

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

Panel constituted by: Adam Seton (Chair), Juliet Grant (Expert), Michael Leavey (Expert) and George Vardas (Community representative)

Modification application: DA2017/0394

Proposed modification: Demolition, lot consolidation, tree removal and construction of a five (5) storey residential flat building containing 15 apartments over two (2) levels of basement parking

Premises: Lot B and C, DP 323018, 506-508 Railway Parade, Allawah

Determination:

Approval

Pursuant to Section 4.16(1) of the Environmental Planning and Assessment Act 1979, as amended, Development Application No DA2017/0394 for demolition, lot consolidation, tree removal and construction of a five (5) storey residential flat building containing 15 apartments over two (2) levels of basement parking at Lots B and C in DP323018, known as 506-508 Railway Parade, Allawah, is determined by granting consent to the application subject to the conditions recommended in the "ELECTRONIC REPORT TO THE GEORGES RIVER LOCAL PLANNING PANEL FOLLOWING DEFERRAL FROM MEETING OF PANEL ON 3 OCTOBER 2019" in the electronic agenda published at [https://www.georgesriver.nsw.gov.au/Development/Development-Applications/Local-Planning-Panel-\(LPP\)](https://www.georgesriver.nsw.gov.au/Development/Development-Applications/Local-Planning-Panel-(LPP)) except that the heading "Deferred Commencement Conditions" and the words appearing under that heading as well as the heading "SECTION A – DEFERRED COMMENCEMENT CONDITIONS" and the words appearing under that heading are deleted and replaced with the following:

DEFERRED COMMENCEMENT

This is a "Deferred Commencement" consent that is granted subject to conditions under Section 4.16(3) of the Environmental Planning and Assessment Act 1979 that the consent is not to operate until the person with the benefit of this consent satisfies Georges River Council ("Council") as to the matters set out in SECTION A below. The period within which the applicant must produce evidence to the Council sufficient enough to enable it to be satisfied as to the matters in SECTION A is **thirty-six (36) months** from the date this deferred consent is granted.

If the person with the benefit of this consent produces evidence to the Council within the period specified sufficient to enable the Council to be satisfied as to the matters set out in **SECTION A** and the Council notifies the person in

writing that it is satisfied as to the relevant matters, the development consent shall become operative subject to compliance with conditions outlined in **SECTION B**.

SECTION A

1. (a) The Applicant must acquire an Easement to Drain Water of 1 metre (minimum) width. The easement must allow for a piped, gravity fed system of drainage of stormwater from the subject site with direct, underground connection to Council's kerb and gutter in Woids Avenue. Evidence of registration of the easement to drain water benefitting the subject site and burdening the title of the properties listed below is to be provided to Council:
 - i. 6 Woids Avenue, Allawah
 - (b) The applicant must obtain separate Development Consent for all drainage works to be carried out within the Easement to Drain Water. The written consent of each of the owners of the property/ies burdened by the Easement will be required for each development application to carry out the drainage works on the burdened lot/s.
 - (c) The applicant must submit to Council a long section through the stormwater drainage pipe to be located in the aforementioned easement, with adequate surveyed spot levels along the full length of the pipe in the easement and to the kerb.
 - (d) A detailed design including a long section of the proposed pipe line within the easement shall be provided up to 6 Woids Avenue and to the street gutter. Surveyed detail of all existing features within the affected properties in the vicinity of the proposed easement are to be accurately detailed on the design including but not limited to structures, walls, retaining walls, pathways, stairs and finished ground surface types. It will be required to be proven that it is feasible to both construct and maintain a drainage line as is proposed.
2. The Applicant must submit to and obtain approval/certification from Sydney Trains, the following final version items in compliance with relevant **ASA Standards** <https://www.transport.nsw.gov.au/industry/asset-standards-authority>):
 - a) Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducted on the site closest to the rail corridor.
 - b) Construction methodology with construction details pertaining to structural support during excavation. The Applicant is to be aware that Sydney Trains will not permit any rock anchors/bolts (whether temporary or permanent) within its land or easements.

c) Cross sectional drawings showing the rail corridor, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor. All measurements are to be verified by a Registered Surveyor.

d) Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains easement and rail corridor land.

e) If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

f) If required by Sydney Trains, a Monitoring Plan.

Date of determination: 12 December 2019

Voting: Unanimous

Statement of reasons:

1. The proposed development generally complies with the requirements of the relevant environmental planning instruments and development control plan except for the minimum lot size development standard of 1000sqm for a residential flat building in Zone R3 Medium Density Residential imposed by clause 4.1A of Kogarah Local Environmental Plan 2012 (“KLEP 2012”).
2. The Panel has considered the written request made by the Applicant under clause 4.6 of KLEP 2012 that seeks to justify the contravention of the minimum lot size development standard of 1000sqm for a residential flat building in Zone R3 Medium Density Residential imposed by clause 4.1A of KLEP 2012 and is satisfied that:
 - (i) the Applicant’s written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of KLEP 2012, and
 - (ii) 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 Zone R3 Medium Density Residential of KLEP 2012.
3. The design of the development is considered to be of an appropriate scale and built form for the site and is compatible with the character of the local area.
4. The site is suitable for the proposed development.
5. Subject to the implementation of the recommended conditions, the development will have no unacceptable adverse impacts upon the natural or built environment.

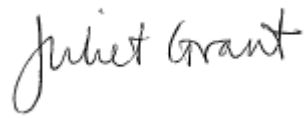
Confirmed: Adam Seton (Chair), Juliet Grant (Expert), Michael Leavey (Expert) and George Vardas (Community representative) as the constituted Georges River Local Planning Panel pursuant to Part 4 of the *Environmental Planning and Assessment Act 1979* (NSW).



Adam Seton
Chairperson



Michael Leavey
Expert Panel Member



Juliet Grant
Expert Panel Member



George Vardas
Community Representative