

**ELECTRONIC DETERMINATION OF THE
GEORGES RIVER LOCAL PLANNING PANEL
11 APRIL 2022**

**SCHEDULE 2, PART 5, ITEM 26 OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979 (NSW)**

Panel constituted by: Sue Francis (Chair), Michael Leavey (Expert), Anthony Hudson (Expert) and Cameron Jones (Community Representative)

Development application: DA2021/0005

Proposal: Demolition, construction of a dual occupancy with in-ground swimming pool, cabana and front fence

Premises: Lot 302 in DP548120, 1034 Forest Road Lugarno

Determination

Approval

Pursuant to Section 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) the Georges River Local Planning Panel approve DA2021/0005 for demolition, construction of a dual occupancy with in-ground swimming pool, cabana and front fence at Lot 302 in DP548120, known as 1034 Forest Road, Lugarno, subject to:

The Conditions recommended in the report to the Georges River Local Planning Panel meeting of 3 February 2022, subject to the amendments as follows:

Amend condition 1 to reference the marked up first floor plan to D2 CEDAR – 05 as follows:

- 1. Approved Plans** - The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Site Plan	CEDAR - 03	25/6/21	A	Cedar Designs
Ground Floor Plan	CEDAR - 04	25/6/21	A	Cedar Designs
First Floor Plan	CEDAR - 05	25/6/21	A	Cedar Designs
Marked Up Plan	CEDAR - 05	Amended 11/4/22	-	-
Roof Plan	CEDAR - 06	25/6/21	A	Cedar Designs
Elevations	CEDAR - 07	25/6/21	A	Cedar Designs
Elevations 1	CEDAR - 08	25/6/21	A	Cedar Designs
Front Fence Plans	CEDAR - 09	25/6/21	A	Cedar Designs
Detailed Pool Plans	CEDAR - 10	25/6/21	A	Cedar Designs

Pool Cross Sections	CEDAR - 11	25/6/21	A	Cedar Designs
Cross Sections	CEDAR - 13	25/6/21	A	Cedar Designs
Driveway Profiles	CEDAR - 15	25/6/21	A	Cedar Designs
Cabana Plans	CEDAR - 16	25/6/21	A	Cedar Designs
Cabana Elevations	CEDAR - 17	25/6/21	A	Cedar Designs
Deep Soil Plan	CEDAR - 18	25/6/21	A	Cedar Designs
Schedule of Materials and Finishes	CEDAR - 19	25/6/21	A	Cedar Designs
Demolition Plan	CEDAR - 22	25/6/21	A	Cedar Designs
Erosion and Sediment Control Plan	CEDAR - 23	25/6/21	A	Cedar Designs
Stormwater Plans Sheets 1 to 3	2021381	29/10/21	3	MBC Engineering

Amend condition 11 to identify the marked up amendments to the first floor to D2 and amendments to the fence height for D2 and read as follows:

11. Required design changes - The following changes are required to be made and shown on the Construction Certificate plans:

Swimming Pools	The water line of both swimming pools shall be a minimum of 1.5m from the site boundaries, including the shared boundary between the proposed dwellings.
Privacy Screen	A 1.6m high privacy screen is to be provided to the southern side of the front first floor balcony of Dwelling 2. This screen is not permitted to be a solid wall, it is to be fixed louvres positioned/angled so that there is no direct overlooking to the southern allotment.
First Floor of D2	<ol style="list-style-type: none"> a. The first floor of Dwelling 2 and roof above to be cut back by 1m from the eastern side (the internal configuration of the master bedroom WIR may be adjusted accordingly); b. The balcony to be reduced to a depth of 1m and relocated adjacent to the eastern wall of the master bedroom, balcony above entry and roof above to be removed; c. The southern first floor Master Bedroom opening to be reduced in width accordingly and replaced with a high level window; d. The eastern first floor window to be replaced with glazed sliding door to the balcony; and e. These are generally shown in the marked up plans for proposed first floor sheet number Cedar-05 as referred to in condition 1.
Fence Height D2	The approved site plan and landscape plan be amended to show the 1.8m boundary colorbond fence being increased in height to 2.1m in the location of the rear western boundary of D2 and the western end of the southern boundary of D2 up until the eastern end of the D2 pool.

Statement of Reasons:

The statement of reasons are as following:

- The Panel deferred the matter on the 3 February 2022 to seek amendments to address the relationship of the proposal to the neighbour to the south. No amendments were forthcoming.
- The proposal is non-compliant with the solar access requirements of Hurstville DCP 1 and the Panel is of the view that the shadow and privacy impacts on the private open space of the adjoining town house to the south can be mitigated through minor design amendments, as have been conditioned.
- The proposal, as conditioned, will have effective façade modulation and wall articulation that will serve to provide visual interest and reduce the bulk of the buildings.

Date of Determination: 11 April 2022

Voting: Unanimous

Confirmed: Sue Francis (Chair), Michael Leavey (Expert), Anthony Hudson (Expert) and Cameron Jones (Community Representative) as the constituted Georges River Local Planning Panel pursuant to Part 4 of the Environmental Planning and Assessment Act 1979 (NSW).

Dated: 11 April 2022



Sue Francis
Chairperson



Anthony Hudson
Expert Panel Member




Michael Leavey
Expert Panel Member



Cameron Jones
Community Representative


Declaration of Interest

Georges River Local Planning Panel

Panel Member Name:	Sue Francis
Meeting Date:	11 April 2022
Item Numbers:	<ul style="list-style-type: none">LPP002-22 - 1034 Forest Road Lugarno
In relation to the matters on this agenda, I declare that I have:	<input checked="" type="checkbox"/> No known conflict of interest
In relation to item number I have an actual ¹ conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a potential ² conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a reasonably perceived ³ conflict of interest	<input type="checkbox"/> Conflict Details
Name of Panel Member	Sue Francis
Signature:	
Key of Terms: ¹ An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties. ² A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future. ³ A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.	


Declaration of Interest

Georges River Local Planning Panel

Panel Member Name:	Michael Leavey
Meeting Date:	11 April 2022
Item Numbers:	<ul style="list-style-type: none">LPP002-22 - 1034 Forest Road Lugarno
In relation to the matters on this agenda, I declare that I have:	<input checked="" type="checkbox"/> No known conflict of interest
In relation to item number I have an actual ¹ conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a potential ² conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a reasonably perceived ³ conflict of interest	<input type="checkbox"/> Conflict Details
Name of Panel Member	Michael Leavey
Signature:	
Key of Terms: ¹ An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties. ² A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future. ³ A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.	

Declaration of Interest

Georges River Local Planning Panel

Panel Member Name:	Anthony Hudson
Meeting Date:	11 April 2022
Item Numbers:	<ul style="list-style-type: none">LPP002-22 - 1034 Forest Road Lugarno
In relation to the matters on this agenda, I declare that I have:	No known conflict of interest
In relation to item number I have an actual¹ conflict of interest	NA
In relation to item number I have a potential² conflict of interest	NA
In relation to item number I have a reasonably perceived³ conflict of interest	NA
Name of Panel Member	Anthony Hudson
Signature:	
Key of Terms: ¹ An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties. ² A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future. ³ A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.	

Declaration of Interest

Georges River Local Planning Panel

Panel Member Name:	Cameron Jones
Meeting Date:	11 April 2022
Item Numbers:	<ul style="list-style-type: none"> • LPP002-22 - 1034 Forest Road Lugarno
In relation to the matters on this agenda, I declare that I have:	<input checked="" type="checkbox"/> No known conflict of interest
In relation to item number I have an actual¹ conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a potential² conflict of interest	<input type="checkbox"/> Conflict Details
In relation to item number I have a reasonably perceived³ conflict of interest	<input type="checkbox"/> Conflict Details
Name of Panel Member	Cameron Jones
Signature:	
Key of Terms: ¹ An 'actual' conflict of interests is where there is a direct conflict between a member's duties and responsibilities and their private interests or other duties. ² A 'potential' conflict of interests is where a panel member has a private interest or other duty that could conflict with their duties as a panel member in the future. ³ A 'reasonably perceived' conflict of interests is where a person could reasonably perceive that a panel member's private interests or other duties are likely to improperly influence the performance of their duties as a panel member, whether or not this is in fact the case.	