

# MINUTES

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## Local Planning Panel

Tuesday, 17 December 2019

4.00pm

Georges River Civic Centre,  
Hurstville



**Panel Members:**

Mr Paul Vergotis (Chairperson)  
Mr John Brockhoff (Expert Panel Member)  
Mr Michael Leavey (Expert Panel Member)  
Ms Annette Ruhotas (Community Representative)

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

There were no apologies received

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Annette Ruhotas declared a conflict of interest for item LPP064-19 – Lot 23, 23 Bay Road Oatley and took no part in the site inspection or any deliberations for this item.

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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 5.55pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

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

**LPP061-19 296 Forest Road Hurstville (Central Plaza)**  
(Report by Consultant Planner)

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

**Speakers**

No speakers were 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. MOD2019/0191 for the Modification Application - Erection of 4000mm wide by 2000mm deep LED display screen mounted on a 5200mm wide by 5000mm high stand with associated speakers and support columns at 296 Forest Road, Hurstville, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 17 December 2019 except;

1. Amend Condition 23B to read as follows:

**23B Health - LED Screen Hours of operation** - Hours of operation are approved as follows:

- (a) The core hours of operation of the LED screen and associated amplified speaker system shall be limited to 8.00am to 10.00pm daily, apart from those days of operation for special events. Special events may include, festivals (eg Chinese New Year), sporting events (eg Olympic Events), musical presentations (eg Mardi Gras) or the like.
- (b) Notwithstanding (a) above, the manner and hours of operation of the LED screen and speakers may be modified to accommodate the special events that may periodically occur and where the modification has been suitably notified for a period of fourteen (14) days on the LED screen display.
- (c) Council will review the operation of the facilities on the bi-annual (every two years) anniversary of the original consent or as part of any modification request referred to in (b) above, and will consider, among other things:
  - i. any acoustic assessment undertaken in accordance with the conditions of consent for this modification application;
  - ii. the performance of the operator of the Plaza facilities in relation to the compliance with the development consent conditions;
  - iii. any substantiated complaints received; and
  - iv. any views expressed during public consultation or from other stakeholders including the Police.
- (d) Following a review, Council may allow the use to continue to operate for the hours specified in (a) and (b) above, require the use to revert to the core hours of operation specified in (a) and (b) above or otherwise modify the condition as considered appropriate.
- (e) The purpose of the reviewable condition is to allow ongoing assessment of the hours of operation in relation to neighbourhood amenity, public safety and operational performance and allow management to demonstrate successful practices in relation to the above

**(This condition is added as part of MOD2019/0191 (DA2017/0049))**

Statement of Reasons

- The proposed use was considered to be an appropriate use within the Plaza during assessment of the original approval to create the Plaza, DA2017/0049;
- The proposed use is a suitable facility to promote community advertisements, special events and public use of the Plaza;
- The proposed use is considered to be an acceptable extension of the original approved Plaza development;
- The proposed use is unlikely to result in any significant adverse amenity impacts for the locality;
- Suitable noise and light controls can be implemented and managed to ensure that the public amenity is not significantly impacted;
- The proposal is considered to be a minor modification to the approved Plaza development which remains substantially the same development.

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

### Speakers

- George Batsakis (architect)

### Voting of the Panel Members

The decision of the Panel was unanimous.

### Determination

#### Deferral

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2018/0059 for demolition of the existing building, lot consolidation, tree removal and construction of a new five (5) storey shop top housing development including two (2) levels of basement parking at 261 Princes Highway Carlton, be **deferred** and invites the applicant to submit an application under Clause 55 of the Environmental Planning and Assessment Regulation 2000 seeking to amend the development application with amended plans to address the matters identified in the assessment report. Such an application must be made within 60 days of the date of this determination.

The application is to be referred back to a public meeting with the majority of the same Panel members.

The amendments are to include:

1. A revised stormwater drainage design that provides sufficient on-site flood storage to prevent channelization and thus concentration of stormwater flows beneath the site;
2. Revised architectural details to accommodate the amendments in “1” and that additionally relocates all waste area from the setbacks of the development to a screened area within the building footprint or basement; and
3. A Clause 4.6 variation request be submitted addressing the variation to Clause 6.9 – Development in Zone B6 of the Kogarah Local Environmental Plan.

### **LPP063-19      1-3 English Street Kogarah** (Report by Senior Development Assessment Officer)

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

### Speakers

- Marianne Abdullah (owner)

### 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. DA2018/0358 for the demolition, tree removal, lot consolidation and construction of a seven storey residential flat building comprising 23 units over basement parking under the State Environmental Planning Policy (Affordable Rental Housing) 2009 at 1-3 English Street, Kogarah, is determined by **refusal** for the following reasons:

1. The proposed development fails to satisfy the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the development fails to satisfy the control and objectives of Clause 4.3 (Height of Buildings) of the KLEP 2012 as the additional height and scale of the building will adversely affect the character of development in the streetscape.
2. The proposed development fails to satisfy the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposed Clause 4.6 variations in respect to the height control is not considered to be well founded in this case as the design of the development fails to satisfy the objectives of the planning controls therefore failing to satisfy the provisions of Clause 4.6
3. The proposed development fails to satisfy the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, in that the proposal fails to satisfy Part 2, Division 1, Clause 16A (Character of local area) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 as the proposed development is unsympathetic with the established residential character in the street and immediate locality and will create an undesirable precedent for future development.
4. The proposed development fails to satisfy the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, in that the proposal fails to satisfy Part 3, (Retention of existing affordable rental housing), Clause 50 of the State Environmental Planning Policy (Affordable Rental Housing) 2009 as the application fails to adequately detail and address the provisions of Clause 50 of the ARH SEPP and will not provide for an adequate amount and type of “comparable” affordable rental housing.
5. The proposed development fails to satisfy the provisions of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the additional height of the building does not represent the desired future character for development in the street and precinct and will adversely affect the nature of existing development in the precinct.
6. The proposed development fails to satisfy the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposed basement car parking arrangement and design fails to satisfy the provisions of Part B4 (Parking and Traffic) of the Kogarah Development Control Plan in that manoeuvrability and access to car parking spaces No’s 12, 13, 14 and 15 is difficult and fails to comply with AS2890.1. No swept path diagrams have been provided to ensure access to these spaces can be achieved.
7. The proposed development fails to satisfy the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposed development fails to satisfy the requirements of KDCP 2013 in that the proposed development does not follow the amalgamation pattern as required by Part C2 of KDCP 2013 resulting in a development that has adverse impacts upon the adjoining properties and the

streetscape.

8. The proposed development fails to satisfy the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, in that the proposal does not satisfy the provisions of Part B2 of the Kogarah Development Control Plan as the proposed building design and siting, in particular the extent of excavation for the basement car park will adversely affect the Tree Protection Zone and canopy spread of the tree to the west located on 268 Railway Parade and its longevity, hydrology and integrity will be severely impacted and no arborist report has been provided to support the proposal.
9. The proposed development fails to satisfy the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, in that the proposal does not satisfy the provisions of Part C2 Section 11 of the Kogarah Development Control Plan as at least 50% of the neighbouring properties primary private open space or windows to main living areas will not receive a minimum of 3 hours sunlight between 9am-3pm in mid-winter.
10. The proposed development fails to satisfy the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, in that the proposed development fails to meet Design Quality Principle No 6 (Amenity) of SEPP 65 in respect to the proposed built form, siting, design and setbacks for the building. The building height and reduced setbacks create a visually dominating built form with a poor interface between the properties to the south and west of the site. The bulk, scale and proposed mass of the building will create a poor planning and urban design response for this site.
11. The proposed development fails to satisfy the provisions of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, in that the proposed development fails to satisfy the Apartment Design Guide (ADG) building separation “design criteria” non-compliances on the ground floor and levels 1 – 5. The lack of separation along both side boundaries will create adverse amenity impacts, to adjoining properties and the lack of compliant separation distances in this case will not satisfy the objectives of the ADG which aim to achieve to an “equitable” distribution of separation between properties. The proposed design falls short of achieving the intentions and purpose of the ADG as the proposed setbacks are considered to be insufficient and the building will be an extremely large, imposing mass and form.
12. The proposed development fails to satisfy the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979 in that the proposed development in its current form will through its scale, bulk and mass of the building is considered to be an overdevelopment of the site and will establish an undesirable precedent in the area and will not be in the public interest.
13. The proposed development fails to satisfy the provisions of Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979 in that the proposed built form and the additional scale of the building will be out of character with existing and recently approved developments and does not reflect the desired future character for development in the street. The transition and interface of the building to the lower scale residential developments to the west and south of the site is considered to be unacceptable and unsympathetic with the form of these neighbouring properties.

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

### Speakers

- Zeina Mousso (owner)

### Voting of the Panel Members

Annette Ruhotas declared a conflict of interest for item LPP064-19 – Lot 23, 23 Bay Road Oatley and took no part in the site inspection or any deliberations for this item.

The decision of the remaining Panel members was unanimous.

### Determination

#### Refusal

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. MOD2019/0097 for the modification of consent number DA2017/0198 - modification involves a new driveway, an additional room on the top level, amended floor to floor height within the approved building height, amend roof layout and replace external materials at Lot 23, 23 Bay Road, Oatley, is determined by **refusal** for the following reasons:

The application is refused as:

1. The proposal will have an adverse impact on the quality of the natural environment of the locality due to the proposed tree and rockshelf removal for the driveway and earthworks in the Bay Road road reserve.
2. The proposed revised driveway design is not suitable given the present site constraints and the impacts of the works on the natural environment and the streetscape.

### **LPP065-19 Ramsgate Village Planning Proposal - 193– 201 Rocky Point Road, 66-68 Ramsgate Road and 2-6 Targo Road, Ramsgate (Report by Independent Assessment)**

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

### Speakers

- Hayden Bennett (submitter)
- Pieter Engelbrecht (submitter)
- Kerry Kyriacou (submitter)
- Samir (Moosa) Taouk (owner)
- Rob Burton (architect)
- Ben Craig (applicant)

### Voting of the Panel Members

The decision of the Panel was unanimous.

### Recommendation

That the Georges River Local Planning Panel defer the Planning Proposal for the following reasons:

1. Lowering of the height of the building located on the corner of Targo Road and Rocky Point Road with the aim to reduce the scale of the built form.
2. A review of the proposed Height of Building and Floor Space Ratio of the controls located on the western edge of the site in order to reduce the bulk and scale of the future built form and resulting impact on the amenity of the adjoining residential area.
3. Consideration of the proposed built form controls in relation to the sites 203-219 Rocky Point Road Ramsgate (including the siting of the heritage items).
4. In order to manage the risk of the planning proposal being inconsistent with a future Masterplan for Ramsgate Centre, an analysis be undertaken to consider a holistic and place-based planning approach for the centre, including:
  - a. Consideration of the impact of the planning proposal on the Commercial Centres hierarchy within the LGA.
  - b. Consideration of the future strategic planning activities on the eastern side of Rocky Point Road within the Bayside Council LGA.
  - c. Analysis of the impact of the planning proposal in the absence of a Masterplan for the whole of the centre and consideration of the implication of piecemeal development, the provision of services and infrastructure and the impact on the local and regional road networks.

#### 4. CONFIRMATION OF MINUTES

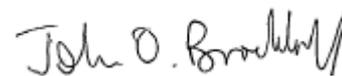
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The meeting concluded at 7.00pm.



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Paul Vergotis  
**Chairperson**



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John Brockhoff  
**Expert Panel Member**



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Michael Leavey  
**Expert Panel Member**

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Annette Ruhotas  
**Community Representative**

