

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY SOUTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	Tuesday, 11 June 2019
<b>PANEL MEMBERS</b>	Bruce McDonald (Chair), Nicole Gurran, Nick Katris
<b>APOLOGIES</b>	Helen Lochhead, Con Hindi
<b>DECLARATIONS OF INTEREST</b>	Nick Katris declared a discretionary note that he participated in a Council meeting on 18 February 2019, where a proposal to develop a masterplan for stage 2 of the development was presented, as well as statistics and information relating to the community attitude toward the matter. Nick Katris sought the advice of the Georges River Council General Manger who advised that, in the context of the material considered, she did not believe he had a conflict to declare for the SSPP panel on this matter. The panel accepted that the discretionary note provided by Nick Katris does not constitute a conflict of duty, and that he can remain on the panel for this matter.

Public meeting held at Georges River Council, Hurstville Civic Centre, cnr Dora St and Macmahon St, Hurstville on 11 June 2019, opened at 3.10pm and closed at 5.10pm.

#### MATTER DETERMINED

2017SSH023 – Georges River – DA2017/0138 – 160-178 Stoney Creek Road Beverly Hills – (as described in Schedule 1)

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

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

#### REASONS FOR THE DECISION

- The Proposal will provide housing supply and choice in a location with access to the facilities and services of the Beverley Hills centre and nearby railway station. The proposal also extends retail services in the locality.
- The Panel has considered the applicant's clause 4.6 variation request to vary the maximum floor space ratio standards contained in clause 4.3 and height standards contained in clause 4.4 of Hurstville LEP 2012. In regard to the FSR standard, the variation is considered acceptable as the increased floorspace relates entirely to the provision of underground parking in excess of Council's DCP1 requirement and does not impact on the presentation or design of the proposed structure. The additional parking supply is considered an environmental benefit as it will reduce the potential impact of the development on street parking in the adjacent area.

In relation to the height standard, the proposed variation is considered acceptable as it imposes no overshadowing, privacy or other negative environmental impacts, and the development offers a

fitting presentation to the entrance of Beverley Hills local centre and the junction of Stoney Creek and King Georges Roads.

The Panel considers that these variations remain consistent with the objectives of the standards and the B2 Local Centre zone of Hurstville LEP 2012.

- The Proposed development adequately satisfies the provisions of SEPP 55 – Remediation of Land, SEPP 65 Design Quality of Residential Flat Buildings and its associated Apartment Design Guide, SEPP Infrastructure (2007) and SREP 2 Georges River Catchment.
- The Proposal adequately satisfies the objectives and provisions of Hurstville LEP 2012 and DCP 1.
- The Proposed development is of a scale and form which is consistent with the site's location as a prominent entry to the Beverley Hills local centre and, subject to the conditions imposed will have no unacceptable impacts on the built or natural environment, including the adjacent residential area or the operation of the local road system.
- In consideration of the above, the Panel considers the development a suitable use of the site and approval is in the public interest.

### CONDITIONS




The development application was approved subject to the draft conditions provided by Councils assessment staff to the panel and a further condition requiring the decorative treatment of the western wall to the satisfaction of Council.

### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the panel. The Panel notes that issues of concern included:

- Bulk and scale of development
- Pedestrian rear lane access and safety
- Privacy and overlooking

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that design amendments have been made to the initial proposal and conditions have been imposed addressing these issues.

PANEL MEMBERS	
 Bruce McDonald (Chair)	 Nicole Gurran
 Nick Katris	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSH023 – Georges River – DA2017/0138
2	PROPOSED DEVELOPMENT	The amended proposal seeks development consent for consolidation of the existing allotments, demolition of existing structures, site remediation and construction of a mixed use development. The proposal includes a supermarket and three (3) retail tenancies with shop top housing for 40 units and three (3) basement levels of car parking including loading facilities.
3	STREET ADDRESS	160-178 Stoney Creek Road Beverly Hills
4	APPLICANT/OWNER	Applicant: SJB Planning Owner: Cuzeno Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Capital Investment Value over \$20M (DA lodged before 1 March 2019)
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Environmental Planning and Assessment Act 1979</li> <li>Environmental Planning and Assessment Regulation 2000</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>State Environmental Planning Policy (Building and Sustainability Index: 2004_</li> <li>State Environmental Planning Policy (Vegetation in non-rural areas) 2017</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Regional Environmental Plan No 2 – Georges River Catchment</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>Hurstville Local Environmental Plan 2012</li> </ul> </li> <li>Draft environmental planning instruments: Nil</li> <li>Development control plans: <ul style="list-style-type: none"> <li>Hurstville Development Control Plan No 1</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</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 <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council Addendum Assessment Report: 29 May 2019</li> <li>Revised clause 4.6 variation to Floor Space Ratio</li> <li>Written submissions during public exhibition: 2</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>In support – Nil</li> <li>In objection – Mark Lapin – on behalf of Betty Lapin, Thanh Hiep Nguyen</li> <li>Council assessment officer – Mark Raymundo, Nicole Askew</li> <li>On behalf of the applicant – Stuart Gordon, Angelo Candalepas</li> </ul> </li> </ul>

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 11 July 2017</li> <li>• Site inspection 9 October 2018</li> <li>• Final briefing to discuss council's recommendation, 9 October 2018, 12.30pm</li> <li>• Determination meeting, 9 October 2018, 1.10pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Bruce McDonald, Nicole Gurran, Nick Katris</li> <li>○ <u>Council assessment staff</u>: Mark Raymundo, Chris Young, Shereny Selim – Senior Traffic Engineer</li> </ul> </li> <li>• Site inspection: 11 June 2019 <ul style="list-style-type: none"> <li>○ Final Briefing to discuss council's recommendation, 11 June 2019, 10.55am.</li> <li>○ Determination meeting, 11 June 2019, 3.10pm. Attendees:</li> <li>○ <u>Panel members</u>: Bruce McDonald (Chair), Nicole Gurran, Nick Katris</li> <li>○ <u>Council assessment staff</u>: Mark Raymundo, Nicole Askew</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Draft conditions provided by Council to the panel