

MINUTES

Local Planning Panel

Thursday, 26 October 2023

10:00 AM

Electronic Meeting

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Panel Members:

Mr Stephen Alchin	(Chairperson)
Ms Annette Ruhotas	(Expert Panel Member)
Mr Ian Armstrong	(Expert Panel Member)
Ms Jenny Simpson	(Community Representative)

1. APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

There were no apologies received

There were no declarations of Pecuniary Interest

2. ELECTRONIC MEETING

The meeting commenced at 10.04am, the LPP Panel deliberate the item listed below.

3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS**LPP031-23 248 Railway Parade Kogarah**
(Report by Consultant Planner)

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

Voting of the Panel Members

The decision of the Panel was unanimous.

Approval

Pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, as amended, Modification Application MOD2022/0098 involving façade amendments, changes in openings and balconies, internal alterations including relocating and reconfiguration of suites and floor layout to development consent REV2020/0013 for site remediation, demolition works and construction of a mixed use building containing 3 levels of basement car parking, ground floor commercial and 5 levels of boarding house accommodating 42 rooms inclusive of the caretakers room for Lot 48 at DP2013, known as 248 Railway Parade, 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 19 October 2023.

The Conditions recommended by the assessing officer in the report to the Georges River Local Planning Panel meeting of 26 October 2023 are amended by rectification of typographical errors and amendments by the Panel as follows:

Modified Development Consent

Development Consent Conditions – Modified, Added or Deleted

Conditions Modified

2. Approved Plans – updated to reflect new plan set.

78. Boarding House Operation - The following restrictions apply to the approved development:

- (a) The development approved under this consent constitutes a 'Boarding House' as defined under ~~State Environmental Planning Policy (Affordable Rental Housing) 2009~~ [State Environmental Planning Policy \(Housing\) 2021](#) and shall not be used for the purposes of permanent residential accommodation a hotel, motel, serviced apartments, private hotel, tourist accommodation or the like.
- (b) Not more than two lodgers shall occupy the boarding rooms which are to contain no more than two beds.
- (d) The total number of lodgers residing in the boarding house at any one time shall not exceed 82 lodgers.
- (e) The lodgers must be subject to an occupancy agreement for a term of no less than three (3) months.
- (f) The boarding house must always be operated and managed in accordance with the provisions contained within the Plan of Management, prepared by Planning Direction Pty Ltd and dated 15 March 2020.
- (g) The use and operation of the premises must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the [Local Government \(General\) Regulation, 2005](#) under the [Local Government Act 1993](#), the [Public Health Act, 2010](#) and Regulations thereunder.
- (h) The operation of the Boarding House shall be in accordance with the [Boarding Houses Act 2012](#) at all times. This includes the registration of the Boarding House, as required by the Act.

Subdivision of the boarding house is not permitted in accordance with the provisions of the ~~State Environmental Planning Policy (Affordable Rental Housing) 2009~~ [State Environmental Planning Policy \(Housing\) 2021](#).

This condition has been amended via MOD2022/0098

Conditions Added

80a. Acoustic Report – Commercial/Retail - Verification of Noise report - Within three months from the date of issue of an Occupation Certificate for the Commercial/ Retail Use an acoustic assessment must be carried out by an appropriately qualified acoustic consultant, in accordance with the NSW Environment Protection Authority's "Noise Policy for Industry (2017)" and must be submitted to Council for consideration.

This report should include but not be limited to, details verifying that the noise control measures as recommended in the approved acoustic report referenced in this consent have been achieved and if not, provide further works required to achieve the required outcome/s.

Where the noncompliance result in breach of the above Policy, the uses must cease, and the rectification works must be completed prior to the use recommencing.

Reason: To ensure the premises complies with the Acoustic Report and reduces adverse impacts upon the environment and surrounding neighbourhood.

Note: Where rectification works require further development consent or owners' consent these must be sought prior to such works being carried out.

This condition has been added via MOD2022/0098

Conditions Deleted

Nil

Statement of Reasons

The reasons for this decision are that:

- The proposal is an appropriate response to the site and the MU1 Mixed Use zoning of the property.
- The boarding house will provide for the housing needs of the community in Kogarah in close proximity to public transport, retail and services.
- Operation of the facility will not result in any unreasonable amenity impact on the neighbouring properties or community in the locality.

Note: The Panel noted that Council's Development Control Plan does not require the provision of an accessible toilet within the common room of boarding houses, and believes an amendment to the Development Control Plan requiring:

- the provision of an accessible toilet within boarding house common rooms
- that the floor area associated with the accessible toilet be excluded from the calculation of the floor area of the common room

is worthy of consideration when Council next revises its Development Control Plans.

4. CONFIRMATION OF MINUTES BY CHAIR

GEORGES RIVER LOCAL PLANNING PANEL (LPP) - 26 OCTOBER 2023

RECOMMENDATION

That the Minutes of the Georges River Local Planning Panel (LPP) held on 26 October 2023, be confirmed.

The meeting concluded at 10.53am



Stephen Alchin
Chairperson



Annette Ruhotas
Expert Panel Member




Ian Armstrong
Expert Panel Member




Jenny Simpson
Community Representative

Declaration of Interest Georges River Local Planning Panel

Panel Member Name:	Stephen Alchin
Meeting Date:	26 October 2023
Item Numbers:	<ul style="list-style-type: none"> LPP031-23 - 248 Railway Parade, Kogarah
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:	 20/10/23
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:	Ian Armstrong
Meeting Date:	26 October 2023
Item Numbers:	<ul style="list-style-type: none"> LPP031-23 - 248 Railway Parade, Kogarah
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In relation to item number I have a reasonably perceived³ conflict of interest	<input type="checkbox"/> Conflict Details
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Signature:	
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Declaration of Interest


Georges River Local Planning Panel

Panel Member Name:	Annette Ruhotas
Meeting Date:	26 October 2023
Item Numbers:	<ul style="list-style-type: none"> LPP031-23 - 248 Railway Parade, Kogarah
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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:	  17/10/2023
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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Declaration of Interest

Georges River Local Planning Panel

Panel Member Name:	Jenny Simpson
Meeting Date:	26 October 2023
Item Numbers:	<ul style="list-style-type: none"> LPP031-23 - 248 Railway Parade, Kogarah
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Name of Panel Member	
Signature:	
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