

MINUTES

of a meeting of the
Bayside Local Planning Panel - Other Applications
held in the Rockdale Town Hall
448 Princes Highway, Rockdale
on **Tuesday 24 September 2024 at 6:00 PM**

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

Present

Grant Christmas, Chairperson
Greg Woodhams, Independent Expert Member
Julian Ardas, Independent Expert Member
Emma Kirkman, Community Representative

Also present

Luis Melim, Manager Development Services
Christopher Mackey, Coordinator Development Assessment
Marta Gonzalez-Valdes, Coordinator Development Assessment
Angela Lazaridis, Coordinator Development Administration and Advisory
Michael Maloof, Senior Development Assessment Planner
Jay Shah, Development Assessment Planner
Haven Barr, Planning Officer
Dawson Heperi, Customer Relationship Analyst

Deliberations commenced at 6.43pm.

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

Nil

5 Reports – Planning Proposals

Nil

6 Reports – Development Applications

6.1 DA-2024/129 - 11 Napoleon Street Rosebery - Development Application

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

The following people spoke at the meeting:

- Mr Stephen Iacono, the applicant, spoke against the officers' recommendation and responded to Panel's questions.
- Ms Margaret Webb, an applicant's representative, spoke against the officers' recommendation and responded to Panel's questions.
- Ms Lisa Bella Esposito, an applicant's representative, submitted a written submission and spoke against the officers' recommendation and responded to 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*, support the applicant's written request in respect to the contravention of Clause 4.4A – 'Exception to Floor Space Ratio for residential accommodation' of the Bayside Local Environmental Plan 2021 as the request has demonstrated that compliance with the development standard is unreasonable and sufficient environmental planning grounds have been justified in respect to the contravention of the development standard, subject to an additional condition in the following terms:

- a) Prior to the issue of the Occupation Certificate:

The owner is to provide digital photos of the interior of the sensory room on its completion and fitout, and provide an explanation of the purpose and features of the room, to be delivered to the Autism Community Network or similar organisations for community educational purposes through their public platforms, to demonstrate the benefits of home-based sensory rooms. A copy of the material to be provided for Council's records.

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*, GRANT CONSENT to Development Application DA-2024/129 for alterations and additions to detached dwelling including first floor terrace and study room at 11 Napoleon Street, ROSEBERY NSW 2018.

Name	For	Against
Grant Christmas	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greg Woodhams	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Julian Ardas	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Emma Kirkman	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel’s Determination

The majority of the Panel was satisfied that the applicant could demonstrate a demonstrable public benefit if the sensory room served a community educational purpose.

A condition will be imposed on the consent accordingly.

The Chair did not agree with the majority decision and considered that the proposal did not meet the test of providing a demonstrable public benefit so as to invoke Clause 4.6 of the LEP. Further, the proposal as a whole was for the benefit of the current owners which from a planning law point of view would result in the consent not properly running with the land but be personal in nature. As a result, the Chair considered that consent could not be granted in this case.

The Panel considered that the development was otherwise suitable for approval.


Closed deliberations concluded at 7.15pm.

Certified as true and correct.

Grant Christmas
Chairperson




Declaration of Interest - Bayside Local Planning Panel Meeting 10/03/2020

Item	Description	Declaration of Interest
Other Applications (Non-Public Meeting)		
6.1	DA-2024/129 – 11 Napoleon Street, Rosebery	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-2023/365 502 Forest Road and 198 Queen Victoria Street, Bexley	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.
Grant Christmas		20 / 09 / 24
Name (please print)	Signature	Date



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Greg Woodhams		23 / 09 / 24
Name (please print)	Signature	Date



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Julian Ardas Name (please print)		[Redacted Signature] Signature
		18 / 9 /2024 Date



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Emma Kirkman Name (please print)		[Redacted Signature] Signature
		23 / 09 / 2024 Date