

DETERMINATION AND STATEMENT OF REASONS
SYDNEY CENTRAL PLANNING PANEL

DATE OF DETERMINATION	20 July 2017
PANEL MEMBERS	Maria Atkinson (Chair), Julie Savet Ward, Louise Camenzuli, Debra Dawson, Daniel Fabri
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre 3 Spring Street Sydney on 20 July 2017, opened at 2:45 pm and closed at 4:00 pm.

MATTER DETERMINED

2016SYE095 – Bayside – DA16/150 at 42 Church Avenue 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 Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel reviewed the council assessment report as well as the two supplementary reports provided to them and agreed with the Council's recommendation to approve the application.

The Panel considered it appropriate, having regard to Section 79C (1) (a) (ii), that the Development Consent be conditioned in light of the Draft Central District Plan's productivity objectives supporting employment generating development, to require the first floor to be residential/commercial uses (dual use) to provide for employment activities within the proposal.

The Panel noted the local merit of the proposal which assists in addressing present demand for residential accommodation in Mascot.

The Panel reviewed the revised shadow diagrams and noted that the overshadowing of the communal open space at 8 Bourke Street was not solely caused by the development. It was also caused by the existing wall of the northern side of the outdoor swimming pool. The overshadowing impact by the proposed development complies with the allowable impact set out in the Apartment Design Guidelines.





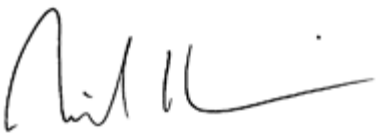
Sydney Trains has also now granted concurrence to the development and the deferred commencement conditions are no longer required. The consent conditions have been updated to reflect this change.

The Panel noted in regards to the Section 94 Contributions that Council and the Applicant have reached an agreement that the Section 94 Contributions for the development are to be paid prior to any Construction Certificate being approved and that this has been reflected in the conditions of consent.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the inclusion of two new conditions, as follows:

1. The first-floor level must be designed as flexible space to allow for future adaptation. It must have a minimum floor to ceiling height of 3.3 meters.
2. The residential/commercial (dual use) first floor flexible space is to include design features which allow for future adaptability of this space for employment generating activities.

PANEL MEMBERS	
 Maria Atkinson (Chair)	 Julie Savet Ward
 Louise Camenzuli	 Debra Dawson
 Daniel Fabri	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE095 – Bayside – DA16/150
2	PROPOSED DEVELOPMENT	Integrated Development Application for the construction of a mixed use development incorporating a 4 storey podium with four x 14-storey towers containing residential units, retail space, childcare centre, private recreation facilities, basement and above ground 'sleeved' car parking and 35,532sqm of gross floor area; landscaping and dedication of land along the Church Avenue frontage; construction of southern half of a new east-west street along the northern alignment of the site; landscaping and dedication of a new public park; associated excavation, earthworks and landscaping; and land subdivision
3	STREET ADDRESS	42 Church Avenue Mascot
4	APPLICANT/OWNER	Karimbla Construction Services (NSW) 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 (Infrastructure) 2007 ○ State Environmental Planning Policy No.55 Contaminated Land ○ State Environmental Planning Policy (BASIX) 2004 ○ State Environmental Planning Policy No.65 Design Quality of Residential Apartment Development and the Apartment Design Guide ○ Botany Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Botany Development Control Plan 2013 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Part 6 – Procedures relating to Development Applications • 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: 19 May 2017 • Clause 4.6 variation request (submitted with assessment report) • Council Supplementary Report: 7 July 2017 • Council Supplementary Report (Conditions on Consent updated): 19 July 2017 • Written submissions during public exhibition: 51 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Walter Gordon, Alexia Fisher
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting: 20 October 2016 • Site inspection and briefing meeting: 15 December 2016

		<ul style="list-style-type: none"> • Final briefing meeting to discuss council's recommendation: 1 June 2017, 10.00 am. Attendees: Angela Lazaridis, Luis Melim • Determination meeting (matter deferred): 1 June 2017 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Deborah Dearing (Chair), Julie Savet Ward, Louise Camenzuli, Debra Dawson, Daniel Fabri ○ <u>Council assessment staff</u>: Angela Lazaridis, Brendan Clendenning, Luis Melim, Kim Johnston • Final briefing meeting: 20 July 2017 at 2:00 pm <ul style="list-style-type: none"> ○ <u>Panel members</u>: Deborah Dearing (Chair), Julie Savet Ward, Louise Camenzuli, Debra Dawson, Daniel Fabri ○ <u>Council assessment staff</u>: Angela Lazaridis, Luis Melim, Michael McCabe
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report