

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

INDEPENDENT HEARING AND ASSESSMENT PANEL MEETING

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

ON 29 AUGUST 2016

PRESENT: Mr Anthony Hudson (Law) - Chairperson
Mr Lloyd Graham (Town Planning)
Ms Stacey Miers (Social Science)
Ms Jan Murrell (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)
Mr Stephen Arnold (Acting Team Leader - Planning, not present for the closed session)

THE CHAIRPERSON DECLARED THE MEETING OPEN AT 5.57 PM.

INTRODUCTION

The Chairperson welcomed all those present and explained the functions of IHAP and that the Panel would be considering the reports 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. 212-218 CANTERBURY ROAD, CANTERBURY: DEMOLITION, CONSTRUCTION OF TWELVE STOREY MIXED USE DEVELOPMENT WITH 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 agrees with the Council officer's report recommending refusal.

At the meeting the applicant's Town Planner and Architect offered to submit an amended application with the deletion of the top three storeys and a photomontage was provided which showed this but also with other changes, including increase in the number of storeys at the rear of the proposed building.

While there are no details of this proposal, the Panel is of the opinion that there will still be significant breaches of the floor space ratio and height controls.

Importantly, the Panel is concerned about the uncertainty of access to this site from Close Street, which is the only real available access.

There are no formal agreements or easements in place between the two properties detailing the terms of the access and further, there are no plans indicating exactly how the access would work between the two properties.

In the Panel's opinion, the application should be refused in accordance with the recommendation made by the Council officer.

Further it is clear to the panel that there cannot be any vehicular access to the site from Canterbury Road and the issue of access must be resolved to enable the development to move forward.

Point 11 and 12 of the officer's recommendation are not grounds of refusal and the Panel notes that this information is provided as part of the Council's usual notice of determination.

Public Addresses

Mr David Furlong (Town Planner) and Mr Ziad Chanine (Architect) representing applicant	<ul style="list-style-type: none">• Not happy with recommended refusal as application has had a long history of discussions with officers and amendments to achieve a development that was suitable for Council approval.• Advised a sister development to this site (for 220-222 Canterbury Road and 4 Close Street) has been approved.• Believes this development was approved in principle, subject to the concurrence of Sydney Trains. Due to underground power cables, a Crown easement requires the proposed building to be setback 7 metres from the side boundary along the site.
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	<p>The proposed building was amended accordingly and three extra floors added.</p> <ul style="list-style-type: none"> • The applicant offered to delete the three extra floors to achieve approval, otherwise the town centre arcade and sister development can't proceed. • Considers that this proposal is to similar to developments approved next door and on other side of Canterbury Road. • Requested deferment for the amended proposal to be assessed. • In relation to questions from Panel regarding vehicular access arrangements, advised access would be via Close Street through strata rights with adjoining sister development.
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IHAP Decision

THAT Development Application DA-168/2015 be **REFUSED** in accordance with the Council officer report recommendation, with the following changes to the recommendation:

1. Deletion of the words "consent must not be granted" at the end of reasons for refusal 1, 2, 4 and 5; and merging of remaining text in last sentence with preceding sentence for each.
2. Deletion of words "consent must not be granted, in accordance with" and "our" in the last sentence of reasons 3 and 6 and replacement with the following:
"and the proposed development is not in the public interest in terms of"
2. Addition of the following sentence to the end of reason 8:
"Further even if legal access if obtained over the adjoining site there is uncertainty about this access because the proposed access depends on the adjoining site being developed prior to the current site and with basement access to the adjoining site without any particular details."

Vote: 5 – 0 in favour

2. UNITS 19 & 20/15-21 NINTH AVENUE, CAMPSIE: CHANGE OF USE FROM HEALTH MASSAGE CENTRE TO A BROTHEL

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 recommendation.

Public Addresses

Mr Paul Reid (objector)	<ul style="list-style-type: none"> • Signed petition against the proposed brothel as it is located in a residential area and close to schools.
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	<ul style="list-style-type: none"> • He believes massage centre has been trading illegally as a brothel for a number of years despite “no sex services” sign at premises and if granted approval the operators will disregard any conditions of consent. • Believes nearby colleges and businesses as well as residents of apartments above the mixed-use complex in which the massage centre is located, have great concerns about the massage centre and other businesses have experienced loss of trade as a result of it. • Answered questions by the Panel regarding large number of signatures on petition, advising the petition was placed in nearby commercial premises, there was a local press article over community concerns and believes there were complaints about the massage centre prior to lodgement of the application for use as a brothel.
Mr Sunghoon Kim (objector)	<ul style="list-style-type: none"> • Signed petition opposing proposed use as brothel. • Advised petition was placed in two primary schools and coaching colleges in close proximity to massage centre. • Concerned for children going to schools or colleges walking past massage centre. • Noted sign outside massage centre states “no sex services”, however believes massage centre is breaching its conditions of consent and illegal activity is going on.
Mr Elie Kanaan (objector)	<ul style="list-style-type: none"> • Has office in same complex. • Agrees with Council report recommendation. • Considers massage centre is located on ground level. • Believes illegal access to complex via fire exit near massage centre being chocked open, compromising security of complex and resulting in his family and clients feeling unsafe. • Feels clients standing outside the massage centre are intimidating. • Believes Illegal access also to basement carpark with roller shutter being left open, adding to safety concerns with squatters at one stage, as well as car spaces of other strata members being used by massage centre. • Advised CCTV system was not operational when required for Police investigations. • Believes incidents and safety concerns have escalated with massage centre operating as brothel.

IHAP Decision

THAT Development Application DA-67/2016 be **REFUSED** in accordance with the Council officer report recommendation, with the following change to the recommendation:

1. Addition of the following text to the end of reason 2:
“and is also a relevant impact under the proposed Clause 7.21 - Location of sex services premises, subclause (2) (b) of the draft Local Environmental Plan”.

Vote: 5 – 0 in favour

3. 19 MAYFAIR CRESCENT, BEVERLY HILLS: DEMOLITION AND CONSTRUCTION OF TWO STOREY DETACHED DUAL OCCUPANCY, FRONT FENCE AND TORRENS TITLE SUBDIVISION

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 recommendation of approval, subject to some changes to the conditions, relating to the provision of paving between the dwellings and some additional landscaping measures.

The applicant at the meeting agreed to the planting of additional canopy trees in the front setback and changing the species of trees in the rear.

Public Addresses

There was no public address for this item.

IHAP Decision

THAT the Development Application DA-180/2016 be **APPROVED** in accordance with the Council officer report recommendation, subject to the following changes to the recommended conditions:

1. Addition of following to the end of condition 50:
“including the following:
 - a) provision of paving in the space on both proposed allotments between the two dwellings,
 - b) provision of a native canopy tree in each of the front setback areas reaching a mature height of 8 metres minimum,
 - c) deletion of the two Bradford Pear trees to be replaced with appropriate native evergreen canopy trees reaching a mature height of metres 7 to 9 metres (for example Lilli Pilli or Water Gum), and
 - d) the provision of a street tree at an appropriate location, species to be agreed with the Council.”

Vote: 5 – 0 in favour

The meeting closed at 7.19 p.m.