

DETERMINATION AND STATEMENT OF REASONS
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	13 June 2023
DATE OF PANEL DECISION	13 June 2023
DATE OF PANEL MEETING	13 June 2023
PANEL MEMBERS	Carl Scully – Chair, Amelia Thorpe, Alice Spizzo, Michael Nagi
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 8 June 2023.

MATTER DETERMINED

PPSSEC-250 - DA-2022/409 – Bayside – 28, 40 Lord Street, Botany, UTS, change of use of existing buildings into an education establishment with internal fitout works and use of the existing car parking, operating 24 hours a day, seven (7) days a week (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

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 Panel was satisfied of the merits of the application. It is generally consistent with the adopted planning framework for the locality and the design of the development has been responsive to its context.





CONDITIONS

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

- **Condition 47A Hours of Construction**
 - (1) Work may be carried out outside the standard hours for construction if the work only generates noise that is—
 - (a) no louder than 5 dB(A) above the rating background level at any adjoining residence in accordance with the *Interim Construction Noise Guideline* (ISBN 978 1 74232 217 9) published by the Department of Environment and Climate Change NSW in July 2009, and
 - (b) no louder than the noise management levels specified in Table 3 of that guideline at other sensitive receivers.
 - (2) Work may be carried out outside the standard hours for construction in an emergency, to avoid the loss of lives or property or to prevent environmental harm.

CONSIDERATION OF COMMUNITY VIEWS

Council exhibited the development from 11 January 2023 to 31 January 2023 and received no submissions during the exhibition period. In coming to its decision, the Panel noted that there were no written submission made during public exhibition.

PANEL MEMBERS	
 Carl Scully	 Michael Nagi
 Amelia Thorpe	 Alice Spizzo

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-250 - Bayside - DA-2022/409
2	PROPOSED DEVELOPMENT	PPSSEC-250 - DA-2022/409 – Bayside – 28, 40 Lord Street, Botany, UTS, change of use of existing buildings into an education establishment with internal fitout works and use of the existing car parking, operating 24 hours a day, seven (7) days a week.
3	STREET ADDRESS	28-40 Lord Street Botany NSW 2019, Lots 1 & 2 in DP 1001894
4	APPLICANT/OWNER	University Of Technology Sydney / Perpetual Trustee Company Limited
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
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 (Transport and Infrastructure) 2021 Assessment Report:• 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: 8 June 2023 • Architectural • Statement of Environmental Effects • Acoustic Report • Traffic and Parking Assessment Report • Letters with additional information regarding traffic, access and parking • Written submissions during public exhibition: 0 • Total number of unique submissions received by way of objection: 0
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 13 April 2023 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully, Amelia Thorpe, Alice Spizzo ○ <u>Council assessment staff</u>: Michael Maloof ○ <u>Applicant representatives</u>: Alan Cadogan • Site inspection: 13 June 2023 • Final briefing to discuss council's recommendation: 13 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>: Michael Maloof, Luis Melim, Christopher Mackay, ○ <u>Applicant representatives</u>: Jenny Tran, Alan Cadogan
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report