

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL PLANNING PANEL

DATE OF DETERMINATION	Thursday 8 December 2016
PANEL MEMBERS	John Roseth (Chair), Abigail Goldberg, Stuart McDonald
APOLOGIES	None
DECLARATIONS OF INTEREST	Meredith Wallace and Stuart Dutton both declared a non-pecuniary conflict of interest as Council is part owner of the site.

Public meeting held at Christie Conference Centre, 3 Spring Street Sydney on Thursday, 8 December 2016, opened at 11:50am and closed at 1:30pm.

MATTER DETERMINED

2016SYE005 – Bayside Council – DA2016/241 at 15-21 Bay Street, 1-11 Chapel Street, 1-3 Chapel Lane & 6-12 Lister Avenue Rockdale (AS DESCRIBED IN SCHEDULE 1)

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to refuse the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

- The proposal does not exhibit design excellence. Neither of the design excellence panels which have dealt with various versions of the proposal have reported that the design of the proposal is of high quality.
- The proposal does not comply with the separation distances required by the Apartment Design Guide, including instances where its impact on adjoining sites and their redevelopment potential is severe.
- The proposal provides very little deep soil landscaping.
- While the Panel believes that increases in setbacks and soft landscaping and restoring a gap in the building facing Bay Street could potentially render this application worthy of approval, such changes would result in a reduction in the number of the apartments, and the applicant has indicated that it would not accept such changes.

CONDITIONS

Not applicable

PANEL MEMBERS		
 John Roseth (Chair)	 Abigail Goldberg	 Stuart McDonald

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2016SYE005 – Bayside Council – DA2016/241
2	PROPOSED DEVELOPMENT	Integrated Development - Construction of a mixed use development comprising of 3 x 12 storey buildings with 435 residential apartments, ground floor commercial space, associated basement parking, public carpark, public domain works, stratum subdivision and demolition of existing structures.
3	STREET ADDRESS	15-21 Bay Street, 1-11 Chapel Street, 1-3 Chapel Lane & 6-12 Lister Avenue Rockdale
4	APPLICANT: OWNERS:	Combined Projects (Rockdale) Pty Ltd Combined Projects (Kogarah) Pty Ltd, Combined Projects (Rockdale) Pty Ltd, Rockdale Council
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value >\$20 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (BASIX) 2004 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ○ Apartment Design Guide ○ Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment ○ Rockdale Local Environmental Plan 2011 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Rockdale Development Control Plan 2011 • Planning agreements: Nil • <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 25 November 2016 • Written submissions during public exhibition: 12 • Verbal submissions at the panel meeting: <ul style="list-style-type: none"> ○ Support – nil ○ Object – Margaret Roberts, Jim Lazanas ○ On behalf of the applicant – Frouad Deiri, Stephen Kerr, Nick Turner, Theo Loucas
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing Meetings: 10 March & 8 December 2016 • Site Inspection: 8 December 2016
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not Applicable