

MINUTES

Georges River Local Planning Panel

Thursday, 06 June 2024

4:00 PM

Council Chambers, Civic Centre, Hurstville

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PANEL MEMBERS:

Mr Stephen Davies	(Chairperson)
Mr Anthony Hudson	(Expert Panel Member)
Ms Judy Clark	(Expert Panel Member)
Ms Fiona Prodromou	(Community Representative)

1. ON SITE INSPECTIONS

Prior to this meeting the Panel carried out an inspection of the sites and nearby localities.

2. OPENING

The meeting commenced at 4.00pm

3. ACKNOWLEDGEMENT OF COUNTRY

The Georges River Local Planning Panel acknowledges the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. I pay my respect to Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples who live, work and meet on these lands.

4. APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

There were no apologies received

There were no declarations of Pecuniary Interest

5. NOTICE OF WEBCASTING**6. DISCLOSURES OF INTEREST****7. CONSIDERATION OF ITEM(S) AND VERBAL SUBMISSIONS**

There were no registered speakers.

The public meeting concluded at 4.04pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

8 CLOSED SESSION – DELIBERATION OF REPORTS

LPP018-24 1174 Forest Road Lugarno (Report by Development Assessment Planner)

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

Speakers

There were no speakers for this item.

Voting of the Panel Members

The decision of the Panel was unanimous.

Statement of Reasons

The reasons for this decision is that:

- No lawful owners' consent has been provided in accordance with Part 3, Division 1, Clause 23 of Environmental Planning and Assessment Regulation 2021.
- The development is inconsistent with the aims of the GRLEP 2021 plan as it fails to promote a high standard of urban design and built form outcomes.
- The proposal fails to have adequate regard to the objectives of the R2 low density residential zone pursuant to Clause 2.3 of Georges River Local Environmental Plan 2021 *to promote a high standard of urban design and built form that enhances the local character of the suburb and achieves a high level of residential amenity and to provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River local government area.*
- The proposal fails to demonstrate compliance with Chapter 2 and Chapter 4, of the State Environmental Planning Policy (Resilience and Hazards) 2021 in relation to water catchments and remediation of land.
- The proposal fails to demonstrate compliance with the Georges River Local Environmental Plan (GRLEP) 2021 criterion related to Aims of the Plan, Zone Objectives, Stormwater Management, Foreshore Scenic Protection Area (FSPA), Essential Services and Design Excellence.
- The proposal fails to demonstrate compliance with several of the Georges River Development Control Plan 2021 criterion related to Residential Locality Statements, Streetscape Character and Built Form, Setbacks, Vehicular Access, Parking and Circulation, Visual Privacy, Noise, Site Facilities and Foreshore Scenic Protection Area.

NOTE: Given the history of the length of time since the works were carried out, the non-compliances with the previous CDCs and subsequent surrender of those CDCs, the lack of engineering documentation during construction and extensive changes of levels the Panel is of the view that the documentation to assess whether the existing structures can remain must be detailed and comprehensive.

The Panel is of the view that the documentation provided by the applicant falls well short of what is required to assess whether the existing structures can remain and be practically and lawfully used.

The Panel further questions whether the extent of issues to be resolved (including technical BCA issues) including the extensive documentation for this, may lead to a conclusion that extensive demolition of structures will be required.

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 DA2022/0624 for demolition works and completion of a partially constructed two storey dwelling, swimming pool, retaining walls, landscaping and site works at Lot A, DP328702 known as 1174 Forest Road, Lugarno, for the following reasons:

1. **Refusal Reason – Environmental Planning Instrument** – Pursuant to Part 3, Division 1, Clause 23 of Environmental Planning and Assessment Regulation 2021, the proposed development application fails to provide lawful owners consent by the owner of the property and/or another person, with written consent of the owner of the land.
2. **Refusal Reason - Environmental Planning Instrument** - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of State Environmental Planning Policy (Biodiversity and Conservation) 2021. In particular:
 - a) The information provided, relating to arboricultural matters, and the submitted Arborist Reports are insufficient and conflicting in content to make an effective assessment and determination relating to tree impacts.
 - b) The impacts from the stormwater proposal have not been sufficiently assessed or mitigated.
 - c) The submitted stormwater drainage design plan has not been comprehensively prepared and there are insufficient and inadequate information provided to address the design requirements. The submitted stormwater design is not in accordance with Georges River Stormwater Management Policy.
3. **Refusal Reason – Environmental Planning Instrument** – Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with State Environmental Planning Policy (Resilience and Hazards) 2021. In particular:
 - a) Detailed Site Investigation Report found evidence of asbestos contaminated soil and asbestos fragments on the sites 1174-1178 Forest Road, Lugarno.
 - b) The site is not suitable in its current form for residential use.
 - c) The current application does not include necessary remediation works.
4. **Refusal Reason - Environmental Planning Instrument** - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of Georges River Local Environmental Plan 2021:
 - a) Clause 1.2 – Aims of the Plan. The proposal is inconsistent with the aims of the plan with specific reference to 2(f) as it does not promote a high standard of urban design and built form.
 - b) Clause 2.3 - Zone Objectives. The proposal is inconsistent with the zone objectives as the proposal fails to promote a high standard of urban design and built form outcome that enhances the local character of the suburb and achieves a high level of residential amenity.
 - c) Clause 6.3 – Stormwater Management. The proposal is not in accordance with Georges River Stormwater Management Policy.
 - d) Clause 6.6 – Foreshore Scenic Protection Area. The proposal results in a dominant built form and reduced setbacks and fails to retain the existing environmental, cultural, and built form character values of the foreshore area.

- e) Clause 6.9 – Essential Services. The proposal is not in accordance with Georges River Stormwater Management Policy as the proposal has not demonstrated lawful discharge of stormwater from the site.
- f) Clause 6.10 – Design Excellence. The proposal in conjunction with the existing structures on the site fails ensure a high standard of architectural design, materials and detailing appropriate to the building type and location.

5. Refusal Reason - Environmental Planning Instrument - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of Georges River Development Control Plan 2021:

- a) Part 5 - Resident Locality Statement. The proposal is not consistent with the existing and future desired character of the precinct. The proposal has failed to adequately provide a good urban design outcome for the partially constructed dwelling on site that is in accordance with the built form within the streetscape.
- b) Part 6.1.2.1 – Streetscape Character and Built Form – The proposal fails to satisfy the design criterion relating to bulk, scale, design, and architectural elements to provide visual relief of the built form scale.
- c) Part 6.1.2.2 – Building Scale and Height – The proposed development does not respond to the predominant and desired future scale of buildings within the neighbourhood and has not considered the topography and form of the site.
- d) Part 6.1.2.3 – Setbacks – The proposal fails to ensure adequate separation between buildings, consistent with the Foreshore Scenic Protection Area.
- e) Part 6.1.2.7 – Vehicular Access, Parking and Circulation – The proposed development fails to ensure that car access areas do not visually dominate the development and streetscape.
- f) Part 6.1.2.8 – Visual Privacy - The proposed development fails to minimise direct overlooking from windows and balconies.
- g) Part 6.1.2.9 – Noise – The proposed development fails to adequately locate noise generators such as air conditioning condenser units and swimming pool pumps/filters on the architectural plans or landscaping plans to assess the noise transmission from the development to the adjoining properties.
- h) Part 6.1.2.12 – Site Facilities – The proposal fails to demonstrate adequate provisions are made available for site facilities to support residential occupation i.e. bin storage, stormwater disposal and letterboxes.
- i) Part 6.4.4 – Swimming Pool – The proposal fails to demonstrate the swimming pool pump/filter location on site and swimming pool fencing in accordance with the Swimming Pools Act 1992 and any relevant Australian Standard.
- j) Part 6.5.1 – Foreshore Scenic Protection Area – The proposal fails to provide for the environmental qualities and scenic landscape values of the site via the proposed design.

6. Refusal Reason – Impact 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 following aspects of the environment:

- a) Built and Natural Environment. The development is located within an established residential area and is considered to result in an unreasonable impact on the built and natural environment. Due to the insufficient information regarding the retention of a street tree and a complete assessment of the impact of the proposed development on the natural environment cannot be ascertained, resulting in non-support of the application.

- b) **Social Impact.** The assessment demonstrates the proposal will have an adverse impact on the character of the locality and the amenity of neighbouring residential properties.
- c) **Suitability of the Site.** The site is not considered suitable for the proposed development in its current form having regard to the scale, character, and amenity of the proposal on the surrounding development within the R2 Low Density Residential locality and Scenic Foreshore Protection Area.

7. Refusal Reason – The 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 given the dwelling and associated structures are unauthorised.

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LPP019-24 1176 Forest Road Lugarno
(Report by Development Assessment Planner)

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

Speakers

There were no speakers for this item.

Voting of the Panel Members

The decision of the Panel was unanimous.

Statement of Reasons

The reasons for this decision is that:

- No lawful owners' consent has been provided in accordance with Part 3, Division 1, Clause 23 of Environmental Planning and Assessment Regulation 2021.
- The development is inconsistent with the aims of the plan as it fails to promote a high standard of urban design and built form outcomes.
- The proposal fails to have adequate regard to the objectives of the R2 low density residential zone pursuant to Clause 2.3 of Georges River Local Environmental Plan 2021 *to promote a high standard of urban design and built form that enhances the local character of the suburb and achieves a high level of residential amenity and to provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River local government area.*
- The proposal fails to demonstrate compliance with Chapter 2 and Chapter 4, of the State Environmental Planning Policy (Resilience and Hazards) 2021 in relation to water catchments and remediation of land.
- The proposal fails to demonstrate compliance with the Georges River Local Environmental Plan (GRLEP) 2021 criterion related to Aims of the Plan, Zone Objectives, Earthworks, Stormwater Management, Foreshore Scenic Protection Area (FSPA), Essential Services and Design Excellence.
- The proposal fails to demonstrate compliance with several of the Georges River Development Control Plan 2021 criterion related to Resident Locality Statements, Streetscape Character and Built Form, Building Scale and Height, Setbacks, Excavation (Cut and Fill), Visual Privacy, Site Facilities and Foreshore Scenic Protection Area.
- The proposed development will have unacceptable adverse impacts on the natural and built environment relating to the proposal not being compatible with the desired future character and zone objectives for the land.
- The proposed development will have unacceptable social impacts on the character of the locality and the amenity of neighbouring residential properties.

NOTE: Given the history of the length of time since the works were carried out, the non-compliances with the previous CDCs and subsequent surrender of those CDCs, the lack of engineering documentation during construction and extensive changes of levels the Panel is of the view that the documentation to assess whether the existing structures can remain must be detailed and comprehensive.

The Panel is of the view that the documentation provided by the applicant falls well short of what is required to assess whether the existing structures can remain and be practically and lawfully used.

The Panel further questions whether the extent of issues to be resolved (including technical BCA issues) including the extensive documentation for this, may lead to a conclusion that extensive demolition of structures will be required.

That Georges River Local Planning Panel refuse the request for variation under Clause 4.6 of Georges River Local Environmental Plan 2021, in relation to the Height of Buildings (Clause 4.3) development standard, as the variation sought does not satisfy the objectives of the standard and there are insufficient environmental planning grounds 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 not in the public interest, and it fails to satisfy the objectives of the zone resulting in an adverse environmental impact.

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 DA2022/0620 for alterations and additions to a two-storey dwelling with basement, swimming pool, OSD and associated landscaping, retaining walls and fencing constructed on Lot 2, DP18873 known as 1176 Forest Road, Lugarno, for the following reasons:

1. **Refusal Reason – Environmental Planning Instrument** – Pursuant to Part 3, Division 1, Clause 23 of Environmental Planning and Assessment Regulation 2021, the proposed development application fails to provide lawful owners consent by the owner of the property and/or another person, with written consent of the owner of the land.
2. **Refusal Reason - Environmental Planning Instrument** - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of State Environmental Planning Policy (Biodiversity and Conservation) 2021. In particular:
 - a) The impacts from the stormwater proposal have not been sufficiently assessed or mitigated.
 - b) The submitted stormwater drainage design plan has not been comprehensively prepared and there are insufficient and inadequate information provided to address the design requirements. The submitted stormwater design is not in accordance with Georges River Stormwater Management Policy.
3. **Refusal Reason – Environmental Planning Instrument** – Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of State Environmental Planning Policy (Resilience and Hazards) 2021. In particular:
 - a) Detailed Site Investigation Report found evidence of asbestos contaminated soil and asbestos fragments on the sites 1174-1178 Forest Road, Lugarno.
 - b) The site is not suitable in its current form for residential use.
 - c) The current application does not include necessary remediation works.
4. **Refusal Reason - Environmental Planning Instrument** - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of Georges River Local Environmental Plan 2021:
 - a) Clause 1.2 – Aims of the Plan. The proposal is inconsistent with the aims of the plan with specific reference to 2(f) in relation to promoting a high standard of urban design and built form.

- b) Clause 2.3 - Zone Objectives. The proposal is inconsistent with the zone objectives as the proposal fails to promote a high standard of urban design and built form that enhances the local character of the suburb and achieves a high level of residential amenity.
- c) Clause 4.3 – Height of Building. The proposed development seeks a 7.96% variation to the height of building development standard. The Clause 4.6 Exception to development standards request is not supported.
- d) Clause 6.2 – Earthworks. The proposal is not in accordance with the provisions under this development standard as the proposed earthworks being filling of the site, changing the topography and landform of the site within the front setback.
- e) Clause 6.3 – Stormwater Management. The proposal is not in accordance with Georges River Stormwater Management Policy.
- f) Clause 6.6 – Foreshore Scenic Protection Area. The proposal results in a dominant built form and reduced setbacks, failing to retain the existing environmental, cultural, and built form character values of the foreshore scenic protection area.
- g) Clause 6.9 – Essential Services. The proposal is not in accordance with Georges River Stormwater Management Policy as the proposal has not demonstrated lawful discharge of stormwater from the site.
- h) Clause 6.10 – Design Excellence. The proposal in conjunction with the existing structures on the site fails ensure a high standard of architectural design, materials and detailing appropriate to the building type and location.

5. Refusal Reason - Environmental Planning Instrument - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of Georges River Development Control Plan 2021:

- a) Part 5 - Resident Locality Statement. The proposal is not consistent with the existing and future desired character of the precinct as the proposal has failed to adequately provide a good urban design outcome for the partially constructed dwelling on site within the streetscape.
- b) Part 6.1.2.1 – Streetscape Character and Built Form – The proposal fails to satisfy the design criterion relating to bulk, scale, design, and architectural elements to provide visual relief of the built form scale.
- c) Part 6.1.2.2 – Building Scale and Height – The proposed development does not respond to the predominant and desired future scale of buildings within the neighbourhood and the topography and form of the site.
- d) Part 6.1.2.3 – Setbacks – The proposal fails to ensure adequate separation between buildings, consistent with the Foreshore Scenic Protection Area.
- e) Part 6.1.2.6 – Excavation (Cut and Fill) – The proposed development seeks to fill more than 1m within the front setback.
- f) Part 6.1.2.8 – Visual Privacy - The proposed development fails to minimise direct overlooking from windows and balconies.
- g) Part 6.1.2.9 – Noise – The proposed development fails to adequately locate noise generators in a ventilated space such as air conditioning condenser units and swimming pool pumps/filters on the architectural plans or landscaping plans to assess the noise transmission from the development to the adjoining properties.
- h) Part 6.1.2.10 – Solar Access – The breach of the maximum 9m height of building development standard under Georges River Local Environmental Plan 2021 results in further overshadowing of the adjoining property.
- i) Part 6.1.2.12 – Site Facilities – The proposal fails to demonstrate adequate provisions are made available for site facilities to support residential occupation i.e., stormwater disposal and letterboxes.

- j) Part 6.4.4 – Swimming Pool – The proposal fails to demonstrate swimming pool fencing in accordance with the Swimming Pools Act 1992 and any relevant Australian Standard.
- k) Part 6.5.1 – Foreshore Scenic Protection Area – The proposal fails to provide for the environmental qualities and scenic landscape values of the site via the proposed design.

6. Refusal Reason – Impact 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 following aspects of the environment:

- a) Built and Natural Environment. The development is located within an established residential area and is considered to result in an unreasonable impact on the built and natural environment.
- b) Social Impact. The assessment demonstrates the proposal will not have an adverse impact on the character of the locality and the amenity of neighbouring residential properties.
- c) Suitability of the Site. The site is not considered suitable for the proposed development in its current form having regard to the scale, character, and amenity of the proposal on the surrounding development within the R2 Low Density Residential locality and Scenic Foreshore Protection Area.

7. Refusal Reason – The 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.

LPP020-24 1178 Forest Road Lugarno - DA2022/0621
(Report by Development Assessment Planner)

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

Speakers

There were no speakers for this item.

Voting of the Panel Members

The decision of the Panel was unanimous.

Statement of Reasons

The reasons for this decision is that:

- No lawful owners' consent has been provided in accordance with Part 3, Division 1, Clause 23 of Environmental Planning and Assessment Regulation 2021.
- The development is inconsistent with the aims of the plan as it fails to promote a high standard of urban design and built form outcomes.
- The proposal fails to have adequate regard to the objectives of the R2 low density residential zone pursuant to Clause 2.3 of Georges River Local Environmental Plan 2021 *to promote a high standard of urban design and built form that enhances the local character of the suburb and achieves a high level of residential amenity and to provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River local government area.*
- The proposal fails to demonstrate compliance with Chapter 2 and Chapter 4, of the State Environmental Planning Policy (Resilience and Hazards) 2021 in relation to water catchments and remediation of land.
- The proposal fails to demonstrate compliance with the Georges River Local Environmental Plan (GRLEP) 2021 criterion related to Aims of the Plan, Zone Objectives, Earthworks, Stormwater Management, Foreshore Scenic Protection Area (FSPA), Essential Services and Design Excellence.
- The proposal fails to demonstrate compliance with several of the Georges River Development Control Plan 2021 criterion related to Resident Locality Statements, Streetscape Character and Built Form, Building Scale and Height, Setbacks, Excavation (Cut and Fill), Visual Privacy, Site Facilities and Foreshore Scenic Protection Area.
- The proposed development will have unacceptable adverse impacts on the natural and built environment relating to the proposal not being compatible with the desired future character and zone objectives for the land.
- The proposed development will have unacceptable social impacts on the character of the locality and the amenity of neighbouring residential properties.

NOTE: Given the history of the length of time since the works were carried out, the non-compliances with the previous CDCs and subsequent surrender of those CDCs, the lack of engineering documentation during construction and extensive changes of levels the Panel is of the view that the documentation to assess whether the existing structures can remain must be detailed and comprehensive.

The Panel is of the view that the documentation provided by the applicant falls well short of what is required to assess whether the existing structures can remain and be practically and lawfully used.

The Panel further questions whether the extent of issues to be resolved (including technical BCA issues) including the extensive documentation for this, may lead to a conclusion that extensive demolition of structures will be required.

That Georges River Local Planning Panel refuse the request for variation under Clause 4.6 of Georges River Local Environmental Plan 2021, in relation to the Height of Buildings (Clause 4.3) development standard, as the variation sought does not satisfy the objectives of the standard and there are insufficient environmental planning grounds 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 not in the public interest, and it fails to satisfy the objectives of the zone resulting in an adverse environmental impact.

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 DA2022/0621 for the demolition and alterations and additions to a two-storey dwelling with basement, swimming pool and associated landscaping, retaining walls and fencing Lot 3, DP18873 known as 1178 Forest Road, Lugarno, for the following reasons:

1. **Refusal Reason – Environmental Planning Instrument** – Pursuant to Part 3, Division 1, Clause 23 of Environmental Planning and Assessment Regulation 2021, the proposed development application fails to provide lawful owners consent by the owner of the property and/or another person, with written consent of the owner of the land.
2. **Refusal Reason - Environmental Planning Instrument** - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of State Environmental Planning Policy (Biodiversity and Conservation) 2021. In particular:
 - a) The impacts from the stormwater proposal have not been sufficiently assessed or mitigated.
 - b) The submitted stormwater drainage design plan has not been comprehensively prepared and there are insufficient and inadequate information provided to address the design requirements. The submitted stormwater design is not in accordance with Georges River Stormwater Policy.
3. **Refusal Reason – Environmental Planning Instrument** – Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of State Environmental Planning Policy (Resilience and Hazards) 2021. In particular:
 - a) Detailed Site Investigation Report found evidence of asbestos contaminated soil and asbestos fragments on the sites 1174 - 1178 Forest Road, Lugarno.
 - b) The site is not suitable in its current form for residential use.
 - c) The current application does not include necessary remediation works.
4. **Refusal Reason - Environmental Planning Instrument** - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of Georges River Local Environmental Plan 2021:
 - a) Clause 1.2 – Aims of the Plan. The proposal is inconsistent with the aims of the plan with specific reference to 2(f) in relation to promoting a high standard of urban design and built form.

- b) Clause 2.3 - Zone Objectives. The proposal is inconsistent with the zone objectives as the proposal fails to promote a high standard of urban design and built form that enhances the local character of the suburb and achieves a high level of residential amenity.
- c) Clause 4.3 – Height of Building. The proposed development seeks a 3.33% variation to the height of building development standard.
- d) Clause 6.2 – Earthworks. The proposal is not in accordance with the provisions under this development standard as the proposed earthworks being filling of the site, changing the topography and landform of the site within the front setback.
- e) Clause 6.3 – Stormwater Management. The proposal is not in accordance with Georges River Stormwater Management Policy.
- f) Clause 6.6 – Foreshore Scenic Protection Area. The proposal results in a dominant built form and reduced setbacks and fails to retain the existing environmental, cultural, and built form character values of the foreshore area.
- g) Clause 6.9 – Essential Services. The proposal is not in accordance with Georges River Stormwater Management Policy and as the proposal has not demonstrated lawful discharge of stormwater from the site.
- h) Clause 6.10 – Design Excellence. The proposal in conjunction with the existing structures on the site fails ensure a high standard of architectural design, materials and detailing appropriate to the building type and location.

5. Refusal Reason - Environmental Planning Instrument - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of Georges River Development Control Plan 2021:

- a) Part 5 - Resident Locality Statement. The proposal is not consistent with the existing and future desired character of the precinct as the proposal has failed to adequately provide a good urban design outcome for the partially constructed dwelling on site that is in accordance with the built form within the streetscape.
- b) Part 6.1.2.1 – Streetscape Character and Built Form – The proposal fails to satisfy the design criterion relating to bulk, scale, design, and architectural elements to provide visual relief of the built form scale.
- c) Part 6.1.2.2 – Building Scale and Height – The proposed development does not respond to the predominant and desired future scale of buildings within the neighbourhood and consider the topography and form of the site.
- d) Part 6.1.2.3 – Setbacks – The proposal fails to ensure adequate separation between buildings, consistent with the Foreshore Scenic Protection Area.
- e) Part 6.1.2.6 – Excavation (Cut and Fill) – The proposed development seeks to fill more than 1m within the front setback.
- f) Part 6.1.2.8 – Visual Privacy - The proposed development fails to minimise direct overlooking from windows and balconies.
- g) Part 6.1.2.9 – Noise – The proposed development fails to adequately locate noise generators in a ventilated space such as air conditioning condenser units and swimming pool pumps/filters on the architectural plans or landscaping plans to assess the noise transmission from the development to the adjoining properties.
- h) Part 6.1.2.10 – Solar Access – The breach of the maximum 9m height of building development standard under GRLEP 2021 results in further overshadowing of the adjoining property.
- i) Part 6.1.2.12 – Site Facilities – The proposal fails to demonstrate adequate provisions are made available for site facilities to support residential occupation i.e., stormwater disposal and letterboxes.

- j) Part 6.4.4 – Swimming Pool – The proposal fails to demonstrate swimming pool fencing in accordance with the Swimming Pools Act 1992 and any relevant Australian Standard.
- k) Part 6.5.1 – Foreshore Scenic Protection Area – The proposal fails to provide for the environmental qualities and scenic landscape values of the site via the proposed design.

6. Refusal Reason – Impact 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 following aspects of the environment:

- a) Built and Natural Environment. The development is located within an established residential area and is considered to result in an unreasonable impact on the built and natural environment.
- b) Social Impact. The assessment demonstrates the proposal will not have an adverse impact on the character of the locality and the amenity of neighbouring residential properties.
- c) Suitability of the Site. The site is not considered suitable for the proposed development in its current form having regard to the scale, character, and amenity of the proposal on the surrounding development within the R2 Low Density Residential locality and Scenic Foreshore Protection Area.

7. Refusal Reason – The 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.

LPP021-24 61 Vista Street SANS SOUCI NSW 2219
(Report by Development Assessment Planner - Fast Track)

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

Speakers

There were no speakers for this item.

Voting of the Panel Members

The decision of the Panel was unanimous.

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 Landscaped areas in certain residential and conservation zones (Clause 6.12) 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 4.55(2) of the Environmental Planning and Assessment Act 1979, as amended, Modification Application MOD2023/0170 which seeks to **Error! No document variable supplied.** being on A/DP333109, 404/DP752056, 471/DP752056 known as 61 Vista Street, Sans Souci, 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 6 June 2024.

The Conditions recommended in the report submitted to the Georges River Local Planning Panel meeting of 6 June 2024.

Statement of Reasons

The reasons for this decision is that:

- The development is permissible in the zone.
- The development complies with the Georges River Local Environmental Plan 2021 and the Georges River Development Control Plan 2021.
- The modification results in a development outcome which is substantially the same development of the parent consent.
- Soft landscaped area at the site is being increased from what is existing.
- The modification will not result in a development outcome which will adversely affect adjoining properties in terms of generating any additional overshadowing, overlooking or view loss.

GEORGES RIVER LOCAL PLANNING PANEL MEETING-06 JUNE 2024

RECOMMENDATION

That the Minutes of the Georges River Local Planning Panel Meeting held on 06 June 2024, be confirmed.

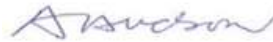
The meeting concluded at 4.36 pm.



Stephen Davies
Chairperson



Judy Clark
Expert Panel Member




Anthony Hudson
Expert Panel Member



Fiona Prodromou
Community Representative


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Declaration of Interest Georges River Local Planning Panel

Panel Member Name:	Stephen Davies
Meeting Date:	6 June 2024
Item Numbers:	<ul style="list-style-type: none"> • LPP018-24 – 1174 Forest Road Lugarno • LPP019-24 – 1176 Forest Road Lugarno • LPP020-24 – 1178 Forest Road Lugarno • LPP021-24 – 61 Vista Street Sans Souci
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:	
<p>Key of Terms:</p> <p>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.</p> <p>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.</p> <p>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.</p>	


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Declaration of Interest Georges River Local Planning Panel

Panel Member Name:	Anthony Hudson
Meeting Date:	6 June 2024
Item Numbers:	<ul style="list-style-type: none"> • LPP018-24 – 1174 Forest Road Lugarno • LPP019-24 – 1176 Forest Road Lugarno • LPP020-24 – 1178 Forest Road Lugarno • LPP021-24 – 61 Vista Street Sans Souci
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:	
<p>Key of Terms:</p> <p>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.</p> <p>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.</p> <p>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.</p>	


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Declaration of Interest Georges River Local Planning Panel

Panel Member Name:	Judy Clark
Meeting Date:	6 June 2024
Item Numbers:	<ul style="list-style-type: none"> • LPP018-24 – 1178 Forest Road Lugarno • LPP019-24 – 1176 Forest Road Lugarno • LPP020-24 – 1174 Forest Road Lugarno • LPP021-24 – 61 Vista Street Sans Souci
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:	
<p>Key of Terms:</p> <p>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.</p> <p>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.</p> <p>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.</p>	

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Declaration of Interest Georges River Local Planning Panel

Panel Member Name:	Fiona Prodromou
Meeting Date:	6 June 2024
Item Numbers:	<ul style="list-style-type: none"> • LPP018-24 – 1174 Forest Road Lugarno • LPP019-24 – 1176 Forest Road Lugarno • LPP020-24 – 1178 Forest Road Lugarno • LPP021-24 – 61 Vista Street Sans Souci
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:	
<p>Key of Terms:</p> <p>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.</p> <p>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.</p> <p>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.</p>	

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