

**CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE**

**CANTERBURY BANKSTOWN LOCAL PLANNING PANEL ONLINE MEETING**

**HELD ON MONDAY 13 SEPTEMBER 2021**

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**PANEL MEMBERS**

**PRESENT:** Mr Grant Christmas - Chairperson  
Mr Stephen Kerr - Expert Member  
Ms Linda Pearson - Expert Member  
Mr Graeme Wilkinson - 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 Ian Woodward (Manager Development, not present for the closed session)  
Ms Robyn Winn (Coordinator Governance, not present for the closed session)  
Mr Stephen Arnold (Coordinator Planning East, not present for the closed session)  
Mr Aidan Harrington (Town Planner, not present for the closed session)  
Mr Warren Terry (Town Planner, not present for the closed session)  
Mr Fergus Ryan (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 from the Council staff and any submissions made by applicants.

**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.

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

That the minutes of the Canterbury Bankstown Local Planning Panel Meeting held on **2 August 2021 and 25 August 2021 – Electronic Determination** be confirmed.

## DECISION

- 1 DA-1044/2020/1, 10 JUNO PARADE, GREENACRE: DIVISION 8.2 REVIEW OF DETERMINATION OF COUNCIL'S LPP'S REFUSAL OF DA-1044/2020 WHICH SOUGHT APPROVAL FOR THE DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A TWO-STOREY ATTACHED DUAL OCCUPANCY WITH TORRENS TITLE SUBDIVISION.

### Site Visit

A virtual inspection of the site was undertaken by the Panel members due to the current Covid situation prior to the public hearing.

### Public Addresses

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

- Anthony Betros (Town Planner for the Applicant)
- Huss Chalich (Applicant/Architect)

### Panel Assessment

Mr Graeme Wilkinson was the Community Panel Member present for the deliberation and voting for this matter.

The Panel noted that the Applicant had made a number of amendments to the proposed development to address the reasons for refusal of the original development application.

However, the Panel considered that there were several fundamental aspects of the proposal which led to the conclusion that the decision to refuse consent should be confirmed. These matters were:

1. The proposed development exceeded the 7 metre wall height development standard in clause 4.3(2B)(b) of the Bankstown Local Environmental Plan 2015 and no written request in relation to the contravention of that standard was submitted with the application. A condition requiring compliance with the development standard was not practical. In the absence of a written request, the Panel had no power to grant consent.
2. The written requests to the contravention of the development standards relating to the floor space ratio and width of the lot at the front building line were not well founded and provided insufficient environmental planning grounds to justify contravening the standards.
3. The short fall of two spaces in the required amount of on-site parking, the loss of on-street parking, the lack of landscaping forward of the building line and the insufficient manoeuvring areas for vehicles in the front setback area were all unsatisfactory aspects of the proposal.
4. The application did not provide for the information required to satisfy the Panel that the internal noise levels of the dwellings would achieve the standard required by clause 102(3) of State Environmental Planning Policy (infrastructure) 2007.

### CBLPP Determination

That the Panel **CONFIRM** the decision to **REFUSE** consent to Development Application DA-1044/2020/1 for the following reasons:

1. The proposed development fails to comply with Clause 102(3) of State Environmental Planning Policy (Infrastructure) 2007 and demonstrate that appropriate measures will be taken to ensure that the specified internal acoustic standards will be achieved for the development.
2. The proposed development is inconsistent with the objectives of the R2 Low Density residential zone of the Bankstown Local Environmental Plan 2015.

3. The proposed development fails to comply with the development standard in Clause 4.1A of the Bankstown Local Environmental Plan 2015 in relation to the width of the lot at the front building line.
4. The proposed development fails to comply with the development standard in Clause 4.3 of the Bankstown Local Environmental Plan 2015 in relation to the maximum wall height of a dual occupancy development.
5. The proposed development fails to comply with the development standard in Clause 4.4 of the Bankstown Local Environmental Plan 2015 in relation to the maximum floor space ratio.
6. The proposed development fails to comply with Clause 4.14 of the Bankstown Development Control Plan 2015 – Part B1 which relates to private open space.
7. The proposed development fails to comply with Clause 4.33 of the Bankstown Development Control Plan 2015 – Part B1 which relates to the retention of significant trees.
8. The proposal fails to provide satisfactory on-site parking and will also result in the loss of on-street parking.

**Vote: 4 – 0 in favour**

**2 DA-772/2020 32-34 LEONARD STREET, BANKSTOWN: DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF SIX STOREY RESIDENTIAL FLAT BUILDING WITH 53 UNITS AND BASEMENT CAR PARKING.**

**Site Visit**

A virtual inspection of the site was undertaken by the Panel due to the current Covid situation prior to the public hearing.

**Public Addresses**

There was no address in respect to this item.

**Panel Assessment**

Mr Graeme Wilkinson was the Community Panel Member present for the deliberation and voting for this matter.

The Panel considered that the proposal was a well designed development which was generally consistent with the relevant planning controls and warranted approval.

**CBLPP Determination**

That Development Application DA-772/2020 be **APPROVED** in accordance with the Council staff report recommendation, subject to changes to the following conditions:

- The amendment of condition 2(a) to state that: “The master bedrooms of units 7, 17, 27, 37, 38 and 46 shall be amended so as they have a minimum internal area of 10m<sup>2</sup>, excluding wardrobe space, in accordance with objective 4-D-3 Design Criteria 1 of the Apartment Design Guide. The amendment shall not result in any further non-compliances with the ADG.
- The following condition be added: “So as to provide a buffer zone directly adjacent to the highlight windows of the northern elevations of Units 3 and 4, a hedge of lilly pillys (or similar species) of 1 metre in depth are to be planted for the length of the windows and maintained for the life of the development.”

**Vote: 4 – 0 in favour**

**3 DA-90/2021 492 HENRY LAWSON DRIVE, EAST HILLS: ALTERATIONS TO LIFT WELL, AND INTERNAL ALTERATIONS.**

**Site Visit**

A virtual inspection of the site was undertaken by the Panel due to the current Covid situation prior to the public hearing.

**Public Addresses**

There was no address in respect to this item.

**Panel Assessment**

Mr Graeme Wilkinson was the Community Panel Member present for the deliberation and voting for this matter.

The Panel considered that the proposal was acceptable with minimal environmental impacts and the written requests relating to the contravention of the applicable development standards were well founded.

**CBLPP Determination**

That:

1. Development Application DA-90/2021 be **APPROVED** in accordance with the Council staff report recommendation.
2. Pursuant to the provisions of clause 4.6 of the Bankstown Local Environmental Plan 2015 ("the LEP"), the Panel is satisfied that the written request in relation to the contravention of the height of buildings development standard in clause 4.3 of the LEP has adequately addressed the required matters in clause 4.6 of the LEP. The Panel agrees that the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the development standard. Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings standard and the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out.
3. Pursuant to the provisions of clause 4.6 of the Bankstown Local Environmental Plan 2015 ("the LEP"), the Panel is satisfied that the written request in relation to the contravention of the wall height development standard in clause 4.3 of the LEP has adequately addressed the required matters in clause 4.6 of the LEP. The Panel agrees that the written request demonstrates that compliance with the development standard is unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the development standard. Further, the Panel considers that the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings standard and the objectives for development within the R2 Low Density Residential zone in which the development is proposed to be carried out.

**Vote: 4 – 0 in favour**

The meeting closed at 6.32pm