
Bayside Planning Panel

13/02/2018

Item No	4.1
Subject	Minutes of Bayside Planning Panel – 14 December 2017
Report by	Lauren Thomas, Governance Officer
File	SC17/773

Officer Recommendation

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

Present

Jan Murrell, Chairperson and Independent Specialist Member
Ross Bonthorne, Independent Specialist Member
Michael McMahon, Independent Specialist Member
Christopher Middlemiss, Community Representative
Thomass Wong, Community Representative

Also present

Michael McCabe, Director City Futures
Luis Melim, Manager Development Assessment
Fausto Sut, Manager Governance and Risk
Christopher Mackey, Coordinator - Development Assessment
Pascal Van de Walle, Coordinator - Development Assessment
Alexandra Hafner, Senior Development Assessment Planner
Angela Lazaridis, Senior Development Assessment Planner
Olivia Yana, Acting Senior Development Assessment Planner
Adam Iskander, Development Assessment Planner
Matthew Hardwick, Development Assessment Planner
Ian Vong, IT Support Officer
Lauren Thomas, Governance Officer

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.

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Bayside Planning Panel – 28 November 2017

That the Minutes of the Bayside Planning Panel meeting held on 28 November 2017 be confirmed as a true record of proceedings.

5 Reports – Planning Proposals

There were no Planning Proposals submitted to this meeting.

6 Reports – Development Applications

6.1 DA-2001/537/16 – 240 Bunnerong Road, Hillsdale

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

Christian Papandreas spoke for the officer's recommendation of refusal.

Robert McGowan spoke against the officer's recommendation of refusal.

Patrick Lebon spoke against the officer's recommendation of refusal.

Barry Murray spoke against the officer's recommendation of refusal.

Panel Determination

- 1 That Section 96(2) Application 2001/537/16 to modify Development Consent No. 2001/537 to amend Condition No. 28 to permit the following hours for the southern loading dock: 7.00am to 8.00pm Monday to Saturday, and 8.00am to 8.00pm on Sunday and Public Holidays; and to amend Condition No. 27 to refer to an amended loading dock plan of management for the Aldi Store at 238-262 and 240 Bunnerong Road, Hillsdale be REFUSED pursuant to Section 80(1)(B) of the Environmental Planning and Assessment Act 1979 for the following reasons:
 - a. Pursuant to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposal fails to satisfy the aims of Botany Bay Local Environmental Plan 2013, as the proposal fails to create a highly liveable urban place through the promotion of design excellence in all elements of the built environment and public domain and fails to protect residential amenity.
 - b. Pursuant to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposal does not meet the objective of Botany Bay Local Environmental Plan 2013 B2 Local Centre zone, as the proposed extension of loading dock operating hours will not

positively contribute in serving the needs of people who live in the local area.

- c. Pursuant to Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposal fails to comply with the objectives and controls of Botany Bay Development Control Plan 2013, including:
 - i. Part 5.3.2.8 – Interface between Business Zones and Adjoining Land uses; and
 - ii. Part 5.3.3.1 – Acoustic Privacy.
- d. Pursuant to Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, the proposal will have an impact on the amenity of the locality in that the proposed extension of the loading dock operating hours is likely to generate adverse impacts for the adjoining residential properties in terms of noise generation from the proposed additional night time and early morning activity.
- e. Pursuant to Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, the site is not suitable for the proposed extended hours of deliveries, given the sites proximity to residential dwellings.
- f. Pursuant to Section 96(2)(a) of the *Environmental Planning and Assessment Act 1979*, the proposed installation of air conditioning units at the adjoining property fails to satisfy the 'test' that the development to which the consent as modified is substantially the same development as the development for which the consent was originally granted.
- g. Having regard 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)(d) and Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, approval of the proposed Section 96(2) modification application is not in the public interest.
- h. The proposal fails to satisfy the provision of Section 115(1)(h) of the *Environmental Planning and Assessment Regulation 2000*, as owners' consent is yet to be provided for the proposed works to install air conditioning units to the adjoining property.

2 That the objectors be advised of the Bayside Planning Panel's decision.

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"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Due to the large number of objectors to Item 6.9, the Panel considered and determined Item 6.9 after Item 6.1.

6.9 DA-2017/288 – 101/152 Ramsgate Road, Ramsgate Beach

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

Ms Paulene Dowd attended the meeting.

Ms Rene Samios attended the meeting.

Mr Terry and Mrs Irene Parathyras attended the meeting.

Mr Steven Brookes attended the meeting.

Mrs Janet Bonner-Smith attended the meeting.

Mr Robert Upton attended the meeting.

Mr Collin Gallagher attended the meeting.

Mr Geoffrey Thoroughgood attended the meeting.

Mr Anthony and Mrs Maria Sciacca attended the meeting.

Mr Michael Sidoti attended the meeting.

Mr Brett Brown spoke for the officer's recommendation.

Panel Determination

- 1 That Development Application DA-2017/288 for an extension of trading hours for an approved commercial / retail premises be DEFERRED to the meeting of the Bayside Planning Panel to be held on 13 February 2018 to allow objectors time to lodge their submissions.
- 2 That the objectors and supporter be notified of the Panel's decision.

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"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6.2 DA-2017/1162 – 190 King Street, Mascot

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

Ms Karen Hudson spoke against the officer's recommendation.

Mr Tony Daly spoke against the officer's recommendation.

Ms Kristina Karasulas spoke against the officer's recommendation.

Joseph El Khawaja spoke for the officer's recommendation.

Tony Jreige spoke for the officer's recommendation.

Alison Davidson spoke for the officer's recommendation.

Samantha Polkinghorne spoke for the officer's recommendation.

Panel Determination

- 1 That Development Application DA-2017/1162 for the proposed alterations and additions of an existing heritage item single storey residential dwelling facing King Street and construction of new 2 x 2 storey 4 bedroom terraces with attic level and attached garages with access from King Lane, including removal of trees at 190 King Street, Mascot be DEFERRED to allow the applicant the opportunity to submit amended plans that have regard to the following matters:
 - The landscaped area;
 - Site coverage;
 - Side setbacks, including articulation and side walls;
 - Materials and finishes;
 - Roof form;
 - Conservation of heritage item with a schedule of works;
 - Permissibility and the appropriateness of Clause 5.10.1 to rely on the heritage conversation;
 - Amended plans are to be submitted to the Council within one month with the aim of the matter coming to a panel meeting in February.
- 2 Amended plans are to be submitted to the Council within one month with the aim of the matter being remitted back to a panel meeting in February.

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"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Name	For	Against
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6.3 DA-2014/180/02 – 6-8 John Street, Mascot

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

Peter Wain spoke against the officer's recommendation.

Michael Grimshaw spoke for the officer's recommendation..

Panel Determination

- 1 That this matter be DEFERRED to allow the applicant the opportunity to provide a view analysis of impacts on 214 - 220 Coward Street Mascot. That is a comparison of the approved height and building mass, with the proposed modification to increase the height by 2.53 metres. The separation distance to the northern boundary should also be increased to a minimum of 6 metres.
- 2 The additional information is to be provided to the Council within a period of one month with the aim of the matter coming back to the Panel in February.
- 3 That any objectors be notified of the determination made by the Planning 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"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6.4 DA2017/1166 – 42 Church Avenue, Mascot

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

Mr Walter Gordon spoke for the officer's recommendation.

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 FSR and the objectives for the B4 Mixed use zone.

- 2 That Development Application No. 2017/1166 for alterations to the approved building by deleting the childcare centre and a number of car parking spaces and providing instead 29 additional apartments at 42 Church Avenue, Mascot, be APPROVED pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 the conditions attached to this report and subject to a further condition agreed to by the applicant that has the effect of providing a community/function internal space the equivalent area of two south-facing units that adjoining the now podium communal open space (previously the outdoor play area of child care centre).

The Director of Futures has delegated authority to impose an appropriate condition to give effect to the above communal indoor space.

- 3 That any objectors be advised of the determination made by the Bayside Planning 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"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The reason for this decision is:

- With the deletion of the childcare facility a communal function room area adjacent to the now communal open space is appropriate in the circumstances.

6.5 DA2016/74/02 – 9 Picton Street, Mascot

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

James Lidis spoke for the officer's recommendation.

Panel Determination

- 1 That Section 96 AA Application to modify Development Consent No. 16/74 to amend Development Consent No. 16/74 to increase the floor area, add one (1) bedroom to each dwelling and to install roof mounted solar panels to each dwelling at 9 Picton Street, Mascot, be APPROVED subject to the following:
- a. Amend Condition No. 1 to refer to the amended plans.
 - b. Amend Condition 59 to reflect the correct DA number and date.

- 2 That any objectors be notified of the determination made by the Bayside Planning 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"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6.6 DA-2017/105 - 109 The Grand Parade, Brighton Le Sands

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

Caroline Zeitoun spoke against the officer's recommendation.

Roger Degan spoke against the officer's recommendation.

Orson Oztop spoke against the officer's recommendation.

Carlos Hafouri spoke for the officer's recommendation.

Sam Bazzi spoke for the officer's recommendation.

Panel Determination

- 1 That the Bayside Planning Panel support the variation to Clause 4.3 – Height of Building 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 Development Application DA-2017/105 for the demolition of existing structures and construction of a four (4) storey residential flat building containing 11 apartments, basement level parking, private and communal roof top terrace areas 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.
- 3 That objectors are advised of the Bayside Planning Panel's decision.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Name	For	Against
Michael McMahon	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6.7 DA-2017/307 - 28 Alfred Street, Ramsgate Beach

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

Angela Ormonde spoke against the officer's recommendation.

Chris Papas spoke against the officer's recommendation.

Irene Vacondios spoke against the officer's recommendation.

Mary-Lynne Osland spoke against the officer's recommendation.

Anahita Taleyarkhan spoke against the officer's recommendation.

Moe Hijazi spoke for the officer's recommendation.

Panel Determination

- 1 That this Development Application be DEFERRED to allow the applicant to submit amended plans, generally in accordance with the plans tabled at the meeting, and to incorporate the requirement for each of the roof terraces to be a maximum 24 metres. Other measures to reasonably maintain privacy to adjoining dwellings should also be considered.
- 2 The plans are to be submitted within a period of four weeks to the Council, residents are to be notified and the matter is to be submitted back to the Panel in February.
- 3 That the objectors be advised of Council's decision.

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"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6.8 DA-2009/316/D – 52 Clareville Street, Sandringham

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

Peter Cotton spoke against the officer's recommendation.

Brett Daintry spoke for the officer's recommendation.

Ross Karp spoke for the officer's recommendation.

Jim Prapas spoke for the officer's recommendation.

Christopher Middlemiss left the meeting during discussion of this item at 10:44pm.

Panel Determination

- 1 That the Panel resolve pursuant to Section 96(1A) of the Environmental Planning & Assessment Act 1979, to modify Development Consent DA-2009/316/D, to give effect to the approval of the modification application only in respect of:
 - the lift entry to face east;
 - a reduction of 0.459m in the overall height;
 - a covered area to provide weather shielding for the lift of 16 square metres which is not to be enclosed, is to remain open at all times and be a maximum height of 2.77 metres;
 - a balustrade to be restricted to 1 metre high above the floor level.
- 2 That the Panel delegate authority to the Director of City Futures to impose appropriate conditions to give effect to the above.
- 3 That the objectors be advised of Council's decision.

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"/>
Christopher Middlemiss	<input type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Chairperson closed the meeting at 10:49 pm.

Jan Murrell
Chairperson
Bayside Planning Panel