

MINUTES

Local Planning Panel

Thursday, 3 September 2020

4.00pm

**Georges River Civic Centre,
Hurstville**



Panel Members:

Ms Sue Francis (Chairperson)
Mr Milan Marecic (Expert Panel Member)
Mr Jason Perica (Expert Panel Member)
Mr Cameron Jones (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 5.10pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS**LPP041-20 58 Lawrence Street Peakhurst**
(Report by Senior Development Assessment Planner)

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

The Panel acknowledges the memo dated 3 September 2020 providing consideration on the provisions of Draft State Environmental Planning Policy (Housing Diversity) 2020. The Panel considers there has been an appropriate level of assessment provided with respect to this draft instrument in the assessment of this application.

Speakers

- Adrian Ball (submitter)
- Peter Smith (architect)

Voting of the Panel Members

The decision of the Panel was unanimous.

DeterminationDeferral

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2019/0626 for the demolition and construction of a four storey boarding house with basement parking, landscaping and site works at 58 Lawrence Street, Peakhurst, be **deferred** and invites the applicant to submit the following;

1. Increase the rear setback to a minimum 3m and re-orientate the communal open space so that the communal open space extends from the communal living area eastward across the Manager's unit. The western projection of the proposed communal open space shall be removed to align to the western wall of the communal living area. That removed communal open space area is to be replaced with an extension of the planter.
2. The westward projection encompassing the kitchen and bathroom to Studios 105 and 205 shall be deleted and the western wall of the studio proper shall be continued southwards towards the void to achieve the minimum 3m setback.
3. Studio 303 to be deleted to reduce the bulk and scale of the building, step the building form with the topography, and reduce the exceedance of the height limit.
4. A landscape planter bed (minimum 600mm deep soil) be planted on the roof over the driveway entry, without increasing the proposed height.
5. Consider additional obscured glass highlight windows to bathrooms.
6. The bin travel path between the waste storage room and footpath must not be through the ground floor lobby, but via a path free from steps and at an appropriate ramp grade.

Statement of Reasons

- The Panel accepts the principle of the proposal but is concerned with the adverse impact that would occur due to the elevated rear communal open space and its proximity to 49 and 51-55 Gover Street. Similarly some concern was held regarding the western side setback, landscaping and relationship with 56 Lawrence Street. These concerns could be addressed by redesign as outlined in the terms of deferral above.
- The proposal is an appropriate response to the zoning of the site.
- While concerns of the neighbour are understood, the area is in transition given the applicable planning controls and the proposed development complies with key development standards, subject to some refinement and minor exceedances such that the Panel was conceptually supportive of the proposed use and form of the building.

The amended plans are to be submitted within fourteen (14) days and the matter subsequently delegated to Council staff for determination.

LPP042-20 565 King Georges Road Penshurst (Report by Senior Development Assessment Officer)

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

The Panel acknowledges the memo dated 3 September 2020 providing consideration on the provisions of Draft State Environmental Planning Policy (Housing Diversity) 2020. The Panel considers there has been an appropriate level of assessment provided with respect to this draft instrument in the assessment of this application.

Speakers

- Rahmy Balamon (submitter)
- Azzam Yousef (applicant)
- Dr Rifaat Hanna (on behalf of owner)
- Ahsaan Hanna (owner)

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, Review Application No. REV2020/0016 for the Review of Determination of DA2019/0545 for demolition and construction of a boarding house, on-grade parking, landscaping and site works at 565 King Georges Road, Penshurst, 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 does not satisfy State Environmental Planning Policy (Infrastructure) 2007 in terms of the following:
 - (a) Transport for NSW (formerly Roads and Maritime Service) has not granted concurrence under 138 of the Roads Act and has raised concerns under Clause 101 of the State Environmental Planning Policy (Infrastructure) 2007 as to the design of the whole access/driveway which is considered to promote high unmitigated conflict between entering and exiting vehicles and that the arrangement can potentially lead to unacceptable queuing on King Georges Road, Penshurst.
2. **Environmental Planning Instrument** - Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the following Object of the Act:
 - (a) *To promote good design and amenity of the built environment.*
3. **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 State Environmental Planning Policy (Affordable Rental Housing) 2009 in terms of the following:
 - (a) Cl. 29(2)(d)(i) – the proposal provides inadequate and insufficient communal open space which detracts from the functionality, liveability and on-site amenity for future occupants because the communal open space is also utilised as a shared parking space and the primary pedestrian and disabled access to the front door, located on the northern boundary.
 - (b) The disabled access along the northern boundary is not adequate to satisfy AS1428 relating to accessibility. Such access is required to be a hard level surface and therefore would not constitute landscaped area.
 - (c) Cl. 29(2)(d)(ii) – the Manager's private open space is located along the northern side setback and provides poor levels of occupant amenity and solar penetration due to the cantilevered floor and roof eave above together with the fencing surrounding this space.
 - (d) Cl.30A – the proposed development is not consistent with the existing or desired future character of the locality with respect to the lack of landscaping and extent of hard surfaces and structures located within the rear setback, poor access arrangements within the development between the building and parking area and communal open space.

4. **Environmental Planning Instrument** - Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy Deemed State Environmental Planning Policy – Georges River Catchment regarding adequate stormwater disposal. Note this may be resolved by design amendment.
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 following sections of Chapter 3 of the Hurstville Development Control Plan No. 1:
 - (a) Chapter 3.5 Landscaping – The application fails to provide an adequate tree protection zone around the site tree (*Lophostemon Confertus*) to be retained to ensure its survival.
 - (b) Insufficient landscaping has been provided to provide a landscape setting for the development for both amenity to the occupants and appropriate amenity relationship with surrounding rear yards.
8. **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:
 - (a) Safe vehicular entry and exit and on site manoeuvrability has not been adequately demonstrated.
 - (b) The development fails to achieve suitable levels of amenity for future residents and adjoining allotments as a result of poor internal layout and functionality.

LPP043-20 Shop 1, 1 Treacy Street Hurstville
(Report by Development Assessment Planner)

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

Speakers

- John Lac (submitter)
- Max Hayson (applicant)
- Kristy Hodgkinson (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. DA2020/0146 for the fit-out and use of Tenancy 1 as a restaurant (licenced premises) including business identification signage at Shop 1, 1 Treacy Street, Hurstville, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 3 September 2020 except:

- A new condition be imposed requiring that the provision of food be available in association with the sale of alcohol (the use is not approved solely as a bar).

Statement of Reasons

- The proposal is an appropriate response to the site and is consistent with the desired future character of the B4 zone and existing developments in the locality.
- The amended hours of operation strike a balance between residential amenity and commercial activity within a town centre setting.
- The proposal is fully compliant with the provisions of the State Environmental Planning Policy No 64 - Advertising and Signage.
- The proposal is generally compliant with requirements of the Hurstville Local Environmental Plan 2012 and Hurstville Development Control Plans.
- The proposed development will provide street activation and employment opportunities in this precinct.

LPP044-20 8-8A Johnstone Street Peakhurst (Report by Development Assessment Planner)

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

Speakers

No speakers registered for this application.

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. DA2020/0307 for the Laying of drainage pipes within an existing easement located within Johnstone Reserve to drain stormwater from the development at 5 Ogilvy Street Peakhurst at 8-8A Johnstone Street, Peakhurst, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 3 September 2020.

Statement of Reasons

- The proposal will facilitate lawful drainage associated with an approved attached dual occupancy development.
- The proposal complies with State Environmental Planning Policy (Infrastructure) 2007.
- The proposed development is considered to be appropriate for the site. Subject to the implementation of the recommended conditions, the development will not create unreasonable impacts upon the natural or built environment.

4. CONFIRMATION OF MINUTES

The meeting concluded at 6.10pm



Sue Francis
Chairperson



Milan Marecic
Expert Panel Member



Jason Perica
Expert Panel Member



Cameron Jones
Community Representative