

MINUTES

Local Planning Panel

Thursday, 10 November 2022

4.00pm

Blended Meeting
Online and Dragon Room
Level 1, Georges River Civic Centre
Corner Dora and MacMahon Streets, Hurstville



GEORGES RIVER COUNCIL

Panel Members:

Ms Sue Francis (Chairperson)
Mr Michael Leavey (Expert Panel Member)
Mr Awais Piracha (Expert Panel Member)
Mr Erin Sellers (Community Representative)

1. APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

There were no apologies received

There were no declarations of Pecuniary Interest

2. PUBLIC SPEAKERS

The meeting commenced at 4.02pm 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 5.16pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS**LPP053-22 279 Rocky Point Road, Sans Souci**
(Report by Principal Planner)

The Panel carried out an inspection of the site and nearby locality.

Speakers

- Wayne Tooke (submitter)
- Richard Knox (submitter)
- Debbie Koufou (submitter)
- Georges Wehbe (submitter)
- James Honor (submitter)
- Stephen McKay (submitter)
- Michael Vine (applicant)
- Kiro Saleeb (owner)
- Debbie Armanious (owner)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination**Deferral**

Pursuant to Section 2.20 (8) of the Environmental Planning and Assessment Act 1979 (EPAA), Development Application No. DA2022/0119 for fit out and change of use to a community facility on Lot 2 in DP1200052, known as 279 Rocky Point Road, Sans Souci, is deferred for the applicant to provide the following information:

1. Preliminary Site Investigation in accordance with Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards 2021) to address the removal of the diesel tanks as proposed.
2. To amend the Plan of Management to clarify the operation and management of the premises in terms of safety and security. This may involve additional lighting, CCTV and signage. Consideration should be given to documenting management practices relating to the screening for acceptance of clients for their services.
3. Clarification of the use of the commercial kitchen as an ancillary use of the community facility.
4. The current waste collection will conflict with the staff parking. This needs to be reconsidered so that vehicles are not required to be removed to deliver waste to the street.

The matter to be returned for consideration by this Panel as constituted on 10 November 2022 for electronic determination subject to the discretion of the Panel Chair.

LPP054-22 279 Rocky Point Road, Sans Souci
(Report by Principal Planner)

The Panel carried out an inspection of the site and nearby locality.

Speakers

- James Honor (submitter)
- Stephen McKay (submitter)
- Jasmine Bautista (applicant)
- Katie Gribbin (consultant on behalf of applicant)

Voting of the Panel Members

The decision of the Panel was as follows:

Sue Francis, Michael Leavey and Awais Piracha voted in favour of the application.

Erin Sellers voted against the application.

Determination

Approval

Pursuant to Section 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), Development Application DA2022/0215 for demolition of the existing telecommunications facilities and construction of a new telecommunications facility and associated ancillary works on Lot 2 in DP1200052, known as 279 Rocky Point Road, Sans Souci, is granted Development Consent subject to:

The Conditions recommended in the report to the Georges River Local Planning Panel meeting of 10 November 2022, subject to the amendments as follows:

Include additional condition 8a to read as follows:

- 8a.** Pre-Construction Dilapidation Report – Private Land - A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

Include additional condition 8b to read as follows:

- 8b.** Construction Site Management Plan - A construction site management plan must be prepared, and provided to the PCA prior to the issue of any Construction Certificate. The plan must include the following matters:
- a) The location and materials for protective fencing and hoardings on the perimeter of the site;
 - b) Provisions for public safety;
 - c) Pedestrian and vehicular site access points and construction activity zones;
 - d) Details of construction traffic management including:
 - i) Proposed truck movements to and from the site;
 - ii) Estimated frequency of truck movements; and
 - iii) Measures to ensure pedestrian safety near the site;
 - e) Details of any bulk earthworks to be carried out;
 - f) The location of any site storage areas and sheds;
 - g) The equipment used to carry out works;
 - h) The location of a garbage container with a tight-fitting lid;
 - i) Dust, noise and vibration control measures;
 - j) Consideration of the measure to reduce the impact of construction on the adjacent school
 - k) location of temporary toilets;

Amend condition 19 to read as follows:

- 19. Occupation and Use - EME Certification** - Prior to the issue of any Occupation Certification and prior to the commencement of use, the persons or entity having the benefit of this consent must certify that the electromagnetic energy (EME) output of the telecommunications tower does not exceed 3.61% of the Federal Government's Australian Radiation Protection and Nuclear Safety Agency RF Standard threshold for telecommunication towers.

Include additional condition 21a to read as follows:

- 21a. Post Construction Dilapidation report – Private Land** - At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to all neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer in the Pre Dilapidation Report.

The report is to be prepared at the expense of the applicant and submitted to the PCA prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damage has occurred to the adjoining premises, the PCA, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the PCA prior to the issue of any Occupation Certificate.

Amend condition 22 to read as follows:

- 22. Use to be in accordance with EME Certification** - The persons or entity having the benefit of this consent must ensure that the electromagnetic energy (EME) output of the telecommunications tower does not exceed 3.61% of the Federal Government's Australian Radiation Protection and Nuclear Safety Agency RF Standard threshold for telecommunication towers and that the electromagnetic energy (EME) output of the telecommunications tower does not exceed the electromagnetic output/percentage of public exposure limit at each band radiating from the tower as shown in the Environmental EME Report dated 06/05/2022 RFNSA No. 2217013 at any time.

The Majority Statement of Reasons

The reasons for this recommendation are that:

- The site is specifically zoned for telecommunication facilities.
- The site is currently used for telecommunication facilities and the proposed replacement of the existing infrastructure will improve mobile coverage in the locality and notably will reduce the current EME exposure to the adjoining school and the rest of the neighbourhood.
- The majority of the Panel notes the EME maximum rate of 3.61% is significantly below the Federal Government's Australian Radiation Protection and Nuclear Safety Agency RF Standard threshold for telecommuting towers.
- While the proposal has a substantial height, the impact of this is managed reasonably by the positioning of the tower away from public roads, and the consolidation of existing telecommunication poles on site, and can be improved by a condition requiring a black, non-reflective finish to both the pole and antennas which is intended to reduce the tower's visual prominence.
- The majority of the Panel however, would include a conditions requiring a construction management plan to be prepared pre and post dilapidation to ensure the safety for adjoining properties and uses.
- Further, the majority of the Panel would amend conditions 19 and 22 so that the maximum EME does not exceed 3.61%.

The Minority Statement of Reasons

- This decision was not unanimous and Mr Erin Sellers voted against the proposal for the following reasons:
 - Radio frequency waves are classified as a group 2B carcinogen by the International agency for research on cancer, meaning they are possibly carcinogenic to humans.
 - The APANSA Standards are based on the standards by the International commission on Non-Ionising Radiation Protection (ICNIRP) which only measure acute short term thermal impacts of radio frequency radiation, not chronic long term biological effects.

- The US National Toxicology Program has shown increase in animal cancers below the ICNIRP Standards.
- There are multiple international appeals by scientists and medical doctors calling for a moratorium on the roll out of 5G technology until further research is undertaken.
- The proximity of the proposed tower to the adjacent school and nearby residents proposes an unacceptable risk to the long term health of the community.

4. CONFIRMATION OF MINUTES BY CHAIR

GEORGES RIVER LOCAL PLANNING PANEL (LPP) - 10 NOVEMBER 2022

RECOMMENDATION

That the Minutes of the Georges River Local Planning Panel (LPP) held on 10 November 2022, be confirmed.

The meeting concluded at 6.25pm



Sue Francis
Chairperson



Michael Leavey
Expert Panel Member




Awais Piracha
Expert Panel Member



Erin Sellers
Community Representative




Declaration of Interest Georges River Local Planning Panel

Panel Member Name:	Sue Francis
Meeting Date:	10 November 2022
Item Numbers:	<ul style="list-style-type: none"> • LPP053-22 – 279 Rocky Point Road, Sans Souci DA2022/0119 • LPP054-22 - 279 Rocky Point Road, Sans Souci DA2022/0215
In relation to the matters on this agenda, I declare that I have:	<input checked="" type="checkbox"/> No known conflict of interest
In relation to item number I have an actual¹ conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a potential² conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a reasonably perceived³ conflict of interest	<input type="checkbox"/> Conflict Details
Name of Panel Member	
Signature:	
Key of Terms: ¹ An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties. ² A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future. ³ A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.	



Declaration of Interest Georges River Local Planning Panel

Panel Member Name:	Michael Leavey
Meeting Date:	10 November 2022
Item Numbers:	<ul style="list-style-type: none"> • LPP053-22 – 279 Rocky Point Road, Sans Souci DA2022/0119 • LPP054-22 - 279 Rocky Point Road, Sans Souci DA2022/0215
In relation to the matters on this agenda, I declare that I have:	<input checked="" type="checkbox"/> No known conflict of interest
In relation to item number I have an actual¹ conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a potential² conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a reasonably perceived³ conflict of interest	<input type="checkbox"/> Conflict Details
Name of Panel Member	
Signature:	
Key of Terms: ¹ An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties. ² A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future. ³ A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.	




Declaration of Interest Georges River Local Planning Panel

Panel Member Name:	Awais Piracha
Meeting Date:	10 November 2022
Item Numbers:	<ul style="list-style-type: none"> • LPP053-22 – 279 Rocky Point Road, Sans Souci DA2022/0119 • LPP054-22 - 279 Rocky Point Road, Sans Souci DA2022/0215
In relation to the matters on this agenda, I declare that I have:	<input checked="" type="checkbox"/> No known conflict of interest
In relation to item number I have an actual¹ conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a potential² conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a reasonably perceived³ conflict of interest	<input type="checkbox"/> Conflict Details
Name of Panel Member	
Signature:	
<p>Key of Terms:</p> <p>¹ An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties.</p> <p>² A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future.</p> <p>³ A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.</p>	



Declaration of Interest Georges River Local Planning Panel

Panel Member Name:	Erin Sellers
Meeting Date:	10 November 2022
Item Numbers:	<ul style="list-style-type: none"> • LPP053-22 – 279 Rocky Point Road, Sans Souci DA2022/0119 • LPP054-22 - 279 Rocky Point Road, Sans Souci DA2022/0215
In relation to the matters on this agenda, I declare that I have:	<input checked="" type="checkbox"/> No known conflict of interest
In relation to item number I have an actual¹ conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a potential² conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a reasonably perceived³ conflict of interest	<input type="checkbox"/> Conflict Details
Name of Panel Member	
Signature:	
Key of Terms: ¹ An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties. ² A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future. ³ A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.	