
AGENDA - LPP

Meeting:	Georges River Local Planning Panel (LPP)
Date:	Thursday, 02 June 2022
Time:	4.00pm
Venue:	Blended Meeting Online and Dragon Room Level 1, Georges River Civic Centre Corner Dora and MacMahon Streets, Hurstville
Participants:	Stephen Alchin (Chairperson) Annette Ruhotas (Expert Panel Member) Juliet Grant (Expert Panel Member) George Vardas (Community Representative)

1. On Site Inspections – Carried out by Panel Members prior to meeting

2. Opening

3. Consideration of Items and Verbal Submissions

LPP024-22	9 Gloucester Road Hurstville – PP2022/0001 (Report by Strategic Planner/Information Management)
LPP025-22	15 - 17 Greenbank Street, Hurstville – DA2021/0401 (Report by Senior Development Assessment Planner)
LPP026-22	1/68 & 2/68 Llewellyn Street, Oatley – DA2021/0398 (Report by Independent Assessment)
LPP027-22	47 Yarran Road, Oatley, DA2021/0288 (Report by Principal Planner)

4. Local Planning Panel Deliberations in Closed Session
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5. Confirmation of Minutes

**REPORT TO GEORGES RIVER COUNCIL
LPP MEETING OF THURSDAY, 02 JUNE 2022**

LPP024-22

LPP Report No	LPP024-22	Development Application No	PP2022/0001
Site Address & Ward Locality	9 Gloucester Road Hurstville NSW 2220 Hurstville Ward		
Proposed Development	Planning Proposal PP2022/0001 seeks to amend Schedule 1 of the Georges River Local Environmental Plan 2021 to: 1) introduce “residential flat building” as an additional permitted use on “Area A” of the Site (being Part Lot 30 DP785238); and 2) exclude the application of Clause 6.13 Development in certain business zones from “Area A” of the Site (being Part Lot 30 DP785238).		
Owners	GTB Hurstville Pty Ltd		
Applicant	Mr A Sutherland		
Planner/Architect	Sutherland & Associates Planning/Turner Studio		
Date Of Lodgement	15/01/2022		
Submissions	N/A		
Cost of Works	N/A		
Local Planning Panel Criteria	Direction from the Minister for Planning under Section 9.1 of the Environmental Planning and Assessment Act 1979 and the charter of the Georges River Council Local Planning Panel 2018 both specify that the Planning Proposal is to be referred to the Local Planning Panel before it is forwarded for Gateway Determination		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	N/A		
List all documents submitted with this report for the Panel’s consideration	Attachment 1 - Planning Proposal - 9 Gloucester Road, Hurstville Attachment 2 - Map of “Area A” of the Site		
Report prepared by	Strategic Planner/Information Management		

Recommendation	<p>1. That the Georges River Local Planning Panel note and acknowledge the amendment to Schedule 1 of the Georges River Local Environmental Plan 2021 proposed by Planning Proposal PP2022/0001 and recommend that Council:</p> <ul style="list-style-type: none"> a) Support the amendment to Schedule 1 of the Georges River Local Environmental Plan 2021 proposed by Planning Proposal PP2022/0001; b) Endorse the forwarding of Planning Proposal PP2022/0001 to the NSW Department of Planning and Environment (DPE) to request a Gateway Determination under Section 3.33 of the EP&A Act 1979 for an amendment to the Georges River Local Environmental Plan 2021 by:
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| | <ol style="list-style-type: none"> 1) introducing “residential flat building” as an additional permitted use on "Area A" of the Site (being Part Lot 30 DP785238); and 2) excluding the application of Clause 6.13 Development in certain business zones from "Area A" of the Site (being Part Lot 30 DP785238). <ol style="list-style-type: none"> 2. That the Planning Proposal be placed on formal public exhibition in accordance with the conditions of any Gateway Determination issued by the DPE. 3. That a report to Council be prepared by Council staff to advise of the LPP recommendations. |
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Not Applicable
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Not Applicable
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	Not Applicable

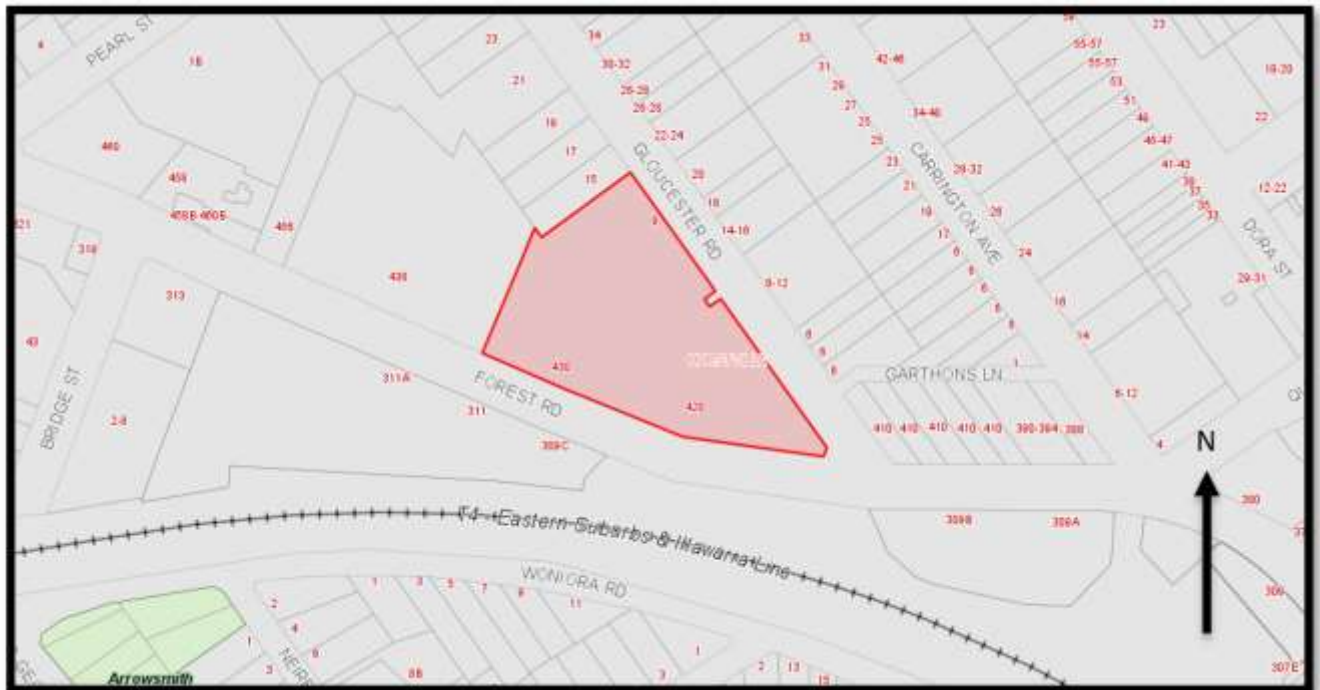
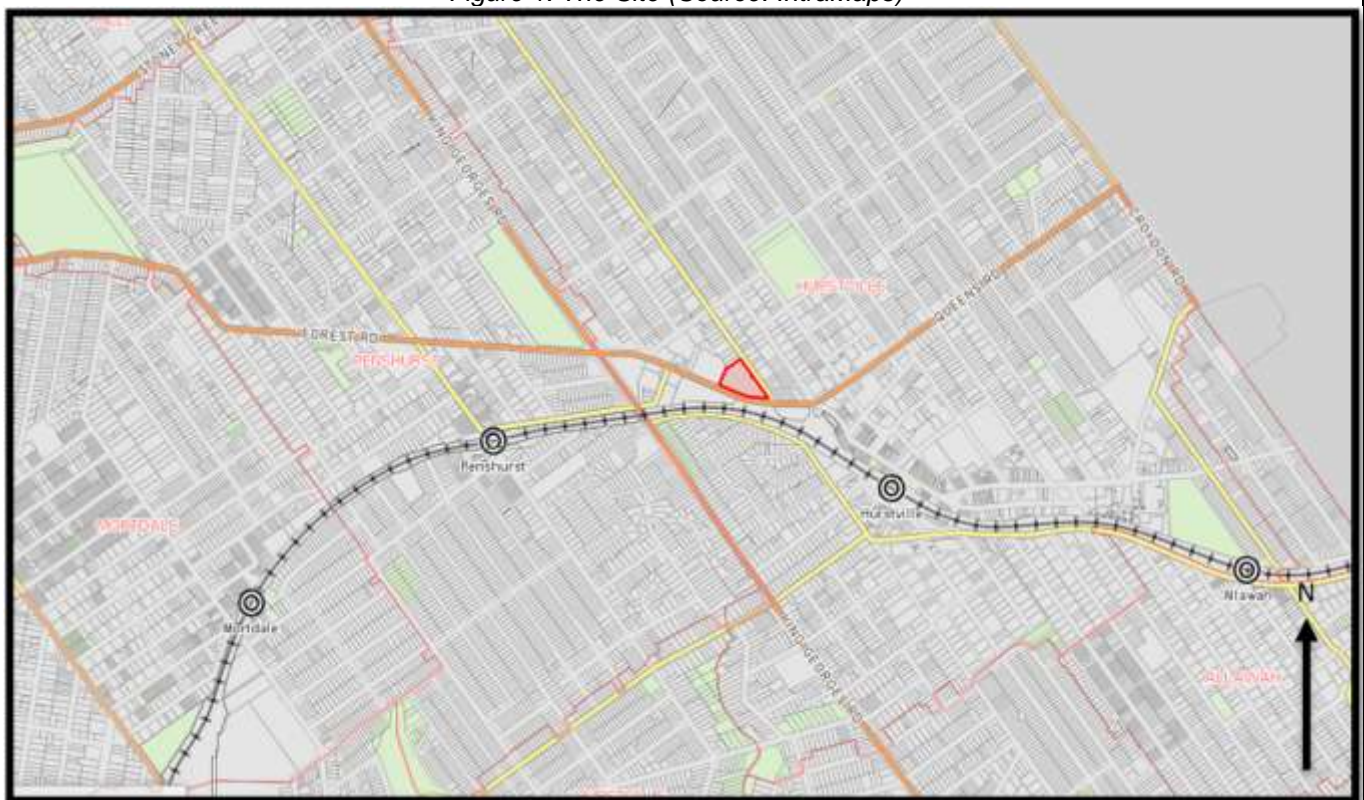
Site Plan*Figure 1: The Site (Source: IntraMaps)**Figure 2: Locality of the Site (Source: IntraMaps)*



Figure 3: Map of "Area A" (Source: Turner Studio)

Executive Summary

Proposal

1. The Planning Proposal (PP2022/0001) seeks to amend Schedule 1 of the Georges River Local Environmental Plan 2021 ("GRLEP") to:
 - 1) introduce "residential flat building" as an additional permitted use on "Area A" of the Site (being Part Lot 30 DP785238); and
 - 2) exclude the application of Clause 6.13 Development in certain business zones from "Area A" of the Site (being Part Lot 30 DP785238).
2. "Area A" of the Site is illustrated in Figure 3.
3. The Planning Proposal does not seek to amend the B4 Mixed Use zoning, floor space ratio (FSR), height or any other LEP (Local Environmental Plan) provisions except Clause 6.13 Development in certain business zones relating to the Site.
4. The Planning Proposal is to correct an anomaly that occurred upon the gazettal of the GRLEP, which occurred subsequently to the finalisation of the Planning Proposal (PP2015/0005) for the Site to amend the Hurstville Local Environmental Plan 2012 ("HLEP 2012"). The intended outcome of this Planning Proposal is to facilitate the redevelopment of the Site as envisaged by PP2015/0005. In particular, to allow a residential flat building with ground floor residential apartments at the northern end of the Gloucester Road frontage within "Area A" of the Site – being Part Lot 30 DP785238.
5. This report has the following attachments:
 - a. Planning Proposal prepared by Sutherland & Associates Planning;
 - b. Map of "Area A" of the Site prepared by Turner Studio.

Site and Locality

6. The Site is identified as Lot 30 DP785238 and known as 9 Gloucester Road, Hurstville or 420 Forest Road, Hurstville (refer to Figure 1). The entire site is in the ownership of GTB Hurstville Pty Ltd.
7. The Site has a total area of 9,240sqm. It excludes a 4x6m area on Gloucester Road (refer to Figure 1) which is used as an electrical substation. The Site has a 148.7 metre frontage to Gloucester Road, a 158.3 metre frontage to Forest Road, and a staggered north-western boundary of 108.5 metres.
8. The Site is located towards the western edge of the Hurstville City Centre (refer to Figure 2). Its immediate context comprises an at-grade public car park, service station, single-storey factory outlet, other commercial premises, and vacant railway land holdings.

Zoning and Permissibility

9. The Site is currently zoned B4 Mixed Use zone pursuant to the Georges River Local Environmental Plan 2021 ("GRLEP"). A non-residential FSR of 0.5:1 applies to the Site.
10. Since the gazettal of the new controls for the Site proposed by PP2015/0005 through Amendment 18 to Hurstville Local Environmental Plan 2012 (HLEP 2012) on 12 February 2021, the HLEP 2012 has been replaced by the new GRLEP.
11. While the new GRLEP maintains the same B4 Mixed Use zone for the Site, the Land Use Table for the B4 Mixed Use zone has been modified with residential flat buildings listed as prohibited in the B4 Mixed Use zone.
12. Under Clause 6.13 Development in certain business zones of GRLEP, one of the objectives is *'to maintain existing, and encourage additional, non-residential uses along ground floor street frontages'* in the B4 Mixed Use zone.
13. It is also prescribed in Clause 6.13 *'development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied the development will not cause a part of the ground floor of a building that is facing a street to be used for the purposes of residential accommodation or tourist and visitor accommodation'* in the B4 Mixed Use zone.

Development Application

14. A development application (DA2022/0061) has been lodged for the demolition of all existing structures on the Site and the erection of a mixed-use development with a 4 storey podium and 5 x buildings (Buildings A, B, C, D and E) above between 6 to 18 storeys above. The development is prohibited in the B4 Mixed Use zone and inconsistent with Clause 6.13 pursuant to the new GRLEP, as a residential flat building (Buildings D and E) is proposed at the northern end of the Gloucester Road frontage. However, the proposed development it is not inconsistent with the endorsed Planning Proposal (PP2015/0005). The proposed development would be permissible if this Planning Proposal (PP2022/0001) is endorsed to amend Schedule 1 of the Georges River Local Environmental Plan 2021 to permit residential flat buildings.

Conclusion

15. As outlined in this report the Planning Proposal meets both the strategic and site-specific merit tests that are outlined in the Department of Planning and Environment's *Local Environmental Plan Making Guideline* dated December 2021.

16. This report recommends the Georges River Local Planning Panel note and acknowledge the amendment to Schedule 1 of the Georges River Local Environmental Plan 2021 proposed by Planning Proposal PP2022/0001 and recommend that Council:
- 1) Support the amendment to Schedule 1 of the Georges River Local Environmental Plan 2021 proposed by Planning Proposal PP2022/0001;
 - 2) Endorse the forwarding of Planning Proposal PP2022/0001 to the NSW Department of Planning and Environment (DPE) to request a Gateway Determination under Section 3.33 of the EP&A Act 1979 for an amendment to the Georges River Local Environmental Plan 2021 by:
 - a) introducing “residential flat building” as an additional permitted use on "Area A" of the Site (being Part Lot 30 DP785238); and
 - b) excluding the application of Clause 6.13 Development in certain business zones from "Area A" of the Site (being Part Lot 30 DP785238).

Report in Full

Proposal

17. The Planning Proposal (PP2022/0001) seeks to amend Schedule 1 of the Georges River Local Environmental Plan 2021 (“GRLEP”) to:
- 1) introduce “residential flat building” as an additional permitted use on "Area A" of the Site (being Part Lot 30 DP785238); and
 - 2) exclude the application of Clause 6.13 Development in certain business zones from "Area A" of the Site (being Part Lot 30 DP785238).
18. “Area A” of the Site is illustrated in Figure 3.
19. The Planning Proposal does not seek to amend the B4 Mixed Use zoning, FSR, height or any other LEP (Local Environmental Plan) provisions including the non-residential requirement of 0.5:1 relating to the Site. The Planning Proposal seeks to exclude the application of Clause 6.13 Development in certain business zones for the Site.
20. The Planning Proposal is to correct an anomaly that occurred upon the gazettal of the GRLEP, which occurred subsequently to the finalisation of the Planning Proposal (PP2015/0005) for the Site to amend the Hurstville Local Environmental Plan 2012 (“HLEP 2012”). The intended outcome of this Planning Proposal is to facilitate the redevelopment of the Site as envisaged by PP2015/0005. In particular, to allow a residential flat building with ground floor residential apartments at the northern end of the Gloucester Road frontage within "Area A" of the Site.

The Site and Locality

21. This Planning Proposal applies to the Site known as 9 Gloucester Road, Hurstville (refer to Figure 4 below). The Site is also sometimes referred to as 420 or 430 Forest Road, Hurstville. The Site has a legal description of Part Lot 30 DP785238. The entire Site is in the ownership of GTB Hurstville Pty Ltd.



Figure 4: Aerial View - 9 Gloucester Road, Hurstville (Source: IntraMaps)

22. The Site is triangular in shape and is bound by Gloucester and Forest Roads to its north and south. These roads intersect at the eastern point in a splayed corner. The Site is bound by private properties on its irregular western boundary and is located at the transition threshold between the central and western areas of the Hurstville City Centre.
23. The Site has a total area of 9,240sqm. It excludes a 4x6m area on Gloucester Road (refer to Figure 4 above) which is used as an electrical substation. The Site has a 148.7 metre frontage to Gloucester Road, a 158.3 metre frontage to Forest Road, and a staggered north-western boundary of 108.5 metres.
24. The ground surface along the Forest Road frontage slopes gently downwards to the east and surface levels vary between about RL65.4 and RL61.4 according to the Australian Height Datum ("AHD"). The ground surface level at the Gloucester Road frontage is relatively level between RL60.9 and RL61.4.
25. The Site is currently occupied by three commercial buildings between 2 to 4 storeys (refer to Figure 5 below). Vehicular access is provided from Gloucester Road and there is a through-site link from Forest Road to Gloucester Road. The existing built form represents a 'suburban campus' or 'office park' style configuration with a partially exposed basement car park. The remainder of the Site comprises controlled access to the basement car park from Gloucester Road, an irregular through-site link and hardstand areas.



Figure 5: Oblique Aerial View of the Site from North-West (Source: Nearmap)

26. Views of the Site are shown in Figures 6 to 9 below.



Figure 6: View towards the Site from Gloucester Road



Figure 7: View towards the eastern frontage of the Site from Forest Road



Figure 8: View towards the western frontage of the Site from Forest Road



Figure 9: View towards the corner of the Site from the intersection of Forest Road and Gloucester Road

27. The Site is located towards the western edge of the Hurstville City Centre, refer to Figure 10 below for the location of the Site in relation to the extent of the Hurstville City Centre.

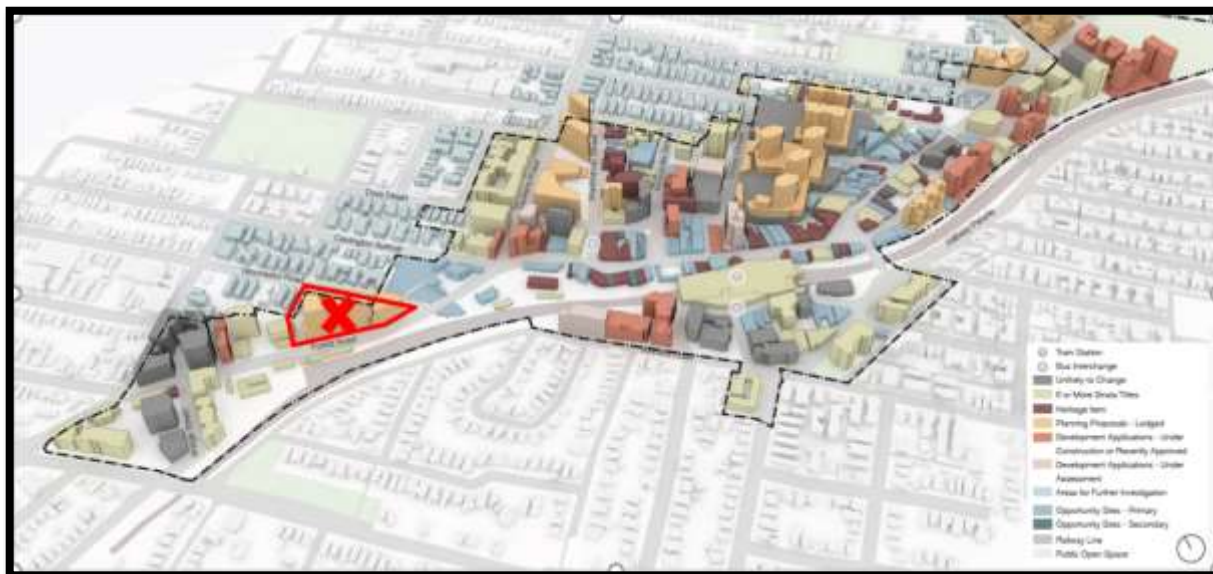


Figure 10: The Site and Existing and Future Development in Hurstville City Centre (Source: Hurstville City Centre Urban Design Strategy)

28. Its immediate context comprises an at-grade public car park, service station, single-storey factory outlet, other commercial premises, and vacant railway land holdings.
29. The Site has direct access to Forest Road, which is a major road with local and regional bus services and a high level of accessibility for pedestrians, allowing for lesser car reliance for travel.

30. The Site enjoys good access to Hurstville and Penshurst Railway Stations, being located within approx. 600m and 1,000m walking distance respectively, refer to Figures 11 to 13 below.



Figure 11: View from the Site to the east direction of Forest Road (Hurstville CBD)



Figure 12: View from the Site to the west direction of Forest Road



Figure 13: View from the Site to the northwest direction of Gloucester Road

Existing Planning Controls under the GRLEP

31. The Site is currently zoned B4 Mixed Use under the Georges River Local Environmental Plan 2021 (“GRLEP”).



Figure 14: GRLEP Land Use Zoning -- 9 Gloucester Road, Hurstville

32. The objectives of the B4 Mixed Use zone are:
- *To provide a mixture of compatible land uses.*
 - *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
 - *To allow residential development that contributes to the vitality of the centre and provides housing that meets the needs of the community.*
 - *To encourage the provision of community facilities and public infrastructure so that all residents have reasonable access to a range of facilities and services.*
33. The following uses are permitted with consent in the B4 Mixed Use zone:
- *Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4*
34. The following uses are prohibited in the B4 Mixed Use zone with residential flat buildings being listed:
- *Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Attached dwellings; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Jetties; Marinas; Mooring pens; Moorings; Multi dwelling housing; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Residential flat buildings; Rural industries; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sewerage systems; Sex services premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies*
35. A non-residential FSR of 0.5:1 applies to the Site.
36. Under Clause 6.13 Development in certain business zones of the GRLEP, one of the objectives is 'to maintain existing, and encourage additional, non-residential uses along ground floor street frontages' in the B4 Mixed Use zone.
37. It is also prescribed in Clause 6.13 'development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied the development will not cause a part of the ground floor of a building that is facing a street to be used for the purposes of residential accommodation or tourist and visitor accommodation'.

38. The Site has mixed maximum building heights of 23, 30, 40, 55 and 60 metres under the GRLEP as shown in Figure 15 below.

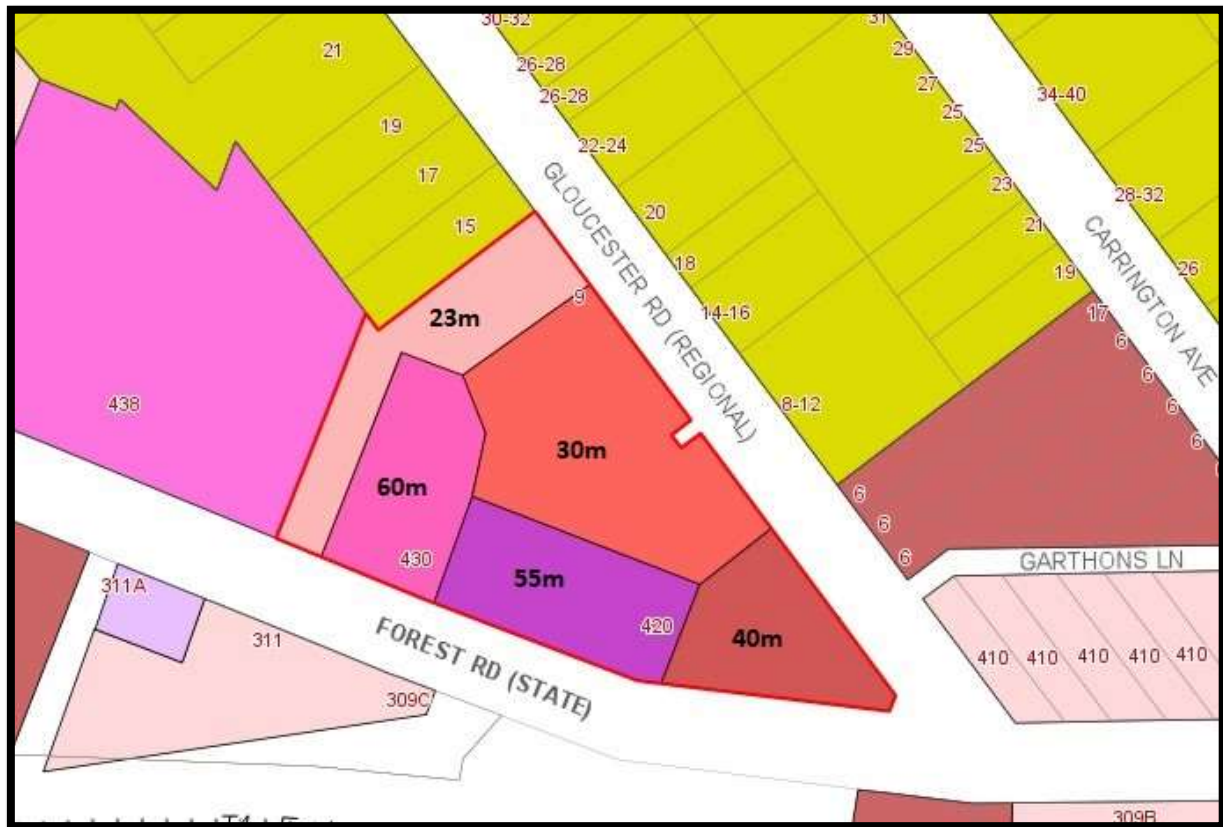


Figure 15: GRLEP Height of Building Map - 9 Gloucester Road, Hurstville

39. The Site has a maximum floor space ratio of 4:1 under the GRLEP as shown in Figure 16 below. The Site is also nominated as “Area 3” subject to Clause 4.4B which states that development consent must not be granted unless the non-residential floor space ratio is at least 0.5:1. The objective of this clause is to encourage an appropriate mix of residential and non-residential uses in order to ensure a suitable level of non-residential floor space is provided to promote employment and reflect the hierarchy of the business zones.

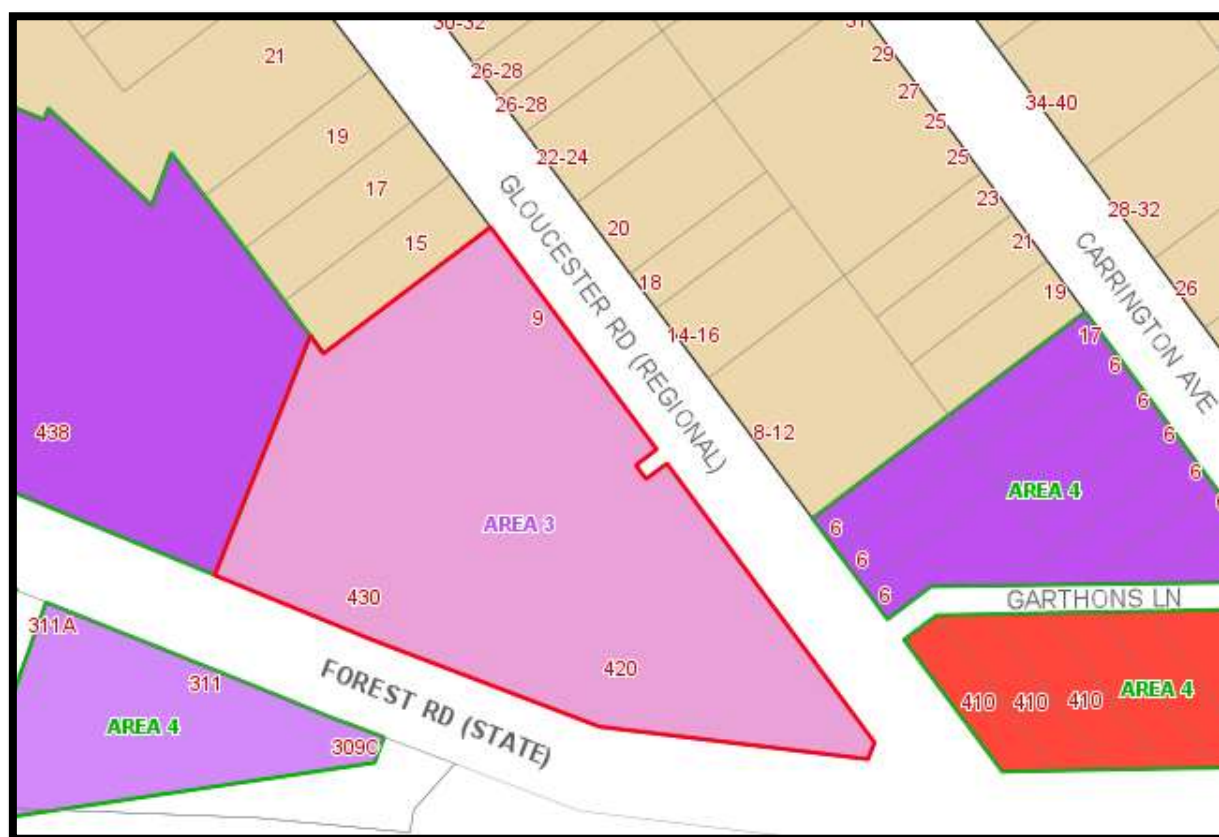


Figure 16: GRLEP Floor Space Ratio Map

Existing Development Controls under Hurstville Development Control Plan Number 2 - Amendment No. 12 (HDCP 2 Amendment 12)

40. A Master Plan which supported the Planning Proposal (PP2015/0005) provides general guidance on the overall form of development on the Site. Figure 17 below which is an extract from HDCP 2 Amendment 12 provides an overview of the access to residential apartments and commercial premises from the street to the Site. As shown in Figure 17, non-commercial use including a ground floor residential apartment is provided at the northern end of the Gloucester Road frontage. Commercial activities are provided to the rest of the street frontages at the ground floor level.

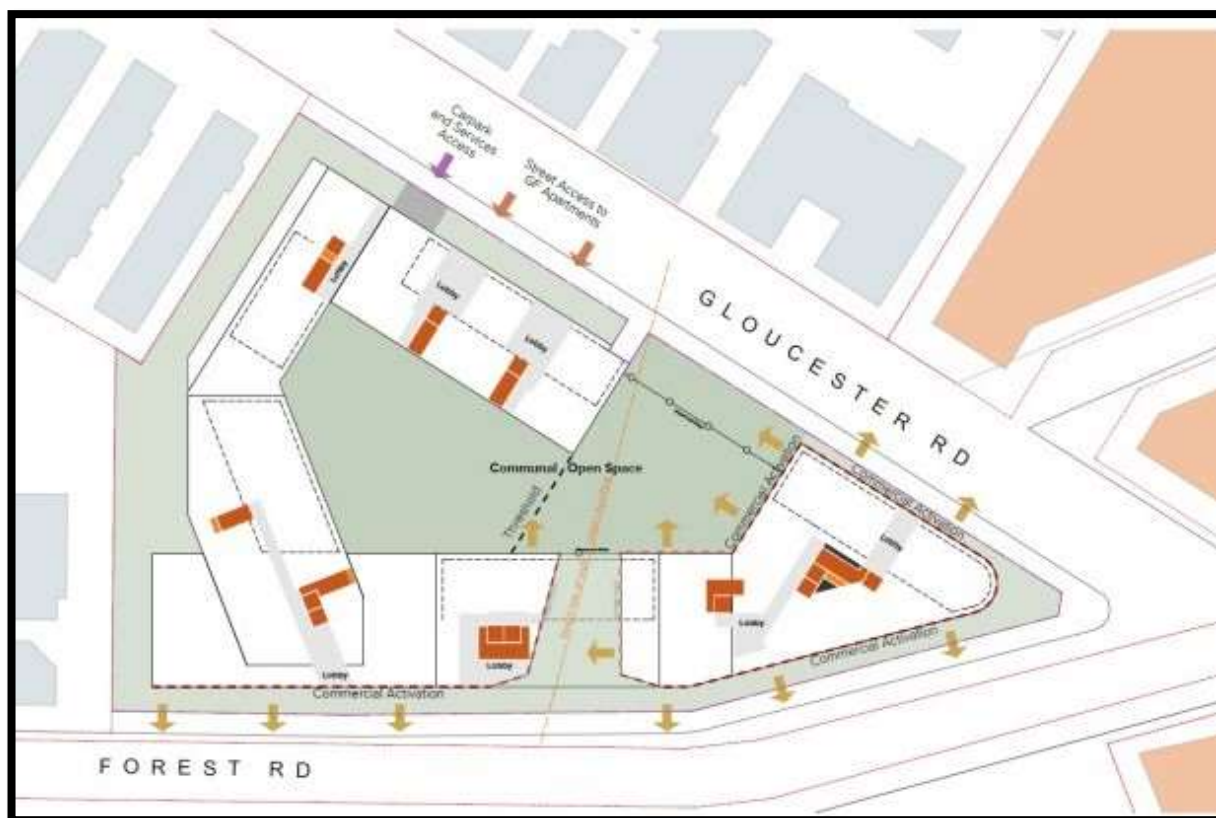


Figure 17: HDCP 2 Amendment 12 Vehicular and Pedestrian Access

Background

41. A Planning Proposal (PP2015/0005), seeking to amend the Hurstville Local Environmental Plan 2012 (HLEP 2012) to increase the FSR from 3:1 to 4:1 (including a minimum non-residential FSR of 0.5:1) and increase the maximum building height applying to the Site from 23m to a range of heights of 23m, 30m, 40m, 50m and 60m, was lodged with Council on 9 October 2015.
42. At its meeting on 27 August 2018, Council resolved to endorse the Planning Proposal (PP2015/0005) to be forwarded to the Department of Planning and Environment for a Gateway Determination, seeking to amend FSR and Height controls of the Hurstville Local Environmental Plan 2012 (HLEP 2012) for the Site.
43. A Gateway Determination to publicly exhibit the Planning Proposal was issued by the Department on 26 February 2019.
44. At its meeting on 24 June 2019, Council resolved to endorse an amended Planning Proposal and supporting documentation, including the correct height range and extension of timing to complete the amendment to the LEP, to be forwarded to the Department of Planning and Environment for their endorsement and approval to publicly exhibit.
45. The Planning Proposal and draft DCP were publicly exhibited in January and February 2020. The Planning Proposal sought to:
 - 1) Increase height from 23m to a range of heights of 23m, 30m, 40m, 55m and 60m.
 - 2) Increase FSR from 3:1 to 4:1 including a minimum non-residential FSR of 0.5:1.

46. The Master Plan which is illustrated in Figure 18 below supports the Planning Proposal (PP2015/0005). The Master Plan comprises a mixed-use component (commercial and residential flat building) at the northern end of the Site with ground floor apartments and a shop top housing component at the southern end of the Site.

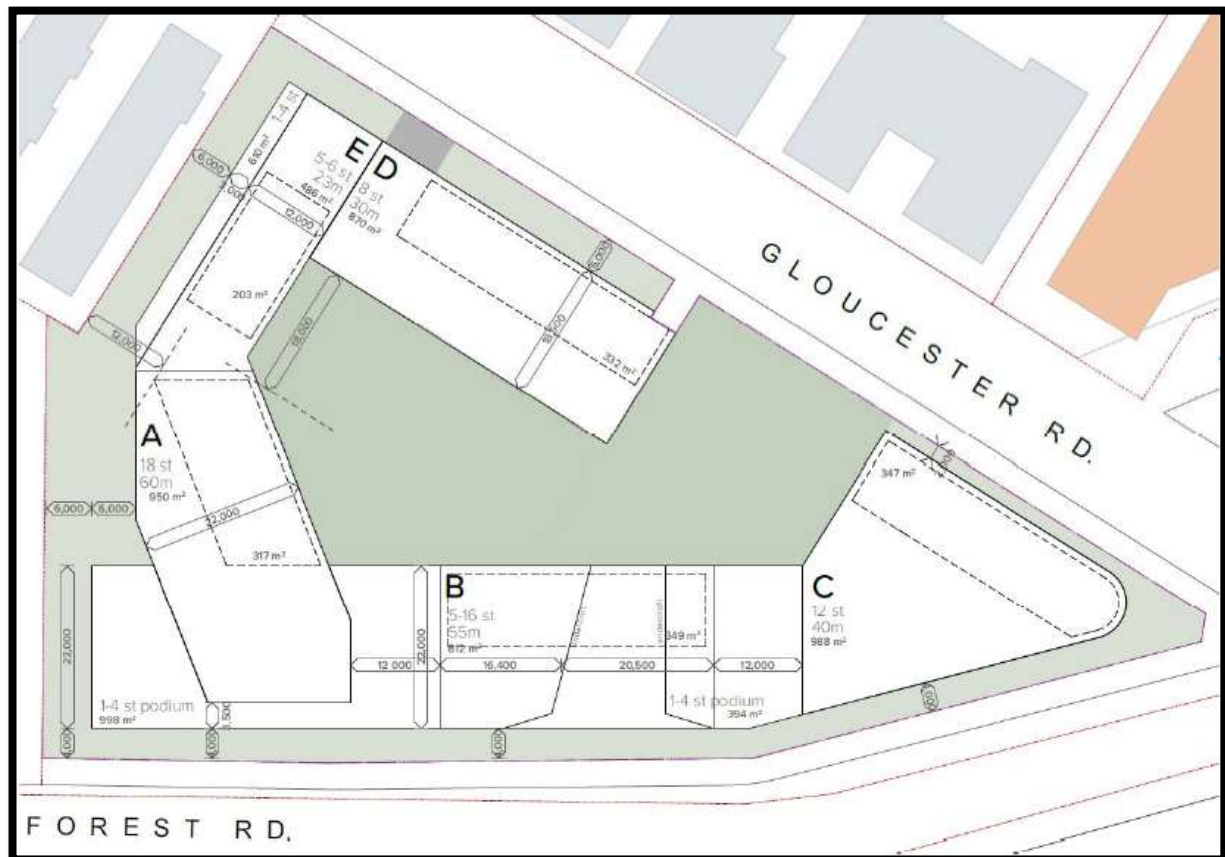


Figure 18: Building Envelopes

47. The configuration of the Master Plan design comprises a perimeter block form of development with buildings ranging in height from 4 to 18 storeys as follows:
- Building A – 4 to 18 storeys (60m)
 - Building B – 4 to 16 storeys (55m)
 - Building C – 12 storeys (40m)
 - Building D – 8 storeys (30m)
 - Building E – 4 to 6 storeys (23m)
48. The concept scheme formed the basis of the Planning Proposal (PP2015/0005) including a residential flat building (Building D and E) at the northern end of the Site on Gloucester Road, as well as a 0.5:1 commercial component along the Forest Road frontage and also the corner of Forest Road and Gloucester Road.
49. Building D is located centrally along the Gloucester Road frontage of the Site and is an 8 storey residential flat building with a rooftop common open space. Building E is located along the north-western side of the Site and is a 6 storey residential flat building that is attached to Building D.

50. The Planning Proposal was also supported by a Voluntary Planning Agreement which requires the developer to pay a monetary contribution of \$3,619,308 to the Council for the provision of public facilities in the Council's area, including public infrastructure, amenities and services, public domain and public road infrastructure, and key traffic and road infrastructure in the Hurstville City Centre. The Voluntary Planning Agreement has been executed and the contribution paid to Council.
51. On 25 May 2020, Council resolved to forward the Planning Proposal (PP2015/0005) to the Department of Planning, Industry and Environment for gazettal. On 12 February 2021, Amendment 18 to amend the Hurstville Local Environmental Plan 2012 (HLEP 2012) by increasing the FSR and the maximum building height for the Site was gazetted.
52. Since the gazettal of the new controls for the Site, the Hurstville Local Environmental Plan 2012 has been replaced by the Georges River Local Environmental Plan 2021 ("GRLEP"). Whilst the new GRLEP maintains the same B4 Mixed Use zone for the Site, it has nonetheless made "residential flat development" a prohibited use. In addition, one of the objectives of Clause 6.13 Development in certain business zones, which applies to the B4 Mixed Use zone, is '*to maintain existing, and encourage additional, non-residential uses along ground floor street frontages*'. As a result, a residential flat building (Building D and E) at the northern end of the Site on Gloucester Road is not permissible under the GRLEP.

Development Application

53. A development application (DA2022/0061) has been lodged for the demolition of all existing structures on the Site and the erection of a mixed-use development with a 4 storey podium and 5 x buildings (Buildings A, B, C, D and E) above between 6 to 18 storeys comprising 4,620 square metres of commercial floor space and 349 apartments, above 3 basement levels containing 459 car parking spaces.
54. The development application has been submitted pursuant to Section 3.39 of the Environmental Planning & Assessment Act 1979 which states that nothing in the Act prevents:
 - (a) *the making of a development application to a consent authority for consent to carry out development that may only be carried out if an environmental planning instrument applying to the land on which the development is proposed to be carried out is appropriately amended, or*
 - (b) *the consideration by a consent authority of such a development application.*
55. Buildings D and E at the northern end of the Gloucester Road frontage of the proposed development are prohibited in the B4 Mixed Use zone and inconsistent with Clause 6.13, as they propose residential flat buildings. However, they are not inconsistent with the endorsed Planning Proposal (PP2015/0005). The proposed development would be permissible if this Planning Proposal (PP2022/0001) is endorsed to amend Schedule 1 of the Georges River Local Environmental Plan 2021 to permit residential flat buildings. The development application is to be determined by the Sydney South Planning Panel.

Assessment of the Planning Proposal

56. The following table including Section A – E provides a detailed assessment and justification of the proposal's strategic and site-specific merit to determine whether the Planning Proposal should be supported. The table contains the 12 questions from the Department of Planning and Environment's Local Environmental Plan Making Guideline

dated December 2021 which outlines the matters for consideration when describing, evaluating, and justifying a proposal.

LPP024-22

Strategic Merit

Section A – need for the planning proposal

1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Proponent: Yes. *This Planning Proposal is the result of an extensive master planning process for the Site with the Council since October 2015.*

The purpose of the Planning Proposal is to correct an anomaly that has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local environmental Plan 2021, with the prohibition of “residential flat building” on the Site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the Site.

Council: This Planning Proposal reflects the endorsed Planning Proposal (PP2015/0005) to amend the Hurstville Local Environmental Plan 2012 (HLEP 2012) to increase the FSR from 3:1 to 4:1 (including a minimum non-residential FSR of 0.5:1) and increase the maximum building height applying to the Site from 23m to a range of heights of 23m, 30m, 40m, 50m and 60m.

Since the gazettal of the new controls for the Site on 12 February 2021, the HLEP 2012 has been replaced by the Georges River Local Environmental Plan 2021 (“GRLEP”). Whilst the new GRLEP maintains the same B4 Mixed Use zone for the Site, it has nonetheless made “residential flat development” a prohibited use on the Site.

The intended outcome of the Planning Proposal is to facilitate the redevelopment of the Site as envisaged by the Planning Proposal (PP2015/0005). In particular, the objective of this Planning Proposal is to allow the development of the Site as intended with ground-floor residential apartments at the northern end of the Gloucester Road frontage within “Area A” of the Site. As such, the Planning Proposal is consistent with the endorsed Planning Proposal (PP2015/0005).

Although the Planning Proposal (PP2022/0001) is not a direct result of the Georges River Local Strategic Planning Statement (GRLSPS) 2040, the Planning Proposal is consistent with the endorsed GRLSPS as it seeks to provide both residential and commercial development within the Hurstville City Centre in a Mixed Use zone.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Proponent: Yes. *The Planning Proposal is the best and only means of achieving the objectives and intended outcomes for the Site to allow the delivery of the final concept scheme which supported the recent Planning Proposal for the Site.*

In the absence of support for this Planning Proposal, the entire ground floor of the Gloucester Road frontage would be required to be commercial floorspace, which would most likely result in a dead and inactive zone in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 commercial floor space requirement.

Council: Council is satisfied the Planning Proposal represents the best mean of achieving the objectives or the intended outcomes to allow the development of the Site as intended with ground-floor residential apartments at the northern end of the Gloucester Road frontage within “Area A” of the Site.

Section B – relationship to the strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Proponent:

Greater Sydney Region Plan – A Metropolis of Three Cities

In March 2018 the Greater Sydney Region Plan - A Metropolis of Three Cities was released. The Plan sets a 40-year vision to 2056 and establishes a 20-year plan to manage growth and

change for Greater Sydney. The vision for Greater Sydney as a metropolis of three cities — the Western Parkland City, the Central River City and the Eastern Harbour City where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The Plan sets out 10 Directions which set out the aspirations for the region and objectives to support the Directions. The 10 Directions are:

- A City supported by infrastructure*
- A collaborative city*
- A city for people*
- Housing the city*
- A city of great places*
- A well-connected city*
- Jobs and skills for the city*
- A city in its landscape*
- An efficient city*
- A resilient city*

The Plan provides 38 objectives concerning, Infrastructure and collaboration, Liveability, Productivity and Sustainability which are aimed at achieving the identified Directions.

The following table summarises the proposals consistency with relevant objectives of the Plan:

Objective	Comment	Consistent
4. Liveability		
Objective 10: Greater housing supply Objective 11: Housing is more diverse and affordable	<i>The Planning Proposal does not in itself result in any difference to the overall quantum of housing to be delivered as part of the redevelopment of the Site. However, it facilitates a distribution of the housing and commercial floorspace in an optimal arrangement across the Site. This is achieved by locating the commercial floor space in the best location on the Site for success being along the Forest Road frontage and the corner of the Site to Forest Road and Gloucester Road. At the same time, the proposal seeks to allow ground floor apartments at the northern end of the Gloucester Road frontage, which is more consistent with the context at this end of the Site.</i>	Yes
Objective 12: Great places that bring people together	<i>The Planning Proposal will support the development of the Site as previously envisaged with the provision of a publicly accessible pocket park towards the centre of the Site on Gloucester Road, as well as a public pedestrian underpass through-site link which connects Forest and Gloucester Roads. The communal open space will be activated by retail uses at ground level. The proposal intends to transform the existing underutilised office park into an attractive new community meeting space.</i>	Yes
5. Productivity		
Objective 14: A Metropolis of Three Cities – integrated land use and transport creates	<i>A central component of this objective is to co-locate activities in metropolitan, strategic and local centres and attract housing in and around centres to create walkable, cycle-friendly neighbourhoods. The Planning Proposal will support a significant</i>	Yes

walkable and 30-minute cities	quantum of new employment floor space in locations on the Site which have the greatest likelihood of success, and therefore the proposal will contribute towards the 30-minute city objective, by providing increased employment in very close proximity to an existing train station.	
Objective 22: Investment and business activity in centres. Objective 24: Economic sectors are targeted for success	The Planning Proposal remains consistent with this objective as it does not seek any relief from the required minimum amount of commercial floor space, rather, it will facilitate the placement of this floor space in the optimal parts of the development where it will have the greatest likelihood of success. The Planning Proposal will facilitate the appropriate redevelopment of a site that will deliver additional employment floor space and housing within an existing centre which will promote both business activity and private sector investment within the centre providing for the growth and evolution of the centre.	Yes

South District Plan

In March 2018 the Greater Sydney Commission published the South District Plan which outlines how the Government will make decisions on public spaces, community facilities, housing, jobs, transport options, schools and hospitals to meet the needs of communities across Greater Sydney to give effect to the Greater Sydney Region Plan - A Metropolis of Three Cities.

The South District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney.

The Planning Proposal will support the development of the Site as previously envisaged. In particular, the Planning Proposal will enable the delivery of the previously identified quantum of housing and commercial floorspace on the Site, albeit with an optimised distribution, and is therefore consistent with Planning Priority S5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.

Council: Council is satisfied the Planning Proposal is consistent with the objectives and actions of the Greater Sydney Region Plan and the South District Plan given that the resulting development will provide:

- Employment opportunities within the proposed commercial and retail floor space (approximately 4,620sqm); and
- Improvements to housing choice and availability in close proximity to public transport and the Hurstville City Centre which offers retail and essential services.

4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Proponent:

Georges River Local Strategic Planning Statement (GRLSPS) 2040

The subject Planning Proposal is seeking an amendment to the Georges River LEP 2021 to allow the delivery of the concept which underpinned the previous Planning Proposal for the Site and now reflected in the site specific section 8.3 of the Hurstville Development Control Plan No. 2.

In Council's assessment of that concept and Planning Proposal, the following was noted in the Council's Environment and Planning Committee Report dated 11 May 2020 in relation to the GRLSPS:

- '46. In March 2018, amendments to the Environmental Planning and Assessment Act 1979 introduced a new requirement for local councils to prepare and make a Local Strategic Planning Statement (LSPS) which will set out planning priorities which meet the community's needs, and deliver key State and regional planning objectives. The LSPS received assurance from the Greater Sydney Commission in March 2020.*
- 47. Council's LSPS guides land use planning and the delivery of significant infrastructure for the Georges River LGA until 2040. It delivers on the NSW Government's Greater Sydney Region Plan (A Metropolis of Three Cities) and the Greater Sydney South District Plan.*
- 48. It creates a land vision for the future of the LGA that recognises the character of its suburbs and builds on the Georges River community's social, environmental and economic values and strengths.*
- 49. The Statement includes visions for a number of themes, one of which is Theme 3 – Housing and Neighbourhoods, which includes the ability to have access to a choice of housing types and sizes, and new high quality buildings to be concentrated in key transport nodes. Further, it also includes Theme 4 – Economy and Centres. This theme visualises appropriately zoned land for employment growth which can be supported long term.*
- 50. The Planning Proposal is consistent with the abovementioned themes, as it seeks to provide both residential and commercial development within the Hurstville City Centre in a Mixed Use zone.'*

The subject Planning Proposal is likewise consistent with the GRLSPS as it only seeks an amendment to allow the delivery of the concept already supported by Council and subsequently the Department of Planning & Environment.

Notwithstanding, further detail is provided below in relation to the consistency of the Planning Proposal with the GRLSPS.

In relation to Theme 4 Economy and Centres, the GRLSPS identifies the following in relation to future commercial activity in the Georges River local government area (emphasis added):

'As part of Greater Sydney's Eastern Harbour City, Georges River LGA is home to almost 56,000 jobs. Community surveys indicated that the number one reason for locating a business in Georges River was 'proximity to home'. Our well educated community works in knowledge intensive job sectors with an emerging presence in the health and education job sectors.

The growth, innovation and evolution of commercial centres are central to the economy of the South District and critical to achieving a well-connected 30 minute Greater Sydney. Facilitating the growth of our centres is a priority in growing the number of jobs available in Georges River.

It's forecast that between 2016-2036 employment generated within the LGA's centres is to increase by around 13,000 jobs. It is important that our centres accommodate this growth by remaining economically viable and by providing an additional 25% of employment floor space. Council will seek to facilitate this additional floor space not only through development controls, but also through the growth of the following commercial centres:

- Allawah*
- Beverly Hills*
- Carlton*
- Hurstville*
- Kingsgrove*
- Kogarah*
- Mortdale*
- Narwee*
- Oatley*

- Peakhurst
- Penshurst
- Ramsgate
- Riverwood and
- South Hurstville'

The Planning Proposal is entirely consistent and aligned with the need to provide an additional 25% of employment floor space, as it does not seek any relief from the obligation to deliver a minimum 0.5:1 FSR as commercial floorspace. Rather, it seeks flexibility to optimise the location of the commercial floorspace by not needing to locate it at the ground floor across the entire Site. This is important to provide the greatest likelihood of success of the commercial floor space.

Hurstville City Centre Urban Design Strategy (2018)

The subject Planning Proposal is seeking an amendment to the Georges River LEP 2021 to allow the delivery of the concept which underpinned the previous Planning Proposal for the Site and now reflected in the site specific section 8.3 of the Hurstville Development Control Plan No. 2.

In Council's assessment of that concept and Planning Proposal, the following was noted in the Council's Environment and Planning Committee Report dated 11 May 2020 in relation to the Hurstville City Centre Urban Design Strategy (2018):

'42. The Hurstville City Centre Urban Design Strategy was endorsed by Council at its meeting dated 25 June 2018 as a strategic planning document which informs the review and update of existing development standards within the Hurstville City Centre.

43. The site is located in the City West Transition Area character precinct. The Strategy identifies that the area is well planted with mature street trees and creates a green gateway to the Centre when entering from King Georges Road.

44. The Strategy acknowledges that the site is subject to a current Planning Proposal and recommends that the HLEP 2012 is amended to increase the height of the sub-block 2D (the subject site) from 23m to 60m at the western end of the site, stepping down to 40m at the eastern end.

45. The Planning Proposal is consistent with the overall maximum building height identified by the Strategy and retains the existing landscaped character of the City West Transition Area character precinct.'

The subject Planning Proposal is likewise consistent with the Hurstville City Centre Urban Design Strategy (2018) as it only seeks an amendment to allow the delivery of the concept already supported by Council and subsequently the Department of Planning & Environment. The Site is specifically identified as being located within the City West Transition Area character precinct. and is not a core business location and so there is a reduced basis for ground floor commercial use across the entire Site. Furthermore, the northern end of the Gloucester Road frontage is on the peripheral of the B4 Mixed Use zoned land and is also directly opposite and adjacent to R4 High Density Residential zoned land and is a fundamentally residential context where ground floor residential use is more appropriate and consistent with the immediate Site context at this end of the Site.

The Planning Proposal is consistent with the Hurstville City Centre Urban Design Strategy (2018).

Commercial Centres Strategy

On 24 February 2020, Council adopted the Commercial Centres Strategy Part 1 Centres Analysis to inform the preparation of GRLEP 2021 and its development control plan.

From the evidence findings and community consultation, the Strategy identifies a number of issues that need to be addressed to ensure the continued growth and ongoing viability of the LGA's centres. In particular, the Strategy is particularly focused on the provision of sufficient employment floor space to support ongoing employment growth across the LGA.

The subject Planning Proposal seeks no change to the minimum commercial FSR which

applies to the Site. In fact, the Planning Proposal is in complete alignment with the Strategies' concern with the provision of sufficient employment floorspace, because it seeks flexibility to deliver the required commercial floor space in the most optimal locations on the Site which have the greatest likelihood of success.

In the absence of support for this Planning Proposal, and the entire ground floor of the Gloucester Road frontage would be required to be commercial floorspace, most likely resulting in a dead and inactive zone in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 FSR commercial floor space requirement.

Georges River Local Housing Strategy

The Georges River Local Housing Strategy (Strategy) sets out the strategic direction for housing in the Georges River Local Government Area (LGA) over the next 20 years. It identifies the housing demand, gaps and issues, and establishes housing objectives to manage future growth.

The Strategy provides that the population of the LGA is projected to increase from 156,293 in 2017 to approximately 185,000 by 2036, resulting in the need for approximately an additional 14,000 dwellings by 2036. The Strategy further provides that under the existing planning controls, major development applications and planning proposals under assessment, approximately an additional 12,000 dwellings can be provided, which results in a shortfall of approximately 2,000 dwellings that will need to be provided by 2036. To address this shortfall, the Strategy commits to providing the capacity for an additional 2,000 dwellings in the next 20 years.

The Housing Survey which was undertaken in the preparation of the Strategy identifies that the Georges River community values a home that is close to public transport, shops, services and open space.

The subject Planning Proposal is not of direct relevance in relation to the Strategy. In the event that the Planning Proposal did not proceed, this would require a redistribution of the residential and commercial floorspace within the development, rather than any change to the quantum of dwellings to be delivered on the Site. The consequence of a redistribution of the commercial floorspace to the ground floor along Gloucester Street instead of apartments would be an adverse impact to the success of the commercial floorspace.

Council: Council is satisfied the Planning Proposal is consistent with Council's LSPS and other local strategies or local strategic plans.

The Planning Proposal will provide approximately 400 new apartment dwellings. The Site is suitable for this increase in dwellings as it is located within the Hurstville Strategic Centre, close to jobs and public transport (Hurstville Railway Station and bus interchange) with frequent services capable of moving large numbers of people. Housing choices to suit different needs and lifestyles will be provided with a range of apartment sizes to meet the community's needs and deliver key State and regional planning objectives.

Housing in close proximity to a range of regional public transport services will assist in meeting the 30-minute job access target. It is noted that the Site is located well within the walkable catchments of the following transport hubs:

- 550m walking distance from the Hurstville bus interchange;
- 550m walking distance from the Hurstville Railway Station; and
- 1,000m walking distance from the Penshurst Railway Station.

Furthermore, the proposal does not preclude the development of the Hurstville CBD commercial core. Instead, it intends to generate additional demand for local services through the introduction of 400 new dwellings and provides contemporary street-based economic activity on Forest Road.

While the proposed redevelopment reduces the amount of commercial floor space offered by the existing development, the current office facilities are redundant with poor economic prospects as demonstrated by an approximately 77% vacancy rate. Health, education, knowledge and professional services as well as tourism are recognised sectors of future

employment growth. The Site is outside the commercial core of the Hurstville CBD and is, therefore, better suited for personal and professional services with different and more flexible accommodation needs.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Proponent:

The subject Planning Proposal seeks no change to the quantum of commercial and residential floor space to be delivered across the Site, and instead seeks flexibility to deliver the required commercial floor space in the most optimal locations on the Site which have the greatest likelihood of success. Furthermore, the Planning Proposal will allow the location of ground floor apartments at the northern end of the Gloucester Road frontage where the immediate context is residential rather than commercial.

Accordingly, the nature of the Planning Proposal is of no consequence in relation to State and regional studies or strategies.

Council: There are no other State and regional studies or strategies applicable.

6. Is the planning proposal consistent with applicable SEPPs?

Proponent:

The Planning Proposal is consistent with all relevant State Environmental Planning Policies as summarised in the following table:

SEPP	Comment	Consistent
State Environmental Planning Policy – (Transport and Infrastructure) 2021	<i>The aim of SEPP Transport and Infrastructure is to facilitate the effective delivery of infrastructure across the State. Detailed compliance with SEPP Transport and Infrastructure will need to be demonstrated in the development application. The proposed amendment does not alter the required mix of uses and minimum 0.5:1 FSR commercial component.</i>	Yes
State Environmental Planning Policy (Resilience and Hazards) 2021	<i>Chapter 4 Remediation of Land under State Environmental Planning Policy (Resilience and Hazards) 2021 is relevant to the Planning Proposal. The Planning Proposal does not contain provisions that will contradict or hinder the application of this SEPP. The Site's historical use was for commercial purposes and the proposed use will comprise of retail / commercial purposes with residential above.</i>	Yes
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	<i>The aim of SEPP BASIX is to encourage sustainable residential development. The future redevelopment of the Site for a residential flat building would be capable of complying with BASIX. Detailed compliance with BASIX will be demonstrated at the time of making an application for development.</i>	Yes

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development	SEPP 65 aims to improve the design quality of residential flat developments, provide sustainable housing in social and environmental terms that is a long-term asset to the community and delivers better built form outcomes. The future redevelopment of the Site for a residential flat building would be capable of complying with SEPP 65. Detailed compliance with SEPP 65 will be demonstrated within the development application.	Yes
State Environmental Planning Policy (Housing) 2021	SEPP Housing aims to enable the development of diverse housing types, including purpose-built rental housing. Many of the forms of development provided under SEPP Housing such as co-living housing rely on a residential flat building or shop top housing being a permissible form of development. The Planning Proposal is not of any consequence as shop top housing is already a permissible use on the subject Site, and it is noted that boarding house is also already a permissible use on the Site.	Yes
State Environmental Planning Policy (Primary Production) 2021	SEPP Primary Production aims to facilitate the orderly economic use and development of lands for primary production. The Site does not currently comprise agricultural land, nor will the subject Planning Proposal make it possible to be used for primary production and so the Planning Proposal is of no consequence in relation to this SEPP.	N/A
State Environmental Planning Policy (Biodiversity and Conservation) 2021	SEPP Biodiversity and Conservation aims to protect the biodiversity values of trees and other vegetation and includes provisions in relation to vegetation clearing and is predominantly aimed at providing controls in relation to vegetation in rural settings. The non-rural controls apply to the subject Site irrespective of the subject Planning Proposal, which is of no consequence in relation to this SEPP.	N/A
State Environmental Planning Policy (Industry and Employment) 2021	SEPP Industry and Employment includes provisions in relation to the western Sydney employment area, as well as controls relating to signage. The subject Site is not located within the western Sydney employment area and so this component of the SEPP is irrelevant for the purpose of the subject Planning Proposal. Any signage proposed as part of a development application will be assessed at the development application stage.	Yes

State Environmental Planning Policy (Planning Systems) 2021	SEPP Planning Systems comprises provisions which identify State and regional development, development on Aboriginal land, and concurrences required. These provisions are not of direct relevance to the subject Planning Proposal, however, may be relevant to future development applications made possible as a result of the Planning Proposal.	Yes
State Environmental Planning Policy (Exempt and Development Codes) 2008	SEPP Codes provides a range of exempt and complying development. The subject Planning Proposal is not of any consequence in relation to SEPP Codes.	Yes

Council: Council is satisfied the Planning Proposal is consistent with the requirements of the relevant SEPPs.

7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

Proponent:

The following table summarises the Planning Proposal's consistency with applicable Ministerial Directions:

9.1 Direction No. and Title	Comment	Consistent
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	This direction applies to land to which a Regional Plan has been released by the Minister for Planning. No specific regional plan applies to the Site.	N/A
1.2 Development of the Aboriginal Land Council	Not Applicable	N/A
1.3 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. In accordance with the direction the Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. Further the Proposal does not identify future development on the Site as designated development.	Yes
1.4 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The direction applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out. In this instance, the Planning Proposal seeks an additional permitted use in Schedule 1 of the GRLEP in order to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of "residential flat building" on	Yes

	<i>the Site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the Site.</i>	
Focus Area 1: Place Based		
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not Applicable	N/A
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not Applicable	N/A
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable	N/A
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable	N/A
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not Applicable	N/A
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not Applicable	N/A
1.11 Implementation of Bayside West Precincts 2036 Plan	Not Applicable	N/A
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not Applicable	N/A
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not Applicable	N/A
1.14 Implementation of Greater Macarthur 2040	Not Applicable	N/A
1.15 Implementation	Not Applicable	N/A

<i>of the Pyrmont Peninsula Place Strategy</i>		
<i>1.16 North West Rail Link Corridor Strategy</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>1.17 Implementation of the Bays West Place Strategy</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>Focus area 3: Biodiversity and Conservation</i>		
<i>3.1 Conservation Zones</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>3.2 Heritage Conservation</i>	<i>The Site is not an identified heritage item or within a conservation area. The Site is not located within the immediate vicinity of any heritage items.</i>	<i>N/A</i>
<i>3.3 Sydney Drinking Water Catchments</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>3.5 Recreation Vehicle Areas</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>Focus area 4: Resilience and Hazards</i>		
<i>4.1 Flooding</i>	<i>The Site is not flood affected.</i>	<i>N/A</i>
<i>4.2 Coastal Management</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>4.3 Planning for Bushfire Protection</i>	<i>The Site is not identified as Bushfire Prone Land nor is it located in close proximity to land mapped as bushfire prone land.</i>	<i>N/A</i>
<i>4.4 Remediation of Contaminated Land</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>4.5 Acid Sulfate Soils</i>	<i>The Site is not identified as Class 1, 2, 3, 4 or 5 land on the Acid Sulfate Soil Map. Accordingly, this Direction is not applicable to the Proposal.</i>	<i>N/A</i>
<i>4.6 Mine Subsidence and Unstable Land</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>Focus area 5: Transport and Infrastructure</i>		
<i>5.1 Integrating Land Use and Transport</i>	<i>The Planning Proposal will enable a quantum of residential as previously envisaged for the Site, in close proximity to jobs and services, thereby encouraging walking, cycling and use of public transport.</i>	<i>Yes</i>
<i>5.2 Reserving Land for Public Purposes</i>	<i>Not Applicable</i>	<i>N/A</i>
<i>5.3 Development Near Regulated Airports and Defence Airfields</i>	<i>Not Applicable</i>	<i>N/A</i>

5.4 Shooting Ranges	Not Applicable	N/A
<i>Focus area 6: Housing</i>		
6.1 Residential Zones	<i>Whilst the Site is not a residential zone, it nonetheless permits residential accommodation in the form of shop-top housing development. The purpose of the Planning Proposal is to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of “residential flat building” on the Site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the Site.</i>	Yes
6.2 Caravan Parks and Manufactured Home Estates	Not Applicable	N/A
<i>Focus area 7: Industry and Employment</i>		
7.1 Business and Industrial Zones	<i>The objectives of this direction are to: (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic Centres. The proposal remains consistent with the Direction as it does not reduce the required minimum 0.5:1 non-residential floor space on the Site.</i>	Yes
7.2 Reduction in non-hosted short-term rental accommodation period	Not Applicable	N/A
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable	N/A
<i>Focus area 8: Resources and Energy</i>		
8.1 Mining, Petroleum Production and Extractive Industries	Not Applicable	N/A
<i>Focus area 9: Primary Production</i>		
9.1 Rural Zones	Not Applicable	N/A
9.2 Rural Lands	Not Applicable	N/A
9.3 Oyster Aquaculture	Not Applicable	N/A
9.4 Farmland of State and Regional Significance on the	Not Applicable	N/A

NSW Far North Coast		
<p>Council: Council is satisfied the Planning Proposal is consistent with the relevant Directions. Additional information may be required after a Gateway Determination being issued to demonstrate consistency with a Direction or enable the Planning Secretary to agree to an unresolved inconsistency.</p> <p>With respect to Direction 1.4 Site Specific Provisions, the Planning Proposal seeks to correct an anomaly which occurred upon gazettal of the GRLEP to allow a residential flat building on the Site. The Planning Proposal does not seek to amend the B4 Mixed Use zoning, floor space ratio (FSR), height or any other LEP (Local Environmental Plan) provisions except Clause 6.13 Development in certain business zones relating to the Site. Therefore, the inconsistency with Direction 1.4 is considered of minor significance.</p>		
Site-Specific Merit		
Section C – environmental, social and economic		
8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Proposal?		
Proponent: <i>The Planning Proposal will not adversely impact any critical habitat, threatened species, populations or ecological communities, or their habitats.</i>		
Council: No critical habitat or threatened species, populations or ecological communities, or their habitats have been identified within the Site and surroundings.		
9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?		
Proponent: <i>There are no environmental effects envisaged as a result of the Planning Proposal.</i>		
Council: There are no adverse environmental effects resulting from the Planning Proposal given the nature of the Planning Proposal. The environmental impacts from the development will be dealt with during the assessment of the development application.		
10. Has the Planning Proposal adequately addressed any social and economic effects?		
<p>Proponent:</p> <p><i>The Planning Proposal seeks to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of “residential flat building” on the Site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the Site.</i></p> <p><i>The Planning Proposal will facilitate a positive economic and social outcome as it will provide flexibility to distribute the required commercial floor space to the most optimal locations on the Site to provide the greatest likelihood of success of the commercial floor space. The success of the commercial component of the development is important because it will contribute to the growth of the local economy and also towards job creation.</i></p> <p><i>The proposal will avoid the need to deliver retail or business floor space in areas of the Site where it will not be viable to lease or sell this type of floor space. The Planning Proposal does not alter the delivery of 0.5:1 FSR commercial floorspace.</i></p>		
Council: The social and economic impacts from the development were assessed under the Planning Proposal (PP2015/0005). The Planning Proposal is consistent with Council's endorsed LSPS that creates a land use vision for the future of the LGA that recognises the character of its suburbs and builds on the Georges River community's social, environmental and economic values and strengths, as it seeks to provide both residential and commercial development within the Hurstville City Centre in a Mixed Use zone.		
Section D – Infrastructure (Local, State and Commonwealth)		
11. Is there adequate public infrastructure for the Planning Proposal?		
<p>Proponent:</p> <p><i>Required electricity, telecommunication, gas, water, sewer and drainage services are available</i></p>		

to the Site.

The Site is well served by public transport infrastructure in that the Site is within walking distance of the Hurstville train station and numerous bus services.

The demand for public infrastructure required for any future development of the Site will be appropriately considered during the assessment of a development application for any such proposal.

Council: Council is satisfied the existing infrastructure is adequate to serve the needs of the proposal given the Planning Proposal is consistent with the endorsed Planning Proposal (PP2015/0005). Furthermore, Section 7.11 Local Infrastructure Contributions will be levied on any development consent issued for the development.

Section E – State and Commonwealth Interests

12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Proponent: *Relevant public authorities will be consulted following the Gateway Determination.*

Council: Consultation will be confirmed by the Gateway Determination.

Summary of Assessment/Conclusion

57. The Planning Proposal (PP2022/0001) seeks to amend Schedule 1 of the Georges River Local Environmental Plan 2021 ("GRLEP") to:
 - 1) introduce "residential flat building" as an additional permitted use on "Area A" of the Site (being Part Lot 30 DP785238); and
 - 2) exclude the application of Clause 6.13 Development in certain business zones from "Area A" of the Site (being Part Lot 30 DP785238).
58. The Planning Proposal does not seek to amend the B4 Mixed Use zoning, FSR, height or any other LEP (Local Environmental Plan) provisions except Clause 6.13 Development in certain business zones relating to the Site.
59. The Planning Proposal is to correct an anomaly that occurred upon the gazettal of the GRLEP, following the gazettal of the controls proposed by the Planning Proposal (PP2015/0005) for the Site to amend the Hurstville Local Environmental Plan 2012 ("HLEP 2012"). The intended outcome of this Planning Proposal is to facilitate the redevelopment of the Site as envisaged by PP2015/0005. In particular, the objective of this Planning Proposal is to allow the resulting development of the Site as intended with a ground floor residential apartment at the northern end of the Gloucester Road frontage within "Area A" of the Site.
60. The Planning Proposal meets both the strategic and site-specific merit tests that are outlined in the DPE's Local Environmental Plan Making Guideline dated December 2021.
61. In terms of Strategic Merit, the proposal:
 - a. Gives effect to the Greater Sydney Region Plan and the South District Plan given that the resulting development will provide:
 - i) Increased employment opportunities within the proposed commercial and retail floor space (approximately 4,620sqm);
 - ii) Improvements to housing choice and availability in close proximity to public transport and the Hurstville City Centre which offers retail and essential services.
 - b. Is consistent with the endorsed Georges River LSPS as it seeks to provide both residential and commercial development within the Hurstville City Centre in a Mixed Use zone.
62. In terms of Site-specific Merit, the proposal:

- a. Seeks to correct an anomaly that occurred upon the gazettal of the GRLEP to allow a residential flat building on the Site.
- b. Does not adversely affect critical habitats or threatened species, populations or ecological communities or their habitats.
- c. Will not sterilise the Site. The Site can be developed and is currently the subject of a development application.
- d. Will comply with the non-residential requirement in the GRLEP for the Site which is 0.5:1.

Maps

63. A map of “Area A” of the Site (Figure 3) has been submitted with the Planning Proposal. Should the Planning Proposal be supported, the Gateway Determination may require technically compliant mapping using the same format, symbology, labelling and appropriate map scale to ensure consistency with any current LEP maps.

Community Consultation

64. Should the Planning Proposal be supported, it will be forwarded to the delegate of the Minister for Planning and Homes, requesting a Gateway Determination.
65. If a Gateway Determination (Approval) is issued, and subject to its conditions, it is anticipated that the Planning Proposal will be exhibited for a period of 20 days in accordance with the provisions of the EP&A Act, 1979 and Regulation, 2021 and any requirements of the Gateway Determination.
66. Exhibition material, including explanatory information, land to which the Planning Proposal applies, a description of the objectives and intended outcomes, a copy of the Planning Proposal and relevant maps will be available for viewing during the exhibition period on Council's website and hard copies available at the Council offices and libraries.
67. Notification of the public exhibition will be through:
 - a. Newspaper advertisement in The Leader;
 - b. Exhibition notice on Council's website;
 - c. Notices in Council offices and libraries;
 - d. Letters to State and Commonwealth Government agencies identified in the Gateway Determination (if required); and
 - e. Letters to adjoining landowners (in accordance with Council's Notification Procedures).
68. The project timeframe will depend on the Gateway Determination date and the required public exhibition period based on the different planning proposal categories. The following is based on a standard planning proposal with a public exhibition period of 20 working days.
69. It is noted that the project timeline will be assessed by the Department of Planning and Environment and may be amended by the Gateway Determination.

Project Timeline

70. The expected timeframes for each stage are summarised in the following table.

Stage	Timeframe/date
Consideration by Georges River LPP	2 June 2022
Council decision	25 July 2022
Gateway Determination	September 2022 (Subject to DPE)

Pre-exhibition	October 2022 (Subject to DPE)
Commencement and completion of public exhibition period	November – December 2022 (Subject to DPE)
Consideration of submissions	December 2022 (Subject to DPE)
Post-exhibition review and additional studies	December 2022 – January 2023 (Subject to DPE)
Council resolution to endorse	February 2023 (Subject to DPE)
Submission to the Department for finalisation (where applicable)	February 2023 (Subject to DPE)
Gazettal of LEP amendment	March 2023 (Subject to DPE)



Voluntary Planning Agreement

71. The Planning Proposal (PP2015/0005) was supported by a Voluntary Planning Agreement which requires the developer to pay a monetary contribution of \$3,619,308 to the Council for the provision of public facilities in the Council's area, including public infrastructure, amenities and services, public domain and public road infrastructure, and key traffic and road infrastructure in the Hurstville City Centre. The Voluntary Planning Agreement has been executed and the contribution paid to Council.

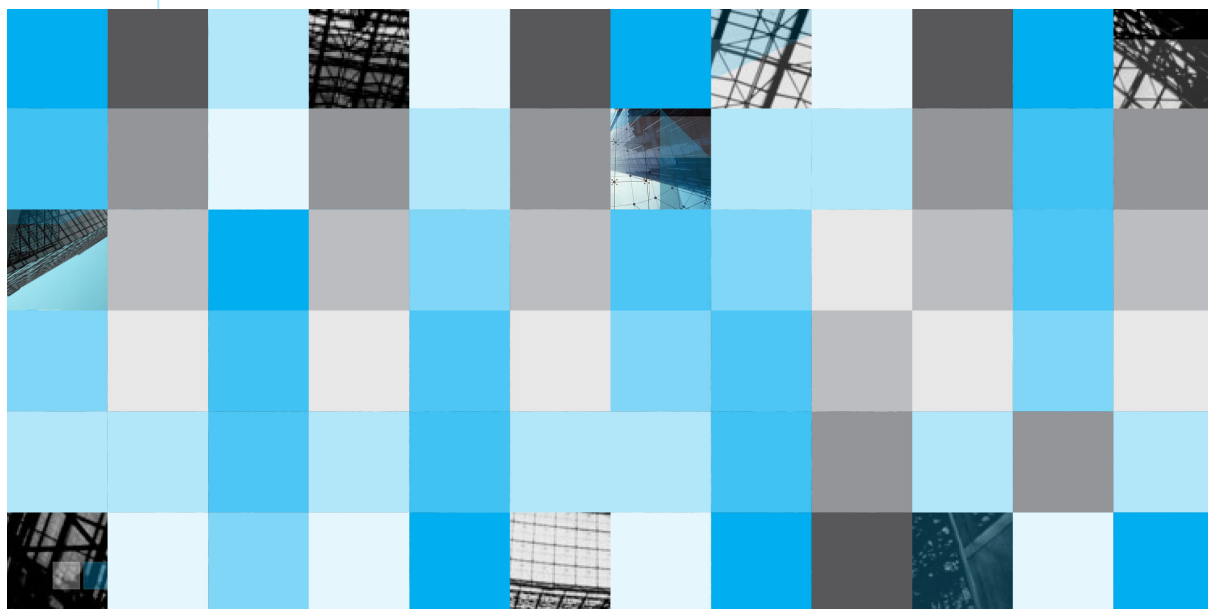
Next Steps

72. The Planning Proposal will be presented at a future Environment and Planning Committee meeting for consideration, including the LPP recommendations. The minutes of the Environment and Planning Committee meeting will subsequently be considered at a future Council meeting. If the Planning Proposal is endorsed by Council, it will be forwarded to the Department of Planning and Environment for a Gateway Determination under Section 3.34 of the EP&A Act.

ATTACHMENTS

- Attachment [↓1](#)  Planning Proposal - 9 Gloucester Road, Hurstville
- Attachment [↓2](#)  Map of "Area A" of the Site

SUTHERLAND
& ASSOCIATES
PLANNING



9 Gloucester Road, Hurstville

Planning Proposal

SUTHERLAND & ASSOCIATES PLANNING

ABN 14 118 321 793 ACN 144 979 564

Planning Proposal

9 GLOUCESTER ROAD, HURSTVILLE

April 2022

Prepared under instructions from
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by

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1.0 EXECUTIVE SUMMARY

This Planning Proposal has been prepared by Sutherland & Associates Planning Pty Ltd on behalf of GTB Hurstville Pty Ltd in relation to the site known as 9 Gloucester Road, Hurstville.

The site has been the subject of an extensive master planning process since 2015. The master planning process informed a Planning Proposal for new planning controls which were implemented as changes to the height and FSR controls in the Hurstville Local Environmental Plan 2012 as well as a site specific section 8.3 of the Hurstville Development Control Plan No. 2. The concept prepared for the site by Turner architects which formed the basis of the Planning Proposal included a residential flat building at the northern end of the site on Gloucester Road, as well as 0.5:1 commercial component along the Forest Road frontage and also the corner of Forest Road and Gloucester Road.

However, since gazettal of the new controls for the site, the Hurstville Local Environmental Plan 2012 has been replaced by the Georges River Local Environmental Plan (GRLEP) 2021. Whilst the new GRLEP maintains the same B4 Mixed Use zone for the site, it has nonetheless made "residential flat development" a prohibited use on the site.

This results in an adverse outcome because it will prevent the distribution of the required quantum of commercial floor space to the most optimal and appropriate parts of the site, and instead would require commercial floor space to be relocated to the ground floor along the entire of the Gloucester Road frontage of the site. This is contrary to the concept and vision that underpinned the recent site specific Planning Proposal for the site.

It is appropriate to allow ground floor apartments along the northern end of the Gloucester Road frontage for the following reasons:

- At a macro level, the subject site is in a transition area and is not a core business location and so there is a reduced basis for ground floor commercial use across the entire site.
- At a micro level, the northern end of the Gloucester Road frontage is on the peripheral of the B4 Mixed Use zoned land and is also directly opposite and adjacent to R4 High Density Residentially zoned land and is a fundamentally residential context where ground floor residential use is more appropriate and consistent with the immediate site context at this end of the site.
- The Planning Proposal does not seek any relief from the requirement to provide a minimum 0.5:1 commercial component and instead is intended to provide flexibility to deliver this commercial floorspace in the most optimal parts of the site which is important to ensure the success of the development and maximise its potential for job creation.

In order to allow the development of the site as intended with ground floor residential apartments at the northern end of the Gloucester Road frontage, this Planning Proposal seeks to amend Schedule 1 of the Georges River Local Environmental Plan 2021 to:

- introduce "residential flat building" as an additional permitted use on "Area A" of the site, and
- exclude the application of Clause 6.13 from "Area A".

The proposed additional permitted use has strategic and site merit as it is based upon the principles established for the site under the recent Planning Proposal.

In the absence of support for this Planning Proposal and the entire ground floor of the Gloucester Road frontage is required to be commercial floorspace, this will most likely result in a dead and inactive zone in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 commercial floor space requirement.

The Planning Proposal has been prepared in accordance with section 3.33 of the Environmental Planning & Assessment Act 1979 (EP&A Act). As required by section 3.33 of the EP&A Act this Planning Proposal includes the following:

- a statement of the objectives or intended outcomes of the proposed instrument,
- an explanation of the provisions that are to be included in the proposed instrument,
- the justification for those objectives, outcomes and provision and the process for their implementation,
- if maps are to be adopted by the proposed instrument – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument, and
- details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

The Planning Proposal has also been prepared having regard to the 'Local Environmental Plan Making Guideline – December 2021' developed by the NSW Department of Planning and Environment. The report addresses the Proposal's consistency with Greater Sydney Region Plan - A Metropolis of Three Cities, the South District Plan, strategic plans and assesses the consistency of the Planning Proposal against relevant State Environmental Planning Policies and Ministerial Directions.

2.0 SITE DESCRIPTION AND LOCATION

2.1 Locality Description

The site is located within the Hurstville City Centre, the main centre for the southern Sydney region and is 15 kilometres south west of the Sydney CBD and 7 kilometres from Kingsford-Smith International Airport and Port Botany. The centre has close access to the M5, is focused around Hurstville Railway Station and forms the main centre along the Illawarra railway line.

The locality statement for the site in Section 8.3.2.1 of the Hurstville Development Control Plan No. 2 – Hurstville City Centre states:

The site is located within the Hurstville City Centre, bounded by Gloucester and Forest Roads to its north and south. The site is currently zoned B4 Mixed Use, which facilitates a variety of uses including commercial, which is present on the Site. Its immediate context comprises of a public car park and a service station on the north-east and various commercial premises along Forest Road on the south. The site is well planted with mature street trees, creating a green gateway to the Centre when entering via King Georges Road. The new development needs to provide a range of flexible commercial floor space, contribute to the public domain and maintain the amenity of adjoining residential land uses.

The location of the site is illustrated in Figure 1 below.

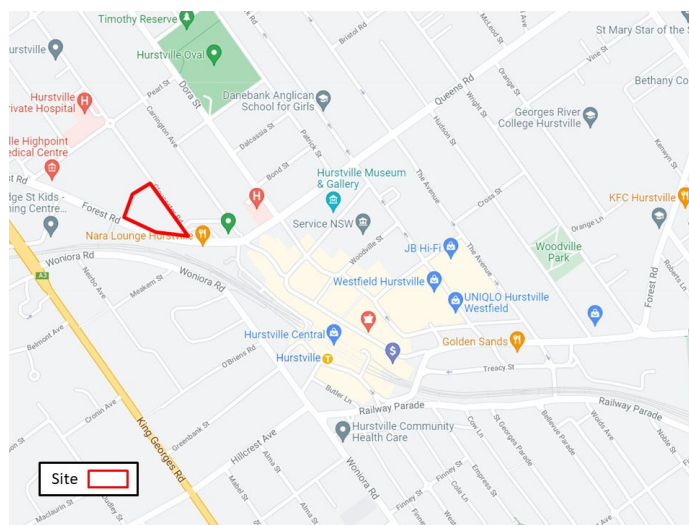


Figure 1:

Site Location:
(Source:
Google Maps)

2.2 Site Description

The site comprises a single allotment and is legally described as Lot 30 in DP 785238 and is commonly known as 9 Gloucester Road, Hurstville. The site is also sometimes referred to as 420 Forest Road, Hurstville.

The site is triangular in shape and bound by Gloucester and Forest Roads to its north and south which intersect at its most eastern point in a spayed corner. The site has a 148.7 metre frontage to Gloucester Road, a 158.3 metre frontage to Forest Road, and staggered north-western boundary of a 108.5 metre. The site has a total area of 9,240 square metres.

The highest point of the site is the western end of the Forest Road frontage with an RL of 65.4m, with a fall of approximately 4 metres to the south-eastern corner of the site. There is also a cross fall from Forest Road through to Gloucester Street at the north-western end of the site of approximately 4 metres, whilst the fall along Gloucester Road from west to east is more moderate and approximately 0.5 metre.

The site is currently occupied by three commercial buildings between two and four storeys in height in an 'office park' configuration of buildings with an indirect relationship with the adjoining public domain and a partially exposed one level basement car park. Vehicular access is provided from Gloucester Road and there is a through-site link from Forest Road to Gloucester Road.



Figure 2:

Aerial view of the site (Source: Six Maps, Department of Lands 2020)



Photograph 1:

The northern end of the Gloucester Road frontage of the site



Photograph 2:

The existing vehicular access from Gloucester Road



Photograph 3:

The eastern end of the Gloucester Road frontage of the site facing west

Photograph 4:

Corner of site to Forest
Road and Gloucester
Road



Photograph 5:

The eastern end of the
Forest Road frontage
of the site

Photograph 6:

Forest Road frontage of
site





Photograph 7:

The western end of the
Forest Road frontage
of the site

3.0 BACKGROUND

3.1 9 Gloucester Road - First Planning Proposal

In October 2015, a request to prepare a Planning Proposal for the site was lodged with Council.

A rigorous assessment of the masterplan which informed the Planning Proposal was undertaken by Council, which led to a range of subsequent amendments. Following this, at its meeting on 27 August 2018, Council resolved to endorse the amended Planning Proposal to be forwarded to the Department of Planning and Environment for a Gateway Determination, seeking to amend the Hurstville Local Environmental Plan 2012 (HLEP 2012) to increase the FSR from 3:1 to 4:1 (including a minimum non-residential FSR of 0.5:1) and increase the maximum building height applying to the site from 23m to a range of heights of 23m, 30m, 40m, 50m and 60m. A Gateway Determination to publicly exhibit the Planning Proposal was issued by the Department on 26 February 2019.

However, Council's resolution contained a numerical error relating to the proposed height and so at its meeting on 24 June 2019, Council resolved to endorse an amended Planning Proposal and supporting documentation, including the correct height range and extension of timing to complete the amendment to the LEP is to be forwarded to the Department of Planning and Environment for their endorsement and approval to publicly exhibit.

The Planning Proposal and draft DCP were publicly exhibited in January and February 2020. The Planning Proposal sought to:

- Increase height from 23m to a range of heights of 23m, 30m, 40m, 55m and 60m.
- Increase FSR from 3:1 to 4:1 including a minimum non-residential FSR of 0.5:1.

The concept scheme which supported the Planning Proposal is illustrated in Figure 3 below and comprised a mixed use component (commercial and residential flat building) at the northern end of the site with ground floor apartments and a shop top housing component at the southern end of the site.

The configuration of the masterplan design comprised a perimeter block form of development with buildings ranging in height from 4 to 18 storeys as follows

- Building A – 4 to 18 storeys (60m)
- Building B – 4 to 16 storeys (55m)
- Building C – 12 storeys (40m)
- Building D – 8 storeys (30m)
- Building E – 4 to 6 storeys (23m)

The Planning Proposal was also supported by a Voluntary Planning Agreement which requires the developer to pay a monetary contribution of \$3,619,308 to Council for the provision of public facilities in the Council's area, including public infrastructure, amenities and services, public domain and public road infrastructure, and key traffic and road infrastructure in the Hurstville City Centre. The Voluntary Planning Agreement has been executed.

In conclusion, the subject site has been the subject of an extensive masterplanning process since 2015 which informed a Planning Proposal for new planning controls which were implemented as changes to the Hurstville Local Environmental Plan 2012 and the Hurstville Development Control Plan No. 2 – Hurstville City Centre.

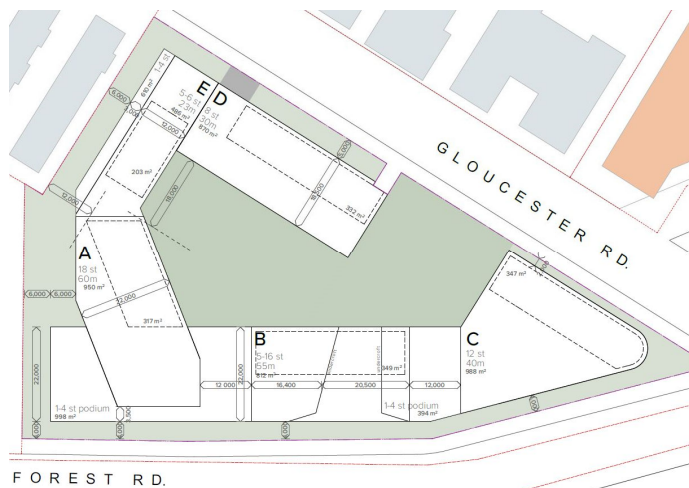
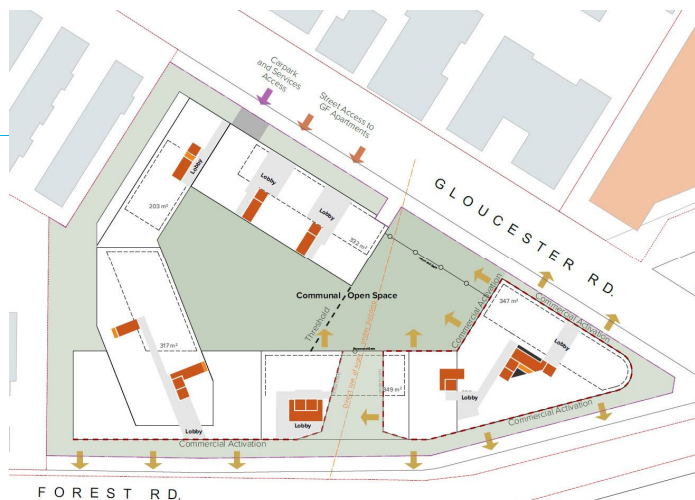


Figure 3:

Planning
Proposal
envelopes

Figure 4:

Planning
Proposal
ground floor
strategy with
ground floor
apartments
facing
Gloucester
Road



3.2 Development Application

A Development Application is lodged concurrently with this Planning Proposal, which is the culmination of the extensive strategic planning work undertaken for the site, is consistent with the anticipated built form for the site, and fulfills the vision that has been established for the site.

The Development Application provides commercial floorspace which meets the required minimum 0.5:1 FSR.

The Development Application will be made permissible by the proposed draft amendment to the GRLEP and is submitted pursuant to Section 3.39 of the Environmental Planning & Assessment Act 1979 which states that nothing in the Act prevents:

- (a) the making of a development application to a consent authority for consent to carry out development that may only be carried out if an environmental planning instrument applying to the land on which the development is proposed to be carried out is appropriately amended, or
- (b) the consideration by a consent authority of such a development application.

A description of the Development Application is provided below.

3.2.1 General Description

The proposal provides for the demolition of all existing structures on the site and erection of a mixed use development with a 4 storey podium and 4 x buildings above between 8 to 18 storeys comprising 4,620 square metres of commercial floor space and 349 apartments, above 3 basement levels containing 459 car parking spaces,

The proposed distribution of built form and massing of the buildings across the site is the result of a considered analysis of the context of the site, the concept which informed the Planning Proposal and the desire to deliver an exemplary urban design outcome that is consistent with the desired future character of the locality. The proposal is generally consistent with the layout envisaged by the Hurstville Development Control Plan No. 2 – Hurstville City Centre and ensures that all street edges are properly addressed and activated and the internal ground floor plane is functional. The design of the proposal achieves a highly modulated built form outcome which serves to reduce the apparent bulk and mass of the development and deliver a visually dynamic outcome.

The proposal is a high quality transit orientated development that will provide both housing choice and employment generating floor space in a location that enjoys excellent access to metropolitan public transport systems inclusive of rail and cross regional bus services, a wide range of regional and district services and infrastructure such as shopping centres, entertainment facilities, schools and hospitals; and a range of employment opportunities including offices, retail and services.

A varied palette and materiality are used to provide a clear identity for the development. The varied architectural language generates a high level of visual interest.

The proposed development is detailed on the architectural plans prepared by Turner architects.

The detailed breakdown of the proposed development is as follows:

Basement Levels

Basement levels 01 to 03 contain parking, plant and storage for the various components of the development. Basement level 01 contains the loading dock. Entry and egress to the basement levels if provided from Gloucester Road.

Building A

Building A is located adjacent to Forest Road at the western end of the site and is configured with a 4 storey street wall, and a tower above with total height of 18 storeys. A roof top common open space is provided for this building. The ground level of Building A contains a retail tenancy facing Forest Road (on level 01), whilst apartments are located on the balance of Level 01 and on the floor above.

Building B

Building B is located centrally along the Forest Road frontage of the site and is configured with a 4 storey street wall with tower above and a total height of 16 storeys. A roof top common open space is provided for this building. The ground level of Building B contains a retail tenancy facing Forest Road (on level 01), whilst apartments are located above.

Building C

Building C is located at the southern corner of the site with frontages to both Forest Road and Gloucester Road and is configured with a 4 storey street wall and mid-rise building above with a total height of 11 storeys. A roof top common open space is provided for this building. The ground level of Building C contains 5 retail tenancies, the first and second floors contain commercial floor space, whilst apartments are located on the levels above.

Buildings D and E

Building D is located centrally along the Gloucester Road frontage of the site and is an 8 storey residential flat building with a roof top common open space. Building E is located along the north-western side of the site and is a 6 storey residential flat building which is attached to Building D. It also has a roof top common open space.

Public Domain and Central Open Space

The proposal will deliver a high quality public domain outcome for the area as an integral element of the development comprising a single consolidated central landscaped open space for residents, workers, and the broader community which will greatly improve the amenity and facilities within the locality.

The central open space is designed with sufficient soil depth and volume to provide for mature and generous trees and vegetation. The central open space is the focal point and one of the key place making features within the development and is considered to be a critical component to the success of the commercial component of the development. It is a highly programmed space with a variety of outdoor furniture and hardscape and softscape elements. The design of this space allows for passive and active recreation and is detailed in the landscape package prepared by RPS which accompanies this application.



Figure 5:

CGI of proposal as viewed from the intersection of Durham Street and Forest Road facing east



Figure 6:

CGI of proposal as viewed from Forest Road facing south

4.0 LOCAL PLANNING PROVISIONS

4.1 Georges River Local Environmental Plan 2021

Georges River Local Environmental Plan 2012 (LEP 2021) applies to the site. Key provisions applying to the site are identified below:

4.1.1 Zoning and Permissibility

The site is located within the B4 Mixed Use zone pursuant to Georges River Local Environmental Plan 2021 (GRLEP), pursuant to the Georges River Local Environmental Plan 2021 (GRLEP). An extract of the Land Zoning Map is included as Figure 7.

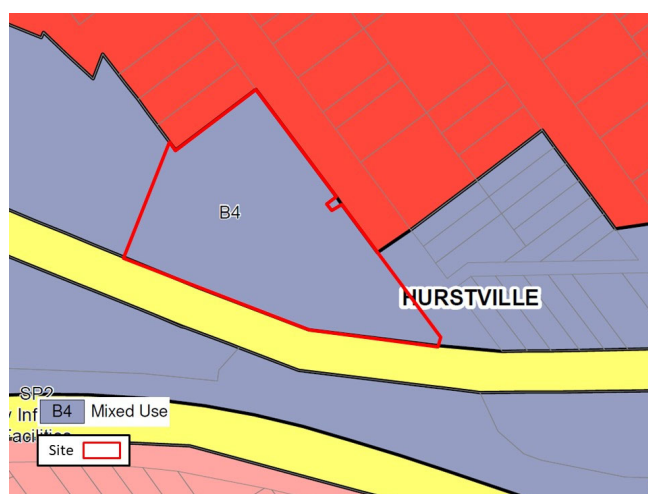


Figure 7:

Extract from GRLEP
2021 Land Zoning
Map

The objectives of the B4 Mixed Use zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To allow residential development that contributes to the vitality of the centre and provides housing that meets the needs of the community.
- To encourage the provision of community facilities and public infrastructure so that all residents have reasonable access to a range of facilities and services.

The following uses are permitted with consent in the B4 Mixed Use zone:

Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres;

Restricted premises; Roads; Seniors housing; Shop top housing; Tank-based aquaculture; Any other development not specified in item 2 or 4

The following uses are prohibited with consent in the B4 Mixed Use zone (emphasis added):

Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Attached dwellings; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; General industries; Heavy industrial storage establishments; Heavy industries; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; Jetties; Marinas; Mooring pens; Moorings; Multi dwelling housing; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Research stations; **Residential flat buildings**; Rural industries; Rural workers' dwellings; Secondary dwellings; Semi-detached dwellings; Sewerage systems; Sex services premises; Transport depots; Truck depots; Vehicle body repair workshops; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies

4.1.2 Height

In accordance with clause 4.3 'Height of Buildings' the height of a building on any land is not to exceed the maximum height shown for the land on the 'Height of Buildings Map'. There are five height zones for the site with 23, 30, 40, 55 and 60 metres across the site as shown in, as shown in Figure 8.

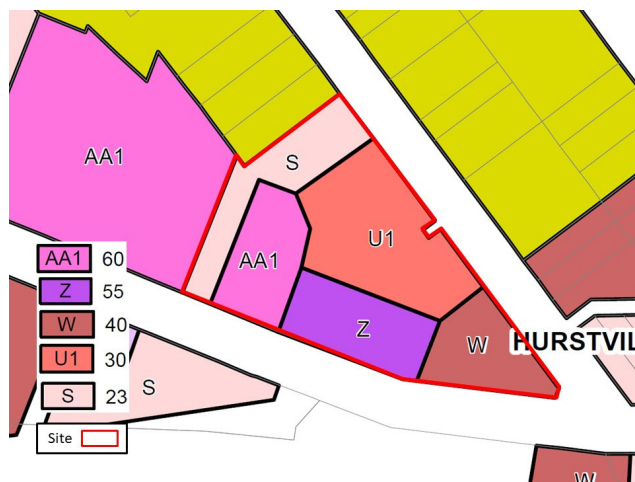


Figure 8:

Extract from the
GRLEP 2021 Height of
Buildings Map

4.1.3 Floor Space Ratio

Clause 4.4(2) of the GRLEP provides that the maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

An FSR control of 4:1 applies to the site, as illustrated in Figure 9 below. The site is also nominated as "Area 3" subject to Clause 4.4B which states that development consent must not be granted unless the non-residential floor space ratio is at least 0.5:1. The objective of this clause is to encourage an appropriate mix of residential and non-residential uses in order to ensure a suitable level of non-residential floor space is provided to promote employment and reflect the hierarchy of the business zones

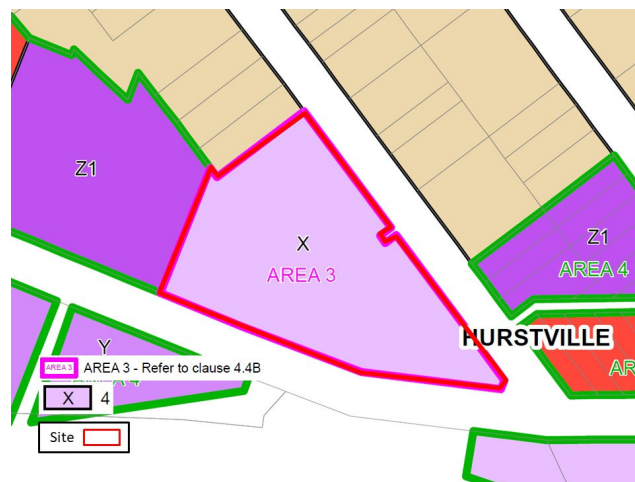


Figure 9:

Extract from GRLEP
 2021 FSR Map

5.0 PLANNING PROPOSAL

5.1 Overview

In accordance with section 3.33(2) of the Environmental Planning and Assessment Act 1979 (the EP&A Act) a Planning Proposal is to be comprised of five (5) parts:

- Part 1 – A statement of the objectives and intended outcomes of the proposed instrument.
- Part 2 – An explanation of the provisions that are to be included in the proposed instrument.
- Part 3 – The justification for those objectives, outcomes and the process for their implementation.
- Part 4 – Maps, where relevant, to identify the intent of the Planning Proposal and the area to which it applies.
- Part 5 – Details of the community consultation that is to be undertaken on the Planning Proposal.

Section 3.33(3) of the Act allows the Secretary to issue requirements with respect to the preparation of a Planning Proposal. The Secretary's requirements include:

- Specific matters that must be addressed in the justification (Part 3) of the Planning Proposal
- A project timeline to detail the anticipated timeframe for the plan making process for each Planning Proposal.

The project timeline forms Part 6 of a Planning Proposal.

Section 5 of this report addresses and responds to the matters for consideration detailed within 'Planning Proposals - A Guide to Preparing Planning Proposals' (NSW Department of Planning and Environment, August 2016).

5.2 Part 1: Objectives or Intended Outcomes

A Planning Proposal for the site was first lodged with Council in October 2015 and has been the subject of a rigorous assessment by Council.

The final concept scheme which supported the Planning Proposal is illustrated in Figure 10 below and comprises a mixed use component (commercial and residential flat building) at the northern end of the site with ground floor apartments and a shop top housing component at the southern end of the site.

The master planning process for the site informed a Planning Proposal for new planning controls which were implemented as changes to the height and FSR controls in the Hurstville Local Environmental Plan 2012 as well as a site specific section 8.3 of the Hurstville Development Control Plan No. 2.

Since gazettal of the new controls for the site, the Hurstville Local Environmental Plan 2012 was replaced by the Georges River Local Environmental Plan (GRLEP) 2021 on 8 October 2021.

However, whilst the new GRLEP maintains the same B4 Mixed Use zone on the site, it has nonetheless made "residential flat development" a prohibited use on the site, which would prevent the delivery of the concept which underpinned the site specific Planning Proposal for the site, with the indicative ground floor plan which supported the Planning Proposal for the site.

This results in an adverse outcome because it will prevent the distribution of the required quantum of commercial floor space to the most optimal and appropriate parts of the site, and instead would require commercial floor space to be relocated to the ground floor along the entire of the Gloucester Road frontage of the site. This is contrary to the concept and vision that underpinned the recent site specific Planning Proposal for the site.

It is appropriate to allow ground floor apartments along the northern end of the Gloucester Road frontage for the following reasons:

- At a macro level, the subject site is in a transition area and is not a core business location and so there is a reduced basis for ground floor commercial use across the entire site.
- At a micro level, the northern end of the Gloucester Road frontage is on the peripheral of the B4 Mixed Use zoned land and is also directly opposite and adjacent to R4 High Density Residentially zoned land and is a fundamentally residential context where ground floor residential use is more appropriate and consistent with the immediate site context at this end of the site.
- The Planning Proposal does not seek any relief from the requirement to provide a minimum 0.5:1 commercial component and instead is intended to provide flexibility to deliver this commercial floorspace in the most optimal parts of the site which is important to ensure the success of the development and maximise its potential for job creation.

In the absence of support for this Planning Proposal and the entire ground floor of the Gloucester Road frontage is required to be commercial floorspace, this will most likely result in a dead and inactive zone in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 commercial floor space requirement.

Objective

The objective of this Planning Proposal is to amend Schedule 1 of the GRLEP to provide a “residential flat building” as an additional permitted use on the site, to facilitate the redevelopment of the site as envisaged by the Planning Proposal process which has just been completed on the site.

Intended Outcomes

The intended outcome for the Planning Proposal is to allow the redevelopment of the site as envisaged specifically by the recent Planning Proposal for the site, as illustrated in Figure 10 below.

In particular, the concept which underpinned the recent Planning Proposal provided the required 0.5:1 commercial floorspace along the Forest Road frontage of the site, and also across three levels at the corner of the site facing Forest and Gloucester Roads. These are the most appropriate locations for commercial floorspace on the subject site as it has the greatest exposure to the primary Forest Road.

Conversely, the context of the northern end of the Gloucester Road frontage is residential and so the proposal provides ground floor apartments at that end of the site.

This design solution was workshopped with Council over many years and this distribution of uses across the site has been endorsed by Council.



Figure 10:

Indicative ground floor plan from the Turner masterplan which supported the Planning Proposal with ground floor apartments facing Gloucester Road

5.3 Part 2: Explanation of Provisions

5.3.1 Proposed Changes to Georges River Local Environmental Plan 2021

This Planning Proposal seeks to amend Schedule 1 of the Georges River Local Environmental Plan 2021 to:

- introduce “residential flat building” as an additional permitted use on “Area A” of the site, and
- exclude the application of Clause 6.13 from “Area A”.

5.4 Part 3: Justification

This Part of the Planning Proposal demonstrates both the strategic merit and site specific merit for the proposed amendments to the Georges River Local Environmental Plan 2021 as they apply to 9 Gloucester Road, Hurstville.

The table below contains the matters for consideration in Table 3 of The Local Environmental Plan Making Guideline which demonstrate that there is both strategic merit (Questions 1 to 7) and also site specific merit (Questions 8 to 12) for the proposal. The table contains a reference to the relevant section of this report where these questions are addressed.

Strategic Merit		
Section A – need for the planning proposal		
Question 1	Is the planning proposal a result of an endorsed LSPS, strategic study or report?	Section 5.4.1
Question 2	Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Section 5.4.2
Section B – relationship to the strategic planning framework		
Question 3	Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?	Section 5.4.3
Question 4	Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?	Section 5.4.4
Question 5	Is the planning proposal consistent with any other applicable State and regional studies or strategies?	Section 5.4.5
Question 6	Is the planning proposal consistent with applicable SEPPs?	Section 5.4.6
Question 7	Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?	Section 5.4.7
Site-Specific Merit		
Section C – environmental, social and economic		
Question 8	Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?	Section 5.4.8
Question 9	Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?	Section 5.4.9
Question 10	Has the planning proposal adequately addressed any social and economic effects?	Section 5.4.10
Section D – Infrastructure (Local, State and Commonwealth)		
Question 11	Is there adequate public infrastructure for the planning proposal?	Section 5.4.11
Section E – State and Commonwealth Interests		
Question 12	What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?	Section 5.4.12

5.4.1 Question 1 - Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Yes. This Planning Proposal is the result of an extensive masterplanning process for the site with Council since October 2015.

The purpose of the Planning Proposal is to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of "residential flat building" on the site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the site.

5.4.2 Question 2 - Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal is the best and only means of achieving the objectives and intended outcomes for the site to allow the delivery of the final concept scheme which supported the recent Planning Proposal for the site.

In the absence of support for this Planning Proposal and the entire ground floor of the Gloucester Road frontage is required to be commercial floorspace, this will most likely result in a dead and inactive zone in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 commercial floor space requirement.

5.4.3 Question 3 - Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

[Greater Sydney Region Plan – A Metropolis of Three Cities](#)

In March 2018 the *Greater Sydney Region Plan - A Metropolis of Three Cities* was released. The Plan sets a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for Greater Sydney. The vision for Greater Sydney as a metropolis of three cities — the Western Parkland City, the Central River City and the Eastern Harbour City where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The Plan sets out 10 Directions which set out the aspirations for the region and objectives to support the Directions. The 10 Directions are:

- A City supported by infrastructure
- A collaborative city
- A city for people
- Housing the city
- A city of great places
- A well-connected city
- Jobs and skills for the city
- A city in its landscape
- An efficient city
- A resilient city

The Plan provides 38 objectives concerning, Infrastructure and collaboration, Liveability, Productivity and Sustainability which are aimed at achieving the identified Directions.

The following table summarises the proposals consistency with relevant objectives of the Plan:

Objective	Comment	Consistent
4. Liveability		
Objective 10: Greater housing supply Objective 11: Housing is more diverse and affordable	The Planning Proposal does not in itself result in any difference to the overall quantum of housing to be delivered as part of the redevelopment of the site. However, it facilitates a distribution of the housing and commercial floorspace in an optimal arrangement across the site. This is achieved by locating the commercial floor space in the best location on the site for success being along the Forest Road frontage and the corner of the site to Forest Road and Gloucester Road. At the same time, the proposal seeks to allow ground floor apartments at the northern end of the Gloucester Road frontage, which is more consistent with the context at this end of the site.	Yes
Objective 12: Great places that bring people together	The Planning Proposal will support the development of the site as previously envisaged with the provision of a publicly accessible pocket park towards the centre of the site on Gloucester Road, as well as a public pedestrian underpass through-site link which connects Forest and Gloucester Roads. The communal open space will be activated by retail uses at ground level. The proposal intends to transform the existing underutilised office park into an attractive new community meeting space.	Yes
5. Productivity		
Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	A central component of this objective is to co-locate activities in metropolitan, strategic and local centres and attract housing in and around centres to create walkable, cycle-friendly neighbourhoods. The Planning Proposal will support a significant quantum of new employment floor space in locations on the site which have the greatest likelihood of success, and therefore the proposal will contribute towards the 30-minute city objective, by providing increased employment in very close proximity to an existing train station.	Yes
Objective 22: Investment and business activity in centres. Objective 24: Economic sectors are targeted for success	The Planning Proposal remains consistent with this objective as it does not seek any relief from the required minimum amount of commercial floor space, rather, it will facilitate the placement of this floor space in the optimal parts of the development where it will have the greatest likelihood of success.	Yes

Objective	Comment	Consistent
	The Planning Proposal will facilitate the appropriate redevelopment of a site that will deliver additional employment floor space and housing within an existing centre which will promote both business activity and private sector investment within the centre providing for the growth and evolution of the centre.	

South District Plan

In March 2018 the Greater Sydney Commission published the South District Plan which outlines how the Government will make decisions on public spaces, community facilities, housing, jobs, transport options, schools and hospitals to meet the needs of communities across Greater Sydney to give effect to *Greater Sydney Region Plan - A Metropolis of Three Cities*.

The South District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney.

The Planning Proposal will support the development of the site as previously envisaged. In particular, the Planning Proposal will enable the delivery of the previously identified quantum of housing and commercial floorspace on the site, albeit with an optimised distribution, and is therefore consistent with Planning Priority Planning Priority S5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.

5.4.4 Question 4 - Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Georges River Local Strategic Planning Statement (GRLSPS) 2040

The subject Planning Proposal is seeking an amendment to the Georges River LEP 2021 to allow the delivery of the concept which underpinned the previous Planning Proposal for the site as illustrated in Figure 10 of this report and now reflected on the site specific section 8.3 of the Hurstville Development Control Plan No. 2.

In Council's assessment of that concept and Planning Proposal, the following was noted in the Council's Environment and Planning Committee Report dated 11 May 2020 in relation to the GRLSPS:

46. In March 2018, amendments to the Environmental Planning and Assessment Act 1979 introduced a new requirement for local councils to prepare and make a Local Strategic Planning Statement (LSPS) which will set out planning priorities which meet the community's needs, and deliver key State and regional planning objectives. The LSPS received assurance from the Greater Sydney Commission in March 2020.

47. Council's LSPS guides land use planning and the delivery of significant infrastructure for the Georges River LGA until 2040. It delivers on the NSW Government's Greater Sydney Region Plan (A Metropolis of Three Cities) and the Greater Sydney South District Plan.

48. It creates a land vision for the future of the LGA that recognises the character of its suburbs and builds on the Georges River community's social, environmental and economic values and strengths.

49. The Statement includes visions for a number of themes, one of which is Theme 3 - Housing and Neighbourhoods, which includes the ability to have access to a choice of housing types and sizes, and new high quality buildings to be concentrated in key transport nodes. Further, it also includes Theme 4 - Economy and Centres. This theme visualises appropriately zoned land for employment growth which can be supported long term.

50. The Planning Proposal is consistent with the abovementioned themes, as it seeks to provide both residential and commercial development within the Hurstville City Centre in a Mixed Use zone.

The subject Planning Proposal is likewise consistent with the GRLSPS as it only seeks an amendment to allow the delivery of the concept already supported by Council and subsequently the Department of Planning & Environment.

Notwithstanding, further detail is provided below in relation to the consistency of the Planning Proposal with the GRLSPS.

In relation to Theme 4 Economy and Centres, the GRLSPS identifies the following in relation to future commercial activity in the Georges River local government area (emphasis added):

As part of Greater Sydney's Eastern Harbour City, Georges River LGA is home to almost 56,000 jobs. Community surveys indicated that the number one reason for locating a business in Georges River was 'proximity to home'. Our well educated community works in knowledge-intensive job sectors with an emerging presence in the health and education job sectors.

The growth, innovation and evolution of commercial centres are central to the economy of the South District and critical to achieving a well connected 30 minute Greater Sydney. Facilitating the growth of our centres is a priority in growing the number of jobs available in Georges River.

It's forecast that between 2016-2036 employment generated within the LGA's centres is to increase by around 13,000 jobs. It is important that our centres accommodate this growth by remaining economically viable and **by providing an additional 25% of employment floor space**. Council will seek to facilitate this additional floor space not only through development controls, but also through the growth of the following commercial centres:

- Allawah
- Beverly Hills
- Carlton
- **Hurstville**
- Kingsgrove
- Kogarah

- Mortdale
- Narwee
- Oatley
- Peakhurst
- Penshurst
- Ramsgate
- Riverwood and
- South Hurstville

The Planning Proposal is entirely consistent and aligned with the need to provide an additional 25% of employment floor space, as it does not seek any relief from the obligation to deliver a minimum 0.5:1 as commercial floorspace. Rather, it seeks flexibility to optimise the location of the commercial floorspace by not needing to locate it at the ground floor across the entire site. This is important to provide the greatest likelihood of success of the commercial floor space.

[Hurstville City Centre Urban Design Strategy \(2018\)](#)

The subject Planning Proposal is seeking an amendment to the Georges River LEP 2021 to allow the delivery of the concept which underpinned the previous Planning Proposal for the site as illustrated in Figure 10 of this report and now reflected on the site specific section 8.3 of the Hurstville Development Control Plan No. 2.

In Council's assessment of that concept and Planning Proposal, the following was noted in the Council's Environment and Planning Committee Report dated 11 May 2020 in relation to the Hurstville City Centre Urban Design Strategy (2018):

42. The Hurstville City Centre Urban Design Strategy was endorsed by Council at its meeting dated 25 June 2018 as a strategic planning document which informs the review and update of existing development standards within the Hurstville City Centre.

43. The site is located in the City West Transition Area character precinct. The Strategy identifies that the area is well planted with mature street trees and creates a green gateway to the Centre when entering from King Georges Road.

44. The Strategy acknowledges that the site is subject to a current Planning Proposal and recommends that the HLEP 2012 is amended to increase the height of the sub-block 2D (the subject site) from 23m to 60m at the western end of the site, stepping down to 40m at the eastern end.

45. The Planning Proposal is consistent with the overall maximum building height identified by the Strategy and retains the existing landscaped character of the City West Transition Area character precinct.

The subject Planning Proposal is likewise consistent with the Hurstville City Centre Urban Design Strategy (2018) as it only seeks an amendment to allow the delivery of the concept already supported by Council and subsequently the Department of Planning & Environment.

The site is specifically identified as being located within the City West Transition Area character precinct. and is not a core business location and so there is a reduced basis for ground floor commercial use across the entire site. Furthermore, the northern end of the Gloucester Road frontage is on the peripheral of the B4 Mixed Use zoned land and is also directly opposite and adjacent to R4 High Density Residentially zoned land and is a fundamentally residential context where ground floor residential use is more appropriate and consistent with the immediate site context at this end of the site.

The Planning Proposal is consistent with the Hurstville City Centre Urban Design Strategy (2018).

Commercial Centres Strategy

On 24 February 2020, Council adopted the Commercial Centres Strategy Part 1 Centres Analysis to inform the preparation of GRLEP 2021 and its development control plan.

From the evidence findings and community consultation, the Strategy identifies a number of issues that need to be addressed to ensure the continued growth and ongoing viability of the LGA's centres. In particular, the Strategy is particularly focused on the provision of sufficient employment floor space to support ongoing employment growth across the LGA.

The subject Planning Proposal seeks no change to the minimum commercial FSR which applies to the site. In fact, the Planning Proposal is in complete alignment with the Strategies' concern with the provision of sufficient employment floorspace, because it seeks flexibility to deliver the required commercial floor space in the most optimal locations on the site which have the greatest likelihood of success.

In the absence of support for this Planning Proposal and the entire ground floor of the Gloucester Road frontage is required to be commercial floorspace, this will most likely result in a dead and inactive zone in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 commercial floor space requirement.

Georges River Local Housing Strategy

The Georges River Local Housing Strategy (Strategy) sets out the strategic direction for housing in the Georges River Local Government Area (LGA) over the next 20 years. It identifies the housing demand, gaps and issues, and establishes housing objectives to manage future growth.

The Strategy provides that the population of the LGA is projected to increase from 156,293 in 2017 to approximately 185,000 by 2036, resulting in the need for approximately an additional 14,000 dwellings by 2036. The Strategy further provides that under the existing planning controls, major development applications and planning proposals under assessment, approximately an additional 12,000 dwellings can be provided, which results in a shortfall of approximately 2,000 dwellings that will need to be provided by 2036. To address this shortfall, the Strategy commits to providing the capacity for an additional 2,000 dwellings in the next 20 years.

The Housing Survey which was undertaken in the preparation of the Strategy identifies that the Georges River community values a home that is close to public transport, shops, services and open space.

The subject planning proposal is not of direct relevance in relation to the Strategy. In the event that the Planning Proposal did not proceed, this would require a redistribution of the residential and commercial floorspace within the development, rather than any change to the quantum of dwellings to be delivered on the site. The consequence of a redistribution of the commercial floorspace to the ground floor along

Gloucester Street instead of apartments would be an adverse impact to the success of the commercial floorspace.

5.4.5 Question 5 - Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

The subject Planning Proposal seeks no change to the quantum of commercial and residential floor space to be delivered across the site, and instead seeks flexibility to deliver the required commercial floor space in the most optimal locations on the site which have the greatest likelihood of success. Furthermore, the Planning Proposal will allow the location of ground floor apartments at the northern end of the Gloucester Road frontage where the immediate context is residential rather than commercial.

Accordingly, the nature of the Planning Proposal is of no consequence in relation to State and regional studies or strategies.

5.4.6 Question 6 - Is the planning proposal consistent with applicable SEPPs?

The Planning Proposal is consistent with all relevant State Environmental Planning Policies as summarised in the following table:

SEPP	Comment	Consistent
State Environmental Planning Policy – (Transport and Infrastructure) 2021	The aim of SEPP Transport and Infrastructure is to facilitate the effective delivery of infrastructure across the State. Detailed compliance with SEPP Transport and Infrastructure will need to be demonstrated in the development application. The proposed amendment does not alter the required mix of uses and minimum 0.5:1 commercial component.	Yes
State Environmental Planning Policy (Resilience and Hazards) 2021	Chapter 4 Remediation of Land under State Environmental Planning Policy (Resilience and Hazards) 2021 is relevant to the Planning Proposal. The Planning Proposal does not contain provisions that will contradict or hinder the application of this SEPP. The site's historical use was for commercial purposes and the proposed use will comprise of retail / commercial purposes with residential above.	Yes
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	The aim of SEPP BASIX is to encourage sustainable residential development. The future redevelopment of the site for a residential flat building would be capable of complying with BASIX. Detailed compliance with BASIX will be demonstrated at the time of making an application for development.	Yes
State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development	SEPP 65 aims to improve the design quality of residential flat developments, provide sustainable housing in social and environmental terms that is a long-term asset to the community and delivers better built form outcomes.	Yes

SEPP	Comment	Consistent
	The future redevelopment of the site for a residential flat building would be capable of complying with SEPP 65. Detailed compliance with SEPP 65 will be demonstrated within the development application.	
State Environmental Planning Policy (Housing) 2021	SEPP Housing aims to enable the development of diverse housing types, including purpose-built rental housing. Many of the forms of development provided under SEPP Housing such as co-living housing rely on a residential flat building or shop top housing being a permissible form of development. The Planning Proposal is not of any consequence as shop top housing is already a permissible use on the subject site, and it is noted that boarding house is also already a permissible use on the site.	Yes
State Environmental Planning Policy (Primary Production) 2021	SEPP Primary Production aims to facilitate the orderly economic use and development of lands for primary production. The site does not currently comprise agricultural land, nor will the subject Planning Proposal make it possible to be used for primary production and so the Planning Proposal is of no consequence in relation to this SEPP.	N/A
State Environmental Planning Policy (Biodiversity and Conservation) 2021	SEPP Biodiversity and Conservation aims to protect the biodiversity values of trees and other vegetation and includes provisions in relation to vegetation clearing and is predominantly aimed at providing controls in relation to vegetation in rural settings. The non-rural controls apply to the subject site irrespective of the subject Planning Proposal, which is of no consequence in relation to this SEPP.	N/A
State Environmental Planning Policy (Industry and Employment) 2021	SEPP Industry and Employment includes provisions in relation to the western Sydney employment area, as well as controls relating to signage. The subject site is not located within the western Sydney employment area and so this component of the SEPP is irrelevant for the purpose of the subject Planning Proposal. Any signage proposed as part of a development application will be assessed at the development application stage.	Yes
State Environmental Planning Policy (Planning Systems) 2021	SEPP Planning Systems comprises provisions which identify state and regional development, development on Aboriginal land, and concurrences required. These provisions are not of direct relevance to the subject Planning Proposal, however, may be relevant to future development applications made possible as a result of the Planning Proposal.	Yes
State Environmental Planning Policy (Exempt and Development Codes) 2008	SEPP Codes provides a range of exempt and complying development. The subject Planning Proposal is not of any consequence in relation to SEPP Codes.	Yes

5.4.1 Question 7 - Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The following table summarises the Planning Proposal's consistency with applicable Ministerial Directions:

S.9.1 Direction No. and Title	Comment	Consistent
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	This direction applies to land to which a Regional Plan has been released by the Minister for Planning. No specific regional plan applies to the site.	N/A
1.2 Development of the Aboriginal Land Council	Not Applicable.	N/A
1.3 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. In accordance with the direction the Proposal does not include provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. Further the Proposal does not identify future development on the site as designated development.	Yes
1.4 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The direction applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out. In this instance, the Planning Proposal seeks an additional permitted use in Schedule 1 of the GRLEP in order to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of "residential flat building" on the site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the site.	Yes
Focus Area 1: Place Based		
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not Applicable	N/A
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not Applicable	N/A

Planning Proposal - 9 Gloucester Road, Hurstville

S.9.1 Direction No. and Title	Comment	Consistent
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable	N/A
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable	N/A
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not Applicable	N/A
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not Applicable	N/A
1.11 Implementation of Bayside West Precincts 2036 Plan	Not Applicable	N/A
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not Applicable	N/A
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not Applicable	N/A
1.14 Implementation of Greater Macarthur 2040	Not Applicable	N/A
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not Applicable	N/A
1.16 North West Rail Link Corridor Strategy	Not Applicable	N/A
1.17 Implementation of the Bays West Place Strategy	Not Applicable	N/A

S.9.1 Direction No. and Title	Comment	Consistent
Focus Area 3: Biodiversity and Conservation		
3.1 Conservation Zones	Not Applicable	N/A
3.2 Heritage Conservation	The site is not an identified heritage item or within a conservation area. The site is not located within the immediate vicinity of any heritage items.	N/A
3.3 Sydney Drinking Water Catchments	Not Applicable	N/A
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not Applicable	N/A
3.5 Recreation Vehicle Areas	Not Applicable	N/A
Focus Area 4: Resilience and Hazards		
4.1 Flooding	The site is not flood affected.	N/A
4.2 Coastal Management	Not Applicable	N/A
4.3 Planning for Bushfire Protection	The site is not identified as Bushfire Prone Land nor is it located in close proximity to land mapped as bushfire prone land.	N/A
4.4 Remediation of Land	Not Applicable.	N/A
4.5 Acid Sulphate Soils	The site is not identified as Class 1, 2, 3, 4 or 5 land on the Acid Sulfate Soil Map. Accordingly, this Direction is not applicable to the Proposal.	N/A
4.6 Mine Subsidence and Unstable Land	Not Applicable.	N/A
Focus Area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	The Planning Proposal will enable a quantum of residential as previously envisaged for the site, in close proximity to jobs and services, thereby encouraging walking, cycling and use of public transport.	
5.2 Reserving Land for Public Purposes	Not Applicable.	N/A
5.3 Development Near Regulated Airports and Defence Airfields	Not Applicable.	N/A

S.9.1 Direction No. and Title	Comment	Consistent
5.4 Shooting Ranges	Not Applicable.	N/A
Focus Area 6: Housing		
6.1 Residential Zones	<p>Whilst the site is not a residential zone, it nonetheless permits residential accommodation on the form of shop-top housing development.</p> <p>The purpose of the Planning Proposal is to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of "residential flat building" on the site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the site.</p> <p>The Planning Proposal does not result in any change to the quantum of residential floor space, and instead provides flexibility to distribute the commercial and residential floor space in the most appropriate locations across the site.</p>	Yes
6.2 Caravan Parks and Manufactured Home Estates	Not Applicable.	N/A
Focus Area 7: Industry and Employment		
7.1 Business and Industrial Zones	<p>The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in business and industrial zones, and</p> <p>(c) support the viability of identified strategic Centres.</p> <p>The proposal remains consistent with the Direction as it does not reduce the required minimum 0.5:1 non-residential floor space on the site.</p>	Yes
7.2 Reduction in non-hosted short-term rental accommodation period	Not Applicable.	N/A
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable.	N/A
Focus Area 8: Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	Not Applicable.	N/A

S.9.1 Direction No. and Title	Comment	Consistent
Focus Area 9: Primary Production		
9.1 Rural Zones	Not Applicable.	N/A
9.2 Rural Lands	Not Applicable.	N/A
9.3 Oyster Aquaculture	Not Applicable.	N/A
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable.	N/A

5.4.2 Question 8 - Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Proposal?

The Planning Proposal will not adversely impact any critical habitat, threatened species, populations or ecological communities, or their habitats.

5.4.3 Question 9 - Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are no environmental effects envisaged as a result of the Planning Proposal.

5.4.4 Question 10 - Has the Planning Proposal adequately addressed any social and economic effects?

The Proposal seeks to correct an anomaly which has occurred as a result of the transition from the Hurstville Local Environmental Plan 2012 to the Georges River Local Environmental Plan 2021, with the prohibition of "residential flat building" on the site, which would prevent the delivery of the concept which underpinned the recent Planning Proposal for the site.

The Planning Proposal will facilitate a positive economic and social outcome as it will provide flexibility to distribute the required commercial floor space to the most optimal locations on the site to provide the greatest likelihood of success of the commercial floor space. The success of the commercial component of the development is important because it will contribute to the growth of the local economy and also towards job creation.

The proposal will avoid the need to deliver retail or business floor space in areas of the site where it will not be viable to lease or sell this type of floor space. The Planning Proposal does not alter the delivery of 0.5:1 commercial floorspace.

5.4.5 Question 11 - Is there adequate public infrastructure for the Planning Proposal?

Required electricity, telecommunication, gas, water, sewer and drainage services are available to the site.

The site is well served by public transport infrastructure in that the site is within walking distance of the Hurstville train station and numerous bus services.

The demand for public infrastructure associated for any future development of the site will be appropriately considered during the assessment of a development application for any such proposal.

5.4.6 Question 12 - What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Relevant public authorities will be consulted following the Gateway determination.

5.5 Part 4: Mapping

The Planning Proposal will require the amendment of the land zoning map referenced in Georges River Local Environmental 2021 as it applies to the subject site to introduce "Area A" which is the part of the site where a "residential flat building" is proposed as an additional permitted use.

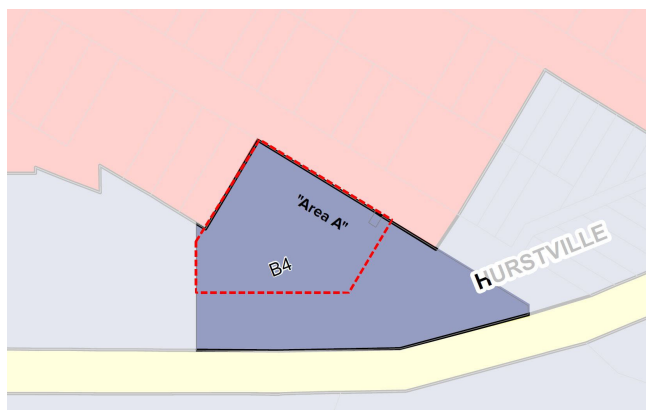


Figure 7:

Proposed GRLEP
zoning map change

5.6 Part 5: Community Consultation

Georges River Council have been consulted during the preparation of the subject Planning Proposal.

The Local Environmental Plan Making Guideline produced by the NSW Department of Planning and Environment sets out the community consultation requirements for Planning Proposals. The guide indicates that consultation will be tailored to specific Proposals. The exhibition for standard Planning Proposals will generally be 20 working days whilst complex Planning Proposals will be 30 working days.

The proposal is considered to be a standard Planning Proposal as it is consistent with the pattern of surrounding land use zones and/or land uses; is consistent with the strategic planning framework; presents no issues with regard to infrastructure servicing; is not a principal LEP; and does not reclassify public land.

Given that the proposal, and in particular the height and FSR, reflect the scale and density of the already approved building on the site, it would be appropriate to exhibit the Planning Proposal for 20 days as it is considered to be a standard Planning Proposal.

Community consultation to be commenced by giving notice of the public exhibition of the Planning Proposal in a local newspaper, on the Council website and in writing to adjoining landowners.

The written notice of the Planning Proposal will:

- give a brief description of the objectives or intended outcomes of the Planning Proposal
- indicate the land affected by the Planning Proposal
- state where and when the Planning Proposal can be inspected
- give the name and address of the relevant planning authority (Georges River Council Council) for the receipt of submissions
- indicate the last date for submissions
- confirm whether delegation for making the LEP has been issued to the relevant planning authority.

5.7 Part 6: Project Timeline

The Project timeline will be dependent on Georges River Council and the Department of Planning.

However, the expected timeframes for each stage are summarised in the following table.

Stage	Timeframe
Consideration by Council	March 2021
Council decision	May 2021
Gateway Determination	June 2022
Pre-exhibition	June 2022
Commencement and completion of public exhibition period	July 2022
Post-exhibition review and additional studies	August 2022
Submission to the Department for finalisation	September 2022
Gazettal of LEP amendment	September 2022

6.0 CONCLUSION

The purpose of the Planning Proposal is to amend Schedule 1 of the Georges River Local Environmental Plan 2021 in relation to the site to:

- introduce "residential flat building" as an additional permitted use on "Area A" of the site, and
- exclude the application of Clause 6.13 from "Area A".

The site has been the subject of an extensive master planning process since 2015. The concept prepared for the site by Turner architects comprised a mixed use component (commercial and residential flat building) at the northern end of the site and a shop top housing component at the southern end of the site.

The master planning process informed a Planning Proposal for new planning controls which were implemented as changes to the height and FSR controls in the Hurstville Local Environmental Plan 2012 as well as a site specific section 8.3 of the Hurstville Development Control Plan No. 2.

However, since gazettal of the new controls for the site, the Hurstville Local Environmental Plan 2012 has been replaced by the Georges River Local Environmental Plan (GRLEP) 2021.

Whilst the new GRLEP maintains the same B4 Mixed Use zone for the site, it has nonetheless made "residential flat development" a prohibited use on the site, which would prevent the delivery of ground floor apartments at the northern end of the site which was a fundamental element of the concept which underpinned the site specific Planning Proposal for the site.

In order to allow the development of the site as intended with an optimal distribution of the required commercial floor space, it is necessary to amend the Georges River Local Environmental Plan 2021 as proposed.

The proposal is demonstrated to have both strategic and site merit and is consistent with 'A Metropolis of Three Cities', the South District Plan and the Georges River Local Strategic Planning Statement and will facilitate the orderly and economic use of the site.

In the absence of support for this Planning Proposal and the entire ground floor of the Gloucester Road frontage is required to be commercial floorspace, this will most likely result in a dead and inactive zone in a highly densified residential setting, and ultimately a failure to fulfil the objective of the minimum 0.5:1 commercial floor space requirement.

For the reasons outlined above it is appropriate for Georges River Council, as the relevant planning authority, to support the Planning Proposal.



NOTES
1. All dimensions are in metres unless otherwise stated.
2. The site is shown as a single lot, but it is divided into two lots by a boundary line.
3. The site is shown as a single lot, but it is divided into two lots by a boundary line.
4. The site is shown as a single lot, but it is divided into two lots by a boundary line.
5. The site is shown as a single lot, but it is divided into two lots by a boundary line.

CLIENT
Great Tang Brothers Pty Ltd
Suite 2.03 Bond Junction NSW 2020

Project Title
Hurstville
9 Gloucester Road Hurstville NSW 2220
Control Diagram
Area A - Ground Level

A	11/04/2022	CA	DA Submission
Rev	Date	Approved by	Revision Notes
1	2/23/2022	CA/DA/BA	14048 CA/DA/BA
2	2/23/2022	CA/DA/BA	14048 CA/DA/BA
3	2/23/2022	CA/DA/BA	14048 CA/DA/BA
4	2/23/2022	CA/DA/BA	14048 CA/DA/BA
5	2/23/2022	CA/DA/BA	14048 CA/DA/BA
6	2/23/2022	CA/DA/BA	14048 CA/DA/BA
7	2/23/2022	CA/DA/BA	14048 CA/DA/BA
8	2/23/2022	CA/DA/BA	14048 CA/DA/BA
9	2/23/2022	CA/DA/BA	14048 CA/DA/BA
10	2/23/2022	CA/DA/BA	14048 CA/DA/BA
11	2/23/2022	CA/DA/BA	14048 CA/DA/BA
12	2/23/2022	CA/DA/BA	14048 CA/DA/BA
13	2/23/2022	CA/DA/BA	14048 CA/DA/BA
14	2/23/2022	CA/DA/BA	14048 CA/DA/BA
15	2/23/2022	CA/DA/BA	14048 CA/DA/BA
16	2/23/2022	CA/DA/BA	14048 CA/DA/BA
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100	2/23/2022	CA/DA/BA	14048 CA/DA/BA

**REPORT TO GEORGES RIVER COUNCIL
LPP MEETING OF THURSDAY, 02 JUNE 2022**

LPP025-22

LPP Report No	LPP025-22	Development Application No	DA2021/0401
Site Address & Ward Locality	15 - 17 Greenbank Street, Hurstville Hurstville Ward		
Proposed Development	Demolition works, subdivision, construction of dwellings houses including swimming pools.		
Owners	Carol Li Ma and De Yong Chen		
Applicant	Zhinar Architects		
Planner/Architect	The Planning Hub / Zhinar Architects		
Date Of Lodgement	1/10/2021		
Submissions	16 objections		
Cost of Works	\$2,635,279.00		
Local Planning Panel Criteria	More than 5 objections were received.		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Affordable Rental Housing) 2009, State Environmental Planning Policy (Transport and Infrastructure) 2021, Kogarah Local Environmental Plan 2012, Kogarah Development Control Plan 2013, Georges River Local Environmental Plan 2021.		
List all documents submitted with this report for the Panel's consideration	Architectural Plans, Landscape Plan, Stormwater Plans, Statement of Environmental Effects, Arborist Report, Heritage Impact Assessment, Survey, Submissions		
Report prepared by	Senior Development Assessment Planner		

Recommendation	That the application be refused for the reasons in this report.
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of	Yes

the assessment report?	
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	No – the application is recommended for refusal

Site Plan



Executive Summary

Proposal

1. This development application (DA) seeks consent for the demolition of existing structures, subdivision of the land into three allotments and the construction of a dwelling house and swimming pool on each proposed lot over basement parking, with associated earth works and tree removal.
2. The application proposes the removal of 24 existing site trees and shrubs, the transplantation of 2 site trees (a Camellia and a Bangalow Palm) and retention of 3 site trees. The provided landscape plan proposes the provision of 7 new trees, in addition to hedging and small trees.
3. The application proposes stormwater drainage via front setback OSD to Greenbank Street via a proposed Junction Pit in the road reserve. Driveway access is proposed to be obtained separately for each allotment from Greenbank Street.

Site and Locality

4. The subject site is located on the north-western side of Greenbank Street. The subject site is known as 15-17 Greenbank Street, Hurstville and is legally described as Lot 16 in DP552877.
5. The site is regular shape having a frontage to Greenbank Street of 36.995m, side boundary lengths of 42.225m and 48.465m, giving a site area of 1,706.34sqm.
6. Presently situated on the site is a two-storey dwelling house with a pool and ancillary structures in the rear yard. The site is located within the O'Briens Estate Heritage Conservation Area but is not listed as an item of heritage significance itself.
7. The neighbouring properties are occupied by dwelling houses.
8. The site falls 6m from its rear to its front boundary, with the bulk of this occurring within the street setback.
9. The site is not impacted by easements or other infrastructure assets.

Zoning and Permissibility

10. The subject site is zoned R2 Low Density Residential under the provisions of Kogarah Local Environmental Plan 2012 (KLEP 2012). The proposal involves land subdivision and the construction of dwelling houses which are permissible in the zone with development consent.

Submissions

11. The DA was publicly notified to neighbours between 27/10/21 and 24/11/21 in accordance with the notification policy. 16 submissions were received raising concerns including heritage concerns, privacy, tree loss, excavation impacts, design, height, scale and the bulk of the dwellings. These issues are discussed in greater detail in the body of this report.

Reason for Referral to the Local Planning Panel

12. This application is referred to the Georges River Local Planning Panel for determination as 16 unique submissions were received in response to the application under the Ministerial Directions.

Planning and Design Issues

13. Although the site is suitable for subdivision and the construction of new dwelling houses, the maximum being identified in this report as a two-lot subdivision rather than the three-lot subdivision proposed, the proposal is not considered to be an appropriate response to the land and surrounding context on heritage grounds.
14. Council's Development Engineer and Landscape Arborist do not support the proposal. The stormwater management plan does not meet Council's Stormwater Management Policy and the proposal results in the loss of significant vegetation that could be retained were a two lot subdivision proposed.
15. As such, given the threshold issue of the proposal not being supported on heritage grounds, amended plans were not requested from the applicant as it is considered the required changes would fundamentally result in a development that is not comparable to that proposed.

Conclusion

16. The application has been assessed having regard to the Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, the provisions of the relevant State Environmental Planning Policies, Local Environmental Plans and Development Control Plans.
17. Although the site is suitable for subdivision and the construction of new dwelling houses, the maximum being identified in this report as a two-lot subdivision rather than the three-lot subdivision proposed, the proposal is not considered to be an appropriate response to the land and surrounding context on heritage grounds as it results in a visually prominent disruption to the historic development pattern in terms of apparent density and space between buildings. The proposed tree removals, earthworks, and vertical bulk are also considered to be an inappropriate response to the requirements of the Conservation Area.
18. In addition, the proposed works will adversely impact on two significant trees, 1 and 2 located in the front setback and have not been suitably designed in this regard.
19. As a result, the application is recommended for refusal for the reasons outlined at the end of this report.

Report in Full Background

20. A Pre- Lodgement Meeting was held with the owners and architects and Council staff in October 2020. The key issues identified in the meeting were:
 - Streetscape and contextual fit;
 - Subdivision pattern;
 - 60% depth of site;
 - Rear setback;
 - First floor balconies;
 - Survey plan;
 - Materials and finishes;
 - Streetscape character analysis;
 - Heritage;
 - Driveway; and
 - Stormwater drainage.

21. Of most significance is the advice provided by Council in the Pre-Lodgement Meeting that a three-lot subdivision would not be supported and that a two-lot subdivision would be a more suitable proposal for the site given its location within the Heritage Conservation Area. Despite this advice, the submitted application proposed a three-lot subdivision and new dwelling on each lot.

Description of the Proposal

22. The development application (DA) seeks consent for the demolition of existing structures, subdivision of the land into three allotments and the construction of a dwelling house and swimming pool on each proposed lot over basement parking, with associated earth works and tree removal.
23. The application proposes the removal of 24 existing site trees and shrubs, the transplantation of 2 site trees (a Camellia and a Bangalow Palm) and retention of 3 site trees. The provided landscape plan proposes the provision of 7 new trees, in addition to hedging and small trees.
24. The application proposes stormwater drainage via front setback OSD to Greenbank Street via a proposed Junction Pit in the road reserve. Driveway access is proposed to be obtained separately for each allotment from Greenbank Street.
25. This development application (DA) seeks consent for the demolition of existing structures, subdivision of the land into three allotments and the construction of a dwelling house and swimming pool on each proposed lot.

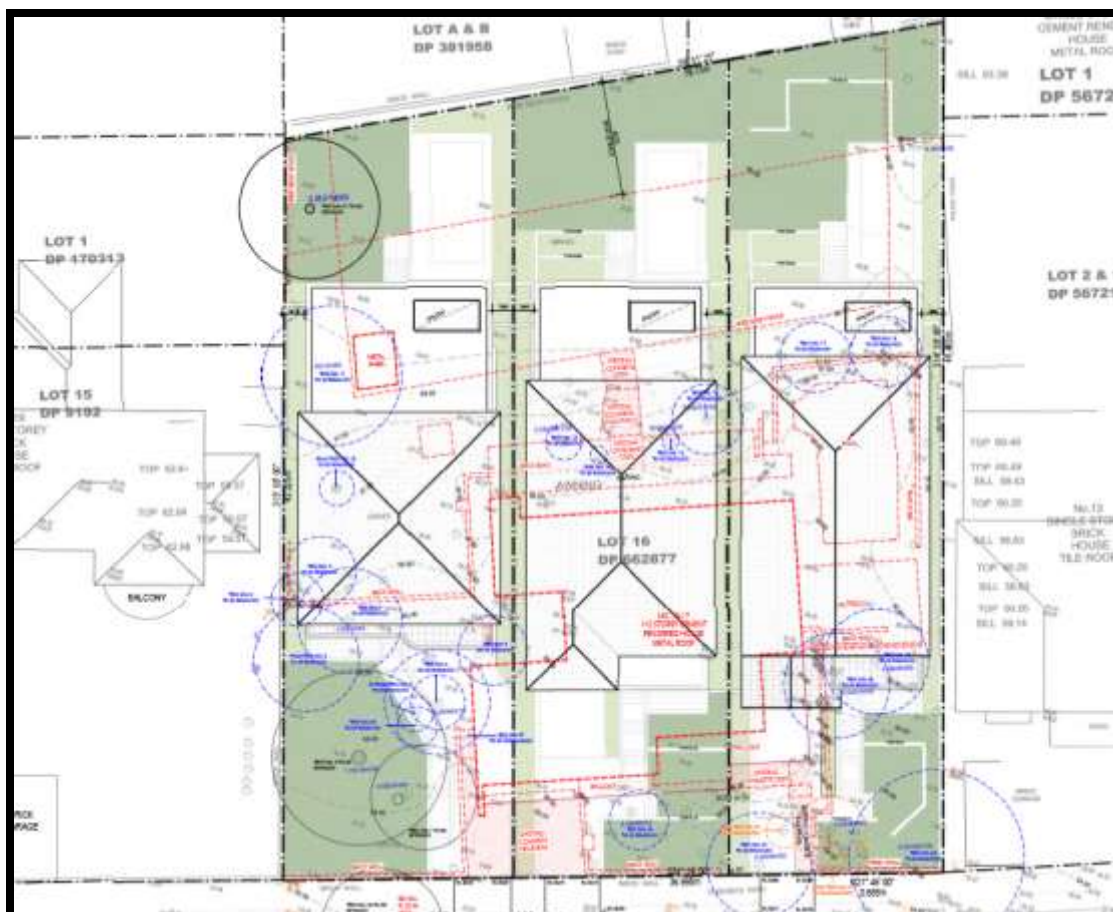


Figure 1: Proposed Site Plan

26. Further details of the proposal are as follows:
- Subdivision of the land into three allotments:

Proposed Lot	Area	Frontage
Lot A	568.4sqm	12.33m
Lot B	556.45sqm	12.33m
Lot C	581.49sqm	12.33m

- Construction of a dwelling house and swimming pool on each lot:

Proposed Lot	Description
Lot A	<p>Lower Ground: parking for two vehicles, storage, OSD/RWT and stair access to the level above.</p> <p>Ground Floor: guest bedroom, living room, laundry, WC, kitchen/dining/family room, alfresco and swimming pool.</p> <p>First Floor: four bedrooms, street facing balcony, bathroom, two ensuite bathrooms and a family room.</p>
Lot B	<p>Lower Ground: parking for two vehicles, storage, OSD/RWT, lift and stair access to the level above.</p> <p>Ground Floor: guest bedroom with ensuite bathroom and walk in robe, study, living room, laundry, WC, kitchen/dining/family room, alfresco and swimming pool.</p> <p>First Floor: four bedrooms, rear and street facing balconies, bathroom, two ensuite bathrooms and a family room.</p>
Lot C	<p>Lower Ground: parking for two vehicles, storage, OSD/RWT, lift and stair access to the level above.</p> <p>Ground Floor: guest bedroom with ensuite bathroom and walk in robe, study, living room, laundry, WC, kitchen/dining/family room, alfresco and swimming pool.</p> <p>First Floor: four bedrooms, rear and street facing balconies, bathroom, two ensuite bathrooms and a family room.</p>

Description of the Site and Locality

27. The subject site is located on the north-western side of Greenbank Street. The subject site is known as 15-17 Greenbank Street, Hurstville and is legally described as Lot 16 in DP552877.
28. The site is regular shape having a frontage to Greenbank Street of 36.995m, side boundary lengths of 42.225m and 48.465m, giving a site area of 1,706.34sqm.
29. Presently situated on the site is a two-storey dwelling house with a pool and ancillary structures in the rear yard. The site is located within the O'Briens Estate Heritage Conservation Area but is not listed as an item of heritage significance itself.

30. The site falls 6m from its rear to its front boundary, with the bulk of this occurring within the street setback.
31. The site is not impacted by easements or other infrastructure assets.



Figure 2: O'Brien's Estate Heritage Conservation Area (site identified with star)

32. The existing dwelling on the site is identified as an Intrusive Item, which is described in the DCP as:

"Intrusive Items - These items are buildings or landscape features which have been modified to an extent that they do not reflect the conservation values of the area. Demolition in this group of buildings will be considered if replacement buildings will contribute, improve and be sympathetic to the character and significance of the Conservation Area. Council strongly encourages a joint application for demolition and development."



Figure 3: The subject site

33. The adjoining property to the west is No. 19 Greenbank Street and contains a two storey dwelling house identified as a Contributory Item:

“Contributory Items - There are many buildings, structures and landscape features within the area which contribute to the heritage significance of the area because of their age, particular design characteristics and integrity. These are called Contributory items. Individually, they are not necessarily items of heritage significance, otherwise they would be listed as such, but they do possess collective significance. Loss of any one of them will erode the heritage significance of the area as a whole. There are also a small number of very significant building in the Conservation Area that are individually listed as heritage items. Accordingly, Council controls the removal or demolition of any building in the area, as the effect it would have on the heritage significance of the area must be assessed.

Adaptations are often needed to homes to accommodate modern working or lifestyle requirements. These may include the addition of bathroom or kitchen facilities, additional bedrooms or off-street parking. As long as the heritage significance of the place and the Conservation Area as a whole is not adversely affected, such changes may be perfectly acceptable. Demolition of Contributory buildings will generally not be supported and will only be considered where a strong case can be presented that the building is structurally unsound and cannot be restored at a reasonable cost. This assessment may require Council commissioning an independent consultant to assess the item, the cost of which would also need to be met by the applicant. Applications for demolition must be accompanied by a Heritage Impact Statement (prepared by a suitably qualified consultant), which will need to address the replacement dwelling and its capacity to contribute and improve the character and significance of the Conservation Area, as well as demonstrating that retention of the building is not achievable. In this circumstance, Council will require a joint application for demolition and construction of a new dwelling.”



Figure 4: No. 19 Greenbank Street (west of the site)

34. The adjoining property to the east is No. 13 Greenbank Street and is occupied by a single storey dwelling house identified as a Neutral Item:

“Neutral Items - Neutral items are generally dwellings which have had their contribution reduced by intrusive alterations, but may only need relatively minor changes to bring them back to a contributory nature. Neutral items can also be more modern dwellings which may contribute little to the character of the Conservation Area but are not considered to be intrusive. Altered buildings should only be considered for demolition if they are proven to be structurally unsound and the replacement will contribute and improve the character of the Conservation Area. Further, any additions and alterations should look to restoring the former character of modified buildings, or modify more modern buildings to respond to the characteristics of the area. Applications for demolition must be accompanied by an application for the replacement building and a Heritage Impact Statement as noted for Contributory items.”



Figure 5: No. 13 Greenbank Street (east of the site)

35. The dwellings to the rear of the site are occupied by two dwelling houses identified as Neutral Items and land on the south-eastern side of Greenbank Street, opposite the site, is characterised by dwellings houses being a mix of Neutral and Contributory Items.



Figure 6: Development on the opposite side of Greenbank Street

State Environmental Planning Policies (SEPPs)

36. Compliance with the relevant SEPPs is summarised in the following table and discussed in further detail below it.

State Environmental Planning Policies (SEPPs)

37. Compliance with the relevant State Environmental Planning Policies is summarised in the following table and discussed in further detail below.

State Environmental Planning Policy Title	Complies
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Yes
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes
State Environmental Planning Policy (Industry and Employment) 2021	Yes
State Environmental Planning Policy (BASIX) 2004	Yes

State Environmental Planning Policy (Biodiversity and Conservation) 2021

38. The relevant parts of the above Policy that apply to this application are Chapter 2 – Vegetation in non-rural areas, and Chapter 11 – Georges River Catchment.

Chapter 2 - Vegetation in Non-Rural Areas

39. Chapter 2 aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.
40. This chapter applies to clearing of:
- Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and*
 - Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (Development Control Plan).*
41. The application proposes the removal of 21 trees from the site, the relocation of two trees on the site and the retention of four trees – one in the rear yard, two in the front setback, and one street tree.
42. The tree removal proposed as part of the application is not supported by Council's Arborist, nor council's Heritage Advisor.
43. Council's arborist does not support the proposal as the proposed driveway (and associated excavation) and pedestrian pathway of the proposed dwelling on Lot A will adversely impact Trees 1 and 2 proposed for retention.
44. On heritage grounds, the three-lot subdivision is not supported as it is considered an overdevelopment of the site and the resulting subdivision pattern is out of character for the HCA, and results in a loss of significant vegetation that could be retained if a two-lot subdivision were proposed. Full comments are provided later in this report from Council's Heritage Advisor.

Chapter 11 – Georges River Catchment

45. The primary relevant aims and objectives of this plan are:
- *to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the Catchment,*
 - *to protect and enhance the environmental quality of the Catchment for the benefit of all users through the management and use of the resources in the Catchment in an ecologically sustainable manner,*
 - *to ensure consistency with local environmental plans and also in the delivery of the principles of ecologically sustainable development in the assessment of development within the Catchment where there is potential to impact adversely on groundwater and on the water quality and river flows within the Georges River or its tributaries,*
 - *to establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries and to promote integrated catchment management policies and programs in the planning and management of the Catchment,*
46. The stormwater design was reviewed by Council's Development Engineer. The proposed stormwater design does not meet council's Stormwater Policy.
47. The proposal is inconsistent with the objectives and purpose of Chapter 11 of the SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021

48. Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 is relevant to the proposal.
49. Chapter 4 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.
50. Clause 4.6 requires contamination and remediation to be considered in determining a DA. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.
51. A review of historic aerial photography indicates that the site has historically been used for residential purposes. Residential usage is not typically associated with activities that would result in the contamination of land. On this basis, the site is likely to be suitable for residential development in its current state for the development proposed with respect to contamination.

State Environmental Planning Policy (Transport and Infrastructure) 2021

52. Compliance with SEPP (Transport and Infrastructure) 2021 has been considered. Ausgrid was consulted as required by Chapter 2. No objection was raised and no conditions required.

State Environmental Planning Policy (BASIX) 2004

53. The trigger for BASIX Certification is when the estimated cost of works for residential development (new dwelling(s)/alterations and additions) is equal to or above \$50,000. BASIX Certification is also triggered when proposing a swimming pool with a volume of 40,000 litres.

54. Valid BASIX Certificates have been submitted with the Development Application satisfying the minimum requirements of SEPP (Building Sustainability Index: BASIX) 2004.

Environmental Planning Instruments

Georges River Local Environmental Plan 2021

55. The Georges River Local Environmental Plan 2021 was gazetted on 8 October 2021.
56. In relation to this development site the zoning, height and floor space ratio are unchanged. Dwelling houses are a permissible use in the zone.
57. Consideration is given to the provisions of Georges River Local Environmental Plan 2021 in the assessment this application.
58. In this regard, the provisions have no determining weight as a result of proposed operation of Clause *“1.8A Savings provisions relating to development applications”* of the Draft Plan which provides *“If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.”*

Kogarah Local Environmental Plan 2012 (KLEP 2012)

Zoning

59. The subject site is zoned Zone R2 Low Density Residential under the provisions of the Kogarah Local Environmental Plan 2012 (KLEP2012). Refer to zoning map below.

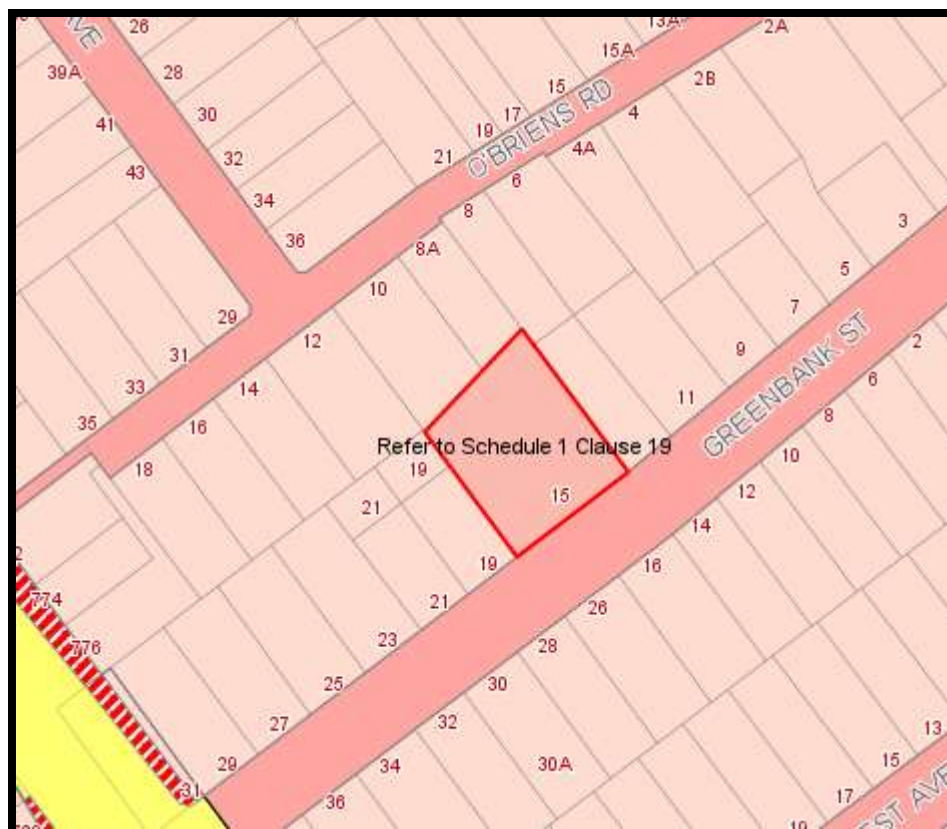


Figure 7: Zoning map (KLEP 2012)

60. The objectives of the zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

61. The proposal fails to satisfy the first objective of the R2 Zone as a three-lot subdivision and the three new dwellings is out of character and not consistent with the requirements of the heritage conservation area due to their spatial relationship, apparent density and bulk.
62. The extent to which the proposal complies with the relevant standards of Kogarah Local Environmental Plan 2012 (KLEP2012) is outlined in the table below.

KLEP2012 Compliance Table

Clause	Standard	Proposed	Complies
2.2 Zone	R2 Low Density Residential	Dwelling houses are permissible in the zone.	Yes
2.3 Objectives	Objectives of the Zone	Inconsistent with zone objectives.	No
4.1 – Minimum subdivision lot size	450sqm	Lot A – 568.4sqm Lot B – 556.45sqm Lot C – 581.49sqm	Yes Yes Yes
4.3 – Height of Buildings	9m as identified on Height of Buildings Map	Lot A – 8.7m Lot B – 8.8m Lot C – 9m	Yes Yes Yes
4.4 – Floor Space Ratio	0.55:1 as identified on Floor Space Ratio Map	Refer below.	Yes
4.4A - Exceptions to floor space ratio for residential accommodation in Zone R2	<650sqm site area: 0.55:1	Lot A – 0.44:1 Lot B – 0.48:1 Lot C – 0.48:1	Yes Yes Yes
4.5 – Calculation of floor space ratio and site area	FSR and site area calculated in accordance with Cl.4.5	The FSR has been calculated accordingly.	Yes
5.10 – Heritage Conservation	The objectives of this clause are; (i) to conserve the environmental heritage of Kogarah, (ii) to conserve the heritage significance of heritage items and heritage conservation	The site is located within the O'Brien's Estate Heritage Conservation Area, which is listed on Schedule 5 of the Kogarah LEP 2012. Council's Heritage Advisor has reviewed the proposal and does not support the application.	No - refer to further Heritage Advisor comments following this table.

Clause	Standard	Proposed	Complies
	areas, including associated fabric, settings and views.		
6.2 Earthworks	To ensure that earthworks do not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land	<p>The proposed development includes excavation and associated earthworks to accommodate semi-basement car parking.</p> <p>The resultant built form is not supported as the dwellings appear as three storeys from the street and the bulk and scale of the each dwelling is excessive and out of character for the HCA.</p>	No

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Heritage

63. The site is located in the O'Brien's HCA and Council's Heritage Advisor provided the following comments on the proposal:

Development proposal:

- The development proposal involves the demolition of the existing dwelling, subdivision of the existing one lot into three lots and construction of three new detached style dwelling houses.*

Reason for the Heritage Referral:

- The Development Application has been referred for heritage advice and comment as the subject site is located within the O'Brien's Estate Heritage Conservation Area, which is listed on Schedule 5 of the Georges River LEP 2021.*

Consideration of the proposed development:

- The subject site is situated within the O'Brien's Estate Heritage Conservation Area. Situated on the site is a two-storey, detached style dwelling house. The dwelling displays characteristics which attribute it to the brick veneer dwellings of the early Post-War period of the mid-20th century.*
- The O'Brien's Estate Heritage Conservation Area Assessment Guidelines identifies the subject site as being 'intrusive', being an architectural style that does not conform to the prevailing housing typology and style within the broader HCA.*
- Given that the existing dwelling is attributed to an architectural style that presents more as an anomaly to the streetscape rather than reinforcing the prevailing housing style of the early 20th century Inter-War period, and that the property has been previously graded as 'intrusive', demolition of the existing dwelling is supported.*

6. *Also situated on the site and behind the existing dwelling is a former tennis court. While this appears to pre-date the existing dwelling and was likely associated with the previous dwelling on the site, the tennis court sits silently at the rear of the site and does not contribute to the streetscape character or the significance of the HCA, other than it dictates the setback and separation afforded between buildings.*
7. *The site contains a number of established trees and shrubs that contribute to the landscaped setting and sensory appeal of the streetscape. In particular, the large eucalyptus trees and Canary Island Palms situated towards the southwestern front corner of the site. Removal of these trees would not be supported as they significantly contribute to the established landscaped setting and sensory appeal of the streetscape and HCA and their removal would have a deleterious impact on the HCA. Tree Nos. 1, 2, 3, 10, 11, 23 must be retained.*
8. *The proposal seeks to subdivide the existing one lot into three lots. Presently, the site comprises an area of approximately 1,707sqm and is evidently the largest allotment in the streetscape. A Heritage Impact Statement has been submitted with the proposal, which provides for a historical overview of the site, and while it is evident that the subject site is largely an original feature of the street, it has been changed through consolidation of a portion of land at the rear, whereby the existing site is not specifically the absolute original allotment configuration.*
9. *In any case, the existing allotment contributes to the historical narrative of the streetscape and HCA. The proposed subdivision will create three allotments, ranging in area from 556sqm to 581sqm.*
10. *In considering the established streetscape character, Greenbank Road comprises mostly single-storey detached dwelling houses set upon larger allotments. This allows for a consistent pattern of development of deep landscaped front gardens, generous separation between buildings and a fine balance between landscaped garden areas and built-upon areas. The proposed three-lot subdivision is not supported as it will create three allotments that have a width and permit a built form density that is inconsistent with the established subdivision pattern. As per previous advice provided as part of the pre-DA in November 2020, a two-lot subdivision would be most compatible with the established streetscape and would be tolerated within the HCA.*
11. *The proposed built forms comprise three detached style dwelling houses, each of which are two-storey, with a semi- basement level garage that will be formed by part excavation of the existing landform. As discussed in point 7 above, the three-lot subdivision configuration is not supported as the subdivision will not conform to the established pattern within the street, but also in that the development of the allotments cannot occur in a manner that will harmoniously integrate with the established built form character and pattern within the street.*

12. *Specifically, the three dwellings are afforded insufficient separation and are of an overall height and scale that is inconsistent with the predominant single-storey character, with the existing housing stock within the street and HCA largely defined by clearly expressed single storey elements with modulated forms. While there may be opportunity for two-storey forms to be accommodated on the site, the inappropriate height and scale is exacerbated by the insufficient separation between the dwellings, whereby there is little opportunity for the dwellings to be designed to incorporate articulation to the side elevations to reduce the planar forms. In light of point 7 above, were a two-lot subdivision proposed with only two detached dwelling houses, there would be greater tolerance for two-storey built forms to be considered.*

Recommendation:

13. *The proposed development is not supported in its current form. Specifically, the proposed three-lot subdivision introduces a subdivision pattern that is discordant with the streetscape and will visually disrupt the established pattern of development of the street. Additionally, the proposed two-storey built forms proposed would result in an unacceptable visual impact on the streetscape and HCA.*
14. *It is recommended that a two-lot subdivision be considered, with the retention of significant trees and landscape features and two detached style dwelling houses as such a development would be more appropriately aligned with the streetscape and have the least impact upon the HCA.*

64. The application is not supported for a number of reasons as outlined above.

Interim Policy Georges River Development Control Plan 2020

65. The proposed development is subject to the provisions of the Interim Policy Georges River DCP 2020. Only the applicable aspects have been assessed with respect to the Interim DCP. All other aspects have been thoroughly assessed under Kogarah DCP 2013. The aim of an Interim Policy is to set a consistent approach for the assessment of residential development within the Georges River Local Government Area, until such a time as a comprehensive DCP is prepared and implemented. Comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

Section	Interim Policy Control	Proposal	Complies?
Building Setback (Front)	<input type="checkbox"/> Minimum setback from the primary street boundary is:		
	a) 4.5m to the main building face	Min. 10m	Yes
	b) 5.5m to the front wall of garage, carport roof or onsite parking space	Min. 10m	Yes
	Or		
	a) Within 20% of the average setback of dwellings on adjoining lots	NA	NA
Building	<input type="checkbox"/> Buildings are to have a	Min. 8m	Yes

Section	Interim Policy Control	Proposal	Complies?
Setback (Rear)	<p>minimum rear setback of 15% of the average site length, or 6m, whichever is greater</p> <p><input type="checkbox"/> Where the existing pattern of development displays an established rear setback, development should recognise and respond to site features and cross views of neighbouring properties</p>	Consistent	Yes
Building Setback (Side)	<p><input type="checkbox"/> The minimum side setback outside the FSPA is 900mm (ground floor) and 1.2m (first floor)</p> <p><input type="checkbox"/> The minimum side setback inside the FSPA is 900mm (ground floor) and 1.5m (first floor) with a minimum of 5.5m in front of any proposed new garage.</p>	<p>Ground – Min. 1.2m First – Min. 1.2m</p> <p>NA</p>	<p>Yes Yes</p> <p>NA</p>
Landscaped area	<p><input type="checkbox"/> Where located outside the FSPA, a minimum of 20% of site area is landscaped open space</p> <p><input type="checkbox"/> Where located inside the FSPA, a minimum of 25% of the site area is landscaped open space</p> <p><input type="checkbox"/> The minimum dimension of landscaped open space is 2m, designed in a useable configuration</p> <p><input type="checkbox"/> A minimum of 15m² of the landscaped open space is provided between the front setback and the street boundary in the form of a front yard</p>	<p>28% 25% 27%</p> <p>NA</p> <p>Complies</p> <p>Min. 42sqm</p>	<p>Yes Yes Yes</p> <p>NA</p> <p>Yes</p> <p>Yes</p>
Private Open Space	<p><input type="checkbox"/> An area of Principal Private Open Space is to be provided which:</p> <p>a) has a minimum area of</p>	Each lot complies.	Yes

Section	Interim Policy Control	Proposal	Complies?
	<p>30m²</p> <p>b) has a minimum dimension of 5m, designed in a useable configuration</p> <p>c) is located at ground level and behind the front wall of the dwelling</p> <p>d) is directly accessible from a main living area</p>	<p>Each lot complies.</p> <p>Each lot complies.</p> <p>Each lot complies.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Basement/ Land Modification	<p>Basements are permitted where Council's height controls are not exceeded, and it is demonstrated that there will be no adverse environmental impacts (e.g. affectation of watercourses and geological structure).</p> <p><input type="checkbox"/> Basements for low grade sites (ie < 12.5% Grade front to rear):</p> <p>a) Basements on land where the average grade is less than 12.5% are permitted only where they are not considered a storey (see definition below) and the overall development presents as 2 storeys to the street.</p> <p>b) A basement is not considered a storey if it is:</p> <p>situated partly below the finished ground and the underside of the ceiling is not more than 1m above the natural ground at the external wall for a maximum of 12m in length, with the exception of the façade in which the garage door is located.</p>	<p>Semi-basement garages are proposed and the overall height of each dwelling complies.</p> <p>The garage levels for each dwelling extend out of ground more than 1m and from the street each dwelling has a three-storey appearance.</p>	<p>Yes</p> <p>No</p>
Solar Access	<p>Kogarah</p> <p>Where the neighbouring properties are affected by overshadowing, at least 50% of the neighbouring existing</p>	<p>The neighbouring properties will receive more than 3 hours sunlight to more than</p>	<p>Yes</p>

Section	Interim Policy Control	Proposal	Complies?
	<p>primary private open space or windows to main living areas must receive a minimum of 3 hours sunlight between 9am–3pm on the winter solstice (21 June).</p> <p>Note 1: development applications for development two storeys and over are to be supported by shadow diagrams demonstrating compliance with this design solution.</p> <p>Note 2: Exemptions will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation.</p>	50% of the private open space area and living room windows.	

C1- Low Density Housing

Control	Standard	Proposed	Complies
1.2 Building Scale and Height			
1.2.1 Floor space Requirements	(5) Blank walls and flat facades should be avoided. Walls longer than 10m should be articulated by a minimum 300mm projection or indentation in the façade.	None of the dwellings are articulated and all side walls exceed 10m in length.	No
	(6) The overall building should present a building mass that is in proportion with the allotment size, provides opportunities for modulation and articulation of the building and does not detract from the satisfaction of any other applicable design principle.	The three storey appearance of each dwelling from the street and lack of articulation on side elevations is an unacceptable design outcome.	No

Control	Standard	Proposed	Complies
	(7) Where proposed development includes a two (2) residential level element, then the second level should not extend beyond 60% of the depth of the allotment measured from the street boundary. Where side boundaries are of varying length, the second level is limited to a line across the block between the points on both boundaries.	60% depth = variable Each dwelling complies with the 60% lot depth.	Yes
1.2.2 Building Heights	(1) The maximum building height must comply with the requirements specified in table below: Dwelling Type Single dwelling; Maximum Height 7.2m to the underside of the upper ceiling; 7.8m to the top of the parapet;	Lot A – 7.2m Lot B – 7.2m Lot C – 7.2m	Yes Yes Yes
1.2.3 Rhythm of the Built Elements in the Streetscape	(1) The primary building façade should not exceed 40% of the overall width of the total frontage. (2) The secondary building façade should be set back a minimum of 1.5 metres from the primary building façade. (3) Where the dominant built form in the streetscape provides for a pitched hip or gable ended	Each front façade is suitably articulated at the ground and first floor. The proposed development incorporates a pitched roof design which is acceptable.	Yes Yes

[illegible]

Control	Standard	Proposed	Complies
	For buildings having a wall height of greater than 3.5m, the minimum side boundary setback is 1200mm.	Min. 1.2m	Yes
1.2.5 Fenestration and External Materials	<p>(1) New buildings and alterations and additions should present a primary building façade and roofing that is constructed of materials, and within a colour range, that is complementary to the dominant character of buildings in the streetscape.</p> <p>(2) Garage doors should not dominate the street front elevation (Figure 16).</p> <p>(3) The roof should be similar to the angle of pitch, materials and colour of roofs in the streetscape (Figure 14).</p> <p>(4) The colours of garages, window frames, and balustrading on main facades and elevations are to be integrated with the external design of the building.</p> <p>(5) Glazing shall be limited to a maximum 35% of the total area of the overall street front façade. This includes both primary and secondary façade bays (Figure 15).</p>	<p>Refer to the built form controls in the HCA compliance table following this table.</p> <p>The proposed built form is not supported as detailed in the comments of Council's Heritage Advisor.</p>	No

Control	Standard	Proposed	Complies
	(6) Where garaging is in the front façade it should be limited to a maximum of two garage bays, with separate garage door openings of a maximum width of 3m.		
1.2.6 Street Edge	(1) New developments should provide front fencing that complements fencing within the streetscape.	The proposed fencing is 2m high, which is unacceptable.	Yes
	(2) Fencing is to be consistent with the requirements of Section 4.2.	Refer to fencing requirements of HCA.	-
	(3) Existing vegetation in the front building line setback or on the street verge that contributes to the character of the streetscape should be preserved.	The extent of vegetation to be removed is not supported due to the three-lot subdivision.	No
	(4) The driveway location should not result in the removal of any street trees or removal of substantial trees on the site.	The proposed driveways do not result in the removal of any street trees.	Yes
1.3 Open Space			
1.3 Open Space	(1) 15% of the site area must be deep soil landscaped area.	Min. 25%	Yes.
	(2) Private open space should be adjacent to and visible from the main living and/or dining rooms and be accessible from those areas.	The proposed development includes a satisfactory area for private open space.	Yes
	(3) Development	The proposed private	Yes

Control	Standard	Proposed	Complies
	<p>should take advantage of opportunities to provide north facing private open space to achieve comfortable year round use.</p> <p>(4) Where soil and drainage conditions are suitable, unpaved or unsealed landscaped areas should be maximised and designed to facilitate on site infiltration of stormwater.</p> <p>(5) Existing significant trees and vegetation must be incorporated into proposed landscape treatment.</p>	<p>open space is appropriately located.</p> <p>Complies.</p> <p>The proposal is an overdevelopment of the site on heritage grounds and the three-lot subdivision results in the removal of significant trees.</p>	<p>Yes</p> <p>No</p>
1.4 Vehicular access, parking and circulation			
	<p>(1) Car parking is to be provided in accordance with the requirements in Section B4.</p> <p>(4) Crossings are to be positioned so that on-street parking and landscaping on the site are maximised, and removal or damage to existing street trees is avoided.</p> <p>(5) Garaging should be setback behind the primary façade.</p>	<p>The proposed development is satisfactory having regard to Section B4 of the KDCP 2013.</p> <p>2 car spaces required and have been provided per dwelling.</p> <p>Insufficient information has been provided to confirm that the proposed driveway crossing of Lot A will not adversely impact the trees proposed for retention.</p> <p>The garage aligns with the primary façade.</p>	<p>Yes</p> <p>No</p> <p>Yes</p>

Control	Standard	Proposed	Complies
	(6) The maximum driveway width between the street boundary and the primary building façade is 4m.	Max. 4m.	Yes
1.5 Privacy			
1.5.1 Visual Privacy	(1) Windows from active rooms are to be offset between adjacent dwellings so as to avoid direct overlooking onto neighbouring windows.	Side-facing windows between dwellings are highlight windows to avoid overlooking.	Yes
	(2) Where terraces and balconies are proposed and are elevated more than 1.5m above ground level (finished) and are located behind the street front façade, they are restricted to a maximum width of 2.5m and must be setback a minimum 3m from any adjoining property boundary.	Lot B and Lot C dwellings have first floor rear terraces setback 1.2m from side boundaries but have solid full height walls on each side.	Acceptable
	(3) The area of balconies or terraces greater than 1.5m above ground level is limited to a cumulative total of 40m ² per dwelling.	The areas of balconies great than 1.5m above ground level do not exceed 40sqm.	Yes
	(5) For active rooms or balconies on an upper level, the design should incorporate placement of room windows or screening devices to only allow oblique views to adjoining properties (Figures 18 and 19).	The proposed development is considered to have been appropriately treated to prevent any privacy concerns.	Yes

Control	Standard	Proposed	Complies
1.6 Solar Access			
	(1) At least 50% of the primary private open space of the proposed development should have access to a minimum of four hours of sunlight between 9am–3pm on 21 June.	The proposed private open spaces will receive the minimum 4 hours sunlight between 9am–3pm on 21 June.	Yes
	(3) Where the neighbouring properties are affected by overshadowing, at least 50% of the neighbouring existing primary private open space or windows to main living areas must receive a minimum of 3 hours sunlight between 9am–3pm on 21 June (Figure 21).	Neighbouring properties will continue to received more than 3 hours sunlight during midwinter.	Yes
1.7 Views and view sharing			
	(1) Development shall provide for the reasonable sharing of views. Note: Assessment of applications will refer to the Planning Principle established by the Land and Environment Court in Tenacity Consulting vs Warringah Council (2004) NSWLEC140	The proposed development is not expected to impact any adjoining properties or public space access to view corridors.	Yes
4.2 Fences and Walls			
4.2.1 Front Fences	(1) In cases where an applicant can demonstrate the need for a front fence higher than 1.4m, the maximum height of the fence must not exceed 1.8m.	2m	No
	(2) Fences over 1.4m must be setback 1.2m	Located on front boundary.	No

Control	Standard	Proposed	Complies
	from the street alignment, except where Council considers a lesser distance is warranted due to the siting of the existing residence, levels or width of the allotment or exceptional circumstances of the site.		

O'Briens Estate Heritage Conservation Area Assessment Guidelines (Appendix 3 of KDCP 2013)

66. The following controls apply to the site as the proposal is within O'Briens Estate HCA.

Control	Standard	Proposed	Complies
Dwelling houses			
New Buildings	<ul style="list-style-type: none"> Replacement buildings must respond in scale and height to surrounding Contributory items, particularly if there is a general consistency in the building scale along that stretch of street, and from around the local townscape. 	The site adjoins a Contributory building at No. 19 Greenbank Street. The three lot subdivision and 3 storey over basement form is not supported on heritage grounds and impacts on the consistency in building scale along the street, but a two storey built form could be accommodated on a two lot subdivision if suitably designed.	No
	<ul style="list-style-type: none"> If adjoining sites are single-storey, new buildings will generally be limited to single storey. Where there is some variation in the height of Contributory buildings along a street, consideration may be given to a two-storey element to the rear of the building if appropriate. 	The adjoining Contributory building is two storey and a two storey built form could be accommodated on a two lot subdivision.	No
	<ul style="list-style-type: none"> Council will consider 	Not proposed.	Yes

Control	Standard	Proposed	Complies
	<p>variation to the rear setback requirements of the RDG to allow new buildings to be kept to single-storey.</p> <ul style="list-style-type: none"> • New two-storey buildings may be appropriate where adjoining buildings are two- storey and the proposal will provide a design outcome that is consistent with the general character of the area and complies with all other aspects of these guidelines. 	<p>A two storey built form could be accommodated on a two lot subdivision if appropriately designed with regards to the surrounding context, but the proposal, as proposed, is not a suitable response, reading as 3 storey from the public domain and not appropriately responding to the surrounding character.</p>	No
Roof Form	<p>c) New buildings</p> <ul style="list-style-type: none"> • All new buildings must provide a pitched and tiled (or possibly slate) roof for that part of the building that is visible from the street. Rear elements may adapt a different form or materials as long as the other sections of these Guidelines are met. • A range of roof forms and pitch is displayed throughout the Conservation Area. Roof forms should be drawn from surrounding Contributory dwellings. 	<p>Pitched roofs are proposed facing the street and flat roofs at the rear.</p> <p>Noted.</p>	<p>Yes</p> <p>-</p>
Building Form	<p>b) New Buildings</p> <ul style="list-style-type: none"> • The form of new buildings should compliment the form of original adjacent Contributory buildings, 	<p>The proposed built form is not supported as detailed in the comments of Council's Heritage Advisor as the proposed 3 side-by-side dwellings, and</p>	No- See heritage advisor comments

Control	Standard	Proposed	Complies
	<p>particularly when viewed from the street, and the overall character of the Conservation Area. Generally this entails a double-fronted façade with a projecting and a recessive building bay – often the recessive bay has a verandah front – and pitched roofs to respect surrounding Contributory items.</p> <ul style="list-style-type: none"> • The treatment of facades and side elevations visible from the street should be proportioned and articulated in a manner that responds positively to adjacent original buildings and the overall character of the street. Long, unbroken walls and roofs are to be avoided. • The relationship of solid to void and use of verandahs in the design of the front elevation is to be encouraged. A long uninterrupted wall to the front façade with no articulation is to be avoided. • Generally single-fronted facades to the street will not be supported. • Prominent garage doors within the streetscape facade will generally not be supported. 	<p>2 storeys over a basement, and front setback OSD are inconsistent with the form and character prevailing in the Heritage Conservation Area, and the tree removals further exacerbate this.</p>	

Control	Standard	Proposed	Complies
Siting	<p>(ii) New buildings</p> <ul style="list-style-type: none"> New buildings must be sited to reinforce the rhythm and spacing of Contributory buildings in the Conservation Area. The façade of new buildings must be orientated to the street frontage to be consistent with adjacent Contributory buildings. The setback of new buildings to the street and side boundaries must maintain the significant pattern of setbacks in the streetscape. 	The proposed built form is not supported as detailed in the comments of Council's Heritage Advisor, not being consistent with the street rhythm with insufficient space afforded, or available to be provided between the proposed buildings with the given site width.	No
Materials, colours and detailing	<p>(I) ROOFS</p> <ul style="list-style-type: none"> The general consistency in roofing materials throughout the Conservation Area is a strong visual element and influence on the character of the area. New roofing must be consistent with existing materials, or where new buildings are proposed, be generally glazed or unglazed terracotta Marseilles pattern tiles if visible in the streetscape. The re-roofing of the main body of the house is not desirable, except to match original materials. Original tiles should be 	<p>The form of the proposal reads strongly as a new and marked intrusion in the heritage streetscape, in part due to materiality.</p> <p>Marseilles terracotta tiles are proposed.</p> <p>NA</p>	<p>No</p> <p>Yes</p> <p>NA</p>

Control	Standard	Proposed	Complies
	<p>reused in roof planes that front the street.</p> <ul style="list-style-type: none"> Concrete tiles are not characteristic of the Conservation Area and will generally not be supported by Council where visible from the street. Tile colouring can be drawn from examples on neighbouring Contributory items where original roofing survives. Some existing Contributory items have slate or corrugated metal sheet roofing, and use of those materials for additions is encouraged. 	<p>Not proposed.</p> <p>Suitable colours are proposed.</p> <p>Noted.</p>	<p>Yes</p> <p>Yes</p> <p>-</p>
	<p>(II) FACADES/WALLS</p> <ul style="list-style-type: none"> Brickwork is the dominant building element in the Conservation Area, and is generally in darker tones. New work in elevations that are visible from the street should use materials and colours which are characteristic of the area, such as brickwork. Other materials may be used in lieu of brickwork, or combined with brickwork, but such materials must be harmonious and sympathetic with the character of the area 	<p>Light brick tones are provided on some dwellings, at odds with this requirement.</p> <p>Not achieved.</p>	<p>No</p> <p>No</p>

Control	Standard	Proposed	Complies
	and should be chosen for their complimentary qualities in relation to colour, texture and tonal contrast.		
	<ul style="list-style-type: none"> • The front façade of new buildings should predominantly be brickwork, but could be combined with other harmonious materials as previously noted. Brickwork should be of a colour and texture similar to adjacent Contributory items. 	Suitable finishes proposed, a mix of brick and rendered masonry but the overall effect is not suitable for the location.	No
	<ul style="list-style-type: none"> • Existing brickwork is not to be painted, rendered or bagged. 	NA	NA
	<ul style="list-style-type: none"> • Consideration may be given to painting, rendering or bagging buildings that are Intrusive or Neutral items where the design outcome improves the general character of the building and streetscape. 	NA	NA
	<ul style="list-style-type: none"> • Re-instatement of original tuck pointing to brick joints which commonly appears on the front façade is strongly encouraged. Evidence of well preserved original tuck pointing can usually be found in areas protected from weathering, such as under eaves or under verandahs. 	NA	NA
	<ul style="list-style-type: none"> • Removal of, or alteration to original facades of Contributory items is 	NA	NA

Control	Standard	Proposed	Complies
	<p>generally not supported. Alterations to the principal elevations of Neutral items should aim to re-instate lost elements or use materials and colours more consistent with the character of the Conservation Area to improve their contribution.</p> <ul style="list-style-type: none"> • Removal of or alteration to original facades of Contributory items is generally not supported. Alterations to the principal elevations of Neutral items should aim to re-instate lost elements or use materials and colours more consistent with the character of the Conservation Area to improve their contribution. • Proposals which involve face brickwork should ensure that re-pointing materials, colours and designs are compatible. Original bricks are to be cleaned and re-used wherever possible, especially in all face brickwork. • It is desirable that previously painted facades be stripped of paint to reveal original face brickwork. 	<p>NA</p> <p>NA</p> <p>NA</p>	<p>NA</p> <p>NA</p> <p>NA</p>
	(III) PAINTED FINISHES		

Control	Standard	Proposed	Complies
	<ul style="list-style-type: none"> Paint should not be applied to any brickwork, stonework, exposed bricks on chimneys, terracotta chimneypots, tessellated or glazed tiling, slate verandah edging and steps, or any other unpainted surfaces. New buildings should use colours which harmonise with the traditional colour schemes. New exterior brickwork in the front façade is to remain unpainted. Re-instatement of traditional colour schemes is strongly encouraged. Evidence of original schemes may be determined by scraping back paint from areas that are not subject to intense weathering. 	<p>NA</p> <p>The proposed colours are modern and do not harmonise with traditional, recessive colour schemes.</p> <p>Parts of the front façade of Lot A and Lot C are rendered masonry.</p> <p>NA</p>	<p>NA</p> <p>No</p> <p>No</p> <p>NA</p>
	<p>(IV) DOORS WINDOWS AND VERANDAHS</p> <p>b) New buildings</p> <ul style="list-style-type: none"> The principal elevation of new buildings should provide a level of detail and design of openings that is in proportion with and 	<p>Suitable design is proposed with regards to doors and windows.</p>	<p>Yes</p>

Control	Standard	Proposed	Complies
	<p>similar to that of surrounding Contributory buildings.</p> <ul style="list-style-type: none"> Doorways are generally recessed from the main façade, often with an accompanying verandah, and windows have robust proportions, often multi-paned, with heavy mullion/transom elements and surrounds. 	Complies.	Yes
	<p>(V) FENCES AND GATES</p> <ul style="list-style-type: none"> Existing fencing that is original or consistent with the prevailing scale, design and materials of Contributory items must be retained. Any demolition of original fencing to accommodate driveway access must include reconstruction – utilising existing materials of end piers etc. Alterations and additions or new buildings must provide for a new fence of appropriate materials, colours and scale where no fencing exists at the moment. Fencing should be simple with a level of detail compatible with the house and with regard to adjacent Contributory items. 	<p>There is no existing fence.</p> <p>NA</p> <p>The proposed fencing is an appropriate design and finish however is 2m in height which is excessive for the site and locality. The metal palings should be lower in height or setback from the base to allow for planting in front of the palings.</p>	<p>NA</p> <p>NA</p> <p>No</p>

Control	Standard	Proposed	Complies
	(VII) DRIVEWAYS AND HARDSTANDS		
	<ul style="list-style-type: none"> • Driveways and hardstands are restricted to a maximum width of 3.5 metres at the street frontage and should be simple. 	3m.	Yes
	<ul style="list-style-type: none"> • Brushed concrete or dark segmental pavers and the use of “strip” driveways are appropriate. 	Details not provided of driveway finish.	Unknown
	<ul style="list-style-type: none"> • Light coloured paving, “faux brick” or stencil finishes are not supported. 	Details not provided of driveway finish.	Unknown

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67. As outlined in the assessment above, the proposal is considered inappropriate for the site in terms of both apparent scale, form and finish, noting its location within the Heritage Conservation Area. Accordingly, the proposal is recommended for refusal.

Developer Contributions

68. The proposed development requires payment of developer contributions under Section 7.11 of the Environmental Planning and Assessment Act 1979 and would be conditioned if the proposal were to be supported.

Impacts

Natural Environment

69. The proposed development will adversely affect the natural environment as the proposal is an overdevelopment of the site and out of character for the locality and HCA. The proposal necessitates significant intrusive earthworks and retaining, and it is clear that greater tree retention could be achieved with a more suitable scheme.

Built Environment

70. By way of the three lots and dwelling on each lot being proposed, the proposal does not represent an appropriate planning outcome for the site on heritage grounds given the context of the site within the O'Brien's Estate Heritage Conservation Area.
71. It is acknowledged that although the site is suitable for subdivision and the construction of new dwellings, the scale of that proposed in this proposal and its lack of an appropriate response to its context will provide an unsatisfactory outcome relative to the surrounding built environment.
72. Notwithstanding that the existing house is noted as an intrusive element in the conservation area, the proposal would have significantly greater impact compared to the existing dwelling.

Social Impact

73. No adverse social impacts have been identified as part of the assessment.

Economic Impact

74. There is no apparent adverse economic impact that is likely to result within the locality.

Suitability of the site

75. The site is zoned R2 Low Density Residential. The proposal is a permissible form of development in this zone however does not reflect the context of the HCA and is unsuitable for the site.

Submissions and the Public Interest

76. The application was neighbour notified in accordance with council's notification policy between 27/10/21 and 24/11/21. 16 submissions were received as a result of the notification period. In summary the following issues and concerns were raised:

- Out of character with the heritage conservation area;
- Visual bulk;
- Overshadowing;
- Tree loss;
- Damage to neighbouring dwellings during excavation;
- Privacy impacts;
- Inconsistency with Pre-DA advice; and
- Non-compliance with DCP controls.

77. The issues raised in the objections are largely agreed with by the assessing officer as discussed throughout this report, and many of these issues form the recommended reasons for refusal of the application.

Referrals**Council Referrals****Development Engineer**

78. The proposed stormwater management plan does not meet the requirements of Council's Stormwater Policy. It is additionally noted that the proposed OSD location is inappropriate for the location given it is within a Heritage Conservation Area.

Consulting Arborist

79. Council's Consulting Arborist has raised objection to the removal of significant trees and advised there is insufficient information with regard to protection and survival of the trees proposed for retention.

Heritage Advisor

80. Council's Heritage Advisor does not support the proposal on heritage grounds as outlined in full earlier in this report.

External Referrals**Ausgrid**

81. The application was referred to Ausgrid in accordance with State Environmental Planning Policy (Transport and Infrastructure) 2021. No objection was raised by Ausgrid.

Conclusion

82. The proposal has been assessed using the matters for consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979.
83. The proposal has been assessed against the provisions of the Kogarah Local Environmental Plan 2012 and Kogarah Development Control Plan 2013.
84. The proposal as put forward is an inappropriate response to the site, noting its location within a heritage conservation area with regards to apparent density, space between buildings, height and finishes, and tree removals, resulting in a more intrusive development compared to the existing dwelling (already identified as intrusive within the DCP).
85. The proposal also impacts on significant gum trees located within the front setback and does not suitably retain these.
86. Accordingly the application cannot be supported and is recommended for refusal.

Determination and Statement of ReasonsStatement of Reasons

87. The reasons for this recommendation are:
- The proposal is inconsistent with the objectives of the R2 Low Density Residential zone.
 - The proposal is inconsistent with the objectives and controls of the O'Brien's Estate Heritage Conservation Area.
 - The proposed development will have unacceptable adverse impacts on the natural and built environments.
 - In consideration of the aforementioned reasons, the proposed development is not a suitable and planned use of the site.

Determination

88. Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended, the Georges River Local Planning Panel, refuses Development Application DA2021/0401 for demolition works, subdivision, construction of dwellings houses and swimming pools on Lot 16 in DP 552877 known as 15-17 Greenbank Street, Hurstville, for the following reasons:

1. **Local Environmental Plan** - Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with Kogarah Local Environment Plan 2012 with regard to:
 - a. The objectives of the R2 Low Density Residential zone;
 - b. Clause 5.10 Heritage conservation; and
 - c. Clause 6.2 Earthworks.
2. **Development Control Plan** - Pursuant to Section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with Kogarah Development Control Plan 2013. The proposal fails to provide a suitable design response to the site and context with regard to:
 - a. Building Scale and Height;
 - b. Fences and Walls; and

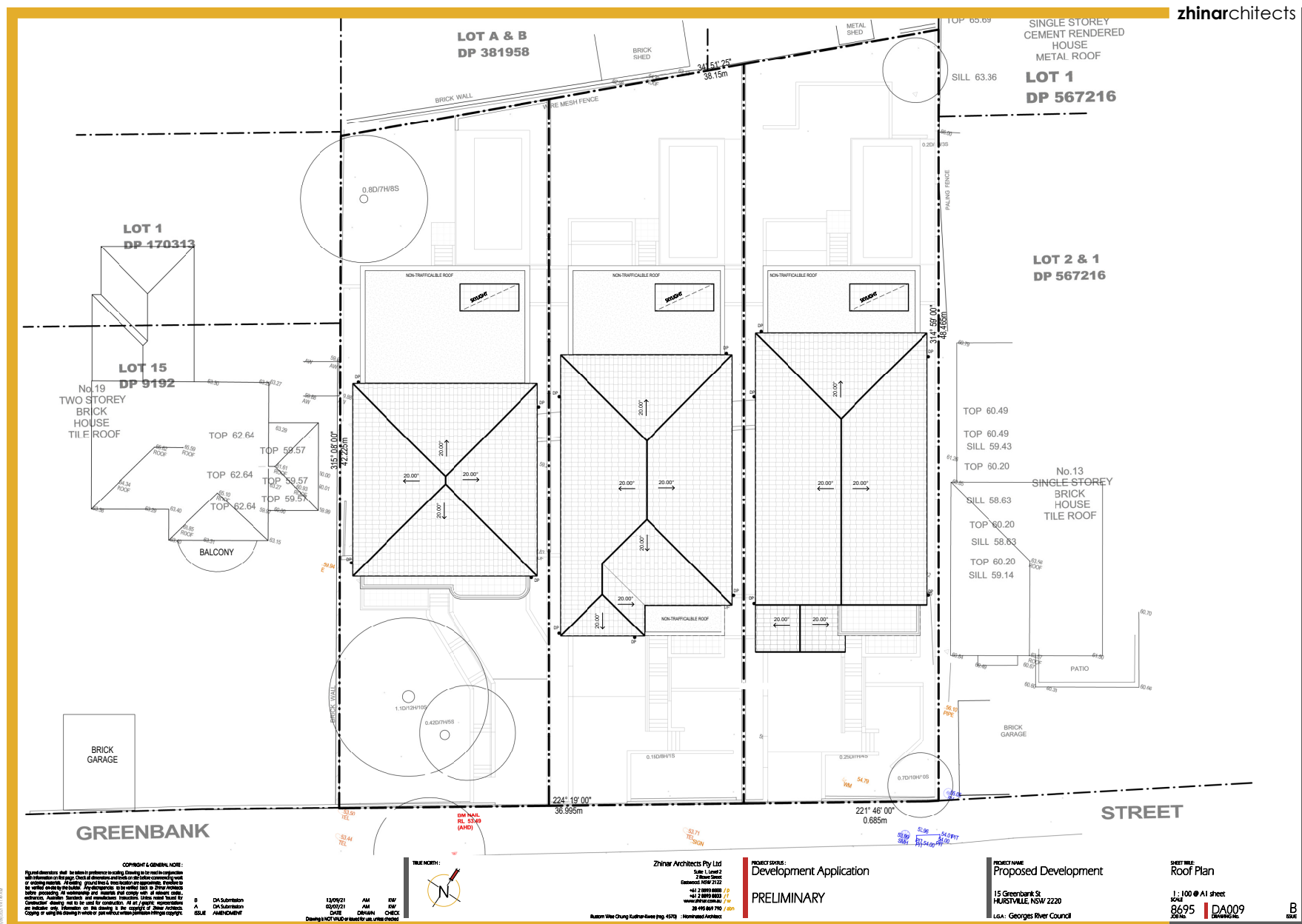
c. The O'Brien's Estate Heritage Conservation Area Assessment Guidelines.

3. **Impacts on the Natural Environment** - Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is inappropriate for the site and results in the loss of significant vegetation.
4. **Impacts on the Built Environment** - Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is inconsistent with the character of the Heritage Conservation Area.
5. **Suitability of Site** - Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not considered suitable for the proposed development as a three lot subdivision and construction of three dwelling houses is inconsistent with the character of the Heritage Conservation Area.

Appeal Rights - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.









ATTACHMENTS

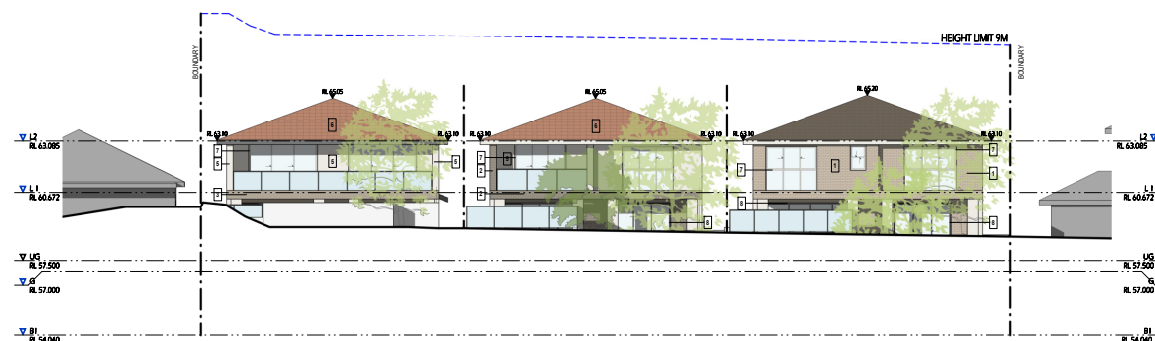
Attachment [↓](#) 1  Site Plan and Elevations



 zhinarchitects

COLOUR & MATERIAL SCHEDULE

01.  FACE BRICK WALL TYPE 1
AUSTRAL - URBAN ONE - LATTE
*OR SIMILAR
02.  FACE BRICK WALL TYPE 2
AUSTRAL - METROPOLIS - MARCASITE
*OR SIMILAR
03.  FACE BRICK WALL TYPE 3
AUSTRAL - WHITSUNDALE - BRAMPTON
*OR SIMILAR
04.  FACE BRICK WALL TYPE 4
AUSTRAL MASONRY - SYDNEY SANDSTONE
*OR SIMILAR
05.  RENDERED BRICK WALL TYPE 1
DULUX - NATURAL WHITE
*OR SIMILAR
06.  MARISELLES TERRACOTTA TILES
MONIER - MARS
*OR SIMILAR
07.  WINDOWS FRAME
ALUMINIUM
*OR SIMILAR
08.  RAILINGS, POST & STRUCTURE
DULUX POWDERCOAT - MONUMENT
*OR SIMILAR



North Elevation
1:100



South Elevation
1:100

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B	DA Submission	13/09/21	AM	KW
A	DA Submission	02/07/21	AM	KW
ISSUE	AMENDMENT	DATE	DRAWN	CHECK

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Busom Wee Chung Kuan-Hwee (reg. 4570) : Nominated Architect

PROJECT STATUS:
Development Application

PRELIMINARY

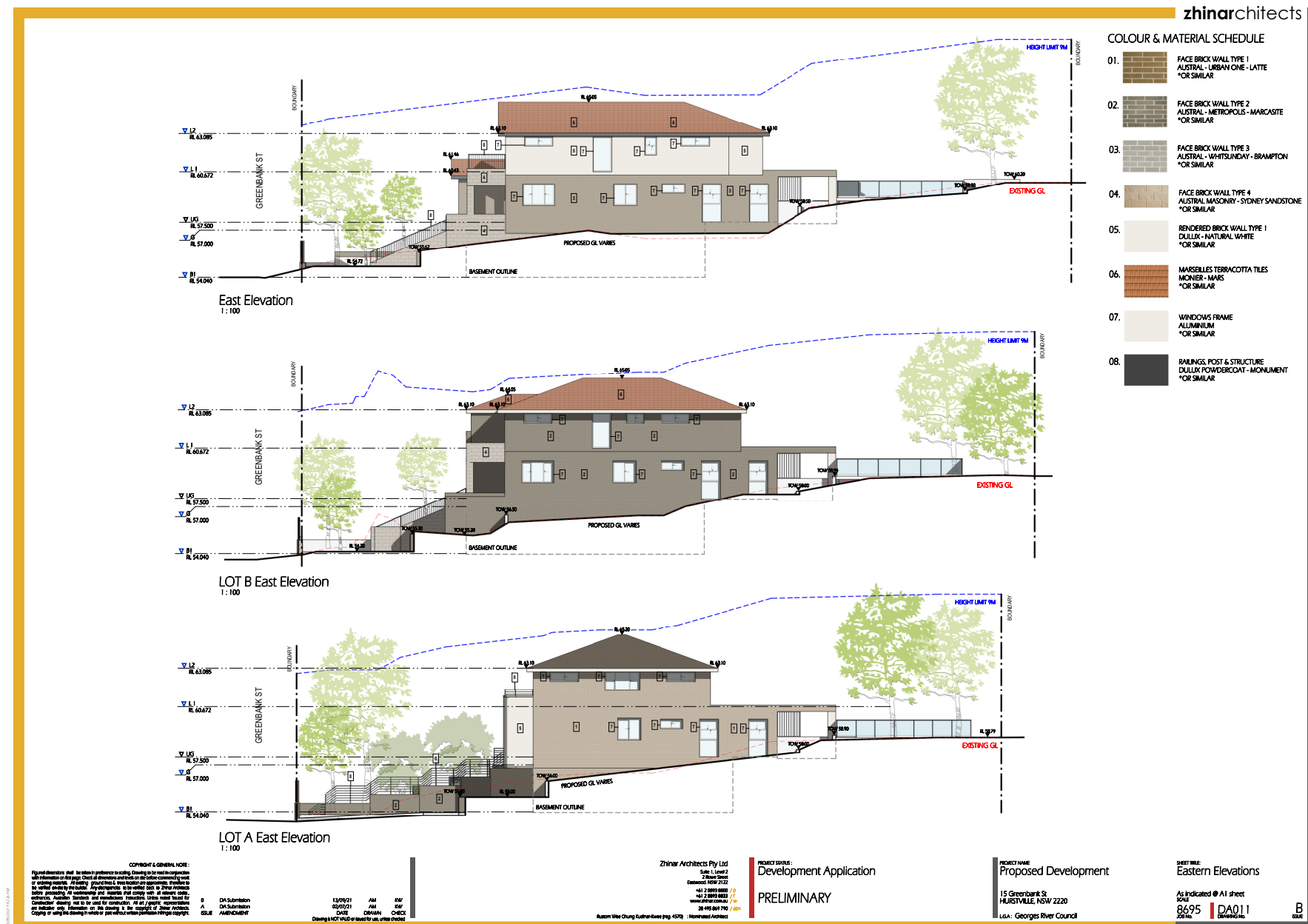
PROJECT NAME
Proposed Development

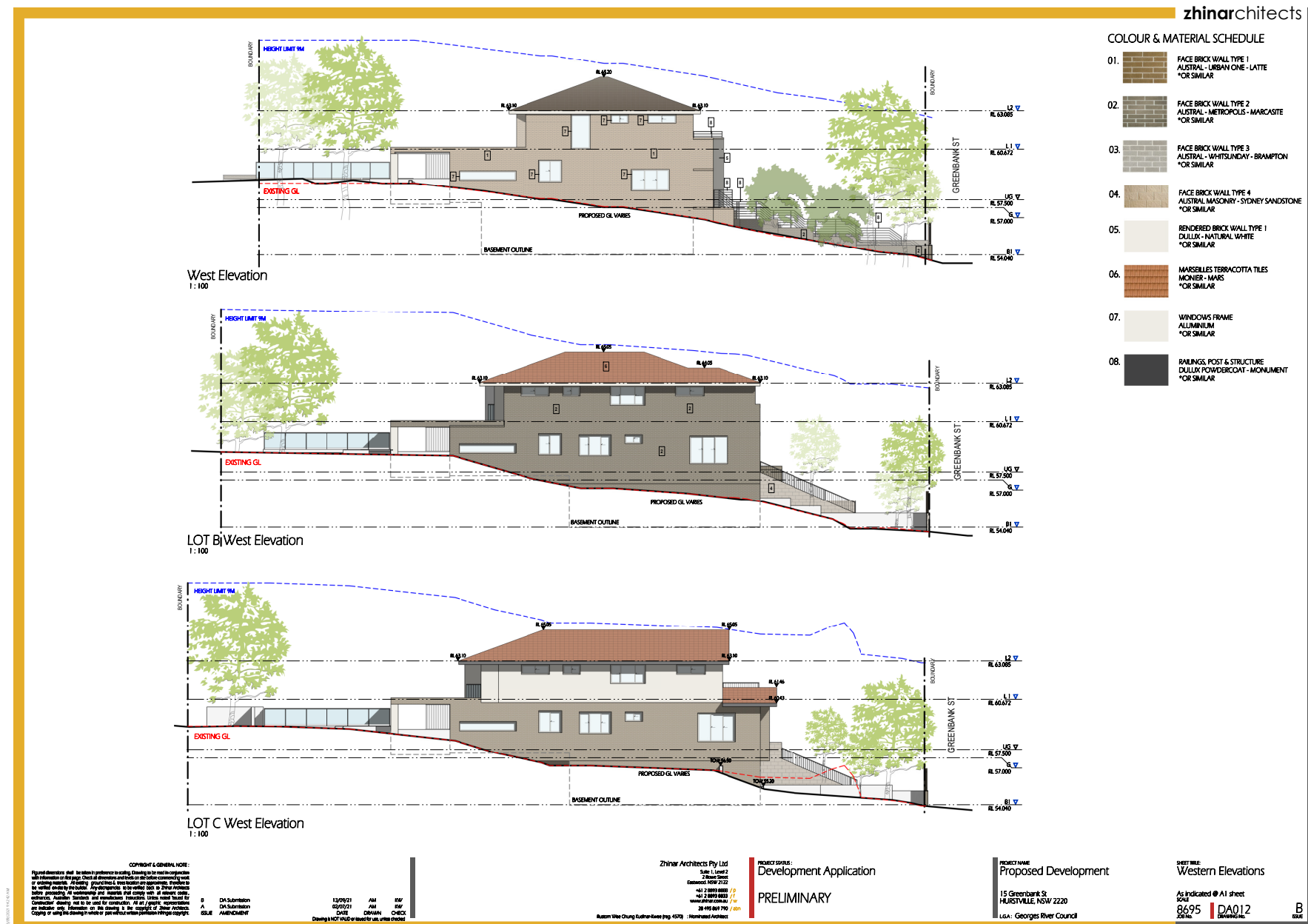
15 Greenbank St
HURSTVILLE, NSW 2220
LGA: Georges River Council

SHEET TITLE:
North & South Elevations

As indicated @ A1 sheet
SCALE
8695 | DA010
JOB No. | DRAWING No.

B
ISSUE





**REPORT TO GEORGES RIVER COUNCIL
LPP MEETING OF THURSDAY, 02 JUNE 2022**

LPP026-22

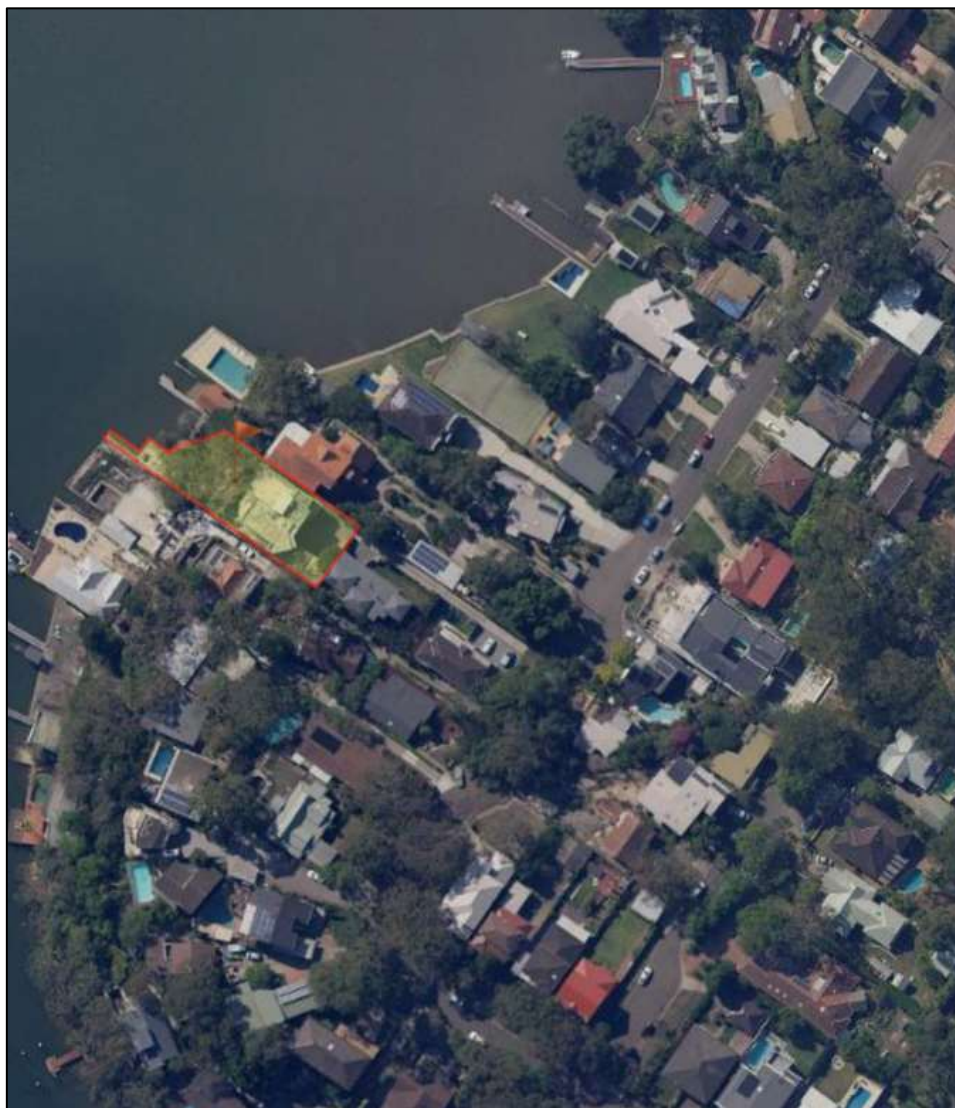
LPP Report No	LPP026-22	Development Application No	DA2021/0398
Site Address & Ward Locality	1/68 & 2/68 Llewellyn Street, Oatley NSW 2223 Peakhurst Ward		
Proposed Development	Reconstruction of strata jetty and installation of ramp, pontoon, and skid ramp		
Owners	Cynthia and Ben Wang & Dan Tian		
Applicant	Natalie Welsh		
Planner/Architect	Harbour Port East Coast Pty Ltd		
Date Of Lodgement	1/10/2021		
Submissions	Total – 1 Submissions		
Cost of Works	\$32,950.00		
Local Planning Panel Criteria	Councillor Owned Land		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	Environmental Planning and Assessment Act 1979, SEPP 55 – Remediation of the Land, State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017, State Environmental Planning Policy (Coastal Management) 2018, Greater Metropolitan Region Environmental Plan No. 2 - Georges River Catchment, Hurstville Local Environmental Plan 2012, Draft Georges River Local Environmental Plan 2021 (LEP made post lodgement)		
List all documents submitted with this report for the Panel's consideration	Architectural Plans, Statement of Environmental Effects (SEE), NSW Fisheries concurrence, Strata Plan 79814, DPIE Landowner's Consent - Crown Lands, Marine Habitat Survey, GR Council - Notice of Proposed Development, RMS Development Application Response, NRAR concurrence.		
Report prepared by	Independent Assessment		

Recommendation	That the application be Approved
-----------------------	----------------------------------

Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental	Yes

planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	No, standard conditions and one unique condition have been attached with no design changes

Site Plan



Aerial photograph of the subject site outlined in red and immediate surrounding area. (Source: SIX Maps)

Executive Summary

Proposal

1. Council is in receipt of a development application seeking the reconstruction of an existing strata jetty, and the installation of a ramp, pontoon and skid ramp at 68 Llewellyn Street, Oatley.
2. The proposal is described as follows:

○ Reconstruction of Existing Strata Jetty	9.5m x 1.3m
○ Ramp	6m x 1.5m
○ Pontoon	2.4m x 3.6m
○ Skid Ramp	9m x 2.4m
○ Total length of structure	Pontoon and Ramp 7.1m from MHWM* Skid Ramp 9m from MHWM*
3. The site is zoned R2 - Low Density Residential pursuant to Hurstville Local Environmental Plan 2012, with the works to be undertaken in the W2 - Recreational Waterway zone. The proposed works are defined as permissible with development consent. It is noted that the Georges River Local Environmental Plan 2021 (GRLEP) came into effect on 8 October 2021 and that clause 1.8A contains a savings provision enabling the application to be determined as if the plan had not commenced. Notwithstanding, amendments contained within the GRLEP that would have applied to this development have been considered under general environmental impacts of the development.
4. The proposal for the reconstruction of an existing jetty and the installation of ramp, pontoon and skid ramp is consistent with the objectives of the W2 - Recreational Waterway zone. The relevant impacts of the proposed development have been assessed within this report and are considered to be acceptable against the provisions of S4.15 of the EPA Act 1979.

Site and Locality

5. The subject site is legally described as CP/SP79814 and is known as 68 Llewellyn Street, Oatley.
6. The site currently contains a dual occupancy dwelling – one dwelling house beside the other with a common wall under a strata title arrangement. Lot 1 includes 157 m² dwelling and car space, while lot 2 includes 275 m² including courtyard, the boat shed and a car space. Common property includes a swimming pool (located under dwelling 2) No trees or significant vegetation are found within proximity of the proposed works on the subject the site.
7. The surrounding locality and waterfront is characterised by a range of similar residential premises, including jetties, ramps and pontoons, which are consistent with the W2 – Recreational Waterways and R2 – Low Density Residential zoning of the land.

Background

8. Previously Lodged Development Applications
 - 2000 - DA 0953 - Original subdivision into 3 Torrens Title (free hold lots)
 - 2000 - DA 0689.01 – Attached Dual Occupancy 1 x 2 bed 1 x 3 bed plus 4 car spaces (later modification for lower ground level internal pool)

- 2006 - DA 0562 Strata Subdivision of dual occupancy
- 2021 - DA 0396 Jetty Ramp and Pontoon

Zoning and Hurstville LEP 2012 Compliance

9. The Georges River LEP 2021 was gazetted on 8 October 2021. The development application was lodged on 1 October 2021.
10. In this regard, the provisions of the GRLEP2021 have no determining weight as a result of proposed operation of Clause **1.8A Savings provisions** relating to development applications of the GRLEP 2021 which provides *“If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.”*
11. No significant objectives or clauses have been added in the GRLEP 2021 that contradict or complement the HELP 2012 and that may be considered relevant as guidance for this assessment.
12. The site is zoned R2 Low Density Residential pursuant to Hurstville Local Environmental Plan 2012, with the works to be undertaken in the W2 Recreational Waterway zone. The proposed works are defined as permissible with development consent in the zone. The proposal being for the reconstruction of an existing strata jetty, and the installation of a ramp, pontoon and skid ramp at 68 Llewellyn Street, Oatley.
13. The proposed works have been supported by a Marine Habitat survey and scrutinized by NSW Fisheries and the Natural Resources Access Regulator and this assessment concludes that it meets the objectives of the W2 zone being:
 - *To protect the ecological, scenic and recreation values of recreational waterways.*
 - *To allow for water-based recreation and related uses.*
 - *To provide for sustainable fishing industries and recreational fishing.*

Hurstville Development Control Plan No. 1 / Georges River Development Control Plan 2021

14. The Georges River DCP 2021 was adopted by Council on 24 March 2021 and came into effect on 8 October 2021. The development application was lodged on 1 October 2021.
15. In this regard, the provisions of the GRDCP2021 have no determining weight as a result of proposed operation of Clause **1.7 Savings provisions** relating to development applications of the GRDCP2021 which provides *“If an application has been made before the commencement of the DCP in relation to land to which the DCP applies, and the application has not been finally determined before that commencement, the application must be determined as if the DCP had not commenced. All applications received after the commencement date of an amendment to the DCP are subject to the DCP as amended.”*
16. Notwithstanding, GRDCP 2021 includes one additional consideration that would now apply to such a development, which has been used as a guide to this planning assessment. Such consideration is included as **“Control 1.7”** within the section **“6.5.2 Development in the Foreshore Area”** under clause **“1. Jetty, Ramp and Pontoon Structures.”**

17. The proposal complies with the relevant provisions of both the Hurstville Development Control Plan No.1 and the Georges River Development Control Plan 2021 relating to the provisions for Jetty, Ramp and Pontoon Structures.

Submissions

18. The DA was publicly notified to neighbouring properties between 21 October 2021 and 04 November in accordance with the provisions of the Hurstville Development Control Plan No.1.
19. One (1) submission was received during the notification period, which was concerned with the following issues:

Issue 1: *Placement of proposed jetty on southwestern property boundary to produce a structural failure on neighbouring seawall. Uncertainty about pontoon's hinge support location and adequate distance away from seawall.*

Comment: The existing jetty will be reconstructed, supported by six piles, and extended, through a ramp, separate from the adjacent seawall. It will not be fixed to the seawall.

Issue 2: *Placement of proposed pontoon, directly on boundary, to put at risk neighbouring property's security by providing public access through water. Dividing fence to be fully covered by the applicant is proposed.*

Comment: A jetty already exists adjacent to the southern seawall and this configuration follows the general pattern of waterfront structures towards or adjacent to the southern boundaries of properties in this section of foreshore (refer aerial picture below). Security is no further compromised than general access available at low tide to any waterfront property. In addition, a dividing fence would be required to be constructed entirely on the seawall or the land inside the wall as the subject site is tidal water in this location. This land is not part of the land that comprises the application submitted. It is considered that any fence would also require assessment as part of the application process. For all of these reasons the proposed fence (suggested by the objector to be conditioned) cannot be supported.



Figure 1: Aerial View showing general pattern of waterfront structures towards southern boundaries of properties.

Issue 3: *Placement of proposed pontoon, alongside the boundary to affect the neighbour's options for constructing a jetty, ramp, and pontoon in the future. There is a concern about potential Council's restrictions imposed to the neighbouring property as a result of approving the proposed development.*

Comment: The location of the proposed jetty, ramp, and pontoon is considered logical as it will partly replace what is already on site and is proximate to the boat shed on the site. Any approval will not affect the neighbouring property's potential for seeking approval to construct a jetty / pontoon within its boundaries, noting there is enough room further south, next to their existing boat ramp, to place one (subject to agency approvals, tenure arrangements, environmental considerations and assessment of an application).

Reason for Referral to the Local Planning Panel

20. The applicant is an elected Councillor for Georges River Council and for probity reasons the application is required to be assessed by an independent assessor and determined by the Georges River Local Planning Panel.

Conclusion

21. Development consent is sought for the reconstruction of an existing jetty, and the installation of a ramp, pontoon and skid ramp at 68 Llewellyn Street, Oatley.
22. The proposal has been assessed with regard to the matters for consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal is an appropriate response to the context of the site and will result in a good planning and urban design outcome in the locality.

23. The proposal has been assessed against the provisions of the relevant State Environmental Planning Policies, Hurstville Local Environmental Plan 2012, Hurstville Development Control Plan N°1 and Georges River Development Control Plan 2021 and complies with the development standards of the Local Environmental Plan and meets the objectives of the Development Control Plans.

Report In Full

Description of the Proposal

24. Council is in receipt of a development application seeking the reconstruction of an existing strata jetty, and the installation of a ramp, pontoon and skid ramp at 68 Llewellyn Street, Oatley.
25. In detail, the proposal is described as follows:
- Reconstruction of **existing timber jetty**, to be extended through a ramp to a new pontoon. The jetty will be supported by 6 piles and will not be attached to the sea wall at the boundary to the southwest.
Dimensions: 9.5m x 1.3m.

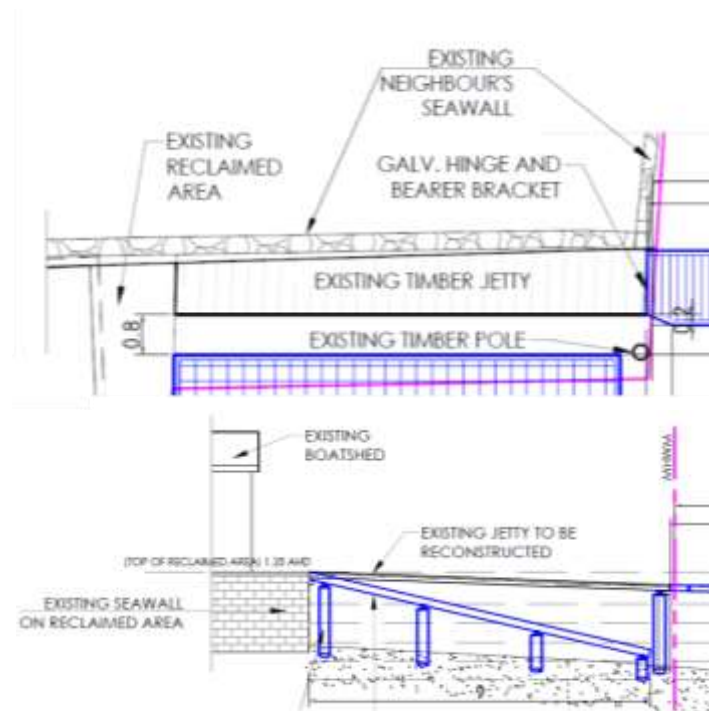


Figure 2: Floor plan and elevation of proposed jetty reconstruction.

- Construction of new **ramp** of comprised of 75x50mm hardwood side strips with galvanize hinge and bearer brackets and 150x50mm hardwood decking secured with galvanized fixings.
Dimensions: 6m x 1.5m

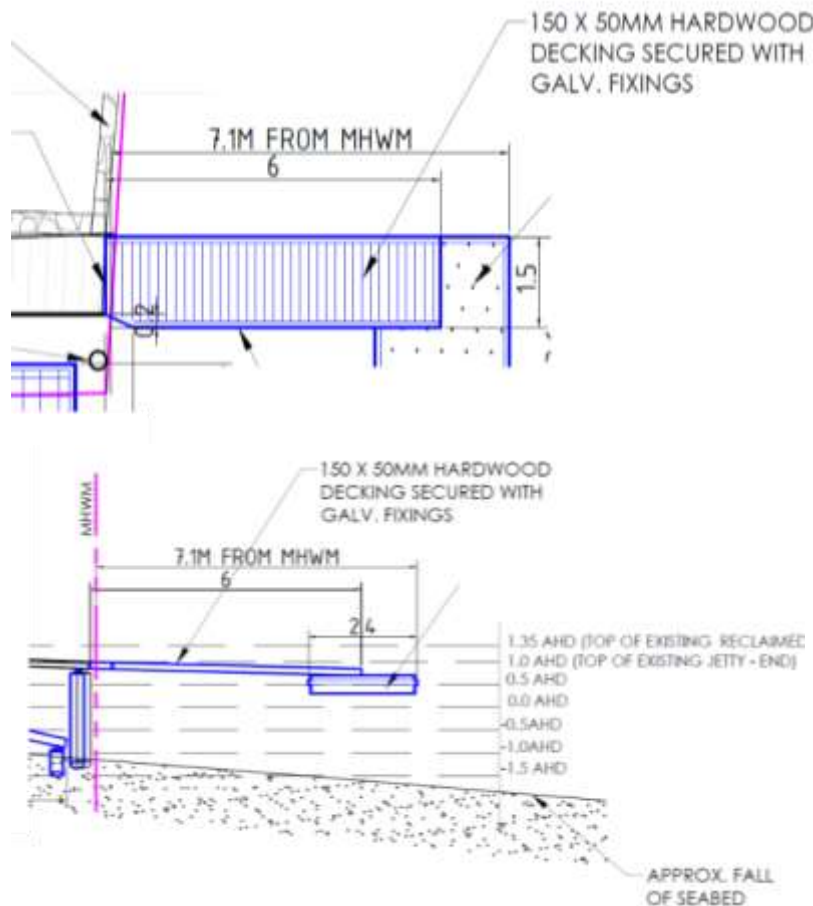
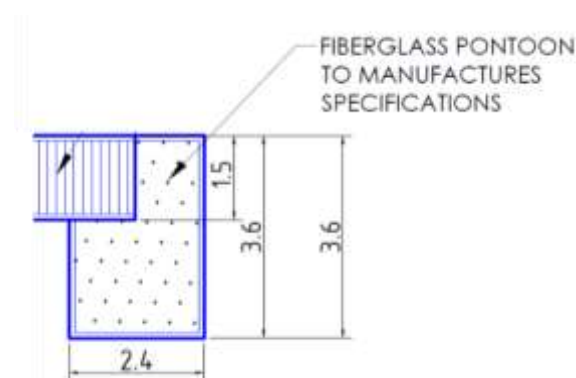


Figure 3: Floor plan and elevation of proposed ramp.

- Construction of new fibreglass **pontoon**. The configuration of the pontoon has been influenced by three main factors. 1. It will be offset from the jetty so that it does not hang cross or protrude into the neighbouring water space. 2. The distance of the ramp has been determined by the zero tide so that it can function for a boat to dock on all tides. 3. The pontoon is set away from the shore, so that it and boat action will not interfere with any maritime species.
Dimensions: 2.4m x 3.6m

The total length of pontoon and ramp will be 7.1m from MHW.



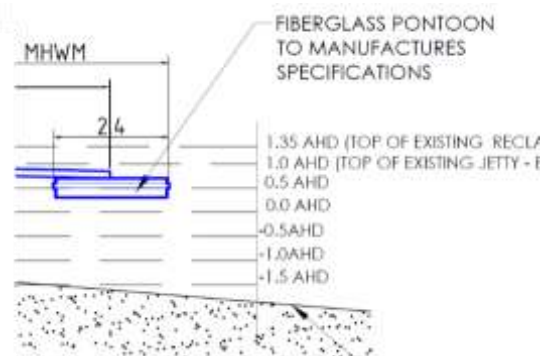


Figure 3: Floor plan and elevation of proposed pontoon.

- Removal of **existing portable slip rails**.
- Construction of new **skid ramp** of 30mm thick Envirowalk Mini Mesh grating (1.807x1.527mm.) The slipway will be perched out of the water as it approaches the concrete landing in front of the boat shed.
Dimensions: 9m x 2.4m
- Skid Ramp will be 9m from MHW

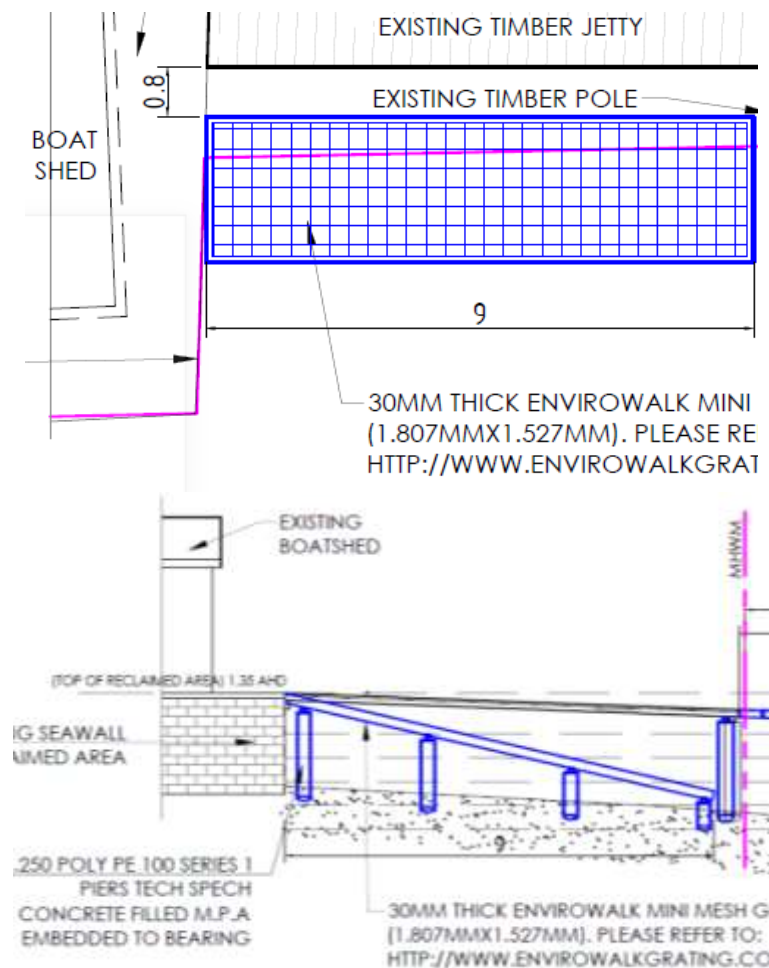


Figure 4: Floor plan and elevation of proposed skid ramp

Description of the Site and Locality

26. The subject site is legally described as CP/SP79814 and is known as 68 Llewellyn Street, Oatley.

27. The site currently contains a dual occupancy dwelling – similar to a duplex but with a shared pool under Lot 2 in a strata title arrangement. The dwellings share the waterfront and jetty, however, the boat shed is part of Lot 2 in the strata. No trees or significant vegetation are proximate to the proposed works on site.

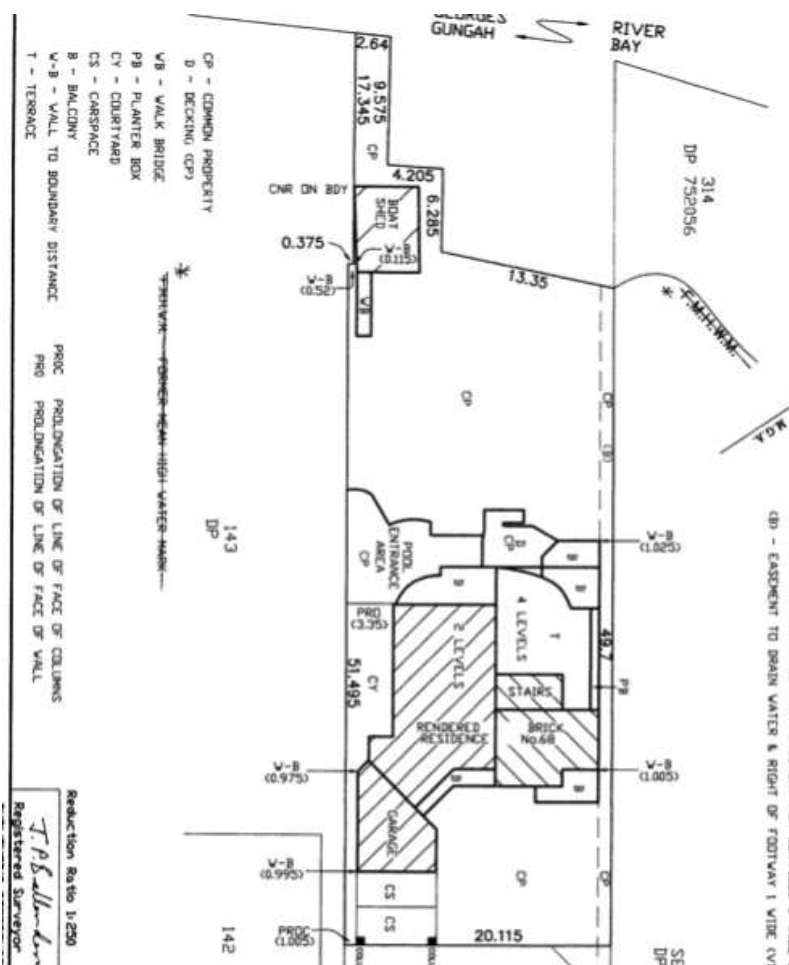


Figure 5: Extract of Strata Plan – SP 79841 showing configuration of the site

28. The surrounding locality is characterised by waterfront residential premises, many including jetty, ramp and pontoon structures, which are consistent with the W2 – Recreational Waterways and R2 – Low Density Residential zoning of the land.

Planning Assessment

29. The proposed development has been assessed under the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act, 1979.

State Environmental Planning Policies (SEPPs)

30. Compliance with the relevant SEPPs is summarised in the following table and discussed in further detail below.

Table 1: SEPP Considerations

SEPP Title	Complies
Environmental Planning and Assessment Act 1979	Yes
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Yes

Environmental Planning and Assessment Act 1979

31. The Environmental Planning and Assessment Act, 1979 (the Act) is the principle planning and development legislation in New South Wales. In accordance with Section 1.3, the objectives of the Act are:

1.3 Objects of Act

The objects of this Act are as follows:

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

32. For the reasons set out below, it is considered that the proposed development satisfies the above stated objects of the Act:

- The proposed development will promote the orderly and economic use of the site through the reconstruction of an existing strata jetty, and the installation of a ramp, pontoon and skid ramp in accordance with local regulations.
- There will be no unreasonable adverse impacts on the environment or neighbouring amenity.
- The proposal is an appropriate response to the context of the site and will result in a good planning and design outcome in the locality.

State Environmental Planning Policy (Resilience and Hazards) 2021

33. **Chapter 2 – Coastal Management** of this SEPP aims to promote an integrated and co-ordinated approach to land use planning in the coastal zone.

Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:

- (a) Has considered whether the proposed development is likely to cause an adverse impact on the following:*
 - i) Existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,*
 - ii) Overshadowing, wind funnelling and the loss of views from public places to foreshores,*
 - iii) The visual amenity and scenic qualities of the coast, including coastal headlands,*
 - iv) Aboriginal cultural heritage, practices and places,*

v) *Cultural and built environment heritage,*

34. The proposed jetty, pontoon and skid ramp will improve access to this private waterfront property. The proposal will not have adverse impacts on wind funnelling or views from public places including views from the waterway. The jetty, pontoon and skid ramp structures will be of a style that is sympathetic to and complement the foreshore and adjoining jetties erected in this locality.
35. **Chapter 4 – Remediation of Land** of this SEPP aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.
36. Clause 7 requires contamination and remediation to be considered in determining a development application. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.
37. The site has been historically used for residential/waterway purposes. It is not likely that the site has experienced any measurable contamination and further assessment under SEPP (Resilience and Hazards) 2021 is not required.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

38. **Chapter 2 - Vegetation in Non-rural Areas** of the SEPP (Biodiversity and Conservation) 2021 regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.
39. This chapter applies to clearing of:
 - a) Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and
 - b) Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (DCP).
40. This chapter repeals clause 5.9 and 5.9AA of the Standard Instrument - Principal Local Environmental Plan with regulation of the clearing of vegetation (including native vegetation) below the BOS threshold through any applicable DCP.
41. No trees will be removed as part of this development and no further assessment is required.
42. **Chapter 11 - Georges River Catchment**
The SEPP (Biodiversity and Conservation) 2021 aims at the maintenance of water quality, environmental quality of the catchment, consistent assessment of developments which could impact water quality and river flow objectives are achieved by the proposal and this assessment having been externally referred to the appropriate agencies with positive responses received.

The specific aims of the plan include:

Environmental protection and water quality and river flows

- (a) *to preserve and protect and to encourage the restoration or rehabilitation of regionally significant sensitive natural environments such as wetlands (including mangroves, saltmarsh and seagrass areas), bushland and open space corridors within the Catchment, by identifying environmentally sensitive areas and providing for appropriate land use planning and development controls,*
- (b) *to preserve, enhance and protect the freshwater and estuarine ecosystems within the Catchment by providing appropriate development,*
- (c) *to ensure that development achieves the environmental objectives for the Catchment.*

Regional role and land use

- (a) *to identify land uses in the Catchment which have the potential to impact adversely on the water quality and river flows in the Georges River and its tributaries and to provide appropriate planning controls aimed at reducing adverse impacts on the water quality and river flows,*
- (b) *to conserve, manage and improve the aquatic environment within the Catchment which is a significant resource base for the aquaculture industry, by providing controls aimed at reducing pollution entering the Catchment's watercourses,*
- (c) *to protect the safety and well being of the local and regional community in accordance with standards and processes aimed at improving the water quality and river flows in the Catchment to enable recreation,*
- (d) *to aid in the improvement of the environmental quality of Botany Bay in conjunction with other regional planning instruments.*

43. It is considered that the proposal considers and supports the specific aims of the SEPP above. The Marine Habitat Survey – prepared by H2O consulting group (July 2019) submitted with the application concludes that sensitive natural marine environments will not be impacted. significantly adverse impact on any recreation or tourism activities being undertaken within the river catchment. The proposal has been reviewed by Transport for NSW and the Department of Primary Industries. No concerns have been raised to the proposal, subject to conditions.
44. Furthermore, no trees would be removed as part of the development. The proposal is unlikely to detrimentally impact any flora and fauna species subject to an appropriate construction management plan.
45. The application also includes approval from the NSW Fisheries who raised no objections to the proposed development. The proposal includes a letter from the Transport from NSW advising that “NSW Maritime has inspected the site to review the proposal and has no objections regarding this structure impacting on navigation or other waterways users. The proposal does not impact on any moorings in the vicinity.”
46. The proposal is satisfactory regarding the objectives of this Policy.

Environmental Planning Instruments**Hurstville Local Environmental Plan 2012 (HLEP 2012)**

47. The Georges River LEP 2021 was gazetted on 8 October 2021. The development application was lodged on 1 October 2021.

48. In this regard, the provisions of the GRLEP2021 have no determining weight as a result of proposed operation of Clause **1.8A Savings provisions relating to development applications** of the GRLEP 2021 which provides “*If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.*”

49. No objectives or clauses have been added in the GRLEP 2021 that contradict or complement the HELP 2012 and that may be considered relevant as guidance for this assessment.

50. **2.3 - Zone objectives and Land Use Table**

The site is zoned R2 Low Density Residential pursuant to Hurstville Local Environmental Plan 2012, with the works to be undertaken in the W2 Recreational Waterway zone. The proposed works are defined as permissible with development consent in the zone. The proposal being for the reconstruction of an existing strata jetty, and the installation of a ramp, pontoon and skid ramp at 68 Llewellyn Street, Oatley.

The proposed works meet the objectives of the W2 zone being:

- To protect the ecological, scenic and recreation values of recreational waterways.
- To allow for water-based recreation and related uses.
- To provide for sustainable fishing industries and recreational fishing.

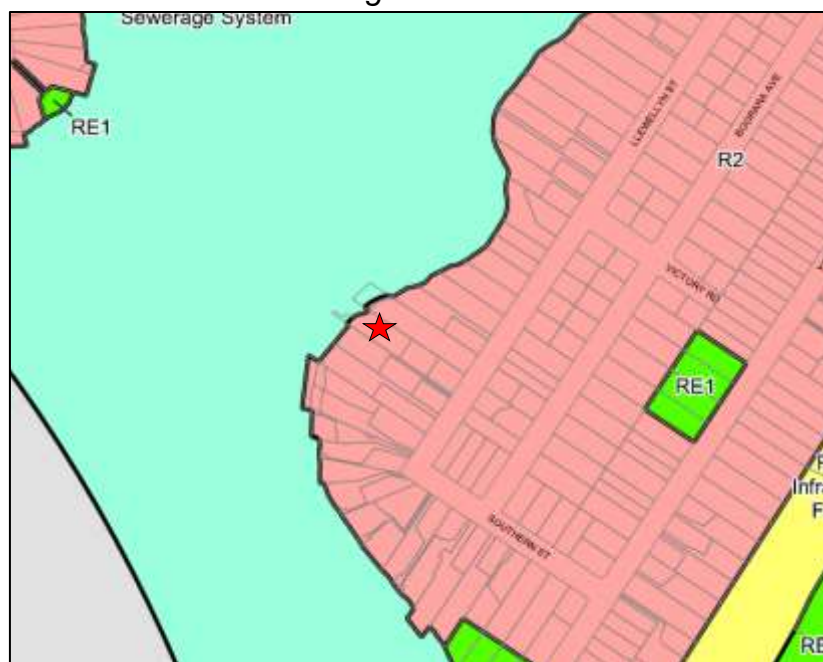


Figure 6 Extract of zoning map of Georges River Local Environmental Plan 2021 (Source: GRLEP2021).

51. **5.7 – Development below mean high water mark**

(2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

The proposal involves works below the mean high water mark.

The proposal as it is not expected to have any ecological significant impacts on the marine environment or biodiversity.

52. **6.1 – Acid Sulphate Soils**

The objective of this clause is to ensure that development does not disturb, expose or drain acid sulphate soils and cause environmental damage.

The development site is located within a Class 5 and Class 1 risk area.

The proposal is unlikely to cause any significant adverse environmental impacts related to acid sulphate soils as it is accepted that less than 1T of soil disturbance and piers will be driven with no excavation. The water table will not be lowered by this activity and no ASS management plan is required.

53. **6.3 – Limited development on foreshore area**

(2) *Development consent must not be granted to development on land in the foreshore area except for the following purposes:*

c) *boat sheds, sea retaining walls, wharves, slipways, **jetties**, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).*

The proposal is for the replacement of an existing dilapidated jetty on the site. Jetties are permissible with consent in accordance with the Hurstville LEP.

54. (3) *Development consent must not be granted under this clause unless the consent authority is satisfied that— the development will contribute to achieving the objectives for the zone in which the land is located, and the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*

(a) *the development will contribute to achieving the objectives for the zone in which the land is located, and*

The proposed jetty ramp, pontoon and skid ramp would represent a small-scale development to provide a contemporary and sound waterway access to the property.

(b) *the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and*

The proposed structures would be visually consistent with the existing water recreation infrastructure in the locality.

(c) *the development will not cause environmental harm such as—*

(i) *pollution or siltation of the waterway, or*

(ii) *an adverse effect on surrounding uses, marine habitat, wetland areas, fauna and flora habitats, or*

(iii) *an adverse effect on drainage patterns, and*

55. The application proposes to pile drive the supporting poles into the seabed, no further excavation of the seabed has been proposed.

56. The site is located within a Class 1 type of Acid Sulphate Soils, which is considered low exposure. The proposal is partly a replacement of an existing jetty structure and the extension of that structure to support a pontoon. The skid ramp will be laid predominantly over an existing boat ramp and tidal sands that have been found to be free from sensitive flora and fauna. As such the resulting environmental impacts are considered to be minimal and acceptable.
- (d) *the development will not cause congestion or generate conflict between people using open space areas or the waterway,*
57. The proposed jetty and pontoon would be similar in scale, design and extent to surrounding jetties. The proposed jetty has been supported by TfNSW and would not cause congestion or generate conflict within the waterway. The application is not accompanied by a proposed amended strata plan that includes the extended and proposed jetty structure pontoon and skid ramp. A condition of consent will be inserted to require an amended strata plan prior to occupation of the finished works.
- (e) *and opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and*
58. N/A continuous public access not provided and therefore not compromised.
- (f) *any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained, and*
59. There is no evidence to suggest the site contains any Aboriginal artefacts, relics or sites. There are no surrounding heritage items therefore heritage significance is not a consideration.
- (g) *in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and*
60. Not applicable.
- (h) *sea level rise or change of flooding patterns as a result of climate change has been considered.*
61. The works are marine based and have been designed so that the pontoon infrastructure can be used on all tides. It is considered that the life of the infrastructure proposed will expire prior to any significant impacts arising from sea level rise and climate change.

Development Control Plans / Plans of Management

Hurstville Development Control Plan No.1/ Georges River Development Control Plan 2021

62. The Georges River DCP 2021 was adopted by Council on 24 March 2021 and came into effect on 8 October 2021. The development application was lodged on 1 October 2021.

63. In this regard, the provisions of the GRDCP2021 have no determining weight as a result of proposed operation of Clause **1.7 Savings provisions relating to development applications** of the GRDCP2021 which provides *“If an application has been made before the commencement of the DCP in relation to land to which the DCP applies, and the application has not been finally determined before that commencement, the application must be determined as if the DCP had not commenced. All applications received after the commencement date of an amendment to the DCP are subject to the DCP as amended.”*
64. Notwithstanding, GRDCP 2021 includes one additional consideration that applies to the proposed development, which has been used as a guide to this planning assessment. Such consideration is included as **“Control 1.7”** within the section **“6.5.2 Development in the Foreshore Area”** under clause **“1. Jetty, Ramp and Pontoon Structures.”** Refer point 58 below.
65. **Section 6.5 – Additional Controls for Development in the Foreshore**
This section contains specific controls for land within the Foreshore Area which is defined in the Hurstville LEP 2012 as the land between the Foreshore Building Line and the mean high water mark of the nearest natural waterbody. The Foreshore Building Line is identified on the Foreshore Building Line Map within the Hurstville LEP 2012.
66. The proposal is for the reconstruction of an existing strata jetty, and the installation of a ramp, pontoon and skid ramp at 68 Llewellyn Street, Oatley, a site identified as “Foreshore Area”.
67. **6.5.3: Development Requirements / Performance Criteria 1: Jetty, Ramp and Pontoon Structures: Performance Criteria**
 - To ensure structures do not obstruct or interfere with navigation within the waterway and public access along the foreshore is not restricted,
 - To ensure structures are designed to integrate into the natural environment
 - To ensure the cumulative effect of waterfront structures is reduced, particularly in areas where it is difficult to attain reasonable water depths or adequate riparian rights.
68. **Design Solution 1**
The jetty, ramp and pontoon structures must not exceed the maximum dimensions as illustrated in Diagram 1.

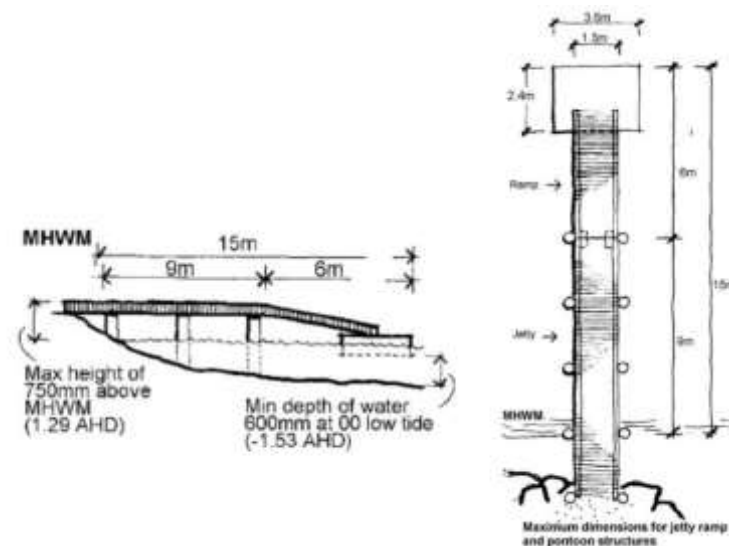


Figure 7: Jetty, ramp and pontoon structures maximum dimensions (GRDCP 2021)

69. All the proposed elements are designed in compliance with the maximum dimensions pursuant to DS1, as follows:
- Timber Jetty: 9.5mx1.3m.
 - Ramp : 6m x 1.5m
 - Pontoon: 2.4m x 3.6m

The proposed ramp and pontoon will have an overall length of 7.1m from the MHW.

70. **Design Solution 2**

These structures are to be treated in brown or dark tones to reduce the visual impact of the structure.

All the proposed elements are designed based on industry standard materials.

71. **Design Solution 3**

Materials used for construction must not be deleterious to marine life, e.g. antifouling paints.

There is no evidence that the materials used for the jetty will not be harmful to marine life.

72. **Design Solution 4**

No foreshore structures will be permitted over *Posidonia australis* (Shapweed seagrass). According to the Marine Habitat Survey – prepared by H2O consulting group (July 2019), no *Posidonia australis* exists on the foreshore area or any other sensitive marine life.

According to the “Marine Habitat Survey” 31 July, 2019 “The seagrass *Posidonia australis*, which is considered an endangered community in this region under the EPBC Act does not occur in this area.”

73. **Design Solution 5**

Railings will not be permitted on jetties, ramps or pontoons.

No railings are proposed.

74. Design Solution 6

Council strongly supports the use of shared facilities for 2 or more adjoining residential waterfront properties. This particularly applies in confined bays and/or bays characterised by shallow water, which would otherwise tend to create a demand for long structures to attain reasonable water depths.

The application is proposed to service a dual dwelling.

75. Control 1.7 (GRDCP 2021)

The proposed development: (i) will not result in any adverse damage to the existing marine environment, which may include seagrass vegetation, regenerating mangroves and fish breeding/fish feeding grounds; and (ii) retains and protects the mud/sand flats, reef and scattered rock.

According to the Marine Habitat Survey – prepared by H2O consulting group (July 2019), the proposal not expected to have any ecological significant impacts on marine habitat subject to the adoption of a Construction Environmental Management Plan (CEMP). Refer to extract below:

The proposed development is not expected to have any impacts on any threatened marine species. Furthermore, the proposed works have minimal potential to pose a threat to threatened marine species that may occur transiently in subtidal areas at the locality.

Impacted habitat from the proposal is confined to primarily unvegetated and fine silts, which have minimal potential to be impacted by any shading impacts from the proposed structures.

*Given no invasive species including the green alga *Caulerpa taxifolia* were observed in the vicinity of the subject site, it is unlikely the proposed works may introduce and/or facilitate the spread of invasive species. Thus, care should still be taken to ensure construction equipment is clean and does not introduce invasive species during mobilisation to the site.*

Impacts**Natural Environment**

76. The proposal will not significantly impact the natural environment subject to the implementation of a CEMP which will be conditioned as part of the consent.

Built Environment

77. The built form of the proposed development is of a nature that is suitable for the site and will not adversely impact the built environment.

Social Impact

78. The assessment demonstrates that the proposal in its current form will have no adverse impact on the character of the locality and the amenity of neighbouring residential properties. Safe navigation of the estuary will be maintained by this proposal.

Economic Impact

79. The proposal is not considered to result in unreasonable material economic impact.

Suitability of the site

80. The site is zoned R2 and W2. The proposal is a permissible form of development in this zone. It is considered that the proposal will have no adverse impacts on the adjoining properties and the foreshore in its current form.

Submissions and the Public Interest

81. The DA was publicly notified to neighbouring properties between 21 October 2021 and 04 November in accordance with the provisions of the Hurstville Development Control Plan No.1.
82. One (1) submission was received during the notification period, which was concerned with the following issues:

Issue 1: *Placement of proposed jetty on southwestern property boundary to produce a structural failure on neighbouring seawall. Uncertainty about pontoon's hinge support location and adequate distance away from seawall.*

Comment: The existing jetty will be reconstructed, supported by six piles, and extended, through a ramp, separate from the adjacent seawall. It will not be fixed to the seawall.

Issue 2: *Placement of proposed pontoon, directly on boundary, to put at risk neighbouring property's security by providing public access through water. Dividing fence to be fully covered by the applicant is proposed.*

Comment: A jetty already exists adjacent to the southern seawall and this configuration follows the general pattern of waterfront structures towards or adjacent to the southern boundaries of properties in this section of foreshore (refer aerial picture below). Security is no further compromised than general access available at low tide to any waterfront property. In addition, a dividing fence would be required to be constructed entirely on the seawall or the land inside the wall as the subject site is tidal water in this location. This land is not part of the land that comprises the application submitted. It is considered that any fence would also require assessment as part of the application process. For all of these reasons the proposed fence cannot be supported and would require a separate application.



Figure 8 – Precinct Jetty Configuration

Issue 3: *Placement of proposed pontoon, alongside the boundary to affect the neighbour's options for constructing a jetty, ramp, and pontoon in the future. There is a concern about potential Council's restrictions imposed to the neighbouring property as a result of approving the proposed development.*

Comment: The location of the proposed jetty, ramp, and pontoon is considered logical as it will partly replace what is already on site and is proximate to the boat shed on the site. Any approval will not affect the neighbouring property's potential for seeking approval to construct a jetty / pontoon within its boundaries, noting there is enough room further south, next to their existing boat ramp, to place one (subject to agency approvals, tenure arrangements, environmental considerations and assessment of an application).

Referrals

Council Referrals

83. No internal referrals were made.

External Agencies Referrals

84. Ausgrid - The application was referred to Ausgrid as per Clause 45(2) of the State Environmental Planning Policy (Infrastructure) 2007. Comments received raising no concerns.
85. NSW Fisheries – The application was referred to NSW Fisheries as per the requirements provisions in Parts 7 and 7A of the of the Fisheries Management Act 1994 (FM Act), and the associated Policy and Guidelines for Fish Habitat Conservation and Management (2013). Comments received raising no objections.
86. Natural Resources Access Regulator – The application was referred to NRAR under the Water Management Act 2000 s91. Comments were received via letter dated 31 March 2022 confirming that the works are exempt from the need to obtain a controlled activity approval.

Exemption: *Water Management Act (General) Regulation Schedule 4, 32 - Pontoons, jetties and moorings*

Contributions

87. The development is not subject to Section 7.12 (former Section 94A Contribution) contributions as the proposed cost of works does not exceed \$100,000.00.

Conclusion

88. Development consent is sought for the reconstruction of an existing strata jetty, and the installation of a ramp, pontoon and skid ramp at 68 Llewellyn Street, Oatley.
89. The proposal has been assessed with regard to the matters for consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal is an appropriate response to the context of the site and will result in a good planning and urban design outcome in the locality.
90. The proposal has been assessed against the provisions of the relevant State Environmental Planning Policy, Hurstville Local Environmental Plan 2012, Hurstville Development Control Plan N°1 and Georges River Development Control Plan 2021 and complies with the development standards of the Local Environmental Plan and meets the objectives of the Development Control Plans.

Determination and Statement of Reasons

Statement of Reasons

91. The reasons for this recommendation are:
- The proposed replacement jetty, ramp, pontoon and skid ramp appropriately consider and comply with the state and local planning objectives and controls
 - The structures will provide a contemporary and safe water craft access point for the property.
 - The proposed works will be compatible and visually consistent with similar structures in the precinct and will not detrimentally impact the marine or land based environment.
 - The proposed structures will not impact the amenity or security of surrounding properties.
 - The resulting structures will not impede the safe navigation of the estuary.

Determination

92. Pursuant to Section 4.16 (1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), Development Application DA2021/0398 for the construction of jetty, ramp, skid ramp and pontoon at Lot CP, SP 79814 and subject to the following conditions:

Development Details

1. **Approved Plans** - The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Prepared by
Architectural Plans	DWG 01-04	August 2021	HarbourPort Pty Ltd
Notification Plans	NP	August 2021	HarbourPort Pty

			Ltd
Statement of Environmental Effects	SEE	August 2021	HarbourPort Pty Ltd
Addendum to Statement of Environmental Effects	D22	February 2022	HarbourPort Pty Ltd
Marine Habitat Survey	MHS	31 July 2019	H2O Consulting
MHWM Survey	WDS	23 May 2019	John Holt Surveyors

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Prior to the Issue of a Construction Certificate

2. Environmental Matters - Prior to the issue of a Construction Certificate, the PCA should ensure that the following design requirements are met:

- (a) No fill, building materials, rubbish or any other deleterious matter shall be allowed to enter the waterway as a result of the development. In the event that any such material enters insert water locality name it shall be removed immediately.
- (b) Prior to the commencement of any demolition, dredging or construction works on site the consent holder shall ensure that silt curtains are in place to prevent the migration of sediment plumes and/or debris.
- (c) Construction vessels (including barges) are only to be used at suitable tides when not less than 600mm clearance is available between the underside of the vessel and the bed of name of water locality.
- (d) Anchoring and/or use of construction vessels (including barges) is not permitted over marine vegetation or rocky reef habitat as shown on insert plan detail.
- (e) The consent holder shall ensure that all recommendations contained within the Marine Habitat Survey prepared by H2O Consulting Group Pty Ltd dated 31 07 2019 are implemented prior to commencement of work on site and maintained throughout construction.

3. Owners Consent- Department of Planning Industry & Environment - Prior to the issue of a Construction Certificate, the applicant should ensure that all the requirements of the Owners Consent (reference 19/10096) issued by the Department of Planning Industry and Environment are satisfactory met.

4. Site Management Plan -
Minor Development

A Site Management Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

5. Erosion & Sedimentation Control - Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water runoff is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with Managing Urban Stormwater - Soils and Construction (Blue Book) produced by Landcom 2004.

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

6. Waste Management Plan - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Prior to the Commencement of Work (Including Demolition & Excavation)

7. Access by barge - Prior to the commencement of any works the PCA must ensure that all works are accessed by Barge via the waterway only.

During Construction

- 8. Site sign - Soil & Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.
- 9. Hours of construction for demolition and building work** - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Note: A penalty infringement notice may be issued for any offence.

- 10. Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

Prior to the issue of the Occupation Certificate

- 11. Final Surveyor Report** - Prior to the issue of an Occupation Certificate, a final check survey conducted by a registered practising professional must be prepared ensuring that the works have been completed in accordance to the measurements provided on the Council stamped plans.
- 12. Rectification of Strata Plan to reflect completed works** - Prior to the release of any Occupation Certificate by the certifying authority evidence of the registration of an amended strata plan with the NSW Land Registry Services is to be provided to the satisfaction of the certifying authority, demonstrating that the Strata Plan for the subject allotment has been updated to encapsulate and detail the usage rights with respect to the structures and works approved under this consent.

Operational Conditions (On-Going)

- 13. No permanent berthing of vessels** - Casual berthing of vessels shall only occur at suitable tides and wave conditions. At no time is permanent berthing of vessels permitted. The cradle and vessel shall be stored in an approved boat shed or above the mean high water mark at all times.
- 14. Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

Operational Requirements Under the Environmental Planning & Assessment Act 1979

- 15. Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.
- 16. Appointment of a PCA** - The erection of a building must not commence until the applicant has:
- (a) appointed a PCA for the building work; and
 - (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the PCA of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

An Information Pack is attached for your convenience should you wish to appoint Georges River Council as the PCA for your development.

17. Notification Requirements of PCA - No later than two days before the building work commences, the PCA must notify:

- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
- (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

18. Notice of Commencement - The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building.

A Notice of Commencement Form is attached for your convenience.

19. Critical Stage Inspections - The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the Environmental Planning and Assessment Regulation 2000.

20. Notice to be given prior to critical stage inspections - The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

Where Georges River Council has been appointed as the PCA, 48 hours notice in writing, or alternatively 24 hours notice by facsimile or telephone, must be given when specified work requiring inspection has been completed.

21. Occupation Certificate - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

Only the PCA appointed for the building work can issue the Occupation Certificate.

An Occupation Certificate Application Form is attached for your convenience.

Prescribed Conditions

22. Building Code of Australia & Home Building Act 1989 - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.

23. Erection of Signs - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.

- 24. Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.
- 25. Council as PCA - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the PCA in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative fire solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.
- 26. Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

END CONDITIONS

NOTES/ADVICES

- 1. Review of Determination** – Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.
- Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.
- 2. Appeal Rights** – Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
- 3. Lapsing of Consent** – This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

ATTACHMENTS

Attachment [↓](#)1  Plan and Elevation

LPP026-22



<p>PLAN KEY:</p> <div style="display: flex; align-items: center; margin-bottom: 10px;"> <div style="border: 1px solid black; width: 60px; height: 40px; margin-right: 10px; position: relative;"> <div style="position: absolute; top: 5px; left: 5px; right: 5px; bottom: 5px; border-bottom: 2px solid blue;"></div> </div> <p>PROPOSED STRUCTURE</p> </div> <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; width: 60px; height: 40px; margin-right: 10px; position: relative;"> <div style="position: absolute; top: 5px; left: 5px; right: 5px; bottom: 5px; border-bottom: 2px solid magenta;"></div> </div> <p>MEAN HIGH WATER MARK (MHHM)</p> </div>	
<p>DEVELOPMENT APPLICATION</p> <p>RECONSTRUCTION OF EXISTING JETTY AND</p> <p>INSTALLATION OF SKID RAMP, RAMP AND PANTON</p> <p>AT 1/68 & 2/68 LEWELLYN STREET</p> <p>OATLEY NSW 2223</p>	
<p>SCALE - 1:100 @ A3</p> <p>DWG 02 PLAN & ELEVATION</p>	<p>DATUM - AHD</p> <p>DATE - AUGUST 2021</p>
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<p>HARBOURPORT EAST COAST PTY LTD</p> <p>Suite 3, 9-11 Kingsway Cronulla / PO Box 713 Cronulla, NSW 2230</p> <p>Phone 9527 1688 / 9523 1455 - Fax 9527 1811 - Mobile - 0418 289 163</p> <p>www.harbourport.com.au</p>	

**REPORT TO GEORGES RIVER COUNCIL
LPP MEETING OF THURSDAY, 02 JUNE 2022**

LPP027-22

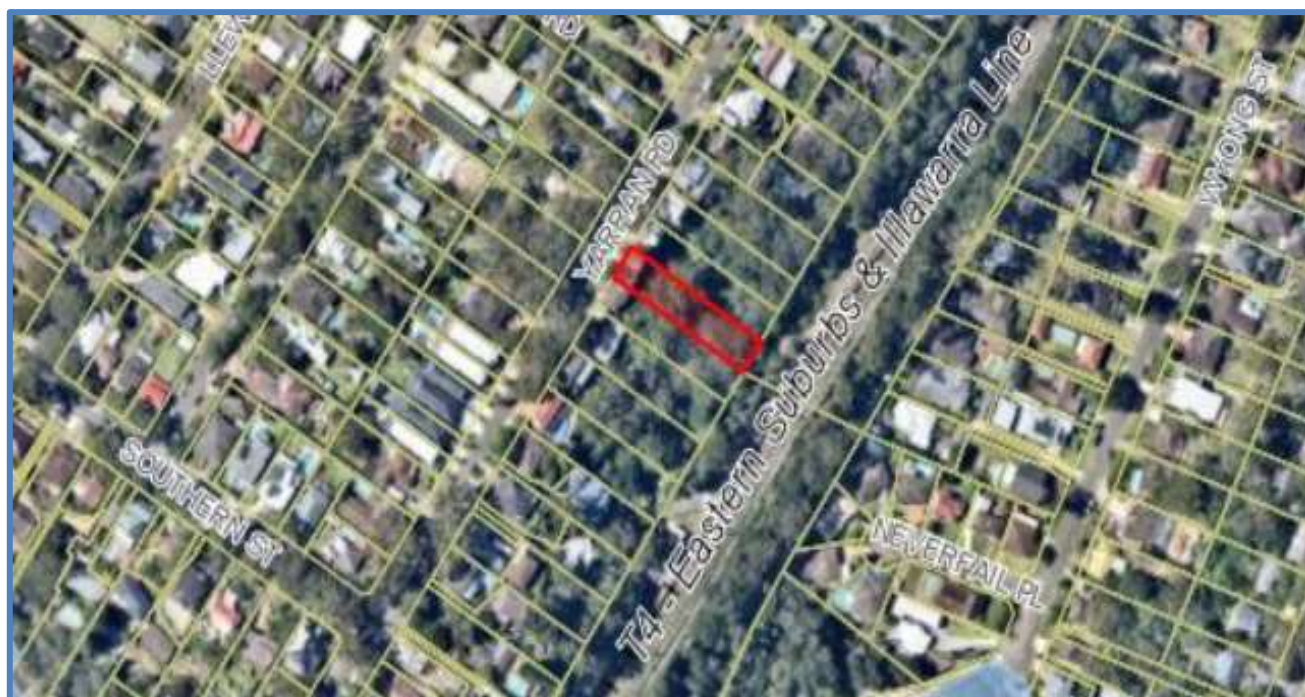
LPP Report No	LPP027-22	Development Application No	DA2021/0288
Site Address & Ward Locality	47 Yarran Road, Oatley, NSW 2223 Peakhurst Ward		
Proposed Development	Demolition works and construction of new dwelling		
Owners	Ms C E Demayo & Mr I M McGregor		
Applicant	Mr I M McGregor		
Planner/Architect	Anthea Michailou/ Noho Architecture		
Date Of Lodgement	28/07/2021		
Submissions	Two (2)		
Cost of Works	\$737, 320.00		
Local Planning Panel Criteria	Development Standard Variation Greater than 10% (Height of Building)		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Hurstville Local Environmental Plan 2012, Hurstville Development Control Plan No. 1. State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021.		
List all documents submitted with this report for the Panel's consideration	Architectural Plans, Statement of Environmental Effects, Clause 4.6 Variation Request, Arborist Report, Survey Plan, Stormwater Plans, Submissions, Acoustic Report, Bushfire Report, Privacy Assessment (prepared by applicant), Geotechnical Report.		
Report prepared by	Principal Planner		

Recommendation	Approval Subject to Conditions
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes

Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes - Height of Building
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	No

Site Plan



Executive Summary

Proposal

1. This development application (DA) seeks consent for demolition of existing structures on site, and construction of a new two storey dwelling with an attached garage.
2. The proposed development complies with the FSR development standard in Hurstville LEP 2012, and the relevant planning controls in Hurstville DCP No. 1. A variation is sought to the LEP height of building standard, and this is addressed in this report.
3. No street trees were nominated for removal or require removal associated with this application.

Site and Locality

4. The site is located at Lot 1 DP502460, also known as 47 Yarran Road, Oatley.

5. The site is located in a low density residential area, across the road from public open space (Simpson Reserve) and to the rear is the T4 Rail Line.

Zoning and Permissibility

6. The subject site is zoned R2 Low Density Residential under the provisions of Hurstville Local Environmental Plan 2012 (HLEP 2012). The proposal involves the construction of a dwelling house which is a permissible use in the zone with development consent.

Submissions

7. The DA was publicly notified to neighbours for a period of fourteen (14) days in accordance with the Hurstville Development Control Plan No. 1 (HDCP). Two (2) submissions were received. These are discussed in greater detail in the body of this report.

Reason for Referral to the Local Planning Panel

8. This application is referred to the Georges River Local Planning Panel for determination as the applicants seeks a variation to the height of building standard of greater than 10%.

Planning and Design Issues

9. The proposal is an appropriate response to the site when considered against the Hurstville Local Environment Plan 2012 (HLEP) development standards for FSR and height.
10. The proposal seeks a variation to the height control of 9m which is addressed in this report. The applicant seeks a height variation of 8.6m or 95.5%. The height breach is well founded and justified on this site due to the topography and environmental constraints of the site. The proposal is therefore consistent with the desired future building density for the site.
11. The NSW RFS have provided conditions of consent as the site is located in a Bushfire Prone area.

Conclusion

12. The application has been assessed having regard to the Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, the provisions of the relevant State Environmental Planning Policies, Local Environmental Plans and Development Control Plans. The bulk and scale of the building is suitable given the articulation, appropriate building setbacks and the mix of materials and finishes textures.
13. As a result, the application is recommended for approval subject to conditions of consent.

Report in Full

Description of the Proposal

14. The proposal seeks consent for demolition of the existing structure one site and the construction of a two storey dwelling. The dwelling contains:
 - Ground floor: Garage for two (2) vehicles, stairs to the first floor, home gym, two (2) bedrooms, two (2) bathrooms, balcony facing the rear, and laundry.
 - First floor: one (1) bedroom, bathroom, media room, study, lounge/kitchen/dining, and rear facing balcony.

Description of the Site and Locality

15. The site is located at Lot1 DP502460, also known as 47 Yarran Road, Oatley. The site measures 15.08m wide and 72.708m in length with a total lot size of 1088m² (by DP).
16. The development site is located on the eastern side of Yarran Road, across the road from the site is public open space known as Simpson Reserve. A locality plan is shown below in Figure 1.



Figure 1: Locality, site shown in red.

17. The existing dwelling sits atop a ridge, and the remainder of the site falls away steeply, as shown on the survey plan below, in Figure 2.

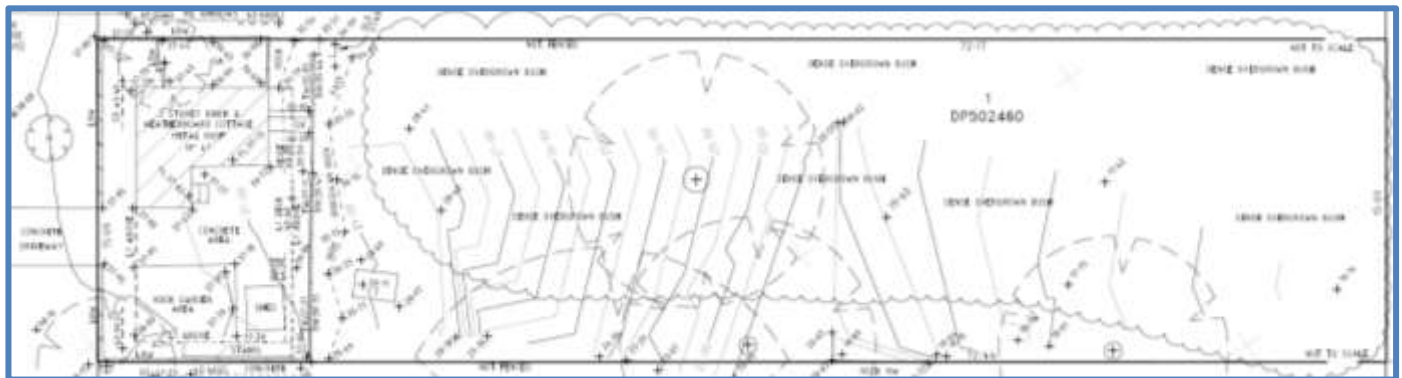


Figure 2: Survey Plan of the site.

18. The front of the site, located on the ridge is relatively flat with a fall of approximately 3.93m from the front boundary to the eastern edge of the ridge. The overall fall from front boundary to the rear boundary is approximately 21.81m.
19. The rear of the site, below the ridge is heavily vegetated.
20. Surrounding development is low density in nature, consisting of single dwellings and a number of dual occupancies.

21. To the rear of the site is the T4 (Eastern Suburbs/ Illawarra Rail line). The applicant has submitted an acoustic assessment report, this is discussed below.
22. The site is bushfire prone. The applicant has submitted a bushfire assessment, this is discussed further below.

State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy (Biodiversity and Conservation) 2021

23. On 1 March 2022 the State Environmental Planning Policy (Biodiversity and Conservation) 2021 came into effect, this SEPP repeals:
 - *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;*
 - *State Environmental Planning Policy (Koala Habitat Protection) 2020;*
 - *State Environmental Planning Policy (Koala Habitat Protection) 2021;*
 - *Murray Regional Environmental Plan No 2—Riverine Land;*
 - *State Environmental Planning Policy No 19—Bushland in Urban Areas;*
 - *State Environmental Planning Policy No 50—Canal Estate Development;*
 - *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011;*
 - *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997);*
 - *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005;*
 - *Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment; and*
 - *Willandra Lakes Regional Environmental Plan No 1—World Heritage Property.*
24. As per the Biodiversity and Conservation SEPP factsheet (PUB21/463) issued in December 2021 by the NSW Department of Planning, Industry and Environment: *“The provisions within the repealed SEPPs have been transferred to the new SEPP and the intent and provisions remain largely unchanged”. The changes should not impact development application assessment. The Biodiversity and Conservation SEPP should be used for new development and rezoning applications.”*
25. The relevant parts of the above Policy that apply to this application are Chapter 2 – Vegetation in non-rural areas, and Chapter 11 – Georges River Catchment.

Chapter 2 - Vegetation in Non-Rural Areas

26. Chapter 2 aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.
27. This chapter applies to clearing of:
 - (a) *Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and*
 - (b) *Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council’s development control plan (Development Control Plan).*
28. One (1) tree is proposed to be removed as part of the application located in the existing northern side setback, see figure 3 below.

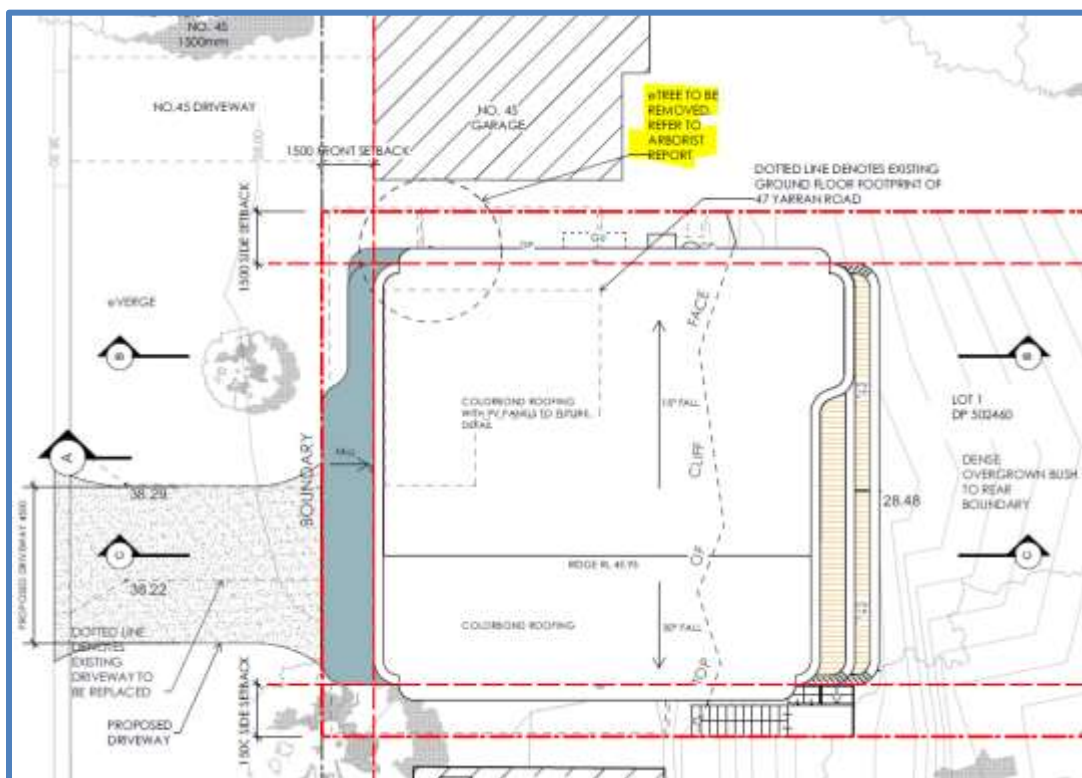


Figure 3: Tree to be removed in the northern side setback, show dashed above.

29. The rear of the site, below the ridge is heavily vegetated. The rear of the site will require some vegetation modification in order to comply with the NSW RFS conditions under the Planning for Bushfire Protection 2019. Modification of the vegetation is relative to the bushfire constraints of this site only. An assessment of the NSW Rural Fire Service comments: *"...in situations such as this, the NSW RFS seeks to improve the overall fire safety of the existing development. This requires greater emphasis on construction standards, landscaping, siting, and vegetation management practices to ensure improved levels of protection are afforded to the development, its occupants and fire fighters"*, indicates a permit is not required for removal of any vegetation under Clause 2.7(3), Part 2.2 of Chapter 2 of the SEPP, as *"the removal of vegetation that the council is satisfied is a risk to human life or property..."*.
30. The proposal is consistent with the objectives and purpose of Chapter 2 of the SEPP.

Chapter 11 – Georges River Catchment

31. The primary relevant aims and objectives of this chapter of the plan are:
 - to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the Catchment,
 - to protect and enhance the environmental quality of the Catchment for the benefit of all users through the management and use of the resources in the Catchment in an ecologically sustainable manner,
 - to ensure consistency with local environmental plans and also in the delivery of the principles of ecologically sustainable development in the assessment of development within the Catchment where there is potential to impact adversely on groundwater and on the water quality and river flows within the Georges River or its tributaries,

- *to establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries and to promote integrated catchment management policies and programs in the planning and management of the Catchment,*

32. The stormwater design was reviewed by Council's Engineering Section. No objection was raised with respect to the management and disposal of stormwater, subject to recommended conditions of consent.
33. The proposal is consistent with the objectives and purpose of Chapter 11 of the SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021

34. On 1 March 2022 the State Environmental Planning Policy (Resilience and Hazards) 2021 came into effect, this SEPP repeals:
- *State Environmental Planning Policy (Coastal Management) 2018;*
 - *State Environmental Planning Policy No 33—Hazardous and Offensive Development; and*
 - *State Environmental Planning Policy No 55—Remediation of Land.*
35. As per the Resilience and Hazards SEPP factsheet (PUB21/463) issued in December 2021 by the NSW Department of Planning, Industry and Environment: *"The provisions within the repealed SEPPs have been transferred to the new SEPP and the intent and provisions remain largely unchanged. The changes should not impact development application assessment. The Resilience and Hazards SEPP should be used for new development and rezoning applications."*

Chapter 2 Coastal Management

36. Chapter 3 of this SEPP is relevant to the proposal.
37. The subject site is mapped as being in the Coastal zone, and further is mapped as being - *Development on land in proximity to coastal wetlands or littoral rainforest (clause 2.8).*
38. A small portion of the rear of the site is mapped as in the Coastal Zone, this same portion is also mapped as being within 100 metres of a coastal wetland, figure 4 below:



Figure 4: Coastal zone mapped in blue, site shown in red.

39. The following is an assessment of the matters for consideration listed under the SEPP as applicable to Development on land in proximity to coastal wetlands or littoral rainforest.

SEPP Control	Proposal	Complies
2.8. Development on land in proximity to coastal wetlands or littoral rainforest (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest. (b) the quantity and quality of surface and groundwater flows to and from the adjacent coastal wetland or littoral rainforest.	The site is in close proximity to coastal wetland, there are no mapped littoral rainforests in the vicinity of the site. Subject to conditions there is adequate storm water drainage and volume capacity for this development, as per the assessment by Councils stormwater engineer. A condition of consent relates to construction management give the proximity of the site to Gungah Bay.	Yes
2.12 Development in coastal zone generally—development not to increase risk of coastal hazards Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed	The development will not cause increased risks of coastal hazards. The portion of the site affected by this SEPP, is not being developed as part of this proposal	Yes

development is not likely to cause increased risk of coastal hazards on that land or other land.		
2.13 Development in coastal zone generally—coastal management programs to be considered Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.	There are no certified coast management plans applying to this site.	Yes

40. The proposal is consistent with the provisions of the State Environmental Planning Policy (Resilience and Hazards) 2021.

Chapter 4 Remediation of Land

41. Chapter 4 of this SEPP is relevant to the proposal.
42. This chapter aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.
43. Clause 4.6 of the SEPP requires contamination and remediation to be considered in determining a DA. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.
44. The proposed works relate to the demolition of an existing dwelling and construction of a new two storey dwelling.
45. The site has a history of residential use and is suitable for the proposed development subject to conditions regarding removal of asbestos, and any unexpected finds.

State Environmental Planning Policy (Transport and Infrastructure) 2021

46. The Transport and Infrastructure SEPP has replaced and repealed the following SEPPs:
- *State Environmental Planning Policy (Infrastructure) 2007;*
 - *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017;*
 - *State Environmental Planning Policy (Major Infrastructure Corridors) 2020; and*
 - *State Environmental Planning Policy (Three Ports) 2013.*
47. As per the Transport and Infrastructure SEPP factsheet (PUB21/463) issued in December 2021 by the NSW Department of Planning, Industry and Environment: “*The provisions within the repealed SEPPs have been transferred to the new SEPP and the intent and provisions remain largely unchanged. The changes should not impact development application assessment. The Transport and Infrastructure SEPP should be used for new development and rezoning applications.*”

48. Part 2.3 Development Controls applies to the development. Clause 2.99 (Division 15, Subdivision 2) of the SEPP is relevant to the proposal. This section applies to development for residential accommodation. Clause 2.99(3) states:
- (3) *If the development is for the purposes of residential accommodation, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded—*
- (a) *in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am,*
- (b) *anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*
49. The applicant has submitted an acoustic report prepared by Koikas Acoustics, Version V1, dated 8 October 2021. This report demonstrates the site falls under zone B as defined by the “*Development Near Rail Corridors and Busy roads – Interim Guideline*” by the NSW Government Department of Planning (NSW DoPI), which accompanies this SEPP. The Koikas Acoustics report advises, that, with regards to acoustic impact of the adjacent rail corridor, that the dwelling is to be constructed to Category 2 requirements of this interim guideline. A condition of consent is recommended that the dwelling be constructed in accordance with the recommendations of the report prepared by Koikas Acoustics, and be constructed to achieve to category 2 standards.
50. The Koikas Acoustic report also advises that the site “...falls outside of the zones requiring a vibration assessment under the (NSW DoPI), and as such, vibration as a result of the rail corridor’s operations are expected to have no impact on the proposed residential dwelling.... According to the geotechnical report prepared by JK Geotechnics (Ref: 33915Alet, Dated: 27/04/2021), the ground on which the proposed dwelling sits is sandstone.”
51. The application satisfactorily addresses the Transport and Infrastructure SEPP.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

52. A BASIX Certificate has been issued for the proposed development and the commitments required under the certificate have been satisfied. Conditions of consent imposed.

Environmental Planning Instruments

Hurstville Local Environmental Plan 2012

53. The subject site is zoned Zone R2 Low Density Residential under the provisions of the Hurstville Local Environmental Plan 2012 (HLEP 2012). The proposed development is defined as a dwelling house, which is a permissible land use in the zone.
54. The objectives of the zone are as follows:
- *To provide for the housing needs of the community within a low density residential environment.*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
 - *To encourage development of sites for a range of housing types, where such development does not compromise the amenity of the surrounding area, or the natural or cultural heritage of the area.*
 - *To ensure that a high level of residential amenity is achieved and maintained.*
 - *To encourage greater visual amenity through maintaining and enhancing landscaping as a major element in the residential environment.*

- *To provide for a range of home business activities where such activities are not likely to adversely affect the surrounding residential amenity.*

55. The proposal satisfies the objectives of the R2 Zone as it will continue to provide housing for the needs of the community, the proposal does not compromise the amenity of the surrounding area.
56. The proposal maintains the visual amenity of the locality.
57. The extent to which the proposal complies with the relevant standards of Hurstville Local Environmental Plan 2012 (HLEP2012) is outlined in the table below.

Clause	Standard	Proposal	Complies
2.2 Zoning	R2 Low Density Zone	The development type proposed, being a dwelling house is permissible in the zone.	Yes
2.3 Zone objectives	Objectives of the R2 Zone.	The proposed dwelling satisfies the zone objectives.	Yes
4.3 – Height of Buildings	9m as identified on Height of Buildings Map	17.6m, or +8.6m or 95.5% variation	No see Clause 4.6 assessment below.
4.4 – Floor Space Ratio	0.6:1 as identified on Floor Space Ratio Map (An assessment under Clause 6.5 – Gross floor area of Dwelling Houses in Residential Zones is referenced later in this table)	See Clause 6.5 below	Yes
4.5 – Calculation of floor space ratio and site area	FSR and site area calculated in accordance with Cl4.5	The floor space of the dwelling has been calculated in accordance with Clause 4.5 and the “gross floor area” definition within the HLEP.	Yes
5.1 Bushfire	Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.	The site is identified as bushfire prone category 1 and bushfire prone buffer.	Applicant has submitted a bush fire assessment report, and the Bushfire Attack Level (BAL) of the site is identified as Bushfire Attack Level Flame Zone (BAL FZ). Conditions of consent are imposed regarding

			construction methods/ standards. The application was referred to the NSW Rural Fire Service for assessment. See discussion below.
6.1 Acid Sulphate Soils	The Clause states that development consent is required for works within land classified as being Class 1, 2, 3, 4 or 5.	The proposal does not contain acid sulfate soils. The proposal therefore is not affected by the provisions of Clause 6.1.	Yes
6.4 – Foreshore Scenic Protection Area (FSPA)	The objectives of clause are to protect significant views to and from the Georges River and reinforce the dominance of the landscape over built form.	The proposal will have minimal visual impacts upon the foreshore and will not reduce the dominance of landscape over built form. The dwelling is setback from the side boundaries in accordance with the DCP to maintain views and outlook.	Yes
6.5 – Gross Floor Area of Dwellings in residential zones	The gross floor area calculation $> 1000 \text{ square metres} \leq 1500 \text{ square metres}$ $(\text{Site area} - 1000) \times 0.2 + 457.50$ Calc: site area = 1088m ² . $(1088-1000) \times 0.2 + 457.5 =$ $(88) \times 0.2 + 457.5 =$ MAX GFA OF 475.1m² OR FSR 0.44:1	233.4m ² Or 0.21:1	Yes
6.7 – Essential Services	Development consent must not be granted to development unless services that are essential for the development are available	Essential services are currently available to the site and can be extended to service the development; conditions could be imposed if the application was to be supported.	Yes

Clause 4.6 Assessment - Height of Buildings

58. The proposed development seeks a variation to development standard relating to height – Clause 4.3. The HLEP identifies a maximum height of 9m for the site. The Applicant has submitted a Clause 4.6 submission to vary the height to 17.6m measured to the roof ridge, this results in a 95.5% variation to the development standard. The extent of the variation is shown in the figure below.

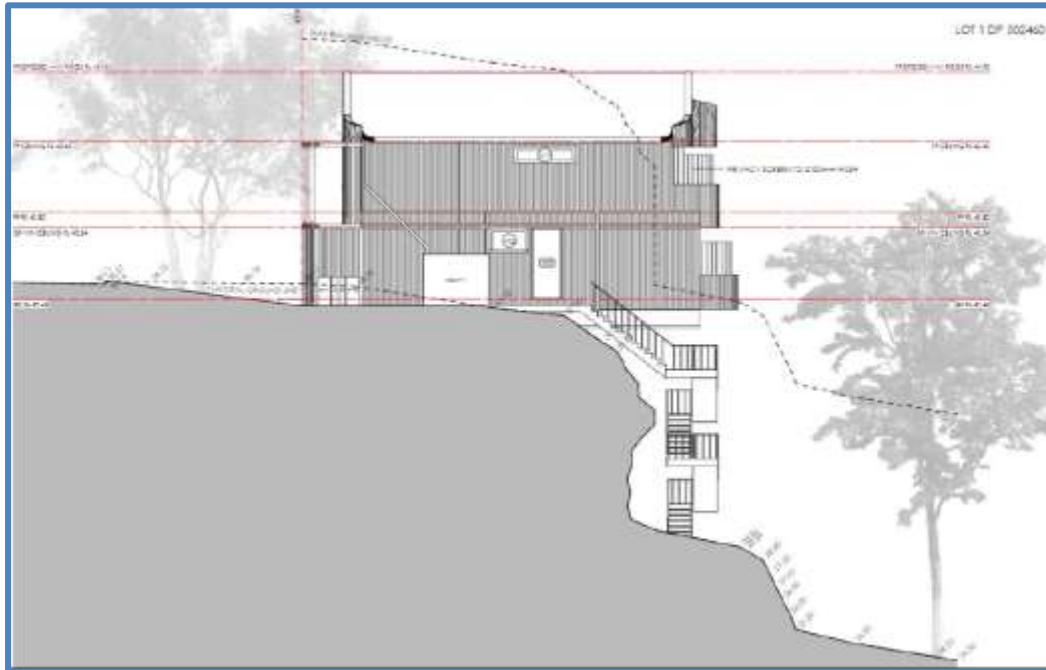


Figure 5: Southern elevation with 9m building height shown dashed.



Figure 6: Northern elevation with 9m building height shown dashed.

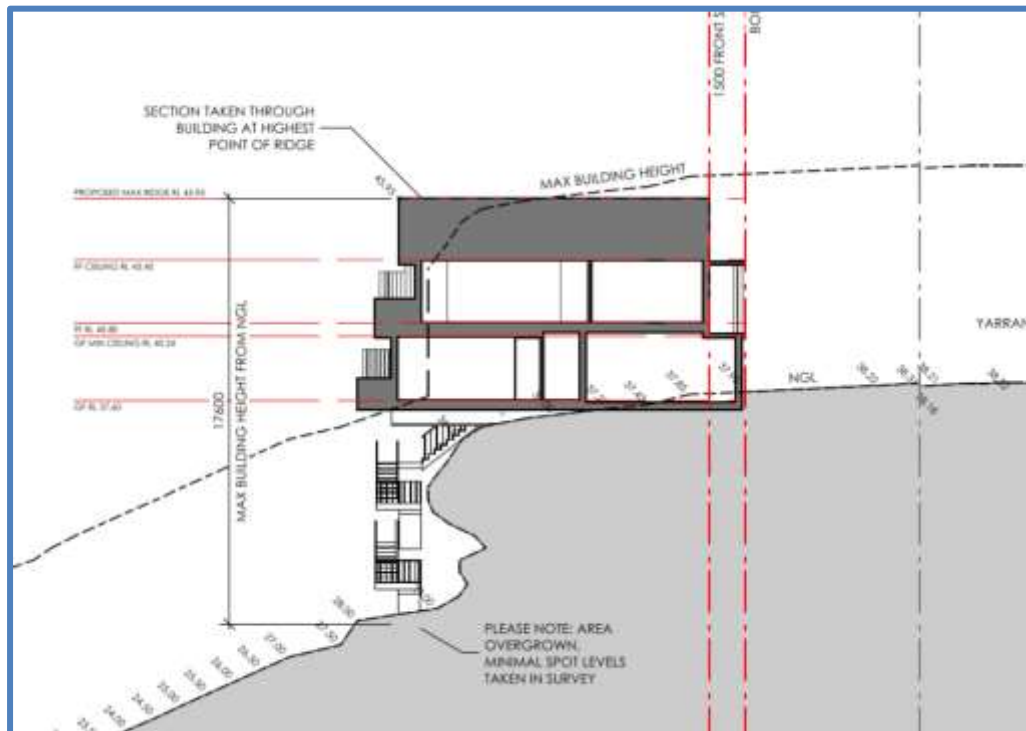


Figure 7: Section plan showing highest point on the roof ridge with corresponding ground level below, with the roof RL45.95, and natural ground level below at RL28.35.

59. The proposed development fails to comply with the development standard for height. Clause 4.3(2) of HLEP 2012 stipulates a maximum height of 9m for this site.
60. The objectives of the height of buildings development standard set out in Clause 4.3 (1) of HLEP 2012 are as follows:
 - (a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
 - (b) *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development and to public areas and public domain, including parks, streets and lanes,*
 - (c) *to minimise the adverse impact of development on heritage items,*
 - (d) *to nominate heights that will provide a transition in built form and land use intensity,*
 - (e) *to establish maximum building heights that achieve appropriate urban form consistent with the major centre status of the Hurstville City Centre,*
 - (f) *to facilitate an appropriate transition between the existing character of areas or localities that are not undergoing, and are not likely to undergo, a substantial transformation,*
 - (g) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain.*
61. The proposed dwelling has been designed to ensure that, despite the height variation towards the rear of the site, that the dwelling is compatible with the surrounding bulk and scale of the locality. The dwelling presents as a two storey dwelling, when viewed from the street, rear and both side elevations, consistent with other dwellings in the locality.
62. The objective seeks to “minimise” the visual impact, it is not requiring it to be eliminated or totally negated. There will be no adverse impacts in terms of amenity or overlooking to adjoining properties from the parts of the building where the height is exceeded.

63. The proposed development has incorporated privacy screening to both sides of each balcony (at ground and first floor level), this minimises impacts upon the privacy of adjoining properties, therefore the non-compliant height of the dwelling does not impact upon privacy, as mitigation measures are proposed.
64. The dwelling has minimised visual impact, (the site is located in the foreshore scenic protection area) through the setting back of the development 1.5m from each side boundary, in accordance with the HDCP, to maintain outlook and views to and from the site.
65. If the building were to comply with the height control of 9m, it is likely that the resultant dwelling would need to step down the cliff face to allow for circulation to the levels below, resulting in a dwelling greater than two storeys in height. A compliant design would impact upon the visual amenity, privacy and result in extensive excavation of the ridge/ cliff. The proposed design, set on the ridge, minimises these impacts.
66. The siting of the dwelling does not diminish the outlook from the public domain, nor impact upon the public domain. This site is visible from Yarran Road, including the public reserve to the west of the site (Simpson Reserve) from the pedestrian walkway along the T4 rail line, or across the valley to the east.
67. Despite the area of non-compliance with the Height of Building development standard, the proposal is consistent with Clause 4.3(1) of the HLEP 2012.
68. The proposed development is located within zone R2 Low Density. The objectives of this zone are as follows:
Zone R2 Low Density Residential
 - *To provide for the housing needs of the community within a low density residential environment.*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
 - *To encourage development of sites for a range of housing types, where such development does not compromise the amenity of the surrounding area, or the natural or cultural heritage of the area.*
 - *To ensure that a high level of residential amenity is achieved and maintained.*
 - *To encourage greater visual amenity through maintaining and enhancing landscaping as a major element in the residential environment.*
 - *To provide for a range of home business activities where such activities are not likely to adversely affect the surrounding residential amenity.*
69. The proposed dwelling provides for the housing needs through the provision of a two storey dwelling, within a streetscape dominated by low density development, of single and two storey dwellings as well as dual occupancies.
70. The siting of the development atop the ridge, rather than stepping down the site, which would require excavation of natural rock, results in a development that has been sensitively designed to minimise visual and environmental impacts upon the amenity of the surrounding area and the setting of the locality.
71. The area of non-compliance does not impact upon amenity of the adjoining sites, as the overall footprint is minimised through the setting of the dwelling on the ridge.

72. The dwelling achieves a high level of residential amenity through natural ventilation and solar access.
73. The dwelling has been designed to minimise impacts through the use of privacy screens, the design of the dwelling has been amended to shift the bulk of the roof, and the area of height non-compliance away from the southern part of the site.
74. Overall the design and location of the building on the ridge enhances the visual amenity of the locality. The proposal also maintains significant landform and topographical features of the site, through the minimising of excavation of the cliff.
75. Despite the non-compliance with the Height of Building development standard, the proposal satisfies the objectives of the R2 Low Density Residential zone, of the HLEP 2012.
76. The applicant has lodged a written request in accordance with the requirements of Clause 4.6 of HLEP 2012. The most relevant section is reproduced below:

“The development standard for height under the Hurstville LEP 2012 is a maximum of 9m. The maximum proposed height is 17.6m measured from the existing ground (which adjoins the rock face) to the ridge of the building, which does not comply. A variation of 95.5% to the height development standard is therefore required to support the proposal, and the use of clause 4.6 of the Hurstville Local Environmental Plan 2012 (Hurstville LEP) is sought as it allows for variations to development standards in exceptional circumstances.

The exceedance in height is a consequence of the steep topography of the site and not as a result of the design. The whole building would be below the maximum height limit on a flat site.”

“The overall design is appropriate for the site, streetscape and provides a reasonable amenity for the surrounding residential properties. Flexibility should therefore be applied in this case.

In order to demonstrate that the proposal is a better outcome for the site (objective 1(b)) a complying envelope has been prepared by Noho Architects, as shown in Figure 7 below. Therefore, by allowing flexibility to the height control in this case a better outcome for and from the development will be achieved.”

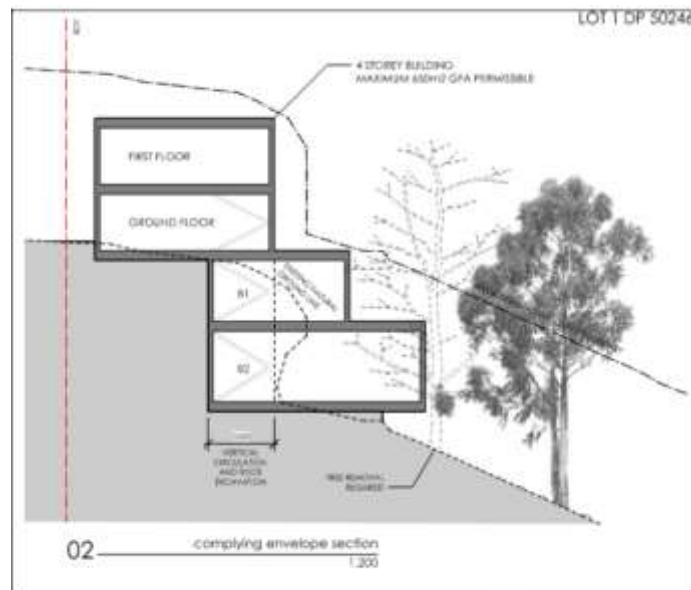


Figure 7: Compliant Height Envelope Section (Source: Noho Architecture)

“The pitch of the roof viewed from the street is below the maximum height by 1m. The bulk at the rear is considered to be a reasonable response for the future character of the area given that it is less than the maximum FSR permitted on the site being 0.26:1 instead of 0.6:1 and an envelope generated by the maximum FSR would produce a building with a greater impact on the natural environment.”

“Furthermore, it is considered that the shadow impact of the revised proposal is acceptable in this case as a complying envelope would have the same impact on the rear balcony of No. 49 given that it is to the south-west of the subject site. Refer Figures 12 and 13 which compare the shadow impact of the proposed and complying envelopes.

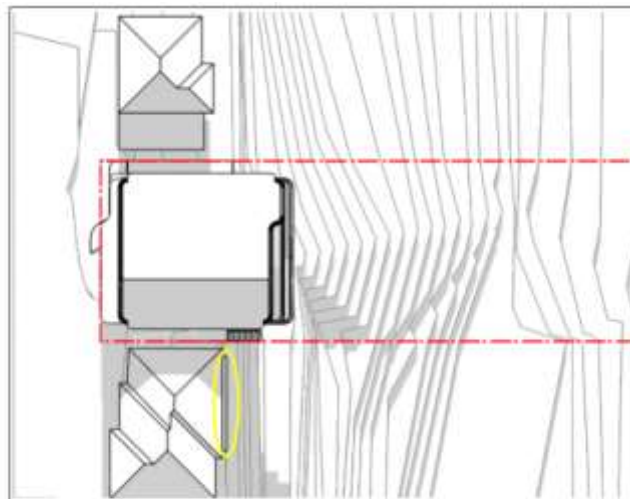


Figure 12: The rear balcony of No. 49 Yarran Road is overshadowed at 9am midwinter by the revised proposal with a 1500mm side setback, as indicated by the yellow oval.
(Source: Noho Architecture)

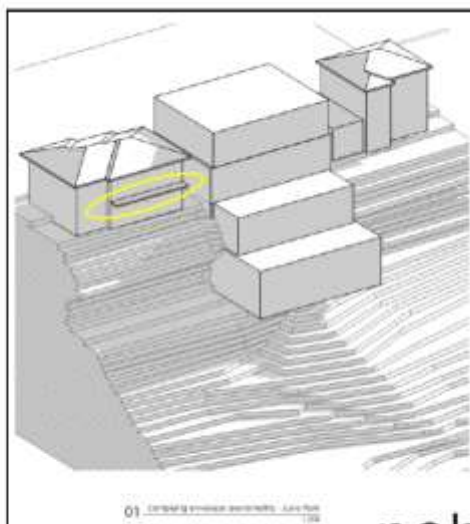


Figure 13: The rear balcony of No. 49 Yarran Road is overshadowed at 9am midwinter by the complying height envelope, as indicated by the yellow oval. (Source: Noho Architecture)

“... compliance with the height development standard and objective (1)(a) is not relevant as the design suits the steep topography of the site rather than the height development standard and objective which appear to be for flat sites or sites with a moderate slope. The proposal complies with the standard for the portion of the land which is flat, however compliance where the land falls near and significantly beyond the cliff edge would have a greater environmental impact which would be unfavourable...”

77. An assessment of the written request against Clause 4.6 (3)(a) and (b) Including comment about whether the request demonstrates the following:
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
78. The application was supported by a Clause 4.6 Development Standard variation request (prepared by AKM Town Planning Sydney). In this instance the variation request is considered adequate, particularly having regard to the constraints of the site.
79. The applicant's written submission demonstrates that compliance with the height development standard is unreasonable or unnecessary in the circumstances of the case. It also demonstrates sufficient environmental planning grounds to justify varying this development standard.
80. Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, it is considered that there is an absence of any negative impacts of the proposed non-compliance on the environmental quality of the locality and amenity of adjoining properties in terms of overshadowing, privacy, and amenity, in particular when considering the constraints of the site. The impacts have been minimised, as discussed above against the objectives of the development standard and the objections of the R2 Low Density Residential zone.

81. The proposed development is in the public interest as the proposal complies with the objectives for both Height of Buildings and the R2 Low Density Residential zone.
82. The proposed variation does not raise any matters of State or regional environmental planning significance.
83. The areas of non-compliance are considered to be reasonable and will not establish an undesirable precedent. It will not have any adverse impacts on the surrounding locality, which is characterised by residential development of comparable character. The proposal promotes the economic use and development of the land consistent with its zone and purpose. The Panel is requested to invoke its powers under Clause 4.6 to permit the variation proposed.
84. It is considered that the Clause 4.6 Statement lodged with the application addresses all the information required pursuant to Clause 4.6 and the statement is considered to be well founded as there are sufficient environmental planning grounds to justify contravening the standard given that in this case the proposal satisfies the objectives of the zone and development standard (Clause 4.3, building height control).

Georges River Local Environmental Plan 2021

85. Consideration is given to the provisions of Georges River Local Environmental Plan 2021 in the assessment this application. This application was lodged prior to the gazettal of the Georges River LEP on 8 October 2021.
86. In this regard, the provisions have no determining weight as a result of proposed operation of Clause *“1.8A Savings provisions relating to development applications”* of the Draft Plan which provides *“If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.”*

Development Control Plans

87. The proposed development is subject to the provisions of the Hurstville Development Control Plan. The following comments are made with respect to the proposal considering the objectives and controls contained within the DCP.

Applicable DCP Controls	DCP Provisions	Development Provisions	Complies
Neighbourhood character	DS1.1 The development application is supported by a Statement of Environmental Effects that: includes a satisfactory neighbourhood and site description, including the identification of the key features of the neighbourhood and site shows how the siting and design response derives from and responds to the key features identified in the neighbourhood and site	The proposal is supported by an SEE and addresses the key features of neighbourhood character and demonstrates how the siting and design responds to the site.	Yes

	description demonstrates that the residential development proposal respects the existing or preferred neighbourhood character and satisfies objectives of the zone in the LEP		
Building Height	<p>DS2.1. Maximum building height is in accordance with the LEP = 9m</p> <p>DS2.2. Maximum ceiling height is 7.2m above the existing ground level vertically below that point. Note: maximum ceiling height is measured at the intersection of the upper most ceiling with the internal face of any external wall</p> <p>DS2.3. For flat roofed dwellings, maximum height to the top of the parapet of the building is: a. 7.8m above the existing ground level vertically below that point.</p> <p>DS2.4. For steep or sloping sites, the building is sited and designed to be staggered or stepped into the natural slope of the land</p>	<p>The maximum building height is 17.6m.</p> <p>8.2m – due to topography of the site</p> <p>N/A</p> <p>Sited atop the ridge – design acceptable on this instance.</p>	<p>No – discussed above.</p> <p>No – however accepted in this instance, Height is discussed in this report.</p> <p>N/A</p> <p>No – discussed through the report</p>
Setbacks	<p>DS3.1. The minimum front setback to a primary street is:</p> <p>a. 5.5m to the main face of the dwelling or</p> <p>b. 4.5m to the main face of the dwelling where located on a corner site and 5.5m to the garage</p>	<p>Ground floor nil setback to 1.5m setback.</p> <p>First floor nil setback to 700mm to louvres and</p> <p>1.5m to main facade</p>	<p>No - the variation is acceptable in this instance given the variation to the street setbacks adjacent to the site, and given the topography of the site.</p> <p>The dwelling to the north has a minimum front boundary setback of 1.5m and the dwelling to the south a setback of 1.5m to</p>

			<p>approximately 1m.</p> <p>The first floor setback however is discussed below and the louvres will need to be setback from the boundary, as per a recommended condition of consent.</p> <p>Variations are acceptable in this instance.</p>
	DS3.2. For properties greater than 15m in width, the minimum setback to a secondary street boundary is 2.0m to the wall of the dwelling	N/A	N/A
	DS3.3. For properties 15m or less in width, the minimum setback to a secondary street boundary is in accordance with the side boundary setback requirements.	N/A	N/A
	DS3.5. The minimum side setback inside the FSPA is 900mm (ground floor) and 1.5m (first floor).	Ground Floor: 1.5m, both sides	Yes
		First floor: 1.5m both sides	Yes
	DS3.6. Minimum rear boundary setbacks are: a 3m for any basement and ground floor level solid wall b. 6m for first floor level solid walls c. where a first floor balcony is proposed at the rear, 6m from the balustrade.	Approx. 56m	Yes
Facades	DS4.1. The dwelling house has a front door or window to a habitable room facing the primary street frontage.	Yes	Yes

	DS4.2. The dwelling house incorporates at least two of the following building elements facing any street frontage: a. entry feature or portico b. awnings or other features over windows c. eaves and sun shading d. window planter box treatment e. bay windows or similar features . f. wall offsets, balconies, verandas, pergolas or the like	Yes	Yes
	DS4.3. Garage doors are not wider than 6m	Yes	Yes
Solar Access	DS6.1. Development allows for at least 3 hours of sunlight on the windows of main living areas and adjoining principal private open space of adjacent dwellings between 9.00 am and 3.00 pm on 22 June.	There are no windows on the northern elevation of 49 Yarran Road (south of the site), facing the subject site. There is a balcony which acts as a form of private open space for 49 Yarran Road. It currently does not received 3hours sunlight between 9am and 3pm on 22 June. The proposed dwelling will not change this solar access.	Yes
	DS6.2. Development complies with the Energy Efficiency section in Appendix 1 of this DCP and BASIX requirements.	The proposal is BASIX compliant.	Yes
	DS6.3. Buildings are encouraged to incorporate window shading devices where necessary to minimise exposure to direct summer sun. Alternatively, windows may be shaded by the planting of large trees.	Yes	Yes

	including deciduous species.		
Visual Privacy	<p>DS7.1. Windows of proposed dwelling must be offset from neighbouring windows by 1m, especially windows of high-use rooms.</p> <p>DS7.2. Windows for primary living rooms must be designed so that they maintain privacy of adjoining site's principal private open space.</p> <p>DS7.3. Development applications are accompanied by a survey plan or site analysis plan (to AHD) of the proposed dwelling showing the location of adjoining property windows, floors levels, window sill levels and ridge and gutter line levels.</p>	<p>Yes</p> <p>Yes privacy screens proposed to elevated decks</p> <p>The application includes survey plan and architectural plans indicating the adjoining properties, and window sill levels.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
Noise	DS8.1. Noise generators such as plant and machinery including air conditioning units and pool pumps are located away from windows or other openings of habitable rooms, screened to reduce noise or acoustically enclosed.	Complies	Yes
Vehicle access, parking and manoeuvring	DS9.1. Car parking is provided on site in accordance with the following minimum rates: a. for 1 and 2 bedroom dwellings, 1 car parking space b. for 3 or more bedroom dwellings, 2 car parking spaces	<p>N/A</p> <p>2 spaces</p>	<p>N/A</p> <p>Yes</p>
Landscaped areas and private open space	<p>DS10.2. Where located in the FSPA, a minimum of 25% of the site area is landscaped open space. (986.4 m² x .25 = 246m²)</p> <p>DS10.3. The minimum dimension of landscaped open space is 2m in any</p>	<p>Min 850m² or 78%</p> <p>Min 2m.</p>	<p>Yes</p> <p>Yes</p>

	<p>direction.</p> <p>DS10.4. A minimum of 15sqm of the landscaped open space is provided between the front setback and the street boundary in the form of a front yard.</p> <p>DS10.5. An area of Principal Private Open Space is to be provided which:</p> <ol style="list-style-type: none"> has a minimum area of 30m² has a minimum dimension of 5m is located at ground level and behind the front wall of the dwelling is directly accessible from a main living area 	<p>Not provided, as discussed above in the front setback. The applicant seeks to vary the front setback therefore limiting the area available for landscaping in the front setback</p> <p>Minimum of 30m² across two balconies (one at ground and one at first floor level) acceptable in this instance given the constraints of this site including topography. Both spaces are located off living or bedrooms.</p> <p>Practical and accessible private open space at ground level is not achievable given the topography and vegetation.</p>	<p>No – however acceptable in this instance give site constraints.</p> <p>Yes – location and dimensions are acceptable in this instance.</p>
Stormwater	<p>DS11.1. Diversion of flows from one drainage sub-catchment to another is not encouraged.</p> <p>DS11.2. Stormwater drainage is to occur by:</p> <ol style="list-style-type: none"> drainage by gravity to the adjacent road kerb and Council's drainage system or <p>DS11.3. Where drainage by gravity is involved this must not cause ponding/backwater effects on upstream properties.</p> <p>DS11.5. On-site retention of roof run-off using rainwater tanks or detention tanks for</p>	<p>Council's Development Engineers and Drainage Engineers have provided comments and raised no objection in this regard, subject to the recommended conditions.</p>	Yes

	storage and re-use are encouraged. Overflow from storage facilities must be connected to an appropriate stormwater system as detailed in DS11.2. DS11.7. Development is not to concentrate overland flow of stormwater onto an adjoining property.		
Balconies	<p>DS14.1. Access to balconies and terraces is direct from a habitable room at the same floor level. Note: a level difference of one step may be considered for the purpose of rain water protection.</p> <p>DS14.2. Balconies and terraces include fixed planter boxes and / or privacy screens.</p> <p>DS14.3. Fixed planter boxes are at least 1m wide.</p> <p>DS14.4. Privacy screens are between 1.5m and 1.8 m high</p> <p>DS14.5. Terraces are not visible from the street.</p> <p>DS14.6. Roof top terraces are not provided.</p> <p>DS14.7. Development applications for terraces and balconies must provide sight line diagrams that demonstrate how privacy issues to neighbouring properties are proposed to be addressed.</p>	<p>Yes</p> <p>Privacy screens proposed, see discussion below. No planter boxes are proposed however a solid 1.5m high privacy wall to the adjoining northern neighbour is proposed.</p> <p>N/A</p> <p>2.1m high</p> <p>Yes</p> <p>Not proposed</p> <p>Privacy assessment provided by applicant.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>

Front Setback

88. The front setback at ground floor level is acceptable in this instance due to the topography of the site and the minimal footprint of available to the dwelling on the ridge. The adjacent neighbours have reduced front setbacks to the front boundary as well.

89. The nil front setback at first floor level associated with the louvres in front of windows 8, 10 and 11 is not supported, the louvres should be setback from the front boundary in order to provide articulation at this level, as per window 12, seen in figure 8 below.
90. A condition of consent is recommended to set the louvers back from the front boundary.

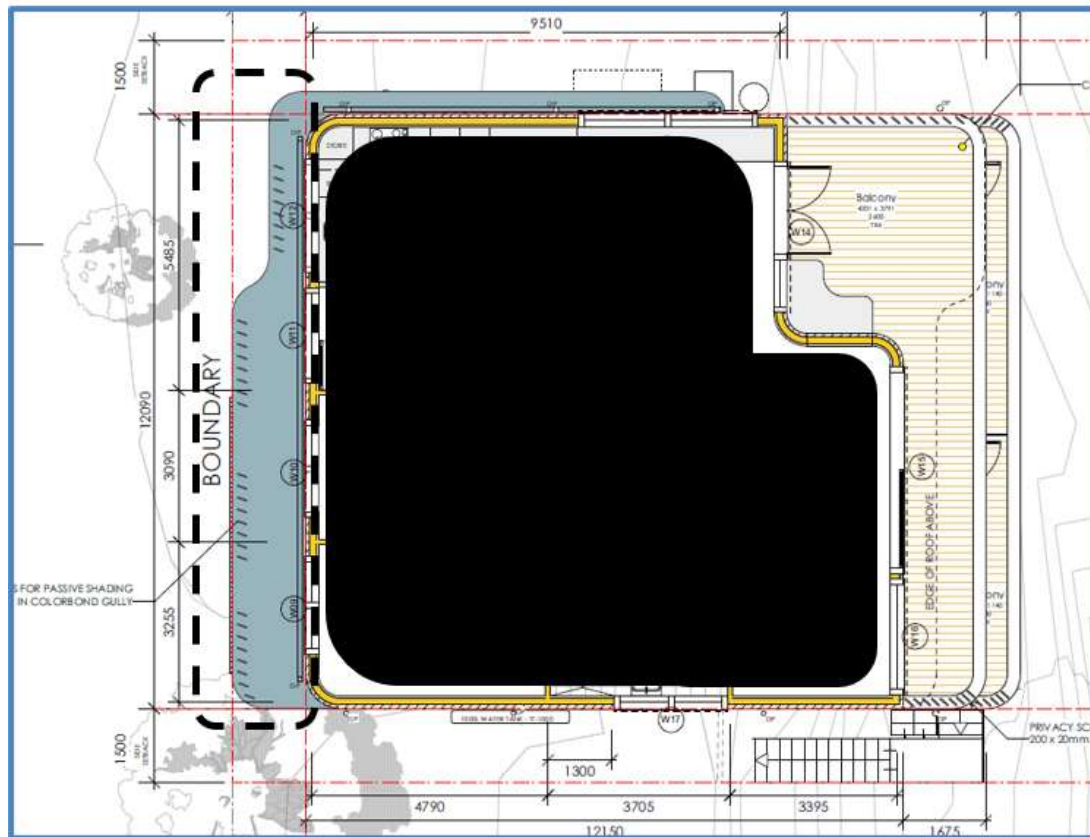


Figure 8: First floor plan showing location of louvres in blue highlight (redacted).

Interim Policy Georges River Development Control Plan 2020

91. The proposed development is subject to the provisions of the Interim Policy Georges River DCP 2020. Only the applicable aspects have been assessed with respect to the Interim DCP. All other aspects have been thoroughly assessed under Hurstville DCP. The aim of an Interim Policy is to set a consistent approach for the assessment of residential development within the Georges River Local Government Area, until such a time as a comprehensive DCP is prepared and implemented. Comments are made with respect to the proposal satisfying the objectives and controls contained within the DCP.

Dwelling Houses		
Applicable DCP Controls	DCP Provisions	Compliance
Building Setback (Front) Minimum setback from the primary street boundary is: a) 4.5m to the main building face b) 5.5m to the front wall of garage, carport roof or on-site parking space OR a) Within 20% of the average setback of dwellings on adjoining	Ground floor nil setback to 1.5m setback. First floor nil setback to 700mm to louvres and 1.5m to main facade	No the variation is acceptable in this instance given the variation to the street setbacks adjacent to the site, and given the topography of the site. The dwelling to the north has a minimum front

lots		boundary setback of 1.5m and the dwelling to the south a setback of 1.5m to approximately 1m.
Building Setback (Rear) <ul style="list-style-type: none"> Buildings are to have a minimum rear setback of 15% of the average site length, or 6m, whichever is greater. 	Min 56m	Yes
Building Setback (Side) <ul style="list-style-type: none"> The minimum side setback inside the FSPA is 900mm (ground floor) and 1.5m (first floor) with a minimum of 5.5m in front of any proposed new garage. 	Ground Floor: 1.5m both sides First floor: 1.5m both sides (see front setback discussion above regarding garage)	Yes Yes
Landscaped area <ul style="list-style-type: none"> Where located inside the FSPA, a minimum of 25% of the site area is landscaped open space The minimum dimension of landscaped open space is 2m, designed in a useable configuration A minimum of 15m² of the landscaped open space is provided between the front setback and the street boundary in the form of a front yard. 	Min 850m ² or 78% Min 2m. Not provided, as discussed above in the front setback. The applicant seeks to vary the front setback therefore limiting the area available for landscaping in the front setback.	Yes Yes No – however acceptable in this instance given site constraints.
Private Open Space An area of Principal Private Open Space is to be provided which: <ul style="list-style-type: none"> a) has a minimum area of 30m² b) has a minimum dimension of 5m, designed in a useable configuration c) is located at ground level and behind the front wall of the dwelling d) is directly accessible from a main living area 	Minimum of 30m ² across two balconies (one at ground and one at first floor level) acceptable in this instance given the constraints of this site including topography. Both spaces are located	Yes – location and dimensions are acceptable in this instance.

	<p>off living or bedrooms.</p> <p>Practical and accessible private open space at ground level is not achievable given the topography and vegetation.</p>	
<p>Basement/Land Modification Basements are permitted where Council's height controls are not exceeded, and it is demonstrated that there will be no adverse environmental impacts (e.g. affectation of watercourses and geological structure).</p> <p>Basements for low grade sites (ie < 12.5% Grade front to rear):</p> <p>a) Basements on land where the average grade is less than 12.5% are permitted only where they are not considered a storey (see <i>definition below</i>) and the overall development presents as 2 storeys to the street.</p> <p>b) A basement is not considered a storey if it is: situated partly below the finished ground and the underside of the ceiling is not more than 1m above the natural ground at the external wall for a maximum of 12m in length, with the exception of the façade in which the garage door is located.</p>	<p>No basement proposed</p> <p>Land modification is minimal, however as a result of not stepping the dwelling down the site and altering the natural landform, the height is exceeded as discussed above.</p>	<p>Yes – see Clause 4.6 discussion above.</p>
<p>Solar Access Development allows for at least 3 hours of sunlight on the windows of main living areas and adjoining principal private open space of adjacent dwellings between 9.00 am and 3.00 pm on 22 June.</p>	<p>There are no windows on the northern elevation of 49 Yarran Road (south of the site), facing the subject site.</p> <p>There is a balcony which acts as a form of private open space for 49 Yarran Road. It currently does not</p>	<p>Yes</p>

	received 3hours sunlight between 9am and 3pm on 22 June. The proposed dwelling will not alter this solar access.	
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LPP027-22

Georges River Development Control Plan 2021

92. The Georges River Development Control Plan 2021 was made by the Georges River Local Planning Panel on 24 March 2021. It came into effect on the 8 October 2021, when the Georges River Local Environmental Plan was gazetted.
93. The GRDCP and GRLEP 2021 do not apply to this development application as it was lodged before the GRLEP 2021 was made.

Developer Contributions

94. The proposed development would require payment of developer contributions under Section 7.12 of the Environmental Planning and Assessment Act 1979. A recommended condition of consent specifies the amount of \$7.12 contributions to be made.

IMPACTS

Natural Environment

95. The proposed development will not adversely affect the natural environment. The applicant has sensitively designed the sit atop the ridge.
96. The site is mapped as being bushfire prone (Category 1 and bushfire buffer). The applicant has submitted a Bushfire Assessment, and the site is classified as Bushfire Attack Level Flame Zone (BAL FZ). The application was referred to the NSW Rural Fire Service, for assessment under Section 4.14 of the Environmental Planning and Assessment Act 1979. The NSW RFS have provided conditions of consent.

Built Environment

97. The proposal represents an appropriate planning outcome for the site with respect to its bulk, scale and density, façade articulation and expression and is an appropriate response to the context of the site and its R2 Low Density Residential zoning.

Social Impact

98. No adverse social impacts have been identified as part of the assessment. The proposed development, in principle, will continue to provide housing in the area. The construction of a dwelling house is consistent with the residential zoning of the land.

Economic Impact

99. There is no apparent adverse economic impact that is likely to result within the locality due to the construction of the dwellings. It is likely there will be a small positive economic impact as a result of the construction of the development.

Suitability of the site

100. The site is zoned R2 – Low Density Residential. The proposal is a permissible form of development in this zone and has been designed to reflect the current and future context of the locality, in particular the Foreshore Scenic Protection Area.

Submissions and the Public Interest

101. The application was neighbour notified in accordance with Community Engagement Strategy for a period of fourteen (14) days. Submissions from two (2) individual properties submissions were received. In summary the following issues and concerns were raised.
102. **Issue:** The non compliant height will cause overshadowing, including overshadowing at 9am. **Comment:** The objector raising this concern does not live adjacent to the subject site, however, is to the south of the site.

The applicant has amended the roof form and side setbacks of the dwelling (which now comply with HDCP) since the original notification period.

The roof form has been amended to a pitch form, with the bulk moved towards the centre of the dwelling (to the north). The first figure below indicates the original roof form, and the second image the amended roof form subject of this assessment report.

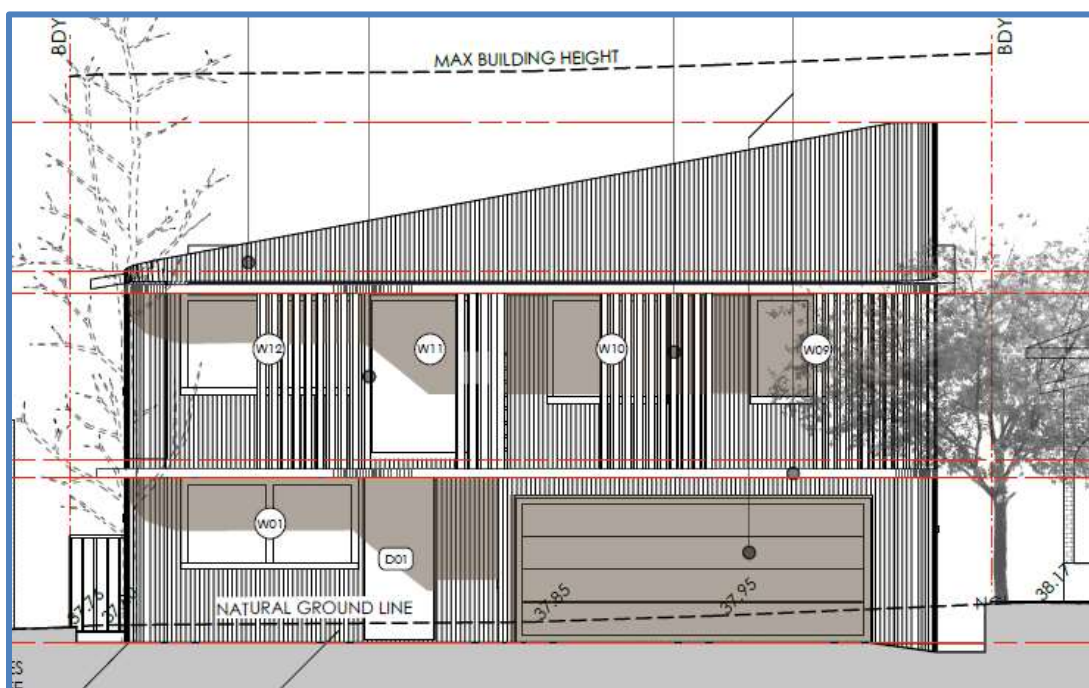


Figure 9: Original Roof Form – street/western elevation.

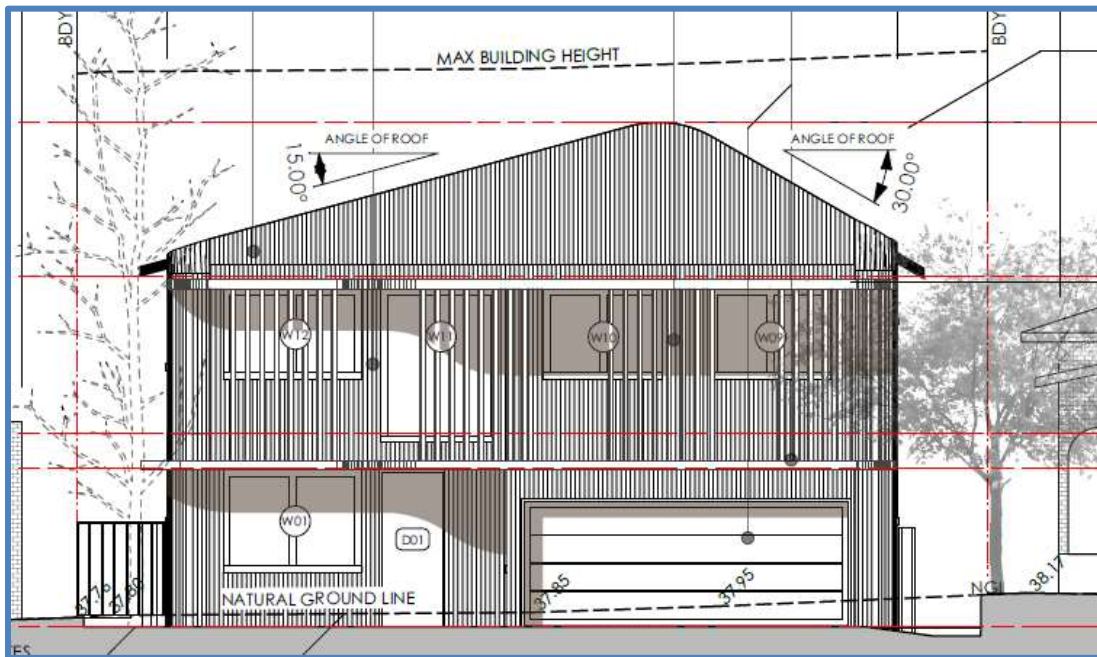


Figure10: Amended Roof Form – street/western elevation.

The two neighbouring sites to the south are shown in the figures below:



Figure11: Photo looking south from the subject site



Figure12: Photo looking south from 45 Yarran Road, Oatley.

It is important to note that both 49 and 51 Yarran Road have no north facing windows. It is also noted that 51 Yarran Road has a garage located on the ridge, to the west of the dwelling, with the dwelling set below the garage.

Amended shadow diagrams were requested by Council, from the applicant, in response to a further submission received from a previous submitter to the south of the site. Council requested that the shadow diagrams be updated to show both 49 and 51 Yarran Road.

The revised shadow diagrams provided for 9am, in mid-winter indicate that there is additional overshadowing upon 51 Yarran Road as a result of the development, as per the figures below. However, it is considered that as there are no windows on the northern elevation, that the impacts are minimal upon the dwelling. Existing shadows are already cast between the garage and the dwelling of 51 Yarran Road, and the extent of this shadow between the garage and dwelling, does not change at 9am as a result of the proposed development.

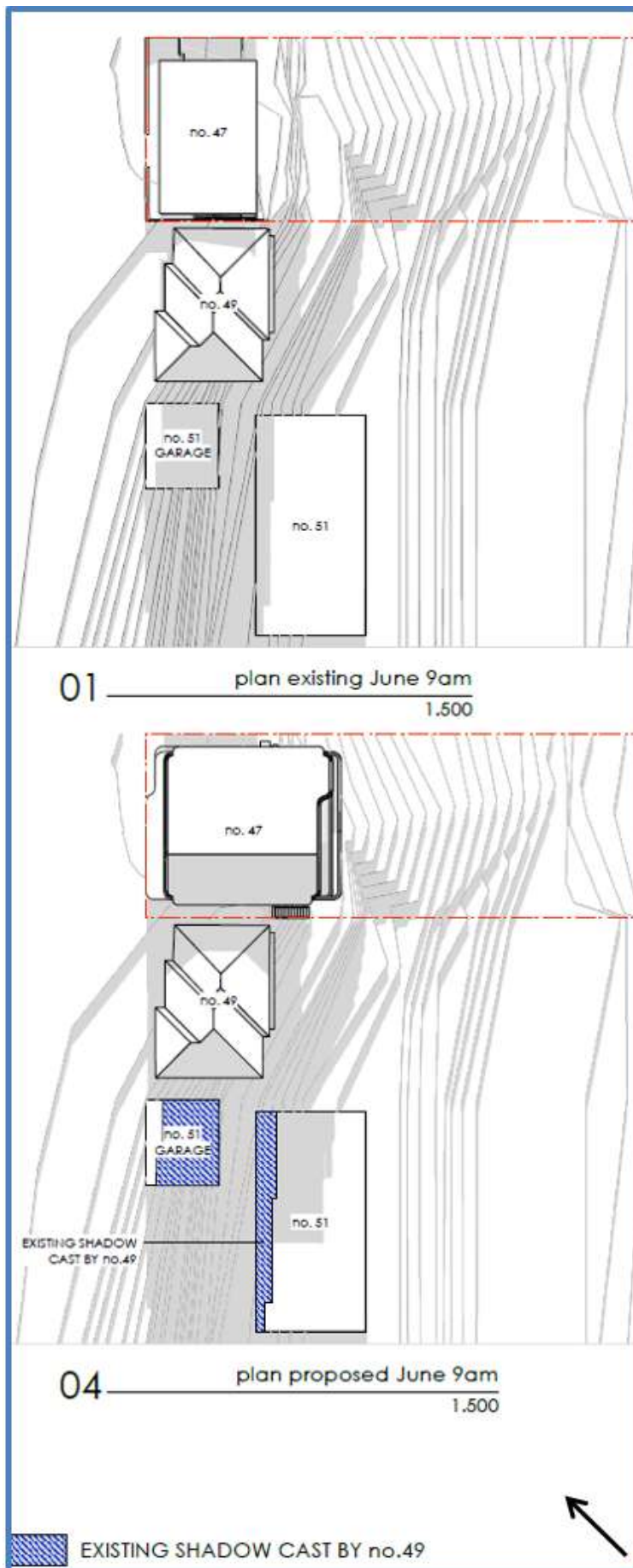


Figure 13: Shadow diagrams - in plan, 9am mid winter.

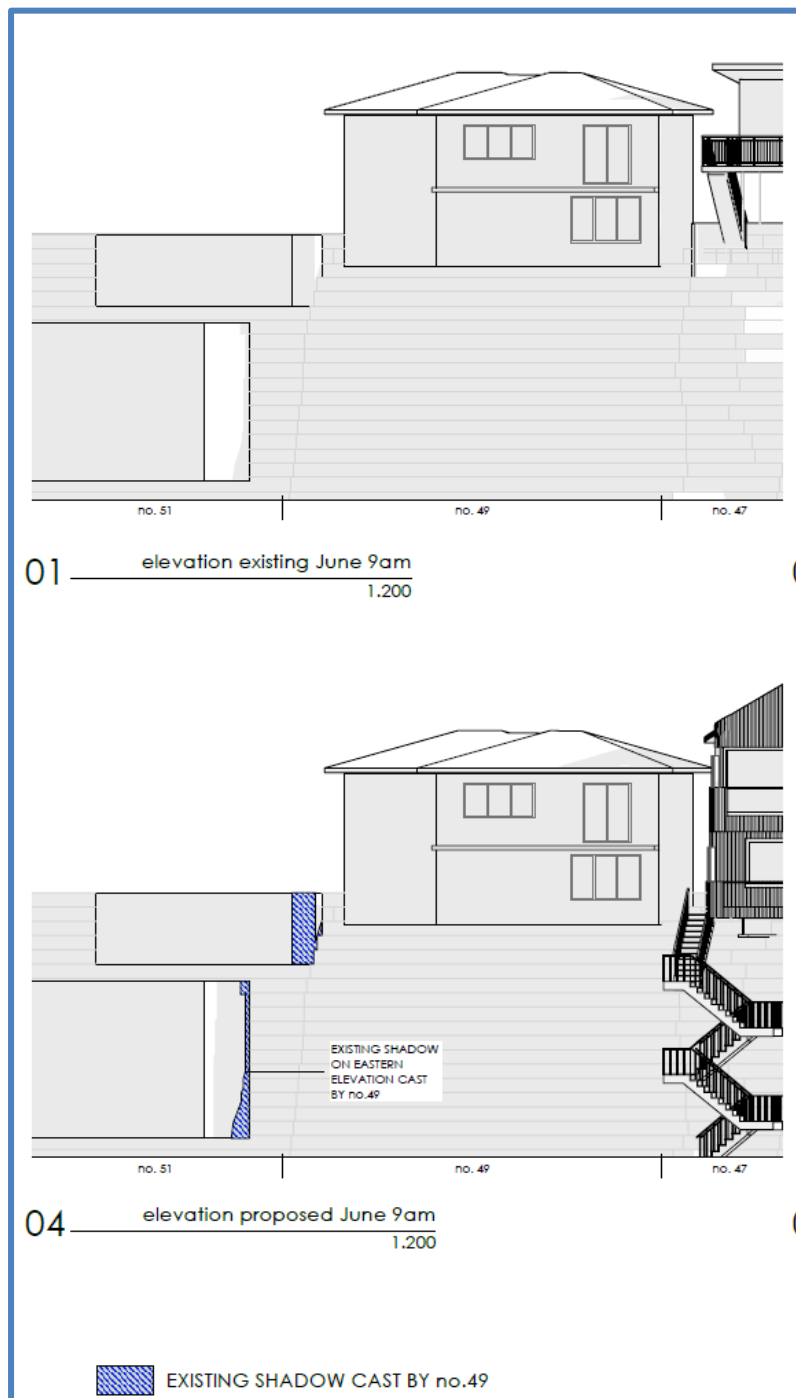


Figure 14: Shadow diagrams in elevation, 9am mid winter

The shadow diagrams indicate that there are minimal changes to solar access in mid-winter from 12 noon onwards:



Figure 15: Shadow diagrams - in plan, mid winter – 12 Noon and 3pm



Figure 16: Shadow diagrams in elevation, 12 Noon and 3pm

Therefore, based on the above, it is considered that solar access under the amended design, complies with the requirements of the HDCP for dwellings to the south of the site.

103. **Issue:** Impact of roof form on streetscape, out of character

Comment: The submitter raised the original roof form as a concern regarding impact upon the streetscape, as per Figure 9 above.

The applicant has since amended the proposed roof form to a form that is more consistent with the streetscape and reducing the bulk and scale of the dwelling, as per Figure 10 above.

104. **Issue:** Overshadowing will impact upon future solar panels.

Comment: The shadow diagrams demonstrate that the north facing roof of the adjacent dwelling to the south will receive sunlight from 12noon onwards on 22 June.

105. **Issue:** The cantilever proposed coming out as far as it does will result in a loss of visual privacy to the timber deck and again due to the topography of the site the timber deck is our primary outdoor open space and privacy must be maintained.

Comment: The applicant proposes privacy screening on the balcony at each level, minimising privacy impacts, as per the figures below. The view looking south across the subject site is demonstrated in Figure 12 above.

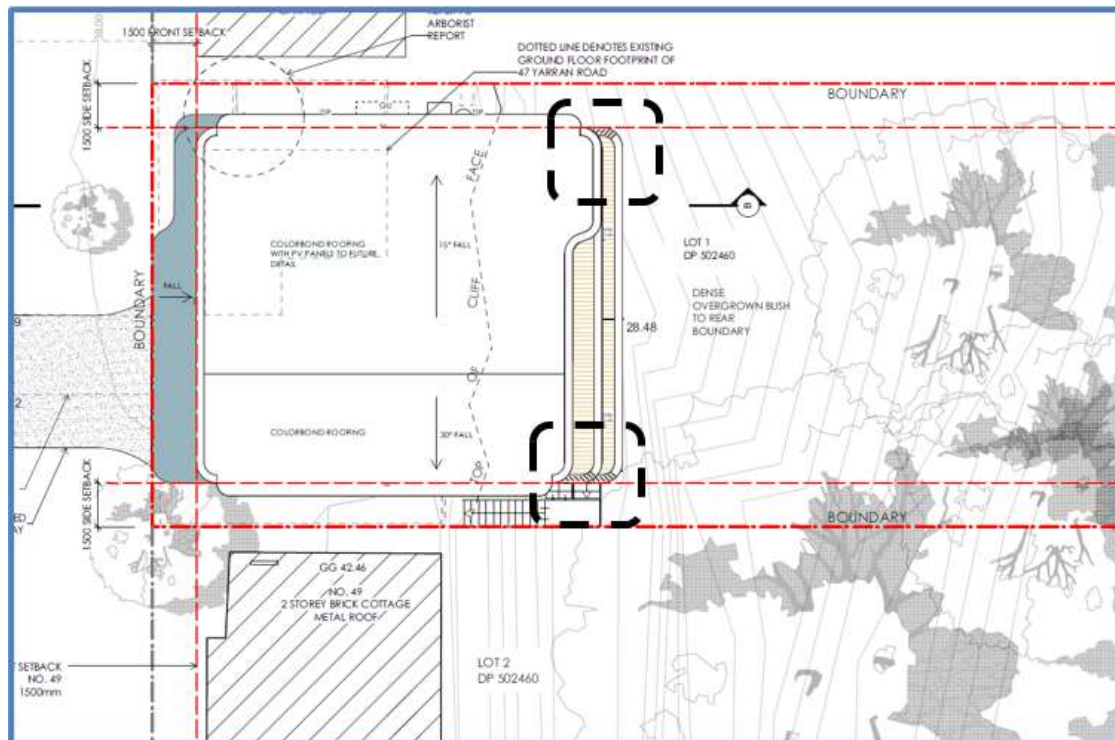


Figure 17: Location of Privacy Screens

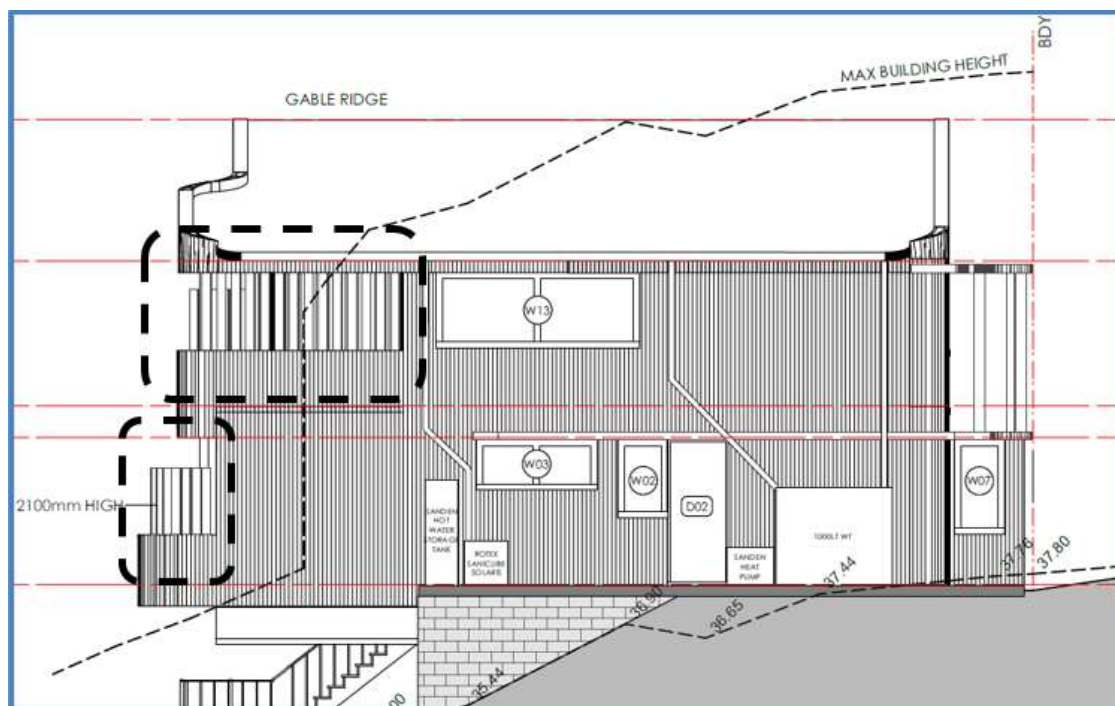


Figure 18: Privacy screening on the northern elevation

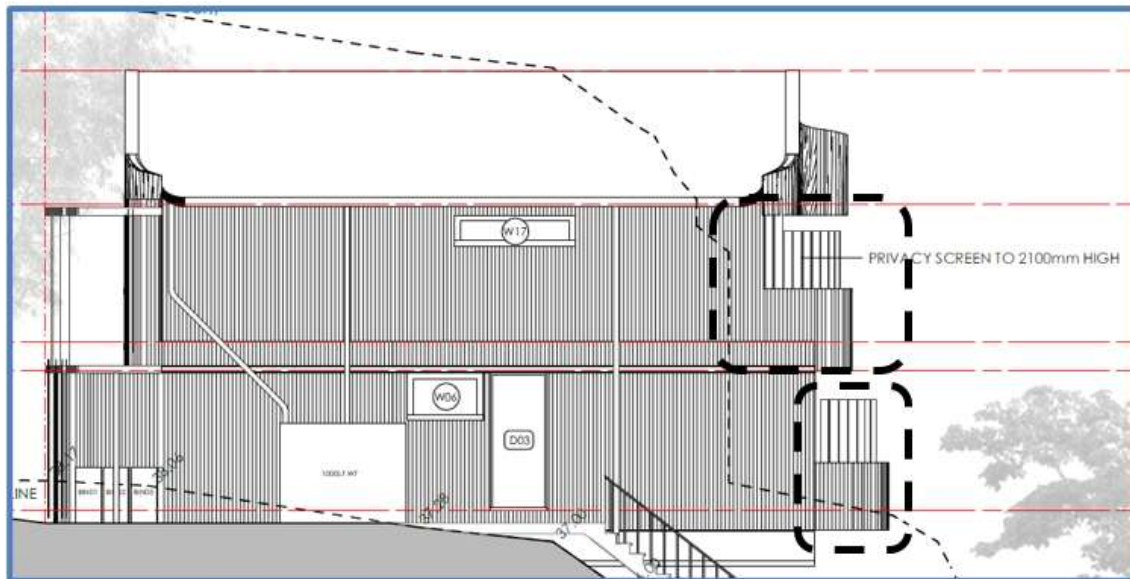


Figure 19: Privacy screening on the southern elevation

The proposed privacy screening is 2.1m in height, measured from finished floor level. Impacts upon privacy are considered minimal given the privacy screening proposed.

Referrals

External Referrals

NSW Rural Fire Service

106. The application was referred to the NSW Rural Fire Service (NSW RFS) pursuant to Section 4.14. of the Environmental Planning and Assessment Act 1979.
107. The NSW RFS, advised of the following, and has provided conditions of to be included if consent is granted:

“The NSW RFS recognises that the site is constrained and that the proposed development falls within the Flame Zone. Flame Zone development is high risk development; consequently, in situations such as this, the NSW RFS seeks to improve the overall fire safety of the existing development. This requires greater emphasis on construction standards, landscaping, siting, and vegetation management practices to ensure improved levels of protection are afforded to the development, its occupants and fire fighters.

The NSW RFS has undertaken a merit based assessment of the proposal and provides the above advice in accordance with Planning for Bush Fire Protection 2019.”

Ausgrid

108. The application was referred to Ausgrid in accordance with Clause 45 of State Environmental Planning Policy (Infrastructure) 2007. Ausgrid did not raise any objection to the proposal.

Transport for NSW

109. The application was referred to Transport for NSW in accordance with Clause 85 of State Environmental Planning Policy (Infrastructure) 2007.
110. Transport for NSW has provided conditions of consent “...to ensure that the proposed development is undertaken in a safe manner...”

Council Referrals**Development Engineer**

111. The application was referred to Council's Development Engineer for comment, they are satisfied with the stormwater drainage arrangement subject to the imposition of conditions of consent should the application be approved.

Infrastructure/Assets Engineer

112. The application was referred to Council's Infrastructure/Assets Engineer for comment, they are satisfied with the proposal subject to the imposition of conditions of consent should the application be approved.

Landscape Officer

113. Council's Landscape Officer has raised no objection to the proposal subject to conditions of consent.

Conclusion

114. The proposal has been assessed using the matters for consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal is considered to be a reasonable development form and the proposed scale, bulk and height is considered to be an acceptable planning and design outcome for this site and will be consistent with the desired future character of development in the R2 zoned land in this location and immediate locality.
115. The proposal has been assessed against the provisions of the Hurstville Local Environmental Plan 2012 and Hurstville Development Control Plan No. 1. The proposal satisfies the key planning controls in the LEP and DCP. The identified non-compliances with the height of the building have been addressed and justified in this report, the Clause 4.6 request to vary the Height of Building control is supported for reasons identified in this report,
116. The application is supported for reasons outlined in the report above.

Determination And Statement of Reasons**Statement of Reasons**

117. The reasons for this recommendation are:
- The proposed development complies with the requirements of the relevant environmental planning instruments except in the height of the development. A Clause 4.6 variation has been submitted in support of the application which is considered acceptable having regard to the justification provided in the report above.
 - The proposed development complies with the objectives of the relevant environmental planning instruments.
 - The proposal has effective façade modulation and wall articulation that will serve to provide visual interest and reduce the bulk of the dwelling.
 - The proposal aims to provide a high-quality development that will establish a positive urban design outcome.

Determination

118. That Georges River Local Planning Panel support the request for variation under Clause 4.6 of Hurstville Local Environmental Plan 2012, in relation to the Height of Buildings (Clause 4.3) development standard, as the variation sought satisfies the objectives of the standard and sufficient environmental planning grounds have been provided in the written request for variation justifying that compliance would be unnecessary and unreasonable in the circumstances of the case. The proposal is also in the public interest and it satisfies the objectives of the zone resulting in no adverse environmental impacts but rather a superior design outcome.
119. Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act, 1979 (as amended), Development Application DA2021/0288 for demolition works and construction of a two storey dwelling on Lot 1 in DP 502460, known as 47 Yarran Road, Oatley, is granted Development Consent subject to the following conditions of consent:

Development Details

1. **Approved Plans** - The development must be implemented in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where marked up on the plans and/or amended by conditions of this consent:

Description	Reference No.	Date	Revision	Prepared by
Proposed Site Plan	DA 02	4/4/2022	B	Noho Architecture
Landscape Plan	DA 03	4/4/2022	B	Noho Architecture
Site Section A-A	DA 04	4/4/2022	A	Noho Architecture
Proposed Ground Floor Plan	DA 05	4/4/2022	B	Noho Architecture
Proposed First Floor Plan	DA 06	4/4/2022	B	Noho Architecture
Proposed Roof Plan	DA 07	4/4/2022	B	Noho Architecture
Section B-B	DA 08	4/4/2022	B	Noho Architecture
West Elevation	DA 09	4/4/2022	B	Noho Architecture
East Elevation	DA 10	4/4/2022	B	Noho Architecture
North Elevation	DA 11	4/4/2022	B	Noho Architecture
South Elevation	DA 12	4/4/2022	B	Noho Architecture
Driveway and Garage Proposal	DA 18	14/3/2022	A	Noho Architecture

REQUIREMENTS OF CONCURRENCE, INTEGRATED & OTHER GOVERNMENT AUTHORITIES

2. Transport for NSW

- a) The proposed development is to comply with the deemed-to-satisfy provisions in the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines".
- b) Prior to the issue of a Construction Certificate the Applicant is to provide structural details that the concrete slab or footings will be protected by a vapour barrier membrane. A copy of this detail is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.

3. **Sydney Water - Tap in™** - The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to 'Plumbing, building and developing' section of Sydney Water's web site at www.sydneywater.com.au then see 'Building', or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

4. NSW Rural Fire Service

- a) (i) *Asset Protection Zones*: From the start of building works, and in perpetuity to ensure ongoing protection from the impact of bush fires, the property around the proposed dwelling must be maintained as an inner protection area (IPA), in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*, as follows:

- *northeast, northwest and southwest up to the site boundaries.*

Prior to the issue of any Construction Certificate, certification from a suitably qualified and practising bushfire consultant that the development will be maintained as an IPA from the commencement of construction and in perpetuity, detail of which is to be provided as part of the construction management plan/site management, is to be provided to the PCA.

- (ii) When establishing and maintaining an IPA the following requirements apply:
 - *tree canopy cover should be less than 15% at maturity;*
 - *trees at maturity should not touch or overhang the building;*
 - *lower limbs should be removed up to a height of 2 metres above the ground;*
 - *tree canopies should be separated by 2 to 5 metres;*
 - *preference should be given to smooth barked and evergreen trees;*
 - *large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;*
 - *shrubs should not be located under trees;*
 - *shrubs should not form more than 10% ground cover; and*
 - *clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice*
 - *the height of the vegetation.*
 - *grass should be kept mown (as a guide grass should be kept to no more than 100 mm in height); and*

- *leaves and vegetation debris should be removed.*

(iii) The asset protection zone: **Inner Protection Area** - must be maintained for the life of the development, from the commencement of construction. To this effect, certification by an appropriately qualified and practising bushfire consultant must be submitted to Council demonstrating that the asset protection zone is being managed in accordance with “a(i)” above. This certification must be submitted annually starting from the date of issue of an Occupation Certificate and continue in perpetuity.

- b) **Construction Standards:** New construction must comply with Section 3 (excluding section 3.5) and Section 9 (**BAL FZ**) of Australian Standard AS3959-2018 Construction of buildings in bushfire-prone areas or the relevant BAL-FZ requirements of the NASH Standard - Steel Framed Construction in Bushfire Areas (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of Planning for Bush Fire Protection 2019.

Prior to the issue of any Construction Certificate certification from a suitably qualified and practising bushfire consultant that the development has been designed to satisfy this requirement, evidence of which is to be given to the PCA.

- c) **Water and Utility Services:** Any new provisions of water, electricity and gas must comply with the following in accordance with Table 7.4a of *Planning for Bush Fire Protection 2019*. Prior to the issue of any Construction Certificate certification from a suitably qualified and practising bushfire consultant that the development has been designed to satisfy this requirement, evidence of which is to be given to the PCA:

- *reticulated water is to be provided to the development where available;*
- *all above-ground water service pipes external to the building are metal, including and up to any taps;*
- *where practicable, electrical transmission lines are underground;*
- *where overhead, electrical transmission lines are proposed as follows:*
- *(a) lines are installed with short pole spacing (30 metre), unless crossing gullies, gorges or riparian areas; and*
- *(b) no part of a tree is closer to a power line than the distance set out in accordance with the*
- *specifications in ISSC3 Guideline for Managing Vegetation Near Power Lines.*
- *reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the*
- *requirements of relevant authorities, and metal piping is used;*
- *all fixed gas cylinders are kept clear of all flammable materials to a distance of 10 metres and shielded on*
- *the hazard side;*
- *connections to and from gas cylinders are metal;*
- *polymer sheathed flexible gas supply - lines are not used; and*
- *above-ground gas service pipes are metal, including and up to any outlets.*

- d) **Landscaping Assessment:** Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated. Prior to the issue of any Construction Certificate certification from a suitably qualified and practising bushfire consultant that the development has been designed to satisfy this requirement, evidence of which is to be given to the PCA:
- *suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;*
 - *Planting is limited in the immediate vicinity of the building;*
 - *Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);*
 - *Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;*
 - *Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;*
 - *Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;*
 - *Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter)*
 - *Avoid climbing species to walls and pergolas;*
 - *Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;*
 - *Locate combustible structures such as garden sheds, pergolas and materials such as timber garden*
 - *furniture away from the building; and*
 - *Low flammability vegetation species are used.*

SEPARATE APPROVALS REQUIRED UNDER OTHER LEGISLATION

5. **Section 138 Roads Act 1993 and Section 68 Local Government Act 1993** - Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a "works zone";

- (i) Digging up or disturbing the surface of a public road (eg Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve;
- (k) Stormwater and ancillary to public infrastructure on private land; and
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council's website www.georgesriver.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9330 6400.

- 6. Driveway Crossing - Minor Development** - Constructing a driveway crossing and/or footpath requires a separate approval under Section 138 of the Roads Act 1993 prior to the commencement of those works.

To apply for approval, complete the "Application for Driveway Crossing and Associated Works on Council Road Reserve" issued under Section 138 Roads Act." which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au. Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Section P1 and P2, in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with Driveway Crossing applications.

An approval for a new or modified driveway crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out in accordance with Council's specifications applicable at the time, prior to the issue of an Occupation Certificate.

The design boundary level is to be received from Council prior to construction of the internal driveway

- 7. Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the RMS, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

- 8. Pre-Construction Dilapidation Report – Private Land** - A professional engineer specialising in structural or geotechnical engineering shall prepare a Pre-Construction Dilapidation Report detailing the current structural condition of adjoining premises, retaining walls or other structures including but not limited to:

- (a) 45 Yarran Road, Oatley; and
- (b) 49 Yarran Road, Oatley; and
- (c) Any neighbouring buildings likely to be affected by the excavation as determined by the consulting engineer.

The report shall be prepared at the expense of the applicant and submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the pre-construction dilapidation report is to be provided to the adjoining properties (subject of the dilapidation report), a minimum of 5 working days prior to the commencement of work. Evidence confirming that a copy of the pre-construction dilapidation report was delivered to the adjoining properties must be provided to the PCA.

Should the owners of properties (or their agents) refuse access to carry out inspections, after being given reasonable written notice, this shall be reported to Council to obtain Council's agreement to complete the report without access. Reasonable notice is a request for access in no sooner than 14 days between 8.00am-6.00pm.

9. Geotechnical report

- a) The applicant must submit the Geotechnical Report prepared by *JK Geotechnics, dated 27 April 2021, Ref 33915Alet*, to the PCA, prior to the issue of a construction Certificate.
- b) The proposed dwelling is to be constructed in accordance with *Section 4: Comments and Recommendations, and Section 5: Site Preparation prior to the issue of a Construction Certificate*. A report detailing construction methods prepared by prepared by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005, demonstrating construction methods complying with *Section 4: Comments and Recommendations, and Section 5: Site Preparation* is to be provided to the PCA prior to the issue of a Construction Certificate.
- c) A further geotechnical report is also to be prepared a geotechnical engineer who holds the relevant Certificate of accreditation as required under the *Building Professionals Act 2005* in relation to dilapidation reports, all site works and construction, and shall be submitted prior to the issue of the Construction Certificate and is to include:
 - i. Investigations certifying the stability of the site and specifying the design constraints to be placed on the foundation, any earthworks/stabilization works and any excavations.
 - ii. Dilapidation Reports on the adjoining properties including, but not limited to 49 Yarran Road, and 51 Yarran Road, Oatley, prior to any excavation of site works. The Dilapidation Report is to include assessments on, but not limited to, the dwellings at those addresses and any external paths, grounds etc. This must be submitted to the PCA and the adjoining residents as part of the application for the Construction Certificate. Adjoining residents are to be provided with the report five (5) working days prior to any works on the site.
 - iii. On-site guidance by a vibration specialist during the early part of excavation.
 - iv. Measures to minimise vibration damage and loss of support to other buildings. Where possible any excavation into rock is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures. Where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) the report shall detail the maximum size of hammer to be used and provide all reasonable recommendations to manage impacts.
 - v. Sides of the excavation are to be pierced prior to any excavation occurring to reinforce the walls of the excavation to prevent any subsidence to the required setbacks and neighbouring sites

10. Cliff Face Stability

- a) A specialist limited access de-vegetation contractor shall be engaged to remove all vegetation from the rock face (between the side boundaries) and a minimum 2m wide zone in front of the rock face, details of the contractor and methods to of de-vegetation shall be provided to the PCA, prior to the issue of a Construction Certificate.
- b) An experienced geotechnical engineer or engineering geologist shall be engaged to inspect the cliff face to assess whether there are any features (eg. potentially unstable blocks isolated by adversely oriented joints, overhangs, etc.) which require stabilisation (eg. rock bolts, underpinning, shotcrete, etc.) and/or removal, details of the geotechnical engineer or engineering specialist and methods of cliff inspection and assessment.
- c) As a result of the further investigation required by (a) and (b) above, site assessment on construction detail regarding, potentially unstable overhangs (either underpinned by brick piers or concrete blade walls or removed by drill and split methods) is to be provided to the PCA prior to the issue of a Construction Certificate.

- 11. Fees to be paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.georgesriver.nsw.gov.au).

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).

Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of \$500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable).

A summary of the fees to be paid are listed below:

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	\$1,900.00
Inspection Fee for Refund of Damage Deposit	\$160.00
DEVELOPMENT CONTRIBUTIONS	
Georges River Council Local Infrastructure Contributions Plan 2021 (S7.11 and S7.12)	\$7,373.20

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

Development Contributions

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant Contribution Plan.

A Section 7.12 contribution has been levied on the subject development pursuant to the Georges River Council Local Infrastructure Contributions Plan 2021 (S7.11 and S7.12).

Timing of Payment

The contribution must be paid and receipted by Council:

- Prior to the release of the Construction Certificate.

Further Information

A copy of the *current Development Contributions Plans* may be inspected or a copy purchased at Council's offices (Civic Centre, MacMahon Street, Hurstville and 2 Belgrave Street, Kogarah) or viewed on Council's website www.georgesriver.nsw.gov.au.

12. Damage Deposit - Minor Works - In order to insure against damage to Council property the following is required:

- a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$1,900.00**
- b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: **\$160.00**
- c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

13. Required design changes (CC9.12)

The following changes are required to be made and shown on the Construction Certificate plans:

Front setback – first floor level.	The window louvres on the western (front) façade, for windows 9,10 and 11, are to be setback from the front boundary, and aligned with the louvres of window 12, as per approved plan <i>Proposed First Floor Plan, DA 06, Revision B, 4/4/2022 prepared by Noho Architecture</i> .
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14. Site Management Plan - Minor Development - A Site Management Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation and bushfire management in accordance the bushfire related conditions in this consent. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

15. Acoustic Requirement - Compliance with submitted Acoustic Report

- a) The Construction Certificate plans shall demonstrate compliance with the Acoustic Report submitted and approved by Council, titled Acoustical Report, Proposed Residential Building, 47 Yarran Road, Oatley NSW, prepared Koikas Acoustics, Revision V1, dated 8 October 2021.
- b) The dwelling to be constructed shall be constructed to Category 2 construction standards of the *“Development Near Rail Corridors and Busy roads – Interim Guideline”*.

16. BASIX Commitments - All energy efficiency measures as detailed in the BASIX Certificate Nos. 12114421S_02 must be implemented on the plans lodged with the application for the Construction Certificate.

17. Erosion & Sedimentation Control - Erosion and sediment controls must be provided to ensure:

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water runoff is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater - Soils and Construction \(Blue Book\) produced by Landcom 2004.](#)

These measures are to be implemented prior to the commencement of work (including demolition and excavation) and must remain until works are completed and all exposed surfaces are landscaped/sealed.

18. Stormwater System - Stormwater System - Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

- a) All stormwater shall drain to the proposed dispersal trench as shown on the stormwater plan Dwg No. (H01-00) and (H01-00) and Revision (B), dated 4/11/2021, prepared by ‘Cantilever consulting engineers’, located in an appropriate position and provided with proper measures to avoid damaging the surrounding environment such as scouring and erosion.

- b) The stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, shall accompany the application for the Construction Certificate.

19. **Structural details** - Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the PCA.

20. **Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).

21. **Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

22. **Driveway Construction Plan Details** - Detailed engineering plans for the driveway shall be submitted with the Construction Certificate application for approval that show:

- a) Longitudinal and cross sections, gradients, access onto the proposed lots, type of construction materials designed in accordance with Council's Subdivision standards and AS/NZS2890.1-2004.
- b) Suitable underground provision for the supply of all relevant services to the proposed lots (proposed position of pipes and conduits).
- c) The full length of the driveway designed with a minimum 150mm thick reinforced concrete and minimum of 2.7m wide pavement/kerb face to kerb face width, and a non-slip surface.

23. **Landscape Plans**

The landscape plans are to be updated to be consistent with the approved architectural plans. They shall be updated prior to the issue of a construction certificate.

24. **Tree Protection and Retention**

The following trees shall be retained and protected:

Tree Species	Location of Tree / Tree No.	Tree Protection Zone (metres) TPZ as per AS4970 -2009
Acer palmatum	Within No 49 Yarran front yard	4.2m TPZ Fence off at boundary
Magnolia soulangeana	Council's street tree	2.4m fencing
Hibiscus Spp	Council's street tree	2.4m fencing

- a) The applicant shall engage a qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current practicing and financial member of an Arboricultural Association or Affiliation, with a letter of engagement forwarded to the nominated PCA.
- b) A certificate of compliance letter from the AQF 5 Arborist must be forwarded to the PCA – Principal Certifying Authority, at three (3) stages being, before works, during works and once all building works have been completed, that tree protection measures have been installed and being maintained during the building process.

25. Tree Protection Measures

- d) All trees on Council property, subject site and adjacent sites, to be retained must be protected before site set up and maintained during demolition, excavation and construction of the site.
- e) Although trees may be on adjacent sites, the tree protection fencing must be placed on the nominated distances as per table above, out from the trees trunk, within the subject site to minimise impacts to neighbours trees and kept for the entirety of the project.
- f) The tree protection measures must be undertaken in accordance AS4970 -2009 Protection of trees on development sites.
- g) Details of the tree protection measures to be implemented must be provided with the application for a Construction Certificate by a qualified Arborist who holds an AQF Level 5 or above in Arboriculture and who is a current practicing and financial member of an Arboricultural Association or Affiliation.
- h) The engaged AQF 5 Consulting Project Arborist must be present on-site during the stages of site set up, excavation, demolition and construction when works are being undertaken that could impact on the tree canopy or root zone within the tree protection zone of each tree.
- i) In accordance with AS 4970-2009 *Protection of trees on development sites*, a protective fence consisting of 2.4 x 1.8 metres high, fully supported chainmesh fence shall be used. The distance of the fence out from the base of each tree is to be in accordance with the TPZ listed in the table above. A layer of organic mulch 100 millimetres thick shall be placed over the protected area and no soil or fill should be placed within the protection area.

- j) The tree protection fencing must be kept in place during demolition, excavation and construction and also have a sign displaying 'Tree Protection Zone – DO NOT ENTER' attached to the fence and must also include the name and contact details of the Project Arborist.
- k) The Tree Protection Zone of each tree, to be protected, shall be watered thoroughly and regularly to minimise the effects of construction works.
- l) No building products, preparation of building products, storage of materials, stockpiling, site sheds or services shall be installed within the TPZ of the trees to be retained.

26. Excavation works near tree to be retained

- a) Any excavations within the TPZ (4.2m) of the neighbour's tree, *Acer palmatum* must be under the guidance of the engaged AQF 5 Arborist, to ensure the trees viability is not compromised.
- b) Where the Tree Protection Zone (TPZ) of trees on site or adjoining sites become compromised by any excavation works, the AQF 5 Project arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.
- c) Tree Protection Zones around the trees to be retained are not to have soil level changes, building product / materials stored or services installed in this area. Any structures proposed to be built in this area of the trees are to utilise pier and beam or cantilevered slab construction.
- d) Removal or pruning of any other tree (that would require consent of Council) on the site is not approved. All pruning must be undertaken by a qualified Arborist in accordance with AS4373 -2007 Pruning of Amenity Trees and Amenity Tree Industry, Code of Practice (SafeWork NSW August 1998).

27. Tree pruning

- a) Tree pruning required at No – 49 Yarran Rd

Any necessary pruning of overhanging branches relating to the *Acer palmatum*, located within the front yard of No 49 Yarran Rd, is subject to a separate tree pruning approval application prior to any works commencing and shall be conducted in accordance with - AS 4373 - 2007, Pruning of amenity trees, Pruning class – "S" – Selective pruning – clause 7.2.4 and completed by a minimum, AQF Level 3 Arborist.

28. Tree Removal & Replacement

- a) Tree removal

Permission is granted for the removal of the following trees:

Tree Species	Number of trees	Location
<i>Casuarina cunninghamiana</i>	One (1)	Within site, side north

29. General Tree Removal Requirements

- a) All tree removal shall be carried out by a minimum certificate Level 3, Licenced and insured Tree Surgeon/Arborist to ensure that removal is undertaken in a safe manner and complies with the AS 4373-2007 - Pruning of Amenity Trees and Tree Works Industry Code of Practice (Work Cover NSW 1.8.98).
- b) No trees are to be removed on the site or neighbouring properties without the prior written approval of Council.

PRIOR TO THE COMMENCEMENT OF WORK (INCLUDING DEMOLITION & EXCAVATION)

- 30. Demolition & Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2001 - Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the [NSW Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015).

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

- 31. Demolition Notification Requirements** - The following notification requirements apply to this consent:

- a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

- 32. Demolition work involving asbestos removal** - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).
- 33. Dial before your dig** - The applicant shall contact “Dial Before You Dig on 1100” to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from “Dial Before You Dig” shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.
- 34. Registered Surveyors Report - During Development Work** - A report must be submitted to the PCA at each of the following applicable stages of construction:
- Set out before commencing excavation.
 - Floor slabs or foundation wall, before formwork or commencing brickwork.
 - Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
 - Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
 - Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
 - Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

- 35. Utility Arrangements** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicant's expense.

DURING CONSTRUCTION

- 36. Geotechnical Engineer on Site During Construction**
Demolition and construction are to be supervised by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the *Building Professionals Act 2005* in relation to dilapidation reports, all site works and construction.

If evidence of site and cliff instability occur during construction all works are to cease, and a full detailed investigation by the geotechnical engineer is to occur.

The geotechnical engineer is to provide a detailed report to the PCA prior to the recommencement of work, certifying that the adjoining land is geotechnically stable (including but not limited to adjoining properties and the Council owned land), and that construction can recommence.

- 37. Site sign - Soil & Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.
- 38. Hours of construction for demolition and building work** - Unless authorised by Council:
- a) Building construction and delivery of material hours are restricted to: 7.00am to 5.00pm (inclusive) Monday to Saturday and no work on Sundays and Public Holidays.
 - b) Demolition and excavation works are restricted to: 8.00am to 5.00pm (inclusive) Monday to Friday only. Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site.
- 39. Ground levels and retaining walls** - The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council. All site works and retaining walls are to be constructed wholly on the subject site, including footings.
- 40. Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.
- 41. Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the [Roads Act 1993](#) and/or under Section 68 of the [Local Government Act 1993](#). Penalty infringement Notices may be issued for any offences and severe penalties apply.
- 42. Damage within Road Reserve and Council Assets** - The owner shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.
- 43. Public Utility and Telecommunication Assets** - The owner shall bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines & cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site.

- 44. Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

45. Cliff Face Stability

- a) A report from the specialist limited access de-vegetation contractor detailing completed methods of vegetation removal, during the construction of the proposal shall be provided to the PCA, prior to the issue of an Occupation Certificate.
- b) A report from an experienced geotechnical engineer or engineering geologist shall be prepared regarding the works and stability of the cliff face during construction, to report on any features (eg. potentially unstable blocks isolated by adversely oriented joints, overhangs, etc.) which required stabilisation (eg. rock bolts, underpinning, shotcrete, etc.) and/or removal, shall be provided to the PCA, prior to the issue of an Occupation Certificate.
- c) Details of any further construction methods, required by (a) and (b) above, site assessment regarding, potentially unstable overhangs (either underpinned by brick piers or concrete blade walls, or removed by drill and split methods) is to be provided to the PCA prior to the issue of an Occupation Certificate.

46. Requirements prior to the issue of the Occupation Certificate - The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

- a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- b) The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.
- c) Construct any new vehicle crossings required.
- d) Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.
- e) Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

47. Acoustic Compliance - Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the PCA certifying that the construction has incorporated the recommendations in the DA Acoustic Report titled Acoustical Report, Proposed Residential Building, 47 Yarran Road, Oatley NSW, prepared Koikas Acoustics, Revision V1, dated 8 October 2021.

48. Tree Protection Measures

- (a) A final certificate of compliance letter, once all building and landscape works have been completed, from the engaged AQF 5 Consulting Arborist, that tree protection measures have been installed and maintained for the entirety of the project and report on the condition of the trees that as part of this Consent, were to be protected and retained.
- (b) A copy of Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council's Street Tree Management Strategy, Masterplan, and Tree Management Policy 2019, can be downloaded from Council's website www.georgesriver.nsw.gov.au.

49. Stormwater drainage works – Works As Executed - Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- a. Compliance with conditions of development consent relating to stormwater.

50. BASIX Compliance Certificate - A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.**51. Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.**52. Vehicular crossing - Minor development** - The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the 'Application for Driveway Crossing and Associated Works on Council Road Reserve' approval issued by Council's Assets and Infrastructure Division.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

NOTE: No stencilled or coloured concrete may be used outside the boundary of the property.

The work must be completed before the issue of an Occupation Certificate.

53. Post Construction Geotechnical Report - A Geotechnical Report, prepared by a professional engineer specialising in geotechnical engineering who holds the relevant Certificate of accreditation as required under the *Building Professionals Act 2005* in relation to dilapidation reports, all site works and construction shall be prepared and submitted to the PCA prior to the issue of an Occupation Certificate, advising that the works have been constructed in accordance with Sections 4 and 5 of the *Geotechnical Report prepared by JK Geotechnics, dated 27 April 2021, Ref 33915Alet*, and all other geotechnical and stability conditions within this determination have been complied with.

- 54. Post Construction Dilapidation report – Private Land** - At the completion of the construction works, a suitably qualified person is to be engaged to prepare a post-construction dilapidation report. This report is to ascertain whether the construction works associated with the subject development created any structural damage to the adjoining premises assessed pre-construction.

The report is to be prepared at the expense of the applicant and submitted to the PCA prior to the issue of the Occupation Certificate. In ascertaining whether adverse structural damage has occurred to the adjoining premises, the PCA, must compare the post-construction dilapidation report with the pre-construction dilapidation report required by conditions in this consent.

Evidence confirming that a copy of the post-construction dilapidation report was delivered to the adjoining properties subject of the dilapidation report must be provided to the PCA prior to the issue of any Occupation Certificate.

OPERATIONAL CONDITIONS (ONGOING)

- 55. Maintenance of Landscaping** - All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.
- 56. Outdoor Lighting** - To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.
- 57. Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

OPERATIONAL REQUIREMENTS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979

- 58. Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.
- 59. Appointment of a PCA** - The erection of a building must not commence until the applicant has:
- (a) appointed a PCA for the building work; and
 - (b) if relevant, advised the PCA that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (a) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (b) notify the PCA of the details of any such appointment; and
- (c) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

- 60. Notification Requirements of PCA** - No later than two days before the building work commences, the PCA must notify:
- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
 - (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

- 61. Notice of Commencement** - The applicant must give at least two days notice to the Council and the PCA of their intention to commence the erection of a building.

- 62. Critical Stage Inspections** - The last critical stage inspection must be undertaken by the PCA. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 162A of the [Environmental Planning and Assessment Regulation 2000](#).

- 63. Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the PCA at least 48 hours before each required inspection needs to be carried out.

Where Georges River Council has been appointed as the PCA, 48 hours notice in writing, or alternatively 24 hours notice by facsimile or telephone, must be given when specified work requiring inspection has been completed.

- 64. Occupation Certificate** - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

Only the PCA appointed for the building work can issue the Occupation Certificate.

PRESCRIBED CONDITIONS

- 65. Clause 97A - BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
- 66. Clause 98 - Building Code of Australia & Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.
- 67. Clause 98A - Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PCA and the Principal Contractor.
- 68. Clause 98B - Home Building Act 1989** - If the development involves residential building work under the [Home Building Act 1989](#), no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the [Home Building Act 1989](#).

- 69. Clause 98E - Site Excavation** - Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

END CONDITIONS

NOTES/ADVICES

- 1. Review of Determination** - Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.

- 2. Appeal Rights** - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
- 3. Lapsing of Consent** - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.
- 4. Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

5. **Security deposit administration & compliance fee** - Under Section 97 (5) of the [Local Government Act 1993](#), a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is \$50.00 plus 2% of the bond amount per annum.

The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

6. **Stormwater & Ancillary Works - Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993** - To apply for approval under Section 138 of the Roads Act 1993 and/or Section 68 Local Government Act 1993:

- (a) Complete the Stormwater Drainage Application Form which can be downloaded from Georges River Council's website at www.georgesriver.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No and reference the condition number.
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with stormwater applications.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new stormwater drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.

NOTE: A minimum of four weeks should be allowed for assessment.

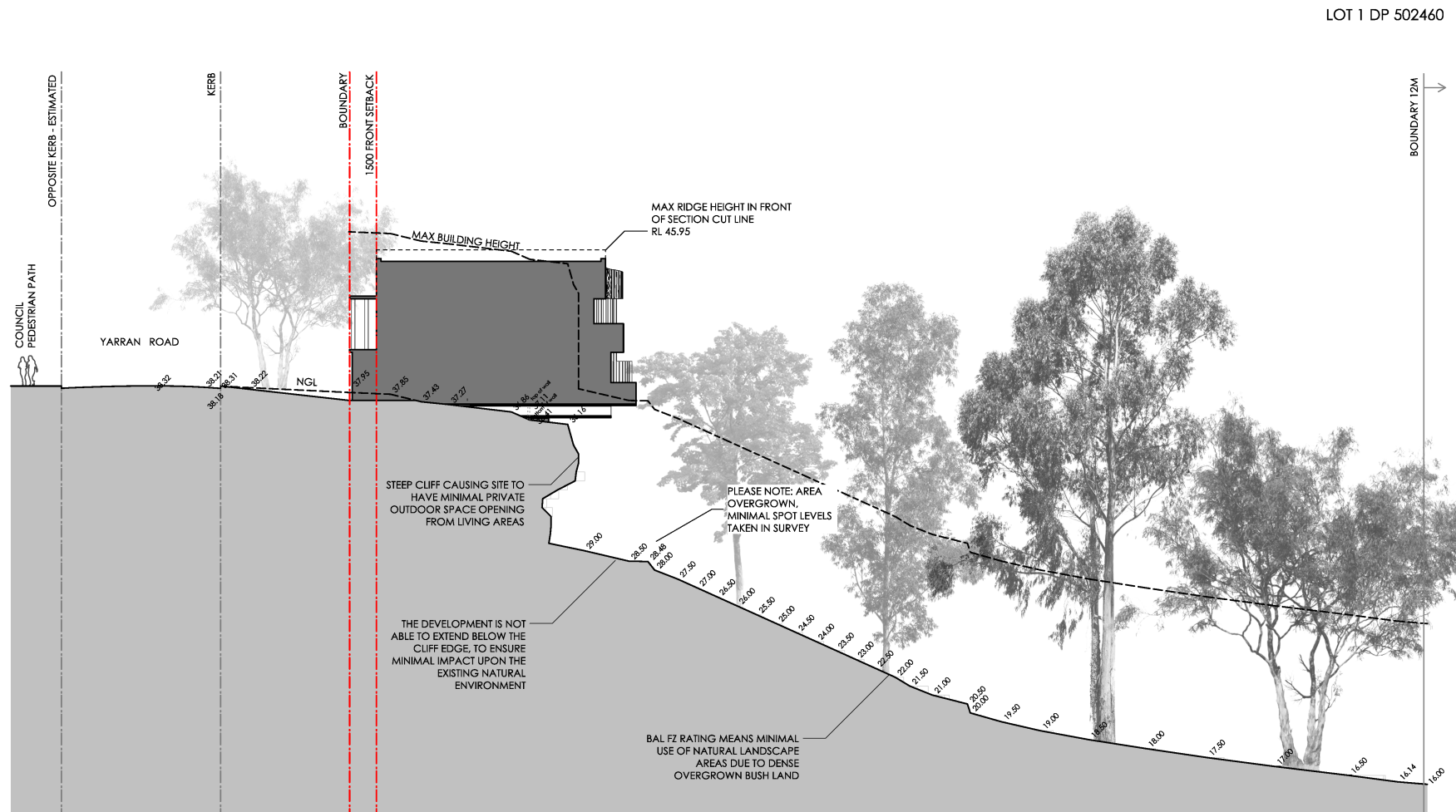
7. **Council as PCA - Deemed to Satisfy Provisions of Building Code of Australia** - Should the Council be appointed as the PCA in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the Building Code of Australia. However, if an alternative fire solution is proposed it must comply with the performance requirements of the Building Code of Australia, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.

8. **Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

ATTACHMENTS

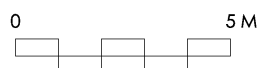
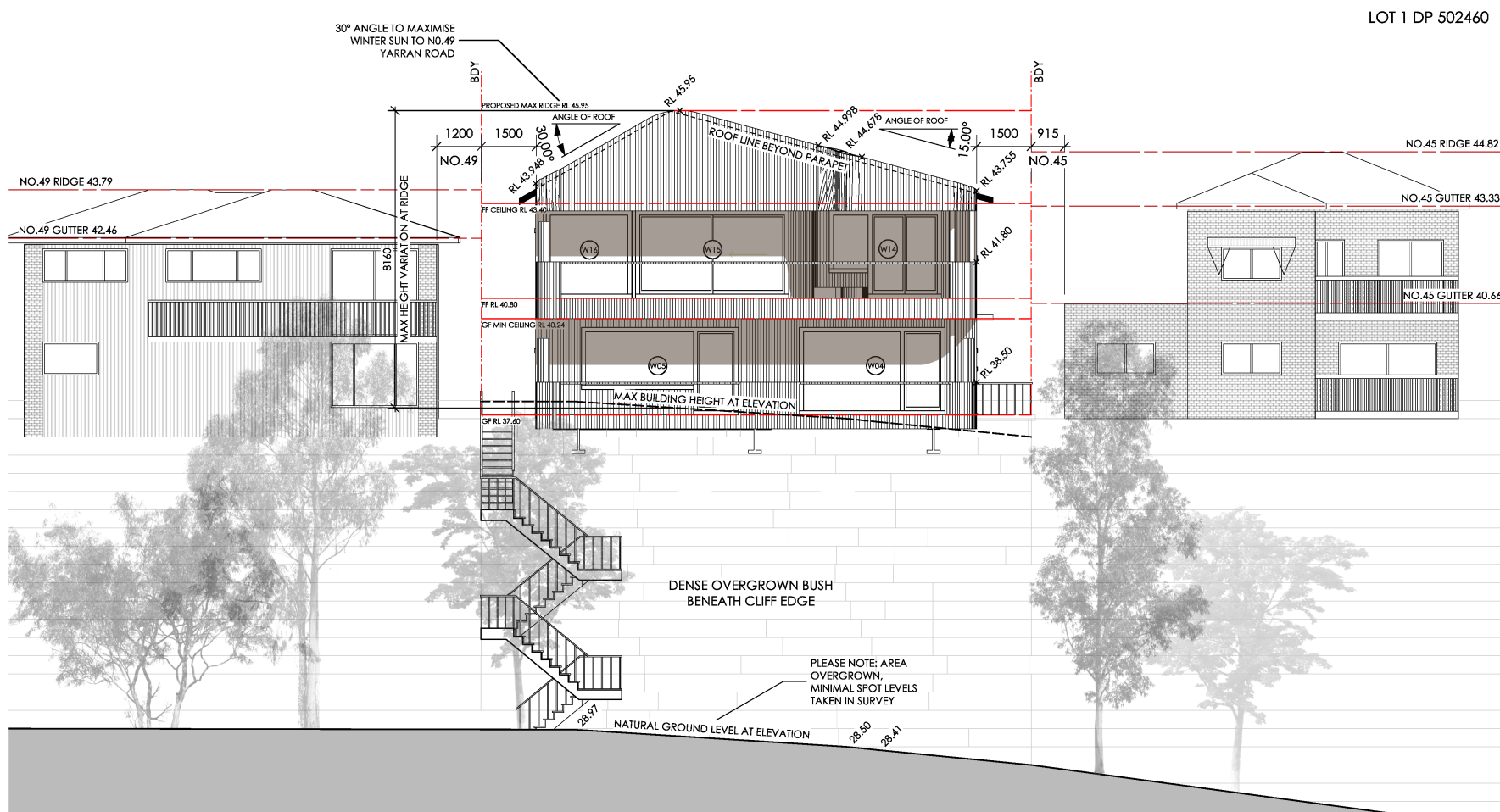
Attachment [↓](#) 1  Elevations and Site Plan



FOR DEVELOPMENT APPLICATION ONLY

noho
 ARCHITECTURE

A		4/4/22	Notes added regarding vegetation, Roof ridge noted.	
ISSUE	DATE	REVISION		
PROJECT		New dwelling at 47 Yarran Road, Oatley NSW 2223		PROJECT #
				2023
CLIENT	Kate DeMayo and Ian McGregor		DATE #	10 OCT 2020
ADDRESS	47 Yarran Road, Oatley NSW 2223		SCALE @ A3	1:200
DWG	Site Section A-A		DRAWN	CL
			CHKD	JM
				REVISION
				A
justine money ARN: 9602		t: (02) 9553 8095		e: noho@noho.com.au
56 rocky point road, kogarah 2217				w: noho.com.au



FOR DEVELOPMENT APPLICATION ONLY

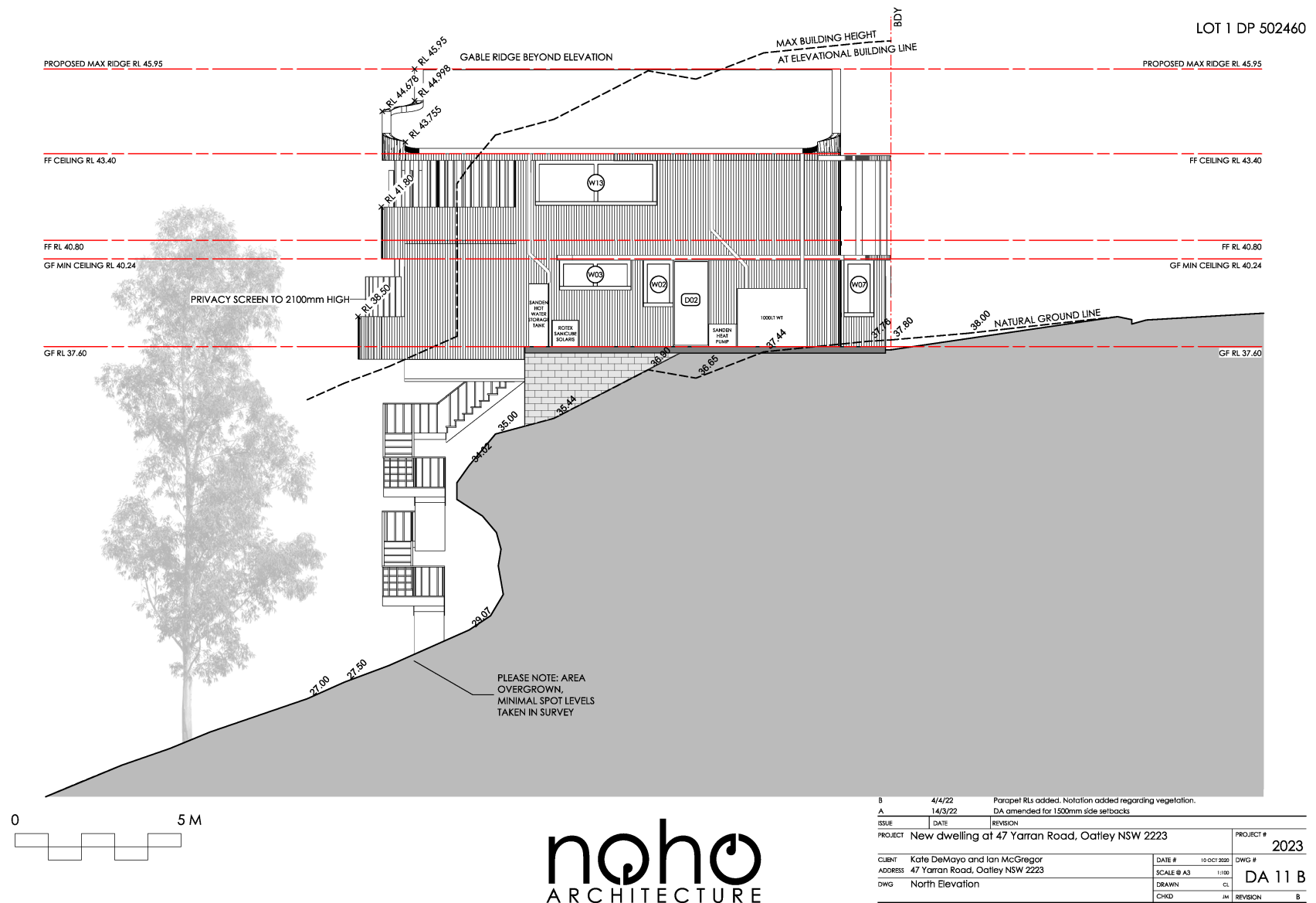
noho
ARCHITECTURE

B	4/4/22	Max bldg height noted. Notation added regarding vegetation. Parapet RLs added. Line of roof dotted behind parapet.
A	14/3/22	DA amended for 1500mm side setbacks
ISSUE	DATE	REVISION
PROJECT	New dwelling at 47 Yarran Road, Oatley NSW 2223	
CLIENT	Kate DeMayo and Ian McGregor	DATE # 10 OCT 2020
ADDRESS	47 Yarran Road, Oatley NSW 2223	SCALE @ A3 1:100
DWG	East Elevation	DRAWN CL
CHKD	JM	REVISION B

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w: noho.com.au

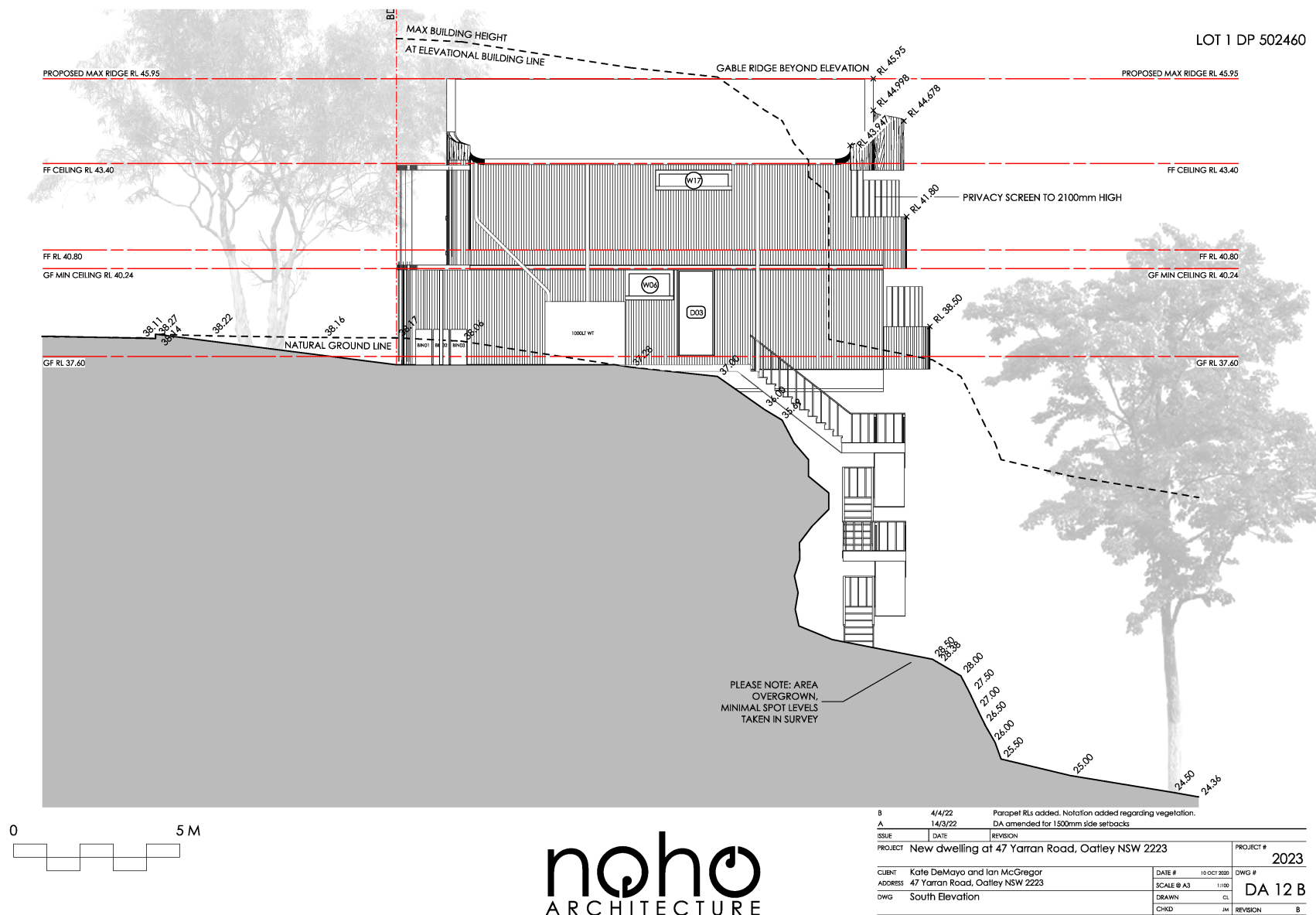


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B	4/4/22	Parapet RLs added. Notation added regarding vegetation.		
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ISSUE	DATE	REVISION		
PROJECT	New dwelling at 47 Yarran Road, Oatley NSW 2223			PROJECT #
CUSTOMER	Kate DeMayo and Ian McGregor		DATE #	10 OCT 2020
ADDRESS	47 Yarran Road, Oatley NSW 2223		SCALE @ A3	1:100
DWG	South Elevation		DRAWN	CL
			CHKD	JM
				REVISION

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