

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

HELD ON MONDAY 12 APRIL 2021

PANEL MEMBERS

PRESENT: Ms Jan Murrell - Chairperson
Mr Richard Thorp - Expert Member
Ms Helen Deegan - Expert Member
Mr Graeme Wilkinson – Community Representative 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)
Mr Stephen Arnold (Coordinator Planning West, not present for the closed session)
Mr George Gouvatsos (Coordinator Planning East, not present for the closed session)
Ms Kristy Bova (Executive Planner, not present for the closed session)
Ms Haroula Michael (Senior Town Planner, not present for the closed session)

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.05 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 MARCH 2021** be confirmed.

DECISION

- 1 **229 TOWER STREET, PANANIA: DEMOLITION OF ALL EXISTING STRUCTURES AND THE CONSTRUCTION OF A FOUR STOREY SHOP TOP HOUSING DEVELOPMENT COMPRISING BASEMENT CAR PARKING, FOUR GROUND FLOOR RETAIL/COMMERCIAL PREMISES AND 34 RESIDENTIAL UNITS AT THE UPPER LEVELS.**

Site Visit

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

Panel Assessment

Graeme Wilkinson was the Community Panel Member present for the deliberation and voting for this matter.

The Panel is not satisfied the proposed development will provide an appropriate built form and urban design outcome for the desired future character of the local centre. Furthermore, the internal amenity for future residents is compromised including poor residential entry to the building from the street.

CBLPP Determination

That Development Application DA-1326/2015 is **REFUSED** in accordance with the Council staff report, subject to the following changes to the recommended reasons for refusal:

- 1) The proposed development fails to comply with the *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*, specifically, the Apartment Design Guide (ADG) – Objective 3B-2 (overshadowing of adjoining properties), 3C-1 (transitions), 3C-2 (amenity of public domain), 3D (communal space), 3F (visual privacy), 3G (pedestrian access and entries), 3H (vehicle access), 4A-1 (solar access), 4B-3 (natural cross-ventilation), 4C-1 (ceiling heights), 4D-1 (visible window from each room), 4G (storage), 4M (façade & building entries), 4N (roof design), 4S-2 (concealment opportunities) [Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act, 1979*];
- 2) The proposed development is inconsistent with Clause 1.2(i) and (l) of the aims of the *Bankstown Local Environmental Plan 2015* as the development will result in reduced visual privacy for the low-density residential properties at the rear of the site [Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act, 1979*];
- 3) The proposed development is inconsistent with the objectives of Section 3 of the B2 Local Centre zone listed in the *Bankstown Local Environmental Plan 2015* as the development does not achieve good urban design in terms of building form, bulk, architectural treatment and visual amenity, is not compatible with the desired character of the area and the form and building design does not provide appropriate amenity to neighbouring residential development in terms of privacy [Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act, 1979*];
- 4) The proposed development is inconsistent with Clause 1.2(i) and (l) of the aims of the *Draft Canterbury Bankstown Local Environmental Plan 2020* as the development will result in reduced visual privacy for the low-density residential properties at the rear of the site [Pursuant to Section 4.15(1)(a)(ii) *Environmental Planning and Assessment Act, 1979*];

- 5) The proposed development fails to comply with the objectives of Section 5 of Bankstown Development Control Plan 2015 – Part B2 Commercial Centres as the building facade is on a corner allotment and does not add visual interest to the streetscape or create an interesting roof skyline through a corner element roof feature [Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act, 1979*];
- 6) The proposed development fails to comply with Clause 3.4 of Bankstown Development Control Plan 2015 – Part B2 Commercial Centres which relates to storey limit [Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act, 1979*];
- 7) The proposed development fails to comply with Clause 3.6(b) & (c) and 3.10(b) & (c) of Bankstown Development Control Plan 2015 – Part B2 Commercial Centres which relates to setbacks [Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act, 1979*];
- 8) The proposed development fails to comply with Clauses 3.13, 5.1, 5.3 & 5.4 of Bankstown Development Control Plan 2015 – Part B2 Commercial Centres which relates the Apartment Design Guide [Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act, 1979*];
- 9) The proposed development fails to comply with Clause 5.23 and 5.38 of Bankstown Development Control Plan 2015 – Part B2 Commercial Centres which relates to solar access, privacy and amenity impacts on adjoining residential properties [Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act, 1979*];
- 10) Insufficient information has been submitted demonstrating compliance with Clauses 3.14, 3.15 and 3.16 of Bankstown Development Control Plan 2015 – Part B2 Commercial Centres which relates to substations [Pursuant to Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act, 1979*];
- 11) The development application does not comply with Clause 50(1AB)(b)(i) and (ii) of the Environmental Planning and Assessment Regulation 2000 as the Design Verification Statement submitted does not provide an explanation that verifies how the development addresses how the design quality principles are achieved, and demonstrates, in terms of the Apartment Design Guide, how the objectives in Parts 3 and 4 of that guide have been achieved [Pursuant to the provisions of *Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979*].
- 12) The development application fails to adequately address the provisions of *State Environmental Planning Policy No 55 - Remediation of Land* [Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act, 1979*];
- 13) The proposed development represents an unacceptable level of impact of the locality [Pursuant to Section 4.15(1)(b) *Environmental Planning and Assessment Act, 1979*];
- 14) The site is considered unsuitable for the proposed development [Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979];
- 15) The development is not considered to be in the public interest [Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*].

NOTES:

- 1) The Panel's decision was made after consideration of the matters listed under Section 4.15 of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.

- 2) If you are dissatisfied with this decision, you may apply for a review of determination pursuant to Section 8.2 of the Environmental Planning and Assessment Act, 1979 or appeal to the Land and Environment Court pursuant to Sections 8.7 and 8.10 of the Environmental Planning and Assessment Act, 1979. Any application for a review pursuant to Section 8.2 must be received, assessed and determined by Council within 6 months after the date of receipt of this Determination Notice. The 6 month period for a review is currently extended to twelve months for determinations made during, or six months before, the Prescribed Period of 25 March 2020 and 25 March 2022. You should seek advice from your legal advisor on the time limits for the lodgement of any appeal.

Vote: 4 – 0 for refusal of the application

2 684-700 CANTERBURY ROAD, BELMORE: PROPOSED CONSTRUCTION OF A SIX STOREY SHOP TOP HOUSING DEVELOPMENT COMPRISING 39 RESIDENTIAL UNITS, COMMERCIAL TENANCY, TWO BASEMENT LEVELS AND ASSOCIATED LANDSCAPE AND SITE WORKS

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 Gerard Turrisi (Town Planner representing applicant)
- Chris Palmer (Traffic Consultant representing applicant)
- Mr Ziad Chanine (Architect representing applicant)
- Mr Rudy Jasin (Architect representing applicant)

Panel Assessment

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

The Applicant's town planner requested the matter be deferred as amended plans are in the process of being prepared with the aim to resolve outstanding issues. On questioning, the Applicant advised the necessary documentation could be provided to the Council within 2 weeks.

The Panel notes that the plans have been revised a number of times in response to previous concerns raised by Council's Officer's and the issues have been reduced.

In the circumstances the Panel considers a deferral is appropriate to allow for further dialogue.

CBLPP Determination

THAT Development Application DA-422/2018 is **DEFERRED** to allow the applicant the opportunity to submit documentation and amended plans to address concerns raised in the Council staff report. In particular this includes:

- addressing the clearance height for waste collection vehicles by setting back the first level in the vicinity of apartments 7 and 8 with a consequent reduction in floor space and reconfiguration of unit layout with possibly the loss of a unit;
- resolution of the pedestrian footpath to Council Engineer's satisfaction; and
- increase in floor to ceiling height of ground floor retail space;

Amended plans are to be submitted to Council together with a new Clause 4.6 written request to address any height exceedence of the standard. This is to be submitted to Council within two weeks to allow Council staff to assess and prepare a report for the timely consideration by the Panel. The Panel will determine the application electronically.

In the event the above information is not received by Friday 30th April 2021 the application will be determined by refusal of consent.

Vote: 4 – 0 in favour of deferral

3 PROCEDURES CANTERBURY BANKSTOWN LOCAL PLANNING PANEL

The Panel endorses the Chairman's report to be forwarded to the Council for its consideration. In the interests of clarity the following amendment to the body of the report should be made as follows:

Community representatives are therefore selected for consideration of matters from their own wards "*usually*". The selection within wards has for some time now been on a rotation system between the representative and the alternative representative.

This change covers the situation when at times a conflict of interest arises or inability to attend may arise.

Vote: 4 – 0 in favour

The public meeting closed at 6.55pm.