

DETERMINATION AND STATEMENT OF REASONS
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	26 June 2023
DATE OF PANEL DECISION	23 June 2023
DATE OF PANEL MEETING	8 June 2023
PANEL MEMBERS	Carl Scully – Chair, Amelia Thorpe, Alice Spizzo, Michael Nagi
APOLOGIES	Ed McDougall
DECLARATIONS OF INTEREST	Alice Spizzo declared a non-significant, non-pecuniary interest as she has worked with the applicant's brother, Mr Royal, in relation to another project. Ms Spizzo has not worked with Mr Royal for more than eight years and has had no involvement with this site. The Panel considered this declaration and was satisfied that it did not preclude Ms Spizzo's involvement as a Panel member.

Papers circulated electronically on 29 May 2023.

MATTER DETERMINED

PPSSEC-190 – Bayside – MDA-2022/31, 653 Gardeners Road, Mascot (Also known as 2 Bourke Street, Mascot) Lot 10 in DP 1219678, Modification to DA-2015/10022 to relocate parking from basement 2 to Level 1 of the podium form (deleting basement Level 2), subsequent redistribution of floor space and reconfiguration of each level of the building; increase in the number of apartments from 117 to 118 including 50 build-to-rent apartments; increase communal open space and associated reconfiguration of floor plates and building envelope (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 inspection listed at item 8 in Schedule 1.

Development application/ Application for modification of consent

The Panel determined to approve the development application pursuant to section 4.56 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 Assessment Report.

- The proposed modified development is permissible in the MU1 Mixed Use Zone. A number of variations to the Bayside LEP, Apartment Design Guide and Botany Bay DCP 2013 have been assessed and considered acceptable.
- The proposal has been assessed in accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- The panel noted that Sydney Trains and Water NSW have given their concurrence to the proposed modified development.

CONDITIONS

The Development Application was approved subject to the conditions in the Council Assessment Report, with the following amendments:


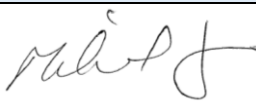


- Require the installation of a seven (7) kilowatt capacity wall charger for each residential car parking space in the building and basement.
- Require the landscaped area along Gardeners Road to be not less than three (3) metres in width (except for the corner of Gardeners Road and Bourke Street) and shall match the public domain finished floor level, and to give effect to this, the applicant shall provide suitably amended plans to the satisfaction of Council.
- Require that all contributions are paid prior to issue of the first Construction Certificate or a bank guarantee is provided to Council in lieu of payment, and such guarantee shall include interest payable to Council at the appropriate rate to be specified, and such guarantee may be drawn upon by Council within twelve (12) months of the date of this determination.
- Require a total of four (4) car share spaces.
- Require Condition 4(d) and Condition 36 to allow provision of one (1) car space per Built to Rent Unit (total of 50 spaces) rather than a total of 10 spaces.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 3 written submissions made during public exhibition. The Panel notes that issues of concern included:

- Scale
- Privacy
- Solar access
- Insufficient landscaped area
- Impacts on views
- Structural risks
- Insufficient quality of the application
- Overdevelopment
- Safety issues for pedestrians with vehicles exiting and entering the site

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	 Michael Nagi
 Amelia Thorpe	 Alice Spizzo

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-190 – Bayside – MDA-2022/31
2	PROPOSED DEVELOPMENT	Modification to DA-2015/10022 to relocate parking from basement 2 to Level 1 of the podium form (deleting basement Level 2), subsequent redistribution of floor space and reconfiguration of each level of the building; increase in

		the number of apartments from 117 to 118 including 50 build-to-rent apartments; increase communal open space and associated reconfiguration of floor plates and building envelope
3	STREET ADDRESS	653 Gardeners Road, Mascot (Also known as 2 Bourke Street, Mascot) Lot 10 in DP 1219678
4	APPLICANT/OWNER	S.N.S Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Industry and Employment) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 Assessment Report: • State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Building • State Environmental Planning Policy (Housing) 2021 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Bayside Local Environmental Plan 2021 • Planning agreements: Nil • Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> • 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: 29 May 2023 • Architectural Plans • Landscape Plans • Written submissions during public exhibition: 3 • Total number of unique submissions received by way of objection: 3
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 29 March 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully, Amelia Thorpe, Alice Spizzo ○ <u>Council assessment staff</u>: Andrew Ison, Luis Melim, Pascal Van de

		<p>Walle</p> <ul style="list-style-type: none"> ○ <u>Applicant representatives</u>: Stuart Gordon, David Royal, Jim Koopman, Karina Turvy • Site inspection: 8 June 2023 • Final briefing to discuss council's recommendation: 08 June 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully – Chair, Amelia Thorpe, Alice Spizzo, Michael Nagi ○ <u>Council assessment staff</u>: Andrew Ison, Luis Melim, Pascal Van de Walle ○ <u>Applicant representatives</u>: Stuart Gordon, David Royal, Jim Koopman, Karina Turvy
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report