

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 26 September 2023 at 6:00pm**

Decisions outside the public meeting
in accordance with the Operational Procedures

Present

Marcia Doheny, Chairperson
Jan Murrell, Independent Expert Member
Scott Barwick, Independent Expert Member
Thomass Wong, Community Representative

Also present

Luis Melim, Manager Development Assessment
Marta Gonzalez-Valdes, Coordinator Development Assessment
Felicity Eberhart, Senior Development Assessment Planner
Dawson Heperi, Customer Relationship Analyst Customer
David Smith, Manager Strategic Planning
Josh Ford, Coordinator – Planning Policy Strategic Planning
Bianca Chiu, Senior Urban Planner Strategic Planning
Matthew Hammond, Urban Planner Strategic Planning

Deliberations commenced at 4:06pm.

1 Acknowledgement of Country

Bayside Council acknowledges the traditional custodians: the Gadigal and Bidjigal people of the Eora nation, and pays respects to Elders past, present and emerging. The people of the Eora nation, their spirits and ancestors will always remain with our waterways and the land, our Mother Earth.

2 Apologies

There were no apologies received.

3 Disclosures of Interest

Scott Barwick declared a potential conflict of interest in Items No. 6.2 and No. 6.3 on the basis that the applicant for items No. 6.2 and 6.3, Platform Project Service (PPS) is an existing and ongoing client of SJB Planning, where Scott is a Director. He had excused himself from the meeting room and did not participate in discussion, consideration or determination for these items.

4 Minutes of Previous Meetings

4.1 Minutes of the Bayside Local Planning Panel - Other Applications Meeting - 12 September 2023

Decision

The Bayside Local Planning Panel noted that the Minutes of the Bayside Local Planning Panel - Other Applications meeting held on 12 September 2023 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

5 Reports – Planning Proposals

5.1 Planning Proposal Request - 26 Tupia Street, Botany

Panel members have undertaken inspection of the site

The following people spoke at the meeting:

- Mr Matthew Di Maggio, applicant's representative, spoke against the officer's recommendation and responded to the Panel's questions.
- Mr Kieran Smith, applicant representative, spoke against the officer's recommendation and responded to the Panel's questions.

Advice to council

- 1 The Panel acknowledges the need for additional housing in suitable locations and notes the efforts of Bayside Council in achieving its dwelling targets under the Eastern City District Plan, Planning Proposals being advanced to increase housing diversity in Bayside and strategic planning investigations in 3 specific investigation areas endorsed under Council's Local Housing Strategy in:
 - Botany Road, Mascot
 - Bexley North
 - West Kogarah.
- 2 The Planning Proposal seeks substantially greater height and floor space than is permitted in the Bayside Local Environmental Plan 2021 (BLEP 2021) but fails to

provide sufficient justification for these increases.

- 3 The Planning Proposal would not promote orderly development of land as referred to in s1.3(c) of the Environmental Planning & Assessment Act 1979.
- 4 Given the expected increase in density that the Planning Proposal seeks, it presents increased flooding risks to a greater number of people yet fails to adequately address the risks to the residents of living on flood prone land and is not satisfied with the emergency evacuation of residents during flood events.
- 5 The Panel notes the current R3 zoning and planning controls for the site; however, intensification is not appropriate for the site.
- 6 The Planning Proposal is inconsistent with a number of Ministerial directions relating to Planning Proposals made under s9.1 of the Environmental Planning & Assessment Act, 1979.

Name	For	Against
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Barwick	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

6 Reports – Development Applications

6.1 DA-2022/397 - 95 Coward Street MASCOT NSW 2020 - Development Application

Panel members have undertaken inspection of the site.

The following people spoke at the meeting:

- Mr Nicholas Papas, applicant, spoke in favour of the officer's recommendation and responded to the Panel's questions.
- Mr Anthony Betros, the applicant's representative, spoke in favour of the officer's recommendation and responded to the Panel's questions.

Determination

- 1 The Bayside Local Planning Panel, exercising the functions of Council as the consent authority pursuant to s4.16 of the *Environmental Planning and Assessment Act 1979* approves the variation to Section 4.4 of the Bayside Local Environmental Plan 2021, as it is satisfied that the applicant's request has adequately addressed the matters required to be demonstrated by cl 4.6 of that

Plan, and the proposed development would be in the public interest because it is consistent with the objectives of that particular standard and the objectives for development within the zone.

- 2 Development Application DA-2022/397 for alterations and additions to an existing heritage item and change of use to a cafe on ground floor and first floor office space with associated fit-out and signage at 95 Coward Street, MASCOT is APPROVED pursuant to s4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* and subject to the conditions of consent attached to the assessment report.
- 3 Condition number No. 28 is to be amended as follows:

Prior to issue of the Construction Certificate, details of the approved street awning, including plans and sections, must be provided to the Principal Certifier. The awning shall be consistent with the approved development application plans unless specifically varied below. The details must include:

- a) The certification by a Structural Engineer registered with the National Engineering Register (NER) for Roof Category R1 in accordance with AS/NZS 1170.1: 2002, AS/NZS 1170.0: 2002, and AS/NZS 1170.3: 2011; and
- b) Council's Heritage Officer must have confirmed their satisfaction with the detailed design of the awning.

Subject to compliance with the requirements above, Bayside Council grants approval pursuant to Section 138 of the Roads Act 1993. Council's approval remains whilst the structure is in place and the structural stability of the awning is not compromised. Maintenance of the awning is the responsibility of the owner of the land the subject of this consent.

REASON

To ensure that awnings are designed, constructed and maintained in accordance with relevant requirements and standards.

- 4 The submitter is to be notified of the Panel's decision.

Name	For	Against
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Barwick	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel's Determination:

The Panel adopts the reasons outlined in the Council officer's Assessment Report.

Panel's Comments:

The Panel commends the proposed restoration of the building and reversion of it to a use similar to the original corner shop use.

The design and construction of the awning is key to the successful result hence the imposition of the condition requiring Council's Heritage Officer's approval to the awning detailed design.

6.2 MDA-2022/100 - 64 - 68 The Grand Parade BRIGHTON LE SANDS - Section 4.55 Modification

Panel members have undertaken inspection of the site.

- Mr Matthew Billing, the applicant's representative, spoke and made a written submission in favour of the officer's recommendation and responded to the Panel's questions.

Determination

- 1 The Bayside Local Planning Panel, exercising the functions of the Council as the consent authority pursuant to s4.55(1A) of the *Environmental Planning and Assessment Act 1979* is satisfied that the proposed modification:
 - a) is of minimal environmental impact;
 - b) is substantially the same development as the development for which consent was originally granted and before that consent was modified;
 - c) has been notified and the submissions made have been considered;
 - d) is acceptable after considering reasons for the consent sought to be modified;
 - e) is acceptable having regard to the relevant matters in s4.15 of the *Environmental Planning and Assessment Act 1979*.
- 2 The Bayside Local Planning Panel, exercising the functions of the Council as the consent authority pursuant to s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determines Modification Application MDA-2022/100 for modification to DA-2020/241 to amend the basement levels, amendment to ground level, modification to stormwater plan, inclusion of a chamber substation at ground level, increase size of onsite detention tank at ground level, relocate bicycle parking, addition of a toilet within each terrace and provision of fire hydrant boosters and gas main with frontage to Princess Street at 64-68 The Grand Parade, Brighton Le Sands by GRANTING CONSENT to modify the original consent in the following manner:
 - a) By amending conditions No.1, No.5, No.14, No.15, No.18, No. 59, No. 121, No. 127, and No.132 as recommended in the assessment report.

- b) Condition number No. 66 is amended as follows:

Prior to the issue of any Construction Certificate for the relevant stage of the work, detailed drainage design plans for the management of stormwater are to be submitted to the Principal Certifier for assessment and approval.

Engineering design certification and drainage design calculations are to be submitted with the plans. Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site, including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

The detailed drainage design plans shall incorporate the provisions generally made in the stormwater concept plans prepared by SGC Consulting Engineers, project number 20200460, dated 14.08.23, issue G along with the revisions/requirements detailed below:

- i. The invert level (IL) and surface level (SL) of all grated trench drains (GTD's) are to be shown
- ii. The SL of all rainwater outlets (RWO's) is to be shown.
- iii. The WSUD catchment areas and MUSIC modelling catchment areas are to be updated to be coordinated with each other.
- iv. The SF1 dimensions are to be shown.
- v. A base plan for the pump-out tank is to be provided showing minimum 1% fall to the pumps. The section of the pump-out tank is to include IL at the edge of the tank.

REASON

To ensure compliance with Council's Stormwater Management Technical Guidelines / Specifications.

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

Name	For	Against
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Barwick	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel's Determination:

The Panel adopts the reasons outlined in the Council officer's Assessment Report.

**6.3 MDA-2022/101 - 64 - 68 The Grand Parade BRIGHTON LE SANDS
NSW 2216
- Section 4.55 Modification**

Panel members have undertaken inspection of the site.

- Mr Matthew Billing, the applicant's representative, spoke and made a written submission in favour of the officer's recommendation and responded to the Panel's questions.

Determination

7 The Bayside Local Planning Panel, exercising the functions of the consent authority pursuant to s4.55(1A), of the *Environmental Planning and Assessment Act 1979* is satisfied that the proposed modification:

- a) is of minimal environmental impact;
- b) is substantially the same development as the development for which consent was originally granted and before that consent was modified;
- c) has been notified and the submissions made have been considered;
- d) is acceptable after considering reasons for the consent sought to be modified;
- e) is acceptable having regard to the relevant matters in s4.15 of the *Environmental Planning and Assessment Act 1979*.

8 The Bayside Local Planning Panel, exercising the functions of the Council as the consent authority pursuant to s4.16 and s4.17 of the *Environmental Planning and Assessment Act 1979*, determines Modification Application MDA-2022/101 for modification to DA-2020/241 including design changes to the terraces, amendments to residential apartments, and amendments to the public domain and landscaping at 64-68 The Grand Parade, Brighton Le Sands by GRANTING CONSENT to modify the original consent in the following manner:

- a) By amending condition No.1, No.5, No.14, No.15, No.18, No. 59, No. 121, No. 127, and No.132.

- b) Condition number No. 66 is also amended as follows:

Prior to the issue of any Construction Certificate for the relevant stage of the work, detailed drainage design plans for the management of stormwater are to be submitted to the Principal Certifier for assessment and approval.

Engineering design certification and drainage design calculations are to be submitted with the plans. Rockdale Technical Specification Stormwater Management sets out the minimum documentation requirements for detailed design plans. Stormwater management requirements for the site,

including the final discharge/end connection point, must comply with Rockdale Technical Specification Stormwater Management.

The detailed drainage design plans shall incorporate the provisions generally made in the stormwater concept plans prepared by SGC Consulting Engineers, project number 20200460, dated 14.08.23, issue G along with the revisions/requirements detailed below:

- i. The invert level (IL) and surface level (SL) of all grated trench drains (GTD's) are to be shown
- ii. The SL of all rainwater outlets (RWO's) is to be shown.
- iii. The WSUD catchment areas and MUSIC modelling catchment areas are to be updated to be coordinated with each other.
- iv. The SF1 dimensions are to be shown.
- v. A base plan for the pump-out tank is to be provided showing minimum 1% fall to the pumps. The section of the pump-out tank is to include IL at the edge of the tank.

REASON

To ensure compliance with Council's Stormwater Management Technical Guidelines / Specifications.

- 9 The submitters are to be notified of the Panel's decision.

Name	For	Against
Marcia Doheny	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Barwick	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Thomass Wong	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for Panel's Determination:

The Panel adopts the reasons outlined in the Council officer's Assessment Report.

Closed deliberations concluded at 6:40pm.

Certified as true and correct.

Marcia Doheny
Chairperson



Declaration of Interest - Bayside Local Planning Panel Meeting 26/09/2023

Item	Description	Declaration of Interest
Other Applications (Non-Public Meeting)		
5.1	PP-2023/2/1 - 26 Tupia Street, Botany – Planning Proposal	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.
6.1	DA-2022/397 - 95 Coward Street, Mascot	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-2022/100 – 64 - 68 The Grand Parade, Brighton Le Sands	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.
6.3	MDA-2022/101 – 64 - 68 The Grand Parade, Brighton Le Sands	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.
Marcia Doheny _____ Name (please print)		_____ Signature
		25/9/23 _____ Date



Declaration of Interest - Bayside Local Planning Panel Meeting 26/09/2023

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Other Applications (Non-Public Meeting)		
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6.2	MDA-2022/100 – 64 - 68 The Grand Parade, Brighton Le Sands	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.
6.3	MDA-2022/101 – 64 - 68 The Grand Parade, Brighton Le Sands	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> Thomass Wong Name (please print) </div> <div style="background-color: #cccccc; width: 100px; height: 40px;"></div> <div> 22 / 09 / 2023 Date </div> </div>		



Declaration of Interest - Bayside Local Planning Panel Meeting 26/09/2023

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Other Applications (Non-Public Meeting)		
5.1	PP-2023/2/1 - 26 Tupia Street, Botany – Planning Proposal	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.
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6.3	MDA-2022/101 – 64 - 68 The Grand Parade, Brighton Le Sands	In relation to this matter, I declare that I have: no known conflict of interest <input type="checkbox"/> or an actual ¹ <input checked="" 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> Scott Brewich Name (please print) </div> <div style="background-color: #cccccc; width: 100px; height: 40px;"></div> <div> 25 / 9 / 2023 Date </div> </div>		



Declaration of Interest - Bayside Local Planning Panel Meeting 26/09/2023

Item No.	Details of Conflict of Interest
G-2 # G-3	THE SUBSTANTIVE APPLICANT - PETERSON ROSSER SERVICES IS A CLIENT OF MY FIRM SJB Planning (NSW) Pty Ltd

