



DATE OF DETERMINATION	31 August 2017
PANEL MEMBERS	Maria Atkinson (Chair), Sue Francis, John Roseth, Daniel Fabri
APOLOGIES	Debra Dawson
DECLARATIONS OF INTEREST	None

Electronic meeting held between 25 August 2017 and 31 August 2017.

MATTER DETERMINED

2017SCL022 – Bayside – DA16/18/03 at 13-150 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 96 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel deferred its decision at a public meeting on 6 July 2017 for the applicant to provide additional information and for this to be assessed by council. The applicant was requested to provide the following:

1. The current wind report which was modelled on sixteen storeys be updated to assess the impact of the wind on the use of the rooftop private open space at level twenty of the development. The report must consider mitigation measures. For sixteen storeys, a 1.8 metre high screen was recommended in the original wind report and at this height (i.e. over 1.4 metres), it would render the area as Gross Floor Area.
2. Elevations which are consistent with the plans.
3. Updated BASIX Certificate.

The Panel noted that the new structures are no higher than those already approved and would have no adverse impact.

The Panel received the supplementary report and unanimously approves the application for the following reasons:

- The proposal is consistent with the Masterplan;
- The updated wind report and BASIX Certificate have been reviewed by Council. The roof top terrace design has been amended to maintain amenity for the future occupants with the provision of solar protection and wind mitigation measures and the modifications are consistent with the approved Masterplan DA-14/96. The latest amendments have responded to the Panel's concerns expressed when the application was deferred at the public meeting.

CONDITIONS

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

PANEL MEMBERS	
 Maria Atkinson (Chair)	 Sue Francis
 John Roseth	 Daniel Fabri

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SCL022 – Bayside – DA16/18/03
2	PROPOSED DEVELOPMENT	Section 96(2) Application to modify Development Consent No. 16/18 for the introduction of roof top terraces above the top floor apartments of each buildings and minor alterations, including changes to the extent of glazing to the building facades and the reorientation of a car park exhaust stack.
3	STREET ADDRESS	130-150 Bunnerong Road, Pagewood
4	APPLICANT/OWNER	Karimbla Constructions Services (NSW) 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 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 Bay Development Control Plan 2013 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: <ul style="list-style-type: none"> ○ Part 4 ○ Schedule 4A • 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: 26 June 2017 (recommended for refusal) • Council supplementary report: 25 August 2017 • Written submissions during public exhibition: 2 • Verbal submissions at the public meeting 6 July 2017: <ul style="list-style-type: none"> ○ On behalf of the applicant – Walter Gordon
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing meeting: 11 May 2017 • Final briefing meeting to discuss council's recommendation, 6 July 2016 at 11:30. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Maria Atkinson (Chair), Sue Francis, John Roseth, Debra Dawson, Daniel Fabri ○ <u>Council assessment staff</u>: Olivia Yana, Luis Melim, Michael McCabe
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report