

DETERMINATION AND STATEMENT OF REASONS
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Thursday 18 April 2019
PANEL MEMBERS	Carl Scully (Chair), Julie Savet Ward, John Roseth, Michael Nagi, Ed McDougall
APOLOGIES	Sue Francis
DECLARATIONS OF INTEREST	None

Public meeting held at Fraser Suites Sydney, 488 Kent Street Sydney on 18 April 2019, opened at 10.05am and closed at 10.25am.

MATTER DETERMINED

2018SCL031 – Bayside – DA2018/1045 at 11-13 Lord Street Botany 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 approved the development for the following reasons:






1. The proposal provides employment space in an area zoned as Business Park and fits into the desired future character of the zone.
2. The proposal complies with the statutory development standards applying to the site.
3. The impact on adjoining residential sites is acceptable.
4. The Panel notes, while the application does not comply with the parking requirement of the Botany Bay Development Control Plan 2013, the applicant has demonstrated that the parking provided is adequate in this instance.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report and amended conditions dated 17 April 2019.

CONSIDERATION OF COMMUNITY VIEWS

The proposal, when first advertised, elicited 76 objections. Following amendments, which responded to the objections and the comments of the Design Review Panel, there was only one objection to the application. The Panel considered the views of the objector who spoke at the public meeting, who was concerned with loss of sunlight and the impact on outlook. The Panel accepts the conclusion of the assessment report that the impact on nearby residential sites is acceptable.

PANEL MEMBERS	
 Carl Scully (Chair)	 Julie Savet Ward
 John Roseth	 Michael Nagi
 Ed McDougall	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SCL031 – Bayside – DA2018/1045
2	PROPOSED DEVELOPMENT	Construction of commercial/ warehouse building (Building C) comprising light industrial units, associated ancillary offices and; refurbishment of existing commercial buildings A and B to include indoor recreation facilities, child care centre, food and drink premises, light industrial units with ancillary office space, industrial retail outlets and neighbourhood shops; provision of car parking and landscaping.
3	STREET ADDRESS	11-13 Lord Street, Botany
4	APPLICANT/OWNER	Dexus Projects 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 (State and Regional Development)2011 State Environmental Planning Policy (Vegetation in non-rural areas)2017 State Environmental Planning Policy No. 55 –Remediation of Land; State Environmental Planning Policy (Infrastructure) 2007 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: 4 April 2019 Written submissions during public exhibition: 77 Verbal submissions at the public meeting: <ul style="list-style-type: none"> In objection – Tony Whyte Council assessment officer – Lincoln Lawler On behalf of the applicant – Andrew Duggan, Geoff Higgins,
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection: 26 July 2018 Briefing: 26 July 2018 Final briefing to discuss council’s recommendation, 18 April 2019 at 9.30am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Julie Savet Ward, John Roseth, Michael Nagi, Ed McDougall <u>Council assessment staff</u>: Lincoln Lawler, Luis Melim, Pascal Van de Walle, Marta Gonzalez-Valdes
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report