are the appropriate areas.
- (d) An amended landscape plan addressing the matters referred to in draft condition 17 and to also show outdoor drying areas and if street trees proposed these shall be of a suitable species not to interfere with the continuous awning as required by the Heritage Officer.
- (e) Plan of Management to be revised to include condition 73. A BASIX certificate for the amended plans to be submitted;
- (f) Amended Stormwater and Drainage plans are to be submitted for the satisfaction of Council's Engineer.

The Panel requires that the above information be submitted by the applicant to the Council within one month.

The Panel then requires the Council officers to prepare a short report with an updated version of proposed draft conditions for the amended application having regard to Panel's requirements above. The report and amended plans can then be reconsidered by the Panel electronically prior to the determination of the application.

CBLPP Determination

THAT Development Application DA-264/2018 RE: Construction of a three storey mixed use development comprising two commercial units and a 32 room boarding house be **DEFERRED** for further consideration after submission of additional information which will be considered by the same Panel members electronically for the determination of this matter.

Vote: 4 – 0 in favour

DECISION

- 4. 7-11 QUEENSBURY ROAD, PADSTOW HEIGHTS: DEMOLITION OF EXISTING RESIDENCE AND CONSTRUCTION OF A NEW BUILDING/WING FOR USE AS AN EXTENSION TO THE EXISTING AGED CARE FACILITY.**

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:

- Adam Byrnes (Planning Consultant (representing applicant))
- Andrew Lowden – Architect/Planner

Panel Assessment

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

The Panel agrees with the assessment report.

The Panel notes that the non-compliance is in the part of a site that slopes steeply down (near the rock ledge where the tree is to be removed).

In relation to objections the Panel notes the summary of the objections in the report and agrees with the assessment of those objections. In relation to 5 Queensbury Road, which is close to the northwest corner of the new building, the Panel considered this property and is of the opinion the northeast outlook from that deck will be unimpeded from the development.

CBLPP Determination

THAT Development Application DA-855/2017 RE: Demolition of existing residence and construction of a new building/wing for use as an extension to the existing aged care facility be **APPROVED** in accordance with the Council staff report recommendations.

Vote: 4 – 0 in favour

The meeting closed at 7:50pm.