

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	17 September 2020
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Roberta Ryan, Michael Sheils, Paul Pappas
<b>APOLOGIES</b>	Sue Francis
<b>DECLARATIONS OF INTEREST</b>	Jan Murrell declared a conflict of interest and did not participate in the Panel for this matter. Jan has considered the site previously in her role as Chair of the Bayside Local Planning Panel.

Meeting held via Microsoft Teams on 17 September 2020, opened at 3pm and closed at 4pm.

#### MATTER DETERMINED

PPSSEC-80 – Bayside – DA2018/1003/C at 5 Oscar Place, Eastgardens (previously known as 130-150 Bunnerong Road, Eastgardens) (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.

#### Development application

The Panel determined to approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

- The Panel notes that the application is consistent with the DA Concept Masterplan and is supported and has no additional impact.

#### CONDITIONS

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





- A Condition to be inserted requiring prior to the issuing of a CC, that *"a minimum of 60% of the apartments to UB5C comply with cross-ventilation requirements, to Council satisfaction"*.
- Condition 23A the word *'construction'* be replaced by *"first Occupation"*.
- Delete reference to *'DA-00-0000 Revision D'* from Condition 1.
- Drawing DA-91-0100 Revision D and DA-91-010110 Revision D to amend the maximum allowable gross floor area calculations to read *'50,556 sqm'*

#### 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:

- Loss of Employment Opportunities
- Increased Traffic & Road Hazards

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
 Paul Pappas	 Michael Sheils

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSEC-80 – Bayside – DA-2018/1003/C
2	PROPOSED DEVELOPMENT	Section 4.55(2) Application to modify Development Consent No. 2018/1003 to amend the approved mixed use development, to convert serviced apartments approved under DA-2019/235 to residential apartments in Urban Block 5C approved under DA- 2018/1003; changes to unit numbers and mix; delete porte cochere, and changes to conditions.
3	STREET ADDRESS	5 Oscar Place, Eastgardens (previously known as 130-150 Bunnerong Road, Eastgardens)
4	APPLICANT/OWNER	Applicant: Karimbla Construction Services (NSW) Pty Ltd Owner: Karimbla Properties (No. 39) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</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 (Building Sustainability Index: (BASIX) 2004</li> <li>o Botany Bay Local Environmental Plan 2013.</li> </ul> </li> <li>Bayside Draft Local Environmental Plan 2020</li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Botany Bay 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: 10 September 2020</li> <li>Written submissions during public exhibition: 3</li> <li>Verbal submissions at the meeting: <ul style="list-style-type: none"> <li>Council assessment officer – Ana Trifunovska, Angela Lazaridis, Luis Melim, Christopher Mackey</li> <li>On behalf of the applicant – Walter Gordon</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Site inspection: Due to Coronavirus precautions, the Panel visited the site independently, prior to 17 September 2020</li> <li>Final briefing to discuss council's recommendation, 17 September 2020, 3pm. Attendees:</li> </ul>

		<ul style="list-style-type: none"><li>○ <u>Panel members</u>: Carl Scully (Chair), Roberta Ryan, Michael Sheils, Paul Pappas</li><li>○ <u>Council assessment staff</u>: Ana Trifunovska, Luis Melim, Angela Lazaridis, Chris Mackey</li></ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council assessment report