

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 17 December 2019 at 6:03 pm.**

Present

Jan Murrell, Chairperson
Robert Montgomery, Independent Expert Member
Anthony Reed, Independent Expert Member
Amber O'Connell, Community Representative

Also Present

Luis Melim, Manager Development Services
Bruce Cooke, Acting Manager Governance & Risk
Marta Gonzalez-Valdes, Coordinator Development Assessment
Pascal Van De Walle, Coordinator Development Assessment
Patrick Nash, Senior Development Assessment Planner
Petra Blumkaitis, Development Assessment Planner
Michael Maloof, Senior Development Assessment Planner
Adam Iskander, Development Assessment Planner
Angela Lazaridis, Senior Development Assessment Planner
Lauren Thomas, Governance Officer
Wolfgang Gill, IT Technical Support Officer

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

There were no disclosures of interest.

4 Minutes of Previous Meetings

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

Decision

The Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 10 December 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-2019/191 - 32 William Street Botany

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

The following people spoke:

- Henry Huang, architect, spoke for the officer's recommendation and responded to the Panel's questions.
- Anthony Betros, town planner, spoke for the officer's recommendation and responded to the Panel's questions.
- Danny Jovanovic, applicant, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 The Bayside Planning Panel exercising the functions of the Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979 supports the variation to the FSR standard, as contained in Clause 4.4A(3)(d) – FSR of 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 the development within the zone.
- 2 The Development application DA-2019/191 for the demolition of existing structures and construction of two (2) semi-detached dwellings and Torrens title subdivision at No. 32 William Street, Botany, is 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 with the following amendment to Condition 5:

Condition 5

The deck at ground level shall be reduced to a maximum depth of 3.5 metres from the rear wall of the dwellings. The deck roof shall be a lightweight structure (e.g. a pergola or vergola). Details shall be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel's Decision

- The Panel considers the amended plans provide for an improved streetscape presentation and subject to a reduction in size of the rear terraces and a lightweight structure to replace the awnings, the development warrants approval subject to conditions.

6.2 DA-2019/182 - 6 Gore Street, Arncliffe

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

The following people spoke:

- Ms Germana Eckert, affected neighbour, spoke for the officer's recommendation of refusal.
- Mr Greg Rich, affected neighbour, spoke for the officer's recommendation of refusal.

Determination

A The Bayside Local Planning Panel, exercising the functions of the Council as the consent authority, REFUSES to grant consent to the development application DA-2019/182(the demolition of existing structures, removal of all site trees, and construction of a two (2) storey boarding house comprising 10 rooms with basement parking) at 6 Gore Street, Arncliffe 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 has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability for the site. The insufficient information relates to stormwater and overland flow, landscaping, solar access and amenity to the occupants of the development, accessible car parking and location of windows.

- 2 Pursuant to the provisions of Section 4.15(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy Clause 6.7 of the Rockdale Local Environmental Plan 2011 and Part 4.1.3 – Water Management of the Rockdale Development Control Plan 2011 relating to stormwater and overland flow.
- 3 Pursuant to the provisions of Section 4.15(a)(i) and Section 4.15(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal has provided inconsistent and insufficient information relating to tree removal, landscaping and tree protection in accordance with the following relevant sections of the following EPIs and DCP:
 - a State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.
 - b Clause 4.1.7 of the Rockdale DCP 2011 – Tree Preservation.
 - c Clause 4.3.1 of the Rockdale DCP 2011 – Open Space and Landscape.
- 4 Pursuant to the provisions of Section 4.15(a)(i) and Section 4.15(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal does not comply with the following relating to the solar amenity and amenity of the occupants of the proposed development.:
 - a Clause 29(2)(c) of the State Environmental Planning Policy (Affordable Rental Housing) 2009.
 - b Clause 4.4.2 Solar Access of the Rockdale DCP 2011.
- 5 The proposed development, pursuant to the provisions of Section 4.15(a)(i) of the Environmental Planning and Assessment Act 1979, is not consistent with the State Environmental Planning Policy – (Building Sustainability Index : BASIX) 2004.
- 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 Clause 4.6 – Car Park and Design of the Rockdale DCP 2011.
- 7 Having regard to the issues raised in submissions received by Council in opposition to the proposed development, and pursuant to the provisions of Section 4.15(1)(d) of the Environmental Planning and Assessment Act 1979, the proposal results in unacceptable impacts on adjoining/nearby properties relating to their amenity and overshadowing.

- 8 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.

B 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"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel's Decision

- The Panel has considered all submissions received, both oral and written, and is not satisfied the design of the development warrants approval for the reasons stated above.

6.3 DA-17/1211 - 2A Baker Street, Banksmeadow

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

The following people spoke:

- Joe Vescio from JVU Planning, spoke for the officer's recommendation and responded to the Panel's questions.
- John Chetham from JCA Landscape, spoke for the officer's recommendation and responded to the Panel's questions.
- Winston Chu from Artiva Architects, 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 the variation to the building height prescribed by cl4.3 Height of Buildings 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. Furthermore the panel considers 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 The development application DA-2017/1211 for the construction of a three (3) storey shop top housing development comprising two ground floor commercial premises, 12 residential apartments and roof top terrace is APPROVED pursuant to s4.16(1)(a) of the Environmental Planning and Assessment Act 1979 subject to the conditions of consent attached to this report.
- 3 That the submitter(s) be notified of the Bayside Local Planning Panel's decision.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel's Decision

- The panel has considered submissions and is satisfied the development warrants approval.

6.4 DA-18/1165 - 84A Wentworth Avenue, Mascot

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

The following people spoke:

- Mr Danny Rinaldi, affected neighbour, spoke for the officer's recommendation.
- Larissa Brennan, Director LJB Urban Planning, spoke for the Applicant and requested this matter be deferred to allow further discussions with the RMS and time for the plans to be amended to address issues raised in the officer's Report.

Determination

- the Bayside Local Planning Panel, exercising the functions of the Council as consent authority DEFERS the determination of Development Application No.2018/1165 (demolition of existing structures and construction of a new garden centre including indoor and outdoor plant nursery, hardware store, florist, cafe, fresh produce, sale of pets & pet supplies, construction of a two storey carpark and signage) at 84A Wentworth Avenue, Mascot.

Deferral is granted to give the Applicant the opportunity to address the following:

- Roads and Maritime Services has not provided their concurrence to the proposal under Section 138 of the Roads Act 1993.

2. The proposed pylon sign does not satisfy Schedule 1 of State Environmental Planning Policy No. 64 – Advertising and Signage.
 3. The proposed development is not consistent with the requirements of the Botany Bay Development Control Plan 2013, including:
 - a. Part 3A – Parking and Access. The design of the car parking does not minimise amenity impacts for adjoining properties.
 - b. Part 3L – Landscaping & Tree Management. The proposed tree removal causes a loss of amenity to the adjacent public reserve adjoining the site to the west.
 - c. Part 6.3.2 – Building and Site Layout. The layout of the development has not been designed to minimise adverse amenity impacts for the residential properties in close proximity to the site.
 - d. Part 6.3.5 – Setbacks. The development does not provide compliant setbacks to the existing adjacent residential properties in Dransfield Avenue and Wentworth Avenue.
 - e. Part 6.3.11 – Industrial Development adjoining a Residential land use. The development contains inadequate setbacks and has not been designed to locate noise sources away from adjoining residential properties.
 - f. Part 6.3.12 – Noise and Hours of Operation. The application fails to demonstrate the suitability of the proposed hours of operation which extend beyond the hours of the existing operation at the premises.
 4. Adverse environmental impacts to surrounding residential properties by way of unacceptable visual bulk and scale, insufficient setbacks/separation and increased acoustic impacts. The design and layout of the development does not minimise amenity impacts for surrounding residential properties.
 5. The submitted acoustic report is inadequate and must be revised. The report provided has failed to accurately address the likely acoustic impacts for neighbouring residential properties as a result of the intensification that is proposed for the subject site.
2. 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"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel's Decision

- The Panel notes the Officer's Report and the recommended reasons for refusal and these matters must be addressed in amended plans and documentation to be provided by the Applicant in a timely manner.. The Panel considers, while the site may have potential for further development, the current plans represent an overdevelopment of the site having regard to its context and interface with residential properties. The Panel notes many of the above issues have previously been raised with the Applicant.

6.5 DA-2016/117 - 386-396 Princes Highway Rockdale

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

Determination

- A. The development application DA-2016/117 for demolition of the existing structures and construction of a nine (9) storey mixed use development comprising forty two (42) residential units, four (4) commercial units and basement car parking at 386-396 Princes Highway, Rockdale is REFUSED 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)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered that the proposed development does not satisfy the objectives of the B4 Mixed Use Zone as contained in Part 2.8 subsection 1 of the zone under Rockdale Local Environmental Plan 2011, including:
 - To provide a mixture of compatible land uses.
 - (2) 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 4.3 of the Rockdale Local Environmental Plan 2011 relating to the maximum height of buildings and the submitted clause 4.6 variation is not supported as the proposed development would not be in the public interest because it is not consistent with the objectives of that particular standard and the objectives for development within the zone.
 - (3) 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 some key objectives of or comply with the design guidance in the Apartment Design Guide, including:
 - (i) Communal Open Space - Part 3D
 - (ii) Visual Privacy - Part 3F
 - (iii) Deep soil – Part 3E
 - (iv) Solar access – Part 4A
 - (v) Ceiling Heights – Part 4C

- (vi) Natural ventilation – Part 4B
 - (vii) Entrance lobby from King Lane – Part 3G
 - (viii) Corridors not provided with access to natural light and ventilation – Part 4F
- (4) 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 or comply with the development controls in the Rockdale Development Control Plan (DCP) 2011 including:
- (i) Housing mix - Section 4.5
 - (ii) Front, side and rear setback - Section 7.5
 - (iii) Streetscape - Section 4.2
 - (iv) Visual and Acoustic Privacy of ground floor residential unit G02 – Section 4.4.5
- (5) 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:
- (i) Natural Environment – through its lack of genuine deep soil and inadequate landscape planting to soften the building;
 - (ii) Built Environment - through its bulk, scale, massing and choice of materials which has not been appropriately designed; and
 - (iii) Social Impacts - through the proposed housing mix, lack of communal open space and non-compliance with solar access and cross ventilation;
- (6) 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 by the applicant to allow a proper and thorough assessment of the impacts of the proposed development despite numerous requests from Council.
- (7) 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.
- (8) 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 its bulk, scale, size and height and would adversely impact upon the amenity of the locality.
- (9) 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 bulk, scale and design impacts on adjoining / neighbouring properties.

- (10) 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 the Bayside Local Planning Panel's decision.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel's Decision

- The Panel adopts the reasons for refusal in the Officer's Report and considers the plans represent excessive development for the site and not anticipated by the planning framework.

6.6 DA-2019/235 - 5 Oscar Place Eastgardens

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

The following people spoke:

- Mr James Kikiras, interested citizen, spoke against the officer's recommendation.
- Mr Stephen Haigh, interested citizen, spoke against the officer's recommendation.
- Mr Walter Gordon, Meriton, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- That the Bayside Local Planning Panel, DEFERS consideration of the development application for serviced apartments with a variation to the building height and floor space ratio prescribed by cl4.3 Height of Buildings and 4.4 Floor Space Ratio of the Botany Bay Local Environmental Plan 2013.
- 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"/>

Name	For	Against
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Amber O'Connell	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel's Decision

- The deferral is to allow the applicant the opportunity to amend the plans and provide other supporting documentation to address the issues raised by the Panel. This includes the area where car parking spaces have been deleted and the submission of new Cl.4.6 written requests.

The Chairperson thanked Council staff for their support and contribution to the Planning Panel meetings during 2019.

The Chairperson closed the meeting at 8:16 pm.

Certified as true and correct.

Jan Murrell
Chairperson