

# MINUTES

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## Local Planning Panel

Thursday, 4 November 2021

4.00pm

Georges River Civic Centre,  
Hurstville



**GEORGES RIVER COUNCIL**

**Panel Members:**

Mr Stephen Alchin (Chairperson)  
Mr Milan Marecic (Expert Panel Member)  
Ms Deborah Laidlaw (Expert Panel Member)  
Mr Cameron Jones (Community Representative)

**1. APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST**

There were no apologies received

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There were no declarations of Pecuniary Interest

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**2. PUBLIC SPEAKERS**

The meeting commenced at 4.01pm 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 5.38pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

**3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS**

**LPP058-21     39 Rosa Street Oatley**  
(Report by Senior Development Assessment)

**Speakers**

- Elizabeth Benbow (submitter)
- John Mouatt (submitter)
- Chris Spiropoulos (submitter)
- Toni Darcy (submitter)
- Richard Webster (applicant)

**Voting of the Panel Members**

The decision of the Panel was unanimous

**Panel Comments**

The Panel acknowledges there is scope to identify a solution to the issues presented by the current screens by using a different form of screen which provides a reasonable balance between affording access to natural light and ventilation in the units while also providing reasonable privacy to occupants of adjoining properties. The Panel does not agree the film proposal is appropriate given that the film would not work at all when windows are open and that there are reasonable concerns that the film is not durable.

The identification of the non-compliant window locations be referred to Council's Development Compliance Team for investigation and action as appropriate.

## Determination

### Refusal

Pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979, as amended, Modification Application No. MOD2020/0228 for the Modification to existing residential flat building involving deletion of privacy screens at 39 Rosa Street, Oatley, is determined by **refusal** for the following reasons:

1. The proposed development is inconsistent and has not demonstrated compliance with the design quality principles of amenity and sustainability under State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development) and Apartment Design Guide requirements of visual privacy and environmental performance, pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979:
  - (a) Clause 29(2)(b) and (c) – Determination of application for development consent modifications; and
  - (b) Clause 30(2)(a) and (b) – Standards that cannot be used as grounds to refuse development consent or modification of development consent.
2. The proposed development is inconsistent and has not demonstrated compliance with the following provisions of Kogarah Development Control Plan 2013, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979:
  - (a) Part B7 – Environmental Management
3. The owner's consent was limited to the deletion of the privacy screens only and the proposal was not accompanied with a valid BASIX Certificate or Design Verification Statement contrary to Clause 115 of the Regulations, pursuant to Section 4.15 (1)(a)(iv) of the Environmental Planning and Assessment Act 1979.
4. The proposal will result in adverse amenity and environmental impacts in the locality, pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979.
5. The adverse amenity and environmental impacts of the proposal mean that the site is not considered to be suitable for the development as proposed, pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.
6. The public submissions raised valid grounds of objection and approval of this application is considered contrary to the public interest, pursuant to Section 4.15 (1)(d) and (e) of the Environmental Planning and Assessment Act 1979.

**LPP059-21**      **9 Marine Drive Oatley**  
(Report by Senior Development Assessment Officer)

### Speakers

- Caroline Hatton (submitter)
- Mark Allen (submitter)

### **Voting of the Panel Members**

The decision of the Panel was unanimous

### **Determination**

#### Approval

Pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979, as amended, Modification Application No. MOD2021/0101 for the S4.55 (1A) Modification of Consent No: DA2020/0241 (as modified) for demolition works, retention of existing swimming pool and construction of a dwelling house – the modification seeks the removal of two trees within the rear of the site at 9 Marine Drive, Oatley, is determined by **granting approval to modify the development consent** subject to the conditions recommended in the report submitted to the LPP meeting of 4 November 2021.

#### Statement of Reasons

- The proposed modification is limited to the proposal to remove the two *Angophora Costata* trees and this is considered acceptable in this case due to the declining condition of the trees and the risk they pose to life and property if not removed.
- The tree removal will be offset with the payment of a tree removal offset fee derived via the Thyer method of assessment which will be used for the planting of trees within the Local Government Area.
- The proposed modification will not result in unreasonable visual or environmental impacts.
- The modification remains consistent with the objectives of the zone and the character of the locality.
- The development is consistent with the Georges River Local Environmental Plan 2021.

### **LPP060-21     7 Loville Street Peakhurst Heights** (Report by Senior Development Assessment Planner)

#### **Speakers**

- Antonios Sofios (applicant)
- Glenn Thomas (owner)

### **Voting of the Panel Members**

The decision of the Panel was unanimous

### **Determination**

#### Deferral

The Panel determined to defer Development Application No. DA2021/0207 for the construction of new dwelling house with attached secondary dwelling at 7 Loville Street, Peakhurst Heights, and invites the applicant to submit amended plans that:

- (a) Delete the southern wall and garage door of the garage/turning area of the proposed secondary dwelling in order to comply with the floor space ratio control under Hurstville Local Environmental Plan 2012.

- (b) Provide an access door from the parking area of the proposed secondary dwelling to the external terrace on the northern side of the proposed development to enable direct pedestrian access from Loville Street via the proposed external stairs to the secondary dwelling.
- (c) The applicant has to demonstrate how satisfactory vehicle access to the secondary dwelling's parking area is to be obtained having regard to the constraints of the boundaries and rights of the owners of all properties benefiting from or burdened by the existing right of carriageway and all other easements affected by any proposed driveway works.

Amended plans addressing the Panel's concerns above, must be submitted to the Council by 31 January 2022 (or as otherwise determined by Council) otherwise the application will be determined on the information currently provided. Following receipt of this information, the Panel (as constituted on 4 November 2021) will determine the application electronically, unless the Chair determines that a further public meeting is required.

**LPP061-21      2-6 Lacey Street Kogarah Bay**  
(Report by Senior Development Assessment Planner)

**Speakers**

- Karen Harris (submitter)
- Dean Wooding (submitter)
- Clr Leesha Payor (submitter)
- Peter Smith (applicant)

**Voting of the Panel Members**

The decision of the Panel was unanimous

**Determination**

Deferral

The Panel determined to defer Development Application No. DA2021/0211 for the demolition works and construction of a residential flat building at 2-6 Lacey Street, Kogarah, and invites the applicant to submit revised drawings/documentation that incorporate the following:

- (a) Removal of the top floor and compliance with the development height standard as the Panel does not consider that the requirements of Clause 4.6 of the Kogarah Local Environmental Plan 2012 have been satisfactorily demonstrated.
- (b) A minimum 3.1m slab to slab separation in accordance with the ADG.
- (c) Modification of the carparking in the north-west corner of the site to enable the creation of areas that allow substantial tree planting to provide a visual separation between the development and the heritage listed dwelling (Sunnyside) at 186-188 Princes Highway.
- (d) Privacy treatment of balcony and living room openings on the north-western elevation facing the 186-188 Princes Highway (Sunnyside) and 190 Princes Highway which are likely to remain lower density residential developments.

- (e) The provision of a communal recycling cupboard on the ground floor.
- (f) Revised Waste Management Plan to illustrate the removal of waste and recyclables to the point of disposal.
- (g) Structural and Geotechnical Engineering assessment reports accompanied by working drawings and specifications, must be submitted demonstrating the measures that will be implemented, together with the methodology for undertaking excavation works both within the vicinity and adjacent to the heritage item at Nos. 186-188 Princes Highway Kogarah Bay.

Amended plans addressing the Panel's concerns above, must be submitted to the Council by 31 January 2022 (or as otherwise determined by Council) otherwise the application will be determined on the information currently provided. Following receipt of this information, the Panel (as constituted on 4 November 2021) will determine the application electronically, unless the Chair determines that a further public meeting is required.

**LPP062-21      31 Caloola Crescent Beverly Hills**  
(Report by Senior Development Assessment Officer)

**Speakers**

- Gary Chapman (planner)

**Voting of the Panel Members**

The decision of the Panel was unanimous

**Determination**

Refusal

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2021/0253 for the demolition of existing structures and construction of an attached two (2) storey dual occupancy with two (2) rear swimming pools, two (2) rear cabanas and front fencing in addition to landscaping and engineering works at 31 Caloola Crescent, Beverly Hills, is determined by **refusal** for the following reasons:

1. **Environmental Planning Instrument** - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 given an incorrect type of BASIX Certificate accompanied the application.
2. **Environmental Planning Instrument** - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of Hurstville Local Environmental Plan 2012:
  - (a) Clause 1.2 – Aims of Plan.
  - (b) Clause 2.3 – Zone Objectives (R2 Low Density Residential).

- (c) Clause 4.1A – Minimum lot sizes for dual occupancies and multi dwelling housing.
  - (d) Clause 4.6 – Exceptions to development standards, having regard to lack of adequacy in justifying the need for development standard variation.
3. **Development Control Plan** – Pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of Hurstville Development Control Plan No.1:
- (a) Part 4.3 Control PC2 relating to the wall heights.
  - (b) Part 4.3 Control PC14 relating to the minimum required deep soil landscaped area and its minimum dimensions.
  - (c) Part 4.3 PC15 relating to the stormwater plans.
4. **Impact on the Environment** – Pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to have an adverse impact on the following aspects of the environment:
- (a) Natural Environment: The proposed stormwater plans are found to be inadequate given inconsistency between the submitted OSD section plan (Dwg No. C03 Revision B, dated 1/07/2021, prepared by Nemco Design Pty Ltd) and the driveway section plan (Dwg 'A06.02 Revision A', dated 02/06/2021 prepared by Nemco Design Pty Ltd).
  - (b) Built Environment: An adverse impact would result from the proposed development on the built environment as the proposal is likely to result in an undesirable precedent which can disrupt the established building pattern within the area. The proposal is also contrary to the desired future character of the area given the Georges River Local Environmental Plan 2021 maintains the 650sqm site area control.
  - (c) Social Impacts: An adverse impact would result from the proposed development on the amenity of the locality and general expectations for a dual occupancy in a low density residential area.
5. **Site Suitability** – Pursuant to Section Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979 the proposed development is not considered to be suitable for the site or its locality and is likely to set an undesirable precedent.
6. **The Public Interest** – Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

**LPP063-21 Lillian Road Reserve and 50 Lillian Road Riverwood**  
(Report by Senior Development Assessment)

**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. DA2021/0203 for the Construction of stormwater pipe and scour protection bed within an existing easement to drain water from the development at 40 Lillian Road Riverwood at Lillian Road Reserve and 50 Lillian Road, Riverwood, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 4 November 2021.

### Statement of Reasons

- The proposal will facilitate lawful drainage associated with an approved secondary dwelling development.
- The proposal complies with State Environmental Planning Policy (Infrastructure) 2007.
- The proposed development is considered to be appropriate for the site. Subject to the implementation of the recommended conditions, the development will not create unreasonable impacts upon the natural or built environment.

## 4. CONFIRMATION OF MINUTES

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The meeting concluded at 7.21pm



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Stephen Alchin  
**Chairperson**



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Milan Marecic  
**Expert Panel Member**



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Deborah Laidlaw  
**Expert Panel Member**



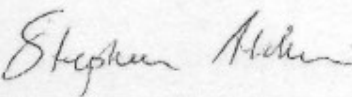
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Cameron Jones  
**Community Representative**



## Declaration of Interest

### Georges River Local Planning Panel

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| <b>Panel Member Name:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Stephen Alchin                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Meeting Date:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 4 November 2021                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Items:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <ul style="list-style-type: none"> <li>• LPP058-21 - 39 Rosa Street Oatley</li> <li>• LPP059-21 - 9 Marine Drive Oatley</li> <li>• LPP060-21 - 7 Loville Street Peakhurst Heights</li> <li>• LPP061-21 - 2-6 Lacey Street Kogarah Bay</li> <li>• LPP062-21 - 31 Caloola Crescent Beverly Hills</li> <li>• LPP063-21 - Lillian Road Reserve &amp; 50 Lillian Road Riverwood</li> </ul> |
| <b>In relation to the matters on this agenda, I declare that I have:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> No known conflict of interest                                                                                                                                                                                                                                                                                                                     |
| <b>In relation to item number I have an actual<sup>1</sup> conflict of interest</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <input type="checkbox"/> Conflict Details                                                                                                                                                                                                                                                                                                                                             |
| <b>In relation to item number I have a potential<sup>2</sup> conflict of interest</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <input type="checkbox"/> Conflict Details                                                                                                                                                                                                                                                                                                                                             |
| <b>In relation to item number I have a reasonably perceived<sup>3</sup> conflict of interest</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <input type="checkbox"/> Conflict Details                                                                                                                                                                                                                                                                                                                                             |
| <b>Name of Panel Member</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Stephen Alchin                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Signature:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                   |
| <p><b>Key of Terms:</b></p> <p><sup>1</sup> 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><sup>2</sup> 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><sup>3</sup> 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 Council  
Local Planning Panel**

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| Panel Member Name:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Milan Marecic                                                                                                                                                                                                                                                                                                 |
| Meeting Date:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 4 November 2021                                                                                                                                                                                                                                                                                               |
| Item Numbers:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <ul style="list-style-type: none"> <li>• 39 Rosa Street Oatley</li> <li>• 9 Marine Drive Oatley</li> <li>• 7 Loville Street Peakhurst Heights</li> <li>• 2-6 Lacey Street Kogarah Bay</li> <li>• 31 Caloola Crescent Beverly Hills</li> <li>• Lillian Road Reserve &amp; 50 Lillian Road Riverwood</li> </ul> |
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| Name of Panel Member                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Milan Marecic                                                                                                                                                                                                                                                                                                 |
| Signature:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                               |
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## Declaration of Interest

### Georges River Local Planning Panel

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| <b>Panel Member Name:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Deborah Laidlaw                                                                                                                                                                                                                                                                                                                                                                       |
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| <b>Name of Panel Member</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Deborah Laidlaw                                                                                                                                                                                                                                                                                                                                                                       |
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## Declaration of Interest

### Georges River Local Planning Panel

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| <b>Panel Member Name:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Cameron Jones                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Meeting Date:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 4 November 2021                                                                                                                                                                                                                                                                                                                                                                       |
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| <b>Name of Panel Member</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Cameron Jones                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Signature:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                    |
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