



GEORGES RIVER COUNCIL

LOCAL PLANNING PANEL

MINUTES OF MEETING Thursday, 21 June 2018

COMMITTEE MEMBERSHIP

Panel Members:

Mr Paul Vergotis (Chairperson)
Mr Michael Leavey (Expert Panel Member)
Mr John Brockhoff (Expert Panel Member)
Mr Cameron Jones (Community Representative)

Council Staff:

Meryl Bishop (Director Environment and Planning)
Ryan Cole (Manager Development and Building)
Catherine McMahon (Manager Strategic Planning)
Cathy Mercer (Team Leader DA Administration)
Monica Wernej (DA Admin Assistant)

1. APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

There were no apologies received

John Brockhoff declared a non-pecuniary conflict of interest in Item 025-18 – Planning Proposal - Low Rise Medium Density Housing Code due to his role on behalf of PIA on the NSW Government (DPE) Complying Development Expert Panel, as well as his advocacy on the medium density code in his role as Principal Policy Officer at the Planning Institute of Australia (PIA).

2. PUBLIC SPEAKERS

The meeting commenced at 4.00pm 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 5.28pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

LPP020-18 2-12 Lime Kiln Road and 1041a and 1041c Forest Road Lugarno
(Report by Senior Development Assessment Officer)

The Panel carried out a site inspection.

Speakers

- Rachel Condon (on behalf of applicant)
- Peter Israel (applicant)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

1. That the applicant's written request under Clause 4.6 of the Hurstville Local Environmental Plan 2012 seeking to justify a contravention of Clause 4.3 Height of Buildings development standard has demonstrated that:
 - (a) Compliance with the standard is unreasonable or unnecessary in the circumstances of the case;
 - (b) There are sufficient environmental grounds to justify the contravention.

In addition the contravention provides for a development which will be in the public interest as it will be consistent with the objectives of the zone.

2. Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2017/0217 for the amalgamation of three lots, demolition of existing structures and construction of a mixed development containing ground floor retail/commercial area, 14 apartments, and basement car parking area at 2-12 Lime Kiln Road and 1041a and 1041c Forest Road, Lugarno, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 21 June 2018 except, the addition of the following:

(a) Under the heading 'Prior to Construction Certificate' insert following conditions:

- (i) **Mechanical Ventilation** - To ensure that adequate provision is made for ventilation of the commercial portions of the building mechanical and/or natural ventilation systems adequate for commercial kitchen for restaurants/café cooking facilities are required to be shall be designed, constructed and installed centrally within the building (not externally) in accordance with the provisions of the Building Code of Australia and Australian Standard 1668.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

- (ii) **Noise from Buildings Containing Housing Above Shops or Adjacent to Housing** - A certificate from an Acoustic Engineer is to be submitted with the Construction Certificate certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background

level at night (10.00pm to 6.00am) when measured at the boundary of the property, and will comply with the Environmental Protection Authority Industrial Noise Policy.

The development is not to give rise to an offensive noise as defined under the Protection of the Environment Operations Act 1997.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

- (iii) **Relocation of Stormwater Onsite Detention System** - To provide opportunity for additional deep soil landscaping, the Onsite Detention System is to be relocated from adjacent to the western the side boundary setback to under the driveway of the approved development. The amended OSD system is to be fully compliant with Council's Technical Specification and the Australian Standards.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

- (iv) **Additional Security Screen** - A security screen no greater than 1.8m above finished floor level is to be provided to the outer most projection of the balcony located on Level 2 off Unit 9202 between the balustrade and the front building elevation in order to prevent unauthorised access from the adjoining property.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

Statement of Reasons

1. The proposed development is considered to be an appropriate scale and form for the site and the and the character of the locality.
2. The proposed development, subject to the recommended conditions, will have no unacceptable adverse impacts upon the natural or built environments.
3. In consideration of the above reasons, the proposed development is a suitable and planned use of the site and its approval is in the public interest.

LPP021-18 279 - 281 Belmore Road Riverwood
(Report by Manager Development and Building)

The Panel carried out a site inspection.

Speakers

- Sam Galluzzo (objector)
- Frank Sartor (on behalf of applicant)
- Greg Burgon (on behalf of applicant)

- Joe Rowling (on behalf of applicant)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Pursuant to Section 4.15(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2016/0219 for the demolition of existing structures and construction of a mixed retail and residential development at 279-281 Belmore Road, Riverwood, is determined by **refusal** for the following reasons:

1. **Strategic Vision and Urban Context** - The site is not suitable for the **proposed** development as there is currently no urban form study, vision statement or strategic review which would justify the proposal's major change to the built form of Riverwood Town Centre and locality. Specifically as the proposed building's density, height and floor space ratios are:
 - a) out of context with the existing urban form;
 - b) out of context with the permitted heights and floor space ratio controls permitted on adjoining, adjacent and nearby sites;
 - c) not consistent with the known desired future character having regard to economic performance of the town centre, transport (including road network capacity, public transport capacity, parking) and amenity;
 - d) considered unsuitable for the subject site; and
 - e) inappropriate given the vehicle access arrangements for the site.
2. **Failure to meet State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) requirements** - The proposed development fails to meet the design quality principles as set under the Clause 28(2) of SEPP 65 as follows:
 - a) Principle 1: Context and neighbourhood character: The proposed development has been not been designed to respond to the surrounding built form context and existing neighborhood character.
 - b) Principle 2: Built form and scale: The proposed development provides an inappropriate scale, proportion, bulk and height in relation to the existing built form and scale of the surrounding buildings in the Riverwood Town Centre.
 - c) Principle 3: Density: Proposed development is considered to achieve an inappropriate density based on the existing context of the Riverwood Town Centre.
3. **Failure to meet Hurstville Local Environmental Plan 2012 (HLEP 2012) requirements** - The proposed development fails to meet the requirements set under HLEP 2012 as follows:

Height

- a) Clause 4.3 – Height of Buildings sets a height limit for the portion of the development on land at 279 Belmore Road Riverwood at 18m. The proposal development exceeds this height seeking 18.5m on eastern elevation and 21m on western elevation.
- b) The applicants written request seeking to vary the Development Standard under Clause 4.3 of HLEP 2012 has not:
 - i. adequately justified the contravention

- ii. the variation to the standard is neither reasonable or necessary in the circumstances of the case; and
- iii. there is insufficient environmental planning grounds for the variation

Floor Space Ratio

- a) Clause 4.4 – Floor Space Ratio sets a Floor Space Ratio limit for the portion of the development on land at 279 Belmore Road Riverwood at 2:1. The proposal development exceeds this ratio seeking 2.8:1
- b) The applicants written request seeking to vary the Development Standard under Clause 4.4 of HLEP 2012 has not:
 - i. adequately justified the contravention
 - ii. the variation to the standard is neither reasonable or necessary in the circumstances of the case; and
 - iii. there is insufficient environmental planning grounds for the variation

Floor Space Ratio (Commercial Floor Area)

- a) Clause 4.4A – Exceptions to Floor Space Ratios for Buildings on Land in Certain Zones sets a control that development consent must not be granted for development on land in zone B1 Neighbourhood Centre or zone B2 Local Centre unless the non-residential floor space ratio is at least 0.3:1. The proposed development provides 0.246:1.
- b) No written request under Clause 4.6 to vary the control has been submitted to justify the departure from the development standard.

4. Failure to meet Hurstville Development Control Plan No 1 (DCP1) Requirements - The proposed development fails to meet the requirements set under DCP 1 as follows:

Height

- a) The proposal does not meet the objective that development will be compatible with the existing built form, streetscape and scale of development.
- b) Control PC3 (Appendix 1 Clause 10) that buildings in the B2 Local Centre fronting the railway shall be 13m and a maximum of 4 storeys.

Car parking

- a) The proposal provides 63 car parking spaces which does not meet the minimum parking requirement of 65 spaces as stipulated under Clause 3.1

LPP022-18 108, 112 and 124 Forest Road and 1 and 3 Wright Street, Hurstville (Planning Proposal) (Report by Senior Strategic Planner)

The Panel carried out a site inspection.

Speakers

- George Gu (objector)
- Tom Ying (objector)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

1. That the Georges River Local Planning Panel receive and note the submissions received during the public exhibition of the Planning Proposal PP2014/0004 for 108, 112 and 124 Forest Road and 1 and 3 Wright Street, Hurstville.
2. That the following amendments to Hurstville LEP 2012, as exhibited be supported:
 - (a) Amend the Land Zoning Map (LZM) to rezone Nos. 108 and 112 Forest Road, Hurstville from B2 - Local Centre Zone to B4 – Mixed Use Zone;
 - (b) Amend the Land Zoning Map (LZM) to rezone Nos. 1 - 3 Wright Street, Hurstville from R3 - Medium Density Residential Zone to B4 - Mixed Use Zone;
 - (c) Amend the Height of Buildings Map (HOB) to increase the height of buildings for Nos. 108 and 112 Forest Road and 1 and 3 Wright Street, Hurstville to 34.5m;
 - (d) Amend the Height of Buildings Map (HOB) to increase the height of buildings for No. 124 Forest Road, Hurstville to 46.5m;
 - (e) Amend the Floor Space Ratio Map (FSR) to increase the maximum floor space ratio for Nos. 108 and 112 Forest Road and Nos 1 and 3 Wright Street, Hurstville to 4:1;
 - (f) Amend the Lot Size Map (Sheet LSZ_008) to remove Nos. 1 and 3 Wright Street, Hurstville from its application, consistent with the B4 - Mixed Use Zone; and
 - (g) Amend Clause 4.4A of Hurstville LEP 2012 to include a provision relating to the subject site stating that development consent must not be granted for development unless the non-residential floor space is at least 0.5:1.
3. That a report to the Environment and Planning Committee be prepared to advise of the Local Planning Panel recommendations and request Council to resolve to support the Planning Proposal and the finalisation of the draft amendment to *Hurstville Local Environmental Plan 2012* in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979*.
4. The Panel considered that the following matters be reviewed in relation to Amendment No.8 to DCP No.2 – Hurstville City Centre:
 - (a) Additional access from Wright Street;
 - (b) Site amalgamations.

Statement of Reasons

1. Recommendation to Council to support the planning proposal for the change in zone and increase in heights and FSRs for the site – on the basis that the planning proposal is supported by a draft DCP that contains the detail design solutions that will guide future development so as to achieve a development outcome on these sites that is consistent with that sought for Hurstville City Centre.
2. That the future height density proposed by the planning proposal are not inconsistent with the context of the area and the development on adjoining sites.

LPP023-18 Planning Proposal - 9 Gloucester Road, Hurstville (Report by Strategic Planner)

The Panel carried out a site inspection.

Speakers

- Stephen Cox (on behalf of applicant)

- Mark Maryska (on behalf of applicant)
- Greg Dowling (on behalf of applicant)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

1. That the Georges River LPP recommends to Council that the Planning Proposal to amend *Hurstville Local Environmental Plan 2012* as follows, in relation to 9 Gloucester Road, Hurstville (Lot 30 DP785238), be forwarded to the delegate of the Greater Sydney Commission for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*:
 - a) To amend the Floor Space Ratio Map to increase the floor space ratio from 3:1 to 4:1 (including a minimum non-residential FSR of 0.3:1); and
 - b) To amend the Height of Buildings Map to increase the maximum building height applying to the site from 23m to a range of heights of 23m, 30m, 40m, 50m and 60m.
2. That the Planning Proposal be placed on formal public exhibition in accordance with the conditions of any Gateway Determination issued by the Department of Planning and Environment.
3. That the LPP recommends to Council to prepare an amendment to the *Hurstville Development Control Plan No.2 – Hurstville City Centre* (“HDCCP No.2”) to run concurrently with an amendment to the *Hurstville Local Environmental Plan 2012* (if Gateway approval is given by the Department of Planning and Environment), to reflect urban design considerations for any future development of the site including the provision of public access, built form, boundary setbacks, deep soil areas, tree retention, vehicular access and any other relevant issues. The DCP is to be prepared at the proponent’s cost.
4. That a report to Council be prepared by Council staff to advise of the LPP recommendations.

Statement of Reasons

1. That the proposed planning proposal is consistent with the strategic directions set within the District Plan regarding the retention of commercial floor space and increase in residential dwellings within the Hurstville Town Centre.
2. Recommendation to Council to support the planning proposal for the increase in heights and FSRs for the site – on the basis that the planning proposal is supported by a draft DCP that contains the detail design solutions that will guide future development so as to achieve a development outcome on these sites that is consistent with that sought for Hurstville City Centre.
3. That the future height density proposed by the planning proposal are consistent with the context of the area and the development on adjoining sites and the provisions within the draft Hurstville City Centre Urban Design Strategy.

LPP024-18 Planning Proposal - 53-75 Forest Road, 108-126 Durham Street and 9 Roberts Lane, Hurstville
(Report by Strategic Planner)

The Panel carried out a site inspection.

Speakers

- Michael Gheorghiu (applicant)
- Greg Hynd (on behalf of applicant)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

1. That the Georges River LPP recommends to Council that the revised Planning Proposal to amend *Hurstville Local Environmental Plan 2012* as follows, in relation to the Landmark Square Precinct at 53-75 Forest Road, 108-126 Durham Street and 9 Roberts Lane, Hurstville, be forwarded to the delegate of the Greater Sydney Commission for an Alteration to the Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*:
 - a) To amend the land zoning from IN2 Light Industrial and part R2 Low Density Residential to B4 Mixed Use;
 - b) To amend the Floor Space Ratio Map to increase the FSR from 0.6 (R2) and 1:1 (IN2) to 2:1 along Roberts Lane and up to 3.5:1 for the remainder of the site (including a minimum non-residential FSR of 0.5:1);
 - c) To amend the Height of Buildings Map to increase the maximum building height applying to the site from 9m (R2) and 10m (IN2) to a range of heights being 12m (for a depth of 18m from Roberts Lane), 21m, 28m, 30m, 40m and 65m;
 - d) To amend the Active Street Frontages Map to apply active street frontages along the Forest Road and Durham Street frontages of the Precinct; and
 - e) To apply a bonus FSR incentive of 0.5:1 based on the total Precinct site area for the purpose of hotel accommodation at the corner of Forest Road and Durham Street.
2. That the Planning Proposal be placed on formal public exhibition in accordance with the conditions of any Gateway Determination issued by the Department of Planning and Environment.
3. That the LPP recommends to Council to prepare an amendment to the *Hurstville Development Control Plan No.2 – Hurstville City Centre* (“HDCCP No.2”) to run concurrently with an amendment to the *Hurstville Local Environmental Plan 2012* (if Alteration to the Gateway is given by the Department of Planning and Environment), to reflect detailed urban design considerations for any future development of the site including the provision of public access, built form, boundary setbacks, deep soil areas, tree retention, vehicular access and any other relevant issues. The DCP is to be prepared at the proponent’s cost.
4. That a report to Council be prepared by Council staff to advise of the LPP recommendations.
5. That the Panel recommends that the provision of affordable housing be reconsidered in the context of the South District Plan and whether such housing be provided through a revised voluntary planning agreement.
6. The Panel considered that site amalgamation requirements be reviewed in relation to an amendment to DCP No.2 – Hurstville City Centre.

Statement of Reasons

1. That the revised planning proposal is generally consistent with the strategic directions set within the District Plan in relation to the future of Hurstville City Centre.
2. Recommendation to Council to support the revised planning proposal - on the basis that the planning proposal is supported by a draft DCP that contains the detail design solutions that will guide future development so as to achieve a development outcome on these sites that is consistent with that sought for Hurstville City Centre.
3. That the revised planning proposal is consistent with the context of the area and the development on adjoining sites and the provisions within the draft Hurstville City Centre Urban Design Strategy.
4. That the revised planning proposal provides clarification on the future development of the site in relation to the application of the bonus FSR and building heights

LPP025-18 Planning Proposal - Low Rise Medium Density Housing Code (Report by Manager Strategic Planning)

Speakers

Not applicable

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

1. That the Georges River LPP recommends to Council that the Planning Proposal – Low Rise Medium Density Housing Code, be forwarded to the delegate of the Greater Sydney Commission for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
2. That a report to Council be prepared by Council staff to advise of the LPP recommendations.

Statement of Reasons

1. That the planning proposal will provide Council with the opportunity to undertake the strategic planning work to deliver multi-unit housing in appropriate locations and to deliver sound planning outcomes.

4. CONFIRMATION OF MINUTES

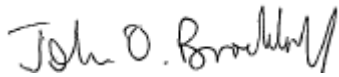
The meeting concluded at 7.45pm



Paul Vergotis
Chairperson



Michael Leavey
Expert Panel Member



John Brockhoff
Expert Panel Member



Cameron Jones
Community Representative