

CITY OF CANTERBURY BANKSTOWN

MINUTES OF THE

INDEPENDENT HEARING AND ASSESSMENT PANEL MEETING

**HELD IN THE COUNCIL CHAMBERS
BANKSTOWN**

ON 6 NOVEMBER 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)
Ms Lia Chinnery (Coordinator Governance, not present for the closed session)
Mr George Gouvatsos (Coordinator Planning - East, not present for the closed session)
Mr Bob Steedman (Team Leader Planning - East, 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 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 20 - 22 PHEASANT STREET, CANTERBURY: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF MULTI-DWELLING HOUSING DEVELOPMENT CONTAINING NINE TOWNHOUSES (INCLUDING TWO FOR AFFORDABLE HOUSING UNDER SEPP AFFORDABLE RENTAL HOUSING), BASEMENT PARKING, STRATA SUBDIVISION AND CONSOLIDATION OF THE TWO LOTS

Site Visit

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

Public Addresses

Mr Jayson De Abreu and Mrs Rita Abreu (objectors)	<ul style="list-style-type: none">• Raised concern regarding the Natural Landfall (AHD) levels reflected on plans, notes that their land (24 Pheasant Street) is depressed. Has concern regarding the impact of a walkway above the fence line.• Query accuracy of solar diagrams, noting encroachment of level 1 has increased, however, revised plans indicate the solar impact on their property has reduced.• Do not agree with analysis of loss of view.• Raised concerned regarding:<ul style="list-style-type: none">- Overshadowing to their backyard in in winter.- Location of the bin collection area: Notes collection area is 1 metre from their kitchen, habitable areas and below bedrooms. Has concern in relation to odours, vermin and bacteria. Is of the view the location diminishes surveillance and creates increased opportunities for crime.- Privacy: Do not believe louvers will resolve overlooking issues into their property.- Suitability of proposed deep soil to support medium/high landscaping.- Bedrock stability.- Noise from entry/egress of vehicles, roller doors etc. 24 hours a day.• Believe this is an obtrusive over development.• Are of the view above ground garages similar to 30 Pheasant Street would be more appropriate.• Tabled correspondence, images and annotated architectural drawings of proposed development and 24 Pheasant Street.
Mr Peter Verginis (objector)	<ul style="list-style-type: none">• Advised residents were not informed of any changes to zoning.• Raised concerns in regard to:<ul style="list-style-type: none">- Privacy: In relation to residents from the proposed development being able to view into their living area and garden.- Noise and light pollution from the proposed development.- Future instability of trees in subject property due to reduction of canopy.- Accessibility: Regarding the proposed walking route to

	<p>the nominated bus stop, especially at night.</p> <ul style="list-style-type: none"> - Parking: Advised it is currently difficult to find street parking on Pheasant street, believes proposed development will exacerbate parking issues. • Believes the proposed development may result in social unrest; notes Pheasant Street is tiny and the proposed development will increase the number of residents. • Is concerned the proposed development will set an undesirable precedent. • Does not oppose development, would like a design in keeping with the rest of the street.
Mr Luis Alvarez (objector)	<ul style="list-style-type: none"> • Notes the town house development at 30 Pheasant Street with 5 units is a site larger than the proposed development site. Property owners on the street opposed that development and parking problems have since eventuated. • Concerned the proposed development will change the character of the street. • Is of the view the number of town houses should be reduced.
Mr David Benson (Applicant /Architect)	<ul style="list-style-type: none"> • Has been working with Council for 12 months in relation to the proposed development. Believes issues raised have been adequately resolved. • Notes views to neighbours secondary private open space are from 5 windows which are directional with screens. • Advised there are no raised walkways on the southern boundary and at no point are walkways 2 metres above natural ground level. • Is unable to constrain noise and anti-social behaviour as a result of occupants; notes the proposed development has a compliant use, height and footprint. • Answered questions raised by the Panel in relation to north facing windows and louver design, bin arrangement (design, height, ventilation, relationship to windows at 24 Pheasant Street and other locations explored), conditions regarding registered housing body, opportunities regarding deep soil on southern boundary and possibility of moving the building 200mm to the north. • Applicant raised no objection to: <ul style="list-style-type: none"> - Consider further screening on northern boundary; - Explore relocating the building 200mm to the north; - Provide management agreement between owner and registered housing body prior to the issue of the Construction Certificate.

Panel Assessment

The Panel notes that the zoning of this land is R3 and multiple dwellings are permissible with consent. The Panel indicated to the objectors the change in zoning to R3 was not a relevant issue to the Panels consideration of the Development Application.

The Panel notes that this is a fully complying development except for a minimum DCP deep soil width requirement along the side boundary. The Panel generally agrees with the report recommending approval of the application. There are a number of changes that the Panel will make to lessen the impacts from the development on the adjoining properties.

In relation to number 24, the Panel notes the concern about the bin room and agrees that the bin room should be relocated. The Panel proposes relocation to the north east corner of the site behind the landscape strip. While the change to the location of the garbage bin is inconsistent with the requirements of the DCP, in the circumstances of this development this is a better outcome for the amenity of the neighbours. The Panel considers with landscaping the bin storage area there will not be a significant impact on the streetscape.

Also there should be additional landscaping in the south east corner to the east of the edge of the underground garage, the width of the landscape strip along the southern side is to be increased to 1 metre and the ground level of the last building lowered by 500mm stepping the development more consistently with the fall in existing topography. These changes would reduce the impacts of bulk and height of the development, specifically as viewed from the properties at 18 and 24 Pheasant Street, and the public open space at the rear.

Conditions have been proposed to address these matters.

IHAP Determination

THAT Development Application DA-176/2017 be **APPROVED** in accordance with the Council staff report recommendation, subject to the following changes to the recommended conditions:

1. Amend condition 5.2 by deleting the words “neighbouring properties” in the first sentence and inserting the words “numbers 18 and 24 Pheasant Street”.
2. Insert new conditions as follows:
 - “5.5 Relocate the garbage bin storage room to the north east corner of the site. The garbage bin area is to be behind (to the east) of the one metre communal landscape strip. The ventilation to the bins should be facing towards the street. There can be a reduction in the landscaped area shown on A-0102 to the west of the front deck for unit 1 and to the north of the external stairs for unit 1 (details to be provided on amended architectural and landscape plans prior to the issue of the Construction Certificate).
 - 5.6 Provide a planter box where the bin storage area was previously located on the southern side (details to be provided on amended architectural and landscape plans prior to the issue of the Construction Certificate).
 - 5.7 Include a street tree in the street verge (details to be provided on amended architectural and landscape plans prior to the issue of the Construction Certificate).
 - 5.8 Increase the southern setback from 850mm to 1m on the southern boundary in the area from the western end of the proposed planter box to the western side of the stairs from the basement on the southern side (details to be provided on amended architectural and landscape plans prior to the issue of the Construction Certificate).
 - 5.9 Delete the walkway in the area referred to on A-0102 “2.5m rear side setback” (in the south east corner) and the return area walkway and provide deep soil landscaping in this area and rearrange the walkway to units 8 and 9 to the north of this area (details to be provided on amended architectural and landscape plans prior to the issue of the Construction Certificate).
 - 5.10 Appropriate screening to minimise overlooking to the property at number 24 to be provided along the walkways on the southern side of the development. Sections are to be provided along the southern boundary to show the walkway area and how this area is to be treated and retained and how the additional landscaping is to be carried out along the southern boundary and in the south east corner (as referred to in 5.8 and 5.9 above)(details to be provided on amended architectural and landscape plans prior to the issue of the Construction Certificate).

- 5.11 Reduce the floor level of units 8 and 9 by 500mm to lower this building (details to be provided on amended architectural and landscape plans prior to the issue of the Construction Certificate).”
3. Delete condition 24 and replace with the following:
“24. In accordance with Clause 17(1) (a) of State Environmental Planning Policy (Affordable Rental Housing) 2009, dwellings 5 and 6 must be used for the purpose of affordable housing for a tenure of 10 years from the date of the issue of the occupation certificate. Prior to the issuing of any occupation certificate (interim or final) Council must be provided with a ‘management agreement’ between the owner and a registered community housing provider for the management of those units identified as affordable housing for a period of 10 years. All affordable rental housing at the site must be managed by a registered community housing provider.”
4. Amend condition 25 as follows:
a) Deleting the words “a minimum of 23% of the floor space (identified on the development application plans as”;
b) Delete the bracket after the words “dwellings 5 and 6” and insert in its place the words “on the approved plans”.

Vote: 4 – 0 in favour

The meeting closed at 8.10 p.m.