
Bayside Planning Panel

10/04/2018

Item No	4.1
Subject	Minutes of Bayside Planning Panel – 27 March 2018
Report by	Lauren Thomas, Governance Officer
File	SC17/777

Officer Recommendation

That the Minutes of the Bayside Planning Panel held on 27 March 2018 be confirmed as a true record of proceedings.

Present

Jan Murrell, Chairperson and Independent Specialist Member
Robert Montgomery, Independent Specialist Member
Ross Bonthorne, Independent Specialist Member
Christopher Middlemiss, Community Representative

Also present

Michael McCabe, Director City Futures
Luis Melim, Manager Development Assessment
Fausto Sut, Manager Governance
Marta Gonzalez-Verdes, Coordinator Development Assessment
Christopher Mackey, Coordinator Development Assessment
Pascal Van de Walle, Coordinator Development Assessment
Fiona Prodromou, Senior Development Assessment Planner
Eric Alessi, Development Assessment Planner
Andrew Ison, Consultant Development Assessment Planner
Lauren Thomas, Governance Officer

The Chairperson opened the meeting in the Rockdale Town Hall at 6:09 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 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Bayside Planning Panel – 13 March 2018

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

5 Reports – Planning Proposals

There were no Planning Proposals.

6 Reports – Development Applications

6.1 DA-2017/1235 - 18A Cowper Avenue, Pagewood

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

Les Dickson and Rod Whitley spoke for the officer's recommendation.

Panel Decision

- 1 That the Bayside Planning Panel support the variation to the height development standard, as contained in Clause 4.4 – Floor Space Ratio in the Rockdale LEP 2013, in accordance with Clause 4.6 of the LEP, submitted by the applicant.
- 2 That Development Application DA-2017/174 for alterations and additions (including a first floor addition) to the existing dwelling and construction of an in-ground swimming pool at 18A Cowper Avenue, Pagewood be **APPROVED** pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report and an additional two conditions that will give effect to:
 - a. The sub-floor area is only to be used for the purposes of a plant room and store room in association with the residential purpose.
 - b. A canopy tree is to be planted in the Council verge that is, for example, a eucalypt gum, a watergum or another species which is indigenous to the area.
- 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"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Christopher Middlemiss	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The reasons for this decision are:

- The Panel is satisfied that the exceedance in the floor space ratio of 0.3 with the above condition cannot be used for habitable purposes and the Panel is satisfied it does not create unreasonable additional bulk.
- The street trees required to compliment the dwelling and streetscape which will no doubt undergo significant change over the next decade.

6.2 DA-2016/150 - 401-405 Princes Highway, Rockdale

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

Theo Loucas and Craig Munnings spoke for the officer's recommendation.

Panel Decision

- 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-2016/150 for the construction of a seven (7) storey mixed use development comprising 39 residential units, two (2) commercial units and four (4) levels of basement parking at 401-405 Princes Highway Rockdale, be subject to a DEFERRED COMMENCEMENT consent, pursuant to Section 80(1)(3) of the Environmental Planning and Assessment Act 1979, subject to the conditions of consent attached to this report and satisfaction of the following matters, prior to the consent operating. The condition concerning satisfaction of the deferred commencement conditions is to be within two years.

Sydney Trains

Written correspondence shall be submitted to Council from Sydney Trains which confirms the satisfaction of the following Sydney Trains requirements:

- a. Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.

- b. Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.
- c. Cross sectional drawings showing the tunnel easement, tunnel location, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.
- d. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and tunnel location.
- e. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Telstra

- a. The Deed of Agreement between Telstra and the Applicant to modify easements benefiting Telstra upon the site, shall be executed and all associated easements, subject of this agreement, shall be modified on the title of the property. Copies of proof of execution of the aforementioned, relevant instruments and registration of these instruments with NSW Land Registry Services is to be submitted to Council.

Bayside Council

- a. The 0.9m Right of Foot Way easement, spanning the depth of the site for the entire frontage to Fox Lane, benefitting Bayside Council, shall be modified on title, increased to 1.2m and relocated in the position of the new footpath as illustrated on the approved ground floor plan. A Subdivision Certificate shall be submitted to and approved by Council to this effect. Proof of registration with NSW Land Registry Services is to be submitted to Council.
- b. Plans, details and specifications of any proposed telecommunications facilities to be erected upon and / or attached to the development shall be submitted to Council for review and approval. Should nil telecommunications facilities be sought to be erected upon the subject site and / or attached to the development, correspondence from the Telstra confirming the aforementioned is to be submitted to Council.
- c. Architectural plans shall be amended as follows and submitted to Council for review and endorsement:
 - Accessible car spaces within basement levels are to be relocated to provide safe and direct access to lift cores with no cross overs of vehicle manoeuvring areas.
 - An internal interconnecting corridor be provided between the lift cores within the building at level 3 or 4.

- Internal building access to be provided between the loading / unloading area and the Fox Lane residential lobby.
- d. Concept civil engineering plans in relation to the widening of Fox Lane shall be submitted to Council for approval by Councils Coordinator Public Domain as follows:
 - i. Fox Lane shall be re-designed as a two-way lane.
 - ii. A 1.2m wide footpath shall be provided on the northern side of the lane adjoining the site.
 - iii. Widening of Fox Lane fronting Princes Highway shall be designed as an intersection with all necessary traffic control devices and intersection geometric design requirements considering frontage road speed of 60 Km/h.
 - iv. Sight distance at access and minimum sight lines for pedestrian safety.
 - v. Desirable minimum radius turning path in accordance with the Austroads templates covering turning speeds of 5 km/h to 15 km/h.
 - vi. Clearance to swept paths of turning vehicles. At least 600m from kerb to Awning or structure.
 - vii. Vertical height clearance minimum 4.5m.

The above details shall be accompanied by a design certificate form a Chartered Civil Engineer with concept civil engineering plans.

The period of the Deferred Commencement is twelve (12) months from the date of determination.

3 That the objector be notified of the Bayside Planning Panel's decision.

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

The reason for this decision is:

- The Panel is satisfied that the proposed development will provide for an attractive development that is generally consistent with Council's controls.

6.3 DA-2016/399 - 11-13 Queen Street, Arncliffe

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

Farah Georges spoke for the officer's recommendation.

Panel Decision

- 1 That the Bayside Planning Panel support the variation to clause 4.3 - Height of Rockdale Local Environmental Plan 2011 in accordance with the request under clause 4.6 submitted by the applicant.
- 2 That Development Application DA-2016/399 for the Construction of a five (5) storey residential flat building comprising 14 residential units including seven (7) affordable units, basement parking and demolition of existing buildings 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 the objectors be advised of the Bayside Planning Panel's decision.

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

The reason for this decision is:

- The Panel considers the development is one that will sit comfortably in the streetscape and also provides for affordable housing with access to public transport.

6.4 DA-2017/26 - 83-85 Railway Street, Rockdale

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

Councillor Liz Barlow spoke against the officer's recommendation.

Anne McMaster, Christine Searle, and James Searle of the Guild Theatre, spoke against the officer's recommendation.

Joseph El Khawaja, Project Architect, spoke for the officer's recommendation.

Panel Decision

- 1 That this matter be **DEFERRED** to allow for greater clarity and certainty as to Council's vision for the precinct block and the applicant has agreed to a deferment to allow consideration of a number of outstanding issues. This period of time will also allow for all stakeholders and parties to be appropriately briefed and consulted.
- 2 That the objectors be notified of the Bayside Planning Panel's decision.

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

6.5 DA-2013/56/03 - 13A Church Avenue, Mascot

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

Peter and Janice Wain, neighbours, spoke for the officer's recommendation of refusal.

Simon Hansen and Larissa Brennan spoke against the officer's recommendation of refusal.

Panel Decision

- 1 That Development Application No. 2013/56/03 for Section 96(2) Application to modify Development Consent No. 2013/56 to increase and alter the design of the building in respect of apartment size, car parking, and unit mix, to increase FSR and height, review Section 94 contribution and deletion of level 3 basement at 13A Church Avenue, Mascot be DEFERRED to allow the applicant to submit amended plans that include the following amendments and for the residents to be advised.

The amendments must include:

- Relocation and minimisation of the rooftop plant room with the majority being placed in the basement. It was recognised that this may require car parking spaces to be deleted however the proposal is in excess of the requirement.
- A reduction in the height of the parapet on the west side of the building by a minimum of 1.1 metres.
- The bulk on the north-western corner of the building is to be reduced such that it does not exceed the envelope approved (clear glazing is to be

provided only with no privacy screen). The reduction is to be for the top three levels.

- The privacy screens are to be notated as fixed on the east elevation.
- Investigation of the provision of solar panels.

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

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

The reason for this decision is:

- The Panel considers that on a merits assessment the current plan which is the subject of the Section 96 application should not be approved however, with the amendments discussed at the meeting, the Panel would be minded to approve the application.

The Chairperson closed the meeting at 9:02 pm.

Chairperson
Bayside Planning Panel