

MINUTES

Georges River Local Planning Panel

Thursday, 19 September 2024

4:00 PM

Blended Meeting

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

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PANEL MEMBERS:

Ms Donna Rygate	(Chairperson)
Mr Wayne Carter	(Expert Panel Member)
Mr Awais Piracha	(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

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 4.50pm and the LPP Panel proceeded into Closed Session to deliberate on the items listed below.

8 CLOSED SESSION – DELIBERATION OF REPORTS

LPP039-24 53 Myall Street Oatley (Report by Development Assessment Planner)

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

Speakers

- Svetlana Kostoska (applicant)
- Robyn Stahel (submitter)
- Sibylle Chilov (submitter)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Refusal

The Panel notes that significant resources and time have already been devoted by the applicant in preparing the application and Council assessing the application. The Panel also notes that it is unclear how different an amended application would be from that already assessed, if deferral was granted. Further, the Panel notes the applicant's lack of clarity as to a timeframe when an amended application could be submitted for further assessment.

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended, the Georges River Local Planning Panel, the Panel refuses Development Application DA2023/0518 for demolition works, construction of detached dual occupancy and swimming pool, and Torrens Title subdivision at Lot 2 DP 937503 known as 53 Myall Street, Oatley, 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 the large English Oak tree will result in a substantial net loss of existing tree canopy, which has a high retention value.
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 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 6.2 – Earthworks. The proposal incorporates fill to raise the finished floor level which results in adverse bulk and scale impacts.

- c) Clause 6.3 – Stormwater Management. The proposed connection to the street kerb does not meet the Stormwater Policy as the angle of the splay fails to meet the required 45 degree splay. This invert level to the street connection impacts the depth and volume of the proposed OSD tanks.
- d) Clause 6.9 – Essential Services. The proposal fails to make suitable arrangements for stormwater drainage.
- e) Clause 6.12 – Landscaped Areas in Certain Residential and Conservation Zones. The proposal seeks to remove two trees, one being a high value retention tree, fails to acknowledge or address the nine Lilli Pillis forming a hedge at the rear of the site, fails to provide sufficient replacement planting and may have a major encroachment on the tree protection zone of a neighbouring tree. The proposal will result in an adverse net loss of tree canopy.

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 and Section 3.3 Landscaping. The proposal seeks to remove two trees, one being a high value retention tree, fails to provide sufficient replacement planting and may have a major encroachment on the tree protection zone of a neighbouring tree. The proposal will result in an adverse net loss of tree canopy.
- b) Section 3.5.1 – Earthworks. The proposal alters the natural/existing ground level by more than 1m.
- c) Section 3.10 Water Management. The proposed connection to the street kerb does not meet the Stormwater Policy as the angle of the splay fails to meet the required 45 degree splay. This invert level to the street connection impacts the depth and volume of the proposed OSD tanks.
- d) Section 3.16 – Roads, Vehicular Access and Car Parking. The driveway profiles and architectural plans do not include the location and levels of the existing concrete pathway in Council's footpath area which is to remain unchanged in the proposed vehicle crossings.
- e) Section 5. Resident Locality Statement. The proposal is not consistent with the future desired character of Oatley West as the proposal fails to facilitate retention of trees and provide sufficient tree replacement.
- f) Section 6.1.3.1 – Streetscape Character and Built Form. The proposal fails to activate the frontage of the dwelling and both dwellings are recessed 1.4m into the façade of the dwelling.
- g) Section 6.1.3.3 – Front Setback. The proposal fails to achieve the prevailing setback of the two adjoining properties either side of the site.
- h) Section 6.1.3.3 – Side Setback. The proposal fails to provide a 1.2m setback to the southern side of each dwelling.
- i) Section 6.1.3.4 – Solar Access. The submitted elevational shadow diagrams demonstrate significant overshadowing impacts to the northern windows of the

southern neighbour. The windows provide solar access to a living room, laundry and bathroom.

- j) Section 6.1.3.12 - Materials, Colour Schemes and Details. The proposal demonstrates large expansive surfaces of exposed grey concrete finish that does not have a hue and tonal relationship with the colour schemes which consist primarily of exposed red brick finish and single-storey pitched roofs.
- k) Section 6.4.3 - Outbuildings. The proposed outbuildings associated with the dwellings significantly exceed the maximum floor area of 30sqm, proposing a total floor area of 42.3sqm each.
- l) Section 6.4.4 – Swimming Pools and Spas. Fill is not permitted between a pool and a boundary but is proposed between each pool and the adjacent boundaries, of between 80mm and 580mm. Each pool is located 600mm above natural ground level.

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 development fails to minimise vegetation removal. The proposed replacement tree planting is insufficient in quantity and inadequate to ensure the long-term survival of the replacement trees. The proposed removal of a high retention value tree will result in an adverse net loss of tree canopy.
- b) Built Environment. The proposal is of a bulk and scale that does not appropriately respond to the existing and future desired character of the streetscape.
- c) Social Impacts. The proposed removal of a significant tree will diminish the visual prominence of the tree within the Myall Street streetscape and surrounding street networks.

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.

LPP040-24 43 Bridge Street, Hurstville NSW 2220
(Report by Development Assessment Planner)

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

Speakers

- Laurie Liskowski (applicant)
- David Waghorn (planner)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Approval

Pursuant to Section 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), Development Application DA2023/0507 for Demolition works, change of use from commercial to childcare centre and alterations and additions on Lot 433 DP 839352 on land known as 43 Bridge Street, Hurstville, is granted Development Consent subject to:

The Conditions recommended in the report to the Georges River Local Planning Panel meeting of 19 September 2024, subject to amendments as follows:

Amend Condition 1 to read as follows:

- 1. Approved Plans** - The development has been approved as a centre based child care facility (as defined under the standard instrument) and the works must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Rev.	Prepared by
Site Plan	230424	18 March 2024	C	Liskowski Architects
Demolition Plan	230424	18 March 2024	C	Liskowski Architects
Basement 2 Plan	230424	10 May 2024	D	Liskowski Architects
Level 2 – Childcare Centre	230424	10 May 2024	D	Liskowski Architects
Section	230424	18 March 2024	C	Liskowski Architects
Section 1 and 3	230424	18 March 2024	C	Liskowski Architects
Diagrams and Details – DA800	230424	10 May 2024	D	Liskowski Architects
Landscape Plan	230424	11 April	C	Greenscape

		2024		
Planting Palette	230424	20 October 2023	A	Greenscape
Plan of Management	-	May 2024	-	-

Documents Relied Upon

Description	Reference No.	Date	Rev.	Prepared by
Notice of approval of concurrence	CORP24/4845	31 July 2024	-	NSW Department of Education
Air Quality Assessment	CA/24/164-5001	11 April 2024	-	NG Child & Associates
Certificate of Structural Adequacy	-	19 April 2024	-	Structa Consulting Engineers
Access Report	-	October 2023	B	Liskowski Access
Traffic and Parking Assessment	TR333_1	24 October 2023	1	Wongala Consulting Engineers
Response to Council Request for Additional Information – Parking	-	April 2024	-	Wongala Consulting Engineers
Noise Impact Assessment	NA333_1	October 2023	-	Wongala Consulting Engineers

Delete Condition 52.

Statement of Reasons

The reasons for this decision are that:

- The development complies with the requirements of the relevant environmental planning instruments and has obtained the required concurrence from the Department of Education as a result of the proposed simulated outdoor environment.
- The development is permissible in the zone and aligns with the objectives of MU1 Mixed Use zone.
- The development complies with the provisions outlined in the Child Care Planning Guideline (2021).
- 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 in terms of overlooking, noise transmission, and traffic generation.

LPP041-24 29 Penshurst Street Penshurst
(Report by Student Development Assessment Planner)

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

Speakers

- James Lidis (applicant)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Approval

Pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act 1979, as amended, Modification Application MOD2024/0003 for the extension of trading hours to Penshurst Hotel on Lots 31 and 32 of Section 2 in DP1399, known as 29 Penshurst Street, Penshurst, is determined by granting approval to modify the original development consent subject to conditions recommended in the report to the Georges River Local Planning Panel meeting of 19 September 2024, subject to the amendments as follows:

Amend conditions 4 and 16 to read as follows:

4. Hours of operation

- **Bistro and Terrace Areas**
 - 5am to 2am Monday to ~~Saturday~~ Sunday.
 - ~~10am to 12 midnight Sunday.~~
- **Gaming Room and Lounge Areas**
 - 5am to 4am Monday to ~~Saturday~~ Sunday.
 - ~~10am to 12 midnight Sunday~~

Reason: This is based on the proposed hours of operation as stated in the SEE.

- a) The approved hours of operation for the car park are 24/7.

The above Sunday hours of operation are approved under a 12-month trial period commencing from the date of consent issue. At the end of the 12-month trial period, the hours are to be reverted back to original hours of operation under consent DA2019/0160. Should the extended hours be continued a modification application must be lodged prior to the expiry of the 12-month trial period but no earlier than 9 months.

Reason: This condition is to ensure the full impact of the extended Sunday hours on the adjoining properties can be considered to mitigate any potential adverse social and amenity impacts.

This condition has been amended as per MOD2024/0003 (DA2022/0521)

16. This consent is issued on a trial basis for the period of 1 year from the issue of consent.

Statement of Reasons

The reasons for this decision are that:

- The proposed development forms a permissible, and existing use within the E1 Local Centre zone within the *Georges River Local Environmental Plan 2021*.
- The proposal is suitable for the subject site as the objectives of the zone and the applicable planning controls have been reasonably satisfied.
- The recommended hours of operation will ensure the amenity of the surrounding area will not be adversely or unreasonably affected by the proposal.

LPP042-24 188 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.

Determination

Approval

Pursuant to Section 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), Development Application DA2023/0447 for Demolition works, alterations and additions to a heritage listed dwelling house and construction of a detached garage on Lot 5 DP 17522, Lot 6 DP 17522, and Lot 24 DP 17618 on land 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 19 September 2024.

Statement of Reasons

The reasons for this decision are that:

- The proposal does not undermine the heritage significance of Heritage Item I3 – House and garden, “McWilliam House”. The proposal has been supported by Council’s Heritage Advisor and landscape officer.
- The development is permissible in the zone and aligns 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 and the neighbouring properties.
- The proposal will not result in unacceptable impacts to the locality.

LPP043-24 5 Young Street Penshurst
(Report by Coordinator Development Assessment)

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

Speakers

- Matthew Benson (applicant representative)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Refusal

The Panel notes the applicant representative's comments in relation to the prior submission of a Clause 4.6 request at the DA stage, and also notes that changes made to the application since the submission of that document necessitated the submission of additional Clause 4.6 requests. No additional Clause 4.6 requests have been received.

Pursuant to Section 8.2 and Section 4.16 (1) of the Environmental Planning and Assessment Act 1979, Review Application No. REV2024/0012 for the Review of determination of DA2023/0064 for demolition and construction of an attached two storey dual occupancy with basement parking, swimming pools, landscaping and site works at Lot B DP 391744, known as 5 Young Street, Penshurst, is refused 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 the following sections of Georges River Local Environmental Plan 2021:
 - (a) Clause 4.1B Minimum lot sizes and special provisions for certain dwellings. No clause 4.6 variation request has been provided as part of the Section 8.2 Review.
 - (b) Clause 4.3 – Height of buildings. The amended proposal increases the height of the built form on all levels and the proposal is over height in the south-western corner of the built form at 9.7 m which is not supported. No Clause 4.6 variation request has been provided.
 - (c) Clause 4.4A(4) – Exceptions to floor space ratio – certain residential accommodation. Due to the garage level of Lot 2 being a storey by definition, the bin room is gross floor area for the purposes of calculating floor space ratio of the site. The proposal exceeds the permitted for space ratio and has not been supported by a Clause 4.6 variation request.
 - (d) Clause 6.12 – Landscaped areas in certain residential and conservation zones. The proposal does not meet the minimum requirement of 25% landscaped area for the site as required by clause 6.12 (5)(c). The application has not been supported by a Clause 4.6 variation request.
- 2. Refusal Reason - Clause 6.9 – Essential services.** The Panel is not satisfied that stormwater services and suitable proposed and approved public domain works have been provided for the proposed development. It is unclear whether the proposed point of discharge would impact an existing street tree.

Other Issues with the Application

- The proposed development does not comply with the following sections of Georges River Development Control Plan 2021:
 - (a) **Section 3.10 – Stormwater Management.** Satisfactory stormwater services have not been provided for the proposed development. The proposed stormwater plan relies on civil works to the public domain for the drainage discharge to comply. No plans have been presented for assessment of these works. It is unclear whether the proposed point of discharge would impact an existing street tree.
 - (b) **Section 6.1.3 (11) – Landscaping.** The design does not allow for trees that can grow to maturity and provide the canopy, ecological and social benefits outlined in this control, noting in particular the OSD tank sizes and locations within the front setback.
- Insufficient information was submitted to enable a proper assessment of the impacts of the proposed development. Namely, the proposal is not accompanied by:
 - (a) A landscape plan that is prepared by drawn by a qualified Landscape Architect or Landscape Designer (AQF 5) has not accompanied the application, and there are inconsistencies between the plans with respect to nominated areas of landscaping and the location of services such as OSD tank locations and associated pipework, retaining walls and fencing.
 - (b) An Arboricultural Impact Assessment (AIA) prepared by an AQF 5 Arborist to demonstrate that the civil works within the TPZ of the street tree would enable the street tree to remain viable.
 - (c) Civil plans with respect to the design of the public domain works has not been provided. In particular, long sections/profiles for vehicular access to both proposed lots with the long sections/profiles designed in accordance with Council's issued road and footpath levels and the Australian Standard.
 - (d) Incorrect plan detailing. There are anomalies with vertical dimensions and RLs as presented on the elevations.
 - (e) A current BASIX certificate for each dwelling has not accompanied the application.

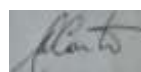
9 CONFIRMATION OF MINUTES

GEORGES RIVER LOCAL PLANNING PANEL MEETING-19 SEPTEMBER 2024

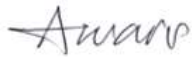
RECOMMENDATION

That the Minutes of the Georges River Local Planning Panel Meeting held on 19 September 2024, be confirmed.

The meeting concluded at 6.15pm.



Donna Rygate
Chairperson



Awais Piracha
Expert Panel Member


Wayne Carter
Expert Panel Member



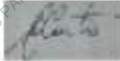
Fiona Prodromou
Community Representative

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Declaration of Interest Georges River Local Planning Panel


Panel Member Name:	Donna Rygate
Meeting Date:	19 September 2024
Item Numbers:	<ul style="list-style-type: none"> • LPP039-24 – 53 Myall Street Oatley • LPP040-24 – 43 Bridge Street Hurstville • LPP041-24 – 29 Penshurst Street Penshurst • LPP042-24 – 188 Princes Highway Beverley Park • <input checked="" type="checkbox"/> LPP043-24 – 5 Young Street Penshurst
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:	Wayne Carter
Meeting Date:	19 September 2024
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Signature:	
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Declaration of Interest Georges River Local Planning Panel

Panel Member Name:	Awais Piracha
Meeting Date:	19 September 2024
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Declaration of Interest Georges River Local Planning Panel

Panel Member Name:	Fiona Prodromou
Meeting Date:	19 September 2024
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