

DETERMINATION AND STATEMENT OF REASONS
SYDNEY CENTRAL PLANNING PANEL

DATE OF DETERMINATION	1 June 2017
PANEL MEMBERS	Maria Atkinson (Chair), Julie Save 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 1 June 2017, opened at 10.30 am and closed at 11.20 am.

MATTER DETERMINED

2017SCL015 – Bayside – DA14(207) at 53-79 Baxter Road, 62-66 Robey Street 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 refuse the development application as described in Schedule 1 pursuant to section 96 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 and unanimously agreed with the recommendation for refusal of the application.






The Panel found the application fails to comply and is inconsistent with the objectives of the Botany Bay Local Environmental Plan 2013 FSR and height development standards.

The roof design does not meet the definition of “architectural roof feature” and the proposed provision of two penthouse apartments below the roof was not supported by the Panel.

The Panel did not support the conversion and enclosure of the balconies/terraces at the eastern and western ends of the building (levels 1-6) as it removes the communal balconies, and lowers the indoor environment amenity of the building and reduces façade articulation.

The Panel rejected the enclosure of the ground floor terrace area for a childcare centre which would result in unacceptable bulk and scale to the building which would have an adverse visual impact. Should the applicant wish to pursue a childcare facility, the Panel recommended a standalone Development Application for the childcare centre.

Further, the Panel notes this application essentially seeks to reinstate the original development application which the Sydney East Joint Regional Planning Panel did not support in April 2015.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SCL015 – Bayside – DA14(207)
2	PROPOSED DEVELOPMENT	Modification Application to modify Development Consent No. DA-14/207, which was determined by the Sydney East Joint Regional Planning Panel, by enclosing the undercroft area to create a 30 place childcare centre at ground level, enclosing the balconies across Levels 1 – 6 to create a second bedroom, enclosing the open terraces across Levels 1 – 6 to create an additional studio, incorporating 2 penthouse apartments on Level 7, providing 12 additional car parking spaces in the basement and several internal modifications to the loading area, office and plant rooms of the approved commercial building.
3	STREET ADDRESS	53-79 Baxter Road & 67-79 Baxter Road, 62-66 Robey Street, Mascot
4	APPLICANT/OWNER	Regional Express Holdings Ltd, Greatland Development Pty Ltd, & B W Davies Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 96(2) Modification Application
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 – Remediation of Land ○ State Environmental Planning Policy No.64 – Advertising and Signage ○ State Environmental Planning Policy (Infrastructure) 2007 ○ 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 • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil • 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: 23 May 2017 • Written submissions during public exhibition: non • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Tom Mithen, David Clarke.
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting 20 April 2017 • Final briefing meeting to discuss council's recommendation, 1 June 2017, 9.30am. Attendees: <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
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Not applicable – Reason for refusal noted in assessment report