

DETERMINATION AND STATEMENT OF REASONS

SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	Tuesday, 11 December 2018
PANEL MEMBERS	Nicole Gurran (Chair), Bruce McDonald, Stuart McDonald, Con Hindi, Leesha Payor
APOLOGIES	None
DECLARATIONS OF INTEREST	Nick Katris declared a conflict of interest and did not participate in the meeting. Councillor Katris' Architectural Company has provided Architectural services to one of the Directors of Carlton Investments No. 2 Pty Ltd on another unrelated project.

Public meeting held at Georges River Council, Hurstville Civic Centre, cnr Dora Street and McMahon Street, Hurstville on 11 December 2018, opened at 11.49am and closed at 12.05pm.

MATTER DETERMINED

2017SSH039 – Georges River – DA2017/0483 at 2-10 Stanley 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 briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

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

The decision was 4:1 in favour, against the decision was Leesha Payor.

REASONS FOR THE DECISION

The Panel notes and agrees with the reasons for approval provided in the Council officers assessment of this proposal. The Panel further considers;

1. The proposed development will add to the supply and choice of housing within the Georges River local government area and the Sydney South District in a location with ready access to the services and amenities offered within Kogarah Metropolitan Centre and the metropolitan transport services available from Kogarah Rail station.
2. The Panel has considered the Applicant's request to vary the development standard contained in CL 4.3 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 the variation will facilitate lift access to roof top communal open space, not generate unacceptable impacts on nearby existing or planned premises, is of minor perception in the planned locality and remains consistent with the objectives of the standard and the R4 High Density Residential zone.
3. The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 55 (Remediation of Land) SEPP 65 -Design Quality of Residential Apartment Development and its associated Apartment Design Guide, SEPP (Infrastructure) 2007 SEPP (Vegetation in Non- Rural Areas) and State Regional Environmental Plan No2- Georges River Catchment.

In regard to SEPP65 and the Apartment Design Guide the Panel having considered the Council assessment considers that the departures are acceptable. In particular it is noted that a 4 storey podium with no setback from the eastern boundary is proposed and that this is consistent with the Kogarah North Urban Design Strategy of presenting a 4 storey street wall to Stanley St, and that such arrangement coordinates with the development proposal under consideration on the adjoining allotment.

4. The proposal adequately satisfies the requirements and provisions of Kogarah LEP 2012 and Kogarah Development Control Plan 2012.
5. The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the amenity of existing or proposed nearby residential premises or operation of the local road system.
6. The proposed development is considered to be of acceptable form and scale and presentation consistent with that planned for the Kogarah North Precinct and appropriate to this planned dense urban residential precinct.






In consideration of conclusions 1-6 above the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

Leesha Payor disagreed with the majority decision for the following reasons:

- ADG non-compliance and the variation to the North Kogarah DCP side setback controls.

CONDITIONS

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

PANEL MEMBERS	
 Nicole Gurrán (Chair)	 Bruce McDonald
 Stuart McDonald	 Con Hindi
 Leesha Payor	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2017SSH039 – Georges River – DA2017/0483
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a ten (10) storey residential flat building with basement parking
3	STREET ADDRESS	2-10 Stanley Street, Kogarah
4	APPLICANT/OWNER	Carlton Investments No. 2 Pty Ltd
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 Environmental Planning and Assessment Regulation 2000 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 State Regional Environmental Plan No 2 – Georges River Catchment State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 Draft Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 Draft Environment State Environmental Planning Policy Kogarah Local Environmental Plan 2012 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> 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: 27 November 2018 Written submissions during public exhibition: 3 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Nil Object – Nil Council assessment officer – Ramez Guirguis On behalf of the applicant – Stephen Kerr
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Briefing 22 November 2017 Site inspection 11 December 2018

		<ul style="list-style-type: none"> Final briefing to discuss council's recommendation, 11 December 2018, 11.35am. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Nicole Gurran (Chair), Bruce McDonald, Stuart McDonald, Cond Hindi, Leesha Payor <u>Council assessment staff</u>: Ramez Guirguis, Nicole Askew
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report