



DETERMINATION AND STATEMENT OF REASONS
SYDNEY CENTRAL PLANNING PANEL

DATE OF DETERMINATION	16 February 2017
PANEL MEMBERS	John Roseth (Acting Chair), Sue Francis, Louise Camenzuli, Meredith Wallace
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre, 3 Spring Street Sydney on Thursday, 16 February 2017, opened at 12.00 pm and closed at 1.00 pm.

MATTER DETERMINED

2016SYE089 – Bayside – DA16/143 at 130-150 Bunnerong Road Pagewood (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 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 application is consistent with the Stage 1 Master Plan approved by the Land and Environment Court.
- The minor variation of the height standard for a small part of the roof of Tower B has been justified by a submission under cl 4.6 of the Botany Bay LEP 2013. The Panel accepts the justification.
- The Panel has listened to the complaints of the objector from the other side of Bunnerong Road in relation to structural damage to her house. The Panel notes that the applicant has undertaken to inspect her property and make good any damage after the construction is finished.

CONDITIONS

The development application was approved subject to the conditions recommended in the Council's Supplementary Report dated 15 February 2017, except for the following:

- The deferred commencement conditions become operational conditions, with the timing of information to be required before the issue of any Construction Certificate; and
- In Condition 68 the words “and surrounding buildings” are to be added after “Council’s infrastructure” in the sixth line.

PANEL MEMBERS	
 <p>John Roseth (Acting Chair)</p>	 <p>Sue Francis</p>
 <p>Louise Camenzuli</p>	 <p>Meredith Wallace</p>

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE089 – Bayside – DA16/143
2	PROPOSED DEVELOPMENT	Stage 2 Integrated Development Application for the construction of a residential flat building consisting of one level of basement car parking, a 3 storey podium including car parking sleeved with apartments, and 2 x 6 storey, 1 x 8 storey and 1 x 16 storey towers above.
3	STREET ADDRESS	130-150 Bunnerong Road, Pagewood
4	APPLICANT/OWNER	Karimbla Constructions (NSW) 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 (Infrastructure) 2007 ○ State Environmental Planning Policy 55 – Remediation of Land ○ State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development ○ State Environmental Planning Policy (BASIX) 2004 ○ Botany Bay Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Botany Bay Development Control Plan 2013 • Planning agreements: Nil • <i>Environmental Planning and Assessment Regulation 2000</i>: <ul style="list-style-type: none"> ○ <i>Part 6</i> – Procedures relating to Development Applications • 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: 2 February 2017 • Written submissions during public exhibition: 9 plus 1 petition with 36 signature • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Object – Karen Vajda-Shadtay, Simon Uzcilas ○ On behalf of the applicant – Walter Gordon
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing Meetings – 5 October 2016 and 16 February 2017
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report