

MINUTES

Local Planning Panel

Thursday, 02 December 2021

4.00pm

Broadcast from Council Chambers, Civic
Centre, Hurstville



Panel Members:

Ms Sue Francis (Chairperson)
Ms Annette Ruhotas (Expert Panel Member)
Mr Milan Marecic (Expert Panel Member)
Ms Fiona Prodromou (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 4.16pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

LPP067-21 4 Marie Dodd Crescent, Blakehurst
(Report by Principal Planner)

Speakers

- Gerard Turrisi (GAT & Associates - applicant)

Voting of the Panel Members

The decision of the Panel was unanimous.

DeterminationApproval

Pursuant to Section 4.56 of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. MOD2021/0072 for the Modification of Consent No: DA670/2000 for Conversion of an existing dwelling-house into two (2) townhouses and construction of three (3) buildings, two containing two (2) townhouses and one containing a single townhouse with basement car parking and strata subdivision into seven (7) lots to seek consent for the partial deconstruction and reconstruction of the heritage item on the site at 4 Marie Dodd Crescent Blakehurst, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 2 December 2021 except as amended as follows;

Replace condition 2A(i) to read as follows:

- (i) A new BCA compliant laundry window shall be located into dwelling 2 on the northern ground floor façade of appropriate scale, form and dimension to its use and location

in a replica heritage item. Details to be provided on plans prior to the issue of the Construction Certificate to the satisfaction of the certifying authority.

Statement of Reasons

- The Panel is aware of the extensive history of the subject site and the modifications previously granted to the original 2001 DA consent. It is understood that the current modification sought to re-instate a collapsed wall of the heritage item which occurred during construction.
- The Council Assessment Report before the Panel recommends the total demolition of the remaining heritage item with a view to stabilising the structure and facilitating the safe construction of the new development. Given the circumstances of the protracted works on the site and the recommendation of structural engineer, ACSES Engineers and Weir Phillips heritage experts the total demolition is reasonable.
- The proposed changes are considered to be “*substantially the same*” as the originally approved multi-dwelling housing development in accordance with Section 4.56 of the Environmental Planning and Assessment Act, 1979.
- Braeside Castle is to be reconstructed in its original form as a condition of consent.
- The changes will not create any adverse amenity or environmental impacts to immediately adjoining properties in terms of overshadowing or overlooking.
- The proposed alterations will not change the scale, density or height of the development as approved.
- The proposal satisfies the objectives of the Kogarah Local Environmental Plan 2012 and Kogarah Development Control Plan 2013.
- The applicant’s planner queried draft condition 2A(i) which seeks to re-instate the ground floor north facing window of dwelling 2 and highlighted to the Panel that the internal layout has been modified from a bedroom to a bathroom/laundry and therefore the prior large window will no longer be appropriate. In the circumstances the Panel accepted that seeking to re-instate this window would be inappropriate but agreed to insert a window in the new laundry instead. Condition 2A(i) to be amended accordingly.

LPP068-21 1 - 3 Peake Parade, Peakhurst
(Report by Principal Planner)

Speakers

- Perry Savidis (ZTA Group - applicant)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Approval

Pursuant to Sections 8.2 and Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. REV2021/0007 for the Review of Determination of MOD2020/0136 for modifications to an approved residential flat building at 1-3 Peake Parade Peakhurst, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 2 December 2021.

Statement of Reasons

- It has been demonstrated that the reasons for refusal of MOD2020/0136 have been

- adequately addressed and resolved, and subject to modifying conditions of consent.
- The proposed development has satisfactorily demonstrated that the site can be adequately drained, addressing outstanding overland flow and drainage matters.
- The proposed review is substantially the same as that originally approved.
- The proposed use is permissible in the subject zone and meets the objectives of that zone.
- The proposed height, whilst exceeding the relevant development standard, is acceptable on the site having regard to need to elevate the structure to address site flooding but also has no detrimental environmental impact and consistent with the heights of surrounding developments.
- The proposed development will not result in unreasonable impacts to the natural and built environment.
- The proposed development will not result in unreasonable amenity impacts to the adjoining neighbours.

LPP069-21 296 Forest Road, Hurstville DA2021/0240
(Report by Independent Assessment)

Speakers

- Nil

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. DA2021/0240 to establish a weekly farmers market within Hurstville Plaza at 296 Forest Road Hurstville, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 2 December 2021 except as follows:

Amend condition 1 to include the following:

- 1) Approved Plans** - The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

| Description | Reference No. | Date | Revision | Prepared by |
|--|---------------|------------------|----------|---|
| Site Plan | A.01 | 11/6/2021 | A | Christo Architects |
| Statement of Environmental Effects including Addendum 2 – Event Risk Management | | June 2021 | | Christo Architects (or as otherwise directed by an authorised officer of |

| | | | | |
|-------------|--|--|--|----------|
| Plan | | | | Council) |
|-------------|--|--|--|----------|

Insert new additional condition 3A as follows:

- 3A. The Site Plan is to be amended to relocate First Aid station to the same level as the market stalls. The First Aid station is to be clearly visible and signposted.

Amend condition 3 Hours of Operation as follows:

3. The approved hours of operation for stall holders shall be restricted to THURSDAY ONLY for the following hours:
- i. Setup – 9.30 am – 12.00 pm
 - ii. Trading – 12.00 pm – 6.00pm
 - iii. Pack Up – 6.00pm – 7.30 pm

Amend Condition 5 Event Operations and Management as follows:

- (A) The Events Risk Management Plan is to be amended to include the following;
- v. First aid station set up and management
 - vi. Waste management protocol including type and location of waste reciprocals separating regular waste and green waste / paper /plastic recyclables
- (B) The markets are to be operated in accordance with the Event Risk Management Plan as Amended by condition A above

Insert new additional condition 17A as follows:

17A Restriction on Types of Stalls and Market Activities

Stalls and activities involving live animals or carnival rides (eg Jumping Castles) are not permitted by this consent

Statement of Reasons

- The proposed weekly produce market will provide a *community use* within the Hurstville Plaza as identified under the Plan of Management (LGA 1993) for the Plaza and is consistent with the envisioned uses for the site.
- The proposed weekly market will provide economic and social activation of the plaza and is a suitable use of the site.
- The proposed market will be able to be carried out without impacting the surrounding locality with respect to waste management, traffic and parking impacts, and management.

LPP070-21 77 Bristol Road Hurstville NSW 2220
(Report by Senior Development Assessment Officer)

Speakers

- Nil

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Approval

THAT Georges River Local Planning Panel support the request for variation under Clause 4.6 of Hurstville Local Environmental Plan 2012 with respect to clause 6.5 of the Hurstville Local Environmental Plan 2012 entitled - *Gross floor areas of dwellings in residential zones* as the variation demonstrates that compliance with the standard is unreasonable or unnecessary in the circumstance of the case and there are sufficient environmental planning grounds to justify the contravention of the standard. The development with the variation as proposed is consistent with the objectives of the standard and the zone within 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. DA2021/0230 for the Demolition and construction of a two storey dwelling house, detached secondary dwelling, fencing, landscaping and site works at 77 Bristol Road Hurstville, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 2 December 2021 except as follows;

Amend condition 7 to read as follows:

7. **Fees to be paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.georgesriver.nsw.gov.au). Please contact council prior to the payment of 7.11 Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable).

A summary of the fees to be paid are listed below:

| Fee Type | Fee |
|---|------------|
| GENERAL FEES | |
| Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/ | |
| Builders Damage Deposit | \$1900.00 |
| Inspection Fee for Refund of Damage Deposit | \$168.00 |
| DEVELOPMENT CONTRIBUTIONS | |
| Plan administration | \$113.76 |
| Community Centres | \$723.22 |
| Early Learning Centres | \$213.71 |
| Library Buildings | \$461.22 |
| Library Resources | \$90.55 |
| Recreational Facilities | \$734.09 |
| Open Space Acquisition | \$4,173.70 |
| Open Space Embellishment | \$2,870.18 |

| | |
|----------------------------|--------------------|
| Public domain | \$482.21 |
| Active Transport | \$82.15 |
| Roads and Intersections | \$147.38 |
| Total contributions | \$10,092.17 |

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

Development Contributions

A Section 7.11 contribution has been levied on the subject development pursuant to the Georges River Council Local Infrastructure Contributions Plan 2021.

Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the Georges River Council Local Infrastructure Contributions Plan 2021

Further Information

A copy of the *current Development Contributions Plan* may be inspected or a copy purchased at Council's offices (Georges River Civic Centre, MacMahon Street, Hurstville and Kogarah Library and Service Centre, Kogarah Town Square, Belgrave Street, Kogarah) or viewed on Council's website www.georgesriver.nsw.gov.au.

Statement of Reasons

- The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality;
- The clause 4.6 requests to vary clause 6.5 of Hurstville Local Environmental Plan 2012 relating to gross floor areas of dwellings in residential zones is well founded and is acceptable in the circumstances of this proposal.
- 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 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 a suitable and planned use of the site and its approval is in the public interest.
- The Panel notes that no lawful access over Lot 67 DP4156 is permitted from Hudson Street to the rear of the site. In the circumstances removing the layback and reinstating the kerb and gutter to the cul-de-sac is advisable.

LPP075-21 ADDENDUM REPORT - 4 Marie Dodd Crescent, Blakehurst (Report by Principal Planner)

The Panel acknowledges the addendum report, which was provided to correct the numbering of the conditions of consent to be reflective of the number of the original development consent.

These conditions have formed the basis of the determination

4. CONFIRMATION OF MINUTES BY CHAIR

GEORGES RIVER LOCAL PLANNING PANEL (LPP) - 2 DECEMBER 2021

RECOMMENDATION

That the Minutes of the Georges River Local Planning Panel (LPP) held on 2 December 2021, be confirmed.

The meeting concluded at 5.48 pm



Sue Francis
Chairperson



Annette Ruhotas
Expert Panel Member



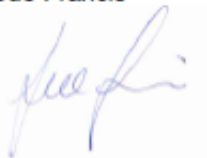
Milan Marecic
Expert Panel Member



Fiona Prodromou
Community Representative


Declaration of Interest

Georges River Local Planning Panel

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|--|---|
| Panel Member Name: | Sue Francis |
| Meeting Date: | 2 December 2021 |
| Item Numbers: | <ul style="list-style-type: none"> • LPP067-21 - 4 Marie Dodd Crescent, Blakehurst • LPP068-21 - 1 - 3 Peake Parade, Peakhurst • LPP069-21 - 296 Forest Road, Hurstville • LPP070-21 - 77 Bristol Road Hurstville |
| In relation to the matters on this agenda, I declare that I have: | X No known conflict of interest |
| In relation to item number I have an actual ¹ conflict of interest | <input type="checkbox"/> Conflict Details |
| In relation to item number I have a potential ² conflict of interest | <input type="checkbox"/> Conflict Details |
| In relation to item number I have a reasonably perceived ³ conflict of interest | <input type="checkbox"/> Conflict Details |
| Name of Panel Member | Sue Francis |
| Signature: |  |
| <p>Key of Terms:</p> <p>¹ 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>² 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>³ 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> | |

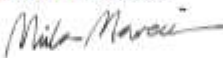
Declaration of Interest

Georges River Local Planning Panel

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| Panel Member Name: | Annette Ruhotas |
| Meeting Date: | 2 December 2021 |
| Item Numbers: | <ul style="list-style-type: none"> • LPP067-21 - 4 Marie Dodd Crescent, Blakehurst • LPP068-21 - 1 - 3 Peake Parade, Peakhurst • LPP069-21 - 296 Forest Road, Hurstville • LPP070-21 - 77 Bristol Road Hurstville |
| 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 actual¹ conflict of interest | <input type="checkbox"/> Conflict Details Nil |
| In relation to item number I have a potential² conflict of interest | <input type="checkbox"/> Conflict Details Nil |
| In relation to item number I have a reasonably perceived³ conflict of interest | <input type="checkbox"/> Conflict Details Nil |
| Name of Panel Member | Annette Ruhotas |
| Signature: |  29/11/2021 |
| Key of Terms: ¹ 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. ² 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. ³ 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. | |


Declaration of Interest

Georges River Local Planning Panel

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|--|---|
| Panel Member Name: | Milan Marecic |
| Meeting Date: | 2 December 2021 |
| Item Numbers: | <ul style="list-style-type: none"> • LPP067-21 - 4 Marie Dodd Crescent, Blakehurst • LPP068-21 - 1 - 3 Peake Parade, Peakhurst • LPP069-21 - 296 Forest Road, Hurstville • LPP070-21 - 77 Bristol Road Hurstville |
| 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 actual¹ conflict of interest | <input type="checkbox"/> Conflict Details |
| In relation to item number I have a potential² conflict of interest | <input type="checkbox"/> Conflict Details |
| In relation to item number I have a reasonably perceived³ conflict of interest | <input type="checkbox"/> Conflict Details |
| Name of Panel Member | Milan Marecic |
| Signature: |  |
| <p>Key of Terms:</p> <p>¹ 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>² 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>³ 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 Local Planning Panel

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|--|---|
| Panel Member Name: | Fiona Prodromou |
| Meeting Date: | 2 December 2021 |
| Item Numbers: | <ul style="list-style-type: none"> • LPP067-21 - 4 Marie Dodd Crescent, Blakehurst • LPP068-21 - 1 - 3 Peake Parade, Peakhurst • LPP069-21 - 296 Forest Road, Hurstville • LPP070-21 - 77 Bristol Road Hurstville |
| In relation to the matters on this agenda, I declare that I have: | <ul style="list-style-type: none"> • No known conflict of interest |
| In relation to item number I have an actual conflict of interest | <ul style="list-style-type: none"> • No known conflict of interest |
| In relation to item number I have a potential conflict of interest | <ul style="list-style-type: none"> • No known conflict of interest |
| In relation to item number I have a reasonably perceived conflict of interest | <ul style="list-style-type: none"> • No known conflict of interest |
| Name of Panel Member | Fiona Prodromou |
| Signature: |  |
| <p>Key of Terms: 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>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>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> | |