

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 26 November 2019** at **6.00 pm**

Present

Jan Murrell, Chairperson
Ross Bonthorne, Independent Expert Member
Anthony Reed, Independent Expert Member
Patrick Ryan, Community Representative

Also present

Luis Melim, Manager Development Services
Fausto Sut, Manager Governance & Risk
Marta Gonzalez-Valdes, Coordinator Development Assessment
Christopher Mackay, Coordinator Development Assessment
Christopher Lazaro, Development Assessment Planner
Petra Blumkaitis, Development Assessment Planner
Andrew Ison, Senior Development Assessment Planner
Ana Trifunovska, Development Assessment Planner
Helen Lai, Development Assessment Planner
Angela Lazaridis, Senior Development Assessment Planner
Gary Choice, Development Assessment Planner
James Arnold, Principal at Arnold Urban
Suhradam Patel, IT Technical Support Officer
Anne Suann, Governance Officer

The Chairperson opened the meeting in the Botany Town Hall Committee Room at 6.00 pm.

1 Acknowledgement of Country

The Chairperson affirmed that Bayside Council respects the traditional custodians of the land, elders past, present and emerging, on which this meeting takes place, and acknowledges the Gadigal and Bidjigal Clans of the Eora Nation.

2 Apologies

There were no apologies received.

3 Disclosures of Interest

3.1 Panel Members' Conflicts of Interest

There were no declarations of interest – refer to the attached declarations.

Attachments

- 1 Bayside Local Planning Panel Meeting 26/11/2019 - Declarations of Interest

4 Minutes of Previous Meetings

4.1 Minutes of the Bayside Local Planning Panel Meeting - 12 November 2019

Decision

That the Bayside Local Planning Panel notes that the Minutes of the Bayside Local Planning Panel meeting held on 12 November 2019 have been confirmed as a true record of proceedings by the Chairperson of that meeting.

5 Reports – Planning Proposals

Nil

6 Reports – Development Applications

6.1 DA-2017/139/A - 142 Queen Victoria Street, Bexley

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

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:
 - i is of minimal environmental impact;
 - ii is substantially the same development as the development for which consent was originally granted and before that consent was modified;
 - iii has not been notified as this is not required; and
 - iv has been assessed having regard to the relevant matters in s4.15(1A) of the Environmental Planning and Assessment Act 1979.
- 2 That modification application DA-2017/139/A seeking to modify development application DA-2017/139 to include ventilation shaft, internal modifications and alterations to window size at 142 Queen Victoria Street, Bexley is APPROVED. The proposal is modified in the following manner:

- i By amending condition 2 as follows:

The development must be implemented substantially in accordance with the plans listed below, the application form and on any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

Plan/Dwg No.	Issue No.	Dated	Received
ARCHITECTURAL PLANS – prepared by Cornerstone Design			
Site Plan - DA 00	C	24 September 2019	24 September 2019
Site Analysis Plan – DA 01	B	20 April 2018	1 May 2018
Basement Plan & Ground Floor Plan – DA 02	DE	24 July 2018 18 September 2019	31 July 2018 23 September 2019
First Floor Plan & Second Floor Plan – DA 03	DE	24 July 2018 18 September 2019	31 July 2018 23 September 2019
Third Floor Plan & Roof Plan – DA 04	DE	24 July 2018 18 September 2019	31 July 2018 23 September 2019
Elevations – DA 05	DE	24 July 2018 18 September 2019	31 July 2018 23 September 2019
Elevations – DA 06	D	24 July 2018	31 July 2018
Section & Driveway Profile – DA 07	D	24 July 2018	1 May 2018
Schedule of Finishes			20 October 2016
Photomontage			30 April 2018 23 September 2019
LANDSCAPE PLANS – prepared by Zenith Landscape Designs			
Landscape Plan – 16-3278 LO1	A	19 April 2018	1 May 2018
Existing Tree Plan – 16-3278 LO2	A	19 April 2018	1 May 2018
DRAINAGE PLANS – prepared by United Consulting Engineers			
Drainage Plan - 16MB7166/D01	B	6 April 2018	1 May 2018
Ground Floor and Basement Drainage Plan - 16MB7166/D02	B	6 April 2018	1 May 2018
Soil & Water Management Plan - 16MB7166/SW01	B	6 April 2018	1 May 2018
BASIX CERTIFICATE – prepared by Building & Energy Consultants Australia			
761061M_023	-	30 April 2018 20 September 2019	1 May 2018 23 September 2019
Other			
Schedule of Finishes	A	undated	31 July 2018

Where there is any inconsistency between the plans prepared by Cornerstone and the plans prepared by either Zenith Landscape Designs or United Consulting Engineers, the plans prepared by Cornerstone Design shall prevail.

- ii By amending condition 5 as follows:

The development must be implemented and all BASIX commitments thereafter maintained in accordance with BASIX Certificate Number

761061M_023 other than superseded by any further amended consent and BASIX certificate.

Note: Clause 145(1)(a1) of the Environmental Planning & Assessment Regulation 2000 provides: A certifying authority must not issue a construction certificate for building work unless it is satisfied of the following matters:

- (a1) that the plans and specifications for the building include such matters as each relevant BASIX certificate requires.

Note: Clause 154B(2) of the Environmental Planning & Assessment Regulation 2000 provides: "A certifying authority must not issue a final occupation certificate for a BASIX affected building to which this clause applies unless it is satisfied that each of the commitments whose fulfilment it is required to monitor has been fulfilled."

Note: For further information please see <http://www.basix.nsw.gov.au>

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

The Panel is satisfied that the modification is minor in nature and will not create adverse impacts.

6.2 DA-2016/10065/B - 5 Finch Drive Eastgardens

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

Determination

- 1 That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority, pursuant to S.4.55(1A) of the Environmental Planning and Assessment Act 1979 be satisfied that the proposed modification:
 - i Is of minimal environmental impact;
 - ii Is substantially the same development as the development for which consent was originally granted and before that consent was modified;
 - iii Has not been notified; and
 - iv Has been assessed having regard to the relevant matters in s.4.15 of the Environmental Planning and Assessment Act 1979.

- 2 That modification application DA-2016/10065/B seeking to modify development consent DA-2019/65 to amend Condition 44 regarding timing for return of tree preservation bond at 5 Finch Drive, Eastgardens, is APPROVED. The proposal is modified in the following manner:

Amend Condition No. 44 as follows:

44. *Prior to the issue of the Construction Certificate, the applicant is to submit payment for a Tree Preservation Bond of \$1,136,565.00 to ensure protection of trees No. 1-14, 22-39 and 47-50 (trees along the eastern alignment of Finch Drive (North-South Street 1) and within the central park) from damage that have failed prior to construction due to vandalism and the insufficient maintenance including watering. The duration of the Bond shall be limited to a period of 24 months after the issue (or cease upon issue of) of the Occupation Certificate **12 months after Practical Completion.** At the completion of the ~~maintenance period~~ **12-month period**, the Tree Preservation Bond shall be refunded pending a satisfactory inspection by Council or a qualified Arborist. If the trees were found to be in decline, damaged (including roots), dead, excessively pruned or removed without Council permission or, if tree protection measures were not satisfied at any time, then all or part thereof of the bond shall be forfeited. The Tree Preservation Bond was calculated using the Thyer Tree Evaluation method.*

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

The Panel is satisfied the modification is reasonable in the circumstances.

6.3 DA-2013/10056/D - 13A Church Avenue, Mascot

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

The following people spoke:

- Lynette Hickey, affected neighbour, spoke against the officer's recommendation and responded to the Panel's questions.
- Simon Hanson, architect, spoke for the officer's recommendation and responded to the Panel's questions.

- Shane Mohebbaty, owner, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority, pursuant to S4.55(2) of the Environmental Planning and Assessment Act 1979 be satisfied that the proposed modification:
 - i is substantially the same development as the development for which consent was originally granted and before that consent was modified;
 - ii has been notified; and
 - iii has been assessed having regard to the relevant matters in S4.15 of the Environmental Planning and Assessment Act 1979.
- 2 That the Bayside Local Planning Panel consider the submissions concerning the proposed modification and take into consideration the reasons of the consent authority that granted the consent that is sought to be modified.
- 3 That modification application DA-2013/10056/D seeking to modify Development Consent DA-2013/10056 to change unit mix to increase the number of two (2) bedroom units, increase in gross floor area, changes to car parking and Section 7.11 contributions at 13A Church Avenue, Mascot is APPROVED subject to the conditions in the Council officer's report below the following additional 2 conditions:
 - (a) additional conditions to provide for 20 car parking spaces to be allocated as visitor spaces and the remainder of spaces attached to title of the units within the development; and
 - (b) the landscaping plan is to be significantly amended to demonstrate a positive contribution to the streetscape in terms of the footpath widening, the provision of seating with deciduous canopy trees on the subject site and landscaping and paving, the planting of advanced Chinese Elms on the Council footpath (to be widened by the applicant), and the rear landscaped area over the podium is to be further enhanced to provide an attractive landscaped area focused around carefully selected canopy trees. This amended plan is to be submitted to Council and approved by the Director City Futures prior to the issuing of a Construction Certificate.

The proposal is modified in the following manner:

- (a) *Amend Condition 1 to now read:*

The development is to be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent (DA13/056/01) **[Amended 26 November 2019 DA-2013/10056/D].**

Drawing N°	Author	Date Received
Architectural Plans		
S96 101 S4.55 101 Revision A	Bureau SRH	28 November 2017 12 September 2019 (DA-2013/10056/D)
S96 101.5	Bureau SRH	28 November 2017
S96 102 S4.55 102 Revision A	Bureau SRH	28 November 2017 12 September 2019 (DA-2013/10056/D)
S96 103 S4.55 103 Revision A	Bureau SRH	6 April 2018 12 September 2019 (DA-2013/10056/D)
S96 104 S4.55 104 Revision A	Bureau SRH	28 November 2017 12 September 2019 (DA-2013/10056/D)
S96 105 S4.55 105 Revision A	Bureau SRH	28 November 2017 12 September 2019 (DA-2013/10056/D)
S96 106 S4.55 106 Revision A	Bureau SRH	28 November 2017 12 September 2019 (DA-2013/10056/D)
S96 107 S4.55 107 Revision A	Bureau SRH	6 April 2018 12 September 2019 (DA-2013/10056/D)
S96 108 S4.55 108 Revision A	Bureau SRH	28 November 2017 12 September 2019 (DA-2013/10056/D)
S96 200	Bureau SRH	28 November 2017
S96 201	Bureau SRH	6 April 2018
S96 202	Bureau SRH	6 April 2018
S96 203	Bureau SRH	6 April 2018
S96 300	Bureau SRH	28 November 2017
Architectural Plans		
11170-01 Issue A	Simmons Architects	13 May 2014
11170-02 Issue I		
11170-03 Issue O		
11170-04 Issue F		
11170-05 Issue D		
11170-06 Issue D		
11170-07 Issue A		
11170-08 Issue E		
Landscape Plans		
L/01 Issue A	ATC	15 November 2013

<i>L/02 Issue B L/03 L/01 Issue C L/02 Issue C</i>		<i>17 November 2017</i>
Survey Plan Ref No. 582AA 01	Mitchell Land Surveyors Pty Ltd	28 March 2013
Stormwater Plans C01_B C02_B C03_B C04_A	Alan L Wright & Associates	15 November 2013

Documents	Author	Date Received
Statement of Environmental Effects	LJB Urban Planning Pty Ltd	27 March received by Council 28 March 2014
<i>Statement of Environmental Effects (DA-2013/10056/C)</i>	<i>LJB Urban Planning Pty Ltd (DA-2013/10056/C)</i>	<i>23 November 2017 (DA-2013/10056/C)</i>
State Environmental Planning Policy No.1 (SEPP 1) Objection	LJB Urban Planning Pty Ltd	November 2013 received by Council 15 November 2013 – amendment received 30 April 2014
Preliminary Geotechnical Report	Grant Alexander & Associates Pty Ltd	30 July 2009 received by Council 28 March 2013
Ground Water Levels	Grant Alexander & Associates Pty Ltd	30 July 2009 received by Council 28 March 2013
Traffic Report Traffic and Parking Impact Assessment (DA-2013/10056/C)	Integral Services group Motion Traffic Engineers (DA-2013/10056/C)	August 2009 received by Council 20 May 2013 November 2017 (DA-2013/10056/C)
Estimated Construction Cost	Newton, Fisher & Associates Pty Ltd	20 January 2014 received by Council 22 January 2014
Soil Contamination Investigation	Pacific Environmental	30 October 2009 received by Council 28 March 2013
Addendum to Soil Contamination Audit Investigation	Pacific Environmental	1 January 2010 received by Council 28 March 2013
Addendum to Soil Contamination Audit Investigation – Groundwater Investigation	Pacific Environmental	13 May 2013 received by Council 28 March 2013
Acid Sulphate Soil Assessment	Pacific Environmental	2 November 2009 received by Council 28 March 2013

Pedestrian Wind Statement	Windtech	22 October 2009 received by Council 28 March 2013
BASIX Certificate No. 474684M 47468M_02 47468M_03 (DA-2013/10056/C) (DA-2013/10056/D)	Department of Planning Gradwell Consulting (DA-2013/10056/C) (DA-2013/10056/D)	28 March 2013 received by Council 28 March 2013 23 November 2017 12 September 2019 (DA-2013/10056/C) (DA-2013/10056/D)
Access Report Access Compliance Report (DA-2013/10056/C)	PSE Consulting	7 May 2013 received by Council 20 May 2013 22 November 2017 (DA-2013/10056/C)
Design Verification	Simmons Architects Bureau SRH Architecture (DA-2013/10056/C)	21 March received by Council 28 March 2013 20 November 2017 (DA-2013/10056/C)
Aircraft Noise Assessment	Acoustic Services Pty Ltd	14 May 2013 received by Council 20 May 2013
Letter regarding Offer of VPA	Norton Rose Fulbright	20 March 2014

No construction works (including excavation) shall be undertaken prior to the issue of the Construction Certificate. (DA13/056/02) (DA13/056/03) (Amended 9 July 2019 DA-2013/10056/C) **[Amended 26 November 2019 DA-2013/10056/D]**.

(b) Condition 2 to be amended to now read:

The applicant must prior to the issue of the Construction Certificate pay the following fees:-

- a) Landscape Bond \$10,000.00
- b) Landscape Bond Preparation Fee \$550.00
- c) Waste Levy \$5,000.00
- d) Section 94 Contribution ~~\$1,600,000.00~~ **\$1,821,458.36**
\$1,544,472.13
- e) Damage Deposit \$50,000.00
- f) Development Control \$11,200.00

(DA-13/56/03) **[Amended 26 November 2019 DA-2013/10056/D]**.

- (c) Condition 3 to be amended to now read:

The payment of the following monetary contributions in accordance with Council's Section 94 Contributions Plan 2005-2010 to be paid prior to the issue of Construction Certificate:

- a) Section 94 Contribution 2005 – 2010

- i) Residential component ~~\$1,600,000~~ **\$1,821,458.36**
\$1,544,472.13

~~Note: The Section 94 Contribution fees are subject to annual review and the current rates are applicable for the financial year in which your consent is granted. If you pay the contribution in a later financial year you will be required to pay the fee applicable at the time. (DA13/56/03) [Amended 26 November 2019 DA-2013/10056/D].~~

- (d) Condition 14 to be amended to now read:

~~Submit a further Development Application for the construction of the road widening sections of, and public domain works in, Church Avenue (including the under-grounding of existing above ground electricity and telecommunication cables in Church Avenue, adjoining the site together with the provision of appropriate street light standards, drainage (if any) kerb and gutter, footway, bicycle paths, landscaping, traffic signs). Details shall be submitted by the applicant to Council's satisfaction.~~

An application for Frontage Works (Public Domain Frontage Works Construction Application) shall be made to Council's Customer Service Centre prior to issue of the Construction Certificate. All boundary frontage works, egress paths, driveways and fences shall comply with the approval. A fee is payable to Council. If payment is made after the end of the financial year, the amount shall be adjusted in accordance with Council's adopted fees and charges. [Amended 26 November 2019 DA-2013/10056/D]

- (e) Condition 15 to be deleted.
- (f) Condition 16 to be deleted.
- (g) Condition 53 to be amended to now read:

Plans submitted with the Construction Certificate shall demonstrate compliance with the following:

- a) All residential unit size excluding balconies as minimum must be as following:
- i) Studio = ~~60~~ **35**m²
- ii) 1 bedroom = ~~75~~ **50**m²
- iii) 2 bedroom = ~~100~~ **70**m²
- iv) **3 bedroom = 90m² [Amended 26 November 2019 DA-2013/10056/D].**

- b) Adaptable units must be provided in accordance with Section 4C.6.1 of Botany Bay Development Control Plan 2013. Such units shall be designed in accordance with AS 4299 and BBDCP 2013 (Section 4C.6.1). Details to be submitted with the Construction Certificate.

(h) *Condition 65 to be amended to now read:*

Prior to the issue of any Construction Certificate, detail design and construction plans in relation to stormwater management and disposal system for the development shall be submitted to the Principal Certifying Authority for approval. The detail drawings and specifications shall be prepared by a suitably qualified and experienced civil engineer and be in accordance with Council's 'Development Control Plan – "Stormwater Management Technical Guidelines"', AS/NSZ 3500 – Plumbing and Drainage Code and the BCA. All drawing shall correspond with the approved architectural plans. The plans shall incorporate:

- a) the provisions made in the stormwater drainage drawings C1-C4, by Alan. L. Wright & Associates, dated Oct 2013;
- b) the provision for the connection of the overflow pipe from Storage Tank 1 to either Pit C or Pit D of the Absorption Tank and the deletion of Pit A;
- c) the provision for new kerb inlet pit(s) with a minimum 1.8 metre lintel, in accordance with City of Botany Bay Standard Drawing E-09 to facilitate connection of stormwater outlet to Council's stormwater drainage system; and
- d) the provisions meet or exceed the BASIX Certificate No. ~~474684M issued 28 March 2013~~ **474684M_02 issued 23 November 2017** **474684M_03 issued 11 September 2019.**

Note: All underground parking structures are to be "tanked" so that there is no intrusion of waters into the structure. (DA-2013/10056/C)
[Amended 26 November 2019 DA-2013/10056/D]

(i) *Condition 76 to be amended to now read:*

The following car parking spaces shall be made available to residents and visitors:

- a) a total of ~~one hundred and thirty four (138)~~ **one hundred and six (106)** car parking spaces on site; and
- b) the following conditions apply to the car parking:
 - i) the on-site car parking spaces, exclusive of service and visitor spaces, are not to be used by those other than the occupants, tenant or resident of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, licence or transfer ownership of any car parking spaces to those other

than an occupant, tenant, lessee or resident of a unit in the building.

- ii) prior to Construction Certificate under the Environmental Planning and Assessment Act 1979 a documentary Restrictive Covenant, is to be registered on the Title of the development site pursuant to Section 88E of the Conveyance Act 1919, to the effect of (a) above. The Covenant is to be created appurtenant to Council, at no cost to and to the satisfaction of Council.
- iii) any future strata subdivision of the site is to include a Restriction on User pursuant to Section 39 of the Strata Titles (Freehold Development) Act 1973, as amended, burdening all utility car parking allotments in the Strata Plan and/or an appropriate Restrictive Covenant pursuant to Section 88B of the Conveyancing Act 1919 burdening all car parking pat-lots in the strata scheme.

[Amended 26 November 2019 DA-2013/10056/D]

(j) Condition 77 to be amended to now read:

Pursuant to clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in the relevant BASIX Certificate No. 474684M dated 28 March 2014 received by Council 28 March 2014 ~~474684M_02 dated 23 November 2017~~ **474684M_03 issued 11 September 2019** for the development are fulfilled.

a) Relevant BASIX Certificate means:

- i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate.

b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000. (DA-2013/10056/C) **[Amended 26 November 2019 DA-2013/10056/D]**

(k) Condition 79 to be amended to now read:

The Architect is to confirm in writing that the apartment sizes in metres squared (sq.m) and the balconies comply with ~~Council's Building Design and Construction Development Control Plan the Apartment Design Guide.~~ **[Amended 26 November 2019 DA-2013/10056/D]**

- 4 That the submitters be notified of the Bayside Local Planning Panel's decision.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

The Panel is satisfied the modifications are satisfactory with the additional conditions requiring enhanced landscaping and streetscape connectivity.

6.4 DA-2019/150 - 2 Princes Highway, Wolli Creek

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

Determination

- 1 That development application DA-2019/150 of an Integrated Development for the construction of a cafe and public amenities building at Cahill Park at 2 Princes Highway, Wolli Creek, 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 Council officer's report.
- 2 That the submitters be notified of the Bayside Local Planning Panel's decision.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

The Panel considers the proposal is worthy of approval and will provide for increased amenity in its location that is proximate to the recently built children's playground and accessible to the car parking. By way of comment, the Panel notes that the current amenities building close to Princes Highway towards the south could be removed and this portion of the reserve embellished.

6.5 DA-2019/191 - 32 William Street, Botany

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

The following people spoke:

- Henry Huang, applicant and architect, spoke for the officer's recommendation and responded to the Panel's questions.
- Anthony Betros, town planner, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

That this item be deferred to allow the applicant to amend the plans to ensure the streetscape presentation including articulation and material finishes and the landscaping are incorporated and the rear al fresco areas are to be reduced in size.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

The development application in its presentation to the streetscape does not warrant approval and requires amending. In the circumstances the Panel considers the applicant be given the opportunity to submit amended plans to Council for an addendum report to be provided to the Panel in a timely manner.

6.6 DA-2019/147 - 6 Culver Street, Monterey

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

Determination

That development application DA-2019/147 for the demolition of existing structures and construction of a two (2) storey dwelling with a basement garage and rooftop terrace at 6 Culver Street, Monterey, 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 this report.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

The Panel is satisfied the applicant has addressed the concerns previously raised about the size of the terrace being reduced and the height is now compliant with the control.

6.7 DA-2019/143 - 24 Albert Street, Botany

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

The following people spoke:

- John O'Rourke, owner, spoke for the officer's recommendation and responded to the Panel's questions.
- George Vardas from Champion Homes, spoke for the officer's recommendation and responded to the Panel's questions.

Determination

- 1 That the Bayside Local Planning Panel, exercising the functions of the Council as the consent authority pursuant to s4.16 of the Environmental Planning and Assessment Act 1979 approves a variation to the floor space ratio prescribed by cl4.4 Floor Space Ratio of the Botany Bay Local Environmental Plan 2013, as it is satisfied that the applicant's request has adequately addressed the matters required to be demonstrated by cl4.6 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 That development application DA-2019/143 for demolition of existing structures, Torrens Title subdivision into two (2) lots and construction of two (2) semi-detached dwellings at 24 Albert Street, Botany 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 Council officer's report, and a further condition for the landscape plan to be amended to include a permeable driveway or wheel tracks, and Condition 6(a) is imposed to require the al fresco areas not to be enclosed for the life of the development as this would impact on the floor space ratio calculations.

3 That the submitter be notified of the Bayside Local Planning Panel's decision.

Name	For	Against
Jan Murrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ross Bonthorne	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Anthony Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Patrick Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reason for the Panel's Determination

The Panel is satisfied the amended plans address the issues previously raised by the Panel and the development will sit comfortably within the streetscape with additional landscaping as required.

The Chairperson closed the meeting at 7.50 pm.

Certified as true and correct.

Jan Murrell
Chairperson