

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

HELD ON MONDAY 2 AUGUST 2021 (ONLINE ZOOM)

PANEL MEMBERS

PRESENT: Mr Anthony Hudson - Chairperson
Mr David Epstein - Expert Member
Mr Luke Foley - Expert Member
Ms Inaam Tabbaa – Community Representative Bankstown
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)
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 Bob Steadman (Team Leader Planning East, not present for the closed session)
Ms Fiona Kordahi (Senior Town Planner, not present for the closed session)
Ms Andrea Elias (Senior Town Planner, not present for the closed session)

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.02 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 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 12 July 2021** be confirmed.

DECISION

- 1 **DA-605/2019 44 KITCHENER PARADE, BANKSTOWN: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A SEVEN STOREY MIXED USE DEVELOPMENT OVER TWO BASEMENT LEVELS OF CAR PARKING WITH STRATA SUBDIVISION UNDER THE PROVISIONS OF STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009**

Site Visit

A virtual/online inspection of the site was undertaken by the Panel members prior to the public hearing.

Public Addresses

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

- Mr Ghazi Al Ali – Architect (representing applicant)

Panel Assessment

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

The Panel agrees with the assessment and the recommendation for approval.

This is a constrained site (width) and the proposed development has been constrained appropriately to achieve the affordable housing outcome including reduced height and design of basement.

The Council is agreeable to the terms of the proposed VPA for the 3 parking spaces and this will be the subject of a deferred commencement condition (two year time limit as requested by applicant)

CBLPP Determination

THAT Development Application DA-605/2019 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to the recommended conditions:

- (a) Schedule A condition one add "7.12 " after the word "Section" in second paragraph
The development contributions required to be paid in the operative part of the consent are not to be taken into account in the VPA, and the VPA payments are in addition to the Section "7.12" payments in the operative part of the consent.
- (b) Delete condition 9
- (c) Condition 82 second last paragraph to be amended to read:
The location of the "seven dwellings proposed to be used for the purposes of affordable rental housing" shall be identified on an A4 size site plan attached to the Section 88E Instrument.
- (d) Condition 88 to be amended to read in the second last paragraph:
All car parking spaces shall be allocated "*and be part of the relevant allotments*" and marked according to these requirements.
- (e) Condition 98 first paragraph to be amended to read:
Waste Collection Agreement with Council
Prior to the issue of an Occupation Certificate, the developer is to enter into a formal agreement with Council for the utilisation of Council's Domestic Waste Collection Service. This is to include Council being provided an easement "*at no cost to council*" for unimpeded access to and from the waste collection locations for council and its contractors to enter and exit for the purpose of waste and recycling collection. The

development is also required to indemnify council and its contractors against claims for loss or damage or wear and tear of access roads or to other parts of the building.

Vote: 4 – 0 in favour

2 DA-783/2020 6-8 KENT STREET, BELMORE: DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF A FIVE STOREY SHOP TOP HOUSING DEVELOPMENT COMPRISING OF 22 APARTMENTS, ONE COMMERCIAL PREMISE ON GROUND FLOOR AND TWO LEVELS OF BASEMENT PARKING

Site Visit

A virtual/online inspection of the site was undertaken by the Panel members prior to the public hearing.

Public Addresses

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

- Mr Mirwana Hanna (applicant)
- Ross Howieson - Architect (representing applicant)
- Ali Hammoud - Town Planner (representing applicant)

Panel Assessment

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

The Panel generally agrees with the assessment of the DA in the report.

However, as this is a new development the Panel is of the view that design improvements are required to address light, ventilation and privacy issues in a number of areas including “BED 2” of units 3.01, 3.02, 3.03, and in BEDs 1 and 2 of units 1.01, 2.01.

Suggested design changes include:

- (a) The lightwell outside bedrooms 1 and 2 of units 1.01 and 2.01 to be fully open to the sky. Windows should be positioned to avoid overlooking from one bedroom into another and to minimise noise impacts between the units. The Panel notes that the use lightwells for natural ventilation to habitable rooms is not supported in the ADG. See comments below.
- (b) Bedroom 2 of units 3.01 and 3.02 and 3.03 should be deleted and either 1 bed units provided or reduce the number of units to provide proper windows to bedrooms with an outlook to the street or to a landscaped courtyard.
- (c) Delete bathroom 2 windows in units 1.06, 2.06 and 3.07 – visual and aural privacy is compromised with adjacent private open space/balconies of units 3.05, 2.04 and 1.04.
- (d) As per (a) above, windows in units 2.04, 3.05, and 4.01 in the southern lightwell should be positioned to avoid overlooking from bedrooms to the private open space of the units above and below to minimise noise impacts between the units.
- (e) Provide additional common open space on the roof with appropriate setbacks and landscaping to complement the ground floor common open space and to achieve the required 50% sunlight access.

In relation to the above, the Panel notes the following ADG clauses that need to be addressed;

3F – Visual privacy – separation requirements within the same site - figure 3F.2

4A – solar and daylight access – Objective 4A- 2, Design guidance - Courtyards, skylights and high level windows (with sills of 1,500mm or greater) are used only as a secondary light source in habitable rooms, and where courtyards are used – restricted to kitchens, bathrooms and service areas – courtyards are fully open to the sky – access is provided to a lightwell from a communal area for cleaning and maintenance – acoustic privacy, fire safety and minimum separation distances in 3F are achieved

4B – Natural Ventilation – light wells are not to be the primary air source for habitable rooms.

Also the Panel notes that any revised plans should:

- Show the outline of No. 4 Kent Street in the North elevation
- Show the boundary wall of 4 Kent Street in plan on all levels relative to the proposal – (this is to clarify the impact of the existing building on the northern courtyard).
- Provide a site context plan and streetscape elevation with possible future development envelope for No. 4 Kent Street.

CBLPP Determination

THAT Development Application DA-783/2020 be **DEFERRED** subject to the following:

- (a) The matter be deferred for six weeks to enable the applicant (at its discretion) to provide amended plans to address the issues raised.
- (b) Any amended plans submitted be provided to the Panel and the Panel will finalise the determination of the DA electronically without any further meeting.
- (c) If the Applicant indicates that no further plans will be submitted or no plans are submitted within six weeks then the Panel will finalise the determination of the DA electronically without any further meeting.

Vote: 4 – 0 in favour

The meeting closed at 6:31pm