

DETERMINATION AND STATEMENT OF REASONS
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Thursday 13 September 2018
PANEL MEMBERS	Carl Scully (Chair), Susan Budd, Clare Brown, Ed McDougall, Joe Awada
APOLOGIES	Michael Nagi
DECLARATIONS OF INTEREST	Sue Francis and John Roseth declared a non-pecuniary conflict of interest as David Furlong, a previous panel member who worked closely with Sue and John for several years, was a consultant planner for the applicant when the application was initially submitted to council. To avoid any perceived conflict Sue and John did not participate in the matter.

Public meeting held at Rockdale Civic Centre, 444-446 Princes Highway Rockdale on 13 September 2018, opened at 5.15pm and closed at 7pm.

MATTER DETERMINED

2017SCL005 – Bayside- DA2017/211 at 648-652 Princes Highway and 1-3 Ashton Street Rockdale (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 adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel unanimously approved the application for the following reasons:

- The Panel notes that the proposal will result increased overshadowing on adjoining properties however, the overshadowing results from compliant envelope as permitted under the Rockdale Local Environmental Plan 2011 and the Rockdale Development Control Plan 2011. This is unavoidable and is as a result of the interface between a mixed use and low density residential zone without any transition.
- The Panel accepts the written clause 4.6 variation request is well founded and finds the non-compliance is minor and will result in no unacceptable environmental impact. The Panel considers that there are sufficient environmental grounds to allow the variation and that to do so is in the public interest, and that compliance with the development standard would be unreasonable or unnecessary in this instance.

Further the Panel notes, that this increase will not result in any additional overshadowing or view loss to adjoining properties.

- The design of the building will result in an acceptable level of amenity for future residents.
- The design reflected in the amended drawings and the proposed conditions appropriate address concerns raised by submitters in relation to visual or aural privacy.



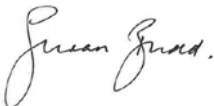


CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Condition 10(i) to be amended to read as follows:
An acoustic glazed privacy screen to be installed to a minimum height of 500mm above the planter box at the eastern edge of the communal open space (at level 4).
- Condition 10(k) to be amended to read as follows:
The provision of screened areas to one balcony of each apartment to provide an area where clothes may be dried but not viewed from the public domain or other apartments, with the exception of level six.
- Condition 20 to be amended to delete the words “one each block” from the table in the condition relation to the car wash bay.
- Condition 36 to be amended by the deletion of all words after “construction certificate” in the third sentence.
- Condition 45 to be amended to read as follows:
Prior to the issue of any construction certificate, approval from the utility provider is required for works to existing utilities within the road reserve fronting the site.
- Condition 46 to be amended to fix the grammatical inconsistencies.
- Condition 53 is deleted due to being a duplication of condition 45.
- New Conditions inserted immediately prior condition 56 to read as follows:

Prior to commencement of works hazardous material survey shall be carried out on the subject site and suitably qualified environmental consultant and recommendations of the report must be implemented.
- New Conditions inserted immediately prior condition 67 to read as follows:
Testing and classification of material removed from the site must occur prior to disposal of the material. The material must be disposed of an EPA approved site in accordance with its classification.
- Condition 89 deleted due to being a duplication of condition 101.

- Condition 101 to be amended to refer to the Acoustic Report reference number 2013-238 rev 2, dated 20 July 2017.
- Conditions 102 to 114 to be amended to clearly identify advisory notes and conditions.

PANEL MEMBERS	
 Carl Scully (Chair)	 Susan Budd
 Clare Brown	 Ed McDougall
 Joe Awada	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SCL005 – Bayside- DA2017/211
2	PROPOSED DEVELOPMENT	Integrated development – demolition of existing structures and construction of a seven storey mixed use development comprising 61 residential apartments (including 22 affordable dwellings), three commercial units and basement parking for 83 vehicles.
3	STREET ADDRESS	648-652 Princes Highway and 1-3 Ashton Street Rockdale
4	APPLICANT/OWNER	Applicant: Architecture and Building Works Pty Ltd Owner: Dr Meuhat Fany Guirgis, Dr Sara Samy Guirgis, Mrs Ahsaan Oussa Hanna and Mr Rifaat Gergis Hanna
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 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 State Environmental Planning Policy No.65 State Environmental Planning Policy (Affordable Rental Housing) State Environmental Planning Policy (Infrastructure) State Environmental Planning Policy (BASIX) State Environmental Planning Policy (Vegetation) Sydney Regional Environmental Plan No.2 (Deemed SEPP) 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 [or enter the clauses if relevant] 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: 4 September 2018 Written submissions during public exhibition: 28 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In objection: Richard Morton, Hilary Pearce On behalf of the applicant: Jim Apostolou
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: Site inspection: 13 September 2018 Final briefing to discuss council's recommendation, 13 September 2018 at 4.40pm. Attendees: <ul style="list-style-type: none"> Panel members: Carl Scully (Chair), Susan Budd, Clare Brown, Joe Awada, Ed McDougall Council assessment staff: Ben Latta, Luis Mellim, Kerry Gordon (consultant planner for council)
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report