

MINUTES

Local Planning Panel

Thursday, 5 August 2021

4.00pm

**Georges River Civic Centre,
Hurstville**



Panel Members:

Ms Sue Francis (Chairperson)
Mr Michael Leavey (Expert Panel Member)
Dr Awais Piracha (Expert Panel Member)
Ms Fiona Prodromou (Community Representative)

1. APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

There were no apologies received

Michael Leavey declared an interest in LPP034-21 608 Forest Road Penshurst and took no part in the discussions or determination of this item.

2. PUBLIC SPEAKERS

The meeting commenced at 4.01 pm 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 4.37pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

LPP032-21 146 Letitia Street Oatley
(Report by Development Assessment Planner)

Speakers

No speakers registered for this item.

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. DA2020/0453 for the demolition, tree removal and construction of a two storey attached dual occupancy with detached cabanas, a pool for dwelling 2, fencing, landscaping and site works at 146 Letitia Street, Oatley, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 5 August 2021.

Statement of Reasons

- The proposed development complies with the requirements of the relevant environmental planning instruments.
- The proposal has effective façade modulation and wall articulation that will serve to provide visual interest and reduce the bulk of the buildings.
- The proposal aims to provide a high-quality development that will establish a positive urban design outcome, setting a good architectural and planning precedent in the area.
- The proposal satisfactorily achieves the zone objectives.

LPP033-21 565 King Georges Road Penshurst (Report by Development Assessment Planner)

Speakers

- Azzam Yousef (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. DA2021/0009 for the demolition and construction of a two (2) storey boarding house with hardstand parking, fencing, landscaping and site works at 565 King Georges Road, Penshurst, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 5 August 2021 except;

1. Add in the following additional as Condition 59A:

59A. **Location of Air Conditioning units** - The location of air conditioning units must be in accordance with the 'air-conditioning units' requirement of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The air conditioning units must take into consideration the requirements of the submitted Acoustic Report prepared by Koikas Acoustics Pty Ltd reference 3916R20201110mfc565KingGeorgesRdPenshurst_DAv3.docx revision V3 dated 10/11/2020.

2. Add in the following additional as Condition 65A:

65A. **Outdoor lighting** - Recessed ground lights shall be incorporated within the rear car parking area to allow for a safe path of travel to residents between the rear communal area, the car parking area, and the boarding house. The lights shall be located in a position that does not disrupt vehicular movement. Outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.

3. Add the following to Condition 73:

- (j) The hours of operation for the use of the external communal open space area is to be 7.00am to 9.00pm daily. The Plan of Management is to be updated to reflect these hours prior to any Occupation Certificate being issued.

Statement of Reasons

- The proposal is an appropriate response to the site and its location.
- The proposal is 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 generally 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 is consistent with the Draft Georges River Local Environmental Plan 2020.
- Conditions have been added to ensure appropriate use of the external communal open space is managed as well as the general operation of the boarding house.

LPP034-21 608 Forest Road Penshurst (Report by Development Assessment Planner)

Refer to minutes below.

LPP035-21 17-19 Vista Street Sans Souci (Report by Senior Development Assessment Planner)

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. DA2021/0125 for the alterations and additions to the Heritage Item in the form of a new alfresco dining area, rear pool, filling in the existing pool at the front and associated landscaping works at 17-19 Vista Street, Sans Souci, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 5 August 2021.

Statement of Reasons

- The development complies with the key planning objectives and controls within the Kogarah Local Environmental Plan 2012 and the Kogarah Development Control Plan 2013.
- The proposal is small scale and seeks to improve the amenity of the dwelling house by creating a more contemporary and functional arrangement of the area of open space at the

front and rear of the property. The proposal creates a better relationship between the internal spaces within the home and the outdoor area of open space. The proposed changes are considered minor but will improve the functionality and useability of the property.

- The proposed alterations will not adversely or detrimentally affect adjoining and neighbouring properties in terms of generating any additional overshadowing, overlooking or view loss.
- The proposal will retain the significance and integrity of the Heritage Item on site and will not adversely affect the character of the foreshore area in which it is located.
- The development is in the public interest and will not establish an undesirable precedent in the locality.
- The nature of the works are small scale and are permissible in the zone and satisfy the zone objectives as such the proposal is suitable for the site.

LPP036-21 53A-59A Gloucester Road Hurstville
(Report by Senior Strategic Planner)

Speakers

- Tom Cook (planner)
- Meaghan Morice (on behalf of applicant)
- Justin O'Neill (on behalf of applicant)
- Brad Muller (applicant)

Voting of the Panel Members

The decision of the Panel was unanimous

Recommendation

1. That the Georges River Local Planning Panel recommends that Council endorse the forwarding of Planning Proposal PP2017/0005 to the NSW Department of Planning, Industry and Environment (DPIE) to request a Gateway Determination under Section 3.33 of the EP&A Act 1979 for an amendment to the Hurstville Local Environmental Plan (LEP) 2012 (or Georges River LEP 2020, if gazetted), to permit a residential care facility with a maximum floor space ratio (FSR) of 1.6:1 and a maximum height of building (HOB) ranging from 12m, 14m and 16.9m at 53A-59A Gloucester Road, Hurstville.
2. That the Georges River LPP further recommends to Council that Council request as a condition of the Gateway Determination that the increase in FSR and maximum building height on the subject site is linked to a residential care facility land use only. Within this report consideration is to be given to:
 - a) The implications of the Draft Housing SEPP on the proposed planning proposal be reviewed specifically in respect of definitions, non refuse provisions and character tests.
 - b) That objectives be included to ensure that any plant to be located on the roof is included in the maximum permissible height limit and that this also be included in the site specific Development Control Plan.
 - c) Consideration is given to requirement of the Plan of Management, compliance with the Housing SEPP car parking requirements, and consideration of site fencing and increasing the setbacks on the north western boundary along Gloucester Road.

4. CONFIRMATION OF MINUTES



Sue Francis
Chairperson



Awais Piracha
Expert Panel Member



Michael Leavey
Expert Panel Member



Fiona Prodromou
Community Representative

Panel Members:

Ms Sue Francis (Chairperson)
Dr Awais Piracha (Expert Panel Member)
Ms Fiona Prodromou (Community Representative)

LPP034-21 608 Forest Road Penshurst
(Report by Development Assessment Planner)

Michael Leavey declared an interest in LPP034-21 608 Forest Road Penshurst and took no part in the discussions or determination of this item.

Speakers

- Erica Marshall-Evans (architect)
- Andy Ludvik (planner)
- Dimitri Tsagaris (applicant)

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 Buildings 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. REV2020/0024 for the Review of Determination of DA2019/0135 for the demolition of existing structures and construction of a three (3) storey mixed use building at 608 Forest Road, Peakhurst, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 5 August 2021 except;

1. Add the following Condition 102A:

102A. Easements and access arrangement to maintain landscaping are to be placed on title and in the body corporate bylaws. Quarterly inspections shall be undertaken by the body corporate to ensure landscaping is maintained as required by this consent. Details demonstrating compliance are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Occupation Certificate.

2. Add the following Condition 116A:

116A. **Maintenance of Landscaping** - All trees and plants including all plants and planting within the planter boxes on the external facades of the building and forming part of the landscaping must be always maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants with similar size and species as approved by the landscape plan and any other operations required to maintain healthy trees, plants and turfed areas

Statement of Reasons

- The proposed development generally complies with the requirements of the relevant environmental planning instruments and development control plan and has addressed the concerns raised in the previous determination.
- The proposal is an acceptable response to the zoning and the desired future character of the area, its context, site area, dimension and orientation of the allotment.
- The building will not adversely affect the amenity of any immediately adjoining properties in terms of unreasonable overlooking, overshadowing or view loss.
- The proposal aims to provide a high quality, contemporary mixed use development in an accessible location in accordance with the planning and design requirements for development of this nature in this precinct.

- The Panel notes that provision is to be made to allow future access through the proposed basement to adjoining sites to the south east which is a desirable outcome to minimise further crossovers onto a classified road.

5. CONFIRMATION OF MINUTES

The meeting concluded at 5.40pm



Sue Francis
Chairperson



Awais Piracha
Expert Panel Member



Fiona Prodromou
Community Representative
