

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Thursday 21 March 2019
<b>PANEL MEMBERS</b>	Carl Scully (Chair), John Roseth, Peter Brennan, Michael Nagi, Paul Pappas
<b>APOLOGIES</b>	Ed McDougall
<b>DECLARATIONS OF INTEREST</b>	Sue Francis declared a conflict as City Plan Services have undertaken certification work on the approved application.

Public meeting held at Rockdale Town Hall, 488 Princes Highway Rockdale on 21 March 2019, opened at 11.30am and closed at 11.45am.

#### MATTER DETERMINED

2018ECI011 – Bayside – DA2018/1013/2 at 141 O’Riordan 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 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 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was 4:1 in favour, against the decision Paul Pappas.

#### REASONS FOR THE DECISION

The amendment application is substantially the same as the original application.

While the number of apartments is increased, the building envelope remains the same; hence the impact on the surroundings is unchanged.





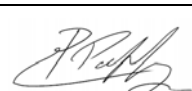
Against the decision was Paul Pappas who would have refused the modification. In his view there have been several non-compliances in the past that have been approved. By simply varying the apartment mix or visiting minor amendments to the design may resolve this outstanding non-compliance.

#### CONDITIONS

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

#### CONSIDERATION OF COMMUNITY VIEWS

There were no objections to the amendment application.

PANEL MEMBERS	
 Carl Scully (Chair)	 John Roseth
 Peter Brennan	 Michael Nagi
 Paul Pappas	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018ECI011 – Bayside – DA2018/1013/2
2	PROPOSED DEVELOPMENT	Modification Application 2018/1013/2 – Section 4.55 (2) to modify the approved development to include an additional seven (7) x one bedroom apartments and amend additional conditions as outlined in the report.
3	STREET ADDRESS	141 O’Riordan Street, Mascot
4	APPLICANT/OWNER	Karimbla Construction Services (NSW) Pty Ltd/ Karimbla Properties (No.39) 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 – Remediation of Land</li> <li>○ State Environmental Planning Policy BASIX 2004</li> <li>○ State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development</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>: Environmental Planning &amp; Assessment Regulation 2000, 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: 8 March 2019</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 – Walter Gordon</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 7 February 2019</li> <li>• Final briefing to discuss council’s recommendation, 21 March 2019 at 10.30am. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), John Roseth, Peter Brennan, Paul Pappas, Michael Nagi</li> <li>○ <u>Council assessment staff</u>: Lincoln Lawler, Luis Melim</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report