

DETERMINATION AND STATEMENT OF REASONS

SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	Monday, 17 May 2021
PANEL MEMBERS	Helen Lochhead (Chair), John McFadden, Ken McBryde, Con Hindi, Nick Katris
APOLOGIES	None
DECLARATIONS OF INTEREST	Stuart McDonald - SJB Architects, a sister company to the company for which I am a director, are the architects on the project. I have no financial and management interest in SJB Architects, but it is a clear perception of conflict if I were to be involved. Heather Warton - I am currently working on Class 1 Land and Environment Court appeals for Georges River Council. I work with the Legal Section, not the planning section and am an independent expert witness. I have not worked on any matter that has been dealt with by the current Panel. As my acting for the Council and also being on the Panel is a perceived conflict of interest, I have not participated in Georges River Panel matters at all. However, after May 2021, I have no Council on any matters, so the perceived conflict will reduce.

MATTER DETERMINED

PPSSSH-27 – Georges River – DA2020/0342 at 8 Macpherson Street HURSTVILLE 2220 – Demolition works, tree removal, and construction of a seniors housing development and consolidation of the site into a single lot (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 2012 Local Environmental Plan Hurstville (LEP), that has demonstrated that:

- compliance with cl. 4.4 (floor space ratio) 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 the 2012 Hurstville LEP (HLEP) and the objectives for development in the R2 Low Density Residential zone; 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 noting the floor space ratio (FSR) for the site is 0.6:1 in accordance with Clause 4.4 of the HELP. The applicant has submitted a Clause 4.6 variation request and seeks a FSR of 0.61:1 which is only a marginal variation from the standard and considered acceptable with no adverse impacts.

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. The panel notes that issues of concern included:

- privacy
- overshadowing
- streetscape
- traffic impacts

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 substantial setbacks from the neighbouring properties and privacy screens have been incorporated to maintain amenity. Increased traffic was not considered a significant issue for this infill seniors housing development.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 John McFadden
 Ken McBryde	 Con Hindi
 Nick Katris	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-27 – Georges River – DA2020/0342
2	PROPOSED DEVELOPMENT	Demolition works, tree removal, and construction of a seniors housing development and consolidation of the site into a single lot.
3	STREET ADDRESS	2-8 Macpherson Street, Hurstville
4	APPLICANT/OWNER	Land and Housing Corporation
5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$5M - Crown Development
6	RELEVANT MANDATORY CONSIDERATIONS	- Environmental planning instruments: - Environmental Planning and Assessment Act 1979. - Environmental Planning and Assessment Regulation 2000. - State Environmental Planning Policy (State and Regional Development) 2011. - State Environmental Planning Policy No 55 – Remediation of Land. - State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. - State Environmental Planning Policy (Building and Sustainability Index: 2004). - State Regional Environmental Plan No 2 – Georges River Catchment. - State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. - State Environmental Planning Policy (Infrastructure) 2007. - Draft environmental planning instruments: - Draft State Environmental Planning Policy – Environment. - Draft State Environmental Planning Policy – Remediation of Land. - Draft Design and Place State Environmental Planning Policy. - Hurstville Local Environmental Plan 2012. - Draft Georges River Local Environmental Plan 2020. - Draft Georges River DCP 2020. - Development control plans: - Hurstville Development Control Plan No.1 - Planning agreements: Nil - Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil - 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	- Council assessment report: 13 May 2021 - Clause 4.4 Floor space ratio - Written submissions during public exhibition: 4
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	- Briefing: Wednesday, 18 November 2020 <u>Panel members</u>: Helen Lochhead (Chair), John McFadden, Ken McBryde, Con Hindi, Nick Katris <u>Council assessment staff</u>: Linley Love, Nicole Askew, Liam Frayn

		• Final briefing to discuss council's recommendation: Thursday, 13 May 2021 ○ <u>Panel members</u>: Helen Lochhead (Chair), John McFadden, Ken McBryde, Con Hindi, Nick Katris ○ <u>Council assessment staff</u>: Ryan Cole, Nichole Askew, Liam Frayne, Michael Hornery, Linley Love, Monica Wernej
9	COUNCIL RECOMMENDATION	Approval subject to conditions
10	DRAFT CONDITIONS	Attached to the council assessment report