

<b>DATE OF DETERMINATION</b>	Thursday, 23 August 2018
<b>PANEL MEMBERS</b>	Carl Scully (Chair), John Roseth, Peter Brennan and Ed McDougall
<b>APOLOGIES</b>	Michael Nagi
<b>DECLARATIONS OF INTEREST</b>	Sue Francis has declared a conflict of interest because a company within the brand - City Plan Services -, is the certifier for this development. Noting that Sue Francis has no financial or operational relationship to City Plan Services but there may be a perceived conflict of interest.

Public meeting held at Rydges World Square on 23 August 2018, opened at 10:35 am and closed at 12:05 am.

#### **MATTER DETERMINED**

2018SCL019 – Bayside - DA-2018/1013 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 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 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### **REASONS FOR THE DECISION**





- The proposal fits into the built character that is emerging in the Mascot Station Precinct.
- The Panel notes the variation in FSR in response to a submission by the applicant under cl 4.6 of the Botany bay LEP 2013. The principal reason that the Panel accepts that it is unreasonable to impose the FSR control is that the control has been varied for numerous other buildings in the Precinct, including for a previous approval on this site. In this regard the Panel also noted that construction of the development in relation to the earlier approval has physically commenced.
- The proposal is well designed and will be a worthwhile addition to the architecture emerging on O’Riordan Street.

#### **CONDITIONS**

The development application was approved subject to the conditions in the Council’s supplementary report

- Six (a) to be deleted as it relates to service alterations and associated costs being solely borne by the applicant
- Ninety seven (e) and ninety seven (f) to be deleted as they relate to works for a layback to Haran Street which has now been deleted.

- Insert a new condition to read as follows: *“Prior to the issue of the construction certificate, amended plans be submitted to Council that indicate that the widening of the vehicular carriageway identified as carriageway widening (condition 40 of consent DA-15/88 on Plan No DA201 revision M, shall be deleted.”*

PANEL MEMBERS	
 Carl Scully (Chair)	 John Roseth
 Peter Brennan	 Ed McDougall

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SCL019 – Bayside - DA-2018/1013
2	PROPOSED DEVELOPMENT	Integrated development for the construction of a thirteen storey flat building with a total of 105 apartments and two levels of basement car parking
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	General development with a CIV over \$20 million, lodged before 1 March 2018
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments:               <ul style="list-style-type: none"> <li>○ Environmental Planning &amp; Assessment Act 1979, Part 4 – Development Assessment &amp; Schedule 7 of State and Regional Development SEPP 2011 which regional panels may be authorized to exercise consent authority functions of councils</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</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 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> </ul>

		<ul style="list-style-type: none"> <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>
<b>7</b>	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 9 August 2018</li> <li>• Written submissions during public exhibition: five (5)</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ On behalf of the applicant – Walter Gordon and Neil O’Connell</li> </ul> </li> </ul>
<b>8</b>	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Site inspection and briefing on 10 May 2018</li> <li>• Final briefing meeting to discuss council’s recommendation, 23 August 2018, 10:10 am. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), John Roseth and Peter Brennan,</li> <li>○ <u>Council assessment staff</u>: Lincoln Lawler and Louis Coorey</li> </ul> </li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the supplementary council assessment report