

CITY OF CANTERBURY BANKSTOWN

MINUTES ELECTRONIC DETERMINATION OF THE

CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING

29 AUGUST 2023

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)
Mr Nicholas Aley (Team Leader Planning West, not present for the closed session)

INTRODUCTION

The Panel had resolved to defer DA-864/2022 at the Canterbury Bankstown Local Planning Panel meeting, held on 7 August 2023 and to determine electronically by circulation of documents, on the basis of the additional documents submitted by the Applicant.

CBLPP Determination

DECISION

- 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 Rhoades, Associate Director, Urbis (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:

1. The applicant has provided, in accordance with the deferral of consideration of this application, two written requests made under clause 4.6 of Bankstown Local Environmental Plan 2015, seeking:

- a) Variation of the Floor Space Ratio (FSR) development standard prescribed by clause 4.4 of Bankstown LEP for 110 Waterloo Road; and
- b) Variation of the Minimum Lot Size development standard prescribed by

clause 4.1B of Bankstown LEP for 11 Mimosa Road and 110 Waterloo Road.

2. The Panel is satisfied that:

- a) The written requests adequately address the matters required to be demonstrated by clause 4.6(3) of Bankstown LEP that compliance with the development standards is unreasonable or unnecessary and that there are sufficient environmental planning grounds to justify the contraventions of clauses 4.1B and 4.4 of Bankstown LEP; and
- b) The proposal is in the public interest because it is consistent with the objects of the R2 Low Density Residential zone and the FSR and Minimum Lot Size development standards.

3. The Panel notes that the application under consideration seeks consent for a change of use from residential to educational establishment only, and that the two lots the subject of this application are to be consolidated with Lot 1 DP 829930, 114 Waterloo Road Greenacre. The two sites are intended to be used for school administration purposes and a uniform shop, with no additional staff or students. The Panel notes that the proposal does not involve any physical works to the existing dwellings, and that work will be required to comply with Category 1 fire safety provisions as applicable to the proposed use.

4. The development application has been assessed in accordance with the matters for consideration in section 4.15(1) of the Environmental Planning and Assessment Act 1979, as detailed in the assessment report. The Panel agrees with the staff recommendation that the development is suitable for the site being located in a prescribed zone under clause 3.34 of SEPP (Transport and Infrastructure), is consistent with the objectives of the zone, and is generally consistent with the applicable standards and controls. The Panel agrees with the staff recommendation that the proposal be approved subject to conditions.

CBLPP Determination

1. The variations requested to clauses 4.1B (Minimum Lot Size) and 4.4 (Floor Space Ratio) of Bankstown Local Environmental Plan 2015 in accordance with clause 4.6 of Bankstown Local Environmental Plan are upheld.
2. Development Application DA-864/2022 is **APPROVED** in accordance with the Council staff report recommendation, subject to conditions as proposed on 7 August 2023 with the following amendments:
 - a. Additional condition 1.6:
“This development consent authorises the change of use from residential use to an educational establishment use, and consequential works to achieve compliance with fire safety provisions, and does not authorise any change in the number of staff or students.”
 - b. Condition 6.1 is amended to read: “The development must operate in accordance with all consents relevant to the use of the site (including for the existing school at 114 Waterloo Road and 3 Mimosa Road, Greenacre) for the purpose of a school, whether issued by Council or another Authority, unless superseded by the conditions of this Development Consent.”

Vote: 4 - in favour / 0 - against