

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

**HELD IN THE COUNCIL CHAMBERS
BANKSTOWN**

6 AUGUST 2018

PANEL MEMBERS

PRESENT: Mr Anthony Hudson - Chairperson
Mr Stephen Kerr - Expert Member
Mr Richard Thorp AM - Expert Member
Mr Ian Stromborg OAM - Community Representative Revesby
Mr Karl Saleh - Community Representative Roselands

STAFF IN

ATTENDANCE: Ms Chauntelle Mitchell (Local Planning Panel Administration Officer)
Mr Brad McPherson (Manager Governance, not present for the closed session)
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 Shona Porter (Senior Planner, not present for the closed session)
Ms Priscilla Prakash (Senior Planner, not present for the closed session)
Mr Aidan Harrington (Cadet Planner, not present for the closed session)

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.00 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 recommendation from the Council staff and the submissions made by objectors and the applicant and/or the applicant's representative(s) and determining the development applications.

DECLARATIONS OF INTEREST

The Chairperson asked the Panel if any member needed to declare a pecuniary interest in any of the items on the agenda. There were no declarations of interest.

DECISION

1 12 CARINYA ROAD, PICNIC POINT: ADDITION OF LAUNDRY AND TWO LIFTS TO EXISTING DWELLING

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

Public Addresses

The applicant Mr David Weightman attended the meeting to answer questions from the Panel. The Panel had no questions in relation to this item.

Panel Assessment

Mr Ian Stromborg was the community panel member present for the deliberation and voting for this matter.

The Panel agrees with the recommendation of the report.

CBLPP Determination

THAT Development Application DA-370/2018 be **APPROVED** in accordance with the Council staff report recommendation.

Vote: 4 – 0 in favour

DECISION

2 74 PARK ROAD, EAST HILLS: DEMOLITION OF EXISTING SITE STRUCTURES AND CONSTRUCTION OF A TWO STOREY BUILDING COMPRISING A GROUND FLOOR CHILDCARE CENTRE FOR 29 CHILDREN AND FIRST FLOOR RESIDENCE

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

Written Submission

- A written submission from Mr Vincent Scarano and Mrs CJ Scarano (objectors) was received.

Public Addresses

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

- Mr Eric Sheather and Mrs Mychele Sheather (objectors). The speaker tabled a written submission by Mr and Mrs Scarano.
- Mr Terry Winning (Traffic Consultant on behalf of objector)
- Mr Joseph Toth (on behalf applicant), Mr Eli Gescheit (Planner representing applicant) and Mr Chris Palmer (Traffic Consultant on behalf of applicant)

Panel Assessment

Mr Ian Stromborg was the community panel member present for the deliberation and voting for this matter.

The previous panel requested further information which has been provided by the applicant and assessed by Council staff as satisfactory.

The Panel agrees with the recommendation in the report, noting that the proposal is a compliant proposal.

An issue raised by residents relates to traffic, especially having regard to two childcare centres adjoining each other. The parking arrangements meet Council's requirements and Council's traffic expert has no concerns about these arrangements or with traffic impacts. The Panel notes and accepts that the proposed timed on street spaces will assist and they will be used by both centres.

The Panel is also of the opinion that the parking onsite should be restricted to staff and residents and that one of the spaces should be deleted to create a turning bay. This is consistent with the DCP which requires on-site parking to be provided for staff and residents

only and will avoid conflict with parents at drop off and pick up. Provision of a turning bay will enable vehicles to leave the site in a forward direction.

One of the objectors raised a point about there being an inconsistency between the acoustic need to have the fence constructed to the ground versus the need to allow for dispersal of overland flood waters. The Panel notes the advice of Council's Engineer that the fence need not be raised or provided with louvers for this development or the adjoining development on 72 Park Road. This is as the flooding is viewed as 'nuisance water' and just ponding. The conditions provided required a pump out system to collect any ponding from the rear to the street. It is considered the fence as proposed will benefit the neighbour at 76 Park Road as the solid fence would retain the water within the 74 Park Road and the proposed system will pump it to Park Road.

CBLPP Determination

THAT Development Application DA-1167/2016 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions:

1. Insert a new condition 7B to read as follows:
"7B Signage at the front of the premises is to be erected advising that the use of the carpark is to be restricted to staff members and residents. This is also to be incorporated into the Plan of Management. Details to be provided with Construction Certificate plans."
2. Amend condition 90 by deleting the words "Ten (10) off street car parking spaces" and replace with the words "Nine (9) off street car parking spaces and a turning bay".
3. Amend condition 93 by deleting the words "Ten (10) off street car parking spaces" and replace with the words "Nine (9) off street car parking spaces and a turning bay".

Vote: 4 – 0 in favour

DECISION

- 3 2-4 FLORA STREET, ROSELANDS: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF FIVE STOREY SHOP TOP HOUSING DEVELOPMENT CONSISTING OF FOUR RETAIL SUITES AND THIRTEEN RESIDENTIAL UNITS OVER THREE LEVELS OF BASEMENT CAR PARKING AND DETACHED TWO STOREY DWELLING UNIT**

Site Visit

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

Public Addresses

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

- Mr Chris Tsioulos (applicant/Architect) and Mr Michael Gheorghiu (Planner on behalf of applicant). The speaker tabled architectural plans.

Panel Assessment

Mr Karl Saleh was the community panel member present for the deliberation and voting for this matter.

The Panel agrees with the Council report and the recommendation for refusal.

The applicant referred to a possible zoning anomaly however no evidence was presented to suggest there was any error in the zoning table and the difficulty of having a 0.5:1 FSR with an 18 metre height limit. The applicant suggested that the FSR was incorrect, but it is equally possible that the height limit was an error (if there was an error).

In relation to permissibility the Panel is of the view that in addition to proposed ground of refusal 1, there is a permissibility issue with the pedestrian accessway and the communal open space areas that are outside the additional five metre area. The applicant indicated that these areas are associated with or part of the shop top housing, however shop top housing is prohibited in the R3 area, beyond the five metre B2 encroachment allowed under clause 5.3 of the LEP.

The Panel also questions whether the shadow diagrams are accurate, noting advice from Council's planner that a rough calculation suggests that the shadow should be approximately 50 metres which means that the 9am shadow is approximately 10 metres short.

CBLPP Determination

THAT Development Application DA-643/2015 be **REFUSED** in accordance with the Council staff report recommendation, subject to the following change to the grounds for refusal:

Amend ground of refusal 1 to read as follows:

- "1. The proposal is not a permissible development in that:
- a) residential uses including the proposed dwelling and communal open space are not located above the ground floor retail premises or business premises and is not capable of being characterised as 'shop top housing', and
 - b) the pedestrian entranceway and part of the communal open space outside of the 5 metre zone is part of the shop top housing but is in the R3 land, and therefore prohibited development."

Vote: 4 – 0 in favour

The meeting closed at 7.52 p.m.