

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 30 April 2019 at 6:03 pm.**

Present

Jan Murrell, Chairperson
Ross Bonthorne, Independent Expert Member
Lindsey Dey, Independent Expert Member
Amber O'Connell, Community Representative

Also Present

Fausto Sut, Manager Governance & Risk
Clare Harley, Manager Strategic Planning
Josh Ford, Coordinator Strategic Planning
Charlotte Dawson, Strategic Planner
Howard Taylor, Strategic Planner
Suhradam Patel, IT Support Officer
Lauren Thomas, Governance Officer

The Chairperson opened the meeting in the Botany Town Hall Committee Room at 6:03 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

Nil.

5 Reports – Planning Proposals

5.1 Planning Proposal - BATA site - 128 & 130-150 Bunnerong Road, Eastgardens

An on-site inspection took place at the property on the Friday before the meeting.

An addendum was issued to the Panel prior to the meeting commencing (two additional submission response).

The correct attachment 8 referencing the Hill Thalys Peer review, dated 8 November 2017 was also issued post-meeting.

The following people spoke:

- David Bower, affected neighbour, Club Director of Bonnie Doon Golf Club, spoke against the officer's recommendation.
- Matthew Lennartz, Executive Manager – Planning and Government - Meriton, spoke for the officer's recommendation and responded to the Panel's questions.
- Neil O'Connell, Head of Architecture - Meriton, spoke for the officer's recommendation and responded to the Panel's questions.
- Walter Gordon, Head of Planning - Meriton, spoke for the officer's recommendation and responded to the Panel's questions.
- Nick Hatzi, Director -SJB, spoke for the officer's recommendation and responded to the Panel's questions.
- James Turner, Senior Engineer - ARUP, spoke for the officer's recommendation and responded to the Panel's questions.

Comments of Panel for Council's Consideration

1. The Planning Proposal (PP) for the BATA site was first submitted over 2 years ago and was approved for a Gateway Determination by the Department of Planning and Environment in December 2017. An Alteration of the Gateway Determination was then approved in October 2018. This was placed on public exhibition with supporting documentation and 70 submissions were received, 51 opposing the planning proposal for a variety of reasons including: height, scale and density; urban design; traffic access and car parking; public transport; solar access; and impacts on infrastructure and surrounding residents.
2. The Council Officer's assessment report is comprehensive and clearly sets out the history and a response to the submissions received following the exhibition.
3. This Panel notes the Sydney Central Planning Committee in September 2017 required the PP to be revised to respond to a number of issues including a detailed transport report with "assurance from Transport New South Wales that public transport will cope with the proposed population increase". Such an assurance has not been received to date, although it is noted there are ongoing discussions.

4. At the public meeting The Panel heard from the Director of the Bonnie Doon Golf Club, located to the west of the subject site. Apart from the concern of overshadowing the golf course he raised the need of a road underpass to be provided to enable safe and secure access for maintenance workers. The Panel advised that the \$3 m. cost of this is a matter that should be raised with the Council.
5. The Panel also heard from representatives of the Proponent as detailed above. The Representatives also responded to questions from the Panel and clarified some issues.
6. The Panel notes the current revised Planning Proposal includes: rezoning 6 hectares of the site from Industrial (I 1) to Residential 3 and 4; with an increase in FSR from 1:1 to 2.35 :1; a minimum of 5,000 square metres of non-residential uses; additional permissible uses with consent (to include commercial premises, indoor recreation facility, and serviced apartments); and increased heights up to 69 metres.
7. The Panel acknowledges the advanced stage of the planning proposal. The following comments are made after reviewing submissions and reports and are provided to assist Council in its consideration of the PP.
8. A peer review of the PP was undertaken by the consultants. previously engaged by Council to prepare an urban design concept plan in 2015.. The peer review on the current PP questioned the proposed FSR of 2.35:1 in terms of outcomes for the site to achieve solar access and an appropriate density and built form for its location and for a site not serviced by fixed transport infrastructure, noting the site relies on bus services.
9. The Panel is also of the opinion that the justification for an FSR of 2.35:1 should be carefully reconsidered. In response to questions from the Panel concerning this matter it appears the Proponent was of the opinion that podium parking would be assessed as additional FSR. The Panel clarified this and podium parking, which complies with Council's DCP requirements, is excluded from the calculation of FSR. Given the exclusion of podium parking and other factors it is difficult to justify an increase in FSR for the site. , The Panel also notes podium parking can create unnecessary additional bulk, although sleeving in some circumstances may ameliorate such impacts. The proponent's response is that it may be possible to provide some of the parking underground subject to further site analysis, although this is unknown at this stage.
10. Another consideration of the FSR is the amount of solar access achieved across the site for not only the dwelling units at this density, but also the public open space. The panel notes solar access for the existing surrounding development has generally been considered to the north and east of the proposal, however more detailed study is required to address the solar access/overshadowing of Central Park in stage 1.
11. A further consideration of the ramifications of the FSR, and the mix of uses, is the impact of the traffic generation on the surrounding network. Further clarification and analysis of the parking rates to apply to the residential component should be factored into the FSR, and this may include different

scenarios as part of the analysis. The Traffic Report of the Proponent factors in a lower rate than provided for in the Council's DCP.

12. Council's peer review of the Proponent's Traffic Impact Assessment (TIA) states that "reduced parking rates only apply in circumstances where the subject site is 800 m from a railway station or light rail stop in the Sydney metropolitan area... Therefore council's car parking DCP should prevail."
13. The RMS acknowledges there is no committed mass-transit public infrastructure improvements proposed within a typical walking distance from the site. RMS notes the subject site is 1.7 km from the light rail terminus.
14. The Panel notes the department has specified a minimum amount of FSR for non-residential uses to be 5,000 m². On the other hand the RMS has provided its comments on a maximum of 5,000 m² of non-residential for the site. Furthermore, given the additional permissible uses on the site this may impact on the parking provision and traffic generation. It is noted that in the approval of the Alteration to the Gateway an updated traffic report is required to assess the additional permissible uses. The TIA comments that the level of service for some intersections at in the surrounding streets currently function at Level E.
15. As recommended by the peer review an FSR of 2:1 would allow a more appropriate density and some flexibility to achieve urban design outcomes for this site that is not located in close proximity to light rail. In this regard Transport for NSW states it has no current plans to provide or extend light rail infrastructure to the site. However, it is noted bus routes and timetables to the area are reviewed and adjusted from time to time.
16. The Community representative who was a member of the Panel raised concern about the additional traffic in an already congested area and the cumulative impacts of all future development in the area. The community representative provides the following comments:

The submissions received demonstrate significant concern about visual impacts, the increase in population for the area, and subsequent impacts on services including roads, public transport and schools. The overwhelming majority of the 70 submissions received in response to the public consultation have been strongly against the density of this development. As such, the community hopes that Council considers these views in deciding next steps (as is the purpose of community consultation) - specifically in relation to height and FSR; these will impact both the increase in density and visual amenity. In turn these considerations will impact upon services, and ultimately quality of life for existing residents. The experience of residents living around and commuting to the Mascot train station precinct – where similar development has taken place – was noted; roads and intersections seem to be failing during peak hour and gridlock ensues. This also signals the scale of new developments in the Bayside catchment – the new dwellings target is already on track to being exceeded – and the BATA site, in it's most recent proposal with FSR of 2.35:1, signifies overdevelopment in the context of all of the above points.

CONCLUSION

17. On balance having considered the issues raised in submissions during the exhibition, and the peer review commissioned by the Council, the Panel is not persuaded that an overall Floor Space Ratio greater than 2:1 is sustainable for

this large site.. In this regard the panel has considered the site in both its broader context, including public transport provision, and site specific urban design issues of density and built form, solar access, open space and pedestrian connectivity.

18. The Panel is also of the opinion that a site specific DCP should be prepared to provide greater certainty and clarity. This requires reconsidering and addressing issues including: the appropriate car parking rate (including bicycles, disabled scooters); the height, bulk, scale, massing and modulation of buildings; environmental constraint of contamination; environmental impacts such as overshadowing, wind tunnelling, and visual impact; principles of ecologically sustainable development; open space connectivity and pedestrian access and circulation both internal and external to the site. (The panel notes that a Concept Development Application may be prepared instead of a DCP, however, this should include all the issues above and those more specifically listed hereunder in 2.)
19. The Panel endorses the recommendation below as contained in the report of 30 April 2019 on the basis of an FSR of 2:1 for the site.
20. The Bayside Local Planning Panel recommends to Council that:
 - a. Prior to the Planning Proposal, for 128 and 130-150 Bunnerong Road, Eastgardens (Lot 1 DP 1187426 and Lot 24 DP 1242288 - formerly Lot 2 DP 1187426) being forwarded to the Department of Planning and Environment for finalisation in accordance with Section 3.36 of the Environmental Planning and Assessment Act 1979, assurances regarding the current and future capacity of public transport are provided by RMS and TfNSW.
 - b. That the Concept Master Plan for 128 and 130-150 Bunnerong Road, Eastgardens be further refined as part of a site-specific DCP or Concept Development Application to address the following issues:
 - i. Urban design including height transitions, setbacks, building articulation and modulation and the interface of built form with the public domain.
 - ii. Podium car parking options to reduce bulk and encourage articulation.
 - iii. Treatment, embellishment and functionality of public open space.
 - iv. Car parking and other vehicle rates
 - v. Revised traffic modelling to address matters raised by RMS in their submission.

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

Lindsey Dey	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Chairperson closed the meeting at 7:40 pm.

Certified as true and correct.

Jan Murrell
Chairperson