

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Thursday 28 May 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

Public meeting held via Microsoft Teams on 28 May 2020, opened at 9.20am and closed at 9.35am

#### MATTER DETERMINED

PPSSEC-28 – Bayside – DA2019/281 at 253 Coward Street, 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.

#### Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Botany Bay Local Environmental Plan 2013 (LEP), that has demonstrated that:

- compliance with the FSR standard under cl. 4.4 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. 4.4 of the LEP and the objectives for development in the B5 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 endorses the officer's report and reasons contained therein.
- The Panel is satisfied the development will provide an appropriate fit within the streetscape and in the context of surrounding development and is well designed.

#### CONDITIONS

The development application was approved subject to the conditions in the council assessment report.






## CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The panel notes that issues of concern included:

- Non-compliance with statutory control for FSR;
- Non-compliance with parking;
- Traffic generation as a result of the development;

Impacts of development on to the neighbouring childcare centre.

The panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The panel notes that in addressing these issues, appropriate conditions have been imposed.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-28 – Bayside – DA2019/281
2	PROPOSED DEVELOPMENT	Demolition of existing buildings, construction of a ten (10) storey commercial building with an additional plant level, one (1) basement level car park, ground floor retail / commercial tenancies, commercial and parking on level one (1), parking on levels two (2) and three (3), and six (6) levels of office use above
3	STREET ADDRESS	253 Coward Street, Mascot
4	APPLICANT/OWNER	Sutherland and Associates Planning 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 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 (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>○ State Environmental Planning Policy No. 64 – Advertising and Signage</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: 14 May 2020</li> <li>• Clause 4.4 Floor Space Ratio</li> <li>• Written submissions during public exhibition: 2</li> <li>• Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Council assessment officer – Ben Latta, Adam Iskandar</li> <li>○ On behalf of the applicant – Aaron Sutherland, Guy Lake</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), Jan Murrell, Sue Francis, Michael Nagi</li> <li>○ <u>Council assessment staff</u>: Ben Latta, Adam Iskandar, Luis Melim, Angela Lazaridis</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Site inspection: Due to Coronavirus precautions, the Panel visited the site independently, prior to 28 May 2020</li> <li>• Final briefing to discuss council's recommendation, 28 May 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>: Adam Iskandar, Ben Latta</li> </ul> </li> </ul>
9	<b>COUNCIL RECOMMENDATION</b>	Approval
10	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report