

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 25 June 2019 at 6:05 pm.**

Present

Marcia Doheny, Chairperson
Jan Murrell, Independent Expert Member
Ross Bonthorne, Independent Expert Member
Thomass Wong, Community Representative

Also Present

Luis Melim, Manager Development Services
Bruce Cooke, Coordinator Governance & Risk
Ben Latta, Coordinator Development Assessment
Andrew Ison, Senior Development Assessment Planner
Angela Lazaridis, Senior Development Assessment Planner
Fiona Prodromou, Senior Development Assessment Planner
Patrick Nash, Senior Development Assessment Planner
Julia Hunt, Development Assessment Planner
Gary Choice, Development Assessment Planner
Lauren Thomas, Governance Officer
Suhradem Patel, IT Officer

The Chairperson opened the meeting in the Committee Room, Botany Town Hall at 6:05 pm.

1 Acknowledgement of Traditional Owners

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land on which this meeting takes place, elders past and present and future leaders, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Apologies

There were no apologies received.

3 Disclosures of Interest

Marcia Doheny declared a Conflict of Interest in Item 6.6 on the basis that Hamptons Property Services, who are the applicant's planners for Item 6.6, have previously been

a client of hers, and stated that she would leave the meeting for consideration of the item.

4 Minutes of Previous Meetings

4.1 Minutes of the Bayside Local Planning Panel Meeting - 28 May 2019

Decision

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 28 May 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 - 11 June 2019

Decision

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 11 June 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 DS18/790 - 19-25 Robey Street, Mascot

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

The following person spoke:

- Josh Thompson, the Project Manager representing the applicant, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

1 The Panel is satisfied that:

- a. the proposed modification will have minimal environmental impact.
- b. that it is substantially the same development as the development for which consent was granted before it was modified.

- c. that the application was notified as required by Botany Bay DCP 2013 and no submissions were received; and
 - d. that the application has been assessed having regard to the relevant matters in section 4.15 (1) of the EPA.
- 2 That the Section 4.55(1A) application for the Modifications to basement design and deletion of Condition 34 relating to waterproofing and tanking of the basement structure at 19-25 Robey Street, Mascot be **APPROVED** subject to the following:
- (a) Amend Condition 1 relating to amended plans and reference to dewatering plan, to now read:

The development is to be carried in accordance with the following plans and endorsed with Council's stamp, except where amended by other conditions of this consent. Reference documentation is also listed.

Plans	Author	Date Received
Cover Page, Drawing No. DA001, Rev A dated 27 February 2018	DKO Architecture	1 March 2018
Site Analysis Plan, Drawing No. DA101, Rev A dated 27 February 2018		1 March 2018
Site Plan, Drawing No. DA102, Rev A dated 27 February 2018		1 March 2018
Demolition Plan, Drawing No. DA103, Rev A dated 27 February 2018		1 March 2018
Ground Floor Plan, Drawing No. DA201, Rev A dated 27 February 2018		1 March 2018
Ground Floor Plan, Drawing No. DA201, Rev E dated 12 July 2018 (DA-2016/165/02)		8 August 2018 (DA-2016/165/02)
Ground Floor Plan, Drawing No. DA201, Rev F dated 26 October 2018 (DA-2016/165/02)		2 November 2018 (DA-2016/165/04)
Level 1 Plan, Drawing No. DA202, Rev A dated 27 February 2018	DKO Architecture	1 March 2018
Level 1 Plan, Drawing No. DA202, Rev D dated 26 October 2018 (DA-2016/165/04)		2 November 2018 (DA-2016/165/04)

<p>Level 2 Plan, Drawing No. DA203, Rev A dated 27 February 2018</p> <p><i>Level 2 Plan, Drawing No. DA203, Rev D dated 26 October 2018</i></p> <p><i>(DA-2016/165/04)</i></p>		<p>1 March 2018</p> <p><i>2 November 2018</i></p> <p><i>(DA-2016/165/04)</i></p>
<p>Level 3 Plan, Drawing No. DA204, Rev A dated 27 February 2018</p> <p><i>Level 3 Plan, Drawing No. DA204, Rev D dated 26 October 2018</i></p> <p><i>(DA-2016/165/04)</i></p>		<p>1 March 2018</p> <p><i>2 November 2018</i></p> <p><i>(DA-2016/165/04)</i></p>
<p>Level 4 Plan, Drawing No. DA205, Rev A dated 27 February 2018</p> <p><i>Level 4 Plan, Drawing No. DA205, Rev D dated 26 October 2018</i></p> <p><i>(DA-2016/165/04)</i></p>		<p>1 March 2018</p> <p><i>2 November 2018</i></p> <p><i>(DA-2016/165/04)</i></p>
<p>Roof Terrace, Drawing No. DA206, Rev A dated 27 February 2018</p>		<p>1 March 2018</p>
<p>Basement 1 Plan, Drawing No. DA207, Rev A dated 27 February 2018</p> <p><i>Basement 1 Plan, Drawing No. DA207, Rev B dated 11 September 2018</i></p> <p><i>(DA-2016/165/03)</i></p>		<p>1 March 2018</p> <p><i>25 September 2018</i></p> <p><i>(DA-2016/165/03)</i></p>
<p>Basement 2 Plan, Drawing No. DA208, Rev A dated 27 February 2018</p> <p><i>Basement 2 Plan, Drawing No. DA208, Rev B dated 11 September 2018</i></p> <p><i>(DA-2016/165/03)</i></p>		<p>1 March 2018</p> <p><i>25 September 2018</i></p> <p><i>(DA-2016/165/03)</i></p>
<p>Adaptable Units, Drawing No. DA209, Rev A dated 27 February 2018</p>		<p>1 March 2018</p>
<p>South Elevation, Drawing No. DA301, Rev A dated 27 February 2018</p> <p><i>South Elevation, Drawing No. DA301, Rev D.1 dated 25 February 2019</i></p> <p><i>(DA-2016/165/02)</i></p>		<p>1 March 2018</p> <p><i>2 November 2018</i></p>

North Elevation, Drawing No. DA302, Rev D dated 26 October 2018 (DA-2016/165/04)		
(DA-2016/165/04)		
North Elevation, Drawing No. DA302, Rev A dated 27 February 2018 North Elevation, Drawing No. DA302, Rev B dated 26 October 2018 (DA-2016/165/04)		1 March 2018 2 November 2018 (DA-2016/165/04)
East Elevation, Drawing No. DA303, Rev A dated 27 February 2018 North Elevation, Drawing No. DA302, Rev B dated 26 October 2018 (DA-2016/165/04)		1 March 2018 2 November 2018 (DA-2016/165/04)
West Elevation, Drawing No. DA304, Rev A dated 27 February 2018 North Elevation, Drawing No. DA302, Rev B dated 26 October 2018 (DA-2016/165/04)		1 March 2018 2 November 2018 (DA-2016/165/04)
Section A, Drawing No. DA305, Rev A dated 27 February 2018		1 March 2018
Section B, Drawing No. DA306, Rev A dated 27 February 2018		1 March 2018
Section C, Drawing No. DA307, Rev A dated 27 February 2018		1 March 2018
Streetscape, Drawing No. DA308, Rev A dated 27 February 2018		1 March 2018
Landscape Concept Ground Floor Plan, DWG No. LSDA-201, Issue C dated 7 February 2018	Greenplan	1 March 2018

Landscape Concept Roof Floor Plan DWG No. LSDA-202, Issue C dated 7 February 2018		1 March 2018
Landscape Planting Ground Floor DWG No. LSDA-301, Issue A, dated 7 February 2018		1 March 2018
Landscape Planting Roof Floor, DWG No. LSDA-302, Issue A dated 7 February 2018		1 March 2018
Landscape Details Planting, DWG No. LSDA-401, Issue A, dated 7 February 2018		1 March 2018
Landscape Details Typical Construction, DWG No. LSDA-404, Issue A dated 7 February 2018		1 March 2018
Cover Sheet, Drawing No. SW100, Revision A dated 26 February 2018	SCG Engineering	1 March 2018
Stormwater Concept Design – Basement 2 Plan, Drawing No. SW200, Issue A, dated 26 February 2018		1 March 2018
Stormwater Concept Design – Ground Floor Plan, Drawing No. SW201, Issue A, dated 26 February 2018		1 March 2018
Stormwater Concept Design – Roof Plan, Drawing No. SW202, Issue A, dated 26 February 2018		1 March 2018
Stormwater Concept Design – Details Sheet 1 of 2, Drawing No. SW300, Issue A, dated 26 February 2018		1 March 2018
Stormwater Concept Design – Details Sheet 2 of 2, Drawing No. SW301, Issue A, dated 26 February 2018		1 March 2018
Erosion & Sediment Control – Plan & Details, Drawing No. SW400 dated 26 February 2018		1 March 2018
Stormwater Concept Design – Music Catchment Plan, Drawing No. SW500, Issue A, dated 26 February 2018		1 March 2018
Survey Plan (Ref: 3558), dated 7 June 2016	Cedar Surveying Services Pty Ltd	16 September 2016

Ground Floor Swept Paths – 6.4m SRV, Drawing No TX.01 Rev C, dated 23 February 2018	Traffix Traffic and Transport Planners	1 March 2018
Ground Floor Swept Paths – B85 & B99 Drawing No TX.02 Rev C, dated 23 February 2018		1 March 2018
Basement Level 1 B99 Circulation & Passing, Drawing No. TX.03, Rev C dated 23 February 2018		1 March 2018
Basement Level 2 B99 Circulation & Passing, Drawing No. TX.04, Rev B dated 18 January 2018		1 March 2018
Ramp Profile, Drawing No. TX.05, Rev C dated 23 February 2018		1 March 2018

Reference Document(s)	Author	Date Received
Amended Statement of Environmental Effects	Chapman Planning Pty Ltd	1 March 2018
Amended Clause 4.6 variation to the height development standard dated 27 February 2018	Chapman Planning Pty Ltd	1 March 2018
Statement of Compliance: Access for people with a disability (Ref: 216196), dated 26 February 2018	Accessible Building Solutions	1 March 2018
SEPP 65 Report dated 26 February 2018	DKO Architecture	1 March 2018
Traffic Impact Assessment Rev B- Ref: 17.607v02, dated 23 February 2018	Traffix Traffic and Transport Planners	1 March 2018
BASIX Certificate No. 902705M_02, dated 25 February 2018	Senica Consultancy Group Pty Ltd	1 March 2018
NATHERS Certificates with various dates	Senica Consultancy Group Pty Ltd	1 March 2018
Acoustic Report- Ref: 20161114.1/1104A/R1/RL (Rev 1), dated 11 April 2017;	Acoustic Logic	21 April 2017
Arboricultural Assessment Report (Ref: R 17/11), dated 24 August 2016.	Angophora Consulting Arborist	16 September 2016

Arboricultural Assessment Report - Tree Impact Statement & Root Investigation dated 12 April 2017;	Naturally Trees	21 April 2017
BCA Compliance Assessment Report No. 18/002, dated 23 February 2018	Paul Aramini Consulting Pty Ltd	1 March 2018
Waste Management Plan 2018/02034 dated 22 February 2018	Senica Consultancy Group	1 March 2018
Stage 1 Desktop Environmental Site Assessment (Ref: E29461KHrpt dated 20 July 2016.	Environmental Investigation Services (EIS)	16 September 2016
Stage 2 Environmental Site Assessment (Ref: E29461KHrpt2-interim) dated 16 September 2016;	Environmental Investigation Services (EIS)	16 September 2016
Geotechnical Investigation- Ref: 29461ZRpt dated 20 July 2016;	JK Geotechnics	16 September 2016
<i>Dewatering Management Plan, ref 754-SYDGE219267-AC Rev 2</i>	<i>Coffey</i>	<i>27 May 2019</i>

- (b) Amend Condition 9 to make reference to Water NSW letter dated 9 January 2019, to now read:

The conditions provided by **Water NSW** in their letters dated 9 November 2016 *and 9 January 2019* are imposed.

- (c) Amend Condition 30 to include reference to AS 2890 and AS 4299 with the modifications resulting in 4 x accessible spaces provided as per AS 2890 and 4 x provided as per AS 4299, to now read:

Prior to the release of the relevant Construction Certificate, the following required section(s) are to be submitted to and approved by the Principal Certifying Authority:

- a) Disabled car parking spaces shall be provided and clearly marked as per the Traffic Impact Assessment Report by Traffix, dated February 2018, Australian Standards AS 2890.6, SEPP 65 Design Code and Council requirements, and
- b) *All off street disabled parking shall have access to the adjacent road(s) and to the communal open space as per Australian Standards AS 2890.6, AS 4209 and Council requirements.*

- (d) Add Condition 33A to read:

Prior to the issue of the construction certificate, the applicant must provide satisfactory documented evidence to Bayside Council from Water NSW including purchase of required groundwater share allocation assignment

as per the annual dewatering amount as specified in the approved dewatering management plan prepared by Coffey, ref: 754-SYDGE219267-AC Rev 2, dated 27 May.

- (e) Add Condition 33B to read:

Prior to the issue of any Construction Certificate, the following details shall be provided to the satisfaction of the Principal Certifier:

- Dilapidation reports of all surrounding properties adjacent to the development site.*
- Details of the permanent dewatering method including permanent Water Access Licence with appropriate share allocation purchased for permanent groundwater extraction.*
- Finalised Implementation Plan incorporating finalised Geotechnical and Hydrogeological Monitoring Program, Contingency Plan and Construction Methodology.*
- Any further geotechnical and hydrogeological investigations as may be required by special consent conditions or as recommended in the dewatering management plan prepared by Coffey, ref: 754-SYDGE219267-AC Rev 2, dated 27 May 2019*
- Design Certification from suitably qualified and experienced geotechnical and/or hydrogeological engineers confirming that the design of the new below-ground structure has been undertaken in accordance with geotechnical recommendations.*

- (f) Add Condition 33C to read:

Prior to the issue of any construction certificate, all recommendations from the approved dewatering management plan prepared by Coffey, ref: 754-SYDGE219267-AC Rev 2, dated 27 May 2019 must be implemented into the detailed design of the development, this includes Appendix D.

- This includes the following detailed design aspects:*
- The detailed design of the groundwater treatment system generally in accordance with de-watering treatment system process, prepared by SAS Water Solutions, ref: P18619-301 & instrumentation drawing & de-watering treatment system sheet 1 of 1 filter skid - general arrangement, prepared by SAS Water Solutions, P18619-202. The above detailed design shall be certified by an environmental scientist, and*
- The detailed design of the system for the pump-out of the groundwater generally in accordance with stormwater drainage design prepared by SGC Consulting Engineers, project number: 20170454, revision 05 dated 20.11.2018. the system shall have an anticipated design life of 100 years, and*
- Detailed design of the electronic and manual monitoring systems for the proposed groundwater treatment devices, and*

- *Emergency management plan for the pump-out system failure.*
- (g) Add Condition 33D to read:
- Permanent changes to the groundwater level as a result of construction must be kept within the historical range of natural groundwater fluctuations.*
- *Where data is limited or unavailable the permanent change in the level of the natural water table due to the development is not to exceed 0.25m.*
 - *In areas where the construction affects existing development within a shadow zone of an earlier construction, the permanent change in the water table due to the construction is not to exceed 0.1m. The permanent shadow zone of an earlier construction with full penetrating cut-off walls but without appropriate subsurface drainage should be taken as a distance equal to one building width along the groundwater flow path both in front and behind the earlier construction.*
 - *Details shall be provided to the principal certifying authority certifying the above requirements have been reflected in the detailed design of the development.*
- (h) Add Condition 74A to read:
- All construction works on the site must be inspected and monitored in accordance with the Implementation Plan, the Geotechnical and Hydrogeological Monitoring Program and any other recommendations made by the geotechnical and/or hydrogeological engineer.*
- (i) Add Condition 112A to read:
- Prior to the issue of any Occupation Certificate, the following must be provided to the satisfaction of the principal certifier:*
- *A record of inspections and monitoring as required by the Implementation Plan and Geotechnical and Hydrogeological Monitoring Program.*
 - *Certification from suitably qualified and experienced geotechnical and/or hydrogeological engineers confirming that all works have been undertaken in accordance with applicable consent conditions, applicable standards and the recommendations of the geotechnical and hydrogeological reports.*
- (j) Add Condition 146 to read:
- To ensure adequate allocation under the Water Access Licence (WAL) for permanent dewatering, a current WAL must be maintained with a sufficient amount of water allocation assignment maintained for the life of the development. All conditions of the WAL must be adhered to.*
- (k) Add Condition 147 to read:

Groundwater monitoring must be conducted by the registered proprietor for the lifetime of the development in accordance with the below:

- *Monitoring requirements as specified in the conditions of the WAL provided by Water NSW.*
- *Discharge volumes of groundwater pumped to the stormwater network will be reviewed on an annual basis.*
- *Groundwater levels will be monitored to enable assessment of groundwater drawdown due to ongoing operation of the drained basement. A six month review of groundwater levels will be conducted in conjunction with ground settlement/movement monitoring to assess groundwater drawdown and its potential impacts.*
- *Groundwater quality will be monitored on a six monthly basis including collection of groundwater samples for laboratory analysis for selected metals and nutrients.*
- *A groundwater review is to occur six months after commencement of the operational system and further monitoring requirements reviewed at that time.*

A summary of operational monitoring requirements is provided in Table 8 of the approved dewatering management plan prepared by Coffey, ref: 754-SYDGE219267-AC Rev 2, dated 27 May.

(l) Amend Conditions 34 to now read:

Prior to the issue of the Construction Certificate, the subsurface structures shall be designed ~~with a waterproof retention system (i.e. tanking and waterproofing)~~ with adequate provision for future fluctuation of the water table to ensure that the bulk of the ground water to be 'cutoff' by extending the depth of the walls further down to 18-20m below ground level as outlined in the letter from SCP consulting PTY LTD, ref 180031 and dated 27/05/2019. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure, but must not be connected to the internal drainage system. The design of subsurface structure, ~~tanking and waterproofing, and subsoil drainage~~ shall be undertaken by a suitably qualified engineer. The detailed design of the subsurface structures is to be certified by suitably qualified practicing geotechnical engineer as being in accordance with the geotechnical report prepared by Coffey, ref: 754-SYDGE219267-AC Rev 2, dated 27 May 2019. Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate.

(m) Amend Condition 113 to now read:

Prior to the issue of any relevant Occupation Certificate, documentation from a practising civil engineer shall be submitted to the Principal Certifying Authority certifying that the stormwater drainage system, water treatment devices and groundwater extraction pump devices ~~has~~ have been constructed ~~generally~~ in accordance with the approved stormwater

~~management~~ construction plan(s) and all relevant standards. A works-as-executed drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. A copy of the certificate and works-as-executed plan(s) shall be supplied to the Principal Certifying Authority. A copy shall be provided to Council if Council is not the Principal Certifying Authority.

- (n) Amend Condition 116 to now read:

Prior to the issue of any Occupation Certificate, a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:

- a) The pathway as indicated on the landscape plan along the northern boundary is to remain private with a public Right of Footway over the path from Elizabeth Avenue to John Curtin Reserve and must be noted as such on any future strata title subdivision. Appropriate access control gates and ambient lighting is required to provide adequate safety for residents outside of daylight hours.
- b) Restrictions on Use of Land and Positive Covenants for On-site Stormwater Detention systems and Stormwater Quality Improvement Devices (SQIDs). Refer to Appendices B and E of the SMTG for suggested wording.
- c) Waste collection is to be undertaken within the site by a private collection service using a small rigid vehicle until such time as Council vehicles are able to access the site.
- d) Restrictions on Use of Land and Positive Covenants for the maintenance of water treatment devices and groundwater extraction pump devices.
- e) Restrictions on Use of Land and Positive Covenant for the stormwater pump-out system. Refer to Appendices C of the SMTG for suggested wording.

The terms of the 88 E instruments are to be submitted to Council for review and approval and Proof of registration at the Lands and Property Information Office shall be submitted to the Principal Certifying Authority and Council prior to occupation.

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

Reasons for Panel Determination

- The modification regarding parking is of a housekeeping and has been approved by Council's engineering staff.
- The modifications regarding the basement design, waterproofing and tanking have been considered by Council's engineering and environmental staff who support the modifications..
- Water NSW has no objections to the proposed modifications and has issued an approval and conditions for the proposed changes.

6.2 DA-17/1047 - 2 and 2A, 4 Bay Street, Botany

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

The following person spoke:

- Maurice Beraldo, architect, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 The Panel has considered the written request under Clause 4.6 to vary the height development standard in Clause 4.3 of Botany Bay Local Environmental Plan 2013 and is satisfied that it adequately responds to the matters requied by clause 4.6(3).
- 2 The Panel is satisfied that is unreasonable and unnecessary to comply with the development standard in the circumstances of this case and that there are sufficient environmental planning reasons to justify varying the development standard.
- 3 The Panel is also satisfied that the variation will result in consistency with the objectives of the height standard and the objectives of the B2 – Local Centre zone and is therefore in the public interest.
- 4 That Development Application No. 2017/1047 for demolition of the existing structures and construction of a new residential flat building containing 20 dwellings and basement car parking at 2, 2A and 4 Bay Street, Botany, be APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 subject to the conditions of consent attached to this report.
- 5 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"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Name	For	Against
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reasons for Panel Determination

- The application as modified has responded adequately to all the issues raised by Council staff and the Panel that previously considered the development and the Panel is satisfied that the issues of the car park design and access, internal amenity, mechanical ventilation, and flooding have been addressed and that an updated Basix certificate has now been submitted.

6.3 DA-2018/276 - 10 Earlwood Crescent, Bardwell Park

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

The following people spoke:

- Ms Pam Markellos, affected neighbour, spoke against the officer's recommendation.
- Mrs Helen and Mr Sam Karagiannis, affected neighbours, spoke against the officer's recommendation.
- Michael Ilievski, Building Designer, spoke for the officer's recommendation and responded to the Panel's questions.
- Gianni Georges, Building Designer, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 That Development Application No.DA-2018/276 for the proposed demolition of existing structures and construction of a new two storey dwelling with basement parking, swimming pool and front fence at 10 Earlwood Crescent, Bardwell Park 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 as amended by the following conditions:
 - a. That the drawings for the construction certificate incorporate the following details:-
 - b. The external air conditioning unit to be located on the western wall between the living and dining rooms.
 - c. The construction hours to be 7:00 am – 5:30 pm Monday to Friday and 8:00 am – 2:30 pm on Saturdays
 - d. That some articulation be incorporated into the western wall to break the linear nature of that wall.

- e. Condition 7 to be amended to add the following sentence:

The amended landscape plan must also include a canopy tree with a mature minimum height of 8-10 metres, centrally located in the front lawn area. All plantings of trees are to be a minimum setback of 1.5 metres from boundaries.

- 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"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reasons for Panel Determination

- The proposed development complies with all of the development controls for the site.
- The issues that have been raised in the submissions have been dealt with through amended plans and conditions of consent.
- The Panel is satisfied that the proposed development is appropriate for this site and accommodates the concerns of the neighbours in its design.

6.4 DA-2018/327 - 17 George Street, Eastlakes

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

The following people spoke:

- Mr Marvin Loreto, affected neighbour, spoke against the officer's recommendation.
- Mr Martin Dall'Asta, affected neighbour, spoke against the officer's recommendation.
- John Spiteri, architect, spoke for the officer's recommendation and responded to the Panel's questions.
- Greg Evans, part owner, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

1. That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979 approves a variation to the floor space ratio prescribed by 4.4 Floor Space Ratio of the Botany Bay Local Environmental Plan 2013, as it is satisfied that the applicant's written request has adequately addressed the matters required to be demonstrated by cl4.6 of that Plan, and the proposed development would be in the public interest because it is consistent with the objectives of the FFR standard and the objectives for development within the zone.
2. That development application DA-2018/327 for demolition of existing structures and construction of 2 X two storey attached dwellings, landscaping and front fence at 17 George Street, Eastlakes be APPROVED as a DEFERRED COMMENCEMENT pursuant to s4.16(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent as amended by the following:

A Deferred Commencement condition which states:

The front elevation shall be amended to provide a more contemporary rectilinear framework and balustrade design that references the form and levels of the semi-detached dwellings on either side of the site. The dormer windows are to be deleted and provision may be made for an alternative source of light. The gable roof at the rear shall be amended to a hip roof.

On satisfaction of the deferred commencement condition, the operational conditions take effect. The amended plans, subject to the deferred commencement, must be submitted within one month of the date of this determination for the approval of the Manager of Development Services.

The operational conditions shall be amended to provide for the landscape plan to be amended for the trees within the front setback to be a minimum of 8 metres and evergreen and wheel strips with a permeable centre shall be provided to the driveway.

3. That the submitters be notified of the Bayside Local 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"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reasons for Panel Determination

- The Panel notes the substantial exceedance of the floor space ratio control however, it is noted that the FSR will be less than what would be permitted for detached dwellings on the sites.
- The proposed design as amended, as a consequence of the deferred commencement condition, will have regard in its design to the design of the properties on either side and the design will be consistent with the desired future character for the area as set out in Council's Development Control Plan that seeks terrace-style development.
- The Panel heard from adjoining neighbours on issues concerning overlooking and solar access and is satisfied that those issues are appropriately addressed in the design to minimise adverse impacts on adjoining neighbours.

6.5 DA-2018/243 - 2 Riverside Drive, Sans Souci

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

The following person spoke:

- Jon Jacka, (Architect), spoke for the officer's recommendation and responded to the Panel's questions

Determination

- 1 The Panel is satisfied that existing use rights apply to this site and that this development application can therefore be approved.
- 2 That Development Application No. 2018/243 for demolition of the existing structures and construction of a new sailing club with associated decks, jetty, boat shed, change rooms, service areas and retention of existing liquor licencing and club operating hours at 2 Riverside Drive, Sans Souci, be APPROVED subject to the conditions attached to this report.

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

Reasons for Panel Determination

- The Panel notes that the Design Advisory Panel has considered and support the proposed design and the Panel also considers the design to be of a high quality.
- The Panel notes that the proposed design will result in a modest well designed building that is substantially more attractive than the existing building.
- The Panel notes that Council's environmental staff have advised the proposed development will not have adverse environmental impacts.

Item 6.7 was considered and determined prior to Item 6.6 due to the Chair having a conflict of interest in Item 6.6.

6.7 S82-2019/2 - 53 Johnson Street, Mascot

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

The following people spoke:

- Ahmad Jadid, Architect, spoke against the officer's recommendation of refusal and responded to the Panel's questions.
- Mr Jarn Elias, owner, spoke against the officer's recommendation of refusal and responded to the Panel's questions.
- Georgina David, owner, spoke against the officer's recommendation of refusal and responded to the Panel's questions.

Determination

That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority, pursuant to Division 8.2 relating to application No. S82-2019/2 for a review of determination, resolve to confirm previous decision for REFUSAL of development application DA-2018/1120, pursuant to Section 8.4 of the Environmental Planning and Assessment Act 1979, with the following modified reasons:

- 1 Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, a valid BASIX certificate has not been provided.
- 2 Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided to demonstrate if the parking requirements in accordance with Botany Bay DCP2013 can be achieved.

- 3 Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, a valid Flood Management Plan has not been submitted as required by Council's Flood Advice Letter.
- 4 Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, a survey plan has not been provided to confirm the floor levels as required by Council's Flood Advice Letter.
- 5 The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is not consistent with the Botany Bay Local Environmental Plan 2013 with respect to Clause 6.9 – *Development in areas subject to aircraft noise*. The acoustics report prepared by Acoustic, Vibration & Noise Pty Ltd (dated 20 December 2018) states that the development will result in an exceedance of the AS 2021-2015 standards for aircraft noise levels.
- 7 Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the objectives of Part 3A.2 - Car Parking of the Botany Development Control Plan 2013. There is insufficient information to determine if the two (2) parking spaces required in accordance with Botany Bay DCP2013 can be achieved.
- 8 Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the objectives of Part - 3A.2 Car Parking of the Botany Development Control Plan 2013. The car parking design obstructs direct pedestrian access to and from the secondary dwelling.
- 9 Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the objectives of Part 3J –Aircraft Noise and OLS of the Botany Development Control Plan 2013. The development will result in an exceedance of the AS 2021-2015 standards for aircraft noise levels.
- 10 Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not meet the objectives of Part 4A.5.2 - Secondary Dwellings of the Botany Development Control Plan 2013. The proposed development does not provide sufficient private open space for the secondary dwelling.

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

Reasons for Panel Determination

- The Panel adopts the reasons for the Panel's determination contained in the Council Officer's report.

The Chairperson reiterated her conflict of interest in Item 6.6, vacated the Chair and left the meeting room. Jan Murrell assumed the Chair for the determination of Item 6.6.

6.6 DA-2018/88 - 16-20 Shaw Street, Bexley North

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

The following people spoke:

- Maurice Mandalinic, Architect, spoke against the officer's recommendation of refusal and responded to the Panel's questions.
- Adam Agdiran, client's representative, spoke against the officer's recommendation of refusal and responded to the Panel's questions.

Determination

1. The Panel considers that this matter should be deferred for a period of three months to allow the Council to further consider the question of access over Shaw Lane and for the applicant to further consult with the Council regarding land owner's consent and access arrangements over private land which is not classified or designated as a Road.

The Panel, by way of comment, suggests that the applicant and the Council seek their own legal advice to resolve this issue.

If there is no resolution of the access issue, then the matter will be determined as recommended for refusal as the Panel is unable to consider consent without the consent of the land owner of Shaw Lane. As such, the following will take effect after three months:

2. That Development Application No. 2018/88 for the demolition of existing structures and construction of a part four (4) and part five (5) storey mixed use development including three (3) retail shops and twelve (12) residential units, basement parking and loading at 16-20 Shaw Street, Bexley North, be REFUSED pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:
 - a. Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, legal vehicular access to the site remains unresolved and the proposal does not accommodate vehicular access to the site via a publicly dedicated road.

- b. Pursuant to the provisions of Section 4.15(1)(b) and Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is unsuitable for the development in its current form, given that the site does not benefit from a Right of Way over the adjoining western lots (22 and 23 of DP 1222081).
 - c. The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is inconsistent with State Environmental Planning Policy 65 in respect of:
 - i. Principle 4 – Sustainability
 - ii. Principle 5 - Landscape
 - iii. Principle 6 - Amenity.
 - d. The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, is inconsistent with the Apartment Design Guide in respect of:
 - i. 3D - Communal Open Space
 - ii. 3E - Deep Soil Provision
 - iii. 3F - Visual Privacy
 - e. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Clause 6.7 - Stormwater of Rockdale Local Environmental Plan 2011.
 - f. The proposed development, pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, is unsatisfactory given the inadequate area available on site for the loading and unloading of goods.
 - g. Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, and in consideration of the above matters, the proposed development is not in the public interest.
3. That the objectors be informed of the Bayside Local Planning Panel determination.

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

Reasons for Panel Determination

- The Panel has no power to determine the application without the resolution of the access issue.

The Chairperson closed the meeting at 9:32 pm.

Certified as true and correct.

Marcia Doheny
Chairperson