

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 16 July 2019** at **6.02 pm**

Present

Jan Murrell, Chairperson
Robert Montgomery, Independent Expert Member
Greg Wright, Independent Expert Member
Thomass Wong, Community Representative

Also present

Fausto Sut, Manager Governance & Risk
Michael McCabe, Director City Futures
Clare Harley, Manager Strategic Planning
Charlotte Lowe, Acting Coordinator Statutory Planning
John McNally, Urban Planner
Howard Taylor, Urban Planner
Wolfgang Gill, IT Technical Support Officer
Anne Suann, Governance Officer

The Chairperson opened the meeting in the Botany Town Hall Committee Room at 6.02 pm.

1 Acknowledgement of Traditional Owners

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

Nil

5 Reports – Planning Proposals

5.1 Post-Exhibition Report - Planning Proposal: 8 Princess Street, Brighton-Le-Sands

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

No persons elected to speak at the public meeting.

Panel Consideration

This draft Planning Proposal for 8 Princess Street, Brighton-Le-Sands seeks to rezone the site from SP3 Tourist to B4 Mixed Use under the Rockdale LEP 2011.

The Draft Plan has been publicly exhibited for 30 days ending 7 June 2019. Six submissions were received as detailed in the Officer's report with 5 in support.

The Council did not support the LEP amendment and the applicant requested a Rezoning Review in a letter to the Department of Planning, Industry and Environment.

Recommendation to Council

The Bayside Local Planning Panel, after considering the submissions and merits of the Planning Proposal, recommends the Local Environmental Plan amendment for 8 Princess Street, Brighton-Le-Sands, as exhibited, be made in accordance with Section 3.36 of the Environmental Planning and Assessment Act, 1979.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Wright	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Recommendation

- The Panel notes the response to the Community Objection contained in the Officer's Report and is satisfied there are no outstanding reasons as to why the rezoning should not be made.
- As recommended by the Panel prior to exhibition, the Panel is satisfied that the adjoining B4 zone be extended over the subject site as this is not contrary to the strategic planning for the area and in the circumstances has merit. The Panel is of the opinion that activation of the streetscape for residential units in this location, with a raised elevation above the street level, is appropriate in its context.

5.2 Draft Planning Proposal: 146-154 O'Riordan St, Mascot

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

The following person spoke:

- David Kepp from Toplace, applicant, spoke for the officer's recommendation and responded to the Panel's questions.

Panel Consideration

The subject site is unique in that it adjoins Mascot Oval and has a lower permissible building height (22m) than nearby properties. The Oval and associated infrastructure are significant public recreation assets for the community.

The Planning Proposal was accompanied by an urban design report which indicates the built form to be achieved as a consequence of the increased height limit for the site.

Whilst the Planning Proposal has merit in that it seeks to extend the 44m building height limit for the western part of the site with frontage to O'Riordan Street, noting this is the same as the majority of the O'Riordan Street sites on both sides of the road, however, at the same time the juxtaposition of the northern boundary to the public open space and Lionel Bowen Oval must be carefully considered.

The panel observed that newer developments along the western side of O'Riordan Street in particular appear to have achieved the 44m building height with a smaller building footprint than would be expected with a lower height restriction. This creates additional landscaping and setbacks, providing a superior urban design outcome.

Although not technically relevant to the Planning Proposal, the applicant has a current DA with Council for the construction of four commercial buildings on the site. The buildings proposed in the DA achieve an FSR of 2.61:1 with a GFA of 36,850m². In its submission to the Panel, the applicant confirmed his view that the maximum permissible FSR of 3.0:1 cannot be achieved within the 22m building height without compromising good design.

The urban design report prepared by Peddle Thorp and Walker Pty Ltd indicates the massing height and FSR comparison (Figure 3.2) between the current DA and what may be achieved with a 44m height limit over part of the site. This comparison simply adds additional storeys to two of the buildings proposed in the current DA to achieve the maximum permitted FSR of 3.0:1, with a total GFA for the site of 51,063m².

The relevance of the current DA and the comparison diagram is that the intended outcome of the Planning Proposal is made clear, that is, the intended outcome is to achieve taller buildings over part of the site to facilitate an increase in GFA by some 38.5% over the current DA.

The Panel is supportive of the Planning Proposal provided that the increased permissible height limit would achieve a built form which demonstrates both design excellence and an appropriate relationship to the adjoining Mascot Oval and the public

domain. Unfortunately the Planning Proposal does not demonstrate a built form which would necessarily possess these qualities.

For greater certainty in the built form outcome the Panel recommends the northern boundary of the Planning Proposal be setback 15 m to facilitate an appropriate setback and interface with the public domain and open space.

The Panel is also of the view that the Planning Proposal should proceed in conjunction with a site-specific development control plan, which contains provisions such as additional setbacks to O’Riordan Street and the Mascot Oval with additional deep soil planting zones and an appropriate relationship between the proposed buildings and the Oval. Alternatively the Panel notes: a Concept Development Application may be prepared instead of a DCP; and the subject site is identified as a significant site that requires the design excellence provisions to come into effect.

Recommendation to Council

- 1 The Bayside Local Planning Panel recommends to Council that pursuant to s3.33 of the *Environmental Planning and Assessment Act 1979* (EPAA) the draft Planning Proposal for land known as 146-154 O’Riordan Street, Mascot to increase the building height to 44m be amended to retain the 22m building height for 15m on the northern boundary and for this to be submitted to the Department of Planning, Industry and Environment for a Gateway Determination.
- 2 The Bayside Local Planning Panel recommends to Council that the Department of Planning, Industry and Environment be requested to include a condition in any Gateway Determination which requires the applicant to prepare a site specific development control plan/Concept Development Application, in consultation with Council staff, to provide greater certainty in the outcome including, but not limited to, additional setbacks to O’Riordan Street and the Mascot Oval, additional deep soil planting zones and to achieve an appropriate relationship with the public open space.
- 3 The Bayside Local Planning Panel recommends to Council that should a Gateway Determination be issued, a further report be presented to Council following the public exhibition period to demonstrate compliance with the Gateway Determination, and to provide details of any submissions received throughout that process.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greg Wright	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Recommendation

The Panel considers the planning Proposal has merit, however the increase in height should be setback from the northern boundary to provide an appropriate setback and transition to the public domain and open space.

6 Reports – Development Applications

Nil

The Chairperson closed the meeting at 6.50 pm.

Certified as true and correct.

Jan Murrell
Chairperson