

DETERMINATION AND STATEMENT OF REASONS
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	8 September 2020
PANEL MEMBERS	Carl Scully (Chair), Roberta Ryan, Michael Sheils, Paul Pappas
APOLOGIES	Jan Murrell
DECLARATIONS OF INTEREST	Ed McDougall and Michael Nagi both declared a conflict of interest in this matter as they have both considered the matter previously in their roles at Council.

Meeting held via Microsoft Teams on 8 September 2020, opened at 1pm and closed at 1.15pm.

MATTER DETERMINED

PPSSEC-38 – Bayside – DA2020/14 at 46-50 Kent Road, Mascot - Demolition of existing structures and construction of a ten (10) storey commercial development comprising retail and office (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.

The Panel adjourned after the meeting to deliberate on the matter and formulate a resolution.

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 cl. 4.6 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. 4.6 of the LEP and the objectives for development in the B7 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 proposal is consistent and conforms with the objectives of the B7 Business Park zone and conforms with the desired future character of the precinct;
- The proposal will provide for an increase employment density on the site within the Mascot (West) Business Park Precinct; and

- The proposal provides a considered built form response that will deliver a positive urban design outcome.
- The Panel supports the non-compliance of the carparking because it consistent with the objectives of the zone and the site is well supported by public transport access.

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. The Panel notes that issues of concern included:

- Floor Space Ratio (FSR)- non-compliance
- Car parking non-compliance

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)	 Roberta Ryan
 Michael Sheils	 Paul Pappas

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-38 – Bayside – DA2020/14
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a ten (10) storey commercial development comprising retail and office.
3	STREET ADDRESS	46-50 Kent Road, Mascot
4	APPLICANT/OWNER	Sutherland and Associates Planning Pty Ltd/ Cate Investments P/L and Hidon Pty Ltd and Direct Vision Pty Ltd
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"> Environmental Planning and Assessment Act 1979- Part 4- Development Assessment and Schedule 7 of the SEPP- State and Regional Development 2011 which regional panels may be authorised to exercise consent authority functions of councils Environmental Planning and Assessment Regulation 2000, Part 6 – Procedures relating to Development Applications State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 55- Remediation of Land Sydney Regional Environmental Plan XXX (Deemed SEPP) State Environmental Planning Policy (Vegetation in non-rural areas) 2017 Botany Bay Local Environmental Plan 2013 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Botany Development Control Plan 2013 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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: 25 August 2020 Clause 4.6 variation request – Floor Space Ratio Written submissions during public exhibition: Two Verbal submissions at the meeting: <ul style="list-style-type: none"> Council assessment officer – Angela Lazaridis, Ben Latta On behalf of the applicant – Aaron Sutherland, Nick Sissons, Scott Spanton
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing: 13 August 2020 <ul style="list-style-type: none"> <u>Panel members</u>: Carl Scully (Chair), Jan Murrell, Roberta Ryan, Paul Pappas <u>Council assessment staff</u>: Angela Lazaridis, Ben Latta, Luis Melim Site inspection: Due to Coronavirus precautions, the Panel visited the site independently, prior to 8 September 2020

		<ul style="list-style-type: none"> • Final briefing to discuss council's recommendation, 8 September 2020, 1pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Roberta Ryan, Michael Sheils, Paul Pappas ○ <u>Council assessment staff</u>: Angela Lazaridis, Ben Latta,
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report