

## SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Christies Conference Centre on Wednesday 16 December 2015 at 12.30pm

Panel Members: John Roseth (chair), David Furlong, Sue Francis and Ben Kenneally

Apologies: None - Declarations of Interest: None

### Determination and Statement of Reasons

2015SYE030 – Botany Bay - DA14/68 - Construction of a mixed use development comprising 3 x 8 storey buildings containing 343 residential apartments and 2 commercial tenancies, and basement car park for 574 spaces. A draft VPA accompanies the application - 16 Pemberton Street and 1619 Botany Road, Botany as described in Schedule 1.

**Date of determination:** 16 December 2015

#### **Decision:**

The panel determined to accept the recommendation of the assessment report to refuse the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

#### **Panel consideration:**

The panel considered: the matters listed at item 6 as addressed in the Council Assessment Report, the material listed at item 7 and the material presented at meetings listed at item 8 in Schedule 1.

#### **Reasons for the panel decision:**

At its meeting on 3 June 2015, the Panel deferred the determination of this application and provided guidelines to the applicant for an amended application. The amended application does not comply with those guidelines. First, the built form along Pemberton Street has a height that is not consistent with the B4 zoning (10m). Second, the height of buildings along the Rancom Street extension has not been sufficiently reduced and does not establish a satisfactory scale relationship with the built form to the south.





The Panel does not support the application on the grounds of the reasons for refusal mentioned in the assessment report, and because

- Overall, it does not comply with the height of building and FSR controls of the Botany LEP 2013;
- In particular, there is non-compliance in the B4 zone along Pemberton Street;
- The buildings fronting Rancom Street have excessive height, bulk and scale, inadequate setbacks and therefore overshadowing impacts; and
- The eight-storey Building B has excessive height and length and therefore adverse bulk, scale and overshadowing impacts.

The Panel has considered the applicant's request to defer the determination of the application for a second time; however, the Panel considers that, given that the previous deferral has not resulted in an acceptable solution, there would be little utility in this.

**Conditions:** not applicable

#### **Panel members:**

 <b>John Roseth (chair)</b>	 <b>David Furlong</b>	 <b>Sue Francis</b>
 <b>Ben Kenneally</b>		

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### SCHEDULE 1

1	<b>JRPP Reference – LGA- Council Reference:</b> 2015SYE030 – Botany Bay - DA14/68
2	<b>Proposed development:</b> Construction of a mixed use development comprising 3 x 8 storey buildings containing 343 residential apartments and 2 commercial tenancies, and basement car park for 574 spaces. A draft VPA accompanies the application
3	<b>Street address:</b> 16 Pemberton Street and 1619 Botany Road, Botany
4	<b>Applicant:</b> Krikis Tayler Architects <b>Owner:</b> JKN Australia Pty Ltd
5	<b>Type of Regional development:</b> General development with a Capital Investment Value of more than \$20 million
6	<b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• Environmental Planning &amp; Assessment Act 1979, Part 4 – Development Assessment</li> <li>• Environmental Planning &amp; Assessment Regulation 2000, Part 6 – Procedures relating to development applications</li> <li>• State Environmental Planning Policy No. 55 – Contaminated Land</li> <li>• State Environmental Planning Policy 2004 (BASIX);</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings</li> <li>• Botany Bay Local Environmental Plan 2013</li> <li>• Draft amendment to Botany Bay Local Environmental Plan 2013</li> <li>• Botany 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	<b>Material considered by the panel:</b> Council Assessment Report Dated: 2 December 2015 Written submissions during public exhibition: 65 Verbal submissions at the panel meeting: Support- Nil; Against- Imre Lengyel, Christopher Gillett, Mr Cooper (owners corporation); On behalf of the applicant-Larrisa Brennan
8	<b>Meetings and site inspections by the panel:</b> Briefing Meeting on 20 May 2015 and Panel Meeting 3 June 2015
9	<b>Council recommendation:</b> refusal
10	<b>Draft conditions:</b> N/A