

MINUTES

Bayside Local Planning Panel - Other Applications

held in the Committee Room, Botany Town Hall
Corner of Edward Street and Botany Road, Botany
on **Tuesday 14 May 2024 at 4:00PM**

Decisions outside the public meeting
in accordance with the Operational Procedures

Present

Charles Hill, Chairperson
Wayne Carter, Independent Expert Member
Kara Krason, Independent Expert Member
Peter Kauter, Community Representative

Also present

Angela Lazaridis, Coordinator Development Administration & Advisory
Christopher Mackey, Coordinator Development Assessment
Andrew Ison, Senior Development Assessment Planner
Ivy Zhang, Development Assessment Planner
Dawson Heperi, Customer Relationship Analyst
Vicki Chen, Development Advisory Officer

Deliberations commenced at 4:21pm.

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 - Other Applications Meeting - 23 April 2024

Decision

That the Bayside Local Planning Panel noted that the Minutes of the Bayside Local Planning Panel - Other Applications meeting held on 23 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-2023/45 - 1015-1019 Botany Road, Mascot - Development Application

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

The following people spoke at the meeting:

- Mr Chris Katris, architect, spoke against the officer's recommendation and responded to the Panel's questions.
- Mr Lenox Tweneboa, applicant's representative, attended online and spoke against the officer's recommendation and responded to the Panel's questions.
- Mr Alan Micallef, applicant, spoke against the officer's recommendation and responded to the Panel's questions.

Decision

- 1 That Development Application DA-2023/45 for alterations and additions to the existing heritage listed buildings to create a mixed-use development containing three (3) commercial tenancies each with apartments above, demolition of outbuildings and construction of detached outbuildings with media rooms and garages below at 1015 and 1019 Botany Road, MASCOT be REFUSED pursuant to s4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* and subject to the reasons detailed below:

- (a) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the matters outlined in Clause 5.10 – Heritage conservation of Bayside Local Environmental Plan 2021 – and would result in adverse impacts to the value of the existing heritage item.
- (b) Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy relevant requirements or objectives of the following parts of the *Botany Bay Development Control Plan 2013*:
 - (i) Part 3B (Heritage) - resulting in adverse impacts to the heritage item.
 - (ii) Part 5.2.2.6 (Rosebery Neighbourhood Centre) – due to the adverse heritage impacts.
 - (iii) Part 5.3.1.5 (Built Form and Streetscape) – due to adverse impacts on the heritage item.
- (c) The proposed development, pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, is not considered suitable for the site, in terms of demolition and its adverse impacts on the existing heritage item.
- (d) Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 and for the reasons set out above and in the submissions received, the proposed development is not considered to be in the public interest.

2 That the submitters are to be notified of the Panel’s decision.

Name	For	Against
Charles Hill	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wayne Carter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kara Krason	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Peter Kauter	<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.

Panel’s Comments:

The proposal has a degree of merit and the Panel in principle supports the traditional shops with attached dwelling concept. However, given the lack of information provided regarding the justification for significant demolition of key structural elements and internal features of the building, the applicant be encouraged to engage with Council for any future proposal with a view to retain more of the fabric of the existing building.

6.2 DA-2023/226 - 52 Monterey Street MONTEREY - Development Application

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

The following person spoke at the meeting.

- Ms Rhonda Jamleoui, planner, applicant's representative, spoke for the officer's recommendation and responded to the Panel's questions.

Decision

- 1 That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority is satisfied that the applicant's written request to contravene Section 4.4 of the Bayside Local Environmental Plan 2021 has adequately addressed the matters required to be demonstrated by Section 4.6 of that Plan, and the proposed development will 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 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-2023/226 for Addition of a roof top terrace to a two (2) storey dwelling approved under complying development at 52 Monterey Street, MONTEREY NSW 2217 by GRANTING CONSENT subject to the recommended conditions of consent attached to this report and subject to the following amended condition:

- a) Condition No. 36(4)

Screening shrubs shall be small leaf and capable to reach a minimum mature height of 1.5 metre in local conditions. Screening shrubs shall be supplied and planted at minimum 27 litres/400mm pots size.

Note: Recommended shrubs species for this location and conditions is *Raphiolepis indica*.

Name	For	Against
Charles Hill	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wayne Carter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kara Krason	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Peter Kauter	<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.

Panel's Comments:

The Panel supports the proposal with an amendment to Condition No. 36(4) to increase the mature height of the screening shrubs from 1 metre to 1.5 metres.

Closed deliberations concluded at 5:10pm

Certified as true and correct.

Charles Hill
Chairperson

16/05/2024




Declaration of Interest - Bayside Local Planning Panel Meeting 14/05/2024

Item	Description	Declaration of Interest
Other Applications (Non-Public Meeting)		
6.1	DA-2023/45 - 1015-1019 Botany 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.
6.2	DA-2023/226 - 52 Monterey Street, Monterey	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.
CHARLES HULL Name (please print)		[Redacted Signature] Signature
		06/05/24 Date

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WAYNE CARTER Name (please print)		[Redacted Signature] Signature
		12/5/2024 Date
Please enter the details of any conflict of interest on the back of this page. <input type="checkbox"/>		
18/132245		




Declaration of Interest - Bayside Local Planning Panel Meeting 14/05/2024

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Kara Krason Name (please print)		 Signature 9 / 5 / 24 Date



Declaration of Interest - Bayside Local Planning Panel Meeting 14/05/2024

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Peter Kauter Name (please print)		 Signature 2 / 5 / 2024 Date