

MINUTES

of a meeting of the
Bayside Local Planning Panel - Other Applications
held in the Committee Room, Botany Town Hall
Corner of Edward Street and Botany Road, Botany
on **Tuesday 10 June 2025 at 4:30 PM**

Present

Paul Vergotis, Chairperson
Peter Brennan, Independent Expert Member
Annelise Tuor, Independent Expert Member
Katrina Blando, Community Representative

Also present

Carine Elias, Manager Development Services
Angela Lazaridis, Coordinator Development Administration & Advisory
Monica Chen, Development Assessment Planner
Ayse Lavorato, Development Assessment Planner
Dawson Hepari, Customer Relationship Analyst

Deliberations commenced at 4.48pm.

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.

4 Minutes of Previous Meetings

Nil

5 Reports – Planning Proposals

Nil

6 Reports – Development Applications

6.1 DA-2025/50 - 36 Cook Street TURRELLA NSW 2205 - Development Application

No registered speaker for this item.

Decision

1. The Bayside Local Planning Panel, exercising the functions of Council as the consent authority, does not have any jurisdictional power to grant development consent without a written Clause 4.6 variation to the height of building and FSR development standard.
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*, determine Development Application DA-2025/50 for demolition of existing structures, Torrens Title subdivision and construction of two (2) semi-detached dwellings with basement and front fence at 36 Cook Street, TURRELLA NSW 2205 by REFUSING 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 proposal fails to satisfy the objectives the R2 zone as contained in Bayside Local Environmental Plan 2021 that the proposed semi-detached dwellings will adversely impact on the character and amenity of the area where the predominant building typology is dwelling houses that are accommodated on similar lot sizes as the subject site.
 - b) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered the proposed development does not satisfy Clause 4.3 Building Height of Bayside Local Environmental Plan 2021.
 - c) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered the proposed development does not satisfy Clause 4.4 Floor Space Ratio of the Bayside Local Environmental Plan 2021.
 - e) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered the proposed development does not satisfy Clause 6.2 Earthworks of the Bayside Local Environmental Plan 2021.
 - f) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered the proposed development does not satisfy Clause 6.4 Stormwater and water sensitive urban design of the Bayside Local Environmental Plan 2021.

- g) Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, it is considered the proposed development does not satisfy Clause 6.11 Essential services of the Bayside Local Environmental Plan 2021.
- h) Pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development fails to meet the objectives and controls of the Bayside Development Control Plan 2022, including:
 - i. Part 3.5 - Transport, Parking and Access
 - ii. Part 3.7.1 – Landscaping
 - iii. Part 4 – Subdivision, Consolidation and Boundary Adjustments;
 - iv. Part 5.2.1 – Low-density Residential (dwellings, dual occupancy, semi-detached dwellings); and
 - v. Part 5.2.2 – Additional Controls for Dual Occupancy and Semi-detached dwellings.
- i) 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 scale and density and is inconsistent with existing streetscape and desired future character of the locality.
- j) Pursuant to the provisions of Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development results in an undesirable and unacceptable impact on the streetscape and the built environment of the locality.
- k) Pursuant to the provisions of Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development scale is not suitable for the site.
- l) Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not in the public interest and is likely to set an undesirable precedent.

Name	For	Against
Paul Vergotis	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Peter Brennan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Annelise Tuor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Katrina Blando	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel's Determination:

The Panel agrees with the recommendation in the Council assessment report to refuse the development application for the reasons outlined in that report and as provided above.

6.2 MDA-2025/30 - 54 Tuffy Avenue, Sans Souci NSW 2219 - Section 4.55 Modification

An onsite inspection took place at the property earlier in the day.

The following person spoke at the meeting:

- Mr Sam Alawie, an applicant, 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 s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determine Modification Application MDA-2025/30 to modify DA-2024/113 to install lift and awning to rooftop terrace of dwelling at 54 Tuffy Avenue, SANS SOUCI NSW 2219 by **REFUSING 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*, it is considered that the proposed development does not satisfy the relevant provisions of cl4.3 *Height of Buildings* of the Bayside Local Environmental Plan 2021.
 - b) Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not satisfy the relevant provisions of cl.6.3 *Stormwater and Water Sensitive Urban Design* of the Bayside Local Environmental Plan 2021.
 - c) Pursuant to the provisions of Section 4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979*, the proposed development does not satisfy the objectives of the Bayside Development Control Plan 2022, including:
 - Part 3.1 Site Analysis and Locality
 - Part 3.9 Stormwater Management and Water Sensitive Urban Design
 - Part 5.2.1.1 Streetscape, Local Character and Quality of Design
 - Part 5.2.1.2 Built Form Controls
 - d) 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 bulk, scale, height and density and would adversely impact upon the amenity of the locality.
 - e) 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.

Name	For	Against
Paul Vergotis	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Peter Brennan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Annelise Tuor	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Katrina Blando	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel's Determination:

The Panel notes that the assessment report recommended approval of the modification application. Having considered this report, the site visit and the verbal submissions on behalf of the applicant, the Panel is not satisfied that the modification application should be approved. In particular, the Panel notes that the proposal does not demonstrate adequate management of stormwater entering from the roof terrace to the access stairs and level below. To address this issue, would require further enclosure of the awning and an increase in the bulk of the roof top structure, which exceeds the height standard. The height variation, increased bulk and roof top structures on a single dwelling are not characteristic of the area and approval the modification application would establish an undesirable precedent. For the reason outlined above the panel has refused the application.

Closed deliberations concluded at 5.06pm.

Certified as true and correct.

Paul Vergotis
Chairperson




Declaration of Interest - Bayside Local Planning Panel Meeting 10/06/2025

Item	Description	Declaration of Interest
Other Applications (Non-Public Meeting)		
6.1	DA-2025/50 - 36 Cook Street TURRELLA NSW 2205	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.
6.2	MDA-2025/30 - 54 Tuffy Avenue, Sans Souci NSW 2219	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-2025/36 - 7 David Street Mascot NSW 2020	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.
<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div>Paul Vergotis Name (please print)</div> <div>Signature </div> <div>10/6/25 Date</div> </div>		



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<div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div>Annelise Tuor Name (please print)</div> <div>Signature</div> <div>7 / 6 / 2025 Date</div> </div>		


Bayside Council

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PETER BRENNAN Name (please print)		[Redacted Signature] Signature
		4.6.25. Date



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Katrina Blando Name (please print)		
		[Redacted Signature] Signature
		01 / 06 / 2025 Date