

**ELECTRONIC DETERMINATION OF THE GEORGES RIVER LOCAL PLANNING
PANEL
8 DECEMBER 2020
SCHEDULE 2, PART 5, ITEM 26 OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979 (NSW)**

Panel constituted by: Adam Seton (Chair), John Brockhoff (Expert), Helen Deegan (Expert) and Fiona Prodromou (Community Representative)

Development application: DA2019/0199

Proposal: Demolition of existing structures, lot consolidation and construction of a three storey residential flat building containing eight (8) apartments with basement car parking catering for a total of twelve (12) vehicles, roof top area of open space, landscaping and site works

Premises: Lot 1 and 2 DP 308338, 14-16 George Street Mortdale

Determination: The Panel is satisfied that:

1. The applicant's written request under Clause 4.6 of the Hurstville Local Environmental Plan 2012 seeking to justify a contravention of Clause 4.3 Height of Buildings development standard has adequately addressed and demonstrated that:
 - (a) Compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
 - (b) There are sufficient environmental planning grounds to justify the contravention.
2. The proposed development will be in the public interest because it is consistent with the objectives of the standards and the objectives for development within the zone in which the development is proposed to be carried out.

Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW) conditional development consent is **granted** to Development Application DA2019/0199 for demolition of existing structures and construction of a new three (3) storey residential flat building comprising eight (8) dwellings and basement car parking for twelve (12) vehicles, rooftop open space, landscaping and associated site works at Lots 1 and 2 in DP308338 and known as 14-16 George Street, Mortdale, in accordance with the conditions included in the report.

Date of Determination: 8 December 2020

Voting: Unanimous

Statement of Reasons:

This Development Application was initially deferred on 5 November 2020 to allow the applicant provide amended plans. Amended plans were received by Council on 17 November 2020

The Panel accepts the matters raised for reasons for deferral by the Panel at its meeting of 5 November 2020 have been satisfactorily addressed and concurs with the recommendation of Council to approve the proposal for the following reasons:

- The proposed RFB development is a permissible use within the R3 Medium Density Residential Zone within the Hurstville Local Environmental Plan 2012.
- The amended design is suitable for the subject site and improves the visual appearance, aesthetics and materiality of the scheme.
- The amended proposal provides a good level of amenity for future occupants and results in minimal adverse material impacts on adjoining properties and surrounding development.
- The building exceeds the height control however the variation is considered to be minor and only affects the lift overrun, staircase, mechanical vent and a small section of the pergola roof above the area of communal open space. The variation is considered to be acceptable and reasonable given there is no impact on the amenity of the streetscape and adjoining properties and all habitable areas are within the height limit. The roof terrace is centralised and its visibility minimised.
- The site fails to satisfy the minimum frontage width of 24m. The shortage is some 8% non-compliance and the 20m frontage is similar to frontages of adjoining properties (12 George Street). The narrower frontage does not create any isolated sites and still allows for redevelopment to the west of suitably sized buildings with a compliant site frontage.
- Despite the non-compliance with some elements of the design when assessed against the ADG (separation distances) the proposal is in keeping with the character, scale and context of medium density development in the streetscape and should have a positive contribution to the streetscape. The proposal will enhance the appearance of the site and is in keeping with the desired future character of the area and locality.

Confirmed: Adam Seton (Chair), John Brockhoff (Expert), Helen Deegan (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).

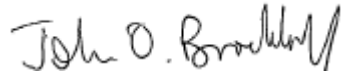
Dated: 8 December 2020



Adam Seton
Chairperson



Helen Deegan
Expert Panel Member



John Brockhoff
Expert Panel Member



Fiona Prodromou
Community Representative