

**CITY OF CANTERBURY BANKSTOWN**

**MINUTES OF THE  
INDEPENDENT HEARING AND ASSESSMENT PANEL MEETING**

**HELD IN THE COUNCIL CHAMBERS  
BANKSTOWN**

**ON 22 JANUARY 2018**

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**PRESENT:** Mr Anthony Hudson (Law) - Chairperson  
Dr Ian Garrard (Environment)  
Ms Jan Murrell (Planning/Environment)  
Mr Garth Paterson (Urban Design)

**STAFF IN**

**ATTENDANCE:** Ms Chauntelle Mitchell (Administration Officer - IHAP)  
Mr Ian Woodward (Manager Development, not present for the closed session)  
Ms Lia Chinnery (Coordinator 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 Peter Wells (Planning Consultant, 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 **1570-1580 CANTERBURY ROAD, PUNCHBOWL: DEMOLITION OF EXISTING STRUCTURES, CONSOLIDATE BOTH LOTS INTO ONE, EXCAVATE THE SITE FOR A THREE LEVEL BASEMENT CAR PARK AND CONSTRUCT A FIVE STOREY MIXED USE DEVELOPMENT ACROSS TWO BUILDINGS, WITH THREE COMMERCIAL TENANCIES ON THE GROUND FLOOR AND 48 RESIDENTIAL APARTMENTS**

### Site Visit

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

### Public Addresses

Ms Holly Duan (Planner representing applicant)	<ul style="list-style-type: none"><li>• Supports Council's recommendation and conditions amending design, including privacy treatment and the removal of bedrooms.</li><li>• Noted history of the DA commencing in 2015, advised the scale of the development has been significantly reduced, from 68 units to 48 units, confirmed Council's proposed conditions will reduce the number of units to 47.</li><li>• Is of the view the proposal fully complies with the building code and FSR and has addressed ADG requirements in relation to building separation and privacy concerns.</li><li>• Responded to questions raised by the Panel regarding consideration of depth of the pedestrian entryway from Weyland Street, alteration of basement parking to provide additional deep soil landscaping, treatment of the deep soil areas to remove contaminated fill and the addition of a communal room. In relation to relocation of the garbage collection to the basement, applicant's representative advised this option can be explored.</li><li>• Raised no objection to conditions proposed by the Panel, as follows:<ul style="list-style-type: none"><li>- Transferring a portion of the surplus residential parking to commercial parking: The applicant's representative advised they would be in support, provided Council's parking requirements were met;</li><li>- Amendment of condition 49 to adopt recommendations in the September 2017 Stage 2 Contamination Assessment;</li><li>- Incorporation of masonry to approximately 25% of the splay portion of the ground floor commercial unit facing Canterbury Road.</li></ul></li></ul>
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### Panel Assessment

The Panel acknowledged the work done between the Council and the applicant to arrive at the proposed development on a difficult site. There have been a number of more contentious developments in this street and the Panel is of the view this is a more appropriate development.

The Panel agrees with the recommendations, subject to some design changes discussed with, and agreed to, by the applicant's representative.

The main changes which will be reflected in amended conditions relate to:

- a) Glazing to the front splay portion of the ground floor facing Canterbury Road;
- b) The treatment of the north western balconies to the northern building;
- c) Additional deep soil landscaping and removal of contaminated fill overlaying these areas;
- d) Design of the entry area off Weyland Street;
- e) A communal room;
- f) Transferring some of the additional residential parking to commercial.

#### **IHAP Determination**

THAT Development Application DA-388/2015 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions:

1. Insert new conditions as follows:
  - “6A Increase the main deep soil area by extending the south eastern edge of the deep soil into basement 01 to the extent of allowing all necessary vehicle turning to continue. A communal room is to be provided in this area approximately 10m x 6m. This must be shown on the Construction Certificate plans.
  - 6B The applicant is to amend the design to provide additional details to improve the visibility of the pedestrian entrance from Weyland Street. This must be shown on the Construction Certificate plans.
  - 6C Increase the dedicated commercial parking from 5 spaces to 10 spaces. This must be shown on the Construction Certificate plans.
  - 6D For the purposes of achieving appropriate massing between buildings, achieving the desired future character of the area, minimising visual impacts on adjoining buildings and reducing the shadow impact on 17-19 Weyland Street, unit 404 is not approved and must be deleted from the proposal. The Construction Certificate plans must clearly show unit 404 and its balcony deleted and the south-facing external wall of unit 403 finished in colours consistent with the approved Materials Schedule.”
2. Condition 11 to be amended to read as follows:

“For the purposes of enhancing privacy for occupants of the building and surrounding properties the balustrading must be a minimum of 50% masonry and a maximum of 50% glazing. This requirement must be clearly depicted in the Construction Certificate plans.”
3. Insert new conditions as follows:
  - “12A For the purposes of enhancing the proposal’s contribution to the streetscape an amended colours and materials schedule must be submitted to Council for approval prior to the issue of the Construction Certificate that incorporates additional render to face brick ratios. In addition, the southern walls provided to balconies serving units G01, G02, 103, 104, 203, 204, 303 and 304 must be replaced with 1.8m high privacy screens. These screens must be appropriately blended with the development and could be masonry with appropriately coloured render, or timber composite. This must be shown on the Construction Certificate plans.
  - 12B The incorporation of masonry to approximately 25% of the façade of the ground floor commercial unit of the north western side splayed boundary fronting Canterbury Road. This must be shown on the Construction Certificate plans.”

4. Condition 13 to be amended by inserting the following words after the last sentence "The LAeq levels are to be measured at 15 minute intervals".
5. Condition 38 to be amended by inserting the following after the words "where amended by conditions of consent." in the first sentence:  
"Increase the main deep soil area by extending the south eastern edge of the deep soil into basement 01 to the extent of allowing all necessary vehicle turning to continue. Also a communal room is to be provided in this area approximately 10m x 6m in size. This must be shown on the Construction Certificate plans."
6. Amend Condition 42 by deleting the words "1 x 75ltr" and replacing with the words "2 x 100ltr".
7. Amend Condition 49 to read as follows:  
"The requirements of Stage 2 Contamination Assessment by Ground Technologies (Ref: GTE-761) dated 6 September 2017 (which supersedes the 23 February 2016 report) to be strictly adhered to and this includes addressing the contaminated landfill located on the deep soil area. The removal of fill is to be from all deep soil zones."

**Vote: 4 – 0 in favour**

**2 27 BROCKMAN AVENUE, REVESBY HEIGHTS: DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A TWO STOREY ATTACHED DUAL OCCUPANCY, WITH TORRENS TITLE SUBDIVISION**

**Site Visit**

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

**Public Addresses**

Mr Chris Khoury (applicant)	<ul style="list-style-type: none"> <li>• Raised no objection to conditions proposed by the Panel as follows:             <ul style="list-style-type: none"> <li>- Reduction of floor heights of northern dwelling;</li> <li>- Amelioration of the northern dwelling blade walls;</li> <li>- Provision of an additional street tree;</li> <li>- Provision of two watergums, one centrally located on each allotment.</li> </ul> </li> </ul>
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**Panel Assessment**

The Panel agrees with the recommendations, and notes that the applicant agrees to a number of changes to the conditions to improve the privacy and amenity relationship between the site and 25 Brockman Avenue to the north.

**IHAP Determination**

THAT Development Application DA-849/2017 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions:

1. Insert new conditions as follows:  
"2A The floor level of the northern dwelling is to be lowered by 450mm by increasing the number of internal stairs from the eastern side of the family study including the alfresco area. This is to achieve a better relationship with the natural ground level and the dwelling at number 25. This must be shown on the construction certificate plans.

- 2B The dividing fence is to be no higher than 1.8 metres as measured along and from the ground level at the base of the existing fence on 25 Brockman Avenue. This must be shown on the construction certificate plans.
- 2C Prior to the issue of the construction certificate, the Architectural plans are to include three north-south sections of the northern building through the family study, the WC laundry area and the living room, showing the levels and treatment between the façade of the development and the boundary (including fencing with the levels referred to in condition 2B above) relative to the levels at 25 Brockman Avenue.
- 2D Reduce the entrance blade walls and horizontal ledge to be a maximum of 1 metre from the face of the dwelling of the northern unit to the family study. This must be shown on the construction certificate plans.
- 2E The rear blade wall joining the alfresco area of the northern dwelling (closest to the boundary with number 25) is to be deleted. This is to improve solar access for the dwelling itself and reduce the bulk of the development for the adjoining neighbour.”

2. Amend condition 43 as follows:

- a) After the words “approved landscape plan” in the first sentence, insert the following words:  
 “The landscape plan is to be amended to include two water gums, one in the courtyard of each dwelling, not less than 100 litre pot size, on each of the proposed allotments, forward of the drainage lines towards the driveway.”
- b) Under the heading “Tree Planting: Nature Strip” delete the words “75 litres” in the second sentence and replace with the words “100 litres”;
- c) Amend the table by deleting the words “1 x *Tristaniopsis laurina* (Water Gum) OR 1 x *Glochidion ferdinandi* (Cheese Tree) OR 1 x *Photinia robusta* (Photinia)” and replace with the following words “2 x *Callistemon salignus* (Willow Bottlebrush)”

**Vote: 4 – 0 in favour**

**3 146 LAMBETH STREET, PANANIA: DEMOLITION OF EXISTING STRUCTURES, CONSTRUCTION OF A MIXED USE DEVELOPMENT COMPRISING THREE COMMERCIAL TENANCIES AND TEN RESIDENTIAL UNITS, BASEMENT PARKING AND STRATA SUBDIVISION**

**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.

**Public Addresses**

<p>Mr Martin Hoang (objector)</p>	<ul style="list-style-type: none"> <li>• His property is adjacent to the subject site.</li> <li>• Has reviewed the officer’s report and notes a number of his concerns have been resolved.</li> <li>• Queried if access to his property would be required during construction of the proposed development and how scaffolding/ temporary fencing/hoarding would be managed.</li> <li>• Queried when construction would commence, the anticipated construction period and noise and dust control measures during construction.</li> </ul>
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	<ul style="list-style-type: none"> <li>• Raised concerns regarding management of structural integrity of his property.</li> </ul>
Mr Chris Khoury (applicant)	<ul style="list-style-type: none"> <li>• Responded to questions raised by the Panel in relation to consideration of the transition between the B1 and R2 zone, LEP provisions regarding the character of the local area and consideration of an attic style development.</li> <li>• Raised no objection to conditions proposed by the Panel regarding the addition of more solid masonry plinth elements.</li> <li>• Responded to queries raised by the objector as follows: <ul style="list-style-type: none"> <li>- Advised has no objection to a dilapidation report, noted conditions regarding noise and dust during construction;</li> <li>- Advised subject to approval it was likely construction could commence June/July; anticipated construction would take 18 months to complete. Confirmed during construction scaffolding would be used, all access would be via the subject property and the builder would endeavour to minimise noise.</li> </ul> </li> </ul>

### **Panel Assessment**

The Panel notes that this small B1 zoned area within a primarily low density residential area is unused. The Panel agrees with the comments in the report regarding the width of the proposed site when compared to potential widths of the remaining sites of the B1 zoning as discussed in the report (under the heading 'Lot Width').

The Panel considers in the circumstances of this corner location that the design proposed is preferable and a variation to the DCP guidelines for a two storey with attic design is justified. The Panel also notes the rear separation details referred to in the report and agrees with the variations to the ADG.

The Panel also considers the proposed three metre setback and the width of Morrison Lane (6 metres) and the relationship of the varied setbacks to 2 Irene Street is acceptable.

The concerns raised by the resident relates primarily to construction issues, which are addressed by various conditions (dilapidation report, noise and dust issues). The applicant confirmed that it would not be necessary to seek any access over the objector's property during construction.

### **IHAP Determination**

THAT Development Application DA-838/2016 be **APPROVED** in accordance with the Council staff report recommendation.

**Vote: 4 – 0 in favour**

The meeting closed at 8.02 p.m.