

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

INDEPENDENT HEARING AND ASSESSMENT PANEL MEETING

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

ON 5 JUNE 2017

PRESENT: Mr Anthony Hudson (Law) - Chairperson
Dr Ian Garrard (Environment)
Mr Garth Paterson (Urban Design)
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 Ian Woodward (Manager Development, not present for the closed session)
Mr Stephen Arnold (Coordinator Planning - West, not present for the closed session)
Mr Ryan Bevitt (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 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. 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 62 THE MALL, BANKSTOWN: TEMPORARY USE AND FITOUT OF THE EXISTING BUILDING AS A REAL ESTATE OFFICE AND DISPLAY SUITE INCLUDING THE PROVISION OF SIGNAGE TO FAÇADES OF THE BUILDING

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 matter.

Panel Assessment

The Panel notes that this is an application on Council land associated with a proposed development which is currently the subject of a planning proposal and a development application. The application is for a display fit out and signage for the promotion of this development.

In summary at this stage, the Panel does not agree that the application should be approved as currently proposed for a number of reasons.

The Panel is of the opinion that the application should be amended to take into account these matters.

The matters to be addressed are as follows:

- a) The Panel is of the opinion that the current assessment has failed to justify the current size, location and configuration of the signs, which as proposed are likely to have an adverse impact on the streetscape, for example, multiple signs on the northern elevation will make the streetscape visually unattractive. The Panel considers that any reconsideration of the application should reduce the size, number and location of the signs;
- b) The illumination of the signs should also be clarified. There should be an analysis of the timing of the illumination and importantly the intensity of the illumination and how it affects surrounding properties, noting that a large amount of the signage faces north, and can be viewed from a number of points including public spaces (the library for example) and a number of residential apartments to the north of the park;
- c) The size and colour combination should be more sympathetic with the cultural precinct being developed by the Council in this area; and
- d) If the application is to be amended, once complete the application should be re-advertised, and in doing so, the notification area extended to include the residential apartments to the north (59 Rickard Road, 61 Rickard Road and 75 Rickard Road, Bankstown).

In the event that the applicant is prepared to consider the above matters and lodge an amended application, the assessment of the application should be carried out in the context of the site (the Panel for example noted that the "Brian Brown Theatre" signage attached to the library integrated well with the existing building and surrounding area).

Any further assessment should be undertaken in accordance with the NSW Government's 'Draft Transport Corridor Outdoor Advertising and Signage Guidelines' issued in December 2015 which supports the implementation of *State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)*.

The Panel has made this assessment having regard to the proposal that the consent will be a time limited consent for three years only. The Panel is of the opinion that the three year time limit should commence after the planning proposal has been approved. Also in terms of the time period for the consent, further information could be provided as to the estimated time of construction for the main development so that the timing of the consent can be linked to this.

The Panel is unsure about the statement in the report as to whether there will be any direct financial implications; however, the Panel is assessing the application independently on its merits.

The Panel also recommends that the Council consider developing a signage policy, especially for the B4 zone given the potential for adverse impacts of signage on land uses within the mixed use zone, including residential development.

IHAP Determination

THAT

- A. Development Application DA-1048/2016 be **DEFERRED** to enable the applicant to consider the suggestions made by the Panel and submit an amended application.
- B. Council consider preparing a signage policy, especially for the B4 zone, in light of the imminent development that is going to occur in this area.

Vote: 4 – 0 in favour

2 1 PARKHAM STREET, CHESTER HILL: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A MULTI DWELLING HOUSING DEVELOPMENT COMPRISING FOUR DWELLINGS

Site Visit

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

Public Addresses

Mr Michel Heloui (Designer on behalf of applicant)	<ul style="list-style-type: none">• Raised no objection to proposed conditions in the officer's report.• Responded to questions from the Panel in relation to the development type and nature including the height and scale of the proposed development, privacy, balconies, location of fencing and consultation with adjoining property owners in regard to selection.• The applicant's representative raised no objection to conditions proposed by the Panel requiring the provision of a detailed landscape plan.
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Panel Assessment

The Panel is of the opinion that the application can be approved subject to changes to the conditions.

One tree is to be retained and protected; the Panel is of the opinion that there should be additional trees planted and a comprehensive landscape plan prepared prior to the issue of the Construction Certificate.

Specifically the landscape plan must include:

- a) Four native trees – 200 litre, in the eastern and western side of the property (without interfering with the Council's drainage line and easements);
- b) Appropriate hedge species such as *Elaeocarpus eumundii* (Quandong) should be planted on the southern, western and eastern boundaries;

- c) The north western driveway should be of suitable permeable paving (to protect and enhance the existing white gum to be retained);
- d) Definition of the front boundary through a low fence/wall or vegetated hedge; and
- e) Evidence of liaison with the Engineer preparing the drainage plans so that appropriate landscaping within the drainage easement is included in the landscape plan.

Subdivision conditions are to be amended as there is no subdivision proposed.

The Panel has also suggested that there be some amendments to the conditions relating to the Council's stormwater drainage easement.

IHAP Determination

THAT Development Application DA-328/2016 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions:

1. Delete condition 6 and replace with new condition as follows:
 - "6. A new detailed landscape plan is to be prepared, which is to include:
 - a) The provision for the replacement of all boundary fencing. A new 1.8m fence is to be erected along all side and rear boundaries of the subject allotment at full cost to the developer. The colour of the fence is to complement the development and the fence is to be constructed of lapped and capped timber paling, sheet metal or other suitable material unless the type of material is stipulated in any flood study prepared for the site. The selection of materials and colours of the fence is to be determined in consultation with the adjoining property owners. Fencing forward of the building line shall be no higher than 1m unless otherwise approved by Council.
 - b) A minimum of four additional native trees with a minimum container size of 200 litres to be included on the site in the eastern and western side of the property (without interfering with the Council's drainage line and easements). These trees are to obtain a minimum height of 10 metres at maturity.
 - c) Appropriate hedge species such as *Elaeocarpus eumundii* (Quandong) are to be planted on the southern, western and eastern boundaries;
 - d) The north western driveway should be of suitable permeable paving (to protect and enhance the existing white gum to be retained);
 - e) Definition of the front boundary through a low fence/wall or vegetated hedge; and
 - f) Evidence of liaison with the Engineer preparing the drainage plans so that appropriate landscaping within the drainage easement is included in the landscape plan."
2. Amend Condition 7, by including the following after the words "Front yard":
"(tree number 2 as referred to in the arborist report prepared by Scott Freeman dated 17 March 2015)"
3. Amend Condition 8 as follows:
 - a) In sub paragraph (ii) insert the words "(except the tree referred to in condition 7)" at the end of the sentence; and
 - b) In sub paragraph (iv) insert the words "(tree number 4 as referred to in the arborist report prepared by Scott Freeman dated 17 March 2015)" after the words "Front Yard" in the final row.

4. Delete condition 17 and replace with new condition as follows:
"17. The developer shall apply for a Work Permit and obtain approval from Council, for the following engineering works in front of the site, at the applicant's expense:
- a) A Heavy Duty VFC of maximum width of 6.0 metres at the property boundary for the eastern villas and a Light Duty VFC of maximum width of 3.0 metres at the property boundary for the western villa.
 - b) 1.2 metre wide concrete footway paving along the sites entire frontage to Parkham Street.
 - c) Removal of all driveway surfaces, reinstatement of laybacks to kerb and gutter and reshaping of the footway, all associated with redundant VFCs.
 - d) Repair of any damage to the public road including the footway occurring during development works.
 - e) Reinstatement of the footway reserve and adjustment or relocation of existing public utility services to match the footway design levels as proposed on the approved Work Permit. Adjustment or relocation to any public utility services shall be carried out to the requirements of the public utility authority.
- Note: Council is required to prepare a site survey and design in order to determine the necessary information. The developer must make application and payment for the Work Permit at least twenty one (21) days prior to the information being required and prior to the issue of the Construction Certificate. The Work Permit must be approved prior to any works commencing within the Council Road Reserve or on Council's assets."
5. Delete condition 22 and replace with new condition as follows:
"22. Where the proposed buildings are located adjacent to the proposed Council relocated drainage easement and where the site is affected by flooding, the developer must comply with the following requirements:
- a) The developer must ensure the proposed building(s) including eaves and gutters are located clear of the proposed Council drainage easements within the site. The developer must ensure that they prepare all construction certificate plans to meet this requirement and submit them to the Principal Certifying Authority (PCA) prior to the issue of the Construction Certificate. All approved construction details shall be consistent with this requirement.
 - b) The developer must propose to construct concrete pier and beam type footings for all structures adjacent to the proposed relocated Council stormwater pipe/easement in accordance with the requirements contained in Council's Development Engineering Standards. Plans and details prepared by a qualified practising Structural Engineer, with details suitable for construction in accordance with the above Policy shall be incorporated into the details for approval of the Construction Certificate.
 - c) Landscaping within Council's drainage easement shall be limited to grassed or paved surfaces only. Boundary fencing across Council's drainage easement and floodway shall incorporate provision for the passage of overland stormwater runoff. All approved construction details shall be consistent with this requirement.
 - d) An unobstructed overland flow path, for excess stormwater runoff from Council's drainage system and upstream catchment shall be constructed and maintained on the property. Final details suitable for construction prepared by a qualified professional Civil Engineer shall be submitted to

Council prior to the issue of the Construction Certificate. The final detailed plan shall be in accordance with plans by Kozarovski & Partners. All approved construction details shall be consistent with this requirement.

- e) The developer shall apply for a Work Permit and obtain approval from Council, for the following engineering works relating to the proposed relocation of the Council drainage easement and pipeline, at the applicant's expense:
- Remove the existing drainage pipe and easement and reconstruct a new 600mm diameter RCP pipe in the new location as shown on the engineering plans. The developer must provide Council with fully developed Civil Engineering plans which propose the new construction of the relocated pipeline.
 - Drainage connection to Council's piped drainage system in the relocated easement.

Note: Council is required to review the design in order to determine the necessary information. The developer must make application and payment for the Work Permit at least twenty one (21) days prior to the information being required and prior to the issue of the Construction Certificate. The Work Permit must be approved prior to any works commencing on the proposed relocated Council assets."

6. Delete condition 23 and replace with new condition as follows:
"23. For this development, Council requires that the stormwater runoff from within the development site shall be collected and controlled by means of an **on-site stormwater retention system**, in accordance with Council's Development Engineering Standards. The developer shall engage a suitably qualified Engineer to prepare a final stormwater drainage and on site retention system plan to be generally in accordance with the concept plan C-3138-01 Issue 3, dated 27 March 2017, by Kozarovski & Partners, and in accordance with the requirements contained in Council's Development Engineering Standards. The Engineer shall certify that the design and plans comply with Council's Development Engineering Standards and the relevant Australian Standards."
7. Delete condition 44 and replace with new condition as follows:
"44. The private stormwater drainage system, within the site, 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.*"
8. Delete condition 46 and replace with new condition as follows:
"46. Development located adjacent to Council's drainage pipe and/or easements shall comply with the following:
- a) Concrete Pier and beam type footings/foundations adjacent to Council's drainage easements shall be constructed in accordance with the approved details and Council's Development Engineering Standards. The applicant/developer shall arrange for an inspection to be carried out by the PCA or Structural Engineer to verify depth and location of piers in relation to the proposed pipe and easement prior to pouring of concrete.
 - b) Any disturbance or damage caused to Council's proposed, newly constructed drainage pipes within the site shall be repaired by Council

at the applicant's expense. The applicant shall notify Council of such damage immediately after it occurs.

- c) The developer must create an easement to drain water 3.05 m wide in favour of Council centrally over the newly constructed and relocated stormwater pipe within the site. As the site is located adjacent to Council's drainage easement and/or affected by flooding, the developer must create a Restriction on the Use of Land under the relevant provision of the Conveyancing Act, requiring that:
- (i) A flowpath/floodway for overland stormwater runoff from upstream properties and Council's Road Reserve shall not be allowed to fall into disrepair within Council's drainage easement / constructed floodway boundaries.
 - (ii) Trees or shrubs shall not be planted within Council's drainage easement / constructed floodway boundaries.
 - (iii) Changes to approved levels and / or the constructions of walls and landscaping within Council's drainage easement / constructed floodway boundaries shall not occur unless approved by Council.
 - (iv) The fencing constructed across the floodway or overland flowpath shall not be allowed to fall into disrepair and shall not block the free passage of surface flow of stormwater.
- Note: The location of the "Flow path" shall be shown on an A4 plan, prepared by a surveyor, and attached to the relevant Land Title Dealing Form.
- d) Canterbury-Bankstown Council must be the Prescribed Authority with regard to the Restriction.
- e) The Restriction must be registered on title following satisfactory construction and certification of the overland flow path and prior to issue of the Occupation Certificate or occupation of the site. Evidence of such registration shall be submitted to Council."

9. Delete condition 51 and renumber subsequent conditions accordingly.

10. Delete condition 57 and replace with new condition as follows:

"57. A registered surveyor shall prepare a Work As Executed Plan, and a suitably qualified Hydraulic Engineer shall provide certification of the constructed on-site stormwater drainage and retention system and the constructed overland flow path prior to issue of the Final Occupation Certificate.

The Work As Executed information shall be shown in red on a copy of the approved stormwater plan and shall include all information specified in Council's Development Engineering Standards. The Work As Executed plan shall be submitted to the Hydraulic Engineer prior to certification of the on-site stormwater drainage and retention system and overland flowpath.

A copy of the Work As Executed Plan and Hydraulic Engineer's Certification shall be submitted to Council for information prior to issue of the Final Occupation Certificate."

11. Delete condition 61-63 and heading "CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE".

Vote: 4 – 0 in favour

The meeting closed at 7.42 p.m.