

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

HELD ON MONDAY 2 NOVEMBER 2020

PANEL MEMBERS

PRESENT: Mr Anthony Hudson - Chairperson
Mr David Epstein - Expert Member
Ms Barbara Perry - Expert Member
Ms Kayee Griffin - Community Representative Canterbury
Mr Karl Saleh - Community Representative Roselands

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)
Ms Mine Kocak (Team Leader Planning East, not present for the closed session)
Ms Alice Pettini (Executive Planner, not present for the closed session)
Mr Sam Khoury (Town Planner, not present for the closed session)
Mr Bob Steadman (Planner East, not present for the closed session)

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.01 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 to determine the development applications on the agenda.

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 7 September 2020** be confirmed.

DECISION

- 1 236-240 GEORGES RIVER ROAD, CROYDON PARK: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A FIVE STOREY SHOP TOP HOUSING DEVELOPMENT WITH BASEMENT PARKING AND ASSOCIATED STRATA SUBDIVISION**

Site Visit

Panel members carried out their own site inspections prior to the public hearing.

Written Submission

- A written submission was received for this matter from David Doust (on behalf of Carpet Factory and Salim & Nicholas Reyahyem).

Public Addresses

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

- Mr Tony Jreige - Urban Link (applicant)
- Mr Ziad Boumelhem - Urban Link (applicant)
- Mr Mark Beauman - Urban Link (applicant)
- Mr Benjamin Black - Planning Ingenuity (representing applicant)

Panel Assessment

Ms Kayee Griffin was the Community Panel Member present for the deliberation and voting for this matter.

The Panel notes that this is a difficult site with a Sydney Water sewer easement running through the north east section of the site and then through the south west section of the adjoining site (230-234 Georges River Road).

Unfortunately, the development of the two sites has not been planned together and a development consent has already been granted for the adjoining site.

This makes for an awkward relationship on the eastern side of the proposal with the western side of the approved development on the adjoining property.

This relationship gives rise to some difficulties in terms of compliance with the Australian Design Guide (ADG). However, the Panel is of the view that proposal can be accepted with a change to the proposed screening by way of a blade wall on the northern balconies to 108, 208 and 308 instead of the vertical fixed screens.

The recommendation contains a deferred commencement condition to obtain a drainage easement over the adjoining property of 230-234 Georges River Road, Croydon Park.

The Panel is advised that the Council's development engineers have investigated the drainage and agree that the most appropriate drainage easement for the site would be through this adjoining property.

There are other adjoining properties which could also be investigated, however the applicant also indicates that the most appropriate site would be the adjoining property 230-234 Georges Road.

However, the Panel has received a submission from the adjoining property that *"there has been no agreement and will be no agreement to traverse our property with storm water easements in any form"* (Email 2.11.2020).

In terms of the Panel's assessment, the concern is that an appropriate drainage easement will operate satisfactorily to drain the water and the Council's engineers have advised that the proposed easement is satisfactory.

The Panel accepts that a deferred commencement condition can be imposed on the consent specifying that an easement on the adjoining property is to be obtained.

However, the Panel's acceptance of a deferred commencement condition does not provide any right or guarantee to the applicant that such an easement will be agreed to or provided by the adjoining owner.

The finalisation of any easement will be a matter between the applicant and the adjoining owner including any rights that the applicant may exercise in terms of approaching the Land and Environment Court or Supreme Court to obtain a drainage easement.

In these circumstances, the Panel agrees that the 12 month period to satisfy the deferred commencement condition should be increased to a 24 month period.

The Panel accepts that the Clause 4.6 variation for the breach of the 18 m height limit for the lift over run and stair core. The Panel is satisfied about the requirements under Clause 4.6(4) of the Canterbury Local Environmental Plan (CLEP 2012).

The Panel agrees that it is appropriate to have communal open space on the roof top of the development especially for this site.

However, the Panel is also is of the opinion that there could be some light weight permanent shade structures erected over the two "lounge seating area" spaces shown on plan A2107 Revision M (17.08.20).

The Panel requests that the applicant provide plan details of a light weight shade structure over these areas together with an amended Clause 4.6 variation for the Panel's consideration following which the Panel will finalise the determination of the development application. Structures and supporting posts etc should be generally confined to the seating areas so that any structures are located as far as possible away from the edges of the building to reduce any visual impacts.

Considering the level of the surface of the communal open space is RL 33 the Panel is of the opinion that any breach of the height limit would be minimal and well under the level of the top of the lift over run at RL 36.5.

The finalisation of this matter will be deferred to enable the applicant to provide amended plans showing the following:

- (a) vertical fix screens shown on units 108, 208 and 308 to be changed to blade walls for the same length, and
- (b) a light weight shade structure around the two lounge seating areas on the rooftop COS together with an amended Clause 4.6 variation.

The design problems referred to above reinforce the Panel's view and strong recommendation that the Council implements the planned establishment of the Design Review Panel as soon as possible.

CBLPP Determination

THAT Development Application DA-578/2016 RE: Demolition of existing structures and construction of a five storey shop top housing development with basement parking and associated Strata subdivision be **ADJOURNED** to enable the applicant to provide the additional information referred to above. Upon receipt of that information the Panel will finalise the determination electronically between Panel members without any further meeting or submissions.

Vote: 4 – 0 in favour

DECISION

2 253-255 HOMER STREET, EARLWOOD: INTERNAL AND EXTERNAL MODIFICATION TO EXISTING COMMERCIAL PREMISES FOR USE AS A FUNERAL HOME AND ASSOCIATED SIGNAGE

Site Visit

Panel members carried out their own site inspections prior to the public hearing.

Written Submission

- A written submission was received for this matter on behalf of Mr Spano.

Public Addresses

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

- Deb McKenzie - Planner (representing - Katerina Spano and Earlwood Community)
- Terry Dimi Voula
- Susanna Griffin
- Dr Mayan Amiezer
- Ms Fenny D Kusomon
- Raby Selim - Director/Traffic Engineer (representing applicant)
- Mario Mourad - SPG Development Consultant (applicant)
- V Kiriazis - (representing applicant)

Panel Assessment

Ms Kayee Griffin was the Community Panel Member present for the deliberation and voting for this matter.

The Panel acknowledges that there is neighbour concern about the proposed funeral home usage of the site and a number of those are noted below:

Notification of amended plans

The proposal was notified in November 2019 and April 2020. Further amended plans were provided to the Council in October 2020. The changes included a roof to the carport area behind the roller door and other small internal changes.

The Panel has been advised that the Council's notification policy does not specifically provide for notification of amended plans and Council officers exercised their discretion not to notify the final plans put before the Panel because the officers were of the opinion, that the changes improved impacts and did not cause any additional impacts. The Panel does not disagree with this decision.

Access to parking

The Panel is advised that Council's traffic engineers are satisfied about compliance with relevant Australian Standards and about the swept path of vehicles reversing into the parking spaces and particularly the "proposed transfer station wagon" into the carport. One of the conditions will require that only vehicles 5.2 m or less in length, park at the site.

Plan of Management

A detailed Plan of Management has been provided indicating how the premises will be used and the plan of management will be incorporated into the conditions. This includes limitations on the number of viewings, hours of operation and no chapel or church services.

Acoustic Report

A full acoustic report was not required given the low intensity of the use and the Panel does not disagree with this.

Signage

The Panel acknowledges that the application includes an awning sign which will be illuminated but only within the approved trading hours.

Permissibility

Concern was also raised about permissibility. The site is zoned B2 Local Centre under CLEP 2012.

Commercial premises are permissible with consent. Commercial premises includes business premises. Business premises are defined to include a funeral home. A funeral home is defined as premises *that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing bodies of deceased persons*. The premises cannot be used as a mortuary (which is defined as premises being used for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation).

The proposed use is therefore permissible with consent.

Disabled Access

Another issue raised was disabled access. As noted by the applicant this will be addressed at the Construction Certificate stage requiring compliance with the BCA. However, the Panel is of the opinion a condition should be imposed requiring an appropriate chair lift to be provided to the rear stairs and that this is to form part of compliance with the disability and access requirements of the BCA. The Panel also notes that the floor plan provides for appropriate 1.5m circulation space at the front and rear of the premises.

Hours of operation

Concerns were also raised about the hours of operation and the 7 day a week operation. The Panel agrees that given the nature and proposed intensity it can operate as proposed between 8.30 and 7.00 pm, 7 days a week.

CBLPP Determination

THAT Development Application DA-885/2019 RE: Internal and external modification to existing commercial premises for use as a funeral home and associated signage be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to the recommended conditions:

- (a) add a 2(d) to as follows – An appropriate chairlift is to be provided to the rear stair as part of the access and disability requirements to be finalised at the Construction Certificate stage.
- (b) amend condition 33 to read as follows: “The maximum number of persons on site at any one time shall not exceed eighteen (18) including a maximum fifteen (15) patrons and three (3) staff members. There are to be no more than three viewings per week (Monday-Sunday) and during the times when the premises are not being used for viewings there is to be only one clerical staff member on site.
- (c) Amend Condition 39 as follow: Any vehicles delivering or taking away coffins from the site must not be greater than 5.2 m in length and these transportation vehicles must use the covered eastern car space 4 and staff to ensure that this the space is available during delivery and pick up times.

(d) Add a condition 59 as follows: The premises to be operated in accordance with the approved Plan of Management referred to condition 1 and the conditions of this consent prevail over the Plan of Management in the event of any inconsistency or interpretation issues between the conditions of this consent and the Plan of Management.

Vote: 4 – 0 in favour

DECISION

3 310-312 KING GEORGES ROAD, BEVERLY HILLS: CONSTRUCTION OF A THREE STOREY MIXED DEVELOPMENT COMPRISING ONE OFFICE PREMISES AND A 12 ROOM BOARDING HOUSE OVER ONE STOREY OF PARKING

Site Visit

Panel members carried out their own site inspections prior to the public hearing.

Public Addresses

There was no public address in respect to this item.

Panel Assessment

Mr Karl Saleh was the Community Panel Member present for the deliberation and voting for this matter.

The Panel notes that the site is a small vacant site that was previously developed. The Panel notes the discussion about the breach of the height control as a result of the ground level (existing) being lower than the adjoining properties due to the demolition of the previous building on the site.

The Panel notes that the boarding house use complies with all the relevant requirements of the SEPP.

In terms of the height variation, the Panel accepts the Clause 4.6 variation and the Panel is satisfied about the requirements of Clause 4.6(4) of CLEP 2012.

The Panel is of the opinion that there could be a front entrance way to the commercial premises.

CBLPP Determination

THAT Development Application DA-373/2020 RE: Construction of a three storey mixed development comprising one office premises and a 12 room boarding house over one storey of parking be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to the recommended conditions:

- a) an additional condition 2b to read as follows: - A direct entrance is to be provided the "commercial 1" premises from King Georges Road and details to be provided about the space between King Georges Road and the western elevation of the commercial 1 premises will be treated and used. Details to be provided with the Construction Certificate application.

Vote: 4 – 0 in favour

The meeting closed at 7.18pm.