



DATE OF DETERMINATION	19 January 2017
PANEL MEMBERS	Maria Atkinson (Chair), Sue Francis, John Roseth
APOLOGIES	Meredith Wallace, Stuart Dutton
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre, 3 Spring Street Sydney on Thursday, 19 January 2017, opened at 11.00 am and closed at 11.20 am.

MATTER DETERMINED (AS DESCRIBED IN SCHEDULE 1)

2016SYE107 – Bayside – DA2015/2016/02 at 1-5 Kent Road Mascot

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 decision was unanimous.

REASONS FOR THE DECISION

The Panel unanimously approved the application subject to amended conditions, for the following reasons:




- The Panel was satisfied with the revised plans which show the removal of the originally proposed fence and gate along the northern boundary of the through-site link within 671-683 Gardeners Road and the southern boundary of the through-site link within 1-5 Kent Road. The Panel noted that this now reads as publicly accessible space.
- The Panel notes that in some of cases, the amended plans for balconies, do not meet the minimum area required by the ADG, however, in these circumstances the apartments have been provided with another balcony. This results in the total size of balconies exceeding the minimum, and the Panel finds this acceptable.
- The Panel Chair noted that it was disappointing that the Applicant did not reduce the overall parking provision, given the site's proximity to mass public transport.
- However, the Panel unanimously supported the Council's recommendation that the proposed development modification to 1-5 Kent Road, Mascot be approved.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Condition 36 amended to read as follows:

Prior to the issue of any Occupation Certificate, 671-683 Gardeners Road (Lot 1 in DP 777315 and Lot 500 in DP 1030729) and 1-5 Kent Road (Lot 30 in DP 789177) must be consolidated and the consolidated title registered.

PANEL MEMBERS		
		
Maria Atkinson (Chair)	John Roseth	Sue Francis

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE107 – Bayside – DA2015/216/02
2	PROPOSED DEVELOPMENT	<p>Section 96(2) Modification Application to modify Development Consent No. DA-15(216) as follows:</p> <ul style="list-style-type: none"> • altering the podium levels of Building C by deleting and reconfiguring the units in order to provide additional car parking spaces in conjunction with the adjoining site to the north, provide an expanded void over the loading dock and accommodate expanded waste facilities; • reconfiguration of car parking spaces within the podium levels of Buildings A and B in conjunction with a shared car parking arrangement with the adjoining site to the north; • extend buildings Building B and C northwards to align with the setback levels below, resulting in the addition of 2 units on each level (total of 10), • construction of a fence along the southern boundary of the north-south park, and • addition of a vertical car park mechanical ventilation exhaust at the podium level of Building B.
3	STREET ADDRESS	1-5 Kent Road Road Mascot
4	APPLICANT / OWNER:	Karimbula Constructions Services (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 No. 55 – Contamination of Land ○ State Environmental Planning Policy 2004 (BASIX) ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ○ Botany Bay 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 • <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	<ul style="list-style-type: none"> • Council assessment report: 9 December 2016 • Council supplementary report: 9 January 2017 • Written submissions during public exhibition: Nil • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Walter Gordon, Alexis Fisher, Kevin Driver
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: 15 Dec 2016 • Briefing meetings: 21 September 2016, 15 December 2016, 20 December 2016 and 19 January 2017
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report