

MINUTES

Georges River Local Planning Panel

Thursday, 07 November 2024

4:00 PM

Blended Meeting

Online and Council Chambers, Civic Centre,
Hurstville

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PANEL MEMBERS:

Ms Donna Rygate	(Chairperson)
Ms Judith Clark	(Expert Panel Member)
Mr Brian Kirk	(Expert Panel Member)
Ms Georgia Kissa	(Community Representative)

1. SITE ORIENTATION

Prior to this meeting the Panel carried out an orientation to the site and nearby localities.

2. OPENING

The meeting commenced at 4.04pm

3. ACKNOWLEDGEMENT OF COUNTRY

The Georges River Local Planning Panel acknowledged the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. It paid its respects to Elders past and present and extended 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

The Annual Disclosure of Pecuniary Interests and other Matters documents received from Local Planning Panel members for the year July 2024 to June 2025 have been tabled and will be uploaded to Council's Website.

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 4.22pm and the LPP Panel proceeded into Closed Session to deliberate on the item listed below.

8 CLOSED SESSION – DELIBERATION ON REPORT

LPP050-24 47 Woodlands Avenue Lugarno (Report by Principal Planner)

Speakers

- Daniel Mazzucco (applicant/owner)
- Chiara Torrelli (owner)

Voting of the Panel Members

The decision of the Panel was unanimous.

Consistent with a supplementary document received by the Panel on 6 November 2024 from diemstudio, during the public meeting the applicant requested that the Panel consider an amendment to the application to include a change of use of the approved and constructed dual occupancy to a secondary dwelling as defined in the Georges River Local Environmental Plan 2021. The applicant did not provide sufficient evidence to support this amendment. The Panel declined to accept this request.

The Panel considered in detail the two supplementary documents received by the Panel on 6 November 2024.

Pursuant to Section 8.4 and Section 4.16 (1) of the Environmental Planning and Assessment Act 1979, Review Application No. REV2024/0028 for demolition works, construction of a dual occupancy and Torrens title subdivision at Lot 24 DP 205787, known as 47 Woodlands Avenue Lugarno, the Panel determined to reaffirm Council's refusal of Development Consent 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 1.2 – The development is inconsistent with the aims of the Plan, as it fails to protect and preserve the natural environment and landscape amenity.
 - (b) Clause 2.3 – The proposal is inconsistent with Clause 2.3 of the LEP as the proposal does not satisfy the objectives of the R2 Low Density Residential zone.
 - (c) Clause 4.1B Minimum lot sizes and special provisions for certain dwellings. The proposal contravenes the minimum required lot width requirements for a dual occupancy and contravenes the minimum required lot width requirements for a dwelling. The special provision for a lot width at the building line of 18m as set out in Clause 5.1B(5)(a) is not met as a lot width at the building line of 8.8m is proposed. Thus, the proposal fails to meet the objectives of the Clause.

- (d) Clause 4.6 – The proposal is not supported with an adequate justification for the need to contravene the minimum lot width development standard for dual occupancy development, and subdivision development standard.
- (e) Clause 6.6 – The proposal is inconsistent with the objectives of the Clause, as the proposed tree removal and proposed landscaping do not protect or enhance the natural environment, nor avoid or minimise the disturbance to vegetation communities.
- (f) Clause 6.9 – Essential services. The Panel not satisfied that the provision of adequate vehicular access has been provided for the proposed development, including with regard to emergency access.
- (g) Clause 6.12 – The proposal is inconsistent with Clause 6.12(4) of the LEP as the proposal would adversely impact the health, condition and structure of existing trees and established canopy and does not satisfy the objectives of the clause 'Landscaped areas in certain residential and conservation zones'.

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 Development Control Plan 2021:

- (d) Part 3 – General Planning Considerations
 - Part 3.3 Landscaping
 - Part 3.4 Bushfire Prone Land
 - Part 3.5.1 Earthworks
 - Part 3.16.1 Lot Size and Shape
- (e) Part 6.1 – Low Density Residential Controls
 - 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.
 - Section 6.1.3.3 – Side Setbacks (Detached Dual Occupancy). The requirement for a 1.5m side setback is not met on the eastern side elevation as the garage of the proposed new dwelling has a nil setback.
- (f) Part 6.5 – Foreshore Locality Controls
 - Part 6.5.1 Foreshore Scenic Protection Area

3. Refusal Reason – Environmental Planning Instrument – Pursuant to Section 4.15 1(b) of the Environmental Planning and Assessment Act 1979, the proposed development is considered unsatisfactory with regard to impacts on the surrounding natural environment, particularly the removal of mature, endemic trees, and the proposed hard landscaping in the lower part of the site which would impact on the retention of the existing mature, endemic trees.

4. Refusal Reason - Insufficient Information – Pursuant to Section 4.15 1(b), insufficient information and plans were submitted to properly assess the impacts of the proposed development:

- (a) The proposal is not accompanied by a landscape plan that is prepared by drawn by a qualified Landscape Architect or Landscape Designer (AQF 5). There are also inconsistencies between the plans with respect to the extent of cut and fill and excavation generally, and adequate provision of tree protection, including of root protection zones.
- (b) Incorrect plan detailing. There are anomalies with vertical dimensions and RLs as presented on the elevations.
5. **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, having regard to permissibility, non-compliances with the planning controls and amenity impacts, and is likely to set an undesirable precedent.
6. **Refusal Reason – Environmental Planning Instrument** – Pursuant to Section 4.15 1(b) of the Environmental Planning and Assessment Act 1979, the proposed development is not permissible within the R2 Zone (Low Density Residential) as it would result in “multi dwelling housing” as defined in the Georges River Local Environmental Plan 2021.
7. **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 objects of the Environmental Planning and Assessment Act 1979, as the development is inconsistent with the aims of the Act for orderly development and would result in impermissible development, being multi dwelling housing, which is prohibited due to the existing configuration of two existing dual occupancy dwellings on the site.

9 CONFIRMATION OF MINUTES

GEORGES RIVER LOCAL PLANNING PANEL MEETING-07 NOVEMBER 2024

RECOMMENDATION

That the Minutes of the Georges River Local Planning Panel Meeting held on 07 November 2024, be confirmed.

The meeting concluded at 5.33 pm.



Donna Rygate
Chairperson



Judith Clark
Expert Panel Member




Brian Kirk
Expert Panel Member




Georgia Kissa
Community Representative

Declaration of Interest Georges River Local Planning Panel

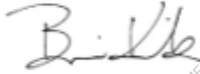
Panel Member Name:	Donna Rygate
Meeting Date:	7 November 2024
Item Numbers:	<ul style="list-style-type: none"> • LPP050-24 – 47 Woodlands Avenue Lugarno
In relation to the matters on this agenda, I declare that I have:	<input checked="" type="checkbox"/> No known conflict of interest
In relation to item 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.	

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Declaration of Interest Georges River Local Planning Panel


Panel Member Name:	Judith Clark
Meeting Date:	7 November 2024
Item Numbers:	<ul style="list-style-type: none"> LPP050-24 – 47 Woodlands Avenue Lugarno
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:	Biran Kirk
Meeting Date:	7 November 2024
Item Numbers:	<ul style="list-style-type: none"> LPP050-24 – 47 Woodlands Avenue Lugarno
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:	Georgia Kissa
Meeting Date:	7 November 2024
Item Numbers:	<ul style="list-style-type: none"> LPP050-24 – 47 Woodlands Avenue Lugarno
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	Georgia Kissa
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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