



DATE OF DETERMINATION	5 October 2016
PANEL MEMBERS	John Roseth (Chair), Sue Francis, Julie Savet Ward, Mark Castle George Glinatsis
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Christies Conference Centre, 3 Spring Street, Sydney, on Wednesday, 5 October 2016, opened at 10:00am and closed at Closing Time.

MATTER DETERMINED

2016SYE072 - DA-13/135/04 - Bayside Council - 659-669 Gardeners Road, 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 listed at item 8 in Schedule 1.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 96 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

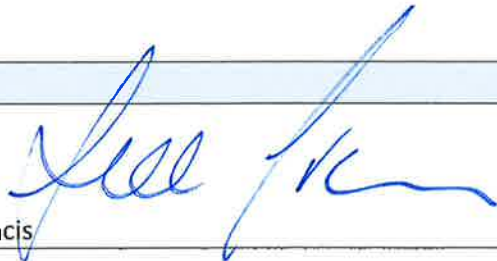
The reasons for the decision of the Panel were:

- The development the subject of the amendment application remains substantially the same development.
- The increase in gross floor area is negligible and occurs within the approved volume of the building.
- The amendments do not have additional impact.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with two amendments:

- The last sentence in condition 63(b) is replaced with the sentence "In this regard the plans submitted with the relevant Construction Certificate must incorporate improvements in the floor plan layouts in Drawing No DA101 to DA108 (Revision B) dated 24/7/2014 to achieve compliance with the Residential Flat Design Code (DA – 13/135/04).
- Condition 45 is replaced with the following: "Prior to the issue of the relevant Construction Certificate, design verification is required to be submitted from a qualified designer to confirm the development is consistent with the requirements of Condition 63(b).

PANEL MEMBERS	
 John Roseth (Chair)	 Sue Francis

 Julie Savet Ward	 Mark Castle
 George Glinatsis	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE072 - DA-13/135/04 - Bayside Council
2	PROPOSED DEVELOPMENT	Section 96AA Application to modify Development Consent No. 13/135 as follows: • Increase in the size of the southern commercial units thereby an increase in the total GFA by 238sqm and shift the construction of the commercial tenancies from Stage 2 construction to Stage 1; • Amend project staging so that car parking spaces in Stage 1 of construction are reduced by 24 spaces. No change to the total number of car spaces approved at Stage 2; • Design amendments to include revisions to the northern lobby & adjacent commercial tenancies, changes to amenities area of the northern & southern commercial tenancies, reduce and modify 3 balconies to accommodate requirements for a substation, and changes to the egress of the southern building; • Amend level 2 podium landscaping as a result of design development changes; and • Amend Condition No. 34 relating to stormwater management.
3	STREET ADDRESS	659-669 Gardeners Road, Mascot
4	APPLICANT OWNER	Dedico Development Service Mascot Circle Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	S96AA Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment 2 Development; • Botany Bay Local Environmental Plan 2013. • Draft environmental planning instruments: Nil • Development control plans: • Botany Bay Development Control Plan 2013. • 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	• Council assessment report: 22 September 2016 • Written submissions during public exhibition: Two (2) submissions • Verbal submissions at the panel meeting: ○ Support – ○ Object – ○ On behalf of the applicant – Philip Bull
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing meeting on 3 August 2016 and 4 October 2016
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	As per the council assessment report