

MINUTES

of a meeting of the
Bayside Local Planning Panel
held in the Committee Room, Botany Town Hall
Corner of Edward Street and Botany Road, Botany
on **Tuesday 12 March 2024** at **6:00 pm**

Present

Dr Gary Shiels, Chairperson
Peter Brennan, Independent Expert Member
David Epstein, Independent Expert Member
Katrina Blando, Community Representative

Also present

Luis Melim, Manager Development Services
Marta Gonzalez-Valdes, Coordinator Development Assessment
Angela Lazaridis, Senior Development Assessment Planner
Dawson Heperi, Customer Relationship Analyst

The Chairperson opened the meeting at 6:01pm..

1 Acknowledgement of Country

Bayside Council acknowledges the traditional custodians: the Gadigal and Bidjigal people of the Eora nation, and pays respects to Elders past, present and emerging. The people of the Eora nation, their spirits and ancestors will always remain with our waterways and the land, our Mother Earth.

2 Apologies

There were no apologies received.

3 Disclosures of Interest

There were no declarations of interest – refer to the attached declarations.

4 Minutes of Previous Meetings

4.1 Minutes of the Bayside Local Planning Panel Meeting - 12 December 2023

Decision

That the Bayside Local Planning Panel noted that the Minutes of the Bayside Local Planning Panel meeting held on 12 December 2023 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

5 Reports – Planning Proposals

Nil

6 Reports – Development Applications

6.1 DA-2022/421 - 1557 Botany Road Botany - Development Application

Panel members have undertaken individual inspections of the site.

The following person made a written submission:

- Ms Paula Svoboda, affected neighbour, made a written submission against the officer's recommendation.

The following people spoke at the meeting:

- Mr David Molloy, affected neighbour, spoke against the officer's recommendation and responded to the Panel's questions.
- Ms Sophie Perry, applicant's representative, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979* approve the variation to Clause 4.3 - *Height of Building* of the Bayside Local Environmental Plan 2021, as it is satisfied that the applicant's request has adequately addressed the matters required to be demonstrated by cl4.6 of that Plan, and the proposed development would be in the public interest because it is consistent with the objectives of that particular standard and the objectives for development within the zone.
- 2 That Development Application DA-2022/421 for the Integrated Development for the demolition of existing structures and construction of a three (3) storey shop-top housing development with basement storage and services at 1557 Botany Road, Botany be issued an APPROVAL pursuant to s4.16(1)(a) of the

Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.

3 The following conditions are to be amended in the Notice of Determination:

a) Amend Condition No. 15:

15 Design Amendments

Prior to the issue of the Construction Certificate, amended plans and specifications be submitted for the approval of Council's Director City Futures (or its delegate), detailing the following amendments:

- a) The first floor balcony and associated landscape planter boxes to the south-eastern elevation facing 1559-1563 Botany Road shall be deleted. The building shall maintain a 3m side setback to this elevation on Level 1 and Level 2. The windows to Level 1 on this elevation shall either be raised to have a 1.5m sill height above the finished floor level, or be finished with translucent glazing. This area is to be a non-trafficable roof with no access.
- b) The awning is to be shown on ground and first floor plan and elevations and sections.
- c) The location of air conditioning units (if any) to ensure they are not visible from the public domain or adjacent property.
- d) The inclusion of solar panels, electrical appliances and additional sustainability measures.
- e) Conceal drainage pipes within the floor slabs and walls so that they do not appear in the exterior of the building, including balconies and driveway entrances.
- f) Any hot water system / unit (if in the balconies) are screened from view from the public domain.
- g) delete privacy screen around the front area to maintain an active street frontage

b) Amend Condition No. 49(a):

49 Awnings over Public Footpath

- a) The awning along Tenterden Road shall have a minimum setback of 600mm from the face of the kerb, maximum fascia height 600mm, minimum soffit height 3.3m and a maximum step of 900mm for sloping sites. The awnings must be entirely self-supporting; posts are not permitted, and

4 That the submitters are to be notified of the Panel's decision.

Name	For	Against
Dr Gary Shiels	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Peter Brennan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Epstein	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Katrina Blando	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel’s Determination:

The Panel adopts the reasons outlined in the Council Officer’s Assessment Report. However, the Panel provided additional conditions to respond to concerns raised by neighbours. These included non-trafficable areas, deletion of the privacy screens and design modifications to the proposed awning.

Panel’s Comments:

The Panel notes that there are conditions that are to be amended to address the non-trafficable areas, privacy screens and awning. The conditions are to be modified as follows:

Condition No. 15 be amended as follows:

Prior to the issue of the Construction Certificate, amended plans and specifications be submitted for the approval of Council’s Director City Futures (or its delegate), detailing the following amendments:

- a) The first floor balcony and associated landscape planter boxes to the south-eastern elevation facing 1559-1563 Botany Road shall be deleted. The building shall maintain a 3m side setback to this elevation on Level 1 and Level 2. The windows to Level 1 on this elevation shall either be raised to have a 1.5m sill height above the finished floor level, or be finished with translucent glazing. This area is to be a non-trafficable roof with no access.
- b) The awning is to be shown on ground and first floor plan and elevations and sections.
- c) The location of air conditioning units (if any) to ensure they are not visible from the public domain or adjacent property.
- d) The inclusion of solar panels, electrical appliances and additional sustainability measures.
- e) Conceal drainage pipes within the floor slabs and walls so that they do not appear in the exterior of the building, including balconies and driveway entrances.
- f) Any hot water system / unit (if in the balconies) are screened from view from the public domain.

- g) delete privacy screen around the front area to maintain an active street frontage

Condition No. 49(a) to be amended as follows:

- a) The awning along Tenterden Road shall have a minimum setback of 600mm from the face of the kerb, maximum fascia height 600mm, minimum soffit height 3.3m and a maximum step of 900mm for sloping sites. The awnings must be entirely self-supporting; posts are not permitted, and

The Chairperson closed the meeting at 6:45pm.

Certified as true and correct.

Dr Gary Shiels
Chairperson



Bayside Council

Declaration of Interest - Bayside Local Planning Panel Meeting 12/03/2024

Item	Description	Declaration of Interest
Non-Public Meeting		
6.1	DA-2023/246 - 26 Primrose Avenue, Sandringham	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> or an actual ¹ <input type="checkbox"/> , potential ² <input type="checkbox"/> or reasonably perceived ³ <input type="checkbox"/> conflict of interest as detailed in the attached document.
6.2	DA-2022/167 - 689 Gardeners Road Mascot	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> or an actual ¹ <input type="checkbox"/> , potential ² <input type="checkbox"/> or reasonably perceived ³ <input type="checkbox"/> conflict of interest as detailed in the attached document.
6.3	DA-2023/86 - 171 Bay Street, Botany	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> or an actual ¹ <input type="checkbox"/> , potential ² <input type="checkbox"/> or reasonably perceived ³ <input type="checkbox"/> conflict of interest as detailed in the attached document.
Public Meeting		
6.1	DA-2022/421 - 1557 Botany Road Botany	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> or an actual ¹ <input type="checkbox"/> , potential ² <input type="checkbox"/> or reasonably perceived ³ <input type="checkbox"/> conflict of interest as detailed in the attached document.
Dr Gary Shiels Name (please print)		[Redacted Signature] Signature
		12/3/2024 Date

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PETER BRENNAN Name (please print)		[Redacted Signature] Signature
		6/3/24 Date

Please enter the details of any conflict of interest on the back of this page.

[Redacted Box]



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David Epstein		6/3/2024
Name (please print)		Date



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Katrina Blando		05 / 03 / 2024
Name (please print)		Date