

AGENDA

Georges River Local Planning Panel

Thursday, 19 June 2025

4:00 PM

Blended Meeting

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

Participants:

Anthony Hudson (Chairperson)

Stephen Davies (Expert Panel Member)

Judith Clark (Expert Panel Member)

Lisa Pemberton (Community Representative)

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

LPP016-25	Hurstville Golf Course Clubhouse Planning Proposal – PP2025/0003 (Report by Senior Strategic Planner).....	3
LPP017-25	49 The Promenade, Sans Souci – DA2024/0304 (Report by Principal Planner)	13
LPP018-25	19A Waratah Street Kyle Bay NSW 2221 – DA2024/0315 (Report by Development Assessment Planner)	97
LPP019-25	243A-247 Forest Road, Hurstville – DA2025/0043 (Report by Manager Development and Building)	181

9. CONFIRMATION OF MINUTES

Georges River Local Planning Panel Meeting - 19 June 2025

REPORTS AND LPP DELIBERATIONS**REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 19 JUNE 2025****LPP016-25 HURSTVILLE GOLF COURSE CLUBHOUSE PLANNING PROPOSAL**

LPP016-25

LPP Report No	LPP016-25	Development Application No	PP2025/0003
Site Address & Ward Locality	Hurstville Golf Course Clubhouse Planning Proposal Peakhurst Ward		
Proposed Development	Planning Proposal to amend Schedule 1 to the Georges River Local Environmental Plan 2021 to include "function centre" as an additional permitted use at 57 Lorraine St, Peakhurst (Hurstville Golf Course Clubhouse).		
Owners	Georges River Council		
Applicant	Georges River Council		
Planner/Architect	N/A		
Date Of Lodgement	30/05/2025		
Submissions	N/A		
Cost of Works	N/A		
Local Planning Panel Criteria	Direction from the Minister for Planning and Public Spaces under Section 9.1 of the Environmental Planning and Assessment Act 1979 and the charter of the Georges River Local Planning Panel 2018 both specify that the Planning Proposal is to be referred to the Local Planning Panel before it is forwarded for Gateway Determination		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	N/A		
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Planning Proposal for Hurstville Golf Course Clubhouse		
Report prepared by	Senior Strategic Planner		

RECOMMENDATION	That the Georges River Local Planning Panel note and acknowledge the amendment to Schedule 1 of the Georges River Local Environmental Plan 2021 (GRLEP) proposed by Planning Proposal (PP) PP2025/0003 and recommend that Council: (a) Support the proposed amendment to Schedule 1 of the GRLEP;
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	(b) Endorse the forwarding of the PP to the NSW Department of Planning, Housing and Infrastructure (DPHI) to request a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979 for an amendment to the GRLEP by introducing “function centre” as an additional permitted use on part of Lot 1, DP176469, Hurstville Golf Course Clubhouse (57 Lorraine Street, Peakhurst).
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<p>Summary of matters for consideration under Section 4.15</p> <p>Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?</p>	Yes
<p>Legislative clauses requiring consent authority satisfaction</p> <p>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?</p>	Yes
<p>Clause 4.6 Exceptions to development standards</p> <p>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?</p>	Not Applicable
<p>Special Infrastructure Contributions</p> <p>Does the DA require Special Infrastructure Contributions conditions (under s7.24)?</p>	Not Applicable
<p>Conditions</p> <p>Have draft conditions been provided to the applicant for comment?</p>	Not Applicable

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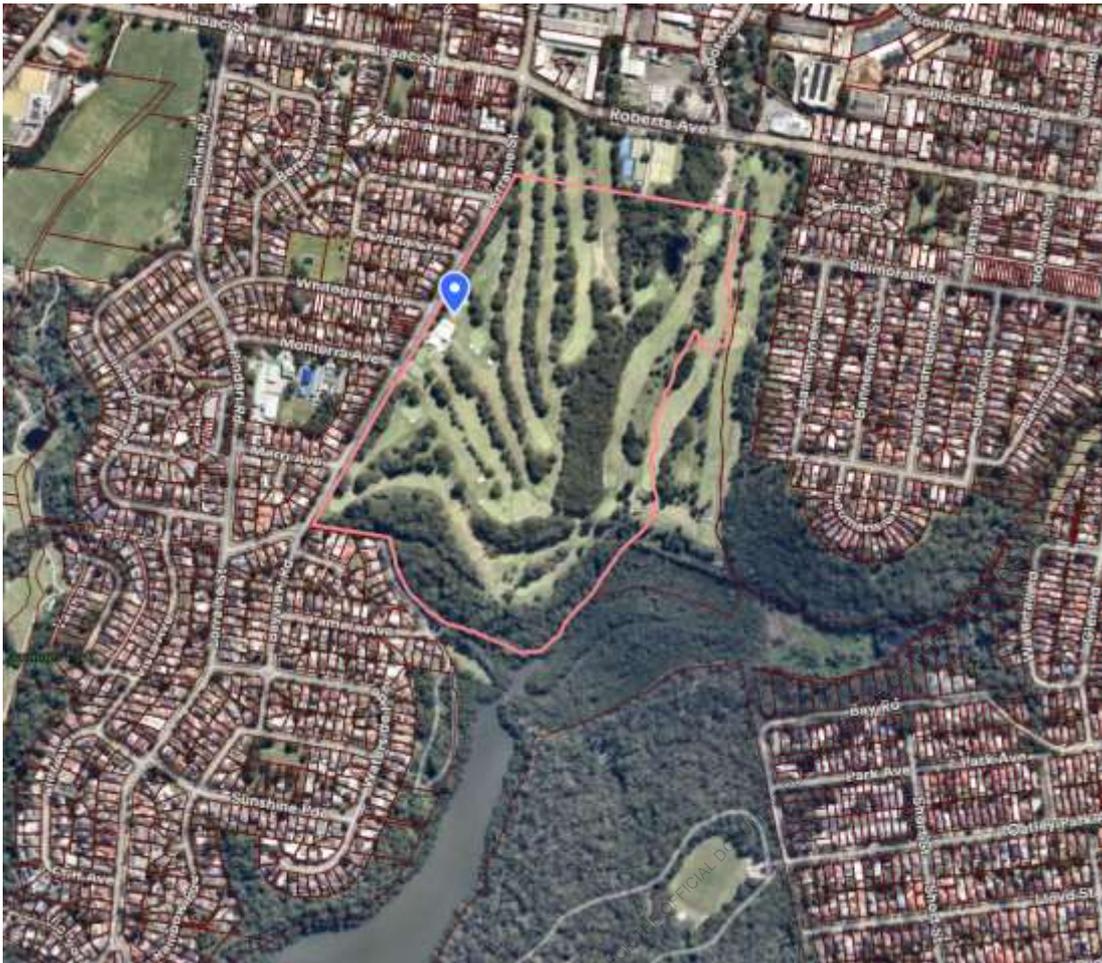
SITE PLAN

Figure 1. Hurstville Golf Course (Subject Site)

EXECUTIVE SUMMARY PROPOSAL

1. This Planning Proposal (PP) PP2025/0003 (Attachment 1) seeks to amend the *Georges River Local Environmental Plan 2021* (GRLEP) to insert into Schedule 1 to the GRLEP 2021, a function centre as an additional permitted use on the site of the Hurstville Golf Course Clubhouse (on part of Lot 1, DP176469 known as 57 Lorraine Street, Peakhurst). Council staff have prepared this PP.
2. The objective of the PP is to enable a function centre to operate within the Clubhouse building. The intended outcomes are to:
 - to allow the use of the existing Clubhouse to be used as a function centre,
 - to support the long-term viability of the facility as multi-purpose venue, and
 - to implement the recommendations of Council's *Optimising Community Access and Facility Use Plan*.
3. The Clubhouse is currently restricted in its use as ancillary to the Hurstville Golf Course. The inclusion of the additional use as a function centre will ensure that the Clubhouse building can be used by the wider community for events, functions, conferences, and receptions.

4. The use of the Clubhouse by the wider community will positively impact the Council's identity, given it was built by grant funds. Accordingly, it is recommended that the GRLPP recommend that Council support the amendment and endorse the forwarding of the PP to the DPHI for a Gateway Determination.
5. Additionally, an amendment to Council's Generic Plan of Management – Sportsgrounds is required to allow the use of the function centre on the Hurstville Golf Course.

REPORT IN FULL PROPOSAL

6. The PP intends to amend Georges River Local Environmental Plan (GRLEP) 2021 by inserting into *Schedule 1 additional permitted uses*, a "function centre" as an additional permitted land use on the site of the Hurstville Golf Course Clubhouse (part of Lot 1 DP176469, Hurstville Golf Club, Lorraine Street, Peakhurst).
7. The PP has been prepared by Council staff. As such, this LPP report simply provides a summary and references to the justification of the PP's merits within the report itself (Attachment 1).

THE SITE AND LOCALITY

8. The Hurstville Golf Course is located at 57 Lorraine Street, Peakhurst and is legally identified as Lot 1 in DP 176469, Lot 1 DP33385 and Lot 7054 DP1127614 and Lot 3 DP522691 (57A Lorraine Street). The Clubhouse is sited on Lot 1 of DP176469. Refer to **Figure 2** below.
9. The Site (refer to Figure 1) is situated along the Georges River and is bounded by dwellings to the east, Roberts Avenue to the north, Lorraine Street to the west and the Lime Kiln Wetlands to the south. The Site includes the Hurstville golf course, proshop and amenities which covers up to 40 hectares with the surrounding area being a mix of low and medium density residential. The Clubhouse fronts Lorraine Street – opposite the block between Monterra Avenue and Whitegates Avenue – refer to Figure 1.
10. A detailed site and locality description is provided in Section 2 of the PP (**Attachment 1**).

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Facility	Address	Title Reference	Owner	Land Classification	Area m ²	Category
Hurstville Golf Course,	57A Lorraine St	Lot 3 DP 522691	Council	Community	750.675	Sportsground
Mortdale	57 Lorraine St	Lot 1 DP 176469	Council	Community	294597.098	
	57 Lorraine St,	Lot 1 DP 33385	Council	Community	51992.685	
	57 Lorraine St,	Lot 7054 DP 1127614	Crown/State of NSW - R100110 Gazetted 3/07/1987 Public Recreation	Crown Reserve for the purpose of "Public Recreation"	48536.539	

Initial Categorisation applied to Crown Land: Park

LEGEND

- POM Land Parcel Boundaries
- Crown Land parcel managed by Council

CATEGORY

- Sportsground

CLIENT	BY	PROJECT	DRAWING: GIS MAP DATA SUPPLIED BY GEORGES RIVER COUNCIL AND MODIFIED BY EP FOR THE PURPOSES OF THIS PROJECT. THE INFORMATION CONTAINED ON THESE MAPS IS TO THE BEST OF OUR KNOWLEDGE. COUNCIL/EP IS NOT RESPONSIBLE FOR ERRORS OR INACCURACIES IN THE DATA PROVIDED.	DATE Apr 2020 SCALE 1:5000 @ A4	DRAWING SP04 ISSUE 2
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Figure 2 - Extract from Generic Plan of Management – Sportsgrounds showing Hurstville Golf Course.

BACKGROUND

11. The Hurstville Golf Course is one of Council's premium facilities and was opened in 1968. The construction and use of the current Hurstville Golf Course Clubhouse building was approved in December 2020 (DA2020/0115). The consent restricts the use of the Clubhouse as ancillary to the Hurstville Golf Course, making it unavailable for hire or use by a third party for events and functions.
12. The Clubhouse was completed in February 2023, with grant funding under the NSW Stronger Communities Fund. **Figures 3 & 4** shows the Clubhouse as built and the surrounding area.



*Figure 3 - Front of the Clubhouse
(red arrow indicates the location of the function room on the first floor)*



Figure 4 – Rear view of the clubhouse from Golf Course looking SW

13. DA2024/0189 was lodged in May 2024 seeking to amend the use of the Clubhouse to a function centre. The application sought to use the first floor as a function centre for a maximum of 110 persons for both golf and non-golf related events until 12 midnight up to a maximum of 100 times per year with a maximum of 2 per week. Advice was provided to the applicant via Council letter dated 25 November 2024 that a function centre is prohibited in the RE1 zone. The DA was withdrawn on 5 December 2024.

14. Council at its meeting held 24 March 2025 considered a report on a plan for optimising community access to Council's Premium Facilities. The *Optimising Community Access and Facility Use Plan* has been developed to increase community access at all Council facilities. To ensure asset sustainability, this plan optimises utilisation, promotes greater community engagement, and addresses reputational concerns about excluding the community from valuable public assets. One of the actions in the Plan is to: *Submit a Planning Proposal and then a Development Application (DA) for the Hurstville Golf Course Function Room.*
15. Council at its meeting held on 26 May 2025 considered a report on the Hurstville Golf Course Clubhouse Planning Proposal and resolved:
That Council endorses the preparation of the Hurstville Golf Course Clubhouse Planning Proposal to amend the Georges River Local Environmental Plan 2021, by inserting into Schedule 1 additional permitted uses, "function centre" as an additional permitted use on the site of the Hurstville Golf Course Clubhouse (part of Lot 1 DP176469, Hurstville Golf Club, No.57 Lorraine Street, Peakhurst).

PLANNING PROPOSAL

16. The Site is zoned RE1 – Public Recreation under the GRLEP. Function centres are a prohibited use in RE1 zone in the Land Use Table.
17. A planning proposal is required to permit the use of the Clubhouse building as a function centre. The Hurstville Golf Course Clubhouse Planning Proposal will seek to amend the GRLEP to insert into Schedule 1 additional permitted uses to the GRLEP 2021 a function centre as an additional permitted use on the site of the Hurstville Golf Course Clubhouse.
18. The intended outcomes of the planning proposal are:
 - to allow the use of the Clubhouse to be used as a function centre by the wider community,
 - to support the long-term viability of the facility as multi-purpose venue, and
 - to implement the recommendations of Council's *Optimising Community Access and Facility Use Plan*.
19. It is not considered appropriate to provide "function centre" as an additional permitted use to the entire portion of Lot 1 of DP176469 which has an area of approximately 29.4 hectares. Council is seeking the additional use to be restricted to the Golf Clubhouse building and surrounds only which has an approximate area of 2,250 sqm. Refer to Figure 8 for the proposed extent.



Figure 5 – Aerial image of the Clubhouse.
The red outline indicates the extent of the additional permitted use of 'function centre'.

20. Council has previously utilised *Schedule 1 additional permitted uses* to the GRLEP to permit additional uses on specific Council owned land zoned RE1 Public Recreation zone. This has included registered clubs and entertainment facilities which are uses prohibited in the RE1 Public Recreation zone, including Beverley Park Golf Course, Olds Park Club and Jubilee Oval.

ASSESSMENT OF THE PLANNING PROPOSAL

21. The PP has been prepared by Council staff. As such, this section provides a summary and references to the justification of the PP's merits within the report itself. Refer to Section 5 - Justification of Strategic and Site-Specific Merit with the PP for further detail (**Attachment 1**).
22. The PP meets both the strategic and site-specific merit tests that are outlined in the *Local Environmental Plan Making Guideline* dated August 2023.
23. In terms of Strategic Merit, the PP aligns with the following Council strategies that identify the priority and positive lifestyle outcomes of providing community access to open space, community hubs, quality parks and facilities:
- Community Strategic Plan 2022-2032;
 - Open Space, Recreation and Community Facilities Strategy 2019-2036; and
 - Community Infrastructure Needs Assessment and Acquisition Area Strategy.
24. The only inconsistency with the section 9.1 Ministerial Directions is 1.4 - Site Specific Provisions, which is considered to be justified as the proposal does not seek any amendment to development standards for the site. The PP is consistent with other applicable Ministerial directions and SEPPs.
25. In terms of site-specific merit, the proposal:
- Focuses solely on land use, ensuring no changes to the built form provisions that could impact the surrounding area;

- Does not adversely affect critical habitats or threatened species, populations or ecological communities or their habitats;
 - Does not propose any built form changes to the Clubhouse and its ability to comply Bush Fire Protection requirements; and
 - Does not create additional requirements for public infrastructure.
26. The proposal does not impact road network capacity or off-street parking/access requirements. The existing golf course has no off-street parking, however, it is serviced by 148 on-street car parking spaces, including seventy (70) marked spaces and two (2) accessible parking spaces provided along the Lorraine Street frontage of the site.
27. The Traffic Assessment lodged with DA2020/0115 stated that there was sufficient car parking in the vicinity of the site to address the car parking requirements of the DCP had they been strictly applied. This was further supported by the Traffic and Parking Report submitted with the DA. Any future DA to increase the intensity of the current uses on site will be required to justify sufficient parking provision in accordance with Council's DCP.
28. The clubhouse operates from 5.45am to 7.00pm daily consistent with the existing golf course operations, except for a few annual events which will operate up until 10.00pm. The Acoustic Report submitted with DA2020/0115 identified that the clubroom would be open in conjunction with the approved hours of operation of the golf course, except for a small number of days per year coinciding with major events when it would operate up until 10.00pm. Any future DA to increase the intensity of the current uses on site will be required to identify the likely acoustic impacts caused, including appropriate mitigation measures.

COMMUNITY CONSULTATION

29. Should the Hurstville Golf Course Clubhouse Planning Proposal be supported, it will be forwarded to the DPHI requesting a Gateway Determination to proceed to formal public exhibition.
30. The exhibition of the Planning Proposal will meet the requirements of any Gateway Determination and Council's Community Engagement Strategy. Details are outlined in Section 7 – Community Consultation of the PP (**Attachment 1**).
31. The project timeframe is dependent on the Gateway Determination date and the requirements for the public exhibition period. An indicative project timeline is provided in Table 1.

Table 1 – Indicative Project Timeframe

Task	Anticipated Timeframe
Consideration by Georges River LPP	June 2025
Council decision	August 2025
Gateway Determination	October 2025
Timeframe for public exhibition (including both government agency and community consultation as required by Gateway Determination)	November 2025
Consideration of submissions	December 2025
Council consideration and finalisation	February 2026
Submission to the Department to finalise the Planning Proposal as an amendment to the GRLEP	February 2026
Gazettal of LEP amendment	March 2026

MAPS

32. If the Planning Proposal is supported, a map sheet amendment is required to the Additional Permitted Uses Map (APU) and will be submitted to DPHI with the Planning Proposal.

CONCLUSION

33. The Clubhouse is currently restricted in its use as ancillary to the Hurstville Golf Course. The inclusion of the additional use as a function centre will ensure that the Clubhouse building can be used by the wider community for events, functions, conferences, and receptions.
34. The use of the Clubhouse by the wider community will positively impact the Council's identity, given it was built by grant funds. Accordingly, it is recommended that the GRLPP recommend that Council support the amendment and endorse the forwarding of the PP to the DPHI for a Gateway Determination.

NEXT STEPS

35. The PP will be presented at a future Environment and Planning Committee meeting for consideration, including the LPP's recommendations. If the Planning Proposal is endorsed by Council, it will be forwarded to the DPHI for a Gateway Determination under Section 3.34 of the EP&A Act.
36. If the Planning Proposal is endorsed and the amendment is made to GRLEP 2021, a development application would be required to seek consent for the use of the clubhouse as a function centre.
37. An amendment to the Generic Plan of Management – Sportsground will also be required as it currently restricts development to be in accordance with the zoning (i.e. the RE1 Zone), and a function centre is not a permissible use in the RE1 Zone. This will be the subject of a separate process which is anticipated to be reported to Council following the receipt of a Gateway Determination from the DPHI.

ATTACHMENTS

Nil

Attachments are accessible on Council's website through the following links:

[Attachment 1 Planning Proposal for Hurstville Golf Course Clubhouse](#)

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REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 19 JUNE 2025

LPP017-25 49 THE PROMENADE, SANS SOUCI

LPP017-25

LPP Report No	LPP017-25	Development Application No	DA2024/0304
Site Address & Ward Locality	49 The Promenade, Sans Souci Kogarah Bay Ward		
Proposed Development	Alterations and additions to a dwelling house, landscaping and site works		
Owners	OAF Hanna and MTN Sidhom		
Applicant	Mr George, the Trustee for AMS Trust		
Planner/Architect	Graphio AM		
Date Of Lodgement	4/07/2024		
Submissions	Three (3)		
Cost of Works	\$1,315,000.00		
Local Planning Panel Criteria	Development Standard Variation Greater than 10% relating to Landscaping and FSR		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Georges River Local Environmental Plan 2021, Georges River Development Control Plan 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021		
List all documents submitted with this report	Assessment Report and Architectural Plans		
Report prepared by	Principal Planner		

RECOMMENDATION	Refusal
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<p>Summary of matters for consideration under Section 4.15</p> <p>Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?</p>	<p>Yes</p>
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<p>Legislative clauses requiring consent authority satisfaction</p> <p>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?</p>	<p>Yes</p>
<p>Clause 4.6 Exceptions to development standards</p> <p>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?</p>	<p>Yes – Landscaping area does not comply</p> <p>No clause 4.6 submitted for variation to FSR</p>
<p>Special Infrastructure Contributions</p> <p>Does the DA require Special Infrastructure Contributions conditions (under s7.24)?</p>	<p>Not Applicable</p>
<p>Conditions</p> <p>Have draft conditions been provided to the applicant for comment?</p>	<p>No, the application is recommended for refusal; the refusal reasons are publicly available when the report is published.</p>

PROPOSAL

1. This development application (DA) seeks consent for alterations and additions to a dwelling house, landscaping and site works in the following manner:
 - a) Deletion of jetty and pontoon from the original application.
 - b) Lower Ground Floor Level:
 - Removal of external stairs to terrace.
 - Removal of existing steps to swimming pool.
 - Pool Fencing is assumed from the notation on the architectural plans; however, this is not referred to in the amended SEE.
 - Replacement of internal and external access stairs.
 - Removal and reconfiguration of various internal and external walls, doors and windows.
 - c) Ground floor:
 - Existing masonry external walls to be rendered in white.
 - Removal of existing external stairs to terrace.
 - Removal of existing steps to swimming pool.
 - Replacement of internal and external access stairs.

- Removal and reconfiguration of various internal and external walls, doors and windows.
- Enclosure of carport to create a garage of 82.5sqm is assumed from the architectural plans, however this is not referred to in the amended SEE.

d) First Floor:

- Existing masonry external walls to be rendered in white.
- Removal of existing WC, Bath, Bedrooms, WIR and Ensuite.
- Replacement of internal access stairs.
- Partial removal of existing carport roof.
- Removal and reconfiguration of various internal and external walls, doors and windows.
- First floor eastward extension consisting of two (2) new bedrooms, linen closet and bathroom.
- New roof to accommodate first floor extension.

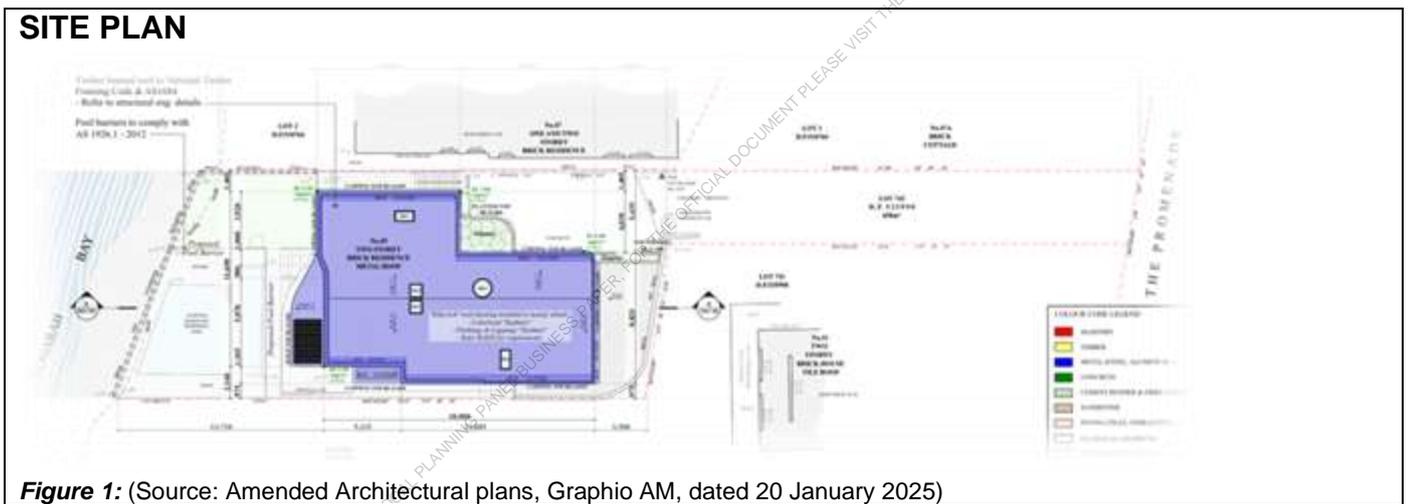


Figure 1: (Source: Amended Architectural plans, Graphio AM, dated 20 January 2025)



Figure 2: Western Elevation Source: Amended Architectural Plans, Graphio Am, Dated 20 January 2025)

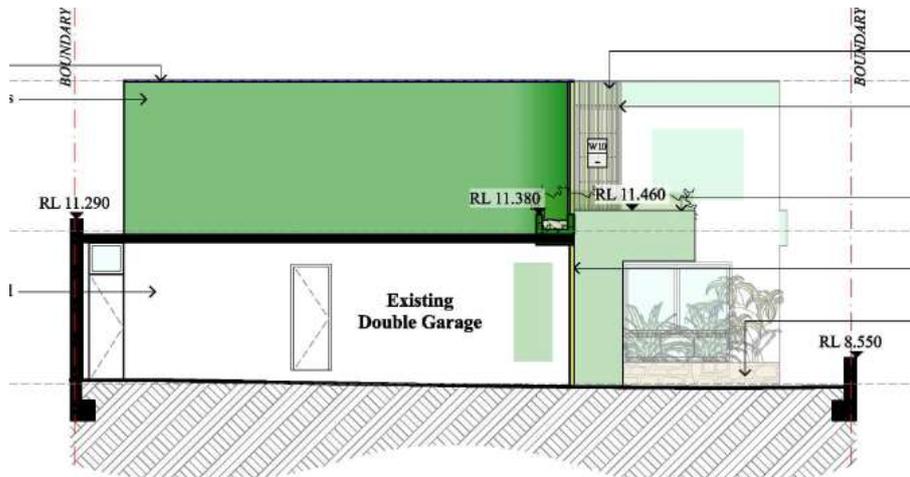


Figure 3: Eastern Elevation (Source: Amended Architectural Plans, Graphio Am, Dated 20 January 2025)

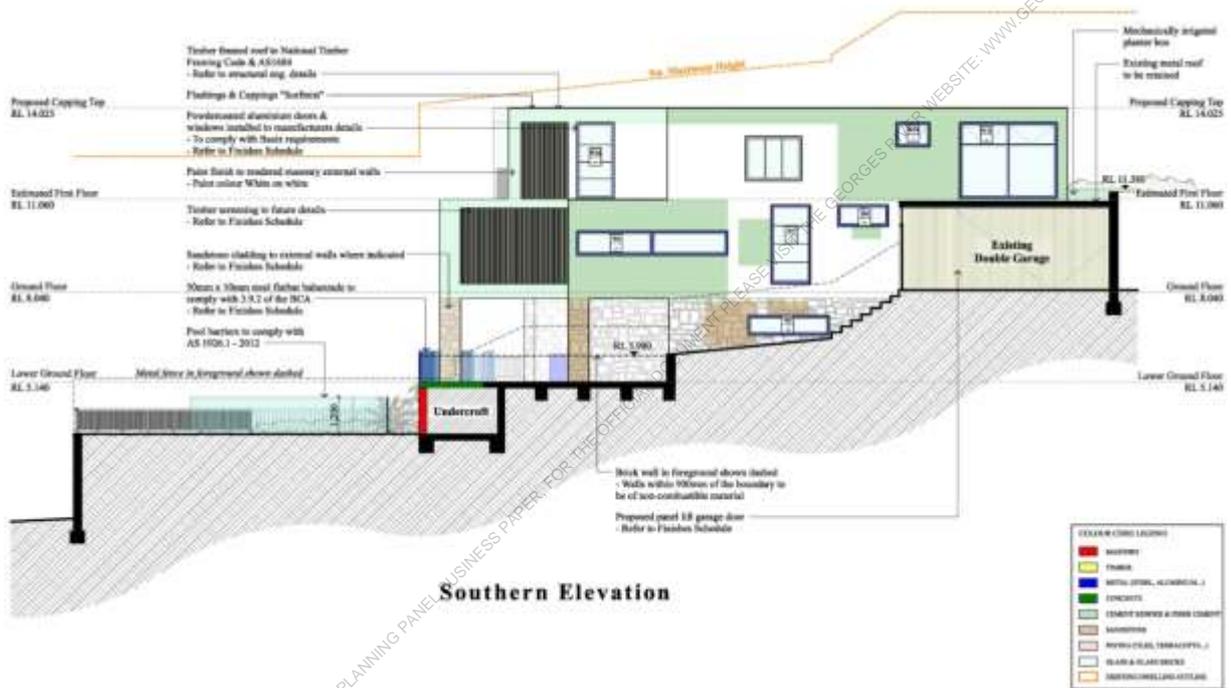


Figure 4: South Elevation (Source: Amended Architectural Plans, Graphio Am, Dated 20 January 2025)

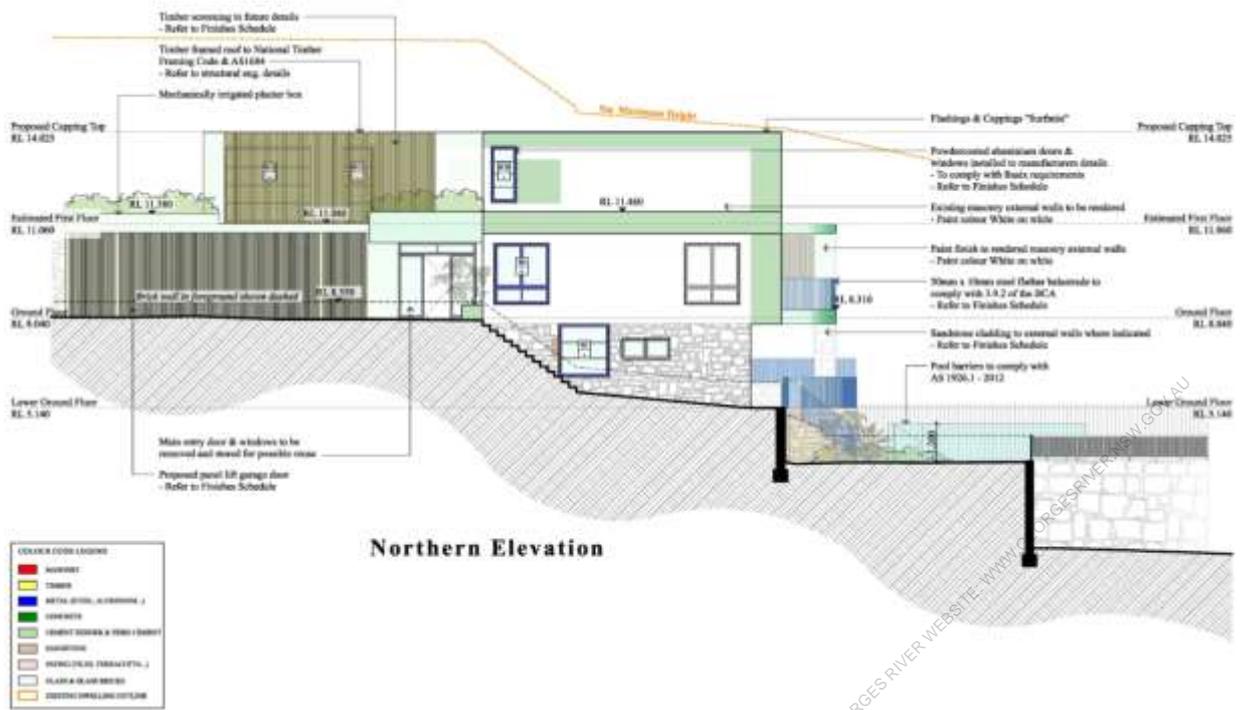


Figure 5: North Elevation (Source: Amended Architectural Plans, Graphio Am, Dated 20 January 2025)

SITE AND LOCALITY

2. The site is located at Lot 742 in DP 535998, and is known as No. 49 The Promenade, Sans Souci. The site is irregular in shape, being a waterfront battle-axe shaped allotment, which is accessed via a 30.48m long x 4.94m wide vehicular right of way. The site measures 15.23m in width, approximately 61.265m long at the northern elevation (including access handle) and 35.05m at the southern elevation.
3. The total land size is 645sqm according to the deposited plan, with the access handle being 150.6sqm, and thus the net area under development is 494.4sqm (excluding the battle axe handle). The brick and sandstone sea wall are forward for the most part of the high-water mark as shown on the plan.
4. The development site is located on the western side of The Promenade and has access to the Georges River along its frontage. The site falls from the rear towards the river by approximately 7 metres at the point where the axe handle joins the development site. The topography is mapped from RL 13.0 at the street to RL 1.0 at the seawall. The site is currently occupied by an existing two storey dwelling of brick construction with metal roof, a carport which provides tandem parking for four cars, and an in-ground swimming pool, with grass terrace adjacent to the sea wall. There is minimal vegetation on site, and no canopy trees.
5. The adjoining sites are developed with two-storey dwellings, including some with swimming pools and jetties and pontoon structures. The immediate vicinity consists of low-density housing varying in size and height from one storey to three storeys, with recreational structures.



Figure 6: Locality Plan (Source: Intramaps/Nearmaps 2025)



Figure 7: Aerial view of the subject site and the surrounding properties (Source: Nearmap, 2 April 2025)



Figure 8: View of the subject site and the surrounding properties (Source: www.realestate.com.au accessed 15.05.2025)



Figure 9: View of the rear of dwelling and carport (Source: www.realestate.com.au accessed 15.05.2025)

ZONING AND PERMISSIBILITY

- 6. The subject site is zoned R2 Low Density Residential under the provisions of the GRLEP 2021. The amended proposal involves the alterations and additions to a dwelling house which is a permissible use in the land use zone with development consent.
- 7. Whilst the proposal is permissible with consent, it is considered that the zone objectives are not met given the proposed excessive bulk and scale, FSR exceedance and the provision of insufficient landscaping (both in nature and area) of the development, and non-compliant setbacks which give rise to various amenity impacts.



Figure 10: Site outlined in red, within Foreshore Scenic Protection Area, with foreshore building line (Source: Intramaps)

ASSESSMENT

8. The application has been assessed having regard to the Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, the provisions of the relevant State Environmental Planning Policies, Georges River Local Environmental Plan 2021 and Georges River Development Control Plan 2021.
9. The subject development application, as amended, includes variations to both the GRLEP 2021 and GRDCP 2021 in the following manner:
 - i. Clause 1.2(2)(f) Aims of the Plan: to promote a high standard of urban design and built form, is not met
 - ii. Clause 2.3 Zone Objectives of the R2 Low Density Residential zone, is not met
 - iii. Clause 4.4 Floor Space Ratio: Proposal exceeds the FSR control of 0.55:1 by 15.5 per cent.
 - iv. Clause 6.12 Landscaping in certain residential and conservation areas: Proposal has a variation of 66 per cent from the development standard of 25 per cent landscaping provision of the net developable area.
 - v. Clause 6.6 Foreshore Scenic Protection Area; and Clause 6.10 Design Excellence, objectives is not met.
 - vi. GRDCP 2021 controls under Part 6.1.1 Low Density Residential and Part 5 Locality statement relating to Sans Souci and Ramsgate is not met.
10. In essence the key issues are:
 - i. The proposal does not comply with the landscaping area requirements of the Georges River LEP 2021.
 - ii. The proposal also exceeds the floor space ratio development standard in the GRLEP 2021 by 15.5 per cent and no clause 4.6 variation request has been submitted to seek a variation from this development standard.
 - iii. The existing hard paved areas on site are being retained and replaced; there is an existing swimming pool; and due to these factors, it would appear that there is limited opportunity to provide a landscaping area with deep soil that is of a compliant size although there are areas on site of hardstand that are sought to be retained which could be considered for conversion to deep soil area with appropriate landscaping.
 - iv. Given this, a variation of 65.8 per cent rounded up to 66 per cent is sought from the LEP landscaping standard in the Foreshore Scenic Protection Area, and a Clause 4.6 request has been submitted to address the variation.
11. In respect to Floor Space Ratio, the maximum allowable FSR for the site is 0.55:1 pursuant to the provisions of GRLEP 2021. However the proposal seeks to exceed the maximum allowable FSR by 15.5 per cent and in addition no clause 4.6 variation request has been submitted to address the breach of the development standard.

12. In respect to Landscaping Provision, the site requires a minimum landscaping provision of 25 per cent of the net developable area. The existing landscaping provision is sought to be unchanged for the most part in terms of quantum, and is deficient in size and type, being a variance of 66 per cent from the requirement as only 34 per cent of the minimum landscaping provision is provided. Further no landscape plan has been submitted on either the original application or the amended application although two planters are shown on the architectural plans, and no planting details have been submitted. A clause 4.6 variation request to address the breach from the control at Clause 6.12 Landscaped areas in certain residential and conservation zones has been submitted to address the departure from the development standard, however not supported.
13. The proposed amended development also does not satisfy the provisions of the Georges River Development Control Plan 2021, in regard to the front and side setbacks for the first level extension, and the proposed garage, which is a conversion of the existing carport which on the front and side elevation has for the majority part a nil setback. Landscaping is non-compliant in terms of both quantity and treatment, and no provision of mature tree canopy is proposed. The built form, finishes, and bulk and scale are not in accordance with the aims of the Foreshore Scenic Protection Area, and the Kogarah Bay Locality.

SUBMISSIONS

14. The application was publicly notified to neighbours for a period of fourteen (14) days in accordance with the Georges River Development Control Plan 2021. In response, two (2) submissions were received. The amended application was also publicly notified to neighbours for a period of fourteen (14) days and one (1) submission was received. The following concerns were raised in the submission:
 - Privacy impacts due to large windows looking directly onto our property, noting the amended plans have larger windows which will look into our bedrooms and study.
 - Visual privacy impact due to windows on the southern wall which would look directly into our yard.
 - Proposal is excessive as it increases the number of bedrooms from six to eight bedrooms.
 - Floor space within the proposal is excessive.
 - Excessive bulk and scale, and risk of greater acoustic privacy impacts than what is currently experienced as the house is rented out as number of inhabitants will increase with extra bedroom provision.
 - Overshadowing impacts creating loss of light which impacts habitable rooms including study and bedroom.
 - Overshadowing of property including three bedrooms due to extension over the existing double garage.
 - Impacts on health and on property value on neighbouring property and its inhabitants.
 - The plans for the landscaped areas exceed the required landscaped area of 25% as amended for battle-axe blocks.
 - The proposal of landscaped area of 6.5% falls well short of the required 25%.
 - Significant visual impacts to main living areas and outdoor areas for two neighbours, impacting the views over Kogarah Bay from the pool area, and dining and living area, and upstairs living area.
 - The proposal will remove a view corridor and does not represent design sensitivity as the proposal on absolute waterfront property will remove part of a view from adjoining properties.

- The biodiversity of the neighbouring property will be severely compromised by virtue of the decreased sunlight.
- Non-compliance with DCP controls re building scale and height; is excessive in bulk and does not conform with the R2 Low density zoning.
- Proposal does not comply with the 6m setback and is building upon a non-compliant setback which is a clear violation of regulations. The new wall extends vertically on 3.5m from our property and will negatively impact and create an area comparable to high density residential living.
- Concern that business operations may occur in the future from the property.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

15. This amended application is referred to the Georges River Local Planning Panel for their determination as the proposal breaches the development standard in regard to both the landscaped area and the FSR by over 10 per cent in both instances. The variation to the landscaping standard sought is 66% whilst the variation FSR control exceeds 15 per cent, and is not addressed in the amended SEE, and nor has a clause 4.6 variation request to address this variation been submitted.

CONCLUSION

16. Whilst alterations and additions to the existing dwelling do not seek to extend further forward than the Foreshore Building Line with the exception of the Baja shelf over the pool and pool barriers, and acknowledging the existing footprint of the building, which is retained at lower ground level, the proposed extension results in non-compliances at both ground and first floor levels, and this will maintain the existing non-compliances on both these levels.
17. The existing dwelling has side setbacks of 975mm and 1.405m whereas 1.5m is required within the FSPA. The front setback requirement of 4m is not met as the existing carport is non-compliant with both front and side setback controls and is built close to the front and side boundaries, and indeed encroaches on the neighbouring property on the side elevation as shown on the amended survey.
18. The amended proposal has the first-floor level eastward extension encroaching within the front setback for a majority of the front building line and encroaches within the side setback. As a result of both the first-floor extension and the conversion of the existing carport to a garage, there would be a major increase in floor space above the allowable control. Due to the omission of a clause 4.6 variation request to address the exceedance to the FSR development standard as set out in Clause 4.4A of GRLEP 2021, the proposal on this basis is prohibited.

RECOMMENDATION

19. Having regard to the matters for consideration under Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and the provisions of the relevant SEPPs, GRLEP 2021 and GRDCP 2021, Development Application DA2024/0304 is recommended for Refusal based on the following reasons:
 1. Refusal Reason – Environmental Planning Instrument – Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development as amended does not comply with the following sections of Georges River Local Environmental Plan 2021:

- a. Clause 1.2(2)(f) Aims of the Plan: to promote a high standard of urban design and built form: is not met.
- b. Clause 2.3 – Zone objectives and Land Use Table. The amended proposal is not consistent with the zone objectives as the exceedance in floor space proposed contributes to the overall bulk and scale of the dwelling, which does not meet the objectives of retaining the low-density residential character of the area nor enhancing high levels of amenity of the area.
- c. Clause 4.4A – Floor Space Ratio. The proposed FSR under this modification exceeds the permitted FSR control of 0.55:1 by over 15 per cent without adequate justification, being 0.6349:1. No clause 4.6 variation request has been made by the applicant regarding the non-compliance. The excessive bulk detracts from the surroundings and results in view impacts and amenity impacts on neighbouring properties and the locality.
- d. Clause 6.12 – Landscaping Area. The variation from the landscaping requirement of a minimum of 25 per cent of the site where 6.5 per cent of the site is proposed for landscaping provision, is a deficiency of 66 per cent. Whilst noting this landscape provision is existing and there are minor amendments proposed to it, the proposed landscaping under the DA is not in accordance with Clause 6.6 Foreshore Scenic Protection Area and Clause 6.10 Design Excellence with regard to biodiversity, the natural environment, residential amenity, and streetscape character. The minor changes to include a narrow planter atop of the proposed garage and the planter at ground level at the entry will not provide to the overall site a level and type of planting and landscape treatment which incorporates sufficient embellishment that is desirable within this foreshore area, including mature canopy trees which are not proposed.
- e. Clause 6.6 – Foreshore Scenic Protection Area. The proposed landscaping scheme does not address the objectives of this clause to (1) (c) improve the diversity and condition of native vegetation and habitats; (d) reinforce and improve the dominance of landscape over built form, hard surfaces and cut and fill; and (f) enhance existing environmental values of the foreshore; and arguably the consent authority may not be satisfied that the development would facilitate (3) (c) the ... enhancement of native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors; and (3)(g) be satisfied that ... the minimisation of the height and bulk of the development by stepping the development to accommodate the fall in the land [is achieved].
- f. Clause 6.10 - Design Excellence: The amended proposal is for a significant addition and external alteration on land in the FSPA and the proposal is not consistent with matters for consideration under:
- (5) as the development does not adequately address requirements under (b) form and external appearance [to] improve the quality and amenity of the public domain, and
 - (c) detrimentally impacts on view corridors.

- (iv) separation, setbacks, amenity and urban form in relation of the development on other development (existing or proposed) on neighbouring sites is not met; and
- does not meet (v) bulk, massing and modulation of buildings, (vii) environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity; and
- (xi) excellence and integration of landscape design is not achieved.

2. Refusal Reason – Environmental Planning Instrument – Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development as amended is likely to have an adverse impact on the following aspects of the environment:

- a. **Natural Environment.** The proposed landscaping as shown on the amended architectural plan does not provide any enhancement to the environment within the foreshore area or contribute to biodiversity protection through biodiversity corridors. There is also minimal additional landscaping proposed on the amended architectural plan being limited to plants, although given the access handle there is an available area within the site to provide for additional landscape embellishment within the access handle that can contribute biodiversity values to the site.
- b. **Built Environment.** The amended architectural plans submitted to Council propose modifications which increase floor space within the dwelling which will exceed the FSR standard at Clause 4.4A GRLEP 2021 by over 15 percent. The extension of the first-floor level over the existing carport does not comply with the front and side setback requirements, giving rise to a built form which is inconsistent with the desired locality and streetscape character. The conversion of the non-compliant carport to an enclosed garage is a contributing factor to the FSR exceedance. As a result, the amended proposal potentially reduces view corridors. Therefore, the overall alteration and addition does not enhance the built environment of the locality or meet the character requirements of the area and detracts from the streetscape as views to the Georges River from the public realm are impacted as a result of the proposal.

3. Refusal Reason – Development Control Plan – Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development as amended does not comply with the following sections of Georges River Development Control Plan 2021:

- a. **Section 3.2.1 – Trees and Vegetation.** Notwithstanding that the applicant wishes to rely on the existing landscaping provision, and limited alteration to this is proposed with a narrow planter above the proposed garage, and a planter at ground level either side of the garage, it is noted the amended proposal does not address (c) to maximise healthy tree canopy across the LGA; or (d) identify responsibilities and requirements with respect to the protection, retention and replacement of trees.

- b. Section 6.1.2.2 – Building Bulk and Scale. Clause 1.2(2)(f) Aims of the Plan: to promote a high standard of urban design and built form is not met. The amended proposal exceeds the maximum Floor Space Ratio allowable and the excessive building bulk and scale results in additional visual impact compared to the existing dwelling. The exceedance of protrusion of the first-floor level into the front and side setbacks above the proposed garage will contribute to the visual dominance of the building, given the breach of rear and side setbacks, and also reduce view corridors and access to views from both the public and the private realm. There are also increased amenity impacts such as overshadowing and overlooking and potential acoustic amenity impacts. Therefore, the amended proposal fails to demonstrate compliance with this control.
- c. Section 6.1.2.3 – Setbacks. The modification fails to demonstrate compliance with front and side setback requirements. The first-floor addition encroaches into the front and side setback spaces which are not supported. The existing setbacks to the carport are non-compliant, and the conversion of the carport to a garage would perpetuate this non-compliance, which includes the side retaining wall which is shown on the amended survey to encroach onto neighbouring property.
- d. Section 6.1.2.7 Vehicular Access, Parking and Circulation. The proposed garage exceeds the DCP requirement for two car parking spaces which is an area of 36sqm. The proposed garage is 82.5sqm in area, and thus contributes to the non-compliant FSR and excess in bulk and scale of the amended proposal.
4. Refusal Reason – Suitability of the Site – Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the suitability of the subject site to accommodate the proposed development as amended is not demonstrated.
5. Refusal Reason – The Public Interest – Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development as amended is not considered to be in the public interest and is likely to set an undesirable precedent.

ATTACHMENTS

Attachment [↓1](#) Assessment Report 49 The Promenade Sans Souci DA2024.0304 for peer review



Attachment [↓2](#) Masterview Architectural Plans_Rev B - 49 The Promenade, Sans Souci



REPORT IN FULL

PROPOSAL

1. The proposal seeks consent for alterations and additions to a dwelling house, landscaping and site works. The proposed development as amended comprises of:

a) Deletion of jetty and pontoon from the original application

b) Lower Ground Floor Level:

- Removal of external stairs to terrace.
- Removal of existing steps to swimming pool.
- Pool Fencing is assumed from the notation on the architectural plans; however, this is not referred to in the amended SEE.
- Replacement of internal and external access stairs.
- Removal and reconfiguration of various internal and external walls, doors and windows.

c) Ground floor

- Existing masonry external walls to be rendered in white.
- Removal of existing external stairs to terrace.
- Removal of existing steps to swimming pool.
- Replacement of internal and external access stairs.
- Removal and reconfiguration of various internal and external walls, doors and windows.
- Enclosure of carport to create a garage of 82.5sqm is assumed from the architectural plans, however this is not referred to in the amended SEE.

d) First Floor:

- Existing masonry external walls to be rendered in white.
- Removal of existing WC, Bath, Bedrooms, WIR and Ensuite.
- Replacement of internal access stairs.
- Partial removal of existing carport roof.
- Removal and reconfiguration of various internal and external walls, doors and windows.
- First floor eastward extension consisting of two (2) new bedrooms, linen closet and bathroom.
- New roof to accommodate first floor extension.

BACKGROUND

2. **Brief Application History:**

On 27 May 2024, DA2024/0224 for Alterations and Additions to a Dwelling House was lodged. This was returned on 3 June 2024
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On 4 July 2024 DA2024/0304 for Alterations and additions to a dwelling house, landscaping and site works was lodged. The proposal was notified for 14 days.

<p>On 12 December 2024 an RFI letter was sent to the applicant requesting substantive amendments. These included:</p> <ul style="list-style-type: none"> • Owner’s consent from NSW Crown Lands re proposed jetty and ponton; • detailed design and information on the proposed jetty for Department of Primary Industries (Fisheries); • out of scope building plan approval from Sydney Water; • Amended Survey Plan; Additional information on setbacks; dimensions; proposed retaining wall; impervious/pervious areas; • legends; • Landscape Plan; • Additional photomontage and shadow diagrams; • Existing plans – sections and elevations; • Design amendments – reduce extension to reduce impacts (privacy, overshadowing, solar access and to reduce boxiness of built form); • additional landscaping is to be provided; address the impact on the Georges River due to extensive glazing on the western elevation.
<p>On 29 January 2025 the application was amended to:</p> <ul style="list-style-type: none"> • delete reference to the jetty and pontoon; • provided revised architectural plans; • amended SEE; • amended survey plan; • amended Clause 4.6 variation request; <p>The proposal was notified for 14 days</p>

SECTION 4.15 EVALUATION

3. The following is an assessment of the amended application with regard to Section 4.15(1) Evaluation of the Environmental Planning and Assessment Act 1979.

(1) *Matters for consideration - general*
In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

The provision of:

(i) *Any environmental planning instrument,*

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

4. **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 (BASIX) 2004	Yes

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 - Vegetation in Non-Rural Areas

5. Chapter 2 aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.
6. **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).*
7. No trees of any significance are proposed to be removed. It is noted there are no mature trees located on site.

Chapter 11 – Georges River Catchment

8. The primary relevant aims and objectives of this chapter of the plan are:
 - *to maintain and improve the water quality and river flows of the Georges River and its tributaries and ensure that development is managed in a manner that is in keeping with the national, State, regional and local significance of the Catchment,*
 - *to protect and enhance the environmental quality of the Catchment for the benefit of all users through the management and use of the resources in the Catchment in an ecologically sustainable manner,*
 - *to ensure consistency with local environmental plans and also in the delivery of the principles of ecologically sustainable development in the assessment of development within the Catchment where there is potential to impact adversely on groundwater and on the water quality and river flows within the Georges River or its tributaries,*
 - *to establish a consistent and coordinated approach to environmental planning and assessment for land along the Georges River and its tributaries and to promote integrated catchment management policies and programs in the planning and management of the Catchment,*
9. The stormwater concept design was reviewed by Council's Engineering Section. No objection was raised with respect to the management and disposal of stormwater, subject to recommended conditions of consent, and noting that a suitable design would need to be conditioned so as to not have any demonstrated impact on the mature tree located on the adjoining property within the foreshore area, being a mature Canary Island Date Palm.
10. The proposal is consistent with the objectives and purpose of Chapter 11 of the SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021

11. Chapter 2 and Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 are relevant to the proposal.
12. Chapter 2 aims to: "*Promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016 including the management objectives for each coastal management area*".

Chapter 2 Coastal Management

13. It is noted that the subject site is mapped as being located to be within the coastal zone, however, it is not identified as being located in the coastal vulnerability or coastal wetland area.



Figure 1: Aerial view of the subject site and the surrounding properties (Source: Nearmap, 2 April 2025)



Figure 2: View of the subject site and the surrounding properties (Source: www.realestate.com.au accessed 15.05.2025)



Figure 3: View of the rear of dwelling and carport (Source: www.realestate.com.au accessed 15.05.2025)



Figure 4: Site outlined in red, within Foreshore Scenic Protection Area, with foreshore building line (Source: Intramaps)



Figure 5: Sans Souci and Ramsgate Locality (Source: GRDCP 2021 Part 5)

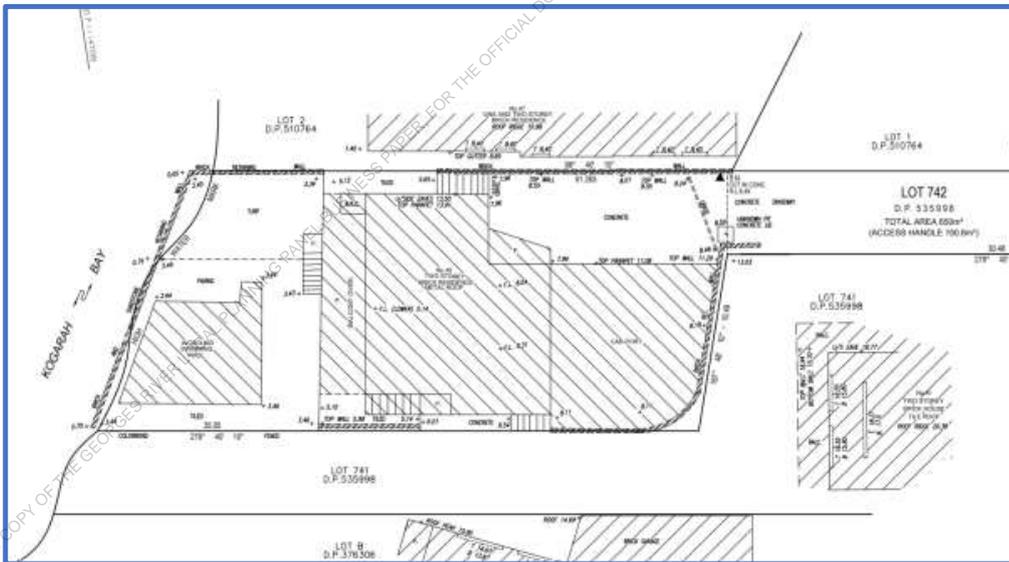


Figure 6: Amended Survey Plan

14. The following is an assessment of the matters for consideration listed under the State Environmental Planning Policy as applicable to the Coastal Environment Area and Coastal Use Area.

Division 3 Coastal Area	Proposal	Complies
2.10 (1) Development on land within the coastal environment area		
(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:		

(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,	Surface water runoff is to be managed in accordance with the approved stormwater management plan and relevant conditions imposed. The proposal is satisfactory subject to conditions.	Yes
(b) coastal environmental values and natural coastal processes,	The proposal is used for residential purposes and will not unacceptably impact the coastal environmental values and there is no impact on coastal processes.	Yes
(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,	Appropriate standard conditions to be imposed to ensure water quality is maintained. The site is not located on any of the sensitive coastal lakes identified in Schedule 1.	Yes
(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,	There will be no unreasonable impact upon these features.	Yes
(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	There is currently no public access to the foreshore from the site.	Yes
(f) Aboriginal cultural heritage, practices and places,	The allotment is not known as a place of Aboriginal significance. There is no known impact in terms of Aboriginal heritage.	Yes
(g) the use of the surf zone.	The development is not located near the surf zone.	Yes
(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:		
(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or	The proposal does not seek to adversely impact upon the coastal environment.	Yes
(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	The development does not propose to impact upon a mapped Coastal Environment area and a Coastal Use area. Suitable conditions of consent have been proposed to ensure the management of the mapped area during construction of the development were the consent authority minded approving the application.	Yes
(c) if that impact cannot be minimised—the development will be managed to mitigate that impact	The development does not propose to impact upon a mapped Coastal Environment area and a	Yes

	Coastal Use area. Suitable conditions of consent have been proposed to ensure the management of the mapped area during construction of the proposal were the consent authority minded approving the application.	
Division 4 Coastal Use Area		
2.11 Development on land within the coastal use area		
(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority:		
(a) has considered whether the proposed development is likely to cause an adverse impact on the following:		
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	There is no public access in this location.	N/A
(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,	The proposal may impact on public space with view loss impacts.	No
(iii) the visual amenity and scenic qualities of the coast, including coastal headlands,	No increase in landscaping proposed, and hence no improvement of existing visual amenity.	No
(iv) Aboriginal cultural heritage, practices and places,	The property is not a known site of Aboriginal heritage.	Yes
(v) cultural and built environment heritage, and	The site does not contain any heritage items.	Yes
(b) is satisfied that:		
(i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or	The proposal does not seek to adversely impact upon the coastal environment.	Yes
(ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	The proposal does not seek to adversely impact upon the coastal environment.	Yes
(iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and	The proposal does not seek to adversely impact upon the coastal environment.	Yes
(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	The proposed development's bulk and scale has been considered in this assessment report, noting the alteration to bulk and scale with the proposed first floor eastward extension and conversion of carport to garage will have amenity impacts on neighbouring properties including impacts on view corridors. Due to the lack of landscape plan and planting detail, it is not possible to assess visual impacts	No

	in relation to the foreshore and Georges River.	
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Chapter 4 Remediation of Land

15. Chapter 4 of this SEPP is relevant to the proposal.
16. This chapter aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.
17. Clause 4.6 of the SEPP requires contamination and remediation to be considered in determining a DA. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.
18. The proposed works relate to the demolition of internal structures such as walls, windows, doors etc associated with the existing dwelling which is to remain in situ, and the construction of alterations and additions to the existing two storey dwelling, site work and landscaping.
19. The site has a history of residential use and is suitable for the proposed development subject to conditions regarding removal of asbestos, and any unexpected finds.
20. The proposal is consistent with the provisions of the State Environmental Planning Policy (Resilience and Hazards) 2021.

State Environmental Planning Policy (Transport and Infrastructure) 2021

21. Compliance with SEPP (Transport and Infrastructure) 2021 has been considered during the assessment of this development application. The site is not located in close proximity to a classified road or a railway corridor and is not impacted by traffic or transport noise or vibration.
22. Ausgrid was consulted as required by Chapter 2, no objection was raised to the proposed development and standard advice was provided.

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

23. A BASIX Certificate has been issued for the proposed development and the commitments required under the certificate have been satisfied. Conditions of consent are provided in the event where the proposal to be approved.

GEORGES RIVER LOCAL ENVIRONMENTAL PLAN 2021

24. The extent to which the proposed development complies with the Georges River Local Environmental Plan 2021 (GRLEP 2021) is detailed and discussed in the table below.
25. The objectives of the zone are as follows:
 - To provide for the housing needs of the community within a low-density residential environment.
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.
 - To 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.
26. The proposal does not satisfy the objectives of the R2 Zone as although housing needs would be provided for the community; the proposal does compromise the amenity of the

surrounding area, due to impacts on streetscape character, view loss, privacy and overlooking impacts and potential acoustic privacy impacts.

- 27. The proposal does not maintain the visual amenity of the locality.
- 28. The extent to which the proposal complies with the relevant standards of Georges River Local Environmental Plan 2021 is outlined in the table below.

GEORGES RIVER LOCAL ENVIRONMENTAL PLAN 2021

- 29. The extent to which the proposed development complies with the Georges River Local Environmental Plan 2021 (GRLEP 2021) is detailed and discussed in the table below.

Clause	Standard	Proposed	Complies
Part 1 – Preliminary			
1.2 – Aims of the Plan	In accordance with Clause 1.2 (2)	The development is considered to not be consistent with the aims of the plan.	No
1.4 - Definitions	Dwelling House means: <i>a building containing only one dwelling.</i>	The proposed development for alterations and additions to the existing dwelling is consistent with the definition.	Yes
Part 2 - Permitted or prohibited development			
2.3 - Zone objectives and Land Use Table	Meets objectives of R2-Low Density Residential Zone.	The proposal does not meet all objectives.	No
	Development must be permissible with consent	The proposal is permissible with development consent.	Yes
Part 4 - Principal Development Standards			
4.3 – Height of Buildings	9m as identified on Height of Buildings Map	9m at highest point (two-three storey dwelling), stated in SEE	Yes
4.4 – Floor Space Ratio	0.55:1 as identified on Floor Space Ratio Map	Despite clause 4.4 (2), the floor space ratio for residential accommodation on land in Zone R2 Low Density Residential, Clause 4.4A applies.	Refer to Clause 4.4A
4.4A - Exceptions to floor space ratio—certain residential accommodation	(2) The maximum floor space ratio for a dwelling house on land identified as “Area 1” on the <u>Floor Space Ratio Map</u> must not exceed the maximum floor space ratio specified in the table to this subclause.	Permissible FSR: 0.55:1 Existing FSR is 286.1sqm or FSR of 0.4436: 1	No, exceeds allowable FSR. A Cl. 4.6 variation request has

	<p>Site area: no more than 650sqm</p> <p>Maximum floor space ratio 0.55:1</p> <p>Site area: 645sqm</p>	<p>The applicant claims the proposed GFA of the proposed amended development is 362.695sqm, with an FSR of 0.55:1 on the basis of a site area of 650sqm which is incorrect (site area is 645sqm).</p> <p>We note a compliant FSR of 0.55:1 would equate to 354.75sqm</p> <p>The applicant excluded the enclosed carport which is a proposed garage from their calculations. This is an area of 82.5sqm, and with the deduction of 36sqm which is the allowable area for 2 car parking spaces, there results an exceedance of 46.5sqm.</p> <p>Thus, the proposed FSR we calculate as a total of 409.2m² which is well above the allowable FSR of 0.55:1 or 354.75m², and results in an FSR of 0.6345:1, rounded up to 0.64:1, which is an exceedance of 15.5 per cent from the control.</p>	<p>not been submitted.</p>
<p>4.6 – Exceptions to development standards</p>	<p>In accordance with Clause 4.6 (1) through to and including (8)</p>	<p>The proposal is accompanied by a Clause 4.6 variation relating to the non-compliant landscaping area under Clause 6.12.</p> <p>However, the proposal is not accompanied by a Clause 4.6 variation</p>	<p>Refer to the Clause 4.6 assessment below.</p>

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		to address the variation from the development control at Clause 4.4A Floor Space Ratio, which results in an exceedance of 15.5 per cent from the development standard.	
Part 5 - Miscellaneous Provisions			
5.7 – Development below mean high water mark	(2) Development consent is required to carry out development on any land below the mean high-water mark of any body of water subject to tidal influence (including the bed of any such water).	Under the amended application, no proposed development is to be carried out below the mean high-water mark. This is because the revised application deletes any reference to a jetty and pontoon which were shown on the original plans.	N/A
5.10 – Heritage conservation	In accordance with Clause 5.10 (2)	The site is not a heritage item or is located a heritage conservation area.	N/A
5.11 – Bush Fire Hazard Reduction	Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.	The subject site is not mapped as bush fire prone.	N/A
Part 6 - Additional Local Provisions			
6.1 – Acid sulfate soils	<p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <p>Class 5: Works within 100 metres of adjacent Class 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum</p>	<p>Subject site is located in an Acid Sulfate Soils Area- Class 1- Class 5).</p> <p>The proposed works are within 100m of adjacent Class 1.</p> <p>Preliminary acid Sulfate soils assessment is not required as the land where the proposed development is proposed is not below 5 metres AHD.</p>	Yes

	on adjacent Class 2, 3 or 4 land.	Suitable conditions of consent will be applied regarding unexpected finds in the event the application was to be approved.	
6.2 – Earthworks	(2) Development consent is required for earthworks unless— (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.	The proposed earthworks are ancillary to the proposed development, do not involve more than 1m of excavation, and are acceptable for this form of development.	Yes
6.3 – Stormwater Management	(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development— (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, 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	Council’s Development Engineers have reviewed the proposed development and it is supportable subject to suitable conditions of consent which are to be included in the consent in the event that the DA were approved.	Yes

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	<p>the downstream stormwater system or, if the impact cannot be reasonably avoided, minimises and mitigates the impact, and</p> <p>(d) is designed to minimise the impact on public drainage systems.</p>		
<p>6.4 - Foreshore area and coastal hazards and risk</p>	<p>(2) This clause applies to the following land—</p> <p>(a) land identified on the <u>Coastal Hazard and Risk Map</u>,</p> <p>(b) land identified on the <u>Foreshore Building Line Map</u>.</p> <p>(3) Development consent must not be granted for development on land to which this clause applies except for the following purposes—</p> <p>(a) the alteration, or demolition and rebuilding, of an existing building if the footprint of the building will not extend further forward than the footprint of the existing building into—</p> <p>(i) the foreshore building line, or</p> <p>(ii) the land identified on the <u>Coastal Hazard and Risk Map</u>,</p> <p>(b) the erection of a building if the levels, depth or other exceptional features of the site make it appropriate to do so,</p> <p>(c) boat sheds, cycling paths, fences, sea walls, swimming pools, water recreation structures or walking tracks.</p> <p>(4) In deciding whether to grant development consent, the consent authority must consider the following matters—</p> <p>(a) whether the development addresses</p>	<p>The site is located in a foreshore area and/or coastal hazards and risk area.</p> <p>However, no works extend into the Foreshore area.</p>	<p>N/A</p>

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	<p>the impacts of sea level rise and tidal inundation as a result of climate change,</p> <p>(b) whether the development could be located on parts of the site not exposed to coastal hazards,</p> <p>(c) whether the development will cause congestion or generate conflict between people using open space areas or the waterway,</p> <p>(d) whether the development will cause environmental harm by pollution or siltation of the waterway,</p> <p>(e) opportunities to provide reasonable, continuous public access along the foreshore, considering the needs of property owners,</p> <p>(f) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(5) In this clause— foreshore area means the land between the foreshore building line and the mean high-water mark of the nearest bay or river. foreshore building line means the line shown as the foreshore building line on the <u>Foreshore Building Line Map</u>.</p>		
<p>6.5 - Riparian land and waterways</p>	<p>(2) This clause applies to land identified as “Sensitive land” on the <u>Riparian Lands and Waterways Map</u>.</p> <p>(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following—</p>	<p>The site is not mapped as riparian land.</p>	<p>N/A</p>

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	<p>(a) whether the development is likely to have an adverse impact on the following—</p> <ul style="list-style-type: none"> (i) the water quality and flows within the waterway, (ii) the stability of the bed, shore and banks of the waterway, (iii) the future rehabilitation of the waterway and riparian areas, (iv) the biophysical, hydrological or ecological integrity of adjacent coastal wetlands, including the aquatic and riparian species, habitats and ecosystems of the waterway, (v) indigenous trees and other vegetation, (vi) opportunities for additional planting of local native riparian vegetation, <p>(b) whether the development is likely to increase water extraction from the waterway,</p> <p>(c) whether the development will cause environmental harm by pollution or siltation of the waterway,</p> <p>(d) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <ul style="list-style-type: none"> (a) the development is designed, sited and will be managed to avoid significant adverse environmental impact, or (b) if that impact cannot be reasonably avoided— the development is designed, sited and will be 		
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	<p>managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>		
<p>6.6 - Foreshore scenic protection area</p>	<p>(2) This clause applies to land identified as “Foreshore scenic protection area” on the <u>Foreshore Scenic Protection Area Map</u>. (3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must be satisfied that the development would facilitate the following— (a) the protection of the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation, (b) the avoidance or minimisation of the disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations, (c) the maintenance and enhancement of native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors, (d) the achievement of no net loss of significant vegetation or habitat, (e) the avoidance of clearing steep slopes and facilitation of the stability of the land, (f) the minimisation of the impact on the views and visual environment,</p>	<p>The site is in a foreshore scenic protection area.</p> <p>The existing development which is a two-storey/three-storey dwelling, is proposed to have a first level eastward addition and the conversion of the existing carport to a garage. Both these modifications would encroach into the front and side setbacks.</p> <p>The primary vegetation adjacent to the foreshore is a grass terrace. Additional planting proposed is limited to a planter located by the front door entry, an area next to the garage entry, and a planters built onto the dwelling above the existing carport, and on the rear balcony. No landscape plan has been submitted. It is not considered that the landscape treatment proposed will be adequate to facilitate biodiversity protection and native flora and fauna movement.</p> <p>The foreshore area of the subject site has an existing sea wall.</p>	<p>No</p>

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	<p>including views to and from the Georges River, foreshore reserves, residential areas and public places, (g) the minimisation of the height and bulk of the development by stepping the development to accommodate the fall in the land.</p>	<p>There are no natural rock features.</p> <p>View loss has been raised as a concern by the neighbouring properties, and it is a material fact that view loss would result due to the non-compliant setbacks which reduce or remove view corridors from both the public and private domains.</p> <p>The existing dwelling is non-compliant with encroachments into the side setbacks which are required to be 1.5m in the FSPA. The existing side setbacks are 975mm and 1.405m. The first level addition is proposed to encroach into the side setback and also into the front setback where a setback of 4m to the boundary is required.</p> <p>The existing carport is non-compliant with the side and front setbacks, and it is proposed that this carport be converted to a garage within the same footprint, which would maintain the non-compliance with these setbacks.</p>	
<p>6.9 Essential Services</p>	<p>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</p>	<p>The subject site has made available the essential services via the proposed development.</p> <p>The stormwater disposal arrangements with discharge to the</p>	<p>Yes</p>

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	<p>made to make them available when required:</p> <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, <ul style="list-style-type: none"> i the supply of telecommunications facilities, (d) the disposal and management of sewage, <ul style="list-style-type: none"> i stormwater drainage or on-site conservation, (f) suitable vehicular access. 	<p>Georges River are unchanged. Conditions have been imposed re stormwater concept design prior to issue of Construction Certificate.</p> <p>The proposal has been reviewed by Council's Development Engineer and is supported subject to suitable conditions of consent in the event that the proposal was approved.</p> <p>Existing vehicular access is provided, and no alteration proposed.</p> <p>Other essential services are available on site and no concerns are raised subject to conditions of consent in the event the proposal was approved.</p>	
<p>6.10 - Design excellence</p>	<p>(2) This clause applies to development on land referred to in subclause (3) involving—</p> <ul style="list-style-type: none"> (a) the erection of a new building, or (b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant. <p>(3) This clause applies to development on the following land—</p> <ul style="list-style-type: none"> (a) land identified on the <u>Foreshore Scenic Protection Area Map</u> if the development is for one or more of the following purposes— 	<p>The proposal does not adjoin the public domain. However, the landscape foreshore works will provide negligible improvement to the quality and appearance of the site when viewed from the waterway as no extensive landscaping is proposed, and there are no existing mature canopy trees, and no planting of trees is proposed. The rear elevation has extensive glazing which is contrary to</p>	<p>No</p>

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	<p>(i) bed and breakfast accommodation, (ii) health services facilities, (iii) marinas, (iv) residential accommodation, except for secondary dwellings, (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— (i) Zone R4 High Density Residential, (ii) Zone B1 Neighbourhood Centre, (iii) Zone B2 Local Centre, (iv) Zone B3 Commercial Core, (v) Zone B4 Mixed Use, (vi) Zone B6 Enterprise Corridor, (vii) Zone IN2 Light Industrial. (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. (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</p>	<p>the design guidance suggested for the FSPA which requires an equal balance between masonry and fenestration openings to ensure that reflectivity is lessened to reduce visual impacts with respect to users of the Georges River.</p> <p>The proposed development does not appropriately respond to the established built form patterns of dwelling houses within the immediate locality as the proposed alteration will create a bulky extension that will create amenity impacts and reduce view corridors to the river.</p> <p>From a design excellence prospective the proposed dwelling extension will detract from the site setting, due to its bulk and scale and absent any substantive improvement to the existing landscaping on site in either its nature or quantum.</p>	
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	<p>development will improve the quality and amenity of the public domain,</p> <p>(c) whether the development detrimentally impacts on view corridors,</p> <p>(d) how the development addresses the following matters—</p> <ul style="list-style-type: none">(i) the suitability of the land for development,(ii) existing and proposed uses and use mix,(iii) heritage issues and streetscape constraints,(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,(v) bulk, massing and modulation of buildings,(vi) street frontage heights,(vii) environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,(viii) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks,(ix) the impact on, and proposed improvements to, the public domain,(x) achieving appropriate interfaces at ground level between the building and the public domain,(xi) excellence and integration of landscape design,(xii) the provision of communal spaces and meeting places,		
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	<p>(xiii) the provision of public art in the public domain, (xiv) the provision of on-site integrated waste and recycling infrastructure, (xv) the promotion of safety through the application of the principles of crime prevention through environmental design.</p>		
<p>6.12 - Landscaped areas in certain residential and environment protection zones</p>	<p>(2) This clause applies to land in the following zones— (a) Zone R2 Low Density Residential, (b) Zone R3 Medium Density Residential, (c) Zone R4 High Density Residential, (d) Zone E2 Environmental Conservation. (3) Despite subclause (2), this clause does not apply to development referred to in <u>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</u>, clause 4. (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— (a) allows for the establishment of appropriate plantings— (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</p>	<p>R2 Low Density Residential Required = 25% of net developable area of 494.4sqm, thus net area excluding access handle (150.6sqm) from the overall 645sqm (total site area) Total LSA required = 123.6sqm Proposed LSA = 42.69sqm (6.5% of site area)</p>	<p>No, varies by 66% (65.8% rounded up) from the requirement. See Clause 4.6 assessment below.</p>

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	<p>(c) does not adversely impact the health, condition and structure of existing trees, tree canopies and tree root systems on the land or adjacent land, and</p> <p>(d) enables the establishment of indigenous vegetation and habitat for native fauna, and</p> <p>(e) integrates with the existing vegetation to protect existing trees and natural landscape features such as rock outcrops, remnant bushland, habitats and natural watercourses.</p> <p>(5) Development consent must not be granted to development on land to which this clause applies unless a percentage of the site area consists of landscaped areas that is at least—</p> <p>(a) for a dwelling house located on land outside the Foreshore Scenic Protection Area—20% of the site area, or</p> <p>(b) for a dwelling house located on land within the Foreshore Scenic Protection Area—25% of the site area, or</p> <p>(c) for a dual occupancy located on land outside the Foreshore Scenic Protection Area—25% of the site area, or</p> <p>(d) for a dual occupancy located on land within the Foreshore Scenic Protection Area—30% of the site area, or</p> <p>(e) for development in Zone R3 Medium Density Residential—20% of the site area, or</p> <p>(f) for development in Zone R4 High Density</p>		
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	<p>Residential—10% of the site area, or (g) for development in Zone E2 Environmental Conservation—70% of the site area. (6) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle and any right of carriageway is not to be included in calculating the site area for the purposes of subclause (5). (7) In this clause— Foreshore Scenic Protection Area means land shown on the <u>Foreshore Scenic Protection Area Map</u>.</p>		
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GRLEP 2021 CLAUSE 4.6 - EXCEPTIONS TO DEVELOPMENT STANDARDS ASSESSMENT

- 30. There are two (2) variations to development standards which exceed 10 per cent and therefore are required to be considered by the Local Planning Panel. The variations relate to landscaping provision within the Foreshore Scenic Protection Area and floor space ratio.

GRLEP 2021 CLAUSE 4.4A FLOOR SPACE RATIO

31. Floor Space Ratio Exceedance

It is noted that no Clause 4.6 request was lodged with the application with respect to the variation from the Floor Space Ratio development standard, at Clause 4.4A of GRLEP 2021. The applicant does not outline the conversion of the existing carport to an enclosed garage in the original SEE or in the amended SEE, and the resultant additional gross floor area created. On the plans is referenced a “garage” on the “Existing Plans”, and also a “garage” on the proposed plans for the development under both the original application and the amended application. The information provided on *Drawing DA2.00 Calculation Plan Proposed* does not include any part of the proposed garage in the GFA calculation, which is the existing carport enclosed, including garage door, and is therefore subject to having the additional GFA assessed. The garage is 82.5sqm in size, and whilst 36sqm may be excluded from the FSR calculation to provide for 2 car parking spaces. The remainder is included in our FSR calculation which demonstrates that the FSR is non-compliant, with a breach of 15.5 per cent from the development standard.

- 32. As no Clause 4.6 request to address the breach from the FSR control has been tendered the proposal is therefore a prohibition, due to the development application not meeting the requirements of Clause 35B(2) of the Environmental Planning and Assessment Regulation 2021.

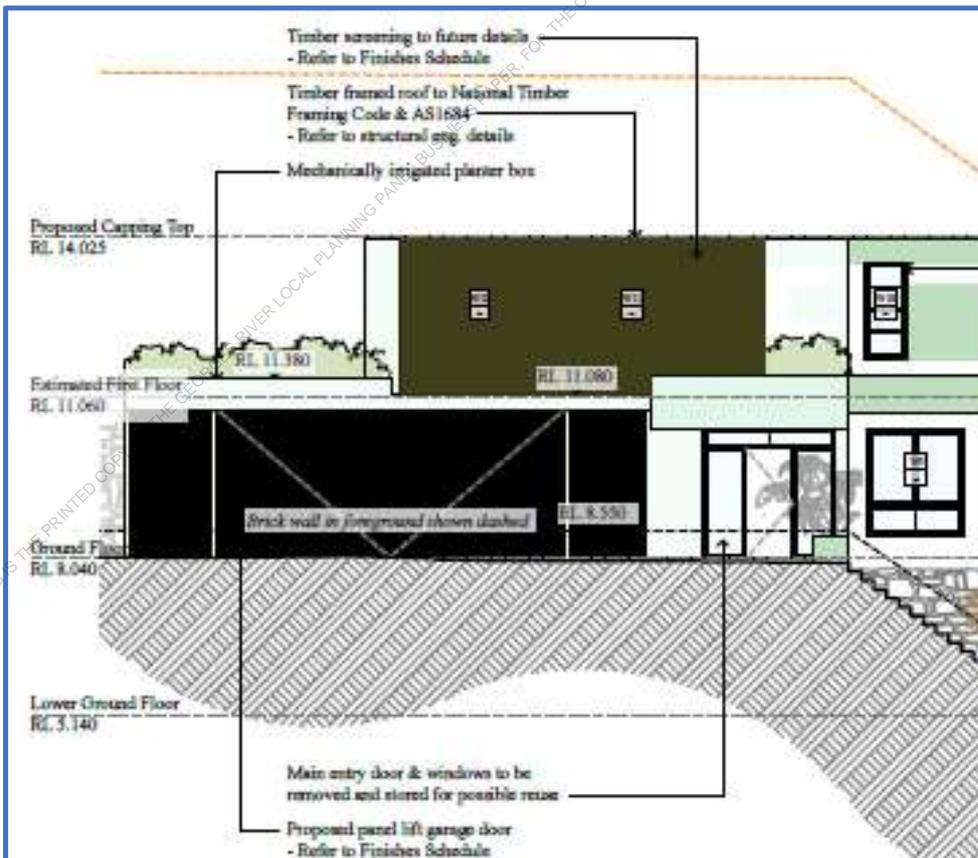
GRLEP 2021 CLAUSE 6.12 LANDSCAPING IN CERTAIN RESIDENTIAL AND CONSERVATION AREAS

33. The proposed development seeks a variation to development standard relating to Clause 6.12 of GRLEP 2021, and a Clause 4.6 request prepared by Brosnan and Moore, dated 23 January 2025, Revision no 2 has been submitted. This identifies a minimum landscaped area of 25 per cent requirement for the site; the net developable area is 494.4sqm, and thus a landscape provision of a minimum area of 123.6sqm is required. A provision of 42.69sqm is proposed which is existing. The extent of the variation to the development standard is 66 per cent as 34 per cent of the landscape area provision requirement is provided.

The figures below show the proposed new planters: one narrow at ground level adjacent to front door entry; and two at first floor level, one above the carport, and one semicircular adjacent to proposed first floor extension and situated above external entry.



Figure 7: Eastern elevation showing First Floor Planter (Source: Amended Architectural plans)



Northern Elevation

Figure 8: Northern elevation showing First Floor Planter and planter box at ground level (Source: Amended Architectural plans)

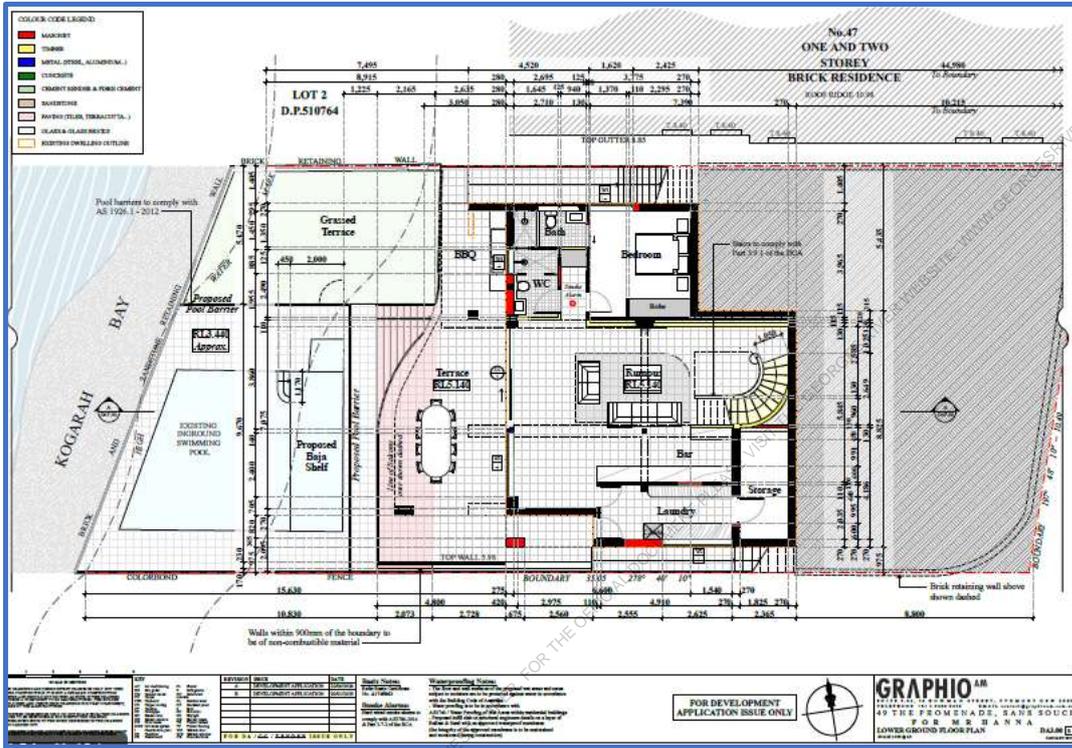


Figure 9: Proposed Baja shelf over existing swimming pool – Lower Ground Level (Source: Amended Architectural plans)

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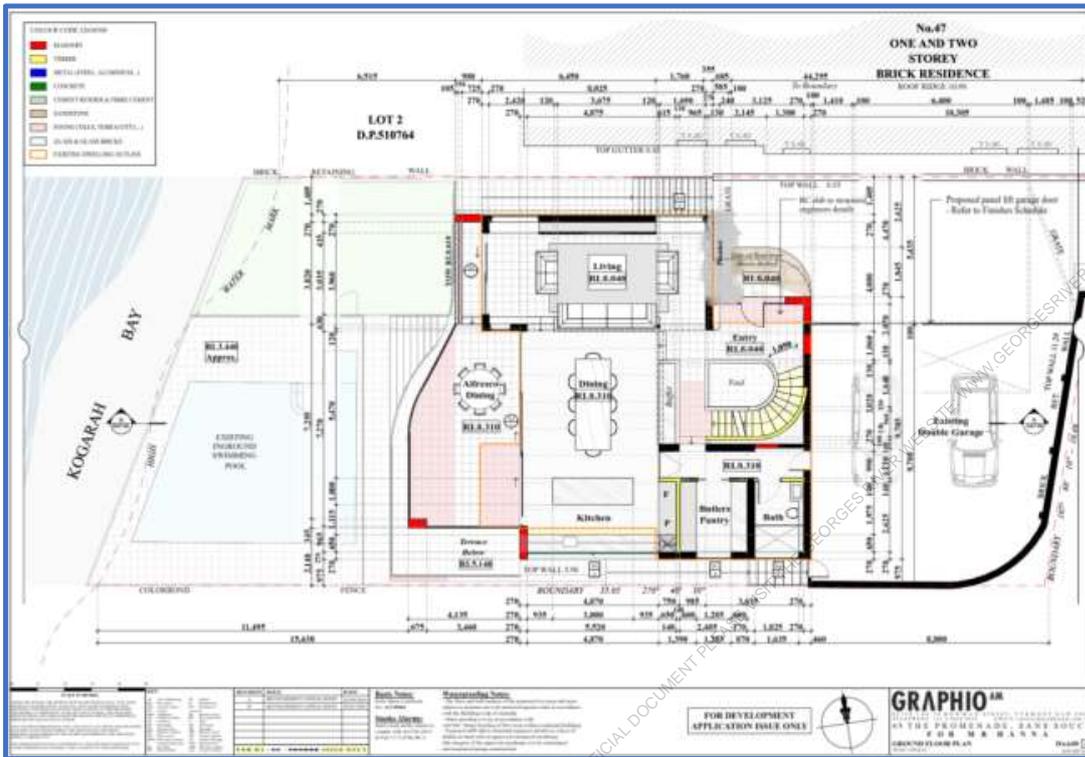


Figure 10: Ground Level – alterations (Source: Amended Architectural plans)

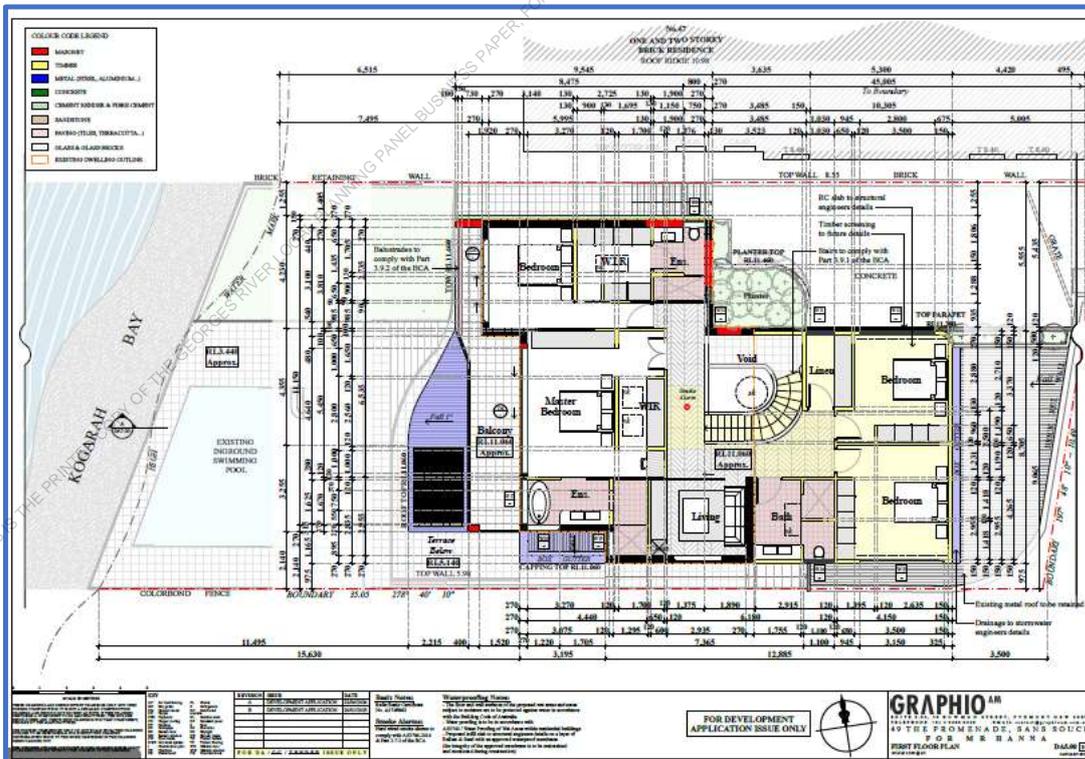


Figure 11: First Floor Level plan showing planter above entry way and narrow planter atop garage roof (Source: Amended Architectural plans)

34. Planner's comment:
No landscape plan or planting details have been provided to demonstrate the existing landscape provision and the plans and SEE do not provide detail of the proposed landscape provision, either in quantum across area, and type or nature of plantings proposed. It is asserted in the Clause 4.6 request there is increased deep soil provided, and tree planting, however no particulars in relation to the above points have been provided.
35. **Clause 4.6 Request: 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:
- *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".*
36. The Clause 4.6 request is assessed as follows:

Is the planning control in question a development standard?

37. Clause 6.12 of the GRLEP 2021 is a development standard. The minimum area requirement for landscaping provision is 25 per cent of the site area in the FSPA.

Planner's comment:

Not mentioned in the Clause 4.6 request is that Clause 6.12 is a development standard that contains a mix of numerical and non-numerical standards. 'Landscaped area' under the Standard Instrument is defined as 'means a part of the site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.'

What are the underlying objectives of the development standard?

38. The objectives of the height of buildings development standard set out in Clause 6.12 of GRLEP 2021 are as follows:
- (1) *The objectives of this clause are as follows –*
 - (a) *to ensure adequate opportunities exist for the retention or provision of vegetation that contributes to biodiversity and enhances the tree canopy of the Georges River local government area,*
 - (b) *to minimise urban run-off by maximising permeable areas on the sites of development,*
 - (c) *to ensure that the visual impact of development is minimised by sufficient and appropriately located landscaping that complements the scale of buildings,*
 - (d) *to ensure that the use of surfaces that absorb and retain heat are minimised.*
 - (2) *This clause applies to development involving the erection of a new building, or external alterations or additions to an existing building, resulting in an increased building footprint on land in the following zones-*
 - (a) *Zone R2 Low Density Residential,*
 - (b) *Zone R3 Medium Density Residential,*
 - (c) *Zone R4 High Density Residential*
 - (d) *Zone C2 Environmental Conservation.*
 - (3) *Despite subclause (2), this clause does not apply to residential apartment development within the meaning of State Environmental Planning Policy (Housing) 2021.*

- (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 –*
- (a) *allows for the establishment of appropriate plantings –*
- (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 or structure of existing trees, tree canopies or tree root systems that are to be retained as part of the development 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 bushland, habitats and natural watercourses.*
- (5) *Development consent must not be granted to development on land to which this clause applies unless at least the following percentages of the site area consists of landscaped areas or natural rock outcrops –*
- (b) *for a dwelling house located on land within the Foreshore Scenic Protection Area – 25% of the site area*
- (6) *If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle and any right of carriageway is not to be included in calculating the site area for the purposes of subclause (5).*
- (7) *In this clause –*
Footprint has the same meaning as in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Part 9.
Foreshore Scenic Protection Area means land shown on the Foreshore Scenic Protection Area Map.

COMPLIANCE IS UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES OF THE CASE (CLAUSE 4.6(3)(a))

39. Applicant's statement:

In introductory remarks from pages 4-6, the Clause 4.6 request states:

'It is our submission that the breach to the landscaped area of the development standard will not unreasonably impact the amenity of the development, adjoining properties or the character of the area. Compliance with the development standard is unreasonable in this instance. Required landscaped area is 162.4sqm (25 percent. Proposed : 42.69sqm (6.5 per cent) which is short of the minimum by 119.8sqm (73.7 per cent).'

Page 6 of the request advises the request has been prepared having regard to the Department of Planning and Environment's *Guidelines to Varying Development Standards (November 2023)* and relevant decisions in the NSW LEC, including eight guideline judgments listed on page 6. The applicant outlines at 2. Extent of Variation which is aforementioned. The applicant submits that:

'The breach to the landscaped area of the development standard will not unreasonably impact the amenity of the development, adjoining properties or the character of the area. Compliance with the development standard is unreasonable in this instance'.

40. Planner's comment:

This reasoning is an assertion against the numerical development standard only. No further argumentation to justify this assertion of there being no amenity impact as a result of the breach, or re the merit of the proposal is given. Outcomes sought by the planning

controls in Clause 6.12(4)(i) and (ii) are not addressed. This section of the request does not provide any discussion or evidence to demonstrate how or why it follows that no amenity impacts on nearby properties, the Georges River or the public domain would result, as a result of 6.5 per cent of the site being landscaped rather than the minimum requirement of 25 per cent being provided.

41. Applicant's statement:

At page 6 the applicant states:

'Compliance with the development standard is considered unreasonable and unnecessary in the circumstances of the case. In the decision of *four2five*, the Commissioner identified to satisfy Clause 4.6(3)(a) merit considerations were required to be amounted to no more than establishing an absence of environmental harm'.

The 5-part test outlined in the earlier Court decision in *Wehbe v Pittwater Council [2007] NSW LEC 827*, is then referenced. In *Wehbe V Pittwater Council (2007) NSW LEC 827* Preston CJ set out ways of establishing that compliance with a development standard is unreasonable or unnecessary. The applicant then refers to the fact that there have been several Court cases that have established provisions to assist in the assessment of Clause 4.6 requests to ensure they are well founded and address the provisions of Clause 4.6.

42. Planner's comment:

The Guide to Varying Development Standards, DPE, November 2023 summarises the 5-part test which are common ways to address Clause 4.6(3)(a) but are not exhaustive, and states an applicant only needs to satisfy at least one part, not all parts, with an argument that is factual, relevant to the area of non-compliance and consistent. Note: it refers to each of the tests in the 5-part test as Point 1, Point 2, etc, and so this is referenced in the applicant's statement headings below. The applicant refers to Test 1, Test 2 and Test 4, in the five tests, but only addresses Test 1 and Test 4. In addition, the applicant must also satisfy Clause 4.6(3)(b) with respect to environmental planning grounds.

43. Applicant's statement:

'Under *Wehbe*, the most common way of demonstrating that compliance is unreasonable or unnecessary, was whether the objectives of the standard were still met despite the contravention of that standard.

Therefore, to determine 'unreasonable and unnecessary' the 5-part test outlined in *Wehbe* is considered to be relevant in demonstrating unreasonable and unnecessary in the circumstances of the case. Although these tests are primarily relative to the function of SEPP 1, the test are not exhaustive or prescriptive. The tests assist in adequately addressing the non-conformity allowing the consent authority with the ability to grant consent.'

The applicant then addresses:

Point 1 of the 5-part test [Test 1]: 'The objectives of the development standard are achieved notwithstanding the non-compliance.'

Point 2 of the 5-part test [Test 2]: 'The objective of the development standard is not relevant to the development (and therefore it is unnecessary to comply with the standard).'

[Planner's Note: Test 2 is only referenced and is not addressed.]

The applicant then examines at page 7 the objective of Clause 6.12 *Landscaped areas in certain residential and environment protection zones*, and examines: (a) to ensure adequate opportunities exist for the retention or provision of vegetation that contributes to biodiversity and enhances the tree canopy of the Georges River local government area; (b) to minimise urban run-off by maximizing permeable areas on the sites of development;

(c) to ensure that the visual impact of development is minimised by sufficient and appropriately located landscaping that complements the scale of buildings; (d) to ensure that the use of surfaces that absorb and retain heat are minimised.

The applicant addresses each subheading as follows:

- all objectives are relevant and meet with the objective of the standard; and
- asserts that 'new vegetation on site is provided that would meet (a)'; and
- that 'planting placed within the setback areas [will] soften the dwelling's appearance' to meet (c); and
- 'Landscaping meets ESD principles as it includes a range of native flora to promote ecological diversity and trees with canopy cover'.

Test 1 addresses in a table Clause 6.12(1)(a)-(e) and asserts all are relevant and complied with.

Test 1 table to address Clause 6.12(1) does not address any consideration to (2)(a); (4)(a)-(e); (5)(b); (6); (7).

Point 1 [Test 1]

44. Planner's comment on Point 1 [Test 1]:

The objectives of the development standard at Test 1 are not achieved notwithstanding the non-compliance. Both the numerical and non-numerical development standards of Clause 6.12 are not met. The existing historical arrangement on site is maintained and for the majority part unaltered. There is no information on provision of vegetation that contributes to biodiversity provided; no introduction of any tree canopy; no alteration to hardstand to maximise permeability on site; no alteration to the visual impact of the building on the Georges River with appropriate landscaping of a scale to complement it; no change to the area of hardstand which absorbs and retains heat to lessen heat absorption.

There are errors of fact, omitted information and assertions throughout the Clause 4.6 request, and generalisations and claims of compliance with no specific detail provided. Arguably there will be no alteration to ecological diversity provided as a result of the development, as no trees or any other vegetation are proposed to be planted, so the existing situation of no trees on site and no natural tree canopy cover will be retained. No landscape plan and planting details are submitted.

No clear evidence is given that the visual impact of the development will actually be minimised with landscaping that compliments the building's scale as there is no landscape plan, and minimal detail annotated on the architectural plans which refer to only to the built form of proposed planters at ground and first floor levels within the front setback, and also show the existing grass terrace on the foreshore. These structures therefore do not meet the definition of "landscaping" in the GRLEP 2021. As there is no reduction in the existing impervious area, there is no increase in permeability, and no demonstrable effort made to undertake any landscaping treatment that would [in the applicant's words] 'promote alleviation of the urban heat island effect' and no additional deep soil (an additional claim) in which mature canopy trees could be established has been provided.

Point 4 [Test 4]

45. Applicant's statement with regard to Point 4 [Test 4]:

The applicant then addresses [Test 4] on page 8: 'The standard has been abandoned by the Council through other approvals that exceed the standard.'

The applicant cites six consents issued by Georges River Council which were approved under both delegated approval and by the Local Planning Panel; these are set out in the table on page 8.

46. Planner's comment:

Whilst these are six development sites located within the Georges River LGA, we are not advised whether any are located within the Foreshore Scenic Protection Area, as is the DA under consideration, or whether any of the approved development types are residential dwellings, and thus the same use as under this application, so it is not possible to know if they are comparable. The applicant does not provide the dates these consents were determined, nor the planning instruments under which they were determined. No details are given for what the variation is from, i.e., which specific development standard has been breached in each of the six instances, and the type of development which has been approved in each of the six instances. The table shows that across the six approvals variations ranging from 0.67 per cent to 86.91 per cent were granted, with five of the six approvals having a variation less than the 66 per cent variation being considered. The variations were 0.67%, 12.9%; 1.9%; 21.4%; 49%; 86.91%.

Above this section which addresses Test 4, even more confusion is created as the paragraph above the table has a reference to 'variation to the minimum lot size standard', and 'development consent ... can be found on Inner West Council's website, Clause 4.6 Register'. Elsewhere an incorrect zone R1 Residential is referenced.

So given there is insufficient and unclear information, it is not clear whether any of the six consents are comparable to the current DA under consideration, and the degree of relevance or not of this table to the argument outlined in the variation request cannot be firmly ascertained. We note the *Guide to Varying Development Standards* at p.12 states 'the applicant must provide analysis of relevant council decisions and actions. A council varying the same development standard in a small number of circumstances is unlikely to be sufficient to establish virtual abandonment or destruction.' It is clear from the applicant's submission at page 8 that they do not succeed in making a case that the standard has been abandoned by council through other approvals that exceed the standard as no evidence has been provided that is directly relevant to Clause 6.12 to back this claim.

Point 5 [Test 5]47. Planner's comment:

The applicant did not address Point 5, and thus did not seek to establish that the zoning (including the FSCPA and Sans Souci and Ramsgate locality and character requirements) is unreasonable or unnecessary in relation to the land. Compliance with the standard was not proven to be unreasonable or unnecessary due to the zoning of the specific piece of land being unreasonable and/or inappropriate as the Clause 4.6 request did not address Point 5.

THERE ARE SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE STANDARD (CLAUSE 4.6(3)(b))48. Applicant's statement:

The applicant asserts that:

- the breach does not 'compromise the desired character of the area'; and
- 'It is compatible with the existing development and environment in the locality'.

At the bottom of page 8, the applicant then sought to identify the circumstances of the contravention to the development standard, to establish that there were sufficient environmental planning grounds to justify contravening the development standard. The applicant stated:

- 'The site is constrained by the location of the existing dwelling.'

- Although the proposal falls short of the 25 per cent requirement, the proposal includes increased deep soil and landscaped areas above that of the existing development.
- The proposed landscaping results in a satisfactory urban design outcome as it includes tree planting and private open space for residents.'

49. Planner's comment:

As outlined in the *Guide to Varying Development Standards* at p.12 the term 'environmental planning grounds' whilst not defined in the EPA Act or in the Standard Instrument LEP, refer to grounds that relate to the subject matter, scope and purpose of the EPA Act, including the objects in Section 1.3 of the EPA Act. The scope of environmental planning grounds is wide as exemplified by the court decisions in this area. Sufficient environmental planning grounds need to be established by the facts of the request. The request must justify the contravention of the development standard, not simply promote the benefits of the development. The grounds must:

- Be sufficient to justify the contravention.
- Focus on the aspect of the development that contravenes the development standard, not the development as a whole.

The environmental planning grounds listed above by the applicant are insufficient to justify the contravention, as the grounds listed are not accurate, may be misleading, irrelevant or are disingenuous. This is shown in our reasoning below.

The applicant's statement that 'the site is constrained by the location of the existing dwelling', is not a relevant environmental planning ground as it does not specifically deal with the specific aspect of the contravention which is the deficiency of 66 per cent of landscaping provision which is not adequately justified. The unique site characteristics of the access handle, extensive hard stand within the setback and the existing swimming pool and grass terrace have not been closely examined in regard to the possible viability of placing landscape treatments at various locations across the site including the access handle which if attempted would result in a lesser numerical variation from the development standard.

It is claimed that the landscape scheme will result in a satisfactory urban design outcome as tree planting is included, however no landscape plan with this information has been submitted.

There is existing private open space [the grass terrace] which is not proposed to be modified and this is not examined, apart from the assertion that additional deep soil would be provided, and trees planted but as no landscape plan was submitted these suggestions are nothing more than notional ideas with no concrete substance.

It is claimed that although the proposal is short of the requirement under the control, there are positive factors such as increased deep soil and landscaped areas above that provide by of the existing development, but these claims are not correct in the absence of information that has not been provided.

It is claimed that the breach does not 'compromise the desired character of the area'; however given that 'desired character' is an outcome that sits within the Sans Souci and Ramsgate Locality Statement at part 5 of the GRDCP 2021, and is also intrinsic to the zone objectives including the requirements within the Foreshore Scenic Protection Area which are outlined in Clause 6.6 of GRLEP 2021, none of the considerations within these instruments have been examined by the applicant in the Clause 4.6 request. So apart from

the claim that there was no compromise on desired character, there is no examination why a 66 per cent breach of the landscaping provision requirement is actually acceptable on this site and in this unique waterfront location and environment.

It is claimed that the deficiency of landscape provision in this waterfront location within the FSPA would be compatible with the existing development and environment, however that assumes that such a gross deficiency of 66 per cent would be commonplace. It also does not extrapolate to show demonstrably why what is proposed is compatible, and why it would positively benefit the existing development and also the existing environment. So, on an evidential basis it is insufficient, and the claim is not backed up.

Thus, the development standard of Clause 6.12 Landscaping provision in the foreshore and environmental protection zones has not been met, and development standard are set to ensure zone objectives are met, the amenity of the site is preserved, and to mitigate unacceptable impacts on the environment and surrounding land uses. The justification for the contravention of this development standard has not we argue been met in the Clause 4.6 request and it has not demonstrated sufficient environmental planning grounds in the circumstances of the case.

50. *R2 Low Density Residential zoning*

The Clause 4.6 request also addressed the zoning, a moot point as this has been removed as explained in the guidance.

Comments provided address the objectives of the R2 zone at p.9:

- ‘The proposed landscaping does not prevent the provision of a dwelling on site.’
- ‘The landscaped areas will include tree planting.’
- ‘The landscaped areas will include private open space.’
- ‘The proposed landscaping will provide planting that is consistent with that of other dwellings in the streetscape.’
- ‘The planting will be placed within the setback areas to soften the dwelling’s appearance.’
- ‘The character of built and natural features in the surrounding area is maintained.’

51. Planner’s comment:

We note the changes introduced by the Department of Planning and Environment in November 2023 set out in the guidance *Guidelines to Varying Development Standard*; this removed the need for consent authorities to be satisfied on the public interest in the Clause 4.6 request; further, a Clause 4.6 request also does not need to demonstrate that the breach is consistent with the objectives of the standards of the zone. This was removed as it replicated existing requirements. Reasons at p. 21 of the *Guide* state “unreasonable and unnecessary” objectives of the development standard are addressed at Section 4.15(1)(a)(i) of EPA Act 1979 and Clause 2.3 of SI LEP, and public interest more broadly is addressed at Section 4.15(1)(e) of EPA Act 1979.

We would state in response to the applicant’s statement above for the purpose of clarity:

- There is already a dwelling on site.
- There is no landscape plan submitted and no evidence of either existing trees or proposed trees.

- We note private open space is existing and unchanged, with the exception of an annotation on the plans for 'pool barrier'.
- There is no landscape plan and no trees proposed; this differs from other recent development in the vicinity.
- Regarding planting within the setback areas (the two proposed planters within the front setback), groundcover and low shrubs if proposed will not by themselves be capable of softening the bulk and scale of the proposal which is a modification and extension of the existing two/three-storey dwelling.
- As to character being maintained, this assertion is not backed up due to the excessive bulk and scale proposed, and the lack of detailed information on a landscaping treatment. The applicant does not address the Sans Souci and Ramsgate Locality Statement (Part 5.7 of GRDCP 2021) which outlines the desired future character which encourages the retention of trees and sharing of water views, with screening of vegetation rather than solid walls, and protection of public vistas over the Georges River.

Georges River foreshore

It is noted the Clause 4.6 request is silent in relation to the Georges River, and its requirements, as outlined at Clause 6.6 FSPA of the GRLEP 2021. Given the site is within the FSPA, the objectives seek that:

- a) the visual amenity of the Georges River foreshore is protected, maintained, and improved;
- b) that significant views of and from the river are protected, maintained and improved;
- c) It outlines the objectives with respect to diversity and condition of native vegetation and habitats;
- d) the aim to reinforce and improve the dominance of landscape over built form, hard surfaces and cut and fill;
- e) encourages the recovery of threatened species and their communities, populations and habitats; and
- f) lastly seeks to fulfil the objective to enhance existing environmental, cultural and built character values of the foreshore.

The matters at Clause 6.6(3)(a) – (g) are not addressed in the Clause 4.6 request, or indeed in the SEE or amended SEE, which is silent on environmental values of the foreshore. We note that in the near vicinity, considering avian species alone there are 164, of which 2 are threatened and endangered as per counts within the Georges River National Park; for these species alone, this is an obvious key reason why planning controls exist which require mature tree canopies to be preserved within the FSPA and indeed the entire LGA, and trees to be reinstated to foreshore areas.

Refer <https://avibase.bsc-eoc.org/checklist.jsp?region=AUns0082>

In conclusion, having regard to Clause 4.6(3)(b) and the need to demonstrate there are sufficient environmental planning grounds to justify contravening the development standard, it is considered there is an absence of proof to demonstrate that the proposed non-compliances have a beneficial impact on the environmental quality of the locality. When considering the amenity of adjoining properties in terms of overshadowing, privacy and amenity, and view loss, even considering the constraints of the site, it is clear that

amenity impacts would result due to the amended proposal. Environmental impacts have not been addressed and their impact on visual amenity of the Georges River or on biodiversity within the foreshore area. The impacts have not been minimised in this regard, and the impacts have not been recognised and considered against the objectives of the development standards in Clauses 6.6 and 6.10 in GRLEP 2021.

Thus the applicant has not provided in their Clause 4.6 request sufficient evidence to demonstrate that compliance with the development standard is unreasonable and unnecessary; that there are sufficient environmental planning grounds to justify the contravention; that the development achieves the objectives of the development standard and is consistent with the objectives of the R2 zone (a moot point); that compliance with the standard would 'thwart the objectives of the standard and would be incongruous with the existing and desired character of the area'. [Planner's comment: apart from this sentence on 'character of the area', please note that this item, namely 'character' is *not* addressed in the preceding 9 pages of the Clause 4.6 request].

We note no additional vegetation is introduced to contribute to biodiversity or to enhance the tree canopy, there is no maximisation of permeable areas; the visual impact of the development is not substantially addressed, and sufficient and appropriately located landscaping that complements the scale of the building is not considered. There will be no minimisation of heat absorption given the existing hardstand areas will be maintained. Thus, the objectives of Clause 6.12 (1), (2), (4) and (5) of the GRLEP 2021 have not been adequately examined.

52. Applicant's statement made at Conclusion of Clause 4.6 request at pp. 9-10:

The conclusion states that:

- 'Compliance with the development standard would be reasonable and unnecessary in the circumstances of this development;
- There are sufficient environmental planning grounds to justify the contravention;
- The development achieves the objectives of the development standard and is consistent with the objectives of the R2 Low Density Residential zone;
- Compliance with the standard would thwart the objectives of the standard and would be incongruous with the existing and desired character of the area;
- The proposed development, notwithstanding the variation, is in the public interest and there is no public benefit in maintaining the standard; and
- The variation does not raise any matter of State or Regional Significance.
- On this basis, it is considered appropriate that the consent authority exercise the flexibility provided by Clause 4.6 in the circumstance of this application.'

Planner's comment in Conclusion:

53. In order for the Clause 4.6 request to vary from the control at Clause 6.12 of the GRLEP 2021 to succeed, the request which addresses Clause 4.6 (3)(a) and (b) is required to include comment about whether the request demonstrates the following:

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

Clause 4.6 (3)(a)

Success at (a) may include only one of the 5 points of Tests 1-5 at *Wehbe*.

The application was supported by a Clause 4.6 Development Standard variation request (prepared by Brosnan and Moore). This was amended in January 2025.

The applicant at Clause 4.6(3)(a) addressed Points 1 and 4 only [Tests 1 and 4] although the heading for Test 2 was included.

Point 1 [Test 1]

Test 1 did not provide sufficient proof that the objectives of the development standard were achieved notwithstanding the non-compliance and provide justification for the contravention as we assess in detail above at paragraph 63. The request did not adequately address LEP and DCP requirements. It also references the public interest and the zoning objectives which are no longer a consideration required in a Clause 4.6 request. The case did not provide compelling factual evidence relevant to the area of non-compliance and lacked a level of consistency in the case made, but rather was flawed, contained errors, and did not put an argument and analysis that was either cogent or meritorious. The constraints of the site were listed in a limited way, e.g. the existing building footprint, swimming pool and grass terrace and hard stand areas, all to remain unchanged; insufficient information on the actual landscaping provision provided either existing or proposed; no landscape plan provided nor details on landscape provision to be provided within any area within the front or rear setback; no information on plantings within either the ground level or first floor level planters; no distinction made in either the amended plans, the amended SEE or the Clause 4.6 request between the existing landscape provision and the proposed landscape provision in either quantum or nature of landscape treatment, e.g. species and planting detail.

It is clear both the numerical and non-numerical development standards of Clause 6.12 are not met. The existing historical arrangement on site was maintained and for the majority part unaltered although the Clause 4.6 request made erroneous claims that additional vegetation, trees, deep soil were to be provided to address 'degraded conditions' on site. So, in effect, in the omission of relevant information specific to the case, the Clause 4.6 request simply promoted the benefits of the development and on that basis alone is unacceptable.

Point 4 [Test 4]

The applicant at Clause 4.6(3)(b) addressed the non-compliance by providing what they claimed were environmental planning grounds established by their analysis of relevant council decisions and actions. An assessment of six consents by Georges River Council were examined; the case did not succeed to establish that any of the six consents were comparable to the current DA under consideration, and the degree of relevance or not of the table provided in the Clause 4.6 request was not able to be firmly ascertained as outlined above. The *Guide* at p.12 states 'the applicant must provide analysis of relevant council decisions and actions. A council varying the same development standard in a small number of circumstances is unlikely to be sufficient to establish virtual abandonment or destruction.' It is clear from the applicant's submission at page 8 that they do not succeed in making a case that the standard has been abandoned by council through other approvals that exceed the standard as no evidence has been provided that is directly relevant to a departure to Clause 6.12 to back this claim.

Tests 1 and 4 did not meet the requirements, as they were not factual, were not relevant to the area of non-compliance as inadequate information was provided, and were not consistent with the tests, as the claims provided were insufficient and/or invalid, at times factually incorrect, and not sufficiently cogent, and thus the case on either test was not proven.

In sum, the Clause 4.6 request at points 1 and 4 [tests 1 and 4] did not demonstrate that compliance with the landscaping area provision standard is unreasonable or unnecessary

in the circumstances. The implied case brought in their statement to address Clause 4.6(3)(a) is that given it is an existing situation, on that basis alone it should for the majority remain unchanged in quantum and type; that there is no opportunity to alter the arrangements on site; it is implied through omission that there is no requirement to provide vegetation of a type that would contribute to biodiversity or to provide potential tree canopy/ies or address the scale of the three storey building with suitable vegetation and trees of a suitable height and dimension. It would appear the applicant wishes to retain the existing situation where there is no significant existing natural vegetation or mature tree canopy on the site and takes the view that there is an entitlement to maintain the existing situation unchallenged whilst altering building scale and dimension. Whilst they have referred to new plantings within the same footprint that will address the 'current degraded situation' there is no meaningful evidence of this as no landscape plan or additional planting information is provided and built planters whether or not they are planted out would not constitute 'landscaping'.

Thus, the justification to vary the development standard provides woolly arguments and assertions without any concrete evidence to demonstrate that there are no environmental or amenity impacts as a result and does not address in a meaningful way the manner in which the variance may impact on the desired character of the locality or on neighbouring properties, or on the Georges River itself.

Clause 4.6(3)(b)

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 will result unreasonable impacts of the proposed non-compliance on the environmental quality of the locality and amenity of adjoining properties in terms of overshadowing, privacy, overlooking and amenity and view loss and a visual amenity impact on the Georges River itself.

The environmental planning grounds put forward by the applicant were confined to 'topography' and being the existing arrangement, as well as assertions being made that no impacts resulted, which we consider spurious and without factual basis.

Whilst it is acknowledged that there are existing site constraints, and a topography that is maintained, it is noted that the existing dwelling would not be supported under current planning controls, being a part two storey/three storey dwelling, whereas the Development Control Plan specifies two storey development within the R2 low density zone. Given that the three-storey element is existing, it is noted that no effort is made to address the bulk and scale of the dwelling as required under Clause 6.12. Thus vis a vis the three-storey elevation of the dwelling to the Georges River, no attempt has been made to provide landscaping of a type to reduce the building's impact on the visual amenity of the river, or to improve the view of the site when viewed from the river, to reduce the impact of the building's bulk and scale, and the dominance of glazing as required due to its location within the FSPA. Thus, due to a lack of any significant vegetation and mature tree canopy, and the retention only of a grass terrace adjacent to the foreshore, it is clear that the LEP requirements at Clauses 6.6, 6.10 and 6.12 have not been addressed in any meaningful way. As a result, the impacts have not been minimised, as the predominance of glazing has not been addressed in any manner, and there is an absence of any mature tree canopies, or other tall shrub plantings within the foreshore area or within the front setback or the access handle, which is contrary to Clause 6.6 FSPA. Thus, the Clause 4.6 request fails to provide sufficient justification against the objectives of the development standard (both numerical and non-numerical), at Clause 6.12 and the objectives of the Locality Statement, and Clauses 6.6 and 6.10 of the GRLEP 2021 as they pertain to this unique foreshore location within the Foreshore Scenic Protection Area. On these limbs the

applicant has failed to prove that they have provided sufficient environmental planning grounds which can justify in this circumstance the 66 per cent breach from the development standard.

- 54. In conclusion it is considered the Clause 4.6 request does not adequately address all the matters required to be addressed pursuant to Clause 4.6 and the request is not well founded as there are insufficient environmental planning grounds to justify contravening the standard. The applicant addresses the numerical control in the request but has no regard for the non-numerical qualitative aspects of the control, and the relationship of the natural environment to the built environment in this significant foreshore area is not considered. Thus, outcomes sought by the planning controls in Clause 6.12(4)(i) and (ii) are not addressed so the landscaping area provision development standard is not met. . Whilst the proposal promotes the economic use and development of the land consistent with its zone and purpose, it is our view this is irrelevant. It is not appropriate to exercise the flexibility provided by Clause 4.6 in the circumstances of this application, and we would request the Panel to invoke its powers under Clause 4.6 to not permit the variation proposed, given our reasonings above.
- 55. We note that no consideration of the public interest is required.
- 56. The proposed variation does not raise any matters of State or regional environmental planning significance.

No Clause 4.6 request to address FSR breach

- 57. We also note the absence of any Clause 4.6 Variation Request being lodged with respect to address the departure from the development standard under Clause 4.4A Floor Space Ratio. Indeed, the proposal cannot be supported as the extension of the dwelling on the first-floor level would result in an exceedance of 15.5 per cent to the allowance FSR and there is no clause 4.6 request submitted to address this, and so the proposal is thus a prohibition.

GEORGES RIVER DEVELOPMENT CONTROL PLAN 2021

- 58. The proposed development is subject to the provisions of the Georges River Development Control Plan 2021. The following comments are made with respect to the proposal considering the objectives and controls contained within the DCP.

6.1.2 Single Dwellings		
Control	Proposal	Compliance
1. Streetscape Character and Built Form		
1. New buildings and additions are to consider the Desired Future Character statement in Part 5 of this DCP.	Proposal is not in accordance with the desired future character statement for Sans Souci and Ramsgate.	No
2. New buildings and additions are to be designed with an articulated front façade.	The front façade and extension at first floor level does not incorporate sufficient building articulation on the front façade and is bulky and excessive in its dimensions. Subject site only has 1 frontage.	No Yes

6.1.2 Single Dwellings		
Control	Proposal	Compliance
3. Developments on sites with two (2) or more frontages are to address all frontages.	Several proposed windows face towards the public domain.	Yes
4. Dwelling houses are to have windows presenting to the street from a habitable room to encourage passive surveillance.	The proposed development impacts upon the view corridors of neighbouring private properties.	No
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.	N/A – All voids associated with stairs.	N/A
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).		
2. Building Scale and Height		
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 proposal is for alterations and additions to an existing part two, part three storey dwelling that will not alter the topographic landform as there is minimal cut and fill. The scale of the building exceeds the FSR control as the extension breaches the side and front setbacks.	No
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.	Not applicable.	N/A
3. A maximum of two (2) storeys plus basement is permissible at any point above ground level (existing). Basements are to protrude no more than 1m above existing ground level.	The existing building reaches three (3) storeys in height. The proposed addition is located at the first-floor level.	N/A
4. Where topography conditions require a basement, the area of the basement should not exceed the area required to meet the car parking requirements for the development, access ramp to the parking	No basement proposed.	N/A

6.1.2 Single Dwellings		
Control	Proposal	Compliance
<p>and a maximum 10m² for storage and 20m² for plant rooms. Additional basement area to that required to satisfy these requirements may be included as floor space area when calculating floor space ratio.</p> <p>5. Where the entry to the basement carpark is visible from the street, the entry should be recessed a minimum of 1m (from the edge of the external wall or balcony) from the levels above and the external walls of the garage differentiated from the walls above through articulation and external materials.</p>	<p>No basement proposed.</p>	<p>N/A</p>
<p>The existing dwelling reaches three (3) storeys in height, with the lower ground level sitting more than 1m above the existing ground floor level, and as such does not constitute a basement.</p> <p>The proposed extension to the first-floor level has adverse visual impacts due to encroachments within the side and front setbacks which reduce view corridors and may result in overlooking and privacy and acoustic impacts. The extension proposed contains bedrooms 7 and 8, a bathroom and a linen cupboard. It will result in a building envelope which due to the existing encroachments within the front and side setbacks will increase and perpetuate those encroachments and result in a building envelope which is excessive.</p> <p>The surrounding dwellings contain 1 and 2 storey presentations to The Promenade. The proposed addition presents as a two-storey dwelling with an access handle at the street frontage which is all hardstand area within the access handle and the front setback with no landscaping proposal submitted. The proposed addition sits just at the maximum building height limit for the site and exceeds the bulk and scale of adjoining properties.</p> <p>When viewed from the waterway, development in the immediate context consists of detached dwellings of varying architectural styles and ages. The majority of dwellings facing the foreshore along The Promenade have been designed to step down the sloping sites, with some containing 3 storeys at the rear. The proposed development faces the street, and whilst it is two storeys in height, it is excessive in bulk and scale as it breaches both the front and side setbacks on this battle axe block. Thus, it is not compatible with the scale and character of development along The Esplanade in the near vicinity which are compliant with side setbacks.</p> <p>The proposed dwelling will alter the character of the locality and whilst it will continue to provide a dwelling which presents as three storeys at the rear, it will have excessive bulk and scale within the front setback and does not provide for a landscape setting that is appropriate given the foreshore location. Thus, the three-storey elevation will be overly visible from the waterfront with its extensive glazing unchanged, with an unsympathetic colour palette which is not in harmony with the natural environment, and no provision of landscaping of such a scale and type that would balance the built form in its position overlooking the Georges River.</p>		
3. Setbacks		
<p>Front Setbacks</p>	<p>The front setback to the main building wall is for the most part</p>	<p>Non-compliant to</p>

6.1.2 Single Dwellings		
Control	Proposal	Compliance
<p>1. The minimum setback from the primary street boundary is:</p> <ul style="list-style-type: none"> i. 4.5m to the main building wall / facade; ii. 5.5m to the front facade of a garage or carport; or iii. Where the prevailing street setback is greater than the minimum, the average setback of dwellings on adjoining lots is to be applied. 	<p>flush to the front retaining wall on the boundary for the proposed garage.</p> <p>The front setback to the proposed first floor extension ranges from 3m to 4.3m and breaches the 4m front setback control for approximately half of the front elevation.</p> <p>The existing carport (on plan described as 'existing double garage' has a nil setback to both front and side setbacks, and the applicant seeks to perpetuate this by enclosing it as a double garage.</p> <p>Note: the existing survey shows that the retaining walls at the front of the site on either side encroach on both neighbouring properties. The conversion of the carport to a garage would maintain this breach of the side boundary.</p> <p>Further, it is noted that there is no proposed front landscaping in either the access handle or the front setback, and so the interface with the public domain is not addressed.</p>	<p>both existing carport, proposed garage and proposed first storey extension.</p>
<p>Side and Rear Setbacks</p> <p>1. Buildings are to have a minimum rear setback of 15% of the average site length, or 6m, whichever is the greater (excluding detached secondary dwellings – see Point 12 in Section 6.1.2.12- Secondary Dwellings of this DCP).</p> <p>2. The minimum side setbacks for ground and first floor are:</p> <ul style="list-style-type: none"> i. 900mm for lots up to 12.5m in width measured at the front building line for the length of the development. ii. 1.2m for lots greater than 12.5m in width measured at the front building line for the length of the development. iii. 1.5m for all lots within the Foreshore Scenic Protection Area measured at the 	<p>Given the irregular shaped allotment due to the foreshore, the rear setback ranges from 8m to 11m to the dwelling</p> <p>Allowable Side Setback - 1.5m</p> <p>Proposed setbacks for extension</p> <p>Side Setbacks <u>Northern Elevation:</u> 975 mm</p> <p><u>Southern Elevation:</u> 1.405 metre</p>	<p>Yes – rear setback</p> <p>No – side setbacks</p>

6.1.2 Single Dwellings		
Control	Proposal	Compliance
<p>front building line for the length of the development.</p> <p>3. Where alterations and additions (ground and first floor) to an existing dwelling are proposed, an existing side setback less than the setback required in Control 3 can be maintained, provided the reduced setback does not adversely affect compliance with the solar access and landscaped area controls or adversely impact upon the visual and acoustic amenity of neighbouring dwellings.</p> <p>4. For battle-axe lots, minimum side and rear boundary setbacks apply, except the front setback of the battle-axe lot without a street frontage, where a minimum setback of 4.0m is to be provided as illustrated in Figure 1.</p> <p>5. Any garages or parking structures fronting rear lanes may encroach upon the rear setback areas but are still to provide a minimum setback of 1m from the lane.</p>	<p>It is proposed for the extension at first floor level to maintain the non-compliant 975mm side setback</p> <p>The extension of this reduced setback would adversely impact neighbouring property due to visual and acoustic amenity impacts, and reduction of view corridors.</p> <p>Note: the existing carport which has a nil setback is proposed to be converted into a garage maintaining the same nil setback.</p> <p>Battle-axe lot: front setback of 4m is required. The existing carport is located with nil setback to side and front boundary. The proposed extension will breach the front setback for over half of the front elevation, and will breach the side setback, being 975mm from the side boundary.</p> <p>N/A</p>	<p>Not acceptable due to amenity impacts and lack of Clause 4.6 request to address breach of FSR development standard</p> <p>No</p> <p>N/A</p>
<p>Side Setbacks:</p> <p>It is noted that the proposed northern elevation side setback is 975mm and remains the same as the existing for the extension, and there is a nil setback to the carport which is proposed to be converted into a garage. The southern side setback is 1.405m. The side setback control for lots within the Foreshore Scenic Protection Area is 1.5 metres. The numerical deficiency is not acceptable given that there is an FSR exceedance of 15.5 per cent in regard to the first-floor extension and conversion of the carport to an enclosed garage of 86sqm. No Clause 4.6 request has been submitted to address this FSR exceedance. The extension and the enclosure of the carport into a garage will reduce the view corridors for several adjoining neighbours at both the ground level and upper level. So even with the reduced side setbacks there are some slivers of unhindered direct views towards the river at ground and first floor levels which will be reduced or removed.</p>		
<p>4. Private Open Space</p>		

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6.1.2 Single Dwellings		
Control	Proposal	Compliance
<p>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 60m² with minimum dimensions of 6m and located on the same level (not terraced or over rock outcrops).</p> <p>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).</p> <p>3. Private open space is to be located so as to maximise solar access.</p> <p>4. Private open space is to be designed to minimise adverse impacts upon the privacy of the occupants of adjacent buildings.</p>	<p>The proposed private open space is approximately 42sqm in area.</p>	<p>No</p>
5. Landscaping		
<p>1. Landscaped area (has the same meaning as GRLEP 2021) is to be provided in accordance with the table contained within Clause 6.12 Landscaped areas in certain residential and environmental protection zones of GRLEP 2021.</p> <p>2. Provide a landscape setting within the primary and secondary street frontages, where hard paved areas are minimised. At a maximum, impervious areas, including hard paving, gravel, concrete or other material that does not permit landscaping, are to occupy no more than 40% of the street setback area.</p> <p>3. The front setback area is to have an area where at least one (1) tree capable of achieving a minimum mature height of 10m with a spreading canopy can be accommodated. A schedule of appropriate species to consider is provided in Council's Tree Management Policy.</p>	<p>The minimum deep soil landscaping requirement for the R2 zone is 25% of the site. The net developable area is 494.4sqm, and thus a landscape provision of a minimum area of 123.6sqm is required. A provision of 42.69sqm is proposed which is existing.</p> <p>There is no landscaping provided within either the access handle or the front setback. Whilst planters are proposed at ground and first floor level in the front setback, they do not constitute landscaping provision as they do not meet the Standard Instrument definition of 'landscaped area' as they are located within a structure, and not within deep soil which would ensure permeability.</p> <p>Council's Landscape Officer has reviewed the site plan and raised concern with regard to protection of the tree on the adjoining site, being the mature Canary Island Date Palm. Suitable conditions of consent</p>	<p>No</p>

6.1.2 Single Dwellings		
Control	Proposal	Compliance
	would be imposed in the event that the proposal was approved.	
6. Excavation (Cut and Fill)		
<p>1. Any excavation must not extend beyond the building footprint, including for any basement car park.</p> <p>2. The depth of cut or fill must not exceed 1.0m from existing ground level, except where the excavation is for a basement car park.</p> <p>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.</p>	<p>The maximum cut and fill proposed is 1m.</p> <p>Noting the topography of the site will remain for the most part unchanged, there will be minimal cut and fill, and only in the area where the stone terraces at the rear are to be replaced, and pool barriers are located (these are on the architectural plans but not mentioned in the SEE as to whether they are part of the proposal, although a Baja shelf over the swimming pool is proposed).</p>	Acceptable on merit.
7. Vehicular Access, Parking and Circulation		
<p>1. Car parking is to be provided in accordance with the requirements in Part 3 of this DCP.</p> <p>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> <p>3. Driveways, garages and basements should be accessed from a secondary street or rear lane where this is available.</p> <p>4. Entry to parking facilities off the rear lane must be setback a minimum of 1m from the lane.</p> <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.</p> <p>6. The maximum driveway width between the street boundary and the primary building setback alignment of the garage is 4.0m.</p>	<p>An at grade carport exists, which is proposed to be converted to a double garage which would be 86sqm in size.</p> <p>The existing carport has a nil setback to both the front and side boundaries, whereas a 4m front setback and 1.5m side setback is required.</p> <p>The garage length is 8.935m and maximum width is 9.7m. The dimensions of the actual opening and size details of proposed panel lift garage door are not provided.</p>	<p>Yes – provides for 2 vehicles</p> <p>Existing vehicular access via access handle</p>

6.1.2 Single Dwellings		
Control	Proposal	Compliance
<p>7. Basements are permitted where the LEP height development standard is not exceeded, and it is demonstrated that there will be no adverse environmental impacts (e.g., affectation of watercourses and geological structure). (i) Basements on land where the average grade is less than 12.5% are permitted only where they are not considered a storey (see definition in the LEP) and the overall development presents as two (2) storeys to the street.</p> <p>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).</p> <p>9. The maximum width of a garage opening is 6m.</p>		
8. Visual Privacy		
<p>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.</p>	<p>Placement of openings on the southern elevation has provided large windows, 954mm from the side boundary that will cause privacy impacts.</p>	No
<p>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>	<p>Existing balconies on the rear are unchanged. .</p>	N/A
<p>3. Upper-level balconies should not project more than 1500mm beyond the main rear wall alignment so as to minimise adverse visual privacy impacts to adjoining properties.</p>	<p>The proposed extension will cause amenity impacts due to the reduced setbacks.</p>	No
<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.</p>	<p>Existing</p>	N/A
<p>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,</p>	<p>A survey plan was submitted with the application which provided limited information and did not include information on adjoining dwellings property windows and floor levels.</p>	No – insufficient information provided

6.1.2 Single Dwellings		
Control	Proposal	Compliance
windowsill levels and ridge and gutter line levels.		
9. Solar Access		
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.	Compliant - The proposal allows sufficient sunlight penetration to adjoining developments where possible.	No
2. To facilitate sunlight penetration to adjoining development, building bulk may be required to be articulated to achieve the required sunlight access.	Further building articulation is required in the event of a FSR compliant proposal in order to facilitate sunlight access into POS areas and sunlight penetration into the habitable areas of the adjoining dwelling.	No
3. Direct sunlight to north-facing windows of habitable rooms and 50% of the principal private open space area of adjacent dwellings should not be reduced to less than 3 hours between 9.00am and 3.00pm on 21 June.	The adjoining properties is not afforded sufficient minimum solar access being direct sunlight to north-facing windows of habitable rooms and 50% of the principal private open space area, which is reduced as a result of the proposed extension.	No
4. Note: 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.	N/A	N/A
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.	Shadow diagrams have been submitted with the proposal however these address the proposal, and do not provide the existing and the proposed in terms of overshadowing impacts.	No
10. Materials, Colour Schemes and Details		
1. Large expansive surfaces of predominantly white, light or primary colours which would dominate the	The colours and materials schedules do not meet the requirements of the FSPA, as	No

6.1.2 Single Dwellings		
Control	Proposal	Compliance
<p>streetscape or other vistas should not be used.</p> <p>2. New development should incorporate colour schemes that have a hue and tonal relationship with the predominant colour schemes found in the street.</p> <p>3. Matching buildings in a row should be finished in the same colour or have a tonal relationship.</p> <p>4. All materials and finishes utilised should have low reflectivity.</p>	<p>they are not sympathetic to the current desired and future character of the immediate locality. Whilst sandstone is supported, Dulux white on white is proposed as a wall colour which would not be supported.</p> <p>The colour and material scheme would need to be modified to be sympathetic to the current desired and future character of the immediate locality.</p> <p>The extensive glazing on the existing dwelling, including the rear elevation has been maintained. This will not provide low reflectivity or address the visual amenity requirements of the Georges River.</p> <p>External walls for the ground and first floor, and retaining walls are to be of cement render paint finish in Dulux White on white which would not be supported. The part external walls on the ground and first floor which are feature walls, are of ribbed stone tiles – colour to be advised; window, screening, door frames and garage door are of ‘clear anodised’ – colour to be advised; external flooring on the balcony is of stone flooring which would be acceptable.</p> <p>On the amended plans, the colour code legend shows the following materials: masonry; timber; metal (steel, aluminium); concrete; concrete render and fibre cement; sandstone; paving (tiles, terracotta); glass and glass bricks. The paint colour proposed is unchanged: Dulux White on White. This is not supported within the foreshore area where natural colours are required.</p>	

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6.1.2 Single Dwellings		
Control	Proposal	Compliance
11. Site Facilities		
1. All dwellings are to be provided with adequate and practical internal and external storage (garage, garden sheds, etc.).	There is existing storage within the dwelling.	Yes
2. Provision for water, sewerage and stormwater drainage for the site shall be nominated on the plans to Council's satisfaction.	There is an existing stormwater system.	N/A
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.	Sufficient area is provided within the proposed garage to accommodate the required waste containers.	Yes
4. Letterboxes are to be located on the frontage where the address has been allocated in accordance with Australia Post requirements.	A letter box is existing at the front setback.	Yes

6.4.1 Fences and Walls		
Control	Proposal	Compliance
1. Fence heights are to be limited to a maximum of: i. 900mm for solid masonry, and ii. 1.2m for open or partially transparent styles such as picket or palisade.	Fencing is existing.	N/A
2. Preferred materials for fencing are masonry, stone, ornate timber or ornate metal.	Fencing is existing	N/A
3. For sloping streets, fences and walls must be stepped to comply with the required maximum fence height	Fencing is existing	N/A
4. Where noise attenuation or protection of amenity requires a higher fence, front fences may be permitted to a maximum height of 1.8m and must be setback a minimum of 1m from the boundary to allow landscape screening to be provided. Landscape species chosen should be designed to screen the fence without impeding pedestrian movements along the roadway. Front fences and landscape screening must not compromise vehicular movement sightlines.	Fencing is existing	N/A

6.4.1 Fences and Walls		
Control	Proposal	Compliance
5. Fencing (and landscape screening) is to be located to ensure sight lines between pedestrians and vehicles existing the site are not obscured. Gates are not to open over the public roadway or footpath.	Unchanged; no landscape screening proposed.	N/A
Control	Proposal	Compliance
10. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing retaining wall or structures on the subject or adjoining allotments. All components, including footings and aggregate lines, must be wholly contained within the subject property.	Retaining walls are existing, along common boundaries. As aforementioned, parts of the retaining walls on the side boundaries encroach within adjoining properties, as shown on the survey.	N/A
11. A retaining wall that is visible from the street or public area must: i. Be constructed to a height no greater than 1.0m, and ii. Be designed so a minimum setback of 1.0m between the retaining wall and the boundary is provided, to permit landscaping, and iii. Be constructed of materials that are durable and do not detract from the streetscape.	No retaining walls are visible from the street.	N/A
12. No part of any retaining wall or its footings is to encroach onto an easement unless approval from the beneficiary is obtained, and the purpose of the easement is not interfered with.	Retaining walls encroach into adjoining properties.	N/A
13. Any retaining walls, required as part of the dwelling construction to control potential land stability and/or the structural integrity of adjoining properties, must be completed and certified by an appropriately qualified and practicing engineer prior to occupation of the dwelling.	Not proposed	N/A
14. Excavation or filling requiring retaining shall be shored or retained immediately to protect neighbouring properties from loss of support and to prevent soil erosion.	No cut or fill proposed.	Yes
6.4.2 Air Conditioning		
Control		
1. Air conditioning units should be sited so that they are no visible from the street. 2. The noise level from air conditioning condensers/systems is not to exceed the	A condition will be included to ensure air conditioning units are not visible from the street in the event were an approval issued.	Yes

<p>LAeq 15 minute by 5dBA measured at the property boundary.</p>		
<p>6.4.4 Swimming Pools</p>		
<p>1. Swimming pools/spas are to be located to the rear of properties</p>	<p>The existing swimming pool is located to the rear of the property.</p>	<p>N/A</p>
<p>2. For corner allotments or where the property has two street frontages, swimming pools/spas are not to be located in the primary</p>	<p>Not applicable.</p>	<p>N/A</p>
<p>3. Swimming pools/spas must be positioned a minimum of 900mm from the property boundary with the water line being a minimum of 1500mm from the property boundary.</p>	<p>No alteration in location of swimming pool. Baja shelf proposed above pool is positioned within the area of the pool.</p>	<p>N/A</p>
<p>4. In-ground swimming pools shall be built so that the top of the swimming pool coping is as close to the existing ground level as possible. On sloping sites this will often require excavation of the site on the high side to obtain the minimum out of ground exposure of the swimming pool consistent with the low side.</p>	<p>Not applicable.</p>	<p>N/A</p>
<p>5. Swimming pools/spas are to be no more than 500mm above existing ground level. the swimming pool is treated to minimise impact. The materials and design of the retaining wall should be integrated with and complement the style of the swimming pool.</p>	<p>Swimming pool is existing. No change is proposed to swimming pool, with the exception of a Baja shelf being installed.</p>	<p>Yes</p>
<p>7. Decking around a swimming pool must not be more than 600mm above existing ground level.</p>	<p>No decking</p>	<p>N/A</p>
<p>8. Filling is not permitted between the swimming pool and the property boundary. The position of the swimming pool, in relation to neighbours and other residents, must be considered to minimise noise associated with activities carried out in the swimming pool or from the swimming pool equipment, such as cleaning equipment.</p>	<p>N/A</p>	<p>N/A</p>
<p>9. Council may require mechanical equipment to be suitably acoustically treated so that noise to adjoining properties is reduced.</p>	<p>N/A</p>	<p>N/A</p>

10. A pool fence complying with the legislation is to separate access from the residential dwelling on the site to the pool.	Pool barriers compliant to AS1926 is noted on the architectural plans, however there is no detail provided in the amended SEE.	N/A
11. Safety and security measures for swimming pools must comply with the relevant requirements of the Swimming Pools Act 1992 and any relevant Australian Standards.	Pool barriers to comply with Australian Standards.	N/A
6.5.1 Foreshore Scenic Protection Area		
Control	Proposal	Compliance
1. Development applications are supported by a site analysis and design response demonstrating how the relevant provisions of the LEP and the objectives of this part of the DCP have been addressed.	Insufficient information has been submitted with the application to form an assessment.	No
2. Removal of existing native vegetation minimised to that which is reasonably required to site and construct a building.	The proposed development does not involve the removal of any significant vegetation on site.	Yes
3. The integrity of the existing edge of bushland closest to the Georges River is retained.	No vegetation or bushland is extant.	N/A
4. Vegetation along ridgelines and on hillsides is retained and supplemented to provide a backdrop to the waterway.	No ridgeline exists	N/A
5. New, complementary planting and landscaping is encouraged.	Unsatisfactory, no landscape planting proposed.	No
6. Where on a steep site, vegetation is used to screen the impact of support structures such as piers.	No vegetation has been proposed, although built planters have been proposed..	No
7. Landscaped areas below the FBL should maximise the use of indigenous plant material and preferably use exclusively indigenous plants. Turf should be limited in this area. Details of planting are to be indicated on any landscape plan submitted to Council.	The land below the FBL (7.6m from MHWM) has an existing swimming pool, and an area of grass terrace. No landscaping information has been provided.	No
8. Natural features that make a contribution to the environmental qualities and scenic landscape values of the foreshore, including mature native tree and sandstone rock outcrops, platforms and low cliffs, are retained.	All natural features of the site on the foreshore have previously been removed. A sea wall has been built and within the site is located a portion of the High-Water Mark. As mentioned above there is no provision made for trees or tall shrubs on the site.	N/A
9. The visual impact of buildings is minimised having regard to building size,	The visual impact of the proposed development is not	No

height, bulk, siting, external materials, and colours and cut and fill.	consistent with the adjoining properties as there is an existing variation from the side setback controls on both sides of the dwelling. The extension seeks to perpetuate this breach. The materials and finishes are unsympathetic to the existing streetscape of The Promenade and the FSPA.	
10. Buildings should be sited on the block to retain existing ridgeline vegetation, where possible. Siting buildings on existing building footprints or reducing building footprints to retain vegetation is highly recommended.	Proposed development does not seek to remove any significant vegetation on the site.	Yes
11. Where on a steep site, buildings are sited to sit discretely within the landscape using hillsides as a backdrop and below the tree canopy. The building footprint is to result in the following: (i) The preservation of topographic features of the site, including rock shelves and cliff faces; (ii) The retention of significant trees and vegetation, particularly in areas where the loss of this vegetation would result in the visual scarring of the landscape, when viewed from the water; and (iii) Minimised site disturbance through cutting and/or filling of the site.	Proposed development does not seek to remove any significant vegetation on the site.	Yes
12. Facades and rooflines of dwellings facing the water are to be broken up into smaller elements with a balance of solid walls to glazed areas. Rectangular or boxy shaped dwellings with large expanses of glazing and reflective materials are not acceptable. In this regard, the maximum amount of glazed area to solid area for façades facing the foreshore is to be 50%-50%.	It is noted that the rear elevation faces the waterway and has extensive glazing that is reflective, and the impact of this on the water has not been addressed, although it is sought to replace windows and doors.	No
13. Colours that harmonise with and recede into the background landscape are to be used. In this regard, dark and earthy tones are recommended, and white and light-coloured roofs and walls are not permitted. To ensure that colours are appropriate, a schedule of proposed colours is to be submitted with the Development Application and will be enforced as a condition of consent.	Unsatisfactory The colour and material scheme are not sympathetic to the current desired and future character of the immediate locality.	No
14. Buildings fronting the waterway must have a compatible presence when viewed from the waterway and incorporate design elements (such as	The proposed development has an excessive bulk and scale, and combined with excessive glazing will have an overbearing	No

roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality	impact, also due to the Dulux white on white render, when viewed from the waterway.	
15. Blank walls facing the waterfront shall not be permitted. In this regard, walls are to be articulated and should incorporate design features, such as: (i) Awnings or other features over windows; (ii) Recessing or projecting architectural elements; or (iii) Open, deep verandas.	The development does not propose blank walls facing the waterfront.	N/A
16. Adequate landscaping shall be provided to screen undercroft areas and reduce their impact when viewed from the water.	N/A- no undercroft areas proposed	N/A
17. The extent of associated paved surfaces is minimised to that which provides essential site access and reasonable private open space.	The site does not comply with the required landscaping.	No
18. Buildings have external finishes that are non-reflective and coloured to blend with the surrounding landscape.	The proposed external finishes and materials are reflective and do not blend with the surrounding context.	No
19. Swimming pools and surrounds should be sited in areas that minimise the removal of trees and limit impact on natural landform features (rock shelves and platforms).	The swimming pool is unchanged and will have a Baja shelf installed.	No
20. Fences are low in profile and are at least 50% transparent.	No fencing proposed	N/A
21. Driveways and other forms of vehicular access are as close as practical to running parallel with contours	Driveway existing	N/A
22. The natural landform is to be retained and the use of retaining walls and terracing is discouraged.	No alteration to the existing ground levels proposed.	N/A
23. Retaining walls are not to be located: • Between the FBL and MHWM • Within 40m of MHWM	Existing – no alteration proposed	N/A
24. Where retaining walls are constructed in other areas, materials and colours that blend with the character and landscape of the area are used. Where retaining walls face the foreshore they are to be constructed of coarse, rock faced stone or a stone facing and are to be no higher than 600mm above natural or existing ground level. Under no circumstances will Council permit a	Existing – no alteration proposed	Yes

masonry faced retaining wall facing the foreshore.		
25. Development provides opportunities to create view corridors from the public domain to the Georges River.	Insufficient setback has been afforded to create view corridor opportunities.	No

PART 5 – RESIDENTIAL LOCALITY STATEMENTS

59. The 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. The assessment of character for the applicable locality is provided below:

Sans Souci and Ramsgate	
<p>Retain and enhance the existing low density suburban residential character through articulated contemporary developments that respond to the human scale.</p> <p>Encourage well-designed high density residential development in designated areas along Rocky Point Road.</p> <p>Encourage consistent setbacks of buildings from the street and the provision of landscaping within the front setback, alongside low fencing to enhance visual permeability.</p> <p>Encourage the retention of trees and sharing of water views wherever possible, including screening via vegetation rather than solid walls.</p> <p>Protect public vistas over Georges River towards Kogarah Bay from Vista Street.</p>	<p>The proposal is not consistent with the future desired character of the precinct due to excessive bulk and scale.</p> <p>N/A</p> <p>There is an existing building setback which breaches the front setback control; this is sought to be perpetuated.</p> <p>There are no trees on site, and none proposed. The sharing of water views will be reduced as a result of the proposal due to the breaches of front and side setbacks.</p> <p>View sharing and view corridors are not maintained via the proposed design.</p>

SUMMARY OF DCP ASSESSMENT

60. The proposal, therefore, does not comply with key provisions of the Georges River Development Control Plan including:

Part 3 – General Planning Considerations

- Part 3.3 Landscaping

Part 6.1 – Low Density Residential Controls

- Part 6.1.1 Setbacks: front and side setbacks non-compliance for proposed garage and proposed first floor level extension.
- Part 6.1.3.11 Landscaping

ANY PLANNING AGREEMENT UNDER SECTION 7.4

Section 4.15(1)(a)(iii) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4.

61. There is no planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 applicable to the proposal.

THE REGULATIONS

Section 4.15(1)(a)(iv) the regulations to the extent that they prescribe matters for the purposes of this paragraph.

62. There are no regulations (to the extent that they prescribe matters for the purposes of this paragraph) applicable to the proposal.

THE LIKELY IMPACTS OF THE DEVELOPMENT***Natural Environment***

63. The proposed development does not add adversely to affect the natural environment, but neither does it provide a positive benefit or contribution to the natural environment.
64. The existing landscaping provision deficiency is sought to be maintained, and notwithstanding the applicant's implied argument that there is an absence of environmental harm as a result, we would counter this to state that the proposal is not a contributor in any positive sense to the foreshore location with respect to the biodiversity and ecological development standards which are outlined at Clauses 6.6, 6.10 and 6.12 of GRLEP 2021.
65. The Clause 4.6 request to address the departure from the development standard was not well-founded and did not demonstrate that compliance with the Clause 6.12 development standard was unreasonable or unnecessary. The request was unable to demonstrate the objectives of the standard were still met despite the contravention of that standard as its analysis was very narrow, focused only on the numerical controls in Clause 6.12, and for the most part silent on the non-numerical controls in Clause 6.12. The Clause 4.6 request also failed to provide sufficient proof by way of environmental planning grounds to justify the maintenance of this breach, in both its nature and extent, and was unable to justify the contravention. Proof was not demonstrated that compliance with the Clause 6.12 development standard was unreasonable or unnecessary and thus the request is judged not to be well-founded, and we would request the Panel not to support this request for the reasons identified in this report.

Built Environment

66. The existing dwelling provides housing in the area with a compliment of six bedrooms. The first-floor level proposed extension would increase this by two further bedrooms and a bathroom, and the development would extend into the front and side setbacks.
67. The proposal does not represent an appropriate planning outcome for the site with respect to its bulk, scale and density, façade articulation and expression and is not an appropriate response to the context of the site and its R2 Low Density Residential zoning.
68. Thus, the proposal is not considered to be consistent with the desired future character of development in the R2 zoned land in this foreshore location and immediate locality and the development is an inappropriate response to the context of the site.
69. The character requirements within the Sans Souci and Ramsgate Locality Statement have not been appropriately addressed. t
70. The FSR non-compliance is not acknowledged or raised by the applicant; it is a breach of 15.5 per cent from the floor space ratio development standard and was not addressed in either the amended SEE or in a Clause 4.6 request being submitted.

71. A Clause 4.6 request has not been submitted to address this, and therefore the proposal is a prohibition.

Social Impact

72. Adverse social impacts have been identified as part of the assessment due to amenity impacts: overshadowing, overlooking, visual privacy and acoustic privacy impacts. It will also impact the visual aspect of the Georges River.
73. The extension of a dwelling house is permissible with consent given the residential zoning of the land, however there are amenity impacts associated with the excessive FSR and non-compliant setbacks, and lack of sufficient landscaping provision. The existing development on site has non-compliances with respect to side and front boundaries, and these would be exacerbated in perpetuity and increased in measure, which would result in various impacts on amenity, and loss of view corridors.

Economic Impact

74. There is no apparent adverse economic impact that is likely to result within the locality due to the construction of the dwelling's extension. It is likely there will be a small positive economic impact as a result of the construction of the development.

Suitability of the site

75. The site is zoned R2 – Low Density Residential. The proposal is a permissible form of development in this zone however it has not had regard in its design to reflect the current and future context of the locality, in particular the Foreshore Scenic Protection Area. It is inconsistent with the zone objective in retaining the low-density residential character due to excessive bulk and non-compliant setbacks, especially in the side and front setbacks. There is an exceedance to the maximum allowable FSR of 15.5 per cent. There is an exceedance to the landscaping provision with a deficiency of 66 per cent. Insufficient and inadequate information was provided re a landscaping plan, plant species, pool barriers.

SUBMISSIONS AND THE PUBLIC INTEREST

Submissions

76. The application was neighbour notified in accordance with Community Engagement Strategy for a period of fourteen (14) days. Two (2) submission was received. It was further renotified for fourteen (14) days. One (1) submission was received. In summary the following issues and concerns were raised.
77. The application was publicly notified to neighbours for a period of fourteen (14) days in accordance with the Georges River Development Control Plan 2021. In response, two (2) submissions were received. The amended application was also publicly notified to neighbours for a period of fourteen (14) days and one (1) submission was received.
78. The key issues were privacy impacts, acoustic privacy impacts, overshadowing, inadequate landscape provision and view loss, and impact on streetscape due to bulk and scale. The following points were raised.
- large windows which could overlook adjoining properties habitable rooms including bedrooms and private open space
 - increase in bedrooms from six to eight will increase the issue of acoustic privacy
 - the bulk and scale of the proposal, and overshadowing impacts due to this
 - inadequate landscaping provision
 - impact on property value (not able to be assessed under EPA Act 1979).
 - View loss from main living areas and outdoor areas for two neighbours, impacting the views over Kogarah Bay from the pool area, and dining and living area, and upstairs living area.

- The proposal will remove a view corridor and does not represent design sensitivity as the proposal on absolute waterfront property will remove part of a view from adjoining properties.
- The biodiversity of the neighbouring property will be severely compromised by virtue of the decreased sunlight.
- Non-compliance with DCP controls re building scale and height; is excessive in bulk and does not conform with the R2 Low density zoning.
- Proposal does not comply with the 6m setback and is building upon a non-compliant setback which is a clear violation of regulations. The new wall extends vertically on 3.5m from our property and will negatively impact and create an area comparable to high density residential living.
- Concern that business operations may occur in the future from the property.

Assessing Officer's comments:

79. The concerns are acknowledged. The proposal is not supported due to the non-compliant setbacks, and bulk and scale of the extension, and the deficiency in landscape provision. Whilst there will be view loss, this will be minor in scale, given the location of the extension was proposed within the front setback area adjacent to the existing two storey dwelling. The views that would be from neighbouring properties across the existing rear yard are not impacted.

The Public Interest

Section 4.15(3) the public interest

80. The proposal is not considered to be in the public interest for the following reasons:
- Does not meet the aims of the plan in GRLEP 2021 to provide a high standard of urban design and built form
 - Inaccurate, insufficient and missing information: pertaining to FSR, garage, pool barriers, proposed landscaping (landscape plan and arborist report not supplied)
 - Inconsistent with zone objective in retaining low density residential character due to excessive bulk and scale and non-compliant side and front setbacks
 - Exceedance to maximum allowable Floor Space Ratio (15.5 per cent) and no Clause 4.6 request submitted to address this
 - Contravention of development standard relating to landscaping requirement of 25 per cent landscaping provision within the Foreshore Scenic Protection Area, being a deficiency of 66 per cent
 - Inconsistent with the future desired character of Sans Souci regarding streetscape, built form, foreshore locality and view corridors due to excessive bulk and scale and non-compliant setbacks, and deficiency of landscape provision
 - Non-compliance with 6.1.1 of GRDCP 2021: setbacks on front and side boundary.

REFERRALS

External Referrals

Ausgrid

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

Council (Internal) Referrals

Development Engineer

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

Landscape Officer

83. Council's Landscape Officer has raised no objection to the proposal subject to conditions of consent relating to tree protection for tree on adjoining site (Canary Island Date Palm).

DEVELOPMENT CONTRIBUTIONS

84. 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 would have been imposed if the application were to be supported.

CONCLUSION AND RECOMMENDATION

85. The proposal has been assessed with regard to the matters for consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979.

86. The application is not considered suitable with regards to the matters listed in Section 4.15 of the *Environmental Planning and Assessment Act 1979* for the reasons listed below:

87. The proposal is not considered to be in the public interest for the following reasons:
- The proposal has been assessed against the provisions of the Georges River LEP 2021 and Georges River DCP 2021. The proposal does not satisfy the key planning controls in the LEP and DCP, in particular Clauses 4.4, 4.6, 6.6, 6.10, 6.12 of the LEP, and the Locality Statement and the Foreshore Scenic Protection Area, and the zone objectives where it is inconsistent due to excess bulk and scale and non-compliant setbacks .
 - The identified non-compliance with the landscaping provision on site were addressed with a Clause 4.6 request to address the 66 per cent variation from the standard.
 - The proposed development is likely to have an adverse impact on residential amenity, viz. privacy and acoustic impacts, loss of view corridors, overshadowing, impact on streetscape due to bulk and scale, and absence of any landscaping provision
 - Non-compliance with 6.1.1 of GRDCP 2021: side and front setbacks are non-compliant and this would be perpetuated.

88. The application is not supported for reasons outlined in the report above.

RECOMMENDATION**Refusal of Application**

Pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act, 1979* (as amended), the delegated officer determines Development Application DA2024/0304 for *Alterations and additions to a dwelling house, landscaping and site works* (amended application) on Lot 742 DP 535998, on land known as 49 The Promenade SANS SOUCI 2219, as a refusal for the reasons below:

1. **Refusal Reason – Environmental Planning Instrument** – Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development as amended does not comply with the following sections of Georges River Local Environmental Plan 2021:
 - a. Clause 1.2(2)(f) Aims of the Plan: to promote a high standard of urban design and built form: is not met.
 - b. Clause 2.3 – Zone objectives and Land Use Table. The amended proposal is not consistent with the zone objectives as the exceedance in floor space proposed contributes to the overall bulk and scale of the dwelling, which does not meet the

- objectives of retaining the low-density residential character of the area nor enhancing high levels of amenity of the area.
- c. Clause 4.4A – Floor Space Ratio. The proposed FSR under this modification exceeds the permitted FSR control of 0.55:1 by over 15 per cent without adequate justification, being 0.6349:1. No clause 4.6 variation request has been made by the applicant regarding the non-compliance. The excessive bulk detracts from the surroundings and results in view impacts and amenity impacts on neighbouring properties and the locality.
 - d. Clause 6.12 – Landscaping Area. The variation from the landscaping requirement of a minimum of 25 per cent of the site where 6.5 per cent of the site is proposed for landscaping provision, is a deficiency of 66 per cent. Whilst noting this landscape provision is existing and there are minor amendments proposed to it, the proposed landscaping under the DA is not in accordance with Clause 6.6 Foreshore Scenic Protection Area and Clause 6.10 Design Excellence with regard to biodiversity, the natural environment, residential amenity, and streetscape character. The minor changes to include a narrow planter atop of the proposed garage and the planter at ground level at the entry will not provide to the overall site a level and type of planting and landscape treatment which incorporates sufficient embellishment that is desirable within this foreshore area, including mature canopy trees which are not proposed.
 - e. Clause 6.6 – Foreshore Scenic Protection Area. The proposed landscaping scheme does not address the objectives of this clause to (1) (c) improve the diversity and condition of native vegetation and habitats; (d) reinforce and improve the dominance of landscape over built form, hard surfaces and cut and fill; and (f) enhance existing environmental values of the foreshore; and arguably the consent authority may not be satisfied that the development would facilitate (3) (c) the ... enhancement of native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors; and (3)(g) be satisfied that ... the minimisation of the height and bulk of the development by stepping the development to accommodate the fall in the land [is achieved].
 - f. Clause 6.10 - Design Excellence: The amended proposal is for a significant addition and external alteration on land in the FSPA and the proposal is not consistent with matters for consideration under:
 - (5) as the development does not adequately address requirements under (b) form and external appearance [to] improve the quality and amenity of the public domain, and
 - (c) detrimentally impacts on view corridors.
 - (iv) separation, setbacks, amenity and urban form in relation of the development on other development (existing or proposed) on neighbouring sites is not met; and
 - does not meet (v) bulk, massing and modulation of buildings, (vii) environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity; and
 - (xi) excellence and integration of landscape design is not achieved.
2. **Refusal Reason – Environmental Planning Instrument** – Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development as amended is likely to have an adverse impact on the following aspects of the environment:
- a. **Natural Environment.** The proposed landscaping as shown on the amended architectural plan does not provide any enhancement to the environment within the foreshore area or contribute to biodiversity protection through biodiversity

corridors. There is also minimal additional landscaping proposed on the amended architectural plan being limited to plants, although given the access handle there is an available area within the site to provide for additional landscape embellishment within the access handle that can contribute biodiversity values to the site.

- b. **Built Environment.** The amended architectural plans submitted to Council propose modifications which increase floor space within the dwelling which will exceed the FSR standard at Clause 4.4A GRLEP 2021 by over 15 percent. The extension of the first-floor level over the existing carport does not comply with the front and side setback requirements, giving rise to a built form which is inconsistent with the desired locality and streetscape character. The conversion of the non-compliant carport to an enclosed garage is a contributing factor to the FSR exceedance. As a result, the amended proposal potentially reduces view corridors. Therefore, the overall alteration and addition does not enhance the built environment of the locality or meet the character requirements of the area and detracts from the streetscape as views to the Georges River from the public realm are impacted as a result of the proposal.
3. **Refusal Reason – Development Control Plan** – Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development as amended does not comply with the following sections of Georges River Development Control Plan 2021:
- a. Section 3.2.1 – Trees and Vegetation. Notwithstanding that the applicant wishes to rely on the existing landscaping provision, and limited alteration to this is proposed with a narrow planter above the proposed garage, and a planter at ground level either side of the garage, it is noted the amended proposal does not address (c) to maximise healthy tree canopy across the LGA; or (d) identify responsibilities and requirements with respect to the protection, retention and replacement of trees.
 - b. Section 6.1.2.2 – Building Bulk and Scale. Clause 1.2(2)(f) Aims of the Plan: to promote a high standard of urban design and built form is not met. The amended proposal exceeds the maximum Floor Space Ratio allowable and the excessive building bulk and scale results in additional visual impact compared to the existing dwelling. The exceedance of protrusion of the first-floor level into the front and side setbacks above the proposed garage will contribute to the visual dominance of the building, given the breach of rear and side setbacks, and also reduce view corridors and access to views from both the public and the private realm. There are also increased amenity impacts such as overshadowing and overlooking and potential acoustic amenity impacts. Therefore, the amended proposal fails to demonstrate compliance with this control.
 - c. Section 6.1.2.3 – Setbacks. The modification fails to demonstrate compliance with front and side setback requirements. The first-floor addition encroaches into the front and side setback spaces which are not supported. The existing setbacks to the carport are non-compliant, and the conversion of the carport to a garage would perpetuate this non-compliance, which includes the side retaining wall which is shown on the amended survey to encroach onto neighbouring property.
 - d. Section 6.1.2.7 Vehicular Access, Parking and Circulation. The proposed garage exceeds the DCP requirement for two car parking spaces which is an area of

36sqm. The proposed garage is 82.5sqm in area, and thus contributes to the non-compliant FSR and excess in bulk and scale of the amended proposal.

4. **Refusal Reason – Suitability of the Site** – Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the suitability of the subject site to accommodate the proposed development as amended is not demonstrated.
5. **Refusal Reason – The Public Interest** – Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development as amended is not considered to be in the public interest and is likely to set an undesirable precedent.

ATTACHMENTS

Attachment 1 Redacted Architectural Plans

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PROPOSED ALTERATIONS AND ADDITIONS TO A DWELLING HOUSE AT 49 THE PROMENADE, SANS SOUCI

Timber framed roof to National Timber Framing Code & AS1684
- Refer to structural eng. details

Pool barriers to comply with AS 1926.1 - 2012

LOT 2 D.P.510764

LOT 741 D.P.535998

LOT 742 D.P.535998

COLOUR CODE LEGEND

- MASONRY
- TIMBER
- METAL (STEEL, ALUMINIUM...)
- CONCRETE
- CEMENT RENDER & FIBRE CEMENT
- SANDSTONE
- PAVING (TILES, TERRACOTTA...)
- GLASS & GLASS BRICKS
- EXISTING DWELLING OUTLINE

Window No.	Window Size (W x H)
W1	1620 x 1700
W2	2625 x 650
W3	2400 x 2700
W4	885 x 630
W5	1760 x 1960
W6	1635 x 600
W7	1285 x 2570
W8	4870 x 1190
W9	800 x 1790
W10	935 x 2090
W11	1030 x 2490
W12	2800 x 2490
W13	3150 x 2490
W14	1100 x 800
W15	895 x 2400
W16	1220 x 2400
W17	1625 x 2400

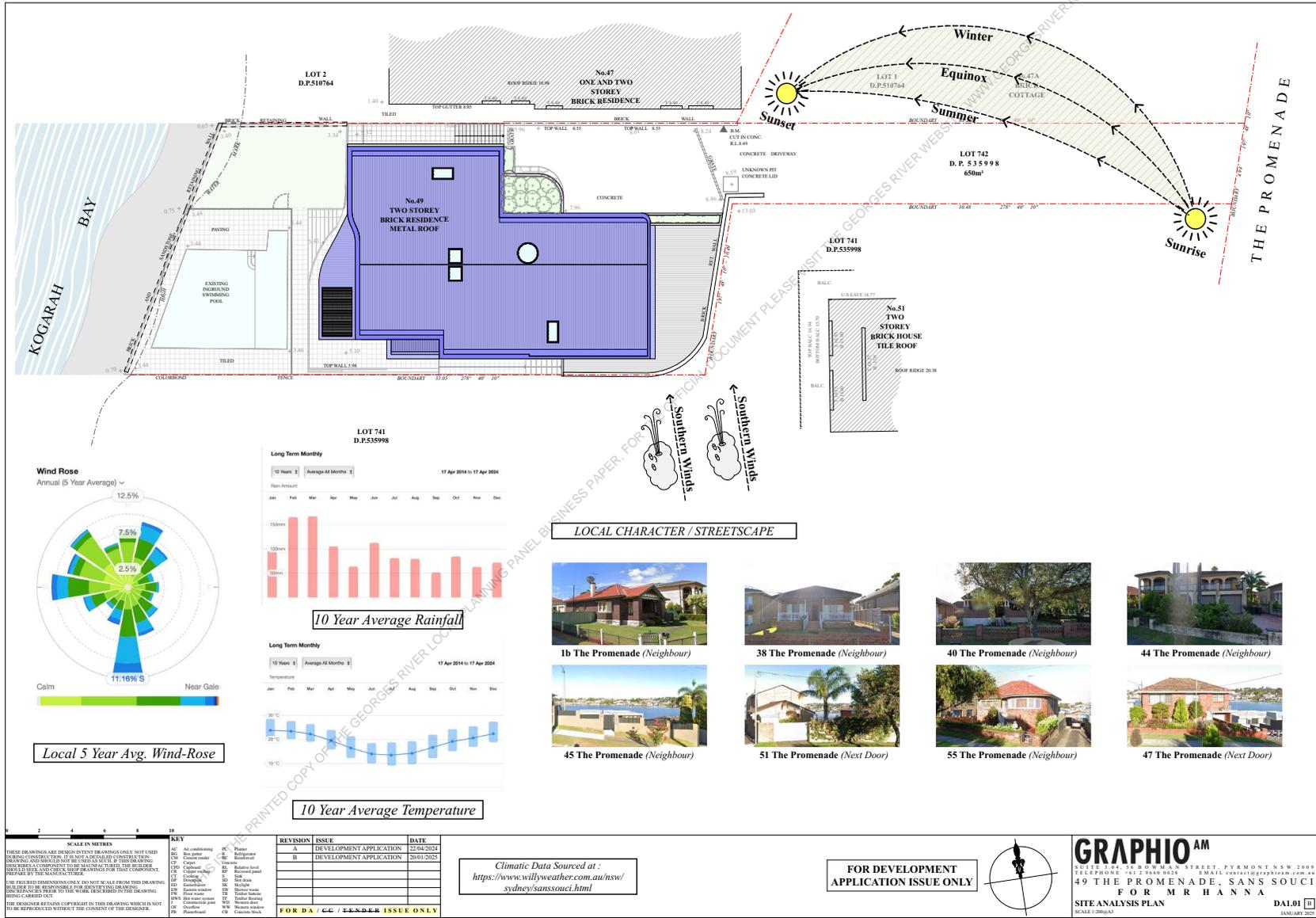
Skylight No.	Skylight Size W/L
SK1 (2)	1200 x 600
SK2 (2)	800 x 750
SK3	1200 x 1200

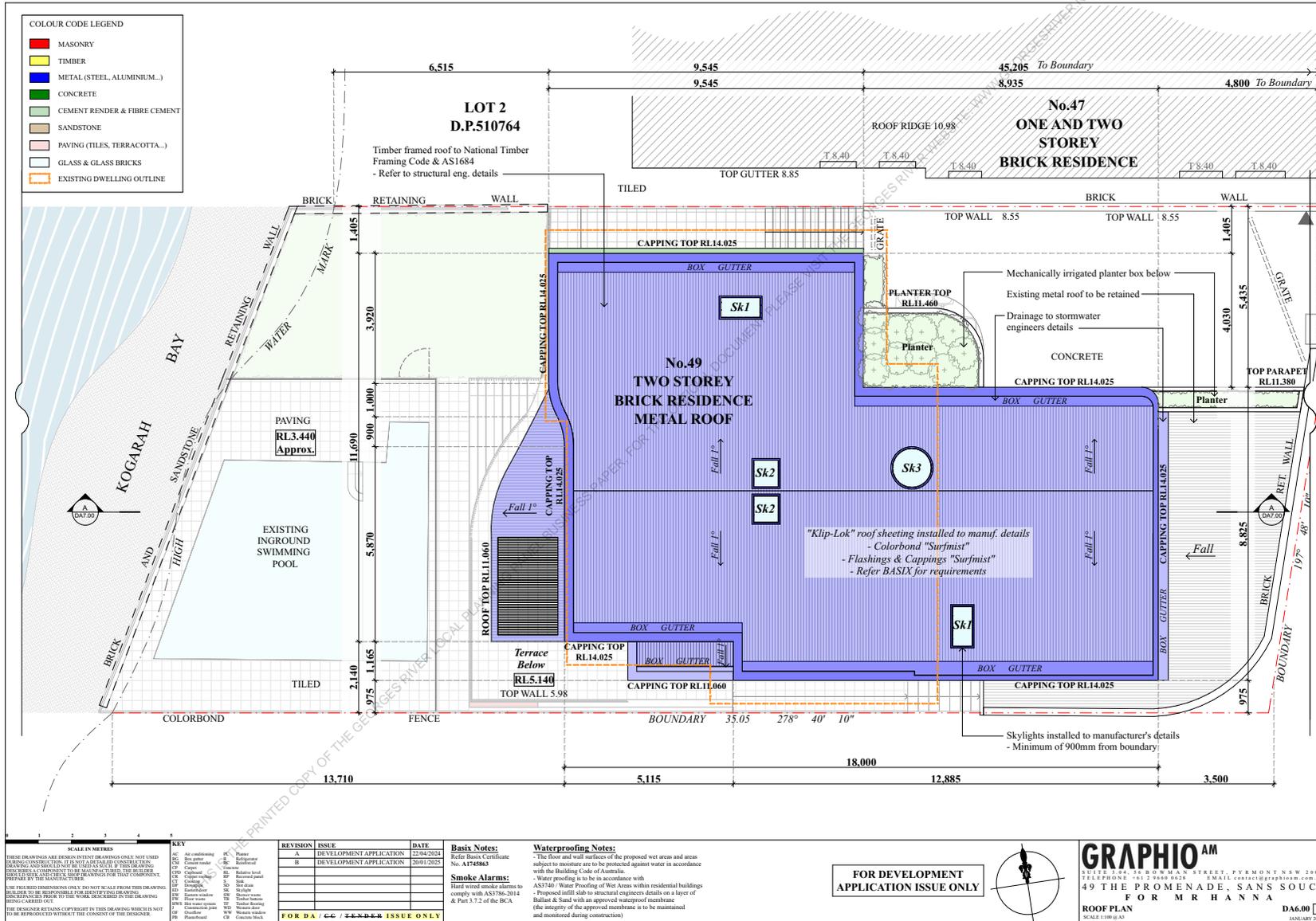
Door No.	Door Size (W x H)
D1	2080 x 2700
D2	2770 x 2570
D3	805 x 2720
D4	4640 x 2400
D5	3100 x 2400

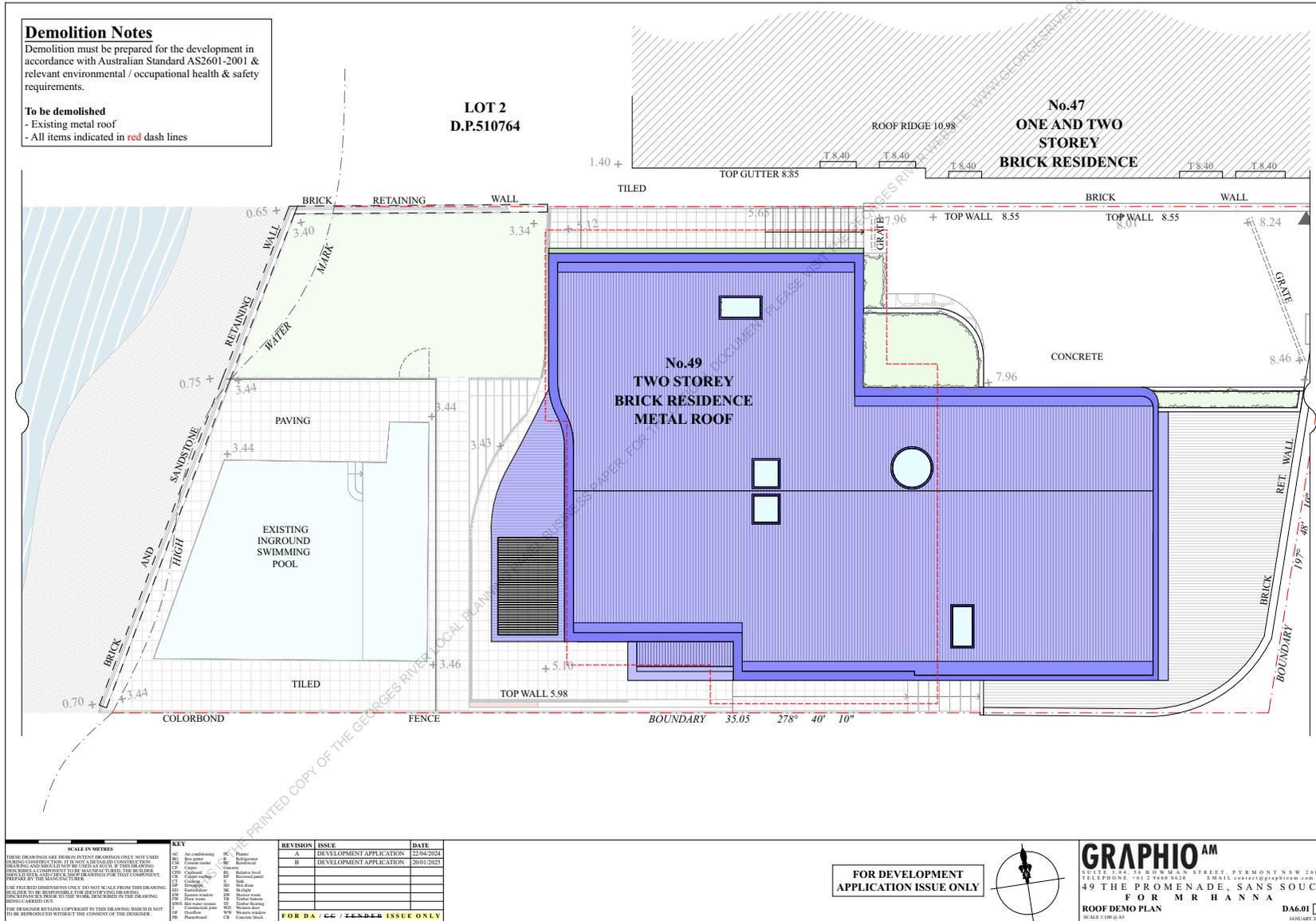
FOR SPECIFICS REFER TO BASIX CERTIFICATE A1745863

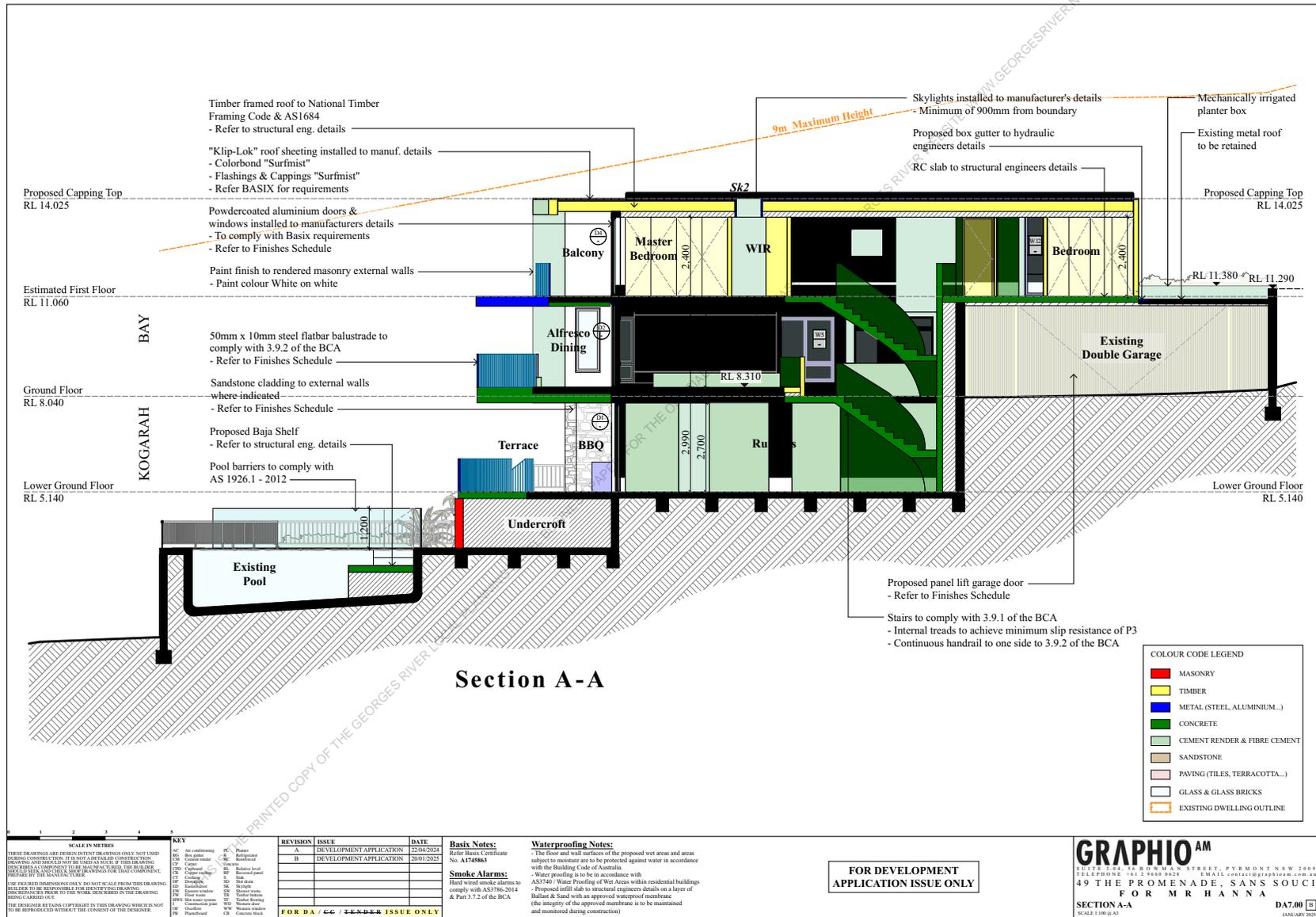
FOR DEVELOPMENT APPLICATION ISSUE ONLY

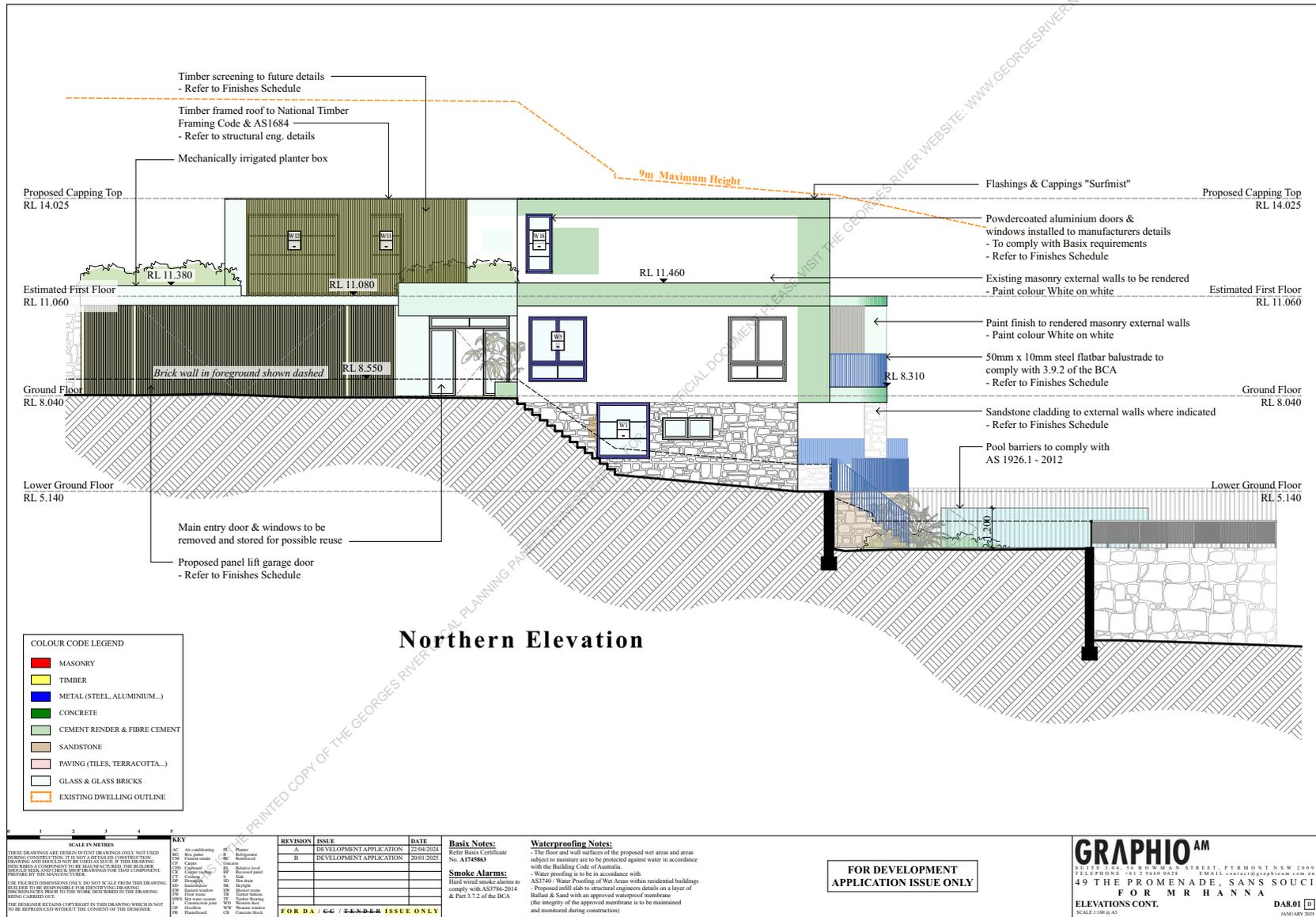
GRAPHIO AM
3/112 3RD SUBURBAN STREET, PYRMONT NSW 2009
TELEPHONE +61 2 9589 9028 EMAIL: info@graphio.com.au
49 THE PROMENADE, SANS SOUCI
FORM HANNA
SITE PLAN & COVER SHEET
SCALE 1:200(A3)
DAI.001
JANUARY 2025

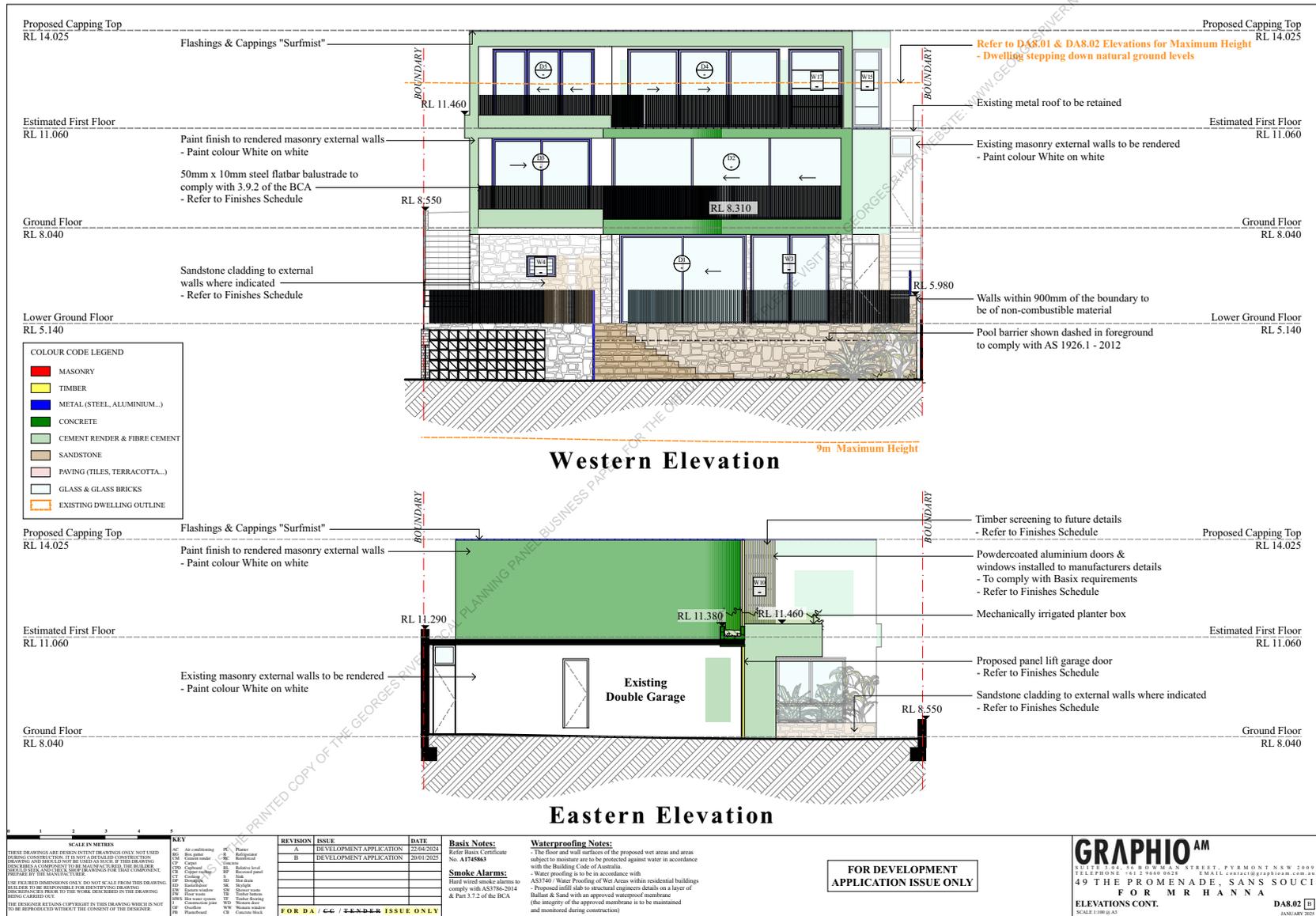












REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 19 JUNE 2025

LPP018-25 19A WARATAH STREET KYLE BAY NSW 2221

LPP018-25

LPP Report No	LPP018-25	Development Application No	DA2024/0315
Site Address & Ward Locality	19A Waratah Street Kyle Bay NSW 2221 Blakehurst Ward		
Proposed Development	Demolition works and Construction of a dwelling house		
Owners	Heidi Abbott & Lloyd Abbott		
Applicant	Kylie Jeffree - G. J. Gardner Homes Sydney South		
Planner/Architect	Sandy Guy – Approved NSW Pty Ltd.		
Date Of Lodgement	10/07/2024		
Submissions	One		
Cost of Works	\$946,598.00		
Local Planning Panel Criteria	The proposal is a departure from development standards by more than 10% relating to landscaping and the foreshore building line pursuant to the Georges River Local Environmental Plan 2021.		
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	Assessment Report and Architectural Plans		
Report prepared by	Development Assessment Planner		

RECOMMENDATION	That the application be refused for the reasons in this report
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<p>Summary of matters for consideration under Section 4.15</p> <p>Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?</p>	<p>Yes</p>
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<p>Legislative clauses requiring consent authority satisfaction</p> <p>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?</p>	<p>Yes</p>
<p>Clause 4.6 Exceptions to development standards</p> <p>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?</p>	<p>A Clause 4.6 variation is submitted for Clause 6.12 of the GRLEP 2021, however no Clause 4.6 variation is submitted for Clause 6.4 of GRLEP 2021</p>
<p>Special Infrastructure Contributions</p> <p>Does the DA require Special Infrastructure Contributions conditions (under s7.24)?</p>	<p>Not Applicable</p>
<p>Conditions</p> <p>Have draft conditions been provided to the applicant for comment?</p>	<p>No – The application is recommended for refusal</p>

PROPOSAL

1. The Development Application seeks consent for Demolition works and *Construction of a dwelling house*. The proposal comprises of the following components:
 - a) Structures to be demolished/removed include:
 - i. A two-storey dwelling house
 - ii. An attached double carport
 - iii. Associated external stairs at the North-west façade of the existing dwelling
 - b) Ground floor level
 - i. Foyer
 - ii. Two (2) bedrooms with robes
 - iii. Lounge & retreat area
 - iv. Landry
 - v. Bathroom
 - vi. Linen
 - vii. Double garage
 - viii. Internal stairs
 - ix. Alfresco at the rear
 - c) First floor level
 - i. Master bedroom with walk-in robe and ensuite
 - ii. Powder room

- iii. Dining and family area
- iv. Open kitchen with pantry
- v. Linen
- vi. Internal Stairs
- vii. Balcony at the rear
- d) Construction of a 4.5m diameter vehicle turntable in front of proposed garage
- e) Stormwater works
- f) Minor landscaping works

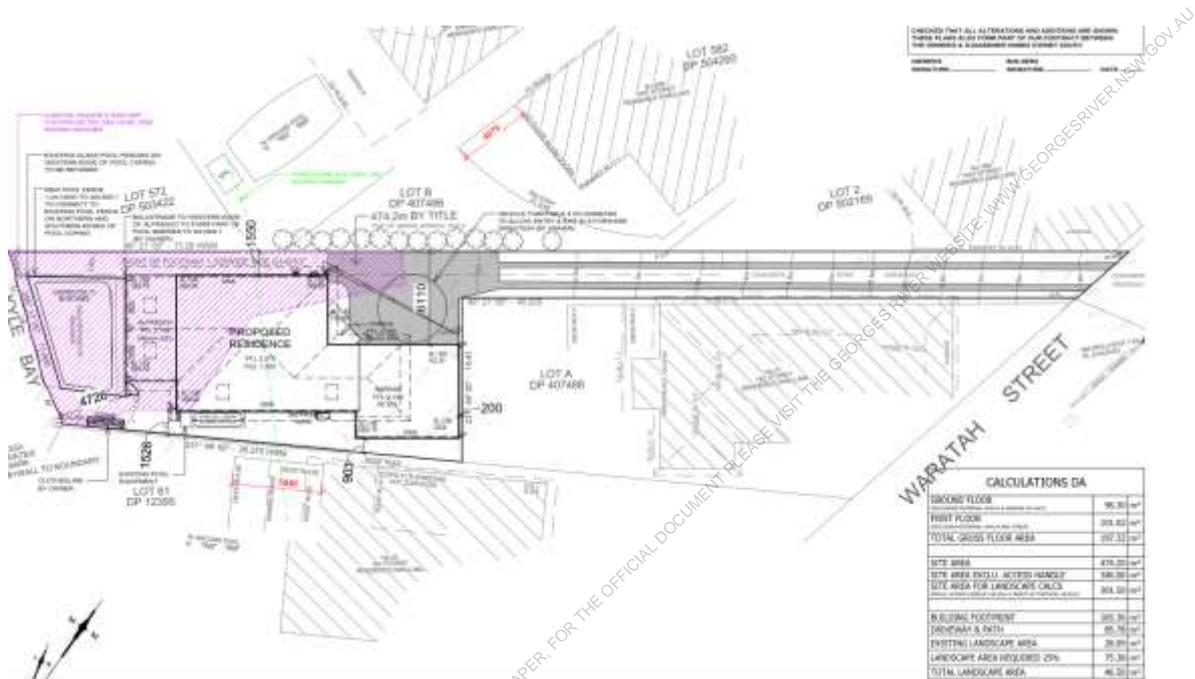


Image 1: Site Plan (Source: G.J. Gardner Homes Sydney South)



Image 2: East Elevation (Source: G.J. Gardner Homes Sydney South)

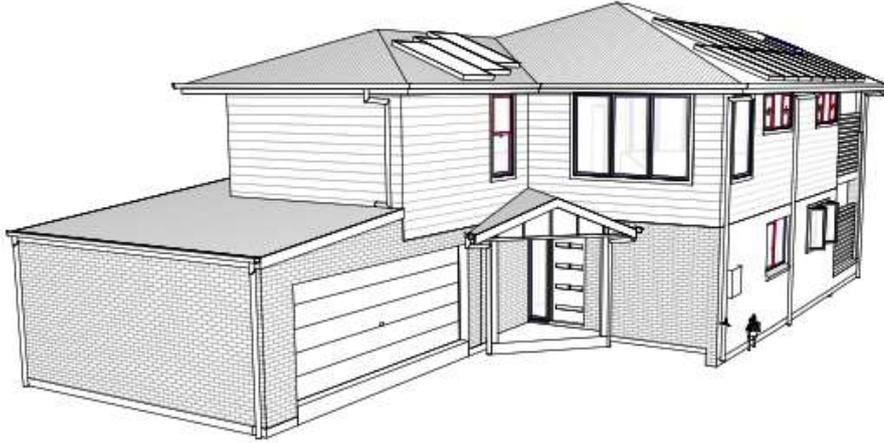


Image 6: 3D Image (Source: G.J. Gardner Homes Sydney South)

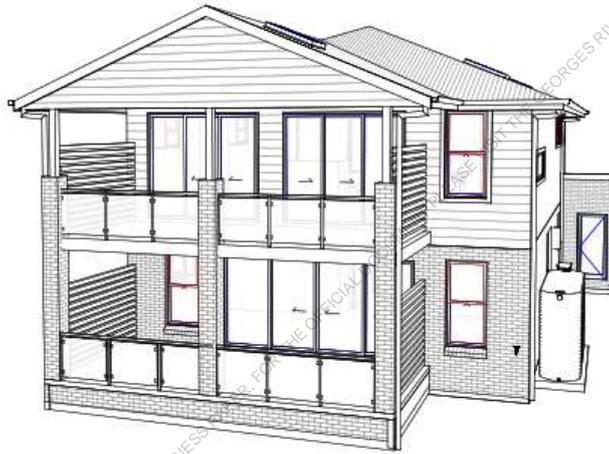


Image 7: 3D Image (Source: G.J. Gardner Homes Sydney South)



Image 8: Existing dwelling and carport proposed to be demolished (Source: Assessing Officer)

SITE AND LOCALITY

2. The subject site is legally described as Lot B in DP 407486. The site is commonly known as 19A Waratah Street, Kyle Bay. The site has a frontage to Waratah Street and adjoins the W2 zoned Kyle Bay at the rear.
3. The subject site is a battle-axe allotment with an area of 474.2m² by Deposited Plan. The site is accessed via a 3.1m wide access handle from Waratah Street. The site slopes down from the Waratah Street frontage to the end of the access handle, and the slope gradually flattens towards the rear of the site.
4. A 1.524m wide right of footway is embedded within the 3.1m access handle which provides access to the waterway.
5. The subject site contains a two-storey dwelling house and an attached double carport. The subject dwelling has access via the entrance at the double carport.
6. Due to the subject site's battle-axe shape, it is adjoined by six (6) other residential lots. Adjoining the site to its South is 23 Waratah Street, Kyle Bay and is currently occupied by a two storey dwelling house. Adjoining the site to its North-east is 21 Waratah Street, Kyle Bay and is currently occupied by a two storey dwelling house. Adjoining the site to its North are 19B Waratah Street, Kyle Bay, 28B Merriman Street, Kyle Bay and 26B Merriman Street, Kyle Bay. Both 19B Waratah Street, Kyle Bay and 28B Merriman Street, Kyle Bay are currently occupied by two storey dwelling houses, and 26B Merriman Street, Kyle Bay is occupied by a single storey dwelling house.
7. The locality is residential in character, featuring a mixture of single and two storey dwelling houses in close proximity of the subject site.

LOCALITY PLAN



Image 9: Aerial image. Subject site indicated in red. (Source: Council Intramaps)

ZONING AND PERMISSIBILITY

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

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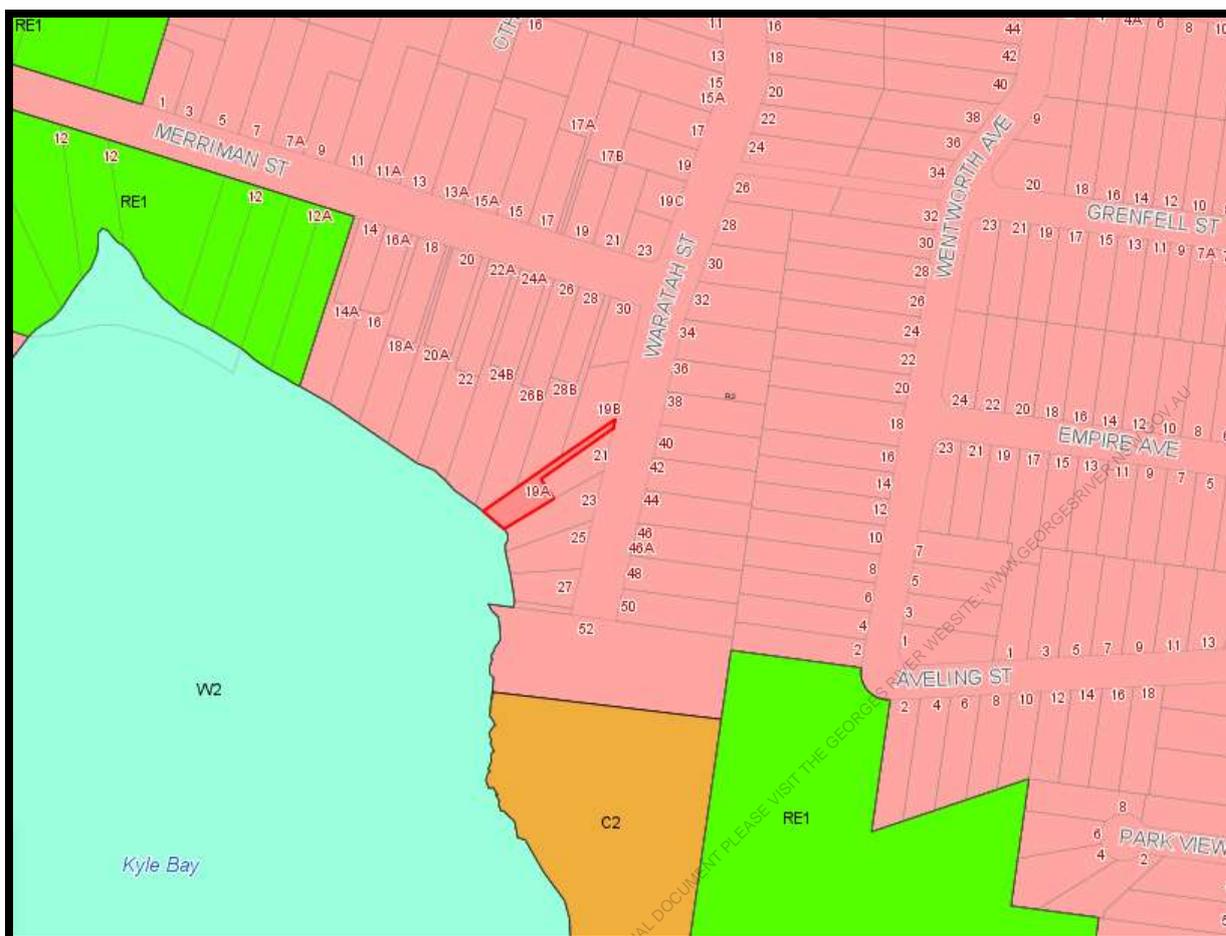


Image 10: Zoning map. The subject site is outlined in red. The area shaded in bright red indicates R2 Low Density Zone. (Source: Intramaps)

ASSESSMENT

9. Having regard to the matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979, the subject application complies with the applicable planning controls with the exception of the following planning matters:
 - Acid sulfate soils;
 - Foreshore Building Line;
 - Landscaped area;
 - Vehicular parking; and
 - Visual privacy.
10. The table below presents a summary in respect to numerical compliance:

Georges River Local Environmental Plan 2021		
Clause 4.3 – Height of Buildings		
Standard	Proposal	Compliance
Maximum 9m	8.2m	Yes
Clause 4.4A – Exceptions to floor space ratio—certain residential accommodation		
Standard	Proposal	Compliance
Maximum 0.55:1	0.3988:1	Yes
Clause 6.12 – Landscaped areas in certain residential and conservation zones		

Standard	Proposal	Compliance
Minimum 25% of the site area	15.42% of the applicable site area	No - adequate justification not provided for the variation
Georges River Development Control Plan 2021		
3.5.1 Excavation (including cut and fill)		
Control	Proposal	Compliance
Maximum 1m	Sufficient information not provided	Cannot conduct full assessment
3.13 Parking Access and Transport		
Control	Proposal	Compliance
Minimum 2 spaces	1 space	No
6.1.2.3 Setbacks - Side and Rear Setbacks		
Control	Proposal	Compliance
Side setbacks minimum 1.5m	1.55m & 1.526m	Yes
6.1.2.4 - Private Open Space		
Control	Proposal	Compliance
Minimum 60m ²	39.5m ²	No – variation is supported
6.1.2.6 Excavation (Cut and Fill)		
Control	Proposal	Compliance
Maximum 1m	Sufficient information not provided	Can not make assessment
6.1.2.7 Vehicular Access, Parking and Circulation		
Control	Proposal	Compliance
Minimum 2 spaces	1 space	No
6.4.3 Outbuildings		
Control	Proposal	Compliance
Minimum 900mm setback	200mm	No - variation is supported

LPP018-25

SUBMISSIONS

11. In accordance with the provisions of Councils Public Notification requirements, the application was placed on neighbour notification for a period of fourteen (14) days where property owners within a 50m radius from the subject site were notified in writing of the proposal and invited to comment.
12. One (1) submission was received during the notification period between 1 August 2024 and 15 August 2024. Concerns raised in the submission relates to visual privacy.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

13. The proposal is a departure from development standards by more than 10% relating to landscaping and the foreshore building line as imposed by the Georges River Local Environmental Plan 2021.

CONCLUSION

14. The proposal has been assessed against the relevant provisions of State Environmental Planning Policies, the provisions of the *Georges River Local Environmental Plan 2021 (GRLEP 2021)* and the *Georges River Development Control Plan 2021 (GRDCP 2021)*.
15. Having regard to the objectives of the applicable controls it is considered that the proposal fails to demonstrate compliance with the following and is not considered to be suitable for the site:
- *Clause 2.3 of the GRLEP2021 – Zone objectives and Land Use Table*
 - *Clause 6.1 of the GRLEP 2021 – Acid Sulfate Soil*
 - *Clause 6.4 of the GRLEP2021 – Foreshore area and coastal hazards and risk*
 - *Clause 6.10 of the GRLEP 2021 – Design Excellence*
 - *Clause 6.12 of the GRLEP2021 – Landscaped areas in certain residential and conservation zones*
 - *Part 3.2.2 of the GRDCP 2021 – Green Web*
 - *Part 3.3 of the GRDCP 2021 – Landscaping*
 - *Part 3.5.1 of the GRDCP 2021 – Excavation (including cut and fill)*
 - *Part 3.13 of the GRDCP 2021 – Parking Access and Transport*
 - *Part 5.16 of the GRDCP 2021 – Connells Point and Kyle Bay Locality Statement*
 - *Part 6.1.2.1 of the GRDCP 2021 – Streetscape Character and Built Form*
 - *Part 6.1.2.2 of the GRDCP 2021 – Building Scale and Height*
 - *Part 6.1.2.3 of the GRDCP 2021 – Setbacks*
 - *Part 6.1.2.6 of the GRDCP 2021 – Excavation (Cut and Fill)*
 - *Part 6.1.2.7 of the GRDCP 2021 – Vehicular Access, Parking and Circulation*
 - *Part 6.1.2.8 of the GRDCP 2021 – Visual Privacy*
 - *Part 6.1.2.13 of the GRDCP 2021 – Site Facilities*
 - *Part 6.5.1.1 of the GRDCP 2021 – Foreshore Locality Controls – Environmental Qualities and Scenic landscape Value*

RECOMMENDATION

16. Pursuant to *Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979* (as amended), DA2024/0315 for Demolition works and Construction of a dwelling house on Lot B DP 407486 being land known as 19A Waratah Street, Kyle Bay NSW 2221, is recommended for refusal for the reasons outlined below.
- 1. Refusal Reason - Environmental Planning Instrument – Local Environmental Plan** - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is unacceptable in regard to the following Clauses of Georges River Local Environmental Plan 2021 (GRLEP 2021):
- a) Clause 2.3 - Zone Objectives. The proposal is inconsistent with the zone objectives as the proposal fails to provide for housing within a landscaped setting that could enhance or maintain the existing environmental character of the Georges River Local Government Area. The proposed built form is considered unsympathetic to the existing and the desired future character of the area in regard to bulk and urban form.

- b) Clause 4.6 – Exceptions to development standards. The submitted Clause 4.6 variation request concerning *Clause 6.12 Landscaped areas in certain residential and conservation zones* fails to demonstrate sufficient planning justification to warrant the granting of the variation sought.
- c) Clause 6.1 – Acid sulfate soil. Excavation is proposed within land affected by Class 2 acid sulfate soil. No preliminary soil assessment report is submitted. Furthermore, insufficient information is provided in relation to the location and amount of excavation required for the proposed drop edge beams, and whether the proposed excavation would not lower the water table.
- d) Clause 6.4 – Foreshore area and coastal hazards and risk. The proposal seeks for the demolition and rebuilding of a dwelling with a greater building footprint that extends further forward than the footprint of the existing dwelling into the Foreshore Building Line (FBL) and the land identified on the Coastal Hazard and Risk Map. No written Clause 4.6 variation statement were provided to seek variation to this Clause.
- e) Clause 6.10 – Design Excellence. The proposed development with non-compliance building footprint in regard to FBL does not demonstrate a satisfactory urban form and bulk of the building which undermines the amenity of the adjoining and views from the waterway. The proposal also does not provide a satisfactory landscaped setting which contravenes with the objective to deliver high standard of sustainable design.
- f) Clause 6.12 – Landscaped Areas in Certain Residential and Conservation Zones. The proposed landscaped area accounts for 15.42% of the applicable site area, which represents a 38.32% variation to the development standard. The submitted Clause 4.6 variation statement does not provide sufficient justification to warrant the granting of the variation sought.

2. Refusal Reason – Development Control Plan - Pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is unacceptable in regard to the following provisions of Georges River Development Control Plan 2021 (GRDCP 2021):

- a) **Built Form** – The proposal contravenes with Section 5.16, 6.1.2.1, 6.1.2.2, and 6.5.1. The proposed dwelling presents a greater building footprint that extends further forward into the FBL than the footprint of the existing building, in which the bulk and urban form of the new building is not satisfactory in this regard. The proposal is not consistent with the desired future character of Kyle Bay as the proposal does not provide adequate natural elements to retain nor enhance the prominence of the bushland landscaped character of the locality.
- b) **Setbacks** – the proposal does not comply with Section 6.1.2.3. The proposal incorporates a non-compliant rear setback of 4.726m. The required rear setback is 10.485m.
- c) **Landscaping** – The proposal does not satisfy Section 3.2, 3.3, 6.1.2.5, and 6.5.1. The proposed development provides a non-compliant landscaping area that undermines the development's ability to reinforce the landscape features of the locality, and to soften the visual impact of the building when view from the public waterway and from the adjoining properties.

- d) **Vehicular Access** – The proposal is unacceptable in regard to Section 3.13 and 6.1.2.7. The designated bins storage area encroaches into the parking envelope for the B85 AS Design Vehicle within the double garage which undermines the ability to accommodate for clear parking space lengths of 5.4m.
 - e) **Visual Privacy** – The proposal is unacceptable in regard to Section 6.1.2.8. The proposed rear balcony has a projection of 3.3m from the main rear wall, exceeding the maximum width of 1.5m.
 - f) **Site Facilities** – The proposal is unacceptable in regard to Section 6.1.2.13 as the proposed bin storage location hinders vehicular movement.
- 3. Refusal Reason – Impact on the Environment** – Pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to have an adverse impact on the following aspects of the environment:
- a) **Natural Environment.** The proposal fails to demonstrate compliance with key development standards in relation to landscaped area and building footprint within the FBL.
 - b) **Built Environment.** The proposal will result in unsatisfactory bulk and urban form observable from the public waterway and the adjoining. The erection of the proposed structures would create undesirable and detrimental built environmental impacts to the locality.
- 4. Refusal Reason – Impact on the Environment** – Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be suitable for the site.
- 5. Refusal Reason – The Public Interest** – Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

ATTACHMENTS

- Attachment [↓1](#)  Assessment Report - 19A Waratah Street Kyle Bay NSW 2221 - Local Planning Panel 19 June 2025
- Attachment [↓2](#)  Masterview Architectural Plans - 19A Waratah Street Kyle Bay - DA2024/0315

REPORT IN FULL

PROPOSAL

1. The Development Application seeks consent for the *Construction of a dwelling house*. The proposal comprises of the following components:

- Structures to be demolished/removed include:
 - A two-storey dwelling house
 - An attached double carport
 - Associated external stairs at the North-west façade of the existing dwelling
- Proposed two-storey dwelling house will be constructed with the following layout:
 - Ground floor level
 - Foyer
 - Two (2) bedrooms with robes
 - Lounge & retreat area
 - Landry
 - Bathroom
 - Linen
 - Double garage
 - Internal stairs
 - Alfresco at the rear
 - First floor level
 - Master bedroom with walk-in robe and ensuite
 - Powder room
 - Dining and family area
 - Open kitchen with pantry
 - Linen
 - Internal Stairs
 - Balcony at the rear
- Construction of a 4.5m diameter vehicle turntable in front of proposed garage
- Stormwater works
- Minor landscaping works



Image 1: Existing dwelling and carport proposed to be demolished (Source: Assessing Officer)

THE SITE AND LOCALITY

2. The subject site is legally described as Lot B DP 407486. The site is commonly known as 19A Waratah Street, Kyle Bay NSW 2221. The site has a frontage to Waratah Street and adjoins the W2 zoned Kyle Bay at the rear.
3. The subject site is a battle-axe allotment with an area of 474.2m² by Deposited Plan. The site could be access through the 3.1m wide access handle from Waratah Street. The site slopes down from the Waratah Street frontage to the end of the access handle, and the slope gradually flattens towards the rear of the site.
4. A 1.524m wide right of footpath is embedded within site which extends from approximately halfway of the access handle to the rear boundary of the site.
5. The subject site contains a two-storey dwelling house and an attached double carport. The subject dwelling has a main access via the entrance at the double carport and an external staircase access directly to the first floor level, located at the North-west façade of the existing dwelling.
6. Due to the subject site's unique battle-axe shape, it is adjoined by six (6) other residential lots. Adjoining the site to its South is 23 Waratah Street, Kyle Bay and is currently occupied by a two storey dwelling house. Adjoining the site to its North-east is 21 Waratah Street, Kyle Bay and is currently occupied by a two storey dwelling house. Adjoining the site to its North are 19B Waratah Street, Kyle Bay, 28B Merriman Street, Kyle Bay and 26B Merriman Street, Kyle Bay. Both 19B Waratah Street, Kyle Bay and 28B Merriman Street, Kyle Bay are currently occupied by two storey dwelling houses, and 26B Merriman Street, Kyle Bay is occupied by a single storey dwelling house.
7. The locality is residential in character, featuring a mixture of single and two storey dwelling houses in close proximity of the subject site.

BACKGROUND

8. A summary of the historical applications relevant to the proposal is provided as follows:

DA/CDC Number	Proposed Works	Determination	Date
DA1999/0341	Balcony (Verandah)	Approved	16 July 1999
DA2024/0303	Construction of a dwelling house and garage	Returned (insufficient information)	05 July 2024

APPLICATION BACKGROUND

9. A history of the subject development application is provided as follows:
 - A virtual pre-lodgement meeting, referenced: PRE2023/0071 was held on 11 January 2024, attended by:
 - Lloyd Abbott – Owner
 - Danielle Soper – Client Manager
 - Michael McDonagh – Town Planner
 - Kylee Jenkins – G.J. Gardner Homes
 - Linley Love – Council – Coordinator Advisory and Specialist Assessment
 - A Pre-lodgement advice letter was issued on 12 January 2024 to assist the applicant in the preparation of a formal Development Application.

- The subject application was lodged on 10 July 2024.
- A Request for Further Information Letter was issued to the applicant on 10 July 2024. The letter requested for a Waste Management Plan.
- A Waste Management Plan was received by Council on 10 July 2024.
- The application was allocated to the assessing officer on 17 July 2024
- Ausgrid provided a response indicating no objection to the proposal on 23 July 2024, subject to recommended conditions.
- The application was placed on public exhibition between 1 August 2024 to 15 August 2024. During the notification period, one (1) unique submission was received.
- Council's Development Engineer provided comments on 13 August 2024 and raised no objection to the proposal, subject to recommended conditions.
- Council's Consulting Arborist provided comments on 10 September 2024 and requested further information.
- Site inspection was conducted on 26 September 2024. It was discovered that the rear pergola/balcony annotated within the Submitted Architectural Plans not existing.
- Council's Traffic Engineer provided comments on 14 November 2024 and requested further information.
- A Request for Further Information Letter was issued to the applicant on 15 November 2024. The applicant was advised to provide further information within twenty-one (21) days in relation to the following:
 - Survey Plan
 - Covenants & Easements
 - Floor Space Ratio
 - Landscaped Area
 - Landscaped Plan
 - Acid Sulfate Soil
 - Existing Structures
 - Architectural Plans
 - Foreshore Area and Coastal Hazards and Risks
 - Earthworks
 - Submissions
 - Garbage Area
 - Setbacks
 - Visual Privacy
 - BASIX Certificate
 - Solar Access
 - Traffic Engineering
- Applicant's planner – contacted the Assessing Officer on 6 December 2024 in relation to the Request for Further Information Letter. Applicant's planner requested Council's Assessing Officer to retract the RFI letter dated 15 November 2024 as the issues raised are inconsistent with the advice provided in the pre – lodgement letter (PRE2023/0071).
- An updated Request for Further Information Letter was issued on 4 December 2024. The applicant was advised to provide further information within twenty-one (21) days in relation to the following:
 - Survey Plan
 - Covenants & Easements
 - Landscaped Area
 - Landscaped Plan
 - Acid Sulfate Soil
 - Earthworks
 - Existing Structures
 - Architectural Plans
 - Foreshore Area and Coastal Hazards and Risks

- Submissions
- Garbage Area
- Setbacks
- Visual Privacy
- BASIX Certificate
- Solar Access
- Traffic Engineering
- Applicant requested an extension till 14 February 2025 to provide a full response to the issued updated Request for Further Information Letter. The request for extension was granted.
- Applicant submitted additional information on 14 February 2025 which, includes:
 - Amended Architectural Plans
 - Amended Statement of Environmental Effects
 - Written Clause 4.6 Variation to Clause 6.12 of the GRLEP 2021
 - Response Letter to issued updated Request for Further Information Letter
- Applicant submitted an updated BASIX Certificate on 3 March 2025.
- Council's Senior Landscape & Arboricultural Assessment Officer provided comments on 5 March 2025 and raised no objection to the proposal, subject to recommended conditions.
- Council's Traffic Engineer provided comments on 5 March 2025 and deemed the latest traffic arrangement not satisfactory.

PLANNING ASSESSMENT

10. The development has been assessed having regarding 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)

11. 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

12. 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

- 13. This chapter applies to the subject site which is identified as a non-rural area.
- 14. This Development Application does not propose the removal of vegetation.

Chapter 6 – Water Catchments

15. This chapter applies to Georges River Catchment which affects the subject site.
16. The proposal has a neutral environmental impact on the Georges River Catchment as the proposal is not known to 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

17. Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 is relevant to the proposal.
18. 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.
19. 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.
20. 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

21. Compliance with SEPP (Transport and Infrastructure) 2021 has been considered during the assessment of this development application.
22. Notice was sent to Ausgrid, with a response and recommended conditions received.

State Environmental Planning Policy (Sustainable Buildings) 2022

23. 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.
24. A BASIX Certificate prepared by Efficiency Assessments, dated 28 February 2025, certificate number 1754488S_02, has been submitted with the Development Application satisfying the minimum requirements of SEPP (Sustainable Buildings) 2022.

Georges River Local Environmental Plan 2021

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



Image 3: 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: <i>a building containing only one dwelling.</i>	The proposed development is consistent with the definition.	Yes
GRLEP 2021 Part 2 – Permitted or prohibited development		
Clause 2.3 – Zone objectives and Land Use Table		
Standard	Proposal	Compliance
The subject site zoned R2 Low Density Residential. The objectives of the zone are: <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 	The proposal is not consistent with the zone objectives as the development fails to provide for housing within a landscaped setting that could enhance or maintain the existing environmental character of the Georges River Local Government Area. The building footprint of the proposed is also	No

<p>meet the day to day needs of residents;</p> <ul style="list-style-type: none"> The 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>extending further into the foreshore building line than the existing dwelling. The proposed built form is considered unsympathetic to the existing and the desired future character of the area in regard to bulk and urban form.</p>	
Land Use Table		
<p>The proposal is ancillary to a 'dwelling house', which is a type of development permitted with consent in the zone.</p>		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>	<p>The proposal has a maximum overall height of 8.2m above existing ground level.</p>	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>	<p>Please see Clause 4.4A assessment below.</p>	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>Site area not more than 650m² Maximum 0.55:1</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 474.2m² by Deposited Plan.</p> <p>The proposed dwelling house Gross Floor Area and Floor Space Ratio compare as follows:</p>	Yes

(Equivalent to Gross Floor Area: 260.81m ²)	G/F: 89.22sqm (36sqm double garage excluded) 1/F: 99.9sqm Total: 189.12sqm Proposed Floor Space Ratio: 0.3988:1	
Clause 4.6 Exceptions to development standards		
Standard	Proposal	Compliance
In accordance with Clause 4.6 (1) through to and including (8)	The proposal is accompanied by a <i>Clause 4.6</i> variation relating to the breach to the Landscape Areas pursuant <i>Clause 6.12</i> . It is considered that the variation request does not provide sufficient planning justification to warrant the granting of the variation sought. A detailed discussion of the variations seek is contained within the <i>Clause 4.6 – Exceptions to Development Standards</i> section later in this report.	Not supported
GRLEP 2021 Part 5 – Miscellaneous Provisions		
Clause 5.7 – Development below mean high water mark		
Standard	Proposal	Compliance
Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).	No works are proposed below the mean high water mark.	N/A
GRLEP 2021 Part 6 – Additional Local Provisions		
Clause 6.1 Acid Sulfate Soils		
Standard	Proposal	Compliance
(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. Class 2 The site is identified as containing Class 2 Acid Sulfate Soils. Consent may not be granted for works below the natural ground surface.	The subject site is affected by both Class 2 and Class 5 acid sulfate soil. All works sought under this application are proposed on land affected by Class 2 acid sulfate soil. The construction of a new dwelling house with a double garage is located within Class 2 acid sulfate soil lands. Please see Image 4 below.	No

<p>Works by which the watertable is likely to be lowered.</p> <p>Class 5 The site is identified as containing Class 5 Acid Sulfate Soils.</p> <p>Consent may not be granted for any Works within 100 metres of adjacent Class 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 2, 3 or 4 land unless an acid sulfate soils management plan has been prepared.</p>	<p>The RFI letter requested the applicant to provide details and any other supporting reports on any excavation proposed within lands that are affected by Acid Sulfate Soil, that includes any possible excavations due to building footings.</p> <p>In response, although the revised SEE suggested that no excavation would be required, it also proposed that the development would include the use of drop edge beams. It is understood that the use of drop edge beams would require excavation into the ground level.</p> <p>Subsequently, the application is not accompanied with sufficient information in relation to the location and amount of excavation required for the proposed drop edge beams. In this instance, Council does not have jurisdiction to grant consent to the proposed works without a preliminary soil assessment report or the like. The application is also not accompanied by any evidence to demonstrate that any excavation for the proposed drop edge beam would not lower the watertable.</p> <p>Therefore, the proposed is not considered to be satisfactory in respect to matters raised within the Clause.</p>	
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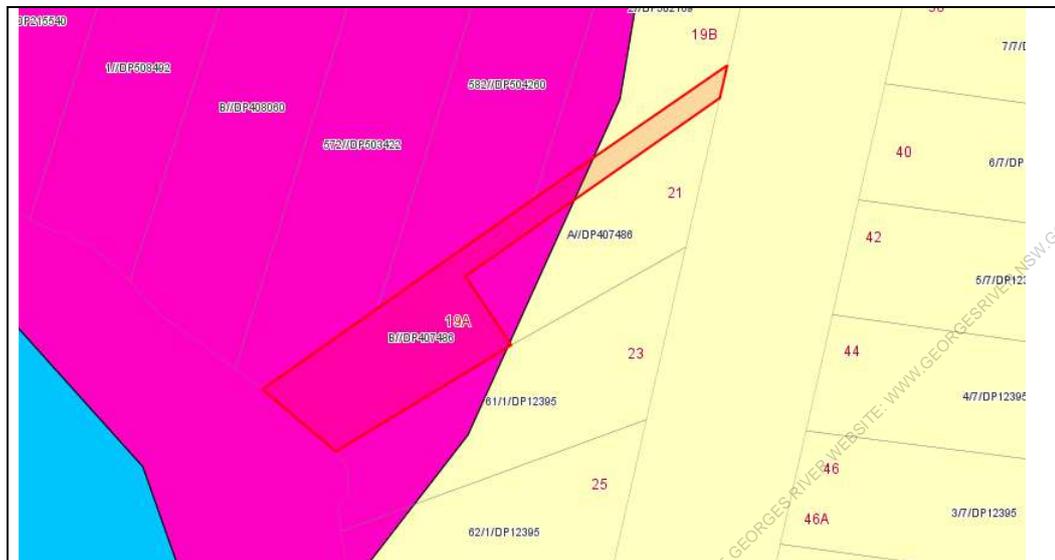


Image 4: Acid Sulfate Soil Map (The subject site is outlined in red. The area shaded in purple identifies areas that contains Class 2 Acid Sulfate Soil. (Source: Intramaps)

Clause 6.2 Earthworks		
Standard	Proposal	Compliance
<p>Council must consider the following prior to granting consent for any earthworks:</p> <ul style="list-style-type: none"> (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) measures to minimise the need for cut and fill, particularly on sites with a slope of 15% or greater, by stepping the 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, 	<p>The proposal has been considered in this regard.</p> <p>The proposed earthworks are not considered excessive and are satisfactory with regards to the matters identified within this Clause.</p> <p>Sediment control conditions can be recommended to be imposed to mitigate sediment nuisance during construction if this application can be supported.</p>	<p>Yes</p>

(i) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.		
Clause 6.3 – Stormwater Management		
Standard	Proposal	Compliance
<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 impact on public drainage systems.</p>	<p>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.</p>	<p>Yes</p>
Clause 6.4 – Foreshore area and costal hazards and risk		
Standard	Proposal	Compliance
<p>(2) This clause applies to the following land—</p> <p>(a) and identified on the Coastal Hazard and Risk Map,</p> <p>(b) land identified on the Foreshore Building Line Map.</p> <p>(3) Development consent must not be granted for development on land to which this clause applies except for the following purposes—</p> <p>(a) the alteration, or demolition and rebuilding, of an existing building if the footprint of the building will not extend further forward than the footprint of the existing building into—</p>	<p>The subject site is identified on land within the foreshore area and affected by coastal hazards and risks.</p> <p>The application seeks for the demolition and rebuilding of a dwelling with a greater building footprint that extends further forward than the footprint of the existing dwelling into the foreshore building line and the land identified on the Costal Hazard and Risk Map.</p> <p>It is noted that no written Clause 4.6 variation statement were</p>	<p>No</p>

<p>i. the foreshore building line, or ii. the land identified on the Coastal Hazard and Risk Map, (b) the erection of a building if the levels, depth or other exceptional features of the site make it appropriate to do so, (c) boat sheds, cycling paths, fences, sea walls, swimming pools, water recreation structures or walking tracks. (4) In deciding whether to grant development consent, the consent authority must consider the following matters— (a) whether the development addresses the impacts of sea level rise and tidal inundation as a result of climate change, (b) whether the development could be located on parts of the site not exposed to coastal hazards, (c) whether the development will cause congestion or generate conflict between people using open space areas or the waterway, (d) whether the development will cause environmental harm by pollution or siltation of the waterway, (e) opportunities to provide reasonable, continuous public access along the foreshore, considering the needs of property owners, (f) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>provided to seek variation to <i>Clause 6.4</i>. The submitted SEE makes mention on how the proposal compares to the standards within <i>Clause 6.4</i> but does not provide sufficient justification to warrant the granting of the variation sought. Notwithstanding this, the application is not accompanied by a Clause 4.6 variation statement, and Council do not have jurisdiction to support such non-compliance in this regard.</p>	
<p>Comment 1 – Building footprint extending further forward into the foreshore building line (FBL)</p> <p>The subject site is restricted by the FBL. In accordance with <i>Clause 6.4(3) of the GRLEP 2021</i>, the rebuilding of an existing building shall not extend further forward than the footprint of the existing building into the FBL.</p> <p>Although the application is not accompanied by a survey plan, site affectation details including the location of the foreshore building line have been incorporated into the Architectural Plans where required. Please see Image 5: snapshot from submitted <i>Sheet 3 – Site Plan</i> below.</p>		

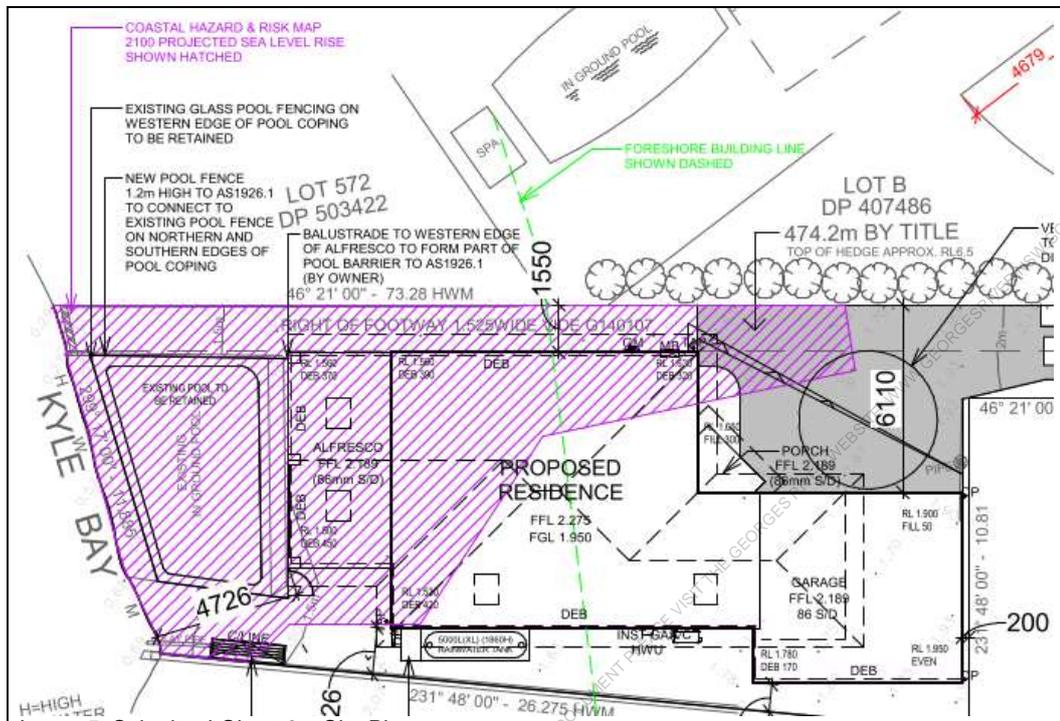


Image 5: Submitted Sheet 3 – Site Plan.

The annotated location of the FBL on submitted Sheet 3, is compared to the FBL map extracted from GRLEP 2021 (Image 6) and map generated by Council’s IntraMaps system (Image 7) and is considered accurate. The FBL on the subject site is 15m from the Mean High Water Mark.



Image 6: The FBL map extracted from GRLEP 2021. The site is circled in red.

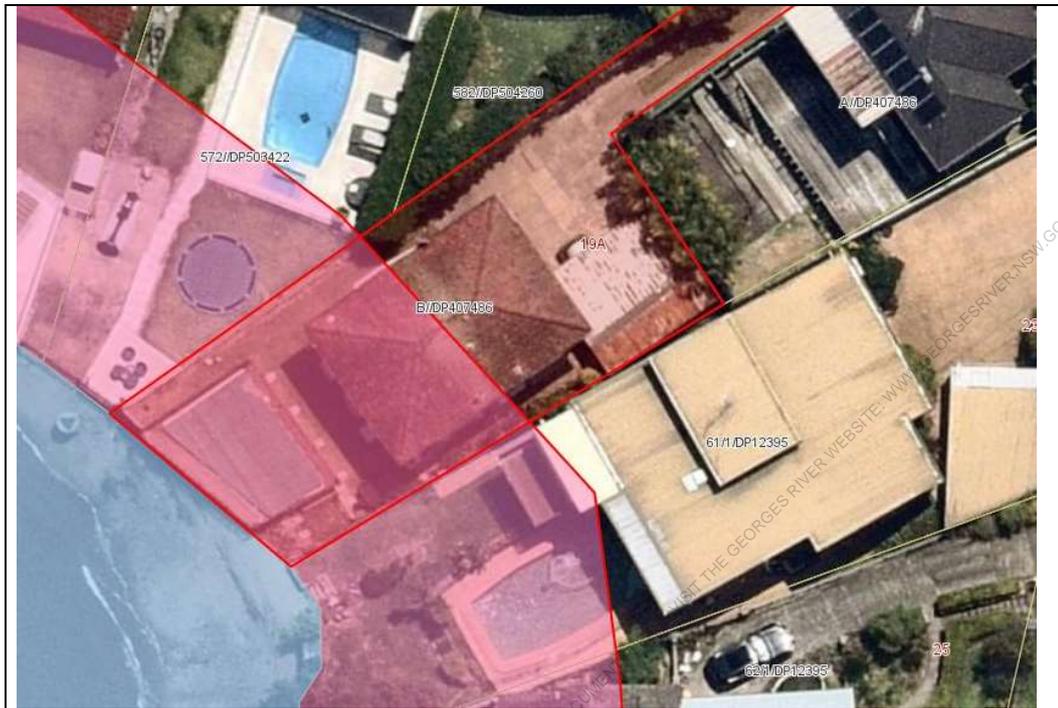


Image 7: The FBL map generated from Council's IntraMaps. The site is outlined in red.

The submitted SEE makes mention on how the proposal compares to Clause 6.4 but does not provide sufficient justification to warrant the granting of the variation sought. The submitted SEE suggested that the proposed development is subject to the exemption allowed under *Clause 6.4(3)(a)*. The submitted SEE states that the development will not cause any immediate or ongoing harm to the environment of use of coastal area, and the replacement of a dwelling within an increased rear setback is considered to be permissible.

With respect to this, Council's assessment of this standard is as follow:

Exemption due to *Clause 6.4(3)(a)* cannot be granted to the proposed development because the proposed building footprint is indeed extending further forward than the footprint of the existing dwelling into the FBL, by 27.8m². Please see Image 8: annotated snapshot from submitted *Sheet 21 – Ex vs Proposed Setbacks* below.

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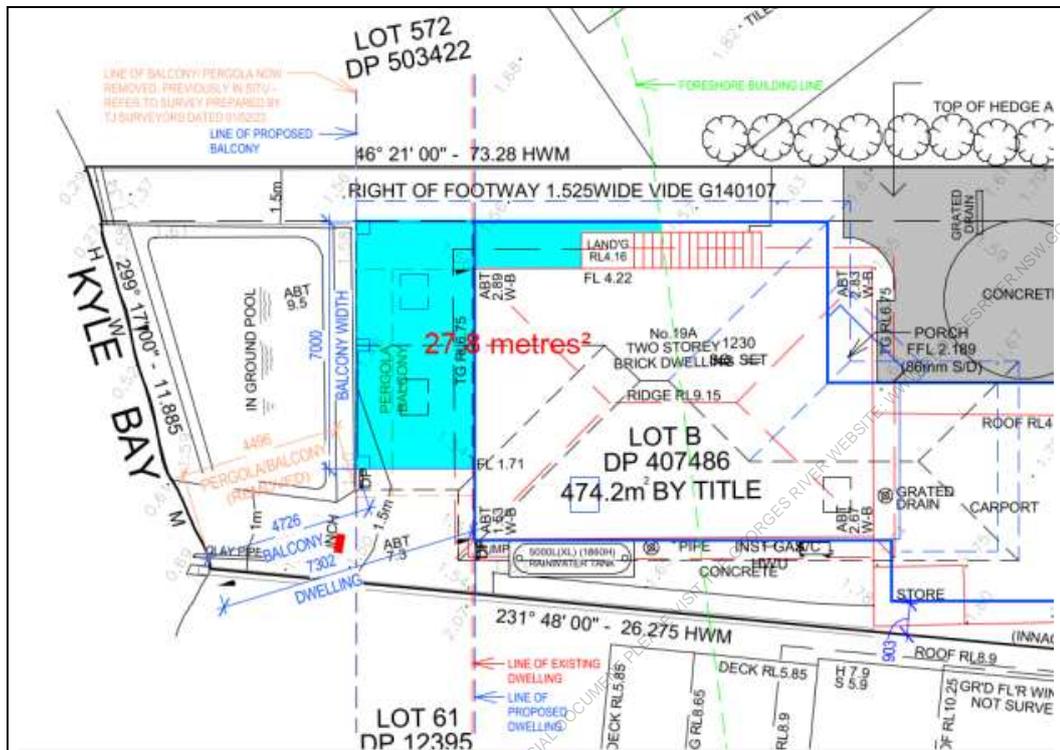


Image 8: annotated snapshot from submitted Sheet 21 – Ex vs Proposed Setbacks

It is noted that during site inspection that the annotated pergola/balcony structure was not existing. Please see Image 9 below.

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Image 9: Rear façade of the existing dwelling (Source: Assessing Officer)

In this regard, the annotated pergola/balcony (removed) on *Sheet 21* would be excluded from the measurement of existing building footprint for the purpose of calculating for *Clause 6.4*.

In conclusion, the proposed dwelling presents a building footprint further forward into the FBL on its South-western (rear) and also its North-western (side) façade than the existing building. Having reviewed the extent of the encroachment, it is considered that the proposed development will unnecessarily detriment the public amenity and increase the building bulk observable from the waterway, in contravention to the existing and desired character of the locality. It is also considered that the development standard is not unreasonable nor unnecessary in the circumstances of this case, while the subject site has the capacity to accommodate a compliant design without undermining the functionality of the proposed dwelling.

Therefore, the non-compliance to Clause 6.4 in relation to FBL cannot be supported.

Comment 2 - Building footprint extending further forward into the land identified on the Coastal Hazard and Risk Map

The subject site is located on land identified on the Coastal Hazard and Risk Map. In accordance with *Clause 6.4(3) of the GRLEP 2021*, the rebuilding of an existing

building shall not extend further forward than the footprint of the existing building into the land identified on the Coastal Hazard and Risk Map.

Although the application is not accompanied by a survey plan, site affectation details including the location of the foreshore building line have been incorporated into the Architectural Plans where required. Please see Image 10: snapshot from submitted *Sheet 3 – Site Plan* below.

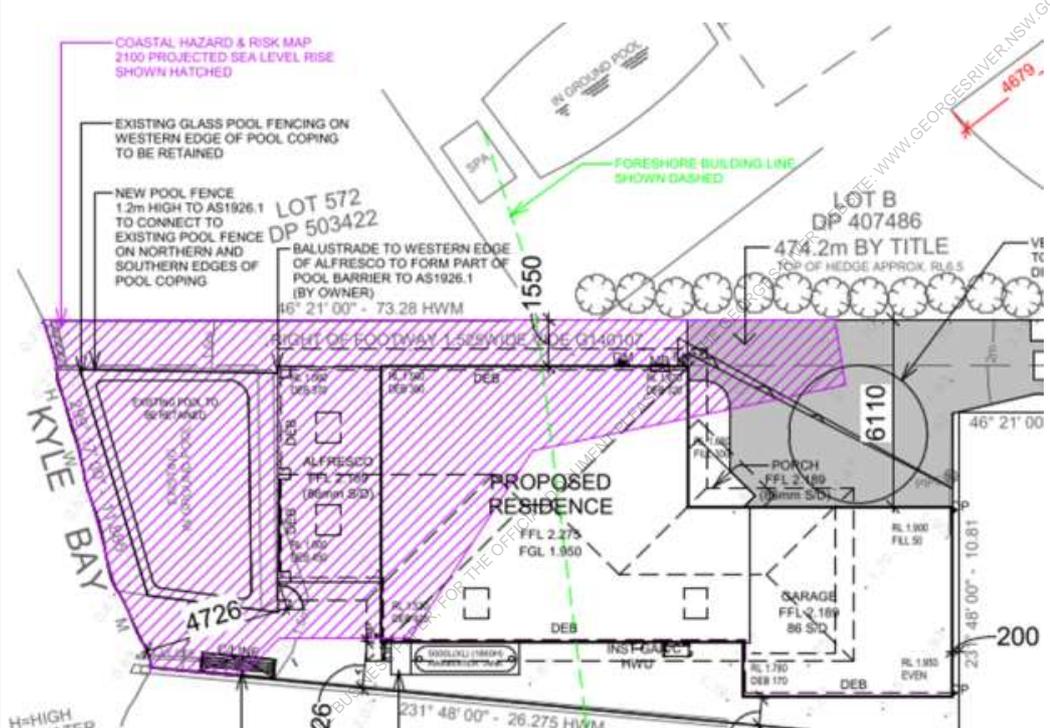


Image 10: Submitted *Sheet 3 – Site Plan*

The annotated affected area identified on the Coastal Hazard and Risk Map on submitted *Sheet 3*, is compared to the affected area extracted from *GRLEP 2021* (Image 11) and map generated by Council's IntraMaps system (Image 12 and is considered accurate.

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Image 11: The Coastal Hazard and Risk Map extracted from GRLEP 2021. The site is circled in red.



Image 12: The area identified in the Coastal Hazard and Risk Map generated from Council's IntraMaps. The site is outlined in red.

The submitted SEE makes mention of how the proposal compares to Clause 6.4 but does not provide sufficient justification to warrant the granting of the variation sought. The submitted SEE suggests that the proposed development is subject to the exemption allowed under *Clause 6.4(3)(a)*. The submitted SEE states that the development will not cause any immediate or ongoing harm to the environment of use of coastal area, and the replacement of a dwelling within an increased rear setback is considered to be permissible.

With respect to this, Council's assessment of this standard is as follow:

Exemption due to Clause 6.4(3)(a) cannot be granted to the proposed development because the proposed building footprint is indeed extending further forward than the footprint of the existing dwelling into the land identified on the Coastal Hazard and Risk Map, by 31.04m². Please see Image 13: annotated snapshot from submitted Sheet 21 – Ex vs Proposed Setbacks overlaid by submitted Sheet 3 – Site Plan below.

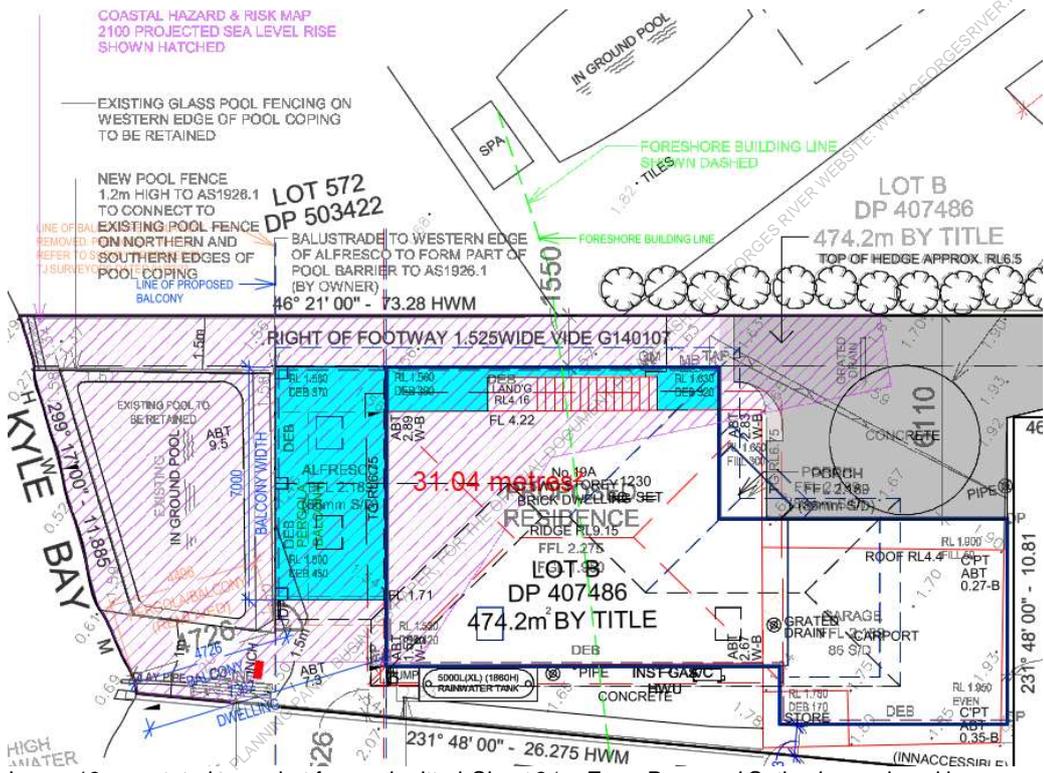


Image 13: annotated snapshot from submitted Sheet 21 – Ex vs Proposed Setbacks overlaid by submitted Sheet 3 – Site Plan.

Clause 6.4(3)(a) only allows the rebuilding of dwelling houses to extend further into the land identified on the Coastal Hazard and Risk Map, if the structures do not extend beyond the existing building footprint. Despite the exemption, the proposed development is non-compliant with this development standard as the built form is intensifying both vertically and horizontally further forward into the land affected.

In conclusion, the proposed dwelling presents a building footprint further forward into the land identified on the Coastal Hazard and Risk Map than the existing building both vertically and horizontally. Having reviewed the extend of the encroachment, it is considered that the proposed development will unnecessarily detriment the public amenity and increase the building bulk observable from the waterway, in contravention to the existing and desired character of the locality. It is also considered that the development standard is not unreasonable nor unnecessary in the circumstances of this case, while the subject site has the capacity to accommodate a compliant design without undermining the functionality of the proposed dwelling.

<p>Therefore, the non-compliance to <i>Clause 6.4</i> in relation to land identified on the Coastal Hazard and Risk Map cannot be supported.</p>		
<p>Clause 6.9 Essential Services</p>		
Standard	Proposal	Compliance
<p>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</p> <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. 	<p>The proposal has, or includes arrangements that will make available, the:</p> <ul style="list-style-type: none"> • the supply of water, • the supply of electricity, • the supply of telecommunications facilities, • the disposal and management of sewage, • stormwater drainage or on-site conservation, • vehicular access. 	<p>Yes</p>
<p>Clause 6.10 Design Excellence</p>		
Standard	Proposal	Compliance
<p>(2) This clause applies to development on land within the Foreshore Scenic Protection Area involving—</p> <ul style="list-style-type: none"> (a) the erection of a new building, or (b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant. <p>(3) For land identified in on the Foreshore Scenic Protection Area Map:</p> <ul style="list-style-type: none"> (i) bed and breakfast accommodation, (ii) health services facilities, (iii) marinas, (iv) residential accommodation, except for secondary dwellings, <p>(4) Development consent must not be granted for development to which this clause applies unless</p>	<p>The proposal is located within the Foreshore Scenic Protection Area for residential accommodation and consists of the erection of a new building. The proposal has been considered with regards the matters identified in <i>subclause (5)</i> and is not considered to suitably demonstrate compliance with the Clause. The proposed development with non-compliance building footprint in regard to FBL does not demonstrate a satisfactory urban form and bulk of the building which undermines the amenity of the adjoining and views from the waterway. The proposal also does not provide a satisfactory landscaped setting which contravenes with the objective to deliver high standard of sustainable design.</p>	<p>No</p>

<p>Council considers that the development exhibits design excellence.</p> <p>(5) In considering whether the development exhibits design excellence, Council must have regard to the following matters—</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</p> <p>(c) whether the development detrimentally impacts on view corridors,</p> <p>(d) how the development addresses the following matters—</p> <ul style="list-style-type: none"> i. the suitability of the land for development, ii. existing and proposed uses and use mix, iii. heritage issues and streetscape constraints, 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, v. bulk, massing and modulation of buildings, vi. street frontage heights, vii. environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity, viii. pedestrian, cycle, vehicular and service access and 		
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<p>circulation requirements, including the permeability of pedestrian networks,</p> <p>ix.the impact on, and proposed improvements to, the public domain,</p> <p>x.achieving appropriate interfaces at ground level between the building and the public domain,</p> <p>xi.excellence and integration of landscape design,</p> <p>xii.the provision of communal spaces and meeting places,</p> <p>xiii.the provision of public art in the public domain,</p> <p>xiv.the provision of on-site integrated waste and recycling infrastructure,</p> <p>xv.the promotion of safety through the application of the principles of crime prevention through environmental design.</p> <p>g)</p>		
<p>Clause 6.12 – Landscaped areas in certain residential and conservation zones</p>		
<p>Standard</p>	<p>Proposal</p>	<p>Compliance</p>
<p>(2) This clause applies to land in the following zones—</p> <p>(a) Zone R2 Low Density Residential,</p> <p>(b) Zone R3 Medium Density Residential,</p> <p>(c) Zone R4 High Density Residential,</p> <p>(d) Zone C2 Environmental Conservation.</p> <p>(4) Development consent must not be granted to development on land to which the clause applies unless the consent authority is satisfied that the development</p> <p>(a) allows for the establishment of appropriate plantings—</p> <p>i. that are of a scale and density commensurate with the height, bulk and scale of the buildings to which the development relates, and</p>	<p>The subject site is located within a R2 Low Density Residential Zone, and work includes the erection of a new building. This clause therefore applies.</p> <p>The applicable site area for the purpose of calculating landscaped areas within the subject site under <i>Clause 6.12</i> is 301.5m², excluding the access handle and the right of footway.</p> <p>The application proposes a landscaped area of 46.5m², accounting for 15.42% of the applicable site area.</p> <p>The application presents a 38.32% percentage variation to the standard.</p>	<p>No</p>

<p>ii. that will maintain and enhance the streetscape and the desired future character of the locality, and</p> <p>(b) maintains privacy between dwellings, and</p> <p>(c) does not adversely impact the health, condition and structure of existing trees, tree canopies and tree root systems on the land or adjacent land, and</p> <p>(d) enables the establishment of indigenous vegetation and habitat for native fauna, and</p> <p>(e) integrates with the existing vegetation to protect existing trees and natural landscape features such as rock outcrops, remnant bushland, habitats and natural watercourses.</p> <p>(5) Development consent must not be granted to development on land to which this clause applies unless a percentage of the site area consists of landscaped areas that is at least—</p> <p>(b) For a dwelling house located on land within the Foreshore Scenic Protection Area—25% of the site area</p> <p>(Equivalent to Landscaped Area: 75.375m²)</p> <p>(6) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle and any right of carriageway is not to be included in calculating the site area for the purposes of subclause (5).</p> <p>(Applicable site area for the purpose of calculating Landscaped Area under Clause 6.12(5): 301.5m²)</p>	<p>The application is accompanied by a <i>Clause 4.6</i> variation statement. However, the statement does not provide sufficient justification to warrant the granting of the variation sought.</p> <p>A detailed discussion of the variations sought is contained within the <i>Clause 4.6 – Exceptions to Development Standards</i> section later in this report.</p>	
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Clause 4.6 - Exceptions to Development Standards

Variation: Clause 6.12 Landscaped Areas of the GRLEP 2021

26. The proposal seeks to vary *Clause 6.12 Landscaped Areas in certain residential and conservation zones of the GRLEP 2021*. Variations to *GRLEP 2021* development

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standards can only be permitted through the application of *Clause 4.6 Exceptions to Development Standards of the GRLEP 2021*.

27. The proposal involves the demolition of the existing dwelling and the construction of a new dwelling. The proposal seeks to vary *Clause 6.12 Landscaped Areas of the GRLEP 2021*. Variations to *GRLEP 2021* development standards can only be permitted through the application of *Clause 4.6 Exceptions to Development Standards of the GRLEP 2021*.
28. The relevant *Clause 6.12* development standard to be varied is outlined as follows:
- (5) *Development consent must not be granted to development in land to which this clause applies unless a percentage of the site area consists of landscaped areas that is at least–*
- (b) *for a dwelling house located on land within the Foreshore Scenic Protection Area – 25% of the site area.*
29. For context, Landscaped Area is defined in the *GRLEP 2021* as:
- Landscaped Area** means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.
30. It is noted that the site is a battle axe-lot, and has an access handle also embedded with a right of footway. The applicable site area in calculating landscaped area for the purpose of subclause (5) is to be in accordance with *Clause 6.12 of the GRLEP 2021*:
- (6) *If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle and any right of carriageway is not to be included in calculating the site area for the purposes of subclause (5).*
- The applicable site area in calculating landscaped area for the purpose of *Clause 6.12(5) of the GRLEP 2021* is 301.5m².
31. The applicant submitted a written *Clause 4.6 variation statement* (prepared by Approved NSW Pty Ltd), seeking a variation to *Clause 6.12 Landscaped Area*. The variation request indicates a proposed landscaped area of 15.42% (equivalent to 46.5m²). This represents a 38.32% variation.

- The proposed landscaped area is indicated in green in Image 14 below:

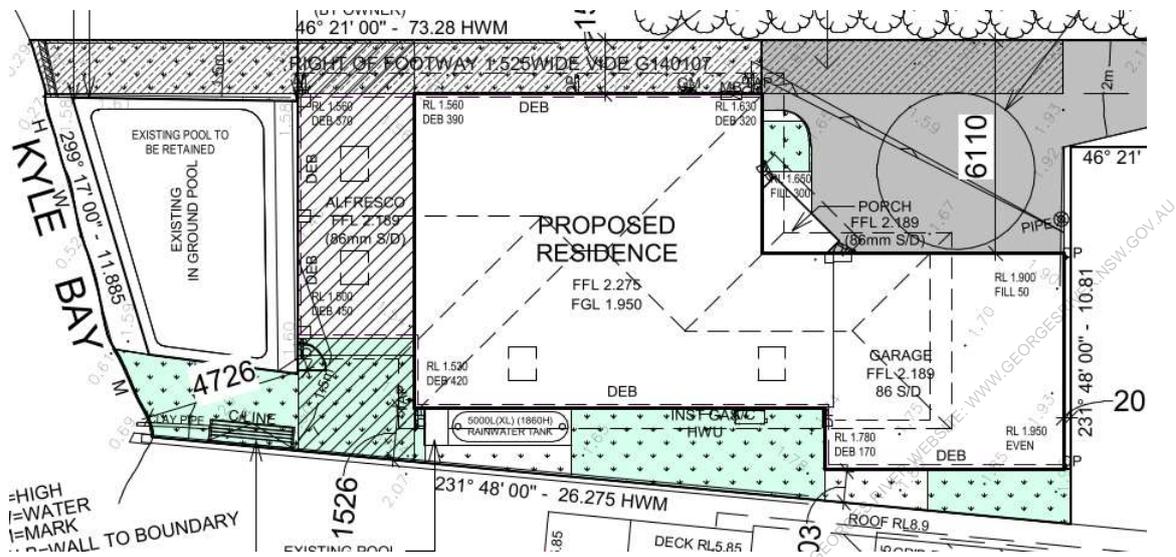


Image 14: Submitted Sheet 13 – Proposed Landscape Concept.

32. In assessing whether the proposed variation to landscaped areas should be granted, considerations are given to the following *Clause 4.6* provisions.
- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
 - (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*
33. Paragraphs [47] to [65] below contains the *Clause 4.6* assessment based on the non-compliance indicated in image 17 above:

Clause 4.6(3)(a) compliance with the development standard is unreasonable or unnecessary in the circumstances

34. There have been multiple case laws that have established the methodologies to assist in the assessment of *Clause 4.6* statements. In *Wehbe V Pittwater Council (2007) NSW LEC 827*, the Hon. Justice Preston CJ sets out the five following circumstances where compliance with a development standard would be unreasonable or unnecessary:
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.*
35. The abovementioned matters of considerations form the basis to determine whether the compliance with development standard is unreasonable or unnecessary in the circumstances of the case. The assessment is as follows:

First Test: The objectives of the standard are achieved notwithstanding non-compliance with the standard;

Applicant's Comment in respect to first test:

36. *"Notwithstanding the numerical non-compliance the objectives of Clause 6.12 are met as:*
- the proposed replacement dwelling is appropriate for its location; and*
 - the replacement dwelling has a consistent architectural design in keeping with the area and provided greater landscape opportunity than what is currently existing by reducing the building footprint.*

In consideration of these factors the proposed replacement development, despite the existing historical deficit and proposed noncompliance of 9.58% with the landscape area requirement, will not result in overdevelopment of the site and fully achieves the intended environmental planning outcomes. It is crucial to take into account the historical deficit in greenspace, as the increase in landscaping not only addresses this issue but does so without significantly impacting the proposed dwelling design.

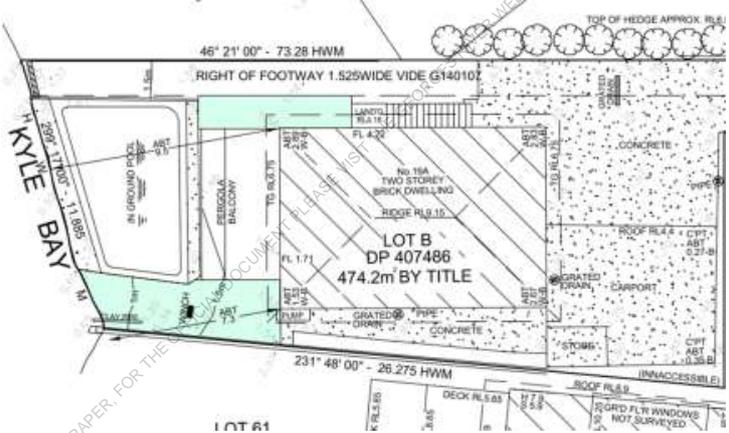
The shortfall is negligible in terms of overall impact, and the design ensures that the additional dwelling complements the surrounding neighbourhood in terms of scale and character. The development is appropriately located, with access to essential services and public transport, minimising the strain on local infrastructure.

The proposed development ensures privacy is maintained, does not impact any significant existing vegetation, and offers enhanced potential for establishing garden areas in the previously hardscaped south side setback. While the north side setback is limited in terms of landscaping opportunities due to an easement for a footway, the overall quality and potential for landscaping on the site have been significantly improved.

Having regard for these matters, the objectives of the standard are achieved, notwithstanding the non-compliance with the landscaped area. It is considered that strict compliance with the development standard for landscaped areas certain residential zones is unreasonable and unnecessary in the circumstances of this proposal."

Assessing Officer comment in respect to the first test:

37. Assessment of the proposed variation has been carried out against the objectives of Clause 6.12 of the GRLEP2021 as outlined in the table below:

Clause 6.12 Objectives	Comments
<p>(a) to ensure adequate opportunities exist for the retention or provision of vegetation that contributes to biodiversity and enhances the tree canopy of the Georges River local government area,</p>	<p>The proposal fails to ensure adequate opportunities exist for the retention or for the provision of vegetation that contributes to biodiversity and enhances the tree canopy.</p> <p>The applicants submitted landscape calculation has excluded the area under the non-existing pergola/balcony. During site inspection, it has been confirmed that the area under the non-existing pergola/balcony is partly landscaped. Therefore, the amount of landscaped area existing is actually greater than that what has been shown on <i>Sheet 14 – Existing Landscaped Cals</i>, see Image 15 below.</p>  <p>Image 15: Submitted Sheet 14 – Existing Landscape Cals.</p> <p>It is acknowledging that the site has a historical deficit in landscaped area, However Council disagrees with the applicant’s statement on the proposal providing a greater landscaping than existing. Without a survey plan which has been previously request, it is difficult to compare existing to proposed landscaped area.</p> <p>Notwithstanding this, the application still proposes a deficit in landscaped area compared to the required 25% of the applicable site area, which contravenes with the objective of the Clause to provide opportunities to the retention or the provision of vegetation that contributes to biodiversity and enhances the tree canopy.</p> <p>It is considered that alternative design solutions, such as reducing development footprint (removal of the proposed alfresco/balcony), can be implemented to remove, or minimise, non-compliance with the required landscaped area.</p>
<p>(b) to minimise urban run-off by maximising permeable areas on the sites of development,</p>	<p>The proposal fails to minimise urban run-off as the development does not provide sufficient nor satisfactory landscaped area that are permeable.</p>

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<p>(c) to ensure that the visual impact of development is minimised by sufficient and appropriately located landscaping that complements the scale of buildings,</p>	<p>The proposal fails to provide sufficient landscaping elements to reduce the visual impact of the building.</p> <p>It is noted that the proposed development due to its non-compliance with <i>Clause 6.4 of the GRLEP2021</i>, as mentioned previously, has non-satisfactory concerns regarding bulk and urban form that is readily observable from the public waterway and from adjoining.</p> <p>The deficit in landscaped area undermines the opportunity for the site to provide adequate vegetation or other landscaping of the like to reduce the visual impact of the building structure.</p>
<p>(d) to ensure that the use of surfaces that absorb and retain heat are minimised.</p>	<p>The proposal only incorporates 15.42% of the applicable site to be landscaped. The use of surfaces that absorb and retain heat are not minimised in this regard.</p>

38. The proposal achieves none of the *Clause 6.12* objectives.

Second Test: The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

Assessing Officer's comment in respect to the second test:

- 39. The underlying purposes of *Clause 6.12* is to ensure applicable developments can provide adequate opportunities for landscaping within the site. The proposal indeed is relevant to the standard and the objectives of it, as it involves the demolition of the existing dwelling and the construction of a new dwelling with a greater development footprint. This undermines the ability of the proposed to provide opportunities for landscaping, hence hindering the objectives of this standard.
- 40. Furthermore, the underlying purposes of *Clause 6.12* do not conflict with the objectives of the R2 Low Density Residential zone and other relevant *GRLEP* objectives. As such, the underlying purposes is relevant to the development, and compliance is therefore necessary.
- 41. As indicated in the first test above, the proposal is not considered to be appropriate with respect to the retention or enhancing vegetation of the area, nor the minimisation of visual impact of the observable building structure. The standard is relevant and the application of it is necessary in the circumstances at hand.

Third Test: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

Assessing Officer's comment in respect to the third test:

- 42. The applicant's justification does not provide a response in regard to whether compliance with the minimum landscaped area standard would be contrary to achieving the objectives and purposes of *Clause 6.12*.

Fourth Test: 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;

Assessing Officer's comment in respect to the fourth test:

43. Council's Clause 4.6 variation register was reviewed during the assessment of this application. Since GRLEP 2021 was in force, eight (8) residential related Development Applications in R2 Low Density Residential Zone was approved with a variation to the minimum landscaped area required. Although two of the the eight were approved with a greater variation than what is sought, under this application, both of them related to alterations and additions to existing dwellings, with no proposed changes to existing landscape setting. The rest of the six Development Applications were granted variations significantly lesser than the variation sought under this application. The extent of variation proposed under this Development Application is greater than the other variations previously granted by Council or the Georges River Local Planning Panel, a control that is seldomly varied in any event.
44. Notwithstanding the above each site is assessed on its merits. It is considered that the variation is not suitable in this instance given the adverse planning impacts as detailed in this section.
45. As such, while variations to minimum landscaped area standard can be considered, the proposal does not demonstrate sufficient merit to warrant the granting of a variation to *Clause 6.12 of the GRLEP2021*. It is clear given the limited number of variations granted to the minimum landscaped area required that the standard has not been abandoned and therefore applies.

Fifth Test: 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;

Assessing Officer's comment in respect to the fifth test:

46. The applicant's justification does not provide a response in regard to whether the zoning of the subject site is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary. The R2 Low Density Residential zoning of the subject site is indeed considered appropriate given the locality consists predominantly of low-density detached houses. The subject site and all similar neighbouring residential sites share this zoning and similar residential developments are also subject to *Clause 6.12*. The zone and requirements for compliance with *Clause 6.12* are consistent with the prevailing land uses in the vicinity of the subject site.

Assessing Officer's conclusion

47. As discussed above, the variation request submitted by the applicant is not considered to have satisfactorily demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of this case.

48. The proposal is not consistent with the objectives of *Clause 6.12 – Landscaped Areas in certain residential and conservation zones* due to the proposed deficit in landscaped areas. The proposal fails to maintain or enhance vegetations that contributes to biodiversity and tree canopy, and also hinders the opportunity to provide adequate vegetations to reduce visual impacts created by the non-compliance building footprint in relation to *Clause 6.4*. In addition, the submitted Clause 4.6 request is inaccurate as it does not reflect accurate measurements of existing landscape areas.
49. It is considered that alternative design solutions are available to achieve compliance or sufficiently mitigate the deficit in landscaped areas, however such changes will require substantial changes to the proposal. Council assesses applications on the basis that all Development Applications are assessment-ready, and as such substantial amendments to the proposal cannot be entertained under this Development Application.

Clause 4.6(3)(b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Applicant's Comment:

50. The applicant provided the following comments in response to Clause 4.6(3)(b):

“When considering environmental planning grounds associated with the proposed development, matters such as compatibility within the locality, management of site constraints, access to services and facilities, sustainable development practices, and response to the unique characteristics of the site should be demonstrated.

The proposed development, which involves the creation of a replacement dwelling, fully addresses key environmental planning considerations. The design is compatible with the character and scale of the surrounding locality, maintaining harmony with neighbouring properties and the broader streetscape. The site's characteristics, such as its topography, orientation, and access points, have been carefully considered, ensuring that the dwelling fits seamlessly into its environment while avoiding any adverse impacts on neighbouring properties.

In the absence of any significant adverse impacts, insistence on compliance simply for the sake of compliance is not conducive of promoting either the Environmental Planning and Assessment Act, LEP zone or development standards objectives. There are sufficient grounds to justify the requested contravention in the unique circumstances of this case.”

Assessing Officer Comment

51. It is considered that the proposal does not have sufficient planning grounds to justify the variation request. The proposal is not considered to be fully compatible with the locality, including the adjoining properties and the public waterway. The deficiency in landscaped areas as per *Clause 6.12 of the GRLEP 2021* will result in unreasonable environmental and biodiversity impacts to the locality, and also visual impact to the amenities of the adjoining properties and the public waterway.

Conclusion

52. Having reviewed the *Clause 6.12* request to vary landscaped areas, it is considered that the proposed variation is not well-founded for the following reasons:
- The proposal will result in adverse environmental and visual impacts. The proposal provides insufficient landscaped area and hinders with the opportunity for the provision of vegetation which is incompatible with the existing and desired character of Kyle Bay,
 - The applicant’s written submission does not sufficiently demonstrate that compliance with the minimum landscaped area required is unreasonable or unnecessary in the circumstances of the case,
 - The applicant’s written submission does not demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard given the adverse impacts of the proposed development on public amenity, and
 - The proposed development is not in the public interest due to its undesirable environmental and visual impacts. The proposal is not consistent with the objectives regarding *Clause 6.12* and the R2 Low Density Residential zone. The approval of the proposed variation to the minimum landscaped area required will set an adverse precedent.

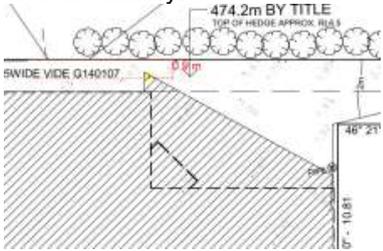
Georges River Development Control Plan 2021

53. 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.

3.2 Biodiversity		
3.2.1 Trees and Vegetation		
Control	Proposal	Compliance
Tree removal and replacement planting is to comply with the provisions of the relevant SEPP’s and Council’s Tree Management Policy.	No tree removal and replacement planting proposed under this application.	N/A
3.2.2 Green Web – All Green Web Areas		
Control	Proposal	Compliance
Green web areas to be landscaped with species indigenous to the Georges River Council area as per Council’s Biodiversity Guide and Appendix 1 – Tree Planting of the Tree Management Policy.	No new plantings proposed.	No
Development in Green Web areas should contribute to the maintenance of local habitats and connectivity between bushland remnants.	The proposed development provides a non-compliant landscaping area that undermines the development’s ability to contributes to the maintenance of local habitats and connectivity between bushland remnants.	
Development in Green Web areas should seek to retain unique	No specific or unique environmental features identified within site.	

<p>environmental features of the site including:</p> <ul style="list-style-type: none"> i. Rock outcrops; ii. Wetlands and the like; iii. Watercourses, drainage lines and riparian land; iv. Groups of significant trees and vegetation; and v. Mature trees with hollows and other fauna habitat features on the site. 		
<p>Development should ensure that off-site impacts into adjoining bushland are minimised, such as weed invasion, increased run-off, and stormwater pollutants.</p>	<p>The proposal demonstrates adequate stormwater discharge.</p>	
<p>3.2.2 Green Web – Habitat Reinforcement Corridors</p>		
<p>Control</p>	<p>Proposal</p>	<p>Compliance</p>
<p>Development should, through its siting, design and landscape treatment, maximise habitat values and minimise disruption to connectivity through:</p> <ul style="list-style-type: none"> i. Allocating 1 boundary of the site to the planting of indigenous vegetation of a mix of canopy species (over 3m height at maturity) and understory species (less than 3m height at maturity). ii. Retention and revegetation of remnant bushland elements. 	<p>No new plantings proposed. The development also does not provide a compliant landscape area within site, which undermines the opportunity to allocate one boundary of the site to incorporate adequate planting to maximise habitat values of the locality.</p>	<p>No</p>
<p>3.3 Landscaping</p>		
<p>Control</p>	<p>Proposal</p>	<p>Compliance</p>
<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"> iii. Reinforce the desired future character of the locality; iv. Maintain significant landscape features; v. Be consistent with any dominant species in the adjoining area of ecological significance; vi. Incorporate fire resistant species in areas susceptible to bushfire hazard; 	<p>The landscape scheme proposed fails to address the matters identified, as the proposed development provides a non-compliant landscaping area that undermines the development’s ability to reinforce the landscape features of the locality, and to soften the visual impact of the building when view from the public waterway and from the adjoining.</p>	<p>No</p>

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<ul style="list-style-type: none"> vii. Provide planting within setback zones; viii. Soften the visual impact of buildings, carparks and roads; ix. Cater for outdoor recreation areas; x. Separate conflicting uses; xi. Screen undesirable elements; xii. Provide opportunities for on-site stormwater infiltration, in particular around existing trees and vegetation; xiii. Consider the future maintenance requirements of landscaped areas; xiv. Protect the effective functioning of overhead, surface level or underground utilities; and xv. Improve the aesthetic quality of the development. 		
<p>2. Landscape planting should achieve a mature height in scale with the structures on the site.</p>	<p>No new tree planting proposed.</p>	
<p>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.</p>	<p>No new tree planting proposed.</p>	
<p>3.5 Earthworks</p>		
<p>3.5.1 Excavation (including cut and fill)</p>		
<p>Control</p>	<p>Proposal</p>	<p>Compliance</p>
<p>1. Natural ground level should be maintained within 900mm of a side or rear boundary.</p>	<p>Considered acceptable</p> <p>A fill up to 450mm proposed within 900mm of the North-west boundary.</p>  <p>Although the proposed fill encroaches into the 900mm of the side boundary and into the right of footway, the fill is minor</p>	<p>No</p>

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	and would not create adverse structural or amenity impacts to the surroundings. The proposed fill is also not considered to affect the use of right of footway.	
2. Cut and fill should not alter natural or existing ground levels by more than 1m	A maximum fill of 450mm proposed. However, the required depth of excavation for the proposed drop edge beam is unknown.	
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 not know to 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 can be applied if this application can be recommended for approval.	
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	A suitable condition can be included in the recommended	Yes

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<p>reduce impacts of sedimentation on waterways through the use of the following:</p> <ul style="list-style-type: none"> - Sediment fencing; - Water diversion; - Single entry/exit points - Filtration materials such as straw bales and turf strips. 	<p>conditions if this application can be recommended for approval.</p>	
<p>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</p>	<p>A suitable condition can be included in the recommended conditions if this application can be recommended for approval.</p>	
<p>3. Development is to minimise site disturbance including impacts on vegetation and significant trees and the need for cut and fill.</p>	<p>Development does not proposed intensive earthworks that significantly disturbs vegetations and trees.</p>	
<p>3.6 – Contaminated Land</p>		
<p>Control</p>	<p>Proposal</p>	<p>Compliance</p>
<p>2. The application is accompanied by sufficient information to determine:</p> <ol style="list-style-type: none"> 1. The extent to which the land is contaminated (both soil and ground water); 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; 3. Whether the land requires remediation to make the land suitable for the intended use prior to that development being carried out; and 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 	<p>The Assessing Officer has reviewed:</p> <ul style="list-style-type: none"> • Councils Contamination Records • 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>	<p>Yes</p>

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<p>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>		
3.8 – View Impacts		
Control	Proposal	Compliance
The development shall provide for the reasonable sharing of views.	The proposal allows for the reasonable sharing of views	Yes
3.9 – Coastal Hazards and Risks		
3.9.1 – Coastal Management		
Control	Proposal	Compliance
Development is to comply with the provisions of SEPP (Coastal Management) 2018 and the Coastal Management Act 2016.	Complies.	Yes
3.9.2 – Sea Level Rise		
Control	Proposal	Compliance
<p>1. Development on land identified on the GRLEP Coastal Hazard and Risk Map' must implement measures to mitigate the adverse effects of projected sea level rise and increases in flood levels on the development.</p> <p>2. Development should be designed and situated to reduce the risk from the effects of sea level rise.</p> <p>3. Development on land adjacent to tidal waters, including the Georges River and Salt Pan Creek, should be designed to minimise risk to property and the environment from sea level rise in the event of a 1% AEP flood by:</p> <p>i. Siting the floor level of habitable rooms, wet areas and other sensitive uses (e.g. waste water disposal areas) 1.4m above the 1% AEP riverine flood level. The 1.4m is to allow for the 2100 (year) NSW sea level rise planning benchmark of 0.9m and 0.5 freeboard.</p>	<p>The site has been occupied by an existing dwelling. The proposal to demolish it and to construct a new dwelling on a similar location of the site does not warrant the need for any new sea level rise measurements or mitigations.</p>	N/A

<p>ii. Siting other non-habitable structures (e.g. sheds, decks, pergolas) 0.7m above the 1% AEP riverine flood level.</p> <p>iii. Siting all garages and basements 1.2m above the 1% AEP riverine flood level.</p>		
3.10 Water Management		
Control	Proposal	Compliance
<p>1. Development must comply with Council's Stormwater Management Policy.</p> <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> <p>i. Must be located below ground,</p> <p>ii. Must not encroach into the deep soil zone provided for trees, and</p> <p>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> <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>The proposal has been reviewed by Council's Development Engineer and has been found to be satisfactory subject to the recommended conditions.</p>	<p>Yes</p>
3.12 Waste Management		
Control	Proposal	Compliance
<p>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).</p>	<p>Waste management can be controlled via standard conditions if this application can be recommended for approval.</p>	<p>Yes</p>
3.13 Parking Access and Transport		
Control	Proposal	Compliance
<p>1. As per the table within this section the development is to</p>	<p>As identified by Council's Traffic Engineer, the</p>	<p>No</p>

<p>provide parking at the following rates: The development has 3 or more bedrooms therefore 2 car parking spaces are required.</p>	<p>designated bins storage area encroaches into the parking envelope for the B85 AS Design Vehicle within the double garage which undermines the ability to accommodate for clear parking space lengths of 5.4m.</p> <p>The length of the eastern side car space between the bins and the garage door is approximately 5m. and is not sufficient.</p> <p>An alternative method to have one car parking space to be reallocate outside of the double garage is also not adequate due to the site's restraint from the proposed turntable being directly outside of the garage door and a right of footway embedded into the access handle. There are no sufficient areas outside of the double garage to accommodate the car parking space.</p> <p>In this regard, the proposed car parking arrangement is not supported from a traffic engineering point of view. The storage of bins must be relocated outside of the car parking envelopes to satisfy Part 3.13 of the GRDCP 2021 in this regard.</p>	
3.14 Utility		
Control	Proposal	Compliance
Air conditioning units and mechanical plant should be sited away from adjacent sensitive land uses and/or screened by walls or other acoustic treatments.	A suitable condition can be included in the recommended conditions if this application can be recommended for approval.	Yes
3.17 Universal / Accessible Design		
Control	Proposal	Compliance
3. Accessways for pedestrians and vehicles to be separated	<p>Considered acceptable</p> <p>Although the subject site does not provide separate accesses for pedestrians and vehicles, as they both use the access</p>	Yes, supported on merits

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	<p>handle and right of footway into the site from the street, it is considered acceptable in this instance due to the historical use of site under this existing arrangement.</p> <p>The site remains as a battle-axe allotment under this application, and access into the site can only be achieved by the shared use of accessway for both pedestrians and vehicles.</p>	
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.	Despite the site does not have a main street frontage, the proposed still incorporates windows of habitable rooms to face the access handle to maximise causal surveillance.	Yes
4. Building entries are to be clearly visible and identifiable from the public domain.	The existing building entry is considered clearly identifiable.	
Part 5 – Residential Locality Statements		
5.16 Connells Point and Kyle Bay 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 tree planting and landscaping within the front setback space to enhance the existing leafy streetscape character. 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. 	The proposal is not consistent with the desired future character of the locality as the erection of the new dwelling and lack of associated landscaping within the site does not provide adequate natural elements to retain nor enhance the prominence of the bushland landscaped character found in Kyle Bay.	No
6.1.2.1 Streetscape Character and Built Form		
Control	Proposal	Compliance
1. New buildings and additions are to consider the Desired Future	The proposal is not consistent with the Desired Future	No

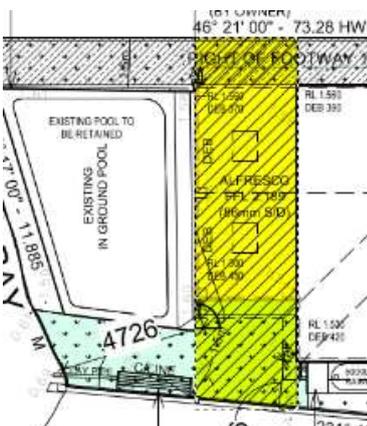
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Character statement in Part 5 of this DCP.	Character of Connells Point and Kyle Bay.	
2. New buildings and additions are to be designed with an articulated front façade.	The proposed front façade is sufficiently articulated.	
4. Dwelling houses are to have windows presenting to the street from a habitable room to encourage passive surveillance.	The subject site is located within a battle-axe lot. The proposed dwelling house has no street-facing façade. Regardless, the dwelling incorporates windows to present to the access handle to encourage 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 considered to be sensitively designed to maintain the amenity of the locality and the waterway due to it's bulk and built form impacts.	
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).	No voids proposed.	
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 dwelling is not considered to be compatible with neither the existing nor desired future scale of the buildings within the neighbourhood. In particular, the proposed dwelling presents a greater building footprint that extends further forward into the FBL than the footprint of the existing building, in which the bulk and urban form of the new building is not satisfactory in this regard.	No
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.	

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<p>3. A maximum of two (2) storeys plus basement is permissible at any point above ground level (existing). Basements are to protrude no more than 1m above existing ground level.</p>	<p>The proposed dwelling is two storeys tall. No basement proposed.</p>	
<p>6.1.2.3 Setbacks - Side and Rear Setbacks</p>		
<p>Control</p>	<p>Proposal</p>	<p>Compliance</p>
<p>4. Buildings are to have a minimum rear setback of 15% of the average site length equivalent to 10.485m; or 6m, whichever is the greater.</p>	<p>The proposal provides a rear setback of 4.726m from the outside face of the proposed pergola/balcony, which does not meet the numerical requirement.</p> <p>It is noted that the rear setback of the existing building is 7.302m (excluding the pergola/balcony annotated in plans, as they are not existing). The development also proposes a lesser rear setback than existing.</p> <p>The rear setback of the proposed development has to be assessed in conjunction to <i>Clause 6.4 of the GRLEP2021</i> and in merit. In the scenario that the development can demonstrate full compliance with <i>Clause 6.4 of the GRLEP2021</i> in relation to building footprint into the FBL, Council would consider a variation to a non-compliant rear setback based on merits. However, since the subject application fails to demonstrate compliance with <i>Clause 6.4 of the GRLEP2021</i> as mentioned before, the merit to vary rear setback could not be granted.</p> <p>Ultimately, the proposal fails to meet rear setback requirement under this control.</p>	<p>No</p>
<p>5. The minimum side setbacks for ground and first floor are: iii) 1.5m for all lots within the Foreshore Scenic Protection Area measured at the front building line for the length of the development.</p>	<p>The dwelling presents a side setback of 1.55m from the north-western boundary, and a side setback of 1.526m from the south-eastern boundary.</p>	

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<p>7. . For battle-axe lots, minimum side and rear boundary setbacks apply, except the front setback of the battle-axe lot without a street frontage, where a minimum setback of 4.0m is to be provided.</p>	<p>A 4m setback is proposed between the first floor front building wall and the front boundary.</p> 	
<p>6.1.2.4 - Private Open Space</p>		
<p>Control</p>	<p>Proposal</p>	<p>Compliance</p>
<p>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 60m² with minimum dimensions of 6m and located on the same level (not terraced or over rock outcrops).</p>	<p>Considered acceptable</p> <p>Although the proposed development does not provide a compliant private open space, considering the site's constraints and deficit in buildable site areas, the private open space of 39.5m² located between the proposed dwelling and the existing swimming pool could be accepted based on merits.</p> <p>The proposed are for POS will consist of some landscaping areas, the proposed alfresco and some area over the right of footway.</p> 	<p>No supported on merits</p>
<p>2. Private open space is to be provided for all dwellings, (with the exception of secondary dwellings, which are able to share the private</p>	<p>Sufficient private open space provided for the subject site.</p>	

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open space of the principal dwelling).		
3. Private open space is to be located so as to maximise solar access.	The location of the proposed private open space is suitability located in the rear yard to maximise solar access.	
4. Private open space is to be designed to minimise adverse impacts upon the privacy of the occupants of adjacent buildings.	The proposed private open space will not unreasonable 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 does not comply with Clause 6.12 of the GRLEP 2021, and forms part of the reasons for this recommendation for refusal.	No
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.	Not applicable as the site does not have a street frontage.	
4. Impervious areas are to occupy no more than: (ii) 50% of the street setback area where the front setback is 6m or greater.	N/A	
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.	N/A	
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 is proposed to extend beyond the building footprint.	Yes
2. The depth of cut or fill must not exceed 1.0m from existing ground level, except where the excavation is for a basement car park.	A maximum fill of 450mm proposed. It is understood that the new dwelling is proposed to be supported by drop edge beams, however no sufficient information were provided to show the required depth of cut required for the drop edge beam.	
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.	Not compliant – please see <i>Part 3.13 assessment of the GRDCP 2021</i> above.	No
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).	As identified by Council’s Traffic Engineer, the designated bins storage area encroaches into the parking envelope for the B85 AS Design Vehicle within the double garage which undermines the ability to accommodate for clear parking space lengths of 5.4m. The length of the eastern side car space between the bins and the garage door is approximately 5m. and is not sufficient. An alternative method to have one car parking space to be reallocate outside of the double garage is also not adequate due to the site’s restraint from the proposed turntable being directly outside of the garage door and a right	

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	<p>of footway embedded into the access handle. There are no sufficient areas outside of the double garage to accommodate the car parking space.</p> <p>In this regard, the proposed car parking arrangement is not supported from a traffic engineering point of view. The storage of bins must be relocated outside of the car parking envelopes to satisfy <i>Part 6.12.7 of the GRDCP 2021</i> in this regard.</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 (access handle) 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).	Not compliant. Please see <i>Part 6.1.2.7(2)</i> above.	
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 6 servicing bedroom 2 and window 5 servicing the retreat area, both located on the ground floor are recessed 1.525m from the north-western side boundary and is considered to be properly treated.	No

	<p>Window 2 servicing bedroom 3 and window 1 servicing the bathroom, both located on the ground floor are recessed more than 1.5m from the south-eastern side boundary and is considered to be properly treated.</p> <p>All windows located at the ground are considered acceptable as they are properly recessed. The proposed windows are also not placed to directly face any known windows from the adjoining properties that allows direct overlooking.</p> <p>Window 11 and 12 located in the first floor family/dining area are proposed to have sill heights of at least 1.545m and are considered appropriately treated. Windows 11 and 12 are also not known to directly face into any neighbouring windows.</p> <p>Windows 9 located in the first floor kitchen is completely frosted and would not directly overlook into any adjacent windows.</p> <p>Window 8 located in the first floor bedroom 1 has a sill height of 1.545m and is not considered to overlook into any known adjacent windows.</p> <p>Window 7 located in the ensuite of bedroom 1 is obscured, no overlooking issues raised.</p> <p>Under these arrangements, the proposed windows are considered appropriately offset with any known windows from adjoining dwellings, and are properly treated to avoid direct overlooking.</p>	
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<p>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>	<p>As mentioned above, all windows from active rooms on the first floor level are either treated with an appropriate sill height or are proposed to be obscured, and only oblique view to adjoining properties would be allowed.</p> <p>In relation to the rear balcony, two 1.8m tall privacy screens are proposed to the two side edges. These devices also only allows oblique view to adjoining properties, and the visual privacy of the adjoining could be maintained in this regard.</p>	
<p>3. Upper level balconies should not project more than 1500mm beyond the main rear wall alignment so as to minimise adverse visual privacy impacts to adjoining properties.</p>	<p>The proposed balcony has a projection of 3.3m from the main rear wall and is not supported.</p>	
<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.</p>	<p>Window 5 is located on the ground floor to service the retreat area. It is noted that the north-west facing window directly overlooks into the adjoining property's POS due north-west.</p> <p>To ensure the proposed can demonstrate compliance in this regard, a design amendment condition could be inserted to amended the said window to be obscured, respecting the privacy of the said POS.</p>	
<p>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.</p>	<p>Although the application is not accompanied by a separate survey plan, required surveying details in relation to adjoining windows are incorporated in the Architectural Plans where required.</p>	
<p>6.1.2.9 Noise</p>		
<p>Control</p>	<p>Proposal</p>	<p>Compliance</p>
<p>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;</p>	<p>Air conditioning unit is located away from any windows in habitable rooms. The standard noise control condition can be</p>	<p>Yes</p>

they are to be screened to reduce noise or acoustically treated.	imposed if the application can be recommended for approval.	
6.1.2.10 Solar Access		
Control	Proposal	Compliance
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.	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.	Yes, supported on merits.
2. To facilitate sunlight penetration to adjoining development, building bulk may be required to be articulated to achieve the required sunlight access.	The proposed dwelling incorporates an unsatisfactory building bulk, in particular to the extension of the building footprint towards the rear beyond the FBL than the existing, that undermines the sunlight access to the adjoining development to its south-east.	
3. Direct sunlight to north-facing windows of habitable rooms and 50% of the principal private open space area of adjacent dwellings should not be reduced to less than 3 hours between 9.00am and 3.00pm on 21 June.	<p>Considered acceptable</p> <p>More than 50% of the adjoining dwelling's private open space to the subject sites' south-east would not be able to receive a minimum of 3 hours direct sunlight between 9.00am and 3.00pm on 21 June.</p> <p>It was previously suggested the proposal to reduce its building footprint at the rear, in particular to the rear wall projection of proposed pergola/balcony, to reduce the overshadowing of the proposed structure to the POS of the south-east adjoining site.</p>	
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. However, variation cannot be granted as the proposal does not demonstrated compliance with other requirements in relation to building footprint and scale that impacts overshadowing.	
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,	Provided.	

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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.		
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 detrimental effect on any known 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 dwelling.	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 is mostly grey and beige in colour. They are considered 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.	No
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.	The proposed location of the bins storage is not satisfactory. The area is to be relocated outside of any car parking envelope.	
4. Letterboxes are to be located on the frontage where the address	No proposed changes to letter box arrangements under this application.	

<p>has been allocated in accordance with Australia Post requirements.</p>		
<p>6.4 Ancillary Development</p>		
<p>6.4.3 Outbuildings</p>		
Control	Proposal	Compliance
<p>Outbuildings are not to be located within the front building line setback and must be set back a minimum of 900mm from all site boundaries. Windows and glass doors must face into the yard of the subject site or be appropriately treated to reduce visual impacts if facing a neighbouring property.</p>	<p>Considered Acceptable</p> <p>The proposed double garage has a front setback of 0.2m and is located within the front setback area of site. A variation is sought. It is considered the arrangement of this is acceptable in this instance as the garage is erected at the same location with a same front setback as the existing carport.</p> <p>The south-eastern side of the proposed garage will have an increased side setback from the existing carport, and only incorporates a total of 36m².</p> <p>The variation of this also does not create adverse amenity, visual or noise impacts to the surrounding allotments, as the use of carport and use of garage are consistent.</p> <p>Therefore, the variation sought can be supported by merit.</p>	<p>No - supportable based on merits</p>
<p>Outbuildings must not be used as a secondary dwelling or dual occupancy.</p>	<p>The outbuilding is used as a garage.</p>	
<p>Outbuildings must be positioned so they do not overshadow habitable areas or open space of adjoining properties.</p>	<p>The outbuilding is considered to have a similar footprint as the existing carport, and is not known to create additional overshadowing to habitable areas or open space of adjoining properties.</p>	
<p>The sum of the floor space of all outbuildings on a site (excluding carports and open structures such as pergolas, awnings and the like) must not exceed 30m².</p>	<p>The outbuilding is used as a garage and does not contribute to the calculation of GFA.</p>	
<p>The maximum height of outbuildings is 3.5m to the ridge and 2.5m to the underside of the</p>	<p>Considered acceptable</p> <p>The proposed ridge height of the garage is 3.5m with an</p>	

eaves, above existing ground level.	eaves height of 3m from NGL. Although the eaves height of the garage is exceedance of the 2.5m requirement, considering that the garage is partly incorporated into the design of the main dwelling, and is not known to further create adverse amenity, visual, noise and overshadowing impacts to the surrounding allotments than the existing carport, the variation of this can be supported by merits.	
Landscaped area for single dwellings (as defined in the GRLEP 2021) is to be provided in accordance with the table contained within <i>Clause 6.12 Landscaped areas in certain residential and environmental protection zones</i> of the GRLEP 2021.	Although being not compliant (Please see <i>Clause 6.12 of GRLEP2021</i> above), due to the site current arrangement and constrains, the demolition of carport and erection of garage at the same place with a greater side setback is considered to be supportable.	
The minimum setbacks for garages, gyms, cabanas and sheds are 900mm from all boundaries.	Considered acceptable Please see 6.4.3(1) above.	
External finishes and claddings of ancillary structures and outbuildings are to have low reflectivity finishes.	Double garage is constructed with low reflectivity finishes.	
6.5 Foreshore Locality Controls		
6.5.1 Foreshore Scenic Protection Area		
6.5.1.1 Environmental qualities and scenic landscape values		
Control	Proposal	Compliance
Development applications are supported by a site analysis and design response demonstrating how the relevant provisions of the LEP and the objectives of this part of the DCP have been addressed.	Provided.	No
Removal of existing native vegetation minimised to that which is reasonably required to site and construct a building.	No existing trees proposed to be removed.	
The integrity of the existing edge of bushland closest to the Georges River is retained.	No changes to bushland.	
Vegetation along ridgelines and on hillsides is retained and supplemented to provide a backdrop to the waterway.	No changes to vegetation along ridgelines and on hillsides.	

New complementary planting and landscaping is encouraged.	The proposal does not incorporate new planting.	
Where on a steep site, vegetation is used to screen the impact of support structures such as piers.	Site is not considered steep in this regard.	
Landscape areas below the FBL should maximise the use of indigenous plant material and preferably use exclusively indigenous plants. Turf should be limited in this area. Details of planting are to be indicated on any landscape plan submitted to Council.	The proposal does not incorporate new planting.	
A landscape plan is to be submitted for any development between the FBL and Mean High Water Mark (MHWM). The level of detail required will depend on the level of works being undertaken. Where a landscape plan is submitted it should indicate the existing and proposed changes in contours, existing trees/vegetation to be retained and removed, measures to protect vegetation during construction and proposed planting, including species and common names.	Submitted.	
Natural features that make a contribution to the environmental qualities and scenic landscape values of the foreshore, including mature native trees and sandstone rock outcrops, platforms and low cliffs, are retained.	A recommended condition can be applied if this application can be recommended for approval.	
The visual impact of buildings is minimised having regard to building size, height, bulk, siting, external materials and colours, and cut and fill.	The visual impact of the proposed building is considered unacceptable, in particular to the bulk and urban form created from the proposed extension of building footprint further into the FBL than the existing.	
Buildings should be sited on the block to retain existing ridgeline vegetation where possible. Siting buildings on existing building footprints, or reducing building footprints to retain vegetation is highly recommended.	The building footprint of the building is greater than existing, therefore the preferred retention of landscaping cannot be maintained.	
Where on a steep site, buildings are sited to sit discreetly within the	Site is not considered steep in this regard.	

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<p>landscape using hillsides as a backdrop and below the tree canopy. The building footprint is to result in the following:</p> <ul style="list-style-type: none"> (i) The preservation of topographic features of the site, including rock shelves and cliff faces; (ii) The retention of significant trees and vegetation, particularly in areas where the loss of this vegetation would result in the visual scarring of the landscape when viewed from the water, and (iii) Minimised site disturbance through cutting and/or filling the site. 		
<p>Facades and rooflines of dwellings facing the water are to be broken up into smaller elements with a balance of solid areas to glazed areas. Rectangular or boxy shaped dwellings with large expanses of glazing and reflective materials are not acceptable. In this regard, the maximum amount of glazed to solid area for facades along the foreshore is to be 50%-50%.</p>	<p>Glazing consists of 36.73% of the water-fronting elevation and is considered to be in an acceptable range.</p> 	
<p>Colours that harmonise with and recede into the background landscape are to be used. In this regard, dark and earthy tones are recommended and white and light-coloured roofs and walls are not permitted. To ensure that colours are appropriate, a schedule of proposed colours is to be submitted with the development application.</p>	<p>Colour schedule suggested the use of grey and beige colours which are considered to be earthy tones that harmonises the building structure.</p>	
<p>Buildings fronting the waterway must have a compatible presence when viewed from the waterway and incorporate design elements (such as roof forms, textures, materials, the arrangement of</p>	<p>The proposed dwelling house is considered to have a compatible presence when observed from the waterway with compatible design elements for the locality.</p>	

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windows, modulation, spatial separation, landscaping etc.) that are compatible with any design themes for the locality.		
Blank walls facing the waterfront shall not be permitted. In this regard, walls are to be articulated and should incorporate design features, such as: <ul style="list-style-type: none"> (i) Awnings or other features over windows; (ii) Recessing or projecting architectural elements; (iii) Open, deep verandas. 	No blank wall proposed.	
Adequate landscaping shall be provided to screen the undercroft areas and reduce their impact when viewed from the water.	The landscaping proposed does not provide adequate screening of the development to reduce its impact when viewed from the water.	
The extent of associated paved surfaces is minimised to that which provides essential site access and reasonable private open space.	The amount of paved surfaces are considered acceptable to only provide essential site access and reasonable private open space.	
Buildings have external finishes that are non-reflective and coloured to blend in with the surrounding landscape.	Finishes are non-reflective.	
Swimming pools and surrounds should be sited in areas that minimise the removal of trees and limit impact on the natural landform features (rockshelves and platforms)	Location of existing pool remains the same.	
Fences are low in profile and at least 50% transparent.	Fences are transparent.	
Driveways and other forms of vehicular access are as close as practical to running parallel with contours.	Driveway and access handle are as existing.	
The natural landform is to be retained and the use of retaining walls and terracing is discouraged.	No retaining wall proposed.	
Retaining walls are not to be located: <ul style="list-style-type: none"> - Between the FBL and MHWM - Within 40m of MHWM 	No retaining wall proposed.	
Where retaining walls are constructed in other areas, materials and colours that blend	No retaining wall proposed.	

<p>with the character and landscape of the area are used. Where retaining walls face the foreshore they are to be constructed of coarse, rock faced stone or a stone facing and are to be no higher than 600mm above natural or existing ground level. Under no circumstances will Council permit a masonry faced retaining wall facing the foreshore.</p>		
<p>Development provides opportunities to create view corridors from the public domain to the Georges River.</p>	<p>View corridors from the public domain can be remained.</p>	

Impacts

Natural Environment

54. The development is considered to result in adverse and undesirable impacts to the natural environments as it fails to demonstrate compliance with key development standards in relation to landscaped area and building footprint within the foreshore building line.

Built Environment

55. The proposal represents a non-compliant built form due to its unsatisfactory bulk and urban form observable from the public waterway and the adjoining. The erection of the proposed structures would create undesirable and detrimental built environmental impacts to the locality.

Social Impact

56. The proposal is unlikely to result in any unreasonable social impacts to the locality.

Economic Impact

57. The proposal is unlikely to result in any unreasonable economic impacts to the locality.

Suitability of the Site

58. The site is zoned R2 Low Density Residential. The proposal is a permissible form of development in this zone. However, the design of the proposal fails to be compatible with key development standard regarding landscaped area and building footprint within the foreshore building line. The proposal will likely result in unacceptable impacts on the natural environment, the public waterway and the neighbouring properties. Therefore, this application is recommended for refusal.

Submissions, Referrals and the Public Interest

Submissions

59. The application was advertised, and adjoining residents were notified by letter from 1 August 2024 to 15 August 2024 in which to view the plans and submit any comments on the proposal. Council received one (1) unique submission during the notification period.

60. The amended plans minorly reduce building footprint and improves on visual privacy concerns. It was considered that the amendments would not result in an increased environmental impact on the adjoining allotments and therefore was not required to be re-notified.

61. The matters relevant to this application raised in the submission are considered below.

Issue	Comment
<p>Visual privacy concerns in relation to proposed sill height and sizes of the windows on the north-western elevation of the dwelling</p> <ul style="list-style-type: none"> - Reducing the size of windows - Raising sill heights of windows to a minimum 1.5m above FFL - Implementing privacy measurements such as frosted glass or screening devices 	<p>The proposal has been assessed under <i>Part 6.1.2.3 of the GRDCP 2021</i> and although full compliance cannot be achieved due to the exceedance in rear balcony projection, compliance with visual privacy concerns in relation to windows sizes and sill heights can be demonstrated through appropriate design amendment conditions.</p> <p>In particular, the submitted concern revolves around windows on the north-western elevation looking into the private open space and properties have been addressed and mitigated through the amendments made from the original set of architectural plans to the latest submitted plans. Room windows located on the north-western façade (W5, W6, W11 and W12) are presented as follows:</p> <p>W5: Located at the ground floor level servicing the retreat area, the proposed bifold window has a sill height of 1m. The request to increase the sill height to 1.5m from FFL would be unreasonable considering the window is located on ground floor, is properly recessed from side boundary and is the only northerly facing window for the retreat area. A reduced window size or increased sill heights would adversely hinder solar access to the retreat area. It is understood that W5 would create undesirable overlooking into the adjoining property's POS. Considering the above, a design amendment condition can be inserted to amend W5 to be obscured if this application can be supported. Under this arrangement, the functionality of the retreat area would not be negatively impacts by sunlight concerns, and the privacy of the adjoining property's POS can be maintained and respected.</p> <p>W6: Located at the ground floor level servicing the bedroom, the proposed window has a sill height of 1m. The window is located on ground floor, is properly recessed from side boundary and is the only northerly facing window for the bedroom. A reduced window size or increase sill heights would adversely hinder solar access to the bedroom. Considering the window is located at a bedroom, not a living room, Council has no planning grounds to request for the reduction of window sizes nor increasing in sill heights.</p> <p>W11 & 12: Located at the first floor level servicing the dining and family area, the proposed windows have sill heights of 1.545m, and is considered to not directly overlook into the adjoining property's POS.</p>

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	It is also noted that the application complies with the side setback controls and the side facades and placement of windows have sympathetically design to reduce privacy impacts onto adjoining lots.
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Public Interest

62. 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 not considered to be in the public interest as it fails to demonstrate compliance with the following:

- *Clause 2.3 of the GRLEP2021 – Zone objectives and Land Use Table*
- *Clause 6.1 of the GRLEP 2021 – Acid Sulfate Soil*
- *Clause 6.4 of the GRLEP2021 – Foreshore area and coastal hazards and risk*
- *Clause 6.10 of the GRLEP 2021 – Design Excellence*
- *Clause 6.12 of the GRLEP2021 – Landscaped areas in certain residential and conservation zones*
- *Part 3.2.2 of the GRDCP 2021 – Green Web*
- *Part 3.3 of the GRDCP 2021 – Landscaping*
- *Part 3.5.1 of the GRDCP 2021 – Excavation (including cut and fill)*
- *Part 3.13 of the GRDCP 2021 – Parking Access and Transport*
- *Part 5.16 of the GRDCP 2021 – Connells Point and Kyle Bay Locality Statement*
- *Part 6.1.2.1 of the GRDCP 2021 – Streetscape Character and Built Form*
- *Part 6.1.2.2 of the GRDCP 2021 – Building Scale and Height*
- *Part 6.1.2.3 of the GRDCP 2021 – Setbacks*
- *Part 6.1.2.6 of the GRDCP 2021 – Excavation (Cut and Fill)*
- *Part 6.1.2.7 of the GRDCP 2021 – Vehicular Access, Parking and Circulation*
- *Part 6.1.2.8 of the GRDCP 2021 – Visual Privacy*
- *Part 6.1.2.13 of the GRDCP 2021 – Site Facilities*
- *Part 6.5.1.1 of the GRDCP 2021 – Foreshore Locality Controls – Environmental Qualities and Scenic landscape Value*

Council (Internal) Referrals

Development Engineer

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

Landscape & Arboricultural Assessment Officer

64. Council's Landscape & Arboricultural Assessment Officer raised no objection to the proposal, subject to recommended conditions.

Traffic Engineer

65. Council's Traffic Engineer did not support the application for the following reasons:

- Unsatisfactory placement of turntable due to concerns on operational clearance
- Bins storage area is within car parking envelope

External Referrals

Ausgrid

66. 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

67. 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 can be included in the event this application is recommended for approval..

Conclusion

68. Development consent is sought for the construction of a dwelling house at 19A Waratah Street, Kyle Bay NSW 2221.
69. The proposal is not an acceptable outcome for the site for the reasons outlined within this report. The proposal is not reasonable and not compliant with the key planning controls and will result in unreasonable amenity outcomes. The proposal is recommended for refusal.

DETERMINATION AND STATEMENT OF REASONS

Statement of Reasons

70. The reasons for this recommendation are:
- The development does not align with the objectives of R2 Low Density Residential Zone.
 - The development does not demonstrate full compliance with the *Georges River Local Environmental Plan 2021* and the *Georges River Development Control Plan 2021*.
 - The proposal will result in unacceptable impacts to the locality.
 - The application is not in the public interest.

RECOMMENDATION

71. Pursuant to *Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979* (as amended), DA2024/0315 for Construction of a dwelling house on Lot B DP 407486 being land known as 19A Waratah Street, Kyle Bay NSW 2221, is recommended for refusal for the reasons outlined below.

1. **Refusal Reason - Environmental Planning Instrument – Local Environmental Plan -** Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is unacceptable in regard to the following Clauses of Georges River Local Environmental Plan 2021 (GRLEP 2021):
- a) Clause 2.3 - Zone Objectives. The proposal is inconsistent with the zone objectives as the proposal fails to provide for housing within a landscaped setting that could enhance or maintain the existing environmental character of the Georges River Local Government Area. The proposed built form is considered unsympathetic to the existing and the desired future character of the area in regard to bulk and urban form.
 - b) Clause 4.6 – Exceptions to development standards. The submitted Clause 4.6 variation request concerning *Clause 6.12 Landscaped areas in certain residential and conservation zones* fails to demonstrate sufficient planning justification to warrant the granting of the variation sought.
 - c) Clause 6.1 – Acid sulfate soil. Excavation is proposed within land affected by Class 2 acid sulfate soil. No preliminary soil assessment report is submitted. Furthermore, insufficient information is provided in relation to the location and amount of excavation required for the proposed drop edge beams, and whether the proposed excavation would not lower the water table.

- d) Clause 6.4 – Foreshore area and coastal hazards and risk. The proposal seeks for the demolition and rebuilding of a dwelling with a greater building footprint that extends further forward than the footprint of the existing dwelling into the Foreshore Building Line (FBL) and the land identified on the Coastal Hazard and Risk Map. No written Clause 4.6 variation statement were provided to seek variation to this Clause.
- e) Clause 6.10 – Design Excellence. The proposed development with non-compliance building footprint in regard to FBL does not demonstrate a satisfactory urban form and bulk of the building which undermines the amenity of the adjoining and views from the waterway. The proposal also does not provide a satisfactory landscaped setting which contravenes with the objective to deliver high standard of sustainable design.
- f) Clause 6.12 – Landscaped Areas in Certain Residential and Conservation Zones. The proposed landscaped area accounts for 15.42% of the applicable site area, which represents a 38.32% variation to the development standard. The submitted Clause 4.6 variation statement does not provide sufficient justification to warrant the granting of the variation sought.

2. Refusal Reason – Development Control Plan - Pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is unacceptable in regard to the following provisions of Georges River Development Control Plan 2021 (GRDCP 2021):

- a) Built Form – The proposal contravenes with Section 5.16, 6.1.2.1, 6.1.2.2, and 6.5.1. The proposed dwelling presents a greater building footprint that extends further forward into the FBL than the footprint of the existing building, in which the bulk and urban form of the new building is not satisfactory in this regard. The proposal is not consistent with the desired future character of Kyle Bay as the proposal does not provide adequate natural elements to retain nor enhance the prominence of the bushland landscaped character of the locality.
- b) Setbacks – the proposal does not comply with Section 6.1.2.3. The proposal incorporates a non-compliant rear setback of 4.726m. The required rear setback is 10.485m.
- c) Landscaping – The proposal does not satisfy Section 3.2, 3.3, 6.1.2.5, and 6.5.1. The proposed development provides a non-compliant landscaping area that undermines the development's ability to reinforce the landscape features of the locality, and to soften the visual impact of the building when view from the public waterway and from the adjoining properties.
- d) Vehicular Access – The proposal is unacceptable in regard to Section 3.13 and 6.1.2.7. The designated bins storage area encroaches into the parking envelope for the B85 AS Design Vehicle within the double garage which undermines the ability to accommodate for clear parking space lengths of 5.4m.
- e) Visual Privacy – The proposal is unacceptable in regard to Section 6.1.2.8. The proposed rear balcony has a projection of 3.3m from the main rear wall, exceeding the maximum width of 1.5m.

- f) Site Facilities – The proposal is unacceptable in regard to Section 6.1.2.13 as the proposed bin storage location hinders vehicular movement.
3. **Refusal Reason – Impact on the Environment** – Pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to have an adverse impact on the following aspects of the environment:
- a) Natural Environment. The proposal fails to demonstrate compliance with key development standards in relation to landscaped area and building footprint within the FBL.
- b) Built Environment. The proposal will result in unsatisfactory bulk and urban form observable from the public waterway and the adjoining. The erection of the proposed structures would create undesirable and detrimental built environmental impacts to the locality.
4. **Refusal Reason – Impact on the Environment** – Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be suitable for the site.
5. **Refusal Reason – The Public Interest** – Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

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LEGEND	
A.J. -	BRICK ARTICULATION JOINT
B.1200-	BENCH & LENGTH
C.T.-	COOKTOP
D.W.-	DISHWASHER
F.W.-	FLOOR WASTE
HWU-	HOT WATER UNIT
LOH-	LIFT OFF HINGES
MWS-	MICROWAVE SPACE
MH-	MANHOLE
MRSLDR-	MIRROR SLIDING DOOR
REF-	REFRIGERATOR SPACE
R.H.-	RANGE HOOD
Ⓢ-	SMOKE ALARM
UPC-	UPRIGHT COOKER
UBO-	UNDERBENCH OVEN
V1200-	VANITY & LENGTH
W.O.-	WALL OVEN
W.M.-	WASHING MACHINE SPACE
1200 SQ. SET -	SQUARE SET OPENING AT 2100 HIGH.
75 S/D -	STEPDOWN IN SLAB

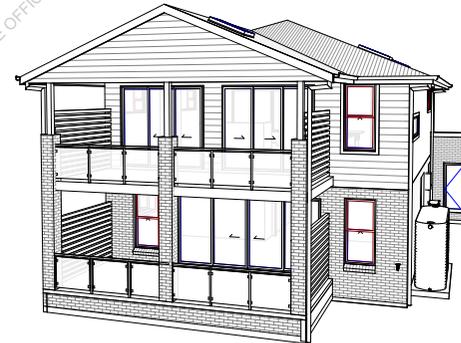
CONSTRUCTION NOTES

- WINDOWS TO HAVE A MINIMUM 3 BRICK COURSES OVER
- RESTRICTIONS TO BE FITTED TO FIRST FLOOR OPENING WINDOWS WITH A SILL HEIGHT LESS THAN 1.7m ABOVE F.F.L. IN ACCORDANCE WITH CLAUSE 3.9.2.6 OF BCA V2

ALL CONSTRUCTION TO CONFORM TO NCC 2022 AND AUSTRALIA STANDARDS



3D IMAGES ARE ARTIST IMPRESSIONS ONLY. REFER TO DETAILED ELEVATIONS & SECTIONS



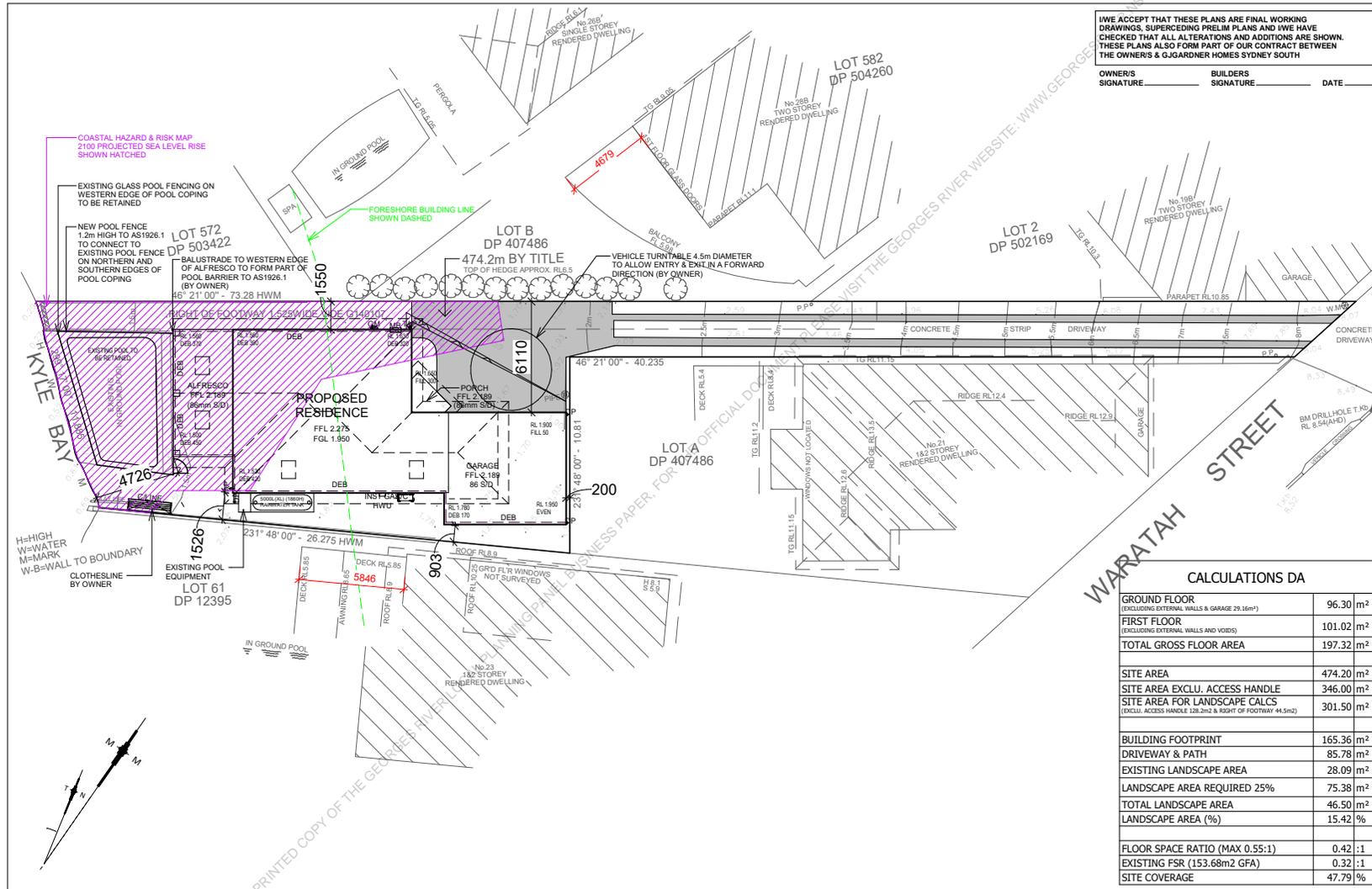
DEVELOPMENT APPLICATION

I/WE ACCEPT THAT THESE PLANS ARE FINAL WORKING DRAWINGS, SUPERCEDING PRELIM PLANS AND I/WE HAVE CHECKED THAT ALL ALTERATIONS AND ADDITIONS ARE SHOWN. THESE PLANS ALSO FORM PART OF OUR CONTRACT BETWEEN THE OWNERS & G.J.GARDNER HOMES SYDNEY SOUTH

OWNER'S SIGNATURE _____ BUILDER'S SIGNATURE _____ DATE _____

REV	DATE	AMENDMENTS	BY
K	14.02.25	DEVELOPMENT APPLICATION UPDATES	BL
J	26.11.24	DEVELOPMENT APPLICATION UPDATES	BL
I	10.07.24	DEVELOPMENT APPLICATION UPDATES	BL
H	27.06.24	DEVELOPMENT APPLICATION UPDATES	BL
G	07.06.24	DEVELOPMENT APPLICATION UPDATES	LW
F	21.05.24	DEVELOPMENT APPLICATION UPDATES	BL
E	08.05.24	DEVELOPMENT APPLICATION UPDATES	BL
D	29.04.24	DEVELOPMENT APPLICATION	BL
C	01.02.24	PRELIMINARY SKETCH PLAN UPDATES	AB
B	24.11.23	PRELIMINARY SKETCH PLAN UPDATES	BL
A	22.08.23	PRELIMINARY SKETCH PLANS	SBD

COVER	G.J.GARDNER HOMES SYDNEY SOUTH PH: 9520 4132 MOB: 0417 783 752	CLIENT: ABBOTT	DATE: 14.02.25	DRAWN: S.R.P	SHEET NO. 1
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SCALE:			FACADE: CUSTOM		



I/WE ACCEPT THAT THESE PLANS ARE FINAL WORKING DRAWINGS, SUPERCEDING PRELIM PLANS AND I/WE HAVE CHECKED THAT ALL ALTERATIONS AND ADDITIONS ARE SHOWN. THESE PLANS ALSO FORM PART OF OUR CONTRACT BETWEEN THE OWNERS & G.J.GARDNER HOMES SYDNEY SOUTH

OWNER'S SIGNATURE _____ BUILDERS SIGNATURE _____ DATE _____

CALCULATIONS DA

GROUND FLOOR (EXCLUDING EXTERNAL WALLS & GARAGE 29.16m ²)	96.30	m ²
FIRST FLOOR (EXCLUDING EXTERNAL WALLS AND VOIDS)	101.02	m ²
TOTAL GROSS FLOOR AREA	197.32	m²
SITE AREA	474.20	m ²
SITE AREA EXCLU. ACCESS HANDLE	346.00	m ²
SITE AREA FOR LANDSCAPE CALCS (EXCLU. ACCESS HANDLE 128.20 ² & RIGHT OF FOOTWAY 44.50 ²)	301.50	m ²
BUILDING FOOTPRINT	165.36	m ²
DRIVEWAY & PATH	85.78	m ²
EXISTING LANDSCAPE AREA	28.09	m ²
LANDSCAPE AREA REQUIRED 25%	75.38	m ²
TOTAL LANDSCAPE AREA	46.50	m ²
LANDSCAPE AREA (%)	15.42	%
FLOOR SPACE RATIO (MAX 0.55:1)	0.42	:1
EXISTING FSR (153.68m ² GFA)	0.32	:1
SITE COVERAGE	47.79	%

SITE PLAN
SCALE: 1 : 200

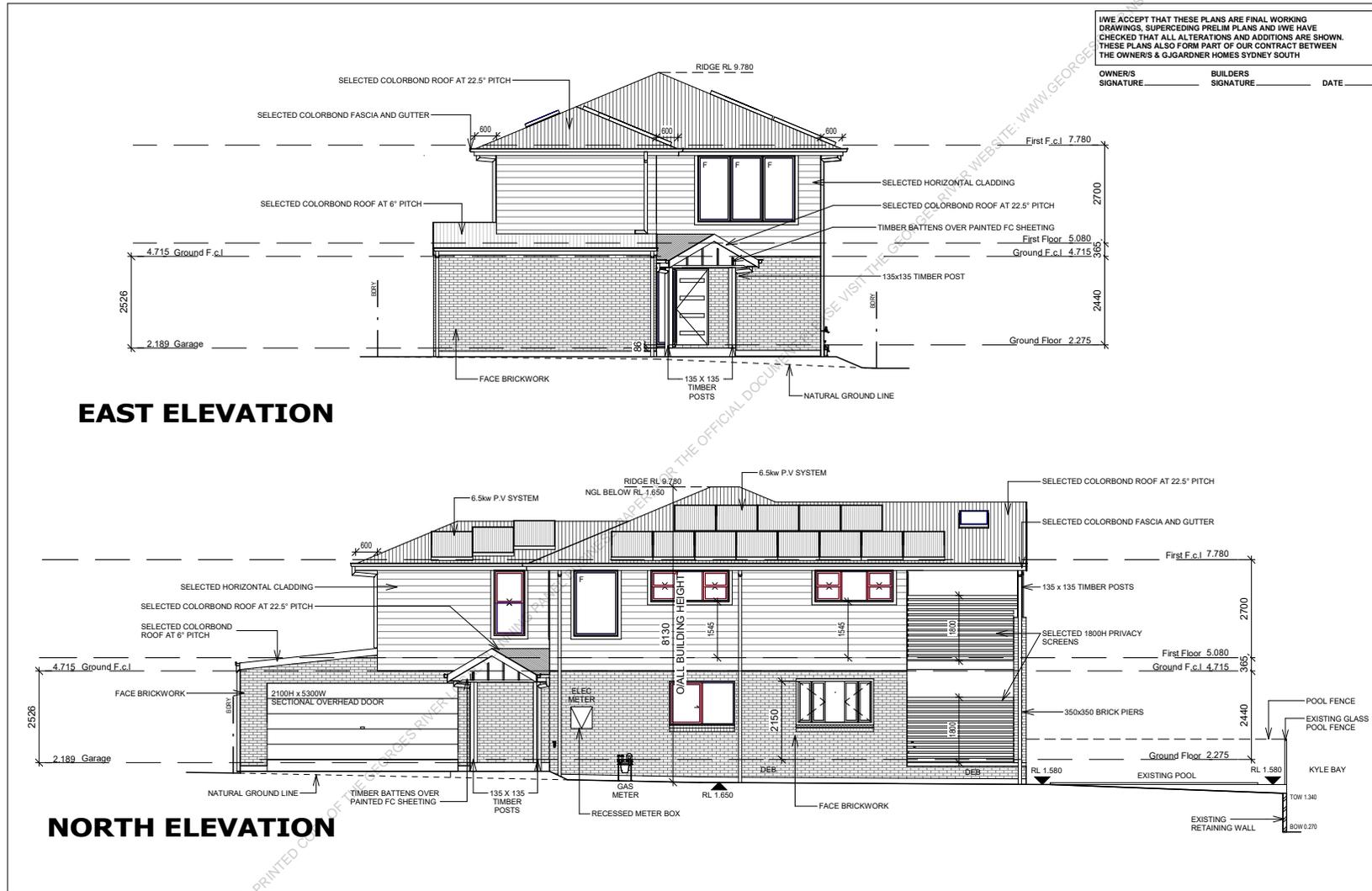
G.J.GARDNER HOMES SYDNEY SOUTH
PH: 9520 4132 MOB: 0417 783 752

CLIENT: ABBOTT
SITE: NO. 19A WARATAH STREET
KYLE BAY, 2221
LOT B - D.P. 407486

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DATE: 14.02.25
DRAWN: S.R.P.
HOUSE TYPE: TORQUAY MOD
FACADE: CUSTOM

SHEET NO. **3**
ISSUE: **K**



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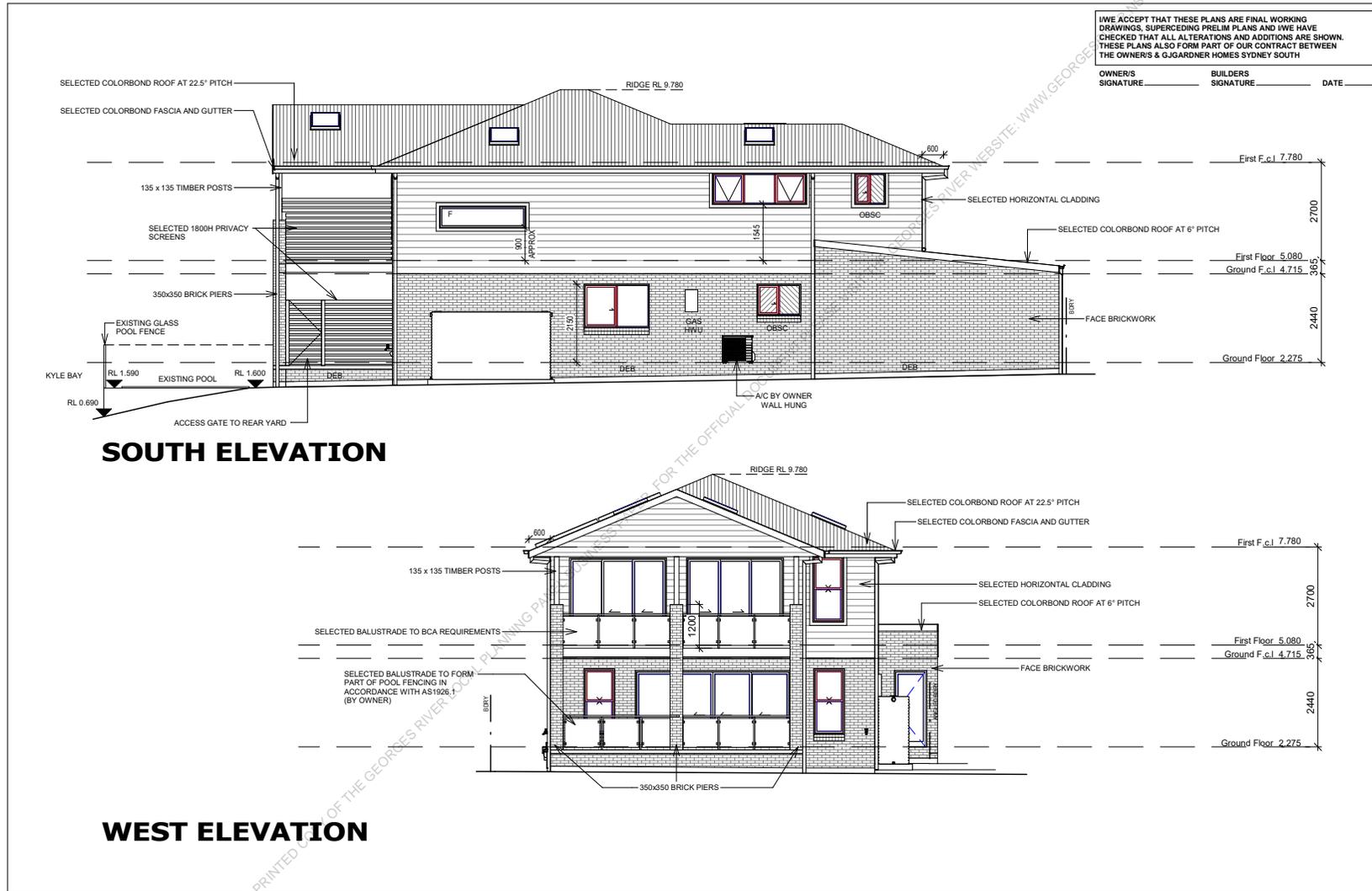
CLIENT: ABBOTT
 SITE: NO. 19A WARATAH STREET
 KYLE BAY, 2221
 LOT B - D.P. 407486

DATE: 14.02.25	DRAWN: S.R.P.	SHEET NO. 6
HOUSE TYPE: TORQUAY MOD		ISSUE: K
FACADE: CUSTOM		

ELEVATION 1

SCALE: 1 : 100

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ELEVATION 2

SCALE: 1 : 100

G.J.GARDNER HOMES SYDNEY SOUTH
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CLIENT: ABBOTT

SITE: NO. 19A WARATAH STREET
 KYLE BAY, 2221
 LOT B - D.P. 407486

DATE: 14.02.25	DRAWN: S.R.P	SHEET NO. 7
HOUSE TYPE: TORQUAY MOD		ISSUE: K
FACADE: CUSTOM		

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OWNER'S SIGNATURE _____ BUILDERS SIGNATURE _____ DATE _____

WINDOW SCHEDULE

No.	HEIGHT	WIDTH	TYPE	COMMENTS
1	880	1210	SLIDING	OBSC
2	1200	1810	SLIDING	
3	1800	850	DOUBLE HUNG	
4	1800	850	DOUBLE HUNG	
5	1200	2000	BIFOLD	
6	1200	1310	SLIDING	
7	880	850	SLIDING	OBSC
8	880	2600	AWNING	
9	600	2400	FIXED	
10	1800	850	DOUBLE HUNG	
11	880	2170	DOUBLE HUNG	
12	880	2170	DOUBLE HUNG	
13	1810	1220	FIXED	
14	1810	900	FIXED	
15	1810	900	FIXED	
16	1810	900	FIXED	
17	1800	850	DOUBLE HUNG	
18	980	780	SKYLIGHT	
19	980	780	SKYLIGHT	
20	980	780	SKYLIGHT	

DOOR SCHEDULE (FRAME SIZE SHOWN)

No.	HEIGHT	WIDTH	TYPE	COMMENTS
1	2100	1450	FRONT ENTRY DOOR	WITH SIDELITE
2	2100	620	EXTERNAL DOOR	
3	2100	4304	GLASS STACKING DOOR	
4	2400	2688	GLASS STACKING DOOR	
5	2400	2688	GLASS STACKING DOOR	

BASIC COMMITMENTS

WATER

- Minimum 5000L rainwater tank collecting 75% of roofwater connected to gardens and laundry
- 3 star rated toilets & shower heads(> 7.5 but <= 9 L/min)
- 4 star rated taps

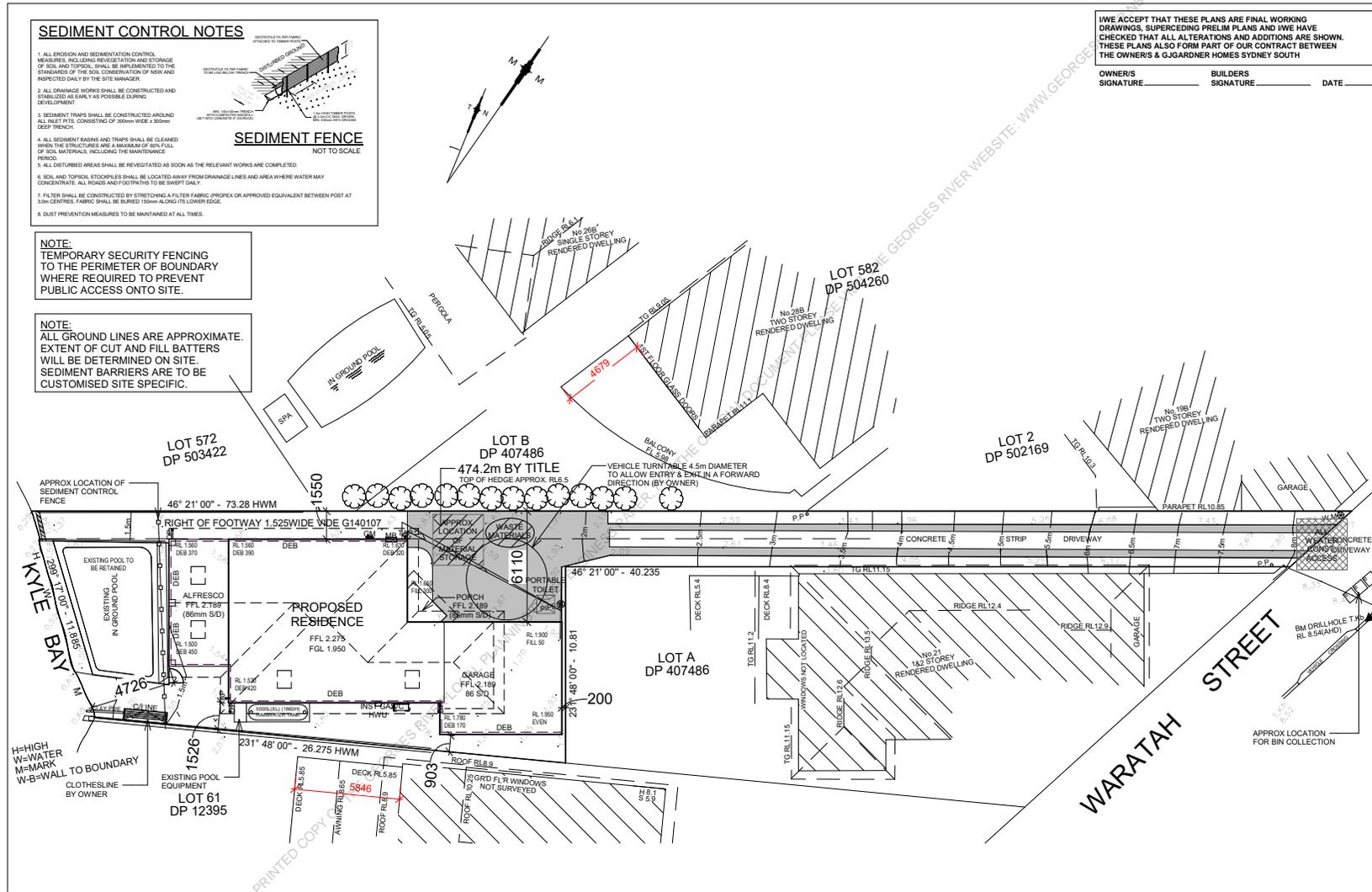
THERMAL COMFORT

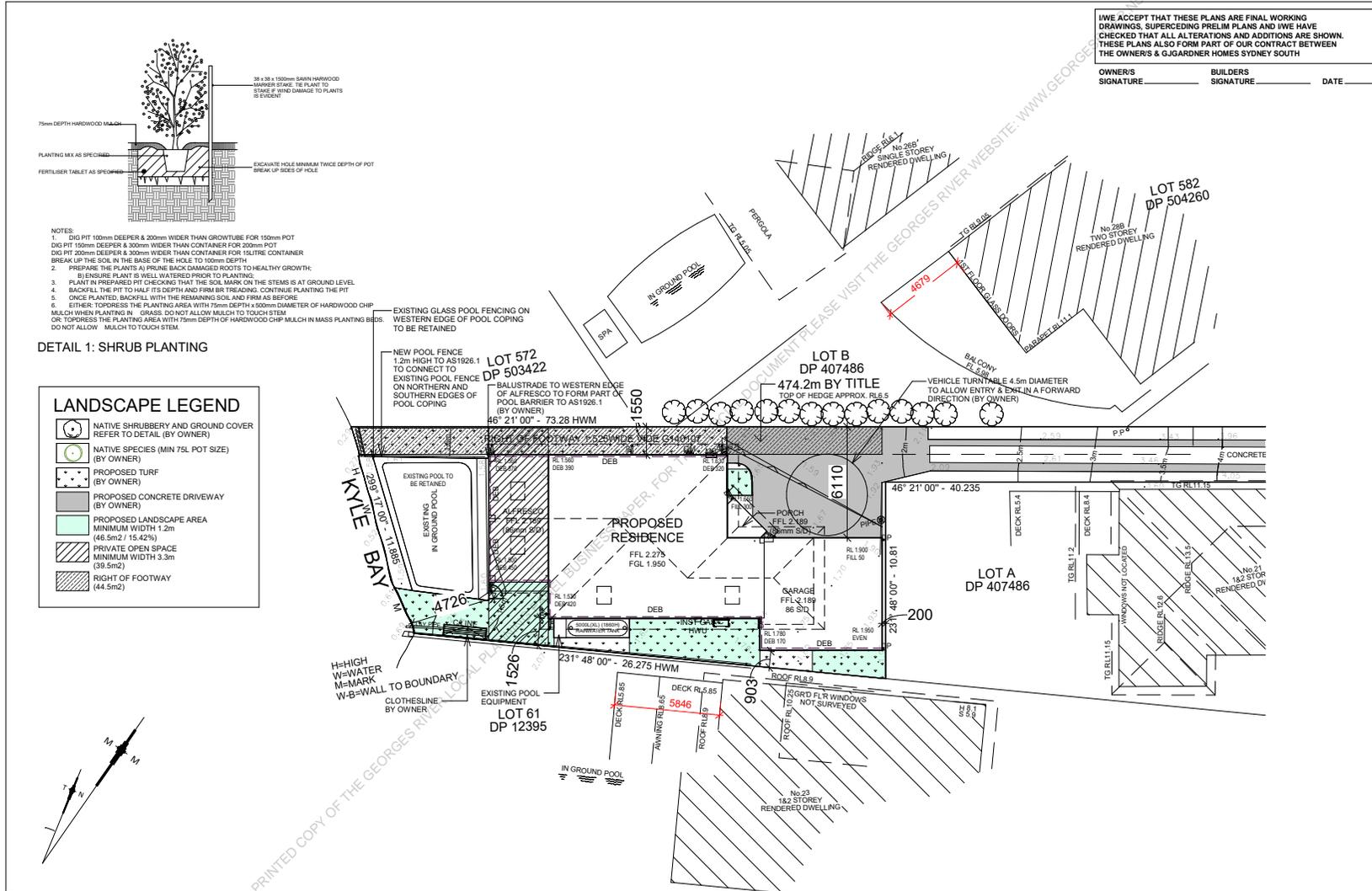
- Timber framed dwelling
- Waffle pod slab 225mm (excluding garage 175mm & excluding porch & alfresco)
- Minimum Foil (with air gap) + R2.5 insulation to all external walls (excludes garage)
- R5.0 ceiling insulation (excludes garage)/includes balcony
- R2.5 insulation to the walls between house & garage
- R2.5 insulation to ceiling/floor between house & garage
- R2.0 insulation to the internal walls of the bath & swd
- Foil + R1.0 insulated blanket to underside of roof
- Weatherseals to external doors including internal access to garage
- Medium wall & Light roof colour
- Floor tiling to Lounge, retreat & foyer
- Timber flooring to kitchen, pantry, family & dining
- Insulation must be installed in accordance with NCC and relevant Australian Standards
- Recessed downlights have been included in the NatHERS rating to be sealed LED downlights
- An allowance has been made in the energy rating for required ceiling insulation clearance around light fittings and ductwork in accordance with the Electrical Layout
- D2, W1 & W14 to be single glazed clear with aluminium frame(Less than U 6.70, within 5% of SHGC 0.7057)
- All other windows & glazed doors to have a U value less than or = to 2.23 & within 5% of SHGC 0.39(excluding front door & side light)
- Skylights to be double glazed clear
- Ceiling fans to lounge, retreat, bed 2, bed 3, bed 1, family & dining
- W8 & W9 to be changed to double hung windows(minimum 45% openable)

ENERGY

- Gas continuous flow 5 star HWS
- Single phase reverse cycle ducted zoned air-conditioning with EER 2.5-3.0
- Ducted rangehood to kitchen with manual on/off switch(seeled)
- Ducted exhaust fan to bathroom & ensuites with manual on/off switches(sealed)
- Gas cooktop & electric oven
- Permanent outdoors clothesline
- 80% of light fixtures to be compact fluorescent, fluorescent or LED lights
- Minimum 1.0 peak kilowatt photovoltaic system to be installed

<p>SECTION</p> <p>SCALE: 1 : 100</p>	<p>G.J.GARDNER HOMES SYDNEY SOUTH PH: 9520 4132 MOB: 0417 783 752</p> <p><small>COPYRIGHT IN THIS DOCUMENT IS OWNED BY GJ GARDNER HOMES PTY LTD. UNDER THE PROVISIONS OF THE COPYRIGHT ACT 1969 AND IS INTENDED FOR USE ONLY AS AUTHORISED BY GJ GARDNER HOMES PTY LTD.</small></p>	<p>CLIENT: ABBOTT</p> <p>SITE: NO. 19A WARATAH STREET KYLE BAY, 2221 LOT B - D.P. 407486</p>	<p>DATE: 14.02.25</p> <p>HOUSE TYPE: TORQUAY MOD</p> <p>FAÇADE: CUSTOM</p>	<p>DRAWN: S.R.P</p> <p>SHEET NO. 8</p> <p>ISSUE: K</p>
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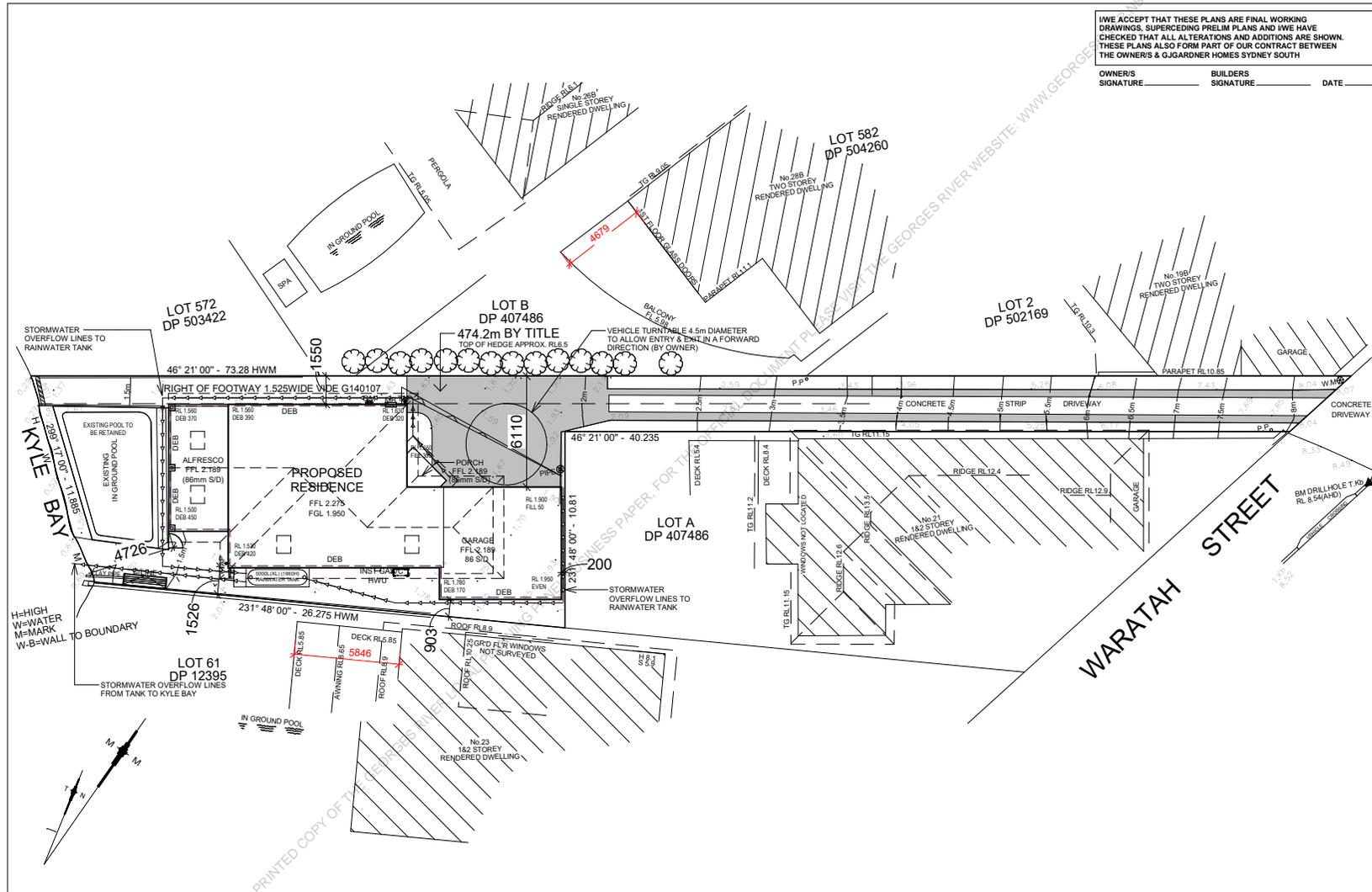
OWNER'S SIGNATURE _____ BUILDERS SIGNATURE _____ DATE _____

DETAIL 1: SHRUB PLANTING

LANDSCAPE LEGEND

- NATIVE SHRUBBERY AND GROUND COVER REFER TO DETAIL (BY OWNER)
- NATIVE SPECIES (MIN 75L POT SIZE) (BY OWNER)
- PROPOSED TURF (BY OWNER)
- PROPOSED CONCRETE DRIVEWAY (BY OWNER)
- PROPOSED LANDSCAPE AREA MINIMUM WIDTH 1.2m (46.5m² / 15.42%)
- PRIVATE OPEN SPACE MINIMUM WIDTH 3.3m (35.6m²)
- RIGHT OF FOOTWAY (44.5m²)

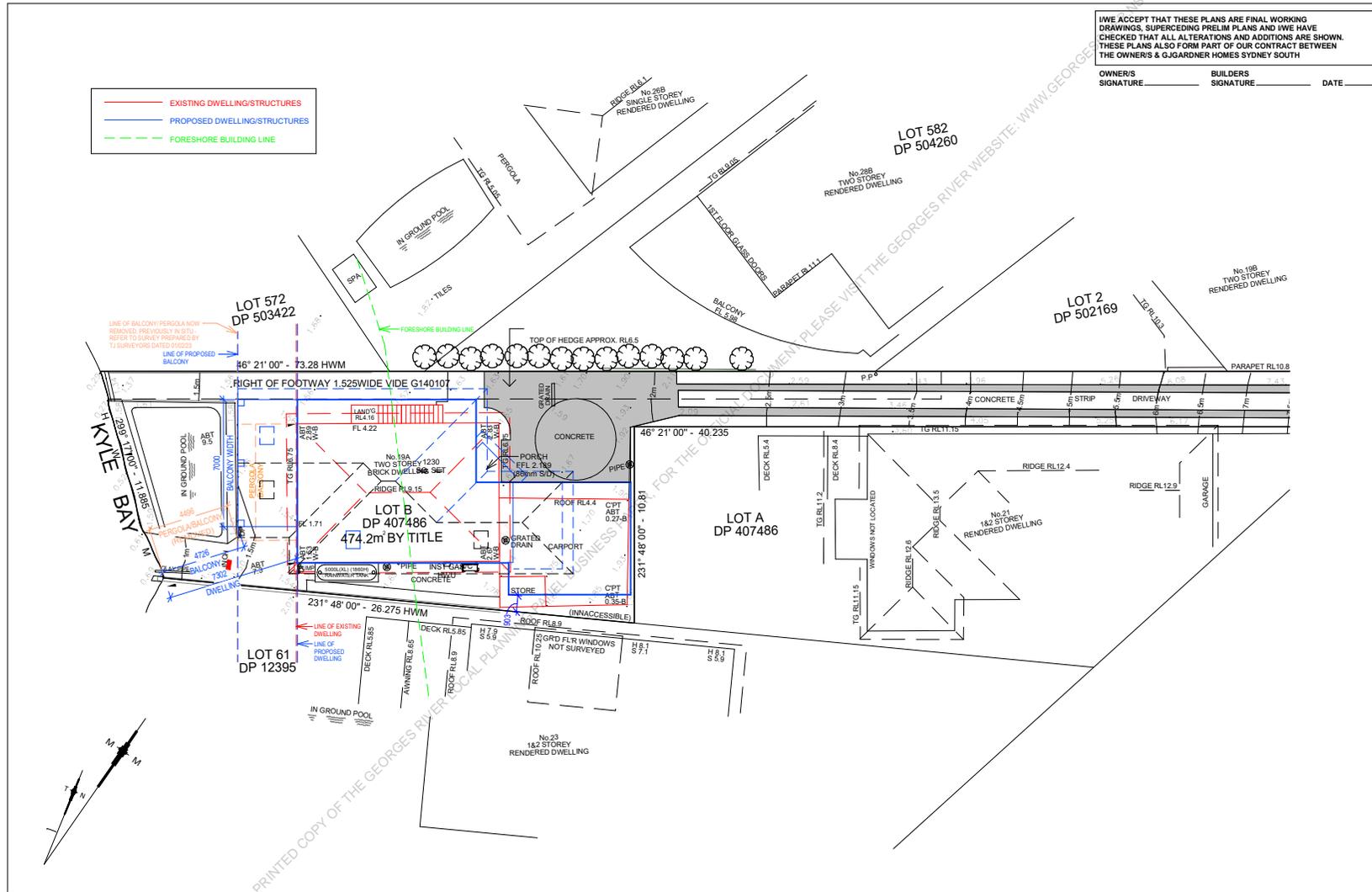
<p>PROPOSED LANDSCAPE CONCEPT</p> <p>SCALE: 1 : 200</p>	<p>G.J.GARDNER HOMES SYDNEY SOUTH PH: 9520 4132 MOB: 0417 783 752</p>		<p>CLIENT: ABBOTT</p>		<p>DATE: 14.02.25</p>	<p>DRAWN: S.R.P</p>	<p>SHEET NO. 13 ISSUE: K</p>
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					<p>FACADE: CUSTOM</p>		



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OWNER'S SIGNATURE _____ BUILDERS SIGNATURE _____ DATE _____

<p>STORMWATER CONCEPT</p> <p>SCALE: 1 : 200</p>	<p>G.J.GARDNER HOMES SYDNEY SOUTH PH: 9520 4132 MOB: 0417 783 752</p>		<p>CLIENT: ABBOTT</p>	<p>DATE: 14.02.25</p>	<p>DRAWN: S.R.P.</p>	<p>SHEET NO. 20</p>
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OWNER'S SIGNATURE _____ BUILDERS SIGNATURE _____ DATE _____

<p>EX VS PROPOSED SETBACKS</p> <p>SCALE: 1 : 200</p>	<p>G.J.GARDNER HOMES SYDNEY SOUTH PH: 9520 4132 MOB: 0417 783 752</p>		<p>CLIENT: ABBOTT</p>		<p>DATE: 14.02.25</p>
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					<p>SHEET NO. 21</p> <p>HOUSE TYPE: TORQUAY MOD</p> <p>ISSUE: K</p>

DEMOLITION & EXCAVATION STAGE			DESTINATION		
			Reuse and Recycling		Disposal
MATERIAL	Estimated Waste		ON-SITE	OFF-SITE	Contractor and landfill site
	Volume (m ³)	Weight (t)	Specify proposed reuse or on-site recycling methods	Contractor and recycling outlet	
Excavation material	N/A	0	N/A	Refer to construction & recycling directory- Sydney Metro 2nd Edition 2002	
Green Waste	N/A	0	N/A		
Bricks /pavers	N/A	50 TON	N/A		
Concrete	N/A	50 TON	N/A		
Timber Structural / flooring	N/A	10 TON	N/A		
Plaster	N/A	.2 TON	N/A		
Metals	N/A	1 TON	N/A		
Floor coverings	N/A	.5 TON	N/A		
Roof Sheeting	N/A	.5 TON	N/A		
Windows and Doors	N/A	.3 TON	N/A		

CONSTRUCTION STAGE			Reuse and Recycling		Disposal
Material	Estimated Waste		ON-SITE	OFF-SITE	Waste contractor and landfill site
	Volume (m ³)	Weight (t)	Specify proposed reuse or on-site recycling methods	Waste contractor and recycling outlet	
Excavation Material	Nil		Cut & fill & excess fill will be used to for landscaping of yards.		N/A
Green Waste	3.0 m ³		To be chipped & mulched on site & stored for reuse in landscaping, including stumps & trunks		N/A
Bricks	2.0 m ³		To be separated & collected on site & removed at roof stage	Refer to construction & recycling directory- Sydney Metro 2nd Edition 2002	
Concrete	1.0 m ³		To be separated & collected on site & removed at roof stage		
Timber-Please specify:	1.0 m ³		To be separated & removed from site		
Plasterboard	2.0 m ³		To be separated & removed from site		
Metals-Please specify:	Brick straps etc		To be separated & removed from site		
Other-Please specify:	Plastic bottles, cardboard boxes, lunch wrapping etc		To be placed in bins on site		

USE OF PREMISES			
Type Of Waste To Be Generated	Expected Vol. Per Week	Proposed On-Site Storage And Treatment Facilities	Destination
Please specify eg. Food, waste, glass, paper, meta, off-cuts etc.	Litres or m ³ /cube	Waste storage and recycling area	
Recyclables:		Recyclables:	Landfill site, recycling outlet
1. Household Garbage }	120 L bin provided	Temporary storage bin in kitchen cupboard	
2. Green Waste }	240 L bin provided	Recycle collection bin position on-site	
3. Glass & Plastic Bottles & Paper }	240 L bin provided	Waste bin on-site	

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WASTE CALCULATIONS

SCALE: 1 : 100

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CLIENT: ABBOTT

SITE: NO. 19A WARATAH STREET
 KYLE BAY, 2221
 LOT B - D.P. 407486

DATE: 14.02.25	DRAWN: S.R.P	SHEET NO. 23
HOUSE TYPE: TORQUAY MOD		
FACADE: CUSTOM		ISSUE: K

REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 19 JUNE 2025

LPP019-25 243A-247 FOREST ROAD, HURSTVILLE

LPP019-25

LPP Report No	LPP019-25	Development Application No	DA2025/0043
Site Address & Ward Locality	243A-247 Forest Road, Hurstville Hurstville Ward		
Proposed Development	Temporary use of parts of Forest Road, Memorial Square, Palm Court Car Park, Hurstville Interchange Park, and Hurstville Plaza for community, cultural, and corporate events including the erection of associated overlay including temporary structures, for up to 52 events per year for a 5 year period		
Owners	Georges River Council		
Applicant	Milestone Aust Pty Ltd		
Planner/Architect	Milestone Aust Pty Ltd		
Date Of Lodgement	7/02/2025		
Submissions	One submission		
Cost of Works	\$1000		
Local Planning Panel Criteria	Georges River Council is the land owner		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Exempt & Complying Development Codes) 2008; State Environmental Planning Policy (Biodiversity & Conservation) 2021; State Environmental Planning Policy (Resilience & Hazards) 2021; State Environmental Planning Policy (Transport & Infrastructure) 2021; State Environmental Planning Policy (Industry & Employment) 2021; Georges River Local Environmental Plan 2021; Georges River Development Control Plan 2021; Georges River Council Local Approvals Policy: Use of Public Land, Event Toolkit and Council-related Development Application Policy		
List all documents submitted with this report for the Panel's consideration	Statement of Environmental Effects, Operational Noise Management Plan, Accessibility Map, Event Site Plan, Traffic Control Plan, Submission		
Report prepared by	Consultant Planner		
RECOMMENDATION	That the application be approved in accordance with the recommended conditions included in this report		

<p>Summary of matters for consideration under Section 4.15</p> <p>Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?</p>	<p>Yes</p>
<p>Legislative clauses requiring consent authority satisfaction</p> <p>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?</p>	<p>Yes</p>
<p>Clause 4.6 Exceptions to development standards</p> <p>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?</p>	<p>Not Applicable</p>
<p>Special Infrastructure Contributions</p> <p>Does the DA require Special Infrastructure Contributions conditions (under s7.24)?</p>	<p>Not Applicable</p>
<p>Conditions</p> <p>Have draft conditions been provided to the applicant for comment?</p>	<p>No, standard conditions have been attached with no design changes</p>

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BACKGROUND

3. Council and community groups regularly hold a number of annual community events within the event site, including *Luna New Year Festival* (1 day), the *Hurstville Fringe Festival* (1 day) and the Hurstville Foodies and Farmers Market comprising a maximum of 20 stalls every Thursday from 9.30am to 7.30pm (including setup and pack up). This market use was approved on DA 2021/0240 as *markets* (and not for temporary use of land under Clause 2.8). Approval is currently granted separately for each individual event (except the weekly markets) by Council via Local Approvals under Section 68 of the *Local Government Act 1993* and Part 9 of the *Roads Act 1993* (Roads Act).
4. The proposed events to be held at the site are part of the Permit/Plug/Play Pilot Program (Pilot Program), which is an \$8 million partnership grant program, which forms part of the NSW Government's Vibrant Streets Package, a \$19.7 million investment in transforming streets into thriving local places to support the community, businesses and the creative sector. Georges River Council is one of the pilot councils granted funding to streamline processes and reduce costs of delivering street-based events that require temporary road closures. The objectives of the Pilot Program include, among other things, to improve Council process efficiency and communication about temporary road closures and the street-based events that they enable and reduce the cost of delivering such events.
5. Key dates during the assessment of the application include:
 - 7 February 2025 – DA lodged
 - 20 February 2025 – review of development application by Council and referral to Council officers (Health and Traffic)
 - 25 February 2025 to 20 March 2025 - notification of the development application
 - 5 March 2025 - Management Statement (Council-related DA) prepared by Council which stated the development application is 'Medium Risk'
 - 20 March 2025 to 1 May 2025 - renotification of the development application accompanied by the Management Statement
 - 8 April 2025 – referral comments received from Council's Health Officer, requesting additional acoustic information.
 - 9 May 2025 – Additional information from the applicant (revised Acoustic Report) in response to Council's Health Officer request for additional acoustic information.
 - 10 June 2025 – referral comments received from Council's Traffic Engineer.

SITE AND LOCALITY

6. The site comprises the area of the Hurstville town centre consisting of:
 - Forest Road: Bounded by Woodville Street (Hurstville Bus Interchange) to the west and Forest Road to the east.
 - Memorial Square: Located on the southern side of Forest Road.
 - Palm Court Car Park: Located at the eastern end of the event site.
 - Hurstville Interchange Park: Located on the southern side of Forest Road at 243A-247 Forest Road and legally described as Lot 1 of DP 221087.
 - Hurstville Plaza: Located on the northern side of Forest Road at 296 Forest Road and legally described as Lot 16 of DP 4799.

7. The immediate surrounding area generally comprises the Hurstville city centre, consisting of predominantly two and three storey buildings. Forest Road in this location is a local road with a one way (easterly direction) traffic flow.

ZONING AND PERMISSIBILITY

8. The site is zoned E2 Commercial Centre zone pursuant to the *Georges River Local Environmental Plan 2021* (GRLEP 2021). The proposal does not seek to change the primary use of the land adjoining the site, which is largely road reserve, as *commercial premises* and *shop top housing*, however, proposes the use of the site for events, pursuant to Clause 2.8 of the GRLEP 2021. The use of the site for events is considered ancillary to the primary use of the site as *commercial premises* and *shop top housing*.
9. The erection of temporary structures associated with events may be carried out via the Exempt Development Pathway in accordance with Division 3 of the Codes SEPP. In this case, however, the proposed temporary structures and use of the event are outside those permitted under the Codes SEPP and therefore, the proposal seeks development consent for the erection of temporary structures and uses on the site for up to 52 events per year over the course of five (5) years.

GEORGES RIVER DEVELOPMENT CONTROL PLAN 2021

10. The provisions of *Georges River Development Control Plan 2021* (GRDCP 2021) are applicable to the proposal development. A detailed assessment of the proposal against the relevant controls is provided in this report.

PLANNING AND DESIGN ISSUES

11. The proposed development is consistent with the relevant State Environmental Planning Policies, the GRLEP 2021 and GRDCP 2021 subject to recommended consent conditions as outlined in detail in this report.

SUBMISSIONS

12. The proposal was notified from 25 February to 20 March 2025 and between 20 March 2025 to 1 May 2025 (renotified accompanied by the Management Statement for Council-related DAs) in accordance with the provisions of Council's *Community Engagement Strategy 2023-2033* (Part C: Notification Plan). One (1) submission was received in response to the notification.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

13. This application is referred to the Georges River Local Planning Panel for determination as the land owner is Georges River Council pursuant to Clause 1(a) of the *Local Planning Panels Direction – Development applications and applications to modify development consents* signed by the Minister for Planning and Public Spaces dated 6 September 2023.

CONCLUSION

14. The application has been assessed having regard to the Matters for Consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), the provisions of the relevant State Environmental Planning Policies, Local Environmental Plan and Development Control Plan. The proposal is an appropriate development for the site and is generally consistent with the planning controls. Accordingly, the development application can be supported subject to recommended conditions of consent.

ATTACHMENTS

Attachment [↓](#)1 Conditions - DA 2025_0043 final



Attachment [↓](#)2 Assessment Report - Holding of Events - Forest Road HURSTVILLE - DA2025-0043



Attachment [↓](#)3 Events Site Plan



Attachment [↓](#)4 Statement of Environmental Effects



Attachment [↓](#)5 Traffic Management Plan



Attachment [↓](#)6 Operation Noise Management Plan May 2025



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SPECIFIC DEVELOPMENT CONDITIONS: DA 2025/0043 Hurstville Events**GENERAL CONDITIONS****1. Approved Plans**

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

Description	Reference No.	Date	Rev	Prepared by
Event Site Plan	DA1.01	13/12/24	A	GSBN
Accessibility Plan	DA1.02	13/12/24	A	GSBN
Noise Management Plan	24208.1.1.R1R1	9/5/25	1	VMS Australia
Traffic Management Plan	TGSFR 01, TGSFR 02, TGSFR 03, TGSFR 04 and TGSFR 05	-	1	Guardian Venue Management International
Statement of Environmental Effects	-	30/01/25	V2	Milestone (Aust) P/L

Reason: To ensure compliance with the plans as assessed by Council.

2. Duration of Consent

The duration of this consent is limited to five (5) years from the date of this Determination Notice. In this regard, a separate application shall be lodged before the expiration date for Council's consideration should the continuation of the use be proposed.

Reason: To ensure the consent is limited to five (5) years such that a review can be undertaken for future events.

3. Frequency of Event Use

The site may be used for events for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months, including bump in/bump out activities.

Reason: To ensure compliance with Clause 2.8(2) of the Georges River Local Environmental Plan 2021.

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4. Event Capacity and Events Types

The site shall have a maximum capacity of up to 5,000 people at any one time and shall be used for any of the following type of events:

- (a) Food and wine festivals
- (b) Markets, including night markets
- (c) Outdoor exhibitions
- (d) Cultural exhibitions, festivals, and demonstrations.
- (e) Key performances
- (f) Film and Movie nights
- (g) Art shows
- (h) Youth activities

Reason: To ensure the site is used for events in accordance with the traffic and noise management plans.

5. Major Events

The number of major events to be held at the site (as defined in Council's Event Guide) is limited to six (6) events in any period of 12 months.

Reason: To ensure disruption to local businesses and residents is minimised during the operation of events at the site.

6. Farmer's Market Consent

Pursuant to section 4.17(1)(b) and (5) of the *Environmental Planning and Assessment Act 1979*, Development Consent 2021/0240 dated 2 December 2021 is to be surrendered so that DA 2021/0240 is consistent with this Development Consent for DA 2025/0043.

For this surrender to take effect, the requirements of Section 67 of the *Environmental Planning and Assessment Regulation 2021* need to be followed (i.e. a written request for surrender of the Development Consent DA-2021/0240 is required).

Prior to the first event being held at the event site under this consent, the applicant must provide a written notice of surrender in accordance with the requirements of Section 4.17(5) of the *Environmental Planning and Assessment Act 1979* and Section 67 of the *Environmental Planning and Assessment Regulation 2021* providing details of the surrender of Development Consent DA-2021/0240.

Reason: To ensure the temporary uses at the event site are reduced to minimise disruptions to surrounding businesses and the town centre.

7. Traffic Management

Any road closures associated with events must be subject to approval by the Local Traffic Committee.

Reason: To ensure traffic disruption to local businesses and residents associated with relevant events is effectively managed.

8. Event Permit

An Event Permit must be obtained for each event to be held at the site from Council's Events Team prior to any event occurring in accordance with this consent. A Detailed *Operational Plan of Management* prepared in accordance with Council's *Event Toolkit*, including the following documents, must be provided with each Event Permit application:

- (a) Event Site Plan and Overlay
- (b) Operational Management Procedures
- (c) Waste Management Strategy
- (d) Event Risk Assessment and Management Strategy
- (e) Emergency Plan
- (f) Resident Notification Letter.
- (g) Alcohol Management Plan (if alcohol being served)
- (h) Signage plan
- (i) Lost Child Response Plan.

All events held at the site must be undertaken in accordance with the terms of the Event Permit.

Reason: To ensure compliance with the requirements outlined in Council's Event Toolkit.

9. Hours of Operation

The hours of operation for the events held at the site shall be restricted to the following:

- (a) Events:
 - (i) 7:30am to 11:00pm, Sunday to Thursday
 - (ii) 7:30am to 12:00 midnight, Friday and Saturday
- (b) Bump In and Bump Out hours: 6:00am – 12:00 midnight, on any day (including any deliveries to the site)
- (c) Sound check hours of operation (amplified music): 7:00am – 6:00pm on any day
- (d) No amplified music or artist's performances after 10:00pm on any day.

Reason: To ensure the amenity of the surrounding area is maintained during events.

10. Condition of Event Site

The site must be restored to the pre-event condition as soon as possible after each event held at the event site.

Reason: To ensure the site is returned to its pre-event condition and that the normal operational requirements of the land can be resumed.

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11. Site set up

Site set-up must be undertaken no earlier than 48 hours before the commencement of the event unless the prior written approval from Council is obtained. Vehicles associated with the delivery and installation of the set-up shall not remain parked on grassed areas once unloading and installation is completed.

Reason: To ensure disruptions on the site are minimised.

12. Traffic and Transport Management

The event must be undertaken in accordance with the *Guide to Traffic and Transport Management for Special Events* prepared by Transport for NSW dated July 2024. Satisfactory details of public transport, car parking, pedestrian access and accessibility must be provided in the Event Permit application for review by Council's Events Team.

All events are to be undertaken in accordance with the following

- (a) Footpaths shall not be obstructed by temporary structures, staging, equipment, speakers or signage.
- (b) Any proposed structures adjacent to the roadway shall comply with the requirements of AS 2890.1 to provide for adequate sight distance. This includes, but is not limited to, structures such as temporary signage, stalls, registration tables etc.
- (c) If car parking is provided within the site, sufficient signage and supervision shall be provided by the operator/proprietor to ensure that parking is carried out in an orderly and safe manner.
- (d) Parking and Traffic Marshals shall direct vehicles to appropriate parking areas and ensure safe vehicular and pedestrian movement. All marshals must wear reflective safety vests at all times and be positioned at the entry to the site, the parking area and throughout the event course.
- (e) Any Marshal directing traffic within the Road Reserve must be TfNSW Traffic Control accredited.
- (f) Heavy or other vehicles used as part of any event shall be of a size that does not require the vehicle to travel over any kerb or traffic control device/island when entering or exiting the event site.
- (g) All temporary events requiring road closures will need approval from Council under Part 9 of the *Roads Act 1993* via the lodgement of a Temporary Road Closures Application Form

Reason: To ensure events are carried out safely near the road and that there is no damage to Council and Transport for NSW road infrastructure during the events at the site.

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13. Compliance with Requirements of other Authorities and Legislation

The person authorised to conduct the events at the site must abide by the following:

- (a) SafeWork NSW Regulations - All temporary structures (such as tents, marquees, stages, grandstand seating and the like) shall satisfy the requirements of SafeWork NSW and shall be certified by a structural engineer.
- (b) Amusement device - Any amusement device must have current NSW Workcover Authority registration, public liability insurance cover of a minimum \$10 million and current technical manual for installation and operation.
- (c) Pyrotechnics – Any pyrotechnics used at the site are to be covered by relevant licences and certification required by SafeWork NSW.

Reason: To ensure the temporary structures and other equipment on the site are safe for people attending events at the site.

14. Structural Soundness Certification (for all Structures)

A report from a suitably qualified and experienced Structural Engineer shall be submitted to Council prior to each event commencing. The report must verify that the structures proposed to be installed and erected as part of the special event (including temporary structures) can withstand the potential uses associated with the event.

Reason: To ensure the temporary structures are structurally sound and safe for people attending events at the site.

15. Temporary Structures and Food Trucks

All temporary structures, food trucks and uses on the site must comply with the following:

- (a) Must not restrict any vehicular or pedestrian access to or from the land,
- (b) Must not redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property,
- (c) Must not result in damage to any protected tree growing on the land or on adjacent land,
- (d) Must be erected on a surface that is sufficiently firm and level to sustain the structure while in use
- (e) Must be able to resist loads determined in accordance with AS/NZS 1170.0:2002, *Structural design actions*,
- (f) Must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia and relevant Australian Standards.
- (g) Must have a maximum footprint of 14m x 10m, and a maximum overall

- height of 9 metres.
- (h) Food trucks on the site shall not restrict any vehicular or pedestrian access to or from the land or entry to any building on the land, and must not obstruct the operation of, or access to, any utility services on the land or on adjacent land, and
 - (i) Food trucks on the site shall not be located within the canopy of, or result in damage to, any tree growing on the land or on adjacent land and must not result in any damage to public property on the land or on adjacent land.

Reason: To ensure the temporary structures are structurally sound and safe for people attending events at the site.

16. Notification

A notification plan is to be prepared by the Event Organiser in accordance with the Event Management Plan to the satisfaction of Council's Events Team. Notification must take place for surrounding residents and businesses in accordance with the approved Notification Plan to the satisfaction of Council's Events Team.

Reason: To ensure the community is made aware of the event which is to take place in their area.

17. Public Liability Insurance

Evidence of Public Liability Insurance to a minimum value of \$20,000,000 in the legal organisation name or governing body holding the event must be provided when applying for an Event Permit. Council will not accept liability for any personal injury, loss or damage that may occur to participants, third parties or their property as a result of the event.

Reason: To ensure the necessary insurance is held by the event organiser.

18. Insurances

The person responsible for conducting the event should ensure any other organisations participating have suitable insurance cover, including, but not limited to, public liability insurances of sub-contractors, volunteers' insurance, workers compensation and/or professional indemnity insurance.

Reason: To ensure the necessary insurance is held by the event organiser and event participating parties.

19. Bonds

A bond is required to be paid to Council in accordance with Council's *Schedule of Fees and Charges 2024/25* prior to issue of the Event Approval and will be held for:

- (a) Damage to Council-owned land, property and assets;
- (b) Failure to return Council property and/or assets;
- (c) Failure to leave the premises in a clean and tidy state.

Reason: To ensure any damage to Council property can be repaired at no cost to Council.

20. Compliance with the Noise Management Plan

The recommendations of the *Noise Management Plan* prepared by VMS Australia, dated 9 May 2025 must be complied with during operation of events at the site.

In particular, the following recommendations of the *Noise Management Plan* are to be observed where possible to reduce noise impacts to nearby properties and include the following:

- (a) Noise and vibration induction to be carried out for all site staff;
- (b) Use of acoustic barriers, where possible, to mitigate noise transmission from high-generating noise uses such as site generators and other continuous running sources of mechanical plant, the rear of sound stages, and other high noise generating sources of entertainment to the nearest receivers
- (c) Vehicle movements and deliveries required for bump in/bump out periods should occur where possible between:
 - (i) 7.00am and 10.00pm Monday to Friday,
 - (ii) 8.00am and 10.00pm on weekends and public holidays;
- (d) Engines of trucks and other heavy vehicles should be switched off if on-site for longer than five (5) minutes;
- (e) Use of electrical power and construction tools to be used between the hours of 7:00am and 6:00pm to minimise the risk of acoustic disturbance in the evening and night-time periods. The continuous operation of tools and machinery should be avoided (i.e. by providing short periods of respite) wherever feasible to minimise noise impacts on the surrounding area;
- (f) Sound testing and rehearsals for performances to occur between 7:00am and 6:00pm to minimise the risk of acoustic disturbance in the evening and night-time periods and the duration of any sound checks should be minimised;
- (g) At the cessation of events, ensure participants leave the premises quietly and respectfully to minimise any potential impact on the surrounding amenity, including provision of signage;
- (h) Implementation of an appropriate community liaison procedure, including a noise and vibration complaint procedure and means of ongoing communication with nearby potentially affected receivers once development operations begin
- (i) Where feasible, reduce the operational capacity of mechanical equipment such as generators after 10.00pm;
- (j) Locate and angle speakers away from noise-affected receivers to gain

- directivity noise attenuation. Minimise the number of speakers as much as possible.
- (k) The annual frequency of pyrotechnics and fireworks should be extremely limited and the duration of pyrotechnics and fireworks is to be limited to no more than 15 minutes. The distance between the pyrotechnics and fireworks and receivers (including event participants) is to be maximised and shall not occur after 10:00pm or prior to 7:00am.

Reason: To ensure appropriate acoustic levels are maintained for the amenity of the surrounding area.

21. Plan of Management

The applicant must provide a Plan of Management that incorporates the recommendations of the Revised Noise Management Plan prepared by VMS, dated 9 May 2025. The Plan of Management must be reviewed and approved by Council's Environmental Health Officer prior to the first event being undertaken under this approval and must be complied with for all events conducted at the site.

Reason: To protect the environment and to provide appropriate acoustic levels to maintain the surrounding amenity.

22. Security

Where an event involves the sale or service of alcohol and/or where an event occurs after daylight hours, the person responsible for conducting the event shall ensure qualified security personnel are employed for the full duration of the event (including set up and pack up).

Duties of security personnel are to include (but not be limited to) monitoring of entry/exit points, general surveillance to ensure safety, ensuring socially appropriate behaviour, assistance with coordination of emergency services and for the quiet and efficient movement of people to and from the site, protection of equipment and vehicles, stalls and confiscation of prohibited items (including glass containers).

Reason: To ensure the safety of event participants is achieved during events at the site.

23. Lighting

Any additional temporary lighting erected within the site associated with an event shall be designed so as to not cause a nuisance to residences within the area or to motorists, and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

Reason: To ensure protection of neighbourhood amenity and road safety.

24. General Amenity of Neighbourhood

The implementation of the development must 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 due to the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, wastewater, waste products, grit, oil or other harmful products.

Reason: To ensure the protection of neighbourhood amenity.

25. Temporary food stall and mobile food vehicle information

Council's *Temporary Food Premises Attendance Form* must be completed and submitted to Council's Environmental Health Unit at least seven (7) days prior to each event. This list must include the following information:

- (a) Temporary food premises permit number
- (b) Trading name and
- (c) Contact number

Reason: To ensure the food businesses comply with legislation and to protect public health.

26. Food Stalls/Mobile Food Vehicles

The event organiser must only accept temporary food and mobile food operators that hold a current temporary food premises permit with Georges River Council.

Reason: To ensure the food businesses comply with legislation and to protect public health.

27. Signage

Signage associated with the event may be displayed at the site provided that it complies with the following requirements:

- (a) The proposed temporary event signage must only consist of signage that identifies the event to the community, or comprises wayfinding, crowd management and information delivery signage
- (b) All event signage must be erected on Council managed land only, must not be displayed earlier than 14 days before the event and must be removed within 2 days after the event
- (c) No signage is to be placed on any heritage items in the vicinity of the event site
- (d) Signage must not be illuminated
- (e) Signage which is not associated with the event or is third party advertising or comprises 'A' frame signage is prohibited

- (f) Obscene, offensive, derogatory and defamatory signs are not permitted
- (g) All event signage is to be safely secured and must not obstruct a public road, footpath or cycleway.

Details of any signage for the events use of the site shall be submitted to Council with the Event Permit application prior to the erection of any signage unless the proposed signage is 'exempt development' under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* or any other applicable environmental planning instrument.

Signage that does not comply with the above criteria must be subject to a separate development application.

Reason: To ensure the amenity of the area is protected.

28. Liquor Licence

The serving and/or sale of alcohol at any event is prohibited unless an appropriate liquor licence has been obtained from Office of Liquor and Gaming NSW. It is the responsibility of the event organiser to obtain the required licence for the event.

Reason: To ensure the serving and selling of alcohol is undertaken responsibly.

29. Waste Management Plan

A detailed Waste Management Plan, including a site plan detailing bin station locations, is required to be prepared by the event organiser for each event held at the site as part of the *Operational Plan of Management*. General rubbish, organics (food and green waste) and recycling bins must be available at the event site pursuant to the requirements of Council's *Event Toolkit*. Each event must be undertaken in accordance with the approved Waste Management Plan.

Reason: To ensure that waste generated at the site is adequately managed.

30. Protection of Trees and Vegetation

Any temporary structures and facilities erected for events at the site must be clear of all trees and other significant vegetation on the site. No part of any tree is to be used as an anchorage point, nor are any signs, ropes, guys etc to be attached to any part of any tree.

Reason: To ensure the environment is protected on the site.

31. Incident Reporting

The event organiser must have a systematic method of reporting incidents that have occurred at each event. This should include a written incident reporting manual whereby staff are required to provide written details on the exact nature of the incident and what procedures were implemented to deal with the incident.

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The Incident Reporting Manual is to be maintained for the duration of each event and a copy submitted to Council within two (2) weeks from the completion of the event so that Council may use the records to manage future events.

Reason: To ensure that events are managed safely and relevant records are kept for public safety.

32. Accessibility and the *Disability Discrimination Act 1992*

This consent does not imply or confer compliance with the requirements of the *Disability Discrimination Act 1992*. It is the responsibility of the event organiser to ensure compliance with the requirements of the *Disability Discrimination Act 1992*. Accessible paths of travel and associated amenities within the event site must be provided in accordance with the Accessibility Plan prepared by GSBN Studio (Drawing No. DA 1.02, dated 15 November 2024) for each event.

Reason: To ensure the events are accessible to all members of the community.

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Proposal

1. The proposal seeks the temporary use of parts of Forest Road, Memorial Square, Palm Court Car Park, Hurstville Interchange Park, and Hurstville Plaza (**Figure 1**) for community, cultural, and corporate events including the erection of associated overlay including temporary structures, for up to 52 events per year for a 5 year period. The site regularly holds events including Lunar New Year Festival (one day including bump in/bump out with road closures only for set up/pack down) and the Hurstville Fringe Festival (no road closures). The Hurstville Foodies and Farmers Market is also held on the site on a weekly basis under an existing approval (DA 2021/0240).
2. Specifically, the proposal seeks to obtain an overarching consent from Council to hold temporary events for a period of five (5) years, including approval for hours of operation and the erection of associated temporary structures that are not captured under Part 2, Division 3 of *State Environmental Planning Policy (exempt and Complying Development Codes) 2008 (Codes SEPP)*.

Background

3. Council and community groups regularly hold a number of annual community events within the event site, including *Luna New Year Festival* (1 day), the *Hurstville Fringe Festival* (1 day) and the Hurstville Foodies and Farmers Market comprising a maximum of 20 stalls every Thursday from 9.30am to 7.30pm (including setup and pack up). This market use was approved on DA 2021/0240 as *markets* (and not for temporary use of land under Clause 2.8). Approval is currently granted separately for each individual event (except the weekly markets) by Council via Local Approvals under Section 68 of the *Local Government Act 1993* and Part 9 of the *Roads Act 1993 (Roads Act)*.
4. The proposed events to be held at the site are part of the Permit/Plug/Play Pilot Program (**Pilot Program**), which is an \$8 million partnership grant program, which forms part of the NSW Government's Vibrant Streets Package, a \$19.7 million investment in transforming streets into thriving local places to support the community, businesses and the creative sector. Georges River Council is one of the pilot councils granted funding to streamline processes and reduce costs of delivering street-based events that require temporary road closures. The objectives of the Pilot Program include, among other things, to improve Council process efficiency and communication about temporary road closures and the street-based events that they enable and reduce the cost of delivering such events.
5. Key dates during the assessment of the application include:
 - 7 February 2025 – DA lodged
 - 20 February 2025 – review of development application by Council and referral to Council officers (Health and Traffic)
 - 25 February 2025 to 20 March 2025 - notification of the development application
 - 5 March 2025 - Management Statement (Council-related DA) prepared by Council which stated the development application is 'Medium Risk'
 - 20 March 2025 to 1 May 2025 - renotification of the development application accompanied by the Management Statement
 - 8 April 2025 – referral comments received from Council's Health Officer, requesting additional acoustic information.
 - 9 May 2025 – Additional information from the applicant (revised Acoustic Report) in response to Council's Health Officer request for additional acoustic information.
 - 10 June 2025 – referral comments received from Council's Traffic Engineer.

Site and Locality

6. The site comprises the area of the Hurstville town centre consisting of:
 - Forest Road: Bounded by Woodville Street (Hurstville Bus Interchange) to the west and Forest Road to the east.
 - Memorial Square: Located on the southern side of Forest Road.
 - Palm Court Car Park: Located at the eastern end of the event site.
 - Hurstville Interchange Park: Located on the southern side of Forest Road at 243A-247 Forest Road and legally described as Lot 1 of DP 221087.
 - Hurstville Plaza: Located on the northern side of Forest Road at 296 Forest Road and legally described as Lot 16 of DP 4799.
7. The immediate surrounding area generally comprises the Hurstville city centre, consisting of predominantly two and three storey buildings. Forest Road in this location is a local road with a one way (easterly direction) traffic flow.

Zoning and Permissibility

8. The site is zoned E2 Commercial Centre zone pursuant to the *Georges River Local Environmental Plan 2021 (GRLEP 2021)*. The proposal does not seek to change the primary use of the land adjoining the site, which is largely road reserve, as *commercial premises* and *shop top housing*, however, proposes the use of the site for events, pursuant to Clause 2.8 of the GRLEP 2021. The use of the site for events is considered ancillary to the primary use of the site as *commercial premises* and *shop top housing*.
9. The erection of temporary structures associated with events may be carried out via the Exempt Development Pathway in accordance with Division 3 of the Codes SEPP. In this case, however, the proposed temporary structures and use of the event are outside those permitted under the Codes SEPP and therefore, the proposal seeks development consent for the erection of temporary structures and uses on the site for up to 52 events per year over the course of five (5) years.

Georges River Development Control Plan 2021

10. The provisions of *Georges River Development Control Plan 2021 (GRDCP 2021)* are applicable to the proposal development. A detailed assessment of the proposal against the relevant controls is provided in this report.

Planning and Design Issues

11. The proposed development is consistent with the relevant State Environmental Planning Policies, the GRLEP 2021 and GRDCP 2021 subject to recommended consent conditions as outlined in detail in this report.

Submissions

12. The proposal was notified from 25 February to 20 March 2025 and between 20 March 2025 to 1 May 2025 (renotified accompanied by the Management Statement for Council-related DAs) in accordance with the provisions of Council's *Community Engagement Strategy 2023-2033* (Part C: Notification Plan). One (1) submission was received in response to the notification.

Reason for Referral to the Local Planning Panel

13. This application is referred to the Georges River Local Planning Panel for determination as the land owner is Georges River Council pursuant to Clause 1(a) of the *Local Planning Panels Direction – Development applications and applications to modify development consents* signed by the Minister for Planning and Public Spaces dated 6 September 2023.

Conclusion

14. The application has been assessed having regard to the Matters for Consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, the provisions of the relevant State Environmental Planning Policies, Local Environmental Plan and Development Control Plan. The proposal is an appropriate development for the site and is generally consistent with the planning controls. Accordingly, the development application can be supported subject to recommended conditions of consent.

REPORT IN FULL

The Site and Locality

15. The subject site comprises the following land and is known as the *event site* (**Figure 2**):
 - Forest Road: Bounded by Woodville Street (Hurstville Bus Interchange) to the west and Forest Road to the east.
 - Memorial Square: Located on the southern side of Forest Road.
 - Palm Court Car Park: Located at the eastern end of the event site.
 - Hurstville Interchange Park: Located on the southern side of Forest Road at 243A-247 Forest Road and legally described as Lot 1 of DP 221087.
 - Hurstville Plaza: Located on the northern side of Forest Road at 296 Forest Road and legally described as Lot 16 of DP 4799.

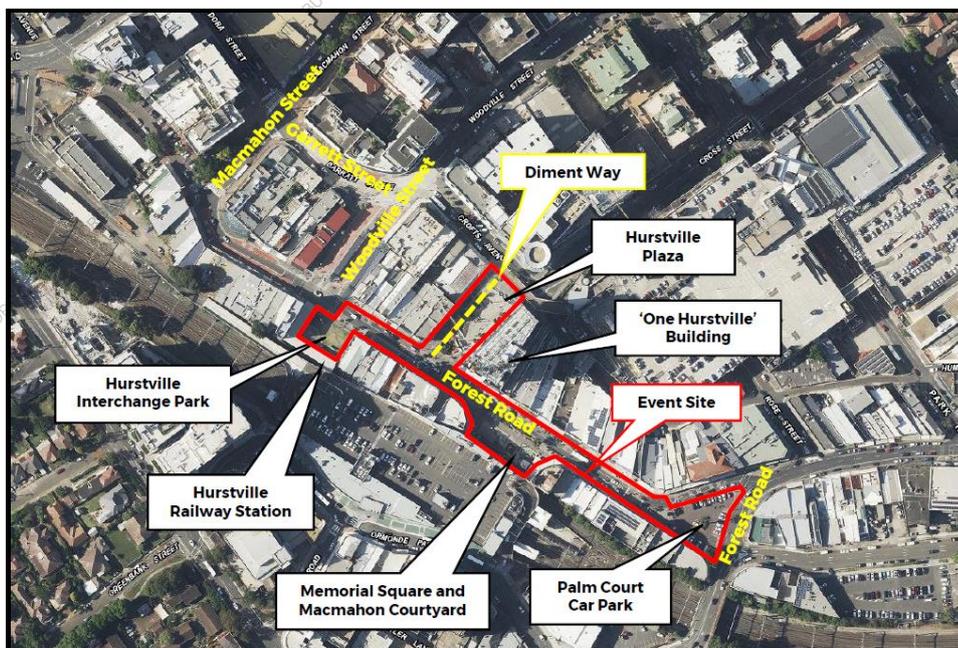


Figure 1: Event Site (Source: Milestone, January 2025 Figure 1)

16. Existing development on the event site includes public roads and footpaths with commercial and retail buildings and public open space areas adjoining the public road.
17. The immediate surrounding area generally comprises the Hurstville city centre, consisting of predominantly two and three storey buildings as well as One Hurstville Plaza being 13 storeys. Mid-rise residential apartment buildings are located to the north and northwest of the event site on Woodville Street and Barrat Street, as well as further south and southwest on the opposite side of the Illawarra Rail Line.
18. There are a number of public areas contained in the event site, including Hurstville Plaza (**Figure 3**), Hurstville Interchange Park (**Figure 4**) and Memorial Square and Macmahon Courtyard (**Figure 5**). Forest Road in this location is a local road with a one way (easterly direction) traffic flow and kerb side parking including bus stops (**Figure 6**).
19. Hurstville Plaza on Diment Way provides connectivity between the Civic Core Precinct to the north, to Westfield Hurstville and through to the railway station.

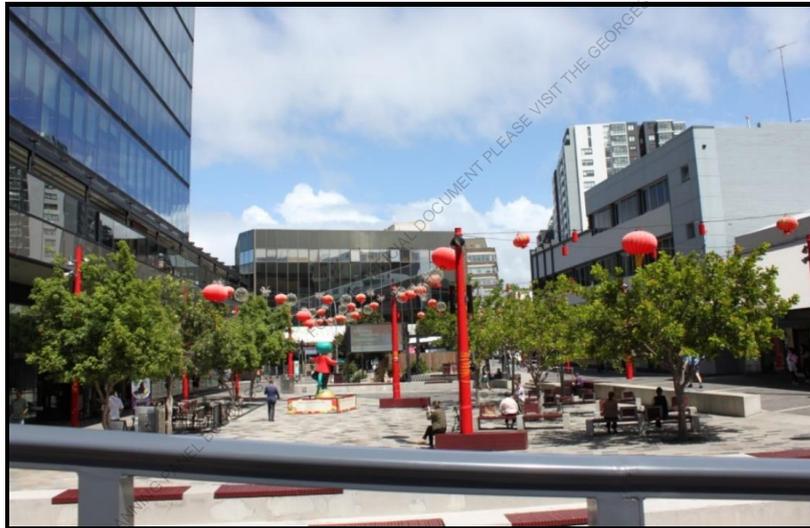


Figure 2: Hurstville Plaza (Source: KJ Planning)



Figure 3: Hurstville Interchange Park to right and bus services to left (Source: KJ Planning)



Figure 4: Memorial Square (Source: KJ Planning)



Figure 5: Forest Road looking northwest towards Hurstville Plaza (Source: KJ Planning)

20. There is no additional car parking proposed as part of the application or on the event site, however, there are a number of car parks located in close proximity to the event site including (Figure 7):

- Greenbank Street Parking, located within the basement level of 1 Greenbank Street, Hurstville;
- Hurstville Central Shopping Centre Car Park, located at the roof level of the commercial building at 225 Forest Road, Hurstville;
- Westfield Hurstville Car Park, located within the basement levels and roof level of the Westfield building at 3 Cross Street, Hurstville;
- At-grade Macmahon Street Car Park, accessible from Macmahon Street and Queens Road; and
- At-grade 41 Treacy Street Car Park, located off Treacy Street.

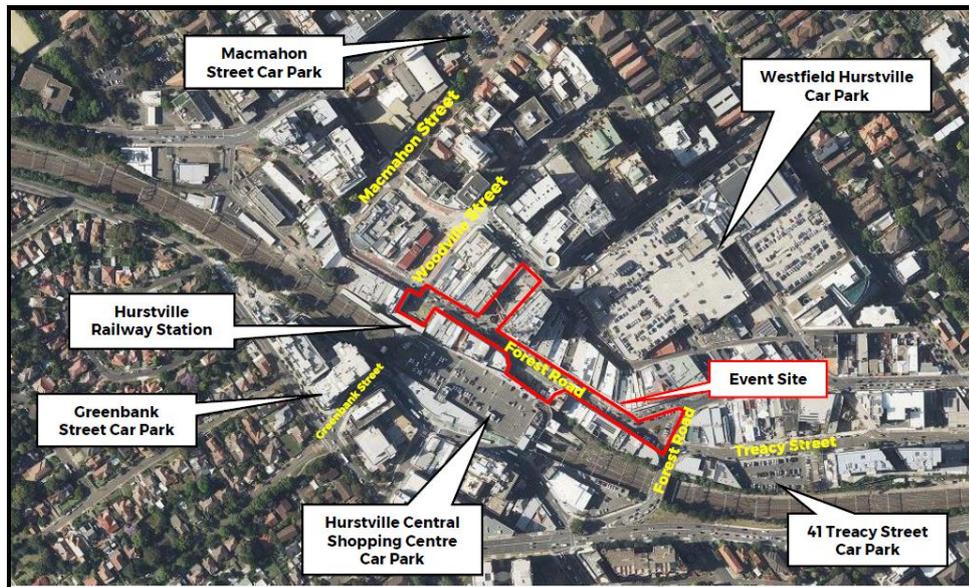


Figure 6: Site Context Plan (Source: SEE, Milestone, January 2025)

21. The site forms an irregularly shaped allotment, with numerous road frontages and various buildings scattered throughout the site.
22. The event site is highly accessible to public transport infrastructure, including Hurstville Railway Station and the Hurstville Bus Interchange, both directly within or adjacent to the event site along Forest Road.
23. The immediate surrounding area is generally within the E2 Zone, with MU1 mixed use area surrounding this area and the special uses – railway infrastructure facilities (SP2) zone under the GRLEP 2021 located to the south comprising Hurstville Railway Station.
24. The site has development consent to operate markets, with a maximum of 20 stalls, every Thursday from 9.30am to 7.30pm (including setup and pack up). This market use was approved on DA 2021/0240 as *markets* (and not for temporary use of land under Clause 2.8). This is further discussed in the key issues section of this report.

Proposal

25. The development application seeks approval for use of the event site for community, cultural and corporate events, including the erection of associated temporary structures for temporary events for a period of five years and for up to 52 community events per calendar year. It is noted that the number of events has been considered in this assessment and consent conditions are recommended to ensure that the use of the site for temporary events is consistent with Clause 2.8 of the GRLEP 2021.
26. The purpose of this Development Application is to facilitate a streamlined approval process for conducting temporary events within the event site by eliminating the requirement to obtain a separate Local Approval pursuant to Section 68 of the *Local Government Act 1993* for each event. Each individual event will still be required to obtain an Event Permit from Council via lodgement of an Event Application for the specific event, which will set out the terms and conditions for the event by Council.

27. This development application also seeks to set out the general traffic and parking management procedures, road closure points, and management strategies to minimise the acoustic impact on nearby sensitive receivers for events to be held at the event site. All temporary events requiring road closures will need approval from Council under Part 9 of the *Roads Act 1993* via the lodgement of a Temporary Road Closures Application Form.
28. A *Traffic Management Plan* prepared by Guardian (Version 1), outlines the traffic control measures for both the bump in/bump out phases and the event phase, which details the required traffic control measures and road closure points to conduct temporary events within the event site.
29. These plans detail the required traffic control measures and road closure points to conduct temporary events within the event site, comprising four road closure points including (**Figure 8**), which is considered further in the key issues section of this report:
- At the intersection between Forest Road and Queens Road to the east of the event site;
 - The southbound lane of Macmahon Street at the intersection between Dora Street and Barrat Street;
 - Forest Road at Hurstville Interchange Park; and
 - Forest Road at Palm Court Car Park to the west of the event site.

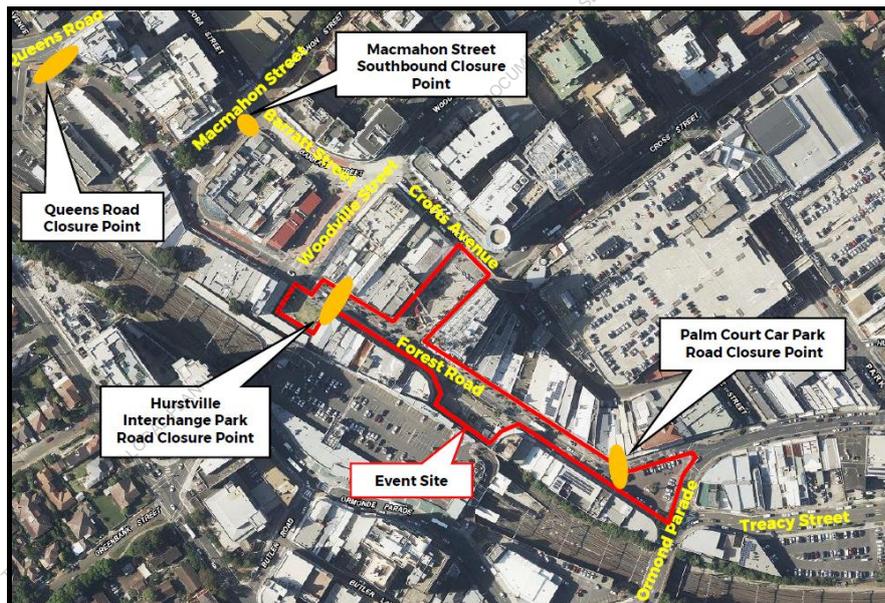


Figure 7: Proposed Road Closure points (Source: SEE, Milestone (AUST) Pty Limited, January 2025, Figure 4)

30. The types of temporary events to be held will generally be major events that will attract larger crowds of up to approximately 5,000 people at any given time. Most events will be open for the public to attend (non-exclusive) and some events may require the purchase of a ticket (exclusive).
31. The types of temporary events to generally be held at the site will include, but are not limited to, the following:
- Food and wine festivals.
 - Markets, including night markets.
 - Outdoor exhibitions.
 - Cultural exhibitions, festivals, and demonstrations.

- Key performances
- Film and Movie nights.
- Art shows
- Youth activities.

32. The site will generally hold mid-size events (up to 1,000 people at any given time), and major events (over 1,000 people at any given time), in accordance with the Events Matrix outlined in Council's Event Guide and summarised in **Table 1**. Minor events of less than 100 people are required to be notified to Council, however, a Local Approval is not required under Section 68 of the *Local Government Act 1993*, as identified in the *Georges River Council Local Approvals Policy: Use of Public Land*. The application does not outline the number of events from each category, however, this is addressed in the key issues section of this report and in the recommended consent conditions.

Table 1: Event Matrix (Source: SEE, Milestone, December 2024)

MINOR EVENT	MID EVENT	MAJOR EVENT
Under 100 people at any one time	Up to 1,000 people at any one time	Over 1,000 people at any one time
No temporary infrastructure	Temporary infrastructure – marquees, portable toilets	Temporary infrastructure – staging, portable toilets, marquees
Minimal noise impact	Moderate noise impact or amplification	High noise impact and amplification
No food vendors selling to the public	Up to 5 caterers or food vendors	Above 5 caterers or food vendors
No change to traffic, parking, or pedestrian conditions	Change to traffic or pedestrian management	Traffic and pedestrian management, including increased vehicle traffic to the event area

33. The application states that the general hours for temporary events will be as follows:

- 7:30am to 11:00pm, Sunday to Thursday.
- 7:30am to 12:00 midnight, Friday and Saturday.

The application also notes that many events will not require the specified operational window and will cease earlier.

34. The bump in/bump out of the temporary event will likely require a number of construction workers, delivery truck and vehicle movements, fork lifts and other construction plant to erect the temporary structures and associated event overlay. The works undertaken during the bump in/bump out periods will be generally limited to five days in total for larger events. Smaller events will typically only require setup the day of the event. A general timeframe for works carried out within these periods are outlined in **Table 2**.

35. Strict adherence to the times and duration of bump in and bump out activities will be required by all event organisers.

Table 2: Bump In & Bump Out - All Event Categories (Source: SEE, Milestone, December 2024)

CRITERIA	TIMES PERMITTED
Maximum duration of Bump In & Bump Out	Four to five days total duration
Bump In & Bump Out Hours	6.00am – 12.00 midnight, on any day
Sound Check Hours of Operation (Amplified Music)	8.00am – 9.00pm, on any day

36. A number of temporary structures will be required in association with events held at the event site, which will vary, but will likely include the following:
- Marquees and tents.
 - Stages and Platforms.
 - Mobile video screens.
 - Viewer seating.
 - Temporary food and drink premises.
 - Toilet facilities.
 - Crowd control barriers/fencing.
 - Temporary fencing.
 - First aid stations.
 - Art installations, activations, and sculptures.
 - Carnival rides and inflatables.
37. All temporary structures will be required to be structurally sound and erected in accordance with manufacturer’s specifications and relevant Australian Standards with engineering certification required for each structure prior to the commencement of the event. Suitable locations for typical temporary structures are illustrated in **Figure 9**.

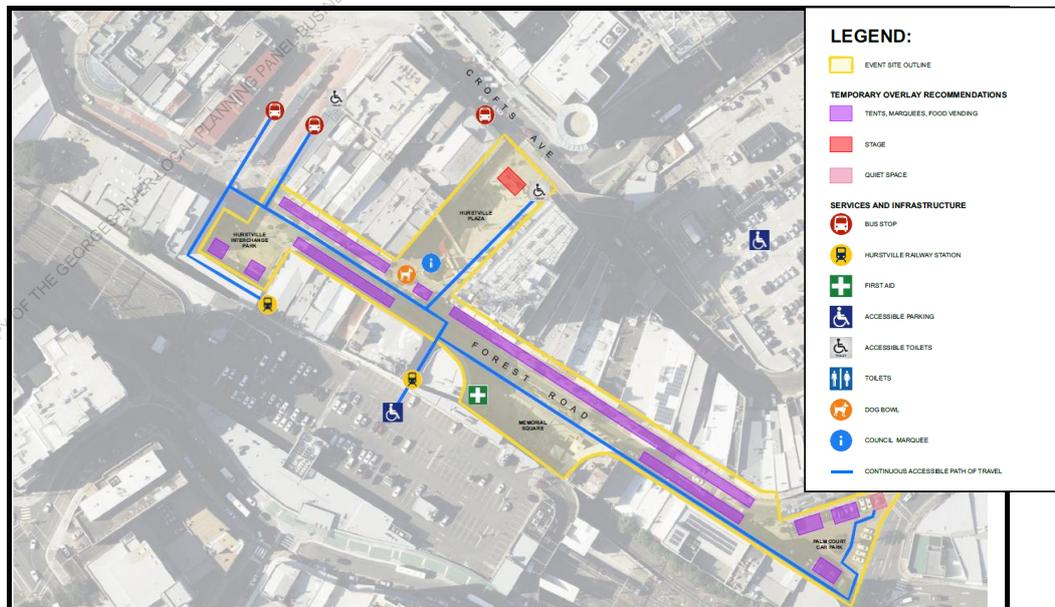


Figure 8: Event Site and Accessibility Map (Source: GSBN, December 2024)

38. The proposed temporary structures will be erected within the part of the event site along the alignment of Forest Road, with recommended areas for:
- Stalls, marquees, and food vending, along Forest Road, and within Hurstville Interchange Park and Palm Court Car Park;
 - A stage within Hurstville Plaza; and
 - A quiet zone within Palm Court Car Park.
39. The proposed temporary structures associated with temporary events held on the event site will generally have a maximum footprint of 14 metres x 10 metres, and a maximum overall height of 9 metres. A continuous accessible path of travel is provided throughout the event site (blue lines in Figure 5).
40. Temporary event signage is proposed to identify the event to the community, wayfinding, crowd management and information delivery and will be erected on Council managed land and removed at the conclusion of the event. Non-event general and third party advertising, 'A' frame signage and obscene, offensive, derogatory and defamatory signs are all to be prohibited.
41. There is existing lighting infrastructure available within the event site, including along the footpaths of Forest Road as well as within Hurstville Interchange Park, Memorial Square, and Palm Court Car Park. The existing lighting infrastructure is suitable for most events, however, additional lighting may be required for a specific event or may include lighting activations. Any additional temporary lighting erected within the event site associated with an event shall be designed so as to not cause a nuisance to residences within the area or to motorists, and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare. Recommended consent conditions are included in **Attachment 1**.
42. Some of the proposed temporary events held at the event site will require liquor licenses, which are to be obtained from Liquor & Gaming NSW.
43. The proposed temporary use of the event site will not include earthworks, demolition, vegetation or tree removal or pruning. All installation works will be completed by qualified contractors and will be temporary and reversible in nature. Following the conclusion of the temporary use and any proposed overlay, the site will be re-instated to the existing condition.

Background to the DA

44. The development application was lodged on 7 February 2025. A review of the application was undertaken on 20 February 2025 by the Council's Planning Advisory Officer and the relevant referrals (internal and external) which were required for the proposal were sent to relevant Council officers. On 25 February 2025, the application was notified until 20 March 2025 and between 20 March 2025 to 1 May 2025 (renotified accompanied by the Management Statement). One (1) submission was received raising objections to the application. Comments were received from Council's Health officer on 8 April (concerns raised) and 6 June 2025 (with no objections subject to consent conditions). Council's traffic referral was received on 10 June 2025.

Compliance and Assessment

45. The development has been assessed having regard to the matters for consideration under Section 4.15(1) of the EP&A Act, outlined below.

Section 4.15(1) Evaluation

46. Section 4.15(1) Evaluation of the EP&A Act requires the following matters to be considered in the assessment of development applications:

(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:

- (a) *The provision of:*
- (i) *any environmental planning instrument,*
 - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) *any development control plan, and*
 - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are considered below.

47. The relevant environmental planning instruments, proposed instruments, development control plans and planning agreements include the following:

- (a) *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
- (b) *State Environmental Planning Policy (Biodiversity and Conservation) 2021;*
- (c) *State Environmental Planning Policy (Resilience and Hazards) 2021;*
- (d) *State Environmental Planning Policy (Transport and Infrastructure) 2021;*
- (e) *State Environmental Planning Policy (Industry and Employment) 2021;*
- (f) *Proposed Instruments*
- (g) *Georges River Local Environmental Plan 2021;*
- (h) *Georges River Development Control Plan 2021;*
- (i) *Georges River Council Local Approvals Policy: Use of Public Land*
- (j) *Council's Event Toolkit*
- (k) *Council-related Development Application Policy.*

48. The following Plans of Management are relevant to the site:

- (a) *Central Plaza, Hurstville (for Hurstville Plaza); and*
- (b) *General Community Use Generic Plan of Management August 2022 (for Hurstville Memorial road reserve).*

49. The proposal is not integrated development for the purposes of the EP&A Act as the proposal does not require an approval under Section 138 of the *Roads Act 1993*. While temporary road closures associated with events will be required, such closures are made pursuant to Section 144(1) of the *Roads Act 1993* and are not included in the integrated development provisions.

ENVIRONMENTAL PLANNING INSTRUMENTS (Section 4.15(1)(a)(i) of the EP&A Act)

STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008

50. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP)* applies to, among other uses and structures, temporary uses and structures for private and community events, signage and stages as Exempt Development. The Development Standards contained in the Codes SEPP, however, are unsuitable to provide for the proposed events to be held at the event site, particularly in relation to the size of the stage and the provision of the additional equipment such as mobile video and cinema screens, art installations and viewer seating.
51. Therefore, development consent is sought for the erection of the proposed temporary structures within the event site, so that larger activation and installations which exceed the development standards contained in the Codes SEPP, can be accommodated at the event site. Notwithstanding this, the matters which are relevant to the proposal contained in Part 2: Exempt Development Codes of the Codes SEPP are considered below and where appropriate are recommended in the consent conditions in **Attachment 1**.

Division 1: General Exempt Development Code Subdivision 27A: Mobile food and drink outlets

52. Pursuant to this Section, the carrying out of the retail sale of food, drinks and related products on land from a mobile outlet such as a food truck, van, cart or other similar vehicle is development specified for this code (s2.54A). The proposal is generally consistent with the specified development standards pursuant to Section 2.54B for such development with the exception of the hours of operation for land adjoining a residential zone (s2.54B(f1) notwithstanding that the site does not adjoin a residential zone but there is some residential development in the vicinity of the site). The proposed events are to operate until 11.00pm Mondays to Thursdays and 12.00 midnight on Fridays and Saturdays, while the development standard for exempt development is until 10.00pm. The hours of operation are considered satisfactory given the noise mitigation strategies proposed, which are included in the recommended consent conditions in **Attachment 1**.
53. There are also development standards in relation to not restricting any vehicular or pedestrian access to or from the land or entry to any building on the land, and not obstructing the operation of, or access to, any utility services on the land or on adjacent land. Further requirements include that such equipment/vehicles shall not be located within the canopy of, or result in damage to, any tree growing on the land or on adjacent land, and shall not result in any damage to public property on the land or on adjacent land. Relevant consent conditions are recommended in **Attachment 1** to ensure these requirements are satisfied for the food trucks on the site.

Division 2 Advertising and Signage Exempt Development Code Subdivision 11 Temporary event signs

54. The construction or installation of a sign or banner that advertises a commercial, community or retail event or a private function is development specified for the purposes of this code (s2.102). The development standards include that no more than one banner and one other type of temporary sign are to face any road frontage, and that does not have a surface area of more than 6m². The signage is also required to be located wholly within the boundaries of the property, not be illuminated, not be displayed earlier than 14 days before the event, and be removed within 2 days after the event.
55. The proposal states that temporary event signage will be provided, primarily to identify the event to the community, for wayfinding, crowd management and information delivery and will erected on Council managed land and removed at the conclusion of the event. Relevant consent conditions are recommended in **Attachment 1** to ensure these requirements are satisfied for the temporary signage for future events on the site. Further details on signage will be provided with each event permit application for the site.

Division 3 Temporary Uses and Structures Exempt Development Code
Subdivision 1 General requirements for temporary uses and structures

56. The general requirements for exempt development in relation to temporary uses and structures include:
- not restricting any car parking required to be provided by a condition of a development consent applying to the land or any vehicular or pedestrian access to or from the land,
 - not redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property,
 - not result in damage to any protected tree growing on the land or on adjacent land,
 - be erected on a surface that is sufficiently firm and level to sustain the structure while in use
 - be able to resist loads determined in accordance with AS/NZS 1170.0:2002, *Structural design actions*,
 - be covered by a policy of insurance taken out by the person carrying out the development that adequately covers the public liability of the person in respect of the carrying out of the development for an amount approved by the owner of the land on which the development is carried out.

While the proposal is not for exempt development, some of these matters are relevant to the current proposal and are recommended as consent conditions in **Attachment 1**.

Subdivision 7 Tents, marquees or booths for community events and Subdivision 9 Stages or platforms for community events

57. The development standards in Section 2.120 limit the size of tents, marquees and booths to 300m² in area and 6 metres in height, requires the removal of the structures within 7 days of the event and sets hours of operation from 7.30am to 11pm on Mondays to Thursdays, 12.00 midnight on Fridays and Saturdays and 8.00pm on Sundays. There are also requirements for exits and travel paths as well as the requirement for waste to be removed from the site. Section 2.124 provides similar development standards for stages or platforms for community events, which limits the size of a stage to 50m², a height off the ground of a maximum of 2 metres.
58. The proposal involves a stage and marquees with an overall maximum footprint of 10 metres x 14 metres and an overall height of 9 metres, falling outside of the exempt provisions. The hours of operation are also beyond those for exempt development, which will allow for bump in/bump out procedures to be undertaken as well as event operation.

59. The proposed hours of operation of the event site are 7.30am to 11.00pm Sundays to Thursdays and 7.30am to 12.00 midnight Fridays and Saturdays. The proposed bump in/bump out hours are 6.00am to 12.00 midnight on any day. The proposal is considered to be satisfactory having regard to these requirements and, where appropriate relevant consent conditions are recommended, having considered the requirements in the Codes SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

60. *State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity & Conservation SEPP)* provides controls for vegetation, koala protection and water catchments. Chapters 2 (vegetation) and 6 (water catchments) are relevant for the current application and are considered below.

Chapter 2: Vegetation in non-rural areas

61. The aims of this Chapter are 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. Pursuant to Section 2.7, a permit or approval to clear vegetation is not required under this Chapter if it is clearing of a kind that is authorised under the *Local Land Services Act 2013*, section 60O or Part 5B.
62. Any tree clearing proposed in this application is covered by this exemption as it will be authorised by a development consent under Part 4 of the EP&A Act pursuant to Section 60O(a)(i) of the *Local Land Services Act 2013*. There are no trees proposed to be removed in this application. The proposal is consistent with Chapter 2 of this Policy and is consistent with the Biodiversity & Conservation SEPP.

Chapter 6: Water Catchments

63. This Chapter applies to land in various catchments, including the Georges River Catchment (s6.1(c)), with the site located within this catchment. Part 6.2 (development in regulated catchments) is relevant to the proposal, which is considered below. The remaining Parts of the Chapter do not apply to the site. The relevant sections of the SEPP to the proposal include the following:
- (a) *Section 6.6: Water quality and quantity* – In deciding whether to grant development consent to development, the consent authority must consider the following—
- a) *whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,*
 - b) *whether the development will have an adverse impact on water flow in a natural waterbody,*
 - c) *whether the development will increase the amount of stormwater run-off from a site,*
 - d) *whether the development will incorporate on-site stormwater retention, infiltration or reuse,*
 - e) *the impact of the development on the level and quality of the water table,*
 - f) *the cumulative environmental impact of the development on the regulated catchment,*
 - g) *whether the development makes adequate provision to protect the quality and quantity of ground water.*

It is considered that the proposed works will have a neutral impact on the water quality entering the Georges River given there will be no changes in stormwater runoff from the site arising from the proposal given the proposal is for temporary structures and uses only, with no proposed permanent building works or vegetation removal.

Section 6.6(2) requires that development consent must not be granted unless the consent authority is satisfied the development ensures the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial and the impact on water flow in a natural waterbody will be minimised. The proposal will result in a neutral impact on the water quality entering the Georges River and there will be no impact on the water flow into a natural waterbody. Therefore it is considered that the proposal satisfies this precondition to the grant of consent.

- (b) *Section 6.7: Aquatic ecology* - In deciding whether to grant development consent to development, the consent authority must consider the following—
- a) *whether the development will have a direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation,*
 - b) *whether the development involves the clearing of riparian vegetation and, if so, whether the development will require—*
 - (i) *a controlled activity approval under the Water Management Act 2000, or*
 - (ii) *a permit under the Fisheries Management Act 1994,*
 - c) *whether the development will minimise or avoid—*
 - (i) *the erosion of land abutting a natural waterbody, or*
 - (ii) *the sedimentation of a natural waterbody,*
 - d) *whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area,*
 - e) *whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology,*
 - f) *if the development site adjoins a natural waterbody—whether additional measures are required to ensure a neutral or beneficial effect on the water quality of the waterbody.*

It is considered that there will be no impacts arising from the proposal on any terrestrial, aquatic or migratory animals or vegetation given the proposal is for temporary structures and uses only with no proposed permanent building works or vegetation removal. There is also no clearing of riparian vegetation proposed and no permits under other legislation is required. The proposal will not result in the erosion of land adjoining the Georges River or result in any additional sedimentation given the stormwater will be appropriately managed on the site.

There will be no impacts to wetlands given there are none located on or near the site and there will be no impacts to aquatic ecology arising from the proposal. The site does not adjoin a natural waterbody and therefore there is no requirement for additional protection measures given the temporary uses and structures proposed.

Section 6.7(2) requires that consent must not be granted to development unless the consent authority is satisfied of the following—

- a) *the direct, indirect or cumulative adverse impact on terrestrial, aquatic or migratory animals or vegetation will be kept to the minimum necessary for the carrying out of the development,*
- b) *the development will not have a direct, indirect or cumulative adverse impact on aquatic reserves,*
- c) *if a controlled activity approval under the Water Management Act 2000 or a permit under the Fisheries Management Act 1994 is required in relation to the*

- clearing of riparian vegetation—the approval or permit has been obtained,*
- d) *the erosion of land abutting a natural waterbody or the sedimentation of a natural waterbody will be minimised,*
 - e) *the adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area will be minimised.*

In this case, there will be no adverse impacts arising from the proposal on terrestrial, aquatic or migratory animals or vegetation, there will be no impacts to aquatic reserves and no approvals are required. Therefore it is considered that the proposal satisfies this precondition to the grant of consent.

- (c) *Section 6.8: Flooding* – In deciding whether to grant development consent to development, the consent authority must consider the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems. The site is not affected by flooding.
- (d) *Section 6.9: Recreation and public access* – In deciding whether to grant development consent to development, the consent authority must consider the likely impact of the development on recreational land uses in the regulated catchment, and whether the development will maintain or improve public access to and around foreshores without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation. In this case, there will be no adverse impacts to recreational land uses arising from the proposal and there will no impact on existing public access to and around the foreshore resulting from the proposal.

Development consent must not be granted to development unless the consent authority is satisfied of the following—

- a) *the development will maintain or improve public access to and from natural waterbodies for recreational purposes, including fishing, swimming and boating, without adverse impact on natural waterbodies, watercourses, wetlands or riparian vegetation,*
- b) *new or existing points of public access between natural waterbodies and the site of the development will be stable and safe,*
- c) *if land forming part of the foreshore of a natural waterbody will be made available for public access as a result of the development but is not in public ownership—public access to and use of the land will be safeguarded.*

There will be no adverse impacts to public access to and around the foreshore resulting from the proposal. Therefore, the proposal is consistent with this control and consent can be granted.

- (e) *Section 6.10: Total catchment management* - In deciding whether to grant development consent to development, the consent authority must consult with the council of each adjacent or downstream local government area on which the development is likely to have an adverse environmental impact. In this case, it is considered that there will not be any adverse environmental impacts and therefore consultation is unnecessary.

64. Therefore, the proposal is considered to be consistent with Chapter 6 of the Policy. The proposal is consistent with the Biodiversity & Conservation SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

65. *State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience & Hazards SEPP)* provides controls relating to remediation of land, which is relevant and considered below.

Chapter 4 Remediation of Land

66. Section 4.6 requires contamination and remediation to be considered in determining a development application. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.
67. The proposed development does not include any change to the use of the land that would result in any concerns with respect to contamination and does not propose any excavation on the site. There is no indication of previous uses that would cause contamination. In this regard the SEPP has been satisfied and the proposal is consistent with the Resilience & Hazards SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

68. *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport & Infrastructure SEPP)* outlines the controls for the provision of infrastructure. The SEPP achieves this by improving regulatory certainty and efficiency through a consistent planning regime and establishing consistent State-wide assessment requirements and design considerations. Only Chapter 2 (Infrastructure) is relevant to the development application.
69. *Section 2.48 – Determination of development applications – other development* - This section applies to a development application involving development carried out within 5 metres of an exposed overhead electricity power line (among other matters) pursuant to Section 2.48(1)(b)(iii). There are overhead electricity power lines in the vicinity of the event site and therefore a referral to the electricity supply authority pursuant to Section 2.48(2) is required and has been provided to Ausgrid. There were no objections raised by Ausgrid and therefore the proposal is consistent with this clause.
70. *Section 2.119 - Development with frontage to classified road* – The event site does not have a frontage to a classified road as Forest Road in this location is a local road. Accordingly, this Clause is not relevant to the development application.
71. *Section 2.120 – Impact of road noise or vibration on non-road development* – This requires that development for certain land uses must consider the impact of road noise or vibration on non-road development. In this case, Forest Road is not included in the “mandatory” category for this assessment (being land adjacent to a road corridor with >40,000 vehicles per day or between 20,000 and 40,000 vehicles per day respectively) and the proposal does not involve any of the uses listed in the Clause. Accordingly, this control is not relevant to this proposal.
72. *Section 2.122 – Traffic-generating development* - This section requires consideration of certain matters relating to development which is deemed to be traffic-generating. The proposal involves temporary uses and structures and does not involve any new or additional parking areas and therefore, the proposal does not achieve any of the criteria listed in Column 2. Accordingly, a referral to TfNSW is not required under this Section.
73. Accordingly, the proposal is considered to be consistent with the Transport & Infrastructure SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

74. *State Environmental Planning Policy (Industry and Employment) 2021 (Industry & Employment SEPP)* provides controls for advertising and signage (Chapter 3), which is relevant to the application.

75. The proposal involves the installation of temporary event signage for wayfinding and safety. Details of the proposed signage will be required to be provided to Council for review and approval prior to the granting of an Event Permit for each individual event at the site at which time the specific signage can be considered further.
76. Pursuant to Sections 3.3 and 3.4, Chapter 3 applies to the proposed signage as it can be displayed with consent under the GRLEP 2021 (*Signage is permissible in the E2 zone with consent as any other development not specified in item 2 or 4*) and is visible from a public place. It is noted that, pursuant to Section 3.4(2), the controls of this Policy do not apply to signage that is exempt development. This includes temporary event signage comprising an event signage where there is no more than one banner and one other type of temporary sign facing any road frontage, and does not have a surface area of more than 6 square metres, is not illuminated, is not displayed earlier than 14 days before the event and is removed within 2 days after the event. These specifications are recommended in the draft consent conditions in **Attachment 1**. It is considered that the majority of proposed event signage would be included within the exempt development provisions.
77. Part 3.2 of the SEPP applies to signage generally and pursuant to Section 3.6 of the SEPP requires that a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—
- (a) *that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and*
 - (b) *that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*
- The objectives to be considered include:
- (a) *to ensure that signage (including advertising)—*
 - (i) *is compatible with the desired amenity and visual character of an area, and*
 - (ii) *provides effective communication in suitable locations, and*
 - (iii) *is of high quality design and finish,*
78. The proposed signage outside of the exempt development provisions, is likely to be consistent with these objectives in that:
- The proposed signage is likely to be of a size and design expected in the area, which comprises a commercial centre, and which is unlikely to dominate the visual amenity of the area and is compatible with existing signage in the area.
 - The proposed temporary signage will provide for effective communication of the events to occur at the event site including for wayfinding. The proposed new signage will be located in a suitable location given there are a number of other signs in the area.
 - The proposed temporary signage will likely be banner signs, which are of a high quality design.
79. The proposal temporary signage will likely be consistent with the assessment criteria in Schedule 5, which is considered in **Table 3**. The proposed signage will be provided to Council for review and approval prior to the granting of an Event Permit.

Table 3: Consideration of the Schedule 5 Assessment Criteria of the Industry & Employment SEPP

REQUIREMENTS	PROPOSAL	COMPLY
1. Character of the area		
<ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>The proposed temporary signage will likely be compatible with the amenity and visual character of the area as the signs are to be located in a commercial centre and are of a suitable scale having regard to the existing development on the site and surrounding sites. This ensures it does not dominate vistas in the local area.</p>	<p>Yes</p>
2. Special areas		
<ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>The proposal is located in a commercial centre and it is considered that the proposed temporary signage will likely be compatible with the amenity of the area and does not detract from the visual amenity of the locality given the proposed signs are to be located to blend with the streetscape.</p>	<p>Yes</p>
3. Views and vistas		
<ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	<p>The proposed temporary signage will likely not obscure any important views in the locality and will not dominate the skyline given their likely position at ground level. The viewing rights of other advertisers are respected as no other signs are obscured by the proposed temporary signage.</p>	<p>Yes</p>
4. Streetscape, setting or landscape		
<ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	<p>The scale and proportion of the signs are likely to be appropriate for the site and will provide visual interest to the street and surrounding roads. The proposed signs are likely to be a simple form of banner signage and are not required to screen unsightliness on the site or in the surrounding area.</p> <p>The proposed temporary signs will not protrude above the level of the surrounding buildings on the event site or nearby buildings in the area and will not require ongoing vegetation management.</p> <p>The proposed signs do not replace existing signs.</p>	<p>Yes</p>

5. Site and building		
<ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	The scale and proportion of the proposed temporary signs will likely be appropriate for the site given the event site is within a commercial centre. The proposed signage provides visual interest to the street and will likely be of a relatively simple design for the area. There are no special features of the site.	Yes
6. Associated devices and logos with advertisements and advertising structures		
<ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	Not required.	N/A
7. Illumination		
<ul style="list-style-type: none"> Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew? 	The proposed temporary signage will not be illuminated.	N/A
8. Safety		
<ul style="list-style-type: none"> Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	The proposed temporary signage is likely to be located at an appropriate distance to the road to ensure sight lines are not adversely affected.	Yes

80. Accordingly, it is considered that the proposal is consistent with Section 3.6 of the SEPP. The provisions of Part 3.3 are not relevant to the proposal. Therefore, the proposal is considered to be consistent with the objectives and controls of the Industry & Employment SEPP.

GEORGES RIVER LOCAL ENVIRONMENTAL PLAN 2021

81. The *Georges River Local Environmental Plan 2021 (GRLEP 2021)* commenced on 8 October 2021 and is the relevant planning instrument for the proposal.

82. The particular aims of GRLEP 2021 in relation to Clause 1.2(2) which are relevant to the proposal include:

- Aim (aa) – to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
 - Aim (d) - to provide for a range of recreational, social, cultural and community service opportunities to meet the needs of the Georges River community,
83. The proposal satisfies these aims of the plan as the proposed development provides for cultural activities which contributes to community wellbeing.
84. The site is located in the E2 Commercial Centre zone (**Figure 10**).
85. The proposal does not seek to change the primary use of the site for roads and forecourts to existing buildings, however, proposes the use of the site for events, pursuant to Clause 2.8 of the GRLEP 2021. The use of the site for events is considered ancillary to the primary use of the site for road uses. Therefore, the proposal is permissible pursuant to Clause 2.8 of the GRLEP 2021. Signage is permissible with consent in the MU1 zone (as any other development not specified in item 2 or 4).

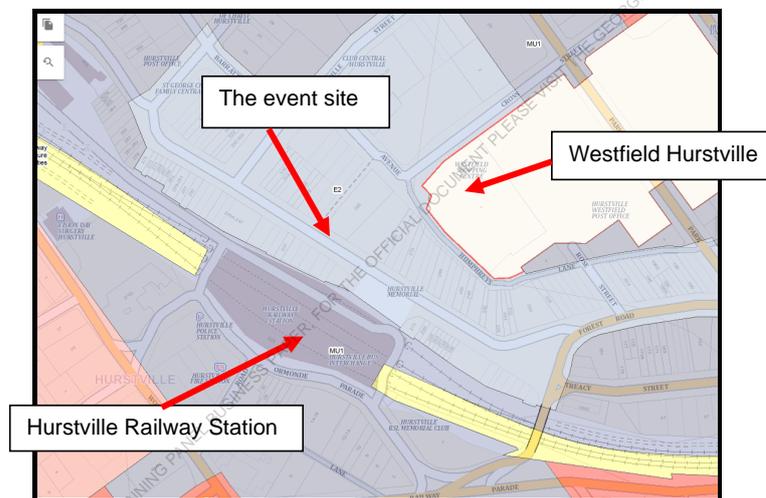


Figure 9: Zoning map from GRLEP 2021 (Source: NSW Planning Portal)

86. The objectives of the E2 zone include (Clause 2.3):
- To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.
 - To encourage investment in commercial development that generates employment opportunities and economic growth.
 - To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.
 - To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.
 - To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
 - To encourage a range of tourism, recreation, function and entertainment uses.

87. The proposal is consistent with these zone objectives in that the proposal provides for the use of the site for community events which will attract pedestrian traffic and will contribute to vibrant, diverse and functional streets and public spaces. The proposal will also provide for access to a range of facilities and services on event days and will encourage investment in commercial development that generates employment opportunities and economic growth by attracting people to the centre on event days. The proposal will utilise the roadway and adjoining footpath along Forest Road, as well as the public domain areas and parks adjoining Forest Road for temporary events, which will strengthen the role of the Hurstville City Centre as a centre of retail, community and cultural activity.
88. The restriction on the use of the event site to 52 days in any 12 months will ensure impacts to existing businesses within and adjoining the event site are minimised. It is also recommended as a consent condition that the number of major events is restricted to a maximum of six (6) in any period of 12 months to ensure that disruption to existing businesses including active frontages and car parking, are minimised and balanced against the social importance of providing events for the community to celebrate together. The potential economic impacts to existing businesses in the area is considered in the Section 4.15(1) assessment in this report.
89. Clause 2.8 of the GRLEP 2021 provides for the temporary use of land. The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
90. The proposal is consistent with this objective in that the proposal will not compromise the future development of the land, or have detrimental impacts on the economic, social, amenity or environmental aspects of the land. The potential economic impacts to existing businesses in the area is considered in the Section 4.15(1) assessment in this report. The uses and structures are temporary and will not impinge on the use of the site for public roads and thoroughfares when the events are not being held.
91. Clause 2.8(2) states that despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months. A consent condition is recommended and included in **Attachment 1** which clarifies that the period of any event includes any days required for set-up and dismantling of any equipment, stalls, temporary structures (bump in/bump out) and any other temporary site work or traffic management works. This requirement will reduce the number of events that can be held on the site, particularly the major events as such events will require more days for bump in/bump out. These matters are addressed in the recommended consent conditions. Accordingly, the proposal is consistent with this clause.
92. Clause 2.8(3) provides a precondition to the grant of consent, stating that development consent **must not be granted** unless the consent authority is satisfied as to the following matters, considered in the context of the proposal below:
- (a) *the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument,*

Comment: The proposed temporary event use will not prejudice the subsequent carrying out of development on the land in accordance with this plan or any other applicable planning instruments as the uses and structures are temporary and relevant consent conditions are recommended that the site is returned to its pre-event state. Consent conditions are also recommended requiring that existing public access routes through the site are maintained.

- (b) *the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood,*

Comment: Consent conditions are recommended with regard to managing impacts on adjoining land and the surrounding neighbourhood, with regard to noise, traffic generation, lighting, access and egress, waste management, loading/unloading and security and is therefore considered satisfactory in regards to this matter. The potential economic impacts to existing businesses in the area is considered in the Section 4.15(1) assessment in this report. this matter is also considered in the context of the existing farmer’s market approval in the key issues section of this report.

- (c) *the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land,*

Comment: The proposed use of the land does not require the removal of any vegetation or changes to the natural contours of the land. Consent conditions are recommended to ensure such impacts do not occur as well as returning the site to its previous state.

- (d) *at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.*

Comment: Consent conditions are recommended that requires the site to be restored to the pre-event condition as well as for implementation of waste minimisation plans and site management plans to protect and maintain the event site in good order.

- 93. Accordingly, the proposal is consistent with Clause 2.8 of the GRLEP 2021 and satisfies the preconditions to the grant of consent, subject to the recommended consent conditions requiring a maximum of 52 days per year of use and as outlined in the key issues section of this report.
- 94. The relevant controls including development standards and preconditions to the grant of consent (in bold) of GRLEP 2021 are considered in **Table 4** below.

Table 4: Consideration of GRLEP 2021

Applicable LEP Clause	Standards	Proposal	Comply
Part 2: Permitted or Prohibited Development			
2.7 Demolition	Demolition requires consent	Not proposed	N/A
2.8 Temporary Use of Land	Refer above	Refer above	✓
Part 4: Principal development standards			
4.3(2) Height of Buildings	None specified	There are no permanent structures proposed.	N/A
4.4(2) Floor SpaceRatio	None specified	There are no permanent structures proposed.	N/A

Part 5: Miscellaneous provisions			
5.10 Heritage Conservation	The objectives are to conserve the environmental heritage of Georges River.	<p>The event site consists of one (1) heritage item, the War Memorial Monument (Item I70) at Forest Road. There will be no adverse impacts to this item as only temporary structures are proposed and recommended consent conditions are included to ensure there are no impacts to this item. The area is not located in a heritage conservation area.</p> <p>There are also several heritage items adjoining the event site comprising buildings and shops consisting of Item Nos I82,I84, I85, I86, I87, I88, I89, I90, I91, I92, I93, I94, I95, I96, I97, I98, I101, I102 and I103.</p> <p>There are no permanent works proposed at the site and there are no works proposed to any of these heritage items. The event site does not include any of these heritage items. A consent condition is also recommended prohibiting the placement of any advertising or signage material on any of the nearby heritage items. Therefore, there is unlikely to be any significant impact on these items arising from the proposal.</p>	✓
Part 6: Additional local provisions			
6.1 Acid Sulfate Soils	The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The site is not identified on the Acid Sulfate Soil map. Therefore, consent is not required under this clause.	N/A
6.2 Earthworks	Matters to be considered.	There are no earthworks proposed.	N/A
6.3 Stormwater management	Matters to be satisfied.	There are no permanent structures proposed and no changes to the existing stormwater management arrangements on the site.	✓
6.4 Foreshore area and coastal hazards and risk	This clause applies to land identified on the foreshore building line map.	The site is not identified on this map.	N/A

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<p>6.5 Riparian lands and waterways</p>	<p>This clause applies to land identified on the foreshore building line map.</p>	<p>The site is not identified on this map.</p>	<p>N/A</p>
<p>6.6 Foreshore scenic protection area</p>	<p>This clause applies to land identified on the foreshore scenic protection map.</p>	<p>The site is not identified on this map.</p>	<p>N/A</p>
<p>6.9 Essential Services</p>	<p>Adequate services are required to the site in relation to: <i>a. the supply of water</i> <i>b. the supply of electricity,</i> <i>c. the supply of telecommunications facilities</i> <i>d. the disposal and management of sewage –</i> <i>e. stormwater drainage or on-site conservation –</i> <i>f. suitable vehicular access.</i></p>	<p>These services are all available at the site.</p>	<p>✓</p>
<p>6.10 Design Excellence</p>	<p>Applies to new buildings of 3 or more storeys or more than 12m (or both) in the MU1 zone.</p>	<p>The proposal does not involve the erection of a new building or additions or external alterations to an existing building that, in the opinion of the consent authority, are significant.</p>	<p>N/A</p>
<p>6.11 Environmental Sustainability</p>	<p>Requires consideration of environmentally sensitive design prior to granting consent.</p>	<p>The proposal does not involve the erection of a new building or additions or external alterations to an existing building that, in the opinion of the consent authority, are significant.</p>	<p>N/A</p>
<p>6.13 Development in Zones E1, E2 and MU1</p>	<p>This clause applies to the event site in the E2 zone (Cl 6.13(2)(a1)). Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied the development will not cause a part of the ground floor of a building that is facing a street to be used for the purposes of residential accommodation or tourist and visitor accommodation.</p>	<p>The proposal does not involve any permanent structures on the site and provides for an event use at ground level, consistent with the objectives of this clause to promote uses that attract pedestrian traffic along ground floor street frontages.</p> <p>Consent conditions recommending restricting the major events to a maximum of six (6) in any 12 months will ensure that active frontages are maintained for existing businesses within and adjoining the event site, with some disruptions on major event days only.</p>	<p>✓</p>

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		Subclause (5) does not apply as the erection of a building is not proposed.	
6.18 Development of Hurstville Civic Precinct	To facilitate the development of the Hurstville Civic Precinct.	The site is not identified on this map.	N/A

95. The proposal is consistent with the GRLEP 2021.

PROPOSED INSTRUMENTS (Section 4.15(1)(a)(ii) of the EP&A Act)

DRAFT REMEDIATION OF LAND SEPP

96. The Draft Remediation of Land SEPP was exhibited from 31 January 2018 to 13 April 2018. The proposed remediation of land SEPP will:

- Provide a state-wide planning framework for the remediation of land;
- Maintain the objectives and reinforce those aspects of the existing framework that have worked well;
- Require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land;
- Clearly list the remediation works that require development consent;
- Introduce certification and operational requirements for remediation works that can be undertaken without development consent.

97. The proposal is consistent with the provisions of this Draft Instrument as outlined in the assessment of the Resilience and Hazards SEPP.

Explanation of Intended Effect: Cultural State Environmental Planning Policy (SEPP)

98. This Explanation of Intended Effect (**Cultural EIE**) proposes changes to the planning system to support more creative, hospitality and cultural uses contributing to the 24-hour economy. It builds on changes from the government’s recent Vibrancy Reforms, with one of the aims being to streamline approval processes to reduce the regulatory burden and associated costs for businesses and councils. The Cultural EIE has been on public exhibition, with the submission period concluding on 7 February 2025.

99. There are a number of changes proposed comprising:

- In relation to the current planning pathways, to expand the non-refusal standards for different types of entertainment and to develop new model conditions of consent for entertainment
- In relation to events, to increase development standards for temporary structures used at community events, to support events at major precincts by enabling more events across new and existing sites, allow temporary extended trading hours for unlicensed businesses during special events and to support events in town halls
- In relation to outdoor dining and food trucks, to investigate providing outdoor music and outdoor dining patron increases using exempt development, to make outdoor dining easier at farm gate premises and to improve provisions for food trucks in residential and conservation zones, and investigate measures for food businesses using shipping containers.

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100. As part of the Cultural EIE, a *Draft Guide to Planning Pathways for Community Events A guide for councils approving community events on public land and local streets* has also been prepared by the Department (November 2024). The purpose of this guide is to provide clear and consistent information about the planning pathways available for community events on public land or those that involve street closures.
101. Section 5.4 of the draft Guide refers to the lodgement of a development application where it is proposed to hold multiple events at the same site over the course of several years. These applications are referred to a 'global development application' because separate development consent may not be required for each event where event organisers propose an event within the parameters established by the existing development consent. Such DAs are encouraged in the draft guide as is proposed in this current development application.
102. It is considered that the proposal is consistent with the planning reforms outlined in the Cultural EIE and the Draft Guide and is therefore satisfactory having regard to Section 4.15(1)(a)(ii) of the EP&A Act.

DEVELOPMENT CONTROL PLANS (Section 4.15(1)(a)(iii) of the EP&A Act)

Georges River Development Control Plan 2021

103. The development application is subject to the provisions of the *Georges River Development Control Plan 2021 (GRDCP 2021)* which was gazetted and came into effect on 8 October 2021 concurrently with the commencement of GRLEP 2021.
104. The relevant Parts of the GRDCP 2021 for the current proposal include:
 - (a) Part 3 General Planning Considerations;
 - (b) Part 7: Business Precincts (Part 7.1: General Commercial Controls); and
 - (c) Part 8.2 – Hurstville Strategic Centre

Part 3: General Planning Considerations

105. The proposal is considered to be generally consistent with the controls of Part 3 including the following:
 - *Part 3.2: Biodiversity* - The site does not contain any significant vegetation and is not referenced on the Green Web Map. The proposal is consistent with these controls.
 - *Part 3.3: Landscaping* – There is no tree removal proposed in this application, and relevant conditions are recommended to ensure there is no damage to vegetation at the event site. The proposal is consistent with these controls.
 - *Part 3.4: Bushfire Prone Land* - The event site is not bushfire prone land.
 - *Part 3.5: Earthworks* - There is no excavation proposed and no fill is proposed. The proposal is consistent with these controls.
 - *Part 3.6: Contaminated Land* – The event site is not considered to be contaminated land (discussed further in the Resilience & Hazards SEPP).
 - *Part 3.7: Heritage* – There is a heritage item within the site as well as several items adjoining the event site, however, there will be no adverse impacts arising to the heritage value of this item from the proposal (refer to GRLEP 2021 assessment).

- *Part 3.8 Views Impacts* – There are no view impacts arising from the proposal as there are no permanent structures proposed.
- *Part 3.9 Coastal Hazards and Risks* – The site is not affected by these hazards or risks.
- *Part 3.10: Water Management* – The proposal does not involve any changes to the existing stormwater arrangements at the event site. The proposal is consistent with these controls.
- *Part 3.11: Ecologically Sustainable Development* - The proposal does not involve any permanent structures at the event site. The proposal is consistent with these controls.
- *Part 3.12: Waste Management* - The proposal will be required to manage waste appropriately on the site for each event. A Waste Management Plan is to be submitted to Councils Event Team as part of the Event Application Process. Conditions are recommended in this regard shown in **Attachment 1**.
- *Part 3.13: Parking, Access and Transport* – There is no additional car parking being provided for the proposed events as there are a number of existing car parking facilities in the area and public transport is available in the area (train and bus services available in close proximity to the event site). Council's Traffic Engineer has reviewed the proposal and considered there will be no adverse traffic and parking implications resulting from the proposed development, including the proposed road closures. No objections were raised subject to relevant conditions being imposed. The proposed road closures and access to parking are considered further in the key issues section of this report.
- *Part 3.14: Utilities* - There are adequate services on the site and the proposal is consistent with these controls.
- *Part 3.15: Public Domain* – There are no permanent works proposed in the public domain. Recommended conditions of consent are included in **Attachment 1** requiring the event site to be returned to its pre-existing state following each of the events to be held at the site.
- *Part 3.17: Universal/Accessible Design* – There are no permanent buildings proposed to be constructed on the site.
- *Part 3.18 Advertising and Signage* – The proposed temporary signage has been considered in the Industry & Employment SEPP assessment in this report. Details of all proposed signage will be provided to Council for review and approval prior to the granting of an Event Permit as outlined in the recommended consent conditions in **Attachment 1**.
- *Part 3.19: Crime Prevention/Safety and Security* – There are no permanent buildings proposed to be constructed on the site. An Operational Plan of Management will be prepared by each event organiser for all temporary events as part of the Event Application lodged with Council. This will ensure a high standard of event management and acceptable environmental impact to surrounding properties and the locality is maintained. The recommended consent conditions in **Attachment 1** require the provision of security at the events to be held at the site.
- *Part 3.20: Noise and Vibration* - Clause 3.20.3 requires consideration of noise generating development, outlined below:
 1. *Development should be sited and designed so that noise is kept to a minimum and*

does not create offensive noise as defined by the Protection of the Environment Operations Act 1997.

The potential acoustic impact of the proposal is considered in the key issues section of this report.

2. *Noise generating developments should be accompanied by an acoustic report that demonstrates the development is sited and designed to:*
 - i. *Minimise the effect of noise and vibration on surrounding sensitive land uses; and*
 - ii. *Comply with relevant State Government and Council guidelines.*

An Acoustic report (including a revised version) has been provided and is considered in the key issues section of this report.

3. *The location and design of noise generating activities, such as loading and unloading areas, garbage collection areas, driveways, parking areas, active recreation areas, air conditioning or mechanical plants, should be sited away from adjacent sensitive land uses and/or screened by walls or other acoustic treatments.*

This matter is considered further in the key issues section of this report.

4. *In addition to physical noise mitigation measures, noise impact management measures should be used to further limit potential noise impacts on sensitive land uses such as:*
 - i. *Scheduled times to undertake noise generating activities and/or use of noise generating machinery; and*
 - ii. *Reasonable hours of operation including delivery hours. Notes: Noise generating development may include, but is not limited to the following: child care centres, schools, places of public worship, industrial uses, commercial developments, hotels, backpackers' accommodation, and some active recreational facilities.*

This is discussed in the key issues section of this report.

Part 7: Business Precincts

106. This part applies to all Business zoned land being E1 Local Centre, E2 Commercial Centre and MU1 Mixed Use under the GRLEP 2021. In the event of any inconsistency between the controls specified in this Part of the DCP and Part 8 Strategic Centres, the specific requirements identified within Part 8 of this DCP shall prevail. The controls in Part 7.1 are generally related to building form and amenity issues, which are not relevant to the current application as no permanent building works are proposed. Part 7.2 contain controls for Character statements for local centres, which are not relevant to the event site.

Part 8: Strategic Centres

107. The controls of Part 8.2 - Hurstville Strategic Centre are considered in **Table 5** for the proposal. The proposal is considered to be consistent with these controls.

Table 5: Consideration of Part 8.1 of the GRDCP 2021

Requirement	Proposal	Comply
Part 8.2.5 – The vision for Hurstville City Centre		
The City Centre will continue to play an important role in providing employment, retail and entertainment opportunities for the area, and provide an exemplar for environmentally and socially sustainable urban development.	The proposal achieves this vision by bringing people together and into the centre.	✓
8.2.6 Local Precinct Character Statements		
Forest Road High Street		
Desired future character		
This Precinct will continue to function as the 'high street' for the Hurstville City Centre as well as a focus for community activity enabled by the key public spaces of Hurstville Plaza, Memorial Square and MacMahon Courtyard.	The proposal achieves this vision by bringing people together and into the centre. Relevant consent conditions are recommended to restrict the number of major events to ensure there is a balance between community activation and minimising disruption to existing businesses and residents within and adjoining the event site.	✓
Controls		
1. Prioritise retail activity and other active uses along Forest Road.	The proposed events will comprise active uses along Forest Road.	✓
2. Prohibit the creation of new car park entries on Forest Road, Barratt Street and Crofts Avenue.	No building works are proposed.	N/A
3. Retain the existing two (2) to three (3) storey street wall and subdivision pattern of Forest Road and provide a continuous building line of fine grain shopfronts with a continuous awning.	No building works are proposed.	N/A
4. Enhance and complement the 'high street' character through the use of scale, rhythm, materiality and/or landscaping in new developments.	No building works are proposed and the proposed events will complement the high street nature of Forest Road.	✓
5. Where residential uses are permissible, provide a minimum setback of 3 metres from the street for upper residential storeys (including balconies) to respect the human scale while allowing passive surveillance of the public domain.	No building works are proposed.	N/A
6. Encourage outdoor dining on footpaths for both day-time and night-time trading. Note: An 'Outdoor Dining Permit' is required, please to refer Council's website for more information.	The proposed events will encourage outdoor dining opportunities along Forest Road.	✓
7. Encourage retail and business premises to extend the hours of operation beyond the standard day-time trading schedule to diversify the offering of activities after 6pm.	The proposed events will encourage late night trading.	✓
8. Ensure lighting is provided to positively contribute to the safety, legibility, wayfinding and visual interest of the public domain.	Existing lighting will be used by the proposed events and supplemented where required with recommended consent conditions are to be imposed to ensure safety of residents, visitors and motorists.	✓

8.2.7 Hurstville City Centre General Controls		
Built form controls.	The proposal does not involve any building works or permanent structure and therefore these provisions are not relevant to this development application.	N/A
8.2.8 Controls for Specific Sites and Localities		
Specific sites & localities.	The event site is not located in any of these localities.	N/A

Georges River Council’s Local Approvals Policy: Use of Public Land

- 108. Georges River Council’s *Local Approvals Policy: Use of Public Land (LAP)*, effective from 26 August 2024, applies to the activities prescribed under Section 68 of the *Local Government Act 1993* that are proposed to be undertaken on public land within the area that is controlled by Council. The LAP prescribes where approval is required from the Council, and where such approval is exempted, before carrying out an activity prescribed under section 68 of the *Local Government Act 1993*.
- 109. Pursuant to Clause 14.1.1, applicants are exempt from approval to hold an external event when the activity is located in a public park or reserve and will be attended by fewer than 100 people. This includes events outlined in this application as ‘minor. Clause 14.2 of the LAP contains the approval assessment criteria to hold an event, while Clause 15.2 contains the approval assessment criteria for temporary structures such as marquees, tents and booths for community events. This development application proposes temporary uses which are beyond the scope of the LAP.

Georges River Council’s Events Toolkit, Charter and Guide

- 110. Council has prepared an *Events and Festivals Charter* which defines a framework for Council and external events for the greater benefit to the Georges River community. Council aims to establish Georges River as a leading event-friendly destination, with a balanced calendar of events that attracts visitors, bolsters the economy, and reflects community and cultural identity. The strategic objectives include to foster positive community connections, increase community engagement, promote diversity, civic pride and cultural identity and to contribute to resilience and local economies.
- 111. The *Event Guide* provides information on planning and holding events in the Georges River area and outlines the requirement for an Event Permit application to host an event within the Council area. The Guide outlines the requirements for such an application which includes public liability insurance, a risk assessment plan and a site map.
- 112. The *Event Toolkit* includes all of the necessary documentation required for an Event Permit application, comprising the application form, risk assessment report, an Event operations plans, site map guidelines, contact information, and stallholder application forms. An Event notification letter, lost/found child procedures and temporary food premises information are also provided.

Council Related Development Application Policy

- 113. The Council’s *Council related Development Application Policy* was adopted by Council on 24 February 2025, and was prepared in accordance with Section 66A of the *Environmental Planning and Assessment Regulation 2021 (Regulation)*. The policy aims to manage potential conflicts of interest and increase openness and transparency at all stages of the development process for Council related development by Council.

114. Council-related development application is defined in Schedule 1, Clause 9B of the EP&A Act as:

council-related development application means a development application, for which a council is the consent authority, that is—

- (a) made by or on behalf of the council, or
- (b) for development on land, other than a public road within the meaning of the Local Government Act 1993—
 - (i) of which the council is an owner, a lessee or a licensee, or
 - (ii) otherwise vested in or under the control of the council.

115. In this case, the land is owned by Council and therefore satisfies the definition of a *council-related development application*.
116. Pursuant to Section 2.1(2) of the Policy, the development application was referred to Council's Manager Development and Building for a conflict-of-interest risk assessment and preparation of a management statement in accordance with the requirements of the Regulation. The management statement was notified for 28 days from 20 March 2025 until 1 May 2025 pursuant to Section 2.3 of the Policy as outlined in this report. The level of risk associated with the current development application is medium risk as it involves a council-related development for which the LPP is the consent authority.
117. Section 2.4 of the Policy requires that medium risk development applications are to be assessed by Council staff and referred to the LPP for determination. In this case, Council considered that the development application is to be assessed by an external independent consultant planner and referred to the LPP for determination as outlined in the Management Statement.

Georges River Council Local Infrastructure Contributions Plan 2021 (Section 7.11 & Section 7.12)

118. The proposal is not subject to any levies or contributions in accordance with Clause 1.2 of the *Georges River Council Local Contributions Plan 2021 (Section 7.11 and Section 7.12) Plan* as the estimated cost of works is less than \$100,000.00.

Central Plaza, Hurstville Plan of Management

119. The *Central Plaza Hurstville Plan of Management* was prepared by James Mather Delaney Design Pty Ltd dated October 2016 and applies to Hurstville Plaza. The site is Community Land (General Community Use) under the *Local Government Act 1993* and is categorised as *general community use*. The key objective of the Plan of Management is to provide a framework for long-term and day-to-day decision-making, regarding the improvements and management of Central Plaza, Hurstville.
120. The vision for managing the Plaza is to provide a new vibrant meeting place, promoting well-being and celebrating the community's diverse cultural heritage. The vision is also to improve street-level connectivity between Hurstville train station, Hurstville Westfield, and Hurstville Transport Interchange and encourage regeneration and activation from adjoining properties (Clause 3.3 of the Plan).

121. The uses that may be permitted in Hurstville Plaza, categorised as 'General Community Use' are outlined in Table 3.1 of this Plan of Management. Events and gatherings, public meetings, functions, concerts, performances, exhibitions, fairs, parades, festivals, markets, stalls, kiosks, busking, public address, cafe or refreshment areas (permanent, pop up and mobile) including seating, mobile food vans are permitted uses. Table 3.2 of the Plan of Management includes the community values and management objectives attributed to central plaza. Social and cultural development, environmental sustainability and economic prosperity are all values to be realised in the Plaza which are achieved through the use of the space for the proposed events.
122. The Action Plan promotes the development of a program of regular community events to be held in the plaza to achieve the values of culturally diverse communities, families and children and supporting local businesses (Clause 4.2 of the Plan). The proposal is considered to be consistent with the *Central Plaza, Hurstville Plan of Management*.

General Community Use Generic Plan of Management August 2022

123. The *General Community Use Generic Plan of Management August 2022* applies to the for Hurstville Memorial road reserve, which is part of the event site. The proposal is generally consistent with the provisions of this Plan of Management as it encourages community use of the site.

PLANNING AGREEMENT (Section 4.15(1)(a)(iia) of the EP&A Act)

124. There are no planning agreements relevant to the development application.

THE REGULATIONS (Section 4.15(1)(a)(iv) of the EP&A Act)

125. Section 30B of the Regulations requires that Council-related development applications must be accompanied by a statement specifying how the council will manage conflicts of interest that may arise in connection with the application because the council is the consent authority (Management Statement) or a statement that the council has no management strategy for the application. Council has provided a Management Strategy which states that the development application is a medium risk application and that an independent planning consultant is to prepare the assessment report and for the development application to be referred to the LPP for determination. The development application satisfies this Section of the Regulations.
126. Division 1 of Part 4 of the Regulations requires consideration of the following matters:
- (a) Section 61: Additional matters that consent authority must consider – There are no matters in this section which are relevant in relation to the development application;
 - (b) Section 62: Consideration of fire safety - The development application does not involve a change of building use for an existing building and therefore this is not relevant to this application;
 - (c) Section 63: Considerations for erection of temporary structures - In determining a development application for the erection of a temporary structure, the consent authority must consider whether—
 - a. *the fire protection and structural capacity of the structure will be appropriate to the proposed use of the structure, and*
 - b. *the ground or other surface on which the structure will be erected will be sufficiently firm and level to sustain the structure while in use.*
 Relevant consent conditions are recommended in relation to these matters.

- (d) Section 64: Consent authority may require upgrade of buildings - The development application does not involve the rebuilding or alteration of an existing building and therefore this is not relevant to this application;
- (e) Section 66A: Council-related development applications—the Act, s 4.16(11) - A council-related development application must not be determined by the consent authority unless the council has adopted a conflict of interest policy, and the council considers the policy in determining the application. This Policy has been adopted by Council and is considered in this report. This matter has been satisfactorily addressed by the development application. Therefore, Section 4.16(11) of the EP&A Act has been satisfied and consent can be granted

Key Issues

Acoustic Impacts

127. In relation to acoustic impacts, Part 3.20.3(3) and (4) of the GRDCP 2021 contains the following controls:
3. *The location and design of noise generating activities, such as loading and unloading areas, garbage collection areas, driveways, parking areas, active recreation areas, air conditioning or mechanical plants, should be sited away from adjacent sensitive land uses and/or screened by walls or other acoustic treatments.*
 4. *In addition to physical noise mitigation measures, noise impact management measures should be used to further limit potential noise impacts on sensitive land uses such as:*
 - i. *Scheduled times to undertake noise generating activities and/or use of noise generating machinery; and*
 - ii *Reasonable hours of operation including delivery hours. Note: Noise generating development may include, but is not limited to the following: childcare centres, schools, places of public worship, industrial uses, commercial developments, hotels, backpackers' accommodation, and some active recreational facilities.*
128. A *Noise Management Plan* prepared by VMS Australia dated 13 December 2024 was provided with the application, however, Council's Environmental Health Officer raised various concerns with this Plan. Therefore, a revised Noise Management Plan dated 13 9 May 2025 was provided (**Noise Management Plan**). Council's Environmental Health Officer (**Council EHO**) was satisfied with the final Noise Management Plan.
129. The area is generally surrounded by commercial development, although there are some pockets of residential development in close proximity to the event site (**Figure 11**).

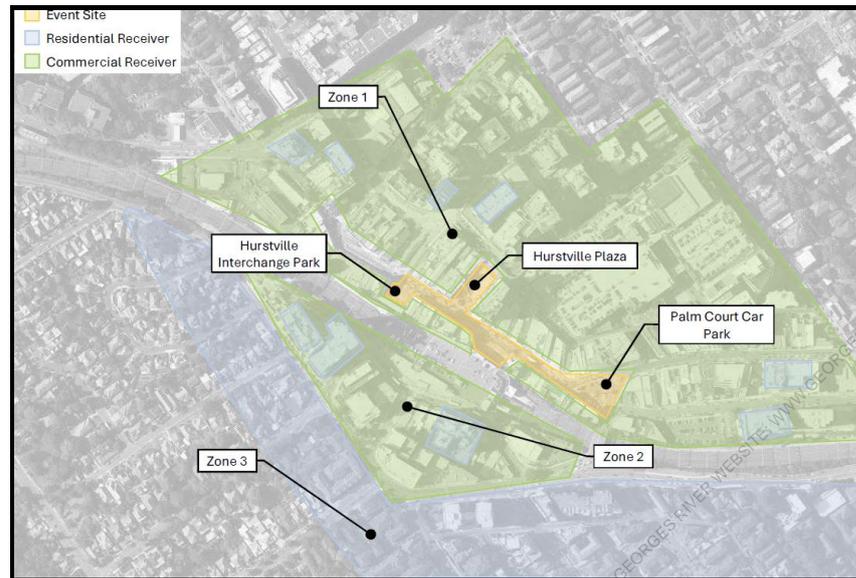


Figure 10: Location of residential (in blue) and commercial development (in green) (Source: Noise Management Plan)

130. The Noise Management Plan adopts a combination of noise objectives for the proposed use, with the NSW Noise Policy for Industry (**NPfl**) being used for noise for mechanical equipment on the site, but not amplified music or patron noise (which typically defers to local controls), which aims to control the noise emissions from industrial noise sources (since the DCP does not provide specific criteria for noise levels at residential receivers). While Council's EHO does not agree that the NPfl is not applicable to open air events, the applicant has provided an acoustic expert who recommends other suitable guides and makes sufficient justification for deviating from the Noise Policy.
131. The project noise trigger level is established for each of the assessment periods (day, evening, night) for the site and states that, where necessary, noise mitigation measures will be incorporated in the design to ensure that noise levels comply with the recommended noise emission criteria.
132. The Noise Management Plan was prepared on the basis of a major event, which will generally attract larger crowds of up to approximately 5,000 people at any given time, and which may include at least 10-15 food trucks/caterers, a stage for live amplified music performances, and at least 43 stalls/vendors. The Plan has also been prepared to assess residential receivers only.
133. The Noise Management Plan outlined the project amenity noise level and sleep disturbance criterion and considered the external noise emissions from the events, the bump in/bump out activities and the likely additional traffic noise. The Noise Management Plan also provided a number of recommendations to ensure noise associated with the proposal is adequately managed and minimised which is required by the DCP controls. These recommendations included:
- Best management practice policies and procures
 - Acoustic barriers to mitigate noise transmission where possible
 - Signage regarding patrons leaving quietly
 - Vehicle management procedures
 - Equipment controls and speaker placement requirements
 - Community liaison procedures, including complaint handling process and a designated contact person during events,

- Audio systems and musical performances, including no performances or amplified music after 10.00pm
 - Pyrotechnics restrictions
 - Bump in/bump out operations, including limiting operation of power tools and sound testing/rehearsals to occur only between 7.00am and 6.00pm.
134. The Noise Management Plan concluded that the noise generated in general during events will not comply with controls, however, stated that the recommendations provided will likely ensure the noise emissions associated with mid and major events will generally comply with intent of the applicable noise emission criteria. Therefore, noise should be managed in accordance with the noise objectives, however, strict compliance with the objectives is not considered appropriate.
135. The Noise Management Plan considered that implementing the mitigation measures as outlined in Section 6 of the Plan, could manage noise to a reasonable level and that the Proposal is considered acoustically acceptable during the proposed hours of operation, based on up to 52 events per calendar year.
136. Council's EHO considered the Noise Management Plan and did not raise any objections to the revised Acoustic Report, providing recommended conditions of consent, which are included in **Attachment 1**.

Road Closures

137. There are four (4) proposed road closure points comprising:
- At Forest Road beyond the entry to the Palm Street car park (eastern end of the site),
 - At the intersection of Forest Road with Woodville Avenue (northwest end of the event site),
 - At the intersection of Forest Road with Queens Road, although this is outside of the event site and is a *soft road closure* in that buses and other authorised vehicles can enter at this location.
 - At the intersection of MacMahon Street with Barrett Street, although this is outside of the event site and is also a *soft road closure* in that buses and other authorised vehicles can enter at this location.
138. These road closures are considered acceptable given:
- The Palm Street car park can still operate on event days as the road closure is beyond this car park;
 - There is no vehicle access to Woodville Street as it is the bus interchange area and therefore that road closure will have limited impacts to the general public as buses can still access the bus interchange in this location;
 - There is no existing vehicle access to any premises along Forest Road within the event site and therefore there is no access restrictions to existing private property;
 - There is only one minor private car parking area behind No 309 Forest Road to the northwest of the event site (but within the road closure point at the intersection of Queens Road and Forest Road) which would be affected, however, this area is within the soft road closure and outside the event site and therefore vehicle access may be possible to this area if required.
 - Some of the events (including the markets) do not require the road closure and therefore these road closures would not been used for all of the events at the event site.
 - Council's traffic engineer did not raise any objections to the proposal.

Number and type of events

139. The development application does not outline the total number of events proposed to be held at the event site or the composition of those events as either mid or major events. The major events have the potential to result in some disruptions to businesses and residents as well as potentially impact on the amenity of the general area through the creation of noise.
140. Therefore, it is considered that the proposed operation of major events at the event site should be limited to six (6) events in any 12 months. This number of major events will allow the existing two (2) major events which regularly occur at the site, comprising the *Lunar New Year* and the *Hurstville Fringe Festival* to be undertaken, as well as additional ones which may be created/organised in the next five (5) years. Any further major events beyond this number will require a separate (future) development application so that potential impacts can be considered.
141. Accordingly, a consent condition is recommended to limit the number of major events to a maximum number of six (6) major events to reduce disruption to existing businesses and residents arising from the operation of the events at the event site.

Farmer's Market Approval

142. The weekly farmer's market use of the site was approved under DA 2021/0240 (**Farmer's market approval**), and allows a maximum of 20 stalls within the Hurstville Plaza portion of the event site once a week (on Thursdays). This consent was issued under the now repealed *Hurstville Local Environmental Plan 2012 (HLEP)* as *markets*. *Markets* were a permissible use in the then B3 Commercial Core zone under the HLEP and it is noted that *markets* are still a permissible use in the current E2 Commercial Centre zoning of the event site under GRLEP 2021. This current permissibility arises as *markets* are a type of *retail premises*, which is a type of *commercial premises*, which are permissible in the E2 zone. It is also noted that the farmer's market approval did not utilise the *Temporary use of land* clause of the now repealed HLEP, which was also contained at Clause 2.8 of the HLEP.
143. The current definition of markets under the GRLEP 2021 states:
- market** means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.
- Note.** Markets are a type of **retail premises**—see the definition of that term in this Dictionary.
144. The Farmer's market approval has to be considered in the context of the provisions of the current Clause 2.8 of the GRLEP 2021 having regard to the maximum period of 52 days, with Clause 2.8(2) stating (emphasis added):
- (2) *Despite any other provision of this Plan, **development consent may be granted** for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.*
145. This subclause does not prevent a further consent from being issued for another temporary use of that land as the limitation in this provision only relates to the granting of development consent, not a limitation on the number of consents or number of events under multiple consents.

146. While this provision could theoretically result in multiple consents for temporary events that add up to more than 52 days in any period of 12 months, this power is constrained by the tests to be satisfied in Subclause (3) of Clause 2.8 which states (emphasis added):
- (3) *Development consent must not be granted unless the consent authority is satisfied that—*
- (a) *the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and*
 - (b) ***the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and***
 - (c) *the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and*
 - (d) *at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.*
147. In this case, since the land already has the potential to run 52 farmers markets a year, any subsequent temporary events beyond the 52 market days on the site (as proposed in this development application), must demonstrate how another consent for temporary uses will *not adversely impact on any adjoining land or the amenity of the neighbourhood* as is required under Clause 2.8(3)(b) of the GRLEP 2021. Further, such an application also needs to demonstrate how such a use does not *have detrimental economic, social, amenity or environmental effects on the land* under the objectives for *temporary use of land* in Clause 2.8(1) of the GRLEP 2021.
148. The operation of a weekly farmer's market as well as a further events which may add to a further 52 days of use throughout the year, would result in an intensive use of the site for temporary uses which is likely to adversely impact on adjoining land in the form of disruptions to businesses and the functioning of the town centre, which is impacted by road closures and set up/pack down vehicles manoeuvring throughout the main street.
149. Since such a use of the site for events beyond the Farmer's market approval cannot satisfy the matters under Clause 2.8(3) of the GRLEP 2021, it is entirely appropriate to impose a consent condition on this application that the Farmer's market consent be surrendered, or at least modified, by limitation on previous approved numbers of market days to reduce the intensity of temporary uses at the event site. Such a consent condition is recommended in **Attachment 1**.

LIKELY IMPACTS OF THE DEVELOPMENT (Section 4.15(1)(b) of the EP&A Act)

Natural Environment

150. The proposal is located within the town centre area of Hurstville and will not result in the removal of any vegetation or changing the natural contours of the site. In this regard, the proposed works will not materially impact the natural environment.

Built Environment

151. There are no permanent structures proposed, with only temporary structures included in the proposal. The proposal will result in an overall acceptable built environment impact, where all impacts are temporary and can be appropriately managed throughout an event.

Social Impact

152. The assessment demonstrates that the proposal will not have an adverse impact on the character of the locality or the amenity of neighbouring residential properties subject to the recommended consent conditions. The proposal will allow for social interaction between residents and it is likely to improve wellbeing for the community. While the proposal is to use public land, there is still public access to the event site throughout the running of events and any impacts are short term. Therefore the application is supported.

Economic Impact

153. The proposal is considered to result in economic benefits given the likely increase in people visiting the Hurstville town centre for the events which will assist with employment generation and business investment.
154. There are also likely to be some disruptions to local businesses arising from the use of the event site for events. These impacts are likely to be temporary, in relation to minor obstructions to shopfronts and the lack of car parking in close proximity to existing businesses due to road closures, however, the events are also likely to bring people into the centre that may not ordinarily visit the area and in this way is likely to stimulate business activity during and after events.
155. These temporary economic impacts must also be balanced with the social benefits arising from holding community events in the area for the wellbeing and social interactions which stem from such activities. On balance, it is considered that the economic impacts are acceptable as there are likely to be positive impacts too.

SUITABILITY OF THE SITE (Section 4.15(1)(c) of the EP&A Act)

156. The site is zoned E2 Commercial Centre pursuant to the GRLEP 2021 and is located in the Hurstville City Centre. The proposal results in a reasonable planning outcome (subject to the recommended consent conditions) which is considered to be compatible with the site. It is considered that the proposal will not have any unreasonable impacts on adjoining properties, the streetscape or locality beyond in its current form subject to the recommended conditions of consent.

SUBMISSIONS (Section 4.15(1)(d) of the EP&A Act)

157. There was one (1) submission received in response to the notification of the development application. The issues raised in the submission are considered in **Table 6**. The submission has been adequately addressed and appropriate consent conditions are recommended to be imposed which address these concerns (where appropriate).

Table 6: Consideration of Public Submission

ISSUE	COMMENTS	RESOLVED
Disruptions to business	<p>The submission stated that the Hurstville Night Markets held on 5 October 2024 and 15 February 2025 caused significant disruptions to local businesses.</p> <p><u>Comment:</u> The submission did not detail the specific disruptions which were experienced, however, it is considered that this is unlikely to have included any vehicle access concerns as there are no areas of vehicle access which are adversely impacted by the proposal. The potential acoustic impacts are considered in this report and relevant consent conditions are recommended to be imposed. Consent conditions are also recommended in relation to waste management, returning the site to its current state, ensuring only 52 days of temporary uses and hours of operation which are considered to largely address concerns from nearby businesses.</p>	✓
Frequency of Events	<p>The submission stated that the primary concern is the frequency of these events. With the newly proposed development allowing up to 52 events per year for the next five years, strong objection was expressed to such a high number. The submission stated that this frequency would place an excessive and ongoing burden on local businesses. Having now experienced two such events, the submission stated that moving forward, only a maximum of one event per month (12 per year) could, be supported.</p> <p><u>Comment:</u> Clause 2.8 of the GRLEP 2021 only permits temporary uses to occur for 52 days in any 12 months. This requirement is recommended to be imposed as a consent condition, with this condition also ensuring that any bump in/bump out activities are included within those given 52 days. A further consent condition is also recommended to limit the number of major events to six (6) in any 12 months to reduce potential adverse impacts on the existing businesses and residents in the area.</p> <p>This number will allow the existing two (2) major events which regularly occur at the site (<i>Lunar New Year and the Hurstville Fringe Festival</i>) to be undertaken plus additional ones which may be organised in the next five (5) years.</p> <p>Further, each event to be held at the site is also required to obtain an Event Permit from Council (also a recommended consent condition) which represents a further assessment of the detailed arrangements for each event which will be assessed in that Event Permit application.</p>	✓
Local Businesses to be involved in planning events	<p>The submission stated that the planning of each event must actively involve local businesses to ensure that key factors such as layout, noise levels, facilities, and marketing strategies are properly considered.</p> <p><u>Comment:</u> Each event is required to obtain an Event Permit for each event to be held at the event site, which includes notification to surrounding residents and businesses in accordance with Council's Event Toolkit.</p>	✓

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PUBLIC INTEREST (Section 4.15(1)(e) of the EP&A Act)

158. The proposal is considered to be in the public interest as the proposed development is generally consistent with the applicable planning controls and achieves the objectives of the zone subject to the recommended consent conditions, particularly those conditions limiting the number of major events.
159. The proposal is also generally consistent with the *Georges River Local Strategic Planning Statement 2040*. In particular Theme 3: *Housing and Neighbourhoods* in that the proposal allows for place-making initiatives in neighbourhoods such as pop-up events which can be facilitated through local guidelines and controls and supported by an Activation Plan. The proposal is also consistent with Action A54 which encourages temporary events.
160. While there may be some temporary impacts to existing businesses and residents in the area, it is considered that these impacts have been minimised as much as possible and the wellbeing of the community through the operation of community events is also an important consideration.
161. The proposal is also consistent with Pillar One of Council's *Community Strategic Plan 2022-2032* in that it provides for a socially and culturally connected community through events and festivals, which is outlined in Goal 1.1.

SUBMISSIONS, REFERRALS AND THE PUBLIC INTEREST

162. The application was notified between 25 February 2025 and 20 March 2025 and between 20 March and 1 May 2025 (25 days excluding Easter and Anzac Day public holidays). In response, one (1) submission was received, raising objections to the proposal. A summary of the key concerns raised within the submission is considered in **Table 6** above. This submission has been adequately considered in this assessment.

COUNCIL REFERRALS

163. The following referrals were undertaken with Council's specialist assessment officers:
- (a) **Health** – Considered the Noise Management Plan, the Food Act legislation and the *Protection of the Environment Operations Act 1997*. The acoustic issues are considered in more detail in the key issues section of this report. No objections were raised to the proposal following the provision of the revised Noise Management Plan as discussed in this report and subject to the recommended consent conditions, which are included in **Attachment 1**.
- (b) **Traffic** – Council's Traffic engineer considered the proposal and stated that the site is highly accessible to public transport infrastructure, including Hurstville Railway Station and Hurstville Bus Interchange in Woodville Street, both situated within the event site. The referral comments noted that, in addition to public transport, there are several car parks located within walking distance to the event site, which will be accessible during the proposed events. Attendance at the temporary events will predominantly be through public transport or walking and that it is also likely some people may attend events that are already in the vicinity having arrived earlier when events commence.

There were no objections to the proposal on traffic, parking, or pedestrian grounds and the proposal is supported subject to recommended consent conditions included in **Attachment 1**. In particular, the plans will need to be submitted to the *Georges River Traffic Local Traffic Committee* for approval prior to any events taking place that involve a closure of the road in the area indicated.

External Referrals

164. The following external referrals were sent for the development application:

- (a) Ausgrid – The application was referred to Ausgrid pursuant to Section 2.48 of the Transport & Infrastructure SEPP. There were no objections raised subject to standard conditions of consent.

CONCLUSION

165. The proposal seeks consent for the temporary use of parts of Forest Road, Memorial Square, Palm Court Car Park, Hurstville Interchange Park, and Hurstville Plaza for community, cultural, and corporate events including the erection of associated overlay including temporary structures, for up to 52 events per year for a 5 year period.
166. The proposal has been assessed with regard to the matters for consideration pursuant to Section 4.15 of EP&A Act. The proposal is considered to be an appropriate response to the context of the site and will result in a reasonable planning outcome, subject to the recommended conditions of consent.
167. The proposal has been assessed against the provisions of the relevant State Environmental Planning Policies, *Georges River Local Environmental Plan 2021* and *Georges River Development Control Plan 2021*. The proposal complies with the development standards of the Local Environmental Plan, meets the underlying objectives of Development Control Plan and is worthy of support subject to the recommended conditions of consent.

RECOMMENDATION AND STATEMENT OF REASONS

168. Statement of Reasons

- The proposal is consistent with the aims of the GRLEP 2021 in that it provides for events to be held within the Hurstville City Centre, which will promote social connectedness and will contribute to the viability and vibrancy of centres. The proposal also promotes and facilitates liveable neighbourhoods as promoted by the *Georges River Local Strategic Planning Statement*.
- The site is located in the E2 Commercial Centre Zone under the GRLEP 2021 and is generally consistent with the objectives of the zone given it provides for events which will create diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- The proposed development is a permissible use on the site pursuant to Clause 2.8 of the GRLEP 2021.
- The proposal satisfies the preconditions to the grant of consent requirements of the GRLEP 2021, including Clauses 6.9 (Essential services) and 6.13 (Development in certain business zones).
- The proposal is consistent with the planning controls and objectives of the relevant State Environmental Planning Policies and the GRDCP 2021 having regard to the controls in Parts 3 (General Planning Considerations), Part 7 (Business Precincts), and Part 8.2 Hurstville Strategic Centre.
- The proposal is satisfactory, having regard to potential impacts on the natural and built environment and is considered to be compatible with the desired future character of the area. The potential impacts to existing businesses and residents in the event area have been considered and minimised as far as possible, while the balancing the importance of community wellbeing through the operation of such community events.

- The proposal is also considered to be satisfactory having regard to social and economic impacts and the amenity of adjoining properties is maintained, subject to the recommended conditions of consent.

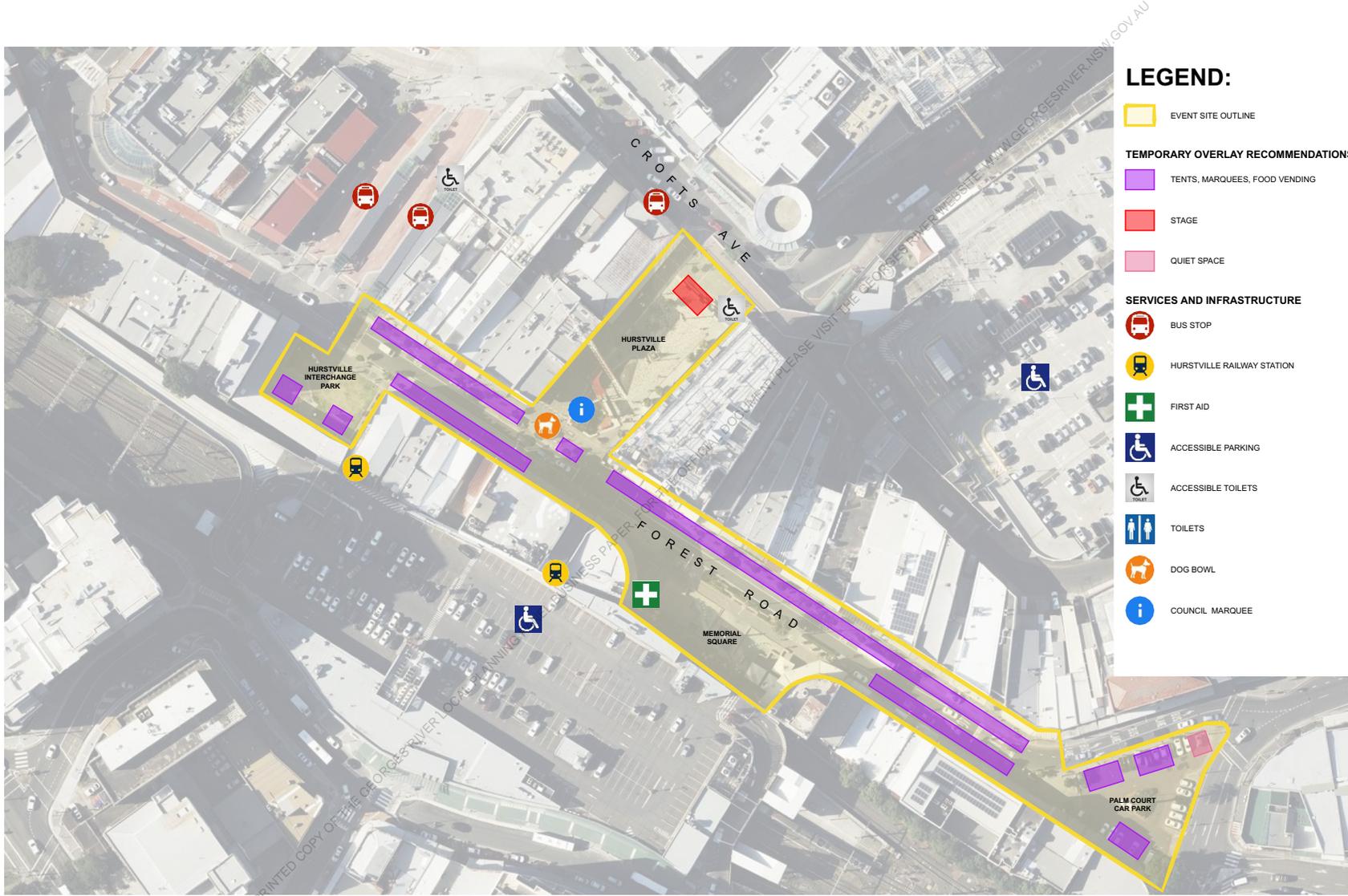
RECOMMENDATION

169. Pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*, the Georges River Local Planning Panel grant approval for the temporary use of parts of Forest Road, Memorial Square, Palm Court Car Park, Hurstville Interchange Park, and Hurstville Plaza for community, cultural, and corporate events including the erection of associated overlay including temporary structures, for up to 52 events per year for a 5 year period subject to the recommended conditions in **Attachment 1**.

ATTACHMENTS

- Attachment 1 Draft consent conditions
- Attachment 2 Event Site Plans (dated 13 December 2024)
- Attachment 3 Statement of Environmental Effects (dated January 2025)
- Attachment 4 Traffic Management Plan (No TGSFR 01 to 05 inclusive)
- Attachment 5 Operational Noise Management Plan (dated 9 May 2025)

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LEGEND:

- EVENT SITE OUTLINE
- TEMPORARY OVERLAY RECOMMENDATIONS**
- TENTS, MARQUEES, FOOD VENDING
- STAGE
- QUIET SPACE
- SERVICES AND INFRASTRUCTURE**
- BUS STOP
- HURSTVILLE RAILWAY STATION
- FIRST AID
- ACCESSIBLE PARKING
- ACCESSIBLE TOILETS
- TOILETS
- DOG BOWL
- COUNCIL MARQUEE

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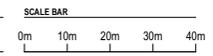
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ISSUE	DATE	AMENDMENTS
A	13.12.2024	ISSUE FOR DA

PROJECT	PROJECT NO.	SHEET TITLE
FOREST ROAD, HURSTVILLE	2411	EVENT SITE PLAN

ADDRESS	SHEET	ISSUE
FOREST ROAD, HURSTVILLE NSW 2220	DA1.01	A

DRAWN	SCALE	NORTH
RS	1:1000 @ A3	
CHECKED	DATE	
HG	13/12/2024	

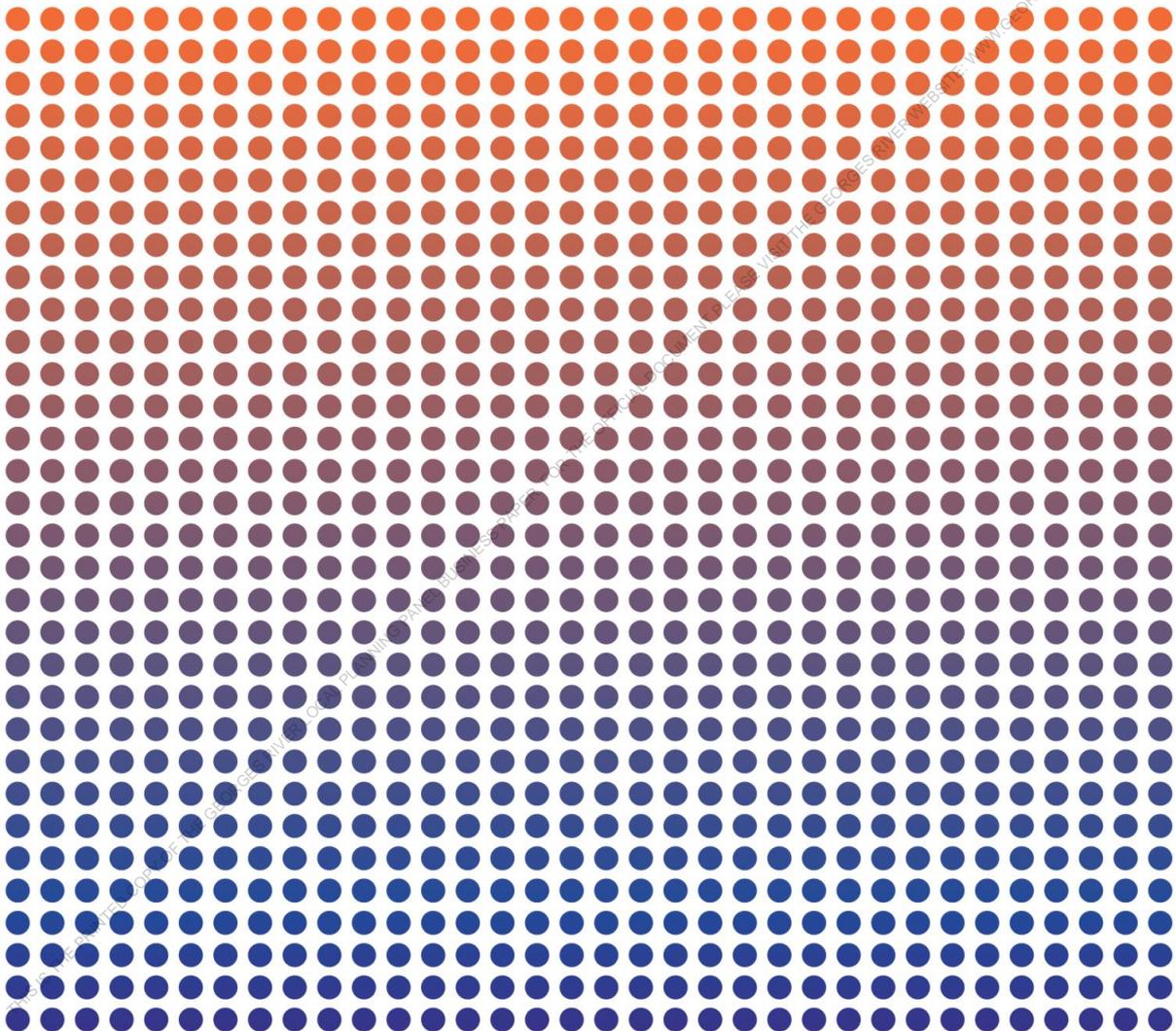


STATEMENT OF ENVIRONMENTAL EFFECTS

TEMPORARY USE OF COUNCIL LAND WITHIN HURSTVILLE CITY CENTRE FOR COUNCIL, COMMUNITY, CULTURAL, AND CORPORATE EVENTS, AND ASSOCIATED TEMPORARY WORKS INCLUDING STRUCTURES AND ANCILLARY EVENT OVERLAY

FOREST ROAD, HURSTVILLE PLAZA, HURSTVILLE INTERCHANGE PARK, MEMORIAL SQUARE, PALM COURT CAR PARK, HURSTVILLE

JANUARY 2025



Prepared by
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Version	Status	Date	Prepared By	Reviewed By
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1 INTRODUCTION

1.1 Brief Description of the Proposal

This Statement of Environmental Effects (SEE) report has been prepared on behalf of Georges River Council (Council), by Milestone (AUST) Pty Limited (Milestone) to accompany a Development Application for the temporary use of Council owned and managed land within Hurstville City Centre for community, cultural, and corporate events, including the erection of associated temporary structures and event overlay.

This Development Application identifies the event site for Hurstville City Centre and undertakes an environmental assessment for the temporary use of the subject land for events. It is sought to obtain an overarching Consent Notice from Council to hold temporary events for a period of five years, including approval for hours of operation and the erection of associated temporary structures that are not captured under Part 2, Division 3 of *State Environmental Planning Policy (exempt and Complying Development Codes) 2008* (Codes SEPP).

The objectives of the Development Application are to:

- Ensure appropriate management of all environmental impacts associated with proposed events and functions through a holistic approval;
- Provide general traffic management controls and temporary road closure points for the event site to reduce the overall cost of delivering street-based events;
- Enhance the attractiveness of Forest Road for commercial, cultural, and community events;
- Support and promote community activation of Council's event spaces;
- Ensure appropriate use of Council owned and managed civic and public domain spaces; and
- Ensure regulatory framework has been met and streamline the process for the community to use event sites.

Council works on a range of community development programs that support the needs of the local community, which includes conducting festivals and temporary events for the public to attend. A number of community groups also conduct temporary events for the local community, which form part of Council's annual event program.

The proposal seeks to streamline the approval process for temporary events and reduce the overall cost and time to deliver street-based events and temporary road closures for event organisers by outlining recommended temporary overlays, accessibility, traffic control and road closure points, and noise mitigation measures. This will in turn allow for enhanced cultural, economic, and social benefits through street-based events.

This report identifies the site and its context, describes the proposed development, and provides an assessment of the matters for consideration contained in Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act), as amended.

1.2 Supporting Documentation

The report has been prepared with reference to the following supporting documentation:

- Owner's Consent from Georges River Council authorising Milestone to lodge the Development Application.
- This Statement of Environmental Effects Report prepared by Milestone, dated 13 January 2025.
- Event Site Plan prepared by GSBN Studio, Drawing No. DA 1.01, Issue A, dated 13 December 2024.
- Accessibility Map prepared by GSBN Studio, Drawing No. DA 1.02, Issue A dated 13 December 2024.
- Operational Noise Management Plan prepared by Acoustic Dynamics, dated 13 December 2024.
- Traffic Management Plans prepared by Guardian Venue Management International (Guardian), dated 16 December 2024, including:
 - Forest Rd & Queens Rd, Drawing No. TGSFR 01.
 - Dora St & Macmahon St, Drawing No. TGSFR 02.
 - Forest Road & Bus Interchange, Drawing No. TGSFR 03.
 - Forest Rd Car Park, Drawing No. TGSFR 04.
 - GRC - Crofts Ave & Ross St, Drawing No. TGSFR 05.

2 THE SITE

2.1 The Site and its Context

The proposed event site comprises:

- Forest Road: Bounded by Woodville Street (Hurstville Bus Interchange) to the west and Forest Road to the east.
- Memorial Square: Located on the southern side of Forest Road.
- Palm Court Car Park: Located at the eastern end of the event site.
- Hurstville Interchange Park: Located on the southern side of Forest Road at 243A-247 Forest Road and legally described as Lot 1 of DP 221087.
- Hurstville Plaza: Located on the northern side of Forest Road at 296 Forest Road and legally described as Lot 16 of DP 4799.

Refer to the Event Site Plan prepared by GSBN Studio dated 5 December 2024 and **Figure 1** for the location of the Forest Road Event Site.

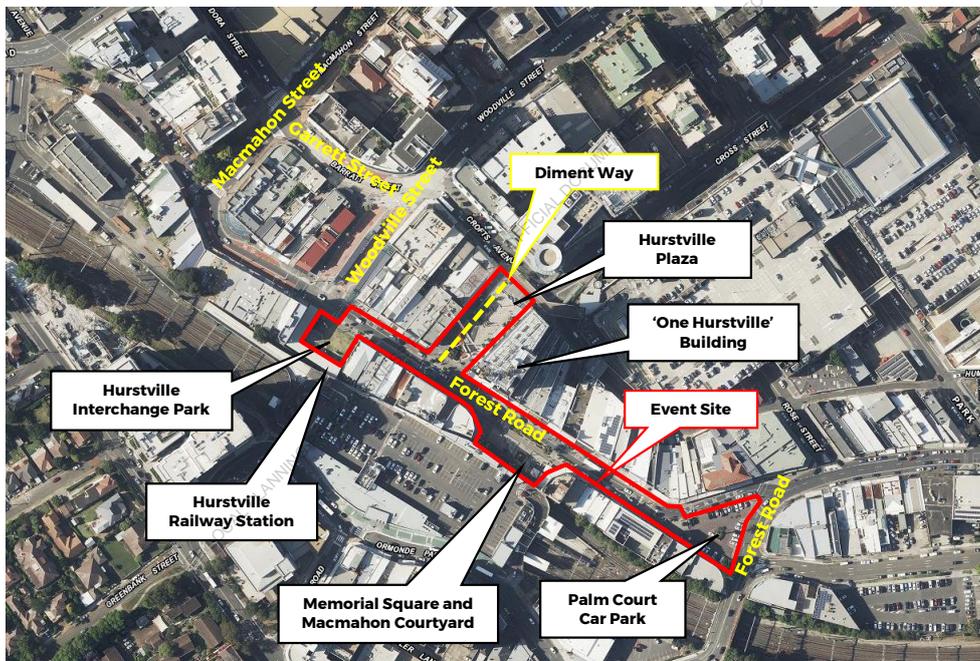


Figure 1: Site Map
Source: Six Maps, 2024

The event site is located within a commercial centre zone pursuant to *Georges River Local Environmental Plan 2021* (LEP 2021) and is within the Hurstville City Centre. The event site is focussed along Forest Road, which is situated in Hurstville's retail precinct and meets the Hurstville Bus Interchange on Woodville Street at the western end and Forest Road to the east, adjacent to Palm Court Car Park along the eastern boundary. The event site includes a large pedestrian plaza known as 'Hurstville Plaza', completed by Council in April 2019. It contains seating areas to facilitate its use as a public space and is partially overhung by a terrace/awning associated with the recently completed 'One Hurstville Plaza' building located at 288 Forest Road. Other public open areas within the event site include:

- Memorial Square and Macmahon Courtyard, located adjacent to Forest Road in the Hurstville CBD and comprising of landscaping, paving, covered public picnic tables, uncovered bench seating, and the heritage listed War Memorial Monument (Cenotaph).
- Hurstville Interchange Park, located on the southern side of Forest Road and opposite the Hurstville Bus Interchange and comprises an open grass area, landscaping, paving and bench seating.

The subject portion of Forest Road is a 'local road' under the NSW Road Network Classifications and comprises a fine grain retail precinct with wide footpaths that create a lively public domain. Traffic through this part of Forest Road is one way, moving in an easterly direction. The presence of Hurstville Plaza along Diment Way offers connectivity to the Civic Core Precinct to the north and provides a direct pedestrian link to the Hurstville Railway Station. Other public open spaces adjacent to Forest Road including Memorial Square and Hurstville Interchange Park offer great opportunity for community activity.

The built form along Forest Road is predominantly two and three storeys due to the historic subdivision pattern and adjoining heritage items. The recently completed 'One Hurstville Plaza' building located at 288 Forest Road is the tallest built form on Forest Road, comprising of 13 storeys, located adjacent to Hurstville Plaza. This development is a prominent entry marker for the Hurstville City Centre for passengers arriving via the Hurstville Railway Station. In total, there are 18 heritage items that are identified along Forest Road adjoining the event site pursuant to LEP 2021.

Mid-rise residential apartment buildings are located in proximity to the event site to the north and northwest on Woodville Street and Barrat Street, as well as further south and southwest on the opposite side of the Illawarra Rail Line.

The event site is highly accessible to public transport infrastructure, including the Hurstville Railway Station and the Hurstville Bus Interchange, which are both directly adjacent to the event site along Forest Road. There are a number of car parks located in proximity to the event site, including:

- Greenbank Street Parking, located within the basement level of 1 Greenbank Street, Hurstville;
- Hurstville Central Shopping Centre Car Park, located at the roof level of the commercial building at 225 Forest Road, Hurstville;
- Westfield Hurstville Car Park, located within the basement levels and roof level of the Westfield building at 3 Cross Street, Hurstville;
- At-grade Macmahon Street Car Park, accessible from Macmahon Street and Queens Road; and
- At-grade 41 Treacy Street Car Park, located off Treacy Street.

Refer to **Figure 2** for a Site Context Map and **Photos 1 to 7** for surrounding development.

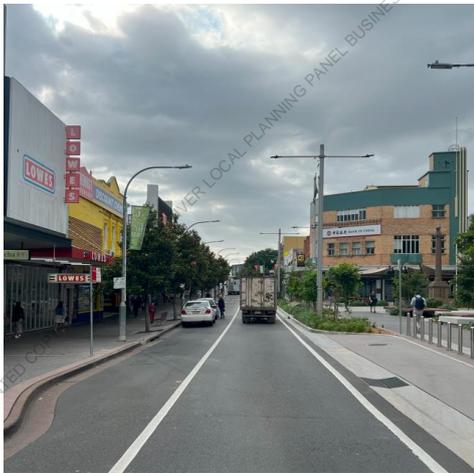


Photo 1: Forest Road, view east
Source: Milestone, 2024

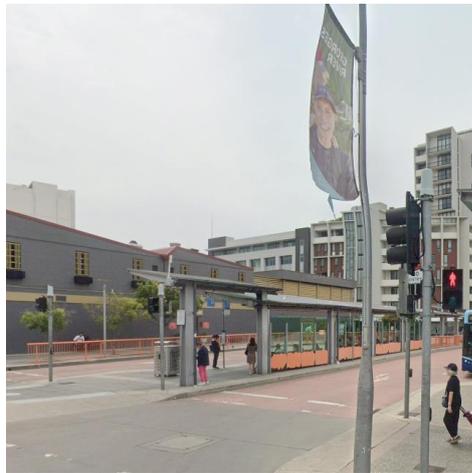


Photo 2: Hurstville Bus Interchange on Woodville Street, view north
Source: Milestone, 2024



Photo 3: Hurstville Interchange Park, view southwest
Source: Milestone, 2024



Photo 4: Hurstville Plaza with One Hurstville Plaza building adjacent, view northeast
Source: Milestone, 2024



Photo 5: Hurstville Plaza, view southeast
Source: Milestone, 2024



Photo 6: Memorial Square, view southeast
Source: Milestone, 2024

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Photo 7: Palm Court Car Park, view east
Source: Milestone, 2024

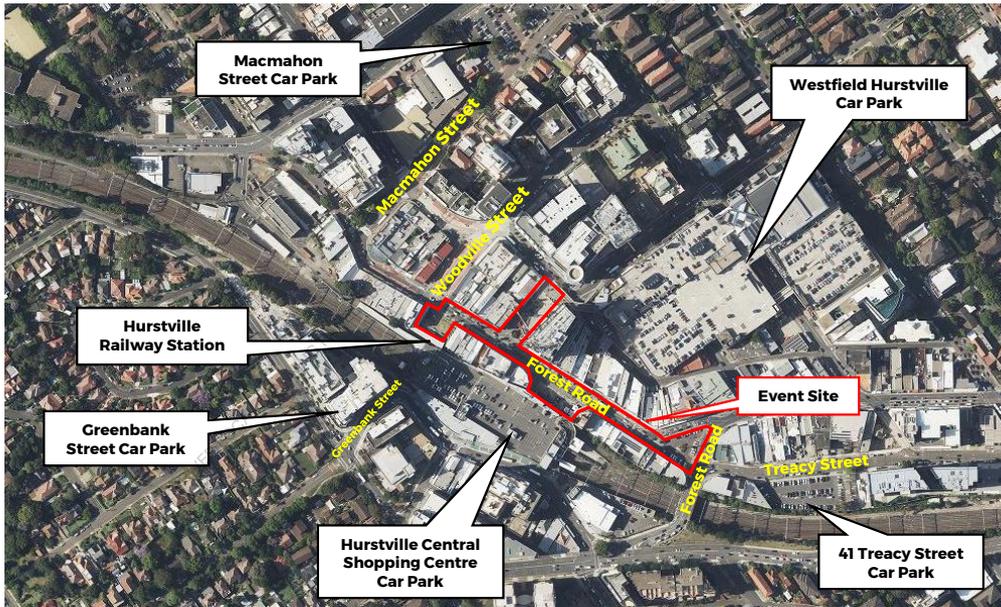


Figure 2: Site Context Map
Source: Six Maps, 2024

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2.2 Event Site History

A number of Council led, and community run events have been held within the event site. These community events comprise a large part of Council's annual events program and will continue to be held at the event site in the future. This Development Application seeks to obtain a holistic Consent Notice for all future events within the event site to streamline the approval process for event organisers. A summary of key annual events is provided below.

Lunar New Year Festival

The Lunar New Year Festival is an annual event held by Council within the event site and typically falls between late January and mid-February and showcases various Asian cultural customs, traditions, and festivities. This cultural and community event is Sydney Metropolitan's biggest Council-led New Year celebration and has been held for over 22 years in the area. The event includes a number of food and market stalls, as well as entertainment including stage performances.

Temporary structures erected in association with this event include dining areas, stalls, marquees, a stage for cultural and dance performances, and viewer seating.

The event is held over one day between 12:00 pm - 9:00pm. Bump in and bump out procedures are also carried out on the day of the event before its commencement and following its conclusion. The event includes changes to traffic conditions for the event and bump in and bump out, including the following road closures:

- From 12:00am until 11:59pm, on the day of the event:
 - Forest Road between Queens Road Street and Palm Court.
 - MacMahon Street between Barratt Street and Forest Road.
- From 6:00am until 9:00p, on the day of the event:
 - Cross Street between Park Street and Humphreys Lane (Access permitted for car parks and residents).
 - Crofts Avenue between Woodville Street and Humphreys Lane.

Refer to **Photo 8** and **Photo 9** for presentation of the Lunar New Year Festival.



Photo 8: Lunar New Year Festival 2024
Source: St George and Sutherland Shire Leader, 2024



Photo 9: Cultural Performance at Lunar New Year Festival 2024
Source: Milestone, 2024

Hurstville Fringe Festival

The Hurstville Fringe Festival is an annual event held at the event site within Hurstville Plaza and includes a blend of comedy and cuisine, bringing live music, dancing, and a vibrant celebration of the community's unique flavours and creativity. Interactive art and cultural workshops also form part of the event.

Temporary structures erected in association with this event include stalls, a stage for live performances, and viewer seating. No road closures are required for this event.

The event is held over one day in September, between 6:00pm and 9:00pm, and is confined to the Hurstville Entertainment Centre, located 16 McMahon Street, as well as Hurstville Plaza. The event does not result in changes to traffic conditions or require road closures.

Refer to **Photo 10** and **Photo 11** for presentation of the Hurstville Fringe Festival.



Photo 10: Live Cultural Performance at Fringe Festival 2024, Hurstville Plaza
Source: Georges River Council, 2024



Photo 11: Fringe Festival 2024, Hurstville Plaza
Source: Georges River Council, 2024

Hurstville Foodies and Farmers Market

The Hurstville Foodies and Farmers Market is a weekly event held at the event site within Hurstville Plaza and runs between 12:00pm – 6:00pm, on Thursdays only. The market offers a variety of fresh local produce and gourmet street food, featuring Chinese, Nepalese, Australian, and other cuisines. Approval to hold the market on a weekly basis for 20 x market stalls within Hurstville Plaza has been granted under Development Consent DA2021/0240, dated 2 December 2021.

Temporary structures erected in association with the event include stalls and seating within Hurstville Plaza. No road closures are required for the market. Bump in of the market event is between 9:30am – 12:00pm, and bump out following the conclusion of the market is between 6:00pm – 7:30pm.

The proposed holistic approval under this Development Application will also allow for larger market events to be held within the event site, including associated temporary structures and event overlay in the future.

2.3 Land Ownership

Georges River Council is the owner of the land within the proposed event site, the subject of this Development Application. The subject part of Forest Road located within the event site is classified as a 'local road', pursuant to the NSW Road Network Classifications and is under the management of Council.

Owner's Consent was provided by Georges River Council on 13 December 2024 for the lodgement of the Development Application.

2.4 Relevant Programs and Policies

2.4.1 Permit/Plug/Play Pilot Program

The Permit/Plug/Play Pilot Program (Pilot Program) is an \$8 million partnership grant program, which forms part of the NSW Government's Vibrant Streets Package, a \$19.7 million investment in transforming streets into thriving local places to support the community, businesses and the creative sector. A total of 16 pilot councils, including Georges River Council, were granted funding to streamline processes and reduce costs of delivering street-based events that require temporary road closures.

The objectives of the Pilot Program are to:

- Improve Council process efficiency and communication about temporary road closures and the street-based events that they enable;
- Reduce the cost of delivering street-based events and temporary road closures for event organisers;
- Focus investment on strategic locations for maximum impact;
- Support collaborative engagement and funding; and
- Deliver enhanced cultural, economic, and social benefits through street-based events.

2.4.2 Georges River Council Event Toolkit

On 12 February 2024, Council adopted the following event resources to support event organisers and provide a comprehensive event guide and application process for Event Permits to deliver and support temporary events in the Georges River Council local government area (LGA):

- *Georges River Council Events and Festivals Charter* (Event Charter);
- *Georges River Event Guide* (Event Guide); and
- *Georges River Event Toolkit* (Event Toolkit).

These resources ensure that all Council run, and community led events are properly organised and conducted to mitigate safety risks, improve traffic and crowd management, and ensure all approvals and/or permits required for an event have been obtained prior to the event.

3 DESCRIPTION OF PROPOSAL

3.1 Overview

Council and community groups regularly hold a number of annual community events within the event site. Approval is currently granted separately for each individual event by Council via Local Approvals under Section 68 of the *Local Government Act 1993* (Local Government Act) and via Part 9 of the *Roads Act 1993* (Roads Act). This Development Application seeks to obtain an overarching approval for the temporary use of Forest Road as bounded by Woodville Street to the east and Forest Road to the west, Memorial Square, Palm Court Car Park, Hurstville Interchange Park, and Hurstville Plaza, for community, cultural, and corporate events, including the erection of associated overlay including temporary structures. A holistic approval for temporary events is sought for a period of five years and for up to 52 community events per calendar year within the event site.

The key driver for the Development Application is to facilitate a streamlined approval process for conducting temporary events within Forest Road, Hurstville, as well as set general traffic management procedures, road closure points, and management strategies to minimise the acoustic impact on nearby properties.

The types of temporary events to be held will generally range from mid to major events that will generally attract larger crowds of up to approximately 5,000 people at any given time. Most events will be open for the public to attend (non-exclusive) and some events may require the purchase of a ticket (exclusive). The types of temporary events to be held at the site will include, but are not limited to:

- Food and wine festivals.
- Markets, including night markets.
- Outdoor exhibitions.
- Cultural exhibitions, festivals, and demonstrations.
- Key performances.
- Film and Movie nights.
- Art shows.
- Youth activities.

3.2 Event Capacity

The event site will have an approximate maximum capacity of up to 5,000 people at any given time. The site will generally hold mid-size events (up to 1,000 people at any given time), and major events (over 1,000 people at any given time), in accordance with the Events Matrix outlined in Council’s *Event Guide* and summarised in **Table 1**.

Minor events of less than 100 people are required to be notified to Council, however, a Local Approval is not required under Section 68 of the Local Government Act, as identified in the *Georges River Council Local Approvals Policy: Use of Public Land*.

Table 1: Event Matrix: Georges River Council Event Guide

Minor Event	Mid Event	Major Event
Under 100 people at any one time	Up to 1,000 people at any one time	Over 1,000 people at any one time
No temporary infrastructure	Temporary infrastructure – marquees, portable toilets	Temporary infrastructure required – staging, portable toilets, marquees
Minimal noise impact	Moderate noise impact or amplification	High noise impact and amplification
No food vendors selling to the public	Up to 5 caterers or food vendors	Above 5 caterers or food vendors
No change to traffic, parking, or pedestrian conditions	Change to traffic or pedestrian management	Traffic and pedestrian management, including increased vehicle traffic to the event area

3.3 Event Operational Details

The proposed temporary use of the event site will not include earthworks, demolition, vegetation or tree removal or pruning. All installation works will be completed by qualified contractors and will be temporary and reversible in nature. Following the conclusion of the temporary use and any proposed overlay, the site will be re-instated to the existing condition.

Hours of Operation

The general hours of temporary events are as follows:

- 7:30am to 11:00pm, Sunday to Thursday.
- 7:30am to 12:00 midnight, Friday and Saturday.

It is noted that many events will not require the specified operational window and will cease earlier.

Bump In and Bump Out

To support the bump in and bump out of the temporary event, a number of construction workers, delivery truck and vehicle movements, fork lifts and other construction plant may be required to erect the temporary structures and associated event overlay.

The works undertaken during the bump in and bump out periods will be generally limited to five days in total for larger events. Smaller events will typically only require setup the day of the event. A general timeframe for works carried out within these periods are outlined in **Table 2**. Strict adherence to the times and duration of bump in and bump out activities will be required by all event organisers.

Table 2: Bump In and Bump Out - All Event Categories

Criteria	Times Permitted
Maximum Duration of Bump In and Bump Out	Four to five days total duration
Bump In and Bump Out Hours	6:00am - 12:00 midnight, on any day
Sound Check hours of Operation (Amplified Music)	8:00am - 9:00pm, on any day

3.4 Noise

Noise emissions associated with the proposed event site will primarily be from the following sources:

- Event operation including amplified music and patron noise.
- Fixed mechanical plant noise.

Residential receivers are located to the north of the event site along Cross Street and Woodville Street, as well as further south over the Illawarra Rail Line and further east on Forest Road. An Operational Noise Management Plan has been prepared by VMS, dated 13 December 2024, and this analysis identifies the sensitive noise receivers surrounding the event site. To ensure potential noise impacts are appropriately managed and mitigated for sensitive receivers, the following key recommended acoustic mitigation measures have been provided for the event site under Section 6 of the Operational Noise Management Plan:

- Administration Measures, including:
 - Complaints management so that the community can register complaints and enquiries.
 - A Site Diary to record and note items such as main works conducted, mitigation installed (if any), complaints received and management, heavy vehicle movements, weather conditions and incidents.
 - Inductions for all contractors and sub-contractors during bump in and bump out operations.
 - Community engagement and notification.
 - Scheduling of noisy events to be minimised during more sensitive times such as late evenings.

- Source Measures, including:
 - Appropriate equipment selection.
 - Ensuring all trucks/trailers are fitted with quiet, non-tonal alarms.
 - Switching off plant not being used.
 - Locating and angling speakers away from noise-affected receivers to gain directivity noise attenuation. Minimise the number of speakers as much as possible.
 - Quiet exit of the site by patrons.
- Path Measures, including:
 - Installation of temporary solid barriers/noise blankets around fixed plant (generator/fans).
 - Avoiding heavy truck movements via local residential roads, especially during bump in and bump out periods.
 - Encourage patrons to use public transport and carpool to travel to the event site.
- Receiver Measures, including:
 - Notification of nearby sensitive receivers to close windows and doors during noisy events.
 - Minimise scheduling of noisy events (such as live bands and/or amplified music), following specific consultation with nearby worst-case noise affected receivers, during more sensitive times such as the late evenings.
 - If required, specific monitoring of noise during high noise events such as live bands and/or amplified music.

3.5 Temporary Structures

Depending on the event, a number of temporary structures will be required in association with events held in the event site, including:

- Marquees and tents.
- Stages and Platforms.
- Mobile video screens.
- Viewer seating.
- Temporary food and drink premises.
- Toilet facilities.
- Crowd control barriers/fencing.
- Temporary fencing.
- First aid stations.
- Art installations, activations, and sculptures.
- Carnival rides and inflatables.

All temporary structures will be structurally sound and erected in accordance with manufacturer's specifications and relevant Australian Standards. Following the erection of the temporary structures, engineering certification will be completed for each structure prior to the commencement of the event. This will ensure safety and structures being capable of withstanding weather conditions and loads. All certifications will be forwarded to Georges River Council.

Suitable locations for typical temporary overlay recommendations are identified within the Event Site Plan prepared by GSBN Studio dated 13 December 2024, as shown at **Figure 3**. Typical event overlay includes recommended areas for:

- Stalls, marquees, and food vending, along Forest Road, and within Hurstville Interchange Park and Palm Court Car Park;
- A stage within Hurstville Plaza ; and
- A quiet zone within Palm Court Car Park.

Some events may include licensed areas for the service of alcohol within the event site. The event organiser is required to confirm any licensed areas with Council prior to an event.

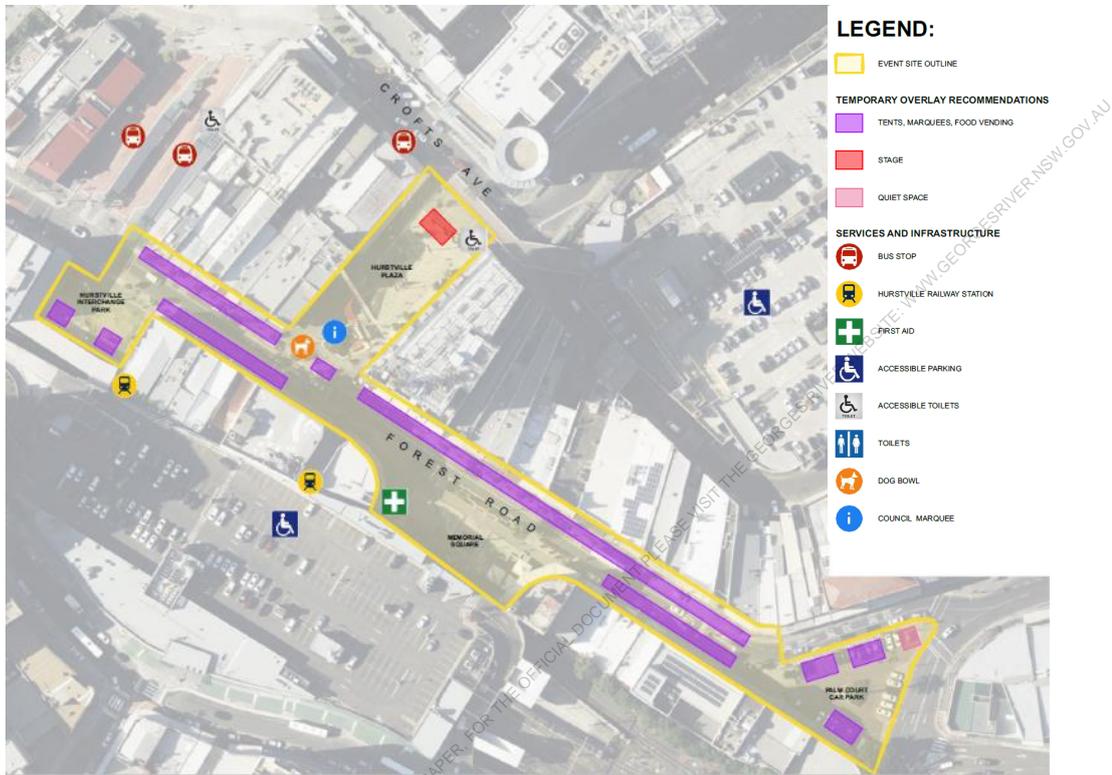


Figure 3: Event Site Plan
 Source: GSBN Studio (Drawing No. DA 1.01, dated 13 December 2024)

3.5.1 Temporary Structures outside of Exempt Development

The erection of temporary structures associated with an approval for the use of land may be carried out via the Exempt Development Pathway in accordance with Division 3 of the Codes SEPP. The proposed temporary use of the event site will sometimes require temporary structures to be erected that are outside those permitted under Division 3 and therefore, the proposal seeks approval for the erection of temporary structures on the site which are not consistent with the Development Standards of the Codes SEPP (refer to Section 4.4.1 of this report).

Temporary structures associated with temporary events held on the event site will generally have a maximum footprint of 14m x 10m, and a maximum overall height of 9m.

3.6 Vegetation and Tree Protection

The event site comprises trees along either side of Forest Road, as well as landscape beds along the southern side of Forest Road, adjacent to Memorial Square. Further landscaping is located within Memorial Square Hurstville Plaza and Hurstville Interchange Park. Vegetation and tree protection measures must be implemented for all temporary events to ensure the protection of the existing landscaping within the event site.

3.7 Event Signage

Temporary signage will be permitted as part of each temporary event held within the event site. The proposed temporary event signage must serve a primary purpose of identifying the event to the community, wayfinding crowd management and information delivery.

All event signage must be erected on Council land and removed at the conclusion of the event. The following types of event signage are prohibited:

- Non-event general and third party advertising;
- 'A' frame signage; and
- Obscene, offensive, derogatory and defamatory signs.

3.8 Liquor Licenses

Some temporary events held at the event site will require liquor licenses to be obtained from Liquor & Gaming NSW. The event organiser will be responsible for obtaining the required license for any event that is proposed to serve alcohol.

3.9 Traffic Management and Road Closures

The event site will be blocked off during event operations for some events and therefore, vehicles will be restricted from entry. A Traffic Management Plan has been prepared by Guardian dated 16 December 2024, for the event site. This plan details the required traffic control measures and road closure points to conduct temporary events within the event site. One road closure option is identified for events:

- **Road Closure Option:** Comprising four road closure points, including:
 1. At the intersection between Forest Road and Queens Road to the east of the event site;
 2. The southbound lane of Macmahon Street at the intersection between Dora Street and Barrat Street;
 3. Forest Road at Hurstville Interchange Park; and
 4. Forest Road at Palm Court Car Park to the west of the event site.

The location of signage and traffic control measures required for the road closure points is also detailed within the Transport Management Plan. Refer to **Figure 4** for an overview of the road closure points.

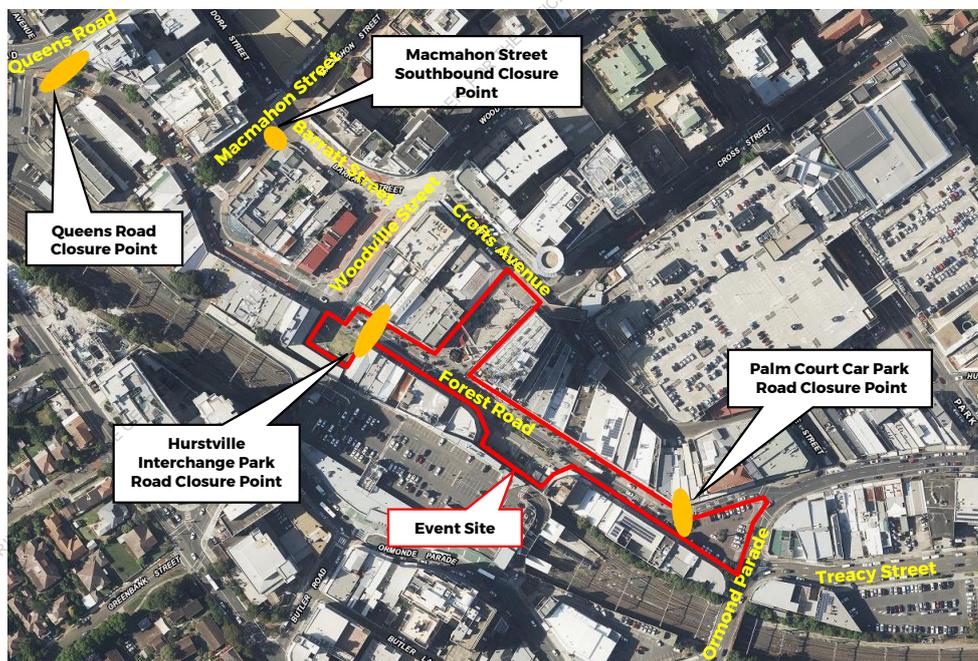


Figure 4: Road Closure Points
Source: Six Maps, 2024

3.10 Accessibility

Council has a responsibility to ensure equitable access is provided for all events so that people of all abilities can access different parts of the event. An Accessibility Plan has been prepared by GSBN Studio (Drawing No. DA 1.02, dated 13 December 2024), which details the agreed continuous paths of accessible travel throughout the event site, accessible car parking and public transport points, accessible toilets, as well as

first aid and information points. Accessible paths of travel and associated amenities within the event site will be required in accordance with the Accessibility Map prepared by GSBN Studio for each event.

3.11 Lighting

Existing lighting provided within the event site includes light poles along the pedestrian footpaths on Forest Road, as well as within Hurstville Interchange Park, Memorial Square, and Palm Court Car Park. The existing lighting infrastructure is suitable for most events. Additional lighting may be required for a specific event or may include lighting activations.

Any additional temporary lighting erected within the event site associated with an event shall be designed so as to not cause a nuisance to residences within the area or to motorists, and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.

3.12 Other Approvals

3.12.1 Event Permit

The purpose of this Development Application is to obtain a holistic approval for the temporary use of the event site for events and to streamline the approval process for event organisers by eliminating the requirement to obtain a separate Local Approval under Section 68 of the Local Government Act. When the overarching Development Consent is in place for the Forest Road event site, each event organiser will still be required to obtain an Event Permit from Council via lodgement of an Event Application for the specific event, 12 weeks prior to the event date, or 16 weeks prior if the proposed event requires temporary or partial road closures, or pyrotechnics. The Event Application must include specific details relating to the temporary event, as well as a detailed Operational Plan of Management prepared in accordance with Council's Event Toolkit, including:

- Event Site Plan and Overlay.
- Operational Management Procedures.
- Waste Management Strategy.
- Event Risk Assessment and Management Strategy.
- Emergency Plan.
- Resident Notification Letter.
- Alcohol Management Plan (if alcohol being served).
- Lost Child Response Plan.

The Event Permit will set out the terms and conditions for the event by Council. The event organiser is bound by the terms of the Event Permit. The event organiser will also be bound by all conditions of the overarching Development Consent.

3.12.2 Temporary Road Closure

All temporary events requiring road closures will need approval from Council under Part 9 of the Roads Act via the lodgement of a Temporary Road Closures Application Form (refer to Section 4.3 of this report).

4 STATUTORY PLANNING FRAMEWORK AND ENVIRONMENTAL ASSESSMENT

In accordance with Section 4.15(1) of the Act, the following section provides an appraisal of the proposed development having regard to the statutory planning instruments and development control plans that apply to the subject sites.

4.1 Strategic Policies

4.1.1 South District Plan

This *South District Plan* is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney and includes the Georges River LGA. Refer to **Figure 5** for the South District Plan Map.

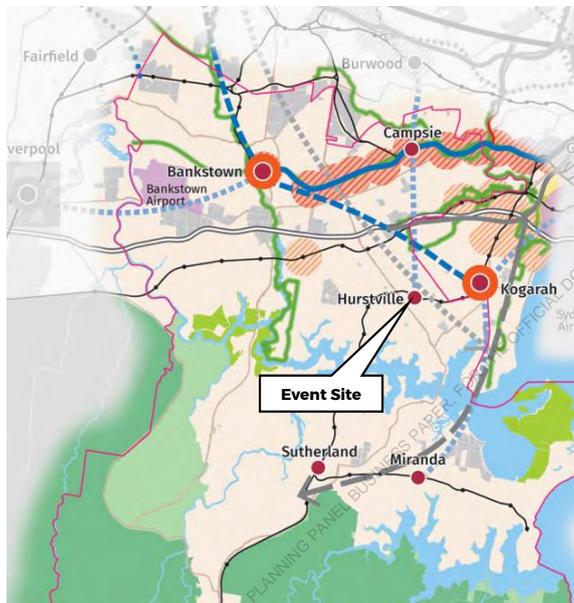


Figure 5: South District Plan Map
Source: South District Plan

As a strategic centre, the *South District Plan* nominates a number of Actions that must be completed by Council, other planning authorities and State agencies to strengthen Hurstville City Centre’s regional significance:

- 35. *Strengthen Hurstville through approaches that:*
 - a. *encourage and support shopping centre improvements to better integrate with the surrounding public spaces*
 - b. *create a strong sense of place by celebrating Hurstville’s cultural diversity*
 - c. *support the expansion of the hospitals in the centre and the growth of allied health services*
 - d. *encourage new lifestyle and entertainment uses to activate streets and grow the night-time economy*
 - e. *build on the centre’s administrative and civic role*
 - f. *retain and manage existing commercial lands for future employment opportunities*
 - g. *facilitate the attraction of office and commercial floor space and provide opportunities to allow commercial and retail activities to innovate*
 - h. *recognise and support the role of Forest Road as a movement corridor and as an eat street*
 - i. *encourage activation of secondary streets*

The proposal seeks approval for the temporary use of Council land within Hurstville City Centre for community, cultural and corporate events. This will directly support the relevant key actions (b) and (d) for Hurstville within the *South District Plan*.

4.1.2 *Georges River Local Strategic Planning Statement 2040*

The *Georges River Local Strategic Planning Statement 2040* (LSPS) guides land use planning and the delivery of significant infrastructure for the Georges River LGA until 2040.

Theme 3: Housing and Neighbourhood

Theme 3 of the LSPS relates to housing and neighbourhood and identifies an opportunity for place-making initiatives in neighbourhoods such as temporary events, to be facilitated through local guidelines and controls. Local Planning Priority 10 of the LSPS outlines key actions for homes to be supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces. Key Action 54 is a short-term action for Council to encourage temporary events through Clause 2.8 of LEP 2021, which permits the temporary use of land. The proposal seeks a holistic approval for the temporary use of Council land in Hurstville City Centre for community, cultural and corporate events. The proposal supports up to 52 events to be held each year within the event site, which directly supports Local Planning Priority 10 of the LSPS.

4.1.3 *Commercial Centres Strategy 2020*

The *Commercial Centres Strategy 2020* was prepared in two parts to assist in the preparation of LEP 2021 and proceeding LEP and DCP amendments. A total of six strategic centres were identified within the Strategy, with includes Hurstville. The Strategy has an aim of preparing a harmonised planning framework that effectively governs the future development of these centres to support their ongoing viability and the growth of local businesses and jobs.

Economic trends and drivers that influence economic activity and development have been identified within Section 3 of the Strategy. One key finding is that community events that showcase local retail offerings and services assist in driving retail growth by creating a sense of community identity. The proposal seeks temporary use of Council land for community, cultural, and corporate events, which in turn supports the activation of Belgrave Street and the public domain within the Hurstville City Centre. Further, the proposal will increase the desirability for people to visit the event site and will have positive social and economic impacts for surrounding businesses as well as enhance the vitality of the locality. Therefore, the proposal directly supports the overarching aim of the *Commercial Centres Strategy 2020*.

4.1.4 *Community Strategic Plan 2022 - 2032*

The *Community Strategic Plan 2022-2032* is the second community strategic plan for the Georges River LGA and represents the community's ambitions and expectations for the area for the next ten years. A key matter that was raised by the community during the public consultation period of the *Community Strategic Plan 2022-2032* was the continuation of local festivals and events, which was built into the goals for Pillar One of the *Community Strategic Plan 2022-2032*, which pertains to the community.

Pillar One has a goal for a community that is socially and culturally connected and strives for social equity. A strategy to achieve this goal is to initiate, facilitate, and support inclusive and accessible events that meet the community aspirations and connect people, communities, and diverse groups. The proposal, which seeks a holistic approval for temporary use of Council land within Hurstville City Centre for community, cultural and corporate events, will assist Council in achieving this goal for the community.

4.1.5 *Hurstville 'Heart of the City' Place Strategy*

The *Hurstville 'Heart of the City' Place Strategy* (Place Strategy) has been developed by Council to provide a vision, priority projects and key actions to achieve the goal of Hurstville becoming the 'heart of the city'. The strategy outlines key projects that will transform Hurstville through innovative, economic, cultural and infrastructure improvement projects.

Four critical aspects are considered to deliver the vision for Hurstville: Process, People, Place and Positioning. These four aspects form the major pillars of the Place Strategy. The Place Strategy highlights twelve key priority projects to achieve the vision and desired outcomes for Hurstville. Each priority project is supported by short, medium and long term actions and detailed measurement and evaluation criteria. The desired outcomes of the Place Strategy are to provide benefit to the community by focussing on Hurstville being a city:

- Promoting a high quality of life.
- Celebrating diversity and being inclusive of everyone.
- Being known for exciting events, activations and a thriving night time economy.
- Attracting investment and jobs with an innovative mindset.
- Becoming a welcoming destination for locals and visitors, with a positive reputation.
- Be safe and easy to get around.
- Being led by collaborative, strong relationships between key stakeholders.

The proposal seeks holistic approval for the temporary use of Council land in Hurstville City Centre for community, cultural and corporate events. The proposal will assist in achieving the desired outcomes of the Place Strategy, by providing increased opportunity for Council and community groups to hold temporary events within the area that welcome all cultures and communities, as well as increase foot traffic to the locality.

4.2 Central Plaza, Hurstville Plan of Management 2016

The *Central Plaza, Hurstville Plan of Management (POM)* was adopted in October 2016 and aims to provide a framework for long-term and day-to-day decision-making, regarding the improvements and management of Central Plaza (Hurstville Plaza). The objectives of the POM are as follows:

- Develop objectives, management goals and action strategies which will satisfy the ongoing recreational needs of the community, regardless of age, sex, culture or level of ability; and
- Provide clarity in the future development, use and management of community land.

Hurstville Plaza is identified under Section 2.2 of the POM for 'General Community Use'. The POM authorises Council to grant leases and licenses for temporary use of the subject land that is consistent with the permitted uses and the management objectives identified under Section 3.2 of the POM. Permitted uses include 'Community Use', which permits the following associated development/facilities:

Community notice board, events and gatherings, public meetings, functions, concerts, performances, exhibitions, fairs, auctions, workshops, parades, festivals, markets, stalls, kiosks, public amenities, public art, filming and photographic projects, busking, public address, cafe or refreshment areas (permanent, pop up and mobile) including seating, mobile food vans.

The proposal, which seeks a holistic approval for the temporary use of land to facilitate community, cultural and corporate events is therefore permitted within the part of the event site that captures Hurstville Plaza, pursuant to the POM.

4.3 Roads Act 1993

Part 9, Division 4: Road Events

Section 144 of the *Roads Act 1993* (Roads Act) specifies when a permit for a road event can be granted:

144 Permits for road events

- (1) *A roads authority may grant a permit to any person to conduct a road event on a public road.*
- (2) *A permit may not be granted with respect to a classified road except with the consent of TfNSW.*
- (3) *A permit may not be granted with respect to an activity for which an approval is required under section 115 of the Road Transport Act 2013 unless such an approval is in force.*

The subject part of Forest Road is classified as a 'local road' pursuant to NSW Road Network Classifications. Georges River Council, as the relevant authority for the subject portion of Forest Road is therefore able to grant permits for temporary events held within the roadway and carry out associated road closures, pursuant to Section 144(1) of the Roads Act. A general road closure point option and associated traffic management procedures for the event site are provided in the Traffic Management Plans prepared by Guardian dated 16 December 2024.

4.4 Environmental Planning Instruments

4.4.1 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Division 3 of the Exempt Development Code (Part 2 of the Codes SEPP) applies to temporary uses and structures for private and community events and provides for a number of temporary structures, signage and stages that can be provided as Exempt Development.

- **Subdivision 6 Tents or marquees used for filming purposes and private functions**
Subdivision 7 of the Temporary Uses and Structures Exempt Development Code allows for up to 300m² of tents, marquees and booths with a wall height of 4m and overall height of 6m, to be Exempt Development.
- **Subdivision 7 Tents, Marquees or Booths for Community Events**
Subdivision 7 of the Temporary Uses and Structures Exempt Development Code allows for up to 300m² of tents, marquees and booths with a wall height of 4m and overall height of 6m, to be Exempt Development.
- **Subdivision 8 Stages or platforms for private functions**
Subdivision 9 of the Temporary Uses and Structures Exempt Development Code allows for a stage of maximum 50m² to be erected as exempt development.
- **Subdivision 9 Stages or Platforms for Community Events**
Subdivision 9 of the Temporary Uses and Structures Exempt Development Code allows for a stage of maximum 50m² to be erected as exempt development.
- **Subdivision 27A Mobile Food and Drink Outlets**
Mobile food and drink outlets required for temporary events will be provided in accordance with Subdivision 27A.

The abovementioned Development Standards are not always suitable to provide for the needs of the temporary events proposed at the event site. Approval is therefore sought for the erection of temporary structures within the event site, which will have an overall maximum footprint of 10m x 14m, and a maximum overall height of 9m. This expansion of size in temporary structures will capture the requirements of larger activations and installations.

In addition, other temporary structures will be erected within the event site that are not captured within Division 3 of the Codes SEPP. For example, the erection of art installations, mobile video and cinema screens, and viewer seating. The proposal therefore seeks development consent for the erection of additional temporary structures, as well as temporary structures in exceedance of the Development Standards under Division 3 of the Codes SEPP.

Hours of Operation

Division 3 of the Codes SEPP outlines hours of operation permitted for community and private events via the Exempt Development Pathway under Subdivision 7, Clauses 2.118 and 2.120. The hours of operation required for the temporary use of the event site vary from those provided under Division 3 to capture bump in times that may be required for an event between Friday and Sunday, as outlined in **Table 3**.

Table 3: Proposed Hours of Operation

Codes SEPP Requirements	Proposed Hours of Operation
<p><i>Clause 2.118 Development Standards (Private Functions)</i></p> <p><i>(1) any wedding, private party or other private function must take place only during the following periods—</i></p> <p><i>(i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,</i></p> <p><i>(ii) 7.30 am to 12.00 am on Friday or Saturday,</i></p> <p><i>(iii) 8.00 am to 8.00 pm on Sunday,</i></p>	<ul style="list-style-type: none"> • 6:00am to 12:00 midnight, on any day.

<p><u>Clause 2.120 Development Standards (Community Events)</u> (k) the event must take place only during the following periods (unless it is a community event to which Subdivision 9 applies)— (i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday, (ii) 7.30 am to 12.00 am on Friday or Saturday, (iii) 8.00 am to 8.00 pm on Sunday,</p>	
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4.4.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) repealed the Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (SREP 2005) on 1 March 2022 and applies to the site. Chapter 6 of the Biodiversity and Conservation SEPP relates to development in regulated catchments. The site is located within the Georges River Catchment and is therefore subject to the provisions under Chapter 6 of the SEPP.

Chapter 6 – Water Catchments

Division 2 of Chapter 6 outlines general controls for development within a water catchment. The site is located within the Georges River Catchment, however, is not located in the Foreshores Waterways Area or adjacent to a waterway. Therefore, with the exception to the general controls relating to water quality under Clause 6.6 of Division 2, the general controls of the Biodiversity and Conservation SEPP are not applicable to the proposed development.

The proposal seeks the use of the site for temporary events, including the erection of associated temporary structures where no excavation works are required. Therefore, there will be no adverse impacts on the quality of water in the Georges River Catchment. The proposal therefore satisfies the relevant controls of the Biodiversity and Conservation SEPP.

4.4.3 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Section 4.6(1) of the Resilience and Hazards SEPP states that the consent authority must not consent to the carrying out of any development on land unless:

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

The proposal seeks development consent for the temporary use of Council land for events within existing public plazas (Memorial Square, Hurstville Plaza, Hurstville Interchange Park), a car park (Palm Court Car Park) and road (Forest Road) and includes the erection of associated temporary structures where no excavation works are required. Therefore, no further consideration is required under Section 4.6(1) of the Resilience and Hazards SEPP.

4.4.4 State Environmental Planning Policy (Industry and Employment) 2021

The proposed development may include the display of temporary event signage which has the primary purpose of identifying the event for the community, wayfinding and crowd control for the public. Chapter 3 'Advertising and Signage' of the State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP) ensures that outdoor signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The aims and objectives of the Industry and Employment SEPP are as follows:

3.1 Aims, objectives etc

- (1) This Chapter aims—
 - (a) to ensure that signage (including advertising)—
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish, ...

Temporary signage erected within the event site in association with a temporary event must comply with the aims of the Industry and Employment SEPP. Signage must not detract from the amenity or visual quality of the locality and not obscure or compromise views to adjoining heritage items. Temporary signage must be designed so as to not reduce the safety of pedestrians, cyclists or vehicles. The following types of event signage are prohibited:

- Non-event general and third party advertising;
- 'A' frame signage; and
- Obscene, offensive, derogatory and defamatory signs.

4.4.5 Explanation of Intended Effect: Cultural State Environmental Planning Policy 2024

The NSW Government is proposing changes to the planning system as part of a range of Vibrancy Reforms. These changes aim to create a more vibrant 24-hour economy in NSW, while supporting businesses and communities. On 15 November 2024, the Department of Planning, Housing and Infrastructure (DPHI) commenced the exhibition period of the *Explanation of Intended Effect* (EIE) which describes proposed changes to be incorporated into a future *Cultural State Environmental Planning Policy* (Cultural SEPP).

The Cultural SEPP will propose changes to the planning system to support more creative, hospitality and cultural uses contributing to the 24-hour economy. These changes include:

- LEP Amendments – to expand the non-refusal standards in Clause 5.20 of the *Standard Instrument—Principal Local Environmental Plan (2006 EPI 155a)* (Standard Instrument) to include unlicensed venues and other types of entertainment.
- Codes SEPP Amendments – to allow 'change of use' in SP4 Enterprise zones as Complying Development, rather than require a Development Application .
- Temporary Structures for Community Events – allowing more development through the Codes SEPP for temporary event signs, tents, marquees or booths, stages or platforms, to reduce the requirement to lodge Development Applications for temporary structures.
- Events at Major Precincts – changes to support events at major precincts by enabling more events across new and existing sites.
- Outdoor Music and Outdoor Dining as Exempt Development – removal of the restriction that requires performances to take place inside and changes to allow increased patron capacity for outdoor dining as Exempt Development.
- Extended Trading Hours - Allowing temporary extended trading hours for unlicensed businesses during special events.

Two new guidelines are also on public exhibition as part of the proposed Cultural SEPP:

- *Guide to Late Night Hours of Operation for Food and Drink Premises*
- *Guide to Planning Pathways for Community Events*

The *Explanation of Intended Effect: Cultural State Environmental Policy dated November 2024*, states the aims of the Cultural SEPP are to:

- *"deliver more opportunities for cultural, performance and hospitality uses and venues*
- *identify opportunities in the planning system to encourage the establishment and improved use of venues and performance spaces*
- *support the ongoing use of existing spaces and places for music, performance and culture*
- *streamline approval processes to reduce the regulatory burden and associated costs for businesses and councils".*

The proposal, which seeks to provide a more streamlined approval process for temporary events within Hurstville City Centre and provide greater opportunity for cultural and community events through the use of Council land, is consistent with the aims of the Cultural SEPP.

4.4.6 Georges River Local Environmental Plan 2021

Lane Zoning and Permissibility

The event site is located within the E2 Commercial Centre Zone pursuant to LEP 2021 (refer to **Figure 6**). The objectives of the E2 Commercial Centre Zone are as follows:

- *To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity.*
- *To encourage investment in commercial development that generates employment opportunities and economic growth.*
- *To encourage development that has a high level of accessibility and amenity, particularly for pedestrians.*
- *To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To encourage a range of tourism, recreation, function and entertainment uses.*

The proposed development is considered to directly support the objectives of the zone as follows:

- The proposal will utilise the roadway and adjoining footpath along Forest Road, as well as the public domain areas and parks adjoining Forest Road for temporary events, which will strengthen the role of the Hurstville City Centre as a centre of retail, community and cultural activity.
- The proposal will encourage business, retail, and community uses along Forest Road through temporary events, which will ultimately attract increased foot traffic to the locality, having positive flow-on impacts to the adjoining commercial uses in the locality.
- The proposal will enable a more streamlined approval process for temporary events and in turn reduce the timeframe and costs to conduct a temporary event. This will provide Council and community groups the ability to facilitate more events for the local community.
- Visitation of the Hurstville City Centre will be encouraged through the hosting of community, cultural and corporate events that in turn will raise public awareness of the event site and its facilities.

The proposed temporary use of the event site for community, cultural and corporate events is defined under the following definitions pursuant to LEP 2021:

"community facility means a building or place—

- (a) *owned or controlled by a public authority or non-profit community organisation, and*
- (b) *used for the physical, social, cultural or intellectual development or welfare of the community,*

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation".

"market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

Note—

*Markets are a type of **retail premises**—see the definition of that term in this Dictionary".*

In addition, the proposal is also defined as a 'community event', pursuant to the Codes SEPP:

"community event means a function or event open to the public or a section of the public that is a ceremony, cultural celebration, exhibition, fete, fair, gathering, market or sporting event".

The proposed development is permissible within the E2 Commercial Centre Zone pursuant to LEP 2021.

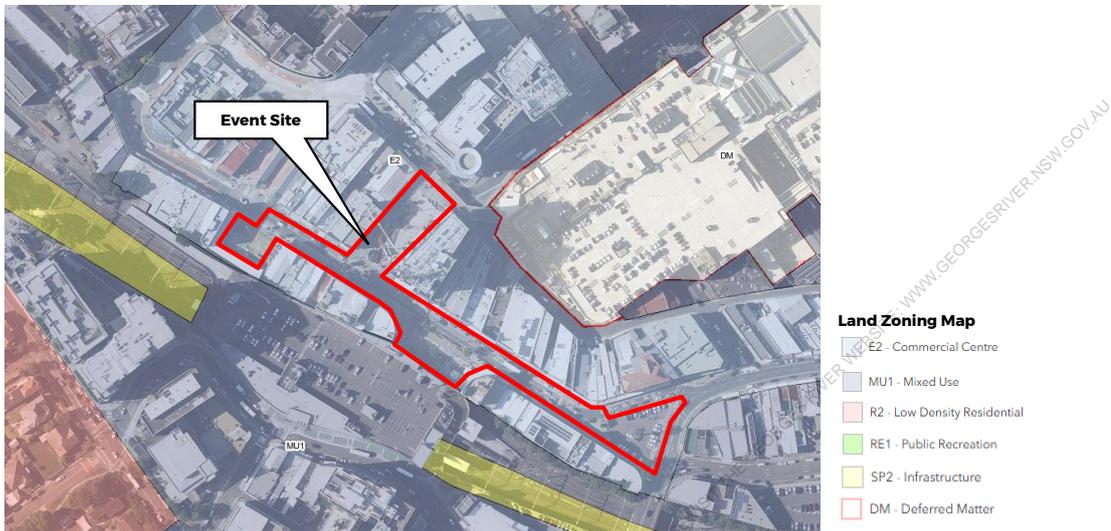


Figure 6: Land Zoning Map
Source: LEP 2021

Clause 2.8 – Temporary Use of Land

The objective of Clause 2.8 of LEP 2021 is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land. Pursuant to Subclause 2.8(3), development consent must not be granted unless the consent authority is satisfied that:

- (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
- (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
- (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land; or increase the risk of natural hazards that may affect the land, and
- (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

The proposal involves only works or installations of a temporary and reversible nature. The event site will be returned to its original condition following the conclusion of temporary events and therefore, the proposed temporary use will not prejudice the subsequent carrying out of future development on the land and the return to usual operations. Environmental impacts associated with the proposed use of the site for community, cultural and corporate events will be limited in their duration and limited to 52 events in a calendar year. Appropriate mitigation measures will be implemented for all events to ensure acceptable levels of amenity are maintained for surrounding development and the functions of Hurstville City Centre as a commercial centre continue.

Clause 5.10 - Heritage Conservation

Clause 5.10 of LEP 2021 outlines provisions for heritage conservation. The objectives of Clause 5.10 are as follows:

- “(1) Objectives The objectives of this clause are as follows—*
- (a) to conserve the environmental heritage of the City of Sydney,*
 - (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
 - (c) to conserve archaeological sites,*
 - (d) to conserve Aboriginal objects and Aboriginal places of heritage significance”.*

Clause 5.10(4) of LEP 2021 requires the consent authority to consider the effect of the proposed development on the heritage significance of an item or heritage conservation area. The event site is not listed as a heritage item, nor is it located within a heritage conservation area pursuant to Schedule 5 of LEP 2021.

Notwithstanding, this, the site is immediately adjacent to 18 heritage items of local significance located on Forest Road, as summarised in **Table 4** and identified in **Figure 7**.

The proposal involves only works of a temporary and reversible nature with no works occurring to surrounding heritage items. The proposal does not propose any permanent changes to any of the heritage items in the vicinity of the event site along Forest Road and will maintain the significance of the items. Temporary structures and signage erected within the site area for events will not be affixed to any heritage items. The proposal seeks to retain and temporarily enliven the views to the adjoining and adjacent heritage items along the Forest Road streetscape through the use of the site for temporary events. Based on this, the proposal will have an acceptable heritage impact on surrounding heritage items.

Table 4: Summary Heritage Items nearest to the site (Schedule 5 of LEP 2021)

Address	Lot and DP	Description	Level of Significance	Item No.
Forest Road	-	War Memorial Monument	Local	170
183B Forest Road	Lots 10 and 11, DP 15996	Glenvale Court	Local	182
185A Forest Road	Lot 1, DP 82309; Lots 1 and 2, DP 15996	Former Australian Gas Light Company showroom	Local	184
195-197 Forest Road	Lots A and B, DP 411059	Berkley building	Local	185
213 Forest Road	Lot 1, DP 700214	Electricity House building	Local	186
218 Forest Road	Lot 30, DP 7051	Old Propeller building	Local	187
220 Forest Road	Lot 10, DP 852346	Meridian Hotel	Local	188
225 Forest Road	Lot 22, DP 10296	Soul Pattinson Building	Local	189
232-242 Forest Road	Lot 5, DP 651591; Lots 1-4, DP 17612	Group of shops	Local	190
235 Forest Road	Lot 18, DP 10296; Lot 1, DP 82936	Shop and residence	Local	191
239 Forest Road	Lot 16, DP 10296; Lot 1, DP 81168; Lots 1 and 2, DP 327296	Shop and residence	Local	192
244 Forest Road	Lot Y, DP 403117	Shop	Local	193
248 Forest Road	Lot 7, DP 9115; Lot X, DP 403117	Retail Building	Local	194
255-257 and 263-273 Forest Road	Lots 7 and 8, DP 10296; Lots C-G, DP 304794; Lot 1, DP 611044	Group of Shops	Local	195
272 Forest Road	Lot 23, DP 4799	Retail Building	Local	196
277-291 Forest Road	Lot B, DP 331187; Lots A and B, DP 331185; Lot 4, DP 331186	Group of Shops	Local	197
307-307A Forest Road	Lots E and D, DP 17670	Retail building with two shopfronts	Local	198
338-340 Forest Road	Lot 1, DP 517273; Lot 1, DP 502856	Retail Building	Local	1101
342-344 Forest Road	Lots A and B, DP 168743	Pair of retail buildings	Local	1102
350 Forest Road	Lots L-O, DP 27426; Lots C-E, DP 168743	Hurstville Hotel	Local	1103

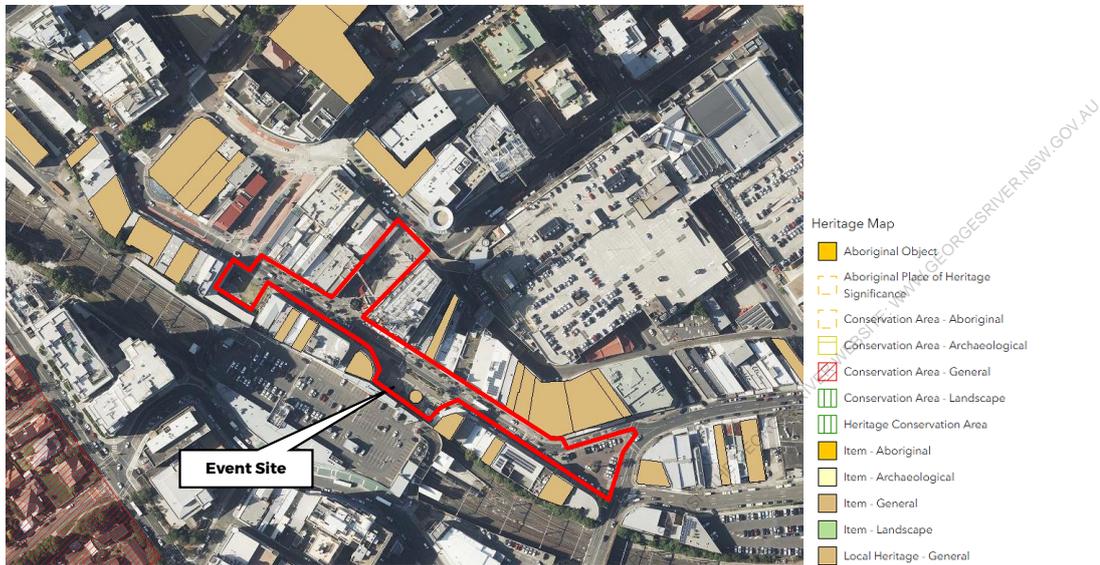


Figure 7: Heritage Map
Source: LEP 2021

4.5 Development Control Plans

The *Georges River Development Control Plan 2021* (DCP 2021) applies to the development site. The following assessment addresses the relevant sections of DCP 2021.

4.5.1 Part 3 – General Planning Considerations

Part 3.7.6: Development in the Vicinity of a Heritage Item or Heritage Conservation Area

The use of the site for temporary events and the erection of associated structures and signage will not result in any permanent change to the surrounding heritage items along Forest Road. There are no works proposed to heritage items in the vicinity of the event site and therefore no impact to the heritage fabric of these buildings. As there are no physical changes to the heritage items, nor demolition or excavation, there will be no impacts to any associated archaeology. The proposal seeks to retain and temporarily enliven the views to the adjoining and adjacent heritage items through the use of the event site for temporary events.

Part 3.11: Ecologically Sustainable Development

The *Sustainable Events Management Guideline* (Sustainable Guideline) identifies the environmental impacts of an event and establishes actions to enhance Council’s ability to support, facilitate and deliver sustainable events, ensuring a consistent approach to sustainable event management across the organisation and within the local government area. Each event organiser will consider the volume and type of wastes generated during an event, how much water is required to be consumed or required during the event and how much energy is required to be used for, or to power the event, to ensure that environmentally sustainable design is suitably considered for events to reduce the overall impact on the environment.

Part 3.12: Waste Management

A detailed Waste Management Plan will be prepared by the event organiser for each temporary event held as part of the Operational Plan of Management. General rubbish, organics (food and green waste) and recycling bins must be available at the event site pursuant to Council’s Event Toolkit.

Part 3.17: Universal/Accessible Design

The Accessibility Map prepared by GSB Studio dated 13 December 2024, identifies the continuous accessible paths of travel to the event site from Hurstville Railway Station and the Hurstville Bus Interchange, as well as accessible parking and toilets, and the general location of first-aid and information marquees

within the event site. All temporary events held at the event site must provide appropriate access and accessible facilities for persons with a disability in accordance with the Accessibility Map prepared by GSBN Studio, dated 13 December 2024.

4.5.2 Part 8.2 – Hurstville City Centre

The event site is located within Hurstville City Centre (refer to **Figure 8**) and therefore subject to the development standards under Part 8.2 of DCP 2021. The vision for Hurstville City Centre is to promote it as an important retail destination with an active high street (Forest Road) and large shopping precinct, including Westfield Shopping Centre. It is envisaged that the Hurstville CBD will continue to play an important role in providing employment, retail and entertainment opportunities for the area, and provide an exemplar for environmentally and socially sustainable urban development.

To achieve the vision for the Hurstville City Centre, the following objectives are provided under Part 8.2.5 of DCP 2021:

- Retain and strengthen the City Centre’s regional significance as a strategic centre.
- Prioritise the growth of jobs through the creation of additional employment floor space and prohibition of residential uses within the Commercial Core.
- Reinforce the existing activation of Forest Road and encourage the activation of secondary streets and laneways.
- Express the City Centre’s identity through good design and responsive architecture to distinguish between the myriad of land uses.
- Ensure the human scale is emphasised through built form which can adapt over time.
- Provide high quality green infrastructure and environmentally sustainable buildings.
- Promote vibrant night-time activities around the transit hub while increasing the safety on streets at night.
- Manage traffic impacts while prioritising pedestrian and active transport networks.
- Better connect the public domain to enhance the walkability of the City Centre.
- Encourage and support shopping centre improvements to better integrate with the surrounding public spaces.

The proposal, which seeks a holistic approval for the temporary use of land to facilitate community, cultural and corporate events, will encourage opportunities to activate Forest Road for social activities and community celebrations. This will in turn enhance vitality and overall social interaction through high quality and unique street activities and festivals. Further, general traffic management procedures are provided for the event site within the Traffic Management Plan dated 16 December 2024, prepared by Guardian, to better manage traffic impacts during temporary events.

The proposal is therefore consistent with the relevant objectives for Hurstville City Centre and will assist in achieving the vision for the precinct.

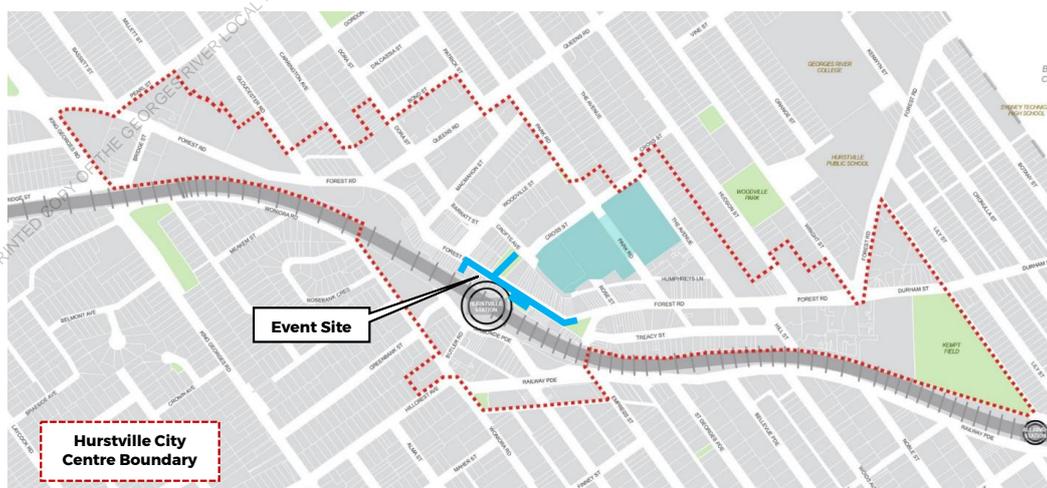


Figure 8: Hurstville City Centre Map
 Source: Georges River DCP 2021

Forest Road High Street Precinct

Local Precinct Character Statements are provided under Section 8.2.6 of DCP 2021. The event site is situated within the Forest Road High Street Precinct, and the existing character of the precinct is described as a bustling fine grain retail centre with wide footpaths that create a lively public domain. The presence of Hurstville Plaza offers great connectivity to the Civic Core Precinct to the north and provides a direct pedestrian link to the Hurstville Railway Station, and Hurstville Bus Interchange. It is also acknowledged that public domain spaces within the precinct are currently under-utilised despite its prominent location on Forest Road. The desired future character of the Forest Road High Street Precinct described within Section 8.2.6.2, is as follows:

"Forest Road is one of the three main attractors for the Hurstville City Centre with its lively, vibrant atmosphere, with the other two being the Civic Centre and the Retail Centre. This Precinct will continue to function as the 'high street' for the Hurstville City Centre as well as a focus for community activity enabled by the key public spaces of Hurstville Plaza, Memorial Square and MacMahon Courtyard..."

Night-time activities within the Hurstville City Centre are concentrated within this Precinct, particularly along Forest Road. The presence of night-time activities encourages a greater number of people to use the streets, increasing the surveillance on the street at night while safety is enhanced through additional lighting.

The use of footpaths for passive activities (outdoor dining, seating, landscaping) will generate a vibrant and lively environment to support opportunities for both day-time and night-time trading."

The proposed development will encourage pedestrian movement and street activation along Forest Road through the conducting of temporary events and will facilitate activation, street art and night time activity. The proposal will result in the positive attention and observation of Forest Road and the adjoining heritage buildings. The proposal therefore is considered to appropriately complement and be consistent with the desired future character of the Forest Road High Street Precinct in accordance with Section 8.2.6 of DCP 2021.

4.6 Section 4.15(1) Assessment

Section 4.15(1) of the Act requires the following matters be considered in the assessment of the proposed development.

4.6.1 Impact of the development including the environmental impact of the development on both the natural and built environment and social and economic impacts on the locality.

All impacts associated with the proposed event use and works in the event site will be temporary in their duration. Event organisers will be required to prepare a detailed Operational Plan of Management to minimise environmental impacts on the event site and surrounding area. All works associated with structures and overlay will be temporary and reversible. All temporary structures will be removed by the end of the bump out period and the event site will be reinstated to its existing condition at the end of the event. Impacts from the bump in and bump out phases will also result in some impacts on the community, businesses and visitors to the event site and the locality.

Overall, the proposal will provide a streamlined approval process to facilitate the delivery of temporary events and festivals by Council and community groups. These events will be appropriately managed so that they are vibrant, innovative, diverse, inclusive, safe and of minimal environmental impact. The proposal will also strongly promote community and social connections as well as creativity and culture within the Georges River LGA.

A comprehensive assessment of the short-term impacts of the proposal is provided below.

Visual Impact

Temporary structures and installations erected in association with temporary events will be professionally designed, structurally certified to the necessary regulatory Australian Standards, and will have a positive and dynamic visual outcome on the streetscape, landscape and public domain settings. Any view loss from the public domain and surrounding properties generated as a result of the proposal will be temporary in nature, and only for the duration of the temporary use. Consideration will be given to maintain views to heritage items in proximity to the event site during event planning and the placement of temporary structures. The event site will be reinstated to its existing condition immediately at the conclusion of the temporary use and there will be no permanent impact on any element of the locality in respect to view loss and visual amenity.

Details of the types of temporary structures have yet to be provided in relation to specific events and functions to be held on the event site and will be submitted as part of the Event Application. The type of temporary structures will differ between events and there is no single type of structure or layout that will be used for all events. Notwithstanding the proposal involves a range of temporary facilities to be installed on the site which may be visible from private properties and public domain locations. The proposed temporary structures will be visible from outside the site but are not considered to unreasonably obstruct existing view corridors across the site. The potential visual impact of the temporary structures is considered acceptable given the limited and short duration on the site. The event site containing temporary structures must be reinstated to their existing condition on removal of all temporary structures.

Social and Economic Impact

The proposed development will contribute to generating positive social and economic benefits by facilitating a blanket planning approval for temporary events within a high quality, suitable and accessible temporary event site within Hurstville City Centre for the hosting of Council, corporate, and community events. The proposal will:

- Increase desirability for event organisers to conduct their events within the event site;
- Support the surrounding businesses and community groups, enhance the overall vitality of the locality, and develop social opportunities and connectiveness within the community; and
- Encourage new lifestyle, cultural, festive and entertainment uses to activate Forest Road and surrounding public domain spaces and grow the night-time economy.

By obtaining a holistic planning approval for a period of five years to use the site for temporary events, there will be increased opportunities and a streamline process to host an event within Hurstville City Centre, which will encourage people to visit the area, without causing any adverse impacts to neighbouring properties or the locality.

Noise Impact

The proposed temporary use of the event site for community, cultural and corporate events will generate short-term noise from:

- Amplified music;
- Bump In and Bump Out activities including speaker and sound testing relating to Public Address (PA) and amplified music systems;
- Pyrotechnic displays;
- Use of generators;
- Increased pedestrian and vehicular traffic around surrounding road network during event periods (including during Bump In and Bump Out); and
- The movement of patrons to and from the event site.

Sensitive noise receivers have been identified to the north, northwest, west, south, and southwest of the event site on Forest Road, Dora Street, Treacy Street, Ormonde Parade, Woniara Road, and Greenbank Street. Sensitive noise receivers are predominantly multi-storey residential apartment buildings, as well as some commercial receivers.

An Operational Noise Management Plan dated 13 December 2024 has been prepared for the event site by VMS Australia. The Operational Noise Management Plan and provides recommended noise mitigation measures to be implemented during all aspects of the proposal to minimise impacts to the adjacent sensitive development during a temporary event. Recommended noise mitigation measures are detailed in Section 6 of the Operational Noise Management Plan and summarised in Section 3.4 of this report. The operation of events will be in accordance with the noise management measures to minimise any noise related impacts on the nearest affected noise sensitive receivers.

The Operational Noise Management Plan concludes that provided the mitigation measures are considered for temporary events, the proposal is considered to be acoustically acceptable during the proposed hours of operation, based on up to 52 events per calendar year.

Traffic and Parking Management

The event site is highly accessible to public transport infrastructure, including the Hurstville Railway Station and the Hurstville Bus Interchange, which are both directly adjacent to the event site along Forest Road. The existing public transport network is able to suitably accommodate the increased number of passengers during temporary events held within the event site. In addition to public transport, there are several car parks located within walking distance to the event site. Attendance at the temporary events will predominantly be through public transport or walking.

A Traffic Management Plan prepared by Guardian dated 16 December 2024 addresses general pedestrian and vehicle safety and management for the event site, as well as the temporary road closure points. This Traffic Management Plan is to be implemented for all events requiring a road closure and set the general parameters for traffic management during an event. The plan clearly indicates changed flows of traffic when it is required to temporarily close Forest Road and restrict vehicle access for events.

Heritage

The proposed temporary use of the event site for community, cultural and corporate events and the erection of any associated temporary structures will not materially affect the heritage significance of the local heritage items situated along Forest Road, nor will it detract from the heritage significance of the items. The proposal involves only works of a temporary and reversible nature on Council land only. The overall heritage significance of the surrounding items will therefore not be compromised in any way by the proposal.

The use of the site as a venue for the hosting of temporary events and the erection of associated temporary structures is therefore considered to be acceptable in regard to heritage conservation.

Safety and Security

Structural compliance to address wind loading is a requirement for all events and functions. All temporary structures must be designed and secured against the potential wind uplift and crowd vandalism.

An Operational Plan of Management will be prepared by each event organiser for all temporary events as part of the Event Application lodged with Council. This will ensure a high standard of event management and acceptable environmental impact to surrounding properties and the locality is maintained.

Stringent security and management practices to deter anti-social behaviour, including that resulting from alcohol consumption at events or functions, will be implemented for all events to ensure public safety and to maintain a reasonable level of residential amenity to surrounding residential development. The careful service of alcohol and management of crowds will be the responsibility of the event organiser. All legislative requirements regarding the responsible service of alcohol, attendee safety and behaviour control will be outlined within the event Operational Plan submitted to Council prior to the granting of an Event Permit for the event or function.

Pyrotechnics/Fireworks

Some major events held within the event site may include the use of pyrotechnics/fireworks. To ensure noise, light and odour impacts are suitably mitigated from pyrotechnic displays, notice of the events that will include the use of pyrotechnics must be made by the event organiser to both Council as well as the nearest residential properties.

Lighting

Existing lighting infrastructure is available within along the footpaths on Forest Road, as well as within the public domain spaces within the event site, and are suitable to cater for the needs of the majority of temporary events. Additional temporary lighting may be required for some events, as well as the erection of lighting installations or electronic screens/displayed. Temporary lighting must be installed and integrated to be sympathetic to the public domain and controlled so that it is switched off in accordance with the hours of operation for the event. This will in turn mitigate any potential lighting impacts to the surrounding development.

Waste Management

All temporary events will be conducted with regard to the principles of environmental sustainability, in accordance with Council's Sustainable Guidelines for events. A detailed Waste Management Plan will be prepared for each temporary event by the event organiser and addressed as part of the Operational Plan of Management and will detail waste management operations during all phases of the event including bump in and bump out activities and during the event.

Event organisers will be required to outline within the Operational Plan the methods of collection, storage and transportation of all waste generated by the proposed event or function held on the event site. Event organisers should outline the measures for minimising the use of non-recyclable materials and packaging as well as minimising the distribution of non-reusable utensils and items. The Waste Management Plan may also ensure that waste materials including items able to be recycled which are generated by the proposed event are collected from the event site and will be managed appropriately by waste contractors and deposited at appropriate waste and recycling facilities.

Event Signage

The proposed event may include the installation of signage as part of the temporary overlay for an event or function. The signage requirements will vary for each event. The provision of signage as part of an integrated temporary overlay package may include business and event sponsor identification, product branding and wayfinding. These types of signs are recognised as a necessary element for the promotion of the event, visitor safety and the successful operation of the proposed event.

Details of all proposed signage can be provided to Council for review and approval prior to the granting of an Event Permit. It may be a conditional requirement of the Permit that further detail regarding the proposed signage is provided to Council for review and approval prior to the event commencing. The provision of signage on the site including animated, illuminated and non-illuminated signs, where environmental impacts are minimised, is considered acceptable due to the temporary nature and short duration on the site.

Unrelated/third party signage not associated with the proposed event will not be permitted to be displayed on the site. Other forms of visual branding or visual identification or promotion relating to the proposed event such as lighting displays using lasers and spotlights, projection graphics and animated or moving electronic signage may be installed and operated on the site where environmental impacts are minimal and values of the locality are maintained. All event signage plans will be subject to an assessment by Council.

4.6.2 Suitability of the Site for the Development

The overall event site, which includes part of the roadway and pedestrian footpaths along Forest Road between Woodville Street to west and Forest Road to the east, Memorial Square, Palm Court Car Park, Hurstville Interchange Park, and Hurstville Plaza, is regularly used by Council and community groups throughout the year to hold a range of temporary events that differ in size, duration, overlay, and the types of temporary structures required. In particular, Hurstville Plaza has been specifically designed to facilitate events. Therefore, the suitability of the event site for the proposed development has already been established.

The event site has already been successfully used for community and cultural events which demonstrates the suitability to grant holistic approval for temporary use of the land for a period of five years. The proposal will result in an overall acceptable environmental impact, where all impacts are temporary and can be appropriately managed throughout an event. Further, the proposal is a permissible use within the Commercial Core Zone and will not alter the established use of the land within the Hurstville City Centre.

The proposed use and associated temporary overlay installations are therefore suitable development for the event site.

4.6.3 Any submissions made in accordance with the Act or Regulation

In accordance with Schedule 1, Section 9B of the Act, Council-related Development Applications must be publicly notified for a minimum period of 28 days. Any relevant matters raised by any submissions received by Council will be addressed by the Applicant (Milestone), if required.

4.6.4 *The Public Interest*

The proposed development is considered to be in the public interest as it will play an important role in promoting Hurstville City Centre as a destination for community, cultural, and corporate events and will also encourage an increased pedestrian flow and vibrancy to the locality overall. Hurstville City Centre has a distinct retail and cultural identity with high quality infrastructure and public spaces that support the wellbeing of the community and encourage opportunities for social activities and community celebrations. The proposal respects the desired future character of the locality and will initiate, facilitate, and support inclusive and accessible events that meet the community aspirations and connect people, communities, and diverse groups.

Importantly, the proposal improves Council process efficiency by eliminating unnecessary planning red tape and reducing the overall costs for event organisers to conduct temporary events and road closures within the event site, and deliver enhanced cultural, economic, and social benefits through street-based events. The proposal will therefore have an overall positive public benefit to the locality.

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5 CONCLUSION

Development Consent is sought from the consent authority for the temporary use of Council owned and managed land for community, cultural, and corporate events, including the erection of associated temporary structures and installation of event overlay within the Hurstville CBD. The Development Application seeks to obtain an overarching Development Consent Notice to hold community, cultural and corporate events for a period of five years.

The proposal seeks to streamline the planning and event approval process for temporary events and reduce the overall time and cost of delivering street-based events and temporary road closures for event organisers. Further, the blanket approval will provide operational parameters to be implemented for events and includes recommended temporary event overlays including accessibility, traffic control, and noise mitigation measures. This will in turn allow for enhanced cultural, economic, and social benefits through street-based events, whilst ensuring a minimal overall environmental impact.

The likely impacts on the community as a result of the proposal are addressed in Section 4 of this report and demonstrate that subject to the noise, traffic management, and visual impacts of the proposed events and functions being addressed as well as a comprehensive Operational Plan developed by the event organiser being implemented, the cumulative environmental impacts will be acceptable.

This comprehensive assessment concludes that the proposed development can be undertaken without resulting in significant adverse environmental impacts. In the absence of any significant environmental impacts as a result of the proposal and considering the broader social and economic benefits of the proposed use of the site, it is considered a satisfactory proposal.

In relation to Event Applications, Council has an established rigorous approval process, and the following documents are required to be submitted to Council by each event organiser for Council's assessment of the application prior to granting a Permit for the event:

- Detailed Operational Plan of Management prepared in accordance with Council's Event Toolkit, including:
 - Event Site Plan and Overlay.
 - Operational Management Procedures.
 - Waste Management Strategy.
 - Event Risk Assessment and Management Strategy.
 - Emergency Plan.
 - Resident Notification Letter.
 - Alcohol Management Plan (if alcohol being served).
 - Lost Child Response Plan.

Based on the conclusions of this comprehensive review of environmental impact and taking into account the mitigation measures identified in the preceding sections of this report, the overall effect of the proposal is considered acceptable in terms of the site, the temporary nature, and its context.

This assessment has demonstrated the proposed development will have acceptable impacts on both the natural and built environment and the locality, is suitable for the event site, and is in the public interest, subject to appropriate conditions of consent being imposed. The proposed development appropriately satisfies and achieves a high level of compliance with the relevant provisions of the applicable State Environmental Planning Instruments, the *Georges River Local Environmental Plan 2021* and the *Georges River Development Control Plan 2021* and is acceptable. In accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the proposed development is considered appropriate and will not cause any significant adverse environmental, heritage, economic or social impacts. In addition, the proposal:

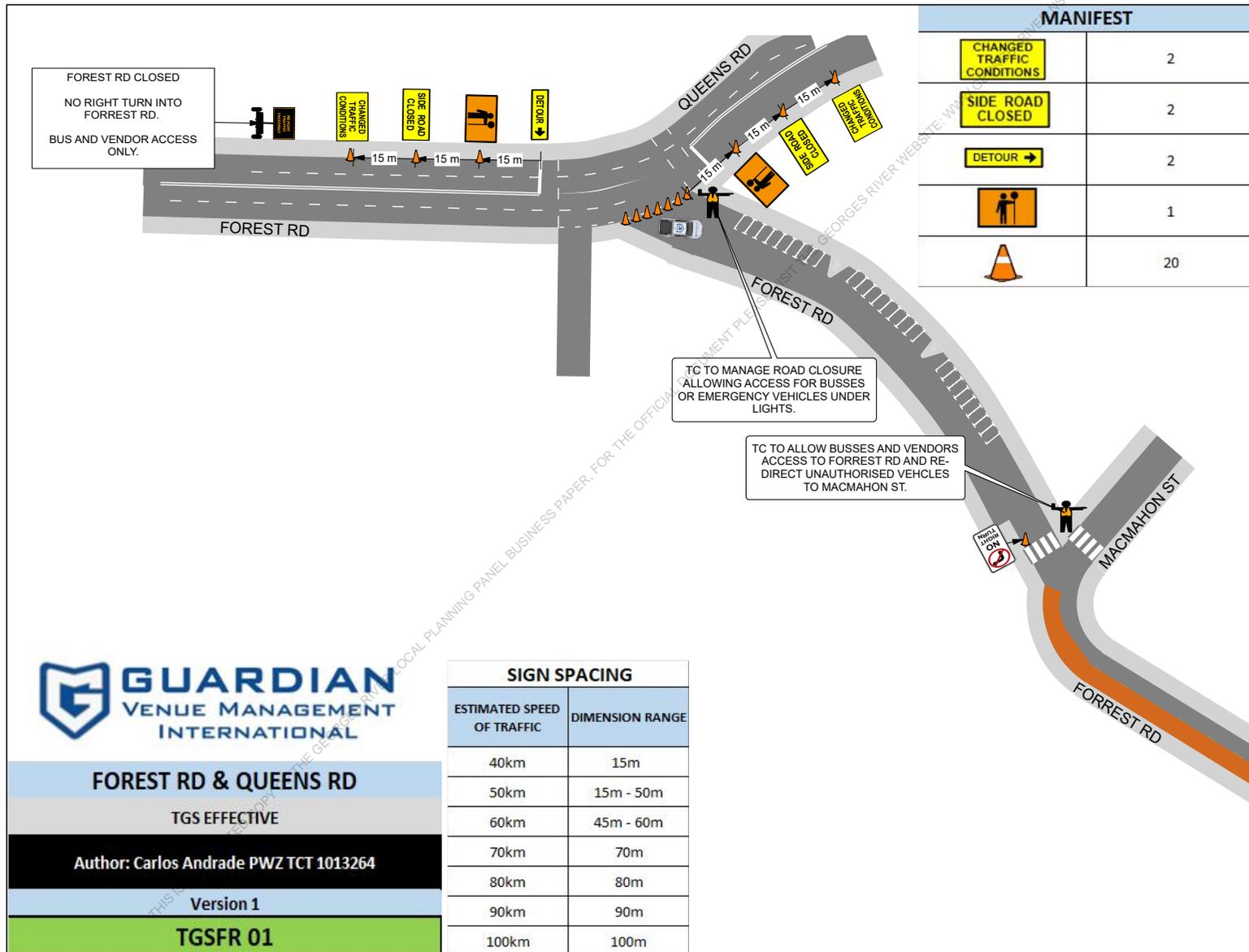
- Is permissible within the E2 Commercial Centre Zone and is consistent with the relevant zone objectives;
- Supports and promotes community activation of Council's event spaces by streamlining the approval process for event organisers to hold an event within Hurstville City Centre;
- Provides appropriate measures for temporary road closure points for the event site to reduce the overall cost of delivering street-based events;

- Provides an appropriate management structure and measures to mitigate potential environmental impacts associated with proposed events and functions through a holistic approval for all events to comply with;
- Will be designed and managed to be inclusive and maintain positive safety crowd outcomes and accessibility;
- Has minimal impact to the surrounding heritage items;
- Will contribute positively to the public domain through the provision of high quality and unique activations that will enhance vitality and social interaction overall; and
- Will contribute positively to the economy through increased visitor numbers with flow on benefits to other businesses including retail, food and drink premises and other services.

In light of the merits of the proposal and in the absence of any significant adverse environmental, social, heritage or economic impacts, we have no hesitation in recommending that the Development Application for the temporary use of Council land for temporary events be approved subject to conditions to ensure the impacts of the development, albeit temporary impacts are appropriately mitigated and/or managed and operations are undertaken in accordance with Council's event management plans and procedures.

MILESTONE (AUST) PTY LIMITED

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50km	15m - 50m
60km	45m - 60m
70km	70m
80km	80m
90km	90m
100km	100m

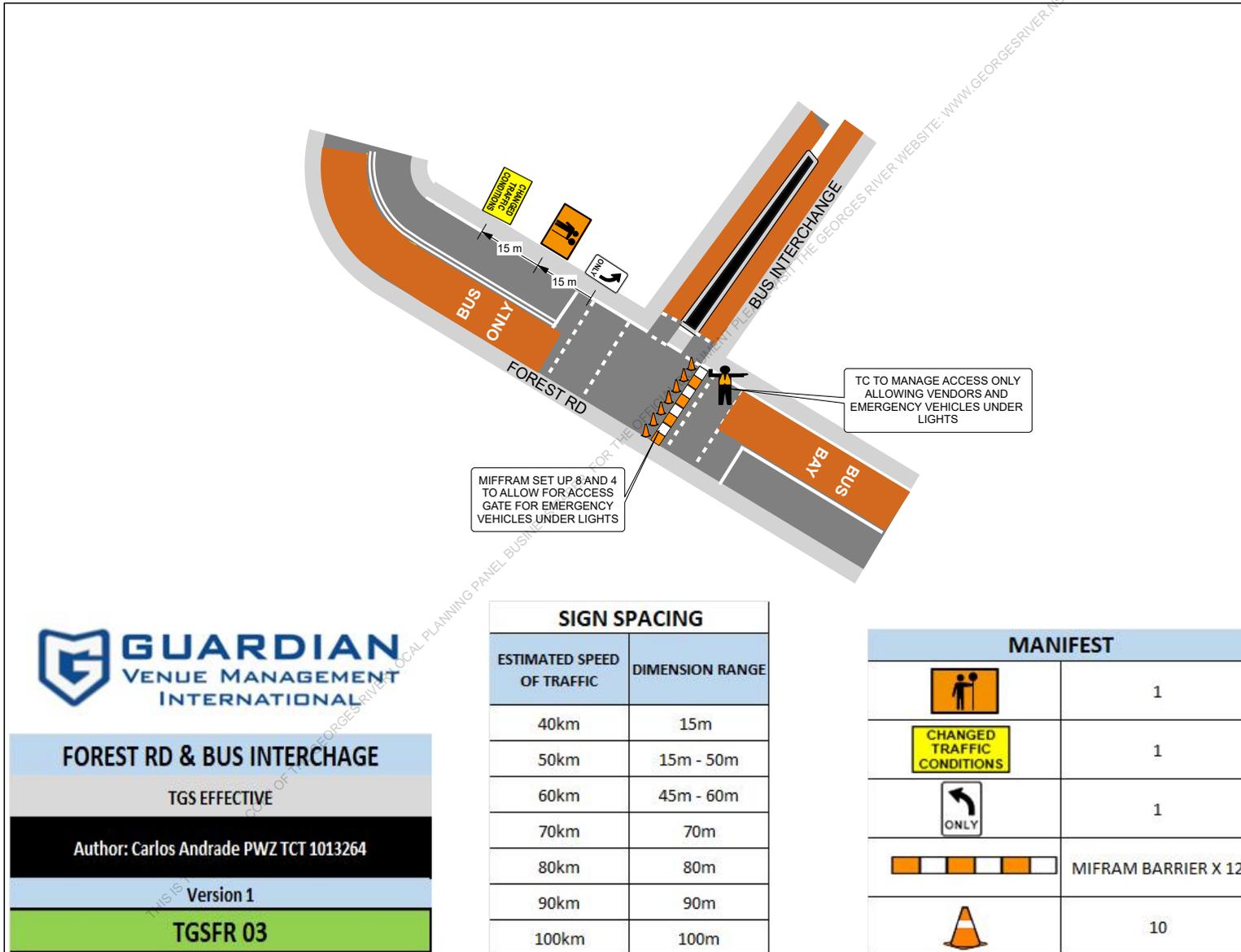
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Author: Carlos Andrade PWZ TCT 1013264

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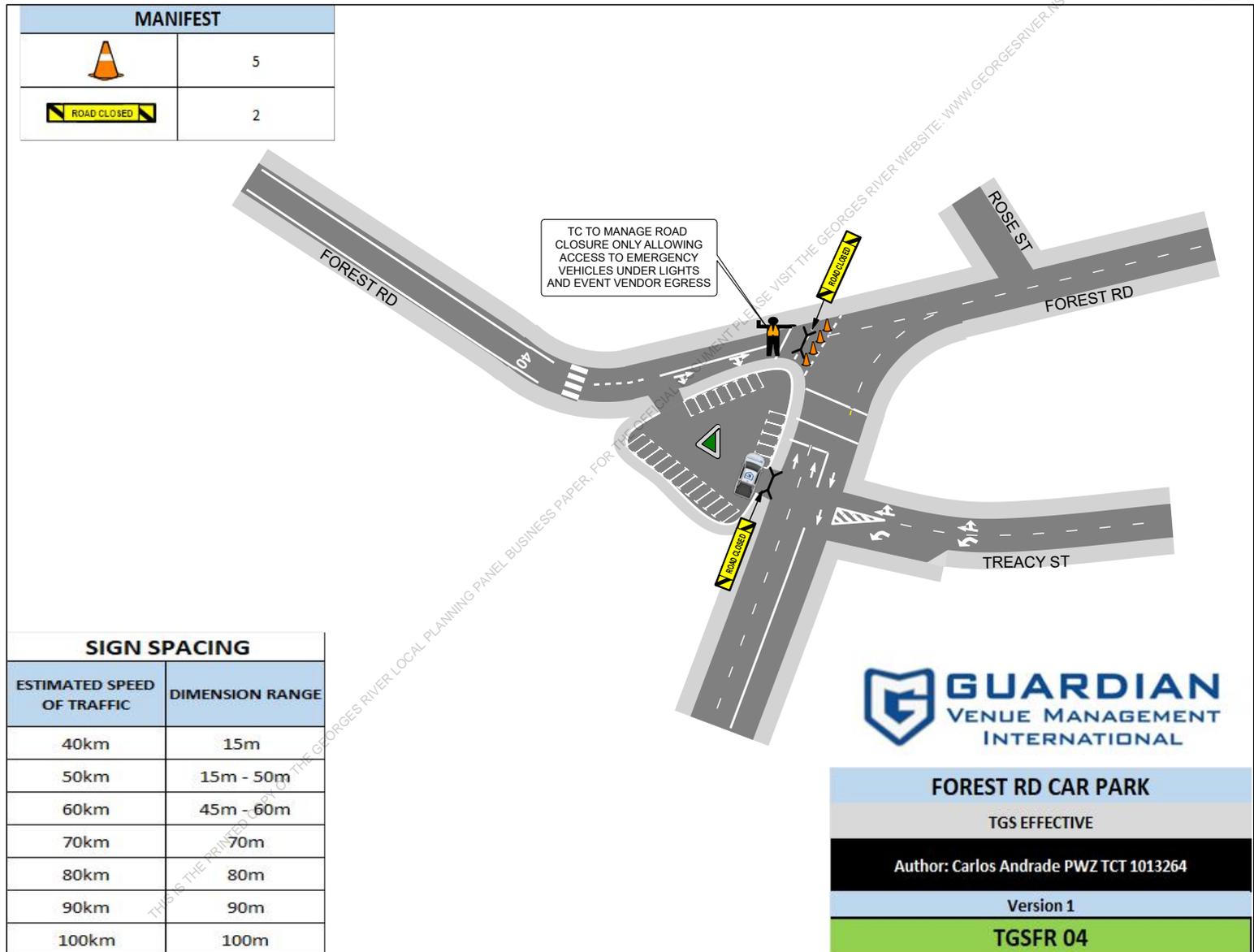
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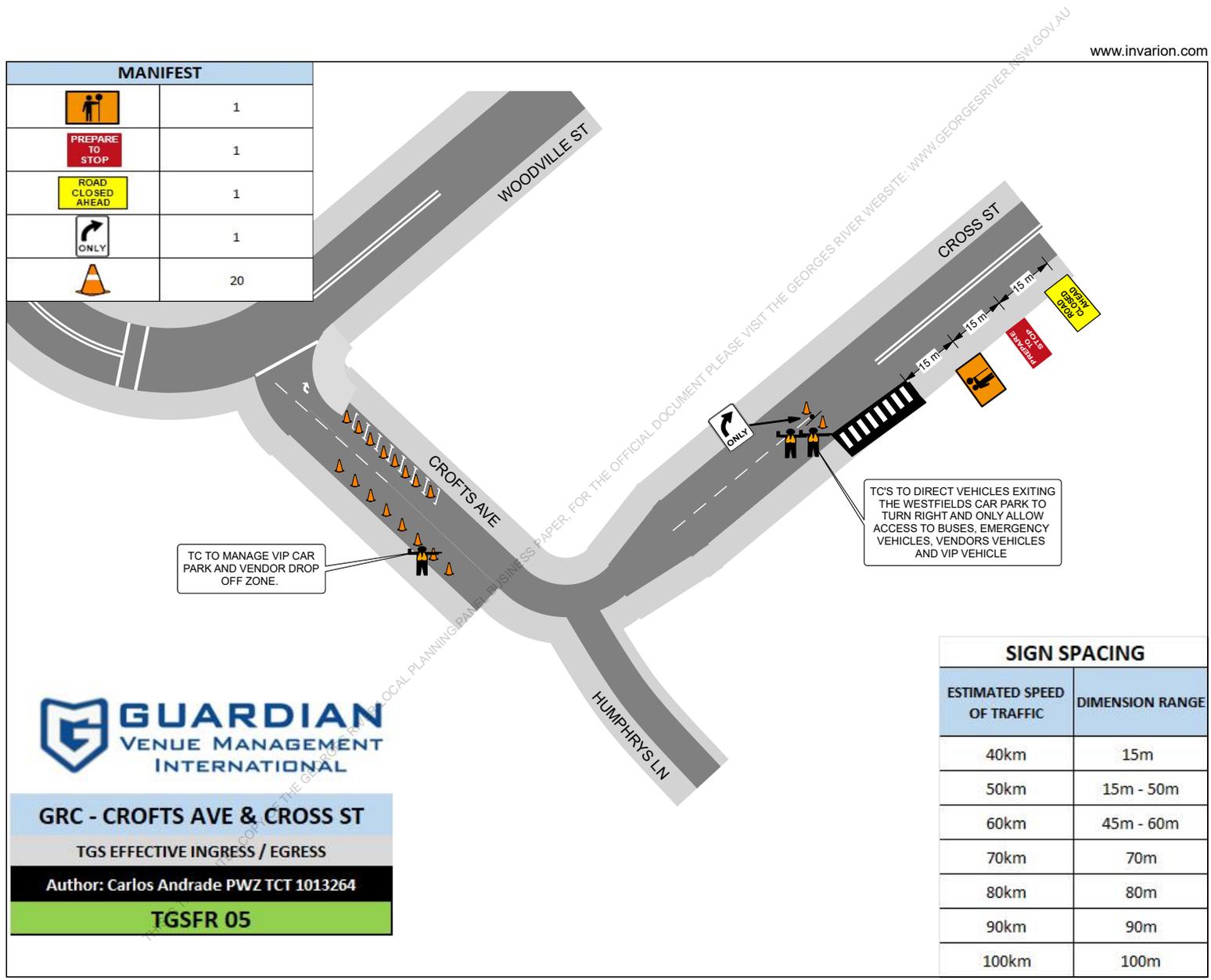
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9 May 2025

Linley Love
 Manager Development and Building
 Georges River Council
 PO Box 205
 Hurstville BC NSW 1481

Dear Ms Love

**REQUEST FOR FURTHER INFORMATION RESPONSE: DEVELOPMENT APPLICATION NO. DA2025/0043
 HURSTVILLE TEMPORARY EVENT SITE**

We refer to the Request for Further Information (RFI) Letter issued by Georges River Council (Council) on 11 April 2025, in relation to Development Application No. DA2025/0043 for *“Temporary use of parts of Forest Road, Memorial Square, Palm Court Car Park, Hurstville Interchange Park, and Hurstville Plaza for community, cultural, and corporate events including the erection of associated overlay including temporary structures, for up to 52 events per year for a 5 year period”*. Milestone acts on behalf of Council, as the applicant of Development Application No. DA2025/0043.

This letter responds to and addresses the following matters raised in the RFI Letter (held at **Attachment A**) that were provided by Council's Environmental Health Officer in relation to acoustic matters and the Operational Noise Management Plan dated 13 December 2024, prepared by VMS Australia Pty Ltd (VMS), supporting the Development Application:

1. Consideration of *Noise Policy for Industry* (NPfi).
2. Maximum Noise Levels for Temporary Events.
- 2a. Distance of Event Site to Sensitive Receivers.
3. Noise Objectives for Event Operations.
4. Predicted Noise Emission Levels - Event Operations.
6. Pyrotechnical Effects.
7. Number of Generators.
8. Noise Mitigation measures.

The matters raised by Council are addressed in **Section 1** of this letter. It is noted that the numbering of items in the RFI Letter omits number '5'. The original numbering has been used below for consistency and ease of cross-referencing between the RFI Letter and this Response Letter.

The Development Application was placed on public notification between 20 March 2025 and 1 May 2025, and during this period, one submission was received on behalf of the owner of No. 288 Forest Road, Hurstville, which incorporates Humphrey's Hotel and Hatch Restaurant. The matters raised in this single submission are addressed in **Section 2** of this letter.

Please find enclosed with this submission the following documents for Council's assessment:

- Advice on the Noise Management Plan prepared by VMS, dated 9 May 2025 (held at **Attachment B**).
- Revised Operational Noise Management Plan prepared by VMS, dated 9 May 2025 (held at **Attachment C**).

1.0 RESPONSE TO COUNCIL REQUEST FOR INFORMATION

The abovementioned matters raised by Council within the RFI Letter are addressed within **Table 1**.

Table 1: Response to Council RFI Matters

Item No. 1	Consideration of Noise Policy for Industry	
Council Matter	Comment	
	<i>I would not consider this type of amplified music to be 'from a premises' as suggested in the Policy, as it talks about 'licenced premises', these are events, not licenced premises and therefore should be considered, see section 1.5 in the NPfl . Please provide justification for your reasoning.</i>	Refer to the Response prepared by VMS for further comment on Item 1 (held at Attachment B).
Item No. 2	Maximum Noise Levels for Events	
Council Matter	Comment	
	<p><i>No assessment or noise levels have been established for the three types of events to occur:</i></p> <p><i>'Major' = 1000 to 5,000 people to attend event</i> <i>'Moderate' = 100 - 1000 people to attend event</i> <i>'Minor' = up to 100 people to attend event</i></p> <p><i>- Please provide event specific maximum noise levels for amplified music and mechanical plant, for each event size and frequency of occurrence for each event type.</i> <i>E.g. worst case scenario is 5,000 people event, 52 times a year, please account for the noise level and impact of the community for the worst case scenario.</i> <i>- Provide details on how the noise levels described above can be achieved?</i></p>	Refer to the Response prepared by VMS for further comment on Item 2 (held at Attachment B).
Item No. 2a	Distance of Event Site to Sensitive Receivers	
Council Matter	Comment	
	<i>Please include distances from the event site in figure 1 to the nearest sensitive receivers.</i>	Refer to Figure 1 below for the distance of the event site from the the nearest sensitive receivers.
Item No. 3	Noise Objectives for Event Operations	
Council Matter	Comment	
	<i>Justify rationales made in section 4.1.1 and table 4 in the Noise Management Plan and the allowance of 20-30dB above background when the Industrial Noise Policy allows for maximum 2dB above background for an event that exceeds 2.5hours in length and the superseded Environmental Noise Control Manual you list as a reference document in your report allows for max 10dB above background.</i>	Refer to the Response prepared by VMS for further comment on Item 3 (held at Attachment B).
Item No. 4	Predicted Noise Emission Levels - Event Operations	
Council Matter	Comment	
	<i>Clarify table 10 - what is the difference between the first predicted noise level leq15min circled in red and the second circled in blue?</i>	Refer to the Response prepared by VMS for further comment on Item 4 (held at Attachment B).
Item No. 6	Pyrotechnical Effects	
Council Matter	Comment	
	<i>Some events are proposed to have pyrotechnical effects, this needs to be assessed as they cause a major noise impact on the surrounding community, the number of events and length of events that are</i>	Milestone was advised by Candace Hutchison, Acting Head of Events and Sponsorship at Council, via email on 2 May 2025, that Council does not currently conduct events within the event site that include firework displays. Fireworks were

<p><i>proposed to have pyrotechnical effects is to be assessed. E.g worst case scenario, as it stands, without further restrictions, would allow pyrotechnical effects 52 weeks a year.</i></p>	<p>included to provide Council with maximum flexibility and determine future events on a case by case basis. It was also confirmed by Council that the likelihood of future events at the site including pyrotechnical displays is low.</p> <p>Notwithstanding this, VMS has included pyrotechnic displays within their assessment of the proposal in the Operational Noise Management Plan. Such events can be appropriately managed through the mitigation measures outlined in the Plan.</p>
<p>Item No. 7 Number of Generators</p>	
<p>Council Matter</p>	<p>Comment</p>
<p><i>Section 5.4.1 assumes the worst-case scenario for generators operating at an event to be 5. This is hugely underestimated, as every mobile food van operating would have a generator as Council does not provide access to power. Experience from recent events is that even some temporary food stalls will require generators to run fridges, deep fryers etc.</i></p>	<p>Milestone was advised by Candace Hutchison, Acting Head of Events and Sponsorship, that Council does at times provide access to power for vendors. Therefore, it is unlikely that every vendor requiring power would require a generator. For events not run by the Council, there is also a chance for a higher number of generators.</p> <p>Following further discussions with Council's Events and Sponsorships Team, it was confirmed that a major event featuring up to 43 stalls (whereby 10 to 15 are food trucks) would require a maximum of 15 generators. Section 5.4.1 of the Operational Noise Management Plan has been updated by VMS (dated 9 May 2025 and held at Attachment C) to reflect this higher number as a worst-case scenario. VMS has also confirmed, in their Response held at Attachment B (Item 7), that compliance with mechanical noise objectives is still expected.</p>
<p>Item No. 8 Noise Mitigation Measures</p>	
<p>Council Matter</p>	<p>Comment</p>
<p><i>Provide more robust noise mitigation measures, the ones outlined in the report are very administrative and most if not all the measures in Table 12-13 aren't manageable by the event organiser.</i></p> <p><i>For example, Table 12, 13 and 14 outlines measures to mitigate noise, however as these are individual companies turning up to the event it is impossible for the event holder to have any impact over these mitigation measures. For example:</i></p> <ul style="list-style-type: none"> - <i>How would the event organiser select the equipment of other businesses attending the event?</i> - <i>How would the event organiser ensure trucks and trailers are fitted with quiet alarms?</i> - <i>How would they limit idling?</i> - <i>Where are temporary barriers to be installed and by who?</i> <p><i>Consulting with the community does not form a specific mitigation measurement or limit, there is no control around what is said or done from those consultations, the company can turn around and not implement any controls the community suggests, this is not an effective mitigation tool.</i></p>	<p>Section 8 of the Operational Noise Management Plan has been updated by VMS to incorporate more robust mitigation measures for temporary events.</p> <p>Table 11 (Administration) has been revised to include recommended timeframes for higher-noise events involving live music, as well as for bump-in and bump-out procedures.</p> <p>Tables 12 (Source) and Table 13 (Path) have both been updated to outline specific mitigation measures that event organisers must implement. These measures include direct actions and reference relevant sections of the Operational Noise Management Plan that detail applicable noise criteria.</p> <p>Table 14 (Receiver) has also been updated to strengthen the approach to managing noise complaints. In particular, Item 14.3 now requires targeted noise monitoring at the boundary of nearby receivers during high-noise events.</p> <p>Council is able to condition the recommended mitigation measures provided within the Operational Noise Management Plan as part of the conditions of consent for DA2025/0043, as well as the Event Permits issued for temporary events within the event site.</p> <p>Further input for Item 8 has been provided by VMS within the Advice on the Noise Management Plan held at Attachment B.</p>

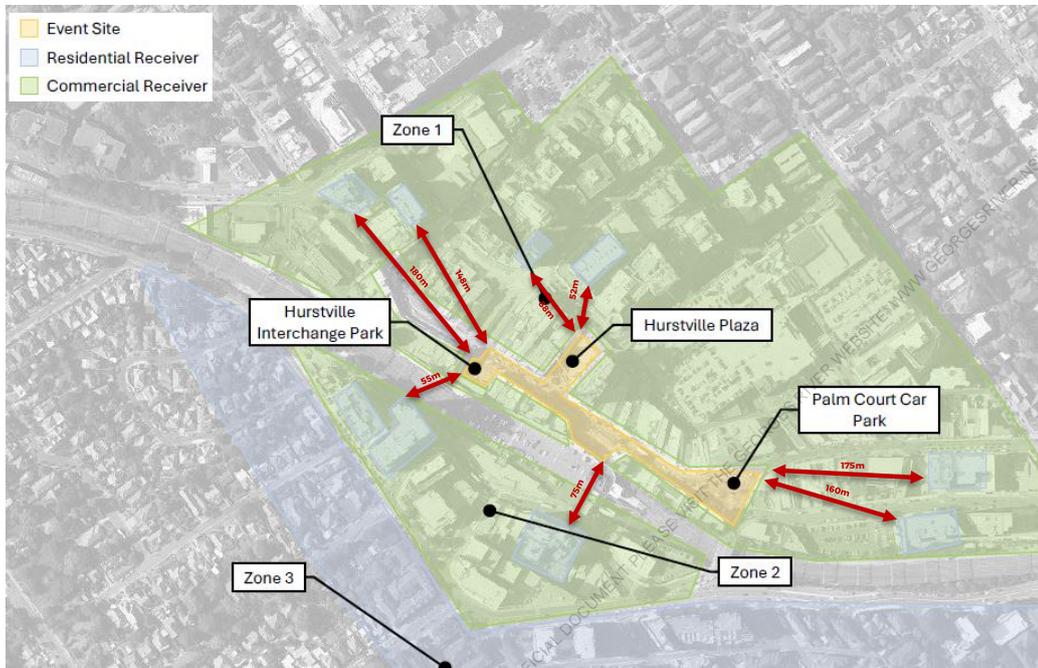


Figure 1: Distance of Sensitive Receiver from Event Site
 Source: VMS, Operational Noise Management Plan dated 9 May 2025 (Annotated by Milestone)

2.0 RESPONSE TO SUBMISSION

The single submission received by Council during the public notification period of Development Application DA2025/0043 was submitted on behalf of by the owner of No. 288 Forest Road, Hurstville, known as 'One Hurstville Plaza', situated directly east of Hurstville Plaza. This site includes Humphrey's Hotel and Hatch Restaurant, which have primary pedestrian access via Hurstville Plaza. Hurstville Plaza forms part of the event site. Refer to **Figure 2** for the location of the No. 288 Forest Road site in context of the proposed event site.

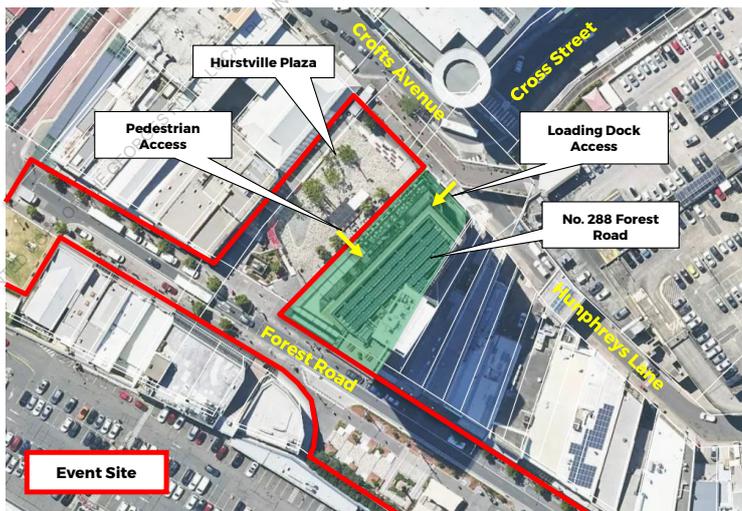


Figure 2: Location of No. 288 Forest Road, Hurstville
 Source: Metro Map, 2025

The submission raises concerns that allowing up to 52 events per year over the next five years would negatively impact operations, particularly regarding access, trade, and customer experience. However, Milestone considers these concerns to be unfounded. The event site and proposed event overlay, as shown in the Event Site Plan dated 13 December 2024, prepared by GSBN, particularly within Hurstville Plaza, do not restrict pedestrian access to the entry points of the two premises referenced, nor do they impede trading activities. Additionally, the proposed road closure options detailed in the Traffic Management Plans dated 16 December 2024, prepared by Guardian Venue Management International, do not restrict vehicle access to the loading dock at No. 288 Forest Road via Humphreys Lane.

Council may recommend the imposition of a condition to limit the number of events held, as a means to better manage potential impacts on the operations of No. 288 Forest Road. Furthermore, Council's sign off on the event overlay for each individual event will ensure that pedestrian access is appropriately maintained for No. 288 Forest Road and surrounding properties adjoining the event site.

3.0 CONCLUSION

The comments issued by Council in the RFI Letter dated 11 April 2025, in relation to the Development Application No. DA2025/0043 have been appropriately addressed within this response, as well as within the Advice on the Noise Management Plan prepared by VMS dated 9 May 2025 and the revised Operational Noise Management Plan prepared VMS dated 9 May 2025.

Please do not hesitate to contact the undersigned if you require clarification of this matter.

Yours sincerely

Milestone (AUST) Pty Limited



Luke Signoretti
Associate

ATTACHMENT A

REQUEST FOR FURTHER INFORMATION LETTER

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Memorandum

Health Referral Comments

I have assessed the proposed subject development using the parameters of the following legislation:

- Food Act legislation
- Public Health legislation
- Protection of the Environment Operations Act 1997
- Local Government Act
- Other:

The development proposal includes:

This Development Application identifies the event site for Hurstville City Centre and undertakes an environmental assessment for the temporary use of the subject land for events. It is sought to obtain an overarching Consent Notice from Council to hold temporary events for a period of five years, including approval for hours of operation and the erection of associated temporary structures that are not captured under Part 2, Division 3 of State Environmental Planning Policy (exempt and Complying Development Codes) 2008 (Codes SEPP).

The proposal seeks to streamline the approval process for temporary events and reduce the overall cost and time to deliver street-based events and temporary road closures for event organisers by outlining recommended temporary overlays, accessibility, traffic control and road closure points, and noise mitigation measures. This will in turn allow for enhanced cultural, economic, and social benefits through street-based events.

The proposal is for 52 events a calendar year, with maximum 5000 people at any one time.

The SEE outlines the following:

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3.2 Event Capacity

The event site will have an approximate maximum capacity of up to 5,000 people at any given time. The site will generally hold mid-size events (up to 1,000 people at any given time), and major events (over 1,000 people at any given time), in accordance with the Events Matrix outlined in Council's *Event Guide* and summarised in **Table 1**.

Minor events of less than 100 people are required to be notified to Council, however, a Local Approval is not required under Section 68 of the Local Government Act, as identified in the *Georges River Council Local Approvals Policy: Use of Public Land*.

Table 1: Event Matrix: Georges River Council Event Guide

Minor Event	Mid Event	Major Event
Under 100 people at any one time	Up to 1,000 people at any one time	Over 1,000 people at any one time
No temporary infrastructure	Temporary infrastructure - marquees, portable toilets	Temporary infrastructure required - staging, portable toilets, marquees
Minimal noise impact	Moderate noise impact or amplification	High noise impact and amplification
No food vendors selling to the public	Up to 5 caterers or food vendors	Above 5 caterers or food vendors
No change to traffic, parking, or pedestrian conditions	Change to traffic or pedestrian management	Traffic and pedestrian management, including increased vehicle traffic to the event area

Hours of operation are detailed below:

Hours of Operation

The general hours of temporary events are as follows:

- 7:30am to 11:00pm, Sunday to Thursday.
- 7:30am to 12:00 midnight, Friday and Saturday.

It is noted that many events will not require the specified operational window and will cease earlier.

Bump In and Bump Out

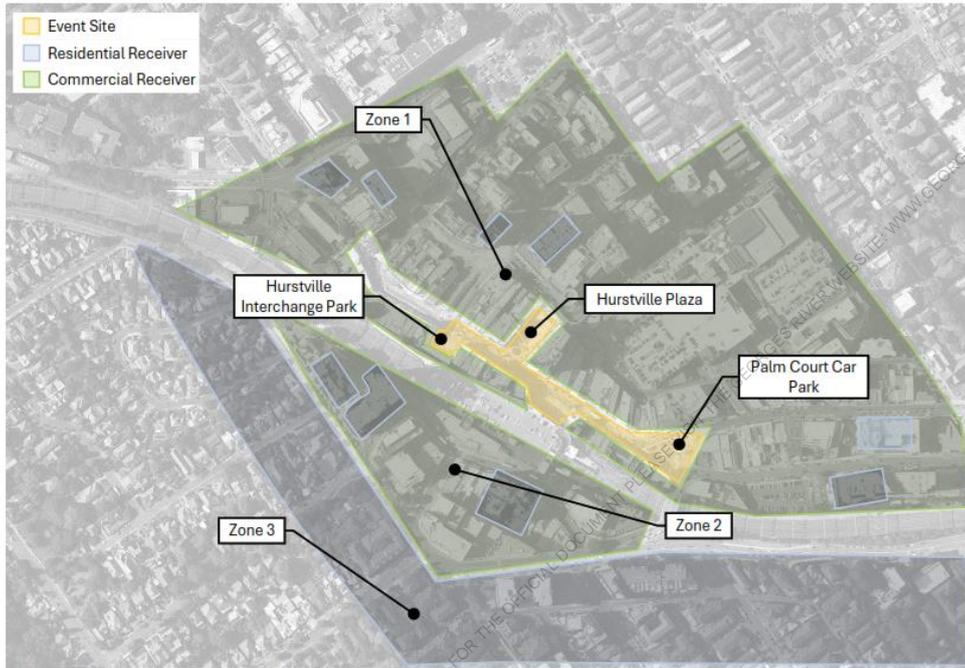
To support the bump in and bump out of the temporary event, a number of construction workers, delivery truck and vehicle movements, fork lifts and other construction plant may be required to erect the temporary structures and associated event overlay.

The works undertaken during the bump in and bump out periods will be generally limited to five days in total for larger events. Smaller events will typically only require setup the day of the event. A general timeframe for works carried out within these periods are outlined in **Table 2**. Strict adherence to the times and duration of bump in and bump out activities will be required by all event organisers.

Table 2: Bump In and Bump Out - All Event Categories

Criteria	Times Permitted
Maximum Duration of Bump In and Bump Out	Four to five days total duration
Bump In and Bump Out Hours	6:00am - 12:00 midnight, on any day
Sound Check hours of Operation (Amplified Music)	8:00am - 9:00pm, on any day

Figure 1 Site Locality and Nearby Receivers



Worst case scenario – Noise

Considering the worst-case noise scenario which forms the basis of this Noise Management Plan, a major event, that will generally attract larger crowds of up to approximately 5000 people at any given time, was assessed which may include at least 10-15 food trucks/caterers, a stage for live amplified music performances, and at least 43 stalls/vendors.

The assessment includes the review of:

- Statement of Environmental Effects – Milestone dated 30 January 2025
- Event site plan - Goodwin, Scarfone, Belgiorno Nettis dated 13 December 2024
- Operational Noise Assessment – VMS Australia ref: 24208.1.1.R1R0 dated 13 December 2024

Site Inspection:

No specific site inspection conducted as I am in this area all the time for routine inspection, including after hours events, similar to the one proposed.

During the assessment, I have reviewed the information provided and make the following comments:

Areas	Comments
POEO - Noise	Noise – use of the site, comments explained in the RFI below

Based on my assessment, further information is required, see below.

Request for further information

The following further information is required in relation to the Noise Management Plan:

1. Section 4.1.1 of the Noise Management Plan outlines the following:

4.1 Noise Objectives for Events Operation

4.1.1 Noise Policy for Industry (NPfI) 2017

As stipulated in Section 1.5 of the NPfI, amplified music/patron noise from premises is exempt from this Policy. It was therefore not considered for these noise sources in this Plan.

I would not consider this type of amplified music to be 'from a premises' as suggested in the Policy, as it talks about 'licenced premises', these are events, not licenced premises and therefore should be considered, see section 1.5 in the NpFI . Please provide justification for your reasoning:

2. No assessment or noise levels have been established for the three types of events to occur:

'Major' = 1000 to 5,000 people to attend event
 'Moderate' = 100 – 1000 people to attend event
 'Minor' = up to 100 people to attend event

- Please provide event specific maximum noise levels for amplified music and mechanical plant, for each event size and frequency of occurrence for each event type. E.g. worst case scenario is 5,000 people event, 52 times a year, please account for the noise level and impact of the community for the worst case scenario.

- Provide details on how the noise levels described above can be achieved?

- 2a. Please include distances from the event site in figure 1 to the nearest sensitive receivers.

3. Justify rationales made in section 4.1.1 and table 4 in the Noise Management Plan and the allowance of 20-30dB above background when the Industrial Noise Policy allows for maximum 2dB above background for an event that exceeds 2.5hours in length and the superseded Environmental Noise Control Manual you list as a reference document in your report allows for max 10dB above background.

4. Clarify table 10 – what is the difference between the first predicted noise level leq15min circled in red and the second circled in blue?

Table 9 Predicted Noise Emission Levels - Event Operations

Receiver Zone ¹	Time Period ²	Predicted Noise Level L _{eq} (15 minute) ³	Noise Objective L _{eq} (15 minute)	Predicted Noise Level L _{eq} (15 minute) ³	Noise Objective L _{eq} (15 minute)
Zone 1	Day	53 - 58 dBA	56 - 66 dBA	64 - 69 dBC	66 - 76 dBC
	Evening		55 - 65 dBA		65 - 75 dBC
Zone 2	Day	45 - 50 dBA	56 - 66 dBA	56 - 61 dBC	66 - 76 dBC
	Evening		55 - 65 dBA		65 - 75 dBC
Zone 3	Day	36 - 41 dBA	56 - 66 dBA	47 - 52 dBC	66 - 76 dBC
	Evening		55 - 65 dBA		65 - 75 dBC

Note 1: Potential noise impacts are assessed to the highest risk residential receivers as presented in Table 1 due to additional noise attenuation from further screening, directivity, and distance to other receivers.

Note 2: With reference to the NPfI, time periods are defined as follows: Day - 7.00 am (8.00 am on Sundays and Public Holidays) to 6.00 pm, Evening - 6.00 pm to 10.00 pm.

Note 3: Predicted noise levels are assessed at the worst-case noise affected receiver(s) within each zone and does not imply to all the receivers within the zone.

6. Some events are proposed to have pyrotechnical effects, this needs to be assessed as they cause a major noise impact on the surrounding community, the number of events and length of events that are proposed to have pyrotechnical effects is to be assessed. E.g worst case scenario, as it stands, without further restrictions, would allow pyrotechnical effects 52 weeks a year.

7. Section 5.4.1 assumes the worst-case scenario for generators operating at an event to be 5. This is hugely underestimated, as every mobile food van will be operating with a generator, and experience at recent events shows some food stalls also have fridges, deep fryers etc being run by generators, please update 'assumptions in the noise model' to incorporate all food premises (stalls and vans) potentially having generators running simultaneously. It is recommended that the stall and van numbers be based upon those present at the annual Lunar Festival event.

8. Provide more robust noise mitigation measures, the ones outlined in the report are very administrative and most if not all the measures in Table 12-13 aren't manageable by the event organiser.
 For example Table 12, 13 and 14 outlines measures to mitigate noise, however as these are individual companies turning up to the event it is impossible for the event holder to have any impact over these mitigation measures; For example:
 - How would the event organiser select the equipment of other businesses attending the event?
 How would the event organiser ensure trucks and trailers are fitted with quiet alarms?
 - How would they limit idling?
 - Where are temporary barriers to be installed and by who?
 - Consulting with the community does not form a specific mitigation measurement or limit, there is no control around what is said or done from those consultations, the company can turn around and not implement any controls the community suggests, this is not an effective mitigation tool
 - There is no information on how mitigation measure 14.3 is to be facilitated; what levels, where and in what scenario is specific noise monitoring to occur. What is the trigger for noise mitigation?

The same goes for Mitigation measures outlined in Table 13 and 14:

Please provide mitigation measures that are achievable and measurable by the event organiser.

-- END --

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ATTACHMENT B

**ADVICE ON THE NOISE MANAGEMENT PLAN
PREPARED BY VMS, DATED 9 MAY 2025**

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1800 867 000
info@vms.com.au
Unit 45, 45 Green Street
BANKSMEADOW NSW 2019

9 May 2025
24260.1.1.L1R0 Acoustic Response to Council 20250508

Milestone (AUST) Pty Limited
Suite 9
17 Thurlow Street
REDFERN NSW 2016

Attention: Mr Luke Signoretti

Dear Luke,

**Information Request (Application No. DA2025/0043)
Forest Road Hurstville NSW 2220
Advice on the Noise Management Plan**

Please refer to the below extracts from the letter received from Georges River Council (*Ref: D25 106435 - Health Internal Referral - RFI - 243-247 Forest Road Hurstville City Centre*, dated 2 April 2025) relating to further advice on the Noise Management Plan (NMP) which forms part of the Development Application No. DA2025/0043, as well as VMS responses. This response has been provided in conjunction with an updated NMP, dated 9 May 2025.

Specific acoustic terminology is used in this report. An explanation of common acoustic terms is provided in **Appendix A**.

Item 1

"[...]"

Request for further information

- 1) *I would not consider this type of amplified music to be 'from a premises' as suggested in the Policy, as it talks about 'licenced premises', these are events, not licenced premises and therefore should be considered, see section 1.5 in the NPfl. Please provide justification for your reasoning."*

As per the NMP, irrespective of whether the amplified music originates from a premises or an outdoor event, Section 1.5 of the NPfl outlines *exclusions* from its policy. The NPfl is a document that may be referenced during the assessment and management of noise sources from industrial premises. There is no information within the NPfl that can be reasonably applied to the temporary open-air event noise sources aspect of this application.

Item 2

- 2) “No assessment or noise levels have been established for the three types of events to occur:
- ‘Major’ = 1000 to 5,000 people to attend event
 - ‘Moderate’ = 100 - 1000 people to attend event.
 - ‘Minor’ = up to 100 people to attend event.”

As per section 2.3 of the NMP, all modelling is based on the expected worst-case scenario (Major Event). The predicted levels are representative of a major event. Noise compliance with a major event will therefore indicate compliance with smaller events.

Item 3

- 3) “Justify rationales made in section 4.1.1 and table 4 in the Noise Management Plan and the allowance of 20-30 dB above background when the Industrial Noise Policy allows for maximum 2 dB above background for an event that exceeds 2.5 hours in length and the superseded Environmental Noise Control Manual you list as a reference document in your report allows for max 10 dB above background.”

As previously stated, the NPfI is not a suitable reference document for open air/outdoor entertainment events. The allowance of up to 20 dBA (30 dBC) above the RBL in the NMP is based on existing literature and previous events within the greater Sydney area. As outlined within the Noise Guide for Local Council (NGLC), the determined noise objective for outdoor entertainment events is adopted with consideration of both the reasonable expectation of nearby residents and the ability of an event to proceed. In the opinion of VMS, the proposed noise objective is suitable for these considerations. Moreover, the predicted impacts from outdoor entertainment are well below the noise objectives given.

Item 4

- 4) “Clarify table 10 - what is the difference between the first predicted noise level L_{eq} 15 min circled in red (dBA) and the second circled (dBC) in blue?”

The difference in the noise levels shown in Table 10 (reproduced in **Table 1**, below) of the NMP represent dBA vs dBC spectrum weighting. As stated in the NMP, a difference of approximately 10 dB between dBA and dBC is considered typical for outdoor entertainment events. The dBC spectrum weighting is appropriate to consider when assessing loud noise sources with low frequency content, such as amplified music.

Table 1 Predicted Noise Emission Levels - Event Operations

Receiver Zone ¹	Time Period ²	Predicted Noise Level $L_{eq}(15\text{ minute})^3$	Noise Objective $L_{eq}(15\text{ minute})$	Predicted Noise Level $L_{eq}(15\text{ minute})^3$	Noise Objective $L_{eq}(15\text{ minute})$
Zone 1	Day	53 - 58 dBA	56 - 66 dBA	64 - 69 dBC	66 - 76 dBC
	Evening		55 - 65 dBA		65 - 75 dBC

Receiver Zone ¹	Time Period ²	Predicted Noise Level $L_{eq(15\text{ minute})}^3$	Noise Objective $L_{eq(15\text{ minute})}$	Predicted Noise Level $L_{eq(15\text{ minute})}^3$	Noise Objective $L_{eq(15\text{ minute})}$
Zone 2	Day	45 - 50 dBA	56 - 66 dBA	56 - 61 dBC	66 - 76 dBC
	Evening		55 - 65 dBA		65 - 75 dBC
Zone 3	Day	36 - 41 dBA	56 - 66 dBA	47 - 52 dBC	66 - 76 dBC
	Evening		55 - 65 dBA		65 - 75 dBC

Item 7

[...]

- 7) *“Section 5.4.1 assumes the worst-case scenario for generators operating at an event to be 5. This is hugely underestimated, as every mobile food van operating would have a generator as Council does not provide access to power. Experience from recent events is that even some temporary food stalls will require generators to run fridges, deep fryers etc. Please update ‘assumptions in the noise model’ to incorporate all food premises (stalls and vans) potentially having generators running simultaneously. It is recommended that the stall and van numbers be based upon those present at the annual Lunar Festival event.”*

As per section 5.4.1 of the updated NMP, mechanical plant noise sources are comprised of up to 15 generators operating simultaneously. Recent correspondence with Council and Milestone indicates that 15 generators is suitably reflective of a ‘major’ event. As per the NMP, compliance with mechanical plant noise objectives are predicted.

Lastly, although it is estimated that approximately 43 vendors (during a major event) will occupy the site in the NMP, many of these are presumed to be stalls that will not require power and thus are not relevant for the assessment of mechanical plant noise emissions.

Item 8

- 8) *“Provide more robust noise mitigation measures, the ones outlined in the report are very administrative and most if not all the measures in Table 12-13 aren’t manageable by the event organiser. For example Table 12, 13 and 14 outlines measures to mitigate noise, however as these are individual companies turning up to the event it is impossible for the event holder to have any impact over these mitigation measures; For example:*
- *How would the event organiser select the equipment of other businesses attending the event?*
 - *How would the event organiser ensure trucks and trailers are fitted with quiet alarms?*
 - *How would they limit idling?*
 - *Where are the temporary barriers to be installed and by who?*
 - *Consulting with the community does not form a specific mitigation measurement or limit, there is no control around what is said or done from those consultations, the company can turn around and not implement any controls the community suggests, this is not an effective mitigation tool.*

- *There is no information on how mitigation measure 14.3 is to be facilitated; what levels, where and in what scenario is specific noise monitoring to occur. What is the trigger for noise mitigation?*

The same goes for Mitigation measures outlined in Table 13 and 14. Please provide mitigation measures that are achievable and measurable by the event organiser.

[...]"

The following information has also been provided via the NMP.

The recommended mitigation measures within the NMP are expected to form part of the conditions for the operation of outdoor entertainment events. Noise mitigation can be implemented through consultation between Council and the event organiser by coordinating with other businesses/third parties and ensuring their chosen equipment does not exceed the sound power levels given in the NMP. Consistent with the recommended mitigation within the NMP, event organisers may be briefed by Council on limitations for the number of mechanical plant, the location of amplifiers, bump-in/out times, as well as vehicle idling while on site. This can be in the form of a simple check list that is required as part of the application of a stall/vendor.

In terms of community consultation, Council may offer guidance and notification in advance of major events to all potentially noise affected residential receivers, namely those within Zone 1 in the NMP. Noise monitoring may be conducted in response to complaints to verify that noise emissions from an event site do not exceed those predicted within the NMP when assessed at the most-affected receiver. The monitoring can also be used to provide real-time information to the event organiser which may be used to limit the volume or low-frequency content from outdoor entertainment.

I trust the information provided above meets your requirements and is sufficient. Should you have any further queries, please do not hesitate to contact our office.



Matthew Brazel MArchSc(Audio & Acoustics)
Project Consultant - Acoustics & Vibration

Reviewed by: Sam Demasi.

Glossary of Noise and Vibration Terminology

Sound Pressure	Sound, or sound pressure, is a fluctuation in air pressure over the static ambient pressure.
Sound Power	Sound power is the rate at which sound energy is emitted, reflected, transmitted, or received, per unit time. Unlike sound pressure, sound power is neither room-dependent nor distance-dependent.
Sound Pressure Level (SPL)	The sound level is the sound pressure relative to a standard reference pressure of 20 μ Pa (20x10 ⁻⁶ Pascals) on a decibel scale.
Sound Power Level (SWL)	The Sound Power Level is the sound power relative to a standard reference pressure of 1pW (20x10 ⁻¹² Watts) on a decibel scale. The SWL of a simple point source may be used to calculate the SPL at a given distance (r) using the following formula: $SPL = SWL - 10 \log_{10}(4 \pi r^2)$. Note that the above formula is only valid for sound propagation in the free-field (see below).
Decibel (dB)	A scale for comparing the ratios of two quantities, including sound pressure and sound power. The difference in level between two sounds s_1 and s_2 is given by $20 \log_{10}(s_1 / s_2)$. The decibel can also be used to measure absolute quantities by specifying a reference value that fixes one point on the scale. For sound pressure, the reference value is 20 μ Pa.
A-weighting (dBA)	The unit of sound level, weighted according to the A-scale, which takes into account the increased sensitivity of the human ear at some frequencies.
Noise Level Indices	Noise levels usually fluctuate over time, so it is often necessary to consider an average or statistical noise level. This can be done in several ways, so a number of different noise indices have been defined, according to how the averaging or statistics are carried out.
$L_{eq,T}$	A noise level index called the equivalent continuous noise level over the time period T. This is the level of a notional steady sound that would contain the same amount of sound energy as the actual, possibly fluctuating, sound that was recorded.
$L_{max,T}$	A noise level index defined as the maximum noise level during the period T. L_{max} is sometimes used for the assessment of occasional loud noises, which may have little effect on the overall L_{eq} noise level but will still affect the noise environment. Unless described otherwise, it is measured using the 'fast' sound level meter response.
$L_{90,T}$	A noise level index. The noise level exceeded for 90% of the time over the period T. L_{90} can be considered to be the "average minimum" noise level and is often used to describe the background noise.
$L_{10,T}$	A noise level index. The noise level exceeded for 10% of the time over the period T. L_{10} can be considered to be the "average maximum" noise level. Generally used to describe road traffic noise.
Free-Field	Far from the presence of sound reflecting objects (except the ground), usually taken to mean at least 3.5m.
Fast/Slow Time Weighting	Averaging times used in sound level meters.
Octave Band	A range of frequencies whose upper limit is twice the frequency of the lower limit.
$D_{nT,w}$	The single number quantity that characterises airborne sound insulation between rooms over a range of frequencies.
R_w	Single number quantity that characterises the airborne sound insulating properties of a material or building element over a range of frequencies.
Reverberation	The persistence of sound in a space after a sound source has been stopped.
Peak Particle Velocity (PPV)	The particles of a medium are displaced from their random motion in the presence of a vibration wave. The greatest instantaneous velocity of a particle during this displacement is called the Peak Particle Velocity (PPV) and is typically measured in the units of mm/s.
Hertz (Hz)	The unit of Frequency (or Pitch) of a sound or vibration. One hertz equals one cycle per second. 1 kHz = 1000 Hz, 2 kHz = 2000 Hz, etc.
Acceleration	Acceleration is defined as the rate of change of Velocity of a particle over a period of time and is typically measured in the units of m/sec ² .
Vibration Dose Value (VDV)	When assessing intermittent vibration, it is necessary to use the vibration dose value (VDV), a cumulative measurement of the vibration level received over an 8-hour or 16-hour period. The VDV formulae uses the RMS Acceleration raised to the fourth power and is known as the Root-mean-quad method. This technique ensures the VDV is more sensitive to the peaks in the acceleration levels. VDV's are typically measured in the units of m/s ^{1.75} .

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ATTACHMENT C

**REVISED OPERATIONAL NOISE MANAGEMENT PLAN
PREPARED BY VMS, DATED 9 MAY 2025**

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Noise Management Plan

Forest Road Hurstville NSW 2220

Temporary Use of Land for Council, Community, Cultural, and Corporate Events

Milestone (AUST) Pty Limited

Suite 9
17 Thurlow Street
REDFERN NSW 2016

Reference: 24208.1.1.R1R1

Issue Date: 9 May 2025



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info@vms.com.au

Noise Management Plan

Quality Management

Status	Date	Prepared	Checked	Authorised	Comments
Revision 0	13 December 2024	Feras Ahmed	Ryan Wakeling	Ryan Wakeling	-
Revision 1	9 May 2025	Matthew Brazel	Sam Demasi	Sam Demasi	Included comments from Council.

This Report by VMS Australia Pty Ltd is prepared for Milestone (AUST) Pty Limited and is based on the objective, scope, conditions and limitations as agreed. The Report presents only the information that VMS Australia Pty Ltd believes, in its professional opinion, is relevant and necessary to describe the issues involved. The Report should not be used for anything other than the intended purpose. All surveys, forecasts, projections, and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to VMS Australia Pty Ltd at the date of this report, and upon which VMS Australia Pty Ltd relied.

This report in its finalised version has been prepared, checked, and authorised by suitably qualified and experienced personnel from VMS Australia Pty Ltd, who have memberships with the Australian Acoustical Society (AAS). Draft versions of this report may not be subject to this qualification.

VMS Australia Pty Ltd does not accept any liability or responsibility to any party with respect to the information and opinions contained in this report.

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1 Introduction

VMS Australia Pty Ltd (VMS) has been commissioned by Milestone (AUST) Pty Limited to undertake an Noise Management Plan (Plan) for a Development Application to be submitted to Georges River Council (Council). The application concerns the temporary use of Forest Road, Hurstville as bounded by Woodville Street to the east and Ormond Parade to the west, Memorial Square, Palm Court Car Park, Hurstville Interchange Park, and Hurstville Plaza, for community, cultural, and corporate events. Up to 52 community events are proposed to be held per calendar year with a 5-year approval period being sought for. It includes the erection of associated temporary structures and event overlays along part of Forest Road Hurstville. No permanent alterations or additions to the layout or equipment are proposed as part of the application.

This Plan presents an acoustic assessment regarding operational noise emissions from the event's proposed operation due to the following noise sources:

- Bump-In and Bump-Out
- Patron Noise
- Food Trucks
- PA and/or Amplified Speaker Systems (including musical acts and performances)
- Pyrotechnical Displays

The assessment has been conducted with reference to the following documents and guidelines:

- New South Wales (NSW) Environment Protection Authority (EPA) - *Noise Policy for Industry* (NPfI) 2017.
- AECOM Australia Pty Ltd - *Hurstville Crossover - Noise and Vibration Impact Assessment* (NVIA) 2019.
- NSW EPA - *Noise Guide for Local Government* (NGLG) 2023.
- NSW EPA - *Environmental Noise Control Manual* (ENCM) 1994.
- NSW Legislation - *Protection of the Environment Operations Act* (POEA) 1997.
- Georges River Council - *Event Guide (GRCEG), Information on Planning and Holding Events in the Georges River Area*.
- Georges River Council - *Local Approvals Policy - Use of Public Land*, dated October 2018.
- Parnell, P. & Sommer, S. (2018) *Setting noise objectives for outdoor music festivals in rural locations*. Acoustics Adelaide, South Australia.

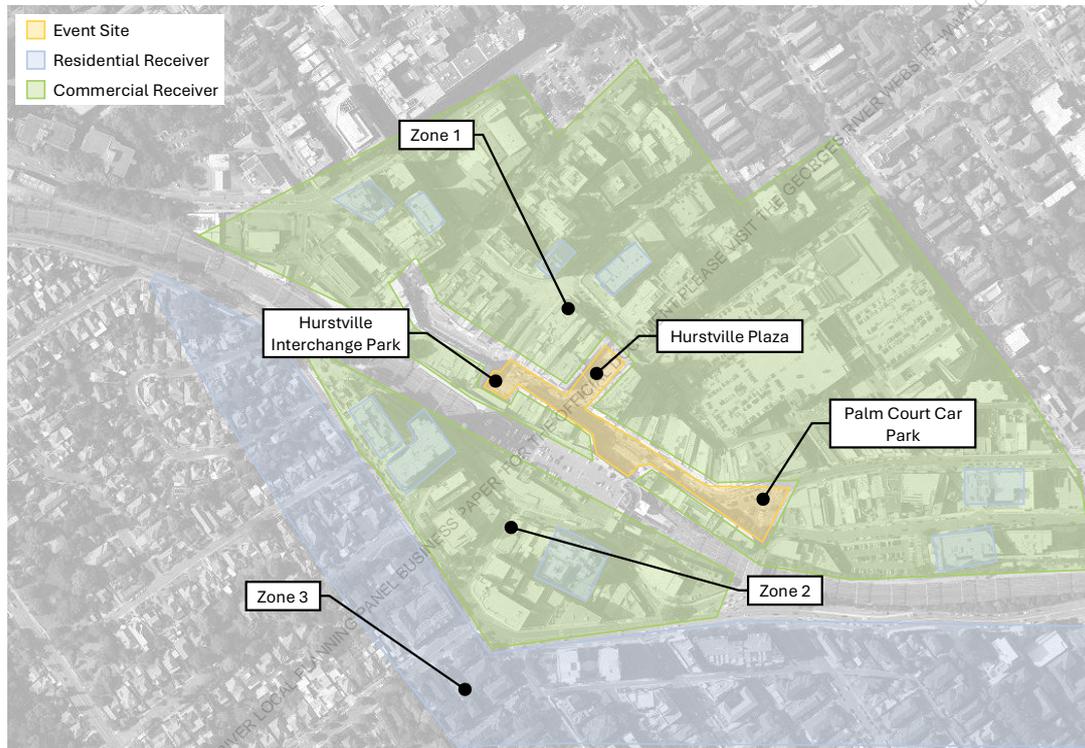
Specific acoustic terminology is used in this report. An explanation of common acoustic terms is provided in **Appendix A**.

2 Site Description

2.1 Site Locality and Nearby Receivers

The Project Site is surrounded by residential receivers and commercial receivers. Macmahon Street adjoins the north-western Project Site boundary and Treacy Street adjoins the south-eastern Project Site boundary. The Site locality and nearby receivers are shown in **Figure 1**. Worst-case noise affected receivers are detailed in **Table 1**.

Figure 1 Site Locality and Nearby Receivers



Source: SIX Maps. Mark-up by VMS.

Table 1 Worst Noise Affected Receivers

Receiver Zone	Receiver Address	Receiver Location	Receiver Type
Zone 1	11-17 Woodville Street, Hurstville	North of Project Site	Multi-Storey Residential Receiver
	380 Forest Road, Hurstville	Northwest of Project Site	Multi-Storey Residential Receiver
	1 Dora Street, Hurstville	Northwest of Project Site	Multi-Storey Residential Receiver
	181-307 Forest Road, Hurstville	South and West of Project Site	Approximately 20 Commercial Receivers
	218-360 Forest Road, Hurstville	North and East of Project Site	Approximately 20 Commercial Receivers
	31 Treacy Street, Hurstville	West of Project Site	Multi-Storey Residential Receiver
	127 Forest Road, Hurstville	West of Project Site	Multi-Storey Residential Receiver
Zone 2	14-16 Ormonde Parade, Hurstville	South of Project Site	Multi-Storey Residential Receiver
	12 Woniara Road, Hurstville	Southwest of Project Site	Multi-Storey Residential Receiver
	1D Greenbank Street, Hurstville	Southwest of Project Site	Multi-Storey Residential Receiver
Zone 3	21-71 Woniara Road, Hurstville	South and West of Project Site, across Woniara Road	16 Residential Receivers

2.2 Hours of Operation

The proposed hours of operations for temporary use of the Project Site for events are as follows:

- 6.00 am to 12.00 midnight, on any day.

2.3 Operation Type

The proposed events occurring on the Project Site include (but are not limited to) the following:

- Food and wine festivals.
- Markets, including night markets.
- Outdoor exhibitions.
- Cultural exhibitions, festivals, and demonstrations.
- Key performances.
- Film and Movie nights.
- Art shows.
- Youth activities.

All events will include the installation of temporary structures that are reversible in nature. No permanent changes to the site are proposed and the site will be re-instated to its existing condition at the conclusion of each event.

Figure 2 shows the indicative Site event map, prepared by prepared by Goodwin Scarfone Belgiorno Nettis (GSBN) Studio.

Figure 2 Indicative Site Event Map



Source: GSBN Studio

Events will range in size between ‘minor’, ‘mid’, and ‘major’. An indication of the attendance capacity and temporary structures for each event size is outlined in **Table 2**, reproduced from the Georges River Council Event Guide.

Table 2 Events Matrix

Minor Event	Mid Event	Major Event
Under 100 people at any one time	Up to 1,000 people at any one time	Over 1,000 people at any one time
No temporary infrastructure	Temporary infrastructure - marquees, portable toilets	Temporary infrastructure required - staging, portable toilets, marquees
Minimal noise impact	Moderate noise impact or amplification	High noise impact and amplification
No food vendors selling to the public	Up to 5 caterers or food vendors	Above 5 caterers or food vendors
No change to traffic, parking, or pedestrian conditions	Change to traffic or pedestrian management	Traffic and pedestrian management, including increased vehicle traffic to the event area

Source: GRCEG

For the purposes of this assessment, VMS has exclusively assessed 'mid' and 'major' events, as 'minor' events are exempt from approval pursuant to Section 2.1 of the Georges River Council *Local Approvals Policy: Use of Public Land*.

Considering the worst-case noise scenario which forms the basis of this Noise Management Plan, a major event, that will generally attract larger crowds of up to approximately 5000 people at any given time, was assessed which may include at least 10-15 food trucks/caterers, a stage for live amplified music performances, and at least 43 stalls/vendors.

2.3.1 Fixed Mechanical Plant and Equipment

Fixed mechanical plant associated with the event's operation may comprise the following:

- Generators.
- Food trucks including exhaust fans.

Locations of the above-mentioned mechanical plant are expected to be within the vicinity of the stalls, food trucks and the stage.

2.3.2 On-Site Vehicular Movements

The Site will be blocked off during events operation, therefore, light vehicles are restricted from entry and walkways will be mainly for pedestrians.

Semi-Trucks are expected to arrive in the early hours of operation for equipment setup and, similarly, in the late hours for removal. However, these are expected to occur once during event setup and once at the end of the events.

With consideration of the above, noise due to on-site vehicular movements has been deemed to be minimal and acoustically insignificant, especially in comparison with other on-site noise sources such as amplified music. Notwithstanding, noise emissions from on-site vehicular movements should be managed as discussed in this Plan.

3 Existing Noise Environment

A Noise and Vibration Impact Assessment (NVIA) was prepared in 2019 by AECOM Australia Pty Ltd for service changes at Hurstville Train Station, actioned by Transport for NSW. Unattended noise monitoring was conducted over a period of seven (7) days at 550 Railway Parade, Hurstville. VMS considers the background noise levels presented in the NVIA to be representative of the existing noise environment at the Project Site.

The results of the background noise monitoring are reproduced in **Table 3**.

Table 3 Existing Noise Levels - AECOM (NVIA 2019)

Address	Rating Background Level (RBL)			Existing Noise Levels L_{eq}		
	Day	Evening	Night	Day	Evening	Night
550 Railway Parade, Hurstville	46 dBA	45 dBA	35 dBA	60 dBA	59 dBA	56 dBA

Note: In accordance with the NPfl, time periods are defined as follows: Day - 7.00 am to 6.00 pm, Evening - 6.00 pm to 10.00 pm, Night - 10.00 pm to 7.00 am (8.00 am on Sundays and Public Holidays).

4 Noise Objectives Discussion

Considering typical operation types, noise emission sources can be split into two components:

- Events operation including amplified music and patron noise.
- Fixed mechanical plant noise.

Regarding the nearby worst noise-affected receivers presented in **Table 1**, only residential receivers have been considered. Nearby commercial businesses, particularly those along Forest Road, are assumed to operate primarily during daytime hours when noise impacts are of lower concern. Furthermore, noise objectives for commercial receivers are significantly higher than those for residential receivers, and these businesses are expected to benefit from the events. This consideration is also relevant for other commercial receivers in the surrounding locality.

For event operations, noise emission sources vary depending on the type and size of the event as well as the activities involved. VMS has reviewed local planning and development control plans, along with government policies and legislation relevant to the Project Site. In NSW, noise policy for amplified music and patron noise typically defers to local council regulations. A review of the Georges River Council Event Guidelines (GRCEG) found no specific noise objectives, apart from the requirement for all amplified noise sources to cease by 10.00 pm. Additional guidance for managing noise from amplified music and patron activity was therefore drawn from other relevant documentation and methodologies applied in projects of a similar nature.

Mechanical plant noise will be managed in accordance with the NSW NPfl, considering that it will be fixed for the majority of the events duration.

Discussion of the noise objectives that are reasonably applicable to this Plan are presented in the following section.

It is worth noting that these events will be undertaken to enhance the attractiveness of Forest Road for commercial, cultural, and community events, and support/promote community activation of Council's event spaces. It is understood by VMS that the majority of community members within the LGA are assumed to partake in these events.

Therefore, the purpose of this Plan is to provide noise objectives with the focus on how to manage noise emissions.

4.1 Noise Objectives for Events Operation

4.1.1 Noise Policy for Industry (NPfI) 2017

As stipulated in Section 1.5 of the NPfI, amplified music/patron noise from premises is exempt from this Policy. It was therefore not considered for these noise sources in this Plan.

4.1.2 Noise Guide for Local Council (NGLC)

The NGLC does not provide quantitative noise objectives, however, Section 2.4 of the NGLC offers some guidelines for the operation of outdoor entertainment activities, which include management of amplified music and patron noise. Items relevant to the management of noise emissions which may be considered for the subject Project are summarised as follows:

- Outdoor events may be held at night or on weekends when residents have a reasonable expectation of peace and quiet. They are also more likely to be held in warmer weather, when neighbouring dwellings will typically have doors and windows open, thereby increasing the probability that noise emitted from a venue will impact the surrounding community. There may be limited noise mitigation options available, particularly for temporary events.
- It may not be possible or appropriate to manage noise through a general noise limit for outdoor entertainment events in all circumstances. The appropriate noise limit (if indeed a noise limit is necessary) will depend on the circumstances of the venue and the type of entertainment event. Unless the venue is very remote, it is unlikely that a noise limit to prevent annoyance at every neighbouring residence is possible. However, setting a noise limit can prevent the noise levels emitted from an event from being any higher than necessary. Noise limits will need to be site-specific and reflect what is achievable in practice, without overly restricting the ability of an event to proceed. These considerations must be balanced against the reasonable expectations of residents not to be subjected to 'offensive noise'.
- Audience satisfaction with performances at large outdoor music events often depends on the achievement of sustained high volumes throughout the performance. A balance needs to be struck between a level that is fit for purpose at the venue and the noise impacts on the surrounding community. This should be considered at the planning stage for the event.
- Low frequency sound - commonly associated with bass noise emissions - is known to be particularly intrusive, to fluctuate widely, and to be difficult to measure accurately. However, limits on low-frequency noise are desirable.
- The presence of large numbers of spectators at some outdoor entertainment events may give rise to audience noise that can be intrusive, particularly during evenings. The only feasible mitigation option to manage crowd noise may involve establishing buffer zones between these venues and surrounding receivers where spatial separation is available (for example, in rural settings).

4.1.3 Environmental Noise Control Manual (ENCM)

Despite its supersession, the ENCM is still referred to as a guideline for similar projects in the absence of clear local or state policy in NSW. Chapter 162 'Open Air Entertainment' refers to outdoor events exceeding 10,000 patrons. For events of this nature, the ENCM allows for a level up to 10 dB above the RBL for infrequent events. In the opinion of VMS, this still considered unreasonably stringent after a thorough review of similar projects.

4.1.4 Noise Objectives based on Relevant Literature

Following a review of similar projects, it is suggested that outdoor/open air events should be managed in accordance with site-specific factors. In general, however, noise objectives approximate an $L_{Aeq(15\text{ minute})}$ of 55 - 70 dBA at the most-affected receiver, as cited in Parnell & Sommer (2018).

Due to the high transmission of low-frequency noise associated with live music events, it is also worthwhile to consider objectives using a C-weighting. As cited in Parnell & Sommer (2018), existing outdoor entertainment noise objectives commonly adopt an approximate 10 dB differential between A-weighted and C-weighted measurements.

Considering the above, VMS has determined a sensible noise objective level to be $L_{Aeq(15\text{ minute})}$ up to 20 dBA and $L_{Ceq(15\text{ minute})}$ up to 30 dBC above the RBL at the most-affected receiver, provided other noise management guidelines are met.

4.1.5 Summary of Project-Specific Noise Objectives for Event Operations

Based on the information provided in **Section 4.1.1** to **Section 4.1.4**, the most relevant and reasonable quantitative noise objectives for event operations are outlined in **Table 4**, based on the RBLs provided in **Table 3** during NPfI defined time periods.

Table 4 Project-Specific Noise Objectives for Event Operations

Receiver	Time period ¹	Noise Objectives $L_{Aeq(15\text{ minute})}$	
		A-Weighted	C-Weighted
Residential	Day	66 dBA	76 dBC
	Evening	65 dBA	75 dBC
	Night	55 dBA	65 dBC

Note 1: In accordance with the NPfI, time periods are defined as follows: Day - 7.00 am to 6.00 pm, Evening - 6.00 pm to 10.00 pm, Night - 10.00 pm to 7.00 am (8.00 am on Sundays and Public Holidays).

4.2 Noise Objective for Fixed Mechanical Plant

4.2.1 Noise Policy for Industry 2017

There are two sets of noise levels presented in the NPfI, namely the Project Intrusiveness Noise Level and Project Amenity Noise Level. The project noise trigger level is then ultimately set as the lower of either of the two noise levels established. Noise levels are to be assessed externally within a nearby receiver's boundary or appropriate location.

Project Intrusiveness Noise Level

The NPfI Project Intrusiveness Noise Level is set to minimise noise emission at nearby residential receivers and requires that the $L_{Aeq(15\text{ minute})}$ measured at nearby residential property's boundary does not exceed the background noise level by more than 5 dB.

Background noise levels for the project were derived as discussed in **Table 3**. The project intrusiveness noise levels are therefore summarised in **Table 5**.

Table 5 Project Intrusiveness Noise Level

Receiver ¹	Time Period ²	RBL	Intrusiveness Noise Level $L_{Aeq(15\text{ minute})}$
Residential	Day	46 dBA	51 dBA
	Evening	45 dBA	50 dBA
	Night	35 dBA	40 dBA

Note 1: It is noted, in accordance with the NPfI, that only residential receivers are considered when assessing intrusiveness.

Note 2: In accordance with the NPfI, time periods are defined as follows: Day - 7.00 am to 6.00 pm, Evening - 6.00 pm to 10.00 pm, Night - 10.00 pm to 7.00 am (8.00 am on Sundays and Public Holidays).

Project Amenity Noise Level

The NPfI Project Amenity Noise Level, in comparison with the Project Intrusiveness Noise Level, is set to preserve the community's amenity by providing an overall noise-level upper limit for different land uses.

For residential receivers, 'Table 2.2' on 'page 11' of the NPfI Guideline provides three categories to distinguish different residential localities according to the background noise level (RBL). These localities are stated as rural, urban and suburban. With respect to the Project Site, the general environment can be categorised as urban due to the daytime RBL being greater than 45 dBA, evening RBL being greater than 40 dBA and night RBL being greater than 35 dBA.

Therefore, in accordance with the NPfI, the project amenity noise level during the day, evening and night for the residential receivers within an urban area is then calculated by subtracting 5 dB from the recommended amenity noise level to account for potential cumulative noise impacts and adding 3 dB to convert the noise level from $L_{Aeq(\text{period})}$ to $L_{Aeq(15\text{ minute})}$.

The resulting project amenity noise levels are presented in **Table 6**.

Table 6 Project Amenity Noise Level

Receiver	Time Period ¹	Project Amenity Noise Level $L_{Aeq(15\text{ minute})}$
Residential	Day	58 dBA
	Evening	48 dBA
	Night	43 dBA
Commercial	When in use	63 dBA

Note 1: In accordance with the NPfI, time periods are defined as follows: Day - 7.00 am to 6.00 pm, Evening - 6.00 pm to 10.00 pm, Night - 10.00 pm to 7.00 am (8.00 am on Sundays and Public Holidays).

Noise Objective for Fixed Mechanical Plant

The lowest of the Project Intrusiveness Noise level and the Project Amenity Noise Level is adopted as the Project Noise Trigger Level (PNTL) in accordance with the NPfl as presented in **Table 7**, which represents the noise objective for fixed mechanical plant.

Table 7 Noise Objective for Fixed Mechanical Plant

Receiver	Time Period ¹	Noise Objective $L_{eq}(15 \text{ minute})$
Residential	Day	51 dBA
	Evening	48 dBA
	Night	40 dBA
Commercial	When in use	63 dBA

Note 1: In accordance with the NPfl, time periods are defined as follows: Day - 7.00 am to 6.00 pm, Evening - 6.00 pm to 10.00 pm, Night - 10.00 pm to 7.00 am (8.00 am on Sundays and Public Holidays).

5 Noise Emission Analysis

5.1 Noise Emission Modelling

Site-related noise emissions were modelled using the iNoise 2024 noise prediction software. Factors that are addressed in the modelling are:

- Source sound power level emissions and locations;
- Screening effects from buildings and barriers;
- Receiver locations;
- Ground topography;
- Noise attenuation due to geometric spreading; and
- Sound Absorption (ground and atmospheric).

5.2 Typical Sound Levels

Sound levels due to major noise contributing sources are presented below and have been included in the noise model. A range of sound levels is presented due to the potential variance in plant size and type.

Table 8 Typical Sound Levels

Item	Sound Level ¹ (L_{eq})
Generator	84-88 dBA Sound Power Level
Food Truck (including exhaust fan)	75-80 dBA Sound Power Level
Amplified Music (Speaker)	90-95 dBA, Sound Pressure Level 1 m away from Speaker

Note 1: Sound Levels are based on VMS' database, varying based on size and event type.

5.3 Predicted Range of Noise Levels - Event Operations

5.3.1 Assumptions and/or Information Utilised in Noise Model

For the assessment of noise emission due to event operations, the following information and/or assumptions were utilised in the noise model:

- In accordance with the NGLC, amplified music is to conclude at 10.00 pm in all event cases, therefore they have not been assessed during the night-time periods. Subsequent noise sources associated with bump-out may be considered as inclusive of a shoulder period of up to 2-hours (until midnight) and may be managed according to 'evening' noise controls.
- In addition to the above and in accordance with NGLC, patron noise is to be addressed via noise management (refer to **Section 6**) and was therefore excluded from this noise model.
- Pyrotechnical display noise is not continuous and occurs over short periods of time, therefore is excluded from the noise model. However, the noise can still be intrusive and therefore should be managed in accordance with **Section 6**.
- Amplified music has been included in the noise model (sound levels presented in **Table 8**), occurring within the stage area (refer **Figure 2**), typically with at least two (2) speakers at 3-4 m height and may be continuous within any given 15-minute period if it is a DJ, or intermittent if it is live music to allow for breaks between performances.
- Noise predictions during the nighttime are expected to be minimal considering amplified music is not occurring past 10.00 pm and before 8.00 am, and therefore excluded from the noise model.

5.3.2 Predicted Range of Noise Levels - Event Operations

Presented in **Table 9** are the predicted worst-case event operations noise emission levels within any given 15-minute period at nearby worst noise affected receivers.

Table 9 Predicted Noise Emission Levels - Event Operations

Receiver Zone ¹	Time Period ²	Predicted Noise Level $L_{eq(15\text{ minute})}$ ³	Noise Objective $L_{eq(15\text{ minute})}$	Predicted Noise Level $L_{eq(15\text{ minute})}$ ³	Noise Objective $L_{eq(15\text{ minute})}$
Zone 1	Day	53 - 58 dBA	56 - 66 dBA	64 - 69 dBC	66 - 76 dBC
	Evening		55 - 65 dBA		65 - 75 dBC
Zone 2	Day	45 - 50 dBA	56 - 66 dBA	56 - 61 dBC	66 - 76 dBC
	Evening		55 - 65 dBA		65 - 75 dBC
Zone 3	Day	36 - 41 dBA	56 - 66 dBA	47 - 52 dBC	66 - 76 dBC
	Evening		55 - 65 dBA		65 - 75 dBC

Note 1: Potential noise impacts are assessed to the highest risk residential receivers as presented in **Table 1** due to additional noise attenuation from further screening, directivity, and distance to other receivers.

Note 2: With reference to the NPfI, time periods are defined as follows: Day - 7.00 am (8.00 am on Sundays and Public Holidays) to 6.00 pm, Evening - 6.00 pm to 10.00 pm.

Note 3: Predicted noise levels are assessed at the worst-case noise affected receiver(s) within each zone and does not imply to all the receivers within the zone.

5.4 Predicted Noise Levels - Fixed Mechanical Plant

5.4.1 Assumptions and/or Information Utilised in Noise Model

For the assessment of noise emission due to fixed mechanical plant, the following information and/or assumptions were utilised in the noise model:

- Mechanical plant has been assumed to associated with the food trucks and the stage, as such:
 - Generator.
 - Food truck exhaust fans and operation.
- All mechanical plant assumed to be fixed for the entirety of the event(s) duration and may operate continuously within any given 15-minute period.
- Generators are assumed to be ground level height at about 1.5 m.
- Food truck fans are assumed be at an elevated height of about 2.5 - 3 m.
- Out of the potential approximately 43 food stalls/vendors along Forest Road, 10-15 food trucks and a maximum of 15 generators are assumed to be operating concurrently, as a worst-case noise scenario.

5.4.2 Predicted Range of Noise Levels - Fixed Mechanical Plant

Presented in **Table 10** are the predicted worst-case fixed mechanical plant noise emission levels within any given 15-minute period at nearby worst noise affected receivers.

Table 10 Predicted Noise Emission Levels - Fixed Mechanical Plant

Receiver Zone ¹	Time Period ²	Predicted Noise Level $L_{eq(15\text{ minute})}$ ³	Noise Objective $L_{eq(15\text{ minute})}$
Zone 1	Day	40 - 46 dBA	51 dBA
	Evening		48 dBA
	Night		40 dBA
Zone 2	Day	38 - 46 dBA	51 dBA
	Evening		48 dBA
	Night		40 dBA
Zone 3	Day	30 - 35 dBA	51 dBA
	Evening		48 dBA
	Night		40 dBA

Note 1: Potential noise impacts are assessed to the highest risk residential receivers as presented in **Table 1** due to additional noise attenuation from further screening, directivity, and distance to other receivers.

Note 2: In accordance with the NPfl, time periods are defined as follows: Day - 7.00 am to 6.00 pm, Evening - 6.00 pm to 10.00 pm, Night - 10.00 pm to 7.00 am (8.00 am on Sundays and Public Holidays).

Note 3: Predicted noise levels are assessed at the worst-case noise affected receiver(s) within each zone and does not imply to all the receivers within the zone.

6 Noise Mitigation Measures

The predicted noise levels presented in **Table 9** and **Table 10** are based on typical worst-case noise emissions scenario for the proposed short-term temporary community events. Additionally, the scenarios assumed are considered conservative with regards to the level of operational noise and are not expected to be as intrusive throughout the event's entire operation period.

Most importantly, it is worth re-iterating that this a community event aimed to enhance the attractiveness of the Local Government Area in terms of its social, cultural and entertainment aspects, in which the majority of the community members are expected to partake in. Provided that sound power levels and number of mechanical plant given in **Section 5** are not exceeded, and event operations do not fall within the hours of 10.00 pm to 8.00 am (**Section 0**) on any day, the predicted noise levels shown in **Section 5.3.2** and **Section 5.4.2** are considered acceptable.

However, it is considered appropriate to manage noise to a reasonable level, this can be done by implementing mitigation controls as required. Council will be responsible in ensuring the recommended mitigation measures have been satisfactorily addressed by contractors and subcontractors prior to the issuing of an event permit. Mitigation measures that are recommended to be considered for this Plan are provided in **Table 11** to **Table 14**. The mitigation measures are typically divided into four categories as per below:

- Administration
- Source
- Path
- Receiver

Table 11 Mitigation Measures - Administration

Item	Mitigation Measure	Details
11.1	Complaints Management.	Ensure the community can register complaints and enquiries.
11.2	Site Diary.	This item ties in with item 11.1 - maintain and note items such as main works conducted, mitigation installed (if any), complaints received and management, heavy vehicle movements, weather conditions and incidents.
11.3	Inductions.	All contractors and sub-contractors shall be site inducted and instructed to minimise noise as much as possible during bump-in/bump-out.
11.4	Community Engagement and Notification.	Notify all nearby noise affected receivers of the event operations and scheduling, following a review of surrounding receiver types.
11.5	Scheduling of Noisy Events.	Minimise scheduling noisy events (such as live bands and/or amplified music) following specific consultation with nearby worst-case noise affected receivers during more sensitive times such as the late evenings. Events would conclude no later than 10.00 pm, in accordance with the NGLC.
11.6	Bump in/out.	Where practical, bump-in/out to occur no later than 12.00 midnight on any day, and no earlier than 7.00 am on weekdays and 8.00 am on weekends and public holidays.

Table 12 Mitigation Measures - Source

Item	Mitigation Measure	Details
12.1	Equipment Selection.	Contractors and subcontractors would be advised by the event organiser to select quiet, modern and well-maintained plant that does not exceed the sound power levels given in Section 5.2 .
12.2	Reversing alarms to be non-tonal.	The event organiser would advise all contractors and subcontractors to use trucks/trailers fitted with quiet, non-tonal alarms.
12.3	Switch off plant not being used.	Contractors and subcontractors would be briefed prior to events to limit the use of unnecessary plant, including vehicle idling.
12.4	Speaker(s) setup.	Locate and angle speakers away from noise-affected receivers to gain directivity noise attenuation. Minimise the number of speakers as much as possible.
12.5	Patron Noise.	Encourage patrons to leave the events quietly, particularly in the late evenings (utilising signage, verbal communication, etc...). Additionally, establish buffer zones to separate patrons from nearby residents (such as designated footpaths leading to the event, etc...)
12.6	Pyrotechnical Displays.	Notify nearby noise-affected residents when major pyrotechnical displays are intended to be used. Additionally, following consultation with nearby residents, reduce the frequency of pyrotechnical displays (for example once a month).

Table 13 Mitigation Measures - Path

Item	Mitigation Measure	Details
13.1	Shielding.	Install temporary solid barriers/noise blankets around fixed plant (generator/fans). Contractors and sub-contractors would be advised to provide shielding measures or to limit plant locations with direct line-of-sight to nearby residential receivers listed in Section 2.1
13.2	On-Site movements. (Heavy Vehicles).	Minimise heavy truck movements via local residential roads, especially during bump-in/bump-out periods.
13.3	On-Site movements. (Light Vehicles).	On-site light vehicular movement will be blocked off. Encourage strategies such as use of public transport, carpooling and walking.

Table 14 Mitigation Measures - Receiver

Item	Mitigation Measure	Details
14.1	Closing Windows and Doors.	Notification to close windows and doors during noisy events.
14.2	Scheduling of noisy events with Consultation of adjacent receivers.	Minimise scheduling of noisy events (such as live bands and/or amplified music), following specific consultation with nearby worst-case noise affected receivers, particularly during more sensitive times, such as the late evenings.
14.3	Monitoring of noise impacts.	In response to community/resident noise complaints, specific monitoring of noise at the boundary of nearby receivers during high noise events such as live bands and/or amplified music may be conducted.

7 Conclusion

VMS Australia has prepared a Noise Management Plan in relation to the proposed temporary use of land owned and managed by Georges River Council for Council, community, cultural, and corporate events along Forest Road, Hurstville NSW 2220 (including adjacent public domain spaces).

Worst-case noise emission scenarios for major event operations including amplified music, and fixed mechanical plant such as food trucks (including exhaust fans) and generators has been assessed following a review of relevant Project-specific noise objectives as outlined in this Plan.

VMS acknowledges that these events are aimed to support and promote community activation of Council's event spaces, in which the majority of the surrounding community members are expected to partake in. Therefore, noise should be managed in accordance with the noise objectives, however, strict compliance with the objectives is not considered appropriate.

However, in order to manage noise to a reasonable level, this can be done by implementing the mitigation measures as outlined in **Section 6**. Provided that these mitigation measures are considered, the Project Proposal is considered acoustically acceptable during the proposed hours of operation, based on up to 52 events per calendar year.

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Appendix A

Acoustic Terminology

Glossary of Noise and Vibration Terminology

Sound Pressure	Sound, or sound pressure, is a fluctuation in air pressure over the static ambient pressure.
Sound Power	Sound power is the rate at which sound energy is emitted, reflected, transmitted, or received, per unit time. Unlike sound pressure, sound power is neither room-dependent nor distance-dependent.
Sound Pressure Level (SPL)	The sound level is the sound pressure relative to a standard reference pressure of $20\mu\text{Pa}$ (20×10^{-6} Pascals) on a decibel scale.
Sound Power Level (SWL)	The Sound Power Level is the sound power relative to a standard reference pressure of 1pW (20×10^{-12} Watts) on a decibel scale. The SWL of a simple point source may be used to calculate the SPL at a given distance (r) using the following formula: $\text{SPL} = \text{SWL} - 10 \log_{10}(4 \times \pi \times r^2)$. Note that the above formula is only valid for sound propagation in the free-field (see below).
Decibel (dB)	A scale for comparing the ratios of two quantities, including sound pressure and sound power. The difference in level between two sounds s_1 and s_2 is given by $20 \log_{10}(s_1 / s_2)$. The decibel can also be used to measure absolute quantities by specifying a reference value that fixes one point on the scale. For sound pressure, the reference value is $20\mu\text{Pa}$.
A-weighting (dBA)	The unit of sound level, weighted according to the A-scale, which takes into account the increased sensitivity of the human ear at some frequencies.
Noise Level Indices	Noise levels usually fluctuate over time, so it is often necessary to consider an average or statistical noise level. This can be done in several ways, so a number of different noise indices have been defined, according to how the averaging or statistics are carried out.
$L_{\text{eq},T}$	A noise level index called the equivalent continuous noise level over the time period T. This is the level of a notional steady sound that would contain the same amount of sound energy as the actual, possibly fluctuating, sound that was recorded.
$L_{\text{max},T}$	A noise level index defined as the maximum noise level during the period T. L_{max} is sometimes used for the assessment of occasional loud noises, which may have little effect on the overall L_{eq} noise level but will still affect the noise environment. Unless described otherwise, it is measured using the 'fast' sound level meter response.
$L_{90,T}$	A noise level index. The noise level exceeded for 90% of the time over the period T. L_{90} can be considered to be the "average minimum" noise level and is often used to describe the background noise.
$L_{10,T}$	A noise level index. The noise level exceeded for 10% of the time over the period T. L_{10} can be considered to be the "average maximum" noise level. Generally used to describe road traffic noise.
Free-Field	Far from the presence of sound reflecting objects (except the ground), usually taken to mean at least 3.5m.
Fast/Slow Time Weighting	Averaging times used in sound level meters.
Octave Band	A range of frequencies whose upper limit is twice the frequency of the lower limit.
$D_{nT,w}$	The single number quantity that characterises airborne sound insulation between rooms over a range of frequencies.
R_w	Single number quantity that characterises the airborne sound insulating properties of a material or building element over a range of frequencies.
Reverberation	The persistence of sound in a space after a sound source has been stopped.
Peak Particle Velocity (PPV)	The particles of a medium are displaced from their random motion in the presence of a vibration wave. The greatest instantaneous velocity of a particle during this displacement is called the Peak Particle Velocity (PPV) and is typically measured in the units of mm/s.
Hertz (Hz)	The unit of Frequency (or Pitch) of a sound or vibration. One hertz equals one cycle per second. 1 kHz = 1000 Hz, 2 kHz = 2000 Hz, etc.
Acceleration	Acceleration is defined as the rate of change of Velocity of a particle over a period of time and is typically measured in the units of m/sec^2 .
Vibration Dose Value (VDV)	When assessing intermittent vibration, it is necessary to use the vibration dose value (VDV), a cumulative measurement of the vibration level received over an 8-hour or 16-hour period. The VDV formulae uses the RMS Acceleration raised to the fourth power and is known as the Root-mean-quad method. This technique ensures the VDV is more sensitive to the peaks in the acceleration levels. VDVs are typically measured in the units of $\text{m}/\text{s}^{1.75}$.