

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

INDEPENDENT HEARING AND ASSESSMENT PANEL MEETING

**HELD IN THE COUNCIL CHAMBERS
CAMPSIE CUSTOMER SERVICE CENTRE**

ON 3 JULY 2017

PRESENT: Mr Anthony Hudson (Law) - Chairperson
Mr Michael File (Planning)
Ms Jan Murrell (Planning/Environment)
Mr Christopher Wilson (Planning)

STAFF IN

ATTENDANCE: Ms Chauntelle Mitchell (Administration Officer - IHAP)
Mr Brad McPherson (Manager Governance, not present for the closed session)
Mr George Gouvatsos (Coordinator Planning - East, 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)
Ms Shona Porter (Acting Senior Planner, not present for the closed session)
Mr Kyou Won Rhee (Strategic 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 IHAP and that the Panel would be considering the reports and the recommendation from the Council staff and the submissions made by the applicant and/or the applicant's representative(s) and decisions will be made in accordance with the delegation.

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. 205, dated 25 October 2016 the Council delegated to the Independent Hearing and Assessment Panel the Council's power to determine certain development applications, to consider all Planning Proposals and make subsequent recommendations as to whether the matter should proceed to Gateway Determination.

DECISION

1 30–46 AUBURN ROAD, REGENTS PARK: PLANNING PROPOSAL WITH MAXIMUM 1.75:1 FSR

Site Visit

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

Public Addresses

<p>Mr James Matthews and Mr Matthew Daniel (Planners representing landowner), Ms Erica Marshall (Traffic Engineer representing landowner), Mr Frank Stanisic (Architect representing landowner and Mr Liam Noble (Landscape Architect representing landowner)</p>	<ul style="list-style-type: none">• Notes the subject site is zoned R4, is a large site with single ownership located close to public transport. Is of the view the proposal is an opportunity to provide entry level housing, high quality design, amenity and open space and meet the Government’s objectives to increase housing supply.• Provided overview of JRPP approval and Gateway determination, noted a number of extensive urban design studies have been undertaken and analysis included a range of densities and heights. Advised traffic modelling demonstrated the road network can accommodate an FSR of 4:1 (approximately 900 dwellings).• Responded to questions from the Panel in relation to justification for FSR, comparison of the outcome of an FSR from 1.75 to 4:1, the incentive for a Voluntary Planning Agreement, type of property title envisaged (strata/community), underground carparking, proposal in relation to Government’s local district and strategic thinking, traffic report, density/height of proposed buildings and site coverage. Land owner’s representatives advised:<ul style="list-style-type: none">- Proposal designed to achieve the maximum building separation of 24 metres. Noted any additional FSR will result in additional building height, not an increase to the footprint; the structural framework establishes the maximum height of buildings.- Provided overview of the landscape masterplan.- Advised obtaining a higher FSR at this stage will give the opportunity for more community development. Alternatively, if a lower density is approved the proposal would be built to the maximum FSR and a further application made.- Is of the view the Architectus concept proposed reduces amenity dramatically.- Land owner’s representative advised they are willing to provide a letter of offer prior to exhibition regarding public benefit.
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Panel Assessment

The Panel has reviewed all the information and heard the submissions of the land owner’s representatives.

The Council officer's recommendation to the Panel is that the planning proposal proceeds with a maximum FSR of 1.75:1 for the site, consistent with the advice received from Architectus and Olsson and Associates Architects.

The land owner's representatives indicated that they were of the opinion that the land owner's proposal allows for substantially higher FSRs using approximately the same concept design/building footprints.

The Panel is of the view that the planning proposal can proceed with a maximum FSR of 1.75:1 at this time.

Given the location and context of the site the Panel is of the view that the following additional matters would need to be addressed and considered before an increase in FSR is considered:

- (a) provision of a masterplan/DCP for the site to set out the layout of the development, building envelopes and heights, vehicle and pedestrian access arrangements etc;
- (b) indicative strata or community title details;
- (c) opportunities for Affordable Housing (as per the Draft District Plan);
- (d) discussions with the Council about s 94 contributions likely to be imposed and what specific and or additional augmentation of public assets may be required for this development including but not limited to pedestrian access to trains and open space and any road and traffic changes or improvements.

The Panel is of the opinion that there may be potential for further additional FSR up to 2.25:1 on this site but only after the above matters have been satisfactorily addressed (including any necessary additional or augmentation of community infrastructure and facilities).

Irrespective of the above, Council should consider whether the existing DCP controls and S94 arrangements properly cater for additional development from the recommended 1.75:1 FSR to ensure that an orderly planning outcome can be achieved and that the impact on local infrastructure is appropriately addressed.

IHAP Recommendation

The Panel agrees with the Council Staff report that the planning proposal proceed with a maximum 1.75:1 FSR for the site at 30–46 Auburn Road in Regents Park.

Vote: 4 – 0 in favour

2 479 HENRY LAWSON DRIVE, MILPERRA: APPLICATION TO INCLUDE 'GARDEN CENTRES' AS AN ADDITIONAL PERMITTED USE

Site Visit

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

Public Addresses

Ms Larissa Brennan (Planner representing proponent)	<ul style="list-style-type: none">• Raised no issues with the Council officer's report.• Raised no objection to restriction to FSR; advised at this stage there are no plans to expand.• Responded to questions raised by the Panel in relation to the Development Application conditions and Vegetation Management Plan.
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Panel Assessment

The Panel agrees with the recommendation.

The Panel notes that a development application has already been approved consistent with the existing controls and the applicant confirmed that at this stage no changes are proposed for the building envelope as approved. Any proposed changes to the approved development would require a fresh development or modification application.

A maximum FSR of 0.4:1 is to apply to the site and this FSR is for all development on the site, not just the additional use.

IHAP Recommendation

The Panel agrees with the Council Staff report subject to the recommendation being amended as follows:

That the application to amend Bankstown Local Environmental Plan 2015 by including 'garden centres' as an additional permitted use at 479 Henry Lawson Drive in Milperra (Lot 2, DP 576251) should proceed to a Gateway Determination, provided a maximum 0.4:1 FSR applies to the site.

Vote: 4 – 0 in favour

3 150 BELMORE ROAD, RIVERWOOD: MODIFICATION APPLICATION TO EXTEND THE HOURS OF OPERATION FOR THE MORRIS IEMMA INDOOR SPORTS CENTRE

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 agrees with the report and the recommendations, subject to minor changes.

The proposed conditions have been modified so that the hotline is a permanent hotline and the Management Plan is to be identified as the modified plan in accordance with the conditions.

IHAP Determination

THAT Development Application DA-509/2007 (as modified) be **MODIFIED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions:

1. Condition 4a to be amended to read as follows:
 - “4 a. Use of the premises must be strictly in accordance with the Management Plan as amended by this condition.”
2. Condition 4c to be amended to read as follows:
 - “4 c. The Management Plan submitted with this application on 7 June 2017 must be modified to accommodate the above and a Complaints Hotline which is to be set up during any periods of operation so that comments and complaints can be received. All complaints must be recorded (including the name and contact details of the complainant and the reason for the

complaint) and the complaint must be investigated and any necessary action taken to address the complaint. These documents to be made available on request to the Council.”

Vote: 4 – 0 in favour

4 62 THE MALL, BANKSTOWN: TEMPORARY USE AND FITOUT OF THE EXISTING BUILDING AS A REAL ESTATE OFFICE AND DISPLAY SUITE

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 accepts the report and the recommendations.

As this is a use internal to the building, the Panel is of the opinion that it is not necessary for the consent to be a time limited consent.

IHAP Determination

THAT Development Application DA-1048/2016 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following change to the recommended conditions:

Delete condition 3 and renumber subsequent conditions accordingly.

Vote: 4 – 0 in favour

The meeting closed at 7.46 p.m.