

# MINUTES

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## Local Planning Panel

Thursday, 07 April 2022

4.00pm

Broadcast from Council Chambers, Civic  
Centre, Hurstville

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## 1. APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

There were no apologies received

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There were no declarations of Pecuniary Interest

## 2. PUBLIC SPEAKERS

The meeting commenced at 4.03 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 5.02 pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

## 3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

**LPP011-22 977 Forest Road Lugarno**  
(Report by Principal Planner)

### Speakers

- Phil Armessen (resident)
- George Antoniou (resident)
- Taeipo Malifa (applicant)

### Voting of the Panel Members

The decision of the Panel was unanimous.

### Determination

#### Deferral

The Determination of Development Application DA2021/0047 for the fit out of part of an existing building for a 34 place childcare centre at Lot 2 DP 405732, known as 977 Forest Road, Lugarno, is **deferred** and the applicant is invited to submit further information addressing the matters below. The Panel requests the information be submitted to Council within 90 days. The application is to be subject to future consideration by the Georges River Local Planning Panel.

## 1. BCA Compliance Report and Upgrading Criterion

The applicant is to provide a Building Code of Australia/National Construction Code report prepared by an appropriately qualified Building Certifier that details the current non-compliances of the area where the childcare centre is to be fitted out and used, together with pedestrian access to this space, and including accessible parking provision.

This report is to address the following:

- All non-compliances that exist addressing Section, C, D, E and F of the Code.
- The upgrading criterion that needs to be undertaken; and
- Any performance solutions that will be implemented as part of the process and a statement from an appropriately qualified professional as to the nature of the performance solution sought.

Should the outcomes of this report require additional mechanical ventilation to be implemented, the details and location of condenser units are to be annotated on the plans and the acoustic report will need to be updated to address the additional noise resulting from the building upgrades.

If the report results in the base building and external elements needing to be amended and or demolished and rebuilt to provide compliance, this work will need to form part of the application and be provided on the plans with all impacted plans and documents updated for consistency.

If unencumbered space is impacted by the upgrade works, consideration needs to be given to the child numbers and compliance with the Childcare SEPP and Guideline.

## 2. Plan of Management

Submission of a Plan of Management satisfying the matters set out below as a minimum:

- (i) Hours of operation to be:
  - (a) Monday to Friday 7am to 6pm.
  - (b) Saturdays, Sundays and Public Holidays – **closed**.
- (ii) Between the approved operating hours of *Monday to Friday 7am – 6pm*, ALL indoor and outdoor areas of the childcare centre shall be used exclusively for the approved use of the childcare centre;
- (iii) No other use of the site other than the childcare centre, is permitted during the peak drop off and pick up times on Monday to Friday, between: 7am to 10am and 2:30pm – 6pm;
- (iv) All events and other uses of the site on Monday to Friday, are to occur between 10:30am and 2pm only. This is to enable setup and pack down, and dismissing of crowds prior to 2:30pm;
- (v) Other uses and activities Monday to Friday (including but not limited to weddings, funerals, community gatherings, youth group, counselling, worship, singing/choir, health and wellness) carried out within the site shall cease by 6:30am (30 minutes prior) to the opening of the centre at 7am, and shall not commence until 6:30pm (30 minutes) after the closing of the childcare centre;
- (vi) Number of Children: the maximum number of children at the centre is thirty – four children (34), consisting of:
  - (a) Twelve (12) children aged between 0 -2 years
  - (b) Twelve (12) children aged 2 – 3 years
  - (c) Ten (10) children aged between 3 – 5 years
- (vii) *Restrictions on the use of the carpark in the front setback of the site:* The car park within the front setback of the site is not to be used by staff or the residents of the dwelling at the rear of the site. These spaces are to remain free and unobstructed during the hours of operation of the childcare centre during:
  - (a) Drop off and pick up times - Monday to Friday 7am to 10am and 2:30 – 6pm, and
  - (b) 10:30am-2:30pm for any other uses on the site.
- (viii) Use of staff carparking at the rear of the site;
  - (a) The marked car parking at the rear of the site, adjacent to the outdoor play area, is for staff parking only and shall not be used for residential purposes.
  - (b) All vehicles associated with the dwelling at the rear of the site shall use the parking along the northern boundary within the curtilage of the dwelling, including the garage and on driveway parking. Any vehicles associated with the residential use shall not obstruct access to the rear marked car park.

- (ix) Delivery Vehicles (excluding Waste Collection Vehicles):
  - (a) Delivery - including loading and unloading is to be undertaken wholly within the rear parking area of the site.
  - (b) No deliveries, loading and unloading are to occur in the front parking area of the site.
  - (c) No deliveries, loading or unloading associated with the premises are to take place outside the approved hours of delivery, being 10am - 2pm, Monday to Friday.
- (x) Evacuation measures/procedures for flood/inundation events, including a Flood Emergency and Evacuation Management Plan attached to it;
- (xi) Details as to how the operation of the child care centre is to comply with noise levels and relevant recommendations as per the acoustic report submitted with the application: Proposed Child Care Centre. 977 Forest Road, Lugarno. Acoustic Report" Ref: 1018046 R01N 977 Forest Road Lugarno ENV.docx dated 13 October 2021 undertaken by Acousticworks;
- (xii) The response to the request for information Letter: Reference: 1018046 L05A 977 Forest Road Lugarno ENV RFI response.doc, dated 13 October 2021, prepared by Acoustic Works, is to be amended to review the hours of play to ensure they are between the proposed operating hours of 7am to 6pm Monday to Friday;
- (xiii) Details regarding the use of the store room, nappy change room, bottle room and cot room, for the sole purpose of the child care centre only;
- (xiv) Outdoor play space staff supervision plans;
- (xv) Clear identification of hours for outdoor play, including any noise levels required to be compiled with;
- (xvi) Clear identification of the number of children and age groups permitted outdoors at any one time;
- (xvii) Clear identification of the number of visitor and staff parking spaces, including pick up and drop off times;
- (xviii) Clear identification of areas of restricted staff parking at the rear carparking area of the site, in order to improve the availability of parking for users of the childcare centre wholly within the site in the marked front car park;
- (xix) Details of waste collection, including persons responsible for putting out/collecting bins;
- (xx) Measures to discourage kerbside parking by child care centre staff and visitors in surrounding streets;
- (xxi) Measures on how the operator of the childcare centre and owner of the site and property manager will effectively manage and respond to resident complaints:
  - (a) keeping a complaints register; and
  - (b) provisions for regular reporting to Georges River Council, including if complaints are made;
- (xxii) Details of how each parent /carer is to receive a formal induction into the childcare centre and advised on the Policies and Procedures in the Plan of Management;
- (xxiii) A green travel plan is to be included in the Plan of Management.

### Statement of Reasons

The reasons for this recommendation are:

- Insufficient information for the Panel to make a determination.

**LPP012-22      46-48 Macquarie Place Mortdale**

(Report by Senior Development Assessment Planner)

**Speakers**

- Benjamin Black (town planner)
- Kitty Tan (architect)
- Philip Ng (applicant)
- Clare Partridge (resident)
- Stephanie Beehag (resident)

**Voting of the Panel Members**

The decision of the Panel was unanimous.

**Determination****Refusal**

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979, Development Application No. DA2021/0156 for demolition works and construction of a residential flat building on Lots 49 and 50 in DP2921 known as 46-48 Macquarie Place, Mortdale, **refuse** Development Consent for the following reasons:

1. **Environmental Planning Instrument** - 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 Design) in terms of the following:
  - (a) The proposal fails to provide a suitable design response to the site and context with regard to:
    - i. Context and Neighbourhood Character;
    - ii. Built Form and Scale;
    - iii. Sustainability;
    - iv. Landscaping;
    - v. Amenity; and
    - vi. Aesthetics.
  - (b) The proposal fails to meet the following ADG standards:
    - i. 3F – Visual Privacy;
    - ii. 4H – Acoustic Privacy;
    - iii. 4M – Facades;
    - iv. 4N – Roof Design;
    - v. 4O – Landscape Design; and
    - vi. 4U – Energy Efficiency.
2. **Local Environmental Plan** - Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with Clause 4.3 Height of buildings and the Clause 4.6 variation request is not well founded and will result in additional adverse environmental impacts due to the visual dominance and shadowing impact of the breach.

3. **Impacts on the Natural Environment** - Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development fails to provide an adequate landscape design within the front setback and on the rooftop.
4. **Impacts on the Built Environment** - Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to have an adverse impact on the following aspects of the built environment:
  - (a) Inadequate separation from adjoining buildings;
  - (b) Privacy screening over windows that results in a lack of sunlight and outlook for a number of apartments;
  - (c) The visual dominance of the building as a result of the height breach, lack of separation, building layout and poor façade treatment.
5. **Suitability of Site** - Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not considered suitable for the proposed development as:
  - (a) The built form is excessively bulky for the size and dimensions of the site.
  - (b) The development fails to achieve suitable levels of amenity for future residents and adjoining allotments as a result of insufficient building separation, inappropriate privacy treatments, building layout and poor façade design.
  - (c) Given the number of proposed units and the location of the lift infrastructure, the proposed layout of the carpark and access to the carpark is unsatisfactory, including in relation to the compliance with Australia Design Standard 2890 (Carparking) and Australian Design Standard 1428 (Accessibility) and the size of the visitor parking space.

**Appeal Rights** - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.

#### Statement of Reasons

The reasons for this determination are that:

- The proposal fails to demonstrate compliance with a number of State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Design) principles and standards.
- Exceedance of the height standard without a well-founded variation request.
- The proposed development will have unacceptable adverse impacts on the natural and built environments.
- The proposed development will result in unacceptable adverse impacts on the amenity of future residents and adjoining allotments.
- In consideration of the aforementioned reasons, the proposed development is not a suitable and planned use of the site.

**LPP013-22     74 and 76 Edward Street Carlton NSW 2218**  
(Report by Senior Development Assessment Officer)

This item was withdrawn by the applicant prior to the meeting.

**LPP014-22     15 Marine Drive, Oatley**  
(Report by Development Assessment Planner)

**Speakers**

There were no speakers registered for this item.

**Voting of the Panel Members**

The decision of the Panel was unanimous.

**Determination**

Approval

Georges River Local Planning Panel support the request for variation under Clause 4.6 of Kogarah Local Environmental Plan 2012, in relation to the Height of Building (Clause 4.3) as the variation sought is considered to be well founded and in the public interest as there will not be any direct or adverse environmental impacts generated by the variation sought.

Pursuant to Section 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), the Georges River Local Planning Panel, grants development consent to Development Application DA2021/0404 for alterations and additions to a dwelling and construction of a swimming pool and front fence on Lot 244 in DP11934 known as 15 Marine Drive, Oatley, is granted Development Consent subject to:

The Conditions recommended in the report submitted to the Georges River Local Planning Panel meeting of 7 April 2022.

Statement of Reasons

The reasons for this recommendation are that:

- The proposed development complies with the requirements of the relevant environmental planning instruments except in the height of the development. A Clause 4.6 variation 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 complies with the objectives 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 the architectural and planning precedent in the area.

**LPP015-22     23 Railway Parade and 1 Centre Street Penshurst**  
(Report by Independent Assessment)**Speakers**

There were 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)(a) of the Environmental Planning and Assessment Act 1979 (as amended), Development Application DA2021/0367 for the erection and display of a property identification sign on Lot 21 DP 11492 and Lot 8 DP 11492, known as 23 Railway Parade and 1 Centre Street Penshurst, is granted Development Consent subject to:

The Conditions recommended in the report submitted to the Georges River Local Planning Panel meeting of 7 April 2022.

Statement of Reasons

The reasons for this recommendation are that:

- The proposal meets the objectives of Council's planning controls for the locality;
- The proposal is of an appropriate scale and design for its local setting;
- The proposal will not result in any adverse impact on the natural and built environment.

**LPP016-22     2-8 James Street, Blakehurst**  
(Report by Senior Development Assessment Planner)**Speakers**

- Darren Laybutt (town planner)

**Voting of the Panel Members**

The decision of the Panel was unanimous.

**Determination**Approval

Pursuant to Section 4.55 (2) of the Environmental Planning and Assessment Act 1979 (as amended), Development Application MOD2022/0011 for modifications to DA2020/0366 in accordance with the conditions of consent originally imposed at Lots 17, 18, 19 and 20 in DP 15830, known as 2-8 James Street Blakehurst, is granted Development Consent subject to:

The Conditions recommended in the report to the Georges River Local Planning Panel meeting of 7 April 2022, subject to the amendments as follows:



Amend condition 1 to read as follows:

- 1. Approved Plans** - The development will 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	DA005	19/1/2021	B	PBD Architects
Basement 2 Plan	DA100	19/1/2021	B	PBD Architects
Basement 1 Plan	DA101	19/1/2021	B	PBD Architects
Ground Floor Plan	DA102	19/1/2021	B	PBD Architects
Level 1	DA103	19/1/2021	B	PBD Architects
Level 2	DA104	19/1/2021	B	PBD Architects
Level 3	DA105	19/1/2021	B	PBD Architects
Level 4	DA106	19/1/2021	B	PBD Architects
Roof Plan	DA107	19/1/2021	B	PBD Architects
South Elevation	DA200	19/1/2021	B	PBD Architects
East Elevation	DA201	19/1/2021	B	PBD Architects
North Elevation	DA202	19/1/2021	B	PBD Architects
West Elevation	DA203	19/1/2021	B	PBD Architects
Section A	DA300	19/1/2021	B	PBD Architects
Section B	DA301	19/1/2021	B	PBD Architects
Basement 2 Plan	DA100	01/12/2021	C	PBD Architects
Basement 1 Plan	DA101	01/12/2021	C	PBD Architects
Ground Floor Plan	DA102	01/12/2021	C	PBD Architects
Level 1	DA103	01/12/2021	C	PBD Architects
Level 2	DA104	01/12/2021	C	PBD Architects
Level 3	DA105	01/12/2021	C	PBD Architects
Level 4	DA106	01/12/2021	C	PBD Architects
Roof Plan	DA107	01/12/2021	C	PBD Architects
South Elevation	DA200	01/12/2021	C	PBD Architects
East Elevation	DA201	01/12/2021	C	PBD Architects
North Elevation	DA202	01/12/2021	C	PBD Architects
West Elevation	DA203	01/12/2021	C	PBD Architects
Section A	DA300	01/12/2021	C	PBD Architects
Section B	DA301	01/12/2021	C	PBD Architects
Landscape Plan	L/01 L/02 L/03 L/04 L/05	26/2/21	E	A total concept
Stormwater Drainage Design	Job No. 20067 Sheets 1 to 11	20/1/21	A	Scott Collis Consulting Pty Ltd

Stage 1 Contamination Report	99.75	26/9/20		Trace Environmental
Geotechnical Investigation Report	GR1109.1J	7/8/20		JC Geotechnics
Detailed Site Investigation	E24807.E02	11/9/20	Rev0	Eiaustralia

### Statement of Reasons

The reasons for this recommendation are that:

- The proposal remains consistent with the original reasons for approval;
- The proposed modifications to the approved plans do not result in undermining the objectives of the Georges River Local Environmental Plan 2021 or the Georges River Development Control Plan 2021; and
- The proposed modifications to the approved plans do not result in any adverse impact on the natural and built environment.

## 4. CONFIRMATION OF MINUTES BY CHAIR

### GEORGES RIVER LOCAL PLANNING PANEL (LPP) - 7 APRIL 2022


#### RECOMMENDATION

That the Minutes of the Georges River Local Planning Panel (LPP) held on 7 April 2022, be confirmed.

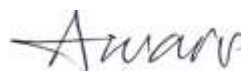
The meeting concluded at 7.16 pm



Stephen Alchin  
**Chairperson**

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Marcus Sainsbury  
**Expert Panel Member**




Awais Piracha  
**Expert Panel Member**



Jenny Simpson  
**Community Representative**

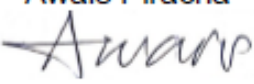
# Declaration of Interest

## Georges River Local Planning Panel

<b>Panel Member Name:</b>	Stephen Alchin
<b>Meeting Date:</b>	7 April 2022
<b>Item Numbers:</b>	<ul style="list-style-type: none"> <li>• LPP011-22 - 977 Forest Road Lugarno</li> <li>• LPP012-22 - 46-48 Macquarie Place Mortdale</li> <li>• LPP014-22 – 74 and 76 Edward Street Carlton</li> <li>• LPP017-22 - 15 Marine Drive Oatley</li> <li>• LPP015-22 - 23 Railway Parade and 1 Centre Street Penshurst</li> <li>• LPP016-22 - 2-8 James Street Blakehurst</li> </ul>
<b>In relation to the matters on this agenda, I declare that I have:</b>	<input checked="" type="checkbox"/> No known conflict of interest
<b>In relation to item number I have an actual<sup>1</sup> conflict of interest</b>	<input type="checkbox"/> Conflict Details
<b>In relation to item number I have a potential<sup>2</sup> conflict of interest</b>	<input type="checkbox"/> Conflict Details
<b>In relation to item number I have a reasonably perceived<sup>3</sup> conflict of interest</b>	<input type="checkbox"/> Conflict Details
<b>Name of Panel Member</b>	Stephen Alchin
<b>Signature:</b>	 7/4/22
<b>Key of Terms:</b> <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. <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. <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.	

# Declaration of Interest

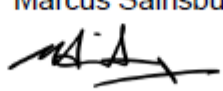
## Georges River Local Planning Panel

<b>Panel Member Name:</b>	Awais Piracha
<b>Meeting Date:</b>	7 April 2022
<b>Item Numbers:</b>	<ul style="list-style-type: none"> <li>• LPP011-22 - 977 Forest Road Lugarno</li> <li>• LPP012-22 - 46-48 Macquarie Place Mortdale</li> <li>• <del>LPP014-22 - 74 and 76 Edward Street Carlton</del> (withdrawn)</li> <li>• LPP017-22 - 15 Marine Drive Oatley</li> <li>• LPP015-22 - 23 Railway Parade and 1 Centre Street Penshurst</li> <li>• LPP016-22 - 2-8 James Street Blakehurst</li> </ul>
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<b>Name of Panel Member</b>	Awais Piracha
<b>Signature:</b>	
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OFFICIAL


## Declaration of Interest

### Georges River Local Planning Panel

<b>Panel Member Name:</b>	Marcus Sainsbury
<b>Meeting Date:</b>	7 April 2022
<b>Item Numbers:</b>	<ul style="list-style-type: none"> <li>• LPP011-22 - 977 Forest Road Lugarno</li> <li>• LPP012-22 - 46-48 Macquarie Place Mortdale</li> <li>• LPP014-22 – 74 and 76 Edward Street Carlton</li> <li>• LPP017-22 - 15 Marine Drive Oatley</li> <li>• LPP015-22 - 23 Railway Parade and 1 Centre Street Penshurst</li> <li>• LPP016-22 - 2-8 James Street Blakehurst</li> </ul>
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<b>In relation to item number I have a reasonably perceived<sup>3</sup> conflict of interest</b>	<input type="checkbox"/> Conflict Details
<b>Name of Panel Member</b>	Marcus Sainsbury
<b>Signature:</b>	
<b>Key of Terms:</b> <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. <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. <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.	

# Declaration of Interest

## Georges River Local Planning Panel

<b>Panel Member Name:</b>	Jenny Simpson
<b>Meeting Date:</b>	7 April 2022
<b>Item Numbers:</b>	<ul style="list-style-type: none"> <li>• LPP011-22 - 977 Forest Road Lugarno</li> <li>• LPP012-22 - 46-48 Macquarie Place Mortdale</li> <li>• Withdrawn 29/3/22 - LPP014 22 – 74 and 76 Edward Street Carlton</li> <li>• LPP017-22 - 15 Marine Drive Oatley</li> <li>• LPP015-22 - 23 Railway Parade and 1 Centre Street Penshurst</li> <li>• LPP016-22 - 2-8 James Street Blakehurst</li> </ul>
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<b>Name of Panel Member</b>	Jenny Simpson
<b>Signature:</b>	
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