

## MINUTES

### **Bayside Local Planning Panel - Other Applications**

held in the Committee Room, Botany Town Hall  
Corner of Edward Street and Botany Road, Botany  
on **Tuesday 13 February 2024 at 6:00pm**

Decisions outside the public meeting  
In accordance with the Operational Procedures.

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### **Present**

Ross Bonthorne, Chairperson  
Robert Montgomery, Independent Expert Member  
Larissa Ozog, Independent Expert Member  
Ana Corpuz, Community Representative

### **Also present**

Christopher Mackey, Acting Manager Development Services  
Angela Lazaridis, Coordinator Development Administration & Advisory  
Marta Gonzalez-Valdes, Coordinator Development Assessment  
Fiona Prodromou, Senior Development Assessment Planner  
Michael Maloof, Senior Development Assessment Planner

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Deliberations commenced at 6:03pm.

## **1 Acknowledgement of Country**

Bayside Council acknowledges the traditional custodians: the Gadigal and Bidjigal people of the Eora nation, and pays respects to Elders past, present and emerging. The people of the Eora nation, their spirits and ancestors will always remain with our waterways and the land, our Mother Earth.

## **2 Apologies**

There were no apologies received.

## **3 Disclosures of Interest**

There were no declarations of interest – refer to the attached declarations.

## 4 Minutes of Previous Meetings

### 4.1 Minutes of the Bayside Local Planning Panel - Other Applications Meeting - 5 December 2023

#### Recommendation

That the Bayside Local Planning Panel noted that the Minutes of the Bayside Local Planning Panel - Other Applications meeting held on 5 December 2023 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

### 4.2 Minutes of the Bayside Local Planning Panel - Other Applications Meeting - 12 December 2023

#### Recommendation

That the Bayside Local Planning Panel noted that the Minutes of the Bayside Local Planning Panel - Other Applications meeting held on 12 December 2023 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-2023/50 - 1-5 Charles Street, ARNCLIFFE 2205 - Development Application

Panel members have undertaken inspection of the site.

The following person spoke at the meeting:

- Mr Paolo Salotto, an applicant representative, spoke for the officer's recommendation and responded to the Panel's questions.

#### Decision

- 1 That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979* approve the variation to Section 4.3 in relation to building height of the Bayside Local Environmental Plan 2021, as it is satisfied that the applicant's request has adequately addressed the matters required to be demonstrated by cl 4.6 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-2023/50 for Integrated Development - Demolition of all existing structures, tree removal, site amalgamation, and construction of a nine (9) storey residential flat building comprising fifty (50) build-to-rent residential apartments, three levels of basement parking and associated landscaping with a common terrace on Level 8 at 1-5 Charles Street, ARNCLIFFE 2205 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.
- 3 The following conditions are to be added into the Notice of Determination:
- a) Add Condition No. 19(d) as follows:

### **19 Design Amendments**

- d) All non-landscaped podium areas must be finished with appropriate softening treatment such as decorative pebbles or the like.
- b) Add Condition No. 115A as follows:

### **115A Plan of Management**

Prior to the issue of the Occupation Certificate, a Plan of Management shall be prepared and submitted to Council for approval. The Plan shall include, but not be limited to the following:

- Shared use of communal open space
- Site maintenance
- Complaints management process
- Site manager contact details
- Noise management
- Compliance with the relevant provisions of SEPP (Housing) 2021

The Plan of Management shall include contact details for the onsite manager and is to be provided to all tenants.

### ***Reason***

To ensure compliance with SEPP (Housing) 2021.

- c) Add Condition No. 147A as follows:

### **147A On-Site Manager**

While the development is owned and controlled by one person, the development shall be operated by one managing agent, who provides on-site management.

**Reason**

To ensure compliance with SEPP (Housing) 2021.

- d) Add Condition No. 147B as follows:

**147B Plan of Management – Compliance with Approved PoM**

Compliance with the approved Plan of Management is required at all time. The development should comply with the approved POM for the period that the building is in single management.

A copy of the Plan of Management must be displayed on site at all times and made available to all staff and/or occupants of the development.

**Reason**

To manage site operations so that adverse impacts are minimised.

- 4 That the submitters are to be notified of the Panel's decision.

Name	For	Against
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larissa Ozog	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ana Corpuz	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Reason for Panel's Determination:**

The Panel adopts the reasons outlined in the Council Officer's Assessment Report.

**Panel's Comments:**

- The proposal is for a Build-to-Rent Residential building, and does not include any commercial or retail floor space or subdivision of the site.
- The proposal complies with the maximum permissible FSR control for the site, and the built form represents a suitable bulk and scale that is consistent with the future desired character of the area.
- The applicant has successfully amended the scheme to address the concerns raised by the Design Review Panel, and raised by the public submissions, and the resulting proposal meets the standard of architectural and urban design excellence required by the Arncliffe Banksia Precinct and Clause 6.10 of the Bayside LEP 2021 and the requirements of SEPP (Housing) 2021.

- The Panel considers that a Plan of Management will ensure ongoing compliance with the 'build to rent requirements' of SEPP (Housing) 2021.
- The Panel is aware that one submitter did not receive notification. Council staff have confirmed that the application was notified in accordance with the DCP.
- The Panel concurs with the Officers' assessment and recommendation.

## **6.2 DA-2023/7 - 12-18 Flora Street, Arncliffe - Development Application**

Panel members have undertaken inspection of the site.

The following person spoke at the meeting:

- Mr Aaron Sutherland, an applicant representative, spoke for the officer's recommendation and responded to the Panel's questions.

### **Decision**

- 1 That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority is satisfied that the applicant's written request to contravene Section 4.3 – Height of Buildings of the Bayside Local Environmental Plan 2021 has adequately addressed the matters required to be demonstrated by Section 4.6 of that Plan, the proposal demonstrates design excellence and is in the public interest as it is consistent with the objectives of the standard and the R4 – High Density Residential zone.
- 2 That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 and s4.17 of the Environmental Planning and Assessment Act 1979, determine Development Application DA-2023/7 for Integrated Development - Demolition of existing structures and construction of an eight (8) storey residential flat building development containing 51 apartments and two (2) basement levels at 12-18 Flora Street, ARNCLIFFE NSW 2205 by GRANTING CONSENT subject to the recommended conditions of consent attached to this report.
- 3 The following condition is to be added into the Notice of Determination:
  - a) Add Condition No. 20(j) as follows:

#### **20 Design Amendments - Council**

- j) The non-trafficable slab above entry ramp adjacent to the communal open space on Level 1 must be finished with appropriate softening treatment such as decorative pebbles sedge planting or the like.

Name	For	Against
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larissa Ozog	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ana Corpuz	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Reason for Panel’s Determination:**

The Panel adopts the reasons outlined in the Council Officer’s Assessment Report.


**Panel’s Comments:**

- The Design Review Panel supports the final scheme, and confirms that the DRP recommendations have been incorporated in the final revised plans and that Design Excellence has been achieved.
- The Development Application was notified in accordance with Council Development Control Plan, and no submissions were received in relation to the proposed development.
- The surrounding area has been rezoned and in a state of transition that will facilitate redevelopment with increased density and height that will occur over time.
- The adjoining residential properties have not yet been re-developed to their full potential.
- The proposed built form is appropriately modulated and articulated, and achieves the desired character and scale of development for the precinct.

Closed deliberations concluded at 6:30pm.


Certified as true and correct.

Ross Bonthorne  
**Chairperson**



**Declaration of Interest - Bayside Local Planning Panel Meeting 5/02/2024**

Item	Description	Declaration of Interest
<b>Other Applications (Non-Public Meeting)</b>		
6.1	DA-2023/50 – 1-5 Charles Street Arncliffe	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> or an actual <sup>1</sup> <input type="checkbox"/> , potential <sup>2</sup> <input type="checkbox"/> or reasonably perceived <sup>3</sup> <input type="checkbox"/> conflict of interest as detailed in the attached document.
6.2	DA-2023/7 – 12-18 Flora Street Arncliffe	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> or an actual <sup>1</sup> <input type="checkbox"/> , potential <sup>2</sup> <input type="checkbox"/> or reasonably perceived <sup>3</sup> <input type="checkbox"/> conflict of interest as detailed in the attached document.
ROSS BONTHORNE Name (please print)		6.2.24 Date



**Declaration of Interest - Bayside Local Planning Panel Meeting 5/02/2024**

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Robert Montgomery Name (please print)		05/02/2024 Date



**Declaration of Interest - Bayside Local Planning Panel Meeting 5/02/2024**

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Larissa Ozog		04 /02 /2024
Name (please print)		Date



**Declaration of Interest - Bayside Local Planning Panel Meeting 5/02/2024**

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<b>Other Applications (Non-Public Meeting)</b>		
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6.2	DA-2023/7 – 12-18 Flora Street Ancliffe	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> or an actual <sup>1</sup> <input type="checkbox"/> , potential <sup>2</sup> <input type="checkbox"/> or reasonably perceived <sup>3</sup> <input type="checkbox"/> conflict of interest as detailed in the attached document.
MARIA ANA CORPUZ		09 / 02 /2024
Name (please print)		Date