

AGENDA

Georges River Local Planning Panel

Thursday, 06 February 2025

4:00 PM

Blended Meeting

**Online and Council Chambers, Civic Centre,
Hurstville**

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GEORGES RIVER LOCAL PLANNING PANEL MEETING

ORDER OF BUSINESS

1. ON SITE INSPECTIONS

2. OPENING

3. ACKNOWLEDGEMENT OF COUNTRY

The Georges River Local Planning Panel acknowledges the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. I pay my respect to Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples who live, work and meet on these lands.

4. APOLOGIES / LEAVE OF ABSENCE

5. NOTICE OF WEBCASTING

6. DISCLOSURES OF INTEREST

7. CONSIDERATION OF ITEM(S) AND VERBAL SUBMISSIONS

8. CLOSED SESSION – DELIBERATION OF REPORTS

LPP001-25	1-5 Lacey Street and 1a John Street KOGARAH BAY NSW 2217 – DA2023/0624 (Report by Consultant Planner)	3
LPP002-25	36 Woronora Parade Oatley – DA2024/0257 (Report by Development Assessment Planner)	123

9. CONFIRMATION OF MINUTES

Georges River Local Planning Panel Meeting - 06 February 2025

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REPORTS AND LPP DELIBERATIONS**REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 06 FEBRUARY 2025****LPP001-25 1-5 LACEY STREET AND 1A JOHN STREET KOGARAH BAY NSW 2217**

LPP001-25

LPP Report No	LPP001-25	Development Application No	DA2023/0624
Site Address & Ward Locality	1-5 Lacey Street and 1a John Street KOGARAH BAY NSW 2217 Kogarah Bay Ward		
Proposed Development	Demolition of Existing Buildings, Structures and Trees and Construction of a 6 Storey Apartment Building with Roof Top Communal Open Space and Two Levels of Basement Carparking including Related Civil Works and Landscaping		
Owners	Tonjua Constructions Pty Ltd		
Applicant	Faruque Khan		
Planner/Architect	Smith & Tzannes		
Date Of Lodgement	15/01/2024		
Submissions	One (1)		
Cost of Works	\$15,280,000.00		
Local Planning Panel Criteria	The application is subject to the provisions of State Environmental Planning Policy 65 – Design Quality of Residential Flat Development		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, 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 Plans, Landscaping Plans, Drainage Plans, Reports and Supporting Documents		
Report prepared by	Consultant Planner		

RECOMMENDATION	THAT the application be approved in accordance with the conditions included in the report.
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes – height of building
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	Yes

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SITE PLAN



LPP001-25

EXECUTIVE SUMMARY PROPOSAL

1. Council is in receipt of Development Application No. 2023/0624 seeking consent for demolition works, trees removal and construction of a residential flat building consisting of 35 units and 51 carparking spaces. Vehicular access to the basement levels is proposed to be via Lacey Street.
2. The site is zoned R4 High Density Residential pursuant to the provisions of Georges River Local Environmental Plan 2021 (GRLEP 2012). The proposal is a permissible form of development with Council's consent. The proposed development satisfies the relevant objectives contained within the GRLEP 2012 and complies with the relevant requirements with the exception height control where it is seeking a variation. This variation is discussed in the report and supported due to the topography of the site.
3. The application was notified/advertised to residents/owners in accordance with Council's requirements and in response one (1) submission was received. The issues raised in the submission is discussed in the report.
4. Following a detailed assessment of the proposal, Development Application No. 2023/0624 is recommended for approval subject to conditions of consent specified in the report.

DESCRIPTION OF THE PROPOSAL

5. The proposal is for the demolition of existing structures, removal of trees and construction of a 6-storey residential flat building consisting of 36 units and 51 carparking spaces. In particular, the development will comprise the following components:

Basement Level 2

- 29 car parking spaces.
- Fire pump room.
- Resident storage cages.
- Bicycle storage area for 16 bicycles.

Basement Level 1

- 22 car parking spaces including 4 accessible spaces and 7 visitor spaces.
- Waste storage rooms.
- Waste truck loading area.
- Cold water plant room.
- Switch room.
- Storage areas.
- Fire Stairs and lift access.

Ground Level

- 1 x 1 bedroom unit
- 3 x 2 bed room units
- 2 x 3 bedrooms units
- Fire stairs and lift access
- Electrical and communications cupboard
- Garbage Chute and bin storage room
- Carpark exhaust

Level 01 Plan

- 1 x 1 bedroom unit
- 3 x 2 bed room units
- 2 x 3 bedrooms units
- Fire stairs and lift access
- Electrical and communications cupboard
- Garbage Chute and bin storage room
- Carpark exhaust

Level 02 Plan

- 1 x 1 bedroom unit
- 5 x 2 bed room units
- 1 x 3 bedrooms units
- Fire stairs and lift access
- Electrical and communications cupboard
- Garbage Chute and bin storage room
- Carpark exhaust

Level 03 Plan

- 1 x 1 bedroom unit
- 5 x 2 bed room units
- 1 x 3 bedrooms units
- Fire stairs and lift access
- Electrical and communications cupboard

- Garbage Chute and bin storage room
- Carpark exhaust

Level 04 Plan

- 1 x 1 bedroom unit
- 1 x 2 bed room units
- 2 x 3 bedrooms units
- Fire stairs and lift access
- Electrical and communications cupboard
- Garbage Chute and bin storage room
- Carpark exhaust

Level 05 Plan

- 1 x 1 bedroom unit
- 1 x 2 bed room units
- 2 x 3 bedrooms units
- Fire stairs and lift access
- Electrical and communications cupboard
- Garbage Chute and bin storage room
- Carpark exhaust

Level 06 Plan (rooftop)

- Open space area
- Accessible toilet
- BBQ Facilities and associated seating
- Plant and equipment
- Lift overrun

Note: The lift overrun is the only part of the development that exceeds the maximum height of building limit.



Photomontage of the proposal from Lacey Street

DESCRIPTION OF THE SITE AND LOCALITY

6. The subject development site encompasses four properties being No. 1, 3 and 5 Lacey Street and 1A John Street Kogarah Bay. The development site is located at the corner of Lacey Street and John Street.

The allotments and their legal description are noted below:

- Lot A and B DP 300365
 - Lot 241 and 242 DP 851296
7. The site is a regular shaped allotment with an overall site area of 1,754.4sqm. The site has a north-eastern boundary length of 38.303m towards Lacey Street, a southeastern boundary length of 41.759m to John Street, a south western boundary length of 40.235m and a north western boundary length of 43.848m.
8. The site is currently occupied by four detached single and double storey brick and tile dwellings.
9. The character of the area is evolving from low density residential to high density residential with sites directly to the east and west occupied by recently constructed residential flat buildings. The land to the north abutting Princes Highway has received consent to be developed as residential flat buildings.



View of the site at the corner of Lacey Street and John Street

ZONING

10. The subject site is zoned R4 – High Density Residential under the Georges River Local Environmental Plan 2021 and the proposed development is permissible in the zone with the consent of Council. The zone objectives are:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To enable other land uses that contribute to the vibrancy of the neighbourhood while ensuring that business centres remain the focus for business and retail activity.
- To encourage development that maximises public transport patronage and promotes walking and cycling.

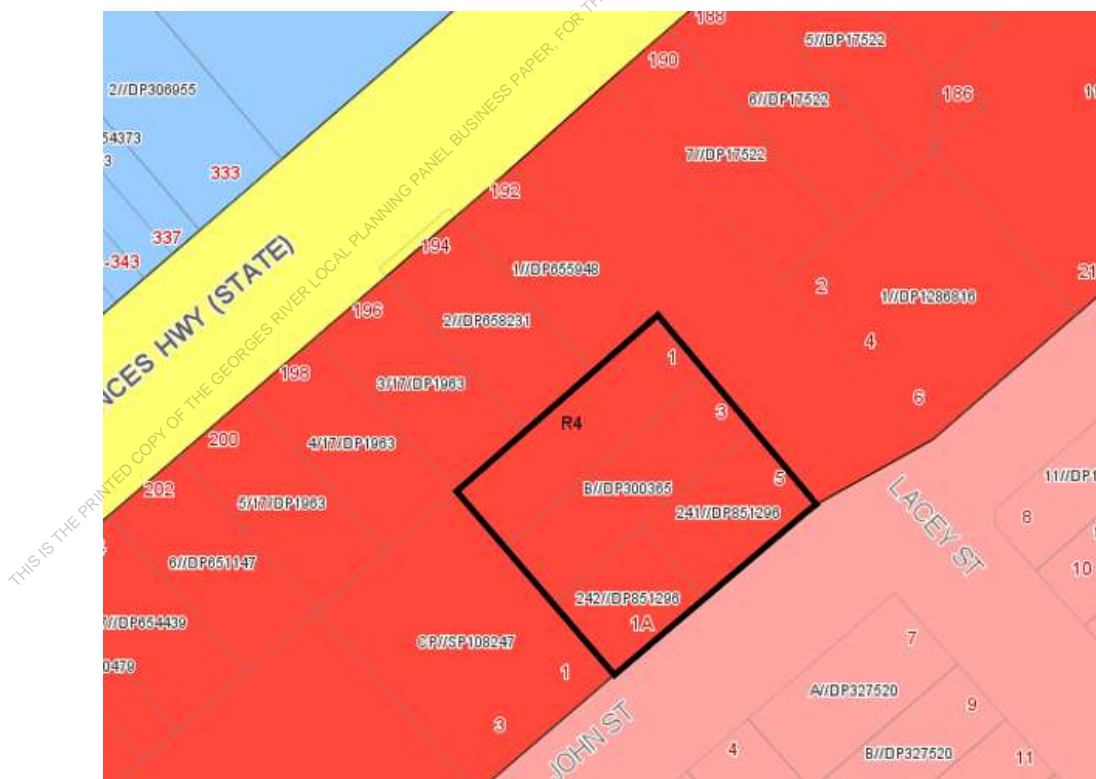
The proposed development is considered to comply with the zone objectives.

APPLICABLE PLANNING CONTROLS PLANNING ASSESSMENT

Environmental Planning Instruments

Georges River Local Environmental Plan 2021 (GRLEP 2021)

11. The subject development site is zoned R4 High Density Residential under the GRLEP 2021 as shown in Figure14 below:



Zoning map (GRLEP 2021) - Subject site outlined in black

12. An assessment of the proposal against the relevant LEP clauses and development standards is as follows:

Clause	Standard	Proposal	Complies
Part 2: Permitted or Prohibited Development			
2.2 Zoning of Land to which Plan applies	R4 High Density Residential	The proposed application is for a residential flat development which is a permissible form of development in the R4 High Density Residential zone under GRLEP 2021.	Yes
2.3 Zone objectives and Land use table	Objectives of zone to be satisfied	The proposal satisfies the objectives of the zone by providing a mixture of residential apartments, retail/commercial premises which are consistent with the zone objectives, are suitable for the site and will not adversely impact neighbouring properties.	Yes
2.7 Demolition	Demolition requires development consent.	Consent for demolition of existing structures is sought.	Yes
Part 4: Principal Development Standards			
4.3 Height of Buildings	Maximum permitted height as per height of building map: 21m	22.761m Variation of 1.761m (8.39%)	No, see clause 4.6 submitted
Note: Clause 4.6 objection has been submitted requesting variation to the development standards for the maximum building height. The non-compliance only relates to the lift over run. This is discussed in greater detail below.			
4.4 Floor Space Ratio	Maximum permitted 2:1 or 3508.8sqm	1.99 or 3,505sqm	Yes
4.5 Calculations of Floor space and Site area	Floor space to be calculated in accordance with Clause.	Floor space has been calculated in accordance with this clause.	Yes
4.6 Exceptions to Development Standards	A Clause 4.6 variation request has been submitted in relation to the proposed building height. This is discussed in greater detail below.		
Part 5: Miscellaneous Provisions			
5.10 Heritage Conservation	(1) Objectives The objectives of this clause are as follows— (a) to conserve the environmental heritage of the Georges River local government area.	The site is not a heritage item or located in a heritage conservation area.	Yes

	<p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>		
Part 6: Additional Local Provisions			
6.1 Acid Sulfate Soils (ASS)	<p>(1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p>	The site is not identified as being affected by acid sulfate soils.	Yes
6.2 Earthworks	<p>(2) Development consent is required for earthworks unless—</p> <p>(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development</p>	<p>The proposal includes the provision of two (2) levels of basement car parking.</p> <p>This is a standard and acceptable amount of excavation and site works to accommodate a development of this scale and density.</p> <p>The proposed earthworks are not considered to be unreasonable for the use sought.</p>	Yes

	consent has been given.		
6.3 Stormwater Management	<p>(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development—</p> <p>(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</p> <p>(b) includes, if practicable, 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</p>	Stormwater drainage has been reviewed by Council's Drainage Engineer and Council's Asset Engineer and is found to be satisfactory subject conditions.	Yes

	impact on public drainage systems.		
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>	The proposal is not at a height that will impact airspace operations.	N/A
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	<p>Water and electricity supply is available to the site and can be extended to service this new development.</p> <p>Sewage disposal is available from the site.</p> <p>Stormwater disposal has been assessment by Council's Development Engineer and is supported subject to conditions.</p> <p>The development has vehicular access from Lacey Street.</p>	Yes

	<p>available when required—</p> <p>(a) the supply of water, (b) the supply of electricity, (c) the supply of telecommunication facilities, (d) the disposal and management of sewage, (e) stormwater drainage or on-site conservation, (f) suitable vehicular access.</p>		
6.10 Design Excellence	(1) The objective of this clause is to deliver the highest standard of sustainable architecture and urban design.	Refer to urban design comments in this report.	Yes
6.10 (3) (b)	<p>(3) (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, (ii) Zone E1 Local Centre,</p>	The proposal is for a building greater than 3 storeys with a height greater than 12 metres in R4 High Density Residential Zone.	Yes

	(iii) Zone E2 Commercial Centre, (iv) Zone E4 General Industrial, (v) Zone MU1 Mixed Use.		
6.10 (4)	(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.	Council's Urban Designer is supportive of the proposal.	Yes
6.10 (5)	(5) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters— (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain, (c) whether the development detrimentally impacts on view corridors, (d) how the development addresses the	<p>The architectural set of plans demonstrate that a high standard of architectural design is proposed which incorporates modern and complementary materials and finishes.</p> <p>The proposed building will improve the quality and amenity of the public domain whilst providing for additional housing supply.</p> <p>The proposed building is not expected to detrimentally impact on view corridors.</p> <p>The site is suitable for the proposed residential flat building development which is permitted with consent in the R4 High Density Residential Zone. The unit mix and associated parking is considered acceptable.</p> <p>The site is not a heritage item.</p> <p>The building has been designed to complement the corner of Lacey and John Street.</p> <p>The separation distances, setbacks and mass of the building</p>	Yes

	<p>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 networks,</p> <p>(ix) the impact on, and proposed</p>	<p>have been assessed and will not result in any unreasonable impacts.</p> <p>The proposal will not result in any unreasonable impacts in terms of overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity.</p> <p>The proposed communal open space areas on the ground floor and on the roof top comply with the minimum ADG requirements. The deep soil at the south west corner of the site allows opportunity to accommodate large trees with larger root systems.</p>	
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	<p>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>		
6.11 Environmental sustainability	(1) The objective of this clause is to ensure that the development to which this clause applies is consistent with principles of best practice environmentally sensitive design.	Noted and incorporated into the development.	Yes
	(2) This clause applies to development— (a) on land in the following zones— (i) Zone R4 High Density Residential,	The proposed development being a new building zoned R4 High Density Residential this clause applies to this development.	Yes

	<p>(ii) Zone E1 Local Centre, (iii) Zone E2 Commercial Centre, (iv) Zone E4 General Industrial, (v) Zone MU1 Mixed Use. (b) that involves— (i) the erection of a new building, or (ii) the change of use of an existing building, or (iii) alterations or additions to an existing building that, in the opinion of the consent authority, are significant.</p>		
	<p>(3) Development consent must not be granted to development on land to which this clause applies if the building is 1,500 square metres in gross floor area or greater unless adequate consideration has been given to the following in the design of the building— (a) water demand reduction, including water efficiency, water recycling and minimisation of potable water usage, (b) energy demand reduction, including energy generation, use of renewable energy and reduced</p>	<p>The subject building exceeds 1500sqm, so the clause applies to this development.</p> <p>The applicant has submitted a BASIX Certificate, Stormwater Drainage Plans and Section J Report which comply with their respective provisions. The design has incorporated environmentally sustainable measures or will incorporate them as part of the detailed design. Landscaped areas are proposed on site which will minimise heat absorption. Further, the proposal complies with the parking rates under the DCP. A large bicycle storage area within basement 2 is provided to encourage active transport options.</p>	Yes

	<p>reliance on mains power,</p> <p>(c) indoor environmental quality, including daylight provision, glare control, cross ventilation and thermal comfort,</p> <p>(d) the minimisation of surfaces that absorb and retain heat and the use of surfaces that reflect heat where possible,</p> <p>(e) a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation,</p> <p>(f) transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces.</p>		
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LPP001-25

Clause 4.6 Exceptions to development standards

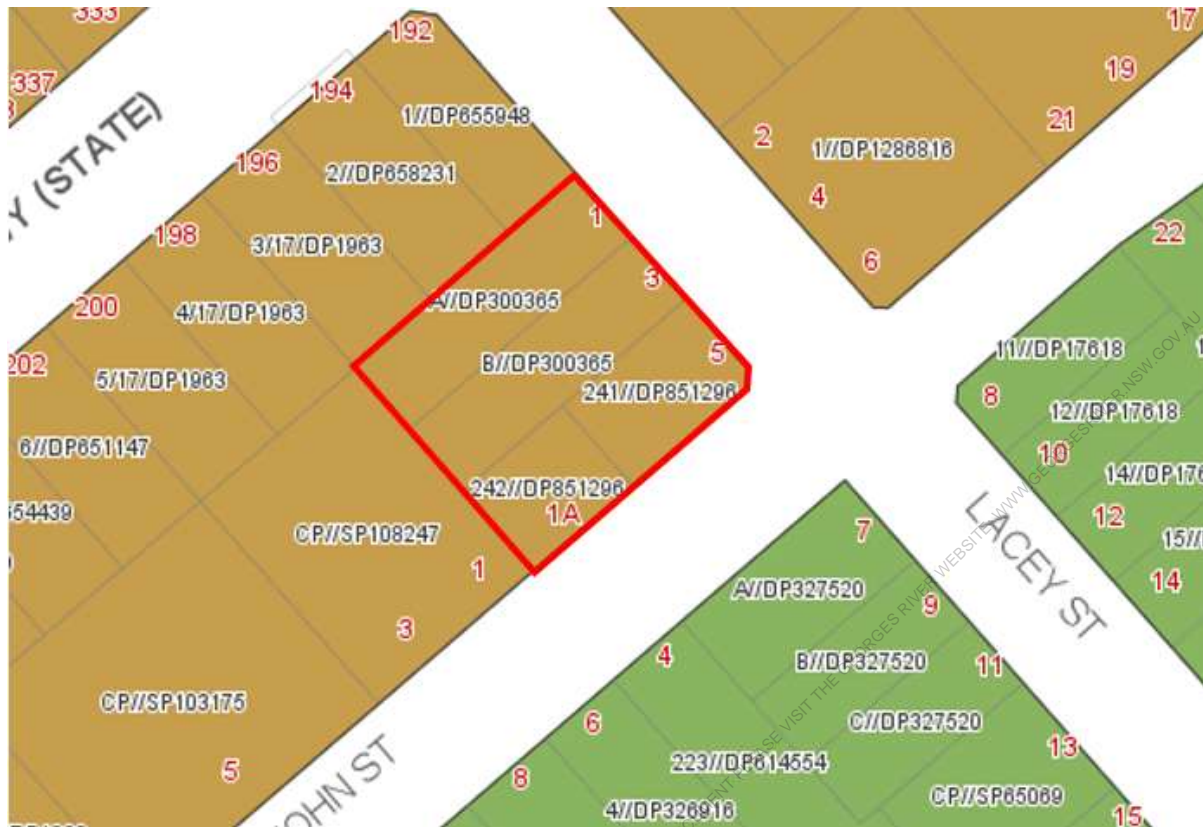
Detailed assessment of variation to Clause 4.3 Height of Buildings

13. Clause 4.3 of the Georges River Local Environmental Plan 2021 (GRLEP) relates to the maximum permitted building height for a site and refers to the Height of Buildings Map. The relevant map identifies the subject site as having a maximum height of 21m. Building Height is defined as:

“Building height (or height of building) means:

- *In relation to the height of a building in metres – the vertical distance from ground level (existing) to the highest point of the building, or*
- *In relation to the RL of a building the vertical distance from the Australian Height Datum to the highest point of the building*
- *Including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.”*

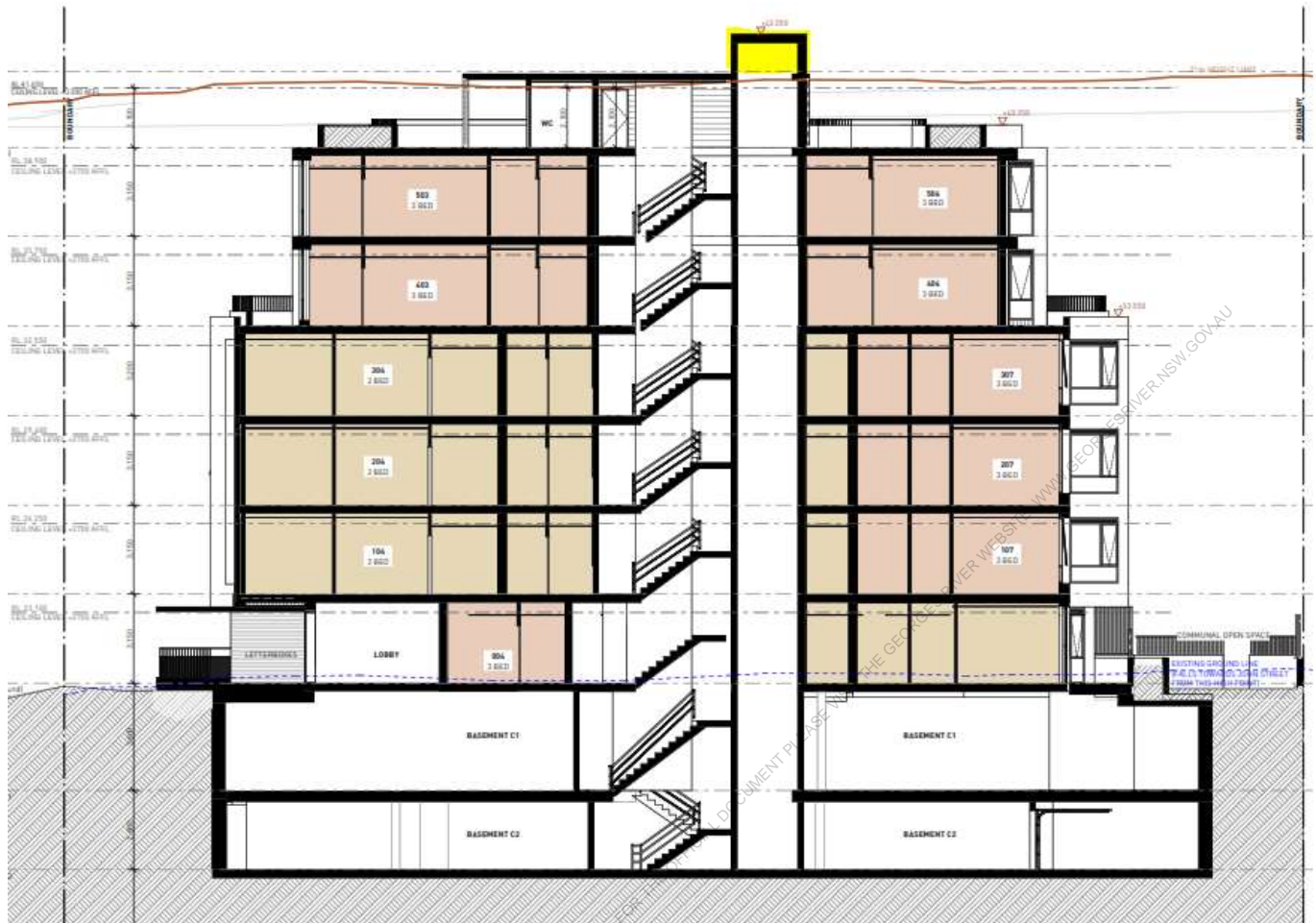
The maximum height zones within the immediate area are shown below:



14. The development site has a maximum height of building control of 21m.



Height plan drawing which illustrates the components which are above the height control



Section of the proposal

15. The proposed development seeks a variation to the development standard relating to height (Clause 4.3). The GRLEP identifies a maximum height control of 21m across this development site. The proposed development having an overall height of building of 22.761m will exceed the height by 1.761m. The height breach relates to the lift over run having a maximum RL of 43.55m AHD, resulting in an 8.39% variation of the control.
16. Any variation to a statutory control can only be considered under Clause 4.6 – Exceptions to Development Standards of the GRLEP. An assessment of the proposed height against the survey plan levels was conducted to indicate the Applicant's calculations are generally accurate.
17. Clause 4.6(1) outlines the objectives of the standard which are to "*provide an appropriate degree of flexibility in applying certain development standards to particular development*" and "*to achieve better outcomes for and from development by allowing flexibility in particular circumstances*".
18. Clause 4.6(3) states that:
"Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard”*

19. To support the non-compliance, the applicant has provided a request for a variation to Clause 4.3 in accordance with Clause 4.6 of GRLEP 2021. The Clause 4.6 request for variation is assessed as follows:

Is the planning control in question a development standard?

20. The Height of Buildings control under Clause 4.3 of the Georges River Local Environment Plan 2021 is a development standard.

What are the underlying objectives of the development standard?

21. The objectives of the Height of Buildings development standard under Clause 4.3 of GRLEP 2021 are:
- (a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,*
 - (b) *to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,*
 - (c) *to ensure an appropriate height transition between new buildings and—*
 - (i) *adjoining land uses, or*
 - (ii) *heritage items, heritage conservation areas or Aboriginal places of heritage significance.*

Compliance is unreasonable or unnecessary in the circumstances of the case (clause 4.6(3)(a))

22. There have been several Court cases that have established provisions to assist in the assessment of Clause 4.6 statements to ensure they are well founded and address the provisions of Clause 4.6.

23. In *Wehbe V Pittwater Council* (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. This list is not exhaustive. It states, inter alia:

“An objection under State Environmental Planning Policy 1 may be well founded and be consistent with the aims set out in clause 3 of the Policy in a variety of ways. The most commonly invoked way is to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.”

24. The judgment goes on to state that:

“The rationale is that development standards are not ends in themselves but means of achieving ends. The ends are environmental or planning objectives. Compliance with a development standard is fixed as the usual means by which the relevant environmental or planning objective is able to be achieved. However, if the proposed development proffers an alternative means of achieving the objective strict compliance with the standard would be unnecessary (it is achieved anyway) and unreasonable (no purpose would be served).”

25. Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation):
1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
 2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
 3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
 4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
 5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone."*
26. The Clause 4.6 statement was prepared having regard to the recent court cases and their judgements.
27. Applicants comment: *Requiring strict compliance with the standard is unreasonable or unnecessary because the development is consistent with the standard and zone objectives, even with the proposed variation; there are no additional significant adverse impacts arising from the proposed non-compliance and important planning goals are achieved by the approval of the variation.*
28. Officer's comment: In respect to Prestons CJ judgement the NSW Land and Environment Court has established the five part test (outlined above). In this case the development satisfies the five part test and is considered the variation to the height control requested is considered to be worthy of support in this individual instance.
- As previously discussed, the objectives of the height standards are considered to be satisfied despite the numeric non-compliance.
 - The underlying objectives of the standard remains relevant and therefore compliance is necessary and warranted. The majority of the building sits within the height limit with the lift over run exceeding the control. No habitable area extends beyond the 21m height limit.
 - In this case the underlying objective will not be defeated or thwarted by the approval of the building, as the building has been designed to generally comply with the height standard. The height control will not be abandoned or destroyed through this or any recent approvals for similar development.
 - The R4 zoning is an appropriate zoning for the site and this parcel of land was subject to up scaling. The proposed scale of the development is consistent with the anticipated height for development within this zone and precinct.

29. The height control objectives articulates the ultimate function of establishing the height of buildings. The maximum height for buildings is identified on the height of buildings map. As previously described, the maximum height of the proposal is 22.761m. The proposal contravenes the standard, as a result the amount and degree of non-compliance and its resultant impact needs to be considered.
30. The proposed height of the development is considered to be in keeping with the desired future character of development within the precinct.

Clause 4.6(3)(b) are there sufficient environmental planning grounds to justify contravening the standard

31. Clause 4.6 (3)(b) states that *(b) there are sufficient environmental planning grounds to justify contravening the development standard.*
32. Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, it is considered that there is an absence of any negative impacts of the proposed non-compliance on the environmental quality of the locality and amenity of adjoining properties.
33. Applicants Comment:
Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard. Specifically, Preston CJ in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 (paragraph 24) states:

The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". There are two respects in which the written request needs to be "sufficient". First, the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [31].

The assessment of this numerical non-compliance is also guided by the decisions of the NSW LEC in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 and *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 whereby Justice Pain ratified the original decision of Commissioner Pearson. The following planning grounds are submitted to justify contravening the maximum building height:

- The height breach is at its greatest for the lift overrun which is located at the centre of the site (RL43.550) and building footprint. The proposed awning is an open lightweight structure, provides a non-compliant height of 21.581m. The variations are numerically minor.

- The lift provides essential universal access to the communal open space located on the roof top. It is an essential feature for the long term amenity of future residents and their visitors.
- The proposed lift overrun, and terrace awning, is located centrally within the site and building footprint and is setback in excess of 16m from the Lacey Street and John Street frontages. This arrangement ensures that the lift overrun, and awning will be obscured from view from the public domain and be visually recessive so as to not create a jarring built form to the casual observer from elevated positions in neighbouring buildings which may have a view of the rooftop.
- Insistence on compliance with the height will require deletion of the lift overrun which will not permit equitable access to the communal open space for people with disability and it is therefore considered to be unreasonable.
- The proposed building design and roof top terrace provides a high level of amenity to the occupants without adversely impacting the amenity of the neighbouring properties.
- The proposed awning will encourage rooftop usage throughout the year through the provision of weather protection. This will in turn encourage casual surveillance onto Lacey Street and John Street and will activate the roof top space for functional and practical use.
- Surrounding the subject site, such as No 1-3 John Street, 5-9 John Street, 198-200 Princes Highway, are numerous residential flat building developments which have been approved with a Clause 4.6 variation to the building height. The listed examples also included a building design with a lift overrun and communal open space on their respective rooftops not complying with the maximum allowable height. The proposed non-compliance will not be out of character with the features of nearby surrounding residential flat buildings.
- The proposal complies with the FSR development standard. The height breach does not add bulk and scale to the building. The sections of the building that exceed the height control will not result in any additional GFA which may adversely impact on the perceivable visual bulk and the character of the existing locality.
- The sections of the building which exceed the height control do not result in overlooking, overshadowing or aural privacy issues. The proposal is considered to be sensitive to the amenity of adjoining and nearby residential properties.
- As mentioned, the height breach is limited to the proposed lift overrun and awning. This noncompliant element is located centrally within the site with the remainder of the building compliant with the height of buildings development standard. The proposal will appear as a height compliant building when viewed from the public domain at ground level.
- The subject site is located within proximity to Princes Highway, which is identified as a classified road and under the control of TfNSW. Given the extent of traffic generated along this road, the provision of a communal open space in the form of a roof top terrace is considered to be a superior planning outcome. The proposed roof top terrace will not be directly impacted by aural and visual intrusions created from traffic along Princes Highway.
- It is considered that there is an absence of any significant material impacts attributed to the breach on the amenity or the environmental values of surrounding properties, the amenity of future building occupants and on the character of the locality. Specifically:

- The height breach creates no significant additional overshadowing to adjoining properties when considering the extent of overshadowing against the backdrop of the applicable planning controls. That is, the height breach is centrally located on the site and bordered by built form that complies with the height of buildings development standard. The elements of the building that breach the height limit would have insignificant or nil additional impacts on the overshadowing of adjoining properties;
- The height breach does not result in any significant additional privacy impacts given the trafficable portion of the rooftop communal open space is below the height limit with only the awning and lift overrun breaching. Therefore, the extent of privacy impacts caused by the height breach will have no greater impact on the privacy of adjoining properties when compared to the complying elements of the building. The loss of privacy caused by the non-compliant elements would be insignificant or nil; and
- The height breach does not result in any significant additional view loss. The proposed development will not result in any material loss of views or outlook when compared to a building with a compliant height. The extent of view loss caused by the non-compliant element would be insignificant or nil.
- The proposed development meets the objectives of the development standard and meets the objectives of the R4 – High Density Residential zone (as further detailed in Section 7 below);
- The proposed development achieves the objects in Section 1.3 of the EPA Act, specifically:
- The proposal promotes the orderly and economic use and development of land through the redevelopment of an underutilised site for residential uses (1.3(c));
- The proposed development promotes good design and amenity of the built environment through
- a well-considered design which is responsive to its setting and context (1.3(g)).

The variation to the height of buildings development standard will give better effect to the aims of State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65). In particular:

- The proposed variation will provide more sustainable housing in social and environmental terms and better achieve urban planning policies (clause 2(3)(a)(i));
- Approval of the proposed variation will allow for a variation of building height and scale across the locality which is commonly accepted urban design approach instead of buildings with consistent height; and
- Approval of the proposed variation will support a variety of housing types by providing a well located and compact development that will be a better choice for families (clause 2(3)(g)).
- The above environmental planning grounds are not general propositions and are unique circumstances to the proposed development, particularly its location within proximity to the Princes Highway and requirement to provide equitable access to the communal open space rooftop. Insistence on compliance with the height control will result in the removal of lift and stair accessibility to the communal rooftop terrace, which is a disproportionate outcome given the impacts of the proposal. The additional height does not significantly impact the amenity of the neighbouring properties (when compared to a compliant development) and has been designed in such a way to ensure the additional height is not visually jarring from the public domain.

It is noted that in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:

The second way is in an error because it finds no basis in cl 4.6. Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development. This test is also inconsistent with objective (d) of the height development standard in cl 4.3(1) of minimising the impacts of new development on adjoining or nearby properties from disruption of views or visual intrusion. Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion.

It is not necessary, contrary to what the Commissioner held, that the non-compliant development have no view loss or less view loss than a compliant development.

The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.

As outlined above, it is considered that in many respects, the proposal will provide for a better planning outcome than a strictly compliant development. At the very least, there are sufficient environmental planning grounds to justify contravening the development standard.

Comment: The applicant's written request to vary the development standard has been considered and it is concluded that the applicant has justified that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard

Clause 4.6(4)(a)(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out

34. Clause 4.6(4) states that:

"Development consent must not be granted for development that contravenes a development standard unless:

- the consent authority is satisfied that:

(a) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(b) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out,"

35. Applicants comment: "Clause 4.6(4)(a)(ii) provides that development consent must not be granted for development that contravenes a development standard unless the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

In Part 4.1.1 of this request, it was demonstrated that the proposal is consistent with the objectives of the development standard. The proposal, inclusive of the non-compliance, is also consistent with the objectives of the R4 – High Density Residential zoning, as follows:

Zone R4 – High Density Residential.

<i>Objective</i>	<i>Comment</i>
<i>To provide for the housing needs of the community within a high density residential environment.</i>	<i>The proposal provides for the housing needs of the community on land zoned for high density residential development.</i>
<i>To provide a variety of housing types within a high density residential environment.</i>	<i>The proposed development will provide 6 x 1 bedroom, 20 x 2 bedroom and 9 x 3 bedroom apartments within an accessible location as required within the zone.</i>
<i>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</i>	<i>The proposal will not preclude the use of nearby sites for such land uses.</i>
<i>To enable other land uses that contribute to the vibrancy of the neighbourhood while ensuring that business centres remain the focus for business and retail activity.</i>	<i>The proposal will not impact upon other land uses.</i>
<i>To encourage development that maximises public transport patronage and promotes walking and cycling.</i>	<i>The site is located within a highly accessible area, close to public transport routes and a public domain which promotes walking and cycling. The proposed development, including those parts of the building that breach the height of buildings development standard, is not antipathetic to the objectives for the zone and for that reason the proposed variation is acceptable.</i>

36. *The objectives of the zones as demonstrated above, as well as the objectives for the standard, have been adequately satisfied. Therefore, the proposal is considered to be in the public interest.*
37. Officer's comment: The non-compliance has been designed to ensure all habitable areas are located within the permitted height and the only exceedance relates to the lift over run which is generally recessive in nature. The proposal generally satisfies the objectives of the development standard in the following ways:

38. The amenity impacts associated with the non-compliance have been considered. In terms of visual impact, the structure is generally centrally located which reduces its visual appearance from the immediately adjoining streetscapes. It is considered that in this case the small-scale ancillary structure which will not be highly visible or an intrusive element given the scale and proportions of the building are considered acceptable. It will not be readily visible from immediately adjoining properties and streetscapes given that it is centrally located. There will be no significant adverse impacts in terms of overshadowing or overlooking to adjoining properties.
39. New developments of a similar nature have been approved within the immediate vicinity including 1-3 John Street, 5-9 John Street and 2-6 Lacey Street which has established a precedent for development in the street and immediate precinct. The proposed development is consistent with the pattern of development that is emerging in this precinct.
40. The proposed development is considered to satisfy the objectives of the building height development standard for the following reasons:
- (a) Despite the variation, the bulk and scale of the development is compatible with the existing buildings that have been completed and under construction within the immediate vicinity.
 - (b) When considered in the context of the development, the variation is minor and would not be readily discernible from street level.
 - (c) The height variation will not result in any unreasonable adverse amenity impacts such as overshadowing on neighbouring properties or the public domain.
 - (d) The variation to the height would not result in an unreasonable visual impact on neighbouring properties or the streetscape.
41. The R4 High Density Residential zone objectives require the development to:
- *To provide for the housing needs of the community within a high density residential environment.*
 - *To provide a variety of housing types within a high density residential environment.*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
 - *To enable other land uses that contribute to the vibrancy of the neighbourhood while ensuring that business centres remain the focus for business and retail activity.*
 - *To encourage development that maximises public transport patronage and promotes walking and cycling.*
42. The exceedance in the building height control generally satisfies the objectives of the zone for the following reasons:
- 1. The development will provide for a residential flat building with a diverse mix of unit sizes and the proposed variations will not impede the attainment of this objective.
 - 2. The development is providing for the housing needs with a mix of apartment choices and layouts within a high residential zone whilst also integrating commercial and retail development.
 - 3. The development is located within an accessible location with only a short walk to bus stops within close proximity.
 - 4. The development incorporates a diversity of apartment types (offering studio, 1 and a 2 bedroom apartments, including adaptable apartments).

43. The area of non-compliance is considered not to be unreasonable and will not establish an undesirable precedent or undermine the objectives of the zone or height control. It will not have any adverse effect on the surrounding locality, which is consistent within the R4 location. The proposal promotes the economic use and development of the land consistent with zone and its purpose.
44. The public benefit of the variation is that it will appropriately facilitate the provision of a high density residential development on R4 zoned land and will provide for a range of housing stock. It is noted that in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ clarified what items a Clause 4.6 needs to satisfy. Importantly, there does not need to be a "better" planning outcome resulting from the non-compliance.
45. The second matter was in cl 4.6(3)(b), where the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard has a better environmental planning outcome than a development that complies with the development standard.
46. The structures which breaches the building height is the lift over run. The lift over run is centrally located and will have minimal visual impact.
47. In this case the proposal seeks to establish the preferred and appropriate design and built form outcome for this site with the building complying in large with the height standard. There will be no adverse amenity or visual impacts generated by the variation, the proposal satisfies the objectives of the zone and the development standard. In this case the justification to vary the height control is considered to be a reasonable and well-founded request.

Clause 4.6(4)(b) the concurrence of the Director-General has been obtained.

48. In accordance with clause 55 of the Environmental Planning and Assessment Regulation 2021, Council may assume the Secretary's concurrence for exceptions to development standards for applications made under clause 4.6 of the LEP. This was further confirmed by directions provided within Planning Circular PS 18-003 issued on 21 February 2018.
49. Whether contravention of the development standard raises any matter of significance for State or regional environmental planning (Clause 4.6(5)(a))
50. Contravention of the maximum height development standard proposed by this application does not raise any matter of significance for State or regional environmental planning.

Conclusion – Assessment of Clause 4.6 Request for Variation

51. Despite the non-compliance in terms of the height, the proposed variation is considered to be acceptable and satisfies the provisions of Clause 4.6.

52. The proposed variation satisfies the objectives of the height control as the non-compliant structure, being the lift overrun will not be visually dominating. The additional height is considered to be consistent with other developments in the immediate locality and the scale of the development is sympathetic with the existing scale and form of existing adjoining developments.
53. It is considered that the Clause 4.6 Statement lodged with the application addresses all the information required pursuant to Clause 4.6 and the statement is considered to be well founded as there are sufficient environmental planning grounds to justify contravening the standard given that in this case the proposal satisfies the objectives of the zone and development standard (Clause 4.3, building height control).
54. For these reasons the Clause 4.6 Statement is considered to be well-founded and could be supported if the development as a whole was consistent with the assessment criterion and was of a form that could be supported.

State Environmental Planning Policies

55. The proposal was assessed against the below relevant policies and was found to be satisfactory.

State Environmental Planning Policy (Resilience and Hazards) 2021

56. Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 is relevant to the proposal. Chapter 4 seeks to promote the identification and appropriate remediation of contaminated land in order to reduce the risk of harm to human health or any other environmental impacts and ensure the suitability of the land for the proposed development.
57. Clause 4.6 requires contamination and remediation to be considered when determining a DA. The consent authority must not consent to the carrying out of development on land unless it has considered whether the land is contaminated and if contaminated, whether the land requires remediation in order to be suitable for the proposed development.
58. A review of the site history including aerial photography from 1943 which indicates that the site has been used for residential purposes for an extended period. Given the lengthy history of residential use and no known records of contaminating activities being conducted on the subject site there is no indication that the land is contaminated. The provisions of Chapter 4 have been satisfied.

State Environmental Planning Policy (Biodiversity and Conservation) 2021.

59. 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.
60. Chapter 2 - Vegetation in Non-Rural Areas 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.

This chapter applies to clearing of:

- (a) Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and
- (b) Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (Development Control Plan).

61. As part of the proposal, a number of small trees and shrubs considered to be of little significance have been nominated for removal. The application has been referred to Council's Senior Landscape & Arboricultural Assessment Officer who is supportive of the application and has imposed specific conditions of consent.

Chapter 6 – Water Catchments has the following relevant aims and objectives:

- 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.
62. The proposed stormwater drainage system is considered satisfactory subject to conditions and stormwater emanating from the development will not unduly impact water quality of Georges River. Council's Development Engineer is supportive of the development and has provided recommended conditions of consent.

State Environmental Planning Policy (Sustainable Buildings) 2022

63. A BASIX Certificate is required to be lodged for any development application in NSW for any new residential development where the proposed cost of works exceeds \$50,000.
64. A BASIX certificate was provided with the development application. The proposed development satisfies the requirements of the Certificate in terms of water, thermal comfort and energy efficiency.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 Infrastructure

65. The application was referred to Ausgrid pursuant to clause 2.48 of the SEPP. Ausgrid found the proposal satisfactory subject to conditions being imposed.

Clause 2.120 - Impact of road noise or vibration on non-road development

66. Clause 2.120 of the SEPP relates to the impact of road noise or vibration on residential development, which is located on land adjacent to a road with an annual average daily traffic volume of more than 20,000 vehicles. The subject site is not located on land in or adjacent to the road corridor.

State Environmental Planning Policy (Housing) 2021 – Design of Residential Apartment Development

67. Chapter 4 of the SEPP (Housing) 2021 – Design of Residential Apartment Development applies to development for the purpose of a new residential flat building, shop top housing or mixed-use development, the substantial redevelopment/refurbishment of one of these buildings or the conversion of an existing building into one of these types of buildings provided the building is at least 3 or more storeys and the building contains at least 4 or more dwellings. The development meets the definition of a residential flat building. As such the provisions of Chapter 4 of the SEPP (Housing) 2021 are applicable to the proposed development.
68. Chapter 4 of the SEPP (Housing) 2021 aims to improve the design quality of residential flat developments, provide sustainable housing in social and environmental terms that is a long-term asset to the community and delivers better built form outcomes.
69. In order to satisfy these aims and improve the design quality of residential apartment buildings in the State, the plan sets design principles in relation to context and neighbourhood character, built form and scale, density, sustainability, landscape, amenity, safety, housing diversity and social interaction, and aesthetics.
70. The proposed development has been assessed against the relevant provisions of Chapter 4 of the SEPP (Housing) 2021 and the Apartment Design Code. The proposal generally satisfies the controls and objectives and the non-compliances and concerns that have been identified are discussed in the table below.

Application of Chapter 4 of the SEPP (Housing) 2021

Schedule 9 - Design Principles for Residential Apartment Development

Clause	Standard	Proposal	Complies
1 – Context and neighbourhood character	Good design responds and contributes to its context (e.g. natural and built features of an area)	Proposed development has been designed to respond to its context and the topography of the site	Yes
2 – Built form and scale	Good design provides an appropriate scale in terms of the existing and desired future character and built form that suits the scale of the street and surrounding buildings	The proposed development provides an appropriate scale in relation to the relevant requirements relating to floor space ratio, height, and setbacks	Yes
3 - Density	Good design has a density appropriate for a site and its context, in terms of projected population and can be sustained by existing and proposed infrastructure	Proposed development complies with the floor space ratio requirements	Yes
4 – Sustainability	Good design combines positive environmental, social and economic outcomes. Includes use of natural cross ventilation and sunlight, recycling and reuse of	Proposed development provides appropriate outcomes for sustainability, through energy efficiency measures, landscape open	Yes

	materials and waste, use of sustainable materials and deep soil zones	space areas, cross ventilation and sunlight	
5 - Landscape	Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity, enhances the development's environmental performance, optimises useability, privacy and opportunities for social interaction, equitable access, and practical management	Landscaping to the site will be in the form of a communal open space area and planter boxes. The proposed planting to this area will improve the current site conditions.	Yes
6 - Amenity	Good design influences internal and external amenity for residents and neighbours	The proposed development mitigates privacy impacts with the location of balconies on the street elevations of the site.	Yes
7 – Safety	Good design optimises safety and security, both internal to the development and for the public domain	Proposed development is consistent with crime prevention principles	Yes
8 –Housing diversity and social interaction	Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Includes different types of communal spaces for social interaction	Proposed development provides one-, two- and three-bedroom dwellings in a variety of layouts including adaptable housing.	Yes
9 - Aesthetics	Good design achieves a built form that has a balanced composition of elements, a variety of materials, colours and textures and responds to the future local context	Design of development and proposed external materials and finishes are appropriate. The proposed development results in a good architectural outcome.	Yes

71. Clause 147 of the SEPP (Housing) 2021 requires the consent authority to take into consideration the provisions of the Apartment Design Guide. The table below assesses the proposal against these provisions.

Table - Design considerations of Part 3 and Part 4 of the Apartment Design Guide (ADG)

Clause	Standard	Proposal	Complies
3D - Communal open space	<p>1. Communal open space has a minimum area equal to 25% of the site.</p> <p>- Where it cannot be provided on ground level it should be provided on a podium or roof</p> <ul style="list-style-type: none"> • Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: • provide communal spaces elsewhere such as a landscaped roof top terrace or a common room • provide larger balconies or increased private open space for apartments • demonstrate good proximity to public open space and facilities and/or provide contributions to public open space 	<p>Site area 1,754.4sqm.</p> <p>Required 25% of site area or 438.6sqm.</p> <p>Total area of communal open space provided is 605sqm or 34% of the site area with 233sqm at ground level and 372sqm on the 6th floor as rooftop communal open space.</p>	Yes
	<p>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p>	<p>The communal open space area has good amenity in that it receives at least 3 hours sunlight during winter and is a functional area with seating provided.</p>	Yes
3E – Deep Soil zones	<p>1. Deep soil zones are to meet the following minimum requirements:</p> <p>Where the site has an area between 650sqm and 1,500sqm</p>	<p>Site area 1,754.4sqm.</p> <p>Required 7% of site area or 122.78sqm.</p> <p>Total area of deep soil zones provided 391sqm or 22% of the site area.</p>	Minor Variation proposed to dimension of deep soil – see discussion below.

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	<p>Minimum dimension 6m.</p> <p>Minimum deep soil area of 7%</p> <p>Achieving the design criteria may not be possible on some sites including where:</p> <ul style="list-style-type: none"> • the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres) • there is 100% site coverage or non-residential uses at ground floor level <p>Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure.</p>	<p>However, noting that the site exceeds 1,500sqm, a minimum dimension of 6m is required.</p>	
<p>While the proposal accommodates 6m dimensioned deep soil at the corner of John Street and Lacey Street, and the northwest corner of the site, there are parts of the site that includes deep soil with dimensions between 3 and 6m including along portions of the street elevations.</p> <p>Notwithstanding, the non-compliance is considered minor noting that the area of deep soil with 6m dimensions (151sqm) exceed the minimum required deep soil for the site. It is considered that the deep soil zones as provided still meet the objectives of the Apartment Design Guide to co-locate deep soil zones and maximising landscaping opportunities at the street elevations.</p> <p>The landscaping design also proposes a number of large native trees and ground covers that provide a high-quality interface between the private and public domain. Council's Tree and Landscape Officer has reviewed the landscape plans and raises no concerns subject to conditions of consent.</p>			

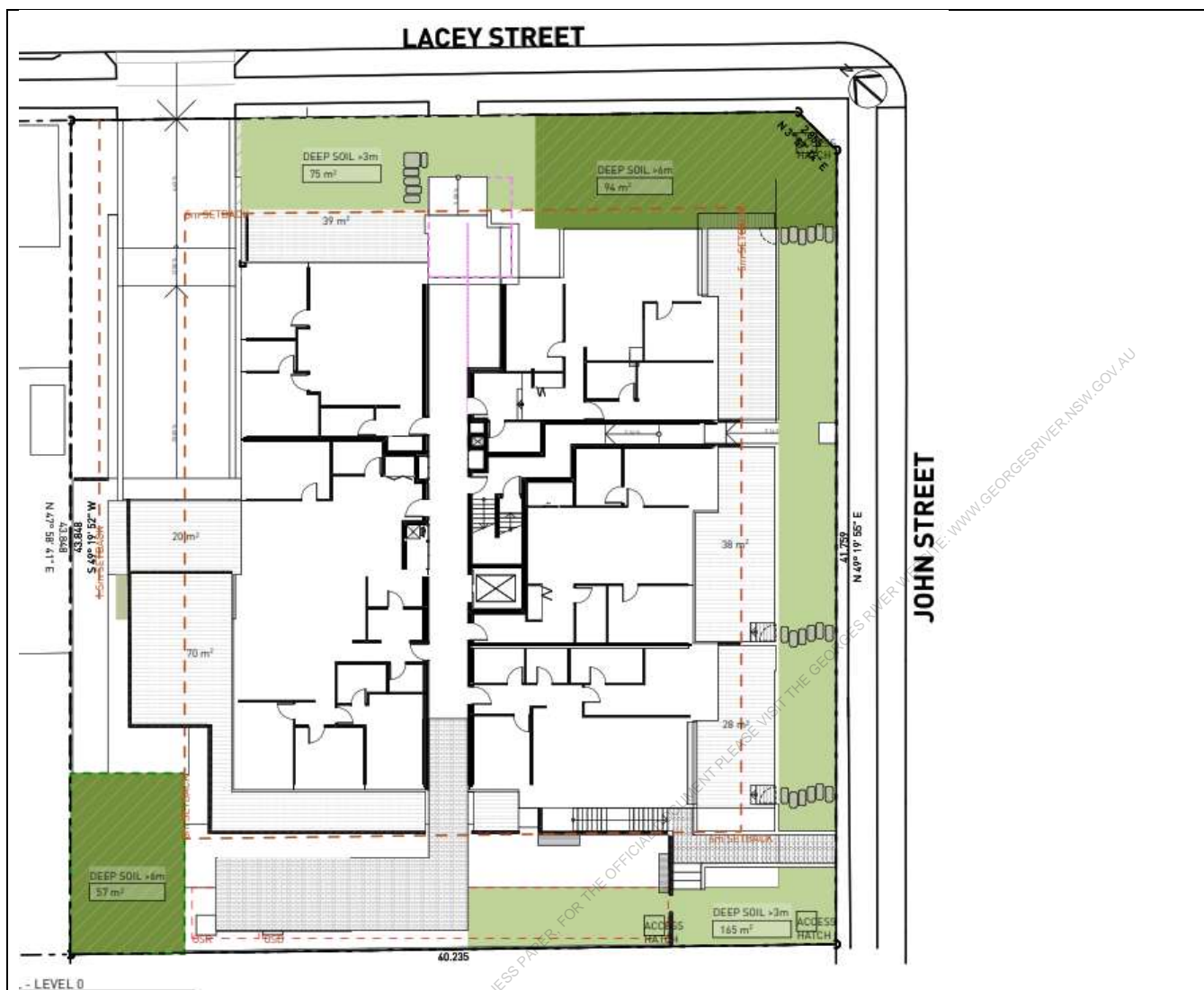


Image of the Deep Soil at the ground level

3F- Visual Privacy

Separation between windows of habitable rooms and balconies is provided to ensure visual privacy is achieved.

Minimum required separation distances from buildings to the side and rear boundaries are as follows:

Up to 12m (4 storeys)
Habitable - 6m
Non-habitable - 3m

Up to 25m (5-8 storeys)
Habitable - 9m
Non-habitable - 4.5m

The proposed development provides a separation distance of between 6.095m and 6.22m to the third floor. On the fourth floor, the building separation ranges from 6.22m to 10.295m and on the fifth floor, the building separation ranges from 6.22m to 10.295m.

The separations are consistent with the requirements of the ADG.

Yes

	Over 25m (9+ storeys) Habitable – 12m Non-habitable – 6m		
3G – Pedestrian Access and entries	Building entries and pedestrian access connects to and addresses the public domain	Entries have been provided from the Lacey Street footpath to individual ground floor units that have direct frontage to the main entrance of the building.	Yes
3H-Vehicle Access	Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	The vehicular access point for the basement carpark is from the north-east corner at the Lacey Street elevation. The location of the driveway is away from the corner of John and Lacey Street minimising the impact of the access point on the public domain. Council's Traffic Engineer raises no concern in relation to the vehicle access.	Yes
3J-Bicycle and carparking	<p>For development in locations that satisfy Objective 3J-1 proximity to public transport then reduced carparking rates set out in the Roads and Maritime Services Guide to Traffic Generating Developments (RMS), or the car parking requirement prescribed by the relevant council, whichever is less apply.</p> <p>The proposal fails to satisfy the location requirements so and the following DCP car parking provisions apply:</p> <p>1 space per 1 and 2 bedroom units, 2 spaces per 3 bedroom unit or greater and 1 space per 5 units (visitor parking) with 1</p>	<p>Proposal requires the following car parking provisions.</p> <ul style="list-style-type: none"> 6 x 1 bedroom units = 1 x 6 = 6 spaces 20 x 2 bedroom units = 1 x 20 = 20 spaces 9 x 3 bedroom units = 2 x 9 = 18 spaces <p>Residential spaces required = 44. Spaces are being provided = 44.</p> <p>Visitor spaces = $35/5 = 7$. Spaces are being provided = 7.</p> <p>Total spaces required = 51. Total spaces provided = 51.</p> <p>The proposal provides a total of 51 off-street car parking spaces for residents and visitors.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>designated vehicle wash bays which maybe in a visitor space.</p> <p>1 space per Adaptable unit as per AS2890.6.</p>	<p>1 wash bay provided doubling as a visitors space.</p> <p>4 adaptable units proposed with four (4) accessible parking spaces provided.</p>	<p>Yes</p> <p>Yes</p>
4A- Solar and daylight access	<p>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area</p> <p>A maximum of 15% of apartments in a building may receive no direct sunlight between 9am and 3pm in midwinter</p>	<p>A minimum of 71.4% or 25 of the 35 apartments receive a minimum of 2 hours of solar access during mid-winter to the living areas and the private open space areas in accordance with the assessment criterion.</p>	Yes
4B- Natural Ventilation	<p>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.</p> <p>Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p> <p>The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths</p>	<p>A minimum of 71.4% or 25 of 35 apartments have been designed to comply with minimum cross ventilation requirements.</p> <p>No apartment exceeds 18m in depth.</p> <p>The building has a mixture of dual aspect, cross through and corner apartments.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4C-Ceiling Heights	<p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Habitable rooms = 2.7m Non-habitable rooms = 2.4m 2 storey apartments = 2.7m for main living</p>	<p>All units have a finished floor level to finished ceiling level of 2.7 metres.</p>	Yes

	area floor and 2.4m for second floor where it does not exceed 50% of the apartment area		
4D- Apartment size and layout	<p>Apartments are required to have the following minimum internal areas: Studio = 35sqm 1 bedroom = 50sqm 2 bedroom = 70sqm 3 bedroom = 90sqm The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>	<p>Studio apartments - Nil.</p> <p>One bedroom units 6 proposed - having areas of between 53sqm - 58sqm.</p> <p>Two bedroom units 20 - having areas of between 77sqm – 96sqm.</p> <p>Three bedroom units 9 - having areas of between 104sqm – 129sqm.</p> <p>Every habitable room has window openings larger than 10% of the room area.</p>	Yes
4D-2 Apartment size and layout	<p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</p> <p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p>	<p>Within range.</p> <p>Open plan layouts less than 8m from window.</p>	Yes
	<p>Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space).</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p> <p>Living rooms or combined living/dining</p>	Development complies with these requirements	Yes

	<p>rooms have a minimum width of:</p> <ul style="list-style-type: none"> -3.6m for studio and 1 bedroom - 4m for 2 and 3 bedroom apartments <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>		
4E- Private Open space and balconies	<p>All apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> • 1 bedroom = 8sqm/2m depth • 2 bedroom = 10sqm/2m depth • 3+ bedroom = 12sqm/2.4m <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15sqm and a minimum depth of 3m</p>	<p>All balcony areas are greater than dimensions required.</p> <p>All ground floor apartments have private open space areas that exceed 15sqm and have a depth of 3m or a balcony consistent with ADG requirements.</p>	Yes
4F- Common circulation areas	The maximum number of apartments off a circulation core on a single level is eight	No more than seven (7) units are provided to any one core on a single level.	Complies
	For Buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	N/A	N/A

4G- Storage	<p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: Studio = 4m³ 1 bedroom = 6m³ 2 bedroom – 8m³ 3 bedroom – 10m³</p> <p>At least 50% of storage is to be located within the apartment.</p>	All units have storage areas that comply with the requirements.	Yes
4H- Acoustic Privacy	<p>Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses. Window and door openings are generally orientated away from noise sources.</p> <p>Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas</p> <p>Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources</p>	<p>Building separation, orientation and arrangements are designed to mitigate noise pollution, with openings shielded through setbacks and other arrangements from noise sources. Recommendations have been provided to ensure separation between buildings comply. In addition, the building must comply with the specific requirements of the NCC – BCA.</p>	Yes
4J – Noise and Pollution	<p>To minimise impacts the following design solutions may be used:</p> <ul style="list-style-type: none"> • physical separation between buildings and the noise or pollution source • residential uses are located perpendicular to the noise source and 	<p>The site layout and floor plan design seeks to minimise acoustic disruption on the enjoyment of the future residents/users of the development generally. Waste storage area are situated in the basement.</p>	No

	<p>where possible buffered by other uses</p> <ul style="list-style-type: none"> • buildings should respond to both solar access and noise. <p>Where solar access is away from the noise source, non-habitable rooms can provide a buffer</p> <ul style="list-style-type: none"> • landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry 	<p>Council's Environmental Health Officer reviewed the acoustic report prepared by Acoustic Logic and raises no concerns subject to conditions.</p>	
4K – Apartment Mix	<p>A range of apartment types and sizes is provided to cater for different household types now and into the future.</p> <p>The apartment mix is distributed to suitable locations within the building.</p>	<p>The development offers a mix of accommodation offering 1 bedroom apartments, 2 bedroom apartments and 3 bedroom apartments.</p> <ul style="list-style-type: none"> - 6 x 1 bedroom apartments (17%) - 20 x 2 bedroom apartments (57%) - 9 x 3 bedroom apartments (25%) <p>The mix is acceptable and appropriate providing housing diversity.</p>	Yes
4L – Ground Floor Apartments	<p>Street frontage activity is maximised where ground floor apartments are located.</p> <p>Design of ground floor apartments delivers amenity and safety for residents.</p>	<p>There are 6 ground floor apartments proposed with frontage directly to the street elevation and all have individual entries.</p>	Yes
4M - Facades	<p>Facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale.</p>	<p>Façade of development is appropriate. Council's Urban Designer is supportive of the design.</p>	Yes
4N – roof design	<p>Roof treatments are integrated into the building design and positively respond to the street. Opportunities to</p>	<p>Roof design is appropriate and integrated with design of the development. Communal open space</p>	Yes

	use roof space for residential accommodation and open space are maximised. Incorporates sustainability features.	provided to the roof of the development	
4O – Landscape Design	Landscape design is viable and sustainable, contributes to the streetscape and amenity	Landscape design is appropriate and provides suitable communal and private open space areas	Yes
4P- Planting on Structures	Planting on structures – appropriate soil profiles are provided, plant growth is optimised with appropriate selection and maintenance, contributes to the quality and amenity of communal and public open spaces	Landscaping to the site which includes planting on structures has been design by a qualified landscape architect with details provided on species, soil depth etc. Council's Landscape Officer has reviewed the proposal and raises no concerns subject to conditions.	Yes
4Q – Universal Design	Universal design – design of apartments allow for flexible housing, adaptable designs, accommodate a range of lifestyle needs.	There are a variety of apartment types to allow for a different range of lifestyle needs.	Yes
4R – Adaptive reuse	Adaptive reuse as apartment of existing buildings- new additions are contemporary and complementary, provide residential amenity while not precluding future adaptive reuse.	N/A	N/A
4S Mixed Use	Mixed use development are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	Mixed use development is not proposed.	N/A
4U – Energy Efficiency.	Development incorporates passive environmental design, passive solar design to optimise heat storage in winter and reduce heat transfer in summer,	Development incorporates BASIX commitments in the design to provide appropriate energy efficiency features.	Yes

	natural ventilation minimises need for mechanical ventilation		
4V – Water management and conservation	Water management and conservation – potable water use is minimised, stormwater is treated on site before being discharged, flood management systems are integrated into the site design	Council's Development Engineer has reviewed the stormwater design and raises no concerns subject to conditions.	Yes
4W – Waste Management	Waste management – storage facilities are appropriately designed, domestic waste is minimised by convenient source separation and recycling	A garbage chute system and recycling wheelie bins are provided one each level. The waste management is in accordance with Part 3.12 of the Georges River DCP 2021 and Council's Waste Officer raises no concerns subject to conditions.	Yes
4X – Building Maintenance	Building design provides protection from weathering and enables ease of maintenance, material selection reduces ongoing maintenance cost	The design incorporates a mix of external finishes that require minimal maintenance.	Yes

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Draft Environmental Planning Instruments

72. There are no draft Environmental Planning instruments that apply to the proposed development.

Georges River Development Control Plan 2021 (GRDCP 2021)

73. The proposed development is subject to the provisions of Georges River Development Control Plan 2021 (GRDCP 2021).
74. The proposal needs to address and satisfy the relevant provisions of Part 3 General Planning Considerations and Part 6.3 High Density Residential Controls as part of the GRDCP. These provisions are addressed in detail below.

Part 3: General Planning Considerations

75. Part 3 of GRDCP provides general planning considerations and is discussed in the table below:

Part 3 General Planning Considerations		
3.6 Contaminated Land		
1. Each development application is to include information sufficient to allow Council to meet its obligation to determine whether development should be restricted due to the presence of contamination.	The property has a lengthy history of residential use, and no known past land uses likely to cause contamination.	Yes
2. Proposals for the development of contaminated land or potentially contaminated land will need to determine: i. The extent to which land is contaminated (including both soil and groundwater contamination); ii. Whether 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; iii. Whether the land requires remediation to make the land suitable for the intended use prior to that development being carried out; and iv. If the land has been previously investigated or remediated, development cannot be carried out until Council has considered the nature, distribution and levels of residues remaining on the land and Council has determined that the land is suitable for the intended use.	Noted	N/A
3.10 Water Management		
Stormwater Management		
1. Development must comply with Council's Stormwater Management Policy 2020 which provides detail of drainage requirements for different development types. Consultation with Council is recommended.	The stormwater drainage plans have been reviewed by Councils Drainage Engineer and have been found to be satisfactory subject to conditions.	Yes.
3.11 Ecologically Sustainable Development		
Residential Buildings		
1. All BASIX affected development must comply with SEPP (Building Sustainability Index: BASIX) 2004.	The application is accompanied by a BASIX certificate which confirms compliance with the minimum requirements.	Yes

Part 6.3 Residential Flat Buildings and residential components of shop top housing (High Density)

76. Part 6.3 provides specific planning controls for Residential Flat Buildings.

Georges River Development Control Plan 2021

77. Part 3 of the GRDCP 2021 is applicable to the development and the following controls apply:

3.3 Landscaping		
Control	Proposal	Compliance
<p>1. Landscaping on site should be incorporated into the site planning of a development to (where appropriate):</p> <ul style="list-style-type: none"> i. Reinforce the desired future character of the locality; ii. Maintain significant landscape features; iii. Be consistent with any dominant species in the adjoining area of ecological significance; iv. Incorporate fire resistant species in areas susceptible to bushfire hazard; v. Provide planting within setback zones; vi. Soften the visual impact of buildings, carparks and roads; vii. Cater for outdoor recreation areas; viii. Separate conflicting uses; ix. Screen undesirable elements; x. Provide opportunities for on-site stormwater infiltration, in particular around 	<p>The landscaping to the site is located on the ground level and roof top common open space and will be appropriately landscaped. Council's Landscape Officer has reviewed the landscape plan and raises no concerns subject to conditions.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>

existing trees and vegetation; xi. Consider the future maintenance requirements of landscaped areas; xii. Protect the effective functioning of overhead, surface level or underground utilities; and xiii. Improve the aesthetic quality of the development.		
2. Landscape planting should achieve a mature height in scale with the structures on the site.	The proposed landscaping is of an appropriate scale relative to the proposed structures.	
3. Where landscaping is required, this should incorporate locally indigenous plants listed in the GRDCP 2021 Backyard Biodiversity Guide and Council's Tree Management Policy.	The proposal suitably incorporates locally indigenous species.	
3.5.1 Earthworks		
Control	Proposal	Compliance
3. Habitable Rooms (not including bathrooms, laundries and storerooms) are to be located above existing ground level.	Habitable rooms are located above existing ground level.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
8. Earthworks are not to increase or concentrate overland stormwater flow or aggravating existing flood conditions on adjacent land.	The earthworks proposed do not impact adversely on stormwater or flood with regards to impacts on adjoining properties.	
3.10 Water Management		
Stormwater Management		
Control	Proposal	Compliance
1. Development must comply with Council's Stormwater Management Policy. 2. Water Sensitive Urban Design (WSUD)	The proposal has been reviewed by Council's Development Engineer and has been found to be satisfactory with regards to this clause.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

principles are to be incorporated into the design of stormwater drainage, on -site retention and detention, landscaping and within the overall design of the development.	Conditions suggested by Council's Engineer have been applied.	
Water Quality		
Control	Proposal	Compliance
6. Measures to control pollutants in stormwater discharge from development sites are to be included in any development. 7. Runoff entering directly to waterways or bushland is to be treated to reduce erosion and sedimentation, nutrient and seed dispersal.	The proposal includes a sediment control plan, and is otherwise satisfactory with regards the relevant parts of the clause.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3.11 Ecologically Sustainable Development		
Residential Buildings		
Control	Proposal	Compliance
1. All BASIX affected development must comply with SEPP (Building Sustainability Index: BASIX) 2004.	A BASIX has been provided. See BASIX SEPP assessment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3.12 Waste Management		
Control	Proposal	Compliance
1. Development must comply with Council's Waste Management requirements regarding construction waste and ongoing management of waste materials (per Appendix 4 of the GRDCP).	The proposal complies with Appendix 4 of the GRDCP and therefore complies with the controls of this section.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3.15.1 Infrastructure		
Control	Proposal	Compliance
3. The public domain should be improved by new street plantings and footpath improvements	The proposed development is not considered to warrant the need for new street tree plantings or footpath upgrades	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3.17 Universal / Accessible Design		
Control	Proposal	Compliance

3. Accessways for pedestrians and vehicles to be separated	Achieved.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3.19 Crime Prevention / Safety and Security		
Control	Proposal	Compliance
1. Active spaces and windows of habitable rooms within buildings are to be located to maximise casual surveillance of the public domain.	The proposed development incorporates windows of habitable rooms which overlook active space enabling casual surveillance of the public domain.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4. Building entries are to be clearly visible and identifiable from the public domain.	Conditions of consents have been included to amend the building entry to be more identifiable through the use of articulation elements and signage.	

Part 5 – Residential Locality Statements

78. Development is required to consider the future character statement for the locality, in addition to the requirements within other parts of this DCP as shown on the map on Page 3, Part 5 of the DCP.
79. The assessment of character for the applicable locality is provided below:

Carss Park and Kogarah Bay Locality Statement	
Future Desired Character	Consistency with Desired Character
<ul style="list-style-type: none"> Retain and enhance the existing low density suburban residential character through articulated contemporary developments that respond to the human scale. Encourage well-designed high density residential in designated areas along Princes Highway Facilitate urban renewal in appropriate locations, allowing substantial change to the streetscape character while 	<p>The proposal is consistent with the future desired character of the precinct for the following reasons:</p> <ul style="list-style-type: none"> The proposal is a new residential flat building that displays articulation and responds to human scale in the locality. The development promotes urban renewal along the Princes Highway. The proposed landscaping allows opportunity for large trees with extensive root systems to be grown within the street elevations. Extensive plantings are also proposed at the boundaries and within the rooftop communal open space. The proposal is sited appropriately and reflects a consistent setback with adjoining development. Council's Landscape Officer has reviewed the proposed landscaping design within the front setback and raises no concerns subject to conditions. The proposal does not obstruct any water views.

<p>resulting in a high quality public domain.</p> <ul style="list-style-type: none"> • Encourage consistent setbacks of buildings from the street and the provision of landscaping within the front setback. • Encourage the retention of trees and sharing of water views wherever possible, including screening via vegetation rather than solid walls. • Public views to waterways should be retained from streets and public places. 	
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Part 6 – Residential Controls

6.3 – Residential flat buildings and residential components of shop top housing

80. Part 6.3 provides objectives and specific planning controls for Residential Flat Buildings and the residential components of shop top housing and mixed use developments in the R4 High Density Residential Zone. The following table summarises the proposal against the relevant controls:

6.3.1 Minimum Site Requirements		
1. Minimum lot width is 24m.	The development site has dual frontages which are both well over 24m in width.	Yes
6.3.2 - Site Isolation & Amalgamation		
1. Development for the purpose of residential flat buildings or residential components of shop top housing is not to result in the creation of an isolated site that could not be developed in compliance with the relevant planning controls, including the GRLEP 2021 and this DCP.	The proposed development will not result in any site isolation as 1-3 John Street has already been developed into a residential flat building and 192-196 Princes Highway which has consent for a 6 storey residential flat building under DA2020/0144.	Yes
6.3.3 Building Setbacks and Street Interface		
Building setbacks establish the minimum separation distances between buildings, site boundaries and the public domain. The setbacks provide opportunities for the provision of private and communal areas	Overridden by ADG controls. See the assessment in the table above.	N/A

<p>of open space, landscaping, view sharing and opportunities to manage visual and acoustic privacy. The building setbacks are important requirements which contribute to the streetscape and control the footprint and bulk of a building as well as the impact the building will have on the environment, neighbouring properties and the public domain. Setbacks define the overall footprint of a building and the outer extremities of that building in relation to the location and orientation of balconies, windows/doors and solid elements. The separation between buildings is also important and determines the urban form of the building, the rhythm of buildings in the streetscape and the character. Appropriate building setback controls can contribute to the public domain by enhancing the streetscape character and the continuity of street facades. Building setbacks can also be used to enhance the setting of the building. Building setbacks are measured from the site boundaries to the facade of the building.</p>		
6.3.4 Basement Setbacks		
<p>1. Basements are to be: i. Located within the building footprint (refer to Figure 5), or ii. Set back a minimum of 6m from the front and rear boundaries and 3m from the side boundaries (refer to Figure 6).</p>	<p>The basement setback to Lacey Street ranges from 5 to 6m and 3m at the John Street elevation. The other side setbacks range from 1.945m to 3m.</p> <p>While strictly not compliant, the setbacks are acceptable as it achieves the objective of allowing for large trees to be situated at the street elevation whilst ensuring there is sufficient area for vehicle manoeuvring.</p>	Acceptable
<p>2. The basement setback areas are to be deep soil zones as defined in the Apartment Design Guide.</p>	<p>Sufficient deep soil is provided at the street elevations and the north west corner.</p>	Yes
<p>3. Driveways and driveway crossings are to be located a</p>	<p>The driveway is located 1.945m from the boundary.</p>	Yes

minimum of 1.5m from a side boundary.		
5. The 6m basement setback at a zone boundary is to be planted to provide a vegetated landscape buffer between the development and adjoining lower density development. Planting is to include trees that achieve a minimum mature height of 6.0m. Under canopy planting is to include lower scale planting that provides a visual buffer between developments and creates the desired landscape buffer.	The proposal is situated on a zone boundary with John Street. The plantings on John Street allow suitable buffer with the low density residential development south of John Street.	N/A
6. Basements fronting the primary street address are not to project above ground level (existing) at the street setback alignment.	The basement levels are wholly below ground level.	Yes

6.3.5 Façade treatment and street corners

Control	Proposal	Compliance
2. Building facades must be clearly articulated and employ high quality materials and finishes that enhance and complement the streetscape character	Achieved.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3. Street corners must be given prominence by a change in building articulation, materials, colours, form and scale.	Achieved.	
4. Human scale at street level must be reinforced in the design of the building and overall development. The scale, rhythm, materiality and landscaping treatment need to define the appearance of the building to create physical and visual connections between the private and public domain for pedestrians.	Achieved.	
6. Development must not rely solely on the use of two-dimensional colour and materials to create visual interest. Modulation and articulation in the building form must be considered in the	Achieved.	

design of the building, in plan view and elevation.		
7. Large areas of blank, minimally or poorly articulated walls are not acceptable. Façade treatments such as wall cladding, and green walls should be considered as alternatives to blank walls.	Achieved.	
8. Clear glazing to balustrades must be avoided where they are visible from nearby vantage points. Screening of balconies by way of adjustable or fixed panels should be included where there are issues of privacy, and/or excessive exposure to solar impacts.	Achieved – The balustrades at the ground level facing the street elevation are of a vertical slat metal design.	
9. Noise mitigation treatments and design considerations for developments adjoining busy roads or rail corridors, that satisfy the requirements for habitable rooms in accordance with Department of Planning, Industry and Environment's 'Development Near Rail Corridors and Busy Roads – Interim Guideline' and the requirements of Clause 102 (3) of SEPP (Transport and Infrastructure) 2021 need to be considered	Achieved. See SEPP (Transport and Infrastructure) 2021 for further assessment.	
6.3.6 Landscaped Treatment and Private Open Space		
Control	Proposal	Compliance
Deep soil is to be provided within the setbacks areas as required in Figures 3, 4, 5 and 6 and consistent with Part 3E of the NSW State Government's Apartment Design Guide.	Consistent with ADG requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
6.3.7 Communal Open Space		
Control	Proposal	Compliance
Communal open space to a minimum area of 25% of the site area and with a minimum dimension of 5m is to be provided.	Yes	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

	The total communal open space provided is 605sqm or 34% of the total site area.	
At least 50% of the required communal open space area is to receive 2 hours of direct sunlight between 9am and 3pm on 21 June.	In excess of 50% of the communal open space will achieve the minimum sunlight requirement.	

6.3.8 Solar Access

Control	Proposal	Compliance
Where the neighbouring lower density residential zoned dwellings are affected by overshadowing from a development, at least 50% of the neighbouring existing primary private open space and windows to primary living areas must receive a minimum of 3 hours sunlight between 9am–3pm on the winter solstice (21 June)	Complies as previous detailed	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

6.3.9 Vehicular Access, Parking and Circulation

Control	Proposal	Compliance
Residential flat buildings and shop top housing: <ul style="list-style-type: none"> • 1 space per 1 and 2 beds • 2 spaces per 3 beds or more 	Complies as previous detailed in the ADG section of the report. A total of 51 car parking spaces proposed. Council's Traffic Engineer raises no concerns subject to conditions.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

<ul style="list-style-type: none"> • 1 visitor space per 5 units or part thereof and 1 designated car wash bay which may also be a visitor space 		
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Impacts

Natural Environment

81. The proposed development is unlikely to result in adverse impacts on the natural environment. A total of four fruit trees are sought to be removed within the subject site. The trees are not considered significant and Council's Tree Officer raises no concerns. Four trees within the road reserve are proposed to be protected by a tree protection zone.
82. A Landscape Plan prepared by a qualified landscape architect has been prepared for the development. This plan shows suitable landscaping to the communal open space at the ground floor, front setbacks and the rooftop communal open space.
83. The proposed excavation of the site is for the purposes of providing two (2) levels of basement for car parking. The excavation is consistent with that required to be able to provide sufficient parking for this development and for most new developments of this density and scale.

Built Environment

84. The proposed redevelopment will provide for urban renewal along a well situated site close to the Princes Highway that will contribute positively to the building stock within the area, with a harmonious built form. The siting, scale, bulk, and massing of the development is generally consistent with that anticipated for the site and the planning controls for the site and represents an appropriately designed development which will contribute positively to the character of the area.
85. The building has introduced a highly modulated and articulated front façade treatment along the Lacey Street and John Street elevation to create a development that will benefit the local and regional community.
86. The proposed development incorporates appropriate design elements to ameliorate potential amenity impacts to adjoining properties.

Social Environment

87. The proposed development is of a scale and form that is consistent with modern developments which is unlikely to result in adverse social impacts.

Economic Environment

88. The proposed development will have no adverse economic impact, it will benefit in the longer term the sustainability of the Kogarah Bay area and will in the immediate term contribute to maintaining jobs in the construction industry.

89. The proposed development will provide temporary employment through the construction of the development. In addition, the proposal will restore and increase employment associated with the use of the site.

Suitability of the Site

90. It is considered that the proposed development is of a scale and design that is suitable for the site. It is a permissible use in the zone. Having regard to its size, shape, topography, vegetation and relationship to adjoining developments, the subject site does not contain any impediments that would preclude it or compromise its suitability for the intended land use as proposed.

Submissions, Referrals and the Public Interest

91. The application was advertised for a period of fourteen (14) days from 16 April 2024 in accordance with the Georges River Development Control Plan and the Georges River Council Community Engagement Strategy notification criterion. In total one (1) submission was received. This is discussed in detail below.

Submission	Comment
Traffic Congestion and Traffic Safety	Council's Traffic Engineer has reviewed the proposal and raises no concerns with the proposal with respect to traffic safety. Further, the proposal is fully compliant with the parking requirements specified in the Georges River DCP 2021.
Decrease in property value due to living next to a construction site	There is no evidence that the proposal will result in a decrease in property values to adjoining properties.

Application Referrals

92. The application was referred to a number of external agencies and internal officers for comment as follows:

Council Referrals

Development Engineer

93. Council's Development Engineer has reviewed the proposal. Conditions of development consent have been imposed.

Traffic Engineer

94. Council's Traffic Engineer raises no concerns to the proposal subject to suitable conditions of development consent.

Assets and Infrastructure

95. Council's Asset and Infrastructure team raises no concerns to the proposal subject to suitable conditions of development consent.

Senior Landscape & Arboriculture Assessment Officer

96. Council's Senior Landscape & Arboriculture Assessment Officer has reviewed the landscape plan and arborist report submitted with the application. Appropriate conditions have been imposed.

Urban Designer

97. Council's Urban Designer has reviewed the proposal and provided detailed comments on the revised proposal. It is considered that the concerns raised have been addressed accordingly.

Waste Management Officer

98. The application was referred to Council's Waste Management Officer for assessment and review. The Waste Development Officer has advised that the proposed arrangements for ongoing waste management are acceptable and have provided conditions of development consent.

Environmental Health Officer

99. Council's Environmental Health Officer has reviewed the proposal including the Acoustic Report prepared by Acoustic Logic and raised no objection to the proposal subject to conditions of consent.

External Referrals

Ausgrid

100. The application was referred to Ausgrid in accordance with Clause 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021. Comments and conditions were received from Ausgrid on 19 November 2021, they have raised no objection to the proposed development.

Developer Contributions

101. The proposed development will require the payment of developer contributions under Section 7.11 of the Environmental Planning and Assessment Act 1979 as the proposal is increasing the density of the locality. Conditions of development consent have been recommended.

Conclusion

102. The proposal seeks consent for demolition of existing structures and construction of a residential flat building consisting of 35 residential apartments, above two (2) basement levels of parking containing 51 car parking spaces plus tree removal on 1-5 Lacey Street and 1A John Street, Kogarah Bay.
103. The proposal has been assessed in accordance with Section 4.15 (1) of the Environmental Planning and Assessment Act, 1979. As discussed throughout this report, the proposal is considered a form of development which is compatible with its surrounding environment. The proposal is not considered to exacerbate physical environmental impact to the adjoining and immediate locality. In addition, it is considered that the proposed is within character and is capable of existing harmoniously with its surroundings.
104. The proposal satisfies the key planning controls in the Georges River Local Environmental Plan apart from Clause 4.3 Height of Buildings development standard. A Clause 4.6 Statement has been submitted with the application justifying the variation in this case the variation is considered to be unreasonable and unnecessary in the circumstances of this case and sufficient environmental planning grounds have been demonstrated to contravene the control in this instance.

105. The proposed development design satisfies the objectives of both the Building Height Development control and the zone objectives for the site and the Clause 4.6 Statement and is considered to be well founded and in the public interest as there will not be any direct or adverse environmental impacts generated by the variation sought. The proposal satisfies the objectives and requirements of Clause 4.3 of the Georges River Local Environmental Plan 2021.
106. Operationally, the proposal will not result in any unreasonable impacts on the amenity of adjoining properties subject to conditions of consent as recommended below.
107. The application is recommended for approval subject to conditions

Determination and Statement of Reasons

108. Statement of Reasons

- The development proposed is permissible in the R4 zoned land.
- The proposed development is not considered to be incompatible with surrounding development and surrounding land uses.
- The proposed development complies with the requirements of the relevant environmental planning instruments except in the height of the development and setbacks. Clause 4.6 exception has been submitted in support of the application which is considered to be acceptable having regard to the justification provided in the report above.
- The building will not unreasonably affect the amenity of any immediately adjoining properties in terms of unreasonable overlooking, privacy, overshadowing or view loss.
- The proposed development is well considered and sensitively designed so that it will not result in any unreasonable impact on the natural and built environment.
- The proposed development is not considered incompatible with the character of the locality and is capable of existing harmoniously with its surroundings.

Determination

109. That Georges River Local Planning Panel support the request for variation under Clause 4.6 of Georges River Local Environmental Plan 2021, in relation to the Height of Building (Clause 4.3) development standard, as the variation sought satisfies the objectives of the standard and sufficient environmental planning grounds have been provided in the written request for variation justifying that compliance would be unnecessary and unreasonable in the circumstances of the case. The proposal is also in the public interest and it satisfies the objectives of the zone resulting in no adverse environmental impacts.
110. That pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) the Georges River Local Planning Panel grants consent to DA2023/0624 for demolition of existing structures and construction of a residential flat building consisting of 35 residential apartments, above two (2) basement levels of parking, containing 51 car parking spaces plus tree removal, landscaping and associated site works on Lot A and B 300365 and Lot 241 and 242 DP 851296 also know as 1, 3, 5 Lacey Street and 1a John Street, Kogarah Bay.

SPECIFIC DEVELOPMENT CONDITIONS

Development Details

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

Description	Reference No.	Date	Revision	Prepared by
Notes	001	09/10/2024	B	Smith & Tzannes
Site Plan	010	09/10/2024	B	Smith & Tzannes
Demolition Plan	011	09/10/2024	B	Smith & Tzannes
Basement C2	100	09/10/2024	B	Smith & Tzannes
Basement C1	101	09/10/2024	B	Smith & Tzannes
Ground Level	102	09/10/2024	B	Smith & Tzannes
Level 1	103	09/10/2024	B	Smith & Tzannes
Level 2	104	09/10/2024	B	Smith & Tzannes
Level 3	105	09/10/2024	B	Smith & Tzannes
Level 4	106	09/10/2024	B	Smith & Tzannes
Level 5	107	09/10/2024	B	Smith & Tzannes
Roof	108	09/10/2024	B	Smith & Tzannes
Adaptable Apartments	109	09/10/2024	B	Smith & Tzannes
Liveable Apartments	110	09/10/2024	B	Smith & Tzannes
Excavation Plan	111	09/10/2024	B	Smith & Tzannes
NE Elevation	200	09/10/2024	B	Smith & Tzannes
SE Elevation	201	09/10/2024	B	Smith & Tzannes
SW Elevation	202	09/10/2024	B	Smith & Tzannes
NW Elevation	203	09/10/2024	B	Smith & Tzannes
Section A	204	09/10/2024	B	Smith & Tzannes
Section B	205	09/10/2024	B	Smith & Tzannes
Section C	206	09/10/2024	B	Smith & Tzannes
Driveway Section	207	09/10/2024	B	Smith & Tzannes
Driveway Section 2	208	09/10/2024	B	Smith & Tzannes
Area Calculations	800	09/10/2024	B	Smith & Tzannes
Deep Soil Calculation	801	09/10/2024	B	Smith & Tzannes
Storage Calculation	802	09/10/2024	B	Smith & Tzannes
Storage Calculation	803	09/10/2024		
Solar & Cross Ventilation	804	09/10/2024	B	Smith & Tzannes
Height Plane	805	09/10/2024	B	Smith & Tzannes
Communal Open Space	806	09/10/2024		
Site and Context Analysis Plan	807	09/10/2024	B	Smith & Tzannes

Public Domain Plan	808	18/12/2024	-	Smith & Tzannes
Shadow Diagram	850	09/10/2024	B	Smith & Tzannes
Stormwater Upgrade Plan	R1, R2, R3, R4 & R5	18/12/2024	D	Hydracor Consulting Engineers
Stormwater Management Plan	C1, C2, C3, C4, C5, C6, C7, C8, C9, C10	16/12/2024	B	Hydracor Consulting Engineers
Arboricultural Impact Report	1-28	19/12/2024	-	Naturally Trees – Andrew Scales
BASIX Certificate	1731478M_02	22/11/2024	-	Tonuja Constructions Pty Ltd
Access Report	23237	-	-	Vista Access Architects
Acoustic Report	20230786.1	11/12/2023	0	Acoustic Logic
Waste Management Plan		December 2023	1.3	Auswide Consulting
Traffic Report	23269	14/12/2023	-	Varga Traffic Planning

LPP001-25

Separate Approvals Required Under Other Legislation

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

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

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a “works zone”;
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater & ancillary works in the road reserve; and
- (k) Stormwater & ancillary to public infrastructure on private land
- (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.

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 metre wide footpath for the full length of the frontage of the site 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.
- (e) Relocation of the existing power pole is to be approved by the relevant authority.

Constructing a vehicular crossing and/or footpath requires separate approval under Section 138 of the Roads Act 1993, prior to the commencement of those works.

4. 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.

5. 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 hoarding or C type scaffold, in accordance with the requirements of Work Cover Authority of NSW, must be erected along that portion of the footway/road reserve, where the building is within 3.0 metres of the street boundary. An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.

The following information is to be submitted with a Hoarding Application under s68 of the Local Government Act and s138 of the Roads Act 1993:

- (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 on our website) before the commencement of work; and
- (d) A Public Risk Insurance Policy with a minimum cover of \$10 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; and
- (e) The application must be endorsement by the Roads & Maritime Services (RMS) as the hoarding is located within 100m of an intersection with traffic lights. For assistance you should contact the DA unit at RMS and speak to Hans on 88492076. Or email hans.pilly.mootanah@rms.nsw.gov.au to obtain concurrence for the hoarding structure.

6. 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 and the Roads Act 1993 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. 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.

7. Dewatering of Site – Prior to the dewatering of groundwater on the site, an appropriate Water Access Licence, from Water NSW is to be obtained with evidence of this to be provided to the Certifying Authority.

Dewatering carried out on site must comply with the:

- (a) [Protection of the Environment Operations Act 1997](#) (NSW) (as amended) and
- (b) [Protection of the Environment Operations \(General\) Regulation 2022](#) (NSW) (as amended).

8. **Asbestos** – The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the “Code of Practice: How to Safely Remove Asbestos” published by Safe Work Australia. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.
9. **Contaminated Land** – Any new information that is identified during demolition, excavation or construction which has the potential to alter previous conclusions about site contamination and remediation, must be notified to the Certifying Authority (and Council if Council is not the Certifying Authority) immediately. All works must cease and a qualified Land Contamination Consultant (certified under the consultant certification schemes recognised by the NSW EPA), must be engaged to assess and provide a Remedial Action Plan on the management of the contamination in accordance with any relevant NSW EPA adopted guidelines.

Works on site must not recommence until such time as the contaminants are managed in accordance with:

- (a) the Remedial Action Plan, and
- (b) a Validation Report and or Environmental Management Plan is obtained, and
- (c) both Remedial Action Plan and Validation Report are provided to the Certifying Authority. If the Council is not the Council, then a copy of the Remedial Action Plan and the Validation Report is to be provided to Council.

Requirements of Concurrence, Integrated & Other Government Authorities

10. **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 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.

11. **Section 73 Compliance Certificate** - A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA prior to the issue of the Occupation Certificate.

- 12. Trade Waste Agreements** - A Trade Waste Agreement with Sydney Water may be required. Details of any work required to comply with the agreement must be detailed on the plans lodged with the Construction Certificate. If no trade waste agreement or grease trap is required, a letter from Sydney Water to this effect must be submitted with the application for the Construction Certificate.

Prior to the Issue of a Construction Certificate

- 13. 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 S7.11 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	\$98,831.79
Inspection Fee for Refund of Damage Deposit	\$371.00
Georges River Council Local Infrastructure Contributions Plan 2021 (Section 7.11)	\$595,182.42

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 Section 7.11 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.

A Section 7.11 contribution has been levied on the subject development pursuant to the Georges River Council Section 7.11 Contributions Plan.

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 Section 7.11 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.

14. **Fire Safety Measures** - Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PCA. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PCA will then issue a Fire Safety Schedule for the building.
15. **Structural details** - Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works. A copy shall be forwarded to Council where Council is not the PCA.
16. **Access for Persons with a Disability** - Access for persons with disabilities must be provided throughout the site, including to all common rooms, lobby areas, commercial premises and sanitary facilities in accordance with the requirements of the Premises Standards, the Building Code of Australia and AS 1428.1. Details must be submitted with the Construction Certificate Application.

In regards to the above, pedestrian access throughout basement levels shall be highlighted/line marked and sign posted to safeguard egress.

17. **Geotechnical report** - Geotechnical Reports: The applicant must submit a Geotechnical Report, prepared by a suitably qualified Geotechnical Engineer who holds the relevant Certificate of accreditation as required under the Building Professionals Act 2005 in relation to dilapidation reports, all site works and construction. 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 Certifying Authority 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) Rock breaking techniques. Rock excavation is to be carried out with tools such as rock saws which reduce vibration to adjoining buildings and associated structures.
- (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.

- 18. Vibration Damage** - To minimise vibration damage and loss of support to the buildings in close proximity to the development, any excavation is to be carried out by means of a rock saw and if available, in accordance with the guidelines of the Geotechnical Engineer's report.

Alternatively where a hydraulic hammer is to be used within 30 metres of any building (other than a path or a fence) a report from a qualified geotechnical engineer detailing the maximum size of hammer to be used is to be obtained and the recommendations in that report implemented during work on the site. The report shall be submitted with the Construction Certificate application.

- 19. Slip Resistance** - All pedestrian surfaces in areas such as foyers, public corridors/hallways, stairs and ramps as well as floor surfaces in the wet rooms in any commercial/retail/residential units must have slip resistance classifications, as determined using test methods in either wet or dry conditions, appropriate to their gradient and exposure to wetting. The classifications of the new pedestrian surface materials, in wet or dry conditions, must comply with AS/NZS4586:2004 - Slip Resistance Classifications of New Pedestrian Materials and must be detailed on the plans lodged with the application for the Construction Certificate.

- 20. Building** - Prior to the issue of a Construction Certificate the applicant may be required, under the Environmental Planning & Assessment Regulation 2021 to seek written comment from FR NSW about the location of water storage tanks, construction of hydrant/booster pump and valve rooms, and any Fire Engineered Solution developed to meet the performance requirements under the Category 2 Fire Safety Provisions.

The applicant is also advised to seek written advice from FR NSW on the location and construction of the proposed Fire Control Centre Facility and location and installation of the sites Fire Indicator / mimic Panels.

- 21. 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).

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

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water runoff is diverted around cleared or exposed areas

- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with Managing Urban Stormwater - Soils and Construction (Blue Book) produced by Landcom 2004.

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

23. 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 Council's kerb and gutter directly in front of the development site in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).

24. All roof water and surface water from paved or concreted areas are to be disposed of in accordance with the Stormwater Plan by means of a sealed pipeline constructed in accordance with AS/NZS 3500.3:2015.

25. Stormwater Drainage Plan Details - Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineering specialising in hydraulic engineering shall be submitted with the Construction Certificate application.

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (2016) and Council's stormwater management policy.

26. 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, approved and installed. The design must include the computations of the inlet and outlet hydrographs and stage/storage relationships of the proposed OSD using the following design parameters:

- (a) Maximum Site Discharge to be provided in accordance with the Stormwater Concept Plan and associated Design Assessment Report. The overflow is to be directed to the site drainage system.

- (b) Peak flow rates from the site are to be restricted to a permissible site discharge (PSD) equivalent to the discharge when assuming the site contained a single dwelling, garage, lawn and garden,
- (c) At Annual Recurrence Intervals of 2 years and 100 years.

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.

- 27. Pump-Out System Design for Stormwater Disposal** The design of the pump-out system for storm water disposal will be permitted for drainage of basement areas only, and must be designed in accordance with the following criteria:

- (a) The pump system shall consist of two pumps, connected in parallel, with each pump being capable of emptying the holding tank at the rate equal to the rate of inflow for the one-hour duration storm. The holding tank shall be capable of holding one hour's runoff from a one-hour duration storm of the 1 in 20 year storm;
- (b) The pump system shall be regularly maintained and serviced, every six (6) months; and
- (c) Any drainage disposal to the street gutter from a pump system must have a stilling sump provided at the property line, connected to the street gutter by a suitable gravity line.

- 28. Detailed Stormwater Drainage Design** - The submitted stormwater plan has been assessed as a concept plan only. A detailed drainage design supported by a catchment area plan and drainage calculations (including a Hydraulic Grade Line Analysis) must be submitted with the Construction Certificate application.

- 29. 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.

- 30. Stormwater Drainage Application** - Development Consent does not give approval to undertake works on public infrastructure. A separate approval of a Stormwater Drainage Application is required under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993 to undertake:

- (a) Stormwater & ancillary works in the road reserve. This includes connections to council.
- (b) Stormwater & ancillary to public infrastructure on private land

The Stormwater Drainage Application approval must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The Application Form for this activity 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.

31. **Structural details** - Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works. A copy shall be forwarded to Council where Council is not the PCA.
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. **Acoustic Requirements - Compliance with submitted Acoustic Report –**

The Report submitted to Council as referenced in the Application must demonstrate compliance with the Acoustic Report referenced in this consent.

Certification provided by a suitably qualified and experienced acoustic consultant, referencing the Construction Certificate Plans and confirming that the requirements of the Acoustic Report are met must be provided to the satisfaction of the Certifying Authority prior to the release of the Construction Certificate.

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

34. Hazardous Material Survey Report

Prior to the issue of the Construction Certificate a Hazardous Material Survey must be prepared by a suitable qualified occupation hygienist and must be submitted to the satisfaction of the Certifying Authority.

35. Car Wash Bays - Plans and specifications of the car washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate.

All car washing bays shall be contained within a roofed and bunded car wash bay with pre-treatment approved by Sydney Water. The water from the car wash bay must be graded to a drainage point and connected to sewer.

If alternative water management and disposal options are proposed (i.e. where water is recycled, minimised or reused on the site), detailed plans and specifications of the water recycling system must be submitted with the application for the Construction Certificate for approval.

36. Design Modifications -The design must be modified as follows prior to the issue of a construction certificate (CC):

- a) The installation of stormwater infrastructure within the Tree Protection Zone (TPZ) of Councils street tree number T9 on Lacey Street must be under-bored at a minimum depth of 800mm to avoid tree roots and affect tree stability.
- b) The design of the new front boundary wall within the Tree Protection Zone (TPZ) of existing street trees must use the existing wall footings or be constructed without the use of a continuous strip footing.

The construction method without a continuous strip footing shall include pier and beam footings to ensure no tree roots greater than 25mm in diameter are not damaged, pruned or removed during construction of the boundary wall. A minimum of 150mm clearance must be provided between the footing/piers/posts and tree root.

- c) The proposed stormwater pipe along the western boundary must be relocated closer to the building to meet the replacement vegetation shown on the landscape plan.

The amended plans must be lodged for approval by Councils Senior Landscape and Arboricultural Assessment Officer prior to the issue of a CC.

37. Landscape Plan – Plans submitted with the construction certificate must illustrate that the landscape plan has been amended to incorporate the following changes:

- a) That the landscape plan is updated based on the Public Domain and Stormwater Plans.
- b) All new trees shown on the Landscape Plans must be a minimum of 75L and fully self-supporting without being tied to a prop (i.e. steaked) at the time of planting.

- c) New tree plantings must be grown to AS2303 – 2018, Tree stock for landscape use and be planted by a Horticulturalist or AQF level 3 Arborist.

The amended landscape plan must be lodged for approval by Councils Senior Landscape and Arboricultural Assessment Officer prior to the issue of a construction certificate.

38. Street Tree Planting –

- a. Two (2) street tree of species to be determined by Council must be provided in Lacey Street.
- b. Council must be appointed to plant the tree on public land. All costs associated with the tree planting shall be met by the applicant. Fees and charges for street tree planting 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. This fee must be paid to Council prior to obtaining a Construction Certificate (CC), with the receipt viewed by the PCA.
- 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.

- 39. Waste Management Plan** - A Prior to the application for construction certificate the Applicant shall submit to Council for approval an updated Waste Management Plan which complies with demolition and construction requirements and general waste management requirements as outlined in the Georges River Development Control Plan and Conditions of Consent. The approval from Council is to be submitted to the Certifier prior to the issue of the construction certificate.

- 40. Consolidation of Site** - The site shall be consolidated into one allotment and by a Plan of Consolidation being prepared by a Registered Surveyor. This Plan shall be registered at the NSW Land and Property Information prior to the issue of a final occupation certificate.

- 41. Car Wash Bays** - Plans and specifications of the car washing system which has been approved by Sydney Water must be submitted with the application for the Construction Certificate.

All car washing bays shall be contained within a roofed and bunded car wash bay with pre-treatment approved by Sydney Water. The water from the car wash bay must be graded to a drainage point and connected to sewer.

If alternative water management and disposal options are proposed (i.e. where water is recycled, minimised or reused on the site), detailed plans and specifications of the water recycling system must be submitted with the application for the Construction Certificate for approval.

- 42. SEPP (Housing) 2021 Chapter 4** - A design verification statement, prepared by Peter Smith, shall be submitted to the Certifying Authority verifying that the plans and specifications achieve or improve the design quality of the development for which development consent was granted, having regard to the design quality principles set out under Schedule 1 of State Environmental Planning Policy (Housing) – Chapter 4

43. Design Quality Excellence (Major Development) -

- (a) In order to ensure the design quality excellence of the development is retained:
- i. The design architect, Peter Israel is to have direct involvement in the design documentation, contract documentation and construct stages of the project;
 - ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of the design issues throughout the life of the project;
 - iii. Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate.
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council.

44. 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 including but not limited to:

- (a) All neighbouring buildings with a common boundary to the subject site

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.

45. Mechanical Ventilation - To ensure that adequate provision is made for ventilation of the commercial portions of the building mechanical and/or natural ventilation systems adequate for commercial kitchen for restaurants/café cooking facilities are required to be shall be designed, constructed and installed centrally within the building (not externally) in accordance with the provisions of the Building Code of Australia and Australian Standard 1668.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

46. Noise from Buildings Containing Housing Above Shops or Adjacent to Housing - A certificate from an Acoustic Engineer is to be submitted with the Construction Certificate certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm to 6.00am) when measured at the boundary of the property, and will comply with the Environmental Protection Authority Industrial Noise Policy.

The development is not to give rise to an offensive noise as defined under the Protection of the Environment Operations Act 1997.

Details demonstrating compliance with the requirements of this condition are to be submitted to the satisfaction of the Certifying Authority prior to the issue of any Construction Certificate.

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

- 47. 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.

- 48. 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 Council's Engineers for their records.
- 49. 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 Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.

- (f) 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.

- 50. **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.
- 51. **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.
- 52. **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.
- 53. **Structural Engineers Details - Supporting Council road/footway** - Prior to the commencement of work in connection with the excavation of the site associated with the basement car park, structural engineer's details relating to the method of supporting the excavation must be submitted.
- 54. **Dilapidation Report on Public Land - Major Development Only** - Prior to the commencement of works (including demolition and excavation), a dilapidation report must be prepared for the Council infrastructure adjoining the development site, including:

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) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (f) The full name and signature of the structural engineer.
- (g) 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.

During Construction

- 55. 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.
- 56. 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.
- 57. 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.

- 58. 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.

- 59. 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.

- 60. Excavation works near tree to be retained** - Excavation around the tree/s to be retained on site or the adjoining properties shall be supervised by the Project Arborist to ensure that the root system will not be adversely affected.

Where the Tree Protection Zone of trees on site or adjoining sites become compromised by any excavation works, the Project Arborist shall be consulted to establish the position of any major roots and determine the necessary measures to protect these roots. The recommendations of the Arborist shall be submitted to Council prior to any further demolition or construction works taking place.

- 61. Ground levels and retaining walls** - The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.

- 62. Building - Structural Certificate During Construction** - The proposed building must be constructed in accordance with details designed and certified by the practising qualified structural engineer. All structural works associated with the foundations, piers, footings and slabs for the proposed building must be inspected and structurally certified for compliance by an independent practising geotechnical and structural engineer. In addition a Compliance or Structural Certificate, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority at each stage of Construction or prior issue of the Occupation Certificate.

- 63. Physical connection of Stormwater to site** - No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's in.

- 64. Tree Removal prohibited**

No tree on Council's public footway, public reserves or on neighbouring properties and protected under the Georges River Tree Management Policy 2019 may be removed, pruned or otherwise damaged without Council consent.

65. Tree Removal

Permission is granted for the removal of the following trees as shown in the table.

Tree No.	Species	Location
3 & 8	<i>Citrus limon</i> (Lemon Tree)	Within the subject site
5	<i>Prunus sp.</i> (Plum Tree)	
7	<i>Olea sp.</i> (Olive Tree)	
10	<i>Plumeria acutifolia</i> (Frangipani Tree)	
11	<i>Camellia sp.</i> (Camellia Hedge)	

Note: Refer to Arborist Report prepared by Naturally Trees dated 19 December 2024 'REV C' for tree numbering and location only. Tree no. 11 was not assessed/included within the AIA.

- a) All tree removal shall be carried out by a minimum AQF Level 3 Arborist with appropriate insurance. Tree removal is to be undertaken safely and in compliance with AS 4373-2007 - *Pruning of Amenity Trees* and *Tree Works Industry Code of Practice* (Work Cover NSW 1.8.98).

66. Tree Removal

- a) The tree protection measures must be implemented throughout the relevant stages of construction in accordance with Section 4 - *Australian Standard AS 4970-2009: Protection of trees on development sites*.
- b) The following trees in Table 2 below must be **protected** in accordance with the conditions of consent throughout the construction and development.

Table 2: *Trees that must be protected*

Tree No.	Species	Location
1 & 2	<i>Callistemon viminalis</i> (Bottlebrush)	Council street tree - John Street
4	<i>Lophostemon confertus</i> (Brush Box)	
6 & 9	<i>Callistemon viminalis</i> (Bottlebrush)	Council street tree - Lacey Street

Note: Refer to Arborist Report prepared by Naturally Trees dated 19 December 2024 'REV C' for tree numbering and location only.

- c) Tree protection fencing must be installed around the Tree Protection Zone (TPZ) prior to the commencement of any development related works onsite. The fencing must be installed by a qualified AQF Level 5 Arborist and in accordance with - *Australian Standard AS 4970-2009: Protection of trees on development sites*.
- d) Nothing is to be attached or fixed to any street tree.
- e) The storage or mixing of materials, washing equipment, disposal of liquids or building materials, site sheds etc. must not occur under/around the tree canopy or within 5 meters of the trunk of any tree (inc. neighbouring trees).
- f) Any excavation works (including stormwater infrastructure) within the Tree Protection Zone (TPZ) of any tree must be referred to the Site Arborist with regards to tree protection, prior to the commencement of the works.

- g) All excavation works within the TPZ of any tree must be undertaken using non-destructive methods (by hand/ Airspade/ hydro-vac etc.) to ensure no tree root greater than 25mm diameter is damaged, pruned or removed.
- h) Alternative installation methods for services such as redirection of services or directional boring must be employed where roots greater than 25mm diameter are encountered during the installation of any services within the TPZ of any tree.
- i) Footings/piers/posts must be relocated / realigned if any tree root greater than 25mm diameter is present. A minimum of 150mm clearance must be provided between the footing/piers/posts and tree root.
- j) The removal of the existing footpath within the Tree Protection Zone (TPZ) of street trees must be undertaken using hand tools to avoid damaging the street trees – the use of an excavator or other heavy-duty equipment is not approved.
- k) The new concrete footpath must use the existing sub-base to ensure tree roots are not damaged. The excavation of the sub-base and below soil is not approved without Council consent.
- l) Site Arborist must ensure that any exposed tree roots are adequately covered to prevent drying out.
- m) Existing kerb sections adjacent to any street tree must not be removed without approval from Council. Removal of kerbs adjacent to mature trees can cause trees to become unstable.
- n) Any damage to street trees as a result of construction activities must be immediately reported to Council's Landscape & Arboriculture Assessment Officer. Any damage to trees as a result of construction activities may result in a prosecution under the Local Government Act 1993 and/or the Environmental Planning Assessment Act 1979.
- o) Trees specified for retention are to be inspected, monitored and remedial work undertaken as required during and after completion of development works by a qualified AQF Level 5 Project Arborist. Regular inspections and documentation from the Arborist to the PCA and Council's Tree Compliance Officer are required at the following hold points:

Hold Point	Action Required by AQF Level 5 Project Arborist
1. a) Prior to commencement of demolition/construction works.	Site meeting with builder to discuss and confirm understanding of tree protection measures required.
1. b) Prior to commencement of demolition/construction works.	Supervise and certify installation of tree protection measures. Tree protection measures are to be installed as per the approved Tree Protection Plan. Clear and dated photographs of the installed tree protection fencing must be submitted to Council.

2. Works within the TPZ areas of trees to be retained.	Supervise, direct and photograph all approved works with the TPZ areas of tree to be retained. a) During demolition of any existing structure within close proximity to Tree Protection Zones (TPZ); b) During any excavation, trenching or construction that has been approved by Council within the TPZ of any tree to be retained; c) During any landscape works within the TPZ of any tree to be retained.
3. Arboricultural Compliance Report.	Inspect, photograph and report on tree health and condition, maintenance of tree protection measures and remedial tree works as required. a) Certification tree protection measures have been installed in accordance with the conditions prior to the commencement of works; b) Certification of compliance with each key milestone listed above within 48 hours of completion; c) Details of any other works undertaken on any tree to be retained or with TPZ(s); d) A final compliance report shall be submitted prior to the issuing of the Occupation Certificate.
4. Prior to issue of Occupation Certificate	Final inspection of trees to be retained and provision of follow up report detailing activities during construction including any damage to the trees and any remedial work required to ensure the ongoing health and structural stability of the trees and/or replacement trees required. Any recommendations for remedial work and/or replacement trees will be required to be approved by Council's Tree Compliance Officer and actioned prior to the issue of an occupation certificate for the development

67. Tree Pruning

The consent from Council must be obtained prior to the undertaking of any tree pruning, including tree roots greater than 25mm in diameter. Only minor pruning will be permitted by Council.

68. Landscape Works

All landscape works shall be carried out in accordance with the approved landscape plans (submitted at CC), subject to the following -

- a) The applicant must engage a licensed and reputable nursery grower early within the build phase and order all trees and plant material early to ensure that all tree and plant material, pot/bag sizes and quantities are guaranteed at the time of the landscape and planting phase.

- b) All new trees shown on Landscape Plans must be a minimum of 75L and fully self-supporting without being tied to a prop (i.e. steaked) at the time of planting.
- c) New tree plantings must be grown to AS2303 – 2018, Tree stock for landscape use and be planted by a Horticulturalist or AQF level 3 Arborist.
- d) All trees proposed upon the approved landscape plan shall comply with AS 2303 – 2018, Tree Stock for Landscape use and be fully self-supporting without being tied to a prop (i.e. steaked).

Prior to the issue of the Occupation Certificate

- 69. 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.

70. 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.

71. Works as Executed and Certification of Stormwater works - Prior to the issue of an Occupation Certificate, the PCA must ensure that the stormwater drainage system has been constructed in accordance with the approved design and relevant Australian Standards. A works-as-executed drainage plan and certification must be forwarded to the PCA and Council, from a professional engineer specialising in hydraulic engineering.

This Plan and Certification shall confirm that the design and construction of the stormwater drainage system satisfies the conditions of development consent and the Construction Certificate stormwater design details approved by the PCA.

The works-as-executed drainage plan must be prepared by a professional engineer specialising in hydraulic engineering in conjunction with a Registered Surveyor and must include the following details (as applicable):

- (a) The location of any detention basin/s with finished surface levels;
- (b) Finished site contours at 0.2 metre intervals (if applicable)
- (c) Volume of storage available in any detention areas;

- (d) The location, diameter, gradient and material (i.e. PVC, RC etc.) of all stormwater pipes;
- (e) The orifice size/s (if applicable);
- (f) Details of any infiltration/absorption systems; and (if applicable);
- (g) Details of any pumping systems installed (including wet well volumes) (if applicable).

72. Maintenance Schedule - 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.

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

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) Closed circuit television/video inspection (in DVD format) of public stormwater drainage systems fronting, adjoining or within the site, and
- (f) 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.

74. 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 following 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 damaged 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.

75. Requirement 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) A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.
- (f) 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.
- (g) The construction of the stormwater drainage new pits and pipe shall be completed in accordance with the conditions and specifications of the Section 68 Activity Approval .

76. 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) 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
- (f) Relocation/provision of street signs
- (g) New or replacement street trees;
- (h) 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.
- (i) New or reinstated kerb and guttering within the road related area; and
- (j) New or reinstated road surface pavement within the road.

Council's Assets and Infrastructure 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.]

- 77. Allocation of street addresses** - Prior to issue of an Occupation Certificate, All house numbering are to be allocated in accordance 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. Council must be contacted in relation to all specific requirements for street numbering.
- 78. Fire Safety Certificate before Occupation or Use** - In accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000, on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the Environmental Planning and Assessment Regulation, 2000. In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:
- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
 - (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.
- A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.
- 79. Building - Structural Certificates** - The proposed structure must be constructed in accordance with details designed and certified by the practising qualified structural engineer. In addition, Compliance or Structural Certificates, to the effect that the building works have been carried in accordance with the structural design, must be submitted to the Principal Certifying Authority prior issue of the Occupation Certificate.
- 80. Slip Resistance** - At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. Proof of compliance must be submitted with the application for the Occupation Certificate for approval.
- 81. BASIX Certificate** - All energy efficiency measures as detailed in the approved BASIX Certificate in the plans approved with the Development Consent, must be implemented before issue of any Occupation Certificate.
- 82. BASIX Compliance Certificate** - A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.

83. **Electricity Supply** - Evidence shall be provided demonstrating that the development has been connected to the Ausgrid, if required.
84. **Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.
85. **Allocation of car parking spaces** - Car parking associated with the development is to be allocated as follows:
- (a) Residential dwellings: 16 car spaces (1 car space/1 or 2 bedroom unit, 2 car spaces per 3 or more bedroom unit)
 - (b) Accessible car spaces: 1 accessible car space per adaptable dwelling
 - (c) Residential visitors: 4 car spaces which shall remain as common property.
 - (d) Carwash bay: 1 car wash bay (which can be within a visitor's space)
 - (e) Retail: 9 car spaces
 - (f) 1 loading/unloading area
 - (g) Bicycle spaces: 14 spaces
86. **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.
87. **SEPP 65 Design Verification Statement** - The PCA must not issue an Occupation Certificate to authorise a person to commence occupation of the residential flat development unless the PCA has received a design verification from Peter Israel, being a statement in which the qualified designer verifies that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 Design Quality of Residential Flat Development.
88. **Acoustic Compliance - General Operation of Premises** - The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997 (as amended) and Regulations.
- A suitably qualified person shall certify that the operation of the plant equipment shall not give rise to 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 source noise level shall be assessed as an LAeq, 15 min in accordance with the NSW Environment Protection Authority's "NSW industrial Noise Policy.
- Certification must be submitted to the PCA prior to the issue of any Occupation Certificate.
89. **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.

- 90. Certification – Car Wash Bays** Prior to the issue of any Occupation Certificate for works incorporating a car wash bay, certification from Sydney Water must be submitted to the satisfaction of the Certifying Authority verifying that the car washing system (including pre-treatment) is constructed in accordance Sydney Water approval. The certification must be incorporated into the Occupation Certificate documentation and provided to Council.
- 91. Certification - Air handling systems (including water-cooling system, hot-water systems and warm-water systems)** - Certification by a suitably qualified person engineer '2012 must be submitted to the PCA prior to the issue of any occupation certificate verifying that the air handling system has been installed in accordance with:
- (a) Public Health Act 2010 (as amended)
 - (b) Public Health Regulation 2012 (as amended)
 - (c) AS/NZS 3666.1:2011 Air-handling and water systems of buildings -Microbial control -Design, installation and commissioning
- 92. Arborist Supervision and Reporting**
An Arboricultural Compliance Report prepared by an AQF Level 5 Arborist which includes photographic evidence and details of the health and condition of trees, must be submitted to Council's Senior Landscape and Arboricultural Assessment Officer for approval prior to the issue of an Occupation Certificate. The Arborist must certify compliance with each key milestone below:
- a) Installation of tree protection measures in accordance with conditions;
 - b) During demolition of structures and/or excavation of ground surfaces that has been approved by Council within the TPZ of any tree to be retained;
 - c) During any other works including landscaping within the TPZ of any tree to be retained

93. Completion of Landscape Works

All landscape works, the planting of all tree and plant material in accordance with approved landscape plans (at CC) and specifications and conditions of consent, must be completed prior to the issue of a final occupation certificate for the site. A certificate of compliance for the planting of all trees and shrubs proposed for the site must be prepared by a qualified Horticulturist, Landscape Designer or AQF Level 5 Arborist and forwarded to the PCA for approval prior to the issue of an occupation certificate.

Operational Conditions (Ongoing)

94. Bin Provision- The applicant must allow bin storage at the following ratios:

- 120L general waste per unit per week – equivalent to 18 x 240L general waste bins per week, serviced once weekly, OR 7 x 660L general waste bins per week, serviced once weekly, OR 4 x 1,100L general waste bins per week, serviced once weekly,
- 120L recycling per unit per week – equivalent to 18 x 240L general waste bins per week, serviced once weekly, OR 7 x 660L general waste bins per week, serviced once weekly, OR 4 x 1,100L general waste bins per week, serviced once weekly,
- 96L organics per unit per week equivalent to 14 x 240L organic waste bins per week, serviced once weekly.

95. Bin Storage Room Requirements –

- All storage areas must be well-lit and fitted with artificial sensor lighting. Provision for appropriate lighting must be made to enable the residents to dispose of their waste and allow collection staff to perform the service safely.
- All waste and bin storage areas must be constructed from approved materials, that are smooth, easily cleanable, non-absorbent, impervious, water resistant and durable. All surfaces should be finished with a light colour.
- Doors in waste and bin storage areas should always be able to be opened from the inside. It is preferable that doors open outwards. Doors should be able to be locked in an open position to facilitate the movement of bins and bulky waste. For handling bulky waste and bulk bins, it is recommended to fit doorways with galvanised iron to protect them from damage.
- The bin storage room floor must be graded and drained to the appropriate drainage outlet connected to the sewer, the water must not be discharged into stormwater drainage
- A bin wash area of at least 3m² must be provided inside residential bin rooms to allow for the mobile garbage bins to be maintained in hygienic conditions to prevent odour and vermin issues. The bin wash area must allow for hot and cold water access, with suitable drainage to the sewer and be constructed as per Sydney Water requirements and other applicable regulations.
- A Dual chute system for general waste and recycling waste, using either rotating or linear tracks at the discharge point. In addition to the Dual chute system for general waste and recycling waste one of the following two options must be provided for the appropriate disposal of organic waste.
 - Option 1. A third chute system (to support a dual chute system) suitable for Food Organics and Garden Organics.
 - Option 2. The storage of at least 2 days' worth of organics on each occupied floor calculated at a ratio of 13.71 per unit, per day.
- Any bin storage areas on each occupied floor must be adjacent to a chute system inlet. The mobile garbage bins are to be rotated with empty bins daily by the managing body (with bins from a central bin storage area).
- Bin and waste storage areas must be designed to be accessible for people with disability and comply with all relevant regulations, including to the Disability Discrimination Act 1992.
- Chutes are to be provided with an opening on each occupied floor, designed to be used by all residents and enclosed within a chute room. Chutes are not to open onto any habitable space and chute openings are to have an effective self-sealing system.
- Chutes are to terminate in a bin storage area and discharge directly into a waste garbage bin in a manner designed to avoid spillage and overflow. Protective skirting between chute and bins are permitted to prevent spillage and minimise dust or spray.
- For safety reasons, residents are not permitted to access the area where the chute discharges. All chute discharge rooms must be secured and locked or, alternatively, all mechanical parts of waste management equipment must be securely screened.
- The chute room shall include (in addition to space for recycling mobile garbage bins as required):
 - The chute inlet hopper;
 - Space for spare mobile garbage bins (in case of chute failure) allowing for at least one 240L mobile garbage bin per waste stream for every six residences serviced by that chute – which in the event of a chute failure would be required to be rotated up to twice daily by the managing body; and

- Space for large cardboard and/or kerbside clean-up materials to reduce the likelihood of blockages in chutes.
- Chute rooms are to allow sufficient space to permit easy opening of the chute and chute room door and the storage and manoeuvring of mobile garbage bins. The floor must be sealed and free from steps.
- Chute access/inlet areas or rooms are to display instructions on the use of the chutes for each relevant waste stream, including instructions on the correct use of the chute, waste material separation guide, instructions not to dispose of hazardous and large bulky waste materials into the chute, and what materials can be placed in the bin(s) provided.
 - Responsibility for cleaning and operating chute rooms rests with the managing body. The applicant can consider linear/rotating tracks at the chute discharge area to assist with bin management in order to maintain a clean and sanitary chute discharge room.
 - Chutes if installed must be certified in design to be constructed to meet the minimum performance requirements for both airborne and impact noise protection, to avoid excessive noise and vibration to habitable areas.
 - Chute systems must be cylindrical with a diameter of 500 mm or greater and free from bends or corners to prevent waste blockages. Management, operation, and cleaning of the chutes is the responsibility of the Body Corporate/Building Manager.
 - Chutes, hoppers, and service openings are to be constructed with aluminium, stainless steel or other approved metal or material that is non-combustible, durable impervious, non-corrosive, distortion and fire resistant.
- The applicant must make provisions for equipment (such as bin tugs, bin lifters) to assist with the manual labour associated with moving Mobile Garbage Bins around the site to the collection location. Further, the use of technology such as tugs, trolleys or lifters should be considered when proposing movement of bulky waste materials from the required storage area to the collection location.
- For a development of 35 residential units, 8m² of storage space must be provided. The bulky waste storage area must be secured, and only permitted to be used by the Body Corporate/Building Manager to prevent illegal dumping of waste. The management of access to the designated bulky waste storage area will be the responsibility of the Body Corporate/Building Manager. The access into the storage area must be double door width, and/or use roller doors where space is constrained. Any double-width doors must have a wide hinge to open flush with walls so as to restrict manoeuvrability of large or heavy bulky waste items.
- All bin and bulky waste storage areas are to be sufficiently dimensioned to allow for the easy movement of bins to and from the kerbside/interim storage area during collection, and must have appropriately sized doors for the size of bin to be used. The path of travel for bins must be level, at an appropriate grade, well-lit and without stairs, in addition to being in accordance with the BCA. The designated bin and waste storage areas are required to be a size appropriate for the storage of the waste volumes generated at the site. All bin and waste storage areas are to be appropriately lit (sensor lighting recommended), drained to sewer with a water outlet for bin washing/cleaning and not visible from the public domain unless secured behind wall/roof.
- Additional space must be provided for residential special waste streams such as electrical waste, polystyrene and textile waste. A minimum area of 4m² is required. This space must be in or attached to the waste storage or bulky waste materials storage area and be accessible for all residents.

- Double door access (at least 2500mm) must be provided into the bulky waste storage area, with a wide range of openings to enable ease of manoeuvring large bulky waste such as furniture without doors as obstructions. Bin storage area door access must be at least 1700mm for 240L bins and 2500mm for 660L and 1100L bins. For any developments of 20 or more units, a minimum of 2500mm must be provided for the bin and bulky waste storage area access and for the entire path of bin travel.
- The path of bin travel must be free from stairs, well-lit (sensor lighting recommended) at an appropriate grade for a ramp as per the Building Code of Australia and be a width appropriate for the movement of bins up to 1,100L in width in accordance with AS 4123.1—2008 Mobile Waste Containers.
- Private waste collection services are restricted to a maximum of twice weekly between Monday – Friday and within the hours of 6am – 10pm. Private waste collection services are to occur entirely within the confines of private property with bins or waste prohibited from being placed on Council land. Private waste collection services must occur in a source separated manner with all wastes collected separately according to the following streams: general waste, commingled recycling and organics at a minimum.
- Receptacles for the management of any litter from communal areas must be contained in bins with lids. Bins enabling the source separation of: general waste, commingled recycling and organics are to be provided in all common areas and will be the responsibility of the Body Corporate/Building Manager to rotate and empty as required. The bins must be secured so as to prevent the dispersal of litter by wind or animals.

96. 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.

97. Ongoing Tree & Landscape Maintenance Works

- All newly planted trees and plants must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilising, pest and disease control, replacement of dead or dying trees and plants and other operations required to maintain healthy trees, plants and turfed areas.
- Trees must be maintained until they reach a height where they are protected by Councils Tree Management Controls. If any trees are found to be faulty, damaged, dying or dead before they are protected by Councils Tree Management Controls then they must be replaced with the same species and pot/bag size.
- Mature trees shall be inspected for health and structural integrity by an AQF Level 5 Arborist 12 month post completion of works. A certificate of compliance and/or report with recommendations for remedial work will be required to be approved by Council's Tree Compliance Officer.

98. 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).

99. Operation of Air Handling Systems - The occupier must operate air handling systems in compliance with Part 2 of the Public Health Regulation 2012 (as amended).

Where there is any change in the air handling system the occupier must register the changes in the regulated systems with Council.

Water cooling systems must be certified annually by a competent person as being an effective process of disinfection under the range of operating conditions that could ordinarily be expected.

- 100. 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.
- 101. 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.
- 102. Inclined Passenger Lift** - The inclined passenger lift must be used in a manner that does not emit noise exceeding 5dB(A) above the background noise level when measured at the nearest neighbouring boundary and must be maintained at all times to ensure the acoustic performance of the lift does not diminish and continue to comply with the [Protection of the Environment Operations Act 1997](#) (as amended) and Regulations.
- 103. 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.
- 104. Annual Fire Safety Statement** - The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:
- (a) Within 12 months after the date on which the fire safety certificate was received.
 - (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
 - (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation 2000.
 - (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

Operational Requirements Under the Environmental Planning & Assessment Act 1979

- 105. Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued by the consent authority, the Council (if the Council is not the consent authority) or an accredited certifier.

An application form for a **Construction Certificate** is attached for your convenience.

- 106. Appointment of a Principal Certifying Authority** - The erection of a building must not commence until the beneficiary of the development consent has:

- (a) appointed a Principal Certifying Authority (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, then the beneficiary of the consent 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 Principal Certifying Authority for your development.

107. Notification of Critical Stage Inspections - No later than two (2) 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 beneficiary of the development consent of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

108. Notice of Commencement - The beneficiary of the development consent must give at least two (2) 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.

109. Critical Stage Inspections - The last critical stage inspection must be undertaken by the Principal Certifying Authority. 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.

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

Where Georges River Council has been appointed PCA, forty eight (48) hours notice in writing, or alternatively twenty four (24) hours notice by facsimile or telephone, must be given to when specified work requiring inspection has been completed.

111. 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 Principal Certifying Authority appointed for the building work can issue the Occupation Certificate.

An **Occupation Certificate** Application Form is attached for your convenience.

Prescribed Conditions

- 112. **Clause 97A – BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
- 113. **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.
- 114. **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 Principal Certifying Authority and the Principal Contractor.
- 115. **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.
- 116. **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.

END CONDITIONS

NOTES / ADVICES

- 117. **Review of Determination** - Section 82A of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.

- 118. **Appeal Rights** - Division 8 (Appeals and Related matters) Part 4 of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
- 119. **Lapsing of Consent** - This consent operates from the date the original consent was determined, ie 21 June 2018, except as qualified by Section 4.50 of the Act.

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 95 of the Environmental Planning and Assessment Act 1979 as amended.

- 120. Noise - Noise related conditions** - Council will generally enforce noise related conditions in accordance with the Noise Guide for Local Government (<http://www.environment.nsw.gov.au/noise/nglg.htm>) and the Industrial Noise Guidelines (<http://www.environment.nsw.gov.au/noise/industrial.htm>) published by the Department of Environment and Conservation. Other state government authorities also regulate the Protection of the Environment Operations Act 1997.

Useful links relating to Noise:

- (a) Community Justice Centres - free mediation service provided by the NSW Government (www.cjc.nsw.gov.au).
 - (b) Department of Environment and Conservation NSW, Noise Policy Section web page (www.environment.nsw.gov.au/noise).
 - (c) New South Wales Government Legislation home page for access to all NSW legislation, including the Protection of the Environment Operations Act 1997 and the Protection of the Environment Noise Control Regulation 2000 (www.legislation.nsw.gov.au).
 - (d) Australian Acoustical Society - professional society of noise-related professionals (www.acoustics.asn.au/index.php).
 - (e) Association of Australian Acoustical Consultants - professional society of noise related professionals (www.aaac.org.au).
 - (f) Department of Gaming and Racing - (www.dgr.nsw.gov.au).
- 121. Council as PCA - Compliance with the BCA** - Should the Council be appointed as the Principal Certifying Authority in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative 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-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.
- 122. Energy Efficiency Provisions** - Should Council be appointed as the Principal Certifying Authority, 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 Principal Certifying Authority.

- 123. Compliance with Access, Mobility and AS4299** - Adaptable Housing - Should the Council be appointment as the PCA, the Construction Certificate Application must be accompanied by detailed working plans and a report or a Certificate of Compliance from an Accredited Access Consultant certifying that the building design and access to the adaptable units complies with Council's DCP and AS 4299 Adaptable Housing.
- 124. Council as PCA - Total Conformity with BCA** - Should the Council be appointed as the Principal Certifying Authority, the Construction Certificate Application must be accompanied by the following details, with plans prepared and certified by an appropriately qualified person demonstrating compliance with the BCA:

- Mechanical ventilation to bathroom, laundry and basement areas not afforded natural ventilation.
- Provision of natural light to all habitable areas.
- Fire-fighting services and equipment including hydrant and booster assembly systems, sprinkler and valve room systems, hose reels, portable fire extinguishers, smoke hazard management systems and sound & warning systems.
- Emergency lighting and exit signs throughout, including terrace areas, lobby and basement areas.
- Construction of all fire (smoke) doors including warning and operational signage to required exit and exit door areas.
- Egress, travel distance and the discharge from an exit including the swing of exit doors.
- The protection of openings including spandrel separation.
- Fire compartmentation and fire wall separation details including all stairway, lift and service shaft areas.
- Protection of openings including paths of travel from fire isolated exists
- Re-entry facilities from fire isolated exit stairways.
- Sound transmission and insulation details.
- Window schedule is to include the protection of openable windows.
- The location of sanitary facilities for employees in accordance with Table F2.1

In this regard, detailed construction plans and specifications that demonstrate compliance with the above requirements of the BCA must be submitted to the Principal Certifying Authority with the Construction Certificate Application. Should there be any non-compliance, an alternative method of fire protection and structural capacity must be submitted, with all supporting documents prepared by a suitably qualified person.

In the event that full compliance with the BCA cannot be achieved and the services of a fire engineer are obtained to determine an alternative method of compliance with the BCA, such report must be submitted to and endorsed by the Principal Certifying Authority prior to issue of the Construction Certificate.

- 125. 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).

- 126. 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.

- 127. 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.

- 128. 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.

- 129. Development Engineering** - Conditions relating to future Strata Subdivision of Buildings

No approval is expressed or implied for the subdivision of the subject building(s). For any future Strata subdivision, a separate Complying Development Certificate shall be approved by Council or an Accredited Certifier.

Prior to the issue of any Strata Certificate of the subject building(s) the following conditions shall be satisfied:

(a) Unit Numbering

Apartment type numbers shall be installed adjacent or to the front door of each unit.

The unit number shall coincide with the strata plan lot numbering.

(b) Car Parking Space Marking and Numbering

Each car space shall be line marked with paint and numbered in accordance with the strata plan lot numbering.

"Visitor Parking" signs shall be installed adjacent to any and all visitor car spaces prior to the issue of any Strata Certificate.

(c) Designation of Visitor Car Spaces on any Strata Plan

Any Visitor car spaces shall be designated on the final strata plan as "Visitor Parking - Common Property".

(d) Allocation of Car Parking Spaces, Storage Areas and Common Property on any Strata Plan

- i. All car parking spaces shall be created as a part lot of the individual strata's unit lot in any Strata Plan of the subject building.
- ii. All storage areas shall be created as a part lot of the individual strata's unit lot or a separate Utility Lot (if practical) in any Strata Plan of the subject building.
- iii. The minimum number of parking spaces required to be allocated as a part lot to each individual strata's unit lot shall be in accordance with the car parking requirements of Council's Development Control Plan and as required by the relative development consent for the building construction.
- iv. No parking spaces shall be created as an individual strata allotment on any Strata Plan of the subject building unless these spaces are surplus to the minimum number of parking spaces required.

If preferred the surplus car spaces shall be permitted to be created as separate Utility Lots, (instead as a part lot of the individual strata's unit lot), in accordance with section 39 of the Strata schemes (freehold development Act 1973).

The above requirements regarding car parking spaces and storage areas may only be varied with the conditions of a separate Development Application Approval for Strata Subdivision of the Building(s).

(e) On Site Detention Requirements

The location any on-site detention facility shall be shown on the strata plan and suitably denoted.

(f) Creation of Positive Covenant

A Positive Covenant shall be created over any on-site detention facility by an Instrument pursuant to Section 88B of the Conveyancing Act 1919, with the covenant including the following wording:

"It is the responsibility of the Owner's Corporation to keep the on-site detention facilities, together with any ancillary pumps, pipes, pits etc, clean at all times and maintained in an efficient working condition. The on-site detention facilities shall not be modified in any way without the prior approval of Georges River Council."

Georges River Council is to be nominated as the Authority to release, vary or modify this Covenant.

130. 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.

131. 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:

- (a) Complete the Driveway Crossing on Council Road Reserve 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. DA2017/0491) 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 Vehicular Crossing applications.

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

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 storm water 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.

ATTACHMENTS

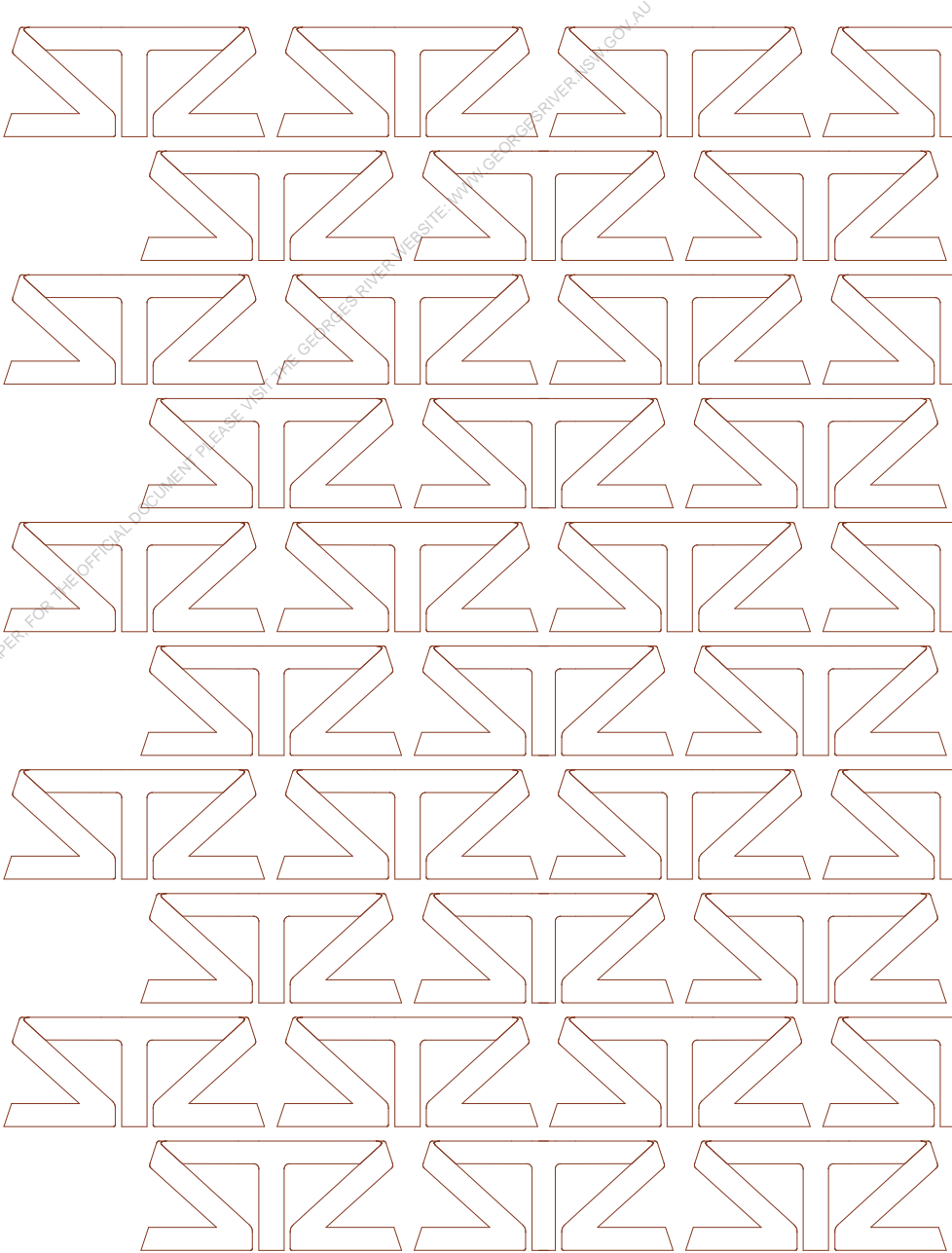
Attachment [1](#) Redacted Achitectural Plans



DEVELOPMENT APPLICATION

JOHN & LACEY - KOGARAH BAY
1-5 Lacey St & 1A John St Kogarah Bay NSW Australia
Touja Constructions
REV B 09/10/2024

SMITH & TZANNES



TYPICAL LEGEND

RL-400.000
RL-400.000
800
100

EXISTING SLOPE LEVEL

PROPOSED SLOPE LEVEL

EXISTING AREA LEVEL

PROPOSED AREA LEVEL

DOOR TAG. REFER TO DOOR SCHEDULE FOR TYPE

WINDOW TAG. REFER TO WINDOW SCHEDULE FOR TYPE

AREA NOT INCLUDED IN SCOPE OF WORKS

GENERAL NOTES

1. TO BE READ IN CONJUNCTION WITH SURVEY DRAWINGS.
2. REFER TO STRUCTURAL ENGINEERING DRAWINGS FOR ALL STRUCTURAL REQUIREMENTS.
3. REFER TO CONSULTANT DRAWINGS AND SPECIFICATIONS FOR ALL SERVICES REQUIREMENTS AND DETAILS.
4. FINAL LOCATION OF SERVICES PENETRATIONS TO BE COORDINATED WITH SERVICES CONSULTANTS & SET BY SUPPLIER.
5. REFER TO VERTICAL TRANSPORTATION CONTRACT SPECIFICATION FOR LIFTS & STRUCTURAL OPENING REQUIREMENTS.
6. REFER TO ELECTRICAL ENGINEERS SCHEDULE FOR LIGHTING REQUIREMENTS.
7. REFER TO LANDSCAPE ARCHITECT'S DRAWINGS FOR PLANTING LOCATIONS, SCHEDULE & SPECIFICATION.
8. SETTING DIMENSIONS ON GRID /SETOUT PLAN. DIMENSIONS TO BE VARIFIED WITH THE FIELD MEASUREMENTS. DIMENSIONS OF WORK SHALL BE VERIFIED WITH THE FIELD MEASUREMENTS OF WORK. ALL WALLS TO BE UNDERSTOKE TO STRUCTURE UNLESS NOTED OTHERWISE.
9. ALL OPENABLE WINDOWS WITH 1000mm AFFL TO BE FITTED WITH ALUMINIUM RECESSED FITTING IN ACCORDANCE WITH BS EN 10243-1 STANDARDS.
10. ALL FLOOR FINISHES AND ASSOCIATED SLAB RATING TO COMPLY WITH ACCESSIBILITY DESIGN PRACTICE, SA HSE TR-011 AND RELEVANT STATUTORY REQUIREMENTS.
11. ALL CLADDING, APPLIED COATING SYSTEMS, INCLUDING WATERPROOFING SYSTEMS AND DECORATIVE FINISHES, SUBSTRATES, INSULATION, SARKING, WELLS, VAPORS, JOINT BARRIERS, AND THE LINE TO BE TESTED AT NON-COMBUSTIBLE UNDER AS 1530.1 AND ACHIEVE COMPLIANCE WITH TEST 1303.1 AND 1303.2 IN ACCORDANCE WITH AS 4:2 AND AS 4:1.
12. TOP JOINTING ELEMENTS (INCLUDING WALL AND SYSTEM) ARE TO BE INSTALLED TO PROTECT FROM WEATHER AND AIR INfiltration.

LEGEND
Refer to the notes page for a legend that includes further notes and an explanation of abbreviations.

NOTES REGARDING DEVELOPMENT APPLICATION DRAWINGS
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DOCUMENT

NOTES

DOCUMENT

DA RFI1

REV B 09/10/2024

MODEL 22_023 - Model-DA

STAGE

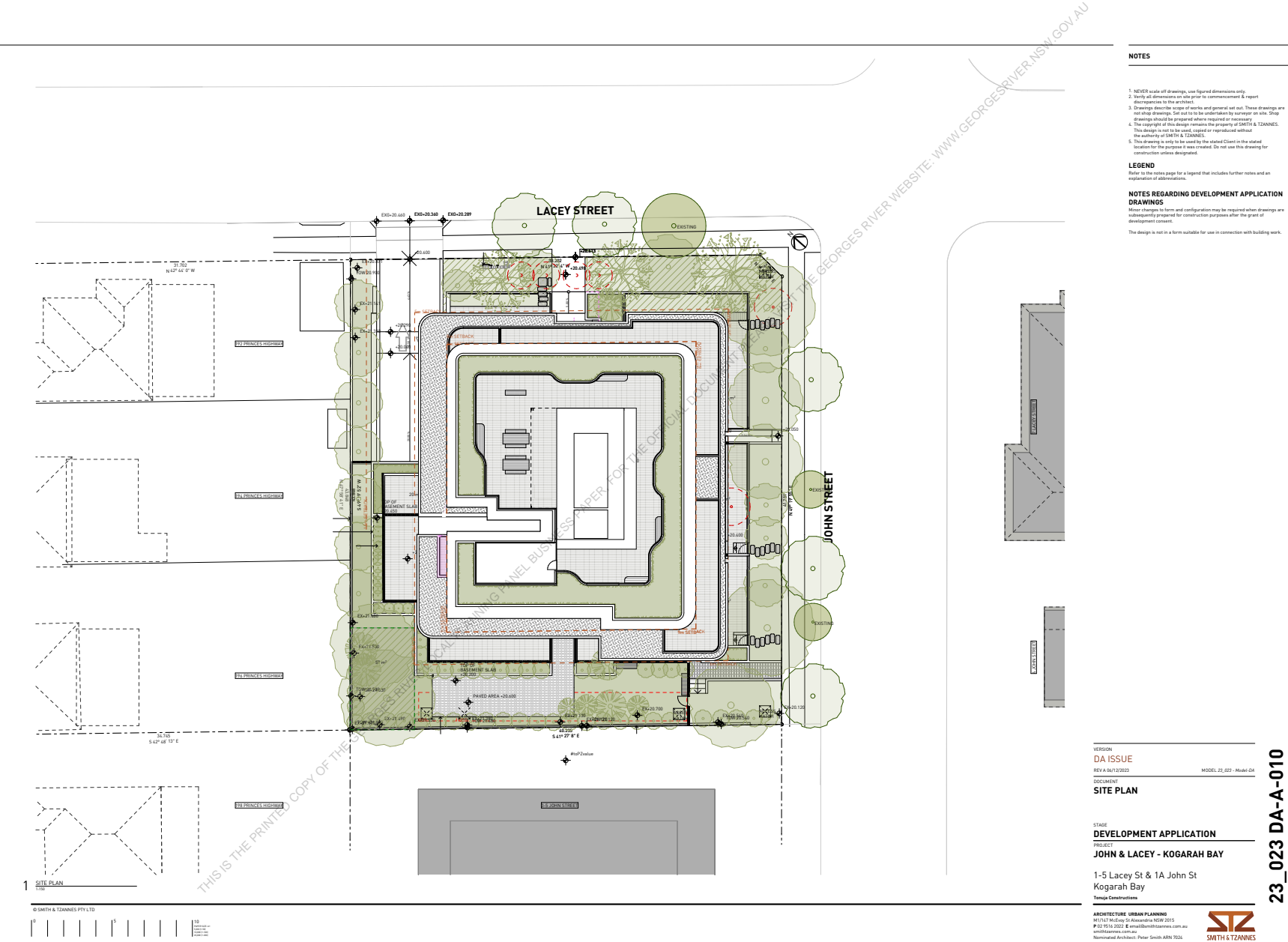
DEVELOPMENT APPLICATION

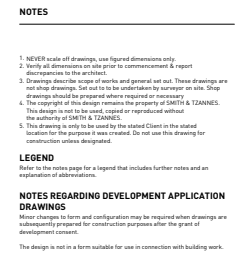
PROJECT
JOHN & LACEY - KOGARAH BAY

1-5 Lacey St & 1A John St Kogarah Bay

CLIENT **Tamaja Constructions**







NOTE: DEMOLITION OF ALL RESIDENCES AND ASSOCIATED GARAGES AND SHEDS ON 1-5 LACEY STREET AND 1A JOHN STREET. PAVING AND FENCES ON SITE TO BE REMOVED.

KEY

 TO BE DEMOLISHED/REMOVED

 PROPOSED BUILDING FOOTPRINT

VERSION
DA ISSUE
REV A 06/12/2023
MODEL 23_023 - Model-DA

DOCUMENT
DEMOLITION PLAN

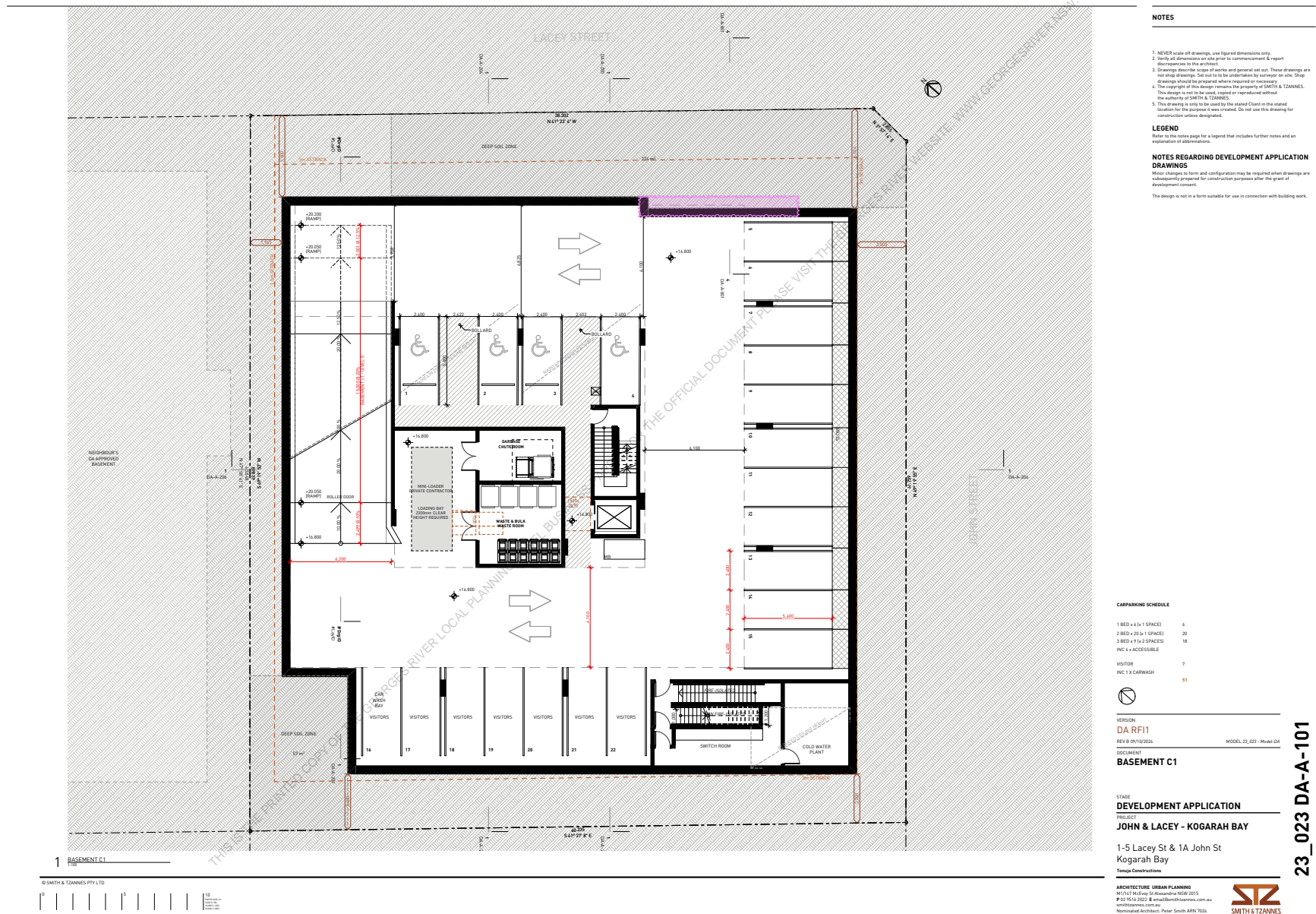
STAGE
DEVELOPMENT APPLICATION
PROJECT
JOHN & LACEY - KOGARAH BAY
1-5 Lacey St & 1A John St
Kogarah Bay

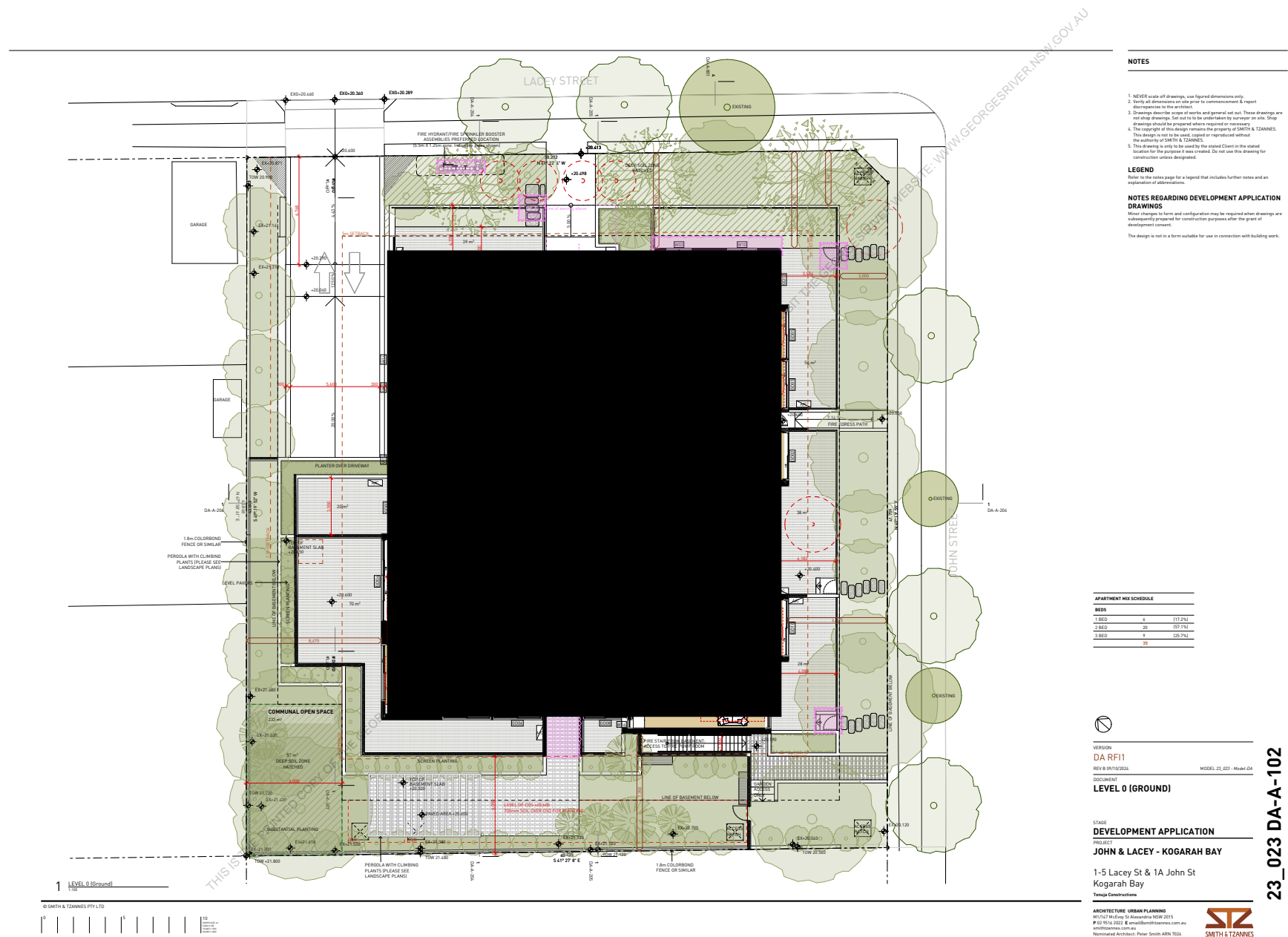
ARCHITECTURE URBAN PLANNING
M1/167 McEvoy St Alexandria NSW 2015
P 02 9516 2022 E email@smithtznnes.com.au
smithtznnes.com.au
Nominated Architect: Peter Smith ARN 7026

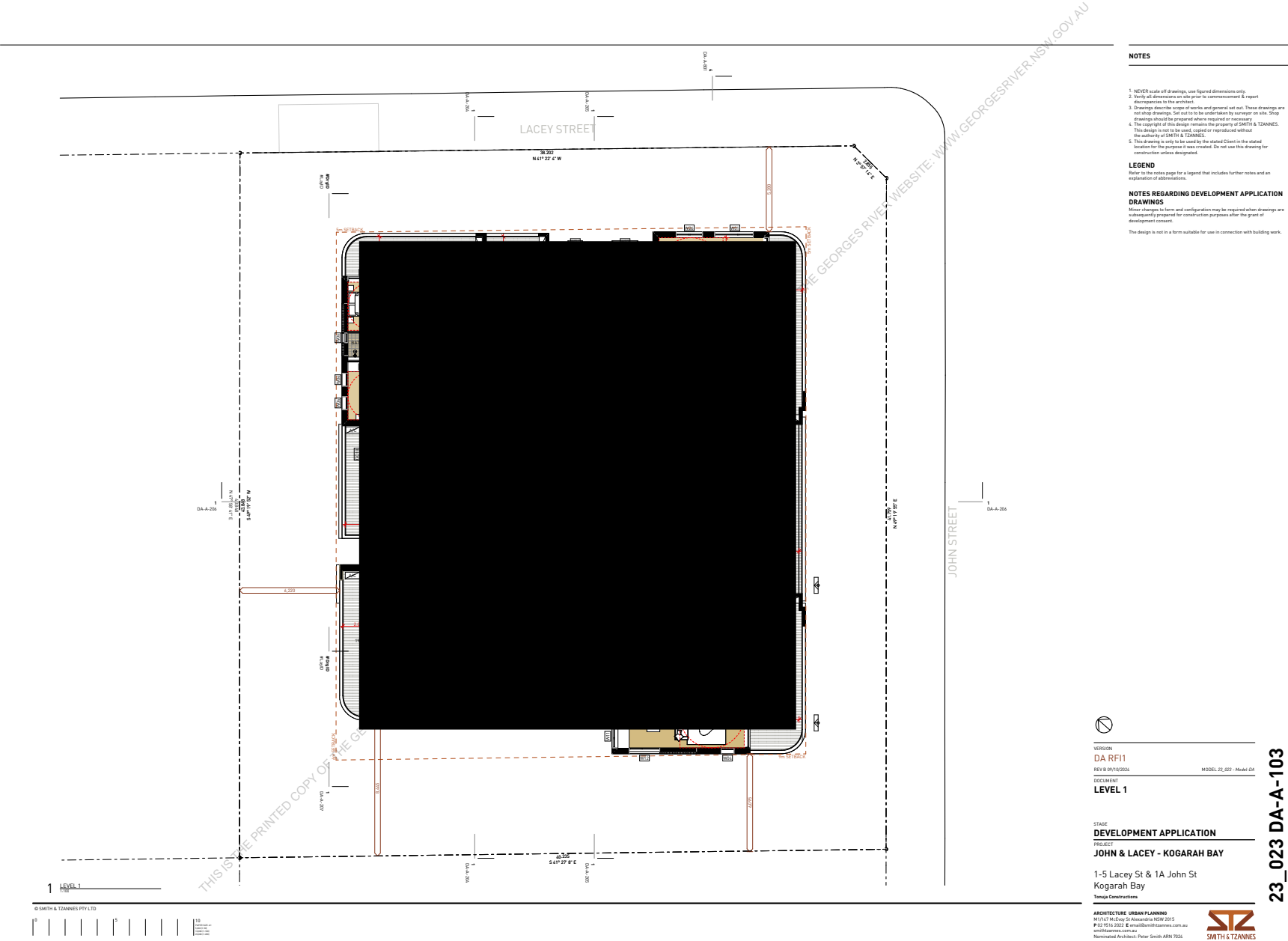


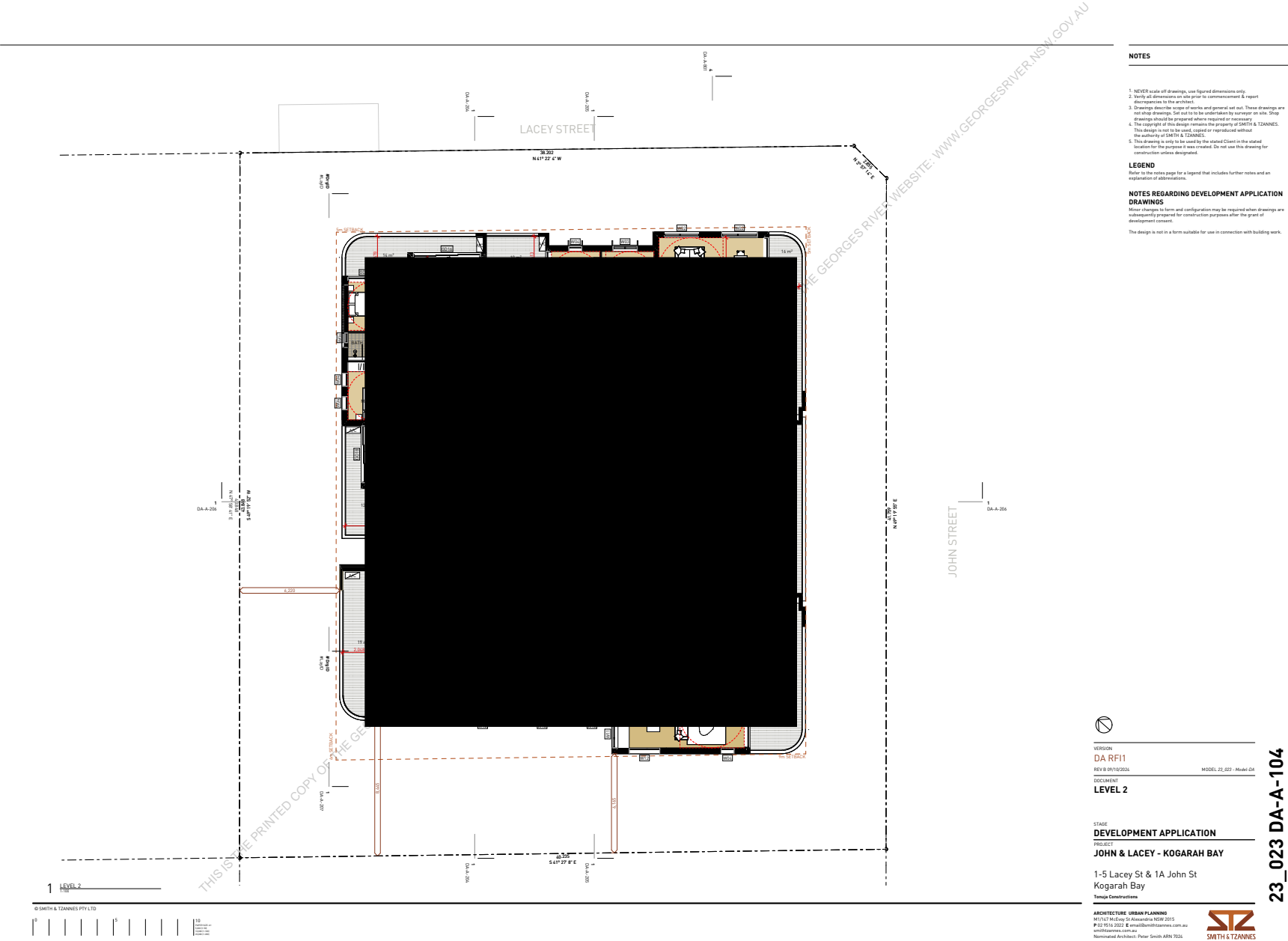
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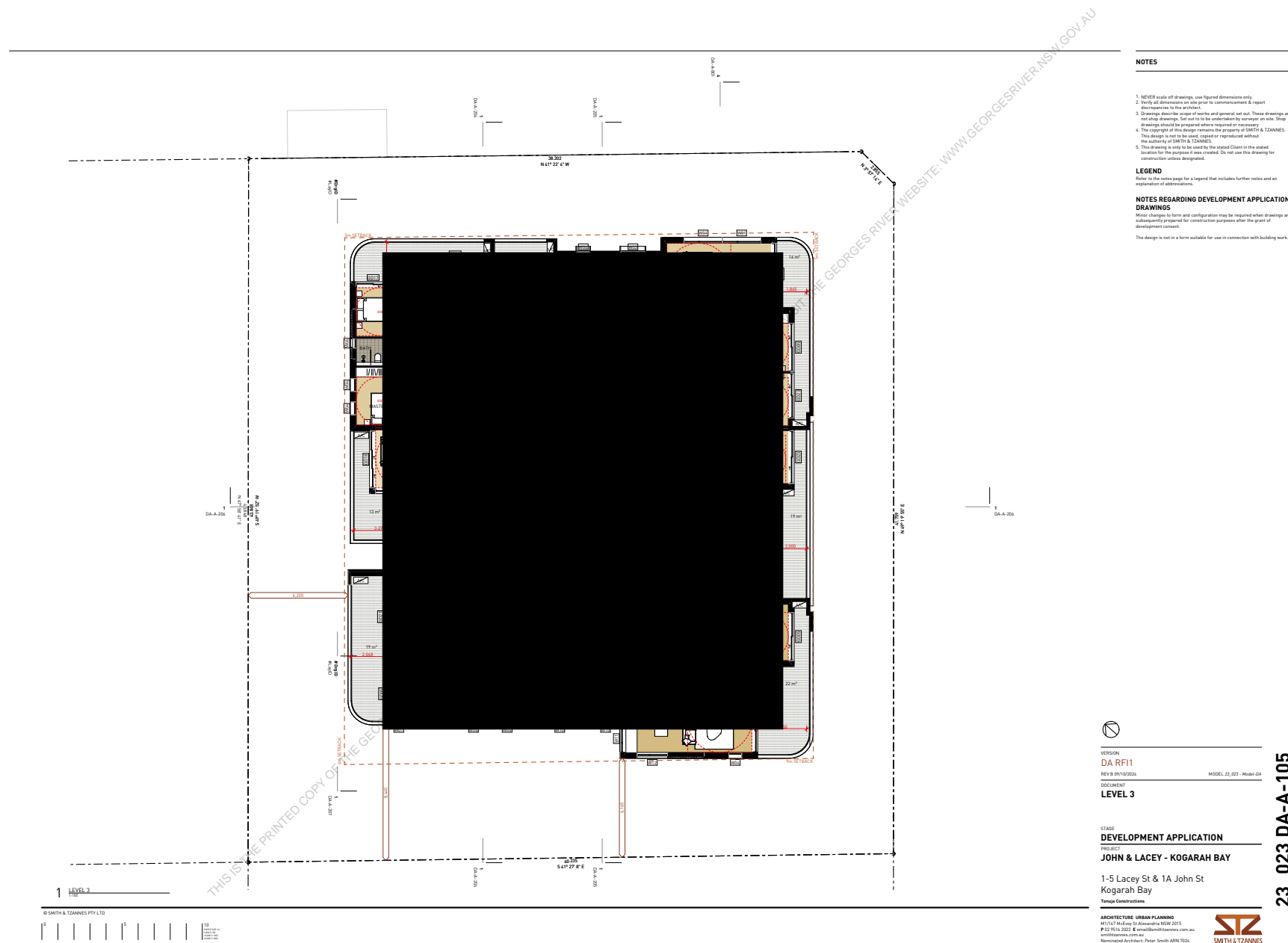


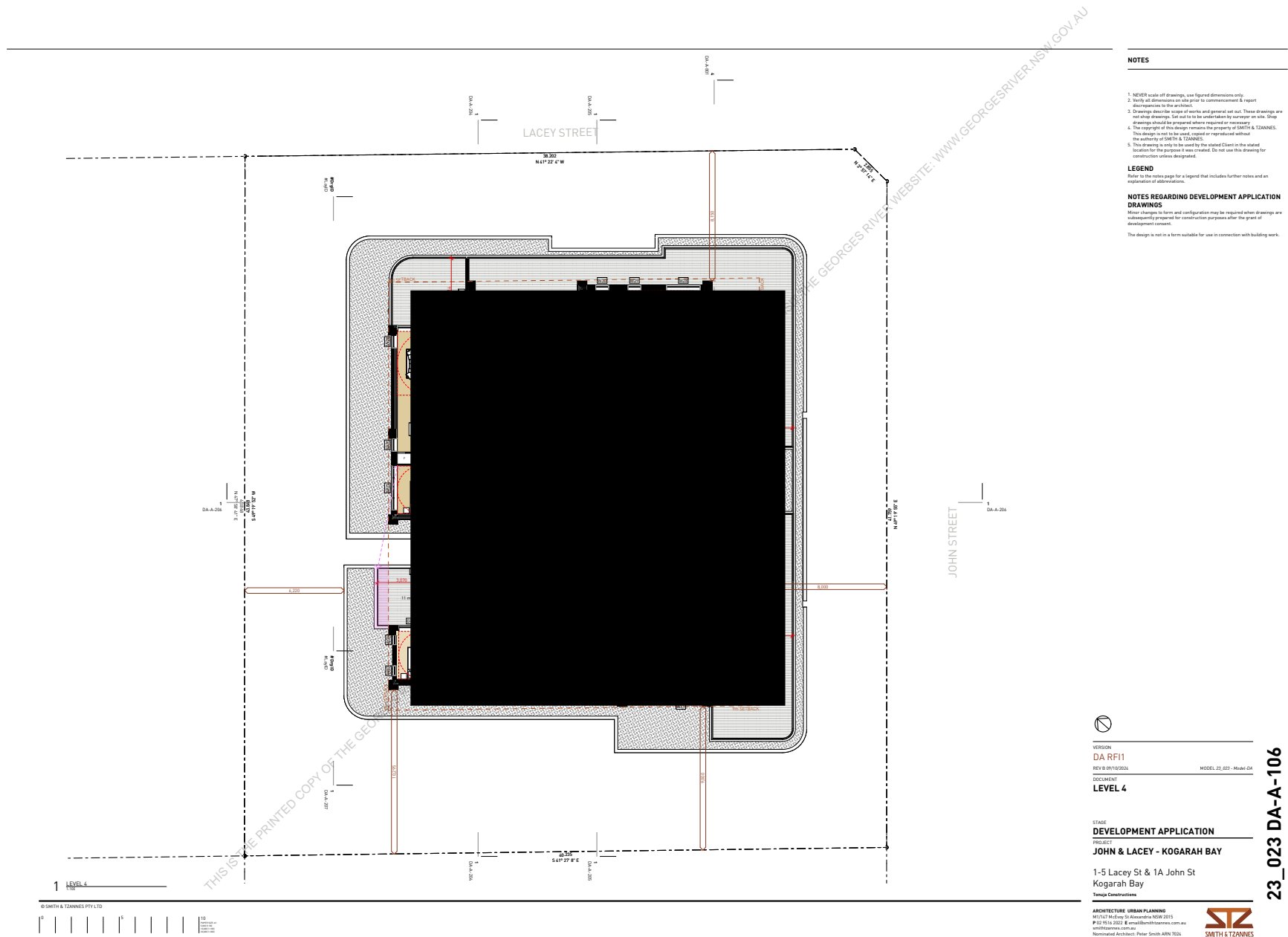












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NOTES REGARDING DEVELOPMENT APPLICATION
DRAWINGS

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VERSION
DA RFI1

REV B 09/10/2024

MODEL 23_623 - Model-DA

DOCUMENT

ROOF

STAGE

DEVELOPMENT APPLICATION

PROJECT

JOHN & LACEY - KOGARAH BAY

1-5 Lacey St & 1A John St

Kogarah Bay

Tonuja Constructions

ARCHITECTURE URBAN PLANNING
M1/147 McEvoy St Alexandria NSW 2015

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23_023 DA-A-108

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External validity

• Access is

Option 1 details
Return to

- A car parking space to be provided with CLEAR size of 3200x5400 and connected to the main house with a level difference of not more than 25mm (flush is preferred).

- A level landing area of 120

- Min 600mm wall forward of the WC pan is required to have moggings and to be clear of the door frame or any window openings.
- One bathroom should feature a slip resistant, hobless (step-free) shower recess in the corner of the room. Shower screens are permitted provided they can be removed at a later date.

5. This drawing is only to be used by the stated Client in the stated location for the purpose it was created. Do not use this drawing for construction unless designated.

Minor changes to form and configuration may be required when drawings are subsequently reviewed for construction purposes after the report of

JOHN & LACEY - KOGARAH BAY

Tonuja Constructions

amithzarnes.com.au

THE UNIVERSITY OF CHICAGO

23_023 DA-A-110

NOTES

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NOTE: EXCAVATION PLAN DOES NOT ALLOW FOR FOOTINGS OR SAND BLINDING ETC. THIS WILL BE CONFIRMED AT CC STAGE

VERSION

DA ISSUE

REV A 06/12/2023 MODEL 23_023 - Model-DA

DOCUMENT

DOCUMENT
EXCAVATION PLAN

STAGE

DEVELOPMENT APPLICATION

PROJECT

JOHN & LACEY - KOGARAH BAY

1-5 Lacey St & 1A John St

1-5 Lacey St
Kongarah Bay

Kogalari Bay
Tosia Constructions

ARCHITECTURE URBAN PLANNING
M1/143 M-Gov. Ex. Amendment NSW 2016

M1/14/ McEvoy St Alexandria NSW 2015
P 02 9516 2022 E email@sumithtzannes.com.au



1 EXCAVATION PLAN

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VERSION
DA RF11
REVISED/REVISION MODEL 23_023 - Mod A-G
DOCUMENT
NE ELEVATION (LACEY ST)

STAGE
DEVELOPMENT APPLICATION
PROJECT
JOHN & LACEY - KOGARAH BAY

1-5 Lacey St & 1A John St
Kogarah Bay

Tenaga Constructions

ARCHITECTURE URBAN PLANNING
10/12/2022 10/12/2022 10/12/2022
P 10/12/2022 E 10/12/2022
www.smithandtzannes.com.au
Nominated Architect: Peter Smith AIN 7024



23_023 DA-A-200



1 SOUTH EAST ELEVATION (JOHN ST)

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VERSION
DA RF11
REVISED/REVISION
MODEL 23_023 - Model DA
DOCUMENT
SE ELEVATION (JOHN ST)

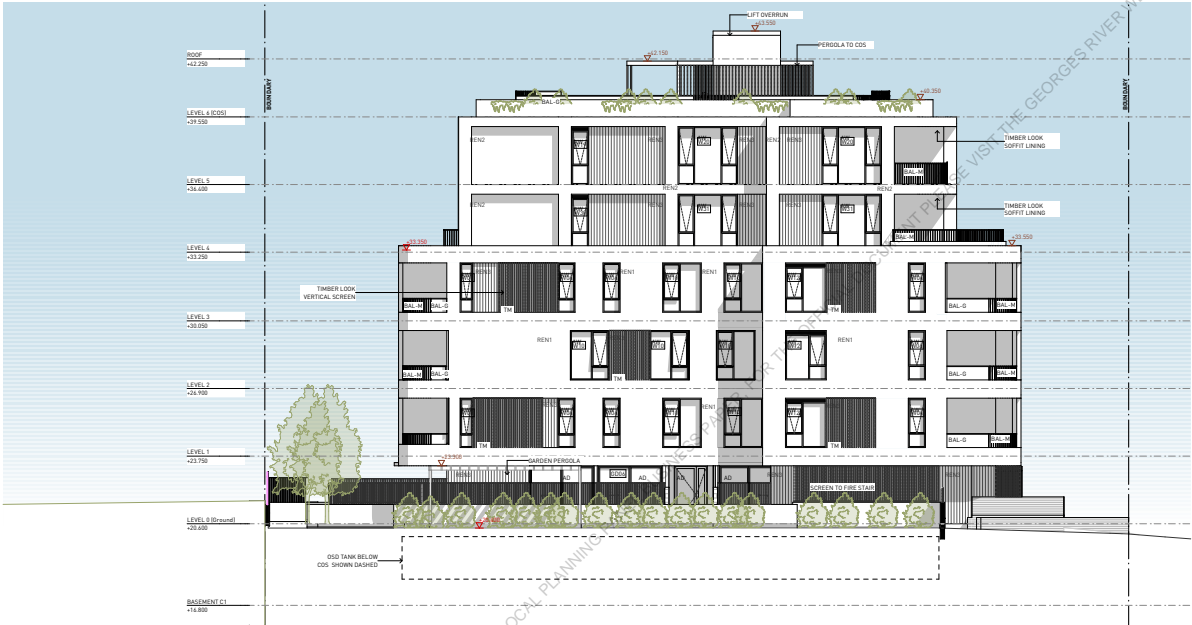
STAGE
DEVELOPMENT APPLICATION
PROJECT
JOHN & LACEY - KOGARAH BAY

1-5 Lacey St & 1A John St
Kogarah Bay
Tanjung Constructions

ARCHITECTURE URBAN PLANNING
10/172 Hilltop St, Alexandria NSW 2015
P 02 9512 2022 E email@smithandtzannes.com.au
www.smithandtzannes.com.au
Nominated Architect: Peter Smith AIN 7024



23_023 DA-A-201



1 SOUTH WEST ELEVATION

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VERSION
DA RF11
REVISED BY/REASON
MODEL 23_023 - Model DA
DOCUMENT
SW ELEVATION

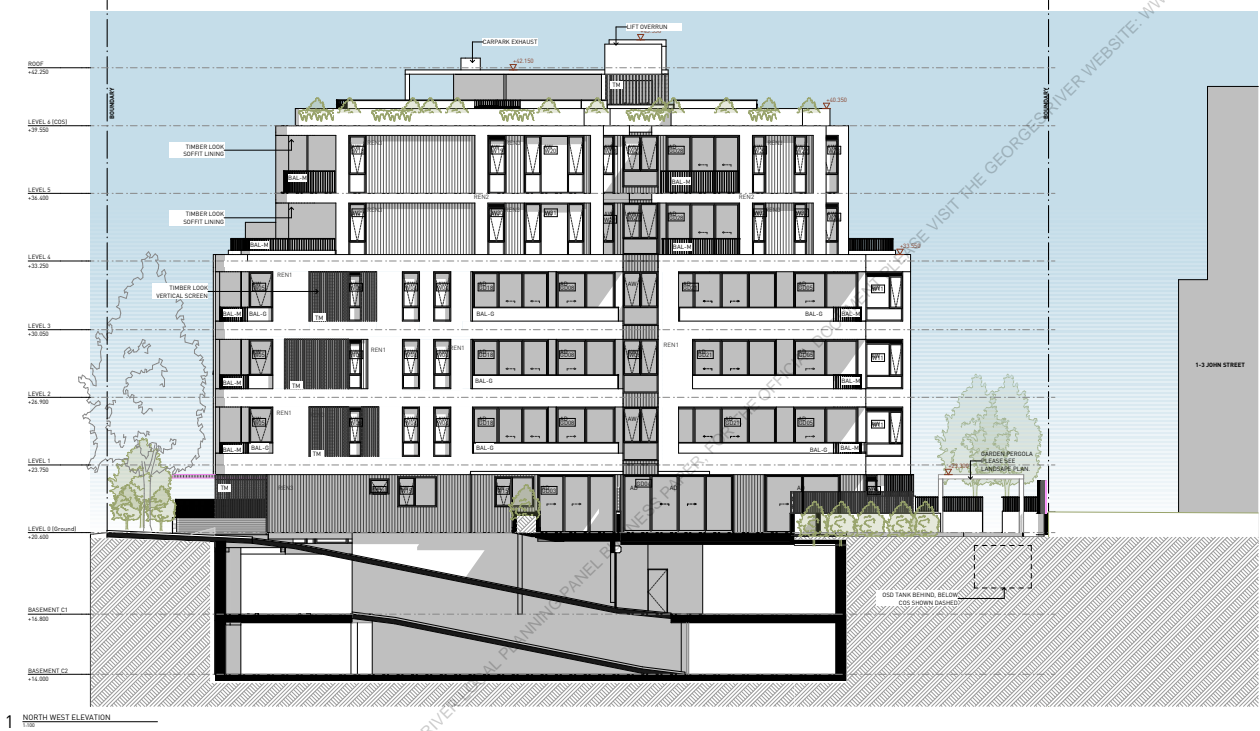
STAGE
DEVELOPMENT APPLICATION
PROJECT
JOHN & LACEY - KOGARAH BAY

1-5 Lacey St & 1A John St
Kogarah Bay
Tanjung Constructions

ARCHITECTURE URBAN PLANNING
10/172 Hilltop St Alexandria NSW 2015
P 02 9512 2022 E email@smithstzannes.com.au
www.smithstzannes.com.au
Nominated Architect: Peter Smith AIAA 7024



23_023 DA-A-202



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VERSION
DA RF11
REV 0 01/10/2024 MODEL 23_023 - Model DA

DOCUMENT
NW ELEVATION

STAGE
DEVELOPMENT APPLICATION

PROJECT
JOHN & LACEY - KOGARAH BAY

1-5 Lacey St & 1A John St
Kogarah Bay
Tanjung Constructions

ARCHITECTURE URBAN PLANNING
M/T 171 Macquarie St Alexandria NSW 2015
P 02 9512 2022 E email@smithandtzannes.com.au
www.smithandtzannes.com.au
Nominated Architect: Peter Smith AIN 7024

STZ
SMITH & TZANNES

23_023 DA-A-203



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NOTES REGARDING DEVELOPMENT APPLICATION DRAWINGS

Minor changes to form and configuration may be required when drawings are subsequently prepared for construction purposes after the grant of development consent.

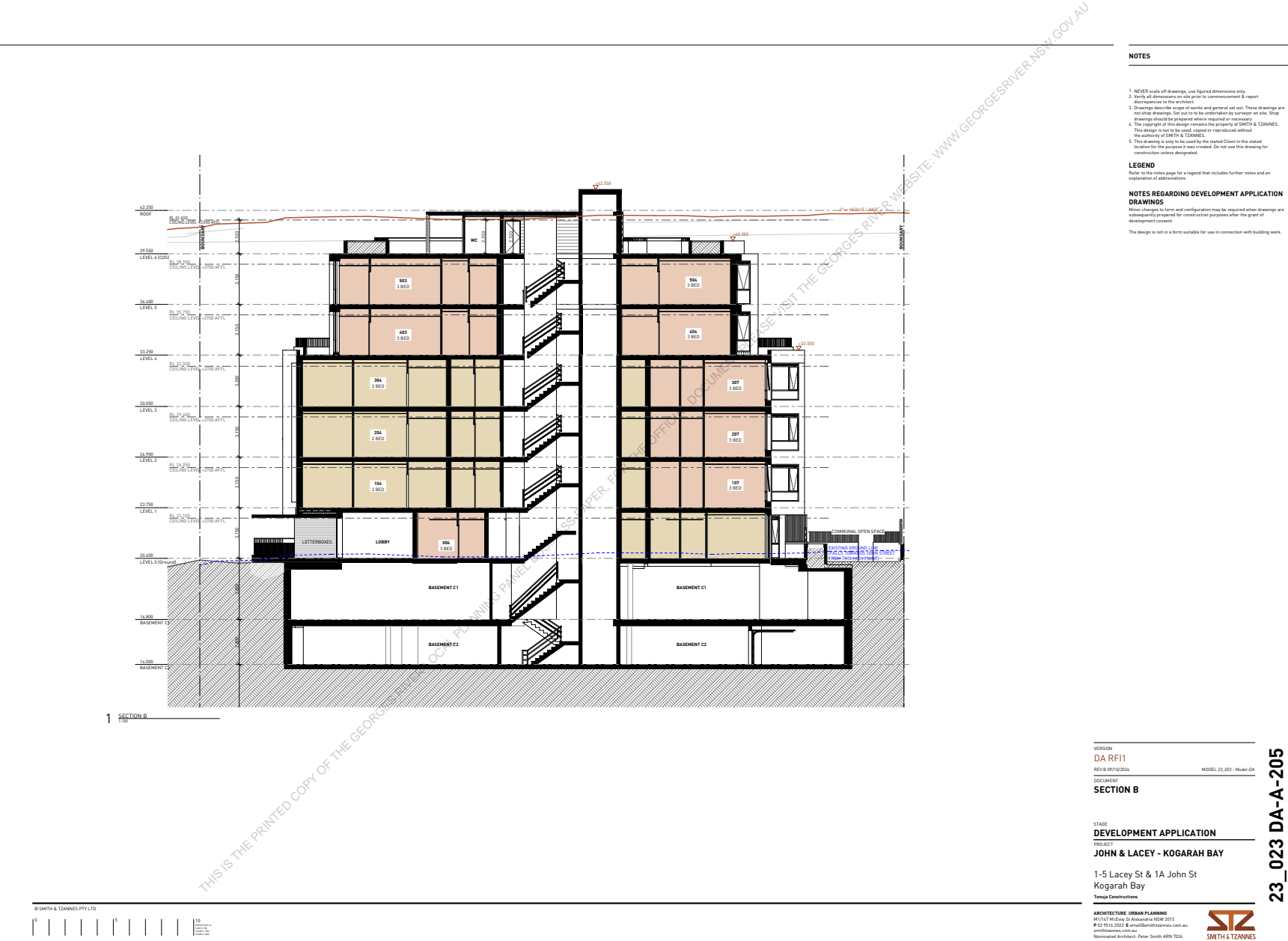
The design is not in a form suitable for use in connection with building work.

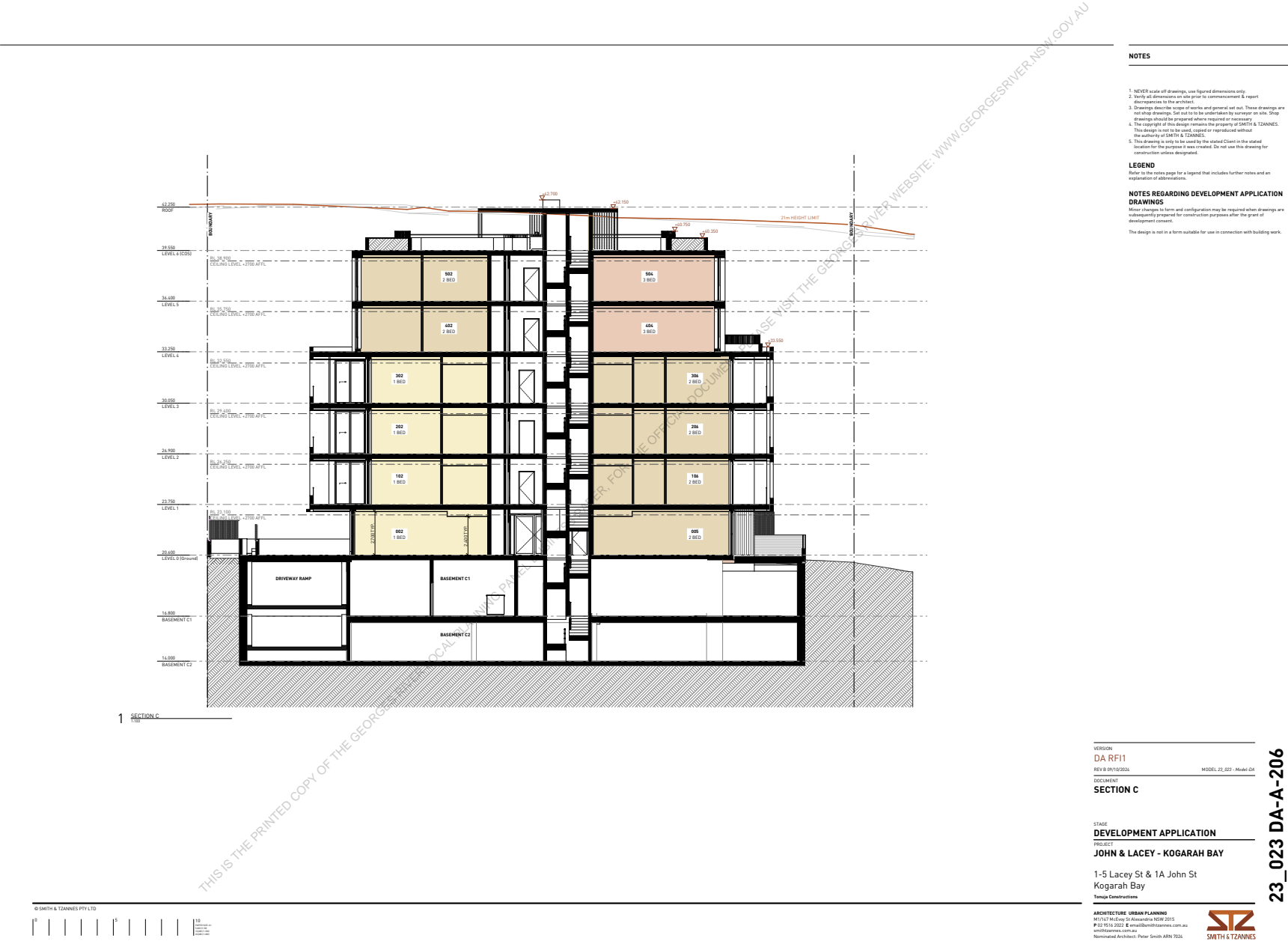
ARCHITECTURE URBAN PLANNING
M1/147 McEvoy St Alexandria NSW 2015
P 02 9516 2022 E email@smithtarnes.com.au
smithtarnes.com.au
Nominated Architect: Peter Smith ARN 7024

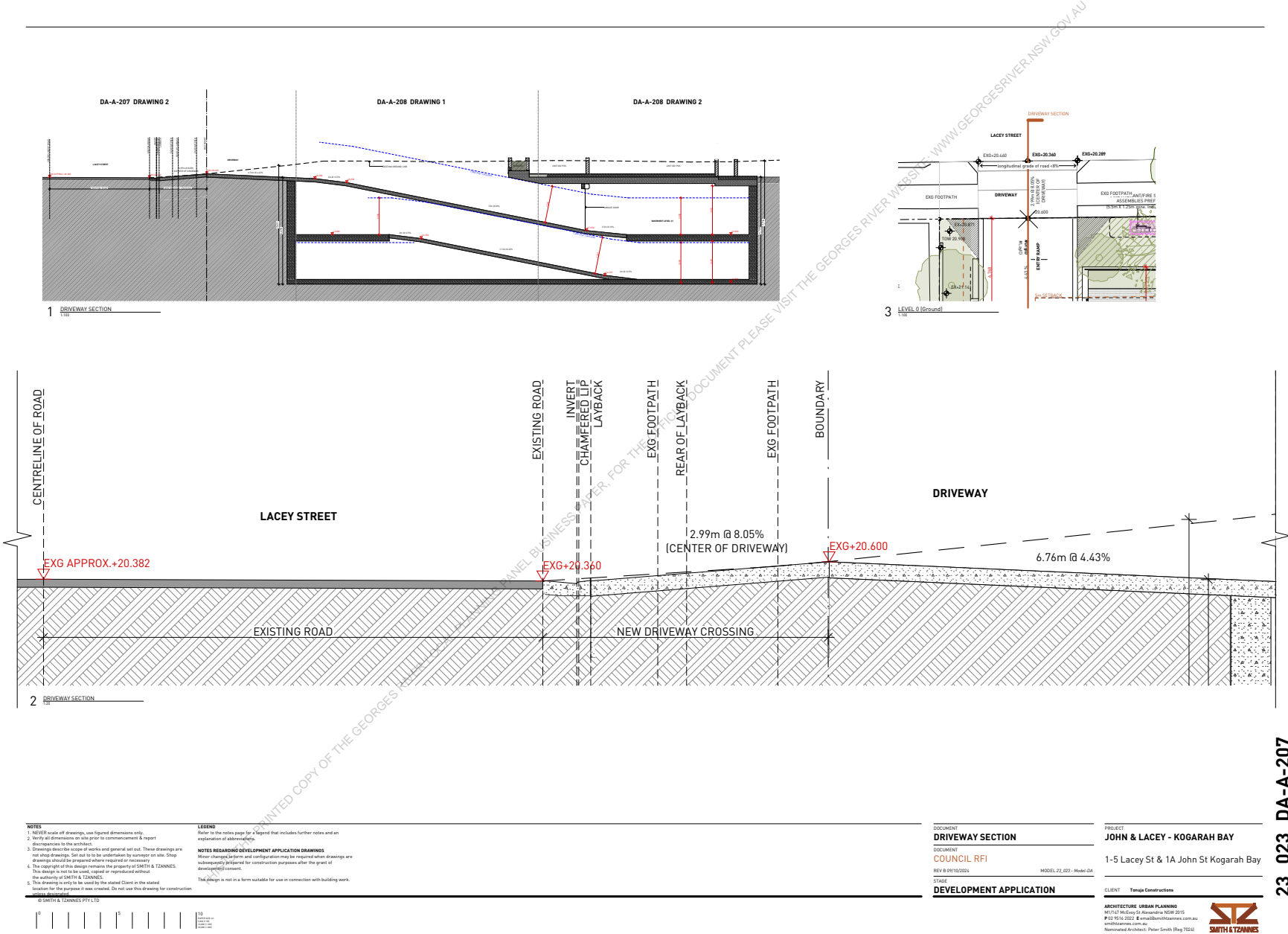


SMITH & TZANNES

23_023 DA-A-204







23_023 DA-A-207

REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 06 FEBRUARY 2025

LPP002-25 36 WORONORA PARADE OATLEY

LPP002-25

LPP Report No	LPP002-25	Development Application No	DA2024/0257
Site Address & Ward Locality	36 Woronora Parade Oatley Mortdale Ward		
Proposed Development	Alterations and additions to dwelling house		
Owners	Robert Rayner & Helen Rayner		
Applicant	Robert Rayner		
Planner/Architect	Tim+Sarah.K Building Designer		
Date Of Lodgement	20/06/2024		
Submissions	One		
Cost of Works	\$450,000.00		
Local Planning Panel Criteria	The proposal involves the removal of building components of a local heritage item, which is sensitive development as contained within the Ministerial Directions of 6 March 2024.		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, 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 Plans, Survey Plan, Statement of Environmental Effects, Heritage Impact Statement, Stormwater Plan, Site Inspection Photos		
Report prepared by	Development Assessment Planner		

RECOMMENDATION	That the application be approved subject to conditions
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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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, conditions can be reviewed once the report is published

SITE PLAN



Figure 1: Aerial image. Subject site indicated in red. (Source: Council Intramaps)

EXECUTIVE SUMMARY

PROPOSAL

- The Development Application seeks consent for *alterations and additions to dwelling house*. The proposal comprises of the following components:
 - Structures to be demolished/removed include:
 - Attached carport structure (northern elevation) and the rear skillion roof.
 - A portion of the original northern elevation (rendered), including aluminium-framed windows.

- Two (2) existing bathrooms and one (1) existing laundry located on the ground floor of the dwelling.
- Concrete paving in the rear yard.
- The Ground Floor consists of the following alterations:
 - Additional ground floor master bedroom with walk in robe and ensuite.
 - Convert existing bedroom three (3) into a lounge room.
 - Conversion of an existing bedroom into a bathroom.
 - New laundry.
 - Extension of the living area towards the rear of the dwelling containing the dining, lounge and kitchen.
 - Construction of a roofed deck to the rear of the dwelling.
- Construction of a First Floor addition containing:
 - Family room with study nook.
 - Two (2) bedrooms with robes.
 - One (1) bathroom
- Stormwater work
 - Installation of new stormwater system to discharge to Acacia Street via the Right of Way at the rear of 38 Woronora Parade, Oatley.
- Landscaping work
 - New deep soil landscaped area proposed at the rear yard to replace the removal of concrete paving.
 - New garden bed at the end of the existing driveway.
 - Alterations to existing landscape strips alongside existing driveway
- Conversation Works
 - Replacement of non-original Colourbond cladding to the primary roof with Fielders Z600 corrugated metal sheeting ('Shale Grey').
 - Sensitively repaint the façade brickwork.
 - Substitute the non-original multi-paned aluminium framed window with a timber-framed double-hung sash (clear glazing).
 - Delete the non-original 'ladder' frieze and reinstate a timber frieze and brackets to match that at 38 Woronora Parade, Oatley.

SITE AND LOCALITY

2. The subject site is legally described as Lot A DP 378215. The site is commonly known as 36 Woronora Parade, Oatley NSW 2223.
3. The subject site is a mostly a rectangular site with an area of 486.9m² by Deposited Plan. The site has a street frontage access of 9.45m to Woronora Parade. A right of carriageway 2.591m in width exists providing access from 36 Woronora Parade to Acacia Street. The site is generally flat.
4. The subject site contains one side of a pair of semi-detached heritage listed cottages being 36 (the subject site) and 38 Woronora Parade, Oatley. Both houses and their curtilages are historically significant of the development of the area associated with the original development in the Oatley's Estate subdivision of the early 20th century. The subject dwelling presents as single storey with planted front and rear garden spaces that contributes to the heritage values of the pair.

5. The semi-detached cottages across the two lots are listed as heritage item 'I253, "Pair of semi-detached Federation cottages and settings"' under the Georges River Local Environmental Plan (GRLEP 2021). An 8'6" (2.591m) wide right of way exists extending from the rear of the subject allotment to Acacia Street adjacent to the rear boundary of 38 Woronora Parade, Oatley in favour of the subject site.
6. Adjoining the site to the south is the other side of the semi-detached cottages. It currently presents as single-storey with a detached garage and carport. Adjoining the site to the north is a single-storey dwelling with a detached carport. Adjoining the site to the west is two storey brick dwelling with a double garage.
7. The locality is residential in character, featuring a mixture of single and two storey dwelling houses in close proximity of the subject site.

ZONING AND PERMISSIBILITY

8. The subject site is zoned R2 Low Density Residential under GRLEP 2021. The proposed works are defined as ancillary to an existing 'dwelling house' which is permissible with consent in R2 Zone under the GRLEP 2021.

SUBMISSIONS

9. In accordance with the provisions of Councils Public Notification requirements, the application was placed on neighbour notification for a period of twenty-eight (28) days where property owners within a 50m radius from the subject site were notified in writing of the proposal and invited to comment as well as an advert appearing in the local newspaper.
10. One (1) unique submission was received by Council during the notification period between 25 June 2024 and 31 July 2024. The relevant issues are addressed at the end of this report.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

11. This Development Application is referred to the Georges River Local Planning Panel for consideration and determination under the Ministerial Directions of 6 March 2024 as the proposal involves demolition works to a heritage item – house and garden.

CONCLUSION

12. The proposal has been assessed against the relevant provisions of State Environmental Planning Policies, the provisions of the GRLEP 2021 and the Georges River Development Control Plan 2021 (GRDCP 2021).
13. Having regard to the matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979 and following a detailed assessment, the proposed Development Application (DA2024/0257) is recommended for approval subject to conditions referenced at the end of this report.

REPORT IN FULL

PROPOSAL

14. The Development Application seeks consent for *alterations and additions to dwelling house*. The proposal comprises of the following components:
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 - Family room with study nook.
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THE SITE AND LOCALITY

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17. The subject site contains one side of a pair of semi-detached heritage listed cottages being 36 (the subject site) and 38 Woronora Parade, Oatley. Both houses and their curtilages are historically significant of the development of the area associated with the original development in the Oatley's Estate subdivision of the early 20th century. The subject dwelling presents as single storey with planted front and rear garden spaces that contributes to the heritage values of the pair.

18. The semi-detached cottages across the two lots are listed as heritage item 'I253, "Pair of semi-detached Federation cottages and settings"' under the Georges River Local Environmental Plan (GRLEP 2021). An 8'6" (2.591m) wide right of way exists extending from the rear of the subject allotment to Acacia Street adjacent to the rear boundary of 38 Woronora Parade, Oatley in favour of the subject site.
19. Adjoining the site to the south is the other side of the semi-detached cottages. It currently presents as single-storey with a detached garage and carport. Adjoining the site to the north is a single-storey dwelling with a detached carport. Adjoining the site to the west is two storey brick dwelling with a double garage.
20. The locality is residential in character, featuring a mixture of single and two storey dwelling houses in close proximity of the subject site.

SITE BACKGROUND

21. A summary of the historical approvals on the subject site is provided as follows:

DA/CDC Number	Proposed Works	Determination	Date
BA13/86	Additions to the rear of a heritage listed dwelling house	Approved	14 January 1986



Figure 2: Front façade of the existing dwelling (right side of the pair of semi-detached cottages).



Figure 3: Location of the proposed ground floor master bedroom.



Figure 4: Rear view of the existing dwelling and location of the proposed extension and additional first floor component.

APPLICATION BACKGROUND

22. A history of the development application is provided as follows:

- The application was lodged on 20 June 2024.

- The application was allocated to the assessing officer on 24 June 2024.
- Ausgrid provided a response indicating no objection to the proposal on 25 June 2024, subject to recommended conditions.
- The application was placed on public exhibition between 25 June 2024 to 31 July 2024. During the notification period, one (1) unique submission was received.
- Council's Development Engineer provided comments requesting further information on 17 July 2024.
- Council's Heritage Advisor provided comments requesting further information on 22 July 2024.
- Heritage Advisor's comments provided to the applicant on 9 August 2024.
- Without Prejudice Plans submitted to Council's Heritage Advisor for review on 19 August 2024.
- Site inspection was conducted on 30 August 2024.
- Council's Heritage Advisor provided comments on the without prejudice plans on 10 September 2024. The letter stated that the revised proposal within the Without Prejudice Plans could not be supported on heritage grounds.
- A Request to Withdrawal of Application Letter was issued to the applicant on 18 September 2024. The applicant was advised to withdraw the application as the revised proposal could not be supported on heritage grounds.
- Applicant advised Council via Email on 1 October 2024, that the application would not be withdrawn. Within the Email conversation, Council agreed to consider a further revised design only if the proposal could demonstrate compliance with all standards and controls, including but not limited to heritage, floor space ratio and stormwater. Council advised that all further revised information is to be submitted to Council no later than 24 October 2024.
- The requested information was returned on 24 October 2024. An updated Heritage Impact Statement Addendum, an updated set of Architectural Plans, an updated BASIX Certificate and a Stormwater Drainage Concept Plan were provided.
- Council's Heritage Advisor provided comments on 31 October 2024, in supporting the proposal, subject to recommended conditions.
- Response to Submissions provided to Council on 11 November 2024.
- Council's Development Engineer provided comments on 22 November 2024 in supporting the proposal, subject to recommended conditions.

PLANNING ASSESSMENT

23. The development has been assessed having regard to Matters for Consideration under Section 4.15(1) 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)

24. 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	N/A
State Environmental Planning Policy (Sustainable Buildings) 2022	Yes

State Environmental Planning Policy (Biodiversity and Conservation) 2021

25. 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

26. This chapter applies to the subject site which is identified as a non-rural area.
27. This Development Application does not propose the removal of vegetation. Grass is proposed to be planted in the rear of the site and a new garden bed to the northern side of the dwelling.

Chapter 6 – Water Catchments

28. This chapter applies to Georges River Catchment which affects the subject site.
29. The proposal has a neutral environmental impact on the Georges River Catchment as the proposal does not require extensive earthwork, all stormwater generated and sediment control to be implemented will ensure the waterway is protected. Standard conditions are imposed to ensure construction waste will be appropriately managed and sedimentation control will be implemented.

State Environmental Planning Policy (Resilience and Hazards) 2021

30. Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 are relevant to the proposal.
31. 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.
32. 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.
33. A review of historic aerial photography dating back to 1943 and the NSW State Heritage Inventory indicates that the site has continually been used for residential purposes. Residential usage is not typically associated with activities that would result in the contamination of land. On this basis, the site is likely to be suitable for residential development in its current state for the development proposed with respect to contamination.

State Environmental Planning Policy (Transport and Infrastructure) 2021

34. Compliance with SEPP (Transport and Infrastructure) 2021 has been considered during the assessment of this development application.

35. Notice was sent to Ausgrid, with a response received. Recommended conditions incorporated into the conditions referenced at the end of this report.

State Environmental Planning Policy (Sustainable Buildings) 2022

36. The trigger for BASIX Certification is when the estimated cost of works for residential development (new dwelling(s)/alterations and additions) is equal to or above \$50,000. BASIX Certification is also triggered when proposing a swimming pool with a volume of 40,000 litres.
37. A BASIX Certificate prepared by Mr Tim Kaisser, dated 23 October 2024, certificate number A1751799_02, has been submitted with the Development Application satisfying the minimum requirements of SEPP (Sustainable Buildings) 2022.

Georges River Local Environmental Plan 2021

38. The extent to which the proposed development complies with the GRLEP 2021 is detailed and discussed in the tables below.



Figure 5: Zoning map. The subject site is outlined in red. The area shaded in bright red indicates R2 Low Density Zone. (Source: Intramaps)

GRLEP 2021 - Part 1 – Preliminary		
Clause 1.2 – Aims of the Plan		
Standard	Proposal	Compliance
In accordance with Clause 1.2 (2)	The development is considered consistent with the aims of the plan.	Yes
Clause 1.4 – Definitions		
Standard	Proposal	Compliance
Dwelling House means: a building containing only one dwelling.	The proposed development is consistent with the definition, as it consists of alterations and additions to a dwelling which are considered ancillary to the existing dwelling house.	Yes
GRLEP 2021 Part 2 – Permitted or prohibited development		

Clause 2.3 – Zone objectives and Land Use Table		
Standard	Proposal	Compliance
<p>The subject site zoned R2 Low Density Residential.</p> <p>The objectives of the zone are:</p> <ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment; To enable other land uses that provide facilities or services to meet the day to day needs of residents; To promote a high standard of urban design and built form that enhances the local character of the suburb and achieves a high level of residential amenity, To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River Local Government Area. 	<p>The proposal is consistent with the zone objectives as the development:</p> <ul style="list-style-type: none"> Provides housing to service the community within a low density residential environment Is without negative impact on facilities and services. Proposes a built form which is keeping with the character of the local community and promotes amenity. Incorporates a satisfactory landscape setting which enhances the local environment. 	Yes
Land Use Table		
The proposal is ancillary to a 'dwelling house', which is a type of development permitted with consent in the zone.		Yes
GRLEP 2021 Part 4 – Principal Development Standards		
Clause 4.3 – Height of Buildings		
Standard	Proposal	Compliance
<p>The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>Maximum height is 9m.</p>	The proposal has a maximum overall height of 7.77m above existing ground level.	Yes
Clause 4.4 – Floor Space Ratio		
Standard	Proposal	Compliance
<p>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p> <p>The maximum floor space is 0.55:1 as identified on Floor Space Ratio (FSR) Map.</p>	Please see Clause 4.4A assessment below.	N/A
Clause 4.4A – Exceptions to floor space ratio—certain residential accommodation		
Standard	Proposal	Compliance

<p>The maximum floor space ratio for a dwelling house (as the site is situated on land identified as “Area 1” on the Floor Space Ratio Map) must not exceed the maximum floor space ratio specified below (based on allotment size).</p> <p><u>Site area not more than 650m²</u> Maximum 0.55:1 (Equivalent to Gross Floor Area: 267.80m²)</p>	<p>The site is situated in Area 1 as identified on the Floor Space Ratio Map.</p> <p>The site has a lot size of 486.9m² by Deposited Plan.</p> <p>The proposed dwelling house Gross Floor Area and Floor Space Ratio compare as follows:</p> <p>Proposed Gross Floor Area: 257.91m²</p> <p>Proposed Floor Space Ratio: 0.5297:</p>	<p>Yes</p>
GRLEP 2021 Part 5 – Miscellaneous Provisions		
Clause 5.10 – Heritage conservation		
<p>Standard</p> <p>Council must, before granting consent under this clause with respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.</p>	<p>Proposal</p> <p>The site contains Item number I253 and known as ‘<i>Pair of semi-detached Federation cottages and settings</i>’ as listed in Schedule 5 of the LEP.</p> <p>The proposal has been reviewed by Council’s Heritage Advisor who has considered the effect of the proposal on the item and is satisfied with the proposal, subject to conditions.</p>	<p>Compliance</p> <p>Yes</p>
GRLEP 2021 Part 6 – Additional Local Provisions		
Clause 6.2 Earthworks		
<p>Standard</p> <p>Council must consider the following prior to granting consent for any earthworks:</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) measures to minimise the need for cut and fill, particularly on sites with a slope of 15% or greater, by stepping the</p>	<p>Proposal</p> <p>The proposal has been considered in this regard.</p> <p>The proposed earthworks are not considered excessive to accommodate the proposed extension of a 15.95m² verandah/deck attached to the rear of the existing dwelling, a maximum fill of 200mm is required.</p> <p>The proposed earthworks are satisfactory with regards to the matters identified within this Clause.</p>	<p>Compliance</p> <p>Yes</p>

development to accommodate the fall in the land, (f) the source of any fill material and the destination of any excavated material, (g) the likelihood of disturbing relics, (h) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (i) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	Sediment control conditions are recommended to be imposed to mitigate sediment nuisance during construction.	
Clause 6.3 – Stormwater Management		
Standard	Proposal	Compliance
(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, 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 (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 (d) is designed to minimise the impact on public drainage systems.	The proposed stormwater system is determined by Council's Development Engineer to be sufficient to enable the effective control and discharge of stormwater, subject to the recommended conditions.	Yes
Clause 6.9 Essential Services		
Standard	Proposal	Compliance
Development consent must not be granted to development unless Council 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 when required	The proposal has, or includes arrangements that will make available, the: <ul style="list-style-type: none"> the supply of water, the supply of electricity, the supply of telecommunications facilities, 	Yes

<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> • the disposal and management of sewage, • stormwater drainage or on-site conservation, • vehicular access. 	
Clause 6.12 – Landscaped areas		
Standard	Proposal	Compliance
<p>(2) This clause applies to land in the following zones—</p> <ul style="list-style-type: none"> (a) Zone R2 Low Density Residential, (b) Zone R3 Medium Density Residential, (c) Zone R4 High Density Residential, (d) Zone C2 Environmental Conservation. <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> <ul style="list-style-type: none"> (a) allows for the establishment of appropriate plantings— <ul style="list-style-type: none"> i. that are of a scale and density commensurate with the height, bulk and scale of the buildings to which the development relates, and ii. that will maintain and enhance the streetscape and the desired future character of the locality, and (b) maintains privacy between dwellings, and (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 (d) enables the establishment of indigenous vegetation and habitat for native fauna, and (e) integrates with the existing vegetation to protect existing trees and natural landscape features such as rock outcrops, remnant 	<p>The subject site is located within a R2 Low Density Residential Zone. This clause therefore applies.</p> <p>The proposal does not involve the clearance of any trees within the site and does not impact any adjoining trees. The proposal will not diminish the landscape quality of the site or the locality.</p> <p>No Landscape Plan was accompanied with this application. Regardless, the proposal is classified as an alterations and additions to an existing dwelling and does not involve any changes to any existing trees.</p> <p>The application is seeking to provide grass to the rear of the site and also a new planter to the northern side of the dwelling which improves the landscaping quality on the site.</p> <p>The proposal will retain 119.18m² of landscaped area, accounting for 24.48% of the subject site.</p> <p>Therefore, the application is considered compliant with the matters identified in this clause.</p>	<p>Yes</p>

bushland, habitats and natural watercourses. (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— (a) For a dwelling house located on land outside the Foreshore Scenic Protection Area—20% of the site area (Equivalent to Landscaped Area: 97.38m ²)		
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Georges River Development Control Plan 2021

39. The extent to which the proposed development satisfying the objectives and controls contained within the GRDCP 2021 are detailed and discussed in the tables below.

3.3 Landscaping		
Control	Proposal	Compliance
1. Landscaping on site should be incorporated into the site planning of a development to (where appropriate): <ul style="list-style-type: none"> i. Reinforce the desired future character of the locality; ii. Maintain significant landscape features; iii. Be consistent with any dominant species in the adjoining area of ecological significance; iv. Incorporate fire resistant species in areas susceptible to bushfire hazard; v. Provide planting within setback zones; vi. Soften the visual impact of buildings, carparks and roads; vii. Cater for outdoor recreation areas; viii. Separate conflicting uses; ix. Screen undesirable elements; x. Provide opportunities for on-site stormwater infiltration, in particular around existing trees and vegetation; 	<p>The proposal involves alterations and additions to the existing dwelling and does not warrant the requirement for replacement planting.</p> <p>No tree removal is proposed under this application. Subsequently, no new tree planting proposed.</p> <p>The loss of soil area due to the proposed verandah/deck attached towards the rear of the dwelling is adequately addressed by the removal of concrete paving in the rear yard and replacing it with grass. The existing landscape significance and character is acceptable.</p> <p>The proposal is considered satisfactory for the following reasons:</p> <ul style="list-style-type: none"> - Maintains the desired future character of Oatley, 	Yes

xi. Consider the future maintenance requirements of landscaped areas; xii. Protect the effective functioning of overhead, surface level or underground utilities; and xiii. Improve the aesthetic quality of the development.	<ul style="list-style-type: none"> - Maintains existing landscaping within the front and rear setback areas, and - Provides sufficient opportunities for on-site stormwater infiltration by retaining sufficient landscaped area. - Satisfies the heritage controls for the site. 	
2. Landscape planting should achieve a mature height in scale with the structures on the site.	No new tree planting proposed under this application.	
3. Where landscaping is required, this should incorporate locally indigenous plants listed in the GRDCP 2021 Backyard Biodiversity Guide and Council's Tree Management Policy.	No new tree planting proposed under this application.	
3.5 Earthworks		
3.5.1 Earthworks		
Control	Proposal	Compliance
1. Natural ground level should be maintained within 900mm of a side or rear boundary.	The proposal maintains existing ground level near site and rear boundaries.	Yes
2. Cut and fill should not alter natural or existing ground levels by more than 1m	The proposal does not alter natural/existing ground level by more than 1m. A maximum fill of 200mm proposed as structural elements for the alterations and additions.	
3. Habitable Rooms (not including bathrooms, laundries and storerooms) are to be located above existing ground level.	Habitable rooms are located above existing ground level.	
4. Rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls are not to be removed or covered.	No known existing elements within the site are proposed to be removed.	
The proposal and associated earthworks are sited so that vegetation removal is avoided where practical and desirable.	The proposal and associated earthworks are sited so that vegetation removal is avoided where practical and desirable.	
6. Cut and fill within a tree protection zone of a tree on the development site or adjoining land must be undertaken in accordance with AS4970 (protection of trees on development sites).	No cut and fill within a TPZ of a tree is proposed under this application.	

7. Soil depth around buildings should be capable of sustaining trees as well as shrubs and smaller scale gardens.	Adequate soil depths are provided which can sustain vegetation.	
8. Earthworks are not to increase or concentrate overland stormwater flow or aggravating existing flood conditions on adjacent land.	The earthworks proposed are considered minor and do not impact adversely on stormwater or flood with regards to impacts on adjoining properties.	
9. Fill material must be virgin excavated natural material (VENM)	A recommended condition to be applied to ensure that any fill is to be VENM.	
10. For flood-affected sites, cut and fill is to comply with the requirements of Chapter 6 of Council's Stormwater Management Policy	The subject site is not identified as flood affected.	
3.5.2 Construction Management/Erosion and Sediment Control		
Control	Proposal	Compliance
1. Development must minimise any soil loss from the site to reduce impacts of sedimentation on waterways through the use of the following: <ul style="list-style-type: none">- Sediment fencing;- Water diversion;- Single entry/exit points- Filtration materials such as straw bales and turf strips.	A suitable condition is included in the recommended conditions which ensures compliance with this control.	Yes
2. Development that involves site disturbance is to provide an erosion and sediment control plan which details the proposed method of soil management and its implementation. Such measures are to be in accordance with The Blue Book – Managing Urban Stormwater, Soils & Construction by LandCom	A suitable condition is included in the recommended conditions of consent which ensures compliance with the control.	
3. Development is to minimise site disturbance including impacts on vegetation and significant trees and the need for cut and fill.	The proposal minimises cut and fill and site disturbance.	
3.6 – Contaminated Land		
Control	Proposal	Compliance
2. The application is accompanied by sufficient information to determine: <ul style="list-style-type: none">1. The extent to which the land is contaminated	The Assessing Officer has reviewed: <ul style="list-style-type: none">• Councils Contamination Records	Yes

<p>(both soil and ground water);</p> <p>2. Whether 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;</p> <p>3. Whether the land requires remediation to make the land suitable for the intended use prior to that development being carried out; and</p> <p>4. If the land has been previously investigated or remediated, development cannot be carried out until Council has considered the nature, distribution, and levels of residues remaining on the land, and Council has determined that the land is suitable for the intended use.</p> <p>Operating practices and technology must be employed to prevent contamination of ground water.</p>	<ul style="list-style-type: none"> • Aerial Imaging (inc. historic imaging) • Conducted a site inspection. <p>A review of the above indicates that the site has historically been used for Residential purposes and there is no evidence that any use under Table 1 of the contaminated land planning guidelines has occurred on site. Given this, there is no evidence that the site is contaminated, the site is considered suitable for the proposed development.</p>	
3.7 – Heritage		
3.7.1 - Aboriginal Cultural Heritage		
Control	Proposal	Compliance
<p>1. Approvals to be obtained from relevant agencies prior to works commencing on sites that contains, or has potential to contain Aboriginal objects;</p> <p>2. Building and landscaping works, including paths and driveways, are not to disturb any aboriginal objects.</p> <p>3. New works, including excavations for swimming pools, jetties and boat sheds is to be sited away from the foreshore where possible;</p>	<p>There is no known evidence that Aboriginal objects are present on the site.</p> <p>A recommended condition is included requiring works to be stopped should a relic be identified during construction.</p>	<p>Yes</p>

4. New works are to be sited away from rock outcrops and overhangs		
3.7.2 – Non-Aboriginal Cultural Heritage		
Control	Proposal	Compliance
Non-Aboriginal Heritage 1. Retain features (including landscape features) that contribute to the significance of the item; 2. Remove unsympathetic elements, especially where substantial changes are proposed to a heritage item, and there is potential for an improved heritage setback; 3. New work is to be consistent with the massing, form, and scale of the significant features of the heritage item; 4. Retain significant fabric, features, or parts of the heritage item that represent key periods of the item's history or development; 5. Locate change away from original areas of the heritage item that are intact. For example, where a building's significance is related to the front of a building, locate new works to the rear. 6. All works are to be consistent with an adopted Conservation Management Plan/s, where applicable.	Council's Heritage Advisor has reviewed the proposal and raises no issue to the proposed built form, subject to recommended conditions of consent.	Yes
3.7.3 - Archaeological Management		
Control	Proposal	Compliance
1. Minimise depth of any excavation and locate new work away from areas known to contain archaeological relics 2. Ensure reversibility of changes.	The site is not known to contain archaeological remains. A recommended condition is included requiring works to be stopped should a relic be identified during construction.	Yes
3.10 Water Management		
Control	Proposal	Compliance
1. Development must comply with Council's Stormwater Management Policy.	The proposal has been reviewed by Council's Development Engineer and	Yes

<p>2. Water Sensitive Urban Design (WSUD) principles are to be incorporated into the design of stormwater drainage, on-site retention and detention, landscaping and within the overall design of the development.</p> <p>3. Where on-site detention (OSD) is proposed within the front setback area, the OSD:</p> <ul style="list-style-type: none"> i. Must be located below ground, ii. Must not encroach into the deep soil zone provided for trees, and iii. Maintain a minimum soil depth of 400mm above to enable landscaping if it is proposed within the landscaped area, supported by irrigation and sub-surface drainage. <p>4. Above ground OSD within the front setback area will only be considered by Council where it can be demonstrated that the development can satisfy the required landscaping and deep soil zone controls (if applicable).</p>	<p>has been found to be satisfactory subject to the recommended conditions.</p>	
3.12 Waste Management		
Control	Proposal	Compliance
1. Development must comply with Council's Waste Management requirements regarding construction waste and ongoing management of waste materials (per Appendix 4 of the GRDCP).	Waste management is to be controlled via standard conditions.	Yes
3.13 Parking Access and Transport		
Control	Proposal	Compliance
1. As per the table within this section the development is to provide parking at the following rates: The development has 3 or more bedrooms therefore 2 car parking spaces are required.	The proposal remains compliant with this requirement by providing 2 car parking spaces in the tandem driveway for 5 bedrooms.	Yes
3.17 Universal / Accessible Design		
Control	Proposal	Compliance
3. Accessways for pedestrians and vehicles to be separated	The subject site provides separate accesses for pedestrians and vehicles.	Yes
3.19 Crime Prevention / Safety and Security		
Control	Proposal	Compliance

1. Active spaces and windows of habitable rooms within buildings are to be located to maximise casual surveillance of the public domain.	The proposed application retains the existing window of a ground floor habitable room which presents to the street, enabling casual surveillance of the public domain.	Yes
4. Building entries are to be clearly visible and identifiable from the public domain.	No proposed changes to the existing building entry. The existing building entry remains clearly identifiable from the public domain.	
Part 5 – Residential Locality Statements		
5.10.2 Oatley West Locality Statement		
Control	Proposal	Compliance
<p>Desired Future Character:</p> <ul style="list-style-type: none">Retain and enhance the prominence of the bushland landscaped character in new development through tree planting and landscaping.Encourage consistent setbacks of buildings from the street and the provision of landscaping within the front setbackEncourage the retention of trees and sharing of water views wherever possible, including screening via vegetation rather than solid walls.Public views to waterways should be retained from streets and public places.	<p>The proposal is consistent with the desired future character of the locality as the proposal retains the existing character of the heritage listed house and landscaped setting by incorporating conservation works to the existing dwelling and an increased grassed area at the rear. No proposed changes to the front setback of the subject site, hence consistent setbacks of buildings from the street remains achieved as existing. It is acknowledged the roofed area of the northern part of the site is being removed enabling increased visual access to the dwelling.</p> <p>The paint over the masonry is also proposed to be removed retiring the dwelling to be more like its original form.</p>	Yes
6.1.2.1 Streetscape Character and Built Form		
Control	Proposal	Compliance
1. New buildings and additions are to consider the Desired Future Character statement in Part 5 of this DCP.	The proposal is consistent with the Desired Future Character of Oatley West and the heritage significance of the site.	Yes
2. New buildings and additions are to be designed with an articulated front façade.	The proposed replacement of existing frieze to the front façade, the removal of the paint to the brickwork and the roofed structure to the northern side of the dwelling has been reviewed and deemed satisfactory by Council’s heritage advisor.	

	subject to recommended conditions. The front façade of the dwelling remains as existing in form and is considered well articulated.	
3. Developments on sites with two (2) or more frontages are to address all frontages.	Subject site has one street frontage. The right of access does not provide a line of sight to the dwelling from Acacia Street.	
4. Dwelling houses are to have windows presenting to the street from a habitable room to encourage passive surveillance.	The proposed application retains the existing opening size, noting the window replacement proposed which encourages passive surveillance.	
5. Development must be sensitively designed so as to minimise adverse impacts on the amenity and view corridors of neighbouring public and private property while maintaining reasonable amenity for the proposed development and is to balance this requirement with the amenity afforded to the new development.	The proposal is not known to have a significant impact on any view corridors.	
6. The maximum size of voids at the first floor level should be a cumulative total of 15m ² (excluding voids associated with internal stairs).	The proposed additional first floor does not include any voids (excluding voids associated with internal stairs).	
6.1.2.2 Building Scale and Height		
Control	Proposal	Compliance
1. New buildings are to consider and respond to the predominant and desired future scale of buildings within the neighbourhood and consider the topography and form of the site.	The proposed built form of the alterations and additions have been designed to be compatible with the heritage criteria and the future scale of the buildings within the neighbourhood.	Yes
2. On sites with a gradient or cross fall greater than 1:10, dwellings are to adopt a split-level approach to minimise excavation and fill. The overall design of the dwelling should respond to the topography of the site.	N/A – the subject site is relatively flat and does not require a split-level design.	
3. A maximum of two (2) storeys plus basement is permissible at any point above ground level (existing). Basements are to	The proposed additional first floor converts the existing single storey dwelling into a two storey dwelling. No basement proposed.	

protrude no more than 1m above existing ground level.		
6.1.2.3 Setbacks - Side and Rear Setbacks		
Control	Proposal	Compliance
4. Buildings are to have a minimum rear setback of 15% of the average site length equivalent to 7.544m; or 6m, whichever is the greater (excluding detached secondary dwellings – see Point 12 in Section 6.1.2.12- Secondary Dwellings of this DCP).	The proposal provides a rear setback of 9.839m from the main building wall of the extension.	Yes
5. The minimum side setbacks for ground and first floor are: i) 900mm for lots up to 12.5m in width measured at the front building line for the length of the development.	<p>The lot width is 9.45m.</p> <p>The ground floor northern side setback proposed is 1m. The first-floor northern side setback is 1.1m.</p> <p>The existing dwelling is part of a semi-detached cottage, adjoining 38 Woronora Parade, Oatley to the south. There is no side setback requirement to the southern side boundary. Regardless, the south facing wall to the first floor family room is appropriately setback 900mm from the southern boundary to enable an opening to be incorporated.</p>	
6.1.2.4 - Private Open Space		
Control	Proposal	Compliance
1. Private open space is to be located at the rear of the property and/or behind the building line and is to have a minimum area of 60m ² with minimum dimensions of 6m and located on the same level (not terraced or over rock outcrops).	60.23m ² provided in the rear yard with a minimum dimension 6.4m and is located on the same level.	Yes
2. Private open space is to be provided for all dwellings, (with the exception of secondary dwellings, which are able to share the private open space of the principal dwelling).	Sufficient private open space provided for the subject site.	
3. Private open space is to be located so as to maximise solar access.	The location of the proposed private open space remains as existing. The space is suitability located in the rear yard to maximise solar access.	
4. Private open space is to be designed to minimise adverse	The proposed private open space will not unreasonable	

impacts upon the privacy of the occupants of adjacent buildings.	impact upon the privacy of the adjoining residents.	
Part 6.1.2 Single Dwellings		
6.1.2.5 Landscaping		
Control	Proposal	Compliance
1. Landscaped area (has the same meaning as GRLEP 2021) is to be provided in accordance with the table contained within <i>Clause 6.12 Landscaped areas in certain residential and conservation zones</i> of the GRLEP 2021.	The proposal complies with Clause 6.12 of the GRLEP 2021.	Yes
2. Soft soil landscaping is to be provided in all landscaped areas as required by the GRLEP 2021 and must have a minimum dimension of 1.2m in all directions. Existing natural rock outcrops can be counted towards the calculation of soft soil landscaping.	The landscaped area has been measured in accordance with this methodology. All landscaped areas have a minimum dimension of 1.2m.	
3. Provide a landscape setting within the primary and secondary street frontages, where impervious areas are minimised. Impervious areas include hard paving, gravel, concrete, artificial turf, rock gardens (excluding natural rock outcrops) and other material that does not permit soft soil landscaping.	No proposed changes to the landscape setting within the street frontage under this application.	
4. Impervious areas are to occupy no more than: (ii) 50% of the street setback area where the front setback is 6m or greater.	No proposed changes to landscape setting within the street frontage under this application.	
5. The front setback area is to have an area where at least one (1) tree capable of achieving a minimum mature height of 6-8m with a spreading canopy can be accommodated. A schedule of appropriate species to consider is provided in Council's Tree Management Policy.	No proposed changes to landscape setting within the street frontage under this application.	
6.1.2.6 Excavation (Cut and Fill)		
Control	Proposal	Compliance
1. Any excavation must not extend beyond the building footprint, including for any basement car park.	No excavation proposed beyond the building footprint.	Yes
2. The depth of cut or fill must not exceed 1.0m from existing ground	The proposal does not alter natural/existing ground level by more than 1m. A maximum fill	

level, except where the excavation is for a basement car park.	of 200mm proposed as structural elements for the alterations and additions.	
3. Developments should avoid unnecessary earthworks by designing and siting buildings that respond to the natural slope of the land. The building footprint must be designed to minimise cut and fill by allowing the building mass to step in accordance with the slope of the land.	The proposed layout minimises earthworks across the subject site.	
6.1.2.7 Vehicular Access, Parking and Circulation		
Control	Proposal	Compliance
1. Car parking is to be provided in accordance with the requirements in Part 3 of this DCP.	Complies – please see Part 3.13 assessment of the GRDCP 2021 above.	Yes, supported on merit.
2. A dwelling is to provide one (1) garage and one (1) tandem driveway parking space forward of the garage (unless otherwise accommodated within the building envelope).	<p>Considered acceptable.</p> <p>The subject site currently accommodates two tandem driveway parking spaces under the timber carport.</p> <p>The proposal involves the demolition of an existing timber carport over the driveway. The subject site under this application will still accommodate two tandem driveway parking spaces for 5 bedrooms, without the shading of a carport. This is more in keeping with the heritage significant of the dwelling</p> <p>Considering that there is no existing garage within the subject site, and in this occasion, that the proposed removal of carport is supported on heritage grounds, it would be unreasonable for Council to request for a new enclosed car parking area as part of this application.</p> <p>Noting that the site is relatively narrow and constrained with heritage considerations, the accommodation of any garage or the like is likely to have an adverse impact to the</p>	

	<p>streetscape and its heritage character due to the potential unsightly visual dominance.</p> <p>The proposal to have two tandem parking spaces on the existing driveway is considered worthy of support in this individual instance.</p>	
5. Driveway crossings are to be positioned so that on-street parking and landscaping on the site are maximised, and removal or damage to existing street trees is avoided.	Existing driveway crossings to be utilised.	
6. The maximum driveway width at the street boundary is 4.0m. The driveway width may increase to a maximum of 6.0m to accommodate double garages at the front building line in accordance with Figure 4 below to the extent required for a B99 vehicle entry and exit from the garage in accordance with <i>AS2890.1 Parking Facilities</i> (note: forward entry and exit from a site is not required unless the development is on a major road or as advised by Council). This does not apply to rear lanes.	No proposed changes proposed to the existing driveway width under this application.	
8. Car parking layout and vehicular access requirements and design are to be in accordance with the Australian Standards, in particular AS 2890.1 (latest edition).	No proposed changes to the car parking layout and vehicular access arrangements under this application.	
6.1.2.8 - Visual Privacy		
Control	Proposal	Compliance
1. Windows from active rooms are to be offset with windows in adjacent dwellings, or appropriately treated so as to avoid direct overlooking onto neighbouring windows.	Window No.3 and No.5 are located in the proposed ground floor master bedroom and the ground floor dining area respectively, facing the northern boundary. No privacy intrusion from these windows is expected given these windows are located on the ground floor. Furthermore, the provided Survey Plan confirms that the beforementioned windows do not directly overlook into any neighbouring windows of 34 Woronora	Yes

	Parade, Oatley, to the north of the subject site.	
2. For active rooms or balconies on an upper level, the design should incorporate placement of room windows or screening devices to only allow oblique views to adjoining properties.	<p>Window No.13 is located in the additional first floor family room facing the southern boundary. The window is appropriately treated with a sill height of 1.5m. To the south of the subject site, 38 Woronora Parade, Oatley is a single storey dwelling and does not have any first floor windows facing north. There are no overlooking issues from this opening.</p> <p>Window No.12 is located in the additional first floor family room facing the rear yard. The window is adequately setback from the rear boundary and is recessed 2m away from the rear building wall line. The window opening is also 1.9m away from the northern side boundary. No privacy concerns were identified for this window.</p>	
4. Windows for primary living rooms must be designed so that they reasonably maintain the privacy of adjoining main living rooms and private open space areas.	Windows for primary living rooms are placed and designed to maintain the privacy to the adjoining main living rooms and private open spaces.	
5. Development applications are to be accompanied by a survey plan or site analysis plan (to AHD) of the proposed dwelling showing the location of adjoining property windows, floors levels, window sill levels and ridge and gutter line levels.	Provided.	
6.1.2.9 Noise		
Control	Proposal	Compliance
1. Noise generators such as plant and machinery including air conditioning units and pool pumps are located away from windows or other openings in habitable rooms; they are to be screened to reduce noise or acoustically treated.	No noise generating plant proposed. The standard noise control condition is to be imposed.	Yes
6.1.2.10 Solar Access		
Control	Proposal	Compliance

<p>1. New buildings and additions are sited and designed to facilitate a minimum of 3 hours direct sunlight between 9am and 3pm on 21 June onto living room windows and at least 50% of the minimum amount of private open space.</p>	<p>Although that the proposed first floor family room will not receive more than 3 hours of solar access on 21 June, considering that the subject site is on an east-west orientation and the proposal complies with all other requirements, variation to this solar access control could be applied. It is understood that the family room is located away from the northern boundary to minimise potential overlooking issues from living rooms into other rooms and private open spaces on the north adjoining site.</p> <p>Subsequently, to allow for natural lighting into the additional first floor family room, it is accompanied by window No. 12 (West facing) and window No. 13 (South facing). No privacy concerns were raised for these windows as mentioned at Part 6.1.2.8 Assessment of the GRDCP 2021 above.</p> <p>The ground floor living room will receive more than 3 hours of solar access on 21 June via the window No. 5, window No. 6, window No. 7 and sliding door No.1.</p> <p>More than 50% of the private open space receives more than 3 hours of solar access on 21 June. The proposal is acceptable based on the site constraints.</p>	<p>Yes, supported on merits.</p>
<p>2. To facilitate sunlight penetration to adjoining development, building bulk may be required to be articulated to achieve the required sunlight access.</p>	<p>The proposal is sufficiently articulated to achieve the required solar access for the adjoining sites.</p>	
<p>3. Direct sunlight to north-facing windows of habitable rooms and 50% of the principal private open space area of adjacent dwellings</p>	<p>The adjoining dwelling to the south does not incorporate any north facing windows.</p>	

should not be reduced to less than 3 hours between 9.00am and 3.00pm on 21 June.	The proposal will still enable the adjoining private open space to receive more than 3 hours of direct solar access on 21 June.	
4. Variations will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation or steeply sloping sites with a southerly orientation away from the street	Noted and applied.	
5. Shadow diagrams are required to show the impact of the proposal on solar access to the principal private open space and living rooms of neighbouring properties. Existing overshadowing by fences, roof overhangs and changes in level should also be reflected in the diagrams. It may also be necessary to provide elevations or views from sun diagrams to demonstrate appropriate solar access provision to adjoining development.	Provided.	
6. Consider and minimise overshadowing impacts on the solar photovoltaic panels of neighbouring buildings where a variation to the building setbacks or number of storeys is sought.	No effect ton adjoining photovoltaic panels identified.	
6.1.2.11 Materials, Colour Schemes and Details		
Control	Proposal	Compliance
1. Large expansive surfaces of predominantly white, light or primary colours which would dominate the streetscape or other vistas should not be used.	No large expansive surface of predominantly white, light, or primary colours proposed for the alterations and additions.	Yes
2. New development should incorporate colour schemes that have a hue and tonal relationship with the predominant colour schemes found in the street.	The proposed colour scheme for the additional first floor is of a woodland grey colour. The proposed colour scheme for the ground floor addition is of a raw cashmere colour. They are considered compatible to the heritage context of the site and to have a hue and tonal relationship with other developments found on the street.	

3. Matching buildings in a row should be finished in the same colour or have a tonal relationship.	No matching building proposed.	
4. All materials and finishes utilised should have low reflectivity.	All proposed materials are of low reflectivity.	
6.1.2.13 Site Facilities		
Control	Proposal	Compliance
1. All dwellings are to be provided with adequate and practical internal and external storage (garage, garden sheds, etc.).	Sufficient space is available within the dwelling house to provide storage, and external storage space is provided at the existing metal shed.	Yes
2. Provision for water, sewerage and stormwater drainage for the site shall be nominated on the plans to Council's satisfaction.	All utilities provided as existing per Council's satisfaction.	
3. Each dwelling must provide adequate space for the storage of garbage and recycling bins (a space of at least 3m x 1m per dwelling must be provided) and are not to be located within the front setback.	No proposed changes to storage of garbage arrangements under this application.	
4. Letterboxes are to be located on the frontage where the address has been allocated in accordance with Australia Post requirements.	No proposed changes to letter box arrangements under this application.	

Impacts

Natural Environment

40. The development is located within an established residential area and the proposed alterations and additions are not considered to result in unreasonable impacts on the natural environment.

Built Environment

41. The proposal represents an appropriate planning outcome for the site. The proposed structures are of a scale and form that is sympathetic to the existing heritage listed item. Furthermore, the proposed extensions towards the rear do not create unreasonable overshadowing or privacy concerns to the adjoining properties.

Social Impact

42. The proposal is considered to have a positive social impact. The proposal is an appropriate response to the context of the site which conserves the heritage value of the pair of semi-detached cottages. The proposal does not have any adverse privacy and overshadowing on adjoining properties.

Economic Impact

43. The proposal is unlikely to result in any unreasonable economic impacts upon future residents.

Suitability of the Site

44. The site is zoned R2 Low Density Residential. The proposal is a permissible form of development in this zone and has been designed to be compatible with the heritage character of the subject site. The proposal will not result in unacceptable impacts on the neighbouring properties and is recommended for approval subject to conditions.

Submissions, Referrals and the Public Interest

Submissions

45. The application was advertised, and adjoining residents were notified by letter from 25 June 2024 to 31 July 2024 in which to view the plans and submit any comments on the proposal. Council received one (1) unique submission during the notification period.
46. The plans were amended that relocated the first floor addition and reducing the impact of the dwelling to the northern boundary at ground floor level. It was considered that the amendments would not result in an increased environmental impact on the adjoining allotments and was required to be undertaken to address heritage related criteria.
47. The matters relevant to this application raised in the submissions are considered below.

Issue	Comment
Side additions being 900mm from the northern boundary	<p>The proposed addition of the ground floor master bedroom is measured to be 1m from the building wall to the northern boundary. The proposed additional first floor is measured to be 1.1m from the building wall to the northern boundary. Both additions have been assessed under Part 6.1.2.3 of the GRDCP 2021 and compliance have been achieved.</p> <p>The first floor addition has restricted openings to the northern elevation of the development, the only opening is an obscured opening serving a bathroom to address privacy concerns.</p> <p>The application complies with the setback controls and has sympathetically design to reduce impacts onto adjoining lots.</p>
Loss of privacy from additional north facing and west facing windows, and west facing ground floor sliding doors	<p>Privacy impact assessment was carried out within the DCP assessment above and deemed satisfactory.</p> <p>All ground floor north facing and west facing windows, and ground floor sliding doors to the rear yard are not considered to create adverse visual privacy nor direct overlooking issues as the ground floor openings given the topography are not above the land levels of the allotments adjoining, much obscured by boundary fencing. The revised design reduced the northern ground floor and relocated this to be at the upper level toward the rear of the site.</p> <p>The north facing window on the first floor is an obscure bathroom window, the bedroom windows face the east and west to address the privacy concerns of the adjoining allotment owner.</p> <p>There is a small opening set approximately 6m from the northern boundary and provides natural light to a study nook.</p>

	A west facing bedroom window is proposed within the first floor and is 9.8m away from the rear boundary. This development is considered to be acceptable with respect to privacy and amenity impacts.
Loss of privacy from the north adjoining property due to the rear extension to the existing dwelling	<p>The rear extension is within the permissible gross floor area and floor space ratio and the setback and height controls.</p> <p>The ground floor works is an extension of living areas of the site and are appropriately setback from the northern boundary and much of the opening area is below the boundary fencing on this site, therefore not enabling overlooking into the northern allotment.</p> <p>The addition to the dwelling does result in greater height and density of this dwelling, however the works proposed are compliant with the LEP and DCP controls and have been sympathetically designed to address the heritage significance of the site.</p> <p>The works meet the height, bulk, scale and density criteria for the site.</p> <p>The design has ensured that the privacy and amenity of the northern allotment owner has been taken into consideration of the redesigned proposal.</p> <p>The application is considered worthy of support.</p>
Objection to proposed dormers	<p>The original proposed dormers have been removed under the revised proposal.</p> <p>The rear first floor addition has been designed to reduce the impact of the development on the allotment to the northern with the wall heights and the location of opening proposed.</p>

Public Interest

48. The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. Following a detailed assessment, the proposal is considered to be in the public interest as it is undertake restorative works to a heritage item. The proposal will enhance the heritage value of the subject site.

Council (Internal) Referrals

Development Engineer

49. Council's Development Engineer raised no objection to the proposal, subject to recommended stormwater conditions.

Heritage Advisor

50. Council's Heritage Advisor raised no objection to the proposal in its revised form subject to conditions.

External Referrals

Ausgrid

51. The application was referred to Ausgrid as per Clause 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. No concerns were raised subject to recommended conditions.

Development Contributions

52. The development is subject to Section 7.12 Contributions. In accordance with the Georges River Local Development Contributions Plan 2021, a condition of consent requiring payment of the contribution is included.

Conclusion

53. Development consent is sought for alterations and additions to dwelling house at 36 Woronora Parade, Oatley NSW 2223.
54. The proposal on merit is an acceptable outcome for the site and the heritage significance of the dwelling (subject to the imposition of recommended conditions) for the reasons outlined within this report. The proposal is reasonable and compliant with the key planning controls and will not result in unreasonable amenity outcomes. The proposal is considered appropriate within the heritage context of the subject site and the relationship to adjoining allotments. The proposal is recommended for approval subject to the conditions recommended below.

DETERMINATION AND STATEMENT OF REASONS**Statement of Reasons**

55. The reasons for this recommendation are:
- The proposal does not undermine the heritage significance of Heritage Item I253 – ‘Pair of semi-detached Federation cottages and settings’. The proposal has been supported by Council’s Heritage Advisor and Development Engineer, subject to recommended conditions.
 - The development is permissible in the zone and aligns with the objectives of R2 Low Density Residential Zone.
 - The development complies with the relevant State Environmental Planning Policies, the Georges River Local Environmental Plan 2021 and the Georges River Development Control Plan 2021.
 - The proposal will not result in unacceptable impacts to the locality.
 - The application is in the public interest.

RECOMMENDATION

56. Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), DA2024/0257 for alterations and additions to a heritage listed dwelling house on Lot A DP 378215 being land known as 36 Woronora Parade, Oatley NSW 2223, is recommended for approval subject to the conditions of consent referenced below.

SPECIFIC DEVELOPMENT CONDITIONS

Development Details

- Approved Plans** - The development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise:

Description	Reference No.	Sheet No.	Date	Rev	Prepared by
Site Plan	WOR-500	1	21 October 2024	-	tim + sarah .k
Ground Floor Plan	WOR-500	2	21 October 2024	-	tim + sarah .k
First Floor Plan	WOR-500	3	21 October 2024	-	tim + sarah .k
Elevations – North, East and West, and Material Board	WOR-500	4	21 October 2024	-	tim + sarah .k
Elevation – South, and Section	WOR-500	5	21 October 2024	-	tim + sarah .k
BASIX Certificate	A1751799_02	-	13 October 2024	-	Tim Kaiser

Documents Relied Upon

Description	Reference No.	Drawing	Date	Rev	Prepared by
Survey Plan	30846-23 DET ID	-	30 October 2023	1	C&A Surveyors
Statement of Environmental Effects	-	-	June 2024	-	-
Stormwater Concept Plan	2731	SW.01	October 2024	A	KYSU Structural & Civil Engineering
Waste Management Plan	WOR-500	7	21 October 2024	-	tim + sarah .k
Landscaped Area Calculations	WOR-500	8	21 October 2024	-	tim + sarah .k
Shadow Diagrams	WOR-500	8	21 October 2024	-	tim + sarah .k
Heritage Impact Statement and Statement Addendum	-	-	23 October 2024	-	Patrick Wilson

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development

Separate Approvals Required Under Other Legislation

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

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

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

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work;
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a "works zone";
- (i) Digging up or disturbing the surface of a public road (eg Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve;
- (k) Stormwater and ancillary to public infrastructure on private land; and
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Principal Certifier 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.

Reason: To ensure necessary other approvals are obtained.

3. **Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from Transport for NSW, 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.

Any necessary approvals are to be obtained prior to the release of a Construction Certificate, with evidence provided to the Principal Certifier demonstrating the necessary approval has been obtained.

Reason: To ensure necessary approvals are obtained.

Requirements of Concurrence, Integrated & Other Government Authorities

4. **Ausgrid – Ausgrid Underground Cables Are in the vicinity of the development –** Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Before You Dig Australia (BYDA).

In addition to BYDA the proponent should refer to the following documents to support safety in design and construction:

- (a) SafeWork Australia – Excavation Code of Practice.
- (b) Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

- (a) Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.
- (b) Should ground levels change above Ausgrid's underground cables in areas such as footpaths and driveways, Ausgrid must be notified, and written approval provided prior to the works commencing.
- (c) Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

Reason: To ensure necessary approvals are obtained.

5. Ausgrid – Ausgrid Overhead Powerlines are in the vicinity of the development – The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au.

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost.

6. New Driveways - Proximity to Existing Poles
Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.
7. New or modified connection
To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

Prior to the Issue of a Construction Certificate

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	\$2,000.00
Inspection Fee for Refund of Damage Deposit	\$210.00
Georges River Council Local Infrastructure Contributions Plan 2021 (Section 7.11 And Section 7.12)	\$4,500.00

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.

A Section 7.12 contribution has been levied on the subject development pursuant to the Georges River Council Local Infrastructure Contributions Plan 2021 (Section 7.11 And Section 7.12).

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 Georges River Council Local Infrastructure Contributions Plan 2021.

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

Reason: To clarify fee payment and to ensure local infrastructure can be delivered.

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

- (a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$2,000.00.**
- (b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: **\$210.00.**
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of works, Council will carry out an inspection of its public domain assets. If the inspection is passed, the damage deposit will be returned less the cost of any repairs to damaged Council Assets. The damage deposit will not be refunded until a full Occupation Certificate has been issued for the development.

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 (available on Council's website) or as required by other Government Authorities, applicable at the time of payment.

Reason: To protect public infrastructure

10. **Site Management Plan** - A Site Management Plan detailing all weather access control points, fencing, amenities, materials storage and unloading arrangements (as required) must be submitted with the application for the Construction Certificate to the satisfaction of the Principal Certifier.

11. **Erosion & Sedimentation Control** – The details of Erosion and sediment controls must be provided prior to the release of the Construction Certificate to the satisfaction of the Principal Certifier.

Reason: To protect water quality and site stability.

12. **BASIX Commitments** – The Applicant must submit to the Principal Certifier the BASIX Certificate(s) referenced in this Consent with any application for a Construction Certificate.

All commitments in the BASIX Certificate must be shown on the Construction Certificate plans with relevant specifications prior to the issue of any Construction Certificate.

Reason: To ensure BASIX Compliance.

13. **Required Design Changes** – The PCA shall ensure that the following changes are required to be made and shown on the Construction Certificate plans:

Prior to the issue of the construction certificate, the stormwater plan shall be reviewed to the address the following design issue:

- (a) The Acacia Street site frontage is a roll kerb frontage with 90mm deep not 150mm. The invert level of the boundary pit (IL 43.87) is lower than the roll kerb gutter (IL 43.89), preventing proper drainage by gravity.
- (b) It is required to amend the stormwater plan to raise the invert level of the boundary pit above IL 43.89. Recalculate the levels for the stormwater system to ensure all components (boundary pit, pipe gradients, etc.) comply with gravity flow requirements. The invert level of the boundary pit shall be higher than the street roll kerb gutter invert IL43.89.
- (c) The plan should demonstrate the surface and invert levels achieve a 1% gradient across the nature strip to the roll kerb, in accordance with Council's stormwater management policy. An RHS galvanised pipe should be used due to insufficient pipe cover.

- (d) The surface and invert levels specified in the submitted stormwater plan must be verified by a registered surveyor prior to the issue the commencement of works in order to ensure that the proposed stormwater system drain by gravity to the street.

Failure to comply with the above issues, a modification application is required to be submitted to Council.

Reason: To require minor stormwater amendments to the stormwater concept plan following the assessment of the ~~document~~

- 14. 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 Council's roll kerb and gutter in Acacia Street in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended) and Council's stormwater management policy.
- (b) The PCA shall ensure that the stormwater discharge pipe across the nature strip is not exposed.
- (c) Prior to the commencement of works, the registered surveyor shall ensure to the PCA that the stormwater discharge pipe across the footpath strip is laid with minimum disturbance at 1% grade to the street kerb and gutter and is made in good working condition. The stormwater discharge pipe across the footpath shall not connect against the flow in the street.
- (d) The stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, shall accompany the application for the Construction Certificate.

Reason: To ensure a detailed construction stormwater design is completed prior to release of a Construction Certificate

- 15. Structural details** - Engineer's details prepared by a suitably qualified practising structural engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Principal Certifier prior to release of a Construction Certificate.

- 16. Waste Management Plan** – 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 such materials shall be submitted to the Principal Certifier and Council, where Council is not the Principal Certifier.

Where required, the receipts (or copied of) must be made available to Council within 7 days of a written request being made by Council.

Reason: To ensure appropriate waste management and disposal.

17. Building works to comply with BCA - Heritage Buildings - Any building works required to ensure compliance with the BCA or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features.

If such upgrading works will potentially impact on existing fabric and features, details of the works must be submitted and approved by Council's Heritage Advisor prior to issue of a Construction Certificate.

Reason: Heritage Conservation.

18. Retention of Internal Wall to Bedroom 3 - Prior to the issue of a Construction Certificate, amended plans are to be submitted to the satisfaction of Council demonstrating the following changes to 'Bedroom 3':

- (a) The existing wall nib on the western end of the wall is to be retained.
- (b) A wall nib of at least 450mm is to be retained on the eastern end.
- (c) A bulkhead of at least 600mm is to be retained.

Reason: Heritage Conservation.

19. Schedule of Conservation Works - Prior to the issue of a Construction Certificate, a Schedule of Conservation Works is to be submitted to and approved by Council.

The Schedule of Conservation Works shall:

- (a) Be prepared by a suitably qualified and experienced Heritage Consultant and in accordance with conservation best-practice, including the Australia ICOMOS Burra Charter (2013).
- (b) Itemise the conservation works proposed to the existing heritage item (inclusive of the conservation works nominated on the architectural plans).
- (c) Provide a detailed methodology for the undertaking of the conservation works, including specifications.

Reason: Heritage conservation.

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

20. **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 PC 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.

- 21. 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.
- 22. 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](#).
- 23. 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.
- Reason:** To protect the amenity of the area.
- 24. 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 Council's Engineers for their records.
- 25. Photographic Archival Recording** - Prior to the commencement of any works, including the dismantling of fabric or demolition, a simplified Photographic Archival Recording shall be undertaken of the dwelling and its setting and submitted to the satisfaction of Council.

The Photographic Archival Recording shall be prepared and produced in a digital format and shall contain:

- (a) Brief report or introduction which explains the purposes of the Photographic Archival Recording and gives a brief description of the subject site, as well as details of the sequence in which images were taken;
- (b) A plan of the building and site marked up to indicate where the photographs were taken and the direction of the photograph;
- (c) A complete set of digital image files saved as JPEG or TIFF files with associated metadata, and cross-referenced to catalogue sheets.

The Photographic Archival Recording shall be submitted to Council on a suitable portable electronic storage device (such as USB). The digital version of the Photographic Archival Recording shall be arranged as a single parent folder containing the report, reference plans saved as individual PDF documents. All electronic image files shall be arranged by their file type and saved as individual files, grouped in separate sub-folders, as set out below:

- Photographic Archival Recording - [Property Address]
 - o Report and Reference Plans – [Property Address]
 - o Electronic Image Files – JPEG – [Property Address]

Reason: Heritage Conservation.

During Construction

- 26. **Physical Connection of Stormwater to Site** - No work is permitted to proceed above the ground floor slab level of the building until there is physical connection of the approved stormwater drainage system from the land the subject of this consent to Council's stormwater system in the street.
- 27. **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.
- 28. **Hours of Work and Noise** – Work must only take place:
 - a) Between the hours of 7.00a.m and 5.00p.m Monday to Friday; and
 - b) 7:00a.m and 5: 00p.m on Saturday
 - c) No work must take place on Public Holidays
 - d) No loading or unloading of material or equipment associated any development is permitted outside of the hours detailed above.
 - e) No operation or preparation of any equipment associated with the development is to occur outside of the hours detailed above.

This condition has been imposed to mitigate the impact of work upon the amenity of the neighbourhood. Impact of work includes, but is not limited to, noise, vibration, dust, odour, traffic and parking impacts.

Reason: To preserve neighbourhood amenity

29. **Importation of clean fill** - Any fill material, required by this consent, imported to the site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry professional. The certification of each delivery is to be kept on site and produced for inspection if requested.

Reason: To ensure the site does not become contaminated and appropriate compaction levels can be achieved.

30. **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.

Reason: To ensure the condition of public infrastructure is maintained.

31. **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.

Reason: To ensure public safety.

32. **Road Opening Permit** – A Road Opening Permit must be obtained for every opening of a public road reserve to access services including sewer, water mains, gas mains, connecting of stormwater to the kerb and telecommunication. This is for any work that involves excavation through or within a public road, kerb and gutter, and or the public footway between the road and the property boundary. The permit is to be lodged prior to the commencement of works. Additional approval is required from Roads and Maritime Services for works on a State Road.

Reason: To protect public infrastructure and legislative requirements.

33. **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.

Reason: To ensure the condition of public infrastructure is maintained.

34. **Public Utility and Telecommunication Assets** – The owner shall bear the cost of any relocation or modification required to any Public Utility Authority assets including telecommunication lines & cables and restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site.

Reason: To ensure the condition of public infrastructure is maintained.

- 35. 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 PC and Council, where Council is not the Principal Certifier.

Where required, the receipts (or copied of) must be made available to Council within 7 days of a written request being made by Council.

Reason: To ensure appropriate waste management and disposal.

- 36. Heritage Consultant During Works** – The nominated heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording, demolition and excavation. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Reason: To ensure that all matters relating to significant fabric and spaces are guided by heritage conservation best practice.

- 37. Archaeology**

As required by the National Parks and Wildlife Service Act 1974 and the Heritage Act 1977, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and Heritage NSW must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including any the statutory requirements under the Heritage Act 1977.

Note: *The National Parks and Wildlife Service Act 1974 and the Heritage Act 1977* impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

Reason: Statutory requirements for the protection of archaeology.

- 38. Reduction of rising damp and salt attack in buildings constructed prior to 1930** - To avoid potential damage caused by rising damp and migrating salts, no concrete slab is to be laid directly on the ground either within the building or external to the building directly adjacent to the exterior walls.

Reason: Heritage conservation.

39. Temporary storage of materials, equipment and waste during works - All construction materials, equipment and demolition / construction waste shall be stored wholly within the allotment boundaries and shall be stored, contained or stockpiled in such locations that do not cause any impacts to existing built structures including ancillary structures, walls or fences, or established gardens.

Reason: Protection of significant features of the site.

40. Conservation works to be overseen by Heritage Consultant - A Heritage Consultant experienced in conserving buildings of significance is to be commissioned to work with the consultant team throughout the design development, contract documentation and construction stages of the project.

The Heritage Consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The Heritage Consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Evidence and details of the above commission on the above terms are to be provided to Council's Heritage Advisor prior to commencement of work on site. The Heritage Consultant must sign off the completed project and submit a final report to Council specifying how the heritage conditions are satisfied prior to the issue of an Occupation Certificate or the commencement of the use, whichever is earlier.

Reason: Heritage conservation.

41. Undertaking of conservation works to the heritage item - All conservation works to the heritage item, including the approved demolition of fabric and new additions, shall be undertaken:
- (a) By suitably qualified trades / specialists, with demonstrated practical experience in dealing with heritage fabric and good practice heritage methodology.
 - (b) In accordance with the Articles of the Australia ICOMOS Burra Charter (2013) and the endorsed Schedule of Conservation Works.
 - (c) In accordance with the conditions of this consent.
 - (d) In a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing heritage item.
 - (e) In a manner that all fabric and features to be retained are properly protected during the process of demolition, construction and conservation works.

Reason: To ensure the protection and retention of significant fabric.

Prior to the issue of the Occupation Certificate

42. Conservation works to be undertaken and completed - Prior to the issue of an Occupation Certificate, all conservation works detailed in the endorsed Schedule of Conservation Works, shall be fully completed.

Written evidence shall be prepared by the Heritage Consultant engaged and responsible for overseeing the conservation works, attesting that all conservation works have been satisfactorily completed in accordance with the Articles of the Australia ICOMOS Burra Charter (2013) and the Schedule of Conservation Works.

The Heritage Consultant's attestation statement shall be submitted to the satisfaction of Council's Heritage Advisor.

Reason: Heritage conservation.

43. Stormwater drainage works – Works As Executed - Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;

Reason: To ensure engineering works are suitably completed.

44. **BASIX Compliance Certificate** - Under Clause 75 of the Environmental Planning & Assessment Regulation 2021, it is a condition of this development consent that all design measures identified in the BASIX Certificate references in Condition 1 of this consent, will be complied with prior to occupation.

Reason: To comply with legislative requirements of Clause 75 of the Environmental Planning & Assessment Regulation 2021.

Operational Conditions (On-Going)

45. **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) being noise:

- (a) *that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances—*
- (i) *is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or*
 - (ii) *interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted,*
or
- (b) *that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.*

Reason: To protect the amenity of the neighbourhood.

- 46. 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.

Reason: To protect the amenity of the neighbourhood.

- 47. 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. To prevent light spill and minimise nuisance external facing lighting fixtures must not be installed higher than 3m above the ground level immediately below.

Reason: To protect the amenity of the neighbourhood.

- 48. 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.

Reason: To protect the amenity of the neighbourhood.

Operational Requirements Under the Environmental Planning & Assessment Act 1979

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

- 50. Appointment of a PC** - The erection of a building must not commence until the applicant has:

- (a) appointed a PC for the building work; and
- (b) if relevant, advised the PC 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 PC 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 PC for your development.

- 51. Notification Requirements of PC** - No later than two days before the building work commences, the PC 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.

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

A Notice of Commencement Form is attached for your convenience.

53. **Critical Stage Inspections** - The last critical stage inspection must be undertaken by the PC. 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 68 of the [Environmental Planning and Assessment \(Development and Fire Safety\) Regulation 2021](#).

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

Where Georges River Council has been appointed as the PC, 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.

55. **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 PC appointed for the building work can issue the Occupation Certificate.

Prescribed Conditions

56. **Clause 44 - BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
57. **Clause 67 - 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.
58. **Clause 75 - 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 PC and the Principal Contractor.
59. **Clause 67 - 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](#).

- 60. 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.
- 61. Clause 61 - Site Excavation** - Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

If the soil conditions require it, retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil shall be provided and adequate provision shall be made for drainage.

END CONDITIONS

NOTES / ADVICES

- 1. 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.

- 2. 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. DA2024/0***) 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.

3. **Council as PC - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the PC 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.
4. **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).

5. **Ausgrid Overhead Powerlines** - The developer should refer to SafeWork NSW Document – Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase.

Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site.

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

It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost.

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website:

www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

For new connections or to alter the existing electrical connection to the property from the Ausgrid network, the proponent should engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable.

Visit the Ausgrid website for further details:

<https://www.ausgrid.com.au/Connections/Get-connected>

6. **Review of Determination** - Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

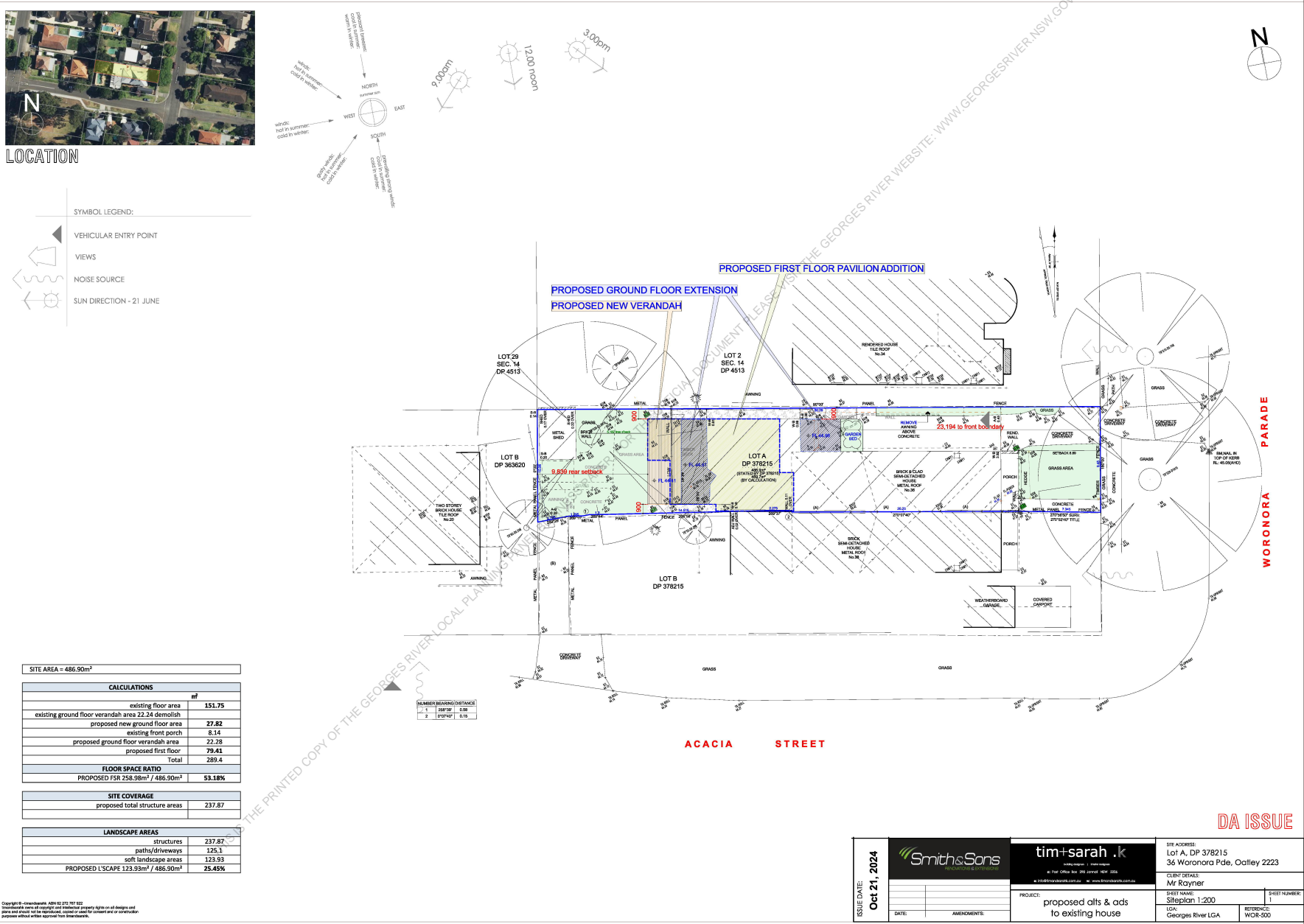
Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.

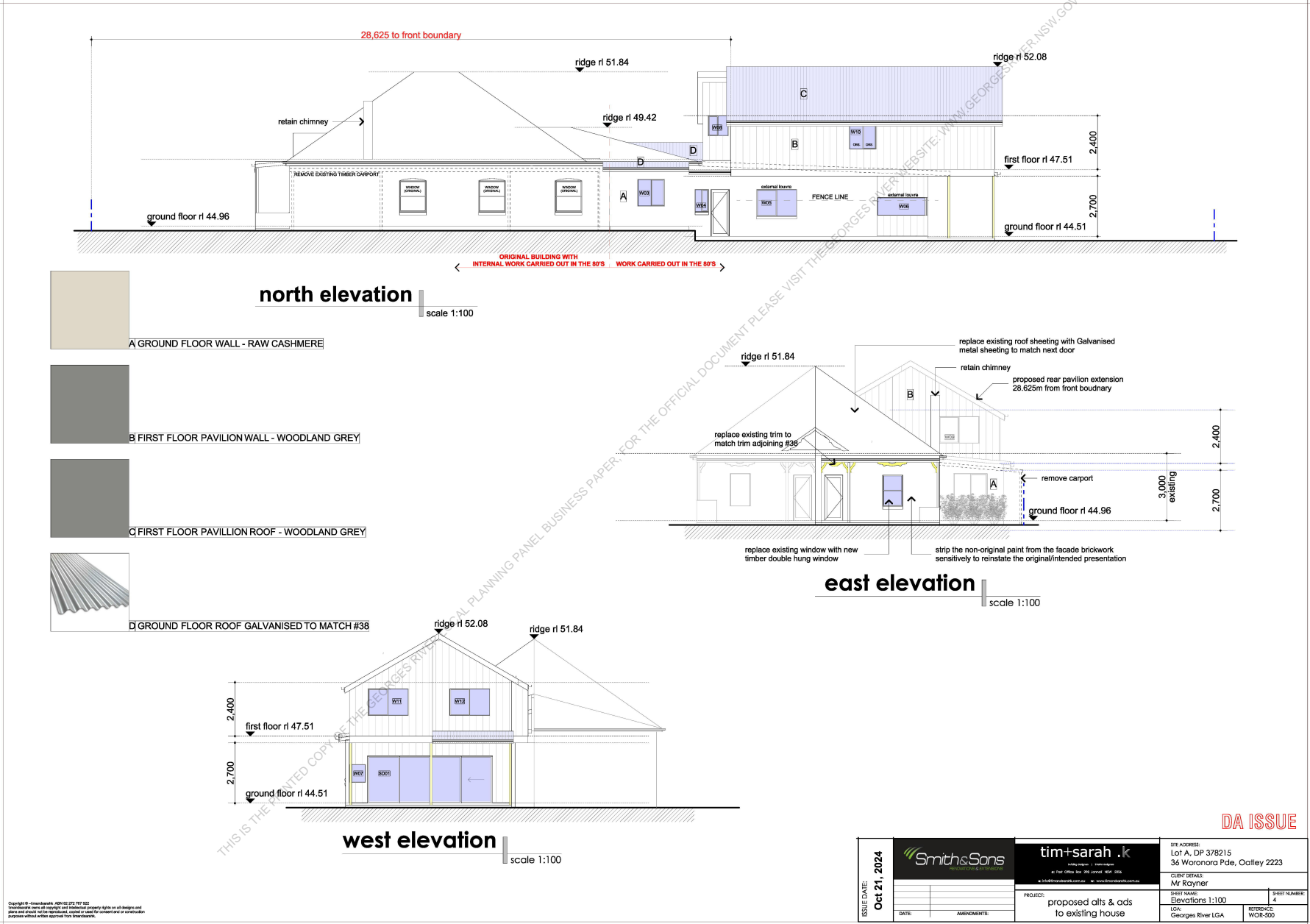
7. **Appeal Rights** - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
8. **Lapsing of Consent** - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

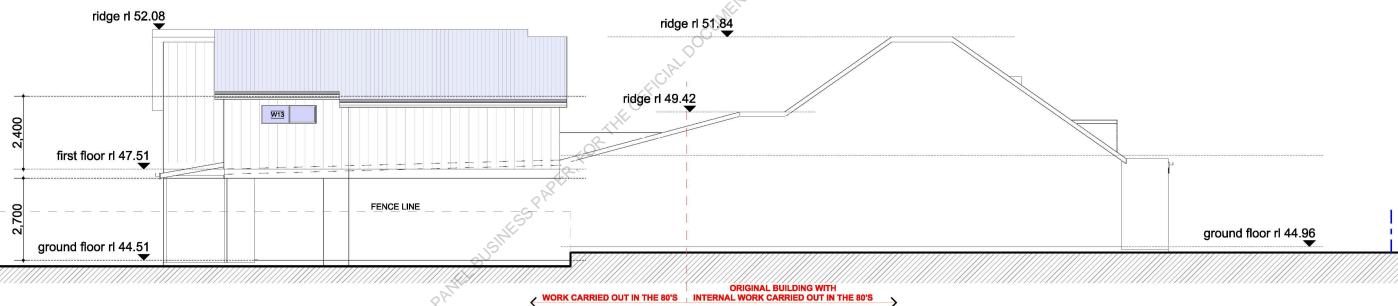
ATTACHMENTS

Attachment [↓](#)1 DA2024/0257 - LPP Plans 36 Woronora Parade, Oatley.1









scale 1:100



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DA ISSUE

ISSUE DATE: Oct 21, 2024 _____ _____ _____ DATE: _____ AMENDMENT#: _____	 Smith+Sons architects & engineers 41 West Office Way (2nd Floor) Suite 202A 4100 Highway 101, Suite 202A www.smithsonsllc.com	tim+sarah .k architects 36 Waronora Pde, Oatley 2223 www.timandsarah.com.au	SITE ADDRESS: Lot A, DP 378215 36 Waronora Pde, Oatley 2223 CLIENT NAME: Mr Rayner SHEET NAME: ELEM & Section A : 1:100 SHEET NUMBER: WORK-SHA- 5
	PROJECT: proposed ads & ads to existing house		
	APPROVED BY: _____ DATE: _____		