

MINUTES

Local Planning Panel

Thursday, 3 June 2021

4.00pm

Georges River Civic Centre,
Hurstville



GEORGES RIVER COUNCIL

Panel Members:

Mr Paul Vergotis (Chairperson)
Ms Juliet Grant (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 4.03pm 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**LPP020-21 7 Rickard Road South Hurstville**
(Report by Independent Assessment)

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

Speakers

- Georgette Kiosidis (submitter)
- Phillip Wyllie (submitter)
- James Kiosidis (submitter)
- Brett O'Neill (submitter)
- Benjamin Black (planner)
- Alice Chen (applicant)
- Nicole Lennon (planning consultant – report author)

Voting of the Panel Members

The decision of the Panel was unanimous.

DeterminationDeferral

Development Application No. DA2020/0358 for the change of use from a dwelling house to a place of public worship with associated works at 7 Rickard Road, South Hurstville, be **deferred** for Council to provide a supplementary report to outline onsite operations. The matter is to be returned to the Panel within 14 days for electronic determination.

LPP021-21 47 Kyle Parade Kyle Bay
(Report by Senior Development Assessment Planner)

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

Speakers

- Brett Daintry (submitter)
- Anthony Soubris (submitter)
- Sylvia Panovrakos (submitter)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Refusal

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2020/0362 for the alterations and first floor additions to a dwelling house, conversion of garage to a secondary dwelling, construction of a garage and front fence at 47 Kyle Parade, Kyle Bay, is determined by **refusal** for the following reasons:

1. Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the application fails to satisfy Clause 22(3)(a) of State Environmental Planning Policy (Affordable Rental Housing) 2009 as the total floor area of the principal and secondary dwellings exceeds the maximum FSR permitted on the site. No written 4.6 requests to vary the standards have been submitted and the Panel has no power to approve the application.
2. Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the application does not include a BASIX Certificate reflecting the current proposal and therefore fails to satisfy State Environmental Planning Policy (BASIX) 2004.
3. 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 Kogarah Local Environmental Plan 2012:
 - a. Clause 1.2 – Aims of the Plan;
 - b. Clause 2.3 – Zone Objectives (R2 Low Density Residential);
 - c. Clause 4.3 – Exceptions to height of building for residential accommodation in Zone R2, having regard to the extent of variation sought;
 - d. Clause 4.4A – Exceptions to floor space ratio for residential accommodation in Zone R2, having regard to the extent of variation sought;
 - e. Clause 4.6 – Exceptions to development standards – no request to vary the height of building or floor space standards were submitted.
4. 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 Kogarah Development Control Plan 2013:

- a. Control 1.2.1 Floor Space Requirements (6);
 - b. Control 1.2.2 Building Heights;
 - c. Control 1.2.4 Building Setbacks; and
 - d. Control 1.5.1 Visual Privacy.
5. The proposal is unsatisfactory and has insufficient information 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 following aspects of the environment:
- a. **Built Environment:** An adverse impact would result from the proposed development on the amenity of adjoining premises relating to building bulk, scale and form, and overlooking and impacts upon adjoining neighbours. In addition, the proposed stormwater system fails to adequately drain the development to the street gutter. The proposal also makes inadequate provision for pedestrian access to the secondary dwelling and for the provision of separate private open space.
 - b. **Social Impacts:** An adverse impact would result from the proposed development on the amenity of the locality and adjoining neighbours and general expectations for a dwelling house in a low density residential area.
6. The proposed development is unsatisfactory having regard to 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.
7. 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.

LPP022-21 51 Laycock Road Penshurst
(Report by Development Assessment Planner)

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

Speakers

- Anders Idestrom (architect)
- Patrick Tang (architect)

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. DA2021/0003 for the conversion of an existing bedroom to a robe, ensuite and bathroom - these works involve internal demolition works to a heritage item which lists the dwelling and gardens at 51 Laycock Road, Penshurst, is determined by **granting consent** to the application subject to the conditions recommended in

the report submitted to the LPP meeting of 3 June 2021.

Statement of Reasons

- The proposed development complies with the requirements of the relevant environmental planning instruments and development control plan.
- The proposed development satisfies the Heritage criteria of the site and is considered not to undermine the heritage significance of the dwelling.
- The proposed development is considered to be appropriate for the site and the character of the locality. Subject to the implementation of the recommended conditions, the development will have no unacceptable adverse impacts upon the natural or built environment.
- In consideration of the aforementioned reasons, the proposed development is a suitable and planned use of the site and its approval is in the public interest.

LPP023-21 2-24 Princes Highway Kogarah (Report by Senior Development Assessment Planner)

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

Speakers

- Louis Goulimis (project manager)
- Rod Logan (planner)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Approval

The Panel is satisfied that:

1. The applicants written request under Clause 4.6 of the Kogarah Local Environmental Plan 2012 seeking to justify a contravention of Clause 4.4 Floor Space Ratio development standard has adequately addressed and demonstrated that:
 - (a) Compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
 - (b) There are sufficient environmental planning grounds to justify the contravention.
2. The proposed development will be in the public interest because it is consistent with the objectives of the standards and the objectives for development within the zone in which the development is proposed to be carried out.

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2019/0337 for the demolition of existing structures and the construction of a six (6) storey mixed use development comprising of serviced apartments (56 dual key apartments), conference centre, associated amenities, three ground floor retail tenancies, basement car parking for 130 vehicles, landscaping and site works at 2-24 Princes Highway, Kogarah, is determined by **granting deferred commencement consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 3 June 2021 except;

- 1 Amend Condition A. 1(i):
 - Delete the words 'shall be better detailed' and replace with 'detailed specifications (including colour/finishes) of the perforated screens to the proposed balconies'.
- 2 Amend Condition 4:
 - Delete the words 'deferred commencement' and remove brackets surrounding wording in the title.

Statement of Reasons

- The proposed development generally complies with the requirements of the relevant environmental planning instruments and development control plan.
- The proposed development is well considered and sensitively designed so that it will not result in any unreasonable impact on the natural and built environment.
- The proposed land uses are permissible in the zone and satisfy the zone objectives.
- The building will not adversely affect the amenity of any immediately adjoining properties in terms of unreasonable overlooking, overshadowing or view loss.
- The proposal aims to provide a high-quality, contemporary mixed use development in an accessible location in accordance with the planning and design requirements for development of this nature in this precinct.

LPP024-21 143-149 Boundary Road and 689-691 Forest Road Peakhurst - Planning Proposal (Report by Strategic Planner)

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

Speakers

No speakers registered for this item.

Voting of the Panel Members

The decision of the Panel was unanimous.

RECOMMENDATION

That the Georges River Local Planning Panel recommends that Council endorse the forwarding of Planning Proposal PP2019/0003 to the NSW Department of Planning, Industry and Environment (DPIE) to request a Gateway Determination under Section 3.33 of the Environmental Planning and Assessment Act 1979 for an amendment to the Hurstville Local Environmental Plan (LEP) 2012 (or Georges River LEP 2021, if gazetted),

- Rezoning from R2 – Low Density Residential to B1 – Neighbourhood Centre;
- Increasing the maximum building height from 9m to part 12m and part 15m;
- Increasing the maximum FSR from 0.6:1 to part 1.5:1 and part 1.7:1; and
- Removing the minimum lot size requirement consistent with the proposed commercial zoning.
- That the Local Planning Panel recommends to Council that further consideration be given to aligning the proposed FSR and heights on the site to assist with future site design and development assessment.

That the LPP recommends to Council that the Planning Proposal be forwarded to the Minister for Planning and Public Places for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

That the Georges River LPP recommends to Council that a site-specific amendment to the current Development Control Plan be prepared to reflect site specific provisions for any future development of the site.

4. CONFIRMATION OF MINUTES



Paul Vergotis
Chairperson



Michael Leavey
Expert Panel Member



Juliet Grant
Expert Panel Member



George Vardas
Community Representative

Panel Members:

Mr Sue Francis (Chairperson)
Ms Juliet Grant (Expert Panel Member)
Mr Michael Leavey (Expert Panel Member)
Mr George Vardas (Community Representative)

5. APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

There were no apologies received

Paul Vergotis declared a conflict as such Sue Francis an alternate chair undertook the chair function of this portion of the meeting.

6. GEORGES RIVER LOCAL PLANNING PANEL REPORTS**LPP025-21 591-611 Princes Highway Blakehurst**
(Report by Independent Assessment)

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

Speakers

- Adam Coburn (planner)

Voting of the Panel Members

The decision of the Panel was unanimous.

DeterminationDeferral

Review Application No. REV2020/0032 for the Review of Determination of DA2020/0065 for Construction of a digital advertising structure at 591-611 Princes Highway, Blakehurst, be **deferred** and invites the applicant to submit the following;

1. A Visual Impact Assessment is undertaken from all public roads and surrounding residential properties.
2. Amended plans that respond to the Visual Impact Assessment including:
 - (a) Review the siting of the sign within the car park area;
 - (b) Reduce the overall height of the sign and reduce the screen size;
 - (c) Provide landscaping within the car park area to improve the public domain.

Statement of Reasons

The Panel accepts the principle of the site and location of the sign but is concerned with scale and visual impact and how it fits in with the visual setting. Accordingly the Panel elected to defer the matter to allow the applicant to address these issues.

The matter is to be referred back to the same Panel for electronic determination within 60 days.

7. CONFIRMATION OF MINUTES

The meeting concluded at 6.48pm.



Sue Francis
Chairperson



Michael Leavey
Expert Panel Member



Juliet Grant
Expert Panel Member



George Vardas
Community Representative