

MINUTES

Local Planning Panel

Thursday, 20 February 2020

4.00pm

Georges River Civic Centre,
Hurstville



Panel Members:

Mr Paul Vergotis (Chairperson)
Ms Helen Deegan (Expert Panel Member)
Mr Michael Leavey (Expert Panel Member)
Mr George Vardas (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 4.01pm 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 5.58pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

LPP002-20 87a Jubilee Avenue Beverley Park (Beverley Park Golf Club)
(Report by Independent Assessment)

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

Speakers

- Paul Hoffmans (submitter)
- Andrew Robinson (on behalf of applicant)

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. DA2017/0472 for the demolition work and the construction of a new maintenance and staff amenities building, on-grade car parking, bin store area, tree removal and landscaping works at 87a Jubilee Avenue, Beverley Park, be **deferred** and invites the applicant to submit amended plans based on Site Layout Option 2, with the following additional amendments:

1. The sand and soil bins are to abut the western side of the building adjacent to the room marked as workshop and machinery store. All existing landscaping to the south and west of the relocated sand and soil bins are to be retained.
2. The four (4) eastern-most parking spaces and associated manoeuvring space are to be converted to form part of an expanded landscape area.
3. The parking spaces deleted by point 2. are to be incorporated into a redesigned car park, characterised by two (2) rows of parking spaces and associated manoeuvring space. These spaces are to be located as far away from the neighbouring residential properties as is possible to the north of the building. Swept paths and turning circles are to be shown on all plans to demonstrate hardstand areas have been minimised.
4. Fencing shall be provided perpendicular to both the northern and southern faces of the proposed building, so as to restrict vehicular access to the area located between the proposed building and the residential properties to the east. Pedestrian emergency exits are acceptable.
5. All roller doors on the eastern side of the building are to be deleted and/or converted to highlight windows.

In addition, the Plan of Management is to be amended to:

- (a) detail complaint handling and methods of communicating effectively with nearby residents, and
- (b) maintain a complaints action register which is to be submitted annually to Council, and
- (c) provide specific detail on operational measures to reduce noise associated with early starts.

The above amendments would result in a lesser impact on neighbours and would not require re-notification.

Amended plans addressing the Panel's concerns, above, must be submitted to the Council within 28 days from this Panel determination, otherwise the application will be determined on the information currently provided. Following receipt of this information, the Panel (as constituted on 20 February 2020) will determine the application electronically, unless the Chair determines that a further public meeting is required.

LPP003-20 248 Railway Parade Kogarah
(Report by Senior Development Assessment Officer)

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

Speakers

- Ken Guo (submitter)
- Yaming Xiao (submitter)
- Thomas Cook (submitter)
- J Wang (submitter)
- Edna L Liang (submitter)
- Katherine Lui (submitter)
- Jason Brown (submitter)
- Supun (Sam) Perera (on behalf of applicant)
- Danny Jones (planner)
- Roger Johnson (on behalf of applicant)

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. DA2019/0232 for the demolition of existing structures, remediation of the site, construction of an eight (8) storey mixed use building comprising of one (1) commercial tenancy at ground level, seven (7) levels of boarding rooms totaling forty nine (49), one (1) managers room over four (4) levels of basement parking accessed via a vehicle lift from Blake Street at 248 Railway Parade, Kogarah, is determined by **refusal** for the following reasons:

1. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 as the proposal does not satisfy Clause 29 (2)(ii)(e) of State Environmental Planning Policy (Affordable Rental Housing) 2009 in that the development does not provided sufficient car parking to accommodate the number of boarding rooms, and the lift access to and manoeuvring within the basement levels is unresolved.
2. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 as the proposal has not provided a Stage 2 Intrusive Investigation and therefore does not satisfy State Environmental Planning Policy No 55 - Remediation of Land.
3. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 as the proposal does not provide adequate stormwater disposal therefore not satisfying Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment.
4. The proposal does not satisfy the following zone objectives as per Clause 2.3 – Zone Objectives and Land Use Table (B4 Mixed Use) of Kogarah Local Environmental Plan 2012:
 - *To provide a mixture of compatible land uses.*
 - *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
 - *To encourage development that contributes to economic growth and employment opportunities.*
 - *To encourage development that contributes to an active, vibrant and sustainable town centre.*
 - *To provide opportunities for residential development, where appropriate.*

Whereby the proposed built form results in adverse visual massing which is not considered to be contextually appropriate given established built form in the immediate vicinity. The design results in poor amenity, outlook, privacy and solar access impacts upon adjoining residential properties to the west and south.

5. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 in regards to Draft State Environmental Planning

Policy – Environment.

6. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 in regards to Draft State Environmental Planning Policy – Remediation of Land.
7. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 as the proposal fails to comply with the Kogarah Development Control Plan 2013 in respect to amenity and built form controls.
8. The proposal is unsatisfactory having regard to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 as the development will cause adverse impacts upon the natural environment with respect to the impact regarding the disposal of stormwater.
9. The proposal is unsatisfactory having regard to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 as the development will cause adverse impacts upon the built environment with respect to the impact upon the streetscape, view loss and amenity to adjoining properties.
10. The proposed development is unsatisfactory having regard to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 in that the site is not suitable for the development in its present form.
11. Approval of the development would not be in the public interest and contrary to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.
12. The proposal has provided inadequate and inconsistent information.

LPP004-20 33 Waterview Street Carlton
(Report by Senior Development Assessment Planner)

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

Speakers

- Terry Goodhew (submitter)
- Mary Wood (submitter)
- Sandora Chia (submitter)
- Martin Brown (submitter)

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. DA2019/0417 for the change of use of an industrial building to a depot, warehouse and associated offices for a civil, construction and traffic control company at 33 Waterview Street, Carlton, is determined by **refusal** for the following reasons:

1. The development is unsatisfactory in terms of Section 4.15 (1)(a)(iv) of the Environmental Planning and Assessment Act 1979. In particular, the proposed development fails to provide a report from a suitably qualified accredited certifier detailing the works required to adequately address the requirements of Clause 9 – ‘Fire safety and other considerations’ of the Environmental Planning and Assessment Regulations 2000 including a schedule of existing and proposed fire safety measures.
2. The development is unsatisfactory in terms of Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979. In particular, the proposal does not provide sufficient information in relation Schedule 1 of the Protection of the Environment Operations Act 1997 to establish whether a licence is required. The application has failed to demonstrate how the site manages, captures, treats and discharges liquid run-off from the material stockpiles to assess if contaminated soil treatment is occurring on site.
3. The development is unsatisfactory in terms of Section 4.15 (1)(b) of the Environmental Planning & Assessment Act 1979. The proposal fails to provide information addressing waste materials collected in the field and returned to the site with particular concern if waste asbestos is stored onsite temporarily or otherwise.
4. The development is unsatisfactory in terms of Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979. In particular the development fails to provide sufficient information to enable a full and proper assessment to be made regarding the noise impacts of all functions conducted from the site.
5. The development is unsatisfactory in terms of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979. In particular the proposal fails to satisfy the objectives of Part D3 Section 12.4 (Air pollution) controls within the Kogarah Development Control Plan 2013. Of particular concern is the dust from material stockpiles, including the daily management of those stockpiles, such as loading and unloading of trucks.
6. The development is unsatisfactory in terms of Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979. In particular, the proposed development fails to satisfy the objectives of Part D3 Section 12.5 (Water pollution) controls within the Kogarah Development Plan 2013 and whether a licence is required under Schedule 1 of the Protection of the Environment Operations Act 1997. Further information is required relating to the management, capture, treatment and discharge of liquid run-off from the material stockpiles.
7. The development is unsatisfactory in terms of Section 4.15 (1)(a)(d) and (e) of the Environmental Planning and Assessment Act 1979. In particular, approval of the development would not be in the public interest, as evidenced by the large number of submissions received from adjoining owners and the deficient supporting documentation to support the proposal.

LPP005-20 **18-24 Victoria Street Kogarah**
(Report by Senior Development Assessment Officer)

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

Speakers

- Leo Wang (on behalf of applicant)

- Tasso Bastas (applicant)
- Julie Horder (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. DA2017/0597 for the demolition of existing structures and construction of a ten (10) storey mixed use development comprising sixty eight (68) units and two (2) neighbourhood shops, three (3) levels of basement parking and a pedestrian thorough connection along the western boundary at 18-24 Victoria Street, Kogarah, is determined by **refusal** for the following reasons:

1. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 as the proposal provides poor amenity in relation to spatial separation, solar access, balcony sizes and deep soil in regards the Apartment Design Guide (ADG) to State Environmental Planning Policy No. 65 Design Quality of Residential Flat Buildings.
2. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 as the proposal has not provided a Stage 2 Intrusive Investigation relating to contamination impacts and therefore does not satisfy State Environmental Planning Policy No. 55 Remediation of Land.
3. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 as the proposal has not provided a Stage 2 Intrusive Investigation and therefore does not satisfy State Environmental Planning Policy No. 55 Remediation of Land.
4. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 as the proposal has not provided a Revised BASIX Certificate consistent with the plans submitted for assessment and therefore does not satisfy State Environmental Planning Policy BASIX:2004.
5. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 as the proposed stormwater discharge design is inadequate therefore not satisfying the Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment and Council's Stormwater Management Policy.
6. The proposal does not satisfy the following zone objectives as per Clause 2.3 – Zone Objectives and Land Use Table (R4 High Density Residential) of Kogarah Local Environmental Plan 2012:
 - *To provide for the housing needs of the community within a high density residential environment.*
 - *To provide a variety of housing types within a high density residential environment.*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

7. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 as the proposal does not satisfy Clause 4.3 Height of Building of the Kogarah Local Environmental Plan 2012. A Clause 4.6 Exception to Development Standard has not been submitted for the additional height sought.
8. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 as the proposal does not satisfy Clause 4.4 Floor Space Ratio of the Kogarah Local Environmental Plan 2012. A Clause 4.6 Exception to Development Standard has not been submitted for the additional floor space sought.
9. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 as the proposal does not satisfy Clause 5.10 - Heritage Conservation of the Kogarah Local Environmental Plan 2012:
10. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 in regards to Draft State Environmental Planning Policy – Remediation of Land.
11. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 as the proposal fails to comply with the Kogarah Development Control Plan 2013 in respect to car parking, bicycle parking, solar access, landscape, drainage and built form controls.
12. The proposal is unsatisfactory having regard to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 as the development will cause adverse impacts upon the natural environment with respect the inadequate disposal of stormwater.
13. The proposal is unsatisfactory having regard to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 as the development will cause adverse impacts upon the built environment with respect the impact upon the streetscape, amenity for future occupants and to adjoining properties.
14. The proposed development is unsatisfactory having regard to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 in that the proposed development in its current form is not suitable for the site.
15. Approval of the development would not be in the public interest and contrary to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.
16. The amended proposal is not complete and therefore a thorough detailed comprehensive assessment of impacts cannot be undertaken.
17. The proposal is unsatisfactory in regards Part 15, Division 1 Clause 256 (3) of the Regulation 2000 as applicant has not provided payment for the referral to Sydney Airport.

LPP006-20 **66 Mulga Road Oatley**
(Report by Consultant Planner)

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. MOD2019/0214 for the modification of DA2016/0035 to modify consent conditions number 61 extending the hours of operation from 7.30am-6.00pm to 7.00am-7.00pm, Monday to Friday at 66 Mulga Road, Oatley, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 20 February 2020.

Statement of Reasons

- The proposed development generally complies with the requirements of the relevant environmental planning instruments and development control plan;
- The proposed modification to the approved hours does not result in any unreasonable impact on the natural and built environment.
- The proposal aims to provide a quality child care service that responds to community needs and demands
- The modification remains consistent with the character of the locality

4. CONFIRMATION OF MINUTES

The meeting concluded at 6.55pm



Paul Vergotis
Chairperson



Helen Deegan
Expert Panel Member



Michael Leavey
Expert Panel Member



George Vardas
Community Representative
