

DETERMINATION OF THE GEORGES RIVER LOCAL PLANNING PANEL - 17 APRIL, 2019

Panel constituted by: Paul Vergotis (Chair), Michael Leavey (Expert), Helen Deegan (Expert); and George Vardas (Community Representative).

Development Application No: 2018/0162.

Proposed development: Demolition of an existing dwelling & ancillary structures and the construction a dwelling housing & inground swimming pool.

Premises: No. 42 Herbert Street, Oatley.

Determination:

A. The Panel is satisfied that:

- 1) The applicant's written request under clause 4.6 of the Kogarah Local Environmental Plan 2012 (**KLEP**) seeking to justify a contravention of the 15m Foreshore Building Line 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 ground to justify the contravention.
- 2) The proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is proposed to be carried out.
- 3) The Panel assumes the concurrence of the Secretary, Department Planning and Environment required under clause 4.6 of the KLEP.

B. Granting of conditional development consent subject to conditions to be imposed by the Director of Environment and Planning and/or the Manager of Development and Building and as set out in the supplementary assessment report prepared by the Team Leader – Development Assessment submitted to the Panel on 4 April 2019.

Date of determination: 17 April 2019.

Voting: Unanimous.

Statement of Reasons: On 7 February 2019 the Panel deferred the determination of the application and requested that the proponent submit fully dimensioned amended plans to address a number of shortcomings with the design of the building. In addition, the Panel also requested the proponent to provide amended plans that addressed a number of matters which were raised by the immediate adjoining neighbours at Nos. 40 & 44 Herbert Street.

After receiving amended plans which complied with the above requests, the Panel re-evaluated the proposed development in the context of its siting and location and felt that the amended proposal was worthy of development consent as the external and internal amenity impacts had been satisfactorily addressed which meant the determination to grant development consent was consistent with the desired future character of the area, the relevant planning controls and was in the public interest.

Confirmed by: Paul Vergotis, Michael Leavey, Helen Deegan & George Vardas as the constituted Georges River Local Planning Panel pursuant to *Environmental Planning and Assessment Act 1979* (NSW)