

SUPPLEMENTARY COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSEC- 19
DA Number	DA-2019/359
LGA	Bayside Council
Proposed Development	Integrated Development - Retention of part of Church Street facade, demolition of all remaining structures, excavation for basement parking levels and construction of two (2) x thirteen (13) storey mixed use buildings comprising ground level commercial and 122 residential units and rooftop communal open space including solar panels.
Street Address	16-18 John Street and 23 Church Avenue, Mascot
Applicant/Owner	Da Vito Ferro Apartments Pty Ltd
Date of DA lodgement	9 October 2019
Number of Submissions	26 submissions
Recommendation	Refusal
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Development with a CIV of \$45,637,884.00
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • 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 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development • Botany Bay Local Environmental Plan 2013 • Botany Development Control Plan 2013 • Draft Bayside Local Environmental Plan 2020
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Architectural Plans- prepared by Squillace • Survey Plan – prepared by LTS • Clause 4.6 variation FSR- prepared by City Plan • Clause 4.6 variation Height – prepared by City Plan • Landscape Plans- prepared by Site Image • Structural Reports – prepared by Northrop • Additional Geotechnical Report – prepared by Aargus • Groundwater well installation report – prepared by Aargus • Hydrogeological assessment report – prepared by CMW Geosciences • Implementation Plan – prepared by CMW Geosciences • Design Review Panel Minutes- Bayside Council • Original Council Assessment Report
Clause 4.6 requests	<ul style="list-style-type: none"> • Non-compliance with Clause 4.3 of BBLEP 2013 – Building Height • Non-compliance with Clause 4.4 of BBLEP 2013 – Floor Space Ratio
Summary of key submissions	<ul style="list-style-type: none"> • Floor space ratio • Building setbacks • Streetscape
Report prepared by	Patrick Nash - Senior Development Assessment Planner
Report date	1 December 2020

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes, whilst**

Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report **application is recommended for refusal, draft conditions will be prepared prior to the meeting**