

**JOINT REGIONAL PLANNING PANEL**  
**(Sydney East Region)**  
**SUPPLEMENTARY REPORT**

JRPP No	<b>2014SYE016</b>
DA Number	<b>13/271</b>
Local Government Area	<b>City of Botany Bay</b>
Proposed Development	<p><b>Integrated Development Application for the construction of a residential flat building at 27 Church Ave, 18A, 20-22 John Street, Mascot, in the following manner:</b></p> <ul style="list-style-type: none"> <li>• <b>Demolition of all structures on site;</b></li> <li>• <b>Site excavation and remediation;</b></li> <li>• <b>Construction of 95 residential apartments contained in three residential flat buildings as follows:</b> <ul style="list-style-type: none"> <li>• <b>Tower A, 13 storeys (Fronting Church Ave) containing 46 units;</b></li> <li>• <b>Tower B, 13 storeys mid-<u>block</u> containing 22 units;</b></li> <li>• <b>Tower C, 8 storeys fronting John Street building containing 27 units;</b></li> <li>• <b>Two commercial units, facing both street frontages</b></li> </ul> </li> <li>• <b>Four levels of parking comprised of one basement level, one at grade parking level and two podium levels to accommodate 170 vehicles.</b></li> </ul>
Street Address	<b>27 Church Ave, 18A, 20-22 John Street, Mascot</b>
Applicant/Owner	<b>Olsson and Associates Architects</b>
No. of Submissions	<p><b>First notification – 13 individual submissions</b></p> <p><b>Second Notification – 4 individual submissions</b></p>
Regional Development Criteria	<b>Development with a CIV of \$24,200,000</b>
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• <b>Environmental Planning &amp; Assessment Act 1979, Part 4 – Development Assessment;</b></li> <li>• <b>Environmental Planning &amp; Assessment Regulation 2000, Part 6 – Procedures relating to development applications;</b></li> <li>• <b>State Environmental Planning Policy No. 55 – Contaminated Land;</b></li> <li>• <b>State Environmental Planning Policy 2004 (BASIX);</b></li> <li>• <b>State Environmental Planning Policy No. 65 – Design Quality of Residential Flat buildings &amp; Draft SEPP 65;</b></li> </ul>

	<ul style="list-style-type: none"> <li>• Botany Bay Local Environmental Plan 2013, and</li> <li>• Botany Development Control Plan 2013.</li> </ul>
Documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> <li>• Statement of Environmental Effects – Elton Consulting;</li> <li>• Amended Architectural Plans – Olsson and Associates;</li> <li>• Traffic Impact Assessment – Traffic and transport Planning P/L;</li> <li>• Phase 1 and 2 Environmental Site Investigation – Aargus, and</li> <li>• Noise Impact Assessment – Acouras Consultancy.</li> </ul>
Recommendation	Refusal
Report by	<b>Lincoln Lawler – Senior Assessment Planner</b>
Date	9 July 2015

In addition to the supplementary report submitted to the Joint Regional Planning panel on 26 June 2015 Council's original assessment was based on a development that had an acceptable solar access.

However based on the SLR Report, which concluded that on the basis of a mirrored development, 49.5% of the apartments on the 27 Church Ave side would be provided with 2 hours of direct sunlight on the winter solstice of 21 June between 9.00am and 3.00pm.

Based on this solar access, Council would not have accepted the departure on solar access, building depth and separation. Council officers would have recommended that the application not be supported and refused the application as follows:

1. The proposed application fails to meet Section 5 of the Environmental Planning and Assessment Act 1979, in particular, the proposed development does not achieve ecologically sustainable development as over half the apartments do not meet the required daylight access and resultant passive solar heating.  
(Environmental Planning and Assessment Act 1979 s79C(1)(e)).
2. The proposed application fails to satisfy the solar access requirements under Part 3 of the Residential Flat Design Code of State Environmental Planning Policy No.65 – Design Quality of Residential Flat Buildings, in that it will create a development where on 49.5% of apartments will receive the required 2 hours of solar access.  
(Environmental Planning and Assessment Act 1979 s79C(1)(a)(iii)).
3. The proposed application fails to satisfy the Building Depth and Building Separation requirements under Part 1 of the Residential Flat Design Code of State Environmental Planning Policy No.65 – Design Quality of Residential Flat Buildings, in that the application proposes a building depth of 34 metres where 18 metres is required and a building that is 7.3 metres away from adjacent buildings.  
(Environmental Planning and Assessment Act 1979 s79C(1)(a)(iii)).
4. The proposed development fails to satisfy the aims and objectives of the State Environmental Planning Policy No.65 – Design Quality of Residential Flat Building in that it will create adverse amenity impacts both within the development and nearby developments in terms of solar access, building depth and building separation.  
(Environmental Planning and Assessment Act 1979 s79C(1)(a)(iii)).
5. The proposed development fails to Satisfy Clause 6.16- Design Excellence of the Botany Bay Local Environmental Plan 2013 in that the proposal does not achieve the principles of ecologically sustainable development given that less than half of the apartments would receive the adequate daylight access and would encourage reliance on electrical heating where a better design could encourage more passive solar design.  
(Environmental Planning and Assessment Act 1979 s79C(1)(a)(iii)).
6. The proposed development fails to satisfy the solar access, building depth and building separation requirements for development within the Mascot Station Town Centre Precinct under Part 9A of Botany Bay Development Control Plan 2013, in that less than 70% of apartments will receive two hours of direct sunlight, a building depth of 34 metres where 18 metres is required and a building that is 7.3 metres away from adjacent buildings.

(Environmental Planning and Assessment Act 1979 s79C(1)(a)(iii)).

7. The proposed development fails to meet the general objectives of Part 9a – Mascot Station Town Centre, in particular, Part 9A.1.3, Objective 6 of Part 9A of Botany Bay Development Control Plan 2013, in that the proposed development does not “*ensure new buildings achieve a high level of residential amenity in terms of daylight access,... privacy,... and outdoor and indoor amenity.*”

(Environmental Planning and Assessment Act 1979 s79C(1)(a)(iii)).

8. The proposed development and resulting lack of solar amenity is not considered to be in the public interest as it results in a development with poor amenity both within the development and to the existing and future residents within the Mascot Station Town Centre Precinct.

(Environmental Planning and Assessment Act 1979 s79C(1)(e)).