

**DETERMINATION OF THE GEORGES RIVER LOCAL PLANNING PANEL
1 FEBRUARY 2019**

Panel Constituted by: Adam Seton (Chair), John Brockhoff (Expert), Michael Leavey (Expert), Annette Ruhotas (Community Representative)

Development Application No: DA2018/0217

Proposed Development: Lot consolidation, demolition of all buildings, construction of a part 4/part 5 storey residential flat building containing twenty three units, basement parking, service provision, drainage and landscaping works

Premises: 1-5 James Street Blakehurst

Determination

Approval

1. In relation to the contravention by the development in Development Application No. DA2018/0217 of the maximum height development standard of 15 metres imposed by clause 4.3 of Kogarah Local Environmental Plan 2012 (“KLEP 2012”), the Panel is satisfied that:

- (i) the applicant’s written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of KLEP 2012, and
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within Zone R3 Medium Density Residential of KLEP 2012.

2. Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2018/0217 for lot consolidation, demolition of all buildings, construction of a part 4/part 5 storey residential flat building containing twenty three units, basement parking, service provision, drainage and landscaping works at Lot 1 DP 124073 and Lots B and C DP 340256 and known as 1-5 James Street, Blakehurst is determined by granting consent to the application subject to the conditions recommended in the “Electronic Report to Georges River Local Planning Panel Following Deferral from meeting of 13 December 2018” except that the following condition is added:

40A Use of rooftop open-space - A Plan of Management (POM) for use of the rooftop open space must be submitted for approval of the Council. The POM must outline the:

- (i) hours of use of the rooftop deck which shall be restricted from 8.00am until 10.00pm;
- (ii) maximum number of users at any one time;
- (iii) provisions for no amplified music to be played; and

- (iv) identify other measures to ensure that the amenity of persons within the development and in nearby existing and future development is maintained.


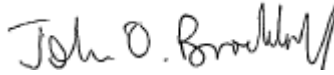


The approved POM shall be incorporated into the owners corporation by-laws in any future strata subdivision and a sign in the front entry of the building shall be included to ensure the use of this space is monitored and understood by all occupants.

Date of Determination: 7 February 2019

Voting: The decision of the Panel was unanimous.

Statement of Reasons

1. The proposed development generally complies with the requirements of the relevant environmental planning instruments and development control plan except for the maximum height development standard imposed by clause 4.3 of KLEP 2012.
2. The contravention of the maximum height development standard relates to the lift overrun and top of the parapet at 2 points and does not cause any additional overshadowing, visual impact or loss of privacy on adjoining properties and open space areas.
3. The design of the development is considered to be of an appropriate scale and intensity and is compatible with the desired future character of the local area.
4. Subject to the implementation of the recommended conditions, the development will have no unacceptable adverse impacts upon the natural or built environment
5. The proposed development is a suitable and planned use of the site and its approval is in the public interest.

 <p>Adam Seton Chairperson</p>	 <p>John Brockhoff Expert Panel Member</p>
 <p>Michael Leavey Expert Panel Member</p>	 <p>Annette Ruhotas Community Representative</p>