

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

HELD ON 6 NOVEMBER 2023

PANEL MEMBERS

PRESENT: Mr Anthony Hudson - Chairperson
Ms Lindsey Dey – Expert Member
Mr Richard Thorp AM – Expert Member
Mr Peter Menton – Community Representative Bankstown
Mr Ian Stromborg OAM – Community Representative Revesby
Mrs Linda Eisler - Community Representative Canterbury

STAFF IN

ATTENDANCE: Ms Leisha McCarthy (Local Planning Panel Administration Officer)
Ms Robyn Winn (Coordinator Governance)
Mr Ian Woodward (Manager Development, not present for the closed session)
Mr Nicholas Aley (Team Leader Planning West, not present for the closed session)
Mr George Telo (Town Planner, not present for the closed session)
Mr Camille Lattouf (Manager City Strategy and Design, not present at closed session)
Mr Patrick Lebron (Coordinator Strategic Assessments, not present at closed session)
Ms Michaela Newman (Senior Strategic Planner Spatial Planning, not present at closed session)

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.00 PM.

ACKNOWLEDGEMENT OF COUNTRY

The Panel acknowledges the traditional owners of the land where we are meeting today, the Dharug and 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, determining the Development Applications, and providing recommendations 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.

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

THAT the minutes of the Canterbury Bankstown Local Planning Panel Meeting held on **9 October 2023**, be confirmed.

DECISION

- 1 **DA-228/2023 80 & 80A NORTH TERRACE, BANKSTOWN:** SUBDIVISION TO ALLOW ROAD CLOSURE OF TERRACE LANE UNDER THE ROADS ACT, 1993 AND CREATION OF ONE (1) NEW LOT

Site Visit

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

Public Addresses

There was no public address in respect to this item.

Panel Assessment

Peter Menton was the Community Panel Member present for the deliberation and voting for this matter.

The Panel agrees with the report and recommendation.

CBLPP Determination

THAT Development Application DA-228/2023 be **APPROVED** in accordance with the Council staff report recommendation.

Vote: 4 - in favour / 0 - against

- 2 **DA578/2023 2 LOUIE STREET, PADSTOW:** CHANGE OF USE OF UNIT 1 TO A PLACE OF PUBLIC WORSHIP

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:

- Grace Mamo

Panel Assessment

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

The Panel notes the objection about existing and likely future parking problems and that this is one of the issues raised in the report and is a reason for refusal of the application.

The Panel agrees with the report and the recommendation.

CBLPP Determination

THAT Development Application DA-578/2023 be **REFUSED** in accordance with the Council staff report recommendation, subject to the following amendments:

- A. Add the following additional reasons for refusal.

1. The proposed development is not compatible with aim 1.2 (d) and (l) of Bankstown LEP 2015
 2. The proposed development does not meet the objective of the R2 Low Density Zone that refers to non-residential development being compatible with residential uses and not adversely affecting the living environment or amenity of the area.
 3. The Panel is not satisfied that the applicants Clause 4.6 variation, for a variation of the 800sqm area and 20m width development standards in cl 4.1B of Bankstown LEP 2015, meets the requirements of clauses 4.6(4)(a)(i) and (ii) of the Bankstown LEP 2015.
- B. Renumber recommended reasons 1- 13 to reasons 4 – 16.

Vote: 4 - in favour / 0 - against

3 11 Harp Street Campsie: Planning Proposal for 11 HARP STREET, CAMPSIE (RK-3/2019)

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:

- Elissa Strathis
- Vicki Cavell
- Julie Syron
- John Issa
- Simon Wilkes, Urbis, on behalf of applicant
- Nick Countouris, Neetan, on behalf of applicant

Panel Assessment

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

The Panel generally agrees with the proposed recommendation to the Council from the Council staff including the provision of the three access points (the two along Elizabeth Street and the one in Harp Street).

In this regard the applicant will need to enter into long term binding purchase option agreements with the owners of numbers 5 and 11A Elizabeth Street before the planning proposal is exhibited.

The Panel notes that the site has been identified by the Council in the council wide long term strategic planning document as part of the Campsie medical precinct and the Panel accepts the statements in the report about consistency with the strategic planning framework for the site and surrounding area including acceptance of the loss of the relatively small area of industrial zoned land.

There were a number of objectors whose objections included traffic congestion and lack of or impacts on existing parking; pressure on existing infrastructure and public transport; privacy impacts, district view impacts and preservation of existing character. The Panel notes that if the planning proposal proceeds past a gateway determination there will be a full public exhibition of the planning proposal. Also, the Panel is recommending that a number of expert reports be updated to be included in the public exhibition process to provide further advice about the future proposed development of the site.

The panel agrees with the report that further work is required to update the transport, traffic and parking studies to assess impacts of the future development. Given the proposed hospital and ancillary uses, all assessments need to address the 24 hours, 365 days per year situation. The assessment needs to include construction and operation phases of future development.

The panel is also of the view that another important issue that requires further assessment by experts is the flooding issue which will need to include climate change impacts and how that part of the old fill that will remain on the site after remediation of the site may be affected by flooding.

The Panel also agrees that a site auditor be appointed to review the site contamination documentation including the extent of any excavation of the existing fill on the site in relation to future development.

The Panel also agrees that these further studies and the proposed DCP must be part of the post gateway public exhibition of the planning proposal.

Another issue considered by the Panel was the need to ensure that the final wording of the proposed Schedule 1 additional permitted uses descriptor for the development lawfully:

- (a) allows the proposed centre based child care facility (noting that the definition of hotel or motel accommodation has been specifically stated), and
- (b) controls the child care facility and the hotel/ motel uses to be ancillary uses to the main health services use.

The Panel also notes that the applicants agreed that the child care centre and the hotel/motel accommodation are to be ancillary to the health services facilities use. Details of how these ancillary uses will function regarding equitable hospital and possible outside user stakeholder management are important.

The Panel notes and agrees with the report's assessment of the applicant's letter of offer to enter into a planning agreement and that further discussions are required to increase proposed contributions and to properly assess the financial implications of any revised offer and the extent to which any of the components of any revised offer may offset any standard development contributions. The Panel also notes that the applicant may be agreeable to purchasing properties in Chelmsford Avenue and to design and create a park which could be used by people using the site and could also be a limited green pedestrian and cyclist access to the site.

Finally as a general comment the proponent will need to update, prior to public exhibition, all technical studies and the planning proposal to reflect the changed strategic framework and current legislation, including but not limited to p.18 of the current version of the planning proposal (Table Flooding is applicable) and the Ministerial Directions. The construction workforce needs to be provided to council and reflected in all documentation.

CBLPP Determination

The Panel's recommendation to the Council about the planning proposal is:

Council resolve to proceed to a gateway determination the proposed planning proposal to amend the Canterbury Bankstown LEP 2023 in accordance with the following:

1. Council request that the gateway determination must require that the planning proposal be public exhibited.
2. Prior to the planning proposal being publicly exhibited (after the gateway

determination) the following documentation be prepared to the satisfaction of the council:

- (a) a comprehensive and updated transport management and traffic assessment (including the public transport connection to Campsie) for future development and given the proposed hospital and ancillary uses, all assessments need to address the 24 hours, 365 days per year situation and include construction and operation phases of future development,
 - (b) update the assessment of the extent of flooding on the site (having regard to proposed finished ground levels) and the impacts of this flooding on the proposed development including evacuation procedures assessment of potential increased risk of flooding from the changed climate conditions; the extent of excavation of and impacts on the existing filling on the site; how site stormwater may be affected and controlled and impacts on flood behaviour in relation to adjoining and nearby lands and the wider catchment,
 - (c) the site contamination documentation be reviewed by a site auditor to:
 - (i) confirm that the site can be remediated to allow the proposed development including a proposed child care centre, and
 - (ii) assess the potential for any leachate dispersal off the site having regard to the disturbance or removal of any fill and the flooding of the site as assessed in the updated flooding assessment referred to in item (b) above,
 - (d) in conjunction with (c) above initial geotechnical and civil engineering advice about what works may be required to ensure structural stability of the site and the proposed buildings and whether this would impact on the extent of excavation and how this may impact on any proposed underground parking including the extent of that parking,
 - (e) evidence of a binding long term agreement to purchase the properties numbers 5 and 11A Elizabeth Street for access, and
 - (f) Council prepare a site specific DCP Amendment as outlined in Section 4 of the report to the Panel.
3. The documents referred to in item 2 above are to be part of the document package available to the public in the post gateway public exhibition process
 4. Council seek authority from the Department of Planning and Environment to exercise the delegation in relation to the plan making functions under Section 3.36(2) of the Environmental Planning and Assessment Act 1979.
 5. A draft Planning Agreement be prepared subject to the following:
 - (a) Council undertakes further negotiations with the developer to seek increased public benefits, to confirm the total value of each works and monetary contribution item in the Letter of Offer. This may include further analysis and an independent peer review being undertaken by Council prior to exhibition.
 - (b) Council engages with NSW Health and Transport for NSW to understand opportunities for pedestrian and cycling connectivity improvements between the site and the Canterbury Public Hospital and require the draft Planning Agreement to progress concept plans at a future date.
 6. The exhibition and public notice of the draft planning agreement referred to in item 5 above take place at the same time as (and in association with) the post gateway public exhibition of the planning proposal.

Vote: 4 - in favour / 0 - against

The meeting closed at 7.14 p.m.

