

17 January 2019

**Our Ref:** SKK CIT862-117751

Catherine Ellis  
Principal Lawyer  
Independent Commission Against Corruption NSW  
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Dear Ms Ellis

## Operation Dasha

Reference is made to your email correspondence of 10 January 2019 regarding 23 Oatley Street, Kingsgrove. We understand ICAC is seeking access to any Canterbury Council resolution(s) (if any) which would indicate that there was or would be a site inspection of the property 23 Oatley Street, Kingsgrove.

Council staff have searched records, and as best Council can ascertain we are instructed that it would appear that the first occasion the matter came before Council was on 8 May 2014, where the agenda item was deferred to 22 May 2014.

On 22 May 2014 the agenda item was approved.

Following that Determination, a motion to rescind the Resolution for approval was dealt with on 26 June 2014.

We are instructed that the staff of Council are unable to locate any aspect of a Resolution making any reference to a site inspection in consideration of the application in question.

We **enclose** the council reports and resolutions referred to above for your records.

Please let us know if the Commission requires any further information or documents in this regard.

Yours faithfully



**Hall & Wilcox**

## 10 23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT

**FILE NO:** 647/23D PT 2  
**REPORT BY:** DIRECTOR CITY PLANNING  
**WARD:** WEST

<b>D/A No:</b>	476/2011/B
<b>Applicant:</b>	MCAD Design
<b>Owner:</b>	Mr Mohamad Sleitini
<b>Zoning:</b>	R3 – Medium Density Residential under Canterbury Local Environmental Plan 2012
<b>Application Date:</b>	21 February 2014

### Summary:

- The Development Assessment Panel on 13 June 2012 approved Development Application 476/2011/B for demolition and construction of an attached dual occupancy development, new front fencing and Torrens title subdivision subject to conditions.
- On 16 December 2013 a Section 96 (1A) Modification was approved for alterations to the approved development including the creation of a basement storage area, increase in the height of the finished ground floor and amendments to the approved first floor layout.
- The subject site is zoned R3 Medium Density Residential under Canterbury Local Environmental Plan 2012. The proposed modifications are permissible subject to Council consent.
- The modification application has been assessed against Section 96(1A) of the Environmental Planning and Assessment Act 1979, the relevant provisions contained within the Canterbury Local Environmental Plan 2012 and the Canterbury Development Control Plan 2012.
- The application was notified to adjoining and surrounding properties in accordance with Part 7 of Canterbury Development Control Plan 2012. No submissions were received.
- It is recommended that the modification application be refused.

### Council Delivery Program and Budget Implications:

This report has no implications for the Budget. The assessment of the application supports our Community Strategic Plan long term goal of Balanced Development.

### Report:

#### **Background**

On 13 June 2012, our Development Assessment Panel approved an application for the demolition of existing structures onsite and construction of a two storey attached dual

23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT (CONT.)

occupancy development, new front fencing and Torrens title subdivision subject to conditions. On 16 December 2013 a Section 96 (1A) modification was approved for alterations to the approved development including:

- **Ground Floor**
  - Creation of a basement storage area under the rear patio of Unit 1
  - Increase in the height of the finished ground floor level of Unit 2
- **First Floor**
  - Changes internal first floor layout
  - Increase in the depth of the approved rear facing balconies
  - Installation of two planter beds at first floor level adjacent to the approved balconies.

### Site Details

The subject site is located on the northern side of Oatley Street, Kingsgrove. The site is rectangular in shape and has a frontage of 20.32 metres to Oatley Street and has a site area of 1142.6m<sup>2</sup>. The site has a natural fall to the rear northern boundary of approximately 2.3 metres and is currently occupied by an attached dual occupancy development with front fencing and concrete driveways.

Surrounding development is residential in character and contains a mixture of single dwellings and attached dual occupancies. The subject site is immediately adjoined to the east and west by detached single dwellings.



23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT (CONT.)



Front setback area (looking from dwelling towards Oatley Street)

### Proposal

Council has received an application under Section 96 (1A) of the Environmental Planning and Assessment Act, 1979 to modify the subject development consent and proposes the following:

- Changes to the approved materials and finishes including introduction of face brick and sandstone elements
- Modifications to the front façade including introduction of a glass awning over entry doors and a pitched roof with parapet above front facing garages
- Removal of front landscaped and planted areas and replacement with concrete surfaces and the introduction of new planting area between driveways
- Removal of three windows from the rear façade.

### Statutory Considerations

When determining this application, the relevant matters listed in Section 79C of the Environmental Planning and Assessment Act 1979 must be considered. In this regard, the following environmental planning instruments, codes and policies are relevant:

- Section 96(1A) of the Environmental Planning and Assessment Act 1979
- Canterbury Local Environmental Plan 2012 (CLEP 2012)
- Canterbury Development Control Plan 2012 (CDCP 2012)

### Assessment

The development application has been assessed under Section 5A, 96(1A) and 79C of the Environmental Planning and Assessment Act 1979 and the following key issues emerge:

- **Section 96(1A) of the Environmental Planning and Assessment Act 1979**  
This section of the Act allows Council to modify development consent if:
  - a) it is satisfied that the proposed modification is of minimal environmental impact  
The proposed modifications involve amendments to the front façade and front landscaped area of the approved dual occupancy development. No objection is



23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT (CONT.)

raised to the proposed alterations to the façade and approved materials and finishes, however, the proposed modifications to the front landscaped area will result in an increase in the hard paved area located within the front setback of the existing development. The proposed landscaping changes are considered to be at variance with the objectives and controls of Canterbury Development Control Plan 2012 and are therefore considered a greater than a minimal environmental impact.

- b) it is satisfied that the development to which the consent as modified relates is substantially the same development  
This Section 96(1A) application seeks permission to carry out alterations to the external façade and front landscaped area of a previously approved development. It is considered that the proposed modifications are substantially the same development as that previously approved under Development Consent 476/2011.
- c) it has notified the Section 96 application and has considered any submissions concerning the proposed modification  
The subject application was notified in accordance with the provisions of Part 7 of Canterbury Development Control Plan 2012 and no submissions were received.

- **Canterbury Local Environmental Plan 2012 (CLEP 2012)**

This subject site is zoned R3 Medium density residential development under Canterbury Local Environmental Plan 2012. The controls applicable to this application are:

Standard	Requirement	Proposal	Complies
Zoning	R3- Medium density residential	R3- Medium density residential	Yes
FSR	0.5:1	0.5:1	Yes
Building height	8.5m	No change proposed	Yes

As demonstrated in the above table, the proposal is compliant with the relevant requirements of Canterbury Local Environmental Plan 2012.

- **Canterbury Development Control Plan 2012 (CDCP 2012)**

An assessment of the proposal against the relevant numerical requirements of Part 2 Residential Neighbourhoods of Canterbury Development Control Plan 2012 is detailed below:

Standards	Requirements	Proposal	Complies
<b>Site and Envelope Controls</b>			
Building Height	Max 2 storeys Max 7m external wall height	No change is proposed to the existing building height	Yes
	Maximum finished floor level is 1 metre and max 300 mm fill allowed		Yes- approved under DA 476/2011/A

23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT (CONT.)

<b>Standards</b>	<b>Requirements</b>	<b>Proposal</b>	<b>Complies</b>
Cut and Fill	Max 1m cut (no limit to cut where it is contained entirely within the exterior walls of building and does not accommodate habitable room and is located substantially below ground level). Max 600m fill	Cut - less than 1m Fill - less than 600mm	Yes
Depth/Footprint	Max 25m	No change proposed	Yes
Front/Rear Boundary Setback	Min 6m, average 7m	No change proposed	Yes
Deep Soil area	Front and rear setback is to be provided as deep soil area (driveways and footpaths may cross deep soil areas)	It is proposed to replace much of the approved deep soil areas situated within the front setback area with a concrete surface.	No- see comments below
Side Setback	Min 1m, average 1.5m	No change proposed	Yes
<b>Design Controls</b>			
Façade Design and Articulation	Effective modulation and variation of building design. All elements of the façade and roof are integrated into the architectural form and detail of the building, and present an appealing streetscape appearance. Do not use identical facades for each dwelling – use variations in terms of plan dimensions and shape, plus height and wall alignment.	The development continues to use effective modulation and presents an appealing streetscape appearance	Yes- see comments below
Roof Design	Roof design is compatible with the building style and use, and does not compete for attention with the building or other roofs in the locality	No change is proposed to the existing roof structure of the dual occupancy approved by Development Consent 476/2011	Yes
<b>Performance Controls</b>			
Visual Privacy	Reasonable levels of visual privacy available for residents. Visual privacy is not compromised.	The proposed development is designed so that it does not compromise visual privacy enjoyed by future occupants and neighbouring residents.	Yes

The subject application proposes minor changes to the front façade, approved schedule of materials and finishes and roofing details above the front facing internal garages. The subject application also proposes to remove one ground floor and two first floor rear facing windows. These amendments to the approved façade of the development are minor and continue to be in keeping with the built character of the local area.

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23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT (CONT.)

The proposed alterations to the approved landscaping are not considered to be acceptable. It is proposed to amend the development by replacing the approved soft landscaped areas for both dwellings with concreted areas. Since the lodgement of this application, the applicant has submitted an amended plan which provides two additional 3.0 by 1.5 metre deep soil zones adjacent to the front property boundary.

This reduction in planting within the front setback is considered to render the development inconsistent with the objectives and provisions for setbacks as outlined in Clause 2.1.6 and 2.1.7 of Canterbury Development Control Plan 2012 which relate to the provision of new and retention of existing landscaped areas in order to limit the scale of new buildings, retaining adequate space for new trees. It is noted that the rear landscaped area provides for very significant opportunities for rainwater infiltration.

The proposal is therefore not in compliance with the relevant requirements of Canterbury Development Plan 2012 and is not supported.

### **Part 6 – General Controls of CDCP 2012**

The proposed development compares to the relevant sections of Part 6 of CDCP 2012 as follows:

#### Part 6.6 Landscaping

The proposed modification has been referred to Council's Landscape Architect who has raised objections to the proposed development and the modification to the front landscaped area is not supported.

### **Other considerations**

- **Section 79C (1)(b) - The likely impacts of the development**

The proposed modifications are unlikely to create any adverse impacts upon the surrounding and wider locality, particularly if all conditions of the original consent and subsequent modification are complied with at all times

### **Notification**

Part 7 of DCP 2012 outlines the cases in which Council is required to notify adjoining properties. The subject development application was notified in accordance with Part 7 Notification of Development Applications under Canterbury DCP 2012. No submissions were received by Council.

### **Conclusion**

The development application has been assessed pursuant to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979 and all relevant development control plans, codes and policies. It is recommended that the application be refused.

The proposed modification to the approved development is generally acceptable with the exception of the extent of the variation to the deep soil provided in the front setback area. The removal of the majority of area available for soft landscaping will have an adverse impact on the streetscape and the cumulative impacts of such if repeated elsewhere is not desirable.

23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT (CONT.)

**RECOMMENDATION:**

THAT the application to modify Development Consent DA-476/2011 be **REFUSED** for the following reasons:

1. The proposed development is unsatisfactory, pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the Objectives of Canterbury Development Control Plan 2012, including:
  - a. Clause 2.1.7 - Objective O2, Limit the scale and bulk of new building, appropriate to the location and use, by retaining landscaped open space around.
  - b. Clause 2.1.7 - Objective O3, Contribute to the green landscape by retaining adequate space for new trees and conserving any existing trees that are visually prominent.
2. The proposed development is unsatisfactory, pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the Controls of Canterbury Development Control Plan 2012, including:
  - a. Clause 2.1.7(xxii) - Provide deep soil along the front and rear boundary, driveways may pass across deep soil areas.
3. Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory in terms of its standard of design and the level of amenity afforded to future occupants.

**CITY DEVELOPMENT COMMITTEE  
RESOLUTION - 08 MAY 2014**

- 10**     **23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT**  
FILE NO:     647/23D PT 2

**Min. No. 135** **RESOLVED** (Councillors Robson/Azzi)

THAT the matter be deferred to the Council meeting on 22 May 2014.



## REFERRED COMMITTEE MATTERS

### 1 23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT

**FILE NO:** 647/23D PT2  
**REPORT BY:** DIRECTOR CITY PLANNING  
**WARD:** REFERRED COMMITTEE MATTERS

<b>D/A No:</b>	<b>476/2011/B</b>
<b>Applicant:</b> <b>Owner:</b>	<b>MCAD Design</b> <b>Mr Mohamad Sleitini</b>
<b>Zoning:</b>	<b>R3 – Medium Density Residential under Canterbury Local Environmental Plan 2012</b>
<b>Application Date:</b>	<b>21 February 2014</b>

#### Summary:

- This matter was deferred by the City Development Committee on 8 May 2014 for consideration by Council.
- The Development Assessment Panel on 13 June 2012 approved Development Application 476/2011/B for demolition and construction of an attached dual occupancy development, new front fencing and Torrens title subdivision subject to conditions.
- On 16 December 2013 a Section 96 (1A) Modification was approved for alterations to the approved development including the creation of a basement storage area, increase in the height of the finished ground floor and amendments to the approved first floor layout.
- The subject site is zoned R3 Medium Density Residential under Canterbury Local Environmental Plan 2012. The proposed modifications are permissible subject to Council consent.
- The modification application has been assessed against Section 96(1A) of the Environmental Planning and Assessment Act 1979, the relevant provisions contained within the Canterbury Local Environmental Plan 2012 and the Canterbury Development Control Plan 2012.
- The application was notified to adjoining and surrounding properties in accordance with Part 7 of Canterbury Development Control Plan 2012. No submissions were received.
- It is recommended that the modification application be refused.

#### ncil Delivery Program and Budget Implications:

This report has no implications for the Budget. The assessment of the application supports our Community Strategic Plan long term goal of Balanced Development.

23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT (CONT.)

## **Report:**

### **Background**

On 13 June 2012, our Development Assessment Panel approved an application for the demolition of existing structures onsite and construction of a two storey attached dual occupancy development, new front fencing and Torrens title subdivision subject to conditions. On 16 December 2013 a Section 96 (1A) modification was approved for alterations to the approved development including:

- **Ground Floor**
  - Creation of a basement storage area under the rear patio of Unit 1
  - Increase in the height of the finished ground floor level of Unit 2
- **First Floor**
  - Changes internal first floor layout
  - Increase in the depth of the approved rear facing balconies
  - Installation of two planter beds at first floor level adjacent to the approved balconies.

### **Site Details**

The subject site is located on the northern side of Oatley Street, Kingsgrove. The site is rectangular in shape and has a frontage of 20.32 metres to Oatley Street and has a site area of 1142.6m<sup>2</sup>. The site has a natural fall to the rear northern boundary of approximately 2.3 metres and is currently occupied by an attached dual occupancy development with front fencing and concrete driveways.

Surrounding development is residential in character and contains a mixture of single dwellings and attached dual occupancies. The subject site is immediately adjoined to the east and west by detached single dwellings.



23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT (CONT.)



Front setback area (looking from dwelling towards Oatley Street)

### Proposal

Council has received an application under Section 96 (1A) of the Environmental Planning and Assessment Act, 1979 to modify the subject development consent and proposes the following:

- Changes to the approved materials and finishes including introduction of face brick and sandstone elements
- Modifications to the front façade including introduction of a glass awning over entry doors and a pitched roof with parapet above front facing garages
- Removal of front landscaped and planted areas and replacement with concrete surfaces and the introduction of new planting area between driveways
- Removal of three windows from the rear façade.

### Statutory Considerations

When determining this application, the relevant matters listed in Section 79C of the Environmental Planning and Assessment Act 1979 must be considered. In this regard, the following environmental planning instruments, codes and policies are relevant:

- Section 96(1A) of the Environmental Planning and Assessment Act 1979
- Canterbury Local Environmental Plan 2012 (CLEP 2012)
- Canterbury Development Control Plan 2012 (CDCP 2012)

### Assessment

The development application has been assessed under Section 5A, 96(1A) and 79C of the Environmental Planning and Assessment Act 1979 and the following key issues emerge:

- **Section 96(1A) of the Environmental Planning and Assessment Act 1979**  
This section of the Act allows Council to modify development consent if:
  - a) it is satisfied that the proposed modification is of minimal environmental impact  
The proposed modifications involve amendments to the front façade and front landscaped area of the approved dual occupancy development. No objection is

23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT (CONT.)

raised to the proposed alterations to the façade and approved materials and finishes, however, the proposed modifications to the front landscaped area will result in an increase in the hard paved area located within the front setback of the existing development. The proposed landscaping changes are considered to be at variance with the objectives and controls of Canterbury Development Control Plan 2012 and are therefore considered a greater than a minimal environmental impact.

- b) it is satisfied that the development to which the consent as modified relates is substantially the same development  
 This Section 96(1A) application seeks permission to carry out alterations to the external façade and front landscaped area of a previously approved development. It is considered that the proposed modifications are substantially the same development as that previously approved under Development Consent 476/2011.
- c) it has notified the Section 96 application and has considered any submissions concerning the proposed modification  
 The subject application was notified in accordance with the provisions of Part 7 of Canterbury Development Control Plan 2012 and no submissions were received.

- **Canterbury Local Environmental Plan 2012 (CLEP 2012)**  
 This subject site is zoned R3 Medium density residential development under Canterbury Local Environmental Plan 2012. The controls applicable to this application are:

Standard	Requirement	Proposal	Complies
Zoning	R3- Medium density residential	R3- Medium density residential	Yes
FSR	0.5:1	0.5:1	Yes
Building height	8.5m	No change proposed	Yes

As demonstrated in the above table, the proposal is compliant with the relevant requirements of Canterbury Local Environmental Plan 2012.

- **Canterbury Development Control Plan 2012 (CDCP 2012)**  
 An assessment of the proposal against the relevant numerical requirements of Part 2 Residential Neighbourhoods of Canterbury Development Control Plan 2012 is detailed below:

Standards	Requirements	Proposal	Complies
<b>Site and Envelope Controls</b>			
Building Height	Max 2 storeys Max 7m external wall height	No change is proposed to the existing building height	Yes
	Maximum finished floor level is 1 metre and max 300 mm fill allowed		Yes- approved under DA 476/2011/A

23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT (CONT.)

<b>Standards</b>	<b>Requirements</b>	<b>Proposal</b>	<b>Complies</b>
Cut and Fill	Max 1m cut (no limit to cut where it is contained entirely within the exterior walls of building and does not accommodate habitable room and is located substantially below ground level). Max 600m fill	Cut - less than 1m Fill - less than 600mm	Yes
Depth/Footprint	Max 25m	No change proposed	Yes
Front/Rear Boundary Setback	Min 6m, average 7m	No change proposed	Yes
Deep Soil area	Front and rear setback is to be provided as deep soil area (driveways and footpaths may cross deep soil areas)	It is proposed to replace much of the approved deep soil areas situated within the front setback area with a concrete surface.	No- see comments below
Side Setback	Min 1m, average 1.5m	No change proposed	Yes
<b>Design Controls</b>			
Façade Design and Articulation	Effective modulation and variation of building design. All elements of the façade and roof are integrated into the architectural form and detail of the building, and present an appealing streetscape appearance. Do not use identical facades for each dwelling – use variations in terms of plan dimensions and shape, plus height and wall alignment.	The development continues to use effective modulation and presents an appealing streetscape appearance	Yes- see comments below
Roof Design	Roof design is compatible with the building style and use, and does not compete for attention with the building or other roofs in the locality	No change is proposed to the existing roof structure of the dual occupancy approved by Development Consent 476/2011	Yes
<b>Performance Controls</b>			
Visual Privacy	Reasonable levels of visual privacy available for residents. Visual privacy is not compromised.	The proposed development is designed so that it does not compromise visual privacy enjoyed by future occupants and neighbouring residents.	Yes

The subject application proposes minor changes to the front façade, approved schedule of materials and finishes and roofing details above the front facing internal garages. The subject application also proposes to remove one ground floor and two first floor rear facing windows. These amendments to the approved façade of the development are minor and continue to be in keeping with the built character of the local area.



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23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT (CONT.)

The proposed alterations to the approved landscaping are not considered to be acceptable. It is proposed to amend the development by replacing the approved soft landscaped areas for both dwellings with concreted areas. Since the lodgement of this application, the applicant has submitted an amended plan which provides two additional 3.0 by 1.5 metre deep soil zones adjacent to the front property boundary.

This reduction in planting within the front setback is considered to render the development inconsistent with the objectives and provisions for setbacks as outlined in Clause 2.1.6 and 2.1.7 of Canterbury Development Control Plan 2012 which relate to the provision of new and retention of existing landscaped areas in order to limit the scale of new buildings, retaining adequate space for new trees. It is noted that the rear landscaped area provides for very significant opportunities for rainwater infiltration.

The proposal is therefore not in compliance with the relevant requirements of Canterbury Development Plan 2012 and is not supported.

#### **Part 6 – General Controls of CDCP 2012**

The proposed development compares to the relevant sections of Part 6 of CDCP 2012 as follows:

##### Part 6.6 Landscaping

The proposed modification has been referred to Council's Landscape Architect who has raised objections to the proposed development and the modification to the front landscaped area is not supported.

#### **Other considerations**

- **Section 79C (1)(b) - The likely impacts of the development**  
The proposed modifications are unlikely to create any adverse impacts upon the surrounding and wider locality, particularly if all conditions of the original consent and subsequent modification are complied with at all times

#### **Notification**

Part 7 of DCP 2012 outlines the cases in which Council is required to notify adjoining properties. The subject development application was notified in accordance with Part 7 Notification of Development Applications under Canterbury DCP 2012. No submissions were received by Council.

#### **Conclusion**

The development application has been assessed pursuant to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979 and all relevant development control plans, codes and policies. It is recommended that the application be refused.

The proposed modification to the approved development is generally acceptable with the exception of the extent of the variation to the deep soil provided in the front setback area. The removal of the majority of area available for soft landscaping will have an adverse impact on the streetscape and the cumulative impacts of such if repeated elsewhere is not desirable.

23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT (CONT.)

**RECOMMENDATION:**

THAT the application to modify Development Consent DA-476/2011 be **REFUSED** for the following reasons:

1. The proposed development is unsatisfactory, pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the Objectives of Canterbury Development Control Plan 2012, including:
  - a. Clause 2.1.7 - Objective O2, Limit the scale and bulk of new building, appropriate to the location and use, by retaining landscaped open space around.
  - b. Clause 2.1.7 - Objective O3, Contribute to the green landscape by retaining adequate space for new trees and conserving any existing trees that are visually prominent.
2. The proposed development is unsatisfactory, pursuant to the provisions of Section 79C(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, as it does not comply with the Controls of Canterbury Development Control Plan 2012, including:
  - a. Clause 2.1.7(xxii) - Provide deep soil along the front and rear boundary, driveways may pass across deep soil areas.
3. Pursuant to the provisions of Section 79C(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is unsatisfactory in terms of its standard of design and the level of amenity afforded to future occupants.

**COUNCIL MEETING  
RESOLUTION - 22 MAY 2014**

- 1 **23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT**  
FILE NO: 647/23D PT2

**Min. No. 144 RESOLVED** (Councillors Hawatt/Vasiliades)

THAT the application to modify Development Consent DA-476/2011 be **APPROVED** as set out below:

Amending Condition 6 to read as follows:

1. 6. The development being carried out in accordance with the plans, specifications and details prepared by MaricCAD Design as follows:

Sheet No	Revision Number	Dated	Received by Council on
1467-01		19- 02-2014	8 May 2014
1467-02		19- 02-2014	20 February 2014
1467-03		19- 02-2014	20 February 2014
1219-04	A	01-02-2012	10 May 2012
1219-06	A	01-02-2012	10 May 2012
1219-07	B	01-02-2012	11 November 2013

- 6.1 The planter beds to be located adjacent to the outer sides of both rear facing

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23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT (CONT.)

balconies are to be constructed in accordance with Drawing No. 121908, Titled Planter Box Detail as received by Council on 11 November 2013.

2. Deletion of condition 25.

<b>FOR</b>	<b>AGAINST</b>
Deputy Mayor, Councillor Azzi	The Mayor, Councillor Robson
Councillor Hawatt	Councillor Adler
Councillor Nam	Councillor Eisler
Councillor Saleh	Councillor Paschalidis-Chilas
Councillor Vasiliades	

### **ADJOURNMENT**

At 8.25 p.m. the meeting was adjourned on the motion of Councillors Eisler and Paschalidis- Chilas.

At 8.33 p.m. the meeting resumed.

During discussion of the above item, Councillor Kebbe left the Council Chamber at 8.57 p.m. and did not return.

### **ADJOURNMENT**

At 8.58 p.m. the meeting was adjourned on the motion of Councillors Hawatt and Eisler.

At 9.02 p.m. the meeting resumed.

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**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

**30/14 23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT**  
**FILE NO: 647/23D PT2, C-123-9**

**Councillors Adler, Eisler and Paschalidis-Chilas to move**

THAT the resolution made at the Council meeting on 22 May 2014 (in relation to Referred Committee Matters, Item 1, Council adopted minute number 144) reading as follows:

- 1 23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT**  
**FILE NO.: 647/23D**

**Min. No. 144 RESOLVED** (Councillors Hawatt/Vasiliades)

THAT the application to modify Development Consent DA-476/2011 be **APPROVED** as set out below:

Amending Condition 6 to read as follows:

1. 6. The development being carried out in accordance with the plans, specifications and details prepared by MaricCAD Design as follows:

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1219-04	A	01-02-2012	10 May 2012
1219-06	A	01-02-2012	10 May 2012
1219-07	B	01-02-2012	11 November 2013

- 6.1 The planter beds to be located adjacent to the outer sides of both rear facing balconies are to be constructed in accordance with Drawing No. 121908, Titled Planter Box Detail as received by Council on 11 November 2013.

2. Deletion of condition 25.

be and is hereby rescinded.

23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT (CONT.)

**COUNCIL MEETING**  
**RESOLUTION - 26 JUNE 2014**

**30/14 23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT**

FILE NO: 647/23D PT2, C-123-9

**MOTION** (Councillors Eisler/Adler)

THAT the resolution made at the Council meeting on 22 May 2014 (in relation to Referred Committee Matters, Item 1, Council adopted minute number 144) reading as follows:

**1 23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT**

FILE NO.: 647/23D

**Min. No. 144 RESOLVED** (Councillors Hawatt/Vasiliades)

THAT the application to modify Development Consent DA-476/2011 be **APPROVED** as set out below:

Amending Condition 6 to read as follows:

1. 6. The development being carried out in accordance with the plans, specifications and details prepared by MaricCAD Design as follows:

Sheet No	Revision Number	Dated	Received by Council on
1467-01		19- 02-2014	8 May 2014
1467-02		19- 02-2014	20 February 2014
1467-03		19- 02-2014	20 February 2014
1219-04	A	01-02-2012	10 May 2012
1219-06	A	01-02-2012	10 May 2012
1219-07	B	01-02-2012	11 November 2013

- 6.1 The planter beds to be located adjacent to the outer sides of both rear facing balconies are to be constructed in accordance with Drawing No. 121908, Titled Planter Box Detail as received by Council on 11 November 2013.

2. Deletion of condition 25.

be and is hereby rescinded.

The **MOTION** on being put to the meeting was declared **LOST**

**SUSPENSION OF STANDING ORDERS**

Standing orders were suspended at 9.31 p.m. on the motion of Councillors Saleh and Eisler to allow consideration of the following item.



23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT (CONT.)

**Min. No. 204 RESOLVED** (Councillors Eisler/Hawatt)  
 THAT the following **MOTION** concerning 23 Oatley Street, Kingsgrove be considered.

The Chairperson considered the contents of the following motion and ruled that the business proposed to be brought forward is of great urgency and therefore could be considered by Council.

**23 OATLEY STREET, KINGSGROVE: MODIFICATION TO LAYOUT AND DESIGN OF APPROVED TWO STOREY DUAL OCCUPANCY DEVELOPMENT**  
 FILE NO.: 647/23D

**Min. No. 205 RESOLVED** (Councillors Saleh/Hawatt)  
 THAT the application to modify Development Consent DA-476/2011 be **APPROVED** as set out below:  
 Amending Condition 6 to read as follows:

1. 6. The development being carried out in accordance with the plans, specifications and details prepared by MaricCAD Design as follows:

Sheet No	Revision Number	Dated	Received by Council on
1467-01		19- 02-2014	29 May 2014
1467-02		19- 02-2014	20 February 2014
1467-03		19- 02-2014	20 February 2014
1219-04	A	01-02-2012	10 May 2012
1219-06	A	01-02-2012	10 May 2012
1219-07	B	01-02-2012	11 November 2013

- 6.1 The planter beds to be located adjacent to the outer sides of both rear facing balconies are to be constructed in accordance with Drawing No. 121908, Titled Planter Box Detail as received by Council on 11 November 2013.

2. Deletion of condition 25.

<b>FOR</b>	<b>AGAINST</b>
The Mayor, Councillor Robson	
Deputy Mayor, Councillor Azzi	
Councillor Adler	
Councillor Eisler	
Councillor Hawatt	
Councillor Nam	
Councillor Paschalidis-Chilas	
Councillor Saleh	
Councillor Vasiliades	

**RESUMPTION OF STANDING ORDERS**

Standing orders were resumed at 9.40 p.m. on the motion of Councillors Eisler and Hawatt.