

# **MINUTES**

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## **Local Planning Panel**

**Thursday, 16 December 2021**

**12.00pm**

**Broadcast from Council Chambers,  
Civic Centre, Hurstville**



**Panel Members:**

Ms Sue Francis (Chairperson)  
Mr Michael Leavey (Expert Panel Member)  
Mr Paul Vergotis (Expert Panel Member)  
Ms Fiona Prodromou (Community Representative)

**1. APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST**

There were no apologies received

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There were no declarations of Pecuniary or Conflicts of Interest

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**2. PUBLIC SPEAKERS**

The meeting commenced at 12.12pm 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 2.49pm and the LPP proceeded into Closed Session to deliberate the item listed below.

**3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS****LPP076-21 ADDENDUM REPORT 88-92 Botany Street Carlton (Lots 21, 22, 23 and 24 in DP87691)**

(Report by Consultant Planner)

**Speakers**

- Ben Wang (submitter)
- Doris Lee (submitter)
- Alyce Kliese (submitter)
- Byron Knight (submitter)
- Adam Shearer (submitter)
- Thomas Russell (submitter)
- Eleanor Tan (submitter)
- Stella Sheryle Magro (submitter)
- Roslyn Magro (submitter)
- Margaret (submitter)
- David (submitter)
- Nat Iyer (submitter)
- Mata Prasad (submitter)
- George Pertiatko (submitter)
- Beriah Saadie (submitter)
- Ammar (applicant)
- Amin Y Nasser (applicant)
- Justin Foong (on behalf of applicant)

- Kim Samuel (on behalf of applicant)
- Rhys Hazell (on behalf of applicant)
- David Suwandi (on behalf of applicant)
- Penny Murray (on behalf of applicant)
- Vincent Cheng (submitter)

### **Voting of the Panel Members**

The decision of the Panel was unanimous.

### Panel Commentary

The Panel considered closely the submissions received during exhibition, the oral submissions heard at both the meeting on 26 August 2021 and on 16 December 2021 together with the independent assessment report provided by Council.

In coming to its decision the Panel was mindful of the fact that the proposed use would be prohibited in the R2 zones save for the Savings and Transitional Provisions of the GRLEP 2021. In this respect, consideration was given to whether the proposed use was not only suitable in the zone, having regard to its objectives, but as to whether it was suitable for the subject site.

In this respect, the Panel formed the view that the site was not suitable for the proposed use due to the interrelationship of the site with adjoining residential and school uses, and the impact the place of worship would have on those uses in respect of noise, traffic movement and parking, and visual and amenity impacts. Much of these impacts generated by the operation of the use into the evening and night time and the conflict of operations with existing surrounding uses.

The Panel was mindful of the extensive and thorough POM prepared by the applicant and the conditions drafted by the assessment report to address these concerns. However, in the end, the Panel formed the view that such a proposal which required such an extensive management, monitoring and compliance regime to render its impacts to be reasonable was not one that should reasonably operate on the site and in a zone where such a use is not consistent with the desired future use of the area.

### Panel Determination – Refusal

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2019/0644 for the conversion of an existing residential aged care facility and demolition of an adjoining dwelling to accommodate a Place of Public Worship and Community facilities and associated works, at 88-92 Botany Street, Carlton, is determined by **refusal** for the following reasons:

1. The development does not meet the R2 Zone objectives pursuant to the provisions of the Hurstville Local Environment Plan 2012 particularly in terms of the provision of a high level of amenity.
2. The development does not meet the R2 Zone objectives pursuant to the provisions of the Georges River Local Environment Plan 2021 particularly in terms of the provision of a high level of amenity.
3. The development is inconsistent with the intended desired future character of the locality as provided for under the relevant planning controls as the development is now

prohibited.

- 4. The site is not suitable to support the development as proposed having regard to;
  - a) Amenity impacts on neighbouring properties
  - b) Traffic and parking impacts
  - c) Acoustic impacts
  - d) Hours of operation
  
- 5. It has not been adequately demonstrated that the intensity of the use can be appropriately managed, in order to mitigate adverse amenity impacts.

**4. CONFIRMATION OF MINUTES**

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The meeting concluded at 5.27pm

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Sue Francis  
**Chairperson**



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Michael Leavey  
**Expert Panel Member**



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Paul Vergotis  
**Expert Panel Member**




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Fiona Prodromou  
**Community Representative**


## Declaration of Interest

### Georges River Local Planning Panel

Panel Member Name:	Sue Francis
Meeting Date:	16 December 2021
Item Numbers:	<ul style="list-style-type: none"> <li>LPP076-21 – 88-92 Botany Street, Carlton (Lots 21, 22, 23 and 24 in DP87691)</li> </ul>
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 <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	Sue Francis
Signature:	
<p>Key of Terms:</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>	


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### Georges River Local Planning Panel

<b>Panel Member Name:</b>	Michael Leavey
<b>Meeting Date:</b>	16 December 2021
<b>Item Numbers:</b>	<ul style="list-style-type: none"> <li>LPP076-21 – 88-92 Botany Street, Carlton (Lots 21, 22, 23 and 24 in DP87691)</li> </ul>
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<b>Name of Panel Member</b>	Michael Leavey
<b>Signature:</b>	
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<b>Panel Member Name:</b>	Paul Vergotis
<b>Meeting Date:</b>	16 December 2021
<b>Item Numbers:</b>	<ul style="list-style-type: none"> <li>LPP076-21 – 88-92 Botany Street, Carlton (Lots 21, 22, 23 and 24 in DP87691)</li> </ul>
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<b>Name of Panel Member</b>	Paul Vergotis
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### Georges River Local Planning Panel

<b>Panel Member Name:</b>	Fiona Prodromou
<b>Meeting Date:</b>	16 December 2021
<b>Item Numbers:</b>	<ul style="list-style-type: none"> <li>LPP076-21 – 88-92 Botany Street, Carlton (Lots 21, 22, 23 and 24 in DP87691)</li> </ul>
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<b>Name of Panel Member</b>	Fiona Prodromou
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