

CITY OF CANTERBURY BANKSTOWN

MINUTES ELECTRONIC DETERMINATION OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

HELD ON WEDNESDAY 25 AUGUST 2021

PANEL MEMBERS

PRESENT: Mr Grant Christmas - Chairperson
Mr Stephen Kerr - Expert Member
Mr Richard Thorp - Expert Member
Mr Karl Saleh - Community Representative Roselands

STAFF IN

ATTENDANCE: Ms Maryann Haylock (Local Planning Panel Administration Officer)
Ms Robyn Winn (Coordinator Governance, not present for the closed session)
Mr Ian Woodward (Manager Development, not present for the closed session)
Mr George Gouvatsos (Coordinator Planning East, not present for the closed session)
Ms Haroula Michael (Senior Planner, not present for the closed session)
Mr Jeff Senior (Infrastructure Specialist, not present for the closed session)

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 4.30 PM.

INTRODUCTION

The Chairperson noted that this meeting was called in order to determine a development application which was deferred by the Panel on 12 April 2021. The Panel would, in accordance with the resolution of 12 April 2021, determine the application on the basis of the additional plans and documents submitted by the Applicant and the assessment report prepared by the Council officers.

APOLOGIES

There were no apologies received.

DECLARATIONS OF INTEREST

The Chairperson noted that all Panel Members had submitted written Declarations of Interest returns prior to the meeting. No declarations were required to be made.

DECISION

- 1 DA-422/2018 684-700 CANTERBURY ROAD, BELMORE: PROPOSED CONSTRUCTION OF A SIX STOREY SHOP TOP HOUSING DEVELOPMENT COMPRISING 39 RESIDENTIAL UNITS, BUSINESS TENANCY, TWO BASEMENT LEVELS AND ASSOCIATED LANDSCAPE AND SITE WORKS AND SUBDIVISION OF THE SITE INTO TWO LOTS**

Site Visit

A virtual online inspection of the site was undertaken by the Panel members prior to the meeting.

Panel Assessment

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

The Panel noted the resolution of the previous Panel of 12 April 2021 and the particular matters which warranted deferral of the application following consideration of the detailed assessment report considered at the meeting.

In particular the Panel noted that:

- (a) The clearance height of the entrance to the basement for waste vehicles had been amended to comply with the Council's standards;
- (b) The applicant has provided amended civil plans which addressed the pedestrian footpath and pram ramps grades; and
- (c) The floor to ceiling heights of the ground floor had been increased to allow for a finished floor to finished ceiling height to the ground floor tenancy of 3.3m as required by Councils DCP.

The Panel also noted that the result of achieving the relevant clearance and floor to ceiling heights was that the proposed development would not comply with the 18m height of buildings development standard in clause 4.3 of the Canterbury Local Environmental Plan 2012. The development's proposed non-compliance would be up to 310mm. The Panel was of the view that the Applicant's Clause 4.6 Request was well founded and that the proposed height provided for an appropriate transition between the adjoining developments. Further, the Panel accepted that the non-compliant height resulted in an improved amenity by enabling greater floor to ceiling heights for the two level dwellings on the upper levels of the development.

The Panel noted that the building height is predicated on floor-to-floor heights on levels 1 to 4 of 3.0m; and that detailed sections have been provided indicating that it is feasible to construct the floors at this height while achieving the 2.7m minimum ceiling height required by the Apartment Design Guide (ADG). While there was some discussion regarding whether this was feasible, the Panel agreed that this issue was not determinative.

The Panel otherwise accepted the assessment of the Panel of 12 April 2021 in respect to the other relevant matters including the amenity of the dwellings by reference to the ADG.

The Panel considered that one matter required specific attention – being the potential amenity (acoustic) impacts to the bedrooms of Apartments 106 and 107 having regard to their location directly over the basement driveway. An additional condition of consent should be imposed to require particular acoustic treatment before the issue of a construction certificate.

The Panel also made particular note of the public benefit that would ultimately result by the dedication of part of the site to permit the joining of Joan Lane and Timothy Lane.

The Panel concluded that the application had been amended so that it was worthy of approval.

CBLPP Determination

1. Pursuant to the provisions of clause 4.6 of the 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 unnecessary 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 B5 Business Development zone in which the development is proposed to be carried out.

2. THAT Development Application DA-422/2018 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following additional condition 2A):
 - In addition to condition 8) and before the issue of a Construction Certificate, a report detailing the acoustic measures to be installed within Apartments 106 and 107 is to be provided to the Principal Certifying Authority so as to ensure that the following LAeq levels are not exceeded:
 - (a) in any bedroom in those apartments - 35 dB(A) at any time between 10 pm and 7 am,
 - (b) anywhere else in those apartments (other than a kitchen, bathroom or hallway) - 40 dB(A) at any time.

Vote: 4 – 0 in favour

The meeting closed at 5.38pm