

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

HELD ON MONDAY 5 DECEMBER 2022

PANEL MEMBERS

PRESENT: Mr Anthony Hudson - Chairperson
Mr Linda Pearson - Expert Member
Mr Stephen Kerr - Expert Member
Ms Linda Eisler - Community Representative Canterbury
Ms Inaam Tabbaa – Community Representative Bankstown

STAFF IN

ATTENDANCE: Ms Leisha McCarthy (Local Planning Panel Administration Officer)
Ms Jasmine Hammond (Administration Officer)
Ms Robyn Winn (Coordinator Governance)
Mr Ian Woodward (A/Director Planning, not present for the closed session)
Mr Stephen Arnold (Coordinator Planning West, not present for the closed session)
Mr Bob Steedman (Team Leader Planning, not present for the closed session)
Mr Christopher Phu (Senior Town Planner, West, not present for the closed session)
Mr Ryan Gardiner (Town Planner, West, not present for the closed session)
Mr Warren Terry (Senior Town Planner, East, not present for the closed session)

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.08 PM.

ACKNOWLEDGEMENT OF COUNTRY

The panel acknowledges the traditional owners of the land where we are meeting today, the Darug and the Eora peoples, and we pay respect to their culture and their elders past, present and emerging.

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 planning proposal.

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 **7 November 2022** be confirmed.

DECISION

- 1 **DA-1047/2021 - 15, 17 & 19 LEONARD STREET, BANKSTOWN: DEMOLITION OF EXISTING STRUCTURES, REMOVAL OF THREE SITE TREES AND ONE STREET TREE, AND CONSTRUCTION OF A SIX STOREY RESIDENTIAL FLAT BUILDING CONTAINING 30 RESIDENTIAL APARTMENTS WITH TWO LEVELS OF BASEMENT PARKING.**

Site Visit

Individual site inspections were undertaken by the Panel members prior to the public hearing.

Public Addresses

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

- Mireille Khoury (objector)
- Nigel Dickson, D.R Design (applicant)

Panel Assessment

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

The Panel agrees with the assessment report and recommendation. Negotiating or obtaining a drainage easement can be a lengthy process so a two year deferred commencement period is preferable.

CBLPP Determination

1. THAT Development Application DA-1047/2021 be **APPROVED** in accordance with the Council staff report recommendation subject to the following amendment to conditions:
 - (a) The time period to satisfy the deferred commencement conditions be changed from 'twelve months' to 'twenty four months'
 - (b) Replace deferred commencement conditions 1-3 with the following deferred commencement conditions:
 - (i) Documentary evidence shall be provided that the subject site has the benefit of the existing easement for drainage burdening 90-92 Restwell Street, Bankstown up to Restwell Street frontage.
 - (ii) The applicant is to provide a detailed design (certified by an appropriately qualified engineer) showing how the stormwater pipe(s) will occupy the easement including structural details for any changes to any existing retaining wall(s) due to construction impacts for the pipe(s) and for how any retaining wall will not affect the structural adequacy of the pipe(s). The detailed design must also consider existing levels of the easement including assessment of whether levels on the lower side of the retaining wall will affect the minimum depth of cover and minimum fall for the pipe.
 - (iii) Alternatively, to (i) and (ii) the applicant shall negotiate a new easement over the rear site and provide documentary evidence that the easement is legally registered to benefit the subject site and provide evidence of a satisfactory design for the construction and placement of the pipe(s) certified by an appropriately qualified engineer.

2. Insert in condition 2.19 after the words ‘.....and shall generally be in accordance with the approved concept stormwater plan as shown in the table below’ the following words ‘together with the final approved deferred commencement plans’.
3. The reasons for the grant of consent are the reasons given in the council officers assessment report and in the panel assessment.

Vote: 4 – 0 in favour

2 DA-762/2022 - 74 RICKARD ROAD, BANKSTOWN: BUILDING IDENTIFICATION SIGNS FOR THE WESTERN SYDNEY UNIVERSITY (WSU) BANKSTOWN CITY CAMPUS, INCLUDING FOUR LARGE WSU LOGO AND BRANDING SIGNS LOCATED ON THE FACADES OF THE BUILDING, AND NINE SMALLER SIGNS LOCATED AT VARIOUS ENTRY POINTS TO THE BUILDING.

Site Visit

Individual site inspections were undertaken by the Panel members prior to the public hearing.

There were no Public Addresses

Panel Assessment

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

The Panel notes from the SEE that ‘the signage on the western façade will be internally illuminated with LED modules with transformers, dimmers and a warm white light to the electrical engineer’s specifications and compliance with relevant Australian Standard for light spill accordingly is expected to be achieved’.

To address these requirements the Panel is of the opinion that a condition should be imposed that an engineers’ certification is to be obtained prior to any occupation certificate being issued that certifies compliance with the relevant Australian Standards for light spill.

The Panel notes that this is a Crown DA and that the relevant Department has agreed to the draft conditions as proposed. The additional condition will have to be agreed to before the development application can be finally approved. Otherwise, the Panel agrees with the Council Officers report and recommendation that the application be approved subject to conditions.

CBLPP Determination

1. The proposed additional condition 4.4 (see below) be sent to the relevant Department for crown approval.
2. Upon approval the Development Application DA-762/2022 be **APPROVED** subject to the proposed conditions with the following additional condition 4.4 being added, to read:
 - 4.4 An engineers’ certification is to be obtained prior to any occupation certificate being issued, that certifies compliance with the relevant Australian Standard for light spill.

3. The reasons for the grant of the consent are the reasons given in the council officers assessment report and in the panel assessment.

Vote: 4 – 0 in favour

3 DA-596/2021 - 680 NEW CANTERBURY ROAD, HURLSTONE PARK: DEMOLITION OF THE EXISTING BUILDING AND THE CONSTRUCTION OF A FOUR STOREY SHOP TOP HOUSING DEVELOPMENT OF 14 RESIDENTIAL UNITS AND ONE COMMERCIAL UNIT OVER TWO LEVELS OF BASEMENT PARKING WITH PROPOSED SUBDIVISION INTO TWO LOTS, FOR THE PURPOSE OF LAND DEDICATION FOR THE WIDENING OF WATTLE LANE.

Site Visit

Individual site inspections were undertaken by the Panel members prior to the public hearing.

Public Addresses

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

- Mirwan Hanna, Multiform Design & Construction P/L (objector)
- Joseph Khoury, MKD Architects (applicant)

Panel Assessment

Linda Eisler was the Community Panel Member present for the deliberation and voting for this matter.

The Panel accepts that this is a difficult site in the B2 zone and notes that there have been changes to the design to address concerns of the Council including two car lifts instead of one.

The Panel notes the concerns of an adjoining neighbour on Melford Street and the Panel is of the opinion that there should be privacy screening to address these concerns as follows:

- (a) highlight windows for bed 2 of units L1.05, L1.04, L2.05, L2.04 and L3.03; and bed 1 of units L1.03 L2.03, and
- (b) fixed vertical louvers 1.8m high angled towards Canterbury Road on SE balconies of units L1.04, L2.04 and L3.03

CBLPP Determination

THAT Development Application DA-596/2021 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to the recommended conditions:

1. Add sub- paragraphs b. and c. to condition 1.2 as follows:
 - b. highlight windows for bed 2 of units L1.05, L1.04, L2.05, L2.04 and L3.03; and bed 1 of units L1.03 L2.03, and
 - c. fixed vertical louvers 1.8m high angled towards Canterbury Road on SE balconies of units L1.04, L2.04 and L3.03
2. Deletion of condition 1.6. Insert at the end of condition 2.3 before the fullstop the following; 'prior to commencement of any works'

3. The reasons for the grant of the consent are the reasons given in the council officers assessment report and in the panel assessment.

Vote: 3 in favour - 1 against

4 **DA-402/2022 - 68 UNDERCLIFFE ROAD, EARLWOOD: ALTERATIONS AND ADDITIONS TO AN EXISTING SINGLE-STOREY DWELLING INCLUSIVE OF PART BASEMENT AREA, GROUND FLOOR ADDITION TO THE FORWARD PORTION OF THE DWELLING, AND AN IN-GROUND SWIMMING POOL.**

Site Visit

Individual site inspections were undertaken by the Panel members prior to the public hearing.

Public Addresses

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

- Danielle Cooper (objector)
- Shawn Ingham (objector)
- Bronwyn Hanna (Heritage Consultant on behalf of the objectors)
- Chris Gough, SG Law – (Legal Representative for the applicants)
- Con and Diane Panagopoulos (applicant)
- Elias John Sokias, Design Studio 407 (On behalf of applicant)

Panel Assessment

Linda Eisler was the Community Panel Member present for the deliberation and voting for this matter.

The Panel notes that this site is almost a north south site which means there will be difficulties with overshadowing even from reasonable development on the site.

The Panel also notes that there have been changes to the proposal to address impacts including an increase to the setback of the first floor, reducing the height of the building and deletion of the main entrance on the first floor and the external staircase.

In the Panel's view while the proposal, will have an impact, the impacts are not so unreasonable to support a refusal.

In relation to heritage, the Panel accepts the heritage assessment contained in the assessment report noting the proposed recommended heritage condition to step the front fence down towards the street

The Panel notes that a number of conditions have been proposed to address particular amenity impacts.

The Panel accepts the applicants' amendments to the proposal as follows:

- (a) changes in the new plan - 'Proposed East Elevation dated 29/11/22 issue G' submitted to the Panel;
- (b) double glaze windows WL3 and WL4 shown on this new plan,
- (c) retain the Frangipani tree.

Finally, the Panel notes that this application is for alterations and additions to the existing dwelling. No new or additional use has been applied for and no new or additional use is being approved which means proposed condition 6.4 is not necessary.

CBLPP Determination

THAT Development Application DA-402/2022 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to the recommended conditions:

1. Amend condition 1.1 by amending plan number 08 in the table as follows:
Proposed East Elevation 29/11/22 G
2. Amend Condition 1.2 as follows:
 - (i) delete subparagraph b.
 - (ii) add new sub paragraphs b. and c. as follows:
 - b. retains the Frangipani tree on the site
 - c. double glazing to windows WL3 and WL4 (on new plan 08 in table to condition 1.1)
4. Delete condition 6.4
5. The reasons for the grant of the consent are the reasons given in the council officers assessment report and the panels assessment.

Vote: 4 – 0 in favour

The meeting closed at 7.09 p.m.