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| DATE OF DETERMINATION | Tuesday 24 July 2018 |
| PANEL MEMBERS | Sue Francis (Chair), Peter Brennan, Abigail Goldberg, Michael Nagi, Joe Awada |
| APOLOGIES | Carl Scully, John Roseth, Ed McDougall |
| DECLARATIONS OF INTEREST | None |

Public meeting held at Westin Hotel, 1 Martin Place Sydney on 24 July 2018, opened at 11:00 am and closed at 12:35 pm.

MATTER DETERMINED

2018SCL049 – Bayside - DA-14/96/02

130-150 Bunnerong Road Eastgardens

Section 4.56 Application to modify Development Consent No. 14/96. Modifications include reduction in the ground floor retail component, relocation of the civic retail square and extension of the five storey podium, additional residential units, deletion of two childcare centres, reduction in podium height and provision of an additional residential level within the 6 tower forms in response to the reduced podium height and modifications to condition

2018SCL050 – Bayside - DA-14/96/07

130-150 Bunnerong Road Eastgardens

Section 4.56 Application to modify Development Consent No. 14/96 which approved a Stage 1 masterplan for the site to modify the approved unit mix, unit sizes and private open space relating to Urban Blocks 3 and 5C and amend the setback requirements for Urban Block 3.

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 allow the proponent to review the proposed conditions.

When the Panel reconvened amendments to conditions were considered by the Panel.

The Panel determined to approve the two modifications applications pursuant to section 4.56 (previously section 96) of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

- The proposed development remains essentially and substantially the same development as originally approved by the court
- The proposed modifications will have minimal environmental impact. The removal of the supermarket is accepted given the location of the site relative to the Eastgardens Centre
- The proposed modifications do not alter the approved Stage 1 height and FSR.
- The proposed modifications achieve consistency with the minimum unit and POS requirements of the ADG.
- The loss of the child care centres is noted as being market driven as is the change in the unit mix.



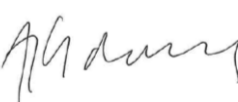

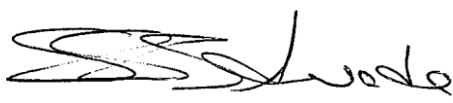
CONDITIONS

The modification applications were approved subject to the consolidated conditions in the Council Assessment Report, with the following amendments:

- **Modify Condition 20** to as follows:
The floor to ceiling heights to be a minimum of 4 m for retail uses, minimum 3.5m for commercial uses and to comply with the Apartment Design Guide for residential uses.
- **Delete Condition 33 and replace with the following:**
Dwellings and private open space must comply with the minimum Apartment Design Guideline requirements with regard to dimensions and area.
- **Modify Condition 34**, to modified by adding the following words aftershall comply with the table below'with a tolerance of 10%'....

The table to be modified as follows:

| Unit type | Proportion (UB3) | Indicative maximum number of units | Proportion (UB5C) | Indicative maximum number of units |
|----------------------|-------------------------|---|--------------------------|---|
| Studios | N/A | 0 | N/A | 0 |
| One bedroom | 17% | 62 | 30% | 154 |
| Two bedroom | 62% | 228 | 55% | 284 |
| Three bedroom | 21% | 78 | 15% | 77 |
| Total | | 368 | | 515 |

| PANEL MEMBERS | |
|--|---|
|  Sue Francis (Chair) |  Peter Brennan |
|  Abigail Goldberg |  Michael Nagi |
|  Joe Awada | |

SCHEDULE 1

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| 1 | PANEL REF – LGA – DA NO. | 2018SCL049 / DA-14/96/02 & 2018SCL050 / DA-14/96/07 - Bayside |
| 2 | PROPOSED DEVELOPMENT | <p>DA-14/96/02 - Section 4.56 Application to modify Development Consent No. 14/96. Modifications include reduction in the ground floor retail component, relocation of the civic retail square and extension of the five storey podium, additional residential units, deletion of two childcare centres, reduction in podium height and provision of an additional residential level within the 6 tower forms in response to the reduced podium height and modifications to condition</p> <p>DA-14/96/07 - Section 4.56 Application to modify Development Consent No. 14/96 which approved a Stage 1 masterplan for the site to modify the approved unit mix, unit sizes and private open space relating to Urban Blocks 3 and 5C and amend the setback requirements for Urban Block 3.</p> |
| 3 | STREET ADDRESS | 130-150 Bunnerong Road Eastgardens |
| 4 | APPLICANT/OWNER | Karimbla Construction Services (NSW) Pty Ltd/ Karimbla Properties (No. 39) Pty Ltd |
| 5 | TYPE OF REGIONAL DEVELOPMENT | Section 4.56 Modification Application |
| 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 YYYY • 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: 6 July 2018 • Written submissions during public exhibition: two (2) submission • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ On behalf of the applicant – Walter Gordon (Meriton), Neil O’Connell |
| 8 | MEETINGS AND SITE INSPECTIONS BY THE PANEL | <ul style="list-style-type: none"> • Final briefing meeting to discuss council’s recommendation, 24 July 2018 at 10:30 am. Attendees: <ul style="list-style-type: none"> ○ Panel members: Sue Francis (Chair), Peter Brennan, Abigail Goldberg, Michael Nagi, Joe Awada ○ Council assessment staff: Angela Lazaridis, Ben Latta |
| 9 | COUNCIL RECOMMENDATION | Approval |
| 10 | DRAFT CONDITIONS | Attached to the council assessment report |