

MINUTES

Environment and Planning Committee

Tuesday, 11 June 2019

7.00pm

**Georges River Civic Centre
Hurstville**



Present

Council Members

Councillor Con Hindi (Chair), Councillor Leesha Payor, Councillor Nick Katris, Councillor Vince Badalati, Councillor Christina Wu, Councillor Stephen Agius, Councillor Kathryn Landsberry

Council Staff

Director Environment and Planning – Ms Meryl Bishop, Manager Strategic Planning – Ms Catherine McMahon, Coordinator Building Certification – Mr Michael Alexander, Executive Assistant to the Director Environment and Planning – Ms Leanne Allen.

Opening

Councillor Hindi opened the meeting at 7.04pm

Acknowledgement of Country

Councillor Hindi acknowledged the traditional custodians of the land, the Bidjegal people of the Eora Nation.

Apologies

Recommendation: Councillor Agius and Councillor Katris

That an apology for Councillor Kastanias be accepted.

Notice of Webcasting

The Chairperson, Councillor Hindi advised staff and the public that the meeting is being recorded for minute taking purposes and is also webcast live on Council's website, in accordance with Section 4 of Council's Code of Meeting Practice. This recording will be made available on Council's Website.

Disclosures of Interest

Councillor Hindi disclosed a Non – Pecuniary interest on item ENV016-19 – Interim Policy – Georges River Development Control Plan 2020 for reasons that he owns property and lives in the Georges River LGA.

Councillor Vince Badalati disclosed a Non – Pecuniary interest on item ENV016-19 – Interim Policy – Georges River Development Control Plan 2020 for the reason that he owns property in the Georges River LGA.

Councillor Nick Katris disclosed a Non Pecuniary interest on item ENV016-19 – Interim Policy – Georges River Development Control Plan 2020 for the reason that he and his family own properties in the Georges River LGA.

Councillor Stephen Agius disclosed a Pecuniary interest on item ENV019-19 – Georges River Commercial Centres Strategy – Part 1 Centres Analysis for Public Exhibition for the reason that he owns a property located with a commercial centre in the Georges River LGA.

Councillor Nick Katris disclosed a Non Pecuniary interest on item ENV019-19 – Georges River Commercial Centres Strategy – Part 1 Centres Analysis for Public Exhibition for the reason that he is a part owner of a property located outside of the Commercial Centre Study (Part 1) that is located in the Local Government Area of Bayside Council.

Public Addresses To The Meeting

| ITEM | SPEAKER |
|--|--------------|
| ENV 017-19 9 Gloucester Road, Hurstville – Planning Proposal and draft DCP | Mark Maryska |

Minutes of previous meetings

ENVIRONMENT AND PLANNING - 13 MAY 2019

Recommendation: Councillor Agius and Councillor Landsberry

That the Minutes of the Environment and Planning meeting held on 13 May 2019, be confirmed.

Record of Voting:

For the Motion: Unanimous

Committee Reports

ENV015-19 Terms of Reference - Environment and Planning Standing Committee
(Report by Manager, Office of the General Manager)

Recommendation: Councillor Katris and Councillor Landsberry

That the revised Terms of Reference for the Environment and Planning Standing Committee be received and noted.

- a) That Clause 3 of the Terms of Reference be amended to include *Summary of the actions and outcomes of the Land and Environment Court*, the report to include information on current and determined planning matters.
- b) That the last dot point in Clause 2 of the Terms of Reference be amended by replacing the General Manager with the Mayor in the last dot point.

Record of Voting:

For the Motion: Unanimous

ENV016-19 Interim Policy - Georges River Development Control Plan 2020 (Report by Strategic Planner)

Councillor Hindi disclosed a Non – Pecuniary interest on item ENV016-19 – Interim Policy – Georges River Development Control Plan 2020 for reasons that he owns property and lives in the Georges River LGA. Councillor Hindi remained in the meeting and participated in discussion and voting on this item.

Councillor Vince Badalati disclosed a Non – Pecuniary interest on item ENV016-19 – Interim Policy – Georges River Development Control Plan 2020 for the reason that he owns property in the Georges River LGA. Councillor Badalati remained in the meeting and participated in discussion and voting on this item.

Councillor Nick Katris disclosed a Non Pecuniary interest on item ENV016-19 – Interim Policy – Georges River Development Control Plan 2020 for the reason that he and his family own properties in the Georges River LGA. Councillor Katris remained in the meeting and participated in discussion and voting on this item.

Recommendation: Councillor Katris and Councillor Landsberry

- (a) That Council endorse the contents of the Georges River Interim Policy DCP.
- (b) That Council endorse the use of the Georges River Interim Policy DCP for assessing Development Applications until such a time as the Georges River Development Control Plan 2020 is adopted by Council.
- (c) That notification be provided to the community that the Georges River Interim Policy DCP will come into effect on 22 July 2019.
- (d) That the Georges River Interim Policy DCP be published on Council’s website upon it coming into effect.
- (e) That prior to its implementation the Georges River Interim Policy DCP be amended as follows (*amendments in italics*):

| Dwelling Houses | |
|--------------------------|--|
| Section | Interim Policy Control |
| Building Setback (Front) | <ul style="list-style-type: none"> • Minimum setback from the primary street boundary is: <ol style="list-style-type: none"> a) 4.5m to the main building face b) 5.5m to the front wall of garage, carport roof or onsite parking space <p>Or</p> <ol style="list-style-type: none"> a) Within 20% of the average setback of dwellings on adjoining lots b) 5.5m to the front wall of garage or carport roof |
| Building Setback (Side) | <ul style="list-style-type: none"> • The minimum side setback outside the FSPA is 900mm (ground floor) and 1.2m (first floor) |

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| | <ul style="list-style-type: none"> The minimum side setback inside the FSPA is 900mm (ground floor) and 1.5m (first floor) <i>with a minimum of 5.5m in front of any proposed new garage.</i> | |
| <p>Basement/Land Modification</p> | <p>Basements are permitted where Council’s height controls are not exceeded, and it is demonstrated that there will be no adverse environmental impacts (e.g. affectation of watercourses and geological structure).</p> <ul style="list-style-type: none"> Basements for low grade sites (ie < 12.5% Grade front to rear): <ul style="list-style-type: none"> a) Basements on land where the average grade is less than 12.5% are permitted only where they are not considered a storey (<i>see definition below</i>) and the overall development presents as 2 storeys to the street. b) A basement is not considered a storey if it is: <p>situated partly below the finished ground and the underside of the ceiling is not more than 1m above the <i>natural ground at the external wall for a maximum of 12m in length, with the exception of the façade in which the garage door is located.</i></p> | |
| <p>Solar Access</p> | <p style="text-align: center;">Hurstville:</p> <p><i>Development allows for at least 3 hours of sunlight on the windows of main living areas and adjoining principal private open space of adjacent dwellings between 9.00 am and 3.00 pm on 22 June.</i></p> <p><i>Note 1: Development applications for development two storeys and over are to be supported by shadow diagrams demonstrating compliance with this design solution.</i></p> <p><i>Note 2: Exemptions will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation</i></p> | <p style="text-align: center;">Kogarah:</p> <p><i>Where the neighbouring properties are affected by overshadowing, at least 50% of the neighbouring existing primary private open space or windows to main living areas must receive a minimum of 3 hours sunlight between 9am–3pm on the winter solstice (21 June).</i></p> <p><i>Note 1: development applications for development two storeys and over are to be supported by shadow diagrams demonstrating compliance with this design solution.</i></p> <p><i>Note 2: Exemptions will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation</i></p> |
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| <p>Dual Occupancies</p> | | |
| <p>Section</p> | <p>Interim Policy Control</p> | |
| <p>Frontage (detached)</p> | <ul style="list-style-type: none"> Minimum site width is: <ul style="list-style-type: none"> a) 18m for a <i>detached ‘front (maximum 2 storeys) and back’ (maximum single storey)</i> dual occupancy with a dwelling at the rear with access to the street via an access handle or right of carriageway b) 22m for a detached dual occupancy in a <i>–side by side’</i> configuration where both dwellings have direct street frontage | |

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| <p>Basement/Land Modification</p> | <p>Basements are permitted where Council’s height controls are not exceeded, and it is demonstrated that there will be no adverse environmental impacts (e.g. affectation of watercourses and geological structure).</p> <ul style="list-style-type: none"> • Basements for low grade sites (ie < 12.5% Grade front to rear): <p>c) Basements on land where the average grade is less than 12.5% are permitted only where they are not considered a storey (<i>see definition below</i>) and the overall development presents as 2 storeys to the street.</p> <p>d) A basement is not considered a storey if it is:</p> <p>situated partly below the finished ground and the underside of the ceiling is not more than 1m above the <i>natural ground at the external wall for a maximum of 12m in length, with the exception of the façade in which the garage door is located.</i></p> | |
| <p>Solar Access</p> | <p style="text-align: center;">Hurstville:</p> <p><i>Development allows for at least 3 hours of sunlight on the windows of main living areas and adjoining principal private open space of adjacent dwellings between 9.00 am and 3.00 pm on 22 June.</i></p> <p><i>Note 1: development applications for development two storeys and over are to be supported by shadow diagrams demonstrating compliance with this design solution.</i></p> <p><i>Note 2: Exemptions will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation</i></p> | <p style="text-align: center;">Kogarah:</p> <p><i>Where the neighbouring properties are affected by overshadowing, at least 50% of the neighbouring existing primary private open space or windows to main living areas must receive a minimum of 3 hours sunlight between 9am–3pm on the winter solstice (21 June).</i></p> <p><i>Note 1: development applications for development two storeys and over are to be supported by shadow diagrams demonstrating compliance with this design solution.</i></p> <p><i>Note 2: Exemptions will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation</i></p> |
| <p>Multi Dwelling Housing</p> | | |
| <p>Section</p> | <p>Interim Policy Control</p> | |
| <p>Site Frontage</p> | <p style="text-align: center;">Hurstville:</p> <p><i>The minimum site frontage is 15m. (minimum site area of 500m2 per dwelling under Area K on the Lot Size Map in Zone R2 Low Density Residential)</i></p> | <p style="text-align: center;">Kogarah:</p> <p style="text-align: center;">20m. <i>(requires a minimum of 800m2)</i></p> |
| <p>Solar Access</p> | <p style="text-align: center;">Hurstville:</p> <p>Development allows for at least 3 hours of</p> | <p style="text-align: center;">Kogarah:</p> <p>Where the neighbouring</p> |

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| | <p>sunlight on the windows of main living areas and adjoining principal private open space of adjacent dwellings between 9.00 am and 3.00 pm on 22 June.</p> <p><i>Note 1: development applications for development two storeys and over are to be supported by shadow diagrams demonstrating compliance with this design solution.</i></p> <p><i>Note 2: Exemptions will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation</i></p> | <p>properties are affected by overshadowing, at least 50% of the neighbouring existing primary private open space or windows to main living areas must receive a minimum of 3 hours sunlight between 9am–3pm on the winter solstice (21 June).</p> <p><i>Note 1: development applications for development two storeys and over are to be supported by shadow diagrams demonstrating compliance with this design solution.</i></p> <p><i>Note 2: Exemptions will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation</i></p> |
| Residential Flat Buildings | | |
| Section | Interim Policy Control | |
| Site Frontage | <p>Hurstville:</p> <p>The minimum site frontage is 24m.</p> <p><i>(Note: The 24m will not be reduced unless the development site is an isolated site).</i></p> | <p>Kogarah:</p> <p>20m.</p> <p><i>(Note: The 20m will not be reduced unless the development site is an isolated site).</i></p> |

ENV017-19 9 Gloucester Road, Hurstville - Planning Proposal and draft DCP
 (Report by Senior Strategic Planner)

Recommendation: Councillor Katris and Councillor Agius

- (a) That Council endorse the proposed amendments to DCP No. 2 – Hurstville City Centre for 9 Gloucester Road, Hurstville for public exhibition;
- (b) That Council endorse an amended Planning Proposal for 9 Gloucester Road, Hurstville (also known as 420-430 Forest Road, Hurstville) seeking an increase to the maximum building height applying to the site from 23m, to a range of heights of 23m, 30m, 40m, 55m and 60m, and increase the FSR from 3:1 to 4:1 (including a minimum non-residential FSR of 0.5:1) to be forwarded to the Department of Planning and Environment for consideration and approval to publicly exhibit;
- (c) That Council publicly exhibit the amended Planning Proposal and amendments to DCP No. 2 – Hurstville City Centre for 9 Gloucester Road, Hurstville concurrently in accordance with the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2000;

- (d) That Council endorse that the General Manager may make minor modifications to any numerical, typographical, interpretation and formatting errors, if required, in preparation for the public exhibition of the amendments to DCP No. 2;
- (e) That Council advise the Department of Planning and Environment of its decision; and
- (f) That a further report be submitted to Council following the public exhibition period.
- (g) The following amendments be undertaken to the draft Development Control Plan prior to it being placed on public exhibition:
- i. All figures are to be increased in size to A4 size and be clearly labelled.
 - ii. Include in **Section 8.3.3.1 – Surveyor’s Certificate** in control (a) after the words “Surveyor’s Certificate” the words: *including gross floor area diagrams to scale of each and every proposed level.*
 - iii. Amend Control (a) in **Section 8.3.3.2 – Commercial Floor Space** to read as follows: *“Retail and community uses shall be provided on the whole of the ground floor.”*
 - iv. **Figure 3 – Minimum Street Setbacks** is to be clearly labelled with both the setback in metres and relate clearly to the controls (a) to (i) of **Section 8.3.3.3 – Built Form and Setbacks.**
 - v. Add a new control in **Section 8.3.3.4 – Façade Treatment and Street Corners** to read as follows: *The ground floor along the prominent corner and extending up both Forest and Gloucester Roads must have (as close as possible) level access to the footpath and pedestrian accessways without any proposed basement carpark extending above such levels.*
 - vi. Amend the last line in **Section 8.3.3.8 – Tree Retention** to read: *It is a requirement of this DCP that a number of trees be retained and a tree replacement strategy be implemented.*
 - vii. Add a new control (c) in **Section 8.3.3.8 – Tree Retention** as follows: *Any trees that are located on public land will be subject to the payment of security in accordance with Council’s Tree Management Policy.*
 - viii. Add at the end of control (g) in **Section 8.3.3.9 – On Site Parking** the following: *and must not be located above existing or proposed footpath levels along Forest Road and Gloucester Road.*

Record of Voting:

For the Motion: Councillor Agius, Councillor Badalati, Councillor Hindi, Councillor Katris and Councillor Wu,

Against the Motion: Councillor Landsberry and Councillor Payor

ENV018-19 Revised offer to enter into a Voluntary Planning Agreement for 9 Gloucester Road and 420-430 Forest road, Hurstville (Report by Executive Strategic Planner)

Recommendation: Councillor Katris and Councillor Agius

- (a) That Council accept and endorse the Letter of Offer to enter into a Voluntary Planning Agreement (VPA) dated 23 April 2019 from Great Tang Brothers Hurstville Pty Ltd (GTB) (**Attachment 1**) and Heads of Agreement (HOA) signed by the GTB (**Attachment 2**) in

relation to the amended Planning Proposal PP2015/0005 for 9 Gloucester Road and 420-430 Forest Road, Hurstville (May 2019) seeking to increase density and height of buildings on the land for a mixed use development. The VPA Offer and HOA provides for a total monetary contribution of \$3,619,308 and includes the following:

- the contribution value is based on the Hill PDA report residual land value rates of \$1,073 per square metre of additional residential gross floor area and \$349 per square metre of additional non-residential gross floor area.
 - the total contribution value is to be recalculated at the time of payment of the monetary contribution based on the actual final additional residential and non-residential GFA permissible by the LEP amendment;
 - the VPA Offer and final VPA will not exclude the application of s7.11, 7.12 and 7.24 development contributions (previously referred to as s94, s94A and S94EF contributions) to the Development.
- (b) That Council delegate authority to the General Manager to negotiate the final terms and enter into the Heads of Agreement referred to above.
- (c) That Council delegate authority to the General Manager to negotiate the specific terms of the Voluntary Planning Agreement based on the VPA Offer and Heads of Agreement and to subsequently exhibit a draft of the Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act and Regulation.
- (d) That Council delegate authority to the General Manager to:
- a. Authorise any minor changes to the draft Voluntary Planning Agreement, following its public exhibition, provided that those changes do not diminish the value or nature of the public benefits to be delivered as identified in (a) above;
 - b. Subsequently enter into the Voluntary Planning Agreement on behalf of Council.
- (e) That GTB Hurstville Pty Ltd be informed of Council's decision.

Record of Voting:

For the Motion: Councillor Agius, Councillor Badalati, Councillor Katris and Councillor Wu

Against the Motion: Councillor Hindi, Councillor Landsberry and Councillor Payor,

ENV019-19 Georges River Commercial Centres Strategy - Part 1 Centres Analysis for Public Exhibition

(Report by Strategic Planner/Urban Designer)

Note: Councillor Agius disclosed a Pecuniary interest on item ENV019-19 – Georges River Commercial Centres Strategy – Part 1 Centres Analysis for Public Exhibition for the reason that he owns a property located with a commercial centre in the Georges River LGA. Councillor Agius left the meeting and did not participate in discussion or voting on this item.

Note: Councillor Katris disclosed a Non Pecuniary interest on item ENV019-19 – Georges River Commercial Centres Strategy – Part 1 Centres Analysis for Public Exhibition for the

reason that he is a part owner of a property located outside of the Commercial Centre Study (Part 1) that is located in the Local Government Area of Bayside Council. Councillor Katris remained in the meeting during discussion and voting on this item.

Recommendation: Councillor Katris and Councillor Landsberry

- (a) That Council endorses the draft *Commercial Centres Strategy – Part 1 Centres Analysis*.
- (b) That the draft *Commercial Centres Strategy – Part 1 Centres Analysis* be publicly exhibited with the draft *Local Strategic Planning Statement 2040*.
- (c) That Council endorses the preparation of Part 2 of the Strategy to inform the preparation of the future *Georges River Local Environmental Plan 2022* and accompanying development control plan.

Record of Voting:

For the Motion: Unanimous

ENV020-19 Evidence Base for Local Housing Strategy
(Report by Strategic Planner)

Note: Councillor Agius was not present for discussion or voting on this item.

Note: Councillor Wu left the meeting at 8.58pm and did not return.

Recommendation: Councillor Katris and Councillor Payor

- (a) That Council endorse the Georges River Council Evidence Base for the Local Housing Strategy for public exhibition as a supporting document for the draft *Local Strategic Planning Statement 2040*.
- (b) That the Georges River Evidence Base for Local Housing Strategy be publicly exhibited for a minimum period of 28 days alongside the draft *Local Strategic Planning Statement 2040*.

Record of Voting:

For the Motion: Unanimous

ENV021-19 Georges River Inclusive Housing Strategy and Delivery Program
(Report by Senior Strategic Planner)

Note: Councillor Agius was not present for discussion or voting on this item.

Recommendation: Councillor Badalati and Councillor Landsberry

That Council endorse the *Georges River Inclusive Housing Strategy - Stage 1 report: Assessment of housing needs* for exhibition as a supporting document for the Local Strategic Planning Statement.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Agius returned to the meeting, the time being 9.00pm.

ENV022-19 Hurstville City Centre Transport Management and Accessibility Plan - TMAP 2018
(Report by Senior Strategic Planner)

Recommendation: Councillor Badalati and Councillor Payor

- (a) That Council endorse the Hurstville City Centre Transport Management and Accessibility Plan 2018 as a strategic planning document, which will inform the preparation of development contributions plans, assessment of planning proposals / development applications and negotiations of Voluntary Planning Agreements.
- (b) That Council work with the transport authorities in relation to specific recommendations in the Hurstville City Centre Transport Management and Accessibility Plan 2018 Report.
- (c) That Council inform the Department of Planning, Industry and Environment, Transport for NSW and Roads and Maritime Services of Council's decision.

Record of Voting:

For the Motion: Unanimous

Conclusion

The Meeting was closed at 9.01pm

Chairperson