

# **MINUTES**

---

## **Local Planning Panel**

**Thursday, 02 June 2022**

**4.00pm**

**Blended Meeting**

**Online and Dragon Room**

**Level 1, Georges River Civic Centre**

**Corner Dora and MacMahon Streets, Hurstville**



## **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 4.01 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 4.27 pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

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

**LPP024-22      9 Gloucester Road Hurstville NSW 2220**  
(Report by Strategic Planner/Information Management)

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

### **Speakers**

- Aaron Sutherland (applicant)

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

The decision of the Panel was unanimous.

1. That the Georges River Local Planning Panel note and acknowledge the amendment to Schedule 1 of the Georges River Local Environmental Plan 2021 proposed by Planning Proposal PP2022/0001 and recommend that Council:
  - a) Support the amendment to Schedule 1 of the Georges River Local Environmental Plan 2021 proposed by Planning Proposal PP2022/0001;
  - b) Endorse the forwarding of Planning Proposal PP2022/0001 to the NSW Department of Planning and Environment (DPE) to request a Gateway Determination under Section 3.33 of the EP&A Act 1979 for an amendment to the Georges River Local Environmental Plan 2021 by:
    - 1) introducing "residential flat building" as an additional permitted use on "Area A" of the Site (being Part Lot 30 DP785238); and
    - 2) excluding the application of Clause 6.13 Development in certain business zones from "Area A" of the Site (being Part Lot 30 DP785238).
2. That the Planning Proposal be placed on formal public exhibition in accordance with the conditions of any Gateway Determination issued by the DPE.
3. That a report to Council be prepared by Council staff to advise of the LPP recommendations.

**LPP025-22     15 - 17 Greenbank Street, Hurstville NSW 2220**  
(Report by Senior Development Assessment Planner)

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

**Speakers**

- Fiona McQueen (submitter)
- Colin Baker (submitter)
- Janine Cannell (submitter)

**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, as amended, the Georges River Local Planning Panel, refuses Development Application DA2021/0401 for demolition works, subdivision, construction of dwellings houses and swimming pools on Lot 16 in DP 552877 known as 15-17 Greenbank Street, Hurstville, for the following reasons:

1. **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 Kogarah Local Environment Plan 2012 with regard to:
  - a. Clause 5.10 Heritage conservation; and
  - b. Clause 6.2 Earthworks.
2. **Development Control Plan** - Pursuant to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with Kogarah Development Control Plan 2013. The proposal fails to provide a suitable design response to the site and context with regard to:
  - a. Building scale, articulation and height;
  - b. Fences and walls; and
  - c. The O'Brien's Estate Heritage Conservation Area Assessment Guidelines.
3. **Impacts on the Natural Environment** - Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is inappropriate for the site and results in the loss of significant vegetation.
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 inconsistent with the character of the Heritage Conservation Area.
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 three lot subdivision and construction of three dwelling houses is inconsistent with the character of the Heritage Conservation Area.

**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 development application fails to adequately address the planning intentions and requirements for the Heritage Conservation Area, in particular:

- (a) The three lot subdivision is inconsistent with the density and spacing of surrounding development, resulting in a visually disruptive and unacceptable impact on the area's heritage character;
- (b) The significant loss of vegetation that presently forms an important part of the streetscape would also affect the heritage character of the area;
- (c) Concern that the trees proposed to be retained would be adversely affected by the proposed dwellings and ancillary works, including the driveways and drainage;
- (d) The impact of the proposed extent of the earthworks on the area and adjoining developments; and
- (e) The design of the development conveys the appearance of a three-storey development in an area that is otherwise single and two-storey in character.

**LPP026-22      1/68 & 2/68 Llewellyn Street, Oatley NSW 2223**  
(Report by Independent Assessment)

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

### **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 DA2021/0398 for the construction of jetty, ramp, skid ramp and pontoon at Lot CP, SP 79814, known as 1/68 and 2/68 Llewellyn Street, Oatley, is granted Development Consent subject to the following conditions of consent:

The Conditions recommended in the report submitted to the Georges River Local Planning Panel meeting of 2 June 2022.

#### Statement of Reasons

The reasons for this recommendation are:

- The proposed replacement jetty, ramp, pontoon and skid ramp appropriately consider and comply with the state and local planning objectives and controls
- The structures will provide a contemporary and safe water craft access point for the property.
- The proposed works will be compatible and visually consistent with similar structures in the precinct and will not detrimentally impact the marine or land based environment.
- The proposed structures will not impact the amenity or security of surrounding properties.
- The resulting structures will not impede the safe navigation of the estuary.

**LPP027-22      47 Yarran Road, Oatley, NSW 2223**  
(Report by Principal Planner)

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

**Speakers**

- Ian McGregor (applicant)

**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, in relation to the Height of Buildings (Clause 4.3) development standard, as the variation sought satisfies the objectives of the standard and sufficient environmental planning grounds have been provided in the written request for variation justifying that compliance would be unnecessary and unreasonable in the circumstances of the case. The proposal is also in the public interest and it satisfies the objectives of the zone resulting in no adverse environmental impacts but rather a superior design outcome.

Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act, 1979 (as amended), Development Application DA2021/0288 for demolition works and construction of a two storey dwelling on Lot 1 in DP 502460, known as 47 Yarran Road, Oatley, is granted Development Consent subject to the following conditions of consent:

The conditions recommended in the report to the Georges River Local Planning Panel meeting of 2 June 2022, subject to the amendments as follows:

Amend condition 24 to read as follows:

**24      Tree Protection and Retention**

The following trees shall be retained and protected:

<b>Tree Species</b>	<b>Location of Tree / Tree No.</b>	<b>Tree Protection Zone (metres) TPZ as per AS4970 -2009</b>
<i>Acer palmatum</i>	Within No 49 Yarran front yard	4.2m TPZ Fence off at boundary

- The applicant shall engage a qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current practicing and financial member of an Arboricultural Association or Affiliation, with a letter of engagement forwarded to the nominated PCA.
- A certificate of compliance letter from the AQF 5 Arborist must be forwarded to the PCA – Principal Certifying Authority, at three (3) stages being, before works, during works and once all building works have been completed, that tree protection measures have been installed and being maintained during the building process.

Amend condition 28 to read as follows:

## **28 Tree Removal & Replacement**

### **a) Tree removal**

Permission is granted for the removal of the following trees:

<b>Tree Species</b>	<b>Number of trees</b>	<b>Location</b>
<i>Casuarina cunninghamiana</i>	One (1)	Within site, side north
<i>Magnolia soulangeana</i>	Council's street tree	2.4m fencing
<i>Hibiscus Spp</i>	Council's street tree	2.4m fencing

Include additional condition 24A to read as follows:

## **24A Street Tree Removal / Replacement by Council -**

- a) One (1) street tree being an *Angophora costata* (or similar locally endemic or native species listed in Council's Tree Management Policy), must be provided in the road reserve fronting the site.
- b) Council shall be appointed to remove and plant all tree/s on public land. All costs associated with the removal of the tree/s and the planting of replacement trees shall be met by the applicant. Fees and charges outlined in the table below are subject to change and are set out in the current version of Council's 'Schedule of Fees and Charges', applicable at the time of payment.
- c) The fees must be paid in accordance with the conditions of this consent. The fee payable is to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.
- d) The fees payable 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 relevant conditions set out in this consent.

<b>Fee Type – Tree planting on public land</b>	<b>Number of trees</b>	<b>Amount per tree</b>
Administration Fee, tree planting and maintenance	X1	\$489.00

### **Statement of Reasons**

The reasons for this recommendation are:

- 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 proposal has effective façade modulation and wall articulation that will serve to provide visual interest and reduce the bulk of the dwelling.
- The proposal aims to provide a high-quality development that will establish a positive urban design outcome.

#### 4. CONFIRMATION OF MINUTES BY CHAIR

##### GEORGES RIVER LOCAL PLANNING PANEL (LPP) – 2 JUNE 2022

##### RECOMMENDATION

That the Minutes of the Georges River Local Planning Panel (LPP) held on 2 June 2022, be confirmed.

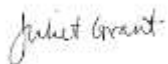
---

The meeting concluded at 5.38 pm



---

Stephen Alchin  
**Chairperson**




---

Juliet Grant  
**Expert Panel Member**



---

Annette Ruhotas  
**Expert Panel Member**




---

George Vardas  
**Community Representative**




## Declaration of Interest Georges River Council Local Planning Panel

<b>Panel Member Name:</b>	Stephen Alchin
<b>Meeting Date:</b>	2 June 2022
<b>Item Numbers:</b>	<ul style="list-style-type: none"> <li>LPP024-22 – 9 Gloucester Road Hurstville</li> <li>LPP025-22 – 15 - 17 Greenbank Street, Hurstville</li> <li>LPP026-22 – 1/68 &amp; 2/68 Llewellyn Street, Oatley</li> <li><input checked="" type="checkbox"/> LPP027-22 – 47 Yarran Road, Oatley</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>	
<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.	



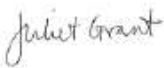


## Declaration of Interest Georges River Council Local Planning Panel

<b>Panel Member Name:</b>	Annette Ruhotas
<b>Meeting Date:</b>	2 June 2022
<b>Item Numbers:</b>	<ul style="list-style-type: none"> <li>• LPP024-22 – 9 Gloucester Road Hurstville</li> <li>• LPP025-22 – 15 - 17 Greenbank Street, Hurstville</li> <li>• LPP026-22 – 1/68 &amp; 2/68 Llewellyn Street, Oatley</li> <li>• LPP027-22 – 47 Yarran Road, Oatley</li> </ul>
<b>In relation to the matters on this agenda, I declare that I have:</b>	<input 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>  <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 Council Local Planning Panel

<b>Panel Member Name:</b>	Juliet Grant
<b>Meeting Date:</b>	2 June 2022
<b>Item Numbers:</b>	<ul style="list-style-type: none"> <li>• LPP024-22 – 9 Gloucester Road Hurstville</li> <li>• LPP025-22 – 15 - 17 Greenbank Street, Hurstville</li> <li>• LPP026-22 – 1/68 &amp; 2/68 Llewellyn Street, Oatley</li> <li>• LPP027-22 – 47 Yarran Road, Oatley</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>	
<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 Council Local Planning Panel

<b>Panel Member Name:</b>	George Vardas
<b>Meeting Date:</b>	2 June 2022
<b>Item Numbers:</b>	<ul style="list-style-type: none"> <li>• LPP024-22 – 9 Gloucester Road Hurstville</li> <li>• LPP025-22 – 15 - 17 Greenbank Street, Hurstville</li> <li>• LPP026-22 – 1/68 &amp; 2/68 Llewellyn Street, Oatley</li> <li>• <input checked="" type="checkbox"/> LPP027-22 – 47 Yarran Road, Oatley</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>	
<b>Signature:</b>	

**Key of Terms:**

<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.