

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY SOUTH PLANNING PANEL

<b>DATE OF DETERMINATION</b>	18 December 2020
<b>PANEL MEMBERS</b>	Helen Lochhead (Chair), Sue Francis, Stephen Davies
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	<p>Nick Katris - I was involved in discussions and reports from Council Officers regarding the Purchase of Buchanan lane by the owner and as the matter, regarding the Lane way, is still being considered by Council Officers (in conjunction with this DA) then I am take the precautionary measure in not involving myself in this Development Application.</p> <p>Con Hindi - As a precautionary measure I will declare interest. I believed the negotiations with the applicant have ceased about 8 months ago.</p> <p>Stuart McDonald - I have a conflict on this matter as my firm undertakes planning work for the project manager on this development.</p> <p>Heather Warton - I have a Conflict of interest (as I do work for the council on contract, also I am friends with the assessment planner)</p>

Papers circulated electronically on 11 December 2020.

#### MATTER DETERMINED

PPSSSH-17 – Georges River Council – DA2020/0056 at 280-298 Railway Parade, Carlton – Demolition works and construction of a two stage mixed use development including ground floor retail premises with commercial premises and a residential flat building (affordable rental housing) above (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 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 Kogarah Local Environmental Plan 2012 (LEP), that has demonstrated that:

- compliance with cl 4.3 (building height) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- 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 B2 and R3 zones; and
- 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 unanimous

### 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. Overall,

- The proposed development meets the objectives of the relevant environmental planning instruments and development control plans.
- The proposal has been designed to generally satisfy the key provisions of the Apartment Design Guide (ADG).

### CONDITIONS




The development application was approved subject to the conditions in the council assessment report

### CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Sunlight and overshadowing
- Construction management and excavation
- Jubilee St access

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 requiring a construction management plan, and access to Jubilee St limited to one way out. The additional overshadowing was assessed and is considered acceptable as it primarily overshadows roofs and properties in the morning hours.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Sue Francis
 Stephen Davies	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-17 – Georges River Council – DA2020/0056
2	PROPOSED DEVELOPMENT	Demolition works and construction of a two stage mixed use development including ground floor retail premises with commercial premises and a residential flat building (affordable rental housing) above.
3	STREET ADDRESS	280-298 Railway Parade, Carlton
4	APPLICANT/OWNER	Applicant: Willow Frank Consulting Pty Ltd Owner: Network Strata Services Pty Ltd and Netstrata Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Environmental Planning and Assessment Act 1979</li> <li>Environmental Planning and Assessment Regulation 2000</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Affordable Rental Housing) 2009</li> <li>State Environmental Planning Policy No 55 – Remediation of Land</li> <li>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</li> <li>State Environmental Planning Policy (Building and Sustainability Index: 2004)</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</li> <li>Greater Metropolitan Regional Environmental Plan No 2— Georges River Catchment</li> <li>Kogarah Local Environmental Plan 2012</li> </ul> </li> <li>Draft environmental planning instruments: <ul style="list-style-type: none"> <li>Draft State Environmental Planning Policy – Remediation of Land</li> <li>Draft State Environmental Planning Policy – Environment</li> <li>Draft Georges River Local Environmental Plan 2020</li> </ul> </li> <li>Development control plans: <ul style="list-style-type: none"> <li>Kogarah Development Control Plan 2013</li> </ul> </li> <li>Planning agreements: Nil</li> <li>Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil</li> <li>Coastal zone management plan: Nil</li> <li>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>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 3 December 2020</li> <li>Clause 4.3 height of buildings</li> <li>Written submissions during public exhibition: Two (2)</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>Briefing: 17 June 2020 <ul style="list-style-type: none"> <li>Panel members: Helen Lochhead (Chair), Stuart McDonald</li> <li>Council assessment staff: Linely Love, Liam Frayme, Nicole Askew</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Final briefing to discuss council's recommendation: 17 December 2020 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Sue Francis, Stephen Davies</li> <li>○ <u>Council assessment staff</u>: Nicole Askew, Liam Frayne, Kim Johnston, Linley Love, Ryan Cole</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report