

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

INDEPENDENT HEARING AND ASSESSMENT PANEL MEETING

**HELD IN THE FUNCTION ROOM
CAMPSIE CUSTOMER SERVICE CENTRE**

ON 1 AUGUST 2016

PRESENT: Mr Anthony Hudson (Law) - Chairperson
Mr Lloyd Graham (Town Planning)
Ms Stacey Miers (Social Science)
Dr Ian Garrard (Environmental Science)
Mr Roger Hedstrom (Urban Design/Architecture)

STAFF IN

ATTENDANCE: Ms Pina Rossi (Administration Officer)
Mr Brad McPherson (Group Manager Governance, not present for the closed session)
Mr Andrew Hargreaves (Team Leader - Development Assessment Operations, 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 IHAP and that the Panel would be considering the report and 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.

DECLARATIONS OF INTEREST

The Chairperson asked the Panel if any member needed to declare a pecuniary interest in any of the items on the agenda. There were no declarations of interest.

DELEGATION

By Minute No. 8, dated 24 May 2016 the Council delegated to the Independent Hearing and Assessment Panel the Council's power to determine certain development applications.

DETERMINATION

1. 38A FULLER AVENUE, EARLWOOD: CONSTRUCTION OF TWO STOREY DWELLING

Site Visit

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

Panel Assessment

The Panel has reviewed the report and inspected the site and notes that this land is in a flood prone area.

The Panel is faced with a recent subdivision of the land, with the expectation that a residential dwelling would be constructed on this site. While the Panel may not agree with this previous decision, it accepts that development will inevitably occur but, given the location of the land in this flood prone area, accepts that special conditions need to be incorporated for the proposed dwelling.

The Panel is of the opinion that a proper Flood Management Plan and Guide is to be prepared prior to the issue of a Construction Certificate. Further, to ensure the correct levels are obtained, conditions will require survey checks for the floors constructed, and that the foundations, footing and general construction of the dwelling must be designed and certified to withstand the potential flooding impacts that could be experienced.

Public Addresses

There was no public address for this item.

IHAP Decision

THAT Development Application DA-157/2016 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions:

1. Addition of following text to end of Condition 10:
(or for any other approved use).
2. New Condition 11A to read:
A Surveyor's certificate is to be provided for the final formwork for the proposed final floor level for each floor to ensure that the RLs for the floors are in accordance with the approved plans.
3. New Condition 27A to read:
All building structural members, including walls, must be designed to withstand flood impact, inundation, Debris, Scouring and Buoyancy forces, the design must be undertaken and certified by a suitably qualified Civil Engineer with NER registration with the Institution of Engineers Australia and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.

4. Addition of following sentence to end of Condition 28:
A Flood Management Plan is to be prepared and certified by an appropriately qualified Hydraulic Flooding Engineer indicating the requirements (including any requirements in the report prepared by Lomford Engineers) to be met for the emergency refuge room. This is to be provided prior to the issue of the Construction Certificate.
5. New Condition 35A to read:
Certification that all of the necessary flooding requirements including the requirements of the approved Flood Management Plan have been implemented prior to the issue of the Occupation Certificate.

Vote: 5 – 0 in favour

2. 578-580 NEW CANTERBURY ROAD, HURLSTONE PARK: MODIFICATION TO INCREASE BUILDING HEIGHT, DELETE THIRD BASEMENT LEVEL AND AMEND INTERNAL LAYOUT

Site Visit

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

Panel Assessment

The Panel noted at the inspection, that the proposed development in its modified form fits in with the existing large development to the east.

The Panel also notes that the original approval was in excess of the height control and the additional height proposed will not have further significant impacts.

The proposed changes removes the need for the additional excavation of a third basement level. There is a shortfall of two car spaces, however the Panel accepts the applicant’s Architect’s explanation that the parking is sufficient because the amount of parking provided is in accordance with the State Environmental Planning Policy 65 Apartment Design Guide (ADG) requirements as confirmed in the Council Officer report.

Public Addresses

<p>Mr Tony Jreige (Architect representing applicant)</p>	<ul style="list-style-type: none"> • Advised proposed modification to basement is for the deletion of third level, and to reconfigure parking spaces on the first and second levels . Proposed modifications to raise the height of each residential level and layout changes is to improve amenity of apartments. • Answered questions from the Panel in relation to overall building height and shortfall in number of car spaces.
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IHAP Decision

THAT Development Application DA-346/2014/A be **APPROVED** in accordance with the Council staff report recommendation.

Vote: 5 – 0 in favour

3 13 UNDERCLIFFE ROAD, EARLWOOD: DEMOLITION AND CONSTRUCTION OF SECONDARY DWELLING

Site Visit

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

Panel Assessment

The Panel agrees with the report and recommendations.

The only matter noted by the Panel is the existing gym. In the Panel's opinion the gym should be removed as it would provide more open space and amenity around the proposed secondary dwelling.

Public Addresses

There was no public address for this item.

IHAP Decision

THAT Development Application DA-101/2016 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions:

1. Addition of following text to end of Condition 6:
except where amended by any conditions specified in this notice.
2. New Condition 6.1 to read:
The existing gym is to be demolished, and the deletion of the gym is to be shown as part of the plans to be issued with the Construction Certificate.

Vote: 5 – 0 in favour

4 54-56 BONDS ROAD, ROSELANDS: DEMOLITION AND CONSTRUCTION OF MULTI-DWELLING DEVELOPMENT

Site Visit

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

Panel Assessment

The Panel agrees with the report.

There was an issue raised about keeping the large Norfolk Pine tree in the front setback area. The Panel notes a resident's submission suggesting the tree should be removed. Council's Landscape Architect has no objection to the tree being removed. The Panel agrees, on balance, that the tree can be removed having regard to the location of the tree and the proposed landscaping of the site.

There was a written submission provided to the Panel from the owner of an adjoining property. The Panel has considered this submission and does not agree that there will be adverse overshadowing impacts from the proposed landscaping on the southern side of the subject site, especially as that planting is not of tall species. The privacy concerns raised are addressed by the separation distance between the front dwellings and the side boundary. Also the traffic and noise levels concerns are adequately addressed by the proposal as referred to in the report.

The communal open space area proposed in the front setback, in the Panel's opinion would be better used as private open space for the front dwelling (townhouse 1).

The Panel also requires that there be appropriate paving for the driveway which is a shared access way with pedestrians.

The Panel also had regard to the remediation reports. The Panel is concerned the reports are not detailed enough for the Council to be properly satisfied about the history of the uses on the site and any potential contamination from those uses, given that it is going from an industrial/commercial use to a more sensitive-residential use and noting that heavy metal contaminants have been identified in the reports.

There will be new conditions requiring a supplement to the Phase 2 remediation report and compliance with any appropriate requirements prior to the issue of a Construction Certificate.

Public Addresses

Mr Tony Jreige (Architect representing applicant)	Answered questions from the Panel in relation to pine tree at front of site, width of garages, remediation of land Phase 2 report, front communal open space, driveway and access paths.
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IHAP Decision

THAT Development Application DA-606/2015 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions:

1. Amend Condition 6.8 to read as follows:
The fencing along the Bonds Road frontage of the site is to be of solid material and no higher than 1.2 metres with maximum additional 600mm of materials that is 50% transparent.
2. New Condition 6.11 as follows:
The common open space area in the front is to be amended so that it is additional private open space for townhouse number 1.
3. New Condition 6.12 as follows:
Skylights are to be included in the roof above Townhouses 2, 4, 5 and 6 to provided natural light and ventilation to the bathroom areas.

3. Amend Condition 22 to read:
The landscaping must be completed according to the submitted landscape plan (drawn by Discount Landscape Plans, drawing no. L/01, received by Council on 10 of June 2016) as amended in accordance with the following:
- (a) The whole of the driveway is to be either unit paving or washed concrete instead of plain concrete with unit paved borders and divisions.
except where amended by the conditions of consent.
 - (b) Removal of the words "AS PER COUNCIL CONDITION (1B)" from the plan.
4. New Condition 43A as follows:
- (a) The applicant is to provide a supplementary Phase 2 Contamination report which is to address the following:
 - Identify the regional ground water levels at the locality to confirm that no pathway exists to transmit contaminants.
 - Reproduction of relevant aerial photographs (currently omitted) to address the statement that "the current structure appears to have been constructed sometime from 1943 to 1970". Relevant aerial photography should be provided so as to establish a situation as at 1943 through to current and be presented at least as renditions of those aerial photographs illustrating the point.
 - Historic land title analysis is only provided from 2015 (Table 3 Page 17). However the report does include a certificate of title appearing to relate to 1879. Further details and presentation that can be obtained from a closer analysis of historical title records are to be provided.
 - Clarify if vapours were detected (as referred to in the Phase 2 report Section 8 Page 24) and outline if there is a potential for migration.
 - The provision of an Unexpected Finds Protocol, should an above or underground storage tank be located (as per Section 7.2 of the Phase 2 report).
 - Any proposed removal of soils from the site being initially classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW DECC (2014).
 - (b) Any requirements for remediation from the supplementary Phase 2 report should be implemented in accordance with the report and prior to the issue of any Construction Certificate.
 - (c) If during site works, significant odours and/or evidence of gross contamination (including asbestos) not previously detected are encountered, or any other significant unexpected occurrence, site works should cease in that area, at least temporarily, and the environmental consultant should be notified immediately to set up a response to this unexpected outcome. This requirement be included in the Unexpected Finds Protocol.

Such details are to be provided to the PCA and Council prior to the issuing of a Construction Certificate.

Vote: 5 – 0 in favour

5 54 MORETON STREET, LAKEMBA: CONSTRUCTION OF DETACHED SECONDARY DWELLING

Site Visit

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

Panel Assessment

The Panel agrees with the report and recommendations.

Public Addresses

Ms Stephanie Kirovski (Architect representing applicant)	Answered questions from the Panel in relation to access path, shared driveway and landscaping/open space area for secondary dwelling.
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IHAP Decision

THAT Development Application DA-71/2016 be **APPROVED** in accordance with the Council staff report recommendation.

Vote: 5 – 0 in favour

The meeting closed at 7.31 p.m.