

14 December 2020

Our Ref: P-19192

The Chair and Members

Sydney Eastern City Planning Panel

enquiry@planningpanels.nsw.gov.au

Dear Mr Scully and Members

PPSSEC19-BAYSIDE-DA2019/359 AT 16 JOHN STREET 23 CHURCH AVENUE, MASCOT

We write on behalf of the applicant regarding the supplementary report listed for consideration by the Sydney Eastern City Planning Panel (Panel) at its meeting of 15 December 2020. This letter should be read in conjunction with the detailed submission prepared by the applicant.

When the Panel deferred this application on 16 July this year, it did so to enable the applicant to respond to a range of matters. As the Panel will have observed from the Council's supplementary assessment report, Council is satisfied with the response to almost all of those matters. The matters over which there is still disagreement are summarised briefly below, and more fully in the applicant's detailed submission.

The Panel asked the applicant to achieve greater compliance with the FSR. The applicant reduced the FSR from 3.77:1 to 3.59:1 (a 30% reduction in the variation) by deleting four apartments and significantly reducing the building bulk on the upper floors of the John Street tower. The assessment report contends that the FSR is now 3.71:1, however, this is not a fair comparison with the scheme previously considered by the Panel due to the inclusion of the pedestrian through site link as GFA. Even though it no longer provides vehicle access to the basement the through site link should not be included as GFA because it remains substantially open to the elements. It is properly characterised as an external area.

The Panel also recorded their general support for the proposal to retain and adaptively reuse the brick façade of the existing warehouse building on Church Avenue; however, further details were requested demonstrating how it would be integrated with the public domain. This detail was provided and shows that the façade can be integrated with the public domain in a manner which creates interest and an acknowledgment of Mascot's industrial past, without hindering future road widening or pedestrian movement. The supplementary assessment report does not support the retention of the façade due to issues that can be easily resolved, including the arrangement of the temporary landscaping on a neighbouring property, and the creation of covenants or easements for the future maintenance of the façade/or granting of public access through the façade if it is retained in private ownership.

Finally, the Panel asked that the application be referred to the Design Review Panel for advice on the amended plans '*with the exception of the pedestrian through link, the retention of the existing single storey element, and the voids*'. The Panel noted that it found these elements satisfactory. The Design Review Panel, however, reiterated their objections to the proposal fundamentally because they do not agree with the use of the voids to create amenity in a building which is otherwise heavily constrained by the building constructed on the common boundary, and they do not agree that the through-site link is necessary or desirable, and they do not agree with the retention of the façade, notwithstanding the Panel's instructions.

In our opinion the amended application is worthy of approval subject to appropriate conditions including, but not limited to:

- Dedication of land on the Church Avenue frontage for road widening up to the alignment of the existing industrial façade.
- The creation of an easement for public access through the retained industrial façade and including all the land within 12m of the centreline of Church Avenue.
- The creation of an easement for public access during the business hours of the ground floor shops providing pedestrian access from Church Avenue to John Street.
- The submission to Council of engineering plans and details demonstrating the construction methodology that will be employed to ensure the structural integrity of the retained façade.
- The submission of detailed construction plans for the approval of Council of the public domain on Church Avenue and John Street.

We look forward to addressing the Panel and answering any of your questions.

Yours sincerely



Stephen Kerr
Executive Director

