



# GEORGES RIVER COUNCIL

## ENVIRONMENT AND PLANNING COMMITTEE

### MINUTES OF MEETING Monday, 09 October 2017

#### **Present**

##### **Council Members**

Councillor Stephen Agius  
Councillor Con Hindi  
Councillor Rita Kastanias (arrived 6.14pm)  
Councillor Nick Katris (Chair)  
Councillor Leesha Payor

##### **Council Staff**

Director Environment and Planning, Ms Meryl Bishop  
Manager Strategic Planning, Ms Catherine McMahon  
Acting Manager Development and Building, Ms Laura Locke  
Executive Assistant to Director Environment and Planning, Ms Lynne Denham

#### **Opening**

The Chair, Councillor Katris, opened the meeting at 6:10pm.

#### **Apologies**

An apology was received on behalf of Councillor Kathryn Landsberry.

#### **Disclosure of Interest**

There were no disclosures of interest.

#### **Public address to the meeting**

##### **Procedural Motion**

**Recommendation:** Councillor Agius and Councillor Hindi

Standing orders be suspended in order to allow registered speakers to address the Committee.

#### **Record of Voting**

For the Motion: Unanimous

Name	Agenda item
Mr James Harrison	<b>ENV002-17</b> Planning Proposal (PP17/42) – 73 Vista Street, San Souci

### Minutes of previous meetings

NIL

### Committee Reports

**ENV001-17 Planning Proposal PP2017/0001 - 84D Roberts Avenue, Mortdale**  
(Report by Coordinator Strategic Planning)

**Recommendation:** Councillor Katris and Councillor Agius

- (a) That Council endorse the Planning Proposal to amend Hurstville Local Environmental Plan 2012 by way of a Schedule 1 amendment to permit the uses of retail premises, bulky goods premises and centre-based child care facility, in relation to 84D Roberts Avenue (legally known as Lot 21 DP 542051).
- (b) That Council endorse the Planning Proposal to be forwarded to the delegate of the Greater Sydney Commission for a Gateway Determination under Section 56 of the Environmental Planning and Assessment Act 1979.

### Record of Voting:

For the Motion: Unanimous

**ENV002-17 Planning Proposal (PP17/42) - Nos 73 Vista Street, Sans Souci**  
(Report by Coordinator Strategic Planning)

**Recommendation:** Councillor Hindi and Councillor Payor

- (a) That Council not support the Planning Proposal to amend Kogarah Local Environmental Plan 2012 (“Kogarah LEP 2012”) in relation to Lots 1 DP320605, Lot 1 DP1115986, Lot 392 DP752056 and Lot 489 DP752056 known as No 73 Vista Street, Sans Souci for the following reasons:
  - (i) The height and density proposed on the subject site is inconsistent with the Seniors Housing SEPP, Clause 6.8 of Kogarah LEP 2012, the former Kogarah Council’s endorsed Housing Strategy and the objectives of the R2 Low Density Residential zone in the recently gazetted Kogarah LEP 2012 (Amendment No 2); and
  - (ii) The proposed development resulting from the Planning Proposal is inappropriate in terms of built form, scale and density and will be out of context with the character of the immediate locality when viewed both from Vista Street and the Georges River foreshore; and
  - (iii) There is inadequate justification provided in the documentation submitted with the Planning Proposal to support the increased height and density on the subject site; and
  - (iv) The outcomes of the Planning Proposal do not have strategic merit and the development, as proposed is inconsistent with the Strategic Merit Test as outlined in the NSW Department of Planning’s Rezoning Reviews (August 2016); and

- (v) The Department of Planning does not support the use of prescriptive **Schedule 1** Amendments such as that proposed in the Planning Proposal.
- (b) That for the reasons outlined in (a) above, the Council not forward the Planning Proposal to the delegate of the Greater Sydney Commission for a Gateway Determination under Section 55 and 56 of the Environmental Planning and Assessment Act 1979.

### **Record of Voting:**

For the Motion: Unanimous

### **ENV003-17 Planning Proposal PP2015 0006 37-41 Treacy Street, Hurstville Treacy Street Car Park - Gateway Determination** (Report by Manager Strategic Planning)

**Recommendation:** Councillor Katris and Councillor Hindi

- (a) That Council note the conditions of the NSW Department of Planning and Environment's Gateway Determination for Planning Proposal PP2015/0006 (Planning Proposal) for 37-41 Treacy Street, Hurstville (Treacy Street Car Park Land);
- (b) That should the NSW Department of Planning and Environment indicate that the Minister for Planning is willing to enter into a Voluntary Planning Agreement in respect of the Planning Proposal, that Council:
  - (i) Endorse the preparation of a draft Voluntary Planning Agreement between Council and the Minister for Planning, which is to meet the provisions of the Georges River Council Policy on Voluntary Planning Agreements and including the provision of public car parking spaces (to be determined at a workshop by Councillors) and the provision of Gross Floor Area for residential purposes of any development, for affordable housing (to be determined at a workshop by Councillors);
  - (ii) Forward the draft Voluntary Planning Agreement to the Minister for Planning with an irrevocable offer to enter into the Voluntary Planning Agreement prior to the public exhibition and the making of the Planning Proposal;
  - (iii) Publicly exhibit both the draft Voluntary Planning Agreement and the Planning Proposal;
  - (iv) Delegate to the General Manager the authority to negotiate the final terms of, and execute the Voluntary Planning Agreement, following public exhibition, at the General Manager's discretion, provided the VPA contains the requirements in clause (b)(i); and
  - (v) Register the Voluntary Planning Agreement on the title of the Treacy Street Car Park Land as soon as practicable after the Planning Proposal has been made.
- (c) That should the NSW Department of Planning and Environment indicate that the Minister for Planning is not willing to enter into a Voluntary Planning Agreement in respect of the Planning Proposal, that Council defer the matter so that Council Officers can prepare a report on the following for further consideration by Councillors:

The legal ramifications and possibility of:

- (i) Placing of a covenant on title of the land which requires that public car parking spaces; affordable housing floor area; and any other public benefits necessary to address the impacts of the development;
- (ii) Modifying Clause 1.9A of Hurstville LEP 2012 so that the suspension of covenants, agreements and instruments does not apply to Council owned land and whether Clause 1.9A(2)(a) is adequate enough to cover this aspect of suspension of covenants;
- (iii) Preparing a site specific DCP to require controls for building form and design excellence, and including the provision of public car parking spaces (to be determined at a workshop by Councillors) and the provision of Gross Floor Area for residential purposes of any development, for affordable housing (to be determined at a workshop by Councillors).

### **Record of Voting:**

For the Motion: Unanimous

### **ENV004-17 Summary of Development Applications Lodged and Determined (Report by Team Leader Major Projects)**

**Recommendation:** Councillor Hindi and Councillor Kastanias

That the information on development applications lodged and determined for May 2017 to September 2017 be received and noted.

### **Conclusion**

The Meeting was closed at 6.48pm

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Chairperson