

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Christies Conference Centre on Wednesday 1 April 2015 at 10.30 am

Panel Members: John Roseth (Chair), David Furlong, Sue Francis, Con Hindi, Philip Sansom

Apologies: None - Declarations of Interest: None

Determination and Statement of Reasons

2014SYE124 – Hurstville - DA 2014/1083 [1-5 Treacy Street and 1 Hill Street, Hurstville] as described in Schedule 1.

Date of determination: 1 April 2015

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:

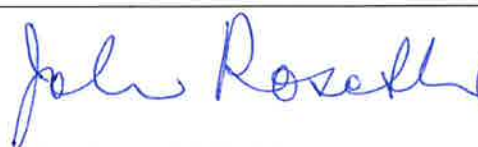
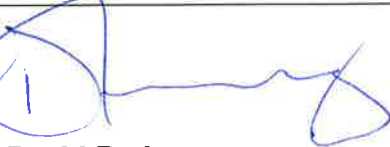



The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

1. The Panel concluded that the strict imposition of the height and FSR planning controls in DCP 2 Hurstville City Centre was unreasonable and unnecessary by virtue of the fact that those controls have been virtually abandoned by approvals by the council, the Land and Environment Court and the Planning Assessment Commission in the vicinity of the site under the same DCP controls. (see *Wehbe v Pittwater Council* (2007) NSWLEC 827) The proposal will fit into the scale of the Treacy Street Precinct as it is actually developing.
2. The minor variations of the "rules of thumb" in the Residential Flat Design Code have been justified.
3. The proposal has no adverse impact on solar access and privacy of adjoining developments.

Conditions: The approval is subject to the conditions attached to the planning assessment report.

Panel members:

 John Roseth (chair)	 David Furlong	 Sue Francis
 Con Hindi	 Philip Sansom	

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

SCHEDULE 1

1	JRPP Reference: 2014SYE124 LGA: Hurstville Council Reference: DA2014/1083
2	Proposed development: Demolition of existing structures; construct new eleven (11) storey mixed use development with basement parking.
3	Street Address: 1-5 Treacy Street and 1 Hill Street, Hurstville
4	Applicant/Owner: Applicant: GR Capital Group Pty Ltd Owner: GR Capital Group Pty Ltd, J C Y Lee, Mrs I Y Lee, Ms S S Lee, Mr B Giarrizzo, Mr A Giarrizzo, Mr L Giarrizzo, Mr L Giarrizzo, Mrs J A Giarrizzo, Tabaja Pty Limited, St George and Sutherland Masterbuilders Association Limited
5	Type of Regional development: Capital investment value > \$20M
6	Relevant mandatory considerations <ul style="list-style-type: none"> • State Environmental Planning Policy No 55 - Remediation of Land • State Environmental Planning Policy – Infrastructure (2007) • State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • Hurstville Local Environmental Plan 1994 • Draft State Environmental Planning Policy (Competition) 2010 • Draft Hurstville (City Centre) Local Environmental Plan 2014 • Hurstville Development Control Plan No 2 • 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: 28 February 2015 Written submissions during public exhibition: 1 Submission Verbal submissions at the panel meeting: On behalf of applicant – Nigel Dickinson, Brett Daintry and Gordon Hughes
8	Meetings and site inspections by the panel: 1 Final Briefing and 1 Public Meeting – 1 April 2015
9	Council recommendation: Approval subject to deferred commencement.
10	Draft conditions: As attached to assessment report