

**ELECTRONIC DETERMINATION OF THE GEORGES RIVER LOCAL PLANNING
PANEL
1 JULY 2021
SCHEDULE 2, PART 5, ITEM 26 OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979 (NSW)**

Panel constituted by: Sue Francis (Chair), John Brockhoff (Expert), Michael Leavey (Expert) and Annette Ruhotas (Community Representative)

Development application: DA2020/0144

Proposal: Demolition, lot consolidation and construction of a residential flat building, landscaping and site works

Premises: Lot 1 DP 655948, Lot 2 DP 658231 and Part 3 Section 17 DP 1963, 192-196 Princes Highway Kogarah Bay

Determination: The Panel is satisfied that:

1. The applicant's written request under Clause 4.6 of the Kogarah 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) the Georges River Local Planning Panel **approve** Development Application DA2020/0144 for demolition, lot consolidation and construction of a residential flat building, landscaping and site works at Lot 1 DP 655948, Lot 2 DP 658231 and Part 3 Section 17 DP 1963 and known as 192-196 Princes Highway, Kogarah Bay, in accordance with the conditions circulated to the Panel.

Date of Determination: 1 July 2021

Voting: Unanimous

Statement of Reasons:

This Development Application was initially deferred on 18 March 2021 to submit amended plans incorporating the following within 30 days:

- 1) *Submission of an amended Clause 4.6 Variation in relation to the height building control which should include shadow diagrams which depict the impact of the area of the breach as compared to the impact of the development as a whole.*
- 2) *Provide evidence of compliance with the FSR standard by way of a surveyor certificate and associated GFA calculations plans.*
- 3) *All plans to be amended to include full dimensions and setbacks to each boundary.*
- 4) *Amendments to the architectural roof plan to include fixed seating within the communal open space and is to be consistent with the detail as shown on the landscape plan.*
- 5) *Provide details on the architectural plans of the screening treatment to all elevations including which panels are fixed and which are movable.*

The applicant provided additional information in response to the reasons for deferral.

- The Panel considered the Officer's report recommending refusal of the matter however, the proposal has satisfied the matters for deferral previously resolved by the Panel dated 18 March 2021.
- The proposed development complies with the requirements of the relevant environmental planning instruments except in the height of the development. A Clause 4.6 exception has been submitted in support of the application which is considered to acceptable having regard to the justification provided in the report above.
- The proposed development satisfies the objectives of the R3 Medium Density Residential zone of the Kogarah Local Environmental Plan 2012 which emphasises the housing needs of the community and provides a variety of housing types within the medium density residential environment.
- The proposed development will be compatible with existing and future surrounding development and uses.
- The building will not unreasonably affect the amenity of any immediately adjoining properties in terms of unreasonable overlooking, overshadowing or view loss.

Confirmed: Sue Francis (Chair), John Brockhoff (Expert), Michael Leavey (Expert) and Annette Ruhotas (Community Representative) as the constituted Georges River Local Planning Panel pursuant to Part 4 of the Environmental Planning and Assessment Act 1979 (NSW).

Dated: 1 July 2021

Sue Francis
Chairperson

John Brockhoff
Expert Panel Member



Michael Leavey
Expert Panel Member



Annette Ruhotas
Community Representative