



GEORGES RIVER COUNCIL

LOCAL PLANNING PANEL

MINUTES OF MEETING Monday, 3 September 2018

COMMITTEE MEMBERSHIP

Panel Members:

Ms Sue Francis (Chairperson)
Mr Michael Leavey (Expert Panel Member)
Ms Juliet Grant (Expert Panel Member)
Mr George Vardas (Community Representative)
Mr Paul Vergotis (Alternate Chairperson for Item LPP037-18)

Council Staff:

Meryl Bishop (Director Environment and Planning)
Ryan Cole (Manager Development and Building)
Nicole Askew (Coordinator Development Assessment)
Cathy Mercer (Team Leader DA Administration)
Monica Wernej (DA Admin Assistant)

1. APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

There were no apologies received

Sue Francis and Juliet Grant declared an interest in Item LPP037-18 – 621-635 Princes Highway Blakehurst, and took no part in the discussions or determination of this item.

The 'Disclosure of Pecuniary Interest and Other Matters' forms for all Georges River Local Planning Panel members were tabled and accepted, in accordance with the LPP Code of Conduct requirements. Following submission to Council the form will be placed on Council's website.

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 4.30pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

LPP033-18 266 Belmore Road Riverwood (Report by Development Assessment Planner)

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

Speakers

No speakers registered for this item.

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Approval

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2017/0418 for the construction of a fixed shade structure within and upon Council's footpath at 266 Belmore Road, Riverwood, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 3 September 2018 except;

Section A - Development Details

1. DEV6.1 - **Approved Plans** - The development 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	Prepared by
Outdoor Seating Details	A 001	05.04.2017	Ahmed Jadid

Section B - Separate Approvals Required Under Other Legislation

2. APR7.2 - **Section 138 Roads Act 1993 and Section 68 Local Government Act 1993** - Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993 for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) Placing or storing materials or equipment;

- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (eg Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve;
- (k) Stormwater and ancillary to public infrastructure on private land; and
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council’s roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council’s website www.georgesriver.nsw.gov.au. For further information, please contact Council’s Customer Service Centre on (02) 9330 6400.

Section C - Prior to the Issue of a Construction Certificate

3. **Outdoor Dining Approval** - Prior to the issue of the construction certificate, approval for outdoor dining is to be obtained and maintained with relevant lease fees paid from Council under the Roads Act / Local Government Act.
4. **CC9.91 - Public Space Approval** - Prior to the issue of the construction certificate, an outdoor dining application should be lodged and approved by Council as per Council’s Public Spaces Local Approvals Policy (Activities on Public Land- Roads and Footpaths).
5. **Removable Structure** - Prior to the issue of the construction certificate, details are to be submitted to the PCA, clearly showing the structure to be made removable with minimal damage to Council footway/land.
6. **Removable Structure** - Prior to the issue of the construction certificate, details of the colours, materials and finishes, including a pallet board are to be submitted to Council for approval. These shall include:
 - a) vertical matt black poles/posts
 - b) black mesh material for the roof
 - c) the barrier shall be black framed with non-reflective surfaces and permeable with no advertising
 - d) all materials shall be colour coated on manufacture
 - e) Stormwater is to be connected to the street gutter network
7. **CC9.12 - Required design changes** - The following changes are required to be made and shown on the Construction Certificate plans:
 - (a) The four (4) planter boxes as shown on the proposed footpath layout as per Outdoor Seating Details Plan (A 001; 05.04.2017) are to be deleted.

8. **CC9.1 - Fees to be paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.georgesriver.nsw.gov.au).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable).

A summary of the fees to be paid are listed below:

Fee Type	Fee
GENERAL FEES	
Builders Damage Deposit	\$1,900.00
Inspection Fee for Refund of Damage Deposit	\$150.00

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Section 94 Development Contributions Plan.

Further Information

A copy of the *all current Development Contributions Plans* may be inspected or a copy purchased at Council's offices (Georges River Civic Centre, MacMahon Street, Hurstville and Kogarah Library and Service Centre, Kogarah Town Square, Belgrave Street, Kogarah) or viewed on Council's website www.georgesriver.nsw.gov.au.

9. **CC9.4 - Damage Deposit - Minor Works** - In order to insure against damage to Council property the following is required:

(a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$1,900.00**

(b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: **\$150.00**

(c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

10. **CC9.6 - Site Management Plan** - A Site Management Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.
11. **CC9.87 - Tree Protection and Retention** - The following trees shall be retained and protected:
 - (a) Existing street tree located on the Council footpath as shown on the proposed footpath layout as per Outdoor Seating Details Plan (A 001; 05.04.2017).

Details of the trees to be retained must be included on the Construction Certificate plans.
Note: No trees are to be removed or pruned without the prior approval of Council.

12. **CC9.78 - Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Section D - Prior to the Commencement of Work (Including Demolition & Excavation)

13. **PREC10.10 - Dial before your dig** - The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to Council's Engineers for their records.

Section E - During Construction

14. **CON11.2 - Hours of construction for demolition and building work** - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Note: A penalty infringement notice may be issued for any offence.

15. **CON11.13 - Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.
16. **CON11.21 - Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

Section F - Operational Conditions (Ongoing)

17. **ONG14.12 - Noise Control** - The use of the premises must not give rise to the transmission of offensive noise. Offensive noise is defined in the Protection of the Environment Operations Act 1997 (as amended).

- ONG14.48 - Smoking Area - Smoke Free Compliance** - The subject development consent issued by Council does not imply or otherwise verify compliance with the Smoke-Free Environment Act 2000 and/or the Smoke-Free Environment Regulation 2016. The applicant and/or owner of the premises should seek their own legal advice as to compliance with Act and/or Regulation if proprietors of the premises intend allowing smoking in any area of the premises, including that area subject of this consent.

18. **ONG14.68 - Maximum outdoor seating limit** - The outdoor seating area(s) must not accommodate seating for more than that approved by the Outdoor Seating Application.

19. **ONG14.25 - Outdoor Lighting** - To avoid annoyance to the occupants of adjoining premises or glare to motorist on nearby roads, outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.

20. **ONG14.27 - Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

Section G - Operational Requirements Under the Environmental Planning & Assessment Act 1979

21. **Ownership of Awning** – Upon completion of the enclosed awning structure, the structure in its entirety will become the property of Georges River Council.

22. **OPER15.1 - Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.

23. **OPER15.2 - Appointment of a PCA** - The erection of a building must not commence until the applicant has:
 - (a) appointed a PCA for the building work; and
 - (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the PCA of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

An Information Pack is attached for your convenience should you wish to appoint

Georges River Council as the PCA for your development.

24. **OPER15.3 - Notification Requirements of PCA** - No later than two days before the building work commences, the PCA must notify:
- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
 - (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

25. **OPER15.4 - Notice of Commencement** - The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building.

A Notice of Commencement Form is attached for your convenience.

26. **OPER15.7 - Critical Stage Inspections** - The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.

27. **OPER15.8 - Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

Where Georges River Council has been appointed as the PCA, 48 hours notice in writing, or alternatively 24 hours notice by facsimile or telephone, must be given when specified work requiring inspection has been completed.

28. **OPER15.9 - Occupation Certificate** - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

Only the PCA appointed for the building work can issue the Occupation Certificate.

An Occupation Certificate Application Form is attached for your convenience.

Section H - Prescribed Conditions

29. **PRE16.2 - Clause 98 - Building Code of Australia** - Requires all building work to be carried out in accordance with the Building Code of Australia/National Construction Code.
30. **PRE16.3 - Clause 98A - Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.

Section I - Advice

31. **ADV17.5 - Security deposit administration & compliance fee** - Under Section 97 (5) of the Local Government Act 1993, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is \$50.00 plus 2% of the bond amount per annum.

The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

32. **ADV17.7 - Council as PCA - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the PCA in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative fire solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.
33. **ADV17.13 - Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

Statement of Reasons

- To enhance the character of the centre by contributing to the liveliness of the streets and outdoor places.
- The proposal provides a pleasant outdoor eating environment with minimal disturbance to pedestrian circulation.
- The proposed development, subject to the recommended conditions, will have no unacceptable adverse impacts upon the natural or built environments; and
- In consideration of the aforementioned reasons, the proposed development is a suitable and planned use of the site and its approval is in the public interest.

LPP034-18 37 Gungah Bay Road Oatley (Report by Independent Assessment)

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

Speakers

No speakers registered for this item.

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Approval

Pursuant to Section 4.55 (1A) of the Environmental Planning and Assessment Act 1979, as amended, Development Consent No. DA2017/0573 is modified to permit siting the approved dwelling a further 0.62m to the south at 37 Gungah Bay Road, Oatley in MOD2018/0089 subject to the conditions as shown recommended in the report submitted to the LPP meeting of 3 September 2018.

Statement of Reasons

- The proposed development allows for the orderly and economic development of the site by minimising obstruction of the right of way;
- The proposed development does not create additional impacts on adjacent properties; and
- In consideration of the aforementioned reasons, the proposed development is a suitable and planned use of the site and its approval is in the public interest.

LPP035-18 5A Algernon Street Oatley (Report by Independent Assessment)

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

Speakers

- Robert Atkins (submitter)
- Nimal Ratnayake (submitter)
- Mounzer Mortada (architect/applicant)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Approval

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2017/0573 for the demolition of existing structures and construction of an attached dual occupancy including a swimming pool and modified front fence at 5A Algernon Street, Oatley, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 3 September 2018 except;

1. Delete Condition 12(b).
2. Amend 12(d) to read as follows:

Referring to Stormwater Concept Plan dated 23 April 2018. Issue A and prepared by KD Stormwater Pty Ltd, design changes are required and shown on the Construction Certificate plans.

- i. The entire driveway area shall be designed and connected to a grated box drainage system and silt arrestor pit.
- ii. Rainwater tank details including water supply distribution configurations.

Statement of Reasons

1. The proposed development is considered to be an appropriate scale and form for the site and the character of the locality and having regard to the existing large dwelling houses in the vicinity;
2. The proposed development, subject to the recommended conditions and having regard to privacy screening and obscured glazing, will have no unacceptable adverse impacts upon the natural or built environments; and
3. In consideration of the aforementioned reasons, the proposed development is a suitable and planned use of the site and its approval is in the public interest.

LPP036-18 74-78 Carwar Avenue Carss Park (Report by Development Assessment Planner)

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

Speakers

- John McCormack (submitter)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Approval

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2017/0256 for the minor works including a new retractable awning and paving, increase in seating and trading hours to existing café within Carss Park (Carss Park Café and Grill) at 74-78 Carwar Avenue, Carss Park, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 3 September 2018 except;

1. Amend Condition 12 to read as follows:

The hours of operation shall be 6.30am to 11.00pm every day.

2. Amend Condition 17 to read as follows:

Licensed Premises - Noise Levels - The LA10 noise level emitted from the premises, measured during opening hours, is not to exceed the background noise level in any octave band frequency (centred on 31.5Hz to 8 kHz inclusive) by more than 5 dB, when measured at the boundary of any adjoining residence.

3. Amend Schedule B to exclude first two explanatory paragraphs and to delete Conditions 20 and 22.

Statement of Reasons

- The proposed development is considered to provide a public amenity specifically to uses of the park and foreshore not inconsistent with the Plan of Management.
- The distance of the proposal from adjoining residential properties is sufficient to ensure appropriate amenity is maintained.
- The proposed development, subject to the recommended conditions, will have no unacceptable adverse impacts upon the natural or built environments;
- In consideration of the aforementioned reasons, the proposed development is a suitable and planned use of the site and its approval is in the public interest.

LPP037-18 621-635 Princes Highway Blakehurst (Report by Independent Assessment)

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

Declaration of Interest

Sue Francis and Juliet Grant declared an interest in Item LPP037-18 – 621-635 Princes Highway Blakehurst, and took no part in the discussions or determination of this item. Paul Vergotis filled in as Chairperson for this item to ensure there was a quorum.

Speakers

- Stephen Kerr (on behalf of 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, Development Consent No. DA2016/157 granted on 11 May 2017 is modified to permit for the demolition of the existing building and construction of a seven storey mixed use building incorporating internal and external modifications to the existing approved mixed use development including an additional residential level at 621-635 Princes Highway, Blakehurst, under modification No. MOD2017/0166 subject to the following conditions:

SECTION B

Condition (5) be amended to delete the following:

(5) Section 94 Contributions

As at the date of Development Consent the following contributions have been levied on the subject development under Section 94 of the Environmental Planning and Assessment Act, 1979 and the nominated Section 94 Contributions Plans:

No.1 – Roads and Traffic Management – Residential \$ 838.04
 No.5 – Open Space 2007 \$373,747.87
 No.9 – Kogarah Libraries – Buildings \$ 8,470.34
 No.9 – Kogarah Libraries – Books \$ 6,039.00
 TOTAL \$389,095.47

Any of the above Section 94 Contributions Plans may be inspected at the Georges River Council Customer Service Centres.

Revised Section 7.11 calculations are to be inserted.

(This condition is modified as part of MOD2017/0166 (DA157/2016))

And replace with the following:

(5) Section 7.11 Contributions

As at the date of Development Consent the following contributions have been levied on the subject development under Section 7.11 of the Environmental Planning and Assessment Act, 1979 and the nominated Section 94 Contributions Plans:

Contribution Plan	Description	Section 7.11 contributions assessed on MOD2017/0166	Amount paid as part of original DA consent – DA2016/157	Section 7.11 contributions payable
Plan No. 1	Road and traffic management - residential	\$905.28	\$883.96	\$21.32
Plan No. 5	Open Space - 2006	\$433,556.72	\$393506.40	\$40,050.34
Plan No. 9	Kogarah libraries - buildings component	\$9,737.27	\$8918.05	\$819.22
Plan No. 9	Kogarah libraries - books component	\$6,942.60	\$6358.54	\$584.06
Total Section 7.11 Contributions to be paid				\$41,474.94

Any of the above Section 94 Contributions Plans may be inspected at the Georges River Council Customer Service Centres.

(This condition is modified as part of MOD2017/0166 (DA157/2016))

The BASIX condition to be updated in the following manner:

SECTION D – Construction and Operational Conditions

Condition (57) be replaced with the following:

(57) BASIX Certificate Details – DA Only

Construction of building works given Development Consent must be carried out in accordance with BASIX certificate 955867M dated 24 August 2018 prepared by Eco Certificates Pty Ltd and all required commitments must be satisfied.

(This condition is modified as part of MOD2017/0166 (DA157/2016))

Statement of Reasons

- The Panel, after reviewing the modified plans considered the application to be an appropriate scale and form for the site and the character of the locality;
- The proposed development, subject to the recommended conditions, will have no unacceptable adverse impacts upon the natural or built environments; and
- In consideration of the aforementioned reasons, the proposed development is a suitable and planned use of the site and its approval is in the public interest.

4. CONFIRMATION OF MINUTES

The meeting concluded at 5.38pm



Sue Francis (for Items 33-36)
Chairperson



Juliet Grant (for items 33-36)
Expert Panel Member



Michael Leavey (for all Items)
Expert Panel Member



George Vardas (for all Items)
Community Representative

A handwritten signature in black ink, appearing to read 'Paul Vergotis', is positioned in the upper left quadrant of the page.

Paul Vergotis (for Item 37)
Alternate Chairperson