

<b>DATE OF DETERMINATION</b>	Wednesday, 14 August 2019
<b>PANEL MEMBERS</b>	Helen Lochhead (Chair), Bruce McDonald, Nicole Gurrán, Con Hindi, Nick Katris
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Georges River Council, Hurstville Civic Centre, 24 Macmahon Street, Hurstville on 14 August 2019, opened at 3.05pm and closed at 4.30pm.

**MATTER DETERMINED**

2019SSH004 – Georges River – DA2018/0580 at 824-834 Forest Road, Peakhurst (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.

The panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

**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:

- a) compliance with cl. 4.6 is unreasonable or unnecessary in the circumstances; and
- b) there are sufficient environmental planning grounds to justify contravening the development standard

the panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) the development is in the public interest because it is consistent with the objectives of cl. 4.6 of the LEP and the objectives for development in the R3 zone; and
- c) the concurrence of the Secretary has been assumed.

**REASONS FOR THE DECISION**

- The Panel has considered the Applicants request to vary the development standard contained in CL 4.3 of Hurstville LEP 2012 relating to maximum building height and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the variation is of minor nature and will not generate unacceptable impacts on nearby premises. The proposed buildings are in keeping with the built form of the street and immediate locality and compatible with its desired future character. The variation also enables additional floor space provision for public and affordable rental housing under the provisions of the Affordable Rental Housing SEPP 2009. The variation remains consistent with the objectives of the standard and the R3 Medium Density Residential zone.

The Panel further considers;

- The proposed development will add to the supply and choice of public and affordable housing within the Georges River local government area and the Sydney South District in a location with ready access to transport services and the amenities offered within Peakhurst local centre.

- The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 55 (Remediation of Land), SEPP 65 -Design Quality of Residential Apartment Development and its associated Apartment Design Guide, SEPP-Affordable Rental Housing 2009, SEPP (Infrastructure) 2007, SEPP (Vegetation in Non- Rural Areas) and State Regional Environmental Plan No2- Georges River Catchment.
- In regard to SEPP Affordable Rental Housing the Panel considers that the design of the proposed development is compatible with the character of the local area.
- The proposal adequately satisfies the requirements and provisions of Hurstville LEP 2012 and Hurstville Development Control Plan No. 1 (Amendment 6).
- The proposed development subject to the conditions imposed will have no unacceptable adverse impacts on the natural or built environments including the amenity of existing or proposed nearby residential premises, the operation of the local road system or the visual significance of the nearby heritage listed church building.
- The proposed development is considered to be of a form and scale consistent with the existing and planned character of this locality and with appropriate presentation to this element of Forest Road.
- In consideration of these conclusions the Panel considers the proposed development is a suitable use of the site and approval of the proposal is in the public interest.

**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:

- Building Height
- Tree removal and destruction of surrounding environment
- Traffic and car parking impacts

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues appropriate conditions have been imposed.

PANEL MEMBERS	
 Helen Lochhead (Chair)	 Bruce McDonald
 Nicole Gurrán	 Con Hindi
 Nick Katris	

<b>SCHEDULE 1</b>		
<b>1</b>	<b>PANEL REF – LGA – DA NO.</b>	2019SSH004 – Georges River – DA2018/0580
<b>2</b>	<b>PROPOSED DEVELOPMENT</b>	Site amalgamation and construction of a four storey multi-unit housing development comprising a total of seventy-two (72) apartments in two separate buildings with an affordable housing component including twelve (12) dedicated social housing units and seventeen (17) affordable housing units, basement car parking for eighty-three (83) vehicles, communal open space and associated site works.
<b>3</b>	<b>STREET ADDRESS</b>	824-834 Forest Road, Peakhurst
<b>4</b>	<b>APPLICANT/OWNER</b>	Applicant: Mono Constructions Owner: Department of Housing
<b>5</b>	<b>TYPE OF REGIONAL DEVELOPMENT</b>	Private infrastructure and community facilities over \$5 million
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<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 No 55 – Remediation of Land.</li> <li>○ State Environmental Planning Policy (State and Regional Development) 2011</li> <li>○ State Environmental Planning Policy No.65 – Design Quality of Residential Apartment Development</li> <li>○ State Environmental Planning Policy (Affordable Rental Housing) 2009</li> <li>○ State Regional Environmental Plan No 2 – Georges River Catchment.</li> <li>○ State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.</li> <li>○ Draft Environment State Environmental Planning Policy</li> <li>○ Hurstville Local Environmental Plan 2012</li> <li>○ Georges River Section 94A Contribution Plan.</li> <li>○ Georges River Interim Policy</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Hurstville Development Control Plan 2012</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>
<b>7</b>	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<ul style="list-style-type: none"> <li>• Council assessment report: 31 July 2019</li> <li>• Clause 4.6 variation requests - height</li> <li>• Written submissions during public exhibition: 3</li> <li>• Verbal submissions at the public meeting:</li> </ul>

		<ul style="list-style-type: none"> <li>○ In support - Nil</li> <li>○ In objection – Nil</li> <li>○ Council assessment officer – Larissa Ozog</li> <li>○ On behalf of the applicant – Brad Delapierre, Ian Conry</li> </ul>
<b>8</b>	<b>MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL</b>	<ul style="list-style-type: none"> <li>● Site inspection: 14 August 2019</li> <li>● Briefing: 7 May 2019</li> <li>● Final briefing to discuss council’s recommendation, 14 August 2019, 2.30pm. Attendees: <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Helen Lochhead (Chair), Bruce McDonald, Nicole Gurrán, Con Hindi, Nick Katris</li> <li>○ <u>Council assessment staff</u>: Larissa Ozog</li> </ul> </li> </ul>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approval
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report