

MINUTES

Georges River Local Planning Panel

Thursday, 18 May 2023

4.00pm

Dragon Room

Georges River Civic Centre

Corner Dora and MacMahon Streets, Hurstville

Panel Members:

Ms Sue Francis	(Chairperson)
Ms Annette Ruhotas	(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

Fiona Prodromou declared an interest in item LPP007-23 – 24 Montgomery Street Kogarah and will take no part in the discussions or deliberations of this application.

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

3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

LPP007-23 24 Montgomery Street, Kogarah
(Report by Development Assessment Planner)

Speakers

There were no speakers for this item.

Voting of the Panel Members

The decision of the Panel was 3-0.

Approval

Pursuant to Section 4.56 of the Environmental Planning and Assessment Act 1979, as amended, Modification Application MOD2022/0143 for modification to development consent DA2018/0138 for partial demolition of existing buildings, restoration of existing heritage listed terraces and construction of a part 10/11 storey commercial development and basement car parking at premises Lot A, B and C DP 443736 at Lot A, B and C DP 443736, known as 24 Montgomery Street Kogarah, is determined by granting approval to modify the original development consent subject to the conditions recommended in the report submitted to the Local Planning Panel meeting of 18 May 2023.

The Conditions recommended in the report submitted to the Georges River Local Planning Panel meeting of 18 May 2023.

Statement of Reasons

The reasons for this recommendation are that:

- The proposal will not result in unreasonable impacts on the heritage item.
- The proposal to enable the adaptive reuse of parts of the heritage item and is consistent with the objectives of the MU1 zone.
- The proposed development will not result in unreasonable impacts to the natural and built environment.
- The proposed development will not result in unreasonable amenity impacts to the adjoining neighbours.
- The proposed development is in the public interest.

LPP008-23 Planning Proposal No. 2023/0002 - Georges River Local Environmental Plan 2021 - Housekeeping Amendment 2023 (Report by Strategic Planner)

Speakers

There were no speakers for this item.

Voting of the Panel Members

The decision of the Panel was unanimos.

1. That the Panel made the following recommended amendments highlighted in red, to improve the overall operation and accuracy of the Plan to the Council in respect of Planning Proposal No. 2023/0002 Housekeeping Amendment 2023:
 - a. In Clause 6.3 replace the words “if practicable” to “where required” so that Clause 6.3(2)(b) states: *includes, **where required**, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development’s reliance on mains water, groundwater or river water, and....*
 - b. Amend Clause 6.12 to read as follows:
 - (1) The objectives of this clause are as follows—
 - (a) to ensure adequate opportunities exist for the retention or provision of vegetation that contributes to biodiversity and enhances the tree canopy of the Georges River local government area,
 - (b) to minimise urban run-off by maximising permeable areas on the sites of development,
 - (c) to ensure that the visual impact of development is minimised by sufficient and appropriately located landscaping that complements the scale of buildings,
 - (d) to ensure that the use of surfaces that absorb and retain heat are minimised.
 - (2) This clause applies to development on land referred to in subclause (3) involving—
 - (a) the erection of a new building, or
 - (b) **additions or external alterations where there is an increase in the footprint of the building.**

- (3) ~~(2)~~ This clause applies to land in the following zones—
- (a) Zone R2 Low Density Residential,
 - (b) Zone R3 Medium Density Residential,
 - (c) Zone R4 High Density Residential,
 - (d) Zone E2 Environmental Conservation.
- (4) ~~(3)~~ Despite subclause (~~2 2~~ and 3), this clause does not apply to development referred to in [State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development](#), clause 4.
- (5) ~~(4)~~ Development consent must not be granted to development on land to which the clause applies unless the consent authority is satisfied that the development—
- (a) allows for the establishment of appropriate plantings—
 - (i) that are of a scale and density commensurate with the height, bulk and scale of the buildings to which the development relates, and
 - (ii) that will maintain and enhance the streetscape and the desired future character of the locality, and
 - (b) maintains privacy between dwellings, and
 - (c) **it is not likely to** adversely impact the health, condition and structure of existing trees, tree canopies and tree root systems **that are required to be retained** on the land, and
 - (d) **it is not likely to adversely impact the health, condition and structure of existing trees, tree canopies and tree root systems on adjoining land, and**
 - (e) enables the establishment of indigenous vegetation and habitat for native fauna, and
 - (f) integrates with the existing vegetation to protect existing trees and natural landscape features such as rock outcrops, remnant bushland, habitats and natural watercourses.
- (6) ~~(5)~~ Development consent must not be granted to development on land to which this clause applies unless a percentage of the site area consists of landscaped areas and natural rock outcrops that is at least—
- (a) for a dwelling house located on land outside the Foreshore Scenic Protection Area—20% of the site area, or
 - (b) for a dwelling house located on land within the Foreshore Scenic Protection Area—25% of the site area, or
 - (c) for a dual occupancy or semi-detached dwelling located on land outside the Foreshore Scenic Protection Area—25% of the site area, or
 - (d) for a dual occupancy or semi-detached dwelling located on land within the Foreshore Scenic Protection Area—30% of the site area, or
 - (e) for development in Zone R3 Medium Density Residential—20% of the site area, or

- (f) for development in Zone R4 High Density Residential—10% of the site area, or
 - (g) for development in Zone E2 Environmental Conservation—70% of the site area.
- (7) ~~(6)~~ If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle and any right of carriageway is not to be included in calculating the site area for the purposes of subclause (6 ~~5~~).
- (8) Subclause (6) does not apply to a subdivision of land under the [Community Land Development Act 1989](#) or the [Strata Schemes \(Freehold Development\) Act 1973](#).
- (9) ~~(7)~~ In this clause—
Foreshore Scenic Protection Area means land shown on the [Foreshore Scenic Protection Area Map](#)
- c. Amend Clause **4.4B – Exceptions to floor space ratio—non-residential uses to read as follows:**
 - (1) The objective of this clause is to encourage an appropriate mix of residential and non-residential uses in order to ensure a suitable level of non-residential floor space is provided to promote employment and reflect the hierarchy of Zone E1 Local Centre, **Zone E2 Commercial Centre** and Zone MU1 Mixed Use.
 - (2) This clause applies to development that is the erection of a new building or alterations or additions to an existing building.
 - (3) Development consent must not be granted for development on land in Zone E1 Local Centre, **Zone E2 Commercial Centre** or Zone MU1 Mixed Use unless the non-residential floor space ratio is at least 0.3:1.
 - (4) Development consent must not be granted for development on the following land identified on the [Floor Space Ratio Map](#) unless the non-residential floor space ratio is—
 - a. for land identified as “Area 3”—at least 0.5:1,
 - b. for land identified as “Area 4”—at least 1:1,
 - c. for land identified as “Area 7” – at least 1.5:1.
 - (5) Development consent must not be granted for development on land identified as “Area 5” on the [Floor Space Ratio Map](#) unless the non-residential floor space ratio is at least 0.7:1.
 - (6) Despite clause 4.4, development consent may be granted for a building situated on land identified as “Area 6” on the [Floor Space Ratio Map](#) if the consent authority is satisfied that—
 - a. the gross floor area of the building will exceed the maximum gross floor area that would otherwise be permitted under clause 4.4 by an amount of no more than 7,023 square metres (the **bonus floor allowance**), and

- b. part of the building, with a floor area of not less than the bonus floor allowance, will be used for the purpose of hotel or motel accommodation.
- (7) In this clause—
non-residential floor space ratio means the ratio of the gross floor area of that part of a building used or proposed to be used for a purpose other than residential accommodation in a building on the site to the site area.
- (d) Amend the title of Clause **13 Development in Zones E1 and MU1 to include E2 and to amend the Clause as follows:**
 - (1) The objectives of this clause are as follows—
 - a. to promote uses that attract pedestrian traffic along ground floor street frontages,
 - b. to maintain existing, and encourage additional, non-residential uses along ground floor street frontages,
 - c. to strengthen the viability of existing established centres,
 - d. to maintain opportunities for business and retail development that is suited to high exposure locations.
 - (2) This clause applies to land in the following zones—
 - a. Zone E1 Local Centre,
 - b. Zone MU1 Mixed Use,
 - c. Zone E2 Commercial Centre
 - d. ~~(c), (d) (Repealed)~~
 - (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied the development will not cause a part of the ground floor of a building that is facing a street to be used for the purposes of residential accommodation or tourist and visitor accommodation.
 - (4) Subclause (3) does not apply to a part of a building that is used for the following purposes—
 - a. entrances and lobbies, including as part of a mixed use development,
 - b. access for fire services,
 - c. essential services.
 - (5) Development consent must not be granted for the erection of a building with a gross floor area on the ground floor of more than 500m² on land identified as “Area A” on the [Land Zoning Map](#) unless the consent authority is satisfied at least 500m² of the gross floor area on the ground floor will be used for—
 - a. a purpose other than residential accommodation or tourist and visitor accommodation, and
 - b. a purpose specified in subclause (4).

- (6) Development consent must not be granted for the erection of a building on land identified as “Area 7” on the Floor Space Ratio Map unless the consent authority is satisfied that the ground floor area is used for purposes other than residential accommodation.

2. That the Georges River Local Planning Panel recommends to Council that the Planning Proposal No. 2023/0002 Housekeeping Amendment 2023, as amended above, to amend the *Georges River Local Environmental Plan (GRLEP) 2021* be forwarded to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

4. CONFIRMATION OF MINUTES BY CHAIR

GEORGES RIVER LOCAL PLANNING PANEL (LPP) - 18 MAY 2023

RECOMMENDATION

That the Minutes of the Georges River Local Planning Panel (LPP) held on 18 May 2023, be confirmed.

The meeting concluded at 4.16pm



Sue Francis
Chairperson



Annette Ruhotas
Expert Panel Member




Paul Vergotis
Expert Panel Member



Fiona Prodromou
Community Representative


Declaration of Interest

Georges River Local Planning Panel

Panel Member Name:	Sue Francis
Meeting Date:	18 May 2023
Item Numbers:	<ul style="list-style-type: none"> • LPP007-23 – 24 Montgomery Street, Kogarah • LPP008-23 – Georges River Local Environmental Plan 2021 - Housekeeping Amendment 2023
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 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.	


Declaration of Interest

Georges River Local Planning Panel

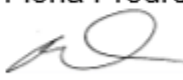
Panel Member Name:	Annette Ruhotas
Meeting Date:	18 May 2023
Item Numbers:	<ul style="list-style-type: none"> • LPP007-23 – 24 Montgomery Street, Kogarah • LPP008-23 – Georges River Local Environmental Plan 2021 - Housekeeping Amendment 2023
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In relation to item number I have a reasonably perceived³ conflict of interest	<input type="checkbox"/> Conflict Details
Name of Panel Member Signature:	 16/05/2023
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Georges River Local Planning Panel

Panel Member Name:	Paul Vergotis
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Declaration of Interest Georges River Local Planning Panel

Panel Member Name:	Fiona Prodromou
Meeting Date:	18 May 2023
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In relation to item <u>number</u> I have a potential² conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number LPP007-23 I have a reasonably perceived³ conflict of interest	<input checked="" type="checkbox"/> Conflict Details
Name of Panel Member	Fiona Prodromou
Signature:	
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