



GEORGES RIVER COUNCIL

LOCAL PLANNING PANEL

MINUTES OF MEETING Thursday, 18 October 2018

COMMITTEE MEMBERSHIP

Panel Members:

Ms Paul Vergotis (Chairperson)
Ms Helen Deegan (Expert Panel Member)
Mr John Brockhoff (Expert Panel Member)
Ms Annette Ruhotas (Community Representative)

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

Helen Deegan declared a non-pecuniary interest in Item LLP050-18 64 Algernon Street Oatley and left the chamber and took no active part in the matter.

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 4.48pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

LPP049-18 29 Barry Avenue Mortdale
(Report by Development Assessment Planner)

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

Speakers

- Jim Athos (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. DA2017/0567 for the use of existing warehouse as a place of public worship - church at 29 Barry Avenue, Mortdale, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 18 October 2018 except;

1. Amend Condition 5 to read as follows:

5. **Plan of Management** - A Plan of Management in relation to car parking, shall be submitted to Council for consideration and approval prior to the issue of any **Construction Certificate**. The Plan of Management shall include full details in relation to the following matters:

- A minimum of six (6) car spaces are to be provided on-site for the proposed development.
- Details on how it is intended to ensure that all required car spaces are to be made available for the proposed development.
- Details on how arrangements are to be made for access to be provided to any car space that may from time to time be blocked by another car space (such as use of loading area car spaces that may block external car spaces).
- Any other relevant matter related to the provision of on-site car parking.
- Noise management strategies as per the approved acoustic report listed in this consent.
- Set up of a complaints management procedure for the neighbours.
- Provision of appropriate signage in relation to behaviour of attendees to the place of worship.

2. Amend Condition 13 to read as follows:

13. **Hours of operation** - The approved hours of operation shall be restricted to the following:

Sunday	Church service between 9.00am and 2.00pm (maximum sixty (60) persons attending) – in addition to half hour before and after
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operating times for administration and set up.

Wednesday: Bible Study between 8.00pm and 9.30pm (maximum fifteen (15) persons attending) – in addition to half hour before and after operating times for administration and set up.

3. Insert Condition 1A to read as follows:

1A. This development consent is operable for a period of two (2) years as a trial period only from the date of consent. Prior to the cessation of the two (2) years, a modification application would need to be submitted to demonstrate that the land use is adequately managed in terms of noise, traffic management and onsite car parking.

Statement of Reasons

1. The proposed development is permissible within the zoning of the site under the Hurstville Local Environmental Plan 2012.
2. The proposal will not impede the objectives of the applicable environmental planning instruments, being Hurstville Local Environmental Plan 2012 being achieved.
3. The proposed development is considered to be of an appropriate scale for the site and character of the locality, subject to conditions to protect the surrounding amenity.
4. In consideration of the aforementioned reasons, the proposed development is a suitable response to the site and its approval is in the public interest.
5. Revised conditions as detailed above in relation to onsite car parking and attendee numbers to a maximum of sixty (60) persons have been reduced to uphold the amenity of the neighbourhood.

LPP050-18 64 Algernon Street Oatley (Report by Team Leader Development Assessment)

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

Speakers

- Tony Robb (on behalf of applicant)
- Zen Younes (owner)

Voting of the Panel Members

Helen Deegan declared a non-pecuniary interest in Item LLP050-18 64 Algernon Street Oatley and left the chamber and took no active part in the matter. The decision of the remaining members of the Panel was unanimous.

Determination

Refusal

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2017/0528 for the alterations and additions to dwelling house at 64 Algernon Street, Oatley, is determined by **refusal** for the following reasons:

1. Clause 4.3 Height of Buildings – The building height of the proposed development exceeds the 9m maximum shown for the land on the Height of Buildings Map. The proposal has an unacceptable visual impact and scale. Additionally the non-compliant building height facilitates private open space areas which result in an unreasonable loss of privacy to adjoining properties and private open space areas.

The survey includes insufficient levels to accurately determine the building height of the proposed development, namely the existing ground levels located beneath the current undercroft areas of the building.

2. Clause 4.4A Floor Space Ratio – The floor space ratio of the proposed development exceeds the maximum floor space ratio permitted for residential development within the Zone R2 Low Density Residential. The proposed development does not have regard to the gross floor area of the boat shed which is above the mean high water mark. The proposed development has an unacceptable bulk and scale across the site. The omission of the gross floor area of the boatshed from the floor space ratio calculations contributes to an overdevelopment of the site.
3. The additional gross floor area proposed above the floor space ratio development standard gives rise to overlooking of adjoining properties to the east from the master bedroom.
4. The balconies are excessive in floor area and their southern projection contributes to the breach in building height and the excessive bulk and scale of the proposed development.
5. The addition of privacy screens to the side elevations of the proposed balconies will result in an unacceptable increase in bulk and scale of the building when viewed from the adjoining properties and the waterway area. Further, the addition of the privacy screens to the proposed balconies will result in an obstruction to existing view corridors from the adjoining properties to the waterway area.
6. The amended proposal has failed to provide a landscape scheme for the rear of the development which demonstrates how the development integrates with the unbuilt upon areas of the site. There is also no adequate screening of the built form or the exposed undercrofts when viewed from the waterway, adjoining properties and the opposite foreshore of the Georges River.
7. The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the following objectives and provisions of Part C1 – Low Density Housing of the Kogarah Development Control Plan 2012:
 - i) Section 1.2.1(4) and (6) 'Floor space requirements';
 - ii) Section 1.2.2(1) and (3) 'Building Height';
 - iii) Section 1.5.1(2), (3), (4), (5) and (6) 'Visual Privacy'
 - iv) Section 1.6(1), (3), (4) and (5) 'Solar Access'.

8. The proposed development is unsatisfactory, pursuant to the provisions of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the following objectives and provisions of Part C3 – Foreshore and Waterfront Development of the Kogarah Development Control Plan 2012:
 - i) Section 6.9(2) 'Inclinators and stairs'

The proposed inclinator will be visually prominent by virtue of its connection to the lower ground floor balcony and has been unsympathetically designed having regard to the site topography.
9. The cumulative visual impacts of the proposed development are considered unsatisfactory having regard to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 when considering the suitability of the development on this site.
10. Pursuant to Schedule 1 Part 1, of the Environmental Planning and Assessment Regulation 2000, (Development Applications Clause 2 - Documents to accompany a development application 2(d)) insufficient information has been provided in relation to existing levels of the land and the buildings to enable a proper assessment of the development application.
11. The proposed development would not be in the public interest and contrary to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

Statement of Reason

A deferral of the development application would not provide an opportunity to address the shortcomings of the design of the proposed alterations and additions. The Panel considers that a design concept that is more sympathetic to the site contours, site constraints and locality context would result in a development that was consistent with the aims and objectives of the Residential R2 Zone of the Kogarah Local Environmental Plan 2012.

LPP051-18 8 Park Road Hurstville (Report by Senior Development Assessment Planner)

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

Speakers

- Russell Olsson (architect)
- Brett Daintry (planner)
- Darren Kong (architect)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Approval

The Panel is satisfied that:

1. The applicants written request under Clause 4.6 of the Hurstville Local Environmental Plan 2012 seeking to justify a contravention of the building height development standard has adequately addressed and demonstrated that:
 - (a) Compliance with the standard is unreasonable or unnecessary in the circumstances of the case; and
 - (b) There are sufficient environmental planning grounds to justify the contravention.
2. The proposed development will be in the public interest because it is consistent with the objectives of the standards and the objectives for development within the zone in which the development is proposed to be carried out.

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No DA2017/0660 for the demolition and construction of an 8 storey mixed use development comprising 19 apartments, 2 commercial tenancies and basement parking for 18 vehicles at 8 Park Road, Hurstville, is determined by **granting deferred commencement consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 18 October 2018 except;

1. Insert Condition 45A to read as follows:

45A. **Surrender of Consent** – Pursuant to Section 6.6 of the Environmental Planning and Assessment Act 1979, the person who has the benefit of this approval and prior to the issue of a Notice of Commencement to Council, Development Consent No. 2014/1154 issued for demolition, and construction of a mixed use development on the subject site shall be surrendered pursuant to Section 4.63 of the Environmental Planning and Assessment Act 1979.

Details are to be submitted to the satisfaction of the PCA.

Statement of Reasons

- The proposed development is considered 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.
- 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.
- The Panel is supportive of the application as the proposed development provides a better built form than the previous consent issued for the site.

4. CONFIRMATION OF MINUTES

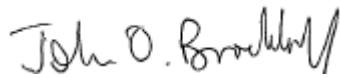
The meeting concluded at 6.34pm.



Paul Vergotis (for all items)
Chairperson



Helen Deegan (for items 49 and 51)
Expert Panel Member



John Brockhoff (for all items)
Expert Panel Member



Annette Ruhotas (for all items)
Community Representative