

**CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE**

**CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING**

**HELD ON 4 DECEMBER 2023**

---

**PANEL MEMBERS**

**PRESENT:** Mr Anthony Hudson - Chairperson  
Mr Stephen Kerr – Expert Member  
Mr Richard Thorp AM – Expert Member  
Mrs Linda Eisler - Community Representative Canterbury  
Mr Ian Stromborg OAM - Community Representative Revesby  
Mrs Inaam Tabbaa AM – Community Representative Bankstown

**STAFF IN**

**ATTENDANCE:** Ms Leisha McCarthy (Local Planning Panel Administration Officer)  
Ms Robyn Winn (Coordinator Governance)  
Mr Ian Woodward (Manager Development, not present for the closed session)  
Mr Bob Steedman (Team Leader Planning East, not present for the closed session)  
Mr Andrew Hargreaves (Team Leader Planning East, not present for the closed session)  
Mr Stephen Arnold (Coordinator Planning West, not present for the closed session)  
Ms Juliette Kavanagh (Senior Town Planner, not present for the closed session)  
Mr Camille Lattouf, (Manager City Strategy and Design, not present for the closed session)  
Mr Patrick Lebron, (Coordinator Strategic Assessments, not present for the closed session)  
Ms Hannah Painter (Strategic Planner, not present for the closed session)

**THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.00 PM.**

**ACKNOWLEDGEMENT OF COUNTRY**

The Canterbury Bankstown Local Planning Panel acknowledges the traditional custodians of the land, water and skies of Canterbury-Bankstown, the Darug People. The Panel recognises and respects Darug cultural heritage, beliefs and relationship with the land and the Panel acknowledges the First Peoples' continuing importance to the CBCity community.

**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, determining the Development Applications and providing recommendations to Council on the Planning Proposal.

**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 **6 November 2023** be confirmed.

## **DECISION**

### **1 DA-744/2023 15 MAIN STREET, EARLWOOD: TORRENS TITLE SUBDIVISION INTO TWO SEPARATE LOTS**

#### **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:

- Lisa Bella Esposito, Director, Milestone, on behalf of applicant
- Kevin Peddie, representative of applicant

#### **Panel Assessment**

Linda Eisler was the Community Panel Member present for the deliberation and voting for this matter.

The Panel generally agrees that the two lots can be created. However, the Panel is concerned about potential privacy impacts from future development of proposed Lot 1.

The Panel noted at the site inspection that the ground level of proposed lot 1 was elevated compared to the ground levels of the adjoining allotments. Further, it appears from the existing subdivision pattern that there are potentially 6-7 rear yards that could be affected by privacy impacts from potential development on proposed lot 1.

The report indicated that the future development of the proposed 2 lots will be through the CDC process under the Codes SEPP and this was confirmed by the applicant's representatives.

The land is now zoned R2 under the new CB LEP 2023 and dwellings and dual occupancy uses are permissible with consent (along with other uses such as childcare centre).

The height limit under the LEP and the Codes SEPP is 8.5m above ground level (existing) which means the height will be measured from the existing elevated level.

The Panel has considered the 'Indicative Concept Shadow Diagrams 1 and 2' and the 'Indicative Concept Massing Diagram'. These documents (amongst other things) are referred to in the report and supporting documents from the applicant to assert satisfactory amenity outcomes from likely development.

Reference is made in the SEE (section 5.1) to the planning principle in *Parrot v Kiama* L&E Court decision which refers to a planning principle that 'a subdivision application should provide constraints on future buildings when the proposed allotments are smaller than usual, or environmentally sensitive or where significant impacts on neighbours is likely and needs careful design to minimise them'.

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.

In addition, the removal of the fill material from the site will trigger the testing of the removed fill to confirm that any remaining fill is not contaminated which is a further secondary concern of the Panel.

The Panel appreciates that this will be a new matter for the consideration of this development application and in this case the Panel will defer the determination of the application to enable the applicant to provide additional survey information to assist in finalising fixed RLs for the new ground levels which will then become the new ground levels (existing).

At the same time a standard testing regime can be prepared for testing the fill for removal from site which can be incorporated into any conditions.

#### **CBLPP Determination**

THAT Development Application **DA-744/2023** be DEFERRED for the submission of further information as outlined in the panel assessment section above.

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

- 2 **DA-715/2022 270 HORSLEY ROAD AND 286 HORSLEY ROAD, MILPERRA:** REMEDIATION OF CONTAMINATED SOILS (CATEGORY 1), SITE PREPARATION WORKS, DEMOLITION OF ALL EXISTING STRUCTURES ON SITE, CLEARING OF VEGETATION, SITE GRADING AND CONSTRUCTION OF RETAINING WALLS TO ACHIEVE BULK EARTHWORKS LEVELS. THE APPLICATION IS DESIGNATED DEVELOPMENT IN ACCORDANCE WITH SCHEDULE 3 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021.

#### **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:

- Grace Macdonald, NSW Planning Manager, ESR Planning, on behalf of applicant
- Tim Ward, Director Planning, Ethos Urban, on behalf of applicant
- Nick Mullins, ESR Planning, on behalf of applicant

#### **Panel Assessment**

Ian Stromborg OAM was the Community Panel Member present for the deliberation and voting for this matter.

The Panel agrees with the report and recommendation subject to minor changes in the recommended conditions including a requirement that the CC be issued before the remediation works are carried out and insertion of correct dB(A) level of 10 in condition 38

#### **CBLPP Determination**

THAT Development Application **DA-715/2022** be APPROVED in accordance with conditions in Annexure A. [Click here for Annexure A](#)

**Vote: 4 - in favour / 0 – against**

### 3 RZ-1/2021 81-95 BORONIA ROAD, GREENACRE: PLANNING PROPOSAL

#### **Site Visit**

An inspection of the site was undertaken by the Panel and staff members prior to the previous meeting in August 2022.

#### **Public Addresses**

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

- Kevin Hoffman, Architect, on behalf of applicant
- Bruce Naghten, Principal, Monterey Developments, on behalf of applicant

#### **Panel Assessment**

Inaam Tabbaa AM was the Community Panel Member present for the deliberation and voting for this matter.

The Panel considered the Council officers detailed assessment of this planning proposal in August 2022 and resolved to defer the Panel's recommendation to Council noting that while the site would be suitable for medium density housing, further investigations were needed (such as flooding, traffic, waste removal and affordable housing options) to determine a final draft form of development.

Despite further contact with the applicant by Council staff no additional information / studies / designs have been submitted.

The applicant representatives indicated that further work had been carried out in relation to affordable housing, traffic and flooding however, no further information had been provided and more importantly it seemed to the panel that the applicant was referring to changes which should be incorporated into a new planning proposal with the updated studies.

In these circumstances the Panel agrees with the recommendation in the council staff report to the Panel.

#### **CBLPP Determination**

The Panel's recommends to the Council that this planning proposal not proceed to a Gateway determination.

**Vote: 4 - in favour / 0 – against**

The meeting closed at 6:37pm