

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

**HELD IN THE COUNCIL CHAMBERS
BANKSTOWN**

ON MONDAY 4 MARCH 2019

PANEL MEMBERS

PRESENT: Mr Anthony Hudson -Chairperson
Mr David Epstein- Expert Member
Mr Stephen Kerr- Expert Member
Mr Robert Furolo- Community Representative Bankstown
Ms Inaam Tabbaa - Community Representative Bass Hill
Mr Ian Stromborg OAM - Community Representative Revesby

STAFF IN

ATTENDANCE: Ms Maryann Haylock (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)
Ms Samantha Mitchell (Executive Planner, not present for the closed session)
Ms Kristy Bova (Executive Planner, not present for the closed session)
Mr Ryan Bevitt (Senior Town Planner, not present for the closed session)
Mr Warren Terry (Town Planner, not present for the closed session)
Mr Michael Bonnici (Cadet Town 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

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.

The Chairperson declared a significant non pecuniary interest in respect of Item 2: 2 Willow Place, Bass Hill. The nature of the interest disclosed was that a partner of the Chairpersons legal firm had provided advice about the development. The Chairperson advised he would not be involved in any consideration or determination of the matter.

CBLPP Determination

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

THAT the minutes of the Canterbury Bankstown Local Planning Panel Meeting held on **Monday 4 February 2019** be confirmed.

DECISION

1 114 WATTLE STREET, PUNCHBOWL: CONVERSION OF AN EXISTING UNAUTHROISED OUTBUILDING TO A SECONDARY DWELLING WITH ASSOCIATED ALTERATIONS AND ADDITIONS AND THE CONSTRUCTION OF A CARPORT

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 for this item.

Panel Assessment

Robert Furolo was the community Panel member present for the deliberation and voting for this matter.

The Applicant requested that this matter be adjourned because:

- a. the applicant could not attend due to work commitments at Morisset, and
- b. his Town Planner could not attend because of commitments with the Land and Environment Court today.

The Panel is of the opinion that the matter should not be adjourned. The reasons for this are:

- a. the Application was lodged in November 2018 some time ago,
- b. there have been a number of changes to the plans to address concerns of council staff and the council staff have consistently indicated that there are issues with the proposal,
- c. the Applicant indicated to the council that the last set of plans were the final plans and there would be no further changes, and
- d. the applicant was advised of the target meeting date (today) on about 29 January 2019 which is approximately five weeks ago.

The Panel notes that a secondary dwelling could be constructed in the rear yard area, however, not in this form. The concern of the Panel is the poor amenity of the existing rooms and the poor open space relationship between the two dwellings, including the retention of the carport which cannot be used for the purpose of parking a car due to the insufficient side setback on the western side.

Proposed ground of refusal 12 is not required given the other grounds of refusal and noting that some form of secondary dwelling would be possible on this site.

While there is a breach of the height control the Panel is of the opinion that the impact of the breach of the height control is minimal. Nevertheless, the Applicant has not properly addressed the variation of the development standard under Clause 4.6.

CBLPP Determination

THAT Development Application DA-848/2018 RE: Conversion of an existing unauthorised outbuilding to a secondary dwelling with associated alterations and additions and the construction of a carport be **REFUSED** in accordance with the Council staff report recommendation with the following changes:

- a) Proposed reason for refusal No.7 be amended as follows:-

The subject proposal fails to comply with Clause 4.3(2B)(a) of Bankstown Local Environmental Plan 2015 in regard to maximum wall height for secondary dwellings. [Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning & Assessment Act, 1979] and the Applicants written 4.6 variation does not adequately address the matters required to be demonstrated by Clause 4.6(3) and

- b) Delete proposed reason for refusal No 12

Vote: 4 – 0 in favour

DECISION

The Chairperson Mr Anthony Hudson declared a significant non pecuniary conflict of interest in the following item for the reasons detailed earlier in the meeting. The Chairperson left the meeting at 6:02pm prior to consideration of the item and Mr Stephen Kerr replaced the Chair.

2 2 WILLOW PLACE, BASS HILL: DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF AN ATTACHED DUAL OCCUPANCY WITH IN GROUND SWIMMING POOL TO PROPOSED LOT 8, FRONT FENCE AND TORRENS TITLE SUBDIVISION

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:

- Gerard Turisi – Town Planner (Representing Applicant)

Panel Assessment

Ms Inaam Tabbaa was the community Panel member present for the deliberation and voting for this matter.

The Panel considered that the 4.6 variation request failed to adequately demonstrate that there are sufficient environmental Planning grounds to justify contravening the minimum site width development standard in this instance.

In particular, the Panel considered that the bulk and scale of the proposal is excessive, and the proposal fails to present appropriately to both street frontages.

The Panel notes that any future application, or review application, also needs to provide evidence that the material imported to the site to fill the previously existing swimming pool is not contaminated.

CBLPP Determination

THAT Development Application DA-842/2018 RE: Demolition of existing structures, construction of an attached dual occupancy with inground swimming pool to proposed Lot 8, front fence and Torrens title subdivision be **REFUSED** in accordance with the Council staff report recommendation

Vote: 3 – 0 in favour

Following consideration of the above item, the Chairperson returned to the meeting at 6.11pm

DECISION

3 20-22 ELY STREET, REVESBY: DEMOLITION OF EXISTING SITE STRUCTURES, CONSOLIDATION OF EXISTING LOTS INTO ONE ALLOTMENT AND CONSTRUCTION OF A BOARDING HOUSE DEVELOPMENT COMPRISING OF FIVE SEPARATE BUILDINGS CONTAINING A TOTAL OF 22 BOARDING ROOMS, COMMUNAL LIVING ROOMS, A MANAGERS ROOM AND ASSOCIATED ON-SITE PARKING

Site Visit

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

Written Submission

Written submissions were received for this matter and considered by the Panel from:

- Michael Phipps dated 28 February 2019
- Alfio Lofaro dated 3 March 2019
- Adam Delacour dated 4 March 2019

Public Addresses

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

- Alfio & Vicky Lofaro (Objector)
- Anthony Betros Town Planner (representing applicant)

Panel Assessment

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

The Panel agrees with the report and the recommendation for approval.

The Panel noted the objector was primarily concerned about the amount of parking that currently occurs on the street which would then be exacerbated by the proposed development.

The Panel notes the detailed advice in the report about the parking requirements and particularly in this case that the application complies with the DCP which sets the requirements for this proposal.

One small change to the plans is a requirement for some shading in the two common patio areas for buildings B and C.

CBLPP Determination

THAT Development Application DA-537/2018 RE: Demolition of existing site structures, consolidation of existing lots into one allotment and construction of a boarding house development comprising of five separate buildings containing a total of 22 boarding rooms, communal living rooms, a managers room and associated on-site parking be **APPROVED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions:

- a) Condition 2 to be amended by adding a subparagraph (c) as follows:
(c) an awning or pergola is to be provided over the two common patios (for buildings b and c on the northern side)

b) Condition 68 to be amended to read as follows:

The premises shall operate in accordance with the Outdoor Communal Area Mitigation Recommendations “(Section 7.6)” contained in the acoustic report submitted in support of this application prepared by Rodney Stevens Acoustics Pty Ltd, titled ‘Noise Impact Assessment, Proposed Boarding House, 20-22 Ely Street, Revesby’ dated 13 February 2019; and,

Add a new Condition 81: All fencing including acoustic fencing must be maintained for the life of the consent.

Vote: 4 – 0 in favour

DECISION

4 5-7 HYDRAE STREET, REVESBY: DEMOLITION OF EXISTING STRUCTURES, CONSOLIDATION OF TWO LOTS TO CREATE ONE LOT AND CONSTRUCTION OF A MULTI-DWELLING HOUSING DEVELOPMENT COMPRISING OF SIX UNITS, FRONT FENCE AND STRATA SUBDIVISION

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:

- Bernard Moros - Town Planner (representing applicant)
- John Maddox - Flood Engineer (representing applicant)
- Chris Khoury - (Applicant)

Panel Assessment

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

The recommendation for refusal appears to be based primarily on noncompliance with the Clause 4.2(2B)(c)(ii) of the LEP which relates to the overall height of 6m and a wall height of 3m.

There are no specific amenity impacts from this breach of the height control such as overshadowing or privacy impacts.

The report refers to the design and siting of dwellings at the rear not representing a dwelling that is compatible or respects the intended future character of this area. The Panel does not agree with this impact

Another matter to be addressed is the appearance of the North Elevation of Block A and the South Elevation of Block B. The Panel is of the opinion that this could be improved by some indentations in the rear of Block A and B which would take up part of the void area.

Also, the relocation of the visitor parking spot along the driveway or at the end of the driveway could be explored. If this is not feasible because of turning and manoeuvring, then further details are required of how the visitors parking space would be specifically separated and isolated from the rear yard of Block B to ensure that it is available for all units.

The Panel does not agree with this assessment and is of the opinion that the proposal may be acceptable with an appropriate Clause 4.6 variation.

Another issue to be addressed in the Panel's opinion before this application could be approved is the provision of landscaping in the Southwest corner between the property boundary and the beginning of the landscaping already provided on the Southern boundary.

This can potentially be addressed by joining blocks A and B with appropriate design variations to address the streetscape and any internal amenity relationships.

The Panel proposes to adjourn this matter to enable a revised set of plans to be submitted with a new Clause 4.6 variation to together with a proposed set of conditions for consent.

CBLPP Determination

THAT the determination of Development Application DA-1007/2017 RE: Demolition of existing structures, consolidation of two lots to create one lot and construction of a multi-dwelling housing development comprising of six units, front fence and strata subdivision be:

- a) adjourned to enable the applicant to provide further details as noted above, and
- b) the council staff to prepare a set of draft conditions.

Vote: 4 – 0 in favour

DECISION

5 81 MALVERN STREET, PANANIA: USE AND ASSOCIATED FITOUT OF THE PREMISES AS HEALTH CONSULTING ROOMS FOR DENTAL AND GENERAL MEDICAL PRACTICES AND ASSOCIATED SIGNAGE

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 was received for this matter by Alison Butler on 4 March 2019 and considered by the Panel

Public Addresses

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

- Penny Hernando (objector)
- Barbara Paska (objector)
- John Morris (objector)
- Chantelle Baker (objector)
- Robert Georgievski (objector)
- Dr Joanna Winchester (objector)

Panel Assessment

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

The Panel agrees with the proposed recommendation for Approval.

The Panel has carefully considered the objections raised by the residents which relate to direct impacts to the adjoining neighbours and more widely a concern about increased traffic and parking on the street with associated safety issues.

While the Application complies with the requirements for parking with this type of development, the Panel is of the opinion that there should be landscaping at the street boundary area of the car park. This will involve two parking spaces in the front setback. The first space will be the disabled space and the second space can be between the premises and the fence on the northern side with the third space for use by the medical practitioners or staff provided in the rear yard. Also, the front set back area to be used for parking is to be paved using a suitable hollow block, open cell or absorbent paver instead of concrete to minimise run-off and to maintain a level of greenery at the front of the property.

The applicant should provide further details (including a landscape details) prior to the construction certificate being issued.

In relation to the concerns about the management and the use of the site raised by the objectors, the Panel agrees that there should be a condition which restricts the number of health care professionals to not more than 3 at any one time (this being part of the definition of health consulting rooms).

CBLPP Determination

Development Application DA-787/2018 RE: Use and associated fitout of the premises as health consulting rooms for dental and general medical practices and associated signage be **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to conditions and one conditions being added:

- a) Add (b) to condition 2 as follows:- "The parking spaces in the front yard area being amended by deleting the western car space and this area replaced with landscaping including a tree. A third car space to be provided at the rear of the dwelling. Details to be provided with the construction certificate. The front set back area to be used for parking is to be paved using a suitable hollow block, open cell or absorbent paver."
- b) Condition 7 be amended to include "(b) Details of the landscaping in the front yard area including a tree to attain minimum height of 15m at maturity including details of paving using a suitable hollow block, open cell or absorbent paver."
- c) Condition 58: The number of health care professionals to be restricted to 3 at any one time on site. This condition does not apply to patients and delivery persons.

Vote: 4 – 0 in favour

The meeting closed at 9.20 p.m.



Declaration of Interest

| | |
|------------------------------------|------------|
| MEETING DATE | 4/3/19. |
| Agenda Item/Panel reference number | 1, 3, 4, 5 |

In relation to this matter, I declare that I have:

no known conflict of interest

an actual¹ , potential² or reasonably perceived³ conflict of interest as detailed below:

Anthony Hudson
.....
Signature

4/3/19
.....
Date

ANTHONY HUDSON
.....
Name

Please return this form to the Planning Panels Secretariat at enquiry@planningpanels.nsw.gov.au

¹ An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties.
² A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future.
³ A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.



Declaration of Interest

| | |
|------------------------------------|---|
| MEETING DATE | 4/3/19 |
| Agenda Item/Panel reference number | 2. C2 Willow Place Place Bass Hill |

In relation to this matter, I declare that I have:

no known conflict of interest

an actual¹ , potential² or reasonably perceived³ conflict of interest as detailed below:

Business Partner has given clear legal advice about this ~~matter~~ development

Anthony Hudson
Signature

4/3/19
Date

ANTHONY HUDSON
Name

Please return this form to the Planning Panels Secretariat at enquiry@planningpanels.nsw.gov.au

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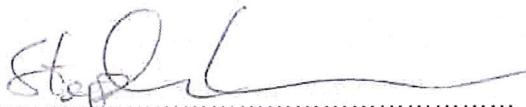
Declaration of Interest

| | |
|------------------------------------|---|
| MEETING DATE | 4 March 2019 |
| Agenda Item/Panel reference number | Canterbury Bankstown Local Planning Panel - Items 1-5 |

In relation to this matter, I declare that I have:

no known conflict of interest

an actual¹ , potential² or reasonably perceived³ conflict of interest as detailed below:

 26 February 2019

.....

Signature **Date**

Stephen Kerr

.....

Name

Please return this form to the Planning Panels Secretariat at enquiry@planningpanels.nsw.gov.au

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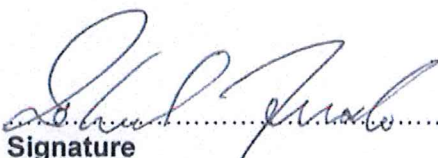
Declaration of Interest

| | |
|------------------------------------|-------------------------------|
| MEETING DATE | 4th April |
| Agenda Item/Panel reference number | Item 1, 114 Waffle St Penrith |

In relation to this matter, I declare that I have:

no known conflict of interest

an actual¹ , potential² or reasonably perceived³ conflict of interest as detailed below:


Signature 25/2/19
Date

ROBERT FURZO
Name

Please return this form to the Planning Panels Secretariat at enquiry@planningpanels.nsw.gov.au

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Declaration of Interest

| | |
|------------------------------------|------------------------------|
| MEETING DATE | 04 MARCH 2019 |
| Agenda Item/Panel reference number | 2. 2 WILLOW PLACE, BASS HILL |

In relation to this matter, I declare that I have:

- no known conflict of interest
- an actual¹ , potential² or reasonably perceived³ conflict of interest as detailed below:

..... *Inaam Tabbaa* 04.03.2019
Signature Date

..... INAAM TABBAA
Name

Please return this form to the Planning Panels Secretariat at enquiry@planningpanels.nsw.gov.au

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Declaration of Interest

| | |
|------------------------------------|---------------|
| MEETING DATE | 4 MARCH 2019 |
| Agenda Item/Panel reference number | ALL ITEMS 1-5 |

In relation to this matter, I declare that I have:

no known conflict of interest

an actual¹ , potential² or reasonably perceived³ conflict of interest as detailed below:

.....
Signature

4/3/2019
.....
Date

.....
DAVID EPSTEIN
.....
Name

Please return this form to the Planning Panels Secretariat at enquiry@planningpanels.nsw.gov.au

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Declaration of Interest

| | |
|------------------------------------|-----------------------------|
| MEETING DATE | 4 th March, 2019 |
| Agenda Item/Panel reference number | Items 3, 4, 5 |

In relation to this matter, I declare that I have:

no known conflict of interest

an actual¹ , potential² or reasonably perceived³ conflict of interest as detailed below:

Signature

Stromberg

Date

4/3/2019

Name

Stromberg

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