
MINUTES

Bayside Local Planning Panel - Other Applications

held in Rockdale Town Hall, Council Chambers,
Level 1, 448 Princes Highway, Rockdale
on **Tuesday 23 July 2024** at **4:30 pm**

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

Present

Paul Vergotis, Chairperson
Judith Clark, Independent Expert Member
David Epstein, Independent Expert Member
Katrina Blando, Community Representative

Also present

Luis Melim, Manager Development Services
Angela Lazaridis, Coordinator Development Administration and Advisory
Jay Shah, Development Assessment Planner
Fiona Koutsikas, Development Assessment Planner
Felicity Eberhart, Senior Development Assessment Planner
Dawson Heperi, Customer Relationship Expert

Deliberations commenced at 4.30pm.

1 Apologies

There were no apologies received. Members were introduced during the meeting.

2 Disclosures of Interest

Prior to the meeting, the Panel members signed their declaration of interest forms. Katrina Blando declared a reasonably perceived conflict of interest in Item 3.1 on the basis that the heritage consultant engaged part of the application is a previous employer. However a significant amount of time has lapsed and lack of communication with the consultant. It was deemed that there was no conflict and Katrina sat in for the Item.

3 Reports – Development Applications

3.1 DA-2024/17 - 160 King Street Mascot - Development Application

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

The following person spoke at the meeting:

- Mr John Spiteri, the applicant, 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 Council as the consent authority pursuant to s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determine Development Application DA-2024/17 for Demolition of existing rear structures, alterations and additions to existing heritage listed dwelling, and construction of a rear garage with first floor studio at 160 King Street, Mascot NSW 2018 by **GRANTING CONSENT** subject to the recommended conditions of consent attached to this report.

Name	For	Against
Paul Vergotis	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judith Clark	<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"/>

Reasons for Panel's Determination:

The Panel adopts the reasons outlined in the Council Officers' Assessment Report.

Panel's Comments:

The Panel made the following changes:

- Condition No. 8(a) to be deleted as there are no adverse impacts resulting from the design of the building.
- Condition No. 8(b) to be deleted as the applicant confirmed that the bench is for a tap and sink only.
- Add the following sentence to the end of Condition No. 9:

'or the principal certifying authority for assessment and approval'

3.2 DA-2023/89 - 1025 Botany Road, Mascot - Development Application

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

There were no registered speakers for this item.

Decision

1. That the Bayside Local Planning Panel exercising the functions of Council as the consent authority, pursuant to s 4.47(4) of the *Environmental Planning and Assessment Act 1979* (NSW), **REFUSE CONSENT** to Development Application DA-2023/89 for Integrated Development - Demolition of existing structures and construction of a five (5) storey mixed use development containing a commercial unit, thirteen (13) apartments and basement parking at 1025 Botany Road, Mascot NSW 2020 as the approval body (being WaterNSW) has refused to grant an approval that is required in order for the integrated development to be lawfully carried out.
2. That the Bayside Local Planning Panel exercising the functions of Council as the consent authority, is not satisfied that the applicant's written request to contravene clause 4.3 of the Bayside Local Environmental Plan 2021 has adequately addressed the matters required to be demonstrated by clause 4.6 of that Plan, and the proposed development will not be in the public interest because it is inconsistent with the objectives of that particular standard and the objectives for development within the zone.
3. That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s 4.16 and s 4.17 of the *Environmental Planning and Assessment Act 1979* (NSW), determine Development Application DA-2023/89 for Integrated Development - Demolition of existing structures and construction of a five (5) storey mixed use development containing a commercial unit, thirteen (13) apartments and basement parking at 1025 Botany Road, Mascot NSW 2020 by REFUSING CONSENT for the following reasons:
 - (a) The proposed development, pursuant to the provisions of s 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, does not achieve 'Design Excellence' pursuant to clause 6.10 of the *Bayside Local Environmental Plan 2021*.
 - (b) The proposed development exceeds the maximum permissible building height pursuant to clause 4.3 'Height of Buildings' of the *Bayside Local Environmental Plan 2021* and the clause 4.6 written request fails to justify this exceedance.
 - (c) The proposed development does not comply with Clause 148 - Non-discretionary Development Standards for Residential Apartment Development regarding car parking and internal area dimensions. In both cases, a clause 4.6 written request under the *Bayside Local Environmental Plan 2021* has not been submitted in accordance with s 4.15(3)(b) of the *Environmental Planning and Assessment Act 1979* (NSW).
 - (d) Pursuant to the provisions of s 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* (NSW), the development does not demonstrate that adequate regard has not been given to the design quality principles within *State Environmental Planning Policy (Housing) 2021*.
 - (e) Pursuant to the provisions of s 4.15(1)(a)(i) of the *Environmental Planning*

and Assessment Act 1979 (NSW), the development does not demonstrate that adequate regard has not been given to the objectives of Part 3F 'Visual Privacy' and Part 4C 'Ceiling Heights' within the *Apartment Design Guide* (ADG) and the proposal is contrary to Chapter 4 of *State Environmental Planning Policy (Housing) 2021*.

- (f) Pursuant to the provisions of s 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* (NSW), insufficient information has been provided to demonstrate that the proposal is satisfactory with regards to clause 6.2 'Earthworks' and clause 6.3 'Stormwater and Water Sensitive Urban Design' of *Bayside Local Environmental Plan 2021*.
- (g) Pursuant to the provisions of s 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* (NSW), the proposed development is inconsistent with, or insufficient information has been provided to demonstrate that the proposal is consistent with, the objectives of the following parts of the *Botany Bay Development Control Plan 2013*:
1. 3A Parking & Access
 2. 3E Subdivision & Amalgamation
 3. 3G Stormwater Management
 4. 3L Landscaping & Tree Management
 5. 4C Apartment Buildings
 6. 8.7 Mascot Character Precinct
- (h) Pursuant to the provisions of s 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* (NSW), based on the information provided, the proposed development is likely to result in the following adverse environmental impacts:
1. Natural Environment – stormwater management
 2. Built Environment – bulk, scale, traffic, parking, servicing and adverse impacts to surrounds;
 3. Social Impacts – amenity;
 4. Economic Impacts – site isolation.
- (i) Pursuant to the provisions of s 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* (NSW), the proposed development is excessive in terms of scale, size, and height, and would adversely impact upon the amenity of the locality, including adverse impacts to the adjoining sites to the east which are located in a lower density zone.
- (j) Pursuant to the provisions of s 4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* (NSW), insufficient information has been submitted to demonstrate that the development is suitable for the site.
- (k) Pursuant to the provisions of s 4.15(1)(d) of the *Environmental Planning and Assessment Act 1979* (NSW), received submissions raise matters of relevance to the assessment which demonstrate that the development is not suitable for the site.
- (l) Pursuant to the provisions of s 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979* (NSW), and in consideration of the impacts and submissions made, the proposed development is not considered to be in

the public interest.

Name	For	Against
Paul Vergotis	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judith Clark	<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"/>

Reasons for Panel’s Determination:

The Panel adopts the reasons outlined in the Council Officers’ Assessment Report.

Panel’s Comments:

The Panel notes that there were no speakers at the meeting to address the item.

The Development Application received seven (7) submissions raising concerns on building height, streetscape presentation, traffic impacts, parking provisions, loss of solar access, visual and acoustic privacy and loss of amenity for the adjacent low density residential zone. These matters were considered by the Panel in their determination.

Closed deliberations concluded at 4.41pm

Certified as true and correct.

Paul Vergotis
Chairperson



Declaration of Interest - Bayside Local Planning Panel Meeting 23/07/2024

Item	Description	Declaration of Interest
Other Applications (Non-Public Meeting)		
6.1	DA-2024/17 – 160 King Street, 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-2023/89 – 1025 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.
Public Meeting		
6.1	DA-2023/5 – 2, 2a and 4 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.
Paul VERGOTIS Name (please print)		22 / 07 /24 Date



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David Epstein Name (please print)		12/7/2024 Date



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Judy Clark Name (please print)		_____ Signature
		12 / 7 /24 Date



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Katrina Blando Name (please print)		_____ Signature
		12 / 07 /2024 Date