

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Christies Conference Centre on Wednesday 3 September 2014 at 12.30pm

Panel Members: John Roseth (chair), Sue Francis, Julie Savet Ward, Ben Keneally and George Glinatsis

Apologies: Nil - Declarations of Interest: Nil

Determination and Statement of Reasons

2014SYE011 – Botany Bay - da-13(266) - Demolition of existing structures and erection of a 12 storey Hotel development with 172 rooms and car parking for 45 vehicles - 113-121 Baxter Road, Mascot as described in Schedule 1.

Date of determination: 3 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:

The Panel notes the applicant's justification of the cl 4.6 variation of the FSR control as well as the officer's assessment of that justification.

The Panel also notes that the proposal does not reach the maximum height permitted by the LEP, as it is a storey lower than permitted.

The B5 zone in which the site is located allows a range of uses, including commercial buildings which would require a greater floor to floor height for each storey within the building. Accordingly, at the height control of 44m and FSR of 3:1, a larger building form could be built.

As proposed, the height is less than that permitted, but due to the lesser floor to floor heights an additional level, approximately equivalent to the variation of the permitted floor space, is able to be provided without increasing the building envelope.






Furthermore, were the development for office purposes, some 111 parking spaces would be required, whereas with the proposed FSR of 3.42:1, only 69 spaces are required, thus reducing the intensity of activity from the site.

For these reasons the Panel considers the cl 4.6 variation reasonable in the circumstances of the case.

The Panel listened carefully to the submissions of the objectors. It concluded that, in order to reduce the impact on their properties, it would have to reduce the development potential of the site to well below that allowed by the planning controls. This would prevent orderly development under the LEP.

The Panel notes that the proposal provides increased setback from the rear boundary as well as lower height than permissible.

Panel members:

 John Roseth (chair)	 Sue Francis	 Julie Savet Ward
 Ben Keneally	 George Glinatsis	

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2014SYE011 – Botany Bay - da-13(266)
2	Proposed development: Demolition of existing structures and erection of a 12 storey Hotel development with 172 rooms and car parking for 45 vehicles
3	Street address: 113-121 Baxter Road, Mascot
4	Applicant/Owner: Baxter International Hotel
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 1979 – Part 4, Division 5 – Special Procedures for Integrated Development and Environmental Planning and Assessment Regulations – Part 6, Division 3 – Integrated Development</i> ○ SEPP 55 – Remediation of Land ○ SEPP 64 – Advertising and Signage ○ 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: 22 August 2014 Written submissions during public exhibition: 9 Verbal submissions at the panel meeting: Support- Nil; Against- Ronald Boyd, Mr Shen; On behalf of the applicant- Anthony Betros
8	Meetings and site inspections by the panel: Briefing Meeting 5 March 2014
9	Council recommendation: Approval
10	Draft conditions: Attached to council assessment report