

DATE OF DETERMINATION	5 September 2022
DATE OF PANEL DECISION	5 September 2022
DATE OF PANEL MEETING	1 September 2-22
PANEL MEMBERS	Jan Murrell (Chair), Chris Wilson, Stuart McDonald
APOLOGIES	Carl Scully was an apology and Councillors Nagi and McDougall declared a conflict of interest as they had previously voted on a matter relating to the site in October 2021.
DECLARATIONS OF INTEREST	Nil

Public meeting held Public Teleconference on 1 September 2022, opened at 2.30pm and closed at 3pm.

Papers circulated electronically on 22 August 2022.

MATTER DETERMINED

PPSSEC-108 - Bayside Council - DA-2020/391, demolition of existing buildings and construction of part 10 and 12 storey mixed use building, comprising 101 residential units, 453sq/m ground level commercial floor area, 4 basement levels and a Planning Agreement (to be executed) for the dedication of land along the Lister Avenue frontage for the purposes of local road widening, 588-592 Princes Highway 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 briefings and the matters listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of the written request from the applicant, made under cl. 4.6 (3) of the Bayside Local Environmental Plan 2021 (LEP), the Panel is satisfied it has demonstrated that:

- compliance with cl. 4.3 (development standard) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is also satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl. 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 (development standard) of the LEP and the objectives for development in the B4- Mixed Use zone; and
- the concurrence of the Secretary has been assumed.

Development application

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 determined to approve the application for the reasons outlined in the Council Officer's Assessment Report. The Panel notes a correction is required to that part of the report under the heading 4.15.1(c) as there is a need to delete the sentence that makes reference to site contamination as this has been addressed with the necessary expert studies as stated in Council's AR in both the Executive Summary and the Statutory Consideration section of the report. The Panel is satisfied that the contamination issue has been addressed and the site can be made suitable for its intended purpose as required by "*State Environmental Planning Policy (Planning Systems) 2021*".

The Panel is also satisfied that the development demonstrates design excellence noting the design competition process undertaken and referral to the Council's Design Excellence Panel and the subsequent design response.

The Panel notes the design, massing and setbacks of the building are consistent with the desired future character of the Rockdale Town Centre and do not create unreasonable overshadowing or environmental impacts. The Panel notes the widening and embellishment of the footpath to Lister Avenue provides public benefits.

CONDITIONS

The Development Application was approved subject to conditions in the Council Officer's assessment report with the following conditions to be amended as follows:

1. The deletion of Conditions 21(f), 30 and 108.
2. The correction of Condition 47 to include the word 'not'.
3. Condition 119(d) to be corrected to delete the reference to 'deferred commencement condition'.
4. Integrated Development and External Authorities heading to be updated and corrected to refer to section 4.46, rather than section 91(a).

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition. Submitters were invited to address the Panel, however no person/s elected to speak.




The Panel notes that issues of concern raised in written submissions included:

- Excessive bulk & scale / overdevelopment
- Height of building
- Traffic flow impacts and safety at intersection of Lister Ave & Princes Highway
- Car Parking
- Privacy to 1A Lister Avenue
- Illegally dumped rubbish
- Overshadowing and loss of natural light to properties in 555 Princess Highway
- Overshadowing to 1A Lister Avenue units
- Overcrowding / Congestion / No new green spaces
- Electricity demands fail in locality i.e., black outs / Excessive noise & vehicle emissions
- Blocked views from 555 Princes Highway
- Demolition / excavation would adversely impact the basement and building on 1A Lister Avenue / Concern regarding foundation issues i.e., Mascot Towers
- Wind tunnel effects in Lister Avenue making communal areas at 1A Lister unable to be used.
- Oversupply of commercial spaces in town centre, these will remain empty
- Devaluation of property, and
- Craighburn is an iconic building on the site and should be preserved

The Panel considers concerns raised by the community have been adequately addressed in the Assessment Report and where appropriate conditions of consent recommended and imposed. The Panel is satisfied there are no outstanding issues that require further assessment.

All relevant planning matters have been addressed, all preconditions to the grant of consent have been met, and the development is in the public interest noting the delivery of public domain improvements.

In conclusion the Panel has determined the application warrants approval.

PANEL MEMBERS	
 Jan Murrell (Chair)	 Stuart McDonald
 Chris Wilson	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-108 - Bayside Council - DA-2020/391
2	PROPOSED DEVELOPMENT	Demolition of existing buildings and construction of part 10 and 12 storey mixed use building, comprising 101 residential units, 453sq/m ground level commercial floor area, 4 basement levels and Planning Agreement for the dedication of land along the Lister Avenue frontage for the purposes of local road widening.
3	STREET ADDRESS	588-592 Princes Highway Rockdale
4	APPLICANT/OWNER	Moweno Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	CIV over \$30million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> S4.46 – Integrated Development Environmental Planning & Assessment Regulation 2000 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development State Environmental Planning Policy (Transport and Infrastructure) 2021 Rockdale LEP 2021 Draft environmental planning instruments: <ul style="list-style-type: none"> Draft Planning Proposal - Rockdale Town Centre (PP-2021-3892) Draft Local Character Clause Development control plans: <ul style="list-style-type: none"> Rockdale DCP 2011 Planning agreements: S7.4 - Planning Agreements Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i> 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: August 2022 Written submissions during public exhibition: 12

		<ul style="list-style-type: none"> • Verbal submissions at the public meeting: Nil • Council assessment officer – Fiona Prodromou, Chris Mackey • On behalf of the applicant – Greg Dowling, Simon Mather, Erin Owen
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Council Briefing: 5 May 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Chris Wilson ○ <u>Council assessment staff</u>: Fiona Prodromou, Chris Mackey • Council Briefing: 25 February 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan, Michael Nagi ○ <u>Council assessment staff</u>: Fiona Prodromou, Chris Mackey, Luis Melim • Site inspection: Site inspections have been curtailed due to COVID-19. Where relevant, Panel members undertook site inspection individually. • Final briefing to discuss council's recommendation: 1 September 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Jan Murrell, Stuart McDonald, Chris Wilson ○ <u>Council assessment staff</u>: Fiona Prodromou, Chris Mackey
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report