

**ELECTRONIC DETERMINATION OF THE GEORGES RIVER LOCAL PLANNING
PANEL
20 OCTOBER 2020
SCHEDULE 2, PART 5, ITEM 26 OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979 (NSW)**

Panel constituted by: Paul Vergotis (Chair), Michael Leavey (Expert) and Erin Sellers (Community Representative). Helen Deegan (Expert) declared a conflict of interest and took no part in the deliberations and decision making of this application.

Development application: DA2020/0152

Proposal: Remediation works of the former Oatley Bowling Club site in accordance with the remedial action plan prepared for the site including associated retaining walls and land grading

Premises: Lot 100, DP 1252069, 35 River Road Oatley

Determination: Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (NSW) conditional development consent is **granted** to Development Application DA2020/0152 for remediation works of the former Oatley Bowling Club site in accordance with the remedial action plan prepared for the site including associated retaining walls and land grading at 35 River Road, Oatley. Consent is in accordance with the conditions set out in the Addendum Report provided to the Georges River Local Planning Panel on 30 September 2020 and subject to the following amendments to conditions as set out below:

- Condition 8(a)

The proposed plant species, pot/bag size and quantities of plants shall be in accordance with the proposed Planting List set out in the 'Planting Detail – Drawing No. S01.06'. If the plant species, pot/bag sizes and quantities cannot be sourced, alternative plant species, pot/bag sizes and quantities shall be nominated in writing for the Council's approval to obviate the need to modify the development consent.

- Condition 8(b)

If the plants are found to be faulty, damaged, dying or dead prior to planting or with twelve (12) months of being planted, they must be replaced with the same plant species and pot/bag sizes.

- Condition 8(c)

If the plant species die before they reach the growth size(s) of being protected under any environmental planning instrument, development control plan or

policy, such dead plant species shall be replaced and replanted with the same quantities or/or pot/bag sizes.

- Condition 9 – General Requirements

Delete the words 'The client' and replace with the words 'The person entitled to act on this consent'

- Condition 10 - Delete whole of condition 10 and replaced with:

Tree Removal and Replacement – In accordance with the Georges River - Tree Management Policy 2019 (TMP), a 2:1 ratio shall be implemented. This means that for every one (1) tree to be removed two (2) trees shall be planted on the site to compensate for each tree removed.

In accordance with the report prepared by Moore Trees Arboricultural Services Arboricultural entitled 'Development Assessment Report – Oatley Bowling Club, Oatley NSW 2223 – July 2020 FINAL' (Moore Assessment Report) this consent authorises the removal of twenty nine (29) trees on the subject site which have been identified on pages 23, 24 and 25 in the Moore Assessment Report as Tree Nos: 2, 3, 4, 5, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 36, 37, 38 and 39 (Total of 29 trees).

In accordance with the TMP a total of fifty eight (58) replacement trees shall be planted to compensate for the loss of the twenty nine (29) trees to be removed. The person entitled to act on this consent shall submit to the Council for its approval a 'Tree Replacement Compensation Schedule' setting out the species details and sizes of the fifty eight (58) replacement trees and the location of the planting of such trees on the subject site.

If any of the fifty eight (58) replacement trees die before they reach the growth size(s) of being protected under any environmental planning instrument, development control plan or policy, such dead tree(s) shall be replaced and replanted with the same tree species at a size and maturity commensurate with the dead tree(s) being replaced.

- Condition 17

Fourth bullet point – after the word 'objectives' insert the words 'and requirements'

- Condition 21 (b) – Delete whole of paragraph (b) and replace with:

A minimum maintenance period of 18 months shall apply upon the date of the compliance letter required by (a) above. All maintenance to the plants and trees shall be performed and implemented in accordance with the Georges River – Tree Management Policy.

- Transport - Sydney Trains letter and Attachment A conditions dated 16 October 2020 to be referenced and included in the consent.

Date of Determination: 20 October 2020

Voting: Unanimous

Statement of Reasons: This development application was the subject of considerable discussion before the Panel about the merits of the proposed development and the appearance of the final outcome. Notably the assessment report presented to the Panel on 20 August 2020 did not have sufficient detail to enable the Panel to make a conclusive decision. This shortcoming has been addressed with a further Addendum Report being submitted to the Panel on 30 September 2020 which the Panel found be thorough and which addressed the reasons why the application was deferred back in August.

Having considered the matters set out the Addendum Report and the additional details which were provided, the Panel formed the view that the development application was worthy of being approved with the granting a conditional development consent.

Confirmed: Paul Vergotis (Chair), Michael Leavey (Expert) and Erin Sellers (Community Representative) as the constituted Georges River Local Planning Panel pursuant to Part 4 of the Environmental Planning and Assessment Act 1979 (NSW).

Dated: 20 October 2020



Paul Vergotis
Chairperson



Michael Leavey
Expert Panel Member



Erin Sellers
Community Representative