

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	19 September 2022
DATE OF PANEL DECISION	19 September 2022
DATE OF PANEL MEETING	15 September 2022
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, Chris Wilson, Michael Sheils, Michael Nagi
APOLOGIES	Ed McDougall
DECLARATIONS OF INTEREST	Nil

Papers circulated electronically on 12 September 2022.

MATTER DETERMINED

PPSSEC-154 - Bayside Council – DA2021/450 at 210 O’Riordan Street, Mascot – Integrated Development - Demolition of existing structures and construction of a twelve (12) storey hotel comprising of parking, site identification signage and retail on the ground floor and associated restaurant and bar (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 items listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Bayside Local Environmental Plan 2021 (LEP), the Panel is satisfied it has demonstrated that:

- compliance with cl. 4.4(2) (development standard) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is also satisfied that:

- the applicant’s written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.4(2) (development standard) of the LEP and the objectives for development in the B5 Business Development zone; and
- the concurrence of the Secretary has been assumed.

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 uphold the Clause 4.6 variation to the maximum Floor Space Ratio; and approve the application for the reasons outlined in the Council Officer’s Assessment and Supplementary Reports.

The Panel notes that in the amended plans the subject of this determination the Applicant has deleted the large electronic space for advertising on the corner element and consultation with Council's planners has also achieved an improved urban design presentation and materials and finishes to the public domain. The Panel is now satisfied that all preconditions have been met for the granting of consent, including the site being able to be made suitable for its intended use, and it has demonstrated design excellence in accordance with the relevant legislation.

Council has undertaken a comprehensive assessment in accordance with Section 4.15 of the EP&A Act and the development is now in the public interest with the amendments that also importantly deletes the large signage for advertising.

CONDITIONS

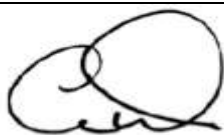
The Development Application is approved subject to the conditions in the Council Officer's Supplementary Assessment Report with the following amendments:

- Condition 5 shall be amended to delete the words '*or complying Development Certificate (unless permitted as Exempt Development)*'
- Condition 12 Design Architect Involvement 12(a) shall be amended to delete at the end of the sentence '*to the extent reasonably feasible*' and 12(b) shall be amended to add '*and approval of the Council*'.

Panel reason: to provide greater certainty in the built form outcome.

Community Consultation

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)	 Jan Murrell
 Chris Wilson	 Michael Sheils
 Michael Nagi	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-154 - Bayside Council – DA2021/450
2	PROPOSED DEVELOPMENT	Integrated Development for the demolition of existing structures and construction of a twelve (12) storey hotel comprising of parking, site identification signage and specialised retail on the ground floor and associated restaurant and bar
3	STREET ADDRESS	210 O’Riordan Street (also known as 133-137 Baxter Road and 118 Robey Street) Mascot – Pt Lot 1 DP 1190559
4	APPLICANT/OWNER	Boston Atlas Hickory Hotels Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Resilience and Hazard) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy (Industry and Employment) 2021 ○ Bayside Local Environmental Plan 2021. • Draft environmental planning instruments: Nil • Development control plans: ○ Botany Bay Development Control Plan 2013. • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: • Coastal zone management plan: • 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	• Council Assessment Report: 12 September 2022 • Attachment A: Draft Conditions • Attachment B: Compliance Table • Attachment C: Architectural Plans • Attachment D: Clause 4.6 Request • Attachment E: Landscape Plans • Attachment F: DRP Minutes • Written submissions during public exhibition: Nil • Total number of unique submissions received by way of objection: Nil
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing: 22 October 2021 ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell. ○ <u>Council assessment staff</u>: Angela Lazaridis Ben Latta, Nitin Thomas Luis Melim ○ <u>Applicant</u>: Ian Cady Lauren Manias Michael Viskovich, Alexander Rodakis Karl Weaver Shalom Choong Jason Shepherd Ben Pomroy

		• Briefing: 3rd March 2022 ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Ed McDougall, Michael Nagi. ○ <u>Council assessment staff</u>: Angela Lazaridis, Ben Latta, Luis Melim ○ <u>Applicant</u>: Lauren Manias, Ben Pomroy, Elysse Kuhar, Alex Rodakis, Corey, Karl Weaver, Ian Cady, • Further Briefing: 19 May 2022 ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Chris Wilson, Ed McDougall, Michael Nagi ○ <u>Council assessment staff</u>: Angela Lazaridis, Ben Latta, Luis Melim ○ <u>Applicant representatives</u>: Lauren Manias • Final Briefing: 15 September 2022 ○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Chris Wilson, Michael Sheils, Michael Nagi ○ <u>Council assessment staff</u>: Angela Lazaridis, Ben Latta, Luis Melim ○ <u>Applicant representatives</u>: Ian Cady, Cory Cooney, Ben Pomroy, Jason Shepherd • Site inspection: Site inspections have been curtailed due to COVID-19. Where relevant, Panel members undertook site inspection individually.
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Officer's Assessment Reports, including Supplementary Report.