

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Friday 8 February 2019
<b>PANEL MEMBERS</b>	Carl Scully (Chair), John Roseth, Ed McDougall, Michael Nagi
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Sue Francis declared a conflict having been informed by a colleague that the applicant in this matter sought advice from one of our directors regarding the modification. Sue withdrew from the determination of this matter.

Papers circulated electronically between 1 February 2019 and 7 February 2019.

#### MATTER DETERMINED

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

#### 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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel determined to approve the development application pursuant to section 4.55 of the *Environmental Planning and Assessment Act 1979*.





The decision was unanimous.

#### REASONS FOR THE DECISION

The panel determined to approve the application for the reasons outlined in the council assessment report and supplementary report.

#### CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report and Council Supplementary Report received 29 January 2019.

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

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>Council supplementary report: 29 January 2019</li> <li>Written submissions during public exhibition: 63</li> <li>Verbal submissions at the public meeting 20 December 2019: <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>Panel members: Carl Scully (Chair), Sue Francis, John Roseth, Michael Nagi, Ed McDougall</li> <li>Council assessment staff: Andrew Ison, Fiona Prodromou, Eric Alessi, Andrew Ison, Chris Mackey, Luis Melim</li> </ul> </li> <li>Papers circulated electronically between 1 February 2019 and 8 February 2019</li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report