

<b>DATE OF DEFERRAL</b>	Thursday 25 June 2020
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Roberta Ryan, Sue Francis, Michael Nagi, Ed McDougall
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Jan Murrell declared a conflict of interest for this matter. In her role of Chair of the Bayside Local Planning Panel Jan considered another DA for the subject site. Accordingly, Jan did not participate in the Panel for this matter.

Public meeting held via Microsoft Teams on 25 June 2020, opened at 10.30am and closed at 1.15pm.

#### **MATTER DEFERRED**

PPSSEC-23 – Bayside – DA-2019/385 - 6-8 John Street Mascot and 13B Church Avenue Mascot Student Accommodation (as described in Schedule 1)

#### **REASONS FOR DEFERRAL**

The Panel heard from residents who raised concerns about

- The easement, the rights of way and its safety
- Acoustic implications
- Construction safety
- Density, setbacks and its implications for overshadowing and visual impact and view loss
- Lack of parking
- Potential for antisocial behaviour and security issues
- The appropriateness of the location for student accommodation
- The lack of public open space
- The lack of demand for student accommodation

The Panel also heard from the applicant who confirmed that their operations do not provide parking because their residents do not need them and that their location, being close to public transport, both rail and bus, allows residents to gain access to their tertiary education facilities.

The Panel noted that the proposal is under the height limit and that the visual impact and shadow impact is less than is anticipated for the site. The Panel is also of the view that there can be no assumption that 'students' managed by Iglu would be any more antisocial than any other residential flat building occupier.

The Panel is aware that a CDC has been issued and implemented for demolition of existing structures on the site and whilst there was concern raised that this was 'inappropriate' the Panel acknowledges that a CDC is able to be issued for that work.

Notwithstanding the above, the Panel is concerned that it does not have enough information in respect of the terms of the easement and the implications that may occur to the design should the easement not allow waste collection from the John Street frontage lot to the rear lot where garbage is proposed to be collected. Further, clarification is required as to the function of the easement with the community garden area (which the Panel considers as desirable)






Further, the Panel is unsure as to the acoustic treatment proposed for the basketball area. Accordingly, the Panel resolved to defer the determination of this matter until the following information is provided to Council.

1. Details of the terms of the easement and the ability of the development to satisfy those terms is to be provided to Council. If the current proposal cannot satisfy the terms of the easement then either the easement needs to be modified, or the proposal modified.
2. Specific details of the acoustic impact of the basketball court and the John Street roof terrace and it's use at all times on neighbouring properties is to be provided, together with the detail of any attenuating structures.
3. The applicant provide the details for the establishment of a community consultative mechanism for both the construction period and the ongoing operation of the facility. The Panel refers the applicant to the NSW CCC Guidelines <https://www.planningportal.nsw.gov.au/major-projects/community/community-consultative-committees/ccc-guidelines>
4. The applicant to work with the Council staff to resolve and clarify conditions of consent.

The Panel requests this information to be provided to Council within a month and the Council to provide a supplementary report to the Panel within 2 weeks of receipt of this information.

When this information has been received, the Panel will hold another public determination meeting.

The decision to defer the matter was Unanimous. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

PANEL MEMBERS	
 Carl Scully (Chair)	 Roberta Ryan
 Sue Francis	 Michael Nagi
 Ed McDougall	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-23 – Bayside – DA2019/385
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a building for student accommodation ranging between seven (7) to twelve (12) storeys in height, and including four hundred and thirty-five (435) bedrooms and associated landscaping
3	STREET ADDRESS	6-8 John Street and 13B Church Avenue Mascot
4	APPLICANT/OWNER	Iglu No.211 Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<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</li> <li>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 (Affordable Rental Housing) 2009</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>State Environmental Planning Policy No. 64- Advertising and Signage</li> <li>State Environmental Planning Policy (Vegetation in non-rural areas) 2017</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>Botany Bay Local Environmental Plan 2013</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>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 12 June 2020</li> <li>Clause 4.6 variation request – Motorcycle parking control</li> <li>Written submissions during public exhibition: <ul style="list-style-type: none"> <li>Round One – 137 submissions (including 35 individual submissions and 102 pro-forma letters)</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ Round Two – 160 submissions (including 66 individual submissions and 94 pro-forma letters)</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Nicole Watkins, Youyu Chen, Jennifer Ng, Olga Sztiniak, Sophie Benetis, Lynette Hickey (on behalf of Concerned Mascot Residents), Glenn Apps, Sophie Jacob, Sheng Jie Kong</li> <li>○ Council assessment officer – Angela Lazaridis, Ben Latta, Luis Melim</li> <li>○ On behalf of the applicant – Kate Bartlett, Guy Lake, Adam Brown, Jonathan Gliksten, Lucas Madar, Matt Durning</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 27 February 2020 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Carl Scully (Chair), Roberta Ryan, Sue Francis, Michael Nagi</li> <li>○ <u>Council assessment staff</u>: Angela Lazaridis, Ben Latta, Luis Melim</li> </ul> </li> <li>• Site inspection: Due to Coronavirus precautions, the Panel visited the site independently, prior to 25 June 2020</li> <li>• Final briefing to discuss council's recommendation, 25 June 2020, 9.30am. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: <u>Panel members</u>: Carl Scully (Chair), Roberta Ryan, Sue Francis, Michael Nagi, Ed McDougall</li> <li>○ <u>Council assessment staff</u>: Angela Lazaridis, Ben Latta, Luis Melim</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report