
Bayside Planning Panel

13/03/2018

Item No	4.1
Subject	Minutes of Bayside Planning Panel – 27 February 2018
Report by	Fausto Sut, Manager Governance & Risk
File	SC17/775

Officer Recommendation

That the Minutes of the Bayside Planning Panel held on 27 February 2018 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
Amber O'Connell, Community Representative
Jesse Hanna, Community Representative

Also present

Michael McCabe, Director City Futures
Luis Melim, Manager Development Assessment
Fausto Sut, Manager Governance
Clare Harley, Manager Strategic Planning
Ben Latta, Coordinator Development Assessment
Josh Ford, Coordinator Statutory Planning
John McNally, Senior Urban Planner
Howard Taylor, Project Officer - Planning Proposal
Marta Gonzalez-Valdes, Coordinator Development Assessment
Pascal Van de Walle, Coordinator Development Assessment
Christopher Mackey, Coordinator Development Assessment
Andrew Ison, Senior Development Assessment Officer
Angela Lazaridis, Senior Development Assessment Officer
Fiona Prodromou, Senior Assessment Planner
Adam Iskander, Development Assessment Planner
Alison Phillips, Urban Designer
Gerard Turrisi, GAT & Associates Pty Ltd
Anne Suann, Governance Officer

The Chairperson opened the meeting in the Rockdale Town Hall at 6.20 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:

- Amber O'Connell declared a Less than Significant Non-Pecuniary Interest in Item 6.5 on the basis she is a resident of the Ward and stated she would leave the Chamber for discussion and voting on the item.
- Jesse Hanna declared a Less than Significant Non-Pecuniary Interest in Item 5.1 on the basis he had gone to the same high school as one of the speakers but had no contact with the speaker.

4 Minutes of Previous Meetings

4.1 Bayside Planning Panel – 13 February 2018

Panel Decision

That the Minutes of the Bayside Planning Panel meeting held on 13 February 2018 be confirmed as a true record of proceedings.

5 Reports – Planning Proposals

5.1 Post-Exhibition Report: Planning Proposal for 64-68 The Grand Parade, Brighton-Le-Sands

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

At the meeting the following people spoke:

- Ms Lynette Hoey spoke against the officer's recommendation.
- Mr Mark Raikhman, Town Planner from AE Design on behalf of the applicant, spoke for the officer's recommendation and responded to the Panel's questions.
- Mr Alex Scionti, applicant, spoke for the officer's recommendation and responded to the Panel's questions.

Panel Determination

That the Bayside Planning Panel recommends to Council that the future planning controls must include provisions to ensure there is no significant further overshadowing of Lady Robinson Beach caused by development on the site and that a Heritage Conservation Management Plan is embarked upon for the restoration of the row of terraces.

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"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>

5.2 Draft Planning Proposal: 73 & 75 Gardeners Road, Eastlakes

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

At the meeting the following people spoke:

- Mr Ron Hoenig, interested resident, spoke for the officer's recommendation.
- Mr Michael Comninos, affected neighbour, spoke for the officer's recommendation.
- Ms Robyn Gilbert, affected neighbour, spoke for the officer's recommendation.
- Ms Jane Freeman, applicant representing Sydney Water, spoke against the officer's recommendation and responded to the Panel's questions.
- Mr Nick Buckton, architect for the applicant, spoke against the officer's recommendation and responded to the Panel's questions.

Panel Determination

That the Bayside Planning Panel recommend to Council that the draft Planning Proposal for 73 and 75 Gardeners Road, Eastlakes not be forwarded to the Department of Planning and Environment for a Gateway Determination for the reasons outlined in the report, in particular:

- (i) it is inconsistent with the objectives and detailed requirements of s.117 Directions including 2.3 Heritage Conservation, 3.1 Residential Zones and 4.3 Flood Prone Land;

- (ii) there is inadequate justification for the proposed reduction in public land zoned 'SP1 – Special Activities Recreation Facility – Outdoor';
- (iii) the proposed change of land use and scale of the proposed development are inconsistent with the desired future character and functioning of the site in its locality, and the proposal has inconsistencies that have not been justified.

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"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6 Reports – Development Applications

6.1 DA-2017/174 - 238-242 Rocky Point Road, Ramsgate

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

At the meeting the following people spoke:

- Mr Michael Gheorghiu, town planner, Tudor Planning and Design, spoke for the officer's recommendation.
- Mr Chris Tsioulos, architect, CMT Architects Australia Pty Ltd, responded to the Panel's questions.

Panel Determination

- 1 That the Bayside Planning Panel support the variation to the height development standard, as contained in Clause 4.3 - Height of Building in the Rockdale LEP 2011, in accordance with Clause 4.6 of the LEP, submitted by the applicant;
- 2 That Development Application DA-2017/174 for the construction of five (5) storey mixed use development comprising of three (3) commercial suites and eighteen (18) residential units, two (2) levels of basement car parking, associated landscaping and hydraulic works and demolition of existing structures at 238-242 Rocky Point Road, Ramsgate, be **APPROVED** pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 subject to a deferred commencement requiring the submission of amended plans within three months for the approval by the Director City Futures. The amended plans are to show the upper level setback to align with the neighbouring property at the north and to introduce masonry elements to the street level façade. On the deferred

commencement condition being satisfied the consent will become operational with the modified conditions of consent attached to this report.

- 3 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"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6.2 DA-2017/59 - 262-268 Rocky Point Road, Ramsgate

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

At the meeting the following people spoke:

- Ms Sonya Sarkis, affected neighbour, spoke against the officer's recommendation.
- Ms Cheryle Mills, affected neighbour, spoke against the officer's recommendation.
- Mr Brian Pisani, affected neighbour, spoke for the officer's recommendation.
- Mr Chris Tsioulos, architect, CMT Architects Australia Pty Ltd, spoke for the officer's recommendation and responded to the Panel's questions.

Panel Determination

- 1 That the Bayside Planning Panel support the variation to the height development standard, as contained in Clause 4.3 – Height of Rockdale LEP 2011, in accordance with the request under clause 4.6 of RLEP 2011 submitted by the applicant.
- 2 That development application DA-2017/59 for the construction of a five (5) storey mixed use development comprising 37 residential units, three (3) commercial units and basement parking and demolition of existing buildings at 262-268 Rocky Point Road Ramsgate, be **APPROVED** pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 subject to a deferred commencement to mitigate issues of privacy and overlooking of the properties to the east. The amended plans are to be submitted within three months for the approval of the Director City Futures. On the satisfaction of the deferred commencement condition the consent will become operational subject to the conditions of consent attached to this report.

3 That objectors be notified 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"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6.3 DA-2017/403 - 13-15 Rye Avenue, Bexley

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

At the meeting the following people spoke:

- Mr Peter Murray, affected neighbour, spoke for the officer's recommendation.
- Ms Lindy Nolan, affected neighbour, spoke for the officer's recommendation.
- Mrs Naomi Daley, representative of the applicant, spoke against the officer's recommendation and responded to the Panel's questions.
- Mr Peter Bevis, representative of the applicant, spoke against the officer's recommendation and responded to the Panel's questions.
- Mr Jarrod Lamshed, representative of the applicant, spoke against the officer's recommendation and responded to the Panel's questions

Panel Determination

- 1 That this Development Application be **REFUSED** pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act 1979 for the reasons identified in the report, in particular:
 - (i) The proposed child care centre has not been designed in character with the existing streetscape, having been designed with substantial non-compliances to setbacks and no articulation, in contravention of Clause 11 of Part 6.1, and Parts 4.2 and 5.1 within the Rockdale Development Control Plan 2011.
 - (ii) The bulk and scale of the proposal will present unacceptable massing and bulk when viewed from the adjoining property, 11 Rye Avenue.
 - (iii) The proposed first floor outdoor play area is in contravention of Clause 27(a) of the Rockdale Development Control Plan 2011 and presents bulk and scale and amenity issues to adjoining properties.

- (iv) The 109 children proposed for the site is well in excess of the maximum of 50 permitted by Clause 3 in Part 6.1 of the Rockdale Development Control Plan 2011. The development has failed to satisfy Council that there are no unreasonable impacts on the amenity of adjoining properties and the streetscape.
- (v) The proposed development does not adequately cater for its on-site parking demand as required by Part 4.6 of the Rockdale Development Control Plan 2011.
- (vi) The development has not adequately addressed stormwater management for the site in terms of the drainage easement that has been identified as existing between 13 and 15 Rye Avenue.
- (vii) The information provided to Council is insufficient to properly assess the impact of the proposed works on the trees on the adjoining property, 11 Rye Avenue.
- (viii) The information provided to Council is insufficient to properly assess the noise level impact.
- (ix) The information provided to Council is insufficient to properly assess the requirements of Part 4 of the Childcare Centre Guideline.
- (x) The proposal has not satisfied the objectives of key controls within the Rockdale Local Environmental Plan 2011, including the zone objectives, height of buildings and floor space ratio.
- (xi) The proposal will result in detrimental environmental impacts in the locality, pursuant to Section 79C (1)(b) of the Environmental Planning and Assessment Act 1979.
- (xii) The adverse environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 79 (1)(c) of the Environmental Planning and Assessment Act 1979.
- (xiii) The approval of this application is considered contrary to the public interest, pursuant to Section 79C (1)(e) of the Environmental Planning and Assessment Act 1979.

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"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6.4 DA-16(193) – 9-17 Byrnes Street, Botany

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

At the meeting the following people spoke:

- Mr Matthew Pallister, affected resident, spoke against the officer's recommendation.
- Mr Mark Swain, applicant, spoke for the officer's recommendation.
- Ms Alexandra Cavanagh, traffic consultant on behalf of the applicant, spoke for the officer's recommendation.

Panel Determination

- 1 That the Determination of refusal be changed to approval of Development Application No. 16/193 for the for the continued use of the existing industrial premise for warehouse and distribution, use for the manufacture of aluminium glass doors and windows, use as a freight transport facility, and use as a vehicle repair station, pursuant to section 82A of the Environmental Planning & Assessment Act 1979.
- 2 That a condition be imposed to give effect to the requirement for a Traffic Management Plan to ensure delivery times for five articulated truck movements per day, to a maximum length of 16 m, between 8.00 am and 4.00 pm Monday to Friday. The Plan is to also stagger the times of each truck delivery during the day to ensure no waiting, and for a person to direct the trucks manoeuvres on the street to enter and leave the site in a forward direction. A telephone number of the manager/owner is to be displayed on the outside of the premises for the community if they wish to raise any concerns regarding truck movements in the streets. The reason for the Plan is to manage conflicts in the street and improve safety and a copy is to be provided to Council.
- 3 That the drafting of the appropriate condition is delegated to the Director City Futures.

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"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6.5 DA-14/180/02 – 6-8 John Street, Mascot

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

Amber O'Connell left the meeting having previously declared a Less than Significant Non-Pecuniary Interest in this item, and did not participate in discussion or vote on the item.

At the meeting the following people spoke:

- Mrs Janice Wain, affected neighbour, spoke against the officer's recommendation.
- Mr Peter Wain, affected neighbour, spoke against the officer's recommendation.
- Michael Grimshaw, architect representing the applicant, spoke for the officer's recommendation.

Panel Determination

- 1 To approve Section 96(2) Application to modify Development Consent No. 14/180 to increase the number of residential apartments from 39 to 52 units and reduce the number of car parking from 70 spaces to 55 spaces to align the proposal with the Apartment Design Guide, increase the height of the development by 2.53 metres to 47.78 AHD and modifications to conditions at 6-8 John Street, Mascot.
- 2 To modify Development Consent No. 14/180 under Section 96(2) of the Environmental Planning and Assessment Act 1979 as follows:
 - a Amend Condition No. 1 to reference the amended plans and documents;
 - b Amend Condition No. 5 to reference the BASIX Certificate now submitted for the development;
 - c Amend Condition No. 16 (b) and (d) to update the maximum height permissible for the development as stipulated by SACL;
 - d Amend Condition Nos. 26(d) and 27 to reflect the revised Section 94 Contributions as detailed above;
 - e Amend Condition No. 28 to update the minimum unit size requirements within the development;
 - f Amend Condition No. 32 to reflect the updated landscape plan for the site;
 - g Amend Condition No. 43 to reflect the amended traffic and parking assessment report;
 - h Amend Condition No. 113 to update the car parking numbers proposed as part of this application.

- i Amend Condition No. 119 to reflect the latest version of the plans;
and
 - j Amend Condition No. 143 to refer to the subject s.96 application.
- 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"/>
Amber O'Connell	<input type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

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

At the meeting the following person spoke:

- Ms Irene Vacondios, affected neighbour, spoke against the officer's recommendation.
- Ms Anahita Taleyarkhan, affected neighbour, spoke against the officer's recommendation.
- Mr Moe Hijazi, architect on behalf of the applicant, spoke for the officer's recommendation.

Panel Determination

- 1 That this Development Application be **APPROVED** pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 subject to:
 - a the front setback being reduced to 6 m to provide an additional 1.5 m on the rear boundary as deep soil planting with trees along the rear boundary to provide privacy to adjoining dwellings;
 - b the rear balconies being reduced to 2.4 m on the first level; and
 - c the set of conditions of consent attached to this report.
- 2 That the Bayside Planning Panel supports the variation to the Height development standard, as contained in Clause 4.1 (3B) – Minimum Subdivision lot size within Rockdale LEP 2011, in accordance with the request under Clause 4.6 of RLEP 2011 submitted by the applicant.

- 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"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Chairperson closed the meeting at 10.57 pm.

Jan Murrell
Chairperson
Bayside Planning Panel