

DATE OF DETERMINATION	17 May 2017
PANEL MEMBERS	Morris Iemma (Chair), Bruce McDonald, Nicole Gurran, Juliet Grant and Rod Logan
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Hurstville Service Centre on Wednesday 17 May 2017 opened at 11.30 am and closed at 12.00 pm.

MATTER DETERMINED

Panel Ref - 2016SYE091, LGA- Georges River Council, DA 2016/0218, Address - 93 Forest Road Hurstville, Mixed use development comprising 556 units and 4345 square metres of retail space in two buildings of 9 & 21 storeys with basement and ground floor parking and associated landscaping works.

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

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*. The decision was unanimous.

REASONS FOR THE DECISION

The reasons for the decision of the Panel were:

1. The proposed development will add to the supply and choice of housing within the metropolitan South District and the Georges River local government area in a location with ready access to the services, amenities and metropolitan transport facilities available from Hurstville CBD and will compliment and add to Hurstville's role as a Regional Centre.
2. The Panel has considered the Applicant's request to vary the development standard contained in Clause 4.3 (Height of Buildings) Hurstville LEP 2012 and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variation is minor, will not generate unacceptable impacts on adjoining or nearby allotments, remains consistent with the objectives of the standard and will not result in development inconsistent in form and scale with that in the locality.
3. The proposed development, subject to the conditions imposed adequately satisfies the relevant State Environmental Planning Policies including SEPP 55 – Remediation of Land, SEPP (Infrastructure) 2007 and SEPP Design Quality of Residential Apartment Development and its associated Apartment Design Code.
4. The proposal adequately satisfies the applicable provisions and objectives of Hurstville LEP 2012 and Hurstville DCP No. 2 (Hurstville City Centre).

5. The proposed development is considered to be of appropriate scale and form adequately consistent with the planned character of the locality in which it is placed.
6. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the amenity of adjacent and nearby residential premises, the operation of the local road system, the function of the adjacent rail corridor or the utility of the adjoining parkland.
7. In consideration of conclusions 1-6 above the Panel considers the proposed development is suitable use of the site and approval of the proposal is in the public interest.

CONDITIONS






The development application was approved subject to the conditions in the Council Assessment Report with amendments to Condition 34 to read as follows:

CC4024 – Development Assessment – Contamination – This site is to be remediated in accordance with a consolidated Remediation Action Plan (RAP) prepared consistently with the advice and recommendations provided in the 'Interim Site Auditor Advice for Stage 3 East Quarter Residential/Commercial Development' prepared by Dr Ian Swane of Ian Swane and Associates Pty Ltd dated 29 May 2016.

The consolidated RAP should be prepared by a competent environmental consultant and address all the requirements specified as conditions in the 2012 Section B Site Audit Statements (SAS) together with any additional requirements specified by NSW EPA guidelines.

The consolidated RAP should be prepared so that it allows the Site Auditor to issue a new updated Section B BAS.SAR without any conditions other than requiring the site to be remediated in accordance with the consolidated RAP.

Remediation work for the Stage 3 area shall only commence after the Site Auditor has issued a new unconditional Section B SAS.

PANEL MEMBERS	
 Morris Iemma (Chair)	 Bruce McDonald
 Rod Logan	 Juliet Grant
 Nicole Gurran	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	Panel Ref - 2016SYE091, LGA- Georges River Council, DA 2016/0218
2	PROPOSED DEVELOPMENT	Mixed use development comprising 556 units and 4345 square metres of retail space in two buildings of 9 & 21 storeys with basement and ground floor parking and associated landscaping works.
3	STREET ADDRESS	Address - 93 Forest Road Hurstville
4	APPLICANT/OWNER	Applicant: Hurstville FCP Pty Ltd Owner: East Quarter Hurstville Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Proposed development has a capital investment value of over \$20million.
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy N. 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 Hurstville Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Hurstville Development Control Plan No. 2 – Hurstville City Centre Planning agreements: Nil <i>Environmental Planning and Assessment Regulation 2000</i>: 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 <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report, amended plans, request for a variation under clause 4.6 Written submissions during public exhibition: 16 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Nil Object – Nil

		<ul style="list-style-type: none"> ○ On behalf of the applicant – Adam Coburn, Chris Roche, Clancy Sprouster, Nickhlos Byrne and David McLaren
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • 17 May 2017 – Site Inspection • 17 May 2017 – Final Briefing Meeting • 17 May 2017 – Public Meeting
9	COUNCIL RECOMMENDATION	Deferred commencement approval
10	DRAFT CONDITIONS	Attached to council report