

MINUTES

Local Planning Panel

Thursday, 15 September 2022

4.00pm

Blended Meeting

Online and Dragon Room

Level 1, Georges River Civic Centre

Corner Dora and MacMahon Streets, Hurstville



Panel Members:

Mr Stephen Davies (Chairperson)
Mr Nicholas Skelton (Expert Panel Member)
Mr Anthony Hudson (Expert Panel Member)
Mr Erin Sellers (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 4.29pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

LPP046-22 **5 Mona Street, Allawah**
(Report by Principal Planner)

Speakers

Not applicable.

Voting of the Panel Members

The decision of the Panel to defer the matter due to issues related to the notification of this panel meeting to submitters relating to this matter, was unanimous.

Deferral of the matter to allow for consideration at a future panel meeting following appropriate notification to all applicable submitters.

LPP047-22 **2A Woodlands Avenue Lugarno**
(Report by Principal Planner)

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

Speakers

- Russell Green (applicant)
- Warwick Gosling (planner)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Refusal

- a) A request for the application to be deferred was made by the applicant. The panel did not agree with this request as a significant amount of information is still required and this will take considerable negotiation. The panel is of the opinion that the application needs to be holistically reviewed with all the additional information as detailed below and as set out in the report to the panel.
- b) 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 DA2020/0460 for boundary adjustment of two allotments of land associated with Lots 1 and 2, DP506903 and known as 2A Woodlands Avenue, Lugarno, for the following reasons:
1. The application is considered unacceptable pursuant to the provisions of s.4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that it does not promote orderly and economic use and development of the land pursuant to Section 1.3(c) of the Environmental Planning and Assessment Act 1979.
 2. The application is considered unacceptable pursuant to the provisions of s.4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposed development fails to provide sufficient information to satisfy all of the objectives of the R2 Low Density Residential zone under Hurstville Local Environmental Plan 2012.
 3. The application is considered unacceptable pursuant to the provisions of s.4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposed development fails to provide suitable vehicular access to Lot 2 contrary to the requirements of Clause 6.7 of HLEP 2012 which requires that adequate arrangements are made in terms of suitable road and vehicular access this will involve formal legal arrangements with the Council.
 4. The application is considered unacceptable pursuant to the provisions of s.4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as insufficient information was submitted to satisfy the provisions of Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment and Chapter 11 – Georges River Catchment of State Environmental Planning Policy (Biodiversity and Conservation) 2021.
 5. The application is considered unacceptable pursuant to the provisions of s.4.15 (1) (a) (i) of the Environmental Planning and Assessment Act 1979 in that insufficient information was submitted to demonstrate that the development satisfies the provisions of Clause 4.1 of the Hurstville Local Environmental Plan 2012, specifically ensuring that the allotments have sufficient areas for a dwelling, outdoor recreation and service space, landscaping and parking taking into consideration the topography of the land and the existing trees on site.

6. The application is considered unacceptable pursuant to the provisions of s.4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979 in that insufficient information was submitted to demonstrate that the development satisfies the planning controls contained in Chapter 3.2 of Hurstville Development Control Plan No 1, specifically demonstrating that access, parking, manoeuvrability is afforded to each allotment in accordance with relevant planning controls.
7. The application is considered unacceptable pursuant to the provisions of s.4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy control DS1.12 of lot size and shape in Chapter 3.2 of Hurstville Development Control Plan No 1 as the proposal does not include an indicative building envelope to demonstrate how solar access, vehicular access, setbacks, landscaped areas and tree preservation can be achieved.
8. The application is considered unacceptable pursuant to the provisions of s.4.15 (1) (a) (iii) of the Environmental Planning and Assessment Act 1979 in that the proposal fails to satisfy drainage requirements contained in Chapter 3.2 of Hurstville Development Control Plan No 1 as the proposal does not provide drainage plans prepared by a suitably qualified person that comply with section 4.5 of Council's Stormwater Management Policy, 2020.0
9. The application is considered unacceptable pursuant to the provisions of s.4.15(1) of the Environmental Planning and Assessment Act 1979 and Schedule 1 of the Environmental Planning Assessment Regulation 2000 in that insufficient information was submitted on the plans of development to enable a comprehensive assessment of the application against the matters for consideration.
10. The application is considered unacceptable pursuant to the provisions of s.4.15 (1) (a) (i) of the Environmental Planning and Assessment Act 1979 in that insufficient information was provided to show a suitable indicative building footprint to demonstrate that the significant trees and vegetation would not be adversely affected particularly having regard to the supporting information adopting the planning principle in the matter of *Parrott v Kiama* [2004] NSW LEC 77.
11. The application is considered unacceptable pursuant to the provisions of s.4.15 (1) (e) of the Environmental Planning and Assessment Act 1979 in that development is not within the public interest.

LPP048-22 19 Cecil Street, Hurstville Grove
(Report by Student Development Assessment Planner)

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

That Georges River Local Planning Panel support the request for variation under Clause 4.6 of Georges River Local Environmental Plan 2021, in relation to the Clause 6.12 – Landscaped areas in certain residential and environmental protection zones 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.

Pursuant to Section 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), Development Application DA2022/0185 for alterations and additions to a dwelling on Lot 1 in DP 1061994 on land known as 19 Cecil Street, Hurstville Grove, is granted Development Consent subject to:

The Conditions recommended in the report submitted to the Georges River Local Planning Panel meeting of 15 September 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 landscaped area. 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.

LPP049-22 245-247 Rocky Point Road, Ramsgate (Report by Principal Planner)

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

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 DA2021/0473 for demolition works and construction of a mixed use development at Lots 153 and 154 in DP 805793 known as 245-247 Rocky Point Road, Ramsgate, for the following reasons:

1. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal fails to satisfy State Environmental Planning Policy (Resilience and Hazards) 2021. The submitted Preliminary Site Investigation report states that the samples taken to prepare the report are insufficient and further investigation is required.
2. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal fails to satisfy the following design criteria of the Apartment Design Guide (ADG):
 - a. Provide a minimum 25% of the site area as communal open space;
 - b. Provide a distance of 12m between balconies on the site;
 - c. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter; and
 - d. A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.
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 fails to satisfy the following clauses in the Georges River Local Environmental Plan 2021:
 - a. Clause 5.10 – Heritage conservation;
 - b. Clause 6.3 – Stormwater management;
 - c. Clause 6.9 – Essential services; and
 - d. Clause 6.10 – Design excellence.
4. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposal fails to satisfy clauses 6.9 in the Georges River Local Environmental Plan 2021. This clause requires that adequate arrangements are made in terms of suitable vehicular access and drainage of the rear lane way and this will involve formalised legal arrangements with the Council.
5. Dedicated residential pedestrian foyer with direct front door access from Rocky Point Road should be provided to improve safety and amenity.
6. The proposal is unsatisfactory having regard to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 as the proposal fails to satisfy the controls of the Georges River Development Control Plan 2021 for retail parking provision, stormwater management, building setbacks and waste servicing arrangements.
7. 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.
8. 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.

9. 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 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.

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.

4. CONFIRMATION OF MINUTES BY CHAIR

GEORGES RIVER LOCAL PLANNING PANEL (LPP) - 15 SEPTEMBER 2022

RECOMMENDATION

That the Minutes of the Georges River Local Planning Panel (LPP) held on 15 September 2022, be confirmed.

The meeting concluded at 5.33pm



Stephen Davies
Chairperson



Anthony Hudson
Expert Panel Member



Nicholas Skelton
Expert Panel Member



Erin Sellers
Community Representative



Declaration of Interest Georges River Local

Planning Panel

Panel Member Name:	Stephen Davies
Meeting Date:	15 September 2022
Item Numbers:	<ul style="list-style-type: none"> • LPP046-22 – 5 Mona Street, Allawah • LPP047-22 – 2A Woodlands Avenue Lugarno • LPP048-22 – 19 Cecil Street, Hurstville Grove • LPP049-22 – 245-247 Rocky Point Road, Ramsgate
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	Stephen Davies
Signature:	
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.	



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Georges River Local
Planning Panel**

Panel Member Name:	Nicholas Skelton
Meeting Date:	15 September 2022
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In relation to item number I have a reasonably perceived³ conflict of interest	<input type="checkbox"/> Conflict Details
Name of Panel Member	Nicholas Skelton
Signature:	
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Panel Member Name:	Anthony Hudson
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Name of Panel Member	Anthony Hudson
Signature:	
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.	



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Georges River Local
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Panel Member Name:	Erin Sellers
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Name of Panel Member	Erin Sellers
Signature:	
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