

DATE OF DETERMINATION	26 June 2018
PANEL MEMBERS	Carl Scully (Chair), Sue Francis, Clare Brown, Ed McDougall, Michael Nagi
APOLOGIES	John Roseth
DECLARATIONS OF INTEREST	None

Public meeting held at Sydney Masonic Centre on 26 June 2018, opened at 12:30 pm and closed at 1:15 pm.

MATTER DEFERRED

2018SCL041 – Bayside – DA13/135/08 at 659, 661-663 & 669 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 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 defer the development application as described in Schedule 1 pursuant to section 4.55 (previously section 96) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

In principle, the Panel was satisfied with proceeding to approval. However, was of the view that some of the conditions needed to be reworded in terms of timing, works to be delivered, and bonds. The Council is to review all conditions to ensure clarity.






Specifically, the matter has been deferred to allow for a re-draft of conditions of consent, as follows:

- Modify Condition 6A-H**
Reworded to provide for a bond in the event of the works not being carried out by the Applicant, to change timing and clarity
- Modify Condition 86**
In the opening paragraph, delete all words providing for an irrevocable offer, so that the clause will provide for the works to be carried out prior to the issue of the Occupation Certificate.
- Modify Condition 93**
Reword the title to reference: 'Prior to the issue of any Occupation Certificate for Stage 2 works' and to ensure that the works referenced in the condition separately relate to the rear new road and Gardeners Road
- Additional Condition 93 (g)**
To provide for the requirement of a bond in the event that the works in A-F inclusive are not completed by the Applicant, including but not limited to, the impact of the WestConnex project.

Council staff should also review all conditions of consent to establish correct timing and to ensure there are no inconsistencies.

As supplementary report should be prepared for the Panel addressing these changes.

Once the supplementary report has been received, the matter will be determined electronically unless otherwise specified by the Chair.

PANEL MEMBERS	
 Carl Scully (Chair)	 Sue Francis
 Clare Brown	 Ed McDougall
 Michael Nagi	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SCI041 – Bayside – DA13/135/08
2	PROPOSED DEVELOPMENT	Section 4.56 (formerly Section 96AA) Application to modify Development Consent No. 13/135 to amend Condition Nos. 6(a), 6(b), 6(h) and 86 to enable the issue of an occupation certificate for Stage 1 works prior to the dedication of land for the new public road and the completion of other associated works.
3	STREET ADDRESS	659, 661-663 & 669 Gardeners Road, Mascot
4	APPLICANT/OWNER	Dedico Development Services / Mascot Circle Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Application to modify a consent determined by the NSW Land and Environment Court, pursuant to Clause 21 of State Environmental Planning Policy (State and Regional Development) 2011.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy no 65 Design Quality of Residential Apartment Development 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 Environmental Planning and Assessment Regulation 2000: 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 Environmental Planning and Assessment Act 1979 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: 7 June 2017 Written submissions during public exhibition: One (1) Verbal submissions at the public meeting: <ul style="list-style-type: none"> On behalf of the applicant – John Green
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing meeting to discuss council's recommendation, 26 June 2018. Attendees: <ul style="list-style-type: none"> Panel members: Carl Scully (Chair), Sue Francis, Clare Brown, Ed McDougall, Michael Nagi Council assessment staff: Patrick Nash, Ben Latta
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report