

**CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE**

**CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING**

**HELD ON MONDAY 3 MAY 2021**

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**PANEL MEMBERS**

**PRESENT:** Mr Grant Christmas - 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)  
Mr George Gouvatsos (Coordinator Planning East, 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 Haroula Michael (Senior Town Planner, not present for the closed session)  
Mr Tim Coorey (Town Planner, 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 and the submissions made by applicants and objectors as part of its determination of the applications on the agenda for the meeting.

**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 April 2021** be confirmed.

## DECISION

- 1 59A AND 98 KING STREET, CANTERBURY: ORIGINAL CONSENT: NIGHT RACING AND INSTALLATION OF LIGHTING STRUCTURES.  
PROPOSED AMENDMENT: MODIFICATION TO AMEND THE CONSENT RELATING TO THE CARPARK IN AREA 6 (SOUTH EAST CORNER OF KING AND PRINCESS STREETS KNOWN AS 59A KING STREET, CANTERBURY), TO NOT BE REQUIRED FOR CAR PARKING FOR CANTERBURY RACECOURSE NIGHT RACING.**

This Item was not considered by the Panel as it was formally withdrawn on 30 April 2021.

- 2 12 RIVERVIEW ROAD, EARLWOOD: ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING INCLUDING CONSTRUCTION OF A GARAGE AT GROUND LEVEL, RE-ESTABLISHMENT OF THE ORIGINAL TOPOGRAPHY OF THE SITE, CONSTRUCTION OF NEW TERRACE AND FLOOR AREAS BELOW THE LEVEL OF THE EXISTING DWELLING AND THE ADDITION OF A FLOOR ABOVE.**

### **Site Visit**

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

### **Public Addresses**

There was no public address in respect to this item.

### **Panel Assessment**

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

The Panel acknowledged the unfortunate history of the site and the unlawful development that had previously occurred. However, the Panel also noted that in order for work to commence on the site, the application needed to be properly assessed on its merits.

The Panel accepted that the proposal was unlikely to have significant view impacts to the neighbouring properties and that there would be an improvement to the existing streetscape. Further, although the proposed non-compliance with the height development standard was a large one, numerically, this was primarily a result of the past over-excavation of the site.

The Panel ultimately agreed with the conclusion in the Council officer's report that the development, as a whole, satisfied the relevant objectives of the applicable planning controls and that approval with conditions (albeit with some amendments) was an appropriate outcome.

### **CBLPP Determination**

THAT:

1. Pursuant to the provisions of clause 4.6 of Canterbury Local Environmental Plan 2012 ("the LEP"), the Panel is satisfied that the written request in relation to the contravention of the height of buildings development standard in clause 4.3 of the LEP has adequately addressed the required matters in clause 4.6 of the LEP. The Panel agrees that the written request demonstrates that compliance with the development standard is unreasonable in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the development standard. Further, the Panel considers that the proposed development will be in the public

interest because it is consistent with the objectives of the height of buildings standard and the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out.

2. Development Application DA-93/2019 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to the recommended conditions:
  - (a) Condition 16 be amended to add the following to the end of the first sentence of the condition: "Copies of the photographic survey are also to be provided to the relevant property owner."
  - (b) Condition 17 is to be amended to correct the relevant property addresses to "14 Riverview Road and 57 Homer Street".

**Vote: 4 – 0 in favour**

**3 460-462 BURWOOD ROAD, BELMORE: DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF A SIX STOREY SHOP TOP HOUSING DEVELOPMENT WITH FOUR COMMERCIAL TENANCIES, 22 APARTMENTS AND TWO LEVELS OF BASEMENT CAR PARK.**

**Site Visit**

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

**Public Addresses**

Mr Antonio Sahyoun - (Objector - Strata Committee)

**Panel Assessment**

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

The Panel were unanimously of the opinion that the proposed development needed to be comprehensively redesigned. In particular, the Panel noted the lack of streetfront activation and also questioned the ability of the development as proposed to achieve compliance with the maximum height as shown on the plans having regard to the nominated floor slab thicknesses.

The Panel concurred with the issue raised by the objector, Mr Sahyoun, that it was a poor outcome for the proposed development not to be designed so as to complement the recently constructed light well of the adjoining development. Such a design would likely result in unacceptable solar impacts to twelve of the dwellings at that development.

The Panel agreed with conclusion in the Council officer's report that the development had a number of fundamental shortcomings and should be refused.

The Panel also noted that because of the fine grained nature of the existing development in this locality that some strategic planning was required for this precinct in order that quality urban design outcomes could be achieved.

**CBLPP Determination**

THAT Development Application DA-205/2019 be **REFUSED** as recommended by the Council staff report subject to the following amended reasons for refusal:

1. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development application is not consistent with State

Environmental Planning Policy No 65- Design Quality of Residential Apartment Development with respect to Schedule 1 Design Quality Principles. The proposed development does not meet Principle 1: Context and Neighbourhood Character, Principle 2: Built Form and Scale, Principle 3: Density, Principle 4: Sustainability, Principle 6: Amenity, Principle 7: Safety and Principle 9 Aesthetics.

2. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the development application fails to satisfactorily demonstrate compliance with the Apartment Design Guide in accordance with Clause 28(2)(c) of State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development for the following:
  - a) 3B Orientation: As there is insufficient information to determine any loss of solar access to the adjoining neighbour.
  - b) 3C Public Domain: As the development does not provide a satisfactory interface with Burwood Road to the ground floor shops, while the residential and non-residential uses on the site are not adequately separated at the ground level.
  - c) 3D Communal Open Space:
    - i. The communal open space does not achieve a minimum of 50% direct sunlight to the principal usable part of the communal area for 2 hours between 9am and 3pm on the 21 June as required by Objective 3D-1, Design Criteria 2.
    - ii. The location of the communal open space is not exclusive to the residential component of the building and is not provided with safe access.
  - d) 3F Visual Privacy:
    - i. The rear setbacks do not meet the minimum requirement for a development that adjoins a lower density residential zone.
    - ii. 3F Visual Privacy: The separation between the habitable areas (interface conditions) within the development do not meet the requirements and will impact on the visual privacy between occupants within the development.
  - e) 3G Pedestrian Access and Entries: The street edge is not adequately activated with one main pedestrian access point to all of the building, the rear shops are not clearly visible from the street and pedestrian linkages through the ground floor in particular do not provide clear sight lines and are mixed with the shop/commercial component for the building causing safety and security concerns.
  - f) 4A Solar and Daylight Access: There is insufficient information to determine compliance with the solar access. The proposal does not achieve at least 70% of apartments in a building receiving 2 hours direct sunlight between 9am and 3pm at mid-winter. The windows to some of the apartments are also obscured with louvres which may impact the solar access entering the apartment.
  - g) 4C Ceiling Heights: The minimum ceiling heights are not likely to be realised as the plans are based on slab thickness of 200mm which is structurally unrealistic.
  - h) 4D: Apartment Size and Layout: A number of apartments exceed 8m in habitable room depth from a window.
  - i) 4E Private Open Space and Balconies: Some balconies do not meet the minimum area. The three-bedroom apartments have balconies that are not functional spaces given the size of the apartments.
  - j) 4G Storage: Storage areas unrealistically proposed in living rooms where normally occupants would locate entertainment units, tv's and the like.
  - k) 4Q Universal Design: Details have not been provided to enable assessment under this control.
  - l) 4S Mixed use: The proposal includes minimal street activation with the ground floor front elevation dominated by accessways and does not have a separate commercial and residential entrance.

- m) 4U Energy Efficiency: An amended BASIX Certificate has not been provided and therefore compliance could not be determined.
  - n) 4V Water Management and Conservation: The proposed water management methods are not satisfactory.
  - o) 4W Waste Management: Adequate waste management facilities are not provided.
3. The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the provisions of the Canterbury DCP 2012, including:
- a) Part B2 Landscaping, as an updated landscape plan has not been provided in accordance with the Canterbury Development Control Plan 2012.
  - b) Part B4 Accessible and Adaptable Design, as an updated report has not been provided for assessment.
  - c) Part B5 Stormwater and Flood Management, as the development fails to satisfactorily manage and dispose stormwater from the site.
  - d) Part B7.2.1 as the development includes blind corners particularly in the ground floor circulation areas, parts of communal open space do not receive natural surveillance, and entries are not clearly visible.
  - e) Part B9 Waste – as the proposed waste management plan, waste storage areas and design and access thereto do not comply.
  - f) Part C5.2.3.1 as the accessways to the residential component do not allow all potential use such as the transporting of furniture.
  - g) Part C5.2.4.1 as there is insufficient information to determine any impacts to the solar access to the neighbouring property.
  - h) Part C5.2.4.2 as an updated acoustic report has not been provided to allow assessment.
  - i) Part D1.3.5 as the shop does not comply with the minimum 10m depth
  - j) Part D1.3.3, C1(a) and (b) relating to the floor to ceiling heights.
  - k) Part D1.4.2 as the Ground level shops at rear do not interact with street and fail to satisfactorily contribute to the local centre.
4. Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development.
- a) Amended BASIX Certificate
  - b) Updated acoustic report.
  - c) Updated Accessibility Report.
  - d) Amended Landscape plan.
  - e) Insufficient information provided with the submitted Traffic Report.
5. The proposed development, pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, is unsatisfactory and is likely to adversely impact on the privacy and amenity issues of the future residents of the development.
6. Having regard to the previous reasons noted above, pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the development application is not in the public interest.

**Vote: 4 – 0 in favour**

The meeting closed at 6.15 pm.