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## **Bayside Planning Panel**

**27/02/2018**

Item No	4.1
Subject	<b>Draft Minutes of Bayside Planning Panel – 14 February 2018</b>
Report by	Fausto Sut, Manager of Governance
File	SC17/774

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### **Officer Recommendation**

That the Minutes of the Bayside Planning Panel held on 14 February 2018 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  
Joe Bevacqua, Community Representative  
Jesse Hanna, Community Representative

### **Also present**

Michael McCabe, Director City Futures  
Luis Melim, Manager Development Assessment  
Fausto Sut, Manager Governance  
Josh Ford, Coordinator Statutory Planning  
Marta Gonzalez-Valdes, Coordinator Development Assessment  
Pascal Van de Walle, Coordinator Development Assessment  
Alexandra Hafner – Senior Assessment Planner  
Fiona Prodromou – Senior Assessment Planner  
Matthew Hardwick, Urban Planner  
Teresita Chan- Student Planner  
Lauren Thomas, Governance Officer

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The Chairperson opened the meeting in the Rockdale Town Hall at 6:07 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

Joe Bevacqua declared a Less-than-Significant Non-Pecuniary Interest in Item 6.3 on the basis that he resides in the same Ward as that in which DA-2017/288 is located.

### 4 Minutes of Previous Meetings

#### 4.1 Bayside Planning Panel – 14 December 2017

That the Minutes of the Bayside Planning Panel held on 14 December 2017 be confirmed as a true record of proceedings.

### 5 Reports – Planning Proposals

#### 5.1 Planning Proposal: Additional Permitted Use (Car Parking in Association with The Lakes Hotel) - 3A Maloney Street and 3 Macquarie Street, Rosebery

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

James Lidis, Director of Design Collaborative, on behalf of the applicant, spoke for the officer's recommendation.

##### Panel Recommendation

- 1 That the Bayside Planning Panel supports the proposed expansion of an Additional Permitted Use under Clause 17 of Schedule 1 of the Botany Bay Local Environmental Plan 2013 in relation to land at 3 Macquarie Street and 3A Maloney Street, Rosebery.
- 2 That the Bayside Planning Panel recommends to the Bayside Council the making of a submission of the Planning Proposal to the Department of Planning and Environment for a Gateway Determination.

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

The Panel, by way of comment, recommends to the council that the plan provide for a landscaping strip on the residential boundary to the south.

## 6 Reports – Development Applications

### 6.1 DA-2017/582 - 75 Bayview Street, Bexley

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

Ms Eva Samsa, affected neighbour, spoke against the officer's recommendation.

Mrs Marta Samsa, affected neighbour, spoke against the officer's recommendation.

Mr Ay Leow, affected neighbour, spoke against the officer's recommendation.

Mr Mounzer Mortada spoke for the officer's recommendation.

#### Panel Decision

- 1 That the Bayside Planning Panel support the variation to Clause 4.1 – Minimum Subdivision Lot Size as contained within the Rockdale Local Environmental Plan, 2011, in accordance with the request under Clause 4.6 of the Rockdale Local Environmental Plan, 2011, submitted by the Applicant.
- 2 That pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1971 the Development Application DA-2017/105 for the demolition of existing structures and construction of a detached dual occupancy; new vehicle footway crossings and front fence with Torrens Title Subdivision be APPROVED subject to the recommended conditions of consent and an additional condition which has the effect of: deleting the balcony area off the level 1 bedroom for both dwellings to be replaced with roofing and changing the sliding doors to a window; and a reduction in the size of the balcony off bedroom 4 for both dwellings to be reduced in width to a maximum of 1.2 metres of useable area.
- 3 The landscape plan is to be amended to incorporate a minimum of three of the larger healthier frangipanis currently on site.
- 4 That objectors are advised of the Bayside Planning Panel's decision.

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

## **6.2 DA-2017/100 – 108 Staples Street, Kingsgrove (Child Care Centre)**

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

Ms Angela Mamalikus, affected neighbour spoke against the officer's recommendation.

Mr Elias Touma, affected neighbour spoke against the officer's recommendation.

Mr Adrian Zenere, Architect, spoke for the officer's recommendation.

Ms Jamie Hadjistavrou, Director - Little Creators, spoke for the officer's recommendation.

### **Panel Decision**

That the development application DA-2017/100 is deferred to allow the applicant to re-design the basement parking to provide for both staff and the safe dropping off and picking up of children.

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

The Panel, by way of comment, also recommends that the Council refer the matter to the Bayside Traffic Committee to consider indented parking along St Kilda Street for a drop-off zone with restrictions between the hours of 7:00-9:30am for ten minute and in the afternoon between the hours of 4:00 and 6:00pm. Note that the Panel considers that given the configuration of the subject site and surrounding street pattern this may be a more preferable outcome to basement parking for carers.

Joe Bevacqua left the meeting and did not participate in the discussion of Item 6.3, nor did he vote in respect of Item 6.3.

## **6.3 DA-2017/288 – Suite 1, 152 Ramsgate Road, Ramsgate Beach**

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

Ms Rene Samios, affected neighbour, spoke against the officer's recommendation.

Mr Geoffrey Thoroughgood, affected neighbour, spoke against the officer's recommendation.

Mrs Pamela Cormick, affected neighbour, spoke against the officer's recommendation.

Ms Pauline Dowd, affected neighbour, spoke against the officer's recommendation.

Brett Brown, Director of Ingham Planning, spoke for the officer's recommendation.

### **Panel Decision**

- 1 The Development Application DA-2017/288 for an extension of trading hours of the approved commercial / retail premises is **APPROVED** by the Bayside Planning Panel 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 except where deleted and modified below:
  - The trial period in Condition 4(a) (ii) (A) for a food and drink premises is to be deleted.
  - The Additional conditions are to be imposed:
    - to give effect to the Council being advised of a change of use to a food and drink premises to allow the triggering of the condition of the need for a noise acoustic monitoring to be undertaken to demonstrate that the premises is operating in accordance with the noise study submitted with the application. Address this by ameliorative measures or operational measures to ensure compliance. The noise monitoring is to be undertaken six months after becoming fully operational.
    - A complaints register is to be established to ensure that residents are advised of a 24-hour telephone number in the event of concerns about the operation of the premises. This may be by the website, signage or a letterbox notification. All complaints are to be recorded in the register and, must be available for inspection by Council on request, and should include:
      - The name of the person taking the complaint.
      - The date, time and nature of the complaint.
      - The name, address and contact details of the complainant.
      - The details about how the complaint was handled and what action was taken.
    - The Plan of Management is to be revised and approved by Council every two years if necessary, having regard to measures to address complaints. (The Plan of Management is a condition of this Development Consent)
    - The note to condition 6 is amended to refer to two car-parking spaces not 3.
- 2 That the objectors and supporter be notified of the Panel's decision.

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

Joe Bevacqua returned to the meeting.

#### **6.4 DA-2017/501- 41 Lynesta Avenue, Bexley North**

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

Thanh Quach, applicant, spoke against the officer's recommendation of refusal.

Dennis Mai, architect, spoke against the officer's recommendation of refusal.

Diana Brajuh, the consultant planner, spoke against the officer's recommendation of refusal.

#### **Panel Decision**

The Bayside Planning Panel defers this matter to allow the applicant the opportunity to submit amended plans and a Clause 4.6 variation. The amended plans are to have regard to the sensitivity of the site in terms of topography and the adjoining properties in terms of the streetscape and setbacks. The Panel is of the view that the elevation to the streetscape is to be more articulated. The applicant is to provide amended plans and documentation to the Council within six weeks to allow further assessment and determination .

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

Delete

## 6.5 DA-2017/425 – 102 Frederick Street, Rockdale

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

Representative from Gran Associates for the officer's recommendation.

### Panel Decision

- 1 That the Bayside Planning Panel supports the variation to clause 40(4)(a), (b) and (c) – Building Height of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 in accordance with the Clause 4.6 justification provided by the applicant.
- 2 That the Bayside Planning Panel supports the variation to clause 4.4 – Floor Space Ratio of Rockdale Local Environmental Plan 2011 in accordance with the Clause 4.6 justification provided by the applicant.
- 3 That the development application DA-2017/100 for alterations and additions, including facade modifications and addition of a lift capable of fitting a medical stretcher, to existing aged care facility known as the Uniting Bruce Sharpe Lodge at 102 Frederick Street 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.
- 4 That the objector be advised of the Bayside Planning Panel's decision.

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

The Chairperson closed the meeting at 9:45 pm.

Jan Murrell  
Chairperson  
Bayside Planning Panel