



<b>DATE OF DETERMINATION</b>	8 October 2020
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Jan Murrell, Roberta Ryan, Ed McDougall, Michael Nagi
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Meeting held via Microsoft Teams on 8 October 2020, opened at 8.30am and closed at 11am.

#### **MATTER DETERMINED**

PPSSEC-2 – Bayside – DA-2019/233 at 40-54 Baxter Rd, Mascot (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.

The Panel adjourned after the meeting to deliberate on the matter and formulate a resolution.

#### **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 notes that the site is highly constrained but nonetheless is satisfied the issues have been addressed in the application or by the imposition of appropriate Conditions.
- The development for a hotel is consistent with the zone and the issues of aircraft noise and rail vibrations/noise will be addressed through the construction in accordance with the Conditions.
- The Panel notes the proposed subdivision is yet to be registered but the land is clearly identified, and this would not warrant a deferred commencement.
- The ARTC has approval for duplication to the South of the existing line and therefore the development would not constrain the improvements in freight rail operations.
- The flooding issue is one that requires access through the subject property for the proposed lots 2 and 3 and this is provided for in the Conditions.

#### **CONDITIONS**

The development application was approved subject to the Conditions in the Council assessment report with the following amendments.






- Condition 8 is amended by providing reference to Condition 1 in lieu of Condition 2.
- Condition 38 is amended by providing for prior to the issue of Construction Certificate for above ground works.
- That the description of the land upon which the approved hotel would be constructed properly refer to 'Proposed lot 1 of DA2019/234'.

#### **CONSIDERATION OF COMMUNITY VIEWS**

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

- Non-compliance with DCP setbacks
- Overdevelopment of the site / Bulk / Scale
- Proposal does not demonstrate 'Design Excellence' as per Botany Bay Local Environmental Plan

The Panel considers that concerns raised in the community submission have been adequately addressed in the assessment report.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 Roberta Ryan	 Ed McDougall
 Michael Nagi	

<b>SCHEDULE 1</b>		
<b>1</b>	<b>PANEL REF – LGA – DA NO.</b>	PPSSEC-2 – Bayside - DA-2019/233
<b>2</b>	<b>PROPOSED DEVELOPMENT</b>	Construction of a thirteen (13) storey hotel comprising 301 rooms, car parking for 85 vehicles, restaurant, cafe, gym and landscape works
<b>3</b>	<b>STREET ADDRESS</b>	40-54 Baxter Rd, Mascot
<b>4</b>	<b>APPLICANT/OWNER</b>	Manboom Pty Ltd Atf Outdoor Signage Unit Trust
<b>5</b>	<b>TYPE OF REGIONAL DEVELOPMENT</b>	General development over \$30 million
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ Environmental Planning &amp; Assessment Act 1979, Part 4 – Development Assessment &amp; Schedule 7 of the SEPP- State and Regional Development 2011 which regional panels may be authorised to exercise consent authority functions of councils.</li> <li>○ Environmental Planning &amp; Assessment Regulation 2000, Part 6 – Procedures relating to Development Applications</li> <li>○ State Environmental Planning Policy (State &amp; Regional Development) 2011</li> <li>○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No 64—Advertising and Signage</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>○ Botany Bay Local Environmental Plan 2013</li> <li>○ Bayside Draft Local Environmental Plan 2020</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>
<b>7</b>	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 30 September 2020</li> <li>• Written submissions during public exhibition: 1</li> <li>• Verbal submissions at the meeting: <ul style="list-style-type: none"> <li>○ Council assessment officer – Fiona Prodromou, Ben Latta</li> <li>○ On behalf of the applicant –Stephen Kerr, Kirby Rees, Chris Boys</li> </ul> </li> </ul>
<b>8</b>	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Briefing: 22 August 2019 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Michael Nagi</li> <li>○ <u>Council assessment staff</u>: Fiona Prodromou, Patrick Nash, Andrew Ison, Luis Melim</li> </ul> </li> <li>• Site inspection: Due to Coronavirus precautions, the Panel visited the site independently, prior to 8 October 2020</li> </ul>

		<ul style="list-style-type: none"> <li>• Final briefing to discuss council’s recommendation, 8 October 2020, 8.30am. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan, Michael Nagi, Ed McDougall</li> <li>○ <u>Council assessment staff</u>: Fiona Prodromou, Pascal Van de Walle, Ben Latta</li> </ul> </li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report