

**CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE**

**CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING**

**HELD ON 7 AUGUST 2023**

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**PANEL MEMBERS**

**PRESENT:** Ms Linda Pearson - Chairperson  
Mr Stephen Kerr - Expert Member  
Mrs Penny Murray - Expert Member  
Mr Peter Menton - Community Representative Bankstown and Bass Hill

**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 Stephen Arnold (Coordinator Planning West, not present for the closed session)  
Mr Nicholas Aley (Team Leader Planning West, not present for the closed session)  
Ms Juliette Kavanagh (Senior Town Planner, not present for the closed session)

**THE CHAIRPERSON DECLARED THE MEETING OPEN AT 6.02 PM.**

**ACKNOWLEDGEMENT OF COUNTRY**

The panel acknowledges the traditional owners of the land where we are meeting today, the Darug and the Eora peoples, and we pay respect to their culture and their elders past, present and emerging.

**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 providing advice 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.

**CBLPP Determination**

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

THAT the minutes of the Canterbury Bankstown Local Planning Panel Meeting held on **1 May 2023** be confirmed.

**DECISION**

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- 1 **DA-864/2022 110 WATERLOO ROAD AND 11 MIMOSA ROAD, GREENACRE:** CHANGE THE USE OF 11 MIMOSA ROAD AND 110 WATERLOO ROAD FROM A RESIDENTIAL USE TO AN EDUCATIONAL ESTABLISHMENT USE AND THE CONSOLIDATION OF BOTH PROPERTIES (LOT 9 DP 13944 AND LOT 3 DP 173039) WITH LOT 1 DP 829930 AT 114 WATERLOO ROAD

#### **Site Visit**

Individual site inspections were undertaken by the Panel members prior to the public hearing.

#### **Public Addresses**

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

- Holly Rhodes, Associate Director, Urbis (on behalf of applicant)
- Oleg Sannikov, Traffic Engineer (on behalf of applicant)

#### **Panel Assessment**

Peter Menton was the Community Panel Member present for the deliberation and voting for this matter.

The Panel notes the advice from Council staff that the proposed consolidation of the two properties the subject of the development application with 114 Waterloo Road (Lot 1 DP 8 29930), the site of the Al Sadiq College, does not require development consent. The change of use from residential to educational establishment does require development consent and will require work to achieve compliance with fire safety requirements for that proposed use.

The Panel notes that the development application has been made before consolidation of the sites, and that accordingly calculation of FSR and site area in accordance with clause 4.5 of the Bankstown Local Environmental Plan 2015 would require application of the development standards provided in clauses 4.1B (minimum lot sizes and frontages) and 4.4(2A) (Floor space ratio) for each property. The Panel notes that the written request under clause 4.6 to vary the FSR development standard provided with the application takes a campus wide approach to calculation of FSR.

The Panel discussed with the applicant's representatives whether the application should be deferred to enable confirmation of calculation of GFA for 110 Waterloo Road and, if necessary, provision of a written request to vary the FSR development standard for that site; and for provision of further written requests under clause 4.6 of the Bankstown Local Environmental Plan 2015 to vary the minimum frontage development standard. The Panel notes that the assessment report recommends approval, however determined that the appropriate course is to defer the application to enable the applicant to provide any further information required.

#### **CBLPP Determination**

THAT Development Application DA-864/2022 be **DEFERRED** subject to the following:

- The applicant is to provide to the Council within one week of the date of publication of these Minutes:
  - any written requests under clause 4.6 of Bankstown Local Environmental Plan 2015 to vary the development standard in clause 4.1B of Bankstown Local Environmental Plan 2015 for 110 Waterloo Road and 11 Mimosa Road Greenacre; and

- either demonstration that the FSR of the proposed educational establishment use of 110 Waterloo Road complies with clause 4.4(2A) of Bankstown Local Environmental Plan 2015, or a written request under clause 4.6 to vary that development standard.
- The final determination may be returned to the Panel for electronic determination.

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

**2 DA-52/2022 30-32 WELLINGTON ROAD, CHESTER HILL: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A FOUR (4) STOREY RESIDENTIAL FLAT BUILDING DEVELOPMENT COMPRISING OF 23 RESIDENTIAL APARTMENTS, WITH BASEMENT AND GROUND FLOOR LEVEL CARPARKING**

**Site Visit**

Individual site inspections were undertaken by the Panel members prior to the public hearing.

**Public Addresses**

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

- Alain Assoum, Director, Fuse Architects (on behalf of applicant)
- Bernard Moroz, Town Planner, BMA (on behalf of applicant)

**Panel Assessment**

Peter Menton was the Community Panel Member present for the deliberation and voting for this matter.

The applicant's representatives responded to the concerns raised by Council staff in the assessment report relating to compliance with the principles in State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development, the provisions of the Apartment Design Guide, and the planning controls in Bankstown Local Environmental Plan 2015 and Bankstown Development Control Plan 2015.

The position of the applicant's representatives was that there are no non-compliances with any of those provisions, and that a number of the matters on which the assessment report raises concerns are its responses to previous discussions with Council staff. Those matters include the location and screening of the bulky waste area, the design of the access driveway to the basement car parking area, and access to the communal open space located at the northern part of the site. The applicant's representatives stated that the applicant did not want to amend the proposed development but requested a deferral for two weeks at most to provide evidence to set the record straight.

The Panel is of the opinion that there should be no deferral, noting that the applicant has had several opportunities to provide further information since lodgement of the development application in February 2022, including meetings with Council staff in June 2022 and September 2022, and revision of the application with amended plans lodged in March 2023. The Panel notes that while some of the matters raised in the assessment report were clarified by the applicant's representatives during the meeting, there remain many issues to address in the revised application, including:

- insufficient landscaping between the building and primary frontage and inconsistencies with landscape plans and landscape area calculations;

- access to the communal open space from common circulation areas;
- vehicle access ramps including 90-degree bends and blind spots;
- non-compliance with the 13m height limit specified in clause 4.3 of Bankstown Local Environmental Plan 2015, noting that the written request to vary that development standard provided with the application does not address the revised plans Rev B (7 February 2023) and the survey shows a height breach;
- insufficient information as to stormwater management and susceptibility to flood inundation, so as to establish compliance with clause 5.21 Bankstown Local Environmental Plan 2015.

The Panel concluded that the applicant has had ample opportunity to address the concerns raised by Council staff, and that given its position that it was not prepared to make any further amendments to the proposal, it was not appropriate to defer.

**CBLPP Determination**

THAT Development Application DA-52/2022 be **REFUSED** in accordance with the Council staff report recommendation, for the reasons provided in that recommendation other than paragraphs 2(c), (f), and (g).

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

The meeting closed at 6.55p.m.