

DATE OF DEFERRAL	19 March 2024
DATE OF PANEL MEETING	12 March 2024
PANEL MEMBERS	Carl Scully (Chair), Alice Spizzo, Amelia Thorpe, Michael Nagi, Joe Awada
APOLOGIES	Nil
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 5 March 2024.

MATTER DEFERRED

PPSSEC-245 – DA-2022/357 - Bayside - 1-3 and 3A Ricketty Street, Mascot, Demolition of existing structures and construction an 8 storey self-storage facility and 12 storey commercial building with above ground parking and landscaping (as described in Schedule 1).

REASONS FOR DEFERRAL

The Panel considered the matters listed at item 6, the material listed at item 7 and the material presented at the meetings observed at the site inspection listed at item 8 in Schedule 1.

The Panel agreed to defer the determination of the matter until 4th June 2024. The matter was deferred to allow for the provision of:

- Further testing and reporting on contamination at the site.
- Further information to be provided to Council on potential of flood impacts.
- The applicant is to provide Council with legal advice as to whether the Panel may proceed to a consent without the support of Heritage NSW.
- The applicant is to provide Council with proof of owners' consent from Transport for NSW regarding the property at Lot 1 DP 551509.

The decision to defer the matter was unanimous.

ACTIONS

To allow for the progression of the Development Application to determination, the Panel directed that:

1. The Applicant shall provide and upload all documentation to the Planning Portal by 30th April 2024.
2. Council is requested to provide an addendum assessment report responding to the matters above, which is to be uploaded to the Planning Portal by 21 May 2024.
3. Council and the applicant are to brief the Panel Chair in early May on the progress in respect of the outstanding issues listed above.
4. When the updated assessment report is received the Panel will hold a final determination briefing. This briefing is tentatively scheduled to be held by videoconference (Microsoft Teams) on 4 June 2024.

If the outstanding information is not provided by 30th April 2024, the Panel may move to determine the DA based on the information currently at hand.

PANEL MEMBERS



Carl Scully (Chair)



Amelia Thorpe



Alice Spizzo



Michael Nagi



Joe Awada

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-245 – DA-2022/357 - Bayside
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction an 8 storey self-storage facility and 12 storey commercial building with above ground parking and landscaping
3	STREET ADDRESS	1-3 and 3A Ricketty Street, Mascot
4	APPLICANT/OWNER	Edward Shaw - The Trustee for The Canal Aviv Trust Canal Aviv Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Bayside Local Environmental Plan 2021 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Botany Bay Development Control Plan 2013 Planning agreements: Nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2000</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: 5 March 2024 List any clause 4.6 variation: Clause 4.3 Height of Buildings List any council memo or supplementary report received: 11 March 2024 Written submissions during public exhibition: 2 Total number of unique submissions received by way of objection: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 14 March 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Alice Spizzo <u>Applicant representatives</u>: Mr Edward Shaw, Jeff Mead, Nitzan Ronen, Peter Mystriotis, Grand Cheng, Mark Simpson, Tasman Shen, Louisa Macleod, Ted Yu <u>Council assessment staff</u>: Andrew Ison, Pascal Van de Walle, Marta Gonzales- Valdes <u>Department staff</u>: Lillian Charlesworth and Suzie Jattan Briefing: 11 May 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe and Michael Nagi

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Andrew Ison ○ <u>Department staff</u>: Lillian Charlesworth and Suzie Jattan <ul style="list-style-type: none"> ● Briefing: 24 August 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Amelia Thorpe, Michael Nagi and Joe Awada ○ <u>Council assessment staff</u>: Andrew Ison, Pascal Van de Walle, Luis Melim, Edward Courtenay ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis ● Site inspection: 12 March 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Amelia Thorpe, Joe Awada ○ <u>Council assessment staff</u>: Andrew Ison, Pascal Van der Walle, Luis Melim, Haven Barr ● Applicant Briefing: 12 March 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Amelia Thorpe, Michael Nagi, Joe Awada ○ <u>Applicant representatives</u>: David Waghorn (applicant), Peter Mystriotis (owner) ○ <u>Council assessment staff</u>: Andrew Ison, Pascal Van de Valle, Luis Melim, Judith Betts, Christopher Thompson, Atef Syed, Haven Barr ○ <u>Department staff</u>: Tim Mahoney and Lisa Ellis ● Final briefing to discuss council's recommendation: 12 March 2024 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Amelia Thorpe, Michael Nagi, Joe Awada ○ <u>Council assessment staff</u>: Andrew Ison, Pascal Van de Valle, Luis Melim, Judith Betts, Christopher Thompson, Atef Syed, Haven Barr ○ <u>Applicant representatives</u>: David Waghorn (applicant), Peter Mystriotis (owner) ○ <u>Department staff</u>: Tim Mahoney and Lisa Ellis
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Nil