

MINUTES

Georges River Local Planning Panel

Thursday, 01 August 2024

4:00 PM

Blended Meeting

Online and Council Chambers, Civic Centre,
Hurstville

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PANEL MEMBERS:

Mr Stuart McDonald	(Chairperson)
Mr Greg Britton	(Expert Panel Member)
Mr Stephen Alchin	(Expert Panel Member)
Ms Jenny Simpson	(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**

Registered speakers were invited to address the panel by the Chair.

The public speakers concluded at 4.51pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

8 CLOSED SESSION – DELIBERATION OF REPORTS

LPP026-24 84D Roberts Avenue, Mortdale NSW 2223 (Report by Strategic Planner/Information Management)

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

Speakers

- Ben Creighton (applicant)

Voting of the Panel Members

The decision of the Panel was unanimous.

That the Georges River Local Planning Panel note and acknowledge the amendment to Schedule 1 of the *Georges River Local Environmental Plan 2021* (GRLEP) proposed by Planning Proposal (PP) PP2024/0003 and recommend that Council:

- Support the proposed amendment to Schedule 1 of the GRLEP;
- Endorse the forwarding of the PP to the NSW Department of Planning, Housing and Infrastructure (DPHI) to request a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* for an amendment to the GRLEP by introducing “medical centre” as an additional permitted use on the land at 84D Roberts Avenue, Mortdale (Lot 21, DP 542051).

LPP027-24 297 Princes Highway Carlton (also known as 299)
(Report by Coordinator Development Assessment)

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

Speakers

- Gunesekara Samarasinghe (submitter)
- Luke Zajac (applicant)

Voting of the Panel Members

The decision of the Panel was unanimous.

Pursuant to Section 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), Development Application DA2022/0498 for demolition of existing structures and the construction of a four storey storage facility, parking, signage, landscaping and site works at Lot 5 DP 302345, Lot G DP 339633, Lots 1 and 2 DP 101529 and Lot D DP 338906, known as 297 Princes Highway, Carlton (also known as 299), is granted Development Consent subject to:

The Conditions recommended in the report to the Georges River Local Planning Panel meeting of 1 August 2024, subject to the amendments as follows:

Amend conditions 12 and 88 to read as follows:

12. Design Amendments

The following changes are required to be made and shown on the Construction Certificate plans:

- Landscaping along the north-west boundary - The setback along the north-west boundary (adjacent No.65A Westbourne Street) shall include extensive landscaping, including medium sized trees to achieve a height of a minimum 6 to 8 metres to provide a visual and acoustic buffer to the adjoining residential development. Details are to be provided to the satisfaction of the Manager of Development Assessment as a revised Landscape Plan prior to the issue of a Construction Certificate.
- Building design - The building under croft along the north-west and north-east facades shall be maintained without compromising the security of the ground floor storage facility for the life of the building. Details outlining security of this area are to be provided prior to the issue of a Construction Certificate.
- Boundary fence – A boundary fence is to be constructed in the western corner of the site (partially along the south-west and north-west boundaries) to ensure privacy is maintained between the site and the adjoining property at No 74 Frances Street Carlton.
- Pedestrian paths - Marked pedestrian paths to be provided for the safe movement of pedestrians from the four (4) car spaces adjacent to the north-western boundary to the retail/office area and to the lifts as well as at the rear of the loading bays.

- (e) The pylon sign to the north-eastern boundary of the site adjacent to number 65A Westbourne Street Carlton is to be deleted.

88. Hours of operation

The approved hours of operation for the premises shall be restricted to the following:

- (a) Office Hours - Monday to Sunday: 7.00am to 6.00pm
 (b) Customer Access to Storage Premises & Use of the Loading Dock (MRV access) -
 Monday to Saturday: 7:00am to 9:00pm
 Sunday: 8.00am to 6.00pm
 (c) Waste Collection - Monday to Saturday: 7.00am to 6.00pm.

Statement of Reasons

The reasons for this decision are:

- The proposal is consistent with the aims of the GRLEP 2021 in that it provides for a range of business uses which promote employment and economic growth and contribute to the viability and vibrancy of centres given it is located within the then B6 Enterprise Corridor adjoining the Carlton and Kogarah Bay Local Centre. The proposal also promotes and facilitates an ecologically sustainable development and a vegetated urban environment given the sustainability measures proposed and the additional landscaping provided on the site. The proposal also promotes a high standard of urban design and built form following the amendments made to the proposal.
- The site is located in the E1 Local Centre Zone under the GRLEP 2021 and is generally consistent with the objectives of the zone given it provides a business use that serve the needs of people who live in, work in or visit the area and encourages investment in local commercial development that generates employment opportunities and economic growth.
- The proposed development is a permissible use on the site pursuant to Clause 2.5 of the GRLEP 2021 and is consistent with the FSR and height development standards.
- The proposal satisfies the preconditions to the grant of consent requirements of the GRLEP 2021, including Clauses 5.21 (flood planning), 6.9 (Essential services), 6.10 (Design excellence), 6.11 (Environmental sustainability) and 6.13 (Development in certain business zones).
- The proposal is consistent with the planning controls and objectives of the relevant State Environmental Planning Policies in relation to water catchments and remediation of land. The proposal is also consistent with the relevant controls of the Transport and Infrastructure SEPP, being located on a classified road as well as the proposed signage being consistent with the provisions of State Environmental Planning Policy (Industry & Employment) 2021.
- The proposal is consistent with the GRDCP 2021 having regard to the controls in Parts 3 (General Planning Considerations) and Part 7 (Business Precincts), including the requirements of Part 7.3 (B6 Enterprise Corridor).
- The proposal is satisfactory having regard to potential impacts on the natural and built environment and is considered to be compatible with the desired future character of the area. The proposal is also considered to be satisfactory having regard to social and economic impacts and the amenity of adjoining properties is maintained, subject to the recommended conditions of consent, as amended by the Panel.
- The Panel believe that the change to Condition 12 is required to avoid the impacts of the pylon sign on the residential amenity in Westbourne Street Carlton.
- The proposed 24 hour access for customer use of the premises is not supported and relevant conditions of consent have been imposed, including amendments made by the Panel.
- The proposal is considered to be in the public interest.

LPP028-24 48 Oxford Street, Mortdale NSW 2223
(Report by Consultant Planner)

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

Speakers

- Peter Prasad (applicant)

Voting of the Panel Members

The decision of the Panel was unanimous.

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 DA2023/0467 for demolition of existing structures and construction of a two-storey boarding house at Lot 1 DP 503714, known as 48 Oxford Street Mortdale, for the following reasons:

1. The proposed development fails to comply with a number of clauses under the State Environment Planning Policy (Housing) 2021 including:
 - Clause 24 Non-discretionary development standards in particular –
 - Minimum carparking requirement.
 - Clause 25 Standards for Boarding Houses in particular
 - Not complying with the minimum 800sqm lot size for a boarding house on land in the R4 zone.
 - Not complying with the desired future character of the precinct.
2. The proposed development fails to comply with controls under the State Environmental Planning Policy (Biodiversity and Conservation) 2021 including:
 - Protecting the diversity values of trees and other vegetation in non-rural areas of the state. Insufficient information has been provided to outline the proposed development's impact on a significant tree on the adjoining property. Concerns are raised noting the lack of adequate separation.
3. The proposed development fails to comply with controls under the Georges River Local Environmental Plan 2021 including:
 - Clause 4.6 (Exception to Development Standards) – The applicant's Clause 4.6 written request to contravene the minimum lot size development standard contained in State Environmental Planning Policy (Housing) 2021 is not adequately justified.
 - Clause 6.2 (Earthworks) – The proposed basement results in reduced opportunity for a deep soil area and insufficient information has been provided in relation to mitigating impacts on adjoining trees, ground water and shoring of adjoining properties. Excessive fill is also proposed within the rear setback.
 - Clause 6.3 (Stormwater Management) – The applicant has failed to demonstrate to Council with documentary evidence that adequate arrangements with respect to site stormwater disposal have been made where an easement for drainage is required through adjoining downstream land.
 - Clause 6.9 (Essential Services) - The applicant has failed to demonstrate to Council with documentary evidence that adequate arrangements with respect to site stormwater disposal have been made where an easement for drainage is required through adjoining downstream land.

Vehicular access is also not considered to be acceptable noting that vehicles are required to idle in the public domain to allow for passing.

4. The proposed development fails to comply with controls under the Georges River Development Control Plan 2021 including:
- o Part 3.3 (Landscaping) – Council’s Landscape Officer raises significant concern in relation to the proposed landscaping noting that there are minimal opportunities for any tree plantings due to the lack of separation and domination by hard surfaces or on-site detention basins.
 - o Part 3.5 (Earthworks) - The proposed basement results in reduced opportunity for deep soil and insufficient information has been provided in relation to mitigating impacts on adjoining trees, ground water and shoring of adjoining properties. Excessive fill is also proposed within the rear setback.
 - o Part 3.10 (Water management) - The applicant has failed to demonstrate to Council with documentary evidence that adequate arrangements with respect to site stormwater disposal have been made where an easement for drainage is required through adjoining downstream land. Concerns are also in relation to impact on groundwater.
 - o Part 3.12 (Waste management plan) – Council’s Environmental Health Officer does not support the bin storage location. Further, an amended waste management plan has not been submitted for assessment.
 - o Part 3.13 (Parking access and Transport) – Council’s Traffic Engineer raises concern in relation to the proposal noting that vehicles are required to idle in the public domain to allow for passing.
 - o Part 4.7 (Laundry) – Insufficient details have been provided in relation to providing suitable laundry facilities for boarders.
 - o Part 5 (Mortdale Locality) – The development is inconsistent with the desired future character of the Mortdale area.

Having regard to the matters raised above the proposal is not in the public interest.

The Panel has determined this application based on the addendum report prepared and dated 26 July 2024, which is based on the plans lodged initially with the application.

LPP029-24 82 Roberts Avenue Mortdale
(Report by Senior 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.

Pursuant to Section 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), Development Application DA2023/0490 for the change of use from industrial use to a Place of Public Worship, internal alterations and additions, fit out and signage at Lot 2 DP 9020 known as 82 Roberts Avenue, Mortdale, is granted Development Consent subject to:

The Conditions recommended in the report submitted to the Georges River Local Planning Panel meeting of 1 August 2024.

Statement of Reasons

The reasons for this decision are:

- The proposed development is permissible in the zone with development consent.
- The proposed development is of an appropriate scale and form for the site and the character of the locality.
- The proposed development is well considered and sensitively designed so that it will not result in unreasonable impacts on the natural and built environment.
- The buildings use will not unreasonably affect the amenity of any immediately adjoining properties in terms of unreasonable overlooking, acoustic impacts, visual impacts, and traffic.
- The proposed development is a suitable and planned use of the site, its approval is in the public interest.

LPP030-24 15 Ocean Street, Kogarah NSW 2217
(Report by Development Assessment Planner)

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

Speakers

- Eli Gescheit (urban planner)
- Paul Rappoport (heritage consultant)
- Richard Goodman (owner)

Voting of the Panel Members

The decision of the Panel was unanimous.

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 DA2023/0128 for the development involving demolition and alterations and additions of a Heritage listed dwelling house on Lot 33, Section A, in DP 976627 known as 15 Ocean Street Kogarah, for the following reasons:

1. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - Pursuant to the State Environmental Planning Policy (Building Sustainability Index: BASIX), the proposal fails to provide a revised BASIX to support the amended design. As a result, the proposal in its current form does not satisfy the energy efficiency requirements of the Building Sustainability Index: BASIX) 2004 SEPP.
2. Georges River Local Environmental Plan 2021 - Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal fails to adequately demonstrate compliance with the Georges River Local Environmental Plan (GRLEP) 2021 criterion relating to Clause 5.10 - Heritage Conservation, as the proposal in its current form fails to adequately conserve the Environmental Heritage of the Georges River local government area. The proposal also does not conserve the Heritage significance of the Heritage item, including associated internal and external fabric.
3. Georges River Development Control Plan 2021 - Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development has failed to demonstrate compliance with the following objectives of the Georges River Development Control Plan 2021:
 - a. Natural and Built 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 both the natural and built environments existing in the locality with respect to the resultant form of the dwelling. The proposal does not consider and respond to the predominant and desired future scale of buildings within the Kogarah Heritage Conservation Area given the removal of significant fabric associated with the rear of the dwelling and its replacement with new elements that do not reflect the scale and form of the heritage item.
 - b. Social Impacts - Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to have an adverse social impact as the proposal seeks to remove significant heritage fabric reducing the heritage significance of the dwelling.

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, having regard to the conservation of the environmental heritage of the Georges River Local Government Area, is likely to set an undesirable precedent.

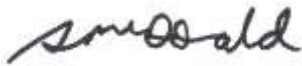
9 CONFIRMATION OF MINUTES

GEORGES RIVER LOCAL PLANNING PANEL MEETING-01 AUGUST 2024

RECOMMENDATION

That the Minutes of the Georges River Local Planning Panel Meeting held on 01 August 2024, be confirmed.

The meeting concluded at 6.59 pm.



Stuart McDonald
Chairperson



Greg Britton
Expert Panel Member




Stephen Alchin
Expert Panel Member




Jenny Simpson
Community Representative

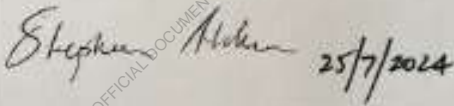
Declaration of Interest Georges River Local Planning Panel

Panel Member Name:	Stuart McDonald
Meeting Date:	1 August 2024
Item Numbers:	<ul style="list-style-type: none"> • LPP026-24 – 84D Roberts Avenue Mortdale • LPP027-24 – 297 Princes Highway Carlton • LPP028-24 – 48 Oxford Street Mortdale • LPP029-24 – 82 Roberts Avenue Mortdale • LPP030-24 – 15 Ocean Street 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:	
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:	Greg Britton
Meeting Date:	1 August 2024
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Name of Panel Member Signature:	
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Declaration of Interest Georges River Local Planning Panel

Panel Member Name:	Stephen Alchin
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Declaration of Interest Georges River Local Planning Panel

Panel Member Name:	Jenny Simpson
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