

MINUTES

Local Planning Panel

Thursday, 19 September 2019

4.00pm

Council Chambers, Civic Centre, Hurstville



GEORGES RIVER COUNCIL

1. COMMITTEE MEMBERSHIP

Panel Members

Mr Adam Seton (Chairperson)
Mr Michael Leavey (Expert Panel Member)
Ms Helen Deegan (Expert Panel Member)
Ms Annette Ruhotas (Community Representative)

2. APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

There were no apologies received

There were no declarations of Pecuniary Interest

3. PUBLIC SPEAKERS

The meeting commenced at 4.01pm 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 5.40pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

4. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

LPP035-19 **61-63 Lawrence Street, Peakhurst**
(Report by Development Assessment Planner)

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

Speakers

- William Karavelas (applicant / architect)
- Benjamin Black (planner on behalf of applicant)
- Nicholas Lycenko (architect on behalf of applicant)

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.

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. DA2017/0584 for lot consolidation, demolition of existing structures and construction of 3 storey residential flat building with basement parking at 61-63 Lawrence Street, Peakhurst is determined by granting consent to the application subject to the conditions recommended in the report submitted to the LPP meeting of 19 September 2019 subject to:

1. Add Condition 8(b) to read:

8(b) The inclusion of a sink adjacent to the BBQ on the rooftop common open space.

2. Amend Condition 28(a) to read as follows:

28(a) The proposed tree and plant species, pot/bag size and quantities of plants shall be in accordance with the proposed plant schedule upon the landscape plan except that:

(i) The perimeter landscaping on the rooftop common open space is to be provided with planting with a minimum mature height of 1.5m.

(ii) A planter box shall be added in the southern portion of the rooftop common open space capable of accommodating 1 x dwarf WA myrtle to increase the proportion of shaded communal area.

If plant species, pot/bag size in quantities cannot be sourced, Council shall be contacted for alternatives.

Statement of Reasons

1. The proposed development generally complies with the relevant environment planning instruments and development control plan, except in the respect of the height of the development. The height exceedance is considered to be acceptable in the circumstances of this case having regard to the request for contravention under Clause 4.6 of Hurstville Local Environmental Plan 2012.
2. The proposal has been designed to generally satisfy the conditions of the Apartment Design Guide. The separation distances do not comply but the non-compliance is minor and acceptable in the circumstances of this case.
3. The proposal results in a built form which is consistent with the envisaged desired character of the R3 Medium Density Residential Zone.
4. The proposal adopts a built form which is compatible with the immediate residential character.
5. The proposal adopts a design which provides good levels of occupant amenity.

LPP036-19 16 Peake Parade, Peakhurst
(Report by Senior Development Assessment Planner)

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

Speakers

- William Karavelas (applicant)
- Benjamin Black (planner 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. DA2017/0627 for demolition of existing structures and construction of a 3 storey residential flat building with basement parking at 16 Peake Parade Peakhurst 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 does not comply with the relevant environmental planning instruments in terms of the following:
 - (a) The proposal fails to satisfy Part 4 of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development as it is inconsistent with various design quality principles of State Environmental Planning Policy No 65 with respect to its response to the site's context and neighbourhood character and its built form and scale, density, landscape and aesthetics, and fails to comply with the corresponding design criteria of the Apartment Design Guide. The proposal does not achieve an acceptable built form with insufficient setbacks and separation to minimise the visual dominance of the building when viewed from both the public domain and adjoining properties. In addition, the proposal fails to provide any 6m wide deep soil landscaped area on the site.
 - (b) The proposal fails to satisfy Part 4 of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development on the basis that it fails to either achieve or adequately demonstrate compliance with the design criteria of the Apartment Design Guide with respect to internal solar access, cross ventilation and the minimum area of communal open space.
2. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with Hurstville Development Control Plan No. 1, Chapter 4.1 Residential Flat Buildings, Section DS2.1 Site Frontage or Section DS3.1 Isolated Sites. The site has a frontage of 15.8m, which fails to comply with the minimum 24m required by the Development Control Plan. The site is not deemed to be an isolated site and no evidence has been provided from the applicant to indicate attempts have been made to purchase adjoining sites for amalgamation with the subject site. Together these non-compliances result in the site being unsuitable for the proposed development and it having unreasonable adverse impacts on neighbouring properties.
3. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to have an adverse impact on the following aspects of the environment:

- (a) Natural environment – The proposal does not meet the deep soil zones design criteria of the Apartment Design Guide nor provide sufficient front or side setbacks which precludes the planting of canopy trees around the perimeter of the site to provide a landscaped setting for the proposal and ameliorate the scale of the building. Furthermore, no landscaped boundary setback is provided on the north eastern side of the vehicle driveway.
 - (b) Built environment – The proposal does not respond to the context of the site nor the neighbourhood’s character on the basis that it exceeds the maximum building height that applies to the site, encroaches on the minimum required side and rear setbacks expected on the site, and fails to demonstrate a suitable level of internal amenity for the proposed apartments.
 - (c) Basement car park – The layout of the basement car park is unsatisfactory and does not provide for appropriate manoeuvrability for vehicles.
4. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not considered suitable for the proposed development for the following reasons:
 - (a) The site cannot adequately accommodate the proposed built form without significant adverse impacts on the amenity of adjacent and nearby properties with respect to built form, visual dominance, bulk and scale.
 5. Pursuant to Section 4.15(1)(3) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent within the locality.

LPP037-19 186-190 Princes Highway and 2-6 Lacey Street, Kogarah Bay
(Report by Senior Development Assessment Planner)

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

Speakers

- Leesha Payor on behalf of Colin Shanks and Karen and Peter Smith (objectors)
- Peter Sangster on behalf of John Totterdell and Nick Katris (objectors)
- Leesha Payor (objector)
- Benjamin Black (planner on behalf of applicant)
- Phillip Lord (architect on behalf of applicant)
- Paul Rappoport (heritage advisor on behalf of applicant)

Voting of the Panel Members

The decision of the Panel was unanimous.

The Panel is aware of the Notice of Motion dated 23 April 2019.

At the time of this assessment the preliminary provisions held no statutory weight as the Kogarah Development Control Plan amendments have not been endorsed by the Elected Council and therefore have not been publicly exhibited.

Determination

Refusal

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No. DA2018/0513 for demolition of existing structures and outbuildings and construction of a 7 storey residential flat building containing 50 apartments, 2 levels of basement parking, retention and conservation of existing Heritage Item (McWilliam House also known as Sunnyside) and associated landscaping and site works at 186-190 Princes Highway, Beverley Park and 2-6 Lacey Street, Kogarah Bay is determined by refusal for the following reasons:

1. The proposed tower building will have an unacceptable impact upon the heritage significance of the heritage item and its setting due to its overwhelming scale and failure to provide adequate setbacks to the heritage item.
2. The bulk, scale and length of the Lacey Street's building façade is excessive in terms of impact on the street and surrounding properties. It is inconsistent with the principles of the Apartment Design Guideline.
3. The proposed development would set an undesirable precedent in terms of relationship to the heritage item for future site planning of neighbouring properties.
4. The proposed development has an inappropriate transition in bulk and scale from the R3 zoned land to the R2 zoned land to the south east which results in unacceptable impacts such as overshadowing and visual impact.

5. CONFIRMATION OF MINUTES BY CHAIR

GEORGES RIVER LOCAL PLANNING PANEL (LPP) - 05 SEPTEMBER 2019

RECOMMENDATION

That the Minutes of the Georges River Local Planning Panel (LPP) held on 05 September 2019, be confirmed.

The meeting concluded at 7.03pm.



Adam Seton
Chairperson



Michael Leavey
Expert Panel Member



Helen Deegan
Expert Panel Member



Annette Ruhotas
Community Representative