

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

Panel constituted by: Stephen Alchin (Chair), Milan Marecic (Expert), Deborah Laidlaw (Expert) and Cameron Jones (Community Representative)

Development application: DA2021/0211

Proposal: Demolition works and construction of a residential flat building

Premises: Lots 8, 9 and 10 DP 17618, 2-6 Lacey Street Kogarah Bay

Statement of Reasons:

The reasons for this recommendation are:

- The proposal is an appropriate response to the “up-zoning” of the site (including increased Floor Space Ratio and height limits) afforded by the Kogarah “New City Plan”. The six (6) storey building will provide an effective interface between future development facing the Princes Highway and two (2) storey low density residential on the opposite side of Wyuna Street.
- The proposed development complies with the requirements of the relevant environmental planning instruments and development control plan.
- The proposal generally achieves compliance with the Apartment Design Guide with respect to both internal and external amenity.
- The proposed design has been sensitively considered to be consistent with the anticipated desired future character for development in this area.
- The proposal has effective façade modulation and wall articulation that will serve to provide visual interest and reduce the bulk of the building.
- The proposal aims to provide a high-quality building that will establish a positive urban design outcome, setting the architectural and planning precedent in the area.

Determination:

Approval

Pursuant to Section 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979, Development Application DA2021/0211 for the site consolidation, tree removal demolition of existing structures and construction of a six (6) storey Residential Flat Building development comprising 24 residential apartments at Lots 8, 9 and 10 in DP17618 known as 2-6 Lacey Street, Kogarah Bay, is granted Development Consent subject to:

The Conditions recommended in the report to the Electronic Georges River Local Planning Panel meeting of 21 February 2022, subject to the amendments as follows:

Include additional condition 63A to read as follows:

63A. Allocation of visitor parking spaces

Visitor car parking associated with the development is to be allocated as follows:

Residential visitors: Five (5) parking spaces

Amend condition 1 to read as follows:

- 1. Approved Plans** - The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Notes	DA-A-001	19/5/21	C	Smith & Tzannes
Site Plan	DA-A-010	12/4/21	B	Smith & Tzannes
Basement C2	DA-A-100	22/11/21	E	Smith & Tzannes
Basement C1	DA-A-101	22/11/21	E	Smith & Tzannes
Level 0 (Ground)	DA-A-102	22/11/21	D	Smith & Tzannes
Level 1	DA-A-103	22/11/21	D	Smith & Tzannes
Levels 2-3	DA-A-104	22/11/21	D	Smith & Tzannes
Level 4	DA-A-105	22/11/21	D	Smith & Tzannes
Level 5	DA-A-106	22/11/21	D	Smith & Tzannes
Level 6	DA-A-107	22/11/21	D	Smith & Tzannes
Roof	DA-A-108	22/11/21	D	Smith & Tzannes
Adaptable and Silver Apartments	DA-A-109	12/4/21	B	Smith & Tzannes
Demolition Plan	DA-A-110	12/4/21	B	Smith & Tzannes
Excavation Plan	DA-A-111	12/4/21	B	Smith & Tzannes
Section NE-SW	DA-A-200	22/11/21	D	Smith &

				Tzannes
Section SW-NE	DA-A-201	22/11/21	D	Smith & Tzannes
Section Entry Ramp	DA-A-202	19/5/21	C	Smith & Tzannes
Section Entry Ramp	DA-A-203	19/5/21	C	Smith & Tzannes
Elevation NW	DA-A-204	22/11/21	C	Smith & Tzannes
Elevation SW	DA-A-205	22/11/21	D	Smith & Tzannes
Elevation NE	DA-A-206	22/11/21	D	Smith & Tzannes
Elevation SE	DA-A-207	22/11/21	D	Smith & Tzannes
Soil Depth/NW Boundary	DA-A-208	22/11/21	A	Smith & Tzannes
Façade Details	DA-A-208	12/4/21	B	Smith & Tzannes
Façade Details	DA-A-209	12/4/21	B	Smith & Tzannes
Landscape Plans	Sheets 1-3	6/9/21	F	Paul Scrivener Landscape

Amend condition 14 to read as follows:

- 14. Required design changes** – The following changes are required to be made and shown on the Construction Certificate plans to the satisfaction of the Principal Certifier:
- a) The basement levels are to be reduced in size in the northern corner to achieve further deep soil, in the following manner:
 - i) Basement Level C2 – deletion of parking spaces 19 and 20
 - ii) Basement Level C1 – deletion of parking spaces 1 (visitor/car wash) and loading bay
 - b) The approved Landscape Plan is to be amended to provide additional planting in the deep soil area and this additional area is to be turfed and landscaped not paved. A minimum of four (4) additional *Elaeocarpus Reticulatus* are to be planted along the NW and NE boundaries in the corner of the site for additional screening.
 - c) The garbage chute collection function on Basement Level C1 is to be enclosed and separated from the bin storage area to ensure resident safety

Amend condition 24 to read as follows:

24. Pre-Construction Dilapidation Report - Private Land - A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises including but not limited to:

- a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.
- b) Nos. 186-188 Princes Highway, Kogarah Bay.
- c) No. 190 Princes Highway, Kogarah Bay.

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

Amend condition 25 to read as follows:

25. Structural engineering assessment - Prior to the issue of any Construction Certificate, a Structural Engineering assessment report accompanied by working drawings and specifications, must be submitted to the satisfaction of Council and must demonstrate the measures that will be implemented, together with the methodology for undertaking excavation works both within the vicinity and adjacent to the heritage item at Nos. 186-188 Princes Highway Kogarah Bay.

The Structural Engineering assessment report, working drawings and specifications, must:

- a) Be prepared by a suitably qualified Structural Engineer with demonstrated experience in dealing with items of heritage significance and heritage fabric; and
- b) Demonstrate that the heritage item can be retained in a safe manner that will not require material affectation (such as deconstruction, new penetrations or the like) to otherwise underpin, support or ensure the retention; and
- c) Demonstrate and certify that the excavation works will not cause material

damage in part or in full of any section of the building, its footings or substrate, as shown on the approved to be retained.

The consent of the adjoining owner will be required for any works upon any adjoining property as well as any approvals separately required under the Environmental Planning and Assessment Act for those works.

Amend condition 64 to read as follows:

64. Post Construction Dilapidation report – Private Land - At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the following adjoining premises:

- a) All neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.
- b) Nos. 186-188 Princes Highway, Kogarah Bay.
- c) No. 190 Princes Highway, Kogarah Bay.

The report is to be prepared at the expense of the applicant and submitted to the PCA prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damaged has occurred to the adjoining premises, the PCA, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the PCA prior to the issue of any Occupation Certificate

Date of Determination: 21 February 2022

Voting: Unanimous

Confirmed: Stephen Alchin (Chair), Milan Marecic (Expert), Deborah Laidlaw (Expert) and Cameron Jones (Community Representative) as the constituted Georges River Local Planning Panel pursuant to Part 4 of the Environmental Planning and Assessment Act 1979 (NSW).

Dated: 21 February 2022



Stephen Alchin
Chairperson



Deborah Laidlaw
Expert Panel Member



Milan Marecic
Expert Panel Member



Cameron Jones
Community Representative