

SUPPLEMENTARY COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSEC-6
DA Number	DA-2019/286
LGA	BAYSIDE
Proposed Development	Demolition of existing building and two bowling greens and erection of a two storey registered club, with associated car parking and refurbishment of bowling green.
Street Address	72 Laycock Street, Bexley North, NSW 2207
Applicant/ Owner	Order of AHEPA NSW Incorporated/ Bayside Council
Date of DA Lodgement	14 August 2019
Number of Submissions	Thirty eight (38) submission to initial notification/seventy seven (77) submissions to second notification
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Cost of proposal \$7,437,436
List of all relevant s79C(1)(a) matters	<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 & 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 • Rockdale Local Environmental Plan 2011 • Rockdale Development Control Plan 2011
List all documents submitted with this report for the panel's consideration	Nil
Clause 4.6 Request	No
Summary of Key Submissions	<ul style="list-style-type: none"> • Unacceptable increase in intensity of use/change from daytime to night-time use • Inadequate parking provision/loss of on-street parking for residents • Excessive hours of use • Noise impact from patrons/loading/garbage • Shadow impact upon 70 Laycock Street • Privacy impact upon 70 Laycock Street • Inappropriate in the zone • Existing Use Rights abandoned • Inappropriate bulk and scale/out of character with the streetscape/inappropriate materials and design for residential area

	<ul style="list-style-type: none"> • Functions use is inappropriate in residential area
Report prepared by	Kerry Gordon - Town Planning Consultant
Report Date	1 October 2020

HISTORY

The Sydney Eastern City Planning Panel considered the assessment report at its meeting of 13 August 2020 where it deferred the application as follows.

MATTER DEFERRED

PPSSEC-6 – Bayside – DA2019/286 at 72 Laycock Street, Bexley North - Demolition of existing building and two bowling greens and erection of a two storey registered club, with associated car parking and refurbishment of bowling green.

REASONS FOR DEFERRAL

At the request of the applicant, the Panel has agreed to defer the determination of the matter to allow the applicant the opportunity to respond to issues in the assessment report.

In particular, as discussed at the meeting, the issues of greatest concern to the Panel relate to the intensity of the development and amended plans and documentation should include:

- *A reduction in the capacity of the building*
- *Reduced hours of operation*
- *Improved traffic management*
- *Acoustic amelioration requirements*
- *Reduction in the frequency of hired out function events*
- *Detailed plan of management including operation and security for the function room being provided by the applicant on an ongoing basis*
- *Details of a final concept plan, including any possible future stages or development*
- *Removal of the slab which should be included in any future development*
- *The use of the premises for the local community as opposed to a restricted access*

On submission of amended plans and supporting documentation, the application is to be referred to the Bayside Urban Design Review Panel.

The Panel was of the view that interactive meetings between the applicant and the assessing officer would be beneficial in reducing the number of outstanding issues when this matter returns for determination.

The Panel requested that the assessing consultant meet with the applicant within one week of this decision, and that after that meeting the applicant be given one further month to submit their detailed response and amended plans in suitable form for the consideration of the Bayside Urban Design Review Panel. This Panel is to be given an updated briefing within two months of today.

The Panel determined in due course it will need to hold another public meeting after an exhibition period.

The decision to defer the matter was Unanimous. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Subsequent to the determination, a meeting was arranged with the applicant for 20 August 2020 where the matters identified by the Panel were discussed, including the potential to reduce the capacity and hours of operation of the function component of the use.

The applicant was required to submit amended plans and information by 20 September in accordance with the deferral by the Panel. No amended plans or additional information have been submitted.

Accordingly, the application is returned to the Panel for its determination with the original recommendation as follows.

RECOMMENDATION

In view of the assessment contained within this report and the attached report, it is RECOMMENDED that the Sydney Eastern City Planning Panel (SECPP), exercising its function on behalf of Council as the consent authority, resolve to:

Refuse Development Application No. 2019/286 for the demolition of the existing building and two bowling greens and erection of a two storey club, with associated car parking and refurbishment of the bowling green at 72 Laycock Street, Bexley North for the following reasons:

1. The application should be refused as the intensity of the proposed functions use is such that the use is considered to be a separate use from a club use and not an ancillary use. As function centres are a prohibited use in the RE1 Public Recreation zone under the provisions of Rockdale Local Environmental Plan 2011 and the site does not have existing use rights for a function centre, part of the proposal is prohibited development.
2. The application should be refused as the operation of a function centre on the site is inconsistent with the objectives of the RE1 Public Recreation zone under the provisions of Rockdale Local Environmental Plan 2011 as it is not a compatible land use.
3. The application should be refused as the number of patrons and hours of use proposed represent an unacceptable intensification of the existing club use of the site and would result in an unacceptable impact upon the residential amenity of the surrounding area.
4. The application should be refused as it would have an unacceptable impact upon the streetscape of Laycock Street and Oliver Street due to the bulk and scale of the proposed building and the large concrete slab proposed over the car park.
5. The application should be refused as it proposes excessively long hours of use which are likely to result in unacceptable acoustic impacts upon the residential amenity of the area.
6. The application should be refused as the design of the development has not included appropriate noise mitigation measures to internalise noise from parking, loading and garbage storage and collection, resulting in the likely unacceptable acoustic impact upon the residential amenity of the area.
7. The application should be refused as it is not supported by an appropriate traffic and parking assessment that addresses the proposed use of the site as a function centre and

the provision of parking on the site is inadequate for a function centre use as proposed. Further, the traffic and parking assessment does not address sustainable transport options for the development.

8. The application should be refused as the loading area is located in an external position adjoining a residential property and requires trucks to either enter or exit in a reverse direction from a residential street, resulting in unacceptable noise and safety impacts upon the residential area.
9. The application should be refused as the site is flood prone and the application is not accompanied by an appropriate flood study showing the design of the building and basement parking is appropriate having regard to the Flood Planning Levels of the site.
10. The application should be refused as the length, height and location of the building in proximity to the adjoining residential property results in an unacceptable and unnecessary loss of solar access.
11. The application should be refused as the design of the building makes inadequate provision for the privacy of the adjoining dwelling, with the first floor kitchen window allowing overlooking of the adjoining residential property.
12. The application should be refused as the stormwater plans do not address water sensitive urban design criteria and contain inconsistencies with the landscape plan, providing a detention tank in the landscaped setback.
13. The application should be refused as the design makes inadequate provision for staff facilities.
14. The application should be refused as the site is not suitable for the proposed intensity of use and hours of use of the club and is not a suitable location for a function centre use.
15. The application should be refused as it is not in the public interest to approve the operation of a function centre or a club with extended hours of operation within a residential area.