

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 22 July 2025 at 6:00 PM**

Present

Paul Vergotis, Chairperson
Scott Barwick, Independent Expert Member
David Epstein, Independent Expert Member
Katrina Blando, Community Representative

Also present

Carine Elias, Manager, Development Services
Angela Lazaridis, Coordinator Development Administration & Advisory
Fiona Prodromou, Senior Development Assessment Planner
James Martinez, Development Assessment Planner
Bonnie Ng, Lead Paralegal
Dawson Heperi, Customer Relationship Analyst

The Chairperson opened the meeting 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 DA-2024/249 - 57, 59 and 61 President Avenue Kogarah - Development Application

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

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

- Ms Rozeena Akram, affected neighbour, made a written submission for the officer's recommendation.
- Ms Winnie Huang and & Mr Gregoire Louvet, affected neighbour, made a written submission for the officer's recommendation.
- Ms Shirley Wang, an affected neighbour, made a written submission for the officer's recommendation.
- Mr Dimitri Mentis, an affected neighbour, made a written submission and spoke for the officer's recommendation and responded to the Panel's questions.
- Mr Robert Greenhill, an interested citizen/resident, made a written submission and spoke for the officer's recommendation and responded to the Panel's questions.
- Ms Anne Field, an interested citizen/resident, spoke for the officer's recommendation and responded to the Panel's questions.
- Mr Fahri Fahri, an affected neighbour, spoke for 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, does not have any jurisdictional power to grant development consent without a written Clause 4.6 contravention request by the applicant seeking to vary the building height development standard.
2. The Bayside Local Planning Panel, exercising the functions of the Council as the consent authority does not have jurisdictional power to grant consent as it cannot be satisfied the applicant has not demonstrated that pursuant to Chapter 2 of SEPP (Resilience and Hazards) 2021, the proposed development will have sufficient measures to protect, and where possible enhance, the biophysical, hydrological and ecological integrity of the adjacent coastal wetland.
3. 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-2024/249 for Integrated Development - Demolition of all existing dwellings, tree removal and construction of a two-storey place of public worship and congregation hall, basement

parking and associated landscape works at 57-61 President Avenue, KOGARAH 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 requirements of S2.119 and 2.122 of *State Environmental Planning Policy (Transport and Infrastructure) 2021* as it fails to demonstrate that there would be no adverse effects to the safety, efficiency, and ongoing operation of the classified road.
- b) 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 requirements of 2.8 Development on land in proximity to coastal wetlands or littoral rainforest of *State Environmental Planning Policy (Resilience and Hazards) 2021*.
- c) 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 of the R2 zone as contained in Bayside Local Environmental Plan 2021 as the proposed place of public worship will adversely impact on the character and amenity of the area.
- d) 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 Clause 4.3 Building Height of 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*, the proposed development does not satisfy the objectives of Clause 4.4 Floor Space Ratio 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*, the proposed development does not satisfy Clause 4.6 Exceptions to Development Standards 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*, the proposed development does not satisfy Clause 5.21 Flood Planning of the Bayside Local Environmental Plan 2021.
- h) 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.
- i) 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 Clause 6.4 Stormwater and water sensitive urban design of the Bayside Local Environmental Plan 2021.
- j) 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.
- k) 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 3.6 – Social Amenity, Accessibility and Adaptable Design
 - iii. Part 3.9 – Stormwater Management and WSUD
 - iv. Part 3.10 – Flood Planning
 - v. Part 3.12 – Waste Minimisation and Site Facilities
 - vi. Part 3.14 – Noise, Wind, Vibration and Air Quality
 - vii. Part 3.18 – Utilities and Mechanical Plant
 - viii. Part 6.9 – Place of Public Worship
- l) 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 the existing streetscape and desired future character of the locality.
- m) 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.
- n) 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.
- o) 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.

4. That the submitters are to be notified of the Panel's decision.

Name	For	Against
Paul Vergotis	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Barwick	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Epstein	<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.

The Chairperson closed the meeting at 6.22pm.

Certified as true and correct.

Paul Vergotis
Chairperson



Declaration of Interest - Bayside Local Planning Panel Meeting 22/07/2025

Item	Description	Declaration of Interest
Other Applications (Non-Public Meeting)		
6.1	171 Bay Street, Botany	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	95 Mimosa 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.
Public Meeting		
6.1	57, 59, and 61 President Avenue, Kogarah	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;"> <div>PAUL VERGOTIS Name (please print)</div> <div>22, 7, 25 Date</div> </div>		



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<div style="display: flex; justify-content: space-between;"> <div>David Epstein Name (please print)</div> <div>Signature</div> <div>15 / 7 / 2025 Date</div> </div>		



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<div style="display: flex; justify-content: space-between;"> <div> Scott Barwick Name (please print) </div> <div> Signature </div> <div> 15 July 2025 Date </div> </div>		



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<div style="display: flex; justify-content: space-between;"> <div> Katrina Blando Name (please print) </div> <div> Signature </div> <div> 14 / 07 / 2025 Date </div> </div>		