

AGENDA

Georges River Local Planning Panel

Meeting: Georges River Local Planning Panel (LPP)

Date: Thursday, 26 October 2023

Time: 10:00 AM

Venue: Electronic Meeting

Participants: Stephen Alchin (Chairperson)
Ian Armstrong (Expert Panel Member)
Annette Ruhotas (Expert Panel Member)
Jenny Simpson (Community Representative)

1. On Site Inspections – Previously Carried out by Panel Members
2. Opening
3. Consideration of Items and Verbal Submissions LPP031-23 248 Railway Parade Kogarah (Report by Consultant Planner)
4. Local Planning Panel Deliberations in Closed Session
5. Confirmation of Minutes

REPORT TO GEORGES RIVER COUNCIL

LPP MEETING OF THURSDAY, 26 OCTOBER 2023

LPP031-23

LPP Report No	LPP031-23	Development Application No	MOD2022/0098
Site Address & Ward Locality	248 Railway Parade Kogarah Kogarah Bay Ward		
Proposed Development	Modification Application MOD2022/0098 involving façade amendments, changes in openings and to balconies, internal alterations including relocating and reconfiguration of suites and floor layout to development consent REV2020/0013 for site remediation, demolition works and construction of a mixed use building containing 3 levels of basement car parking, ground floor commercial and 5 levels of boarding house accommodating 42 rooms inclusive of the caretakers room at 248 Railway Parade, Kogarah		
Owners	Mr and Ms Toskas		
Applicant	Moderinn Pty Ltd		
Planner/Architect	Planning Direction Pty Ltd, Moderinn Pty Ltd		
Date Of Lodgement	6/06/2022		
Submissions	One (1) to the original notification, the plans the subject of this report were not notified.		
Cost of Works	\$8,253,821.00		
Local Planning Panel Criteria	The instrument of delegations requires boarding house developments to be reported to the Georges River Local Planning Panel for determination. The original Development Application was refused by the Local Planning Panel on 20 February 2020 and the Review of Determination was approved by the Local Planning Panel as a deferred commencement consent on 6 August 2020. The plans the subject of this report are as a result of the deferral reasons issued by the Panel on 17 August 2023.		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Industry and Employment) 2021, State Environmental Planning Policy (BASIX) 2004, State Environmental Planning Policy (Housing) 2021, Georges River Local Environmental Plan 2021, Georges River Development Control Plan 2021		
List all documents submitted with this report for the Panel's consideration	Architectural Plan Set in response to the deferral reasons issued by the Panel on 17 August 2023.		
Report prepared by	Consultant Planner		

Recommendation	That the modification application be approved for the reasons detailed at the end of this report.
-----------------------	---

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?	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 – can be reviewed when the report is published.

Site Plan

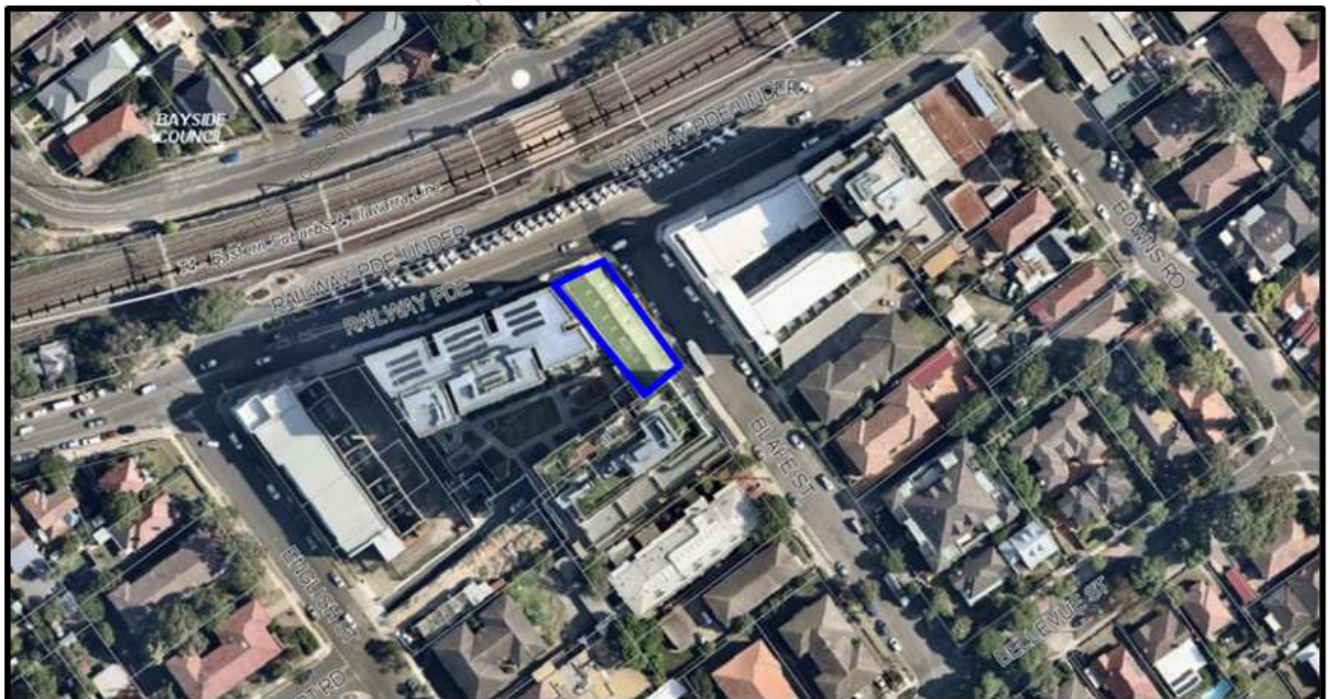


Figure 1: Aerial View of subject site in blue (Near Maps, 2023)

Introduction

1. This report has been prepared following the deferral of the subject Modification Application MOD2022/0098 by the Local Planning Panel (the Panel) at its meeting of 17 August 2023. The Modification Application the subject of the deferral involved façade amendments, changes in openings and balconies, internal alterations including relocating and reconfiguration of suites and floor layout to development consent REV2020/0013 approved for site remediation, demolition works and construction of a mixed use building containing 3 levels of basement car parking, ground floor commercial and 5 levels of boarding house accommodating 42 rooms inclusive of the caretakers room at 248 Railway Parade, Kogarah
2. At its meeting of 17 August 2023, the Panel considered the subject modification application and resolved the following:

Deferral

Modification Application No. MOD2022/0098 involving façade amendments, changes in openings and to balconies, internal alterations including relocating and reconfiguration of suites and floor layout to development consent REV2020/0013 for site remediation, demolition works and construction of a mixed use building containing 3 levels of basement car parking, ground floor commercial and 5 levels of boarding house accommodating 42 rooms inclusive of the caretakers room for the Lot 48 at DP2013, known as 248 Railway Parade, Kogarah, is deferred. The Panel invites the applicant to submit amended detail as follows:

- i. *The manager's suite, the communal room and communal open space are to be relocated to the northern part of level 5 of the development to ensure that these spaces receive the required solar access being 3 hours between 9am and 3pm mid winter. The floor plate of this level is to be reconfigured accordingly to accommodate this design change.*

The matter is to be returned for the consideration of the Panel electronically for determination with the information requested to be provided within 60 days, pursuant to Section 2.20(8) of the Environmental Planning and Assessment Act 1979.

3. On 22 September 2023, correspondence was received from the Applicant along with an amended plan set.
4. On 29 September 2023 correspondence was received from the Applicant along with updated BASIX Certificate.
5. An assessment of the submitted information has been undertaken by Council's assessing officer which discussed below. All requested information has been provided and outstanding matters addressed. Should the Panel be of a mind to approve the application, conditions of consent are provided at the end of this report.

Assessment of additional information



Figure 2: Former Level 5 floor plan with common areas and manager's suite on the southern end.

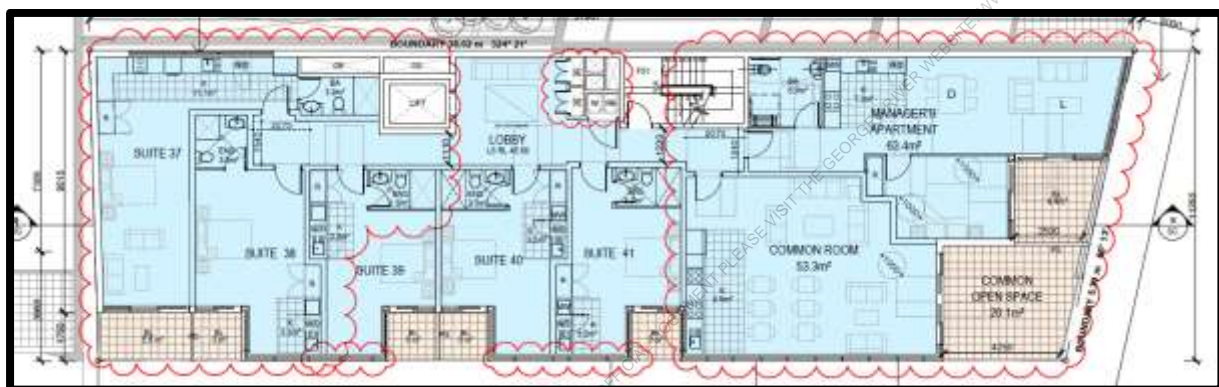


Figure 3: New amended Level 5 floor plan with common areas and manager's suite on the northern end.

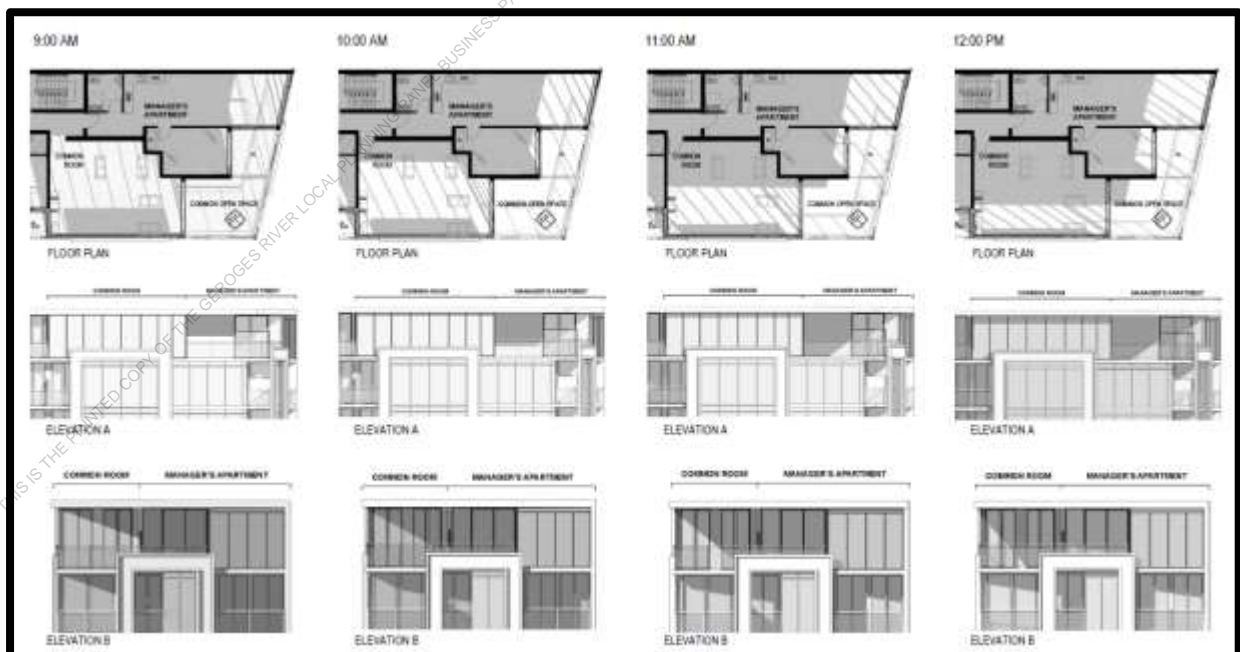


Figure 4: Common areas and manager's suite solar access study.

6. The table below provides an assessment of the requirement of the Panel as per the minutes of the meeting and the information submitted by the applicant.

LPP Meeting Minute	Applicant's Submission
<i>The manager's suite, the communal room and communal open space are to be relocated to the northern part of level 5 of the development to ensure that these spaces receive the required solar access being 3 hours between 9am and 3pm mid winter. The floor plate of this level is to be reconfigured accordingly to accommodate this design change.</i>	Amended architectural plans were submitted.
Comment The amended architectural plans were assessed and found to be satisfactory. The floor plate for level 5 has been amended by relocating the manager's suite, communal room and communal open space to the northern end of the building. The relocation of manager's suite, communal room and communal open space results in the new layout being compliant in terms of the minimum solar access requirements. The deferred item has been satisfied by the revised plans.	

7. Assessment table of the amendments to level 5 of the development:

State Environmental Planning Policy (Housing) 2021			
Division 2 Boarding Houses			
Clause	Standard	Proposed	Compliance
24 Non-discretionary development standards - the Act, s4.15	The object of this section is to identify development standards for particular matters relating to development for the purposes of boarding houses that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.	Noted	Yes
	(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies- ...(e) at least 3 hours of direct solar access provided between 9am and 3pm at mid-winter in at least 1 communal living area,	The amended plans submitted to address the deferral of the application relocates the communal living area from the southern end of level 5 to the northern end level 5. Following the redesign, the communal living area now enjoys greater than 3 hours of direct solar access during	Yes

	<p>... g) for a boarding house containing more than 6 boarding rooms—</p> <p>(i) a total of at least 30m² of communal living area plus at least a further 2m² for each boarding room in excess of 6 boarding rooms, and</p> <p>(ii) minimum dimensions of 3m for each communal living area,</p> <p>h) communal open spaces—</p> <p>(i) with a total area of at least 20% of the site area, and</p> <p>(ii) each with minimum dimensions of 3m,</p>	<p>mid-winter.</p> <p>The amended plans submitted to address the deferral, repositioned the communal living area on level 5 and slightly reduced the overall floor area from 55.2sqm to 53.3sqm. The modification does not comply with the new communal living area requirements being 102sqm, however is considered acceptable as this is consistent with the parent approval in place, as this is a modification application.</p> <p>The amended plans submitted to address the deferral repositioned the communal open space area on level 5 to achieve solar access which is not inconsistent with the approval in place. The floor area of the communal open space was maintained at of 20sqm. The modification does not comply with the communal living area requirement of 20% of the site area or 82.2sqm but is considered acceptable based the existing approval and this being an amendment to the parent approval in place.</p>	<p>No but is considered acceptable based on the existing approval.</p> <p>No but is considered acceptable based on existing approval.</p>
--	--	---	---

		The communal open space area complies with the 3m minimum dimension.	Yes
25 Standards for boarding houses	<p>(1) Development consent must not be granted under this Division unless the consent authority is satisfied that—</p> <p>(a) no boarding room will have a gross floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of more than 25m², and</p> <p>...(c) adequate bathroom, kitchen and laundry facilities will be available within the boarding house for the use of each resident, and</p> <p>h) each boarding room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of at least the following—</p> <p>(i) for a boarding room intended to be used by a single resident—12m²,</p> <p>(ii) otherwise—16m².</p>	<p>Development consent is not being sought as the current application is for a modification to an existing approval. Whilst these standards do not apply to the modification application, they have been discussed below to demonstrate that the proposed rooms are of an acceptable size.</p> <p>Level 5 boarding room sizes range from 25sqm to 40.6sqm inclusive of bathrooms and kitchen areas. These rooms are considered acceptable in sizing.</p> <p>Each suite has their own kitchen and bathroom facilities with a combined washer and dryer in the kitchen areas.</p> <p>Level 5 room sizes range from 25sqm to 40.6sqm inclusive of bathrooms and kitchen area. If the floor area of the bathrooms and kitchens are excluded from each boarding room the remaining floor area is greater than 16sqm which is compliant.</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

Georges River Development Control Plan 2021			
4.7 Boarding Houses			
Clause	Standard	Proposal	Compliance
Private Open Space	30% of all bedrooms are to have access to private open space with a minimum area of 4m ² in the form of a balcony or terrace area.	All level 5 boarding room suites have private open space in the form of balconies directly accessible from their suites. The balconies range in size from 3sqm – 8.4sqm for the Managers Room. Two (2) of the six (6) boarding rooms on this level have private open space of greater than 4sqm. The proposal complies with this requirement.	Yes

8. The applicant has provided the requested information and approval of the proposal is recommended subject to the updated conditions provided at the end of this report.

Conclusion

9. The additional information submitted by the applicant in response to the deferral of the Georges River Local Planning Panel has been assessed and found to satisfactorily addresses the Panel's deferral reason.
10. The assessment of the information concludes that the proposal can be supported, subject to the updated conditions of consent provided at the end of this report.

Determination and Statement of Reasons

Statement of Reasons

11. The reasons for this recommendation are that:
- The proposal is an appropriate response to the site and the MU1 Mixed Use zoning of the property.
 - The boarding house will provide for the housing needs of the community in Kogarah in close proximity to public transport, retail and services.
 - Operation of the facility will not result in any unreasonable amenity impact on the neighbouring properties or community in the locality.

Determination

12. Pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act, 1979, as amended, the Georges River Local Planning Panel, approves Modification Application MOD2022/0098 involving façade amendments, changes in openings and balconies, internal alterations including relocating and reconfiguration of suites and floor layout to development consent REV2020/0013 for site remediation, demolition works and construction of a mixed use building containing 3 levels of basement car parking, ground floor commercial and 5 levels of boarding house accommodating 42 rooms inclusive of the caretakers room for Lot 48 at DP2013, known as 248 Railway Parade, Kogarah subject to the following modified conditions of consent:

Development Details

1. Modified Development Consent

Development Consent Conditions – Modified, Added or Deleted

Conditions Modified

- 3. **Approved Plans** – updated to reflect new plan set.
- 24. **Construction Traffic Management Plan** – slight change to wording
- 26. **Acoustic Requirements – Compliance with submitted Acoustic Report** - reworded and updated to reflect new acoustic report.
- 27. **Waste Storage – Residential and Mixed Use Developments** – correct typo change “storage” to “level”.
- 31. **Fees to be Paid** – update wording for developer contributions.
- 33. **BASIX Commitments** – updated to reflect latest BASIX Certificate details.
- 39. **Landscape Plan** – 4 x *Tristaniopsis laurina* “Luscious” street trees in 45 litre post size specified, deleted parts of conditions related to landscaping on private property.
- 40. **Allocation of Street Addresses** – updated addressing for ground level commercial premises.
- 69. **Completion of Landscaped Works** - update to reflect 4 x *Tristaniopsis laurina* “Luscious” street trees in 45 litre post size to be planted by Council.
- 78. **Boarding House Operation** – definition of “Boarding House” and prohibition on subdivision changed reference from State Environmental Planning Policy (Affordable Rental Housing) 2009 to State Environmental Planning Policy (Housing) 2021.

Conditions Added

- 18a **Fittings and Fixtures to deter pests/vermin** – prior to Construction Certificate.
- 70a **Acoustic Certification** – prior to Occupation Certificate.
- 70b **Compliance with Acoustic Report – Residential - Mechanical Plants** - prior to Occupation Certificate.
- 80a **Acoustic Report – Commercial/Retail - Verification of Noise Report**

Conditions Deleted

Nil

GENERAL DEVELOPMENT CONDITIONS

Development Details

- 1. **Fit-out of retail premises** - No approval is granted for the use or fit-out of the retail premises. Separate Development Consent for the use and fit-out is required prior to the occupation of the retail component of the development.
- 2. **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	Rev	Prepared by
Roof/Site Plan	AP_1000 S4.55_1000	31/3/2020 05/09/2023	B H	Moderinn Pty Ltd
Basement 1,2,3	AP_1001 S4.55_1001	31/3/2020 18/1/2023	B U	Moderinn Pty Ltd
Ground Level Floor Plan	AP_1002 S4.55_1002	31/3/2020 17/1/2023	B O	Moderinn Pty Ltd
Level 1 Floor Plan	AP_1003	31/3/2020	B	Moderinn Pty Ltd
Levels 1-4 Floor Plan	S4.55_1003	04/09/2023	L	Moderinn Pty Ltd
Levels 2 & 3 Floor Plan	AP_1004	31/3/2020	B	Moderinn Pty Ltd
Level 5 Floor Plan	S4.55_1004	15/09/2023	P	Moderinn Pty Ltd
Levels 4 & 5 Floor Plan	AP_1005	31/3/2020	B	Moderinn Pty Ltd
Section A-A	AP_2000 S4.55_2000	31/3/2020 15/09/2023	B L	Moderinn Pty Ltd
NW Elevation	AP_3000 S4.55_3000	31/3/2020 15/09/2023	B I	Moderinn Pty Ltd
NE Elevation	AP_3001 S4.55_3001	31/3/2020 15/09/2023	B N	Moderinn Pty Ltd
SW Elevation	AP_3002 S4.55_3002	31/3/2020 06/09/2023	B I	Moderinn Pty Ltd
SE Elevation	AP_3003 S4.55_3003	31/3/2020 15/09/2023	B D	Moderinn Pty Ltd
Perspective	S4.55_6000	21/09/2023	D	Moderinn Pty Ltd
Finishes Schedule	AP_7000 S4.55_7000	31/3/2020 01/09/2023	B C	Moderinn Pty Ltd
Landscape Plan	18/3890 L01 18/3890 L01	27/3/2020 18/1/2022	A B	Zenith Landscape Designs
Acoustic Assessment	0249-AC-02-A 0249-AC-03-A	March 2020 January 2022		Broadcrest Consulting Pty Ltd.
Detailed Environmental Site Assessment	REF-0249-ESA	July 2020		Broadcrest Consulting Pty Ltd.

LPP031-23

This condition has been amended via MOD2022/0098

Separate Approvals Required Under Other Legislation

3. **Vehicular Crossing - Major Development** - The following vehicular crossing and road frontage works will be required to facilitate access to and from the proposed development site:
- (a) Construct a full width (boundary to kerb) footpath area in paving material for the full length of the frontage of the site in Railway Parade and Blake Street in accordance with Council's Specifications applying at the time construction approval is sought.
 - (b) The thickness and design of the driveway shall be in accordance with Council's Specifications applying at the time construction approval is sought.
 - (c) Construct a new 150mm high concrete kerb with 450mm wide gutter for the full frontage(s) of the site in accordance with Council's Specifications for kerb and guttering, applying at the time construction approval is sought.
 - (d) 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. The work shall be carried out in accordance with Council's specification, applying at the time construction approval is sought.
4. **Building - Hoarding Application** - Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

An application for this work under Section 68 of the [Local Government Act 1993](http://www.legislation.nsw.gov.au/) <<http://www.legislation.nsw.gov.au/>> and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under Section 68 of the [Local Government Act 1993](http://www.legislation.nsw.gov.au/) <<http://www.legislation.nsw.gov.au/>> and Section 138 of the [Roads Act 1993](http://www.legislation.nsw.gov.au/) <<http://www.legislation.nsw.gov.au/>>:

- a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and
- b) Hoarding plan and details that are certified by an appropriately qualified engineer; and
- c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at www.georgesriver.nsw.gov.au) before the commencement of work; and
- d) Public Risk Insurance Policy with a minimum cover of \$20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

5. **Below ground anchors - Information to be submitted with S68 Application under LGA 1993 and S138 Application under Roads Act 1993** - In the event that the excavation associated with the basement carpark is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways, an application must be lodged with Council under Section 68 of the [Local Government Act 1993](http://www.legislation.nsw.gov.au/) [<http://www.legislation.nsw.gov.au/>](http://www.legislation.nsw.gov.au/) and the [Roads Act 1993](http://www.legislation.nsw.gov.au/) [<http://www.legislation.nsw.gov.au/>](http://www.legislation.nsw.gov.au/) for approval, prior to commencement of those works. The following details must be submitted.

- a) That cable anchors will be stressed released when the building extends above ground level to the satisfaction of Council.
- b) The applicant has indemnified Council from all public liability claims arising from the proposed works, and provide adequate insurance cover to the satisfaction of Council.
- c) Documentary evidence of such insurance cover to the value of \$20 million.
- d) The applicant must register a non-terminating bank guarantee in favour of Council for the amount of **\$50,000.00**.
The guarantee will be released when the cables are stress released. In this regard it will be necessary for a certificate to be submitted to Council from a structural engineer at that time verifying that the cables have been stress released.
- e) That in the event of any works taking place on Council's roadways/footways adjoining the property while the anchors are still stressed, all costs associated with overcoming the difficulties caused by the presence of the 'live' anchors will be borne by the applicant.

6. **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](http://www.legislation.nsw.gov.au/) and/or Section 68 of the [Local Government Act 1993](http://www.legislation.nsw.gov.au/) 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.

- 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.

Requirements of Concurrence, Integrated & Other Government Authorities

- 8. Sydney Trains** - Prior to the issuing of a Construction Certificate, the Applicant shall consult with Sydney Trains regarding the provisions of either:
- Certification from a qualified Geotechnical and Structural Engineer stating that the proposed works are to have no negative impact on the rail corridor and associated rail infrastructure, or
 - A Geotechnical Engineering report, Structural Report and Drawing for review by Sydney Trains. The report shall demonstrate that the development has no negative impact on the rail corridor or the integrity of the infrastructure through its loading and ground deformation and shall contain structural design details/analysis for review by Sydney Trains. The report shall include the potential impact of demolition and excavation, and demolition - and excavation - induced vibration in rail facilities, and loadings imposed on Sydney Trains Facilities by the development.

The Applicant shall prepare an acoustic assessment demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads- Interim Guidelines". The Applicant must incorporate in the development all the measures recommended in the report. A copy of the report is to be provided to the Principal Certifying Authority and Council prior to the issuing of a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the acoustic assessment are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate.

Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate. The Principal Certifying Authority must ensure that the recommendations of the electrolysis report are incorporated in the construction drawings and documentation prior to the issuing of the relevant Construction Certificate. Sydney Trains is a NSW Government agency Ground Floor - East, 36-46 George Street, Burwood NSW 2134 - PO Box 459 Burwood NSW 1805 Phone 8575 0780 Email DA_sydneytrains@transport.nsw.gov.au www.transport.nsw.gov.au/sydneytrains ABN 38 284 779 682

If required by Sydney Trains, prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

Unless advised by Sydney Trains in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

Prior to the issuing of a Construction Certificate the Applicant must submit to Sydney Trains a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Trains requirements. If required by Sydney Trains, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the Sydney Trains confirming that this condition has been satisfied.

The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Trains in writing), who:

- oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Trains;
- acts as the authorised representative of the Applicant; and
- is available (or has a delegate notified in writing to Sydney Trains that is available) on a 7 day a week basis to liaise with the representative of Sydney Trains, as notified to the Applicant.

Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Trains in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Trains in relation to the works.

Where a condition of consent requires consultation with Sydney Trains, the Applicant shall forward all requests and/or documentation to the relevant Sydney Trains external party interface team. In this instance the relevant interface team is Central and they can be contacted via email on Illawarra_Interface@transport.nsw.gov.au. Sydney Trains is a NSW Government agency Ground Floor - East, 36-46 George Street, Burwood NSW 2134 - PO Box 459 Burwood NSW 1805 Phone 8575 0780 Email DA_sydneytrains@transport.nsw.gov.au www.transport.nsw.gov.au/sydneytrains ABN 38 284 779 682

Where a condition of consent requires Sydney Trains or Transport for NSW endorsement the Principal Certifying Authority is not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates dealing with specific works and compliance conditions can be issued subject to written agreement from those entities to which the relevant conditions applies.

9. AUSGRID

Conduit Installation

The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

Street lighting

The developer is to consider the impact that existing street lighting and any future replacement street lighting and maintenance may have on the development. Should the developer determine that any existing street lighting may impact the development, the developer should either review the development design, particular the placement of windows, or discuss with Ausgrid the options for relocating the street lighting. The relocating of any street lighting will generally be at the developers cost. In many cases is not possible to relocate street lighting due to its strategic positioning.

Proximity to Existing Network Assets

Overhead Powerlines

There are existing overhead electricity network assets in Blake Street, KOGARAH.

Safework NSW Document - Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding.

The "as constructed" minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website, www.ausgrid.com.au

Based on the design of the development provided, it is expected that the "as constructed" minimum clearances will not be encroached by the building development. However it remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite.

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost.

It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Underground Cables

There are existing underground electricity network assets in RAILWAY PARADE, KOGARAH.

Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area.

Safework Australia - Excavation Code of Practice, and Ausgrid's Network Standard NS156 outlines the minimum requirements for working around Ausgrid's underground cables.

Please do not hesitate to contact Wei Yao on Ph: (02) 9394 6932 (please quote our ref: Trim 2017/18/66) should you require any further information.

10. **Electricity Supply** - An application is required to be made to Ausgrid for a network connection. This may require the network to be extended or its capacity augmented. Evidence of this application being lodged with Ausgrid is required to be provided to the Certifying Authority prior to the issue of a Construction Certificate. For further details, you are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services).
11. **Connection to the network will be required prior to the release of any Occupation Certificate** - Where works within the road reserve are to be carried out by the developer, a Road Opening Permit must be obtained from Council's Customer Service Centre before commencement of work.
12. **Electricity Supply to Development** - The electricity supply to the Development must be underground.
13. **Above ground power lines** - All existing overhead power lines within or adjacent to the development site shall be relocated underground to Energy Australia standards and specifications. If not practicable to relocate the power line underground, arrangements shall be made with Energy Australia to place the conduit to carry those power lines underground so that they can be utilised at a later date by Energy Australia. In this regard all associated costs shall be borne by the applicant.
14. **Geotechnical Report** - Prior to the issue of a Construction Certificate the Applicant shall provide Sydney Trains with a Geotechnical Report and structural drawings/report. These reports shall provide confirmation that there will be no negative impact on Sydney Trains infrastructure and land. Written confirmation shall be provided from Sydney Trains to the Certifying Authority confirming this condition has been satisfied.

- 15. 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.
- 16. Notice of Requirements for a Section 73 Certificate** - A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the [Sydney Water Act 1994 <http://legislation.nsw.gov.au/>](http://legislation.nsw.gov.au/) must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

The Notice of requirements must be submitted prior to the commencement of work. A Section 73 Compliance Certificate will be required at the completion of development in accordance with further conditions.

17. WaterNSW

Condition Number	Details
Dewatering	
GT0062-00001	Groundwater shall not be pumped or extracted for any purpose other than temporary construction dewatering at the site identified in the development application.
GT0063-00001	An authorisation under the relevant water legislation, such as a Water Access Licence (WAL), shall be obtained for the take of groundwater as part of the activity. For avoidance of doubt, these terms do not represent any authorisation for the take of groundwater, nor do they constitute the grant, or the indication of an intention to grant, any required WAL.
GT0064-00001	An authorisation under the relevant water legislation, such as an Approval, is also required for the works involved in extracting the groundwater. For avoidance of doubt, these terms do not represent any authorisation for the construction or installation of such works.
GT0065-00001	The relevant works must not be carried out, installed or operated until a specialist hydrogeological assessment has been completed by the Department of Planning Industry and Environment, which concludes that adequate arrangements are in force to ensure that no more than minimal harm will be done to any water source, or its dependent ecosystems, as a consequence

	of the construction or use of the proposed water management work.
GT0066-00001	The design and construction of the building must prevent any take of groundwater after the authorisation has lapsed by making any below-ground levels that may be impacted by any water table fully watertight for the anticipated life of the building. Waterproofing of below-ground levels must be sufficiently extensive to incorporate adequate provision for unforeseen high water table elevations to prevent potential future inundation.
GT0067-00001	Sufficient permanent drainage shall be provided beneath and around the outside of the watertight structure to ensure that natural groundwater flow is not impeded and: <ul style="list-style-type: none"> a. any groundwater mounding at the edge of the structure shall be at a level not greater than 10% above the level to which the water table might naturally rise in the location immediately prior to the construction of the structure; and b. any elevated water table is more than 1.0m below the natural ground surface existent at the location immediately prior to the construction of the structure; and c. where the habitable part of the structure (not being footings or foundations) is founded in bedrock or impermeable natural soil then the requirement to maintain groundwater flows beneath the structure is not applicable.
GT0068-00001	Construction methods and material used in and for construction shall be designed to account for the likely range of salinity and pollutants which may be dissolved in groundwater, and shall not themselves cause pollution of the groundwater.
GT0069-00001	The Applicant is bound by the above terms and any other terms and conditions of the subsequent authorisation(s) required for the extraction of groundwater and the associated works under the relevant water legislation.
GT0070-00001	Measurement and monitoring arrangements to the satisfaction of WaterNSW are to be implemented. Weekly records of the volumes of all groundwater pumped and the quality of any water discharged are to be kept and a completion report provided after dewatering has ceased. Records of groundwater levels are to be kept and a summary showing daily or weekly levels in all monitoring bores provided in the completion report.
GT0071-00001	Following cessation of the dewatering operations and prior to the surrender of any associated authorisation, the applicant shall submit to WaterNSW the completion report which shall include: <ul style="list-style-type: none"> a. detail of the volume of water taken, the precise periods and location of water taken, the details of water level monitoring in all of the relevant bores; and b. The location and construction of groundwater extraction works that are decommissioned

	c. a water table map depicting the aquifer's settled groundwater condition and a comparison to the baseline conditions; and d. a detailed interpreted hydrogeological report identifying all actual resource and third party impacts, including an assessment of altered groundwater flows and an assessment of any subsidence or excessive settlement induced in nearby buildings and property and infrastructure.
--	---

Prior to the Issue of a Construction Certificate

- 18. Low reflectivity roof** - Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.

- 18a Fittings and Fixtures to deter pests/vermin** - Structural fittings and fixtures shall be installed for all internal rooms to deter pests/vermin that enhance nonchemical pest management of the building. All cracks and crevices to be sealed and insect screening provided to all openings. Full details to be provided prior to the release of the Construction Certificate.

This condition has been added via MOD2022/0098

- 19. 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.

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.

- 20. On Site Detention** - The submitted stormwater plan has been assessed as a concept plan only. 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.

An on-site detention (OSD) facility designed by a professional engineer who specialises in Hydraulic Engineering must be designed and certified. The design must comply with the results of the generated stormwater management report regarding the OSD storage volume and the stormwater permissible site discharge.

- (a) Provide at least one grated access and sufficient ventilation to the OSD tank.
- (b) Provide sealed access for future maintenance.

- (c) The PCA shall ensure that the proposed high level overflow pipe of 225mm diameter is properly installed as shown on the plan Dwg No. (404-06) and is functioning as intended to avoid flooding the building once the OSD tank is full.
- (d) The PCA shall ensure that a drainage engineer shall supervise the construction of the OSD stormwater system and certify his supervision in writing and state his satisfaction of the constructed stormwater system on site that it is built as intended in this consent.
- (e) The design and structural adequacy of the OSD tank system shall be certified by a practicing structural engineer to the satisfaction of the PCA.

Refer to Flow Controls in Council's Draft/Adopted Stormwater Drainage Policy.

The OSD facility shall be designed to meet all legislated safety requirements and childproof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."

Full details shall accompany the application for the Construction Certificate.

- 21. Council Property Shoring** - Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering must detail how Council's property shall be supported at all times.

Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5MPa lean concrete mix.

- 22. Damage Deposit - Major 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: **\$57,758.28** (Not inclusive of drainage works)
- (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: **\$742.00.**
- (c) Submit to Council, before the commencement of work, a dilapidation report of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.
- (d) Fees and charges shown above are subject to change and are set out in the current version of Council's 'Schedule of Fees and Charges', applicable at the time of payment

At the completion of work Council will review the dilapidation report and the Works-As-Executed Drawings (if applicable) and inspect the public works.

The damage deposit will be refunded in full upon completion of work where no damage occurs and where Council is satisfied with the completion of works. Alternatively, the damage deposit will be forfeited or partly refunded based on the damage incurred.

- 23. Geotechnical report** - The applicant must submit 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. This is to be submitted before the issue of the Construction Certificate and is to include:

- (a) 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.
- (b) Dilapidation Reports on the adjoining properties 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.
- (c) On-site guidance by a vibration specialist during the early part of excavation.
- (d) 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.
- (e) 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.

- 24. Construction Traffic Management Plan - A Construction Traffic Management Plan detailing:**

- (a) **construction vehicle routes;**
- (b) **anticipated number of trucks per day;**
- (c) **hours of construction;**
- (d) **Access arrangements; and**
- (e) **Proposed traffic measures to minimise impacts of construction vehicles**

must be submitted for the approval of Council's Engineers. Council's Engineers must specify in writing that they are satisfied with the Traffic Management Plan Council's Senior Traffic and Parking Assessment Officer prior to the issue of the Construction Certificate.

This condition has been amended via MOD2022/0098

25. Engineering – The following conditions relate to design and operation of the car park and driveway access:

- 1) Driveway access to comply with figure 3.3-Minimum Sight Lines for Pedestrian Safety as per AS 2890.1:2004 of the Australian Standard for off-street car parking. Figure 3.3 specifies the minimum sight lines for pedestrian safety along a circulation driveway or domestic driveway.
- 2) In the instance of multi storey car park and to prevent vehicles from running over the edge of a raised platform or deck of a multi-story car park, barriers in accordance to AS2890.1:2004 section 2.4.5.3 need to be installed.
- 3) Any wall or fence or solid object on either side of the driveway/vehicular crossing where it meets the Council's road reserve at the boundary must comply with sight distance requirements stipulated in the *Australian Standards AS2890.1*.
- 4) The proposed car lift should be sign posted to alert the drivers entering the car lift is by reversing in only.
- 5) The proposed car lift should include a warning light at each level, which will turn on when the lift mechanism is in operation.
- 6) A convex safety mirror can be provided at a the location, so that vehicles exiting the car lift at the ground level can perceive any vehicles entering the site through the crossover and any pedestrians walking along the footpath.
- 7) That the car lift to be installed and used for access to the basement parking to have a minimum speed of **0.3m/s**.

26. Acoustic Requirements - Compliance with submitted Acoustic Report - The Construction Certificate plans shall demonstrate compliance with the Acoustic Assessment submitted to Council, titled the *"Acoustic Assessment" dated March 2020; File Reference: 0249-AC-02-A by Broadcrest Consulting Pty Ltd* *"Acoustic Assessment" dated January 2022; File Reference: 0249-AC-03-A by Broadcrest Consulting Pty Ltd*.

~~This means that a review of glazing design and mechanical plant must be undertaken to ensure that acoustic objectives will be met. It is also imperative that section 6.4.3 of the *"Acoustic Assessment" dated March 2020; File Reference: 0249-AC-02-A by Broadcrest Consulting Pty Ltd* is addressed. Written verification from a suitably qualified acoustic consultant must be submitted to Council validating that the acoustic objectives contained within the aforementioned report will be met, must be submitted to Council for approval.~~

Certification provided by a suitably qualified and experienced acoustic consultant, referencing the Construction Certificate Plans and confirming that the requirements of the approved Acoustic Report titled *"Acoustic Assessment" dated January 2022; File Reference: 0249-AC-03-A by Broadcrest Consulting Pty Ltd* are met must be provided to the satisfaction of the Certifying Authority prior to the release of the Construction Certificate.

~~The Construction Certificate will not be issued until Council approves this validation.~~

The Acoustic Report Compliance Certificate must be incorporated into the Construction Certificate documentation.

This condition has been amended via MOD2022/0098

- 27. Waste Storage - Residential and Mixed Use Developments** - The plans shall include details of the waste storage area. The waste storage area shall not be visible from the street. The waste storage area shall be located within the lot/building in accordance with the approved plans.

The waste storage area shall be large enough to accommodate the required number of bins for the development and located in an area to suitably facilitate servicing on waste collection day.

The path to the bin room is to be at least 1 metre wide and kept clear and unobstructed at all times.

Residential Waste

The development will require the provision of the following waste and recycling facilities:

- (a) Domestic Waste - 1 x 240 litre mobile garbage bin per 2 units/dwellings, collected weekly.
- (b) Domestic Recycling - 1 x 240 litre mobile garbage bin per 2 units/dwellings, collected weekly.
- (c) Green Waste - 1 to 2 x 240 litre mobile bins per development.

Larger 1,100 litre mobile bins may be used as an alternative, but an equivalent amount of space will need to be provided and door widths reconsidered if larger bins are used.

It is required that either a chute system be used or storage space be provided on each occupied storage level (to store at least two days' worth of waste) in 240L bins, to be rotated by a building manager for collection for servicing from the bin room on the ground floor.

This condition has been amended via MOD2022/0098

- 28. Waste Storage Containers - Commercial/Industrial** - Appropriate waste and recycling containers and facilities will need to be provided for all specific end use businesses in accordance with the following waste generation rates:

Commercial Waste

- (a) Retail Trading - shops, to 100 square metres - 0.1-0.2 cubic metres per 100 square metres of floor area per day;
- (b) Restaurants and Food Shops - 0.3-0.6 square metres per 100 meals, plus up to 0.15 cubic metres of beverage containers per 100 meals; and,
- (c) Office - 0.01-0.03 cubic metres per 100 square metres of floor area per day.

All waste and recycling containers shall be stored in an approved waste storage area that is large enough to store the required number of bins for the number of units and intended uses of the building.

Bins shall be stored in an area of the building that can be adequately serviced by waste collection vehicles. If the waste storage area is located in a part of the building that cannot be easily accessed by service providers, it will be the responsibility of the Owners Corporation to present the bins for collection to the kerb-side.

- 29. Waste Handling Systems** - All waste handling equipment and systems used in conjunction with the provision of waste and recycling services shall be manufactured, installed and maintained in accordance with any applicable regulatory requirements, relevant Australian Standards, and relevant manufacturer's specifications.
- 30. Public Domain Plan** - The Applicant is required to submit Public Domain Plans which are to consist of full civil engineering drawings to Australian Standards. Inclusive of new kerbing long sections, cross sections, driveway, drainage, paved footpath, landscape and tree pits, and in accordance with Councils "Public Domain Streetscape Works Specification".

The public domain works shall be constructed in accordance with the approvals and specifications issued under the "Application for Driveway Crossing and Associated Works on Council Road Reserve" Roads Act 1993 Section 138 Approval issued by Council's Assets and Infrastructure Division.

Applications to be made at Georges River Council Customer Service Centre.

- 31. 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).

Please contact Council prior to the payment of Development Contributions to determine whether the amounts have been indexed from that indicated below in this consent and the form of payment that will be accepted by Council.

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 (footpaths and roadworks) Calculation based on \$1,236.00 per metre of street frontage: Railway Parade 11.53m Blake Street 35.2m	\$57,758.28
Inspection Fee for Refund of Damage Deposit (minimum of two (2) inspections at \$371 per inspection	\$742.00

DEVELOPMENT CONTRIBUTIONS	
Kogarah Section 94 Development Contributions Plan No.8 - Kogarah Town Centre - Streetscape, Open Space & Domain	Public \$482,682.90
Kogarah Section 94 Development Contributions Plan No.8 - Kogarah Town Centre - Traffic Facilities	\$12,667.62
Kogarah Section 94 Development Contributions Plan No.8 - Kogarah Town Centre - Community Facilities	\$8,604.54
Kogarah Section 94 Development Contributions Plan No.9 - Kogarah Libraries – Buildings	\$8,019.48
Kogarah Section 94 Development Contributions Plan No.9 - Kogarah Libraries – Books	\$5,717.88
Total	\$517,692.42

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 Development Contribution is imposed to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

Indexation

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 Development Contributions Plan.

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 *all current Development Contributions Plans* may be inspected or a copy purchased at Council's offices (Georges River Civic Centre, MacMahon Street, Hurstville and Kogarah Library and Service Centre, Kogarah Town Square, Belgrave Street, Kogarah) or viewed on Council's website www.georgesriver.nsw.gov.au.

- 32. Site Management Plan** - A Site Management Plan must be submitted with the application for a Construction Certificate, and include the following:

- a) location of protective site fencing;
- b) location of site storage areas/sheds/equipment;
- c) location of building materials for construction, e.g. stockpiles
- d) provisions for public safety;
- e) dust control measures;
- f) method used to provide site access location and materials used;
- g) details of methods of disposal of demolition materials;
- h) method used to provide protective measures for tree preservation;
- i) provisions for temporary sanitary facilities;
- j) location and size of waste containers/skip bins;

- k) details of proposed sediment and erosion control measures;
- l) method used to provide construction noise and vibration management;
- m) construction and demolition traffic management details.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. 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.

- 33. BASIX Commitments – All energy efficiency measures as detailed in the BASIX Certificate No. ~~1009898M_02 dated 9 April 2020~~ 1009898M_08 dated 19 September 2023 must be implemented on the plans lodged with the application for the Construction Certificate.**

This condition has been amended via MOD2022/0098

- 34. Required design changes** - The following changes are required to be made and shown on the Construction Certificate plans:

- a) The drainage engineer shall show on an amended drainage plan, that the headroom clearance under the suspended OSD tank is complying with the requirement of the relevant AS(2890.1) and AS(2890.2). If required the architectural plan shall also be amended accordingly.
- b) Lighting is to be provided on the underside of the colonnade.

- 35. 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 sealed.

- 36. Stormwater System** - The submitted stormwater plan has been assessed as a concept plan only. 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 by gravity to the upper level of Council's kerb inlet pit located in Railway Parade as shown on the drainage plan in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).
 - (b) 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.
 - (c) The PCA shall ensure that the approved drainage design levels are to be surveyed during construction by a registered surveyor.

Design details and certifications shall be submitted for approval with the Construction Certificate application.

- 37. 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).
- 38. Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage areas, transfer of waste around the development once operational and collection/removal of all materials from the site once operational (both residential and commercial wastes) shall be submitted to the Certifying Authority/Council prior to the issue of any Construction Certificate.

The WMP should also outline considerations for commercial waste to be generated during on-going operations of the development, enabling separate storage of residential and commercial wastes.

- 39. Landscape Plan** – ~~All landscape works shall be carried out in accordance with the approved landscape plans and specifications, drawn by Zenith Landscape Designs, Ref 18 - 3890 LO1, REV A and dated 27/3/20. The landscaping shall be maintained in accordance with the approved plans in perpetuity, subject to the following;~~

~~a) An additional one (1) tree shall be planted within Council's street verge in the location of the right side of driveway, fronting Blake St and species selection being *Tristaniopsis laurina*, be of minimum 75 litre pot/ bag size.~~

~~b) The proposed tree and plant species, pot/ bag size and quantities of plants shall be in accordance with the proposed plant schedule upon the landscape plan. If plant species, pot/ bag size and quantities cannot be sourced, Council shall be contacted for alternatives.~~

~~c) All trees proposed upon the approved landscape plan shall comply with AS 2303 - 2018, Tree Stock for Landscape use and NATSPEC Specifying Trees: a guide to assessment of tree quality (2003), and be planted and maintained in accordance with Councils standard specification.~~

~~d) If the planted four (4) trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Councils Tree Management Controls, they must be replaced with the same species and pot/bag size.~~

~~e) A certificate of compliance for the planting of all four (4) trees proposed for the site. An AQF 5 Horticulturist shall be engaged and in writing certify that all trees have been planted as per landscape plan and specifications and forwarded to the PCA – Principal Certifying Authority.~~

The landscaping shall be generally in accordance with the approved landscape plan and specifications, drawn by Zenith Landscape Designs, Ref 18 - 3890 LO1, REV B and dated 18/1/22 but include the following changes:

- a) An additional one (1) tree shall is required to be planted within Councils street verge in the location of the right side of driveway, fronting Blake Street, making a total of four (4) street tree.
- b) All street trees shall be *Tristanopsis laurina* “Luscious” and be of minimum 45 litre pot/ bag size unless changed by Council.

Street Tree planting

Fee Type - Tree planting on public land	Number of trees	Amount per tree
Administration Fee, tree planting and maintenance	4	\$452.00
Cost of tree removal		N/A
Cost of Stump Grinding		N/A

Street Tree planting by Council -

- a) A total of four (4) trees must be provided in the road reserve fronting the site.
- b) Council shall be appointed to remove and plant all tree/s on public land. All costs associated with the removal of the tree/s and the planting of replacement trees shall be met by the applicant. Fees and charges outlined in the table below are subject to change and are set out in the current version of Council's ‘Schedule of Fees and Charges’, applicable at the time of payment.
- c) The fees must be paid in accordance with the conditions of this consent. The fee payable is to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

- c) The fees payable 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 conditions set out in this consent.

This condition has been amended via MOD2022/0098

40. Allocation of street addresses - In order to comply with AS/NZS 4819:2011 Rural and Urban Addressing & the NSW Addressing User Manual (Geographical Names Board of NSW) and Georges River Council's requirements, the street addresses for the subject development must be allocated as follows:

New Primary Address: 1 Blake Street KOGARAH NSW 2217 (Boarding House Reception)

Secondary Address: ~~248 Railway Parade KOGARAH NSW 2217~~ G01/ 1 Blake Street KOGARAH NSW 2217 (Commercial premises)

Unit Addresses: Refer to table below.

Details indicating compliance with this condition must be shown on the plans lodged with any Construction Certificate for approval.

Unit Addresses at 1 Blake Street KOGARAH NSW 2217						
Unit numbers on DA Plans		Floor Number	Unit numbers and addresses allocated by Council			
Level	Unit No.		Unit No	Street No	Street Name	COMPLETE ADDRESS
Basement 1	-	B1	Basement Carpark - B1			
Basement 2	-	B2	Basement Carpark - B2			
Basement 3	-	B3	Basement Carpark - B3			
Ground Floor	Retail	G		248	Railway Parade	KOGARAH NSW 2217
Level 1 plan	Suite 1	1	101	1	Blake Street	KOGARAH NSW 2218
Level 1 plan	Suite 2	1	102	1	Blake Street	KOGARAH NSW 2219
Level 1 plan	Suite 3	1	103	1	Blake Street	KOGARAH NSW 2220
Level 1 plan	Suite 4	1	104	1	Blake Street	KOGARAH NSW 2221
Level 1 plan	Suite 5	1	105	1	Blake Street	KOGARAH NSW 2222
Level 1 plan	Suite 6	1	106	1	Blake Street	KOGARAH NSW 2223
Level 1 plan	Manager Suite 7	1	107	1	Blake Street	KOGARAH NSW 2224
Level 2 Plan	Suite 8	2	201	1	Blake Street	KOGARAH NSW 2225
Level 2 Plan	Suite 9	2	202	1	Blake Street	KOGARAH NSW 2226
Level 2 Plan	Suite 10	2	203	1	Blake Street	KOGARAH NSW 2227
Level 2 Plan	Suite 11	2	204	1	Blake Street	KOGARAH NSW 2228
Level 2 Plan	Suite 12	2	205	1	Blake Street	KOGARAH NSW 2229
Level 2 Plan	Suite 13	2	206	1	Blake Street	KOGARAH NSW 2230
Level 2 Plan	Suite 14	2	207	1	Blake Street	KOGARAH NSW 2231
Level 2 Plan	Suite 15	2	208	1	Blake Street	KOGARAH NSW 2232
Level 2 Plan	Accessible Suite 16	2	209	1	Blake Street	KOGARAH NSW 2233
Level 3 Plan	Suite 17	3	301	1	Blake Street	KOGARAH NSW 2234
Level 3 Plan	Suite 18	3	302	1	Blake Street	KOGARAH NSW 2235
Level 3 Plan	Suite 19	3	303	1	Blake Street	KOGARAH NSW 2236
Level 3 Plan	Suite 20	3	304	1	Blake Street	KOGARAH NSW 2237
Level 3 Plan	Suite 21	3	305	1	Blake Street	KOGARAH NSW 2238
Level 3 Plan	Suite 22	3	306	1	Blake Street	KOGARAH NSW 2239
Level 3 Plan	Suite 23	3	307	1	Blake Street	KOGARAH NSW 2240
Level 3 Plan	Suite 24	3	308	1	Blake Street	KOGARAH NSW 2241
Level 3 Plan	Accessible Suite 25	3	309	1	Blake Street	KOGARAH NSW 2242
Level 4 Plan	Suite 26	4	401	1	Blake Street	KOGARAH NSW 2243
Level 4 Plan	Suite 27	4	402	1	Blake Street	KOGARAH NSW 2244
Level 4 Plan	Suite 28	4	403	1	Blake Street	KOGARAH NSW 2245
Level 4 Plan	Suite 29	4	404	1	Blake Street	KOGARAH NSW 2246
Level 4 Plan	Suite 30	4	405	1	Blake Street	KOGARAH NSW 2247
Level 4 Plan	Suite 31	4	406	1	Blake Street	KOGARAH NSW 2248
Level 4 Plan	Suite 32	4	407	1	Blake Street	KOGARAH NSW 2249
Level 4 Plan	Suite 33	4	408	1	Blake Street	KOGARAH NSW 2250
Level 4 Plan	34	4	409	1	Blake Street	KOGARAH NSW 2251
Level 5 Plan	Suite 35	5	501	1	Blake Street	KOGARAH NSW 2252
Level 5 Plan	Suite 36	5	502	1	Blake Street	KOGARAH NSW 2253
Level 5 Plan	Suite 37	5	503	1	Blake Street	KOGARAH NSW 2254
Level 5 Plan	Suite 38	5	504	1	Blake Street	KOGARAH NSW 2255
Level 5 Plan	Suite 39	5	505	1	Blake Street	KOGARAH NSW 2256
Level 5 Plan	Suite 40	5	506	1	Blake Street	KOGARAH NSW 2257
Level 5 Plan	Suite 41	5	507	1	Blake Street	KOGARAH NSW 2258
Level 5 Plan	Suite 42	5	508	1	Blake Street	KOGARAH NSW 2259
Level 5 Plan	43	5	509	1	Blake Street	KOGARAH NSW 2260

This condition has been amended via MOD2022/0098

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

- 41. Dilapidation Report on Public Land - Major Development** - prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site:

The report must include the following:

- (a) Photographs showing the existing condition of the road pavement fronting the site,
- (b) Photographs showing the existing condition of the kerb and gutter fronting the site,
- (c) Photographs showing the existing condition of the footpath pavement fronting the site,
- (d) Photographs showing the existing condition of any retaining walls within the footway or road, and
- (e) The Dilapidation Report must be prepared by a qualified structural engineer. The report must be provided to the PCA and a copy provided to the Council.

The Dilapidation Report must be prepared by a professional engineer. The report must be provided to the PCA and a copy provided to the Council.

The report is to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

Note: Council will use this report to determine whether to refund the damage deposit after the completion of works.

- 42. Site contamination - Additional information** - Any new information that comes to light during excavation (after demolition of the onsite structures and the conclusion of the detailed site investigation) which has the potential to alter previous conclusions about site contamination and remediation must be notified to Council and the accredited certifier immediately.

The following steps must then be taken before any further works proceed onsite:

A further detailed investigation of the site should then be prepared by a suitably qualified contaminated land consultant and submitted to Council.

This report must consider whether the land is contaminated, and

- if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

- 43. 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.

- 44. 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.

- 45. 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](#).

- 46. 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.

47. Registered Surveyors Report - During Development Work - A report must be submitted to the PCA at each of the following applicable stages of construction:

- a) Set out before commencing excavation.
- b) Floor slabs or foundation wall, before formwork or commencing brickwork.
- c) 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.
- d) 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.
- e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- g) 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.

48. 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

49. Development Engineering - 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.

50. Development Engineering - 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 and cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site.

51. **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.
52. **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.

53. **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.
54. **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.
55. **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

56. **Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the [Sydney Water Act 1994](http://legislation.nsw.gov.au/) <<http://legislation.nsw.gov.au/>> must be submitted to the PCA prior to the issue of the Occupation/Subdivision Certificate.
57. **Major Development** - Internal driveways and parking spaces are to be adequately paved with concrete or bitumen, or interlocking pavers to provide a dust-free surface. All car parking spaces are to be line marked in accordance with AS1742, 'Australian Standard Manual of Uniform Traffic Control Devices' and the relevant guidelines published by the RMS.

- 58. Restriction to User and Positive Covenant for On-Site Detention Facility** - A Restriction on Use of the Land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owners of the land. The terms of the instrument are to be in accordance with Council's standard terms and restrictions which are as follows;

Restrictions on Use of Land

The registered proprietor shall not make or permit or suffer the making of any alterations to any on-site stormwater management system which is, or shall be, constructed on the lot(s) burdened without the prior consent in writing of Georges River Council. The expression "on-site stormwater management system" shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to manage stormwater quantity or quality including the temporary detention or permanent retention of stormwater storages. Any on-site stormwater management system constructed on the lot(s) burdened is hereafter referred to as "the system".

Name of Authority having the power to release, vary or modify the Restriction referred to is Georges River Council.

Positive Covenants

1. *The registered proprietor of the lot(s) hereby burdened will in respect of the system:*
 - a) *keep the system clean and free from silt, rubbish and debris*
 - b) *maintain and repair at the sole expense of the registered proprietors the whole of the system so that it functions in a safe and efficient manner*
 - c) *permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant*
 - d) *comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.*
2. *Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:*
 - a) *in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part 1(d) above*
 - b) *the Council may recover from the registered proprietor in a Court of competent jurisdiction:*

- i. *any expense reasonably incurred by it in exercising its powers under subparagraph (i) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (i) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.*
- ii. *legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act. Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.*

- 59. Maintenance Schedule - On-site Stormwater Management** - A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.
- 60. 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.
- 61. Vehicular crossing & Frontage work - Major development** - The following road frontage works shall be constructed in accordance with the specifications issued under the 'Application for Driveway Crossing and Associated Works on Council Road Reserve' approval issued by Council's Assets and Infrastructure Division:
- (a) Construct a full width (boundary to kerb) footpath area in paving material for the full length of the frontage of the site in Railway Parade and Blake Street in accordance with Council's Specifications
 - (b) Construct the driveway crossing in accordance with Council's specifications for vehicular crossings.
 - (c) Construct a new 150mm high concrete kerb with 450mm wide gutter for the full frontage(s) of the site in accordance with Council's Specifications for kerb and guttering.

- (d) 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 Driveway Crossings and Associated Works.

A private contractor shall carry out the above work, at the expense of the applicant and in accordance with Council's Specification for Driveway Crossings and Associated Works. The driveway and road frontage works are to be completed before the issue of the Occupation Certificate.

62. Completion of Major Works - Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:

- (a) If applicable Stormwater pipes, pits and connections to public stormwater systems within the road related area;
- (b) Driveways and vehicular crossings within the road related area;
- (c) Removal of redundant driveways and vehicular crossings;
- (d) New footpaths within the road related area;
- (e) Relocation of existing power/light pole if applicable
- (f) Relocation/provision of street signs
- (g) New footway verges, where a grass verge exists, the balance of the area between the footpath and the kerb or site boundary over the full frontage of the proposed development must be turfed. The grass verge must be constructed to contain a uniform minimum 75mm of friable growing medium and have a total cover of turf predominant within the street.
- (h) New or reinstated kerb and guttering within the road related area and new or reinstated road surface pavement within the road where it is applicable.

Council's Engineering Services Section must advise in writing that the works have been completed to their satisfaction prior to the issue of the Occupation Certificate. [Note: The damage deposit paid to Council will not be released until the works have been completed to Council's satisfaction.]

63. Traffic Control Devices - The internal road network, pedestrian facilities and parking facilities (including visitor parking and employee parking) shall be designated and line marked in accordance with Australian Standard - AS1742, Manual of Uniform Traffic Control Devices.

If an exit from car park utilises a pedestrian footpath, then a warning system such as flashing light and/or 'alarm sound' must be installed on the subject property to alert pedestrians of vehicles exiting the car park. The Alarm System must be designed and installed in accordance with AS2890.1 -2004.

64. Dilapidation Report on Public Land for Major Development - Upon completion of works, a follow up dilapidation report must be prepared for the items of Council infrastructure adjoining the development site:

The dilapidation report must be prepared by a professional engineer specialising in structural engineering, and include:

- (a) Photographs showing the condition of the road pavement fronting the site
- (b) Photographs showing the condition of the kerb and gutter fronting the site

- (c) Photographs showing the condition of the footway including footpath pavement fronting the site
- (d) Photographs showing the condition of retaining walls within the footway or road
- (e) The full name and signature of the professional engineer.

The report must be provided to the PCA and a copy provided to the Council. The reports are to be supplied in electronic format in Word or PDF. Photographs are to be in colour, digital and date stamped.

NOTE: Council will use this report to determine whether or not to refund the damage deposit.

Council's Engineering Services Division must advise in writing that the works have been completed to their satisfaction prior to the issue of an Occupation Certificate.

- 65. Stormwater drainage works - Works As Executed** - Prior to the issue of the Occupation Certificate, stormwater 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;
- (b) The structural adequacy of the On-Site Detention system (OSD);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;

Council must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of an Occupation Certificate.

- 66. 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 *the "Acoustic Assessment" dated March 2020; File Reference: 0249-AC-02-A by Broadcast Consulting Pty Ltd.*

- 67. Electricity Supply** - Evidence shall be provided demonstrating that the development has been connected to the Ausgrid, if required.

- 68. 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.

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.

69. ~~Completion of Landscape Works - All landscape works and the planting of four (4) must be completed before the issue of the Final Occupation Certificate in accordance with approved landscape plans and specifications, drawn by Zenith Landscape Designs, Ref 18 - 3890 LO1, Rev A and dated 27/3/20. The landscaping shall be maintained in accordance with the approved plans in perpetuity,~~

~~a) A total of four (4) trees shall be planted within Council's street verge in the location of the right side of driveway fronting Blake St and species selection being *Tristaniopsis laurina*, be of minimum 75 litre pot/ bag size.~~

~~b) All four (4) trees proposed shall comply with AS 2303 - 2018, Tree Stock for Landscape use and NATSPEC Specifying Trees: a guide to assessment of tree quality (2003), and be planted and maintained in accordance with Council's standard specification.~~

~~c) If the planted four (4) trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species. If the trees are found dead before they reach a height where they are protected by Council's Tree Management Controls, they must be replaced with the same species and pot/bag size.~~

~~A copy of the Hurstville City Council's Tree Removal and Pruning Guidelines and Kogarah City Council, Street Tree Management Strategy, Masterplan, and Tree Management Policy 2019, can be downloaded from Council's website www.georgesriver.nsw.gov.au.~~

All landscape works and including the planting of four (4) street trees must be completed before the issue of the Final Occupation Certificate in accordance with approved landscape plans and specifications, drawn by Zenith Landscape Designs, Ref 18 - 3890 LO1, Rev B and dated 18/1/2022 except as amended by condition 39 Landscape Plan.

- a) A total of four (4) trees shall be planted by Council within Council's street verge at the locations shown on the landscaped plan plus an additional tree in the location on the right side of driveway fronting Blake St. all four (4) street trees shall be *Tristaniopsis laurina* Louscious in a minimum 45 litre pot/ bag size unless changed by Council.

This condition has been amended via MOD2022/0098

70. **Notice to Council - Allocation of street addresses** - Prior to the issue of any Occupation Certificate, 'as-built' drawings detailing the installed and allocated street/unit address and numbering must be submitted to the satisfaction of Council.

- 70a. Acoustic Certification - Prior to the issue of any Occupation Certificate, or use of the premises, a report prepared by a suitably qualified acoustic consultant or engineer must be submitted to the Certifying Authority, certifying that the construction has incorporated the recommendations in the Acoustic Report as referenced in this consent.**

The Acoustic Certification must be incorporated into the Occupation Certificate documentation and provided to Council.

This condition has been added via MOD2022/0098

- 70b Compliance with Acoustic Report – Residential - Mechanical Plants - Prior to the issue of any Occupation Certificate, a report prepared by a suitably qualified acoustic consultant must be submitted to the satisfaction of the Certifying Authority, certifying that the recommendations of the acoustic report submitted for the operation of mechanical plant and equipment have been implemented. The report must include:**

- (a) Tests results demonstrating that the operation of the mechanical plant and equipment does not give rise to a sound pressure level at any affected premises that exceeds the background LA90, 15 min noise level, measured in the absence of the noise sources under consideration, by more than 5dB.**

The Acoustic Certification must be incorporated into the Occupation Certificate documentation and provided to Council.

This condition has been added via MOD2022/0098

Operational Conditions (Ongoing)

- 71. Noise Control - The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the [Protection of the Environment Operations Act 1997](#) (as amended).**
- 72. Lighting - General Nuisance - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.**
- Flashing, moving or intermittent lights or signs are prohibited.
- 73. Activities and storage of goods outside buildings - There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.**
- 74. Loading & Unloading of vehicles - All loading and unloading of vehicles in relation to the use of the premises shall take place wholly within a dedicated loading dock/area.**
- 75. Entering & Exiting of vehicles - All vehicles shall enter and exit the premises in a forward direction.**

76. **Maximum Vehicle Size - Small Rigid Vehicle** - The maximum size of truck/service vehicle using the proposed development shall be limited to Small Rigid Vehicle with a maximum length of 6.4m.
77. **Responsibility of Owners Corporation** - The Owners Corporation shall be responsible for presenting all approved waste and recycling receptacles for collection, and returning all receptacles to the Main Waste Collection Room, as soon as practicable after they have been serviced.

The Owners Corporation shall also be responsible for maintaining all equipment, systems, facilities and storage areas used in conjunction with the provision of waste management services in accordance with all applicable regulatory requirements, relevant health and environmental standards, and to the satisfaction of Council.

78. **Boarding House Operation** - The following restrictions apply to the approved development:

- (a) The development approved under this consent constitutes a 'Boarding House' as defined under ~~State Environmental Planning Policy (Affordable Rental Housing) 2009~~ [State Environmental Planning Policy \(Housing\) 2021](#) and shall not be used for the purposes of permanent residential accommodation nor hotel, motel, serviced apartments, private hotel, tourist accommodation or the like.
- (b) Not more than two lodgers shall occupy the boarding rooms which are to contain no more than two beds.
- (d) The total number of lodgers residing in the boarding house at any one time shall not exceed 82 lodgers.
- (e) The lodgers must be subject to an occupancy agreement for a term of no less than three (3) months.
- (f) The boarding house must always be operated and managed in accordance with the provisions contained within the Plan of Management, prepared by Planning Direction Pty Ltd and dated 15 March 2020.
- (g) The use and operation of the premises must comply with the requirements of Schedule 2 (Standards for Places of Shared Accommodation) of the [Local Government \(General\) Regulation, 2005](#) under the [Local Government Act 1993](#), the [Public Health Act, 2010](#) and Regulations thereunder.
- (h) The operation of the Boarding House shall be in accordance with the [Boarding Houses Act 2012](#) at all times. This includes the registration of the Boarding House, as required by the Act.

Subdivision of the boarding house is not permitted in accordance with the provisions of the ~~State Environmental Planning Policy (Affordable Rental Housing) 2009~~ [State Environmental Planning Policy \(Housing\) 2021](#).

This condition has been amended via MOD2022/0098

- 79. 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.
- 80. 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.
- 80a. Acoustic Report – Commercial/Retail - Verification of Noise report** - Within three months from the date of issue of an Occupation Certificate for the Commercial/Retail Use an acoustic assessment must be carried out by an appropriately qualified acoustic consultant, in accordance with the NSW Environment Protection Authority's "Noise Policy for Industry (2017)" and must be submitted to Council for consideration.

This report should include but not be limited to, details verifying that the noise control measures as recommended in the approved acoustic report referenced in this consent have been achieved and if not, provide further works required to achieve the required outcome/s.

Where the noncompliance results in breach of the above Policy, the uses must cease, and the rectification works must be completed prior to the use recommencing.

Reason: To ensure the premises complies with the Acoustic Report and reduces adverse impacts upon the environment and surrounding neighbourhood.

Note: Where rectification works require further development consent or owners' consent these must be sought prior to such works being carried out.

This condition has been amended via MOD2022/0098

Operational Requirements Under the Environmental Planning & Assessment Act 1979

- 81. Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.
- 82. 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.

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

- 83. 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.

- 84. 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.

- 85. 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](#).

- 86. 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.

- 87. 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

- 88. Clause 97A - BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.

- 89. 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.

90. **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.
91. **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](#).
92. **Clause 98E - 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.
93. **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.

Advice

94. **Appeal Rights** - Division 8.3 – Appeals – Development Consents of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the NSW Land and Environment Court within twelve (12) months of the determination date on this notice.
95. **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.
96. **Access to NSW Legislations (Acts, Regulations and Planning Instruments)** - NSW legislation can be accessed free of charge at www.legislation.nsw.gov.au
97. **Energy Efficiency Provisions** - Should Council be appointed as the PCA, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the PCA.

Energy efficiency provisions relate only to new building work or the installation of new measure. Existing building fabric and measures may not be upgraded.

98. **Sydney Water Section 73 Certificates** - The Section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.
99. **Electricity Supply** - This development may need a connection to the Ausgrid network which may require the network to be extended or its capacity augmented. You are advised to contact Ausgrid on 13 13 65 or www.ausgrid.com.au (Business and Commercial Services) for further details and information on lodging your application to connect to the network.
100. **Access for persons with disabilities** - Should the Council be appointed as the PCA, an Access report prepared by an Accredited Access Consultant may be required to be submitted with the Construction Certificate Application, detailing the existing level of compliance in the building with the above requirements, and to provide details of proposed upgrading work necessary to bring the building into conformity with the Premises Standards and the BCA. All recommendations of the accredited access consultant must be incorporated in the plans to be submitted with the Construction Certificate application.
101. **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.

102. **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.

103. 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 justify the non-compliance 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.

104. 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).

105. 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. (eg. DA2018/0***) and reference this condition number (e.g. Condition 23)
- (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.

- 106. 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.

ATTACHMENTS

Attachment 248 Railway Parade, Kogarah - Local Planning Panel 17 August 2023

[↓1](#) 

Attachment MOD2022/0098 Architectural and Landscape Plans- 248 Railway Parade, Kogarah

[↓2](#) 

THIS IS THE PRINTED COPY OF THE GEORGES RIVER LOCAL PLANNING PANEL BUSINESS PAPER. FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU

**REPORT TO GEORGES RIVER COUNCIL
LPP MEETING OF THURSDAY, 17 AUGUST 2023**

LPP Report No	LPP020-23	Development Application No	MOD2022/0098
Site Address & Ward Locality	248 Railway Parade, Kogarah Kogarah Bay Ward		
Proposed Development	Modification Application MOD2022/0098 involving façade amendments, changes in openings and to balconies, internal alterations including relocating and reconfiguration of suites and floor layout to development consent REV2020/0013 for site remediation, demolition works and construction of a mixed use building containing 3 levels of basement car parking, ground floor commercial and 5 levels of boarding house accommodating 42 rooms inclusive of the caretakers room at 248 Railway Parade, Kogarah		
Owners	Mr and Ms Toskas		
Applicant	Moderinn Pty Ltd		
Planner/Architect	Planning Direction Pty Ltd, Moderinn Pty Ltd		
Date Of Lodgement	6/06/2022		
Submissions	One (1)		
Cost of Works	\$8,253,821.00		
Local Planning Panel Criteria	The instrument of delegations requires boarding house development to be reported to the Georges River Local Planning Panel for determination. The original Development Application was refused by the Local Planning Panel on 20 February 2020 and the Review of Determination was approved by the Local Planning Panel as a deferred commencement consent on 6 August 2020.		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Industry and Employment) 2021, State Environmental Planning Policy (BASIX) 2004, State Environmental Planning Policy (Housing) 2021, Draft State Environmental Planning Policy – Environment, Georges River Local Environmental Plan 2021, Georges River Development Control Plan 2021		
List all documents submitted with this report for the Panel's consideration	Architectural Plan Set, Planning Statement, Response to RFI Parking Report, Access Report Acoustic Report, Waste Management Plan		
Report prepared by	Coordinator Development Assessment and Consultant Planner		
Recommendation	That the modification application be refused for the reasons detailed at the end of this report.		

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?	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 as the application is recommended for refusal

Site Plan



Executive Summary

Proposal
Site and Locality

1. The development site is located on the corner of Blake Street and Railway Parade in Kogarah and is legally described as Lot 48 in DP2013.
2. The site is rectangular in shape with an 11.35m frontage to Railway Parade, 35.2m along the eastern secondary frontage to Blake Street, 11.27m along the southern rear boundary and 38.02m along the western side boundary and an area of 411sqm. The site slopes from the front north western corner RL 29.24 to the rear north eastern corner RL 29.83 with a level change of 590mm.
3. A sewer main traverses the site toward the rear portion of the site.
4. A single storey masonry building with a pitched roof currently occupies the site and is being used as an automotive repair business trading as "Toskas Automotive". Vehicular access is via Blake Street,
5. The site is zoned MU1 Mixed Use under the Georges River Local Environmental Plan 2021 (GRLEP 2021). Shop Top Housing consisting of commercial development on the ground floor and boarding houses above are permissible land uses with consent in the zone.
6. The surrounding area comprises generally of mixed use developments. A shop top housing development at 250-258 Railway Parade, Kogarah, known as "Veridian" adjoins the site directly to the west and south. This building contains the Kogarah RSL with a podium level and two (2) residential towers above. Communal open space is provided on the podium level and a second area of communal open space exists on the rooftop. This is referred to in the report as the "Kogarah RSL site".
7. A four (4) storey shop top housing development is located on the opposite side of Blake Street to the east. Further to the east along Blake Street are 2 and 3 storey residential flat buildings. Wesley Hospital is located to the south with an electrical substation to the west on the corner of Railway Parade and English Street.
8. The Illawarra Railway line is located to the north of the site. Carlton Railway Station is approximately 411m to the west; Kogarah Railway Station is located 671sqm to the east. An underpass which connects Railway Parade to Railway Street is opposite which is accessed to the west of the site.

Zoning and Permissibility

9. The subject site is zoned MU1 Mixed Use under the provisions of Georges River Local Environmental Plan 2021 (GRLEP 2021). The proposal involves site remediation, demolition works and construction of a shop top housing development comprising of a commercial premises on the ground floor with five (5) levels of boarding house above containing forty two (42) rooms inclusive of the caretaker's room. The development is serviced by three (3) levels of basement car parking with the levels serviced by a car lift.
10. Shop Top Housing, Commercial Premises and a Boarding House are all permissible land uses with development consent in the MU1 zone.

Submissions

11. The application was placed on neighbour notification between 27 July 2022 and 10 August 2022. One (1) submission was received.

Referrals Internal

12. The modification application was referred to the following Council staff for comment on the proposal:
- Builder Surveying Officer
 - Land information Officer
 - Development Engineer
 - Traffic Engineer
 - Landscape Officer
 - Environmental Health Officer and
 - Urban Designer.
13. All referral officers who responded were satisfied with the proposed modification and confirmed their previous conditions or provided new conditions of consent should the application be approved.

Referrals External

14. The modification application was referred to the following external bodies for comment on the proposal:
- WaterNSW
 - Sydney Trains
 - Department of Planning and Industry
 - Ausgrid
15. All external bodies were satisfied with the proposed modification and reiterated their previous conditions of consent should the application be approved.

Reasons for Referral to the Local Planning Panel

16. The instrument of delegations requires boarding house developments to be reported to the Georges River Local Planning Panel for determination. The original Development Application was refused by the Local Planning Panel on 20 February 2020 and the Review of Determination was approved as a deferred commencement consent on 6 August 2020.

Conclusion

17. The modification application has been assessed having regard to the matters for consideration under Section 4.55(2) and Section 4.15 of the Environmental Planning and Assessment Act 1979, the provisions of the relevant State Environmental Planning Policies, the Georges River Local Environmental Plan (LEP) 2021 and Georges River Development Control Plan (DCP) 2021 and found to be acceptable.
18. Modification Application MOD2022/0098 involving façade amendments, changes in openings and to balconies, internal alterations including relocating and reconfiguration of suites and floor layout to development consent REV2020/0013 approved for site remediation, demolition works and construction of a mixed use building containing 3 levels of basement car parking, ground floor commercial and 5 levels of boarding house accommodating 42 rooms inclusive of the caretakers room at 248 Railway Parade, Kogarah be refused for the reasons shown below and at the end of this report.

Assessment Officer Recommendation

That:

19. Modification Application MOD2022/0098 involving façade amendments, changes in openings and to balconies, internal alterations including relocating and reconfiguration of suites and floor layout to development consent REV2020/0013 for site remediation, demolition works and construction of a mixed use building containing 3 levels of

basement car parking, ground floor commercial and 5 levels of boarding house accommodating 42 rooms inclusive of the caretakers room at 248 Railway Parade, Kogarah is determined by way of refusal for the reasons for the reasons outlined below and at the end of this report.

1. **Environmental Planning Instrument-** The proposed modification is unsatisfactory having regard to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposed modification fails to demonstrate compliance with several non-discretionary development standards contained in State Environmental Planning Policy (Housing) 2021.

Particulars

- a) Pursuant to clause 24(2)(e) the application has failed to demonstrate adequate solar access to the communal living areas by failing to provide at least 3 hours of direct solar access to at least one (1) of the communal living area between 9am and 3pm at mid-winter.
- b) Pursuant to clause 24(2)(g) the application has failed to demonstrate an adequately sized communal living area for a boarding house containing more than 6 boarding rooms where a total of at least 30sqm of communal living area plus at least a further 2sqm for each boarding room in excess of 6 boarding rooms is required.
- c) Pursuant to clause 24(2)(h) the application has failed to demonstrate an adequately sized communal open space area for a boarding house where at least 20% of the site area is required to be provided as communal open space area.

2. **Development Control Plan** - The proposed modification is unsatisfactory having regard to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 as the proposed modification fails to demonstrate compliance with several provisions of Georges River Development Control Plan 2021.

Particulars

- a) Pursuant to Part 4.7 Boarding Houses, Internal Communal Areas clause (9) the application has failed to demonstrate an adequately sized internal communal areas where an indoor communal living area with a minimum area of 12.5sqm or 1.25sqm per resident (whichever is greater) is required.
- b) Pursuant to Part 4.7 Boarding Houses, Internal Communal Areas clause (10)(iii) the application has failed to demonstrate adequate solar access to the internal communal areas where indoor communal living areas are required to be located to receive a minimum 2 hours of solar access to at least 50% of the windows during 9am and 3pm on 21 June.
- c) Pursuant to Part 4.7 Boarding Houses, Internal Communal Areas clause (10)(iv) the application has failed to demonstrate adequate indoor communal living areas where indoor communal living areas are to be located on each level of a multi storey boarding house, where appropriate.
- d) Pursuant to Part 4.7 Boarding Houses, Private Open Space clause (13) the application has failed to demonstrate adequate private open space for residents where at least 30% of all bedrooms are to have access to private open space with a

minimum area of 4sqm in the form of a balcony or terrace area.

- e) Pursuant to Appendix 4 Waste Management Part 4.3 On-going Waste Management for Development Types the application has failed to demonstrate adequate storage space for the required number of bins to service the development.
3. **Likely Impacts of the Development** - The proposed modification is unsatisfactory having regard to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 as the application has failed to demonstrate that it will not have a negative social and economic impact on future occupants of the boarding house.
4. **Suitability of the Site for the Development** - The proposed modification is unsatisfactory having regard to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 in that the proposed modification in its current form has failed to demonstrate that the proposed design is suitable for the subject site having regard to the amenity of future residents.
5. **Public Interest** - Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, given the shortcomings of the proposed design the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

Report In Full

Proposed Modification

20. Development consent REV2020/0013 was granted under delegation by the Local Planning Panel on 6 August 2020 following a Review of Determination of DA2019/0232 which was refused by the Local Planning Panel on 20 February 2020. REV2020/0013 was for site remediation, demolition works and construction of a shop top housing building containing 3 levels of basement car parking, ground floor commercial and 5 levels of boarding house accommodating 43 rooms inclusive of the caretakers room at 248 Railway Parade, Kogarah.
21. The proposed works under this modification application (MOD2022/0098) seeks consent to modify the approved development by seeking façade amendments, changes in openings and to balconies, internal alterations including relocating and reconfiguration of suites and floor layout. Details of the proposed changes include the following:

Gross Floor Area:

1. Ground Floor: 129.0sqm to 132.0sqm
2. Typical Floors: 313.6sqm to 327.2sqm
3. Level 5 (previously First Floor): 313.6sqm to 311.1sqm
4. Proposed Total GFA: 1765.0sqm to 1751.9sqm
5. Proposed development GFA: 4.295:1 to 4.26:1

Basement Levels 1, 2, 3 Plan:

1. Addition of Pump Room, Switch Room and bathroom above Basement 1
2. Addition of Smoke Lobbies on FS 2 and FS 3
3. Addition of Carpark Supply
4. Addition of ramp which is followed by the changes on RL
5. Relocation of motorbike parking
6. Change on FS3 on Basement 1

Ground Floor Plan:

1. Changes on Bin Storage layout (including the removal of bin carousel)
2. Adjustment on external paving
3. Addition of Service Exhaust in Retail and Carpark Exhaust
4. Changes on Lobby entrance
5. Area of Main Lobby is increased from 24.3sqm to 28.6sqm

Change to Levels 1 -5 Typical Floor Plans

1. Change of Level 1 and 2-5 Typical Floor Plan
2. Plan1003 Level 1 Floor Plan to S4.55_1003 Floor 1-4 Typical Plan
3. Plan1004 Level 2-5 Typical Floor Plan to S4.55_1004 Level 5 Floor Plan

Levels 1-4 Typical Floor Plan:

1. Change of suite number
2. Relocation of the bin room and the removal of bin chute
3. Addition of Carpark exhaust
4. Change of dimension of the services exhaust, including the doors
5. Reduction of the corridor's width to 1.1m
6. Accessible rooms are now suites 1,10,19, & 28
 - a. Changes on suite layout
 - b. Area is increased from 35.1sqm to 45.7sqm
 - c. Balcony area is increased from 4.5sqm to 5.6sqm
7. Suites 2,11,20 & 29:
 - a. Area is decreased from 28.7sqm to 24.7sqm
 - b. Balcony area is decreased from 3.2sqm to 3.0sqm
 - c. Changes on Ensuite and Robe layout
8. Suite 3,12,21 & 30
 - a. Area is decreased from 24.5sqm to 23.4sqm
9. Suite 7,16, 25 & 34:
 - a. Area is increased from 33.3sqm to 34.1sqm
 - b. Robe is relocated
10. Suite 8,17,26,35:
 - a. Area is decreased from 31.5sqm to 30.5sqm
 - b. Ensuite is relocated
11. Suite 9/18/27/36:
 - a. Kitchen and Robe are relocated

Manager's Room & Common Room Moved From L1 to L5

1. Approved: 63.5sqm manager's dwelling + 10.2sqm balcony + 52.3sqm common room +20sqm balcony = 146sqm
2. Proposed: 60.7sqm manager's dwelling + 8sqm balcony + 55.2sqm common room + 20sqm balcony = 143.9sqm

Level 5 Floor Plan:

1. Relocation of the bin room and removal of bin chute
2. Addition of Carpark Exhaust
3. Change of dimension of the Services Exhaust, including the doors
4. Changes on unit number
5. Manager's apartment:
 - a. Relocation and changes on Manager's Suite layout
 - b. Area is decreased from 63.5sqm to 60.7sqm
 - c. Balcony is decreased from 10.2sqm to 8.3sqm
6. Common Room:

- a. Relocation and changes on Common Room layout
 - b. Area is increased from 52.3sqm to 55.2sqm
7. Suite 40:
 - a. Relocation of robe and kitchen
8. Former Suite 2, 3 and 4 are removed
9. Addition of Suite 38 and 39
10. Addition of skylight above Lobby
11. Addition of two (2) skylights above the Common Room.

Roof Plan/ Site Plan

1. Addition of one skylight above the Level 5 Lobby
2. Additional service and maintenance access; and
3. External paving is adjusted.
4. Addition of two (2) skylights above the Common Room

Section A-A

1. Changes on the suite numbers
2. Changes on Basement Levels and its RL
3. Additional information of sewer line

North-Western Elevation (Railway Parade)

1. Addition of Face Brick wall
2. Change of width of the curtain walls
3. Addition of Carpark Exhaust overrun and Hot Water Unit on the roof

North-Eastern Elevation (Blake Street)

1. Change to the height and width of face brick wall
2. Changes to the façade incorporating changes to Levels 1 and 5 as described previously
3. Change of width and height of the curtain walls
4. Addition of Carpark Exhaust overrun and Hot Water Unit on the roof

South-Western Elevation

1. Change of dimension of the windows
2. Addition of Carpark Exhaust overrun and Hot Water Unit on the roof

South-Eastern Elevation

1. Minor change to the width of the balconies from Level 1 to Level 5
2. Addition of Carpark Exhaust overrun and Hot Water Unit on the roof

Site and Locality

22. The development site is located on the corner of Blake Street and Railway Parade in Kogarah and is legally described as Lot 48 in DP2013. The site is rectangular in shape with an 11.35m frontage to Railway Parade, 35.2m along the eastern secondary frontage to Blake Street, 11.27m along the southern rear boundary and 38.02m along the western side boundary and an area of 411sqm. The site slopes from the front north-western corner RL 29.24 to the rear north eastern corner RL 29.83 with a level change of 590mm. A sewer main traverses the site toward the rear portion of the site. A single storey masonry building with a pitched metal roof currently occupies the site and is being used as an automotive repair business trading as "Toskas Automotive". Vehicular access is via Blake Street.



Figure 1 Photograph of subject site viewed from Railway Parade, Kogarah (Council's Site Inspection)



Figure 2 Photograph of subject site viewed from Blake Street, Kogarah (Council's Site Inspection).

23. The site is zoned MU1 - Mixed Use under the Georges River Environmental Plan 2021 (GRLEP 2021).

24. Commercial development and boarding houses are permissible land uses with consent in the zone. The surrounding area comprises generally of mixed use developments. A shop top housing development at 250-258 Railway Parade, Kogarah, known as “Veridian” adjoins the site directly to the west and south. This building contains the Kogarah RSL with a podium level and two (2) residential towers above. Communal open space is provided on the podium level and a second area of communal open space exists on the rooftop. A four (4) storey shop top housing development is located on the opposite side of Blake Street to the east. Further to the east along Blake Street are 2 and 3 storey residential flat buildings. Wesley Hospital is located to the south with an electrical substation to the west on the corner of Railway Parade and English Street.
25. The Illawarra Railway line is located to the north of the site. Carlton Railway Station is approximately 411m to the west; Kogarah Railway Station is located 671sqm to the east. An underpass which connects Railway Parade to Railway Street (within Bayside Council) is opposite which is accessed to the west of the site. The subject site is not listed as a heritage item nor is it in the immediate vicinity of any items of heritage significance.



Figure 3: Aerial View of subject site in blue (Near Maps, 2023)

Background

26. A history of the development site and current proposal is as follows:
- DA2019/0232 which was refused by the Local Planning Panel on 20 February 2020.
 - Development consent REV2020/0013 was granted under delegation by the Local Planning Panel on 6 August 2020 following a Review of Determination of DA2019/0232.
 - The development consent issued with deferred commencement conditions13 August 2020.
 - Following submission of addition information to satisfy the deferred commencement conditions Council wrote to the applicant advising the Development Consent was now activated on 17 February 2021.
 - A pre-application PRE2021/0076 was lodged September 2021 in relation to the current modification application.
 - A pre-lodgement meeting was held on 19 October 2021 and a pre-lodgement letter of advice was subsequently issued by Council 24 November 2021.
 - The current modification application was submitted on 6 June 2022.

- Request for Further Information sent 29 July 2022 in response to questions raised by WaterNSW.
- Request for Further Information sent 24 November 2022 querying status as registered community housing provider and need to address requirements of SEPP (Housing) 2021 and GRLEP 2021.
- Request for Further Information sent 13 January 2023 advising Council unable to support reduction in basement carparking and the applicant was ineligible to utilise the reduced car parking rates available to registered community housing providers in the SEPP (Housing) 2021 as the application was not lodge by or on behalf of a registered community housing and would not be managed by a registered community housing provider.
- The applicant amended the modification application on 1 February 2023 by reinstating the third level of basement carparking making the modification application compliant on car parking demand.
- Assessing officer resigned from Council 23 March 2023
- Application assigned to new assessing officer 29 March 2023
- Council's Assessing Officer conducted a site inspection on 15 June 2023.
- Request for Further Information sent 7 July 2023 asking the applicants to address:
 1. State Environmental Planning Policy (Housing) 2021 has the following requirements:
 - clause 24(2)(e) at least 3 hours of direct solar access provided between 9am and 3pm at mid-winter in at least 1 communal living area,
 - clause 24(2)(g) for a boarding house containing more than 6 boarding rooms— a total of at least 30sqm of communal living area plus at least a further 2sqm for each boarding room in excess of 6 boarding rooms, and
 - clause 24(2)(h) communal open spaces— with a total area of at least 20% of the site area.
 2. Georges River Development Control Plan 2021 - 4.7 Boarding Houses has the following requirements:
 - Internal Communal Areas – (9) An indoor communal living area with a minimum area of 12.5sqm or 1.25sqm per resident (whichever is greater).
 - Internal Communal Areas – (10)(iii) - Indoor communal living areas are to be located to receive a minimum 2 hours of solar access to at least 50% of the windows during 9am and 3pm on 21 June;
 - Internal Communal Areas – (10)(iv) - Indoor communal living areas are to be located on each level of a multi storey boarding house, where appropriate
 - Private Open Space – (13) - 30% of all bedrooms are to have access to private open space with a minimum area of 4sqm in the form of a balcony or terrace area.
 - Bathroom, Laundries and Drying Facilities - (16) - Drying facilities, such as clotheslines located in a communal open space are to be located to maximise solar access and ensure that the usability of the space is not compromised

Section 4.55 Assessment

27. The application has been made pursuant to Section 4.55(2) of the *Environmental Planning & Assessment Act 1979* to modify Development Consent No. REV2020/0013 approved 6 August 2020, seeking to modify the approved development by seeking internal alterations and façade amendments.

28. Section 4.55(2) of the *EP&A Act* 1979 enables the consent authority to modify a development consent upon application being sought by the applicant or any person entitled to act on the consent, provided that the consent authority and subject to and in accordance with the regulations, modify the consent if it:
- (a) **It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and**
29. The power to modify a development consent is conditional on the consent authority being satisfied that the proposed modified development is 'substantially the same development' as the originally approved development. The '*substantially the same*' test is a threshold test that must be met before the modification can be dealt with on its merits. In applying the '*substantially the same*' test, the focus is on 'the development'. A comparison must be made between the development as modified and the development as originally granted (*Scrap Realty Pty Limited v Botany Bay City Council* [2008] NSWLEC 333 [16]).
30. The result of the comparison must be a finding that the modified development is '*essentially*' or '*materially*' the same as the approved development (*Moto Projects (No 2) at 309; Vacik Pty Ltd v Penrith City Council* [1992] NSWLEC 8).
31. A qualitative and quantitative comparison is required. However, differences in qualitative and quantitative effects do not necessarily mean that the character of a development is changed in a material respect (*Davi Development v Leichardt Council* (2007) NSWLEC 106).
32. In the present case, when the proposed modification works are compared between:
- (a) the originally approved development; and
- (b) the proposed modified development,
33. it would be reasonable to conclude that the proposed modified development is substantially the same as the original development.
34. In the case of the proposal:
- The approved land use remains the same and there is no increase in the intensity of use on-site.
 - The number of units and car parking spaces remains the same.
 - The approved building footprint is to remain as approved.
 - No additional floor space or building height is proposed.
 - The building façade treatment to both streets have been revised/improved in response to a request by Council's Urban Designer. A simple adjustment to banding of the façade is proposed to clearly delineate a 'base', 'middle' and 'top' to emphasize the scale of the development.
 - The plan of management remains applicable as previously endorsed by Council.
35. The proposed development as modified would represent substantially the same development for which consent was originally granted being for site remediation, demolition works and construction of a mixed use building containing 3 levels of basement car parking, ground floor commercial and 5 levels of boarding house accommodating 42 rooms inclusive of the caretakers room.
- (b) **it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a**

requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and

36. WaterNSW provided General Terms of Approval, Ausgrid and Sydney Trains provided conditions of development consent for the original application. These authorities were consulted in relation to the current modification application, and they all confirmed that their requirements remain the same. The General Terms of Approval and development consent condition for these authorities will not be altered on the modified development consent.
- (c) **It has notified the application in accordance with—**
(i) **the regulations, if the regulations so require, or**
37. The application was neighbour notified in accordance with the provisions of Georges River Development Control Plan 2021 and one (1) submission was received.
- (ii) **a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and**
38. The application was neighbour notified in accordance with the provisions of Georges River Development Control Plan 2021 and one (1) submission was received.
- (d) **It has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.**
39. One (1) submission was received during the notification period querying the height and number of boarding house rooms. The height and number of boarding house rooms is consistent with the exiting development consent but the configuration and floor layout has changed.

Section 4.15 Assessment

40. In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.
41. The following is an assessment of the application with regard to Section 4.15(1) Evaluation of the Environmental Planning and Assessment Act 1979.
- (1) **Matters for consideration - general**
In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

The provision of:

- (i) *Any environmental planning instrument,*

State Environmental Planning Policies (SEPPs)

42. 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 (Housing) 2021	No

State Environmental Planning Policy (Biodiversity and Conservation) 2021

43. The relevant parts of the above Policy that apply to this application are Chapter 2 – Vegetation in non-rural areas, and Chapter 6 – Water Catchments.

Chapter 2 - Vegetation in Non-Rural Areas

44. 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.
45. 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).*
46. There are no existing trees on site or within the Council's road reserves along Railway Parade and Blake Street, Kogarah. The modification application has been reviewed by Councils Landscape Officer who have advised that they had no concerns subject to modifying the landscape conditions of consent on the modified development consent to reflect the planting of four (4) x Water Gum *Tristaniopsis laurina* "Luscious" in 45 litre pot size as street trees by Council at the applicants expense.

Chapter 6 – Water Catchments

47. The primary relevant aims and objectives of this Chapter are:
- whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,
 - whether the development will have an adverse impact on water flow in a natural waterbody,
 - whether the development will increase the amount of stormwater run-off from a site,
 - whether the development will incorporate on-site stormwater retention, infiltration or reuse,
 - the impact of the development on the level and quality of the water table,
 - the cumulative environmental impact of the development on the regulated catchment,
 - whether the development makes adequate provision to protect the quality and quantity of ground water.
48. The stormwater design has been reviewed by Council's Development Engineer. No objection was raised with respect to the management and disposal of stormwater and the

previous conditions of development need to be applied to the modified development consent. The proposal is consistent with the objectives and purpose of Chapter 6 of the SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021

49. Chapter 2 and Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 are relevant to the proposal.
50. Chapter 2 aims to: *“Promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016 including the management objectives for each coastal management area”*.
51. The subject site is not mapped as a Coastal Environment area and a Coastal Use area.
52. 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.
53. 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.
54. The original application was accompanied by a Detailed Environmental Site Assessment prepared by Broadcrest Consulting Pty Ltd dated March 2020. The report concludes:
- “It is considered that this investigation area is no longer of potential contamination concern and suitable to the intended development works.”*
55. Council's Environmental Health Officer reviewed the report and raised no objection to the proposal subject to conditions. The modification application was referred to Council's Environmental Health Officer who reiterated their support for the proposal subject to the conditions previously provided remaining unaltered and with a new condition to be incorporated into a modified development consent. On this basis, the site remains suitable for the proposed development as modified with respect to contamination.

State Environmental Planning Policy (Transport and Infrastructure) 2021

56. Compliance with SEPP (Transport and Infrastructure) 2021 has been considered during the assessment of this development application. As the site is in close proximity to Sydney Trains Infrastructure and Sydney Trains originally provided concurrence subject to conditions of consent they were consulted as required by Chapter 2. Sydney Trains raised no objection to the proposed modification subject to the previous conditions of development consent being carried forward on the modified development consent. Ausgrid was consulted as required by Chapter 2 and also raised no objection to the proposed modification subject to the previous conditions of development consent being carried forward on the modified development consent.

State Environmental Planning Policy (Industry and Employment) 2021

57. SEPP (Industry and Employment) 2021 has been considered through the assessment of this development application. It has been concluded that the above SEPP is not relevant to the proposed development.

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

58. The objectives of this Policy ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development. The original application included a BASIX certificate and the proposal was assessed against the requirements of BASIX and found to be compliant.
59. On 26 November 2021 the Environmental Planning and Assessment Amendment (Housing) Regulation 2021 came into force and inserted new definition of BASIX affected building into the Environmental Planning and Assessment Regulation 2000. The new definition excluded boarding houses that accommodate more than 12 residents, or that has a gross floor area of more than 300sqm.
60. As a consequence of these amendments, boarding houses of this size are not required to be accompanied by a valid BASIX Certificate so BASIX no longer applies to the modification.

State Environmental Planning Policy (Housing) 2021

61. The objectives of this Policy is to facilitate development of affordable and diverse housing in the right places and for every stage of life. The SEPP includes the planning provisions for a range of housing types including the following:
- boarding houses
 - build-to-rent housing
 - seniors housing
 - caravan parks and manufactured home estates
 - group homes
 - retention of existing affordable rental housing
 - secondary dwellings (granny flats)
 - social and affordable housing
 - short-term rental accommodation.

Clause	Standard	Proposed	Complies
Division 2 Boarding Houses			
23 Boarding houses permitted with consent	(1) Development for the purposes of boarding houses may be carried out with consent on land on which development for the purposes of boarding houses is permitted with consent under another environmental planning instrument.	GRLEP 2021 permits boarding houses with development consent in the MU1 zone. The application is for a modification as development consent has already be granted for a boarding house.	Yes
24 Non-discretionary development standards - the Act, s 4.15	(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of boarding houses that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.	Noted	Yes

	<p>(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies-</p> <p>(a) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than—</p> <p>(i) the maximum permissible floor space ratio for residential accommodation on the land, and</p> <p>(ii) an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the boarding house,</p> <p>(b) if paragraph (a) does not apply—a floor space ratio that is not more than the maximum permissible floor space ratio for residential accommodation on the land,</p> <p>(c) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,</p> <p>(d) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument,</p> <p>(e) at least 3 hours of</p>	<p>GRLEP FSR 4:1 Maximum FSR 5:1 with additional 25% bonus Proposed FSR 4.26:1</p> <p>N/A</p> <p>N/A</p> <p>7% deep soil and landscaping within the communal areas as required by SEPP 65 and the Apartment Design Guide.</p> <p>The modification</p>	<p>Yes</p> <p>No</p> <p>No</p>
--	---	---	--------------------------------

	<p>direct solar access provided between 9am and 3pm at mid-winter in at least 1 communal living area,</p>	<p>relocates the communal living area from level 1 to level 5. The existing approval is complaint for solar access but the relocation of the communal open space to level 5 fails to comply. No variation request was received.</p>	
	<p>(f) for a boarding house containing 6 boarding rooms—</p> <p>(i) a total of at least 30m² of communal living area, and</p> <p>(ii) minimum dimensions of 3m for each communal living area,</p>	N/A	N/A
	<p>(g) for a boarding house containing more than 6 boarding rooms—</p> <p>(i) a total of at least 30m² of communal living area plus at least a further 2m² for each boarding room in excess of 6 boarding rooms, and</p> <p>(ii) minimum dimensions of 3m for each communal living area,</p>	<p>New communal living area on level 5 comprises a common room of 55.2sqm. The modification does not comply with the new communal living area requirement of 102sqm. No variation request was received.</p>	No
	<p>(h) communal open spaces—</p> <p>(i) with a total area of at least 20% of the site area, and</p>	<p>The communal living area complies with the 3m minimum dimension.</p>	Yes
	<p>(ii) each with</p>	<p>New communal open space area on level 5 is 20sqm. The modification does not comply with the communal living area requirement of 20% of the site area or 82.2sqm. No variation request was received.</p>	No
		<p>The communal open</p>	Yes

	<p>minimum dimensions of 3m,</p> <p>(i) if a relevant planning instrument does not specify a requirement for a lower number of parking spaces—at least the following number of parking spaces—</p> <p>(i) for development on land within an accessible area—0.2 parking spaces for each boarding room,</p> <p>(ii) otherwise—0.5 parking spaces for each boarding room,</p> <p>(j) if a relevant planning instrument specifies a requirement for a lower number of parking spaces—the lower number specified in the relevant planning instrument.</p>	<p>space area complies with the 3m minimum dimension.</p> <p>The site is situated in an accessible area being within 400m of Carlton Railway Station and provides 21 car parking spaces for the 41 boarding house rooms so is complaint.</p> <p>N/A</p>	<p>Yes</p> <p>N/A</p>
25 Standards for boarding houses	<p>(1) Development consent must not be granted under this Division unless the consent authority is satisfied that—</p> <p>(a) no boarding room will have a gross floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of more than 25m², and</p> <p>(b) no boarding room will be occupied by more than 2 adult residents, and</p> <p>(c) adequate bathroom, kitchen and laundry facilities will be available within the boarding house for the use of each resident, and</p> <p>(d) for a boarding house on land in Zone R2 Low Density Residential or an</p>	<p>Development consent is not being sought the current application is for a modification to an existing development consent.</p>	N/A

	<p>equivalent land use zone—the boarding house will not have more than 12 boarding rooms, and</p> <p>(e) for a boarding house on land in a business zone—no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and</p> <p>(f) for a boarding house containing at least 6 boarding rooms—the boarding house will have at least 1 communal living area, and</p> <p>(g) the minimum lot size for the boarding house is not less than—</p> <p>(i) for land in Zone R2 Low Density Residential—the minimum lot size requirements for manor houses under a relevant planning instrument, or 600m², or</p> <p>(ii) for land in Zone R3 Medium Density Residential—the minimum lot size requirements for multi dwelling housing under a relevant planning instrument, or</p> <p>(iii) otherwise—the minimum lot size requirements for residential flat buildings under a relevant planning instrument, and</p> <p>(h) each boarding room has a floor area, excluding an area, if any, used for the purposes of private</p>		
--	--	--	--

THIS IS THE PRINTED COPY OF THE GEORGES RIVER LOCAL PLANNING PANEL. FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU

	<p>kitchen or bathroom facilities, of at least the following—</p> <ul style="list-style-type: none"> (i) for a boarding room intended to be used by a single resident—12m², (ii) otherwise—16m². <p>(2) Development consent must not be granted under this Division unless the consent authority considers whether—</p> <ul style="list-style-type: none"> (a) the design of the boarding house will be compatible with— <ul style="list-style-type: none"> (i) the desirable elements of the character of the local area, or (ii) for precincts undergoing transition—the desired future character of the precinct, and (b) the front, side and rear setbacks for the boarding house are not less than— <ul style="list-style-type: none"> (i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, (ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument, 	<p>Development consent is not being sought the current application is for a modification to an existing development consent.</p>	<p>N/A</p>
--	---	--	------------

THIS IS THE PRINTED COPY OF THE GEORGES RIVER LOCAL PLANNING PANEL. FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU

	<p>(c) if the boarding house has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide, and</p> <p>(d) at least 1 motorcycle parking space will be provided for every 5 boarding rooms, and</p> <p>(e) at least 1 bicycle parking space will be provided for each boarding room.</p> <p>(3) This section does not apply to development for the purposes of minor alterations or additions to an existing boarding house.</p>	N/A	N/A
26 Must be used for affordable housing in perpetuity	<p>1) Development consent must not be granted under this Division unless the consent authority is satisfied that from the date of the issue of the occupation certificate and continuing in perpetuity—</p> <p>(a) the boarding house will be used for affordable housing, and</p> <p>(b) the boarding house will be managed by a registered community housing provider.</p> <p>(2) Subsection (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by a public authority.</p>	<p>Development consent is not being sought the current application is for a modification to an existing development consent. The boarding house is not proposed to be managed by a community housing provider.</p> <p>Noted</p>	<p>N/A</p> <p>N/A</p>
27 Subdivision of boarding houses not permitted	Development consent must not be granted for the subdivision of a boarding house.	No subdivision proposed.	Yes

Georges River Local Environmental Plan 2021

62. The extent to which the proposed development complies with the Georges River Local Environmental Plan 2021 (GRLEP 2021) is detailed and discussed in the table below. Note that the original approval was issued pursuant to Kogarah Local Environmental Plan 2012.

Clause	Standard	Proposed	Complies
Part 1 – Preliminary			
1.2 – Aims of the Plan	In accordance with Clause 1.2 (2)	The development is considered to be consistent with the aims of the plan.	Yes
1.4 - Definitions	<p>Shop top housing means:</p> <p><i>means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.</i></p> <p><i>Note—</i> <i>Shop top housing is a type of residential accommodation.</i></p>	The approved development was consistent with the definition of shop top housing under KLEP 2012. The proposed modification will also remain consistent with the definition of shop top housing as the development continues to consist of a ground floor commercial tenancy and upper levels of boarding house.	Yes
Part 2 - Permitted or prohibited development			
2.2 Zoning of Land to which the Plan applies	MU1 – Mixed Use Zone	The shop top housing development is permissible with consent.	Yes
2.3 - Zone objectives and Land Use Table	<p>Objectives of MU1 – Mixed Use Zone must be satisfied.</p> <p>Development must be permissible with consent</p>	<p>The proposal meets all objectives.</p> <p>The proposal for <i>shop top housing</i> consisting of <i>commercial premises</i> and <i>boarding houses</i> are permissible with development consent in the zone.</p>	<p>Yes</p> <p>Yes</p>
2.7 - Demolition	Demolition requires development consent.	Consent for the demolition of the existing structure formed part of the original approval. The proposed modification does not seek any changes to	Yes

		this part of the approval.	
Part 4 - Principal Development Standards			
4.3 – Height of Buildings	39m as identified on Height of Buildings Map	The proposed height is the same as approved being maximum overall height of 20.4m at RL49.80 (lift overrun).	Yes
4.4 – Floor Space Ratio	4:1 as identified on Floor Space Ratio Map. Site area: 411m ² therefore maximum Gross Floor Area permitted is 1,644m ²	The approved development has a GFA of 1,765sqm representing a FSR of 4.295:1 after utilizing a FSR bonus of 20% or 0.8 permitted under SEPP (Affordable Rental Housing) 2009. The modification proposes a GFA of 1,751.9sqm representing a FSR of 4.26:1 which is less than the 4.8:1 FSR permitted under SEPP (Affordable Rental Housing) 2009.	Yes, given that additional floor space approved under SEPP (ARH) 2009.
4.4B - Exceptions to floor space ratio—non-residential uses	(4) Development consent must not be granted for development on the following land identified on the Floor Space Ratio Map unless the non-residential floor space ratio is— (b) for land identified as “Area 4”—at least 1:1. Site area 411m ² therefore 411m ²	Development consent is not being sought, the current application is for a modification to an existing development consent. The approved development has a total commercial gross floor area of 80sqm representing a FSR of 0.195:1, this remains unchanged in the modification application.	N/A
Part 5 - Miscellaneous Provisions			
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	The proposal does not involve works below the Mean High Water Mark.	N/A

	subject to tidal influence (including the bed of any such water).		
5.10 – Heritage conservation	Not identified as a heritage item and not located within a Heritage Conservation Area.	The site is not a heritage item or within the vicinity of a heritage item. Site is not in a heritage conservation area.	N/A
5.11 – Bush Fire Hazard Reduction	Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.	The subject land is not within a bush fire prone area.	N/A
Part 6 - Additional Local Provisions			
6.1 – Acid Sulfate soils	The site is not affected by acid sulfate soils.	N/A	N/A
6.2 – Earthworks	Development consent is required for earthworks unless exempt development or the earthworks are ancillary to development that is permitted without consent under this Plan. Development consent sought for excavation requires development consent. Considerations to apply include impact on drainage patterns, soil stability and effect on adjoining properties.	A geotechnical report was submitted and approved as part of the existing approval demonstrating the extent of excavation is suitable for the proposed development and can be designed to protect the adjoining development. The extend of the excavation and geotechnical requirements remain unchanged in the modification application.	Yes
6.3 – Stormwater Management	(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development— (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable,	Councils Engineers have reviewed the modification application in question and note that no changes are being made from a stormwater management perspective from the already approved development.	Yes

	<p>on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater or river water, and</p> <p>(c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system or, if the impact cannot be reasonably avoided, minimises and mitigates the impact, and</p> <p>(d) is designed to minimise the impact on public drainage systems.</p>		
6.4 - Foreshore area and coastal hazards and risk	<p>(2) This clause applies to the following land—</p> <p>(a) land identified on the <u>Coastal Hazard and Risk Map</u>,</p> <p>(b) land identified on the <u>Foreshore Building Line Map</u>.</p> <p>(3) Development consent must not be granted for development on land to which this clause applies except for the following purposes—</p> <p>(a) the alteration, or demolition and rebuilding, of an existing building if the footprint of the building will not extend further forward than the footprint of the existing building into—</p> <p>(i) the foreshore building line, or</p> <p>(ii) the land identified on the <u>Coastal Hazard and Risk Map</u>,</p> <p>(b) the erection of a building if the levels, depth</p>	The site is not located in a foreshore area and/or coastal hazards and risk area.	N/A

	<p>or other exceptional features of the site make it appropriate to do so,</p> <p>(c) boat sheds, cycling paths, fences, sea walls, swimming pools, water recreation structures or walking tracks.</p> <p>(4) In deciding whether to grant development consent, the consent authority must consider the following matters—</p> <p>(a) whether the development addresses the impacts of sea level rise and tidal inundation as a result of climate change,</p> <p>(b) whether the development could be located on parts of the site not exposed to coastal hazards,</p> <p>(c) whether the development will cause congestion or generate conflict between people using open space areas or the waterway,</p> <p>(d) whether the development will cause environmental harm by pollution or siltation of the waterway,</p> <p>(e) opportunities to provide reasonable, continuous public access along the foreshore, considering the needs of property owners,</p> <p>(f) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(5) In this clause—</p> <p>foreshore area means the land between the foreshore building line and the mean high water mark of the nearest bay or river.</p> <p>foreshore building line means the line shown</p>		
--	---	--	--

	as the foreshore building line on the <u>Foreshore Building Line Map</u> .		
6.5 - Riparian land and waterways	<p>(2) This clause applies to land identified as “Sensitive land” on the <u>Riparian Lands and Waterways Map</u>.</p> <p>(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following—</p> <p>(a) whether the development is likely to have an adverse impact on the following—</p> <p>(i) the water quality and flows within the waterway,</p> <p>(ii) the stability of the bed, shore and banks of the waterway,</p> <p>(iii) the future rehabilitation of the waterway and riparian areas,</p> <p>(iv) the biophysical, hydrological or ecological integrity of adjacent coastal wetlands, including the aquatic and riparian species, habitats and ecosystems of the waterway,</p> <p>(v) indigenous trees and other vegetation,</p> <p>(vi) opportunities for additional planting of local native riparian vegetation,</p> <p>(b) whether the development is likely to increase water extraction from the waterway,</p> <p>(c) whether the development will cause environmental harm by pollution or siltation of the waterway,</p> <p>(d) appropriate measures proposed to avoid, minimise or mitigate the impacts of the</p>	The site is not located on land identified as sensitive land.	N/A

	<p>development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>		
6.6 - Foreshore scenic protection area	<p>(2) This clause applies to land identified as “Foreshore scenic protection area” on the <u>Foreshore Scenic Protection Area Map</u>.</p> <p>(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must be satisfied that the development would facilitate the following—</p> <p>(a) the protection of the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation,</p> <p>(b) the avoidance or minimisation of the disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations,</p> <p>(c) the maintenance and enhancement of native</p>	The site is not in a foreshore scenic protection area.	N/A

	<p>vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors,</p> <p>(d) the achievement of no net loss of significant vegetation or habitat,</p> <p>(e) the avoidance of clearing steep slopes and facilitation of the stability of the land,</p> <p>(f) the minimisation of the impact on the views and visual environment, including views to and from the Georges River, foreshore reserves, residential areas and public places,</p> <p>(g) the minimisation of the height and bulk of the development by stepping the development to accommodate the fall in the land.</p>		
6.7 Airspace operations	<p>(2) Development consent must not be granted to development to which this clause applies unless—</p> <p>(a) the consent authority has consulted the relevant Commonwealth body, and</p> <p>(b) the relevant Commonwealth body advises the consent authority that—</p> <p>(i) the development will penetrate the Limitations or Operations Surface but it does not object to the development, or</p> <p>(ii) the development will not penetrate the Limitations or Operations Surface.</p>	No objections raised by CASA. No comments received from Sydney Airports in relation to the approved development. The modification application does not seek to change the approved height of the building.	Yes
6.8 Development in Areas subject to aircraft noise	Acoustic considerations to be satisfied.	An acoustic report was submitted with the approved	Yes

		application which was supported by Council's Environmental Health Officer subject to conditions. The modification was referred to the Environmental Health Officer who again raised no objection but suggested a new condition to be incorporated into a modified development consent if the application was to be supported.	
6.9 Essential Services	Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available. (a) the supply of water, (b) the supply of electricity, (c) the supply of telecommunications facilities, (d) the disposal and management of sewage, (e) stormwater drainage or on-site conservation, (f) suitable vehicular access.	The modification application does not propose any changes to the approved development that would impact upon the availability of essential services or the capacity for the proposal to be services. Water and electricity supply is available to the site. Telecommunications available. Sewage available to the site. Proposed stormwater disposal is satisfactory subject to conditions. The site intends to provide vehicular access from Blake Street.	Yes
6.10 - Design excellence	(2) This clause applies to development on land referred to in subclause (3)	Development consent has already been issued and the	N/A

	<p>involving—</p> <p>(a) the erection of a new building, or</p> <p>(b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant.</p> <p>(3) This clause applies to development on the following land—</p> <p>(a) land identified on the <u>Foreshore Scenic Protection Area Map</u> if the development is for one or more of the following purposes—</p> <p>(i) bed and breakfast accommodation,</p> <p>(ii) health services facilities,</p> <p>(iii) marinas,</p> <p>(iv) residential accommodation, except for secondary dwellings,</p> <p>(b) land in the following zones if the building concerned is 3 or more storeys or has a height of 12 metres or greater above ground level (existing), or both, not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking—</p> <p>(i) Zone R4 High Density Residential,</p> <p>(ii) Zone E1 Local Centre,</p> <p>(iii) Zone E2 Commercial Centre,</p> <p>(iv) Zone E4 General Industrial,</p> <p>(v) Zone MU1 Mixed Use.</p> <p>(4) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.</p>	<p>current proposal is for a modification application, so this clause does not apply to the proposal.</p>	
--	--	---	--

THIS IS THE PRINTED COPY OF THE GEORGES RIVER LOCAL PLANNING PANEL. FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU

	<p>(5) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</p> <p>(c) whether the development detrimentally impacts on view corridors,</p> <p>(d) how the development addresses the following matters—</p> <p>(i) the suitability of the land for development,</p> <p>(ii) existing and proposed uses and use mix,</p> <p>(iii) heritage issues and streetscape constraints,</p> <p>(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,</p> <p>(v) bulk, massing and modulation of buildings,</p> <p>(vi) street frontage heights,</p> <p>(vii) environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,</p> <p>(viii) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian</p>		
--	--	--	--

	<p>networks,</p> <p>(ix) the impact on, and proposed improvements to, the public domain,</p> <p>(x) achieving appropriate interfaces at ground level between the building and the public domain,</p> <p>(xi) excellence and integration of landscape design,</p> <p>(xii) the provision of communal spaces and meeting places,</p> <p>(xiii) the provision of public art in the public domain,</p> <p>(xiv) the provision of on-site integrated waste and recycling infrastructure,</p> <p>(xv) the promotion of safety through the application of the principles of crime prevention through environmental design.</p>		
<p>6.12 - Landscaped areas in certain residential and environment protection zones</p>	<p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone R2 Low Density Residential,</p> <p>(b) Zone R3 Medium Density Residential,</p> <p>(c) Zone R4 High Density Residential,</p> <p>(d) Zone E2 Environmental Conservation.</p> <p>(3) Despite subclause (2), this clause does not apply to development referred to in <u>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</u>, clause 4.</p> <p>(4) Development consent must not be granted to development on land to which the clause applies unless the consent authority is satisfied that the development—</p> <p>(a) allows for the</p>	<p>Site is zoned MU1 and the clause is not applicable.</p>	<p>N/A</p>

	<p>establishment of appropriate plantings—</p> <p>(i) that are of a scale and density commensurate with the height, bulk and scale of the buildings to which the development relates, and</p> <p>(ii) that will maintain and enhance the streetscape and the desired future character of the locality, and</p> <p>(b) maintains privacy between dwellings, and</p> <p>(c) does not adversely impact the health, condition and structure of existing trees, tree canopies and tree root systems on the land or adjacent land, and</p> <p>(d) enables the establishment of indigenous vegetation and habitat for native fauna, and</p> <p>(e) integrates with the existing vegetation to protect existing trees and natural landscape features such as rock outcrops, remnant bushland, habitats and natural watercourses.</p> <p>(5) Development consent must not be granted to development on land to which this clause applies unless a percentage of the site area consists of landscaped areas that is at least—</p> <p>(a) for a dwelling house located on land outside the Foreshore Scenic Protection Area—20% of the site area, or</p>		
6.13 Development in Zones E1 and MU1	<p>(1) The objectives of this clause are as follows—</p> <p>(a) to promote uses that attract pedestrian traffic along ground floor street frontages,</p>	Development consent has already been issued and the current proposal is for a modification application, so this	N/A

	<p>(b) to maintain existing, and encourage additional, non-residential uses along ground floor street frontages,</p> <p>(c) to strengthen the viability of existing established centres,</p> <p>(d) to maintain opportunities for business and retail development that is suited to high exposure locations.</p> <p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone E1 Local Centre,</p> <p>(b) Zone MU1 Mixed Use.</p> <p>(c), (d) (Repealed)</p> <p>(3) 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.</p> <p>(4) Subclause (3) does not apply to a part of a building that is used for the following purposes—</p> <p>(a) entrances and lobbies, including as part of a mixed use development,</p> <p>(b) access for fire services,</p> <p>(c) essential services.</p>	<p>clause does not apply to the proposal. The proposal is however complaint with this control.</p>	
--	--	--	--

Georges River Development Control Plan 2021

63. The proposed development is subject to the provisions of the Georges River Development Control Plan 2021. The following comments are made with respect to the proposal considering the objectives, controls and requirements contained within the DCP Section 4.7 Boarding Houses. These requirements are designed to provide further guidance in addition to the now repealed State Environmental Planning Policy (Affordable Rental Housing) 2009.

3.13 Parking Access and Transport			
Clause	Standard	Proposal	Compliance
3.13 Parking Access and Transport Refer to the car parking rates for boarding houses in State Environmental Planning Policy (Affordable Rental Housing) 2009. • Clause 29(2) of the SEPP states:	A consent authority must not refuse consent to development to which this Division applies of any of the following grounds – parking	Car parking has been approved and will not change as part of the modification application. Carparking consists of: 21 car parking spaces for lodgers, 2 car parking spaces for commercial, 1 car parking space for the manager, 3 car parking spaces are accessible and there are 2 spaces for temporary parking whilst waiting for the vehicle lift.	Yes
	If– (i) in the case of development carried out by or on behalf of a social housing provider in an accessible area – at least 0.2 parking spaces are provided for each boarding room, and	N/A – not social housing provider.	N/A
	(ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area – at least 0.4 parking spaces are provided for each boarding room, and	N/A – not social housing provider.	N/A
	(iia) in the case of development not carried out by or on behalf of a social housing provider – at least 0.5 parking spaces are provided for each boarding room, and	Complies 41 boarding rooms and 21 car parking spaces for the lodgers.	Yes
	(iii) in the case of any development – not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site.	Compiles 1 accessible car parking space available for the manager.	Yes
4.7 Boarding Houses			
Clause	Standard	Proposal	Compliance
General	1. Boarding Houses are to maintain a high level of resident amenity, safety and privacy by ensuring: i. Communal spaces,	Communal spaces, including laundry	Yes

	<p>including laundry, bathroom, kitchen and living areas are located in safe and accessible locations;</p> <p>ii. Bedrooms are located so that they are separate from significant noise sources and incorporate adequate sound insulation to provide reasonable amenity between bedrooms and external noise sources;</p> <p>iii. Structural fittings and fixtures for all internal rooms that enhance nonchemical pest management of the building, with all cracks and crevices sealed and insect screening to all openings; and</p> <p>iv. All appliances achieve an energy star rating of 3.5 or higher, unless otherwise legislated.</p>	<p>facilities, bathroom, kitchen and living areas are acceptably located.</p> <p>Bedrooms are acceptably located and insulated from significant noise sources.</p> <p>A condition to address this would be imposed if the application was to be supported.</p> <p>Approval was subject to meeting BASIX requirement which has now be repealed.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>
	<p>2. Boarding houses are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbouring buildings by locating:</p> <p>i. The main entry point at the front of the site, away from side boundary areas near adjoining properties;</p> <p>ii. Communal areas and bedroom windows away from the main living area or bedroom windows of any adjacent buildings;</p> <p>iii. Screen fencing, plantings, and acoustic barriers in appropriate locations; and</p> <p>iv. Double glazed windows where noise transmission affects neighbouring buildings.</p> <p>3. An application for a boarding house must be</p>	<p>Main entry suitably located and remains unchanged.</p> <p>Communal areas and bedroom windows suitably located.</p> <p>Acceptable acoustic treatments proposed.</p> <p>N/A as all external walls facing adjoining developments are solid.</p> <p>Plan of Management Approved and would need to be amended if this modification application was to be supported.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p>

	accompanied by a Plan of Management which provides all details relevant to the operation of the premises. Further details are outlined in Council's Development Application Guide.		
Sleeping Room Requirements	<p>4. The gross floor area of a bedroom is to be at least:</p> <ul style="list-style-type: none"> i. 12m² (including 1.5m² required for wardrobe space); ii. 4m² when a second adult occupant is intended (which must be clearly shown on plans); iii. 2.1m² for any ensuite (which must comprise a hand basin and toilet; iv. 0.8m² for any shower in the ensuite; v. 1.1m² for any laundry (which must comprise a wash tub and washing machine); and vi. 2m² for any kitchenette (which must comprise a small fridge, cupboards and shelves and microwave). <p>5. Each bedroom must have access to natural light, from a window or door with a minimum aggregate area of 10% of the floor area of the room. Skylights are not to be the sole source of light.</p>	<p>Complies as the smallest bedroom Suite 38 is 15.6sqm</p> <p>Complies all other suites exceed 16sqm.</p> <p>Complies the smallest ensuite is 3.3sqm.</p> <p>Complies all showers exceed this minimum.</p> <p>Complies - combined kitchen and laundries proposed of minimum size 3.1sqm.</p> <p>Complies all boarding house rooms have natural light and ventilation to either Blake Street or Railway Parade.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Internal Communal Areas	<p>6. A communal kitchen area is to be provided with a minimum area that is the greater of 6.5m² (total) or 1.2m² for each resident occupying a bedroom without a kitchenette.</p> <p>7. The communal kitchen is to contain:</p> <ul style="list-style-type: none"> i. One (1) sink for every six (6) people, or part 	<p>All boarding house rooms have their own kitchenettes plus there is a 11.4sqm kitchen in the common room.</p> <p>1 double sink with hot and cold running water, 1 six burner stove top</p>	<p>Yes</p> <p>No but acceptable as each boarding</p>

	<p>thereof, with running hot and cold water; and</p> <p>ii. One (1) stove top cooker for every six (6) people, or part thereof, with appropriate exhaust ventilation.</p> <p>8. The communal kitchen is to contain, for each resident occupying a bedroom without a kitchenette:</p> <p>i. 0.3m³ of refrigerator storage space;</p> <p>ii. 0.05m³ of freezer storage space; and</p> <p>iii. 0.30m³ of lockable drawer or cupboard storage space.</p> <p>9. An indoor communal living area with a minimum area of 12.5m² or 1.25m² per resident (whichever is greater) and a minimum width of 3m. The communal living area can include any dining area, but cannot include bedrooms, bathrooms, laundries, reception area, storage, kitchens, car parking, loading docks, driveways, clothes drying areas, corridors and the like.</p> <p>10. Indoor communal living areas are to be located:</p> <p>i. Near commonly used spaces, such as kitchen, laundry, lobby entry area, or manager's office; with transparent internal doors, to enable natural surveillance from resident circulation;</p> <p>ii. Adjacent to the communal open space;</p> <p>iii. To receive a minimum 2 hours solar access to at least 50% of the windows during 9am and 3pm on 21 June;</p>	<p>and an oven is provided in the common room. Each boarding house suite has a sink with hot and cold water and microwave oven. The control in this circumstance requires 14 sinks and 14 cook tops in the common room based on maximum occupancy of 82 boarders which is excessive.</p> <p>N/A</p> <p>A communal indoor living area of 55.2sqm in the from of a common room with kitchen, dining table and lounge area is provided with 20sqm communal balcony. The proposal fails to comply with the 102.5sqm requirement of this control. No variation request was received.</p> <p>Complies the common room and common balcony are directly adjoining the manager's suite.</p> <p>Yes</p> <p>The application failed to demonstrate compliance and no variation request was received.</p> <p>No only 1 common room proposed on Level 5. No variation</p>	<p>house room has their own sink and microwave.</p> <p>No</p> <p>Yes</p> <p>No</p> <p>No</p>
--	--	---	--

	<p>iv. On each level of a multi storey boarding house, where appropriate; and</p> <p>v. Where they will have minimal impact on bedrooms and adjoining properties.</p>	<p>request was received.</p> <p>Yes</p>	<p>Yes</p>
Communal Open Space	<p>Communal open space is to be provided with a minimum area of 20m² and a minimum dimension of 3m.</p> <p>12. Communal open space is to be located and designed to:</p> <p>i. Generally be north-facing to receive a minimum 2 hours solar access to at least 50% of the area during 9am and 3pm on 21 June;</p> <p>ii. Be provided at ground level and incorporate soft or porous surfaces for 50% of the area;</p> <p>iii. To receive a minimum 2 hours solar access to at least 50% of the windows during 9am and 3pm on 21 June;</p> <p>iv. On each level of a multi storey boarding house, where appropriate;</p> <p>v. Be connected to communal indoor spaces, such as kitchens or living areas;</p> <p>vi. Contain communal facilities such as barbecues, seating and pergolas where appropriate; and</p> <p>vii. Be screened from adjoining properties and the public domain with plantings.</p>	<p>Communal open space balcony of 20sqm provided which exceeds the 3m minimum dimension requirements.</p> <p>Communal open space has a partial North facing orientation Level 5, the solar access has not been adequately demonstrated that this criterion has been met. Not provided as this is MU1 zone and approval is for shop top housing, no residential at ground floor. This has not been adequately demonstrated by the proposal.</p> <p>Not provided and no variation request received.</p> <p>Yes</p> <p>No barbecues proposed but seating to be provided.</p> <p>Not provided on level 5 but spatial separation distance across to the other side of Blake Street is acceptable.</p>	<p>No - Solar access to COS does not meet the requirement.</p>

Private Open Space	30% of all bedrooms are to have access to private open space with a minimum area of 4m ² in the form of a balcony or terrace area.	All boarding room suites have private open space in the form of balconies directly accessible from their suites. The balconies range in size from 2.2 - 3.7sqm, none comply with the minimum area of 4sqm. No variation request was received.	No but it should be noted the balconies sizes are generally consistent with the balcony sizes on the approved development consent plans.
Bathroom, Laundries and Drying Facilities	<p>14. Communal bathroom facilities accessible to all residents 24 hours per day are to be provided with the following:</p> <p>i. One (1) wash basin, with hot and cold water, and one (1) toilet for every 10 residents, or part thereof, for each occupant of a room that does not contain an ensuite; and</p> <p>ii. Be provided at ground level and incorporate soft or porous surfaces for 50% of the area.</p> <p>15. Laundry facilities are to be provided with the following:</p> <p>i. One (1) 5kg capacity automatic washing machine and one (1) domestic dryer for every 12 residents or part thereof; and</p> <p>ii. At least one (1) large laundry tub with hot and cold running water.</p> <p>16. Drying facilities, such as clotheslines located in a communal open space are to be located to maximise solar access and ensure that the usability of the space is not compromised</p>	<p>An accessible unisex communal bathroom is proposed on the ground floor. Every boarding house suite has their own ensuite. N/A POS control</p> <p>Every boarding house suite has their own laundry with combined washer/dryer plus laundry tub (shared with kitchen sink) with hot and cold water.</p> <p>No communal clothes drying facilities proposed as part of this modification application consistent with the development consent.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>No, but acceptable as the approved development did not contain communal drying facilities and all suites are to have combined washers/dryers.</p>
Fire Safety	17. Each sleeping room in a Class 3 building must be considered as a sole occupancy unit for the purposes of Section C	The building is capable of satisfying this Building Code of Australia requirement, and will be addressed	Yes

	and Part D1, D2 and F5 of the Building Code of Australia so as to ensure there is adequate fire safety in the building, and adequate sound insulation to provide reasonable amenity between sleeping rooms.	at the Construction Certificate stage.	
--	---	--	--

Georges River Development Control Plan 2021 Draft Amendment

64. The draft Amendment No. 3 to the Georges River Development Control Plan (DCP) 2021 is being publicly exhibited between 19 April – 19 May 2023. This amendment seeks to harmonise all DCP controls relating to the Hurstville City Centre into the Georges River DCP 2021 and rectify a number of housekeeping issues comprising of unintended omissions, numerical, typographical, interpretation and formatting errors throughout the Georges River DCP 2021. This modification application has been assessed having regard to the relevant current provisions of the Development Control Plan.

Impacts

Natural Environment

65. The proposed modification is unlikely to result in adverse impacts on the natural environment. No tree removal forms part of this modification application.

Built Environment

66. The modification application results in internal amendment and external faced changes but no change to the building envelope. The changes to the facade are considered acceptable.

Social Impact

67. The non-compliances with several non-discretionary development standards contained in State Environmental Planning Policy (Housing) 2021 and several requirements of Georges River Development Control Plan 2021 has a negative accumulative impact upon the amenity of future residents, leading to an adverse social impact.

Economic Impact

68. The modification is unlikely to result in any unreasonable economic impacts upon future residents.

Suitability of the Site

69. The proposed modification in its current form has failed to demonstrate that the proposed design is suitable for the subject site having regard to the amenity of the future residents.

Submissions, Referrals and the Public Interest

Submissions

70. The application was advertised, and adjoining residents were notified by letter and given fourteen (14) days in which to view the plans and submit any comments on the proposal. One (1) submission was received during the notification period.
71. This submission was not an objection or in support but instead queried the height and number of boarding house rooms with the statement “*I wonder how high it is and how many boarding house rooms?*” The height and number of boarding house rooms is consistent with the existing development consent but the configuration and floor layout

has changed. The submission also made a statement that they “*thought there were restrictions coming about boarding house accommodation.*” This statement possibly relates to the introduction of the new consolidated State Environmental Planning Policy (Housing) 2021.

Council (Internal) Referrals
Environmental Health Officer

72. Council’s Environmental Health Officer who reiterated their support for the proposal subject to the conditions previously provided remaining unaltered, and subject to one new condition being applied on a modified development consent.

Building Surveying Officer

73. Council’s Building Surveyor raised no issues and re-affirmed the existing development consent conditions with no new or amended conditions being required.

Traffic Engineer

74. Council’s Traffic Engineer raised no issues and provided updated wording to the Construction Traffic Management Plan condition.

Landscape Officer

75. The modification application has been reviewed by Councils Landscape Officer who have advised that they had no concerns subject to modifying the landscape conditions of consent on the modified development consent to reflect the planting of four (4) x Water Gum *Tristaniopsis laurina* “Luscious” in 45 litre pot size as street trees by Council at the applicant’s expense.

Development Engineer

76. The Development Engineer advised that since the proposed modification works related to internal changes and no changes to the Stormwater Plan no comments and/or amended conditions are required.

Land Information Officer

77. Council’s Land Information Officer raised no objection subject to changing the secondary address.

Urban Design

78. No response was received from Council’s Urban Design Officer.

External Referrals

Sydney Trains

79. No change to their earlier advice on the DA all previous conditions to still be applied to the modified development.

Ausgrid

80. No change to their earlier advice on the DA all previous conditions to still be applied to the modified development.

WaterNSW

81. Advised that all General Terms of Approval (IDAS1124808) issued on 9th July 2020 for the DA are still current and apply to the modified development.

Department of Planning and Industry

82. No response received.

Development Contributions

83. Section 7.11 Contributions were applied as part of the development determination. The modification does not change the contributions levied.

Conclusion

84. The modification application MOD2022/0098 involving façade amendments, changes in openings and to balconies, internal alterations including relocating and reconfiguration of suites and floor layout to development consent REV2020/0013 for site remediation, demolition works and construction of a mixed use building containing 3 levels of basement car parking, ground floor commercial and 5 levels of boarding house accommodating 42 rooms inclusive of the caretakers room at 248 Railway Parade, Kogarah has been assessed having regard to Section 4.15 and Section 4.55 (2) of the Environmental Planning and Assessment Act 1979, relevant State Environmental Planning Policies and the provisions of the Georges River Local Environmental Plan 2021, and the Georges River Development Control Plan 2021 and found to be unacceptable and is determined by way of refusal as set out below:

Reasons for Refusal

85. Pursuant to Section 4.55(2) of the Environmental Planning and Assessment Act, 1979, as amended, the Georges River Local Planning Panel, refuses Modification Application MOD2022/0098 involving façade amendments, changes in openings and to balconies, internal alterations including relocating and reconfiguration of suites and floor layout to development consent REV2020/0013 for site remediation, demolition works and construction of a mixed use building containing 3 levels of basement car parking, ground floor commercial and 5 levels of boarding house accommodating 42 rooms inclusive of the caretakers room for the Lot 48 at DP2013, known as 248 Railway Parade, Kogarah, is recommended for refusal for the reasons outlined below.

1. **Environmental Planning Instrument-** The proposed modification is unsatisfactory having regard to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 as the proposed modification fails to demonstrate compliance with several non-discretionary development standards contained in State Environmental Planning Policy (Housing) 2021.

Particulars

- a) Pursuant to clause 24(2)(e) the application has failed to demonstrate adequate solar access to the communal living areas by failing to provide at least 3 hours of direct solar access to at least one (1) of the communal living area between 9am and 3pm at mid-winter.
- b) Pursuant to clause 24(2)(g) the application has failed to demonstrate an adequately sized communal living area for a boarding house containing more than 6 boarding rooms where a total of at least 30sqm of communal living area plus at least a further 2sqm for each boarding room in excess of 6 boarding rooms is required.
- c) Pursuant to clause 24(2)(h) the application has failed to demonstrate an adequately sized communal open space area for a boarding house where at least 20% of the site area is required to be provided as communal open space area.

2. **Likely Impacts of the Development** - The proposed modification is unsatisfactory having regard to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 as the application has failed to demonstrate that it will not have a negative social and economic impact on future occupants of the boarding house.
3. **Suitability of the Site for the Development** - The proposed modification is unsatisfactory having regard to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 in that the proposed modification in its current form has failed to demonstrate that the proposed design is suitable for the subject site having regard to the amenity of future residents.
4. **Development Control Plan** - The proposed modification is unsatisfactory having regard to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979 as the proposed modification fails to demonstrate compliance with several provisions of Georges River Development Control Plan 2021.

Particulars

- a) Pursuant to Part 4.7 Boarding Houses, Internal Communal Areas clause (9) the application has failed to demonstrate an adequately sized internal communal areas where an indoor communal living area with a minimum area of 105sqm (1.25sqm per resident) is required.
 - b) Pursuant to Part 4.7 Boarding Houses, Internal Communal Areas clause (10)(iii) the application has failed to demonstrate adequate solar access to the internal communal areas where indoor communal living areas are required to be located to receive a minimum 2 hours of solar access to at least 50% of the windows during 9am and 3pm on 21 June.
 - c) Pursuant to Part 4.7 Boarding Houses, Internal Communal Areas clause (10)(iv) the application has failed to demonstrate adequate indoor communal living areas where indoor communal living areas are to be located on each level of a multi storey boarding house.
 - d) Pursuant to Part 4.7 Boarding Houses, Private Open Space clause (13) the application has failed to demonstrate adequate private open space for residents where at least 30% of all bedrooms are to have access to private open space with a minimum area of 4sqm in the form of a balcony or terrace area.
 - e) Pursuant to Appendix 4 Waste Management Part 4.3 On-going Waste Management for Development Types the application has failed to demonstrate adequate storage space for the required number of bins to service the development.
5. **Plan of Management** – the Plan of Management for the site has not been updated to reflect the modifications sought by this application.
 6. **Public Interest** - Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, given the shortcomings of the proposed design the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

ATTACHMENTS

Attachment 1 Architectural Plan Set

THIS IS THE PRINTED COPY OF THE GEORGES RIVER LOCAL PLANNING PANEL BUSINESS PAPER. FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU

248 RAILWAY PARADE, KOGARAH

DRAWING LIST

S4.55_100	COVER PAGE
S4.55_101	SITE ANALYSIS
S4.55_102	NOTIFICATION PLAN-SITE PLAN

S4.55_1000	ROOF PLAN / SITE PLAN
S4.55_1001	BASEMENT 1, 2 & 3 PLAN
S4.55_1002	GROUND FLOOR PLAN
S4.55_1003	FLOOR 1-4 TYPICAL PLAN
S4.55_1004	LEVEL 5 FLOOR PLAN

S4.55_2000	SECTION A-A
S4.55_2001	SECTION B-B

S4.55_3000	N-W ELEVATION (RAILWAY PDE.)
S4.55_3001	N-E ELEVATION (BLAKE ST.)
S4.55_3002	SOUTH-WESTERN ELEVATION
S4.55_3003	SOUTH-EASTERN ELEVATION

S4.55_4000	AREA CALCULATION PLAN
S4.55_4001	SHADOW ANALYSIS 9AM
S4.55_4002	SHADOW ANALYSIS 12PM
S4.55_4003	SHADOW ANALYSIS 3PM

S4.55_5000	CROSS VENTILATION DIAGRAM
S4.55_5001	SOLAR ACCESS DIAGRAM
S4.55_5002	COMMON ROOM & MANAGER'S APARTMENT SHADOW STUDY

S4.55_6000	PERSPECTIVE
------------	-------------

S4.55_7000	FINISHES SCHEDULE
------------	-------------------

PROJECT SUMMARY

TOTAL SITE AREA:	411m ²
PERMISSIBLE FSR:	4.8:1*
PERMISSIBLE GFA:	1972.8m ² *

* THE TOTAL INCLUDES A 20% BONUS AS PERMITTED BY AHSEPP 2009

TOTAL NO. OF SUITES:	42*
TOTAL NO. OF COMMON ROOM:	1
PROPOSED GROSS FLOOR AREA:	1752.1m ²
PROPOSED FLOOR SPACE RATIO:	4.26:1

** THE TOTAL INCLUDES ONE (ACCESSIBLE) MANAGER'S APARTMENT AND 4 ACCESSIBLE SUITES

PARKING PROVISION

SOURCE: KOGARAH DCP 2013

CAR SPACES REQUIRED 1/2 UNIT + 2 (RETAIL) =	23*
MOTORBIKES REQUIRED 1/5 UNIT +	9
BICYCLES REQUIRED 1/5 UNIT =	9

CAR SPACES PROVIDED =	24*
MOTORBIKES PROVIDED =	9
BICYCLES PROVIDED =	9

* THE TOTAL INCLUDES:
- 3 ACCESSIBLE PARKING SPACE FOR BOARDING HOUSE
- AND MANAGER
- 2 PARKING SPOT FOR RETAIL FACILITIES (ONE ACCESSIBLE)

AREA CALCULATIONS

GROUND FLOOR	ROOM NAME		AREA
	LIFT LOBBY		16.4 m ²
	MAIN LOBBY		28.6 m ²
	RETAIL		80 m ²
GFA GROUND FLOOR 132.0 m ²			
TYPICAL FIRST, SECOND, THIRD AND FOURTH FLOOR	SUITE NO.	SUITE AREA	AH SEPP SUITE AREA
	ACCESSIBLE SUITE 1/10/19/28	45.7 m ²	26.5 m ²
	SUITE 2/11/20/29	24.7 m ²	18.0 m ²
	SUITE 3/12/21/30	23.4 m ²	16.5 m ²
	SUITE 4/13/22/31	24.9 m ²	18.0 m ²
	SUITE 5/14/23/32	25.3 m ²	18.4 m ²
	SUITE 6/15/24/33	24.8 m ²	17.7 m ²
	SUITE 7/16/25/34	34.1 m ²	24.9 m ²
	SUITE 8/17/26/35	30.5 m ²	22.6 m ²
	SUITE 9/18/27/36	33.0 m ²	23.3 m ²
	LOBBY LIFT & SITTING AREA	18.1 m ²	N/A
	GFA SINGLE FLOOR 327.2 m ²		
FIFTH FLOOR	SUITE NO.	SUITE AREA	AH SEPP SUITE AREA
	MANAGER'S SUITE	63.4 m ²	N/A
	SUITE 37	40.6 m ²	25.0 m ²
	SUITE 38	28.3 m ²	21.7 m ²
	SUITE 39	25.0 m ²	18.0 m ²
	SUITE 40	25.0 m ²	18.0 m ²
	SUITE 41	25.3 m ²	18.3 m ²
	COMMON ROOM	53.3 m ²	N/A
	LOBBY LIFT & SITTING AREA	18.1 m ²	N/A
	GFA FIFTH FLOOR 311.3 m ²		
PROPOSED TOTAL DEVELOPMENT GFA 1752.1 m ²			
PROPOSED DEVELOPMENT FSR 4.75:1			

DCP/AHSEPP 2009 COMPLIANCE

ITEM	DESCRIPTION IN THE CODE	REQUIRED	PROPOSED	COMPLIANCE
BUILDING HEIGHT	IF THE BUILDING HEIGHT OF ALL PROPOSED BUILDINGS IS NOT MORE THAN THE MAXIMUM BUILDING HEIGHT PERMITTED UNDER ANOTHER ENVIRONMENTAL PLANNING INSTRUMENT FOR ANY BUILDING ON THE LAND	BUILDING MAX 30m HIGH	MAX 21m HIGH	ACHIEVED
FSR	AS SPECIFIED IN THE RELEVANT LOCAL PLANNING CONTROLS PLUS, IN AREAS WHERE RESIDENTIAL FLAT BUILDINGS ARE PERMITTED, A BONUS OF A MINIMUM OF 0.5:1 (OR 20% OF THE RELEVANT LOCAL FLOOR SPACE RATIO, WHICHEVER IS GREATER).	PURSUANT TO THE LEP AN FSR OF 4:1 APPLIES TO THE SUBJECT SITE. SEPP 2009 PROVIDES A 20% BONUS UP TO 1:1	PROPOSED FSR IS 4.26:1	ACHIEVED
SOLAR ACCESS	INTERNAL COMMUNAL AREAS - INDOOR COMMUNAL LIVING AREAS ARE TO BE LOCATED TO RECEIVE A MINIMUM 2 HOURS OF SOLAR ACCESS TO AT LEAST 50% OF THE WINDOWS DURING JAN AND JUN ON 1-1 JUNE	COMMON ROOM TO RECEIVE SUNLIGHT MINIMUM 2 HOURS MID-WINTER	THE LOCATION OF THE COMMUNAL LIVING ROOM ENSURES IT WILL RECEIVE 3 HOURS SUNLIGHT IN MID-WINTER BETWEEN JAN - JUN	ACHIEVED
PRIVATE OPEN SPACE	LODGERS: ONE AREA OF AT LEAST 20m ² WITH A MINIMUM DIMENSION OF 3m IS PROVIDED FOR THE USE OF THE LODGERS IF ACCOMMODATION IS PROVIDED ON SITE FOR A BOARDING HOUSE MANAGER - ONE AREA OF AT LEAST 8m ² WITH A MINIMUM DIMENSION OF 2.5m IS PROVIDED ADJACENT TO THAT ACCOMMODATION	LODGERS: MIN 20m ² OPEN SPACE, MIN 3 m WIDE MANAGER: MIN 8m ² OPEN SPACE, MIN 2.5m WIDE	LODGERS: 20.1m ² OPEN SPACE, 4.2m WIDE MANAGER: 8.4m ² OF PAVED PRIVATE OPEN SPACE, 2.5m WIDE	ACHIEVED
CAR PARKING	a) IN THE CASE OF DEVELOPMENT NOT CARRIED OUT BY OR ON BEHALF OF A SOCIAL HOUSING PROVIDER AT LEAST 0.5 PARKING SPACES ARE PROVIDED FOR EACH BOARDING ROOM b) GROUND LEVEL RETAIL UNITS SHOULD PROVIDE 1 CAR SPACE FOR EVERY 40 SQUARE METRES OF GROSS FLOOR AREA c) NOT MORE THAN 1 PARKING SPACE IS PROVIDED FOR EACH PERSON EMPLOYED IN CONNECTION WITH THE DEVELOPMENT AND WHO IS RESIDENT ON SITE d) THE NUMBER OF ACCESSIBLE CARPARK IS TO BE CALCULATED BY MULTIPLYING THE TOTAL NUMBER OF CARPARKING SPACES BY THE PERCENTAGE OF ACCESSIBLE OCCUPANCY UNITS TO THE TOTAL NUMBER OF SOLID-OCCUPANCY UNITS AND THE CALCULATED NUMBER IS TO BE TAKEN TO THE NEXT WHOLE FIGURE	a) LODGERS: 0.5 PARKING SPACES X 41 BOARDING ROOMS = 20.5 I.E. 21 CAR SPACES b) 2 CAR SPACES FOR RETAIL (80m ²) c) MANAGER: 1 PARKING SPACE d) 5 ACCESSIBLE SUV, WHICH MAKES 11.8% OF THE TOTAL 21 CARPARKING SPACES REQUIRED IN TOTAL 21*11.8% = 2.48 I.E. 3 ACCESSIBLE CAR SPACES REQUIRED	LODGERS: 21 CARPARKING SPACES PROVIDED RETAIL: 2 CARPARKING SPACES PROVIDED MANAGER: 1 PARKING SPACE PROVIDED 24 CARPARKING SPACES ARE PROPOSED IN TOTAL, 3 OF WHICH ARE ACCESSIBLE	ACHIEVED
MOTORBIKE PARKING	MINIMUM 1 MOTORBIKE SPACE FOR EVERY 5 BOARDING ROOMS	41 SUITES/ 5 = MINIMUM 8.2 I.E. 9 MOTORCYCLE SPACES	9 MOTORBIKE PARKING PROVIDED	ACHIEVED
BICYCLES PARKING	MINIMUM 1 BICYCLE SPACE FOR EVERY 5 BOARDING ROOMS	41 SUITES/ 5 = MINIMUM 8.2 I.E. 9 BICYCLE SPACES UNDER COVER	9 BICYCLE PARKING PROVIDED UNDER COVER	ACHIEVED
BOARDING ROOM SIZE	IF EACH BOARDING ROOM HAS A GROSS FLOOR AREA (EXCLUDING ANY AREA USED FOR THE PURPOSES OF PRIVATE KITCHEN OR BATHROOM FACILITIES) OF AT LEAST 12m ² , BUT NOT MORE THAN 25m ² , IN THE CASE OF A BOARDING ROOM INTENDED TO BE USED BY A SINGLE LODGER, OR 16m ² , BUT NOT MORE THAN 30 m ² , IN ANY OTHER CASE	SINGLE ROOM MINIMUM 12m ² DOUBLE ROOM MINIMUM 16m ² ANY ROOM MAX 25m ² , EXCLUDING ANY AREA USED FOR THE PURPOSES OF PRIVATE KITCHEN OR BATHROOM FACILITIES HANGING BETWEEN 16.5m ² AND 25.0m ²	41 DOUBLE ROOM PROVIDED WITH AN A MINIMUM AREA EXCLUDING ANY AREA USED FOR THE PURPOSES OF PRIVATE KITCHEN OR BATHROOM FACILITIES HANGING BETWEEN 16.5m ² AND 25.0m ²	ACHIEVED
COMMON LIVING ROOM	IF A BOARDING HOUSE HAS 5 OR MORE BOARDING ROOMS, AT LEAST ONE COMMUNAL LIVING ROOM WILL BE PROVIDED	1 COMMUNAL LIVING ROOM	1 COMMUNAL LIVING ROOM AT FIRST FLOOR AND BEATING AREAS AT ALL LEVELS PROVIDED	ACHIEVED
COMMON OPEN SPACE	ONE AREA OF AT LEAST 20m ² WITH A MINIMUM DIMENSION OF 3 METRES IS PROVIDED FOR THE USE OF THE LODGERS	1 OPEN AREA OF AT LEAST 20m ² WITH A MINIMUM DIMENSION OF 3 METRES	1 OPEN AREA OF AT LEAST 20m ² WITH A MINIMUM DIMENSION OF 3 METRES PROVIDED AT FIRST FLOOR, ADJACENT TO COMMON LIVING ROOM	ACHIEVED
LODGERS	NO BOARDING ROOM WILL BE OCCUPIED BY MORE THAN 2 ADULT LODGERS	MAXIMUM 2 ADULT LODGERS PER ROOM	MAXIMUM 2 ADULT LODGERS PER ROOM	ACHIEVED
KITCHEN & BATHROOM FACILITIES	ADEQUATE BATHROOM AND KITCHEN FACILITIES WILL BE AVAILABLE WITHIN THE BOARDING HOUSE FOR THE USE OF EACH LODGER	ADEQUATE BATHROOM AND KITCHEN FACILITIES FOR EACH LODGER	EACH ROOM IS EQUIPPED WITH SINK, MICROWAVE, FRIDGE, MICROWAVE AS WELL AS BATHROOM FACILITIES, STOVE AND OVEN ARE PROVIDED IN THE COMMUNAL KITCHEN	ACHIEVED
LAUNDRY FACILITIES	ADEQUATE LAUNDRY FACILITIES WILL BE AVAILABLE WITHIN THE BOARDING HOUSE FOR THE USE OF EACH LODGER	ADEQUATE LAUNDRY FACILITIES FOR LODGERS	A COMBO WASHER/DRYER PROVIDED IN EACH BOARDING ROOM, AS PER FINISHES SCHEDULE	ACHIEVED
ON-SITE MANAGER	IF THE BOARDING HOUSE HAS CAPACITY TO ACCOMMODATE 30 OR MORE LODGERS, A BOARDING ROOM OR ON-SITE DWELLING WILL BE PROVIDED FOR A BOARDING HOUSE MANAGER IF ACCOMMODATION IS PROVIDED ON SITE FOR A BOARDING HOUSE MANAGER ONE AREA OF AT LEAST 8m ² WITH A MINIMUM DIMENSION OF 2.5m IS PROVIDED ADJACENT TO THAT ACCOMMODATION	1 SITE MANAGER REQUIRED 8m ² FOR SITE MANAGER PRIVATE OPEN SPACE REQUIRED	1 SITE MANAGER ACCESSIBLE ROOM IS PROPOSED AT LEVEL 5 8.4m ² FOR SITE MANAGER PRIVATE OPEN SPACE PROVIDED	ACHIEVED

NOTE:
THIS ARCHITECTURAL PLAN IS TO BE READ IN CONJUNCTION WITH OTHER CONSULTANTS' DRAWINGS/WORKS

ARCHITECT:
MODERINN PTY LTD
18/ 11-21 Underwood Road, HOMEBUSHS NSW 2140
Telephone (02) 9763 1088
Email: architects@moderinn.com.au

ISSUE	DATE	PROJECT:
K	SECTION 4.55	22/03/2022
L	SECTION 4.55	20/04/2022
M	SECTION 4.55	28/04/2022
N	SECTION 4.55	14/07/2023
O	SECTION 4.55	04/09/2023
P	SECTION 4.55	21/09/2023

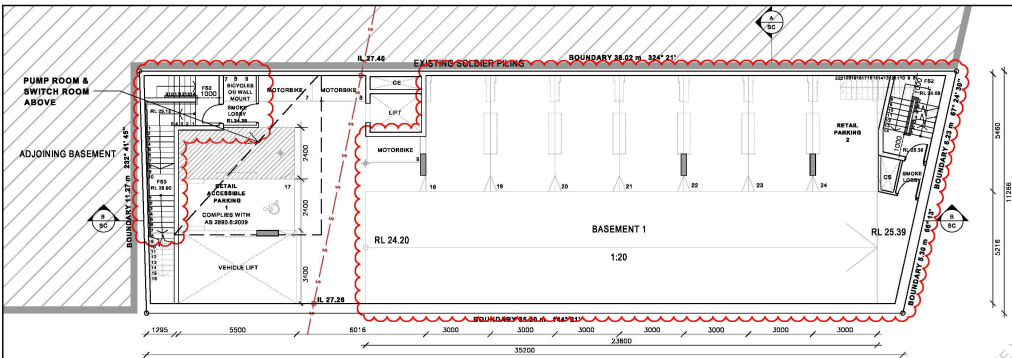
PROPOSED BOARDING HOUSE
248 RAILWAY PARADE, KOGARAH

CLIENT:
CARLTON RITZ PTY LTD.

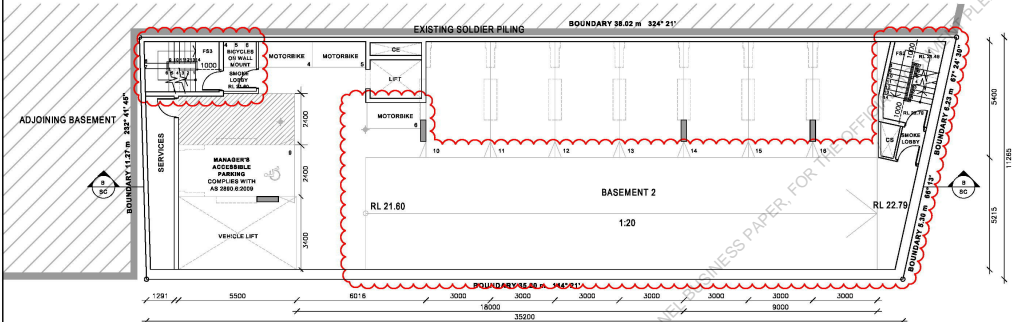
DRAWING TITLE
COVER PAGE

NOTES
COPYRIGHT OF DESIGN SHOWN HERE IS RETAINED AND
ACQUIESSED FOR ANY REPRODUCTION, UNAUTHORIZED USE OF
THIS DOCUMENT IS PROHIBITED. COMPUTER DRAWING FILE.

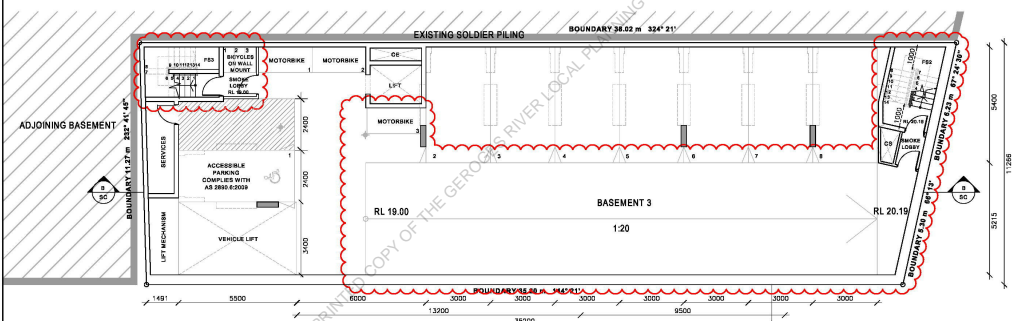
SCALE	SHEET SIZE
N/A	A3
DATE	DRAWN
APR. 2019	LJ
25% N/A	25% N/A
170000	\$4,55_100
100% SCALE FROM TOWN	P
USE ONLY FOR SCALE FROM TOWN	
VERIFY ALL DIMENSIONS ON SITE	



BASEMENT 1 FLOOR PLAN



BASEMENT 2 FLOOR PLAN

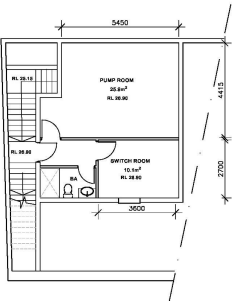


BASEMENT 3 FLOOR PLAN

PARKING PROVISIONS

CAR PARKING	a) IN THE CASE OF DEVELOPMENT NOT CARRIED OUT BY OR ON BEHALF OF A SOCIAL HOUSING PROVIDER AT LEAST 0.5 PARKING SPACES ARE PROVIDED FOR EACH BOARDING ROOM b) GROUND LEVEL RETAIL UNITS SHOULD PROVIDE 1 CAR SPACE FOR EVERY 40 SQUARE METRES OF GROSS FLOOR AREA c) NOT MORE THAN 1 PARKING SPACE IS PROVIDED FOR EACH PERSON EMPLOYED IN CONNECTION WITH THE DEVELOPMENT AND WHO IS RESIDENT ON SITE d) THE NUMBER OF ACCESSIBLE CARPARK IS TO BE CALCULATED BY MULTIPLYING THE TOTAL NUMBER OF CARPARKING SPACES BY THE PERCENTAGE OF ACCESSIBLE SOLE-OCCUPANCY UNITS TO THE TOTAL NUMBER OF SOLE-OCCUPANCY UNITS AND THE CALCULATED NUMBER IS TO BE TAKEN TO THE NEXT WHOLE FIGURE	e) LODGERS: 0.5 PARKING SPACES X 41 BOARDING ROOMS = 20.5 I.E. 21 CAR SPACES f) 2 CAR SPACES FOR RETAIL (800m ²) g) MANAGER: 1 PARKING SPACE h) 5 ACCESSIBLE SOU, WHICH MAKES 11.9% OF THE TOTAL 21 CARPARKING SPACES REQUIRED IN TOTAL 21*11.9% = 2.40 I.E. 3 ACCESSIBLE CAR SPACES REQUIRED	LODGERS: 21 CARPARKING SPACES PROVIDED RETAIL: 2 CARPARKING SPACES PROVIDED MANAGER: 1 PARKING SPACE PROVIDED 24 CARPARKING SPACES ARE PROPOSED IN TOTAL, 3 OF WHICH ARE ACCESSIBLE	ACHIEVED
	MINIMUM 1 MOTORBIKE SPACE FOR EVERY 5 BOARDING ROOMS	41 SUITES/5 = MINIMUM 8.2 I.E. 9 MOTORCYCLE SPACES	9 MOTORBIKE PARKING PROVIDED	ACHIEVED
MOTORBIKES PARKING	MINIMUM 1 BICYCLE SPACE FOR EVERY 5 BOARDING ROOMS	41 SUITES/5 = MINIMUM 8.2 I.E. 9 BICYCLE SPACES UNDER-COVER	9 BICYCLE PARKING PROVIDED UNDER-COVER	ACHIEVED

	PARKING SPACE	ACCESSIBLE	RETAIL	MOTORBIKE	BICYCLE
BASEMENT1	8	1	2	3	3
BASEMENT2	8	1	-	3	3
BASEMENT3	8	1	-	3	3
TOTAL	24	3	2	9	9

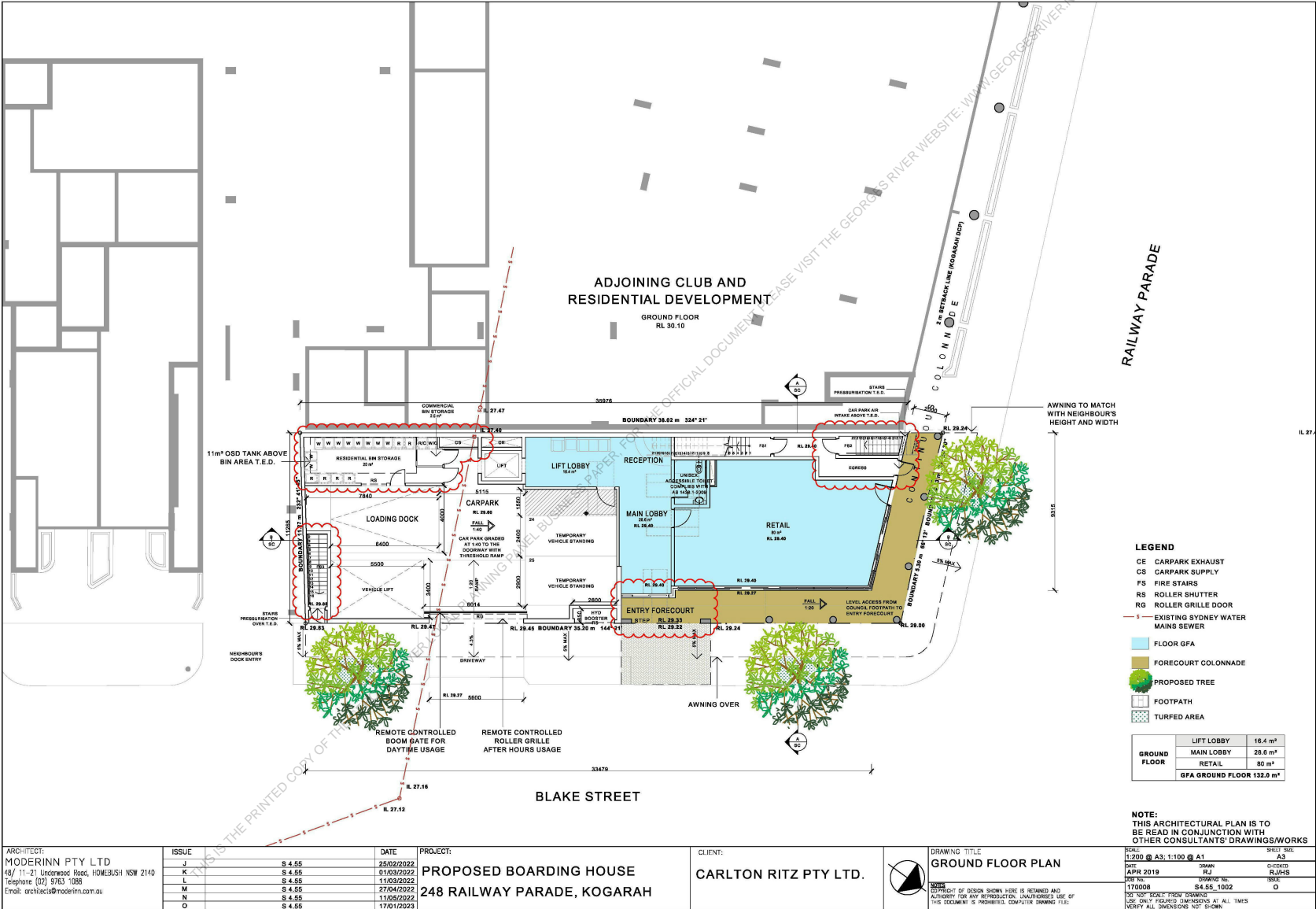


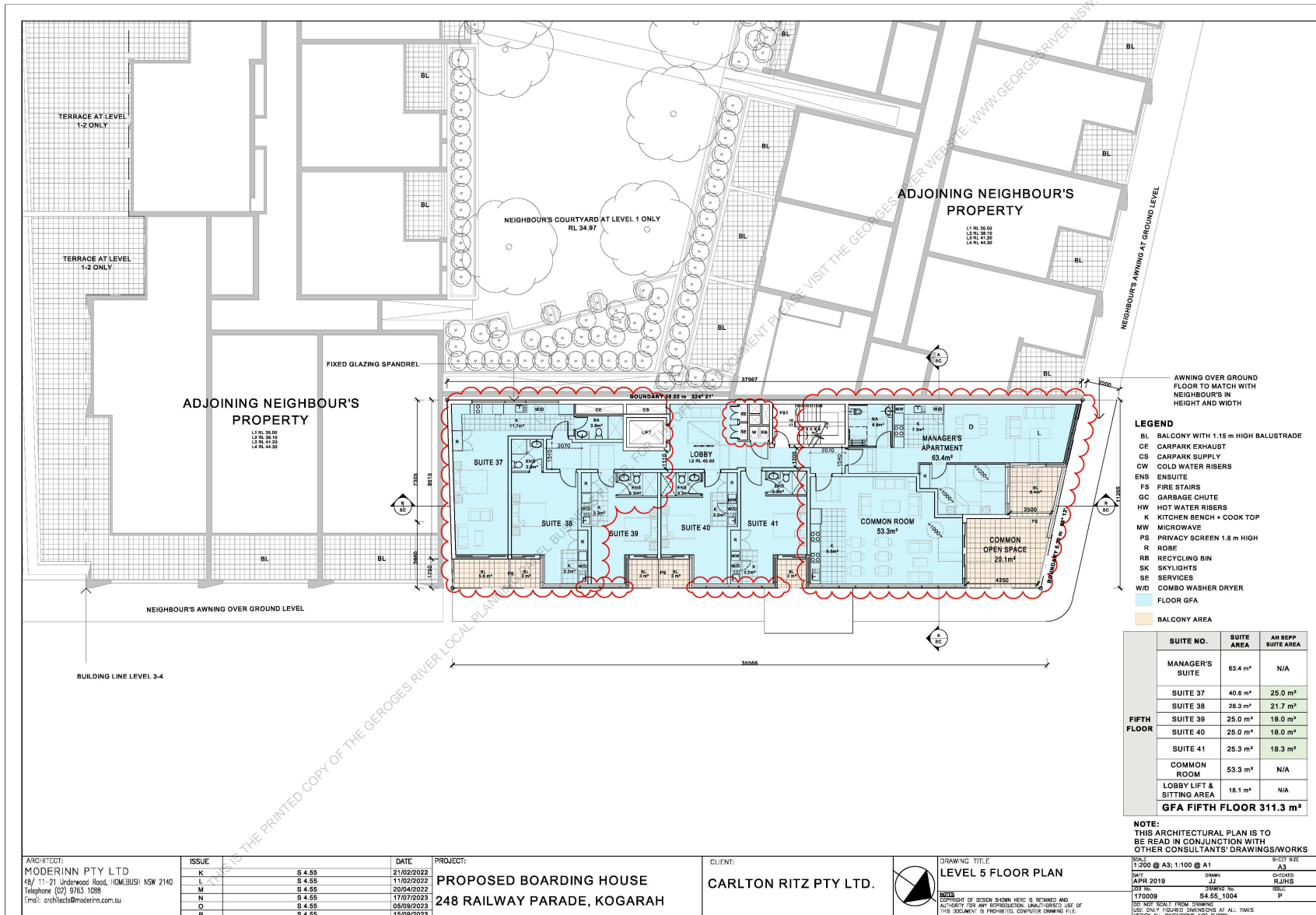
PUMP ROOM, SWITCH ROOM
RL 26.90

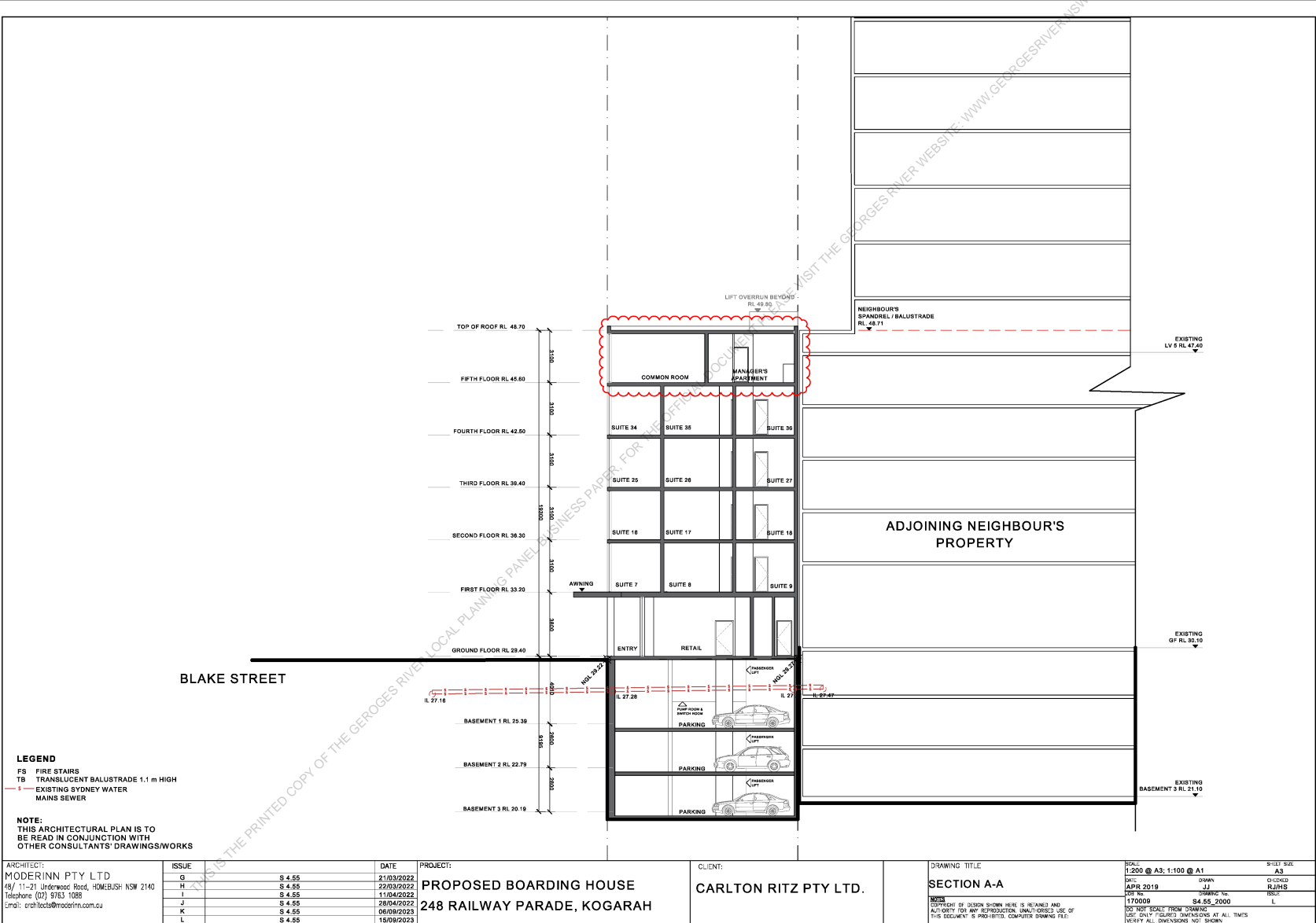
- LEGEND
- BA BATHROOM
 - CE CARPARK EXHAUST
 - CS CARPARK SUPPLY
 - FS FIRE STAIRS
 - EXISTING SYDNEY WATER MAINS SEWER

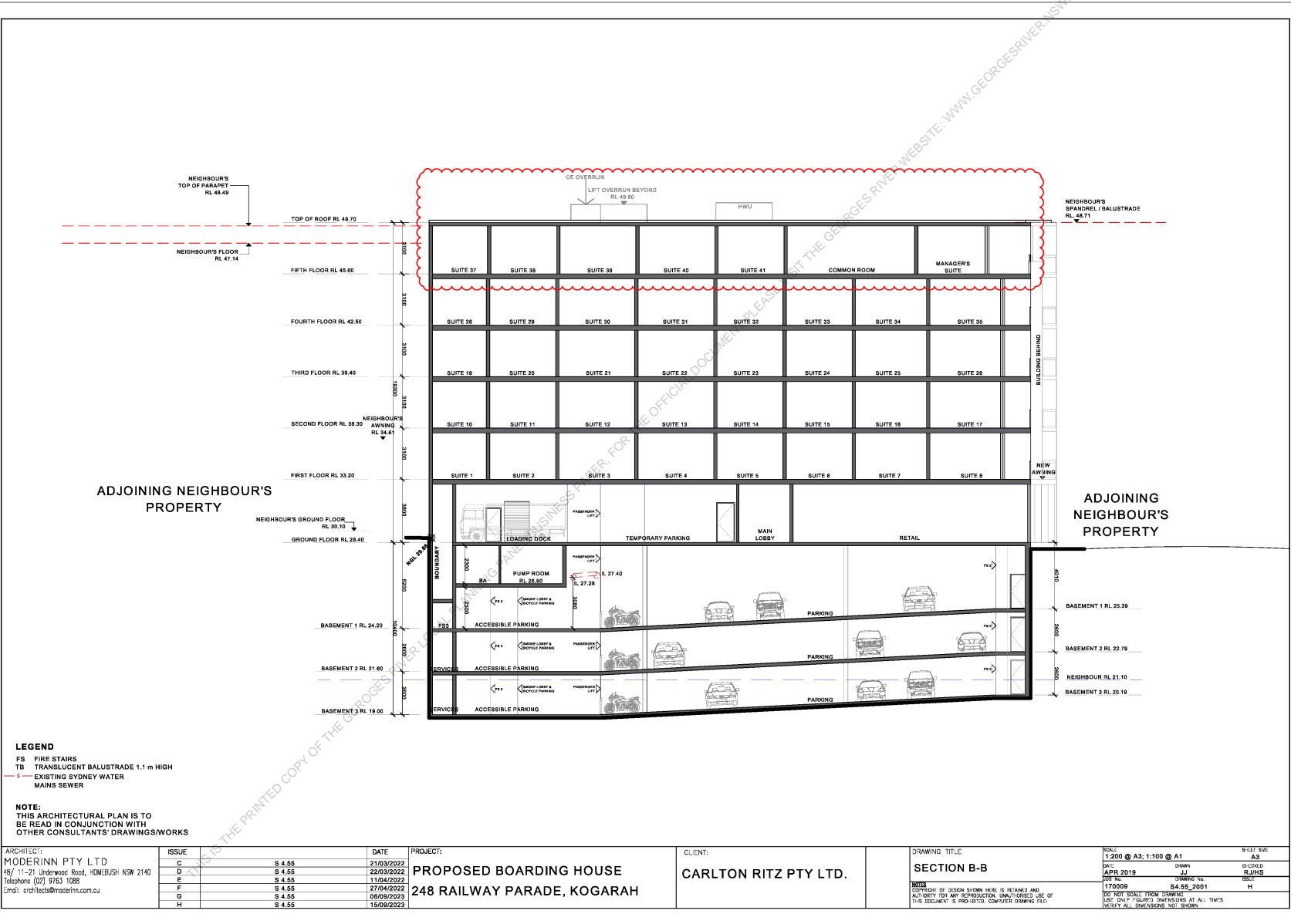
NOTE:
THIS ARCHITECTURAL PLAN IS TO BE READ IN CONJUNCTION WITH OTHER CONSULTANTS' DRAWINGS/WORKS

ARCHITECT: MODERINN PTY LTD 49/ 11-21 Underwood Road, HOME BUSH NSW 2140 Telephone (02) 9763 1088 Email: architects@moderinn.com.au	ISSUE P S 4.55 Q S 4.55 R S 4.55 S S 4.55 T S 4.55 U S 4.55	DATE 23/03/2022 11/04/2022 20/04/2022 27/04/2022 27/04/2022 18/01/2023	PROJECT: PROPOSED BOARDING HOUSE 248 RAILWAY PARADE, KOGARAH	CLIENT: CARLTON RITZ PTY LTD.	DRAWING TITLE BASEMENT 1, 2 & 3	SCALE 1:200 @ A3; 1:100 @ A1	SHEET SIZE A3
						DATE UJ	CHANGED RJ/MS
						JOB NO. 170008	DRAWING NO. 84.55_1001
						DO NOT SCALE FROM DRAWING USE ONLY FIGURED DIMENSIONS AT ALL TIMES VERIFY ALL DIMENSIONS ON SITE	UNIT U







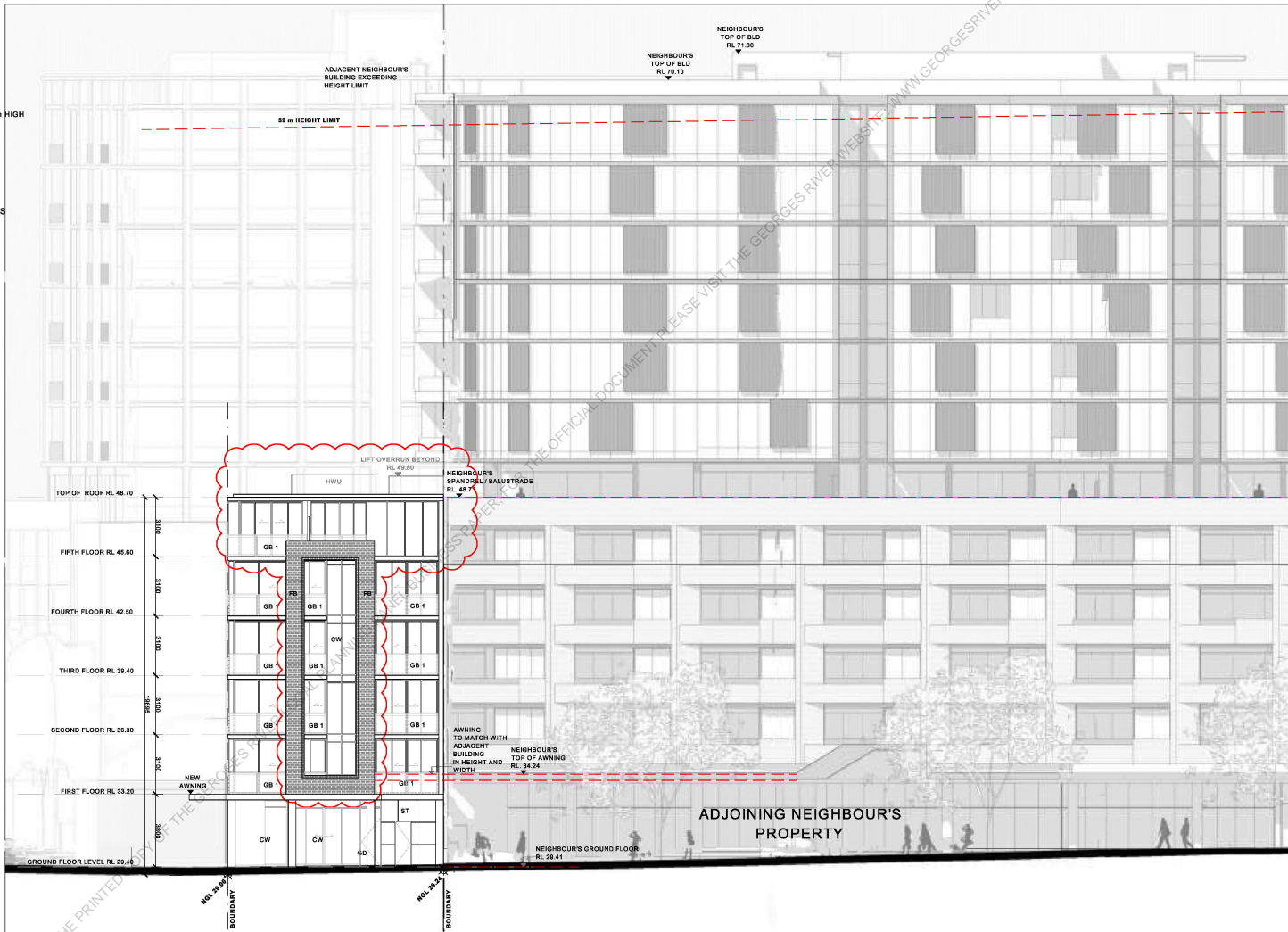


LEGEND

CE CARPARK EXHAUST
CR CEMENT RENDER
CW CURTAIN WALL
DI DINGEL
FB FACEBRICK
FG FIXED GLASS
GD GLAZED DOOR
HL HIGH LEVEL WINDOW @ 1.5 m FROM FFL
HWU HOT WATER UNIT
PG PERGOLA
PS PRIVACY SCREEN 1.8 m HIGH
GB 1 TRANSLUCENT GLASS BALUSTRADE 1.1 m HIGH
GB 2 TRANSLUCENT TINTED GLASS
OG OBTUSE GLASS
PL PANEL LIFT DOOR
ST STONE PANEL

NOTE:
THIS ARCHITECTURAL PLAN IS TO
BE READ IN CONJUNCTION WITH
OTHER CONSULTANTS' DRAWINGS/WORKS

BLAKE STREET



ARCHITECT:
MODERNIN PTY LTD
15/ 11-21 Underwood Road, HOME BUSH NSW 2140
Telephone (02) 9763 1088
Email: architects@modernin.com.au

ISSUE	DATE
D	26/10/2021
E	27/10/2021
F	04/11/2021
G	17/07/2023
H	08/09/2023
I	16/09/2023

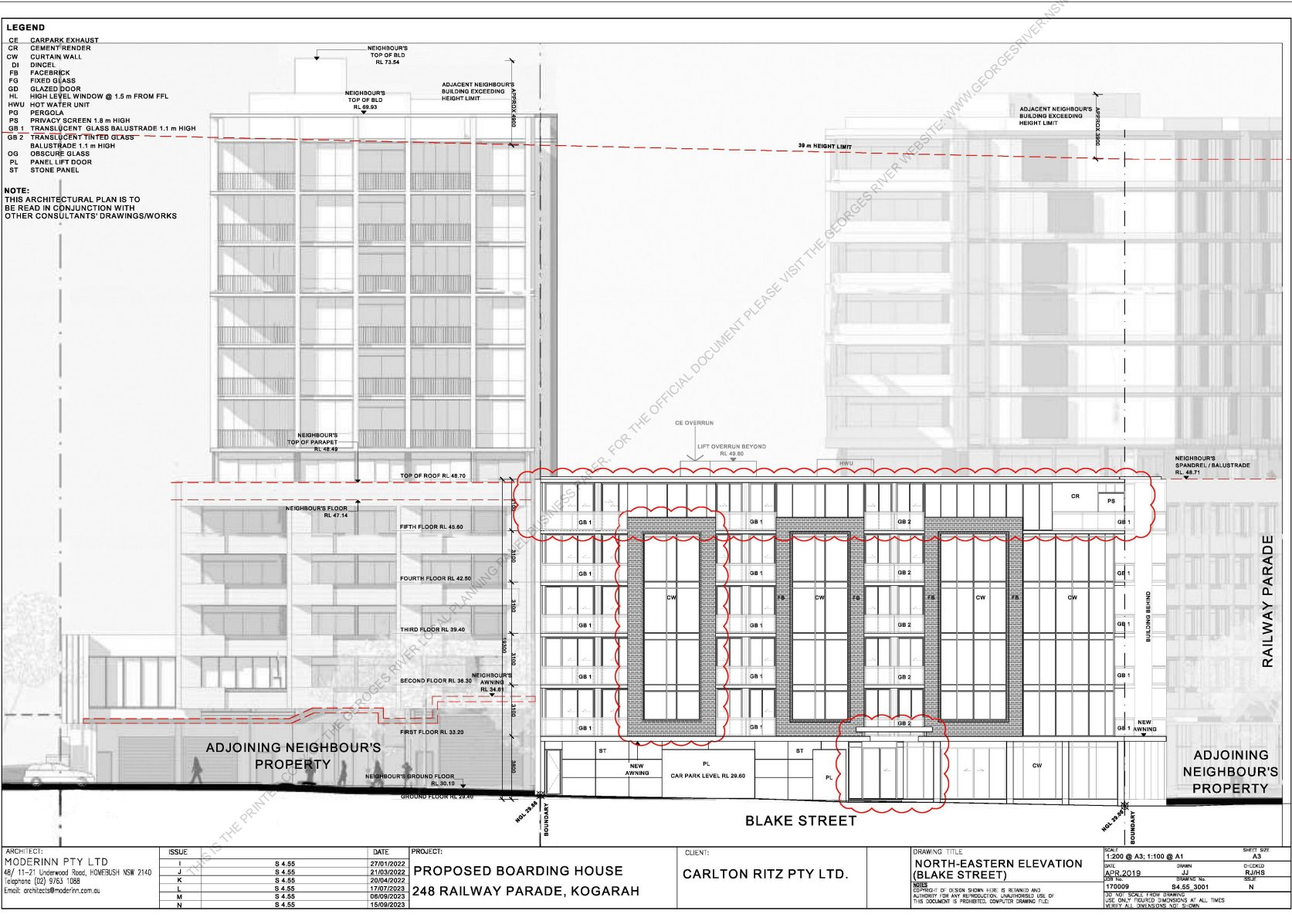
PROJECT:
PROPOSED BOARDING HOUSE
248 RAILWAY PARADE, KOGARAH

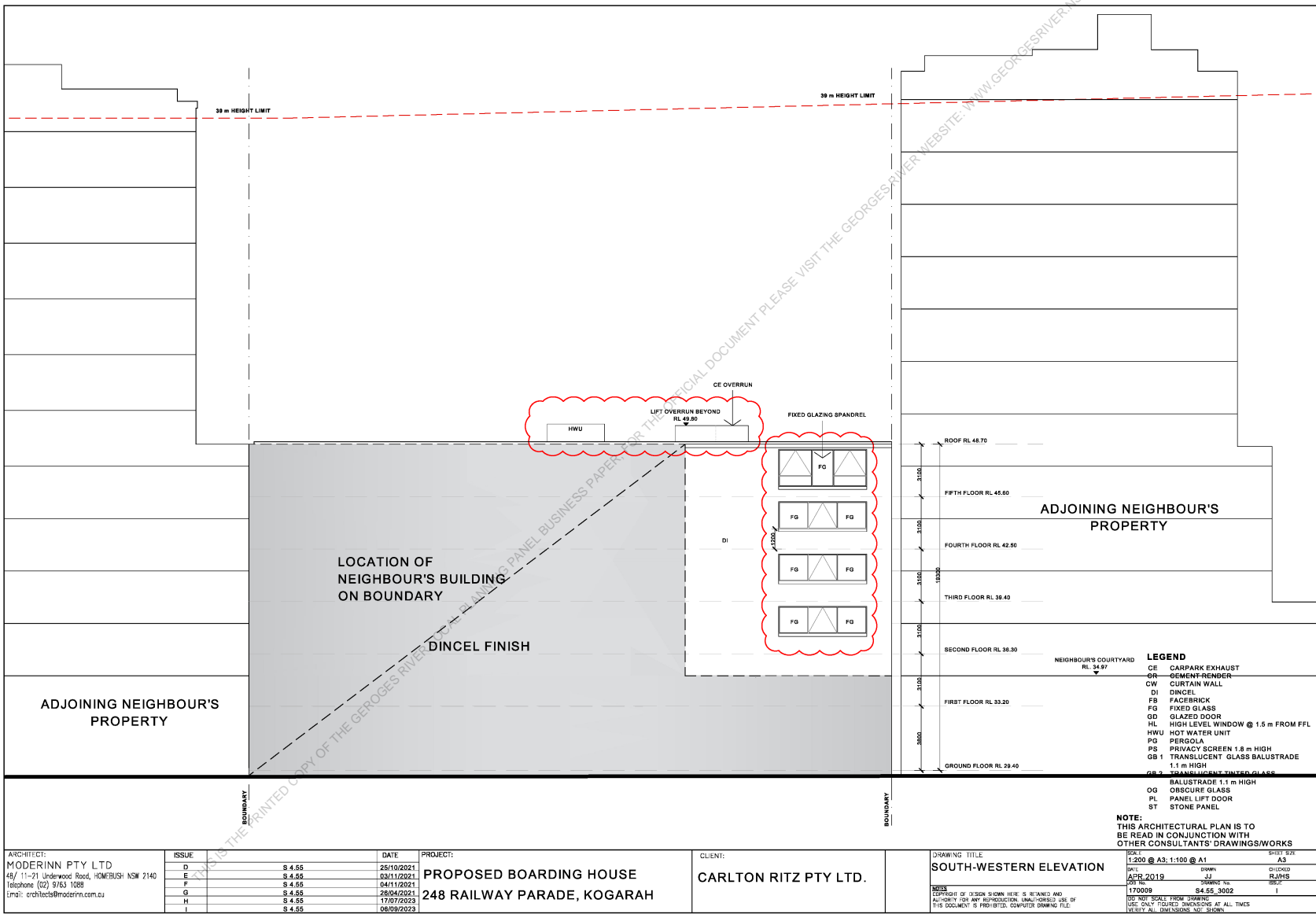
CLIENT:
CARLTON RITZ PTY LTD.

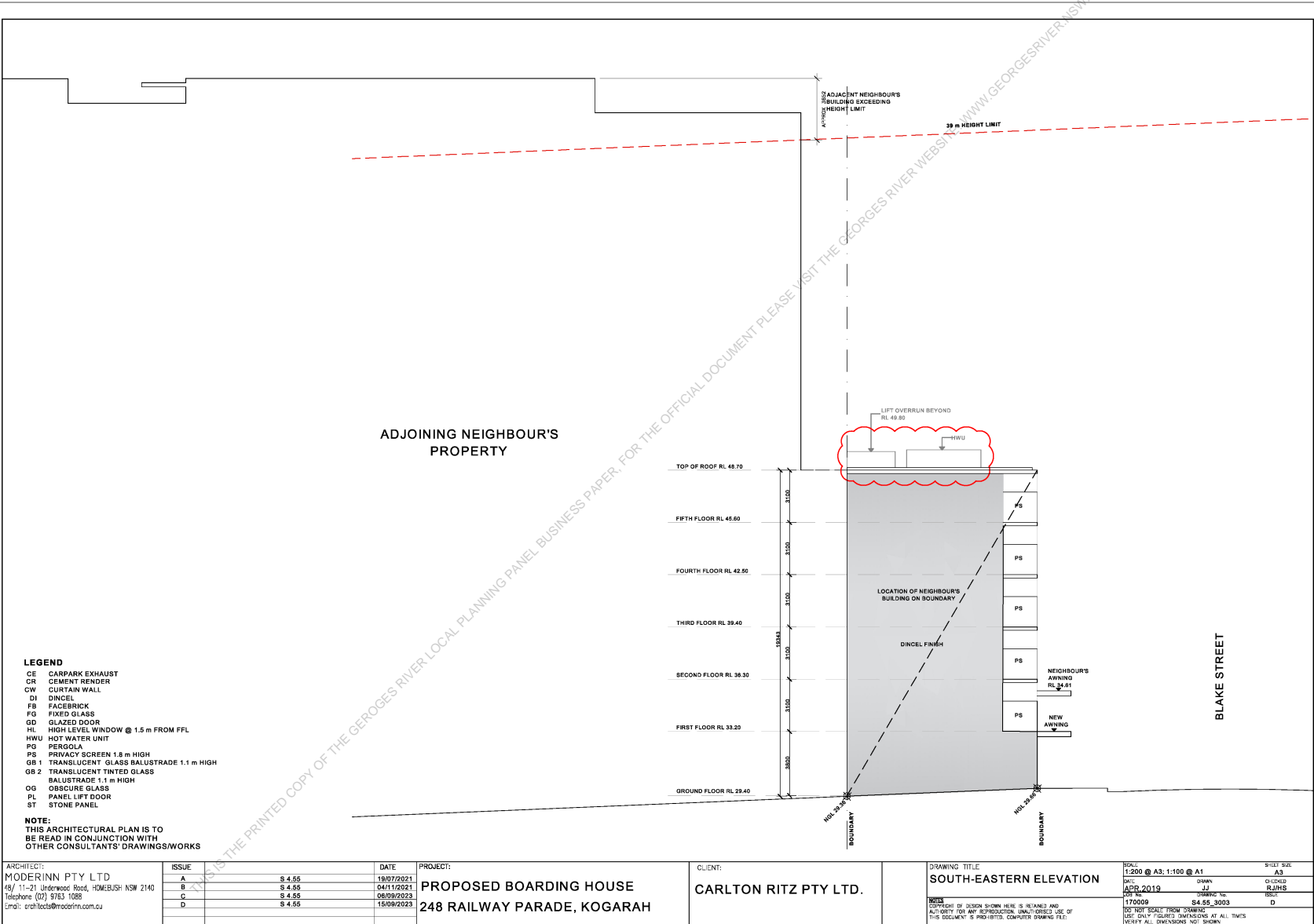
DRAWING TITLE
NORTH-WESTERN ELEVATION
(RAILWAY PARADE)

NOTE:
COPYRIGHT OF DESIGN SHOWN HERE IS RETAINED AND
AUTHORITY FOR ANY REPRODUCTION UNAUTHORIZED USE OF
THIS DOCUMENT IS PROHIBITED. COMPUTER DRAWING FILE.

SCALE		SHEET SIZE	
1:200 @ A3; 1:100 @ A1		A3	
DATE	DRAWN	CHECKED	
APR.2019	JJ	RJ/RHS	
JOB No.	DRAWING No.	SSJL	
170009	S4.55_3000	I	
DO NOT SCALE FROM DRAWING			
USE ONLY FIGURED DIMENSIONS AT ALL TIMES			
VERIFY ALL DIMENSIONS NOT SHOWN			









NOTE:
THIS ARCHITECTURAL PLAN IS TO
BE READ IN CONJUNCTION WITH
OTHER CONSULTANTS' DRAWINGS/WORKS

ARCHITECT: MODERINN PTY LTD 46/ 11-21 Underwood Road, HOMEBUSH NSW 2140 Telephone (02) 9763 1088 Email: architects@moderinn.com.au	ISSUE	DATE	PROJECT: PROPOSED BOARDING HOUSE 248 RAILWAY PARADE, KOGARAH	CLIENT: CARLTON RITZ PTY LTD.	DRAWING TITLE PERSPECTIVE	SCALE		SHEET SIZE A3	
	A	8 4 55				17/08/2021	DRAWN		CHEN J
	B	8 4 55				19/01/2022	APR 2019		UJ
	C	8 4 55				07/09/2023	DWG No.		DRAWING No.
	D	8 4 55				21/08/2023	170009		94.55_6000
NOTES COPYRIGHT OF DESIGN SHOWN HERE IS RETAINED AND AUTHORITY FOR ANY REPRODUCTION, UNAUTHORIZED USE OF THIS DOCUMENT IS PROHIBITED. COMPUTER DRAWING FILE.						DO NOT SCALE FROM DRAWING USE ONLY FIGURED DIMENSIONS AT ALL TIMES VERIFY ALL DIMENSIONS NOT SHOWN			

CW
CURTAIN WALL



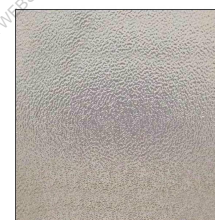
FB
FACE BRICKWORK
BORAL BLUE
OR SIMILAR



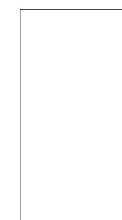
ST
DECORATIVE STONE
PANEL



GB 2
TINTED GLASS BALUSTRADE



GB 3
OBSCURE GLASS BALUSTRADE



ALUMINIUM FRAME
ANODIZED BRONZE

INTERNAL SELECTION



PL
PANEL LIFT DOOR
COLORBOND IRONSTONE



ST
STONE
CDK STONE GRANITE
BLACK FOREST



W/D
WASHER DRYER
COMBO OR SIMILAR
ONE PER SUITE



120L FRIDGE
OR SIMILAR
ONE PER SUITE



56L MICROWAVE OR SIMILAR
ONE PER SUITE

NOTE:
THIS ARCHITECTURAL PLAN IS TO
BE READ IN CONJUNCTION WITH
OTHER CONSULTANTS' DRAWINGS/WORKS

ARCHITECT:		ISSUE:	DATE:	PROJECT:	CLIENT:	DRAWING TITLE:	SCALE:	SHEET NO.:			
MODERN PTY LTD		A	19/07/2021	PROPOSED BOARDING HOUSE 248 RAILWAY PARADE, KOGARAH	CARLTON RITZ PTY LTD.	FINISHES SCHEDULE	BOLD 1/8" = 1'-0" 1/4" = 1'-0" 1/2" = 1'-0" 3/4" = 1'-0" 1" = 1'-0" 1 1/2" = 1'-0" 2" = 1'-0" 3" = 1'-0" 4" = 1'-0" 6" = 1'-0" 8" = 1'-0" 12" = 1'-0" 18" = 1'-0" 24" = 1'-0" 36" = 1'-0" 48" = 1'-0" 72" = 1'-0" 96" = 1'-0" 144" = 1'-0" 216" = 1'-0" 288" = 1'-0" 360" = 1'-0" 432" = 1'-0" 504" = 1'-0" 576" = 1'-0" 648" = 1'-0" 720" = 1'-0" 792" = 1'-0" 864" = 1'-0" 936" = 1'-0" 1008" = 1'-0" 1080" = 1'-0" 1152" = 1'-0" 1224" = 1'-0" 1296" = 1'-0" 1368" = 1'-0" 1440" = 1'-0" 1512" = 1'-0" 1584" = 1'-0" 1656" = 1'-0" 1728" = 1'-0" 1800" = 1'-0" 1872" = 1'-0" 1944" = 1'-0" 2016" = 1'-0" 2088" = 1'-0" 2160" = 1'-0" 2232" = 1'-0" 2304" = 1'-0" 2376" = 1'-0" 2448" = 1'-0" 2520" = 1'-0" 2592" = 1'-0" 2664" = 1'-0" 2736" = 1'-0" 2808" = 1'-0" 2880" = 1'-0" 2952" = 1'-0" 3024" = 1'-0" 3096" = 1'-0" 3168" = 1'-0" 3240" = 1'-0" 3312" = 1'-0" 3384" = 1'-0" 3456" = 1'-0" 3528" = 1'-0" 3600" = 1'-0" 3672" = 1'-0" 3744" = 1'-0" 3816" = 1'-0" 3888" = 1'-0" 3960" = 1'-0" 4032" = 1'-0" 4104" = 1'-0" 4176" = 1'-0" 4248" = 1'-0" 4320" = 1'-0" 4392" = 1'-0" 4464" = 1'-0" 4536" = 1'-0" 4608" = 1'-0" 4680" = 1'-0" 4752" = 1'-0" 4824" = 1'-0" 4896" = 1'-0" 4968" = 1'-0" 5040" = 1'-0" 5112" = 1'-0" 5184" = 1'-0" 5256" = 1'-0" 5328" = 1'-0" 5400" = 1'-0" 5472" = 1'-0" 5544" = 1'-0" 5616" = 1'-0" 5688" = 1'-0" 5760" = 1'-0" 5832" = 1'-0" 5904" = 1'-0" 5976" = 1'-0" 6048" = 1'-0" 6120" = 1'-0" 6192" = 1'-0" 6264" = 1'-0" 6336" = 1'-0" 6408" = 1'-0" 6480" = 1'-0" 6552" = 1'-0" 6624" = 1'-0" 6696" = 1'-0" 6768" = 1'-0" 6840" = 1'-0" 6912" = 1'-0" 6984" = 1'-0" 7056" = 1'-0" 7128" = 1'-0" 7200" = 1'-0" 7272" = 1'-0" 7344" = 1'-0" 7416" = 1'-0" 7488" = 1'-0" 7560" = 1'-0" 7632" = 1'-0" 7704" = 1'-0" 7776" = 1'-0" 7848" = 1'-0" 7920" = 1'-0" 7992" = 1'-0" 8064" = 1'-0" 8136" = 1'-0" 8208" = 1'-0" 8280" = 1'-0" 8352" = 1'-0" 8424" = 1'-0" 8496" = 1'-0" 8568" = 1'-0" 8640" = 1'-0" 8712" = 1'-0" 8784" = 1'-0" 8856" = 1'-0" 8928" = 1'-0" 9000" = 1'-0" 9072" = 1'-0" 9144" = 1'-0" 9216" = 1'-0" 9288" = 1'-0" 9360" = 1'-0" 9432" = 1'-0" 9504" = 1'-0" 9576" = 1'-0" 9648" = 1'-0" 9720" = 1'-0" 9792" = 1'-0" 9864" = 1'-0" 9936" = 1'-0" 10008" = 1'-0" 10080" = 1'-0" 10152" = 1'-0" 10224" = 1'-0" 10296" = 1'-0" 10368" = 1'-0" 10440" = 1'-0" 10512" = 1'-0" 10584" = 1'-0" 10656" = 1'-0" 10728" = 1'-0" 10800" = 1'-0" 10872" = 1'-0" 10944" = 1'-0" 11016" = 1'-0" 11088" = 1'-0" 11160" = 1'-0" 11232" = 1'-0" 11304" = 1'-0" 11376" = 1'-0" 11448" = 1'-0" 11520" = 1'-0" 11592" = 1'-0" 11664" = 1'-0" 11736" = 1'-0" 11808" = 1'-0" 11880" = 1'-0" 11952" = 1'-0" 12024" = 1'-0" 12096" = 1'-0" 12168" = 1'-0" 12240" = 1'-0" 12312" = 1'-0" 12384" = 1'-0" 12456" = 1'-0" 12528" = 1'-0" 12600" = 1'-0" 12672" = 1'-0" 12744" = 1'-0" 12816" = 1'-0" 12888" = 1'-0" 12960" = 1'-0" 13032" = 1'-0" 13104" = 1'-0" 13176" = 1'-0" 13248" = 1'-0" 13320" = 1'-0" 13392" = 1'-0" 13464" = 1'-0" 13536" = 1'-0" 13608" = 1'-0" 13680" = 1'-0" 13752" = 1'-0" 13824" = 1'-0" 13896" = 1'-0" 13968" = 1'-0" 14040" = 1'-0" 14112" = 1'-0" 14184" = 1'-0" 14256" = 1'-0" 14328" = 1'-0" 14400" = 1'-0" 14472" = 1'-0" 14544" = 1'-0" 14616" = 1'-0" 14688" = 1'-0" 14760" = 1'-0" 14832" = 1'-0" 14904" = 1'-0" 14976" = 1'-0" 15048" = 1'-0" 15120" = 1'-0" 15192" = 1'-0" 15264" = 1'-0" 15336" = 1'-0" 15408" = 1'-0" 15480" = 1'-0" 15552" = 1'-0" 15624" = 1'-0" 15696" = 1'-0" 15768" = 1'-0" 15840" = 1'-0" 15912" = 1'-0" 15984" = 1'-0" 16056" = 1'-0" 16128" = 1'-0" 16200" = 1'-0"	A3	NTS		
467/11-21 Underwood Road, HOMEBSH NSW 2140		B	31/01/2022					DRAWN	CHECKED	DATE	DATE
Telephone (02) 9163 1088		C	01/09/2023					DRAWING NO.	1700008	1700008	1700008
Email: architects@modernin.com.au											

