



DETERMINATION AND STATEMENT OF REASONS
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	Tuesday 30 July 2019
PANEL MEMBERS	Carl Scully (Chair), Sue Francis, Abigail Goldberg, Ed McDougall
APOLOGIES	John Roseth, Michael Nagi
DECLARATIONS OF INTEREST	None

Public meeting held at Fraser Suites, 488 Kent Street Sydney, on 30 July 2019, opened at 10.31am and closed at 11.25am.

MATTER DETERMINED

2019ECI012 – Bayside – DA2019/47 at 1-5 Chalmers Crescent Mascot for a commercial 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 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

Prior to determining the application, the Panel considered the clause 4.6 variation request. The cl4.6 was varied by the applicant to adjust the contravention to include areas of GFA excluded from the calculation on the ground floor. The staff assessed the amended cl4.6 and considered it satisfactory.

The Panel, in considering the amended cl4.6 did not accept that the standard had been abandoned in this location nor for this use type. However, the Panel did consider that there were sufficient environmental planning grounds to grant the variation in that the desired future character established by the 44m height and the 3:1 FSR would not establish a built form that is anticipated by the controls. In fact, by applying the controls (both height and FSR) the built form would thwart the objectives of the standard.

Further there would be no public benefit in requiring full compliance with the standard in this case.

In relation to the development as a whole, the Panel considered the proposal would have a positive impact on the streetscape and provide desired employment opportunities in the area.



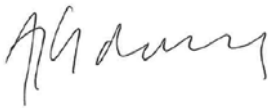

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendment:

- Condition 25(c) is to be amended to be consistent with condition 28 and shall read \$2,547,747.48.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel notes that no written submissions were made during public exhibition and therefore no issues of concern were raised.

PANEL MEMBERS	
 Carl Scully (Chair)	 Sue Francis
 Abigail Goldberg	 Ed McDougall

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2019ECI012 – Bayside – DA2019/47
2	PROPOSED DEVELOPMENT	Demolition of existing structures, consolidation of the lots from two lots to one lot and construction of a twelve storey commercial development comprising retail, office space and associated car parking.
3	STREET ADDRESS	1-5 Chalmers Crescent Mascot
4	APPLICANT/OWNER	Applicant - Sutherland and Associates Planning Pty Ltd Owner - Schielang Pty Limited
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 (Infrastructure) 2007 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 Botany Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Botany 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: 18 July 2019 Clause 4.6 Variation Request FSR: 18 July 2019 Amended Clause 4.6 Variation Request FSR: 30 July 2019 Written submissions during public exhibition: Nil Verbal submissions at the public meeting: <ul style="list-style-type: none"> Council assessment officer – Angela Lazaridis On behalf of the applicant – Aaron Sutherland, Ben Pomroy
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 16 May 2019 Final briefing to discuss council's recommendation, 30 July 2019 at 9.45am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Sue Francis, Abigail Goldberg, Ed McDougall <u>Council assessment staff</u>: Angela Lazaridis, Luis Melim, Ben Latta
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report