

## Review Request Under Section 8.13 (1) of the EP & A ACT

<b>Application Number</b>	DA-1038/2023 PAN-361116
<b>Applicant</b>	Mike Darwich
<b>Description of development</b>	Demolition of existing structures and construction of an attached dual occupancy with Torrens title subdivision into two lots, including a pool for each dwelling with associated drainage and landscaping works.
<b>Property</b>	21 Narelle Crescent, GREENACRE NSW 2190
<b>Determination</b>	<b>Refused</b> Consent Authority ○ Canterbury Bankstown Council
<b>Date of determination</b>	18 October 2023

Dear Sir / Madam,

I would like to seek your assistance for requesting a review of the consent authority's decision under section 8.3(1) of the EP & A Act for the above mentioned application based on the feedback received in our meeting with the council's development assessment officer on 27 October 2023 and the new revised development application that addresses the non-compliance issues raised in the letter of determination received on 18 October 2023.

The new proposed design has addressed the non-compliance items as follow:

Item No.	Description	Response
1	The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(i) of the <i>Environmental Planning and Assessment Act 1979</i> , as it fails to meet with Clause 1.2, Aim (j) of the Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023) with regard to achieving a good urban design outcome.	The design has been revised to meet Section 4.15(1)(a)(i) of the <i>Environmental Planning and Assessment Act 1979</i> , and Clause 1.2, Aim (j) of the Canterbury Bankstown Local Environmental Plan 2023 (CBLEP 2023) with regard to achieving a good urban design outcome.
2	The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(i) of the <i>Environmental Planning and Assessment Act 1979</i> , as it fails to meet with Clause 4.1(1)(a)(b)(f) of the CBLEP 2023 with regard to Subdivision.	The design has been revised to meet Section 4.15(1)(a)(i) of the <i>Environmental Planning and Assessment Act 1979</i> , and Clause 4.1(1)(a)(b)(f) of the CBLEP 2023 with regard to Subdivision

		by adjusting the subdivision design to avoid inconsistency.
3	The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(i) of the <i>Environmental Planning and Assessment Act 1979</i> , as it fails to comply with Clause 4.4 of the CBLEP 2023 due to the maximum permitted floor space ratio for a dual occupancy development in the R2 Zone being exceeded.	The design has been revised to meet Section 4.15(1)(a)(i) of the <i>Environmental Planning and Assessment Act 1979</i> , and Clause 4.4 of the CBLEP 2023 in regard to the maximum permitted floor space ratio for a dual occupancy development in the R2 Zone by dropping down the proposed FSR ratio to comply.
4	The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the <i>Environmental Planning and Assessment Act 1979</i> , as it does not comply with Chapter 5.1, Control 4.13 of the Canterbury Bankstown Development Control Plan 2023 (CBDCP 2023) due to the dual occupancy failing to meet the minimum requirements for solar access.	The design has been revised to meet Section 4.15(1)(a)(iii) of the <i>Environmental Planning and Assessment Act 1979</i> , and Chapter 5.1, Control 4.13 of the Canterbury Bankstown Development Control Plan 2023 (CBDCP 2023) in regard to meeting the minimum requirements for solar access by removing the roof of the rear terrace for unit 21.
5	The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the <i>Environmental Planning and Assessment Act 1979</i> , as it does not comply with Chapter 5.1, Control 4.19 of the CBDCP 2023 due to the dual occupancy failing to meet the provisions for visual privacy.	The design has been revised to meet Section 4.15(1)(a)(iii) of the <i>Environmental Planning and Assessment Act 1979</i> , and Chapter 5.1, Control 4.19 of the CBDCP 2023 in regard to visual privacy by removing the rear balcony of unit 21A first floor and lifting all side windows on first floor for both unit to a sill height of 1500 and 1800 mm affl.
6	The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the <i>Environmental Planning and Assessment Act 1979</i> , as it does not comply with Chapter 5.1, Control 4.28 of the CBDCP 2023 due to the dual occupancy failing to meet the provisions for building design in relation to car parking.	The design has been revised to meet Section 4.15(1)(a)(iii) of the <i>Environmental Planning and Assessment Act 1979</i> , and Chapter 5.1, Control 4.28 of the CBDCP 2023 in regard to car parking by pushing unit 21A garage to 6m setback.

Based on all the above mentioned, we hope that the new design development will meet all Environmental planning legislations and Canterbury Bankstown Council's DCP requirements to achieve an approval for this development application.

*Mike Darwich*

Registered Architect  
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