
Bayside Planning Panel

8/05/2018

Item No	4.1
Subject	Minutes of Bayside Planning Panel – 24 April 2018
Report by	Anne Suann, Governance Officer
File	SC17/779

Officer Recommendation

That the Minutes of the Bayside Planning Panel held on 24 April 2018 be confirmed as a true record of proceedings.

Present

Jan Murrell, Chairperson and Independent Specialist Member
Ross Bonthorne, Independent Specialist Member
Robert Montgomery, Independent Specialist Member
Amber O'Connell, Community Representative

Also present

Michael McCabe, Director City Futures
Luis Melim, Manager Development Assessment
Bruce Cooke, Acting Manager Governance & Risk
Angela Lazaridis, Senior Development Assessment Officer
Fiona Prodromou, Senior Assessment Planner
Petra Blumkaitis, Development Assessment Planner
Brendon Clendenning, Creative Planning Solutions Pty Limited
Matt Torta, IT Technical Support Officer
Anne Suann, Governance Officer

The Chairperson opened the meeting in the Botany 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 of the Eora Nation.

2 Apologies

There were no apologies received.

3 Conflicts of Interest

There were no conflicts of interest.

4 Minutes of Previous Meetings

4.1 Bayside Planning Panel – 10 April 2018

Panel Decision

That the Minutes of the Bayside Planning Panel meeting held on 10 April 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-2017/199 - 205-207 President Avenue, Monterey

This item was considered in the order in which it was listed on the agenda, however the decision was given at the end of the meeting. The Chairperson adjourned the meeting at 7.56 pm to allow the Panel members to discuss the item. The meeting resumed at 8.11 pm.

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

At the meeting the following person spoke:

- Mr Jamie MacGillivray, architect, spoke against the officer's recommendation and responded to the Panel's questions.

Panel Determination

- 1 That this item be deferred to allow the applicant to submit an amended landscape plan which allows for the removal of the jacaranda mimosifolia and the replacement planting of two jacaranda mimosifolias. This is to ensure that the site will make a contribution to the vegetation of the district in the future. The deferral will also allow the applicant to address the height exceedance with a Clause 4.6 variation and similarly a variation to the FSR or verification of compliance with the FSR. The matter is to be referred back to the Panel in a timely manner with an appropriate set of draft conditions to allow determination.
- 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"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Panel Reason

The Panel considers that in the circumstances the applicant should be given the opportunity to finalize the plans and submit the necessary documentation prior to determination. The Panel is of the view that the location of the existing Jacaranda tree would unreasonably impact on the potential yield of the site and that the more appropriate course of action is to ensure that there is sufficient deep soil planting on site to accommodate two advanced replacement Jacarandas.

6.2 DA-2017/107 – 1-3 Oriental Street, Bexley

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

At the meeting the following person spoke:

- Mr Carlos Hafouri, architect, spoke against the officer's recommendation and responded to the Panel's questions.

Panel Determination

- 1 That this item be deferred to allow the applicant the opportunity to submit amended plans to address concerns that have been raised and investigate alternative solutions. The deferral will also allow for the plans to be notified in accordance with Council's DCP. The matter is to be referred back to the Panel in an appropriate and timely manner to allow determination.
- 2 That 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"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Panel Reason

The Panel considers the proposed development could provide an appropriate infill development in the streetscape. However, a number of issues need to be resolved and the applicant should be given the opportunity to address these matters prior to determination by the Panel.

6.3 DA-2018/7 – 17-19 The Seven Ways, Rockdale

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

At the meeting the following person spoke:

- The owner spoke in support of the officer's recommendation and responded to the Panel's questions.

Panel Determination

That the Development Application No. DA-2018/7 for the proposed fit-out of an existing building for the purposes of a sex services premises at 17-19 The Seven Ways, Rockdale be APPROVED subject to a Deferred Commencement pursuant to Section 4.16(3) of the Environmental Planning & Assessment Act, 1979 and subject to the operational conditions of consent attached to this report.

The deferred commencement must be satisfied prior to the consent becoming operational.

The matters for the deferred commencement require a set of amended plans to be submitted to the General Manager (or nominee) for approval to show the required facilities, including:

- 1 A shower and/or hand basin provided in each working room.
- 2 A designated staff room with kitchenette and lounge facilities for use only by staff.

Note: The amended plans may require deletion of one or more working rooms to provide for the necessary facilities.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Panel Reason

The Panel notes the consent for the previous use of the premises for sex services ceased over 12 months ago and therefore consent for the use is required. As such the premises must be compliant with all the necessary and current standards before the use commences.

6.4 DA-2017/100 – 108 Staples Street, Kingsgrove

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

At the meeting the following people spoke:

- Mr Adrian Zenere, architect, spoke in support of the application and responded to the Panel's questions.
- Mr John Hadjistouv, owner, spoke in support of the application and responded to the Panel's questions.

Panel Determination

- 1 That the development application DA-2017/100 for the construction of a two (2) storey child care centre, including basement parking, ancillary signage, demolition of the existing primary dwelling and swimming pool and retention of the secondary dwelling at the rear fronting St Kilda Street at 108 Staples Street Kingsgrove be APPROVED, pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act, 1979, subject to the conditions of consent attached to this report and further conditions, to be approved by the General Manager (or nominee), to ensure that the existing secondary building at the rear is only used in conjunction and association with the child care facility and, as such, conditions are to be imposed by the General Manager (or nominee) to give effect to the following changes:
 - The acoustic fence and glass blocks of the secondary building at the rear are to be deleted such that the building can only be used as part, or in association with, the child care facility.. This would allow the owner, or an employee, of the child care centre to reside in the secondary building.
 - That an appropriate indicator be provided to inform parents/carers entering and exiting the basement whether or not the car park is full.
- 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"/>

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Panel Reason

The Panel notes the basement car park has now been extended to provide the required number of car parking spaces, for both staff and parents/carers, to operate as a 34 place child care centre. The Panel requires an ongoing condition for the use of the secondary building to ensure it is only used in conjunction with the child care centre (because its physical constraints do not meet residential standards as a self contained dwelling).

6.5 DA-2016/86/C – 15-17 Gertrude Street, Wolli Creek

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

At the meeting the following people spoke:

- Mr Alfredo Pagano, architect, spoke in support of the application and responded to the Panel's questions.
- Mr Joe Calavassy, owner, responded to the Panel's questions.

Panel Determination

- 1 That the Bayside Planning Panel supports the variation to the FSR development standard, as contained in Clause 4.4 – FSR of Rockdale LEP 2011.
- 2 That Development Application No 2016/86/C, being a Section 4.55(2) application to amend Development Consent Number 2016/86 for modifications comprising the reconfiguration of level 8 to create a dual key apartment and alterations to rooftop communal open space area at 15-17 Gertrude Street Wolli Creek be APPROVED and the conditions as recommended being amended in the following manner:
 - A By including a condition, approved by the General Manager (or nominee), that gives effect to the following:
 - Allowing a two bedroom and a one bedroom unit on the upper level without the need for a dual key configuration; the number of units approved in the development being increased from 21 to 22; and allowing for the marked dual key door to be deleted.
 - B By amending conditions as follows:

2. *The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.*

Plan / Dwg No.	Drawn by	Dated	Received by Council
Site Plan Rev P	Pagano Architects Pty Ltd	07/04/2018	12/04/2018
Basement & Ground Level Plan Rev R	Pagano Architects Pty Ltd	21/07/2016	21/07/2016
Floor Levels 1/2/3/6/7 Rev O	Pagano Architects Pty Ltd	15/06/2016	22/06/2016
Floor Levels 4/5 Rev R	Pagano Architects Pty Ltd	15/06/2016	22/06/2016
Floor Level 8 Rev Y	Pagano Architects Pty Ltd	12/04/2018	12/04/2018
Elevations, Roof Terrace Detail, Letter Box Details Rev S	Pagano Architects Pty Ltd	07/04/2018	12/04/2018
Roof Plan, Sections, Window Schedule Rev S	Pagano Architects Pty Ltd	07/04/2018	12/04/2018
Materials and Finishes Rev E	Pagano Architects Pty Ltd	26/04/2016	16/06/2016

*[Amendment A-S96(1A) amended on 4 August 2016]
[Amendment B-S96(1) amended on 20 December 2016]
[Amendment C-S96(2) amended on 24 April 2018]*

5. *The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number 649218M_04 other than superseded by any further amended consent and BASIX certificate.*
Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters: -
 - *(a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.**Note: Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."*
Note: For further information please see
<http://www.basix.nsw.gov.au>.
*(Amendment A-S96(1A) amended on 4 August 2016)
(Amendment C-S96(2) amended on 24 April 2018)*
31. *The following recommendations of the Wind Report prepared by ANA Civil Pty Ltd dated 16 February 2018 are to be implemented on site.*
- *Balcony/terrace balustrades – preferably of masonry/concrete construction with no openings.*
 - *Pergolas, canopies and awnings over open areas*
 - *Landscaping such as dense shrubs and trees.*

- Canopy or pergola on the roof terrace.
Details to be approved by the PCA prior to the issue of the Construction Certificate.

[Amendment C - S96(2) amended on 24 April 2018]

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"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Panel Reason

The Panel is satisfied that the need for a dual key is not necessary and the configuration of 1 x 2 bedroom and 1 x 1 bedroom unit is more practical and will increase unit mix and affordability.

6.6 DA-2018/1004 – 37A-39 Daphne Street, Botany

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

At the meeting the following person spoke:

- Mr Anthony Betros, town planner on behalf of the applicant, responded to the Panel's questions.

Panel Determination

- 1 That the Bayside Planning Panel supports the variation to clause 4.3 and clause 4.4 in accordance with the Clause 4.6 justification provided by the applicant.
- 2 That the Development Application No. DA-2018/1004 for the demolition of the existing structures, Torrens Title subdivision and construction of five attached dwellings with swimming pools including associated excavation works and landscaping at 37A-39 Daphne Street, Botany, be approved subject to the conditions attached to this report, and subject to a further condition to be imposed by the General Manager (or nominee) requiring that the basement car parking area remain for non-habitable purposes at all times.

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

Name	For	Against
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Panel Reason

The panel is satisfied the exceedence in FSR is only marginal if 5 of the car spaces are not included in the FSR, however, a condition is imposed to ensure these remain as parking. The development on its merits will sit comfortably in the streetscape and provide choice in the housing market.

The Chairperson closed the meeting at 8.15 pm.

Jan Murrell
Chairperson
Bayside Planning Panel