

DETERMINATION OF THE GEORGES RIVER LOCAL PLANNING PANEL - 14 AUGUST, 2018

Panel constituted by: Paul Vergotis (Chair), Sue Francis (Expert) and Juliet Grant (Expert).

Development Application No: DA2017/0114

Proposed development: Alterations and additions to a dwelling house including the construction of a new terrace pavilion and garage

Premises: 18 Marine Drive, Oatley

Determination: Deferral of development application determination as follows:

DA2017/0114 for Alterations and additions to existing dwelling – additional levels to the dwelling to form a multi-level dwelling house, new terrace pavilion to rear and new garage on land at 18 Marine Drive, Oatley be deferred to enable the applicant to submit additional information addressing the following:

1. Further Geotechnical investigation is required to be undertaken having regard to the structural nature of the foundation materials. This investigation is to ascertain the works required to facilitate the development ensuring the work will not result in the failure of retaining walls surrounding the trees and subsequent failure of the *Angophora costata* (Sydney Red Gum tree) (**Tree #1**) and built form adjacent.
2. In this regard the findings of the Geotechnical Engineering investigations will need to be cross referenced with the Arborists conclusions to ensure the Tree #1 can be retained with an acceptable level of certainty, given the tree has been described as being assessed as displaying 'average health and vigour'.
3. Once the above assessment is completed, the recommendations of both professionals and any remediation requirements to be considered as part of the application will need to be submitted to ensure the development can proceed without any unacceptable risk to life and property.
4. Upon receipt of the further information sought under points 1, 2 and 3 above the development application shall be referred back to the Georges River Local Planning Panel constituted by Panel members P. Vergotis, S. Francis & J. Grant for final determination.

Date of determination: 14 August, 2018

Voting: Unanimous

Statement of Reasons: This development application was originally deferred by the Panel at its meeting on 5 December 2017 on the grounds that insufficient information had been provided with the application addressing the likely geo-hazards concerning the stability of the subject site and the likely effects the proposed excavation contemplated by the proposed development would have on the mature *Angophora costata* (Sydney Red gum tree) growing on the adjacent property to the south at No. 20 Marine Drive, Oatley.

In response to the Panel's determination of 5 December 2017 the Applicant commissioned reports to be prepared by JK Geotechnics entitled *Geotechnical Assessment for alterations and additions at 18 Marine Drive Oatley* dated 7 March 2018; and by Urban Arbor entitled *Arboricultural Pruning Assessment Report* dated 15 January 2018 and *Arboricultural Root Investigation Report* dated 23 February 2018 (collectively referred to as the **3 Reports**).

The 3 Reports were considered by the Panel at a meeting convened on 13 July 2018 where it was decided that a number of fresh concerns were raised by the 3 Reports that warranted further investigation and reporting. In particular, the Panel formed the view that there needed to be additional geotechnical reporting carried out having regard to the recommendations made by the 3 Reports. This reporting requirement is reflected in points 1 to 3 inclusive in the determination.

In addition, the Panel also noted the recommendation set out in the report prepared by JK Geotechnics concerning the stability of the *Angophora costata* (Sydney Red Gum) growing on No. 20 Marine Drive which will require possible action by the Council under Chapter 7 of the *Local Government Act 1993* (NSW).

Confirmed by: Paul Vergotis, Sue Francis & Juliet Grant as the constituted Georges River Local Planning Panel pursuant to *Environmental Planning and Assessment Act 1979* (NSW)