

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Tuesday 28 November 2017
PANEL MEMBERS	Maria Atkinson (Chair), Sue Francis, John Roseth, Ed McDougall, Michael Nagi
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre 3 Spring Street Sydney on 28 November 2017, opened at 11.00am and closed at 11.30am.

MATTER DETERMINED

2016SYE052 – Bayside – DA2016/352 at 588 & 592 Princes highway 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

While the Panel adopts the reasons for refusal identified in the assessment report, it wishes to re-express them in a simplified form:

1. The application is required to be the outcome of a design excellence competition; however, no competition has occurred.
2. The proposal exceeds the controls for height and building envelope applying to the site and the written submission to justify the exceedance is not well founded.
3. The proposal does not provide adequate internal amenity to the apartments by failing to meet the guidelines of the Apartment Design Guide.
4. The proposal has an unacceptable impact on the privacy and amenity of adjoining sites.
5. The application has not provided sufficient information to satisfy the consent authority that the site is suitable for the proposed development under SEPP 55 Remediation of Land.

PANEL MEMBERS	
 Maria Atkinson (Chair)	 Sue Francis
 John Roseth	 Ed McDougall
 Michael Nagi	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE052 – Bayside – DA2016/352
2	PROPOSED DEVELOPMENT	Construction of a fourteen (14) storey mixed use development comprising 140 residential units, 3 commercial units, roof top communal open space, basement car parking and demolition of existing buildings.
3	STREET ADDRESS	588-592 Princes Highway Rockdale
4	APPLICANT/OWNER	Moweno Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$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 No.65 – Design Quality of a Residential Apartment Development State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (BASIX) 2005 State Environmental Planning Policy (Major Developments) 2005 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 Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: 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: 21 November 2017 Written submissions during public exhibition: 2 Verbal submissions at the public meeting: <ul style="list-style-type: none"> On behalf of the applicant – nil
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection and briefing meeting: 23 March 2017 Final briefing meeting to discuss council's recommendation, 28 November 2017, 10.00am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Maria Atkinson (Chair), Sue Francis, John Roseth, Michael Nagi, Ed McDougall <u>Council assessment staff</u>: Pascal can de Walle, Luis Mellim, Fiona Prodromou
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not provided