

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

HELD ONLINE AS A ZOOM CONFERENCE MEETING

ON MONDAY 4 MAY 2020

PANEL MEMBERS

PRESENT: Mr Anthony Hudson - Chairperson
Ms Helen Deegan - Expert Member
Ms Barbara Perry - Expert Member
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, not present for the closed session)
Mr Stephen Arnold (Coordinator Planning - West, not present for the closed session)
Mr George Gouvatsos (Coordinator Planning – East, not present for the closed session)
Mr Ryan Bevitt (Senior Town Planner, not present for the closed session)
Mr Mark Bonanno (Senior Lawyer Planning and Environment, Corporate Services, not present for the closed meeting)

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.20 PM.

INTRODUCTION

The meeting was held electronically due to the covid-19 situation. 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 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 application.

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 the item 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 6 April 2020** be confirmed.

DECISION

1 754-774 CANTERBURY ROAD, BELMORE: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A 5-6 STOREY RESIDENTIAL FLAT BUILDING WITH 59 APARTMENTS OVER TWO LEVELS OF BASEMENT PARKING AND ASSOCIATED WORKS.

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 Giselle Baaini.

Public Addresses

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

- Barbara Coorey (Objector)
- Gisselle Baaini (Objector)
- Charlie Demian - (Owner/Applicant)
- Tim Hale - Senior Counsel (Representing Owner/Applicant)

Panel Assessment

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

The Panel acknowledges that this development application is a difficult application to resolve. However, in the Panel's opinion the overshadowing and bulk and scale impacts to No 1A Trafalgar Street, Belmore and the properties to the south together with the difficult isolation issue of No 1A Trafalgar Street, Belmore, tip the balance to a refusal of the development application.

Isolation issue

No 1A Trafalgar Street, Belmore is a relatively small allotment of 404 sqm² (and not 483 sqm² as referred to on page 61 of the revised SEE dated 17 October 2020) created from a 1997 sub-division of a 1997 dual occupancy. It becomes an isolated lot as a result of the development proposed.

While the Panel notes the concerns of the owner of No. 1A Trafalgar Street, Belmore about the value of No. 1A Trafalgar Street, Belmore to them, the applicant has demonstrated that offers have been made to the owners on the basis of two different valuations of No. 1A Trafalgar Street, Belmore.

The difficulty for the Panel is the extent to which No. 1A Trafalgar Street, Belmore can be redeveloped in the future consistent with the applicable planning controls.

The Panel accepts that there must be some flexibility in the planning controls for the redevelopment site and that some effort has been made in the design of the development, the subject of this DA with a 15m setback to the west and 4m setback to the north to assist with any future redevelopment of No. 1A Trafalgar Street, Belmore. However, even taking this into account the Panel still has concerns about the indicative redevelopment proposal for No 1A Trafalgar Street, Belmore as follows:

- (a) the indicative proposal is an overstatement of what could be achieved,

- (b) the panel is very doubtful about the viability of any basement including proper access to any basement which is only exacerbated by any 3m dedication along Chapel Lane (long sections would be required in this case),
- (c) following from the concern about the basement is an associated concern about the extent of parking that could be provided on the site, especially given the location of the development being close to Canterbury Road and adjoining the proposed large development in the development application,
- (d) potential overshadowing impacts,
- (e) allowances have not been made for storage and a substation (which in the Panels experiences can often cause important design issues),
- (f) appropriate separation between the proposed development and the indicative development of No. 1A Trafalgar Street, Belmore,
- (g) the extent of internal amenity of indicative units, and
- (h) whether the scheme was based on an area of 404 sqm² and not 483 sqm².

The Panel also acknowledges that a full design of any proposed development is not required under the isolation principles, however in this case because of the size and location of the isolated lot, in the Panel's opinion more detail is required to achieve a satisfactory level of comfort that the isolated site could be redeveloped.

Impacts

The Panel's assessment of the overshadowing diagrams (which did not include any elevational shadows) suggest that:

- (a) there will be unacceptable overshadowing of:
 - i. the southern windows of No. 2 Allegra Avenue, and
 - ii. the rear yard of No. 2 Allegra Avenue

The Panel also raises a concern about the perception of bulk and scale of the development when considered from properties to the south looking back towards the development and from No. 1A Trafalgar Street, Belmore.

Both these impact issues could possibly be resolved by further redesign which could involve redistribution of bulk and or further breakup of the development on the site.

Notification

One of the speakers made a reference to differences between the plans notified and the plans being considered by the Panel. The Panel has been advised by the Council officers that the changes to the plans reduced impacts and it was not necessary for any re-notification of the amended plans that are before the Panel in accordance with the Council's notification policy.

CBLPP Determination

THAT Development Application DA-255/2018 RE: Demolition of existing structures and construction of a 5-6 storey residential flat building with 59 apartments over two levels of basement parking and associated works be **REFUSED** in accordance with the Council staff report recommendation and proposed Notice of Determination subject to the following amendments:

4. *"The development is considered an overdevelopment because of the overshadowing on No 1A Trafalgar Street and No 2 Allegra Ave and the bulk and scale of the development as perceived for these properties and No 7 Trafalgar Street"*

5. *The site is not considered suitable for the proposed development for the reasons outlined above. [Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act, 1979]*

Vote: 4 – 0 in favour

The meeting closed at 7.10 pm