

## MINUTES

### **Bayside Local Planning Panel - Other Applications**

held in the Rockdale Town Hall  
448 Princes Highway, Rockdale  
on **Tuesday 13 August 2024 at 6:00 PM**

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

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### **Present**

Sue Francis, Chairperson  
Tony Tribe, Independent Expert Member  
Wayne Carter, Independent Expert Member  
Carine Elias, Community Representative

### **Also present**

Luis Melim, Manager Development Services  
Angela Lazaridis, Coordinator Development Administration and Advisory  
Michael Maloof, Senior Development Assessment Planner  
Christopher Mackey, Coordinator Development Assessment  
Monica Chen, Development Assessment Planner  
Ivy Zhang, Development Assessment Planner  
Dawson Heperi, Customer Relationship Expert

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The Chairperson opened the meeting at 6.07pm.

### **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 July 2024

#### Decision

That the Bayside Local Planning Panel noted that the Minutes of the Bayside Local Planning Panel - Other Applications meeting held on 23 July 2024 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

### 4.2 Minutes of the Bayside Local Planning Panel - Other Applications Meeting - 11 June 2024

#### Decision

That the Bayside Local Planning Panel noted that the Minutes of the Bayside Local Planning Panel - Other Applications meeting held on 11 June 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-2023/339 - 4 Ney Street Mascot - Development Application

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

No registered speaker for this item.

#### Decision

1. That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979* approves a variation to the minimum lot size prescribed by c14.1 Minimum Subdivision Lot Size of the Bayside Local Environmental Plan 2021, as it is satisfied that the applicant has adequately addressed the matters required to be demonstrated by c14.6(3) of that Plan.
  - a) The applicant's request satisfies the objectives of c14.1 Minimum Lot Size of the Bayside Local Environmental Plan 2021, and
  - b) That sufficient environmental planning grounds have been provided to justify the variation.

2. That Development Application DA-2023/339 for the demolition of existing structures, tree removal, construction of a two-storey dual occupancy and swimming pools, and Torrens Title subdivision of the land at 4 Ney Street, Mascot be APPROVED pursuant to s.4.16(1)(a) and s.4.17 of the *Environmental Planning and Assessment Act 1979* and subject to the recommended conditions of consent attached to this report.
3. That the submitters are to be notified of the Panel's decision.

Name	For	Against
Sue Francis	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tony Tribe	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wayne Carter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carine Elias	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Reason for Panel's Determination:**

The reasons for the Panel's determination are as follows:

1. The proposed minimum lot size variation has been assessed in accordance with Clause 4.6 of Bayside Local Environmental Plan 2021 and is acceptable subject to conditions of consent.
2. The development, subject to conditions, is consistent with the objectives of the R2 Low Density Residential zone and the relevant objectives of Bayside Local Environmental Plan 2021.
3. The development, subject to conditions, is consistent with the objectives and controls of Bayside Development Control Plan 2022, with the exception of ground floor side setbacks and minimum lot size required for dual occupancy, which have been justified in the report.
4. The site is suitable for the proposed development and is an appropriate response to the streetscape and topography and will not result in any significant impact on the environment or the amenity of nearby residents.
5. The scale and design of the proposal is suitable for the location and is compatible with the desired future character of the locality.
6. The issues raised by objectors have been considered and where appropriate, addressed via amendments to plans or conditions or consent.
7. The recommended conditions of consent appropriately mitigate and manage potential environmental impacts of the proposal.

## 6.2 DA-2023/224 - 24, 26 and 28 Wickham Street, Arncliffe - Development Application

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

The following people spoke at the meeting:

- Mr Rachid Andary, applicant's representative, spoke for the officers' recommendation and responded to Panel's questions.

### Decision

1. That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979* approves a variation to the building height prescribed by cl4.3 Height of Building and the floor space ratio prescribed by cl4.4 Floor Space Ratio of the Bayside Local Environmental Plan 2021, as it is satisfied that:
  - a) The applicant's request satisfies the objectives of cl4.4 Floor Space Ratio and cl4.3 Height of Building of the Bayside Local Environmental Plan 2021
  - b) That sufficient environmental planning grounds have been provided to justify these variations,
  - c) The proposed development would be in the public interest because it is consistent with the objectives of the relevant zone, and
  - d) The concurrence of the Secretary has been assumed.
2. That Development Application DA-2023/224 for Integrated Development - Demolition of existing structures, removal of trees and construction of a seven (7) storey residential flat building containing 44 units, a roof top terrace, three (3) basement parking levels and associated landscaping at 24, 26 and 28 Wickham Street, Arncliffe be APPROVED pursuant to s.4.16(1)(a) and s.4.17 of the *Environmental Planning and Assessment Act 1979* and subject to the recommended conditions of consent attached to this report.
3. That the submitters are to be notified of the Panel's decision.

Name	For	Against
Sue Francis	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tony Tribe	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wayne Carter	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carine Elias	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Reason for Panel's Determination**

The reasons for the Panel's determination is as follows:-

1. The proposal is acceptable when considered against all relevant State Environmental Planning Policies, including SEPP 65 (Design Quality of Residential Apartment Development) and the associated Apartment Design Guide.
2. The proposed variations to the building height and floor space ratio controls have been assessed in accordance with Clause 4.6 of Bayside Local Environmental Plan 2021 and are acceptable, subject to conditions of development consent.
3. The development, subject to conditions, is consistent with the objectives of the R4 High Density Residential zone and the relevant objectives of Bayside Local Environmental Plan 2021.
4. The development, subject to conditions, is consistent with the objectives and complies with the relevant requirements of Bayside Development Control Plan 2022.
5. The site is suitable for the proposed development and is an appropriate response to the streetscape and topography and will not result in any significant impact on the environment or the amenity of nearby residents.
6. The scale and design of the proposal is suitable for the location and is compatible with the desired future character of the locality.
7. The issues raised by objectors have been considered and where appropriate, addressed via amendments to plans or conditions or consent.
8. The recommended conditions of consent appropriately mitigate and manage potential environmental impacts of the proposal.

Closed deliberations concluded at 6.19pm.

Certified as true and correct.

Sue Francis  
**Chairperson**

Item	Description	Declaration of Interest
<b>Other Applications (Non-Public Meeting)</b>		
6.1	DA-2023/339 – 4 Ney Street, Mascot	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	DA-2023/224 – 24, 26 and 28 Wickham Street, Arncliffe	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-2024/128 – 1-3 Fremlin Street, 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.
S Francis		1/8/24 /
Name (please print)		Date

Declaration of Interest - Bayside Local Planning Panel Meeting 13/08/2024		
Item	Description	Declaration of Interest
<b>Other Applications (Non-Public Meeting)</b>		
6.1	DA-2023/339 – 4 Ney Street, Mascot	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	DA-2023/224 – 24, 26 and 28 Wickham Street, Arncliffe	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-2024/128 – 1-3 Fremlin Street, 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.
WAYNE CARTER		21/8/2024
Name (please print)		Date



**Declaration of Interest - Bayside Local Planning Panel Meeting 13/08/2024**

Item	Description	Declaration of Interest
<b>Other Applications (Non-Public Meeting)</b>		
6.1	DA-2023/339 – 4 Ney Street, Mascot	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.
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Anthony Tribe Name (please print)		04 / 08 /24 Date

Item	Description	Declaration of Interest
<b>Other Applications (Non-Public Meeting)</b>		
6.1	DA-2023/339 – 4 Ney Street, Mascot	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.
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<b>Public Meeting</b>		
6.1	DA-2024/128 – 1-3 Fremlin Street, 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.
Carine Elias Name (please print)		06.08.24 Date