

# **MINUTES**

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## **Local Planning Panel**

**Thursday, 7 May 2020**

**4.00pm**

**Georges River Civic Centre,  
Hurstville**



**Panel Members:**

Ms Sue Francis (Chairperson)  
Mr John Brockhoff (Expert Panel Member)  
Mr Michael Leavey (Expert Panel Member)  
Ms Annette Ruhotas (Community Representative)

**1. APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST**

There were no apologies received

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There were no declarations of Pecuniary Interest

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**2. PUBLIC SPEAKERS**

The meeting commenced at 4.05pm 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 4.45pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

**3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS**

**LPP017-20     54 Lawrence Street Peakhurst**  
(Report by Senior Development Assessment Planner)

**Speakers**

- Adrian Ball (submitter)
- Hellen Bourantas (submitter)

**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. DA2018/0578 for the demolition of existing structures and the construction of a part three (3), part four (4) storey residential flat building containing six (6) x two (2) bedroom apartments and basement parking for eight (8) vehicles, landscaping and site works at 54 Lawrence Street, Peakhurst, is determined by **refusal** for the following reasons:

1. The proposal is an overdevelopment of the site given its narrow width resulting in undesirable design outcomes and adverse impacts on streetscape and adjoining properties.
2. **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 fails to satisfy Part 3 and 4 of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development as it is inconsistent with various design quality principles of State Environmental Planning Policy No 65 with respect to its response to the site's context and neighbourhood character and its built form and scale, density, landscape and aesthetics, and fails to comply with the corresponding design criteria of the Apartment Design Guide. The proposal does not achieve an acceptable built form with insufficient setbacks and separation to minimise the visual dominance of the building when viewed from both the public domain and adjoining properties.

3. **Refusal Reason – Environmental Planning Instrument** - Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, in that the development fails to meet the objectives of the R3 Medium Residential zone in that the proposed development does not ensure that a high level of residential amenity is achieved and maintained. The Clause 4.6 Statement in respect to the non-compliance with Clause 4.3 Height of Buildings standard does not demonstrate sufficient environmental justification for the variation and it is not in the public interest due to the failure to satisfy the zone objectives.
4. **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 Hurstville Development Control Plan No. 1, Chapter 4.1 Residential Flat Buildings, Section DS2.1 Site Frontage and in accordance with the Interim Georges River Policy. The site has a frontage of 17.68m, which fails to comply with the minimum 24m required by the Development Control Plan. The site is not deemed to be an isolated site. The reduced site width results in a proposal contrary to the desired future character of the streetscape since it fails to satisfy the objectives of the development control plan which aims to create a building within a landscaped setting and aims to establish compliant side setbacks and good separation distances.
5. **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 Hurstville Development Control Plan No 1, Chapter 4.1 Residential Flat Buildings, PC 6, Setbacks. The proposal fails to satisfy the minimum 6m front setback requirement and the encroachment of the private front courtyards, railings and fire stairs compromises the value and functionality of the front setback area and reduces the provision for a deep soil and landscaped zone at the front of the site. The buildings structures that intrude on the 6m front setback will sit forward of the established front building line established by No.50 - 52 and No.56 Lawrence Street Peakhurst. The siting of the basement within the front setback area and the ground floor structures will establish a poor design precedent in the street and will be dominating structures.
6. **Refusal Reason – Georges River Interim Policy** - Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the Georges River Interim Policy in respect to the minimum frontage width required for a residential flat building development in Hurstville.
7. **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) The car park layout is unsatisfactory and does not provide for appropriate manoeuvrability for vehicles into and out of spaces 3, 4, 5 and 6 in particular.
- b) The modelling and car parking arrangement has been designed to cater for a B85 vehicle and should be designed to cater for a B99 vehicle as many cars will not be able to access and parking within the basement namely utes and SUV's. The swept path diagrams that accompany the application indicate that cars will find it very awkward and tight in accessing the spaces.
- c) The bike parking is situated in a dangerous location and will further create conflicts and difficulty for cars to access spaces 3, 4, 5 and 6.
- d) Some of the driveway access within the basement is less than 6m width required by AS2890 and this further creates issues in accessing spaces.
- e) The basement layout, configuration and access is tight, awkward and unacceptable.
- f) The accessible space is located in a poor location some distance from the lift.
- g) The levels are considered to be inconsistent with the context of the neighbouring properties and the streetscape.

8. **Refusal Reason – Suitability of Site** - Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not considered suitable for the proposed development for the following reasons:

- a) The site cannot adequately accommodate the proposed built form without significant adverse impacts on the amenity of adjacent and nearby properties and the immediate streetscape with respect to built form, visual dominance, bulk and scale of the building.

**LPP018-20      261-265 Princes Highway Carlton**  
(Report by Senior Development Assessment Officer)

### **Speakers**

- George Batsakis (applicant)

### **Voting of the Panel Members**

The decision of the Panel was unanimous.

### **Determination**

#### Deferral

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2018/0059 for the demolition of existing building and construction of five (5) storey shop top housing development at 261-265 Princes Highway, Carlton, be **deferred** to allow:

1. The stormwater experts to meet to discuss and resolve the reasons for refusal identified in the report to the Panel of 7 May 2020.
2. The meeting to identify any built form and design changes required to facilitate the agreed overland flow and any localised flooding issues and identify the solutions. That those changes if any, are to be to the satisfaction of Council's experts.

3. Council to arrange a meeting of relevant experts within fourteen (14) days.
4. A further report to be submitted to the Panel within two (2) months.

Following receipt of this information, the Panel, as constituted on 7 May 2020 will determine the application electronically, unless the Chair determines that a further public meeting is required.

**LPP019-20      4 Marie Dodd Crescent Blakehurst**  
(Report by Senior Development Assessment Planner)

**Speakers**

- Gerard Turrisi (on behalf of 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, Modification Application No. MOD2019/0247 for the modification of DA670/2000 for an approved townhouse development - the modifications include changes to the internal layout of some townhouses including some additional floor space, enclose the rooftop terraces associated with townhouses 5 and 6 for use as bedrooms, changes to some window locations and new swimming pools to townhouses 5, 6 and 7 at 4 Marie Dodd Crescent, Blakehurst, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 7 May 2020 except:

1. Deletion of Condition 66 relating to fencing.

Statement of Reasons

- The proposed changes are considered to be “substantially the same” as the originally approved multi-dwelling housing development in accordance with Section 4.56 of the Environmental Planning and Assessment Act, 1979.
- The development relies on “existing use rights” which have been justified given the development consent DA670/00 has been activated and is valid given “physical commencement” of works has commenced.
- The proposed changes are small scale and will improve the overall functionality and internal amenity of all townhouses.
- The changes will not create any adverse amenity or environmental impacts to immediately adjoining properties in terms of overshadowing or overlooking.
- The proposed alterations will not change the scale and height of the development as approved and the built form will largely remain unchanged.
- The proposal complies in general with the development controls and objectives pursuant to the Kogarah Local Environmental Plan and Kogarah Development Control Plan.
- Where the proposal exceeds the floor space the changes are minor and the increase is some 7% which across this larger integrated site is considered to be acceptable and will not add discernible visual bulk to the development as a whole. The changes will not be visible from the street or immediately adjoining properties.

**LPP020-20     120 The Promenade Sans Souci**  
(Report by Senior Development Assessment Planner)

**Speakers**

- Steve Querin (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. DA2019/0399 for the alterations and additions to the existing residential flat building - construction of an fire hydrant booster (in an enclosure) fronting Broughton Street, and a new fire pump room within the basement level of the building at 120 The Promenade, Sans Souci, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 7 May 2020.

Statement of Reasons

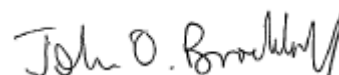
- The proposed development complies with the requirements and objectives of the relevant environmental planning instruments and development control plan.
- The proposed development is minor in nature and does not result in any adverse impact to the natural and built environment.
- proposal aims to minimise the impact to the heritage item and will not obscure key views or historical relationships to the heritage item and provide a high-quality structure that will establish a sympathetic design outcome.
- The location of the hydrant booster enclosure is required to satisfy the Hydrant Australian Standard.

**4. CONFIRMATION OF MINUTES**

The meeting concluded at 5.28pm.



Sue Francis  
**Chairperson**



John Brockhoff  
**Expert Panel Member**



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Michael Leavey  
**Expert Panel Member**



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Annette Ruhotas  
**Community Representative**