

**ELECTRONIC DETERMINATION OF THE
GEORGES RIVER LOCAL PLANNING PANEL
20 OCTOBER 2022
SCHEDULE 2, PART 5, ITEM 26 OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979 (NSW)**

Panel constituted by: Stephen Alchin (Chair), Julie Walsh (Expert), Awais Piracha (Expert) and Fiona Prodromou (Community Representative)

Development application: DA2021/0405

Proposal: Alterations and additions to a mixed-use development

Premises: CP/SP73411, 13-19 Hogben Street Kogarah

Determination

Refusal

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended, the Georges River Local Planning Panel, refuses Development Application DA2021/0405 for alterations and additions to a mixed-use development and stratum subdivision at CP/SP73412, known as 13-19 Hogben Street, Kogarah, for the following reasons:

1. The application did not provide information relevant to the Panel's assessment of the application, specifically: a current property survey; a report on the acoustic performance of the proposed development; plans which enabled an assessment of the impact of the proposed development on the privacy of occupants of adjoining buildings; a report addressing the impact of the proposal on solar access available to surrounding development and within the development; and plans showing the height and impact of the lift overrun.
2. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal is an inappropriate response to the site when considered against the Design Quality Principles of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development. The proposal fails to satisfy the visual privacy, communal open space, parking, storage, roof design and waste management design controls.
3. The proposed development is unsatisfactory having regard to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 in that the proposed development fails to provide any car parking spaces on the site to address the additional demand to be generated by the additional apartments proposed. The application relies on the approval and construction of a development on the adjacent site at No. 21 Hogben Street (REV2022/0001), which was refused by the Local Planning Panel on 1 September 2022. The proposal to use a deferred commencement mechanism creates uncertainty and risks fettering the ability of a future determining authority to make a decision in relation to development on adjoining land.

4. The proposed development is unsatisfactory having regard to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 in that the proposed development fails to satisfy the Kogarah DCP controls in relation to setbacks, articulation, façade design, car parking and storage and this failure results in adverse amenity and environmental impacts for future occupants and the community.
5. The proposed development fails to satisfy the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 in that the proposed built form of the development will be out of character with existing and recently approved developments and does not reflect the desired future character for development in the precinct and the new additions do not integrate harmoniously with the existing building.
6. The proposed development is unsatisfactory having regard to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 in that the proposed development in its current form is not suitable for the site.
7. The proposal would, if approved, establish an undesirable precedent in the area and is not in the public interest.

Date of Determination: 8 November 2022

Voting: Unanimous

Confirmed: Stephen Alchin (Chair), Julie Walsh (Expert), Awais Piracha (Expert) and Fiona Prodromou (Community Representative) as the constituted Georges River Local Planning Panel pursuant to Part 4 of the Environmental Planning and Assessment Act 1979 (NSW).

Dated: 8 November 2022



Stephen Alchin
Chairperson



Awais Piracha
Expert Panel Member



Julie Walsh
Expert Panel Member



Fiona Prodromou
Community Representative

**Declaration of Interest
Georges River Local
Planning Panel**

Panel Member Name:	Stephen Alchin
Meeting Date:	8 November 2022
Item Numbers:	• 13-19 Hogben Street Kogarah
In relation to the matters on this agenda, I declare that I have:	<input checked="" type="checkbox"/> No known conflict of interest
In relation to item number I have an actual¹ conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a potential² conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a reasonably perceived³ conflict of interest	<input type="checkbox"/> Conflict Details
Name of Panel Member	
Signature:	<i>Stephen Alchin 8/11/22</i>
Key of Terms:	
¹ An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties. ² A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future. ³ A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.	



**Declaration of Interest
Georges River Local
Planning Panel**

Panel Member Name:	Julie Walsh
Meeting Date:	8 November 2022
Item Numbers:	• 13-19 Hogben Street Kogarah
In relation to the matters on this agenda, I declare that I have:	<input checked="" type="checkbox"/> No known conflict of interest
In relation to item number I have an actual¹ conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a potential² conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a reasonably perceived³ conflict of interest	<input type="checkbox"/> Conflict Details
Name of Panel Member	JULIE WALSH
Signature:	
Key of Terms: ¹ An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties. ² A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future. ³ A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.	




**Declaration of Interest
Georges River Local
Planning Panel**

Panel Member Name:	Awais Piracha
Meeting Date:	8 November 2022
Item Numbers:	• 13-19 Hogben Street Kogarah
In relation to the matters on this agenda, I declare that I have:	<input checked="" type="checkbox"/> No known conflict of interest
In relation to item number I have an actual¹ conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a potential² conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a reasonably perceived³ conflict of interest	<input type="checkbox"/> Conflict Details
Name of Panel Member	
Signature:	
<p>Key of Terms:</p> <p>¹ An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties.</p> <p>² A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future.</p> <p>³ A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.</p>	



**Declaration of Interest
Georges River Local
Planning Panel**

Panel Member Name:	Fiona Prodromou
Meeting Date:	8 November 2022
Item Numbers:	<ul style="list-style-type: none"> • 13-19 Hogben Street Kogarah
In relation to the matters on this agenda, I declare that I have:	<input checked="" type="checkbox"/> No known conflict of interest
In relation to item number I have an actual¹ conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a potential² conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a reasonably perceived³ conflict of interest	<input type="checkbox"/> Conflict Details
Name of Panel Member	
Signature:	
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