

## MINUTES

of a meeting of the  
**Bayside Local Planning Panel - Other Applications**  
held in the Rockdale Town Hall  
448 Princes Highway, Rockdale  
on **Tuesday 10 September 2024 at 6:00 PM**

**Decisions outside the public meeting  
in according with the Operational Procedure**

---

### Present

Grant Christmas, Chairperson  
Scott Barwick, Independent Expert Member  
Larissa Ozog, Independent Expert Member  
Peter Kauter, Community Representative

### Also present

Luis Melim, Manager Development Services  
Christopher Mackey, Coordinator Development Assessment  
Angela Lazaridis, Coordinator Development Administration and Advisory  
Edward Courtney, Development Assessment Planner  
Monica Chen, Development Assessment Planner  
Ivy Zhang, Development Assessment Planner  
Dawson Heperi, Customer Relationship Analyst

---

Deliberations commenced 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 - Other Applications Meeting - 13 August 2024

#### Recommendation

That the Bayside Local Planning Panel noted that the Minutes of the Bayside Local Planning Panel - Other Applications meeting held on 13 August 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-2024/143 - 52 Johnson Street, Mascot - Development Application

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

No registered speakers.

#### 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-2024/143 for Construction of a two (2) storey outbuilding to the rear comprising ground floor workshop and carport and first floor secondary dwelling at 52 Johnson Street, MASCOT NSW 2020 by DEFERRING determination until an amended BASIX Certificate and Clause 4.6 request is received.

Name	For	Against
Grant Christmas	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Barwick	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larissa Ozog	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Peter Kauter	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Reason for Panel's Determination:**

The Panel generally supports the reasons outlined in the Council Officer's Assessment Report. However, the Panel considers that an amended BASIX Certificate is required to be submitted to reflect the amended architectural plans now relied upon in accordance with the requirements of State Environmental Planning Policy (Sustainable Buildings) 2022 and the Environmental Planning and Assessment Regulation 2021.

Further, the Panel considers that a revised Clause 4.6 request should be submitted to the Council expanding upon the environmental planning grounds for the contravention request. The Panel defers determination of the application for electronic determination at a later date upon submission of the information requested above. The further information is to be submitted within fourteen (14) days.

**6.2 DA-2024/92 - 32 Frogmore Street, Mascot 2020 - Development Application**

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

The following person spoke at the meeting:

- Mr Pavlo Doroch, an 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 Council as the consent authority pursuant to s4.15 of the Environmental Planning and Assessment Act 1979 agrees with the applicant's written request justifying the contravention of Clause 53(2)(a) non-discretionary standards - Minimum site area of 450sqm of the State Environmental Planning Policy (Housing) 2021. The Panel is satisfied that the applicant's request has established that compliance with the standard would be unreasonable and has addressed the matters required to be demonstrated by Clause 4.6 of the BLEP 2021 and that sufficient environmental planning grounds have been provided to justify the contravention.
- 2 That the Bayside Local Planning Panel as the consent authority pursuant to s4.16 and s4.17 of the Environmental Planning and Assessment Act 1979, determine Development Application DA-2024/92 for alterations and first floor addition to existing outbuilding to accommodate a secondary dwelling on top at 32 Frogmore Street Mascot by GRANTING CONSENT subject to the recommend conditions of consent attached to this report.
- 3 The following conditions are to be added into the Notice of Determination:
  - a) Add Condition No.10 as follows:

**10 Single Occupancy Only**

The building is approved as a single dwelling only (being only the secondary dwelling space). It shall not be used for separate residential occupation, including, but not limited to, such as a boarding house or a separate residential flat.

Specifically, the 'storage' space is not to be utilised as a separate dwelling.

*REASON*

To ensure that the intensity of development is suitable for the site.

- b) Add Condition No. 51 as follows:

**51 BASIX /Energy Efficiency Commitments**

A Compliance Certificate must be provided to the Principal Certifier confirming that the development has been constructed in accordance with the commitments contained within the approved BASIX Certificate listed under "Approved Plans and Supporting Documents" condition prior to the issue of any Occupation Certificate.

*REASON*

To ensure BASIX and Energy Efficiency commitments are fulfilled.

<b>Name</b>	<b>For</b>	<b>Against</b>
Grant Christmas	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Barwick	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larissa Ozog	<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. The Panel considers that the proposal has been appropriately designed to fit within the existing context and would provide further valuable housing stock.

### 6.3 MDA-2024/106 - 1/1356-1362 Botany Road Botany - Section 4.55 Modification

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

No registered speakers.

#### Decision

- 1 That the Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 and is satisfied that the proposed modification:
  - a) is of minimal environmental impact;
  - b) is substantially the same development as the development for which consent was originally granted and before that consent was modified;
  - c) is acceptable after considering reasons for the grant of the original consent that is sought to be modified; and
  - e) is acceptable having regard to the relevant matters in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
  
- 2 That the Bayside Local Planning Panel, pursuant to s.4.55(1A) of the *Environmental Planning and Assessment Act 1979*, determine Modification Application MDA-2024/106 for modification to DA-2023/158 to modify conditions relating to access and update the plan of management at 1/1356-1362 Botany Road, BOTANY NSW 2019 TO MODIFY the original consent in the following manner:
  - (i) Modify Condition 1 to read:

#### Approved Plans and Supporting Documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan No.	Revision No.	Plan Title.	Drawn By.	Date of Plan
DA02	A	Proposed Tenancy Plan	Archi Spectrum	18 October 2023
DA03	A	North & West Elevation		
DA04	A	South Elevation		
DA05	A	Site Plan		

DA06	A	Carpark Plan		
------	---	--------------	--	--

<b>Approved Documents</b>			
<b>Document Title.</b>	<b>Version No.</b>	<b>Prepared By.</b>	<b>Date of Document</b>
Noise & Vibration Assessment	1	Acoustic Dynamics	20 December 2022
Summary of Additional Impact Noise and Vibration Measurements	-	Acoustic Dynamics	23 January 2024
Plan of Management – Botany Medical Practice	-	Prestige Town Planning Pty Ltd	<b>14 June 2024</b>
Plan of Management – Anytime Fitness Botany	-	Prestige Town Planning Pty Ltd	<b>14 June 2024</b>
Waste Management Plan	-	Prestige Town Planning Pty Ltd	2 June 2023

In the event of any inconsistency between the approved plans and documents, the approved plans prevail.

In the event of any inconsistency with the approved plan and a condition of this consent, the condition prevails.

(ii) Modify Condition 35(h)(i)(4) to read:

Access to the gymnasium to be by way of swipe entry and restricting access to members only

<b>Name</b>	<b>For</b>	<b>Against</b>
Grant Christmas	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Barwick	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larissa Ozog	<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. The Panel had the benefit of a site inspection and agrees that a more appropriate

operation of the basement and entrance to the ground floor is achieved by modifying the conditions as sought by the modification application.

Closed deliberations concluded at 6:14pm.

Certified as true and correct.

Grant Christmas  
**Chairperson**



**Declaration of Interest - Bayside Local Planning Panel Meeting 10/09/2024**

Item	Description	Declaration of Interest
<b>Other Applications (Non-Public Meeting)</b>		
6.1	52 Johnson Street, Mascot	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> <i>or</i> 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	32 Frogmore Street Mascot	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> <i>or</i> 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.
6.3	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"/> <i>or</i> 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.
Grant Christmas		02 / 09 / 2024
Name (please print)		Date



**Declaration of Interest - Bayside Local Planning Panel Meeting 10/09/2024**

Item	Description	Declaration of Interest
<b>Other Applications (Non-Public Meeting)</b>		
6.1	52 Johnson Street, Mascot	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> <i>or</i> 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	32 Frogmore Street Mascot	In relation to this matter, I declare that I have: no known conflict of interest <input checked="" type="checkbox"/> <i>or</i> 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.
6.3	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"/> <i>or</i> 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.
LARISSA OZOG		9 / 9 / 2024
Name (please print)		Date



**Declaration of Interest - Bayside Local Planning Panel Meeting 10/09/2024**

Item	Description	Declaration of Interest
<b>Other Applications (Non-Public Meeting)</b>		
6.1	52 Johnson 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	32 Frogmore 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.
6.3	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.
Scott Barwick Name (please print)		2/9/2024 Date



**Declaration of Interest - Bayside Local Planning Panel Meeting 10/09/2024**

Item	Description	Declaration of Interest
<b>Other Applications (Non-Public Meeting)</b>		
6.1	52 Johnson 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	32 Frogmore 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.
6.3	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.
PETER KAUTER Name (please print)		3/9/24 Date

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