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| Panel Reference | 2017SSH031 |
| DA Number | DA2017/0340 |
| LGA | Georges River Council |
| Proposed Development | Demolition of existing structures and construction of new health care facility and elevated walkway over South Street to St George Private Hospital |
| Street Address | 131 Princes Highway and 1A South Street Kogarah |
| Applicant/Owner | AME Properties Pty Ltd (applicant and owner) |
| Date of DA lodgement | 18 August 2017 |
| Number of Submissions | No submissions received |
| Recommendation | Approval |
| Regional Development Criteria (Schedule 4A of the EP&A Act) | Community Facilities over \$5 Million <i>"Health Services Facility"</i> under Part 4A(6)(b) of the EP&A Act 1979 (CIV \$17,690,000) |
| List of all relevant s79C(1)(a) matters | <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 • Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment • Kogarah Local Environmental Plan 2012 • Kogarah Development Control Plan 2013 • Section 94 |
| List all documents submitted with this report for the Panel's consideration | <ul style="list-style-type: none"> • Assessment report to South Sydney Planning Panel dated 27 Feb 18 • South Sydney Planning Panel Statement of Reasons dated 13 Mar 18 • Addendum letter seeking consideration under to provisions of Section 8.3 dated 1 May 2018 prepared by Willow Tree Planning • Addendum letter seeking justification for the proposed elevated pedestrian air bridge and car parking condition dated 7 May 2018 prepared by Willow Tree Planning • Architectural plans for the pedestrian air bridge dated 18/04/27 prepared by Team 2 Architects • Traffic statement prepared by Transport and Traffic Planning Associates dated 20 March 2018 • Urban design statement (no date provided) prepared by Roberts Day • Parking statement dated 30 April 2018 prepared by Transport and Traffic Planning Associates |
| Report prepared by | Mark Raymundo Senior Development Assessment Officer |
| Report date | 8 June 18 |

Summary of s79C matters

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| Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? | Yes |
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Legislative clauses requiring consent authority satisfaction

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| Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? | Yes |
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Clause 4.6 Exceptions to development standards

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| If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? | Yes |
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Special Infrastructure Contributions

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| Does the DA require Special Infrastructure Contributions conditions (S94EF)? | Not Applicable |
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Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

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| Have draft conditions been provided to the applicant for comment? | No |
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Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

Executive Summary

Council is in receipt of a development application for the demolition of existing commercial building and construction of a six (6) storey health service facility at 131 Princess Highway, Kogarah and elevated pedestrian air bridge across South Street linking to St George Private Hospital at 1A South Street, Kogarah NSW 2217. The applicant is seeking the review of the application under the provisions of Section 8.3 of the EP&A Act 1979.

History

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| 13 Mar 18 | The application was considered at the South Sydney Planning Panel which supported the proposal subject to the following additional recommended conditions; |
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1. Deletion of the overhead bridge
2. Amendment to Condition 2 to read as follows;

Construction of a Multi-Level car park 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 site (6, 6A & 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 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 Prices Hwy and South Street, Kogarah.

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| 17 May 18 | Due to an identified conflict of interest. The item was rescheduled for reconsideration by the SSPP. |
| 2 May 18 | The applicant's planner provided additional information on the basis of the provisions of Section 8.2 Review of the EP&A Act 1979 which included; additional justification, revised architectural plans for the proposed air bridge, supporting traffic statement, urban design statement and supporting parking statement. |
| 9 – 23 May 18 | The application was advertised and notified in accordance with Council's requirements. In response, no submissions were received. |
| 7 Jun 18 | The applicant's planner provided a revised request for consideration under the provisions of Section 8.3 of the EP&A Act 1979. |

Proposed amendments

The proposal seeks the following amendments as follows;

1. Design changes and material design change to perforated sheeting for the proposed elevated pedestrian air bridge.
2. Request that Car parking levels (i.e. Levels 3 and 4) of 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.

Additional information

The applicant has provided additional information dated 1 May 2018 prepared by Willow Tree Planning providing justification for the retention of the pedestrian air bridge as part of the proposal which included;

- Addendum letter dated 7 May 2018 prepared by Willow Tree Planning;
- architectural plans for the pedestrian air bridge dated 18/04/27 prepared by Team 2 Architects;
- traffic statement prepared by Transport and Traffic Planning Associates dated 20 March 2018;
- urban design statement (no date provided) prepared by Roberts Day;
- Parking statement dated 30 April 2018 prepared by Transport and Traffic Planning Associates;

Assessment

The proposed design changes relating to the design and material changes to the proposed elevated pedestrian bridge is considered to be satisfactory. Council's controls are silent in relation to pedestrian bridges however it is considered that the proposal is considered to align with objectives of the Kogarah Local Environmental Plan 2012 and Kogarah Development Control Plan 2013.

In relation to car parking, adequate car parking is considered to be provided to service the proposed use.

The proposed changes are considered to be reasonable and do not result in any adverse material impact and are considered to be suitable for the subject site.

Conclusion

It is considered that request under the provisions of Section 8.3 of the EP&A Act 1979 satisfies the Statutory considerations under this subsection. The proposal is considered to be substantially the same development given that the original proposal comprised of a health services facility with an elevated pedestrian air bridge across South Street linking to St George Private Hospital.

The applicant's request in relation to the amendment car parking aligns with the amended revised draft conditions provided to the SSPP and is supported.

The amendments to the proposed pedestrian air bridge and car parking are considered to be reasonable and sound and they are worthy of support.

The recommendation is for approval as per the original report Item No 2017SSH031 to the South Sydney Planning Panel dated 17 February 2018 which is unchanged.

The application is subsequently re-fined to the South Sydney Planning Panel for reconsideration and determination.

THAT, having regard to the Heads of Consideration under Section 8.3 of the Environmental Planning and Assessment Act 1979 and following a detailed assessment of the proposal for demolition of existing commercial building and construction of a six (6) storey health service facility at 131 Princess Highway and elevated pedestrian air bridge across South Street linking to St George Private Hospital at 1A South Street, Kogarah, Development Application No. DA2017/0340 is recommended for approval subject to conditions of consent.