

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

HELD ON 6 DECEMBER 2021

PANEL MEMBERS

PRESENT: Mr Anthony Hudson - Chairperson
Mr Linda Pearson - Expert Member
Mr Stephen Kerr - Expert Member
Ms Kayee Griffin – Community Representative Canterbury
Mr Ian Stromborg – Community Representative Revesby
Mr Tony Rodi - 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 Bob Steadman (Team Leader Planning East, not present for the closed session)
Ms Alice Pettini (Executive Planner, not present for the closed session)
Ms Haroula Michael (Senior Town Planner, not present for the closed session)
Mr Aidan Harrington (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 from the Council staff and the submissions made by objectors.

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 1 November** 2021 be confirmed.

DECISION

- 1 **DA-627/2020 - 65-69 DUNTROON STREET, HURLSTONE PARK: PARTIAL DEMOLITION OF EXISTING STRUCTURE AND CONSTRUCTION AND CONVERSION RE-USE TO PROVIDE FOR EIGHT AFFORDABLE RENTAL HOUSING DWELLINGS PURSUANT TO STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009**

Site Visit

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

Public Addresses

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

- Kate Lumley (President – Hurlstone Park Association)
- Robert Bitar (Applicant – Bitar Projects/Euphoria Group Pty Ltd)

Panel Assessment

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

The Panel notes that this DA was lodged in July 2020.

There was an appeal to the Land and Environment Court (LE) in October 2020. The LEP was amended in December 2020 and this amendment effected a zoning change from R3 to R2 resulting in the proposed development being prohibited. The court appeal was discontinued in May 2021.

The Panel notes that the applicant agrees that there is no savings provision to “save” this DA which means the proposed development is prohibited.

In these circumstances the Panel has no legal power to consider and approve the application so the DA must be refused.

CBLPP Determination

THAT Development Application DA-627/2020 be **REFUSED** in accordance with the Council staff report recommendation.

Vote: 4 – 0 in favour

- 2 **DA-648/2021 - 272 & 274A MILPERRA ROAD, 439 & 441 HENRY LAWSON DRIVE, MILPERRA & 256A HENRY LAWSON DRIVE, BANKSTOWN AERODROME: SPECIFIC WORKS AS PART OF STAGE 1A OF HENRY LAWSON DRIVE UPGRADE WORKS - DESIGNATED DEVELOPMENT**
- AREA 1 (HENRY LAWSON DR OPPOSITE TOWER RD): ROAD WIDENING, FILL EMBANKMENTS, EXTENDING STORMWATER CULVERT, OUTLET SCOUR PROTECTION, ADDITIONAL STORMWATER DRAINAGE AND VEGETATED SWALES, ADJUSTMENTS TO EXISTING SHARED PATH, AND ROAD FURNITURE.**
- AREA 2 (MILPERRA RD OPPOSITE BANKSTOWN AIRPORT): INVOLVES A NEW BUS STOP, NEW FOOTPATH TO THE BUS STOP, FILL EMBANKMENTS, EXTENDING STORMWATER CULVERT, SCOUR PROTECTION, ADDITIONAL STORMWATER DRAINAGE AND ROAD FURNITURE.**
- AREA 3 (HENRY LAWSON DR OPPOSITE AULD AVE): REMOVING ANCILLARY STRUCTURES, INSTALLING TEMPORARY FENCING AND EROSION CONTROLS AND USE AS ANCILLARY FACILITY**

Site Visit

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

Public Addresses

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

- Ashlie Stevenson – President Bushland Society
- Alex Lyle – TfNSW (Representing Applicant)

Panel Assessment

Ian Stromborg was the Community Panel Member present for the deliberation and voting for this matter.

The Panel notes that this Crown DA is restricted to a small part of a more substantial Crown road upgrading proposal (upgrade of a 1.3 kilometre length of Henry Lawson Drive between Keys Parade, Milperra and Tower Road, Bankstown Aerodrome) which is being considered under Part 5 of the EPA Act.

This development in this DA must be assessed under Part 4 of the EPA Act because the areas of development in the DA are part of coastal wetlands as identified on the Coastal Wetlands and Littoral Rainforests Area Map. Clause 10 of SEPP (Coastal Management) 2018 states that any development undertaken on land identified as a coastal wetland requires development consent. Clause 10(2) also deems development on land within a coastal wetland as Designated Development in accordance with the EP&A Act 1979 and the EP&A Regulation 2000.

The panel agrees with the report and recommendation.

The only matter to address is the retiring of the Biodiversity Conservation (BC) Act 2016 credits under the offset scheme which the Panel is informed applies to the proposed development.

Sections 7.13(3) and (5) of the BC Act 2016 require that if the consent authority decides to grant consent and the biodiversity offsets scheme applies to the proposed development, the conditions of the consent must require the applicant to retire biodiversity credits to offset the residual impact on biodiversity values of the number and class specified in the BDAR. Also this condition must be complied with before any development is carried out that would impact on biodiversity values.

Therefore an appropriate condition must be included and agreed upon by TfNSW.

CBLPP Determination

THAT Development Application DA-648/2021 be **APPROVED** in accordance with the Council staff report recommendation, on the assumption that TfNSW agrees to adopt the recommendation subject to an additional condition 4.8 as follows:

- 4.8 In accordance with sections 7.13(3) and (5) of the Biodiversity Conservation Act 2016 the biodiversity credits referred to in the approved Biodiversity Development Assessment Report 16/07/2021 PS119522 must be retired before any development is carried out that would impact on biodiversity values.

Vote: 4 – 0 in favour

3 DA-794/2020 - 773-777 CANTERBURY ROAD, BELMORE: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A FIVE STOREY RESIDENTIAL FLAT BUILDING DEVELOPMENT CONTAINING 37 UNITS ABOVE TWO LEVELS OF BASEMENT CAR PARKING, WITH ASSOCIATED LANDSCAPING AND COMMUNAL OPEN SPACE. THE APPLICATION ALSO INCLUDES THE SUBDIVISION OF 137SQM OF LAND ALONG WILSON LANE TO DEDICATE TO COUNCIL FOR LANEWAY WIDENING

Site Visit

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

Public Addresses

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

- Theodore Loucas – Applicant
- George Vasiliades – Owner

Panel Assessment

Tony Rodi was the Community Panel Member present for the deliberation and voting for this matter.

The Panel agrees with the assessment and recommendation.

The applicant requested changes to proposed conditions 2.3, 2.20, 5.13, and 5.21.

The Panel agrees with the proposed changes for proposed conditions 2.3, 2.20, and 5.13.

The Panel does not agree with any change to proposed condition 5.21 so that an independent acoustic expert is to carry out the post construction acoustic assessment.

The community representative did not agree that the application should be approved because there was no real consideration for passive thermal design for level 5 resulting in this level being an unsustainable "hot box" which wastes energy.

CBLPP Determination

THAT Development Application DA-794/2020 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to the recommended conditions:

- 1.1e The word "eastern" be changed to "western".
- 2.3 All scheduled plant stock shall be pre-ordered 3 months prior to the commencement of landscape construction works, for the supply to the site be on time for installation. Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438), prior to issue of any Construction Certificate. The order confirmation shall include name, address and contact details of supplier; and expected supply date.

Note: Changes to condition 2.3 confirmed at CBLPP 15 December 2021 public meeting:

- 2.3 All scheduled plant stock shall be pre-ordered 3 months prior to the commencement of the landscape construction works, for the supply to the site be on time for installation.

Written confirmation of the order shall be provided to Council's Landscape Architect (Contact no: 9789 9438) 2.5 months prior to the commencement of the landscape construction works. The order confirmation shall include name, address and contact details of supplier; and expected supply date.

2.20 The phrase “6 months” be changed to “3 months.”

5.13 Final registration of land dedication to Council for lane widening shall be finalised prior to the issue of any Occupation Certificate.

Vote: 3 – 1 in favour

4 DA-500/2020 - 892-906 CANTERBURY ROAD, ROSELANDS: DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A NEW SIX STOREY SHOP TOP HOUSING DEVELOPMENT OVER TWO LEVELS OF BASEMENT CAR PARKING AND THE ASSOCIATED LANDSCAPING

Site Visit

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

Public Addresses

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

- Ahmad Diab (Developer/applicant)
- Ihab Shams, Architect (representing applicant ADS Architects)

Panel Assessment

Tony Rodi was the Community Panel Member present for the deliberation and voting for this matter.

The Applicant has very recently provided substantial additional material in response to the officers report recommending refusal.

The applicant suggests that a number of the matters (if not all) raised have been addressed.

A brief consideration of this new material by council staff indicates that some matters have been addressed but further details may be needed as well as a further resident notification.

The Panel has not had sufficient time to consider this material. The Applicant has previously been advised of a number of the issues raised in the report and given opportunities to properly address these issues.

The Panel is of the view that the application should be refused at this time rather than deferring the application.

The Panel will refuse the application based on the plans and documents received by the council and assessed in the report to the Panel (ie prior to the recent material).

The Panel notes that the applicant has the option of lodging an s8.2 review application with the council within 28 days of the Panel’s decision. The applicant could then request that the council consider the additional material and the council could then respond with any further request for information and the application re notified. The review application would then be referred to a differently constituted panel for determination. All of this would have to take place within 12 months from this Panel’s decision.

CBLPP Determination

THAT Development Application DA-500/2020 be **REFUSED** in accordance with the Council staff report recommendation.

Vote: 4 – 0 in favour

The meeting closed at 6:43pm