

**CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE**

**CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING**

**HELD IN THE COUNCIL CHAMBERS  
BANKSTOWN**

**ON MONDAY 1 JULY 2019**

**PANEL MEMBERS**

**PRESENT:** Ms Jan Murrell - Chairperson  
Ms Barbara Perry - Expert Member  
Mr Richard Thorp AM - 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)  
Ms Robyn Winn (Coordinator Governance, not present for the closed session)  
Mr Ian Woodward (Manager Development, not present for the closed session)  
Mr Stephen Arnold (Coordinator Planning - West, not present for the closed session)  
Mr Ryan Bevitt (Senior 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 and the recommendation from the Council staff and the submissions made by objectors and the applicant and/or the applicant's representative(s) and determining the development applications.

**APOLOGIES**

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 **6 May 2019** be confirmed.

## DECISION

### 1 16 – 18 MEAGER AVENUE, PADSTOW: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF SIX DWELLINGS, FRONT FENCE AND STRATA TITLE SUBDIVISION.

#### 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:

- Chris Khoury – Applicant

#### Panel Assessment

Graeme Wilkinson was the community Panel member present for the deliberation and voting for this matter.

The Panel is satisfied that the Clause 4.6 written requests for variations to the development standards: wall height; building height; and site area per dwelling of 300 square metres in Clauses 4.1B(5), 4.3(2B)(c)9(i) and (ii) meet the necessary requirements. In the Panels opinion the development is consistent with the objectives of the zone and the objectives of the development standards. The development is compatible with the character of the area in terms of the height standards and the lots are of sufficient size at 295.5square metres to accommodate dwellings, setbacks, private open space and landscaped areas. As such the proposed development is in the public interest and compliance in this case is unnecessary.

Apart from the above departures that are well founded, the Panel is satisfied that the proposed development is consistent with the Councils LEP and DCP planning framework.

The Panel considers that the shrubs (Blueberry Ashes), within the courtyards of the dwellings should be replaced with a canopy tree of a suitable height and variety and the condition for the landscaping is to be amended accordingly. This will enhance the landscape setting for the dwellings.

The Panel considers that the development with amended landscaping will sit comfortably in the streetscape and warrants approval.

#### **CBLPP Determination**

The Development Application DA-524/2018 RE: Demolition of Existing Structures and Construction of Multi Dwelling Housing Comprising of Six Dwellings, Front Fence and Strata Title Subdivision is **APPROVED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions of consent:

With respect to the conditions of consent the heading: Foreshadowed Conditions of Approval (Schedule B – page 19) should read:

#### **Draft Operational Conditions**

**“The following conditions of consent including any other conditions that may arise from resolution of matters listed in Schedule A, if required will be included in an operational development consent that will be issued by the “General Manager or his nominee” after the applicant provides information sufficient to satisfy Council in relation to the condition of the deferred commencement consent:”**

Condition 6 is to have the following sentence added at the end:

"The Blueberry Ashes shall be replaced with a canopy tree of a suitable height and variety as determined by the Landscape Architect, to provide for enhanced landscaping setting.

#### **Panel Reason**

The panel considers this development application for multi dwelling housing is worthy of approval and will provide a choice in the housing market. The panel notes there were no submissions/objections to the proposal when advertised.

**Vote: 4 – 0 in favour**

## **DECISION**

### **2 5 AND 7 HYDRAE STREET, REVESBY: DEVELOPMENT APPLICATION NO. DA-1007/2017 PROPOSES DEMOLITION, CONSOLIDATION OF TWO LOTS AND THE CONSTRUCTION OF SIX MULTI DWELLING HOUSING UNITS, FRONT FENCE AND STRATA SUBDIVISION.**

#### **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:

- Chris Khoury - Applicant
- Bernard Moroz – Town Planner (representing applicant)

#### **Panel Assessment**

Mr Graeme Wilkinson was the community Panel member present for the deliberation and voting for this matter.

The Panel is satisfied the Clause 4.6 written request to vary development standard, contained in the Bankstown Local Environmental Plan 2015 Clause 4.3(2B), a 6m maximum overall height of buildings and a wall height of 3m meets the necessary requirements. The extent of non-compliance varies from 7.6% to 29.6% for wall height and 6.6% to 17.8% for overall building height. There are sufficient environmental planning grounds in the circumstances of the site with the need to provide sufficient freeboard because of flood affectation. The Panel has also considered the objectives of the development standard and the objectives of the zone and is satisfied the development is consistent and as such the proposed development is in the public interest. The development will provide for the housing needs of the community having regard to local amenity.

The Panel has determined that the development application warrants approval on a merits assessment. In granting approval, the Panel notes that the development is on a site that is constrained by flooding which has required an increase in the height of the rear buildings above the recommended development standard. However, the additional raising of the floor level for the rear unit at 1.6 metres is considered to not impact adjoining properties.

The Panel has carefully considered the objections received in respect of the development application with respect to the built form, visual privacy, and stormwater flooding issues. The Panel considers that the separation distance to the properties on the opposite side of Little Salt Pan Creek will mitigate adverse impacts and the side boundary setbacks are satisfactory. With respect to the objection concerning traffic and parking the Panel is persuaded by the Council Officers expert that this would not warrant refusal of the application. The Panel notes that the proposed development satisfies the parking

requirements of Councils development control plan and 12 parking spaces plus a visitors space are provided on the subject site.

The Panel notes that the site has significant flood affectation and consequently this has constrained the design of the dwellings, in particular the presentation of the rear dwellings to the Creek requiring these to be raised to allow free flow of water. However, the Panel does not consider the raised levels of the dwellings create adverse impacts given the generous setback to the rear boundary and the Creek, this would not warrant refusal of the application. The panel is satisfied that the design is in accordance with Council's stormwater and flood management policy and will not pose a risk. There are other design matters that could be improved, such as accessing the laundry through the pantry and the decks and windows to improve the internal amenity of the dwellings. Once again these are matters that would improve the amenity, however would not warrant refusal of the application.

On balance the Panel is satisfied that the provision of six multi-unit dwellings on the subject site is in accordance with the zone objectives and it is a development generally consistent with Council's controls and guidelines.

The Panel will amend the Condition for Landscaping to ensure the further planting of Canopy trees on the subject site and in locations removed from the flood prone areas.

In addition, a condition is also to be inserted regarding consistency of all drawings and the need for further details including: railings to balconies, stairs to terraces etc. to ensure the Construction Certificate is not issued prior to these details being resolved.

#### **CBLPP Determination**

The Development Application DA-1007/2017 RE: Development Application No. DA-1007/2017 proposes demolition, consolidation of two lots and the construction of six multi-dwelling housing units, front fence and strata subdivision is **APPROVED** subject to the recommended conditions provided by the officer, with the additional requirement that the landscaping Condition 4 be amended to provide additional canopy trees on the site in the non-affected flood prone areas. This is to provide a landscaped setting.

An additional condition is also to be inserted to ensure that the all drawings are consistent and contain the necessary notations with respect to railings, stairs to terraces etc.

#### **Panel Reason**

On balance having considered the application and documentation and having regard to the written objections, the Panel considers the development is worthy of approval and will sit comfortably in the streetscape and will provide a choice in housing for the community.

**Vote: 4 – 0 in favour**

The meeting closed at 7:55pm



Declaration of Interest

MEETING DATE	1st July 2019 -
Agenda Item/Panel reference number	1 - 1640 1 <sup>st</sup> Meagher Ave PASTON

In relation to this matter, I declare that I have:

no known conflict of interest

an actual<sup>1</sup> , potential<sup>2</sup>  or reasonably perceived<sup>3</sup>  conflict of interest as detailed below:

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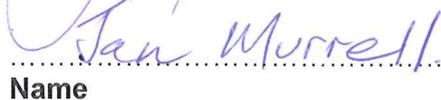
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 Signature ..... 1/7/19 .....  
 Date  
  
 Name

Please return this form to the Planning Panels Secretariat at [enquiry@planningpanels.nsw.gov.au](mailto:enquiry@planningpanels.nsw.gov.au)

<sup>1</sup> An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties.

<sup>2</sup> A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future.

<sup>3</sup> A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.





### Declaration of Interest

MEETING DATE	01.07.2019
Agenda Item/Panel reference number	All items.

In relation to this matter, I declare that I have:

no known conflict of interest

an actual<sup>1</sup> , potential<sup>2</sup>  or reasonably perceived<sup>3</sup>  conflict of interest as detailed below:

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*Richard Thorp*  
Signature

01.07.19  
Date

RICHARD THORP  
Name

Please return this form to the Planning Panels Secretariat at [enquiry@planningpanels.nsw.gov.au](mailto:enquiry@planningpanels.nsw.gov.au)

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