

DATE OF DETERMINATION	24 May 2022
DATE OF PANEL DECISION	24 May 2022
DATE OF PANEL MEETING	24 May 2022
PANEL MEMBERS	Helen Lochhead (Chair), Stuart McDonald, Susan Budd, Nick Katris, Sam Stratikopoulos
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 24 May 2022.

MATTER DETERMINED

PPSSSH-90 – Georges River – DA-2021/0306 -43-49 Gover Street, Peakhurst 2210 – Demolition works, lot consolidation and construction of a three-storey residential flat building comprising 30 units, basement carpark and landscaping works.

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 Hurstville Local Environmental Plan 2012 (LEP), that has demonstrated that:

- compliance with cl4.3 (Height of Buildings) 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 (height of buildings) of the LEP and the objectives for development in the R3 Medium Density 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.

CONDITIONS

The development application was approved subject to the conditions in the council assessment report with the following amendments.

- Any references to superseded EPIs need to be updated in the Conditions of Consent.






CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the panel considered the (2) written submissions made during public exhibition.

The panel notes that issues of concern included:

- Increased traffic congestion on local streets
- Insufficient parking spaces provided in the development

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Stuart McDonald
 Susan Budd	 Nick Katris
 Sam Stratikopoulos	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSSH-90 – Georges River – DA-2021/0306
2	PROPOSED DEVELOPMENT	Demolition works, lot consolidation and construction of a three-storey residential flat building comprising of 30 units, basement carpark and landscaping works.
3	STREET ADDRESS	49 Gover Street, Peakhurst 2210
4	APPLICANT/OWNER	Applicant & Owner – Susanna Cheng / NSW Land & Housing Corporation
5	TYPE OF REGIONAL DEVELOPMENT	Crown development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 Environmental Planning and Assessment Regulation 2000 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Industry and Employment) 2021 State Environmental Planning Policy (BASIX) 2004 State Environmental Planning Policy (Affordable Rental Housing) 2009 State Environmental Planning Policy (Housing) 2021 Hurstville Local Environmental Plan 2012 Georges River Local Environmental Plan 2021 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> Hurstville Development Control Plan 1 (Amendment 6) Georges River Development Control Plan 2021 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Compliance with the National Building Code of Australia and Australian Standards for parts of the design Coastal zone management plan: N/A 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: 10 May 2022 Clause 4.6 Variation Request – building height 10 May 2022 Statement of Environmental Effects Registered survey Architectural Plan Traffic Impact Assessment report Stormwater Details and Plans SEPP 65 Design Verification Statement Geotechnical Report

		<ul style="list-style-type: none"> • Written submissions during public exhibition: 2
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 18 October 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Susan Budd ○ <u>Council assessment staff</u>: Linley Love, Ryan Cole ○ <u>DPIE</u>: Leanne Harris, Michelle Burns • Site inspection: Panel members visited the site individually on different days due to Covid-19 precautions. • Final briefing to discuss council's recommendation: 24 May 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Helen Lochhead (Chair), Stuart McDonald, Susan Budd, Nick Katris, Sam Stratikopoulos ○ <u>Council assessment staff</u>: Linley Love, Judy Clark, Nicole Askew ○ <u>DPIE</u>: Carolyn Hunt, Holly McCann
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report