

**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	3 February 2025
<b>DATE OF PANEL DECISION</b>	31 January 2025
<b>DATE OF PANEL BRIEFING</b>	29 January 2025
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Alice Spizzo, Susan Francis, Joe Awada and Michael Nagi
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Papers circulated electronically on 22 January 2025.

**MATTER DETERMINED**

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).

**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 inspection listed at item 8 in Schedule 1.

**Application to vary a development standard**

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

- compliance with cl. 4.3 (Height of Buildings) is unreasonable or unnecessary in the circumstances because the proposal is consistent with the objectives of the development standard; and
- there are sufficient environmental planning grounds to justify contravening the development standard as the uses are appropriate for the site, massing has been redistributed away from affected neighbours, the site is designed to ensure an orderly economic use of land, a public benefit is achieved by providing a supermarket and issues of flood-affectation requiring a free board provides a reasonable basis for the height variation sought.

**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 uphold the Clause 4.6 variation to building height and approve the application for the reasons outlined in the Council's Assessment and Supplementary Assessment Reports.

The application has satisfied the Panel as to its impact, specifically in relation to flooding which resulted in an earlier deferral of the matter. The matters of that deferral have now been addressed.

**CONDITIONS**

The Development Application was approved subject to the conditions in the Council's Supplementary Assessment Report with the following amendments:

- Delete Deferred Commencement Condition A
- Insert new Condition 42 which reads as follows and renumber the remaining conditions accordingly:

**Traffic Committee Approval**

Prior to the issue of any Construction Certificate, a public domain civil design prepared by a qualified civil engineer shall be submitted to the Local Traffic Committee for endorsement and approved at the Bayside Council Meeting of the elected representatives. The civil design plans shall detail the changes required to the Council carpark and Ramsgate Road to facilitate the development. The public domain civil design plans shall be generally in accordance with public domain plans prepared by C & M consulting engineers, drawing numbers 02990\_201 & 02990\_801, revision 01, dated 16/10/2024 and be updated to address the following matters:

- A signage and line marking plan shall be submitted. All existing and proposed signage/line marking in the Council car park and Ramsgate Road shall be clearly detailed. The signage shall be as per Australian standards (AS1742) and Council/TfNSW requirements.
- The development's widened driveway requires changes to the bus stop on Ramsgate Road. The changes to the bus stop length and associated signage/line marking shall be shown and require endorsement from TfNSW and the local bus operator. Furthermore, the design of the car park must allow for a 12.5m long HRV to exit the Council car park onto Ramsgate Road whilst passing a bus parked in the bus stop and a vehicle entering the Council car park with no conflicts. Swept path analysis prepared in accordance with AS2890.2 shall be submitted demonstrating this. If the Ramsgate Road bus stop length cannot be reduced, then modifications to the Council car park and building driveway are necessary.
- The wider driveway proposed for the building requires the deletion of an existing pedestrian crossing point. This pedestrian crossing point facilitates the movement of pedestrians from the bus stop on Ramsgate Road, through the car park, to the footpath adjacent to the shops. This pedestrian crossing point shall be relocated west to a suitable location that does not conflict with any existing driveways. The crossing point shall be designed to be indented in a similar design as the existing crossing point to minimise the crossing distance for pedestrians.
- A supplementary report prepared by a suitably qualified traffic engineer that details the traffic flows through the revised Council car park design. The interaction of traffic flows at the intersection of the building driveway and the Council car park circulation roadway and, the interaction of traffic flows at the intersection of the Council car park circulation roadway and Ramsgate Road shall be addressed to determine which traffic flows are given priority. This shall be reflected in the civil design and signage/line marking plans with appropriate traffic yield signage provided (giveaway/stop).
- Swept path analysis of a B99 vehicle in the Council car park turning bay and at the intersection of the Council car park circulation roadway with both Ramsgate Road and the development's driveway shall be submitted.

**REASON**

*To ensure that public domain works are designed and constructed in accordance with relevant requirements and standards.*






- Amend now Condition 142(g) Roads Act/Public Domain Works (former Condition 141(g)), to read as follows:
  - (g) The required civil works, signage, line marking, landscaping, lighting etc. on Ramsgate Road and the Council carpark to facilitate the development shall be constructed to the satisfaction of Bayside Council. All works detailed in the approved civil design plans approved in condition 42 of this development consent shall be constructed by the applicant.

## 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:

- Property damage during construction/structural movement/need for dilapidation reports/insurance cover/other construction impacts/monitoring put in place for soil movement
- Aquifer/Geotechnical peer review commissioned by southern neighbours (Morrow Geotechnics)/Adopt the recommendations in the Morrow Geotechnics report Excessive excavation/three (3) basement proposed
- Unsightly southern wall/Inadequate setbacks/DCP non-compliance to ground floor/visual impacts
- Overlooking and loss of privacy to the residents to the south of the subject site/Setback to comply with the 9m requirements
- Overshadowing/loss of skyline
- Noise from bar/Noise and Disturbance/Security and safety/anti-social behaviour/Developer fully encloses the Food and Beverage
- The removal of existing structures and trees should be balanced with enhancements to local greenery and public spaces
- Traffic, parking and loading
- Flooding
- Pressure on infrastructure
- Entrance to retail space(s) to be moved to Ramsgate Road
- Access and pedestrian comfort for supermarket entry/Crowded pedestrian entry to retail and bus stop on Grand Parade/Design of the bus stop/Review shelter and safety of access for the bus stop on Grand Parade
- Loss of Ramsgate Beach village low rise charm and character/turning area into a high-rise development/Overdevelopment
- Breaches FSR development standard
- Breaches Height development standard/sets a precedent
- Waste Management/Traffic from Waste Collection/Order and Vermin Controls
- Heritage
- Accessibility and inclusivity
- Incorporating sustainable design principles and community amenities can contribute positively to the neighbourhood's social and environmental fabric
- Wind
- Loss of view to low density development
- Access for Emergency vehicles
- Vegetation not to drop leaves
- Lack of acknowledgement to true custodians of the land
- Demolition of a boundary wall
- Construction noise
- Underpinning location
- Asbestos
- Insufficient time to make a submission during re-notification
- No affordable housing included
- Loss of income/property value/need for compensation
- Developer cover the cost of soundproof windows
- Developer finds the cost of installation of 2 large skylights in unit 31, 32 NS 33 and the extension of existing south facing windows for unit 33
- Developer to reimbursement the cost of geotechnical reports to cover DA submissions
- Developer to ensure that a secure fence be maintained
- Developer to cover the cost of lighting neighbouring property to ensure no rubbish is places in the front yards of the south adjoining neighbours
- CCTV cameras to be place at the southeast corner of the building

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)	 Susan Francis
 Alice Spizzo	 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"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>State Environmental Planning Policy (Housing) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>Bayside Local Environmental Plan 2021</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Bayside Development Control Plan 2022</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Assessment Report: 25 October 2024</li> <li>Council Supplementary Assessment Report: 22 January 2025</li> <li>Clause 4.6 variation: S.4.3 (Height of Buildings)</li> <li>Written submissions during public exhibition: 30</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>Yveline Piller, Alexander Padilla Rosas, Stephen Davies, Petrona Carmen Sanchez, Lisa Owens</li> <li>On behalf of the applicant – Jeff Mead, Aleksandar Vasiloki, Billy Adzioski, Ciaran Goodman</li> <li>Council assessment officer – Christopher Thompson, Felicity Eberhart, Luis Melim</li> </ul> </li> <li>Total number of unique submissions received by way of objection: 30</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 9 April 2024 <ul style="list-style-type: none"> <li><u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe and Joe Awada</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ <u>Council assessment staff</u>: Felicity Eberhart, Luis Melim and Marta Gonzalez-Valdes</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis</li> </ul> <ul style="list-style-type: none"> <li>● Briefing: 10 September 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo and Joe Awada</li> <li>○ <u>Council assessment staff</u>: Felicity Eberhart, Luis Melim and Marta Gonzalez-Valdes</li> <li>○ <u>Applicant representatives</u>: Elizabeth Carpenter, Katherine Tracey, Ciaran Goodman, Jordan Green and Jeff Mead</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis</li> </ul> </li> <li>● Site inspection: 21 November 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Francis, Joe Awada and Michael Nagi</li> <li>○ <u>Council assessment staff</u>: Felicity Eberhart, Luis Melim, Marta Gonzalez-Valdes, Christopher Thompson and Atef Syed</li> </ul> </li> <li>● Briefing to discuss Council's recommendation: 21 November 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Francis, Joe Awada and Michael Nagi</li> <li>○ <u>Council assessment staff</u>: Felicity Eberhart, Luis Melim, Marta Gonzalez-Valdes, Christopher Thompson and Atef Syed</li> <li>○ <u>Department staff</u>: Carolyn Hunt</li> </ul> </li> <li>● Briefing: 29 January 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Francis, Joe Awada and Michael Nagi</li> <li>○ <u>Council assessment staff</u>: Felicity Eberhart, Luis Melim, Christopher Thompson and Atef Syed</li> <li>○ <u>Applicant representatives</u>: Elizabeth Carpenter, Ciaran Goodman, Jordan Green and Sophie Perry</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis</li> </ul> </li> <li>● Final briefing to discuss Council's recommendation: 29 January 2025 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Francis, Joe Awada and Michael Nagi</li> <li>○ <u>Council assessment staff</u>: Felicity Eberhart, Luis Melim, Christopher Thompson and Atef Syed</li> <li>○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council's Supplementary Assessment Report