

## 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 23 April 2024 at 6:00 pm**

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### Present

Dr Gary Shiels, Chairperson  
Judith Clark, Independent Expert Member  
Anthony Tribe, Independent Expert Member  
Ana Corpuz, Community Representative

### Also present

Luis Melim, Manager Development Services  
Christopher Mackey, Coordinator Development Assessment  
Ivy Zhang, Development Assessment Planner  
Edward Courtenay, Development Assessment Planner  
Haven Barr, Development Assessment Planner

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The Chairperson opened the meeting at 6:04pm.

### 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 - 9 April 2024

#### Decision

That the Bayside Local Planning Panel noted that the Minutes of the Bayside Local Planning Panel meeting held on 9 April 2024 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-2023/158 - 1 / 1356 - 1362 Botany Road BOTANY - Development Application

An on-site inspection took place at the property earlier in the day.

The following people spoke and made a written submission to the meeting:

- Mr Warren Millar, an applicant/owner, spoke against the officer's recommendation and responded to the Panel's questions.
- Mr Martin De Jager, an applicant's representative, made a written submission and spoke against the officer's recommendation and responded to the Panel's questions.
- Mr Lachlan Mackay, the applicants acoustic consultant, spoke against the officers recommendations and responded to the Panel's questions.
- Mr Scott Wilson, a concerned resident, spoke for the officers recommendation.

#### Determination

- 1 That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority, pursuant to s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determine Development Application DA-2023/158 for the use of the existing ground floor tenancy for both a gymnasium operating 24 hours 7 days, and medical centre operating 9:00am to 6:00pm Monday to Friday, 9:00am to 3:00pm Saturday and Sunday; including internal fitout works and business identification signage for the proposed gymnasium at 1/1356-1362 Botany Road, BOTANY NSW 2019 by granting APPROVAL with conditions.
- 2 That the submitters are to be notified of the Panel's decision.

Name	For	Against Recommendation
Dr Gary Shiels	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Judith Clark	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tony Tribe	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ana Corpuz	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Reason for Panel’s Determination:**

The Panel does NOT adopt the recommendation and reasons for refusal outlined in the Council Officer’s Assessment Report.

**Panel’s Comments:**

The Panel heard from one (1) unregistered resident in the building and (3) three representatives on behalf of the applicant/ owner. A further resident was present, who did not address the panel. Although not registered the Chair allowed Mr Scott Wilson to address and he advised the that he was not opposed to the proposal, and he regularly used gymnasiums himself. However, he wanted to ensure it was properly managed.

The Panel noted that the Council staff had recommended refusal, primarily based on potential for noise impacts from the dropping of weights on the floor. At the site inspection, the Panel was shown the proposed flooring, which comprises a high standard of noise attenuation technology.

The applicant’s acoustic consultant advised that this flooring would significantly exceed the requirements of the AAAC Guidelines. The applicant advised that he is a franchisee of Anytime Fitness and has other establishments, and he has purchased the subject commercial tenancy in this building. Accordingly, he is financially committed to the project and to ensuring good management of the gymnasium.

The applicant also advised that he would accept a condition in the Plan of Management (POM) that prevented weights from being dropped on the floor and that he would display a sign in the gymnasium to that effect. Indeed, this was a major concern identified in the assessment of the application

The Panel considers the following matters should be addressed in the Plan of Management:

**Gymnasium Plan of Management**

1. Weights not being dropped on the floor at any time and any person not complying with this requirement will lose their membership.
2. A sign being placed in the Gymnasium advising of (1) above.

3. The Embleton flooring systems referenced in the submitted revised acoustic summary report dated 23 January 2024 is to be installed and maintained at all times.
4. Access to the car park and gymnasium to be by way of swipe entry and restricting access to members only.
5. A CCTV system is to be installed to monitor the behaviour of members during opening hours.
6. A complaints register being established and reviewed on a regular basis so that any complaints can be appropriately addressed.

The Plan of Management is to be amended and submitted to council for endorsement.

#### **Medical Centre Plan of Management**

1. The Plan of Management is to include the types of services to be provided and based on only five separate consulting rooms/surgeries.

The Chairperson closed the meeting at 7:25pm.

Certified as true and correct.

Dr Gary Shiels  
**Chairperson**



Declaration of Interest - Bayside Local Planning Panel Meeting 23/04/2024

Item	Description	Declaration of Interest
<b>Other Applications (Non-Public Meeting)</b>		
6.1	DA-2024/15 - 72 Clareville Avenue, Sandringham	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> or an actual <sup>1</sup> <input type="checkbox"/> , potential <sup>2</sup> <input type="checkbox"/> or reasonably perceived <sup>3</sup> <input type="checkbox"/> conflict of interest as detailed in the attached document.
6.2	MDA-2024/11 - 139 Sandringham Street, Dolls Point	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> or an actual <sup>1</sup> <input type="checkbox"/> , potential <sup>2</sup> <input type="checkbox"/> or reasonably perceived <sup>3</sup> <input type="checkbox"/> conflict of interest as detailed in the attached document.
<b>Public Meeting</b>		
6.1	DA-2023/158 - 1 / 1356 - 1362 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 <sup>1</sup> <input type="checkbox"/> , potential <sup>2</sup> <input type="checkbox"/> or reasonably perceived <sup>3</sup> <input type="checkbox"/> conflict of interest as detailed in the attached document.
Dr Gary Shiels Name (please print)		Signature <span style="background-color: grey; color: grey;">[Redacted]</span> Date 23 / 4 / 2024



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Judy Clark Name (please print)		Signature <span style="background-color: grey; color: grey;">[Redacted]</span> Date 22 / 04 / 24



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ANTHONY TRIBE Name (please print)		[Redacted Signature] Signature
		22/04/2024 Date



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Maria Ana Corpuz Name (please print)		[Redacted Signature] Signature
		22 / 04 /2024 Date