

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

**HELD IN THE COUNCIL CHAMBERS
BANKSTOWN**

ON MONDAY 6 MAY 2019

PANEL MEMBERS

PRESENT: Mr Anthony Hudson -Chairperson
Mr David Epstein- Expert Member
Mr Richard Thorp AM- Expert Member
Mr Allan Winterbottom- Community Representative Bankstown
Ms Inaam Tabbaa - Community Representative Bass Hill
Ms Kayee Griffin - Community Representative Canterbury
Mr Tony Rodi - Community Representative Roselands

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)
Mr Bob Steedman (Senior 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.

CBLPP Determination

CONFIRMATION OF MINUTES OF PREVIOUS MEETING

THAT the minutes of the Canterbury Bankstown Local Planning Panel Meeting held on **3 April 2019** be confirmed.

DECISION

1 9 ABEL STREET, GREENACRE: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A SINGLE STOREY DWELLING WITH BASEMENT/ATTIC STORAGE, FRONT FENCE, IN GROUND SWIMMING POOL AND DETACHED SECONDARY DWELLING

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:

- Omar Alameddine (applicant)

Panel Assessment

Allan Winterbottom was the community Panel member present for the deliberation and voting for this matter.

While the Panel has some sympathy for the applicants dilemma from the council land traversing his property, the Panel's view is that the council process of addressing the drainage land by way of a change from community land to operational land and sale should occur before the site is developed.

In terms of the specific issues of concern the Panel generally agrees with the issues raised in the council report including:-

- a) legal access across the drainage reserve land to the secondary dwelling including access for services
- b) encroachments onto the drainage reserve land which raises issues of owners consent, and
- c) inadequate open space areas for both the main dwelling and the secondary dwelling.

The Panel agrees with the reasons for refusal with the inclusion of a further reason, that the application fails to properly demonstrate lawful access across the drainage reserve land to the secondary dwelling for pedestrians, vehicles and services.

The Panel can only suggest that the applicant request from the council that the council speed up the sale process for this matter specifically or these types of matters, rather than wait for the comprehensive LEP review (noting the council has already on one occasion refused to do this).

CBLPP Determination

THAT Development Application DA-25/2019 RE: Demolition of existing structures and construction of a single storey dwelling with basement/attic storage, front fence, in ground swimming pool and detached secondary dwelling be **REFUSED** in accordance with the Council staff report recommendation with the addition of the following reason for refusal:-

- The application fails to properly demonstrate lawful access across the drainage reserve land to the secondary dwelling for pedestrians, vehicles and services.

Vote: 4 – 0 in favour

DECISION

2 10 CARYSFIELD ROAD, GEORGES HALL: CONSTRUCTION OF A SMALL METAL CLAD STORAGE SHED (WITH AWNING)

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

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

The Panel agrees with the council report, recommendation and the proposed conditions

CBLPP Determination

THAT Development Application DA-153/2019 RE: Construction of a small metal clad storage shed (with awning) be **APPROVED** in accordance with the Council staff report recommendation including proposed conditions.

Vote: 4 – 0 in favour

DECISION

3 2A FOLEY STREET, GEORGES HALL: ALTERATIONS AND ADDITIONS TO AN EXISTING SINGLE STOREY DWELLING WITH THE PARTIAL DEMOLITION OF THE ROOF, ADDITION OF THE FIRST FLOOR AND ASSOCIATED EXTERNAL FINISHES

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

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

The Panel agrees with the report and the issues raised.

The Panel notes there were no objections to the application.

The Panel has considered the Clause 4.6 objection from the applicant and the Panel has formed the necessary opinions of satisfaction under Clause 4.6(4)(a) and the LEP.

The Panel agrees with the recommendations and the conditions proposed.

CBLPP Determination

THAT Development Application DA-867/2018 RE: Alterations and additions to an existing single storey dwelling with the partial demolition of the roof, addition of the first floor and

associated external finishes be **APPROVED** in accordance with the Council staff report recommendation.

Vote: 4 – 0 in favour

DECISION

- 4 20-22 WARDELL ROAD, EARLWOOD: AMALGAMATION OF THREE LOTS INTO ONE. DEMOLITION OF TWO DWELLING HOUSES AND FACTORY STRUCTURE AND CONSTRUCTION OF A BOARDING HOUSE DEVELOPMENT CONSISTING OF TWO X TWO STOREY BOARDING HOUSES WITH 16 ROOMS EACH (TOTAL OF 32 ROOMS), WITH ASSOCIATED CAR PARKING AND LANDSCAPING**

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:

- Tom Chui
- Karlene Meenahan & Andrew Thomas
- Jam Lee
- Chris Derksema
- Roslyn Anderson

Public Addresses

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

- Hepke Poutsma (objector)
- Suzanne Nevin (objector)
- Patrick & Maria Duggan (objector)
- Ross Emmi (Applicant)
- Scott Barwick – Planner (representing applicant)
- Harry Karadimas – Architect (representing applicant)

Panel Assessment

Kayee Griffin was the community Panel member present for the deliberation and voting for this matter.

The applicants representative suggested that the main issues raised by the council officers in their report was related to asserted non compliance submitted with the FSR.

The applicants representative also indicated that their calculations of GFA were correct so the FSR was compliant. Whether the bin room and bulky waste rooms should be excluded/included in GFA appears to be disputed. There is no reference to bin rooms or bulky waste rooms in the definition of GFA and it does not appear that these rooms are plant rooms so they would be part of the GFA

However, even if the GFA is as per the calculations of the applicant and there is no breach in FSR, the Panel agrees with the merit issues raised in the council report regarding landscaping, parking and consistency with the character of the area.

The Panel is concerned about the scale and appearance of the building in the streetscape.

The Panel also agrees with the issues raised in the council report about the merits of the landscaping; the non compliance with minimum of two hours of sunlight for 50% of the private open space of number 24 Wardell Road and design issues relating to the communal rooms and the Juliette balconies.

The Panel agrees with the recommendations and the reasons for refusal.

As the Panel is in agreement with the recommendation of refusal the Panel does not agree to the applicants request to defer the application.

CBLPP Recommendation/Determination

THAT Development Application DA-137/2018 RE: Amalgamation of three lots into one. Demolition of two dwelling houses and factory structure and construction of a boarding house development consisting of two x two storey boarding houses with 16 rooms each (total of 32 rooms), with associated car parking and landscaping be **REFUSED** in accordance with the recommended grounds of refusal.

Vote: 4 – 0 in favour

DECISION

- 5 31-33 ISABEL STREET, BELMORE: USE OF EXISTING GYMNASIUM FOR FUNCTIONS/SOCIAL EVENTS ASSOCIATED WITH THE GREEK ORTHODOX PARISH IN ADDITION TO THE CURRENT USAGE AS GYMNASIUM FOR THE ALL SAINTS SCHOOL**

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 John Hills (objector)
- Mr Zisimos Markous (objector)
- Father Apostolos Trifyllis (The Greek Orthodox Parish and Community of Belmore & District) on behalf of the Applicant
- Chris Kapsis (The Greek Orthodox Parish and Community of Belmore & District) on behalf of the Applicant

Panel Assessment

Tony Rodi was the community Panel member present for the deliberation and voting for this matter.

The Panel agrees with the recommendation for refusal because of the lack of information.

The report sets out in detail the opportunities that have been provided to the applicant to submit the required information.

While the Panel notes some of the information has been submitted since the last Panel meeting in June 2018 after a number of requests, the information is still lacking for the Panel to properly assess the application.

There is still uncertainty about the extent to which the use of the hall would be associated with the church and the details of the particular events.

The Panel is concerned about controlling the impacts from the proposed numbers of people in attending functions and that sufficient information about this has not been provided. The Panel agrees with the recommendation and the reasons for refusal.

CBLPP Recommendation/Determination

THAT Development Application DA-382/2015 RE: Use of existing gymnasium for functions/social events associated with the Greek Orthodox Parish in addition to the current usage as gymnasium for the All Saints School be **REFUSED** in accordance with the Council staff report recommendation.

Vote: 4 – 0 in favour

DECISION

6 INSTRUMENT OF DELEGATION: DELEGATION OF SPECIFIC FUNTIONS FROM CANTERBURY BANKSTOWN LOCAL PLANNING PANEL TO THE GENERAL MANAGER

The panel generally agrees with the recommendation subject to some changes. Prior to the meeting the report and proposed delegation was circulated to the expert members of the panel.

There was overwhelming support for delegation by the comments from this circulation. Some changes were suggested, and the chairperson put forward amendments to the delegation and the revised delegation was then circulated to all members of the panel (expert members and all community representatives).

A summary of the changes put forward by the chairperson after the first circulation is as follows:

- (a) rather than referring to Class 1 and 10 buildings specify the specific types of development that would be delegated,
- (b) should the delegation be confined to specific controls,
- (c) should the 10% variation be up to a maximum of say 25%,
- (d) there should be a review of relevant standards in the LEP and the panel should receive information and statistics about the extent of variation so the panel can understand where issues are arising,
- (e) the delegation should be limited in time to enable the panel to receive advice about the reviews of the LEP and matters such as referred to in (d) above, and
- (f) the General Manager should not be prohibited from referring matters back to the panel even if they are covered by the delegation

There was no opposition to the proposed delegation or amended delegation.

The panel has now considered and agrees with the amended delegation.

Recommendation/determination

In accordance with the provisions of 2.20(8) of the Environmental Planning & Assessment Act 1979, the panel delegates to the General Manager of Canterbury Bankstown Council the authority to determine development applications as set out in the following instrument of delegation:

Instrument of Delegation

Environmental Planning and Assessment Act 1979

Delegation of Functions from Canterbury Bankstown Local Planning Panel to the General Manager

By resolution of the Canterbury Bankstown Local Planning Panel dated 6 May 2019 the Panel pursuant to Section 2.20(8) of the Act delegates to the General Manager of Canterbury Bankstown City Council the Functions specified or described in Schedule 1 of this Instrument of Delegation.

1. Definitions

1.1 In this instrument

Act means the *Environmental Planning and Assessment Act 1979*.

Council means Canterbury Bankstown Council.

Function means a function of the Canterbury Bankstown Local Planning Panel

General Manager means the person appointed by the Council pursuant to s334 of the *Local Government Act 1993* to the position of General Manager, and a person appointed by the Council pursuant to s336 of the *Local Government Act 1993* to act in the vacant position of General Manager.

Panel means Canterbury Bankstown Local Planning Panel.

2. Commencement and Expiry

2.1 The delegation commences on 6 May 2019 and expires on 5 May 2021.

Schedule 1

Functions

A. In accordance with the provisions of 2.20 (8) of the Environmental Planning and Assessment Act 1979, the Panel delegates to the General Manager of Canterbury Bankstown Council the authority to determine the following development applications:

1. where the proposed development is for any of the following types of development:
 - a) detached dwelling house,
 - b) one of a group of two or more attached dwellings, row house, terrace house, townhouse or villa unit,
 - c) a dual occupancy (attached or detached),
 - d) a boarding house, guest house, hostel or the like
 - i. with a total area of all floors not exceeding 300 m² measured over the enclosed walls, and
 - ii. in which no more than 12 persons would ordinarily be resident,
 - e) four or more single dwellings located on one allotment and used for short term holiday accommodation,
 - f) a non-habitable building being a private garage, carport, shed or the like,
 - g) a structure being a fence mast, antenna, retaining or a free - standing wall, swimming pool or the like, or
 - h) a private bushfire shelter, and

2. where the proposed development contravenes:
 - a) a development standard by more than 10% but only up to 30%, or
 - b) non-numerical standards, and
 3. despite a proposed development application falling with 1 and 2 above if the proposed development application involves development of a kind referred to in items 1, 2 or 4 of the Ministers direction under section 9.1 of the Act dated 23 February 2018 (a copy of which is attached to this delegation) then the panel must determine that development application
- B. The General Manager, at the discretion of the General Manager may refer any development application referred to in 1 and 2 above to the panel for determination.
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Anthony Hudson
Chairperson of Canterbury Bankstown Local Planning Panel
Date: 6 May 2019

The meeting closed at 8:45 p.m.



Declaration of Interest

MEETING DATE	6 MAY 2019
Agenda Item/Panel reference number	ITEM 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:

T. Rodi 6/5/19.
Signature Date

Tony Rodi
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.