

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

Note: a decision was previously published on 31 October 2014 which did not sufficiently clarify which amended plans had been approved by the panel.

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 supplementary Council Assessment Report of 20 October 2014. The approved plans are listed at item 11 in Schedule 1.

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	Relevant mandatory considerations <ul style="list-style-type: none">Environmental planning instruments:<ul style="list-style-type: none">SEPP 65 – Design Quality of Residential Flat DevelopmentBotany Bay LEP 2013Draft environmental planning instruments: NilDevelopment control plans: Botany Bay DCP 2013Planning agreements: NilRegulations: NilThe 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 April 2014 Supplementary council assessment report dated 25 June 2014 Supplementary council assessment report dated 21 August 2014 Addendum council assessment report dated 9 September 2014 Supplementary council assessment report dated 20 October 2014 Written submissions during public exhibition: five (5) Verbal submissions at the panel meeting on 16 April 2014: On behalf of the applicant – Nick Krikis and Larissa Brennan Verbal submissions at the panel meeting on 16 July 2014: On behalf of the applicant- Nick Krikis and Larissa Brennan															
8	Meetings and site inspections by the panel: Briefing Meeting 5 February 2014, Panel Meeting on 16 April 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															
11	Approved plans: <table><tr><th>Drawing No.</th><th>Author</th><th>Date Received by Council</th></tr><tr><td>Mixed Use Development Stage 2 – Title Sheet & Location Plan, Project 3312, A01, Issue 02</td><td>Krikis Tayler Architects Pty Ltd</td><td>24 December 2013</td></tr><tr><td>Mixed Use Development Stage 2 – Basement Plan, Project 3312, A03, Issue 04</td><td>Krikis Tayler Architects Pty Ltd</td><td>21 March 2014</td></tr><tr><td>Mixed Use Development Stage 2 – Level 1 Plan, Project 3312, A04, Issue 06</td><td>Krikis Tayler Architects Pty Ltd</td><td>21 March 2014</td></tr><tr><td>Mixed Use Development Stage 2 – Level 2 Plan, Project 3312,</td><td>Krikis Tayler Architects Pty Ltd</td><td>24 December 2013</td></tr></table>	Drawing No.	Author	Date Received by Council	Mixed Use Development Stage 2 – Title Sheet & Location Plan, Project 3312, A01, Issue 02	Krikis Tayler Architects Pty Ltd	24 December 2013	Mixed Use Development Stage 2 – Basement Plan, Project 3312, A03, Issue 04	Krikis Tayler Architects Pty Ltd	21 March 2014	Mixed Use Development Stage 2 – Level 1 Plan, Project 3312, A04, Issue 06	Krikis Tayler Architects Pty Ltd	21 March 2014	Mixed Use Development Stage 2 – Level 2 Plan, Project 3312,	Krikis Tayler Architects Pty Ltd	24 December 2013
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	A05, Issue 04			
	Mixed Use Development Stage 2 – Level 3 Plan, Project 3312, A06, Issue 05	Krikis Tayler Architects Pty Ltd	24 December 2013	
	Mixed Use Development Stage 2 – Level 4 Plan, Project 3312, A07, Issue 06	Krikis Tayler Architects Pty Ltd	1 October 2014	
	Mixed Use Development Stage 2 – Level 5 Plan, Project 3312, A08, Issue 08	Krikis Tayler Architects Pty Ltd	1 October 2014	
	Mixed Use Development Stage 2 – Level 6 Plan, Project 3312, A09, Issue 08	Krikis Tayler Architects Pty Ltd	1 October 2014	
	Mixed Use Development Stage 2 – Roof Plan, Project 3312, A11, Issue 06	Krikis Tayler Architects Pty Ltd	1 October 2014	
	Mixed Use Development Stage 2, Elevations 1, Project 3312-2, A20, Issue 08	Krikis Tayler Architects Pty Ltd	1 October 2014	
	Mixed Use Development Stage 2, Elevations 2, Project 3312-2, A21, Issue 08	Krikis Tayler Architects Pty Ltd	1 October 2014	
	Mixed Use Development Stage 2 – Section, Project 3312, A23, Issue 05	Krikis Tayler Architects Pty Ltd	1 October 2014	
	Stormwater Drawings – Cover Sheet, Legend & Drawing Schedule – Job No. 120361, Dwg D00 – Rev. E	Australian Consulting Engineers	17 March 2014	
	Stormwater Drawings – Erosion & Sediment Control Details – Job No. 120361, Dwg D01 – Rev. A	Australian Consulting Engineers	17 March 2014	
	Stormwater Drawings – Stormwater Drainage Catchment Plan – Job No. 120361 – Dwg D02 – Rev. B	Australian Consulting Engineers	17 March 2014	
	Stormwater Drawings – Basement Stormwater Drainage Plan and Details (for Stage 2) – Job No. 120361 – Dwg D03 – Rev. F	Australian Consulting Engineers	17 March 2014	
	Stormwater Drawings – Level 1 Stormwater Drainage Plan for Stage 2 – Job No. 120361, Dwg D04, Rev. G	Australian Consulting Engineers	17 March 2014	

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	Stormwater Drawings – Level 2 Stormwater Drainage Plan for Stage 2 – Job No. 120361, Dwg D05, Rev. I	Australian Consulting Engineers	17 March 2014	
	Stormwater Drawings – Stormwater Drainage Details for Stage 2 – Job No. 120361, Dwg D06 – Rev. E	Australian Consulting Engineers	17 March 2014	
	Stormwater Drawings – Level 3 Stormwater Drainage Plan for Stage 2 – Job No. 120361, Dwg D09 – Rev. E	Australian Consulting Engineers	17 March 2014	
	Stormwater Drawings – Level 4 Stormwater Drainage Plan for Stage 2 – Job No. 120361, Dwg D10 – Rev. E	Australian Consulting Engineers	17 March 2014	
	Stormwater Drawings – Level 5 Stormwater Drainage Plan for Stage 2 – Job No. 120361 – Dwg D11 – Rev. E	Australian Consulting Engineers	17 March 2014	
	Stormwater Drawings – Level 6 Stormwater Drainage Plan for Stage 2 – Job No. 120361, Dwg D12 – Rev. E	Australian Consulting Engineers	17 March 2014	
	Mixed Use Development Stage 2 – Communal Open Space, Level 1 Plan – Project No.3312, Dwg No.A25-2, Issue 01	Krikis Tayler Architects Pty Ltd	24 December 2013	
	Mixed Use Development Stage 2 – Communal Open Space, Level 2 Plan – Project No.3312, Dwg No.A26-2, Issue 02	Krikis Tayler Architects Pty Ltd	24 December 2013	
	Mixed Use Development Stage 2 – Site Coverage, Project No.3312, Dwg No.A27-2, Issue 02	Krikis Tayler Architects Pty Ltd	24 December 2013	
	Mixed Use Development Stage 2 – Deep Soil Area, Level 1, Project No.3312 – Dwg No.A28- 2, Issue 01	Krikis Tayler Architects Pty Ltd	24 December 2013	