

<b>DATE OF DETERMINATION</b>	1 March 2017
<b>PANEL MEMBERS</b>	Maria Atkinson (Chair), John Roseth, Sue Francis
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Electronic meeting held between Wednesday, 22 February 2017 and 1 March 2017.

#### **MATTER DETERMINED**

2016SYE007 – Bayside – DA15/191 at 7-9, 14-18, and 19-21 Chalmers Crescent Mascot (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 approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**

The reasons for the decision of the Panel were:

In July 2016, the Panel deferred the determination of this application because the applicant assured the Panel that it could amend the proposal to meet the criticisms in the council's assessment report. On further discussion, the assessment officer changed his written recommendation for refusal to a verbal recommendation for deferral.




The major issue in July 2016 was that the applicant did not own the whole of the site. For this reason the FSR could be calculated based only on part of the site. The applicant has now committed to purchasing the part of the site which it did not own and consequently the FSR of the proposal complies with the planning control.

Minor shortcomings have also been amended. The draft conditions have been agreed on. The supplementary assessment report recommends approval, which the Panel accepts.

#### **CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

1. Condition 33(a), Condition 34 and Condition 35 become three Advisory Notes
2. Condition 33(b) is now Condition 33.

<b>PANEL MEMBERS</b>		
		
Maria Atkinson (Chair)	John Roseth	Sue Francis

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE007 – Bayside – DA15/191
2	PROPOSED DEVELOPMENT	<p>Stage 1 Masterplan Application for the consolidation of 16 Lots (Lots 11-26 DP 29697) to create the subject site with a combined area of 12,602sqm to accommodate:</p> <ul style="list-style-type: none"> <li>• Four x eight (8) storey commercial towers with a total GFA of 37,805sqm;</li> <li>• 3 levels (two levels above ground and one level partially below ground) of car parking for 473 vehicles, 43 bicycles and 4 loading bays under a landscaped podium;</li> <li>• Extensive landscaping of 8,605sqm including ground level setbacks, green façade, podium level landscaped area and green roof;</li> <li>• A pedestrian overpass linking the podium level on either side of the cul-de-sac at the end of Chalmers Crescent.</li> </ul>
3	STREET ADDRESS	7-9, 14-18, and 19-21 Chalmers Crescent Mascot
4	APPLICANT/OWNER	F Mayer (Imports) Pty Ltd C/- Neustein Urban
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value >\$20 Million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>○ Botany Bay Local Environmental Plan 2013</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Botany Bay Development Control Plan 2013</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council assessment report: 21 July 2016</li> <li>• Council supplementary report: 10 January 2017 and 22 February 2017</li> <li>• Written submissions during public exhibition: nil</li> <li>• Verbal submissions at the public meeting 28 July 2016: <ul style="list-style-type: none"> <li>○ On behalf of the applicant – Michael Neustein, Penny Murray</li> </ul> </li> <li>• Verbal submissions at the public meeting 19 January 2017: <ul style="list-style-type: none"> <li>○ On behalf of the applicant – Michael Neustein, Tony Staviery</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing Meetings: 12 July 2016, 28 July 2016, 19 January 2017</li> <li>• Public Determination Meetings: 28 July 2016 and 19 January 2017</li> </ul>
9	COUNCIL RECOMMENDATION	<p>Assessment Report recommendation 2 July 2016 – refusal</p> <p>Supplementary Report recommendation 10 January 2017 – approval</p> <p>Supplementary Report recommendation 22 February 2017 - approval</p>
10	DRAFT CONDITIONS	Attached to the council assessment report