

# MINUTES

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## Local Planning Panel

Thursday, 4 July 2019

4.00pm

Georges River Civic Centre,  
Hurstville



## COMMITTEE MEMBERSHIP

### Panel Members:

Mr Paul Vergotis (Chairperson)  
Mr Michael Leavey (Expert Panel Member)  
Mr John Brockhoff (Expert Panel Member)  
Mr Annette Ruhotas (Community Representative)

### Council Staff:

Ryan Cole (Manager Development and Building)  
Nicole Askew (Coordinator Development Assessment)  
Chris Young (Team Leader Development Assessment)  
Cathy Mercer (PA to Manager Development and Building)  
Sue Matthew (Team Leader DA Admin)  
Monica Wernej (DA Admin Assistant)

### 1. APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

There were no apologies received

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There were no declarations of Pecuniary Interest

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### 2. PUBLIC SPEAKERS

The meeting commenced at 3.58pm 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 4.18pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

### 3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

**LPP017-19 85-87 Railway Parade Mortdale**  
(Report by Senior Development Assessment Planner)

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

#### Speakers

- Rudy Jasin (applicant)
- Anmed Allouch (on behalf of applicant)

#### Voting of the Panel Members

The decision 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. DA2018/0547 for the alterations and additions to the approved six storey mixed use development to provide an additional level of residential accommodation to facilitate four additional apartments, reconfiguration of the car park layout and changes to the rooftop area of communal open space at 85-87 Railway Parade, Mortdale, is determined by **refusal** for the following reasons:

1. The proposed development fails to satisfy the control and objectives of Clause 4.3 (Height of Buildings) of the KLEP 2012 as the additional height and scale of the building will adversely affect the character of development in the streetscape and the additional height is out of scale and inconsistent with the scale and form of approved developments in the area.
2. The proposed increase in the scale of the building is considered to be inconsistent with the existing character of lower scale residential development located to the south, east and north east. The relationship of the proposed development to the existing residential development is considered to be poor and the transition is considered to be unacceptable given the context and character of development in the street.
3. The proposed development fails to satisfy the control and objectives of Clause 4.4 (Floor Space Ratio) of the KLEP 2012 as the additional floor space, its bulk, scale and mass is inconsistent with recently approved development in the vicinity of the site. The additional bulk and scale will be visually dominating given the prominent corner location of the site and its elevated position. The massing of the building, the elevated rooftop platform will be inconsistent with recently approved development in the B2 zone.
4. The proposed built form and the additional scale of the building will be out of character with existing and recently approved developments and does not reflect the desired future character for development in the street. The development fails to consider the topographical features of the site and does not step down to relate to the natural slope of the land. The transition and interface of the building to the lower scale residential developments to the east and south of the site is considered to be unacceptable and unsympathetic with the form of these neighbouring properties.
5. The proposed development fails to satisfy the design criteria of the SEPP 65, Part 4A-1 of the Apartment Design Guide in respect to the provision of an adequate amount of solar access to units. The provision of a new level will remove the skylights that included on Level 6 (rooftop) of the proposed development and their removal will adversely affect the internal amenity of the southern orientated living spaces of Units 504 and 504.
6. The proposed rooftop area of communal open space fails to satisfy the provisions of SEPP 65, Part 3D-1 of the Apartment Design Guide, in respect to the amount of communal open space and the quality of this space. The actual principle useable area of open space fails to satisfy the minimum 25% requirement as much of the area comprises of planter boxes which renders a large proportion of this space unusable and not functional for recreational purposes.
7. The design and treatment of the rooftop area of communal open space fails to satisfy the provisions of SEPP 65 and the design guidance of Part 4P (Planting on structures) of the

ADG and space is considered to be poor and has not been appropriately documented or detailed.

8. The proposal fails to satisfy the provisions of to satisfy the provisions of SEPP 65, Part 4G of the Apartment Design Guide, in respect to the amount of storage provided for the new apartments.
9. The proposed loading bay does not satisfy the provisions of AS2890 and the KDCP as the space is too small. Manoeuvring into and out of this space is also awkward and no swept paths have been provided to ensure access to this space by vans and small rigid vehicles (SRV's) can be achieved.
10. Car parking spaces C01, C02 and C09 are poorly located as they are sited within the access ramp which is an unacceptable design solution.
11. The proposal fails to satisfy the objectives of Subsection 3.4 (Building Heights) of the KDCP 2013 as the building adjoins a low scale R2 zone to the south, east and north east and the scale of the proposal does not provide for an appropriate transition of development to the east.
12. The proposed Clause 4.6 variations in respect to the height and floor space controls are not considered to be well founded in this case as the design of the development fails to satisfy the objectives of the planning controls therefore failing to satisfy the provisions of Clause 4.6.
13. The additional height, scale and floor space proposed does not represent the desired future character for development in the street and precinct and will adversely affect the nature of existing development in the precinct.
14. The proposed additional floor space, scale, bulk and mass of the building is considered to be an overdevelopment of the site and will establish an undesirable precedent in the area and will not be in the public interest.

**LPP018-19     1 Barratt Street Hurstville**  
(Report by Development Assessment Planner)

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

**Speakers**

No speakers were registered

**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. DA2019/0054 for the installation of business identification sign on building façade and building façade advertising sign at 1 Barratt Street,

Hurstville, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 4 July 2019 except;

1. Delete conditions 2, 6, 8 and 13.

#### Statement of Reasons

- The proposed development complies with the requirements of the relevant environmental planning instruments and development control plan.
- The proposed development does not negatively impact the adjoining heritage items, being I152, I153 and I154 – Hurstville Hotel and the heritage façade of 338a, 340, 342a and 340 Forest Road identified in the Hurstville LEP 2012.
- The proposed development is considered to be appropriate for the site and the character of the locality. Subject to the implementation of the recommended conditions, the development will have no unacceptable adverse impacts upon the natural or built environment.
- The proposed signage adequately identifies the commercial use operating from the first floor of the building.
- In consideration of the aforementioned reasons, the proposed development is a suitable and planned use of the site and its approval is not inconsistent with the public interest.

#### **LPP019-19      13-15 Gover Street Peakhurst** (Report by Independent Assessment)

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

#### **Speakers**

- Bernard Moroz (planner)
- William Karavelas (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 Clause 4.3 Height of Buildings 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. DA2018/0211 for the demolition and construction of a three storey residential flat building containing fifteen residential units at 13-15 Gover Street, Peakhurst, is determined by **granting consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 4 July 2019 except:

1. Insert Condition 13A to read as follows:

**13A. Use of Rooftop open space** - A Plan of Management (POM) for use of rooftop open space must be submitted for approval of Council. The POM must outline the:

- (a) Hours of use of the rooftop deck which shall be restricted from 6am until 10pm;
- (b) Maximum number of users at any one time shall be specified (for this development a maximum of 20 is recommended);
- (c) Outline provisions to maximise the safety (fire safety and general safety) for users of this area.
- (d) Provisions for no amplified music to be played;
- (e) Identify other measures to ensure that the amenity and safety of persons within the development and in nearby existing and future development is maintained.
- (f) Location and type of signage to be installed in the building to notify residents and visitors in respect to the use of this space.
- (g) The approved POM shall be incorporated into the Owners Corporation by-laws in any future Strata subdivision and a sign in the front entry of the building shall be included to ensure the use of this space is monitored and understood by all occupants.

The POM shall be prepared and shall be to the satisfaction of Council's Manager of Building and Development.

#### 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

#### **4. CONFIRMATION OF MINUTES**

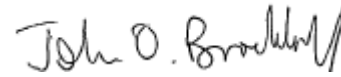
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The meeting concluded at 4.42pm.



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Paul Vergotis  
**Chairperson**



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John Brockhoff  
**Expert Panel Member**



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Michael Leavey  
**Expert Panel Member**



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Annette Ruhotas  
**Community Representative**