

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

**HELD IN THE COUNCIL CHAMBERS
BANKSTOWN**

ON 2 JULY 2018

PANEL MEMBERS

PRESENT: Mr Anthony Hudson - Chairperson
Ms Jan Murrell - Expert Member
Mr David Epstein - Expert Member
Ms Inaam Tabbaa - Community Representative Bass Hill and Bankstown
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 Ian Woodward (Manager Development, 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)
Mr Mauricio Tapia (Team Leader Strategic Planning, not present for the closed session)
Ms Amita Maharjan (Strategic Planner, not present for the closed session)
Ms Casandra Gibbons (Senior Planner, not present for the closed session)
Mr Timothy Mahoney (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), determining the development applications and providing advice to Council on planning proposals.

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. It is noted however, that prior to the meeting Allan Winterbottom had disclosed a non pecuniary non significant interest for item 1. He indicated that as a Councillor previously for Bankstown Council that he had voted on the Development Applicant for this matter. The Chairperson asked Mr Winterbottom to not to sit on this matter and he agreed and Ms Inaam Tabbaa took his place as the community representative for this matter.

DECISION

- 1 **5, 7 AND 9 FRENCH AVENUE AND 2 CONWAY ROAD, BANKSTOWN: DEMOLITION OF EXISTING SITE STRUCTURES AND CONSTRUCTION OF AN ELEVEN STOREY MIXED RESIDENTIAL/COMMERCIAL FLAT BUILDING COMPRISING OF 81 RESIDENTIAL UNITS AND BASEMENT CAR PARKING.**

SECTION 4.55(2) AMENDMENT: INCREASE THE HEIGHT OF THE LIFT SHAFT ON THE ROOF BY 500MM, NEW LOBBY ENCLOSURE FOR LIFTS ON ROOF, TWO NEW INTERNAL STAIRS TO ACCESS NEW POS ROOF TERRACE AREAS, MINOR AMENDMENTS TO RETAIL/COMMERCIAL WASTE AREA, NEW STREET AWNING, LOUVRES TO FAÇADES AND ELECTRICITY SUBSTATION TO GROUND FLOOR

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 dated 28 June 2018 from the applicant was received for this matter.

Public Addresses

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

- Mr Glenn Francis (representing applicant)

Panel Assessment and Reasons

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 recommendations of the report.

The applicant agrees with the report, except for the proposed changes to condition 3A regarding the communal open space. The applicant's submission (including the late submission) sought to justify the reduction of communal open space on the roof by asserting that there was sufficient or additional communal open space to be provided at the ground floor.

The Panel has reviewed the proposed communal open space on the ground floor and the Panel is of the view that the southern handle of area A and the eastern handle of area A are no more than accessways to the main part of the communal open space on the ground floor in the north eastern corner.

These areas are not consistent with the objectives of the ADG in relation to communal open space. These areas are not consolidated into well designed, easily identified and usable areas and they do not provide direct equitable access to communal open space from common circulation areas, entranceways and lobbies. This is reinforced by access only being gained into these areas by leaving the site and re-entering the site along the northern part of area A. There is no direct access from the lift area to the southern handle of area A.

Similarly, the southern handle of area B is adjacent to and is the accessway to the waste rooms. The other part of area B is an enclosed area under the building behind the substation and is not an optimal or communal open space area.

All these areas of common open space do not function or operate, in the Panels view, as proper usable communal open space.

For these reasons the Panel is of the opinion that the communal open space on the rooftop should not be reduced as proposed by the applicant and should remain as approved, except for the private open space of 11.03 as proposed and the area on the roof to the east of the lift now also to be common open space.

In addition, the Panel is of the opinion that a unisex single disabled toilet should be provided, together with wash up facilities, BBQ facilities and seating to the rooftop communal open space.

A further plan should be provided to demonstrate defined usable areas within the communal open space area on the roof area, together with suitable landscaping.

Also, the Panel is of the opinion that there should be a plan of management to manage the use of the rooftop open space and this should include provisions relating to use, noise, hours and numbers of people within the area in any time or certain times and use of the area on special occasions. This is also important in this situation because of the co-location of private open space on the rooftop which will assist in self regulating this area. This also is addressed by requiring defined spaces within the area as referred to above.

CBLPP Determination

THAT Development Application DA-738/2015 be **MODIFIED** in accordance with the Council staff report recommended conditions together with the following additional and amended conditions:

1. Amend condition 3A to read as follows:
"3A The proposal must be amended and the roof top areas shown to private open space to units 1104 and 1105 being 84sqm and 76sqm respectively must be amended and redesigned to remove the barriers to the north and north east between the open space areas and the communal open space. The additional staircase access proposed from within the units must be removed, as shown marked in red on the approved plans. The areas shown to form private open space on the roof top for units 1104 and 1105 must have the open space revised and access between these spaces must be provided as communal open space. The proposal must also be amended to allocate part of the communal open space to private open space to unit 11.03 as shown on plan CC16 G dated 7/3/18 except for the area to the north of the access stairs which is to be part of the communal open space. Any indicative barriers, low retaining walls, fences and planters used to enable the area to be used for private recreation must be removed to ensure the area can function and forms part of a cohesive communal open space area (as referred to in Condition 50A)."
2. Insert a new condition 50A and 50B as follows:
"50A The approved landscape plans approved under condition 7 with the Construction Certificate are to be amended to include the following on the rooftop terrace areas:
 - Changes referred to in condition (3)(a);
 - Allocation of part of the communal space to private open space to unit 11.03 as shown on plan CC16 G dated 7/3/18 except for the area to the north of the access stairs which is to be part of the communal open space;

- The area on the roof to the east of the lift is to be communal open space;
- Continuation of the existing planter boxes around the communal open space area;
- A unisex single disabled toilet;
- BBQ facilities and wash up facilities;
- Seating;
- Defined usable areas within the communal open space.

This plan is to be finalised and to be submitted to the Principal Certifying Authority by 31 August 2018.

50B A plan of management to manage the use of the communal rooftop open space is to be finalised and to be submitted to the Principal Certifying Authority prior to the issue of any occupation certificate. This should include provisions relating to use, noise, hours and numbers of people within the area in any time or certain times and use of the area on special occasions.”

3. Amend condition 54 to read as follows:
“54. Landscaping is to be installed in accordance with the approved landscape plans referred to in condition 7 and 50A. All works and methods nominated and materials and plants specified on the approved landscape plan are to be completed prior to the issue of an occupation certificate.”
4. Insert new condition 69, as follows:
“69. The approved landscaping shall be maintained for the lifetime of the development.”

Vote: 4 – 0 in favour

DECISION

2 APPLICATION TO AMEND BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015: 10 SIMMAT AVENUE, CONDELL PARK

Site Visit

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

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 Michael Williamson (Proponent)

Panel Assessment and Reasons

The Panel notes that this is effectively a zoning anomaly that should have been picked up on the previous rezoning. The Panel agrees with the assessment.

CBLPP Recommendation

THAT the application be approved, in accordance with the Council staff report recommendation.

Vote: 4 – 0 in favour

DECISION

- 3 23 CROYDON STREET, LAKEMBA (ALTERNATIVELY KNOWN AS 62 THE BOULEVARDE, LAKEMBA): ADDITIONS TO CANTERBURY EMERGING COMMUNITIES RESOURCE CENTRE LOCATED AT LAKEMBA COMMUNITY CENTRE TO CONSTRUCT A UNISEX ACCESSIBLE TOILET AND SHOWER, ACCESS RAMP AND FENCE TO CREATE A SECURE OUTDOOR PLAY AREA**

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 and Reasons

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

The Panel agrees with the report and the recommendation.

The only additional matter is for some landscaping details in and around the courtyard area. The Panel suggests that there be screen planting up to 1.2 metres along the street side of the courtyard and a suitable tree of similar size to the existing tree (to be removed) adjacent to the proposed access ramp.

CBLPP Determination

THAT Development Application DA-504/2017 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions:

Insert a new condition 4B, as follows:

“4B A landscape plan is to be submitted with the construction certificate which provides for screen planting which is to be no higher than 1.2 metres along the street side of the courtyard and for a suitable tree of similar size to the existing tree (to be removed) adjacent to the proposed access ramp.”

Vote: 4 – 0 in favour

DECISION

- 4 CANTERBURY BANKSTOWN LOCAL PLANNING PANEL OPERATIONAL PROCEDURES**

Public Addresses

There was no public address for this item.

Panel Assessment

The Panel voted on this matter in the open session.

CBLPP Decision

The Local Planning Panel adopt the Canterbury Bankstown Local Planning Panel Operational Procedures as provided in Attachment A of the report.

Vote: 5 – 0 in favour

DECISION

5 DELEGATION OF SPECIFIC FUNCTIONS FROM CANTERBURY BANKSTOWN LOCAL PLANNING PANEL TO GENERAL MANAGER AND DIRECTOR PLANNING

Public Addresses

There was no public address for this item.

Panel Assessment

The Panel voted on this matter in the open session.

CBLPP Decision

The functions of the Canterbury Bankstown Local Planning Panel under s.8.15(4) of the Environmental Planning and Assessment Act 1979 in relation to planning appeals be delegated by the Panel to the General Manager and Director Planning in accordance with the instrument of delegation as provided in Attachment A of the report.

Vote: 5 – 0 in favour

The meeting closed at 7.17 p.m.