

# **MINUTES**

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## **Georges River Local Planning Panel**

**Thursday 22 August 2024**

**4:00 PM**

**Blended Meeting**

**Online and Council Chambers, Civic Centre,  
Hurstville**

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**PANEL MEMBERS:**

Ms Donna Rygate	(Chairperson)
Mr Awais Piracha	(Expert Panel Member)
Mr Graham Brown	(Expert Panel Member)
Ms Georgia Kissa	(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. We pay our respects 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

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There were no declarations of Pecuniary Interest

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**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 4.15pm and the LPP Panel proceeded into Closed Session to deliberate on the items listed below.

## 8 CLOSED SESSION – DELIBERATION OF REPORTS

### LPP031-24 2-4 Vaughan Street Blakehurst (Report by Consultant Planner)

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

#### Speakers

- Rabieh Owaijan (submitter)

#### 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 DA2023/0434 for the demolition of existing structures and construction of a five storey residential flat building containing 22 residential apartments comprising 4 x 1 bed, 13 x 2 bed and 5 x 3 bed units, above two levels of basement parking for 32 cars, landscaping and site works at Lot 21 and 22 DP15830 also known as 2-4 Vaughan Street, Blakehurst, for the following reasons:

#### 1. Refusal Reasons - Environmental Planning Instrument

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

- a) The application failed to provide an updated BASIX Certificate for the residential component of the development based on the amended design demonstrating that the proposal satisfies the minimum requirements of BASIX in terms of water, thermal comfort and energy efficiency as required.

#### 2. Refusal Reasons - Environmental Planning Instrument

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021. In particular:

- a) The amended Arborist Impact Assessment submitted was found to be unsatisfactory and failed to demonstrate appropriate mitigation measures to protect two significant native trees on and adjoining the subject site. If the development proceeded, it would likely result in an unacceptable level of impact on the health of these significant trees which is contrary to the requirements of Chapter 2.

#### 3. Refusal Reasons - Environmental Planning Instrument

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate compliance with the requirements of State Environmental Policy (Housing) 2021 in particular the following requirements of the Apartment Design Guide:

- a) 3H - Vehicle Access – The proposal failed to demonstrate:
  - i. Through a vehicle queue analysis that the single vehicle waiting/holding bay at the basement carpark ramp entry point is adequate to safely service the development without impacting the functionality and safety of Stuart Lane. The relevant *Australian Standard AS/NZS 2890.1: 2004 Parking Facilities Part 1 Off-Street Carparking, s3.4 queueing areas* calls for two (2) vehicle waiting/holding bays for a development of this size.
  - ii. The location of the intercom system for use by visitors accessing the basement car parking (to ensure functionality) does not compromise the safe operation of the basement access, lead to queueing onto Stuart Lane or compromise vehicle sweep paths during access or egress manoeuvres.
- b) 4M – Facades - The proposal fails to demonstrate well resolved façade treatments with the southern facade in particular presenting as an unarticulated blank wall with a lack of windows to break up the façade. The bulk and scale, massing composition with an emphasis on horizontality especially along the side elevations means the architectural expression of the facades is not supported.
- c) 4O – Landscape Design - The proposal fails to demonstrate an acceptable landscape design. The detailed landscape design submitted with the application proposed extensive new planting along with the pruning and retention of two significant native trees, supported by an Arborist's Impact Assessment (AIA). The AIA was found to be deficient however and there is no certainty that the trees can be retained in good health and the proposed landscape plan successfully implemented.
- d) 4U – Energy Efficiency - The proposal fails to demonstrate compliance with the requirements of BASIX in terms of energy efficiency, water saving and thermal comfort.

#### 4. Refusal Reasons - Environmental Planning Instrument

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate compliance with the requirements of Clause 29 of the *Environmental Planning and Assessment Regulation 2021*. The amended architectural plans were not accompanied by a revised design verification statement by the architect Paul Buljevic (Registered Architect No.7768) of PBD Architectural.

#### 5. Refusal Reasons - Environmental Planning Instrument

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate compliance with the requirements of Georges River Local Environmental Plan 2021. In particular:

- a) 6.9 Essential Services - Vehicular access - the proposal has not demonstrated a satisfactory design for vehicular access to the premises which is an essential service.
- b) 6.9 Essential Services – Electrical Substation – the proposal has not demonstrated a suitable provision in the design for an electrical substation which is an essential service.

- c) 6.10 Design Excellence - The proposal has numerous unresolved design issues and fails to comply with multiple ADG design criteria. The proposal is not supported from an urban design perspective. The proposal fails to demonstrate the high standard of architectural design required to demonstrate that design excellence has been achieved as required by the clause.
- d) 6.11 Environmental Sustainability - the proposal has not demonstrated:
  - i. environmental sustainability by complying with the minimum requirements of SEPP (Building Sustainability Index: BASIX) 2004 in terms of water saving, thermal comfort and energy efficiency for the residential apartments.
  - ii. environmental sustainability as it will lead to an unacceptable impact on two significant native trees on and adjoining the subject site.

## 6. Refusal Reasons – Development Control Plan

Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the application fails to demonstrate compliance with the following requirements of Georges River Development Control Plan 2021:

- a) 3.3 Landscaping - the proposal has not demonstrated a that two native trees on and adjoining the property are significant landscape features will be successfully protected and maintained if the development were to proceed.
- b) 3.11 Ecologically Sustainable Development – Residential Buildings - the proposal has not demonstrated compliance with the minimum requirements of SEPP (Building Sustainability Index: BASIX) 2004 in terms of water saving, thermal comfort and energy efficiency.
- c) 3.13 Parking Access and Transport - the proposal has not demonstrated the adequacy of the proposed single vehicle waiting/holding bay at the basement carpark entry point and the location of the intercom system for use by visitors accessing the basement car parking.
- d) 5.17 Blakehurst Locality Statement – the proposal fails to demonstrate the qualities of being well designed and the retention of trees as required by this clause.
- e) 6.3.4 Basement Setbacks - the proposal has not demonstrated a compliant design for basement setback which reduces opportunities for compliant deep soils zones on all sides of the building.

## 7. Refusal Reasons – Likely Environmental Impacts

Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the application fails to demonstrate that it will not lead to adverse environmental impacts on both the natural and built environment in the locality.

- a) The proposed development fails to demonstrated that it will not have an unacceptable impact on two significant native trees on and adjoining the site, so has not demonstrated that it will not give rise to a negative impact on the natural environment of the locality.

- b) The proposal has not demonstrated that it achieves design excellence and not supported from an urban design perspective. The proposal fails to accord with multiple planning controls and represents an inappropriately designed development that is not supported.

#### **8. Refusal Reasons – Suitability of the Site**

Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the application fails to demonstrate that suitability of the site for the proposed development. In particular:

- a) The proposal will have an unacceptable impact on two significant native trees on and adjoining the subject site.
- b) The proposal fails to comply with multiple planning controls, fails to achieve design excellence and represents an inappropriately designed development that has not demonstrated suitability for the subject site.

#### **9. Refusal Reasons – Public Interest**

Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development has failed to demonstrate compliance with the relevant planning policies and that it will not cause an unacceptable negative impact in the locality. The proposed development is not considered to be in the public interest and is likely to set an undesirable precedent if approved.

**LPP032-24      143 Forest Road, Hurstville NSW 2220**  
(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.

Pursuant to Section 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), Development Application DA2024/0075 for Change of use, fit out of a premise and construction of signage on Lot 2 Sec 1 DP 3232 on land known as 143 Forest Road, Hurstville, is granted Development Consent subject to:

The Conditions recommended in the report submitted to the Georges River Local Planning Panel meeting of 22 August 2024.

**Statement of Reasons**

The reasons for this decision are that:

- The proposed change of use, fit out, and signage does not undermine the heritage significance of Heritage Item I74 – Commercial Building.
- The development is permissible in the zone and align with the objectives of MU1 Mixed Use zone.
- The development complies with the Georges River Local Environmental Plan 2021 and the Georges River Development Control Plan 2021.
- The proposal will not result in unacceptable impacts to the locality.
- The proposal will not result in unacceptable impacts on the heritate significance of the item.

**LPP033-24      82 Ponyara Road, Beverly Hills NSW 2209**  
(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.

Pursuant to Section 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), Development Application DA2024/0149 for alterations to an existing place of public worship on Lot 1300 DP 669323 and Lot 301 DP 13496 known as 82 Ponyara Road, Beverly Hills, is granted Development Consent subject to:

The Conditions recommended in the report submitted to the Georges River Local Planning Panel meeting of 22 August 2024.

**Statement of Reasons**

The reasons for this decision are that:

- Pursuant to Clause 2.5 of the GRLEP 2021 (Addition Permitted Uses for Particular Land), the proposal is a permissible use on the subject site.
- The development complies with Georges River Local Environmental Plan 2021 and the Georges River Development Control Plan 2021.
- The proposal will not result in unacceptable impacts to the locality.
- The proposal will not substantially intensify noise emission from the building.
- The proposed signage is of a design that is appropriate for the local streetscape and the existing church.
- The proposal improves pedestrian accessibility to a community facility.



**LPP034-24     3 Benwerrin Avenue, Carss Park**  
(Report by Development Assessment Planner)

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

**Speakers**

- Angela Karpouzou (applicant)
- Mark Raymundo (consultant on behalf of owner/applicant)

**Voting of the Panel Members**

The decision of the Panel was unanimous.

**Statement of Reasons**

The reasons for this decision are that:

- The proposed development fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- The proposal fails to demonstrate compliance with the Georges River Local Environmental Plan (GRLEP) 2021 criteria related to Height of Building, Exceptions to development standards, Stormwater Management, and Landscaped areas in certain residential and conservation zones. The Clause 4.6 Statement requesting a variation of the Landscaped areas in certain residential and conservation zones is not supported.
- The proposal fails to demonstrate compliance with a number of the Georges River Local Environmental Plan (GRLEP) 2021 criteria related to General Landscaping, Water Management, Streetscape Character and Built Form, Private Open Space, Landscaping, Visual Privacy, and Site Facilities.
- The proposal demonstrates a reliance on unauthorised works for which the Applicant is seeking retrospective consent.
- The proposed development fails to demonstrate that it will not result in any unreasonable impact on the natural and built environment.
- The proposed development has not demonstrated that it is compatible with the streetscape and character of the locality.
- The proposed development has not demonstrated that it is in the public interest and that it will not set an undesirable precedent if approved.
- The request from the applicant to consider the dwelling addition separately from the lack of landscaping was rejected by the panel as it is necessary to consider the application as a whole.

Note: The Panel notes that there are 2 typographical errors on pages 231 and 232 of the agenda, which should read “unauthorised works” in both circumstances.

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 DA2023/0404 for the Alterations and additions of a dwelling house including lift access from the garage to ground floor and construction of a first floor addition on Lot 88 in DP12759 also known as at 3 Benwerrin Avenue, Carss Park, for the following reasons:

1. **State Environmental Planning Policy (Biodiversity and Conservation) 2021**  
Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the requirements of the Biodiversity and Conservation State Environmental Planning Policy. The proposal is seeking retrospective approval for unauthorised works with respect to additional tiling on a concrete base within the front, rear, and side setback areas.

2. **Local Environmental Plan** - Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to provide adequate information to enable assessment of the height of buildings control outlined in the Georges River Local Environmental Plan (GRLEP) 2021.
3. **Local Environmental Plan** - Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to provide an accurate and reasonable Clause 4.6 statement to address the Exceptions to development standards clause outlined in the Georges River Local Environmental Plan (GRLEP) 2021. The Clause 4.6 request to vary the minimum landscaped area required for the site as referenced in Clause 6.12 Landscaped areas in certain residential and conservation zones of the GRLEP 2021 has not been supported.
4. **Local Environmental Plan** - Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to meet the minimum required Landscaped areas in certain residential and conservation zones control outlined in the Georges River Local Environmental Plan (GRLEP) 2021. A Clause 4.6 request to vary the minimum development standard has not been supported.
5. **Development Control Plan** - 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: general - landscaping, water management, residential - streetscape character and built form, private open space, landscaping, visual privacy, and site facilities.
6. **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 is seeking consent for unauthorised work to remain on site which sets an undesirable precedent that is not in keeping with surrounding development or the desired character of the area.
7. **Suitability of Site** - Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not considered suitable for the proposed development as the proposal is incompatible with the scale, character and amenity of the subject site or the surrounding development within the R2 Low Density Residential locality with respect to streetscape character and built form, and landscaping.
8. **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 within the locality.

**LPP035-24     24 Montgomery Street Kogarah**  
(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 DA2024/0036 for change the use to tenancies within a heritage listed building for use as a gymnasium including fitout works and signage at Lot 100 DP 1273679 known as 24 Montgomery Street, Kogarah, is granted Development Consent subject to:

The Conditions recommended in the report submitted to the Georges River Local Planning Panel meeting of 22 August 2024.

**Statement of Reasons**

The reasons for this decision 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 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.

Note: The panel notes the desirability of integrating the tenancy containing the heritage façade into the gym to provide streetscape activation.

**9 CONFIRMATION OF MINUTES**

**GEORGES RIVER LOCAL PLANNING PANEL MEETING-22 AUGUST 2024**

**RECOMMENDATION**

That the Minutes of the Georges River Local Planning Panel Meeting held on 22 August 2024, be confirmed.

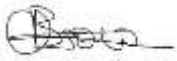
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The meeting concluded at 4.42 pm.



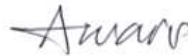
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Donna Rygate  
**Chairperson**



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Graham Brown  
**Expert Panel Member**



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Awais Piracha  
**Expert Panel Member**




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Georgia Kissa  
**Community Representative**

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## Declaration of Interest Georges River Local Planning Panel

<b>Panel Member Name:</b>	Donna Rygate
<b>Meeting Date:</b>	22 August 2024
<b>Item Numbers:</b>	<ul style="list-style-type: none"> <li>• LPP031-24 – 2-4 Vaughan Street Blakehurst</li> <li>• LPP032-24 – 143 Forest Road, Hurstville</li> <li>• LPP033-24 – 82 Ponyara Road, Beverly Hills</li> <li>• LPP034-24 – 3 Benwerrin Avenue, Carss Park</li> <li>• LPP035-24 – 24 Montgomery Street Kogarah</li> </ul>
<b>In relation to the matters on this agenda, I declare that I have:</b>	<input checked="" type="checkbox"/> No known conflict of interest
<b>In relation to item number I have an actual<sup>1</sup> conflict of interest</b>	<input type="checkbox"/> Conflict Details
<b>In relation to item number I have a potential<sup>2</sup> conflict of interest</b>	<input type="checkbox"/> Conflict Details
<b>In relation to item number I have a reasonably perceived<sup>3</sup> conflict of interest</b>	<input type="checkbox"/> Conflict Details
<b>Name of Panel Member</b>  <b>Signature:</b>	
<b>Key of Terms:</b> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ol>	

## Declaration of Interest Georges River Local Planning Panel


<b>Panel Member Name:</b>	Awais Piracha
<b>Meeting Date:</b>	22 August 2024
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<b>Panel Member Name:</b>	Graham Brown
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## Declaration of Interest Georges River Local Planning Panel

<b>Panel Member Name:</b>	Georgia Kissa
<b>Meeting Date:</b>	22 August 2024
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