

**CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE**

**CANTERBURY BANKSTOWN LOCAL PLANNING PANEL MEETING**

**HELD IN THE COUNCIL CHAMBERS  
BANKSTOWN**

**ON WEDNESDAY 3 APRIL 2019**

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**PANEL MEMBERS**

**PRESENT:** Mr Grant Christmas - Chairperson  
Ms Helen Deegan - Expert Member  
Mr Stephen Kerr- Expert Member  
Ms Inaam Tabbaa - Community Representative Bass Hill  
Ms Margaret Fasan - Community Representative Canterbury  
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 Stephen Arnold (Coordinator Planning - West, not present for the closed session)  
Mr George Gouvatsos (Coordinator Planning - East, not present for the closed session)  
Mr Mauricio Tapia (Team Leader Strategic Planning, not present for the closed session)  
Ms Shona Porter (Senior Planner, not present for the closed session)  
Ms Alice Pettini (Senior Planner, not present for the closed session)  
Mr Aidan Harrington (Town Planner, not present for the closed session)  
Mr Benjamin Leavy (Development Assessment Officer, 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.

## **CBLPP Determination**

### **CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

THAT the minutes of the Canterbury Bankstown Local Planning Panel Meeting held on **Monday 1 April 2019** be confirmed.

### **DECISION**

- 1 33 IAN CRESCENT, CHESTER HILL: USE OF THE EXISTING OUTBUILDING AS A SECONDARY DWELLING AND ASSOCIATED FITOUT.**

#### **Site Visit**

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

#### **Public Addresses**

There were no public addresses for this item.

#### **Panel Assessment**

Inaam Tabbaa was the Community Panel member present for the deliberation and voting for this matter.

The Panel considered that the amended plans satisfied the previous issues that were raised, and the amendments were consistent with the Panel's recommendation.

The development was a reasonable proposal.

#### **CBLPP Determination**

THAT Development Application DA-856/2018 RE: Use of the existing outbuilding as a secondary dwelling and associated fitout be **APPROVED** in accordance with the Council staff report recommendation.

**Vote: 4 – 0 in favour**

### **DECISION**

- 2 49 McCROSSIN AVENUE, BIRRONG: DEMOLITION OF EXISTING GARAGE, CONSTRUCTION OF A DETACHED SECONDARY DWELLING AND A DETACHED TRIPLE CAR GARAGE WITH ASSOCIATED CONCRETE DRIVEWAY**

#### **Site Visit**

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

#### **Public Addresses**

There were no public addresses for this item.

#### **Panel Assessment**

Inaam Tabbaa was the Community Panel member present for the deliberation and voting for this matter.

The development was satisfactory and met the relevant planning controls.

Issues originally raised by the community during the notification period and by the Council officers were addressed by the submission of amended plans.

A condition should be imposed to move the window to Bedroom 1 of the secondary dwelling from the southern elevation to the eastern elevation, to improve future residents amenity, aspect and to reduce possible amenity impacts on the adjoining property.

**CBLPP Determination**

THAT Development Application DA-856/2018 RE: Demolition of existing garage, construction of a detached secondary dwelling and a detached triple car garage with associated concrete driveway be **APPROVED** in accordance with the Council staff report recommendation, subject to the following additional condition:

***The window to Bedroom 1 of the secondary dwelling is to be relocated from the southern elevation to the eastern elevation.***

**Vote: 4 – 0 in favour**

**DECISION**

- 3 67-69 BALMORAL AVENUE, CROYDON PARK: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF AN AFFORDABLE HOUSING DEVELOPMENT FOR NINE MULTI DWELLINGS WITH BASEMENT CAR PARKING, STRATA SUBDIVISION AND ASSOCIATED WORKS PURSUANT TO STATE ENVIRONMENTAL PLANNING POLICY (AFORDABLE RENTAL HOUSING) 2009**

**Site Visit**

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

**Written Submission**

- A written submission was received for this matter from Matthew Cheng.

**Public Addresses**

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

- Lakhwinder Brar (objector)
- Matthew Cheng (objector)
- Cathy Quigley (objector)
- Hany Mohammed (objector)
- Joseph Kizana (building designer on behalf of Applicant).

**Panel Assessment**

Margaret Fasan was the Community Panel member present for the deliberation and voting for this item.

The Panel acknowledge that the site is within Zone R3 and that in the future a medium density character may result in the locality.

However, the quality of the application and the deficiencies therein make a proper assessment of the application uncertain. As such, the application cannot, in the Panel's opinion, be approved.

**CBLPP Determination**

THAT Development Application No. 231/2018 for the demolition of existing structures and construction of an affordable housing development for a multi dwelling development comprising nine dwellings with basement car parking, strata

subdivision and associated works pursuant to State Environmental Planning Policy (Affordable Rental Housing) 2009 be **REFUSED** in accordance with the Council staff report recommendation (except reason 7).

**Vote: 4 – 0 in favour**

## **DECISION**

### **4 92 & 92A BAYVIEW AVENUE, EARLWOOD: BOUNDARY ADJUSTMENT BETWEEN 92 & 92A BAYVIEW AVE, EARLWOOD**

#### **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:

- Arthur Barber (owner)

#### **Panel Assessment**

Margaret Fasan was the Community Panel member present for the deliberation and voting for this item.

The Panel considered that approval of the application would be an improved outcome for the site. There would be a better outcome because the existing undersized allotment (Lot A) would be increased in area (while not increasing development entitlement). The proposed lots would also result in a more consistent existing cadastral pattern.

#### **CBLPP Determination**

THAT

- A. The Clause 4.6 request to the non-compliance with the lot size development standard in clause 4.1(3) of the Canterbury Local Environmental Plan be supported as the Panel is of the opinion that the request satisfies the relevant considerations.
- B. Development Application DA-388/2018 Boundary adjustment between 92 & 92A Bayview Ave, Earlwood be **APPROVED** in accordance with the Council staff report recommendation.

**Vote: 4 – 0 in favour**

## **DECISION**

### **5 599-603 CANTERBURY ROAD, BELMORE: DEMOLITION OF EXISTING BUILDINGS AND ASSOCIATED STRUCTURES AND THE CONSTRUCTION OF A FIVE STOREY RESIDENTIAL FLAT BUILDING OVER TWO LEVELS OF BASEMENT 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:

- Julie Horder (town planner for the Applicant)
- Perry Savidis (architect for the Applicant)

### **Panel Assessment**

Margaret Fasan was the Community Panel member present for the deliberation and voting for this item.

The Panel notes the Applicant's request for a deferral of determination. However, the Panel considers that further design refinements and/or further information is required such as:

- (a) Adequate building separation
- (b) A reduction in the glazed facades to Canterbury Rd
- (c) Addressing the poor internal circulation to the lift lobby and the presentation of the building entrance
- (d) Documented evidence regarding the efforts made to avoid isolation of 605 Canterbury Rd
- (e) The adequacy and location of the communal open space (potential may exist for the roof to be used for such a purpose).

### **CBLPP Determination**

THAT Development Application DA-163/2018 Demolition of existing buildings and associated structures and the construction of a five storey residential flat building over two levels of basement parking be **REFUSED** in accordance with the Council staff report recommendation.

**Vote: 4 – 0 in favour**

## **DECISION**

### **6 67 BURBANK AVENUE, PICNIC POINT: ALTERATIONS AND ADDITIONS TO THE EXISTING DWELLING**

#### **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:

- Richard Smyth (Applicant's planning consultant)
- Michael Wong (Applicant's architect)

#### **Panel Assessment**

Ian Stromborg was the Community Panel member present for the deliberation and voting for this item.

The Panel considered that the wall height on the side elevations complied with the 7 metre wall height standard.

The non-compliance with the 7 metre development standard on the rear elevation was acceptable as no privacy or overshadowing impacts would result. The proposal was therefore reasonable in the circumstances.

There were no objections to the proposal and it would not be visible from the street. Further, it would be barely discernible when viewed from the Georges River especially as the existing vegetation on the site (which would not be affected) would screen the proposal.

### **CBLPP Determination**

THAT

1. Pursuant to the provisions of clause 4.6 of Bankstown Local Environmental Plan 2015, the Panel is satisfied that the written request in relation to the contravention of clause 4.3(2B(b) of the LEP adequately addresses the required matters in clause 4.6(3) of the LEP. The Panel agreed that the clause 4.6 request demonstrated that compliance with the wall height development standard was unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard. Further, the Panel considered that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.
2. Development Application DA-643/2017 RE: Alterations and additions to the existing dwelling at 67 Burbank Ave Picnic Point be **APPROVED** in accordance with the conditions at Annexure A to this report.

**Vote: 4 – 0 in favour**

### **DECISION**

#### **7 1-17 SEGERS AVENUE, PADSTOW: APPLICATION TO AMEND BANKSTOWN LOCAL ENVIRONMENTAL PLAN 2015: 1-17 SEGERS AVE, PADSTOW**

##### **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:

- Anthony Betros (Applicant's town planner)
- Peter Smith (Applicant's urban designer)

##### **Panel Assessment**

Ian Stromborg was the Community Panel member present for the deliberation and voting for this item.

### **CBLPP Recommendation**

THAT

1. The Panel recommends that the planning proposal not proceed to Gateway determination.
2. The Panel considers that the proposal is premature.
3. The proposal should be considered in light of (a) the Council's local strategic planning statement; and (b) future town centre studies.
4. The proposal does not have site specific merit when looked at in isolation with the surrounding neighbourhood.
5. A development control plan is required to be prepared before further consideration of the proposed rezoning of the site. That DCP must ensure delivery of the widening of the through site link.

**Vote: 4 – 0 in favour**

The meeting closed at 9:20 pm

**CONDITIONS OF CONSENT DA-634/2017 67 BURBANK AVE, PICNIC POINT**

- 1) The proposal shall comply with the conditions of Development Consent. A Construction Certificate shall not be issued until the plans and specifications meet the required technical standards and the conditions of this Development Consent are satisfied.
- 2) Development shall take place in accordance with Development Application No. DA-643/2017, submitted by Mark & Fiona Sheridan, accompanied by Drawing Nos DA02, DA04, DA05, DA06, DA08, DA09, DA10, DA11 and DA012 as prepared by Wong and Simmons Architects Pty Ltd, dated 25 February 2018 and affixed with Council's approval stamp, except where otherwise altered by the specific amendments listed hereunder and/or except where amended by the conditions contained in this approval.

The development plans shall be amended as follows:

- a) Along the north western and south eastern elevations of the proposed 'first floor' balcony, 1.8 metre high privacy screens shall be erected so as to minimise the opportunity to overlook into the neighbouring properties.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

*Prior to the release of a Construction Certificate the following conditions MUST be satisfied and nominated fees/contributions/bonds paid:*

- 3) The Certifying Authority must ensure that any certified plans forming part of the Construction Certificate are not inconsistent with this Development Consent and accompanying plans.
- 4) A soil erosion and sediment control plan must be prepared by a suitably qualified professional, in accordance with the Bankstown Demolition and Construction Guidelines and Council's Development Engineering Standards and submitted to the certifying authority for approval prior to the issue of a construction certificate.
- 5) A Construction Certificate shall not be issued until written proof that all bonds, fees and/or contributions as required by this consent have been paid to the applicable authority.
- 6) A long service levy payment which is 0.35% of the total cost of the work is to be paid to the Building and Construction Industry Long Service Payments Corporation.
- 7) *Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Bankstown City Council Section 94A Development Contributions Plan 2009 (Section 94A Plan), a contribution of \$4,730 shall be paid to Council.*

*The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Section 94A plan. The contribution is to be paid before the issue of the construction certificate.*

**Note:** *The Section 94A Contributions Plans may be inspected at Council's Customer Service Centre, located at Upper Ground Floor, Civic Tower, 66-72 Rickard Road, Bankstown, between the hours of 8.30am-5.00pm Monday to Friday.*

- 8) As any works within, or use of, the footway or public road for construction purposes requires separate Council approval under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993, Council requires that prior to any Construction Certificate for this development being issued, evidence of lodgement of an application for a Works Permit and or a Roadway/Footpath Building Occupation Permit shall be obtained where one or more of the following will occur, within, on or over the public footway or public road:

A PRIVATE CERTIFIER CANNOT ISSUE THESE PERMITS

WORKS REQUIRING A 'WORKS PERMIT'

- a) Dig up, disturb, or clear the surface of a public footway or public road,
- b) Remove or interfere with a structure or tree (or any other vegetation) on a public footway or public road,
- c) Connect a road (whether public or private) to a classified road,
- d) Undertake footway, paving, vehicular crossing (driveway), landscaping or stormwater drainage works within a public footway or public road,
- e) Install utilities in, under or over a public road,
- f) Pump water into a public footway or public road from any land adjoining the public road,
- g) Erect a structure or carry out a work in, on or over a public road
- h) Require a work zone on the public road for the unloading and or loading of vehicles
- i) Pump concrete from within a public road,
- j) Stand a mobile crane within a public road
- k) Store waste and recycling containers, skips, bins and/or building materials on any part of the public road.
- l) The work is greater than \$25,000.
- m) Demolition is proposed.
- n) Subdivision is proposed.
- o) A Swimming pool is proposed.

Assessment of Works Permits (a to e) includes the preparation of footway design levels, vehicular crossing plans, dilapidation reports and issue of a Road Opening Permit.

All proposed works within the public road and footway shall be constructed under the supervision and to the satisfaction of Council. The applicant/developer shall arrange for necessary inspections by Council whilst the work is in progress.



For commercial or multi-unit residential developments within the designated CBD or an urban village area, footway design and construction and street tree supply, installation and tree hole detailing shall be as per the Council master plan for that area. Full width footways are to be supplied and installed at full cost to the developer to specification as supplied by Council. Layout plan of pavement to be submitted to Council for approval prior to the issue of the Works Permit.

All Council fees applicable, minimum restoration charges and inspection fees shall be paid prior to the assessment of the Work Permit in accordance with Council's adopted fees and charges. Note: Additional fees after approval will be charged where the Work Permit requires occupation of the Road or Footpath ie Hoardings, Work Zones etc.

In determining a Works Permit, Council can impose conditions and require inspections by Council Officers.

Forms can be obtained from Council's Customer Service counter located on the ground floor of Council's administration building at 66 - 72 Rickard Road, Bankstown or Council's website [www.cbcity.nsw.gov.au](http://www.cbcity.nsw.gov.au)

Part of any approval will require the person or company carrying out the work to carry public liability insurance to a minimum value of ten million dollars. Proof of the policy is to be provided to Council prior to commencing any work approved by the Work Permit including the Road Opening Permit and must remain valid for the duration of the works.

The commencement of any works on public land, including the footway or public road, may incur an on the spot fine of not less than \$1100 per day that work continues without a Works Permit and/or a Roadway/Footpath Building Occupation Permit.

All conditions attached to the permit shall be strictly complied with prior to occupation of the development. Works non-conforming to Council's specification (includes quality of workmanship to Council's satisfaction) shall be rectified by the Council at the applicant's expense.

- 9) A certificate from a professional engineer certifying the structural capacity of the existing building will be appropriate to the building's proposed new use or is capable of supporting the loads imposed by the new structure must be provided to the certifying authority prior to the issue of a construction certificate.
- 10) Stormwater runoff from all areas proposed for development shall be collected and connected to the existing stormwater system within the site, subject to the existing system being evaluated by a qualified professional Civil Engineer and found to be structurally adequate and to have the required hydraulic capacity, as required in Council's Development Engineering Standards. The existing system shall be upgraded or replaced as necessary to comply with the requirements above.

The plan for the proposed drainage system together with the hydraulic evaluations shall be submitted to the PCA for approval with the application for the Construction Certificate.

## CONDITIONS TO BE SATISFIED PRIOR TO CONSTRUCTION WORKS COMMENCING

- 11) The building / subdivision work in accordance with the development consent must not be commenced until:
  - a. a construction certificate for the building / subdivision work has been issued by the council or an accredited certifier, and
  - b. the person having benefit of the development consent has:
    - i. appointed a principal certifying authority for the building / subdivision work, and
    - ii. notified the principal certifying authority that the person will carry out the building work as an owner-builder, if that is the case, and
  - c. the person having the benefit of the development consent, if not carrying out the building work as an owner-builder, has:
    - i. appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
    - ii. notified the principal certifying authority of any such appointment, and
    - iii. unless the person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
  - d. the person having the benefit of the development consent has given at least 2 days' notice to the council of the person's intention to commence the building / subdivision work.
- 12) Existing trees within the vicinity of the construction works or paths of travel for construction vehicles accessing the development that are to be retained shall be protected with temporary fencing of a style non injurious to tree roots, placed 2m from the trunk base of the existing tree to prevent damage during construction, and retained in accordance with Council's Tree Preservation Order. There is to be no stockpiling of materials within the 2m fenced zone.
- 13) Suitable erosion and sediment control measures shall be erected in accordance with the plans accompanying the Construction Certificate prior to the commencement of construction works and shall be maintained at all times.
- 14) Council warning sign for Soil and Water Management must be displayed on the most prominent point of the site, visible to both the street and site works. The sign must be displayed throughout the construction period.
- 15) Prior to the commencement of work, the applicant must provide a temporary on-site toilet if access to existing toilets on site is not adequate.

- 16) A section 73 compliance certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and Developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

- 17) Prior to the commencement of work, a fence must be erected around the area of the works, except where an existing 1.8m high boundary fence is in good condition and is capable of securing the area. Any new fencing shall be temporary (such as cyclone wire) and at least 1.8m high. All fencing is to be maintained for the duration of construction to ensure that the work area is secured.

Where the work is located within 3.6m of a public place then a Type A or Type B hoarding must be constructed appropriate to the works proposed. An application for a Work Permit for such hoarding must be submitted to Council for approval prior to the commencement of work.

- 18) A sign shall be displayed on the site indicating the name of the person responsible for the site and a telephone number of which that person can be contacted during and outside normal working hours or when the site is unattended.

- 19) In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

- 20) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

- a. in the case of work for which a principal certifying is required to be appointed:
  - i. the name and licence number of the principal contractor, and
  - ii. the name of the insurer by which the work is insured under Part 6 of the Act,
- b. in the case of work to be done by an owner-builder:
  - i. the name of the owner-builder, and
  - ii. If the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified becomes out of date, further work must not be carried out unless the principal certifying authority for the development to

which the work relates (not being the council) has given the council written notice of the updated information.

- 21) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - a. showing the name, address and telephone number of the principal certifying authority for the work, and
  - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - c. stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

#### **CONDITIONS TO BE SATISFIED DURING CONSTRUCTION**

- 22) The hours of site works shall be limited to between 7.00am and 6.00pm on weekdays and 7.00am and 1.00pm on Saturdays. No work shall be carried out on Sundays and public holidays, and weekends (Saturdays and Sundays) adjacent to public holidays.
- 23) The building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 24) All Civil and Hydraulic engineering works on site must be carried out in accordance with Council's Development Engineering Standards. All Civil and Hydraulic engineering works associated with Council's assets and infrastructure must be carried out in accordance with Council's Work Permit requirements and to Council's satisfaction.
- 25) The stormwater drainage system shall be constructed in accordance with Council's Development Engineering Standards and the engineering plans and details approved by the Principal Certifying Authority (PCA). Should the developer encounter any existing, live, underground stormwater drainage pipes, which carry flow from upstream properties, the developer must maintain the stormwater flow and re-route the stormwater pipes around the subject building or structures at the developer's expense.
- 26) The existing internal stormwater drainage system, and the stormwater drainage system draining the site shall be cleaned out, tested for leaks and repaired as necessary. A licensed plumber is to certify that the work has been carried out.

#### **CONDITIONS TO BE SATISFIED PRIOR TO OCCUPATION**

- 27) The occupation or use of the building must not be commenced unless an occupation certificate has been issued for the building.

- 28) A final Occupation Certificate shall not be issued until all conditions relating to demolition, construction and site works of this development consent are satisfied and Council has issued a Work Permit Compliance Certificate.
- 29) A Copy of the Work Permit Compliance Certificate shall be submitted to the PCA Prior to the issue of the Occupation Certificate.
- 30) The Section 73 compliance certificate under the Sydney Water Act 1994 must be submitted to the principal certifying authority before occupation of the development / release of the plan of subdivision.