

DETERMINATION AND STATEMENT OF REASONS
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	7 November 2019
PANEL MEMBERS	Carl Scully (Chair), Sue Francis, John Roseth, Michael Nagi
APOLOGIES	Ed McDougall
DECLARATIONS OF INTEREST	None

Public meeting held at Fraser Suites Sydney, 488 Kent Street Sydney, on 7 November 2019, opened at 11am and closed at 11.02am.

MATTER DETERMINED

PPSSEC-11 – Bayside – DA2014/10096/H at 5 Oscar Place Eastgardens for modifications to an approved 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.

Development application

The panel determined to approve the development application pursuant to section 4.16/4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

1. The modified application is substantially the same as the original application.
2. The overall massing of buildings has not changed.
3. The new use of 200 dwellings as hotel/serviced apartments is permissible on the site and provides more diversity of residential accommodation.
4. While the changes to the unit mix have resulted in 15 additional dwellings, this is in the context 2,221 dwellings approved in the original concept application.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered three written submissions made during public exhibition, raising the issue of risk from nearby industrial areas and whether the modification application is substantially the same as the original application. No objectors attended either of the two public meetings on 7 and 21 November 2019.

The Panel notes that the risk to the development has not changed. Given that the overall massing of the buildings has not changed, the Panel considers that the change of use for about one sixth of the development from residential to hotel/serviced apartment does not change its substantive character.

PANEL MEMBERS

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Carl Scully (Chair)

A black ink signature of Sue Francis, written in a cursive style.

Sue Francis

A black ink signature of John Roseth, written in a cursive style.

John Roseth

A black ink signature of Michael Nagi, written in a cursive style.

Michael Nagi

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-11 – Bayside – DA2014/10096/H
2	PROPOSED DEVELOPMENT	Section 4.56 Application to modify the masterplan DA-2014/96 to permit amendments to the ground floor use, typical road plan, unit mix and parking rates (as amended).
3	STREET ADDRESS	5 Finch Drive, 5 Oscar Place, 5 Tingwell Boulevard, 2 & 6 & 8 Studio Drive, 148 Bunnerong Road, 1 Finch Drive, and 120 Banks Avenue, Eastgardens (previously known as 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 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: 25 October 2019 Council supplementary report: 13 November 2019 Written submissions during public exhibition: 3 Verbal submissions at the public meeting 7 November 2019: <ul style="list-style-type: none"> Council assessment officer – Luis Melim, Angela Lazaridis On behalf of the applicant – Walter Gordon, Neil O’Connell, Norelle Jones Verbal submissions at the public meeting 21 November 2019: <ul style="list-style-type: none"> On behalf of the applicant – Walter Gordon
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing to discuss council’s recommendation, 7 November 2019 at 2.30pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Sue Francis, John Roseth, Michael Nagi <u>Council assessment staff</u>: Angela Lazaridis, Luis Melim Final briefing to discuss council’s recommendation, 21 November 2019 at 10.45am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Sue Francis, John Roseth, Michael Nagi <u>Council assessment staff</u>: Angela Lazaridis, Luis Melim
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report