



DATE OF DETERMINATION	Tuesday 28 November 2017
PANEL MEMBERS	Maria Atkinson (Chair), Sue Francis, John Roseth, Ed McDougall, Michael Nagi
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre 3 Spring Street Sydney on 28 November 2017, opened at 11.00am and closed at 11.50am.

MATTER DETERMINED

2017SCL001 – Bayside – DA2017/224 at 152-200 & 206 Rocky Point Road Kogarah (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel accepts the applicants 4.6 variation request (FSR) to amend clause 4.4 of the Rockdale LEP 2011 on the grounds that the variation was minor and has no material detrimental impacts. The Panel considered the issues raised by the objector who spoke at the meeting as well as the written objections – most of which were concerned about the inappropriate scale of the development. The Panel believe the issues of density relate to the re-zoning of the land and were not a matter for consideration in relation to this particular application.

The Panel notes that the proposal has several positive attributes. It provides a wide public road through the site which includes an avenue of tree planting with deep soil and water sensitive urban design. It also includes a communal open space area that can be accessed by the public and an extension of the regional shared pedestrian and bicycle pathway which provides connectivity to existing networks. The mix of housing types is diverse, as it includes townhouses as well as apartments.

The Panel notes that the applicant was willing to investigate appropriate treatment to address issues of stray fly balls from baseball.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report and amendments submitted at the meeting by council, and attached to this determination as attachment 1.

PANEL MEMBERS	
 Maria Atkinson (Chair)	 Sue Francis
 John Roseth	 Ed McDougall
 Michael Nagi	

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2017SCL001 – Bayside – DA2017/224
2	PROPOSED DEVELOPMENT	Integrated Development and Staged Development – Darrell Lea site – Stage 1 consists of the construction of four (4) residential flat buildings comprising 513 units and twenty (20) townhouses; basement car parking; construction of a new access road connecting Rocky Point Road and Production Avenue, including the construction of a new signalised intersection at Rocky Point Road and road upgrade works to Production Avenue; landscaping works, including ground level landscaping for communal open space and green rooftops at the residential flat buildings; land subdivision, land dedication and building envelope for a child care centre; retention of the existing commercial building at 168 Rocky Point Road and demolition of all other existing structures; tree removal and bulk earthworks.
3	STREET ADDRESS	152-200 & 206 Rocky Point Road, Kogarah
4	APPLICANT/OWNER	Rocky Point Road Development Pty Ltd – c/o Ethos Urban
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No.55 – Remediation of Land ○ State Environmental Planning Policy No.65 – Design Quality of a Residential Apartment Development ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (BASIX) 2005 ○ State Environmental Planning Policy (Major Developments) 2005 ○ Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment ○ Civil Aviation (Building Control) regulations 1988 ○ Rockdale Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Rockdale Development Control Plan 2011 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 20 November 2017 • Clause 4.6 variation request • Written submissions during public exhibition: 14 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Chris Ferriera, Simon Parsons, Ben Craig, Jeremy Hung

8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection and briefing meeting: 23 March 2017 • Final briefing meeting to discuss council's recommendation, 28 November 2017, 10.15am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Maria Atkinson (Chair), Sue Francis, John Roseth, Michael Nagi, Ed McDougall ○ <u>Council assessment staff</u>: Pascal can de Walle, Luis Mellim, Fiona Prodromou
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report