

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	28 October 2021
<b>DATE OF PANEL DECISION</b>	28 October 2021
<b>DATE OF PANEL MEETING</b>	28 October 2021
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Sue Francis, Chris Wilson, Paul Pappas, Michael Sheils
<b>APOLOGIES</b>	Roberta Ryan
<b>DECLARATIONS OF INTEREST</b>	<p>Jan Murrell declared a conflict of interest and did not participate in the Panel for this matter. The Planning Proposal came to the Bayside Local Planning Panel for which she is Chair, for advice to Council prior to the rezoning.</p> <p>Ed McDougall and Michael Nagi both declared that as Councillors at Bayside Council, they have a conflict of interest as they have resolved on the VPA for the site in council resolutions. They did not participate in the Panel for this matter.</p>

Panel briefed by videoconference on 28 October 2021, opened at 8.30am and closed at 10.30am.

#### MATTER DETERMINED

PPSSEC-114 – Bayside – DA-2021/1 at 128 Bunnerong Road, Eastgardens –Stage 2 - Lot E (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 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

The Panel determined to approve the application for the reasons outlined in the Council Officer's assessment report.

- The proposed development is consistent with the concept approval.
- The proposed towers demonstrate design excellence.
- The Panel notes that the applicant and council have agreed the relevant conditions.
- The Panel notes the Voluntary Planning Agreement has been executed by the applicant and is awaiting finalisation by the council.

#### CONDITIONS




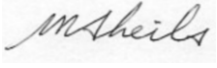

The development application was approved subject to the conditions in the Council Officer's assessment report with the following amendments.

- Conditions 37, 41, 43, 65, 66 and 106 be amended in accordance with Council's email dated 19 October 2021.
- Condition 47 is to be amended as requested by the applicant in Council's email dated 19 October 2021.

### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered the 6 written submissions made during public exhibition.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report. The Panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Carl Scully (Chair)	 Sue Francis
 Chris Wilson	 Michael Sheils
 Paul Pappas	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-114 – Bayside – DA-2021/1
2	PROPOSED DEVELOPMENT	BATA Stage 2 - Lot E - Construction of a mixed use development comprising two residential flat buildings up to 17 storeys in height containing 322 residential units, communal recreational facilities, ground floor residential and retail, basement car parking; Publicly accessible through site pedestrian link; removal of three trees, construction and embellishment of two private roads and a future public open space component.
3	STREET ADDRESS	128 Bunnerong Road, Eastgardens
4	APPLICANT/OWNER	Karimbla Construction Services (NSW) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental Planning &amp; Assessment Act 1979 <ul style="list-style-type: none"> <li>○ S.4.23 - Concept Development Applications as Alternative to DCP required by Environmental Planning Instruments</li> <li>○ S4.37 – Staged State Significant Development</li> <li>○ S7.4 - Planning Agreements</li> </ul> </li> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>○ Apartment Design Guide</li> <li>○ Botany Bay Local Environmental Plan 2013</li> </ul> </li> <li>• Draft environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy Draft Remediation of Land</li> <li>○ Draft Local Character Clause</li> </ul> </li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Botany 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: 13 October 2021</li> <li>• Email from Council regarding amended draft Conditions of consent: 19 October 2021</li> <li>• Written submissions during public exhibition: 6</li> </ul>

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 17 June 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Roberta Ryan, Sue Francis, Michael Sheils, Paul Pappas</li> <li>○ <u>Council assessment staff</u>: Fiona Prodromou, Peter Barber, Christopher Mackey</li> <li>○ Bayside Design Excellence Panel representatives - Paul Walter, Jim Koopman, Matthias Hollenstein, Dean Boone</li> </ul> </li> <li>• Site inspection: panel members visited the site independently, prior to 28 October 2021</li> <li>• Final briefing to discuss council's recommendation: 28 October 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Sue Francis, Chris Wilson, Paul Pappas, Michael Sheils</li> <li>○ <u>Council assessment staff</u>: Fiona Prodromou, Chris Mackey, Luis Melim, Chris Thompson</li> <li>○ <u>Applicant representatives</u>: Walter Gordon, Frank Ru</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	<ul style="list-style-type: none"> <li>• Attached to the council assessment report as amended by email from Council regarding amended draft Conditions of consent: 19 October 2021</li> </ul>