

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	4 June 2020
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, Roberta Ryan, Ed McDougall
APOLOGIES	None
DECLARATIONS OF INTEREST	Michael Nagi indicated that he had attended discussions on the Voluntary Planning Agreement for the site. Councillor Nagi advised the Panel that he believed that was a conflict of interest, and did not participate in the Panel for deliberation or a decision for this matter.

Public meeting held via Microsoft Teams on 4 June 2020, opened at 10.10am and closed at 10.45am.

MATTER DETERMINED

PPSSEC-27 – Bayside - DA-2016/241/C - 15-21 Bay Street, 1-11 Chapel Street, 1-3 Chapel Lane & 6-12 Lister Avenue, 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 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.

Development application

The panel determined to approve the development application pursuant to section 4.56 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

- The Panel is satisfied that the application can be dealt with as a modification to the original consent and the other requirements of Clause 4.56 of the EP&A Act have been met.
- The Panel agrees that the built outcome is superior to the original plans in terms of an assessment against the SEPP65 and the Apartment Design Guidelines.
- The Panel notes that the Design Excellence Panel considers the modification an improved urban design outcome and supported the change in materials. The Panel also notes Condition 18 requires sample boards of materials, colours and finishes to be submitted to Council for the approval of the Director of City Futures, prior to the issue of any construction certificate.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendment.

- The landscape plan is to be amended to make provision for outside communal clothes drying areas to be appropriately screened.





CONSIDERATION OF COMMUNITY VIEWS

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

- Issues related to the increase in number of apartments and traffic impact
- Increase in building height

- Construction noise and cumulative impact of increasing development

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The panel notes that in addressing these issues, appropriate conditions have been imposed.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 Roberta Ryan	 Ed McDougall

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-27 – Bayside - DA-2016/241/C
2	PROPOSED DEVELOPMENT	S4.56 Modification Application seeking modification to approved development (Building A & B), being redesign of floor plan, modifications of façades, landscaping, increase number of apartments by 17, change of dwelling mix, 24 additional car spaces, increase overall height.
3	STREET ADDRESS	15-21 Bay Street, 1-11 Chapel Street, 1-3 Chapel Lane & 6-12 Lister Avenue, Rockdale
4	APPLICANT/OWNER	Combined Projects (Rockdale) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Council related development 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 – Remediation of Land ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) ○ State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development ○ 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: 22 May 2020 • Written submissions during public exhibition: 6 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Council assessment officer – Joe Vescio – JV Urban Pty Ltd, Marta Gonzalez-Valdes ○ On behalf of the applicant – Stephen Kerr, Fouad Deiry, Dan Szwaj
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 14 May 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Roberta Ryan, Michael Nagi, Ed McDougall ○ <u>Council assessment staff</u>: Marta Golzaes-Valdes, Joe Vascio • Site inspection: Due to Coronavirus precautions, the Panel visited the site independently, prior to 4 June 2020 • Final briefing to discuss council's recommendation, 4 June 2020, 9.30am Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u> Carl Scully (Chair), Jan Murrell, Roberta Ryan, Michael Nagi, Ed McDougall

		<ul style="list-style-type: none">○ Council assessment staff: Marta Golzales-Valdes, Joe Vascio
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report