

DATE OF DETERMINATION	Tuesday, 14 August 2018
PANEL MEMBERS	Helen Lochhead (Chair), Bruce McDonald, Stuart McDonald, Con Hindi and Nick Katris
APOLOGIES	Nicole Gurran
DECLARATIONS OF INTEREST	None

Public meeting held at Georges River Council, Hurstville Civic Centre, corner McMahon St and Dora St, Hurstville on 14 August 2018, opened at 3.40pm and closed at 4.30pm.

MATTER DETERMINED

2017SSH035 – Georges River – DA2017/0451 at 58-68 Regent St, 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.




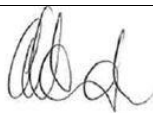

The Panel determined to refuse the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

- The proposal does not satisfy the requirements and provisions of Kogarah LEP 2012 and Kogarah Development Control Plan. The Panel notes the application as lodged provides for a building height which exceeds the maximum height standard of 33m contained in Cl. 4.3 of Kogarah LEP 2012 and contains a request pursuant to Cl 4.6 -Exception to Development Standards to vary the standard. It is also noted that during the assessment of the proposal the applicant had agreed to reduce this height to a conforming level. However, the amended proposal still does not meet the standard.
- Further, the Panel noted non-compliance with SEPP65 and the Apartment Design Guide provisions with regards to the setbacks from the properties boundaries to ensure the amenity and equitable development potential of any future residential developments on neighbouring properties, notably to the north and west of the site, will not be

compromised. Notwithstanding, the Panel is of the view that amenity can be achieved while allowing an architectural treatment of the south-west corner.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSH035 – Georges River – DA2017/0451 at
2	PROPOSED DEVELOPMENT	Demolition of existing and construction of a twelve (12) storey residential flat building comprising of ninety-six (96) residential units and three (3) levels of basement parking, including landscaping and infrastructure works.
3	STREET ADDRESS	58-68 Regent St, Kogarah
4	APPLICANT/OWNER	Applicant: Quantum Group Pty Ltd Owner: Suyun Wang; Alison Margaret Walsh; Mark Peter Hanley; Jennifer Ann Rohan; Minh Thuy Khuu and Kim Van Khuu; Yong Qing Xu and Yu Ping Hu
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ Environmental Planning and Assessment Act 1979 ○ State Environmental Planning Policy No 55 – Remediation of Land ○ State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development ○ State Environmental Planning Policy (Building and Sustainability Index: 2004) ○ State Environmental Planning Policy (Infrastructure) 2007 ○ Sydney Regional Environmental Plan No 2 – Georges River Catchment (Deemed SEPP) ○ Kogarah Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Kogarah Development Control Plan ○ Kogarah Section 94 Contribution Plan • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil 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: 3 August 2018 • Council Addendum Report: 13 August 2018 • Written submissions during public exhibition: 2 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Nil ○ Object – Nicole Barbe ○ On behalf of the applicant – Benjamin Black, Paul Buljevic
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection 14 August 2018 • Briefing meeting 22 November 2017 • Final briefing meeting to discuss council's recommendation, 14 August 2018, 3.00pm Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Helen Lochhead (Chair), Bruce McDonald, Stuart McDonald, Con Hindi and Nick Katris

		<ul style="list-style-type: none">○ <u>Council assessment staff</u>: Mark Raymundo, Ryan Cole, Nicole Askew
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report