

**DETERMINATION OF THE GEORGES RIVER LOCAL PLANNING PANEL
5 JUNE 2019**

Panel Constituted by: Adam Seton (Chair), Milan Marecic (Expert), Michael Leavey (Expert), Cameron Jones (Community Representative)

Development Application No: DA2018/0368

Proposed Development: Demolition of all existing structures and construction of eleven (11) storey residential flat building containing sixty one (61) residential units over three and a half (3.5) levels of basement parking containing sixty nine (69) car spaces

Premises: 80-84 Regent Street Kogarah

Determination

Approval

1. In relation to the contravention by the development in Development Application No. DA2018/0368 of the maximum height development standard of 33 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 R4 High 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 DA2018/0368 for the demolition of all existing structures onsite and construction of a 11 storey residential flat building containing sixty one (61) residential units over three and a half (3.5) levels of basement parking containing sixty nine (69) car spaces on Lot 1 DP1084126, Lot 1 DP 97476 and Lot 139 DP1388 and known as 80–84 Regent Street, Kogarah, 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 At 4 April 2019" except that the words "fifth floor" wherever they appear in Condition 100 are deleted.

Date of Determination: 11 June 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 except for the 33m maximum building height development standard imposed by clause 4.3 of KLEP 2012.
2. The contravention of the maximum height development standard relates generally to the lift overrun and stairs providing access to the communal open space on the roof top, as well lightweight structures in the communal open space area. The Panel accepts that the apartments are generally within the 33m maximum building height, with the exception of a portion of the top of the window to the north eastern apartment due to a small "dip" in the site directly below this point. The height exceedance does not cause any additional overshadowing, visual impact or loss of privacy on adjoining properties and open space areas.
3. The Panel notes that the proposed development presents minor variations to the provisions of the apartment design guide (ADG) and Kogarah North Development Control Plan relating to minimum building separation, minimum dimension of deep soil area, maximum number of units permitted with no direct solar access and the minimum site frontage for the development and considers that the variations are justified on the basis of site orientation and the dedication of part of the land for road widening. The Panel notes that the development site does not comply with the minimum site frontage control of 60m as outlined in Part E4 of Kogarah DCP 2013 but considers that the proposed development meets the objectives of the control and results in an appropriate built form outcome.
4. 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.
5. Subject to the implementation of the recommended conditions, the development will have no unacceptable adverse impacts upon the natural or built environment
6. The proposed development is a suitable and planned use of the site and its approval is in the public interest.



Adam Seton
Chairperson



Milan Marecic
Expert Panel Member



Michael Leavey
Expert Panel Member



Cameron Jones
Community Representative