

MINUTES

Local Planning Panel – Extra Ordinary

Tuesday, 11 December 2018

4.00pm

Georges River Civic Centre,
Hurstville



COMMITTEE MEMBERSHIP

Panel Members:

Mr Paul Vergotis (Chairperson)
Mr John Brockhoff (Expert Panel Member)
Mr Cameron Jones (Community Representative)

Council Staff:

Meryl Bishop (Director Environment and Planning)
Ryan Cole (Manager Development and Building)
Nicole Askew (Coordinator Development Assessment)
Cathy Mercer (PA to Manager Development and Building)
Monica Wernej (Admin Assistant)

1. APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

There were no apologies received

There were no declarations of Conflicts of Interest

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 4.32pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

LPP058-18 301 Kingsgrove Road Kingsgrove
(Report by Development Assessment Planner)

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

Speakers

- Julieann Abihanna (objector)
- Laura Alessiandri (objector)
- Joe Salloum (applicant)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Refusal

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No DA2017/0487 for the demolition of all structures and construction of a two (2) storey child care centre for forty seven (47) children and basement car parking at 301 Kingsgrove Road, Kingsgrove, is determined by **refusal** for the following reasons:

1. The proposed development is unsatisfactory having regard to Section 4.15(b), 4.15(c), 4.15(d) and 4.15(e) of the *Environmental Planning and Assessment Act 1979* (NSW) in that the site is not suitable for the development and will have an adverse impact on the built environment for the reasons as follows:
 - (a) The capacity and subsequent additional traffic generation would have an adverse impact upon Vivienne Street which is classified as a Local Road and Kingsgrove Road which is a Local Collector Road.
 - (b) The width of Vivienne Street does not provide the required 3m travel lanes in both directions (as per the RMS Road Design Guide) when cars are parked on either side of the road therefore compromising vehicle and pedestrian safety when travelling on the carriageway and when accessing and egressing from the basement car park.
 - (c) The impact of the additional vehicles in the location during peak times without the additional signage is considered to be unsatisfactory and detrimental to pedestrian and vehicle movement in Vivienne Street as assessed by Council's Assets and Infrastructure Division. In addition there are no satisfactory operational management measures that have been provided to address the concern raised above.
 - (d) Removal of a significant street tree.

Statement of Reasons

The Panel having revisited the site, hearing submissions by resident objectors and the applicant together with reviewing material provided by both the objectors and the applicant, came to the conclusion that on balance the refusal of the development application was warranted in the circumstances of the case. The previous decision of the Panel requiring specific information about the potential traffic conflicts in Vivienne Street and Kingsgrove Road during the operation of the proposed child care centre and this was not adequately addressed. As a result the Panel believes that the traffic conflict and safety aspects of this proposed development is unsatisfactory.

LPP059-18 **27-33 Nielsen Avenue Carlton**
(Report by Development Assessment Planner)

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

Speakers

- Jim Apostolou (applicant)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Refusal

Pursuant to Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (NSW), as amended, Development Application No. MOD201/0085 for the modification of development consent DA2016/0212 to provide an additional one (1) bedroom apartment on the fourth level of a residential flat building at 27-33 Nielsen Avenue, Carlton, is determined by **refusal** for the following reasons:

1. Pursuant to sections 4.55(3) and 4.15(1)(i) the Panel is not satisfied with the proposed modification having regard to the exceedance of the height standard prescribed by Clause 4.3 of the Kogarah Local Environmental Plan 2012 without adequate justification why the building cannot comply with the standard.
2. Pursuant to sections 4.55(3) and 4.15(1)(i) the Panel is not satisfied with the proposed modification in relation to the configuration and amenity of proposed Unit 4.02 with regard to the provisions of State Environmental Planning Policy No 65 and Apartment Design Guide.

Statement of Reasons

The Panel having regard to the previous decision to grant development consent to the building subject to a condition requiring the deletion of a rooftop unit formed the view that the proposed modification to reinstate one of the rooftop units was contrary to the Panel's objective to ensure a satisfactory design outcome. This application if approved would result in an outcome contrary to the Panel's previous decision and the erection of a dwelling which would have poor internal amenity as well as resulting in a building with increase bulk and height.

LPP060-18 37 Junction Road Beverly Hills (Report by Development Assessment Planner)

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

Speakers

- William Karavelas (applicant)
- Bernard Moroz (on behalf of applicant)

Voting of the Panel Members

The decision of the Panel was unanimous.

Advice

Pursuant to Section 2.19(1)(c) of the *Environmental Planning and Assessment Act 1979* (NSW),

as amended, the Panel advises that the development the subject of Development Application No DA2018/0111 for the demolition of existing dwelling and construction of an attached dual occupancy development including landscaping, fencing and site works at 37 Junction Road, Beverly Hills, is satisfactory having regard to the reduced site width of less than 5% to the numerical standard in the Hurstville DCP and noting compliance with all other relevant planning controls.

LPP061-18 Delegation of Functions - Georges River Local Planning Panel to General Manager
(Report by Manager Development and Building)

Speakers

No speakers registered for this item.

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

THAT pursuant to s2.20(8) of the *Environmental Planning and Assessment Act 1979 (NSW)* (EPAA) the Georges River Local Planning Panel hereby delegates to the General Manager (whom may sub-delegate pursuant to s378 of the *Local Government Act 1993 (NSW)*) the following functions pursuant to s4.55 of the EPAA:

- (a) The assessment and determination of any application made pursuant to s4.55(1) and s4.55(1A) of the EPAA to modify a development consent.
- (b) The assessment and determination of any application made pursuant to s4.55(2) of the EPAA to modify a development consent except any application made pursuant to s4.55(2) which relates to a development consent granted by:
 - (i) The Local Planning Panel; or
 - (ii) The Land and Environment Court; or
 - (iii) Any other Consent Authority other than Council.

Statement of Reasons

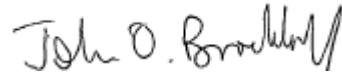
To ensure minor modification applications involving minimal environmental impact and other modification applications in specified circumstances are determined efficiently by the General Manager and her/his delegates with the exception of modification applications which relate to development consents granted by the Local Planning Panel, or the Land and Environment Court; or any other Consent Authority other than the Council.

4. CONFIRMATION OF MINUTES

The meeting concluded at 5.50pm.



Paul Vergotis
Chairperson



John Brockhoff
Expert Panel Member



Cameron Jones
Community Representative