

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

HELD ON MONDAY 10 AUGUST 2020

PANEL MEMBERS

PRESENT: Mr Anthony Hudson - Chairperson
Ms Helen Deegan - Expert Member
Ms Barbara Perry - Expert Member
Mr Allan Winterbottom - Community Representative Bankstown
Ms Inaam Tabbaa - Community Representative on behalf of Revesby
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 Nicholas Alley (Team Leader Planning West, not present for the closed session)
Ms Kristy Bova (Executive Planner, not present for the closed session)
Ms Andrea Elias (Acting Senior Planner, not present for the closed session)
Mr Bob Steadman (Planner Assessment, 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 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 Meeting 3 August 2020

There was a meeting of the Panel on Monday 3 August 2020.

Items 1 - 3 of the agenda were adjourned to this meeting of the Panel.

Item 4 was considered at the meeting on 3 August 2020. After the public meeting and after deliberations but before a final decision, a member of the Panel became aware of a previously unknown pecuniary interest. In these circumstances the Chairperson abandoned any further consideration of the matter and the item will be reconsidered by a differently constituted Panel in the near future.

DECISION

1 60 KITCHENER PARADE, BANKSTOWN: ALTERATIONS AND ADDITIONS TO PROVIDE NEW FLOOR SPACE AT LEVEL 4 OF EXISTING COMMERCIAL BUILDING.

Site Visit

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

Public Addresses

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

- Mr Wageeh Ayoubi (applicant) available for any questions

Panel Assessment

Mr Allan Winterbottom was the Community Panel Member present for the deliberation and voting for this matter.

The Panel notes that there have been number of applications to amend the development on the site, which involved variations to the FSR. The maximum FSR for the site of 2:1 (based on Kitchener Street being taken as the primary frontage).

The panel accepts that the proposed development on the top floor is hidden from the streetscape and is acceptable in this part of the Town Centre. The clause 4.6 variation in terms of clause 4.6(3)(a) – compliance with the development standard is unreasonable and unnecessary in the circumstances of the case, relies on *Wehbe 1* that the objectives are achieved notwithstanding any non-compliance with the standard and also *Wehbe 4* that the development standard has virtually been abandoned by the Council granting consents.

The Panel does not accept the *Wehbe 4* element for this part of the clause 4.6 variation. The Panel has been advised that the Council has not varied the development standard in this area or in the Town Centre, to such an extent that a finding of abandonment can be made. It has not been established that there is a pattern of an abandonment such that the development standard can no longer be said to represent the existing and or desired character of the locality.

Nevertheless, the Panel is satisfied that the applicant's written request has adequately addressed the required matters in clause 4.6(3) of Bankstown LEP and that the proposed development will be in the public interest being consistent with the objectives of the standard and the zone.

The Panel also notes the delegated concurrence of the Planning Secretary for this type of matter.

Finally, the applicant has agreed to discuss with the Council a planning agreement for the payment of a contribution for two parking spaces which are generated by the development but cannot be provided on site.

Bankstown CBD car park was adopted by Council in 2009 and it outlines public carpark upgrades required in Bankstown CBD. The strategy is used for the parking offset policy in the parking chapter of the Bankstown DCP that applies to zone B4 and non-residential developments and sets the monetary contribution rates. Also, referenced in this DCP is section 94 funding and voluntary planning agreement contributions that are received being allocated to the development of additional decks on Marion Street carpark which is the largest Council owned carpark in the Bankstown CBD and located 500m from the subject site.

The Panel is satisfied that the Council has appropriate plans and works programs for the appropriate spending of the contributions that would be provided by the Applicant through the planning agreement.

The Panel agrees that there must be a deferred commencement condition requiring the planning agreement to be entered into and finalised prior to the consent operating.

The Panel agrees with the recommended two year period for the deferred commencement condition to be satisfied (as per amended conditions provided to the Panel).

The Panel agrees that the application should be approved.

CBLPP Determination

THAT Development Application DA-960/2019 RE: Alterations and additions to provide new floor space at Level 4 of existing commercial building be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to the recommended conditions:

- Condition 3 to read as follows:
No approval is granted or implied for the use of the new floor area the subject of the development application. Separate development consent for the use of this new area is required prior to its occupation.

Vote: 4 – 0 in favour

2 7-9 MACARTHUR AVENUE, REVESBY: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A FOUR STOREY MIXED USE DEVELOPMENT COMPRISING A GROUND FLOOR CHILCARE CENTRE, 30 BOARDING ROOMS AND THREE RESIDENTIAL APARTMENTS WITH BASEMENT CAR PARKING.

Site Visit

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

Public Addresses

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

- Radha Bellani (objector)
- Ammar - Becka & Associate (applicant)

Panel Assessment

Ms Inaam Tabbaa was the Community Panel Member present for the deliberation and voting for this matter.

The Panel notes that while there is a combination of uses proposed on this site (childcare centre, boarding house and residential units), the Council report demonstrates a high level of compliance with the relevant controls for these uses.

It is also noted that the consolidated Canterbury Bankstown LEP which has been publicly exhibited and it seeks to increase the maximum building height for the subject site from 14m to 20m with a storey limit changing from three storeys to six storeys and to increase the maximum FSR for the site from 1:1 to 3:1.

This draft LEP proposes to change the zoning of adjoining southern properties from R2 Low Density residential to R4 High Density residential with a maximum building height increase from 9m with a four story maximum and an FSR increase from 0.5:1 to 1:1.

The proposed development complies with the current maximum 14m height limit but the four storey is not designed as an “attic” as required by the DCP. The Council agrees with the report that an attic style design is not reflective of more recent trends in architecture displayed throughout the Canterbury Bankstown area and the Panel also notes the proposed changes to the area through the draft LEP referred to above. The Panel agrees that a variation to the relevant clause of the DCP about attics is acceptable in this case.

Concerns were raised by residents at the rear of the property regarding loss of privacy due to boarding rooms having openings towards that area.

The Panel considers the matter of privacy and overlooking has been mitigated against in the following manner:

- (a) there is a rear 9 m setback to the edge of the communal private open space on the second floor and to the third floor and to the edge of the two balconies for two of the units on the top floor,
- (b) privacy screens are to be provided to the edge of the two balconies on the top floor, and
- (c) there are no windows on the southern and eastern elevations.

There will be an additional parking space provided at the front of the site with the removal of one of the existing driveways.

The Panel is of the opinion that the large electricity pole in front of the site should be removed to provide for underground cabling across the front of the site as this would provide a direct improvement to the streetscape in this area in association with the development.

The Panel agrees that the application should be approved subject to some changes to the proposed recommended conditions.

Finally, it is noted that there is no application for any strata subdivision. Any proposed strata subdivision would require a separate approval.

CBLPP Determination

THAT Development Application DA-31/2019 RE: Demolition of existing structures and construction of a four storey mixed use development comprising a ground floor childcare centre, 30 boarding rooms and three residential apartments with basement car parking be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to the recommended conditions:

1. **Condition 5** - The acoustic report submitted in support of this application, prepared by Koikas Acoustics Pty Ltd titled '*Acoustical Report, Proposed Mixed-Use Development* reference number: 3674R20190408pd7-9MacarthurAveRevesby, dated 7 May 2019 and recommendations forms part of the development consent *all the recommendations of the report are to be included in the construction certificate plans*".
2. **Condition 13** – *“The side and rear boundaries are to be fenced at full cost to the developer. In relation to that part of the fencing that is to be around the ground floor outdoor play areas, the details of this fencing are to be in accordance with the recommendations of the acoustic report referred to in condition 5 with any other fencing to be 1.8m. The materials of the fencing is to be nominated by the acoustic expert who prepared the acoustic report referred to in condition 5. Any fencing outside of the necessary acoustic fencing is to be constructed of lapped and capped timber paling. The selection of materials and colours of fencing is to be determined in consultation with the*

acoustic expert and adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council. These details to be shown on an amended landscape plan

3. **Condition 14** – Landscaping to be provided in accordance with the final approved amended landscaping plan.
4. **Condition 20** – Add new subparagraph j) – *The removal of the power pole in front of the site and installation of underground cabling in front of the site for electricity and any other existing services using the pole.*
5. **Condition 21** – The public domain adjacent to the proposed development is to be improved as part of the development. This is to include *the removal of the existing power pole in front of the site and installation of underground cabling in front of the site for electricity and any other existing services using the pole* and the installation of new footpath - paving Type 1 and 1 x street tree located at the eastern end of the footpath using council approved standard details (S-021 'Standard Footpaving Type 1' and S-207A 'Standard Tree Planting in type 1 paving'). No awning or structure is to be built above the street tree pit. The applicant shall submit to the Council City Transformation team all details and design (including paver colour and specification) for the all works within the public domain areas for approval prior to the issue of a Construction Certificate.
6. **Condition 23** – Stormwater drainage from the development (*including all water draining from all communal areas, balconies and planter boxes and landscaped areas*), shall be designed so as to comply with Council's Development Engineering Standards and the requirements of the BASIX Certificate. A final detailed stormwater drainage design shall be prepared by a qualified Professional Civil Engineer in accordance with the above requirements and shall generally be in accordance with the concept stormwater plan No. 26-11-18-D1 to D5, rev D dated 13/3/2020 prepared by Com Construction P/L. The final plan shall be certified by the design engineer that it complies with Council's Development Engineering Standards, the BASIX Certificate and the relevant Australian Standards.
7. **Condition 24** – Where Council approved cut or fill exceeds 200mm and stable batter of 1 vertical to 3 horizontal maximum grade cannot be achieved, then a masonry or other proprietary material retaining wall, intended and suitable for that purpose, shall be constructed within the development site. Note, filling of the site needs specific approval from Council.

In the event that any retaining walls are necessary they shall be located so that they do not impede or obstruct the natural flow of stormwater. Retaining walls exceeding 600mm in height shall be designed by a qualified professional Civil/Structural Engineer. Plans and details prepared and signed by the Engineer are to be submitted to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate.

All works associated with the construction of the wall, including backfilling and drainage, is to be located wholly within the allotment boundaries.

8. **Condition 92** – The Plan of Management for the child care centre dated 12 September 2019 Amendment A and the Plan of Management for the boarding house dated 13 July 2020 Amendment A are approved and form part of this development consent. All procedures are to be adopted and shall be clearly displayed on the premises for both public and staff information at all times.

The Childcare Centre is to be operated in accordance with these conditions and its approved plan of management and the boarding house is to be operated in accordance with these conditions and its approved plan of management.

9. **Condition 94** – The development shall not be used as ‘hotel or motel accommodation’, ‘serviced apartment’, *backpacker’s accommodation* or ‘bed and breakfast accommodation’, as defined by Bankstown Local Environmental Plan 2015.
10. **Condition 100** – *No more than one lodger shall occupy the 14 single boarding rooms (as identified on the approved plans), and no more than two lodgers shall occupy the 16 double boarding rooms (as identified on the approved plans)”*
11. **Condition 101** – *The total number of lodgers residing in the boarding house at any one time shall not exceed 46 lodgers (including the manager).*
12. **Condition 107** – *One boarding room on the second floor shown as manager’s room, as shown on the approved plans shall be dedicated to a boarding house manager at all times. This room shall not be leased out separately to an individual tenant.*
13. **Condition 110** – *The maximum number of children to be in attendance at the Childcare Centre at any one time shall be limited to thirty eight (38) as follows:*
 - I. 0 -24 months aged – 8 children ;*
 - II. 24 – 36 months aged – 15 children ; and*
 - III. 36 months and over aged – 16 children*
14. **Condition 118** – to be deleted
15. **Condition 121** – to be amended to read: *Contracts (or agreements) with cleaners, building managers and tenants must clearly outline the waste management and collection system and must clearly identify everyone’s role and responsibility. This is to include:*
 - (a) Responsibility for cleaning and maintaining waste storage bins and containers*
 - (b) Responsibility for cleaning and maintaining waste storage room*
 - (c) Responsibility for the transfer of bins to the nominated collection point*
 - (d) Method of communication to new tenants and residents concerning the developments waste management system.*
 - (e) Cleaning up and management of bulky waste.*

Vote: 4 – 0 in favour

- 3 776-784 CANTERBURY ROAD, BELMORE: ALTERATIONS AND ADDITIONS TO AN EXISTING TWO STOREY RESIDENTIAL FLAT BUILDING, INCLUDING RETAINING 40 STUDIO APARTMENTS ON THE GROUND AND FIRST FLOOR AND THE CONSTRUCTION OF AN ADDITIONAL THIRD STOREY CONTAINING 20 STUDIO APARTMENTS WITH ASSOCIATED LANEWAY WIDENING, LANDSCAPING AND PARKING PURSUANT TO STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTING HOUSING) 2009.**

Site Visit

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

Public Addresses

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

- Mauricio Vera (objector)
- Mark Khoury (applicant)
- Jeff Mead (Representing Applicant)

Panel Assessment

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

The Panel accepts that this application is unusual in that it proposes to provide sixty affordable housing units on the site which will be operated by a social housing provider for 10 years.

A concern was raised by the owners of the property to the west (786 Canterbury Road) regarding the changes to the western side of the development causing amenity particularly privacy, impacts on the use of their property.

The Panel agrees that there will be some intensification of use of the ground floor outdoor area with the creation of the courtyards. There also appears to be larger openings onto the existing balconies at level 1 and there are new balconies and windows on the new level 2.

The applicant has agreed that there will be a 1.8m timber lapped and capped fence along this boundary (and along the other side boundary) and the landscaping strip is to be increased from 1m to 2m. There is appropriate landscaping which will provide a screening between the boundary.

The existing level 1 balconies can be screened and as noted by the applicant's planner the top floor façade has been designed to address privacy concerns by indenting of horizontal louver privacy screens appropriately designed to avoid overlooking.

The Panel is satisfied that these measures will sufficiently address the amenity concerns.

CBLPP Determination

THAT Development Application DA-557/2019 RE: Alterations and additions to an existing two storey residential flat building, including retaining 40 studio apartments on the ground and first floor and the construction of an additional third storey containing 20 studio apartments with associated laneway widening, landscaping and parking pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to the recommended conditions:

1. **Condition 2** to be amended as shown below:

The development plans shall be amended as follows:

- a) The war/veterans memorial is to be retained in its current location or relocated the central common open space area behind the building line.
- b) The operable louvres adjacent to the front door are to be a minimum of 2.4m by 0.5m in dimensions for all studio apartments on the second storey are to be operable.
- c) All onsite parking is to remain common parking for the use of all apartments. It is not to be allocated or subdivided to individual apartments.

- d) *The deep soil side setbacks adjacent to the eastern and western side boundaries is to be increased so the deep soil is minimum width of 2m together with side boundary fencing timber lapped and capped 1.8m high. These changes are to be shown on the amended landscape plan referred to in condition 11.*
 - e) A gate and intercom are to be provided at all main/common pedestrian entry points to the site.
 - f) The bathroom and ensuite windows being fixed with translucent glass.
 - g) A lift swipe access security system is to be installed to all lift shafts.
 - h) The front fencing on (Canterbury Road) frontage is to be of solid material and no higher than 1.2 metres with additional 300mm being of material that is 50% transparent (totaling a maximum height of 1.5 metres).
 - i) Storage areas must be provided in each of the second storey apartments of at least 4m³ per studio apartment.
 - j) The landscaped areas located in the front setback adjacent to Canterbury Road must be retained as deep soil and landscaping respectively for the life of the development. No encroachments for services or any structure is permitted.
 - k) The Acoustic assessment report referenced to in the above table is to be amended and submitted to the PCA to ensure to ensure the following LAeq levels are not exceeded:
 - in any bedroom in the residential accommodation - 35dB(A) at any time between 10pm and 7am; and
 - anywhere else in the building (other than a garage, kitchen, bathroom or hallway) - 40dB(A) at any time.
 - l) *Privacy screens 1.5m high to be provided on the western edge of the western level 1 balconies.*
 - m) *Prior to the issue of a Construction Certificate, an amended stormwater plan must be provided to and approved by the Principle Certifying Authority showing all stormwater drainage along the east and west side boundaries being relocated outside of any planting beds and located under any paving or hard landscaping.*
2. **Condition 3A** –New condition to be inserted before condition (3) - *Prior to the issue of a Construction Certification, all units addressing Canterbury Road must demonstrate a system of natural ventilation that simultaneously satisfies acoustic amenity (including the requirements in condition 2(k)) while achieving sufficient natural air movement and cross ventilation and natural ventilation to the satisfaction of the Acoustic Engineer and Ventilation Engineer.*
 3. **Condition 83A** – New condition to be inserted directly after condition 83 - *A report from an independent acoustic consultant is to be submitted to the PCA demonstrating compliance with the recommendations of the approved acoustic report together with the requirements of conditions 2 k and 3A*
 4. **Condition 93** – Add new condition after condition 92 - *All acoustic attenuation measures referred to in condition 83A are to be maintained for the life of the consent.*

Vote: 4 – 0 in favour

The meeting closed at 6:38pm