

DATE OF DETERMINATION	15 December 2022
DATE OF PANEL DECISION	15 December 2022
DATE OF PANEL MEETING	14 December 2022
PANEL MEMBERS	Helen Lochhead (Chair), Stuart McDonald, Susan Budd, Nick Katris, Sam Stratikopoulos
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 6 December 2022.

MATTER DETERMINED

PPSSSH-109 – GEORGES RIVER – DA2022/0039 - 36 -38 Gladstone Street and 59-69 Princes Highway, Kogarah - Demolition works and construction of a mixed-use development.

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.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the Georges River Local Environmental Plan 2021 (LEP), that has demonstrated that:

- a) compliance with cl. 4.3 (Building Height) is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.3 (Building Height) of the LEP and the objectives for development in the R4 High Density Residential zone; and
- c) the concurrence of the Secretary has been assumed.

Development application

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

The decision was 3:2 in favour, against the decision were Nick Katris and Sam Stratikopoulos.

REASONS FOR THE DECISION

The Panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the council assessment report and as below:

The Panel considers the amended plans provide an adequate response to issues raised by the Panel and Council's Urban Designer and agrees that the proposal, as amended is an acceptable urban design and planning outcome for the site.

The Panel notes the proposed development generally complies with the objectives and prescriptive controls for development within the R4 High Density zone within the Kogarah North Precinct which is an area undergoing transition to higher density development.

Nick Katris and Sam Stratikopoulos disagreed with the majority decision for the following reasons:

There is too much density on the site.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with Condition 48 amended to ensure the required Construction Vehicle and Pedestrian Plan of Management does not conflict with the timed drop off and pick up for Kogarah Public School with the inclusion of the following wording:






The construction vehicle and pedestrian plan of management is to ensure that any construction zones and/or construction vehicles for the duration of the development do not impact or impede the signed timed drop off and pick up zones within the frontage of the Kogarah Public School along Gladstone Street Kogarah.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered 9 written submissions made during public exhibition. The panel notes that issues of concern included:

- Traffic congestion and conflicts
- Bulk and scale being out of character with the streetscape and an overdevelopment of the site
- Use as a bar
- Isolation of 32 and 34 Gladstone Street
- Odour from waste storage
- Remediation of the site
- Impacts on the nearby school including overlooking
- Construction impacts
- Overshadowing
- Impacts on heritage item

The panel considers that concerns raised by the community have been adequately addressed in the assessment report. The panel notes that in addressing these issues appropriate conditions have been imposed addressing construction impacts, privacy and overlooking and that appropriate design for screening and waste storage has been undertaken.

PANEL MEMBERS	
Helen Lochhead (Chair) 	Stuart McDonald 
Susan Budd 	Nick Katris 
Sam Stratikopoulos 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-109 – GEORGES RIVER – DA2022/0039
2	PROPOSED DEVELOPMENT	Demolition works and construction of a mixed-use development.
3	STREET ADDRESS	36 -38 Gladstone Street and 59-69 Princes Highway, Kogarah
4	APPLICANT/OWNER	Applicant: GC Property Investments Owner: GC Property Investments
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 2021. Water Management Act 2000 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) Georges River Local Environmental Plan 2021 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Georges River Development Control Plan 2021 Planning agreements: 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: 1 December 2022 Clause 4.6 Building Height Written submissions during public exhibition: 9 Total number of unique submissions received by way of objection: 9
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Kick Off Briefing: 22 March 2022 <ul style="list-style-type: none"> <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Susan Budd, Nick Katris, Sam Stratikopoulos <u>Council assessment staff</u>: Michael Hornery <u>Applicant representatives</u>: Alexander Dakhoul, Wendy Tong, Elyse Kenny, Richard Andary Briefing: 31 May 2022

		<ul style="list-style-type: none"> ○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Susan Budd, Nick Katris, Sam Stratikopoulos ○ <u>Council assessment staff</u>: Michael Hornery, Judy Clark, Nicole Askew <ul style="list-style-type: none"> • Final briefing to discuss council's recommendation: 14 December 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Susan Budd, Nick Katris, Sam Stratikopoulos ○ <u>Council assessment staff</u>: Michael Hornery, Nicole Askew,
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report