

<b>DATE OF DETERMINATION</b>	17 May 2018
<b>PANEL MEMBERS</b>	Carl Scully (Chair), John Roseth, Clare Brown, Ed McDougall, Michael Nagi
<b>APOLOGIES</b>	Sue Francis
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Rydges World Square on 17 May 2018, opened at 10:05 am and closed at 10:45 am.

#### **MATTER DETERMINED**

##### **2016SYE112 – Bayside - DA-16(165)**

24-26 High Street, 19-25 Robey Street, 5, 5A and 5B Elizabeth Street, Mascot

Integrated Development Application for the demolition of existing buildings and associated structures and the construction of a five (5) storey mixed commercial and residential apartment building with two large retail units, 66 residential apartments and two levels of basement car parking.

#### **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 adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 4.16 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:

1. The proposal seeks a height variation of 50% of 7 metres comprising of plant and lift overrun. The Panel accepts this variation noting that similar variations for surrounding development have been supported under the current Botany Bay Local Environmental Plan 2013.
2. The applicant's clause 4.6 to vary the height of building development standard is well founded as the amended proposal has compliant floor to floor heights (except Level 1 which is accepted), results in an improved streetscape without creating adverse overshadowing and privacy impacts on adjoining properties.
3. The Panel notes that a public access easement is proposed to provide a through site link from Elizabeth Street to John Curtin Reserve, as agreed to by the applicant and this now reads as publicly accessible.
4. The Panel is satisfied that the amended proposal now provides a greater level of internal and external amenity with regards to the requirements of the Apartment Design Guide, internal layouts, communal open space and apartment orientation in allowing a higher number of apartments with compliant solar access and ventilation.

## CONDITIONS

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

- **Additional Condition 18C:** East facing kitchen windows in the apartments on levels one and two within the six metre side setback are to be of translucent glass.  
*Reason: To ensure privacy and adhere to setback controls, to achieve the objectives of the Apartment Design Guide.*
- **Amend Condition 122(c)** - to delete reference to the current allotment descriptions and insert reference to the consolidated allotment as required by condition 99 so that the Surveyor's Certificate confirms that the development stands within the consolidated allotment.

PANEL MEMBERS	
 Carl Scully (Chair)	 John Roseth
 Clare Brown	 Michael Nagi
 Ed McDougall	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2016SYE112 – Bayside - DA-16(165)
2	PROPOSED DEVELOPMENT	Integrated Development Application for the demolition of existing buildings and associated structures and the construction of a five (5) storey mixed commercial and residential apartment building with two large retail units, 66 residential apartments and two levels of basement car parking.
3	STREET ADDRESS	19-25 Robey Street, Mascot
4	APPLICANT/OWNER	Robey Mascot Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million CIV lodged before 1 March 2018
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy No 55 – Contaminated Land</li> <li>State Environmental Planning Policy (2004) BASIX</li> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and Apartment Design Guide</li> <li>Botany Bay Local Environment Plan</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Botany Bay Development Control Plan 2013</li> <li>Botany Bay Section 94 Contributions Plan 2016</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Supplementary Council assessment report: 3 May 2017</li> <li>Council assessment report: 29 November 2017</li> <li>Written submissions during public exhibition: Three (3) submissions to original proposal, Nil submissions to amended proposal</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>On behalf of the applicant – Nicholas Byrne, Garry Chapman, Joseph Scuderi</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection and briefing meeting 23 March 2017</li> <li>Briefing meeting 7 December 2017</li> <li>Public meeting (deferred) 7 December 2017</li> <li>Final briefing meeting to discuss council's recommendation, 17 May 2018 at 9:45 am. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Carl Scully (Chair), John Roseth, Clare Brown, Ed McDougall, Michael Nagi</li> <li><u>Council assessment staff</u>: Chris Mackey, Lincoln Pascal, Angela Lazaridis</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report