

MINUTES

Local Planning Panel

Thursday, 5 September 2019

4.00pm

Georges River Civic Centre,
Hurstville



COMMITTEE MEMBERSHIP

Panel Members:

Mr Paul Vergotis (Chairperson)
Ms Juliet Grant (Expert Panel Member)
Mr John Brockhoff (Expert Panel Member)
Mr Erin Sellers (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 McMahon (Manager Strategic Planning)
Cathy Mercer (PA to Manager Development and Building)
Sue Matthew (Team Leader DA Admin)
Monica Wernej (Admin Assistant)

1. APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

There were no apologies received

Juliet Grant declared an interest in Item LPP033-19 Taylors Reserve and took no part in the site inspection or any discussions of this matter.

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 5.22pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

LPP030-19 2-4 Vaughan Street Blakehurst
(Report by Senior Development Assessment Planner)

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

Speakers

- Xiaona (Sharon) Huang (submitter)
- Jiahao Chen (submitter)
- Robbie Owaijan (submitter)

- Andrew Darroch (on behalf of applicant)

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. DA2018/0517 for the demolition of existing structures and construction of a five storey residential flat building containing twenty three units and basement car parking for thirty nine vehicles with access off the rear laneway and associate site works at 2-4 Vaughan Street, Blakehurst, is determined by **refusal** for the following reasons:

1. Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, the bulk and scale is unresponsive to the site constraints and fails to meet Design Quality Principle No.9 (Aesthetics) of SEPP 65 in respect to the proposed built form, siting and design of the building. The building length and its absence of any breaks in the mass and form creates a visually dominating built form with a poor interface between the residential dwellings to the north and south of the site. Features such as the lift core, stair and corridor structure so close to the southern boundary and their treatment will be a highly dominating element. These should be centralised and internalised within the building. The bulk, scale and proposed mass of the building is inconsistent with recently approved developments and will create a poor planning and urban design response for this site.
2. Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act, 1979, the proposed development fails to meet Design Quality Principle No.9 (Aesthetics) and Design Criteria 3C and 4M of the Unit Design Guide in respect to the design and treatment proposed for the building in particular the front and rear building facades to Vaughan Street and Stuart Lane are considered to be inappropriate in respect to the character of existing residential development and their materiality. The very solid, institutional and modernist design is an unsympathetic design response in respect to the predominant (existing as well as evolving) footprint scale or the desired landscape character of the surrounding context.
3. Pursuant to Section 4.15 (1) (a)(i) of the Environmental Planning and Assessment Act, 1979, the proposed development fails to meet Design Quality Principle No.5 (Landscape) and Design Criteria 3D-1(1) of the Unit Design Guide in respect to the amount of communal open space to be provided and the quality of this space.
4. Pursuant to Section 4.15 (1) (a)(i) of the Environmental Planning and Assessment Act, 1979, the proposed development fails to meet Design Quality Principle No.5 (Landscape) and Design Criteria 3E-1(1) of the Unit Design Guide in respect to the amount of deep soil area to be provided. The development fails to achieve a minimum area of 7% with a minimum dimension of 3m.
5. Pursuant to Section 4.15 (1) (a)(i) of the Environmental Planning and Assessment Act, 1979, the proposed development fails to meet Design Quality Principle No.6 (Amenity) and Design Criteria 4A-1 of the Unit Design Guide in respect to the solar access that is afforded to the units within the development. Over 15% of the development has units that will receive no solar access during midwinter due to their orientation and design. This amount fails to satisfy Design Criteria 4A-1(3) of the Unit Design Guide and the resultant impact is considered to adversely affect the internal amenity of the development and is an unacceptable planning

and design outcome.

6. Pursuant to Section 4.15 (1) (a)(i) of the Environmental Planning and Assessment Act, 1979, the proposed development fails to meet Design Quality Principle No.6 (Amenity) and Design Criteria 4D of the Unit Design Guide in respect to the layout, siting and planning of the development in that ground floor cross over units do not include a bathroom on the ground floor, the proposed open style corridor area is a poor design option and there are a number of poor design outcomes namely;
 - Split level arrangement which still creates the two ground floor units off Vaughan Street located below ground level.
 - The bin store at the rear on the ground floor level has a poor relationship with the rear yard area of Unit 10 and access to the bin store removes the potential for more substantial landscaping at the rear.
 - The design of Unit 4 is unsatisfactory with the internal stairs encroaching into the main corridor/entryway and the kitchen window overlooks the communal BBQ area.
 - The location of kitchen windows facing the main entryway are not considered to be a suitable outcome and will create a poor outlook from these key internal spaces.
 - The cantilevered accessway over the driveway at the rear is unsuitable and the design is devoid of presentation and landscaping to enhance this space.
7. Pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act, 1979, the proposed stormwater and drainage arrangement does not satisfy the provisions of Part B6 (Water Management) of the Kogarah Development Control Plan and Council's Water Management Policy. The original stormwater and drainage plan has not been updated to reflect the design changes and additional information to satisfy Council's Engineering concerns in respect to the proposed OSD system and proposed discharge pipe in Stuart Lane and the location, capacity and operation of Council's stormwater pipe and associated drainage easement that crosses the site have not been provided. Without this information the proposed stormwater arrangement is considered to be unsatisfactory.
8. Pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act, 1979, the proposed basement car parking arrangement and design fails to satisfy the provisions of Part B4 (Parking and Traffic) of the Kogarah Development Control Plan in that manoeuvrability and access to car parking spaces No's 10, 11, 12 and 13 fails to comply with AS2890.1. No swept path diagrams have been provided to ensure access to these spaces can be achieved.
9. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act, 1979, the driveway width fails to satisfy the provisions of AS2890 as it is too narrow. The design also fails to provide any landscaping along the southern boundary of the driveway to soften its visual appearance.
10. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act, 1979, the proposal does not satisfy the provisions of Part B2 of the Kogarah Development Control Plan as the proposed building design and siting, in particular the location of the lift core and associated stairs at all levels, corridor, the basement car park and the associated hard paved communal areas at ground floor level will adversely affect the TPZ and canopy spread of the Lemon Scented Gum Tree and its longevity, hydrology and integrity will be severely impacted. The canopy spread of both trees (Ironbark and Lemon Scented Gum) will be substantially cut back to accommodate the new building and the visual appearance and contribution of these trees will be significantly impacted.

LPP031-19 5-9 John Street Kogarah Bay
(Report by Principal Planner (Appeals and Major Development))

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

Speakers

- Jeff Mead (planner)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Approval

Pursuant to Section 4.56 of the Environmental Planning and Assessment Act 1979, as amended, Modification Application No. MOD2019/0022 for the modification of DA2017/0663 - convert the communal area on south western side of approved residential flat building to part communal and part private open space and minor change to rear of Unit 601 to add a window to the kitchen, change a window to bedroom 3 to a door in western elevation and resize window of bedroom 2 at 5-9 John Street, Kogarah Bay, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 5 September 2019 except;

1. Amend Condition 1(a) to read:

Description	Reference No.	Date	Revision
Cover page, perspective	DA001	05/09/18 30/07/19	H J
Site Plan	DA1002	05/09/18 30/07/19	H J
Greater Site Analysis	DA5001	05/09/18	H
Basement 02 Floor Plan	DA2001	05/09/18	C
Basement 01 Floor Plan	DA2002	05/09/18	C
Ground Floor Plan	DA2003	05/09/18 30/07/19	H J
Level 01 Floor Plan	DA2004	05/09/18	H
Level 02 Floor Plan	DA2005	05/09/18	H
Level 03 Floor Plan	DA2006	05/09/18	H
Level 04 Floor Plan	DA2007	05/09/18	H
Level 05 Floor Plan	DA2008	05/09/18	H
Elevations North and East	DA3001	05/09/18	H
Elevations South and West	DA3002	05/09/18 30/07/19	H I
Sections AA and CC	DA4001	05/09/18	H
Sections BB and detail floor to ceiling heights	DA4002	05/09/18	H
Sections DD & E-E; 3D Height plane	DA4003	05/09/18	H
GFA Calculations	DA2901	05/09/18	H
Adaptable/Liveable Units	DA2910	25/9/18	B
Site Coverage	DA5002	27/07/18	A

Communal Open Space Calculations	DA5003	03/09/18 30/07/19	H J
Solar Access Winter Solstice (9 am -12 noon)	DA2903		H
Solar Access Winter Solstice (1pm – 3pm)	DA2903.1	05/09/18	H
Solar Access 3D Sun Path (Existing)	DA2905	05/09/18	H
Solar Access 3D Sun Path (Future) (1pm and Elevational)	DA2905.1	05/09/18	H
Solar Access 3D Sun Path (Existing) (2pm – 3pm and Table)	DA2905.2	05/09/18	H
Solar Access 3D Sun Path (Future) (9 am – 12 noon)	DA2906.1	05/09/18	H
Solar Access 3D Sun Path (Future) (1 pm & 2 pm)	DA2906.2	05/09/18	H
Solar Access 3D Sun Path (Future) (3pm & Table)	DA2906.3	05/09/18	H
Stormwater concept plan prepared by			
Cover Sheet	DA100	30/08/18	B
Basement 2 Plan	DA201		B
Ground Floor Plan	DA202		B
Roof Plan	DA203		B
Details Plan	DA301		B
Details Sheet – External Stormwater	DA3021		A
Erosion and Sediment Control Plan & Details	DA401		B
Landscape Plans Prepared by Zenith Landscape Designs Pty Ltd Sheets 1 – 3: L01, L02, L03	18-3746	04/09/18 05/07/19	B C
Survey Prepared by W Buxton Pty Ltd	204900	29/08/17	
Access Report Prepared by Vista Access Architects Pty Ltd	17246		B
Waste Management Plan Prepared by Urban Link Pty Ltd		Undated	
Geotechnical Investigation Report STS Geoenvironmental Pty Ltd		19/12/17	
Materials and Finishes Schedule prepared by Urbanlink		26/09/18	A
Roof Plan, prepared by Urbanlink	DA2009	07/11/18 30/07/19	I as referenced in the key as J (s4.56)

Statement of Reasons

- The proposal remains consistent with the original reasons for approval; and
- The proposal provides sufficient recreation space throughout the building in communal and private spaces with generous private open space provision above the minimum requirement for the majority of units, and well-appointed communal areas provided.

LPP032-19 13 Derby Street Kogarah
(Report by Independent Assessment)

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

Speakers

- Greg Boston (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. DA2018/0198 for the alterations and additions to existing shop top housing development consisting of amendments to approved level 4 of the development and inclusion of two additional storeys being five additional units and communal open space at 13 Derby Street, Kogarah, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 5 September 2019 except;

1. Condition 1 to be amended as follows:

1. **Approved Plans** - The development must be implemented in accordance with the approved plans and supporting documentation in DA2018/0198 listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent. To the extent these plans depict works already carried out under Development Consent DA131/2014 they are not retrospectively approved as part of this consent but rather only these prospective works:

Description	Reference No.	Date	Revision	Prepared By
Basement 1 Existing	DA/2-07	25/02/19	B	Kizana Design Group
Basement 2 Existing	DA/2-08	25/02/19	B	Kizana Design Group
Basement 3 Existing	DA/2-09	25/02/19	B	Kizana Design Group
Existing Ground & First Floor	DA/2-10	25/02/19	B	Kizana Design Group
Existing Second & Third Floor	DA/2-11	25/02/19	B	Kizana Design Group
Amended Fourth Floor Plan	DA/2-12	10/05/19	C	Kizana Design Group
Fifth & Sixth Floor Plans	DA/2-13	10/05/19	D	Kizana Design Group
Roof Terrace & Roof Plans	DA/2-14	10/05/19	D	Kizana Design Group

Longitudinal Section	DA/2-15	30/04/19	C	Kizana Design Group
Elevations	DA/2-16	10/05/19	C	Kizana Design Group
Landscape Concept Plan	14235	10/05/19	D	Vision Dynamics

Approved plans DA131/2014:

Approved Plans of Consent

The development must be implemented in accordance with the approved plans, specifications and details listed below and any supporting information submitted with the Development Application except as amended by any conditions attached to the Development Consent:

- (i) Architectural Plans prepared by Kizana Design Group, Dwg No's DA01, DA07, DA08, DA10, DA11, Issue D and DA09 issue C dated. 10.12.14., DA02, DA03, DA04, and DA05 Issue D dated 11.05.15. DA14 and DA15, Issue B dated 30.10.14, DA06, Issue C dated 12.02.05.
- (ii) Landscape Plans prepared by Vision Dynamics, Dwg No. 14235DA1, Revision A dated 13.11.14.
- (iii) Stormwater Plans prepared by ING Consulting Engineers, Dwg No. 027082013DA, Issue A dated 3 June 2014.

2. Condition 8 amended to read as follows:

8. **Fees to be paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.georgesriver.nsw.gov.au).

Payments must be made prior to the issue of the Construction Certificate.

Please contact Council prior to the payment of Section 7.11 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable).

A summary of the fees to be paid are listed below:

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	\$1,900.00
Inspection Fee for Refund of Damage Deposit	\$155.00
DEVELOPMENT CONTRIBUTIONS	
Kogarah Section 94 Development Contributions Plan No.8 – Kogarah Town Centre – Streetscape, Open Space & Public Domain	\$63,317.97

Kogarah Section 94 Development Contributions Plan No.8 – Kogarah Town Centre – Traffic Facilities	\$ 1,485.69
Kogarah Section 94 Development Contributions Plan No.8 – Kogarah Town Centre – Community Facilities	\$ 1,128.75
Kogarah Section 94 Development Contributions Plan No.9 – Kogarah Libraries – Buildings	\$ 1,052.03
Kogarah Section 94 Development Contributions Plan No.9 – Kogarah Libraries – Books	\$750.08
TOTAL CONTRIBUTIONS	\$67,734.52

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

Development Contributions

The Section 7.11 contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Section 94 Development Contributions Plan.

Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

Further Information

A copy of the all current Development Contributions Plans may be inspected or a copy purchased at Council's offices (Georges River Civic Centre, MacMahon Street, Hurstville and Kogarah Library and Service Centre, Kogarah Town Square, Belgrave Street, Kogarah) or viewed on Council's website www.georgesriver.nsw.gov.au.

3. **Condition 13 - Design Excellence** is to be deleted as this is covered by **Condition 12 – SEPP 65 Design Verification Statement**.

The following is to be included as new Condition 13:

Condition 13 Modification of Development Consent DA131/2014

Prior to the issue of a Construction Certificate, the applicant is to lodge a Notice of Modification with the Council pursuant to clause 97 of the Environmental Planning and Assessment Regulation 2000 to integrate the approved modifications to level 4 (amending DA131/2014) and the incorporation of level 5 and 6 as approved under DA2018/0198.

Statement of Reasons

- The proposed development is considered to be an appropriate scale and form for the site and the character of the locality
- The proposed development, subject to the recommended conditions, will have no unacceptable adverse impacts upon the natural or built environments

- 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

LPP033-19 Part Lot 1 and whole of Lot 2 DP1200078, Taylors Reserve Lugarno
(Report by Manager Strategic Planning)

Juliet Grant declared an interest in Item LPP033-19 Taylors Reserve and took no part in the site inspection or any discussions of this matter.

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

Speakers

- Peter Hall (submitter)
- Russell Green (submitter)
- Susan Brown (submitter)

Voting of the Panel Members

The decision of the Panel was unanimous.

Recommendation

1. THAT the amended Planning Proposal (PP 2017/0003) to amend the Hurstville Local Environmental Plan 2012 (HLEP 2012) as it applies the Georges River Council owned site known as the Taylors Reserve, bound by Lime Kiln Road and Woodlands Avenue, Lugarno which seeks to:
 - a. Amend Part 2 to Schedule 4 of HLEP 2012 to include Lot 2 and part of Lot 1 in Deposited Plan 1200178 and noting in Column 3 Any trusts etc not discharged as Reservations to the Crown Grant and minerals;
 - b. Add a new map to HLEP 2012 titled 'Land Reclassification (Whole Lots) Map - Sheet RPL_003' which identifies Lot 2 in Deposited Plan 1200178 outlined in red as 'Operational Land'; and
 - c. Add a new map to HLEP 2012 titled 'Land Reclassification (Part Lots) Map - Sheet RPL_003' which identifies part of Lot 1 in Deposited Plan 1200178 outlined in red as 'Operational Land'.

be forwarded to the delegate of the Minister for Planning for an Alteration to Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

2. THAT prior to being forwarded for a Gateway Determination Council seek an amendment of the Gateway Determination dated 17 July 2018 under section 3.34 (7) of the EP&A Act requesting Condition 4 be amended to "The time frame for completing the LEP is 31 August 2020".
3. THAT should an Alteration to Gateway Determination be issued by DPIE to permit exhibition of the Planning Proposal, a public hearing take place in accordance with the provisions of the NSW Local Government Act 1993 and the DPIE's Practice Note PN 16-001 Classification and Reclassification of Public Land through a Local Environmental Plan.

4. THAT should an Alteration to Gateway Determination be issued by DPIE to permit exhibition of the amended Planning Proposal, a post-exhibition report be provided to the Georges River Local Planning Panel and Council, outlining any submissions received during the exhibition period, including any submissions made at the public hearing.
5. THAT Council note that the delivery of the public road will be a separate approval process.
6. THAT Council consider maintaining the existing alignment of the informal accessway in order to retain the tree canopy and maximise the area available for public use of Taylors Reserve, noting the low traffic volumes and low design speed offers the flexibility to do so.
7. THAT should the Planning Proposal proceed to gazettal that Council commit to a program to replace the mature trees will be required to be removed with plantings of appropriate species within Taylors Reserve.
8. THAT should the Planning Proposal proceed to gazettal Council consider the loss of open space in Taylors Reserve in the implementation of the Council's Open Space, Recreation, and Community Facilities Strategy.

LPP034-19 14-16 Victoria Street Kogarah
(Report by Strategic Planner)

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

Speakers

- Anne Field (submitter)
- Noeline Ross and Jocelyn Gooch (owner/applicant)
- Luisa Alessi (heritage consultant)
- Stephen Davies (heritage consultant)
- Aaron Sutherland (planner)

Voting of the Panel Members

The decision of the Panel was unanimous.

Recommendation

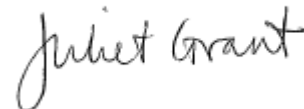
- (a) That the Planning Proposal is referred back to Council officers for further consideration to be given to the development potential of Nos. 14 and 16 Victoria Street Kogarah in relation to their consolidation with adjoining lands – based on the use of incentives under Clause 5.10 of the Kogarah Local Environmental Plan and implementation of conservation practices to protect the heritage significance of the two properties. The Panel notes that any consideration should have regard to various land use purposes and built form(s) that can co-exist with the heritage significance of the existing buildings.
- (b) Following receipt of a further report considering the matters outlined in (a) above. The Panel (as constituted on 5 September 2019) will consider the matter electronically, unless the Chair determines that a further public meeting is required.

4. CONFIRMATION OF MINUTES

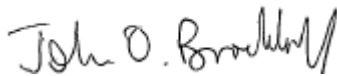
The meeting concluded at 6.41pm.



Paul Vergotis
Chairperson



Juliet Grant
Expert Panel Member



John Brockhoff
Expert Panel Member



Erin Sellers
Community Representative
