

DATE OF DETERMINATION	16 December 2025
DATE OF PANEL DECISION	16 December 2025
DATE OF PANEL MEETING/BRIEFING	10 December 2025
PANEL MEMBERS	Carl Scully (Chair), Alice Spizzo, Susan Budd, Joe Awada and Michael Nagi
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 28 November 2025.

MATTER DETERMINED

PPSSEC-316 – Bayside – DA-2024/56 – 7-9, 14-16 & 18-21 Chalmers Crescent and the eastern part of Chalmers Crescent containing the cul-de-sac turning bulb, Mascot – Concept Development Application – Consolidation of lots (including road), demolition of existing structures, tree removal, construction of commercial development comprising of five (5) towers (with plant) above a podium with a maximum total gross floor area of 48 645sqm, 400 car parking spaces 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 the site inspection listed at item 8 in Schedule 1.

Application to vary a development standard:

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

- compliance with s.4.3 (Height of Buildings) and s.4.4 (Floor Space Ratio (FSR)) is unreasonable or unnecessary in the circumstances because the proposed development meets the relevant objectives of the development standards, is consistent with approved development in the locality and the bulk and scale is in keeping with the future character of the area; and
- there are sufficient environmental planning grounds to justify contravening the development standard as the proposed development with the additional FSR will create additional employment floor space which provides essential job-related space in a location conveniently close to Sydney Airport and transport hubs and does not result in any significant/material adverse environmental impacts on adjoining sites.

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 building height and floor space ratio and approve the application for the following reasons.

The application seeks concept approval for a large-scale commercial office development on a large site in close proximity to Mascot railway station and Sydney Airport. The Concept proposal is consistent with the objectives of the E3 zone of the LEP. While the proposed application seeks a variation to the applicable height and gross floor area (GFA) controls established by the LEP, the proposed bulk and scale is consistent with other developments and approvals in the vicinity and with the emerging character of the area.

The Panel agrees that parking shall be capped at 400 spaces having regard to the most recent traffic study and response from TfNSW to ensure traffic impacts are reasonable and that a reasonable level of service at key intersections can be maintained. The Panel notes the conditions of concept approval require a final green travel plan to be provided and potential through site links explored as part of detailed development applications to maximise the use of public transport. While the applicant sought the inclusion of an additional 100 parking spaces for service/fleet/pool vehicles, the Panel agrees with Council (and Transport for NSW) that insufficient detail has been provided about the likely pattern of use of the service vehicles and impacts on the local road network and intersection performance to inform a sufficiently robust assessment of the impacts of the additional vehicles. Any further development applications or modifications to increase the number of parking spaces beyond the 400 spaces approved by this consent must be accompanied by traffic impact assessment studies.

The significant reduction in parking from the 608 parking spaces originally sought to 400 may require minor adjustments to the building envelopes at development application stage to ensure the approved GFA is not exceeded. Any minor changes to the approved envelopes shall not increase the approved height of any of the tower components of the approved building envelopes.

The Panel notes the peer review of design excellence carried out at the request of the Panel, concludes that the concept design is capable of achieving design excellence. Detailed development applications for the site will be subject to the design excellence provisions in Clause 6.10 of the LEP, including a competitive design competition process.

The Panel is satisfied that key issues have been satisfactorily addressed to an appropriate level for a concept application noting that further detailed analysis of key issues will be provided with the substantive development application(s) and is of the view that approval of the concept development application is in the public interest.

CONDITIONS

The Development Application was approved subject to the conditions attached to the Council Assessment Report with the following amendments.

- Amended Deferred Commencement Condition B to remove the words 'and the Developer' from the first sentence
- Delete Deferred Commencement Condition C
- Amend Condition 2. to include the following paragraph as an additional dot-point
 - Development application(s) lodged in reliance on this concept application approval may make minor adjustments to the approved building envelopes to ensure the approved maximum GFA of 48,645 square meters is not exceeded, while maintaining the approved height of each of the towers.
- Amend Condition 3, Road dot point to insert 'Lot 1' prior to DP 1260420'
- Amend Condition 7 to insert the following into the table as the third row:

DA-A-10503	105 Envelope Drawings Proposed Envelope Upper Ground Level	Crone Architects	F	20.11.2025
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- Delete Condition 15 and renumber the remaining conditions accordingly
- Amend now Condition 31 Public Domain Requirements (former Condition 32) to delete from part b) '& 253 Coward Street'
- Amend now Condition 33 Landscape & Design Objectives (former Condition 34) to delete part h)
- Amend now Condition 34 Landscaping Requirements (former Condition 35) to insert the following and re-letter the remaining parts:

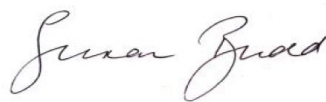
- g) Location of the project close to a flight path requires the minimising of habitat that will encourage bird strike and flocking species in the area. Structures and raised planters on maintenance access only roof tops, will be designed to maintain an open plane, to discourage nesting. Links between deep soil and podium planting will be provided.
- Amend now Condition 35 Landscape Setbacks/Deep Soil Zones (former Condition 36) part d) to delete '15%' and insert '12%'
 - Amend now Condition 36 Tree Canopy Cover and Species Selection (former Condition 37) part a) to delete the words 'tree canopy' and insert 'green foliage'
 - Amend now Condition 37 Wayfinding Signage Strategy (former Condition 38) to insert into part c) the words 'possible future Coward Street' in the first sentence after the words 'within the'
 - Amend now Condition 41 Bin Storage and Collection Points (former Condition 42) to delete part a)(ii) and renumber the remaining parts of a)

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:

- Traffic generation from the construction phase and ongoing traffic management of the local road networks now and into the future
- Further modelling required of the possible traffic impacts and performance/function of key road intersections

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
 Susan Budd	 Joe Awada
 Michael Nagi	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-316 – Bayside – DA-2024/56
2	PROPOSED DEVELOPMENT	Concept Development Application – Consolidation of lots (including road), demolition of existing structures, tree removal, construction of commercial development comprising of five (5) towers (with plant) above a podium with a maximum total gross floor area of 48 645sqm, 400 car parking spaces and associated landscaping
3	STREET ADDRESS	7-9, 14-16 & 18-21 Chalmers Crescent (Lots 11-26 DP 29697) and the eastern part of Chalmers Crescent containing the cul-de-sac turning bulb (Lot 1 DP 1260420), Mascot
4	APPLICANT/OWNER	The Trustee for F Mayer Imports Superannuation Plan
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	• Environmental planning instruments: ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Sustainable Buildings) 2022 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ Bayside Local Environmental Plan 2021 • Draft environmental planning instruments: Nil • Development control plans: ○ 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	• Council Assessment Report: 11 September 2025 • Council Supplementary Report received: 27 November 2025 • S. 4.6 variation requests: S.4.3 (Height of Buildings) and S.4.4 (Floor Space Ratio) of Bayside Local Environmental Plan 2021 • Written submissions during public exhibition: 1 • Total number of unique submissions received by way of objection: 1
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Briefing: 11 July 2024 ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Joe Awada and Michael Nagi ○ <u>Council assessment staff</u>: Felicity Eberhart and Marta Gonzalez-Valdes ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis • Briefing: 26 June 2025 ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd, Joe Awada, and Michael Nagi

		○ <u>Council assessment staff</u>: Robert Toohey, Marta Gonzalez-Valdes, Carine Elias and Christopher Thompson ○ <u>Applicant representatives</u>: Stefano Cottini, Michael Hromek, James Heron, Michael Neustein, Tony Staveley, Eleni Danias and Ehsan Bahram ○ <u>Department staff</u>: Carolyn Hunt and Lisa Ellis • Site inspection: 25 September 2025 ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd, Joe Awada and Michael Nagi ○ <u>Council assessment staff</u>: Marta Gonzalez Valdes and Carine Elias • Applicant Briefing: 25 September 2025 ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd, Joe Awada and Michael Nagi ○ <u>Applicant representatives</u>: Tony Staveley, Stefano Cottini, Michael Hromek, Ehsan Bahram, Chris Chung, Ryan Miller, Michael Neustein, Eleni Danias, Greg Crone and Steve Novak ○ <u>Council assessment staff</u>: Marta Gonzalez Valdes, Carine Elias, Christopher Thompson and Rupert Gilroy ○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova • Briefing to discuss Council's recommendation: 25 September 2025 ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd, Joe Awada and Michael Nagi ○ <u>Council assessment staff</u>: Marta Gonzalez Valdes and Carine Elias ○ <u>Department staff</u>: Carolyn Hunt and Ilona Ter-Stepanova • Applicant Briefing: 10 December 2025 ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd, Joe Awada and Michael Nagi ○ <u>Council assessment staff</u>: Felicity Eberhart, Marta Gonzalez Valdes, Carine Elias and Christopher Thompson ○ <u>Applicant representatives</u>: Michael Neustein, Tony Staveley, Stefano Cottini, Ehsan Bahram, Chris Chung, Eleni Danias, James Heron, Ryan Miller, Greg Crone and Michael Hromek and Phillipa Crone ○ <u>Department Staff</u>: Carolyn Hunt • Final briefing to discuss Council's recommendation: 10 December 2025 ○ <u>Panel members</u>: Carl Scully (Chair), Alice Spizzo, Susan Budd, Joe Awada and Michael Nagi ○ <u>Council assessment staff</u>: Felicity Eberhart, Marta Gonzalez Valdes and Carine Elias ○ <u>Independent Urban Design Consultant</u>: Paul Walter ○ <u>Department Staff</u>: Carolyn Hunt
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Attached to the Council Supplementary Assessment Report and amended on 10/12/2025