

# **MINUTES**

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## **Local Planning Panel**

**Thursday, 04 August 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

Stephen Davies, as Chair of the Georges River Local Planning Panel sent an apology. Stephen Alchin has been appointed Chair for this meeting.

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There were no declarations of Pecuniary Interest

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## 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 4.46pm and the Local Planning Panel proceeded into Closed Session to deliberate the items listed below.

## 3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

**LPP034-22      20A Algernon Street, Oatley**  
(Report by Senior Development Assessment Planner)

### Speakers

- George Kousparis (submitter)
- Matthew Allison (submitter)
- Michael Vine (town plan)

### 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 DA2021/0180 for construction of a dwelling house, swimming pool and driveway on Lot 2 in DP1019189 also known as 20A Algernon Street Oatley for the following reasons:

1. **Clause 4.6 written request to vary development standard** - The written request made under Clause 4.6 of the Kogarah Local Environmental Plan 2012 (KLEP) does not justify the contravention of the 30m Foreshore Building Line Development Standard under Clause 6.4 of the KLEP.
2. **State Environmental Planning Policy** – Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with Chapter 4 – Coastal management in State Environmental Planning Policy (Resilience and Hazards) 2021.
3. **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 6.4 Limited development on the foreshore of Kogarah Local Environment Plan 2012.

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 foreshore 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 the extent of the breach of the foreshore building line is inconsistent with the character of the foreshore 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.

The reasons for this determination are outlined here under:

Statement of Reasons

- The proposal is not well designed and fails to address the inherent site constraints, including typography and existing tree cover, and is inconsistent with the objectives and controls of Clause 6.4 Limited development on the foreshore.
- The proposed development will have unacceptable adverse impacts on the natural (notably impacts on the Greenweb corridor in this vicinity) and built environments in the locality and adjoining properties.
- In consideration of the aforementioned reasons, the proposed development is not a suitable and planned use of the site.

**LPP035-22      977 Forest Road, Lugarno**  
(Report by Senior Development Assessment Planner)

**Speakers**

- Phil Armessen (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 DA2021/0047 for a fit out of part of an existing building, for a 34 place childcare centre, at Lot 2 DP 405732, also known as 977 Forest Road, Lugarno, 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 is inconsistent with State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, *Educations and Care Services National Regulations* and the *Child Care Planning Guidelines NSW 2017* as they relate to provisions in terms of ensuring and illustrating that the internal floor space is appropriately designed to be naturally ventilated and naturally lit.

- 2. Adequacy of Information** - Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate how it would address the following matters:
- Acoustic impacts on neighbouring properties;
  - Provision of a Plan of Management for the site and development, including provision for emergency flood evacuation;
  - Solar access and natural ventilation.
  - Compliance with the National Construction Code (BCA).
  - Provision of a green transport plan.
  - Provision of disabled access.
- 3. Impacts on the 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 built environment as the proposal fails to adequately demonstrate the building is suitable for the use of child care centre.
- 4. Public interest** - Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent within the locality.

**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 recommendation are that:

- The additional information submitted following deferral of the determination by the Panel on 7 April 2022 is insufficient in detail for the extent of the proposed works and to understand the interrelationship of uses on the site.

**LPP036-22      426-428 Princes Highway, Blakehurst**  
(Report by Senior Development Assessment Planner)

#### **Speakers**

- Efi Kremetis (submitter)
- David Waghorn (town planner)
- Ross Nettle (traffic engineer)

#### **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 DA2021/0388 for demolition works and construction of a residential flat building on Lots 3 and 4 in DP 9209 also known as 426-428 Princes Highway, Blakehurst, for the following reasons:

1. The proposed development fails to satisfy the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 in that the proposed built form of the development does not reflect the desired future character for development in the locality.
2. The proposed development fails to satisfy the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 in that the proposed development in its current form, given its siting, location, design and massing is considered to be an inappropriate outcome for the site and will establish an undesirable precedent in the area which will not be in the public interest.
3. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal provides poor amenity in relation to the quality and accessibility of communal open space, visual privacy, poor internal amenity for occupants, pedestrian and vehicular access and solar access having regard to the Apartment Design Guide (ADG) and State Environmental Planning Policy No. 65 Design Quality of Residential Flat Buildings.
4. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposed development exceeds the height limit for the site. The Clause 4.6 Statement in respect to the non-compliance with Clause 4.3 Height of Building standard is not considered to be well-founded or in the public interest.
5. The proposal is unsatisfactory having regard to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 as the development will cause adverse impacts upon the built environment with respect to the impact upon the streetscape, amenity for future occupants and to adjoining properties.
6. The proposed development is unsatisfactory having regard to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 in that the proposed development in its current form is not suitable for the site.
7. The proposed development is unsatisfactory having regard to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 with regard to potential safety risks associated with vehicular ingress and egress to and from the site.
8. The proposed development is unsatisfactory having regard to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 with regard to stormwater management, waste management and landscaping.

**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 recommendation are:

- The Panel notes that the applicant was provided with a detailed pre-DA advice letter setting out a number of fundamental concerns with the proposed development, and that the development as submitted is substantially the same as the proposal as reviewed at Pre-DA stage.

- The proposal fails to respond to both the existing context of the streetscape and the desired future character of the area.
- The proposal is an inappropriate response to the site topography and foreshore location, lacks deep soil areas on the side boundaries to accommodate substantial landscaping, has poor physical and visual connection between the street and the building.
- The façade treatment, lack of articulation and non-compliant setbacks contributes to a poor design outcome which is not in keeping with the desired future character for the locality, which is exacerbated by the extent of the basement walls above natural ground level, resulting in inappropriate bulk and scale.
- The proposed development fails to satisfy the objectives of Clause 4.3 (Height of Buildings) control within the KLEP, the exceedance in the height of the building will adversely affect the future and desired character of the locality.
- The Clause 4.6 Exception to Development Standard for the variation for Clause 4.3 Height of Building development standard is not supported in its current form. The Clause 4.6 Statement is not considered to be well founded and the non-compliance with the height control is unreasonable and unnecessary in the circumstances of the case.
- Direct vehicular ingress and egress, including for emergency vehicles, to and from the site is unsafe and not supported.
- The development application was not supported by a Construction Traffic Management Plan.
- Stormwater management fails to meet Council's Stormwater Management Policy.
- Waste Management is poorly considered and not supported.
- The proposal is considered to establish an undesirable precedent in the area and will not be in the public interest.

#### 4. CONFIRMATION OF MINUTES BY CHAIR

#### GEORGES RIVER LOCAL PLANNING PANEL (LPP) – 4 AUGUST 2022

##### RECOMMENDATION

That the Minutes of the Georges River Local Planning Panel (LPP) held on 4 August 2022, be confirmed.

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The meeting concluded at 5.34pm



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Stephen Alchin  
**Chairperson**



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Paul Vergotis  
**Expert Panel Member**



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Ian Armstrong  
**Expert Panel Member**




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Jenny Simpson  
**Community Representative**




## Declaration of Interest Georges River Council Local Planning Panel

<b>Panel Member Name:</b>	Stephen Alchin
<b>Meeting Date:</b>	4 August 2022
<b>Item Numbers:</b>	<ul style="list-style-type: none"> <li>• LPP034-22 – 20A Algernon Street Oatley</li> <li>• LPP035-22 – 977 Forest Road Lugarno</li> <li>• LPP036-22 – 426-428 Princes Highway 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>	
<b>Signature:</b>	 1/8/2022
<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>	Ian Armstrong
<b>Meeting Date:</b>	4 August 2022
<b>Item Numbers:</b>	<ul style="list-style-type: none"> <li>• LPP034-22 – 20A Algernon Street Oatley</li> <li>• LPP035-22 – 977 Forest Road Lugarno</li> <li>• LPP036-22 – 426-428 Princes Highway Blakehurst</li> </ul>
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<b>Panel Member Name:</b>	Paul Vergotis
<b>Meeting Date:</b>	4 August 2022
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<b>Panel Member Name:</b>	Jenny Simpson
<b>Meeting Date:</b>	4 August 2022
<b>Item Numbers:</b>	<ul style="list-style-type: none"> <li>• LPP034-22 – 20A Algemon Street Oatley</li> <li>• LPP035-22 – 977 Forest Road Lugarno</li> <li>• LPP036-22 – 428-428 Princes Highway Blakehurst</li> </ul>
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