

DATE OF DETERMINATION	10 December 2020
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, Roberta Ryan, Ed McDougall, Michael Nagi
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated on 30 November 2020.

MATTER DETERMINED

PPSEC-34 – Bayside – DA 2020/12 at 17-35 King Street, 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.

Development application

The Panel determined to refuse 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 refuse the application for the reasons outlined in the council assessment report.

- The Panel endorses the council officer's report and recommendation for refusal, subject to the deleting of reason 6 that required the retention of the significant tree.
- The Panel considers that the tree may be removed to provide the opportunity for a well resolved design having regard to its context. At the same time the tree removal will need to be compensated by a development that includes vegetation and canopy trees where appropriate in setbacks.
- The Panel does not regard this as a gateway site and it is important that it provides for a built form that respects the transition to the low-density zone.
- The Panel considers the development as shown in the plans is an overdevelopment and the urban design outcome does not warrant approval. In the absence of a floor space ratio control the significance of council's guidelines and controls in terms of setbacks and the ADG requirements need to be satisfied.
- At the same time the Panel encourages the applicant to continue the dialogue with council officers in amending the plans to overcome the issues identified and that this be the subject of a review under Section 8.2 of the Act and further comments from the Design Review Panel. The Panel also considers further interaction with the applicant prior to formal determination would assist the process.

CONDITIONS






Not applicable.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The panel notes that issues of concern included:

- Design Excellence
- Building setbacks and separation
- Tree removal
- Solar access/overshadowing
- Proposed construction staging
- Bulk and scale
- Built form relationship with neighbouring development
- Apartment layouts

The Panel considers that concerns raised by the community have been addressed in the assessment report.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSEC-34 – Bayside – DA 2020/12
2	PROPOSED DEVELOPMENT	Integrated Development – Demolition of existing buildings and construction of an eleven (11) storey mixed use development consisting of 133 apartments, six (6) commercial tenancies and basement car parking with access via Crofts Lane.
3	STREET ADDRESS	17-35 King Street, Rockdale
4	APPLICANT/OWNER	Applicant: Zhinar Architects Owners: Baia Lara Pty Ltd, Bayrock Pty Ltd, Brigantine Pty Ltd, Juneyt Adem Cihan, Memduh Cihan, Catherine Margaret Cross, Madlen Pty Ltd, Niagra View Pty Ltd, Stephen Grant Sharpe, Peter Man Leung Tam, Virginia Anne Thompson
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental Planning & Assessment Act 1979, Part 4 – Development Assessment & Schedule 7 of the SEPP- State and Regional Development 2011 which regional panels may be authorised to exercise consent authority functions of councils • Environmental planning instruments: <ul style="list-style-type: none"> ○ Environmental Planning & Assessment Regulation 2000, Part 6 – Procedures relating to Development Applications ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ○ Sydney Regional Environmental Plan XXX (Deemed SEPP) ○ Rockdale Local Environmental Plan 2011 ○ Draft Bayside Local Environmental Plan 2020 • 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: 30 November 2020 • Written submissions during public exhibition: 4
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 2 September 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Roberta Ryan, Michael Nagi ○ <u>Council assessment staff</u>: Patrick Nash, Marta Gonzalez-Valdes, Luis Melim

		<ul style="list-style-type: none"> • Site inspection: Due to corona virus precautions the Panel visited the site independently, prior to 10 December 2020 • Final briefing to discuss council's recommendation: 10 December 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Roberta Ryan, Jan Murrell, Ed McDougall, Michael Nagi ○ <u>Council assessment staff</u>: Patrick Nash, Marta Gonzalez-Valdes ○ <u>Applicant representatives</u>: Ian Conry, Benjamin Black, Peter Smith, Memduh Cihan
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not supplied