

**CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE**

**CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING**

**HELD IN THE COUNCIL CHAMBERS  
BANKSTOWN**

**ON MONDAY 2 MARCH 2020**

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**PANEL MEMBERS**

**PRESENT:** Mr Anthony Hudson -Chairperson  
Ms Jan Murrell - Chairperson / Expert Member  
Mr Richard Thorp AM- Expert Member  
Mr Robert Furolo- Community Representative Bankstown  
Ms Kayee Griffin - Community Representative Canterbury

**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, not present for the closed session)  
Mr George Gouvatsos (Coordinator Planning - East, not present for the closed session)  
Mr Stephen Arnold (Coordinator Planning - West, not present for the closed session)  
Ms Casandra Gibbons (Senior Planner, not present for the closed session)  
Mr Bob Steedman (Planner, not present for the closed session)  
Ms Larissa Hubner (Strategic Planner)

**THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.03 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 recommendations from the Council staff and the submissions made by objectors and the applicant and/or the applicant's representative(s) in 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 **9 December 2019** be confirmed, subject to the following amendments to the conditions to Item 3: 56 Lucas Road,

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East Hills – DA-447/2019A - Modification of existing structures and construction of a new two storey dwelling, inground swimming pool and outbuilding as follows:

*The Panel therefore considered that condition 3 should be deleted in its entirety and condition 2 should be modified to reflect the fact that the privacy screen plan (Drawing No. CC04 Drawing Title 'Elevations 1' Revision A dated 29/09/2019) is not required and that the originally proposed plans (Drawing No. 10 Drawing Title 'Elevations 1' Revision A dated 02/07/2019) should be referenced in its place.*

#### **CBLPP Determination**

*THAT Development Application DA-447/2019A RE: Modification of existing structures and construction of a new two storey dwelling, inground swimming pool and outbuilding be **MODIFIED** and that condition 3 of the development consent be deleted and condition 2 be amended accordingly.*

**Vote: 4 – 0 in favour.**

#### **DECISION**

- 1 5 FRENCH AVENUE, BANKSTOWN: DEMOLITION OF EXISTING SITE STRUCTURES AND CONSTRUCTION OF AN ELEVEN STOREY MIXED RESIDENTIAL/COMMERCIAL FLAT BUILDING COMPRISING OF EIGHTY ONE RESIDENTIAL UNITS AND BASEMENT CARPARKING.**

##### **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:

- Adam Byrnes – Think Planners (Representing Applicant)
- Charlie Demian - (Applicant)

##### **Panel Assessment**

Mr Robert Furolo was the Community Panel Member present for the deliberation and voting for this matter.

The Panel notes that the modification application states that it is for:

- a) modification to the architectural plans as per the submitted plans and shown in red (the new area), and
- b) enclosure of an unused ground floor space and creation of additional floor space to increase the size of the ground floor retail area by 37m<sup>2</sup>

The Panel notes that approval is being sought for the use of the new area in association with the adjoining area marked as “retail” for already constructed rear western wall and the already constructed northern side wall which encloses the new area to remain.

The applicant also emphasises that the area being considered under the modification application is part of the retail lot shown on the now approved Strata Plan.

The Panel accepts that this area could be utilised in association with the “retail” area, but in the Panel’s opinion it should not be an enclosed area.

The development consent and the construction certificate in the Panel's opinion did not approve the two relevant walls to the new area for which the applicant now seeks consent.

The fact that an occupation certificate has been issued is irrelevant to what was approved by the development consent and the construction certificate. The OC only authorises occupation and does not authorise structures built contrary to the development consent/construction certificate.

The applicant would need to obtain in the future any relevant approval for the single retail area which would now include the new area as an open area to the north of the enclosed retail area.

This also addresses the crime prevention issues because it deletes the dead space area on the western side of the western wall around the fire stairs and provides another access link.

The Panel sees this as a compromise between what the applicant is proposing and the concerns raised by the council in their report.

The applicant indicated to the Panel that they had not sought to address any proposed changes to the existing residential entrance ways with the Owners Corporation, and in the Panel's opinion it seemed that the applicant would not be prepared to approach the Owners Corporation in relation to other changes that could be made to improve the pedestrian accesses to the building.

The approved plans for the Development Consent and Construction Certificate, provided for the new area to be an open area which the panel agrees with.

Conditions should be imposed include:

- a) approval of the new area to be used in association with the adjoining area,
- b) removal of the western wall of the new area, and
- c) removal of the northern wall of the new area and completion of that wall in accordance with the construction certificate (privacy screen to top of landscaped wall)

The Panel is of the opinion that these conditions relate to the same planning matters to which the modification application relates.

### **CBLPP Determination**

THAT Modification Application No DA-738/2015/C dated 19 November 2019 be approved subject to the following new condition 3(b) being added to the development consent No DA-738/2015:

- 3(b) The ground floor area shown in blue dashed outline and referred to as "proposed area to retail" on plan CC05W dated 16 June 2019 ("the new area") the subject of Modification Application No DA-738/2015/C dated 19 November 2019 is approved to be used in association with the adjoining area shown in pink dashed outline referred to as "existing retail as built" ("the existing area") on the same plan subject to:
  - (a) the new area being an open area, and
  - (b) any further necessary development consent being obtained for the combined use of the new area and the existing area being obtained

The existing western wall and the existing northern wall of the new area must be demolished prior to any occupation certificate (interim or final) being issued for the use of the new area.

**Vote: 4 – 0 in favour**

## **DECISION**

### **2 67-69 BALMORAL AVENUE, CROYDON PARK: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF AN IN-FILL AFFORDABLE HOUSING DEVELOPMENT CONTAINING NINE DWELLINGS OVER A BASEMENT CAR PARK PURSUANT TO STTE 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.

#### **Written Submission**

- A written submission was received for this matter on behalf Lauren & Michael Stubbs, Isaac Kuruvilla and Albert Taweel.

#### **Public Addresses**

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

- Lakhwinder Brar - Objector and (representing Ping Ho, Ricknam Randhawa, Ranvir Kaur) - Objectors
- Mark Kelly - Objector
- Fred Taweel - (Objector)
- Matthew Cheng - (Objector)
- Hany Mohamed - (Objector)
- Joseph Kizana - (representing applicant)
- Anthony Betros - (representing applicant)

#### **Panel Assessment**

Ms Kayee Griffin was the Community Panel Member present for the deliberation and voting for this matter.

The residents made mention of the fact that there would have been many other objectors if time had allowed, however this is not relevant to the Panel's assessment which is based on the objections provided and the Panel's assessment of the Application.

The Panel notes that the difference between this application and the previous application is as follows:

- amended finishing materials, reduced painted render elements and increased brick elements to be more in keeping with area,
- increased building separation between units 2 and 3,
- revised block layout for units 5-9, to improve solar access,
- revised basement layout and swept path analysis to show that cars can safely use the space,
- additional information to deal with a number of the previous reasons for refusal,
- additional requests for amalgamation with neighbouring property, and
- corrected inconsistencies between plans.

As the Applicants representative indicated a number of the reasons of refusal related to inadequate information which has now been provided as set out in the report.

Other matters raised including parking, heritage and the 400 metres distance to bus stop requirement have been adequately and properly addressed in the Panel's consideration. The panel also notes that the FSR of 57:1 is a modest FSR for this type of development.

This is an R3 Zone with expectations for multi dwelling housing which will meet the objectives for providing housing for the community. In the Panel's opinion, consistent with this zoning new development is only just commencing which means this area is transitioning to meet the objective of the zone.

**CBLPP Determination**

THAT Development Application DA-635/2019 RE: Demolition of existing structures and construction of an in-fill affordable housing development containing nine dwellings over a basement car park pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 be **APPROVED** in accordance with the Council staff report recommendations.

**Vote: 4 – 0 in favour**

The meeting closed at 7:32 p.m.