

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	6 May 2021
PANEL MEMBERS	Carl Scully (Chair), Sue Francis, Susan Budd, Michael Nagi, Ed McDougall
APOLOGIES	None
DECLARATIONS OF INTEREST	Jan Murrell declared a conflict of interest for this matter. In her role of Chair of the Bayside Local Planning Panel Jan considered another DA for the subject site. Accordingly, Jan did not participate in the Panel for this matter. Roberta Ryan declared a conflict of interest and did not participate in the Panel for this matter.

Public meeting held by videoconference on 6 May 2021, opened at 3pm and closed at 3.50pm.

MATTER DETERMINED

PPSSEC-123- Bayside – DA2019/385/B – 6-8 John Street and 13B Church Avenue, Mascot – Modification to Iglu 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 4.55 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 Panel was not inclined to delete the condition relating to no basketball to be played on the upper communal open space due to the same concerns it raised when imposing the condition. Likewise, and for clarity, the Panel agreed with Council staff to augment that condition to prohibit any ball sports in that same space.
- The Panel is conscious of the community's concerns with development in the area but is not empowered to impose additional conditions of consent, other than those relating to the modification sought; of which it has done.
- In relation to the increased height, the Panel accepts that this relates purely to the lift overrun and that the increased height is still well within the maximum permissible with no detrimental impact.

CONDITIONS



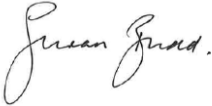


The development application was approved subject to the conditions in the Council Officer's assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Structural damage and vibration
- Building height
- Loss of community garden
- Lack of carparking

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Carl Scully (Chair)	 Sue Francis
 Susan Budd	 Michael Nagi
 Ed McDougall	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-23 – Bayside – DA-2019/385/B
2	PROPOSED DEVELOPMENT	Section 4.55(2) Application to approved student accommodation development to modify the communal open space, internal reconfigurations, amendments to through site link and stairs, minor increase to the height of the fire stair/lift on the southern and northern core and modifications to conditions.
3	STREET ADDRESS	6-8 John Street and 13B Church Avenue Mascot
4	APPLICANT/OWNER	Iglu No. 211 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: • Environmental Planning & Assessment Act 1979, Part 4 – Development Assessment & Schedule 7 of the SEPP- State and Regional Development 2011 which regional panels may be authorised to exercise consent authority functions of councils. • Environmental Planning & Assessment Regulation 2000, Part 6 – Procedures relating to Development Applications. <ul style="list-style-type: none"> ○ State Environmental Planning Policy (Affordable Rental Housing_ 2009 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ Botany Bay 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: 22 April 2021 • Written submissions during public exhibition: 5 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Ben Avirame on behalf of Maria Manitta, Sophia Avirame on behalf of residents of 7-9 John Street, Lynette Hickey on behalf of Mascot Concerned Residents Group, Andrew Koch ○ Council assessment officer – Angela Lazardidis ○ On behalf of the applicant – Lukas Madar, Guy Lake, Kate Bartlett • Total number of unique submissions received by way of objection: 5
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 18 March 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully, Michael Nagi ○ <u>Council assessment staff</u>: Angela Lazardidis, Ben Latta, Luis Melim • Site inspection: Panel members visited the site independently, prior to 6 May 2021

		<ul style="list-style-type: none"> Final briefing to discuss council's recommendation: 6 May 2021 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Sue Francis, Susan Budd, Michael Nagi, Ed McDougall <u>Council assessment staff</u>: Angela Lazaridis, Ben Latta, Luis Melim
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report