

DATE OF DETERMINATION	8 May 2025
DATE OF PANEL DECISION	8 May 2025
DATE OF PANEL BRIEFING	8 May 2025
PANEL MEMBERS	Carl Scully (Chair), Alice Spizzo, Glennis James, Joe Awada and Michael Nagi
APOLOGIES	Susan Budd
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 23 April 2025.

MATTER DETERMINED

PPSSEC-314 - Bayside - DA-2024/68 - 114-116 Hattersley Street and 345 Princes Highway, Banksia - Integrated Development - Demolition of existing structures and construction of two (2) ten (10) storey mixed use buildings, comprising eighty-six (86) residential units, eight (8) ground floor commercial units, three (3) levels of basement parking, and associated landscaping (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) and State Environmental Planning Policy (Housing) 2021 (SEPP Housing), the Panel is satisfied that the applicant has demonstrated that:

- compliance with cl. 4.4 (Floor Space Ratio) of the LEP and cl.16(1) of the SEPP Housing is unreasonable or unnecessary in the circumstances because the development is consistent with the objectives of the development standard and the MU1 Mixed Use zone; and
- there are sufficient environmental planning grounds to justify contravening the development standard as the proposed development facilitates the delivery of new in-fill affordable housing and is integrated within the proposed building.

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 determined to uphold the Clause 4.6 variation to floor space ratio and approve the application for the reasons outlined in the Council Assessment Report and Supplementary Assessment Report.

CONDITIONS

The Development Application was approved subject to the conditions attached to the Council Supplementary Assessment Report, with the follow amendment:






- Amend DC1. Sydney Trains A1 to remove the following wording:
'Any conditions issued as part of Sydney Trains' endorsement of the above documents will also form part of the consent conditions that the Applicant/Developer is required to comply with.'

CONSIDERATION OF COMMUNITY VIEWS

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

- Flooding and stormwater
- Overshadowing
- Land isolation
- Parking
- Traffic
- Amenity issues
- Through site link
- Streetscape

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report. The Panel notes that in addressing these issues, appropriate conditions have been imposed.

PANEL MEMBERS	
 Carl Scully (Chair)	 Alice Spizzo
 Glennis James	 Joe Awada
 Michael Nagi	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-314 – Bayside – DA-2024/68
2	PROPOSED DEVELOPMENT	Integrated Development - Demolition of existing structures and construction of two (2) ten (10) storey mixed use buildings, comprising eighty-six (86) residential units, eight (8) ground floor commercial units, three (3) levels of basement parking, and associated landscaping
3	STREET ADDRESS	114-116 Hattersley Street and 345 Princes Highway, Banksia
4	APPLICANT/OWNER	Applicant: Hattersley Developments Pty Ltd Owner: Hattersley Developments Pty Ltd (114-116 Hattersley Street, Banksia), Nascon Property Group Pty Ltd (345 Princes Highway, Banksia)
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 (Sustainable Buildings) 2022 State Environmental Planning Policy (Housing) 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"> Bayside Development Control Plan 2022 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: 11 February 2025 Council Supplementary Assessment Report: 23 April 2025 Clause 4.6 variations: cl. 4.4 (Floor Space Ratio) of the LEP and cl.16(1) of the SEPP Housing Written submissions during public exhibition: 5 Total number of unique submissions received by way of objection: 5
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 15 August 2024 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Joe Awada and Michael Nagi <u>Council assessment staff</u>: Michael Maloof, Christopher Mackey and Haven Barr <u>Department staff</u>: Carolyn Hunt and Lisa Ellis Site Inspection: 25 February 2025 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd Joe Awada and Michael Nagi

		<ul style="list-style-type: none"> ○ <u>Council assessment staff</u>: Michael Maloof, Luis Melim, Christopher Mackey and Lachlan McCowan • Applicant Briefing: 25 February 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd, Joe Awada and Michael Nagi ○ <u>Applicant Representatives</u>: John Mouawad, Stephen Kerr and Alain Assoum ○ <u>Council assessment staff</u>: Michael Maloof, Christopher Mackey and Lachlan McCowan ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis • Council briefing to discuss Council's recommendation: 25 February 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd, Joe Awada and Michael Nagi ○ <u>Council assessment staff</u>: Michael Maloof, Luis Melim, Christopher Mackey and Lachlan McCowan ○ <u>Applicant representatives</u>: John Mouawad ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis • Applicant Briefing: 08 May 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Glennis James, Joe Awada and Michael Nagi ○ <u>Applicant Representatives</u>: John Mouawad and Stephen Kerr ○ <u>Council assessment staff</u>: Michael Maloof, Christopher Mackey and Carine Elias ○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova • Final briefing to discuss Council's recommendation: 08 May 2025 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Glennis James, Joe Awada and Michael Nagi ○ <u>Council assessment staff</u>: Michael Maloof, Christopher Mackey and Carine Elias ○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Supplementary Assessment Report