

CANTERBURY-BANKSTOWN COUNCIL

MINUTES OF THE

INDEPENDENT HEARING AND ASSESSMENT PANEL MEETING

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

ON 6 JUNE 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 Chauntelle Mitchell (Administration Officer - IHAP)
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 application.

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

- 1 349-351 BEAMISH STREET, CAMPSIE: DEMOLITION, CONSTRUCTION OF SIX STOREY MIXED USE DEVELOPMENT WITH RESIDENTIAL UNITS ABOVE RETAIL/COMMERCIAL GROUND FLOOR AND TWO LEVEL BASEMENT PARKING**

Site Visit

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

Panel Assessment

The Panel considered the Council staff assessment report of the application and is of the view that the application can be approved, subject to amendments.

A substantive issue for the Panel was the consideration of the clause 4.6 variation for the 17% breach of the 18 metre height control.

The Panel noted a number of matters in its consideration of this as follows:

- a) the development has been designed with two separate towers with a connecting walkway, which has provided open/void areas designed to facilitate dual aspect units which provide better natural light and cross ventilation to the units;
- b) the site is a constrained site being east-west in its orientation and only 15 metres wide;
- c) the specific issue of the additional height relates primarily to overshadowing and the applicant indicated, and the Panel agrees, that a complying development would have a substantial overshadowing impact;
- d) the breach of the height control of 17% is not a full storey and the additional height involves a lift overrun, a roof terrace/ pergola, balustrade and planting areas;
- e) the applicant indicated, and the Panel agrees, that this roof top open space area is an important element to improve amenity for this type of development in a town centre location.

The Panel accepts the applicant's and the Council's assessment of the cl 4.6 variation including the analysis of consistency with the objectives of the land use zoning and development standard. However the report does not refer to consistency with the objectives of the zone. The Panel has considered the objectives of the B2 zone and is satisfied that the proposed development would be consistent with its objectives.

In terms of the requirement of *unreasonable* and *unnecessary* and sufficient environmental planning grounds, the Panel notes that the primary issue put forward by the applicant, and accepted by the Council report, is the provision of the roof top open space recreation area.

The Panel does not accept the arguments relating to minimising of overshadowing and solar access as a sufficient environmental planning ground or/ unreasonable or unnecessary issue for the cl 4.6 variation.

In relation to the other design changes the Panel is of the opinion that the following changes should be incorporated:

- a) some changes to the upper façade;
- b) change or clarification of the horizontal length of the awning, to make the awning continuous;
- c) additional glassed area to both the southern side of commercial unit 1 and the northern side of commercial unit 2 to improve light penetration;
- d) increase the design features of the side façades (and delete the Council's suggestion of the coloured angled strips being deleted);
- e) the Panel also considered the application of Part 3 of the affordable housing SEPP and the additional information provided by the applicant (correspondence prepared by Think Planners dated 6 June 2016) and accepts that the application is not affected by these controls.

Finally, in relation to the concerns of the objectors the Panel notes:

- a) the objector on the western side of Beamish Street would not be affected by any overshadowing from the proposed development;
- b) the objectors from the large commercial/residential complex at 363 Beamish Street would be impacted from overshadowing from a compliant development and also would be impacted by any future development of the immediately adjoining site to their north (No. 355-357 Beamish Street).

Public Addresses

<p>Peter Rule (Objector)</p>	<ul style="list-style-type: none"> • Referred to his written submission dated 6 June 2016. • Raised concern regarding the size of the proposed development and overshadowing to his property. • Is of the view the proposed development may have an adverse effect on the property value of nearby residences. • Has concerns about noise and disruption caused during construction of the proposed building.
<p>Ms Zheng Li (Objector)</p>	<ul style="list-style-type: none"> • Expressed concerns regarding the impact the proposed development will have on solar access for her unit. • Is concerned regarding potential overlooking into the living room of her property. • Notes her property is north facing and is of the view overshadowing from the proposed development will have an adverse effect on the property value of her property.
<p>Mr Jacob Yammine (Applicant) Brad Delapierre (Planner on behalf of Applicant)</p>	<ul style="list-style-type: none"> • Notes minor non-compliance in relation to building height. • Tabled correspondence from Think Planners dated 6 June 2016 in relation to Part 3 of SEPP (Affordable Rental Housing) 2009. The applicant's representative confirmed rental rates for the subject property are above the median threshold. • Responded to questions from the Panel in relation to the duration of ownership of the subject property, building form and massing, overshadowing adjoining property to the south, shadow modelling, height non-compliance, consideration of deep soil/rooftop design and materiality. • Applicants representative confirmed privacy screens are incorporated into the design and advised a security shutter at the lane as suggested by the Panel may have traffic implications. • Raised no objection to Panels suggested conditions regarding: <ul style="list-style-type: none"> - Expression of the awning across the whole of the front façade; - Deletion of balconies adjacent to the "study" areas on the top two levels; - Glazing to both sides of the common entry to the front entry door to provide natural light; - Clarification of stacked parking allocation; - Retention of coloured angle strip on northern elevation. • Responded to concerns raised by objectors regarding overshadowing, noting the following: <ul style="list-style-type: none"> - Massing has been broken into two towers; - Shadow diagrams depict shadows cast at ground level; - Is of the view the building design responds to the massing envisaged by planning controls.

IHAP Decision

THAT Development Application DA-343/2015 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions:

1. Amend condition 5 as follows:
 - (a) Delete 5.1 and replace with the following words:

“The coloured angled strips on the northern side wall shall be extended to include the Beamish Street end of the northern elevation which will be exposed to view.”
 - (b) Condition 5.2 replace the word “depth” with the word “height”;
 - (c) Condition 5.5 replace the word “suitable” with the word “suitably”;
 - (d) Condition 5.8 delete the word “in” and replace with the words “at the”.
2. Insert new sub conditions in condition 5 as follows:

“5.10 The awning shall be continuous across the whole of the frontage of the site.

5.11 Provide glazing on both sides of the common entry area for a length of 6 metres from the front entry door.

5.12 Delete that part of the front balconies which are adjacent to the “study” of units 20 and 24.”
3. Delete condition 6 and replace with the following:

“(a) Twenty six (26) off street car parking spaces (exclusive of stacked spaces) being provided in accordance with approved DA plans. Car parking within the development shall be allocated as follows:

 - Twenty-two (22) residential spaces including one (1) car wash bay;
 - Four commercial spaces.

If the development is to be strata subdivided, the car park layout must respect the above allocation.

(b) That the stacked spaces 12, 13, 14, 24, 25 and 26 (as shown on the approved plans) are to be used with, and allocated to, their respective partner and numbered spaces.”

Vote: 5 – 0 in favour

The meeting closed at 7.55 p.m.