

DATE OF DETERMINATION	Thursday 1 December 2016
PANEL MEMBERS	Maria Atkinson (Chair), Sue Francis, John Roseth
APOLOGIES	None
DECLARATIONS OF INTEREST	Tony Fassanella & Michael Megna both declared a non-pecuniary conflict of interest as they have both been involved in this application in their roles as Councilors.

Public meeting held at Christie Conference Centre, 3 Spring Street Sydney on 1 December 2016, opened at 10.10 am and closed at 11.40 am.

MATTER DETERMINED (AS DESCRIBED IN SCHEDULE 1)

2016SYE014 – Canada Bay - DA2016/0005 at 6-14 Walker Street and 11-23 Marquet Street, Rhodes

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

The decision was unanimous.

REASONS FOR THE DECISION

The Panel gave careful consideration to the objectors' concern that the excessive height and density of this proposal will have adverse imposed in overshadowing of public and private space and in visual impact. However, the Panel is aware that the proposal complies with the Floor Space Ratio (FSR) and height in metres of the Local Environmental Plan (LEP) excluding the heliostat which is considered a roof feature and not part of the height limit.

While the Panel feels that an FSR of nearly 10:1 is far too high for this site, it must accept that the LEP, and therefore the development standards in it, now have legal force.




The Panel therefore accepts the recommendation of the Council Assessment Report to approve the application.

However, the Panel suggests the applicant should consider making the following changes to improve the liveability and environmental performance of the proposed development:

- The Panel is not convinced that the solar access analysis is correct and recommends that it should be checked to ensure that the minimum requirement of 70% of apartments achieving 2 hours of sunlight at mid-winter is achieved.
- The Panel recommends that the parking for retail and residents be significantly reduced as the development is adjacent to mass transport.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report and amended conditions provided to the Panel and attached as final conditions.

PANEL MEMBERS		
		
Maria Atkinson (Chair)	Sue Francis	John Roseth

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE014 – Canada Bay - DA2016/0005
2	PROPOSED DEVELOPMENT	Demolition of all structures across the site and construction of basement parking, a four level podium providing retail tenancies, serviced apartments and two residential towers containing 668 units with Tower 1A providing 39 stories with heliostat upon roof and Tower 1B providing 28 stories
3	STREET ADDRESS	6-14 Walker Street and 11-23 Marquet Street, Rhodes
4	APPLICANT: OWNERS:	Walker Street Development Pty Ltd Impresstik Machinery Pty Ltd, Twelve Walker Street Pty Ltd, Twenty Three Marquet Street Pty Ltd, Twenty One Marquet Street Pty Ltd and Bay Tower Pty Ltd
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 No. 55 (Remediation of Land) State Environmental Planning Policy (State and Regional Development 2011) State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy (Infrastructure) 2007 Sydney regional Environmental Planning Policy (Sydney Harbour Catchment) 2005 State Environmental Planning Policy No. 64 – Advertising and Signage Canada Bay Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Rhodes West Development Control Plan 2015 Planning agreements: Nil Regulations: <ul style="list-style-type: none"> Section 94A 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> and <i>Environmental Planning and Assessment Regulation 2000</i>. The public interest, including the principles of ecologically sustainable development.
7	MATERIAL CONSIDERED BY THE PANEL	Council Assessment Report: 22 November 2016 Written submissions during public exhibition: 5 Verbal submissions at the panel meeting: <ul style="list-style-type: none"> Object – Ian Inglis, Pauline Tyrell On behalf of the applicant – John Consella, Bill McGaree, Murray Donaldson
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	Site Visit: 23 November 2016 Briefing Meeting: 1 December 2016
9	COUNCIL RECOMMENDATION	Deferred Commencement Approval
10	DRAFT CONDITIONS	As per council assessment report