

DATE OF DETERMINATION	9 November 2023
DATE OF PANEL DECISION	8 November 2023
PANEL MEMBERS	Annelise Tuor (Chair), Penelope Holloway, Glennis James, Sam Stratikopoulos, Ashvini Ambihaipahar
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 31 October 2023.

MATTER DETERMINED

PPSSSH-150 – Georges River – MOD2023/0019 at 1A Hill Street and 105 Forest Road Hurstville – Modification of Consent No: DA2012/0132 for Demolition of buildings at 1A Hill St & construction of 7-13 storey mixed use development with basement parking (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 the final briefing on 6 November, 2023.

Application for modification of consent

The Panel determined to refuse the application pursuant to section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (the Act).

The decision was 4:1 in favour of refusal. Against the decision was Councillor Sam Stratikopoulos.

REASONS FOR THE DECISION

The Panel determined to refuse the application for the reasons outlined in the Council Assessment Report that include:

- The application fails to demonstrate both qualitatively and quantitatively that the proposal is substantially the same as that originally proposed and is therefore unable to be approved as a modification application under s4.55(2) of the Act.
- The proposed development does not comply with:
 - the *Georges River Local Environmental Plan 2021* in terms of aims of the plan, objectives of the B4 Mixed Use zone, height of buildings and floor space ratio.
 - various design principles within *State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development 2002*
 - the *Georges River Development Control Plan 2021 – Hurstville City Centre Eastern Bookend Precinct*.
- The proposed development would have an adverse impact on the built environment and surrounding context due to its height, bulk, scale and built form. In particular the built form is expressed as two towers, whereas previously it was a more articulated stepped form. It will have a negative impact on solar access to apartments at 1 Treacy Street (particularly when considering cumulative impacts).
- Although modification applications do not require a clause 4.6 variation request, insufficient environmental planning grounds have been demonstrated that justify the proposed contravention of the height of building and floor space ratio controls. The Panel noted that other nearby developments have had height and FSR amended by way of planning proposals.

- Insufficient information was provided by the applicant to enable a thorough assessment of impacts, such as: no site plan, landscape plan, communal open space plan, details of the plant room and waste management, updated traffic impact assessment etc.

Councillor Sam Stratikopoulos disagreed with the majority decision for the following reason:

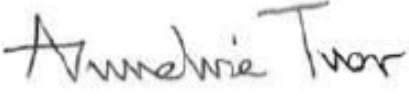




- The proposal would be consistent with the emerging character of the locality and assist in addressing the shortage of housing supply within the Georges River LGA.

CONSIDERATION OF COMMUNITY VIEWS

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

- Loss of sunlight and sky views
- Traffic congestion at the intersection of Hill and Treacy Streets
- Lack of green spaces to cater for increased density
- Increase in height will impact liveability
- Noise

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report.

PANEL MEMBERS	
 Annelise Tuor (Chair)	 Penelope Holloway
 Glennis James	 Sam Stratikopoulos
 Ashvini Ambihaipahar	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-150 – Georges River – MOD2023/0019
2	PROPOSED DEVELOPMENT	Section 4.55 application to modify Development Consent No 12/DA-132 for a mixed use development for additional GFA, increased heights at Forest Road by 1 storey and Hill Street tower by 3 storeys, reconfiguration of basement levels to cater for additional parking and storage and conversation of south facing balconies on Hill Street end to winter gardens.
3	STREET ADDRESS	1A Hill Street and 105 Forest Road Hurstville
4	APPLICANT/OWNER	Susan Teng – Tsang & Lee Architects Pty Ltd Forest Road Holdings Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Section 4.55(2) Modification Application
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> 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 (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Building Sustainability Index: BASIX) Georges River Local Environmental Plan 2021 Development control plans: <ul style="list-style-type: none"> Georges River Development Control Plan 2021 Planning agreements: nil Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i> 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: 24 October 2023 List any clause 4.6 variation requests: not required for modified proposals. Written submissions during public exhibition: two (2)
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Final briefing to discuss council's recommendation: 6 November 2023 <ul style="list-style-type: none"> <u>Panel members</u>: Annelise Tuor (Chair), Penelope Holloway, Glennis James, Sam Stratikopoulos, Ashvini Ambihaipahar <u>Council assessment staff</u>: Liam Frayne, Nicole Lennon, Nicole Askew <u>Applicant Representative</u>: Stephen Kerr, Debrah Barr, Mark Taouk, Maroun Taouk <u>Department staff</u>: Lillian Charlesworth
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	Not applicable