

**ELECTRONIC REPORT TO GEORGES RIVER LOCAL PLANNING PANEL
FOLLOWING DEFERRAL OF 20 JUNE 2019**

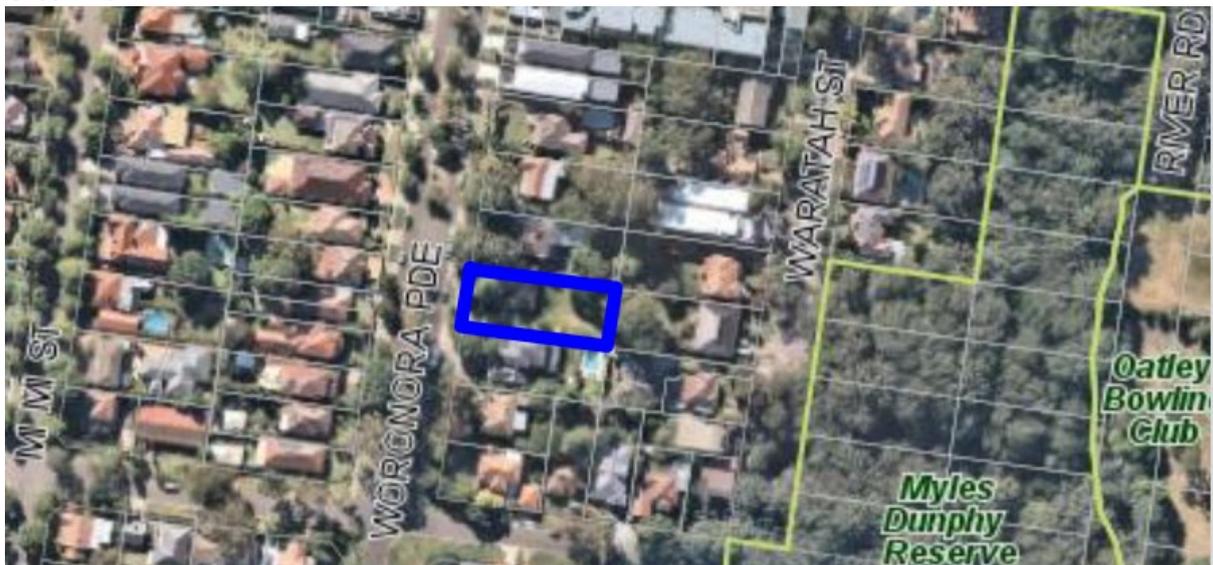
Development Application No	DA2018/0462
Site Address & Ward Locality	87 Woronora Parade Oatley Mortdale Ward
Proposed Development	Demolition works and construction of detached dual occupancy with swimming pool for each dwelling
Owners	365 Project Management Pty Ltd
Applicant	J Chen
Planner/Architect	ARC Homes Australia
Date of Lodgement	6/11/2018
Submissions	28
Cost of Works	\$740,000.00
Local Planning Panel Criteria	The development has received more than 10 unique submissions by way of objection.
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy No 55 – Remediation of Land, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, Deemed State Environmental Planning Policy – Georges River Catchment, Hurstville Local Environmental Plan (HLEP) 2012, Hurstville Development Control Plan No 1 - LGA Wide
List all documents submitted with this report for the Panel's consideration	Amended Architectural Plans; Amended Landscape Plan; Driveway Assessment; A Letter to LPP Regarding the Amendment; Driveway Long Section Job Number 2018645 Sheet 1; Long Section along Front Boundary Number 8001 and Previous assessment report.
Report prepared by	Development Assessment Officer

Recommendation	THAT the application be refused in accordance with the reasons stated in the report.
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development	

standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	The application is recommended for refusal

Site Plan



Subject site highlighted in blue

Executive Summary

1. This report has been prepared following the deferral of the proposal by the Georges River Local Planning Panel on 20 June 2019, being DA2018/0462 for demolition works and construction of detached dual occupancy with swimming pool and cabana for each dwelling on the subject site.
2. The Panel resolved to defer consideration of the DA and invited the applicant to submit amended plans to address the Panel's concerns, being:
 - a) Redesign of Driveway
Redesign of the driveway grade so as to achieve a gradient to meet Australian Standard (AS2890.1-2004) requirements over the distance of the driveway having regard to the entry of the garage to the street and allowing for the provision of a potential 1.2m wide footpath within the road reserve of Woronora Parade. This may result in the raising of the finished floor level (FFL) of the garages so as to accommodate a maximum gradient allowable under the Australian Standard (AS2890.1-2004) over the distance of the driveway.
 - b) Redesign of Roof

Deletion of the void areas above the foyer, garage and Bedroom 3 so as to achieve a uniform single height profile to reduce the height of the building so as to minimize the visual impact and overshadowing of adjoining properties.

c) *Deletion of Cabanas*

Deletion of each cabana to allow for additional landscape area in order to meet the minimum 25% landscape control.

d) *Lowering of Swimming Pools*

The proposed swimming pool for each dwelling shall be lowered so as the coping is no greater than 150mm above finished ground level.

e) *Lowering of Alfresco Areas*

The finished level of the alfresco areas shall be reduced so as the height of these areas shall not exceed 300mm above finished ground level.

3. On 1 July 2019 the applicant submitted amended plans which revised the architectural plans, amended the landscape plan, and provided a driveway assessment report and section together with a letter for the Panel outlining the nature of the amendments made.
4. The amended plans were referred to Council's Design Engineer who requested additional driveway details which was provided on 21 October 2019. The outcome of the assessment by Council's Design Engineer was that the application cannot be supported in its current form.
5. Having regard to the Matters for Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979, the amendments to the development have not resolved the reasons the application was recommended for refusal and was unable to satisfy all the reasons the application was deferred by the Panel. In addition to the non-compliances identified in the original report, a new non-compliance has been introduced as a result of the driveway levels and an attempt for the development to be compliant with AS2890, the revised proposal only permits a single garage can for each dwelling where two (2) are required. As a result Development Application No. DA2018/0462 is recommended for refusal for the reasons stated at the end of this report.

Report in Full

BACKGROUND

6. At its meeting on 20 June 2019, the Local Planning Panel (LPP) considered the subject DA as item LPP015-19 and resolved to defer the application for the following:

Development Application DA2018/0462 be deferred and the applicant be invited to submit amended plans which address following:

- a) Redesign of Driveway
Redesign of the driveway grade so as to achieve a gradient to meet Australian Standard (AS2890.1-2004) requirements over the distance of the driveway having regard to the entry of the garage to the street and allowing for the provision of a potential 1.2m wide footpath within the road reserve of Woronora Parade. This may result in the raising of the finished floor level (FFL) of the garages so as to accommodate a maximum gradient allowable under the Australian Standard (AS2890.1-2004) over the distance of the driveway.
- b) Redesign of Roof
Deletion of the void areas above the foyer, garage and Bedroom 3 so as to achieve a uniform single height profile to reduce the height of the building so as to minimize the visual impact and overshadowing of adjoining properties.
- c) Deletion of Cabanas
Deletion of each cabana to allow for additional landscape area in order to meet the minimum 25% landscape control.
- d) Lowering of Swimming Pools
The proposed swimming pool for each dwelling shall be lowered so as the coping is no greater than 150mm above finished ground level.
- e) Lowering of Alfresco Areas
The finished level of the alfresco areas shall be reduced so as the height of these areas shall not exceed 300mm above finished ground level.

AMENDED PLANS

7. Amended plans in response to the LPP's deferral of the DA were submitted on 1 July 2019. The amendment included updating the architectural plans, amendments to the landscape plan, and provided a driveway assessment report and section together with a letter for the Panel outlining the nature of the amendments made. The driveway information was considered deficient by Council's Design Engineer, as a result additional driveway details were requested which were submitted on 21 October 2019. All the documentation assessed is provided as attachments to this report for the Panel's review and consideration.

The following is an assessment of the amended plans provided by the applicant in response to the deferral.

- a) **Redesign of Driveway**
Redesign of the driveway grade so as to achieve a gradient to meet Australian Standard (AS2890.1-2004) requirements over the distance of the driveway having regard to the entry of the garage to the street and allowing for the provision of a potential 1.2m wide footpath within the road reserve of Woronora Parade. This may result in the raising of the finished floor level (FFL) of the garages so as to accommodate a

maximum gradient allowable under the Australian Standard (AS2890.1-2004) over the distance of the driveway.

Applicant Response: *We have raised finished floor level (FFL) of both garages from RL35000 to RL 35360 to accommodate the maximum gradient allowable under the Australian Standard (AS 2890.1-2004) over the distance of the driveway. 1.2m wide potential footpath within the road reserve of Woronora Parade has also been taken into consideration. The driveway section shows the northern dwelling driveway gradient which is the steeper comparing to the southern one. Traffic engineer's certification is also attached for review.*

Assessment Officer's comment: The reason for the Panel's deferral was to enable the applicant to explore a redesign of the proposal so demonstrate compliant driveway grades making provisions for a 1.2m wide future footpath complying with Australian Standard (AS2890.1-2004) gradient.

To achieve compliance the applicant needed to raise the garage floor level by 350mm; the redesign has been accompanied by a driveway assessment report to demonstrate compliance with AS2890.1-2004.

The redesign and layout of the internal driveways is acceptable in terms of maximum driveway gradients to satisfying the Australian Standard. Notwithstanding the grade compliance for access, the driveway remains too steep to accommodate an on-grade car parking space result in a non-compliance with the car parking provisions of the Hurstville Development Control Plan (DCP) as the grade exceeds 5% being, which is the maximum permitted for a car parking space.

Under AS2890.1-2004, the maximum gradients within a parking module including a motorcycle parking area are:

- (a) Measured parallel to the angle of parking – 1 in 20 (5%).*
- (b) Measured in any other direction – 1 in 16 (6.25%).*

Each dwelling is required to have two (2) off street carparking spaces, one (1) being within a garage and one (1) driveway space under Hurstville DCP No 1. The driveway as referenced in the amended proposal does not comply with Australian Standard AS2890.1-2004; given the driveway with a gradient from 1:9 (11%) to 1:4 (25%) exceeds the maximum gradient for it to be used as a parking space.

As a result each dwelling is deficient by one (1) space.

Furthermore, the Design Engineer reviewed the additional driveway details and determined that Council is unable to approve the driveway works in its current form for the reasons discussed in the 'Council's Referrals' section below.

As such, the redesign of the driveways is not considered to be satisfactory from Council's Design Engineer's perspective given the nature of the works proposed will result in a form of 'bridging' the driveway, significant changes to the public domain including the construction of retaining walls and safety barriers to prevent vehicle leaving the driveway when accessing the site. This design will also result in potential sightline issues when reversing out of the driveway as there is not ability to leave the site in a forward direction.

b) Redesign of Roof

Deletion of the void areas above the foyer, garage and bedroom 3 so as to achieve a uniform single height profile to reduce the height of the building so as to minimize the visual impact and overshadowing of adjoining properties.

Applicant Response: *The void area above foyer/garage/bedroom 3 has been deleted; the roof height has been reduced from RL39450 to RL38150, which is the same as the rest of the building. Therefore, the visual impact and overshadowing of adjoining properties has been addressed and minimised.*

Assessment Officer's comment: The reason for the Panel's deferral was to reduce the overall building height and to minimise the visual and overshadowing impacts. The applicant has followed the Panel's direction to delete the void areas and reduce the roof height from by 1.3m from RL39450 to RL38150. The visual and overshadowing impacts have been reduced to an acceptable level.

The amended plans have addressed the Panel's deferral reason.

c) Deletion of Cabanas

Deletion of each cabana to allow for additional landscape area in order to meet the minimum 25% landscape control.

Applicant Response: *Both cabanas have now been deleted. Currently the landscaped area is 316.14sqm, including front yard, middle courtyard and back yard. The landscape ratio is 31.27% which is more than the minimum requirement of 25% by DCP.*

Assessment Officer's comment: The applicant has followed the Panel's direction to delete the cabanas, which allows the landscaped area to meet the minimum 25% landscape control in the Foreshore Scenic Protection Area (FSPA).

The amended plans have addressed the Panel's deferral reason.

d) Lowering of Swimming Pools

The proposed swimming pool for each dwelling shall be lowered so as the coping is no greater than 150mm above finished ground level.

Applicant Response: Both of the proposed swimming pools have been further lowered, the coping level is RL 29941, they are less than 150mm above finished ground level, please refer to long sections.

Assessment Officer's comment: The applicant has lowered the coping level of the swimming to meet the HDCP requirements.

The amended plans have addressed the Panel's deferral reason.

e) Lowering of Alfresco Areas

The finished level of the alfresco areas shall be reduced so as the height of these areas shall not exceed 300mm above finished ground level.

Applicant Response: The finished level of alfresco area has been lowered to RL 30100 in both dwellings, they are now within 300mm above finished ground level. Please refer to long sections.

Assessment Officer's comment: The applicant has reduced the finish level of alfresco area to be consistent with the gradient of the natural ground level. The finish level of the alfresco has been reduced by 1.18m and is considered acceptable.

The amended plans have addressed the Panel's deferral reason.

FURTHER PLANNING ASSESSMENT

8. The subject site is zoned Zoning R2 - Low Density Residential and the proposal is a permissible form of development with Council's consent. However, the proposed development as modified fails to adequately satisfy the R2 Low Density Residential objective 'to ensure that a high level of residential amenity is achieved and maintained' due to the adverse impacts, including solar access, streetscape and vehicle access safety impacts, generated by the proposed development.

Hurstville LEP 2012 – Development Standards

9. The extent to which the proposal is assessed against the relevant standards of Hurstville LEP 2012 is outlined in the table below.

Applicable LEP Clause	Development Standards	Development Proposal	Complies
4.1 Minimum subdivision Lot size	Dual occupancy – 630sqm if land identified as "G" on lot size map; 1000sqm if land identified as "K" on lot size map	Land is identified as "K" on the lot size map which requires 1000sqm of site area for a dual occupancy. The site has an area of 1011sqm.	Yes
4.3 – Height of Buildings	9m - Height of Buildings Map	8.2m.	Yes
4.4 Floor Space	0.6:1	0.47:1 (478sqm)	Yes

Ratio			
6.4 Foreshore Scenic Protection Area (FSPA)	<p>The objectives of this clause are:</p> <p>(a) to recognise, protect and enhance the natural, visual, environmental and heritage qualities of the scenic areas of Hurstville and the Georges River,</p> <p>(b) to protect significant views to and from the Georges River,</p> <p>(c) to reinforce the dominance of landscape over built form.</p> <p>Council cannot grant consent to the carrying out of development on land within a Foreshore Scenic Protection Area unless consideration has been made of the following:</p> <p>“(3)(a) affect the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation, and</p> <p>(b) affect the visual environment, including the views to and from the Georges River, foreshore reserves,</p>	<p>The proposal will not impact on views to the foreshore.</p> <p>The proposal is not likely to result in any impacts on any significant topographical features, environmental heritage or any significant vegetation.</p> <p>The proposal retains useable landscaped areas on site.</p>	Yes

	residential areas and public places, and (c) affect the environmental heritage of Hurstville, and (d) contribute to the scenic qualities of the residential areas and the Georges River by maintaining the dominance of landscape over built form.”		
6.7 Essential Services	Development not to affect Council /Essential services	The services can be extended to service the development. Stormwater is proposed to drain to an existing easement of which the site benefits.	Yes

State Environmental Planning Policies

10. Compliance with the relevant State Environmental Planning Policies is summarised in the table below.

State Environmental Planning Policy	Complies
State Environmental Planning Policy No 55 – Remediation of Land	Yes
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Yes
Deemed State Environmental Planning Policy – Georges River Catchment	Yes

Development Control Plans

11. The proposed development is subject to the provisions of the Hurstville Development Control Plan 1 (DCP 1). The following comments are made with respect to the proposed development, considered against the objectives and controls contained within the DCP 1.
12. The proposed development is subject to the provisions of the Hurstville Development Control Plan No 1. The following comments are made with

respect to the proposal satisfying the objectives and controls contained within the DCP.

Applicable DCP Controls	DCP Provisions	Development Proposal	Complies
PC1 – Site Area	1000sqm	1011sqm	Yes
Frontage	22m for a detached dual occupancy in a 'side-by-side' configuration where both dwellings have direct street frontage	20.115m	No (1)
PC2 – Height	9m for 2 storey Max. 6.8m wall height Floor to ceiling height 2.4m-3.6m Max. parapet height 450mm	7.8m Max. 7.2m 2.7m 450mm	Yes No (2) Yes Yes
Maximum storeys	2	2	Yes
PC3 – Setbacks Front: Side: Side: Rear:	5.5m 900mm/1.5m 900mm/1.5m 7m/9m	6m 1.518mm/1.518m 1.518mm/1.518m 20.2m/18.7m	Yes Yes Yes Yes
PC4 – Solar Access	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 9.00am and 3.00pm on 21 June. Note: Exemptions will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation.	The windows servicing the home theatre and dining area of the southern dwelling of this development do not receive 3hrs of sunlight between 9.00am and 3.00pm on 21 June. The three (3) ground floor windows including one (1) lounge room window and one (1) dining room window of the southern property at 89	No (3) (No exemption is applicable considering there are other non-compliances associated with the development)

		<p>Woronora Parade do not receive 3hrs of sunlight between 9.00am and 3.00pm on 21 June.</p> <p>However, 3hrs of direct sunlight between 9am and 3pm on 21 June is achievable to most of the principal private open spaces of the southern property at 89 Woronora Parade.</p>	
PC5 – Visual Privacy	<p>Window offsets, high light windows and obscured glazing;</p> <p>First floor rear balconies are to incorporate fin walls or privacy screens to side elevations to prevent overlooking</p>	<p>Window offsets, high light windows have been proposed to mitigate privacy impact.</p> <p>Privacy screens provided</p>	<p>Yes</p> <p>Yes</p>
PC6 – Noise	Noise emitting plant and machinery must be located away from habitable rooms or treated to negate noise issues	If the application was to be supported a noise condition would be incorporated to ensure the plant associated with the swimming pools and air conditioning condenser units be appropriately located and or be mitigated to ensure a maximum noise level not exceeding 5dB(A) above the	Yes

		background noise.	
PC7 – Vehicle access, parking and manoeuvring	Each dwelling is to provide one (1) garage and (1) driveway space	Driveway space cannot be achieved Single garage for each lot.	No (4)
	Garage setback 5.5m from front property alignment and recessed 300mm into façade	Garages recessed more than 300mm into façade	Yes
	Internal driveway grades are in accordance with Australian Standard 2890.1-2004	Driveway gradient does not exceed 25%	Yes
PC8 – Cut and Fill	Cut and fill limited to 600mm	Maximum 830mm	No (5)
PC9 – Streetscape Character	Windows to street	Windows face street	Yes
	The street façade of dual occupancies are to adopt an asymmetrical design to provide each dwelling with an individual identity when viewed from the street	Mirror-reverse design	No (6)
PC11 – Balconies	Rear balcony maximum depth 2m	1.5m	Yes
PC13 – Fencing	Front fencing: Maximum height 1m	Front fence with maximum height of 1m proposed	Yes
PC14 – Landscaped areas and private open space	Within FSPA - 25%; Minimum dimension of landscaped space 2m	31% (316sqm)	Yes
PC15 – Stormwater	Drainage by gravity OR Easement OR Charged system OR Absorption/Infiltration method	Drain by gravity to an existing easement	Yes
Section 5.6 Swimming Pools and	The top of the pool is as close to existing ground level as	Inground swimming pools – 150mm	Yes

Spas	possible; Swimming pool edge to be a minimum of 1.5m from side and rear property boundaries	1.5m (there is no internal boundary as the proposal is a detached dual occupancy and subdivision is not part of the application)	Yes
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13. Non-compliances in table above are discussed below.

(1) Site frontage

14. Hurstville DCP No 1 prescribes a site width of 22m for a detached dual occupancy in a 'side-by-side' configuration where both dwellings have direct street frontage. This is to enable development that incorporates adequate setbacks, efficient car parking and vehicle access and circulation and high quality built form.

15. However, the subject site has a lot width of less than 22m, being 20.115m. The resulting developments built form will not respect the streetscape bulk and scale of development in the immediate locality and therefore inconsistent with the precinct. In addition the development does satisfy other development criterion of Council's Development Control Plan.

(2) Building height

16. Hurstville DCP No 1 contains controls regarding maximum wall height of 6.8m. The roof height has been reduced from RL39450 to RL38150. The proposed wall height has also been reduced by 300mm from 7.5m to maximum 7.2m. However, adverse impacts of overshadowing, although being reduced, will still result from the proposed development on the adjoining premises.

(3) Solar access

17. Hurstville DCP No 1 requires at least 3 hours of sunlight on the windows of main living areas and adjoining principal private open space of adjacent dwellings between 9.00am and 3.00pm on 21 June.

18. It is acknowledged the overshadowing impact has been reduced. However, the windows servicing the home theatre and dining area of the southern dwelling of the subject development does not receive 3hrs of sunlight between 9.00am and 3.00pm on 21 June.

19. In addition, three (3) ground floor windows including one (1) lounge room window and one (1) dining room window in the northern side of the southern adjoining property does not receive 3hrs of sunlight on 21 June (refer to Figures 1-3 below).

20. It is acknowledged both the subject site and the neighbouring site have an east-west orientation. Overshadowing to a certain degree is unavoidable due to lot orientation. DCP No 1 states:

'exemptions will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation'.

However, in this case, the exemption clause cannot be invoked as the development contains various non-compliances, including building height non-compliances, which result in increased overshadowing. The overshadowing could be reduced with a more conservative design.

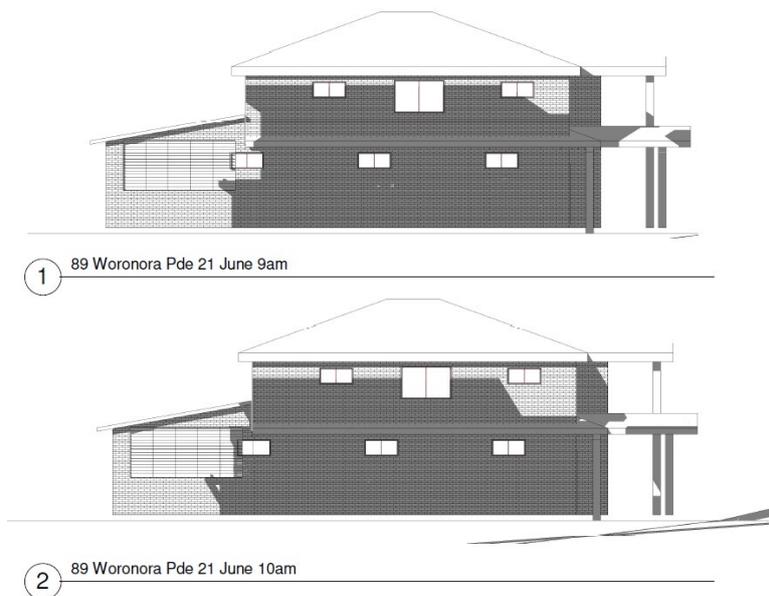


Figure 1: Elevational Shadow Diagram 9/10am 89 Woronora Parade (Source: ARC Homes)

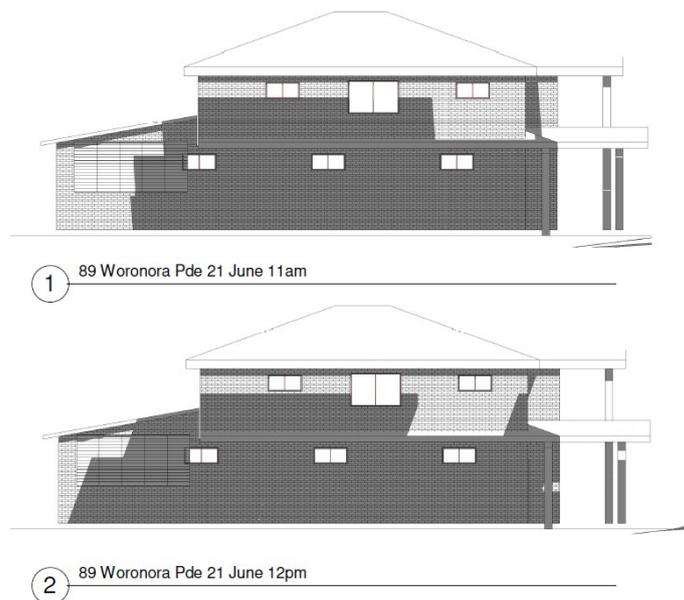


Figure 2: Elevational Shadow Diagram 11am/12pm 89 Woronora Parade (Source: ARC Homes)

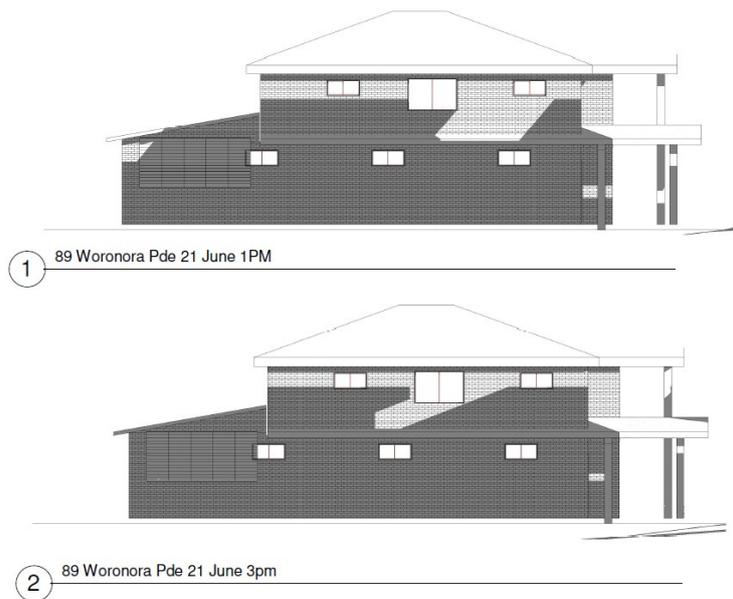


Figure 3: Elevational Shadow Diagram 1/3pm 89 Woronora Parade (Source: ARC Homes)

- (4) Vehicle access, parking and manoeuvring
21. Hurstville DCP No 1 requires 2 car spaces for every 3 or more bedroom dwelling. However, the proposed development cannot provide sufficient car spaces to meet the minimum requirement as the driveway grade is too steep. There is one single garage proposed for each dwelling. As discussed, the proposed front driveway cannot be used as a hardstand parking space given it exceeds the maximum gradients for a car parking space as referenced in the parking module of Australian Standard 2890.1(2004).
- (5) Cut and fill
22. Hurstville DCP No 1 contains controls to limit the cut and fill to a maximum depth of 600mm while the proposed maximum cut is 830mm. The cut in the amended proposal remains the same and is not considered reasonable given it does not satisfy the objective of cut and fill provision to reduce disturbance of natural ground levels.
- (6) Streetscape character
23. Hurstville DCP No 1 requires the street façade of dual occupancies to adopt an asymmetrical design to provide each dwelling with an individual identity when viewed from the street. The proposed front façade in the amended proposal remains the same, providing a mirror-reverse design for the detached dual occupancy. It is considered the proposal fails to satisfy the objective of the clause as the design does not *'contribute to the creation of cohesive yet varied and visually interesting'* and is *'inconsistent with the preferred future character of the area streetscapes'* as prescribed in DCP No 1. It is noted the applicant attempted to achieve asymmetrical design by providing differing colours to the two (2) dwelling façades. However, using colour differentiation is not considered to be an acceptable solution to satisfy the requirement for an asymmetrical design.

IMPACTS

Natural Environment

24. The development is likely to have adverse impacts on the natural environment. The proposed cut and fill is not considered reasonable given the development contains cut and fill non-compliance and does not satisfy the objective of cut and fill provision to reduce disturbance of natural ground levels. It is noted the impact could be reduced through a revised design.

Built Environment

25. The development does not respect the contextual arrangement of the streetscape pattern of development and is therefore inconsistent with the existing built form and character of the area. The development does not comply with the site frontage, height, solar access, parking, cut and fill, and streetscape controls, and as such does not meet the objectives underpinning the dual occupancy housing controls. As such, an adverse impact would result from the proposed development of the site and its resulting impacts on the amenity of the adjoining premises.

Social Impacts

26. The proposed development is for a residential purpose in an already established residential zone. Consequently, the proposal will not result in any unreasonable social impacts, subject to a suitable design being achieved that is respectful of the adjoining allotment and the public domain.

Economic Impacts

27. No significant economic impacts are likely to arise as a result of the proposed development.

Suitability of the site

28. The application has failed to provide a development that is suitable for the site in its current form with respect to site frontage, streetscape, landscaping, bulk and scale and vehicle access. For the reasons detailed in this report, the application cannot be supported.

SUBMISSIONS

29. The amended plans did not require re-notification to neighbours, as the proposal results in similar or reduced impacts for neighbouring properties compared to the original proposal, and the amended plans have been submitted in response to the Local Planning Panels deferral of the DA.

Council's Referrals

30. The redesign of the vehicle crossing was referred to Council's Design Engineer, the assessment of the design resulted in the proposal unacceptable in its current form. As a result the following additional driveway details are required:

- *“Detailed plans will need to be provided showing the extent of the proposed works on the nature strip, these plans will need to show.*
 - *Long Sections*

- *Long sections at the property boundary across the full site frontage and extending five meters (5m) into each neighbouring property (or as necessary) to show extents of work. This section (scale 1:20) is to show all surface changes of the proposed driveway design; it is to include design surface levels, existing surface levels and cut/fill dimensions.*
- *Driveway Sections*
 - *Driveway sections for the centre of each driveway and the Northern edge of the Northern driveway. This profile (scale 1:20) is to show levels and grades from road centreline to the internal garage floor level including but not limited to levels of, Road centreline, changes of grade on road surface, lip of gutter, invert of gutter, back of vehicular crossing(gutter layback), front of path, back of path and boundary. The driveway profile is to be designed so that the layback (back of vehicular crossing) level is to be 120mm above the gutter invert level to minimise the potential for stormwater to enter the property via the road. The driveway profile is to be designed in accordance with AS/NZS 2890.1:2004 'Off Street Parking'*
- *Structural Plans*
 - *Detailed structural plans will need to be submitted showing the extent of any retaining walls or suspended slabs on Council land, these plans will need to be certified by a suitably qualified engineer.*
- *All plans are to show accurate size, location and levels of all services (pits, poles, etc.) to show their proximity to the proposed works, location of underground service lines in the vicinity of the proposed works are required to be shown.*
 - *If retaining walls are to be approved on Council land it will be under the condition that a Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the retaining walls on the owners of the land.*
 - *The applicant will need to provide written proof from all relevant service authorities that they are satisfied with the proposed works and that they will not adversely affect their assets."*

The additional driveway details were received on 21 October 2019 including two plans, being Driveway Long Section Job Number 2018645 Sheet 1 by MBC Engineering and Long Section along Front Boundary Number 8001 by ARChomes.

It was determined by the Design Engineer that *'Council is unable to approve the driveway works in its current form'*. The issues identified by the Engineer are listed below.

"In reference to plan by MBC Engineering Driveway Long Section Job Number 2018645 Sheet 1:

- *A Safety barrier will need to be installed on the edges of the driveway, The barrier to be installed is to comply with the requirements of 'AS/NZS 1170.1 – 2002:Structural design actions, Part 1.*
- *Pedestrian railings need to be installed in accordance with Building Code of Australia (BCA).*
- *The Proposed Design will need to be certified to comply with "AS5100/2-2004 Bridge design part 2: Design Loads".*
- *The proposed driveways are to comply with sightline distances. The required safety barrier is to not impede sightlines and is to comply with AS2890.1 - 2004:Off road parking.*
- *No obstructions, railings or retaining walls is to be constructed within 1.2m of the gutter layback, this is to allow for provisions for pedestrian movements and future footpath.*
- *The applicant will need to provide written proof from all relevant service authorities that they are satisfied with the proposed works and that they will not adversely affect their assets.*
- *The applicant will be required to enter into a positive Covenant for any structures that are constructed on Council land (i.e. Retaining walls, Railings etc) see wording below.*
- *All plans are to show accurate size, location and levels of all services (pits, poles, etc.) to show their proximity to the proposed works, location of underground service lines in the vicinity of the proposed works are required to be shown.*
- *The extents of any required battering must be clearly indicated and dimensioned on the plans.*
- *The construction of a suspended slab will create a void under the slab which may attract rubbish vermin and weeds.*
- *The proposed driveway grades exceed the Australian Standards for a car parking spot outside of the garage.*

The plans by MBC Engineering Driveway Long Section Job Number 2018645 Sheet 1 shows retaining walls alongside the driveway while Long Section along Front Boundary Number 8001 by ARChomes does not show retaining walls to be constructed alongside the driveway.

There is ambiguity in the submitted plans with reference to type of construction being on ground or suspended and do not clearly indicate what is to occur between the proposed driveways.

In reference to Long Section along Front Boundary Number 8001 by ARChomes depicting filling of area under driveway. Should this option be pursued:

- *The extents of any required battering must be clearly indicated and dimensioned on the plans.*
- *All plans are to show accurate size, location and levels of all services (pits, poles, etc.) to show their proximity to the proposed works, location of underground service lines in the vicinity of the proposed works are required to be shown.*

- *A Safety barrier will need to be installed on the edges of the driveway, The barrier to be installed is to comply with the requirements of 'AS/NZS 1170.1 – 2002:Structural design actions, Part 1.*
- *Pedestrian railings need to be installed in accordance with Building Code of Australia (BCA).*
- *The proposed driveways are to comply with sightline distances. The required safety barrier is to not impede sightlines and the driveway and is to comply with AS2890.1 - 2004:Off road parking."*

The application in its current form requires considerable design changes to facilitate the dual occupancy on the site. The engineer requirements will in effect create a bridge with associated safety railing and retaining walls within the public domain. The proposal is considered to be unacceptable in this locality as it will undermine the streetscape presentation.

CONCLUSION

31. The application has been assessed having regard to the Matters of Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of the Hurstville Local Environmental Plan and Hurstville Development Control Plan.
32. Following detailed assessment it is considered that Development Application No DA2018/0462 be refused for the reasons stated in the report.

DETERMINATION AND REFUSAL REASONS

33. That Georges River Local Planning Panel as the consent authority pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979, refuse Development Application No DA2018/0462 for demolition works and construction of detached dual occupancy with swimming pool and cabana on each lot at Lot 17, Sec 10, DP 7124 , and known as 87 Woronora Parade, Oatley, for the following reasons:
 1. **Environmental Planning Instrument** - 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 adequately satisfy the R2 Low Density Residential objective "*to ensure that a high level of residential amenity is achieved and maintained*".
 2. **Development Control Plan** - Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of Hurstville Development Control Plan No 1 – LGA Wide:
 - (a) Section 4.3 Dual Occupancy – Site area and frontage;
 - (b) Section 4.3 Dual Occupancy – Building height;
 - (c) Section 4.3 Dual Occupancy – Solar access;

- (d) Section 4.3 Dual Occupancy – Vehicle access, parking and manoeuvring;
- (e) Section 4.3 Dual Occupancy – Cut and fill;
- (f) Section 4.3 Dual Occupancy – Streetscape character.

3. **Impacts on the Environment** - 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 proposed cut and fill is not considered reasonable given it fails to satisfy the objective of cut and fill provision in DCP 1 to reduce disturbance of natural ground levels. The impact could be reduced though a more conservative design.
- (b) Built environment - Adverse impacts including solar access, streetscape, vehicle access safety, and landscape amenity impacts would result from the proposed development of the site on the amenity of adjoining premises.

4. **Suitability of Site** - Pursuant to 4.15(1)(c), the site is not considered suitable for the proposed development for the following reasons:

The application has failed to provide a development that is suitable for the site with respect to site frontage, streetscape, and vehicle access.

5. **Public interest** - 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.