

# MINUTES

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## Local Planning Panel

Thursday, 17 June 2021

4.00pm

Georges River Civic Centre,  
Hurstville



**Panel Members:**

Mr Paul Vergotis (Chairperson)  
Mr Milan Marecic (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

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There were no declarations of Pecuniary Interest

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**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 4.33pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

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

**LPP026-21 206-214 Railway Parade Kogarah**  
(Report by Senior Development Assessment Officer)

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

**Speakers**

- Mark Schofield (planner)

**Voting of the Panel Members**

The decision of the Panel was unanimous

**Determination**

Approval

The Panel is satisfied that:

1. The applicants written request under Clause 4.6 of the Kogarah Local Environmental Plan 2012 seeking to justify a contravention of Clause 4.3 Height of Building development standard has adequately addressed and demonstrated that:
  - (a) Compliance with the standard is unreasonable or unnecessary in the

- circumstances of the case; and
- (b) There are sufficient environmental planning grounds to justify the contravention.

2. The proposed development will be in the public interest because it is consistent with the objectives of the standards and the objectives for development within the zone in which the development is proposed to be carried out.

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2020/0236 for the demolition works, lot consolidation, site preparation and construction of a twelve (12) storey mixed use development containing ground floor and first floor commercial floor space and 49 residential apartments above three (3) levels of basement containing 75 car spaces, level 1 and roof top communal open space, landscaping and site works at 206-214 Railway Parade, Kogarah, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 17 June 2021.

#### Statement of Reasons

- The proposed development complies with the requirements of the relevant environmental planning instruments except in the height of the development. A Clause 4.6 exception has been submitted in support of the application which is considered acceptable having regard to the justification provided in the report above.
- The proposed development satisfies the objectives of the B4 Mixed Use zone of Kogarah Local Environmental Plan 2012 which emphasises the need to provide a mixture of compatible uses, create an active, vibrant and sustainable town centre, whilst also encouraging economic growth and employment opportunities.
- The proposed development is not considered to be incompatible with surrounding development and surrounding land uses.
- The building will not unreasonably affect the amenity of any immediately adjoining properties in terms of unreasonable overlooking, overshadowing or view loss.
- The proposed development is well considered and sensitively designed so that it will not result in any unreasonable impact on the natural and built environment.
- The proposed development is not considered incompatible with the character of the locality and is capable of existing harmoniously with its surroundings.
- The proposed development is located within the Kogarah Town Centre and is consistent with the desired future character of the precinct by providing a high density shop top housing development consistent with adjoining development.
- The proposal is not inconsistent with the provisions of the Draft Georges River Local Environmental Plan 2020.

#### **LPP027-21 89-93 Railway Parade Mortdale** (Report by Senior Development Assessment Officer)

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

#### **Speakers**

- Jim Apostolou (applicant)
- Bernard Moroz (planner)

## Voting of the Panel Members

The decision of the Panel was unanimous

## Determination

### Approval

The Panel is satisfied that:

1. The applicants written request under Clause 4.6 of the Hurstville Local Environmental Plan 2012 seeking to justify a contravention of Clause 4.3 Height of Building development standard has adequately addressed and demonstrated that:
  - (a) Compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
  - (b) There are sufficient environmental planning grounds to justify the contravention.
2. The proposed development will be in the public interest because it is consistent with the objectives of the standards and the objectives for development within the zone in which the development is proposed to be carried out.

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2020/0375 for the demolition of all existing structures on site and the construction of a seven (7) storey shop top housing development comprising of a total of thirty seven (37) apartments, car parking for a total of sixty nine (69) vehicles (inclusive of car wash bay) and two (2) ground floor retail tenancies at 89-93 Railway Parade, Mortdale, is determined by **granting deferred commencement consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 17 June 2021 except;

1. Amend Condition 132 - under the fourth paragraph add the following:

The Waste Management Plan is to provide details of a warning light system to avoid conflict between waste collection operations and cars leaving the basement.

### Statement of Reasons

- The proposed development complies with the requirements of the relevant environmental planning instruments except in the height of the development. A Clause 4.6 exception has been submitted in support of the application which is considered to be acceptable having regard to the justification provided in the report above.
- The proposed development satisfies the objectives of the B2 Local Centre zone of Kogarah Local Environmental Plan which emphasis the need to create a vibrant and active commercial/retail environment.
- The proposed built form, scale and siting of the building will be in keeping with the character of the streetscape and will be consistent with development form that has been approved within this precinct.
- The proposed development is considered to be compatible with surrounding development and surrounding land uses.
- The building will not unreasonably affect the amenity of any immediately adjoining properties in terms of unreasonable overlooking, overshadowing or view loss.
- The proposed development is well considered and sensitively designed so that it will not

result in any unreasonable impact on the natural and built environment.

- The proposed development is not considered incompatible with the character of the locality and is capable of existing harmoniously with its surroundings.
- The proposed development is located within the Mortdale precinct of the commercial locality areas of KDCP 2013 and is consistent with the desired future character of the precinct by providing a high quality building consistent with adjoining development.
- The proposal is not inconsistent with the provisions of the Draft Georges River Local Environmental Plan 2020.

**LPP028-21 31 Westbrook Street Beverly Hills**  
(Report by Senior Development Assessment Planner)

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

**Speakers**

- Carlos Hafouri (planner)
- Shane M Collins (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, Review of Determination Application No. REV2020/0030 for the review of determination of DA2019/0534 for demolition works and construction of a multi dwelling development at 31 Westbrook Street, Beverly Hills, is determined by **refusal** for the following reasons:

1. The proposed development does not comply with the following sections of Hurstville Local Environmental Plan 2012:
  - a. Clause 1.2 – Aims of the Plan;
  - b. Clause 2.3 – Zone Objectives (R2 Low Density Residential);
2. The proposed development does not comply with the following sections of Hurstville Development Control Plan No. 1:
  - a. 3.1 – Vehicle Access and Parking;
  - b. 3.6 – Public Domain;
  - c. 3.7 – Stormwater;
  - d. 4.2 – Street Frontage, Setbacks and Building Separation, and Landscaping and Open Space.
3. The proposal is unsatisfactory having regard to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 as the development will cause adverse impacts upon the following aspects of the environment:

- a. Built Environment: An adverse impact would result from the proposed development on the amenity of adjoining premises relating to building bulk, scale and form, and overlooking and impacts upon adjoining neighbours. In addition, the proposed stormwater system fails to adequately drain the development and has not been designed to adequately manage flood risk.
  - b. Social Impacts: An adverse impact would result from the proposed development on the amenity of the locality and adjoining neighbours and general expectations for development in a low density residential area.
4. The proposed development is unsatisfactory having regard to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the proposed development is not considered to be suitable for the site or its locality and is likely to set an undesirable precedent.
5. Approval of the development would not be in the public interest and contrary to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

**4. CONFIRMATION OF MINUTES BY CHAIR**

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The meeting concluded at 4.46pm



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Paul Vergotis  
**Chairperson**



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Milan Marecic  
**Expert Panel Member**



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Michael Leavey



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Erin Sellers

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**Expert Panel Member**

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**Community Representative**





**Declaration of Interest  
Georges River Council  
Local Planning Panel**

Panel Member Name:	Paul Vergotis
Meeting Date:	17 June 2021
Item Numbers:	<ul style="list-style-type: none"> <li>• 206-214 Railway Parade Kogarah</li> <li>• 89-93 Railway Parade Mortdale</li> <li>• 31 Westbrook Street Beverly Hills</li> </ul>
In relation to the matters on this agenda, I declare that I have:	<input checked="" type="checkbox"/> No known conflict of interest.
In relation to item number I have an actual <sup>1</sup> conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a potential <sup>2</sup> conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a reasonably perceived <sup>3</sup> conflict of interest	<input type="checkbox"/> Conflict Details
Name of Panel Member	Paul Vergotis
Signature:	
<p><b>Key of Terms:</b></p> <p><sup>1</sup> An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties.</p> <p><sup>2</sup> A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future.</p> <p><sup>3</sup> A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.</p>	






**Declaration of Interest  
Georges River Council  
Local Planning Panel**

Panel Member Name:	Milan Marecic
Meeting Date:	17 June 2021
Item Numbers:	<ul style="list-style-type: none"> <li>• 206-214 Railway Parade Kogarah</li> <li>• 89-93 Railway Parade Mortdale</li> <li>• 31 Westbrook Street Beverly Hills</li> </ul>
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In relation to item number I have a reasonably perceived <sup>3</sup> conflict of interest	<input type="checkbox"/> Conflict Details
Name of Panel Member	Milan Marecic
Signature: 	
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Georges River Council  
Local Planning Panel**

Panel Member Name:	Michael Leavey
Meeting Date:	17 June 2021
Item Numbers:	<ul style="list-style-type: none"> <li>• 206-214 Railway Parade Kogarah</li> <li>• 89-93 Railway Parade Mortdale</li> <li>• 31 Westbrook Street Beverly Hills</li> </ul>
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In relation to item number I have a reasonably perceived <sup>3</sup> conflict of interest	<input type="checkbox"/> Conflict Details
Name of Panel Member	Michael Leavey
Signature:	
<p><b>Key of Terms:</b></p> <p><sup>1</sup> An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties.</p> <p><sup>2</sup> A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future.</p> <p><sup>3</sup> A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.</p>	



## Declaration of Interest Georges River Council Local Planning Panel

Panel Member Name:	Erin Sellers
Meeting Date:	17 June 2021
Item Numbers:	<ul style="list-style-type: none"> <li>• 206-214 Railway Parade Kogarah</li> <li>• 89-93 Railway Parade Mortdale</li> <li>• 31 Westbrook Street Beverly Hills</li> </ul>
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In relation to item number I have a reasonably perceived <sup>3</sup> conflict of interest	<input type="checkbox"/> Conflict Details
Name of Panel Member	Erin Sellers
Signature:	
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