

MINUTES

Local Planning Panel

Thursday, 18 July 2019

4.00pm

Georges River Civic Centre,
Hurstville



COMMITTEE MEMBERSHIP

Panel Members:

Mr Adam Seton (Chairperson)
Mr John Brockhoff (Expert Panel Member)
Ms Helen Deegan (Expert Panel Member)
Mr George Vardas (Community Representative)

Council Staff:

Meryl Bishop (Director Environment and Planning)
Ryan Cole (Manager Development and Building)
Nicole Askew (Coordinator Development Assessment)
Chris Young (Team Leader Development Assessment)
Cathy Mercer (PA to Manager Development and Building)
Sue Matthew (Team Leader DA Admin)

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 4.01 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 5.10pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

LPP020-19 87a Jubilee Avenue Beverley Park (Beverley Park Golf Club)
(Report by Independent Assessment)

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

Speakers

- Andrew Robinson (on behalf of applicant)
- Elise Borg (objector)
- Rob Jones (objector)
- Renee Teplicanec (objector)

- Gregory Welsh (objector)
- Patrick Nash (objector)
- Gabrielle Clara (objector)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Refusal

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2017/0471 for the erection of new perimeter fencing and gates associated with the Beverley Park Golf Course at 87a Jubilee Avenue, Beverley Park, is determined by refusal for the following reasons:

1. The plans propose works on, and enclosure of, an allotment (Lot 1, DP230426, Lot 3, DP230427) for which land owner's consent has not been obtained.
2. The proposal has been submitted without details that are required by Schedule 1 of the Environmental Planning and Assessment Regulation 2000. Required information that has not been submitted includes (but is not limited to) the following:
 - The address, and formal particulars of title, of the land on which the development is to be carried out;
 - A list of any approvals of the kind referred to in section 4.46 (1) of the Act that must be obtained before the development may lawfully be carried out (specifically, approval under Section 138 of the *Roads Act 1993* to erect a structure or carry out works over a public road);
 - Evidence that the owner of the land on which the development is to be carried out consents to the application;
 - A site plan containing details as required under Schedule 1 of the Regulations; and
 - A sketch plan containing details as required under Schedule 1 of the Regulations.
3. Insufficient information has been submitted to enable a detailed assessment of the proposal and its associated effects. Specifically:
 - No survey plan has been submitted to demonstrate the locations of the fences and trees to be removed in relation to relevant property boundaries;
 - No landscape plan has been submitted to identify the locations of trees to be removed and/or the location of replacement tree plantings;
 - Information submitted by the applicant makes inconsistent reference to the number of trees that are to be replaced;
 - Impact on flora and fauna;
 - A visual analysis of the impact of the proposal;
 - Social impacts of the proposed development in terms of its impact on local character and amenity.
4. The site is affected by acid sulphate soils; however an acid sulphate soils management plan or a preliminary assessment (as required by Clauses 6.1(3) and 6.1(4) of Kogarah Local Environment Plan 2012 respectively) has not been submitted. Pursuant to clause 6.1(3) of Kogarah Local Environment Plan 2012, consent must not be granted to the proposal.

5. The proposal is inconsistent with the objectives of the RE1 Public Recreation zone within Kogarah Local Environment Plan 2012, pursuant to clause 2.3(2) of Kogarah Local Environment Plan 2012. The fence design, location, height and size are considered visually intrusive. It obscures vistas across the golf course from surrounding areas. The proposed development will result in a loss of public amenity and does not serve to protect and enhance the natural environment.
6. The proposal is inconsistent with the objectives of and controls of Section 1.2 Matters for Consideration when determining an application for tree removal within Part B2 Tree Management and Green Web of Kogarah Development Control Plan 2013. Specifically, the construction of fences is considered to be an invalid reason to remove trees when no potential alternatives have been investigated.
7. It has not been demonstrated that the site is suitable for the proposal pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
8. The proposed development is not considered to be in the public interest for reasons that include:
 - It appears to be a disproportionate response to the safety and security concerns asserted by the applicant;
 - The significant tree removal that would be required to facilitate construction of the fences proposed in circumstances where there are clearly opportunities to avoid the removal of those trees;
 - The failure to provide adequate information to enable a proper assessment of the application.

LPP021-19 87a Jubilee Avenue Beverley Park (Beverley Park Golf Club)
(Report by Independent Assessment)

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

Speakers

- Andrew Robinson (on behalf of applicant)
- William Harris (objector)
- Paul Hoffmans (objector)
- Kevin Pietersz (on behalf of Nick and Rene Panagiotelis) (objector)
- Michael Kipriotis / Greg O'Donnell (objector)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Deferral

The Panel defers the determination of Development Application DA2017/0472 for demolition work and construction of new maintenance and staff amenities building, on grade car parking, bin storage area, tree removal and landscaping works associated with the Beverley Park Golf Course and invites the applicant to submit the following:

1. Information to meet the provisions of State Environmental Planning Policy No 55 – Remediation of Land, as there is reasonable evidence to suggest that the land may be contaminated and a preliminary site investigation has not been provided.
2. Information to meet the provisions of Greater Metropolitan Regional Environmental Plan No 2 - Georges River Catchment, as it has not been demonstrated that acid sulphate soils would not be disturbed by the proposed.
3. Acid Sulphate Soil Assessment and Management Plan as the proposal seeks to undertake works below the natural ground surface within Class 2 acid sulphate soils land, but has not been accompanied by an acid sulphate soils management plan as required by clause 6.1 of the Kogarah Local Environmental Plan 2012 (Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979).
4. Waste Management Plan to meet the requirements of Part B5 - Waste Management and Minimisation of the Kogarah Development Control Plan 2013.
5. Acoustic Report prepared by an appropriately qualified acoustic consultant, demonstrating that the acoustic impacts of the proposed development will not interfere with the amenity of the nearby residential properties and identify any measures required to mitigate the acoustic impact such as hours of operation, acoustic treatment, location of openings.
6. A report from an appropriately qualified consultant dealing with the proposed storage of any chemical waste, fuel and any other hazardous materials either from within or outside the building.
7. Full details of the planned wash down area including specific dimensions of the area and details of how the wash down area would capture pollutants from the soil and water run-off.
8. Demonstrate the parking proposed to be provided is warranted to service the operation needs of the proposed maintenance and staff amenities building.
9. A Plan of Management which includes consideration of operating hours, storage of chemicals and hazardous materials, vehicle movements, number of staff and other relevant operational matters.
10. A revised design that incorporates the following:
 - Openings in the structure for heavy vehicles and machinery to face west (towards the golf course) and not adjoining residential premises to the east;
 - No vehicle movements between the proposed building and residential properties;
 - Relocate the proposed Bin 1 and Bin 2 area to the western side of the building; and
 - All windows on the eastern elevation to be provided with fixed obscured glazing.

If this information is received within 90 days, the matter will be referred to a further public meeting before determination by the Panel. If the information is not received within 90 days the matter will be referred to the Panel for determination electronically unless the Chair considers that the matter should be referred to a public meeting for determination.

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

Speakers

- Mounzer Mortdada – M Cubed Architects (applicant)

Voting of the Panel Members

The decision of the Panel was 3 votes in favour of approval (Adam Seton, John Brockhoff, Helen Deegan) and 1 vote for refusal of the application (George Vardas).

Determination

Approval

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2018/0291 for the demolition of existing structures and construction of a new two storey detached dual occupancy development including front fence, provisions of services and landscaping works at 2 Dardanelles Street, Mortdale, is determined by granting consent to the application subject to the conditions recommended in the report submitted to the LPP meeting of 18 July 2019.

Statement of Reasons

In voting for approval of the application, the majority provided the following reasons:

- The proposed development will not have an unacceptable impact upon the natural or built environments.
- The Panel notes that there is a non-compliance with the minimum frontage of site control in Kogarah Development Control Plan 2013. However, the Council has adopted a policy that allows for a minimum site frontage of 15m.
- The proposal achieves the objects of the controls for front setbacks for solar access despite the non-compliance with the numerical standards in Kogarah Development Control Plan 2013.
- The Panel notes the existing tree on the land has a tree protection zone of approximately 14m and would be unable to be retained in any redevelopment of the site.
- The proposed development is an acceptable built form outcome for the site and its approval is not contrary to the public interest and will not have an unacceptable impact on the heritage significance of the adjoining heritage conservation area.

In voting against approval of the application, Mr Vardas provided the following reasons:

- The proposal has an unreasonable and adverse impact on the Penshurst Heritage Conservation Area which is in the vicinity of the proposed development.
- The design of the proposed development is not sympathetic to the original fabric, form and architectural detail of the conservation area and detracts from the heritage values of the Penshurst Heritage Conservation Area.
- The proposal is contrary to the public interest.

LPP023-19 41 Edward Street Carlton
(Report by Senior Building Surveyor)

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

Speakers

No speakers were registered

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. DA2018/0046 for the alterations and additions to an existing dwelling, construction of a new detached secondary dwelling, tandem carport, tree removal, fencing and landscaping works at 41 Edward Street Carlton, is determined by granting consent to the application subject to the conditions recommended in the report submitted to the LPP meeting of 18 July 2019.

Statement of Reasons

- The proposed development is considered to be an appropriate scale and form for the site.
- The proposed development, subject to the recommended conditions, will have no unacceptable adverse impacts upon the natural or built environments.
- The proposed development would not have an unacceptable impact on the heritage significance of the heritage item.
- 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.

4. CONFIRMATION OF MINUTES

The meeting concluded at 6.31 pm



Adam Seton
Chairperson



John Brockhoff
Expert Panel Member



Helen Deegan
Expert Panel Member



George Vardas
Community Representative
