



## **GEORGES RIVER INDEPENDENT HEARING ASSESSMENT PANEL (IHAP)**

Minutes of a Meeting of the Georges River Independent Hearing and Assessment Panel held on Thursday, 15 June 2017 at MARANA AUDITORIUM, CIVIC CENTRE, HURSTVILLE.

Commencing at 4.00PM

### **COMMITTEE MEMBERSHIP**

#### **Participants:**

Mr Paul Vergotis (Chairman)  
Ms Gabrielle Morrish (Panel Member)  
Ms Juliet Grant (Panel Member)  
Mr George Vardas (Community Representative)

#### **Additional Invitees:**

Meryl Bishop (Director - Environment and Planning)  
Tina Christy (Manager - Development and Building)  
Cathy Mercer (Admin Assistant)  
Monica Wernej (Admin Assistant)

### **1. APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST**

There were no apologies received

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Juliet Grant declared a conflict of interest in relation to Item 3.2 45 Princes Highway Kogarah.

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### **2. PUBLIC SPEAKERS**

The meeting commenced at 4.00pm and at the invitation of the Chair, registered speakers were invited to address the panel on the items listed below.

The public speakers concluded at 4.22pm and the IHAP Panel proceeded into Closed Session to deliberate the items listed below.

### **3. GEORGES RIVER INDEPENDENT HEARING AND ASSESSMENT PANEL REPORTS**

#### **3.1 76 Scott Street Mortdale**

**Speaker:**

- Stuart Stoker (Objector)
- Matthew Robinson (Objector)
- Adrian Zenere (Applicant/Architect)

**Voting of the Panel Members:**

The decision of the Panel was unanimous.

**Determination**

Approval:

The Georges River Council IHAP as the delegate of the Georges River Council determines Development Application No DA2016/0090 for the demolition of existing structures and construction of a child care centre for 40 children at 76 Scott Street, Mortdale, by granting consent to the application subject to the conditions recommended in the report submitted to the IHAP meeting of 15 June 2017 with the addition of the following conditions:

1. The polycarbonate fence proposed to the front street boundaries of Scott Street and the corner of Breakwell Street is to be setback a minimum of 800mm from the street boundary to reduce the visual impact on the adjacent streetscape. Details to be submitted with the Construction Certificate.

Note: This amendment may result in a reduction of the floor area of the child care centre to meet the requirements for outside play area.

2. The polycarbonate fence proposed to the western side boundary adjacent to 78 Scott Street is to be provided with a minimum 1m x 1m splay at the corner with Scott Street to enhance sight lines from the adjoining driveway. Details to be submitted with the Construction Certificate.

Note: This amendment may result in a reduction of the floor area of the child care centre to meet the requirements for outside play area.

3. The acoustic fence proposed to the eastern side boundary adjacent to 14 Breakwell Street is to be provided with a minimum 1m x 1m splay at the corner with Breakwell Street to enhance sight lines from the adjoining driveway. Details to be submitted with the Construction Certificate.

Note: This amendment may result in a reduction of the floor area of the child care centre to meet the requirements for outside play area.

4. Delivery vehicles are limited to the hours of 10.00am to 2.00pm Monday to Friday excluding Public Holidays.



Paul Vergotis  
**Chairperson**

### **3.2 45 Princes Highway Kogarah**

#### **Speaker:**

- No speakers registered

#### **Voting of the Panel Members:**

Juliet Grant declared an interest and took no part in the decision making. The decision of the remaining Panel was unanimous.

#### **Determination**

##### Refusal

The Georges River Council IHAP as the delegate of the Georges River Council determines that Development Application No DA2016/0183 for the demolition of existing buildings and construction of a ten (10) storey mixed use development consisting of ground floor tenancy and fifty five (55) residential apartments with basement car parking at 45 Princes Highway, Kogarah, be refused for the following reasons:

1. Pursuant to Section 79C 1(a) (1) (iii) of the *Environmental Planning and Assessment Act, 1979* (NSW) the proposal:
  - (i) Is non-compliant with the provisions of State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Development).
  - (ii) Is non-compliant with Clause 4.3 Height of Buildings and Clause 4.4 Floor Space Ratio of the Kogarah Local Environmental Plan (amendment 2) dated 26 May 2017.
  - (iii) Is non-compliant with the setback provisions in Clause 2.2.2.4 Section D of Kogarah Development Control Plan 2013.
2. Pursuant to Section 79C (1) (b) and (c) of the *Environmental Planning and Assessment Act, 1979* (NSW) the proposal:
  - (i) Is inconsistent with the provisions of the draft Kogarah North Urban Design Strategy in respect of:

- Street setbacks on Regent Street and Princes Highway.
  - Upper floor setbacks resulting in unacceptable bulk and scale.
  - Impact on the public domain.
- (ii) Has adverse impacts on the amenity of adjoining properties located to the south and west of the site due to the lack of side setbacks.
- (iii) Has a design that results in:
- Inadequate cross ventilation.
  - Poor relationship of the retail space to the street.
  - Inadequate outlook, light and air flow to habitable rooms.
- (iv) Is non-compliant with the Apartment Design Guide including building separation, setbacks, bulk, scale and amenity
3. Pursuant to Section 79C (1) (e) of the *Environmental Planning and Assessment Act, 1979* (NSW) the proposal is not considered to be in the public interest.



Paul Vergotis  
**Chairperson**

**3.3 56 Llewellyn Street Oatley**  
**Speaker:**

- Robert Ursino (Applicant/Architect)

**Voting of the Panel Members:**

The decision of the Panel was unanimous.

**Determination**

Approval:

1. That the written request made under CI4.6 of the Hurstville Local Environmental Plan 2012 seeking to justify a contravention of the height development standard under CI4.3

of the Hurstville Local Environmental Plan 2012 is upheld as:

- a) Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and
  - b) There are sufficient environmental planning grounds to justify contravention of the development standard.
2. The Georges River Council IHAP as the delegate of the Georges River Council determines Development Application No DA2016/0280 for the demolition of existing dwelling and construction of a three storey split level dwelling with swimming pool to rear at 56 Llewellyn Street, Oatley, by granting consent to the application subject to the following conditions recommended in the report submitted to the IHAP meeting of 15 June 2017 except;
- a) Condition No 19 – change the number of trees from eight (8) trees to four (4) trees.



Paul Vergotis  
**Chairperson**

#### **4. CONFIRMATION OF MINUTES BY CHAIR**

#### **GEORGES RIVER INDEPENDENT HEARING ASSESSMENT PANEL (IHAP) - 15 JUNE 2017**

That the Minutes of the Georges River Independent Hearing Assessment Panel (IHAP) held on 15 June 2017 were confirmed.

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The meeting concluded at 5.10 pm.



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Paul Vergotis  
**Chairperson**