

**CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE**

**CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING**

**HELD IN THE COUNCIL CHAMBERS  
BANKSTOWN**

**ON MONDAY 19 NOVEMBER, 2018**

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**PANEL MEMBERS**

**PRESENT:** Ms Jan Murrell - Chairperson  
Mr Grant Christmas - Expert Member  
Mr Richard Thorp AM- Expert Member  
Mr Allan Winterbottom- Community Representative Bankstown  
Mr Ian Stromborg OAM - 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)  
Mr Ian Woodward (Manager Development, not present for the closed session)  
Mr Mitchell Noble (Manager Spatial Planning, not present for the closed session)  
Mr Stephen Arnold (Coordinator Planning - West, not present for the closed session)  
Mr Mauricio Tapia (Team Leader Strategic Planning, not present for the closed session)  
Mr William Hodgkinson (Senior Town Planner, not present for the closed session)  
Mr Warren Terry (Town Planner, not present for the closed session)  
Ms Amita Maharjan (Strategic Planner, not present for the closed session)  
Mr Aidan Harrington (Cadet Town 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 and providing advice to Council on planning proposals.

**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 Monday 5 November, 2018 be confirmed.

### **AGENDA ITEMS:**

#### **ITEM 1**

##### **87 ELDRIDGE ROAD, CONDELL PARK: DEMOLITION OF EXISTING SITE STRUCTURES AND REMOVAL OF DRIVEWAY AND CONCRETE PATHS**

###### **Site Visit**

The Panel considered an inspection of the site was not necessary in the circumstances as the application was for demolition only.

###### **Public Addresses**

There was no public address for this item.

###### **Panel Assessment**

The Panel endorses the officer's report and recommendation and the Development Application for the demolition of structures on the subject site is approved.

###### **CBLPP Determination**

The Development Application DA-798/2018 is **APPROVED** in accordance with the Council staff report recommendation.

###### **Panel Reason**

It is noted that this site will provide an additional access handle and street frontage for existing open space to the rear and, together with the house to the east owned by the Council, will provide for a much better presentation to the street of a large, consolidated open space area

#### **DECISION**

**Vote: 4 – 0 in favour**

#### **ITEM 2**

##### **40 & 40A HOSKINS AVENUE BANKSTOWN, 78 & 80 MARSHALL STREET BANKSTOWN: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A FOUR STOREY RESIDENTIAL FLAT BUILDING COMPRISING OF 44 UNITS, BASEMENT CAR PARKING AND ASSOCIATED SITE WORKS**

###### **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:

- Mr Tony Owen – Director Tony Owen Partners (representing applicant/owner)
- Mr Afif El-Choufani – (Applicant)

### **Panel Assessment**

The council officer's report and recommendation is endorsed by the Panel and the Development Application for a residential flat building comprising of 44 units is granted approval.

The Panel notes that in condition number 15 there is a typographical error and the section 94 contribution figure is to read \$173,437.80.

The Applicant agreed with the Panel that it would be appropriate for street trees to be planted along both frontages. The Panel notes that for Marshall Street there is the opportunity to plant large canopy trees, given there are no overhead electricity lines or cables.

The Hoskins Street frontage would also benefit by landscaping of the Council verge and the Applicant is prepared to carry out these works also. As such, a suitable condition is to be imposed requiring street trees and the species to be approved by Council's relevant landscape (tree) officer.

### **CBLPP Determination**

The Development Application DA-1241/2017 is **APPROVED** in accordance with the Council staff report recommendation and with the addition of a condition requiring the planting of street trees of an appropriate size and species along both street frontages and the correcting of the required Section 94 contribution amount in condition 15.

### **Panel Reason**

The Panel notes there were no written or verbal submissions on this matter and having considered the Council officers report, and with the benefit of the site inspection, the Panel is satisfied that the proposed development will sit comfortably in, and make a positive contribution to, the streetscape.

## **DECISION**

**Vote: 4 – 0 in favour**

### **ITEM 3**

#### **PLANNING PROPOSAL – 167 HUME HIGHWAY GREENACRE (THE PALMS HOTEL)**

### **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:

- Adam Coburn – (Planner representing Applicant)
- Vince Squillace - Director Squillace Architects - Architect (representing Owner/Applicant)

### **Panel Assessment**

The Panel has considered the submissions made on behalf of the applicant and also has the benefit of the site inspection and the Council officer's report and recommendation.

The Panel expressed concern that the objectives of the B6 enterprise zone contained in the LEP must be considered as a focus in the decision to amend the LEP. The Applicant submitted that the type of commercial use proposed, that is serviced apartments with a

hotel, will provide for a greater intensity of employment than many other commercial uses, for example; bulky goods and retail premises. The Panel, however, notes that there is no evidence to this effect or information provided by the Applicant to justify the extent of departure as requested and this analysis should be undertaken by the Applicant.

On balance the Panel also recommends it would be more appropriate to provide for a minimum non-residential area that must be provided on the site as opposed to providing a maximum for the residential use. This would also provide for flexibility in the future use of the site, having regard to changing markets.

#### **CBLPP Recommendation**

The Panel recommends to the Council for its consideration the adoption of the Council Officer's recommendation with the following changes and additions in bold:

1. The application to amend Bankstown Local Environmental Plan 2015 for the site at 167 Hume Highway Greenacre should proceed to Gateway subject to the following provisions:

**(a) Permit a minimum floor space ratio of 0.25:1 for non-residential purposes within a maximum FSR for the whole site of 1.25:1.**

(b) Permit a maximum building height of 17 metres (five storeys) to the north of the site, 14 metres (four storeys) in the centre of the site, and 11 metres (three storeys) along the southern boundary, as shown in Figure 11 of this report.

(c) Reduce the depth of the 11 metre building height control along the Hume Highway from 20 metres to 12 metres.

(d) For consistency, the change recommended in (c) should also apply to the adjoining sites at 165 and 185 Hume Highway in Greenacre.

2. The Gateway process should require the following additional information:

(a) Social Impact and Community Needs Assessment

(b) Air Quality and Noise Impact Study

(c) Consultation with the Roads & Maritime Services.

**(d) An economic investigation and analysis for the non-residential land uses proposed for the site that is a Hotel and Serviced Apartments, to explore the ratio of employees to FSR. The economic study is to also canvas the possibility of other commercial uses with a high ratio of employees that may be appropriate for the site**

3. Council should seek authority from the Greater Sydney Commission to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning & Assessment Act 1979.

4. Council prepare a site specific DCP Amendment.

#### **Panel Reason**

To ensure the B6 zone fulfils its purpose of employment generation

#### **DECISION**

**Vote: 4 – 0 in favour**

#### ITEM 4

##### **15 KITCHENER PARADE BANKSTOWN: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A TEN STOREY MIXED-USE RESIDENTIAL/COMMERCIAL BUILDING COMPRISING ELEVEN RESIDENTIAL APARTMENTS, THREE LEVELS OF COLLEGE CLASSROOMS, A CAFÉ AND THREE LEVELS OF BASEMENT CAR PARKING**

###### **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:

- Tony Legge - Architect (representing Applicant)
- Yasser Ibrahim - Applicant

###### **Panel Assessment**

The panel considers the development is well designed and endorses the Council Officer's report and recommendation. The panel enquired about the canopy trees in the verge recommended for removal, however, the panel is now satisfied that suitable replacement trees are now specified to ensure continuation of the significant canopy tree character of the street.

###### **CBLPP Determination**

The Panel has determined the Development Application by the granting of approval subject to the conditions contained in the officer's report, with the exception of an amendment to the wording of condition 69 to specify the appropriate replacement canopy trees being **2 X 400L LIRIODENDRON TULIPIFERA**, for the Council verge. This provides greater certainty to ensure the vegetated character of this tree lined street is maintained into the future.

###### **Panel Reason:**

The Panel considers the development has design merit and warrants approval.

#### DECISION

**Vote: 4 – 0 in favour**

#### ITEM 5

##### **17 LASCELLES AVENUE GREENACRE: CONVERSION OF AN EXISTING UNAUTHORISED OUTBUILDING TO A SECONDARY DWELLING**

###### **Site Visit**

An inspection of the site was undertaken by the Panel and staff members prior to the public hearing.

###### **Public Addresses**

There was no public address for this item.

###### **Panel Assessment**

The Panel has considered the Council officers report on the development application that seeks approval for a secondary dwelling on the subject site. The panel also has the benefit of a site inspection to understand the constraint of flooding issues in the area.

### **CBLPP Determination**

The Development Application DA-730/2018 is **REFUSED** for the following reasons as contained in the Officer's report:

1. The submitted plans do not demonstrate compliance with the submitted BASIX Certificate (No. 9621725) having regards to the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. [Pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979]
2. The development fails to comply with Clause 4.3(2B)(a) of the Bankstown Local Environmental Plan 2015 in relation to wall height [Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979]
3. The development fails to comply with Clause 6.3 of the Bankstown Local Environmental Plan 2015 in relation to flood planning [Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979]
4. The development fails to comply with Schedule 5 of the Bankstown Development Control Plan 2015 – Part B12 in relation to minimum habitable floor levels for a flood affected site [Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979] and
5. The development is not considered to be in the public interest [Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979]

### **Panel Reason**

The fundamental reason for refusal is the concern of the Panel about a potential danger and harm to people as the secondary dwelling does not provide sufficient free-board of the floor level above the ground, in the event of a flood with the dwelling being subject to inundation during flood periods. The dwelling would also not allow for the free flow of flood water in this floodway.

### **DECISION**

**Vote: 4 – 0 in favour**

### **ITEM 6**

### **22 PRARIE VALE ROAD BANKSTOWN: DEMOLITION OF ALL EXISTING STRUCTURES AND REMOVAL OF ALL VEGETATION ON 22 PRARIE VALE ROAD BANKSTOWN**

#### **Site Visit**

An inspection of the site was not considered necessary by the Panel as the Officer's report clearly shows the benefit of adding the site to the adjoining open space in the area.

#### **Public Addresses**

There was no public address for this item.

#### **Panel Assessment**

The Panel has considered the Council officers report and recommendation and the Development Application for the demolition of the structures on the subject parcel of land is approved.

The Panel notes that this additional parcel of land will be added to the existing open space area it adjoins.

### **CBLPP Determination**

The Development Application DA-799/2018 is **APPROVED** in accordance with the Council staff report and recommendation.

### **Panel Reason**

The demolition of structures on this Council owned parcel of land and consolidation with the adjoining open space is most appropriate

### **DECISION**

**Vote: 4 – 0 in favour**

### **ITEM 7**

### **PLANNING PROPOSAL – 353-355 WATERLOO ROAD GREENACRE (CHULLORA MARKETPLACE)**

#### **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:

- David Ryan – Town Planner (representing Owner/applicant)
- Karla Castellanos – Urban Designer (representing Owner/applicant)

#### **Panel Assessment**

The Panel has considered the submissions and those made on behalf of the Applicant at the meeting.

It has been brought to the Panel's attention that there is a typographical error on page 151 of the officer's report and 1(a)(i) should say: "Rezone the site to Zone B2 Local Centre."

The Panel notes that the concept plans propose reducing the commercial parking and allocating additional parking for the residential units. This would be a matter for the Development Application stage, however the Panel is of the opinion that this should not occur, given the stand alone nature of this commercial site, and the full component of parking be allocated to the Commercial premises in accordance with Council's DCP.

It is noted that the Applicant raised no issue with the residential limit of 0.65:1 for residential component on the subject site

### **CBLPP Recommendation**

The Panel endorses the Council Officer's report with minor amendments shown in bold and the panel recommends to the Council adoption of the recommendation to proceed to Gateway as follows:

1. The application to amend Bankstown Local Environmental Plan 2015 should proceed to Gateway subject to the following:
  - (a) For the site at 353 Waterloo Road Greenacre:
    - (i) Rezone the site to Zone B2 Local Centre .
    - (ii) Permit a maximum 1:1 FSR for the site. Within the 1:1 FSR envelope, apply a maximum 0.65:1 FSR for the purposes of residential development.

- (iii) Permit a maximum building height of 14 metres (four storeys).
- (iv) Do not apply the Lot Size Map as the Lot Size Map does not apply to Zone B2 Local Centre.

(b) For site at 355 Waterloo Road Greenacre:

- (i) Apply a maximum 0.65:1 FSR for the purposes of residential development, while retaining the existing 1:1 FSR for the site.
- (ii) Permit a maximum height of 11 metres (three storeys) along the southern boundary, 14 metres (four storeys) along the eastern and western boundaries, and 20 metres (six storeys) for the remainder of the site, as shown in Figure 11 of this report.

2. The Gateway process should require the following additional information:

- (a) Social Impact and Community Needs Assessment
- (b) Heritage Study for the site at 355 Waterloo Road Greenacre
- (c) Revised Traffic Study for the purposes of consultation with the Roads & Maritimes services
- (d) Economic Impact Study to analyse potential impacts on the Greenacre Small Village Centre as a result of the proposal.

3. Council should seek authority from the Greater Sydney Commission to exercise the delegation in relation to the plan making functions under section 3.36(2) of the Environmental Planning & Assessment Act 1979.

4. Council prepare a site specific DCP Amendment.

**Panel Reason**

Given the location and context of this large site the panel agrees with the Officer's recommendation of the need for a site specific DCP and the provision of additional information that must be provided to ensure orderly development of the site.

**DECISION**

**Vote: 4 – 0 in favour**

The meeting closed at 8:40 p.m.











# Planning Panels

## Declaration of Interest

MEETING DATE	19 November 2018
Agenda Item/Panel reference number	2 - 40 + 40A Hoskins Ave Berkeston

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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*CA Christou*

12/11/18

Signature

Date

*Grant Anthony Christou*

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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<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.



# Planning Panels

## Declaration of Interest

MEETING DATE	19 November 2018.
Agenda Item/Panel reference number	3 - 167 Hume Hwy Greencore

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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*CA Christnes*

12/11/18.

Signature

Date

*Grant Anthony Christnes*

Name

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Declaration of Interest

MEETING DATE	19 November 2018.
Agenda Item/Panel reference number	4-15 Kitehene - Pde Bertshaw

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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*Grant Anthony Christinas*

12/11/18.

Signature

Date

Grant Anthony Christinas

Name

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Declaration of Interest

MEETING DATE	19 November 2018.
Agenda Item/Panel reference number	5-17 Lescelles Ave Greenacre

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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*C. Allmist*  
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**Signature**

12/11/18  
.....  
**Date**

*Grant Anthony Christmas*  
.....  
**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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# Planning Panels

## Declaration of Interest

MEETING DATE	19 November 2018
Agenda Item/Panel reference number	7-357-355 Waterloo Rd Greenacre

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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*CA Alford*

12/11/18

**Signature**

**Date**

*Grant Anthony Christines*

**Name**

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**Declaration of Interest**

MEETING DATE
Agenda Item/Panel reference number

19/11/2018  
Item 1

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

no known conflict of interest

an actual , potential  or reasonably perceived  conflict of interest as detailed below:

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Ian Stromborg ..... 19/11/2018  
Signature Date

IAN STROMBORG  
Name

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



Declaration of Interest

MEETING DATE	19 <sup>th</sup> NOVEMBER 2018
Agenda Item/Panel reference number	2, 3, 4, 5, 6 & 7 BANKSTOWN WARD

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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Signature

19/11/2018

Date

Allan Winterbottom

Name

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