

MINUTES

of a meeting of the
Bayside Planning Panel
held in the Committee Room, Botany Town Hall
Corner of Edward Street and Botany Road, Botany
on **Tuesday 22 May 2018 at 6:03 pm.**

Present

Robert Montgomery, Chairperson and Independent Specialist Member
Anthony Reed, Independent Specialist Member
Stephen Moore, Independent Specialist Member
Jesse Hanna, Community Representative

Also present

Michael McCabe, Director City Futures
Luis Melim, Manager Development Assessment
Bruce Cooke, Acting Manager Governance and Risk
Marta Gonzales-Valdes, Coordinator Development Assessment
Pascal Van de Walle, Coordinator Development Assessment
Angela Lazaridis, Senior Development Assessment Planner
Teresita Chan, Development Assessment Planner
Adam Iskander, Development Assessment Planner
Ian Vong, IT Officer
Lauren Thomas, Governance Officer

The Chairperson opened the meeting in the Committee Room, Botany Town Hall
Corner of Edward Street and Botany Road, Botany at 6:03 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 acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Apologies

There were no apologies received.

3 Disclosures of Interest

There were no disclosures of interest.

4 Minutes of Previous Meetings

4.1 Minutes of the Bayside Planning Panel Meeting - 8 May 2018

Decision

That the Minutes of the Bayside Planning Panel meeting held on 8 May 2018 be confirmed as a true record of proceedings, subject to amending an administrative error in the decision for Item 6.1 - DA-2013/56/03 – 13A Church Avenue, Mascot, that involves replacement of the first bullet point of decision 1 with the words: “Conditions 2 and 3 are amended to provide a figure of \$1,821,458.36 which is indexed as at today’s date for the Section 94 Contribution to be in accordance with Council’s Development Contribution Plan”.

5 Reports – Planning Proposals

Nil.

6 Reports – Development Applications

6.1 DA-2016/402/A - 686 and 688 Princes Highway, Kogarah

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

The following people spoke:

Andrew Minto - Principal of Minto Planning Services P/L and Iftekhar Abdullah - architect, spoke for the officer’s recommendation and responded to the Panel’s questions.

Determination

That Development Application DA-2016/402/A for the modification application to delete condition number 11A, 11B, 31, and 51 relating to loading bay, location of services and swept paths at 686 & 688 Princes Highway, Kogarah is APPROVED pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 subject to recommended conditions of consent.

Reason for Determination

- The applicant has demonstrated that the conditions as stated are impractical to implement.
- The revised landscaping plans provide an acceptable outcome in terms of presentation to the rear laneway.

6.2 DA-2016/401/B - 1/18 Market Street, Rockdale

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

The following people spoke:

Karam Ibrahim - applicant, Habib Mehdi - Architect) and Pierre Khoury - Business Advisor/Project Manager spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 That the Section 4.55 Application No.DA-2016/401 for modifications to conditions 5 and 9 relating to extension of trading hours to 6am to 12 midnight Friday and Saturday and 6am to 11pm Sunday to Thursday and removal of non-smoking sign on Brays Lane be APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report and the following changes to the conditions:
 - Condition 9 is to be amended to read: "Smoking should only be carried out within the café property in the designated smoking areas."
 - Condition 9(c) is to be amended to read: "The consumption of food is prohibited in any smoking area."
 - An additional condition is to be added as follows: "Within nine months (and not less than six months) of commencement the operator shall provide certification to Council by suitably-qualified persons that the acoustic treatment and exhaust/ventilation systems are working in accordance with the relevant specifications."
- 2 That the objectors be advised of the Bayside Planning Panel's decision.

Reason for Determination

- The applicant has adequately addressed the potential issues of noise and smoke impact on adjoining residences.
- The proposed extended hours of operation are considered reasonable, particularly in context of the Rockdale Town Centre Masterplan which advocates a vibrant and unique place.

6.3 DA-2017/501 - 41 Lynesta Avenue, Bexley North

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

The following people spoke:

Thanh Quach – applicant, Dennis Mai – architect and Diana Brajuha - town planner, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 That the Bayside Planning Panel supports the variation to Clause 4.1(3B)(a) in accordance with the Clause 4.6 justification provided by applicant.
- 2 That the development application DA-2017/501 for the demolition of existing structures and construction of a two (2) storey attached dual occupancy and Torrens Title subdivision at 41 Lynesta Avenue, Bexley North is **APPROVED** pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report subject to the deletion of Condition numbers 12, 68 and 80.

Reason for Determination

- The Panel is of the view that the split driveway still provides sufficient on-street parking while presenting a better streetscape.
- The Panel is satisfied with the justification provided by the applicant pursuant to Clause 4.6 of the LEP in relation to minimum lot size for a subdivision.
- The design has been altered to address the comments of the previous Panel.

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

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

The following people spoke:

Mrs Christine Searle – affected neighbour, Mr James Searle – affected neighbour, Councillor Liz Barlow – affected resident, spoke against the officer's recommendation.

Joseph El Khawaja – Architect and Adam Burns – Town Planner at Think Planners, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 That the Bayside Planning Panel support the Clause 4.6 variation to Clause 4.3 of RLEP 2011 (Height) as requested by the Applicant.
- 2 That **DEFERRED COMMENCEMENT** consent be granted to this Development Application pursuant to Section 80(1)(3) of the Environmental Planning and Assessment Act 1979 in accordance with the Deferred Commencement Conditions provided below and subject to the conditions of consent attached to this report, with the following amendments:
 - Delete condition 22(c)

- An additional condition 44(e): “A total of three visitor parking spaces are to be provided within the basement.”
- An additional condition 44(f): “Parking for residential units shall be provided in accordance with the *Guide to Traffic Generating Developments*.”
- The following words are to be added after the first sentence of condition 57: “Particular attention should be paid to the adjoining Guild Theatre building” for the benefit of the Guild Theatre patrons.
- An additional condition be added requiring toilet facilities to be provided within, or in close proximity to, the ground floor commercial tenancy space.

This consent must not operate until you satisfy Council of the following matters:

- a. That approval / certification has been obtained from Sydney Trains as to the following matters and the approval / certification has been forwarded to the Council:
 - i. The Applicant shall prepare and provide to Sydney Trains for approval / certification the following items:
 - (a) Detailed Rail specific Geotechnical Engineering Report and Civil and Structural design plans that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Sydney Trains. The report shall include the potential impact of demolition and excavation, and demolition- and excavation-induced vibration in rail facilities, and loadings imposed on Sydney Trains facilities by the development.
- 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 rail corridor, 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 development with respect to Sydney Trains easement and rail corridor land.
- 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.

- i. Any conditions issued as part of Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.
- f. A voluntary planning agreement (VPA) in accordance with the offer set out in the letter from Think Planners to Bayside Council dated 2 March 2018 is to be entered into between the developer and Council.
- g. A draft Stratum Subdivision Plan for subdivision of the site into two (2) lots, including the rear portion of the site that is to be dedicated to Council (refer to Item (a) in the VPA Offer) and the remainder of the site. The area of land to be dedicated will be unlimited in height but limited in depth to approximately 1,200mm below the finished surface level of the pedestrian link. The plans are to be to the satisfaction of Council.
- h. Amended plans and information, accompanied by a Conservation Specification, prepared by a suitably qualified heritage architect / consultant shall be submitted to, and approved by, Council. The amended plans / information must address the following matters:
 - i. The front three (3) metres of the existing building being retained (including the basement being set back three metres from the front boundary).
 - ii. Retention of the existing central entry and 'Kadwell Chambers' sign over the door at the ground floor level (which may be used to house the fire booster valves).
 - iii. The layout of the ground floor reflecting the existing layout.
 - iv. The awning being retained or reconstructed to the same design.
 - v. Revised finishes schedule, accompanied by a sample of all materials and finishes. The schedule shall include details for all parts of the building including the roof top communal terrace and awning structures.
- i. A detailed structural engineering report prepared by a suitably qualified engineer shall be submitted to, and approved by, Council which demonstrates proposed construction methodologies and procedures, including staging of works and materials required, that will ensure protection of the front façade of the building (including the front 3m of the building as required by Item D above).

The report must conclude that the front façade and side walls (north and south) extending 3 meters from the frontage façade facing Railway Street can be maintained and protected and will withstand any demolition, excavation and construction works.

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

Reason for Determination

- Since the previous panel decision to defer the application, there has been greater clarity provided by the finalisation of the planning proposal on adjoining land.

- Further consultation as occurred with the Guild Theatre operators.
- The retention of the original building façade as now proposed presents a better overall design outcome.

The Chairperson closed the meeting at 7:43 pm.

Robert Montgomery
Chairperson