

# SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Christies Conference Centre on Wednesday 18 March 2015 at 11:00am

Panel Members: John Roseth (chair), David Furlong, Sue Francis, Philip Sansom and Jack Jacovou

Apologies: None - Declarations of Interest: None

## Determination and Statement of Reasons

**2014SYE137 Hurstville mod2014/0134 [at 9 Dora Street Hurstville] as described in Schedule 1.**

**Date of determination:** 18 March 2015

### Decision:

The panel determined to accept the recommendation of the assessment report to refuse the development application as described in Schedule 1 pursuant to section 96 of the *Environmental Planning and Assessment Act 1979*.

### Panel consideration:


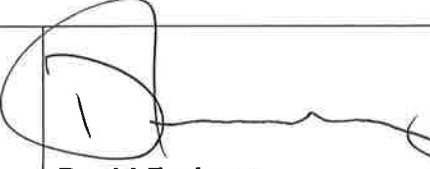
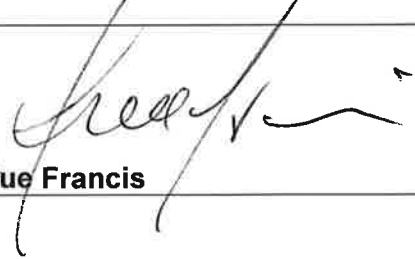


The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

### Reasons for the panel decision:

- 1) The Panel considers that the amended application is not substantially the same development as the approved development. It has an increase of floor space of more than one-third the approved development. While the approved development complies with major planning controls, the amended application significantly exceeds the height and floor space controls.
- 2) However, if the Panel is wrong in the above conclusion, it refuses the amended application on the following grounds:
  - The amended application is out of context with the desired scale and character of the area.
  - It does not comply with the zone objectives of the 3(b) City Centre Business zone in the Hurstville LEP 1994.
  - It does not comply with the Floor Space control in DCP 2 - Hurstville City Centre, and does not comply with the objectives of the control.
  - It does not comply with the height control in DCP 2 – Hurstville City Centre, and does not comply with the objectives of the control.
  - It does not comply with the controls for Block 10 in DCP 2 – Hurstville City Centre.
- 3) The Panel has placed major weight on DCP 2 on the basis that all major planning controls are contained in that document rather than in LEP 1994. Furthermore, those DCP controls form the basis of the height and Floor Space provisions in the council's draft LEP, which has been exhibited and adopted.

**Conditions:** not applicable

### Panel members:

 <b>John Roseth (chair)</b>	 <b>David Furlong</b>	 <b>Sue Francis</b>
 <b>Jack Jacovou</b>	 <b>Philip Sansom</b>	

## SYDNEY EAST JOINT REGIONAL PLANNING PANEL

### SCHEDULE 1

1	<b>JRPP Reference – LGA- Council Reference:</b> 2014SYE137 Hurstville mod2014/0134
2	<b>Proposed development:</b> s96(2) modification application to mixed use building: addition of 4 x residential storeys to increase building height to 18 storeys (additional 24 units)
3	<b>Street address:</b> 9 Dora Street Hurstville
4	<b>Applicant/Owner:</b> Summerside Group P/L c/- George El Khouri Architects / Xycom P/L
5	<b>Type of Regional development:</b> Capital Investment Value > \$20M
6	<b>Relevant mandatory considerations</b> <ul style="list-style-type: none"> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• Hurstville Local Environmental Plan 1994</li> <li>• Draft State Environmental Planning Policy (Competition) 2010</li> <li>• Draft Hurstville (City Centre) Local Environmental Plan 2014</li> <li>• Hurstville Development Control Plan No. 2</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 EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<b>Material considered by the panel:</b> Council Assessment Report Dated: 4 March 2015 Written submissions during public exhibition: none Verbal submissions at the panel meeting: On behalf of the applicant- George El Khouri and Adam Coburn
8	<b>Meetings and site inspections by the panel:</b> Briefing Meeting on 20 January 2015
9	<b>Council recommendation:</b> Refusal
10	<b>Draft conditions:</b> Not supplied