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## **Bayside Planning Panel**

**28/11/2017**

Item No	4.1
Subject	<b>Minutes of Bayside Planning Panel – 14 November 2017</b>
File	SC17/69

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### **Recommendation**

That the Minutes of the Bayside Planning Panel meeting held on 14 November 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  
Patrick Ryan, Community Representative

### **Also present**

Michael McCabe, Director City Futures  
Clare Harley, Manager Strategic Planning  
Luis Melim, Manager Development Assessment  
Fausto Sut, Manager Governance and Risk  
Josh Ford, Co-ordinator Statutory Planning  
Michael Maloof, Senior Development Assessment Planner  
Angela Lazaridis, Senior Development Assessment Planner  
Kim Johnston, Consultant Development Assessment Planner  
Christopher Lazaro, Student Planner  
Patrick Waite, Consultant Development Assessment Planner  
Steven Villiers, IT Support Officer  
Lauren Thomas, Governance Officer

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The Chairperson opened the meeting in the Rockdale Town Hall at 6:00 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 of the Eora Nation.

## **2 Apologies**

There were no apologies received.

### **3 Conflicts of Interest**

The following conflicts of interest were received.

Patrick Ryan declared a non-pecuniary interest in Item 5.1 – DA-2016/65 – 95 Preddy's Road, Bexley North, on the basis that he lived in the same Ward that the DA was located in.

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

#### **4.1 Bayside Planning Panel – 24 October 2017**

##### **Panel Decision**

That the Minutes of the Bayside Planning Panel meeting held on 24 October 2017 be confirmed as a true record of proceedings, subject to the following change for Item 5.3:

Where public speakers are listed for Item 5.3, specifically in relation to Doug Doyle speaking, it should read:

" Mr Doug Doyle, affected neighbour, spoke **against** the officer's recommendation of approval."

### **5 Reports – Development Applications**

#### **West Bayside Planning Office**

Patrick Ryan left the meeting room at this stage and did not participate in the discussion of Item 5.1 nor did he vote in respect of it.

#### **5.1 DA-2016/65 - 95 Preddy's Road, Bexley North**

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

At the meeting the following person spoke:

- Ms Fatima Wehby, representative for the applicant, spoke against the officer's recommendation.

##### **Panel Determination**

That Development Application DA-2016/65 for a proposed detached dual occupancy, retaining the existing dwelling and construction of a new two storey dwelling with basement and consolidation of 4 lots into 2 lots & Torrens Title subdivision be REFUSED pursuant to Section 80(1)(b) of the Act for the following reasons:

- 1 Pursuant to the provisions of Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the zone objectives of the R2 Low Density Residential Zone, as per Rockdale Local Environmental Plan 2011 (as amended) given the proposal would adversely impact upon the adjoining properties in respect to stormwater and drainage.
- 2 Pursuant to the provisions of Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, the proposal does not satisfy the requirements of Sydney Water in respect to a stormwater channel and as such, the site is not deemed suitable for the proposed residential development given its significant constraints.
- 3 Having regard to the previous reasons noted above, 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.

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"/>
Patrick Ryan	<input type="checkbox"/>	<input type="checkbox"/>

## 5.2 DA-2017/360 – 1 Market Street, Rockdale

Patrick Ryan returned to the meeting.

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

At the meeting the following person spoke:

- Anne McGlinchey of AMC Consulting attended to respond to the Panel's questions.

### Panel Determination

That development application DA-2017/360 for Business Identification signage for Paul's Warehouse on western elevation of the existing parking structure at 1 Market Street Rockdale be **APPROVED** pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.

<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"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## **East Bayside Planning Office**

### **5.3 DA-2016/41/02 – 405-409 Gardeners Road, Rosebery**

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

At the meeting the following people spoke:

- Michael Michos, affected neighbour, spoke against the officer's recommendation.
- Dimitri Vlattas (applicant) responded to the Panel's questions.
- Chris Tsioulos (architect) responded to the Panel's questions.

#### **Panel Determination**

1. That Section 96(1A) Application to modify Development Consent No. 2016/41 to amend Condition No. 15 reducing the Bank Guarantee for the protection of the heritage façade at 405-409 Gardeners Road, Rosebery be determined in the following manner:
  - a) Amend Condition No. 1 to refer to the amended plans.
  - b) Amend Condition No. 15 to reduce the bank guarantee for the protection of the heritage façade.
  - c) Amend Condition No. 100 to refer to the subject application.
2. That any objectors be notified of the determination made by the Planning Panel.

<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"/>

Name	For	Against
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 5.4 DA-2017/1120 – 63 Dougherty Street, Rosebery – FSR Exceedance

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

At the meeting the following person spoke:

- Warwick Dickinson (owner/applicant) responded to the Panel's questions.

##### Panel Determination

The Panel has decided that this matter be deferred to allow the applicant the opportunity to reconsider the form of the extension in terms of its architectural language and details in particular with respect to the roof form and fenestrations to provide a better relationship with the existing semi-detached dwelling in the streetscape including the relationship with the adjoining semi.

The exceedance in FSR is not an issue for the Panel.

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"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### 5.5 DA-2017/1127 – 9 Cranbrook Street, Botany – FSR Exceedance

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

At the meeting the following person spoke:

- John Spiteri (applicant) responded to the Panel's questions.

##### Panel Determination

1. That the Bayside Planning Panel is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3) of Botany Bay Local Environmental Plan 2013 and that the proposed development is in the public interest as it is consistent with the

objective of the Floor Space Ratio and the objectives for the R2 Low Density Residential zone.

2. That Development Application No. 2017/1127 for the Demolition of a portion of the existing roof, minor ground floor alterations and first floor additions to an existing semi-detached dwelling house at 9 Cranbrook Street, Botany be APPROVED pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.

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"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## 6 Reports – Planning Proposals

The Chairperson noted a less than significant, non-pecuniary interest in Item 6.1 being that her husband plays golf with Mr Peter Wells.

### 6.1 Post-Exhibition Report, Planning Proposal for 177 Russell Avenue, Dolls Point

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

At the meeting the following people spoke:

- Peter Wells, interested resident, spoke against the officer's recommendation.
- Patricia Campbell, CEO of the War Widows Guild, spoke for the officer's recommendation and responded to the Panel's questions.
- Mark Monk, General Manager of Helm Properties and representative for the applicant, spoke for the officer's recommendation and responded to the Panel's questions.
- Stephen Kerr, Executive Director of City Plan Services and representative for the applicant, spoke for the officer's recommendation and responded to the Panel's questions.

### Panel Determination

The Panel supports the Council's making of the Local Environmental Plan having regard to the delegation of the 24 January 2017 from the Department of Planning and Environment. However, given the significance of this site that adjoins public open space to provide greater certainty in the planning process and the final built form, the Panel recommends to the Council to consider resolving to prepare a Development Control Plan in parallel with the plan making process.

Alternatively, if appropriate, special provisions could be included in the LEP to provide greater certainty in the built form outcome. The Development Control Plan (or special provisions in the LEP) may include, although is not limited to: establishing urban design principles; setbacks; percentage of landscaped area; connectivity to the public domain; overshadowing/solar access; tree preservation for the oak tree; and providing a building envelope generally consistent with the proposed concept plan.

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"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Chairperson closed the meeting at 8:26 pm.

Chairperson  
Bayside Planning Panel

Date: 14 November 2017