

DATE OF DETERMINATION	Tuesday, 13 th March 2018
PANEL MEMBERS	Helen Lochhead (Chair), Bruce McDonald, Nicole Gurrán, Nick Katris and Con Hindi
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Public meeting held at Georges River Council, Hurstville Civic Centre on 13 March 2018, opened at 5pm and closed at 5.30pm.

MATTER DETERMINED

2017SSH031 – Georges River – DA2017/0340 at 131 Princes Highway and 1a South Street, Kogarah (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 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 in part the development application as described in Schedule 1 pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was 3:2 in favour, against the decision were Nick Katris and Con Hindi.

That element relating to construction of the overhead bridge is not approved. The proponent did not make a clear and convincing case for the overhead bridge as part of this development, so the proposal is approved subject to the deletion of the overhead bridge.

The reasons for the decision of the Panel were:

1. The proposed development will provide additional medical and health care services to the South Sydney District and the Georges River local government area, complementing other, similar facilities to be provided from this precinct and reinforcing Kogarah's projected role under the Draft South Sydney District Plan as a key health precinct.
2. The Panel has considered the Applicants request to vary the development standard contained in Cl. 4.4 of Kogarah LEP 2012 relating to maximum building height and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as that variation will not generate unacceptable impacts on nearby premises, and remains consistent with the objectives of the standard
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 55-Remediation of Land, SEPP (Infrastructure) 2007, SEPP 64 Advertising and Signage
4. The proposal adequately satisfies the applicable provisions and objectives of Kogarah LEP 2012 and Kogarah DCP 2013
5. The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the nearby local heritage item, the local

waterways or drainage systems or the operation of the local road system. Further it is considered that development of the subject site does not prevent future reasonable development of adjoining allotments

6. In consideration of conclusions 1- 5 above it is considered the proposed development is a suitable and planned use of the site and approval of the proposal is in the public interest.

Nick Katris and Con Hindi disagreed with the majority decision and are voting against the application for the following reasons:

- They do not believe that the proponent has established any compelling planning grounds to allow an exceedance in floor space ratio, as a variation under Clause 4.6 of the LEP.
- The overhead bridge to be considered unsightly and inappropriate in the location

CONDITIONS

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

Change to condition No. 2 to read as follows:






- 2. Construction of Multi level car parking structure located at 6, 6A and 12 Hogben Street, Kogarah – The remaining car parking levels of the approval D/2014/307/1 granted for a multi storey car parking structure at 6, 6A and 12 Hogben Street, Kogarah must be constructed prior to the issue of the occupation certificate of 131 Princes Highway and 1A South Street, Kogarah.

Further, a positive covenant is to be created on the site (6, 6A & 12 Hogben St, Kogarah); requiring that a minimum of 92 car spaces are to be designated for the sole use of the new healthcare facility situated at 131 Princes Hwy & 1A South St, Kogarah, pursuant to s88B of the Conveyancing Act. This must be registered in the LPI prior to issue of any occupation certificate for the subject application at No 131 Princes Hwy and 1A South St, Kogarah'

Reason: To provide car parking to accommodate the 'Health Service Facility' use.

PANEL ADVICE

If the proponent considers that undercover drop off is needed, the Panel suggests that on site basement drop off and parking be investigated.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Bruce McDonald
 Nicole Gurran	 Nick Katris
 Con Hindi	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSH031 – Georges River – DA2017/0340
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of new health care facility and elevated walkway over South Street to St George Private Hospital
3	STREET ADDRESS	131 Princes Highway and 1a South Street, Kogarah
4	APPLICANT/OWNER	AME Properties Pty Ltd (applicant and owner)
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy No 64 – Advertising and Signage ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Sydney Regional Environmental Plan No 2 – Georges River Catchment ○ Kogarah Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Kogarah Development Control Plan 2013 ○ Section 94 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil [or enter the clauses if relevant] • Coastal zone management plan: 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: 5 March 2018 • Written submissions during public exhibition: Nil • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nil ○ On behalf of the applicant – Nil ○ Available to answer questions: Jessica Miller, David Duffy
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection 13 March 2018 • Briefing meeting 4 October 2017 • Final briefing meeting to discuss council's recommendation, 13 March 2018, 1pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Helen Lochhead (Chair), Bruce McDonald, Nicole Gurran, Nick Katris and Con Hindi ○ <u>Council assessment staff</u>: Mark Raymundo and Tina Christy
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report