

<b>DATE OF DETERMINATION</b>	Thursday, 21 June 2018
<b>PANEL MEMBERS</b>	Abigail Goldberg (Chair), Stuart McDonald and Clare Brown
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	Leesha Payor – voted on a related matter at Council already and accordingly will not participate in the panel meeting.

#### **BACKGROUND**

The Sydney South Planning Panel met on 13 March 2018 to consider the matter. Panel members were Helen Lochhead (Chair), Bruce McDonald, Nicole Gurrán, Nick Katris and Con Hindi. Subsequent to the meeting, a declaration of interest was identified and the applicant requested a Decision Review Panel for the Sydney South Planning Panel should be formed to consider the matter again.

#### **DECISION REVIEW PANEL**

The public meeting of the Decision Review Panel was held at Georges River Council, Hurstville Civic Centre on 21 June 2018. The meeting opened at 12.40pm and closed at 1.30pm.

#### **MATTER DETERMINED**

2018SSH032 – 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 the site inspection listed at item 8 in Schedule 1.

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:

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 for this precinct and reinforcing Kogarah's projected role under the South Sydney District Plan as the Kogarah Education and Health Precinct Collaboration Area
2. The Panel has considered the Applicant's request to vary the development standard contained in Cl. 4.4 of Kogarah LEP 2012 relating to maximum floor space ratio and considered 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 presented by Council’s assessment officer and the deferred commencement condition discussed in principle at the meeting, 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.

**CONDITIONS**

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

**Insertion of condition No. 1a Deferred Commencement Condition: Pedestrian Bridge Design**

The pedestrian bridge is to be redesigned in consultation with Council’s nominated independent urban designer to achieve the following objectives:

- a. Address the guidance in the “NSW RMS: Bridge Aesthetics: Design guidelines to improve the appearance of bridges in NSW” (see the RMS website [www.rms.nsw.gov.au](http://www.rms.nsw.gov.au) for details)
- b. Transparency when viewed from the surrounding public domain to provide for a translucent appearance as well as to enable passive surveillance from the bridge over the public domain
- c. A lightweight appearance, with the use of materials that complement the existing built fabric
- d. A suitable gateway entry to the Kogarah Education and Health Precinct Collaboration Area, which aspires to become a unique national business location for health and medical research collaboration and innovation
- e. Consideration of view impacts of the bridge, in particular from the intersection with the Princes Highway and from the eastern bend of South Street, as well as views from the bridge.

The redesign of the bridge is to be submitted to the panel to confirm their satisfaction within 12 months of the date of this determination. The panel will reconvene electronically to consider the redesign.

Reason: To reduce visual impact and achieve a design which complements the existing built form and desired future character of the area while contributing to enhanced safety in the public domain.

**Addition of paragraph regarding a positive covenant to condition No. 2 to read as follows:**

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

Reason: To ensure provision of car parking to accommodate the “Health Service Facility” use.

<b>PANEL MEMBERS</b>	
 Abigail Goldberg (Chair)	 Stuart McDonald
 Clare Brown	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018SSH032 – Georges River – DA2017/0340
2	PROPOSED DEVELOPMENT	Demolition of existing structures and construction of a new health care facility and pedestrian bridge 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	<ol style="list-style-type: none"> <li>1. Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>○ State Environmental Planning Policy No. 64 – Advertising and Signage</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ Sydney Regional Environmental Plan No 2 – Georges River Catchment</li> <li>○ Kogarah Local Environmental Plan 2012</li> </ul> </li> <li>2. Draft environmental planning instruments: Nil</li> <li>3. Development control plans: <ul style="list-style-type: none"> <li>○ Kogarah Development Control Plan 2013</li> <li>○ Section 94</li> </ul> </li> <li>4. Planning agreements: Nil</li> <li>5. Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>6. Coastal zone management plan: Nil</li> <li>7. 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>8. The suitability of the site for the development</li> <li>9. Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>10. The public interest, including the principles of ecologically sustainable development</li> </ol>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>● Council Assessment Report: 27 February 2017</li> <li>● Council Addendum Report: 8 June 2018</li> <li>● Written submissions during public exhibition: Nil</li> <li>● Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>○ Support – Nil</li> <li>○ Object – Nil</li> <li>○ On behalf of the applicant – Alex Belcastro, Zack Ashby, Chris Wilson, Stephen Moore and David Duffy</li> </ul> </li> </ul>
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>● Site inspection 21 June 2018</li> <li>● Final briefing meeting to discuss council's recommendation, 21 June 2018, 12.15pm Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), Stuart McDonald and Clare Brown</li> <li>○ <u>Council assessment staff</u>: Mark Raymundo</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report