

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at electronically between 16 October 2014 and 21 October 2014

Panel Members: John Roseth (chair), David Furlong, Stuart McDonald and Nick Katris

Apologies: George Katsabaris - Declarations of Interest: Nil

Determination and Statement of Reasons

2014SYE078 – Kogarah - 276/2014 - St Patricks Green Seniors Living Development - 143 - 155 Princes Hwy and 38-48 Chapel Street, Kogarah as described in Schedule 1.

Date of determination: 17 September 2014

Decision:

John Roseth, David Furlong and Stuart McDonald voted to approve the application. Nick Katris voted to refuse the application.

By majority, the panel approved the application to amend the development application as described in Schedule A pursuant to section 96 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at the public meeting and the matters observed at the site inspection for the original approval.

Reasons for decision of the majority:

The principal reason for the Panel's decision was that the Panel accepted the conclusion of the assessment report that allowing construction traffic in Princes Lane for Stage 2 would, on balance reduce the impact on nearby residents by reducing the length of construction period. Moreover, the Panel noted that the permission to use the lane for the construction of Stage 2 was subject to a Construction Management Plan and that the council's engineer supports the amendment.

The applicant has adequately demonstrated that the benefits of denying Princes Lane access for Stage 2 construction would be outweighed by the cost and inconvenience of imposing the restriction.

The proposed conditions of consent restrict the applicant in regard to the time of access and the type of vehicle that can access Princes Lane. Given the low volume of traffic in this lane, resident access and safety is manageable.

The impact on residents will be relatively short term.

Reasons for decision of the minority:

The minority of the panel believed that there would be a significant effect on local residents, particularly in regards to safety and access to the lane. The minority of the panel believes that the proposed amendment to Condition 37 is not sufficiently clear, as 'all construction traffic' is not sufficiently precise and the condition does not include an express prohibition on access through Princes Lane for concrete pumping trucks as expressed by Council officers in the report..

Conditions: As attached to the council assessment report, with Condition 37 modified as recommended in the supplementary assessment report

Panel members:

John Roseth (chair)

David Furlong

Nick Katris

Stuart McDonald

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2014SYE078 – Kogarah - 276/2014
2	Proposed development: St Patricks Green Seniors Living Development
3	Street address: 143 - 155 Princes Hwy and 38-48 Chapel Street, Kogarah
4	Applicant/Owner: Jason Cowland - Trustees of the Roman Catholic Church, Archdiocese of Sydney
5	Type of Regional development: s96 (2) modification
6	Relevant mandatory considerations • Environmental planning instruments: - o SEPP (Housing for Seniors or People with a Disability) 2004 - o SEPP (Infrastructure) 2007 - o SEPP (Building Sustainability Index: BASIX) 2004 - o SEPP 65 – Design Quality of Residential Flat Buildings - o Deemed SEPP – Georges River Catchment - o Kogarah LEP 2012 • Draft environmental planning instruments: Nil • Development control plans: Kogarah DCP 2013 • Planning agreements: Nil • Regulations: Nil • 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 EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report Dated: 2 September 2014 Supplementary Council Assessment report dated 8 October 2014 Written submissions during public exhibition: 5 Verbal submissions at the panel meeting on 17 September 2014: Against- Francisca Joyce, Padraic Joyce, Alicia Guerrero and Lily Gong.
8	Meetings and site inspections by the panel: Briefing Meeting 30 July 2014; site visit by John Roseth, David Furlong and Nick Katris on 9 December 2010; and site visit by Stuart McDonald on 17 September 2014; briefing meeting and public meeting on 17 September 2014
9	Council recommendation: Approval
10	Draft conditions: Attached to council assessment report