

SYDNEY EAST JOINT REGIONAL PLANNING PANEL

Meeting held at Christies Conference Centre on Wednesday 20 July 2016 at 10.00am

Panel Members: John Roseth (Chair), Stuart McDonald, Nicole Gurran, Juliet Grant and Gail Connolly

Apologies: None - Declarations of Interest: Juliet Grant noted that City Plan Services provided BCA advice to the Applicant. This was undertaken prior to her employment with City Plan Strategy & Development which is legally a separate corporate entity and operates independently of the planning team. Juliet had no involvement in the preparation of the BCA advice.

Determination and Statement of Reasons

2015SYE169 – Georges River - 227/2015 - Demolition of existing structures and the construction of a mixed use development consisting of 95 apartments, dual level basement parking and commercial/retail area - 365-377 Rocky Point Road, Sans Souci as described in Schedule 1.

Date of determination: 20 July 2016

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 as addressed in the Council Assessment Report, the material listed at item 7 and the material presented at meetings in Schedule 1. The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

Reasons for the panel decision:

1. The Panel noted that the existing Kogarah LEP 2012 does not contain any FSR or building height controls. The former Kogarah Council and the current Georges River Council have adopted a policy, in respect of applications to be determined by them and in circumstances similar to those of this application, to apply the FSR and building height standards of the draft Kogarah LEP 2016, which has been exhibited, comments evaluated and adopted and is awaiting gazettal. The Panel accepts that, for the sake of consistency, it should also follow this approach.
2. The application is consistent with the FSR and height controls in the draft LEP.
3. The non-compliances with the height control are due mainly to lift and stair towers, the parapet and the two roof canopies. The panel accepts that the parapet and lift and stair towers are necessary to allow the use of the roof for recreation, which provides amenity and a better planning outcome. These features are also not intrusive. The two roof canopies are, however, highly visible as being above the 15m height limit of the draft LEP. For that reason, the approval includes a condition to delete the two roof canopies.
4. The Panel notes that the application complies with the desired future character and scale of the area as indicated in the draft LEP.
5. The Panel has considered the concern of objectors in relation to parking. The Panel notes that the parking provided in the proposal exceeds the requirements of the Kogarah DCP 2013. The council's traffic engineer agrees that the proposal's traffic generation is acceptable and within RMS guidelines.

Conditions: The development application was approved subject to the conditions recommended in the assessment report with the addition of a condition requiring the removal of the two roof canopies.

Panel members:

 John Roseth (chair)	 Stuart McDonald	 Nicole Gurran
 Juliet Grant	 Gail Connolly	

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SCHEDULE 1

1	JRPP Reference – LGA- Council Reference: 2015SYE169 – Georges River - 227/2015
2	Proposed development: Demolition of existing structures and the construction of a mixed use development consisting of 95 apartments, dual level basement parking and commercial/retail area
3	Street address: 365-377 Rocky Point Road, Sans Souci
4	Applicant/Owner: Primus DMS Pty Ltd
5	Type of Regional development: General development with a Capital Investment Value of more than \$20 million
6	Relevant mandatory considerations <ul style="list-style-type: none"> • Kogarah DCP 2013 • Kogarah LEP 2012 • SEPP BASIX 2004 • SEPP Infrastructure 2007 • SEPP no 55 – Remediation of Land • SEPP no 65 – Design Quality of Residential Flat Development • Deemed SEPP- Georges River Catchment • 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, including the principles of ecologically sustainable development.
7	Material considered by the panel: Council Assessment Report Dated: 6 July 2016 Design Verification dated 19 July 2016 pursuant to SEP 55 sighted by Panel Written submissions during public exhibition: 25 Verbal submissions at the panel meeting: Support- nil; Against- Evangelia Hili, John McCormack, Mary Debono; On behalf of the applicant- Genevieve Slattery, John Kavanagh, Ross Nettle
8	Meetings and site inspections by the panel: Briefing Meeting 4 February 2016
9	Council recommendation: Approval
10	Draft conditions: Attached to council assessment report