

MINUTES

Georges River Local Planning Panel

Thursday, 05 September 2024

4:00 PM

Council Chambers, Civic Centre, Hurstville

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PANEL MEMBERS:

Mr Stuart McDonald	(Chairperson)
Ms Larissa Ozog	(Expert Panel Member)
Mr Stephen Alchin	(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. 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 4.12pm and the LPP Panel proceeded into Closed Session to deliberate on the items listed below.

8 CLOSED SESSION – DELIBERATION OF REPORTS

LPP036-24 **188 Princes Highway, Beverley Park NSW 2217**
(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 DA2023/0336 for conservation works to a heritage listed dwelling house known as McWilliam House on Lot 5 DP 17522, Lot 6 DP 17522, and Lot 24 DP 17618 known as 188 Princes Highway, Beverley Park, is granted Development Consent subject to:

The Conditions recommended in the report submitted to the Georges River Local Planning Panel meeting of 5 September 2024.

Statement of Reasons

The reasons for this decision are that:

- The Panel acknowledged that the approved development will help to maintain the heritage item for future generations.
- The proposed conservation works will support the ongoing heritage significance of Heritage Item I3 – House and garden, “McWilliam House”. The proposal has been supported by Council’s Heritage Advisor.
- The development is permissible in the zone and align with the objectives of R4 High Density Residential Zone.
- The development complies with the Georges River Local Environmental Plan 2021 and the Georges River Development Control Plan 2021.
- The proposal does not detract from the landscape quality of the subject site.
- The proposal will not result in unacceptable impacts to the locality.

LPP037-24 37 Clarke Street Peakhurst
(Report by Student 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.

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 Landscaped areas in certain residential and conservation zones (Clause 6.12) development standard, as the variation sought satisfy 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 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), Development Application DA2024/0111 for alterations and additions to an existing dwelling including a carport on Lot 1 DP 31420 known as 37 Clarke Street, Peakhurst, is granted Development Consent subject to:

The Conditions recommended in the report to the Georges River Local Planning Panel meeting of 5 September 2024, subject to the amendments as follows:

Amend condition 7 to read as follows:

- 7. Design Amendments** - Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council.

Area of change required	Change Required
Front boundary fence	Front boundary fence is to be a maximum height of 900mm at any point measured from the street facing elevation.
Carpport structure	The carport structure, including the roof, gutters and the suspended platform shall be in line with the wall of the dwelling house and is not to extend further toward the northern boundary. This is annotated on the plans as a 1.15m side boundary setback. Wheel stops to the northern and western areas of the carport are to be designed and installed in accordance with AS2890.1. Details to be provide on the plans and certification provided by a suitably qualified engineer. The ground levels must remain unchanged between the northern property boundary and the existing setback of the building as annotated on the approved plans.

	Where there is a change of level from the carport to the surface beneath being 1.0m or greater a balustrade is to be installed in accordance with the Building Code of Australian/National Construction Code. Details are to be annotated on the plans ensuring the materials and finishes are consistent with the development approved by this application.
Retaining wall height	Any retaining wall located along or adjacent to any boundary must not exceed 500mm in height and must be designed to allow for natural stormwater overland flow. Any filling of land associated with the retaining wall must not be used for any purpose other than landscaping.
Proposed Basement Floor Plan	The proposed basement floor is not to used or converted to be used as a separate domicile/s. The development is approved as a single dwelling only.

Statement of Reasons

The reasons for this decision are that:

- The proposed development complies with the requirements of the relevant environmental planning instruments except in respect to landscaped area. A Clause 4.6 variation to the development standard has been submitted in support of the application which is considered to be well founded.
- The proposed development complies with the objectives of the relevant environmental planning instruments.
- Compliance with the development standard is unreasonable in the circumstances and there are sufficient environmental planning grounds to justify the contravention of the standard.
- The proposal aims to provide a development that will establish a positive urban design outcome given the context of the locality.

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LPP038-24 3 Warrawee Place, Beverly Hills
(Report by Development Assessment Planner)

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

Speakers

Mark Assad (consultant on behalf of 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 DA2023/0565 re-subdivision of 3 lots into 2 lots, demolition works and construction of two storey semi-detached dwellings with detached garages and studios above including carports at Lots 24, 25, and 26 DP 13496 known as 3 Warrawee Place, Beverly Hills, for the following reasons:

1. **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 Part 2.2 of State Environmental Planning Policy (Biodiversity and Conservation) 2021. In particular:
 - a) The proposed removal of Tree 3 - Frangipani tree, is not supported.
 - b) The impact of the proposal on Trees 8 and 9 cannot be ascertained in absence of an adequate Arboricultural Impact Assessment (AIA).

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 Georges River Local Environmental Plan 2021:
 - a) Clause 2.3 - Zone Objectives. The proposal is inconsistent with the zone objectives as the proposal fails demonstrate a high standard of urban design and built form that enhances the local character of Beverly Hills and achieve a high level of residential amenity and fails to provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River Local Government Area.
 - b) Clause 4.1 – Minimum Subdivision Lot Size. The proposal will result in two lots of 313.45sqm being formed, which is smaller than the required minimum lot size of 450sqm. The Clause 4.6 variation request is considered deficient in demonstrating sufficient planning grounds to vary the minimum subdivision lot size and is not well founded.
 - c) Clause 4.4 – Floor Space Ratio. The proposal will result in a gross floor area of 366.4sqm, equivalent to a floor space ratio of 0.58:1. The subject site has an applicable floor space ratio of 0.55:1. A Clause 4.6 variation request was not submitted.

- d) Clause 4.6 – Exceptions to development standards. The submitted Clause 4.6 variation request concerning Clause 4.1 Minimum Subdivision Lot Size fails to demonstrate, that compliance with the development standard is unreasonable or unnecessary, and that, there is sufficient environmental planning grounds to justify the contravention of the minimum subdivision lot size development standard.
- e) Clause 6.2 – Earthworks. The full extent of proposed earthworks cannot be established due to the absence of a cut and fill plan.
- f) Clause 6.9 – Essential Services. The proposal fails to facilitate effective vehicular access from Wyanga Lane with consideration of parked vehicles on the western side of the laneway. Insufficient driveway details provided to demonstrate sufficient clearance from the proposed parking area to Wyanga Lane.
- g) Clause 6.12 – Landscaped Areas in Certain Residential and Conservation Zones. The proposal fails to achieve protection of existing vegetation. The proposal will result in a total landscaped area of 114.4sqm (accounting for 18.2% of the site), less than the required 125.38sqm (20% of the site). A Clause 4.6 variation request was not submitted.

3. Refusal Reason – Development Control Plan - Pursuant to Section 4.15 (1)(a)(iii) 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) Section 3.2 Biodiversity – the proposed removal of Tree 3 does not comply with Council's Tree Management Policy.
- b) Section 3.3 Landscaping – the proposed removal of Tree 3 does not comply with Council's Tree Management Policy, and the submitted Arboricultural Impact Assessment (AIA) fails to sufficiently address the works being proposed within the Tree Protection Zone (TPZ) of Trees 8 and 9.
- c) Section 3.5.1 – Earthworks. The proposal is inconsistent with the requirements to maintain natural ground level within 900mm of a side boundary and to avoid vegetation clearing. The proposal requires excavation up to the boundary to accommodate the outbuilding and requires the removal of Tree 3 to accommodate the proposed southern dwelling.
- d) Section 3.13 – Parking Access and Transport. The proposal fails to accommodate two parking spaces that are accessible for each dwelling. Each proposed dwelling has effective access to the single-garage space only, as the carport parking space is accessible from the studio only. Furthermore, effective vehicular access is not demonstrated.
- e) Section 3.16 – Subdivision. The proposal fails to achieve the Georges River Local Environmental Plan minimum subdivision lot size standard (Clause 4.1), and essential service requirements (Clause 6.9). Insufficient information is supplied with respect to driveway section.
- f) Section 5. Resident Locality Statement. The proposal is not consistent with the future desired character of Beverly Hills as the proposal is not compatible with the prevailing streetscape character, and the proposed subdivision disrupts the integrity of the existing Garden City subdivision pattern.

- g) Section 6.1.2.1 – Streetscape Character and Built Form. The proposal is not compatible with the desired future character of Beverly Hills, and both proposed dwellings incorporate a first-floor void of 16sqm each.
- h) Section 6.1.2.2 - Building Scale and Height. The proposal does not respond adequately to the desired future scale of buildings within the neighbourhood.
- i) Section 6.1.2.3 – Setbacks. The proposed 4.5m front setback does not align with the prevailing street setback, and the proposed nil setback of the car parking structures does not comply with the provision that requires at least 1.0m setback from the rear lane.
- j) Section 6.1.2.4 – Private Open Space. Both proposed private open spaces have a minimum dimension of 4.7m only, in contravention to the provision that requires a minimum dimension of 6m. Furthermore, the proposal fails to maximise solar access to private open space as only 32.6% of the proposed private open space of the southern dwelling will receive more than 3 hours of solar exposure during winter solstice.
- k) Section 6.1.2.5 – Landscaping. The proposal will result in 70.5% of the front setback area being covered by impervious surfaces. The proposal does not accommodate adequate front setback area for a tree of 6-8m in height to be contained entirely within each proposed allotment.
- l) Section 6.1.2.6 – Excavation (cut and fill). The extent of cut and fill cannot be ascertained in absence of a cut and fill plan.
- m) Section 6.1.2.7 – Vehicular Access, Parking and Circulation. Both proposed dwellings only have effective access to one car space each. The proposed car parking structures have nil setback from the rear lane, and the submitted swept path diagram fails to demonstrate effective vehicular access that does not conflict with parked vehicles on the western side of Wyanga Lane.
- n) Section 6.1.2.10 – Solar Access. The proposed southern dwelling will not be able to receive more than 3 hours of solar access in the living room and more than 50% of the private open space during winter solstice. The proposal also fails to facilitate solar exposure to 83.3% of the north facing windows and more than 50% of the private open space for 1 Warrawee Place during winter solstice.
- o) Section 6.4.3 - Outbuildings. Both proposed outbuildings demonstrate nil setback to the side and rear boundary and feature a non-compliant height of 6.9m. The proposed outbuildings also contribute to non-compliance with landscaped area standard and solar access requirements for the private open space.

4. 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) Natural Environment. The proposed removal of Tree 3 is excessive, and the submitted Arboricultural Impact Assessment (AIA) fails to address the impact of the proposal on Trees 8 and 9.

- b) Built Environment. The proposed non-compliance subdivision does not respect the existing subdivision pattern in Beverly Hills. Furthermore, the proposed built form is considered excessive, and the proposal fails to accommodate adequate amenity for future residents.
- c) Social Impacts. The proposal will intensify traffic conflicts on Wyanga Lane and cause unacceptable overshadowing impacts on the adjoining 1 Warrawee Place. The proposal will detract from the existing established streetscape along Warrawee Place.

5. **Refusal Reason – Impact on the Environment** – Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be suitable for the site.

6. **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.

Note: The Panel considered Mr Assad’s request for deferral of the matter but in considering all the information presented to the Panel preferred to proceed with the recommendation for refusal.

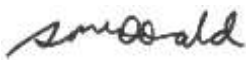
9 CONFIRMATION OF MINUTES

GEORGES RIVER LOCAL PLANNING PANEL MEETING-05 SEPTEMBER 2024

RECOMMENDATION

That the Minutes of the Georges River Local Planning Panel Meeting held on 05 September 2024, be confirmed.

The meeting concluded at 4.40 pm.



Stuart McDonald
Chairperson



Stephen Alchin
Expert Panel Member




Larissa Ozog
Expert Panel Member

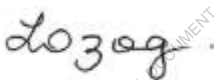


Georgia Kissa
Community Representative

Declaration of Interest Georges River Local Planning Panel

Panel Member Name:	Stuart McDonald
Meeting Date:	5 September 2024
Item Numbers:	<ul style="list-style-type: none"> • LPP036-24 – 188 Princes Highway Beverley Park • LPP037-24 – 37 Clarke Street Peakhurst • LPP038-24 – 3 Warrawee Place Beverley Hills
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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Panel Member Name:	Larissa Ozog
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Panel Member Name:	Stephen Alchin
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In relation to item number I have a reasonably perceived³ conflict of interest	<input type="checkbox"/> Conflict Details
Name of Panel Member	
Signature:	<i>Stephen Alchin</i> 28/8/2024
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Panel Member Name:	Georgia Kissa
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