

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held electronically between Tuesday 9 September 2014 and Thursday 11 September 2014

Panel Members: David Furlong, Sue Francis, Stuart McDonald, Peter Fitzgerald and Ben Keneally

Apologies: Peter Fitzgerald - Declarations of Interest: Nil

Determination and Statement of Reasons

2013SYE084 – Botany Bay - DA-13/173 - Demolition of existing structures, removal of 16 trees and site excavation and remediation. Construction of 13 Storey Mixed Use Building comprising 3 basement levels with 177 parking spaces, 353 sqm of retail on ground level, 88 residential apartments and strata title subdivision - 246-250 Coward Street, Mascot as described in Schedule 1.

Date of determination: 11 September 2014

Decision:

The panel determined to approve the development application as described in Schedule A pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

Having read both documents the Panel are satisfied that the objection has dealt with the relevant LEP criteria and the matters for consideration under Clause 4.6.

The Council have reviewed the submission and reached a conclusion that the variation in FSR is acceptable on a number of grounds and that the objectives within the LEP Clauses for FSR and zoning have not been contravened.

The Panel also note that the building envelope including height and setbacks etc complies with the relevant LEP and DCP criteria. In tis context any impacts in terms of privacy and solar access etc, will be commensurate with that anticipated by the planning framework for a compliant development.

In all of these circumstances the Panel agree with the Council assessment that the Clause 4.6 Variation is well founded and are happy to approve the Development Application as recommended.

Conditions:

Panel members:

 David Furlong (chair)	Stuart McDonald	Sue Francis
Peter Fitzgerald	Ben Keneally	

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SCHEDULE 1	
1	JRPP Reference – LGA- Council Reference: 2013SYE084 – Botany Bay - DA-13/173
2	Proposed development: Demolition of existing structures, removal of 16 trees and site excavation and remediation. Construction of 13 Storey Mixed Use Building comprising 3 basement levels with 177 parking spaces, 353 sqm of retail on ground level, 88 residential apartments and strata title subdivision
3	Street address: 246-250 Coward Street, Mascot
4	Applicant/Owner: Imperic Pty Ltd
5	Type of Regional development: Capital Investment Value > \$20M
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ◦ <i>Environmental Planning and Assessment Act – Schedule 4A</i> ◦ <i>Environmental Planning and Assessment Act 1979 – part 4, Division 5 – Special Procedures for Integrated Development and Environmental Planning and Assessment Regulations 2000 – part 6, division 3 – Integrated Development</i> ◦ SEPP (Infrastructure) 2007 ◦ SEPP 55 – Remediation of Land ◦ SEPP 65 – Design Quality of Residential Flat Development ◦ Botany Bay LEP 2013 • Draft environmental planning instruments: Nil • Development control plans: Botany Bay DCP 2013 • Planning agreements: Nil • Regulations: 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report Dated: 8 August 2014 Written submissions during public exhibition: 0 Verbal submissions at the panel meeting: Support- Nil; Against- Nil; On behalf of the applicant- Russel Olsson
8	Meetings and site inspections by the panel: Briefing Meeting 14 November 2013 and Panel Meeting 19 August 2014
9	Council recommendation: Approval
10	Draft conditions: Conditions attached to council assessment report

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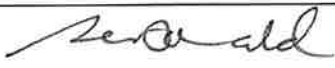
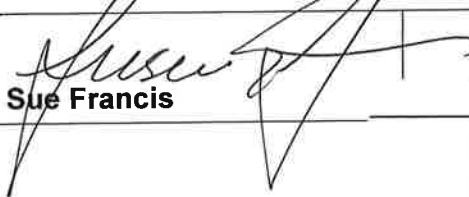
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