

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Thursday 25 July 2019
PANEL MEMBERS	Carl Scully (Chair), Sue Francis, John Roseth, Ed McDougall, Michael Nagi
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Fraser Suites, 488 Kent Street Sydney on 25 July 2019, opened at 2.30pm and closed at 4.05pm.

MATTER DETERMINED

2018ECI005 – Bayside – DA2018/1187 at 256 Coward Street Mascot for an Integrated Development (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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel notes that the proposal varies the height and FSR development standards applying to the site in Botany Bay Local Environmental Plan 2013 (LEP) in response to written submissions by the applicant under cl 4.6 of the LEP.

One submission applies to vary the 45m building height standard by 1m or 2.3% for the lift tower and plant room which occupy a small area of the roof away from the edges and have no material adverse impact. The Panel is satisfied that the application is consistent with the objectives of the zone and of the standard, that strict compliance with the standard would be unreasonable and unnecessary (given the minor nature and low impact of the variation) and that there are sufficient environmental planning reasons to allow the variation.

The proposal also seeks to vary the 3.2:1 FSR by 14% to achieve an FSR of 3.71:1. This is mainly on the basis that recent approvals in the area have not complied with the 3.2:1 FSR and have been granted variations of the magnitude sought by this application. The Panel is satisfied that the proposal is consistent with the objectives of the zone and of the standard, that strict compliance with the standard would be unreasonable (in circumstances where strict compliance was not enforced in other recent applications) and that there are sufficient environmental planning reasons to allow the variation.

The proposal is consistent with the scale of development envisaged for the locality. It provides for a child care centre. The proposed dwellings have acceptable internal amenity.






The Panel notes that a VPA, which provides for 90 public car parking spaces, was executed between the council and the applicant on 24 July 2019.

CONDITIONS

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

CONSIDERATION OF COMMUNITY VIEWS

There were no public submissions in response to the public exhibition.

PANEL MEMBERS	
 Carl Scully (Chair)	 Sue Francis
 John Roseth	 Ed McDougall
 Michael Nagi	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018ECI005 – Bayside - DA-2017/1236
2	PROPOSED DEVELOPMENT	Integrated Development - Construction of a fourteen (14) storey mixed use development including 305 residential units, commercial tenancies, a child care centre (74 places) and basement car parking for 440 cars (including 90 public car parking spaces) and public and private landscaping works.
3	STREET ADDRESS	256 Coward Street, Mascot
4	APPLICANT/OWNER	Applicant: Karimbla Constructions Services (NSW) Pty Ltd Owner: Karimbla Constructions Services (NSW) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy (BASIX) 2004 ○ State Environmental Planning Policy (Infrastructure) 2007 ○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 ○ State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings ○ 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: 2 May 2019 • Clause 4.6 variation requests from the applicant, seeking to vary the height and FSR standards • Council Supplementary Report: 25 June 2019 • Written submissions during public exhibition: Nil • Verbal submissions at the public meeting 16 May 2019: <ul style="list-style-type: none"> ○ Council assessment officer – Andrew Ison ○ On behalf of the applicant – Walter Gordon, Neil O’Connells, Frank Ru and Cameron Gratbatch • Verbal submissions at the public meeting 25 July 2019: <ul style="list-style-type: none"> ○ Council assessment officer – Andrew Ison ○ On behalf of the applicant – Walter Gordon
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • Briefing: 20 December 2019 • Final briefing to discuss council’s recommendation, 16 May 2019, 10:30 am. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), John Roseth, Sue Francis and Ed McDougall ○ <u>Council assessment staff</u>: Angela Lazaridis, Pascal Van der Walle and Andrew Ison

		<ul style="list-style-type: none"> • Papers were circulated electronically between 27 June and 10 July 2019 • Final briefing to discuss council's recommendation, 25 July 2019, 2.15pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), John Roseth, Sue Francis, Michael Nagi and Ed McDougall ○ <u>Council assessment staff</u>: Marta Gonzalez-Valdes, Patrick Nash, Andrew Ison
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report