

## SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held electronically between Tuesday 9 June 2015 and Friday 12 June 2015

Panel Members: John Roseth (Chair), David Furlong, Tim Moore, Peter Fitzgerald and Ben Keneally

Apologies: None Declarations of Interest: None

### Determination and Statement of Reasons

**2014SYE107 Botany Bay 14/146 [at 256-280 Coward Street, Mascot] as described in Schedule 1.**

**Date of determination:** 12 June 2015

**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:**

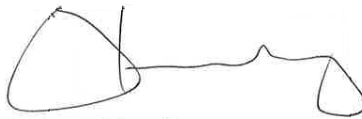
1. The amended application has reduced the scale of the proposal.
2. While the proposal still requires variation of the FSR and building height standard, the variations are now comparable to what has been agreed to in other nearby developments and justified by the Clause 4.6 application. The fact that these variations have been agreed to (and constructed), would make it unreasonable and without purpose to insist on the strict observance of the development standards in this case.
3. The amended proposal is now of a scale that is consistent with the emerging character of the locality.
4. The dedication of open space, through-site links and additional parking near the rail station are a community benefit

**Conditions:** The development application was approved subject to the conditions forwarded by Council on 8 June 2015.

**Panel members:**



**John Roseth (Chair)**



**David Furlong**



**Tim Moore**



**Peter Fitzgerald**



**Ben Keneally**

## SYDNEY EAST JOINT REGIONAL PLANNING PANEL

### SCHEDULE 1

1	<b>JRPP Reference – LGA- Council Reference:</b> 2014SYE107 Botany Bay 14/146
2	<p><b>Proposed development:</b> Demolition of existing commercial building, removal of trees and construction of two 14 storey mixed use buildings containing 1440sqm of retail and 499 residential apartments. Three basement levels and one ground level of car parking will be provided below building A, linking with the basement of the adjoining building at 39 Kent Road. Building B includes one basement level and three above ground parking levels.</p> <p>The proposal provides a total of 792 car parking spaces plus a public car park for 93 car parking spaces.</p> <p>A Voluntary Planning Agreement under S93F of the environmental Planning and Assessment Act, 1979 accompanies the application for the proposed works which includes:</p> <ul style="list-style-type: none"> <li>- Dedication and embellishment of a through site link to provide public pedestrian access from Coward Street to John Street.</li> <li>- Provision of a public car park accommodating 93 cars</li> </ul>
3	<b>Street address:</b> 256-280 Coward Street, Mascot
4	<p><b>Applicant:</b> Krikis Tayler Architects P/L</p> <p><b>Owner:</b> JKN Coward P/L</p>
5	<b>Type of Regional development:</b> Capital investment value of more than \$20 million
6	<p><b>Relevant mandatory considerations</b></p> <ul style="list-style-type: none"> <li>• Environmental Planning &amp; Assessment Act 1979, Part 4</li> <li>• Environmental Planning &amp; Assessment Regulation 2000, Part 6 – Procedures relating to development applications</li> <li>• State Environmental Planning Policy No 55 – Remediation of Land</li> <li>• State Environmental Planning Policy (BASIX) 2004</li> <li>• State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development</li> <li>• Botany Bay Local Environmental Plan 2013</li> <li>• Botany Bay Development Control Plan 2013</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<p><b>Material considered by the panel:</b></p> <p>Council Assessment Report dated 30 April 2015</p> <p>Written submissions during public exhibition: none (0)</p> <p>Verbal submissions at the meeting on 20 May 2015: Nicholas Krikis</p> <p>Supplementary Report dated 5 June 2015</p>
8	<b>Meetings and site inspections by the panel:</b> Briefing meeting on 13 November 2014, Public Determination Meeting on 20 May 2015; electronic discussion between 9 June 2015 and 12 June 2015
9	<b>Council recommendation:</b> Approval
10	<b>Draft conditions:</b> as forwarded by Council on 8 June 2015