

Record of Kick-Off Briefing Sydney South Planning Panel

PANEL REFERENCE, DA NUMBER & ADDRESS	PPSSSH-135 – Georges River – DA2023/0104 – 4 Victoria Street, Kogarah
APPLICANT / OWNER	Applicant: The Hadd Group Pty Ltd Owner: Eddy Haddad
APPLICATION TYPE	Construction of a 12 storey residential flat building with 3 levels of basement parking, alterations and additions to the heritage dwelling, landscaping and site works
REGIONALLY SIGNIFICANT CRITERIA	Capital Investment Value > \$30M
CIV	\$ 30,120,000 (excluding GST)
BRIEFING DATE	8 August 2023

ATTENDEES

APPLICANT	Aaron Sutherland, George O'Donovan, Eddy Haddad, James Phillips
PANEL	Annelise Tuor (Chair), Glennis James, Penelope Holloway, Sam Statikopoulos, Nick Katris
COUNCIL OFFICER	Nicole Askew, Brendan Leo
CASE MANAGER	Lillian Charlesworth
PLANNING PANELS SECRETARIAT	Sharon Edwards

DA LODGED: 13 June 2023

DAYS SINCE LODGEMENT: 57 days

TENTATIVE PANEL BRIEFING DATE: TBC – Council to advise a target date

TENTATIVE PANEL DETERMINATION DATE: TBC – Council to advise a target date

KEY ISSUES IDENTIFIED FOR CONSIDERATION

Applicant Summary

- the history of the existing development consent for the site (May 2020) and the adjoining site at 6-16 Victoria Street (February 2021). Both were approved by LEC through s34 agreements;
- the current application includes the previously isolated site at 4 Victoria Street, 100 units, 3 levels basement parking, rooftop common open space area and a heritage listed cottage (to be reused as a café);
- the clause 4.6 variations for HOB and FSR;
- a splayed building setback seeks to retain prominence in the streetscape for the heritage item. The development, in part cantilevers, over the heritage item above 4 storeys;
- the FSR and height non-compliances were influenced by the acquisition cost for the isolated site, the setback of the building from the adjoining site to provide a curtilage for the heritage item, given this setback the height standard does not accommodate the permissible FSR;
- the façade of the adjoining building which faces the development has non habitable rooms and is intended to be seen in the round. The proposed 6m setback is an appropriate response to address privacy to the adjoining building rather than building to the boundary;
- a traffic report is available and will be provided to Council;
- the heritage item on the site is to be retained and incorporated into the development, although its significance is questioned.

Council Summary

- The notification period has closed and 3 submissions were received. Issues raised in submissions include impact on heritage item, excessive height, overdevelopment, overshadowing, overlooking, loss of privacy and insufficient public open space in the locality.
- Internal and external referrals are underway:
 - Ausgrid have provided conditions
 - Sydney Airport requires further information to confirm the AHD of the development
 - Council's Heritage Officer is satisfied
 - Council's Environmental Health section requires further information
 - Council's Traffic Engineer noted that no traffic report was submitted
 - Waste, landscaping, development engineer and urban design comments are pending
- Stormwater may enter the basement carpark and may not have adequate capacity.
- Council's issues at this stage include:
 - the clause 4.6 variations, heritage, urban design, traffic, catchment drainage and waste

- The precinct was upzoned in 2017 to permit 4:1 FSR and 33m HOB. Most sites in the precinct have approvals, are underway or are completed. An early court case in the precinct resulted in a decision that the habitable parts of the development complied with the height standard and a variation was permitted for rooftop plant and any lift overrun, provided they were recessed and did not appear as an additional storey. This has set a precedent for a consistent approach within the precinct with 11 and 12 storey habitable floors complying with the height standard and plant etc exceeding the standard.
- An RFI will be issued once internal referrals are obtained.

Panel Comments

The Panel notes the matters raised by Council and discussed with the applicant, which are summarised above. In particular, the Panel notes:

- the height variation partially results from the FSR non compliance and distribution on the site due to the retention of the heritage item and not having any built form on the previously isolated site. The merit of this approach will need to be justified, compared to the approach in the development consent and pre-DA scheme for the site, which retained the heritage item as a free-standing building (with built form behind and to the boundary but not above);
- the Applicant will forward the traffic report and information required by Sydney Airport;
- Council was requested to consider issuing two RFI's, so that a response can commence on known issues and to advise the Panel of the anticipated date the RFI(s) will be sent, as well as a target Panel briefing and determination date;
- The Panel will hold a site visit at the earliest opportunity.

Note:

Council is yet to undertake its full application assessment, so this record is not a final list of the issues it will need to consider in order to draft their recommendation.

The application is yet to be considered by the Sydney South Planning Panel and therefore future comment will not be limited to the detail contained within.