



GEORGES RIVER COUNCIL

LOCAL PLANNING PANEL – REVIEW PANEL

MINUTES OF MEETING

Monday, 18 June 2018

COMMITTEE MEMBERSHIP

Panel Members:

Ms Sue Francis (Chairperson)
Mr Milan Marecic (Expert Panel Member)
Mr Jason Perica (Expert Panel Member)
Mr Cameron Jones (Community Representative)

Council Staff:

Ryan Cole (Manager Development Assessment)
Cathy Mercer (Team Leader DA Administration)
Monica Wernej (DA Admin Assistant)

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 4.21pm 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 5.11pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

LPP018-18 7 Wharf Road Kogarah Bay
(Report by Development Assessment Officer)

Speakers

- Louie Sarainovski (objector)
- John Bush (objector)
- Rodwan Zoabi (applicant)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

The Panel visited the site and had regard for the topography of the land and its relationship to the neighbouring property. At the meeting, the neighbour at 5 Wharf Road indicated a concern regarding the survey produced for the development application and identified that they had commissioned a survey from a Registered Surveyor (provided to Council). From this the Panel noted numerous inconsistencies. Further, in the absence of plans and information showing the relationship of the site to its neighbours (on all 4 sides) in plan and section, the Panel was not able to consider the relative impact of the proposal. This, together with the lack of information in respect of the location and proposed in respect of the sewer which crosses the site, stormwater plans, the apparent non-compliance with FSR and the lack of a Clause 4.6, meant the Panel was not sufficiently informed nor lawfully able to approve the application.

Refusal

THAT pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act, 1979, as amended, Development Application No. REV2018/0004 for the Section 8.2 Review of Determination – Construction of three storey attached dual occupancy, swimming pools and outbuildings to each dwelling at 7 Wharf Road, Kogarah Bay, is determined by **refusal** for the following reasons:

1. REF2.9 - **Refusal Reason** – The amended proposal provides inadequate, inconsistent and possibly erroneous information such that there is insufficient information to make an informed determination of the proposal. Notwithstanding this, from the information provided, the following additional reasons are identified.
2. REF2.1 - **Refusal Reason – 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 relevant environmental planning instruments in terms of the following:
 - (a) The proposal exceeds the maximum FSR specified in the Kogarah Local Environmental Plan 2012, which results in adverse bulk and scale impacts to adjoining neighbours and the streetscape. No Clause 4.6 Exception to Development Standard has been submitted for consideration for excess floor space above the Development Standard.
 - (b) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Clause 3 Aim of Policy (1)(a) an application for a development consent must be accompanied by a list of commitments by the applicant as to the manner in which the development will be carried out. An inadequate BASIX Certificate and BASIX Commitments have not been notated on the plans.

- (c) State Environmental Planning Policy (Vegetation in non-rural areas) 2017 objectives (a) which states “to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation”. The proposal seeks the removal of two (2) trees within the rear setback of which are considered to be of significant arboricultural value.
- (d) State Environment Planning Policy No 55 – Remediation of Land. The former dwelling house on site has been demolished. Inadequate information has been provided to ensure that the site is currently suitable for the proposed residential use.
3. **REF2.9 - Refusal Reason** – Wharf Road has an existing consistent front street setback. The proposal does not maintain this setback and in so doing represents poor site planning. This includes the location of parking below street level, which causes excessive excavation and a steep driveway (unable to be used for car parking). This also results in a building footprint which may otherwise be more appropriately located on the site towards Wharf Road.
4. **REF2.3 - Refusal Reason - 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 Kogarah Development Control Plan 2013:
- (a) Section B4 Car Parking and Traffic whereby the proposal results in one shortfall of one residential car space.
- (b) Section B6 Water Management - On Site Water Management and Stormwater Requirements. The application has not provided an adequate concept stormwater plan reflective of the architectural design.
5. **REF2.6 - Refusal Reason – Impacts 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 proposal seeks the removal of two (2) trees within the rear of the site which are of significant arboricultural significance. The proposal seeks excessive cut and fill which is not considered sympathetic and compatible with the immediate residential context.
- (b) Built environment – The proposal seeks excessive cut and fill which results in unnecessary visual bulk and scale. The proposal results in poor occupant amenity resulting in a shortfall of one residential car space.
6. **REF2.9 - Refusal Reason** - The proposed development as currently designed is considered an over development of the site by virtue of its design, layout, excessive bulk and scale and its relationship to its boundaries. It will set an undesirable precedent to the streetscape both from Wharf Road and Parkside Drive.

LPP019-18 **29-31 Dora Street Hurstville**
(Report by Development Assessment Planner)

Speakers

No speakers registered

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Approval

THAT pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act, 1979, as amended, Development Application No. MOD2017/0090 for the Section 4.55 modification application to amend Condition 148 for Waratah Private Hospital at 29-31 Dora Street, Hurstville, by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 18 June 2018 except as follows:

1. Delete Condition No 136.
2. Amend Condition No 149 as follows:
 149. A total of one hundred and ten (110) car spaces of the three hundred and fifty (350) car spaces required to satisfy the parking demand for the building are public parking spaces (in accordance with the applicant's offer made at the time development consent 05/DA-607 was granted), in addition to the one hundred and fifty (150) public parking in the building that are owned by Georges River Council.

All onsite car parking is to be unobstructed and available at all times when the premises are in operation.

Statement of Reasons

1. The proposal is considered to be substantially the same development to which development consent was originally granted.
2. The proposal is considered to be of minimal environmental impact.
3. The Panel generally agrees with the assessment recommendations of Council Officers.

4. CONFIRMATION OF MINUTES

The meeting concluded at 5.33pm.



Sue Francis
Chairperson



Milan Marecic
Expert Panel Member



Jason Perica
Expert Panel Member



Cameron Jones
Community Representative