

<b>DATE OF DETERMINATION</b>	24 August 2017
<b>PANEL MEMBERS</b>	Maria Atkinson (Chair), Sue Francis, John Roseth
<b>APOLOGIES</b>	Debra Dawson, Meredith Wallace
<b>DECLARATIONS OF INTEREST</b>	None

Electronic meeting held between 14 August 2017 and 24 August 2017.

**MATTER DETERMINED**

2017SCL028 – Bayside – DA13/135/06 at 659/669 Gardeners Road 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 96 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.




**REASONS FOR THE DECISION**

The reasons for the decision of the Panel are:

- Previously raised issues regarding the visual impacts of the rooftop structures have been addressed and the modification to rooftop open space landscaping addressed issues raised;
- The additional height of the lift tower, being in the centre of the roof area, is mostly screened from view;
- The modifications will result in substantially the same development as approved by the Court, is in context with the sites and locality and does not create additional material impact.

**CONDITIONS**

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

PANEL MEMBERS	
 Maria Atkinson (Chair)	 John Roseth
 Sue Francis	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SCL028 – Bayside – DA13/135/06
2	PROPOSED DEVELOPMENT	<p>Section 96AA Application to modify Development Consent No. 13/135 as follows:</p> <ul style="list-style-type: none"> <li>• Amend the lift on the southern building to provide access to the rooftop common open space;</li> <li>• Increase the height of the lift overrun to RL 52.2 metres AHD;</li> <li>• Changes to the glass roof shape (lowered);</li> <li>• Amend Wind Impact Assessment and Landscape Co-ordination</li> </ul>
3	STREET ADDRESS	659/669 Gardeners Road Mascot
4	APPLICANT/OWNER	Dedico Development Service
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$20 million
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</li> <li>○ Apartment Design Guide</li> <li>○ Botany Local Environmental Plan 2013</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Botany Development Control Plan 2013</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Part 6 – Procedures relating to Development Applications</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>• Council assessment report: 11 April 2017</li> <li>• Written submissions during public exhibition: none</li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Electronic meeting</li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report