

# **ELECTRONIC DETERMINATION**

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**Georges River Local Planning Panel**

**Thursday, 20 April 2023**

**Panel Members:**

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

**LPP004-23     185 Queens Road, Connells Point**  
(Report by Principal Planner)**Voting of the Panel Members**

The decision of the Panel was unanimous.

**Determination**

The Panel has now received and reviewed the legal advice as sought on its previous meeting. The advice received has confirmed that cl4.6 can be used to vary cl6.4 of the GRCLEP 2021. It has also confirmed that the term 'footprint' includes any part of the building, e.g., eaves, gutters, balconies etc. It also confirmed that any forward projection of the retaining/sea wall would need to be included and considered in any cl4.6 application.

Accordingly, the Panel has agreed to defer determination of the development application until the further information to address these matters and those matters previously raised in the prior deferral has been provided

**Deferral**

Pursuant to Section 2.20 (8) of the Environmental Planning and Assessment Act 1979 (EPAA), determination of Development Application No. DA2022/0001 for demolition works and the construction of a dwelling house and swimming pool on Lot C in DP329857 on land known as 185 Queens Road, Connells Point, was deferred on 16 March 2023 for Council to seek legal advice regarding Clause 6.4 of Georges River Local Environmental Plan 2021. Following Council's legal advice the applicant is now invited to submit further information as provided below. The application is to be subject to future consideration by the Georges River Local Planning Panel at a public meeting unless the Chair determines otherwise:

1. An updated and well-founded clause 4.6 - exceptions to development standards be submitted addressing clause 6.4 - Foreshore area and coastal hazards and risk stipulated in the Georges River Local Environmental Plan 2021 (GRC 2021).

The request shall address the breach of the building footprint, which includes projections from the dwelling, including balconies and overhangs, and the proposed retaining walls forward of the existing natural rock walls. Alternatively, plans should be amended to comply with clause 6.4 of GRC 2021.

2. The application needs to demonstrate that 25% of the site is landscaped area in accordance with Clause 6.12 of the Georges River Local Environmental Plan 2021. A Clause 4.6 Variation request would be required if the minimum landscaped area is not achieved. Alternatively, plans should be amended to comply. The Panel considers clear and reasoned justification would be required to justify as variation in this case

3. Notwithstanding the above, and as discussed in the Panel meeting on the 16 March 2023, the Panel also has queries with the following issues which will require additional information from the applicant, to be submitted to the Council:
- a. Updated GFA details and plans which include the proposed lift. A Clause 4.6 Variation request would be required if the GFA is exceeded. Alternatively, plans are to be amended to comply (which is the Panel's preference).
  - b. Further details on the proposed lift design and any overrun treatment, including, if there is any impact on maximum building height. A Clause 4.6 Variation request would be required if the permissible height is exceeded or plans to be amended to comply.
  - c. Consideration should be given to the following design changes:
    - i. The provision of additional landscaping within the front wall in the form of an indented planter box.
    - ii. Provision of an opening in the northern carport wall adjacent to 183 Queens Road, to provide articulation and reduce the mass of the wall.
    - iii. To adjust the alignment of the carport relative to the street boundary, similar to the carport roof treatment of 183 Queens Road.
    - iv. A reduction in the driveway crossing to comply with Council's Development Control Plan being a maximum of 4m in width. To allow for street tree planting.
    - v. The landscape plan to show a canopy tree in the front setback area of the site capable of achieving a height of 10m in accordance with Clause 5(3) Landscaping of the Georges River Development Control Plan 2021.

## 1. CONFIRMATION OF MINUTES BY CHAIR

### GEORGES RIVER LOCAL PLANNING PANEL (LPP) - 20 APRIL 2023

#### RECOMMENDATION

That the Minutes of the Georges River Local Planning Panel (LPP) held on 20 April 2023, be confirmed.




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Sue Francis  
**Chairperson**




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Michael Leavey  
**Expert Panel Member**




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Nicholas Skelton  
**Expert Panel Member**





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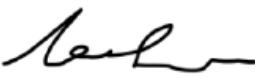
Erin Sellers  
**Community Representative**

## Declaration of Interest

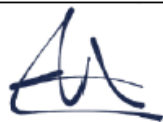
### Georges River Local Planning Panel

<b>Panel Member Name:</b>	Sue Francis
<b>Meeting Date:</b>	16 March 2023
<b>Item Numbers:</b>	<ul style="list-style-type: none"> <li>LPP004-23 – 185 Queens Road Connells Point</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>	
<b>Signature:</b>	
<b>Key of Terms:</b> <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. <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. <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.	

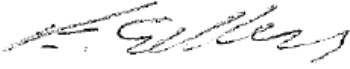
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<b>Panel Member Name:</b>	Nicholas Skelton
<b>Meeting Date:</b>	16 March 2023
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<b>Panel Member Name:</b>	Michael Leavey
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<b>Panel Member Name:</b>	Erin Sellers
<b>Meeting Date:</b>	16 March 2023
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