

DATE OF DETERMINATION	Wednesday 21 September 2016
PANEL MEMBERS	John Roseth (Chair), Sue Francis, Nicole Gurrán, Mark Castle, George Glinatsis
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Christie Conference Centre, 3 Spring Street Sydney on Wednesday 21 September 2016, opened at 1.00 pm and closed at 2.20 pm.

MATTER DETERMINED

2016SYE069 – Botany Bay DA14/080/02

32 Page Street Pagewood

Section 96(2) application to modify Development Consent No. 14/080 approved by the JRPP for the remediation of the site, removal of existing vegetation and construction of 35 x two and three storey townhouses and two residential flat buildings, above ground parking for 465 vehicles, and associated landscaping and public domain works. This Section 96(2) application now seeks to:

- Delete Level 7 in accordance with the conditions of consent;
- Amend the unit layout to reduce the number of apartments from 221 to 219;
- Increase diversity of unit size and mix including introduction of four bedroom units and a decrease in studio/1 bedroom apartments;
- Increase the height of the ground floor car park from 2.7m to 3.1m for service vehicle access;
- Increase the height of the central portion of the buildings to provide additional areas at the rooftop levels for communal lounge and open space;
- Provide two additional townhouses resulting in a total of 37 townhouses;
- Increase the parking spaces to provide a total of 496 spaces at ground level to reflect the changes in unit mix;
- Minor changes to the approved landscaping to reflect the amendments to the ground floor level parking and built form.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters listed at item 8 in Schedule 1.

The Panel determined to accept the recommendation of the assessment report to approve part of the amendment application.

The Panel agreed to the increase in FSR from 1.56:1 to 1.65:1.

The Panel agreed to the variation of the height standard for the lift overrun and plant room up to a height of 3.8m.

The Panel agreed to the changes to apartment mix, apartment size and car park.

The Panel agreed to changes to s94 contributions.

The Panel agreed to changes to Conditions as recommended in the assessment report except that Condition 2 is further changed approve the height variation mentioned above and to incorporate roof lighting and ventilation to the top level internal bathrooms.

The Panel did not approve the proposed communal rooms on the roof.

The Panel did not approve the deletion of Conditions 5 and 72.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel approved the modification application in part only. The Panel agreed to the increase in FSR from 1.56:1 to 1.65:1 because the proposal still complies with the FSR control.

The Panel agreed to the variation of the height standard for the lift overrun and plant room up to a height of 3.8m because the lift provides access to landscaped area on the roof.

The Panel agreed to the changes to apartment mix, apartment size and car park because the new arrangements are consistent with council's controls and do not involve any additional impact.

The Panel agreed to changes to s94 contributions because the number and size of apartments have changed.

The Panel agreed to changes to Conditions as recommended in the assessment report except that Condition 2 is further changed to approve the height variation mentioned above and to incorporate roof lighting and ventilation to the top level internal bathrooms.

The Panel did not approve the proposed communal rooms on the roof because they would have added floor space at a level above the maximum permissible height control.

The Panel did not approve deletion of Condition 72, although the Panel accepts the applicant's position that the Condition is unreasonable. However, an appropriate re-wording of the condition was not possible during the meeting. It was agreed that the applicant would lodge a separate amendment application to achieve a re-wording of this condition.

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments:

- Condition 2 amended to read;
Prior to the issue of the Construction Certificate the applicant is to submit to council for approval an amended plan which deletes the communal lounge, replacing the footprint of this area with landscaping. The overall building height should not exceed RL 41.

The amended plans shall incorporate roof lighting and ventilation at the top level, internal bathroom and laundry rooms.

- Condition 8 be amended to reflect 41 meters Australian Height Datum (AHD).

PANEL MEMBERS



John Roseth (Chair)



Sue Francis

Nicole Gurrán



Mark Castle



George Glinatsis

SCHEDULE 1

1	PANEL REF – LGA – DA NO.	2016SYE069 – Botany Bay – DA14/080/02
2	PROPOSED DEVELOPMENT	<p>Section 96(2) application to modify Development Consent No. 14/080 approved by the JRPP for the remediation of the site, removal of existing vegetation and construction of 35 x two and three storey townhouses and two residential flat buildings, above ground parking for 465 vehicles, and associated landscaping and public domain works. This Section 96(2) application now seeks to:</p> <ul style="list-style-type: none"> • Delete Level 7 in accordance with the conditions of consent; • Amend the unit layout to reduce the number of apartments from 221 to 219; • Increase diversity of unit size and mix including introduction of four bedroom units and a decrease in studio/1 bedroom apartments; • Increase the height of the ground floor car park from 2.7m to 3.1m for service vehicle access; • Increase the height of the central portion of the buildings to provide additional areas at the rooftop levels for communal lounge and open space; • Provide two additional townhouses resulting in a total of 37 townhouses; • Increase the parking spaces to provide a total of 496 spaces at ground level to reflect the changes in unit mix; • Minor changes to the approved landscaping to reflect the amendments to the ground floor level parking and built form.
3	STREET ADDRESS	32 Page Street Pagewood
4	APPLICANT/OWNER	VIG Pagewood Developments Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 96(2) Modification
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ○ Botany Bay Local Environmental Plan 2013 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Botany Bay Development Control Plan 2013 • Planning agreements: Nil • <i>Environmental Planning and Assessment Regulation 2000</i> • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development

SCHEDULE 1 Continued

7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none">• Council assessment report: 13 September 2016• Written submissions during public exhibition: 2• Verbal submissions at the panel meeting:<ul style="list-style-type: none">○ Support –○ Object –○ On behalf of the applicant – Andrew Harvey (Planning Consultant, Urbis),
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none">• Briefing Meeting 3 August and 21 September 2016
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	As per assessment report