

REPORT TO GEORGES RIVER COUNCIL

LPP MEETING OF THURSDAY, 05 AUGUST 2021

LPP Report No	LPP036-21	Development Application No	PP2017/0005
Site Address & Ward Locality	53A-59A Gloucester Road Hurstville Hurstville Ward		
Proposed Development	Planning Proposal to amend the Hurstville Local Environmental Plan (LEP) 2012 (or Georges River LEP 2020, if gazetted) to permit a residential care facility with a maximum floor space ratio (FSR) of 1.6:1 and a maximum height of buildings (HOB) ranging from 12m, 14m and 16.9m at 53A - 59A Gloucester Road, Hurstville		
Owners	Regis Aged Care Pty Ltd		
Applicant	Regis Aged Care Pty Ltd		
Planner/Architect	Mecone		
Date Of Lodgement	17/11/2017		
Submissions	N/A		
Cost of Works	N/A		
Local Planning Panel Criteria	Direction from the Minister for Planning and Open Spaces under Section 9.1 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the Charter of the Georges River Council Local Planning Panel (LPP) 2018 which both specify that the Planning Proposal is to be referred to the LPP before it is forwarded for Gateway Determination (approval).		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	N/A to Planning Proposals		
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Report to LPP 6 May 2021; Attachment 2 - Final Response to LPP – 1 July 2021; Attachment 3 – Indicative Architectural Concept – September 2020; Attachment 4 – Draft Site Specific DCP – July 2021 (NOTE: Refer to the Planning Proposals page on Council's website for all the attachments)		
Report prepared by	Senior Strategic Planner		

Recommendation	<ol style="list-style-type: none"> 1. That the Georges River Local Planning Panel recommends that Council endorse the forwarding of Planning Proposal PP2017/0005 to the NSW Department of Planning, Industry and Environment (DPIE) to request a Gateway Determination under Section 3.33 of the EP&A Act 1979 for an amendment to the Hurstville Local Environmental Plan (LEP) 2012 (or Georges River LEP 2020, if gazetted), to permit a residential care facility with a maximum floor space ratio (FSR) of 1.6:1 and a maximum height of building (HOB) ranging from 12m, 14m and 16.9m at Nos. 53A-59A Gloucester Road, Hurstville. 2. That the Georges River LPP further recommends to Council that Council request as a condition of the Gateway
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	Determination that the increase in FSR and maximum building height on the subject site is linked to a residential care facility land use only.	
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Site Plan



Executive Summary

1. This report has been prepared following the deferral of Planning Proposal No PP2017/0005 by the Georges River Local Planning Panel (LPP) on 6 May 2021 for the proponent to submit additional documentation including justification for the implications of heights and setbacks for the adjoining sites and future developments, provisions of the Housing for Seniors or People with a Disability SEPP and the draft Housing Diversity SEPP, and the submission of a draft site specific DCP.
2. The additional information was submitted by the proponent on 1 July 2021.
3. This report has undertaken an assessment of the additional information provided by the proponent to address the deferral reasons.

Report in Full

Background

4. A Planning Proposal request (PP2017/0005) was submitted by the RPS Group on 17 November 2017 that seeks to amend the Hurstville LEP 2012 in relation to 53A – 59A Gloucester Road, Hurstville (Lot 10 in Deposited Plan 1077198 and Lot Y in Deposited Plan 411930). Since lodgement, the proposal has been modified on multiple occasions. The current version submitted by Mecone (who has replaced RPS Group as consultant planner) in April 2021, seeks to permit a residential care facility with a floor space ratio (FSR) of 1.6:1 and a maximum building height ranging from 12m, 14m and 16.9m.
5. The Planning Proposal was accompanied by the following documents:
 - Planning Proposal, prepared by Mecone
 - Indicative Architectural Concept, prepared by O'Neill Architecture
 - Site Survey, prepared by RPS
 - Transport Impact Assessment, prepared by JMT Consulting
 - Urban Design Principles, prepared by Mecone and O'Neill Architecture
 - Landscape Statement, prepared by Arcadia
6. The concept scheme in its amended form was subsequently peer reviewed by Architectus (on behalf of Council) in December 2019 and April 2020. The most recent iteration of the Architectural Concept Scheme was considered appropriate for the site. The Indicative Development Concept, guided by the Indicative Architectural Concept as presently proposed, provides for the following:
 - a. Demolition of existing structures and excavation to facilitate the delivery of a basement;
 - b. Construction of a part 3 and part 4 storey residential aged care facility with a Gross Floor Area (GFA) of 8,203sqm (FSR 1.6:1) comprising:
 - i. 94 residential care beds;
 - ii. 16 dementia beds;
 - iii. Communal facilities;
 - iv. Staff amenities;
 - v. Ancillary uses including a café, hairdresser, day spa and function rooms;
 - c. A basement with 41 vehicular spaces, comprising:
 - i. 20 staff spaces;
 - ii. 11 residential spaces;
 - iii. 10 additional spaces above the minimum requirement; and
 - iv. Provision of outdoor communal areas and landscaping.
7. The LPP considered a report at its meeting held 6 May 2021 that recommended that the LPP support the Planning Proposal to amend the Hurstville LEP 2012 (or Georges River LEP 2020, if gazetted), so as to permit a residential care facility with a maximum FSR of 1.6:1 and a maximum building height ranging from 12m, 14m and 16.9m at Nos. 53A-59A Gloucester Road, Hurstville and that the Planning Proposal be forwarded to the Minister for Planning and Public Places for a Gateway Determination under Section 3.34 of the EP&A Act. The report further recommended that the Gateway Determination include a condition that the increase in FSR and height on the subject site is linked to a residential care facility land use only.
8. A copy of the report that was considered by LPP on 6 May 2021 is contained in **Attachment 1** to this report.

9. A copy of the attachments to the report that LPP considered on 6 May 2021 are contained on Council's website at <https://www.georgesriver.nsw.gov.au/Development/Planning-Controls/Planning-Proposals/Planning-proposals-Hurstville-wards-en/Planning-proposal-for-53a-59a-Gloucester-Rd,-Hurstville>

Outcome of LPP consideration of Report – 6 May 2021

10. In considering the Planning Proposal at its meeting held 6 May 2021, the LPP deferred the matter requesting additional information as detailed below:

The Panel notes:

1. *The proposal results in adhoc zoning outcomes in relation to the surrounding zones (R2, R3, B1 and SP2) and built form uniformity. In particular having regard to a maximum height of the proposal.*
2. *Ideally the consideration of the Planning Proposal and rezoning would apply to the block bounded by Ruby Street, Millet Street, Pearl Street and Gloucester Road Hurstville in relation to the strategic planning intentions for this part of the Local Government Area.*

The Panel defers the Planning Proposal subject to:

1. *Further consideration by the proponent of the Planning Proposal to assess and provide a further submission to the Panel that address the relationship of the future built form/development in regard to:*
 - a. *Distribution of heights and implications for adjoining sites and potential future developments.*
 - b. *Setbacks in relation to the adjoining sites and potential future developments.*
 - c. *The provisions of the Housing for Seniors or People with a Disability SEPP and the draft Housing Diversity SEPP.*
2. *The submission of a Draft Development Control Plan that articulates a, b and c above.*

Response to LPP comments dated 6 May 2021

11. A response to the issues raised by the LPP as notes and deferral reasons has been structured in the following way. A response by the proponent and Council is provided to each of the points raised by the LPP, followed by a recommendation for any change to the Planning Proposal. The supporting documents are listed in the title page of this report and are available on Council's Planning Proposal page.

Panel Note One

The proposal results in adhoc zoning outcomes in relation to the surrounding zones (R2, R3, B1 and SP2) and built form uniformity. In particular having regard to a maximum height of the proposal.

Proponent Response:




12. The subject site is zoned R2 Low Density Residential and is surrounded predominantly by R2 zoned land with the exception of a R3 medium density zone at the northwest of the subject site (Refer to **Figure 1**).

13. The R2 zone comprises a maximum building height of 9m (Refer to **Figure 2**) which is equivalent to 3 storeys. The proposed building envelope predominantly reaches 14m or three storeys (as a residential care facility, the development is to have a minimum floor height of 3.4m). The fourth storey is proposed in the central portion of the floorplate and reaches 16.33m.
14. The fourth storey is setback from the building line to minimise its visibility from the surrounds. The proposal includes sufficient setback which provides a balanced transition between built forms and the distribution of building heights have been shown in **Figure 3** below.
15. The proposal does not seek to rezone the site however, it does propose an additional permitted use for seniors housing across the site pursuant to Schedule 1 of the LEP. It is not uncommon for health or social infrastructure of a larger scale, such as the proposed development, to be located within low density residential areas provided they remain compatible with the prevailing and desired character of the locality. This is evidenced by the Hurstville Private Hospital immediately to the south of the site.
16. A draft DCP has been prepared (**Attachment 4**) which prescribes the specific design controls and urban design principles that shall govern the future development of the site. This site-specific DCP and controls provided within have been prepared to ensure that any future development of the site would not result in any unreasonable environmental or amenity impacts on surrounding properties. Further, these controls will ensure that the future development of the site achieves an optimal urban design outcome which is compatible with the established and desired future character of the neighbourhood.
17. As illustrated in **Figure 4** below, the draft DCP identifies the location of the allowable built form and maximum number of storeys across the site.
18. Architectus' May 2020 assessment concludes that they are supportive of the indicative internal floor plans and the amenity provided and that the Gloucester Road address is supported in responding to the form and character of the single detached dwellings along Gloucester Road.

Council response:

19. The subject site is zoned R2 Low Density Residential, and the block is zoned a mix of R2 Low Density Residential, R3 Medium Density Residential, B1 Neighbourhood Centre and SP2 Infrastructure - Hospital
20. **Figures 1 and 2** indicate the existing zonings and heights and FSRs applying to the subject site and adjoining lands. **Figure 3** indicates the proposed heights over the subject site. As illustrated in **Figure 3**, the tallest proposed height (16.33m) in the concept scheme; is located in the central portion of the floorplate. It is setback from the building line to minimise its visibility from the streetscape.
21. The Panel is to note that this part of the Hurstville will be investigated as part of preparing the Stage 2 of the Commercial Centres Strategy and the LEP 2023 and the outcomes may

result in amendments in zoning and planning controls and/or identification for investigating future housing supply beyond 2025.

Planning Control	Mapping Extract
<p>Land Use Zone</p> <p>Subject site: R2 Low Density</p> <p>Zones in the block:</p> <p>R2 Low Density</p> <p>R3 Medium Density Residential</p> <p>B1 Neighbourhood Centre</p> <p>SP2 Infrastructure-Hospital</p>	 <p>Figure 1 Existing Zoning Map Source: Mecone/HLEP 2012</p>
<p>Height of Building</p> <p>Subject site: 9m</p> <p>Heights in the block: 9m, 12m and no height</p>	 <p>Figure 2 Existing Height of Buildings Development Standard Map Source: Mecone/HLEP 2012</p>
<p>Height for subject site:</p> <p>12m, 14m and 16.9m</p>	 <p>Figure 3 Maximum Building Height Map – 53A-59A</p>

Planning Control	Mapping Extract
	Gloucester Road Source: Mecone/HLEP 2012

Panel Note Two

Ideally the consideration of the Planning Proposal and rezoning would apply to the block bounded by Ruby Street, Millet Street, Pearl Street and Gloucester Road Hurstville in relation to the strategic planning intentions for this part of the Local Government Area.

Proponent Response:

22. Mecone, on behalf of Regis, made a submission to the draft Georges River Local Strategic Planning Statement (LSPS) on 7 August 2019. Council confirmed to Mecone that the subject site was to be excluded in their comprehensive LEP update and the pathway of a site-specific planning proposal was recommended.
23. Given the nature of the proposed development as health and social infrastructure and strategic directions for the surrounding residential land, there is no identifiable reason why this proposal cannot be considered and proceed in an isolated manner without inclusion of the surrounding residential land.

Council response:

24. Council has no current plans to investigate the extension of the Hurstville City Centre until mid-2023. This is reflected in the Georges River LSPS which does not identify the site or the immediate surrounds as an area for change, or investigation. In this light, the proponent has opted to proceed with the planning proposal.
25. As discussed in Council response to Panel Note One (above), this part of the Hurstville will be investigated as part of preparing the Stage 2 of the Commercial Centres Strategy and the LEP 2023 and the outcomes may result in amendments in zoning and planning controls and/or identification for investigating future housing supply beyond 2025.

Deferral Reason One (a)

Further consideration by the proponent of the Planning Proposal to assess and provide a further submission to the Panel that address the relationship of the future built form/development in regard to:

- a. *Distribution of heights and implications for adjoining sites and potential future developments.*

Proponent Response:

26. The Planning Proposal will facilitate the delivery of a building with a perceptible height of three (3) storeys and a maximum height of four (4) storeys. A Height in Storeys Map has been prepared as shown in **Figure 4**, which illustrates the distribution of heights and the heights of the adjoining properties. This figure has been provided as a building height and distribution control within the draft site-specific DCP prepared (**Attachment 4**).
27. The proposed building height distribution has been developed to minimise overshadowing impacts to the surrounding area and create a perceptible height that is in keeping with the predominant two to three storey heights in the surrounds.
28. The proposed building envelope for the residential care facility includes 12m, 14m and 16.9m building heights as illustrated in **Figure 3**. The building envelope reaches a maximum

height of 16.88m in the location of the lift core that occupies the western portion of the floorplate which is not perceptible from street level. The envelope's building height predominantly reaches 14m (3 storeys). A fourth storey proposed in the central portion of the floorplate that reaches 16.33m is setback from the building line to minimise its visibility from the surrounds.

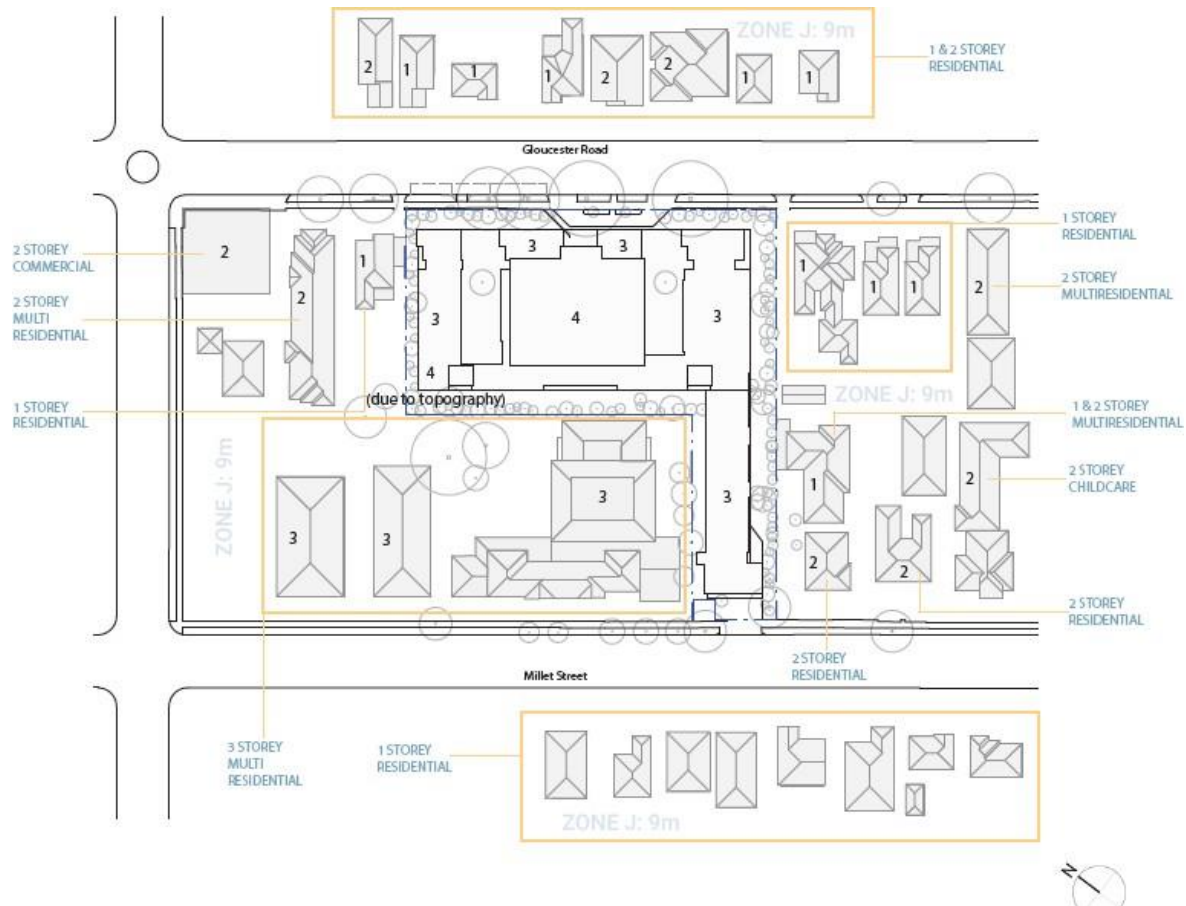


Figure 4 Height in storeys
Source: O'Neil Architecture

29. The indicative massing strategy consists of concentrating the greatest bulk within the site's centre and a reduced scale at the street frontages and sufficient setbacks where the site interfaces with the residential development. Detailed overshadowing analysis was conducted that concludes the surrounding properties will continue to receive adequate solar access at mid-winter.
30. The scheme was reviewed by Architectus in December 2019 and April 2020, who concluded that the scheme is generally satisfactory, subject to the resolution of setbacks, articulation and solar access. Again, the draft DCP includes detailed controls that address these concerns and ensures the amenity of adjoining properties would be protected.
31. As detailed in Deferral Reason One (b) below, Pages 34-41 of the Indicative Architectural Concept (**Attachment 3**) provides elevations, sections and detailed boundary section plans which illustrate the proposed building heights interface and relationship with not only the existing adjoining development, but also potential future development and heights that could be achieved under the current planning controls. In this respect, it is important to note that transition of building heights has been made in these plans, complemented by the setbacks and building separations that will mitigate any potential impacts from the building heights at these interfaces.

Council Response:

32. The design concept scheme for the Planning Proposal has been the subject of detailed review. It was considered by the Georges River Design Review Panel in May 2018 who did not support the scheme in the form it was submitted, due to its inconsistency with the provisions of SEPP 65. The design scheme was amended and peer-reviewed by Architectus (on behalf of Council) in December 2019 and April 2020. The building form facing Gloucester Road is in a W-form (**Figure 4**) and supports the single detached dwellings along Gloucester Road. The gaps between the buildings are proposed to provide opportunities for planted courtyards presenting a green, landscaped streetscape.
33. Subject to the indicative internal floor plans and the amenity provided to the rooms and communal spaces with 70% of the residents' bedrooms achieving 2+ hours of solar access in mid-winter, the additional fourth storey may be supported in the central area of the site with appropriate upper level setbacks. The key to the proposed heights is the premise that as a senior's residential care facility, the development is to have a minimum floor height of 3.4m. This results in 3 storeys within 14m and 4 storeys in 16.9m. As the planning proposal requests an increase in height and FSR specifically linked to a residential care facility, this is acceptable.

Recommendation:

34. No change to the Planning Proposal.

Deferral Reason One (b)

- b. Setbacks in relation to the adjoining sites and potential future developments.*

Proponent Response:

35. A building setback map has been provided in the architectural package and the planning proposal report which provides the minimum street setback, side and rear setbacks as shown in **Figure 5**. The setbacks are as follows:
- Gloucester Road - 4.5m
 - Millet Street - 6m
 - Eastern Boundary - 6m
 - Western Boundary - 3m
36. The site adjoins low density residential dwellings to the east and west which provide varying side setbacks to the site. The northern and southern setbacks align with the established building lines along Gloucester Road and Millett Street and comply with the minimum setback requirements of the DCP.
37. The setbacks allow for the provision of comprehensive landscaping that will soften the appearance of the built form. As the built form along either street frontage does not encroach forward of the adjoining developments, views and vistas down either street frontage will be maintained.
38. **Figures 6 and 7** in the Final response document (refer to **Attachment 2**) and section plans and detailed boundary section plans provided in Pages 34-41 of the Indicative Architectural Concept (**Attachment 3**) demonstrate how the concept scheme provides adequate building

separation and a high level of visual and acoustic privacy along with opportunities for landscaping and deep soil zones.

39. These plans provide an analysis of the proposed development's relationship with the existing surrounding development, as well as the potential future development under the existing planning controls.

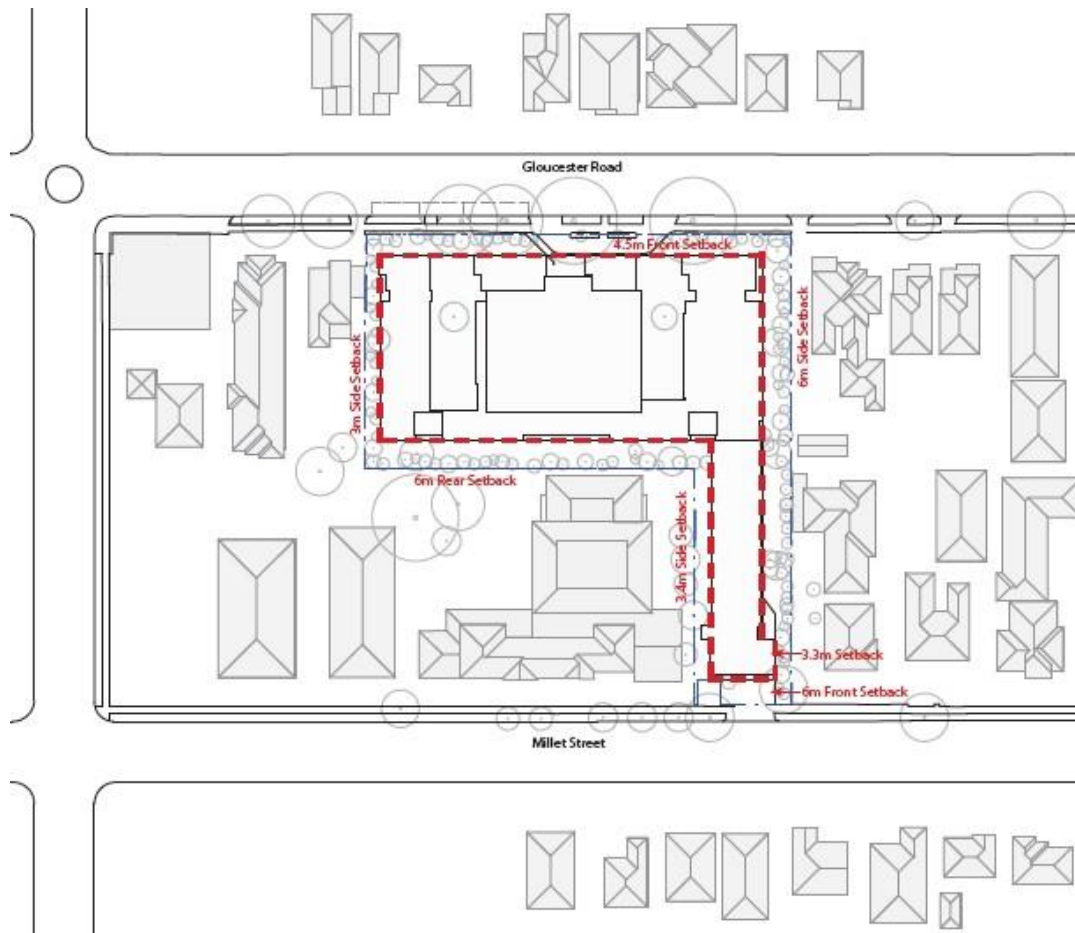


Figure 5 Setback Map
Source: O'Neil Architecture

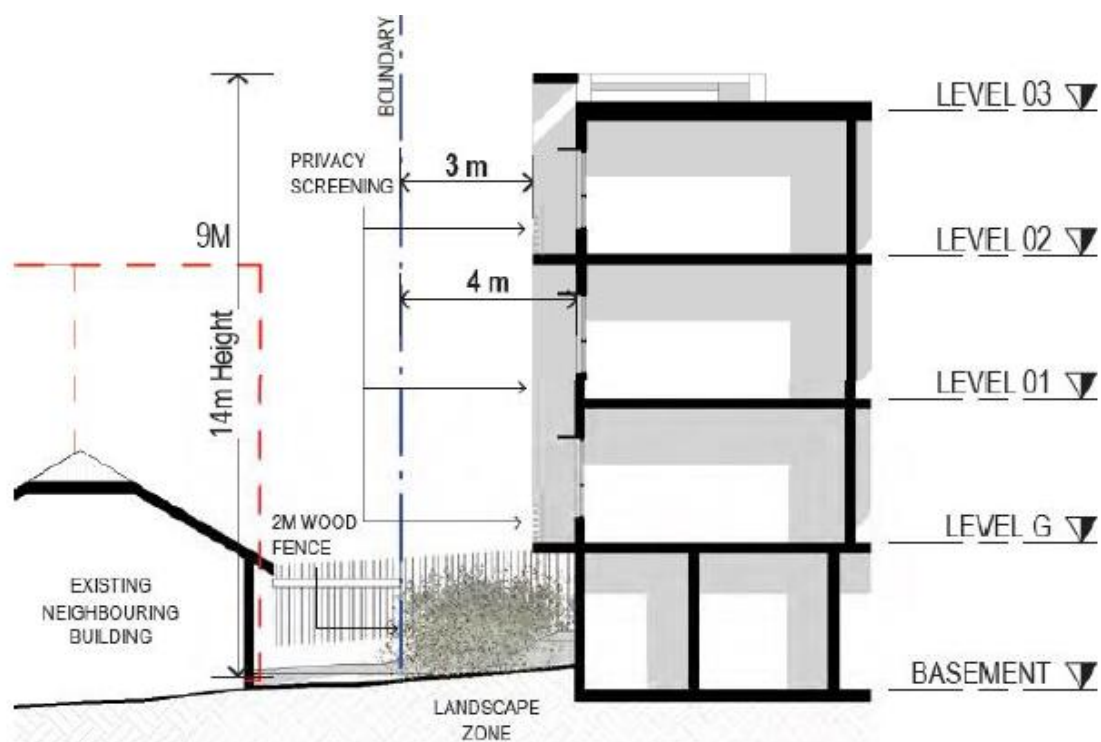


Figure 6 Western Boundary Section Plan
Source: O'Neil Architecture

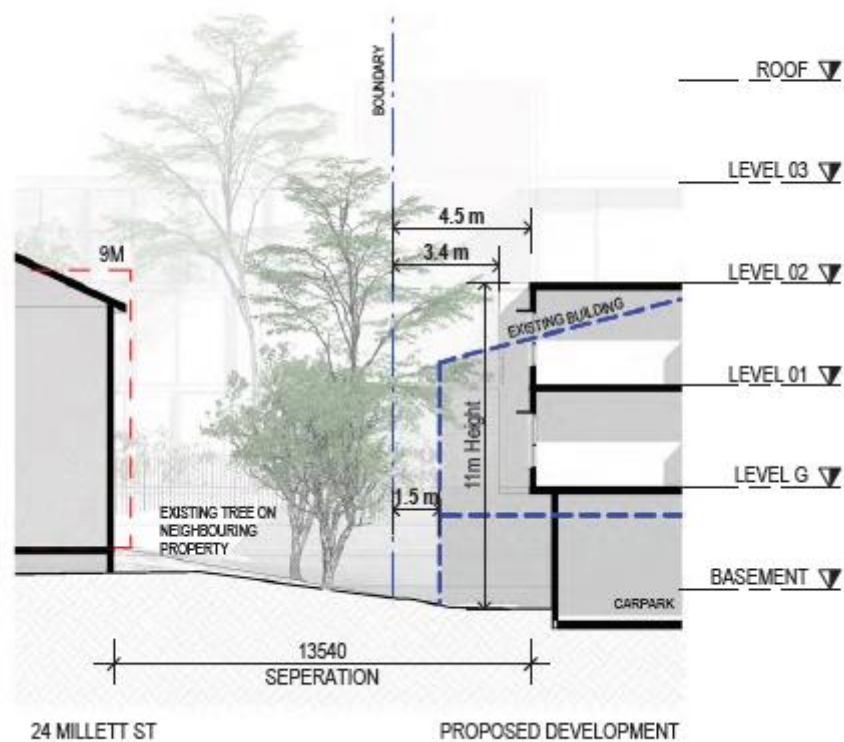


Figure 7 North Western Boundary Section Plan
Source: O'Neil Architecture

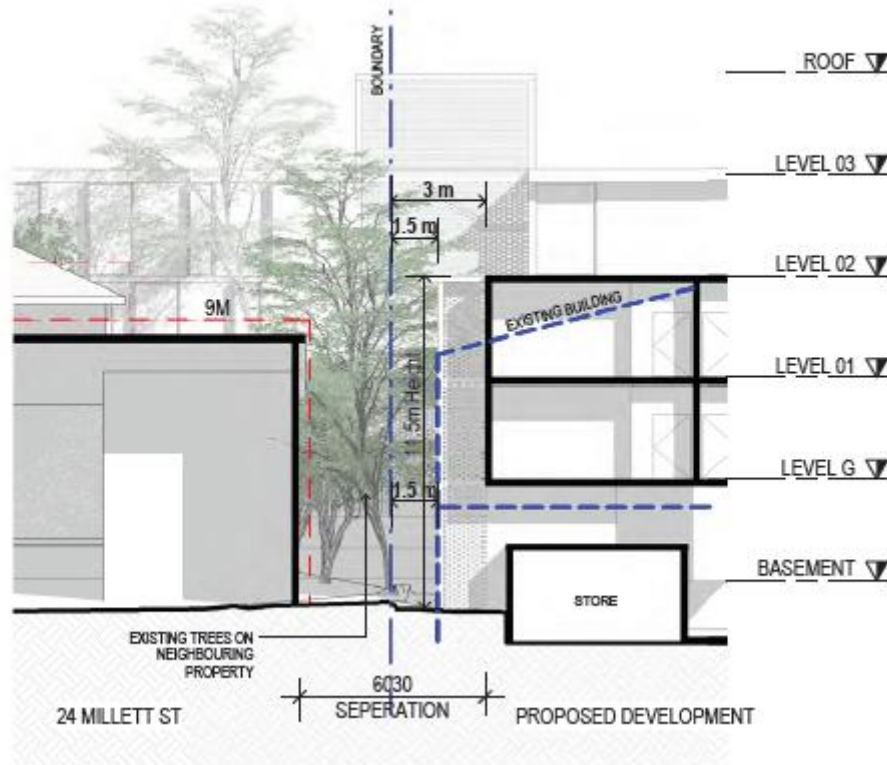


Figure 8 North Western Boundary Section Plan

Source: O'Neil Architecture

Council response:

40. The built form along Gloucester Road frontage, northwest and south-west boundaries is three storeys and in the central portion of the site are four storeys. The setbacks on the south-eastern and the south-western edge of the site are predominantly 6m, which is acceptable. The setbacks on the north-western edges of the site are 3m. Although this is not ideal, where separation between habitable rooms is not able to be achieved, alternative design treatments such as screening or vegetation are proposed to maximise privacy and provide visual relief (See **Figures 6, 7 and 8**). More sections are available in **Attachment 3 – Architectural Design Concept**

Recommendation:

No change to Planning Proposal

Deferral Reason One (c)

- c. *The provisions of the Housing for Seniors or People with a Disability SEPP and the draft Housing Diversity SEPP.*

Council Response:

41. The R2 Low Density Residential permits certain residential uses such as attached dwellings, boarding houses, dwelling houses, group homes, respite day care centres, secondary dwellings and semi-detached dwellings.

42. Seniors housing is not listed as a permissible use with consent in the R2 Low Density Residential Zone. However, Clause 15 of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP) states:

This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy—

- a) ***development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and***
- b) *development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing.*

43. Clause 40 of the SEPP states:

Development standards—minimum sizes and building height

- (1) *General A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.*
- (2) *Site size: The size of the site must be at least 1,000 square metres.*
- (3) *Site frontage: The site frontage must be at least 20 metres wide measured at the building line.*
- (4) *Height in zones where residential flat buildings are not permitted If the development is proposed in a residential zone where residential flat buildings are not permitted—*
 - (a) ***the height of all buildings in the proposed development must be 8 metres or less, and***
 - (b) *a building that is adjacent to a boundary of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) must be not more than 2 storeys in height,*
 - (c) *a building located in the rear 25% area of the site must not exceed 1 storey in height.*

44. The Planning Proposal seeks an additional permitted use under Schedule 1 of the LEP for seniors housing.

45. The draft Housing Diversity SEPP aims to consolidate three existing SEPPs which is a positive:

- State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP)
- State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP)
- State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) (SEPP 70)

46. The future development of the site under the proposed LEP provisions would not be affected by the draft Housing Diversity SEPP. In this respect, it is important to note that it is currently proposed to amend the Seniors SEPP provisions to clarify that development standards in an LEP prevail to the extent of any inconsistency with the SEPP.

47. Despite Clause 15 and clause 40 of the Seniors SEPP, the proponent cannot rely on the permissibility afforded by the Seniors SEPP alone as the proposal seeks a greater maximum building height (the proposed heights range from 12m, 14m and 16.9m) than what is permitted on the site under Hurstville LEP 2012 (being 9m) and under the Seniors SEPP (being 8m under Clause 40 of the Seniors SEPP).

Deferral Reason Two

The submission of a Draft Development Control Plan that articulates a, b and c above.

Proponent Response:

48. A site-specific draft DCP has been prepared to address the distribution of heights and setbacks in relation to the adjoining sites and potential future developments (**Attachment 4**). It is noted that a site-specific DCP is generally prepared after the Gateway Determination however, for the purpose of transparency and assurance, the draft DCP has been prepared prior to Gateway Determination.

49. The Urban Design Principles Report provided as part of the original planning proposal also provides detailed guidelines on building heights, built form and setbacks, landscaping, solar access, articulation and privacy.

Council response:

50. A draft site specific DCP has been prepared that includes sections including Introduction, Building Height, Built form and setbacks, Privacy, Communal Open Space, Solar Access, Architectural Diversity, Vehicular Access and Car Parking.

51. The key sections comprise the Building Height which includes objectives like:

- Compatibility with the planned scale of surrounding development
- Minimise overshadowing of surrounding properties and adjacent public domain

52. The key objectives of the Built form and setbacks section include:

- Ensure setbacks to streets are appropriate for the street widths and functions to ensure a comfortable urban scale of development
- Provide visual and acoustic privacy for existing and new occupants

MINUTES

Local Planning Panel

Thursday, 5 August 2021

4.00pm

**Georges River Civic Centre,
Hurstville**



Panel Members:

Ms Sue Francis (Chairperson)
Mr Michael Leavey (Expert Panel Member)
Dr Awais Piracha (Expert Panel Member)
Ms Fiona Prodromou (Community Representative)

1. APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

There were no apologies received

Michael Leavey declared an interest in LPP034-21 608 Forest Road Penshurst and took no part in the discussions or determination of this item.

2. PUBLIC SPEAKERS

The meeting commenced at 4.01 pm and at the invitation of the Chair, registered speakers were invited to address the panel on the items listed below.

The public speakers concluded at 4.37pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

LPP032-21 146 Letitia Street Oatley
(Report by Development Assessment Planner)

Speakers

No speakers registered for this item.

Voting of the Panel Members

The decision of the Panel was unanimous

DeterminationApproval

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2020/0453 for the demolition, tree removal and construction of a two storey attached dual occupancy with detached cabanas, a pool for dwelling 2, fencing, landscaping and site works at 146 Letitia Street, Oatley, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 5 August 2021.

Statement of Reasons

- The proposed development complies with the requirements of the relevant environmental planning instruments.
- The proposal has effective façade modulation and wall articulation that will serve to provide

visual interest and reduce the bulk of the buildings.

- The proposal aims to provide a high-quality development that will establish a positive urban design outcome, setting a good architectural and planning precedent in the area.
- The proposal satisfactorily achieves the zone objectives.

LPP033-21 565 King Georges Road Penshurst
(Report by Development Assessment Planner)

Speakers

- Azzam Yousef (applicant)

Voting of the Panel Members

The decision of the Panel was unanimous

Determination

Approval

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2021/0009 for the demolition and construction of a two (2) storey boarding house with hardstand parking, fencing, landscaping and site works at 565 King Georges Road, Penshurst, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 5 August 2021 except;

1. Add in the following additional as Condition 59A:

59A. **Location of Air Conditioning units** - The location of air conditioning units must be in accordance with the 'air-conditioning units' requirement of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The air conditioning units must take into consideration the requirements of the submitted Acoustic Report prepared by Koikas Acoustics Pty Ltd reference 3916R20201110mfc565KingGeorgesRdPenshurst_DAv3.docx revision V3 dated 10/11/2020.

2. Add in the following additional as Condition 65A:

65A. **Outdoor lighting** - Recessed ground lights shall be incorporated within the rear car parking area to allow for a safe path of travel to residents between the rear communal area, the car parking area, and the boarding house. The lights shall be located in a position that does not disrupt vehicular movement. Outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.

3. Add the following to Condition 73:

(j) The hours of operation for the use of the external communal open space area is to be 7.00am to 9.00pm daily. The Plan of Management is to be updated to reflect these hours prior to any Occupation Certificate being issued.

Statement of Reasons

- The proposal is an appropriate response to the site and its location.

- The proposal is compliant with the boarding house standards and the character test as per the State Environment Planning Policy (Affordable Rental Housing) 2009.
- The boarding house is located in an accessible location as per the State Environment Planning Policy (Affordable Rental Housing) 2009.
- The proposal is fully compliant with the maximum height of building and floor space ratio permitted for the site under the Hurstville Local Environmental Plan 2012.
- The proposal's bulk and scale is appropriately contained within a generally compliant building envelope that is respectful of the established character of the area in relation to height, street setback, and side boundary setbacks.
- The proposal is consistent with the Draft Georges River Local Environmental Plan 2020.
- Conditions have been added to ensure appropriate use of the external communal open space is managed as well as the general operation of the boarding house.

LPP034-21 608 Forest Road Penshurst
(Report by Development Assessment Planner)

Refer to minutes below.

LPP035-21 17-19 Vista Street Sans Souci
(Report by Senior Development Assessment Planner)

Speakers

No speakers registered for this item.

Voting of the Panel Members

The decision of the Panel was unanimous

Determination

Approval

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2021/0125 for the alterations and additions to the Heritage Item in the form of a new alfresco dining area, rear pool, filling in the existing pool at the front and associated landscaping works at 17-19 Vista Street, Sans Souci, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 5 August 2021.

Statement of Reasons

- The development complies with the key planning objectives and controls within the Kogarah Local Environmental Plan 2012 and the Kogarah Development Control Plan 2013.
- The proposal is small scale and seeks to improve the amenity of the dwelling house by creating a more contemporary and functional arrangement of the area of open space at the front and rear of the property. The proposal creates a better relationship between the internal spaces within the home and the outdoor area of open space. The proposed changes are considered minor but will improve the functionality and useability of the property.
- The proposed alterations will not adversely or detrimentally affect adjoining and neighbouring properties in terms of generating any additional overshadowing, overlooking or view loss.
- The proposal will retain the significance and integrity of the Heritage Item on site and will not adversely affect the character of the foreshore area in which it is located.

- The development is in the public interest and will not establish an undesirable present in the locality.
- The nature of the works are small scale and are permissible in the zone and satisfy the zone objectives as such the proposal is suitable for the site.

LPP036-21 53A-59A Gloucester Road Hurstville
(Report by Senior Strategic Planner)

Speakers

- Tom Cook (planner)
- Meaghan Morice (on behalf of applicant)
- Justin O'Neill (on behalf of applicant)
- Brad Muller (applicant)

Voting of the Panel Members

The decision of the Panel was unanimous

Recommendation

1. That the Georges River Local Planning Panel recommends that Council endorse the forwarding of Planning Proposal PP2017/0005 to the NSW Department of Planning, Industry and Environment (DPIE) to request a Gateway Determination under Section 3.33 of the EP&A Act 1979 for an amendment to the Hurstville Local Environmental Plan (LEP) 2012 (or Georges River LEP 2020, if gazetted), to permit a residential care facility with a maximum floor space ratio (FSR) of 1.6:1 and a maximum height of building (HOB) ranging from 12m, 14m and 16.9m at 53A-59A Gloucester Road, Hurstville.
2. That the Georges River LPP further recommends to Council that Council request as a condition of the Gateway Determination that the increase in FSR and maximum building height on the subject site is linked to a residential care facility land use only. Within this report consideration is to be given to:
 - a) The implications of the Draft Housing SEPP on the proposed planning proposal be reviewed specifically in respect of definitions, non refuse provisions and character tests.
 - b) That objectives be included to ensure that any plant to be located on the roof is included in the maximum permissible height limit and that this also be included in the site specific Development Control Plan.
 - c) Consideration is given to requirement of the Plan of Management, compliance with the Housing SEPP car parking requirements, and consideration of site fencing and increasing the setbacks on the north western boundary along Gloucester Road.

4. CONFIRMATION OF MINUTES



Sue Francis
Chairperson



Awais Piracha
Expert Panel Member



Michael Leavey
Expert Panel Member



Fiona Prodromou
Community Representative

Panel Members:

Ms Sue Francis (Chairperson)
Dr Awais Piracha (Expert Panel Member)
Ms Fiona Prodromou (Community Representative)

LPP034-21 608 Forest Road Penshurst (Report by Development Assessment Planner)

Michael Leavey declared an interest in LPP034-21 608 Forest Road Penshurst and took no part in the discussions or determination of this item.

Speakers

- Erica Marshall-Evans (architect)
- Andy Ludvik (planner)
- Dimitri Tsagaris (applicant)

Voting of the Panel Members

The decision of the Panel was unanimous

Determination

Approval

The Panel is satisfied that:

1. The applicants 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) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. REV2020/0024 for the Review of Determination of DA2019/0135 for the demolition of existing structures and construction of a three (3) storey mixed use building at 608 Forest Road, Peakhurst, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 5 August 2021 except;

1. Add the following Condition 102A:

102A. Easements and access arrangement to maintain landscaping are to be placed on title and in the body corporate bylaws. Quarterly inspections shall be undertaken by the body corporate to ensure landscaping is maintained as required by this consent. Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate.

2. Add the following Condition 116A:

116A. **Maintenance of Landscaping** - All trees and plants including all plants and planting within the planter boxes on the external facades of the building and forming part of the landscaping must be always maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants with similar size and species as approved by the landscape plan and any other operations required to maintain healthy trees, plants and turf areas

Statement of Reasons

- The proposed development generally complies with the requirements of the relevant environmental planning instruments and development control plan and has addressed the concerns raised in the previous determination.
- The proposal is an acceptable response to the zoning and the desired future character of the area, its context, site area, dimension and orientation of the allotment.
- The building will not adversely affect the amenity of any immediately adjoining properties in terms of unreasonable overlooking, overshadowing or view loss.
- The proposal aims to provide a high quality, contemporary mixed use development in an accessible location in accordance with the planning and design requirements for development of this nature in this precinct.
- The Panel notes that provision is to be made to allow future access through the proposed basement to adjoining sites to the south east which is a desirable outcome to minimise further crossovers onto a classified road.

The meeting concluded at 5.40pm



Sue Francis
Chairperson



Awais Piracha
Expert Panel Member



Fiona Prodromou
Community Representative
