

MINUTES

of a meeting of the
Bayside Local Planning Panel
held in the Committee Room, Botany Town Hall
corner of Edward Street and Botany Road, Botany
on **Tuesday 12 February 2019 at 6:02 pm.**

Present

Jan Murrell, Chairperson
Marcia Doheny, Independent Expert Member
Robert Montgomery, Independent Expert Member
Patrick Ryan, Community Representative

Also Present

Luis Melim, Manager Development Services
Fausto Sut, Manager Governance & Risk
Ben Latta, Coordinator Development Assessment
Christopher Mackey, Coordinator Development Assessment
Andrew Ison, Senior Development Assessment Planner
Angela Lazaridis, Senior Development Assessment Planner
Adam Iskander, Development Assessment Planner
Lauren Thomas, Governance Officer
Wolfgang Gill, IT Officer

The Chairperson opened the meeting in the Botany Town Hall Committee Room at 6:02 pm.

1 Acknowledgement of Traditional Owners

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past and present and future leaders, 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 Local Planning Panel Meeting - 11 December 2018

Decision

That the Minutes of the Bayside Local Planning Panel meeting held on 11 December 2018 be confirmed as a true record of proceedings.

4.2 Minutes of the Bayside Local Planning Panel Meeting - 18 December 2018

Decision

That the Minutes of the Bayside Local Planning Panel meeting held on 18 December 2018 be confirmed as a true record of proceedings.

5 Reports – Planning Proposals

Nil.

6 Reports – Development Applications

6.1 DA-2014/146/A - 280 Coward Street, Mascot

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

The following person spoke:

- David Krepp, from Toplace, spoke for the officer's recommendation and responded to the Panel's questions.

Panel Determination

That the Section 4.55(1A) application for the Modification of Conditions 42 and 44 is APPROVED as follows:

- Modify Condition 42 relating to the Builder's Security Deposit.
- Modify Condition 44 relating to the Damage Deposit.

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

Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

- The modification is minor, relating to deposits only, and will not change the built form of the development.

6.2 DA-2018/218 - DA-2018/218 - 376-378 Rocky Point Road, Sans Souci

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

The following people spoke:

- Michael Gheorghiu, Urban Planner representing the Applicant, spoke for the officer's recommendation and responded to the Panel's questions.
- Chris Tsioulos, from CMT Architects (the Applicant), spoke for the officer's recommendation and responded to the Panel's questions.

Panel Determination

That the Development Application No.DA-2018/218 for the proposed demolition of structures on site, removal of trees on site and construction of a four (4) storey residential flat building comprising of 15 apartments and one (1) level of basement car parking at 376-378 Rocky Point Road, Sans Souci 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, with a minor change to delete from condition 2 "*except as may be amended in red on the attached plans*" and the following further condition:

The building is to be reduced in height by 120 mm to comply with the height standard and the plans amended prior to the construction certificate being issued.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

- The Panel is satisfied that, on its merits, the proposed development warrants approval. By way of comment, the Panel notes that the architect advised that the building can be reduced by 120mm without changing the architectural integrity and, as such, a Clause 4.6 variation to the height standard in the LEP is not required.

6.3 DA-2017/190 - DA-2017/190 - 117 Forest Road, Arncliffe

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

The following people spoke:

- John Kavanagh, Architect, spoke against the officer's recommendation of refusal and responded to the Panel's questions.
- Genevieve Slattery, Planner, spoke against the officer's recommendation of refusal and responded to the Panel's questions.
- Kerry Saba, the applicant, spoke against the officer's recommendation of refusal and responded to the Panel's questions.

Panel Determination

1. That Development Application No. 2017/190 for alterations to the existing building and addition of two(2) dwellings with access from Towers Place at 117 Forest Road, Arncliffe is REFUSED for the following reasons:
 - a. The bulk and scale is not compatible with the established residential character of the locality.
 - b. The proposed development will result in unacceptable amenity for the occupants of the existing units.
 - c. Pursuant to clause 94 of the Environmental Planning and Assessment regulation 2000, the application does not demonstrate that fire safety compliance can be achieved for the existing residential units.
 - d. The proposal creates an unacceptable relationship between the proposed new building and the existing building and does not provide resolution of loss of solar access to some rooms within existing north-facing units.
 - e. The proposal represents an overdevelopment of the site, particularly in terms of streetscape, character and relationship to adjoining buildings.
 - f. The application is unsatisfactory in respect to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposed alterations and additions to the existing residential flat building are contrary to the zone objectives for the land.

- g. Having regard to the reasons noted above, pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, approval of the development application is not in the public interest.

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"/>
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

- The issue of existing use rights is not a reason for refusal of the application.
- It is acknowledged that some amendments have been made by the applicant. Despite these amendments, the Panel is not satisfied on an holistic assessment that the development is worthy of approval.
- Clause 94 of the EPA Regulation 2000 provides that: "In determining a development application to which this clause applies, a consent authority is to take into consideration whether it would be appropriate to require the existing building to be brought into total or partial conformity with the building code of Australia".
- The existing building, while being used as a residential flat building, sits comfortably within the site and presents as a single dwelling in context with the surrounding R2 low density residential area.
- The proposed development presents a density which is inappropriate in its context and zone.
- The existing residential units are undersized in terms of contemporary planning controls, nonetheless they have the benefit of being within a grand residence in commensurate landscape setting. The proposed additional building is therefore not acceptable.

6.4 DA-2017/1224/2 - DA-2017/1224/3- 130-150 Bunnerong Road Eastgardens

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

The following person spoke:

- Walter Gordon, from Meriton, spoke for the officer's recommendation and responded to the Panel's questions.

Panel Determination

That the Bayside Local Planning Panel APPROVES the Section 4.55(1A) Application to modify Development Consent No. 2017/1224 to modify the location of the fire control room and hydrant booster and minor unit reconfiguration at 130-150 Bunnerong Road, Eastgardens. The conditions are to be modified as follows:

Amend Condition No. 1 to reflect the amended plans.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

- The modification is to satisfy the requirements of the NSW Fire and Rescue Authority.

6.5 DA-2017/1224/3 - DA-2017/1224/4- 130-150 Bunnerong Road Eastgardens

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

The following person spoke:

- Walter Gordon, from Meriton, spoke for the officer's recommendation and responded to the Panel's questions.

Panel Determination

1. That the Bayside Local Planning Panel APPROVES the Section 4.55(1A) Application to modify Development Consent No. 2017/1224 to modify or delete Condition Nos. 36(e), 39(j), 79, 81, 82, 97 and 106 which relates to stormwater and landscaping conditions at 130-150 Bunnerong Road Eastgardens as follows:
 - a. Condition No. 36(e) is to be modified relating to rainwater tank requirements;
 - b. Condition No. 39(j) is to be deleted relating to raised landscape concrete edges;
 - c. Condition No. 79 is to be deleted which relates to the water tank size;

- d. Condition No. 81 is to be modified relating to specific paving type/locations;
 - e. Condition No. 82 is to be deleted relating to raised landscape concrete edges;
 - f. Condition No. 97 is to be deleted relating to flood risk management plan; and
 - g. Condition No. 106 is to be modified relating to public domain and footpath area.
2. That any objectors be notified of the determination by the Bayside Local Planning Panel.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

- The panel is satisfied the changes are relatively minor and will not impact on the final built outcome and its compliance with relevant standards.

6.6 DA-2016/165/02 - 19-25 Robey Street, Mascot

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

The following people spoke:

- Julian Furzer, DKO Architects, spoke for the officer's recommendation and responded to the Panel's questions.

Panel Determination

That the Bayside Local Planning Panel DEFERS the Section 4.55(1A) Application to modify Development Consent No. 16/165 to relocate travel path, reconfigure waste storage area, amendment to ramp entry to ground floor residential units, relocation of plant room, reconfiguration of bicycle parking, relocation of substation chamber and reconfiguration of retail units 1 and 2 at 19-25 Robey Street, Mascot, to allow submission to the Panel of the appropriate correspondence from Ausgrid.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

- Given the changes proposed the panel must be satisfied they are in accordance with the electricity authority's requirements, and as such it is appropriate to defer this matter for confirmation.

The Chairperson closed the meeting at 7:55 pm.

Jan Murrell
Chairperson