

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	26 April 2022
DATE OF PANEL DECISION	21 April 2022
DATE OF PANEL MEETING	21 April 2022
PANEL MEMBERS	Jan Murrell (Chair), Chris Wilson, John Brockhoff, Ed McDougall, Michael Nagi
APOLOGIES	Carl Scully
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 21 April 2022, opened at 9.36am and closed at 10.10am.
Papers circulated electronically on 11 April 2022.

MATTER DETERMINED

PPSSEC-159 - Bayside – DA-2021/507, 6-12 Dalley Avenue & 212 Banksia Street, Pagewood, demolition of all structures, tree removal, and construction of a part two storey and part three storey Seniors Housing development comprising 33 units and basement car parking for 16 vehicles, associated landscaping and land consolidation (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.

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 final plans before the Panel include amendments that have been made to respond to earlier concerns of Council.

CONDITIONS

The Development Application was approved subject to one minor change to Condition 67 agreed to by the Applicant and Council at the meeting.

Condition 67 SEPP (Housing for Seniors) 2004 to read as follows –

The approved Seniors Housing development must not be operated or managed by any other entity than a social housing provider as defined in the SEPP.

The Panel notes all other conditions are as contained in the final conditions dated 19 April 2022 that had previously been agreed to by NSW Land and Housing Corporation.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions, made during the public exhibition, and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:


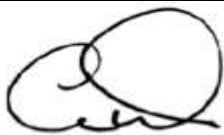
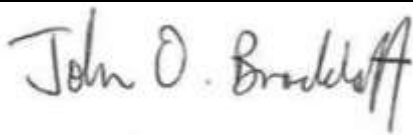


- Privacy,
- Overshadowing,
- Insufficient amount of car parking,

- Additional traffic generation,
- Impact for on-street parking availability,
- Property de-valuation,
- Visual impact on the streetscape and inappropriate scale,
- Waste management,
- Bus services for residents of the development.

The Panel considers concerns raised by the community have been adequately addressed in the Assessment Report and by the applicant at the public meeting in response to issues raised. The Panel is satisfied there are no outstanding issues that require assessment.

All relevant planning matters have been addressed and the development is considered to be in the public interest as it will provide much needed accommodation for seniors of the Bayside Local Government area and surrounding suburbs, where there is a waiting list of some 1,000 for accommodation.

In conclusion the Panel has determined the application warrants approval and the built form will sit appropriately in its context. The retention of trees and further canopy trees to be planted is also a positive benefit for the neighbourhood and the future residents.

PANEL MEMBERS	
 Jan Murrell (Chair)	 Chris Wilson
 John Brockhoff	 Ed McDougall
 Michael Nagi	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-159 - Bayside – DA-2021/507
2	PROPOSED DEVELOPMENT	Demolition of all structures, tree removal, and construction of a part two storey and part three storey Seniors Housing development comprising 33 units and basement car parking for 16 vehicles, associated landscaping and land consolidation
3	STREET ADDRESS	6-12 Dalley Avenue & 212 Banksia Street, Pagewood
4	APPLICANT/OWNER	NSW Land and Housing Corporation
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (BASIX) 2004 State Environmental Planning Policy (Biodiversity and Conservation) 200 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy – Housing for Seniors with a Disability 2004 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development Bayside Local Environmental Plan 2021 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Botany Bay Development Control Plan 2013 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Clause 92 – Regulations 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 April 2022 Bayside Local Environmental Plan 2021 Development Standard – Floor Space Ratio Zone – R2 Low Density Residential Final agreed conditions of consent dated 19 April 2022 Written submissions during public exhibition: 18 Verbal submissions at the public meeting:

		<ul style="list-style-type: none"> ○ Denise Parker, Mary Gatsis ○ Council assessment officer - Patrick Nash, Marta Gonzalez-Valdes, Luis Melim ○ On behalf of the applicant – Daniel Lincoln, Ambrose Marquart, Belinda McHarg, John Andreas <ul style="list-style-type: none"> ● Total number of unique submissions received by way of objection: 16
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> ● Kick off briefing: 11 November 2021 ● Briefing: 24 February 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Jan Murrell (Chair), Michael Nagi, Ed McDougall, John Brockhoff, Chris Wilson ○ <u>Council assessment staff</u>: Patrick Nash, Luis Melim, Marta Gonzalez-Valdes ○ <u>Applicant</u>: John Andreas, Gimhane Herath, Belinda McHarg, Ambrose Marquart, Kristie Vaughan, Carolyn Howell ● 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: 21 April 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: [Chair name] (Chair), [Panel Member], [Panel Member], [Panel Member], [Panel Member] ○ <u>Panel members</u>: Jan Murrell (Chair), Michael Nagi, Ed McDougall, John Brockhoff, Chris Wilson ○ <u>Council assessment staff</u>: Patrick Nash, Luis Melim, Marta Gonzalez-Valdes
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report