

# MINUTES

---

## Local Planning Panel

Thursday, 03 October 2019

4.00pm

Council Chambers, Civic Centre, Hurstville



## 1. APOLOGIES AND DECLARATIONS OF PECUNIARY INTEREST

There were no apologies received.

---

Juliet Grant declared a non-pecuniary interest in Item LPP038-19 24 Hampden Street Beverly Hills and left the chamber and took no active part in the matter.

---

## 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 5.00pm and the LPP Panel proceeded into Closed Session to deliberate the items listed below.

## 3. GEORGES RIVER LOCAL PLANNING PANEL REPORTS

### LPP038-19 15 Wonoona Parade Oatley (Report by Senior Building Surveyor)

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

#### Speakers

- Peter Hoycard (objector)
- Christopher Hoycard (objector)
- William Karavelas (applicant/building designer)
- Bernard Moroz (planner for the applicant)

#### 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. DA2018/0185 for the demolition, tree removal and construction of a multi dwelling housing development containing 4 two storey dwellings and 8 on grade parking spaces at 15 Wonoona Parade Oatley is determined by **granting deferred commencement consent** to the application subject to the conditions recommended in the report submitted to the LPP meeting of 3 October 2019 except:

1. Change Section A to read as follows:

##### Deferred Commencement

This is a "Deferred Commencement" consent that is granted subject to a condition under Section 4.16(3) of the Environmental Planning and Assessment Act 1979 ("EP&A Act"). This "Deferred Commencement" consent is not to operate until the applicant satisfies Georges River Council ("Council") as to the matter set out in Section A. The period within which the Applicant must produce evidence to the Council that is sufficient to enable it to be satisfied as to the

matter in Section A is 3 years from the date this “Deferred Commencement” consent is granted.

If the Applicant produces evidence to the Council within the period specified above that is sufficient to enable the Council to be satisfied as to the matter set out in Section A and the Council notifies the applicant in writing that it is satisfied as to the matter and of the date from which the consent operates, the development consent shall become operative from that date subject to compliance with the conditions set out in Section B.

### Section A

1. Legal Permission: The applicant must acquire an Easement to Drain Water from the land the subject of this consent of 1 metre (minimum) width or submit a legal document to prove that there is a registered easement to use and connect into the existing drainage easement running through No. 1 Ada Street East Oatley, servicing the existing site No. 150 Hurstville Road Oatley (Lot CP, SP78444).
2. A detailed longitudinal section with levels of the existing pipe within the existing easement to drain water supported by a ‘Work as Executed’ plan or a survey plan prepared by a registered surveyor showing the existing pipe location, size, respective levels and grade must be submitted.
3. An engineering analysis for the total discharge flow into the easement’s pipe is to be submitted as proof of capacity for the existing pipe and whether an upgrading would be required from the point of connection. The detailed longitudinal section of the existing stormwater pipe within the easement with engineering calculations of the capacity of the pipe shall be prepared by a practicing drainage engineer and submitted to the satisfaction of Council’s development engineering section.
4. The drainage plan shall be amended to show the method proposed to collect and dispose the runoff from the private courtyards without any blockage to the surface flow order to avoid ponding within the private courtyards.
5. The drainage plan shall be amended to show the provision of a junction pit for the connection into the easement’s pipe.
6. The drainage plan shall demonstrate that overland flow from the site is diverted onto the downstream private courtyard for up to 1:100 year event.

### Statement of Reasons

1. The proposed development is permissible and is considered to be of an appropriate scale and form for the site and is not inconsistent with the desired future character of the locality.
2. The proposed development, subject to the recommended conditions, will have no unreasonable or unacceptable impacts upon the natural or built environments.
3. The deficiency of one visitor car parking space is noted but is not sufficient to warrant refusal of the application having regard to the fact that each dwelling is provided with 2 car parking spaces.
4. The development has a height and FSR that is less than the maximum allowed and generally complies with the applicable controls in the development control plan with the

exception of car parking for visitors, permeable area and side boundary landscaping. The Panel agrees with the justifications provided in the report for allowing variations to those controls.

**LPP039-19      24 Hampden Street, Beverly Hills**  
(Report by Senior Development Assessment Planner)

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

**Speakers**

- Michelle Tesoriero (objector)

**Voting of the Panel Members**

Juliet Grant declared a non-pecuniary interest in Item LPP039-19 24 Hampden Street, Beverly Hills on the basis that her firm is involved in a master planning project that includes the site and left the chamber and took no active part in the matter. The decision of the remaining members 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. DA2017/0530 for the demolition, lot consolidation, tree removal and construction of a residential flat building over basement parking including site and landscaping works at 24 Hampden Street, Beverly Hills 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 does not achieve an acceptable built form and has insufficient setbacks and separation to minimise the visual dominance of the building when viewed from adjoining properties.
  - (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 the quality of communal open space areas, visual privacy, facades and universal design.
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. The site has a frontage of 12.19m, which fails to comply with the minimum 24m required by the DCP and will isolate an adjoining site. This non-compliance results in the site being unsuitable for the proposed development, it having unreasonable adverse impacts on neighbouring properties, and unreasonably limiting development outcomes on the adjoining property by its isolation.

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 built environment. The proposal does not respond to the context of the site nor the neighbourhood's character on the basis that it encroaches on the minimum required side and rear setbacks expected on the site.
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. The ability for cars to park in the basement car park has not been satisfactorily demonstrated particularly in relation to the visitor car parking space and Unit 4 car parking space.
6. Pursuant to Section 1.2 of the Environmental Planning and Assessment Act the proposal would set an undesirable precedent that would undermine orderly economic development and use of land in the locality given the narrow width of the site.
7. Pursuant to Section 4.15(1)(e) 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 and will isolate No. 22 Hampden Street, Beverly Hills.

**LPP040-19      506 - 508 Railway Parade, Allawah**  
(Report by Senior Development Assessment Planner)

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

**Speakers**

- Jim Apostolou (applicant)
- Hossam Elregily (architect)

**Voting of the Panel Members**

The decision of the Panel was unanimous.

**Determination**

Deferral

Development Application No. DA2017/0394 for the demolition, lot consolidation, tree removal and construction of a 6 storey residential flat building containing 19 units over 2 levels of basement parking at 506-508 Railway Parade, Allawah is **deferred** and the Panel invites the applicant to submit the following:

1. Revised plans which remove the rooftop communal open space and lift overrun from Level 6 and relocate the communal open space to all or part of Level 5. Alternatively the

applicant could demonstrate that reasonable communal open space can be provided at the ground level.

Amended plans addressing the Panel's concerns above, must be submitted to the Council within 60 days, otherwise the application will be determined on the information currently provided. Following receipt of this information, the Panel (as constituted on 3 October 2019) will determine the application electronically, unless the Chair determines that a further public meeting is required.

**LPP041-19     36 Bunyala Street, Blakehurst**  
(Report by Senior Development Assessment Planner)

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

**Speakers**

There were no speakers.

**Voting of the Panel Members**

The decision of the Panel was unanimous.

**Determination**

Approval

The Development Consent granted by the Land and Environment Court to Development Application No. DA2017/0649 in relation to Lot 4 in DP 516331 known as 36 Bunyala Street, Blakehurst is modified pursuant to Section 4.56 of the Environmental Planning and Assessment Act 1979 as set out below:

1. Condition 1 is modified to read as follows:

**1. Approved Plans**

(a) The development must be implemented in accordance with the approved plans and supporting documentation listed below except where amended by conditions of this consent:

Description	Reference No.	Date	Revision
<b><i>Architectural Plans prepared by Smith &amp; Tzannes, 17-061 LEC-</i></b>			
Site Plan	010	17/12/18	M
Demolition Plan	011	05/12/18	A
Level C2	<b>MOD-A-100</b>	<del>07/12/18</del> <b>18/7/19</b>	<del>J</del> <b>A</b>
Level C1	101	07/12/18	K
Level 0 Ground	102	17/12/18	Z

Level 1	<b>MOD-A-103</b>	07/12/18 <b>18/7/19</b>	V A
Level 2	<b>MOD-A-104</b>	05/12/18 <b>18/7/19</b>	P A
Level 3	<b>MOD-A-105</b>	05/12/18 <b>18/7/19</b>	Q A
Level 4	<b>MOD-A-106</b>	06/12/18 <b>18/7/19</b>	S A
Roof	<b>MOD-A-107</b>	05/12/18 <b>18/7/19</b>	L A
Adaptable Plans	108	05/12/18	A
West (Street) Elevation	<b>MOD-A-200</b>	05/12/18 <b>18/7/19</b>	L A
East Elevation	<b>MOD-A-201</b>	05/12/18 <b>18/7/19</b>	J A
North & South Elevations	<b>MOD-A-202</b>	05/12/18 <b>18/7/19</b>	M A
Section A	<b>MOD-A-203</b>	05/12/18 <b>18/7/19</b>	D A
Section B	204	05/12/18	C
Section C & D	<b>MOD-A-205</b>	05/12/18 <b>18/7/19</b>	F A
Notes & External Finishes	001	07/12/18	C
GFA Calculations	800	05/12/18	L
GFA Calculations & Apartment Schedule	801	05/12/18	G
Deep Soil Landscape Calculation	802	05/12/18	H
Communal Open Space Calculation	803	05/12/18	D
Site Coverage Calculation	804	05/12/18	E
Cross Vent & Solar Access Diagrams	805	05/12/18	F

Cross Vent & Solar Access Calculations	806	05/12/18	C
Views from the Sun Winter 9 am – 10 am	850	05/12/18	E
Views from the Sun Winter 11 am – 12 pm	851	05/12/18	E
Views from the Sun Winter 1 – 2 pm	852	05/12/18	E
Views from the Sun Winter 3 pm	853	05/12/18	D
Shadow Diagrams Winter Solstice 1	854	05/12/18	B
Shadow Diagrams Winter Solstice 2	855	05/12/18	B
Typical Pool & Ceiling Section SK004 18/09/18 B			
Typical Floor to Ceiling Section	SK005	18/09/18	
Materials and Finishes Sample Board			
<b>Architectural Design Report</b> Prepared by Architects Smith & Tzannes	17-061	12/12/18	D
<b>Stormwater Plans</b> Prepared by Wood & Grieve Engineers			
Stormwater Management Report	35608-SYD C	03/12/18	D
Stormwater Plans:			
General Arrangement Ground Floor	C1-060-01	03/12/18	E
General Arrangement Basement Level 1	C1-060-02	03/12/18	C



General Arrangement Basement Level 2	C1-0601 -3	03/12/18	D
Civic Details Sheet 1	C1-066-01	05/09/18	B
Civic Details Sheet 2	C1-066-02	30/07/18	C
Sediment and Erosion Control Plan	C1-070-01	01/12/18	A
Sediment and Erosion Control Plan Details	C1-070-01	01/12/18	A
<b>Survey</b> Prepared by Boxall Surveyors (Jarrod Hocking)	10588-001	01/09/17	A
<b>Landscape Plans</b> Prepared by NBRS Architecture Landscape	17448- LDA001 - 07	<del>17/12/18</del> <b>23/7/19</b>	<del>J</del> <b>K</b>
<b>Site Investigation</b>  Detailed Site Investigation Report Prepared by EI Australia	E23562.E02	15/12/17	1
Additional Site Investigation Prepared by EI Australia	E23562.E03	14/09/18	2
<b>Acid Sulphate Soils Assessment</b> Prepared by EI Australia	E23562.E14	15/12/17	0
<b>Waste Management Plan</b> Prepared by Elephants Foot		19/01/17	D
<b>Geotechnical Investigation</b> Prepared by EI Australia	E23562.G03	15/12/17	2

<b>Acoustic Report</b> Prepared by Acoustic Logic	20171311.1/ 0812A1R1/TA	8/12/17	1
<b>Aboriculture Assessment Report</b> Prepared by Urban Tree Management 17	20024	20/11/20	17
<b>Heritage impact Statement</b> Prepared by NBRS Architecture Heritage		14/12/17	2

**(This condition has been modified as part of MOD2019/0134 (DA2017/0649)).**

2. Insert Condition 1A to read as follows:

1A The small highlight windows on the southern elevation of bathrooms of Units A104, A204 and A304 are to be retained.

3. Condition 7 is modified to read as follows:

**7. Development Contributions**

- (a) The Section 7.11 contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.
- (b) The Section 7.11 contribution has been levied on the subject development pursuant to the Kogarah Section 94 Contributions Plans as follows:

<b>Contribution Plan</b>	<b>Description</b>	<b>Section 94 contributions payable (\$)</b>
Plan No. 1	Road and traffic management - residential	1,039.36
Plan No. 5	Open Space – 2006	495,184.74
Plan No. 9	Kogarah libraries - buildings component	11,372.10
Plan No. 9	Kogarah libraries - books component	8,108.08
<b>Total Section Contributions Currently Payable</b>		<b>\$515,704.28</b>

The Section 7.11 contribution has been levied on the modified development

pursuant to the Kogarah Section 94 Contributions Plans as follows:

<b>Contribution Plan</b>	<b>Description</b>	<b>Section 94 contributions payable (\$)</b>
Plan No. 1	Road and traffic management – residential	\$6.79
Plan No. 5	Open Space – 2006	\$4,342.69
Plan No. 9	Kogarah libraries - buildings component	\$88.46
Plan No. 9	Kogarah libraries - books component	\$63.07
<b>Total Section Contributions Currently Payable</b>		

**\$4,501.01(This condition has been modified as part of MOD2019/0134 (DA2017/0649)).**

(a) Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Section 94 Development Contributions Plan. The above rates only are current to **December 2018**.

(b) Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

(c) Further Information

A copy of the all current Development Contributions Plans may be inspected or a copy purchased at Council's offices (Georges River Civic Centre, MacMahon Street, Hurstville) and Kogarah Library or viewed on Council's website [www.georgesriver.nsw.gov.au](http://www.georgesriver.nsw.gov.au).

Statement of Reasons

1. The Panel is satisfied that the development as proposed to be modified is substantially the same as the development that was originally approved by the Land and Environment Court.
2. The proposed modifications to the approved plans are minor in nature and do not result in any adverse impact on the natural and built environment.
3. The Panel does not accept that there is any reasonable justification for removing the small windows to the bathrooms in the southern elevation and removal of such would be contrary to Principle 4 Sustainability under SEPP 65.

**4. CONFIRMATION OF MINUTES**

**GEORGES RIVER LOCAL PLANNING PANEL (LPP) - 19 SEPTEMBER 2019**

**RECOMMENDATION**

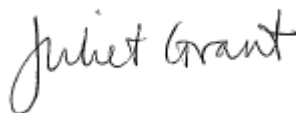
That the Minutes of the Georges River Local Planning Panel (LPP) held on 19 September 2019 be confirmed.

---

The meeting concluded at 6.12pm.



Adam Seton  
**Chairperson**



Juliet Grant  
**Expert Panel Member**



Michael Leavey  
**Expert Panel Member**



George Vardas  
**Community Representative**