

DETERMINATION AND STATEMENT OF REASONS SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	13 March 2018
PANEL MEMBERS	Helen Lochhead (Chair), Bruce McDonald and Nicole Gurran
APOLOGIES	None
DECLARATIONS OF INTEREST	Nick Katris and Con Hindi each declared a significant, non-pecuniary, interest and did not participate in the Panel determination. Nick Katris voted on the matter previously at Council and represents Council's interest in the Development Application. Con Hindi voted on the plan of management which is indirectly related to the Development Application.

Public meeting held at Georges River Council on 13 March 2018, opened at 2.25pm and closed at 4.30pm.

MATTER DETERMINED

2017SSH037 – Georges River – DA2017/0354 at 643-643a King Georges Rd, Penshurst (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 the development application as described in Schedule 1 pursuant to section 4.16 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:

- The proposed development will add to the recreation facilities available within the Georges River Local Government Area and the Sydney South District consistently with the masterplan adopted by Georges River Council to guide redevelopment of Penshurst Park to meet the future needs of the population. The proposal is consistent with the adopted Penshurst Park Master Plan which was prepared with community consultation and prepared by Council after a LGA wide recreational needs assessment was undertaken, that identified the need for such facilities.
- The proposed development, subject to the conditions below, adequately satisfies the relevant State Legislation and State Environmental Planning Policies including Development SEPP 55-Remediation of Land, and SEPP (Infrastructure) 2007. In the absence of a detailed SEPP55 consideration in the Council report, the Panel received a memorandum from Council referencing a detailed site investigation report, dated 29 July 2016, prepared by ei Australia, acknowledging that the site can be made suitable for the proposed use subject to conditions being satisfied that are included conditions of this consent.
- The proposal adequately satisfies the applicable provisions and objectives of Hurstville LEP 2012 and Hurstville DCP No. 1. The development of the site also is consistent with the priorities for development nominated in Hurstville Development Contributions Plan 2012.

- The proposed development, subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the local ecology, or riparian systems, the operation of the local road system or the amenity residential premises in the vicinity.
- 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.

CONDITIONS

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

- The landscape plan is to be amended to maximise the landscape quality and value of significant planting on site to ameliorate the impacts of the proposed development on the vicinity and the local habitat.
- Redesign of the building and setback on King Georges Road to provide significant landscaped buffer to improve presentation to the road and affirm the landscape and civic qualities of the precinct.

Amend Condition No 32 to read as follows:

- Prior to commencement of any work, other than demolition and excavation, in association with the remediation of the site, a Site Audit Report and Site Audit Statement are to be submitted to Council. The Site Audit Statement must comply with the conditions of consent for DA2017/0253 which relates to the remediation of the site.




Additional condition to be added in Section D – Prior to the issue of a construction certificate

New condition No. 14 is to read:

- Portions of the proposed building along the King Georges frontage are to be redesigned such that it is setback further from the King Georges Rd to provide an additional landscaping buffer between the road and the building and to retain as much natural landscape on the site as possible. This setback is not to hinder the functioning of the cricket field, but is to provide modulation in the long expanse of the King Georges Rd elevation. The resultant setback is to be suitably landscaped to provide a vegetative screen to that building and preserve some of the existing natural character of the site fronting King Georges Rd.

ADVICE

In addition, the Panel suggests to Council that, in preparing the operational plan for the management of the park, that opportunities for the passive recreational activities undertaken by local residents be maximised.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Bruce McDonald
 Nicole Gurran	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSH037 – Georges River – DA2017SSH037
2	PROPOSED DEVELOPMENT	Enabling Stages 2 and 3 of the Masterplan of Penshurst Park including a new grandstand, youth facility and amenities, upgrades to existing sporting fields including new surfaces and running track, playground and exercise equipment, landscaping and external lighting. Additional works include extensions to Hurstville Aquatic Leisure to include two multipurpose courts, gymnastics area and café, and additional car parking.
3	STREET ADDRESS	643-643a King Georges Rd, Penshurst
4	APPLICANT/OWNER	Georges River Council
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 ○ Hurstville Local Environmental Plan 2012 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ Hurstville Development Control Plan No. 1 ○ Hurstville Section 94 Development Control Plan 2012 • 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: 5 March 2018 • Written submissions during public exhibition: 33 • Verbal submissions at the public meeting: <ul style="list-style-type: none"> ○ Support – Todd McHardy, Ray Barbi, Craig Kiely ○ Object – Kathryn Skelsey, Milena Anerasinghe, Liz Cameron, and Rebecca Cundasamy ○ Available to answer questions: John Baker, Laurie O'Connor and Michelle Whitehurst
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspection – 13 March 2018 • Briefing meeting 22 November 2017 • Final briefing meeting to discuss council's recommendation, 13 March 2018, 12pm. Attendees: <ul style="list-style-type: none"> ○ <u>Panel members</u>: Helen Lochhead (Chair), Bruce McDonald and Nicole Gurran ○ <u>Council assessment staff</u>: Debrah Barr and Laura Locke
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report