

## RECORD OF DEFERRAL

SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DEFERRAL</b>	Thursday 20 December 2018
<b>PANEL MEMBERS</b>	Carl Scully (Chair), John Roseth, Sue Francis, Ed McDougall, Michael Nagi
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Fraser Suites Sydney 488 Kent Street Sydney on 20 December 2018, opened at 11.30am and closed at 2.10pm.

### MATTER DEFERRED

2018SCL011 – Bayside – DA2014/68/02 at 8, 14 & 16 Pemberton Street and 12 Rancom Street Botany (as described in Schedule 1)

### REASONS FOR DEFERRAL

The Panel notes that this application has been before a previous regional panel, where it was refused; then before the Land and Environment Court, where an agreement between the parties was reached and Court consent orders issued; and now again before this Panel. The Panel notes also that the various forms of the application have had different apartment numbers, different FSRs and different building heights.

Compounding the complexity of the situation is the fact that part of the site is in a B4 zone and part in a R3 zone, which have different planning controls and that there was a prior masterplan on the site. While the Panel sought information during the meeting in relation to the FSR and building height of previous applications, it was unable to form a clear picture of what had been refused by the previous Panel and allowed by the Court consent and how that relates to what is being sought by the applicant and to what is recommended by the assessment report. In the absence of this information, the Panel is unable to make an informed decision.

The Panel therefore defers the determination of the application in order to allow the Council to provide this information in clear tabular form in a supplementary report. The information sought should be given for each of the variations of the application mentioned above and should include






- The relevant controls over time that have applied to the site
- The FSR (including any bonuses), total and as distributed between the parts of the site zoned B4 and R3;
- The building heights for each building and the extent to which they vary from the control, from the masterplan, JRPP refusal, S34 agreement and current proposal;
- The number of apartments.

The Panel requests the assessment officer to provide this information to the Panel, in a supplementary report, by 25 January 2019. On receipt of the information, the Panel will determine the application at a private meeting unless the Chair considers that a further public meeting is required.

The decision to defer the matter was unanimous.

### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered 63 written submissions made during public exhibition. Most of these related to the bulk and scale of the proposal. They led to the assessment report's recommendation to delete 13 apartments from the application.

PANEL MEMBERS	
 Carl Scully (Chair)	 John Roseth
 Sue Francis	 Michael Nagi
 Ed McDougall	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SCL011 – Bayside – DA2014/68/02
2	PROPOSED DEVELOPMENT	Section 4.56 application to modify Development Consent No. 2014/68 to increase the number of basement car parking spaces, various amendments to the approved development including (but not limited to) increase footprint of buildings, additional levels on buildings, relocation of communal room, additional 38 apartments, and reconfiguration of apartment layouts.
3	STREET ADDRESS	8, 12, 14 and 16 Pemberton Street, Botany
4	APPLICANT/OWNER	Applicant: Krikis Tayler Architects Owner: JKN Australia Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.56 Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy No.55 Remediation of Land</li> <li>State Environmental Planning Policy No.65 Design Quality of residential Apartment Development</li> <li>State Environmental Planning Policy (BASIX) 2004</li> <li>Botany Local Environmental Plan 2013</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Botany Bay Development Control Plan</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</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 <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 6 December 2018</li> <li>Written submissions during public exhibition: 63</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>On behalf of the applicant – Larissa Brennan, Nick Krikis, Jean Massif</li> </ul> </li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> <li>Site inspection and briefing: 20 February 2018</li> <li>Final briefing to discuss council's recommendation, 20 December 2018 at 11.00am. Attendees: <ul style="list-style-type: none"> <li><u>Panel members</u>: Carl Scully (Chair), Sue Francis, John Roseth, Michael Nagi, Ed McDougall</li> <li><u>Council assessment staff</u>: Andrew Ison, Fiona Prodromou, Eric Alessi, Andrew Ison, Chris Mackey, Luis Melim</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report