

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	1 July 2021
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Sue Francis, Roberta Ryan, Michael Sheils, Paul Pappas
<b>APOLOGIES</b>	None
<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>

Meeting held by videoconference on 1 July 2021, opened at 11am and closed at 11.45am.

#### MATTER DETERMINED

PPSSEC-133 – Bayside – DA-2019/386/A at 128 Bunnerong Rd, Eastgardens - Modification to Condition 47 to Increase Residential Car Parking Rate. (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 considered the increased parking (but still less than for BATA1) to be acceptable, subject to the conditions requiring increased vehicle and bike parking and the "unbundling" of 50% of the total parking allocation per building, excluding Lots B, E and G.

#### CONDITIONS

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






Amend Condition 47 to delete reference to the percentage minimum per dwelling size and replace with a requirement for 50% of the buildings parking to be provided unbundled.

#### 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:

- Adverse Traffic Impacts
- Adverse Parking Impacts
- Golf Club User and Pedestrian Safety
- Impact on groundwater

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)	 Roberta Ryan
 Sue Francis	 Michael Sheils
 Paul Pappas	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-133 – Bayside – DA2019/386/A
2	PROPOSED DEVELOPMENT	Modification to Condition 47 – Car Parking to increase residential car parking rate
3	STREET ADDRESS	128 Bunnerong Rd & 120 Banks Ave Eastgardens
4	APPLICANT/OWNER	Karimbla Construction Services (NSW) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <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 (Infrastructure) 2007</li> <li>Botany Bay Local Environmental Plan 2013</li> </ul> </li> <li>Draft environmental planning instruments: Nil</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: 24 June 2021</li> <li>Written submissions during public exhibition: 2</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Panel members visited the site independently, prior to 1 July 2021</li> <li>Final briefing to discuss council's recommendation: 1 July 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, Luis Melim</li> <li><u>Applicant representatives</u>: Matthew Lennartz, Walter Gordon, James Turner</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Officer's assessment report