

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

**HELD IN THE COUNCIL CHAMBERS
BANKSTOWN**

ON MONDAY 29 JULY 2019

PANEL MEMBERS

PRESENT: Mr Anthony Hudson - Chairperson
Mr David Epstein - Expert Member
Mr Stephen Kerr - 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)
Ms Robyn Winn (Coordinator Governance, not present for the closed session)
Mr Warren Farleigh (Team Leader Planning – Urban Planning, not present for the closed session)

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.07 PM.

INTRODUCTION

The Chairperson welcomed all those present and explained the functions of the Canterbury Bankstown Local Planning Panel in relation to the planning proposal the subject of the meeting. It was noted that the Panel would be 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

The Panel noted the minutes of the Local Planning Panel of **1 July 2019**, which have been endorsed by the Chair of the meeting held on **29 July 2019**.

DECISION

1 149-171 MILTON STREET, ASHBURY: POST EXHIBITION OUTCOMES

Site Visit

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

Written Submissions

A written submission was received for this matter from: -

- Maureen Handley
- George & Sonia Morr
- Lorraine Bull
- Julie King
- Daniel Rosenbaum
- Jam Lee
- Brian Hudson
- Alejandra Flanagan
- Kaitlyn Flanagan
- Ash & Hayley Jarvis
- Martin & Nicole Collins
- G D'Ambrosio
- Matt Burke
- D Craigie
- Stephen Sinclair
- Ray Guardascione
- Irene Pedra
- Alex OrtegaJo
- John & Laila Hallam
- Kathy Pritt
- Michael Garcia
- Beng Hoe Tong
- Ashbury Community Group (on behalf of Wayne Richardson JP)
- Ashbury Community Group (on behalf of Ashbury Community)

Public Addresses

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

- Wendy Hu (objector)
- Matt Burke (Objector)
- Jacky Guardascione (Objector)
- Barbara Coorey (Objector)
- Laura Griffiths (Objector)
- Tony Rodi (Objector on behalf of himself and Ms Ilardo)
- John Hallam (Objector on behalf of his family and Ashbury Community Group)
- Liam O'Sullivan (Objector and on behalf of a number of residents in the Ashbury area)
- Anna Guedes (Objector)
- Anastasia Ulysee (Objector)
- Rhys Leves (Objector)
- Brian Hudson (Objector)
- Steven Bradford (Objector)
- Karen Murdoch (Objector)
- Mr Gandhi (Objector)

- Steven Radmanovic (Objector)
- John Rotherland (Objector)
- Joe Trevolea (Objector)
- Laila Hallam (80 Trevenar St Ashbury) on behalf of Ashbury Community Group
- Kate Bartlett (representing Owner 169-175 Milton St Ashbury) with Letter to Panel
- David Hoy (representing Owner 149-163 Milton St Ashbury)

Panel Assessment

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

The Council has referred the planning proposal to the Panel at this stage in the process as the requirements considering about planning proposals by Local Planning Panels were introduced in March 2018 after a gateway determination was received for this planning proposal.

The Panel has considered the detailed report provided by the Council's staff together with numerous attachments.

Importantly, the Panel has also considered the detailed submissions both written and oral that have been provided to the Panel from the public.

A number of common themes were raised and some of these are addressed below.

As a general comment, the Panel notes that submissions received from residents by the Panel were against the planning proposal. Generally, the submissions suggested a heavily reduced level of development with some suggestion that the land should not be rezoned from its current industrial zoning.

Zoning:

The Panel agrees that the site should be rezoned from IN2 to a higher density residential use which, in the Panel's opinion, should include residential flat buildings.

Under Canterbury LEP 2012, this means that the zoning must be R4 as residential flat buildings are not permissible in the R2 or R3 zone.

The Panel notes that the 2009 Canterbury Economic Development and Employment Strategy considered that the site was an isolated area of industrial land in an otherwise residential context which should be rezoned to residential with an average height of three to four storeys suggested as a long term alternative.

Heritage:

The Panel notes the comments of the NSW Heritage Council and Council's in house heritage advisor who has a close working knowledge of the local heritage issues.

The Panel agrees that the site should not be part of a heritage conservation area especially as there is no heritage value with the existing buildings on the site.

As noted in the GMU report the southern site has common areas with the Ashbury Conservation area that will need to be sensitively treated. The 12m set back requirement in this area addresses this issue with further fine tuning possible at DA stage.

Built form-Height/FSR:

The Panel is of the opinion that the extent of the development especially at the rear of the site is excessive and should be reduced.

Principally the Panel is concerned about the visual impact of the proposed level of development from Wagener Oval and generally from around the site.

A reduced level of development would be more compatible with the residential and open space areas around the site.

The Panel suggests that the rear internal lots be reduced from six storeys to four storeys with the appropriate height reduction and no increase in the footprint size.

Further the two, four storey proposed built form in the South East corner should be reduced from four to three storeys also with no increase in the footprint size.

This will bring about a change in the floor space ratio (FSR).

The Panel is of the opinion that these changes should be reviewed by Council (or their consultants) to assess a new FSR.

Internal Changes:

In the North East part of the development, the two storey built form facing Milton Street backs onto an internal road or pathway. The Panel is of the view that this will result in a poor streetscape internally.

The Panel suggests a back to back built form similar to the proposed built form behind the existing dwellings in Milton Street in the South East corner to provide active edges to all roads, pathways and communal open space.

The three storey built form in the middle of the northern site could be re-orientated to a North South direction to create the active edge mentioned above and to provide better and more useable communal space areas.

Communal open space throughout the site should be designed as public domain with active edges, street furniture, lighting and planting. All buildings (other than those fronting Milton Street), must have an entry and identifiable address to a street or pathway within the development with clear and legible pathways for all residents, visitors and deliveries.

An important aspect of the justification for the proposed development (including any reduced development as suggested by the Panel) is vegetation around the Western side of the site.

The Panel is of the opinion that the existing vegetation should be carefully analysed by an arborist report, so the current trees can be identified for retention in the DCP and the appropriate setbacks for deep soil can be specified to ensure that these existing trees are easily retained on the site and in the adjacent park area.

Pedestrian Access and Thoroughfare:

The Panel agrees that this site provides an opportunity for pedestrian access generally from the East to the West towards the Oval.

There should be an access point onto the site from Yabsley Avenue and this should be incorporated into the proposed DCP controls.

As well, the DCP controls should include the interface along the western edge of the site/eastern edge of the park to be designed in collaboration with Council for potential pedestrian and cycle pathways, furniture and lighting taking into consideration privacy and safety issues. The pathway could potentially extend along the southern side of the park linking back to Whitfield Avenue.

In addition, there should be DCP controls relating to the treatment of the Western end of the new road as to how that will integrate with Wagner Oval, including appropriate pedestrian access from the site onto and into Wagner Oval. This may require the developer to discuss with the Council how this can be incorporated into the proposed development (including consideration of a VPA).

Traffic:

Clearly, traffic is going to be an issue for the increased density of development on this site.

The RMS provided comments on the original traffic report.

A further traffic report was prepared which addressed the comments of RMS.

The Panel is of the opinion that this updated McLaren report should be referred back to the RMS for confirmation that the requirements of the RMS have now been met in terms of the assessment methodology adopted and for a final traffic comment.

Parking:

A number of concerns were raised about the parking. The Panel understands that the proposal has two primary access points off the new road and the parking for the proposed development will be underground other than some proposed visitor spaces as referred to in the draft DCP.

The Panel notes that the proposed parking is to be within the building footprints other than a suggested amendment to allow some extension of excavation beyond the building footprint for flexibility without affecting landscape and the Panel would not object to this suggested change to the DCP.

Design Excellence:

The Panel agrees with the deletion of a Design Excellence requirement and is comfortable with the proposal suggested in the report as follows:

“Any proposed future developments on the site will also need to comply with Council’s DCP and Apartment Design Guideline requirements and be subject to a design peer review.”

Drainage:

In the Panel’s opinion storm water drainage is an issue that should be considered at this stage of the process because of the relationship between the property and Wagener Oval.

There are contamination issues in relation to Wagener Oval which are referred to in the documentation noting that Wagener Oval was previously a brick pit which was filled with landfill waste and redeveloped into an Oval.

There are leachate issues within the landfill in the Oval and the presence of the historic landfill is a fact that was taken into account in the contamination report and is referred to in the RAPs (particularly in relation to the presence of ground gas).

Currently, the Panel understands that surface water and ground water from the site is likely to be running to the West onto Wagener Oval (roof water unknown).

Clearly, the natural flow of the land is for the water to flow to the West. The difficulty is that the Wagener Oval is community land under the Local Government Act 1993 which raises complicated issues about easements that may or may not be available to the Developer.

A lower point may be in the north-west corner where the site adjoins the Yabsley Avenue and there may be options to drain to this road. However, this is a road within the adjoining Inner West Council and issues of water from one Council area to another may need to be addressed, if this was a viable drainage solution.

The Panel is of the opinion that this needs to be considered further so that any special requirements can be considered and incorporated into any of the relevant controls.

The Panel understands that often this level of detail would be considered at the DA stage, however, in the unusual circumstances of this site with the adjoining community land and a road in another local government area as the low points and together with the potential contamination issues within that community land, the drainage of the site needs further investigation and certainty at this stage of the process.

Drainage works should be part of an overall environmental sustainability plan for the construction of the development and for the ongoing use and management of the land.

Contamination:

The Panel notes that updated contamination reports have been provided including Proposed Remediation Action Plans for each site.

Any site stormwater management and control in terms of the remediation action plans may need to be addressed having regard to the drainage matters referred to above.

Waste Collection:

The Panel is of the opinion that the waste collection points should be within the basements areas, so the basements must be designed to enable the smaller garbage disposal trucks to access the underground basements.

Extension of Gateway Time Limits:

An issue was raised about the timing of the extensions to the gateway determination.

The Panel notes that the Department has agreed to a number of extensions of the Gateway determination time limits for completing the new LEP and currently the Planning Proposal is being assessed and considered within the current time frame.

The Panel has no issue with these matters.

Greater Sydney Commission (GSC):

The site is within the southern district plan issued by the GSC.

This plan adopted a *Retain and Manage* approach to existing industrial land. However, the GSC has issued an Information Note SP2018-1 which provides that a planning proposal submitted by the Council before the adoption of the district plans in March 2018 which had proceeded to Gateway determination could proceed to finalisation despite it being contrary to any *Retain and Manage* strategy in the district plan.

DCP:

The DCP should be amended to reflect the suggested changes by the Panel.

Further, some specific comments about the current draft of the DCP

- F11.2 04 To enhance the existing Milton Street streetscape and provide new streets and pedestrian pathways that enhance the landscape character of the area.
- F11.4 07 To reinforce the sense of enclosure to the oval by providing taller buildings along its edge whilst ensure sufficient gaps and openings are provided to allow for views through the development.
- F11.4 09 This objective may not be necessary
- F11.5 01 To provide setbacks that are consistent with Milton St and Yabsley St.
- F11.5 07 To provide a public/private transition from the street to the dwellings and apartment buildings along the streets internal roads, pathways and communal open space.
- F11.5 C8 Ensure wording makes it clear that the widths are regulated by the figure and not the words of this control.
- F11.11 Communal Open Space

Communal open space should be designed as if it were part of the public domain with active edges, street furniture, lighting, street trees etc. The layout of internal roads and pathways should be clear and legible for occupants, visitors and for deliveries with clearly articulated building entrances.

Maintain clear view corridors in and out of the communal open space.

Larger communal open spaces should be designed as public parks with appropriate facilities and shade structures.

Majority Opinion:

A majority of the Panel agreed that the recommendation to the Council should be as follows:

- (i) The submissions received during the exhibition period and responses from the Council staff and the responses received at the meeting of the Panel be noted.
- (ii) The Planning proposal to re zone the site at 149-171 Milton Street, Ashbury from IN2 Light Industrial to R4 High Density Residential be generally endorsed subject to the following:
 - (a) the reductions in height and consequential FSR as referred to above;
 - (b) further details being provided of pedestrian access and thoroughfare.
 - (c) RMS confirmation regarding the McLaren report and traffic generally;
 - (d) allowing some extension of excavation beyond the building footprints flexibility;
 - (e) comprehensive assessment of trees and how the existing trees on the western boundary can be retained and ensuring that the existing trees on the eastern boundary of Wagener Oval will be protected;
 - (f) further investigations be carried out to address the drainage of the site and how this will be directed to the appropriate public trunk drainage system including discussions and agreement with Council.

- (g) the buildings being designed so that appropriately sized garbage trucks can access the basement of buildings for waste collection;
- (h) consequential changes to the proposed DCP;
- (iii) Following these changes, the matter be reported to the Council for adoption and submission if necessary to the Department for the making of the final plan and DCP.

Minority Opinion:

One of the Panel members did not agree with the majority recommendation referred to above and did not agree with the planning proposal.

The concern of this member of the Panel was about height, traffic, street parking, public transport and the lack of comment by the Department of Education during the exhibition period.

This objection was maintained despite the majority opinion about a reduction of some of the built form as referred to above.

Concern was raised about the adequacy of the two bus services in Milton Street and whether the Ashbury Public School situated in Trevenar Street near the site could properly service any increase in student numbers from the development.

Panel Decision:

The Panel agreed that the recommendation to the Council should be as follows:

- (i) The submissions received during the exhibition period and responses from the Council staff and the responses received at the meeting of the Panel be noted.
- (ii) The Planning proposal to re zone the site at 149-171 Milton Street, Ashbury from IN2 Light Industrial to R4 High Density Residential be generally endorsed subject to the following:
 - (a) the reductions in height and consequential FSR as referred to above;
 - (b) further details being provided of pedestrian access and thoroughfare;
 - (c) RMS confirmation regarding the McLaren report and traffic generally;
 - (d) allowing some extension of excavation beyond the building footprints flexibility;
 - (e) comprehensive assessment of trees and how the existing trees on the western boundary can be retained and ensuring that the existing trees on the eastern boundary of Wagener Oval will be protected;
 - (f) further investigations be carried out to address the drainage of the site and how this will be directed to the appropriate public trunk drainage system including discussions and agreement with Council.
 - (g) the buildings being designed so that appropriately (and reasonably) sized garbage trucks can access the basement of buildings for waste collection;
 - (h) consequential changes to the proposed DCP;
- (iii) Following these changes, the matter be reported to the Council for adoption and submission if necessary to the Department for the making of the final plan and DCP.

Voted 3 in favour and 1 against

The meeting closed at 9:55pm.