

DETERMINATION AND STATEMENT OF REASONS

SYDNEY SOUTH PLANNING PANEL

DATE OF DETERMINATION	29 September 2021
PANEL MEMBERS	Helen Lochhead (Chair), Stuart McDonald, Susan Budd
APOLOGIES	None
DECLARATIONS OF INTEREST	<p>Heather Warton - I have a Conflict of interest (as I do work for the council on contract).</p> <p>Councillor Con Hindi – I declare a significant nonpecuniary interest on the basis that part of the development includes a portion of Council land and I will not partake in the deliberations of this proposed Development Application.</p> <p>Councillor Nick Katris – I declare a significant nonpecuniary interest on the basis that part of the development includes a portion of Council land and I will not partake in the deliberations of this proposed Development Application.</p>

Public meeting held by teleconference on 23 September 2021, opened at 10am and closed at 12pm

MATTER DETERMINED

PPSSSH-56 – GEORGES RIVER – DA 2021/0016 - 762 Forest Road PEAKHURST 2210 - Demolition works, construction of a hostel for use as seniors housing (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

The Panel is of the opinion that the clause 4.6 written requests have not demonstrated compliance with the height standards under the Seniors Housing SEPP is unreasonable or unnecessary, or that there are sufficient environmental planning grounds to justify the contraventions.

Development application

The Panel determined to refuse 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 not uphold the Clause 4.6 variation to building height standards, and refuse the application for the reasons outlined in the council assessment report and notably the following:

- The bulk and scale of the proposed development is excessive and does not maintain reasonable neighbourhood amenity and appropriate residential character in response to its setting in a low scale residential area and its relationship to the heritage item on the site.
- The proposed development does not meet various objectives and controls of the relevant environmental planning instruments and development control plan.
- The proposal has not been designed to satisfy key provisions of the Seniors Housing SEPP, including those related to design outcomes.
- The proposed design is inconsistent with the existing and anticipated, desired future character for development in this area.

- The proposal has failed to adequately address various technical issues including stormwater management, car parking design and waste management.

The Panel noted the public benefits of the proposed use but not at expense of compatibility with the neighbourhood. In consideration of the site's constraints, the proposal is fundamentally an over-development of the site. The number of outstanding issues still unresolved suggests a fundamental rethink of the proposal is needed, more in line with the SEPP objectives, the development standards and the neighbourhood character and constraints.




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:

- Building height, bulk, scale and impacts on streetscape
- Inconsistency with neighbourhood character
- Direct impacts on amenity of neighbours in terms of privacy, overlooking and overshadowing
- Traffic and parking congestion on the street and difficulty of servicing
- Plan of Management and staffing of facility,
- Social impacts of proposed hostel use and impacts of 24/7 operation
- Safety and security
- Acknowledgement of need for such hostel facilities but not appropriate in this location

The Panel notes that there were also several submissions in support of the proposed use, and the public benefit of the development in this locality.

The Panel considered on balance, notwithstanding the public benefit of the proposed use, that concerns raised by the community had not been adequately addressed by the application.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Stuart McDonald
 Susan Budd	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-56 – GEORGES RIVER – DA 2021/0016
2	PROPOSED DEVELOPMENT	Demolition of existing structures, retention of a heritage item and construction of hostel rooms for use as seniors housing
3	STREET ADDRESS	762-766 Forest Road & 21 Prospect Road, Peakhurst, NSW 2210 (Lot 8, DP 659072, Lot 1 DP 603371 & Lot 24 DP 12997) and portion of Council land
4	APPLICANT/OWNER	Applicant: Mrs Sonia Joy Fenton Owner: Sunny Super Pty Ltd ATF Sonia Fenton
5	TYPE OF REGIONAL DEVELOPMENT	CIV > \$5M - Council interest
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011; State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004; State Environmental Planning Policy (Infrastructure) 2007; State Environmental Planning Policy 55 – Remediation of Land; State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017; State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; Greater Metropolitan Regional Environmental Plan No 2— Georges River Catchment Hurstville Local Environmental Plan 2012 ('the LEP'); Draft Georges River Local Environmental Plan 2020; Draft State Environmental Planning Policy – Remediation of Land Draft Environment SEPP Draft Housing SEPP Hurstville Development Control Plan No.1; and Georges River Interim Policy Development Control Plan 2020. Draft environmental planning instruments: <ul style="list-style-type: none"> Draft State Environmental Planning Policy – Remediation of Land Draft Environment SEPP Development control plans: Nil 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	<ul style="list-style-type: none"> Council assessment report: 3 September 2021 Clause 4.6 request – Building Heights under Seniors Housing SEPP Written submissions during public exhibition: 132 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Lisa Dodd, Tracey Millman, Tina Talevsko, Joe & Georgina Puglisi, Clarissa Wikeepa, Liljana Talevski, Jasmin Papalia, Dorothy Coso, Baden Knight, William (Bill) Aston, Brad Parkes, David Barron on

		<p>behalf of The Sydney Alliance, Mandy Ajaka, Oliver Dimoski, Thomas Murphy</p> <ul style="list-style-type: none"> ○ Council assessment officer – Lisa Pemberton, Kim Johnston, Ryan Cole, Liam Frayne, Monica Wernej ○ On behalf of the applicant – Sonia Fenton, Abraham Badillo, Jeff Mead, Cameron Jones, Greg Jones, Graham Brooks
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: Thursday, 29 April 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Helen Lochhead (Chair) ○ <u>Council assessment staff</u>: Lisa Pemberton, Linley Love, Monica Wernej ○ <u>DPIE Staff</u>: Michelle Burns, Leanne Harris, Carolyn Hunt • Final briefing to discuss council's recommendation: Wednesday, 23 September 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Susan Budd ○ <u>Council assessment staff</u>: Lisa Pemberton, Kim Johnston, Ryan Cole, Liam Frayne, Monica Wernej ○ <u>Applicant representatives</u>: Sonia Fenton, Abraham Badillo, Jeff Mead, Cameron Jones, Greg Jones, Graham Brooks ○ <u>DPIE Staff</u>: Michelle Burns, Leanne Harris
9	COUNCIL RECOMMENDATION	Refusal
10	DRAFT CONDITIONS	N/A – Reasons for refusal provided in the assessment report