

MINUTES

Local Planning Panel

Thursday, 21 February 2019

4.00pm

Georges River Civic Centre,
Hurstville



COMMITTEE MEMBERSHIP

Panel Members:

Mr Adam Seton (Chairperson)
Mr Jason Perica (Expert Panel Member)
Mr Milan Marecic (Expert Panel Member)
Mr Cameron Jones (Community Representative)

Council Staff:

Meryl Bishop (Director Environment and Planning)
Michael Alexander (Acting Manager Development and Building)
Nicole Askew (Coordinator Development Assessment)
Chris Young (Team Leader Development Assessment)
Tony Ristevski (Team Leader Development Assessment)
Ramez Guirguis (Senior Development Assessment Officer)
Mark Raymundo (Senior Development Assessment Officer)
Cathy Mercer (Team Leader DA Administration)
Monica Wernej (DA Admin Assistant)

1. APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

There were no apologies received

Cameron Jones declared a non-pecuniary interest in Item LPP006-19 - 11A Letitia Street Oatley and did not take part in any deliberations, discussions or voting of this item.

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 6.09pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

LPP004-19 58 Argyle Street Penshurst
(Report by Team Leader Development Assessment)

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

Speakers

- Rik Arendsen (submitter)
- Rik Arendsen on behalf of Nina Zmejkovski (submitter)
- Rik Arendsen on behalf of Eva Fahd (submitter)
- Rik Arendsen on behalf of Sue Jankulouski (submitter)
- Arhontoula Arendsen on behalf of Trish Rees (submitter)
- Arhontoula Arendsen on behalf of Louise Mason and Scott Gratton (submitter)
- Michael Van (applicant)
- Yvonne Van (applicant)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

Deferral

The Panel defers the determination of Development Application DA2018/0091 for the construction of a secondary dwelling at Lot A, DP 319134, and known as 58 Argyle Street, Penshurst, and requests that Council obtain a legal opinion on the following:

1. Does State Environmental Planning Policy (Affordable Rental Housing) 2009 apply to an application for a secondary dwelling where secondary dwellings are a permitted use within the Hurstville Local Environmental Plan 2012;
2. Whether the patio area should be included in the total floor area of the secondary dwelling as referred to in Clause 5.4 Hurstville Local Environmental Plan 2012 and Clause 22 3(b) of State Environmental Planning Policy (Affordable Rental Housing) 2009.

Following the receipt of the legal advice the matter be referred back to the Panel for electronic determination.

LPP005-19 1 Ellen Subway Mortdale (Report by Senior Development Assessment Planner)

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

Speakers

- Erika Jimenez (submitter)
- Sophia Platthy (submitter)
- Justin Douglas (submitter)
- Melanie Kassar Lai (submitter)
- Pamela Hourani (submitter)
- Kenneth Ryan (submitter)
- Ziad Boumelhem (applicant)

Voting of the Panel Members

The decision of the Panel was 3-1 in favour. Adam Seton, Milan Marecic, and Jason Perica voted in favour of the resolution.

Cameron Jones voted against the resolution for the following reasons:

- Concerns in relation to the cumulative impact on traffic in the immediate area surrounding Mortdale Station also noting the topographical constraints of accessing the site including sight lines along Ellen Subway.
- The lack of heritage assessment, to justify the proposal, completed throughout the assessment.

Determination

Approval

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2017/0570 for the demolition and construction of a 7 storey mixed use development comprising ground floor commercial space, 38 residential units, basement parking including associated access work over RailCorp owned land at 1 Ellen Subway, Mortdale, is determined by **granting deferred commencement consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 21 February 2019 except;

1. Amend Deferred Commencement Condition A 8 to read:
 8. Provide evidence that RailCorp and Georges River Council have either entered into a licence agreement for Ellen Subway or that Ellen Subway has been dedicated to Council for use as a public road.
2. Amend Condition 40 to read:
 40. **Required design changes** - The following changes are required to be made and shown on the Construction Certificate plans:

Privacy Screen	a) An aluminium louvred privacy screen shall be installed along the south eastern boundary adjacent to the Communal Open Space located on levels 1 and 4. b) The screen shall extend the full length of the common wall between Levels 1 and 4 Communal Open Space and the south eastern adjoining property. c) The subject screen is not classified as a dividing fence. Therefore the cost of the screen shall be borne by the beneficiary of this consent at no cost to the adjoining property. d) The height of the screen shall be a minimum of 1.8m above finished floor level measured at Levels 1 and 4 Communal Open Space Area.
Privacy Screen	The south western most balcony on Level 04, Level 05 and Level 06 shall incorporate a 1.5m high fixed louvred privacy screen angled away from the properties fronting Railway Parade from the south eastern facade to a point that is 9m from the south eastern boundary.
Storage areas	Storage areas are to be provided to each apartment in the basement level/s and within the apartment in accordance with the requirements of the Apartment Design Guide.

Statement of Reasons

- The Panel generally agrees with the assessment by Council staff and note the support of the Design Review Panel for the application.
- The proposed development is considered to be an appropriate scale and form for the site

having regard to the desired future character of the locality and the core planning controls in the B2 zone.

- The proposed development, subject to the recommended conditions, will have no unacceptable adverse impacts upon the natural or built environment.
- The proposed development is a suitable and planned use of the site and its approval is in the public interest.
- The Panel is satisfied that the development will not have an unacceptable impact on the heritage significance of the heritage items in the vicinity of the land.

LPP006-19 11A Letitia Street Oatley
(Report by Independent Assessment)

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

Speakers

- George Smith (submitter)
- Warren Humphreys (submitter)
- Roland Martinez (applicant)
- Aaron Sutherland (planner)
- Roger Crooke (representative of the Masonic Lodge)

Voting of the Panel Members

The decision of the Panel was unanimous.

The voting was 3-0 noting that Cameron Jones did not participate in the deliberation, discussion or voting on this item as he declared a conflict of interest.

Determination

Refusal

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2018/0038 for the mixed use development involving the retention of the Lodge room, demolition of the rear hall and construction of ground floor hall, kitchen, office and associated service rooms, three (3) levels of residential units comprising nine (9) units, roof top common open space and basement car park incorporating car stackers and associated site works at 11A Letitia Street, Oatley, is determined by **refusal** for the following reasons:

1. Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory when assessed against the height controls contained in Kogarah LEP 2012 and Kogarah DCP 2013. Further, the request for variation under Clause 4.6 of Kogarah LEP 2012 is not well founded and contains insufficient justification for variation to the height controls.
2. Pursuant to Section 4.15(b) of the Environmental Planning and Assessment Act 1979, the proposed development will have unacceptable impacts in terms of the built environment, specifically the height of the development will result in unacceptable impacts in terms of visual bulk and scale when viewed from surrounding properties and from the public domain (particularly the public car park to the south, and Letitia Street), as well as the courtyard of the Oatley Hotel and the residential flat building to the north).

3. The proposal will result in a compromised heritage outcome and is unsatisfactory having regard to the provision of Clause 5.10 of Kogarah LEP 2012.
4. Pursuant to Section 4.15(b) of the Environmental Planning and Assessment Act 1979, the proposed development will have unacceptable impacts in terms of the built environment; specifically the development proposes insufficient setbacks from the side and rear boundaries, which will exacerbate the concerns regarding bulk and scale when viewed from adjoining properties.
5. Pursuant to Section 4.15(b) of the Environmental Planning and Assessment Act 1979, the proposed development will have unacceptable impacts in terms of the built environment, specifically, the development provides insufficient communal open space which does not comply with the recommendations of the Apartment Design Guide (ADG), and will result in a poor level of amenity for future occupants of the development.
6. Pursuant to Section 4.15(b) of the Environmental Planning and Assessment Act 1979, the proposed development will have unacceptable impacts in terms of the built environment, specifically the design of the entry to the residential units in the development will result opportunities for concealment which is unacceptable when assessed against the principles of Crime Prevention through Environmental Design (CPTED).
7. Pursuant to Section 4.15(b) of the Environmental Planning and Assessment Act 1979, the proposed development will have unacceptable impacts in terms of solar access to the residential units. Specifically, the proposal does not comply with the recommendations of the Apartment Design Guide (ADG) in terms of solar access to residential Units 2, 5, and 8, and the development will result in a poor level of amenity for the occupants of those units.
8. Pursuant to Section 4.15(b) of the Environmental Planning and Assessment Act 1979, the proposed development will have unacceptable impacts in terms of the built environment; specifically the design of the car park is unacceptable because there is a lack of separation between the residential car parking spaces and the car parking spaces provided for the Masonic Lodge building, which will likely lead to conflict and inefficiency between the vehicle owners associated with the residences and the Masonic Lodge building.
9. Pursuant to Section 4.15(e) of the Environmental Planning and Assessment Act 1979, approval of the development will not be in the public interest.

LPP007-19 2A Penshurst Street Penshurst
(Report by Development Assessment Officer)

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

Speakers

- Trent John Fasch (applicant)

Voting of the Panel Members

The decision of the Panel was unanimous.

Determination

The Panel delegates any function that it has relating to application DA2018/0361 for the

operation of a wine bar ancillary to an existing café at 2A Peshurst Street, Peshurst, to the General Manager of Georges River Council.

4. CONFIRMATION OF MINUTES

The meeting concluded at 7.11pm.



Adam Seton (for LPP)
Chairperson



Milan Marecic
Expert Panel Member



Jason Perica
Expert Panel Member



Cameron Jones
Community Representative