

## MINUTES

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

held in the Committee Room, Botany Town Hall  
Corner of Edward Street and Botany Road, Botany  
on **Tuesday 25 March 2025 at 6:00 PM**

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#### **Present**

Grant Christmas, Chairperson  
Wayne Carter, Independent Expert Member  
Donna Rygate, Independent Expert Member  
Emma Kirkman, Community Representative

#### **Also present**

David Smith, Manager Strategic Planning & Acting Manager Development Services  
Christopher Mackey, Coordinator Development Assessment  
Angela Lazaridis, Coordinator Development Administration & Advisory  
Ivy Zhang, Development Assessment Planner  
Nitin Thomas, Development Assessment Planner  
Dawson Heperi, Customer Relationship Analyst

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Deliberations commenced at 6.00pm.

#### **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-2024/163 - 43 Monterey Street, Monterey - Section 4.55 Modification

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

- Mr Sam Alawie, an applicant, spoke in favour of the officer's recommendation and responded to the Panel's questions.

#### **Decision**

1. The Bayside Local Planning Panel, exercising the functions of Council as the consent authority, pursuant to S4.55(2) of the *Environmental Planning and Assessment Act 1979* be 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) the relevant Minister, public authority or approval body has been consulted;
  - c) has been notified and no submissions were made;
  - d) is acceptable after considering reasons for the consent 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. The Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.55 of the *Environmental Planning and Assessment Act 1979*, determine Modification Application MDA-2024/163 to modify DA-2007/377 including new lift access, enclosure of first floor rear balcony, alterations to windows and doors and lift overrun / air-conditioning maintenance room at roof top level at 43 Monterey Street, Monterey NSW 2217 by MODIFYING THE CONSENT in the following manner:
  - A. By amending Condition No. 2 relating to amended plans, as outlined in the draft conditions of consent;
  - B. By amending Condition No. 5 relating to the BASIX Certificate, as outlined in the draft conditions of consent; and
  - C. By adding the following conditions:

- (i) 72A relating to additional Section 7.12 Development Contributions.
  - (ii) 72AA requiring a new Building Information Certificate be submitted.
3. The Panel recommends to the Council that the outstanding orders referred to at Page 3 of the Council officer’s report and numbered (i) to (vi) be investigated and resolved appropriately.

| Name            | For                                 | Against                  |
|-----------------|-------------------------------------|--------------------------|
| Grant Christmas | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Wayne Carter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Donna Rygate    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Emma Kirkman    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Reason for Panel’s Determination:**

The Panel adopts the recommendation and reasons outlined in the Council Officer’s Assessment Report.

The reasons for the Panel’s decision are as follows:

- The proposal remains substantially the same development as originally approved.
- The proposed contravention to the Height of Building and FSR are acceptable, as the modified proposal is consistent with the objectives of the standard being breached and consistent with the objectives of the zone.
- The proposal, 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.
- The proposal is consistent with the objectives of Bayside Development Control Plan 2022 and generally consistent with the relevant requirements of Bayside Development Control Plan 2022.
- The site is suitable for the proposed development.
- The proposal 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.
- The scale and design of the proposal is suitable for the location and is compatible with the desired future character of the locality.

- The proposal will not result in any significant impact on the environment or the amenity of nearby residents.
- Recommended conditions of consent appropriately mitigate and manage potential environmental impacts of the proposal and respond to the concerns of the submitter.
- To resolve outstanding issues with certainty in relation to the orders that were given in respect to the development.

## **6.2 DA-2024/291 - 50 Gordon Street ROSEBERY - Development Application**

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

- Mr Paul Pena Castro, an applicant, spoke in favour of the officer's recommendation and responded to the Panel's questions.

### **Decision**

1. The Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s.4.16 and s.4.17 of the Environmental Planning and Assessment Act 1979, determine Development Application DA-2024/291 for alterations and first floor attic addition to existing heritage item at 50 Gordon Street, Rosebery NSW 2018 by GRANTING CONSENT subject to the recommended conditions of consent attached to this report and subject to the following additional condition:

#### Condition No. 49

#### **49. Design Amendments**

Before the issue of a Construction Certificate, the Certifier must ensure the approved Construction Certificate plans and specifications detail the following required amendments to the approved plans and documents:

- (a) The fixed privacy screens (Battens) on the western elevation of the attic addition are to be deleted and replaced by permanent obscure glazing to a 1.5 metre sill height.

#### **REASON**

To require minor amendments to the plans endorsed by the consent following assessment of the development.

2. The submitter is to be advised of the Bayside Local Planning Panel's decision.

| <b>Name</b>     | <b>For</b>                          | <b>Against</b>           |
|-----------------|-------------------------------------|--------------------------|
| Grant Christmas | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Wayne Carter    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Donna Rygate    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Emma Kirkman    | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**Reason for Panel's Determination:**

The Panel adopts the recommendation and reasons outlined in the Council Officer's Assessment Report.

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

- 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.
- The development, subject to conditions, is generally consistent with the objectives and controls of Bayside Development Control Plan 2022.
- The proposal 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.
- The proposal will not result in any significant impact on the environment or the amenity of nearby residents.
- Recommended conditions of consent appropriately mitigate and manage potential environmental impacts of the proposal and to respond to the concerns of the submitter.

Closed deliberations concluded at 6:18pm.

Certified as true and correct.

Grant Christmas  
**Chairperson**