

MINUTES

Local Planning Panel

Thursday, 19 November 2020

4.00pm

Georges River Civic Centre,
Hurstville



Panel Members:

Ms Sue Francis (Chairperson)
Mr John Brockhoff (Expert Panel Member)
Mr Milan Marecic (Expert Panel Member)
Mr George Vardas (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 4.10pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

The meeting was reopened at 4.30pm and at the invitation of the Chair, additional speakers were invited to address the panel on the items listed below.

The public speakers concluded at 4.48pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

LPP060-20 29A-35 Greenacre Road South Hurstville
(Report by Senior Development Assessment Officer)

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

Speakers

- Stephen Bible (submitter)
- Kyeema Doyle (planner)
- Stan Kafes (traffic engineer)

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. DA2020/0292 for the provision of an additional one hundred (100) students to an approved educational establishment - no works proposed at 29A-35 Greenacre Road, South Hurstville, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 19 November 2020 except:

1. Condition 5 be amended as follows:

Traffic Plan of Management – The proposal must strictly adhere to the requirements contained within the additional traffic information letter (containing the Plan of Management) reference SJ/11429/jj dated 9 October 2020 prepared by Colston Budd Rodgers and Kafes in regards the following:

Traffic Management Plan Penshurst-Mortdale Campus and South Hurstville Campus

- (i) The existing bus bay near the school entrance at Greenacre Road, South Hurstville is unchanged.
- (ii) The pick-up and drop off locations, management, staggering of pick up times, marshalling and traffic controllers and bus travel route for the Penshurst-Mortdale Marist Campus and South Hurstville Campus.
- (iii) No buses are to waiting on any surrounding residential streets. Buses are to either be parked on site or at the bus depot when not in use.
- (iv) Should alternative designated bus routes be sought an amendment to the Plan of Management is required to be submitted and approved by Council.

Statement of Reasons

- The existing educational establishment forms a permissible use within the SP2 Education Establishment zone within the Kogarah Local Environmental Plan 2012 and the R3 zoned land through the provisions of State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017 and adequately satisfies the aims and objectives of these policies.
- The proposal has demonstrated that additional student numbers can be accommodated within the approved educational establishment.
- The amended proposal is considered acceptable subject to conditions of consent regarding on going traffic management.

LPP061-20 32 The Avenue Hurstville
(Report by Senior Development Assessment Officer)

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

Speakers

- Nigel Dickson (planner)
- Matt Sonter (lawyer)

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. DA2020/0165 for the demolition works and construction of a shop top housing development over basement parking at 32 The Avenue, Hurstville, is determined by **refusal** for the following reasons:

1. **Hurstville Local Environmental Plan 2012** - The proposal does not comply with the maximum height control contained in Clause 4.4 of the Hurstville Local Environmental Plan 2012. The Clause 4.6 variation does not provide sufficient environmental planning grounds to warrant the variation as proposed.
2. **State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development)** - 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 No. 65 (Design Quality of Residential Apartment Development) in terms of the following:
 - 3F Visual Privacy – with regards to the close and direct views resulting from the lack of separation between Units 101 and 105 and 103 and 104.
 - 3G Pedestrian Access – poor safety by design.
 - 3H Vehicular Access – conflicts at signalised intersection, poor sight lines and pedestrian and vehicular safety.
 - 4A Solar Access – The proposal has failed to demonstrate the impact on the solar amenity of living rooms and private open space on the adjoining property at 38 The Avenue. The solar access plans identify inconsistencies with the graphic indications and the table of compliance such that compliance with the level of provisions of the ADG have not been satisfied.
 - 4D Unit Size – undersized one (1) bedroom units.
 - 4E Private Open Space – undersized balconies .
 - 4U Energy Efficiency – no BASIX Certificate provided for the amended plans.
 - 4W Waste Management – poor circulation design between bin storage and collection points.
3. **State Environmental Planning Policy (Building Sustainability Index) BASIX 2004** - Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with State Environmental Planning Policy (Building and Sustainability Index) BASIX 2004 as an amended BASIX Certificate has not been provided.
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 following sections of the Hurstville Development Control Plan No. 2:
 - (a) Section 3 Hurstville City Precincts.
 - (b) Section: 5.3 Controls for Residential, Commercial and Mixed Use Development
 - (b)(i) 5.3 Built Form Controls
 - (b)(ii) 5.3.3 Building Height
 - (b)(iii) 5.3.5 Building Separation
 - (b)(iv) 5.3.6 Solar Access
 - (b)(v) 5.3.9 Building Entrances and Lobbies
 - (b)(vi) 5.3.12 Active Street Frontages
 - (b)(vii) 5.3.13 Permeability and Accessibility
 - (b)(viii) 5.3.15 Landscaping
 - (b)(viii) 5.3.17 Site Servicing

- (b)(viii) 5.4.4.1 Vehicle Parking Rates
- (b)(x) 5.4.6 Loading/Unloading facilities and Service Vehicle Manoeuvring
- (b)(xi) 5.4.7 Pedestrian Access and Mobility

5. **Impacts on the Environment** - Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposal is an over development of the site by virtue of the following:
- (a) The proposal results in poor levels of amenity for future occupants in terms of layout, functionality and internal amenity .
 - (b) The proposal is contrary to the desired future character of the area expressed as the desired allotment width resulting in a development which fails to satisfy both internal and external amenity.
 - (c) The lack of side boundary setbacks will result in unreasonable massing, privacy and amenity impacts to immediately adjoining properties.
6. **Waste Management** – An inadequate waste bin path of travel between the waste bin storage room and the waste bin collection point at the street kerb is provided resulting in unreasonable amenity impacts. Use of the residential lift is not appropriate for removal of waste bins.
7. **Suitability of Site** - Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not suitable for the proposed development as:
- (a) Safe vehicular and pedestrian access within, to and from the site 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.
8. **Public interest** - Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development in its current form is not considered to be in the public interest and is likely to set an undesirable precedent within the locality in particular within The Avenue, Hurstville. Further that the applicant has not provided adequate and consistent information in support of the amended proposal in relation to an amended landscape plan, BASIX Certificate and Clause 4.6 Exception to Development Standard.

LPP062-20 43 Cronulla Street Carlton
(Report by Development Assessment Planner)

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

Speakers

No speakers registered for this item.

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. DA2020/0264 for the demolition, alterations and addition to a heritage dwelling and construction of a detached secondary dwelling and carport including landscaping and site works at 43 Cronulla Street, Carlton, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 19 November 2020.

Statement of Reasons

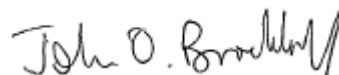
- The development proposal is of a scale and bulk that does not dominate the heritage item.
- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
- The proposed development, subject to the recommended conditions, will have no unacceptable adverse impacts upon the heritage item and the natural or built environments.
- The building will not unreasonably affect the amenity of any immediately adjoining properties in terms of unreasonable overlooking, overshadowing or view loss.
- The proposal is not inconsistent with the provisions of Draft Georges River Local Environmental Plan 2020.
- 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 4.58pm



Sue Francis
Chairperson



John Brockhoff
Expert Panel Member



Milan Merezic
Expert Panel Member



George Vardas
Community Representative
