

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Friday, 24 August 2018
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Sue Francis, Clare Brown, Ed McDougall, Michael Nagi
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Electronic meeting held between 31 July 2018 and 24 August 2018.

#### MATTER DETERMINED

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 determined to approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.


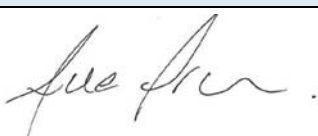



The decision was unanimous.

#### REASONS FOR THE DECISION

1. The development as proposed to be modified will be substantially the same development when modified as that which was originally approved;
2. Suitable bonds have been imposed to protect the public interest; and
3. The proposed modifications to the conditions provide clarity and the proposed modifications do not result in any changes to the approved built form and the modifications as proposed are in the public interest.

#### CONDITIONS

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

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SCL041 – 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 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>o State Environmental Planning Policy no 65 Design Quality of Residential Apartment Development</li> <li>o 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>o 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>: 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: 7 June 2017</li> <li>Written submissions during public exhibition: one (1)</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>o On behalf of the applicant – John Green</li> </ul> </li> <li>Supplementary Council assessment report: 31 July 2018</li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Final briefing to discuss council's recommendation, 26 June 2018. Attendees: <ul style="list-style-type: none"> <li>o Panel members: Carl Scully (Chair), Sue Francis, Clare Brown, Ed McDougall, Michael Nagi</li> <li>o Council assessment staff: Patrick Nash, Ben Latta</li> </ul> </li> <li>Public meeting on 26 June 2018</li> <li>Electronic discussion between 31 July 2018 and 24 August 2018</li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the supplementary council assessment report