

## **MINUTES**

of a meeting of the  
**Bayside Local Planning Panel**  
held in the Committee Room, Botany Town Hall  
Corner of Edward Street and Botany Road, Botany  
on **Tuesday 11 March 2025 at 6:00 PM**

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### **Present**

Sue Francis, Chairperson  
David Epstein, Independent Expert Member  
Kerry Kyriacou, Independent Expert Member  
Katrina Blando, Community Representative

### **Also present**

David Smith, Acting Manager Development Services  
Marta Gonzalez-Valdes, Coordinator Development Assessment  
Christopher Mackay, Coordinator Development Assessment  
Angela Lazaridis, Coordinator Development Administration and Advisory  
Ivy Zhang, Development Assessment Planner

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The Chairperson opened the meeting at 6:00 pm.

### **1 Acknowledgement of Country**

The Chairperson affirmed that Bayside Council acknowledges the Bidjigal Clan, the traditional owners of the land on which we meet and work and acknowledges the Gadigal people of the Eora Nation. Bayside Council pays respects to Elders past and present.

### **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 MDA-2024/198 - 25 - 29 Daphne Street BOTANY - Section 4.56 Modification](#)

Panel members have undertaken individual inspections of the site.

The following people made a written submission/spoke at the meeting:

- Mr Christopher Pearl, affected neighbour, made a written submission against the officer's recommendation
  - Mr Harry Lambrou, affected neighbour, made a written submission against the officer's recommendation
  - Mr Lachlan McKay, affected neighbour, made a written submission against the officer's recommendation
  - Ms Jenny Griffiths, interested citizen/resident, made a written submission against the officer's recommendation
  - Mrs Elizabeth McKay, interested citizen/resident, made a written submission against the officer's recommendation
  - Mrs Louise McKay, affected neighbour, made a written submission against the officer's recommendation
  - Mr Greg Gering, affected neighbour, spoke against the officer's recommendation
  - Mr Alexander Karras, affected neighbour, spoke against the officer's recommendation
  - Ms Mariza Black, affected neighbour, spoke against the officer's recommendation
  - Mr Steven Black, affected neighbour, spoke against the officer's recommendation
  - Mr Brent Thompson, affected neighbour, spoke against the officer's recommendation
  - Mr Anthony Boskovitz, an applicant representative, spoke for the officer's recommendation and responded to the Panel's questions.
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**Decision**

- 1 The Bayside Local Planning Panel exercising the functions of the Council as the consent authority, pursuant to S4.56 of the *Environmental Planning and Assessment Act 1979* is satisfied that the proposed modification:
  - a) is substantially the same development as the development for which consent was originally granted and before that consent was modified;
  - b) has been notified in accordance with the Regulations and Bayside Development Control Plan 2022 and the submissions made have been considered;
  - c) is acceptable after considering reasons for the consent sought to be modified;
  - d) is acceptable having regard to the relevant matters in Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

2 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*, determines Modification Application MDA-2024/198 to modify DA-2017/1063 at 25 Daphne Street, BOTANY NSW 2019, 27 Daphne Street, BOTANY NSW 2019, 29 Daphne Street, BOTANY NSW 2019 by **GRANTING CONSENT** to modify the original consent in the following manner:

A. Amend Condition No. 1 as follows:

**Condition No. 1**

The development is to be carried out in accordance with the plans and documentation listed below and endorsed with Council’s stamp, except where amended by other conditions of this consent.

<b>Drawing No.</b>	<b>Author</b>	<b>Dated</b>
A001 Cover Page Rev E	McGregor Westlake Architecture	Dated: 19 December 2017 Received by Council: 20 December 2017
A010 Site Analysis Plan Rev H		
A020 Demolition Plan Rev E		
A050 Site Plan Rev E		
<b>A100 Basement Floor Plan Rev 05</b>	<b>McNally Architects &amp; I &amp; D Studio</b>	<b>11 November 2024</b>
<b>A101 Ground Floor Plan Rev 06</b>	<b>McNally Architects &amp; I &amp; D Studio</b>	<b>11 November 2024</b>
A102 First Floor Plan Rev O		Dated: 19 December 2017

A103 Second Floor Plan Rev M	McGregor Westlake Architecture	Received by Council: 20 December 2017
A104 Third Floor Plan Rev J		
A105 Roof Plan Rev K		
A201 Sections Rev O		
<b>A300 Sections Rev 04</b>	<b>McNally Architects &amp; I &amp; D Studio</b>	<b>11 November 2024</b>
A250 Driveway Profile Rev D	McGregor Westlake Architecture	Dated: 19 December 2017 Received by Council: 20 December 2017
A301 Elevations Rev K		
A302 Elevations Rev J		
A350 Materials and Finishes Rev E		
Landscape Plan 17-1264/1 Rev A	Captivate Landscape Design	
<b>Reference Document</b>	<b>Author</b>	<b>Dated</b>
Plan of Management Plan	Parker Logan Property	Dated: 10 April 2017 Received by Council: 27 April 2017
Waste Management Plan		Dated: Undated Received by Council: 27 April 2017
Geotechnical Investigation	Aargus Pty Ltd	Dated: 23 March 2017 Received by Council: 27 April 2017
Detailed Site Investigation		Dated: 2 February 2018 Received by Council: 6 February 2018
Stormwater Management Plans H-01, H-02, H-03, H-04, H-05, H-06, H-07, H-08, All Rev C	Gahce Hydraulic Consultant	Dated: 13 December 2017 Received by Council: 13 December 2017
BCA Compliance Report	Vic Lili & Partners Consulting	Dated: 28 March 2017 Received by Council: 27 April 2017
Access Compliance Report Rev B	Vista Access Architectures Pty Ltd	Dated: 12 April 2017 Received by Council: 27 April 2017

Fire Engineering Letter	Red Fire Engineers	Dated: 14 March 2017 Received by Council: 27 April 2017
Electricity Network Connection Application	Ausgrid	Dated: 27 March 2017 Received by Council: 27 April 2017
Acoustic Assessment	BGMA Pty Ltd	Dated: March 2017 Received by Council: 27 April 2017
Construction Traffic Management Plan	Hemanote Consultants	Dated: March 2017 Received by Council: 27 April 2017
Traffic and Parking Impact Assessment		
Construction Management Plan		Dated: April 2017 Received by Council: 27 April 2017

B. Add Condition No. 20A as follows:

**Condition No. 20A**

Prior to the issue of the construction certificate for works above ground, a longitudinal driveway profile prepared by a suitably qualified civil engineer shall be submitted to the Principal Certifying Authority. The profile shall start in the centre of the road and be along the critical edge (worst case) of the driveway. Gradients and transitions shall be in accordance with AS/NZS2890.1:2004. The profile shall include all relevant levels, grades (%), headroom clearances and lengths. The existing boundary levels shall be clearly shown on the profile. Any change to the existing boundary levels requires approval from Bayside Council. A crest level of RL 5.65m AHD must be provided on the driveway internally within the property. A ground clearance test shall be undertaken for a B99 vehicle demonstrating sufficient ground clearance is provided on the entire driveway.

**REASON**

To ensure that the development meets the relevant standards and to reduce impacts to on-street parking.

C. Add Condition No. 20B as follows:

**Condition No. 20B**

Prior to the issue of the construction certificate for works in the road frontage or public domain, an application for Frontage Works (Public Domain Construction – Frontage / Civil Works Application) shall be made to Bayside Council's Customer Service Centre for assessment of all

required works within the road reserve. A fee is payable to Bayside Council in accordance with Council's adopted fees and charges.

**REASON**

To ensure that public domain works are designed and constructed in accordance with relevant requirements and standards.

- D. Add Condition No. 20C as follows:

**Condition No. 20C**

Prior to the issue of the Construction Certificate for works on the basement construction, all subsurface structures shall be designed with a waterproof retention system (i.e., full structural tanking and waterproofing) with adequate provision for future fluctuation of the water table. The subsurface structure is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. If subsoil drainage is permitted to be provided around the subsurface structure, the subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure but must not be connected to the internal drainage system. No groundwater is permitted to enter the subsurface structures and, no pump-out system is permitted to be used to drain and discharge groundwater from the subsurface structures. The design of subsurface structure, tanking, waterproofing and subsoil drainage shall be undertaken and certified by Engineer(s) registered with the National Engineering Register (NER). Design details, construction specifications and engineering design certification shall be included in the documentation accompanying the Construction Certificate.

**REASON**

To ensure that subsurface structures are designed to prevent ingress of groundwater.

- E. Amend Condition No. 59 as follows:

**Condition No. 59**

Prior to the issue of any Occupation Certificate(s), a restriction on Use of Land and Positive Covenant(s) shall be imposed on the development. The following covenants shall be imposed under Section 88(E) of the Conveyancing Act 1919 and lodged with the NSW Land and Property Information:

- a) On-Site Detention System
- b) Stormwater Quality Improvement Device

A works-as-executed (WAE) drainage plan shall be prepared by a registered surveyor based on a survey of the completed works. The WAE

plan must clearly illustrate the surveyed dimensions and details of all drainage aspects.

**REASON**

To ensure that the stormwater system is constructed as approved and in accordance with relevant standards.

F. Amend Condition No. 70 as follows:

**Condition No. 70**

- a) Prior to the issue of any Occupation Certificate, an Engineer registered with the National Engineering Register (NER) shall certify that the tanking and waterproofing of all subsurface structures has been constructed in accordance with the approved design and specification. The certification is to include an inspection and evaluation of the works.
- b) Prior to the issue of any Occupation Certificate, a certificate from a registered surveyor shall be provided to the Principal Certifier, certifying that the habitable floor levels and all fire stair entry levels to the basement are constructed a minimum of 500 mm above the 1% Annual Exceedance Probability (AEP) Flood Level and that the basement is physically protected via a crest to a minimum of 500 mm above the 1% Annual Exceedance Probability (AEP) Flood Level. It must be confirmed that there are no other openings into the basement set below the 1% AEP flood level + 500mm freeboard level (RL 5.65m AHD).

**REASON**

To ensure that subsurface structures are designed to prevent ingress of groundwater and to ensure habitable areas and basement are protected from the ingress of floodwaters.

G. Add Condition No. 70A as follows:

**Condition No. 70A**

Waste and recycling must be collected by a private waste contractor within the site.

- i. Prior to the issue of any Occupation Certificate, a contract for waste and recycling collection (to occur within the basement) must be entered into.
- ii. Prior to the issue of any Occupation Certificate, the private waste contractor company shall demonstrate to Bayside Council that its collection vehicle can collect all waste and recycling from within the basement (i.e. from parking and loading in the vehicular circulation area) and, demonstrate its waste collection vehicle can enter and exit the basement in a forward direction. The company engaged must ensure that all recycling is collected

separately from waste. Council must be advised in writing within seven (7) days of a private contractor being engaged for waste collection services.

- iii. Prior to the issue of any Occupation Certificate, the approved waste management plan and plan of management shall be updated to reflect this on-site basement waste collection requirement.

**REASON**

To ensure the waste can be collected on site in the development's basement.

- H. Amend Condition No. 82 as follows:

**Condition No. 82**

Waste and recycling must be collected by a private waste contractor within the site, general waste and recycling is not permitted to be presented to the street for collection. All waste and recycling containers shall be stored in a designated waste storage area. The waste containers shall not be over filled and the lids kept closed at all times except when material is being put in them. The owner/ live-in caretaker shall be responsible for the following:

- a) Cleaning and maintaining the waste storage area, any drainage installations and waste collection containers; and
- b) Providing and maintaining signage and information to users to encourage recycling.
- c) Ensuring the waste contractor collects all the waste and recycling from the basement. The collection service should occur during off-peak times.

- I. Delete Condition Nos. 9(h) and 20.

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"/>
David Epstein	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kerry Kyriacou	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Katrina Blando	<input checked="" type="checkbox"/>	<input type="checkbox"/>



**Reason for Panel's Determination:**

The Panel heard from the objectors at the meeting who were substantially concerned with the development as approved rather than the modification as proposed. However, the issue of multiple bins in the street as approved was a concern.

The applicants representative was asked by the Panel to confirm that the bins were to be collected from the basement rather than kerbside. This was confirmed.


Accordingly, additional condition 70A has been added and Condition No. 82 has been amended to reflect this agreement.

In addition, the Applicant made representation in relation to the wording of draft Condition Nos. 20A, 20B and 20C in a letter to the Council dated 8 March 2025. Council's staff have reviewed those conditions and have no objection to the amendments suggested. Accordingly, Conditions 20A, 20B and 20C have been modified as provided above in the decision.


The Chairperson closed the meeting at 6:14 pm.

Certified as true and correct.

Sue Francis  
**Chairperson**




**Declaration of Interest - Bayside Local Planning Panel Meeting 11/03/2025**

Item	Description	Declaration of Interest
<b>Other Applications (Non-Public Meeting)</b>		
6.1	DA-2024/89- 7-11 Kingsland Road, South Bexley	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-2024/186 - 84 Culver Street Monterey	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	MDA-2024/198 – 25-29 Daphne 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		6/3/25 / /
Name (please print)	Signature	Date



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David Epstein		05/03/2025
Name (please print)	Signature	Date



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Kerry Kyriacou		/ /
Name (please print)		Date

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KATRINA BLANDO		09 / 03 / 2025
Name (please print)		Date