

MINUTES

Local Planning Panel

Thursday, 4 June 2020

4.00pm

**Georges River Civic Centre,
Hurstville**



Panel Members:

Mr Adam Seton (Chairperson)
Ms Helen Deegan (Expert Panel Member)
Mr Michael Leavey (Expert Panel Member)
Mr Erin Sellers (Community Representative)

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 4.00pm 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 4.58pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

LPP024-20 111 Victoria Avenue Mortdale
(Report by Development Assessment Planner)

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

Speakers

- William Karavelas (applicant)
- Bernard Moroz (planner)

Voting of the Panel Members

The decision of the Panel was unanimous.

DeterminationApproval

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2019/0257 for the demolition of existing structures and construction of a two storey 10 room boarding house over basement parking for 6 vehicles at 111 Victoria Avenue, Mortdale, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 4 June 2020 except:

1. Amend Condition 25 to read as follows:

25. Required design changes - The following changes are required to be made and

shown on the Construction Certificate plans:

- (a) The three (3) rear balconies located at the rear of the first floor are to be deleted and replaced with windows. The roof and external treatment to be accordingly adjusted. The size of the internal rooms is to remain as existing. The windows replacing the balconies are to have a minimum floor to sill height of 1.0m; measured from the finished internal floor level.

Statement of Reasons

- The proposal is an appropriate response to the site and is consistent with the desired future character of the R2 zone and existing developments in the locality.
- The proposal is generally compliant with the boarding house standards and the character test as per the State Environment Planning Policy (Affordable Rental Housing) 2009.
- The boarding house is located in an accessible location as per the State Environment Planning Policy (Affordable Rental Housing) 2009.
- The proposal is fully compliant with the maximum height of building and floor space ratio permitted for the site under the Hurstville Local Environmental Plan 2012.
- The proposal's bulk and scale is appropriately contained within a compliant building envelope that is respectful of the established character of the area in relation to height, street setback, and side boundary setbacks.
- The proposal has sufficient façade modulation and wall articulation that will serve to provide visual interest and reduce the bulk of the building.
- The proposal includes an On-Site Manager and a Plan of Management which will assist to minimise any amenity impacts on surrounding properties.
- The Panel agrees with the condition for removal of the three upper level balconies at the rear on the basis that they are enclosed to a height of greater than 1.4m and would add to the floor space and result in a contravention of the floor space ratio which has not been made the subject of any request under Clause 4.6 of Hurstville Local Environmental Plan 2012.

LPP025-20 36 Chamberlain Street Narwee (Report by Senior Development Assessment Planner)

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

Speakers

- Lindsay Fletcher (planner)

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. DA2020/0050 for the demolition works and construction of a 60 place child care centre with basement parking for nine (9) vehicles at 36 Chamberlain Street, Narwee, is determined by **refusal** for the following reasons:

1. **Environmental Planning Instrument** - Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is unacceptable having regard to State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Child Care Planning Guidelines) in terms of:
 - (a) Acoustic and visual privacy impacts on residential neighbours.
 - (b) Visual impacts resulting from the built form of the proposal.
 - (c) On-street parking pressure due to a shortfall of parking on site.
 - (d) Insufficient landscaping across the site.
 - (e) The area of indoor and outdoor play areas.
 - (f) Failing to demonstrate that the site is safe in its present condition for the use proposed by submitting a Preliminary Site Contamination Investigation Report.
 - (g) The internal layout and design of the centre, the relationship between indoor and outdoor play areas and the entry into the centre from the basement and the street.
 - (h) The failure to provide details as to whether children will bring their own food from home or whether it is provided by the centre either cooked in house or delivered prepared and ready to serve.
2. **Environmental Planning Instrument** - Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, insufficient information has been provided in order to be satisfied under State Environmental Planning Policy No. 55 – that the land is not contaminated and is suitable for the proposed use.
3. **Environmental Planning Instrument** - Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the objectives of the R2 Low Density Residential zone of Hurstville Local Environmental Plan 2012 in that the proposal does not ensure a high level of residential amenity is maintained due to the adverse acoustic and visual privacy impacts, the bulk and scale of the elevated built form, lack of landscaping and adverse visual impacts as a result of the built form of the proposal.
4. **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 the Chapter 3.1 Vehicle Access, Parking and Manoeuvring of the Hurstville Development Control Plan No. 1 in that the proposal fails to provide sufficient parking on the site (shortfall of one space) and has not demonstrated compliance with the relevant Australian Standard with respect to the design of the parking area or access to and from the parking area.
5. **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 the Chapter 3.5 Landscaping of the Hurstville Development Control Plan No. 1 in that the application fails to provide sufficient deep soil to enable quality landscaping to be provided on the site.
6. **Insufficient Information** - Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the following information was not submitted and is required to undertake a full and proper assessment of the application:
 - (a) Plan of Management to demonstrate that impacts of the use can be managed in a manner that will minimize impacts on adjoining uses and the environment more generally.

- (b) A Geotechnical Report to confirm that the development is suitable for the level of excavation proposed.
 - (c) A Building Code of Australia (National Construction Code) Report to demonstrate that the design shown on the architectural plans is able to be realized with respect to National Construction Code requirements.
7. **Consistency of Information** - Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, there are inconsistencies between the following reports/plans and the architectural plans submitted with the application:
- (a) Statement of Environmental Effects.
 - (b) Access Report.
 - (c) Acoustic Report.
 - (d) Traffic Report.
 - (e) Landscape Plan.
8. **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 natural environment in that the proposal fails to provide sufficient areas of deep soil to accommodate substantial landscaping and facilitate the natural infiltration of water.
9. **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 built environment in that the proposed semi-basement level results in the balcony outdoor play area being elevated above the natural ground which will adversely impact on the acoustic and visual privacy of residential neighbours and also results in poor built form presenting to the north-western elevation with the external basement wall and acoustic screening above.
10. **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 as submitted in that:
- (a) Safe and compliant vehicular entry and exit to and from the parking area has not been demonstrated.
 - (b) The current built form results in adverse privacy and visual impacts for residential neighbours. This has been exacerbated by the fact that the development has not followed the site topography.
 - (c) The information submitted with the application is inconsistent and contains insufficient detail to make a full and proper assessment.
11. **Public interest** - Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent within the locality.

Statement of Reasons

- The Panel did have the opportunity to investigate and consider all relevant consultant reports submitted with the application, along with the further representations made by the applicant's town planner.
- The Panel did give consideration to deferring the matter to allow the applicant to respond to

the various issues raised, however it was agreed that fundamental changes would be required and may warrant a completely new approach to the development of a child care centre on this site and therefore the need to submit a new development application.

LPP026-20 6 Blakesley Road Carlton
(Report by Development Assessment Planner)

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

Speakers

- Wesley Folitarik (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. DA2019/0265 for the use of the premises as a depot for a civic works company operating between 6am - 7pm Monday to Friday inclusive and 7am - 4pm Saturday at 6 Blakesley Road, Carlton, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 4 June 2020 except:

1. The following condition inserted as new Condition 8A:
 - 8A. A stormwater quality improvement device (SPeL Hydrochannel, Ecosol litter basket or similar) be installed on the north western end of the drainage channel that crosses the storage yard, and the operation and maintenance of the device be incorporated within the Plan of Management for the property.
2. Amendment to Conditions 9, 10 and 18 to read as follows:
 9. **Activities and storage of goods outside buildings** - There shall be no storing, depositing or loading of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.
 10. **Standing of vehicles on public roads** - No motor vehicles associated with the approved development shall be stored, parked, or otherwise permitted to stand in a public street. All such vehicles shall be accommodated within the premises.
 18. **Operating Hours**
 - (i) No activity is to take place on the site on Sundays or Public Holidays or outside the following hours:
 - (a) 7.00am to 6.00pm Monday to Friday
 - (b) 7.00am to 4.00pm Saturday

(ii) Notwithstanding (i) above, activities may take place in connection with the use of the site between 6.00am to 7.00am and 6.00pm to 7.00pm Monday to Friday for a trial period of **one (1)** year from the date of the development consent.

(iii) A modification application will be required to be lodged and approved to continue the extended operating hours outlined in (ii) above. In that regard it will need to be demonstrated that the Plan of Management and development consent conditions have been complied with and that there has been no unreasonable impact upon the amenity of neighbours or substantiated complaints.

Statement of Reasons

- The proposed depot use is permissible with consent and consistent with the objectives of the IN2 – Light Industrial zoning of the property.
- The issues of concern raised by the neighbouring property owners can be appropriately addressed by compliance with the Plan of Management and other conditions of consent.
- The proposed development is of a relatively small scale and impact which is unlikely to have any unacceptable environmental impacts if carried out in accordance with the approval.
- The Panel considers that a trial period to allow operation between the hours of 6.00am to 7.00am and 6.00pm to 7.00pm Monday to Friday, is appropriate subject to strict compliance with the Plan of Management and conditions of consent.

4. CONFIRMATION OF MINUTES

The meeting concluded at 6.34pm.



Adam Seton
Chairperson



Michael Leavey
Expert Panel Member



Helen Deegan
Expert Panel Member



Erin Sellers
Community Representative