

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 8 October 2019 at 6:00 pm.**

Present

Robert Montgomery, Independent Expert Member
Stephen Moore, Independent Expert Member
Greg Wright, Independent Expert Member
Jesse Hanna, Community Representative

Also Present

Luis Melim, Manager Development Services
Fausto Sut, Manager Governance & Risk
Marta Gonzalez-Valdes, Coordinator Development Assessment
Christopher Mackay, Coordinator Development Assessment
Petra Blumkaitis, Development Assessment Planner
Fiona Prodromou, Senior Development Assessment Planner
Lauren Thomas, Governance Officer
Wolfgang Gill, IT Technical Support Officer

The Chairperson opened the meeting in the Committee Room of Botany town Hall at 6:00 pm.

1 Acknowledgement of Country

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past, present and emerging, 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

Jesse Hanna declared a Less than Significant Non-Pecuniary Interest in Item 6.6 on the basis that he is a member of Bexley RSL Club and the Club has submitted an objection to this item, but stated he would remain in the meeting for consideration of the item.

The Chairperson confirmed that this was appropriate.

4 Minutes of Previous Meetings

4.1 Minutes of the Bayside Local Planning Panel Meeting - 10 September 2019

Decision

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 10 September 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 - 17 September 2019

Decision

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 17 September 2019 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

4.3 Minutes of the Bayside Local Planning Panel Meeting - 24 September 2019

Decision

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 24 September 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-2019/272 - 139 Forest Road, Arncliffe

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

The following person spoke:

- Mr Jason Furness, Managing Director of Spanline Home Additions, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority APPROVE development application DA-2019/272 for the construction of a patio roof at Arncliffe Preschool at 139 Forest Road Arncliffe; 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.

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Wright	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel Determination

- The Panel agrees with the independent consultant's review and recommendation.

6.2 S82-2019/7 - 511 Princes Highway, Rockdale

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

The following people spoke:

- Mr Tony Moody, Town Planner, spoke for the officer's recommendation and responded to the Panel's questions.
- Mr Tom Wyburn, Architect, spoke for the officer's recommendation 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 development application S82-2019/7 for a review of determination, resolve to confirm the previous decision for refusal of the development application DA-2018/94, pursuant to Section 8.4 of the Environmental Planning and Assessment Act 1979.

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Wright	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel Determination

- The Panel considers that the amended application has not fully resolved the matters listed in the reasons for refusal.
- The proposed advertising sign is inconsistent with the desired future character of the Rockdale Town Centre, as described in the Rockdale town Centre Masterplan.
- The design of the proposed advertising sign is inappropriate in the context of the building upon which it is to be located, being excessive in size.
- The design and location of the proposed illuminated general purpose advertising sign is inappropriate given that the area is undergoing transition and will include high density residential in the form of mixed use development.
- Approval of the sign would set an undesirable precedent in the locality and is therefore considered to be not in the public interest.

6.3 DA-2019/271 - Temporary Use of Mascot Memorial Park for a Food and Wine Festival for Three days (including set up and pack up) During October 2019, and Installation of Associated Temporary Structures (Bayside Food and Wine Festival)

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

Determination

It is RECOMMENDED, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979*:

That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority APPROVE development application DA-2019/271 for the temporary use of Mascot Memorial Park for a food & wine festival for 3 days (including set up and pack up) during October 2019, and installation of associated temporary structures ('Bayside Food and Wine Festival'), pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* and subject to the conditions of consent attached to the Planning Assessment Report in Schedule 1 and one additional condition as follows:

“Appropriately qualified traffic warden(s) is/are to be available to manage traffic and parking during the event and during bump in and bump out times.”

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Wright	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel Determination

- The Panel agrees with the independent consultant's review and recommendation. The additional condition relating to traffic wardens is considered necessary to ensure minimal disruption to traffic.

6.4 DA-2019/243 - 41 Gloucester Street, Rockdale

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

The following people spoke:

- Mrs Antonia Olaes, affected neighbour, spoke against the officer's recommendation.
- Mr Robert Olaes, affected neighbour, spoke against the officer's recommendation.
- Mrs Ivy Lai, affected neighbour, spoke against the officer's recommendation.
- Mr Jack Kwoh, affected neighbour, spoke against the officer's recommendation.
- Mrs Tracey Mitchell, affected neighbour, spoke against the officer's recommendation.
- Mrs Sahar Mustapha, affected neighbour, spoke against the officer's recommendation.

- Ms Lynette Parsons, affected neighbour, spoke against the officer's recommendation.
- Mr Luigi Tisi, affected neighbour, spoke against the officer's recommendation.
- Ms Hala Taouk, affected neighbour, spoke against the officer's recommendation.
- Mr Bruce Coxall, affected neighbour, spoke against the officer's recommendation.
- Mr Mark Savic, affected neighbour, spoke against the officer's recommendation.
- Mr William Karavelas, Building Designer, spoke for the officer's recommendation and responded to the Panel's questions.
- Mr Bernard Moroz, Town Planner, spoke for the officer's recommendation and responded to the Panel's questions.
- A pro-forma letter, objecting to the development, was handed in at the meeting signed by the following affected neighbours:
 - E Russo
 - Maria Vaporis
 - Nello Faraone
 - Ross Moar
 - D Markovski
 - Kevin Burg
 - Leoli Burg
 - D Soufias
 - P Soufias
 - Xuong Vuong
 - Ivy Vuong
 - Ali Ali
 - Donna Anastasovski
 - David Anastasouski
 - George Canelas
 - Thomas Chiu
 - Nathan and Shannon Perkins

- Catherine Bernasconi
- Brett Waller
- Zahrat Bakkour
- Merri Soeleusua
- Dafina Lolevska
- Tina Tisi
- Roberto Tisi
- Vlad Lalievski

Determination

1. That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority APPROVE development application DA-2019/243 for demolition of existing structures and construction of a two storey boarding house with 10 rooms, 5 parking spaces and 2 motorcycle parking spaces at 41 Gloucester Street, Rockdale 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 incorporating additional conditions which require:
 - 1 The finished paving level of the walkway along the eastern boundary from the communal open space to the rear car-park shall be no higher than the existing ground level at the boundary to 39 Gloucester Street.
 - 2 Privacy screening, in appropriate materials, be provided along the eastern boundary from the communal open space to the rear of proposed room G06. The screening is to be set back from the boundary to align with the pathway with a minimum height of 2.3 metres.
 - 3 The Plan of Management is to be amended to include the following provisions:
 - a The Plan of Management is to be reviewed annually by Council based on the operation of the premises, including complaints received and the manner in which complaints have been resolved Any amendments required as a consequence of the review shall be imposed as the current Plan of Management following the review
 - b The applicant is to establish a resident consultation group to assist in the ongoing review of the operation and complaints management. This group should meet at least annually.
 - c The name, phone number and other relevant contact details for the property manager are to be displayed at the front of the premises where clearly visible from the public footpath.

- d Complaints management procedures should be documented, including response to complaints and dispute resolution.

2. 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"/>
Stephen Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Wright	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel Determination

- The Panel agrees with the officer's assessment of the proposal, noting that it complies with all necessary statutory provisions.
- The Panel acknowledges the level of concern expressed by neighbouring and nearby property owners, however the proposal is considered to be satisfactory subject to the additional conditions proposed.
- The additional conditions are proposed by the Panel to assist in the protection of privacy to the adjoining property and to ensure that the local residents are engaged by the operator in the ongoing management of the premises.

6.5 DA-18/1161 - 31 Albert Street, Botany

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

The following person spoke:

- Mr David Waghorn, 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 function of the Council as the consent authority, pursuant to Section 4.16 of the EP&A Act 1979 approves a variation to the floor space ratio prescribed by cl4.4 Floor space ratio of the Botany Bay LEP 2013, 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-2018/1161 for the demolition of existing structures, Torrens Title subdivision into two lots and the construction of two semi-detached dwellings and one swimming pool at No. 31 Albert Street, Botany, 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.

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Wright	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel Determination

- The applicant has addressed all of the matters raised at the previous Panel through amended designs.
- The Panel agrees with the officer's assessment of the proposal and is satisfied that the development, as now proposed, represents an appropriate design response to the site and surrounds.

6.6 DA-2018/254 - 8-18 Stoney Creek Road, Bexley

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

The following people spoke:

- Mr Joseph El Khawaji, Architect, spoke for the officer's recommendation and responded to the Panel's questions.
- Mr Gerrard Turisi – 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 APPROVE development application DA-2018/254 for the demolition of existing structures and construction of a part 5 and 6 storey mixed use building comprising 68 residential dwellings, two (2) ground floor commercial premises and two (2) level basement car park at 8-18 Stoney Creek Road, Bexley, 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.

2. 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"/>
Stephen Moore	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Wright	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jesse Hanna	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel Determination

- The Panel agrees with the officer's assessment of the proposal and the recommendation.
- The Panel notes that the entire ground floor is to be commercial floor space which is a positive aspect of this mixed use development.
- The design and presentation of the building is an appropriate response to the site and surrounding properties.

The Chairperson closed the meeting at 8:14pm.

Certified as true and correct.

Robert Montgomery
Chairperson