

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

HELD ON MONDAY 7 DECEMBER 2020

PANEL MEMBERS

PRESENT: Mr Jan Murrell - Chairperson
Ms Helen Deegan - Expert Member
Mr Richard Thorp - Expert Member
Ms Margaret Fasan – Community Representative Canterbury
Mr Karl Saleh - Community Representative Roselands

STAFF IN

ATTENDANCE: Ms Maryann Haylock (Local Planning Panel Administration Officer)
Mr Ian Woodward (Manager Development, not present for the closed session)
Ms Robyn Winn (Coordinator Governance)
Mr Stephen Arnold (Coordinator Planning West, not present for the closed session)
Mr George Gouvatsos (Coordinator Planning East, not present for the closed session)
Mr Bob Steadman (Senior Town Planner, not present for the closed session)
Ms Casandra Gibbons (Executive Planner, not present for the closed session)
Ms Andrea Elias (Town Planner, not present for the closed session)
Ms Juliette Kavanagh (Senior 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 with the recommendations from the Council staff and the submissions received to determine the development applications on the agenda.

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 **Monday 2 November 2020** be confirmed.

DECISION

- 1 **20 EAST TERRACE, BANKSTOWN: DEMOLITION OF EXISTING SITE STRUCTURES, CONSTRUCTION OF A NINE STOREY RESIDENTIAL FLAT BUILDING COMPRISING OF ONE GROUND FLOOR COMMERCIAL TENANCY, 19 RESIDENTIAL UNITS, BASEMENT CAR PARKING AND ASSOCIATED SITE WORKS AND LANDSCAPING.**

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:

- Christos Spiropoulos (objector representing - Greek Orthodox Church)
- Demetrios Stavropoulos (objector representing - Greek Orthodox Church)
- Rudy Jasin - Architect (representing applicant) - available for questions
- David Furlong - Planner (representing applicant)

Panel Assessment

Ms Margaret Fasan was the Community Panel Member present for the deliberation and voting for this matter.

The Panel is satisfied the subject development for the site is anticipated by the controls and amalgamation is not required. In accordance with Council's controls the adjoining site has similar development potential.

CBLPP Determination

THAT Development Application DA-850/2018 is **APPROVED** in accordance with the Council staff report recommendation, subject to the following amendments to the recommended conditions:

- Condition 10 to be amended to read "The deep soil areas located to the rear of the site must be retained as deep soil and landscaping for the lifetime of the development. No encroachments for services or any structure is permitted within these areas."

Vote: 4 – 0 in favour

- 2 **26 NINTH AVENUE, CAMPSIE: DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A SIX STOREY MIXED DEVELOPMENT COMPRISING 20 ROOM BOARDING HOUSE (INCLUDING ONE MANAGER'S ROOM), AND ONE COMMERCIAL PREMISES ON GROUND FLOOR ABOVE THREE LEVELS OF BASEMENT CAR PARKING UNDER THE STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009.**

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:

- Rogers Kumar (objector)
- Thomas Bacon - Solicitor (representing objector – Strata Plan 61913 Mr Hwang)
- Chris Katris - Architect (representing applicant)

- Bernard Moroz - BMA Urban (representing applicant)
- Paul Corbett - Traffic Engineer (representing applicant)
- Cyrus An (applicant) available for any questions

Panel Assessment

Ms Margaret Fasan was the Community Panel Member present for the deliberation and voting for this matter.

The Panel notes the Applicant's architect requested the matter be deferred to allow amendments to the plans. The Panel, however, determined the matter by refusal of the application as the site is constrained and the proposed development is not suitable for the subject site. The non compliances with a number of controls, even though some are minor, are indicative of an overdevelopment of the site. The configuration of some rooms does not provide suitable amenity for future occupants.

CBLPP Determination

THAT Development Application DA-1109/209 is **REFUSED** in accordance with the Council's staff report and the reasons for refusal are as follows:

- 1) The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is not consistent with Clause 30A of State Environmental Planning Policy (Affordable Rental Housing) 2009 with respect to character of the area.
- 2) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy the objectives contained in Clause 1.2 of the Canterbury Local Environmental Plan 2012, in particular Objective 2(c) 'to ensure that development is of a design and type that supports the amenity and character of an area and enhances the quality of life of the community'.
- 3) The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the provisions of the Canterbury Development Control Plan 2012 including:
 - i) Control C1 of Part B1.3.1 – General Parking Rates: Transportation and Parking
 - ii) Control C1 of Part B4.2 – General Controls: Accessible and Adaptable Design
 - iii) Control C1 of Part B7.2.1 – CPTED Principle: Surveillance: Crime Prevention and Safety
 - iv) Controls C1-C4 of Part C7.2.2 – Isolated Sites: Boarding Houses
 - v) Controls C1-C4 of Part D1.2.2 – Isolated Sites: Business Centres – General
 - vi) Control C4 of Part D1.3.4 – Setbacks: Business Centres - General
- 4) The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the objective O1 of part D1.2.2 Isolated Sites of the Canterbury Development Control Plan 2012 in that the adjacent site (20-24 Ninth Avenue) would be isolated such that it would be incapable of being reasonably developed under the applicable controls.

Vote: 4 – 0 in favour

- 3 **146-148 HALDON STREET LAKEMBA: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A PART FOUR AND PART FIVE STOREY SHOP TOP HOUSING DEVELOPMENT, CONTAINING GROUND FLOOR PUB WITH A BOTTLE SHOP AND GAMING, 19 X RESIDENTIAL UNITS AND BASEMENT CAR PARKING. ALSO INVOLVES A PLANNING AGREEMENT (PA) FOR THE PURPOSES OF LAND DEDICATION TO COUNCIL FOR THE ROAD WIDENING OF DAVIDSON LANE. THE PA INCLUDES LOT 1 DP324535 AND A PORTION AT THE REAR OF LOT 7 DP7187.**

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 from Anna Lordanidis (Jordan)

Public Addresses

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

- Adam Coburn - Mecone (planner for the applicant)

Panel Assessment

Mr Karl Saleh was the Community Panel Member present for the deliberation and voting for this matter.

The panel notes the Applicant's architect requested the matter be deferred to allow for amended plans and necessary information to be submitted. The Panel, however, decided given the need for an integrated development approval this and amended plans to resolve the concerns in the assessment report can be pursued through the facultative provisions of s.8.2 of the Environmental Planning and Assessment Act.

CBLPP Determination

THAT Development Application DA-512/2017 is **REFUSED** in accordance with the Council's staff report and the reasons for refusal are as follows

- 1) The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is not consistent with Clause 28(2)(c) of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (2002 EPI 530) with respect to:
 - a. Part 3F Visual Privacy in that insufficient information has been provided to ensure privacy between apartments within the development proposal and also adjacent development, in particular 142-144 Haldon Street.
 - b. Part 4A Solar and Daylight Access in that under 70% of apartments receive at least 2 hours of direct sunlight between 9am and 3pm at mid-winter.
 - c. Part 4B Natural Ventilation in that insufficient information has been provided to undertake a full and proper assessment of the natural ventilation provided through the courtyard element of the proposed development. In particular, the window schedule submitted with the application is unclear.
 - d. Part 4D Apartment Size and Layout in that apartments exceed the maximum habitable room depth from a window.
 - e. Part 4E Private Open Space and Balconies in that some private open spaces are below the minimum sizes indicated.
 - f. Part 4H Acoustic Privacy in that the proposed development conflicts with 4H-2 in relation to internal layout and separation of noisy and quiet areas.

- 2) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, and having regard to the reasons of this notice, it is considered that the proposed development does not satisfy the objectives contained in Clause 1.2 of the Canterbury Local Environmental Plan 2012, in particular Objective 2(c) 'to ensure that development is of a design and type that supports the amenity and character of an area and enhances the quality of life of the community'.
- 3) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy:
 - a. Clause 6.2 – Earthworks of the Canterbury Local Environmental Plan 2012 relating to:
 - (i) drainage patterns and soil stability and
 - (ii) potential impacts on waterways, drinking water catchments or environmentally sensitive areas as insufficient information has been submitted to Council.
 - b. Clause 6.4 – Stormwater Management of the Canterbury Local Environmental Plan 2012 in that insufficient information has been provided to demonstrate satisfactory stormwater and run off management.
 - c. Clause 6.6 – Essential Services of the Canterbury Local Environmental Plan 2012 in that the location and supply of electricity has not been adequately addressed.
- 4) The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the provisions of the Canterbury Development Control Plan 2012 including:
 - a. Objective O4 of Part B1.1 – General Objectives: Transport and Parking, which aims to ensure servicing by larger vehicles occurs off-street in such a way that it reduces impacts on the pedestrian environment
 - b. Objective O5 of Part B1.1 – General Objectives: Transport and Parking, which seeks to ensure vehicle facilities are compliant, functional and safe.
 - c. Control C16 of Part B1.4.6 – Basement Parking Facilities: Transport and Parking, which requires maintenance of pedestrian safety and minimising the potential for vehicular and pedestrian conflict by providing clear sight lines.
 - d. Control C2 of Part B1.5.1 – Parking Engineering & Technical Requirements: Transport and Parking which require that existing road and footpath levels, are taken into account in the design of proposed development.
 - e. Control C1 of Part B1.5.2 – Street Alignment Levels: Transport and Parking, which require site levels to be compatible with footpath and driveway levels.
 - f. Control C2 of Part B1.5.2 – Street Alignment Levels: Transport and Parking, which require vehicular access design to be compatible with street alignment levels.
 - g. Control C1 of Part B1.5.3 – Vehicle Cross-Overs: Transport and Parking which requires that vehicle access is designed to be compatible with street alignment levels.
 - h. Control C9 of Part B1.5.3 – Vehicle Cross-Overs: Transport and Parking which requires vehicular driveway profiles to be compliant with Australian Standard AS2890.1.
 - i. Objectives O1-O4 of Part B5 Stormwater Management, which requires that the infrastructure design and construction is suitable for the site is well designed.
 - j. Objective O1 of Part B9 Waste Management, which requires that facilities for handling, storage, collection and disposal of waste are incorporated into all development and are compatible with the design of the development.
 - k. Control C5 of Part C5.2.3.4 Building Services: Shop Top Housing which requires that services are integrated and concealed from public view.

- I. Control C7 of Part D1.3.4 Setbacks: Business Centres – General which requires that development does not exceed a 45° height plane on a boundary with a residential zoning.
- 5) The proposed development, pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, is unsatisfactory given the inadequate proposed means of access to and from the development site and the area available for the loading and unloading of goods and manoeuvring of vehicles.

Vote: 4 – 0 in favour

4 1-3 WEYLAND STREET, PUNCHBOWL: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A SIX STOREY MIXED USE DEVELOPMENT COMPRISING TWO SHOPS AT GROUND LEVEL WITH 34 RESIDENTIAL APARTMENTS AND BASEMENT CAR PARKING.

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:

- Eric Huang - Planner (representing applicant)
- Phillip North (representing applicant)
- Jin Hong (applicant) available for questions

Panel Assessment

Mr Karl Saleh was the Community Panel Member present for the deliberation and voting for this matter.

While the Panel notes that a number of the non-compliances may be addressed by amendments to the plans, more significant changes are also required to address certain issues. For example, while the development may comply with the height standard at the same time to achieve the top level of residential, the commercial component, on a merits assessment, is compromised as it is partially below ground. The Applicant has the opportunity through the facultative provisions of S.8.2 of the EP&A Act to request a review with amended plans and documentation, and this would need to include a Site Contamination (stage 2) Report under SEPP 55, which is a prerequisite prior to any approval.

CBLPP Determination

THAT Development Application DA-286/2018 is **REFUSED** in accordance with the Council's staff report and reasons for refusal as follows:

1. The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is not consistent with Clause 28(2)(c) of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (2002 EPI 530) with respect to:
 - a. Part 4A – Solar Access in that the percentage of apartments receiving less than 3 hours of solar access between 9am and 3pm at midwinter is less than 70%
 - b. Part 4A – Solar Access in that the percentage of apartments receiving no solar access between 9am and 3pm at midwinter exceeds 15%.
 - c. Part 4B – Natural Ventilation in that the percentage of apartments naturally cross-ventilated is less than 60%

- d. Part 4C – Ceiling Heights in that the ground floor commercial spaces fails to accord with the minimum 3.3m
 - e. Part 4D – Apartment Size & Layout in that the bedrooms do not meet the minimum area requirements.
 - f. Part 4E – Private Open Space in that the proposed private open space areas have not been placed appropriately and overlook one another.
 - g. Part 4H - Acoustic Privacy in that there is no provision of grouping rooms with similar noise requirements to mitigate noise impacts through layout treatments.
 - h. Part 4S - Planning for Mixed Uses in that the residential and commercial car parking have not been appropriately separated.
2. An inappropriate design response has been submitted to allow a proper and thorough assessment of the design against the maximum building height development standard outlined within Clause 4.3 of Canterbury Local Environmental Plan 2012. [Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979];
 3. The proposed development pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979] is not consistent with the Canterbury Local Environmental Plan 2012 with respect to:
 - a. Clause 6.1 – Acid Sulfate Soils in that a Preliminary Acid Sulfate Soil Assessment was not provided.
 - b. Clause 6.4 – Stormwater Management in that an amended stormwater plan was not provided to support the new architectural layout.
 4. The proposed development is unsatisfactory, as it does not comply with the objectives and controls of the Canterbury Development Control Plan 2012 (CDCP 2012) [pursuant to the provisions Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979], including:
 - a) Part B4 – Accessible & Adaptable Design. Insufficient information has been submitted to allow a proper and thorough assessment of the application against the relevant accessible & adaptable design controls outlined within Part B1.
 - b) Part B5 – Crime Prevention & Safety. The development fails to comply with Part B7.2.1(C3) and Part C4.2.3.1(C7) of CDCP 2012 as the proposed primary entry point along the Canterbury Road frontage is substantially setback from the façade and is therefore not located in a prominent position to facilitate visibility.
 - c) Part B9 – Waste. The development fails to comply with the relevant provisions of Part B9 of CDCP 2012 as the bin & bulk waste storage area design is inadequate and the kerbside collection point does not have a convenient layback to the roadway and there is to be of a certain distance from street trees.
 - d) Part C4.2.1.4 – Layout and Orientation. The development fails to comply with Part C4.1.2.1.4 of CDCP 2012 as the design does not comply with the minimum natural ventilation and solar access requirements specified within the ADG and insufficient information has been submitted to allow a proper and thorough assessment against the remaining provisions outlined within this part of CDCP 2012.
 - e) Part C4.2.2.3 – Setbacks. The proposed development fails to comply with the minimum side setbacks outlined within Part C4.2.2.3(C1-C3) of CDCP 2012.
 - f) Part C4.2.3.1 – General Building Design (Façade Treatment and Pavilions). The design fails to comply with the maximum width of articulating panels along the street elevations specified within Part C4.2.3.1(C17) of CDCP 2012 as they exceed 6m.

- g) Part C4.2.5.2 – Building Services. The design fails to comply with Part C4.2.5.2(C3) of CDCP 2012 as the location of utilities has not been shown on the architectural plans. Furthermore, insufficient information has been provided to determine whether a substation is required to cater for the site and its location within the design (if required).
 - h) Part D1.2.1 – Minimum Frontage. The subject site fails to meet the minimum frontage requirement of 30m for the proposed development (residential flat buildings (4 storeys or greater)). Further, C4.2.1.2 - Isolated Sites requires that neighbouring properties are not to be isolated so that the property will be unable to reasonably accommodate coordinated development. Insufficient information has been provided to prove that the sites have not been isolated by the proposed development.
5. Insufficient information has been submitted with the application to enable proper consideration of the application with the applicable provisions contained within State Environmental Planning Policy 55 – Contaminated Land – a detailed site contamination (Stage 2) Report has not been submitted for assessment. [Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979]

Vote: 4 – 0 in favour

5 54-56 GRAHAM ROAD, NARWEE: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A THREE STOREY IN FILL AFFORDABLE HOUSING DEVELOPMENT OVER A BASEMENT CARPARK PURSUANT TO THE AFFORDABLE RENTAL HOUSING SEPP.

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 Turrisi – Town Planner (representing applicant)
- Andre Moussa – Architect (representing applicant)

Panel Assessment

Mr Karl Saleh was the Community Panel Member present for the deliberation and voting for this matter.

The Panel is satisfied the development is in the public interest and is worthy of approval. The Panel is of the opinion that it would be highly desirable for the roof top area to be available to all future residents including those with a disability. In this regard the Panel urges the Applicant to explore mechanisms to achieve this equity, such as a stair lift chair with an opening hatch from the top floor to roof area.

CBLPP Determination

THAT Development Application DA-258/2018 is **APPROVED** in accordance with the Council staff report and subject to the recommended conditions of consent.

Vote: 4 – 0 in favour

The meeting closed at 7:49pm