

**ELECTRONIC DETERMINATION OF THE GEORGES RIVER LOCAL PLANNING
PANEL
16 DECEMBER 2019
SCHEDULE 2, PART 5, ITEM 26 OF THE ENVIRONMENTAL PLANNING AND
ASSESSMENT ACT 1979 (NSW)**

Panel constituted by: Paul Vergotis (Chair), Michael Leavey (Expert), John Brockhoff (Expert) and George Vardas (Community representative)

Development Application No: DA2018/0462

Proposed development: Demolition works and erection of a detached dual occupancy with swimming pools

Premises: Lot 17, DP7124, 87 Woronora Parade, Oatley

Determination: Pursuant to Section 4.16(1)(a) and (3) of the *Environmental Planning and Assessment Act 1979* (NSW) (**EPAA**) conditional development consent is **granted** to Development Application DA2018/0462 for demolition works and erection of a detached dual occupancy with swimming pools at Lot 17, DP7124, 87 Woronora Parade, Oatley, subject to conditions to be determined by the Manager Development and Building being the Panel's delegate pursuant to Section 2.20(8) of the EPAA in addition to the following deferred commencement conditions:

Pursuant to Section 4.16(3) of the *Environmental Planning and Assessment Act 1979* (NSW) the person entitled to act on this development consent (**consent**) must satisfy the following deferred commencement conditions prior to the consent becoming operative:

1. 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 metres (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.
2. The relevant matters that will sufficiently enable the Council to be satisfied as to the compliance with the matters required to be done under deferred commencement Condition 1 must be submitted to the Council within twelve (12) months of the date of the determination of this deferred commencement consent, failing which, this deferred commencement consent will lapse pursuant to Section 4.53 of the *Environmental Planning and Assessment Act 1979* (NSW).

Date of determination: 16 December 2019

Voting: Unanimous

Statement of Reasons:

This development application was initially deferred on 20 June 2019 to allow the applicant to address, by way of additional technical and architectural information, the shortcomings of the development application in relation to the following matters:

1. Driveway redesign;
2. Roof redesign;
3. Deletion of cabanas;
4. Lowering of the swimming pools;
5. Lowering of the alfresco areas.

The Panel notes that all matters set out in the reasons to defer the application have been submitted with an amended set of plans which satisfactory. With the exception

of matter (1) above (namely the driveway redesign) the applicant has complied with the Panel's requests to amend the application. Given the topography of the subject site the non-compliances with the Hurstville Development Control Plan No 1 are considered acceptable.

As such, and contrary to the recommendation in the report entitled "*Electronic Report to Georges River Local Planning Panel following deferral of 20 June 2019*" the Panel is of the view that the development application is now worthy of approval subject to a deferred commencement which will further give the applicant the opportunity to consult the Council in relation to the driveway redesign.

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

Dated: 16 December 2019



Paul Vergotis
Chairperson



John Brockhoff
Expert Panel Member



Michael Leavey
Expert Panel Member



George Vardas
Community Representative
