

## SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting electronically between 11 July 2016 and 18 July 2016

Panel Members: John Roseth (chair), Sue Francis, Mark Castle and George Glinatsis

Apologies: George Glinatsis - Declarations of Interest: None

### Determination and Statement of Reasons

2015SYE170 – Botany Bay - DA-15(216) - Mixed Use Development including 235 residential units across three buildings - 1-5 Kent Road, Mascot as described in Schedule 1.

**Date of determination:** 18 July 2016

**Decision:**

The panel determined to approve 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. The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

**Reasons for the panel decision:**

The panel adopted the assessment of those matters in the Council Assessment Report. The reasons for the panel decision are:

1. The proposal is consistent with the desired future character of the area and with the development built or approved in its vicinity.
2. The proposal complies with the permissible FSR.
3. The minor height variation has been justified by a cl 4.6 submission, mainly on the grounds that the height is consistent with that granted to development on adjacent sites.
4. The amended plan improved the compliance with the ADG. It is noted that solar access of 70% is not achieved but that due to site orientation and the nature of surrounding development full compliance is not reasonably achievable.

**Conditions:** The development application was approved subject to the conditions in the Council Assessment Report.

**Panel members:**



**John Roseth (chair)**



**Sue Francis**



**Mark Castle**

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### SCHEDULE 1

1	<b>JRPP Reference – LGA- Council Reference:</b> 2015SYE170 – Botany Bay - DA-15(216)
2	<b>Proposed development:</b> Mixed Use Development including 235 residential units across three buildings
3	<b>Street address:</b> 1-5 Kent Road, Mascot
4	<b>Applicant/Owner:</b> Karimbla Constructions Services (NSW) 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 –</li> <li>• Development Assessment &amp; Schedule 4A – Development for which regional panels may be authorised to exercise consent authority functions of councils</li> <li>• Environmental Planning &amp; Assessment Regulation 2000, Part 6– Procedures relating to development applications</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</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 Apartment 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, including the principles of ecologically sustainable development.</li> </ul>
7	<b>Material considered by the panel:</b> Council Assessment Report Dated: 15 April 2016 and Council Supplementary Report Dated: 7 July 2016 Written submissions during public exhibition: 1 Verbal submissions at the panel meeting: Nil
8	<b>Meetings and site inspections by the panel:</b> Briefing Meeting on 4 February 2016 and Panel Meeting 28 April 2016
9	<b>Council recommendation:</b> Approval
10	<b>Draft conditions:</b> Attached to council assessment report