

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held electronically between Wednesday 22 October 2014 and Thursday 30 October 2014

Panel Members: John Roseth (chair), Sue Francis, and George Glinatsis

Apologies: None - Declarations of Interest: None

Determination and Statement of Reasons

2014SYE013 – Botany Bay - 13/278 - Construction of Buildings A and C, being six storey residential flat buildings containing 65 residential apartments and 8 soho units fronting Pemberton Street - 42-44 Pemberton Street, Botany

Date of determination: 30 October 2014

Decision:

The panel determined by majority to approve the development application as described in Schedule A pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. John Roseth and Sue Francis voted to approve the application; George Glinatsis voted to refuse the application.

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 decision of the majority of the panel:

- (a) The original version of the application proposed unreasonable variation to the height standard in the zone. Following the Panel's indication of the extent and location of variation that it would accept, the applicant has amended the plans.
- (b) The variations now proposed are consistent with the objectives of the zone and relevant development standards. The amended development application results in a better planning outcome.
- (c) The proposal's impact is consistent with impacts to be accepted by the high-density zoning.
- (d) The proposal provides public benefits.

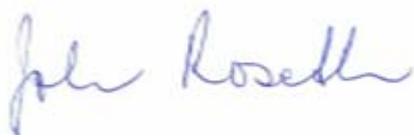
Reasons for decision of the minority of the panel:

The proposed development application does not comply with the objectives of the zone B4 height control, which is 10 metres with adjustment for flooding, along the full street face of the Pemberton St façade.

Conditions:

The development application was approved subject to the conditions in the Council Assessment Report.

Panel members:



John Roseth (chair)



Sue Francis



George Glinatsis

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2014SYE013 – Botany Bay - 13/278
2	Proposed development: Construction of Buildings A and C, being six storey residential flat buildings containing 65 residential apartments and 8 soho units fronting Pemberton Street
3	Street address: 42-44 Pemberton Street, Botany
4	Applicant/Owner: Krikis Taylor Architects
5	Type of Regional development: Capital Investment Value > \$20M
6	<p>Relevant mandatory considerations</p> <ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ 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	<p>Material considered by the panel:</p> <p>Council Assessment Report Dated: 25 June 2014 Written submissions during public exhibition: 5 Verbal submissions at the panel meeting: Support- On behalf of the applicant- Nick Krikis and Larissa Brennan at the Panel Meeting on 16 July 2014</p>
8	Meetings and site inspections by the panel: Briefing Meeting 5 February 2014, Panel Meeting 16 July 2014 and electronic discussion between 9 September 2014 and 22 September 2014
9	Council recommendation: Approval
10	Draft conditions: Attached to council assessment report