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## **Bayside Planning Panel**

**25/07/2017**

Item No	4.1
Subject	<b>Minutes of Bayside Planning Panel – 11 July 2017</b>
Report by	Fausto Sut, Manager Governance & Risk
File	(R) SC17/62

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### **Officer Recommendation**

That the Minutes of the Bayside Planning Panel held on 11 July 2017 be confirmed as a true record of proceedings.

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### **Present**

Jan Murrell, Chairperson and Independent Specialist Member  
Ross Bonthorne, Independent Specialist Member  
Michael McMahon, Independent Specialist Member  
Jesse Hanna, Community Representative  
Joe Bevacqua, Community Representative

### **Also present at the public meeting**

Michael McCabe, Director City Futures  
Luis Melim, Manager Development Services against the application  
Fausto Sut, Manager Governance and Risk  
Michael Maloof, Senior Development Assessment Planner  
Katerina Lianos, Development Assessment Planner  
Bin Chen, IT Support Officer  
Anne Suann, Governance Officer  
Phillip Wait, Council's Consultant Planner

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The Chairperson opened the meeting in the Rockdale Town Hall at 6.08 pm.

## **1 Acknowledgement of Traditional Owners**

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, and elders past and present, on which this meeting takes place, and acknowledged the Gadigal and Bidjigal clans.

## **2 Apologies**

There were no apologies received.

### **3 Conflicts of Interest**

There were no conflicts of interest.

### **4 Minutes of Previous Meetings**

#### **4.1 Bayside Planning Panel – 27 June 2017**

##### **Panel Decision**

That the Minutes of the Bayside Planning Panel meeting held on 27 June 2017 be confirmed as a true record of proceedings subject to the inclusion of the attendance record.

### **5 Reports**

#### **5.1 DA-2017/183 - 24 Oswell Street, Rockdale**

An on-site inspection took place at the property earlier in the day.

At the meeting the following people spoke:

- Mr James Manwaring spoke against the application.
- Mr John Tsekenes spoke against the application
- Ms Saidie Mir spoke against the application.

##### **Panel Determination**

That Development Application DA-2017/183 for a proposed two storey detached dual occupancy development with roof top terraces, basement parking, front and side fences, demolition of existing structures and Torrens Title subdivision from one lot into two lots be REFUSED pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act 1979, for the following reasons:

- 1 Non-compliance with Rockdale Local Environmental Plan 2011 with regard to the following provisions, and as such failure to satisfy Section 79C(1)(a)(i) of the Environmental Planning & Assessment Act 1979:
  - The objectives of the R2 Low Density Residential zone;
  - Clause 4.1 (Minimum subdivision lot size);
  - Clause 4.3 (Height of building); and
  - Clause 4.4 (Floor space ratio).
- 2 The proposed development is unsatisfactory, pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the objectives and provisions of Rockdale Development Control Plan 2011 including:

- Part 4.1 (Site Planning);
  - Part 4.2 (Streetscape and Site Context);
  - Part 4.3 (Landscape Planning and Design);
  - Part 4.4 (Sustainable Building Design); and
  - Part 5.1 (Low and Medium Density Residential).
- 3 Section 79C(1)(a)(iv) The applicant has failed to provide Council with the all requested information outlined within Council's letter dated 7 February 2017, as requested in accordance with Section 54 of the Environmental Planning and Assessment Regulation 2000.
  - 4 Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to create unacceptable impacts to the surrounding development and the locality in the following regards:
    - a Likely impact of the development on the built environment is poorly considered and unacceptable.
    - b Likely impact of the development on the privacy of adjoining neighbours is unacceptable.
    - c Likely impact of the development on the internal amenity of the future residents is unacceptable.
  - 5 Pursuant to the provisions of Section 79C(1)(d) of the Environmental Planning and Assessment Act 1979, the proposal has not adequately considered the concerns raised in the public submissions received against the development.
  - 6 Having regard to the previous reasons noted above and the number of submissions received by Council against the proposed development, pursuant to the provisions of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the development application is not in the public interest as it does not satisfy the objectives of the local planning instruments, being the RLEP 2011 and RDCP 2011, and will result in unacceptable impacts on the built environment.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael McMahon	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Bevacqua	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### **Panel Notations**

- The Planning Consultant's report and recommendations are endorsed.
- The Panel has determined that the Development Application be REFUSED.
- The Panel notes the absence of written Clause 4.6 submissions to vary the standards in the LEP for both height and FSR. As such the application could not be approved.
- Irrespective of no Clause 4.6 requests the Panel considers that the development does not warrant approval and the design bulk and height is out of character in the streetscape.

### **5.2 DA-2016/55 - 40 Middlemiss Street, Mascot**

An on-site inspection took place at the property earlier in the day.

At the meeting the following people spoke:

- Mr Dilip Samji spoke against the officer's recommendation, and also on behalf of Mr Aleixo Calisto.
- Ms Margaret Standaloft spoke against the officer's recommendation.
- Mr Grant Simmons, architect, spoke in support of the application.
- Mr Anthony Parzakonis, owner, spoke in support of the application.

### **Panel Determination**

- 1 That Development Application DA-16/15 for the demolition of existing single dwelling and outbuildings, and removal of one mature tree in the rear yard, and construction of a two storey, nine room boarding house with associated landscaping and parking for 2 cars in the front setback at 40 Middlemiss Street Mascot be APPROVED pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 subject to the conditions of consent attached to this report and with the additional following amendments:
  - The existing driveway and single car parking space is to be retained to provide for one car parking space and car park 1 is to be soft landscaped.
  - The motorbike spaces and the bicycle and garbage storage area are to be reconfigured and where practicable relocated on the site. The objective is to provide for a landscape setting and the provision of a canopy tree, to a mature height of 8 to 10 m to Council officer's approval, in the front central southern half of the site.
  - The landscape plan is to be amended to reflect the above and a "cheese tree" to be provided in the rear yard prior to the issue of a Construction Certificate.

The conditions are to be amended accordingly.

2 That the objectors be advised of Council's decision.

<b>Name</b>	<b>For</b>	<b>Against</b>
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael McMahon	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Bevacqua	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Chairperson closed the meeting at 7.40 pm.

Chairperson  
Bayside Planning Panel