

## 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 11 June 2024 at 6:00 pm**

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### Present

Richard Pearson, Chairperson  
Scott Barwick, Independent Expert Member  
Larissa Ozog, Independent Expert Member  
Emma Kirkman, Community Representative

### Also present

Luis Melim, Manager Development Services  
Marta Gonzalez-Valdes, Coordinator Development Assessment  
Angela Lazaridis, Senior Development Assessment Planner  
Fiona Prodromou, Senior Development Assessment Planner  
Dawson Heperi, Customer Relationship Analyst

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The Chairperson opened the meeting at 6.02pm.

### 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 Meeting - 23 April 2024**

#### **Decision**

That the Bayside Local Planning Panel noted that the Minutes of the Bayside Local Planning Panel meeting held on 23 April 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-2023/216 - 137A Princes Highway Rockdale - Development Application**

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

The following people spoke / made a written submission to the meeting:

- Miss Nicole McNamara, affected neighbour, made a written submission and spoke against the officer's recommendation and responded to the Panel's questions.
- Mr Brian Mitchell, affected neighbour, spoke against the officer's recommendation and responded to the Panel's questions.
- Mrs Jackie Cox, affected neighbour, spoke against the officer's recommendation and responded to the Panel's questions.
- Ms Rebecca Thornton, interested citizen/resident, spoke in favour of the officer's recommendation and responded to the Panel's questions.
- Dr Danielle Ni Chroinin, made a written submission in favour of the officer's recommendation.
- Mr Geoffrey O'Hara, interested citizen/resident, spoke for the officer's recommendation and responded to the Panel's questions.
- Mr Simon Hansen, an applicant representative, spoke for the officer's recommendation and responded to the Panel's questions.
- Mr Anthony Betros, an applicant representative, spoke for the officer's recommendation and responded to the Panel's questions.

- Mr Peter Lynch, the applicant, spoke for the officer's recommendation and responded to the Panel's questions.
- Mr Nick Koikas, an applicant representative, spoke for the officer's recommendation and responded to the Panel's questions.

## Determination

- 1 That Development Application DA-2023/216 for retention of front part of the lower ground level and construction of a part three (3) and part two (2) storey ice-skating rink and commercial premises with associated parking and signage at 137A Princes Highway, Wollie Creek NSW 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.
- 2 The following conditions are to be modified in the Notice of Determination as follows:
  - a) Amend Condition No. 23(a) and (b):

### **23 Design Amendments**

#### a) Signage

A signage consultant shall be engaged to coordinate the design and placement of business identification signage upon external facades of the development. The signage consultant is to liaise with the design architect.

Plans and specifications must be submitted to Council for review and approval.

Plans and information at minimum shall include but not be limited to wording, font, imagery, colours, dimensions, fixing details, illumination and the like.

#### b) Common Boundary Fence with 10-12 Allen Street

A 1.8m high lapped and capped timber fence shall be constructed along the full length of the common boundary with 10-12 Allen Street.

### **REASON**

*To require amendment to the plans endorsed by the consent following assessment of the development to mitigate the impacts of the development.*

- b) Amend Condition Nos. 22, 55, 56 and 58 by changing the wording of the condition to include 'relevant' Construction Certificate.

- c) Amend Condition No. 84(b):

**84 Noise during Construction**

- b) Any building works being carried out must ensure that any noise caused by demolition, vegetation removal or construction does not exceed the NSW Environmental Protection Authority's Interim Construction Noise Guidelines and the Protection of the Environment Operations Act 1997.

- d) Amend Condition No. 91:

**91 Noise and Vibration**

While site work is being carried out, noise generated from the site must be controlled in accordance with the NSW Environmental Protection Authority's Interim Construction Noise Guidelines and the Protection of the Environment Operations Act 1997. .

**REASON**

*To protect the amenity of the neighbourhood during construction.*

- e) Amend Condition No. 115:

**115 Revised Plan of Management**

Prior to the issue of any Occupation Certificate for the development, a revised Plan of Management shall be prepared and submitted to Bayside Council Director City Futures for approval.

The revised Plan of Management shall;

- i. Demonstrate compliance with conditions of this consent.
- ii. Confirm the maximum capacity of the development as per conditions of this consent.
- iii. Confirm details of where visitors and neighbours to the site can obtain a copy of the plan of management, including a requirement that the PoM be available on the Centre's website.
- iv. Be accompanied by a copy of any liquor license obtained for the site.
- v. Detail a procedure for the annual document review.
- vi. Confirm how future updates to the PoM will be communicated to Council, neighbors, staff and the like.

**REASON**

*To ensure an accurate PoM which is consistent with Conditions of Consent.*

- f) Amend Condition No. 116:

**116 Maximum Capacity Signage**

A sign must be displayed in a prominent position at the primary pedestrian entry of the building stating that the maximum number of persons, that are

permitted in the building as per conditions of this consent.

The maximum number of persons within the ice rink must not exceed the following. Maximum numbers are inclusive of staff.

- Monday to Friday – Maximum 130 persons;
- Friday Night (5pm to closure of premises) – Maximum 150 persons;
- Saturday 5.30am – 5.00pm – Maximum 220 persons.
- Saturday Night (5pm to closure of premises) – Maximum 310 persons
- Sunday – Maximum 220 persons.

The sign shall include letters not less than 25mm in height and must be fixed at the main pedestrian entry point to the premises.

The Manager on duty shall ensure that the approved capacity as stated above is not exceeded and regularly checked by either ticket sale, counting machine or other approved method.

On request by an authorized officer such of the Council, Police or Fire Brigade, the duty Manager shall provide evidence of the number of person's occupying each scheduled area. Details shall be provided prior to the issue of the Occupation Certificate.

**REASON**

*To clarify the maximum capacity of the ice rink.*

- g) Amend Condition No. 125:

**125 Food Safety Supervisor**

Prior to the issue of any Occupation Certificate, the occupier of the food premises shall provide a Food Safety Supervisor (FSS) for the business. The original FSS Certificate must be kept on the premises.

For further information regarding FSS, visit the NSW Food Authority website at [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au).

**REASON**

*To ensure that food premises are operated in accordance with relevant policy requirements.*

- h) Amend the reason in Condition No. 129:

**129 Section 73 Certificate – Sydney Water**

Prior to the issue of the Final Occupation Certificate, a Section 73 Compliance Certificate under the *Sydney Water Act 1994* must be obtained from Sydney Water.

It is recommended that applicants apply early for the Certificate, as there

may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway, or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

**REASON**

*To comply with Sydney Water requirements and ensure the development does not have an adverse impact on water and sewer supply in the locality.*

- i) Delete Condition No. 150 relating to Undergrounding of Overhead Services and Installation of Lighting as this is a duplicate condition.
- j) Amend Condition No. 157:

**157 Hours of Operation**

The hours of operation of the approved use are limited to:

1. 5.30am - 12.00am (Midnight) Monday to Sunday.
2. No access to the facility is permitted to the general public beyond 8.30pm Monday to Sunday, with exception of private training, private hire and/or special events as permitted by this consent.
3. The facility shall not be open or accessible to the general public prior to 9.00am Monday to Friday and/or 10.00am Saturday and Sundays, with exception of private training as permitted by this consent.

The approved hours of operation include trading, preparation, waste collection and deliveries to and from the premises.

**REASON**

*To minimise impacts to the community.*

- k) Amend Condition No. 158:

**158 Maximum Capacity**

The use of the premises at any time shall not exceed the following capacity limits:

- Monday to Friday – Maximum 130 persons;
- Friday Night (5pm to closure of premises) – Maximum 150 persons;
- Saturday 5.30am – 5.00pm – Maximum 220 persons.
- Saturday Night (5pm to closure of premises) – Maximum 310 persons
- Sunday – Maximum 220 persons.

Maximum numbers are inclusive of staff.

The Manager on duty must ensure that the approved capacity is not exceeded and is regularly checked during the operation of the premises. On request by an authorized officer such of the Council, Police or Fire Brigade, the duty Manager shall provide evidence of the number of person's occupying the facility.

**REASON**

*To confirm maximum capacity permitted by this consent.*

- l) Amend Condition No. 160:

**160 Plan of Management**

The approved Plan of Management shall be complied with at all times. Any amendments to the Plan of Management shall require a separate written approval from Council. A copy of the Plan of Management must be displayed on the Ice Zoo website and a hard copy also be available on site at all times and made available to staff, visitors and adjoining neighbours upon request.

**REASON**

*To manage site operations so that adverse impacts are minimised.*

- m) Delete Condition No. 164 relating to operational noise as this is a duplicate condition.
- n) Delete Condition No. 167 relating to acoustic compliance- general operation of premise as this is a duplicate condition.
- o) Amend Condition No. 168:

**168 Acoustic Testing- Post Commencement of Operations**

Following a minimum period of 6 months and prior to 12 months after the first day of operation of the facility, a suitably qualified acoustic consultant must:

1. Measure and verify whether the noise emanating from the premises complies with the acoustic criteria derived in the Koikas Acoustics report dated 19/02/2024; and
2. If it does not comply, make recommendations to ensure that the noise emanating from the premises complies with the noise criteria contained within these conditions of consent and the NSW Environment Protection Authority's NSW Noise Policy for Industry, including sleep disturbance. This may require the implantation of additional mitigation measures.

Testing must be taken at the most noise affected residential receivers when the facility is operating at maximum capacity and also at the most noise-sensitive times, i.e. early in the morning and later in the evening.

The test results and any additional recommendations made by the acoustic consultant must be submitted to the Council within four (4) weeks following testing.

Where the acoustic consultant recommends additional treatment or works be undertaken, those recommendations must be implemented within 3 months of the last day of testing.

Re-testing must be taken at the same noise affected residential receivers.

If the acoustic consultant's recommendations are not implemented and verified in accordance with this condition, the premises must cease operating until such time as the recommendations are implemented and verified.

The noise measurements must include all noise associated with the use of the premises.

**REASON**

*To ensure acoustic mitigation of the premises is compliant with conditions of consent.*

- p) Add Condition No. 166:

**166 Maintenance of Sound Attenuation**

During ongoing use of the premises, the premises must be operated in accordance with the approved acoustic report as nominated in this consent.

Sound attenuation must be maintained in accordance with approved Acoustic Report prepared by Koikas Acoustics Pty Ltd and dated the 20 February 2024.

**REASON**

*To manage site operations so that adverse impacts to the locality are minimised.*

- q) Delete Condition No. 169 relating to Final Acoustic Report- Verification as this is a duplicate condition.

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



Name	For	Against
Richard Pearson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larissa Ozog	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Barwick	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Emma Kirkman	<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 subject to a number of amendments to conditions to ensure that the development’s impacts are appropriately managed.

**Panel’s Comments:**

The Panel considers that the development, subject to the imposition of conditions (as amended), will be appropriately managed and that its impacts will not adversely impact on the surrounding area.

The Panel considers that the development has the potential to regenerate an underutilised site, demonstrates design excellence and will provide a facility that will enhance the availability of recreational opportunities in the locality.

The Panel also noted that the development is well below the maximum height and density which could occur on the site under Council’s planning controls.

The Chairperson closed the meeting at 7:10pm.

Certified as true and correct.

Richard Pearson  
**Chairperson**



**Declaration of Interest - Bayside Local Planning Panel Meeting 11/06/2024**

Item	Description	Declaration of Interest
<b>Other Applications (Non-Public Meeting)</b>		
5.1	Planning Proposal – Le Beach Hut, Peter Depena Reserve, Dolls Point	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.
5.2	Draft Planning Proposal – Bus Shelter Advertising	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.
6.1	DA-2024/54 – 150 King Street, Mascot	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.
<b>Public Meeting</b>		
6.1	DA-2023/216 – 137A Princes Highway Rockdale	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.
Richard Pearson		10 / 6 / 24
Name (please print)		Date



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Scott Barwick		31 / 05 / 2024
Name (please print)		Date



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Larissa Ozog		10 / 6 / 24
Name (please print)	Signature	Date



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Emma Kirkman		05 / 06 / 24
Name (please print)	Signature	Date