

## MINUTES

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

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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Deliberations commenced at 6:16pm.

#### **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 DA-2024/89 - 7- 11 Kingsland Rd Sth BEXLEY NSW 2207 - Development Application**

Panel members have undertaken individual inspections of the site.

- Mr Jeff Mead, the applicant’s representative, spoke against the officer’s recommendation, referring to a request to defer the matter and responded to the Panel’s questions.
- Mr Michael Ayache, an applicant’s representative, spoke against 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 No.DA-2024/89 for demolition of existing structures and construction of a six (6) storey mixed use development, comprising 26 residential units, ground floor commercial units and basement level parking at 7 -11 Kingsland Rd South, BEXLEY by DEFERRING determination to allow the Applicant to address issues relating to design, groundwater, contamination, and FSR.

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 notes the request from the Applicant in a letter dated 11 March 2025 to defer the matter with a view to resolving outstanding issues, particularly in relation to ‘Fly Safe’ requirements in respect of height, but also in relation to certain design matters. The Panel has agreed to defer this matter on that basis and specifically to address the following issues:

<p>1. Address the issues raised by the Design Review Panel;</p> <p>2. Provide a preliminary site investigation report in relation to potential contamination;</p> <p>3. Consider, if any dewatering is required and whether the development will be integrated as part of this proposal or not;</p> <p>4. The matters discussed relating to design, being, but not limited to:</p> <ul style="list-style-type: none"> <li>• Increased floor to ceiling heights for residential levels as discussed by Panel;</li> <li>• Review of residential unit layouts;</li> <li>• Height clearance for the basement ramp for larger vehicles;</li> <li>• Consequential impact of the height of the building which will need to be incorporated in any amended plans and raised with 'Fly Safe';</li> <li>• The design of the colonade and the ground floor setback.</li> </ul> <p>5. Clarification of the resulting building height and GFA/FSR, and the necessity for a Clause 4.6;</p> <p>6. Clarification on any planning documentation inconsistencies for example, the deep soil shown on the architectural plans and landscape plans are inconsistent.</p> <p>The Panel recommend that prior to finalising any amended plans that the applicant and their representatives liaise with Council staff in relation to those amendments. As agreed at the Panel meeting, final amended plans shall be received for consideration by Council staff within three (3) weeks of the formal receipt of minutes of this matter.</p>

<p><b><u><a href="#">6.2 DA-2024/186 - 84 Culver Street Monterey - Development Application</a></u></b></p>
<p>Panel members have undertaken individual inspections of the site.</p> <p>No registered speaker for this item.</p>
<p><b>Decision</b></p> <p>1. That the Bayside Local Planning Panel is not satisfied that the applicant's written request to contravene Clause 4.4 of the Bayside Local Environmental Plan 2021 has adequately addressed the matters required to be demonstrated by Clause 4.6 of that Plan.</p> <p>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 <i>Environmental Planning and Assessment Act 1979</i>, determine Development Application DA-2024/186 for Rectification of unapproved works and formalise the use of a first floor terrace on the primary dwelling and formalise the use of a detached secondary dwelling at 84</p>

Culver Street, MONTEREY NSW 2217 REFUSE CONSENT for the following reasons:

- a) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy aim (f) and (j) of Bayside Local Environmental Plan 2021 in that the proposal fails to satisfy the Floor Space Ratio and landscaped area requirements, does not enhance amenity for residents and fails to increase urban tree canopy cover;
- b) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy the third objective of the R2 Low Density Residential zone of Bayside Local Environmental Plan 2021 in that the proposal adversely impact on the character and amenity of the area;
- c) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to satisfy the following Sections of the Bayside Local Environmental Plan 2021:
  - i. Clause 4.4 Floor Space Ratio (FSR);
  - ii. Clause 4.6 Exceptions to development standards;
- d) Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is not consistent with the objectives and does not comply with the provisions of the Bayside Development Control Plan 2022, including the following parts:
  - i. Part 3.7 - Landscaping, Private Open Space and Biodiversity;
  - ii. Part 5.1.2 – Ancillary Uses – Additions, Garages, Secondary Dwellings and Studios;
- e) Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is excessive in terms of floor space ratio and insufficient in landscaped area and will adversely impact upon the character and amenity of the area in the following manner:
  - i. Built Environment – The non-compliant FSR and insufficient landscaped area contribute to overdevelopment by exceeding the intended density for the site and reducing the balance between built form and open space. This results in an overly intensive use of the land and reducing opportunities for deep soil planting, stormwater absorption, and outdoor recreation. The lack of adequate landscaping further diminishes the local character and canopy cover.
- f) Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

2. 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:**

Panel notes that certain works are carried out without development consent. This Panel does not have any jurisdictional power to grant development consent for any physical works. What the Panel is being asked is to consider the use of the structures. In this respect, that relates to the use of the terrace on the dwelling and the use of the CDC ancillary structure as a “secondary dwelling”. However, the Panel notes that the plans submitted with this application do not show a kitchen in the “secondary dwelling” and as such that structure would be considered an ancillary studio so technically no change of use.

Notwithstanding that and assuming the intent is to use the structure as a secondary dwelling as defined, whilst in principle, the Panel has no objection to the use as a secondary dwelling, there is insufficient information to satisfy the Panel that the plans demonstrate that a reasonable level of amenity can be achieved in the structure i.e. no kitchen.

In relation to the terrace, whilst in principle its use may be acceptable, the lack of planters at the front are undesirable. In the circumstances, the Panel whilst accepting in principle the uses suggested, there is insufficient information before being satisfied for the proposed uses.

**Reasons for refusal**

- a) Insufficient clarity to what is proposed as to use; and
- b) Insufficient information to demonstrate the appropriateness of the use within structures previously built.


Closed deliberations concluded at 6:31pm.

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 BLANCO		09 / 03 / 2025
Name (please print)		Date