

DATE OF DEFERRAL	27 November 2024
DATE OF PANEL MEETING	21 November 2024
PANEL MEMBERS	Carl Scully (Chair), Alice Spizzo, Susan Francis, Joe Awada and Michael Nagi
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held by teleconference on 21 November 2024, opened at 2.33pm and closed at 4.22pm.

MATTER DEFERRED

PPSSEC-308 - Bayside - DA-2023/370 - 277 The Grand Parade, Ramsgate Beach - Integrated Development - Demolition of existing structures, tree removal and construction of a mixed used development comprising of three (3) levels of basement car park, ground floor supermarket and retail premises and five (5) levels of residential comprising of 50 apartments (as described in Schedule 1).

REASONS FOR DEFERRAL

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

The Panel agreed to defer the determination of the matter until 28 March 2025. The Panel is not satisfied that the application has addressed the stormwater considerations as required by 5.21 and 6.3(2) of the Bayside Local Environmental Plan, 2021. Accordingly, the Panel is unable to approve the development application in its current form as a deferred commencement Consent.

The matter was deferred for the final time, to allow the provision of the following revised plans and supporting documents:

- Fully address the outstanding flooding issues raised by Council and ensure that an amended report and associated plans are in accordance with the Bayside Local Environmental Plan 2021, Bayside Development Control Plan (DCP) 2022 section 3.10 and section 9.5 and the NSW Government’s Floodplain Risk Management Manual 2023. In particular:
 - The flood report shall fully comply with Bayside DCP section 3.10 and section 9.5 (particularly section 9.5.4 of the Bayside DCP). Two-dimensional (2D) flood modelling shall be submitted demonstrating that the development will have less than or equal to 10mm impact (afflux) on surrounding properties (including the road reserve) in the 1% AEP flood event (including 1% AEP climate change and 1% Annual Exceedance Probability (AEP) sea level rise flood event) and, less than or equal to 50mm impact (afflux) in the Probable Maximum Flood (PMF) event. Existing flood hazard shall not be increased on surrounding properties (including the road reserve) because of the development for all flood events up to the PMF.
 - Accurate pre and post development 2D flood modelling demonstrating that the development complies with the abovementioned controls shall be submitted. It must be demonstrated through 2D flood modelling that any flood mitigation measure proposed will result in compliant flood afflux in the post development scenario for the 1% AEP and PMF flood events.
 - A full set of comprehensive internal civil engineering/stormwater plans is to be provided to Council’s satisfaction designed as per Bayside Technical Specification Stormwater Management including full details of the flood mitigation measures (coordinated with the flood report) as per Bayside DCP Section 3.10 and 9.5. The flood mitigation design is to be revised to the satisfaction of Council. The design shall provide sufficient inlet capacity to drain the flood water and discharge to

Council drainage system via gravity. Details including sections and plans to be provided to demonstrate the flood mitigation measure can discharge via gravity. The use of pumps will not be supported to discharge flood waters.

The decision to defer the matter was unanimous.

ACTIONS

To allow for the progression of the Development Application to determination, the Panel directed that:

1. The Applicant and their engineering experts and Council staff shall meet within 2 weeks within of this decision to resolve the outstanding flooding and stormwater issues so that the flood modelling can commence as soon as possible.
2. The Applicant shall provide the required information and upload all documentation to the Planning Portal by 28 March 2025.
3. Council is requested to provide an addendum assessment report responding to the matters above, which is to be uploaded to the Planning Portal within 4 weeks of the upload of the Applicants required information to the Planning Portal.
4. When the updated assessment report is received the Panel will determine the application by way of electronic determination.

If the outstanding information is not provided by 28 March 2025 the Panel may move to determine the DA based on the information currently at hand.

PANEL MEMBERS	
 Carl Scully	 Alice Spizzo
 Susan Francis	 Joe Awada
 Michael Nagi	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-308 - Bayside - DA-2023/370
2	PROPOSED DEVELOPMENT	Integrated Development - Demolition of existing structures, tree removal and construction of a mixed used development comprising of three (3) levels of basement car park, ground floor supermarket and retail premises and five (5) levels of residential comprising of 50 apartments
3	STREET ADDRESS	277 The Grand Parade, Ramsgate Beach
4	APPLICANT/OWNER	Mr Richard Cridland Moside Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
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 (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Sustainable Buildings) 2022 ○ State Environmental Planning Policy (Housing) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Bayside Local Environmental Plan 2021 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Bayside Development Control Plan 2022 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</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: 25 October 2024 • Clause 4.6 variation: S.4.3 (Height of Buildings) • Written submissions during public exhibition: 30 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Yveline Piller, Alexander Padilla Rosas, Stephen Davies, Petrona Carmen Sanchez, Lisa Owens ○ On behalf of the applicant – Jeff Mead, Aleksandar Vasiloki, Billy Adzioski, Ciaran Goodman ○ Council assessment officer – Christopher Thompson, Felicity Eberhart, Luis Melim • Total number of unique submissions received by way of objection: 30
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 9 April 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe and Joe Awada ○ <u>Council assessment staff</u>: Felicity Eberhart, Luis Melim and Marta Gonzalez-Valdes

		<ul style="list-style-type: none"> ○ <u>Department staff:</u> Carolyn Hunt and Lisa Ellis ● Briefing: 10 September 2024 <ul style="list-style-type: none"> ○ <u>Panel members:</u> Carl Scully (Chair), Alice Spizzo and Joe Awada ○ <u>Council assessment staff:</u> Felicity Eberhart, Luis Melim and Marta Gonzalez-Valdes ○ <u>Applicant representatives:</u> Elizabeth Carpenter, Katherine Tracey, Ciaran Goodman, Jordan Green and Jeff Mead ○ <u>Department staff:</u> Carolyn Hunt and Lisa Ellis ● Site inspection: 21 November 2024 <ul style="list-style-type: none"> ○ <u>Panel members:</u> Carl Scully (Chair), Alice Spizzo, Susan Francis, Joe Awada and Michael Nagi ○ <u>Council assessment staff:</u> Felicity Eberhart, Luis Melim, Marta Gonzalez-Valdes, Christopher Thompson and Atef Syed ● Final briefing to discuss Council’s recommendation: 21 November 2024 <ul style="list-style-type: none"> ○ <u>Panel members:</u> Carl Scully (Chair), Alice Spizzo, Susan Francis, Joe Awada and Michael Nagi ○ <u>Council assessment staff:</u> Felicity Eberhart, Luis Melim, Marta Gonzalez-Valdes, Christopher Thompson and Atef Syed ○ <u>Department staff:</u> Carolyn Hunt
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the Council Assessment Report