



**DETERMINATION AND STATEMENT OF REASONS**  
SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Thursday 20 December 2018
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Sue Francis, John Roseth, Michael Nagi, Ed McDougall
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Fraser Suites Sydney 488 Kent Street Sydney on 20 December 2018, opened at 11.30am and closed at 2.10pm.

**MATTER DETERMINED**

2018ECI008 – Bayside - DA-2014/129/04 at 593-595 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 briefings 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 pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

**REASONS FOR THE DECISION**

The Panel unanimously approved the application for the following reasons:

1. The amended proposal is substantially the same development as the approved development.
2. The proposed amendments have no material impact on the surroundings.
3. There were no submissions to the exhibition of the proposal.






The Panel notes that the application was accompanied by a submission under cl 4.6 of the Botany Bay LEP 2013 and that for an amended application there is no need for such a submission. The submission refers to an increase in the height of the lift tower. The Panel agrees to the increase of height on the grounds that it has no material impact.

**CONDITIONS**

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

**CONSIDERATION OF COMMUNITY VIEWS**

No written submissions were received during public exhibition.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018ECI008 – Bayside - DA-2014/129/04
2	PROPOSED DEVELOPMENT	Section 4.55 (2) modification application of approved mixed use development including conversion of units 2.09 and 3.09 from studio units to 1 bedroom units, extension of balcony and awning to unit 401, northern façade adjustment to include blade column and increasing the height of the lift overrun by 1 metre.
3	STREET ADDRESS	593-595 Gardeners Road, Mascot
4	APPLICANT/OWNER	APKC Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
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 Contamination of Land</li> <li>State Environmental Planning Policy (BASIX) 2004</li> <li>State Environmental Planning Policy No.65 Design Quality of Residential Flat Buildings</li> <li>Botany Bay 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 Bay Development Control Plan 2011</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>Council assessment report: 6 December 2018</li> <li>Written submissions during public exhibition: nil</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>On behalf of the applicant – Michael Lescesin</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Final briefing to discuss council's recommendation, 20 December 2018 at 10.30am. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Carl Scully (Chair), Sue Francis, John Roseth, Michael Nagi, Ed McDougall</li> <li><u>Council assessment staff</u>: Andrew Ison, Fiona Prodromou, Eric Alessi, Andrew Ison, Chris Mackey, Luis Melim</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report