

DETERMINATION AND STATEMENT OF REASONS

SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DETERMINATION	24 August 2020
PANEL MEMBERS	Carl Scully (Chair), Sue Francis, Michael Sheils
APOLOGIES	Roberta Ryan
DECLARATIONS OF INTEREST	<p>Jan Murrell declared a conflict and did not participate. Jan chaired the Bayside Local Planning Panel when the Planning Proposal came for advice to Council prior to the rezoning. Michael Nagi declared a conflict of interest and did not participate in the Panel for this matter. Michael considered the Planning Proposal in his role at Council.</p> <p>Ed McDougall declared a conflict of interest and did not participate in the Panel for this matter. He voted on a masterplan variation to the BATA site previously in his role at Council.</p>

Papers circulated electronically between 14 August 2020 and 24 August 2020.

MATTER DETERMINED

PPSSEC-45 – Bayside – DA22019/387 at 128 Bunnerong Road & 120 Banks Avenue, Eastgardens – Civil Works – BATA 2 (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.

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 approve the application for the reasons outlined in the council assessment report, specifically that the proposal will generate employment, accelerate the redevelopment of the subject site and is in the public interest. Additionally, finalising the road alignment outlined in the DA will not preclude any flexibility of fully considering the DA concept for BATA 2.


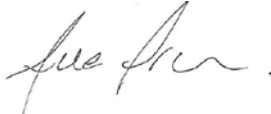

CONDITIONS

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 including that of Bonnie Doon Golf Club.

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)	 Sue Francis
 Michael Sheils	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-45 – Bayside – DA2019/387
2	PROPOSED DEVELOPMENT	Civil works involving the construction of roads, sewer, stormwater, water supply infrastructure and public domain landscaping in preparation for the future mixed use concept development application
3	STREET ADDRESS	128 Bunnerong Road & 120 Banks Avenue, Eastgardens
4	APPLICANT/OWNER	Karimbla Construction Services (NSW) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Concept DA that meets criteria under State and Regional SEPP
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Environmental Planning & Assessment ACT 1979 ○ State Environmental Planning Regulation 2000 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ State Environmental Planning Policy (Infrastructure) 2007 ○ 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: 29 June 2020 • Written submissions during public exhibition: One • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Council assessment officer - Fiona Prodromou, Christopher Mackey, Luis Melim ○ On behalf of the applicant – Walter Gordon, Michael Guinane, Cameron Greatbatch
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection: Due to Coronavirus precautions, the Panel visited the site independently, prior to 9 July 2020 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Sue Francis, Roberta Ryan, Michael Sheils • Public meeting, 9 July 2020, 1pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Carl Scully (Chair), Sue Francis, Roberta Ryan, Michael Sheils ○ <u>Council assessment staff</u>: Fiona Prodromou, Christopher Mackey, Luis Melim • Final briefing to discuss council's recommendation, 28 August 2020, 3-4pm. Attendees:

		<ul style="list-style-type: none">○ <u>Panel members</u>: Carl Scully (Chair), Sue Francis, Michael Sheils <u>Council assessment staff</u> : Fiona Prodmorou, Christopher Mackey, Luis Melim
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report