

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 27 August 2019 at 6:00 pm.**

Present

Robert Montgomery, Chairperson
Anthony Reed, Independent Expert Member
Helen Deegan, Independent Expert Member
Thomass Wong, Community Representative

Also Present

Luis Melim, Manager Development Services
Fausto Sut, Manager Governance & Risk
Ben Latta, Coordinator Development Assessment
Fiona Prodromou, Senior Development Assessment Planner
Adam Iskander, Development Assessment Planner
Lauren Thomas, Governance Officer
Taif George, IT Support 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 - 13 August 2019

Decision

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 13 August 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-2017/54/C - 27-31 Bryant Street, Rockdale

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

The following person spoke:

- Ms Lu Liao, architect, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- A. That the proposed modification application be SUPPORTED given that it:
- i. is substantially the same development as the development for which consent was originally granted and before that consent was modified;
 - ii. has been notified; and
 - iii. has been assessed having regard to the relevant matters in s4.15 of the Environmental Planning and Assessment Act 1979.
- B. That modification application DA-2017/54/C seeking to modify development consent DA-2017/54 for modifications including the deletion of basement level 4 and amendments to basement, fire stairs, common open space, deep soil, service shaft and storage at 27-31 Bryant Street Rockdale be APPROVED and the proposal be modified by amending the description of the development and conditions 2, 9, 12, 15, 78, 80 and 87 as recommended in the Planning Assessment Report and subject to the following additional condition 33A:

- 33A. *Prior to the issue of any Construction Certificate, an Arborist Report shall be submitted to and approved by the Director of City Futures of Bayside Council, confirming that the extended basement excavation adjoining the Bryant Street frontage of the site, will not adversely impact upon the stability, root system or health of the two Brushbox Street trees within the nature strip in front of 29 and 31 Bryant Street.*

| Name | For | Against |
|-------------------|-------------------------------------|--------------------------|
| Robert Montgomery | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Helen Deegan | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Anthony Reed | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Thomass Wong | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Reasons for Panel Determination

- The Panel agrees with the officer's assessment of the application, acknowledging the need to reduce the depth of excavation within the vicinity of the Sydney Water easement.
- The Panel accepts that the provision of parking spaces is compliant with RMS requirements in this location and notes that the proposed car stacker includes horizontal as well as vertical movement and is a practical solution in the circumstances.

6.2 DA-2018/282 - 20 Dunmore Street North and 23 Monometh Street, Bexley

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

The following people spoke:

- Mr Asram Kumar, affected neighbour, spoke against the officer's recommendation.
- Nick Savateev, Architect, spoke for the officer's recommendation and responded to the Panel's questions.
- Dan Brindle, Town Planner, spoke for the officer's recommendation and responded to the Panel's questions.
- Nicholas Maksymow, Managing Director/Proprietor, 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 rear 25% area prescribed by cl 40(4)(c) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, as it is satisfied that the applicant's 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 that particular standard and the objectives for development within the zone.
2. That development application DA-2018/282 for demolition of existing dwelling at 23 Monomeeth Street and construction of a two (2) storey extension to Fairmont Aged Care Facility containing 10 wards providing additional 12 beds and minor internal refurbishment works at 20 Dunmore Street North and 23 Monomeeth Street Bexley be APPROVED pursuant to s4.16(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report and the following amendments to the conditions:

Condition 9: Replace the words with "The number of residents is limited to a maximum of 46".

Condition 10(A): After the words "fixed opaque glazing" add "to the lower pane".

Condition 11(a): Delete the reference to basement carpark (including entry and exits).

Condition 11(f) is to be deleted.

Condition 81(1) – change "24" to "23".

3. That the submitters be notified of the Bayside Local Planning Panel's decision.

| Name | For | Against |
|-------------------|-------------------------------------|--------------------------|
| Robert Montgomery | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Helen Deegan | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Anthony Reed | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Thomass Wong | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Reasons for Panel Determination

- The Panel agrees with the officer's recommendation.
- The proposed changes to conditions are to correct errors and anomalies.

- The Panel agrees with the variations in the landscaping, number of storeys at rear and car parking as these are considered reasonable in the circumstances.

6.3 DA-2019/71 - 26 Mascot Drive, Eastlakes

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

The following people spoke:

- Ms Michelle Chou, affected neighbour, spoke for the officer's recommendation of refusal.
- Ms Despina Kottas, affected neighbour, spoke for the officer's recommendation of refusal.
- Ms Homaira Syeda, affected neighbour, spoke for the officer's recommendation of refusal.
- Dimitrios Hatzitoulousis, owner, spoke against the officer's recommendation of refusal and responded to the Panel's questions.

Determination

- A. That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority REFUSE development application DA-2019/71 for demolition of the existing dwelling and construction of a four (4) storey boarding house with 25 double rooms and a manger room, basement parking and associated earthworks and landscaping at 26 Mascot Drive Eastlakes; pursuant to s4.16(1)(b) of the Environmental Planning and Assessment Act 1979 for the following 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, insufficient information relating to Clause 4.6 'Exceptions to development standards' relating to floor space has not been provided to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development
 2. The proposed development, pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, does not comply with the State Environmental Planning Policy (Affordable Rental Housing) 2009 with respect to:
Clause 29 (1) – Floor space ratio
Clause 29 (2) (c) – Solar access
Clause 30A – Character of local area
 3. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy the Objectives of Clause 4.3 of Botany Bay Local Environmental Plan 2013 relating to Height of Building as the

design has not taken into consideration the adjoining neighbouring properties and has not considered the adjoining R2 low density zone;

4. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy Clause 4.4 of Botany Bay Local Environmental Plan 2013 relating to floor space ratio as the gross floor area is in excess of the maximum permissible and the proposal is not compatible with the bulk and scale of the existing and desired character of the locality; does not maintain an appropriate visual relationship between new and existing characters of the area; negatively contributes to streetscape; does not minimise environmental impacts to adjoining properties and does not provide an appropriate correlation between the size of a site and the extent of development;
5. Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy the Objectives of Clause 6.3 of Botany Bay Local Environmental Plan 2013 relating to stormwater management;
6. 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 3C.2 of Botany Bay Development Control Plan 2013 'Access and mobility', including Objectives O3 and Table 1;
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 4C.2.2 of Botany Bay Development Control Plan 2013 'Streetscape presentation', including Objectives O1, O2, and O4;
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 4C.2.3 of Botany Bay Development Control Plan 2013 'Height', including Objectives O1 and O2;
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 4C.2.6 of Botany Bay development Control Plan 213 'Setbacks', including Objectives O1 and O3;
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 4C.3.2 of Botany Bay Development Control Plan 2013 'Fences', including Objectives O2;
11. 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 the Botany Bay Development Control Plan 2013 'Boarding houses' including Objectives O1, O2 and O4;

12. 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 desired future character of Part 8 of Botany Bay Development Control Plan 2013 'Eastlakes character precinct';
13. Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the proposed development is likely to result in the following adverse environmental impacts:
 - (a) Built Environment – The proposed development results in adverse impacts on the streetscape and neighbourhood character and adjoining properties.
14. The proposed development, pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, results in an undesirable and unacceptable impact on the streetscape and adverse impact on the surrounding built environment;
15. Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is excessive in terms of bulk, scale, size, height and density and would adversely impact upon the amenity of the locality;
16. The proposed development, pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, is not considered suitable for the site, in terms of design, size and scale and is likely to adversely impact on the streetscape and the adjoining neighbours;
17. Having regard to the issues raised in submissions received by Council in opposition to the proposed development, pursuant to the provisions of Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979, the proposal results in unacceptable over-looking and overshadowing impacts on adjoining properties.
18. Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, and in consideration of the impacts and submissions made, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

B That the submitters be notified of Council's decision.

| Name | For | Against |
|-------------------|-------------------------------------|--------------------------|
| Robert Montgomery | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Helen Deegan | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Anthony Reed | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Thomass Wong | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Reasons for Panel Determination

- The Panel agrees with the officer's assessment of the proposal, in particular, in that it does not satisfy a number of statutory requirements and merit considerations.
- The Panel agrees that the proposal is an over-development of the site and will have an unacceptable impact on neighbouring properties in terms of amenity, solar access and privacy.
- The Panel notes that the proposed car stacker is unacceptable for a boarding house development.

6.4 DA-2018/218/A - 376 Rocky Point Road, Sans Souci

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

The following people spoke:

- Chris Tsioulos, Director - CMT Architects, spoke for the officer's recommendation and responded to the Panel's questions.
- Michael Gheorghiu, town planner, 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 S4.55(1A) of the Environmental Planning and Assessment Act 1979 be satisfied that the proposed modification:
 - i. is of minimal environmental impact;
 - ii. is substantially the same development as the development for which consent was originally granted and before that consent was modified;
 - iii. has been notified; and
 - iv. has been assessed having regard to the relevant matters in s4.15 of the Environmental Planning and Assessment Act 1979.
2. That modification application DA-2019/218/A seeking to modify development consent DA-2019/218 including amendments to internal configuration of various units, extension of some balconies and minor reduction in overall roof height at 378 Rocky Point Road Sans Souci be APPROVED. The proposal is modified in the following manner:
 - i. By amending condition 2 relating to the implementation of plans;
 - ii. By amending condition 10 to reflect the change in building height; and

- iii. By adding condition 10A to ensure privacy is maintained between the subject site and neighbouring properties.
- iv. By adding condition 10B to ensure that privacy is maintained between neighbouring units within the development.

| Name | For | Against |
|-------------------|-------------------------------------|--------------------------|
| Robert Montgomery | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Helen Deegan | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Anthony Reed | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Thomass Wong | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Reasons for Panel Determination

- The Panel agrees with the officer's assessment of the application.
- The proposed modifications are minor in nature and do not create any adverse impacts on neighbouring properties.

The Chairperson closed the meeting at 7:15 pm.

Certified as true and correct.

Robert Montgomery
Chairperson