

MINUTES

Bayside Local Planning Panel - Other Applications
held by audio-visual link
on **Thursday 16 December 2021** at **5:00 pm.**

Decisions outside the public meeting
in accordance with the Operational Procedures.

Present

Marcia Doheny, Chairperson
Robert Montgomery, Independent Expert Member
Larissa Ozog, Independent Expert Member
Amber O'Connell, Community Representative

Also Present

Clare Harley, Manager Strategic Planning
Cathryn Bush, Coordinator Governance
Josh Ford, Coordinator Strategic Planning
John McNally, Urban Planner - Strategic Planning

Deliberations commenced at 5:05 pm.

1 Acknowledgement of Country

Bayside Council respects the traditional custodians of the land, elders past, present and emerging, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Apologies

There were no apologies received.

3 Disclosures of Interest

There were no declarations of interest.

4 Minutes of Previous Meetings

There were no Minutes to confirm.

5 Reports – Planning Proposals

5.1 Planning Proposal - 187 Slade Road, Bexley North

Panel members have undertaken individual inspections of the site.

The following person spoke:

- Jeff Mead, planner, spoke to the officer's recommendation and responded to the Panel's questions.

The following people attended the meeting:

- David Waghorn, planner.
- Trevor Yang, applicant.

Panel Recommendation to Council

The Panel has considered the material presented in the officer's report and the various planning reports supplied by the proponent. The Panel also heard from the applicant's town planner.

The Panel recommends to Council that the planning proposal be referred to the Department of Planning Industry and Infrastructure for a Gateway Determination under s.3.34 of the *Environmental Planning and Assessment Act 1979*, subject to the following conditions being applied to the Gateway Determination:

1. Prior to commencing public exhibition of the planning proposal the applicant shall consult with Council to ascertain the appropriate building height limit and floor space ratio for the site based on urban design principles and compliance with the Apartment Design Guide.
2. A site-specific development control plan (DCP) shall be prepared by the applicant in consultation with the Council to demonstrate that the building envelopes resulting from the floor space ratio and height of buildings sought in the planning proposal are achievable on the site without being detrimental to local character, residential amenity and the potential future uses of Council's adjoining car park.
3. Without limiting the contents of the DCP, it should include elements of the urban design study submitted in support of the planning proposal as agreed by Council and requirements that:
 - a. the western building footprint be used for commercial floor space only; and
 - b. an appropriate interface and setback be provided to the existing public car parking area.
4. Consideration should be given to converting the proposed new central laneway (not the site through link) as an area of communal open space to be used by the

residential component of any future development and for that space to be safe, secure, well designed and to be of high quality and amenity.

5. The DCP should include pedestrian circulation in and around the site and sensitive and careful siting of the driveway access, potential 'back of house' operations, loading and unloading areas and general Hotel and pub operations that often impact on the amenity of adjoining properties. These activities should be considered in the DCP to provide greater certainty for any future design and minimize impacts.
6. The DCP should also provide for the eastern boundary to include deep soil areas (minimum of 2m wide), well landscaped areas with some larger canopy trees to soften the development and enhance the transition of the built form down to the lower scaled residential development to the east.
7. Consideration should be given to providing some commercial floor space and/or design apartments to include studies and home offices. Spaces should be flexible and adaptable.
8. A variety and mix of residential apartments is also encouraged.
9. To ensure and secure the proposed non-residential component of the development which comprises of some 1.41:1 of FSR, Council could consider amending Clause 6.17 of the Bayside LEP 2021 by highlighting certain controls and provisions which could be incorporated (as a minimum) for the future redevelopment of the site. This is at Council's discretion.
10. At the time of preparing the DCP consideration may be needed to the provisions of the Draft Place and Design State Environmental Planning Policy.
11. The planning proposal should include a provision that amends Bayside Local Environment Plan 2021 (BLEP 2021) to provide that both the active street frontage and design excellence clauses of LEP 2021 apply to the site.
12. The planning proposal should also include a provision that amends clause 6.16 of BLEP 2021 to add the subject site and the requirement that a development control plan be prepared for the site prior to any redevelopment.
13. The planning proposal and draft DCP should be exhibited concurrently.
14. Council should also consider negotiating the dedication of some affordable rental housing as part of the scheme.

Reasons for Panel Recommendation

- The Panel considers the proposal is consistent with a number of objectives and planning priorities of the Greater Sydney Region Plan and elements of the Eastern City District Plan. In particular, the proposal will advance the growth and revitalisation of an existing local centre identified in the Eastern City District Plan.
- The site is located in close proximity to mass transit and would therefore concentrate high density urban growth within a local centre adjacent to public transport corridors.

- After considering the likely environmental impacts of the proposal, the Panel is satisfied that it is suitable for being referred to the Department of Planning, Industry and Environment for a Gateway determination under s.3.34 of the *Environmental Planning and Assessment Act 1979*, subject to the imposition of conditions detailed above.
- Although the Panel is of the view that a development control plan should be prepared and exhibited in conjunction with the planning proposal, it is also strongly recommended that Clause 6.16 of the Bayside LEP 2021 be amended to include the site so that the LEP to include a requirement that a development control plan be prepared prior to the redevelopment of the site. Applying Clause 6.16 to the site will ensure that an overall strategic design approach will still be implemented in the event that a draft development control plan is not prepared prior to exhibition of the planning proposal.
- The Panel acknowledges the officer's concerns about progressing the proposal further in the absence of an overall strategic plan for the centre. However, the Panel considers that the need to revitalise this local centre and the consistency of the proposal with regional and district strategies justifies progression to Gateway Determination.
- In the absence of a masterplan or strategic planning and urban design work for the Local Centre as a whole, the development control plan will play an important role in advancing the potential for this spot rezoning to result in a high-quality development that sets a benchmark that may stimulate the renewal of the Centre as a whole.
- Without a development control plan and in the absence of strategic planning work for the locality, there is a significant risk that the planning proposal may result in a scale and/or form of development that inhibits the medium-term goal of a renewed local centre with a high degree of amenity.

5.2 Draft Planning Proposal - Deletion of Additional Permitted Uses 34 & 35 from Bayside Local Environmental Plan 2021

Panel members have undertaken individual inspections of the site.

Panel Recommendation to Council

- 1 The Bayside Local Planning Panel recommends to Council that pursuant to s3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) the draft Planning Proposal for the deletion of Items 34 and 35 of Schedule 1 (Additional Permitted Uses) of the Bayside Local Environmental Plan 2021 be submitted to the Department of Planning, Industry and Environment for a Gateway determination.
- 2 The Bayside Local Planning Panel recommends to Council that, should a Gateway Determination be issued, a further report be presented to Council following the public exhibition period to demonstrate compliance with the

Gateway determination, and to provide details of any submissions received throughout that process.

6 Reports – Development Applications

There were no development applications.

Closed deliberations concluded at 7:15 pm.

Certified as true and correct.

Marcia Doheny
Chairperson