

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 9 April 2024** at **4:00PM**

Decisions outside the public meeting
In accordance with the Operational Procedures

Present

Richard Pearson, Chairperson
John O'Grady, Independent Expert Member
Mark Carlon, Independent Expert Member
Peter Kauter, Community Representative

Also present

Luis Melim, Manager Development Services
Angela Lazaridis, Coordinator Development Administration & Advisory
Marta Gonzalez-Valdes, Coordinator Development Assessment
Christopher Mackey, Coordinator Development Assessment
Fiona Profromou, Senior Development Assessment Planner
Felicity Eberhart, Senior Development Assessment Planner
Monica Chen, Development Assessment Planner
Nitin Thomas, Development Assessment Planner
Dawson Heperi, Customer Relationship Analyst

Deliberations commenced at 4.00pm.

1 Acknowledgement of Country

The Bayside Local Planning Panel 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 - 12 March 2024

Decision

That the Bayside Local Planning Panel noted that the Minutes of the Bayside Local Planning Panel - Other Applications meeting held on 12 March 2024 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-2022/412 - 2A Charles Street and 15-17 Kyle Street, Arncliffe - Development Application

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

No registered speakers.

Decision

1 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-2022/412 for the demolition of existing structures, removal of trees and construction of an eight (8) storey residential flat building development containing 46 apartments including 13 affordable apartments and two basement levels of car parking at 2A Charles Street & 15-17 Kyle Street, ARNCLIFFE NSW 2205 by REFUSE CONSENT for the following reasons:

- a) The proposal is unsatisfactory with respect of State Environmental Planning Policy (Housing) 2021 as the submitted documents are inconsistent with regard to the quantum of affordable housing proposed within the development and as such an accurate assessment of the bonus FSR entitlement cannot be established.
- b) The proposal is unsatisfactory with respect of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 as the BASIX Certificate

has not been updated to be consistent with the amended submission.

- c) The proposal is unsatisfactory with respect of the nine design quality principles of State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development.
- d) The proposal is inconsistent with the aims and objectives of the Apartment Design Guide with respect of;
 - i. Part 3C – Public Domain Interface. Unsatisfactory design, address and public domain interface to Kyle and Charles Streets.
 - ii. Part 3F – Visual and Acoustic Privacy. Insufficient building separation is provided with 9 Kyle Street above a height of four storeys.
 - iii. Part 3J - Bicycle & Car Parking. Insufficient on site parking is provided for the development.
 - iv. Part 4E – Private Open Space and Balconies. Provision of undersized private open space areas to units at ground floor level.
- e) The proposal is inconsistent with the objectives and/or standards of the following sections of Bayside LEP 2021;
 - i. 2.3 – Objectives of the R4 – High Density Residential zone
 - ii. 4.4 – FSR – The proposal does not satisfy the objectives of the FSR standard.
 - iii. 6.3- Stormwater and Water Sensitive Urban Design. The proposal does not demonstrate adequate disposal of stormwater for the site.
 - iv. 6.10 - Design Excellence. The proposal has not adhered to, nor demonstrated design excellence and was not supported by the Design Excellence Panel.
- f) The proposal is inconsistent with the objectives and requirements of the following parts of Bayside DCP 2021;
 - i. 4.1.3 – Water Management. The proposal does not provide appropriate stormwater disposal from the site.
 - ii. 4.5.1 Social Equity - Housing Diversity and Choice. An excessive number of 1 bedroom units are proposed within the development, with insufficient larger units to accommodate for the demographics of the locality.
 - iii. 4.5.2 - Social Equity - Equitable Access. An Access Report was not submitted with the application and as such it cannot be confirmed that the proposal is capable of compliance with the relevant requirements of the Access to Premises Standards, Building Code of Australia and AS4299 – Adaptable Housing.
 - iv. 4.6 - Car Wash Facilities. The car wash bay as proposed is of

insufficient dimensions.

- v. 4.7 - Air Conditioning and Communication Structures. Nil detail provided on plans, as such an accurate assessment was unable to be undertaken.
- vi. 7.7 - Arncliffe & Banksia. The proposal is inconsistent with the future desired character of the area.
- g) The proposal results in an undesirable and unacceptable impact on the streetscape and adverse impact on the surrounding built environment. The site is not suitable for the proposal in its current design and form.
- h) Inaccurate and conflicting information submitted with the application does not enable a thorough assessment of the proposed development.

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

Name	For	Against
Richard Pearson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John O'Grady	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mark Carlon	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Peter Kauter	<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 Applicant should make genuine attempts to address the Design Review Panel recommendations and reconsider the bulk and scale of the development in any fresh application submitted.
- The use of any bonus FSR provision should still ensure an acceptable design outcome consistent with the principles of the Apartment Design Guide (ADG) and Clause 6.10 - Design Excellence of the Bayside Local Environmental Plan 2021.

6.2 DA-2023/67 - 114 Wollongong Road Arncliffe - Development Application

The development application was withdrawn on 4/04/2024 .

Closed deliberations concluded at 4.07pm.

Certified as true and correct.

Richard Pearson
Chairperson



Declaration of Interest - Bayside Local Planning Panel Meeting 9/04/2024

Item	Description	Declaration of Interest
Other Applications (Non-Public Meeting)		
6.1	DA-2022/412 – 2a Charles Street and 15-17 Kyle Street, Arncliffe	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> or an actual ¹ <input type="checkbox"/> , potential ² <input type="checkbox"/> or reasonably perceived ³ <input type="checkbox"/> conflict of interest as detailed in the attached document.
6.2	DA-2023/67 – 114 Wollongong Road Arncliffe	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> or an actual ¹ <input type="checkbox"/> , potential ² <input type="checkbox"/> or reasonably perceived ³ <input type="checkbox"/> conflict of interest as detailed in the attached document.
Public Meeting		
6.1	DA-2023/139 – 468 West Botany Street, Rockdale	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> or an actual ¹ <input type="checkbox"/> , potential ² <input type="checkbox"/> or reasonably perceived ³ <input type="checkbox"/> conflict of interest as detailed in the attached document.
6.2	DA-2023/287 – 56 Connemara Street, Bexley	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> or an actual ¹ <input type="checkbox"/> , potential ² <input type="checkbox"/> or reasonably perceived ³ <input type="checkbox"/> conflict of interest as detailed in the attached document.
6.3	DA-2024/32 – 66A Bay Street, Botany	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> or an actual ¹ <input type="checkbox"/> , potential ² <input type="checkbox"/> or reasonably perceived ³ <input type="checkbox"/> conflict of interest as detailed in the attached document.
Richard Pearson Name (please print)		5 / 4 / 24 Date



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John O'Grady Name (please print)		5/04/2024 Date



Bayside Council

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Name (please print) <u>PETER KAUFER</u>		Date <u>28/3/24</u>



Bayside Council

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Name (please print) <u>MARIC CARLOW</u>		Date <u>9, 4, 24</u>