

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 March 2019 at 6.00 pm**

Present

Jan Murrell, Chairperson
Ross Bonthorne, Independent Expert Member
Stephen Moore, Independent Expert Member
Amber O'Connell, Community Representative

Also present

Luis Melim, Manager Development Services
Fausto Sut, Manager Governance & Risk
Christopher Mackay, Coordinator Development Assessment
Ben Latta, Coordinator Development Assessment
Andrew Ison, Senior Development Assessment Planner
Angela Lazaridis, Senior Development Assessment Planner
AnaTrifunovska, Development Assessment Planner
Julia Hunt, Development Assessment Planner
Anne Suann, Governance Officer

The Chairperson opened the meeting in the Botany Town Hall Committee Room at 6.00 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 - 26 February 2019

Decision

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 26 February 2019 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

4.2 Minutes of the Bayside Local Planning Panel Meeting - 5 March 2019

Decision

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 5 March 2019 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

5 Reports – Planning Proposals

Nil

6 Reports – Development Applications

6.1 DA-2013/167/B - 2 Frederick Street, Rockdale

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

The following people spoke:

- Mr Jakir Anam, interested resident, spoke for the officer's recommendation and responded to the Panel's questions.
- Mr Mohamad Eldardiry, architect / applicant, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 The Section 4.55(2) Modification Application seeking: to extend hours of operation to existing place of public worship and community facility to 11.00 pm, seven days a week; new front fence; internal alterations; and changes to facades at 2 Frederick Street, Rockdale is APPROVED subject to the following amended and additional conditions:

1. Condition 2 is to be amended to refer to the plans approved under this modification, with the exception of the front fence which will be subject to further detailed design.

2. Condition 2B is to read as follows:

A Building Information Certificate shall be lodged with Council no later than 12 August 2019 for external / internal building works that are inconsistent with the approved DA plans.

3. Condition 10 is to read:

The hours of operation for the place of public worship are restricted to between 5.30 am and 9.30 pm, seven days a week.

Notwithstanding the above approved hours for the place of public worship, a trial period of 12 months for the hours 5.30 am to 11.00 pm, seven days a week, is approved from the date of this approval.

Within the twelve months, if the extended hours are sought to be extended a new application shall be submitted to Bayside Council for extension of the extended hours. Such an application shall include details of a complaints register recording incidents received during the trial period. Council's consideration of proposed continuation of the extended hours will be based on, amongst other things, the performance and operation of the facility and compliance with the development consent conditions.

4. The following additional conditions be added in relation to the operation of the premises:

10A All windows and doors to be closed during all prayers and service.

[Amendment B – S4.55(2) inserted on 12 March 2019]

Reason for additional Condition 10A is:

- To ensure that the amenity of the neighbouring residential properties is maintained.

10B No noise from the interior of the Mosque shall be heard outside the Mosque at any time during the day, evening or night.

[Amendment B – S4.55(2) inserted on 12 March 2019]

Reason for additional condition 10B is:

- To ensure that the amenity of the neighbouring residential properties is maintained.

10C The Plan of Management (POM) titled '2 Frederick Street, Rockdale' prepared by Willana Associates dated August 2018 shall be adhered to.

[Amendment B – S4.55(2) inserted on 12 March 2019]

Reason for additional condition 10C is:

- To ensure that the premises operates in an orderly manner.

10D Congregating outside of the premises must not exceed beyond 30 minutes after an approved prayer service and must take place within the approved hours of operation.

[Amendment B – S4.55(2) inserted on 12 March 2019]

- To ensure that the amenity of the neighbouring residential properties is maintained.

10E A counter must be stationed at the main entry to the prayer hall to count the number of worshippers entering the prayer hall.

[Amendment B – S4.55(2) inserted on 12 March 2019]

- To ensure that that the maximum number of patrons as approved is not exceeded.

10F The installation of any toilet exhaust fans and/or air conditioning units, shall adhere to the following:

- Roof, window and wall mounted exhaust fans are not permitted;
- All exhaust fans shall be contained within the roof space or ceiling and shall be ducted to the exterior;
- The air conditioning unit is to be located at the eastern side of the site facing Railway Street.

[Amendment B – S4.55(2) inserted on 12 March 2019]

- To ensure that required plant is installed in a manner that minimises impact on the built environment.

5. Condition 16 to be amended to read:

Adopt and implement all recommendations contained in the acoustic report prepared by Acoustic Noise and Vibration Solutions dated 17 January 2019.

6. Condition 18 to be deleted as it is a duplicate of Condition 10B.

2 That the objectors be notified of the Bayside Local Planning Panel decision.

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

Reason for the Panel's Determination

The Panel is satisfied, with the conditions recommended and as amended, the modification warrants approval on the basis of a trial period of twelve months. This will allow any community concerns to be addressed and taken into consideration if a request for permanent extended hours is made.

By way of comment, the Panel notes that while the original approval was granted in 2013, an interim Occupation Certificate has only been issued and the applicant is urged to complete works within a reasonable timeframe for a final Occupation Certificate to ensure compliance with the BCA/NBC and occupational health and safety standards.

6.2 DA-18/1199 - 1/25 Dalley Avenue, Pagewood

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

The following person spoke:

- Mr James Chappell, town planner, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 That the Development Application No. DA-2018/1199 for the proposed use of the premises as a liquor shop and associated internal fitout works at 1/25 Dalley Avenue, Pagewood 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.
- 2 That the objector(s) 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"/>
Stephen Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Amber O'Connell

**Reason for the Panel's Determination**

The Panel is satisfied that with the recommended conditions the impacts of the development will be minimised.

6.3 SF18/2444 - DA-2015/88/04 - 141 O'Riordan Street, Mascot

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

The following person spoke:

- Mr Walter Gordon, Head of Planning and Development, Meriton Group, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

That the Bayside Local Planning Panel approves Section 4.55(1A) Application to modify Development Consent No. 2015/88 to modify or delete Condition Nos. 119 and 125 which relates to public domain works and positive covenant occupation conditions at 141 O'Riordan Street, Mascot as follows:

- a delete Condition No. 119 which relates to registration of a positive covenant on the land relating to stormwater detention / infiltration system; and
- b delete Condition No. 125 which relates to completion and approval of associated works on Council land.

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

Reason for the Panel's Determination

This modification allows for the surrender of the consent for the construction of the basement. The Panel is satisfied that the more recent development approval for the residential flat building above the basement provides for a strengthening of Condition 119, and Condition 125 is no longer imposed by the Council on development consents.

6.4 SF19/386 - DA-2016/165/02 - 19-25 Robey Street, Mascot

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

The following person spoke:

- Mr John Chudleigh, Project Manager, Inca Property Group, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

That the Bayside Local Planning Panel APPROVES Section 4.55(1A) Application to modify Development Consent No. 2016/165 as follows:

- 1 that Condition No. 1 is modified to reflect the proposed plans that are subject to this application;
- 2 that Condition No. 33 is modified to read 'Prior to the issue of the Construction Certificate, details shall be provided certifying that all Ausgrid requirements have been satisfied.';
- 3 that Condition No. 95 b) is added to maintain safety for pedestrians due to the revised location of the travel path; and
- 4 that Condition No. 107 is amended to reflect Council's Development Engineers' requirements.

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

Reason for the Panel's Determination

The Panel is satisfied that the built form outcome is improved and the condition requires Ausgrid to be satisfied.

6.5 SF19/299 - DA-2018/1192 - 10 Garden Street, Eastlakes

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

The following person spoke:

- Mr Rodney Yannakis, Rodney Albert Yannakis & Associates, property development consultant, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 That this item be deferred to allow the applicant to submit an amended plan to address streetscape issues including: the possibility of a central driveway crossing of minimum width; the addition of canopy trees to the front setback areas; and shared entries on the driveways rather than individual pathways; clarification of the canopy trees in the rear yard, in particular the one to be retained; and the relocation of the bin storage within the garages.

The amended plans shall be submitted within fourteen days to allow Council officer's assessment and the matter referred back to a Panel in a timely way.

- 2 That the objectors be advised of the Bayside Local 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"/>
Stephen Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

The Panel considers it is important for development with five metre frontages to provide an appropriate streetscape presentation including soft landscaping. The applicant agreed to defer the matter to allow amended plans to be submitted to address the above.

The Chairperson closed the meeting at 8.00 pm.

Certified as true and correct.

Jan Murrell
Chairperson