



GEORGES RIVER COUNCIL

LOCAL PLANNING PANEL

MINUTES OF MEETING

Thursday, 19 July 2018

COMMITTEE MEMBERSHIP

Panel Members:

Mr Paul Vergotis (Chairperson)
Mr Michael Leavey (Expert Panel Member)
Ms Juliet Grant (Expert Panel Member)
Mr Erin Sellers (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)

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 4.00 pm 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 5.13 pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

LPP026-18 44 Harris Street Sans Souci (Report by Development Assessment Planner)

The Panel carried out a site inspection.

Speakers

- Eli Gescheit (on behalf of applicant)
- Zoran Nikolovski (owner)
- Ourania Nikolovski (owner and on behalf of applicant)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Deferral

That Development Application No. DA2017/0345 for the construction of two storey attached dual occupancy with basement parking, cabana and landscaping at 44 Harris Street, Sans Souci, be **deferred** and the applicant be invited to submit the following:

1. Amended architectural plans to:
 - a) Reduce the Gross Floor Area with the aim of meeting the floor space ratio of the development;
 - b) Delete the cabanas; and
 - c) Reducing the DCP non-compliances.
2. Amended stormwater engineering plans and detail to ensure adequate stormwater disposal in accordance with Council requirements.
3. Details demonstrating compliance with the above is to be submitted to the satisfaction of Council's Manager Development and Building within 3 months of the date of this decision.

Subject to the above, delegation is given to the Manager Development and Building to determine the application under Section 2.20(8) of the *Environmental Planning and Assessment Act 1979*.

Statement of Reasons

1. The Panel inspected the subject premises and heard oral submissions from Mr Gescheit and Mr and Mrs Nikolovski. In consideration of the recommendation provided in the assessment report and the oral submissions made to the Panel, the Panel was of the opinion that the application be deferred and that the applicant be invited to provide amended plans which demonstrated that the proposed development complies with the relevant planning controls.

2. The Panel was of the view that the proposed development was not of a scale to warrant the granting of a development consent and there were unresolved issues in relation to the disposal of stormwater drainage.

LPP027-18 8-12 Oatley Avenue Oatley
(Report by Independent Assessment)

The Panel carried out a site inspection.

Speakers

- Jeff Mead – Planning Ingenuity (Town Planner)
- John Green – AHA (NSW)
- Lyn Humpreys (Applicant)

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. DA2017/0612 for the alterations and additions to Oatley Hotel at 8-12 Oatley Avenue Oatley, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 19 June 2018 except:

1. The addition of the following condition:

Additional Acoustic Treatment - An acoustic wall shall be designed and constructed 0.5m within the confines of the subject site adjacent to the eastern property boundary between the southern building elevation of the garage to south eastern corner boundary. The acoustic wall shall be designed and certified in accordance with recommendations made by an appropriately qualified and practising acoustic engineer and shall have a height no greater than RL 45.05. The portion of the wall facing east shall be recessive dark tone in colour with an appropriate architectural treatment to break up the wall length and to reduce the visual impact.

2. Deletion of Condition 13.
3. Amendment of Condition 33 to read as follows:
 33. The first floor terraces shall only operate between the hours of 10.00am to 12.00 midnight.
4. Delete Condition 14.

5. Insert Condition 24A as follows:

24A. **Plan of Management - Compliance** - The premises are to be operated at all times in accordance with the document entitled "Oatley Hotel Management Operations Register" (Version 3 September 2017) (**Plan of Management**) except as varied from time to time in consultation with Police and Council.

A copy of the Plan of Management is to be kept on the premises and made available for inspection on the request of a Police officer, Council officer, or Liquor and Gaming NSW inspector.

6. Insert Condition 20A as follows:

20A. **Footpath Upgrade and Road Restoration** - The following road frontage works will be required to facilitate access to and from the proposed development on Oatley Avenue:

(a) Renew the footpath for the full length of the frontage of the site in accordance with Council's Specifications applying at the time construction approval is sought.

(b) All associated road pavement restorations.

Constructing a vehicular crossing and/or footpath requires separate approval under the *Roads Act 1993*, prior to the commencement of those works.

7. Delete Condition 35.

8. Delete Condition 39.

Statement of Reasons

1. The Panel inspected the site and heard submissions from the applicant, the applicant's town planner and a representative from the Australian Hotel Association. Concern was raised with a number of conditions including the hours of operation of the terrace area and conditions generally associated with the Plan of Management. The Panel formed the view that compliance with the proposed conditions was unnecessary and required deletion. Additional conditions were imposed in relation to an acoustic wall and compliance with the existing Plan of Management which will adequately address the development impacts and sites operation.
2. The proposed development is considered to be an appropriate scale and form for the site and the character of the locality.
3. The proposed development, subject to the recommended conditions, will have no unacceptable adverse impacts upon the natural or built environments.
4. 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.

5. The Panel was of the opinion that the minor increase to the existing terrace area is reasonable, given the proposed acoustic wall and its extension, and having regard to the noise limits that apply to the premises under the Liquor License.
6. The Panel was of the opinion the deleted conditions can be adequately addressed by the Plan of Management and Liquor Licensing requirements.

LPP028-18 705 Forest Road Peakhurst
(Report by Independent Assessment)

The Panel carried out a site inspection.

Speakers

- Tom Bergstrom – Bergstrom Architects (on behalf of Applicant)
- David Rippingill – Design Collaborative (Town Planner)

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. DA2018/0062 for the alterations and additions to existing bottle shop, hotel, accommodation and car parking – Peakhurst Inn at 705 Forest Road, Peakhurst, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 19 June 2018 except:

1. Delete condition 36.
2. Amend condition 42 to read as follows:
 42. ONG14.3 - **Variable Hours of operation** - The hours of operation are approved as follows:
 - (a) The core hours of operation of the premises shall be limited to:
10:00am to 3:00am (following day) – Monday to Saturday
10:00am to 10:00pm – Sunday
 - (b) Notwithstanding (a) above, the use may operate with extended hours of operation between 3:00am and 5:00am, Monday to Saturday. The extended hours of operation may be reviewed by Council at any time, subject to the operator of the premises being given twenty one (21) days written notice that a review of the extended hours of operation will take place. In that time the operator may submit to Council any information they wish to be considered in support of the extended hours of operation.

- (c) The extended hours of operation are for the gaming room and part of the adjoining TAB area as defined in the Plan of Management and capped at a maximum number of 60 patrons.
- (d) Any review of the extended hours of operation in (b) above by Council will be based on, among other things, the performance of the operator in relation to the compliance with the development consent conditions, the Plan of Management, any substantiated complaints received and any views expressed during public consultation or from other stakeholders including the Police.
- (e) Following a review, Council may allow the use to continue to operate for the hours specified in (b) above, require the use to revert to the core hours of operation specified in (a) above or otherwise modify the condition as considered appropriate.
- (f) The purpose of the reviewable condition is to allow ongoing assessment of the hours of operation in relation to neighbourhood amenity, public safety and operational performance and allow management to demonstrate successful practices in relation to the above.

Statement of Reasons

1. The Panel heard submissions from the applicant's town planner and architect in relation to the proposed condition no. 17 which concerned clarification with compliance to the Building Code of Australia. The Panel formed the view that compliance with this condition was necessary and did not require deletion as it is a matter for the ultimate determination of the nominated principal certifying authority.
2. The proposed development is considered to be an appropriate scale and form for the site and the character of the locality.
3. The proposed development, subject to the recommended conditions, will have no unacceptable adverse impacts upon the natural or built environments.
4. In consideration of the aforementioned reasons, the proposed development is a suitable and planned use of the site.

LPP029-18 53 Forest Road, 9 Roberts Lane and 108 Durham Street, Hurstville (Report by Strategic Planner)

The Panel carried out a site inspection.

Speakers

- Ian Kordic (objector)

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 the Land Reservation Acquisition Map of the *Hurstville Local Environmental Plan 2012* to include a 3m wide local road widening along the Roberts Lane boundary of the properties at 53 Forest Road, 9 Roberts Lane and 108 Durham Street, Hurstville 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 the Planning Proposal be placed on formal public exhibition concurrently with the Landmark Square Planning Proposal (PP2015/0001) and in accordance with the conditions of any Gateway Determination issued by the Department of Planning and Environment.
3. THAT a report to Council be prepared by Council staff to advise of the LPP recommendations.

4. CONFIRMATION OF MINUTES

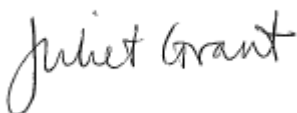
The meeting concluded at 7.18 pm



Paul Vergotis
Chairperson



Michael Leavey
Expert Panel Member



Juliet Grant
Expert Panel Member



Erin Sellers
Community Representative