

**CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE CANTERBURY BANKSTOWN LOCAL PLANNING PANEL**

**Electronic Determination of Deferred Matter**

**Tuesday 27 February 2024**

---

**PANEL MEMBERS**

Mr Anthony Hudson - Chairperson  
Mr Stephen Kerr – Expert Member  
Mr Richard Thorp AM – Expert Member  
Mrs Linda Eisler - Community Representative Canterbury

- (1) On 4 December 2023 the Panel resolved that Development Application **DA-744/2023 for 15 Main Street Earlwood** be **DEFERRED** for the submission of further information as outlined in the panel assessment section of Item 1 of the minutes, 4 December 2023.
- (2) A further submission was received from the Applicant on 11 December 2023.
- (3) The panel sent an email to the applicant on 22 January 2024 about possible conditions that were being considered by the panel regarding potential privacy impacts from a future dwelling on proposed Lot 1.
- (4) The applicant has responded to this email with a further submission dated 26 February 2024 which has been electronically circulated to the Panel.
- (5) The Panel has now considered this and determined that the development application be approved as recommended in the report to the Panel dated 4 December 2024.
- (6) The Panel was concerned about the potential privacy impacts from any future development which is likely to be a dwelling. Part of the item 1 minutes from the Panel meeting on December 2023 state:

*The Panel is of view that that development of proposed Lot 1 is where significant impacts on neighbours is likely and careful design is required. The Panel is not convinced that this has been adequately addressed especially given that the future development will be through the CDC process which does not involve discretionary adjustments for specific privacy impacts.*

*The Panel is of the view that this can be resolved by reducing the existing ground level of Proposed Lot 1 in the order of 1m. This work should be carried out prior to the release of the subdivision certificate.*

- (7) The Panel in its email of 22 January 2024 indicated that the Panel was considering special conditions for lowering the existing ground level of proposed Lot 1 to effectively reduce the height relative to the existing ground levels of the numerous neighbouring lots.
- (8) The applicant's recent submission stated, amongst other things, that the suggested conditions were:
  - (a) unreasonable due to the additional cost burden of the necessary earthworks from the conditions, and
  - (b) unlawful as they did not properly relate to the application which was only for a "paper subdivision".

- (9) The applicant's submission also makes the point that privacy impacts would be assessed as part of any development application for the future development of proposed Lot 1.
- (10) The Panel now accepts the applicants' submission.
- (11) However, the Panel emphasises that any future preparation of a development application for the development of proposed Lot 1 and the assessment of this application must carefully consider the privacy impacts of the proposed development on adjoining properties.

### **CBLPP Determination**

- (a) The Panel is satisfied that the applicant's clause 4.6 variation, from Milestone dated September 2023, of the Canterbury LEP 2012 (minimum lot size) adequately addresses the relevant matters of clause 4.6 (3) and that the proposed development will be in the public interest, because it is consistent with the objectives of the development standard that is contravened and the objectives of the B2 Local Centre Zone of the LEP ( in accordance with clause 4.6 (4) (a) (ii).
- (b) THAT Development Application **DA-744/2023** be approved in accordance with the recommendation in Item 1 of the report to the Panel dated 4 December 2023.

**Vote:                    4 - in favour / 0 - against**