

BRIEFING DETAILS

BRIEFING DATE / TIME	Thursday, 29 July 2021, 9am – 11.20am
LOCATION	Teleconference

BRIEFING MATTER

PPSSSH-61 – Georges River – DA2020/0387

23 Dalcassia Street HURSTVILLE 2220

Demolition Works and Construction of a New Multi Storey Mixed Use Facility for Church and Community Purposes

PANEL MEMBERS

IN ATTENDANCE	Helen Lochhead (Chair), Stuart McDonald, Susan Budd, Con Hindi, Nick Katris
APOLOGIES	None
DECLARATIONS OF INTEREST	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).

OTHER ATTENDEES

COUNCIL ASSESSMENT STAFF	Nicole Askew, Ryan Cole, Liam Frayne, Linley Love, Monica Wernej
APPLICANT	<ul style="list-style-type: none"> • Oliver McGeachie- Client development manager • Michael Rowe, Ethos Urban • Simon Thorn, IDG architects In attendance during 9.45am and 10.30am
OTHER	Michelle Burns, Leanne Harris

KEY ISSUES DISCUSSED

- Key issue is permissibility – the residential use is not permissible and is not considered ancillary to the community use.
- The Panel needs to give due regard to the legal framework governing permissibility of the proposed uses. While the Council’s report supports a view that the residential component is not permissible under the current zoning, there may be other planning pathways to address the permissibility issue. However, this would be subject to the provision of adequate documentation to support the alternate pathway. No options were provided in the material that is currently before the Panel. Notwithstanding the permissibility issue, there are merit arguments that need to be further explored and assessed.
- The applicant provided legal advice following the publication of Council’s report and Council sought legal advice in response and provided a supplementary report. Neither the Applicant nor the Panel has been provided with the legal advice that the Council has relied upon to come to their recommendation.

- The Draft LEP (currently with DPIE for making) intends for the site to be zoned R4. If made in the current form, the residential component of the proposed development would be permissible with consent, however, the LEP would also introduce height and FSR controls that currently do not apply to this site.
- The Draft LEP contains savings and transitional arrangements for Development Applications made but not finally determined before the LEP is made.
- The Panel needing to be mindful of the potential implications of changes to the DA and whether it is substantially the same development – Cl 55. Environmental Planning and Assessment Regulation. This may necessitate the need for withdrawal and re-lodgment of a new DA.
- In addition to the permissibility, concerns were raised about the bulk and scale of the development and proposed and potential subdivision intentions.
- The Panel expressed their understanding and support for the mission of the Salvation Army but affirmed the Panel's need to work within the legal planning framework.

TENTATIVE PANEL MEETING DATE: N/A however the Panel expects for the legal advice to be obtained quickly and the Panel will reconvene to discuss this as soon as it is available.