



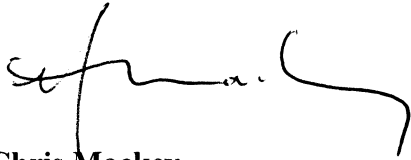
MEMORANDUM

DATE: 6/3/2015
TO: JOINT REGIONAL PLANNING PANEL – SYDNEY EAST
FROM: CITY OF BOTANY BAY
SUBJECT: 2015SYE064 – 129-33 KENT ROAD, MASCOT – SECTION 96(2)
DA13/200/09

Following the receipt of a submission dated 14 May 2015, and Council's submission of its report to the JRPP on the 21 May 2015, the following information is provided for the Panel.

1. In the first paragraph on Page 2 of the Meriton letter, it states that they are now amending their application. However, it is noted that Council has not received any formal request for an amendment to this Section 96(2) application (DA13/200/09). Council does not accept the late amendment to the application, via notification from the JRPP Secretariat on Monday 1 June.
2. As stated in the planning assessment report, there were no submissions received as a result of the notification of this modification application.
3. Under separate cover and for further clarity, Council has provided the Panel with a copy of the applicants application form and Statement of Environmental Effects. The plans submitted do not indicate any physical changes, as it is simply a matter of changing the use of the multi – purpose rooms to a bedroom, so I have not attached these to this email.
4. The unit details and mix are different to that notified in the application, and in the Assessment Report.
5. Merit Issues:
 - a. Council's larger unit sizes are intended to provide increased amenity for residents living in this case, affected by aircraft and road traffic noise. The increased area is to provide better amenity. Council did not dictate the internal unit layouts and did not require Meriton to achieve a larger area via a media room. Council would have preferred simply a larger living area, unenclosed. Meriton did not need to create the room 'to soak up the additional floor space'; and they did not need to give the room a window if it was never intended to sell it as a bedroom.
6. Council has been advised by Josephine Wing from the DP&E that the new SEPP 65 amendment will include a savings provision, such that the new Policy whenever it commences, will not apply to the subject application.

7. Until the SEPP is amended (and even afterwards with savings provisions), the Panel will be able to adopt Council's reasons for refusal on the grounds of non-compliance with the Table to SEPP 65.
8. As noted in the report, considerable additional GFA was approved by the Panel, on the basis of the larger sized units and complying car parking. In Table 6 on Page 5 of the Meriton letter, the FSR for the subject site, approved by the Panel is 3.78:1, not 3.67:1 and the FSR for 208 Coward Street when calculated under BLEP 2013 is 3.92:1, not 4.44:1 as indicated by Meriton.
9. As stated above, the additional GFA was approved due to a number of factors including off street car parking complying with the requirements of Council. The DCP requirement for 2 spaces per 2 and 3 bedroom units within the Mascot Station Town Centre Precinct was adopted by Council after careful consideration. This control has been consistently applied by Council, the JRPP and by recent LEC judgments. There is regularly strong evidence presented to Council which indicates demand for two spaces for the 2 and 3 bedroom units.



Chris Mackey
Senior Development Assessment Planner
