

DETERMINATION AND STATEMENT OF REASONS
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	18 July 2023
DATE OF PANEL DECISION	18 July 2023
DATE OF PANEL MEETING	18 July 2023
PANEL MEMBERS	Carl Scully, Alice Spizzo, Michael Nagi, Amelia Thorpe, Joe Awada
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Public meeting held by teleconference on 18 July 2023, opened at 2.32pm and closed at 2.44pm.

MATTER DETERMINED

PPSSEC-241 - DA-2022/329 - Bayside - 15-37 Innesdale Road, Wolli Creek, Demolition of existing structures and construction of four (4) x eight (8) storeys residential apartment buildings comprising of 196 apartments including 98 affordable housing units over three (3) levels of basement parking (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.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Bayside Local Environmental Plan 2021 (LEP), that has demonstrated that:

- compliance with cl. 4.3 Height of Buildings is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

The Panel is satisfied that:

- the Applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 Height of Buildings of the LEP and the objectives for development in the R4 – High Density Residential zone; and
- the concurrence of the Secretary has been assumed.

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 agreed with recommendations of Council officer's assessment report and determined to approve the development for the reasons in that report and as below:

- This development application is in accordance with the requirements of the EP&A Act and the Regulation.

- The proposal is consistent with the objectives of the planning controls applying to the land and is acceptable in this regard.

CONDITIONS




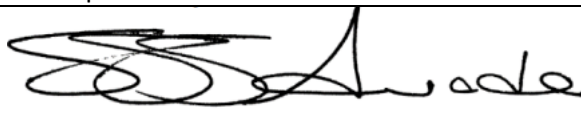

The Development Application was approved subject to the conditions (including the 2 deferred commencement conditions relating to stormwater and driveway) in the Council's assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 11 written submissions made during public exhibition. The Panel notes that issues of concern included:

- Density, bulk and overpopulation
- Traffic and Parking
- Privacy
- Solar access
- Environmental impacts
- Lack of public services – shopping and Post Office

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Carl Scully	 Alice Spizzo
 Amelia Thorpe	 Joe Awada
 Michael Nagi	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-241 - DA-2022/329 - Bayside
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of four (4) x eight (8) storeys residential apartment buildings comprising of 196 apartments including 98 affordable housing units over three (3) levels of basement parking
3	STREET ADDRESS	15-37 Innesdale Road, Wolli Creek
4	APPLICANT/OWNER	Applicant - The Trustee for Innesdale Property Holdings Trust2 Owner - Ms Mona Elizabeth Goldsmith, Innesdale Holdings Pty Ltd, Ms Amal Kemp, Mr Emil Peter Moussa, Mr Phillip Moussa

5	TYPE OF REGIONAL DEVELOPMENT	Section 2.19(1) and Clause 2 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 declares the proposal regionally significant development as: Development that has a capital investment value of more than \$30 million.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Housing) 2021 • State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Planning Systems) 2021 • Bayside Local Environmental Plan 2021; Rockdale Development Control Plan 2011. • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: nil • 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: 4 July 2023 • Architectural Plans – Marchese Partners International P/L • Statement of Environmental Effects - Gyde • Clause 4.6 review – Gyde • Landscape Plan – Site Image Landscape Architects • Acoustic Report – Koikas Acoustics Pty Ltd Traffic Report – Transport and • Traffic Planning Associates • BCA Report – EastCoast Approvals Group P/L • Access Assessment Report – Jensen Hughes Company • Written submissions during public exhibition: 11 submissions • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Members of the community – Nil ○ Council Assessment Officers - Michael Maloof ○ On behalf of the applicant – Stephen Kerr, Anthony Kazacos
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • 13 April 2023 – Kick off briefing • 18 July 2023 - Final briefing to discuss council's recommendation: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully, Alice Spizzo, Michael Nagi, Amelia

		<p>Thorpe, Joe Awada</p> <ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Michael Maloof, Luis Melim, Christopher Mackay ○ <u>Applicant</u>: Stephen Kerr, Anthony Kazacos, Ross Shepherd, Marina Wei, Maroun Taouk, Paolo Salotto, Bruno Gallace
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report