

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Christies Conference Centre on Wednesday 15 July 2015 at 3:00 pm

Panel Members: David Furlong (chair), Sue Francis, Julie Savet Ward and Peter Fitzgerald

Apologies: None - Declarations of Interest: Julie Savet Ward is the Chairperson of SGS Economics & Planning P/L. There is no conflict of interest as Ms Savet Ward is not involved with the day-to-day operations or projects of the business.

Determination and Statement of Reasons

2013SYE094 – Botany Bay DA 2013/208 [at 52-54 Pemberton Street, Botany] as described in Schedule 1.

Date of determination: 15 July 2015

Decision:

The panel determined to approve the development application as described in Schedule 1 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:

The panel did not accept the recommendation of the assessment report to refuse the development application for the following reasons

1. The proposed development provides an acceptable transition to lower scale adjoining and nearby development and includes substantial public open space and public domain improvements.
2. The variation to the LEP height standard is reasonable in the circumstances of the site (see point 1) and the Clause 4.6 request to vary the standard is well founded.
3. David Furlong, Sue Francis and Julie Savet Ward are of the opinion that the variation in the SEPP 65 minimum unit size requirements is acceptable as 74% of the proposed apartments receive at least 3 hours of solar access between 9am and 3pm during the winter solstice, while 72% are designed to provide natural ventilation and as 58% meet the RFDC table unit sizes, while 100% meet or exceed the rule of thumb
4. Peter Fitzgerald is not of the view that an adequate case has been made by the applicant to vary the DCP unit size and mix requirements.
5. The panel has considered the written and oral submissions of local residents and is of the view that the reduced heights of the buildings at the external boundaries of the site has achieved an acceptable outcome.

Conditions: The development application was approved subject to the conditions in the Schedule of Conditions provided to the Panel by Council as amended as follows:

Condition 6 is amended by the deletion of the words "38 per cent of the cost"

Condition 2A is deleted entirely.

An additional condition is included as follows: "While Building E is approved, two of the proposed townhouses shall not be constructed, to provide alternate vehicular access to those dwellings from Wilson Street. When alternate dedicated public access is available from the proposed 'New Street', this matter may be re-visited."

Unit numbers B4305, B4306 and B4307 shall be deleted and that component of the building is to

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be removed.

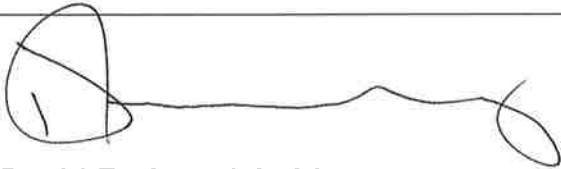
An additional 37 on site visitor spaces are to be provided with no reduction in deep soil landscaped area.

140C shall be converted to an advisory note, with no requirement for by law in a future strata subdivision.

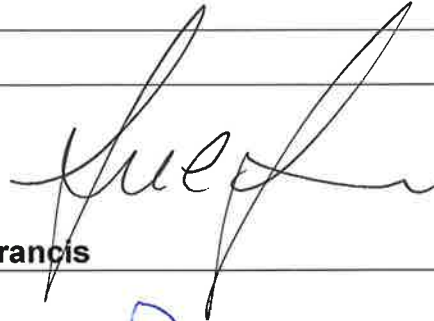
Condition 67 to have the word 'occupation' deleted and replaced with 'construction'.
All referencing to "438" apartments shall be amended to "435"

Insert an additional condition stating that all floor to floor heights for habitable floors shall be reduced to 3.1m.

Panel members:



David Furlong (chair)



Sue Francis



Julie Savet Ward



Peter Fitzgerald

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2013SYE094 – Botany Bay DA 2013/208
2	Proposed development: Integrated Development application seeking approval for the redevelopment of the site for residential purposes, comprising: a Stage 1 Master Plan for four (4) buildings containing a maximum Gross Floor Area (GFA) of 45,722 sqm; building heights between two (2) storeys to (8) storeys; basement and ground level parking; 3,000sqm of publicly accessible open space; pedestrian and cycle through-site links; and new vehicular access from Pemberton Street.
3	Street address: 52-54 Pemberton Street, Botany
4	Applicant/Owner: Australand Property Group Pty Ltd / Newtown Dyers and Bleachers Pty Ltd
5	Type of Regional development: Development with a Capital Investment Value (CIV) of more than \$20 million.
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Environmental Planning & Assessment Act 1979, Part 4 – Development Assessment • Environmental Planning & Assessment Regulation 2000, Part 6 – Procedures relating to development applications • State Environmental Planning Policy No. 55 – Contaminated Land • State Environmental Planning Policy 2004 (BASIX) • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat buildings • Botany Bay Local Environment Plan 2013 • Botany Development Control Plan 2013 • 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 11 June 2014 Written submissions during public exhibition between 23 October to 29 November 2013: 11 Verbal submissions at the panel meeting on 18 June 2014: Against- Melissa Darke; On behalf of the applicant- Nicholas Turner and Cameron Jackson Written submissions during public exhibition between 15 to 29 October 2014: 43 Supplementary Council Assessment Report dated 5 December 2014 Written submission from applicant dated 16 January 2015 Verbal submissions at the panel meeting on 20 January 2015: Against: Brian Walford, Sandra De Marchi, Paul Banton, Melissa Darke, Rachell Shabshay, Dave Sallows, Noelene Hugh-Smith, Therese Bell and Andrew Faunce; On behalf of the applicant: Cameron Jackson, Lisa Maree Carrigan, Julie Bindon, Debra Townsend and Richard McLachlan. Supplementary Council Assessment Report dated 3 July 2015 Supplementary Council Assessment Report dated 8 July 2015 Without prejudice conditions of consent forwarded by Council on 9 July 2015 Written submission from applicant dated 10 July 2015 Supplementary Council Assessment Report dated 14 July 2015 Verbal submissions at the panel meeting on 15 July 2015: Against: Sarah Drury on behalf of Sandra DiMarchi, Melissa Darke, Brian Walford, Dave Sallows, Paul Banton, Janelle Paton, Noelene Hugh-Smith, Therese Bell, Rachell Shabshay and Larissa Brennan; On behalf of the applicant: Cameron Jackson, Michael Rowe and Lisa Maree Carrigan.
8	Meetings and site inspections by the panel: Briefing Meeting on 14 November 2014; Public determination meeting on 18 June 2014
9	Council recommendation: Deferred commencement consent
10	Draft conditions: Attached to council assessment report