# AGENDA

## Georges River Local Planning Panel

**Thursday, 19 February 2026**

**4:00 PM**

**Blended Meeting**

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

**<u>Participants</u>:**

**Stuart McDonald (Chairperson)**

**Helen Deegan (Expert Panel Member)**

**Deborah Laidlaw (Expert Panel Member)**

**Fiona Prodromou (Community Representative)**

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# GEORGES RIVER LOCAL PLANNING PANEL MEETING

## ORDER OF BUSINESS


1. ON SITE INSPECTIONS

2. OPENING

3. ACKNOWLEDGEMENT OF COUNTRY

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

4. APOLOGIES / LEAVE OF ABSENCE

5. NOTICE OF WEBCASTING

6. DISCLOSURES OF INTEREST

7. CONSIDERATION OF ITEM(S) AND VERBAL SUBMISSIONS

8. CLOSED SESSION – DELIBERATION OF REPORTS

**LPP001-26** **Moomba to Sydney Ethane (MSE) Pipeline Hazard Analysis**
(Report by Strategic Planner) ..... 4

**LPP002-26** **447-453 King Georges Road, BEVERLY HILLS – DA2025/0387**
(Report by Development Assessment Planner) ..... 157

**LPP003-26** **117 Forest Road, HURSTVILLE – DA2025/0163**
(Report by Senior Development Assessment Planner) ..... 204

**LPP004-26** **15-17 West Street, HURSTVILLE – DA2025/0275**
(Report by Principal Planner) ..... 307

**LPP005-26** **12 Harris Street, SANS SOUCI – REV2025/0028**
(Report by Principal Planner) ..... 435

**LPP006-26** **139 Stuart Street BLAKEHURST – DA2025/0024**
(Report by Principal Planner) ..... 494

**LPP007-26** **64 Jersey Avenue, MORTDALE – MOD2025/0086**
(Report by Coordinator Development Assessment) ..... 610

9. CONFIRMATION OF MINUTES

**Georges River Local Planning Panel Meeting - 19 February 2026**


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## REPORTS AND LPP DELIBERATIONS

### REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 19 FEBRUARY 2026

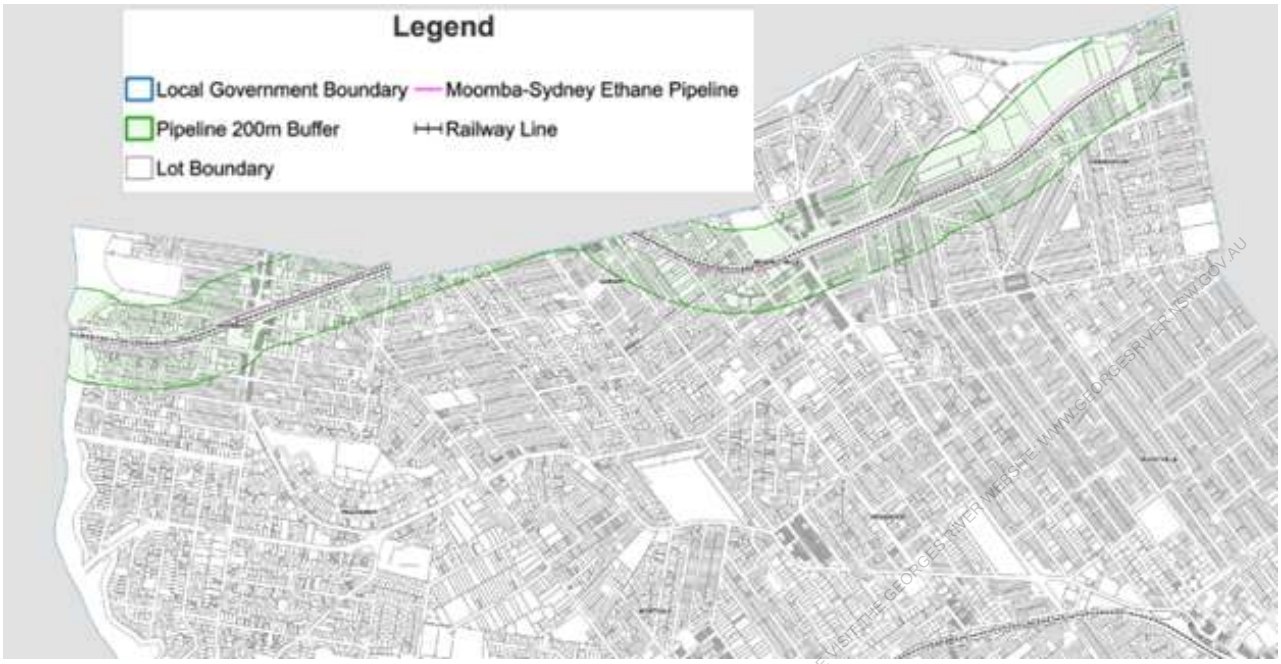
### LPP001-26 MOOMBA TO SYDNEY ETHANE (MSE) PIPELINE HAZARD ANALYSIS

| | | | |
|---|---|---|---|
| **LPP Report No** | **LPP001-26** | **Development Application No** | PP2026/0002 |
| **Site Address & Ward Locality** | Moomba to Sydney Ethane (MSE) Pipeline Hazard Analysis<br>Hurstville Ward | | |
| **Proposed Development** | Planning Proposal to amend the GRLEP 2021 to implement the recommendations of the MSE Pipeline Hazards Report | | |
| **Owners** | Georges River Council | | |
| **Applicant** | Georges River Council | | |
| **Planner/Architect** | N/A | | |
| **Date Of Lodgement** | 12/01/2026 | | |
| **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 Report (PP2026/0002) - MSE Pipeline Hazard Analysis<br>Attachment 2 - Repurpose of MSE - Hazard Analysis Report by Arriscar | | |
| **Report prepared by** | Strategic Planner | | |

| | |
|---|---|
| **RECOMMENDATION** | That the Local Planning Panel provide advice to Council on the subject Planning Proposal. |

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**SITE PLAN**




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# EXECUTIVE SUMMARY

1. In February 2025, the Moomba to Sydney Ethane (MSE) Pipeline was repurposed to transport Natural Gas from Ethane. Council appointed Arriscar to revise the societal risk and the pipeline risk profile based on the use of transporting Natural Gas.
2. At its meeting held 17 November 2025, Council noted the Hazard Analysis Report prepared by Arriscar (see **Attachment 2**) and in response resolved to prepare a Planning Proposal (PP) to amend the *Georges River Local Environmental Plan 2021* (GRLEP) to restrict sensitive use developments within 200m of the pipeline by amending the existing Activity Hazard Risk Map and update *clause 6.16 Development in areas of activity hazard risk*.
3. The objective of the subject Planning Proposal (PP2026/0002) (**Attachment 1**) is to strengthen land use safety provisions in proximity to the MSE Pipeline by implementing the recommendations of the Hazard Analysis Report.
4. This report seeks advice from the LPP before the PP is reported to Council.

# REPORT IN FULL

## PROPOSAL

5. PP2026/0002 (**Attachment 1**) seeks to implement the Hazard Analysis Report (**Attachment 2**)by amending the GRLEP 2021 to provide a mechanism to restrict sensitive use developments within 200m of the pipeline.
6. Clause 6.16 ensures that development proposals for specified sensitive land uses within 200m of the MSE Pipeline cannot be approved unless the Planning Secretary has been consulted and their submissions considered.

7. The changes proposed by the PP includes:

   (a) Amending the existing Activity Hazard Risk Map by replacing the existing affectation on 1-13 Berrille Road, Narwee (see **Figure 1**) with a 200m buffer along the entire pipeline (see **Figure 2**),

   (b) Updating clause 6.16 Development in areas of activity hazard risk to restrict development containing sensitive land uses, and

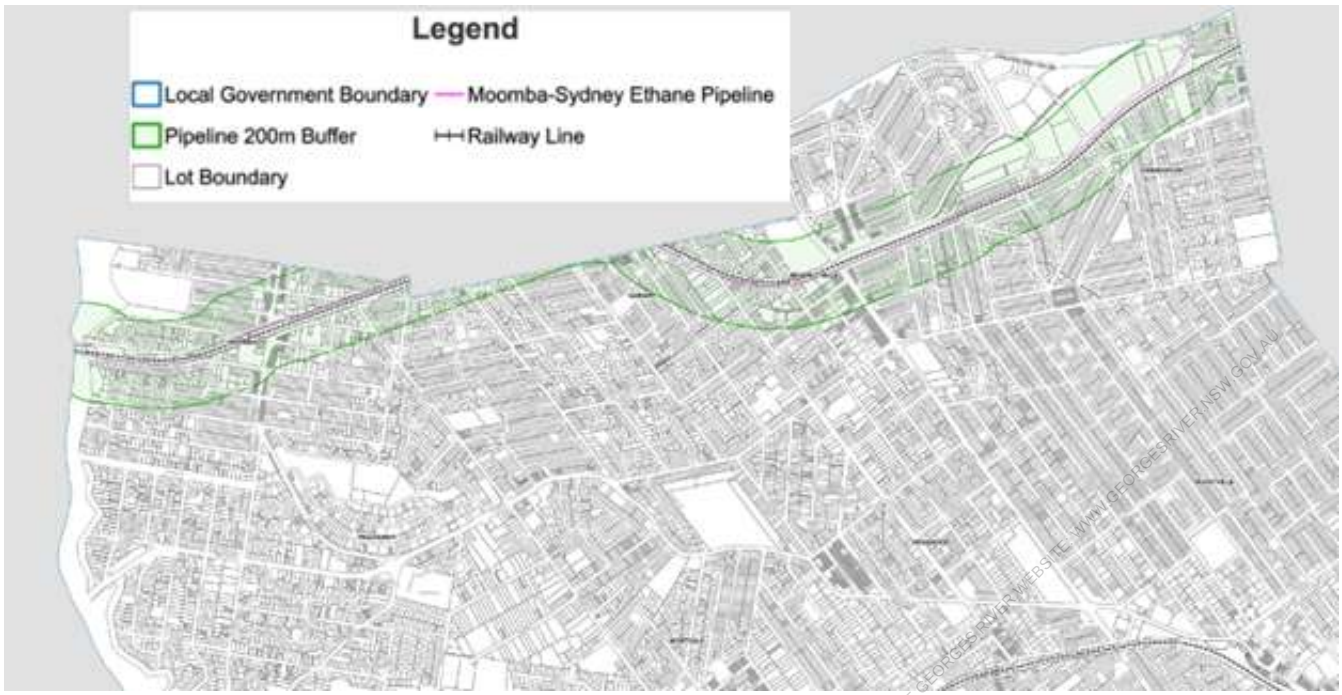
   (c) Inserting 'Respite Day Care Centre' and 'Correctional Centre' as additional sensitive land uses which will be restricted by clause 6.16.

**Figure 1 – Existing Activity Hazard Risk Map**




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**Figure 2 – Proposed Activity Hazard Risk Map**




8. The PP will ensure that any sensitive development proposed within 200m of the MSE Pipeline is referred to the Planning Secretary for consideration, noting that such development is not prohibited but must undergo the referral process.

## BACKGROUND

9. The MSE pipeline runs through the northern portion of the Georges River Local Government Area (LGA). The MSE pipeline runs parallel to the T8 Airport & South train line through the suburbs of Riverwood, Narwee, Beverly Hills and Kingsgrove.

10. In February 2025, the MSE Pipeline was repurposed to transport Natural Gas from Ethane. Council appointed Arriscar to revise the societal risk and the pipeline risk profile based on the use of transporting Natural Gas.

11. The objectives of the Report were to:

- *"Identify and assess the hazards and risks associated with the MSE pipeline with respect to the risk criteria outlined in HIPAP No. 10;*
- *Identify graphically on a map, the maximum future proposed additional dwellings the area can accommodate without exceeding the NSW DPHI's risk criteria; and*
- *Make recommendations for mitigation measures that may be required to reduce the risk on the population due to future development."*

12. The methodology used for the study involved the following main steps:

- *"System definition, in which information on the facility is collected and assimilated.*
- *Hazard identification, in which site events and external events are identified which may lead to potential adverse effects beyond the boundary of the site.*
- *Consequence modelling, in which all the possible consequences of each event are estimated.*
- *Frequency and likelihood estimation, in which the frequency (i.e. likelihood per year of occurrence) of each of the hazardous events is estimated, based on historical failure data.*

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- *Risk estimation, in which the frequencies and consequences of each event are combined to determine levels of risk.*
- *Risk assessment, in which the calculated risks are assessed against relevant risk criteria."*

13. The following recommendations have been made by Arriscar:

**Recommendation 1 – Sensitive Use Development**

*Consider restricting sensitive use developments on properties within the measurement length of 200 m from the pipeline.*

*Sensitive use developments are those for use by sectors of the community who may be unable to protect themselves from the consequences of a pipeline failure event, and include the following land uses as per Standard Instrument—Principal Local Environmental Plan (2006 EPI 155a) – NSW Legislation:*

- *School*
- *Hospital*
- *Seniors housing*
- *Respite day care centre*
- *Early education and care facility*
- *Correctional centre*

*Although the DPHI's individual risk criterion for sensitive use development ($0.5 \times 10^{-6}$ fatalities per annum) was not exceeded, this recommendation is based upon the first of the qualitative criteria in HIPAP 10, "All 'avoidable' risks should be avoided". Placing vulnerable individuals in close proximity to the pipeline could be avoided and warrant precautionary land use controls.*

***Recommendation 2 – Population Intensification***

*Limit the future population density within the measurement length of 200 m from the pipeline to an average density of 65,000 persons/km², with the peak density not exceeding 135,000 persons/km², to ensure compliance with societal risk criteria.*

***Recommendation 3 – Consultation with Pipeline Operator***

*Following any changes to land zoning, participate in required land use change safety management studies in consultation with APA.*

***Recommendation 4 – Future Developments Meeting Societal Risk Criteria***

*Allow development applications with population densities less than those specified in Recommendation 2 to rely upon this report as evidence that the proposal complies with Hazardous Industry Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning (refer Planning Circular PS 24-005).*

***Recommendation 5 – Future Developments where Societal Risk is Unknown***

*Should a development exceed the population density limits specified in Recommendation 2, the basis of recommendation 4 will be undermined, and all future developments within 200 m of both the pipeline and the development exceeding the limit will need to independently demonstrate compliance with the risk criteria in HIPAP 4 and 10.*

14. This PP is to implement recommendation 1, thereby reducing avoidable risks to vulnerable populations.

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## ASSESSMENT OF PLANNING PROPOSAL

15. The PP meets both the strategic and site-specific merit tests that are outlined in the *Local Environmental Plan Making Guideline dated August 2023*. Refer to Section 5 – Justification of Strategic and Site-Specific Merit of the PP for further detail (**Attachment 1**)

16. In terms of Strategic Merit, the PP aligns with the regional and district plans, as well as Council's LSPS and the new draft Sydney Plan. The PP gives effects to these strategies by managing and avoiding exposure to urban hazards by reducing associated risks to property and life, specifically vulnerable populations in sensitive use developments.

17. The PP is consistent with all State Environmental Plans (SEPPs) and section 9.1 Ministerial Directions.

18. In terms of site-specific merit, the proposal:

    - Seeks to minimise risk to life and property in the event of an emergency by restricting sensitive use development near the MSE Pipeline.
    - Has no impact on critical habitats or threatened species, populations or ecological communities or their habitats,
    - Will not result in any negative environmental effects as the purpose is to minimise risk to life and property in the unlikely event of a failure of the MSE Pipeline.

## COMMUNITY CONSULTATION

19. Should the PP be supported by Council, it will be forwarded to the DPHI requesting a Gateway Determination to proceed to formal public exhibition.

20. The exhibition of the PP 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.

21. The project timeframe is dependent on the Gateway Determination date and the requirements for public exhibition period. An indicative project timeline is provided in **Table 1.**

**Table 1 – Indicative project timeline**

| Task | Anticipated Timeframe |
|---|---|
| Referral to LPP in accordance with S9.1 Ministerial Direction | February 2026 |
| Reporting to Council on PP seeking endorsement to forward PP for a Gateway Determination | March 2026 |
| Anticipated commencement date (date of Gateway Determination) | May 2026 |
| Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination) | June – July 2026 |
| Commencement and completion dates for public exhibition period | June – July 2026 |
| Timeframe for consideration of submissions | July – August 2026 |
| Report to Council on community consultation outcomes and finalisation | September 2026 |
| Date of submission to the DPHI to finalise the LEP | October 2026 |

## CONCLUSION

22. The purpose of the PP is to minimise risk to life and property in the event of an emergency by restricting sensitive use development near the MSE Pipeline. If sensitive developments are proposed within 200m of the MSE Pipeline, the development application is required to be sent to the Planning Secretary for consideration.

23. The advice of the Panel is sought prior to the referral of the PP to Council.

## NEXT STEPS

24. The PP will be reported to a future Environmental and Planning Committee meeting for consideration, including the LPP's advice. If the PP is endorsed by Council, it will be forwarded to the DPHI for a Gateway Determination under Section 3.34 of the EP&A Act.

## ATTACHMENTS

Attachment ⇩1 Planning Proposal Report (PP2026/0002)

Attachment ⇩2 Hazard Analysis Report

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GEORGES RIVER COUNCIL

# Planning Proposal Report

## Moomba to Sydney Ethane (MSE) Pipeline Hazard Analysis (PP2026/0002)

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## 1. Introduction

The Planning Proposal seeks to amend the Georges River Local Environmental Plan (GRLEP) 2021 by amending the existing Activity Hazard Risk Map and *clause 6.16 Development in areas of activity hazard risk*. The planning proposal is required to restrict sensitive use developments within 200m of the pipeline in accordance with the recommendations of the MSE Hazard Analysis Report.

It is requested that Council be given delegation for the plan making functions for this Planning Proposal.

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), its *Regulation 2021* and the *Local Environmental Plan Making Guideline* (August 2023) released by the NSW Department of Planning, Housing and Infrastructure (DPHI).

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## 2. Background

The Local Strategic Planning Statement 2040 (LSPS) was completed in 2020 and identifies several locations where opportunities for new housing should be investigated. These areas will contribute to the provision of additional housing to meet the 10–20 year housing targets

Areas have been identified for potential additional housing and employment along the T8 (Airport and South) train line. These areas are in the northern part of the Georges River Local Government Area (LGA) and within the notification zone of the Moomba to Sydney Ethane (MSE) Pipeline. The housing and centres investigation areas are shown in **Figure 1**.

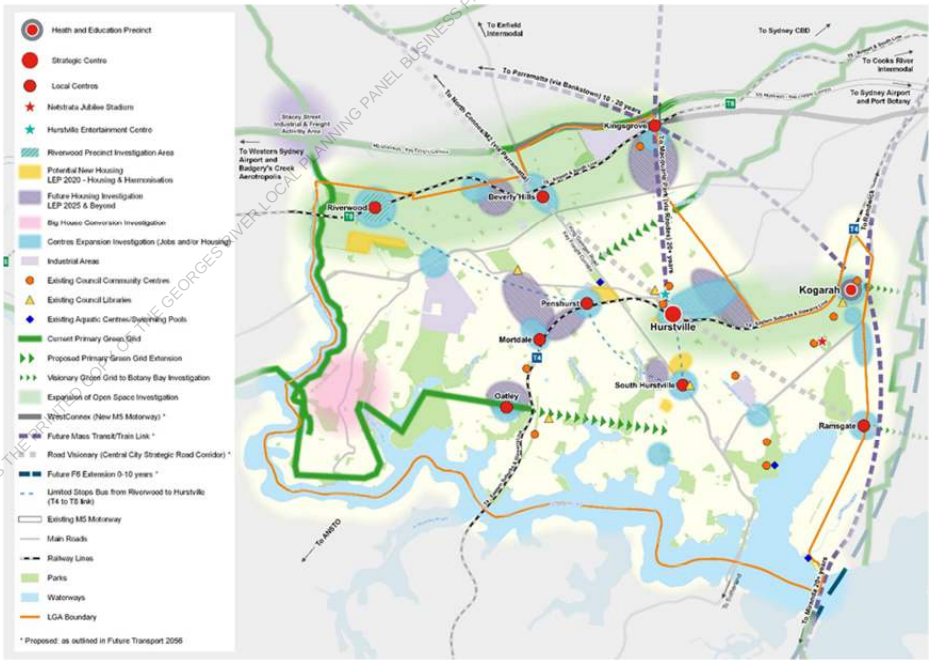



**Figure 1 – LSPS 2040 Structure Plan**

In 2021 the Ethane Pipeline Preliminary Hazard Analysis was completed by Arriscar for the Narwee Housing Investigation Area (HIA) to determine the implications of hazard risk on additional housing. Specifically, the analysis identified the existing hazard risk, the potential risk impacts from future proposed development, and recommended mitigation measures to address the risk impacts for an increased population.

The Risk Assessment determined that the rezoning of the HIA is compatible with risk criteria subject to the following recommendations:

a) Remove lots 407 and 432 of DP752056 (Nos. 5 and 7 Bryant Street Narwee) from the HIA planned rezoning from R2 to R3 to ensure the criteria for residential development area complied with.
b) Ensure sensitive use development such as aged care facilities, childcare centres or schools is not approved for lots 1 through to 7 of DP16824 (Nos. 1 to 13 Berrille Road Narwee).

The Planning Proposal was amended prior to public exhibition in accordance with the above recommendations. The Planning Proposal was gazetted in October 2021. The properties Nos. 1 to 13 Berrille Road are now affected by Clause 6.16 and included on the Activity Hazard Risk Map.

In 2023, Council appointed Arriscar to undertake a comprehensive risk assessment of the MSE Pipeline within the Georges River LGA. The MSE Pipeline Hazard Analysis Report assesses the extent to which population intensification can occur on land adjacent to the MSE pipeline, while remaining compliant with the DPHI risk criteria outlined in Hazardous Industry Planning Advisory Paper No. 10 (HIPAP No. 10).

This assessment was completed in August 2024 and provided a detailed assessment of the pipeline's risk profile based on its then current use for transporting Ethane. At its meeting on 24 March 2025 (ENV010-25) Council noted the MSE Pipeline Hazard Analysis Report.

In February 2025, the Minister for Planning approved the repurposing of the MSE Pipeline from Ethane to Natural Gas service.

The change in the transported substance has altered the risk profile of the pipeline, which required the modelling previously undertaken to be revised. Council reappointed Arriscar to revise the societal risk, Location Specific Individual Risk (LSIR) and injury risk based on the pipeline transporting Natural Gas.

The objectives of the MSE Hazard Analysis Report were to:

- *"Identify and assess the hazards and risks associated with the MSE pipeline with respect to the risk criteria outlined in HIPAP No. 10;*
- *Identify graphically on a map, the maximum future proposed additional dwellings the area can accommodate without exceeding the NSW DPHI's risk criteria; and*
- *Make recommendations for mitigation measures that may be required to reduce the risk on the population due to future development."*

The methodology used for the study involved the following main steps:

- *"System definition, in which information on the facility is collected and assimilated.*

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- *Hazard identification, in which site events and external events are identified which may lead to potential adverse effects beyond the boundary of the site.*
- *Consequence modelling, in which all the possible consequences of each event are estimated.*
- *Frequency and likelihood estimation, in which the frequency (i.e. likelihood per year of occurrence) of each of the hazardous events is estimated, based on historical failure data.*
- *Risk estimation, in which the frequencies and consequences of each event are combined to determine levels of risk.*
- *Risk assessment, in which the calculated risks are assessed against relevant risk criteria."*

**FINDINGS AND RECOMMENDATIONS**

The MSE Hazard Analysis Report determined that the LSIR of fatality for the MSE Pipeline carrying Natural Gas is below the DPHI risk criteria. There is no impediment to sensitive, residential, commercial, active open space, or industrial development based on LSIR. Such developments, however, are still subject to the limitation of population to ensure societal risk criteria is satisfied.

The risks associated with injury, property damage, and accident propagation from the pipeline are all below the thresholds set by the DPHI. Societal risk remains within the "Negligible" zone under HIPAP guidelines, meaning areas within 200 metres of the pipeline are suitable for increased population. However, development is still subject to population limits to ensure societal risk criteria are met. The maximum average population density that can be safely accommodated is 65,000 persons/km²—well above current densities, such as Hurstville City Centre's 22,746 persons/km²—indicating that intensification is feasible from a risk perspective.

The following recommendations have been made by Arriscar in the MSE Hazard Analysis Report (refer **Attachment 1**):

**Recommendation 1 – Sensitive Use Development**

Consider restricting sensitive use developments on properties within the measurement length of 200 m from the pipeline.

Sensitive use developments are those for use by sectors of the community who may be unable to protect themselves from the consequences of a pipeline failure event, and include the following land uses:

- School
- Hospital
- Seniors housing
- Respite day care centre
- Early education and care facility
- Correctional centre

Although the DPHI's individual risk criterion for sensitive use development ($0.5 \times 10^{-6}$ fatalities per annum) was not exceeded, this recommendation is based upon the first of the qualitative criteria in HIPAP 10, "All 'avoidable' risks should be avoided". Placing vulnerable individuals in close proximity to the pipeline could be avoided and warrant precautionary land use controls.

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**Recommendation 2 – Population Intensification**

Limit the future population density within the measurement length of 200 m from the pipeline to an average density of 65,000 persons/km², with the peak density not exceeding 135,000 persons/km², to ensure compliance with societal risk criteria.

**Recommendation 3 – Consultation with Pipeline Operator**

Following any changes to land zoning, participate in required land use change safety management studies in consultation with APA (the pipeline operator).

**Recommendation 4 – Future Developments Meeting Societal Risk Criteria**

Allow development applications with population densities less than those specified in Recommendation 2 to rely upon this report as evidence that the proposal complies with Hazardous Industry Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning (refer Planning Circular PS 24-005).

**Recommendation 5 – Future Developments where Societal Risk is Unknown**

Should a development exceed the population density limits specified in Recommendation 2, the basis of recommendation 4 will be undermined, and all future developments within 200 m of both the pipeline and the development exceeding the limit will need to independently demonstrate compliance with the risk criteria in HIPAP 4 and 10.

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## 3. Part 1 – Objectives and Intended Outcomes

### Objective

The objective of this Planning Proposal is to strengthen land use safety provisions in proximity to the MSE Pipeline by:

1) Including respite day care centres and correctional centres as land uses subject to *Clause 6.16 Development in areas of activity hazard risk.*
2) Restrict sensitive use developments within 200m of the pipeline by amending the existing Activity Hazard Risk Map.

### Intended Outcome

The intended outcome of the Planning Proposal is to amend the GRLEP 2021 to implement the findings and recommendations of the MSE Pipeline Hazard Analysis Report. In doing this, the aim is to ensure the risk associated with the MSE Pipeline are appropriately considered where new sensitive use development is proposed.

## 4. Part 2 – Explanation of Provisions

### Intended Provisions

In response to Recommendation 1, a Planning Proposal is required to restrict sensitive use developments within 200m of the pipeline by amending the existing Activity Hazard Risk Map.

Clause 6.16 will be amended, in line with Recommendation 1, to include 'Respite Day Care Centre' and 'Correctional Centre' as sensitive land uses. These uses will be added to the clause as they are permissible within the relevant land use zones and are considered as sensitive uses.

Proposed wording (in red) for the existing Clause 6.16 below:

**6.16 Development in areas of activity hazard risk**

*(1) The objective of this clause is to minimise risk to life and property in the event of an emergency arising near a high pressure gas pipeline.*

*(2) This clause applies to development for one or more of the following purposes on land identified as "High Pressure Gas Pipeline Risk Area" on the Activity Hazard Risk Map—*

- *a) centre-based child care facilities,*
- *b) early education and care facilities,*
- *c) educational establishments,*
- *d) health services facilities,*
- *e) seniors housing.*
- *f) Respite Day Care Centre*
- *g) Correctional Centre*

*(3) The consent authority must not determine a development application for development to which this clause applies, unless, in accordance with subclause (4), the consent authority has—*

- *a) consulted the Planning Secretary on the application, and*
- *b) taken into consideration the Planning Secretary's submissions, if any.*

*(4) The consent authority must—*

- *a) forward a copy of the application and the accompanying documents to the Planning Secretary within 7 days of receiving the application, and*
- *b) consider the Planning Secretary's submissions within 28 days of forwarding the documents.*

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**Figure 2 Current Activity Hazard Risk Map**

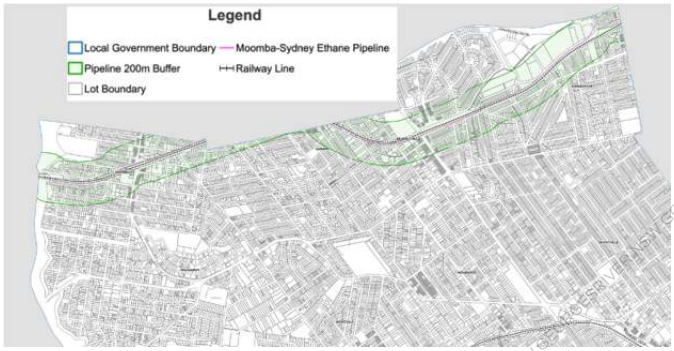



**Figure 3 – 200m from the Moomba to Sydney Pipeline**

The maps show the proposed amendment to the Activity Hazard Risk Map. This amendment introduces a 200-metre buffer around the Moomba to Sydney Pipeline within the Georges River LGA, identifying land where Clause 6.16 will apply. The change is intended to restrict sensitive use developments in proximity to the pipeline, consistent with the recommendations of the MSE Hazard Analysis Report.

**Explanation:**

**Table 1 – zones affected by 200m and land uses permitted**

| Zones affected by the 200m buffer | Existing sensitive land uses that are permitted |
|---|---|
| **R2** | Centre based child care facilities, early education and care facilities, educational establishments, health services facilities, seniors housing, respite day care centre |
| **R3** | Centre based child care facilities, early education and care facilities, educational establishments, health services facilities, seniors housing, respite day care centre |
| **R4** | Centre based child care facilities, early education and care facilities, educational establishments, health services facilities, seniors housing, respite day care centre |
| **E1** | Centre based child care facilities, early education and care facilities, educational establishments, health services facilities, seniors housing, respite day care centre |
| **E4** | Nil |
| **SP2** | Respite day care centre |
| **RE1** | Respite day care centre |

The table identifies the zones within 200 metres of the MSE Pipeline and the sensitive land uses currently permitted in those zones. The amendment aims to limit these sensitive uses near the pipeline in accordance with the MSE Hazard Analysis Report. Sensitive use development is not prohibited; however, proposals for sensitive uses within the buffer will require a detailed risk assessment and consultation with the Planning Secretary prior to determination.

Correctional centres are currently not permitted in any of the land use zones located within the 200m buffer. It is proposed to be included in cl6.16 to future proof against spot rezonings and SSIs.

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## 5. Part 3 – Justification of Strategic and Site-Specific Merit

### Strategic Merit

*Section A – Need for the planning proposal*

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

The Planning Proposal is not directly a result of the LSPS or a strategic study. There is a need for additional housing to support population growth in the LGA and Sydney more broadly. However, consistent with the LSPS, it is essential that the growth takes into consideration natural or urban hazards. Therefore, appropriate planning controls and risk mitigation strategies are necessary to ensure that new development is managed safely and sustainably.

The Planning Proposal is a result of the MSE Hazard Analysis Report, which has outlined the risks and sets out recommendations to mitigate the risk while still supporting additional housing along the pipeline.

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

The Planning Proposal is the best means of amending the GRLEP 2021. It provides a stronger statutory basis for managing development in areas subject to the risks of the MSE Pipeline. Unlike a Development Control Plan (DCP), the GRLEP 2021 ensures that development consent cannot be granted unless Clause 6.16 is satisfied when development is within 200m of the pipeline, outlined in the Activity Hazard Risk Map. This approach provides greater certainty and consistency in decision-making where safety and hazard mitigation are a concern.

*Section B – Relationship to the strategic planning framework*

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

The Planning Proposal gives effect to the following objectives within the *Greater Sydney Region Plan – A Metropolis of Three Cities:*

> *Objective 37. Exposure to natural and urban hazards is reduced.*
>
> The properties within the 200m of the MSE Pipeline are proposed to be affected by Clause 6.16 of the GRLEP 2021. This clause applies to sensitive land uses, including centre-based child care facilities, early education and care facilities, educational establishments, health services facilities, correctional facilities, respite day care centre and seniors housing. It requires consultation with the Planning Secretary prior to approval of such developments. The objective of the clause is to minimise risk to life and property in the event of an emergency near a high-pressure gas pipeline.

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The Planning Proposal gives effect to the planning priorities of the *South District Plan*:

> *Planning Priority S18. Adapting to the impacts of urban and natural hazards and climate change.*
>
> The Planning Proposal gives effect to the above objective by identifying properties within 200 metres of the MSE Pipeline on the Activity Hazard Risk Map, thereby ensuring that Clause 6.16 of the GRLEP 2021 applies to those properties. This aligns with the strategic direction outlined in the South District Plan, which emphasises the importance of avoiding and managing exposure to natural and urban hazards. Clause 6.16 provides a statutory mechanism to restrict sensitive developments in proximity of the high pressure gas pipeline, ensuring that growth does not compromise community safety or resilience.

The Planning Proposal considers the planning priorities of the *Draft Sydney Plan:*

> The Planning Proposal aligns with the Draft Sydney Plan priority of *"Aligning land use with infrastructure delivery"* by ensuring that future development within the LGA is planned with regards to the hazards and risk associated with the MSE pipeline. The Planning Proposal enables safe population growth in identified growth areas that does not compromise community safety and resilience.

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

The Planning Proposal is consistent with the endorsed LSPS, specifically the following planning priority:

> *P20. Development is managed to appropriately respond to hazards and risks*
>
> The Planning Proposal gives effect to this objective by reinforcing the importance of avoiding increased sensitive land use developments in areas subject to natural and urban hazards. It also supports broader goals around public safety and sustainable growth, as outlined in the LSPS. Clause 6.16 of the GRLEP 2021 establishes a mechanism to limit sensitive land uses within these identified areas. This ensures that future development is appropriately sited and designed to reduce potential risks to people, property, and the environment.

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

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

**6. Is the planning proposal consistent with applicable SEPPs?**

This Planning Proposal has been considered against the relevant SEPPs and is determined to be consistent with the relevant provisions as set out in **Table 1** below.

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Table 1 – Consistency with SEPPs

| SEPP | Consistency | Comment |
|---|---|---|
| State Environmental Planning Policy (Biodiversity and Conservation) 2021 | Yes | The Planning Proposal is not inconsistent with the SEPP. |
| State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 | Yes | The Planning Proposal is not inconsistent with the SEPP. |
| State Environmental Planning Policy (Housing) 2021 | Yes | The Planning Proposal is not inconsistent with the SEPP. |
| State Environmental Planning Policy (Industry and Employment) 2021 | Yes | The Planning Proposal is not inconsistent with the SEPP. |
| State Environmental Planning Policy (Planning Systems) 2021 | Yes | The Planning Proposal is not inconsistent with the SEPP. |
| State Environmental Planning Policy (Precincts—Central River City) 2021 | N/A | Not applicable |
| State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021 | N/A | Not applicable |
| State Environmental Planning Policy (Precincts—Regional) 2021 | N/A | Not applicable |
| State Environmental Planning Policy (Precincts—Western Parkland City) 2021 | N/A | Not applicable |
| State Environmental Planning Policy (Primary Production) 2021 | N/A | Not applicable |
| State Environmental Planning Policy (Resilience and Hazards) 2021 | Yes | The Planning Proposal is not inconsistent with the SEPP |
| State Environmental Planning Policy (Resources and Energy) 2021 | Yes | The Planning Proposal is not inconsistent with the SEPP. |
| State Environmental Planning Policy (Sustainable Buildings) 2022 | Yes | The Planning Proposal is not inconsistent with the SEPP. |
| State Environmental Planning Policy (Transport and Infrastructure) 2021 | Yes | The Planning Proposal is not inconsistent with the SEPP. The applicable high pressure dangerous goods pipeline is the MSE Pipeline managed by the APA Group.<br><br>The SEPP includes requirements for development adjacent to transport and utility infrastructure, such as pipelines, to consider safety, risk, and consultation with relevant authorities. |

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| | | |
|---|---|---|
| | | The planning proposal requires risk assessment and consultation with the Planning Secretary for sensitive land uses, which aligns with SEPP provisions requiring appropriate planning controls and safety measures for development near critical infrastructure.<br><br>The SEPP and planning proposal aim to minimise risk to life and property and ensure land use planning supports infrastructure safety and resilience. |

**7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?**

This Planning Proposal has been considered against the relevant Ministerial Directions as set out in **Table 2** below.

Table 2 – Consistency with Ministerial Directions

| Ministerial Direction | Comment |
|---|---|
| **Focus area 1: Planning Systems –** | |
| 1.1 Implementation of Regional Plans | Consistent – The Planning Proposal is consistent with:<br>• A Metropolis of Three Cities – Greater Sydney Region Plan – see previous discussion on Question 3.<br>• South District Plan – see previous discussion on Question 3. |
| 1.2 Development of Aboriginal Land Council land | Not applicable |
| 1.3 Approval and Referral Requirements | Consistent – The Planning Proposal seeks additional consultation with the owner of the pipeline APA and consultation with the Planning Secretary. |
| 1.4 Site Specific Provisions | Consistent – The Planning Proposal doesn't seek to add an Additional Permitted Use for certain land. |
| 1.4A Exclusion of Development Standards from Variation | Not applicable |
| **Focus area 1: Planning Systems – Place-based** | Not applicable |
| **Focus Area 2: Design and Place** | This Focus Area was blank when the Directions were made. |
| **Focus Area 3: Biodiversity and Conservation** | |
| 3.1 Conservation Zones | Consistent – The Planning Proposal does not affect land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP. |
| 3.2 Heritage Conservation | Consistent – The Planning Proposal does not affect land within a heritage conservation area. |
| 3.3 Sydney Drinking Water Catchments | Not applicable |
| 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs | Not applicable |
| 3.5 Recreation Vehicle Areas | Not applicable |
| 3.6 Strategic Conservation Planning | Not applicable |

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| | |
|---|---|
| 3.7 Public Bushland | Consistent – The Planning Proposal does not propose any changes to existing controls protecting bushland in urban areas. |
| 3.8 Willandra Lakes Region | Not applicable |
| 3.9 Sydney Harbour Foreshores and Waterways Area | Not applicable |
| 3.10 Water Catchment Protection | Not applicable |
| **Focus Area 4: Resilience and Hazards** | |
| 4.1 Flooding | Consistent – The Planning Proposal does not change any existing provisions relating to flooding. |
| 4.2 Coastal Management | Consistent – The Planning Proposal does not change any existing provisions relating to coastal management. |
| 4.3 Planning for Bushfire Protection | Consistent – The Planning Proposal does not change any existing provisions relating to bushfire prone land. |
| 4.4 Remediation of Contaminated Land | Consistent – The Planning Proposal does not affect any known contaminated land. |
| 4.5 Acid Sulfate Soils | Consistent – The Planning Proposal does not seek to introduce or change provisions relating to Acid Sulfate Soils. |
| 4.6 Mine Subsidence and Unstable Land | Not applicable |
| **Focus Area 5: Transport and Infrastructure** | |
| 5.1 Integrating Land Use and Transport | Not applicable |
| 5.2 Reserving Land for Public Purposes | Not applicable |
| 5.3 Development Near Regulated Airports and Defence Airfields | Not applicable |
| 5.4 Shooting Ranges | Not applicable |
| 5.5 High Pressure Dangerous Goods Pipeline | The applicable high pressure dangerous goods pipeline is the MSE Pipeline managed by the APA Group.<br><br>In accordance with MSE Hazard Analysis Report, the application of Clause 6.16 in the GRLEP 2021 will be expanded to the length of the pipeline in the LGA. This existing clause restricts sensitive land uses and requires development for these land uses to consult the Planning Secretary as part of the DA process.<br><br>The Planning Proposal ensures that future sensitive use developments within 200m of the pipeline are restricted, thereby achieving the objective of Direction 5.5 to reduce the risk of harm to human health and the environment.<br><br>Accordingly, this Planning Proposal is consistent with the intent of this Direction. |
| **Focus Area 6: Housing** | |
| 6.1 Residential Zones | Consistent – The Planning Proposal is consistent as it aims to minimise risk to life and property in the event of an emergency near a high-pressure gas pipeline by restricting sensitive use development. |
| 6.2 Caravan Parks and Manufactured Home Estates | Not applicable |

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| | |
|---|---|
| **Focus Area 7: Industry and Employment** | |
| 7.1 Employment Zones | Consistent – The Planning Proposal is consistent as it aims to minimise risk to life and property in the event of an emergency near a high-pressure gas pipeline by restricting sensitive land uses such as child care centres, educational institutions, and correctional facilities. |
| 7.2 Reduction in non-hosted short-term rental accommodation period | Not applicable |
| 7.3 Commercial and Retail Development along the Pacific Highway, North Coast | Not applicable |
| **Focus Area 8: Resources and Energy** | |
| 8.1 Mining, Petroleum Production and Extractive Industries | Not applicable |
| **Focus Area 9: Primary Production** | |
| 9.1 Rural Zones | Not applicable |
| 9.2 Rural Lands | Not applicable |
| 9.3 Oyster Aquaculture | Not applicable |
| 9.4 Farmland of State and Regional Significance on the NSW Far North Coast | Not applicable |

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## Site-Specific Merit

### *Section C – Environmental, social and economic impact*

**8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?**

The Planning Proposal only proposes to make amendments to Clause 6.16 and the Activity Hazard Risk Map to include properties within 200m of the MSE Pipeline. The Planning Proposal will not affect critical habitat or threatened species, populations or ecological communities, or their habitats.

**9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?**

The Planning Proposal will not result in any negative environmental effects as the purpose is to minimise risk to life and property in the event of an emergency by restricting sensitive use development near the MSE Pipeline.

**10. Has the Planning Proposal adequately addressed any social and economic effects?**

The Planning Proposal addresses social effects by guiding how population growth is managed near the MSE Pipeline by identifying appropriate consultation requirements. This ensures that future development does not compromise public safety. The Planning Proposal identifies high risk areas so that new sensitive developments such as schools, aged care and health services are not in at risk locations.

The Planning Proposal addresses the economic effects by identifying areas where development can safely occur, encouraging investment and development that is lower risk in those locations. While developers may face additional costs to comply with safety and risk mitigation measures, these are essential for the long-term resilience of the LGA.

Overall, the Planning Proposal plays a crucial role in balancing safety with development, ensuring that social and economic growth in the LGA is sustainable and well-managed.

### *Section D – Infrastructure (Local, State and Commonwealth)*

**11. Is there adequate public infrastructure for the planning proposal?**

This Planning Proposal does not create additional need for public infrastructure.

### *Section E – State and Commonwealth interests*

**12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

As this Planning Proposal is yet to be forwarded to the Minister for a Gateway Determination, the appropriate State and Commonwealth public authorities have not yet been consulted.

Efforts were made by Arriscar, the consultant engaged by Council to prepare the report, to consult with the pipeline operator, APA Group (a private company) during the early stages of the report's development.

Relevant State and Commonwealth public authorities will be consulted in accordance with the Gateway Determination and will be given at least 28 days to comment.

## 6. Part 4 – Maps

The Planning Proposal will result in an amendment to the following maps of the GRLEP 2021:

- Activity Hazard Risk Map (AHR) – Sheet AHR_001 (new maps sheet)
- Activity Hazard Risk Map (AHR) – Sheet AHR_004
- Activity Hazard Risk Map (AHR) – Sheet AHR_007 (new maps sheet)

Map sheets will be made available for finalisation.

## 7. Part 5 – Community Consultation

It is anticipated that this Planning Proposal will be exhibited for a minimum period of 28 days in accordance with the provisions of the *EP&A Act 1979* and the *Environmental Planning & Assessment Regulation 2000* and any requirements of the Gateway Determination.

Exhibition material, including plain English explanatory information, fact sheets, description of the objectives and intended outcomes, copy of the Planning Proposal and relevant maps will be

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available for viewing during the exhibition period on Council's website and hard copies available at Council offices and libraries.

Notification of the public exhibition will be through:

- Newspaper advertisement in The Leader,
- Exhibition notice on Council's website,
- Community engagement project on Council's YourSay website,
- Notices in Council offices and libraries,
- Letters to landowners of properties affected by a proposed change in the planning controls, and
- Letters to State and Commonwealth Government agencies identified in the Gateway Determination.

## 8. Part 6 – Project Timeline

The anticipated project timeline for completion of this Planning Proposal is shown below:

| Task | Anticipated Timeframe |
|---|---|
| Referral to LPP in accordance with S9.1 Ministerial Direction | February 2026 |
| Reporting to Council on PP seeking endorsement to forward PP for a Gateway Determination | March 2026 |
| Anticipated commencement date (date of Gateway Determination) | May 2026 |
| Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination) | June – July 2026 |
| Commencement and completion dates for public exhibition period | June – July 2026 |
| Timeframe for consideration of submissions | July – August 2026 |
| Report to Council on community consultation outcomes and finalisation | September 2026 |
| Date of submission to the DPHI to finalise the LEP | October 2026 |

## 9. Appendices

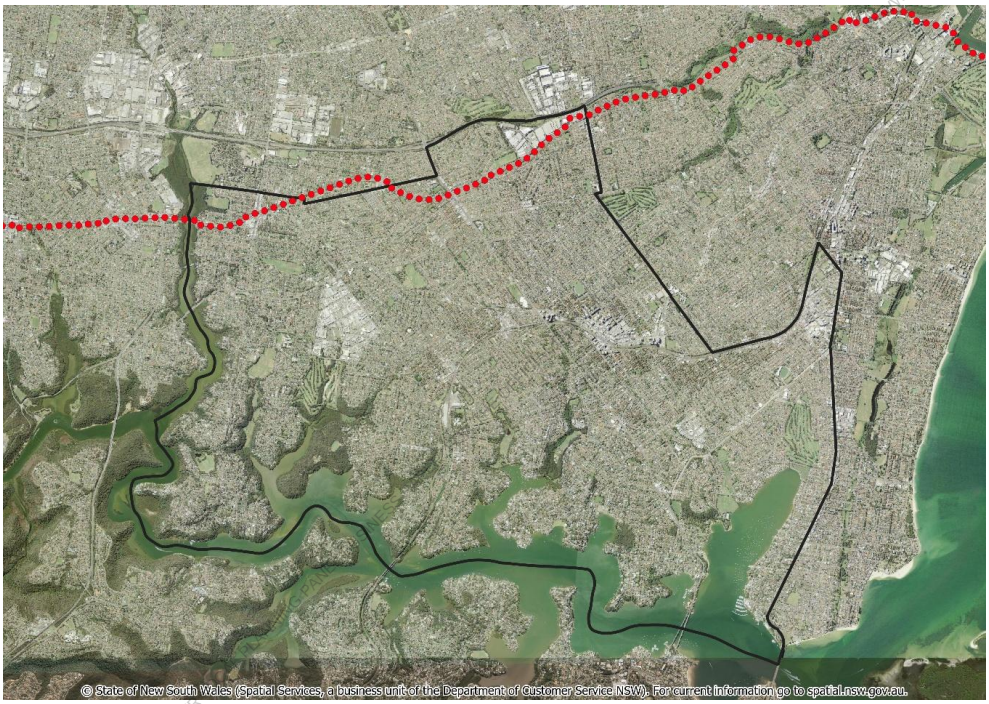
- **Attachment 1 –** Moomba to Sydney Ethane Pipeline Hazard Analysis with Appendices Rev B

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# Repurpose of Moomba to Sydney Ethane Pipeline Hazard Analysis

For Georges River Council

21 August 2025




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**Doc. No.: J-000831**

**Revision: A**

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## DOCUMENT HISTORY AND AUTHORISATION

| Rev | Date | By | Description | Check | Approved |
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| A | 21-Aug-25 | RF | First draft for client review. | JL | JL |
| | | | | | |
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# Summary

The Moomba to Sydney Ethane Pipeline (MSE) owned and operated by the APA Group (APA) runs through the northern portion of the Georges River Local Government Area (LGA) in New South Wales (NSW). The MSE pipeline runs parallel to the T8 (Airport & South) train line through the suburbs of Riverwood, Narwee, Beverly Hills and Kingsgrove. A proposal has been put forward by APA to repurpose the MSE pipeline for the transportation of natural gas, replacing its current use for ethane.

This report is a hazard analysis to determine the potential population intensification in land adjacent to the MSE pipeline that can be accommodated while satisfying the NSW Department of Planning, Housing and Infrastructure's risk criteria as described in Hazardous Industry Planning Advisory Paper No. 10 - Land Use Safety Planning (HIPAP No. 10).

Based on a comprehensive review of pipeline safety literature, a set of failure scenarios were selected for the pipeline, varying from a small hole of 10-25mm in diameter to a full-bore rupture (FBR). Potential consequences of pipeline failure are jet-fires, flash fires, and explosions, all of which have potentially fatal outcomes.

Based on generic failure rates for natural gas and other various gas pipelines in the literature, the failure rate data published by the UK Health and Safety Executive (HSE) was adopted for the study. Furthermore, based on a review relevant ignition data, the Acton & Baldwin correlation for natural gas transmission pipelines was used to estimate ignition probabilities.

DNV's Safeti 9.0 software package was used to conduct the consequence and risk modelling, and the 'long pipeline' model was selected to simulate the discharge scenarios. The resulting risk values were compared with the risk criteria in HIPAP No. 10 [1].

A societal risk area map was developed to illustrate the existing societal risk. Based on current population data and corresponding fatality estimates, the maximum permissible uniform population density across the entire GRC was determined, ensuring compliance with societal risk criteria.

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## Findings and Conclusions

The following findings were made from the risk analysis and assessment:

- The Location Specific Individual Risk (LSIR) of fatality risk is below the relevant NSW DPHI risk criteria.
- There is no impediment to sensitive, residential, commercial, active open space, or industrial development on the basis of LSIR. Such developments, however, are still subject to the limitation of population to ensure societal risk (SR) criteria is satisfied.
- The injury, property damage and accident propagation risks are below the relevant NSW DPHI risk criteria.
- The current maximum societal risk is within the Negligible zone of the DHPI societal risk criteria presented in HIPAP 6 and HIPAP 10.
- Based on the societal risk area map provided, any location within 200 m of the pipeline can be considered for population intensification.
- The maximum uniform population density that can be accommodated without exceeding any societal risk criteria is 135,000 persons/km$^2$.

## Recommendations

The following recommendations are made for the consideration of Georges River Council (GRC):

### Recommendation 1 – Sensitive Use Development

*Consider restricting sensitive use developments on properties within the measurement length of 200 m from the pipeline.*

*Sensitive use developments are those for use by sectors of the community who may be unable to protect themselves from the consequences of a pipeline failure event, and include the following land uses as per Standard Instrument—Principal Local Environmental Plan (2006 EPI 155a) - NSW Legislation:*

- *School*
- *Hospital*
- *Seniors housing*
- *Respite day care centre*
- *Early education and care facility*
- *Correctional centre*

*Although the DPHI's individual risk criterion for sensitive use development ($0.5 \times 10^{-6}$ fatalities per annum) was not exceeded, this recommendation is based upon the first of the qualitative criteria in HIPAP 10, "All 'avoidable' risks should be avoided". Placing vulnerable individuals in close proximity to the pipeline could be avoided and warrant precautionary land use controls.*

### Recommendation 2 – Population Intensification

*Limit the future population density within the measurement length of 200 m from the pipeline to an average density of 65,000 persons/km², with the peak density not exceeding 135,000 persons/km², to ensure compliance with societal risk criteria.*

*For example, in a development that includes an apartment complex and a large garden area, the density within the complex itself may reach up to 135,000 persons/km², while the average density across the entire development including the garden area should be below 65,000 persons/km².*

### Recommendation 3 – Consultation with Pipeline Operator

*Following any changes to land zoning, participate in required land use change safety management studies in consultation with APA.*

### Recommendation 4 – Future Developments Meeting Societal Risk Criteria

*Allow development applications with population densities less than those specified in Recommendation 2 to rely upon this report as evidence that the proposal complies with Hazardous Industry Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning (refer Planning Circular PS 24-005).*

### Recommendation 5 – Future Developments where Societal Risk is Unknown

*Should a development exceed the population density limits specified in Recommendation 2, the basis of recommendation 4 will be undermined, and **all** future developments within 200 m of both the pipeline and the development exceeding the limit will need to independently demonstrate compliance with the risk criteria in HIPAP 4 and 10.*

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# Notation

| Abbreviation | Description |
|---|---|
| ALARP | As Low as Reasonably Possible |
| Arriscar | Arriscar Pty Limited |
| ALARP | As Low As Reasonably Practicable |
| BoM | Bureau of Meteorology |
| GRC / Council | Georges River Council |
| HIPAP | Hazardous Industry Planning Advisory Paper |
| LGA | Local Government Area |
| LSIR | Location Specific Individual Risk |
| LUP | Land Use Planning |
| MSE Pipeline | Moomba to Sydney Ethane Pipeline |
| NSW | New South Wales |
| NSW DPHI | NSW Department of Planning, Housing and Infrastructure |
| SR | Societal Risk |
| Sensitive use | Land use term referred to in NSW DPHI document Hazardous Industry Advisory Papers, generally taken to mean Sensitive use developments are those for use by sectors of the community who may be unable to protect themselves from the consequences of a pipeline failure event, and include the following land uses as per Standard Instrument—Principal Local Environmental Plan (2006 EPI 155a) – NSW Legislation:<br>• School<br>• Hospital<br>• Seniors housing<br>• Respite day care centre<br>• Early education and care facility<br>• Correctional centre |
| TNO | Netherlands Organisation for Applied Scientific Research |

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# 1 INTRODUCTION

## 1.1 Background

The Moomba to Sydney Ethane (MSE) Pipeline owned and operated by the APA Group runs through the northern portion of the Georges River Local Government Area (LGA) in New South Wales (NSW). The MSE pipeline runs parallel to the T8 (Airport & South) train line through the suburbs of Riverwood, Narwee, Beverly Hills and Kingsgrove.

A proposal has been put forward by APA to repurpose the MSE pipeline for the transportation of natural gas, replacing its current use for ethane. Georges River Council (GRC/Council) has requested Arriscar Pty Limited (Arriscar) to revise the hazard analysis [1] which was conducted for the LGA due to the proposed repurposing of the pipeline.

## 1.2 Scope

The Land Use Safety Study requirements that need to be considered for the remainder of the MSE Pipeline in the northern portion of the LGA are as follows:

1) a report on the consultation outcomes with the operator (APA Group) of high-pressure dangerous goods or gas pipelines in the vicinity of the proposal with regards to Australian Standard (AS 2885) Pipelines – Gas and liquid petroleum;
2) a hazard analysis undertaken in accordance with Hazardous Industry Planning Advisory Paper No. 6 - Hazard Analysis (HIPAP No.6) developed by the NSW Department of Planning, Housing and Infrastructure (DPHI). The hazard analysis and risk assessment must:
    a) assess the risk exposures from the existing high pressure dangerous goods or gas pipelines to determine the maximum acceptable future proposed population;
    b) assess the cumulative societal risk impact considering the existing population within the area that may be affected by the high pressure pipelines;
    c) consider the risk of escalation if the high-pressure dangerous goods or gas pipeline is sharing an easement with other dangerous goods and gas pipelines; and
    d) assess against the relevant qualitative and quantitative risk criteria detailed in Hazardous Industry Planning Advisory Paper No. 10 - Land Use Safety Planning (HIPAP No. 10) developed by the NSW DPHI; and
3) present a set of recommendations providing a range in the maximum future proposed additional dwellings the area can accommodate utilising various mitigation measures without exceeding the maximum acceptable potential risk impacts.

The geographic scope of the study included the MSE from a point at which consequences of a failure could impact the western most part of GRC, through to a point where the consequence of failure could impact the eastern most parts of GRC. Within this segment of pipeline, the MSE crosses into Canterbury-Bankstown Council (CBC). Pipeline segments within CBC were also considered.

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## 1.3 Objectives of Study

The objectives of this study are to:

- Identify and assess the hazards and risks associated with the MSE pipeline with respect to the risk criteria outlined in HIPAP No. 10 [2];
- Identify graphically on a map, the maximum future proposed additional dwellings the area can accommodate without exceeding the NSW DPHI's risk criteria; and
- Make recommendations for mitigation measures that may be required to reduce the risk on the population due to future development.

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# 2 RISK ASSESSMENT METHODOLOGY

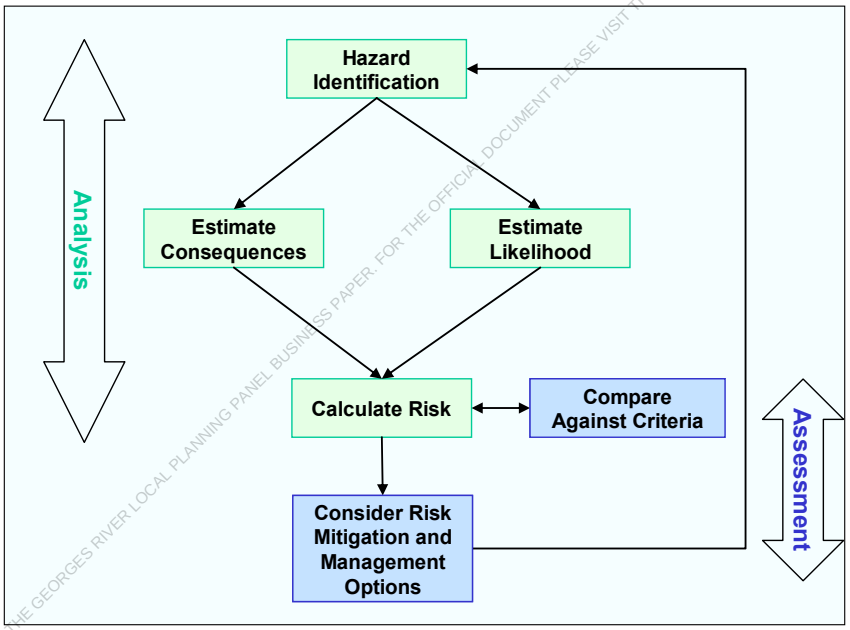
## 2.1 Introduction

A Quantitative Risk Assessment (QRA) involves the quantitative estimation of the consequences and likelihood of hazardous events to determine the risks generated by a facility. The risks of the facility are evaluated against risk criteria outlined regarding fatalities, injuries, and property damage, etc.

In developing the estimates for use in a QRA, it is important to ensure that any estimates fall on the side of conservatism, particularly where there is uncertainty in the underlying data and assumptions. This precautionary approach uses 'cautious best estimate' values, which, whilst conservative, are still realistic. This approach is consistent with the NSW DPHI's guidelines for undertaking this type of assessment [3].

Diagrammatically, the QRA process is as follows:

**Figure 1 Overview of QRA Process [3]**




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## 2.2 Overview of Methodology

The methodology for a QRA involves the following main steps:

1. System definition, in which information on the facility is collected and assimilated.
2. Hazard identification, in which site events and external events are identified which may lead to potential adverse effects beyond the boundary of the site.
3. Consequence modelling, in which all the possible consequences of each event are estimated.
4. Frequency and likelihood estimation, in which the frequency (i.e. likelihood per year of occurrence) of each hazardous event is estimated, based on historical failure data.
5. Risk estimation, in which the frequencies and consequences of each event are combined to determine levels of risk.
6. Risk assessment, in which the calculated risks are assessed against relevant risk criteria.

## 2.3 Description of Facilities, Operation and Surroundings

The location of the proposed or existing facility and the surrounding areas are described to enable an appropriate consideration of the potential impacts.

## 2.4 Hazard Identification

A hazard is something with the potential to cause harm (e.g. thermal radiation from a fire, physical impact from a moving vehicle or dropped object, or exposure to stored energy etc.). The basis for any risk study is the identification of hazards present within a facility. Hazard identification (or HAZID) is crucial, as a hazard that is not identified will not be modelled and assessed.

There is no single definitive method for HAZID; however, it should be comprehensive and systematic to ensure critical hazards are not excluded from further analysis. A desktop review of layout drawings, engineering documentation and a literature review provide useful inputs. Examples of hazard identification techniques include simple checklists based on historical incidents and earlier analyses, more detailed “what-if” style analyses and the most detailed structured techniques such as a Hazard and Operability (HAZOP) study and Failure Modes and Effects Criticality Analysis (FMECA).

As well as identifying the hazards that exist, it is also important to identify how these hazards could lead to a hazardous scenario/event. A hazardous scenario is an event with the potential to cause off-site fatality or injury; off-site property damage; or long-term damage to the biophysical environment (i.e. any outcome for which an acceptable risk criterion has been defined by the NSW DPHI– refer to Section 2.9).

As there is usually a large number of possible initiating events leading to a hazardous scenario, it would be impractical to analyse all possibilities. Therefore, discrete initiating events are used to represent the range of possible hazardous scenarios that could occur. Generally, hazardous scenarios are represented by a limited number of leaks / hole sizes varying from small pin hole leaks to catastrophic ruptures.

When developing hazardous scenarios, the facility is first split into isolatable sections. An isolatable section is a system of equipment and/or pipelines that contain similar materials under similar

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process conditions such as pressure and temperature. Preferably an isolatable section should be bounded by isolation points such as emergency shutdown valves (ESDVs) or motorised 'fail close' valves but this may not be possible for all cases.

It is necessary to capture the following information, either during the hazard identification process, or as part of the preparation for hazard consequence modelling:

- Hazardous materials and materials properties;
- Inventory of hazardous materials that could contribute to the event;
- How the material is released (e.g. hole in a pipeline);
- The condition of the material prior to release (e.g. compressed gas at a specific temperature and pressure);
- The area/s into which the material is released (e.g. inside an enclosed area, etc.);
- Ambient conditions in the area where the material is released (e.g. air temperature, wind speed and direction, atmospheric stability);
- Locations of ignition sources around the release point; and
- Duration of release before it is isolated.

## 2.5 Consequence Analysis

The physical consequences of a hazardous scenario are generally dependent on the:

- State of the material (liquid or gas/vapour);
- Quantity released;
- Rate of release; and
- Ignition (for fire and explosion events).

The quantity released depends on the inventory, which is estimated from the isolatable sections, size of release (viz. assumed equivalent hole diameter) and duration of release (how soon can the release be detected and isolated).

The different types of consequences typically considered for a QRA are described below.

### 2.5.1 Discharge

The discharge from a hole is assumed to be from a circular orifice of equivalent diameter. This is the maximum flow rate for a given hole area and is used because it can be calculated readily and will produce the maximum release rate for a given hole area. The discharge behaviour is estimated from process conditions such as the pressure, temperature, and the state of the material (liquid or vapour).

The discharge from a pipeline leak is dependent on the pressure and also location along the pipeline. Releases from the pipeline were modelled using the 'long pipeline' model in SAFETI 9.0. The long pipeline discharge model involves time-varying modelling, which models the change in storage conditions to determine the release rate at different timesteps and locations.

The average release rate over the first 30 seconds was selected to determine the effects of jet fires, flash fires (i.e. dispersion) and explosions.

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However, small holes with a relative breach aperture (i.e. the area of the hole as a fraction of the total potential outflow area for the breach location) less than 0.04 were modelled utilising the steady state 'Orifice' model, which maintains a constant 'peak' release rate until the inventory is depleted. This implies a constant pressure at the release point. This is due to the time-consuming nature of time-varying discharge calculations, and the change in release rate for small holes is not significant [4].

### 2.5.2 Dispersion

The dispersion rate of gas/vapour depends on meteorological conditions such as the wind speed, wind direction and atmospheric stability conditions. Location-specific meteorological data is required to perform a consequence analysis. The representative wind directions, wind speeds and wind stability classes are normally determined from annual average of weather data from the local weather station available through the Bureau of Meteorology (BoM).

The gas dispersions were modelled using the Unified Dispersion Model (UDM) in SAFETI 9.0. The flammable gas dispersions were modelled to the Lower Flammable Limit (LFL). Dispersion calculations are based on the total quantity released over one hour, assuming it is released at the average flowrate over the first 30 seconds.

### 2.5.3 Jet Fires

Jet fires are a potential consequence related to a hazardous scenario that continuously release flammable vapour or liquid with significant momentum. Ignition will produce a turbulent diffusion flame which emits heat radiation. The physical impacts of jet fires are modelled using the surface emissivity of the flame to produce contours of heat radiation levels. Fires impinging on adjacent equipment may cause structural failures and incident escalation.

Jet fires were modelled using the 'Cone' model of the single and two-phase Jet Fire (JFSH) model in SAFETI 9.0.

### 2.5.4 Pool Fires

Pool fires are a potential consequence related to a hazardous scenario that release flammable liquid onto the ground which may form an evaporating pool and/or accumulate in a bund/sump. Ignition will produce a turbulent diffusion flame that burns above the whole surface of the pool and emit heat radiation. The impacts of pool fires are modelled using the surface emissivity of the flame to produce contours of heat radiation levels. Fires impinging on adjacent equipment may cause structural failures and incident escalation.

Pool fires are not a credible consequence for the gas pipeline.

### 2.5.5 Flash Fires and Vapour Cloud Explosions

Volatile flammable liquid releases or flammable vapour/gas releases may form a cloud and disperse in the air. Ignition of the flammable gas-air mixture may result in a flash fire or vapour cloud explosion (VCE).

A flash fire is sudden, intense fire that lasts for a very short duration in which the flame propagation speed is less than the sonic velocity. The dominant effect in a flash fire is direct engulfment by flame within the combusting cloud. To estimate the magnitude of the flammable gas cloud, the furthest distance from the release location with a concentration equal or above the lower flammability limit (LFL) is estimated using a dispersion model.

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It is possible for a VCE to occur instead of a flash fire if the cloud is within an area that is sufficiently congested due to buildings, vehicles, trees, or other obstacles. Flame acceleration increases due to the turbulence caused by the congested region and produces a blast wave. It is considered to be a deflagration if the flame speed is subsonic and a detonation if the flame speed is supersonic. These events are modelled to determine the overpressures generated by the explosion.

VCEs were modelled using the Multi-Energy (ME) model. An obstructed region was defined across the entire study area, characterised by a blast strength corresponding to TNO Multi-Energy curve number 4, a Volume Blockage Ratio (VBR) of 5%, and a height of 5 m.

### 2.5.6 Fireballs and BLEVE

A fireball is an intense spherical fire resulting from a sudden release of pressurized liquid or gas that is immediately ignited and emits heat radiation. Boiling Liquid Expanding Vapour Explosion (BLEVE) is an explosion caused by the sudden release of superheated liquid from a vessel in which its integrity has been compromised. The boiling liquid rapidly expands due to the pressure drop resulting in an explosion producing overpressures and heat radiation. BLEVEs involving flammable material will usually have an associated fireball.

Fireballs and BLEVE's were not considered in this study.

### 2.5.7 Toxic Effects

If a toxic, or an asphyxiant vapour/gas is released, then the potential may exist for injury or fatality if exposed (typically via inhalation). The dispersion of flammable or toxic gas/vapour is modelled to produce a concentration profile in three dimensions (downwind, crosswind and elevation). For releases that are constant over time, this can be represented by a set of contours of constant concentration (isopleths) on a plan drawing and/or summarised in a tabular format.

Toxic effects were not considered in this study.

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## 2.6 Vulnerability Criteria

People and property are vulnerable to heat radiation from fires, overpressures from explosions, and toxicants. The vulnerability parameters (i.e. the probability of fatalities) used in the risk analysis are presented in Appendix A.

### 2.6.1 Heat Radiation

The potential for injury or property damage from a fire is determined by the intensity of the heat radiation emitted by the fire and the duration of exposure. Together, the combination of time and intensity is the thermal dose.

The effects of heat radiation summarised in Hazardous Industry Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning (HIPAP No. 4) developed by the NSW DPHI are presented in Table 1.

**Table 1 Effects of Heat Radiation [5]**

| Heat Radiation ($kW/m^2$) | Effect/s |
|---|---|
| 1.2 | • Received from the sun at noon in summer. |
| 2.1 | • Minimum to cause pain after 1 minute. |
| 4.7 | • Will cause pain in 15-20 seconds and injury after 30 seconds exposure (at least second-degree burns will occur). |
| 12.6 | • Significant chance of fatality for extended exposure. High chance of injury.<br>• Causes the temperature of wood to rise to a point where it can be ignited by a naked flame after long exposure.<br>• Thin steel with insulation on the side away from the fire may reach a thermal stress level high enough to cause structural failure. |
| 23.0 | • Likely fatality for extended exposure and chance of fatality for instantaneous exposure.<br>• Spontaneous ignition of wood after long exposure.<br>• Unprotected steel will reach thermal stress temperatures which can cause failure.<br>• Pressure vessel needs to be relieved or failure would occur. |
| 35.0 | • Cellulosic material will pilot ignite within one minute's exposure.<br>• Significant chance of fatality for people exposed instantaneously. |

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### 2.6.2 Explosion Overpressure

The potential for injury or property damage from an explosion is principally determined by the explosion overpressure. However, projectiles are also a possibility in an explosion. An overpressure wave is generated when the acceleration of the flame front is increased due to the turbulence produced by obstacles in the pathway of the combusting vapour cloud.

The impact of explosion overpressure on humans takes two forms and can lead to serious injury or even fatality:

- Direct exposure could lead to organ damage (e.g. ear drum rupture or lung rupture), and/or knock a person over/into a hard object (e.g. ground or a wall).
- The person could be hit by a projectile, caused by the explosion, or from the collapse of buildings.

The effects of explosion overpressure summarised in HIPAP No. 4 developed by the NSW DPHI are presented in Table 2.

**Table 2 Effects of Explosion Overpressure [5]**

| Overpressure (kPa) | Effect/s |
|---|---|
| 3.5 | • 90% glass breakage.<br>• No fatality and very low probability of injury. |
| 7.0 | • Damage to internal partitions and joinery but can be repaired.<br>• Probability of injury is 10%. No fatality. |
| 14.0 | • House uninhabitable and badly cracked. |
| 21.0 | • Reinforced structures distort.<br>• Storage tanks fail.<br>• 20% chance of fatality to a person in a building. |
| 35.0 | • House uninhabitable.<br>• Wagons and plants items overturned.<br>• Threshold of eardrum damage.<br>• 50% chance of fatality for a person in a building and 15% chance of fatality for a person in the open. |
| 70.0 | • Threshold of lung damage.<br>• 100% chance of fatality for a person in a building or in the open.<br>• Complete demolition of houses. |

### 2.6.3 Toxic Exposure

As there are no uniform specific criteria to cover all toxic effects, the vulnerability criteria selection for toxic exposure requires a literature review of the available toxicity data.

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## 2.7 Frequency and Likelihood Analysis

Once the consequences of the various hazardous scenarios have been estimated, it is necessary to estimate the likelihood of each scenario. In a QRA, the likelihood must be estimated in quantitative terms (i.e. occurrences per year). Exponential notation (e.g. 5.0 x $10^{-6}$ per year or 5E-06 per year) is normally used because the likelihood of a hazardous scenario is usually a low number (i.e. less than 1 chance in 1000 to 10000 per year).

The likelihood of each scenario is normally estimated from historical incident and failure frequency data for which a parts count of the failure items within an isolatable section may need to be conducted. Moreover, for fire and explosion scenarios ignition probabilities are taken into consideration when determining the likelihood. This is only possible because data on such incidents and failures has been collected by various organisations over several years. Various databases and reference documents are now available that provide this data.

When using historical data to forecast the likelihood of a future event, it is important to ensure any specific conditions that existed at the time of the historical event are considered. For very low frequency events (i.e. where historical occurrences are very rare), it might not be possible to estimate the likelihood values directly from the historical data and other techniques such as fault tree analysis may be required.

## 2.8 Risk Analysis and Assessment

Risk analysis and assessment are separate tasks although they are often undertaken together. Risk analysis involves combining the consequence and likelihood estimates for each scenario and then summing the results across all the hazardous scenarios to generate a complete picture of the risk. The risk assessment step involves comparing the risk results against risk criteria.

Location-specific risk contours are usually used to represent off-site risk for a QRA study. These iso-risk contours are superimposed on a plan view drawing of the site. Example risk levels that are typically shown as iso-risk contours include:

- 0.5 x $10^{-6}$ per year (5E-07 or 0.5 in a million per year);
- 1 x $10^{-6}$ per year (1E-06 or 1 in a million per year);
- 5 x $10^{-6}$ per year (5E-06 or 5 in a million per year);
- 10 x $10^{-6}$ per year (1E-05 or 10 in a million per year); and
- 50 x $10^{-6}$ per year (5E-05 or 0.1 in a million per year).

The iso-risk contours show the estimated frequency of an event causing a specified level of harm at a specified location, regardless of whether anyone is present at that location to suffer that harm. Thus, individual iso-risk contour maps are generated by calculating individual risk at every geographic location, assuming a person will be present and unprotected at the given location 100% of the time (i.e. peak individual risk with no allowance for escape or occupancy).

In some cases, this assessment may be a simple listing of each criterion together with a statement that the criterion is met. In other, more complex cases, the risk criteria may not be met, and additional risk mitigation controls may be required to reduce the risk.

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## 2.9 Quantitative Risk Criteria

The risk criteria adopted for this assessment are the NSW DPHI risk criteria for development in the vicinity of potentially hazardous facilities outlined in HIPAP No. 4 and 10.

### 2.9.1 Location Specific Individual Fatality Risk Criteria

HIPAP No. 10 presents the following risk criteria for residential and sensitive land uses:

- *the half in a million per year individual fatality risk level is an appropriate criterion above which no intensification of sensitive use development should take place;*
- *the one in a million per year individual fatality risk level is an appropriate criterion above which no intensification of residential development should take place;*
- *residential intensification may be appropriate where mitigating measures can be implemented to reduce risk exposure to less than the one in a million per year individual fatality risk level, provided the pre-mitigation residual risk levels are below the 10 in a million per year individual fatality risk level; and*
- *no residential intensification should take place where pre-mitigation residual risk levels are in excess of the 10 in a million per year individual fatality risk level.*

The maximum acceptable Location Specific Individual Risk (LSIR) of Fatality for the development of various other land uses in the vicinity of potentially hazardous facilities are presented in Table 3. These are location specific risk criteria and assumes 100% occupancy and no escape.

**Table 3 Location Specific Individual Fatality Risk Criteria**

| Development/Land Use Type | Maximum LSIR of Fatality (per year) |
|---|---|
| Commercial developments including retail centres, offices and entertainment centres | 5E-06 |
| Sporting complexes and active open space areas | 1E-05 |
| Industrial | 5E-05 |

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### 2.9.2 Societal Risk Criteria

It is possible that an incident at a hazardous facility may affect more than a single individual off-site, especially in the case of a full-bore rupture of a high-pressure gas pipeline where the potential exists for multiple fatalities. The societal risk concept evolved from the concept of 'risk aversion', i.e. society is prepared to tolerate incidents that cause single fatalities at a more frequent interval (e.g. motor vehicle accidents) than for incidents causing multiple fatalities (e.g. an aircraft accident).

Two parameters are required to define societal risk:

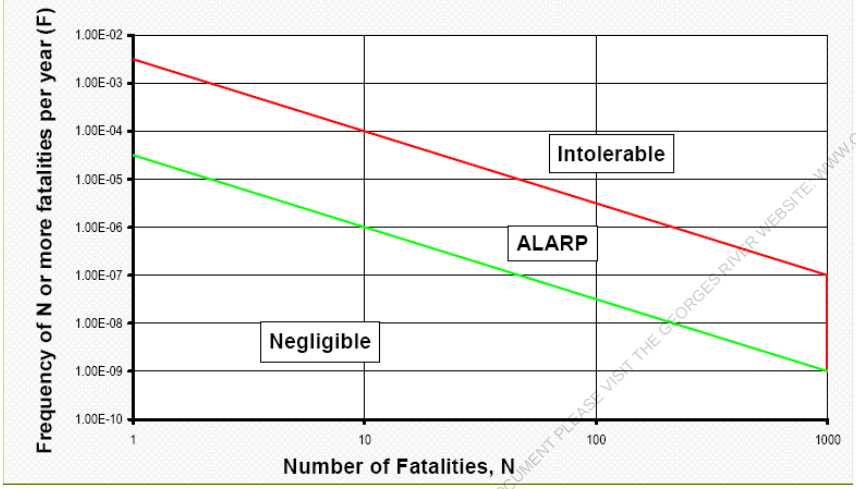
a) Number of fatalities that may result from an incident; and

b) the frequency (likelihood) of occurrence of the incident.

Societal risk is commonly represented using F-N curves, which plot the cumulative frequency (F) of accident scenarios against the number of fatalities (N). Each point on the plot indicates the frequency with which N or more fatalities are expected to occur.

The societal risk criteria incorporate an ALARP (As Low As Reasonably Possible) approach. This is reflected as three societal risk bands: Negligible, ALARP and Intolerable, as shown in Figure 2.

**Figure 2 NSW DPHI Societal Risk Criteria (F-N Plot) [2]**




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HIPAP No. 10 [2] states the following,

- *Below the negligible line, provided other individual criteria are met, societal risk is not considered significant.*
- *Above the intolerable level, an activity is considered undesirable, even if individual risk criteria are met.*
- *Within the 'As Low As Reasonably Practicable' (ALARP) region, the emphasis is on reducing risks as far as possible towards the negligible line. Provided other quantitative and qualitative criteria of HIPAP No. 4 are met, the risks from the activity would be considered tolerable in the ALARP region.*

The F-N criterion in NSW imposes an absolute upper limit of N=1000 (i.e. an incident that could cause more than 1000 fatalities is not tolerable), regardless of how low the frequency is.

### 2.9.3 Injury Risk Criteria

Heat radiation of 4.7 kW/m$^2$ may cause pain in 20 seconds and injury after 30 seconds of exposure. The injury risk criterion for heat radiation is as follows:

- *Incident heat flux radiation at residential and sensitive use areas should not exceed 4.7 kW/m$^2$ at a frequency of more than 50 chances in a million per year.*

Explosion overpressure of 7 kPa has a probability of 10% to cause injury. The injury risk criterion for explosion overpressure is as follows:

- *Incident explosion overpressure at residential and sensitive use areas should not exceed 7 kPa at frequencies of more than 50 chances in a million per year.*

The injury risk criteria for toxic gas/ smoke/dust exposure are as follows:

- *Toxic concentrations in residential and sensitive use areas should not exceed a level which would be seriously injurious to sensitive members of the community following a relatively short period of exposure at a maximum frequency of 10 in a million per year.*

- *Toxic concentrations in residential and sensitive use areas should not cause irritation to eyes or throat, coughing or other acute physiological responses in sensitive members of the community over a maximum frequency of 50 in a million per year.*

### 2.9.4 Risk of Property Damage and Accident Propagation Criteria

Heat radiation of 23 kW/m$^2$ may cause unprotected steel to suffer thermal stress that may cause structural damage. The property damage risk criterion for heat radiation is as follows:

- *Incident heat flux radiation at neighbouring potentially hazardous installations or at land zoned to accommodate such installations should not exceed a risk of 50 in a million per year for the 23 kW/m$^2$ heat flux level.*

Explosion overpressure of 14 kPa may cause significant damage to buildings making it unhabitable. The property damage risk criterion for explosion overpressure is as follows:

- *Incident explosion overpressure at neighbouring potentially hazardous installations, at land zoned to accommodate such installations or at nearest public buildings should not exceed a risk of 50 in a million per year for the 14 kPa explosion overpressure level.*

## 2.10 Geographical Societal Risk

Individual fatality risk, injury risk, and property damage and accident propagation are generally illustrated using risk contours on a map, which are easily comprehended by land use planners and local authorities for Land Use Planning (LUP) purposes. However, the concept of societal risk is difficult to comprehend for LUP purposes as it is generally presented as a two-dimensional F-N plot (Refer to Figure 2).

The F-N plot does not provide any geographical insight concerning societal risk. Therefore, a method for the geographical representation of societal risk was developed by the Netherlands Organisation for Applied Scientific Research (TNO) [6]. Two kinds of societal risk maps were proposed by TNO:

- Societal Risk Contribution Map; and
- Societal Risk Area Map.

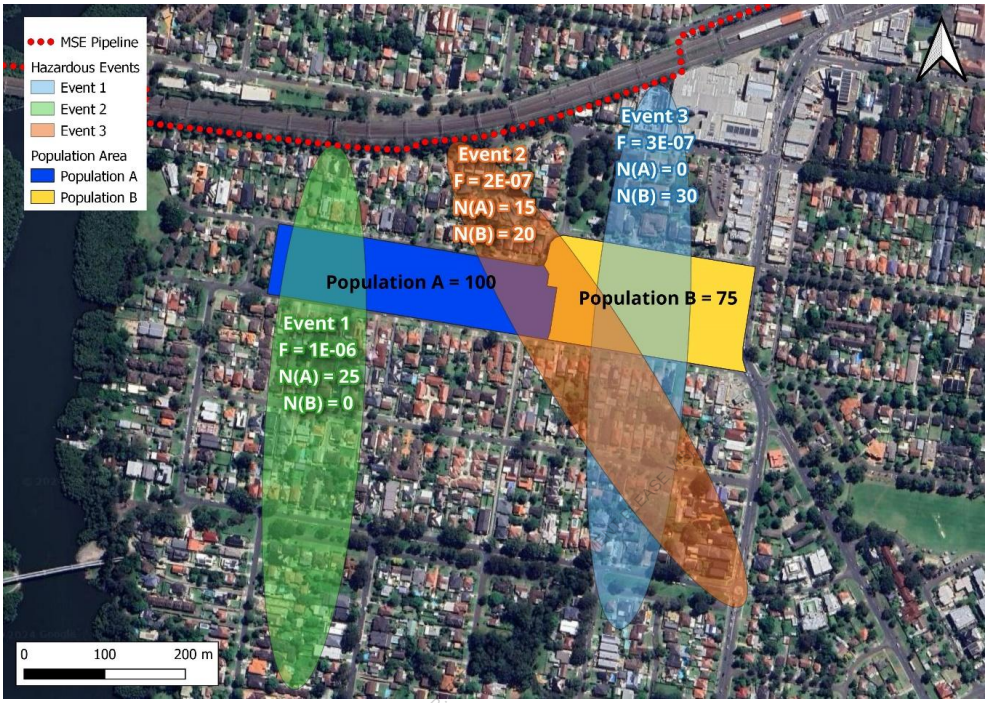
### 2.10.1 Societal Risk Contribution Map

The societal risk contribution map depicts the relative contribution of a population area towards the total societal risk. It can be used to detect critical population areas with respect to societal risk, which is useful for emergency or evacuation planning, or simply understanding the reasons for a high societal risk. The societal risk contribution map uses the concept of “Expected Value” to determine the risk in each population area. However, the “Expected Value” is not suitable for evaluating the societal risk against the NSW DPHI criteria, as it only considers the population in each individual cell, and not the total population impacted by a specific event across all areas.

For example, considering the example shown in Figure 3, event 2 causes 15 fatalities in population A and 20 fatalities population B. The expected value for area A will only consider the 15 fatalities that occur in population A and disregard the 20 fatalities that occur in population B.

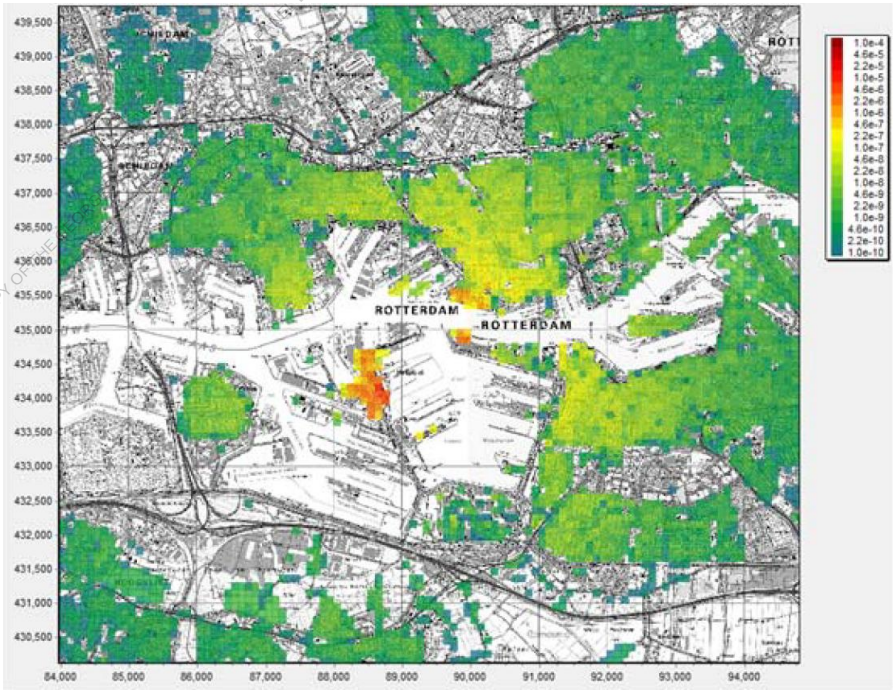
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**Figure 3 Example Outcomes for a Societal Risk Contribution Map**




An example societal risk contribution map is shown in Figure 4.

**Figure 4 Example Societal Risk Contribution Map [6]**




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The societal risk contribution map does not provide the required insight for LUP purposes as it does not consider the total societal risk. A large number of relatively low contribution areas (green areas in Figure 4) may still result in a very large affected group (e.g. toxic events with large effect areas) causing the total societal risk in those areas to be intolerable. Therefore, these results are not consistent and/or comparable with the societal risk criteria outlined in HIPAP No. 10 (Refer to Section 2.9.2).

In essence, the societal risk contribution map does not indicate the suitability of an area for population intensification or urban development. Therefore, to overcome this limitation, the concept of a societal risk area map was developed by TNO.

### 2.10.2 Societal Risk Area Map

The societal risk area map depicts the societal risk of a population area with respect to the societal risk criteria outlined in HIPAP No. 10 (Refer to Section 2.9.2). The concept of a "Norm Value" is used to represent this approach. It is quite useful for LUP purposes as it gives an indication of the areas where population intensification or urban development is suitable.

To generate a societal risk area map, the frequency of all hazardous events that affect a particular population area, and the corresponding number of fatalities across all population areas is used to produce a cumulative F-N curve for the population area under consideration, similar to the F-N curve used to describe the DPHI societal risk criteria.

Figure 5 shows three example outcomes (i.e. hazardous events that lead to fatalities) to illustrate this concept. The F-N curve for population area A consists of events 1 and 2, and the total fatalities over population areas A and B associated with each of those events. Similarly, the F-N curve for population area B consists of events 2 and 3 and their associated fatalities.

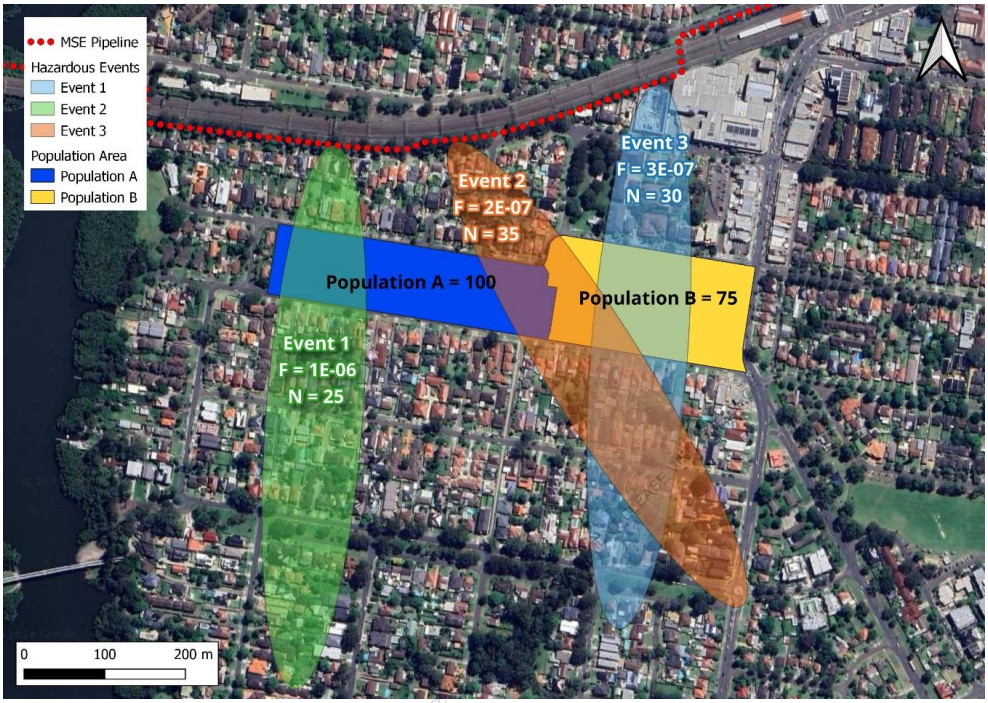
The process of developing the societal risk area map consists of:

1. Determine the frequency, $f_i$ of each outcome $i$ that could impact the population under consideration.
2. Determine the number of fatalities, $N_i$ that occur as a result of outcome $i$, **including those that occur outside the area under consideration**
3. Sort each $f$ $N$ pair by decreasing $N$
4. Determine the cumulative frequency $F$ for experiencing $N$ or more fatalities, which is the equivalent of a F-N curve for the population area.

The F-N curve of each population area is translated into a "Norm Value" by identifying the tangent to the curve that is parallel to the societal risk criteria lines as illustrated in Figure 6.

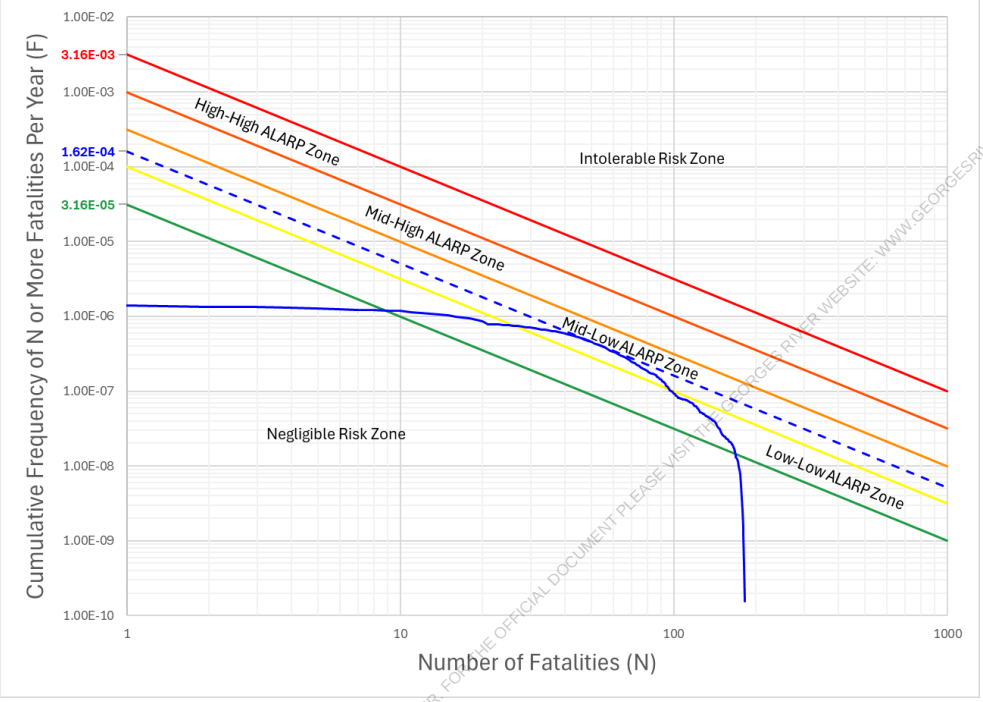
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**Figure 5 Example Outcomes for Societal Risk Area Map**




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**Figure 6 F-N Curve with Example Norm Values and Risk Criteria Zones**




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This tangent to the FN curve can be described using the following equation:

$$\text{Norm Value} = F \times N^{1.5},$$

Where the power 1.5 represents the slope of the risk criteria lines.

The norm values at the societal risk criteria lines are called the “Guide Values”. The guide values can be determined from any point along the risk criteria lines using respective F-N pairs. The norm value of the example F-N curve in Figure 6 and guide values are as follows,

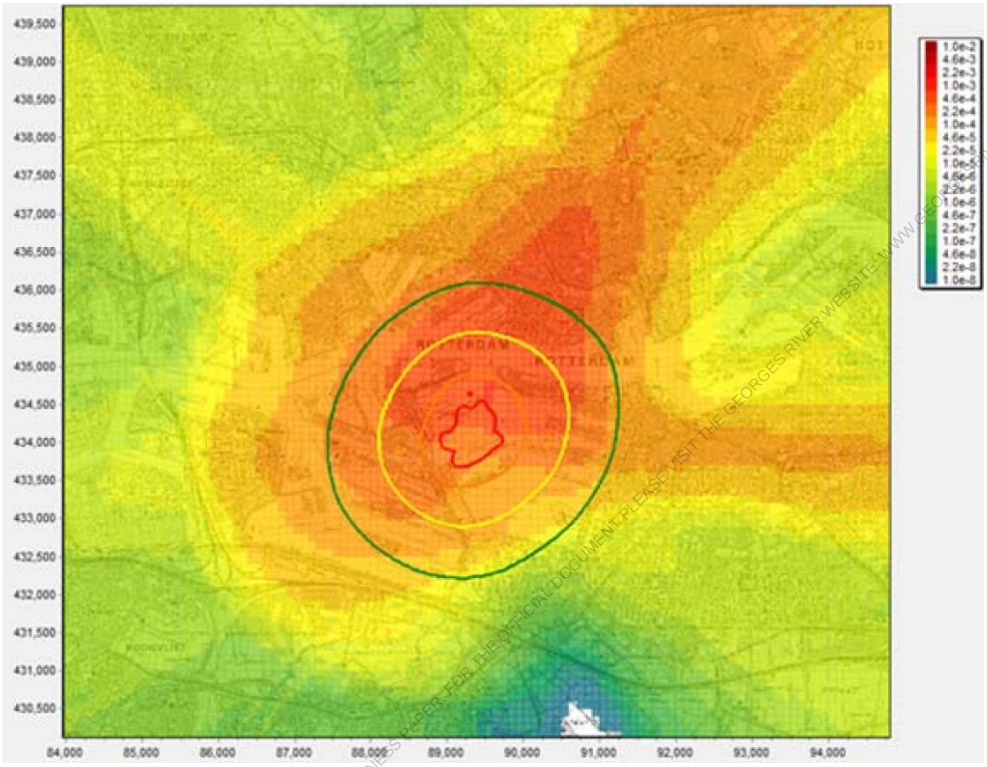
- Intolerable Guide Value = 3.16E-03
- Example Norm Value = 1.62E-04
- Negligible Guide Value = 3.16E-05

Utilizing the norm value of each population area, the relative position with respect to the guide values can be determined for each population area. In other words, the relative position of the total societal risk with respect to the societal risk criteria zones can be determined for each population area. This is presented in the societal risk area map utilizing the following colour scale:

- Red – Intolerable
- Dark Orange – High-High ALARP
- Orange – Mid-High ALARP
- Dark Yellow / Light Orange – Mid-Low ALARP
- Yellow – Low-Low ALARP
- Green – Negligible

The total societal risk in Figure 6 lies within the Mid-Low ALARP Zone, which will be illustrated using a dark yellow / light orange colour on the societal risk area map. An example societal risk area map is shown in Figure 7 (overlaid with LSIR contours).

**Figure 7 Example Societal Risk Area Map [6]**




Note that even the unpopulated areas (Refer to Figure 4) are now illustrated with a colour, clearly identifying the areas where population intensification or urban development is suitable. Green represents negligible risk zones, yellow and orange represent ALARP risk zones which imply that a reasonable population intensification is suitable in those areas. Provided that reasonable risk reduction measures are implemented to reduce the risk as far as possible and other quantitative and qualitative criteria are met. Red represents intolerable societal risk zones implying that population intensification is not allowed.

The contours in Figure 7 represent LSIR of fatality contours. These must be taken into consideration when identifying areas for population intensification. For example, even if the area map indicates that an area may be suitable for population intensification, population intensification is not allowed unless it satisfies the LSIR criteria.

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## 2.11 Qualitative Risk Criteria

Irrespective of the numerical value of any risk criteria level for risk assessment purposes, it is essential that certain qualitative principles be adopted concerning the land use safety acceptability of development. Qualitative criteria are appropriate whether making zoning decisions, assessing the risk implications of a potentially hazardous development, or the locational safety suitability of a development in the vicinity of a potentially hazardous installation. HIPAP No. 10 states the following regarding qualitative risk criteria:

- *All 'avoidable' risks should be avoided.*
- *The risk from a major hazard should be reduced wherever practicable.*

- *The consequences (effects) of the more likely hazardous events (i.e. those of high probability of occurrence) should, wherever possible, be contained within the boundaries of the installation.*
- *Where there is an existing high risk from a hazardous installation, additional hazardous developments should not be allowed if they add significantly to that existing risk.*

## 2.12 Assumptions

It is necessary to make technical assumptions during a risk analysis. These assumptions typically relate to specific data inputs (e.g. material properties, equipment failure rates, etc.) and modelling assumptions (e.g. release orientations, vulnerability criteria, etc.).

To comply with the general principles outlined in Section 2.2 of HIPAP No. 6 [3], all steps taken in the risk analysis should be: "*traceable and the information gathered as part of the analysis should be well documented to permit an adequate technical review of the work to ensure reproducibility, understanding of the assumptions made and valid interpretation of the results*".

The key assumptions adopted for the QRA are listed in the Assumptions Register, Appendix A. Each assumption is numbered and detailed separately. The basis for each assumption is explained together with its potential impact on the results of the QRA and the hazardous scenarios potentially affected. Key references are also listed for each assumption, where relevant.

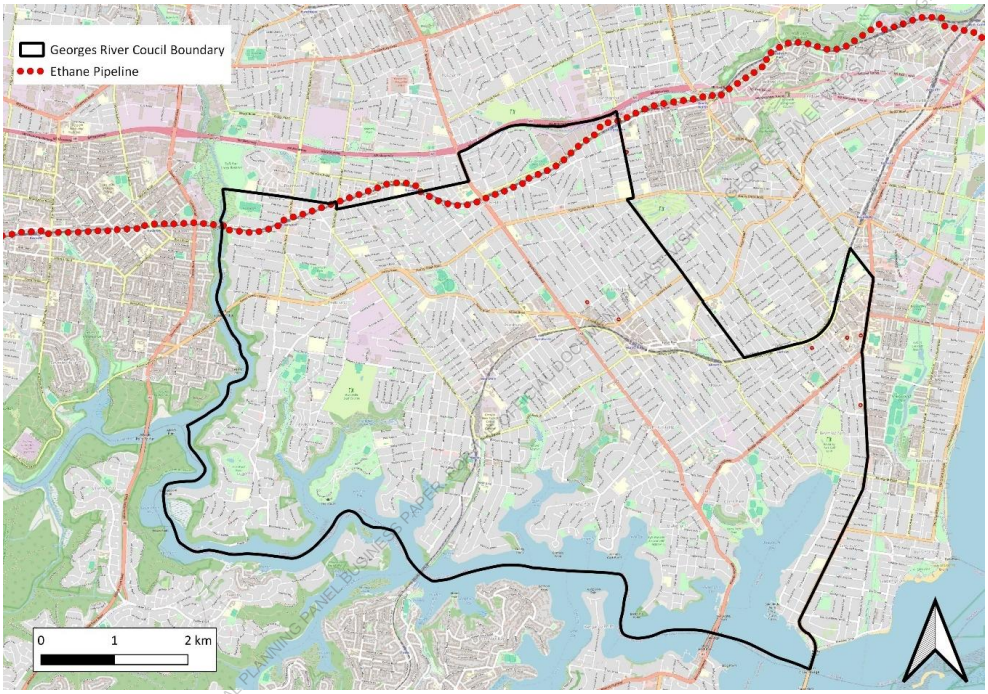
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# 3 SITE DESCRIPTION

## 3.1 Site Location and Description

Georges River Council is a LGA located south-west of Sydney, New South Wales. The Council covers many suburbs within an area of approximately 38 km$^2$. The MSE pipeline runs through the northern portion of the Council parallel to the T8 (Airport & South) train line as shown in Figure 8.

**Figure 8 Site Location**

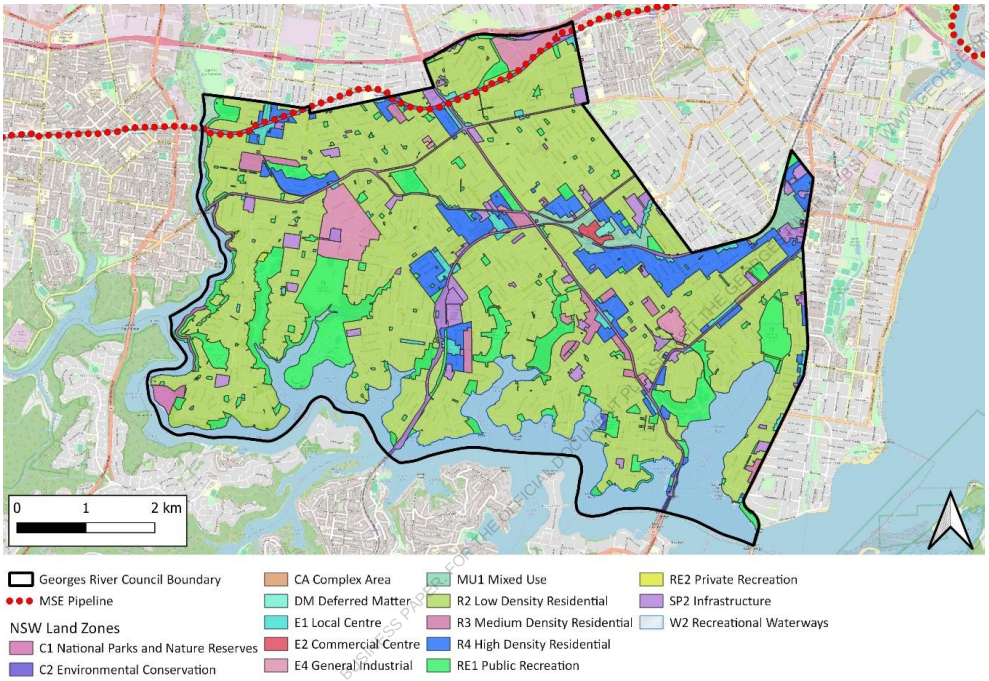



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## 3.2 Surrounding Land Uses

The LGA consists mainly of low, medium and high-density residential zones and public recreation zones with some commercial and industrial zones as shown in Figure 9.

**Figure 9 Land Zones in Georges River LGA**




## 3.3 Surrounding Population

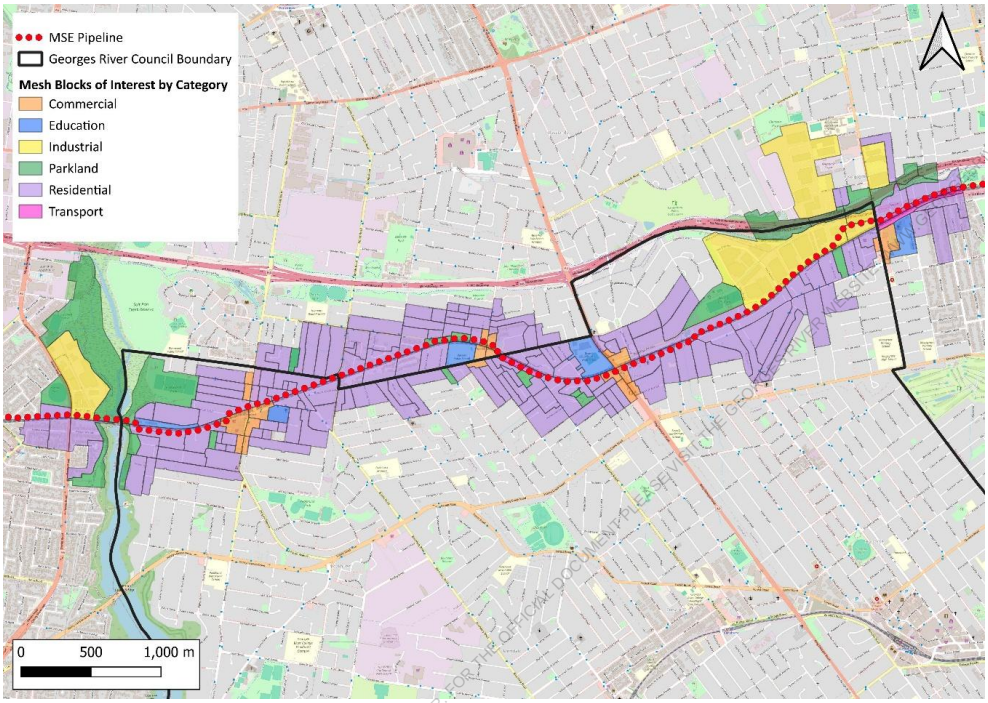
During the preliminary consequence analysis, it was identified that the maximum consequence distance at which fatalities or injuries occur was less than 200 m. This implies that the population more than 200 m away from the pipeline are not at risk. Therefore, only the population within 200 m of the MSE pipeline were considered in this study. This aligns with the measurement length of the MSE pipeline which has been determined to be 200 m [7].

The population categories surrounding the MSE pipeline were identified to be residential, employment and school populations. The residential and employment populations adopted for this study are based on the 2021 Census of Population and Housing conducted by the ABS. The school populations (student and staff) are based on the data reported by the Australian Curriculum, Assessment and Reporting Authority (ACARA).

The residential population was extracted at the mesh block level, while the employment population was extracted at the destination zone level from the ABS as illustrated in Figure 10 and Figure 11. Mesh Blocks are the smallest geographic areas defined by the ABS which broadly identify land uses such as residential, commercial, industrial, education, parklands, transport, etc. Destination Zones are larger geographic areas containing whole mesh blocks. Co-developed with state and territory transport authorities for the analysis of Place of Work Census of Population and Housing data and commuting patterns.

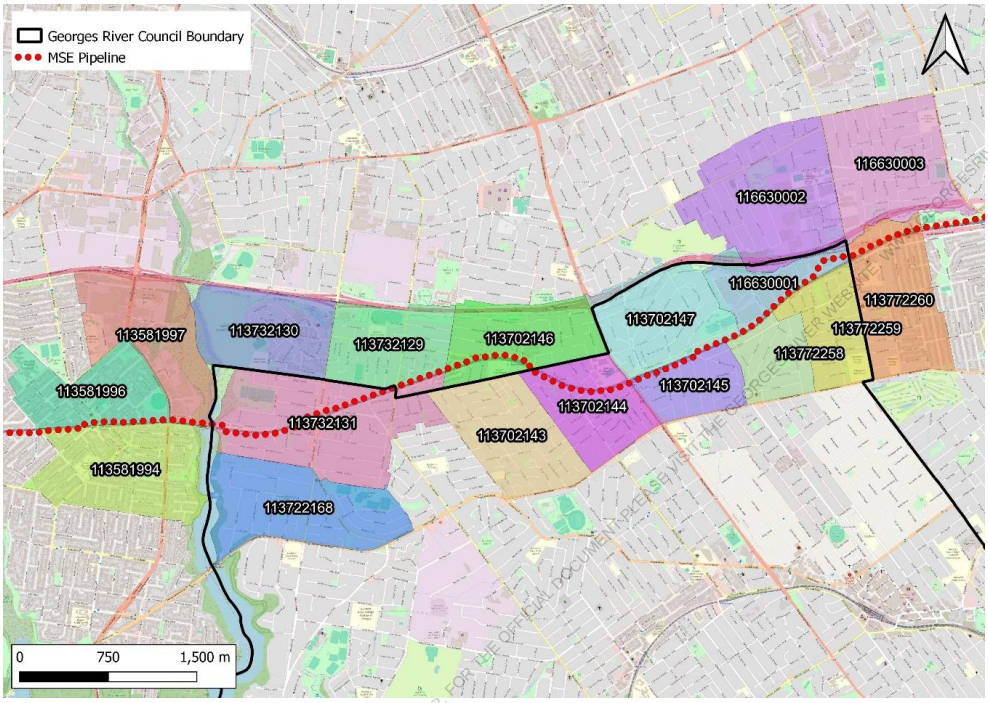
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**Figure 10 Surrounding Mesh Blocks of Interest**




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**Figure 11 Surrounding Destination Zones of Interest**




*The number in each destination zone represents the destination code assigned by the ABS.

Generally, these populations are carried forward to the risk analysis at their respective levels. However, for the objectives of this study, namely the geographical societal risk, a common level was required. A population analysis was conducted to distribute the employment population of a destination zone throughout appropriate mesh blocks based on the land use category. The populations were further adjusted based on the time and day as presented in Table 4. Thereafter, the mesh block populations were distributed into a 50 x 50 m grid (Refer to Appendix B).

**Table 4 Population Categories Present at a Given Time and Day**

| Time and Day | Population Categories Present |
|---|---|
| All Night-Time (Weekdays and Weekends) | Residential |
| Weekday Daytime | Residential, Employment and School |
| Weekend Daytime | Residential and Employment |

The population density maps for each time period considered are presented in Figure 12 to Figure 14. The average population density estimates within 200 m of the MSE pipeline for each time period are as follows:

- Night - 3,810 persons/km²
- Day - 2,940 persons/km²
- Weekend Day - 4,330 persons/km²

The average population density estimate within 200 m of the MSE pipeline is 3,690 persons/km².

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**Figure 12 Night Population Density Map**

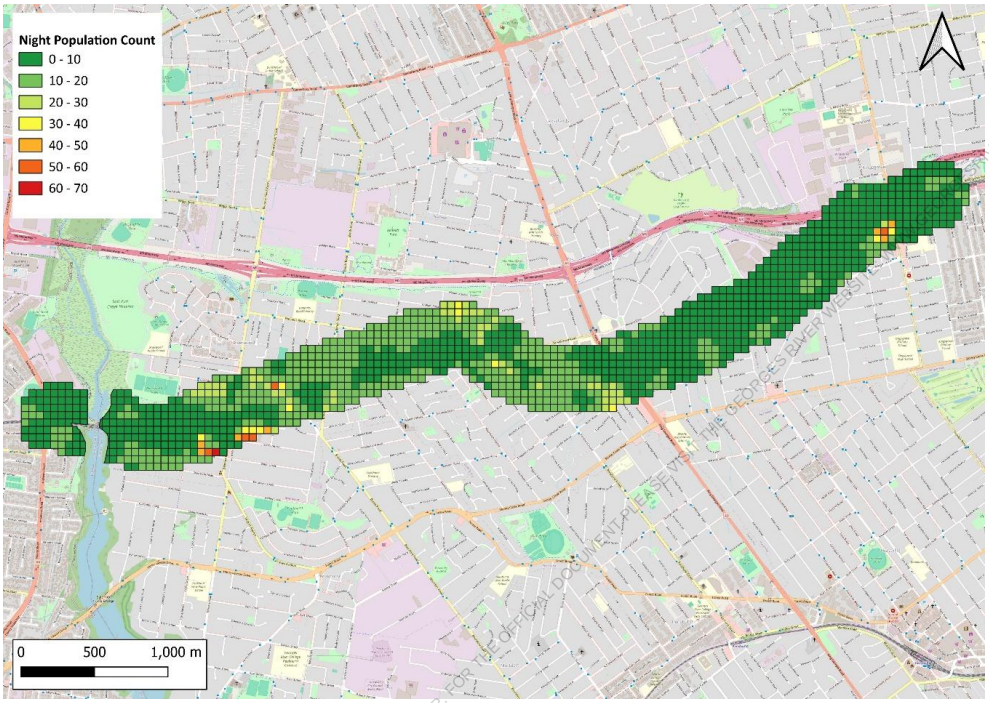
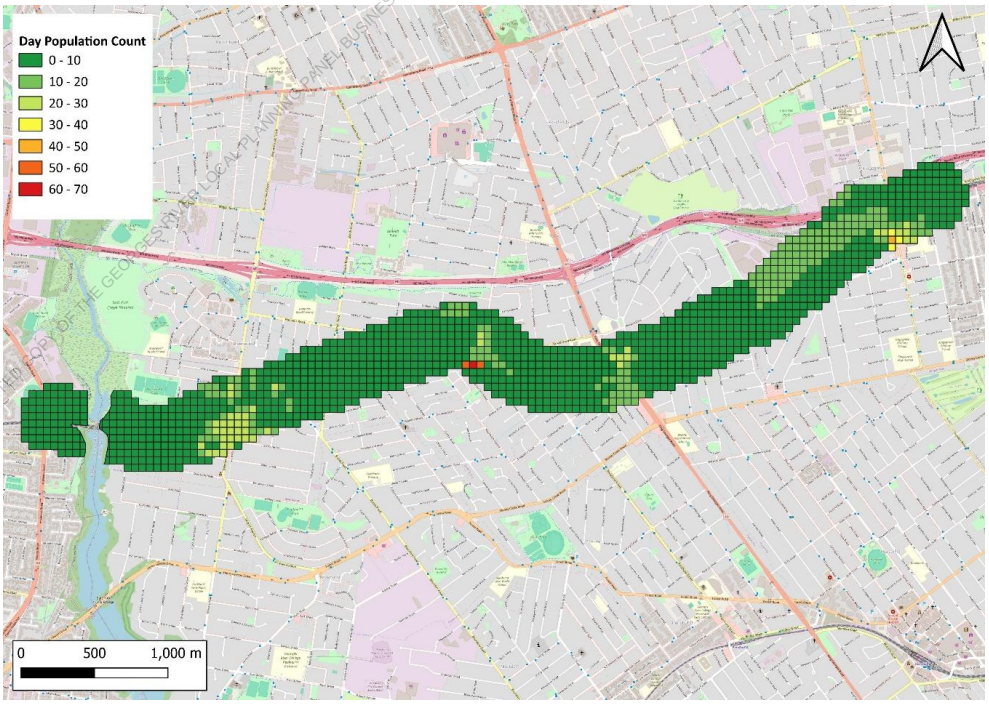
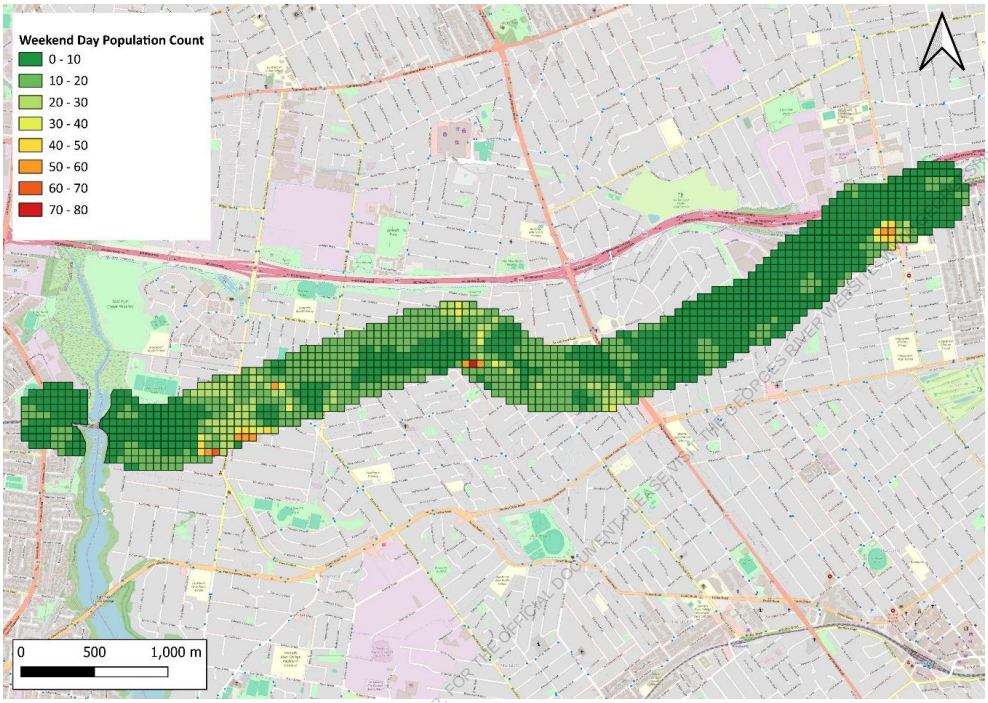



**Figure 13 Day Population Density Map**




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**Figure 14 Weekend Day Population Density Map**




## 3.4 Meteorology

The weather conditions such as windspeed, wind direction, stability class, temperature, solar radiation, and humidity are important in determining the extent of hazardous consequences. Meteorological data for the site is based upon 25 years of observations at the Bankstown Airport weather station (ID - 066137) operated by the Australian Bureau of Meteorology. This is the closest weather station to the LGA.

Pasquil's stability classification scheme defines six wind stability classes (A to F). Class A refers to more turbulent, unstable conditions and Class F refers to more stable (inversion) conditions. Although the probability distribution of the Pasquil stability classes is site-specific, it is generally observed that Class F conditions are more likely to occur during the night-time while Class D (neutral) conditions occur during the daytime (sunny conditions).

The weather categories and their distribution adopted for this study are presented in Table 5 - Table 8 below. Daytime weather is the period from one hour after sunrise to one hour before sunset and accounts for approximately 42% of the time, while night-time accounts for approximately 58% of the time.

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**Table 5 Weather Categories Used for Daytime Analysis**

| Weather Category | Windspeed (m/s) | Stability Class | Temperature (°C) | Relative Humidity | Solar Radiation (kW/m²) |
|---|---|---|---|---|---|
| 1.9B | 1.9 | B | 21.5 | 0.58 | 0.6 |
| 7.5D | 7.5 | D | 21.8 | 0.53 | 0.5 |
| 4.1D | 4.1 | D | 19.9 | 0.61 | 0.4 |
| 1.5D | 1.5 | D | 17.0 | 0.76 | 0.3 |

**Table 6 Weather Category Distribution for Daytime Analysis**

| Direction | 1.9B | 7.5D | 4.1D | 1.5D | Total |
|---|---|---|---|---|---|
| N | 2.47% | 0.55% | 2.58% | 0.76% | 6.35% |
| NNE | 1.20% | 0.09% | 1.08% | 0.29% | 2.65% |
| NE | 1.13% | 0.79% | 2.01% | 0.22% | 4.16% |
| ENE | 1.06% | 1.98% | 3.15% | 0.21% | 6.40% |
| E | 1.41% | 1.81% | 3.82% | 0.29% | 7.33% |
| ESE | 0.94% | 2.89% | 3.13% | 0.24% | 7.20% |
| SE | 0.78% | 3.81% | 2.76% | 0.28% | 7.63% |
| SSE | 0.62% | 3.56% | 2.23% | 0.25% | 6.67% |
| S | 1.03% | 2.74% | 2.96% | 0.59% | 7.32% |
| SSW | 0.81% | 0.48% | 1.40% | 0.57% | 3.27% |
| SW | 1.06% | 0.71% | 2.74% | 0.82% | 5.33% |
| WSW | 1.29% | 1.53% | 2.80% | 0.89% | 6.51% |
| W | 2.28% | 2.24% | 3.25% | 1.44% | 9.21% |
| WNW | 2.16% | 1.47% | 2.53% | 1.48% | 7.64% |
| NW | 2.04% | 0.64% | 2.71% | 1.37% | 6.76% |
| NNW | 1.97% | 0.57% | 2.20% | 0.83% | 5.57% |
| **TOTAL** | 22.23% | 25.87% | 41.37% | 10.53% | 100.00% |

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**Table 7 Weather Categories Used for Night-Time Analysis**

| Weather Category | Windspeed (m/s) | Stability Class | Temperature (°C) | Relative Humidity | Solar Radiation (kW/m²) |
|---|---|---|---|---|---|
| 7.3D | 7.3 | D | 17.5 | 0.65 | 0 |
| 4D | 4 | D | 16.7 | 0.72 | 0 |
| 1D | 1 | D | 13.9 | 0.89 | 0 |
| 2.6E | 2.6 | E | 15.0 | 0.80 | 0 |
| 1F | 1 | F | 13.4 | 0.89 | 0 |

**Table 8 Weather Category Distribution for Night-Time Analysis**

| Direction | 7.3D | 4D | 1D | 2.6E | 1F | Total |
|---|---|---|---|---|---|---|
| N | 0.12% | 1.61% | 0.83% | 0.52% | 4.29% | 7.36% |
| NNE | 0.03% | 0.81% | 0.27% | 0.31% | 1.78% | 3.20% |
| NE | 0.13% | 2.18% | 0.24% | 0.49% | 2.27% | 5.30% |
| ENE | 0.05% | 1.51% | 0.21% | 0.33% | 2.21% | 4.32% |
| E | 0.08% | 1.62% | 0.24% | 0.44% | 2.45% | 4.83% |
| ESE | 0.26% | 1.81% | 0.20% | 0.35% | 1.78% | 4.40% |
| SE | 0.65% | 2.08% | 0.21% | 0.33% | 1.48% | 4.75% |
| SSE | 0.97% | 2.03% | 0.22% | 0.26% | 1.50% | 4.98% |
| S | 0.71% | 2.72% | 0.62% | 0.56% | 3.54% | 8.14% |
| SSW | 0.21% | 1.37% | 0.56% | 0.46% | 2.94% | 5.55% |
| SW | 0.21% | 2.10% | 0.73% | 0.70% | 3.93% | 7.66% |
| WSW | 0.38% | 2.03% | 0.72% | 0.71% | 4.22% | 8.06% |
| W | 0.61% | 2.14% | 0.86% | 0.64% | 5.59% | 9.84% |
| WNW | 0.32% | 1.24% | 0.63% | 0.45% | 3.66% | 6.30% |
| NW | 0.19% | 1.32% | 0.75% | 0.50% | 4.27% | 7.03% |
| NNW | 0.14% | 1.75% | 0.91% | 0.60% | 4.87% | 8.28% |
| **TOTAL** | 5.05% | 28.33% | 8.20% | 7.65% | 50.78% | 100.00% |

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# 4 HAZARD IDENTIFICATION

## 4.1 Introduction

The hazard identification was based on a review of the:

- Information on the MSE pipeline provided by APA (Section 4.2);
- Properties of Natural Gas (Section 4.3);
- Pipeline failure modes (Section 4.4);
- Consequences of a Natural Gas release (Section 4.5); and
- Control measures (Section 4.6).

The representative hazardous scenarios carried forward to the consequence analysis are listed in Section 4.7.

## 4.2 MSE Pipeline

The MSE pipeline is owned and operated by the APA Group. Information obtained from APA about the MSE pipeline in this location is presented in Table 9.

**Table 9 Data for the MSE Pipeline**

| Description | MSE Pipeline |
|---|---|
| Pipeline Owner | Gorodok Pty Ltd (part of APA Group) |
| Pipeline Name | Moomba to Sydney Ethane Pipeline |
| Product in Pipeline | Natural Gas (Repurposed) |
| Pipeline Licence (NSW) | New South Wales Licence No. 15 |
| MAOP (Maximum Allowable Operating Pressure) | 10,000 kPa |
| Operating Temperature | -5 °C to 65 °C |
| Energy Flowrate | Upto 45 TJ/day |
| Pipeline Material | KP1299 - KP1333: API 5L ERW X60<br>KP1333 - KP1375: API 5L ERW X52 |
| Pipeline Diameter | 219.1 mm (DN 200) |
| Pipeline Wall Thickness | 11.9 mm in area of concern |
| Minimum depth of cover | 1.8 m in area of concern |
| Critical defect length | 332mm |
| Cathodic Protection | Impressed current cathodic protection applied. |
| External Coating on pipeline | HDPE (Yellowjacket)<br>Joint coating is a 2-layer tape wrap system |
| Location of ALBVs from first ALBV upstream of HIA to first ALBV downstream of HIA | Upstream LV - Moorebank Ave KP1344<br>Downstream LV - Marsh Street KP1368 |
| Pressure set points for ALBVs and approximate closure time. | 4500kPa |
| Frequency of inspections and patrols undertaken | Ground Patrol Daily (Monday to Friday)<br>Aerial Patrol Fortnightly |

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| Description | MSE Pipeline |
|---|---|
| Control measures for third party activity near pipeline | 11.9mm pipe wall thickness<br>>1.2m depth of cover<br>25mm Concrete Coating of pipeline (Rockjacket)<br>Either Top slabbing or top and side slabbing in all areas of concern apart from Rail Easements<br>Marker Posts<br>BYDA (formerly known as DBYD)<br>Patrols Aerial patrol fortnightly.<br>Daily ground patrol<br>Liaison with councils, telecommunications companies, electricity companies |
| Pigging done for pipeline? If so, how often? | Metal loss intelligent pigging carried out on a risk basis program but is undertaken at 5 yearly presently. |
| Was intelligent pigging carried out to determine rate of loss of wall thickness? | Yes – no wall thickness loss has been found in this section of pipeline. |
| Location of nearest upstream pump / compressor station and pressure at this point. | Bulla Park |
| Are there non-return valves located in the pipeline downstream of and where? | Downstream NRV - Bexley Rd kp1363 |

## 4.3 Properties of Natural Gas

Natural gas is a colourless and odourless fuel gas at ambient conditions, primarily composed of methane (more than 95%). It is widely used in residential, commercial, and industrial applications, particularly for heating, power generation, and as a feedstock in chemical processing.

Due to its low molecular weight, natural gas is lighter than air and tends to disperse upward when released, which can reduce accumulation risks in open environments. It is highly flammable, forming explosive mixtures with air at concentrations between approximately 5% and 15% by volume. Although non-toxic, natural gas can displace oxygen in confined spaces, posing an asphyxiation hazard under certain conditions.

Natural gas is modelled as 100% Methane in this analysis. Physical properties of Methane are listed in Table 10.

**Table 10 Physical Properties of Methane**

| | |
|---|---|
| **Boiling Point (at 760 mmHg)** | -162 °C |
| **Flash Point** | -188 °C |
| **Autoignition Temperature** | 540 °C |
| **Relative Density (Air =1)** | 0.55 |
| **Lower Flammability Limit (vol. %)** | 5% |
| **Upper Flammability (vol. %)** | 15% |

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## 4.4 Pipeline Failure Modes

Pipelines may leak due to various causes. The four principal failure modes that may result in a leak from an underground pipeline include [8]:

- **Mechanical failures**, including material defects or design and construction faults;
- **Corrosion**, including both internal and external corrosion;
- **Ground movement and other failure modes**, including ground movement due to earthquakes, heavy rains/floods or operator error, and other natural hazards such as lightning, etc.; and
- **Third Party Activity (TPA)**, including damage from heavy plant and machinery, damage from drills/boring machines and hot tapping, etc.

The relative likelihood of each failure mode for underground pipelines in various data sources are shown in Appendix E.1.

### 4.4.1 Mechanical Failure

Leaks due to mechanical failures are usually caused by a construction fault, a material fault / defect or design of the pipeline.

This failure mode is credible for the MSE pipeline.

### 4.4.2 Corrosion

Leaks due to internal corrosion are generally a function of the material being transported, the wall thickness of the pipeline and the materials of construction.

Leaks due to external corrosion do not depend on the material being transported and are generally dependent on the soil type / conditions, pipeline coating and materials of construction, and the age of the pipeline.

This failure mode is credible for the MSE pipeline.

### 4.4.3 Ground Movement and Other Failure Modes

Pipeline leaks may occur due to ground movement (e.g. following a landslide or earthquake). The potential also exists for ground movement in the vicinity of water crossings (water erosion) or as a result of construction activities (new road infrastructure and buildings).

Other external events, such as lightning strikes, operational errors and erosion may also lead to a leak.

This failure mode is credible for the MSE pipeline.

### 4.4.4 Third Party Activity

Most leaks due to Third Party Activity (TPA) are caused by construction vehicles and equipment (drills, etc.) or by farm machinery in rural areas. The leak typically occurs immediately upon contact; however, it may be delayed (i.e. if the TPA only weakens the pipeline such that it fails at a later time). Leaks due to TPA include those caused by horizontal directional drilling (HDD), which is commonly used to install utilities and services (communication cables, etc.).

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Leaks due to TPA are particularly relevant when considering development in the vicinity of existing pipelines due to the potential for significant construction activities (e.g. new road infrastructure and buildings).

This failure mode is credible for the MSE pipeline.

## 4.5 Consequences of a Natural Gas Release

As natural gas is flammable, ignition could result in the following which are described in Section 2.5:

- **Jet Fire** - The potential for fatality due to exposure to heat radiation from a jet fire (including direct exposure to the jet) has been included in this QRA.
- **Flash Fire** - The potential for fatality due to direct exposure to a flash fire has been included in this QRA.
- **Vapour Cloud Explosion (VCE)** - The potential for fatality due to exposure to explosion overpressures have been included in this QRA.

Other potential consequences that have been considered but were deemed unlikely to cause any adverse impact are described below.

### 4.5.1 Asphyxiation

Natural Gas is a simple asphyxiant with low toxicity to humans. If a release does not ignite, then the potential exists for the gas concentration to be high enough to present an asphyxiation hazard to individuals nearby.

An atmosphere with marginally less than 21% oxygen can be breathed without noticeable effects. However, at 19.5% (which is the Occupational Safety and Health Administration's (OSHA) lower limit for confined space entry in 29 CFR 1915.12 [9]) there is a rapid onset of impairment of mental activity.

An oxygen concentration of about 15% will result in impaired coordination, perception, and judgment. This may prevent a person from performing self-rescue from a confined space.

The potential for unconsciousness and fatality is only significant at less than 10% oxygen. However, to reduce the oxygen concentration to 10% requires a relatively high concentration (viz. approximately 52% v/v, which equates to 342,000 mg/m$^3$).

Oxygen deficiency from exposure to Natural Gas should not be a major issue because the fire hazards are usually the dominant effects in most locations (the LFL for Methane is approximately one-tenth, or 10%, of the fatal asphyxiant concentration). Therefore, the potential for fatality from asphyxiation was not carried forward to the consequence, likelihood and risk estimation steps of this QRA.

### 4.5.2 Toxic Smoke

Large quantities of smoke can be produced from hydrocarbon fires, especially flammable or combustible liquids such as gasoline (petrol) and diesel; however, this is rarely injurious for persons at ground level due to the buoyancy of the hot plume and its subsequent dispersion well above ground level. Methane is a relatively clean burning fuel and the potential for injury due to smoke exposure was not carried forward to the consequence, likelihood and risk estimation steps of this QRA.

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## 4.6 Control Measures

Under the NSW Pipelines Act 1967 and Pipelines Regulation 2023, a pipeline operator must ensure the design, construction, operation, and maintenance of a licensed pipeline is in accordance with the relevant provisions of the series of Australian and New Zealand Standards AS(/NZS) 2885 for gas and liquid petroleum pipelines.

A licensee must implement a pipeline management system that relates to the pipeline operated under the licence and is in accordance with the relevant provisions of the AS(/NZS) 2885 series.

### 4.6.1 Prevention of Mechanical Failure and Corrosion

Operators of licensed pipelines under the NSW Pipelines Regulation 2023 are required to develop and implement systems and processes to ensure the pipeline structural integrity for the design life of the pipeline is in accordance with Section 6 of AS 2885.3:2022 [10] as part of the pipeline management system.

Continual monitoring is required while the pipeline is in operation to ensure that pipeline structural integrity is maintained, any anomalies or defects should be assessed and repaired. They shall not be operated above the maximum allowable operating pressure (MAOP).

Pipelines are generally inspected via pigging to observe any mechanical defects; and cathodic protection systems and external pipe coatings are implemented to minimise the likelihood of failure due to corrosion (Refer to Section 4.2 for details regarding the MSE pipeline).

### 4.6.2 Prevention of Damage due to Ground Movement and Other Failures

Normal loads (e.g. due to the internal and external pressure, weight of soil, traffic loads, etc.) and occasional loads (e.g. due to flood, earthquake, transient pressures in liquid lines and land movement due to other causes) are considered during design of a pipeline as per AS/NZS 2885.1:2018 [11].

To comply with AS/NZS 2885.1:2018 [11], additional depth of cover may also be required where the minimum depth of cover cannot be attained because of the action of nature (e.g. soil erosion, scour).

The depth of cover of pipeline in the area of concern is 1.8 m.

### 4.6.3 Prevention of Damage due to Third Party Activity

Operators of licensed pipelines under the NSW Pipelines Regulation 2023 are required to undertake a Safety Management Study (as per AS/NZS 2885.6:2018 [12]) to assess the risks associated with threats to the pipeline and to instigate appropriate measures to manage the identified threats.

Two key control measures are typically implemented by pipeline operators to minimise the likelihood of impact from TPA: the Before You Dig Australia (BYDA) process and daily / weekly patrols.

Statistical data indicates that the pipelines in NSW are 100% cathodically protected with effectiveness between 95 and 100%, and that over 96% of parties contacted DBYD before any excavation work [13].

The probability of leak on impact depends on the pipeline wall thickness. The depth of cover may also reduce the likelihood of impact.

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### 4.6.4 Mitigation Control Measures

Operators of licensed pipelines under the NSW Pipelines Regulation 2023 are required to develop and implement an Emergency Response Plan (as per Section 11 of AS 2885.3:2022 [10]) as part of the pipeline management system.

The Emergency Response Plan should detail the response and recovery strategies and procedures to address all pipeline related emergency events, including: loss of containment; full-bore pipeline rupture; fires; and, natural events.

Leaks may be detected during visual inspections, incident notifications and/or by instrumented monitoring systems. If a leak is detected, then the HP pipelines can be isolated by closing automated and/or manual valves (Refer to Section 4.2 for locations of upstream and downstream isolation valves).

## 4.7 Hazardous Scenarios for Risk Analysis

The list of hazardous scenarios included in the risk analysis is provided in Table 11.

**Table 11 List of Hazardous Scenarios**

| Hazardous Scenarios | Potential Consequences |
|---|---|
| Release of High-Pressure Natural Gas from MSE Pipeline | Jet Fire,<br>Flash Fire, and/or<br>Explosion |

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# 5 CONSEQUENCE ANALYSIS

The consequence analysis was conducted using DNV's Safeti version 9.0 software package at a height of interest of 1.5 m above ground level. The consequences of the hazardous scenarios identified were modelled to estimate the potential impacts with respect to heat radiation and overpressures. Toxic effects were not carried forward to the consequence analysis (Refer to Section 4.5.1). The consequence analysis results are presented in Appendix C.

## 5.1 Release of Natural Gas

### 5.1.1 Representative Hole Diameters

The representative hole diameters adopted for the consequence analysis are presented in Table 12. The hole diameters were selected based on a review of the available historical incident data presented in Appendix D. The selection was intended to align with the hole size categories of the leak frequency data adopted for this study (Refer to Section 6.1 and Appendix E.1). The hole size categories applicable for the MSE pipeline are as follows:

- Pinhole (≤ 25 mm);
- Small Hole (> 25 mm to ≤ 75 mm);
- Large Hole (> 75 mm to ≤ 110 mm); and
- Full-Bore Rupture (> 110 mm).

The conservative upper limit of the hole size categories was selected as the representative hole diameter for each category except for the Full-Bore Rupture (FBR) category. In the case of a FBR, flow can occur from both upstream and downstream towards the rupture. The total maximum flow area is therefore twice the cross-sectional area of the pipe. An equivalent hole diameter ($D_E$) for this scenario is $\sqrt{2} \times D$ as shown below:

$$Total\ Flow\ Area = 2 \times \frac{\pi D^2}{4} = 2 \times \frac{\pi \times 195.2^2}{4} = 59852.1\ mm^2$$

Where D is the internal diameter of the pipeline. Then,

$$\frac{\pi D_E^2}{4} = 59852.1\ mm^2$$

$$D_E = \sqrt{\frac{4 \times 59852.1}{\pi}} = 276.05\ mm$$

Leaks from underground pipelines in the pinhole size category tend to be larger for TPA incidents (i.e. typically c. 20 mm to 25 mm - Refer to Appendix D.1) than for the other failure modes (i.e. typically less than c. 10 mm). Therefore, two representative hole diameters were selected for the pinhole category: 25 mm for TPA only and 10 mm for all other failure modes.

**Table 12 Representative Hole Diameters**

| Pipeline | Internal Diameter (mm) | Representative Hole Diameter (d) | | | |
|---|---|---|---|---|---|
| | | Pinhole (≤ 25 mm) | Small Hole (25 mm < d ≤ 75 mm) | Large Hole (75 mm < d ≤ 110 mm) | FBR (> 110 mm) |
| MSE | 195.2 | 10 / 25 | 75 | 110 | 276 |

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### 5.1.2 Rate of Release

The rate of release from a pipeline leak is dependent on the pressure. A release of natural gas from the MSE pipeline was modelled at the MAOP. The average rate over the first 30 seconds was chosen as the representative release rate. The release rates for the representative hole diameters are shown in Table 13.

**Table 13 Representative Release Rates**

| Hole Diameter (mm) | Release Rate (kg/s) |
|---|---|
| 10 | 0.9 |
| 25 | 5.6 |
| 75 | 64.7 |
| 110 | 104 |
| FBR | 170 |

For hole sizes less than 75 mm (i.e. relative aperture ratio below of 0.04), the model maintains a constant pressure at the release point (i.e. steady state discharge model), which implies a constant release rate at the point of release.

### 5.1.3 Location and Direction Release

High pressure gas releases from an underground pipeline would create a crater on the ground. The direction of release from the crater is always vertical. This assumption is part of the modelling approach in Safeti and cannot be modified.

Three locations of failure were considered for all hole sizes except the FBR scenario:

- Top of the pipe (unobstructed release); or
- Middle of the pipe (on the side - obstructed release)
- Bottom of the pipe (obstructed releases)

The release frequencies were distributed between the three locations as follows:

- Top of the pipe – 63%
- Middle of the pipe – 18.5%
- Bottom of the pipe – 18.5%

### 5.1.4 Duration of Release

Any adverse impact due to the ignition of ethane will occur quickly; therefore, the duration of exposure is not as critical as it would be if there were a toxic material in the pipeline (i.e. where the adverse impact can significantly increase for longer exposure durations).

The isolation time and duration of release is not specified in the QRA as these will be significantly longer than the period of exposure required for an adverse effect to people and the time required for each representative release case to reach steady state.

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# 6 FREQUENCY AND LIKELIHOOD ANALYSIS

## 6.1 Likelihood of Release

The likelihood of a release (i.e. leak) from the MSE pipeline was estimated based on a review of the following data sources (Refer to Appendix E.1):

- Department of Climate Change, Energy, the Environment and Water, New South Wales, Licensed Pipelines Performance Reports [14]. These reports includes data for all licensed pipelines in NSW covering a 5-year period;
- UK Health and Safety Executive (HSE), 2015, Update of Pipeline Failure Rates for Land Use Planning Assessments, Research Report (RR) 1035;
- British Standards Institute, 2013, Pipeline Systems – Part 3: Steel Pipelines on Land – Guide to the Application of Pipeline Risk Assessment to Proposed Developments in the Vicinity of Major Accident Hazard Pipelines Containing Flammables – Supplement to PD 8010-1:2004, PD 8010-3:2009+A1:2013;
- US Department of Transportation (DoT), Pipeline and Hazardous Materials Safety Administration (PHMSA), Accident Reports - Reported Data for Underground Natural Gas Steel Pipelines (January 2010 to December 2024) [15]; and
- Australia/New Zealand Pipeline Incident Database

The leak frequency data reported in RR1035 by the UK HSE was adopted for the QRA as it is most comparable to the NSW performance data and it includes the leak frequency for four hole size categories (pinhole, small hole, large hole and rupture), four failure mode categories (mechanical failure, corrosion, ground movement / other and third party activity), and in some cases for varying pipe diameters and / or wall thicknesses.

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## 6.2 Likelihood of Representative Release Scenarios

The likelihood of each representative release scenario included in the risk analysis is presented in Table 14.

**Table 14 Release Frequencies for Repurposed MSE Pipeline**

| Release Scenario | Release Frequency (per km per year) | | | Probability |
|---|---|---|---|---|
| | TPA | All Other Failure Modes | Total Release Frequency | |
| 10mm (Top) | | 1.02E-04 | 1.02E-04 | 53.2% |
| 10mm (Mid) | | 3.00E-05 | 3.00E-05 | 15.6% |
| 10mm (Bottom) | | 3.00E-05 | 3.00E-05 | 15.6% |
| 25mm (Top) | 1.39E-05 | | 1.39E-05 | 7.2% |
| 25mm (Mid) | 4.07E-06 | | 4.07E-06 | 2.1% |
| 25mm (Bottom) | 4.07E-06 | | 4.07E-06 | 2.1% |
| 75mm (Top) | 1.51E-06 | 1.59E-06 | 3.10E-06 | 1.6% |
| 75mm (Mid) | 4.44E-07 | 4.66E-07 | 9.10E-07 | 0.5% |
| 75mm (Bottom) | 4.44E-07 | 4.66E-07 | 9.10E-07 | 0.5% |
| 110mm (Top) | 6.30E-08 | 1.07E-07 | 1.70E-07 | 0.1% |
| 110mm (Mid) | 1.85E-08 | 3.15E-08 | 5.00E-08 | 0.0% |
| 110mm (Bottom) | 1.85E-08 | 3.15E-08 | 5.00E-08 | 0.0% |
| FBR | 1.00E-07 | 2.52E-06 | 2.62E-06 | 1.4% |

## 6.3 Probability of Ignition

A review of relevant ignition probability data and ignition probability correlations was conducted (Refer to Appendix E.2). The following were adopted for this study:

- The total ignition probability was based on the Acton & Baldwin correlation.
- The total ignition probability was split 50:50 between immediate ignition and delayed ignition.

The ignition probabilities calculated using the correlation are presented in Table 15.

**Table 15 Ignition Probabilities**

| Pipeline Diameter (mm) | Operating Pressure (barg) | Equivalent Hole Diameter (mm) | pd^2 | Total Ignition Probability | Probability of Immediate Ignition | Probability of Delayed Ignition |
|---|---|---|---|---|---|---|
| 195.2 | 100 | 10 | 0.01 | 0.056 | 0.0278 | 0.0278 |
| | | 25 | 0.06 | 0.056 | 0.0280 | 0.0280 |
| | | 75 | 0.56 | 0.059 | 0.0297 | 0.0297 |
| | | 110 | 1.21 | 0.064 | 0.0319 | 0.0319 |
| | | FBR | 3.81 | 0.108 | 0.0539 | 0.0539 |

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# 7 RISK ANALYSIS AND ASSESSMENT

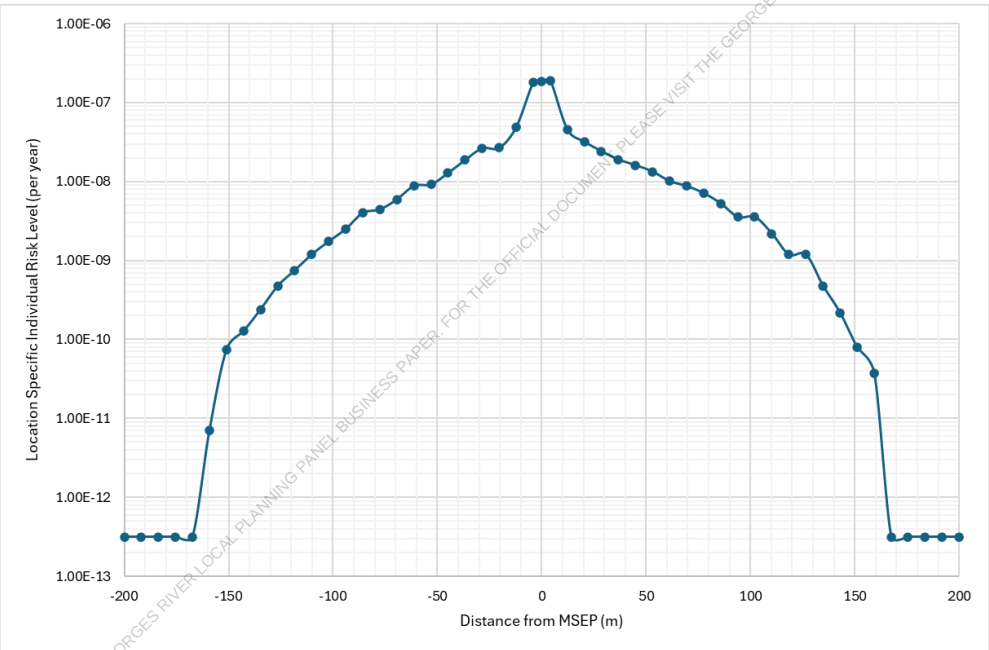
The risk analysis was conducted using DNV's Safeti version 9.0 software package. The results of the analysis are assessed with respect to the relevant criteria described in Section 2.9.

## 7.1 Location Specific Individual Fatality Risk

The location specific individual risk (LSIR) of fatality due to MSE pipeline was evaluated to be less than the NSW DPHI's lowest risk criteria threshold of 0.5 in a million per year (5E-07 per year) for sensitive land use development.

A risk transect extending 200 m in each direction perpendicular to the pipeline is shown in Figure 15. This figure illustrates the reduction in LSIR of fatality as the distance from the pipeline increases.

**Figure 15 LSIR of Fatality Transect**




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## 7.2 Injury Risk

The injury risk due to heat radiation greater than 4.7 kW/m$^2$ and explosion overpressure greater than 7 kPa were evaluated to be less than the NSW DPHI's criterion of 50 in a million per year (5E-05 per year). Events with the potential to cause acute toxic injury or irritation were not identified for inclusion in the risk analysis (Refer to Section 4.5).

## 7.3 Risk of Property Damage and Accident Propagation

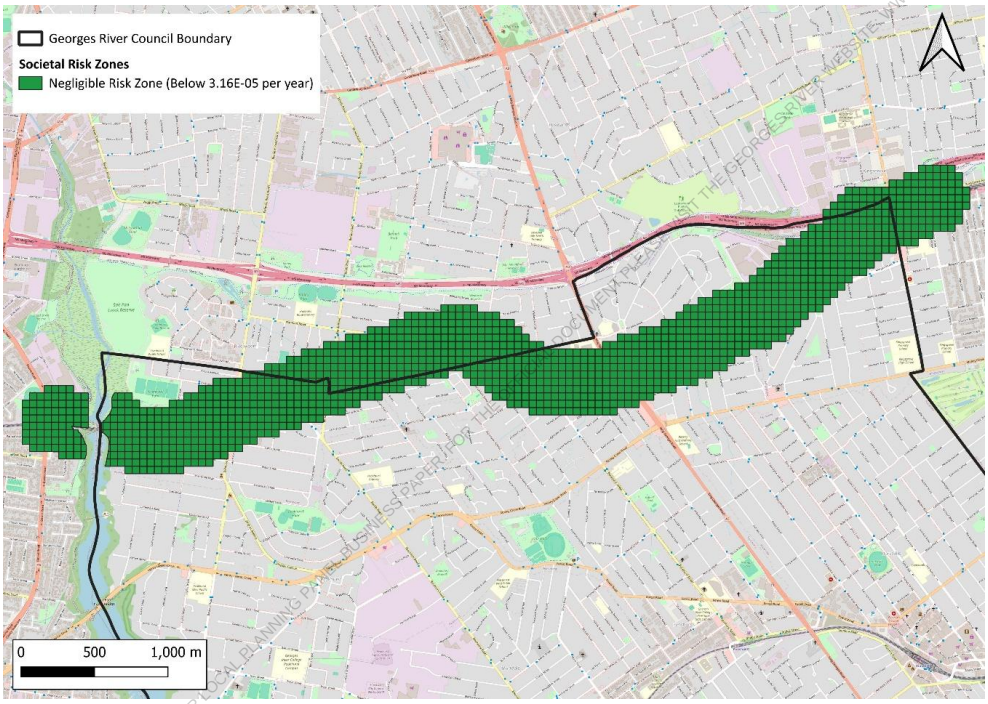
The property damage and accident propagation risk due to heat radiation greater than 23 kW/m$^2$ and explosion overpressure greater than 14 kPa were evaluated to be less than the NSW DPHI's criterion of 50 in million per year (5E-05 per year).

## 7.4 Geographical Societal Risk

### 7.4.1 Current Population

The societal risk area map of the Georges River LGA for the current population is presented Figure 16. The societal risk due to the MSE pipeline in natural gas service is in the Negligible Zone (Refer to Figure 6). Thus, implying that a reasonable population intensification can be achieved in any location within 200 m of the pipeline without exceeding the societal risk criteria.

**Figure 16 Societal Risk Area Map of Georges River LGA for the Current Population**




The maximum number of fatalities within each grid cell based on the current population is presented in Figure 17, and the FN curve based on the current population for the entire GRC study area is presened in Figure 18.

It should be noted that the measurement length is only 200 m, and this FN curve is based on the entire pipeline length through GRC. The frequency at which N or more fatalities occur is overestimated in this approach as individuals located beyond the measurement length from the release point would not be affected.

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**Figure 17 Maximum Number of Fatalities**

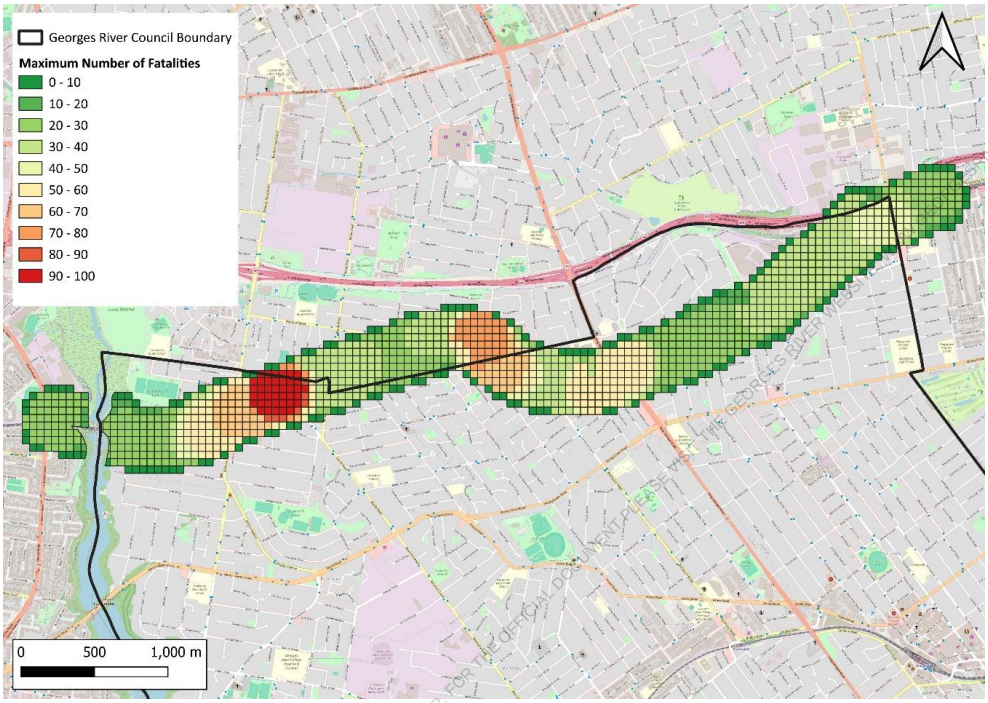
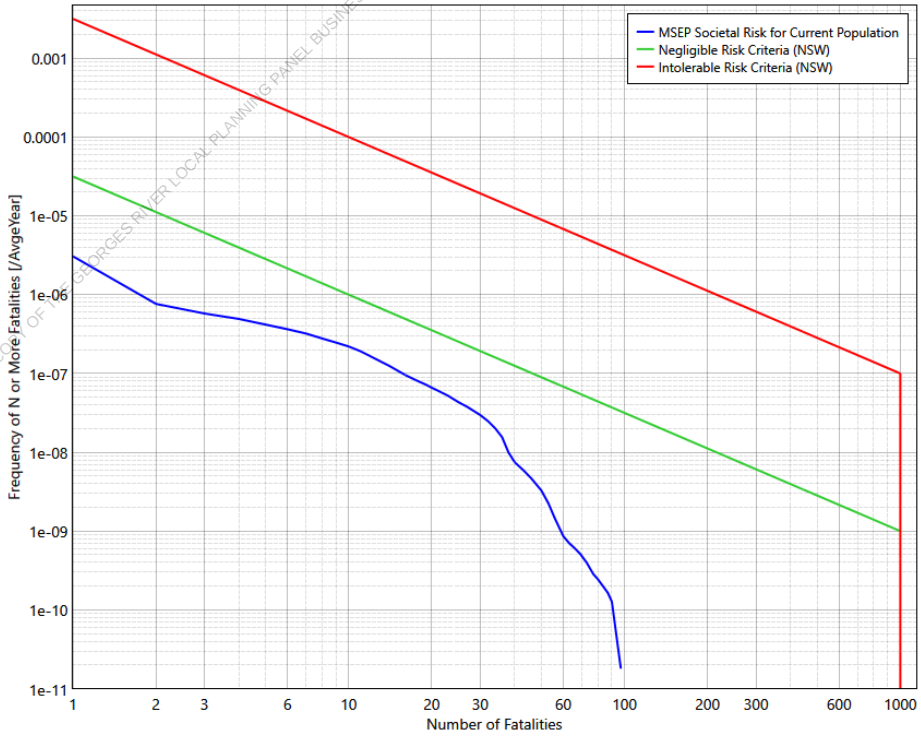



**Figure 18 FN Curve for Entire Georges River Council**



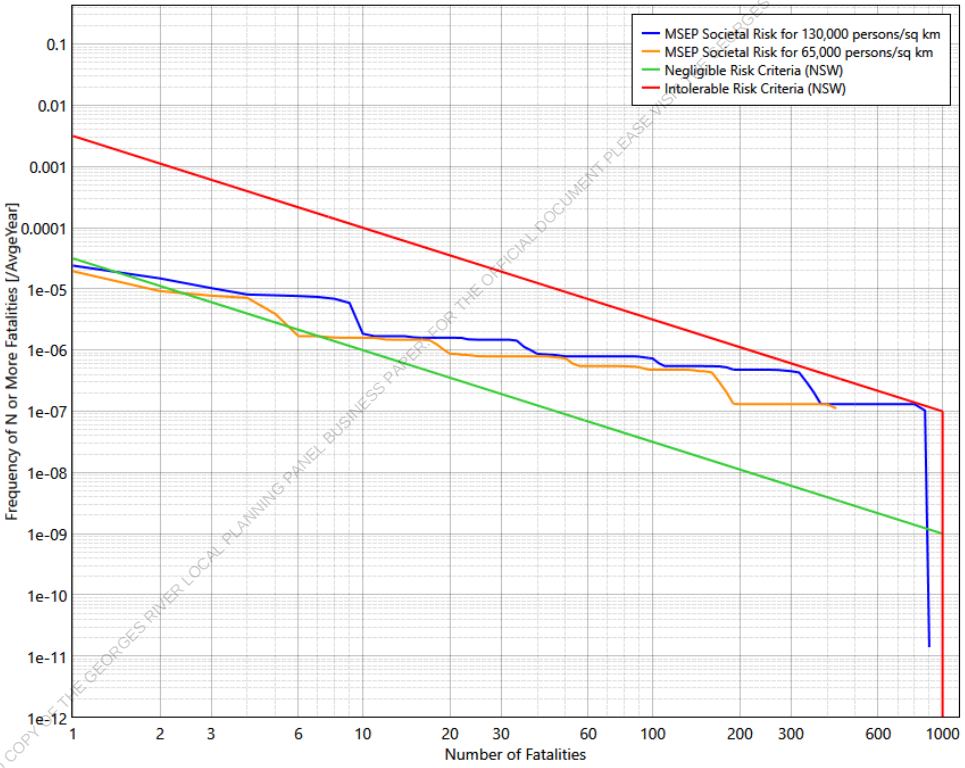

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### 7.4.2 Population Intensification

An analysis was conducted to estimate the maximum permissible population density ensuring compliance with the societal risk criteria. This involved evaluating both the current population distribution and associated fatality data to arrive at a population density that could be uniformly applied across the entire GRC.

The maximum allowable population density was determined to be 130,000 persons persons/km². This value represents the upper limit beyond which societal risk criteria would be exceeded. Additionally, a more cautious density of 65,000 persons/km² (i.e. 50% of the maximum allowable density) was considered. The FN curves for both uniform population densities are presented in Figure 19.

**Figure 19 FN Curves for Entire GRC at 130,000 and 65,000 persons/km²**

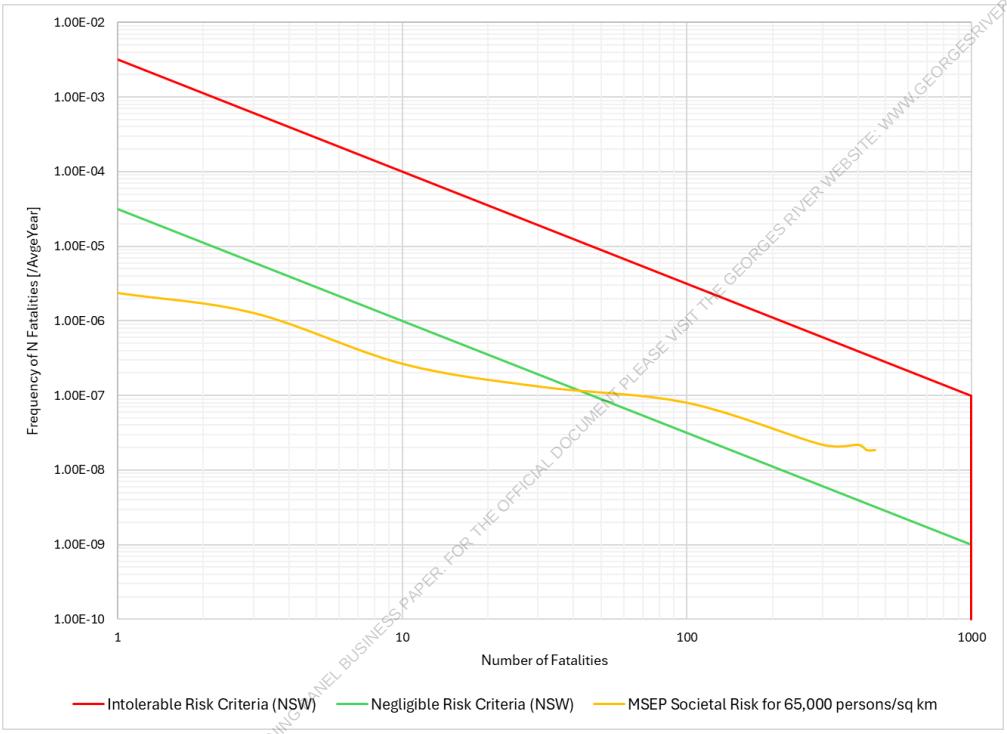



The societal risk is within the ALARP region, and the maximum number of fatalities is lower than 1000. It should be noted that the measurement length is only 200 m, and this FN curve is based on the entire pipeline length through GRC. The frequency at which N or more fatalities occur is overestimated in this approach as individuals located beyond the measurement length from the release point would not be affected.

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The FN curve per km for a uniform density of 65,000 persons/km² is presented in Figure 20. This figure illustrates the reduction in the frequency at which N or more fatalities occur due to the analysis being limited to a 1 km segment. A shorter segment such as 400 m would further reduce the frequencies.

**Figure 20 FN Curve per km for 65,000 persons/km²**




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## 7.5 Qualitative Risk

- *All 'avoidable' risks should be avoided* — The pipeline is an existing facility and cannot be relocated to avoid risk exposure. While intensification of residential dwellings could be avoided, there are significant adverse societal effects from avoiding such redevelopment such as loss of business income, increased costs of home ownership and further societal costs involved in accommodating population growth in areas where public infrastructure does not already exist.
- *The risk from a major hazard should be reduced wherever practicable* — Population intensification should be focused as far as practicable from the MSE pipeline.
- *The consequences (effects) of the more likely hazardous events (i.e. those of high probability of occurrence) should, wherever possible, be contained within the boundaries of the installation* — This is not applicable for a pipeline as there is no boundary.
- *Where there is an existing high risk from a hazardous installation, additional hazardous developments should not be allowed if they add significantly to that existing risk* — This study has not considered the potential for additional hazardous industries in the vicinity of the MSE. Should GRC receive a development application for a potentially hazardous development based upon the criteria contained within "Applying SEPP 33" [16], GRC should request the proponent include cumulative risk of the development and the MSE.

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## 8 CONSULTATION WITH OPERATOR

The operator of the pipeline, APA Group, were contacted for information. To date, no response has been received.

The nature of this report is to inform GRC on proposed land use changes to achieve desired population increases and revitalisation of town centres. This may require changes to land use zones surrounding the MSE, and as such, may require a land use change Safety Management Study (SMS) as detailed in *AS/NZS 2885.6 : 2018 Pipelines – Gas and liquid petroleum Part 6: Pipeline safety management* [12]. Such a study presents another opportunity for consultation with the operator.

The objectives of a land use change SMS include:

- Informing stakeholders, including local government, planning authorities and development proponents of the requirements of the AS(/NZS) 2885 series.
- Reviewing proposed development plans and proposing changes to minimize impacts on the pipeline.
- Managing construction activities in the vicinity of the pipeline to minimize risk.
- Identifying any protective measures that might be required so that risk remains as low as reasonably practicable despite changed surroundings.

The following information is specifically required for a land use change SMS, in addition to general information requirements listed in clause 5.2.1 of AS 2885.6 [12]:

- Revised location classification of the pipeline. Primary and secondary location classes are defined in AS/NZS 2885.6 based upon the surrounding land use, and reflect threats to pipeline integrity, and risks to people, property and the environment. The location class of the pipeline may change with as land use changes. Given the proximity of the pipeline to several schools in both the GRC and CBC, as well as the existing residential densities, it is expected the location classification of the pipeline is already the highest possible.
- Details of any construction activities close to the pipeline that are associated with the land use change. These details are not available as yet.
- Any other threats introduced by the land use change. The proposed land use changes are not significantly different from existing land use. Therefore, it is not expected any new threats will be introduced, as there may be expected if mining was proposed in a rural area.

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# 9 FINDINGS AND RECOMMENDATIONS

## 9.1 Findings

The following finding were made from the risk analysis and assessment:

- The LSIR of fatality risk is below the relevant NSW DPHI risk criteria.
- There is no impediment to sensitive, residential, commercial, active open space, or industrial development on the basis of LSIR. Such developments, however, are still subject to the limitation of population to ensure societal risk criteria is satisfied.
- The injury, property damage and accident propagation risks are below the relevant NSW DPHI risk criteria.
- The current maximum societal risk is within the Negligible zone of the DHPI societal risk criteria presented in HIPAP 6 and HIPAP 10.
- Based on the societal risk area map provided, any location within 200 m of the pipeline can be considered for population intensification.
- The maximum uniform population density that can be accommodated without exceeding any societal risk criteria is 135,000 persons/km$^2$.

## 9.2 Recommendations

The following recommendations are made for the consideration of GRC:

### 9.2.1 Recommendation 1 – Sensitive Use Development

*Consider restricting sensitive use developments on properties within the measurement length of 200 m from the pipeline.*

*Sensitive use developments are those for use by sectors of the community who may be unable to protect themselves from the consequences of a pipeline failure event, and include the following land uses as per Standard Instrument—Principal Local Environmental Plan (2006 EPI 155a) - NSW Legislation:*

- *School*
- *Hospital*
- *Seniors housing*
- *Respite day care centre*
- *Early education and care facility*
- *Correctional centre*

*Although the DPHI's individual risk criterion for sensitive use development ($0.5 \times 10^{-6}$ fatalities per annum) was not exceeded, this recommendation is based upon the first of the qualitative criteria in HIPAP 10, "All 'avoidable' risks should be avoided". Placing vulnerable individuals in close proximity to the pipeline could be avoided and warrant precautionary land use controls.*

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### 9.2.2 Recommendation 2 – Population Intensification

*Limit the future population density within the measurement length of 200 m from the pipeline to an average density of 65,000 persons/km², with the peak density not exceeding 135,000 persons/km², to ensure compliance with societal risk criteria.*

*For example, in a development that includes an apartment complex and a large garden area, the density within the complex itself may reach up to 135,000 persons/km², while the average density across the entire development including the garden area should be limited to 65,000 persons/km².*

### 9.2.3 Recommendation 3 – Consultation with Pipeline Operator

*Following any changes to land zoning, participate in required land use change safety management studies in consultation with APA.*

### 9.2.4 Recommendation 4 – Future Developments Meeting Societal Risk Criteria

*Allow development applications with population densities less than those specified in Recommendation 2 to rely upon this report as evidence that the proposal complies with Hazardous Industry Planning Advisory Paper No. 4 – Risk Criteria for Land Use Safety Planning (refer Planning Circular PS 24-005).*

### 9.2.5 Recommendation 5 – Future Developments where Societal Risk is Unknown

*Should a development exceed the population density limits specified in Recommendation 2, the basis of recommendation 4 will be undermined, and **all** future developments within 200 m of both the pipeline and the development exceeding the limit will need to independently demonstrate compliance with the risk criteria in HIPAP 4 and 10.*

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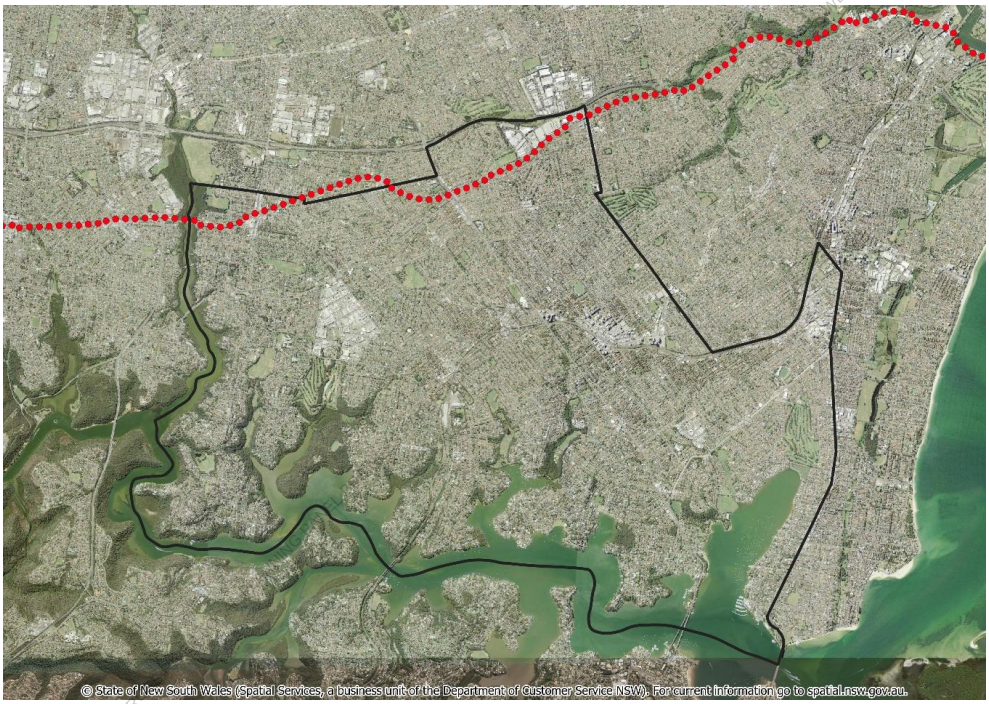
# Appendices

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# Repurpose of Moomba to Sydney Ethane Pipeline
# Hazard Analysis
# Appendices

For Georges River Council

21 August 2025




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LPP001-26 Attachment 2



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## Notation

| Abbreviation | Description |
|---|---|
| ABS | Australian Bureau of Statistics |
| AGL | Above Ground Level |
| APD | Australian Pipeline Database |
| APGA | Australian Pipeline and Gas Association |
| Arriscar | Arriscar Pty Limited |
| BoM | Bureau of Meteorology |
| CIA | Chemical Industries Association |
| CONCAWE | Conservation of Clean Air and Water in Europe |
| GRC / Council | Georges River Council |
| EGIG | European Gas pipeline Incident Group |
| HIPAP | Hazardous Industry Planning Advisory Paper |
| IOGP | International Association of Oil & Gas Producers |
| LFL | Lower Flammable Limit |
| LGA | Local Government Area |
| LPG | Liquified Petroleum Gas |
| LUP | Land Use Planning |
| MAHPs | Major Accident Hazard Pipelines |
| MSE Pipeline | Moomba to Sydney Ethane Pipeline |
| NSW DPHI | New South Wales Department of Planning, Housing and Infrastructure |
| QRA | Quantitative Risk Assessment |
| RR | Research Report |
| TNO | Netherlands Organisation for Applied Scientific Research |
| TPA | Third Party Activity |
| UFL | Upper Flammable Limit |
| UK HSE | United Kingdom Health and Safety Executive |
| UKOPA | United Kingdom Onshore Pipeline Operators' Association |
| US DoT | United States Department of Transport |
| VBR | Volume Blockage Ratio |
| VCE | Vapour Cloud Explosion |

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## Appendix A Assumptions

It is necessary to make technical assumptions during a risk analysis. These assumptions typically relate to specific data inputs (e.g. material properties, equipment failure rates, etc.) and modelling assumptions (e.g. release orientations, vulnerability criteria, etc.).

To comply with the general principles outlined in Section 2.2 of Hazardous Industry Planning Advisory Paper (HIPAP) No. 6, all steps taken in the risk analysis should be: "*traceable and the information gathered as part of the analysis should be well documented to permit an adequate technical review of the work to ensure reproducibility, understanding of the assumptions made and valid interpretation of the results*". Therefore, details of the key assumptions adopted for the risk analysis are provided in this Appendix.

Each assumption is numbered and detailed separately. The basis for each assumption is explained together with its potential impact on the risk results and the hazardous scenarios affected by the assumption. Key references are also listed for each assumption.

The analysis was conducted in Safeti 9.0 software package. Where relevant, the implementation of an assumption in Safeti is also described.

It is important that the assumptions be supported by:

- experimental data in the literature, where available;
- actual operating experience, where available;
- similar assumptions made by experts in the field and a general consensus among risk analysts; and
- engineering judgement of the analyst.

The main objectives are to minimise uncertainty in the risk estimate as far as is possible, and to ensure that the assumptions result in a 'conservative best estimate' of the risk. Such an approach is consistent with the following extract from Section 5 of HIPAP No. 6: "*In the consequence analysis and throughout the hazard analysis, the analyst must be conscious of the uncertainties associated with the assumptions made. Assumptions should usually be made on a 'conservative best estimate' basis. That is, wherever possible the assumptions should closely reflect reality. However, where there is a substantial degree of uncertainty, assumptions should be made which err on the side of conservatism.*"

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# Operational Data

## A.1 Assumption No. 1: Pipeline Operating Conditions at the Time of Release

- **Assumptions:**
  - The operating pressure and temperature of the pipeline were assumed to be 10 MPag (MAOP) and -5 °C respectively.
  - The mass flowrate of Natural Gas through the pipeline was assumed to be 10.4 kg/s based on an energy flowrate of 45 TJ/day and a heat of combustion of 50 MJ/kg.
- **Justification and Impact of Assumptions:**
  - All operational data for the pipeline was provided by the pipeline owner (APA Group).
  - The pressure used to model the release rates was based on the pipeline pressure near Georges River Council (GRC), as advised by the pipeline owner (APA Group).
  - Operating conditions (particularly operating pressure) are required to undertake the consequence modelling.
  - Providing a flow will slow the rate of pressure reduction calculated by the 'Long Pipeline' model.
- **Hazardous Scenarios Affected:**
  - All.
- **Implementation in Safeti:**
  - Temperature and pressure fields in the material tab of the long pipeline polyline equipment item.
- **References:**
  - Sherpa Consulting Pty Ltd, "Pipeline Hazard Analysis: Moomba to Sydney Ethane Pipeline Repurposing Modification, 2024.

## A.2 Assumption No. 2: Pipeline Utilisation

- **Assumptions:**
  - The pipeline is utilised 100% of the time.
- **Justification and Impact of Assumptions:**
  - Utilisation data is required to estimate the likelihood of hazardous events (i.e. leak frequency).
  - Natural Gas is always present in the pipeline, except during rare periods of major maintenance.
  - The Natural Gas will be supplied to the East Coast Gas Grid which nominally operates 24 hours a day, 7 days a week.
- **Hazardous Scenarios Affected:**
  - All.
- **Implementation in Safeti:**
  - Failure frequency field in the risk tab of the long pipeline polyline equipment item.

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- The utilisation is incorporated during the estimation of the failure frequency of the pipeline.

- **References:**
  - APA Group, "Modification Report: Moomba to Sydney Ethane Pipeline Repurposing (IS505100)," 2024

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# Locational Data

## A.3 Assumption No. 3: Representative Meteorological Conditions

- **Assumptions:**
  - Representative meteorological data is based upon 25 years of observations at Bankstown Airport weather station (ID - 066137) operated by the Australian Bureau of Meteorology (BoM).
  - The average ambient conditions (temperature, solar radiation and relative humidity), and the probabilistic distribution of wind speed and wind direction for the representative stability classes were determined using BoM data.
  - The data was split into daytime and night-time conditions.
  - Night-time is considered the period from 1 hour before sunset, to one hour after sunrise. This approximates to 10 hours daytime and 14 hours night-time.
- **Justification and Impact of Assumptions:**
  - Meteorological data is required to undertake the dispersion and consequence analysis.
  - Meteorological data (mean cloud cover, temperature, wind speeds, etc.) is collected by the BoM. Bankstown Airport is approximately 9 km from GRC and it is one of the two closest BoM weather stations, the other being Sydney Airport (ID 066037) at approximately 8 km from the Council.
  - Sydney Airport is located much closer to the coast. Therefore, Bankstown Airport is considered the more representative location.
  - Raw data from Bankstown Airport observations have been rationalised into a set of wind speed and weather stability classes for dispersion calculations.
  - Wind will cause flames to tilt downwind. The higher the wind speed, the greater the tilt. The net effect of the tilt is to increase the heat radiation in the downwind direction. This is much more pronounced for pool fires than jet fires because jet fires have much greater momentum. An allowance for flame tilt is included in the Safeti models for pool fires and vertical jet fires. The Safeti model assumes horizontal jet fires are directed in the same direction as the wind.
  - The downwind gas concentrations, and hence the hazard ranges for dispersion of flammable gas or vapour, vary with wind speed and weather stability class. Therefore, multiple representative wind speed and stability class categories are included in accordance with standard practice for undertaking a quantitative risk assessment (QRA).
  - The day/night split of the weather data is required to allow for the fact that residential, commercial, and industrial occupancies change over a 24-hour period.
- **Hazardous Scenarios Affected:**
  - All.
- **Implementation in Safeti:**
  - Weather folder/tab.
- **References:**
  - BoM meteorological data for Bankstown weather station (ID – 066137).

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## A.4 Assumption No. 4: Surface Roughness Length

- **Assumptions:**
  - A conservative roughness length of 1 m is applicable for GRC.
- **Justification and Impact of Assumptions:**
  - The surface roughness affects the dispersion analysis. As the surface roughness increases, a release of gas or vapour will disperse faster with increasing distance from the source. Therefore, it is necessary in Safeti to select a surface roughness length that is representative of the types of terrain and obstacles near the source of release.
  - The roughness length for different surface types, as listed in the Safeti user manual, is shown in Table 1. GRC is predominantly a suburban area, it is most associated with the terminology of "regular large obstacle coverage (suburb, forest)"

**Table 1 Surface Roughness Lengths**

| Description | Roughness Length (m) |
|---|---|
| Open water, at least 5 km | 0.0002 |
| Mud flats, snow, no vegetation, no obstacles | 0.005 |
| Open flat terrain, grass, few isolated objects | 0.03 |
| Low crops; occasional large obstacles, x/h > 20 | 0.1 |
| High crops, scattered large obstacles, 15<x/h<20 | 0.25 |
| Parkland, bushes, numerous obstacles, x/h<15 | 0.5 |
| Regular large obstacle coverage (suburb, forest) | 1 |
| City centre with high- and low-rise buildings | 3 |

  - It is not possible to define different surface roughness lengths for different locations within a single Safeti model. Only a single representative value can be defined for the entire area.
- **Hazardous Scenarios Affected:**
  - Dispersion modelling for all relevant hazardous scenarios.
- **Implementation in Safeti:**
  - Surface roughness length field in the dispersing surface tab of the surface parameters.
- **References:**
  - Safeti software documentation.

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## A.5 Assumption No. 5: Location of the High-Pressure Gas Pipeline

- **Assumptions:**
  - The location of the pipeline is sourced from the Australian Pipeline and Gas Association's (APGA) Australian Pipeline Database (APD).
- **Justification and Impact of Assumptions:**
  - The APD is made available to users to raise awareness of the location of high-pressure hydrocarbon pipelines and facilitate discussions between pipeline operators and stakeholders regarding the potential for planning and development decisions to trigger requirements in the series of Australian and New Zealand Standards AS(/NZS) 2885 for gas and liquid petroleum pipelines.
  - Use of the APD is conditional on several factors that are consistent with the objectives of this study, including:
    - The APD is to be used solely for the purpose of facilitating discussion regarding planning activity and decisions in the vicinity of pipelines. **This is consistent with the objectives of this study.**
    - The APD is not to be used for proving and construction activities. Dial Before You Dig enquiries must be made for these activities and any condition complied with. **It is not the intent of this study to provide detailed construction information.**
  - When overlayed onto aerial photos, the APGA Pipeline database accuracy appears no less accurate than the accuracy expected of the consequence models and frequency estimates.
- **Hazardous Scenarios Affected:**
  - All.
- **Implementation in Safeti:**
  - Eastings and Northings of pipeline vertices recorded in the geometry tab of the pipeline polyline equipment item. Vertices are obtained by manipulating geometry exported from APD.
- **References:**
  - APGA Australian Pipeline Database.

## A.6 Assumption No. 6: Total Surrounding Population (Day and Night)

- **Assumptions:**
  - The residential and employment populations are based upon the 2021 Census of Population and Housing conducted by the Australian Bureau of Statistics (ABS).
  - Residential populations were extracted at the mesh block level, while the employment populations were extracted at the destination zone level.
  - A population analysis was conducted to distribute the employment population throughout the mesh blocks for the purposes of this study. This analysis and the assumptions made are presented in Appendix B.
- **Justification and Impact of Assumptions:**
  - The total population, population density, and the % of the total population present during the day and night are required for estimation of the societal risk.

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- The 2021 Census data is the most recent population data available.
- NSW DPHI population projections are not available at the mesh block level which is the level of granularity required for the objectives of this study.

- **Hazardous Scenarios Affected:**
  - All societal risk calculations. Population density, along with the consequence distances, determines the F-N points of the societal risk.
  - Locational specific risk is not impacted by these assumptions.
- **Implementation in Safeti:**
  - Population field in the population tab of the population polygons.
- **References:**
  - Census of Population and Housing, 2021, TableBuilder.

## A.7 Assumption No. 7: Locational Distribution of People

- **Assumptions:**
  - The percentage of people located indoors and outdoors during the day and night is presented in Table 2:

**Table 2 Assumed Proportion of Population Indoor and Outdoor During Day and Night**

| Location | Daytime | Night-Time |
|---|---|---|
| Indoor | 90% | 99% |
| Outdoor | 10% | 1% |

  - All populations are located at ground level.
- **Justification and Impact of Assumptions:**
  - The proportion of people located indoors and outdoors will affect the societal risk analysis, as the vulnerability to fires, explosion, etc. depends on the location.
  - The default values recommended by the Netherlands Organization for Applied Scientific Research (TNO) in the 'Purple Book' for residential and industrial areas are tabulated in Table 3.

**Table 3 Proportion of Population Indoor and Outdoor During Day and Night (TNO)**

| Location | Daytime | Night-Time |
|---|---|---|
| Indoor | 93% | 99% |
| Outdoor | 7% | 1% |

  - The % of the total population located indoors and outdoors was estimated from similar risk analyses (Including some data provided by NSW DPHI). It is reported in these analyses that the % of people indoors and outdoors is 90% indoors and 10% outdoors during the day, which differs slightly from the TNO data, but is typically justified as being more applicable for Australian environmental conditions. Similarly, it is reported in these analyses that the % of people indoors and outdoors is 95 to 99% indoors and 1 to 5% outdoors during the night.
- **Hazardous Scenarios Affected:**
  - All societal risk calculations.
- **Implementation in Safeti:**

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- Fraction of population indoors for societal risk field in the general risk tab of the population polygons.

- **References:**
  - RIVM, Guidelines for Quantitative Risk Assessment (Purple Book), CPR 18E, 3rd edition, VROM, 2005

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# Consequence Analysis

## A.8 Assumption No. 8: Representative Materials

- **Assumptions:**
  - Natural gas is modelled as 100% Methane.
- **Justification and Impact of Assumptions:**
  - The composition and materials used affect the magnitude of the consequences.
  - Materials containing multiple components are simplified for modelling purposes by choosing a representative component to best approximate the variable composition.
  - Natural gas is 97% Methane. Modelling a representative material rather than a multi-component material reduces complexity, limits the potential for inconsistencies and ultimately has a minimal effect on the results.
- **Hazardous Scenarios Affected:**
  - All.
- **Implementation in Safeti:**
  - Material field in the material tab of the long pipeline polyline equipment item.
- **References:**
  - Data provided by APA group.

## A.9 Assumption No. 9: Representative Release Rates

- **Assumptions:**
  - Release events are modelled using the 'Long Pipeline' model in Safeti at the MAOP of 10 MPag. The model calculates the reduction in release rate over time (i.e. it is a time-varying discharge model).
  - The average rate over the first 30 seconds was chosen as the representative release rate for each event and subsequent consequences.
  - For hole sizes with a relative aperture ratio below of 0.04, the model maintains a constant pressure at the release point (i.e. steady state discharge model), which implies a constant release rate at the point of release.
- **Justification and Impact of Assumptions:**
  - All operational data for the pipeline was provided by the pipeline owner (APA Group).
  - The release rate is highly sensitive to pipeline pressure.
  - The long pipeline model assumes the input pressure is reduced by frictional losses along the pipeline length until the breach point. This results in a lower pressure at the release point leading to a lower release rate.
- **Hazardous Scenarios Affected:**
  - All.
- **Implementation in Safeti:**
  - Pressure field in the material tab of the long pipeline polyline equipment item.

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- Pumped inflow field in the scenario tab of the long pipeline polyline equipment item.
- The following fields in the time varying releases tab of the long pipeline polyline the equipment item:
  - Duration of interest;
  - Method for calculating average rate; and
  - Expected number of average rates.
- Relative size for "small breach" – liquid field in the long pipe tab of the discharge parameters or long pipeline polyline equipment item.

- **References:**
  - Data provided by APA Group.
  - Safeti software documentation.

## A.10 Assumption No. 10: Representative Hole Diameters

- **Assumptions:**
  - The consequence analysis was based on the representative hole diameters shown in Table 4:

**Table 4 Representative Hole Diameters**

| Pipeline | Internal Diameter (mm) | Representative Hole Diameter (d) | | | |
|---|---|---|---|---|---|
| | | Pinhole (≤ 25 mm) | Small Hole (25 mm < d ≤ 75 mm) | Large Hole (75 mm < d ≤ 110 mm) | FBR (> 110 mm) |
| MSE | 195.2 | 10 or 25 | 75 | 110 | 276 |

- **Justification and Impact of Assumptions:**
  - The representative hole diameters were selected based on a review of the available historical incident data (Refer to Appendix D), and the leak frequency data (Refer to Appendix E) adopted for this study which included four hole size categories:
    - Pinhole (≤ 25 mm);
    - Small Hole (> 25 mm to ≤ 75 mm);
    - Large Hole (> 75 mm to ≤ 110 mm); and
    - Rupture (> 110 mm).
  - Leaks from underground pipelines in the pinhole size category tend to be larger for TPA incidents (i.e. typically 20 mm to 25 mm – Refer to Appendix D.1) than for the other failure modes (i.e. typically less than 10 mm). Therefore, two representative hole diameters were selected in this category: 25 mm for TPA and 10 mm for all other failure modes.
    - This is also consistent with the predicted hole sizes in this size category reported in Table E5 of AS/NZS 2885.1:2018, which are based on excavator weight and tooth dimensions (i.e. 15 mm for 5 tonne excavators, 20 mm for 10-15 tonne excavators and 25 mm for 20-25 tonne excavators).

- **Hazardous Scenarios Affected:**
  - All.

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- **Implementation in Safeti:**
  - Hole diameter field in the scenario tab of each release scenario of the long pipeline polyline equipment item.
- **References:**
  - Refer to Appendix D and Appendix E.

## A.11 Assumption No. 11: Location of Release from Pipeline

- **Assumptions:**
  - High pressure gas releases from an underground pipeline would create a crater on the ground. The direction of release from the crater is always vertical. This assumption is part of the modelling approach in Safeti and cannot be modified.
  - The location of failure on the pipe can be taken as:
    - Top of the pipe (unobstructed release)
    - Middle of the pipe (on the side - obstructed release)
    - Bottom of the pipe (obstructed releases)
  - The release frequency is distributed between the three locations:
    - Top of the pipe – 63%
    - Middle of the pipe – 18.5%
    - Bottom of the pipe – 18.5%
- **Justification and Impact of Assumptions:**
  - The crater size depends on the location of the hole on the pipe and hence all three locations (top, middle and bottom) may be modelled.
  - Top releases are taken as non-obstructed releases; middle and bottom releases are taken as obstructed releases.
  - Impingement reduces the momentum of the release, and the dispersion modelling is dominated by the representative wind conditions.
  - The UK HSE (RR 1034) reports that some data from UKOPA includes the 'hole circumferential position' for releases from underground pipelines. Based on the 71 recorded incidents (All pipelines and materials) and average crater dimensions, an unobstructed release (c. ±71° from vertical) was estimated to occur for 63% of the releases and an obstructed release was estimated to occur for the balance 37% of releases. The distribution is not reported for different failure modes.
- **Hazardous Scenarios Affected:**
  - All.
- **Implementation in Safeti:**
  - Accident type for buried sections field in the scenario tab of each release scenario of the long pipeline polyline equipment item.
- **References:**
  - Safeti software documentation.
  - UK HSE, Review of the Event Tree Structure and Ignition Probabilities used in HSE's Pipeline Risk Assessment Code MISHAP, Research Report (RR) 1034, 2015.

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## A.12 Assumption No. 12: Maximum Extent of Flash Fires

- **Assumptions:**
  - The maximum extent of a flash fire is defined by the downwind and crosswind distances from the release location to a concentration equal to 100% of the lower flammability limit (LFL).
  - The concentration is calculated using an averaging time of 18.75s.
- **Justification and Impact of Assumptions:**
  - Justification is provided in (Benintendi, 20171031, p. 341):
    - For passive dispersion models, the shorter the averaging time, the higher the centreline concentration, and there is concern that flammable concentrations may exist beyond the 100% LFL contour determined for a specific averaging time.
    - To take into account the different averaging times, the following empirical formula is recommended for converting concentrations from a 10-minute averaging time to another (Hanna et al., 1993):
      - $\frac{C_t}{C_{600}} = \left(\frac{600}{t}\right)^{0.2}$ …(1)

      where time is in seconds. Ct denotes time averaged concentration at the new averaging time of t seconds.
    - Hanna claims that experimentally:
      - $C_{max} = 2 \times C_{600}$ …(2)

      where Cmax is the maximum peak concentration in the plume.
    - Substituting $C_{max}$ from (2) with $C_{600}\left(\frac{600}{t}\right)^{0.2}$ from (1) and solving for t, it yields,
      - *t = 18.75 s.*
  - This time should be adopted to carry out worst case predictions for the extent of 100% LFL. It is the core averaging time for flammable dispersion in Safeti.
  - For the materials under consideration, flash fires are not expected to be a major contributor because the gases involved are either buoyant, or have a neutral buoyancy, and should ignition occur, effects from jet fires are expected to dominate.
- **Hazardous Scenarios Affected:**
  - All hazardous scenarios with a flash fire as a potential outcome.
- **Implementation in Safeti:**
  - Flammable averaging time and LFL fraction to finish fields in the flammables tab of the flammable parameters.
- **References:**
  - Safeti software documentation.
  - Benintendi, R. (20171031). Process Safety Calculations. [VitalSource Bookshelf version]. Retrieved from vbk://9780081012291.
  - Hanna, S.R., Strimaitus, D.G., Chang, J., 1993. Hazard Response Modeling Uncertainty (A Quantitative Method) Vol 11 - Evaluation of Commonly Used

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Hazardous Gas Dispersion Models, Environics Division Air Force Engineering & Services Center, Engineering & Services Laboratory.

## A.13 Assumption No. 13: Isolation Time and Duration of Release

- **Assumptions:**
  - Isolation time and duration of release is not specified as these will be significantly longer than the time taken for the release to reach steady state and the period of exposure required for an adverse effect on people.
- **Justification and Impact of Assumptions:**
  - Natural gas is flammable, and any adverse impact will occur quickly (fire or explosion); therefore, the duration of exposure is not as critical as it would be if there were toxic materials in the pipeline (i.e. where the adverse impact can significantly increase for longer exposure durations).
  - The consequence calculations of the Long Pipeline Model, uses the average releases rate over the first 30 seconds and an exposure time of 30 seconds (user specified), compared to isolation valve closure times which typically vary from minutes (full bore rupture case) to hours (small to medium leaks).
- **Hazardous Scenarios Affected:**
  - All.
- **Implementation in Safeti:**
  - Not implemented in Safeti.
- **References:**
  - Safeti software documentation.

## A.14 Assumption No. 14: Shielding by Intervening Structures

- **Assumptions:**
  - The presence of intervening structures (e.g. buildings) does not shield other receptors from heat radiation.
- **Justification and Impact of Assumptions:**
  - In the Safeti software, it is not possible to take account of the potential protection provided by intervening structures.
  - People located indoors are typically less vulnerable to fire, which is a relevant consideration for the societal risk assessment (Refer to Assumption No. 20).
- **Hazardous Scenarios Affected:**
  - All hazardous scenarios with a pool fire or jet fire as a potential outcome.
- **Implementation in Safeti:**
  - Not implemented in Safeti.
- **References:**
  - Safeti software documentation.

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## A.15 Assumption No. 15: 3D Explosion Method and Model Parameters

- **Assumptions:**
  - The peak side-on overpressure resulting from an explosion is estimated using the 3D Obstructed Region Explosion Modelling option in the Safeti software.
  - The maximum explosive mass in a flammable gas or vapour cloud is the maximum mass between the LFL and UFL concentration for that section of the cloud that overlaps a congested area.
  - An obstructed region with a blast strength of 4, Volume Blockage Ratio (VBR) of 5%, and a height of 5 m Above Ground Level (AGL) was utilized to model the severity of explosions.
  - Explosions in unobstructed regions were modelled with a blast strength of 2 and an explosion efficiency of 100%.
  - Only overpressure effects are included. Projectiles and whole-body displacement are not included.
- **Justification and Impact of Assumptions:**
  - The explosive mass and blast strength are key parameters for modelling the overpressures from a VCE. The blast strength determines the peak overpressure generated by the explosion. The VBR determines the mass involved in the explosion.
  - There are no significantly congested locations in the study area; however, a confined explosion could occur if gas or vapour enters a building.
  - The blast strength is estimated based on the obstructed volume (%) and potential obstructions in each congested area. The following congested areas are present:
    - Buildings – A medium obstructed volume (60% for a residential building) and a moderate level of congestion are assumed to simulate the entry of gas or vapour into the building, followed by a confined explosion. This corresponds to curve number 4 of the TNO Multi-Energy Model.
    - The open spaces between the buildings are not strictly congested areas; however, the presence of vehicles, trees etc. at ground level may contribute to flame acceleration and the formation of an overpressure if ignition occurs.
- **Hazardous Scenarios Affected:**
  - All hazardous scenarios with a VCE as a potential outcome.
- **Implementation in Safeti:**
  - Explosion method in settings tab.
  - Uniform confined explosion method in the explosion parameters tab of the equipment item.
  - Uniform confined explosion strength and uniform confined method explosion efficiency fields in the multi-energy tab of the explosion parameters.
  - Unconfined explosion strength and explosion efficiency fields in the ME (3D options) tab of the explosion parameters.
- **References:**

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- Centre for Chemical Process Safety, Estimating the flammable mass of vapour clouds", American Institute of Chemical Engineers, 1999.
- TNO, Methods for the Calculation of Physical Effects, 'Yellow Book', CPR 14E, 3rd Edition, VROM PGS 2, 2005.
- Safeti software documentation


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# Likelihood Analysis

## A.16 Assumption No. 16: Likelihood of Release (Loss of Containment)

- **Assumptions:**
  - The UK HSE pipeline failure rate data is the most appropriate data to be used for the hazard analysis.
- **Justification and Impact of Assumptions:**
  - The estimated likelihood of release (or loss of containment) is a critical and significant input for the analysis. The risk results are directly proportional to this input.
  - Generic failure rate data for cross-country pipelines from Australia, UK, USA and Europe were reviewed. The failure rate from the UK HSE pipeline failure rate data is the closest large international database with hole size distribution to the overall failure rate from the NSW Pipeline Performance reports. Further details are presented in Appendix E.1.
- **Hazardous Scenarios Affected:**
  - All.
- **Implementation in Safeti:**
  - Failure frequency field in the risk tab of the equipment item.
  - The likelihood is incorporated during the estimation of the failure frequency of the pipeline.
- **References:**
  - Refer to Appendix E.1.

## A.17 Assumption No. 17: Ignition Probability

- **Assumptions:**
  - The probability of ignition is based on the correlation of Acton and Baldwin as represented in the IOGP Risk Assessment Data Directory 434-06 "Ignition Probabilities", being

$$P_{(ign)} = Min(0.0137 \times pd^2 + 0.0555, 1),$$

    where $p$ is the pipeline operating pressure (bar, gauge pressure) and $d$ is the pipeline diameter (m).

  - For puncture releases (all causes), the same ignition probability relationship may be applied, with $d$ equal to the release hole diameter and with the coefficient of the pd^2 value halved.

$$P_{(ign)} = Min(0.00654 \times pd^2 + 0.0555, 1)$$

- **Justification and Impact of Assumptions:**
  - The estimated probability of ignition is a critical and significant input for the risk analysis. For the purposes of this analysis, ignition is required for a hazardous scenario causing injury to people.
  - Relevant ignition data for cross-country pipelines were reviewed. Further details are presented in Appendix E.2.

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- **Hazardous Scenarios Affected:**
  - All.
- **Implementation in Safeti:**
  - The following fields in the risk tab of the long pipeline polyline equipment item:
    - Probability of immediate ignition;
    - Specify minimum probability of delayed ignition;
- **References:**
  - Refer to Appendix E.2.

## A.18 Assumption No. 18: Probability of VCE or Flash Fire given Delayed Ignition

- **Assumptions:**
  - The conditional probability of a flash fire only given delayed ignition is 0.6 and the conditional probability of a VCE with a flash fire is 0.4.
- **Justification and Impact of Assumptions:**
  - Ignition of a free gas/vapour cloud may demonstrate characteristics of a flash fire and/or a VCE. Safeti uses the delayed ignition probability resulting in either of the events.
- **Hazardous Scenarios Affected:**
  - All hazardous scenarios with a flash fire and/or VCE as a potential outcome.
- **Implementation in Safeti:**
  - The following tabs and fields of the event tree parameters:
    - Continuous / Instantaneous – no rainout
      - Flash fire; and
      - Explosion with flash fire.
- **References:**
  - Safeti software documentation.
  - RIVM, Guidelines for Quantitative Risk Assessment, 'Purple Book', CPR 18E, 3rd Edition, VROM PGS 3, 2005.

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# Risk Analysis

## A.19 Assumption No. 19: Event Spacing for Releases from Pipelines

- **Assumptions:**
  - Representative release events are modelled using the 'Long Pipeline' model in Safeti, which distributes these events along the pipeline at set intervals.
- **Justification and Impact of Assumptions:**
  - The 'Long Pipeline' model in Safeti is used to estimate the time-dependent release from a long pipeline. The 'Long Pipeline' model includes inputs for use in the risk calculations, such as pipeline burial depth, leak frequency, etc.
  - The interval at which representative incidents are distributed along the pipeline is selected automatically by the 'Long Pipeline' model based on the incident consequence.
- **Hazardous Scenarios Affected:**
  - All.
- **Implementation in Safeti:**
  - The pipeline polyline equipment item utilises the 'Long Pipeline' model.
- **References:**
  - Safeti software documentation.

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# Vulnerability Parameters

## A.20 Assumption No. 20: Vulnerability to Heat Radiation from a Fire (Indoor or Outdoor)

- **Assumptions:**
  - For the calculation of location-specific individual risk, the probability of fatality is based on the following probit equation (RIVM 'Purple Book'):

$$Y = -36.38 + 2.56 \ln\left(I^{1.333} t\right)$$

  - Where Y is the probit value, I is the heat radiation intensity (W/m2) and t is the exposure duration (seconds).
  - A maximum exposure duration of 30 seconds is applicable for individuals located outdoors in an urban setting. It is assumed after 30 seconds the persons will have found shelter from heat radiation.
  - A jet fire averaging time of 30 seconds has been adopted to align with the maximum exposure duration.
  - The probability of fatality for an individual located outdoors (30 seconds exposure), as calculated using the above probit equation, is shown in Table 5:

**Table 5 Probability of Fatality for Exposure to Heat Radiation (Outdoor)**

| Heat Radiation Intensity ($kW/m^2$) | Probit | Probability of Fatality |
|---|---|---|
| 4.7 | 1.19 | 0 |
| 12.6 | 4.55 | 0.32 |
| 15.9 | 5.35 | 0.63 |
| 23.0 | 6.61 | 0.94 |
| 35.0* | 8.04 | 1.0 |

*Safeti assumes fatal injuries are incurred at 35 kW/m2 and above, regardless of the exposure duration.

  - For the calculation of societal risk:
    - The probability of fatality for individuals located outdoors is factored by 0.14 (Safeti default) to allow for the protection provided by clothing and the possibility of seeking shelter behind obstacles.
    - The probability of fatality for an individual located indoors is 0 at less than 35 kW/m2, and 1 at 35 kW/m2 or greater.

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- **Justification and Impact of Assumptions:**
  - The probit equation adopted for the risk analysis is generally consistent with the following data from HIPAP No. 4 shown in Table 6:

**Table 6 Effects of Heat Radiation**

| Heat Radiation Intensity ($kW/m^2$) | Effect/s |
|---|---|
| 1.2 | Received from sun in summer at noon. |
| 1.6 | Minimum necessary to be felt as pain. |
| 4.7 | Pain in 15 to 20 seconds, 1st degree burns in 30 seconds. Injury (second degree burns) to person who cannot escape or seek shelter after 30 seconds exposure. |
| 12.6 | High chance of injury.<br>30% chance of fatality for extended exposure.<br>Melting of plastics (cable insulation).<br>Causes the temperature of wood to rise to a point where it can be ignited by a naked flame after long exposure.<br>Thin steel with insulation on the side away from the fire may reach a thermal stress level high enough to cause structural failure. |
| 23.0 | Fatality on continuous exposure.<br>10% chance of fatality on instantaneous exposure.<br>Spontaneous ignition of wood after long exposure.<br>Unprotected steel will reach thermal stress temperatures, which can cause failure.<br>Pressure vessel needs to be relieved, or failure would occur. |
| 35.0 | 25% chance of fatality on instantaneous exposure. |
| 60.0 | Fatality on instantaneous exposure. |

  - It is reported in the RIVM 'Purple Book' that people indoors are assumed to be protected from heat radiation until the building catches fire. The threshold for the ignition of buildings in the RIVM 'Purple Book' is set at 35 kW/m2 and if the building is set on fire, all the people inside the building are assumed to die (i.e. The probability of fatality indoors is 1 if the heat radiation exceeds 35 kW/m2 and it is 0 if the heat radiation is less than 35 kW/m2).
- **Hazardous Scenarios Affected:**
  - All hazardous scenarios with a pool fire or jet fire as a potential outcome.
- **Implementation in Safeti:**
  - The following fields in the radiation tab of the flammable parameters:
    - Probit N value;
    - Probit A value; and
    - Probit B value.
  - Jet fire averaging time field in the jet fire reference data tab of the jet fire parameters.

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- Jet fire maximum exposure duration field in the jet fire tab of the jet fire parameters.
- Critical radiation intensity field in the flammable risk tab of the flammable parameters.
- All fields relevant to jet fires in the radiation probit method tab of the indoor and outdoor vulnerabilities.

- **References:**
  - TNO, Methods for the Determination of Possible Damage, 'Green Book', CPR 16E, 1st Edition, VROM, 1992.
  - RIVM, Guidelines for Quantitative Risk Assessment, 'Purple Book', CPR 18E, 3rd Edition, VROM PGS 3, 2005.

## A.21 Assumption No. 21: Vulnerability to Flash Fire (Indoor or Outdoor)

- **Assumptions:**
  - For the calculation of location-specific individual risk, the probability for fatality = 1 for any individual located within the flammable cloud (distance to LFL concentration).
  - For the calculation of societal risk, the probability for fatality for any individual located within the flammable cloud (distance to LFL concentration) is 1 (outdoor) or 0.1 (indoor).
- **Justification and Impact of Assumptions:**
  - The assumed probabilities differ from the guidance in the RIVM 'Purple Book' and the default values in the Safeti software. In both cases, the probability of fatality is set at 1 for all individuals (outdoor or indoor). This was considered too conservative. The probability of fatality indoors was set at 0.1 to take account of the possibility of open doors / windows and/or failure to evacuate.
- **Hazardous Scenarios Affected:**
  - All hazardous scenarios with a flash fire as a potential outcome.
- **Implementation in Safeti:**
  - Flash fire vulnerability field in the options tab of the indoor and outdoor vulnerabilities.
- **References:**
  - Safeti software documentation.
  - RIVM, Guidelines for Quantitative Risk Assessment, 'Purple Book', CPR 18E, 3rd Edition, VROM PGS 3, 2005.

## A.22 Assumption No. 22: Vulnerability to Explosion Overpressure (Indoor or Outdoor)

- **Assumptions:**
  - For the calculation of location-specific individual risk, the probability for fatality is as shown in Table 7.
  - For the calculation of societal risk, the probability for fatality is as shown in both Table 7 and Table 8.

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**Table 7 Probability of Fatality from Exposure to Peak Side On - Overpressure (Outdoor)**

| Overpressure (kPa) | Probability of Fatality | Source |
|---|---|---|
| 35 | 0.15 | HIPAP No. 4 |
| 70 | 1 | HIPAP No. 4 |

**Table 8 Probability of Fatality from Exposure to Peak Side On - Overpressure (Indoor)**

| Overpressure (kPa) | Probability of Fatality | Source |
|---|---|---|
| 21 | 0.2 | HIPAP No. 4 |
| 35 | 0.5 | HIPAP No. 4 |
| 70 | 1 | HIPAP No. 4 |

- **Justification and Impact of Assumptions:**
  - The description of explosion overpressure effects from HIPAP No. 4 are:

**Table 9 Effects of Explosion Overpressure**

| Overpressure (kPa) | Effect/s |
|---|---|
| 0.3 | Loud noise. |
| 1.0 | Threshold for breakage of glass. |
| 4.0 | Minimal effect in the open.<br>Minor injury from window breakage in building. |
| 7.0 | Glass fragments fly with enough force to cause injury.<br>Probability of injury is 10%. No fatality.<br>Damage to internal partitions and joinery of conventional buildings but can be repaired. |
| 14.0 | 1% chance of ear drum rupture.<br>House uninhabitable and badly cracked. |
| 21.0 | 10% chance of ear drum rupture.<br>20% chance of fatality for a person within a conventional building.<br>Reinforced structures distort.<br>Storage tanks fail. |
| 35.0 | 50% chance of fatality for a person within a conventional building and 15% chance of fatality for a person in the open.<br>House uninhabitable.<br>Heavy machinery damaged.<br>Significant damage to plant. |
| 70.0 | 100% chance of fatality for a person within a building or in the open.<br>100% loss of plant. |

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- The probability of fatality is higher for an individual located in a conventional building than when outdoors due to the higher chance of harm from collapse of the structure.

- **Hazardous Scenarios Affected:**
  - All hazardous scenarios with a VCE as a potential outcome.
- **Implementation in Safeti:**
  - The lethality and overpressure fields of the first table in the obstructed explosion tab of the indoor and outdoor vulnerabilities.
- **References:**
  - Safeti software documentation.
  - NSW Department of Planning and Infrastructure, Hazardous Industry Planning Advisory Paper (HIPAP) No. 4, Risk Criteria for Land Use Safety Planning, January 2011.
  - International Association of Oil & Gas Producers (IOGP), Risk Assessment Data Directory, Report No. 434-14, Vulnerability of humans, July 2023.
  - Chemical Industries Association (CIA), Guidance for the location and design of occupied buildings on chemical manufacturing sites, 2nd Edition, 2003.

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## Appendix B Population Analysis

Generally, residential and school populations at the mesh block level, and employment populations at the destination zone level are carried forward to the risk analysis. However, for the objectives of this study, namely the geographical representation of societal risk, a common level was required.

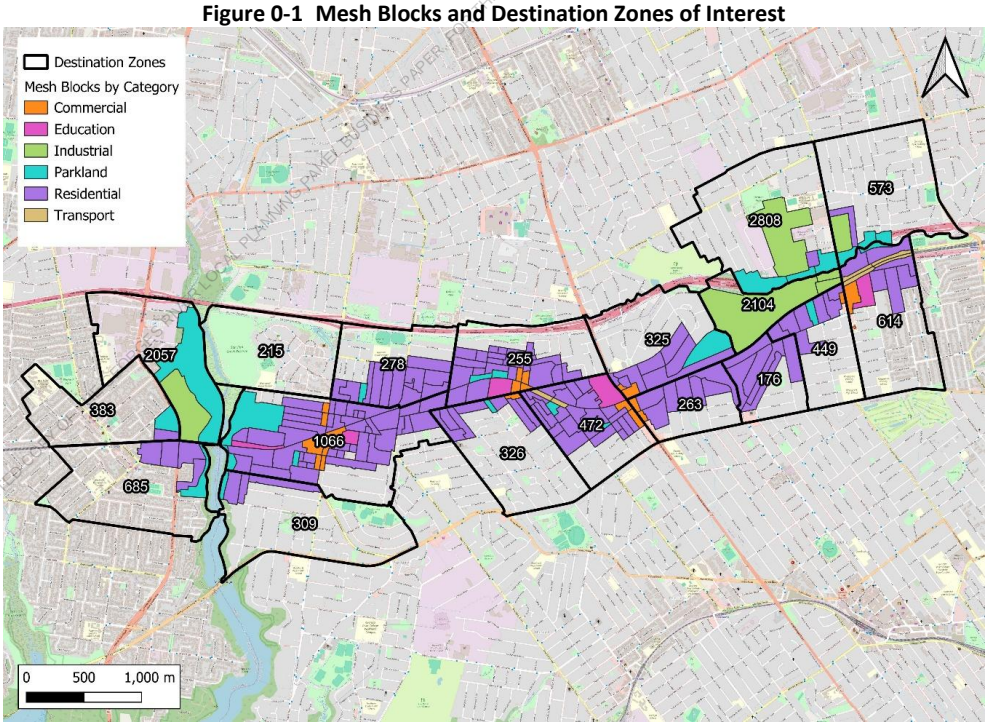
The following Appendix details the methods and assumptions of a population analysis, in which the employment population of a destination zone was distributed throughout appropriate mesh blocks based on the land use category. The populations were further adjusted based on the time and day as presented in Table 10.

**Table 10 Population Categories Present at a Given Time and Day**

| Time and Day | Population Categories Present |
|---|---|
| All Night-Time (Weekdays and Weekends) | Residential |
| Weekday Daytime | Residential, Employment and School |
| Weekend Daytime | Residential and Employment |

The mesh blocks within each destination zone categorised based on the land use type and the respective employment population are presented in Figure 0-1. Note that only the populations within 200 of the MSE pipeline were considered in this study as there are no adverse impacts beyond this point.

**Figure 0-1 Mesh Blocks and Destination Zones of Interest**




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## B.1 Night-Time Population

The mesh block populations extracted from the ABS corresponds to the residential population of a mesh block. These values were adopted as the night-time population present in each mesh block, on the basis that each person would be at home at night-time. The school and employment populations were not included in the night-time population on the basis that most employees generally work during the daytime, and school is only in session during the daytime.

Note that certain non-residential mesh blocks contain a residential population; these mesh blocks predominantly consist of non-residential land with a few dwellings. Nevertheless, the residential population was distributed throughout the entire non-residential mesh block.

## B.2 Weekday Daytime Population

The residential population present within a mesh block during the daytime of a weekday was assumed to be 40% of the night-time residential population, on the basis that a larger fraction of the residential population will travel out of the mesh block for work. The education mesh blocks were allocated the population of the school/s within that mesh block, which include both students and staff.

It was observed through Google Earth that the majority of businesses within a destination zone were in the commercial and/or industrial mesh blocks. Therefore, the majority of the employment population was deemed to be concentrated in the commercial and/or industrial mesh blocks of a destination zone. The remaining employment population represents the people working from home in the residential mesh blocks and the school staff population in the education mesh blocks. Refer to Figure 0-2 for example, distributing the total employment population throughout each mesh block would have underestimated the population density in commercial or industrial zones adjacent to the MSE pipeline.

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**Figure 0-2 Destination Zone Code - 113732131**




The total employement population in residential mesh blocks of a certain destination zone was assumed to be 40% of the total employment population. This assumption was based on material compiled and presented by .id (informed decisions, https://id.com.au) [1]. The material is a derivative of ABS Data that can be accessed from the website of the Australian Bureau of Statistics at www.abs.gov.au, and which data can be licensed on terms published on the ABS website. The employment population in each residential mesh block was then estimated based on the relative area of each mesh block.

The school populations (student and staff) are based on the data reported by the Australian Curriculum, Assessment and Reporting Authority (ACARA). The employment populations in the commercial and/or industrial mesh blocks were determined by subtracting the 'residential-employment' and school staff populations from the total employment population and then distributed based on the relative area of each mesh block.

## B.3 Weekend Daytime Population

The residential population present in a mesh block during the daytime of a weekend was assumed to be 100% of the night-time residential population, based on the assumption that individuals are likely to be at home during weekends. School populations were excluded, as schools are not in session during weekends.

Employment figures from both commercial and industrial mesh blocks were included by filtering the population data by industries likely to operate on weekends—such as retail, hospitality, and healthcare etc., utilizing ABS TableBuilder Service.

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## B.4 Populations Carried Forward to the Risk Analysis

The mesh block populations carried forward to the risk analysis for each time period are presented in Table 11.

**Table 11 Mesh Block Populations Included in Risk Analysis**

| Destination Zone Code | Mesh Block Code | Mesh Block Category | Night-Time Population | Weekday Daytime Population | Weekend Daytime Population |
|---|---|---|---|---|---|
| 113581994 | 10049270000 | Residential | 99 | 49 | 99 |
| | 10049280000 | Residential | 160 | 77 | 160 |
| | 10049740000 | Residential | 103 | 54 | 103 |
| | 10049750000 | Residential | 97 | 51 | 97 |
| | 10987050000 | Parkland | 1 | 2 | 5 |
| 113581996 | 10046880000 | Parkland | 1 | 0 | 0 |
| | 10046890000 | Residential | 149 | 66 | 149 |
| 113581997 | 10048101000 | Industrial | 7 | 498 | 116 |
| | 10048110000 | Parkland | 1 | 0 | 0 |
| 113702143 | 10390010000 | Residential | 80 | 35 | 80 |
| | 10390020000 | Residential | 111 | 49 | 111 |
| | 10390030000 | Residential | 95 | 42 | 95 |
| | 10390410000 | Parkland | 1 | 0 | 0 |
| | 10390420000 | Residential | 115 | 50 | 115 |
| | 10390621000 | Commercial | 31 | 187 | 192 |
| | 10390630000 | Residential | 82 | 36 | 82 |
| | 10390640000 | Residential | 76 | 35 | 76 |
| | 11205501000 | Residential | 112 | 47 | 112 |
| 113702144 | 10388980000 | Residential | 112 | 51 | 112 |
| | 10390680000 | Parkland | 1 | 0 | 0 |
| | 10390690000 | Residential | 51 | 24 | 51 |
| | 10390700000 | Residential | 123 | 53 | 123 |
| | 10390710000 | Residential | 53 | 25 | 53 |
| | 10390720000 | Residential | 53 | 26 | 53 |
| | 10390730000 | Residential | 87 | 40 | 87 |
| | 10390740000 | Residential | 70 | 31 | 70 |
| | 10390760000 | Education | 0 | 111 | 0 |
| | 10390770000 | Residential | 74 | 35 | 74 |
| | 10390780000 | Residential | 94 | 44 | 94 |
| | 10390800000 | Residential | 126 | 59 | 126 |
| | 10391051000 | Commercial | 7 | 51 | 35 |
| | 10391052000 | Commercial | 0 | 41 | 23 |
| | 10391100000 | Residential | 163 | 78 | 163 |
| | 10391130000 | Parkland | 1 | 0 | 0 |
| | 10391140000 | Residential | 142 | 67 | 142 |
| | 10391150000 | Residential | 103 | 46 | 103 |
| | 10391160000 | Residential | 64 | 29 | 64 |
| | 10391170000 | Residential | 84 | 40 | 84 |

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| Destination Zone Code | Mesh Block Code | Mesh Block Category | Night-Time Population | Weekday Daytime Population | Weekend Daytime Population |
|---|---|---|---|---|---|
| | 10391180000 | Residential | 120 | 52 | 120 |
| | 10391200000 | Residential | 125 | 54 | 125 |
| | 11004400000 | Transport | 1 | 0 | 0 |
| | 11004410000 | Transport | 1 | 0 | 0 |
| | 11004440000 | Parkland | 1 | 0 | 0 |
| | 11204458300 | Residential | 70 | 32 | 70 |
| | 11204473200 | Residential | 63 | 30 | 63 |
| | 11204680200 | Residential | 110 | 50 | 110 |
| | 11204710400 | Residential | 49 | 22 | 49 |
| | 11204710500 | Residential | 90 | 38 | 90 |
| | 11205080700 | Residential | 92 | 41 | 92 |
| 113702145 | 10391061000 | Commercial | 0 | 27 | 23 |
| | 10391062000 | Commercial | 0 | 44 | 36 |
| | 10391270000 | Residential | 116 | 55 | 116 |
| | 10391310000 | Residential | 159 | 74 | 159 |
| | 10391350000 | Residential | 99 | 47 | 99 |
| | 10391370000 | Residential | 85 | 43 | 85 |
| | 10391380000 | Residential | 85 | 42 | 85 |
| | 10391390000 | Residential | 131 | 63 | 131 |
| | 10391400000 | Residential | 169 | 82 | 169 |
| 113702146 | 10182180000 | Residential | 68 | 31 | 68 |
| | 10182900000 | Parkland | 1 | 0 | 0 |
| | 10182910000 | Parkland | 1 | 0 | 0 |
| | 10192990000 | Residential | 64 | 28 | 64 |
| | 10193000000 | Residential | 104 | 46 | 104 |
| | 10193020000 | Residential | 119 | 51 | 119 |
| | 10193040000 | Residential | 81 | 35 | 81 |
| | 10193060000 | Residential | 89 | 40 | 89 |
| | 10193072000 | Residential | 41 | 19 | 41 |
| | 10193080000 | Residential | 136 | 61 | 136 |
| | 10193090000 | Residential | 96 | 44 | 96 |
| | 10193100000 | Residential | 123 | 57 | 123 |
| | 10193110000 | Residential | 112 | 48 | 112 |
| | 10193120000 | Residential | 45 | 19 | 45 |
| | 10193170000 | Residential | 29 | 14 | 29 |
| | 10193190000 | Residential | 40 | 17 | 40 |
| | 10193200000 | Residential | 152 | 69 | 152 |
| | 10194551000 | Commercial | 21 | 53 | 51 |
| | 10194552000 | Commercial | 0 | 37 | 25 |
| | 10194553000 | Commercial | 64 | 59 | 87 |
| | 10194554000 | Commercial | 0 | 30 | 21 |
| | 10194560000 | Education | 0 | 19 | 0 |
| | 11204859500 | Residential | 44 | 19 | 44 |

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| Destination Zone Code | Mesh Block Code | Mesh Block Category | Night-Time Population | Weekday Daytime Population | Weekend Daytime Population |
|---|---|---|---|---|---|
| | 11204865400 | Residential | 95 | 41 | 95 |
| | 11204883800 | Residential | 88 | 38 | 88 |
| | 11204883900 | Residential | 46 | 21 | 46 |
| | 11205129700 | Residential | 68 | 29 | 68 |
| | 11205499700 | Residential | 107 | 47 | 107 |
| | 11205501100 | Residential | 59 | 26 | 59 |
| 113702147 | 10388560000 | Residential | 131 | 60 | 131 |
| | 10388570000 | Residential | 153 | 70 | 153 |
| | 10389030000 | Parkland | 1 | 0 | 0 |
| | 10391040000 | Residential | 44 | 20 | 44 |
| | 10391361000 | Commercial | 20 | 146 | 94 |
| | 10391362000 | Residential | 33 | 16 | 33 |
| | 10391365000 | Commercial | 4 | 33 | 21 |
| | 10391420000 | Residential | 156 | 77 | 156 |
| | 10391430000 | Residential | 130 | 57 | 130 |
| | 11204699200 | Residential | 100 | 46 | 100 |
| 113722168 | 10389720000 | Residential | 178 | 86 | 178 |
| | 10390070000 | Residential | 93 | 49 | 93 |
| | 10397430000 | Residential | 56 | 29 | 56 |
| | 11004500000 | Parkland | 1 | 0 | 0 |
| 113732129 | 10182200000 | Residential | 155 | 83 | 155 |
| | 10182210000 | Residential | 153 | 79 | 153 |
| | 10192740000 | Residential | 168 | 89 | 168 |
| | 10192770000 | Parkland | 1 | 0 | 0 |
| | 10192780000 | Residential | 60 | 36 | 60 |
| | 10192790000 | Residential | 110 | 57 | 110 |
| | 10192810000 | Residential | 172 | 87 | 172 |
| | 10192820000 | Residential | 95 | 48 | 95 |
| | 10192830000 | Residential | 125 | 63 | 125 |
| | 10192850000 | Residential | 116 | 62 | 116 |
| | 10192860000 | Residential | 70 | 40 | 70 |
| | 11205077700 | Residential | 23 | 12 | 23 |
| | 11205198800 | Residential | 151 | 76 | 151 |
| 113732131 | 10387990000 | Residential | 151 | 78 | 151 |
| | 10389340000 | Residential | 79 | 34 | 79 |
| | 10389490000 | Parkland | 1 | 0 | 0 |
| | 10389510000 | Residential | 65 | 31 | 65 |
| | 10389530000 | Education | 0 | 7 | 0 |
| | 10389540000 | Residential | 107 | 53 | 107 |
| | 10389550000 | Residential | 132 | 67 | 132 |
| | 10389560000 | Residential | 158 | 76 | 158 |
| | 10389570000 | Residential | 172 | 77 | 172 |
| | 10389580000 | Residential | 173 | 78 | 173 |

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| Destination Zone Code | Mesh Block Code | Mesh Block Category | Night-Time Population | Weekday Daytime Population | Weekend Daytime Population |
|---|---|---|---|---|---|
| | 10389602000 | Residential | 39 | 19 | 39 |
| | 10389603000 | Residential | 13 | 9 | 13 |
| | 10389604000 | Commercial | 10 | 55 | 61 |
| | 10389606000 | Commercial | 17 | 50 | 60 |
| | 10389640000 | Residential | 142 | 62 | 142 |
| | 10389650000 | Education | 4 | 36 | 4 |
| | 10389661000 | Commercial | 12 | 60 | 67 |
| | 10389662000 | Commercial | 0 | 219 | 220 |
| | 10389663000 | Commercial | 19 | 53 | 65 |
| | 10389664000 | Commercial | 15 | 134 | 144 |
| | 10389665000 | Commercial | 20 | 85 | 98 |
| | 10389670000 | Parkland | 1 | 0 | 0 |
| | 10389680000 | Residential | 81 | 35 | 81 |
| | 10389690000 | Residential | 54 | 26 | 54 |
| | 10389700000 | Residential | 81 | 35 | 81 |
| | 10389710000 | Residential | 92 | 39 | 92 |
| | 10389730000 | Parkland | 1 | 0 | 0 |
| | 10389740000 | Residential | 100 | 49 | 100 |
| | 10389750000 | Residential | 151 | 77 | 151 |
| | 10389760000 | Residential | 158 | 77 | 158 |
| | 10389770000 | Residential | 139 | 69 | 139 |
| | 10389850000 | Residential | 108 | 56 | 108 |
| | 10389870000 | Residential | 128 | 55 | 128 |
| | 10389880000 | Residential | 132 | 57 | 132 |
| | 10389900000 | Residential | 101 | 54 | 101 |
| | 10389910000 | Residential | 126 | 64 | 126 |
| | 10389920000 | Residential | 145 | 71 | 145 |
| | 10389930000 | Residential | 103 | 52 | 103 |
| | 10389970000 | Residential | 82 | 37 | 82 |
| | 10389980000 | Residential | 64 | 31 | 64 |
| | 10390210000 | Residential | 59 | 27 | 59 |
| | 10397450000 | Residential | 142 | 73 | 142 |
| | 10987150000 | Parkland | 1 | 0 | 0 |
| | 11204970100 | Residential | 58 | 30 | 58 |
| | 11204974400 | Residential | 136 | 68 | 136 |
| | 11205056600 | Residential | 143 | 71 | 143 |
| | 11205056700 | Residential | 55 | 23 | 55 |
| | 11205087200 | Residential | 51 | 23 | 51 |
| | 11205098100 | Residential | 69 | 35 | 69 |
| | 11205117300 | Residential | 94 | 40 | 94 |
| | 11205523200 | Residential | 95 | 43 | 95 |
| | 11205727900 | Residential | 84 | 36 | 84 |
| | 11205743400 | Residential | 94 | 50 | 94 |

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| Destination Zone Code | Mesh Block Code | Mesh Block Category | Night-Time Population | Weekday Daytime Population | Weekend Daytime Population |
|---|---|---|---|---|---|
| | 11205860300 | Residential | 47 | 24 | 47 |
| 113772258 | 10388650000 | Residential | 167 | 76 | 167 |
| | 10388950000 | Residential | 144 | 67 | 144 |
| | 10391530000 | Residential | 183 | 83 | 183 |
| | 10391540000 | Residential | 125 | 57 | 125 |
| | 10391550000 | Residential | 142 | 64 | 142 |
| | 10391560000 | Residential | 77 | 39 | 77 |
| 113772259 | 10388960000 | Residential | 146 | 70 | 146 |
| | 10391570000 | Residential | 99 | 47 | 99 |
| | 10391580000 | Residential | 90 | 44 | 90 |
| | 10391590000 | Parkland | 1 | 0 | 0 |
| | 10391600000 | Residential | 91 | 45 | 91 |
| | 10391610000 | Residential | 84 | 42 | 84 |
| | 10391620000 | Residential | 84 | 40 | 84 |
| | 10397404000 | Residential | 278 | 117 | 278 |
| | 10397405000 | Commercial | 14 | 99 | 91 |
| 113772260 | 10658650000 | Residential | 165 | 78 | 165 |
| | 10659600000 | Parkland | 1 | 0 | 0 |
| | 10659950000 | Education | 24 | 145 | 24 |
| | 10659960000 | Commercial | 57 | 237 | 219 |
| | 10663480000 | Transport | 1 | 0 | 0 |
| | 10663490000 | Transport | 1 | 0 | 0 |
| | 10664260000 | Residential | 68 | 35 | 68 |
| | 10666340000 | Residential | 104 | 49 | 104 |
| | 10666350000 | Residential | 157 | 70 | 157 |
| | 10670160000 | Residential | 176 | 81 | 176 |
| | 10670170000 | Residential | 115 | 55 | 115 |
| | 10994560000 | Transport | 1 | 0 | 0 |
| | 10994700000 | Transport | 1 | 0 | 0 |
| 116630001 | 10397401000 | Industrial | 0 | 79 | 20 |
| | 10397402000 | Industrial | 0 | 101 | 25 |
| | 10397551000 | Industrial | 0 | 1713 | 425 |
| 116630002 | 10194700000 | Industrial | 21 | 1022 | 716 |
| | 10194721000 | Residential | 67 | 49 | 67 |
| | 11000820000 | Parkland | 1 | 0 | 0 |
| | 11000840000 | Parkland | 1 | 0 | 0 |
| | 11000850000 | Parkland | 1 | 0 | 0 |
| 116630003 | 10183090000 | Residential | 118 | 56 | 118 |
| | 10194730000 | Parkland | 1 | 0 | 0 |
| | 10194752000 | Industrial | 8 | 324 | 107 |
| | 11000390000 | Parkland | 1 | 0 | 0 |
| | 11000880000 | Parkland | 1 | 0 | 0 |
| **Total** | | | **15807** | **13038** | **18477** |

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## B.5 Population Grid

The mesh block populations were distributed into a 50 x 50 m grid based on the relative area of the mesh block that falls within a particular grid cell. A single grid cell may only intersect part of a single mesh block or overlap portions of several different mesh blocks. Figure 0-3 illustrates a grid cell that overlaps four mesh blocks, for which the grid cell population is calculated as follows,

$$Grid\ Cell\ Population = \frac{P_1 \times a_1}{A_1} + \frac{P_2 \times a_2}{A_2} + \frac{P_3 \times a_3}{A_3} + \frac{P_4 \times a_4}{A_4}$$

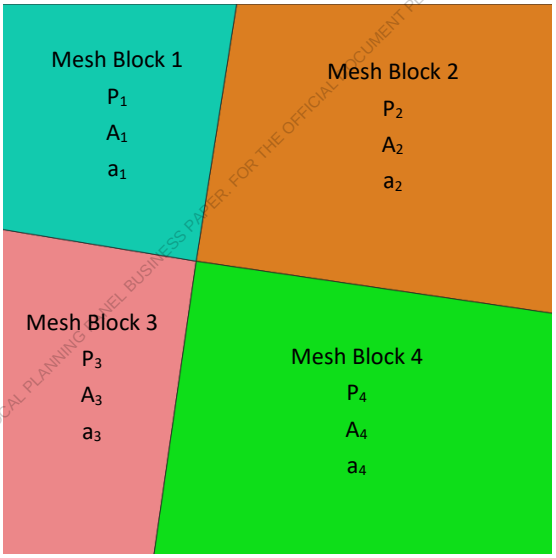
Where,

P – Mesh Block Population

A – Area of Mesh Block

a – Area of Intersect

**Figure 0-3 Grid Cell Intersected by Mesh Block Boundaries**




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# Appendix C Consequence Analysis Results for Representative Release Scenarios

## C.1 Discharge Results

The discharge results for each representative release scenario are presented in Table 12.

**Table 12 Discharge Results**

| Scenario | Mass Flowrate (kg/s) | Temperature (°C) | Velocity (m/s) | Release Time (s) |
|---|---|---|---|---|
| 10 mm (Top/Mid/ Bottom) | 0.9 | -138 | 42.2 | 3600 |
| 25 mm (Top/Mid/Bottom) | 5.6 | -138 | 55.3 | 3600 |
| 75 mm (Top/Mid/Bottom) | 64.7 | -124 | 233 | 3600 |
| 110 mm (Top/Mid/Bottom) | 104 | -117 | 294 | 3600 |
| FBR | 170 | -94.8 | 47.1 | 3600 |

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## C.2 Jet Fire Consequence Analysis Results

The downwind distances to the radiated heat fluxes from jet fires for each representative release scenario are presented in Table 13.

**Table 13 Downwind Distances to the Radiated Heat Fluxes from Jet Fires**

| Scenario | Weather | Flame Length (m) | Distance to 3 kW/m2 (m) | Distance to 4.7 kW/m2 (m) | Distance to 12.6 kW/m2 (m) | Distance to 23 kW/m2 (m) | Distance to 35 kW/m2 (m) |
|---|---|---|---|---|---|---|---|
| 10mm (Top) | 1.9B (Day) | 15.4 | 19.6 | 15.8 | 6.8 | 3.1 | 2.1 |
| | 7.5D (Day) | 10.9 | 23.0 | 19.8 | 14.5 | 11.6 | 10.8 |
| | 4.1D (Day) | 12.4 | 21.8 | 18.0 | 12.5 | 9.2 | 5.4 |
| | 1.5D (Day) | 16.2 | 18.8 | 14.4 | 5.0 | 2.3 | 1.9 |
| | 7.3D (Night) | 10.9 | 22.9 | 19.7 | 14.4 | 11.6 | 10.7 |

| Scenario | Weather | Flame Length (m) | Distance to 3 kW/m2 (m) | Distance to 4.7 kW/m2 (m) | Distance to 12.6 kW/m2 (m) | Distance to 23 kW/m2 (m) | Distance to 35 kW/m2 (m) |
|---|---|---|---|---|---|---|---|
| | 4.0D (Night) | 12.5 | 21.7 | 17.9 | 12.4 | 9.0 | 5.2 |
| | 1D (Night) | 17.4 | 16.9 | 11.8 | 2.5 | 0.9 | Not reached at height of interest |
| | 2.6E (Night) | 14.1 | 20.2 | 16.9 | 9.9 | 4.5 | 2.7 |
| | 1F (Night) | 17.4 | 16.9 | 11.8 | 2.5 | 0.9 | Not reached at height of interest |
| 10mm (Mid) | 1.9B (Day) | 15.4 | 19.6 | 15.8 | 6.8 | 3.1 | 2.1 |
| | 7.5D (Day) | 10.9 | 23.0 | 19.8 | 14.5 | 11.6 | 10.8 |
| | 4.1D (Day) | 12.4 | 21.8 | 18.0 | 12.5 | 9.2 | 5.4 |
| | 1.5D (Day) | 16.2 | 18.8 | 14.4 | 5.0 | 2.3 | 1.9 |
| | 7.3D (Night) | 10.9 | 22.9 | 19.7 | 14.4 | 11.6 | 10.7 |
| | 4.0D (Night) | 12.5 | 21.7 | 17.9 | 12.4 | 9.0 | 5.2 |
| | 1D (Night) | 17.4 | 16.9 | 11.8 | 2.5 | 0.9 | Not reached at height of interest |
| | 2.6E (Night) | 14.1 | 20.2 | 16.9 | 9.9 | 4.5 | 2.7 |
| | 1F (Night) | 17.4 | 16.9 | 11.8 | 2.5 | 0.9 | Not reached at height of interest |
| 10mm (Bottom) | 1.9B (Day) | 15.4 | 19.6 | 15.8 | 6.8 | 3.1 | 2.1 |
| | 7.5D (Day) | 10.9 | 23.0 | 19.8 | 14.5 | 11.6 | 10.8 |

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| Scenario | Weather | Flame Length (m) | Distance to 3 kW/m2 (m) | Distance to 4.7 kW/m2 (m) | Distance to 12.6 kW/m2 (m) | Distance to 23 kW/m2 (m) | Distance to 35 kW/m2 (m) |
|---|---|---|---|---|---|---|---|
| | 4.1D (Day) | 12.4 | 21.8 | 18.0 | 12.5 | 9.2 | 5.4 |
| | 1.5D (Day) | 16.2 | 18.8 | 14.4 | 5.0 | 2.3 | 1.9 |
| | 7.3D (Night) | 10.9 | 22.9 | 19.7 | 14.4 | 11.6 | 10.7 |
| | 4.0D (Night) | 12.5 | 21.7 | 17.9 | 12.4 | 9.0 | 5.2 |
| | 1D (Night) | 17.4 | 16.9 | 11.8 | 2.5 | 0.9 | Not reached at height of interest |
| | 2.6E (Night) | 14.1 | 20.2 | 16.9 | 9.9 | 4.5 | 2.7 |
| | 1F (Night) | 17.4 | 16.9 | 11.8 | 2.5 | 0.9 | Not reached at height of interest |
| 25mm (Top) | 1.9B (Day) | 32.4 | 44.0 | 34.3 | 13.0 | 3.9 | 1.4 |
| | 7.5D (Day) | 22.9 | 51.3 | 43.1 | 28.4 | 23.5 | 19.9 |
| | 4.1D (Day) | 26.1 | 47.6 | 38.8 | 25.7 | 16.2 | 7.8 |
| | 1.5D (Day) | 34.0 | 42.2 | 31.6 | 8.4 | 2.6 | Not reached at height of interest |
| | 7.3D (Night) | 22.9 | 51.2 | 42.9 | 28.2 | 23.4 | 19.7 |
| | 4.0D (Night) | 26.2 | 47.4 | 38.7 | 25.5 | 15.9 | 7.6 |
| | 1D (Night) | 36.6 | 38.7 | 26.8 | 6.1 | Not reached at height of interest | Not reached at height of interest |
| | 2.6E (Night) | 29.5 | 45.6 | 37.3 | 19.7 | 8.8 | 4.4 |

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| Scenario | Weather | Flame Length (m) | Distance to 3 kW/m2 (m) | Distance to 4.7 kW/m2 (m) | Distance to 12.6 kW/m2 (m) | Distance to 23 kW/m2 (m) | Distance to 35 kW/m2 (m) |
|---|---|---|---|---|---|---|---|
| | 1F (Night) | 36.6 | 38.8 | 26.9 | 6.1 | Not reached at height of interest | Not reached at height of interest |
| 25mm (Mid) | 1.9B (Day) | 33.2 | 45.6 | 36.1 | 15.0 | 5.6 | 2.6 |
| | 7.5D (Day) | 23.5 | 52.2 | 43.9 | 29.2 | 24.2 | 20.7 |
| | 4.1D (Day) | 26.8 | 48.8 | 39.7 | 26.6 | 17.2 | 8.7 |
| | 1.5D (Day) | 34.9 | 43.8 | 33.3 | 10.7 | 3.6 | 1.1 |
| | 7.3D (Night) | 23.5 | 52.1 | 43.8 | 29.0 | 24.0 | 20.4 |
| | 4.0D (Night) | 26.9 | 48.7 | 39.6 | 26.5 | 16.9 | 8.4 |
| | 1D (Night) | 37.5 | 40.1 | 28.2 | 6.7 | Not reached at height of interest | Not reached at height of interest |
| | 2.6E (Night) | 30.3 | 46.6 | 38.5 | 21.1 | 9.2 | 4.9 |
| | 1F (Night) | 37.5 | 40.1 | 28.2 | 6.7 | Not reached at height of interest | Not reached at height of interest |
| 25mm (Bottom) | 1.9B (Day) | 33.2 | 45.5 | 36.0 | 14.9 | 5.5 | 2.6 |
| | 7.5D (Day) | 23.5 | 52.1 | 43.9 | 29.2 | 24.2 | 20.6 |
| | 4.1D (Day) | 26.8 | 48.8 | 39.6 | 26.6 | 17.2 | 8.6 |
| | 1.5D (Day) | 34.9 | 43.7 | 33.2 | 10.6 | 3.6 | 1.1 |
| | 7.3D (Night) | 23.4 | 52.0 | 43.8 | 28.9 | 24.0 | 20.4 |

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| Scenario | Weather | Flame Length (m) | Distance to 3 kW/m2 (m) | Distance to 4.7 kW/m2 (m) | Distance to 12.6 kW/m2 (m) | Distance to 23 kW/m2 (m) | Distance to 35 kW/m2 (m) |
|---|---|---|---|---|---|---|---|
| | 4.0D (Night) | 26.8 | 48.6 | 39.6 | 26.4 | 16.8 | 8.3 |
| | 1D (Night) | 37.5 | 40.0 | 28.1 | 6.6 | Not reached at height of interest | Not reached at height of interest |
| | 2.6E (Night) | 30.3 | 46.6 | 38.5 | 21.1 | 9.2 | 4.8 |
| | 1F (Night) | 37.5 | 40.1 | 28.2 | 6.7 | Not reached at height of interest | Not reached at height of interest |
| 75mm (Top) | 1.9B (Day) | 77.2 | 110.0 | 82.0 | 26.2 | Not reached at height of interest | Not reached at height of interest |
| | 7.5D (Day) | 54.6 | 123.0 | 100.0 | 63.9 | 43.9 | 27.7 |
| | 4.1D (Day) | 62.3 | 120.0 | 95.7 | 50.7 | 20.9 | 9.2 |
| | 1.5D (Day) | 81.1 | 107.0 | 77.1 | 21.3 | Not reached at height of interest | Not reached at height of interest |
| | 7.3D (Night) | 54.5 | 123.0 | 100.0 | 63.7 | 43.5 | 27.3 |
| | 4.0D (Night) | 62.4 | 120.0 | 95.6 | 50.3 | 20.2 | 8.9 |
| | 1D (Night) | 87.2 | 101.0 | 69.7 | Not reached at height of interest | Not reached at height of interest | Not reached at height of interest |
| | 2.6E (Night) | 70.4 | 115.0 | 89.0 | 34.5 | 10.8 | Not reached at height of interest |
| | 1F (Night) | 87.1 | 101.0 | 70.0 | Not reached at height of interest | Not reached at height of interest | Not reached at height of interest |
| 75mm (Mid) | 1.9B (Day) | 88.4 | 134.0 | 104.0 | 42.1 | 15.8 | 2.9 |

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| Scenario | Weather | Flame Length (m) | Distance to 3 kW/m2 (m) | Distance to 4.7 kW/m2 (m) | Distance to 12.6 kW/m2 (m) | Distance to 23 kW/m2 (m) | Distance to 35 kW/m2 (m) |
|---|---|---|---|---|---|---|---|
| | 7.5D (Day) | 62.6 | 151.0 | 124.0 | 80.5 | 63.5 | 49.5 |
| | 4.1D (Day) | 71.3 | 141.0 | 116.0 | 73.4 | 46.5 | 26.0 |
| | 1.5D (Day) | 92.8 | 130.0 | 98.4 | 32.6 | 11.0 | Not reached at height of interest |
| | 7.3D (Night) | 62.4 | 151.0 | 124.0 | 80.3 | 63.2 | 49.1 |
| | 4.0D (Night) | 71.5 | 141.0 | 116.0 | 73.1 | 45.9 | 25.7 |
| | 1D (Night) | 99.8 | 122.0 | 88.0 | 26.4 | Not reached at height of interest | Not reached at height of interest |
| | 2.6E (Night) | 80.6 | 139.0 | 112.0 | 58.4 | 25.4 | 11.4 |
| | 1F (Night) | 99.8 | 123.0 | 88.2 | 26.5 | Not reached at height of interest | Not reached at height of interest |
| 75mm (Bottom) | 1.9B (Day) | 80.7 | 118.0 | 88.9 | 30.1 | Not reached at height of interest | Not reached at height of interest |
| | 7.5D (Day) | 57.1 | 134.0 | 108.0 | 70.4 | 51.7 | 36.4 |
| | 4.1D (Day) | 65.1 | 127.0 | 103.0 | 57.5 | 29.1 | 11.9 |
| | 1.5D (Day) | 84.7 | 114.0 | 83.8 | 24.3 | Not reached at height of interest | Not reached at height of interest |
| | 7.3D (Night) | 57.0 | 133.0 | 108.0 | 70.2 | 51.2 | 35.8 |
| | 4.0D (Night) | 65.2 | 127.0 | 103.0 | 57.0 | 28.3 | 11.8 |

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| Scenario | Weather | Flame Length (m) | Distance to 3 kW/m2 (m) | Distance to 4.7 kW/m2 (m) | Distance to 12.6 kW/m2 (m) | Distance to 23 kW/m2 (m) | Distance to 35 kW/m2 (m) |
|---|---|---|---|---|---|---|---|
| | 1D (Night) | 91.1 | 108.0 | 75.3 | 15.6 | Not reached at height of interest | Not reached at height of interest |
| | 2.6E (Night) | 73.5 | 123.0 | 96.2 | 41.3 | 15.0 | Not reached at height of interest |
| | 1F (Night) | 91.1 | 108.0 | 75.5 | 16.0 | Not reached at height of interest | Not reached at height of interest |
| 110mm (Top) | 1.9B (Day) | 91.7 | 131.0 | 97.0 | 30.9 | Not reached at height of interest | Not reached at height of interest |
| | 7.5D (Day) | 64.9 | 145.0 | 119.0 | 73.8 | 48.3 | 27.9 |
| | 4.1D (Day) | 73.9 | 142.0 | 113.0 | 58.0 | 23.9 | 8.7 |
| | 1.5D (Day) | 96.2 | 127.0 | 91.5 | 24.6 | Not reached at height of interest | Not reached at height of interest |
| | 7.3D (Night) | 64.7 | 146.0 | 119.0 | 73.5 | 47.9 | 27.4 |
| | 4.0D (Night) | 74.1 | 142.0 | 113.0 | 57.6 | 23.7 | 7.4 |
| | 1D (Night) | 103.0 | 120.0 | 83.6 | Not reached at height of interest | Not reached at height of interest | Not reached at height of interest |
| | 2.6E (Night) | 83.5 | 137.0 | 105.0 | 41.0 | Not reached at height of interest | Not reached at height of interest |
| | 1F (Night) | 103.0 | 121.0 | 83.9 | Not reached at height of interest | Not reached at height of interest | Not reached at height of interest |
| 110mm (Mid) | 1.9B (Day) | 105.0 | 162.0 | 125.0 | 48.5 | 18.8 | Not reached at height of interest |

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| Scenario | Weather | Flame Length (m) | Distance to 3 kW/m2 (m) | Distance to 4.7 kW/m2 (m) | Distance to 12.6 kW/m2 (m) | Distance to 23 kW/m2 (m) | Distance to 35 kW/m2 (m) |
|---|---|---|---|---|---|---|---|
| | 7.5D (Day) | 74.5 | 182.0 | 149.0 | 96.7 | 74.9 | 57.1 |
| | 4.1D (Day) | 84.9 | 172.0 | 141.0 | 86.4 | 53.5 | 30.0 |
| | 1.5D (Day) | 111.0 | 157.0 | 119.0 | 41.1 | Not reached at height of interest | Not reached at height of interest |
| | 7.3D (Night) | 74.3 | 182.0 | 149.0 | 96.6 | 74.5 | 56.5 |
| | 4.0D (Night) | 85.1 | 172.0 | 141.0 | 85.8 | 52.6 | 29.4 |
| | 1D (Night) | 119.0 | 149.0 | 107.0 | 32.8 | Not reached at height of interest | Not reached at height of interest |
| | 2.6E (Night) | 96.0 | 168.0 | 134.0 | 67.6 | 25.3 | 13.4 |
| | 1F (Night) | 119.0 | 149.0 | 108.0 | 33.0 | Not reached at height of interest | Not reached at height of interest |
| 110mm (Bottom) | 1.9B (Day) | 95.5 | 140.0 | 105.0 | 35.9 | Not reached at height of interest | Not reached at height of interest |
| | 7.5D (Day) | 67.6 | 156.0 | 127.0 | 81.1 | 56.4 | 36.8 |
| | 4.1D (Day) | 77.0 | 151.0 | 121.0 | 65.4 | 29.4 | 13.4 |
| | 1.5D (Day) | 100.0 | 136.0 | 99.3 | 29.8 | Not reached at height of interest | Not reached at height of interest |
| | 7.3D (Night) | 67.4 | 156.0 | 127.0 | 80.8 | 55.9 | 36.8 |
| | 4.0D (Night) | 77.2 | 151.0 | 121.0 | 64.9 | 28.6 | 13.3 |

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| Scenario | Weather | Flame Length (m) | Distance to 3 kW/m2 (m) | Distance to 4.7 kW/m2 (m) | Distance to 12.6 kW/m2 (m) | Distance to 23 kW/m2 (m) | Distance to 35 kW/m2 (m) |
|---|---|---|---|---|---|---|---|
| | 1D (Night) | 108.0 | 129.0 | 90.5 | Not reached at height of interest | Not reached at height of interest | Not reached at height of interest |
| | 2.6E (Night) | 87.0 | 146.0 | 113.0 | 46.6 | 16.5 | Not reached at height of interest |
| | 1F (Night) | 108.0 | 129.0 | 90.8 | Not reached at height of interest | Not reached at height of interest | Not reached at height of interest |
| FBR | 1.9B (Day) | 136.0 | 220.0 | 174.0 | 82.5 | 31.4 | 18.6 |
| | 7.5D (Day) | 96.3 | 240.0 | 197.0 | 128.0 | 100.0 | 79.2 |
| | 4.1D (Day) | 110.0 | 226.0 | 186.0 | 119.0 | 78.8 | 47.0 |
| | 1.5D (Day) | 143.0 | 213.0 | 165.0 | 66.1 | 28.3 | 9.2 |
| | 7.3D (Night) | 96.1 | 240.0 | 197.0 | 128.0 | 100.0 | 78.7 |
| | 4.0D (Night) | 110.0 | 226.0 | 186.0 | 119.0 | 78.0 | 46.3 |
| | 1D (Night) | 154.0 | 202.0 | 150.0 | 52.1 | 12.8 | Not reached at height of interest |
| | 2.6E (Night) | 124.0 | 225.0 | 183.0 | 103.0 | 55.3 | 28.6 |
| | 1F (Night) | 154.0 | 203.0 | 150.0 | 52.3 | 13.9 | Not reached at height of interest |

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## C.3 Flash Fire Consequence Analysis Results

The extent of the flammable cloud for each representative release scenario are presented in Table 14.

**Table 14 Flammable Cloud Dimensions for Release Scenarios**

| Scenario | Weather | Maximum Distance to UFL at Height of Interest (m) | Maximum Distance to LFL at Height of Interest (m) | Maximum Distance to LFL at any Height (m) | Height of Maximum Distance to LFL at any Height (m) |
|---|---|---|---|---|---|
| 10mm (Top) | 1.9B (Day) | 0.3 | 0.5 | 1.3 | 4.2 |
| | 7.5D (Day) | 0.4 | 1.2 | 1.5 | 2.2 |
| | 4.1D (Day) | 0.4 | 0.6 | 1.5 | 3.2 |
| | 1.5D (Day) | 0.3 | 0.4 | 1.4 | 5.5 |
| | 7.3D (Night) | 0.4 | 1.2 | 1.5 | 2.2 |
| | 4.0D (Night) | 0.4 | 0.6 | 1.5 | 3.2 |
| | 1D (Night) | 0.3 | 0.4 | 1.3 | 6.7 |
| | 2.6E (Night) | 0.3 | 0.5 | 1.4 | 4.2 |
| | 1F (Night) | 0.3 | 0.4 | 1.2 | 7.1 |
| 10mm (Mid) | 1.9B (Day) | 0.3 | 0.5 | 1.3 | 4.2 |
| | 7.5D (Day) | 0.4 | 1.2 | 1.5 | 2.2 |
| | 4.1D (Day) | 0.4 | 0.6 | 1.5 | 3.2 |
| | 1.5D (Day) | 0.3 | 0.4 | 1.4 | 5.5 |
| | 7.3D (Night) | 0.4 | 1.2 | 1.5 | 2.2 |
| | 4.0D (Night) | 0.4 | 0.6 | 1.5 | 3.2 |

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| Scenario | Weather | Maximum Distance to UFL at Height of Interest (m) | Maximum Distance to LFL at Height of Interest (m) | Maximum Distance to LFL at any Height (m) | Height of Maximum Distance to LFL at any Height (m) |
|---|---|---|---|---|---|
| | 1D (Night) | 0.3 | 0.4 | 1.3 | 6.7 |
| | 2.6E (Night) | 0.3 | 0.5 | 1.4 | 4.2 |
| | 1F (Night) | 0.3 | 0.4 | 1.2 | 7.1 |
| 10mm (Bottom) | 1.9B (Day) | 0.3 | 0.5 | 1.3 | 4.2 |
| | 7.5D (Day) | 0.4 | 1.2 | 1.5 | 2.2 |
| | 4.1D (Day) | 0.4 | 0.6 | 1.5 | 3.2 |
| | 1.5D (Day) | 0.3 | 0.4 | 1.4 | 5.5 |
| | 7.3D (Night) | 0.4 | 1.2 | 1.5 | 2.2 |
| | 4.0D (Night) | 0.4 | 0.6 | 1.5 | 3.2 |
| | 1D (Night) | 0.3 | 0.4 | 1.3 | 6.7 |
| | 2.6E (Night) | 0.3 | 0.5 | 1.4 | 4.2 |
| | 1F (Night) | 0.3 | 0.4 | 1.2 | 7.1 |
| 25mm (Top) | 1.9B (Day) | 0.4 | 0.6 | 2.9 | 10.0 |
| | 7.5D (Day) | 0.5 | 0.8 | 3.6 | 5.4 |
| | 4.1D (Day) | 0.5 | 0.7 | 3.4 | 7.6 |
| | 1.5D (Day) | 0.4 | 0.6 | 3.1 | 12.6 |
| | 7.3D (Night) | 0.5 | 0.7 | 3.5 | 5.4 |

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| Scenario | Weather | Maximum Distance to UFL at Height of Interest (m) | Maximum Distance to LFL at Height of Interest (m) | Maximum Distance to LFL at any Height (m) | Height of Maximum Distance to LFL at any Height (m) |
|---|---|---|---|---|---|
| | 4.0D (Night) | 0.5 | 0.7 | 3.4 | 7.6 |
| | 1D (Night) | 0.4 | 0.6 | 2.9 | 15.1 |
| | 2.6E (Night) | 0.4 | 0.6 | 3.2 | 9.7 |
| | 1F (Night) | 0.4 | 0.6 | 2.4 | 14.2 |
| 25mm (Mid) | 1.9B (Day) | 0.5 | 0.7 | 3.4 | 9.8 |
| | 7.5D (Day) | 0.6 | 0.9 | 4.2 | 5.2 |
| | 4.1D (Day) | 0.5 | 0.7 | 4.1 | 7.4 |
| | 1.5D (Day) | 0.5 | 0.7 | 3.7 | 12.8 |
| | 7.3D (Night) | 0.6 | 0.9 | 4.1 | 5.1 |
| | 4.0D (Night) | 0.5 | 0.7 | 4.0 | 7.5 |
| | 1D (Night) | 0.5 | 0.7 | 3.5 | 15.5 |
| | 2.6E (Night) | 0.5 | 0.7 | 3.8 | 9.0 |
| | 1F (Night) | 0.5 | 0.6 | 2.9 | 14.8 |
| 25mm (Bottom) | 1.9B (Day) | 0.5 | 0.7 | 3.4 | 9.8 |
| | 7.5D (Day) | 0.6 | 0.9 | 4.2 | 5.2 |
| | 4.1D (Day) | 0.5 | 0.7 | 4.1 | 7.4 |
| | 1.5D (Day) | 0.5 | 0.7 | 3.7 | 12.8 |

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| Scenario | Weather | Maximum Distance to UFL at Height of Interest (m) | Maximum Distance to LFL at Height of Interest (m) | Maximum Distance to LFL at any Height (m) | Height of Maximum Distance to LFL at any Height (m) |
|---|---|---|---|---|---|
| | 7.3D (Night) | 0.6 | 0.9 | 4.1 | 5.1 |
| | 4.0D (Night) | 0.5 | 0.7 | 4.0 | 7.5 |
| | 1D (Night) | 0.5 | 0.7 | 3.5 | 15.5 |
| | 2.6E (Night) | 0.5 | 0.7 | 3.7 | 9.1 |
| | 1F (Night) | 0.5 | 0.6 | 2.9 | 14.8 |
| 75mm (Top) | 1.9B (Day) | 0.6 | 0.8 | 5.7 | 33.4 |
| | 7.5D (Day) | 0.6 | 0.8 | 7.9 | 19.4 |
| | 4.1D (Day) | 0.6 | 0.8 | 7.3 | 25.7 |
| | 1.5D (Day) | 0.6 | 0.8 | 6.2 | 36.6 |
| | 7.3D (Night) | 0.6 | 0.8 | 7.8 | 19.5 |
| | 4.0D (Night) | 0.6 | 0.8 | 7.2 | 25.8 |
| | 1D (Night) | 0.6 | 0.7 | 5.7 | 43.6 |
| | 2.6E (Night) | 0.6 | 0.7 | 6.5 | 30.7 |
| | 1F (Night) | 0.6 | 1.1 | 4.9 | 38.5 |
| 75mm (Mid) | 1.9B (Day) | 1.1 | 1.5 | 8.9 | 23.6 |
| | 7.5D (Day) | 1.1 | 1.5 | 13.1 | 15.5 |
| | 4.1D (Day) | 1.1 | 1.5 | 12.0 | 18.7 |

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| Scenario | Weather | Maximum Distance to UFL at Height of Interest (m) | Maximum Distance to LFL at Height of Interest (m) | Maximum Distance to LFL at any Height (m) | Height of Maximum Distance to LFL at any Height (m) |
|---|---|---|---|---|---|
| | 1.5D (Day) | 1.1 | 1.4 | 10.1 | 38.7 |
| | 7.3D (Night) | 1.1 | 1.5 | 12.9 | 15.6 |
| | 4.0D (Night) | 1.1 | 1.5 | 11.8 | 18.8 |
| | 1D (Night) | 1.1 | 1.4 | 9.3 | 46.1 |
| | 2.6E (Night) | 1.1 | 1.4 | 10.6 | 27.8 |
| | 1F (Night) | 1.1 | 1.5 | 8.2 | 40.3 |
| 75mm (Bottom) | 1.9B (Day) | 0.7 | 0.9 | 6.5 | 33.0 |
| | 7.5D (Day) | 0.7 | 0.9 | 9.2 | 18.9 |
| | 4.1D (Day) | 0.7 | 0.9 | 8.4 | 25.5 |
| | 1.5D (Day) | 0.7 | 0.9 | 7.1 | 33.9 |
| | 7.3D (Night) | 0.7 | 0.9 | 9.0 | 19.1 |
| | 4.0D (Night) | 0.7 | 0.9 | 8.3 | 25.6 |
| | 1D (Night) | 0.7 | 0.9 | 6.6 | 45.0 |
| | 2.6E (Night) | 0.7 | 0.8 | 7.5 | 29.7 |
| | 1F (Night) | 0.6 | 1.2 | 5.7 | 34.0 |
| 110mm (Top) | 1.9B (Day) | 0.6 | 0.8 | 6.7 | 40.3 |
| | 7.5D (Day) | 0.6 | 0.8 | 9.3 | 23.9 |

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| Scenario | Weather | Maximum Distance to UFL at Height of Interest (m) | Maximum Distance to LFL at Height of Interest (m) | Maximum Distance to LFL at any Height (m) | Height of Maximum Distance to LFL at any Height (m) |
|---|---|---|---|---|---|
| | 4.1D (Day) | 0.6 | 0.8 | 8.6 | 31.6 |
| | 1.5D (Day) | 0.6 | 0.8 | 7.2 | 49.2 |
| | 7.3D (Night) | 0.6 | 0.8 | 9.2 | 24.5 |
| | 4.0D (Night) | 0.6 | 0.8 | 8.5 | 32.4 |
| | 1D (Night) | 0.6 | 0.8 | 6.7 | 53.0 |
| | 2.6E (Night) | 0.6 | 0.8 | 7.6 | 37.1 |
| | 1F (Night) | 0.6 | 0.7 | 5.8 | 42.3 |
| 110mm (Mid) | 1.9B (Day) | 1.1 | 1.6 | 10.2 | 39.1 |
| | 7.5D (Day) | 1.2 | 1.6 | 15.5 | 22.2 |
| | 4.1D (Day) | 1.2 | 1.5 | 13.9 | 30.6 |
| | 1.5D (Day) | 1.1 | 1.5 | 11.6 | 48.5 |
| | 7.3D (Night) | 1.2 | 1.6 | 15.3 | 22.3 |
| | 4.0D (Night) | 1.1 | 1.5 | 13.7 | 30.7 |
| | 1D (Night) | 1.1 | 1.5 | 10.6 | 57.7 |
| | 2.6E (Night) | 1.1 | 1.5 | 12.3 | 25.7 |
| | 1F (Night) | 1.2 | 1.6 | 9.5 | 48.9 |
| 110mm (Bottom) | 1.9B (Day) | 0.7 | 1.0 | 7.4 | 40.4 |

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| Scenario | Weather | Maximum Distance to UFL at Height of Interest (m) | Maximum Distance to LFL at Height of Interest (m) | Maximum Distance to LFL at any Height (m) | Height of Maximum Distance to LFL at any Height (m) |
|---|---|---|---|---|---|
| | 7.5D (Day) | 0.7 | 1.1 | 10.6 | 23.1 |
| | 4.1D (Day) | 0.7 | 1.0 | 9.7 | 29.1 |
| | 1.5D (Day) | 0.7 | 0.9 | 8.2 | 49.7 |
| | 7.3D (Night) | 0.7 | 1.1 | 10.5 | 23.2 |
| | 4.0D (Night) | 0.7 | 1.0 | 9.5 | 32.3 |
| | 1D (Night) | 0.7 | 0.9 | 7.5 | 41.4 |
| | 2.6E (Night) | 0.7 | 0.9 | 8.6 | 37.2 |
| | 1F (Night) | 0.7 | 0.9 | 6.6 | 39.5 |
| FBR | 1.9B (Day) | 1.9 | 2.8 | 17.8 | 22.9 |
| | 7.5D (Day) | 2.0 | 2.8 | 30.1 | 25.2 |
| | 4.1D (Day) | 1.9 | 2.7 | 27.8 | 19.6 |
| | 1.5D (Day) | 1.9 | 2.6 | 21.7 | 24.7 |
| | 7.3D (Night) | 2.0 | 2.8 | 29.7 | 25.5 |
| | 4.0D (Night) | 1.9 | 2.7 | 27.3 | 19.8 |
| | 1D (Night) | 1.9 | 2.6 | 19.4 | 72.4 |
| | 2.6E (Night) | 1.8 | 2.6 | 23.9 | 43.5 |
| | 1F (Night) | 1.8 | 2.6 | 18.6 | 59.4 |

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## C.4 Explosion Consequence Analysis Results

The downwind distances to overpressure levels from an explosion along with the corresponding exploded mass and peak overpressure for each representative release scenario are presented in Table 15.

**Table 15 Downwind Distances to Overpressures from VCEs**

| Scenario | Weather | Exploded Mass (kg) | Peak Overpressure (kPa) | Distance to 7 kPa (m) | Distance to 10 kPa (m) |
|---|---|---|---|---|---|
| 10mm (Top) | Day | 0.2 | 10.1 | 5.3 | 3.5 |
| 10mm (Mid) | | 0.2 | 10.1 | 5.3 | 3.5 |
| 10mm (Bottom) | | 0.2 | 10.1 | 5.3 | 3.5 |
| 10mm (Top) | Night | 0.2 | 10.1 | 5.1 | 3.4 |
| 10mm (Mid) | | 0.2 | 10.1 | 5.1 | 3.4 |
| 10mm (Bottom) | | 0.2 | 10.1 | 5.1 | 3.4 |
| 25mm (Top) | Day | 0.9 | 10.1 | 9.2 | 6.0 |
| 25mm (Mid) | | 1.1 | 10.1 | 10.1 | 6.7 |
| 25mm (Bottom) | | 1.1 | 10.1 | 10.0 | 6.7 |
| 25mm (Top) | Night | 0.8 | 10.1 | 9.1 | 6.0 |
| 25mm (Mid) | | 1.1 | 10.1 | 10.0 | 6.7 |
| 25mm (Bottom) | | 1.1 | 10.1 | 10.0 | 6.6 |
| 75mm (Top) | Day | 2.4 | 10.1 | 12.1 | 7.7 |
| 75mm (Mid) | | 4.1 | 10.1 | 14.3 | 9.1 |
| 75mm (Bottom) | | 2.8 | 10.1 | 12.7 | 8.1 |
| 75mm (Top) | Night | 2.6 | 10.1 | 12.4 | 8.0 |
| 75mm (Mid) | | 4.8 | 10.1 | 15.2 | 9.7 |
| 75mm (Bottom) | | 2.9 | 10.1 | 12.9 | 8.3 |
| 110mm (Top) | Day | 3.3 | 10.1 | 13.5 | 8.6 |
| 110mm (Mid) | | 5.6 | 10.1 | 15.8 | 10.1 |
| 110mm (Bottom) | | 3.7 | 10.1 | 14.0 | 9.0 |
| 110mm (Top) | Night | 3.6 | 10.1 | 13.9 | 9.0 |
| 110mm (Mid) | | 6.5 | 10.1 | 16.8 | 10.8 |

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| Scenario | Weather | Exploded Mass (kg) | Peak Overpressure (kPa) | Distance to 7 kPa (m) | Distance to 10 kPa (m) |
|---|---|---|---|---|---|
| 110mm (Bottom) | | 4.1 | 10.1 | 14.5 | 9.3 |
| FBR | Day | 12.3 | 10.1 | 21.0 | 13.5 |
| FBR | Night | 15.3 | 10.1 | 22.3 | 14.2 |

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# Appendix D Historical Accident Data

## D.1 Aboveground or Underground Cross-Country Pipelines – Various Materials

**United Kingdom Onshore Pipeline Operators' Association (UKOPA), Major Accident Hazard Pipelines (1962-2014)**

Failure reports in the UKOPA database include details such as the length and width of each failure. Table 16 presents incidents where the hole size was reported, as cited by the UK HSE in RR1035 [2]. This dataset is almost entirely composed of Natural Gas (NG) leaks, with only one incident involving another material (propylene).

**Table 16 Dimensions of Leaks for Aboveground or Underground Cross-Country Pipelines (UKOPA - Reported Values Only)**

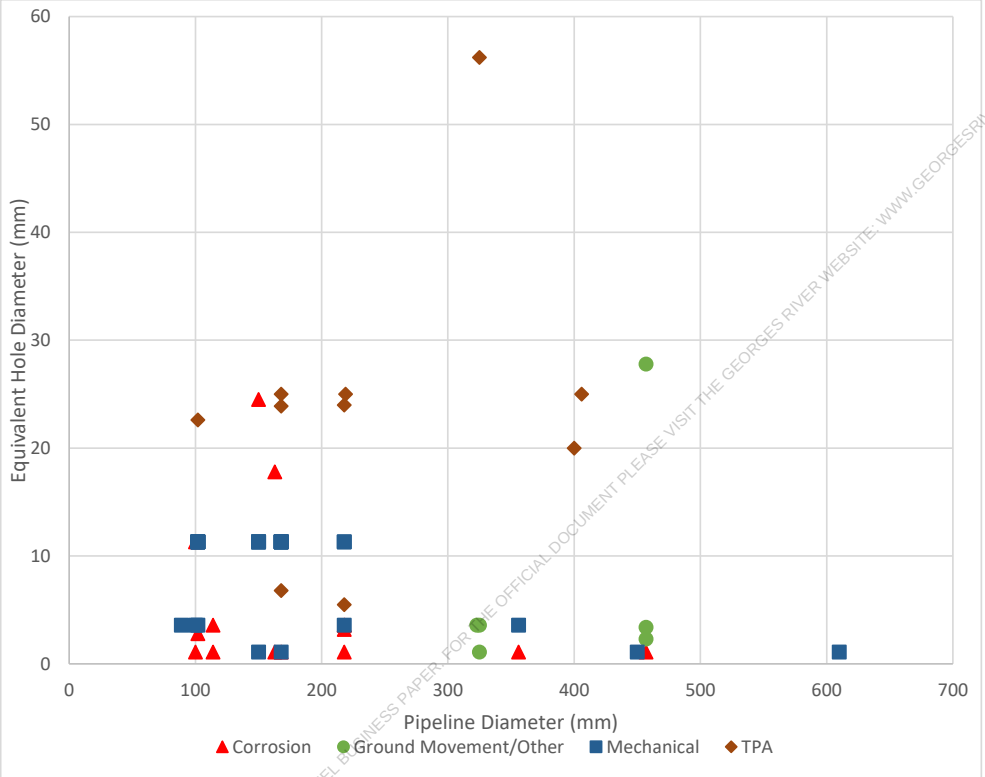
| Fault ID | Discovery Date | Product | Wall Thickness (mm) | Diameter (in) | Diameter (mm) | Equivalent Hole Diameter (mm) | Cause |
|---|---|---|---|---|---|---|---|
| 1950 | 1998 | NG | 4.4 | 3.9 | 100 | 1.1 | Corrosion |
| 1948 | 1997 | NG | 4.4 | 3.9 | 100 | 11.3 | Corrosion |
| 400 | 1998 | NG | Not Recorded | 4 | 102 | 2.8 | Corrosion |
| 3112 | 2010 | NG | 4.4 | 4.5 | 114 | 1.1 | Corrosion |
| 1424 | 1990 | NG | 4.5 | 4.5 | 114 | 3.6 | Corrosion |
| 1998 | 2001 | NG | 4.8 | 5.9 | 150 | 24.5 | Corrosion |
| 2569 | 2005 | NG | 4.7 | 6.4 | 163 | 1.1 | Corrosion |
| 2979 | 2009 | NG | 4.3 | 6.4 | 163 | 17.8 | Corrosion |
| 728 | 1990 | NG | 6 | 6.6 | 168 | 1.1 | Corrosion |
| 425 | 2000 | NG | 6.6 | 8.6 | 218 | 1.1 | Corrosion |
| 417 | 1998 | NG | 5.2 | 8.6 | 218 | 3.2 | Corrosion |
| 402 | 1999 | NG | 5.2 | 8.6 | 218 | 3.6 | Corrosion |
| 422 | 1999 | NG | 6.6 | 8.6 | 218 | 3.6 | Corrosion |
| 1934 | 1993 | NG | 6.4 | 14 | 356 | 1.1 | Corrosion |
| 730 | 1994 | NG | 6.4 | 18 | 457 | 1.1 | Corrosion |
| 1460 | 2001 | NG | 6.35 | 12.7 | 323 | 3.6 | Ground movement/Other |
| 1490 | 1989 | NG | 6.4 | 12.8 | 325 | 1.1 | Ground movement/Other |
| 1489 | 1989 | NG | 6.4 | 12.8 | 325 | 3.6 | Ground movement/Other |
| 1388 | 1998 | NG | 8 | 18 | 457 | 2.3 | Ground movement/Other |
| 2923 | 2008 | NG | 9.52 | 18 | 457 | 3.4 | Ground movement/Other |
| 2872 | 2000 | NG | 9.52 | 18 | 457 | 27.8 | Ground movement/Other |
| 1972 | 1990 | NG | 4.5 | 3.5 | 89 | 3.6 | Mechanical |
| 1949 | 1997 | NG | 4.4 | 3.9 | 100 | 3.6 | Mechanical |
| 1947 | 1990 | NG | 4.4 | 4 | 102 | 3.6 | Mechanical |
| 1909 | 1989 | NG | 4.4 | 4 | 102 | 11.3 | Mechanical |
| 1913 | 1990 | NG | 4.4 | 4 | 102 | 11.3 | Mechanical |
| 1914 | 1990 | NG | 4.4 | 4 | 102 | 11.3 | Mechanical |
| 1916 | 1990 | NG | 4.4 | 4 | 102 | 11.3 | Mechanical |
| 1917 | 1990 | NG | 4.4 | 4 | 102 | 11.3 | Mechanical |
| 1919 | 1990 | NG | 4.4 | 4 | 102 | 11.3 | Mechanical |
| 363 | 1997 | NG | Not recorded | 5.9 | 150 | 1.1 | Mechanical |
| 1928 | 1990 | NG | 4.5 | 5.9 | 150 | 11.3 | Mechanical |
| 1973 | 1990 | NG | 4.5 | 5.9 | 150 | 11.3 | Mechanical |
| 2028 | 1990 | NG | 4.8 | 5.9 | 150 | 11.3 | Mechanical |

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| Fault ID | Discovery Date | Product | Wall Thickness (mm) | Diameter (in) | Diameter (mm) | Equivalent Hole Diameter (mm) | Cause |
|---|---|---|---|---|---|---|---|
| 2078 | 1989 | NG | 5.6 | 5.9 | 150 | 11.3 | Mechanical |
| 1996 | 1993 | NG | 4.8 | 6.6 | 168 | 1.1 | Mechanical |
| 1875 | 1989 | NG | 5.2 | 6.6 | 168 | 11.3 | Mechanical |
| 1886 | 1990 | NG | 4.4 | 6.6 | 168 | 11.3 | Mechanical |
| 1887 | 1990 | NG | 4.4 | 6.6 | 168 | 11.3 | Mechanical |
| 1925 | 1989 | NG | 4.4 | 6.6 | 168 | 11.3 | Mechanical |
| 1926 | 1989 | NG | 4.4 | 6.6 | 168 | 11.3 | Mechanical |
| 1940 | 1990 | NG | 4.4 | 6.6 | 168 | 11.3 | Mechanical |
| 2069 | 1990 | NG | 6.4 | 8.6 | 218 | 3.6 | Mechanical |
| 1876 | 1989 | NG | 6.4 | 8.6 | 218 | 11.3 | Mechanical |
| 2055 | 1989 | NG | 6.4 | 8.6 | 218 | 11.3 | Mechanical |
| 1710 | 1989 | NG | 7.9 | 14 | 356 | 3.6 | Mechanical |
| 1842 | 1992 | NG | 9.5 | 17.7 | 450 | 1.1 | Mechanical |
| 1361 | 1994 | NG | 9.5 | 24 | 610 | 1.1 | Mechanical |
| 1117 | 1993 | NG | 12.7 | 36 | 914 | 160.1 | Mechanical |
| 1918 | 1990 | NG | 4.4 | 4 | 102 | 22.6 | TPA |
| 1987 | 1990 | NG | 4.8 | 6.6 | 168 | 23.9 | TPA |
| 2980 | 2009 | NG | 5.56 | 6.6 | 168 | 25 | TPA |
| 1645 | 1992 | NG | 7.1 | 8.6 | 218 | 5.5 | TPA |
| 366 | 1991 | NG | 4.8 | 8.6 | 218 | 24 | TPA |
| 2783 | 2006 | NG | 4.5 | 8.6 | 219 | 25 | TPA |
| 1560 | 1989 | NG | 6.4 | 12.8 | 325 | 56.2 | TPA |
| 1185 | 1998 | NG | 10.4 | 15.7 | 400 | 20 | TPA |
| 1193 | 1990 | NG | 9.5 | 16 | 406 | 25 | TPA |
| 3109 | 2009 | Propylene | 7.1 | 6.6 | 168 | 6.8 | TPA |

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**Figure 0-4 Equivalent Hole Diameter for Leaks from Above Ground or Underground Cross-Country Pipelines (UKOPA - Reported Values Only)**




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## D.2 Underground Cross-Country Pipelines – Natural Gas

**US Department of Transportation (DoT), Pipeline and Hazardous Materials Safety Administration (PHMSA), Accident Reports - Reported Data for Underground Natural Gas Steel Pipelines (January 2010 to December 2024)**

Hole dimensions are not consistently reported in the US DoT database. The following tables include all recorded incidents where hole size information was available. For these cases, the reported length and width were used to calculate the equivalent diameter of a circular opening with the same cross-sectional area.

**Table 17 Dimensions of Rupture Events for Underground Natural Gas Steel Pipelines (US DoT - Reported Values Only)**

| Failure Mode | Pipeline Diameter (mm) | Wall Thickness (mm) | Rupture Length (m) | Rupture Width (m) | Approx. Rupture Area ($m^2$) | Equiv. Hole Diameter (mm) |
|---|---|---|---|---|---|---|
| Corrosion | 114.3 | 3.2 | 0.61 | 0.10 | 0.05 | 161.6 |
| Corrosion | 219.075 | 4.8 | 0.20 | 0.81 | 0.13 | 309.8 |
| Corrosion | 219.075 | 4.8 | 0.20 | 0.20 | 0.03 | 203.2 |
| Corrosion | 762 | 10.3 | 30.81 | 2.39 | 57.78 | 1077.6 |
| Corrosion | 508 | 7.9 | 10.97 | 1.60 | 13.75 | 718.4 |
| Ground Movement / Other | 304.8 | 6.4 | 0.84 | 0.03 | 0.02 | 145.9 |
| Ground Movement / Other | 508 | 9.5 | 2.44 | 4.57 | 8.76 | 718.4 |
| Ground Movement / Other | 609.6 | 8.7 | 0.61 | 0.61 | 0.29 | 609.6 |
| Ground Movement / Other | 914.4 | 13.1 | 2.87 | 0.91 | 2.06 | 1293.2 |
| Ground Movement / Other | 304.8 | 7.9 | 0.30 | 0.09 | 0.02 | 166.9 |
| Ground Movement / Other | 254 | 9.3 | 0.25 | 0.25 | 0.05 | 254.0 |
| Mechanical Failure | 323.85 | 6.4 | 0.76 | 0.32 | 0.19 | 458.0 |
| Mechanical Failure | 323.85 | 5.6 | 5.94 | 0.91 | 4.27 | 458.0 |
| Mechanical Failure | 1066.8 | 12.3 | 3.09 | 0.04 | 0.09 | 343.3 |
| Mechanical Failure | 508 | 10.3 | 3.68 | 1.60 | 4.61 | 718.4 |
| Mechanical Failure | 762 | 8.3 | 3.05 | 1.52 | 3.65 | 1077.6 |

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| Failure Mode | Pipeline Diameter (mm) | Wall Thickness (mm) | Rupture Length (m) | Rupture Width (m) | Approx. Rupture Area ($m^2$) | Equiv. Hole Diameter (mm) |
|---|---|---|---|---|---|---|
| Mechanical Failure | 762 | 7.1 | 14.33 | 2.39 | 26.86 | 1077.6 |
| Mechanical Failure | 762 | 9.5 | 2.39 | 0.05 | 0.10 | 348.6 |
| TPA | 406.4 | 5.6 | 1.28 | 0.91 | 0.92 | 574.7 |
| TPA | 152.4 | 4.8 | 0.1 | 0.2 | 0.01 | 125.1 |
| TPA | 304.8 | 5.6 | 0.91 | 0.30 | 0.22 | 431.1 |
| TPA | 508 | 6.8 | 3.05 | 0.38 | 0.91 | 718.4 |
| TPA | 114.3 | 4.8 | 0.2 | 0.1 | 0.01 | 124.4 |
| TPA | 323.85 | 5.2 | 0.30 | 0.91 | 0.22 | 458.0 |
| TPA | 406.4 | 7.1 | 3.23 | 0.41 | 1.03 | 574.7 |

**Table 18 Dimensions of Puncture Events for Underground Natural Gas Steel Pipelines (US DoT - Reported Values Only)**

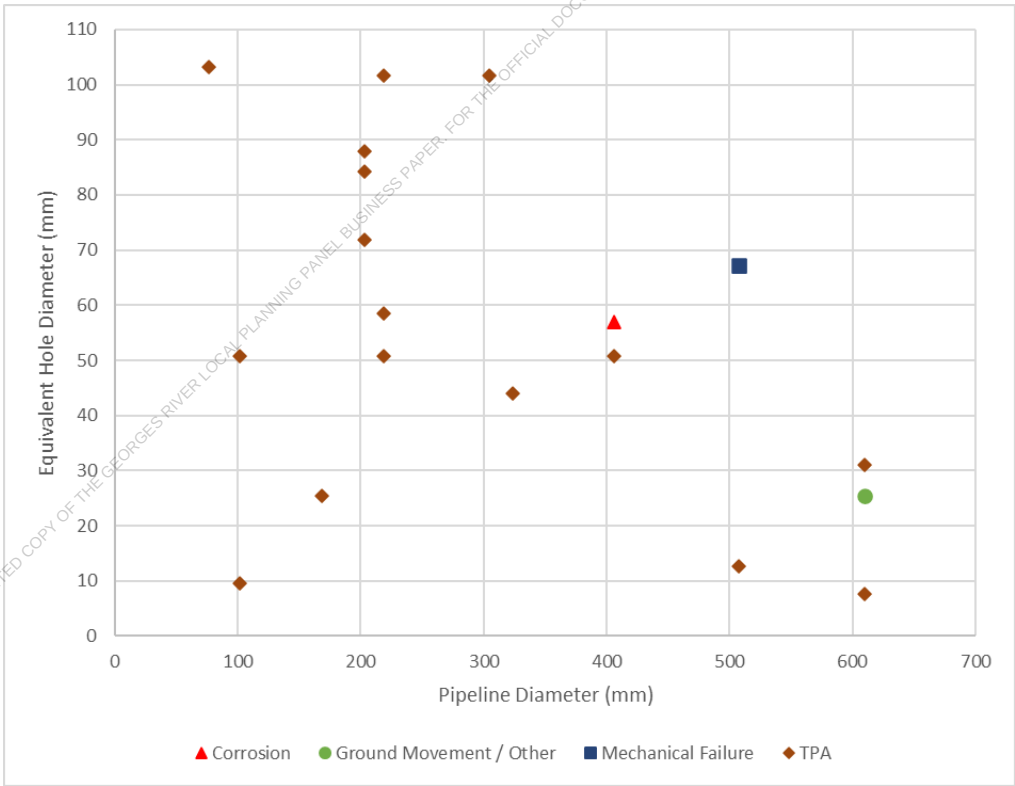
| Failure Mode | Pipeline Diameter (mm) | Wall Thickness (mm) | Puncture Length (mm) | Puncture Width (mm) | Approx. Puncture Area ($mm^2$) | Equiv. Hole Diameter (mm) |
|---|---|---|---|---|---|---|
| Corrosion | 406.4 | 6.4 | 1277.6 | 2.5 | 2548.7 | 57.0 |
| Ground Movement / Other | 609.6 | 12.3 | 25.4 | 25.4 | 506.7 | 25.4 |
| Mechanical Failure | 508.0 | 6.5 | 355.6 | 12.7 | 3547.0 | 67.2 |
| TPA | 219.1 | 4.8 | 50.8 | 203.2 | 8107.3 | 101.6 |
| TPA | 219.1 | 4.8 | 50.8 | 50.8 | 2026.8 | 50.8 |
| TPA | 304.8 | 5.2 | 50.8 | 203.2 | 8107.3 | 101.6 |
| TPA | 508.0 | 6.0 | 12.7 | 12.7 | 126.7 | 12.7 |
| TPA | 323.9 | 5.6 | 25.4 | 76.2 | 1520.1 | 44.0 |
| TPA | 609.6 | 6.8 | 38.1 | 25.4 | 760.1 | 31.1 |
| TPA | 76.2 | 4.0 | 38.1 | 279.4 | 8360.7 | 103.2 |
| TPA | 609.6 | 7.1 | 7.6 | 7.6 | 45.6 | 7.6 |
| TPA | 203.2 | 6.4 | 152.4 | 50.8 | 6080.5 | 88.0 |

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| Failure Mode | Pipeline Diameter (mm) | Wall Thickness (mm) | Puncture Length (mm) | Puncture Width (mm) | Approx. Puncture Area (mm²) | Equiv. Hole Diameter (mm) |
|---|---|---|---|---|---|---|
| TPA | 203.2 | 4.8 | 50.8 | 101.6 | 4053.7 | 71.8 |
| TPA | 219.1 | 6.4 | 58.4 | 58.4 | 2680.5 | 58.4 |
| TPA | 406.4 | 5.6 | 50.8 | 50.8 | 2026.8 | 50.8 |
| TPA | 101.6 | 8.6 | 50.8 | 50.8 | 2026.8 | 50.8 |
| TPA | 101.6 | 4.0 | 5.1 | 17.8 | 70.9 | 9.5 |
| TPA | 203.2 | 4.8 | 279.4 | 25.4 | 5573.8 | 84.2 |
| TPA | 168.3 | 6.4 | 25.4 | 25.4 | 506.7 | 25.4 |

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**Figure 0-5 Equivalent Hole Diameter for Leaks from Underground Natural Gas Steel Pipelines (US DoT - Reported Values Only)**



# Appendix E Likelihood Analysis

## E.1 Likelihood of Release from Underground Pipelines

The likelihood of a release (i.e. leak) from each underground pipeline was estimated based on a review of relevant data sources. The primary data sources included:

- Department of Climate Change, Energy, the Environment and Water, New South Wales, Licensed Pipelines Performance Reports [3]. These reports includes data for all licensed pipelines in NSW covering a 5-year period;
- UK Health and Safety Executive (HSE), Update of Pipeline Failure Rates for Land Use Planning Assessments, Research Report (RR) 1035, 2015;
- British Standards Institute, 2013, Pipeline Systems – Part 3: Steel Pipelines on Land – Guide to the Application of Pipeline Risk Assessment to Proposed Developments in the Vicinity of Major Accident Hazard Pipelines Containing Flammables – Supplement to PD 8010-1:2004, PD 8010-3:2009+A1:2013;
- US Department of Transportation (DoT), Pipeline and Hazardous Materials Safety Administration (PHMSA), Accident Reports - Reported Data for Underground Natural Gas Steel Pipelines (January 2010 to December 2024) [4]; and
- Australia/New Zealand Pipeline Incident Database

A comparison of failure frequency databases was conducted by determining the total generic failure frequencies from each source, with the NSW Pipeline Performance Report serving as the baseline. However, it was not possible to calculate the generic failure frequency from the data reported in PD 8010 due to the absence of exposure data. A summary of the generic failure frequencies is provided in Table 19 below.

**Table 19 Generic Pipeline Failure Frequencies**

| Database | Failure Rate (per km per yr) | | | | | % Difference |
|---|---|---|---|---|---|---|
| | Pinhole (≤ 25 mm) | Small Hole (> 25 mm to ≤ 75 mm) | Large Hole (> 75 mm to ≤ 110 mm) | Rupture (> 110 mm) | Total Failure Frequency | |
| NSW | - | - | - | - | 1.4E-04 | Baseline |
| UK HSE | 1.2E-04 | 4.9E-06 | 2.7E-07 | 2.6E-06 | 1.3E-04 | -4% |
| US DoT | 6.9E-06 | 1.5E-06 | 7.0E-07 | 3.9E-06 | 1.3E-05 | -91% |
| PD 8010 | 4.3E-05 | 2.6E-05 | 2.6E-05 | 1.3E-04 | 2.3E-04 | +64% |
| AS/NZ Pipeline Incident Database | - | - | - | - | 3.0E-05 | -78% |

The leak frequency data reported in RR1035 (refer to Appendix E.1.2) was adopted for this analysis, as it is the most comparable to the NSW pipeline performance data. RR1035 includes leak frequencies categorized by four-hole sizes (pinhole, small hole, large hole, and rupture), four failure modes (mechanical failure, corrosion, ground movement/other, and third-party activity), and in some cases, by pipe diameter and/or wall thickness.

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In contrast, the NSW performance data presents incident frequencies without categorizing them by failure mechanism, pipeline diameter, or wall thickness, which limits the potential for detailed analysis.

The leak frequency data from British Standards Institute PD 8010-3:2009+A1:2013 (refer to Appendix E.1.3) was not used, as the failure frequencies are not clearly defined for all failure modes. In the absence of historical failure data, the UK HSE adopts a probabilistic approach to estimate incident frequency, whereas PD 8010 does not provide any guidance on such an approach. Additionally, the rupture frequency due to third-party activity (TPA), estimated using the methodology in Annex B of PD 8010-3:2009+A1:2013, is inconsistent with data from the UK HSE and US DoT.

The leak frequency data derived from the US DoT data (Refer to Appendix E.1.4) was not used since the total leak frequency is lower than reported in RR1035 and the NSW performance data.

The leak frequency data reported in RR1035 has been based on:

- An analysis of pipeline failure data from multiple organisations, including:
  - CONCAWE (CONservation of Clean Air and Water in Europe);
  - UKOPA (United Kingdom Onshore Pipeline Operators' Association); and
  - EGIG (European Gas pipeline Incident Group).
- A conservative, yet realistic, analysis of the available data. For example:
  - For failure mode categories where zero failures have occurred, assumptions have been made to estimate the chance of a failure, even if not seen historically (over the observation period).
  - Only the most recent 22 years of historical incident data was analysed to ensure a consistent pipeline population and to remove the older incident data, which may not be as representative of current practice.
  - Incident data for pipelines carrying products at elevated temperatures was excluded from the analysis.
  - Although the location of failures (e.g. rural or urban) may be recorded in the various databases, it is recognised that there is insufficient data to estimate the leak frequency for different locations.
  - The recommended failure rates for specific materials have been derived from the most appropriate dataset (e.g. for a specific substance the failure rates for corrosion may derived from the CONCAWE products dataset, whilst the mechanical failure rates may be derived from the UKOPA dataset).

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### E.1.1 NSW Performance Reports

The average leak frequency from the NSW Performance Reports for all licensed pipelines in NSW for the 12-year period from 2011-12 to 2022-23 is **1.4E-04 per km per year**. The loss of containment data presented in these reports are tabulated in Table 20.

**Table 20 NSW Licenced Pipelines LOC Data**

| Year | LOC Events per 1,000 km |
|---|---|
| 2011/12 | 0 |
| 2012/13 | 0.41 |
| 2013/14 | 0 |
| 2015/16 | 0 |
| 2016/17 | 0 |
| 2017/18 | 0.41 |
| 2018/19 | 0 |
| 2019/20 | 0.21 |
| 2020/21 | 0 |
| 2021/22 | 0 |
| 2022/23 | 0.62 |
| Average | 0.14 |

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### E.1.2 UK HSE (RR1035)

The leak frequency data reported in Section 7.1 of RR1035 for underground natural gas pipelines are presented in Table 21. Pipeline exposure data based on pipeline diameter and wall thickness obtained from RR1035 are presented in Table 22 and Table 23 respectively.

Utilizing the pipeline exposure data, the total generic pipeline failure frequency was determined to be **1.3E-04 per km per year** as presented in Table 24.

**Table 21 Leak Frequencies for Underground Natural Gas Pipelines Reported in RR1035**

| Failure Mode | Pipeline Diameter (mm) | Wall Thickness (mm) | Leak Frequency (per km per yr) | | | | |
|---|---|---|---|---|---|---|---|
| | | | Pinhole (≤ 25 mm) | Small Hole (> 25 mm to ≤ 75 mm) | Large Hole (> 75 mm to ≤ 110 mm) | Rupture (> 110 mm) | Total Leak Frequency |
| Mechanical Failure | < 115 | All | 4.5E-04 | 1.0E-08 | 1.0E-08 | 1.0E-08 | 4.5E-04 |
| | 127 to < 273 | | 1.5E-04 | 1.0E-08 | 1.0E-08 | 1.0E-08 | 1.5E-04 |
| | ≥ 305 | | 8.7E-06 | 1.0E-08 | 1.0E-08 | 1.0E-08 | 8.7E-06 |
| Corrosion | All | < 5 | 3.1E-04 | 1.0E-08 | 1.0E-08 | 1.0E-08 | 3.1E-04 |
| | | 5 to < 10 | 3.3E-05 | 1.0E-08 | 1.0E-08 | 1.0E-08 | 3.3E-05 |
| | | ≥ 10 | 1.0E-07 | 1.0E-08 | 1.0E-08 | 1.0E-08 | 1.3E-07 |
| Ground Movement / Other | All | All | 1.2E-05 | 2.5E-06 | 1.5E-07 | 2.5E-06 | 1.7E-05 |
| TPA | All | All | 2.2E-05 | 2.4E-06 | 1.0E-07 | 1.0E-07 | 2.5E-05 |

**Table 22 Pipeline Exposure by Diameter**

| Pipeline Diameter | Exposure (km.yr) |
|---|---|
| <115 | 19798 |
| 127 to 273 | 93913 |
| >305 | 342909 |

**Table 23 Pipeline Exposure by Wall Thickness**

| Wall Thickness | Exposure (km.yr) |
|---|---|
| < 5 | 25681 |
| 5 to 10 | 213527 |
| >= 10 | 217413 |

**Table 24 Generic Leak Frequencies for Underground Natural Gas Pipelines**

| Failure Mode | Leak Frequency (per km per yr) | | | | |
|---|---|---|---|---|---|
| | Pinhole (≤ 25 mm) | Small Hole (> 25 mm to ≤ 75 mm) | Large Hole (> 75 mm to ≤ 110 mm) | Rupture (> 110 mm) | Total Leak Frequency |
| Mechanical Failure | 5.7E-05 | 1.0E-08 | 1.0E-08 | 1.0E-08 | 5.7E-05 |
| Corrosion | 3.3E-05 | 1.0E-08 | 1.0E-08 | 1.0E-08 | 3.3E-05 |
| Ground Movement / Other | 1.2E-05 | 2.5E-06 | 1.5E-07 | 2.5E-06 | 1.7E-05 |
| TPA | 2.2E-05 | 2.4E-06 | 1.0E-07 | 1.0E-07 | 2.5E-05 |
| Total Leak Frequency | 1.2E-04 | 4.9E-06 | 2.7E-07 | 2.6E-06 | **1.3E-04** |
| % | 94.1% | 3.7% | 0.2% | 2.0% | 100% |

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### E.1.3 British Standards Institute (PD 8010-3:2009+A1:2013)

The data and approach included in Annex B of PD 8010-3:2009+A1:2013 was used to estimate the leak frequencies for the pipelines (Refer to Table 25). It was not possible to estimate a generic average failure frequency in the absence of pipeline exposure data. This data is applicable for a pipeline with a wall thickness of 11.9 mm.

The rupture frequency due to 'TPA' was derived from the generic pipeline failure frequency. For leaks (other than ruptures) due to 'Ground Movement / Other' or 'TPA', the estimated leak frequency was assumed to be distributed evenly across the other hole sizes (Note: There is no guidance in PD 8010-3:2009+A1:2013 on how to distribute the non-rupture events).

**Table 25 Leak Frequencies for MSE Pipeline based on PD 8010**

| Failure Mode | Approx. Leak Frequency (per km per yr) | | | | | Comments (Refer to Annex B of PD 8010-3:2009+A1:2013) |
|---|---|---|---|---|---|---|
| | Pinhole (≤ 25 mm) | Small Hole (> 25 mm to ≤ 75 mm) | Large Hole (> 75 mm to ≤ 110 mm) | Rupture (> 110 mm) | Total Leak Frequency | |
| Mechanical Failure | 1.7E-05 | 0.0E+00 | 0.0E+00 | 0.0E+00 | 1.7E-05 | Only the pinhole leak frequency was reported. |
| Corrosion | 0.0E+00 | 0.0E+00 | 0.0E+00 | 0.0E+00 | 0.0E+00 | No data reported for external or internal corrosion. |
| Ground Movement / Other | 1.1E-06 | 1.1E-06 | 1.1E-06 | 3.5E-07 | 3.7E-06 | Based on average incident rate (0.02 per 1000 km.yr) and survival values of 0.018 (Rupture) and 0.17 (Leaks). |
| TPA | 2.5E-05 | 2.5E-05 | 2.5E-05 | 1.3E-04 | 2.1E-04 | Proportion of ruptures = 0.63 |
| Total Leak Freq. = | 4.3E-05 | 2.6E-05 | 2.6E-05 | 1.3E-04 | **2.3E-04** | |
| % = | 19% | 12% | 12% | 57% | 100% | |

### E.1.4 US Department of Transportation (DoT)

The Pipeline and Hazardous Materials Safety Administration (PHMSA) Accident Reports contain data on incidents involving various pipelines. To enable comparison with UK data, the subset of incidents involving underground natural gas transmission pipelines was analysed. Leaks were categorised using the same failure modes and representative hole sizes as defined in UK sources (i.e., RR1035 and PD8010).

Incidents involving pipes or valves manufactured prior to 1970 were excluded from the analysis. Pipeline safety has improved significantly since the 1970 and inclusion of these events lead to incorrect conclusions regarding the failure frequency. All leaks with no reported hole size were allocated to the 'Pinhole' category. These are typically described as cracks or pinholes and may include leaks from smaller fittings. The results are summarised in Table 26.

| | | | |
|---|---|---|---|
| Period of Recorded Incident Data = | 15 | yrs | (Jan 2010 to Dec 2024) |
| Total Length of Natural Gas Pipelines = | 7127667 | km.yrs | (Jan 2010 to Dec 2024) |

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**Table 26 Leak Frequencies for Underground Natural Gas Transmission Pipelines**

| Failure Mode | Approx. Leak Frequency (per km per yr) | | | | |
|---|---|---|---|---|---|
| | Pinhole (≤ 25 mm) | Small Hole (> 25 mm to ≤ 75 mm) | Large Hole (> 75 mm to ≤ 110 mm) | Rupture (> 110 mm) | Total Leak Frequency |
| Mechanical Failure | 2.5E-06 | 1.4E-07 | 0.0E+00 | 1.1E-06 | 3.8E-06 |
| Corrosion | 1.3E-06 | 1.4E-07 | 0.0E+00 | 7.0E-07 | 2.1E-06 |
| Ground Movement / Other | 1.8E-06 | 1.4E-07 | 0.0E+00 | 9.8E-07 | 2.9E-06 |
| TPA | 1.3E-06 | 1.1E-06 | 7.0E-07 | 1.1E-06 | 4.2E-06 |
| Total Leak Frequency | 6.9E-06 | 1.5E-06 | 7.0E-07 | 3.9E-06 | **1.3E-05** |
| % | 52.7% | 11.8% | 5.4% | 30.1% | 100% |

### E.1.5 Australia/New Zealand Pipeline Incident Database

A comparison with limited Australian data between 2000 and 2018 extracted from the report "Experience with the Australian/New Zealand Pipeline Incident Database" has been undertaken. The report does not provide explicit rates for loss of containment from pipelines but provides data from which some conclusions may be drawn. These are:

- Total km of pipelines within a given interval (Refer to Table 27), and
- Total number of leaks and ruptures in the period 2000 to 2018. A total of 17 are reported in the database.

**Table 27 Australian Pipeline Population by Half Decade**

| Period | | | km of Pipeline | | | Pipeline Population (km.year) |
|---|---|---|---|---|---|---|
| Start | End | Interval (year) | Start of period | End of period | Average during period | |
| 2000 | 2005 | 5 | 26000 | 29000 | 27500 | 137,500 |
| 2005 | 2010 | 5 | 29000 | 32000 | 30500 | 152,500 |
| 2010 | 2015 | 5 | 32000 | 36000 | 34000 | 170,000 |
| 2015 | 2018 | 3 | 36000 | 36000 | 36000 | 108,000 |
| | | | | | Total | **568,000** |

From Table 27 and the total of 17 release incidents, the expected total release frequency is:

$$f = \frac{N}{km.y} = \frac{17}{568{,}000} = 3 \times 10^{-5}\ \mathrm{km^{-1}y^{-1}}$$

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## E.2 Ignition Probability

A review of relevant ignition probability data and ignition probability correlations was conducted using the following sources:

- United Kingdom Pipeline Operators Association (UKOPA), UKOPA Pipeline Product Loss Incidents and Faults Report (1962-2014), 2015;
- UK Health and Safety Executive (HSE), Review of the Event Tree Structure and Ignition Probabilities used in HSE's Pipeline Risk Assessment Code MISHAP, Research Report (RR) 1034, 2015;
- European Gas Pipeline Incident Data Group, Gas Pipeline Incidents, 9th Report of the European Gas Pipeline Incident Data Group (Period 1970 – 2013), 2015;
- International Association of Oil & Gas Producers, Ignition Probabilities (Report 434-06), 2019; and
- Acton, M.R., Acton, O.J. and Robinson. C., A Review of Natural Gas Transmission Pipeline Incidents to Derive Ignition Probabilities for Risk Assessment, Hazards 26.

For this analysis:

- The total ignition probability was based on the Acton & Baldwin correlation (Refer to Table 29).
    - The Acton & Baldwin correlation is recommended by the IOGP.
    - The data in UK HSE's RR 1034 are not reported for varying hole sizes or operating pressures (i.e. are not release rate dependent) and appear to be only applicable for larger release events (i.e. ruptures).
    - The total ignition probability for rupture scenarios reported in the UKOPA database is lower compared to the correlation.
    - The correlation probabilities are comparable to the EGIG data.
- The total ignition probability was split 50:50 for immediate ignition and delayed ignition.

Ignition data is usually reported by hole size rather than failure mode and inconsistent reporting of immediate ignition due to TPA (which is sometimes reported to be the highest immediate ignition probability and sometimes not) means it was not possible to estimate the immediate ignition probability based on failure mode.

### E.2.1 Ignition Probability Data for Above Ground or Underground Cross-Country Pipelines – Various Materials

**United Kingdom Pipeline Operators Association (UKOPA), UKOPA Pipeline Product Loss Incidents and Faults Report (1962-2014), 2015)**

The definition of a Major Accident Hazard Pipeline (MAHP) from the Pipelines Safety Regulations 1996 (PSR 96) includes various materials (e.g. including natural gas at >8 bar, flammable liquids, etc.). The pipeline may be above or below ground. Hence, this data is not exclusive to underground natural gas pipelines.

The number of Incidents reported in the UKOPA database are presented in Table 28. There were 9 out of 192 (4.7%) product loss incidents that resulted in ignition.

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**Table 28 Ignition Probability - UKOPA**

| Hole Size Class | Total Number of Incidents | Number of Incidents with Ignition | Total Ignition Probability | Total Ignition Probability |
|---|---|---|---|---|
| Full Bore and Above | 7 | 1 | 0.14 | 0.09 |
| 110mm – Full Bore | 4 | 0 | 0.0 | |
| 40mm – 110mm | 7 | 1 | 0.14 | 0.03 |
| 20mm – 40mm | 23 | 0 | 0.0 | |
| 6mm – 20mm | 31 | 3 | 0.10 | 0.05 |
| 0 – 6mm | 118 | 4 | 0.03 | |
| Unknown | 2 | 0 | 0.0 | 0.0 |
| Total = | 192 | 9 | 0.047 | 0.047 |

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**International Association of Oil & Gas Producers, Ignition Probabilities (Report 434-06), 2019 - Scenario 3: Gas or LPG Release from Onshore Pipeline in an Industrial or Urban Area)**

The ignition data presented for Scenario 3 in the IOGP directory is applicable for releases of flammable gases (other than buried natural gas pipelines), vapours or liquids significantly above their normal (Normal Atmospheric Pressure (NAP)) boiling point from onshore cross-country pipelines running through industrial or urban areas.

For buried natural gas pipelines, IOGP recommends using the Acton & Baldwin correlation described in Appendix E.2.2.

### E.2.2 Ignition Probability Data for Underground Cross-Country Pipelines – Natural Gas

**Acton, M.R., Acton, O.J. and Robinson. C., A Review of Natural Gas Transmission Pipeline Incidents to Derive Ignition Probabilities for Risk Assessment, Hazards 26**

An analysis of historical data for rupture incidents shows the ignition probability increases linearly with pd^2. The correlation derived for rupture releases takes the form:

$$P_{ign} = 0.0555 + 0.0137pd^2, 0 \leq pd^2 \leq 69$$

$$P_{ign} = 1\,, pd^2 > 69$$

$P_{ign}$ = probability of ignition

$p$ = pipeline operating pressure (bar)

$d$ = pipeline diameter for ruptures (m)

The probability of ignition $P_{ign}$, calculated as detailed above, is then generally apportioned as 0.5 for immediate ignition and 0.5 for delayed ignition, where delayed ignition occurs after 30 seconds.

This correlation is for ignition by all causes and is applicable to underground cross-country pipelines carrying high pressure natural gas. It does not take the location of the pipeline (e.g. rural or urban) or the cause of failure (e.g. external) into consideration. The following data was combined to derive the correlation:

- Transmission pipeline incident data recorded between 1970 and 2004; and
- US Office of Pipeline Safety Office (OPS) data between 2002 and 2007.

The authors state that the total ignition probability for releases caused by external interference, such as excavating machinery, is much lower than releases caused by other means (viz. 0.11 vs. 0.34 for pipeline ruptures from 1970 to 2004).

For puncture releases (all causes), the same ignition probability relationship may be applied, with d equal to the release hole diameter and with the coefficient of the pd^2 value halved. This reflects the difference between the two sources contributing to the gas release following a rupture and the single source contributing to a puncture release.

**Table 29 Ignition Probability – Acton & Baldwin**

| Pipeline Diameter (mm) | Operating Pressure (bar) | Equivalent Hole Diameter (mm) | pd^2 | Total Ignition Probability | Probability of Immediate Ignition | Probability of Delayed Ignition |
|---|---|---|---|---|---|---|
| 195.2 | 100 | 10 | 0.01 | 0.056 | 0.0278 | 0.0278 |
| | | 25 | 0.06 | 0.056 | 0.0280 | 0.0280 |
| | | 75 | 0.56 | 0.059 | 0.0297 | 0.0297 |
| | | 110 | 1.21 | 0.064 | 0.0319 | 0.0319 |
| | | FBR | 3.81 | 0.108 | 0.0539 | 0.0539 |

**European Gas Pipeline Incident Data Group, Gas Pipeline Incidents, 9th Report of the European Gas Pipeline Incident Data Group (Period 1970 – 2013), 2015**

Although the pipeline definition does not exclude above ground pipelines, the data is predominantly for underground natural gas transmission pipelines with a maximum operating pressure > 15 bar.

In the period 1970 - 2013, only 5% of the gas releases recorded as incidents in the EGIG database ignited.

**Table 30 Ignition Probability – EGIG**

| Hole Size Class | | Total Ignition Probability |
|---|---|---|
| Rupture (FB and Above) | All diameters | 0.139 |
| | <= 16 inches | 0.103 |
| | > 16 inches | 0.32 |
| Hole (>20 mm to FB) | | 0.023 |
| Pinhole / Crack (Up to 20 mm) | | 0.044 |

**UK Health and Safety Executive (HSE), Review of the Event Tree Structure and Ignition Probabilities used in HSE's Pipeline Risk Assessment Code MISHAP, Research Report (RR) 1034, 2015 - Typical Event Tree Probabilities for Natural Gas**

The following data is proposed in RR 1034 for the UK HSE's computer program MISHAP. This program is used by the UK HSE to calculate the level of risk around Major Accident Hazard Pipelines (MAHPs), particularly in land use planning (LUP) assessments.

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A MAHP may be above or below ground; however, the MISHAP model appears to be primarily for underground pipelines. The probabilities are not reported for varying hole sizes or operating pressures (i.e. are not release rate dependent) and appear to be only applicable for larger release events (i.e. ruptures).

For example, the literature cited in RR 1034 indicates an overall ignition probability between 0.2 and 0.5 for larger releases of natural gas, depending on the degree of confinement. On this basis, the total ignition probability proposed in RR 1034 for natural gas is 0.44.

It is reported in RR 1034 that the risk associated with VCE events is negligible because the development of MISHAP (and its predecessors) was based on areas with low congestion and confinement (e.g. rural pipelines), which are not conducive for creating the large flammable clouds required for a VCE. It is acknowledged in RR 1034 that this may require further review.

The proposed conditional probability value for delayed remote ignition is zero. It is reported in RR 1034 that this is "to take into account the reasoning that natural gas is unlikely to form a significant vapour cloud due to its buoyant nature".

**Table 31 Ignition Probability – UK HSE (RR 1034)**

| Outcome | Probability of Outcome |
|---|---|
| Immediate ignition, fireball and jet fire | 0.250 |
| Delayed ignition and jet fire | 0.188 |
| Delayed ignition, flash fire and jet fire | 0.000 |
| No ignition | 0.563 |

Note: Some of the sources cited in RR 1034 with an overall ignition probability between 0.2 and 0.5 are relatively old (c. mid 1980s - See below). This data would also appear to confirm that the total ignition probability proposed for natural gas in MISHAP is for a worst-case rupture event on a larger transmission pipeline.

**Table 32 Ignition Probability – Data Cited by UK HSE (RR 1034)**

| Data source | Ignition Probability | |
|---|---|---|
| World-wide, Townsend & Fearnehough (1986) | Leaks | 0.1 |
| | Ruptures | 0.5 |
| US Gas, Jones (1986) | Ruptures | 0.26 |
| | All sizes | 0.16 |
| European Gas, European Gas Pipeline Incident Data Group (1988) | Pinholes / cracks | 0.02 |
| | Holes | 0.03 |
| | Ruptures < 16” | 0.05 |
| | Ruptures ≥ 16” | 0.35 |
| | All sizes | 0.03 |

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### E.2.3 Ignition Probability Data for Underground Cross-Country Pipelines – Gases Other Than Natural Gas

**UK Health and Safety Executive (HSE), Review of the Event Tree Structure and Ignition Probabilities used in HSE's Pipeline Risk Assessment Code MISHAP, Research Report (RR) 1034, 2015 - Typical Event Tree Probabilities for Flammable Gas other than Natural Gas**

The following data is proposed in RR 1034 for the UK HSE's computer program MISHAP to calculate the level of risk around Major Accident Hazard Pipelines (MAHPs), particularly in land use planning (LUP) assessments (Refer to Table 33). A MAHP may be above or below ground; however, the MISHAP model appears to be primarily for underground pipelines. The probabilities are not reported for varying hole sizes and appear to be only applicable for larger release events.

For MISHAP, the risk associated with VCE events is negligible because the development of MISHAP (and its predecessors) was based on areas with low congestion and confinement (e.g. rural pipelines), which are not conducive for creating the large flammable clouds required by VCE. It is acknowledged in RR 1034 that this may require further review.

**Table 33 Ignition Probability – UK HSE (RR 1034)**

| Outcome | Probability of Outcome | | |
|---|---|---|---|
| | R12 Materials with a MIE < 0.2 mJ (1) | R12 Materials with a MIE ≥ 0.2 mJ (2) | R11 and Low Reactive Materials (3) |
| Immediate ignition, fireball and jet fire | 0.350 | 0.300 | 0.250 |
| Delayed ignition and jet fire | 0.325 | 0.210 | 0.188 |
| Delayed ignition, flash fire and jet fire | 0.096 | 0.145 | 0.167 |
| No ignition | 0.229 | 0.345 | 0.396 |

(1) For example: ethylene

(2) For example: butane, ethane and propane

(3) For example: ammonia, carbon monoxide

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[3] Department of Climate Change, Energy, the Environment and Water, “Pipelines - NSW Climate and Energy Action,” [Online]. Available: https://www.energy.nsw.gov.au/nsw-plans-and-progress/regulation-and-policy/our-role-networks/pipelines.

[4] US Department of Transportation (DoT), Pipeline and Hazardous Materials Safety Administration (PHMSA), “Distribution, Transmission & Gathering, LNG, and Liquid Accident and Incident Data,” [Online]. Available: https://www.phmsa.dot.gov/data-and-statistics/pipeline/distribution-transmission-gathering-lng-and-liquid-accident-and-incident-data.

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## REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 19 FEBRUARY 2026

## LPP002-26 447-453 KING GEORGES ROAD, BEVERLY HILLS

| | | | |
|---|---|---|---|
| **LPP Report No** | **LPP002-26** | **Development Application No** | **DA2025/0387** |
| **Site Address & Ward Locality** | 447-453 King Georges Road, BEVERLY HILLS<br>Hurstville Ward | | |
| **Proposed Development** | Change of use to 24 hour gym and signage | | |
| **Owners** | DIAB Investments II Pty Limited | | |
| **Applicant** | Aenbv Fitness Pty Ltd | | |
| **Planner/Architect** | Plan A Town Planning | | |
| **Date Of Lodgement** | 8/08/2025 | | |
| **Submissions** | 43 | | |
| **Cost of Works** | $205,700.00 | | |
| **Local Planning Panel Criteria** | This application is referred to Georges River Local Planning Panel for determination as more than 10 unique submissions have been received. | | |
| **List of all relevant s.4.15 matters (formerly s79C(1)(a))** | State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy Transport and Infrastructure) 2021, State Environmental Planning Policy (Housing) 2021, Georges River Local Environmental Planning Policy 2021, Georges River Development Control Plan 2021. | | |
| **List all documents submitted with this report for the Panel's consideration** | Architectural Plans, Acoustic Report, Statement of Environmental Effects, Traffic Impact Statement, Construction Management Plan, Waste Management Plan | | |
| **Report prepared by** | Development Assessment Planner | | |

| | |
|---|---|
| **RECOMMENDATION** | Approval |

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

| | |
|---|---|
| recommendations summarised, in the Executive Summary of the assessment report? | |
| **Clause 4.6 Exceptions to development standards**<br>If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? | **Not Applicable** |
| **Special Infrastructure Contributions**<br>Does the DA require Special Infrastructure Contributions conditions (under s7.24)? | **Not Applicable** |
| **Conditions**<br>Have draft conditions been provided to the applicant for comment? | **No, standard conditions have been attached with design changes** |

**SITE PLAN**




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# EXECUTIVE SUMMARY

## PROPOSAL

1. Approval is sought for the change of use and fitout of an existing tenancy for the purpose of a Recreation Facility (Indoor), including signage and 24-hour operation. The following works are proposed on site:
   (a) Establishment and fitout of a recreation facility (indoor), consisting of a ground floor and new mezzanine area.
   (b) Construction of various business identification signs.
   (c) Internal and external building alterations including the replacement of ground floor windows and doors.
   (d) The utilisation of the existing carpark at the rear facing Dumbleton Lane.
2. The proposed hours of operation of the gym are 24-hours a day, 7 days a week with varying staff hours. It is proposed that there will be 1-4 staff members present on site during these hours.

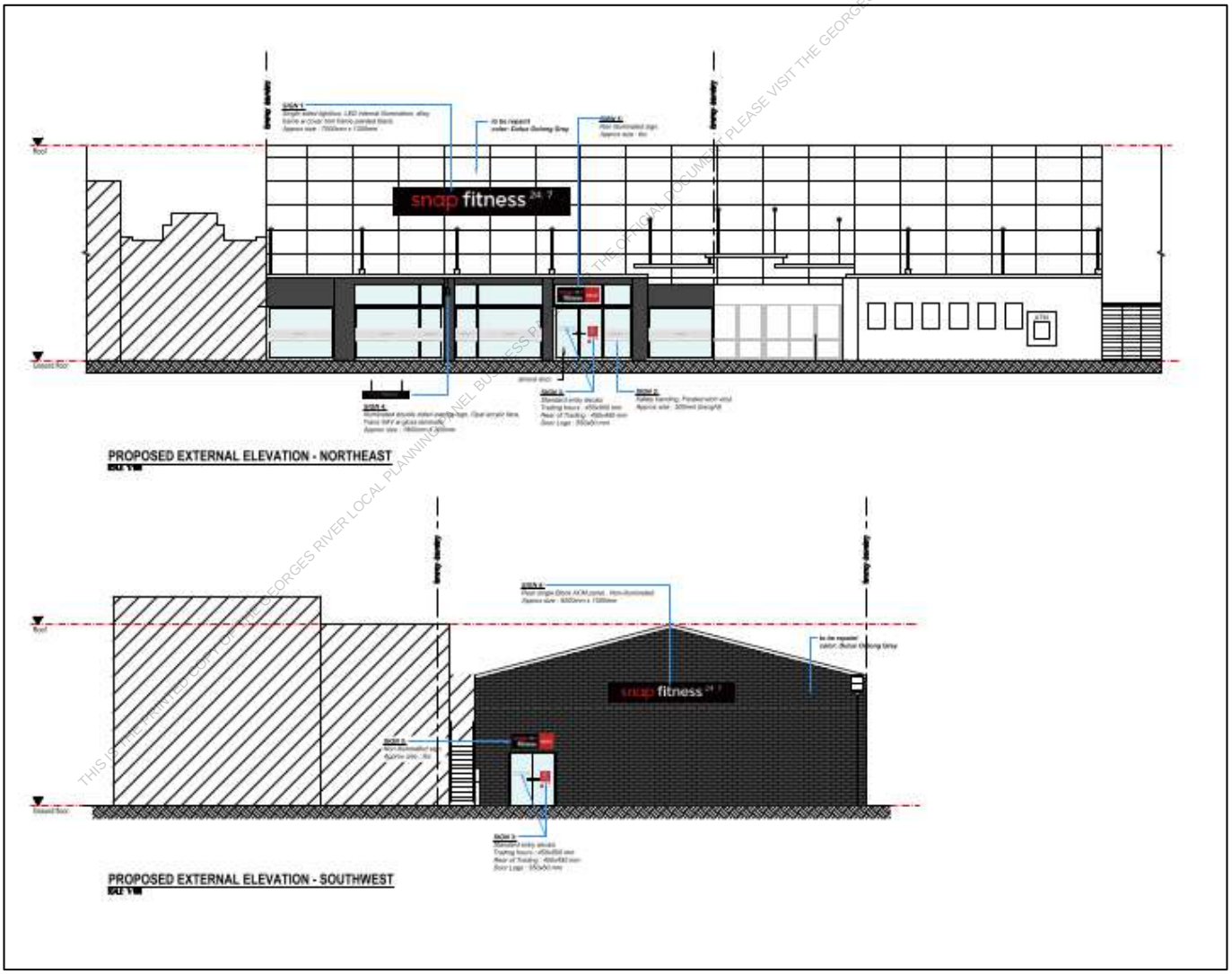



**Figure 1:** Proposed Elevations (Source: Architectural Plans)

## SITE AND LOCALITY

3. The site is identified as Lot 100 DP 1128811 and is commonly known as 447-453 King Georges Road, Beverly Hills. The rectangular shaped lot has a total site area of 1452sqm, with a primary street frontage of 33m facing King Georges Road.

4. Currently on the site is an existing warehouse which is vacant. The previous use on site was a cinema (entertainment facility).

5. Surrounding the site in the immediate locality consist of commercial buildings facing King Georges Road, with residential dwellings and multi-dwelling units located at the rear of the site. Beverly Hills train station is also located within the vicinity of the proposal, being 250m walking distance.

## ZONING AND PERMISSIBILITY

6. The subject site is zoned E1 Local Centre under the provisions of GRLEP 2021. The proposed works are defined as a 'recreational facility (indoor), which is a permissible use with development consent.

7. The proposal is consistent with the zone objectives and is satisfactory.

## SUBMISSIONS

8. The application was notified in accordance with Council policy by letter and given fourteen (14) days in which to view the plans and submit any comments on the proposal. Forty three (43) submissions were received during the neighbour notification period.

9. This application is referred to Georges River Local Planning Panel for determination as more than ten (10) unique submissions were received.

10. A full breakdown of the submissions can be viewed in the Assessment Report. Below is a brief outline of the key issues raised:

    (a) Inadequate on-site parking, resulting in an increased pressure on street parking.

    (b) Amenity impacts onto adjoining residential properties and other local businesses within the area.

    (c) Potential traffic issues on King Georges Road.

## ASSESSMENT

11. The application was assessed under Section 4.15 of the Environmental Planning and Assessment Act 1979, considering relevant planning instruments, policies, and site-specific factors.

12. The proposal is compliant with the relevant State Environmental Planning Policies (SEPPs) and Georges River Local Environmental Plan 2021 (GRLEP2021) development standards. Below are the main concerns with the application:

**<u>Georges River Development Control Plan 2021 (GRDCP2021)</u>**

13. The proposal is not compliant with the required car parking spaces on site.

14. Under the Transport for NSW 'Guide to Transport Impact Assessment', Part 8.5.7, the minimum requirement for a recreational facility (indoor) is 20 car spaces. Currently on site are 7 spaces available facing the rear Dumbleton Lane.

15. The current parking evident on site has not been altered since the last use, a cinema, was operational. For context, under Part 3.13, Control 1 of GR DCP 2021, the parking rates for

a cinema (entertainment facility) is 1 space per 10sqm or 1 space per 6 seats. For the current site, this equates to a total of 67 parking spots being needed.

16. The proposed gymnasium has been assessed as a decrease in intensification, and the reduction of parking is justified as it is maintaining the existing parking parameters for a use that required more parking.

17. Furthermore, it must also be taken into consideration the location of the proposed gym on King Georges Road and the availability of public transport. Beverly Hills train station is located within 250m walking distance from the proposed gym, providing additional transport methods for patrons.

18. Therefore, the proposal is found to be satisfactory subject to strict conditions of consent. A detailed assessment of the non-compliance can be found in the Assessment Report.

## CONTRIBUTIONS

19. The development is subject to Section 7.11 Contributions. In accordance with the Georges River Local Development Contributions Plan 2021, a condition of consent requiring payment of the contribution and identifying it is subject to indexation in accordance with the plan has been imposed.

20. The development also involves additional gross floor area within a commercial building; thus contributions are payable under the Housing and Productivity Contribution. A suitable condition of consent has been included.

## CONCLUSION

21. The application has been assessed having regard to the matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979, the provisions of the relevant state environmental planning policies, local environmental plans and development control plans.

22. The proposal has been assessed against the provisions of the Georges River Local Environmental Plan 2021 and the Georges River Development Control Plan 2021. The proposed development generally complies with the planning controls, subject to a recommended consent condition for strict parking parameters.

23. Having regard to the provisions of the Environmental Planning and Assessment Act 1979, the Georges River Local Environmental Plan 2021, the Georges River Development Control Plan 2021 and the submissions received, the proposal is considered to be satisfactory. The development is expected to deliver a positive outcome for the community, and no unreasonable adverse impacts on the surrounding locality are anticipated.

## STATEMENT OF REASONS AND DETERMINATION

Statement of Reasons

24. The reasons for this recommendation are:
    - The proposed development is permissible within the subject zone.
    - The proposed development complies with the requirements of the relevant environmental planning instruments.
    - The proposed development as conditioned complies with the objectives of the relevant environmental planning instruments.
    - The proposal as conditioned via the design change aims to provide a high-quality development that will establish a positive urban design outcome.

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- The proposal, subject to condition, will not cause unreasonable environmental and amenity impacts.



Recommendation

25. Pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* (as amended), DA2025/0387 for the change of use to a 24/7 gym and signage on land known as 447-453 King Georges Road, Beverly Hills NSW is recommended for approval subject to the recommended conditions of consent.

**ATTACHMENTS**

Attachment ⇩1 Assessment Report - DA20250387 - 447-453 King Georges Road Beverly Hills

Attachment ⇩2 Architectural Plans - 447-453 King Georges Road Beverly Hills

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# Assessment Report (Change of Use / Internal or No Works)

S4.15 Environmental Planning & Assessment Act, 1979

*Georges River Council acknowledges the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. Council recognises Aboriginal and Torres Strait Islander peoples as an integral part of the Georges River community and values their social and cultural contributions. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples who live work and meet on these lands.*

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## Introduction

| | |
|---|---|
| **Application Number** | DA2025/0387 |
| **PAN** | PAN-561441 |
| **Description** | Change of use to 24-hour gym and signage |
| **Address** | 447-453 King Georges Road, BEVERLY HILLS NSW 2209 |
| **Lot / DP** | Lot 100 DP 1128811 |
| **Applicant** | Aenbv Fitness Pty Ltd |
| **Owner(s)** | Diab Investments |
| **Responsible Officer** | Development Assessment Planner |

## Recommendation

| | |
|---|---|
| **Summary** | The development has been assessed having regards to the Matters for Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979. |
| **Approval** | The assessment recommends that Council as the Consent Authority in accordance with Section 4.16 (1)(a) *Environmental Planning & Assessment Act* 1979, grant consent to Development Application, subject to the imposed conditions of consent. |

## Site Affectations

| Affectation | Y | N | Comment |
|---|---|---|---|
| **Georges River Local Environmental Plan 2021** | | | |
| **(5.1) Land Acquisition** | ☐ | ☒ | |
| **(5.7) Development Below Mean High Water Mark** | ☐ | ☒ | |
| **(5.10) Heritage Conservation** | ☐ | ☒ | |
| **(5.21) Flood Planning** | ☒ | ☐ | Affected under the Hurstville Overland Flow Study |
| **(6.1) Acid Sulfate Soils** | ☐ | ☒ | |
| **(6.4) Foreshore Area and Coastal Hazards and Risk** | ☐ | ☒ | |
| **(6.5) Riparian Land and Waterways** | ☐ | ☒ | |
| **(6.6) Foreshore Scenic Protection Area** | ☐ | ☒ | |
| **Others** | | | |

| Site Affectations | | | |
|---|---|---|---|
| **Affectation** | **Y** | **N** | **Comment** |
| **Contamination** | ☐ | ☒ | |
| **Council Owned Land** | ☐ | ☒ | |
| **Crown Land** | ☐ | ☒ | |
| **Easements** | ☐ | ☒ | |
| **Road Widening** | ☐ | ☒ | |
| **Site Area** | ☐ | ☒ | |
| **Zoning** | ☐ | ☒ | |

| Proposal | |
|---|---|
| **Car Parking** | Proposed = 7 car spots on site |
| **Hours Proposed** | The proposed hours of operation are 24 hours a day, 7 days a week with no closures during the year inclusive of public holidays. The premises will be staffed within the following times:<br>Monday-Thursday: 10am to 8pm<br>Friday: 10am to 6pm<br>Saturday: 10am to 2pm<br>Sunday: Not staffed |
| **Staffing** | 1-4 staff members during staffed hours |
| **Land Use** | Recreational Facility (Indoor) |

A site plan is provided below:

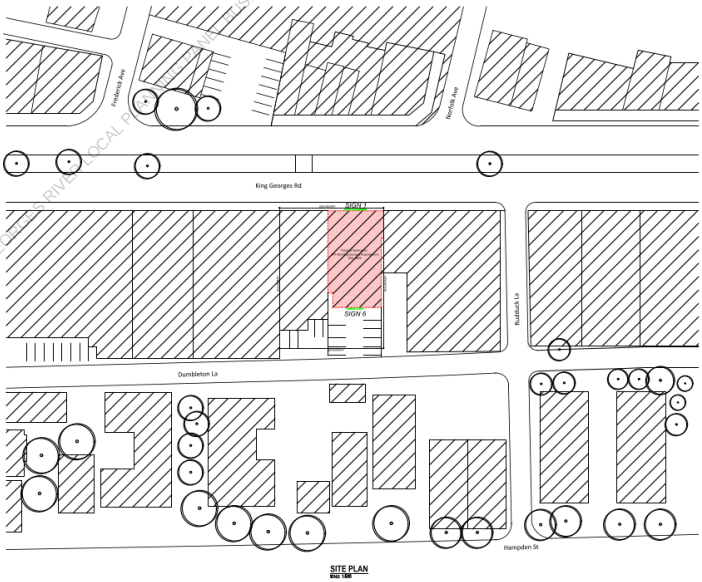



**Figure 1** – Site plan *(Source: Architectural Plans)*

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## Site Context and Locality

The site is identified as Lot 100 DP 1128811 and is commonly known as 447-453 King Georges Road, BEVERLY HILLS NSW 2209. The rectangular shaped lot has a total site area of 1452sqm, with a primary street frontage of 33m facing King Georges Road. Currently on the site is an existing warehouse which is vacant. The previous use on site was a cinema (entertainment facility). Surrounding the site in the immediate locality consist of commercial buildings facing King Georges Road, with residential dwellings and multi-dwelling units located at the rear of the site. Beverly Hills train station is also located within the vicinity of the proposal, being 250m walking distance.

**Aerial Image of Land Zoning**

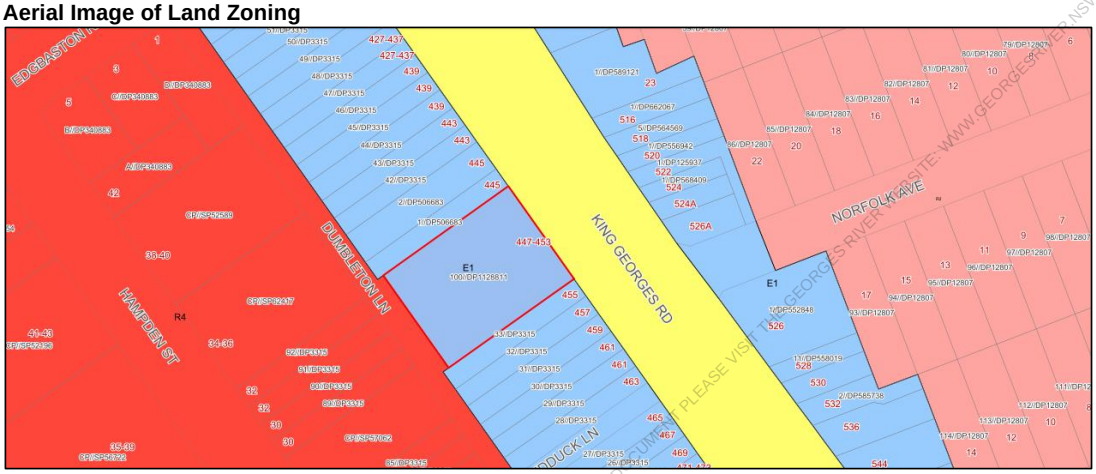



**Figure 2** –Aerial view of development site outlined in red *(Source: IntraMaps)*

**Aerial Image of Site**




**Figure 3**–Aerial view of development site outlined in red *(Source: IntraMaps)*

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| History | | | |
|---|---|---|---|
| **Application Number** | **Proposal** | **Determined** | **Comments** |
| 2008/DA-0453 | Use as Beauty Premises | Withdrawn | Previous application on site |
| 2011/DA-0313 | Fit-Out and Use of Shops A,B and C for Food Premises and Signage | Approved | Previous application on site |
| DA2016/0155 | Signage | Approved | Previous application on site |
| DA2022/0221 | Change of Use to Gym and Signage | Approved | Previous application on site |
| 149D2022/0064 | Unauthorised Works – Internal Building Works to Dance Studio and Signage | Approved | Previous application on site |

| Processing | | |
|---|---|---|
| **Action** | **Date** | **Comments** |
| **Submission** | 8 August 2025 | - |
| **Lodgement** | 21 August 2025 | - |
| **Site Inspection** | 12 November 2025 | - |
| **RFI Issued** | 14 November 2025 | The following information was requested to be submitted:<br>- Amended Traffic Impact Assessment Letter<br>- Amended noise assessment<br>- Amended Plan of Management<br>- The removal of the illuminated Sign 6 |
| **Revised Documents Received** | 28 November 2025 | - |
| **Final Assessment Completed** | 19 January 2026 | - |

**Site Inspection**
Image(s) from the site inspection is (are) available below:

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**Figure 4:** Street view of development site *(Source: Assessing Officer)*

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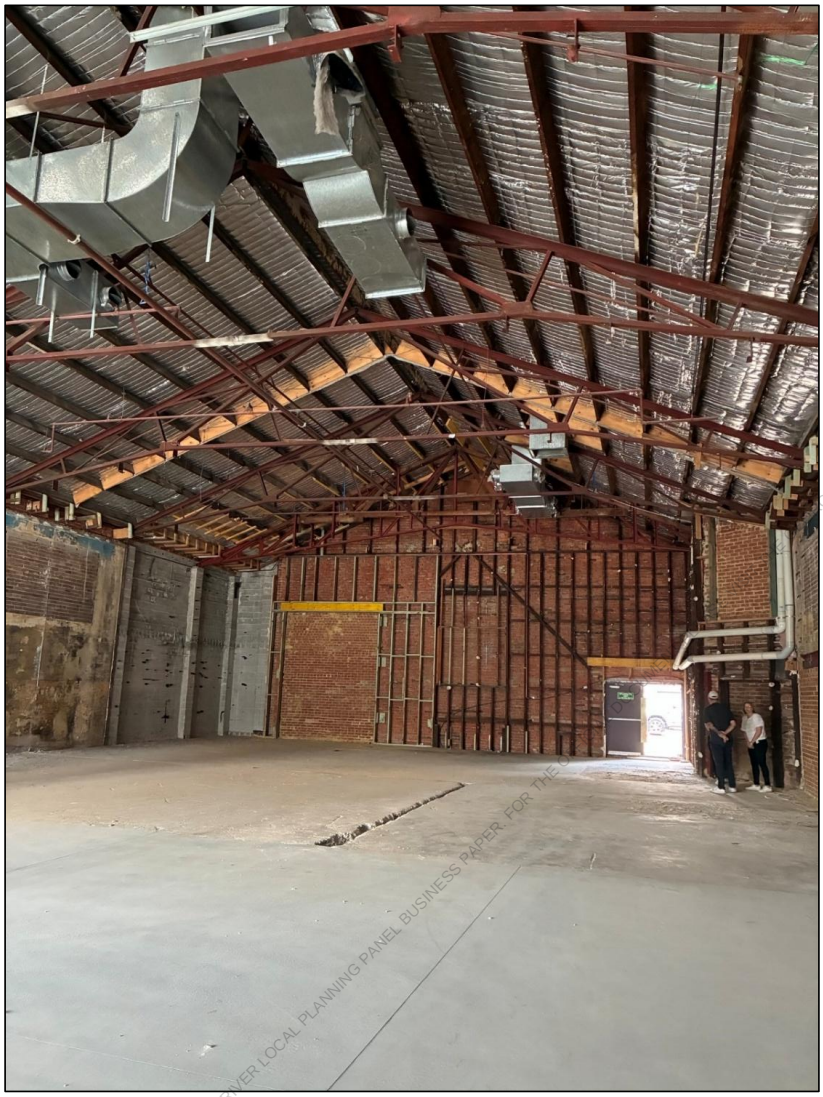


**Figure 5:** Interior view of development site to the rear *(Source: Assessing Officer)*

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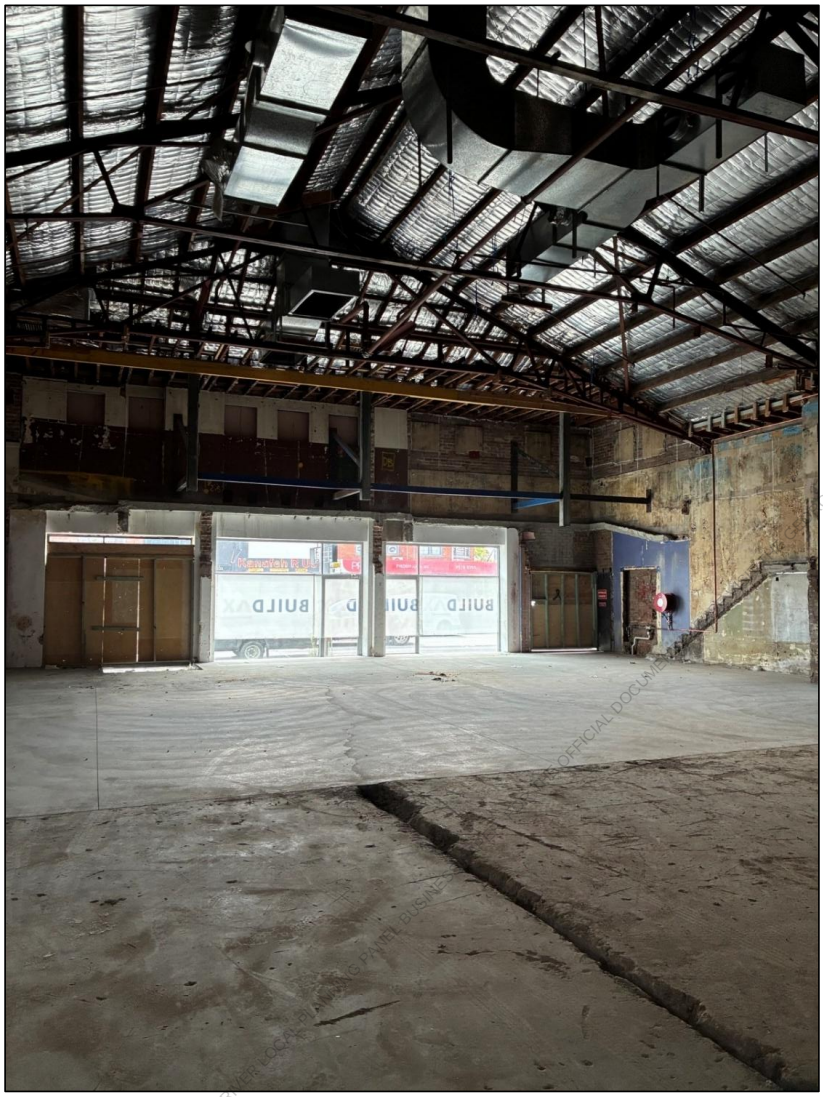


**Figure 6:** Interior view of development site, facing towards King Georges Road *(Source: Assessing Officer)*

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**Referrals**

| Authority | Y | N | Date Referred | Comments |
|---|---|---|---|---|
| **Concurrence / Referrals / Determining Authority** | | | | |
| **Local Planning Panel** | ☒ | ☐ | - | The application must be determined by the Local Planning Panel as more than 10 unique submissions have been received. |
| **Crown Development** | ☐ | ☒ | - | - |
| **Ausgrid** | ☒ | ☐ | 3 September 2025 | Conditions of consent have been recommended and included |

| Referrals | | | | |
|---|---|---|---|---|
| **Authority** | **Y** | **N** | **Date Referred** | **Comments** |
| **TfNSW** | ☐ | ☒ | - | - |
| **Water NSW** | ☐ | ☒ | - | - |
| **Council Referrals** | | | | |
| **Building Surveyor** | ☒ | ☐ | 3 September 2025 | Conditions of consent have been recommended and included |
| **Development Engineering** | ☐ | ☒ | - | - |
| **Environmental Health** | ☒ | ☐ | 3 September 2025 | Conditions of consent have been recommended and included |
| **Heritage** | ☐ | ☒ | - | - |
| **Infrastructure / Assets** | ☐ | ☒ | - | - |
| **Traffic** | ☒ | ☐ | 3 September 2025 | Council's Traffic Engineer has not supported the application on traffic and parking grounds. This has been assessed further in the 'Parking' section of this report. |
| **Waste** | ☐ | ☒ | - | - |

## Assessment - Section 4.15 Evaluation

### DISABILITY DISCRIMINATION ACT 1992

The Disability Discrimination Act (DDA) is the Commonwealth legislation that seeks to provide equity for people with disabilities. The main objectives of the DDA include the elimination, as far as possible, of discrimination against persons on the grounds of disability in relation to access to premises and the provision of facilities and services.

The DDA states that places used by the public must be accessible to people with a disability. Places used by the public include but are not limited to:

- shops and department stores
- banks, credit unions and building societies
- cafes, restaurants and pubs
- theatres and other places of entertainment
- lawyers' offices and legal services
- dentists' and doctors' surgeries
- hairdressers and beauty salons
- travel agents, and
- government-run services.

The proposal does involve an element where the public is intended to have access. The proposal has been designed to respond to the requirements of this Act.

The Provision of any Applicable State Environmental Planning Policy (SEPPs)

| Environmental Planning Policies | Applicable | |
|---|---|---|
| | **Y** | **N** |
| SEPP (Biodiversity Conservation) 2021 | ☐ | ☒ |

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| | | |
|---|---|---|
| SEPP (Industry and Employment 2021 | ☒ | ☐ |
| SEPP (Resilience and Hazards) 2021 | ☒ | ☐ |
| SEPP (Transport and Infrastructure) 2021 | ☒ | ☐ |
| Georges River Local Environmental Plan 2021 | ☒ | ☐ |

Compliance with the identified applicable State Environmental Planning Policies (SEPP) is detailed below.

## SEPP (Biodiversity and Conservation) 2021

**Chapter 2**

Chapter 2 of SEPP (Biodiversity) 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. Chapter 2 applies to the whole of Georges River Council, including the subject development site. This application does not seek to remove any vegetation from the site and is therefore consistent with the aims of Chapter 2 of the SEPP.

## SEPP (Industry and Employment) 2021

**Chapter 3 Advertising and Signage**

| Section | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| **3.1 Aims** | a) to ensure that signage (including advertising)—<br>i. is compatible with the desired amenity and visual character of an area, and<br>ii. provides effective communication in suitable locations, and<br>b) is of high quality design and finish. | Considered | ☒ | ☐ | ☐ |
| **3.6 Granting of consent to signage** | A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—<br>a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and<br>b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5. | Designed to comply | ☐ | ☐ | ☐ |
| **3.8 Prohibited advertisements** | Despite the provisions of any other environmental planning instrument, the display of an advertisement is prohibited on land that, under an environmental planning instrument, is within any of the following zones or descriptions—<br>- environmentally sensitive area<br>- heritage area (excluding railway stations)<br>- natural or other conservation area<br>- open space<br>- waterway<br>- residential (but not including a mixed residential and business zone, or similar zones) | The proposal is not located within a prohibited zone | ☒ | ☐ | ☐ |

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| SEPP (Industry and Employment) 2021<br>Chapter 3 Advertising and Signage | | | | | |
|---|---|---|---|---|---|
| **Section** | **Text** | **Comment** | **Y** | **N** | **N/A** |
| | - scenic protection area<br>- national park<br>- nature reserve | | | | |
| **3.15 Advertisements with display area greater than 20 square metres or higher than 8 metres above ground** | 1. This section applies to an advertisement—<br>a. that has a display area greater than 20 square metres, or<br>b. that is higher than 8 metres above the ground.<br>2. The consent authority must not grant consent to an application to display an advertisement to which this section applies unless—<br>a. the applicant has provided the consent authority with an impact statement that addresses the assessment criteria in Schedule 5 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and<br>b. the consent authority gave a copy of the application to TfNSW before the application is exhibited if the application is an application for the display of an advertisement to which section 3.16 applies. | This section does not apply as no advertisements meet the requirement specified. | ☐ | ☐ | ☒ |
| **3.16 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road** | 1. This section applies to the display of an advertisement to which section 3.15 applies, that is within 250 metres of a classified road any part of which is visible<br>2. The consent authority must not grant development consent to the display of an advertisement to which this section applies without the concurrence of TfNSW. from the classified road. | This section does not apply as no advertisements meet the requirement specified. | ☐ | ☐ | ☒ |
| **3.17 Advertising display area greater than 45 square metres** | The consent authority must not grant consent to the display of an advertisement with an advertising display area greater than 45 square metres unless—<br>a. a development control plan is in force that has been prepared based on an advertising design analysis for the relevant area or precinct, or<br>b. in the case of the display of an advertisement on transport corridor land, the consent authority is satisfied that the advertisement is consistent with the Guidelines. | This section does not apply as no advertisements meet the requirement specified. | ☐ | ☐ | ☒ |

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## SEPP (Industry and Employment) 2021
**Chapter 3 Advertising and Signage**

| Section | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| **3.19 Roof or sky advertisements** | The consent authority may grant consent to a roof or sky advertisement only if—<br>a. the consent authority is satisfied—<br>i. that the advertisement replaces one or more existing roof or sky advertisements and that the advertisement improves the visual amenity of the locality in which it is displayed, or<br>ii. that the advertisement improves the finish and appearance of the building and the streetscape, and<br>b. the advertisement—<br>i. is no higher than the highest point of any part of the building that is above the building parapet (including that part of the building (if any) that houses any plant but excluding flag poles, aerials, masts and the like), and<br>ii. is no wider than any such part, and<br>c. a development control plan is in force that has been prepared on the basis of an advertising design analysis for the relevant area or precinct and the display of the advertisement is consistent with the development control plan. | This section does not apply as no advertisements meet the requirement specified. | ☐ | ☐ | ☒ |
| **3.20 Wall advertisements** | 1. Only one wall advertisement may be displayed per building elevation.<br>2. The consent authority may grant consent to a wall advertisement only if—<br>a. the consent authority is satisfied that the advertisement is integrated with the design of the building on which it is to be displayed, and<br>b. for a building having—<br>i. an above ground elevation of 200 square metres or more—the advertisement does not exceed 10% of the above ground elevation, and<br>ii. an above ground elevation of more than 100 square metres | This section does not apply as no advertisements meet the requirement specified. | ☐ | ☐ | ☒ |

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| SEPP (Industry and Employment) 2021<br>Chapter 3 Advertising and Signage | | | | | |
|---|---|---|---|---|---|
| **Section** | **Text** | **Comment** | **Y** | **N** | **N/A** |
| | but less than 200 square metres—the advertisement does not exceed 20 square metres, and<br>iii. an above ground elevation of 100 square metres or less—the advertisement does not exceed 20% of the above ground elevation, and<br>c. the advertisement does not protrude more than 300 millimetres from the wall, unless occupational health and safety standards require a greater protrusion, and<br>d. the advertisement does not protrude above the parapet or eaves, and<br>e. the advertisement does not extend over a window or other opening, and<br>f. the advertisement does not obscure significant architectural elements of the building, and<br>g. a building identification sign or business identification sign is not displayed on the building elevation. | | | | |
| **3.21 Freestanding advertisements** | 1. The consent authority may grant consent to the display of a freestanding advertisement only if the advertising structure on which the advertisement is displayed does not protrude above the dominant skyline, including any buildings, structures or tree canopies, when viewed from ground level within a visual catchment of 1 kilometre.<br>2. This section does not prevent the consent authority, in the case of a freestanding advertisement on land within a rural or non-urban zone, from granting consent to the display of the advertisement under section 3.13. | This section does not apply as no advertisements meet the requirement specified. | ☐ | ☐ | ☒ |
| SCHEDULE 5 ASSESSMENT CRITERIA | | | | | |
| **Character of the area** | • Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? | The proposal is consistent with the existing and future character of the locality. The proposed colours and signage is similar to what is existing | ☒ | ☐ | ☐ |

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| SEPP (Industry and Employment) 2021<br>Chapter 3 Advertising and Signage | | | | | |
|---|---|---|---|---|---|
| **Section** | **Text** | **Comment** | **Y** | **N** | **N/A** |
| | • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? | on the site as well as what is located along King Georges Road. | | | |
| **Special areas** | • 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? | The proposal does not detract from the amenity or visual quality of the adjoining residential area and is designed to comply with the standard. | ☒ | ☐ | ☐ |
| **Views and vistas** | • Does the proposal obscure or compromise important views?<br>• Does the proposal dominate the skyline and reduce the quality of vistas?<br>• Does the proposal respect the viewing rights of other advertisers? | The application is for a change of use to an existing warehouse, and no external works are proposed to the building. | ☐ | ☐ | ☒ |
| **Streetscape, setting or landscape** | • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?<br>• Does the proposal contribute to the visual interest of the streetscape, setting or landscape?<br>• Does the proposal reduce clutter by rationalising and simplifying existing advertising?<br>• Does the proposal screen unsightliness?<br>• Does the proposal protrude above buildings, structures or tree canopies in the area or locality?<br>• Does the proposal require ongoing vegetation management? | The signage proposed on site is of a scale and form that is appropriate to the existing setting of Beverly Hills. The scale of the signage is consistent with the existing streetscape along King Georges Road. | ☒ | ☐ | ☐ |
| **Site and building** | • 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?<br>• Does the proposal respect important features of the site or building, or both?<br>• Does the proposal show innovation and imagination in its relationship to the site or building, or both? | The proposal is compatible with the scale of the building, as the proposed signage is located and sited to fit the existing front façade. No further changes are made to the front façade and is considered acceptable in its current form. | ☒ | ☐ | ☐ |
| **Associated devices and logos with advertisements** | • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or | No safety devices, platforms, lighting devices or logos have been imposed. | ☐ | ☐ | ☒ |

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## SEPP (Industry and Employment) 2021

**Chapter 3 Advertising and Signage**

| Section | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| **and advertising structures** | structure on which it is to be displayed? | | | | |
| **Illumination** | • Would illumination result in unacceptable glare?<br>• Would illumination affect safety for pedestrians, vehicles or aircraft?<br>• Would illumination detract from the amenity of any residence or other form of accommodation?<br>• Can the intensity of the illumination be adjusted, if necessary?<br>• Is the illumination subject to a curfew? | The application proposes an illuminated sign facing King Georges Road. Council is of the view that this could distract drivers and poses as a safety risk. A condition of consent has been imposed to have no lighting towards the main road. | ☒ | ☐ | ☐ |
| **Safety** | • Would the proposal reduce the safety for any public road?<br>• Would the proposal reduce the safety for pedestrians or bicyclists?<br>• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? | See above – the proposal is designed to comply by condition of consent. | ☒ | ☐ | ☐ |

The application has been assessed against the relevant provisions of SEPP (Industry and Employment) 2021 Chapter 3. The proposal complies with the principles and controls of the EPI.

## SEPP (Resilience and Hazards) 2021

**Chapter 4 Remediation of land**

Chapter 4, Section 4.6 requires a consent authority to consider whether the land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, the consent authority must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make it suitable for the proposed use, the consent authority must be satisfied that the land will be remediated before the land is used for that purpose.

- The subject site is zoned E1 – Local Centre.
- A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination.
- Historic aerial photographs do not indicate an obvious history of a previous land use that may have caused contamination.
- A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination.
- The Statement of Environmental Effects states that the property is not contaminated.

The subject site is not contaminated. The subject site is suitable for the proposed land use.

## SEPP (Transport and Infrastructure) 2021

**Division 5 Electricity transmission or distribution**
**Subdivision 2 – Development likely to affect an electricity transmission or distribution network (Ausgrid)**

| | Y | N | N/A |
|---|---|---|---|
| This section applies to development or modification applications which include:<br>• Penetration of ground within 2 metres of an underground power line<br>• Works within 10 metres of any part of an electricity tower | | | |

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| SEPP (Transport and Infrastructure) 2021 | | | | | |
|---|---|---|---|---|---|
| • Works immediately adjacent to a substation<br>• Works immediately adjacent to an electricity easement<br>• Works within 5m of an overhead power line<br>• Installation of a pool within 30 metres of supporting overhead electricity transmission lines or within 5 metres of overhead power lines | | | | | |
| 2.48(2)(a) | Written notice to the electrical supply authority has been carried out. | The application was referred to Ausgrid for comment. Conditions of consent have been imposed to satisfy this control. | ☒ | ☐ | ☐ |
| 2.48(2)(b) | Any response to the above has been considered. | See above. | ☒ | ☐ | ☐ |
| The application has been assessed against the relevant provisions of SEPP (Transport and Infrastructure) 2021. The proposal complies with the objectives and controls of the EPI. | | | | | |

| Georges River Local Environmental Plan 2021 | | | | | |
|---|---|---|---|---|---|
| **Section** | **Text** | **Comment** | **Y** | **N** | **N/A** |
| 1.2<br>Aims | (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,<br>(b) to provide for a range of business uses which promote employment and economic growth and contribute to the viability and vibrancy of centres,<br>(c) to promote and facilitate an ecologically and economically sustainable and vegetated urban environment in which the needs and aspirations of the community are realised,<br>(f) to promote a high standard of urban design and built form,<br>(g) to protect, preserve and enhance the natural landform, vegetation and open space, especially foreshores or bushland, in order to maintain landscape amenity and public access and use,<br>(j) to promote and facilitate transit-oriented development that encourages the use of public transport, cycling and walking. | The application is compliant with the aims listed. | ☒ | ☐ | ☐ |
| 2.2<br>Zoning | E1 – Local Centre | The proposal being for a 'Recreational Facility (Indoor)' is a permitted use. | ☒ | ☐ | ☐ |
| 2.3<br>Zone objectives | • To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.<br>• To encourage investment in local commercial development that generates employment opportunities and economic growth.<br>• To enable residential development that contributes to a vibrant and | The proposal is compliant with the zone objectives. | ☒ | ☐ | ☐ |

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| Georges River Local Environmental Plan 2021 | | | | | |
|---|---|---|---|---|---|
| **Section** | **Text** | **Comment** | **Y** | **N** | **N/A** |
| | active local centre and is consistent with the Council's strategic planning for residential development in the area.<br>• To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.<br>• To maximise public transport patronage and encourage walking and cycling.<br>• To encourage development that is compatible with the centre's position on the centres hierarchy. | | | | |
| 4.3<br>Height of Buildings | (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,<br>(b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas, | Standard: 15m<br><br>Proposed: 7.2m (as existing) | ☒ | ☐ | ☐ |
| 4.4<br>Floor space ratio | To ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality, | Standard: 2:1 (2,904.12sqm)<br><br>Proposed: 0.69.:1 (488sqm Unit 1, 527.66sqm Unit 2) | ☒ | ☐ | ☐ |
| 4.4B<br>Exceptions to floor space ratio—non residential accommodation | | Area 3 – 0.5:1 non-residential floor space (727sqm)<br><br>Proposed: 0.69:1 (1015.66sqm on site). | ☒ | ☐ | ☒ |
| 4.5<br>Calculation of floor space ratio and site area | To set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios | The application has been assessed in accordance with the provisions of this section. | ☒ | ☐ | ☐ |
| 4.6<br>Exceptions to development standards | (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,<br>(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances. | Not applicable – no development standard to vary | ☐ | ☐ | ☒ |
| 5.21<br>Flood planning | To minimise flood risk to life and property, ensure development is compatible with flood behaviour (including climate change impacts), avoid adverse environmental impacts, and enable safe occupation and evacuation during flood events. | The subject site is identified as being on flood prone land. As the proposal is retaining the existing building and no changes are being made to the existing RL levels, the application is satisfactory. | ☒ | ☐ | ☐ |
| 6.9<br>Essential services | The property must have in place by determination the following services:<br>(a) water,<br>(b) electricity,<br>(c) telecommunications facilities, | All essential services are provided. | ☒ | ☐ | ☐ |

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| Georges River Local Environmental Plan 2021 | | | | | |
|---|---|---|---|---|---|
| **Section** | **Text** | **Comment** | **Y** | **N** | **N/A** |
| | (d) the disposal and management of sewage,<br>(e) stormwater drainage or on-site conservation,<br>(f) suitable vehicular access. | | | | |
| The application has been assessed against the relevant provisions of the Georges River Local Environmental Plan 2021. The proposal complies with the aims and controls of the EPI. | | | | | |

**Provisions of any Proposed Instrument**
There is no proposed instrument that is or has been the subject of public consultation under this Act which is relevant to the proposal.

**Provisions of any Development Control Plan**

| Georges River Development Control Plan 2021 | | | |
|---|---|---|---|
| **Part** | **Name** | Y | N |
| Part 3 | General Planning Considerations | ☒ | ☐ |
| Part 4 | General Land Use | ☐ | ☐ |
| Part 6.5 | Foreshore Locality Controls | ☐ | ☒ |
| Part 7 | Business Precincts | ☐ | ☐ |
| Part 8.1 | Kogarah Strategic Centre | ☐ | ☐ |
| Part 8.2 | Hurstville Strategic Centre | ☐ | ☐ |
| Section 8.2.8.1 | Bing Lee Site (Forest Rd & Wright St) | ☐ | ☒ |
| Section 8.2.8.2 | Landmark Square Precinct | ☐ | ☐ |
| Section 8.2.8.3 | 9 Gloucester Road, Hurstville | ☐ | ☐ |
| Section 8.2.8.4 | Hurstville Civic Precinct | ☐ | ☐ |
| Part 9 | Industrial Development | ☐ | ☐ |
| Part 10 | Precincts | ☐ | ☐ |
| Appendices | Supporting Information (e.g. Exempt Tree Works) | ☐ | ☐ |

| 3.6 Contaminated Land | | | | | |
|---|---|---|---|---|---|
| **Clause** | **Text** | **Comment** | **Y** | **N** | **N/A** |
| 3.6(1) | Each development application is to include information sufficient to allow Council to meet its obligation to determine whether development should be restricted due to the presence of contamination. | The application has been assessed against the relevant provisions of SEPP (Resilience and Hazards) 2021 within this report. | ☒ | ☐ | ☐ |
| The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.6. The proposal complies with the objectives and controls of this section of the DCP. | | | | | |

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## 3.12 Waste Management

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| 1 | Development must comply with Council's Waste Management requirements regarding construction waste and ongoing management of waste materials. | A Waste Management Plan has been provided with the submission of the application. A condition of consent has been imposed to satisfy this control. | ☒ | ☐ | ☐ |
| The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.12.The proposal complies with the objectives and controls of this section of the DCP. | | | | | |

## 3.13 Parking Access and Transportation

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| 1<br>Parking Rates | TfNSW Car Parking Rate:<br>3 spaces per 100sqm GFA | Number of Parking Required = 20<br><br>Number of Parking Proposed = 7 | ☐ | ☒ | ☐ |
| The proposal does not comply with the required parking rates under Transport for NSW 'Guide to Transport Impact Assessment', Part 8.5.7. The control states the following:<br><br>*"If a gymnasium is located within a centre and is in close proximity to rail/bus services, the historic off-street parking rate is three spaces per 100 m2 GFA"*.<br><br>It is noted that the existing parking at the rear of the site does not comply with the current parking standards for gymnasium, with a shortfall of 13 spots required to be present. The current parking evident on site has not been altered since the last use, a cinema, was operational. For context, under Part 3.13, Control 1 of GR DCP 2021, the parking rates for a cinema (entertainment facility) is 1 space per 10sqm or 1 space per 6 seats. For the current site, this equates to a total of 67 parking spots being needed. The proposed gymnasium has been assessed as a decrease in intensification, and the reduction of parking is justified as it is maintaining the existing parking parameters for a use that required more parking.<br><br>It is noted that the existing building is retaining the original floor space ratio on site. As noted in Council's DCP, a parking credit can be utilised for a change of use if there is no changes to the existing floor space and building. As all works are for internal fit-outs of the gym, it is considered that the parking credit can be utilised for this application.<br><br>Furthermore, it must also be taken into consideration the location of the proposed gym on King Georges Road and the availability of public transport. Beverly Hills train station is located within 250m walking distance from the proposed gym, providing additional transport methods for patrons. This reduces the need for more parking on site, specifically when it is adjoining a major road with limited parking availability already evident. It is also noted that there is public car parks located within the Beverly Hills town centre if these spots are unavailable.<br><br>Objections have been received for the potential amenity impact that the proposed car parking will have onto the adjoining residential dwellings facing the rear laneway. As the proposal is for a 24/7 gym, it is considered that there will be amenity and noise impacts from cars and patrons from the site. It must be considered however that the proposed use of a gym is permissible within the E1 Local Centre zone, which is directly adjoining the R4 High Density Residential zone. As it may cause amenity issues, a condition of consent has been imposed for the rear car park to be utilised from the time of 7am to 10pm, with it being locked in between these times. | | | | | |
| 8.<br>Bicycle parking | 1 space per 5 car parking spaces | No bicycle parking proposed on site. A condition of consent has been imposed to satisfy the need for 4 bicycle parking spots prior to the issue of the Construction Certificate. | ☐ | ☒ | ☐ |
| The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.13. The proposal complies with the objectives and controls of this section of the DCP. | | | | | |

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## 3.18 Advertising and Signage

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| 1. Design | Signs should be designed and located to:<br>i. Relate to the use of the premises.<br>ii. Be consistent with best practice guidelines.<br>iii. Be integrated with the architecture of the supporting building, not obscure significant architectural features and maintain the dominance of the architecture.<br>iv. Be limited in number to avoid cluttering, distraction and unnecessary repetition.<br>v. Not cover mechanical ventilation inlets or outlets.<br>vi. Not comprise a roof sign.<br>vii. Not comprise an above awning sign. viii. Not comprise a flag pole sign.<br>viii. Not compromise road or pedestrian safety including cyclists.<br>ix. Be a minimum of 2.6 metres above any footpath where the sign is not flush with the wall.<br>x. Be at least 600mm from a kerb or roadway edge where the sign is over a public road. | The proposed signage has been designed to comply with the standards listed. The proposed signage is related to the use of the premises and is not cluttered to distract. | ☒ | ☐ | ☐ |
| 2. | Signs must be securely fastened to the structure or building to which they are attached and must comply with the applicable requirements of the BCA and relevant Australian Standards. | A condition of consent has been imposed to satisfy this control. | ☒ | ☐ | ☐ |
| 3. Illumination | In addition to the above, illumination of signage should:<br>i. Be integrated with the design of the sign.<br>ii. Not cause light spillage into nearby residential properties.<br>iii. Not use complex displays, moving signs, flashing lights or the like that hold driver's attention beyond 'glance appreciation', and<br>iv. Be fitted with an automatic timing device, controlling the illumination hours. | A condition of consent has been imposed to have the sign on the north west elevation not illuminated. This is so drivers are not distracted. | ☒ | ☐ | ☐ |
| 4. Illumination in R zones | In residential zones, signage should not be illuminated. | Designed to comply – no lighting facing the residential zones are illuminated. | ☒ | ☐ | ☐ |
| 5. | All commercial advertising should comply with SEPP No.64-Advertising and Signage. | Assessment above. | ☐ | ☐ | ☒ |
| 6. | Business identification signs should:<br>i. Identify the significant owners, tenants and uses of buildings. | Designed to comply with the relevant standards. | ☒ | ☐ | ☐ |

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## 3.18 Advertising and Signage

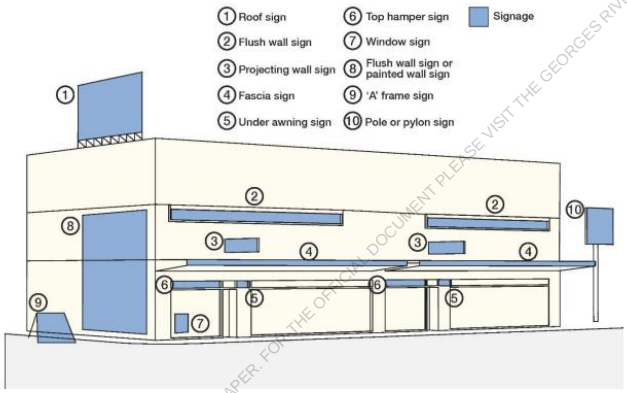
| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| | ii. Consolidate signs for multiple tenancies.<br>iii. Be displayed in English, but may include a translation in another language not larger than the English message.<br>iv. Not incorporate advertising of products and services that are not directly related to the approved use of the premises.<br>v. Comply with the general controls and the relevant prescriptive measures in Table 7. | | | | |
| |  <br>**Figure 2:** Signage Type as marked in blue | | | | |

**Table 7**

| Signage Type | Requirement | Comment |
|---|---|---|
| Flush Wall | a. Only one sign per building elevation;<br>b. Must not have an area greater than:<br>i. 10% of the elevation, if the elevation is >200m$^2$<br>c. Must not project above or beyond the wall to which it is attached;<br>d. Must not extend over a window or other opening, or architectural feature;<br>e. Must not be located on a building wall if there is an existing building or business identification sign on the building elevation. | Designed to comply – both the front and rear walls have one sign, with minor door decals proposed as well. The proposed signage takes up less than 10% of the façade. |

The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.18. The proposal complies with the objectives and controls of this section of the DCP.

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| Part 7 Business Precincts | | | | | |
|---|---|---|---|---|---|
| **Clause** | **Text** | **Comment** | **Y** | **N** | **N/A** |
| | This part applies to all Business zoned land being E1 Local Centre, E2 Commercial Centre and MU1 Mixed Use under the Georges River LEP 2021. As the proposal is for the change of use of an existing building, these controls do not apply.<br><br>Part 7.2 – Character Statement for the Beverly Hils Local Centre is applicable for this site. As the proposal is for the change of use of an existing building, these controls do not apply. The parking controls have been discussed in this assessment report. | | | | |
| | The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 7. The proposal complies with the objectives and controls of this section of the DCP. | | | | |

**Any Planning Agreement Under Section 7.4**

There are no planning agreements that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter 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)*

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**

*Section 4.15 (1) (b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

| Likely Impacts of the Development | |
|---|---|
| Natural Environment | The proposal will have no significant impact on the natural environment of the locality. |
| Built Environment | The proposal will have no significant impact on the existing built environment. As the proposal is for a change of use, the existing building is remaining |
| Social Impact | The proposal will have no significant social impact on the locality. |
| Economic Impact | The proposal is not considered to result in unreasonable economic impact |

**Site Suitability**

The site is zoned E1 Local Centre. The proposal is considered a suitable outcome for the subject site for the following reasons:

- The proposed use is permissible in the subject zone.
- The proposed development will not result in unreasonable impacts to the natural and built environment.
- The proposed development will not result in unreasonable amenity impacts to the adjoining neighbours.

**Submissions**

The application was notified in accordance with Council policy by letter and given fourteen (14) days in which to view the plans and submit any comments on the proposal. 43 submissions were received during the neighbour notification period.

The matters relevant to this application raised in the submissions are considered below:

| Issue | Comment |
|---|---|
| **Parking** | Concerns were raised regarding the shortfall of parking on site, with it putting pressure onto street parking. It is noted |

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| | |
|---|---|
| | that the parking requirements have not been met in this application. However, due to the location of the proposed gym being on King Georges Road, it is considered that the existing parking parameters can be supported. Refer to the Parking section of this assessment report for further assessment of the issue. |
| **Accessibility** | Concerns were raised regarding access to the proposed mezzanine level only being accessed by a stairway. A condition of consent has been imposed requiring the compliance with the BCA standards. |
| **Insufficient Information** | Concerns were raised that the following information was not submitted:<br>- Access Report<br>- Quantity Surveyor's Report<br><br>An access report has been conditioned to be provided prior to the issue of the Construction Certificate. Furthermore, the listed cost of works has been assessed by Council as acceptable. |
| **Fire Safety** | Concerns were raised regarding the potential fire safety issues on site. The proposal was referred to Council's Building Surveyor for comment, and conditions of consent have been imposed satisfying this issue. |
| **Total Number of Patrons** | Concerns were raised regarding the total number of patrons that could be within the gym at one time. A condition of consent has been imposed limiting the number of patrons to 50 at any given time. |
| **Waste Management** | Concerns were raised regarding the proposed waste management plan and the location of bins. A condition of consent has been imposed to organise this prior to the issue of the Construction Certificate. |
| **Amenity Impact** | Concerns were raised regarding the potential amenity impact onto adjoining properties due to the 24/7 operation and the car park at the rear. Suitable conditions of consent have been imposed by Council's Environmental Health officer to limit the noise disturbance from the gym at all times. Furthermore, the car park at the rear is proposed to be close after hours, limiting light and noise impacts onto the nearby residential dwellings. |
| **Traffic** | Concerns were raised regarding the potential traffic impact the proposed development would have on King Georges Road. As the gym is considered a minor impact compared to the previous use of a cinema, it is considered that the impact onto King Georges Road will be minimal. |
| **Damage in Laneway** | Concerns were raised regarding damages that trucks have caused backing into walls in the laneway. This is a civil issue and is not to be considered during the assessment of this application. |
| **2 Hour Parking Zones and Speed Bumps** | Concerns were raised requesting that two hour parking and speed bumps to be implemented on Hampden Street. This is not considered to be an issue associated with the development application. |
| **Use of Commuter Car Park** | An option considered in a submission was to change the commuter car park at the train station to allow businesses to park there. |
| **Precedent and Local Context** | A submission was received to take into account the local context and the precedent, as a nearby gym was refused. Each application is taken on its own merits and an assessment has been made for this particular application. |

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| | |
|---|---|
| **Impact on Local Businesses** | Concerns have been raised regarding the potential impact on adjoining businesses due to the lack of parking, noise impacts and increased late night activity. The proposed gym is a permissible use in the E1 Local Centre zone, and is considered to be an acceptable use at the site. Conditions of consent have been recommended to limit the noise and late night activity at the site. |

**Revised Plans - Re-notification**

The applicant lodged revised plans on Friday, 28 November 2025.

In accordance with the requirements of Georges River Community Engagement Strategy these plans were not publicly exhibited as, in the opinion of Council, the changes being sought did not intensify or change the external impact of the development to the extent that neighbours ought to be given the opportunity to comment.

**The Public Interest**

The proposal is in the public interest for the following reasons:

- The proposed use is permissible in the subject zone.
- The proposed development will not result in unreasonable impacts to the natural and built environment.
- The proposed development will not result in unreasonable amenity impacts to the adjoining neighbours.

## Contributions

The development is subject to Section 7.11 Contributions. In accordance with the Georges River Local Development Contributions Plan 2021, a condition of consent requiring payment of the contribution and identifying it is subject to indexation in accordance with the plan has been imposed.

## Conclusion

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

The proposal has been assessed against the provisions of the relevant State Environmental Planning Policy, Georges River Local Environmental Plan 2021 and Georges River Development Control Plan 2021 and complies with the development standards of the Local Environmental Plan and meets the objectives of the Development Control Plan. The proposal is recommended for approval subject to conditions.

The development also involves residential subdivision and thus contributions are payable under the Housing and Productivity Contribution. A suitable condition of consent has been included.

## Determination

**Approval of Application**

Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer determines DA2025/0387 for Change of use to 24 hour gym and signage on Lot 100 DP 1128811 on land known as 447-453 King Georges Road, BEVERLY HILLS NSW 2209, as an approval for the reasons below subject to the conditions referenced in Appendix 1.

## Appendix 1 – Conditions

**Development Details**

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

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| Description | Drawing No. | Date | Rev | Prepared by |
|---|---|---|---|---|
| Site Plan | DA01.01 | 25.11.2025 | B | Archi Spectrum |
| Proposed Tenancy Plans – Ground Floor | DA03.01 | 25.11.2025 | B | Archi Spectrum |
| Proposed External Elevations | DA04.02 | 25.11.2025 | B | Archi Spectrum |

Documents Relied Upon

| Description | Drawing No. | Job No. | Date | Prepared by |
|---|---|---|---|---|
| Operational Noise Emission Assessment | - | - | 27 November 2025 | AcousticDynamics |
| Plan of Management | - | - | 28 November 2025 | AENBV Fitness Ptd Ltd |
| Statement of Environmental Effects | - | - | August 2025 | Plan A Town Planning & Development Consultants |

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**Separate Approvals Required Under Other Legislation**

**2.** **Building – Hoarding Application –** Prior to demolition of the buildings on the site, or the commencement of work above ground level, a separate application for the erection of an 'A class' (fence type) or a 'B class' (overhead type) hoarding or 'C type' scaffold, in accordance with the requirements of SafeWork NSW, must be erected along that portion of the footways/roadway where the building is within 3 metres of the street boundary.

**3.** An application for this work under Section 68 of the Local Government Act 1993 and the Roads Act 1993 must be submitted for approval to Council.
The following information is to be submitted with a Hoarding Application under Section 68 of the Local Government Act 1993 and Section 138 of the Roads Act 1993:

(a) A site and location plan of the hoarding with detailed elevation, dimensions, setbacks, heights, entry and exit points to/from the site, vehicle access points, location of public utilities, electrical overhead wire protection, site management plan and builders sheds location; and

(b) Hoarding plan and details that are certified by an appropriately qualified engineer; and

(c) The payment to Council of a footpath occupancy fee based on the area of footpath to be occupied and Council's Schedule of Fees and Charges (available at www.georgesriver.nsw.gov.au) before the commencement of work; and
(d) A Public Risk Insurance Policy with a minimum cover of $20 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works, must be obtained a copy provided to Council. The Policy is to note Council as an interested party.

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

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

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

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

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

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

**Prior to the Issue of a Construction Certificate**

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

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

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

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

| Fee Type | Fee |
|---|---|
| **GENERAL FEES** | |
| Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/ | |
| Builders Damage Deposit | $3,870.00 |
| Inspection Fee for Refund of Damage Deposit | $220.00 |
| Georges River Council Local Infrastructure Contributions Plan 2021 (Section 7.11) | $2,057.00 |

**General Fees**

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

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

Indexation
The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the Georges River Council Local Infrastructure Contributions Plan 2021.

Timing of Payment
The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

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

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

a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **$3,870.00.**

b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: **$220.00.**

c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

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

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

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

**9.** **Plan of Management -** Prior to the issue of a Construction Certificate, an updated Plan of Management is to be provided to the Principal Certifying Authority (PCA) detailing all required changes evident in this consent.

**10.** **Design Amendments** – Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council.

| Area of change required | Change Required |
|---|---|
| Personal lockers | Personal lockers for bicycle riders shall be provided near the bicycle parking area. |
| Sign illumination | The front façade sign (facing King Georges Road) is not permitted to be illuminated and must be fixed |
| Boom Gate | A boom gate is to be constructed for entry to the rear car park area. This must only provide access to the car park between 7am and 10pm daily. At |

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| | |
|---|---|
| | all other times, the gate is to be locked and no parking is allowed. |

**11.** **Provision for bicycles** - Provision shall be made for the parking of not less than three (3) bicycles in a secure facility within the site. The bicycle facility shall comply with the requirements of AS2890.3:2015 Parking Facilities, Part 3. Details of the bicycle facility including its location, shall be submitted to the Certifying Authority for approval prior to the issue of the Construction Certificate with the facility installed and operational prior to the issue of the Occupation Certificate.

**12.** **Fire Safety Measures** - Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PC. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PC will then issue a Fire Safety Schedule for the building.

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

**14.** **Engineer's Certificate** - A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**15.** **Access for Persons with a Disability** - Access and/or sanitary facilities for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises, the Building Code of Australia (NCC/BCA 2022 Vol 1), and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.

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

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

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

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**Prior To The Commencement Of Work (Including Demolition)**

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

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

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

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

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

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

(a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.

(b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.

(c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

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20. **Demolition work involving asbestos removal** - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011.

21. **Site sign – Soil & Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

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

**During Construction**

22. **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

23. **Hours of construction for demolition and building work** - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

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

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

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

**Prior To The Issue of the Occupation Certificate**

25. **Fire Safety Certificate before Occupation or Use** - In accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000, on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the Environmental Planning and Assessment Regulation 2000. In

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addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

(a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
(b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

**26.** **Slip Resistance** - At completion of work an in-situ (on-site) test, in wet and dry conditions, must be carried out on the pedestrian floor surfaces used in the foyers, public corridors/hallways, stairs and ramps as well as the floor surfaces in wet rooms in any commercial/retail/residential units to ascertain the actual slip resistance of such surfaces taking into consideration the effects of grout, the gradients of the surface and changes from one material to another. The in-situ test must be carried out in accordance with AS/NZS 4663:2002. Proof of compliance must be submitted with the application for the Occupation Certificate for approval.

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

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

**Reason:** To ensure appropriate acoustic level to surrounding amenities.

**28.** **Water efficient fittings** – Prior to the issue of Occupation Certificate, the Principal Certifier must ensure all installed water fittings achieve the Water Efficiency Labelling and Standards ratings as follows:

a) Dual-flush toilets and taps – minimum 4 stars
b) Showerheads and urinals – minimum 3 stars

**Operational Conditions**

**29.** **Hours of Operation –** The premises is permitted to be open 24 hours a day, 7 days a week.

**30.** **Hours of Staffed Operation** – The premises must be staffed during the following hours:

Monday to Thursday (including public holidays) – 10:00 to 20:00
Friday (including public holidays) – 10:00 to 18:00
Saturday (including public holidays) – 10:00 to 14:00
Sunday (including public holidays) – Not staffed

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**31.** **Number of Patrons and Staff** – The maximum number of people on site, at any one time is 50 people, including staff members**.**

**32.** **Boom Gate Operation –** The added boom gate for the rear car park facing Dumbleton Lane must only be in operation from 7:00am to 22:00pm daily. No parking is permitted within the car park outside of these hours. This is to be maintained by staff members on site.

**33.** **Bicycle facilities - certification** - facilities for the parking of bicycles shall comply with the requirements of AS2890.3: 2015 Parking Facilities, Part 3: Bicycle parking.

Prior to the issue of an Occupation Certificate, documentation from a suitably qualified and experienced Traffic Engineering professional shall be submitted to the Certifying Authority certifying the bicycle parking facilities have been constructed in accordance with the approved plans and the above Australian Standard.

**34.** **Marking of parking spaces and certification -** Prior to the issue of an Occupation Certificate, all parking spaces shall be clearly designated and linemarked to comply with *AS1742, Manual of uniform Traffic Control Devices.*

Documentation from a suitably qualified and experienced Traffic Engineering professional shall be submitted to the Certifying Authority for approval certifying the carparking spaces have been marked in accordance with the approved plans and the above Australian Standard.

**35.** **Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, wastewater, waste products, grit, oil or other harmful products.

**36.** **Final Acoustic Report – Verification of Noise Report –** Within three months from the issue of an Occupation Certificate, an acoustic assessment is to be carried out by an appropriately qualified acoustic consultant, in accordance with the EPA's Industrial Noise Policy and submitted to Council for consideration. This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report (submitted in this application) are effective in attenuating noise to an acceptable noise level and that the use is not calculated to give rise to 'offensive noise' as defined under the provision of the Protection of the Environment Operation Act 1997 (as amended).

**37.** **Noise Control** - The use of the premises must not give rise to the transmission of offensive noise to any place of different occupancy. Offensive noise is defined in the Protection of the Environment Operations Act 1997 (as amended).

**38.** **Outdoor Lighting** - To avoid annoyance to the occupants of adjoining premises or glare to motorist on nearby roads, outdoor lighting must comply with *AS 4282-2019*: *Control of the obtrusive effects of outdoor lighting*.

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**39.** **Lighting – General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare. Flashing, moving or intermittent lights or signs are prohibited.

**40.** **Offensive Noise –** The use of the premises must not give rise to the transmission of Offensive Noise to any place of different occupancy. Offensive Noise is defined in the *Protection of the Environment Operations Act 1997 (NSW)* as amended.

**41.** **Activities and storage of goods outside building** - There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.

**42.** **Annual Fire Safety Statement** - The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

(a) Within 12 months after the date on which the fire safety certificate was received.
(b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
(c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation 2000.
(d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

**43.** **Schedule of Existing Fire Measures to be Maintained -** The following statutory safety measures are existing and shall be fully maintained in accordance with the approved standard and inspected annually:

(a) Access panels, door and hoppers to fire resisting shafts - minimum standard AS 1905.1 - 2015.

(b) Automatic fail safe devices - minimum standard Part D of BCA.

(c) Automatic fire detection and alarm systems - minimum standard AS 1670.2015, and AS1670.3 & 4 – 2004

(d) Automatic fire suppression systems - minimum standard AS 2118.1 – 2006.

(e) Emergency lighting - minimum standard AS 2293.1 - 2005.

(f) Emergency lifts - minimum standard AS 1735.1,2,11, 3, 7, 8, 12, 14, 15, 16 (as currently applicable).

(g) Emergency warning and intercommunication systems -minimum standard AS 4428.4 – Fire detection, warning, control and intercom systems.

(h) Exit signs - minimum standard AS 2293.1 - 2005.

(i) Fire control centres and rooms - minimum standard BCA.

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(j) Fire dampers - minimum standard AS 1682.1 & AS 1682.2 - 2015.

(k) Fire doors - minimum standard AS 1905.2 - 2005.

(l) Fire hydrant systems - minimum standard AS 2419.1 -2005.

(m) Fire seals protecting openings in fire resisting components of the building - minimum standard Part C of BCA.1

(n) Fire shutters - minimum standard AS 1905.2. - 2005.

(o) Fire windows - minimum standard AS 1905.1- 2015.

(p) Hose reel systems - minimum standard AS 2441 - 2005.

(q) Lightweight construction - minimum standard Part C of BCA.

(r) Mechanical air handling systems - minimum standard AS 1668.2 - 2012.

(s) Perimeter vehicle access for emergency vehicles - minimum standard Part C of BCA.1

(t) Portable fire extinguishers - minimum standard AS 2444 - 2001.

(u) Safety curtains in proscenium openings - minimum standard Part H of BCA.

(v) Smoke and heat vents - minimum standard AS 2665. - 2001.

(w) Smoke dampers - minimum standard AS 1682.1 and 2 - 2015.

(x) Smoke detectors and heat detectors - minimum standard AS 3786 - 2014 and AS 1670.1 - 2015.

(y) Smoke doors - minimum standard AS 1905.1 -2015.

(z) Solid core doors - minimum standard Part C of BCA.

(aa) Stand-by power systems - Spec. G. 3.8 of BCA and AS 2665. - 2001.

(bb) Wall wetting sprinkler and drencher systems - minimum standard AS 2118.2. - 2010.

(cc) Warning and operations signs - minimum standard is BCA.1

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**Operational Requirements Under Environmental Planning And Assessment Act 1979**

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

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

(a) appointed a PC for the building work; and

(b) if relevant, advised the PC that the work will be undertaken as an Owner -Builder.

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

(c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and

(d) notify the PC of the details of any such appointment; and

(e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

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

**46.** **Notification of Critical Stage Inspections** - No later than two days before the building work commences, the PC must notify:

(a) the consent authority and the Council (if not the consent authority) of his or her appointment; and

(b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

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

A Notice of Commencement Form is attached for your convenience. An Information Pack is attached for your convenience should you wish to appoint Georges River Council as the PC for your development.

**48.** **Critical Stage Inspections** - The last critical stage inspection must be undertaken by the PC. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 61 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

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

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

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**50.** **Occupation Certificate** - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part. Only the PC appointed for the building work can issue the Occupation Certificate. An Occupation Certificate Application Form is attached for your convenience.

**Prescribed Conditions**

**51.** **Clause 19 – Building Code of Australia & Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.

**52.** **Clause 73 – Erection of sign for maximum number of persons** - This prescribed condition applies to entertainment venues, function centres, pubs, registered clubs and restaurants. This condition requires the erection of a sign which states the maximum number of persons (as specified in the consent) that are permitted in the building.

**53.** **Clause 75 – Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PC and the Principal Contractor.

**END CONDITIONS**

**NOTES/ADVICES**

**1.** **Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at http://www.longservice.nsw.gov.au.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site https://online.longservice.nsw.gov.au/bci/levy. Payments can only be processed on-line for the full levy owing and where the value of work is between $25,000 and $6,000,000. Payments will be accepted for amounts up to $21,000, using either MasterCard or Visa.

**2.** **Security deposit administration & compliance fee** - Under Section 97 (5) of the Local Government Act 1993, a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is $50.00 plus 2% of the bond amount per annum.

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The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

3. **Council as PC - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the PC in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative fire solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.

4. **Access for persons with disabilities** - Should the Council be appointed as the PC, an Access report prepared by an Accredited Access Consultant may be required to be submitted with the Construction Certificate Application, detailing the existing level of compliance in the building with the above requirements, and to provide details of proposed upgrading work necessary to bring the building into conformity with the Premises Standards and the BCA. All recommendations of the accredited access consultant must be incorporated in the plans to be submitted with the Construction Certificate application.

5. **Building – Energy Efficiency Provisions -** Should Council be appointed as the Principal Certifier, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Principal Certifier.

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

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

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

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

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

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

Visit the Ausgrid website for further details:
https://www.ausgrid.com.au/Connections/Get-connected

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

8. **Lapsing of Consent -** This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

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**SITE PLAN**
SCALE: 1:500

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| ISSUE | DATE | DESCRIPTION |
|---|---|---|
| B | 25.11.2025 | Revised DA Issue to Council |
| A | 22.07.2025 | DA Issue for Council |

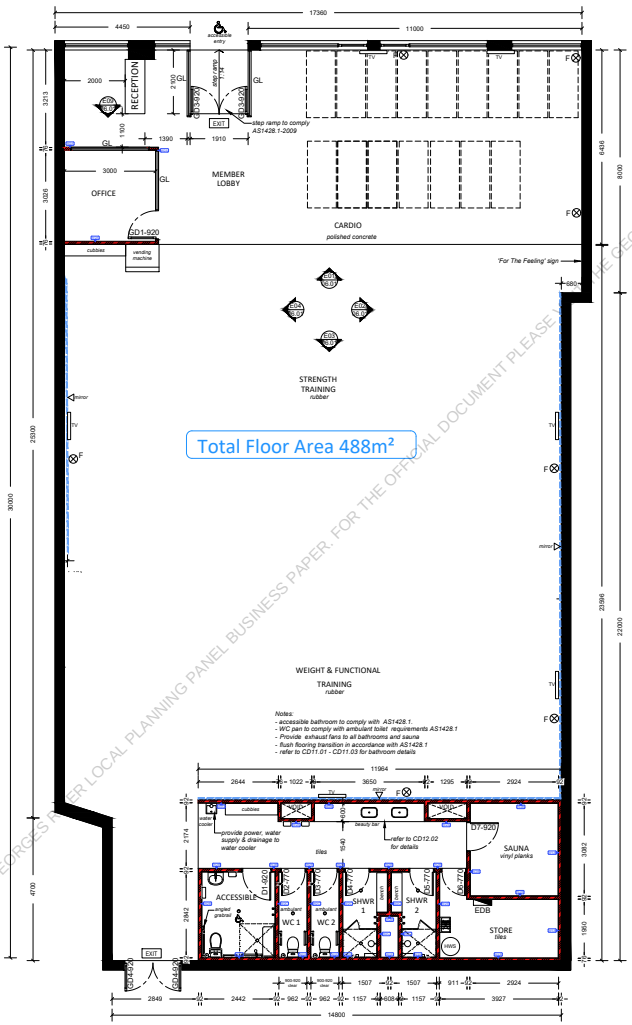
ARCHI SPECTRUM
Nominated Architect: Martin Bednarczyk | NSW ARB #8912
Suite C5, 8 Allen St, Waterloo NSW 2017 | A.B.N. 68 662 638 413
m: 0419 670 108 | ph: (02) 8399 2807 | e: office@archispectrum.com.au

PROJECT:
**SNAP Fitness Beverly Hills**
447-453 King Georges Road, Beverly Hills NSW 2209

CLIENT:
**SNAP Fitness Beverly Hills**
447-453 King Georges Road, Beverly Hills NSW 2209

SHEET TITLE:
**Site Plan**

SCALE: 1:500 @ A2 SHEET SIZE DWG NO REVISION
DRAWN: Furqon S A2 DA01.01 b




**PROPOSED TENANCY PLAN - GROUND FLOOR**
SCALE: 1:100

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LEGEND:

- Existing wall to remain
- New wall type/finish - Wall dimensions to stud frame. Refer wall type schedule for details
- EDB — Electrical distribution board
- FE — Portable fire extinguisher with 2A20B rating to comply with AS2444
- FHR — Fire hose reel
- GL — Glazed wall
- GD — Glazed door
- D920 — Denotes width of doorleaf
- EXIT — Illuminated exit sign to comply with AS2293.1
- EXIT — Illuminated directional sign to comply with AS2293.1
- HWS — Hot Water System
- TV — Standard TV set
- F — wall mounted fan. Fan controlled by press release type timer switch located below fan

NOTES:
- Provide mechanical ventilation in accordance with AS1668.2 and AS3666.1
- Provide transmitter/receiver type hearing augmentation to tenancy
- TGI to AS1428.4

NORTH

| ISSUE | DATE | DESCRIPTION |
|---|---|---|
| B | 25.11.2025 | Revised DA Issue to Council |
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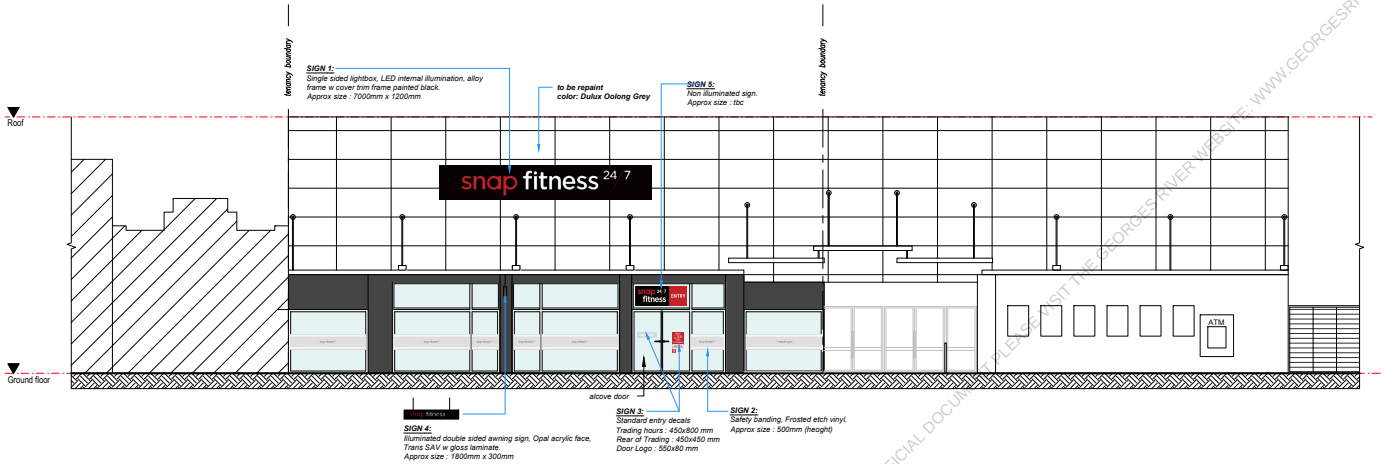
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PROJECT:
**SNAP Fitness Beverly Hills**
447-453 King Georges Road, Beverly Hills NSW 2209

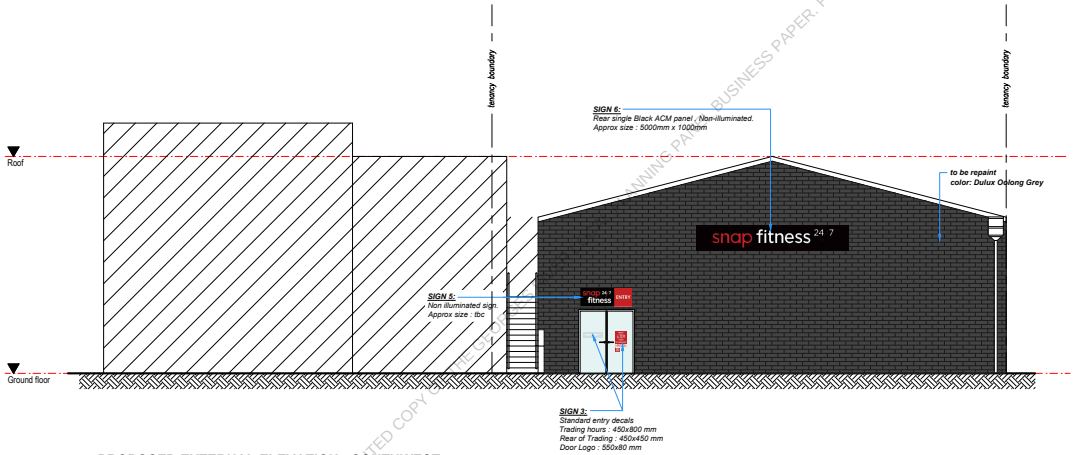
CLIENT:
**SNAP Fitness Beverly Hills**
447-453 King Georges Road, Beverly Hills NSW 2209

SHEET TITLE:
**Proposed Tenancy Plan - Ground Floor**

SCALE: 1:100 @ A2 SHEET SIZE: A2 DWG NO: DA03.01 REVISION: b
DRAWN: Furqon S




**PROPOSED EXTERNAL ELEVATION - NORTHEAST**
SCALE: 1:100




**PROPOSED EXTERNAL ELEVATION - SOUTHWEST**
SCALE: 1:100

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PROJECT:
**SNAP Fitness Beverly Hills**
447-453 King Georges Road, Beverly Hills NSW 2209

CLIENT:
**SNAP Fitness Beverly Hills**
447-453 King Georges Road, Beverly Hills NSW 2209

SHEET TITLE:
**Proposed External Elevation**

SCALE: 1:100 @ A2 SHEET SIZE DWG NO REVISION
DRAWN: Furqon S A2 DA04.02 b

**REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 19 FEBRUARY 2026**

**LPP003-26 117 FOREST ROAD, HURSTVILLE NSW 2220**

| | | | |
|---|---|---|---|
| **LPP Report No** | **LPP003-26** | **Development Application No** | **DA2025/0163** |
| **Site Address & Ward Locality** | 117 Forest Road, Hurstville NSW 2220<br>Hurstville Ward | | |
| **Proposed Development** | Demolition works and construction of a shop top housing | | |
| **Owners** | Ilacorp Pty Ltd | | |
| **Applicant** | Pavlo Doroch | | |
| **Planner/Architect** | Architect: Doroch Architects<br>Planner: BMA Urban | | |
| **Date Of Lodgement** | 1/05/2025 | | |
| **Submissions** | 11 | | |
| **Cost of Works** | $19,673,277.00 | | |
| **Local Planning Panel Criteria** | Chapter 4 of State Environmental Planning Policy (Housing) 2021 is applicable to this development. | | |
| **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 (Housing) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, Georges River Local Environmental Plan 2021 (GRLEP 2021), Georges River Development Control Plan 2021 (GRDCP 2021) | | |
| **List all documents submitted with this report for the Panel's consideration** | Architectural plans, assessment report, access report, Clause 4.6 report, geotechnical report, landscape plan, Statement of Environmental Effects, stormwater plan, traffic report, waste management plan | | |
| **Report prepared by** | Senior Development Assessment Planner | | |

| | |
|---|---|
| **RECOMMENDATION** | Refusal |

| | |
|---|---|
| **Summary of matters for consideration under Section 4.15**<br>Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? | **Yes** |

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| | |
|---|---|
| **Legislative clauses requiring consent authority satisfaction**<br>Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? | **Yes** |
| **Clause 4.6 Exceptions to development standards**<br>If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? | **Yes - Clause 4.3** |
| **Special Infrastructure Contributions**<br>Does the DA require Special Infrastructure Contributions conditions (under s7.24)? | **Not Applicable** |
| **Conditions**<br>Have draft conditions been provided to the applicant for comment? | **N/A – application to be recommended for refusal** |

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## PROPOSAL

1. The Development Application seeks consent for *Demolition works and construction of a shop top housing*. The proposal comprises of the following components:

**Demolition**

The following components are to be removed:

- The existing service station.

**Shop top housing**

- Basement Levels
  - 33 car spaces in total, of which
    - Residential – 22 (4 accessible)
    - Visitor – 5 (1 accessible)
    - Commercial – 6 (1 accessible)
  - 14 bicycle parking spaces
  - External apartment unit storage spaces, and
  - Plant rooms
- Ground floor
  - 4 commercial units,
  - Waste room,
  - Loading dock with turn table, and
  - New driveway access to Treacy Street
- First floor
  - 2 apartment units (both are affordable housing units), and
  - 1 commercial unit
- Second floor
  - 6 apartment units, of which 1 is affordable housing unit
- Third to eighth floor
  - 4 apartment units on each floor,
  - Of which, 1 affordable housing unit is provided on the fourth and fifth floor

- Ninth floor (roof level)
    - Communal open space containing benches and barbeque stoves.

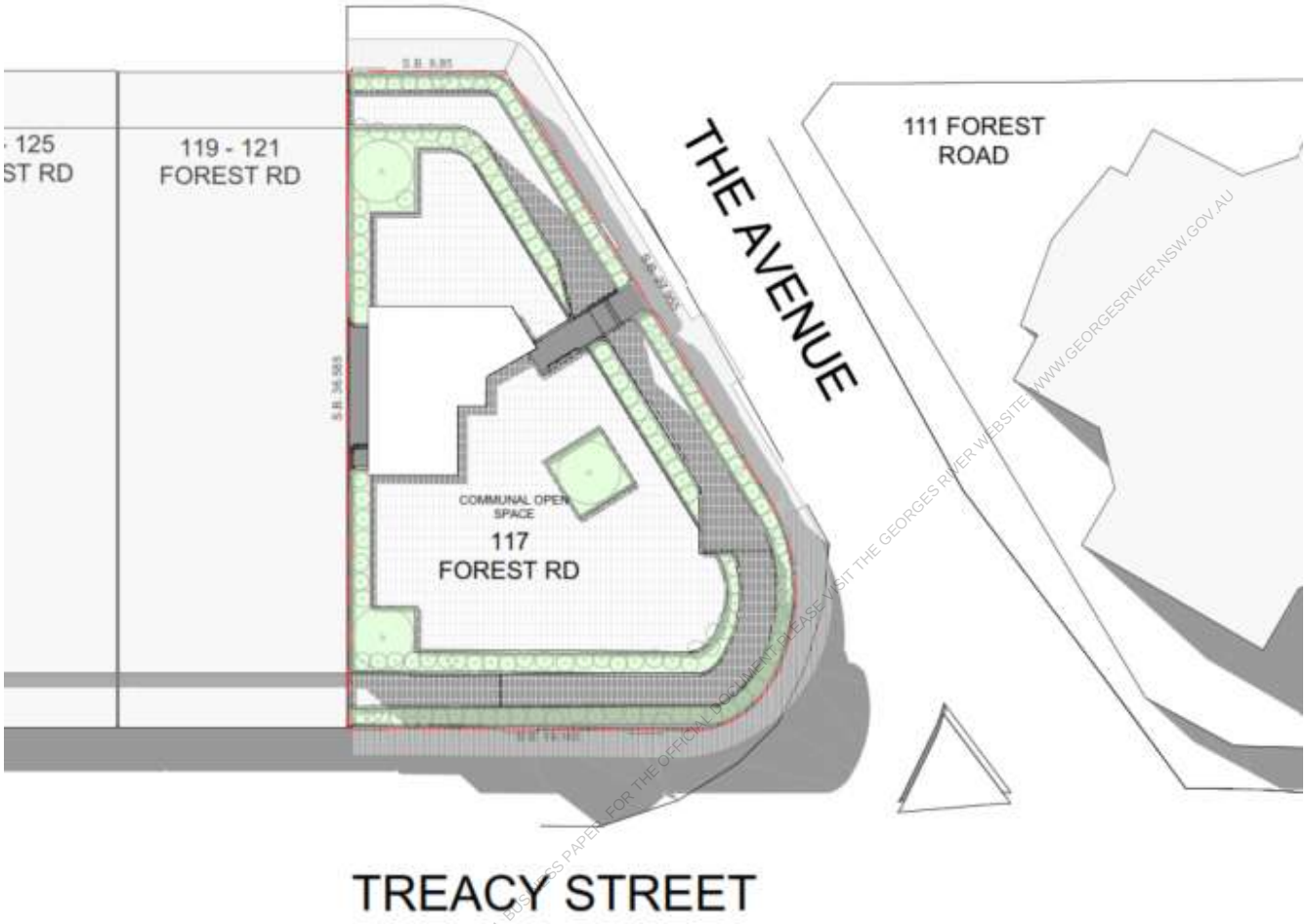



***Figure 1** – Site Plan (Source: Architectural Plans)*

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***Figure 2*** *– North elevation (Source: Architectural Plans)*



***Figure 3*** *– East elevation (Source: Architectural Plans)*




***Figure 4*** *– South elevation (Source: Architectural Plans)*

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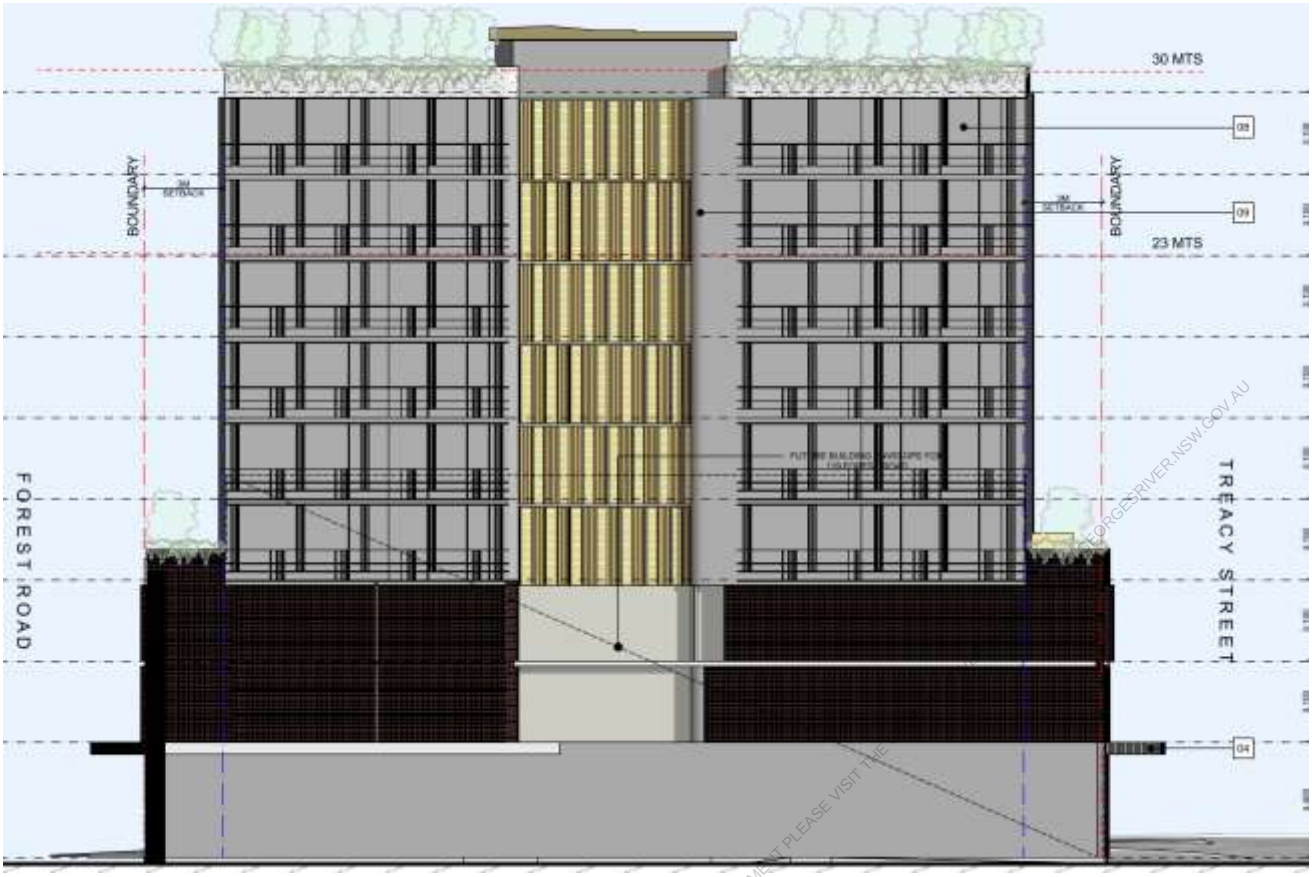



***Figure 5*** *– West elevation (Source: Architectural Plans)*




***Figure 6*** *– Street view of development site (image taken facing east (Source: Assessing Officer))*

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***Figure 7** – Aerial view of development site outlined in red (Source: IntraMaps)*

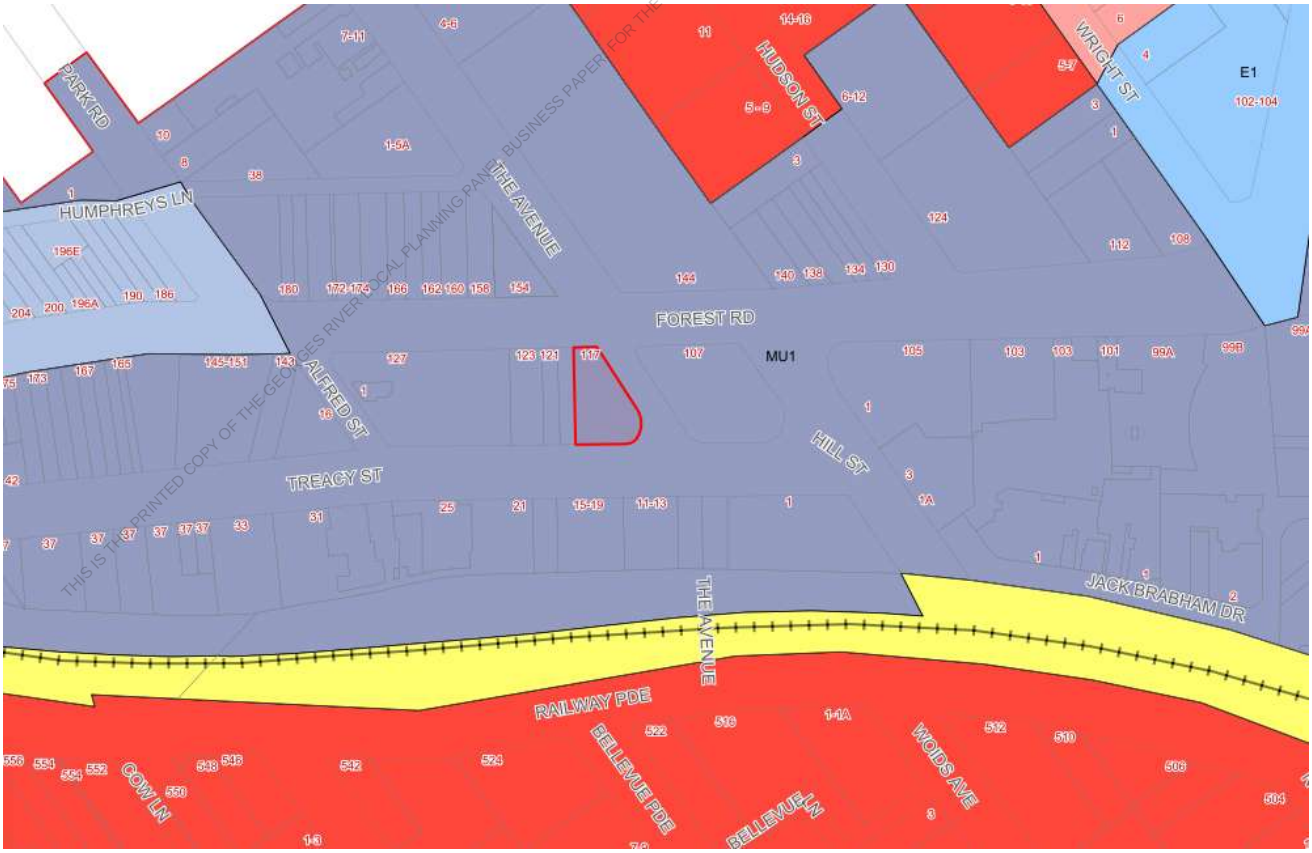



***Figure 8** – Zoning map of development site and surrounds. The subject site is outlined in red (Source: IntraMaps)*

## SITE AND LOCALITY

2. The subject site is legally described as Lot 101 DP 826876. The site encompasses 117 Forest Road, Hurstville NSW 2220.

3. The site has an area of 695.6sqm by Deposited Plan. The subject site has a 8.85m frontage to Forest Road, 27.955m frontage to The Avenue, and 19.11m frontage to Treacy Street. The western side boundary has a length of 36.585m. The site is generally flat and contains a service station. No vegetation is identified on the subject site.

4. The subject site is zoned MU1 Mixed Use. The immediate locality is characterised by a mix of residential and commercial development, of varying age, density and height. To the north is the St George Anglican Church. To the east is a 12-storey shop top housing development. To the south is a four-storey shop top housing development. To the west is a single-storey commercial building.

**ZONING AND PERMISSIBILITY**

5. The subject site is zoned MU1 Mixed Use under GRLEP 2021. The proposed works are defined as a 'shop top housing' which is permissible with consent within MU1 zone under the GRLEP 2021.

**ASSESSMENT**

6. The table below presents a summary in respect to numerical compliance:

| **State Environmental Planning Policy (Housing) 2021 Chapter 2 Affordable Housing** | | | |
|---|---|---|---|
| **Standard** | **Required** | **Proposal** | **Complies yes/no** |
| Section 15C - Development to which the division applies | Affordable housing component minimum 10% | 10% of gross floor area (GFA) | Yes |
| Section 16 – Affordable housing requirements for additional floor space ratio | Floor space ratio (FSR) bonus: 20%<br>Maximum FSR: 5.4:1 (equivalent to 3,756.24sqm) | FSR: 5.3:1 (GFA: 3,685.4sqm) | Yes |
| | Building height bonus: 20%<br>Maximum height: 27.6m | 31.64m | No |
| Section 19 – non-discretionary development standards | Minimum site area: 450sqm | 695.6sqm | Yes |
| | Minimum landscaped area of:<br><br>- 35sqm per dwelling or<br>- 30% of site area<br><br>Whichever is the lesser | 0sqm<br><br>No Clause 4.6 request supplied. | No |
| | At least 70% of the dwelling to receive at least 3 hours of direct solar access. | 71.9% | Yes |
| | Affordable housing: 2.4 spaces<br>Other housing: 21.3 spaces<br>Visitor: 4.6 spaces<br>Commercial: 10.3 spaces<br><br>Minimum parking provision: 39 (38.6) | 33 spaces<br><br>No Clause 4.6 request supplied. | No |

| **State Environmental Planning Policy (Housing) 2021 Apartment Design Guide (ADG)** |
|---|

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| Standard | Required | Proposal | Complies yes/no |
|---|---|---|---|
| 3D - Communal open space<br>(Minimum control) | 25% of the site = 173.9sqm. | 314.5sqm | Yes |
| 3E – Deep Soil zones<br>(Minimum control) | 7% | 0sqm<br><br>It is noted that the design guidance allows for nil deep soil area in central business district | No, however acceptable on merit |
| 3F- Visual Privacy<br>(Minimum control) | Separation distance from side and rear boundaries required:<br><br>Up to 12m (4 storeys)<br>Habitable room and balconies - 6m<br>Non-habitable – 3m<br><br>Up to 25m (5-8 storeys)<br>Habitable room and balconies – 9m<br>Non-habitable – 4.5m | Nil side setback<br><br>It is noted that the design guidance allows for nil side setback between blank walls | Yes |
| 4A- Solar and daylight access<br>(Minimum control) | Living rooms and private open spaces of at least 70% of apartments receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter<br><br>A maximum of 15% of apartments may receive no direct sunlight between 9am and 3pm in midwinter. | 71.9% of all units (23 units) will receive at least 2 hours of direct solar access onto the living rooms and private open spaces.<br><br>25% of units (8 units) will not receive direct solar access in midwinter. | No |
| 4B- Natural Ventilation<br>(Minimum control) | 60% of apartments are naturally cross ventilated. | 46.9% of all units (15 units) | No |
| 4C-Ceiling Heights<br>(Minimum control) | Habitable rooms = 2.7m<br>Non-habitable rooms = 2.4m | 2.9m for all units | Yes |
| 4D- Apartment size and layout<br>(Minimum control) | 1 bedroom = 50sqm<br>2 bedroom = 70sqm<br>3 bedroom = 90sqm<br><br>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each<br><br>Total minimum glass area:<br>No less than 10% of the floor area of the habitable room. | 6 units are deficient in size<br><br>All windows are compliant in size. | No |
| | Maximum habitable room depths:<br>2.5 x of ceiling height.<br><br>Open plan layouts - the maximum habitable room depth is 8m from a window | One main bedroom does not comply.<br><br>All units comply with open plan layout requirement. | No |

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| | | | |
|---|---|---|---|
| | Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space).<br><br>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).<br><br>Living rooms or combined living/dining rooms have a minimum width of:<br>- 3.6m for studio and 1 bedroom<br>- 4m for 2 and 3 bedroom apartments<br><br>The width of cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts | 12 units contain bedrooms that are deficient in size.<br><br>All living rooms comply with minimum width requirement. | No |
| 4E- Private Open space and balconies<br>(Minimum control) | All apartments are required to have primary balconies as follows:<br><br>-1 bedroom = 8sqm/2m depth<br>-2 bedroom = 10sqm/2m depth<br>-3+ bedroom = 12sqm/2.4m<br><br>The minimum balcony depth to be counted as contributing to the balcony area is 1m.<br><br>Private open space for podium level apartments:<br>Minimum area of 15sqm<br>Minimum depth of 3m | 8 units contain deficient private open space.<br><br>All apartment units on the podium complies with the dimension requirements. | No |
| 4F- Common circulation areas | The maximum number of apartments off a circulation core on a single level is eight | 6 units maximum | Yes |
| 4G- Storage<br>(Minimum control) | Storage requirement:<br>1 bedroom = $6m^3$<br>2 bedroom – $8m^3$<br>3 bedroom – $10m^3$<br><br>At least 50% of storage is to be located within the apartment. | All units comply with minimum storage requirement. | Yes |
| 4Q – Universal Design<br>(Minimum control) | 20% achieves Livable Housing Guideline's silver level | 31.3% | Yes |

| **Georges River Local Environmental Plan 2021 (GRLEP 2021)** | | | |
|---|---|---|---|
| **Standard** | **Required** | **Proposed** | **Complies Yes/no** |
| 4.4B - Exceptions to floor space ratio—non-residential uses | Minimum FSR: 1.1 (695.6sqm) | 1.1(707.9sqm) | Yes |

| **Georges River Development Control Plan 2021 (GRDCP 2021)** |
|---|

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| Standard | Required | Proposal | Complies yes/no |
|---|---|---|---|
| 3.13 Parking Access and Transport | Car wash space rate (minimum): 1 | No car wash bay proposed. | No |
| | Bicycle parking rate (minimum): 16 spaces | 14 bicycle spaces provided. | No |
| | Accessible parking rate (minimum): 4 spaces (ADG requires 4 adaptable units) | 4 accessible parking spaces provided | Yes |
| 7.1.2.3 Setbacks | Minimum side setback: 0m | Nil side setback proposed. | Yes |
| 7.1.2.3 Awnings | Awning height:<br>3.2m to 4.2m above footpath | 3.9m | Yes |
| 8.2.6.3 City East Transition Area | Street wall (maximum):<br>3 storeys | 3 storeys | Yes |
| | Street setback above podium (minimum):<br>3.0m | 3.0m | Yes |
| 8.2.7.1 Consolidation of Sites | Street frontage (minimum): 30m | 72.24m | Yes |
| 8.2.7.2 Commercial and Retail Ceiling Heights | Commercial levels ceiling height (minimum):<br>G/F: 3.6m<br>1/F: 3.3m | G/F: 4.4m<br>1/F: 3.1m | No |

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## Main Issues

Site Isolation

7. Part 8.2.7.1 of the GRDCP 2021 and the Planning Principle on redevelopment (Karavellas v Sutherland Shire Council) requires the applicant to attempt site consolidation, and should consolidation of the isolated site cannot be achieved via negotiation, the applicant is required to provide evidence that the isolated site remains economically viable.

8. Between the subject site and 127 Forest Road, which was recently redeveloped, there are three allotments (119-123 Forest Road). Each allotment contains an old commercial building. Those allotments have a total width of 24.38m and the applicable maximum building height is 15m, equivalent to a 4-5-storey building. Pursuant to Part 8.2.7.1 of the GRDCP 2021, those allotments are unlikely to be capable of accommodating any buildings that are greater than 3 storeys in height due to insufficient site width and limited ability to accommodate necessary utilities for larger developments. Should the proposed development proceed, those allotments will be isolated with diminished redevelopment viability.




***Figure 9** – Site context on Forest Road. The isolated sites are outlined in red. (Source: Site inspection photo)*

9. The applicant was requested to provide evidence of negotiation with the landowners of the isolated sites and provide documents demonstrating that the isolated sites can accommodate economically viable redevelopment. No evidence of the negotiation or modelling was provided. Given a site amalgamation negotiation would likely take multiple months to complete, far exceeding the acceptable Request for Further Information timeframe, Council advised the applicant to withdraw the application.

10. The failure to address the site isolation issue forms part of the reasons for the recommendation to refuse this application.

Traffic

11. Clause 6.9 of the GRLEP 2021 requires adequate vehicular access to be demonstrated. The proposal fails to achieve the required parking rate, and the proposed loading dock does not comply with relevant Australian Standards and introduces additional conflicts between vehicles and pedestrians. Council's senior traffic engineer has raised concerns with the proposal. Details are provided in the referral section of the report.

Height

12. The proposed development is subjected to a height control of 27.6m as the proposal benefits from the affordable housing bonus provisions introduced through Section 16 of State Environmental Planning Policy (Housing) 2021. The proposal demonstrates a height of 31.64m.

13. The proposed height exceedance is substantial and detracts from the desired built form outcome of the locality given a significant portion of the building bulk sits above the height plane (see Figure 10 below). The submitted Clause 4.6 variation request fails to demonstrate sufficient planning grounds to justify the height variation and understates the extent of variation. On that basis, the height exceedance is not supported.

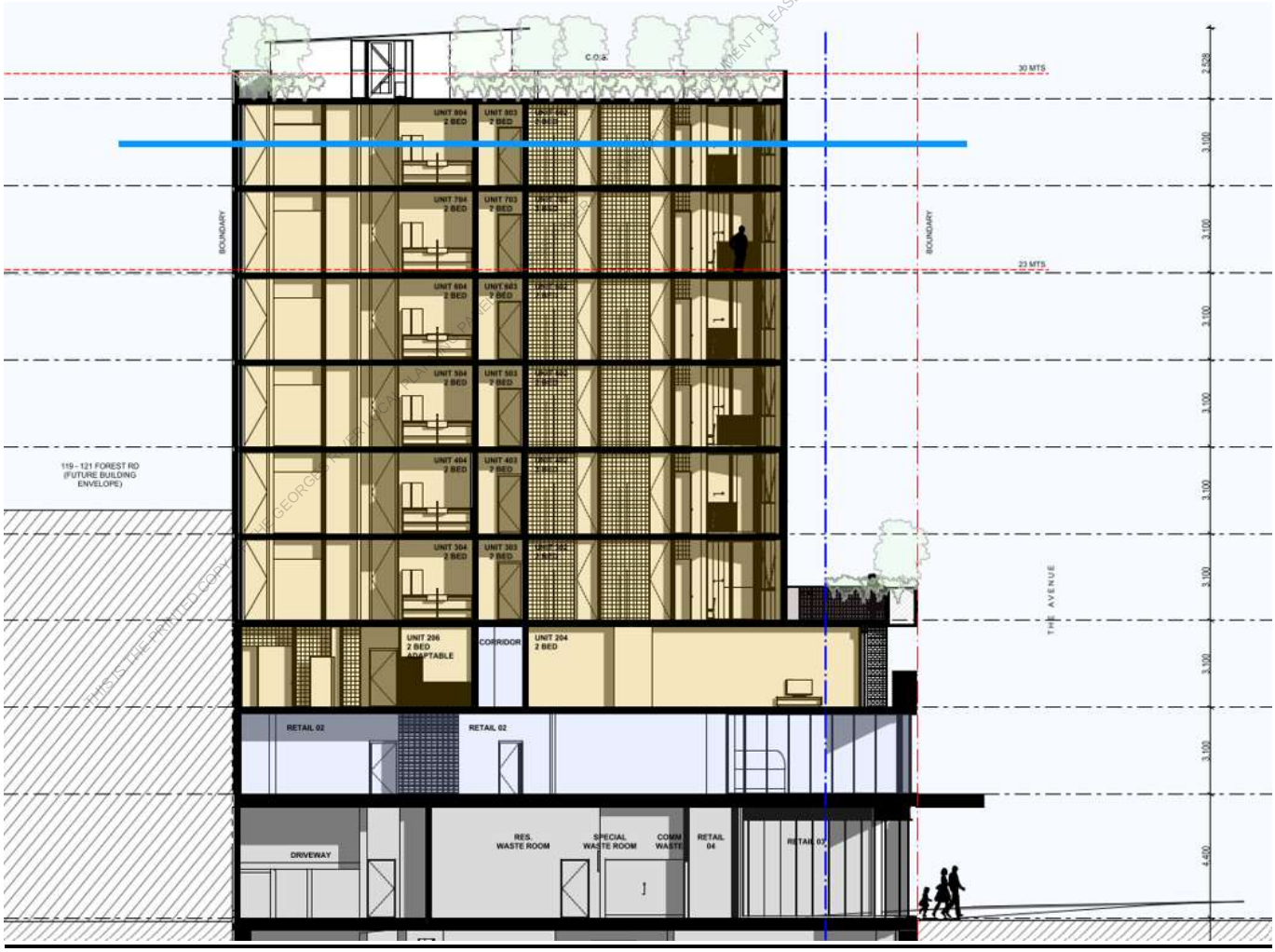



***Figure 10*** *– Extent of proposed variation. The blue line represents the maximum building height. (Source: Architectural plans)*

Waste

14. Part 3.12 of the GRDCP 2021 requires new developments to introduce adequate waste management. The proposal does not comply with this provision due to failure to provide a suitable waste loading dock, insufficient capacity to accommodate the residential and commercial waste, and the waste storage room does not permit the safe movement of bins on site. Council's waste officer has raised concerns with the proposal. Details are provided in the referral section of the report.

Urban Design

15. Clause 6.10 of the GRLEP 2021 requires design excellence to be demonstrated in the proposed development. The proposal fails to achieve a high standard of urban design due to the incorporation of exposed loading dock, failure to introduce site amalgamation, insufficient materiality change on building facades, and failure to incorporate public art. Council's urban designer has raised concerns with the proposal. Details are provided in the referral section of the report.

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## SUBMISSIONS

16. In accordance with the provisions of Council's public notification requirements, the application was placed on neighbour notification for 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.

17. Council received 11 submissions during the notification period. The issues raised in the submissions are summarised below.

| Issue | Comment |
|---|---|
| **Traffic**<br><br>Concerns are raised with respect to increase of traffic congestion, adverse impacts on road safety, and additional road noise. | The proposal will not result in an unacceptable level of traffic generation beyond the capacity of the local road network. On that basis, it is considered that the proposal will not introduce excessive road noise and traffic congestion.<br><br>Notwithstanding that, the proposed loading area design does not enable a second vehicle to stop on site while the loading bay is in operation. This will introduce additional traffic conflicts at nearby intersections and conflicts with pedestrians crossing the driveway crossover. |
| **Amenity**<br><br>Concerns are raised regarding overshadowing and view loss | The proposed height exceedance will result in additional overshadowing. Insufficient information regarding the affected window is submitted to fully ascertain the overshadowing impacts.<br><br>On the other hand, the proposal is unlikely to cause unacceptable view loss impacts given there are no significant landmark identified in the vicinity. It is noted that existing views from adjoining low-level apartment units will be obscured even if the proposal achieves full compliance given the GRLEP 2021 allows a 23m tall building on the subject site. |

## REFERRAL COMMENTS

18. Comments provided by internal referral specialists and external agencies are summarised below.

| Specialist/Agencies | Comment |
|---|---|
| Development Engineer | No objection raised. |
| Landscape Officer | No objection raised. |
| Urban Design | Objections raised for the following reasons:<br><br>- Exposed loading dock<br>- Nil side setback (in contravention to Part 7.1.3.2 of the GRDCP 2021)<br>- Lack of site amalgamation<br>- Communal circulation spaces are compact and not conducive to social interaction<br>- Insufficient natural ventilation<br>- Inadequate ceiling height<br>- Lack of massing composition and materiality change<br>- No public art plan |
| Land Information (GIS) | No objection raised. |
| Environmental Health Officer | Objections raised for the following reasons:<br>- No construction noise and vibration management plan submitted. It is unclear how acoustic impacts are minimised during work phase.<br>- No details provided demonstrating the capability of the proposed ground floor tenancies to accommodate food and drinks premises. |
| Traffic Engineering | Objections raised for the following reasons:<br><br>- Parking deficiency of six spaces<br>- The provision of the turntable is not considered suitable for the following reasons:<br><br>(a) **The turntable does not enable on-site traffic movement while the loading area is in use, in contravention to the requirements of *s3.4 – Queuing Areas* of *AS/NZS 2890.1:2004 Parking Facilities, Part 1 – off street car parking*.**<br><br>(b) **The loading area does not allow for a second service vehicle entering the site to be turned within the site and exit to Treacy Street in a forward direction when the loading area is in use.**<br><br>(c) **Vehicles are prevented from exiting the site when the turntable is in use, resulting in those vehicles queuing on a ramp with a maximum gradient of 25% (1 in 4) which is unsafe and potentially lead to gridlock within the basement levels**<br><br>(d) **A proposed vehicle crossing width in excess of 9m is unsatisfactory on pedestrian safety** |

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| | |
|---|---|
| | **grounds and has the potential for drivers of vehicles accessing the site to cross the Council's footpath at speed and at an acute angle.**<br><br>- **The proposed development fails to include an intercom in the vicinity of the main entry/exit roller shutter.** |
| Waste | Objections raised for the following reasons:<br>- The loading area is not suitable for waste collection as the usage of the loading bay will impede vehicular movement on site.<br>- The storage area and chutes are not of a sufficient dimension to enable movement of waste. No travel path diagrams provided to demonstrate safe movement of waste in the waste storage room.<br>- The residential levels are not provided adequate infrastructure to process food waste.<br>- No separation between the residential and commercial components<br>- The proposed commercial waste collection frequency of three times per week will cause unacceptable disruption on vehicular access<br>- No plans are submitted demonstrate the management of commercial food waste<br>- Insufficient commercial waste storage facilities are provided on site. |
| Ausgrid | No objection raised. |
| Water NSW | Objection raised for the following reasons:<br>- No details are provided regarding the management of ground water at the basement levels. |

## REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

19. Chapter 4 of State Environmental Planning Policy (Housing) 2021 is applicable to this development given its nature as shop top housing.

20. In accordance with Schedule 1 subsection 4(b) of the Local Panning Panels Direction, this development requires referral to the Georges River Local Planning Panel.

## CONTRIBUTIONS

21. Development contributions are required for this proposed development. Section 7.11 contributions would have been applied should this application be recommended for approval.

## CONCLUSION

22. The application has been assessed having regard to the matters for consideration under Section 4.15 of the environmental planning and assessment act 1979, the provisions of the relevant state environmental planning policies, local environmental plans and development control plans.

23. Having regard to the objectives of the applicable controls it is considered that the proposal fails to demonstrate compliance with the following Environmental Planning

Instruments and Development Control Plan and is not considered to be suitable for the site:

- *State Environmental Policy (Biodiversity and Conservation) 2021*
- *State Environmental Policy (Sustainable Buildings) 2022*
- *State Environmental Policy (Resilience and Hazards) 2021*
- *State Environmental Policy (Housing) 2021*
- *State Environmental Policy (Transport and Infrastructure) 2021*
- *Georges River Local Environmental Plan 2021*
- *Georges River Development Control Plan 2021*

**RECOMMENDATION**

24. Pursuant to *Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979* (as amended), DA2025/0163 for Demolition works and construction of a mixed use development on Lot 101 DP 826876 being land known as 117 Forest Road, Hurstville NSW 2220, is recommended for refusal for the reasons outlined below.

1. The development does not comply with the State Environmental Planning Policy (Biodiversity and Conservation) 2021 as insufficient details are provided demonstrating adequate measures to control and process groundwater at basement levels, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

2. The development does not comply with Section 16, Chapter 2 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP), as the proposed development has a height of 31.64m, exceeding the height limit by 4.04m, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979. The submitted Clause 4.6 variation request does not demonstrate sufficient planning grounds to warrant variation to the maximum building height development standard. The variation to the development standard will result in excessive intensification of built form, unreasonable overshadowing impacts, and is not consistent with the existing and future desired character of the Hurstville Town Centre.

3. Clause 4.6 – Exceptions to development standards. No Clause 4.6 variation request is submitted to address Section 19 of the Housing SEPP regarding non-compliances with the provisions on landscaped area and parking.

4. The development does not comply with Section 19, Chapter 2 of the Housing SEPP, as the proposed development has a total parking provision of 33 spaces, 6 spaces deficient of the parking requirements outlined in the Housing SEPP and Apartment Design Guide (ADG), pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979. No Clause 4.6 variation request is submitted to vary this development standard.

5. The development does not comply with Objective 3C of the ADG, as the proposed loading area results in adverse streetscape impacts on Treacy Street, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

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6. The development does not comply with Objective 3J of the ADG, as the proposed loading dock will impede traffic and introduce traffic conflicts, and no details on the ventilation grates are provided, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

7. The development does not comply with Objective 4A of the ADG, as 25% of all proposed units receive no direct solar access, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

8. The development does not comply with Objective 4B of the ADG, as only 46.9% of all units enjoy cross ventilation, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

9. The development does not comply with Objectives 4D and 4E of the ADG, as the proposed development contains multiple undersized apartment units, non-compliant room depth, and deficiency in bedroom and private open space sizes, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

10. The development does not comply with Objective 4S of the ADG, as the proposed development fails to adequately separate the first floor commercial unit from the residential component, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

11. The development does not comply with Objective 4W of the ADG, as the proposed development fails to provide adequate waste storage area per Council's Waste Management requirements, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

12. The development does not comply with Clause 6.9 – Essential Services of the Georges River Local Environmental Plan (GRLEP) 2021, as the proposed development fails to provide adequate vehicular access in accordance with Australian Standards, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

13. The development does not comply with Clause 6.10 – Design Excellence of the GRLEP 2021, as the proposal introduces site isolation, introduces a large blank party wall that is unsympathetic to the locality, fails to incorporate public art, and the proposed façade does not promote visual interest, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

14. The proposal fails to comply with Section 3.13 of GRDCP 2021, as the proposal has a bicycle parking deficiency of 2, and no car wash bays are provided, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

15. The proposal fails to comply with Section 3.15 of GRDCP 2021, as no public domain plans are provided, and the proposal fails to introduce public art, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

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16. The proposal fails to comply with Section 3.20 of GRDCP 2021, as the proposal fails to demonstrate the minimisation of acoustic and vibration impacts on adjoining receivers, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

17. The proposal fails to comply with Section 7.1.3.1 of GRDCP 2021, as the proposal introduces a large blank party wall that is unsympathetic to the local built form, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

18. The proposal fails to comply with Section 7.1.4.4 of GRDCP 2021, as the proposal fails to demonstrate plans to underground the existing overhead utility lines, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

19. The proposal fails to comply with Section 8.2.7.1 of GRDCP 2021, and the Planning Principle on redevelopment (Karavellas v Sutherland Shire Council) as the proposal isolates the properties to the west of the development site, and no evidence is provided demonstrating any attempt to amalgamate adjoining properties and demonstrating the economic viability of the isolated sites, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

20. The proposal fails to comply with Section 8.2.7.2 of GRDCP 2021, as the proposed first floor ceiling height is 3.1m, lower than the required commercial level ceiling height of 3.3m, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

21. The proposal fails to comply with Section 8.2.7.7 of GRDCP 2021, as the proposal fails to supply a wind effect report, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

22. For the above reasons, the proposed development is not suitable for the site, Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.

23. For the above reasons, approval of the proposed development is not in the public interest, Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979.

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**ATTACHMENTS**

| | |
|---|---|
| Attachment ⇩1 | Assessment Report - 117 Forest Road, Hurstville NSW 2220 - DA2025/0163 |
| Attachment ⇩2 | Architectural Plans (Masterview) - 117 Forest Road, Hurstville NSW 2210 - DA2025 0163 - Attachment to LPP Report - 19-2-26 |

# Assessment Report

## DA2025/0163

## Lot 101 DP 826876

### 117 Forest Road, Hurstville NSW 2220

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**Acknowledgment of Country**

Georges River Council acknowledges the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. Council recognises Aboriginal and Torres Strait Islander peoples as an integral part of the Georges River community and values their social and cultural contributions. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples who live work and meet on these lands.

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## Report Summary

The development has been assessed having regards to the Matters for Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

**Refusal**
The assessment recommends that the Georges River Local Planning Panel as the Consent Authority pursuant to Section 4.16 (1)(b) Environmental Planning & Assessment Act 1979, refuse to the before mentioned Development Application due to the reasons discussed within this report.

## Proposal

The works proposed in this application are specifically outlined below:

**Demolition**
The following structures are to be demolished:
- Existing service station.

**Mixed use development**
The proposed 32-unit shop top housing includes the following:
- Basement Levels
  - 33 car spaces in total, of which
    - Residential – 22 (4 accessible)
    - Visitor – 5 (1 accessible)
    - Commercial – 6 (1 accessible)
  - 14 bicycle parking spaces
  - External apartment unit storage spaces, and
  - Plant rooms
- Ground floor
  - 4 commercial units,
  - Waste room,
  - Loading dock with turn table, and
  - New driveway access to Treacy Street
- First floor
  - 2 apartment units (both are affordable housing units), and
  - 1 commercial unit
- Second floor
  - 6 apartment units, of which 1 is affordable housing unit
- Third to eighth floor
  - 4 apartment units on each floor,
  - Of which, 1 affordable housing unit is provided on the fourth and fifth floor
- Ninth floor (roof level)
  - Communal open space containing benches and barbeque stoves.

A site plan is provided below:

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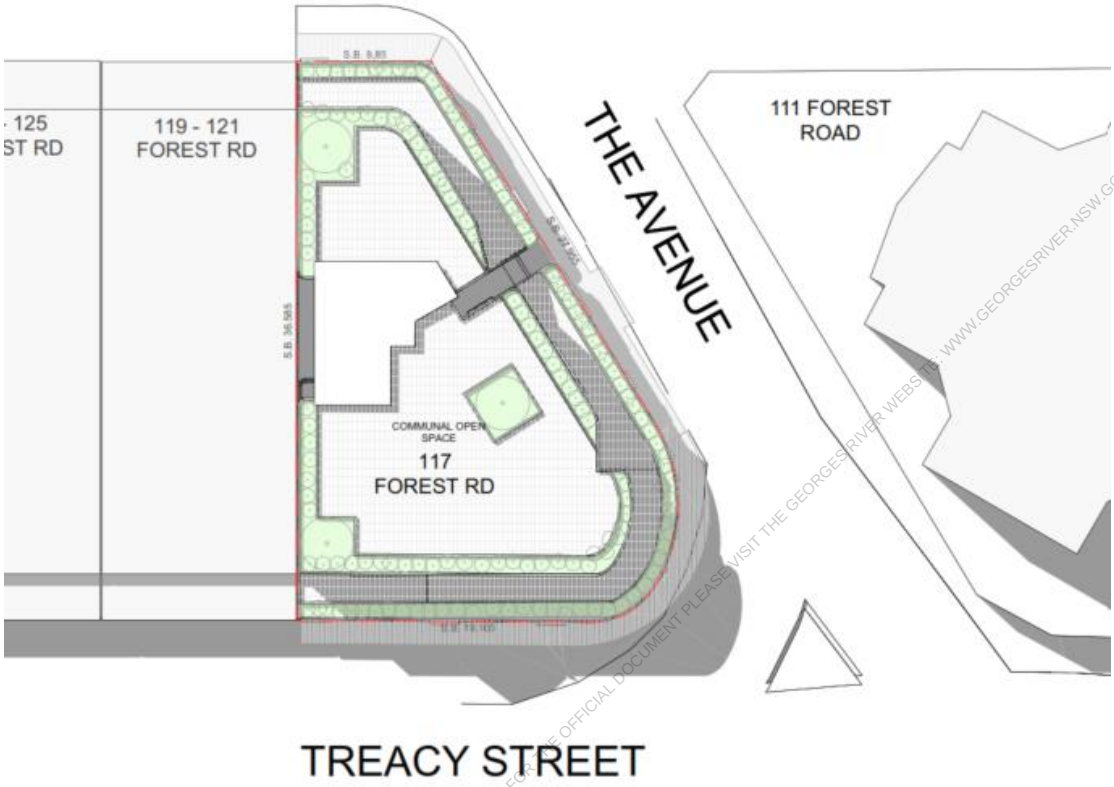



**Figure 1** – Site plan *(Source: Architectural Plans)*

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**Figure 2** – North elevation *(Source: Architectural Plans)*

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**Figure 3** – East elevation *(Source: Architectural Plans)*

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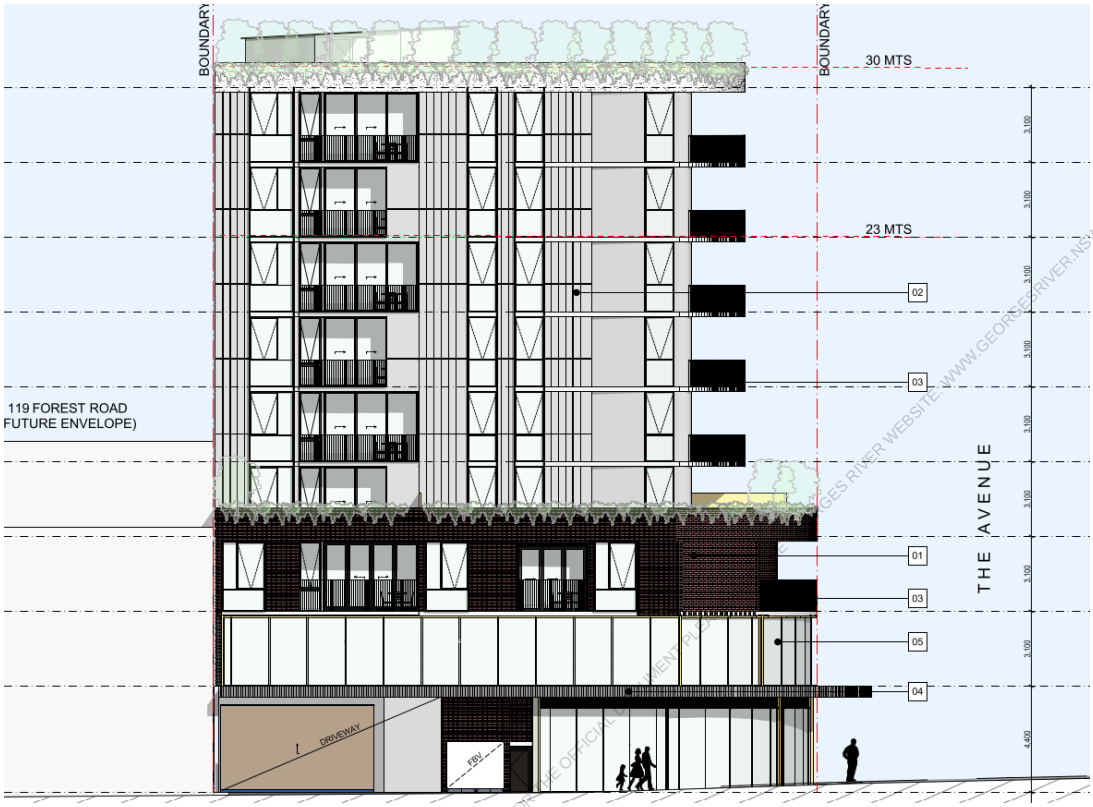



**Figure 4** – South elevation *(Source: Architectural Plans)*

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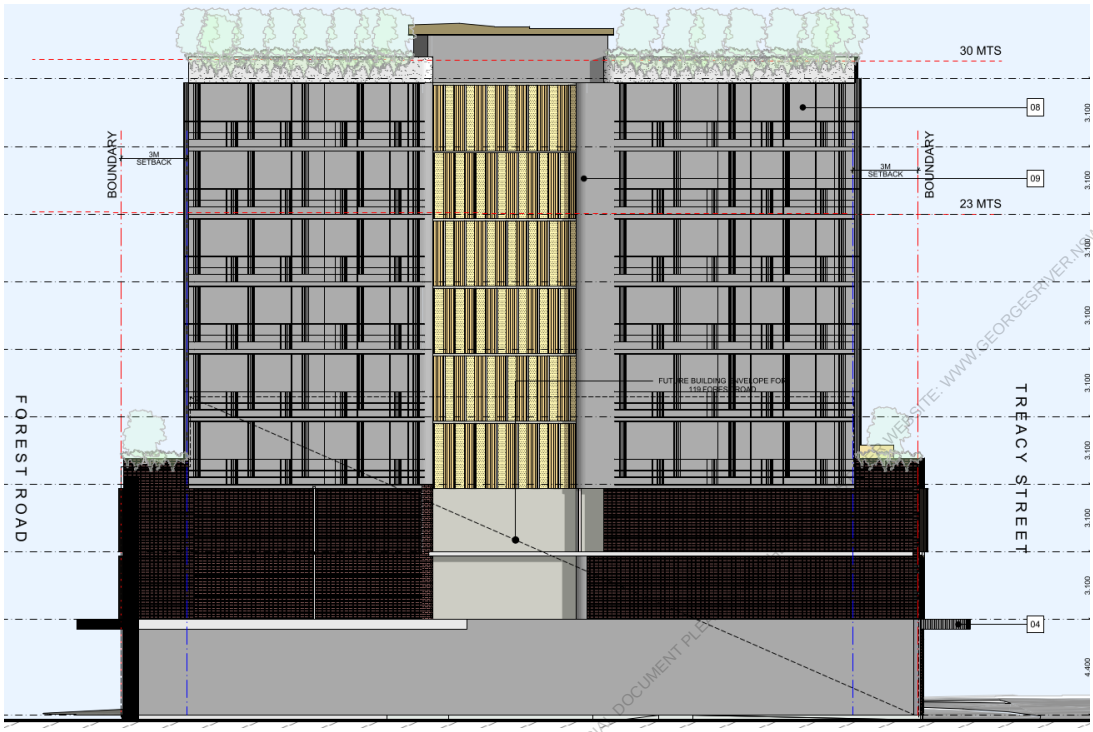



**Figure 5** – West elevation *(Source: Architectural Plans)*

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# Site and Locality

## Site and Locality

The site has three street frontages to Forest Road, The Avenue, and Treacy Street and has a total site area of 695.6sqm. The subject site is legally described as Lot 101 DP 826876.

Existing development on the site consists of a service station.

The immediate locality is characterised by a mix of residential and commercial development, of varying age, density and height. To the north is the St George Anglican Church. To the east is a 12-storey shop top housing development. To the south is a four-storey shop top housing development. To the west is a single-storey commercial building.

## Aerial Image of Land Zoning

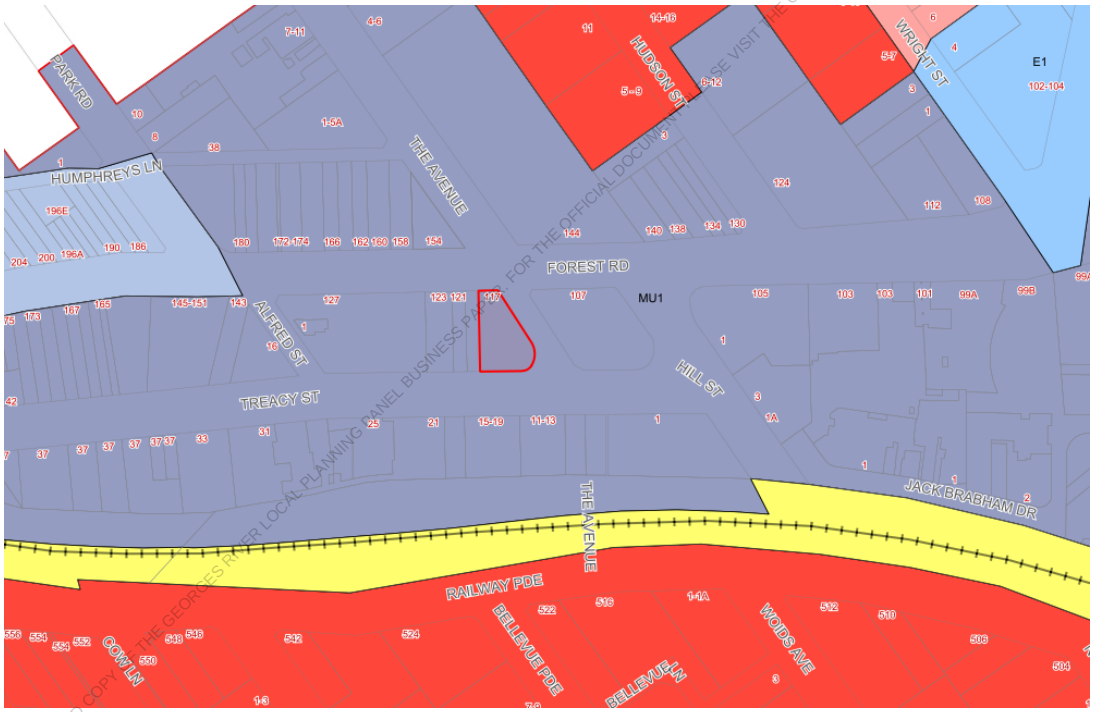



**Figure 6** –Aerial view of development site outlined in red *(Source: IntraMaps)*

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### Aerial Image of Site




**Figure 7**–Aerial view of development site outlined in red *(Source: IntraMaps)*

## Background

### History

The following applications are relevant to the proposed works.

| Application Number | Proposed Works | Determination | Date | Relevance |
|---|---|---|---|---|
| Pre2024/0036 | Shop top housing | N/A – this concerns pre-lodgement advice only. | 25 September 2025 | Multiple issues raised in this report were raised in the pre-lodgement meeting. |

### Processing

| Application History | | |
|---|---|---|
| **Action** | **Date** | **Comment** |
| Submission Date | Tuesday, 8 April 2025 | |
| Lodgement Date | Thursday, 1 May 2025 | |
| Site Inspection Conducted | Tuesday, 5 August 2025 | |

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| | | |
|---|---|---|
| Request for Additional Information Sent | Thursday, 30 October 2025 | Given the numerous non-compliances and issues with site isolation, the planning issues are unlikely resolvable within an acceptable Request for Further Information timeframe. On that basis, Council recommended the withdrawal of this application. A meeting was held to explain Council's position to the applicant.<br><br>The applicant elected to proceed with the application based on the existing information submitted to Council. |

## Site Inspection

Image(s) from the site inspection are available below:




**Figure 8:** Street view of development site (image taken facing the intersection of The Avenue and Treacy Street *(Source: Assessing Officer)*)

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**Figure 9:** Street view of development site (image taken facing the intersection of The Avenue and Forest Road *(Source: Assessing Officer)*)

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## Assessment - Section 4.15 Evaluation

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

Section 4.15 *(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 provisions of any environmental planning instrument (EPI)

*Section 4.15 (1) (a) (i) The provisions of any environmental planning instrument (EPI)*

### The Provisions of any applicable Act

### The Provision of any Applicable State Environmental Planning Policy (SEPPs)

**Site Affectations Relevant Under SEPPs**

| SEPPs | | Applicable | |
|---|---|---|---|
| **Affectation** | **SEPP Name** | **Yes** | **No** |
| Water Catchment | SEPP (Biodiversity Conservation) 2021 | ☒ | ☐ |
| Land Contamination | SEPP (Resilience and Hazards) 2021 | ☐ | ☒ |

| | | | |
|---|---|---|---|
| Coastal Zone | SEPP (Resilience and Hazards) 2021 | ☐ | ☒ |
| Adjoins Classified Road | SEPP (Transport and Infrastructure) 2021 | ☐ | ☒ |
| Adjoins Rail Corridor | SEPP (Transport and Infrastructure) 2021 | ☐ | ☒ |
| Gas Pipeline Buffer | SEPP (Transport and Infrastructure) 2021 | ☐ | ☒ |

| **SEPPs** | **Applicable** | |
|---|---|---|
| **Name of SEPP** | **Yes** | **No** |
| SEPP (Biodiversity Conservation) 2021 | ☒ | ☐ |
| SEPP (Housing) 2021 | ☒ | ☐ |
| SEPP (Industry and Employment) 2021 | ☐ | ☒ |
| SEPP (Resilience and Hazards) 2021 | ☒ | ☐ |
| SEPP (Resource and Energy) 2021 | ☐ | ☒ |
| SEPP (Sustainable Buildings) 2022 | ☒ | ☐ |
| SEPP (Transport and Infrastructure) 2021 | ☒ | ☐ |

Compliance with the identified applicable State Environmental Planning Policies (SEPP) is detailed below.

### State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 is applicable to the development as the subject site is located within the Georges River Catchment.

Insufficient details are supplied with respect to dewatering at the basement levels. The proposal fails to demonstrate adequate measures to control groundwater.

### State Environmental Planning Policy (Sustainable Buildings) 2022

The State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP) applies to all residential development (excluding alterations and additions less than $50,000, and pools less than 40,000L) and all non-residential developments (except those excluded in chapter 3.1 of the Policy).

A BASIX Certificate accompanies the development application addressing the sustainability requirements for the proposed building. The proposal achieves the minimum performance levels and targets associated with water, energy, thermal efficiency, and embodied emissions.

The details of the provided BASIX Certificate are provided below:

| **BASIX Certificate Details** | |
|---|---|
| Author: | Eco Certificates Pty Ltd |
| Certificate Number: | 1787370M |

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| | |
|---|---|
| Certificate Date: | 14 March 2025 |

**State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 are relevant to the proposal.

Chapter 4 – Remediation of Land

Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 is applicable to the development. The clause is in relation to remediation of contaminated land.

As part of the assessment process, a site inspection was conducted, and Council's Contamination Records and arial imaging (inc. historic imaging) were reviewed. The site has historically been used for the purpose of a service station (with no fuel supply) 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 and the site is considered suitable for the proposed development.

**State Environmental Planning Policy (Housing) 2021**

Chapter 2 and Chapter 4 of the State Environmental Planning Policy (Housing) 2021 applies to this development.

Chapter 2 - State Environmental Planning Policy (Housing) 2021 applies to this development which contains in-fill affordable housing components. This proposal is assessed against the SEPP requirements as follows

| **Chapter 2 Affordable Housing – Part 2 Division 1 In-fill affordable housing** | | |
|---|---|---|
| **Section 15C – Development to which the division applies** | | |
| **Standard** | **Proposed** | **Compliance** |
| 1) This division applies to development that includes residential development if—<br>(a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another environmental planning instrument, and<br>(b) the affordable housing component is at least 10%, and<br>(c) all or part of the development is carried out—<br>(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or | The subject site is within MU1 zone, which is a 'relevant zone'<br><br>5 of the 32 proposed apartment units are nominated for affordable housing. Affordable housing accounts for 10% of the gross floor area (GFA). | ☒ Yes<br>☐ No |

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| (ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone. | | |
| 2) Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division. | Noted. | |
| **Section 16 Affordable housing requirements for additional floor space ratio** | | |
| **Standard** | **Proposed** | **Compliance** |
| 1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the development on the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2). | Site area: 695.6sqm<br>GRLEP maximum FSR: 4.5:1<br>Affordable housing component (as a percentage): 10% of GFA<br>Additional FSR (as a percentage): 20%<br><br>Maximum FSR: 5.4:1 (3,756.24sqm)<br><br>Proposed GFA:<br>G/F: 404.2sqm<br>1/F: 580.3sqm<br>2/F: 525.8sqm<br>3/F to 8/F: 361.1sqm each<br>9/F: 8.5sqm<br><br><u>Total: 3,685.4sqm (FSR: 5.3:1)</u> | ☒ Yes<br>☐ No |
| 2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—<br><br>$\text{affordable housing component} = \frac{\text{additional floor space ratio (as a percentage)}}{2}$ | | |
| 3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).<br><br>**Example—** | GRLEP maximum height: 23m<br>Additional building height (as a percentage): 20%<br><br>Maximum height: 27.6m<br><br><u>Proposed: 31.64m (14.5% variation)</u><br><br>A Clause 4.6 variation request is supplied. See discussion below. | ☐ Yes<br>☒ No |

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|---|---|---|
| Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing. | | |
| **Section 19 Non-discretionary development standards – the Act, s.4.15** | | |
| **Standard** | **Proposed** | **Compliance** |
| 1) The following are non-discretionary development standards in relation to the residential development to which this division applies—<br><br>(a) a minimum site area of 450m$^2$, | Site area: 695.6sqm | ☐ Yes<br>☒ No |
| (b) a minimum landscaped area that is the lesser of—<br>(i) 35m$^2$ per dwelling, or<br>(ii) 30% of the site area, | Required landscaped area: 197.0sqm<br><br>Proposed: 0sqm<br><br>It is noted that the LEP does not require landscaped area in MU1 zone. Furthermore, the lack of landscaped area does not offend the existing and desired character of the locality, being a central business district.<br><br>Section 4.15(3) of the EP&A Act allows for flexibility should the proposed development does not comply with the discretionary standard. | |
| (c) a deep soil zone on at least 15% of the site area, where—<br>(i) each deep soil zone has minimum dimensions of 3m, and<br>(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site, | Proposed: 0sqm<br><br>It is noted that the LEP does not require landscaped area in MU1 zone. Furthermore, the lack of landscaped area does not offend the existing and desired character of the locality, being a central business district. | |
| (d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter, | 71.9% | |

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| (e) the following number of parking spaces for dwellings used for affordable housing—<br>(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,<br>(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,<br>(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,<br><br>(f) the following number of parking spaces for dwellings not used for affordable housing—<br>(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,<br>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,<br>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces, | The parking rate for affordable housing units is noted and utilised in the gross parking rate calculation.<br><br>The residential parking rate for the dwellings not used for affordable housing is calculated based on Objective 3J-1 of the Apartment Design Guide (ADG) which permits a lower parking rate on sites located within 800m of a railway station.<br><br>The proposal fails to provide adequate number of parking spaces. See the ADG table for full parking assessment. | |
| (g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development, | Noted. See ADG assessment below. | |
| 2) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies. | Noted | |

| **Section 20 Design requirements** | | |
|---|---|---|
| **Standard** | **Proposed** | **Compliance** |
| 3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—<br>(a) the desirable elements of the character of the local area, or<br>(b) for precincts undergoing transition—the desired future character of the precinct. | See discussion below under DCP. | ☒ Yes<br>☐ No |

| **Section 21 Must be used for affordable housing for at least 15 years** | | |
|---|---|---|
| **Standard** | **Proposed** | **Compliance** |
| 1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— | This provision would be imposed via condition should this application be recommended for approval. | ☒ Yes<br>☐ No |

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| (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and<br>(b) the affordable housing component will be managed by a registered community housing provider. | | |

Chapter 4 - State Environmental Planning Policy (Housing) 2021 applies to the assessment of DAs for residential flat developments of three (3) or more storeys in height and containing at least four (4) dwellings.

Clause 147 of Chapter 4 of State Environmental Planning Policy (Housing) 2021 requires that the consent authority take into consideration the following as part of the determination of DAs to which applies:

(a) *the* quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,
(b) the Apartment Design Guide,
(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.

The table below assesses the proposal against the provisions outlined in the Apartment Design Guide.

| **Apartment Design Guide (ADG)** | | |
|---|---|---|
| **Standard** | **Proposal** | **Compliance** |
| **3C – Public domain interface** | | |
| 3C-1<br>Objective<br>Transition between private and public domain is achieved without compromising safety and security | The proposal provides adequate separation between the public and private domain. The main building entry is easily identifiable. | Yes |
| 3C-2<br>Objective<br>Amenity of the public domain is retained and enhanced | The proposal demonstrates poor public domain interface on Treacy Street as a result of the exposed loading dock arrangement. | No |
| **3D - Communal open space** | | |
| 3D-1<br>Objective<br>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping<br><br>Design Criteria | Communal open space: 314.5sqm.<br><br>The communal open space is provided seats and barbeque area to enable a wide range of communal activities. Landscaping is provided | Yes |

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| 1. Communal open space has a minimum area equal to 25% of the site.<br>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)<br><br>Site area 695.6sqm<br><br>Required 25% of site area or 173.9sqm. | adjoining the communal open space.<br><br>Direct and equitable access is available to the rooftop communal open space. | |
| 3D-2<br>Objective<br>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting | The communal open space is provided seats and barbeque area to enable a wide range of communal activities. | Yes |
| 3D-3<br>Objective<br>Communal open space is designed to maximise safety | The proposal incorporates raised planter boxes all around the communal open space to provide enclosure and fall protection. | Yes |
| **3E – Deep Soil zones** | | |
| 3E-1<br>Objective<br>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality<br><br>Design Criteria<br>1. Deep soil zones are to meet the following minimum requirements:<br><br>650sqm to 1,500sqm<br><br>Minimum dimension 3m.<br><br>Minimum deep soil area of 7%<br><br>Design Guidance<br>Achieving the design criteria may not be possible on some sites including where:<br>• the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres) | The subject site is covered in its entirety and is located within the Hurstville City Centre precinct. No deep soil landscaping is viable within the subject site. | Yes |

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| • there is 100% site coverage or non-residential uses at ground floor level Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure | | |
| **3F- Visual Privacy** | | |
| 3F-1<br>Objective<br>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy<br><br>Design Guidance<br>No separation is required between blank walls | The proposal demonstrates no setback to the side boundary. The subject site adjoins a blank wall on the adjoining 119 Forest Road.<br><br>Although nil setback is permitted by the ADG, the proposed blank wall is nine-storey in height and the use of material fails to provoke visual interest. The proposed blank wall does not contribute positively to the streetscape and is not considered acceptable from a Design Excellence point of view.<br><br>The street setbacks are governed by the GRDCP. See further detail below. | Yes |
| 3F-2<br>Objective<br>Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space. | The common areas are sufficiently separated from private open spaces.<br><br>All windows are well recessed and offset from windows of adjacent buildings.<br><br>All balconies are sufficiently separated. | Yes |
| **3G – Pedestrian Access and entries** | | |
| 3G-1<br>Objective<br>Building entries and pedestrian access connects to and addresses the public domain | The main building entry addresses The Avenue. All ground floor tenancies have street access | Yes |
| 3G-2<br>Objective | The lift is readily identifiable from the street. | Yes |

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| Access, entries and pathways are accessible and easy to identify | Level changes are minimised within the development. | |
| **3H-Vehicle Access** | | |
| 3H-1<br>Objective<br>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes | The proposed vehicular access will impede traffic flow on Treacy Street, introducing traffic conflicts on the intersection of The Avenue and Treacy Street. | No |
| **3J-Bicycle and carparking** | | |
| 3J-1<br>Objective<br>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas<br><br>Design Criteria<br><br>1. For development in the following locations:<br>• on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre<br><br>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less<br><br>The car parking needs for a development must be provided off street.<br><br>Required parking rate-<br>Residential: 23.7 (affordable housing provisions considered)<br>Visitor: 4.6<br>Commercial: 10.3 (per GRDCP 2021)<br>Total: 38.6 (39 required) | Car parking is provided as follows:<br>Residential: 22 spaces<br>Visitors: 5 spaces (1 accessible)<br>Commercial: 6 spaces (1 accessible)<br><br>Total: 33 spaces (6 deficient) | No |
| 3J-2<br>Objective<br>Parking and facilities are provided for other modes of transport | The proposal does not satisfy the bicycle parking requirements outlined in GRDCP 2021. | No |
| 3J-3<br>Objective<br>Car park design and access is safe and secure | The proposed loading dock will impede traffic movement during operation and introduce traffic conflicts. The | No |

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| | proposed development has failed to accommodate spaces for queuing traffic per the Australian Standard requirements.<br><br>The proposal fails to demonstrate how the users of the commercial car parking area are separated from the residential component. | |
| 3J-4<br>Objective<br>Visual and environmental impacts of underground car parking are minimised | No details on ventilation grates provided. | No |
| **4A- Solar and daylight access** | | |
| 4A-1<br>Objective<br>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space<br><br>Design Criteria<br>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area<br><br>A maximum of 15% of apartments in a building may receive no direct sunlight between 9am and 3pm in midwinter. | 23 units (71.9% of all units) receive at least two hours of direct solar exposure in living rooms and private open spaces.<br><br>8 units (25% of all units) receive no direct solar access. | No |
| 4A-2<br>Objective<br>Daylight access is maximised where sunlight is limited | The proposal extensively utilises full height windows to maximise solar access. | Yes |
| 4A-3<br>Objective<br>Design incorporates shading and glare control, particularly for warmer months | The proposal utilises deep balconies to provide for solar protection. | Yes |
| **4B- Natural Ventilation** | | |
| 4B-1<br>Objective<br>All habitable rooms are naturally ventilated | All habitable rooms are naturally ventilated. | Yes |
| 4B-2<br>Objective | The proposal fails to utilise the design solutions outlined in | No |

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| The layout and design of single aspect apartments maximises natural ventilation<br><br>Design Guidance<br>Natural ventilation to single aspect apartments is achieved with the following design solutions:<br>• primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation)<br>• stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries<br>• courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells | the Design Guidance to improve ventilation of the units on the southwestern corner. The void along the western boundary does not provide any natural ventilation to the units. | |
| 4B-3<br>Objective<br>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents<br><br>Design Criteria<br>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. | 15 units (46.9% of all units) enjoy cross ventilation | No |
| **4C-Ceiling Heights** | | |
| 4C-1<br>Objective<br>Ceiling height achieves sufficient natural ventilation and daylight access<br><br>Design Criteria<br>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:<br>Habitable rooms = 2.7m<br>Non-habitable rooms = 2.4m | All units achieve a ceiling height of 2.9m. | Yes |
| 4C-2<br>Objective<br>Ceiling height increases the sense of space in apartments and provides for well proportioned rooms | Adequate ceiling height provided to all units. | Yes |
| 4C-3<br>Objective<br>Ceiling heights contribute to the flexibility of building use over the life of the building | The proposal fails to provide adequate ceiling height at Level 1 for the commercial unit. | No |

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| | See GRDCP 2021 section for further details | |
| **4D- Apartment size and layout** | | |
| 4D-1<br>Objective<br>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity<br><br>Design Criteria<br>Apartments are required to have the following minimum internal areas:<br>Studio = 35sqm<br>1 bedroom = 50sqm<br>2 bedroom = 70sqm<br>3 bedroom = 90sqm<br><br>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each<br><br>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms | Six two-bedroom units are deficient in unit size by 1.0sqm.<br><br>All habitable rooms have a window of no less than 10% of the floor area of the room. | No |
| 4D-2<br>Objective<br>Environmental performance of the apartment is maximised<br><br>Design Criteria<br>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.<br><br>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window | The main bedroom of Unit 206 does not comply with the maximum room depth requirement. All other habitable rooms comply.<br><br>All open living rooms comply with this requirement. | No |
| 4D-3<br>Objective<br>Apartment layouts are designed to accommodate a variety of household activities and needs<br><br>Design Criteria | 12 units contain bedrooms that are deficient in size.<br><br>Excluding the long corridor, the main bedroom for all 7 units on the southwestern corner has an effective usable | No |

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| Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space).<br><br>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).<br><br>Living rooms or combined living/dining rooms have a minimum width of:<br>-3.6m for studio and 1 bedroom<br>- 4m for 2 and 3 bedroom apartments | space of 9sqm only, contravening this objective.<br><br>All living rooms comply with minimum width requirement. | |
| **4E- Private Open space and balconies** | | |
| 4E-1<br>Objective<br>Apartments provide appropriately sized private open space and balconies to enhance residential amenity<br><br>Design Criteria<br>All apartments are required to have primary balconies as follows:<br><br>-studio = 4sqm<br>-1 bedroom = 8sqm/2m depth<br>-2 bedroom = 10sqm/2m depth<br>-3+ bedroom = 12sqm/2.4m<br><br>The minimum balcony depth to be counted as contributing to the balcony area is 1m.<br><br>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15sqm and a minimum depth of 3m | 8 units contain deficient private open space.<br><br>All apartment units on the podium complies with the dimension requirements. | No |
| 4E-2<br>Objective<br>Primary private open space and balconies are appropriately located to enhance liveability for residents | All private open spaces are accessible from living rooms. | Yes |
| 4E-3<br>Objective<br>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building | All private open spaces are integrated in the overall architectural expression of the building. | Yes |

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| 4E-4<br>Objective<br>Private open space and balcony design maximises safety | The proposed private open spaces do not introduce safety concerns. | Yes |
| **4F- Common circulation areas** | | |
| 4F-1<br>Objective<br>Common circulation spaces achieve good amenity and properly service the number of apartments<br><br>Design Criteria<br>The maximum number of apartments off a circulation core on a single level is eight | The maximum number of units accessing a lobby is six. | Yes |
| 4F-2<br>Objective<br>Common circulation spaces promote safety and provide for social interaction between residents | Common circulation areas are compact and not conducive to social interaction.<br><br>The commercial unit on the first floor shares the same common circulation area and lift access with the residential units. Such design enables members of the public to intrude into common residential spaces. | No |
| **4G- Storage** | | |
| 4G-1<br>Objective<br>Adequate, well designed storage is provided in each apartment<br><br>Design Criteria<br>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:<br><br>Studio – 4m$^2$<br>1 bedroom - 6m$^3$<br>2 bedroom – 8m$^3$<br>3 bedroom – 10m$^3$<br><br>At least 50% of storage is to be located within the apartment. | All units achieve the storage requirement. | Yes |
| 4G-2<br>Objective | The storage for Unit 602 is not conveniently located as it is blocked by car spaces. | No |

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| Additional storage is conveniently located, accessible and nominated for individual apartments | All other external storage units are conveniently located. | |
| **4H- Acoustic Privacy** | | |
| 4H-1<br>Objective<br>Noise transfer is minimised through the siting of buildings and building layout | The proposal provides adequate noise separation. The proposal provides adequate street setback and mechanical plants are located on the ground floor and basement levels, well separated from the apartment units. | Yes |
| 4H-2<br>Objective<br>Noise impacts are mitigated within apartments through layout and acoustic treatments | Internal apartment units are located to minimise noise transfer. | Yes |
| **4J – Noise and Pollution** | | |
| 4J-1<br>Objective<br>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings | Adequate separation from road noise is achieved by providing compliant street setback | Yes |
| 4J-2<br>Objective<br>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission | Noise attenuation is achieved by way of limiting the number of openings facing the street. | Yes |
| **4K – Apartment Mix** | | |
| 4K-1<br>Objective<br>A range of apartment types and sizes is provided to cater for different household types now and into the future | The proposed apartment mix is as follows -<br>One-bedroom: 9.4%<br>Two-bedroom: 71.9%<br>Three-bedroom: 18.8%<br><br>The proposed apartment mix is sufficient to cater for a diversity of living demands. | Yes |
| 4K-2<br>Objective<br>The apartment mix is distributed to suitable locations within the building | The proposed apartment mix is suitable for the site context within the Hurstville City Centre. | Yes |
| **4M - Facades** | | |
| 4M-1<br>Objective | The proposed building façade on the western elevation fails | No |

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| Building facades provide visual interest along the street while respecting the character of the local area | to introduce variation that promotes visual interest. | |
| 4M-2<br>Objective<br>Building functions are expressed by the façade | The modulation of the façade clearly expresses building functions. | Yes |
| **4N – Roof design** | | |
| 4N-1<br>Objective<br>Roof treatments are integrated into the building design and positively respond to the street. | The edge of the roof is treated with landscaping, which softens the built form. | Yes |
| 4N-2<br>Objective<br>Opportunities to use roof space for residential accommodation and open space are maximised | The roof area is utilised solely as a communal open space. | Yes |
| 4N-3<br>Objective<br>Incorporates sustainability features. | The proposal complies with BASIX requirements | Yes |
| **4O – Landscape Design** | | |
| 4O-1<br>Objective<br>Landscape design is viable and sustainable. | Council's landscape officer reviewed the landscape design and raised no objection. | Yes |
| 4O-2<br>Objective<br>Landscape design contributes to the streetscape and amenity | The proposed landscape design provides a variety of plant species, which contributes to the amenity of the residents. | Yes |
| **4P- Planting on Structures** | | |
| 4P-1<br>Objective<br>Appropriate soil profiles are provided. | Adequate soil depth and dimension provided. | Yes |
| 4P-2<br>Objective<br>Plant growth is optimised with appropriate selection and maintenance | Adequate plant species selected for the landscape scheme. | Yes |
| 4P-3<br>Objective<br>Planting on structures contributes to the quality and amenity of communal and public open spaces | Large planter boxes provided on the roof top communal open space, providing residents with ample of landscaping in a town centre context. | Yes |
| **4Q – Universal Design** | | |
| 4Q-1<br>Objective | 10 units (31.3% of all units) are of livable design. | Yes |

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| Universal design features are included in apartment design to promote flexible housing for all community members<br><br>Design Guidance<br>Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features | 4 units are adaptable units. | |
| 4Q-2<br>Objective<br>A variety of apartments with adaptable designs are provided | Adaptable units are provided in one-bedroom and two-bedroom configurations. | Yes |
| 4Q-3<br>Objective<br>Apartment layouts are flexible and accommodate a range of lifestyle needs | A diversity of apartment types is provided. | Yes |
| **4S Mixed use** | | |
| 4S-1<br>Objective<br>Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement | The proposal is mixed use in nature and is suitable to the mixed-use context of Hurstville City Centre and the MU1 zone. | Yes |
| 4S-2<br>Objective<br>Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents | The commercial unit on the first floor share the same circulation area and lift access with the residential component. Such design enables intrusions into the shared residential area.<br><br>There is no indication on the plan as to how the commercial parking area is separated from residential component. | No |
| **4T Awnings and signage** | | |
| 4T-1<br>Objective<br>Awnings are well located and complement and integrate with the building design | A continuous awning is provided along the street frontage, including the main building entrance. | Yes |
| **4U – Energy Efficiency** | | |
| 4U-1<br>Objective<br>Development incorporates passive environmental design | The proposal fails to accommodate adequate solar exposure and natural ventilation. | No |
| 4U-2 | | |

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| Objective<br>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer | | |
| 4U-3<br>Objective<br>Adequate natural ventilation minimises the need for mechanical ventilation | | |
| **4V – Water management and conservation** | | |
| 4V-1<br>Objective<br>Potable water use is minimised | The proposal demonstrates adequate stormwater management.<br><br>The proposal complies with the water usage requirements outlined in the BASIX Certificate. | Yes |
| 4V-2<br>Objective<br>Urban stormwater is treated on site before being discharged to receiving waters | | |
| 4V-3<br>Objective<br>Flood management systems are integrated into site design | | |
| **4W – Waste Management** | | |
| 4W-1<br>Objective<br>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents | The loading area associated with the waste storage area results in adverse impacts on the streetscape and building entry. The loading area is exposed to public view on Treacy Street, and the operation of the loading area conflicts with manoeuvring to the basement levels. | No |
| 4W-2<br>Objective<br>Domestic waste is minimised by providing safe and convenient source separation and recycling | Insufficient area is provided to enable the movement of bulky waste. Furthermore, the commercial waste component is not separated from the residential component. | No |
| **4X – Building Maintenance** | | |
| 4X-1<br>Objective<br>Building design detail provides protection from weathering | The proposal incorporates the following features to enable ease of maintenance and minimise weathering:<br>- Window design enables cleaning from the inside | Yes |
| 4X-2<br>Objective<br>Systems and access enable ease of maintenance | | |

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| 4X-3<br>Objective<br>Material selection reduces ongoing maintenance costs | - Centralised maintenance, services and storage in lobby. | |

**State Environmental Planning Policy (Transport and Infrastructure) 2021**

State Environmental Planning Policy (Transport and Infrastructure) 2021 is applicable to the development and the following clauses apply:

Division 5 – Electricity transmission or distribution

Pursuant to Clause 2.48, this application was referred to Ausgrid for comments as the development is located within 5m of an overhead electricity power line or within or immediately adjacent to an easement for electricity purposes.

Ausgrid raised no objection to the proposal.

## The Provisions of any Local Environmental Plan

## Georges River Local Environmental Plan 2021

The extent to which the proposed development complies with the relevant provisions of the Georges River Local Environmental Plan 2021 (GRLEP 2021) is detailed and discussed below:

**Site Affectations**

| Site Affectations Relevant Under GRLEP 2021 | | Applicable | |
|---|---|---|---|
| **Clause No.** | **Clause Name/Affectation** | **Yes** | **No** |
| 5.7 | Development Below Mean High Water Mark | ☐ | ☒ |
| 5.10 | Heritage Conservation Area and/or Heritage Item | ☒ | ☐ |
| 5.21 | Flood Liable Land | ☐ | ☒ |
| 6.1 | Acid Sulfate Soils | ☐ | ☒ |
| 6.4 | Foreshore Building Line | ☐ | ☒ |
| 6.4 | Coastal Hazard and Risk | ☐ | ☒ |
| 6.5 | Riparian Lands & Waterways | ☐ | ☒ |
| 6.6 | Foreshore Scenic Protection Area | ☐ | ☒ |
| 6.8 | Impacted by airspace operations<br>(NOTE: Applies to 67-89 Croydon Road, 1-7 Somerset (odd only), 2-8 Bristol (even), 1-5 Bristol (odd) in Hurstville) | ☐ | ☒ |
| 6.10 | Design Excellence | ☒ | ☐ |
| 6.11 | Environmental sustainability | ☒ | ☐ |
| 6.13 | Development in Zones E1, E2 and MU1 | ☒ | ☐ |

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| Other Affectations | | |
|---|---|---|
| Bushfire Prone Land | ☐ | ☒ |
| Council Owned Land | ☐ | ☒ |
| Crown Land | ☐ | ☒ |
| Easements Within Lot Boundaries | ☐ | ☒ |
| Narrow lot housing precinct | ☐ | ☒ |
| Other (if yes describe) | ☐ | ☒ |

| GRLEP 2021 Part 2 – Permitted or prohibited development<br>Clause 2.3 – Zone objectives and Land Use Table | | |
|---|---|---|
| **Standard** | **Proposal** | **Compliance** |
| The subject site is zoned MU1 Mixed Use<br><br>The objectives of the zone are:<br>• To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.<br>• 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.<br>• To minimise conflict between land uses within this zone and land uses within adjoining zones.<br>• To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.<br>• To integrate suitable business, office, residential, retail and other development in accessible locations to maximise public transport patronage and encourage walking and cycling.<br>• To allow residential development that contributes to the vitality of the centre and provides housing that meets the needs of the community. | The proposal is not consistent with the zone objectives for the following reasons:<br>- The proposal will introduce site isolation on the adjoining lots to the west of the subject site.<br>- The proposal fails to demonstrate high quality urban design that is suitable in the Hurstville Town Centre. | ☐ Yes<br>☒ No |

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| • To encourage the provision of community facilities and public infrastructure so that all residents have reasonable access to a range of facilities and services. | | |

| **GRLEP 2021 Numeric Controls** | | | |
|---|---|---|---|
| **Standard** | **Required** | **Proposed** | **Compliance** |
| ***Cl. 4.4B*** *Exceptions to floor space ratio—non-residential uses* | Area 4<br>Non-residential floor space ratio:<br>1:1 (695.6sqm) | 1:1 (707.9sqm) | ☒ Yes<br>☐ No |

| **GRLEP 2021 Part 5 – Miscellaneous Provisions** | | |
|---|---|---|
| **Clause 5.10 – Heritage conservation** | | |
| **Standard** | **Proposal** | **Compliance** |
| Council must, before granting consent under this clause with respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. | The site is located in the vicinity of Item number I75 and known as St George Anglican Church as listed in Schedule 5 of the LEP.<br><br>The proposal has been reviewed by Council's Heritage Advisor who has considered the effect of the proposal on the item and is satisfied, subject to conditions that the proposal is appropriate in this regard. Detailed comments are provided later in this report. | ☒ Yes<br>☐ No |

| **GRLEP 2021 Part 6 – Additional Local Provisions** | | |
|---|---|---|
| **Clause 6.2 - Earthworks** | | |
| **Standard** | **Proposal** | **Compliance** |
| Council must consider the following prior to granting consent for any earthworks:<br><br>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,<br>(b) the effect of the development on the likely future use or redevelopment of the land, | The proposed earthworks are unsatisfactory with regards to the matters identified as there is insufficient information with respect to the dewatering of groundwater. | ☐ Yes<br>☒ No |

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| (c) the quality of the fill or the soil to be excavated, or both,<br>(d) the effect of the development on the existing and likely amenity of adjoining properties,<br>(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,<br>(f) the source of any fill material and the destination of any excavated material,<br>(g) the likelihood of disturbing relics,<br>(h) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,<br>(i) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. | | |
| **Clause 6.3 – Stormwater Management** | | |
| **Standard** | **Proposal** | **Compliance** |
| (2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development—<br>(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<br>(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<br>(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 | The proposal is satisfactory with regards to the matters identified. | ☒ Yes<br>☐ No |

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| (d) is designed to minimise the impact on public drainage systems. | | |
| **Clause 6.9 Essential Services** | | |
| **Standard** | **Proposal** | **Compliance** |
| Development consent must not be granted to development unless Council is satisfied that any of the following services that are essential for the development are available, or that adequate arrangements have been made to make them available when required<br>a) the supply of water,<br>b) the supply of electricity,<br>c) the supply of telecommunications facilities,<br>d) the disposal and management of sewage<br>e) stormwater drainage or on-site conservation,<br>f) suitable vehicular access. | The proposal demonstrates inadequate vehicular access for the following reasons:<br><br>- Parking deficiency of six spaces<br>- The proposed turntable and loading area does not enable vehicular movement and accommodate queuing traffic during operation. The proposed driveway design is not conducive to pedestrian safety.<br>- The proposal fails to include the location of an intercom in the vicinity of the main entry/exit roller shutter for use by visitors accessing parking spaces on Basement 1. | ☐ Yes<br>☒ No |
| **Clause 6.10 Design Excellence** | | |
| **Standard** | **Proposal** | **Compliance** |
| (2) This clause applies to development on land within the Foreshore Scenic Protection Area involving—<br>(a) the erection of a new building, or<br>(b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant.<br><br>(3)(b) land in the following zones if the building concerned is 3 or more storeys or has a height of 12 metres or greater above ground level (existing), or both, not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking—<br>(v) Zone MU1 Mixed Use. | The proposal is located within the Foreshore Scenic Protection Area for residential accommodation. As such, Clause 6.10 applies.<br><br>The proposal has been considered with regards the matters identified in Clause (5) and fails demonstrate compliance with the Clause for the following reasons:<br>- The proposal introduces site isolation on the properties to the west of the subject site<br>- The proposal exceeds the height limit<br>- The proposal is not conducive to sustainability due to insufficient solar access and natural ventilation<br>- The proposed façade lacks material change and adequate massing composition. | ☐ Yes<br>☒ No |

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| (4) Development consent must not be granted for development to which this clause applies unless Council considers that the development exhibits design excellence.<br><br>(5) In considering whether the development exhibits design excellence, Council must have regard to the following matters—<br>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,<br>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,<br>(c) whether the development detrimentally impacts on view corridors,<br>(d)how the development addresses the following matters—<br>i.the suitability of the land for development,<br>ii.existing and proposed uses and use mix,<br>iii.heritage issues and streetscape constraints,<br>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,<br>v.bulk, massing and modulation of buildings,<br>vi.street frontage heights,<br>vii.environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,<br>viii.pedestrian, cycle, vehicular and service access and circulation requirements, including the | - The proposal fails to introduce adequate waste management measures and infrastructure<br>- The proposal fails to introduce public art, and<br>- The proposal fails to provide adequate separation between the apartment units and commercial uses. | |

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| permeability of pedestrian networks,<br>ix. the impact on, and proposed improvements to, the public domain,<br>x. achieving appropriate interfaces at ground level between the building and the public domain,<br>xi. excellence and integration of landscape design,<br>xii. the provision of communal spaces and meeting places,<br>xiii. the provision of public art in the public domain,<br>xiv. the provision of on-site integrated waste and recycling infrastructure,<br>xv. the promotion of safety through the application of the principles of crime prevention through environmental design. | | |
| **Clause 6.11 Environmental Sustainability** | | |
| **Standard** | **Proposal** | **Compliance** |
| (2) This clause applies to development—<br>(a) on land in the following zones—<br>(v) Zone MU1 Mixed Use<br><br>(b) that involves—<br>(i) the erection of a new building, or<br><br>(3) Development consent must not be granted to development on land to which this clause applies if the building is 1,500 square metres in gross floor area or greater unless adequate consideration has been given to the following in the design of the building—<br>(a) water demand reduction, including water efficiency, water recycling and minimisation of potable water usage,<br>(b) energy demand reduction, including energy generation, use of renewable energy and reduced reliance on mains power, | The subject site is zoned MU1 and involves the erection of a building with a gross floor area greater than 1,500sqm.<br><br>The proposal complies with BASIX requirements and Council's Environmental Sustainability Calculator. On that basis the proposal complies with Clause 6.11. | ☒ Yes<br>☐ No |

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| (c) indoor environmental quality, including daylight provision, glare control, cross ventilation and thermal comfort,<br>(d) the minimisation of surfaces that absorb and retain heat and the use of surfaces that reflect heat where possible,<br>(e) a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation,<br>(f) transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces. | | |
| **Clause 6.13 Development in Zones E1, E2 and MU1** | | |
| **Standard** | **Proposal** | **Compliance** |
| (2) This clause applies to land, other than land identified as "Area D" on the *Additional Permitted Uses Map*, in the following zones—<br>(b) Zone MU1 Mixed Use.<br><br>(3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied the development will not cause a part of the ground floor of a building that is facing a street to be used for the purposes of residential accommodation or tourist and visitor accommodation.<br><br>(4) Subclause (3) does not apply to a part of a building that is used for the following purposes—<br>(a) entrances and lobbies, including as part of a mixed use development,<br>(b) access for fire services,<br>(c) essential services. | The proposal provides no residential accommodation on the ground floor. | ☒ Yes<br>☐ No |

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## GRLEP 2021 Clause 4.6 Variation

As identified in assessment of the proposed works against the GLEP 2021 a Clause 4.6 Variation is requested for the clause(s) outlined in the table below.

| Name of Clause | Proposed Variation |
|---|---|

| | |
|---|---|
| 4.3 - Height | Height control: 27.6m<br>Proposed: 31.64m (a variation of 14.5% or 4.04m)<br><br>It is noted that the variation takes the affordable housing bonus stipulated in Part 2 of SEPP (Housing) into account. |

**Clause 4.6 Assessment**

The Applicant has submitted a Clause 4.6 submission to vary clause 4.3 - Height.

Under Clause 4.6 of the GRLEP 2021, development consent may be granted even though the development would contravene a development standard imposed by this or any other environmental planning instrument.

Under Clause 4.6(3), development consent must not be granted for 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 of the case, and

(b) there are sufficient environmental planning grounds to justify contravening the development standard.

The extent of the proposed variation is indicated below:

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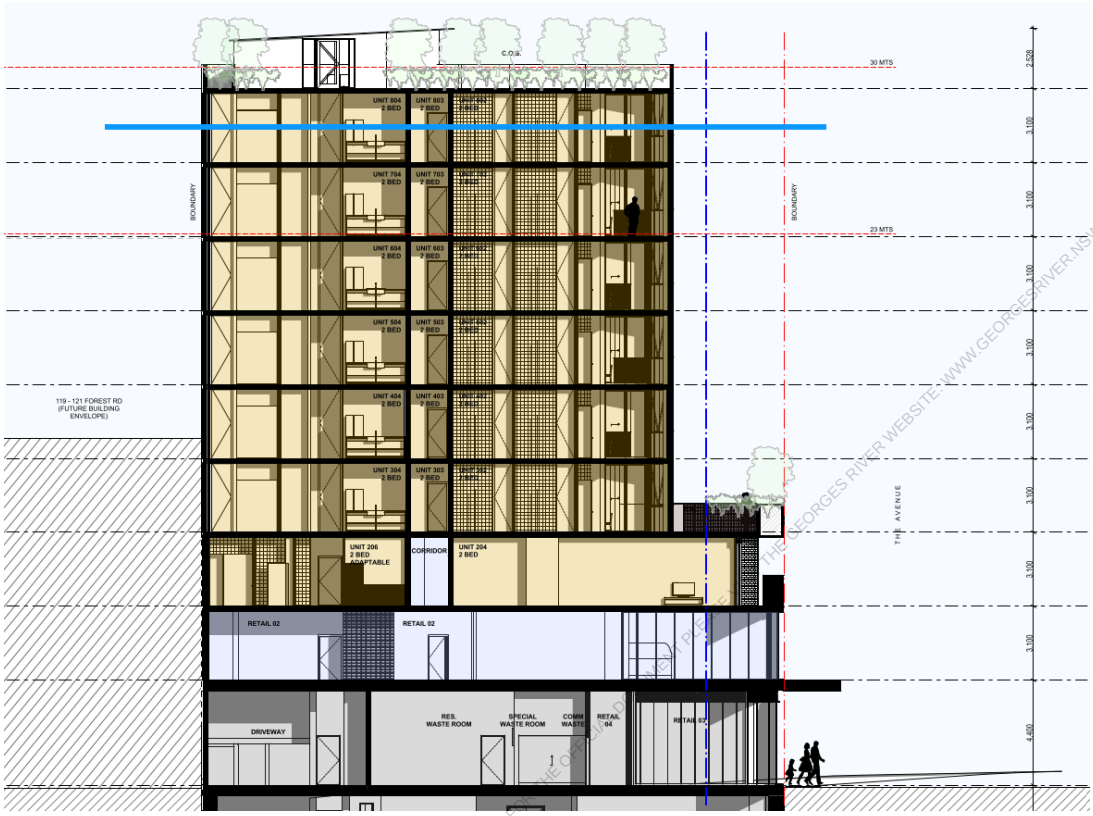



**Figure 10**: Extent of proposed variation. The blue line represents the maximum building height. (*Source: Architectural plans)*

The assessment of the Clause 4.6 variation request is contained below:

**Adequacy of the written request pursuant to the matters outlined in Clause 4.6 (3)**

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

In *Wehbe V Pittwater Council (2007) NSW LEC 827*, the Hon. Justice Preston CJ set out the five following criteria 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;*

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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.*

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;*

In response to this criterion, the applicant indicates that the objectives of the development standard are achieved given the following:

- The proposal is subjected to a height limit of 29.9m.
- The proposal boasts a form that is similar to shop top housing developments in the vicinity.
- The height breaching elements do not influence the development yield or intensity. The height breach concerns the roof parapet only.
- The elements breaching the height limit are not readily visible from the public domain.
- The height breach does not introduce unacceptable amenity impacts on solar access, visual amenity, view loss, and privacy.

Assessment of the proposal against the clause objectives are contained below:

| Objective | Assessment |
|---|---|
| (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality, | The Clause 4.6 variation request understates the extent of variation.<br><br>As shown in Figure 10, half of the eighth level (a habitable level) protrudes beyond the height plane. The components breaching the height limit are readily observable on street level and contributes to additional overshadowing impacts.<br><br>The desired built form is informed by the height control. Given the great extent of variation, the proposed height variation is not considered compatible with the desired future character of the locality. It should be noted that the proposal is already benefited by additional building height as a result of incorporating affordable housing in the development. |
| (b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas, | The components breaching the height limit are readily observable on street level. The resultant built form contravenes the desired streetscape and will result in adverse visual impacts.<br><br>The proposal will also result in additional overshadowing. The impact of overshadowing caused by the non-compliance cannot be ascertained as no elevation shadow diagrams are provided indicating the uses of the adjoining windows that are affected.<br><br>The proposed height breach is unlikely to cause view loss impacts given there are no notable landmarks or features identified in the locality. |

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| | The proposal will not cause unacceptable impacts on privacy and open space areas as the proposal demonstrates adequate street setbacks. |
| (c) to ensure an appropriate height transition between new buildings and—<br>(i) adjoining land uses, or<br>(ii) heritage items, heritage conservation areas or Aboriginal places of heritage significance. | The proposed building height is substantially greater than the desired building height of the locality, which is informed by the maximum building height development standard. The proposed variation is substantial and as such does not reflect the desired height transition with the adjoining uses.<br><br>The proposal has no adverse impacts on any heritage items in the vicinity. |

The proposal therefore is not considered to be consistent with the objectives of the standard.

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

The applicant provides no comments on this test.

The underlying objective or purpose of the standard is relevant to the development for the following reasons:

- The underlying objectives to ensure suitable height transition and minimisation of adverse impacts are relevant to ensure the preservation of public interest.

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

The applicant provides no comments on this test.

The underlying objective or purpose of the standard will not be thwarted if compliance was required for the following reasons:

- Compliance with the development standard will ensure new developments are of a scale that is compatible to the locality and accommodating to existing amenities.

*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;*

The applicant provides no comments on this test.

According to Council's Clause 4.6 variation register, Clause 4.3 was varied eight times for residential flat buildings and mixed use residential developments since GRLEP 2021 is in effect, of which three relate to Development Applications, and five relate to Modification Applications. The variations related to Development Applications were approved for lift overruns and minor roof intrusion only. This demonstrates continuous and consistent enforcement of Clause 4.3.

The proposed variation, which includes half of a habitable level, substantially exceeds the extent of height variations that were previously approved.

*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*

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*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;*

The applicant provides no comments on this test.

The MU1 Mixed Use zoning of the subject site is considered to be appropriate given the zoning reflects the existing and desired use of Hurstville Town Centre as the key commercial and population centre of the Georges River Local Government Area.

*Conclusion*

As discussed above, the applicant's variation request fails to address the matters outlined in Clause 4.6 (3), and thus the requirements of this clause have not been met, and the variation cannot be supported.

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

In response to this subclause, the applicant indicated the following:

- The non-compliance is minor in nature and is required to enable the use of the communal open space
- The proposed non-compliance will not result in adverse amenity impacts
- The proposal complies with the floor space ratio requirements.
- The proposal meets the relevant objectives of SEPP (Housing) and R3 Medium Density Residential Zone
- The proposal contributes to the provision of affordable housing units in a high-demand area.

It is considered that the proposal does not demonstrate sufficient environmental planning grounds to warrant the variation for the following reasons:

- The proposed non-compliance is substantial, affecting half of the eighth floor. The components beyond the height plane are readily observable on street level.
- The proposal already enjoys a 20% bonus in maximum building height due to the inclusion of affordable housing. Allowing height exceedance beyond the bonus height plane will result in substantial deviation from the desired built form envisaged for the Hurstville Town Centre area.
- The proposal will result in adverse visual impacts as a result of the unsympathetic built form. Moreover, the applicant fails to demonstrate the additional overshadowing impacts are acceptable.

**Summary of 4.6 Assessment and Conclusion**

**4.6 Variation Not Supported**

As outlined in the assessment above, the proposed variation is not supported as the provided variation request does not adequately demonstrate the matters identified under Clause 4.6(3).

This forms part of the reasons for refusal of the subject application.

## Provisions of any Proposed Instrument

*Section 4.15 (1) (a) (i) - Provisions of 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*

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*Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved).*

There is no proposed instrument that is or has been the subject of public consultation under this Act which is relevant to the proposal.

## Provisions of any Development Control Plan

*Section 4.15 (1) (a) (iii) The provisions of any development control plan*

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.

## Georges River Development Control Plan 2021

The following GRDCP 2021 controls are applicable to the development and the following clauses apply:

| **Waste Management** | | |
|---|---|---|
| **3.12 Waste Management** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Development must comply with Council's Waste Management requirements regarding construction waste and ongoing management of waste materials (per Appendix 4 of the GRDCP). | The proposal fails to accommodate adequate waste management. See referral sections for further discussions on waste issues. | No |

| **Vehicular Access, Parking and Circulation** | | |
|---|---|---|
| **3.13 Parking Access and Transport** | | |
| **Control** | **Proposal** | **Compliance** |
| 8. Bicycle Parking<br><br><u>Residential component</u><br><br>1 space per 3 dwellings, and<br>1 space per 10 dwellings (visitors)<br><br><u>Commercial component</u><br>1 space per 5 car parking spaces<br><u>Required</u><br>Residential: 13.9<br>Commercial: 2.1 | 14 provided, of which:<br>- Residential (visitors included): 11<br>- Retail: 1 | No |

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| Total: 16 (15.9) | | |
| 9. In calculating the total number of bicycle spaces required for a development type, the total should be rounded up to the nearest whole number (i.e. 0.5 or greater). | | |
| 10. Bicycle parking facilities are to be designed in accordance with Australian Standard AS2890.3 (Parking Facilities – Part 3 Bicycle Parking Facilities). | | |
| 11. For non-residential uses, the following facilities for bike parking are to be provided at the following rates:<br>i. 1 personal locker for each bike parking space;<br>vi. Locker, change room and shower facilities are to be located close to the bike parking area, entry and exit points and within an area of security camera surveillance where there are such building security systems. | No end of trip facilities provided in contravention to the DCP. | |
| 12. Internal car park layouts, space dimensions, ramp grades, access driveways, internal circulation aisles and service vehicle areas shall be designed in accordance with the requirements set out in AS 2890.1 (2004) and AS 2890.2 (2002) for off street parking and commercial vehicles. | The proposal does not comply with AS2890.1 with respect to the location of the turntable. The proposed vehicular access design does not accommodate queueing traffic.<br><br>Insufficient details are provided indicating how the residential parking component is to be separated from the commercial parking area. | |
| 13. Design vehicular access in accordance with the current Australian Standard for 'off-street parking (Part 1) 'and 'off-street carparking for commercial vehicles (Part 2)'. | | |
| 14. For mixed use development, residential off-street parking facilities shall be separated from the other uses and security roller doors shall be installed to provide security to residents. | | |

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| 15. Basement car parking is preferable in commercial and residential flat buildings. | All parking to be provided in basement levels.<br><br>No details provided regarding the ventilation grates on the elevation plans. | |
| 16. Basement car parking is to be located within the building footprint. | | |
| 17. All basement parking areas are to have security doors. | | |
| 18. Include natural ventilation to basement and semi basement car parking. | | |
| 19. Integrate ventilation design into the façade of the building, or parking structure, treating it with appropriate features such as louvres, well designed grilles, planting or other landscaping elements. | | |
| 23. Parking complies with AS 1428 Design for access and mobility and AS/NZS 2890.6. | 4 accessible car parking spaces are available for the 4 adaptable units. | |
| 24. All off-street parking facilities shall allocate accessible parking spaces for people with disabilities at the rate in accordance with Section 3.17 – Universal/ Accessible Design of this DCP. | | |
| 25. Accessible parking spaces shall be located close to an accessible lift, ramp or building entrance and be provided with an accessible path of travel. | | |
| 26. Accessible parking spaces shall be indicated by a permanent sign as specified in AS 1428.1 | | |
| 27. For residential development, accessible car parking spaces are to be allocated to adaptable unit, or as visitor parking. | | |
| 28. A designated car washing area (which may also be a designated visitor car space) is required residential developments of four or more dwellings. | No car wash bays provided. | |

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| 29. Car wash bays which collect waste water must be covered and discharge the water to the sewer in accordance with the requirements of Sydney Water. | | |
| 30. Design parking to ensure pedestrian safety. | Pedestrian entrances are separated from vehicular travel paths. | |
| 31. Pedestrian entrances and exits shall be separated from vehicular access paths | | |
| 32. Design driveways to minimise visual impact on the street and maximise pedestrian safety | The proposed turntable fails to accommodate sufficient area for queuing traffic, and will hinder on-site traffic when the turntable is in operation. | |
| 33. Ensure that all vehicles, including vehicles using loading bays, can enter and leave the site in a forward direction. | | |
| 34. Avoid locating accessways to driveways adjacent to the doors or windows of habitable rooms. | | |
| 35. All driveways are to be finished in plain concrete | To be conditioned should this application be recommended for approval. | |
| 52. Planning and design layout of loading and manoeuvring areas should be provided in accordance with AS2890.2 and:<br>i. Preferably be located to the side or rear of buildings;<br>ii. Screened from view from local and main roads; and<br>iii. Located so that vehicles stand wholly within the dedicated loading/unloading area and do not obstruct the car parking on the subject property or public road, footway, laneway or service road. | The layout of the loading area does not comply with AS2890.2 as the design fails to accommodate for queuing traffic. Furthermore, the proposed loading area is fully exposed to public view. | |
| 53. Loading bay facilities are to be provided at the following rates:<br><br>Total retail space: 236.9sqm (includes all G/F tenancies) | 1 loading bay provided, however that loading bay will introduce adverse traffic safety and visual amenity issues. | |

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| Total commercial space: 408.6sqm (first floor commercial unit only)<br><br>Retail:<br>Floor area > 100sqm to 500sqm – 1 bay required<br><br>Commercial<br>Floor area 1000m2 to 5000m2 – 1 bay required | | |
| 54. The design of loading bay facilities are to be in accordance with Australian Standard AS2890.2 | The operation of the loading bay will come in conflict with vehicular movements. | |

| **3.15 Public Domain** | | |
|---|---|---|
| **3.15.1 Infrastructure** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. All proposed public domain works are to be undertaken in accordance with the relevant Council Public Domain Plan. | The proposal will substantially affect the setting of the public domain. No public domain plans supplied. | No |
| 3. Embellishment of the public domain should include new street furniture, new street plantings and footpath improvements. | | |
| 4. New street furniture should comply with the relevant Council Public Domain Plan in respect of its material, colour, size, shape and location. This is subject to aspects of safety and compatibility with the development and adjacent development being considered. | | |
| 6. The installation of hostile architectural features in areas accessible to the public is not permitted. Hostile architecture includes a restriction on the design and installation of items such as: slanted or curved benches, rocky pavements, spiked windowsills, segmented benches, street spikes, awning gaps, | | |

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| barred corners, street dividers, raised grate covers, tiered seating, fence grates, retractable spikes and the like. | | |
| 7. The cost of all public domain works will be borne by the applicant. | | |
| **3.15.2 Public Art** | | |
| 1. Major developments (commercial, public administration, and retail development) and mixed-use developments with a capital investment value of $5 million or more are to include an element of public art. | The proposed development is a mixed use development with a cost of work of $19.7 million.<br><br>No public art plan provided. | No |
| 2. A minimum of 1% of the total cost of the development is to be allocated to the public art budget. | | |
| 3. Details of the nature of the work, its approximate location and size are to accompany the development application. | | |
| 4. Developers should consult the Georges River Council Public Art Guidelines, to determine any requirements for including public art in new developments, and to review what constitutes public art. | | |
| 5. The application must include a Public Art Plan which addresses how the proposed public art meets the following Design Selection Criteria:<br>i. Standards of excellence and innovation.<br>ii. Relevance and appropriateness of the work in relation to its site.<br>iii. Its contribution to creating sense of place, and integration into the built form.<br>iv. Where possible, participation of local artists, local groups, youth or indigenous groups.<br>v. Consideration for public safety and the public's use of and access to the public space. | | |

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| vi. Consideration of maintenance and durability requirements of materials, including potential for vandalism and graffiti.<br>vii. Where applicable, consistency with current planning, heritage and environmental policies and plans of management.<br>viii. Evidence of appropriate Public Liability Insurance to cover construction and installation of work. | | |

| **Universal / Accessible Design** | | |
|---|---|---|
| **3.17 Universal / Accessible Design** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. All new building work should comply with the accessibility provisions of the Building Code of Australia (BCA) and the Disability (Access to Premises - Buildings) Standards 2010 where required. | Provision of accessible car spaces are as follows:<br>- Residential: 4<br>- Commercial and visitors: 2<br><br>Accessways for pedestrians and vehicles are separated. | Yes |
| 2. Continuous unobstructed paths of travel should be provided from public footpaths, accessible car parking, and set down areas to public building entrances. Paths of travel should be designed in accordance with the Disability (Access to Premises - Buildings) Standards 2010. | | |
| 3. Accessways for pedestrians and vehicles to be separated | | |
| 6. Accessible parking space provision<br><br><u>High Density Residential Development</u><br>1 space per adaptable unit<br><br><u>Commercial premises</u><br>1-2% of total car parking spaces<br><br><u>Required</u><br>5 spaces (4 adaptable units + 1 commercial) | | |

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| Crime Prevention | | |
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| **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 streets, laneways, parking areas, public spaces and communal courtyard space | The proposal incorporates clearly identifiable building entries and visible ground floor commercial tenancies to maximise passive surveillance. | Yes |
| 3. Minimise blind-corners, recesses and other external areas that have the potential for concealment or entrapment. | | |
| 4. Building entries are to be clearly visible, unobstructed and easily identifiable from the street, other public areas and other development. Where practicable lift lobbies, stairwells, hallways and corridors should be visible from the public domain. | | |
| 5. Ground floors of non-residential buildings, the non-residential component of mixed use developments, and the foyers of residential buildings, are to be designed to enable surveillance from the public domain to the inside of the building at night. | | |
| 6. Pedestrian routes from car parking spaces to lift lobbies are to be as direct as possible with clear lines of sight along the route. | | |
| 8. Development should comprise elements that contribute to effective access control by creating:<br>i. Landscapes and physical locations that channel and group people into public areas;<br>ii. Public spaces that attract, rather than discourage people from gathering; and | The proposal has a clearly defined entrance.<br><br>The proposal incorporates no building details that would enable unauthorised access. | Yes |

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| iii. Restricted access to high crime risk areas such as car parks and other rarely visited areas | | |
| 9. Building details such as fencing, drainpipes and landscaping are to be designed so that illegitimate access is not facilitated by the opportunity for foot or hand-holds, concealment and the like. | | |
| 10. Development should incorporate design elements that contribute to the creation of a sense of community ownership of public spaces by:<br>i. Encouraging people to gather in public spaces and feel some responsibility for its use and condition;<br>ii. Clearly defining transitions and boundaries between public and private spaces; and<br>iii. Clearly defining the use of public spaces. | The proposal maintains clear delineation of public spaces. | Yes |

| **Noise and Vibration** | | |
|---|---|---|
| **3.20.2 Development near Road and Rail Corridors** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Acoustic assessments for noise sensitive developments as defined in clauses 87 and 102 of the Infrastructure SEPP may be required if located in the vicinity of a rail corridor or busy roads. | No noise and vibration plan submitted to assess acoustic impacts during construction phase. | No |

| **Built Form** | | |
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| **7.1.2.2 Streetscape** | | |
| **Control** | **Proposal** | **Compliance** |
| 2. Blank walls are to be avoided adjoining principal streets and the public domain. If they are unavoidable amelioration measures such as artwork or landscaping is required to enhance the visual amenity and reduce vandalism. | No blank wall proposed on the Forest Road (primary street) frontage.<br><br>Continuous awning provided. | Yes |

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| 4. Parapets are to be utilised for the consistency of street frontage and screening of unattractive roof structures. | Vehicular access provided on the secondary street frontage (Treacy Street)<br><br>Commercial tenancies are located on prominent locations on the street, providing street activation on the street corner.<br><br>The location of windows and balconies are designed to orientate towards the street and off set from adjoining residences.<br><br>Fire booster and bin storage area are well integrated in the structure. No roof fixtures proposed. | |
| 5. Pedestrian amenity is to be addressed through the provision of continuous awnings for weather protection. | | |
| 6. Site and design vehicular access (driveways, parking facilities, service access and garages) away from the main street frontage, from rear lanes or secondary streets. | | |
| 7. In predominantly residential areas, strengthen the interaction between the public and private domain by providing multiple entrances for large developments, locate shops where they will be most visible and minimise the vehicular entrance width. | | |
| 8. Pedestrian entries on active street frontages must have a finished surface level at the site boundary that is level with the public footpath. | | |
| 9. Buildings are to be sited on the street frontages at corners, addressing the corner with splays, curves, building entries and other special architectural elements. | | |
| 10. The design of window and balcony openings should take into account: streetscape, orientation, privacy and outlook. | | |
| 11. Sub-stations, fire booster assemblies and waste bin storage structures need to be integrated into the development and identified at the DA stage. Lift over runs and plant equipment should be concealed within well designed roofs. | | |
| 12. Roofs are to be designed to generate a visually appealing skyline – bulky designs are to be avoided. | | |
| 13. Roof fixtures (such as roof vents, chimneys, aerials, solar collectors, mobile phone transmitters, satellite | | |

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| dishes) are to be inconspicuously located so as not to be visible from the street (including side streets). | | |
| 14. Television antennae are to be located within the roof space. | | |
| 15. Design large projections, shade structures and pavilions to enhance the appearance of flat roofed buildings. | | |
| **7.1.2.3 Setbacks** | | |
| 1. Buildings adjacent to public roads are generally to align with and be built to the street frontage to provide continuity in the streetscape and encourage active frontages to ground level. | Nil setback proposed on all frontages.<br><br>The proposal has no unacceptable impact on sightlines.<br><br>The proposal has no adverse impacts on Heritage Item I75. | Yes |
| 3. In order to maintain the continuity of active frontages, side setbacks are generally not permitted unless specified in the precinct controls. | | |
| 6. Setbacks on corner blocks are to enable sufficient sightlines for traffic in accordance with the relevant Australian Standards. | | |
| 9. Setbacks may need to be increased to maintain the required levels of solar access to adjoining development or where the site is in the vicinity of a Heritage Item to provide an appropriate buffer or curtilage to the Heritage Item. | | |
| **7.1.2.4 Building Height and Interface** | | |
| 2. New buildings are also to consider and respond to the predominant and characteristic height of buildings within the relevant centre; as well as consider the topography and shape of the site itself and any adjacent residential interface. | The proposal exceeds the height limit. | No |

| **Design** | | |
|---|---|---|
| **7.1.3.1 Design Excellence** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Compliance with Clause 6.10 of the GRLEP 2021. The Development | | No |

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| Application must identify, through a design statement, how design excellence will be achieved in the proposed development. The design statement must include drawings and examples of the building features, textures, materials, finishes and colours and how they are suitable to the subject site and its context. | Mechanical ventilation shaft and vent details are not indicated on the elevation plans.<br><br>The proposed external finishes are monotonous. The lack of transition in external finishes intensifies the visual impact of the blank wall on the western elevation. | |
| 3. All mechanical ventilation, exhaust towers and cooling systems must not be visible from any public space. These elements must not impact on the visual presentation of the building. Care is required in the location of any exhaust vent that may generate smells to ensure effects on the residential amenity are minimised. | | |
| **7.1.3.2 Building Façades** | | |
| 1. Ensure that the facade clearly expresses a bottom, middle and top component related to the overall proportion of the building. | Large blank party wall proposed on the western elevation. The party wall is not considered to be appropriate given the eight-storey wall is substantially taller than the adjoining buildings to the west.<br><br>No ventilation details provided. | No |
| 2. Street intersections are to be addressed with splays, curves, building entries and other special architectural elements. | | |
| 3. Open grilles or see-through security screens are preferred to shutters, to optimise the openness of windows and any spill lighting of the footpath. Shutters, if provided, must be minimum 65% visually permeable. | | |
| 4. Blank party walls are to be avoided. Avoid curtain walls, large expanses of glass and large expanses of concrete as these do not create well-articulated and harmonious façades. | | |
| 5. Express important corners by giving visual prominence to parts of the façade, including changes in articulation, material or colour, roof expression or increased height (where identified in the Locality Controls in Section 7.2 of this DCP or Part 8 Strategic Centres for the Hurstville and Kogarah Strategic Centres). | | |

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| 6. Provide a greater proportion of solid areas to void areas on all façades and incorporate non-reflective materials. | | |
| 7. Use non-reflective glass or recess glass behind balconies to minimise reflectivity. | | |
| 8. Windows and openings are to be generally of a vertical character and located within vertical bays. | | |
| 9. Air-conditioning units/fans/vents/stacks/hoods etc. are to be inconspicuously located so as not to be visible from the shopping street and any other major side street. | | |
| 10. Large areas of flat surfaces are to be avoided and the following elements are encouraged to provide building articulation:<br>a. Entries, bay windows.<br>b. Balconies, terraces, French windows, garden walls, verandahs, pergolas, loggias, decks, porches, planters.<br>c. External access stairs, external walkways, letter boxes, seats.<br>d. Screens, external louvred walls, awnings, shutters, deep reveals, roof overhangs and other architectural elements. | | |
| 11. Articulation elements must be integral with the building design and should consider the whole building - not just the street façade. | | |
| 12. Facades are to be ordered and articulated to visually break up the building massing, for example through materials, colour and the design of openings. Large areas of glass curtain walling and blank walls are to be avoided. | | |
| 13. Private open space elements such as balconies, should be predominantly north, east and west facing, and should be designed to ensure visual and acoustic privacy of occupants and neighbours. | | |

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| 14. Noise mitigation and design considerations for developments adjoining busy roads are to consider the Department of Planning, Industry and Environment's 'Development Near Rail Corridors and Busy Roads - Interim Guideline'. | | |
| 16. Solar protection elements are to be integral with the building design and massing. | | |
| **7.1.2.3 Awnings** | | |
| 1. Awnings must be provided continuously and are to be of the same height and design along the shop frontages to provide weather protection for pedestrians. | A continuous flat wrap-around awning is provided. The awning is compatible to the scale of the building. The awning provides sufficient protection from solar exposure and the elements.<br><br>The underside of the awning is situated 3.9m above the footpath. | Yes |
| 2. New awnings are to be compatible with the scale of host and adjacent buildings and the architectural features of the host building. | | |
| 3. Awnings where provided are to be located between the ground and first floors to maximise weather protection. The height of an awning may vary between 3.2m and 4.2m above the footpath. The height of the awning must ensure continuity in appearance with adjacent awnings and to relate to any distinctive features of the building. | | |
| 4. Under awning lighting is to be provided to improve public safety. The lighting fixtures are to be recessed into the awning. All wiring and conduits are to be concealed. | | |
| 5. Awnings are to be wrapped around the corners of the main commercial street onto side streets. | | |
| 6. Awnings on eastern and western facades are to provide sun shading. | | |
| 7. Awnings are to be flat or near flat in shape (not tilted upwards away from the facade), and opaque in finish. (Avoid steeply pitched awnings which break the general alignment of awnings in the street). | | |

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| **7.1.3.4 Public Domain Interface at ground level** | | |
| 1. Development must comply with the Desired Future Character objectives and controls (refer to Section 7.2 of this DCP). | The proposal provides a clearly definable entry and addresses Forest Road (primary road). The building frontage is well integrated into the wider streetscape.<br><br>No private open spaces provided on the ground level. | Yes |
| 2. Development must be designed so that it has a clearly definable entry and addresses the street. | | |
| 3. For mixed use development which contains residential dwellings, the primary area of outdoor private open space must not be located on the street frontage, unless it is on the first floor or above. | | |
| 4. The visual and physical connection between the building frontage and the public domain must be considered in all development applications to ensure that the interface at ground level promotes a high level of pedestrian amenity. | | |
| 5. Public domain improvement works such as footpath paving, reconstruction of kerb and gutter, landscaping, street trees, amenity area lighting and furniture may be required at the developer's expense. | | |
| **7.1.2.5 Active Street Frontages** | | |
| 1. Developments must identify landscaping, street paving and furniture and the like along the active street frontage to improve the private and public domain interface at the ground level. Any proposed works in the public domain must be approved by Council and be consistent with the Desired Future Character for the centre. | No public domain plans submitted. | No |
| 4. Active street frontage where possible must take advantage of public open spaces, and views and vistas to orientate the active uses on the ground floor. (i.e. café outdoor seating must be orientated to parks and open spaces to improve visual amenity for patrons). | | |
| **7.1.2.6 Materials and Finishes** | | |

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| 1. Building construction is to utilise high quality and durable materials and finishes. | The proposed external finishes are monotonous and does not assist in building modulation. The proposed western façade presents as a large monotonous surface that detracts from the existing streetscape. | No |
| 2. Different materials and finishes are to be combined to assist building articulation and modulation. | | |
| 3. Where the Locality includes a significant facade or streetscape, materials and finishes are to complement the existing streetscape. | | |
| 4. A large unarticulated expanse of any single material to facades is to be avoided. | | |
| 5. The reflectivity of building materials must not result in glare to motorists, residents or pedestrians or endanger their safety. | | |
| **7.1.2.7 Landscaping** | | |
| 2. Appropriate plant species are to be used for screening, ensuring that they do not unreasonably block sunlight and ventilation on neighbouring sites. | The proposed planting will not adversely hinder ventilation and will still allow solar access to the communal open space and private open spaces.<br><br>The planter boxes are capable of sustaining plants of various sizes. | Yes |
| 3. Ensure that planter boxes are designed to optimise the longevity of plants, through the provision of drainage and irrigation systems. | | |
| **7.1.2.8 Shop Top Housing** | | |
| 1. The ground floor level of shop top housing development shall comprise active retail/commercial uses facing the street. | The proposal fails to adequately separate the first floor commercial unit from the residential component. The design introduces unacceptable intrusion into residential spaces. | No |
| 2. Levels above ground are to sustain mixed uses, including commercial, professional services, and residential (where permitted). | | |
| 3. Site and design non-residential and residential land uses in the same development in a manner that will not adversely affect the future operation of those land uses. | | |
| 4. A direct visual connection is to be provided between footpaths and shops. | | |

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| 5. Wrap shop fronts around corners into side streets to increase the area of active frontage | | |
| 6. Design building openings at the ground floor in keeping with the overall proportions | | |
| 8. Incorporate continuous, independent and barrier free access to ground floor commercial entries, including effective signage, sufficient illumination, tactile ground surface indicators and pathways with limited cross-falls, sufficient width, comfortable seating and slip-resistant floor surfaces. | | |
| 9. Pedestrian access to upper level uses is preferred from the side street or rear lane. If provided from the main street, openings for access are to be between 1.5m and 3m wide. | | |
| 10. Clothes drying is only permitted on balconies if it is easily accessible, has a high degree of solar access and adequately screened from public view. | | |

| **Amenity** | | |
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| **7.1.4.1 Visual Privacy** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Potential visual privacy impacts are to be mitigated by the following design measures:<br>a. Fixed screens of a reasonable density (minimum 75% block out);<br>b. Fixed windows with translucent glazing (providing natural ventilation is not compromised);<br>c. Appropriate screen planting or planter boxes. Note: This option is only acceptable where it is demonstrated that the longevity of the screen planting will be guaranteed.<br>d. Windows are to be off-set or splayed; and<br>e. Windows with sill heights of 1.8 metres or more above floor level or fixed translucent glazing to any part of | The proposed development has adequate setback from the street boundaries. All units are well separated from adjoining uses. No unacceptable overlooking anticipated. | Yes |

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| a window lower than 1.8 metres above floor level. | | |
| **7.1.4.2 Acoustic Privacy** | | |
| 1. Dwellings close to high noise sources such as busy roads, railway lines and airports must be designed to locate noise sensitive rooms and secluded private open spaces away from noise sources and be protected by appropriate noise shielding techniques. | The proposed development will not introduce unacceptable noise impact to adjoining properties. | Yes |
| 2. Bedrooms of dwellings adjacent to high levels of external noise are to be designed to limit internal noise levels to a maximum of 35dB (A) between 10pm and 7am in accordance with relevant Australian Standards for acoustic control. | | |
| 3. The introduction of noise abatement measures to achieve compliance with the current AS 2021 must be done in a manner that does not compromise the architectural design of a building or impact on the character of an existing streetscape. | | |
| 4. All development that is in, or immediately adjacent to, the rail corridor or a busy road must be designed in accordance with NSW Department of Planning 'Development Near Rail Corridors and Busy Roads - Interim Guidelines, December 2008' (DNRCBR 2008). | | |
| 5. In order to assist acoustic control of airborne noise between units:<br>a. A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates a sole occupancy unit, or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like;<br>b. A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit, is to have a FSTC of not less than 55; | | |

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| c. A floor separating sole occupancy units must not have a FSTC less than 50;<br>d. Noise impact associated with goods delivery and garbage collection, particularly early morning, should be minimized;<br>e. Restaurants and cafes should be designed to minimise the impact of noise associated with late night operation, on nearby residents. | | |
| **7.1.4.4 Utility Infrastructure** | | |
| 1. All existing and additional utility infrastructure must be identified, and an assessment of whether these services need to be upgraded for the proposed development, at the site planning stage. | No plans are submitted demonstrating the undergrounding of the existing overhead powerlines. | No |
| 2. The location of any substations, fire hydrants along with clearance areas and accessways must be located wholly within the development site, shown on building and landscape plans and maintain the visual amenity of the street. | | |
| 3. All low voltage distribution and service mains to development must be underground for the full length of the primary frontage both inside and outside the property boundary. | | |
| 4. Existing overhead service cables and associated infrastructure must be placed underground in accordance with the requirements of the relevant power supply authority. Written confirmation from the relevant power supply authority must be submitted to demonstrate prior arrangements have been made between the applicant and the authority | | |
| 5. Where existing street trees are lost as a result of trenching related to undergrounding of cables, a suitable replacement/s must be installed in keeping with Council's Tree Management Policy. | | |

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| 7. Appropriate street lighting to the relevant standards must be installed at the applicants' cost where removed as part of the undergrounding of existing overhead power lines in accordance with the Council and Energy Australia approved standards. | | |
| 8. Restoration of the street pavement, verge and footpath must be complementary to the materials and type of construction used in the vicinity, in accordance with Council's specifications. | | |
| 9. Essential services such as substations and fire booster assemblies must be integrated into the design of the façade and shown on architectural drawings. | | |

| **Servicing** | | |
|---|---|---|
| **7.1.6 Plant Rooms** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Plant rooms/ devices, where possible, should be located in the basement or integrated into the building design, or where located on the roof, any plant room should be well setback from all frontages. | Plant rooms provided in basement levels. | Yes |
| **7.1.7 Servicing** | | |
| 1. New commercial or mixed-use buildings must provide a loading dock on-site. Where this is not viable loading and unloading may be permitted from to a rear lane or side street subject to Council's engineer approval. | The loading area is not screened from public view.<br><br>The location of the turntable does not comply with AS2890.2. The loading area does not accommodate for queuing traffic and introduces unacceptable road safety risks. See comments from Traffic Engineer for further details. | No |
| 2. Loading and unloading areas must be well screened from the public domain and located underground where practical. | | |
| 3. Service vehicles must enter and leave the loading dock in a forward direction. | | |
| 4. Delivery and operation of loading docks is to be restricted to the approved trading hours | | |

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| 5. No garbage collection is permitted between 10pm and 6am | | |
| 6. Loading docks must comply with AS 2890/2 (latest edition) - off-street commercial vehicle facilities. | | |
| 7. The largest delivery vehicle permitted will be restricted to Medium Rigid Vehicle (MRV) as denoted by AS 2890.2. Vehicles larger than MRV may be considered by Council for a large development site with loading and unloading to be carried out on-site only. | | |

| **Future Desired Character** | | |
|---|---|---|
| **8.2.6.3 City East Transition Area** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Prioritise retail activity and other active uses along Forest Road. | Setback beyond podium levels: 3.0m to all streets<br>Street wall: 3 storeys<br><br>The proposed height exceedance is not compatible with the desired built form along Forest Road. | No |
| 2. Retain the existing two (2) to three (3) storey street wall and subdivision pattern of Forest Road and provide a continuous building line which defines the public domain. | | |
| 3. Enhance and complement the 'high street' character through the use of scale, rhythm, materiality and/or landscaping in new developments. | | |
| 4. 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. | | |
| 8. Ensure lighting is provided to positively contribute to the safety, legibility, wayfinding and visual interest of the public domain. | | |

| **Hurstville City Centre General Controls** |
|---|
| **8.2.7.1 Consolidation of Sites** |

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| Control | Proposal | Compliance |
|---|---|---|
| 1. A minimum street frontage of 30 metres is required for buildings taller than 3 storeys to ensure the provision of an active street frontage is prioritised while allowing for adequate car parking and the provision of essential services. | The subject site has a total street frontage of 72.24m.<br><br>The proposal will isolate the adjoining sites of 119 to 123 Forest Road which have a total width of 24.38m. Those adjoining sites enjoy a GRLEP height limit of 15m (equivalent to a four-to-five-storey building).<br><br>Per Control 1 of 8.2.7.1 of the GRDCP, the adjoining sites are unlikely to be capable of accommodating any buildings greater than 3 storeys in height, well below the maximum development potential afforded to those sites.<br><br>Apart from the creation of isolated sites, the lack of site consolidation contributes to multiple planning issues such as vehicular access, solar access, and ventilation.<br><br>No documents are provided demonstrating negotiations with the owners of the adjoining properties have taken place. Furthermore, no analysis is provided demonstrating an economically viable redevelopment is achievable on the adjoining isolated sites. The assessing officer is of the opinion that the applicant has failed to demonstrate sufficient effort to prevent site isolation and minimise the associated adverse impacts. | No |
| 3. Any site amalgamation in the Forest Road High Street and the City East Transition Area Character Precincts is to ensure that the development reflects the fine grain character of the historical subdivision pattern and surrounding heritage items. | | |
| 4. In considering an application for redevelopment of a site, Council will consider the impact of the proposed development on adjoining allotments of land that will be left as isolated sites and the impact on their future development capacity. | | |
| 5. Where amalgamation of the isolated site is not proposed, applicants will be required to:<br><br>a. Demonstrate that negotiations between the owners of the properties commenced at an early stage that was prior to the lodgement of the Development Application.<br><br>b. Demonstrate that where no satisfactory result is achieved in relation to amalgamating the site, the Development Application submission must include evidence of the negotiations with the owners of the adjoining properties. The submission must include details of the financial offers to such owners. This must be based on the development potential of the combined site, not just the adjoining site if developed independently. Such offers are to be reasonable and are to be based on at least one recent independent valuation prepared by a suitably qualified valuer and include other expenses likely to be incurred by the owner of the potentially isolated site in the process of the sale of the property. | | |

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| c. At the request of Council, fund a second valuation to be undertaken on behalf of the owner of the site that would be isolated as a result of a proposed development. The valuation may be independently reviewed by Council at the applicant's expense. | | |
| 6. Where amalgamation of the isolated site is not achieved through negotiations, applicants will be required to demonstrate that an orderly and economically viable development of the isolated site can be achieved. Applicants will be required to prepare a concept design for the isolated site compliant with the ADG, and at the same density as proposed in the Development Application, indicating height, setbacks, resultant site coverage (building and basement), sufficient to understand the relationship between the application and the isolated site. The concept design will be required to demonstrate the likely impacts the developments will have on each other, such as solar access, visual and acoustic privacy, the impact of development of the isolated site on the streetscape and the compliance with the required car parking rates. The concept plans will be placed in Council's records in order to form the basis for any future development proposals on the isolated site. | | |
| 7. The development of an isolated site is not to detract from the character of the streetscape and is to achieve a satisfactory level of amenity in the opinion of the consent authority, including solar access, visual and acoustic privacy. | | |
| **8.2.7.2 Commercial and Retail Ceiling Heights** | | |
| 1. New development with a commercial or retail use is to have a minimum floor to floor height of:<br>a. 4.5 metres on the ground floor (minimum floor to ceiling height of 3.6 metres), | Ceiling heights:<br>G/F: 4.4m<br>1/F: 3.1m | No |

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| b. 3.6 metres on any floor above the ground floor (minimum floor to ceiling height of 3.3 metres). | | |
| **8.2.7.3 Landscaping and Tree Canopy Cover** | | |
| 1. The primary façade (most prominent to the public domain) must integrate elements of landscaping and/or greening alternatives such as green façades, green walls, podium planters and other forms of planting on structures. | Landscaping on the third level and ninth level are visible from the street. Landscaping is contained within planters.<br><br>Planting proposed on the rooftop communal open space, achieving a canopy of 82sqm (11.8%).<br><br>The proposal incorporates planters of suitable size and dimensions to support the proposed landscaping. Council's landscape officer raised no objection to the proposed landscape plan and confirms that the proposed landscaping scheme is viable. | Yes |
| 2. New mixed use developments must:<br>a. Incorporate a combination of green infrastructure comprising of both deep soil planting and planting on structures, and<br>b. Achieve a minimum tree canopy cover of 10% of the total site area. | | |
| 4. Any form of planting on structures must provide sufficient soil depth and volume to support the long-term growth of plants. Refer to Section 4P of the Apartment Design Guide for the minimum soil standards. Any sub-surface drainage requirements are in addition to the soil depths listed. | | |
| 5. A Tree Canopy Plan must be submitted for Development Applications that involve new or significant redevelopments. The Plan must show the existing and proposed trees at their nominated mature size and details of the proposed canopy cover by area and percentage of site. The canopy cover is to be calculated in accordance with the following requirements:<br>a. The minimum tree spread to count towards the calculation is 3 metres diameter.<br>b. Trees on structures, including podiums and rooftops, can be included in the calculation.<br>c. Any overlap between tree canopies can only be counted once towards the total area. | | |

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| d. Any areas of canopy extending into the site from trees planted in adjacent sites are not to be included in the calculation.<br>e. Any areas of canopy extending outside of the site are not be included in the calculation.<br>f. A written statement from a qualified arborist (minimum AQF 5) must be provided on the Plan to confirm that the nominated tree spreads and overall canopy cover can be achieved. | | |
| **8.2.7.4 Street Hierarchy and Through-Site Links** | | |
| 1. Creation of new vehicular access points along the primary street (Forest Road) to the site are not permitted. | No new vehicular access point to Forest Road proposed.<br><br>The proposal will not impact any existing through-site links. No new through-site links proposed. | Yes |
| 2. Vehicle access should not be located on secondary streets if the site can be accessed by lanes and other streets. Refer to the hierarchy of streets in Figure 13. | | |
| 3. Existing publicly and privately owned through-site links are to be retained in accordance with Figure 13. | | |
| 5. All through-site links must have strong visual cues and be clearly signposted in wayfinding signage at street entries indicating public accessibility and the street to which the link connects. | | |
| 6. Incorporate upgrades to the adjoining public domain as part of new developments, including but not limited to the provision of paving, street furniture, landscaping and where required, footpath widening. | | |
| **8.2.7.7 Wind Mitigation** | | |
| 1. Minimise the use of square corners in tower buildings to reduce the impacts of downdraught wind. | The proposed development exceeds 30m. No wind effects report supplied. | No |
| 2. Set tower buildings back from lower structures built at the street frontage to protect pedestrians from strong downdraught wind at the base of the tower | | |

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| 3. A Pedestrian Wind Effects Report prepared by a suitably qualified engineer is to be submitted with Development Applications for buildings 30 metres or higher, and for other buildings at the discretion of Council. At a minimum, the report is to:<br>a. Identify the likely impacts of wind on the pedestrian environment at the footpath level within the site and the public domain,<br>b. Consider the cumulative impact generated by existing developments within the surrounding context,<br>c. Demonstrate how the proposal minimises the impact of downdraught wind on the public and private domains, and | | |
| **8.2.7.8 Solar Access to Public Spaces** | | |
| 1. New developments are to minimise overshadowing impacts on the surrounding public streets, especially Forest Road. | No impact to solar access on Forest Road. | Yes |
| 2. Maintain and achieve adequate solar access to existing public open spaces such as parks and plazas. | | |

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## Any Planning Agreement Under Section 7.4

*Section 4.15 (1) (a) (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*

There are no planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter 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)*

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

*Section 4.15 (1) (b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

| Likely Impacts of the Development | |
|---|---|
| Natural Environment | The applicant fails to demonstrate adequate management of groundwater. |
| Built Environment | The proposal has not demonstrated that it will make a positive contribution to the streetscape and the character of the area as the siting, scale, bulk, massing, and design elements of the development is generally inconsistent from an urban design perspective. The proposal isolates adjoining sites and limit redevelopment potential. The proposal does not accord with multiple planning controls and represents an inappropriately designed development that is not supported. |
| Social Impact | The assessment demonstrates that the proposal in its current form will have adverse impacts on visual amenity within the locality and road safety. As a result of the non-compliant height, the proposal impinges on the established street character of Hurstville. |
| Economic Impact | The proposal is not considered to result in unreasonable economic impact |

## Site Suitability

*Section 4.15 (c) the suitability of the site for the development*

The site is zoned MU1 Mixed Use. The proposal is not considered a suitable outcome for the subject site for the following reasons:

1. The proposed development has not demonstrated that it is suitable for the subject site.
2. The proposal fails to comply with multiple planning controls and represents an inappropriately designed development that is not suitable for the site.
3. The proposal will isolate 119-123 Forest Road and restricts redevelopment potential at those properties.

## Submissions

*Section 4.15 (d) any submissions made in accordance with this Act or the regulations*

The application was advertised and adjoining residents were notified by letter and given fourteen (14) days in which to view the plans and submit any comments on the proposal. 11 submissions were received during the neighbour notification period.

The matters relevant to this application raised in the submissions are considered below:

| Issue | Comment |
|---|---|
| **Traffic** | The proposal will not result in an unacceptable level of traffic generation beyond the capacity of |

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| Concerns are raised with respect to increase of traffic congestion, adverse impacts on road safety, and additional road noise. | the local road network. On that basis, it is considered that the proposal will not introduce excessive road noise and traffic congestion.<br><br>Notwithstanding that, the proposed loading area design does not enable a second vehicle to stop on site while the loading bay is in operation. This will introduce additional traffic conflicts at nearby intersections and conflicts with pedestrians crossing the driveway crossover. |
| **Amenity**<br><br>Concerns are raised regarding overshadowing and view loss | The proposed height exceedance will result in additional overshadowing. Insufficient information regarding the affected window is submitted to fully ascertain the overshadowing impacts.<br><br>On the other hand, the proposal is unlikely to cause unacceptable view loss impacts given there are no significant landmark identified in the vicinity. It is noted that existing views from adjoining low-level apartment units will be obscured even if the proposal achieves full compliance given the GRLEP 2021 allows a 23m tall building on the subject site. |

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## The Public Interest

*Section 4.15 (e) the public interest.*

The proposal is not considered to be in the public interest for the following reasons:

1. The proposed development has not demonstrated that it is suitable for the subject site.
2. The proposal fails to comply with multiple planning controls and represents an inappropriately designed development that is not suitable for the site.
3. The proposal will isolate 119-123 Forest Road and restricts redevelopment potential at those properties.
4. The proposal introduces unacceptable road safety risks due to inadequate design of the loading area and vehicular access.

# Referrals

### Internal Referrals

| Internal Referrals | | |
|---|---|---|
| **Specialist** | **Comment** | **Outcome** |

| | | |
|---|---|---|
| Development Engineer | The officer has considered the following planning provisions:<br>- Clause 5.21 of GRLEP 2021<br>- Clause 6.3 of GRLEP 2021<br>- Clause 6.9 of GRLEP 2021<br>- Part 3.10 of GRDCP 2021<br>- Georges River Stormwater Management Policy<br><br>No objections raised to the proposal and conditions recommended. | - |
| Landscape Officer | The officer has considered the following planning provisions:<br>- SEPP (Biodiversity Conservation) 2021<br>- Part 3.2 of GRDCP 2021<br>- Part 3.3 of GRDCP 2021<br>- Georges River Tree Management Policy 2024<br><br>No objections raised to the proposal and conditions recommended. | - |
| Urban Design | The officer has considered the following planning provisions:<br>- Clause 6.10 of GRLEP 2021<br>- Part 5 of GRDCP 2021<br><br>The following objections were raised:<br>- Exposed loading dock<br>- Nil side setback<br>- Lack of site amalgamation<br>- Communal circulation spaces are compact and not conducive to social interaction<br>- Insufficient natural ventilation<br>- Inadequate ceiling height<br>- Lack of massing composition and materiality change, particularly the western elevation.<br>- No public art plan | Failure to achieve compliance with this matter forms part of the reasons to refuse this application. |
| Land Information (GIS) | No objections raised to the proposal and conditions recommended. | - |

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| Environmental Health Officer | The officer has considered the following planning provisions:<br>- Food Act 2003<br>- Protection of the Environment Operations Act 1997<br><br>The following objections were raised:<br>- No construction noise and vibration management plan submitted. It is unclear how acoustic impacts are minimised during work phase.<br>- No details provided demonstrating the capability of the proposed ground floor tenancies to accommodate food and drinks premises. | Failure to achieve compliance with this matter forms part of the reasons to refuse this application. |
| Traffic Engineering | The officer has considered the following planning provisions:<br>- Clause 6.9 of GRLEP 2021<br>- Part 3.13 of GRDCP 2021<br>- Australian Standards<br><br>The following objections were raised:<br><br>- Parking deficiency of six spaces<br>- The provision of the turntable is not considered suitable for the following reasons:<br><br>(a) The turntable does not enable on-site traffic movement while the loading area is in use, in contravention to the requirements of *s3.4 – Queuing Areas* of *AS/NZS 2890.1:2004 Parking Facilities, Part 1 – off street car parking*.<br><br>(b) The loading area does not allow for a second service vehicle entering the site to be turned within the site and exit to Treacy Street in a forward | Failure to achieve compliance with this matter forms part of the reasons to refuse this application. |

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| | direction when the loading area is in use.<br><br>(c) Vehicles are prevented from exiting the site when the turntable is in use, resulting in those vehicles queuing on a ramp with a maximum gradient of 25% (1 in 4) which is unsafe and potentially lead to gridlock within the basement levels<br><br>(d) A proposed vehicle crossing width in excess of 9m is unsatisfactory on pedestrian safety grounds and has the potential for drivers of vehicles accessing the site to cross the Council's footpath at speed and at an acute angle.<br><br>- The proposed development fails to include the location of an intercom in the vicinity of the main entry/exit roller shutter for use by visitors accessing parking spaces on Basement 1. | |
| Waste | The officer has considered the following planning provisions:<br>- Part 3.15 of GRDCP 2021<br><br>The following objections were raised:<br><br>- The loading area is not suitable for waste collection as the usage of the loading bay will impede vehicular movement on site.<br>- The storage area and chutes are not of a sufficient dimension to enable movement of waste. No travel path diagrams provided to demonstrate safe movement of waste in the waste storage room.<br>- The residential levels are not provided adequate infrastructure to process food waste. | Failure to achieve compliance with this matter forms part of the reasons to refuse this application. |

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| | - No separation between the residential and commercial components<br>- The proposed commercial waste collection frequency of three times per week will cause unacceptable disruption on vehicular access<br>- No plans are submitted demonstrate the management of commercial food waste<br>- Insufficient commercial waste storage facilities are provided on site. | |

**External Referrals**

| **External Referrals** | | |
|---|---|---|
| **Referral Body** | **Comment** | **Outcome** |
| Ausgrid | The referral body has considered the following planning provisions:<br>- Clause 2.48 of SEPP (Transport and Infrastructure) 2021<br><br>No objections raised to the proposal and conditions recommended. | - |
| Water NSW | The referral body has raised objections for the following reasons:<br>- No details are provided regarding the management of ground water at the basement levels. | Failure to achieve compliance with this matter forms part of the reasons to refuse this application. |

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## Contributions

The development is subject to Section 7.11 Contributions. A condition of consent requiring payment of the contribution and identifying it is subject to indexation in accordance with the plan would be imposed should this application be recommended for approval.

## Conclusion

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

The 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 outlined in the recommendation section.

The proposed variation to Clause 4.3 of the GRLEP 2021 is not sufficiently justified by the provided Clause 4.6 and the variation is not considered to be in the public interest, being contrary to the zone and standard objectives.

## Recommendation

**Refusal of Application**

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the Georges River Local Planning Panel determines DA2025/0163 for Demolition works and construction of a mixed use development on Lot 101 in DP 826876 on land known as 117 Forest Road, Hurstville, should not be approved subject to the refusal reasons referenced below:

1. The development does not comply with the State Environmental Planning Policy (Biodiversity and Conservation) 2021 as insufficient details are provided demonstrating adequate measures to control and process groundwater at basement levels, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

2. The development does not comply with Section 16, Chapter 2 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP), as the proposed development has a height of 31.64m, exceeding the height limit by 4.04m, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979. The submitted Clause 4.6 variation request does not demonstrate sufficient planning grounds to warrant variation to the maximum building height development standard. The variation to the development standard will result in excessive intensification of built form, unreasonable overshadowing impacts, and is not consistent with the existing and future desired character of the Hurstville Town Centre.

3. Clause 4.6 – Exceptions to development standards. No Clause 4.6 variation request is submitted to address Section 19 of the Housing SEPP regarding non-compliances with the provisions on landscaped area and parking.

4. The development does not comply with Section 19, Chapter 2 of the Housing SEPP, as the proposed development has a total parking provision of 33 spaces, 6 spaces deficient of the parking requirements outlined in the Housing SEPP and Apartment Design Guide (ADG), pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979. No Clause 4.6 variation request is submitted to vary this development standard.

5. The development does not comply with Objective 3C of the ADG, as the proposed loading area results in adverse streetscape impacts on Treacy Street, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

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6. The development does not comply with Objective 3J of the ADG, as the proposed loading dock will impede traffic and introduce traffic conflicts, and no details on the ventilation grates are provided, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

7. The development does not comply with Objective 4A of the ADG, as 25% of all proposed units receive no direct solar access, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

8. The development does not comply with Objective 4B of the ADG, as only 46.9% of all units enjoy cross ventilation, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

9. The development does not comply with Objectives 4D and 4E of the ADG, as the proposed development contains multiple undersized apartment units, non-compliant room depth, and deficiency in bedroom and private open space sizes, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

10. The development does not comply with Objective 4S of the ADG, as the proposed development fails to adequately separate the first floor commercial unit from the residential component, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

11. The development does not comply with Objective 4W of the ADG, as the proposed development fails to provide adequate waste storage area per Council's Waste Management requirements, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

12. The development does not comply with Clause 6.9 – Essential Services of the Georges River Local Environmental Plan (GRLEP) 2021, as the proposed development fails to provide adequate vehicular access in accordance with Australian Standards, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

13. The development does not comply with Clause 6.10 – Design Excellence of the GRLEP 2021, as the proposal introduces site isolation, introduces a large blank party wall that is unsympathetic to the locality, fails to incorporate public art, and the proposed façade does not promote visual interest, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

14. The proposal fails to comply with Section 3.13 of GRDCP 2021, as the proposal has a bicycle parking deficiency of 2, and no car wash bays are provided, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

15. The proposal fails to comply with Section 3.15 of GRDCP 2021, as no public domain plans are provided, and the proposal fails to introduce public art, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

16. The proposal fails to comply with Section 3.20 of GRDCP 2021, as the proposal fails to demonstrate the minimisation of acoustic and vibration impacts on adjoining receivers, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

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17. The proposal fails to comply with Section 7.1.3.1 of GRDCP 2021, as the proposal introduces a large blank party wall that is unsympathetic to the local built form, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

18. The proposal fails to comply with Section 7.1.4.4 of GRDCP 2021, as the proposal fails to demonstrate plans to underground the existing overhead utility lines, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

19. The proposal fails to comply with Section 8.2.7.1 of GRDCP 2021, and the Planning Principle on redevelopment (Karavellas v Sutherland Shire Council) as the proposal isolates the properties to the west of the development site, and no evidence is provided demonstrating any attempt to amalgamate adjoining properties and demonstrating the economic viability of the isolated sites, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

20. The proposal fails to comply with Section 8.2.7.2 of GRDCP 2021, as the proposed first floor ceiling height is 3.1m, lower than the required commercial level ceiling height of 3.3m, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

21. The proposal fails to comply with Section 8.2.7.7 of GRDCP 2021, as the proposal fails to supply a wind effect report, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

22. For the above reasons, the proposed development is not suitable for the site, Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.

23. For the above reasons, approval of the proposed development is not in the public interest, Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979.

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GENERAL NOTES:

1. ALL DIMENSIONS AND SIZES ARE IN MILLIMETRES. DO NOT SCALE DRAWINGS. PREFERENCE OF DIMENSIONED MEASUREMENT TO BE TAKEN OVER SCALED MEASUREMENT.
2. ALL WALL THICKNESSES DIMENSIONED OR NOTED ARE NOMINAL SIZES ONLY.
3. INFORMATION INCLUDED IN THIS DOCUMENT MAY BE CRUCIAL TO THE SAFE AND PROPER FUNCTIONING OF THE PROJECT. DO NOT ALTER ANY ASPECT WITHOUT REFERENCE TO THE ARCHITECT.
4. ALL DIMENSIONS ARE TO BE CHECKED ON SITE BY THE BUILDER AND CONSULTANT CONSULTANT DRAWINGS AND SPECIFICATIONS.
5. REFORM THE ARCHITECT OF ANY DISCREPANCIES.
6. THE WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE NATIONAL CONSTRUCTION CODE OF AUSTRALIA, THE RELEVANT AUSTRALIAN STANDARDS AND THE REQUIREMENTS OF THE LOCAL COUNCIL.
7. THE BUILDING CONTRACTORS SHALL CHECK AND VERIFY ALL DIMENSIONS, RL'S, EXCAVATIONS AND CONSTRUCTION METHODS PRIOR TO COMMENCEMENT OF WORK.
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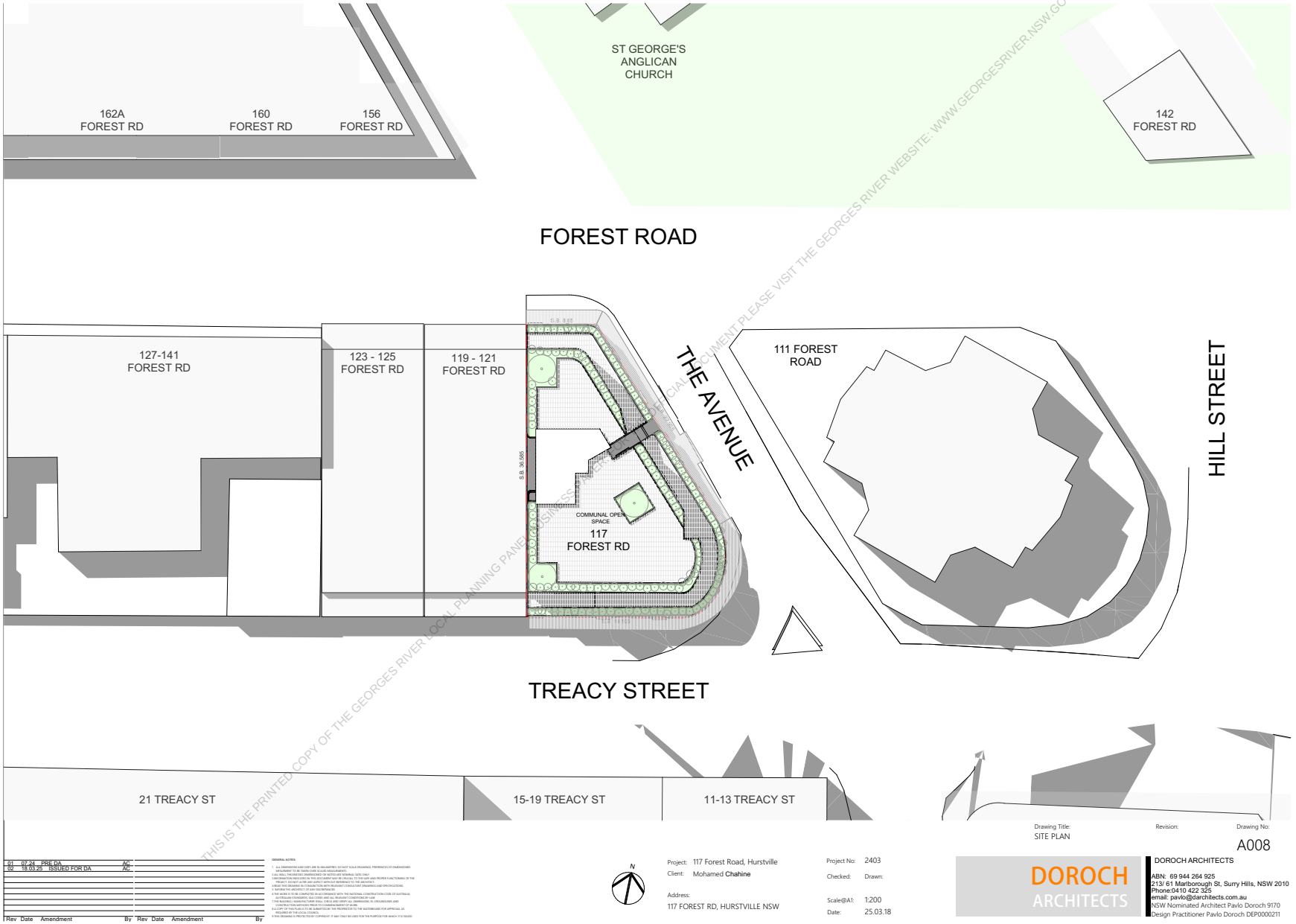
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Project: 117 Forest Road, Hurstville
Client: Mohamed Chahine
Address: 117 FOREST RD, HURSTVILLE NSW

Project No: 2403
Checked: Drawn:
Scale@A1:
Date: 25.03.18

Drawing Title: DETAILED CONTEXT
Revision:
Drawing No: A002

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Design Practitioner Pavlo Doroch DEP0000211




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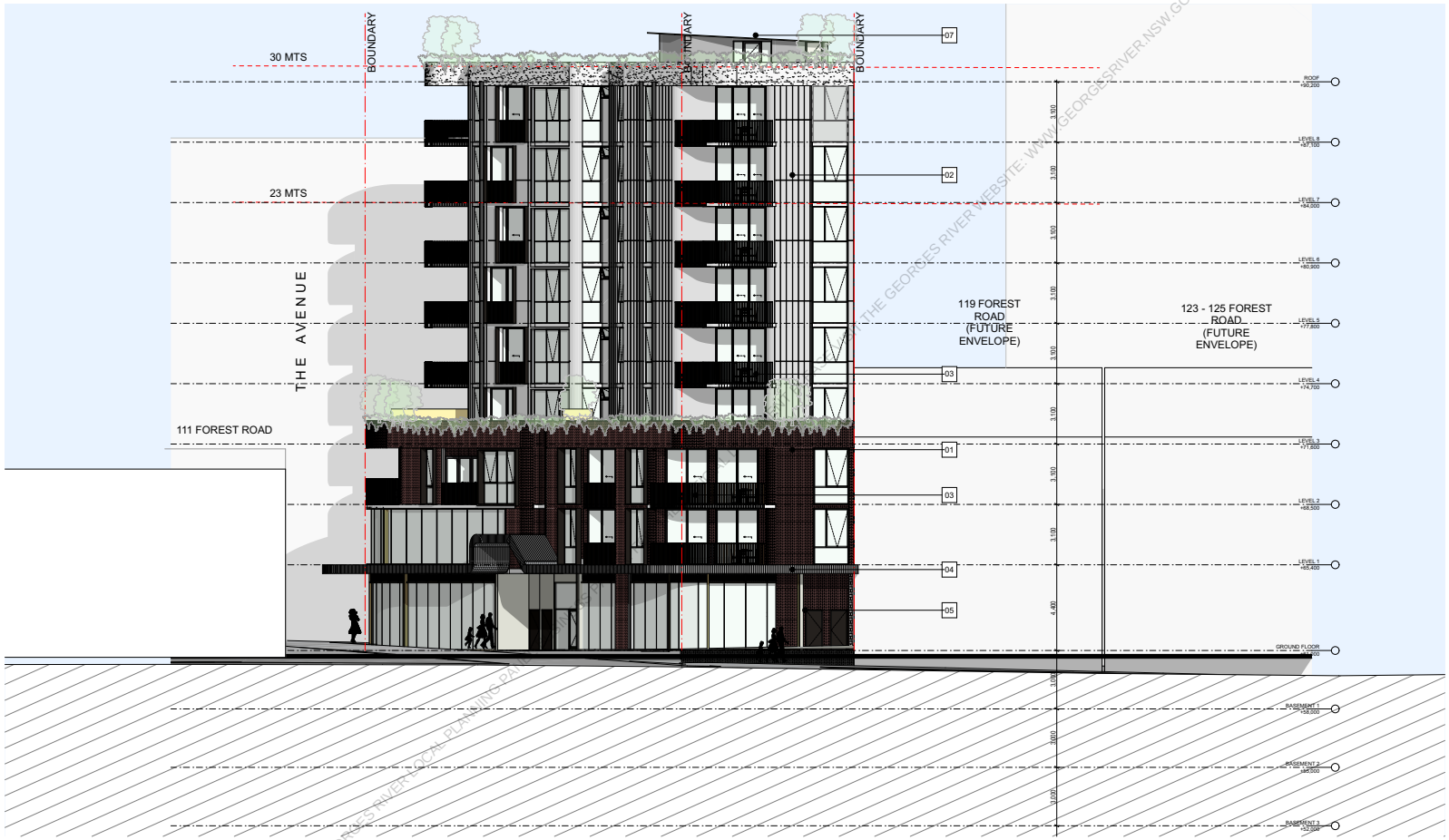
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Client: Mohamed Chahine
Address: 117 FOREST RD, HURSTVILLE NSW

Project No: 2403
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Scale@A1: 1:200
Date: 25.03.18

Drawing Title: SITE PLAN
Revision:
Drawing No: A008

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NSW Nominated Architect Pavlo Doroch 9170
Design Practitioner Pavlo Doroch DEP0000211




FINISHES LEGEND:

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| 01 BRICK WORK<br>RED BRICK | 02 FC PANEL<br>FC PANEL, MID GREY COLOUR | 03 BALCONY BALUSTRADES<br>GOLD METAL SLATS BALUSTERS | 04 AWNING / LIFT LOBBY ROOF<br>NON COMBUSTIBLE ALUMINIUM CLADDING MID GREY | 05 SHOPFRONT<br>CLEAR GLAZING | 06 GLAZING<br>GLAZING TO BASIX NATHERS SPECS WITH BLACK METAL FRAMING | 07 PAINT FINISH<br>MID GREY | 08 FACADE CLADDING<br>PATTERN CLADDING MID GREY | 09 FACADE CLADDING<br>MID GREY |




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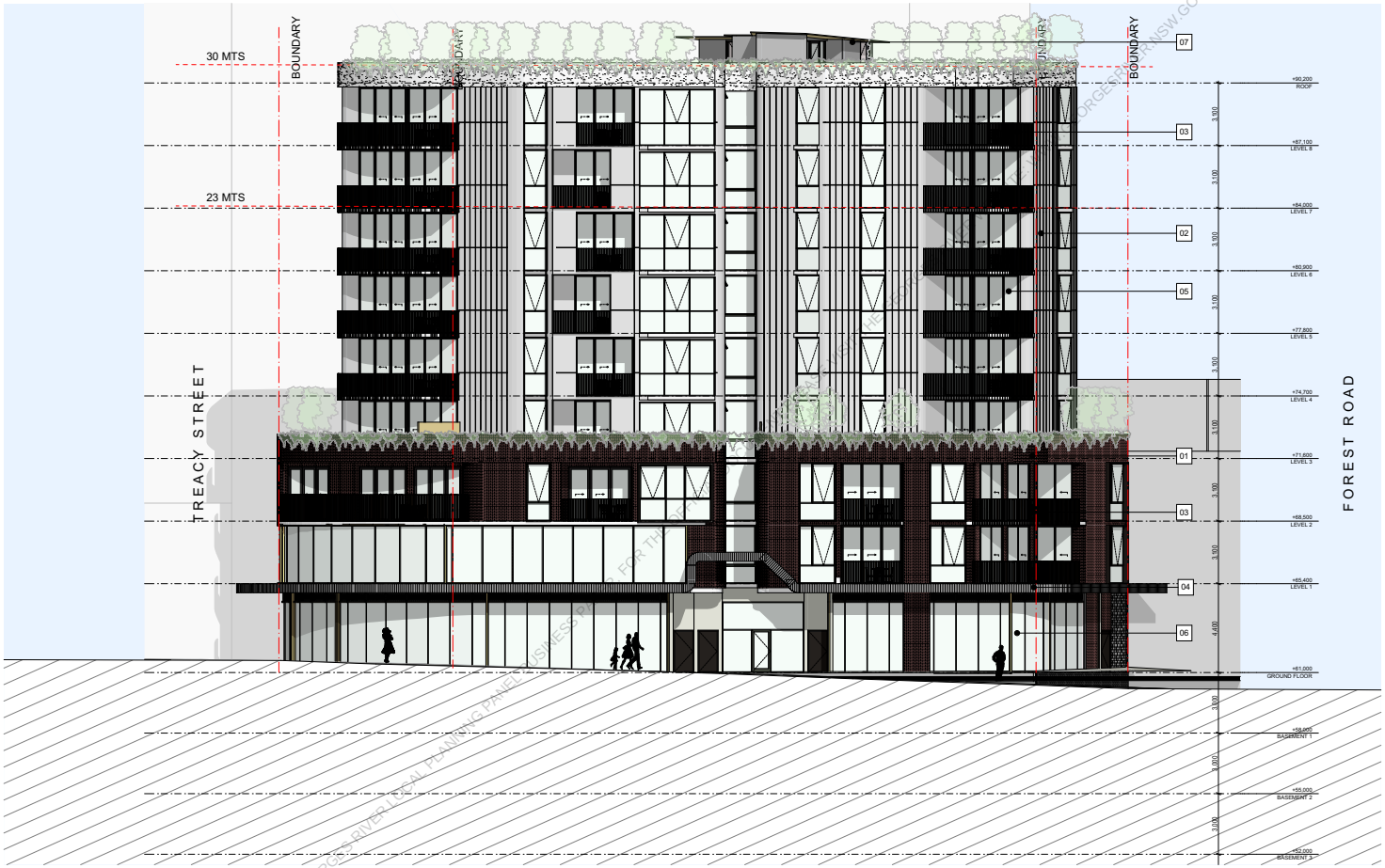
Project: 117 Forest Road, Hurstville
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Address: 117 FOREST RD, HURSTVILLE NSW

Project No: 2403
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Date: 25.02.01

Drawing Title: NORTH ELEVATION
Revision:
Drawing No: A141

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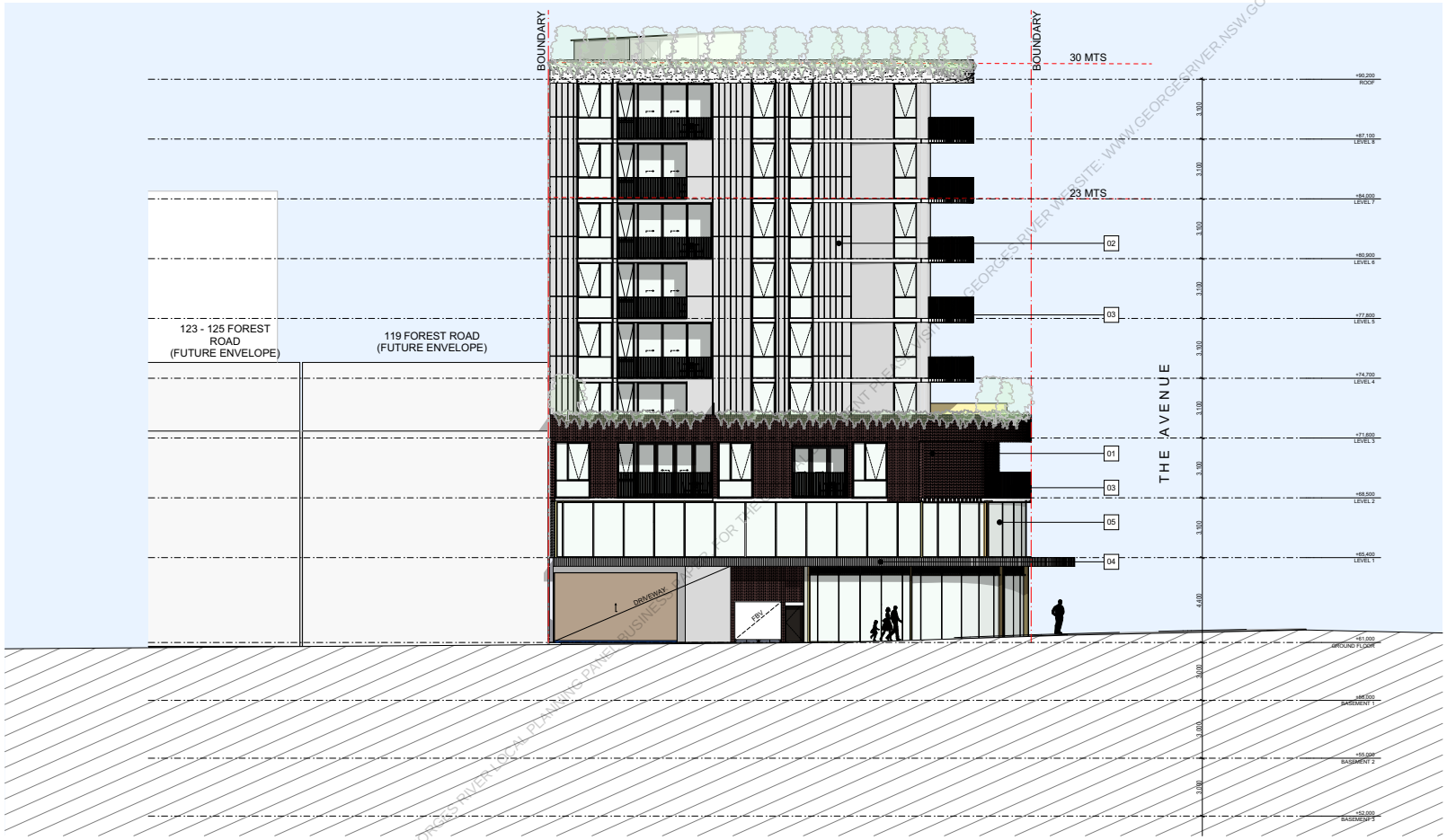
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Client: Mohamed Chahine
Address: 117 FOREST RD, HURSTVILLE NSW

Project No: 2403
Checked: Drawn:
Scale@A1: 1:100
Date: 25.02.01

Drawing Title: EAST ELEVATION
Revision:
Drawing No: A142

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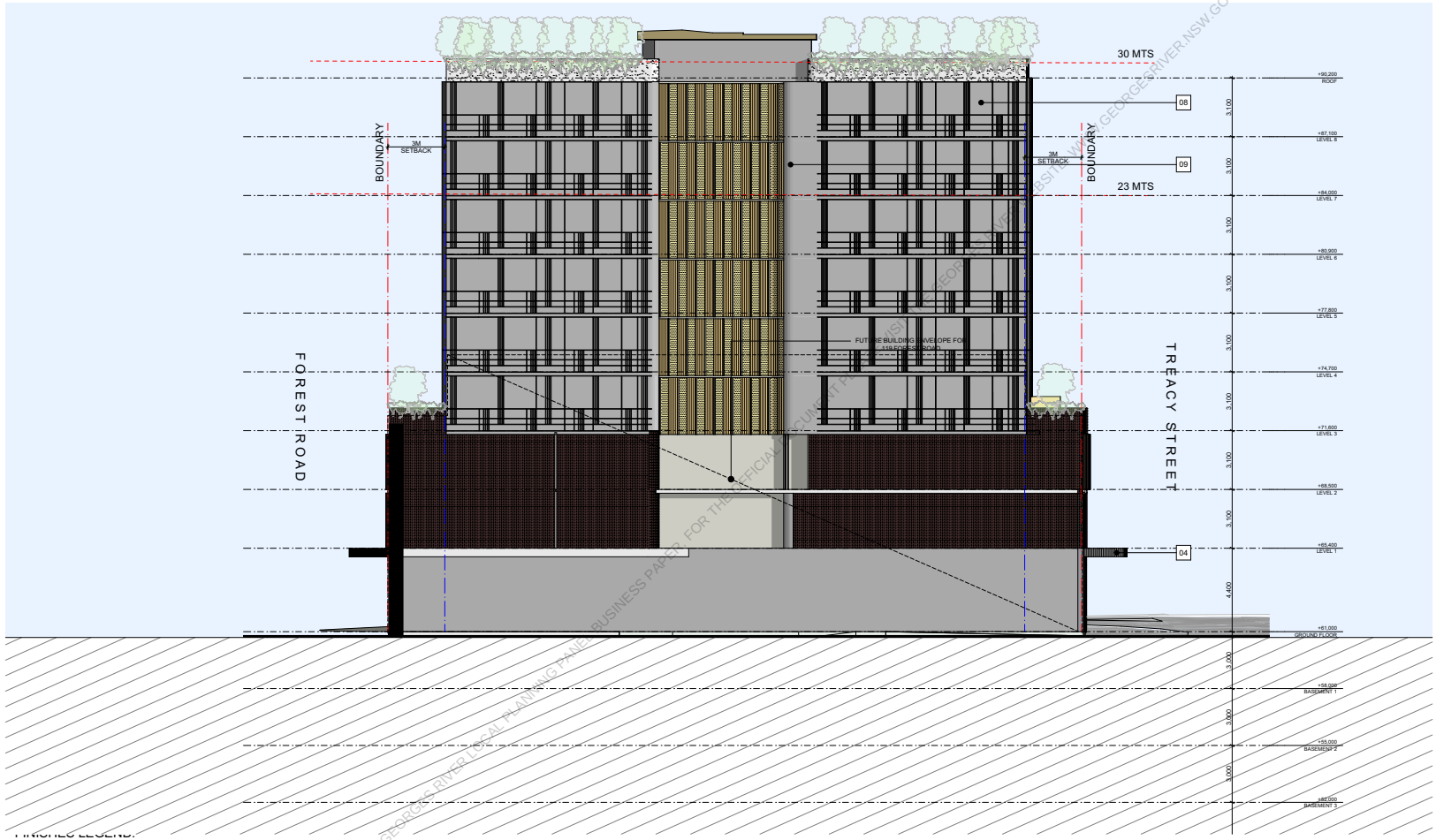
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Client: Mohamed Chahine
Address: 117 FOREST RD, HURSTVILLE NSW

Project No: 2403
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Drawn:
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Date: 25.02.01

Drawing Title: SOUTH ELEVATION
Revision:
Drawing No: A143

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Drawing Title: WEST ELEVATION
Revision:
Drawing No: A144

Project: 117 Forest Road, Hurstville
Client: Mohamed Chahine
Address: 117 FOREST RD, HURSTVILLE NSW

Project No: 2403
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**REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 19 FEBRUARY 2026**

## LPP004-26 15-17 WEST STREET HURSTVILLE

| | | | |
|---|---|---|---|
| **LPP Report No** | **LPP004-26** | **Development Application No** | **DA2025/0275** |
| **Site Address & Ward Locality** | 15-17 West Street Hurstville<br>Kogarah Bay Ward | | |
| **Proposed Development** | Demolition works, lot consolidation, dedication of land, and construction of a residential flat building | | |
| **Owners** | Ahmad El Mir & S Elmir | | |
| **Applicant** | Zt Architects Pty Ltd | | |
| **Planner/Architect** | Planner: Chapman Planning Pty Ltd Planner<br>Architect: Zt Architects Pty Ltd | | |
| **Date Of Lodgement** | 16/07/2025 | | |
| **Submissions** | 3 | | |
| **Cost of Works** | $8,998,957 inc. GST | | |
| **Local Planning Panel Criteria** | 4(b) - Chapter 4 (Design of residential apartment development) of State Environmental Planning Policy (Housing) 2021 applies to this proposal. | | |
| **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 (Housing) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, Georges River Local Environmental Plan 2021 (GRLEP 2021), Georges River Development Control Plan 2021 (GRDCP 2021) | | |
| **List all documents submitted with this report for the Panel's consideration** | Architectural plans, assessment report, geotechnical report, social impact assessment, environmental site management plan, crime risk assessment, BCA Report, acoustic report, Clause 4.6 report, landscape plan, Statement of Environmental Effects, stormwater plan, waste management plan | | |
| **Report prepared by** | Principal Planner | | |

| | |
|---|---|
| **RECOMMENDATION** | Refusal |

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## PROPOSAL

1. The Development Application seeks consent for *Demolition works and construction of a residential flat building*. The proposal comprises of the following components:

   Demolition
   The following components are to be removed:

   - Two dwelling houses and associated outbuildings, and

- Six trees on site and adjoining site

Associated works
Land dedication of 3m to be provided for the widening of Finney Lane
Lot consolidation
Associated landscaping.

Residential flat building
The construction of a part four, part six storey residential flat building comprising of 22 residential units in the following arrangement:

- Basement level 3 contains:
  - 12 car parking spaces
  - Storage spaces
- Basement level 2 contains:
  - 13 car parking spaces
  - Storage spaces
- Basement level 1 contains:
  - 6 car parking spaces (of which one is a car wash bay),
  - Storage spaces
  - Bicycle parking (amount not indicated)
  - Pump room,
  - Bulky waste room,
  - Switch room, and
  - Bin room
- The ground floor contains:
  - 1 × one-bedroom unit
  - 3 × two-bedroom units
  - New vehicular access to Finney Lane
  - Communal open spaces and associated landscaping
  - Electrical substation, and
  - Hydrant booster.
- The first floor will contain:
  - 1 × one-bedroom unit (adaptable)
  - 2 x two-bedroom units
  - 1 x three-bedroom unit
- The second floor will contain:
  - 1 × one-bedroom unit (adaptable)
  - 2 x two-bedroom units
  - 1 × three-bedroom units

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- The third floor will contain:
  - 1 × one-bedroom unit (adaptable)
  - 2 × two-bedroom units
  - 1 x three-bedroom units
- The fourth floor will contain:
  - 3 × two-bedroom units
- The fifth floor will contain:
  - 3 × two-bedroom units
- The rooftop level will contain:
  - Lift overrun
  - Rooftop communal open space area including planters on three sides

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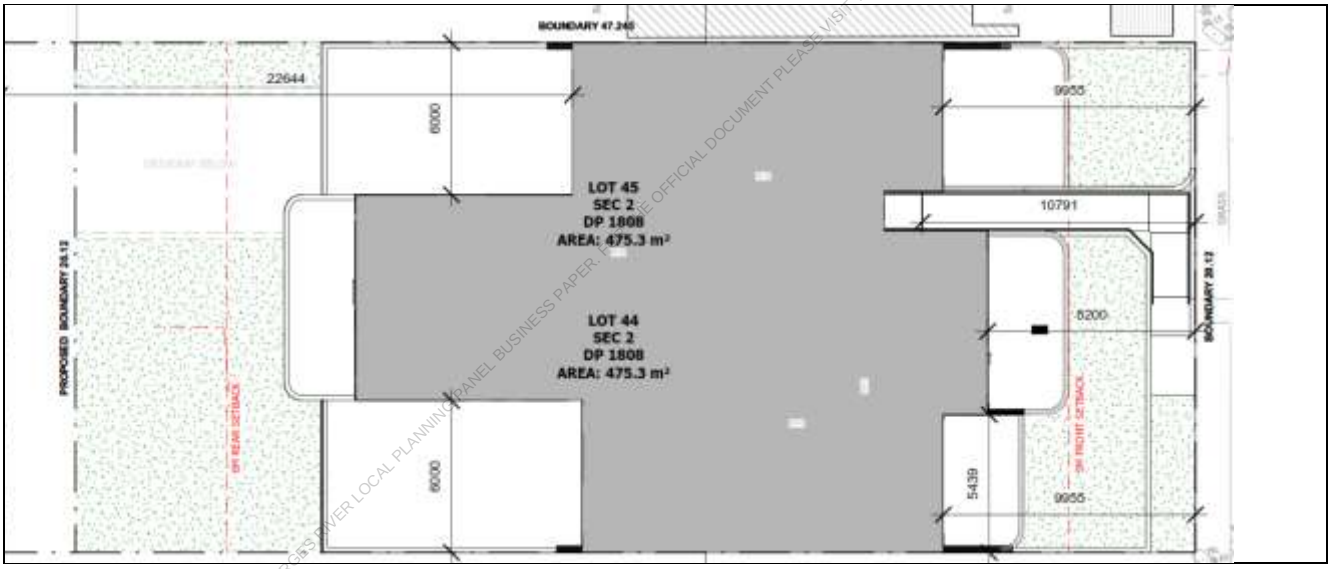



*Figure 1 – Site plan (Source: Architectural Plans)*





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*Figure 2a and 2b – Front elevation facing West Street and 3D Visual (Source: Architectural Plans)*

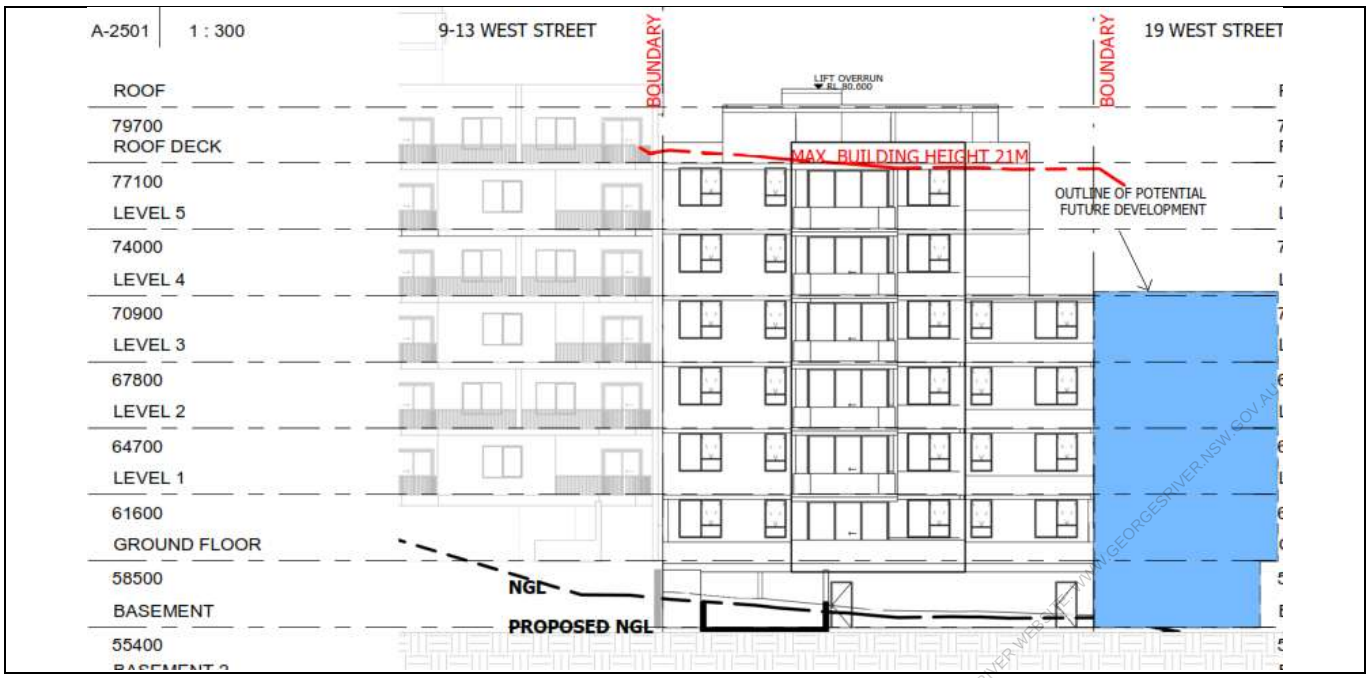



*Figure 3 – Rear elevation facing Finney Lane (Source: Architectural Plans)*




*Figure 4 – North elevation facing West Street (Source: Architectural Plans)*




*Figure 5 – East elevation (Source: Architectural Plans)*



*Figure 6: Street view of development site from West Street (Source: Assessing Officer)*

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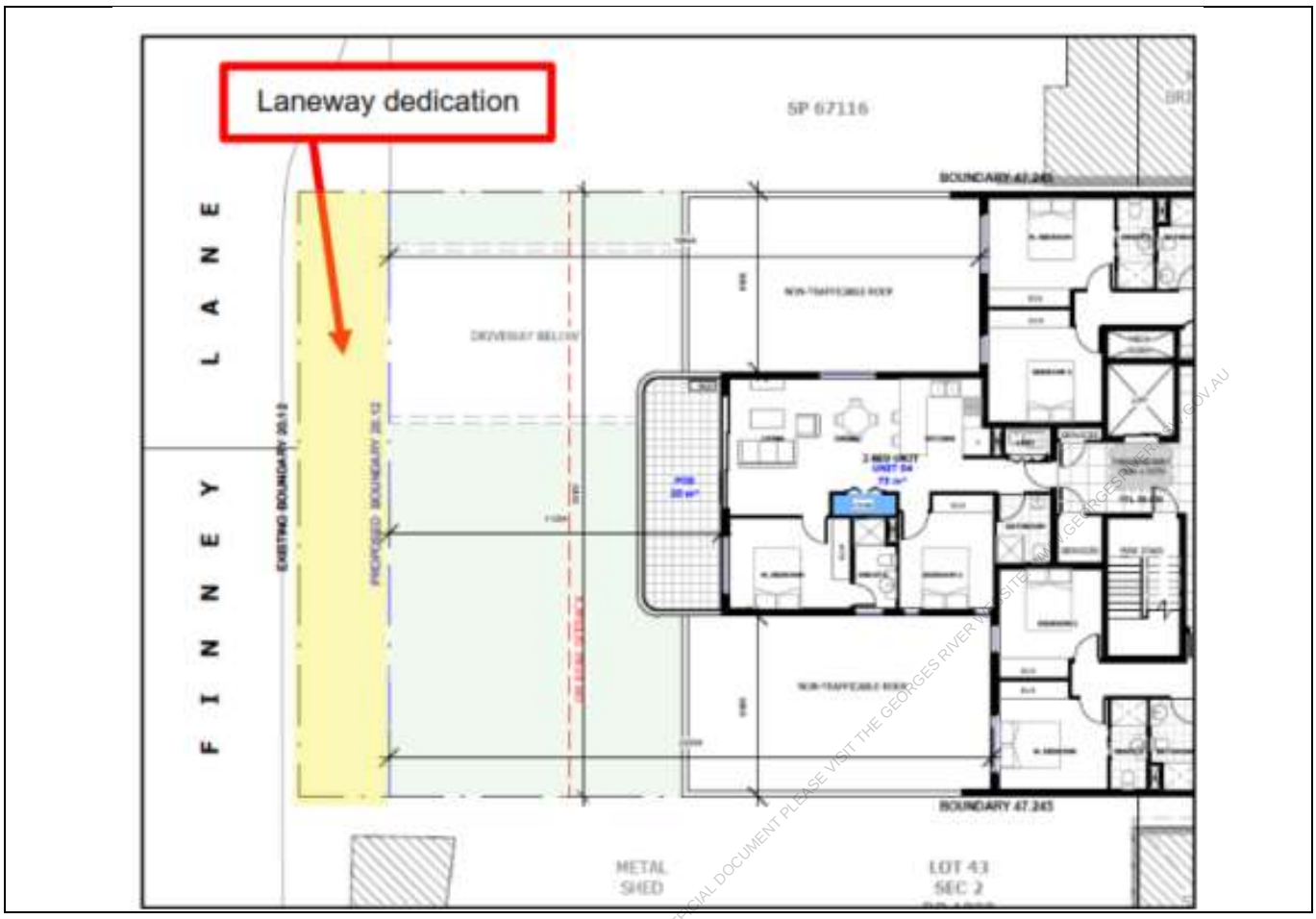



*Figure 7: Proposed laneway – land dedication in Finney Lane (Source: SEE)*

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## SITE AND LOCALITY

2. The subject site is legally described as Lot 44 and Lot 45 Section 2 in Deposited Plan 1808 and is known as 15-17 West Street, Hurstville. It is on the south-western side of West Street, and approximately 30m south of the intersection of West Street and Empress Lane, Hurstville. The nearest classified road is King Georges Road to the south-west.

3. The site has a 20.12m primary frontage to West Street, a rear laneway frontage of 20.12m to Finney Lane, maximum site depth of 47.245m. The site has a cross fall from the north-west corner – the front boundary is mapped at RL60.14, to the south-east corner which is the rear boundary with Finney Lane which is mapped at RL54.53. There is a fall of 5.71m from front to rear.

4. The site is currently occupied by two detached dwelling houses, outbuildings, and nine trees within the front and rear setbacks of the site. Vehicular access is to be gained via Finney Lane, which is to be widened by 3m as a result of the works. There are no easements affecting the site.

5. The subject site is zoned R4 High Density Residential. The site is located within a remnant low density suburban residential development. The surrounding locality

is characterized by higher density residential development including residential flat building and multi-dwelling housing, noting the site and the adjoining property to the south at 19 West Street are remnant single-storey low-density dwellings which have not been developed in accordance with the R4 land zoning. Adjoining the site to the north is a part 7/part 8 storey residential flat building at 9-13 West Street. The adjoining property at 19 West Street has not been able to be acquired for site consolidation.

6. The site is located 150m south of the Hurstville Railway Street and Hurstville CBD – E2 Commercial Centre zone, and is within the Hurstville non-CBD locality as identified by Part 5.6 of the *Georges River Development Control Plan 2021.* The site is within walking distance of the railway station and public bus connections, and the nearby commercial core including Westfield, and can access a range of public open space and community facilities.



*Figure 8: Aerial imagery of the locality. The subject site is outlined in red. (Source: Nearmaps)*



*Figure 9: Aerial imagery of the subject site. The subject site is outlined in red. (Source: Intramaps)*

## ZONING AND PERMISSIBILITY

7. The subject site is zoned R4 High Density Residential under GRLEP 2021. The proposed works are defined as a 'residential flat building' which is permissible with consent within R4 zone under the GRLEP 2021.

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*Figure 10: Zoning map. The subject site is outlined in red. (Source: Intramaps)*




*Figure 11: Height map. The subject site is outlined in red. (Source: Intramaps)*

## ASSESSMENT

8. 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:

(a) State Environmental Planning Policies

(i) SEPP (Biodiversity and Conservation) 2021: permission has not been provided for removal of tree on neighbouring site. Insufficient information provided re tree removal. The Arboricultural Report, architectural plans and landscape plan to be updated to correctly show accurate locations of trees 2, 3, 5, 7, 8, 9, 10. Trees outside of the site proposed for removal must be supported with written consent from the tree owner/s.

(ii) SEPP (Biodiversity and Conservation) 2021: insufficient details are supplied with respect to dewatering at the basement levels.

(iii) SEPP (Housing) 2021 - Apartment Design Guide (ADG). Compliance table below indicates all matters of non-compliance

| **ADG** | | | |
|---|---|---|---|
| **Standard** | **Required** | **Proposal** | **Complies Yes/No** |
| 3C – Public domain interface | Amenity of the public domain is retained and enhanced.<br>Ramping for accessibility should be minimized by building entry location and setting ground floor levels in relation to footpath levels.<br>Service requirements should be located in basement car park or out of view. | The proposal fails to enable adequate transition between the private and public domain; and enhance the public domain. There is no detailed information provided re-posted utilities and services and their location on the front and rear building locations.<br><br>The inset of the building entry is not distinguishable.<br><br>The proposed ground floor finished floor level of one ground floor unit is 1m below NGL. | No |
| 3D - Communal open space (Minimum control) | 25% of the site = 237.65sqm.<br><br>Note: based on site area of 950.6sqm, and not the net developable area of 890.24sqm, following land dedication of 3m x 20.12m (60.36sqm) for lane widening | 239sqm (26.8%) provided on roof top, noting DCP requires 40% of COS to be provided on ground as Part 6.3.7(2) of DCP requires above ground COS to not exceed 60% of the required COS | Yes – re numerical compliance only<br><br>No – nil provision at ground level |
| 3E – Deep Soil zones (Minimum control) | 7% with min. dimension of 3m.<br><br>Design guidance is 10% for sites between 650-1,500sqm | 13% - 119sqm deep soil area provided with a minimum dimension of 6m<br>This is provided in the southeast corner of rear setback which receives the minimum sun requirement.<br>Deficiency re provision in front setback – no provision: this has significant impact on streetscape character and urban runoff.<br>The deep soil location is not integrated with the built form, and there is a lack of direct | Yes – numeric compliance at rear only<br><br>No – nil provision in front setback as required for streetscape |

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| | | and easy access from the apartments or communal circulation space. | |
| 3F- Visual Privacy (Minimum control) | Separation distance from side boundaries required:<br><br>Up to 12m (4 storeys)<br>Habitable room and balconies - 6m Non-habitable – 3m<br>Up to 25m (5-8 storeys)<br>Habitable room and balconies – 9m Non-habitable – 4.5m | Up to 12m (4 storeys)<br><br>Northwest: 0m<br>Southeast: 0m<br>Up to 25m (5-8 storeys)<br>Northwest: 0m<br>Southeast: 3.0m - 6.0m` | No<br><br>No |
| 3G- Pedestrian + 3H Vehicle Access | Vehicle and pedestrian access to be separated to achieve safety – minimize conflicts<br><br>Building entry to be clearly identifiable, contribute to building identity and enhance streetscape character | Whilst separate driveway and pedestrian entry is provided, the proposal fails to provide a driveway that is compliant with the relevant Australian Standards.<br>There is no demonstration of adequate headroom clearances. There is insufficient information: including inadequate long sections of driveways taken from the centreline of the road with levels of all changes in grade, gutters, layback, paths and boundaries.<br>Lift/lift lobby is not visible from public domain.<br>3 ground floor apartments do not have direct access to street which compromises activation.<br>Inset building entry not identifiable from street (3G-1 and 3G-2). Building entry should be at existing footpath level. | No |
| 3J- Bicycle and Car Parking | Car parking – proximity to public transport | Car parking meets GRDCP 2021 parking rates; site is within 800m of Hurstville Station, and *RMS Guide to Traffic Generating Development* applies.<br>Fails to provide bicycle parking in secure location.<br>Car parking deficient by 2 accessible spaces (as adaptable units deficient by 2). Bicycle parking provision deficient by 6.<br>No motorbike provision provided.<br>No electric charging station | No |

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| | | provided. | |
| 4A- Solar and daylight access (Minimum control) | Living rooms and private open spaces of at least 70% of apartments receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter | Compliance cannot be determined due to inadequate information. Balcony projects block solar access to living rooms 10am-11am. The "green wall" at front elevation is likely to impact on the direct solar access to the adjacent bedroom. Accurate calculations consistent with Sun Eye Diagram required; and revision to A-2002 Calculations-Solar Access | No |
| | A maximum of 15% of apartments may receive no direct sunlight between 9am and 3pm in midwinter. | Compliance cannot be determined due to inadequate information – as outlined above. | No |
| 4B - Natural Ventilation (Minimum control) | 60% of apartments are naturally cross ventilated. | 81% of apartments achieve cross ventilation. | Yes |
| | Overall depth of a cross-through apartment does not exceed 18m. | All cross-through apartments have depth of less than 18m. | Yes |
| 4C-Ceiling Heights (Minimum control) | Habitable rooms = 2.7m<br>Non-habitable rooms = 2.4m | 2.7m residential habitable provided 3.1m Floor to floor provided | Yes |
| 4D- Apartment size and layout (Minimum control) | 1 bedroom = 50sqm<br>2 bedroom = 70sqm<br>3 bedroom = 90sqm | All apartments comply with the size requirement. | Yes |
| | Total minimum glass area: No less than 10% of the floor area of the habitable room. | Every habitable room has window openings larger than 10% of the room area. | Yes |
| 4D- Apartment size and layout | Maximum habitable room depths:<br>2.5 x of ceiling height.<br><br>Open plan layouts - the maximum habitable room depth is 8m from a window | All habitable rooms and open-plan living areas comply with Objective 4D-2. | Yes |
| 4D- Apartment size and layout (Minimum control) | Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space). | All bedrooms comply with the minimum size requirement. | Yes |
| | Bedrooms have a minimum dimension of 3m (excluding wardrobe space).<br><br>Living rooms or combined | The living/dining rooms comply with minimum size requirement. | Yes |

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| | living/dining rooms have a minimum width of:<br>- 3.6m for studio and 1 bedroom<br>4m for 2 and 3 bedroom apartments | | |
| | The width of cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts | Minimum 4m width achieved for cross-through apartments. | Yes |
| 4E- Private Open space and balconies (Minimum control) | All apartments are required to have primary balconies as follows:<br>-1 bedroom = 8sqm/2m depth<br>-2 bedroom = 10sqm/2m depth<br>-3+ bedroom = 12sqm/2.4m | All apartments contain primary balconies that comply with the minimum size requirement. | Yes |
| | Private open space for ground level apartments:<br>Minimum area of 15sqm<br>Minimum depth of 3m | Whilst compliant in size, ground floor private open spaces for Unit 04 does not achieve the required minimum depth of 3.0m.<br><br>Given the nil setbacks, on the ground level, privacy screen at the street frontage were provided to both sides and the roof above on the ground, 5th and 6th storeys. As a result the balconies are enclosed on both sides with roofs, which is undesirable. Evidence of BCA compliance of the balconies, especially the adjacent windows and along the side boundaries should be provided. | No – Unit 04<br><br>Information required re BCA compliance for balconies |
| 4F-Common circulation areas | The maximum number of apartments off a circulation core on a single level is eight<br><br>4F1- Common circulation spaces/corridors are to achieve good amenity. These spaces to are to promote safety and provide for social interaction. | No more than four (4) units are provided to any one core on a single level.<br><br>Good amenity is not provided: above ground there is a 2.2m lift lobby and 1.6m wide corridor with no access to natural light and ventilation. The lift lobbies and narrow corridors do not provide opportunity for social interaction. Greater than minimum requirements for lobbies and corridor widths and ceiling heights should be considered, and there should be access to natural light and ventilation.<br><br>The circulation space is | Yes<br><br>No |

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| | | compromised; accurate details have not been provided for building services and waste chutes. | |
| 4H-Acoustic Privacy and 4J Noise and Pollution | 4H-1<br>Objective<br>Noise transfer is minimised through the siting of buildings and building layout<br>4J-1<br>Objective<br>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings<br>4J-2<br>Objective<br>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission | The proposal does not provide adequate street setback.<br><br>No information is given on the location of building services such as mechanical plants, apart from references in the SEE which refers to their location within both setbacks (West Street and Finney Lane).<br><br>The acoustic report notes the lack of information on mechanical plant and does not provide specific recommendations.<br><br>Due to the lack of information on the location of building services in either front or rear setback, it is not able to establish whether appropriate noise shielding or attenuation has been achieved.<br><br>Adequate separation from road noise cannot be achieved due to the non-compliant street setback. This is not addressed in the Acoustic Report. | No - insufficient information |
| 4L – Ground Floor Apartments | Objective<br>Direct street access should be provided to ground floor apartments. | None of the ground floor units have direct access to the street and thus provide no street activation. | No |
| 4M - Facades | Objective<br>Building facades provide visual interest along the street while respecting the character of the local area | The proposal fails to demonstrate well resolved façade treatments with an appropriate scale, articulation and proportion and thus the façade appears disjointed, with a building entry that is not distinguishable, and that is dominated by clutter of ramp and railing. No information is provided re location of building services. | No |

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| | Objective<br>Building functions are expressed by the façade | No information is provided re building services within the front and rear setbacks. | No |
| 4L – Ground Floor Apartments | Objective<br>Direct street access should be provided to ground floor apartments. | None of the ground floor units have direct access to the street and thus provide no street activation. | No |
| 4Q – Universal Design (Minimum control) | 4.4 adaptable units (equivalent to 20% of total apartment units). | Universal Design Silver standard – 5 provided 22.7%.<br>Adaptable units: 3 adaptable units proposed: Units 6, 10, 14. Adaptable units deficient by 2. | Yes<br><br>No |
| 4V – Water management and conservation | 4V-2<br>Objective<br>Urban stormwater is treated on site before being discharged to receiving waters<br><br>4V-3<br>Objective<br>Flood management systems are integrated into site design | Insufficient information provided to demonstrate adequate stormwater management.<br><br>Insufficient information has been provided to address flood management design. See engineering comments and design infrastructure comments. | No |
| 4W – Waste Management | Objective<br>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents | Insufficient information provided. The proposed development fails to comply with the Waste Management provisions of GRDCP 2021, with respect to the following information that was not submitted to Council for assessment:<br>- A waste management plan to address Construction and Demolition Waste, and an Operational Waste Management Plan<br>- RLs levels or gradients for the bin travel path from the bin storage area to a suitable collection point to ensure compliance with the BCA and AS4123.1-2008 Mobile Waste Containers<br>- An adequate waste disposal chute system<br>Detail on how bulky waste items will be collected | No |

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(b) GRLEP 2021

Compliance table below indicates all matters of non-compliance

| GRLEP 2021 | | | |
|---|---|---|---|
| Standard | Required | Proposed | Complies Yes/no |
| 4.3 - Height of Buildings | 21.0m (maximum) | 22.5m<br>There has not been demonstrated a sufficient reasoning to justify the height exceedance, given the non-compliances with Clause 6.10 Design Excellence and the other reasons outlined in this report. | No |
| 4.4 - Floor Space Ratio | 2:1 of site area (950.6sqm) = 1901.2sqm (maximum)<br>2:1 of net developable area (890.21sqm) = 1780.42sqm | Total: 1817sqm = 1.9:1 of site area<br>= 2.04:1 of net developable area | Yes |
| 4.6 – Variation from Development Standard | Applicant has submitted a Clause 4.6 request to vary Clause 4.3 – Height of Buildings. | The variation is 7.1%, proposing 22.5m (HoB is 21m). | Request not supported |
| 5..21 – Flood Planning | (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied | The subject site is impacted by flood.<br>It is noted that no Flood Study or Council Flood Advice Letter was submitted. | No |
| 6.2 - Earthworks | Council must consider:<br>The likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality<br>The effect of the development on the likely future use or redevelopment of the land;<br>The quality of the fill or the soil to be excavated or both … | Insufficient information has been provided. No flood study or Council Flood Advice Letter has been submitted.<br>Certification has not been received from the Architect and Civil Engineer to confirm the Architectural, Drainage and Landscape Plans are all consistent.<br>Insufficient details are supplied with regard to dewatering at the basement levels. | No |
| 6.3 – Stormwater Management | The consent authority must be satisfied the development is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site and; includes if practicable on-site stormwater detention or retention; avoids significant adverse impacts of stormwater runoff; and is designed to minimize the impact on public drainage systems. | No Flood Study or Council Flood Letter submitted.<br>No certification from Architect and Civil Engineering confirming architectural, drainage and landscape plans are all consistent.<br>No CCTV investigations and pipe alignment of Council's stormwater pipe that encroaches on the rear property boundary.<br>No OSD cross sections complete with dimensions, surface and inlet levels. | No |

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| 6.9 – Essential Services | Vehicular access is to be provided that is adequate and complies with relevant Australian Standards. | The proposal does not include arrangements that will make available the stormwater drainage (including dewatering) or on-site conservation; and vehicular access.<br>There has not been demonstrated a satisfactory design for vehicular access. The proposed driveway does not comply with relevant Australian Standards in relation to gradient and gradient transition. No demonstration of adequate headroom clearance has been provided. The driveway design does not provide a vehicle passing bay within the site. Exiting of vehicles in a forward direction is unlikely which cannot be supported as it requires vehicles to reverse out of the site. | Not achieved |
| 6.10(5) – Design Excellence | (5)(a) Requires high standard of architectural design, materials and detailing.<br>(5)(b)Form and external appearance to improve quality and amenity of public domain.<br>(5)(c)No detrimental impact on view corridors.<br>(5)(d) (i)Addresses suitability of land; (ii) existing and proposed uses and use mix; (iii) heritage issues and streetscape constraints; (iv) relationship between development and neighbouring development re separation, setbacks, amenity and urban form;<br>(v) Bulk, massing and modulation<br>(vi) Street frontage heights;<br>(vii) Environmental impacts such as sustainable design, overshadowing, solar access, visual and acoustic privacy, noise, wind, reflectivity;<br>(viii) Pedestrian cycle, vehicle and service access and circulation requirements<br>(ix) Impact on and proposed improvements to public domain;<br>(x) Achieve appropriate | Does not meet 6.10(5)(d):<br>(i) site inadequate in width and size and high flood risk; deep soil issues<br>(iv) not met due to nil setbacks, form, and site isolation for no. 19 West Street<br>(v) Overdevelopment due to site not meeting width and size requirements. Design changes required to reduce bulk – flat roof and blank wall at East elevation at podium level; south elevation dominated by blank walls and driveway; balcony balustrades add to horizontality and bulk<br>(vii) does not meet solar access requirements; overshadowing to neighbours due to nil setbacks<br>(ix) Will not improve public domain at street front due to deficiency in deep soil<br>(x) blank wall at rear provides poor interface; insufficient information on building service on both front and rear elevations; redesign needed of building entry<br>(xi) landscape design is inadequate for both streetscape, and COS | Not achieved |

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| | interfaces at ground level between building and public domain;<br>(xi) Excellence and integration of landscape design;<br>(xii) Provision of communal spaces and meeting spaces;<br>(xiii) Provision of public art in public domain;<br>(xiv) Provision of on-site integrated waste and recycling infrastructure;<br>(xv) Promotion of safety through application of principles of crime prevention through environmental design. | requirements at ground level; poor solar access at rear to provide adequate conditions for deep soil planting<br>(xii) there is no communal space provided at ground level (40% ground level requirement); all COS is provided at roof top level<br>(xiii) No public art is proposed<br>(xiv) No waste disposal chute system proposed; a dual chute system is required; no Waste Management Plan provided for operations; gradients for bin travel path not provided; insufficient information on bulky waste provision<br>(xv) insufficient information on CPTED.<br><br>As a result there are amenity impacts due to over-development of the site: due to<br>- Inadequate and deficient landscape provision at ground level, no communal open space at ground level; inadequate planting in front setback, which will impact streetscape contribution and neighbourhood character<br>- Deficiency re solar access<br>- Overshadowing of neighbouring properties due to height exceedance and nil side setbacks, and non-compliance front setbacks above 4th storey. | |

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(c) GRDCP 2021

Compliance table below indicates all matters of non-compliance

| GRDCP 2021 |
|---|

| Standard | Required | Proposal | Complies yes/no |
|---|---|---|---|
| 6.3.1 Minimum Site Requirements | Minimum lot width 24m required for RFB.<br>For sites which allow development greater than 4 storeys, greater site width may be necessary to accommodate the greater setbacks required by the ADG.<br><br>Minimum lot size of 1000sqm for all residential development under ADG in R4 High Density Residential Zone. | The lot consolidation provides for a site width of 20.12m (which is 84% of the required site width) and is 3.88m less than the requirement. This is a deficiency of 16.16%.<br>Net developable area is 890.20sqm which is a deficiency of 107.79sqm or a variation of 19.28%. This is following the land dedication of 3m widening for Finney Lane, being an area of 60.36sqm, and lot consolidation. | No |
| 6.3.2 Site Isolation and Amalgamation | Development for the purpose of residential flat buildings or residential components of shop top housing is not to result in the creation of an isolated site that could not be developed in compliance with the relevant planning controls, including the GRLEP 2021 and this DCP. | The proposal will result in site isolation of No. 19 West Street and will have a significant impact on its development potential. | No |
| 6.3.3 Building Setbacks and Street Interface | Front setbacks (minimum):<br>i. Street setback:<br>5.0m up to four storeys 8.0m beyond four storeys | Front setback (West Street):<br>5.0m (G/F to 3/F)<br>5.0m (above 4 storeys) | No |
| | Encroachments into boundary setbacks (maximum):<br>i. Ground floor private open space may encroach up to 2m into the 5m front setback leaving a minimum 3m of deep soil area to the street.<br>ii. Ground floor private open space may encroach up to 3m into the side and rear setbacks leaving a minimum 3m of landscaped buffer | Ground floor POS is 5m 'from boundary, noting that no deep soil area is provided within the front setback.<br>Ground floor POS at rear does not encroach.<br>Deep soil is provided within the rear setback.<br>The landscaped buffer at the side of the rear driveway is only 2m. | No, deep soil not provided within front setback. |
| 6.3.4 Basement Setbacks | Basement setbacks (minimum):<br>i. Located within the building footprint, or | Front setback: 3.0m<br>Side setback: Nil | No |
| | ii. 6m from the front and rear boundaries, and 3m from the side boundaries. | Rear setback: 9.6m | Yes |

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| | Driveways and driveway crossings setback (minimum): 1.5m | 2.0m | Yes |
| 3.13 Parking Access and Transport | Car parking and car wash space rate (minimum):<br>26 resident parking spaces 5 visitor parking spaces<br>1 car wash space (can be used as visitor parking)<br><br>Total required: 31 spaces | 26 resident parking spaces<br>5 visitor spaces (including 1 car wash space)<br><br>31 spaces in total (inclusive of 4 accessible spaces – 3 for residents and 1 for visitor)<br>Note: Traffic report does not address accessible spaces, and claims 22 resident and 9 visitor spaces provided.<br>The accessible spaces for residents are deficient by 2 spaces, as 5 adaptable units are required. | No<br><br>Amended traffic report required |
| | Bicycle parking rate (minimum): 12 spaces | Bicycle spaces deficient by 6. | No |
| | Accessible parking rate (minimum):<br>4.4 spaces (ADG requires4.4 (rounded to 5) adaptable units) | 3 accessible parking spaces provided, deficient by 2 spaces. 1 visitor accessible space.<br>Note: 5 Silver parking spaces provided for Silver standard units | No |
| 6.3.9 Vehicular Access, Parking and Circulation | Parking area clearance (minimum): 2.5m | Demonstration of 2.5m clearance adequacy to be provided. | No |
| 6.3.10 Dwelling Mix | Dwelling percentage: unit mix:<br>i. Studio apartments and 1 bed apartments – Maximum of 25%<br>ii. 2 bed apartments – Minimum of 35%<br>iii. 3+ bed apartments – Minimum of 15% | The apartment/unit mix is as follows:<br>- 3 × 1 bedroom apartments (13.6%)<br>- 15 × 2 bedroom apartments (68.18%)<br>- 4 × 3 bedroom apartments (18.18%) | Yes |

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## SUBMISSIONS

9. In accordance with the provisions of Council's public notification requirements, the application was placed on neighbour notification for 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.

10. Three submissions were received during the notification period between 25 July 2025 and 14 August 2025. The concerns raised in the submissions are addressed below.

| Issue | Comment |
|---|---|
| Impacts due to building's bulky envelope and excessive height, | Council's Urban Designer concurs with the potential for impacts from the building's |

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| causing impacts on solar access with reduced sunlight to our units after 1pm all year.<br>Requests the building be further setback above the 3rd storey. | height, reduced setbacks and bulk. It is noted there is insufficient information re solar access provided. |
| Impact on streetscape from building design | Council's Urban Designer has reviewed this aspect of the proposal, and concerns were raised re bulk, scale, blank walls, aesthetics, and façade treatment. |
| Concerns re traffic congestion.<br>Increase in traffic flow in and out of the site will impact traffic conditions in West Street, Finney Lane and Railway Parade, and will impact on parking.<br>The increase in population will impact on local traffic conditions.<br>There is already significant congestion during the morning peak. | Addressed in traffic report. No concerns raised by Council's Traffic Engineer. |
| View loss due to size of building. | Noted. There are nil setbacks to side boundaries. |
| Proposed building does not have adequate land size for the amount of units proposed compared with the RFBs on neighbouring sites. The number of units and bedrooms in the development should be reduced. | We concur the site area does not meet the control which requires a minimum of 1000sqm for RFB development. |
| Objector raises issues re accuracy of traffic report and the inaccurate information re number of bedrooms as outlined in the architectural report. | An amended traffic report is required.<br>The number of bedrooms provided is 45 in total (unit mix of 1 x 3bed; 15x2bed; 4x3bed) |
| Objector requests car parking space numbers be reduced. | Car parking provision is required to comply with the planning controls, and is compliant under this proposal.<br>Council's Traffic Engineer has reviewed the parking provision, and the proposal for the most part meet the GRDCP 2021 parking requirements, with the exception of bicycle parking, and the requirement for an additional accessible parking space. |

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## REFERRAL COMMENTS

11. Comments provided by internal referral specialists and external agencies are summarised below.

| Specialist/Agencies | Comment |
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| Development Engineer | Insufficient information provided to demonstrate compliance with Section 3.10 of GRDCP 2021 re stormwater management. Following information required:<br>- OSD cross sections complete with dimensions, surface and inlet levels<br>- Adequate long sections of driveways taken from the centreline of the road with levels of all changes in grade, gutters, laybacks, paths and boundaries<br>- Demonstration of adequate headroom clearances<br>- A flood study or Council Flood Advice Letter to be submitted<br>- Certification from the Architect and Civil Engineer confirming the Architectural, Drainage and Landscape Plans are all consistent<br>- CCTV investigations and pipe alignment survey of Council's stormwater pipe that encroaches on the rear property boundary. |
| Landscape Officer | Insufficient information provided for a full assessment. Following information is required:<br>- Written consent supporting the removal of tree 4 to be provided by owners/strata managers of 11 West Street, Hurstville<br>- Updated AIA Report, architectural plans and landscape plan to accurately show the locations of Tree 2, 3, 5, 7, 9, 10<br>- Owners consent to be provided for the removal of any additional trees located outside the site. |
| Urban Design | Objection raised on the following grounds:<br>- Architectural expression, aesthetics and bulk and scale: issues raised re building appearance, excessive bulk due to flat roof, , enclosed balconies, blank walls, horizontality; lack of logical coherence in the architectural rhythm; disjointed façade<br>- Inadequate public/private interface as a result of the building services being located on front and rear elevations; and due to lack of deep soil for mature tree planting within front setback<br>- Inadequate building setbacks, with exception of rear setback<br>- Inadequate basement setbacks and impact on deep soil provision in front setback |

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| | - Building entry has an undistinguishable inset, and is dominated by the clutter of the ramp and railing.<br>- Internal communal circulation area is not conducive to passive surveillance, social interaction, and pedestrian circulation. The lift lobby is not visible from the street. The vertical circulation areas are not readily visible from the street, and are long and narrow. Furthermore, the internal communal circulation areas above the ground floor do not have solar access and ventilation.<br>- The communal open spaces are only available at the roof top level.<br>- Deep soil is only provided in the rear setback.<br>- The ground level units are not readily accessible from the street level for activation.<br>- On that basis concern is raised with regards to the usability, desirability and design excellence of the communal open spaces, given there is nil provision of COS at ground level.<br>- Inadequate solar access information is supplied for assessment.<br>- The architectural plans provided insufficient details on fire hydrant boosters and electrical substations and other services.<br>- The proposal demonstrates a height breach, which result in a bulk and scale that is incompatible with the locality.<br>- The proposed façade treatment fails to contribute to the public domain. It is recommended that the design and façade treatment should be amended to address concerns re bulk, scale raised above, blank walls, dominant driveway and blank walls on rear elevation.<br>- Details of irrigation system and maintenance of “green wall” at street frontage to be provided. The green wall is likely to impact on the direct solar access to the adjacent bedroom. |
| Building Surveyor | BCA non-compliances to be addressed:<br>Evidence of the compliance of the fire stairs with the BCA is to be provided.<br>BCA requirements re waste storage as per comments below.<br>Evidence of BCA compliance of the balconies, especially the adjacent windows and along the side boundaries should be provided. |
| Land Information (GIS) | No objection subject to recommended conditions. |
| Waste Management | Insufficient information provided. The proposed development fails to comply with the Waste Management provisions of GRDCP 2021, with respect to the following information that was not submitted to |

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| | Council for assessment:<br>- A waste management plan to address Construction and Demolition Waste, and an Operational Waste Management Plan<br>- RLs levels or gradients for the bin travel path from the bin storage area to a suitable collection point to ensure compliance with the BCA and AS4123.1-2008 Mobile Waste Containers<br>- An adequate waste disposal chute system<br>- Detail on how bulky waste items will be collected |
| Traffic Engineering | Objection raised on the following grounds:<br>- Insufficient on-site parking spaces provided for bicycles – deficient by 6 spaces<br>- No motor bike spaces provided<br>- No electric vehicle charging provided<br>- Accessible car parking spaces deficient by one<br>- Amended traffic report.<br>- The driveway gradient exceeds maximum Australian Standards<br>- The driveway gradient transition exceeds maximum Australian Standards |
| Ausgrid | No objection subject to recommended conditions. |

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## REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

12. The proposal is a development to which State Environmental Planning Policy (Housing) 2021, Chapter 4 (Design of residential apartment development) applies.

## CONCLUSION

13. The proposal has been assessed against the relevant provisions of State Environmental Planning Policies, the provisions of the GRLEP 2021 and GRDCP 2021.

14. Having regard to the objectives of the applicable controls it is considered that the proposal fails to demonstrate compliance with the following Environmental Planning Instruments and Development Control Plan and is not considered to be suitable for the site:

- *State Environmental Policy (Biodiversity and Conservation) 2021*
- *State Environmental Policy (Housing) 2021*
- *Georges River Local Environmental Plan 2021*
- *Georges River Development Control Plan 2021*

15. 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 as follows:

- The proposal does not address the issues of biodiversity, flooding, deep soil provision, and landscaping issues.

- The proposal does not comply with the residential locality statement of Part 5.18 Hurstville.
- The proposal does not meet the zone objectives of the R4 High density residential zone
- The proposal does not meet the requirements for the minimum lot width and minimum site area for a residential flat building.
- The proposal does not adequate address essential services re vehicular access and potential for dewatering.
- The proposal does not satisfy the SEPP (Housing) 2021 and Chapter 4 – Design of Residential Apartment Development.

**RECOMMENDATION**

16. Pursuant to *Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979* (as amended), DA2025/0275 for Demolition works and construction of a residential flat building on Lots 44 and 45 Section 2 DP 1808 being land known as 13-15 West Street, Hurstville NSW 2220, is recommended for refusal for the reasons outlined below.

1. Environmental Planning Instrument – State Environmental Policy (Biodiversity and Conservation) 2021 - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021 for the following reasons:

   a) Insufficient information provided re tree removal on site, and on adjoining site.

2. Environmental Planning Instrument – State Environmental Policy (Housing) 2021 - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is unacceptable with respect to the following sections of the Apartment Design Guide (ADG):

   a) 3C – Public domain interface – the proposal fails to enable adequate transition between the private and public domain; and enhance the public domain. There is no detailed information provided re proposed utilities and services and their location at the front and rear building locations. The rear elevation at the public/private interface is dominated by blank walls and driveway.

   b) 3D – Communal open space – The entirety of communal open space is provided on the rooftop, and thus the requirement for at least 40% of COS area to be provided at ground level has not been met.

   c) 3E – Deep Soil – there is no provision within the front setback. The provision in the rear setback receives minimal sunlight.

   d) 3F – Visual privacy – The proposal fails to demonstrate adequate building separation between the sides of the building and adjoining sites due to nil side setbacks.

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e) 3G – Pedestrian access and entries – The proposal fails to provide building entries that adequately connect to address the public domain.

f) 3H – Vehicle access – The proposal fails to provide a driveway that is compliant with the relevant Australian Standards.

g) 3J – Bicycle parking – Insufficient bicycle parking is provided, and accessible parking is deficient.

h) 4A – Solar and daylight access – The architectural plans re balcony projections on the front elevation contradict with the submitted solar access diagrams. Compliance with Part 4A cannot be ascertained in absence of adequate information.

i) 4D – Apartment size and layout – There is a deficiency of 2 adaptable units.

j) 4E – Private open space and balconies – The POS of Unit 04 fails to meet the 3.0m width required. The proposed balconies on the front elevation have reduced solar access due to screens on the sides and roof. The bulk of the balconies on the front elevation does not contribute positively to the architectural form.

k) 4F – Common circulation areas – The lobby are not conducive to internal circulation and social interactions. All proposed lobby areas are narrow with service cupboards protruding into the lobby spaces. All lobbies above the ground floor level are not provided with natural ventilation or solar access.

l) 4L – Ground floor apartments – None of the units have direct access to the street and thus provide no street activation. The proposed ground floor finished floor level of one ground floor unit is 1m below NGL.

m) 4M – Facades – The proposal fails to demonstrate well resolved façade treatments with an appropriate scale, articulation and proportion and thus the façade appears disjointed, with a building entry that is not distinguishable, and that is dominated by clutter of ramp and railing.

n) 4N – Roof design – The proposed flat roof enhances horizontality and does not relate to the street.

o) 4O – Landscape design – an updated landscape plan is required to accurately reflect proposed tree removal, and location of building services in the setbacks. Furthermore, the proposal demonstrates lack of communal open space at ground level and does not provide for a sustainable design outcome due to the limited deep soil area and minimum available sunlight, especially in the rear setback.

p) 4P – Planting on structures – the extensive use of planters on the roof top level to provide the sole area for communal open space does not positively contribute to the quality and amenity of the communal open spaces.

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q) 4Q – Universal design – Three adaptable units are proposed, representing a shortfall of one. Inadequate provision of adaptable units will result in unacceptable exclusion of disabled persons.

r) 4W – Waste management – Insufficient information has been provided such as an adequate waste disposal chute system, the management of bulky waste items, gradients for bin travel paths, and a waste management plan. This does not provide any assurance that compliance with Australian Standards and the BCA has been achieved.

3. 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 sections 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 demonstrate a high standard of urban design and built form that enhances the non-CBD character of Hurstville and achieve a high level of residential amenity.

b) Clause 4.3 – Height of Buildings. The proposed development demonstrates a height of 22.5m, exceeding the maximum building height of 21m.

c) Clause 4.6 – Exceptions to development standards. The Clause 4.6 variation is not well founded as the request fails to demonstrate adequate planning grounds justifying variation to the maximum building height development standard.

d) Clause 6.9 – Essential Services. The proposed development has not demonstrated a satisfactory design for vehicular access to ensure safe entry and exit. The proposed driveway does not comply with relevant Australian Standards in relation to gradient and gradient transition, and no demonstration of adequate headroom clearance has been provided. Insufficient information has been provided to address flooding impacts and dewatering.

e) Clause 6.10 – Design Excellence. The proposed development has numerous urban design issues and is considered to not demonstrate design excellence.

4. 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) Future desired character – The proposal contravenes with Section 5.18 as the proposal fails to achieve adequate transition to the medium density areas in the vicinity and positively contribute to the streetscape. The proposed development is also not considered to be well-designed as evident by the multiple non-compliances with the ADG, GRLEP 2021 and GRDCP 2021.

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b) Setbacks – The proposal does not comply with Section 6.3.3 and 6.3.4. The proposal incorporates a non-compliant setback of 5.0m above four storeys from West Street. Furthermore, the proposed basement levels are setback only 3.0m from West Street. Insufficient setbacks result in an inappropriate transition of building bulk and inadequate provision of deep soil landscaping near the street boundaries.

c) Facade and landscape treatment – The proposal does not satisfy Section 6.3.5 and 6.3.6. Services are not integrated into the design of the façade. There is insufficient landscape provision within the front setback. The façade appears disjointed, with a building entry that is not distinguishable, and that is dominated by clutter of ramp and railing.

d) Communal open space – The proposal is unacceptable in regard to Section 6.3.7 as 100% of the communal open space is provided on the rooftop rather than at least a minimum of 40% at ground level. The extensive use of planters on the roof top level will only provide for limited planting of a few species not including mature trees, and will diminish the landscape quality of the proposal.

e) Parking – The proposal is unacceptable in regard to Section 3.13. and Section 6.3.9. The indicative angled parking is not supported: as in the absence of a swept wheel path analysis, it is considered that the driver of an AS Design Vehicle will need to carry out multiple forward and reversing manoeuvres at the "Turn Bay" in order to exit the site in a forward direction; the driveway is less than 1.5m from the south-western boundary of the site and contrary to GRDCP 2021 – Part 6.3.4.3; the design of the driveway does not provide a vehicle passing bay within the site which is contrary to GRDCP 2021 Part 6.3.9.3;the proposed layout will very likely result in drivers of vehicles reversing into the site or out of the site. The driveway gradient exceeds maximum Australian Standards.

f) The provision of onsite car parking to satisfy the minimum required can only be achieved with basement setbacks from the front and side boundaries not complying with GRDCP 2021 Part 6.3.4 – controls 1ii and 2.

g) The proposal demonstrates a deficiency of two accessible parking spaces, and demonstrates a deficiency of six bicycle spaces. No electric charging station is provided. The proposal fails to cater for the parking demand which will unreasonably intensify on-street parking demand in the surrounding area.

h) Stormwater management – The proposal is unacceptable in regard to Section 3.10 re stormwater management. The following information has not been provided: no OSD cross sections compete with dimensions, surface and inlet levels; no Flood Study; and no CCTV investigations and pipe alignment survey of Council's stormwater pipe that encroaches on the rear property boundary.

5. 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:

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a) Natural Environment. The proposal fails to provide for deep soil provision within the front setback to enable mature tree planting within the front setback. Inadequate information has been provided on how the risk of flooding is to be mitigated as no flood study has been submitted.

b) Built Environment. The proposal has not demonstrated that it will make a positive contribution to the streetscape and the character of the area as the siting, scale, bulk, massing, and design elements of the development are generally inconsistent from an urban design perspective. The proposal does not accord with multiple planning controls including site isolation and represents an inappropriately designed development that is not supported.

c) Social Impacts. The assessment demonstrates that the proposal in its current form will have adverse impacts on visual amenity, and solar access within the locality, and result in view loss. As a result of the non-compliant height, bulk and poor street activation, the proposal impinges on the established streetscape and character of West Street.

6. 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.

7. 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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**ATTACHMENTS**

Attachment ⇩1 Report DA2025.0275 15-17 West Street Hurstville REFUSAL

Attachment ⇩2 Architectural Plans- 15-17 West St Hurstville - Attachment to LPP Report - 19-2-26

# LPP Assessment Report

## DA2025/0275

### 15-17 West Street, Hurstville NSW 2220

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**Acknowledgment of Country**

Georges River Council acknowledges the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. Council recognises Aboriginal and Torres Strait Islander peoples as an integral part of the Georges River community and values their social and cultural contributions. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples who live work and meet on these lands.

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## Development Summary

| Development Summary | |
|---|---|
| Application Number | DA2025/0275 |
| Development Description | Residential – New multi unit - Demolition works and construction of residential flat building |
| Development Type | Local |
| Lot and DP | Lot 44 and Lot 45 Section 2 DP 1808 |
| Street Address | 15-17 West Street Hurstville NSW 2220 |
| Land Zoning | R4 High Density Residential |
| Lot Size | 950.6m$^2$ |
| Applicant | Zt Architects Pty Ltd |
| Owner(s) | Ahmad El Mir and S Elmir |
| Date of Lodgement | 16 July 2025 |
| Cost of Works | $8,998,957 inc. GST |
| Clause 4.6 Variations | Yes |
| Public Notification | Yes – 25/07/2024 – 14/08/2025 |
| No. of Submissions | Three (3) |
| Recommendation | Refusal |
| Assessment Officer | Ruth Bennett – Principal Planner |
| Consent Authority | LPP |
| Delegation for Determination | Atalay Bas – Coordinator Development Assessment |

## Report Summary

1. The development has been assessed having regards to the Matters for Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

2. The assessment recommends that Council as the Consent Authority pursuant to Section 4.16 (1)(b) Environmental Planning & Assessment Act 1979, refuse the before-mentioned Development Application due to the reasons discussed within this report

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## Site Affectations

| Site Affectations | Yes | No |
|---|---|---|
| Bushfire Prone Land | ☐ | ☒ |
| Flood Liable Land | ☒ | ☐ |
| Foreshore Building Line | ☐ | ☒ |
| Foreshore Scenic Protection Area | ☐ | ☒ |
| Riparian Lands & Waterways | ☐ | ☒ |
| Coastal Hazard and Risk | ☐ | ☒ |
| Water Catchment Area | ☒ | ☐ |
| Ecological Significant Site | ☐ | ☒ |
| Contains Heritage Item(s) | ☐ | ☒ |
| Heritage Conservation Area | ☐ | ☒ |
| Adjoining rail corridor | ☐ | ☒ |
| Adjoining classified road | ☐ | ☒ |
| Impacted by airspace operations | ☐ | ☒ |
| Acid Sulfate Soils | ☐ | ☒ |
| Within Gas Main Buffer | ☐ | ☒ |
| Council Owned Land | ☐ | ☒ |
| Crown Land | ☐ | ☒ |
| Easements Within Lot Boundaries | ☐ | ☒ |
| Land Contamination | ☐ | ☒ |
| Narrow lot housing precinct | ☐ | ☒ |
| Other (if yes describe) | ☐ | ☒ |

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## Proposal

3. The Development Application seeks consent for *Demolition works and Construction of a Residential Flat Building (Part four, part six storeys) comprising of 22 residential apartments, and basement carparking.*

   The works proposed in this application are specifically outlined below:

**Demolition**
The following structures are to be demolished:
- Two Dwellings and associated structures on site
- Removal of six trees on site and three trees on adjoining site

**Associated works**
Land dedication of 3m to be provided for the widening of Finney Lane
Lot consolidation
Associated landscaping

**Residential Flat Building**
- Demolition
- Excavation of three basement levels
- Construction of a part 4, part 6 storey RFB
- 22 residential units, with a unit mix of:
  - 3 x 1-bedroom units
  - 15 x 2-bedroom units
  - 4 x 3-bedroom units
- Basement car parking, with basement accessed via rear laneway frontage of the site, being Finney Lane at the north-eastern corner of the site. Basement has three levels and provides:
  - 31 parking spaces (including 5 visitor spaces)
  - Unit storage areas
  - Garbage storage rooms
  - Bicycle parking
  - Plant/equipment rooms.

- Height exceedance to the maximum height of building of 21m, being variations re minor portions of the parapet form, lift overrun and structures located in the communal open space

The Residential Flat Building is comprised in the following arrangement:

- Basement level 3 contains:
  - 12 car parking spaces
  - Storage spaces
- Basement level 2 contains:
  - 13 car parking spaces
  - Storage spaces
- Basement level 1 contains:
  - 6 car parking spaces (of which one is a car wash bay),
  - Storage spaces
  - Bicycle parking (amount not provided)
  - Pump room,
  - Bulky waste room,
  - Switch room, and
  - Bin room
- The ground floor contains:
  - 1 × one-bedroom unit
  - 3 × two-bedroom units
  - New vehicular access to Finney Lane
  - Communal open spaces and associated landscaping
  - Electrical substation, and
  - Hydrant booster.

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- The first floor will contain:
  - 1 × one-bedroom unit (adaptable)
  - 2 x two-bedroom units
  - 1 x three-bedroom unit
- The second floor will contain:
  - 1 × one-bedroom unit (adaptable)
  - 2 x two-bedroom units
  - 1 × three-bedroom units
- The third floor will contain:
  - 1 × one-bedroom unit (adaptable)
  - 2 × two-bedroom units
  - 1 x three-bedroom units
- The fourth floor will contain:
  - 3 × two-bedroom units
- The fifth floor will contain:
  - 3 × two-bedroom units
- The rooftop level will contain:
  - Lift overrun
  - Rooftop communal open space area including planters on three sides

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| **Table 1: Development Data** | |
|---|---|
| Control | Proposal |
| Site area: 1000sqm required for RFB | 950.6sqm proposed as per survey plan<br><br>890.24sqm = Net developable area (land dedication of 3m to widen Finney Lane) |
| FSR (residential): 2:1<br>Under SEPP (Housing) 2021 | 1.9:1 (at 950.6sqm lot area – prior to lane widening)<br>2.04:1 (at 890.2sqm, being net developable area) |
| GFA | 1817sqm |
| No of apartments | 22 |
| Maximum height of building 21m | 22.5m; variance of 7.1% |
| Landscaped Area | 212.4sqm = 23.85% of site |
| Deep Soil Zone | 13% provided, being 119sqm with a minimum dimension of 6m, provided only within rear setback.<br>No provision provided within front setback. |
| Car Parking Spaces<br>Bicycle Parking Spaces | 31 cps contained within 3 basement levels<br>4 provided – deficient by 6 spaces. |
| Setbacks | Basement<br>3m front setback; nil side setback;<br>9.6m rear setback<br><br>Building<br>5m front setback to building for both G/F to 3/F; and also above 4 storeys<br>Nil side setback<br>8.2m rear setback |

| | |
|---|---|
| Cross-ventilation | 81% of units |
| Solar Access | Not met due to nil setbacks; and balcony projection which blocks access to living rooms 10am-11am; “green wall” likely to impact on direct solar access to adjacent bedroom; revised A-2002 Calculations-Solar Access required |
| Communal Open Space | 239 sqm provided on roof top, noting DCP requires 40% of COS to be provided on ground as Part 6.3.7(2) of DCP requires above ground COS to not exceed 60% of COS |
| Land dedication | 3m widening of Finney Lane, area of land of 60.36sqm to be dedicated |
| Street trees | Provision made for 3 street trees at West Street frontage. |
| Tree removal | 9 trees on site proposed to be removed, and 3 trees on adjoining site at 9-13 West Street; updated Arboricultural Report required. |

4. A site plan is provided below:

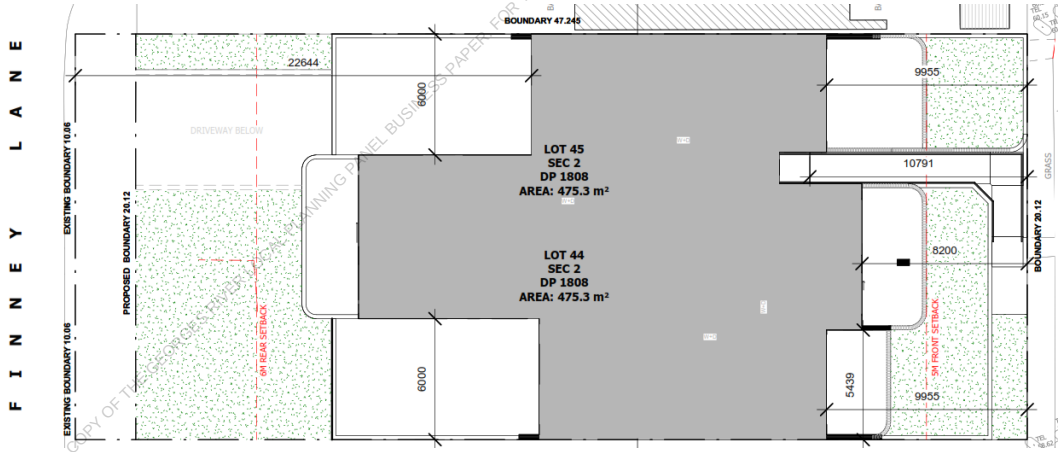



***Figure 1** – Site plan (Source: Architectural Plans)*

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***Figure 2a and 2b*** *– Front elevation facing West Street and 3D Visual (Source: Architectural Plans)*

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***Figure 3*** *– Rear elevation facing Finney Lane (Source: Architectural Plans)*




***Figure 4*** *– North elevation facing West Street (Source: Architectural Plans)*

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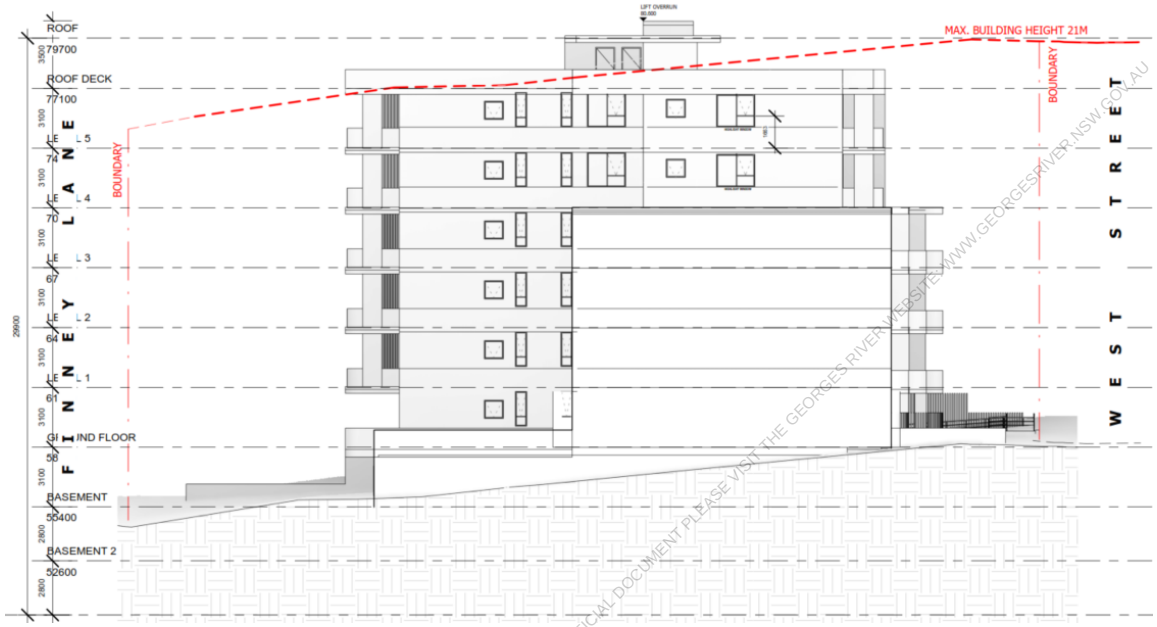



***Figure 5** – East elevation (Source: Architectural Plans)*

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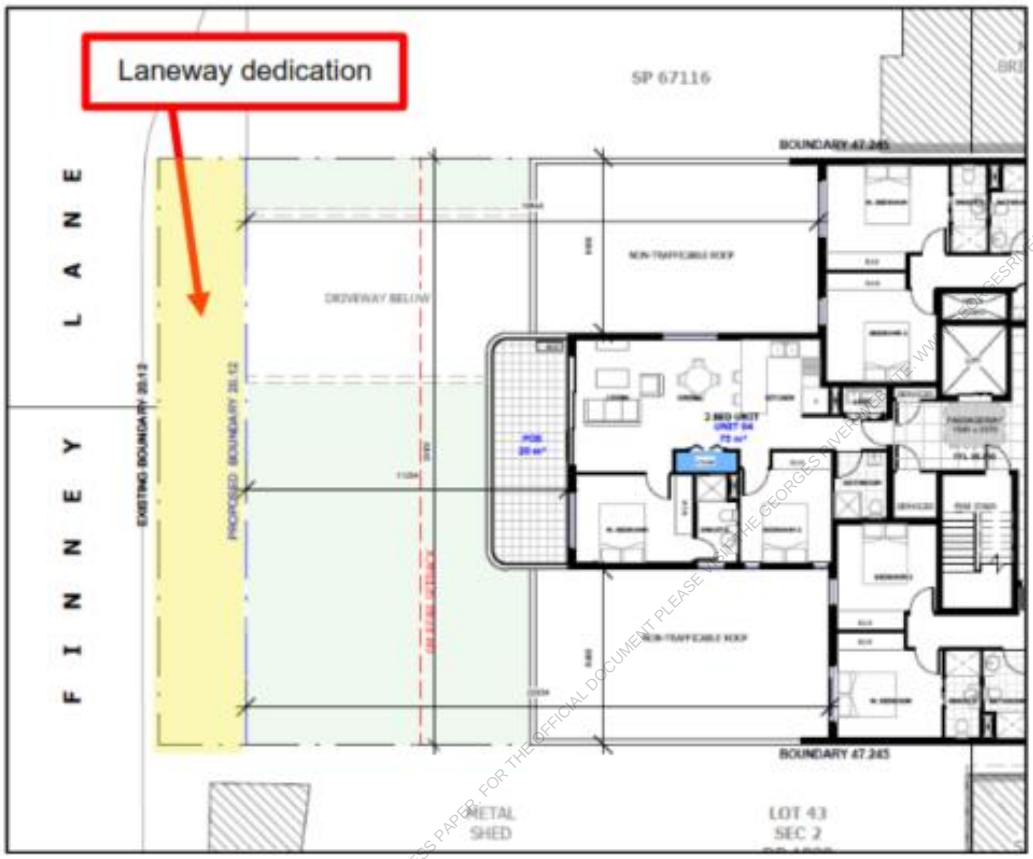



***Figure 6 - Proposed laneway – land dedication in** Finney Lane (Source: SEE)*

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## Site and Locality

### Site Description

5. The subject site is legally described as Lot 44 and Lot 45 Section 2 in Deposited Plan 1808 and is known as 15-17 West Street, Hurstville. It is on the south-western side of West Street, and approximately 30m south of the intersection of West Street and Empress Lane, Hurstville. The subject site is of rectangular shape, with a rear laneway frontage to Finney Lane, a total area of 950.6m$^2$.

6. The site has a 20.12m primary frontage to West Street, a rear laneway frontage of 20.12m to Finney Lane, maximum site depth of 47.245m. The site has a cross fall from the north-west corner – the front boundary is mapped at RL60.14, to the south-east corner which is the rear boundary with Finney Lane which is mapped at RL54.53. There is a fall of 5.71m from front to rear.

7. The site is comprised of two lots, with each lot contains a detached single storey dwelling, and each lot contains a number of trees within the front and rear setbacks of the site. Vehicular access is to be gained via Finney Lane, which is to be widened by 3m as a result of the works. There are no easements affecting the site.

## Locality Description

8. The site is located within a remnant low density suburban residential area which was previously rezoned to R4 high density. The surrounding locality is characterised by higher density residential development including residential flat buildings and multi-dwelling housing, noting that the site and the southern adjoining property at 19 West Street are remnant low-density dwellings within West Street that have not been developed in accordance with the R4 land zoning. This southern adjoining property at 19 West Street has not been able to be acquired for consolidation. Adjoining the site to the north is a part 7/part 8 storey residential flat building at 9-13 West Street, and the southern boundary of the site adjoins 19 West Street which has a single storey detached dwelling house.

9. The site is located 150m south of the Hurstville Railway Street and Hurstville CBD – E2 Commercial Centre zone, and is within the Hurstville non-CBD locality as identified by Part 5.6 of the *Georges River Development Control Plan 2021.* The site is within walking distance of the railway station and public bus connections, and the nearby commercial core including Westfield, and can access a range of public open space and community facilities.

## Aerial Image of Land Zoning

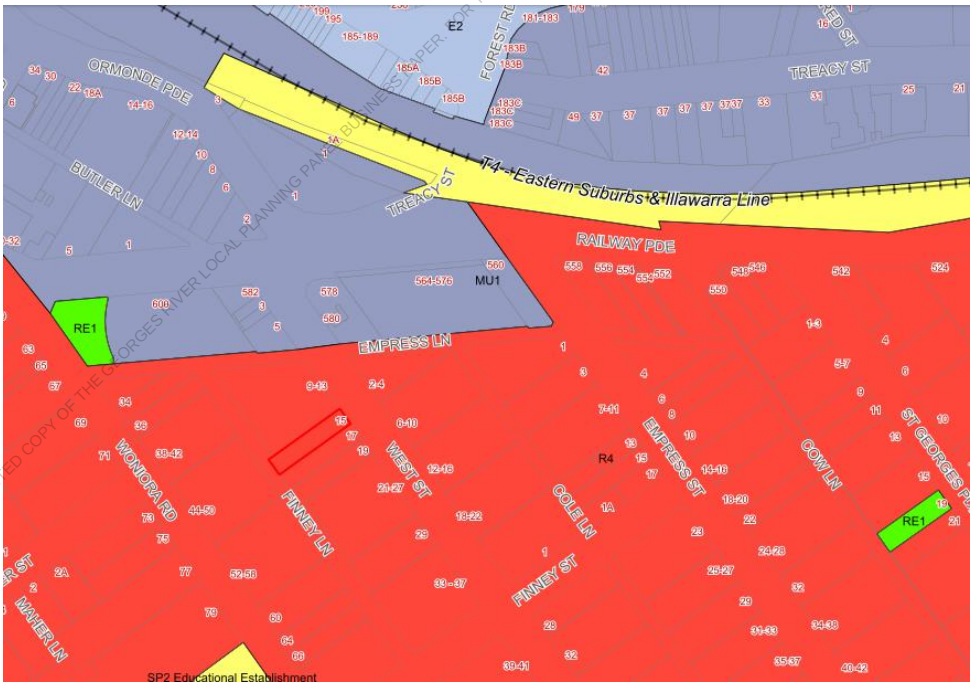



***Figure 7*** – Aerial view of development site outlined in red *(Source: IntraMaps)*

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***Figure 8*** - Cadastral Image of Site (*Source: IntraMaps)*



***Figure 9*** – Aerial view of development site outlined in red *(Source: NearMaps)*

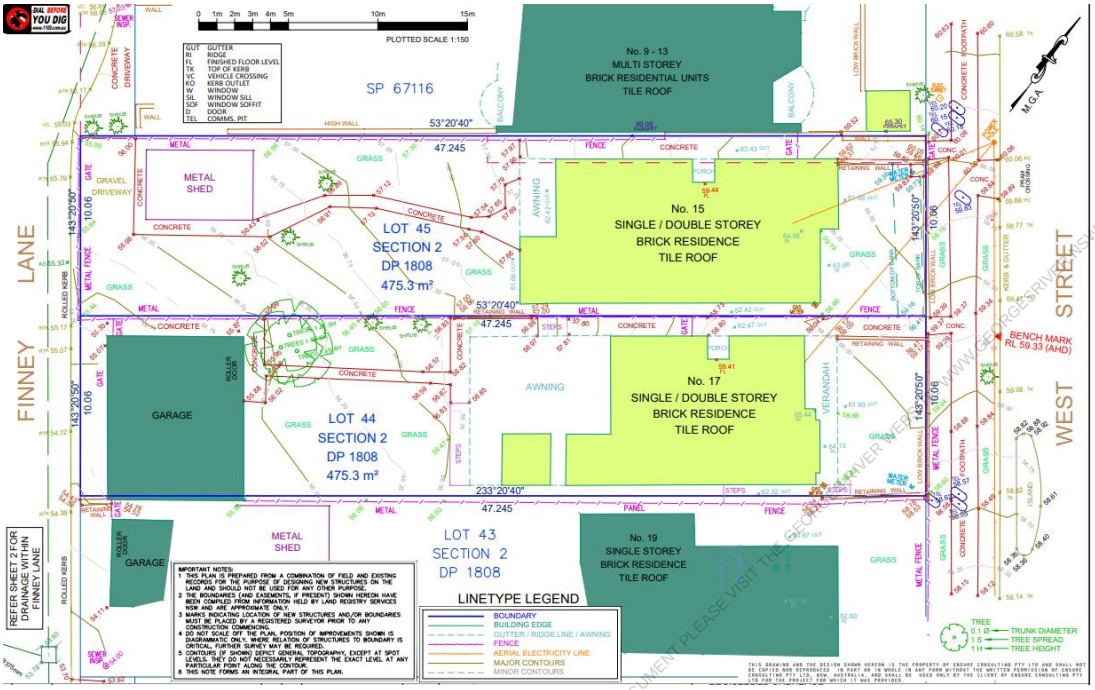



***Figure 10*** – Survey of site and portion of adjoining sites *(Source: Ensure Consulting Pty Ltd*

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# Background

## History

10. A search of Council's records provided the following information:

    PRE2023/0014 for RFB Advice given 22/05/23.

    DA2024/0608 for RFB Returned 13/01/25 for landscape plan, stormwater checklist, site management plan, notification plan, arborist report, excavation/fill plan, traffic plan, crime risk assessment and social impact assessment.

    DA2025/0151 for RFB Returned 11/04/25 for environmental sustainability calculator, traffic management plan and site management plan.

## Processing

| Application History | | |
|---|---|---|
| **Action** | **Date** | **Comment** |
| Lodgement Date | Wednesday, 16 July 2025 | |
| Public Notification | 25 July – 14 August 2025 | Three submissions received |
| Site Inspection Conducted | Wednesday, 14 January 2026 | |
| Request for Withdrawal of DA | Monday, 17 November 2025 | Council requested the DA be withdrawn, due to the numerous non-compliances and issues with site isolation. |
| Request for extension | Tuesday, 25 November 2025 | Council received request for extension. The applicant elected to proceed with the application based on the existing information submitted to Council. |
| Response sent re request for extension | Thursday, 27 November 2025 | Council confirmed request for withdrawal. |

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## Site Inspection

11. Images from the site inspection can be seen below:



***Figure 11*** **-** Street view of development site *(Source: Assessing Officer)*)

## Assessment - Section 4.15 Evaluation

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

Section 4.15 *(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 provisions of any environmental planning instrument (EPI)

*Section 4.15 (1) (a) (i) The provisions of any environmental planning instrument (EPI)*

### The Provisions of any applicable Act

### The Provision of any Applicable State Environmental Planning Policy (SEPPs)

**Site Affectations Relevant Under SEPPs**

| **SEPPs** | | **Applicable** | |
|---|---|---|---|
| **Affectation** | **SEPP Name** | **Yes** | **No** |
| Water Catchment | SEPP (Biodiversity Conservation) 2021 | ☒ | ☐ |

| | | | |
|---|---|---|---|
| Land Contamination | SEPP (Resilience and Hazards) 2021 | ☐ | ☒ |
| Coastal Zone | SEPP (Resilience and Hazards) 2021 | ☐ | ☒ |
| Adjoins Classified Road | SEPP (Transport and Infrastructure) 2021 | ☐ | ☒ |
| Adjoins Rail Corridor | SEPP (Transport and Infrastructure) 2021 | ☐ | ☒ |
| Gas Pipeline Buffer | SEPP (Transport and Infrastructure) 2021 | ☐ | ☒ |

| **SEPPs applicable to the Georges River LGA** | **Applicable** | |
|---|---|---|
| **Name of SEPP** | **Yes** | **No** |
| SEPP (Biodiversity Conservation) 2021 | ☒ | ☐ |
| SEPP (Housing) 2021 | ☒ | ☐ |
| SEPP (Industry and Employment) 2021 | ☐ | ☒ |
| SEPP (Resilience and Hazards) 2021 | ☒ | ☐ |
| SEPP (Resource and Energy) 2021 | ☐ | ☒ |
| SEPP (Sustainable Buildings) 2022 | ☒ | ☐ |
| SEPP (Transport and Infrastructure) 2021 | ☒ | ☐ |

13. Compliance with the identified applicable State Environmental Planning Policies (SEPP) is detailed below.

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

14. State Environmental Planning Policy (Biodiversity and Conservation) 2021 is applicable to the development as the subject site is located within the Georges River Catchment.

15. Insufficient details are supplied with respect to dewatering at the basement levels. The Geotechnical Report advised that:

> '*It should be noted that groundwater levels are subject to fluctuate during daily or seasonal factors. Clayey soils generally yield moderate seepage volumes below the groundwater table. NSW DPI Office of Water licensing of the excavation will be required if the proposed excavation intersects the groundwater table. Consideration should be given to groundwater management within design and construction to prevent ongoing groundwater flows'.*

16. The proposal fails to demonstrate adequate measures to control groundwater. Due to insufficient information provided in regard to engineering matters, the referral to Engineering is outstanding. As a result the proposal was not amended and nor has information been sought to address dewatering due to the incomplete Engineering referral. As a result the proposal was not referred to Water NSW for their concurrence as an integrated development.

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17. Insufficient details are supplied to addressed Chapter 2 – Vegetation in non-rural areas, Clause 2.10. Written consent supporting the removal of tree 4 and 2 others is required to be provided by the owners/strata managers of 9-13 West Street, Hurstville and the AIA Report, Architectural Plans and Landscape Plan do not accurately show the locations of Tree 2, 3, 5, 7, 8, 9, 10. In addition, no owner's consent has been provided for the removal of any additional trees located outside the site.

**State Environmental Planning Policy (Sustainable Buildings) 2022**

18. The State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP) applies to all residential development (excluding alterations and additions less than $50,000, and pools less than 40,000L) and all non-residential developments (except those excluded in chapter 3.1 of the Policy).

19. A BASIX Certificate accompanies the development application addressing the sustainability requirements for the proposed building. The proposal achieves the minimum performance levels and targets associated with water, energy, thermal efficiency, and embodied emissions.

20. The details of the provided BASIX Certificate are provided below:

| **BASIX Certificate Details** | |
|---|---|
| Author: | Building & Energy Consultants Australia |
| Certificate Date: | 14 December 2024 |
| Certificate Number: | 1777724M |

**State Environmental Planning Policy (Resilience and Hazards) 2021**

21. Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 is applicable to the development.

Chapter 4 – Remediation of Land

22. Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 is applicable to the development. The clause is in relation to remediation of contaminated land.

23. As part of the assessment process, a site inspection was conducted, and Council's Contamination Records and aerial imaging (inc. historic imaging) were reviewed. The site has historically been used for the purpose of two residential dwellings 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 and the site is considered suitable for the proposed development.

**State Environmental Planning Policy (Transport and Infrastructure) 2021**

24. State Environmental Planning Policy (Transport and Infrastructure) 2021 is applicable to the development and the following clauses apply:

Division 5 – Electricity transmission or distribution

25. Pursuant to Clause 2.48, this application was referred to Ausgrid for comments as the development is located within 5m of an overhead electricity power line and Ausgrid underground cables are in the vicinity of the development. The response received will

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be incorporated within conditions of consent in the event the proposal were to be approved.

**State Environmental Planning Policy (Housing) 2021**

26. Chapter 4 - State Environmental Planning Policy (Housing) 2021 applies to the assessment of DAs for residential flat developments of three (3) or more storeys in height and containing at least four (4) dwellings.

27. Clause 147 of Chapter 4 of State Environmental Planning Policy (Housing) 2021 requires that the consent authority take into consideration the following as part of the determination of DAs to which applies:

    (a) *the* quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,
    (b) the Apartment Design Guide,
    (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.

28. The table below assesses the proposal against the provisions outlined in the Apartment Design Guide.

| **Apartment Design Guide (ADG)** | | |
|---|---|---|
| **Standard** | **Proposal** | **Compliance** |
| **3C – Public domain interface** | | |
| 3C-1<br>Objective<br>Transition between private and public domain is achieved without compromising safety and security | The proposal fails to enable adequate transition between the private and public domain; and enhance the public domain. | No |
| 3C-2<br>Objective<br>Amenity of the public domain is retained and enhanced | There is no detailed information provided re proposed utilities and services and their location on the front and rear building locations. The proposal demonstrates poor public domain interface on West Street as a result. | No |
| **3D - Communal open space** | | |
| 3D-1<br>Objective<br>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping<br><br>Design Criteria | 239sqm (26.8%) provided on roof top, noting DCP requires 60% of COS to be provided on ground as Part 6.3.7(2) of DCP requires above ground | Yes – re numerical compliance only |

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| 1. Communal open space has a minimum area equal to 25% of the site.<br>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)<br><br>Site area 950.6sqm<br>Net developable area following land dedication of 3m to widen Finney Lane<br><br>Required 25% of site area or 237.65sqm. | COS to not exceed 40% of the required COS.<br>It is noted that no communal open space is provided at ground level, and as a result given the roof top is the sole area, there will be a reduction in available quality and amenity of communal open space. | No – nil provision at ground level |
| 3D-2<br><u>Objective</u><br>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting | The communal open space is provided on the roof top with seats, tables and chairs, and barbeque area to enable a wide range of communal activities. | Yes |
| 3D-3<br><u>Objective</u><br>Communal open space is designed to maximise safety | The proposal incorporates three raised planter boxes all around the communal open space to provide partial enclosure and fall protection. | Yes |
| **3E – Deep Soil zones** | | |
| 3E-1<br><u>Objective</u><br>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality<br><br><u>Design Criteria</u><br>1. Deep soil zones are to meet the following minimum requirements:<br><br>650sqm to 1,500sqm<br><br>Minimum dimension 3m.<br><br>Minimum deep soil area of 7%<br><br><u>Design Guidance</u><br>Achieving the design criteria may not be possible on some sites including where: | 13% - 119sqm deep soil area provided in rear set with a minimum dimension of 6m.<br>This is provided in the southeast corner of rear setback which receives the minimal sun.<br><br>Note: the engineering plans provide a figure of 137sqm for deep soil provision.<br><br>Deficiency re provision in front setback – no provision of deep soil within front setback. This will have significant impact on streetscape character and urban runoff. | Yes – numerical provision<br><br>No – residential amenity within front setback no achieved |

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| • the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres)<br>• there is 100% site coverage or non-residential uses at ground floor level. Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure | | |
| **3F- Visual Privacy** | | |
| 3F-1<br><u>Objective</u><br>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy<br><br><u>Design Guidance</u><br>No separation is required between blank walls – This applies only to the main street or within centres, and is not applicable on this site which is within the non-CBD area. | The proposal fails to demonstrate adequate building separation between the sides of the building and adjoining sites due to nil side setbacks.<br><br>The adjoining building has a nil setback, which typically occurs within a main street or at podium levels within centres, and would not be acceptable under GRLEP 2021.<br><br>The site is south of the Hurstville Strategic Centre, and is in the Hurstville non-CBD area.<br><br>The proposed blank wall at the East elevation at podium level does not contribute positively to the streetscape and is not considered acceptable from a Design Excellence point of view.<br><br>The street setbacks are governed by the GRDCP. See further detail below. | No |
| 3F-2<br><u>Objective</u><br>Site and building design elements increase privacy without compromising access to light | The common areas are sufficiently separated from private open | Yes |

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| and air and balance outlook and views from habitable rooms and private open space.<br><br>3F-2<br>Objective<br>New development adjacent to existing buildings should provide adequate separation distances to the boundary in accordance with the design criteria. | spaces. They are provided on the roof top.<br><br>All windows are well recessed and offset from windows of adjacent buildings.<br><br>All balconies are sufficiently separated.<br><br>Refer to comments at Solar Access re balcony projections which block solar access to living rooms 10am-11am. | |
| **3G – Pedestrian Access and entries** | | |
| 3G-1<br>Objective<br>Building entries and pedestrian access connects to and addresses the public domain | The main building entry needs redesign. The inset building entry is not identifiable from the street. The building entry should be at existing footpath level. The building entry has an undistinguishable inset, and is dominated by the clutter of the ramp and railing. Three ground floor apartments do not have direct access to the street which compromises activation. | No |
| 3G-2<br>Objective<br>Access, entries and pathways are accessible and easy to identify | The lift/lift lobby is not visible from the public domain. This is because the 1.5m wide building entry is inset, around 12m from the street, and not distinguishable or identifiable on the streetscape. | No |
| **3H-Vehicle Access** | | |
| 3H-1<br>Objective<br>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes | The proposal fails to provide a driveway that is compliant with Australian Standards. The driveway is less than 1.5m from the | No |

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| | south-western boundary of the site.<br>The design of the driveway does not provide a vehicle passing bay within the site.<br>This contrary to GRDCP 2021 Part 6 – 6.3.4 – Control 3.<br>The proposed layout will very likely result in drivers of vehicles reversing into the site or out of the site.<br>Driveway profiles have not been provided.<br>Longitudinal profiles are to be provided on both edges of the proposed driveway and driveway ramp levels are to be designed in accordance with AS2890.1: Off-street car parking facilities.<br>The site is 1% flood affected: the driveway profile shall be designed to accommodate the flood height nominated by Council and/or the applicant's flood consultant. | |
| **3J-Bicycle and carparking** | | |
| 3J-1<br><u>Objective</u><br>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas<br><br><u>Design Criteria</u><br><br>For development in the following locations:<br>• on land zoned R4 High Design Residential: the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less<br><br>The car parking needs for a development must be provided off street. | Car parking is provided as follows:<br>Residential: 31 spaces<br>Being<br>Residents: 26<br>Visitors: 5.<br>This meets the required parking rate for off street parking.<br>One of the visitor spaces includes a car washing bay.<br>Noted that the quantum of on site car parking is only achieved with basement setbacks on the front and side boundaries that do not comply with the | No - 2 accessible spaces<br><br>No – bicycle parking provision |

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| | requirements of GRDCP 2021 Part 6 – 6.3.4 Control 1ii.<br><br>The proposal fails to provide bicycle parking in secure location to satisfy the requirements of *GRDCP2021 – Part 3 – 3.13 – Bicycle Parking – Control 8*, being deficient by 6. It provides for 4 bicycle spaces.<br>The Traffic and Parking Assessment prepared by TTPA dated May 2024 was prepared using Issue "A" architectural plans, not the current Issues "B" plans. | |
| 3J-2<br><u>Objective</u><br>Parking and facilities are provided for other modes of transport | The proposal does not satisfy the bicycle parking requirements outlined in GRDCP 2021.<br>It also does not provide motorbike parking.<br>It does not provide an electric vehicle charging station. | No |
| 3J-3<br><u>Objective</u><br>Car park design and access is safe and secure | The design of the driveway does not provide a vehicle passing bay within the site.<br>It is unlikely that vehicles can exit the site in a forward direction.<br>The design of the driveway does not provide a vehicle passing bay within the site which is contrary to *GRDCP2021 – Part 6 – 6.3.9 – Control 3.*<br>The proposed layout will very likely result in drivers of vehicles reversing into the site or out of the site. | No |
| 3J-4<br><u>Objective</u> | No details on ventilation grates provided. | No |

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| Visual and environmental impacts of underground car parking are minimised | | |
| **4A- Solar and daylight access** | | |
| 4A-1<br>Objective<br>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space<br><br>Design Criteria<br>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area<br><br>A maximum of 15% of apartments in a building may receive no direct sunlight between 9am and 3pm in midwinter. | The architectural plans re balcony projections on the front elevation contradict with the submitted solar access diagrams. Compliance with Part 4A cannot be ascertained in absence of adequate information.<br><br>The proposed balconies on the front elevation have reduced solar access due to screens on the sides and roof. Balcony projections block solar access to living rooms 10am-11am. The "green wall" at front elevation is likely to impact on the direct solar access to the adjacent bedroom. Accurate calculations consistent with Sun Eye Diagram required; and revision to A-2002 Calculations-Solar Access | No |
| 4A-2<br>Objective<br>Daylight access is maximised where sunlight is limited | The proposal extensively utilises full height windows to maximise solar access. | Yes |
| 4A-3<br>Objective<br>Design incorporates shading and glare control, particularly for warmer months | The proposal utilises deep balconies to provide for solar protection. | Yes |
| **4B- Natural Ventilation** | | |
| 4B-1<br>Objective<br>All habitable rooms are naturally ventilated | All habitable rooms are naturally ventilated. | Yes |
| 4B-2<br>Objective<br>The layout and design of single aspect apartments maximises natural ventilation | The proposal utilises the design solutions outlined in the Design Guidance to maximise natural ventilation. | Yes |

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| Design Guidance<br>Natural ventilation to single aspect apartments is achieved with the following design solutions:<br>• primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation)<br>• stack effect ventilation / solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries<br>• courtyards or building indentations have a width to depth ratio of 2:1 or 3:1 to ensure effective air circulation and avoid trapped smells | | |
| 4B-3<br>Objective<br>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents<br><br>Design Criteria<br>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. | 18 units (81% of all units) enjoy cross ventilation | Yes |
| **4C-Ceiling Heights** | | |
| 4C-1<br>Objective<br>Ceiling height achieves sufficient natural ventilation and daylight access<br><br>Design Criteria<br>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:<br>Habitable rooms = 2.7m<br>Non-habitable rooms = 2.4m | All units achieve a ceiling height of at least 2.7m to habitable rooms. | Yes |
| 4C-2<br>Objective<br>Ceiling height increases the sense of space in apartments and provides for well proportioned rooms | Adequate ceiling height provided to all units. | Yes |
| **4D- Apartment size and layout** | | |
| 4D-1<br>Objective<br>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity<br><br>Design Criteria<br>Apartments are required to have the following | All apartments comply with the size requirement. All habitable rooms have a window of no less than 10% of the floor area of the room. meet the required unit size. | Yes |

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| minimum internal areas:<br>Studio = 35sqm<br>1 bedroom = 50sqm<br>2 bedroom = 70sqm<br>3 bedroom = 90sqm<br><br>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each<br><br>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms | | |
| 4D-2<br>Objective<br>Environmental performance of the apartment is maximised<br><br>Design Criteria<br>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.<br><br>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window | All open living rooms comply with this requirement.<br><br>All habitable rooms and open-plan living areas comply with Objective 4D-2. | Yes |
| 4D-3<br>Objective<br>Apartment layouts are designed to accommodate a variety of household activities and needs<br><br>Design Criteria<br>Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space).<br><br>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).<br><br>Living rooms or combined living/dining rooms have a minimum width of:<br>-3.6m for studio and 1 bedroom<br>- 4m for 2 and 3 bedroom apartments | All bedrooms comply with the minimum size requirement.<br><br>All living rooms comply with minimum width requirement.<br><br>The living/dining rooms comply with minimum size requirement.<br><br>Minimum 4m width achieved for cross-through apartments | Yes |
| **4E- Private Open space and balconies** | | |
| 4E-1<br>Objective | All apartments contain primary balconies that comply with the | Yes |

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| Apartments provide appropriately sized private open space and balconies to enhance residential amenity<br><br><u>Design Criteria</u><br>All apartments are required to have primary balconies as follows:<br><br>-studio = 4sqm<br>-1 bedroom = 8sqm/2m depth<br>-2 bedroom = 10sqm/2m depth<br>-3+ bedroom = 12sqm/2.4m<br><br>The minimum balcony depth to be counted as contributing to the balcony area is 1m.<br><br>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15sqm and a minimum depth of 3m | minimum size requirement.<br><br>Whilst compliant in size, ground floor private open space for Unit 04 does not achieve the required minimum depth of 3.0m.<br><br>Given the nil setbacks, on the ground level, privacy screen at the street frontage were provided to both sides and the roof above on the ground, 5th and 6th storeys. As a result the balconies are enclosed on both sides with roofs, which is undesirable.<br>Evidence of BCA compliance of the balconies, especially the adjacent windows and along the side boundaries should be provided. | No – Unit 04<br><br>Information required re BCA compliance for balconies |
| 4E-2<br><u>Objective</u><br>Primary private open space and balconies are appropriately located to enhance liveability for residents | All private open spaces are accessible from living rooms. | Yes |
| 4E-3<br><u>Objective</u><br>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building | All private open spaces are integrated in the overall architectural expression of the building. | Yes |
| 4E-4<br><u>Objective</u><br>Private open space and balcony design maximises safety | The proposed private open spaces do not introduce safety concerns. | Yes |
| **4F- Common circulation areas** | | |
| 4F-1<br><u>Objective</u><br>Common circulation spaces achieve good amenity and properly service the number of apartments<br><br><u>Design Criteria</u><br>The maximum number of apartments off a circulation core on a single level is eight | No more than four (4) units are provided to any one core on a single level.<br><br>Good amenity is not provided: above ground. There is a 2.2m lift lobby and 1.6m wide corridor | Yes<br><br>No |

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| | with no access to natural light and ventilation. The lift lobbies and narrow corridors do not provide opportunity for social interaction. Greater than minimum requirements for lobbies and corridor widths and ceiling heights should be considered, and there should be access to natural light and ventilation. | |
| 4F-2<br>Objective<br>Common circulation spaces promote safety and provide for social interaction between residents | The circulation space is compromised; and accurate details have not been provided for building services and waste chutes. | No |
| **4G- Storage** | | |
| 4G-1<br>Objective<br>Adequate, well designed storage is provided in each apartment<br><br>Design Criteria<br>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:<br><br>Studio – 4m$^2$<br>1 bedroom - 6m$^3$<br>2 bedroom – 8m$^3$<br>3 bedroom – 10m$^3$<br><br>At least 50% of storage is to be located within the apartment. | All units achieve the storage requirement. | Yes |
| 4G-2<br>Objective<br>Additional storage is conveniently located, accessible and nominated for individual apartments | Storage space within the apartment units and within basement meet these requirements as per Dwgs A-2004 and A-2005. | Yes |
| **4H- Acoustic Privacy** | | |
| 4H-1<br>Objective<br>Noise transfer is minimised through the siting of buildings and building layout | The proposal does not provides adequate street setback. | No - due to insufficient information |

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| | No information is given on the location of building services such as mechanical plants, apart from references in the SEE which refers to their location within both setbacks (West Street and Finney Lane).<br><br>The acoustic report notes the lack of information on mechanical plant and does not provide specific recommendations. | |
| 4H-2<br>Objective<br>Noise impacts are mitigated within apartments through layout and acoustic treatments | Internal apartment units are located to minimise noise transfer. | Yes |
| **4J – Noise and Pollution** | | |
| 4J-1<br>Objective<br>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings | Adequate separation from road noise cannot be achieved due to the non-compliant street setback. | No |
| 4J-2<br>Objective<br>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission | This is not addressed in the Acoustic Report. Due to the lack of information on the location of building services in either front or rear setback, it is not able to establish whether appropriate noise shielding or attenuation has been achieved. | No |
| **4K – Apartment Mix** | | |
| 4K-1<br>Objective<br>A range of apartment types and sizes is provided to cater for different household types now and into the future | The proposed apartment mix is as follows -<br>3 x One-bedroom: 13.6%<br>15 x Two-bedroom: 68.18%<br>4 x Three-bedroom: 18.18%<br><br>The proposed apartment mix is sufficient to cater | Yes |

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| | for a diversity of living demands. | |
| 4K-2<br>Objective<br>The apartment mix is distributed to suitable locations within the building | The proposed apartment mix is suitable for the site context within the Hurstville non-CBD locality. | Yes |
| **4L – Ground Floor Apartments** | | |
| Objective<br>Direct street access should be provided to ground floor apartments. | None of the ground floor units have direct access to the street and thus provide no street activation. | No |
| **4M - Facades** | | |
| 4M-1<br>Objective<br>Building facades provide visual interest along the street while respecting the character of the local area | The proposal fails to demonstrate well resolved façade treatments with an appropriate scale, articulation and proportion and thus the façade appears disjointed, with a building entry that is not distinguishable, and that is dominated by clutter of ramp and railing. No information is provided re location of building services. | No |
| 4M-2<br>Objective<br>Building functions are expressed by the façade | No information is provided re building services within the front and rear setbacks. | No |
| **4N – Roof design** | | |
| 4N-1<br>Objective<br>Roof treatments are integrated into the building design and positively respond to the street. | The proposed flat roof enhances horizontality and does not relate to the street.<br><br>The edge of the roof is treated with landscaping, which softens the built form. | No<br><br>Yes |
| 4N-2<br>Objective | The roof area is utilised solely as a communal open space. | Yes |

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| Opportunities to use roof space for residential accommodation and open space are maximised | | |
| 4N-3<br>Objective<br>Incorporates sustainability features. | The proposal complies with BASIX requirements | Yes |
| **4O – Landscape Design** | | |
| 4O-1<br>Objective<br>Landscape design is viable and sustainable. | An updated landscape plan is required to demonstrate that there will be a sustainable design outcome at ground level due to the limited deep soil area and minimum available sunlight, especially in the rear setback. | No |
| 4O-2<br>Objective<br>Landscape design contributes to the streetscape and amenity | An amended landscape plan will be required to accurately reflect the location of building services, and proposed tree removal.<br>Due to inadequate deep soil provision within the front setback, the objective is not able to be met as conditions are not sufficiently provided for canopy tree planting, and a poor public/private interface will result.<br>Adequate plant species are selected for the landscape scheme for rear setback to Finney Lane and COS on rooftop. It is noted the deficiency with solar access within the rear setback which will receive minimal solar access. | No |
| **4P- Planting on Structures** | | |
| 4P-1<br>Objective<br>Appropriate soil profiles are provided. | Adequate soil depth and dimension provided for three planters on rooftop. | Yes |
| 4P-2<br>Objective | Adequate plant species selected for the landscape scheme for | Yes |

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| Plant growth is optimised with appropriate selection and maintenance | rear setback and COS on rooftop. It is noted the deficiency with solar access within the rear setback which will receive minimal solar access. Due to inadequate deep soil within front setback, the objective is not able to be met as mature canopy trees would not be provided with adequate planting conditions. | |
| 4P-3<br>Objective<br>Planting on structures contributes to the quality and amenity of communal and public open spaces | Three planter boxes provided on the edges of the roof top communal open space, which provide residents with landscaping in a non-CBD context. | Yes |
| **4Q – Universal Design** | | |
| 4Q-1<br>Objective<br>Universal design features are included in apartment design to promote flexible housing for all community members<br><br>Design Guidance<br>Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features | Universal Design Silver standard – 5 provided 22.7%.<br><br>Adaptable units: 3 adaptable units proposed: Units 6, 10, 14.<br><br>Adaptable units deficient by 2. | No |
| 4Q-2<br>Objective<br>A variety of apartments with adaptable designs are provided | Adaptable units limited to a one-bedroom configuration only. | No |
| 4Q-3<br>Objective<br>Apartment layouts are flexible and accommodate a range of lifestyle needs | A diversity of apartment types is provided. | Yes |
| **4U – Energy Efficiency** | | |
| 4U-1<br>Objective<br>Development incorporates passive environmental design | The proposal achieves adequate natural ventilation.<br><br>The proposal provides inadequate information to | Yes<br><br>No |
| 4U-2<br>Objective | | |

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|---|---|---|
| Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer | determine whether adequate solar access is available.<br><br>Information is not provided as to the provision of consolidated heating and cooling infrastructure, and where it is to be located, e.g. centralised location in the basement. | |
| 4U-3<br>Objective<br>Adequate natural ventilation minimises the need for mechanical ventilation | | |
| **4V – Water management and conservation** | | |
| 4V-1<br>Objective<br>Potable water use is minimised | Insufficient information provided to demonstrate adequate stormwater management.<br><br>The proposal complies with the water usage requirements outlined in the BASIX Certificate.<br><br>Insufficient information has been provided to address flood management design. See engineering comments and design infrastructure comments. | No<br><br>No |
| 4V-2<br>Objective<br>Urban stormwater is treated on site before being discharged to receiving waters | | |
| 4V-3<br>Objective<br>Flood management systems are integrated into site design | | |
| **4W – Waste Management** | | |
| 4W-1<br>Objective<br>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents | Insufficient information provided. The proposed development fails to comply with the Waste Management provisions of GRDCP 2021, with respect to the following information that was not submitted to Council for assessment:<br>- A waste management plan to address Construction and Demolition Waste, and an Operational Waste | No |

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| | Management Plan<br>- RLs levels or gradients for the bin travel path from the bin storage area to a suitable collection point to ensure compliance with the BCA and AS4123.1-2008 Mobile Waste Containers<br>- An adequate waste disposal chute system<br>- Detail on how bulky waste items will be collected | |
| 4W-2<br>Objective<br>Domestic waste is minimised by providing safe and convenient source separation and recycling | Insufficient information provided re an adequate waste disposal chute system , and detail on bulky waste collection. | No |
| **4X – Building Maintenance** | | |
| 4X-1<br>Objective<br>Building design detail provides protection from weathering | The proposal incorporates the following features to enable ease of maintenance and minimise weathering:<br>- Window design enables cleaning from the inside<br>- Centralised maintenance, in lobby.<br>Insufficient information given re maintenance of “green wall” at front elevation. | Yes<br><br><br><br><br>No |
| 4X-2<br>Objective<br>Systems and access enable ease of maintenance | | |
| 4X-3<br>Objective<br>Material selection reduces ongoing maintenance costs | | |

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## The Provisions of any Local Environmental Plan

## Georges River Local Environmental Plan 2021

29. The extent to which the proposed development complies with the relevant provisions of the Georges River Local Environmental Plan 2021 (GRLEP 2021) is detailed and discussed below:

**Site Affectations**

| Site Affectations Relevant Under GRLEP 2021 | | Applicable | |
|---|---|---|---|
| **Clause No.** | **Clause Name/Affectation** | **Yes** | **No** |
| 5.7 | Development Below Mean High Water Mark | ☐ | ☒ |
| 5.10 | Heritage Conservation Area and/or Heritage Item | ☐ | ☒ |
| 5.21 | Flood Liable Land | ☒ | ☐ |
| 6.1 | Acid Sulfate Soils | ☐ | ☒ |
| 6.4 | Foreshore Building Line | ☐ | ☒ |
| 6.4 | Coastal Hazard and Risk | ☐ | ☒ |
| 6.5 | Riparian Lands & Waterways | ☐ | ☒ |
| 6.6 | Foreshore Scenic Protection Area | ☐ | ☒ |
| 6.8 | Impacted by airspace operations (NOTE: Applies to 67-89 Croydon Road, 1-7 Somerset (odd only), 2-8 Bristol (even), 1-5 Bristol (odd) in Hurstville) | ☐ | ☒ |
| 6.10 | Design Excellence | ☒ | ☐ |
| 6.11 | Environmental sustainability | ☒ | ☐ |
| 6.13 | Development in Zones E1, E2 and MU1 | ☐ | ☒ |
| **Other Affectations** | | | |
| Bushfire Prone Land | | ☐ | ☒ |
| Council Owned Land | | ☐ | ☒ |
| Crown Land | | ☐ | ☒ |
| Easements Within Lot Boundaries | | ☐ | ☒ |
| Narrow lot housing precinct | | ☐ | ☒ |
| Other (if yes describe) | | ☐ | ☒ |

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| 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 to be consistent with the aims of the plan, at (a) to provide for housing choices to cater for changing demographics and population needs. | Yes |
| **Clause 1.4 – Definitions** | | |
| **Standard** | **Proposal** | **Compliance** |
| ***Residential Flat Building*** means: *a building containing means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing. Note: are a type of residential accommodation.* | 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 R4 High Density Residential :<br><br>The objectives of the zone are:<br>• To provide for the housing needs of the community within a high density residential environment;<br>• To provide a variety of housing types within a high density residential environment;<br>• To enable other land uses that provide facilities or services to meet the day to day needs of residents;<br>• To enable other land uses that contribute to the vibrancy of the neighbourhood while ensuring that business centres remain the focus for business and retail activity;<br>• To encourage development that maximises public transport patronage and promotes walking and cycling. | The proposal provides for adequate housing type (1, 2, and 3-bedroom units), including silver standard.<br>The development is located on West Street which provides for public transport connections (bus). | Yes |

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| GRLEP 2021 Part 4 – Principal Development Standards | | |
|---|---|---|
| **Clause 4.1 – Minimum subdivision lot size** | | |
| **Standard** | **Proposal** | **Compliance** |
| general<br>Min. 1000m² | Site consolidation is proposed following land dedication for 3m widening of Finney Lane.<br><br>The site area is 950.6sqm.<br><br>The net developable area is 890.24sqm which is a deficiency of 107.79sqm or a variation of 19.28%. This is following the land dedication of 3m widening for Finney Lane, being an area of 60.36sqm, and lot consolidation. | N/A |
| **Clause 4.3 – Height of Buildings** | | |
| **Standard** | **Proposal** | **Compliance** |
| 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.<br><br>Maximum height is 21m as identified on Height of Buildings Map | The building height is 22.5m, a variance of 7.1% | No |
| **Clause 4.4 – Floor Space Ratio** | | |
| **Standard** | **Proposal** | **Compliance** |
| 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.<br>2:1 | 1.9:1 (at 950.6sqm lot area – prior to lane widening)<br>2.04:1 (at 890.2sqm, being net developable area) | Yes |
| **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 Clause 4.6 variation relating to the breach of the Height of Building standard under Clause 4.3. | See section below. |

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| GRLEP 2021 Part 5 – Miscellaneous Provisions | | |
|---|---|---|
| **Clause 5.10 – Heritage conservation** | | |
| **Standard** | **Proposal** | **Compliance** |
| Council must, before granting consent under this clause with respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. | The site is not a heritage item and not located within the vicinity of any heritage items.<br><br>Site is not in a heritage conservation area. | N/A |
| **Clause - 5.21 Flood Planning** | | |
| **Standard** | **Proposal** | **Compliance** |
| (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—<br>(a) is compatible with the flood function and behaviour on the land, and<br>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and<br>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and<br>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and<br>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.<br><br>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters— | The subject site is impacted by flood. The matters outlined in this clause have been considered and are discussed later in this report (see Development Engineer comment)<br>It is noted that no Flood Study or Council Flood Advice Letter was submitted. | No - insufficient information |

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| (a) the impact of the development on projected changes to flood behaviour as a result of climate change,<br>(b) the intended design and scale of buildings resulting from the development,<br>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,<br>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion. | | |

| **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.<br><br>**Class 5**<br>The site is identified as containing Class 5 Acid Sulfate Soils.<br><br>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. | The site is not mapped on the Acid sulfate map. | Yes |

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| Clause 6.2 Earthworks | | |
|---|---|---|
| **Standard** | **Proposal** | **Compliance** |
| Council must consider the following prior to granting consent for any earthworks:<br><br>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,<br>(b) the effect of the development on the likely future use or redevelopment of the land,<br>(c) the quality of the fill or the soil to be excavated, or both,<br>(d) the effect of the development on the existing and likely amenity of adjoining properties,<br>(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,<br>(f) the source of any fill material and the destination of any excavated material,<br>(g) the likelihood of disturbing relics,<br>(h) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,<br>(i) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. | Insufficient information has been provided. No flood study or Council Flood Advice Letter has been submitted.<br><br>Certification has not been received from the Architect and Civil Engineer to confirm the Architectural, Drainage and Landscape Plans are all consistent.<br><br>As discussed above at SEPP (Biodiversity and Conservation) 2021, insufficient details are supplied with respect to dewatering at the basement levels. The Geotechnical Report advised that:<br><br>'*It should be noted that groundwater levels are subject to fluctuate during daily or seasonal factors. Clayey soils generally yield moderate seepage volumes below the groundwater table. NSW DPI Office of Water licensing of the excavation will be required if the proposed excavation intersects the groundwater table. Consideration should be given to groundwater management within design and construction to prevent ongoing groundwater flows'.*<br><br>The proposal fails to demonstrate adequate measures to control groundwater. Due to insufficient information provided in regard to engineering matters, the referral to Engineering is outstanding. As a result, the | No - insufficient information |

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| | proposal was not amended and nor has information been sought to address dewatering due to the incomplete Engineering referral. As a result, the proposal was not referred to Water NSW for their concurrence regarding the proposed excavation of the three basement levels sought, noting the referral would be as an integrated development.<br><br>Due to the above factors, it cannot be concluded that adequate measures have been proposed and implemented to avoid, minimize, or mitigate any potential negative impacts associated with the proposed earthworks. | |
| **Clause 6.3 – Stormwater Management** | | |
| **Standard** | **Proposal** | **Compliance** |
| (2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development—<br>(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<br>(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<br>(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<br>(d) is designed to minimise the impact on public drainage systems. | Insufficient information has been submitted with the Development Application demonstrating compliance with Section 3.10 of GRDCP 2021 in relation to stormwater management. The following information has not been provided to Council for a full assessment of the proposal to be undertaken:<br><br>• No Flood Study or Council Flood Advice Letter submitted.<br>• No Certification from the Architect and Civil Engineer confirming the Architectural, Drainage and Landscape Plans are all consistent.<br>• No CCTV investigations and pipe alignment survey of Council's stormwater pipe that encroaches on the rear property boundary<br>• No OSD cross sections complete with dimensions, surface and inlet levels. | No – insufficient information |

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| Clause 6.9 Essential Services | | |
|---|---|---|
| **Standard** | **Proposal** | **Compliance** |
| Development consent must not be granted to development unless Council is satisfied that any of the following services that are essential for the development are available, or that adequate arrangements have been made to make them available when required<br>a) the supply of water,<br>b) the supply of electricity,<br>c) the supply of telecommunications facilities,<br>d) the disposal and management of sewage<br>e) stormwater drainage or on-site conservation,<br>f) suitable vehicular access. | The proposal has not included arrangements that will make available, the:<br>- stormwater drainage (including dewatering) or on-site conservation,<br>- vehicular access.<br><br>There is demonstrated inadequate vehicular access for the following reasons:<br>- bicycle parking deficiency of 6 spaces<br>- Inadequate long sections of driveways taken from the centreline of the road with levels of all changes in grade, gutters, laybacks, paths and boundaries.<br>- No demonstration of adequate headroom clearances.<br>- The proposal fails to provide a driveway that is compliant with Australian Standards. The driveway is less than 1.5m from the south-western boundary of the site.<br>- The design of the driveway does not provide a vehicle passing bay within the site.<br>- Exiting of vehicles in a forward direction is unlikely, which cannot be supported as it requires vehicles to reverse out. | No |
| **Clause 6.10 Design Excellence** | | |
| **Standard** | **Proposal** | **Compliance** |
| (1) The objective of this clause is to deliver the highest standard of sustainable architecture and urban design.<br>(2) This clause applies to development on land referred to in subclause (3) involving—<br>(a) the erection of a new building, or<br>(b) additions or external alterations to an existing building | Does not meet 6.10(5)(d):<br>(i) site inadequate in width and size and high flood risk; deep soil issues<br>(iv) not met due to nil setbacks, form, and site isolation for no. 19 West Street<br>(v) Overdevelopment due to site not meeting width and size requirements. Design changes required to reduce bulk – flat roof | No |

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| that, in the opinion of the consent authority, are significant.<br>(3) This clause applies to development on the following land—<br>(a) land identified on the *Foreshore Scenic Protection Area Map* if the development is for one or more of the following purposes—<br>(i) bed and breakfast accommodation,<br>(ii) health services facilities,<br>(iii) marinas,<br>(iv) residential accommodation, except for secondary dwellings,<br>(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—<br>(i) Zone R4 High Density Residential,<br>(ii) Zone E1 Local Centre,<br>(iii) Zone E2 Commercial Centre,<br>(iv) Zone E4 General Industrial,<br>(v) Zone MU1 Mixed Use.<br>(vi), (vii) (Repealed)<br>(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.<br>(5) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters—<br>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,<br>(b) whether the form and external appearance of the development | and blank wall at East elevation at podium level; south elevation dominated by blank walls and driveway; balcony balustrades add to horizontality and bulk<br>(vii) does not meet solar access requirements; overshadowing to neighbours due to nil setbacks<br>(ix) Will not improve public domain at street front due to deficiency in deep soil<br>(x) blank wall at rear provides poor interface; insufficient information on building service on both front and rear elevations; redesign needed of building entry<br>(xi) landscape design is inadequate for both streetscape, and COS requirements at ground level; poor solar access at rear to provide adequate conditions for deep soil planting<br>(xii) there is no communal space provided at ground level (40% ground level requirement); all COS is provided at roof top level<br>(xiii) No public art is proposed<br>(xiv) No waste disposal chute system proposed; a dual chute system is required; no Waste Management Plan provided for operations; gradients for bin travel path not provided; insufficient information on bulky waste provision<br>(xv) insufficient information on CPTED. | |

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| will improve the quality and amenity of the public domain,<br>(c) whether the development detrimentally impacts on view corridors,<br>(d) how the development addresses the following matters—<br>(i) the suitability of the land for development,<br>(ii) existing and proposed uses and use mix,<br>(iii) heritage issues and streetscape constraints,<br>(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,<br>(v) bulk, massing and modulation of buildings,<br>(vi) street frontage heights,<br>(vii) environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,<br>(viii) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks,<br>(ix) the impact on, and proposed improvements to, the public domain,<br>(x) achieving appropriate interfaces at ground level between the building and the public domain,<br>(xi) excellence and integration of landscape design,<br>(xii) the provision of communal spaces and meeting places,<br>(xiii) the provision of public art in the public domain,<br>(xiv) the provision of on-site integrated waste and recycling infrastructure,<br>(xv) the promotion of safety through the application of the | | |

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| principles of crime prevention through environmental design. | | |
| **Clause 6.11 – Environmental sustainability** | | |
| **Standard** | **Proposal** | **Compliance** |
| (1) The objective of this clause is to ensure that development to which this clause applies is consistent with principles of best practice environmentally sensitive design.<br>(2) This clause applies to development—<br>(a) on land in the following zones—<br>(i) Zone R4 High Density Residential,<br>(ii) Zone E1 Local Centre,<br>(iii) Zone E2 Commercial Centre,<br>(iv) Zone E4 General Industrial,<br>(v) Zone MU1 Mixed Use.<br>(vi), (vii) (Repealed)<br>(b) that involves—<br>(i) the erection of a new building, or<br>(ii) (Repealed)<br>(iii) alterations or additions to an existing building that, in the opinion of the consent authority, are significant.<br>(3) Development consent must not be granted to development on land to which this clause applies if the building is 1,500 square metres in gross floor area or greater unless adequate consideration has been given to the following in the design of the building—<br>(a) water demand reduction, including water efficiency, water recycling and minimisation of potable water usage,<br>(b) energy demand reduction, including energy generation, use of renewable energy and reduced reliance on mains power,<br>(c) indoor environmental quality, including daylight provision, glare control, cross ventilation and thermal comfort, | The subject site is zoned R4 High Density Residential Zone, and has a gross floor area greater than 1,500sqm.<br><br>The proposal complies with BASIX requirements and Council's Environmental Sustainability Calculator. On that basis the proposal complies with Clause 6.11. | Yes |

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| (d) the minimisation of surfaces that absorb and retain heat and the use of surfaces that reflect heat where possible,<br>(e) a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation,<br>(f) transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces. | | |

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**GRLEP 2021 Clause 4.6 Variation**

30. As identified in assessment of the proposed works against the GLEP 2021 a Clause 4.6 Variation is requested for the clause(s) outlined in the table below.

| Name of Clause | Proposed Variation |
|---|---|
| 4.3 - Height | Height control: 21m<br>Proposed: 22.5m (a variation of 7.1% or 1.5m)<br><br>This is due to the lift overrun, sections of the parapet, and structures within the rooftop communal open space area. |

**Clause 4.6 Assessment**

31. The Applicant has submitted a Clause 4.6 submission to vary clause 4.3 - Height.

32. Under Clause 4.6 of the GRLEP 2021, development consent may be granted even though the development would contravene a development standard imposed by this or any other environmental planning instrument.

33. Under Clause 4.6(3), development consent must not be granted for 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 of the case, and

    (b) there are sufficient environmental planning grounds to justify contravening the development standard.

34. The extent of the proposed variation is indicated below:

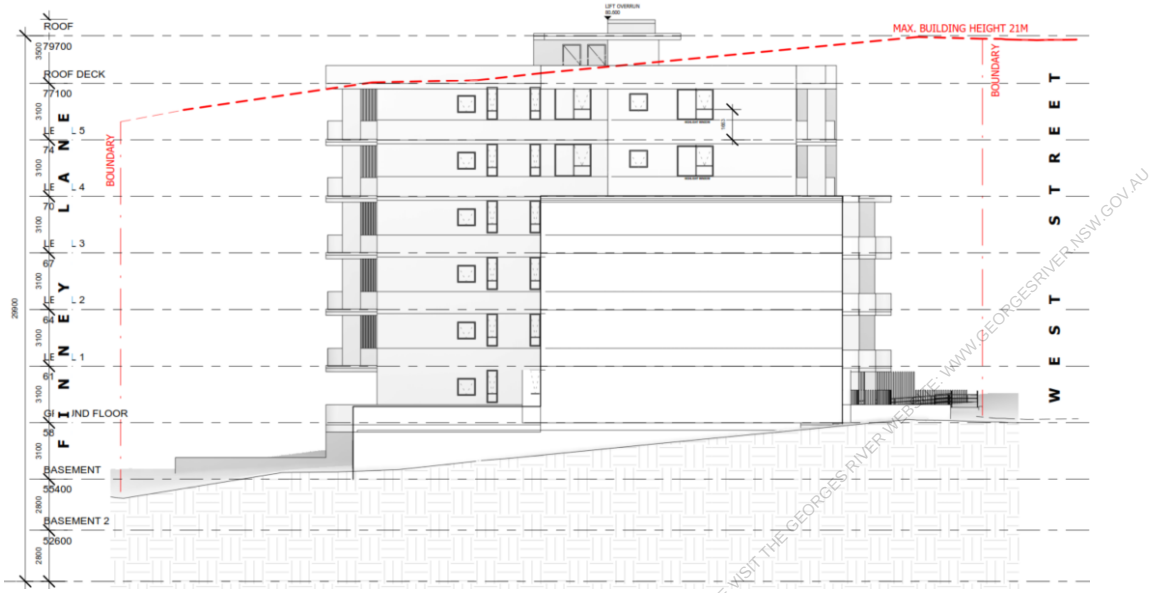



**Figure 12**: Extent of proposed variation, shown on Eastern side elevation. The red dashed line represents the maximum building height. (*Source: Architectural plans)*

**Adequacy of the written request pursuant to the matters outlined in Clause 4.6 (3)**

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

35. In Wehbe *V Pittwater Council (2007) NSW LEC 827*, the Hon. Justice Preston CJ set out the five following criteria 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.*

36. 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.

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37. The applicant in their Clause 4.6 Variation to Development Standard has also referenced the following LEC decisions:

- *SJD DB2 Pty Ltd v Woollahra Municipal Council [2020] NSWLEC 1112*
- *Winten Property Group Limited v North Sydney Council [2001] 130 LGERA 79*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009*
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*
- *Al Maha Pty Ltd v Huajun Investments Pty Ltd [2018] 233 LGERA 170*
- *RebelMH Neutral Bay Pty Limited v North Sydney Council [2019] NSWCA 130*

38. The Clause 4.6 variation request has been set out in accordance with the following:

1. Is the development consistent with the objectives of the zone?
2. Is the proposed development consistent with the objectives of the development standard which is not met?
3. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case? (cl 4.6(3)(a) and cl 4.6(4)(a)(i))
4. Are there sufficient environmental planning grounds to justify contravening the development standard and therefore the Applicant's written request to vary the development standard is well founded? (cl 4.6(3)(b) and 4.6(4)(a)(ii)
5. Is the proposed development in the public interest because it is consistent with the objectives of the standard and the zone? (cl 4.6(4)(a)(ii)) Planner's Note: this will not be considered as the public interest test was removed in November 2023 as the consent authority no longer needs to be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the standard and the zone.

39. The assessment is as follows:

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

40. In response to this criterion, the applicant indicates that the objectives of the development standard are achieved given the following:

- The proposal is six storeys to West Street, a 6-7 storey building to Finney Lane, the building has a 4-storey form to the eastern boundary
- The proposal creates a suitable transition to the adjoining site and existing development at 21-27 West Street.
- The height variation is confined to the lift overrun and stair, the balustrade of the communal open space.
- These building elements will not result in any significant adverse visual impacts upon the adjoining properties or the public domain.
- Portion of building exceeding height standard will not be visually discernible from public domain.
- The proposed built form is within the context of the subject site.
- The variation partly results from the topography of the site which has a fall of approximately 5.71m from the north-west corner to the south-east corner.
- It is unreasonable to require strict compliance with the standard due to the topography of the site; it does not result in any significant environmental or amenity impacts when compared with a complying height at this element of the proposal.

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- The variation does not result in any significant overshadowing, bulk and scale, or visual/acoustic privacy impacts upon adjoining properties.
- The height is suitable for the subject site and compatible with the planning objectives and intended outcomes of the site and the objectives of the R4 High Density Residential zone.
-

41. Assessment of the proposal against the clause objectives are contained below:

| Objective | Assessment |
|---|---|
| (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality, | The Clause 4.6 variation request understates the extent of variation.<br><br>As shown in Figure 12, the rear edge of the sixth level (a habitable level) protrudes beyond the height plane. The components breaching the height limit will be visible from Finney Lane. This exceedance, combined with the non-compliant side and front setbacks, add to the bulk and scale of the building, and thus contribute to additional overshadowing impacts.<br><br>The desired built form is informed by the height control. However, the significant slope has not been addressed, as the existing natural ground level has not been considered in the design of the ground floor finished floor level in the northern corner, where it is around 1m lower than the existing natural ground and the existing footpath. All floors have single slabs with no attempt to split the FFL's to address the topography, and this has result in non-compliance with the maximum building height control.<br><br>Due to the exceedance at the rear, there is proposed a built form where the deep soil/landscape within the rear setback lacks interface with habitable spaces<br><br>As a result, there is a significant difference between the natural ground and FFL, and a failure to work with the slope, such that the communal open space at ground level is non-existent, and does not integrate with the built form.<br><br>Given the bulk and scale proposed, the proposed height variation is not considered compatible with the desired future character of the locality. |
| (b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on | The components breaching the height limit are readily observable from both street level and Finney Lane. The resultant built form contravenes the desired streetscape and will result in adverse visual impacts. |

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| | |
|---|---|
| adjoining properties and open space areas, | The proposal will also result in additional overshadowing. The impact of overshadowing caused by the non-compliance cannot be ascertained as no elevation shadow diagrams are provided indicating the uses of the adjoining windows that are affected.<br><br>The proposed height breach is unlikely to cause view loss impacts given there are no notable landmarks or features identified in the locality.<br><br>The proposal will cause unacceptable impacts on privacy and open space areas as the proposal demonstrates non-compliant street setbacks and nil side setbacks in addition to the height breach. |
| (c) to ensure an appropriate height transition between new buildings and—<br>(i) adjoining land uses, or<br>(ii) heritage items, heritage conservation areas or Aboriginal places of heritage significance. | The proposed building height is greater than the desired building height of the locality, which is informed by the maximum building height development standard. The proposed variation is 7.1% and as such does not reflect the desired height transition with the adjoining uses.<br><br>The proposal has no adverse impacts on any heritage items in the vicinity. |

42. The proposal therefore is not considered to be consistent with the objectives of the standard.

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

43. The applicant provides the following justification for why the underlying objective or purpose is not relevant, and compliance is unnecessary:

- The variation in height is consistent with the following objects of the EPA Act 1979, as follows:
  - 1.3(c ) - The proposed RFB on the subject site is an orderly and economic use of the site
  - The development is largely consistent with the height standard with a built form compatible with the desired future character and will not result in unreasonable amenity impacts
  - 1.3(g) – The proposed RFB is a good design outcome, being consistent in form and scale with the visual catchment of the site; it is lower than the adjoining development at 9.13 West Street, and the eastern portion of the development is 4 storeys providing a transition to the adjoining site and development east of the site.
  - The development will achieve good residential amenity and the lift overrun that varies the height standard will present access to communal open space contribution to the residential amenity of the development.

44. The justification is not sufficient to meet 1.3(c ) of EPA Act 1979, for there are factors which would result in the proposal not being orderly, namely non-compliance with

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GRLEP 2021 Clause 6.9 Essential Services. The development is not compatible with Part 5.18 of the DCP and thus not compatible with the desired future character. It results in the site isolation of 19 West Street. Due to its insufficient lot width and site area, it will not achieve the desired residential amenity as outlined by the ADG.

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

45. The applicant provides no comment on this test.

46. The underlying objective or purpose of the standard will not be thwarted if compliance was required for the following reasons:

    - Compliance with the development standard will ensure new developments are of a scale that is compatible to the locality and accommodating to existing amenities.

*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;*

47. The applicant provides no comments on this test.

48. According to Council's Clause 4.6 variation register, Clause 4.3 was varied eight times for residential flat buildings and mixed use residential developments since GRLEP 2021 is in effect, of which three relate to Development Applications, and five relate to Modification Applications. The variations related to Development Applications which were approved for lift overruns and minor roof intrusion only. This demonstrates continuous and consistent enforcement of Clause 4.3.

49. The proposed variation, which includes a third of a habitable level at the building's rear portion, is in line with the extent of height variations that were previously approved.

*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;*

50. The applicant provides no comments on this test.

51. The R4 High Density Residential zoning of the subject site is considered to be appropriate given the zoning reflects the existing and desired use of Hurstville non-CBD area which provides for residential dwellings in this population centre of the Georges River Local Government Area.

***Conclusion***

52. As discussed above, the applicant's variation request fails to address the matters outlined in Clause 4.6 (3)(a), and thus the requirements of this clause have not been met, and the variation cannot be supported.

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

53. In response to this subclause, the applicant indicated the following:

- The non-compliance being the variation to the 21m height standard is confined to the lift overrun and stair, and the balustrade of the communal open space.
- These building elements will not result in significant adverse visual impacts upon adjoining properties or the public domain.
- Due to the topography, it is unreasonable to require strict compliance with the standard
- It is unnecessary to require compliance as the variation does not result in any significant environmental or amenity impacts when compared with a complying height at this element of the proposal.
- The variation does not result in any significant overshadowing, bulk and scale, or visual/acoustic privacy impacts.
- The height is suitable to the subject site and compatible with the planning objectives and intended outcomes of the site and the objectives of the R4 zone.

54. The variation request fails to satisfactorily address height contravention as it omits consideration of the following factors:

- The variation to the height standard also involves the communal open space, and the shade structure located on the roof top which have not been shown on the landscape plan or elevations
- Due to the nil side setbacks there will be visual impacts upon adjoining projects regardless of whether the height was compliant or not.
- The topography has not been fully considered in the proposal, with the living area of one front corner unit being located 1m below natural ground level, and yet the private open spaces for the rear ground floor units are elevated above natural ground level, and there is no provision of accessible common open space at ground level.
- The variation does add an additional measure to the bulk and scale and overshadowing and visual/acoustic privacy impacts.
- Due to the nil side setbacks combined with the height exceedance, the proposal is not able to provide a suitable transition to the adjoining sites, and thus is not compatible with the planning objectives and intended outcomes.

55. Whilst it is noted that the variation is not affecting a large habitable area on the upper most level, there is a rear part of the sixth storey that appears to exceed the height standard.

56. The proposal will result in adverse visual impacts as a result of the unsympathetic built form with bulk and scale that exceed the controls, due to non-compliant setbacks, poor streetscape contribution, inadequate deep soil provision within the front setbacks, and inadequate site width and area for the development, and issues with flooding and vehicular access.

57. The applicant also claims that the height variation is consistent with clause 1.2(2) of the GRLEP 2021 as it provides for additional housing choice; presents a high standard of development consistent with SEPP (Housing 2021) Schedule 9; and the portions of the

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development exceeding the height controls will not result in unreasonable amenity impacts to adjoining properties or to the public domain with regard to overshadowing, privacy or view loss.

58. Whilst the proposal provides housing choice, we would argue that it does not comply with SEPP (Housing) 2021 Schedule 9, as outlined above in this report. Due to the non-compliant setbacks for the front and the sides, this creates a building without adequate building separation, and that combined with the additional height results in a greater degree of overshadowing and privacy impacts.

59. The applicant also claims that the proposed developments meets the objectives of Clause 4.3 of GRLEP 2021 as it presents:
- A 6 storey built form to West Street and a 6-7 storey building to Finney Lane compatible with the height of buildings development standard, being consistent with the desired future character. It has a 4-storey form to the east.
- The portion of the development exceeding the height standard will be imperceptible from West Street and Finney Lane
- There will not be a loss of views. The communal roof terrace is setback 3m-6m form the side boundaries and has planters to mitigate privacy impacts
- The development includes a height transition to adjoining development, being adjacent to 9-13 West Street, and adjoining 19 West Street.
- The site is not a heritage item, located in a heritage conservation area or in the vicinity of a heritage item.

60. In our view, the development does not meet the objectives of Clause 4.3 of GRLEP 2021, as:

- Due to the height exceedance, the nil setbacks at the sides and the reduced setback at the front elevation above the fourth level and for the basement, there are impacts: overshadowing, privacy and noise impacts, no deep soil within the front setback, and reduced outlook. If the height were reduced, due to the other factors, there would still be a non-compliance viz. bulk and scale and with respect to COS being absent from ground level and only being provided at roof top level.

- Whilst the rooftop provides COS, and access to this is facilitated by the lift and by stair access which are located above the HoB standard, it is noted that the provision of COS does not comply with the controls which require that 40% of COS is to be provided at ground level, and that not more than 60% of COS may be provided on the rooftop.

- Whilst topography is a factor, as previously discussed, it is noted the site has a cross fall of around 5.62m, slopes from West Street to Finney Lane, is subject to overland flooding, and has a proposed ground floor which has a FFL at RL 58.50 which is lower than the natural ground level, whereby Unit 01 has habitable rooms located 1m below existing ground level and the existing footpath. There has been no attempt to split the FFLs to address the topography with all floors having single slabs.

- In regard to the form and scale of the development we note that:
  - 9-13 West Street This was approved as a deferred commencement consent in July 2000 under the old Kogarah LEP and DCP. Council's Urban Designer

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in referral comments states that: 'Just because in the past a development was approved, it does not make it an example of good urban design and should not be a precedent for approval of another development especially because every development is different and approvals should be based on merit and not on precedents.'

- The proposal does not resolve the issue of site isolation and amalgamation re 19 West Street. It is noted 21-27 West Street has already been developed. As a result, 19 West Street is limited in terms of development potential, noting that the subject site does not meet the site size requirements of 1000sqm required for a residential flat building development.

- Part of the building complies with the height, however there are other controls not met in relation to the built form, especially the nil side setbacks, and reduced front setback provided as well as the issues relating to flooding, deep soil provision, common open space, vehicular access, and streetscape presentation. As a result the proposal is considered an overdevelopment of the site and not supported.

***Conclusion***

61. As discussed above, the applicant's variation request fails to address the matters outlined in Clause 4.6 (3)(b), and thus the requirements of this clause have not been met, and the variation cannot be supported.

**Summary of 4.6 Assessment and Conclusion**

**4.6 Variation Not Supported**

62. As outlined in the assessment above, the proposed variation is not supported as the provided variation request does not adequately demonstrate the matters identified under Clause 4.6(3).

63. This forms part of the reasons for refusal of the subject application.

**Provisions of any Proposed Instrument**
*Section 4.15 (1) (a) (i) - Provisions of 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)*

64. There is no proposed instrument that is or has been the subject of public consultation under this Act which is relevant to the proposal.

**Provisions of any Development Control Plan**
*Section 4.15 (1) (a) (iii) The provisions of any development control plan*

65. 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.

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**Georges River Development Control Plan 2021**
**Part 3 – General Planning Considerations**

66. Part 3 of the GRDCP 2021 is applicable to the development and the following clauses apply:

| **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. | The proposal has been assessed with regards to the identified matters: see SEPP (Biodiversity and Conservation) 2021 above. Additional information is sought re tree removal, and an amended AIA Report and Landscape Plan. (see specialist comment in the referrals section). | No |
| **3.3 Landscaping** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Landscaping on site should be incorporated into the site planning of a development to (where appropriate):<br>i. Reinforce the desired future character of the locality;<br>ii. Maintain significant landscape features;<br>iii. Be consistent with any dominant species in the adjoining area of ecological significance;<br>iv. Incorporate fire resistant species in areas susceptible to bushfire hazard;<br>v. Provide planting within setback zones;<br>vi. Soften the visual impact of buildings, carparks and roads;<br>vii. Cater for outdoor recreation areas;<br>viii. Separate conflicting uses;<br>ix. Screen undesirable elements;<br>x. Provide opportunities for on-site stormwater infiltration, in particular around existing trees and vegetation; | Council requested an amended landscape plan. This information has not been received. | No |

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| xi. Consider the future maintenance requirements of landscaped areas;<br>xii. Protect the effective functioning of overhead, surface level or underground utilities; and<br>xiii. Improve the aesthetic quality of the development. | | |
| **3.5 Earthworks** | | |
| **3.5.1 Earthworks** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Natural ground level should be maintained within 900mm of a side or rear boundary. | The proposal does not maintain existing ground level near front and side boundary in north-west corner. | No |
| 2. Cut and fill should not alter natural or existing ground levels by more than 1m | The proposal seeks to excavate 3 basement levels. | |
| 3. Habitable Rooms (not including bathrooms, laundries and storerooms) are to be located above existing ground level. | Habitable rooms for Unit 01 are located 1m below existing ground level. | |
| 4. Rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls are not to be removed or covered. | None present. | |
| 5. Development is to be located so that the clearing of vegetation is avoided. | Twelve trees are proposed to be removed: 9 on site and 3 on adjoining site at 9-13 West Street. | |
| 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). | Condition(s) are to be applied to ensure that the development complies with accordance with AS4970. | |
| 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 within the rear setback. However the front setback does not provide sufficient deep soil provision. | |
| 8. Earthworks are not to increase or concentrate overland stormwater flow or aggravating existing flood conditions on adjacent land. | Insufficient information provided: see Engineering comments. | |

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| 9. Fill material must be virgin excavated natural material (VENM) | Condition(s) are to be applied to ensure that any fill is to be VENM. | |
| 10. For flood-affected sites, cut and fill is to comply with the requirements of Chapter 6 of Council's Stormwater Management Policy | Condition(s) are to be applied to ensure that any fill is to be done in accordance with Council's Stormwater Management Policy.<br><br>Insufficient information has been provided to address the requirements of Council's stormwater engineer. See discussion at GRLEP 2021 – Stormwater. | |
| **3.5.2 Construction Management/Erosion and Sediment Control** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Development must minimise any soil loss from the site to reduce impacts of sedimentation on waterways through the use of the following:<br>- Sediment fencing;<br>- Water diversion;<br>- Single entry/exit points<br>- Filtration materials such as straw bales and turf strips. | The proposal includes a sediment control plan indicating implementation of these measures.<br><br>A suitable condition will be included in the consent which ensures compliance with the control. | No |
| 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 | Provided. | |
| 3. Development is to minimise site disturbance including impacts on vegetation and significant trees and the need for cut and fill. | The proposal proposes significant excavation and tree removal. | |
| 5. Development which has a high potential risk to groundwater must submit a geotechnical report to address how possible impacts on groundwater are minimised. | The proposal has not adequately addressed the potential for risk to groundwater. | |
| **3.6 Contaminated Land** | | |
| **Control** | **Proposal** | **Compliance** |

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| 2. The application is accompanied by sufficient information to determine:<br>i. The extent to which the land is contaminated (both soil and ground water);<br>ii. Whether the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out;<br>iii. Whether the land requires remediation to make the land suitable for the intended use prior to that development being carried out; and<br>iv. If the land has been previously investigated or remediated, development cannot be carried out until Council has considered the nature, distribution, and levels of residues remaining on the land, and Council has determined that the land is suitable for the intended use.<br>Operating practices and technology must be employed to prevent contamination of ground water. | The Assessing Officer has reviewed:<br>• Councils Contamination Records<br>• Arial Imaging (inc. historic imaging)<br>• Conducted a site inspection.<br><br>A review of the above indicates that the site has historically been used for Residentialpurposes 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 and the site is considered suitable for the proposed development. | Yes |
| **3.10 Water Management** | | |
| **Stormwater Management** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Development must comply with Council's Stormwater Management Policy.<br><br>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. | The proposal has been reviewed by Council's Development Engineer.<br><br>Discussed at GRLEP 2021 – Stormwater. Additional information is required to be submitted.<br><br>Concurrence may be needed from Water NSW re dewatering. | No |
| **Water Quality** | | |
| **Control** | **Proposal** | **Compliance** |

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| 6. Measures to control pollutants in stormwater discharge from development sites are to be included in any development.<br>7. Runoff entering directly to waterways or bushland is to be treated to reduce erosion and sedimentation, nutrient and seed dispersal. | The proposal includes a sediment control plan, and is otherwise satisfactory with regards the relevant parts of the clause. | Yes |
| **3.11 Ecologically Sustainable Development** | | |
| **Residential Buildings** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. All BASIX affected development must comply with SEPP (Sustainable Buildings) 2022 | A BASIX has been provided with the application; the proposal shall be conditioned to comply with the BASIX.<br><br>See Sustainable Buildings SEPP assessment. | Yes |
| **3.12 Waste Management** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Development must comply with Council's Waste Management requirements regarding construction waste and ongoing management of waste materials (per Appendix 4 of the GRDCP). | The proposal does not comply with Appendix 4 of the GRDCP. Additional information is required. Refer to referral comments below. | No |

**3.13 Parking Access and Transport - refer to 6.3.9 Vehicular Access, Parking and Circulation**

| | | |
|---|---|---|
| **3.14 Utilities** | | |
| **Control** | **Proposal** | **Compliance** |
| 5. Air conditioning units and mechanical plant should be sited away from adjacent sensitive land uses and/or screened by walls or other acoustic treatments. | Insufficient information has been provided re building services, and their location. The acoustic report does not address their location or treatment. | No |

**3.15 Public Domain**

| | | |
|---|---|---|
| **3.15.1 Infrastructure** | | |
| **Control** | **Proposal** | **Compliance** |
| 3. The public domain should be improved by new street plantings and footpath improvements | The proposed development is considered to warrant the need for new street tree plantings. Three | Yes |

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| | street trees are proposed on the West Street frontage. | |
| **3.17 Universal / Accessible Design** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. All new building work should comply with the accessibility provisions of the Building Code of Australia (BCA) and the Disability (Access to Premises - Buildings) Standards 2010 where required. | **Proposal**<br>The proposal is capable of achieving compliance with BCA with regards to accessibility for disabled persons.<br><br>3 accessible parking spaces provided.<br><br>Three adaptable one-bedroom units provided; this is a deficiency of two units.<br><br>Five accessible car spaces required. | Yes<br><br>No – adaptable units deficient by 2 |
| 2. Continuous unobstructed paths of travel should be provided from public footpaths, accessible car parking, and set down areas to public building entrances. Paths of travel should be designed in accordance with the Disability (Access to Premises - Buildings) Standards 2010. | | |
| 3. Accessways for pedestrians and vehicles to be separated | | |
| 6. Accessible parking space provision<br><br><u>High Density Residential Development</u><br>1 space per adaptable unit<br><br><u>Required</u><br>5 spaces (ADG requires 5 adaptable units to be provided; 3 adaptable units provided) | | |
| **3.19 Crime Prevention / Safety and Security** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Active spaces and windows of habitable rooms within buildings are to be located to maximise casual surveillance of the public domain. | The proposed development incorporates windows of habitable rooms which overlook active space enabling casual surveillance of the public domain. | Yes |
| 4. Building entries are to be clearly visible and identifiable from the public domain. | The proposed building entry is not clearly identifiable due to ramp and railing and inset building entry. | No |

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**Part 4 – General Land Use**

67. The provisions of this part relate to specific development types not subject of this application and are not applicable to this proposal.

**Part 5 – Residential Locality Statements**

68. 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.

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

| Future Desired Character | | |
|---|---|---|
| **5.6 Hurstville non-CBD** | | |
| **Control** | **Proposal** | **Compliance** |
| The Future Desired Character for Hurstville non-CBD is as follows:<br>• Retain and enhance the existing low density suburban residential character through articulated contemporary developments that respond to the human scale.<br>• Conserve the high quality of existing streetscape within the Heritage Conservation Area<br>• Encourage tree planting and landscaping within the front setback space to enhance the existing leafy streetscape character<br>• Encourage consistent setbacks of buildings from the street and the provision of landscaping within the front setback with uniform front fence heights. | The proposal does not align with the Future Desired Character for the following reasons:<br>- The proposal fails to enhance the low density suburban residential character. Height non-compliance, inadequate setbacks, and insufficient tree planting and landscaping within the front setback space results in unacceptable bulk and scale and contributes to the failure to provide for adequate transition from the subject site to the lower density areas in vicinity.<br>- The proposed development demonstrates multiple non-compliances with the ADG, GRLEP, and GRDCP. The proposal is not considered to be well-designed.<br>- The proposal does not contribute positively to the streetscape,<br>- The proposal fails to provide adequate setbacks. | No |

## Part 6 – Residential Controls

| Minimum Site Requirements | | |
|---|---|---|
| **6.3.1 Minimum Site Requirements** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Minimum lot width is 24m. | The lot consolidation provides for | No |

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| Minimum Site Requirements | | |
|---|---|---|
| **6.3.1 Minimum Site Requirements** | | |
| **Control** | **Proposal** | **Compliance** |
| 2. For sites which allow development greater than four storeys, greater site width may be necessary to accommodate the greater setbacks required by the Apartment Design Guide. | a site width of 20.12m (which is 84% of the required site width) and is 3.88m less than the requirement. This is a deficiency of 16.16%. | |

| Site Isolation and Amalgamation | | |
|---|---|---|
| **6.3.2 Site Isolation and Amalgamation** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Development for the purpose of residential flat buildings or residential components of shop top housing is not to result in the creation of an isolated site that could not be developed in compliance with the relevant planning controls, including the GRLEP 2021 and this DCP. | The proposal will result in site isolation of No. 19 West Street. | No |

| Setbacks | | |
|---|---|---|
| **6.3.3 Building Setbacks and Street Interface** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Front setbacks:<br>i. Street setback: up to a building height of four storeys, a minimum setback of 5m is to be provided.<br>ii. Corner sites: up to a building height of four storeys, a minimum setback of 5m to both street frontages is to be provided.<br>iii. Above four storeys, the front setback of the upper building levels is to be increased to a minimum of 8m to the street. The minimum 8m setback also applies to balconies, terraces and balustrades and must be accommodated behind the setback. | Front setback:<br>5.0m (G/F to 3/F)<br>5.0m (above 4 storeys)<br><br>Side setback and rear setback overrode by ADG. See discussion at ADG e-F1 above re building separation.<br><br>Street setback area does not provide sufficient deep soil to enable canopy tree planting, in contravention to the GRDCP 2021.<br><br>The location of services has not been provided re bin storage, booster, and | No |

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| iv. On a corner site, both frontages are to provide the increased setback above four storeys.<br>v. Above level four (ground plus 3 storeys); an increased setback of the upper levels/s may be required depending on the width of the street. The required additional upper level setback for sites fronting a road with a reservation width less than 20m will be determined based on their visual impact in the specific context of the development. If the assessment determines that an additional setback is required, the minimum additional setback will be 2m and up to 3m based on the assessment.<br>vi. The street setback area needs to be predominantly landscaped and is to accommodate a minimum of two (2) canopy trees to a mature height of at least 6m. | substation. There are references to services in both the front and rear setbacks. This would mean they were located in visually dominant locations and poorly integrated into the landscape scheme. | |
| 5. Encroachments into boundary setbacks:<br>i. Ground floor private open space may encroach up to 2m into the 5m front setback leaving a minimum 3m of deep soil area to the street.<br>ii. Ground floor private open space may encroach up to 3m into the side and rear setbacks leaving a minimum 3m of landscaped buffer | | |
| 6. The setback areas, other than any permitted ground floor private open space, are to be landscaped and be retained as part of the common property of the development. | | |
| 7. For improved streetscape, reduction in visual clutter and to provide above ground space for street tree canopy, powerlines in the street verge in front of new development to which this part | | |

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| applies will be undergrounded. This includes the connection of power supply from the road reservation into the development site. | | |
| 8. Sub-stations, fire booster assemblies and waste bin storage structures need to be integrated into the development and identified at the DA stage. | | |
| **6.3.4 Basement Setbacks** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Basements are to be:<br>i. Located within the building footprint (refer to Figure 5), or<br>ii. Set back a minimum of 6m from the front and rear boundaries and 3m from the side boundaries (refer to Figure 6). | The proposed basement levels expand beyond the building footprint.<br><br>Basement front setback: 3.0m<br>Basement secondary street setback: 3.0m<br>Basement side setback: 3.0m<br>Basement rear setback: 3.0m<br>Driveway setback: 1.5m<br><br>Sufficient deep soil area is provided to sustain trees of a mature height of 6.0m within the rear laneway setback area but not within the front setback.<br><br>The proposed basement does not project above the existing ground level. | No |
| 2. The basement setback areas are to be deep soil zones as defined in the Apartment Design Guide. | | |
| 3. Driveways and driveway crossings are to be located a minimum of 1.5m from a side boundary. | | |
| 5. The 6m basement setback at a zone boundary is to be planted to provide a vegetated landscape buffer between the development and adjoining lower density development. Planting is to include trees that achieve a minimum mature height of 6.0m. Under canopy planting is to include lower scale planting that provides a visual buffer between developments and creates the desired landscape buffer. | | |
| 6. Basements fronting the primary street address are not to project above ground level (existing) at the street setback alignment. | | |

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| Façade Treatment | | |
|---|---|---|
| **6.3.5 Façade Treatment and Street Corners** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. New buildings and additions are to consider the Desired Future Character statement in Part 5 of this DCP. | The proposal does not comply with Part 5. See discussion above. | No |
| 2. Building facades must be clearly articulated and employ high quality materials and finishes that enhance and complement the streetscape character. | The proposal demonstrates extensive use of render finish (pale colour) with secondary external wall finish of vertical cladding. The predominant external finishes in the locality are two-toned, with a darker tone complementing a lighter tone (such as pale render as the primary colour and a mid tone finish as the secondary colour). There is also proposed frameless glass balustrade; dry stacked stone cladding pattern at the ground floor level; timber look soffit; and a green wall at the front entry.<br>The proposed external finishes are compatible with the external finishes found in the locality.<br>These will provide variation in colour, and architectural articulation, and the vertical planting and roof planting will provide for softening of the built form. | Yes |
| 3. Street corners must be given prominence by a change in building articulation, materials, colours, form and scale. | | |
| 4. Human scale at street level must be reinforced in the design of the building and overall development. The scale, rhythm, materiality and landscaping treatment need to define the appearance of the building to create physical and visual connections between the private and public domain for pedestrians. | | |
| 5. Services such as substations and fire booster assemblies must be integrated into the design of the façade. | The substation and booster – no information provided re their integration into the streetscape. | No |
| 6. Development must not rely solely on the use of two-dimensional colour and materials to create visual interest. Modulation and articulation in the building form must be considered in the design of the building, in plan view and elevation. | No blank wall proposed. | N/A |
| 7. Large areas of blank, minimally or poorly articulated walls are not acceptable. Façade treatments such as wall cladding, and green walls should be considered as alternatives to blank walls. | No vantage point is identified near the subject site. The proposed glass balustrades will not cause privacy concerns. | Yes |
| 8. Clear glazing to balustrades must be avoided where they are visible from nearby vantage points. | | |

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| Screening of balconies by way of adjustable or fixed panels should be included where there are issues of privacy, and/or excessive exposure to solar impacts. | | |

| **Landscape Treatment** | | |
|---|---|---|
| **6.3.6 Landscaped Treatment and Private Open Space** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Deep soil is to be provided within the setbacks areas as required in Figures 3, 4 and 5 and consistent with Part 3E of the NSW State Government's Apartment Design Guide. To be included as deep soil as required by Part 3E of the Apartment Design Guide, the deep soil area must have a minimum dimension of 3m on any axis. Planting in the deep soil areas is to include trees that achieve a minimum mature height of 6m and under canopy planting. | Adequate deep soil area provided per the ADG and GRLEP for the rear setback, but not sufficient in the front setback. Thus canopy trees are limited to the rear setback, which receives minimal sunlight.<br><br>The landscape strip adjacent to driveway is limited to 2m in width which will limit screening.<br><br>There is no communal open space provided at ground level.<br><br>Insufficient information provided re maintenance of the proposed green wall over the entry area.<br><br>Landscaping provided on part of the three sides of the roof top in planter boxes.<br><br>No details provided on the proposed substation and temporary bin storage area; no details of any screening of services.<br><br>North-west facing balconies and south-east facing balconies provided. All private open spaces are directly accessible from living area; however while compliant in size, ground floor private open space for Unit 04 does not achieve the required minimum depth of 3.0m.<br><br>An updated landscape plan is required to show that the proposed | No |
| 2. The visual appearance of developments is to be softened through the incorporation of planter boxes and similar design treatments that will support landscaping in a minimum soil depth which is consistent with Part 4P of the Apartment Design Guide. | | |
| 3. Where landscaping is included on balconies and terraces, the functional area of the private open space is not to be reduced to below the minimum requirements of Part 4E of the Apartment Design Guide. | | |
| 4. Where services including fire booster valves, substations and other infrastructure required as part of the any new development present to a public road or public space, they must be concealed by a screen or fence that corresponds with the materiality of the building façade | | |

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| 5. Any proposed deep soil, landscape area, podium or raised planter box landscaping that forms part of the communal open space or common property must be provided with suitable maintenance access from the site or building entry through common property to allow for landscape maintenance work. | planting scheme accounts for the proposed services, including electrical substation.<br><br>Information is required re BCA compliance for balconies. | |
| 6. Private open space should be adjacent to and visible from the main living and/or dining rooms and be accessible from those areas. | | |
| 7. Development should take advantage of opportunities to provide north facing private open space to achieve comfortable year-round use. | | |
| 8. Unpaved or unsealed areas within a development site should be maximised and designed to facilitate on site infiltration of stormwater to the water table. | | |
| 9. Existing significant trees and vegetation must be incorporated into the proposed landscape treatment. | | |
| 10. Private open space and balconies must comply with Part 4E of the NSW State Government's Apartment Design Guide. | | |
| 11. Planting of replacement trees is to be in accordance with Council's Tree Management Policy. | | |

| **Communal Open Space** | | |
|---|---|---|
| **6.3.7 Communal Open Space** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Communal open space to a minimum area of 25% of the site area, with a minimum dimension of 5m is to be provided and must be designed with consideration of the user's thermal comfort throughout the year and may include smaller | Communal open space fails to comply with the size requirement to have at least 40% provided at ground level. The entirety of the COS is provided at the rooftop level. | No |

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| areas with designated functions such as a shaded garden for summer and an open courtyard for winter. | Over 50% of the usable communal open space area will receive more than 2 hours of direct solar access between 09:00 to 15:00 on 21 June.<br><br>The majority of the communal open space consists of a paved area on the roof top.<br><br>There are three planters, with low level planting.<br><br>Within the planters are provided 1 tree in the front area – Banksia integrifolia; and on the side and rear are 6 separate Banksia marginata.<br><br>There is a roofline above the lounge/conversational nook area at the rear of the rooftop communal open space level. This provides shade. No details are provided of elevations for this structure. | |
| 3. At least 50% of the required communal open space area is to receive 2 hours of direct sunlight between 9am and 3pm on 21 June. | | |
| 4. At least 50% of the ground level communal open space is to comprise unpaved landscaped area. | | |

| **Solar Access** | | |
|---|---|---|
| **6.3.8 Solar Access** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Shadow diagrams are to be submitted for the winter solstice (21 June) to demonstrate impacts at a minimum of 9am, midday and 3pm. | Not met due to nil setbacks; and balcony projection which blocks access to living rooms 10am-11am; “green wall” likely to impact on direct solar access to adjacent bedroom; revised A-2002 Calculations-Solar Access required.<br><br>The proposal will not result in adjoining private open space and primary living area windows to be overshadowed by more than 3 hours on winter solstice re No. 19 West Street.<br><br>Any adjoining photovoltaic panel at No. 19 West Street would be affected. | No |
| 2. Shadow diagrams must include elevational diagrams identifying the habitable rooms and private open space areas of the adjoining dwellings, and view from the sun diagrams, identifying solar access compliance to the proposed development. | | |
| 3. Shadow diagrams are required to show the impact of the proposal on the sunlight to the open space of neighbouring properties. Existing overshadowing by fences, roof overhangs and changes in level should also be reflected in the diagrams. | | |

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| 4. Where the neighbouring lower density residential zoned dwellings are affected by overshadowing from a development, at least 50% of the neighbouring existing primary private open space and windows to primary living areas must receive a minimum of 3 hours sunlight between 9am–3pm on the winter solstice (21 June).<br>Note: Achieving compliance with this control may be difficult on steeply sloping sites, east west facing allotments, irregular allotments or sites with open space to the south of the built form. In this instance, compliance with the control will be considered on its merits. | | |
| 6. New development shall maintain solar access to the living rooms and private open space of apartments within existing residential flat buildings. | | |
| 7. 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. | | |

| **Vehicular Access, Parking and Circulation** | | |
|---|---|---|
| **3.13 Parking Access and Transport** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Parking required:<br><br><u>Residential Flat Building</u><br>1 space per 1 and 2 beds,<br>2 spaces per 3 beds or more<br>1 visitor space per 5 units (1 car wash bay can be used as a visitor space)<br><br><u>Proposed Apartment Mix</u><br><br>3 x 1 bedroom apartments<br>15 x 2 bedroom apartments | 26 resident parking spaces<br>5 visitor spaces<br><br>31 spaces in total<br><br>Deficient by 2 accessible spaces.<br><br>No provision for motorbike space.<br><br>No provision for electric vehicle charging station. | No – car parking provision<br><br>No – bicycle parking and no motorbike parking provision |

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| 4 x 3 bedroom apartments<br>22 apartments in total<br><br><u>Required Parking Spaces</u><br>Residential: 26<br>Visitor: 5<br>Total: 31 spaces (required parking rate = 31) | | |
| 5. In calculating the total number of car parking spaces required for a development type, the total should be rounded up to the nearest whole number (i.e. 0.5 or greater). | | |
| 8. Bicycle Parking<br><br><u>Residential Flat Building</u><br><br>1 space per 3 dwellings, and<br>1 space per 10 dwellings (visitors)<br><br><u>Required</u><br>Residential: 7.33 (for 22 apartments)<br>Visitors: 2.2<br>Total: 10 (required rate = 9.53) | 4 bicycle spaces provided – deficient by 6 spaces | |
| 9. In calculating the total number of bicycle spaces required for a development type, the total should be rounded up to the nearest whole number (i.e. 0.5 or greater). | | |
| 10. Bicycle parking facilities are to be designed in accordance with Australian Standard AS2890.3 (Parking Facilities – Part 3 Bicycle Parking Facilities). | | |
| 12. Internal car park layouts, space dimensions, ramp grades, access driveways, internal circulation aisles and service vehicle areas shall be designed in accordance with the requirements set out in AS 2890.1 (2004) and AS 2890.2 (2002) for off street parking and commercial vehicles. | The proposed driveway does not comply. Driveway profiles have not been provided. Longitudinal profiles are to be provided on both edges of the proposed driveway and driveway ramp levels are to be designed in accordance with AS28901.1: Off-street car parking facilities. The site is 1% flood affected, and the driveway profile shall be designed to accommodate the food height nominated by Council or the applicant's flood consultant. | |
| 13. Design vehicular access in accordance with the current Australian Standard for 'off-street | | |

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| parking (Part 1) 'and 'off-street carparking for commercial vehicles (Part 2)'. | Refer also to referral comments below. | |
| 15. Basement car parking is preferable in commercial and residential flat buildings. | Basement parking spaces are provided outside of the building footprint.<br><br>Ventilation details are unknown. A supply air duct is not indicated on the ground floor plan, or reflected on the elevation plans. | |
| 16. Basement car parking is to be located within the building footprint. | | |
| 17. All basement parking areas are to have security doors. | | |
| 18. Include natural ventilation to basement and semi basement car parking. | | |
| 19. Integrate ventilation design into the façade of the building, or parking structure, treating it with appropriate features such as louvres, well designed grilles, planting or other landscaping elements. | | |
| 23. Parking complies with AS 1428 Design for access and mobility and AS/NZS 2890.6. | 3 adaptable units proposed. (Deficient by 2).<br><br>3 accessible parking spaces provided for residents. Accessible parking spaces are deficient by 2. | |
| 24. All off-street parking facilities shall allocate accessible parking spaces for people with disabilities at the rate in accordance with Section 3.17 – Universal/ Accessible Design of this DCP. | | |
| 25. Accessible parking spaces shall be located close to an accessible lift, ramp or building entrance and be provided with an accessible path of travel. | | |
| 26. Accessible parking spaces shall be indicated by a permanent sign as specified in AS 1428.1 | | |
| 27. For residential development, accessible car parking spaces are to be allocated to adaptable unit, or as visitor parking. | | |
| 28. A designated car washing area (which may also be a designated visitor car space) is required | A car wash bay proposed to be shared with a visitor space. | |

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| residential developments of four or more dwellings. | | |
| 29. Car wash bays which collect waste water must be covered and discharge the water to the sewer in accordance with the requirements of Sydney Water. | | |
| 30. Design parking to ensure pedestrian safety. | Pedestrian entrances are separated from vehicular travel paths, being located within the front setback. | |
| 31. Pedestrian entrances and exits shall be separated from vehicular access paths | | |
| 32. Design driveways to minimise visual impact on the street and maximise pedestrian safety | The garage door is placed underground, obscured from view lines from the laneway.<br><br>Vehicular ingress and egress cannot be achieved in forward direction. Vehicles are required to reverse out due to the design. | |
| 33. Ensure that all vehicles, including vehicles using loading bays, can enter and leave the site in a forward direction. | | |
| 34. Avoid locating accessways to driveways adjacent to the doors or windows of habitable rooms. | | |
| 35. All driveways are to be finished in plain concrete | This would be conditioned should the application be recommended for approval. | |
| **6.3.9 Vehicular Access, Parking and Circulation** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Car parking is to be provided in accordance with the requirements in Part 3 General Considerations of this DCP unless Objective 3J-1 of the Apartment Design Guide applies. Car access areas and garages doors do not visually dominate either the development or the streetscape. | The design of the driveway does not provide a vehicle passing bay within the site which is contrary to *GRDCP2021 – Part 6 – 6.3.9 – Control 3.*<br><br>The indicative angled parking is not supported: as in the absence of a swept wheel path analysis, it is considered that the driver of an AS Design Vehicle will need to carry out multiple forward and reversing manoeuvres at the “Turn Bay” in order to exit the site in a forward direction.<br><br>The driveway is less than 1.5m from the south-western boundary of the | No |
| 2. Vehicular access points should be clearly visible from the street with adequate sign posting or design cues to alert drivers to their availability. | | |
| 3. The design of the vehicular access should prevent vehicles queueing across footpaths and onto the public road. Vehicles should be | | |

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| accommodated wholly within the site before being required to stop. | site and contrary to GRDCP 2021 – Part 6.3.4.3;<br><br>The proposed layout will very likely result in drivers of vehicles reversing into the site or out of the site.<br><br>Refer to comments – traffic engineer below. | |
| 4. On corner sites with two street frontages, vehicular access should be provided to the street with the lesser traffic volumes. | | |
| 6. 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. | | |
| 7. 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). | | |
| 8. Clearance above the general parking surface must be a minimum of 2.5m | | |
| 10. All residential flat buildings or residential components of shop top housing must provide a car wash bay which:<br>i. Is roofed and bunded to exclude rainwater.<br>ii. Has clearly visible signs which indicate that no degreasing or mechanical work is to be undertaken in the car wash bay.<br>iii. Has a fixed basket trap for floor waste.<br>iv. Includes a 1000 litre general purpose pit. | A car wash bay is proposed to be shared with a visitor car space.<br><br>No basket trap or pit is indicated for floor waste, and waste management for car wash bay is not indicated. | |
| 11. Three options exist for the disposal of trade wastewater from residential car wash bays. They are:<br>i. Removal off-site by an authorised liquid waste disposal contractor;<br>ii. Reuse of treated wastewater for car washing or irrigation on landscaped areas. An appropriate method should be used to treat grease, oil and silt before reuse or irrigation; or<br>iii. Discharge to the sewer via appropriate pre-treatment. | | |

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| 12. If the carwash bay is not discharged into the sewer, applicants must provide Council with details and evidence of how wastewater will be removed (e.g. removal by an authorised liquid waste disposal contractor). | | |
| 14. Basement car parking should be naturally ventilated where possible. | Ventilation details are unknown. While a supply air duct is indicated on the ground floor plan, the duct is not reflected on the elevation plans. | |
| 15. Separate pedestrian access to buildings should be provided which does not rely upon access from a basement as the sole pedestrian access location. | | |
| 16. The use of mechanical parking devices such as car lifts, turn tables and car stackers for the provision of car parking should be avoided wherever possible. | No mechanical parking device required. | |

| **Dwelling Mix** | | |
|---|---|---|
| **6.3.10 Dwelling Mix** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Developments that propose more than 20 dwellings are to provide a mix of dwellings consistent with the following percentage mix:<br>i. Studio apartments and 1 bed apartments – Maximum of 25%<br>ii. 2 bed apartments – Minimum of 35%<br>iii. 3+ bed apartments – Minimum of 15% | The apartment mix is as follows:<br><br>3 x One-bedroom: 13.6%<br>15 x Two-bedroom: 68.18%<br>4 x Three-bedroom: 18.18% | Yes |
| 3. Apartment configurations are to support diverse household types and stages of life including single person households, families, multi-generational families and group households. | | |

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## Summary of DCP assessment

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

Part 3.2 – Biodiversity

- An updated AIA report has not been submitted. Owner's consent for removal of 3 trees on adjoining site not submitted.

Part 3.3 – Landscaping

- The requested updated landscape plan has not been submitted.

Part 3.5 - Earthworks

- The natural ground level is not maintained near front and site boundary in north-west corner.
- Habitable rooms for Unit 01 are located 1m below existing ground level
- 12 trees proposed for removal.- owner's consent re removal for 3 trees not lodged.
- Front setback does not provide sufficient deep soil provision for sustaining trees.
- Insufficient information provided to satisfy flood engineering requirements.

Part 3.5.2 - Construction Management /Erosion and Sediment Control

- The proposal has not adequately addressed the potential for risk to groundwater.

Part 3.10 – Stormwater Management

- There is insufficient information. Additional information is required to address 1% flood risk. Concurrence may be required from Water NSW re dewatering. Required to be submitted are: OSD cross sections; Flood Study; CCTV investigation; and pipe alignment survey.

Part 3.12 - Waste Management

- Proposal does not comply with Appendix 4 of GRDCP. Additional information is required.

Part 3.13 – Parking access and transport

- The proposal has a deficiency of two accessible parking spaces; deficiency of 6 bicycle parking spaces; does not provide motor bike parking. No electric charging station is provided.

Part 3.14 - Utilities

- Insufficient information has been provided re building services, and their location. The acoustic report does not address their location or treatment.

Part 3.17 Universal/Accessible Design

- Proposal deficient by 2 for adaptable units; proposal deficient by 2 for accessible car spaces.

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Part 5.18 – Residential Locality Controls

- The proposal is not consistent with the future desired character of non-CBD Hurstville due to inadequate transition to medium density areas, not well-designed due to multiple non-compliances, and does not positively contribute to the streetscape.

Part 6.3.1 - Minimum Site Requirements

- The site does not meet the 24m minimum lot width requirement, or the control at 6.3.1.2 where development greater than four storeys may require a greater side width to accommodate the greater setbacks required by the ADG.

Part 6.3.2 Site Isolation and Amalgamation

- The proposal will result in site isolation of No. 19 West Street.

Part 6.3.3 and 6.3.4 – Setbacks

- Does not comply with front and side setbacks, which results in an inappropriate transition of building bulk and inadequate provision of deep soil landscaping near street boundaries.
- There is a non-compliant setback of 5.0m above four storeys from West Street.
- The basement levels are setback only 3.0m from West Street.

Part 6.3.5 - Façade Treatment

- Insufficient information is provided re services including substation and booster; it is indicated they are to be placed in prominent locations on the street frontage and the frontage to the laneway. This fails to take into consideration landscaping.
- No maintenance information is provide in relation to the green wall proposed over the entry area.
- Due to the lack of deep soil in the front setback, large canopy trees are not able to be provided, to ensure an adequate streetscape presentation.

Part 6.3.6 – Landscaped Treatment and Private Open Space

- Inadequate deep soil provision in front setback which will not sustain mature canopy trees.
- Landscape strip adjacent to driveway is limited to 2m in width.
- No communal open space provided at ground level.
- Insufficient information on maintenance of green wall over entry area.
- Open space area for Unit 04 does not achieve required minimum depth of 3.0m.

Part 6.3.7 – Communal Open Space

- The proposal is unacceptable as 100% of COS is provided on the rooftop, and fails to comply with the requirement to provide at least a minimum of 40% at ground level.
- The COS does not provide for 50% landscaped area, and has excess of 50% of the area paved.
- The extensive use of planters on the roof top level will only provide for limited planting of a few species not include large canopy trees, and will diminish the landscape quality of the proposal.

Part 6.3.9 Vehicular Access, Parking and Circulation

- The design of the driveway does not provide a vehicle passing bay within the site.
- The proposal layout will very likely result in drivers of vehicles reversing into the site or out of the site.

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- No basket trap or pit is indicated for floor waste, and waste management for car wash bay is not indicated.
- Ventilation details are unknown .e.g supply air duct.

71. These form part of the reasons for refusal of the application.

## Any Planning Agreement Under Section 7.4

*Section 4.15 (1) (a) (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.*

72. 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)*

73. 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

*Section 4.15 (1) (b) the significant likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

| **Likely Impacts of the Development** | |
|---|---|
| Natural Environment | The proposal fails to address landscaping and biodiversity impacts on site. Without an updated landscape plan and AIA report, Council is unable to undertake a comprehensive assessment on the impacts of the natural environment. |
| Built Environment | The built form of the proposed development is of a bulk and scale that is not appropriate with its setting and inconsistent with the desired future character of the area.<br><br>The development is occurring in a locality where adequate infrastructure exists to support the development during construction and ongoing use. |
| Social Impact | The proposal will have no significant social impact on the locality. |
| Economic Impact | The proposal is not considered to result in unreasonable economic impact |

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## Site Suitability

*Section 4.15 (c) the suitability of the site for the development*

74. The site is zoned R4 High Density Residential. The proposal is not considered a suitable outcome for the subject site for the following reasons:
    - The proposal does not meet the requirements for the minimum lot width and minimum site area for a residential flat building.
    - The proposal does not comply with the residential locality statement of Part 5.18.
    - The proposal does not address the issues of flooding, biodiversity, deep soil provision, and landscaping.
    - The proposal does not adequate address essential services re vehicular access and potential for dewatering.
    - The proposal does not meet the zone objectives of the R4 high density residential zone.
    - The proposal does not comply with numerous controls under the SEPP (Housing) 2021, the GRLEP 2021 and the GRDCP 2021.

## Submissions

*Section 4.15 (d) any submissions made in accordance with this Act or the regulations*

75. To comply with the provisions of Council's public notification requirements, the application was placed on neighbour notification for 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.

76. Three submissions and four proformas were received during the notification period between 25 July 2025 and 14 August 2025. The concerns raised in the submissions are addressed below. One of the submitters was representing themselves as well as providing four pro-forma documents from five other unit owners.

| **Issue** | **Comment** |
|---|---|
| Impacts due to building's bulky envelope and excessive height, causing impacts on solar access with reduced sunlight to our units after 1pm all year.<br>Requests the building be further setback above the 3rd storey. | Council's Urban Designer concurs with the potential for impacts from the building's height, reduced setbacks and bulk. It is noted there is insufficient information re solar access provided. |
| Impact on streetscape from building design | Council's Urban Designer has reviewed this aspect of the proposal, and concerns were raised re bulk, scale, blank walls, aesthetics, and façade treatment. |
| Concerns re traffic congestion. Increase in traffic flow in and out of the site will impact traffic conditions | Addressed in traffic report. No concerns raised by Council's Traffic |

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| in West Street, Finney Lane and Railway Parade, and will impact on parking.<br>The increase in population will impact on local traffic conditions. There is already significant congestion during the morning peak. | Engineer re potential for traffic congestion. |
| View loss due to size of building. | Noted. There are nil setbacks to side boundaries. |
| Proposed building does not have adequate land size for the amount of units proposed compared with the RFBs on neighbouring sites. The number of units and bedrooms in the development should be reduced. | We concur the site area does not meet the control which requires a minimum of 1000sqm for RFB development. |
| Objector raises issues re accuracy of traffic report and the inaccurate information re number of bedrooms as outlined in the architectural report. | An amended traffic report is required. The number of bedrooms provided is 45 in total (unit mix of 1 x 3bed; 15x2bed; 4x3bed) |
| Objector requests car parking space numbers be reduced. | Car parking provision is required to comply with the planning controls, and is compliant under this proposal. Council's Traffic Engineer has reviewed the parking provision, and the proposal for the most part meet the GRDCP 2021 parking requirements, with the exception of bicycle parking, and the requirement for an additional accessible parking space. |

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## The Public Interest

*Section 4.15 (e) the public interest.*

77. The proposal is not considered to be in the public interest for the following reasons:

- There is inadequate information to assess the biodiversity, flooding, and landscaping impacts of the proposal; the proposal does not meet the ADG standards; and essential services are not fully achieved, e.g. vehicular access and potential for dewatering.

- 

## Referrals

**Internal Referrals**

| Internal Referrals | | |
|---|---|---|
| **Specialist** | **Comment** | **Outcome** |
| Development Engineer | Insufficient information provided to demonstrate compliance with Section 3.10 of GRDCP 2021 re stormwater management. Following information required:<br>- OSD cross sections complete with dimensions, surface and inlet levels<br>- Adequate long sections of driveways taken from the centreline of the road with levels of all changes in grade, gutters, laybacks, paths and boundaries<br>- Demonstration of adequate headroom clearances<br>- A flood study or Council Flood Advice Letter to be submitted<br>- Certification from the Architect and Civil Engineer confirming the Architectural, Drainage and Landscape Plans are all consistent<br>- CCTV investigations and pipe alignment survey of Council's stormwater pipe that encroaches on the rear property boundary. | Further information required |
| Asset Design Infrastructure | Driveway profiles have not been provided. Longitudinal profiles are to be provided on both edges of the proposed driveway and driveway ramp levels are to be designed in accordance with AS2890.1: Off-street car parking facilities.<br>The site is 1% flood affected: the driveway profile shall be designed to accommodate the flood height nominated by Council and/or the applicant's flood consultant. | Further information required |
| Landscape Officer | Insufficient information provided for a full assessment.<br>Following information is required:<br>- Written consent supporting the removal of tree 4 and 2 other trees to be provided by owners/strata managers of 9-13 West Street, Hurstville<br>- Updated AIA Report, architectural plans and landscape plan to accurately show the locations of Tree 2, 3, 5, 7, 9, 10<br>Owners consent to be provided for the removal of any additional trees located outside the site. | Unsatisfactory information – application recommended for refusal. |

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| | | |
|---|---|---|
| | Landscape plan shows 9 trees on site and 3 on adjoining site proposed for removal. | |
| Urban Design | Objection raised on the following grounds:<br>- Architectural expression, aesthetics and bulk and scale: issues raised re building appearance, excessive bulk due to flat roof, enclosed balconies, blank walls, horizontality; lack of logical coherence in the architectural rhythm; disjointed façade<br>- Inadequate public/private interface as a result of the building services being located on front and rear elevations; and due to lack of deep soil for mature tree planting within front setback<br>- Inadequate building setbacks, with exception of rear setback<br>- Inadequate basement setbacks and impact on deep soil provision in front setback<br>- Building entry has an undistinguishable inset, and is dominated by the clutter of the ramp and railing.<br>- Internal communal circulation area is not conducive to passive surveillance, social interaction, and pedestrian circulation. The lift lobby is not visible from the street. The vertical circulation areas are not readily visible from the street, and are long and narrow. Furthermore, the internal communal circulation areas above the ground floor do not have solar access and ventilation.<br>- The communal open spaces are only available at the roof top level.<br>- Deep soil is only provided in the rear setback.<br>- The ground level units are not readily accessible from the street level for activation.<br>- On that basis concern is raised with regards to the usability, desirability and design excellence of the communal open spaces, given there is nil provision of COS at ground level.<br>- Inadequate solar access information is supplied for assessment.<br>- The architectural plans provided insufficient details on fire hydrant boosters and electrical substations and other services.<br>- The proposal demonstrates a height breach, which result in a bulk and scale that is incompatible with the locality.<br>- The proposed façade treatment fails to | Not supported |

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| | contribute to the public domain. It is recommended that the design and façade treatment should be amended to address concerns re bulk, scale raised above, blank walls, dominant driveway and blank walls on rear elevation.<br>Details of irrigation system and maintenance of "green wall" at street frontage to be provided. The green wall is likely to impact on the direct solar access to the adjacent bedroom. | |
| Building Surveyor | BCA non-compliances to be addressed:<br>Evidence of the compliance of the fire stairs with the BCA is to be provided.<br>BCA requirements re waste storage as per comments below.<br>Evidence of BCA compliance of the balconies, especially the adjacent windows and along the side boundaries should be provided. | |
| Land Information (GIS) | No objection subject to recommended conditions. | |
| Waste Management | Insufficient information provided. The proposed development fails to comply with the Waste Management provisions of GRDCP 2021, with respect to the following information that was not submitted to Council for assessment:<br>- A waste management plan to address Construction and Demolition Waste, and an Operational Waste Management Plan<br>- RLs levels or gradients for the bin travel path from the bin storage area to a suitable collection point to ensure compliance with the BCA and AS4123.1-2008 Mobile Waste Containers<br>- An adequate waste disposal chute system<br>- Detail on how bulky waste items will be collected | |
| Traffic Engineering | Objection raised on the following grounds:<br>- Insufficient on-site parking spaces provided for bicycles – deficient by 6 spaces<br>- No motor bike spaces provided<br>- No electric vehicle charging provided<br>- Accessible car parking spaces deficient by two<br>- Amended traffic report required.<br>- The driveway gradient exceeds maximum Australian Standards<br>- The indicative angled parking is not supported: as in the absence of a swept wheel path analysis, it is considered that the driver of an AS Design Vehicle will need to carry out multiple forward and reversing manoeuvres at the "Turn Bay" in order to exit the site in a forward direction; the driveway is less than | |

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| | | |
|---|---|---|
| | 1.5m from the south-western boundary of the site and contrary to GRDCP 2021 – Part 6.3.4.3; the design of the driveway does not provide a vehicle passing bay within the site which is contrary to GRDCP 2021 Part 6.3.9.3;the proposed layout will very likely result in drivers of vehicles reversing into the site or out of the site.<br>- The provision of onsite car parking to satisfy the minimum required can only be achieved with basement setbacks from the front and side boundaries not complying with GRDCP 2021 Part 6.3.4 – controls 1ii and 2. | |

**External Referrals**

| **External Referrals** | | |
|---|---|---|
| **Referral Body** | **Comment** | **Outcome** |
| Ausgrid | No objections raised to the proposal. | - |
| Water NSW | Water NSW : note no referral – due to incomplete Engineering referral | Flood Study required |

## Contributions

78. The development is not subject to Section 7.11/7.12 Contributions as the application is recommended for refusal. In accordance with the Georges River Local Development Contributions Plan 2021, a condition of consent requiring payment of the contribution and identifying it is subject to indexation in accordance with the plan would be applied if the DA were to be approved.

## REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

79. The proposal is a development to which State Environmental Planning Policy (Housing) 2021, Chapter 4 (Design of Residential Apartment Development) applies.

## Conclusion

80. The proposal has been assessed against the relevant provisions of State Environmental Planning Policies, the provisions of the GRLEP 2021 and GRDCP 2021.

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81. Having regard to the objectives of the applicable controls it is considered that the proposal fails to demonstrate compliance with the following Environmental Planning Instruments and Development Control Plan and is not considered to be suitable for the site:
    - *State Environmental Policy (Biodiversity and Conservation) 2021*
    - *State Environmental Policy (Housing) 2021*
    - *Georges River Local Environmental Plan 2021*
    - *Georges River Development Control Plan 2021*

82. 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.

83. 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 as follows:

    - The proposal does not address the issues of biodiversity, flooding, deep soil provision, and landscaping issues.
    - The proposal does not comply with the residential locality statement of Part 5.18 Hurstville.
    - The proposal does not meet the zone objectives of the R4 High density residential zone
    - The proposal does not meet the requirements for the minimum lot width and minimum site area for a residential flat building.
    - The proposal does not adequate address essential services re vehicular access and potential for dewatering.
    - The proposal does not satisfy the SEPP (Housing) 2021 and Chapter 4 – Design of Residential Apartment Development.

## Recommendation

**Refusal of Application**

84. Pursuant to *Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979* (as amended), DA2025/0275 for Demolition works and construction of a residential flat building on Lots 44 and 45 Section 2 DP 1808 being land known as 13-15 West Street, Hurstville NSW 2220, is recommended for refusal for the reasons outlined below.

    1. **Environmental Planning Instrument – State Environmental Policy (Biodiversity and Conservation) 2021 -** Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021 for the following reasons:

        a) Insufficient information provided re tree removal on site, and on adjoining site.

    2. **Environmental Planning Instrument – State Environmental Policy**

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**(Housing) 2021 -** Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is unacceptable with respect to the following sections of the Apartment Design Guide (ADG):

a) 3C – Public domain interface – the proposal fails to enable adequate transition between the private and public domain; and enhance the public domain. There is no detailed information provided re proposed utilities and services and their location at the front and rear building locations. The rear elevation at the public/private interface is dominated by blank walls and driveway.

b) 3D – Communal open space – The entirety of communal open space is provided on the rooftop, and thus the requirement for at least 40% of COS area to be provided at ground level has not been met.

c) 3E – Deep Soil – there is no provision within the front setback. The provision in the rear setback receives minimal sunlight.

d) 3F – Visual privacy – The proposal fails to demonstrate adequate building separation between the sides of the building and adjoining sites due to nil side setbacks.

e) 3G – Pedestrian access and entries – The proposal fails to provide building entries that adequately connect to address the public domain.

f) 3H – Vehicle access – The proposal fails to provide a driveway that is compliant with the relevant Australian Standards.

g) 3J – Bicycle parking – Insufficient bicycle parking is provided; and accessible parking is deficient.

h) 4A – Solar and daylight access – The architectural plans re balcony projections on the front elevation contradict with the submitted solar access diagrams. Compliance with Part 4A cannot be ascertained in absence of adequate information.

i) 4D – Apartment size and layout – There is a deficiency of 2 adaptable units.

j) 4E – Private open space and balconies – The POS of Unit 04 fails to meet the 3.0m width required. The proposed balconies on the front elevation have reduced solar access due to screens on the sides and roof. The bulk of the balconies on the front elevation does not contribute positively to the architectural form.

k) 4F – Common circulation areas – The lobby are not conducive to internal circulation and social interactions. All proposed lobby areas are narrow with service cupboards protruding into the lobby spaces. All lobbies above the ground floor level are not provided with natural ventilation or solar access.

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l) 4L – Ground floor apartments – None of the units have direct access to the street and thus provide no street activation. The proposed ground floor finished floor level of one ground floor unit is 1m below NGL.

m) 4M – Facades – The proposal fails to demonstrate well resolved façade treatments with an appropriate scale, articulation and proportion and thus the façade appears disjointed, with a building entry that is not distinguishable, and that is dominated by clutter of ramp and railing.

n) 4N – Roof design – The proposed flat roof enhances horizontality and does not relate to the street.

o) 4O – Landscape design – an updated landscape plan is required to accurately reflect proposed tree removal, and location of building services in the setbacks. Furthermore, the proposal demonstrates lack of communal open space at ground level and does not provide for a sustainable design outcome due to the limited deep soil area and minimum available sunlight, especially in the rear setback.

p) 4P – Planting on structures – the extensive use of planters on the roof top level to provide the sole area for communal open space does not positively contribute to the quality and amenity of the communal open spaces.

q) 4Q – Universal design – Three adaptable units are proposed, representing a shortfall of two. Inadequate provision of adaptable units will result in unacceptable exclusion of disabled persons.

r) 4W – Waste management – Insufficient information has been provided such as an adequate waste disposal chute system, the management of bulky waste items, gradients for bin travel paths, and a waste management plan. This does not provide any assurance that compliance with Australian Standards and the BCA has been achieved.

3. **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 sections 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 demonstrate a high standard of urban design and built form that enhances the non-CBD character of Hurstville and achieve a high level of residential amenity.

b) Clause 4.3 – Height of Buildings. The proposed development demonstrates a height of 22.5m, exceeding the maximum building height of 21m.

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c) Clause 4.6 – Exceptions to development standards. The Clause 4.6 variation request fails to demonstrate adequate planning grounds justifying variation to the maximum building height development standard.

d) Clause 6.9 – Essential Services. The proposed development has not demonstrated a satisfactory design for vehicular access to ensure safe entry and exit. The proposed driveway does not comply with relevant Australian Standards in relation to gradient and gradient transition, and no demonstration of adequate headroom clearance has been provided. Insufficient information has been provided to address flooding impacts and dewatering.

e) Clause 6.10 – Design Excellence. The proposed development has numerous urban design issues and is considered to not demonstrate design excellence.

4. **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) Future desired character – The proposal contravenes with Section 5.18 as the proposal fails to achieve adequate transition to the medium density areas in the vicinity and positively contribute to the streetscape. The proposed development is also not considered to be well-designed as evident by the multiple non- compliances with the ADG, GRLEP 2021 and GRDCP 2021.

b) Setbacks – The proposal does not comply with Section 6.3.3 and 6.3.4. The proposal incorporates a non-compliant setback of 5.0m above four storeys from West Street. Furthermore, the proposed basement levels are setback only 3.0m from West Street. Insufficient setbacks result in an inappropriate transition of building bulk and inadequate provision of deep soil landscaping near the street boundaries.

c) Façade and landscape treatment –The proposal does not satisfy Section 6.3.5 and 6.3.6. Services are not integrated into the design of the façade. There is insufficient landscape provision within the front setback. The façade appears disjointed, with a building entry that is not distinguishable, and that is dominated by clutter of ramp and railing.

d) Communal open space – The proposal is unacceptable in regard to Section 6.3.7 as 100% of the communal open space is provided on the rooftop rather than at least a minimum of 40% at ground level. The extensive use of planters on the roof top level will only provide for limited planting of a few species not including mature trees, and will diminish the landscape quality of the proposal.

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e) Parking – The proposal is unacceptable in regard to Section 3.13. and Section 6.3.9. The indicative angled parking is not supported: as in the absence of a swept wheel path analysis, it is considered that the driver of an AS Design Vehicle will need to carry out multiple forward and reversing manoeuvres at the "Turn Bay" in order to exit the site in a forward direction; the driveway is less than 1.5m from the south-western boundary of the site and contrary to GRDCP 2021 – Part 6.3.4.3; the design of the driveway does not provide a vehicle passing bay within the site which is contrary to GRDCP 2021 Part 6.3.9.3;the proposed layout will very likely result in drivers of vehicles reversing into the site or out of the site. The driveway gradient exceeds maximum Australian Standards.

f) The provision of onsite car parking to satisfy the minimum required can only be achieved with basement setbacks from the front and side boundaries not complying with GRDCP 2021 Part 6.3.4 – controls 1ii and 2.

g) The proposal demonstrates a deficiency of two accessible parking spaces, and demonstrates a deficiency of six bicycle spaces. No electric charging station is provided. The proposal fails to cater for the parking demand which will unreasonably intensify on-street parking demand in the surrounding area.

h) Stormwater management – The proposal is unacceptable in regard to Section 3.10 re stormwater management. The following information has not been provided: no OSD cross sections compete with dimensions, surface and inlet levels; no Flood Study; and no CCTV investigations and pipe alignment survey of Council's stormwater pipe that encroaches on the rear property boundary.

**5. 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 provide for deep soil provision within the front setback to enable mature tree planting within the front setback. Inadequate information has been provided on how the risk of flooding is to be mitigated as no flood study has been submitted.

b) Built Environment. The proposal has not demonstrated that it will make a positive contribution to the streetscape and the character of the area as the siting, scale, bulk, massing, and design elements of the development are generally inconsistent from an urban design perspective. The proposal does not accord with multiple planning controls including site isolation and represents an inappropriately designed development that is not supported.

c) Social Impacts. The assessment demonstrates that the proposal in its current form will have adverse impacts on visual amenity, and solar access within the locality, and result in view loss. As a result of the non-compliant height, bulk and poor street activation, the proposal impinges on the established streetscape and character of West Street.

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6. **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.

7. **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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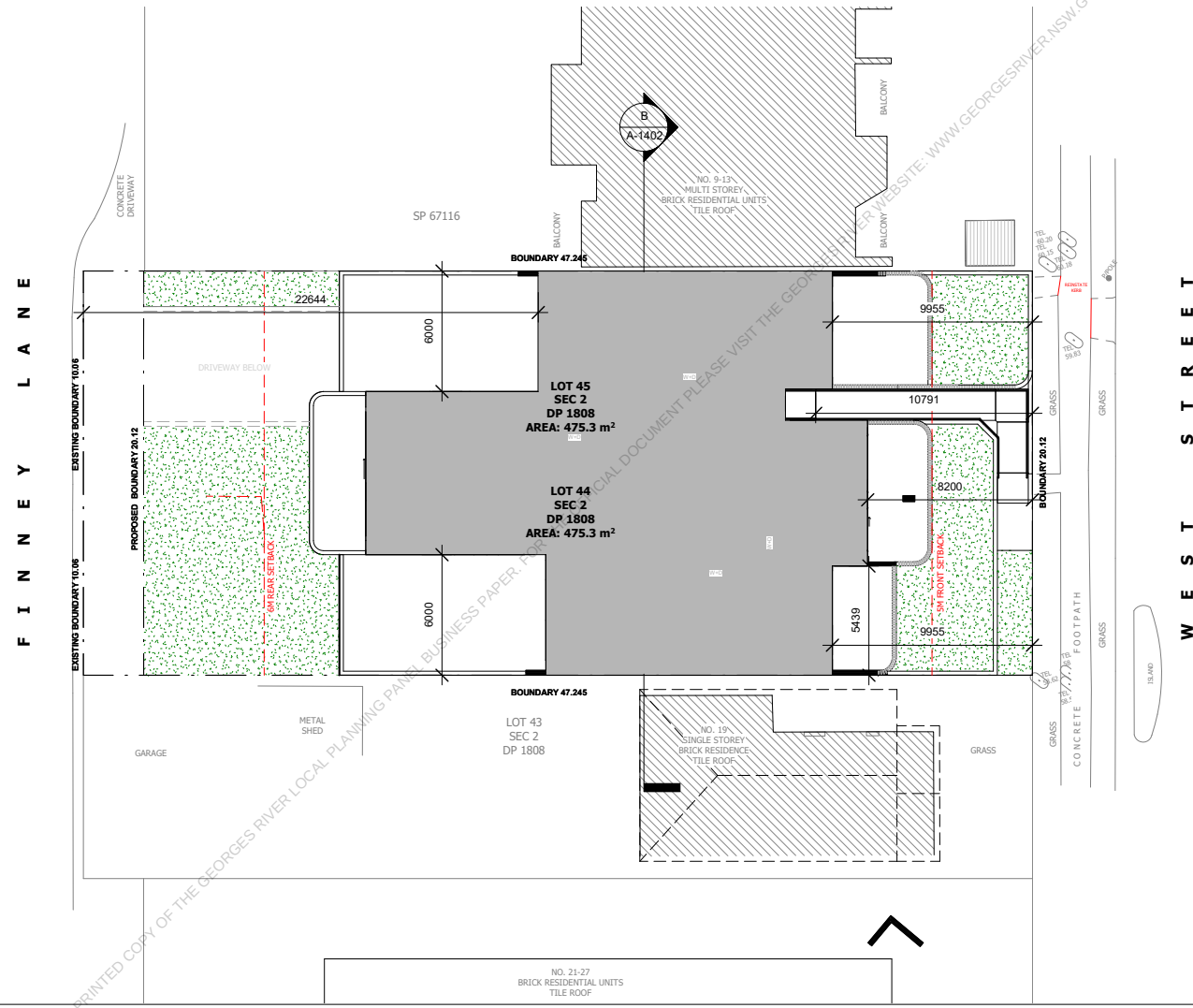
LPP004-26 Attachment 2

DESCRIPTION & RATING OF PROPOSED

SOLAR ACCESS
- PROVIDE WINDOWS AND OPENINGS ON THE NORTHERN FACADE TO CAPTURE THE COOLING, PREVAILING SUMMER BREEZES & SUN BUT MAINTAINS PRIVACY
SOLUTION:
- RESOLVED THROUGH USE OF SCREENING & BALCONIES TO DWELLINGS.

COOLING & ENGAGEMENT
- LIMIT WINDOWS AND OPENINGS TO THE SOUTHERN FACADE TO MINIMIZE CHILLING, PREVAILING WINTER BREEZES, NOISE AND POLLUTION, WHILE STILL ENGAGING WITH THE STREET
SOLUTION:
- PROVIDE FIXED GLAZING ON THE SOUTHERN FACADE, AND SCREENING TO ALLOW A DEFLECTION OF SOUTHERY BUSTERS AND PRIVACY WHILE ALLOWING ENGAGEMENT.

AUDIBLE & VISUAL PRIVACY
- PROVIDE GOOD QUALITY P.O.S. TO ALL DWELLINGS WHILE NOT IMPACTING ON THE VISUAL & ACOUSTIC PRIVACY OF THE EXISTING & FUTURE ADJOINING DWELLINGS
SOLUTION:
- MAJORITY OF BALCONIES (P.O.S) PROVIDED ON WEST ST TO MINIMIZE OVERLOOKING TOWARDS NEIGHBOURS.




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NOTE

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|---|---|---|
| A | 20-05-2024 | FOR COORDINATION |
| B | 12-08-2024 | FOR DA SUBMISSION |

PROJECT
**15-17 WEST STREET, HURSTVILLE NSW 2220**

CLIENT
**AHMED EL MIR**

STATUS
**FOR APPROVAL**

STAGE
**DA**

DRAWING NO.
**A-1001**

SCALE
1 : 200

DATE
**26 MAR 2025**

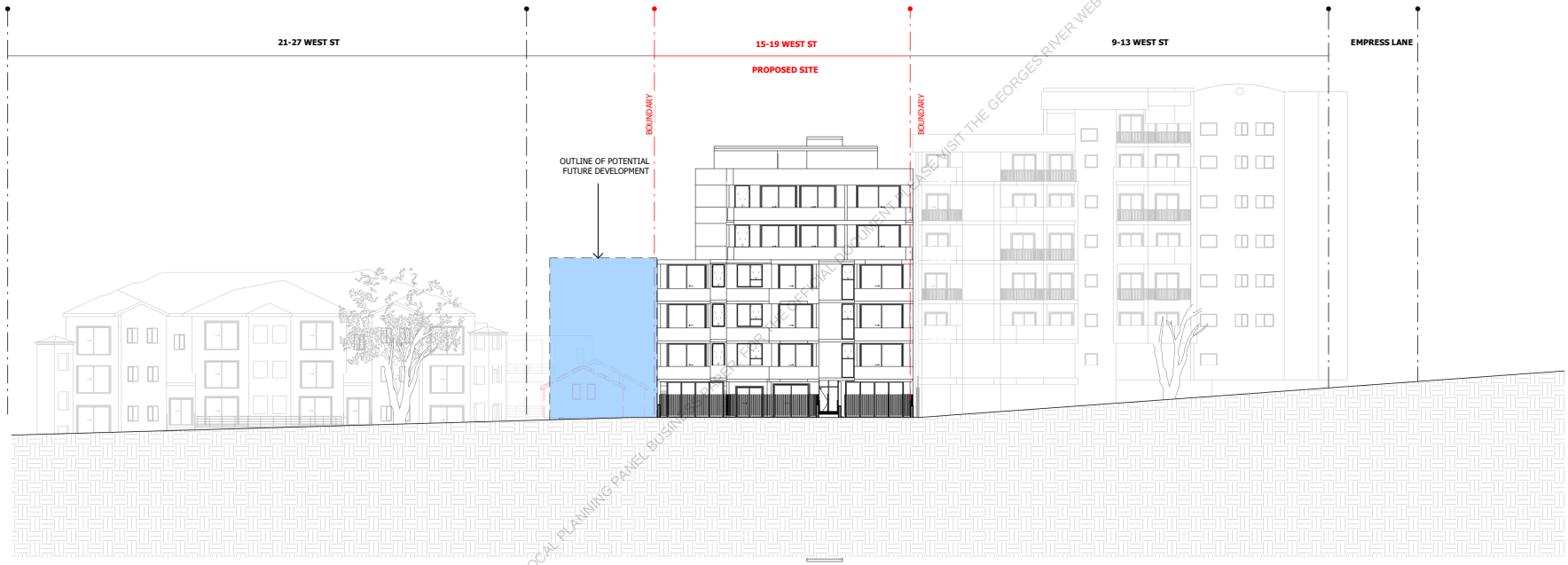
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CLIENT
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STATUS
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STAGE
**DA**

DRAWING NO.
**A-1002**

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**B**

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**NORTH ELEVATION**

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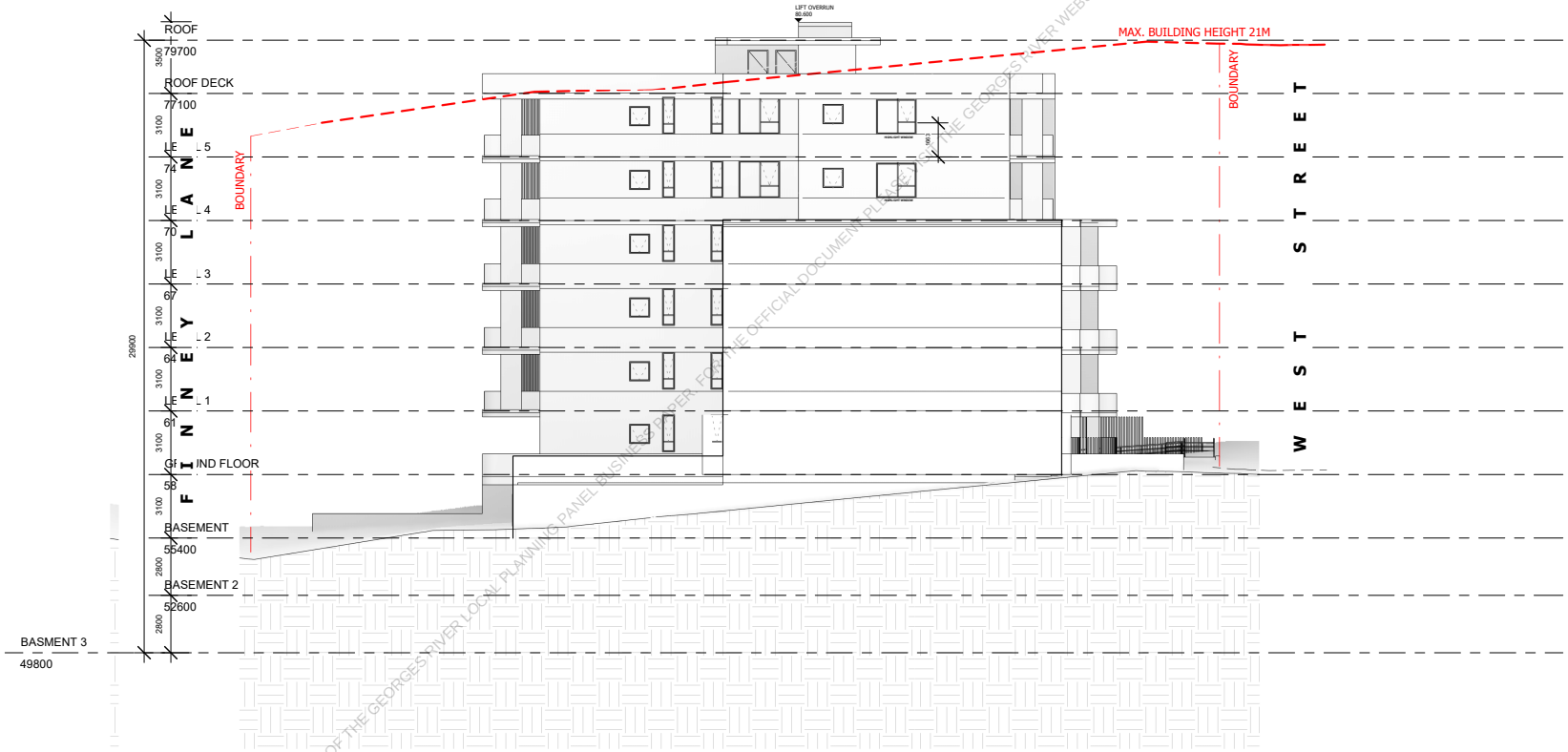
PROJECT
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CLIENT
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STATUS
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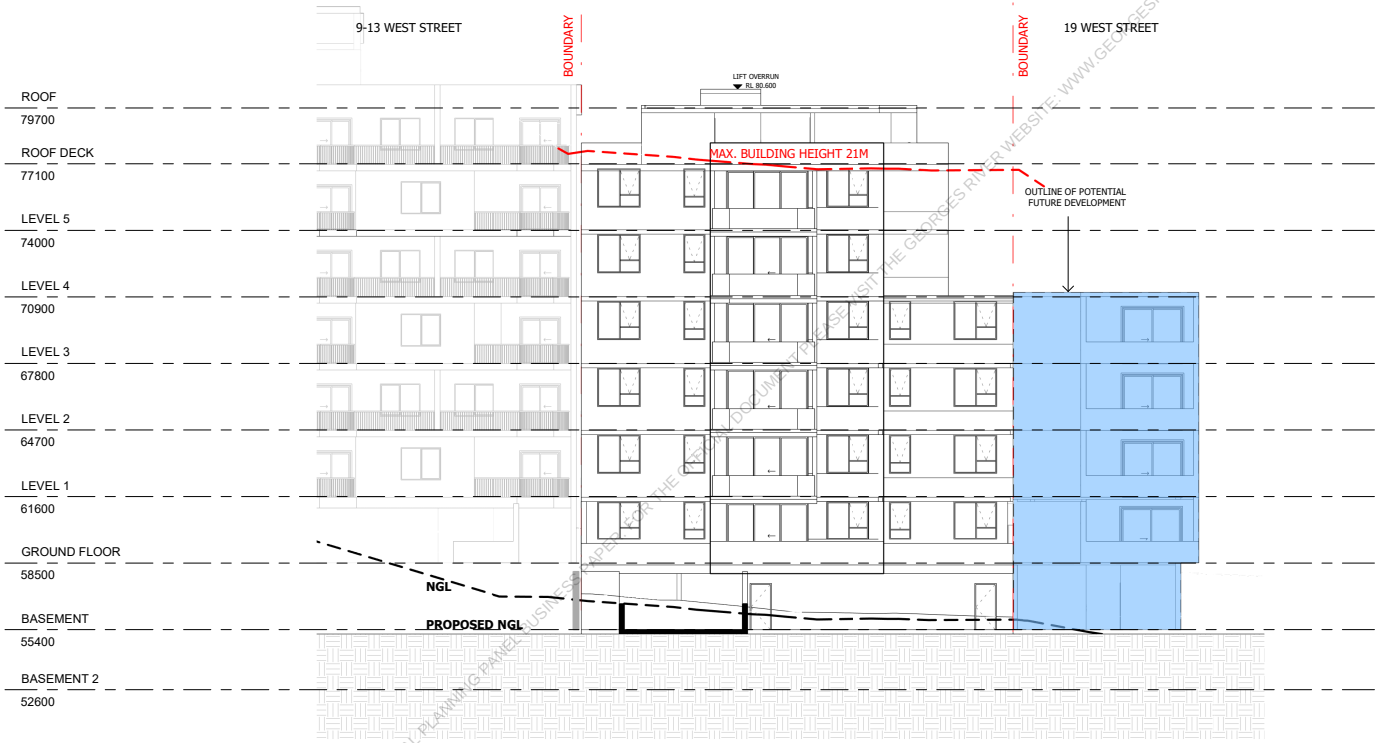
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CLIENT
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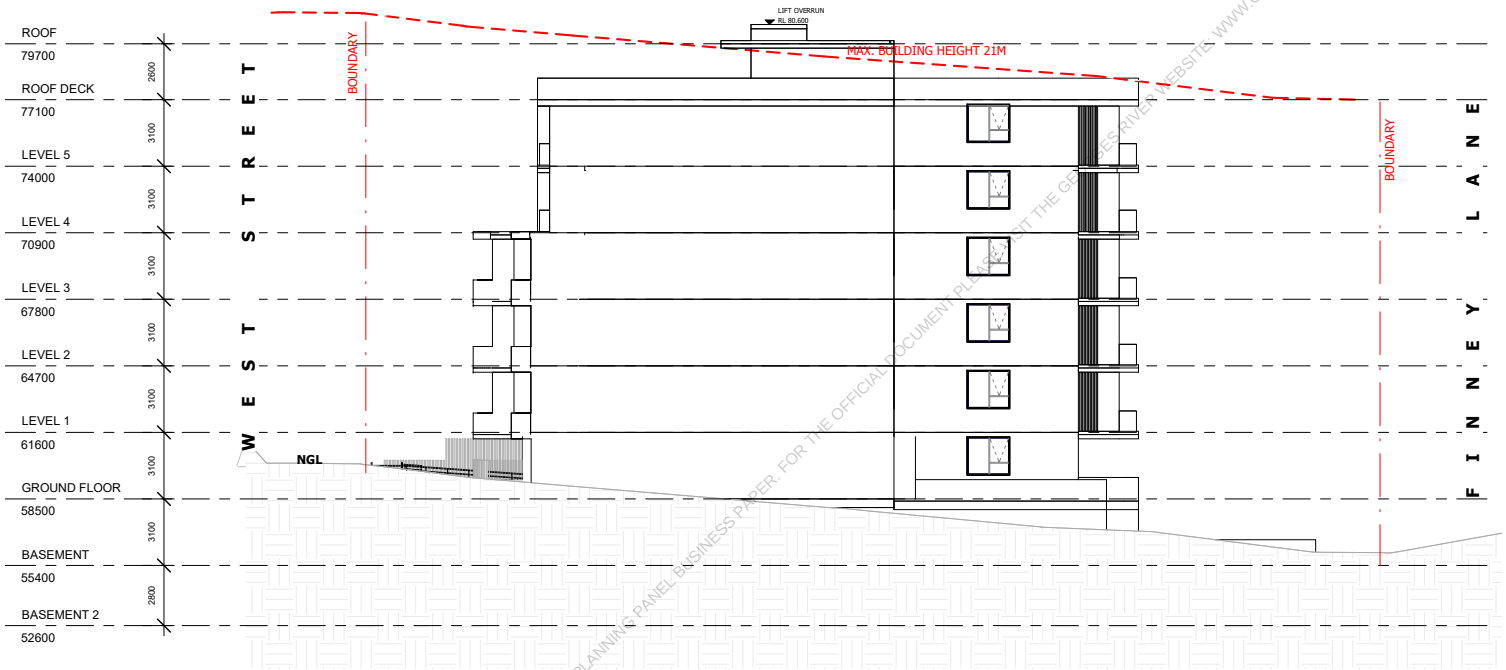
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CLIENT
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**WEST ELEVATION**

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PROJECT
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CLIENT
**AHMED EL MIR**

STATUS
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STAGE
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PROJECT
**15-17 WEST STREET, HURSTVILLE NSW 2220**

CLIENT
**AHMED EL MIR**

STATUS
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STAGE
**DA**

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PROJECT
**15-17 WEST STREET, HURSTVILLE NSW 2220**

CLIENT
**AHMED EL MIR**

STATUS
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STAGE
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**REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 19 FEBRUARY 2026**

## LPP005-26 12 HARRIS STREET, SANS SOUCI

| | | | |
|---|---|---|---|
| **LPP Report No** | **LPP005-26** | **Development Application No** | **REV2025/0028** |
| **Site Address & Ward Locality** | 12 Harris Street, Sans Souci<br>Kogarah Bay Ward | | |
| **Proposed Development** | Review of Determination of DA2024/0141 for Demolition works, retention of the heritage listed dwelling and construction of a two storey addition at the rear of the existing dwelling with a basement area below, landscaping and site works. | | |
| **Owners** | J Sayed | | |
| **Applicant** | J Sayed | | |
| **Planner/Architect** | Alison Davidson/Innovate Architects | | |
| **Date Of Lodgement** | 29/10/2025 | | |
| **Submissions** | One | | |
| **Cost of Works** | $3,775,221.00 (inclusive of GST) | | |
| **Local Planning Panel Criteria** | The proposed development involves demolition works to a heritage item listed under GRLEP 2021 | | |
| **List of all relevant s.4.15 matters (formerly s79C(1)(a))** | State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Sustainable Buildings 2021), State Environmental Planning Policy (Transport and infrastructure) 2021, Georges River Local Environmental Plan 2021 (GRLEP 2021) and Georges River Development Control Plan 2021 (GRDCP 2021). | | |
| **List all documents submitted with this report for the Panel's consideration** | Architectural Plans and Assessment Report | | |
| **Report prepared by** | Principal Planner | | |

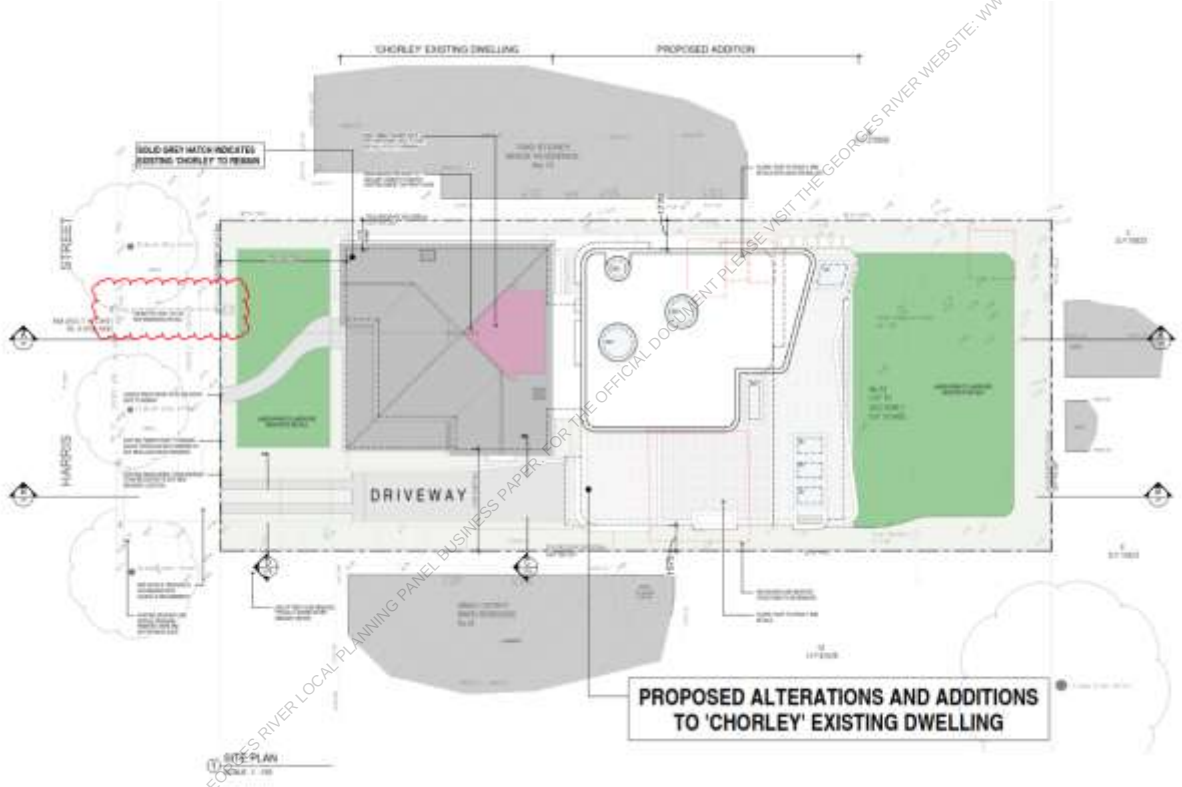
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| **RECOMMENDATION** | Refusal |

| | |
|---|---|
| **Summary of matters for consideration under Section 4.15**<br>Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? | **Yes** |
| **Legislative clauses requiring consent authority satisfaction**<br>Have relevant clauses in all applicable environmental planning instruments where the consent authority must be | **Yes** |

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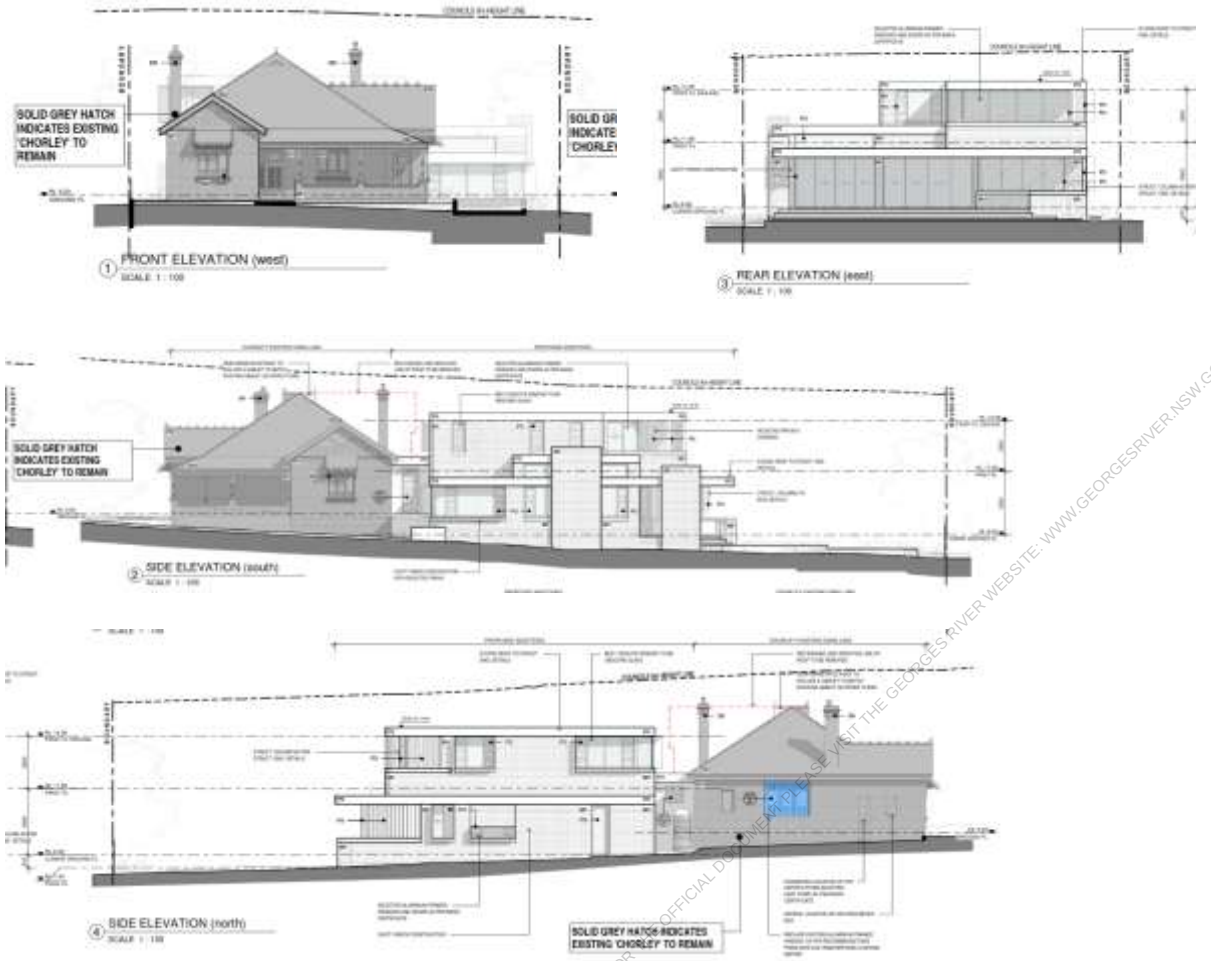
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| satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? | |
| **Clause 4.6 Exceptions to development standards**<br>If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? | **Not Applicable** |
| **Special Infrastructure Contributions**<br>Does the DA require Special Infrastructure Contributions conditions (under s7.24)? | **Not Applicable** |
| **Conditions**<br>Have draft conditions been provided to the applicant for comment? | **No, the application is recommended for refusal** |

**SITE PLAN**




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**Architectural Elevations**




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# EXECUTIVE SUMMARY

## PROPOSAL

1. The proposed works will involve partial demolition of the rear of the heritage listed dwelling and detached carport and excavation for construction of a basement car park and alterations and additions to the retained heritage-listed dwelling to propose a two-storey rear addition. The works are listed below:

   (a) Demolition of the rear room and covered entertaining space to the rear of the dwelling, carport, outbuildings and detached wash closet.
   (b) Removal of chimney breast in the northeastern ground level bedroom within the original dwelling.
   (c) Stormwater and landscaping works.
   (d) The removal of the vehicle wheel strips and construction of a new driveway to access the new basement garage which accommodates four (4) car parking spaces, storerooms, bin store, plant room, lift, access stairs and stormwater drainage.
   (e) The ground floor will rework the existing floor plate and proposes an addition connected via a breezeway from the original heritage dwelling to the new addition which will consist of:
      (i) Entry, porch to the street facing elevation, bed 4, bathroom, lounge, bedroom 5, breezeway connection, stairs, lift, laundry, living, dining, kitchen with walk in pantry and cool room, rumpus/prayer room, attached entertaining terrace with outdoor kitchen, landscaping and site works.

(ii) First floor involves the removal of the attic within the roof space of the heritage dwelling, the construction of a first-floor addition consisting of access stairs and lift, bedroom 1 with a walk-in robe and ensuite, bedroom two with a walk-in robe and ensuite, and rear facing balcony accessed via bedroom one.

**SITE AND LOCALITY**

2. The subject site is located on the eastern side of Harris Street and has a legal description of Lot 15 in Deposited Plan 975493 and is commonly known as 12 Harris Street, Sans Souci. The site is a regular shaped parcel with a primary frontage and direct access to Harris Street. The site has a total area of 1,017sqm with a sloping topography to the rear by approximately 2.2m with a cross fall from north to south.

3. The site currently has a detached single storey brick dwelling house that is heritage listed as per Georges River Local Environmental Plan 2021, being known as "Chorley". The subject site also has a strip driveway, hardstand area and a detached carport setback behind and along the southern side of the property. The rear weatherboard portion of the dwelling has a skillion roof with an attic and a balcony. The rear of the site also has a rear patio that steps down to the rear yard. An ancillary metal shed structure is in the middle of the site adjacent to the northern side boundary and an additional shed is located along the north easter corner of the site.

4. There are three (3) street trees across the site frontage and small hedging along the southern boundary, next to the driveway. The rear yard comprises a small garden area that is predominantly turf grassed area with a sewer manhole and inspection point.

5. The surround locality is predominantly low density residential with a variety of one and two storey dwelling houses. To the north and east of the subject site the land is zoned R3 medium density under Georges River Local Environmental Plan 2021 and consists of attached and detached multi-dwelling development predominantly fronting Rocky Point Road. Harris Street is flanked with street trees either side and extends with a gentle slope towards Georges River being approximately 450m south/south-west of the subject site.

**ZONING AND PERMISSIBILITY**

6. The subject site is zoned R2 Low Density Residential under the provisions of Georges River Local Environmental Plan 2021 (GRLEP 2021). The proposal involves the alterations and additions to a dwelling house which is a permissible use in the zone with development consent.

**SUBMISSIONS**

7. The DA was publicly notified to neighbours for a period of twenty-eight (28) days in accordance with the Georges River Community Engagement Strategy. One (1) submission was received and raised concerns relating to bulk and scale, privacy and setbacks. This is discussed further below.

**ASSESSMENT**

8. The Section 8.2A review 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.

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| **Georges River Local Environmental Plan 2021** | | |
|---|---|---|
| **Clause 4.3 – Height of Buildings** | | |
| **Standard** | **Proposal** | **Compliance** |
| Maximum 9m | Existing: 7.66m<br>Proposed: 7.4m | Yes |
| **Clause 4.4A – Exceptions to floor space ratio—certain residential accommodation** | | |
| **Standard** | **Proposal** | **Compliance** |
| Maximum 0.46:1<br>465.9sqm | 0.45:1<br>460.37m² | Yes |
| **Clause 5.10 – Heritage conservation** | | |
| **Standard** | **Proposal** | **Compliance** |
| Council must, before granting consent under this clause with respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. | The site contains Item number I298 and known as Chorley as listed in Schedule 5 of the LEP. The proposal has been reviewed by two of Council's Heritage Consultants, as it was a Section 8.2A review and has substantial history with previous refusal and LEC court matters. Council adopted the comments from DFP Consultants and Council's Principal Planner has undertaken a thorough assessment and considered the effect of the proposal on the item and is satisfied, that the proposal is appropriate in this regard, subject to imposition of conditions to ensure structural integrity of the retained dwelling and the respective northwestern chimney flue. Detailed comments are provided later in this report. | Yes |
| **Clause 6.3 – Stormwater Management** | | |
| **Standard** | **Proposal** | **Compliance** |
| (2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development—<br>(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 | Several meetings have been held, and a suitable stormwater design has not been designed to enable drainage of the site to Harris Street and a suitable easement has not been obtained to drain by gravity across the rear adjoining site towards Rocky Point Road. On this basis, the application cannot be supported without the essential stormwater drainage. | No |

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| (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<br>(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<br>(d) is designed to minimise the impact on public drainage systems. | On this basis, the proposal is unsatisfactory and cannot be supported, refer to discussion below. | |
| **Clause 6.12 – Landscaped areas in certain residential and conservation zones** | | |
| **Standard** | **Proposal** | **Compliance** |
| Minimum 20% of the site area 203.4sqm | 46.9% 476.86sqm | Yes |
| **Clause 6.9 Essential Services** | | |
| **Standard** | **Proposal** | **Compliance** |
| Development consent must not be granted to development unless Council is satisfied that any of the following services that are essential for the development are available, or that adequate arrangements have been made to make them available when required<br>a) the supply of water,<br>b) the supply of electricity,<br>c) the supply of telecommunications facilities,<br>d) the disposal and management of sewage<br>e) stormwater drainage or on-site conservation,<br>suitable vehicular access. | The proposal does not have, or make adequate provision for the following services:<br>- stormwater drainage or on-site conservation | No |

| **Georges River Development Control Plan 2021** | | |
|---|---|---|
| **Control** | **Proposal** | **Compliance** |
| **3.5.8 - Earthworks** | | |
| Earthworks are not to increase or concentrate overland stormwater | The proposed stormwater water design will not satisfy Council's | No |

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| Georges River Development Control Plan 2021 | | |
|---|---|---|
| **Control** | **Proposal** | **Compliance** |
| flow or aggravating existing flood conditions, on adjacent land | stormwater management plan, as discussed below. | |
| **3.10 – Water Management** | | |
| The development must comply with Council's Stormwater Management Policy, incorporate WSUD principles, ensure on-site detention does not compromise deep soil zones or landscaping, and manage runoff to prevent adverse impacts on neighbouring properties. | The proposed stormwater system fails to comply with Council's stormwater management policy and may impact water quality discharge, refer discussion below. | No |
| All development must include measures to control stormwater pollutants and treat runoff to reduce erosion, sedimentation, and nutrient dispersal, especially near waterways and bushland. | | |
| **6.1.2.8 - Visual Privacy** | | |
| 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. | In respect of privacy, windows on the northern and northeastern corner of the proposed addition would require further treatment to maintain privacy for the adjoining dwelling to the north, should consent be granted, the following condition would ensure that privacy is maintained to the adjoining dwelling:<br><br>*Prior to the issue of a Construction Certificate, the windows known as W27, W28 and W29 shall be amended to contain translucent glazing to minimise overlooking of the adjoining property at 10 Harris Street. Details to be provided to the Private Certifier.* | No |
| 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. | The first-floor rear balcony projects between 1.1 metres (southern end) and 2.585 metres (northern end) beyond the rear wall alignment. The increased projection at the northern end represents an architectural design feature rather than an expansion intended to facilitate high-intensity use. | No |

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| Georges River Development Control Plan 2021 | | |
|---|---|---|
| **Control** | **Proposal** | **Compliance** |
| | Although the northern portion of the balcony is non-compliant by approximately 1 metre, this variation will not result in unreasonable adverse privacy impacts on the adjoining properties. The balcony is accessed from a bedroom, which is considered a low-use, low-traffic room compared with primary living areas. As such, the expected frequency and duration of balcony use will be inherently limited. Furthermore, the inclusion of privacy screening will appropriately mitigate any potential or perceived overlooking towards adjoining properties.<br><br>On this basis, the proposed variation to the balcony depth at the northern end is unlikely to result in any unreasonable adverse privacy impacts on neighbouring residential amenity and can be supported.<br>If consent is to be granted, it is recommended that the following condition be imposed to ensure that privacy outcomes are achieved and maintained:<br><br>*Prior to the issue of an Occupation Certificate, the privacy screen that will be installed along the northern edge of the first floor rear balcony must be:*<br><br>1. *fixed in position to prevent direct line of sight views into the rear of the adjoining property at 10 Harris Street; and-of-sight views into*<br><br>2. *be permanently maintained in good condition for the life of the development.* | |
| **6.1.2.13 – Site Facilities** | | |

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| Georges River Development Control Plan 2021 | | |
|---|---|---|
| **Control** | **Proposal** | **Compliance** |
| **Control** | **Proposal** | **Compliance** |
| 2. Provision for water, sewerage and stormwater drainage for the site shall be nominated on the plans to Council's satisfaction. | The proposed development fails to provide suitable stormwater drainage for the site to Council's satisfaction. | No |

**ISSUES**

Stormwater Design

9. Council's stormwater engineer provides the following referral comments:

*"The subject site is identified as a low-level property while the site has a fall of approximately 2.5m fall from frontage to rear of the property boundary and the proposed development is a redevelopment of the property.*

*Site stormwater runoff management plan proposes outlet discharge via charged drainage system (pressurized) to an existing street pit in front of the property. The design 1% AEP event site runoff (17 + 4 = 21 Litres/sec) would not be able to be conveyed to the street pit through 150mm outlet pipeline. Also 150mm pipeline has a very limited capacity and total site pit outlet flow 21 Litres/sec including the basement sump outflow (4 litres/sec) could not be able to reach to street pit without blocking and overwhelming the site drainage system thereby causing nuisance overland flooding within the property and street drainage system whilst the proposed site discharge design system is unsatisfactory and non-compliant from Council's stormwater management policy and clause 6.3 (2c & 2d) of GRLEP2021.*

*Submitted Telford Civil prepared stormwater plan (Issue E, dated 10/12/2025), where new roof area (284.5m2) runoff (17.3 Litres/sec) goes to rainwater tank, then tank overflow is charged within a 38-metre pipeline to front site boundary shallow pit (360mm) and basement sump pump flow (4 Litres/sec) also enters this pit, which then tries to discharges 21 Litres/sec via 150mm outlet pipeline to existing street pit & 375mm pipeline. The site could not be able to drain satisfactorily to Harris Street drainage pit due to above point 2 and the site runoff is currently draining towards rear boundary within Rocky Point Road drainage sub catchment.*

*The service location report (ALS site report dated 8/12/2025) indicated that there are several utilities services (water, gas main, gas service, water service, communications, stormwater and Telstra) which are likely to create services conflict in running the 150mm site stormwater outlet pipe connection to street pit and the Telford prepared Rev E (dated 10/12/2025) stormwater plan has not documented those services within 150mm pipeline longitudinal section to address service conflict issues – which is not demonstrated and hence unsatisfactory.*

*In conclusion, the proposed stormwater management arrangements for the subject site have not been adequately addressed and are contrary to Clauses 6.3 and 6.9(d) & (e) of the GRLEP 2021 and objective (b) of Section 3.10 of the GRDCP 2021. The proposed method of site stormwater drainage design is not supported based on abovementioned detailed findings. Therefore, an alternate option to be sought through seeking an easement from downhill properties to Rock Point Road which happens to be a legal point of discharge.*

- *Discussion on Design Issues Not Addressed:*

*Telford Civil prepared stormwater design plan did not demonstrate charged drainage design system performance documentation, which must maintain minimum 1.5m hydraulic head to drain roof water runoff to a front site boundary sealed pit and then to street kerb via outlet pipeline, which flows to kerb by gravity with at least 1% grade. Hydraulic grade line calculations of 38-meter long 90mm charged pipeline including basement sump pump discharge were not prepared to demonstrate that there is sufficient head to drive runoff from rainwater tank overflow outlet satisfactorily to front boundary sealed pit, then to a street pit drainage system as a gravity drainage.*

*Rainwater tank overflow outlet with charged pipeline longitudinal section was not prepared from tank overflow outlet pipe showing pipeline chainages, existing ground & finished surface levels, pipe invert/surface levels, chainages, grade, along pipeline to front site boundary sealed pit with GATIC lid at a scale of 1:100/1:200 horizontally & 1:20/1:10 vertically. The sectional plan must demonstrate satisfactory drainage disposal design to street kerb with 1.5 hydraulic head achieved. The plan must document very clearly &legibly existing & finished ground levels from rainwater tank (with tank's detail as overall dimensions, RL's of tank base level, top level & overflow levels) as well as pipe alignment up to front boundary pit (DRAINS model long section is not acceptable). Rainwater tank base pad level can be raised by 300-500mm to satisfy 1.5m head requirement as an option to consider further.*

*The above details are essential in assessing charged system (pressurized) performance to prevent any malfunctioning throughout development life cycle (at least 80 years). Note: these levels information must be presented in the plan and must be consistent with survey, drainage and architectural plans which was not demonstrated.*

*As a note that all gutters and downpipes draining by charged system to rainwater tank must be designed to 1% AEP storm event to ensure 100% capturing roof water runoff.*

*Details were not prepared deliberately in relation to site boundary pit demonstrating that it drains by gravity to a legal point of discharge by having invert level of inlet pipe is higher than that of outlet pipe and site outlet pipeline longitudinal section from front boundary to downstream connection point.*

*i. Site outlet pipeline Clear Cover of 80mm must be maintained within nature strip frontage which shall be based on Registered Surveyor prepared surveyed level along the nature strip. The outlet connection to street kerb must be made within a 45 degree splay where pipe flow is to drain by gravity at least 1% grade achieved. Outlet pipe across nature strip shall be documented showing public utility services particularly those may encroach the proposed stormwater pipeline.*

*ii. Longitudinal section of site outlet pipe from boundary sealed pit to street system connection is to be submitted with documented nature strip surface level, outlet invert levels etc to demonstrate a minimum 80mm cover.* ***Note:*** *If this clear cover cannot be achieved then frontage footpath/nature strip regrading option to be explored, investigated, regraded to facilitate RHS clear cover in the form of civil design plan which must be approved by Council's Asset and Infrastructure unit in this case, due to the existing condition of the nature strip and concrete footpath prior to finalise site drainage plan."*

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10. On this basis, support cannot be given to the proposal as it will not satisfy Clause 6.9 of the GRLEP 2021, in relation to the provision of essential stormwater services.

Heritage

11. Council's Heritage Consultant has reviewed the proposal and is satisfied it appropriately addresses heritage considerations, subject to further structural information.

12. It is noted that further information would be required to ensure that the existing walls of the heritage-listed dwelling remain structurally sound following excavation for the basement and ensure that the materials and finish of the driveway remains as originally proposed.

13. A response was received from the applicant on 21 January 2026 to state that the materials and finishes remain the same and that the LEC expert engineers agreed that conditions could be imposed to require structural certification for the retention of the dwelling prior to construction. On this basis, should consent be granted an appropriate deferred commencement condition can be imposed to this effect.

14. In respect of the existing dwelling the State Heritage Inventory provides the following Statement of Significance:

*"12 Harris Street, Sans Souci is significant at a Local level for its historic value and its aesthetic and streetscape contribution. The place is a substantially intact early 1920's single-storey, tuck pointed brick and slate roofed dwelling displaying excellent Federation Bungalow stylistic influence. Inclusive of its garden setting and historically accurate recent picket fence, the place makes a valuable contribution to the streetscape. The place provides evidence of the historical evolution of the St Kilda Estate and is a worthy example of its type in the Kogarah LGA. Integrity has been somewhat compromised by unsympathetic alterations to the rear but is still able to be conserved."*

15. The accompanying HIS assesses the item against the NSW heritage criterion and Council concur with this assessment.

16. The proposed works will remove intrusive additions and reinstate some of the original features, this is a positive outcome, the addition will be generally separate from the retained heritage listed dwelling with corridor connecting the original and new elements, the is an acceptable form of development and it will be acceptable as the landscaped area has not notable significance.

17. The internal works to the existing dwelling will generally retain the existing layout. The removal of the chimney breast from northwestern bedroom within the existing dwelling may structurally affect the external chimney, on this basis should consent be granted for the retention of the chimney breast unless certification is provided to ensure the flue will not be structurally affected.

18. The two-storey addition component has been setback behind the retained dwelling and will be generally hidden from the street view by the retained heritage listed dwelling, this is a positive outcome. The parapet of the addition, which will be partially visible for the street, will have a recessive colour finish (Muorbond – Graphite) and the walls will contain brickwork, these materials and finishes will minimise impacts when viewed from the street.

19. The two-storey addition will extend to the southern boundary, behind the retained dwelling, and this addition along with the basement will be visible from the street when looking immediately south from Harris Street, they will not be visible on approach from the northwest, being obscured by retained dwelling and the dwelling at 14 Harris Street will obscure the view when approaching from the south. On this basis, the two-storey extension is supported as it has been set 2.26m from the retained dwelling, sits below the ridgeline of the existing dwelling and is two-storey in height. When combined with the materials and finishes, the impact is acceptable as it will ensure the dwelling appear separate of the addition and the architectural elements and important features are retained still ensuring the relevant criterions above are unaffected.

20. Finally, further structural certification and details are required to ensure that the basement excavation does not impact the structural stability of the retained heritage listed dwelling, should consent be granted a deferred commencement consent should be imposed to require a structural design and method statement to show that the works can be undertaken without affecting the stability of the retained building and require certification of the works.

21. On this basis the proposed the alterations and additions are acceptable, should consent is granted suitable conditions should be imposed to ensure structural stability of the original dwelling and the northern chimney flue.

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Public Submission

22. One (1) submission was received raising concern with bulk and scale, shadowing and privacy. As outlined in the assessment above, the proposal complies with height, floor space ratio and all setback controls, on this basis the development is reasonable. In respect of privacy, the balcony contains a privacy screen, but this will be required to be fixed to avoid overlooking the rear of 10 Harris Street, while the first-floor windows on the northern and northeastern corner of the proposed addition would require further treatment to maintain privacy for the adjoining dwelling to the north. Should consent be granted, the following conditions would ensure that privacy is maintained to the adjoining dwelling at 10 Harris Street:

    (a) *Prior to the issue of an Occupation Certificate, the privacy screen that will be installed along the northern edge of the first-floor rear balcony must be:*
        (i) *fixed in position to prevent direct lineofsight views into the rear of the adjoining property at 10 Harris Street; and-of-sight views into the rear of the adjoining property at 14 Harris Street; and*
        (ii) *be permanently maintained in good condition for the life of the development.*

    (b) *Prior to the issue of a Construction Certificate, the windows known as W27, W28 and W29 shall be amended to contain translucent glazing to minimise overlooking of the adjoining property at 10 Harris Street. Details to be provided to the Private Certifier.*

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**CONTRIBUTIONS**

23. 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 of a supportive nature.

**CONCLUSION**

24. The application has been assessed having regard to the matters for consideration under section 4.15 of the environmental planning and assessment act 1979, the provisions of the relevant state environmental planning policies, local environmental plans and development control plans.

25. The fundamental reason for the recommendation of refusal of this development application is the inability of the proposed development to provide adequate stormwater drainage in accordance with Georges River Stormwater Policy.

26. The proposal has been assessed against the provisions of the Georges River Local Environmental Plan 2021 and Georges River Development Control Plan 2021. Currently the proposal cannot be supported due to inadequate stormwater provision, however, should consent be granted, it is recommended that conditions be imposed to address the following:

    (a) Treatment of windows W27, W28 and W29 to provide translucent glazing to maintain privacy to adjoining dwelling at 10 Harris Street.
    (b) The privacy screen on along the northern side of the first-level balcony, shall be fixed to direct views away from 10 Harris Street.
    (c) Ensure the existing dwelling can be retained in situ following excavation for the basement, they applicant will be required to provide structural design details and method statement to show that the works can be undertaken without affecting the stability of the retained building and require certification of the works.
    (d) Retention of the chimney breast in the northeastern ground floor of the existing dwelling, as the chimney flue has the potential to be structurally affected.

**STATEMENT OF REASONS AND DETERMINATION**

Statement of Reasons

27. The reasons for this recommendation are:

    (a) The development is non-compliant with the development objectives and standards. the proposal fails to provide a compliant stormwater design in accordance with Georges River Stormwater Management Policy.
    (b) Insufficient information has been provided to ascertain structural integrity of the existing heritage dwelling and northwestern chimney flue.
    (c) The proposed development is likely to have an adverse impact on the following aspects of the built, natural and social environment.

**Recommendation**

28. Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer determines REV2025/0028 for the Section 8.2A Review of Determination of DA2024/0141 for the demolition works, retention of the heritage listed dwelling and construction of a two storey addition at the rear of the existing dwelling with a basement area below, landscaping and site works on Lot 15 in DP 975493 on land known as 12 Harris Street Sans Souci, should not be approved subject to the refusal reasons referenced below:

    (a) The application fails to provide sufficient information to assess the impacts of the proposed development pursuant to Clause 4.15(a)(iv) of the Environmental Planning and Assessment Act 1979.

    (b) The proposed development fails to demonstrate compliance with Part 6.2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, in regard to impact on the Georges River regulated catchment.

(c) The proposed development fails to demonstrate compliance with Clause 6.3 Stormwater Management of the Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the environmental Planning and Assessment Act 1979.

(d) The proposed development fails to demonstrate compliance with Clause 6.9(e) Essential Services of the Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

(e) The proposal fails to comply with Section 3.5 Earthworks under the Georges River development control Plan 2021 pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

(f) The proposal fails to comply with Section 13.10 Water Management and Water quality under the Georges River development control Plan 2021 pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

(g) The proposal fails to comply with Section 13.2 Site Facilities under the Georges River development control Plan 2021 pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

(h) For the states reasons above, the proposed development is not suitable for the site, Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.

(i) For the reasons stated above, it is considered that the development is not in the public interest, Pursuant to S4.15(1)(e) of the Environmental Planning & Assessment Act 1979.

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## ATTACHMENTS

Attachment ⇩1 Section 8.2 Assessment Report - 12 Harris Street San Souci - REV2025_0028 Final Issue - Attached to LPP Report

Attachment ⇩2 LPP Architectural Plans - 12 Harris Street, Sans Souci - Rev2025-0028

# Section 8.2A Review Determination

S4.15 Environmental Planning & Assessment Act, 1979

*Georges River Council acknowledges the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. Council recognises Aboriginal and Torres Strait Islander peoples as an integral part of the Georges River community and values their social and cultural contributions. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples who live work and meet on these lands.*

## Introduction

| | |
|---|---|
| **Application Number** | REV2025/0028 |
| **PAN** | PAN-583019 |
| **Description** | Review of Determination of DA2024/0141 for Demolition works, retention of the heritage listed dwelling and construction of a two-storey addition at the rear of the existing dwelling with a basement area below, landscaping and site works. |
| **Address** | 12 Harris Street, Sans Souci |
| **Lot / DP** | Lot 15 DP 975493 |
| **Applicant** | J Sayed |
| **Owner(s)** | J Sayed and J Sayed |
| **Responsible Officer** | Louise Meilak |

## Recommendation

| | |
|---|---|
| **Summary** | The development has been assessed having regards to the Matters for Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979. |
| **Refusal** | Council as the Consent Authority in accordance with Section 4.16 (1)(b) *Environmental Planning & Assessment Act* 1979 recommends the refusal of the Development Application due to the reasons discussed within this report. |

## Site Affectations

| Affectation | Y | N | Comment |
|---|---|---|---|
| **Georges River Local Environmental Plan 2021** | | | |
| **(5.1) Land Acquisition** | ☐ | ☒ | |
| **(5.7) Development Below Mean High Water Mark** | ☐ | ☒ | |
| **(5.10) Heritage Conservation** | ☒ | ☐ | Site is heritage listed. |
| **(5.21) Flood Planning** | ☐ | ☒ | |
| **(5.23) Public Bushland** | ☐ | ☐ | |
| **(6.1) Acid Sulfate Soils** | ☒ | ☐ | |
| **(6.4) Foreshore Area and Coastal Hazards and Risk** | ☐ | ☒ | |
| **(6.5) Riparian Land and Waterways** | ☐ | ☒ | |

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## Section 8.2A Review Determination
S4.15 Environmental Planning & Assessment Act, 1979

GEORGES RIVER COUNCIL

### Site Affectations

| Affectation | Y | N | Comment |
|---|---|---|---|
| **(6.6) Foreshore Scenic Protection Area** | ☐ | ☒ | |
| **(6.7) Airspace Operations** | ☐ | ☒ | |
| **(6.8) Development in Areas Subject to Aircraft Noise** | ☐ | ☒ | |
| **Others** | | | |
| **Bushfire Prone Land** | ☐ | ☒ | |
| **Contamination** | ☐ | ☒ | |
| **Council Owned Land** | ☐ | ☒ | |
| **Crown Land** | ☐ | ☒ | |
| **Easements** | ☐ | ☒ | |
| **Narrow Lot Housing Precinct** | ☐ | ☒ | |
| **Rail Noise** | ☐ | ☒ | |
| **Road Noise** | ☐ | ☒ | |
| **Road Widening** | ☐ | ☒ | |
| **Topography** | ☐ | ☐ | Sloping topography from the from to the rear by approximately 2.2m with a cross fall from north to south. |
| **Zoning** | ☒ | ☐ | R2 Low Density Residential |

### Proposal

| | |
|---|---|
| **Car Parking** | Four (4) basement car spaces |
| **Demolition** | Partial demolition of existing dwelling is required to enable construction of the proposed alterations and additions to the existing heritage-listed dwelling. |
| **Estimated Development Cost** | $3,775,221 (inclusive of GST) |
| **Site Area** | 1,017m² |
| **Floor Space Ratio** | Applicant: |
| | Council: 0.45:1 |
| **Front Setback** | 7.650m (existing) |
| **Gross Floor Area** | Applicant: |
| | Council: 460.37m² |
| **Land Use** | Residential dwelling house |
| **Landscaping Area** | 46.9% (476.86m²) |

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## Section 8.2A Review Determination
S4.15 Environmental Planning & Assessment Act, 1979

GEORGES RIVER COUNCIL

| Proposal | |
|---|---|
| **Maximum Height of Building** | 7.66m (existing dwelling) and 7.4m (proposed extension) |
| **Minimum Side Setback** | Northern setback = 1.77m (existing and proposed)<br>Southern setback = 1.31m (proposed) |
| **Rear Setback** | 16.97m to dwelling wall<br>12m to external terrace area |
| **Vegetation Removal** | Removal of four (4) trees. |

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The proposed works will involve partial demolition of the rear of the heritage listed dwelling and detached carport and excavation for construction of a basement car park and alterations and additions to the retained heritage-listed dwelling to propose a two-storey rear addition. The works are listed below:

- Demolition of the rear room and covered entertaining space to the rear of the dwelling, carport, outbuildings and detached wash closet.
- Removal of chimney breast in the northeastern ground level bedroom within the original dwelling.
- Stormwater works.
- The removal of the vehicle wheel strips and construction of a new driveway to access the new basement garage which accommodates four (4) car parking spaces, storerooms, bin store, plant room, lift, access stairs and stormwater drainage.
- The ground floor will rework the existing floor plate and proposes an addition connected via a breezeway from the original heritage dwelling to the new addition which will consist of:
    - Entry, porch to the street facing elevation, bed 4, bathroom, lounge, bedroom 5, breezeway connection, stairs, lift, laundry, living, dining, kitchen with walk in pantry and cool room, rumpus/prayer room, attached entertaining terrace with outdoor kitchen, landscaping and site works.
    - First floor involves the removal of the attic within the roof space of the heritage dwelling, the construction of a first-floor addition consisting of access stairs and lift, bedroom 1 with a walk-in robe and ensuite, bedroom two with a walk-in robe and ensuite, and rear facing balcony accessed via bedroom one.

A site plan is provided below:

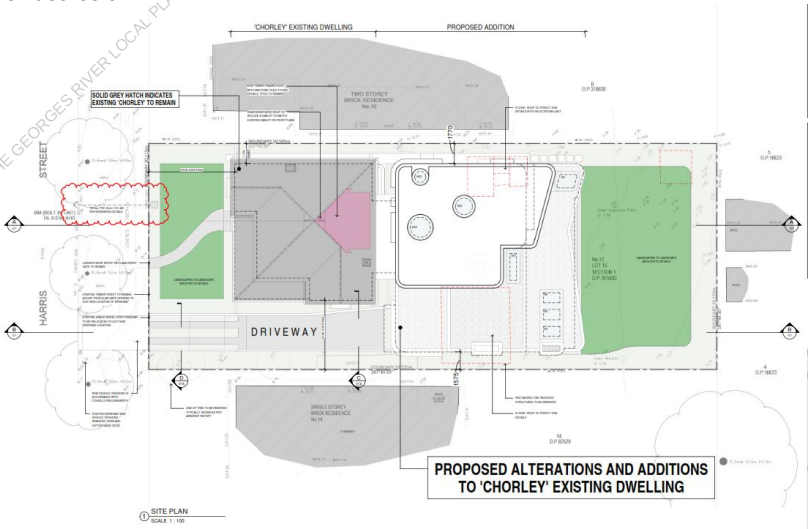



**Figure 1** – Site plan *(Source: Architectural Plans)*

## Section 8.2A Review Determination
S4.15 Environmental Planning & Assessment Act, 1979

| Locality | |
|---|---|
| **North** | Detached residential dwellings and further to the north multi-dwelling housing. |
| **South** | Detached residential dwellings and dual occupancies. |
| **East** | Detached residential dwellings. |
| **West** | Harris street and ion the western side of Harris Street detached residential dwellings. |
| **Wider Area** | Low density residential locality with interspersed multi-dwelling housing and dual occupancies. |

**Aerial Image of Land Zoning – R2 low density residential**

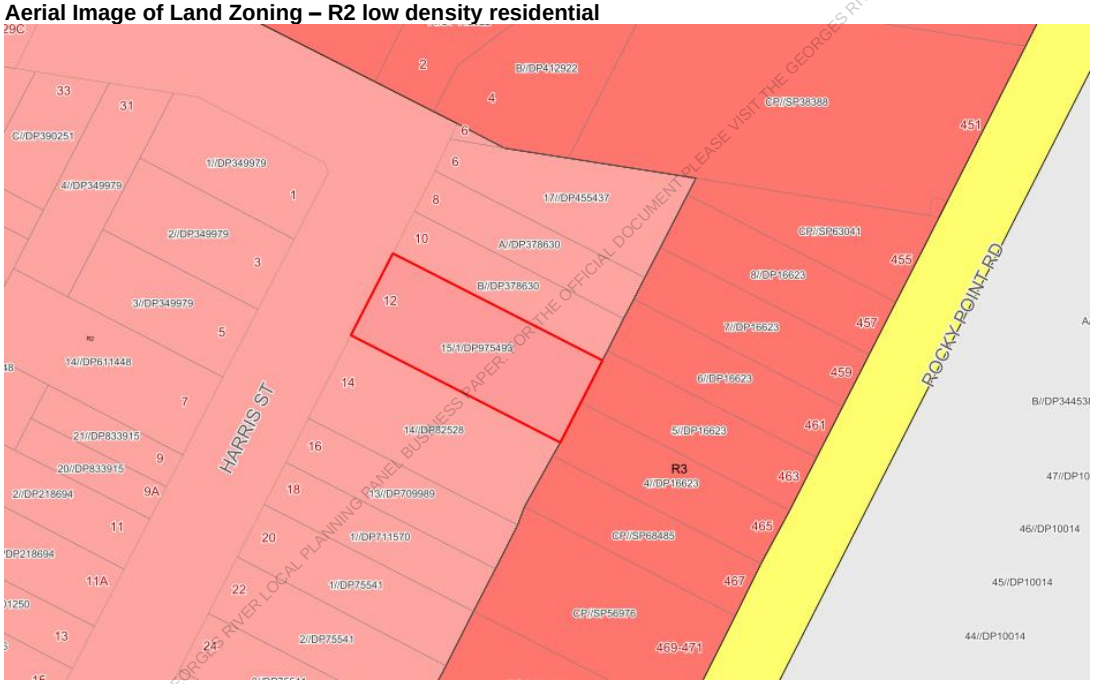



**Figure 2** –Aerial view of development site outlined in red *(Source: IntraMaps)*

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## Section 8.2A Review Determination
S4.15 Environmental Planning & Assessment Act, 1979

**Aerial Image of Site**




**Figure 3**–Aerial view of development site outlined in red *(Source: IntraMaps)*

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### History

| Application Number | Proposed Works | Determined | Comments |
|---|---|---|---|
| DA2023/0606 | Alterations and additions to dwelling and swimming pool. | Withdrawn – 15 December 2023 | |
| DA2023/0609 | Alterations and additions to dwelling and swimming pool | Returned – 8 February 2024 | Returned for driveway information and stormwater calculations |
| DA2024/0086 | Alterations and additions to dwelling and swimming pool | Returned – 28 March 2024 | Driveway information |
| LEC Proceedings GRC24008 | Alterations and additions to dwelling and swimming pool | Lodged with LEC on 4 March 2025 but not determined. | Matter was withdrawn, however, heritage matters had been generally resolved with stormwater remaining unresolved. |
| DA2024/0141 | Alterations and additions to dwelling and swimming pool | Refused by the Local Planning Panel – 21 August 2025 | The reasons for refusal are summarised below:<br>- Stormwater<br>- Essential services<br>- First floor balcony projection<br><br>The current Section 8.2A review relates to this refusal. |

### Processing

| Action | Date | Comments |
|---|---|---|
| **Submission** | 27/102025 | |

## Section 8.2A Review Determination
S4.15 Environmental Planning & Assessment Act, 1979

| | | |
|---|---|---|
| **Lodgement** | 28/10/2025 | |
| **Site Inspection** | 02/02/2026 | |
| **RFI Issued** | 28/11/2025 | In summary the RFI requested the following:<br>- Impervious area calculations<br>- May need to provide a OSD<br>- Update surveyor<br>- Amended survey design |
| **Revised Documents Received** | 12/12/2025 | Additional information was received on 12 December 2025 as follows:<br>- Amended stormwater drawings<br>- Survey of existing utilities<br>- Completed DA stormwater and OSD Documentation Checklist<br>- Engineer response letter |
| **RFI Issued** | 23/12/2025 | Email sent to applicant seeking the following heritage clarification:<br>- confirmation that you still intend to pave the driveway with "Raven Granite Mesh" Cobblestones.<br>- A structural engineering methodology should be provided to ensure the rear wall of the heritage listed dwelling will remain structurally sound with the excavation of the basement. |
| **Revised Documents Received** | 21 January 2026 | On 21 January 2026, applicant advised that they would address email sent on 23/12/25, their response is summarised below:<br>- *The Section 8.2 Review Plans do not differ to the Issue D plans (last Amendment on appeal) which include the reference to the agreed driveway finish, being "Raven Granite mesh". Sheet 07A (both in Issue D to s34AA and Issue A to s8.2) includes this reference. If it would give Council further comfort this could be included as a condition?*<br>- *The Planning & Heritage JER deferred to the Engineering JER on this particular Contention. The Engineers JER filed 13/2/25 [at 2.5.2, 35] identify (in agreement) the missing information in the Construction Methodology "highlighting some of the items which we consider pose a risk to the heritage dwelling and to a lesser extent the neighbouring structures and* |

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## Section 8.2A Review Determination
S4.15 Environmental Planning & Assessment Act, 1979

| | | |
|---|---|---|
| | | *have not been explicitly addressed by the submitted construction methodology". The JER provides conditions of consent, which they agree would resolve the issue.*<br><br>Should consent be granted, the above can be conditioned and will resolve these issues.<br><br>In respect of stormwater, there is no solution that will resolve this issue without the granting of an easement, on this basis the application cannot be supported. |
| **RFI Meeting to discuss Stormwater Issues** | 14/01/2026 | Council met with applicant and their consultant team to discuss stormwater concerns. No resolution was achieved, and applicant was required to advise Council if there were any other design solutions and how they wish to proceed. |
| | 04/02/2026 | Council met with the applicant, solicitor and town planning consultant. Additional stormwater advice was provided by Council, however, at the time of finalising this report additional stormwater design had not been received. The application will be determined on the information available. |
| **Final Assessment Completed** | 05/02/2026 | |

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**Site Inspection**
Image(s) from the site inspection is (are) available below:

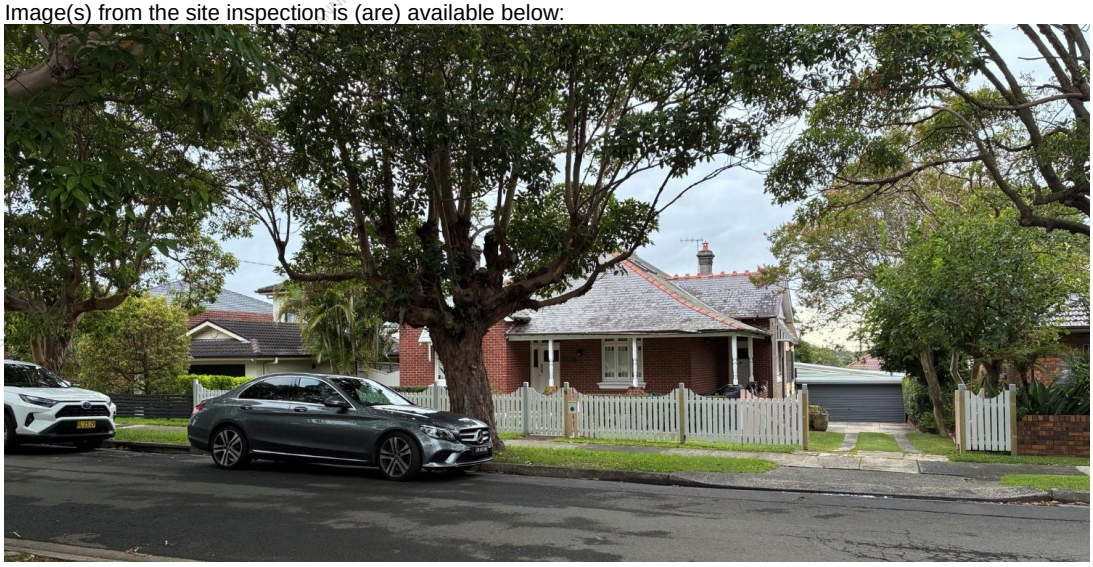


**Figure 4:** Street view of development site (image taken facing East *(Source: Assessing Officer)*)



**Figure 5:** Street view of development site (image taken facing southeast *(Source: Assessing Officer)*)



**Figure 6:** Street view of development site (image taken facing northeast *(Source: Assessing Officer)*)

## Section 8.2A Review Determination
S4.15 Environmental Planning & Assessment Act, 1979

### Referrals

| Authority | Y | N | Date Referred | Comments |
|---|---|---|---|---|
| **Integrated Concurrence / Referrals / Determining Authority** | | | | |
| **Ausgrid** | ☒ | ☐ | 3/11/2025 | No objection, subject to imposition of subject conditions. |
| **Council Referrals** | | | | |
| **Development Engineering** | ☒ | ☐ | 3/11/2025 | No supported – see discussion below. |

The Engineer's comments are provided below:

*I have assessed the submitted stormwater design plans for the review application and the proposed stormwater drainage system design is found to be inadequate and unsatisfactory. The following design issues and comments are prepared for your consideration.*

1. *The subject site is identified as a low-level property while the site has a fall of approximately 2.5m fall from frontage to rear of the property boundary and the proposed development is a redevelopment of the property.*

2. *Site stormwater runoff management plan proposes outlet discharge via charged drainage system (pressurized) to an existing street pit in front of the property. The design 1% AEP event site runoff (17 + 4 = 21 Litres/sec) would not be able to be conveyed to the street pit through 150mm outlet pipeline. Also 150mm pipeline has a very limited capacity and total site pit outlet flow 21 Litres/sec including the basement sump outflow (4 litres/sec) could not be able to reach to street pit without blocking and overwhelming the site drainage system thereby causing nuisance overland flooding within the property and street drainage system whilst the proposed site discharge design system is unsatisfactory and non-compliant from Council's stormwater management policy and clause 6.3 (2c & 2d) of GRLEP2021.*

3. *Submitted Telford Civil prepared stormwater plan (Issue E, dated 10/12/2025), where new roof area (284.5m2) runoff (17.3 Litres/sec) goes to rainwater tank, then tank overflow is charged within a 38-metre pipeline to front site boundary shallow pit (360mm) and basement sump pump flow (4 Litres/sec) also enters this pit, which then tries to discharges 21 Litres/sec via 150mm outlet pipeline to existing street pit & 375mm pipeline. The site could not be able to drain satisfactorily to Harris Street drainage pit due to above point 2 and the site runoff is currently draining towards rear boundary within Rocky Point Road drainage sub catchment.*

4. *The service location report (ALS site report dated 8/12/2025) indicated that there are several utilities services (water, gas main, gas service, water service, communications, stormwater and Telstra) which are likely to create services conflict in running the 150mm site stormwater outlet pipe connection to street pit and the Telford prepared Rev E (dated 10/12/2025) stormwater plan has not documented those services within 150mm pipeline longitudinal section to address service conflict issues – which is not demonstrated and hence unsatisfactory.*

5. *In conclusion, the proposed stormwater management arrangements for the subject site have not been adequately addressed and are contrary to Clauses 6.3 and 6.9(d) & (e) of the GRLEP 2021 and objective (b) of Section 3.10 of the GRDCP 2021. The proposed method of site stormwater drainage design is not supported based on abovementioned detailed findings. Therefore, an alternate option to be sought through seeking an easement from downhill properties to Rock Point Road which happens to be a legal point of discharge.*

*<u>Discussion on Design Issues Not Addressed:</u>*

1. *Telford Civil prepared stormwater design plan did not demonstrate charged drainage design system performance documentation, which must maintain minimum 1.5m hydraulic head to drain roof water runoff to a front site boundary sealed pit and then to street kerb via outlet pipeline, which flows to kerb by gravity with at least 1% grade. Hydraulic grade line calculations of 38-meter long 90mm charged pipeline including basement sump pump*

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GEORGES RIVER COUNCIL

### Referrals

| Authority | Y | N | Date Referred | Comments |
|---|---|---|---|---|
| | | | | *discharge were not prepared to demonstrate that there is sufficient head to drive runoff from rainwater tank overflow outlet satisfactorily to front boundary sealed pit, then to a street pit drainage system as a gravity drainage.*<br><br>2. *Rainwater tank overflow outlet with charged pipeline longitudinal section was not prepared from tank overflow outlet pipe showing pipeline chainages, existing ground & finished surface levels, pipe invert/surface levels, chainages, grade, along pipeline to front site boundary sealed pit with GATIC lid at a scale of 1:100/1:200 horizontally & 1:20/1:10 vertically. The sectional plan must demonstrate satisfactory drainage disposal design to street kerb with 1.5 hydraulic head achieved. The plan must document very clearly &legibly existing & finished ground levels from rainwater tank (with tank's detail as overall dimensions, RL's of tank base level, top level & overflow levels) as well as pipe alignment up to front boundary pit (DRAINS model long section is not acceptable). Rainwater tank base pad level can be raised by 300-500mm to satisfy 1.5m head requirement as an option to consider further.*<br><br>*The above details are essential in assessing charged system (pressurized) performance to prevent any malfunctioning throughout development life cycle (at least 80 years). Note: these levels information must be presented in the plan and must be consistent with survey, drainage and architectural plans which was not demonstrated.*<br><br>*As a note that all gutters and downpipes draining by charged system to rainwater tank must be designed to 1% AEP storm event to ensure 100% capturing roof water runoff.*<br><br>3. *Details were not prepared deliberately in relation to site boundary pit demonstrating that it drains by gravity to a legal point of discharge by having invert level of inlet pipe is higher than that of outlet pipe and site outlet pipeline longitudinal section from front boundary to downstream connection point.*<br><br>i. *Site outlet pipeline Clear Cover of 80mm must be maintained within nature strip frontage which shall be based on Registered Surveyor prepared surveyed level along the nature strip. The outlet connection to street kerb must be made within a 45 degree splay where pipe flow is to drain by gravity at least 1% grade achieved. Outlet pipe across nature strip shall be documented showing public utility services particularly those may encroach the proposed stormwater pipeline.*<br>ii. *Longitudinal section of site outlet pipe from boundary sealed pit to street system connection is to be submitted with documented nature strip surface level, outlet invert levels etc to demonstrate a minimum 80mm cover.* ***Note:*** *If this clear cover cannot be achieved then frontage footpath/nature strip regrading option to be explored, investigated, regraded to facilitate RHS clear cover in the form of civil design plan which must be approved by Council's Asset and Infrastructure unit in this case, due to the existing condition of the nature strip and concrete footpath prior to finalise site drainage plan.*<br><br>On this basis, support cannot be given to the proposal as it will not satisfy Clause 6.9 of the GRLEP 2021, in relation to the provision of essential stormwater services. |
| **Heritage** | ☒ | ☐ | 19/11/2025 | The application was referred to two heritage specialists for comment given the lodgement of the Section 8.2A Review.<br><br>Following a site inspection, review of both referral comments and a detailed planning assessment, Council concurs with the comments provided by DFP Consultants.<br><br>See comments below, should consent be granted it is recommended that a suitable deferred commencement condition be imposed to require further structural certification |

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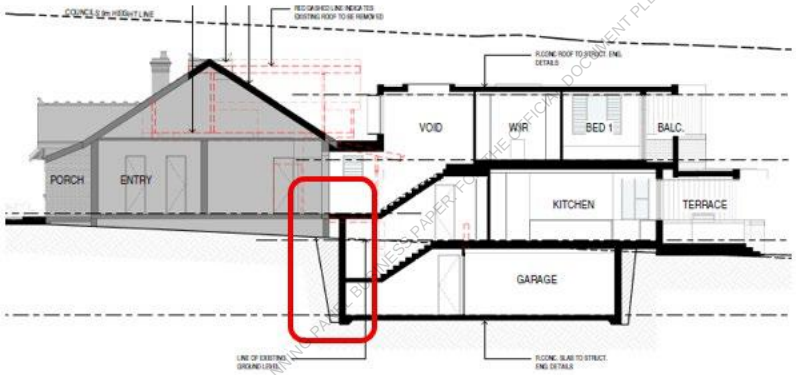
### Referrals

| Authority | Y | N | Date Referred | Comments |
|---|---|---|---|---|
| | | | | that the dwelling can be suitably supported and retained following excavation and the materials remain as originally proposed. |

The key issues raised in the heritage review are outlined below:

*1. The applicant should be asked whether it is still intended to pave the driveway with "Raven Granite Mesh" Cobblestones. This notation in the amended Court plans has been omitted from the Section 8.2 plans.*

*2. Drawing 10A depicts the excavation to be undertaken to construct a basement garage. This matter was addressed in the proceedings by engineering experts. However, drawing 07 - Section AA still shows excavation under the footings of the eastern wall of the retained heritage house in the area outlined in red below. I am not satisfied that satisfactory structural solution has been provided demonstrating that the existing house can be supported during excavation. A structural engineering methodology should be provided.*




*3. The reasons for refusal relate to stormwater drainage. The applicant's latest stormwater drainage proposal does not raise any planning or heritage issues.*

*4. Reason for refusal 3 refers to Georges River DCP 2021 Part 6.1.2 – Low Density Housing Controls - Control 3 in Section 8, which restricts upper-level balcony projections beyond the main rear wall to 1500mm to minimise privacy impacts on neighbours. During the Land and Environment Court proceedings the balcony originally proposed was relocated, substantially reduced and a privacy screen wrapping around the north-east corner was added to prevent overlooking. The balcony is of variable width of about 2300mm at the north end tapering to 900mm at the south end averaging about 1600mm in depth. The balcony serves a bedroom and directs views to the east into the rear yard, the rear boundary of which is more than 14 metres from the balustrade. This design solution was agreed by the experts in the Land and Environment Court proceedings.*

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## Assessment - Section 4.15 Evaluation

The Provisions of any applicable Act

### Water Management Act 2000

Developments are required to obtain approvals by Water NSW under the *Water Management Act 2000* for the following three (3) scenarios:

**89.** **Water use approvals:** confers a right on the holder to use water for a particular purpose at a particular location.

**90.** **Water management works approvals:** Applies to three (3) kinds of works:

## Section 8.2A Review Determination
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1. **Water supply:** work for the purpose of taking water from a water source, for the purpose of capturing or storing water, for the purpose of conveying water to the point where it is to be used, for the purpose of diverting the flow of water from a water source or impounding water at its source.
2. **Drainage:** work for the purpose of draining water from land (such as a pump, pipe or channel) but is not for sewerage work.
3. **Flood works:** work within the vicinity of a river or in a floodplain which is likely to influence the flow of water or the distribution of floodwaters.

**91.** Activity approvals: Applies to two (kinds of works):

1. **Controlled activity approval:** erection of a building or carrying out of works, the removal of material by way of excavation or otherwise, the depositing of material on land or the carrying out of other activity that affects the quantity or flow of water in a water source on waterfront land.
2. **Aquifer interference approval:** the penetration of an aquifer, the interference with water in an aquifer, the obstruction of flow of water in an aquifer, the taking of water from an aquifer or disposal of water taken from an aquifer.

| Is an activity approval required? | Y | N |
|---|---|---|
| Has a geotechnical report been provided which notes the presence of groundwater on site? | ☐ | ☒ |
| Is there a basement or a pool proposed? | ☒ | ☐ |
| Is it expected that dewatering would be required during construction? | ☐ | ☒ |
| Is a WaterNSW referral required? | Y | N |
| | ☐ | ☒ |

The Provision of any Applicable State Environmental Planning Policy (SEPPs)

| Environmental Planning Policies | Applicable Y | Applicable N |
|---|---|---|
| SEPP (Biodiversity Conservation) 2021 | ☒ | ☐ |
| SEPP (Housing) 2021 | ☐ | ☒ |
| SEPP (Resilience and Hazards) 2021 | ☒ | ☐ |
| SEPP (Sustainable Buildings) 2022 | ☒ | ☐ |
| SEPP (Transport and Infrastructure) 2021 | ☒ | ☐ |
| Georges River Local Environmental Plan 2021 | ☒ | ☐ |

Compliance with the identified applicable State Environmental Planning Policies (SEPP) is detailed below.

### SEPP (Biodiversity and Conservation) 2021

**Chapter 2**

Chapter 2 of SEPP (Biodiversity) 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. Chapter 2 applies to the whole of Georges River Council, including the subject development site.

Part 2.3 of SEPP (Biodiversity) requires a permit for the removal of any of the following types of vegetation in accordance with Council's DCP as follows:

- Works to any part of a tree (above or below ground) that meets the definition of a tree (height ≥ 3m, diameter ≥ 100mm at ground level, or branch spread ≥ 3m), unless the works are listed as exempt in Appendix 8.
  - Removal of dead, dying, or hazardous trees, unless exempt.
  - Pruning of live canopy or roots, including selective pruning near structures.

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- Installation of root barriers.
- Tree removal for construction or structural conflict, where no feasible alternatives exist.
- Works on heritage-listed trees or properties, including those on the Significant Tree Register.
- Tree works on land with threatened ecological communities or native fauna habitat.
- Any tree works associated with development activity.
- Works within 5m of a tree trunk or Tree Protection Zone (TPZ), requiring an Arboriculture Impact Assessment.
- Any works to trees on public land, unless exempt under Appendix 8 or carried out by authorised persons.

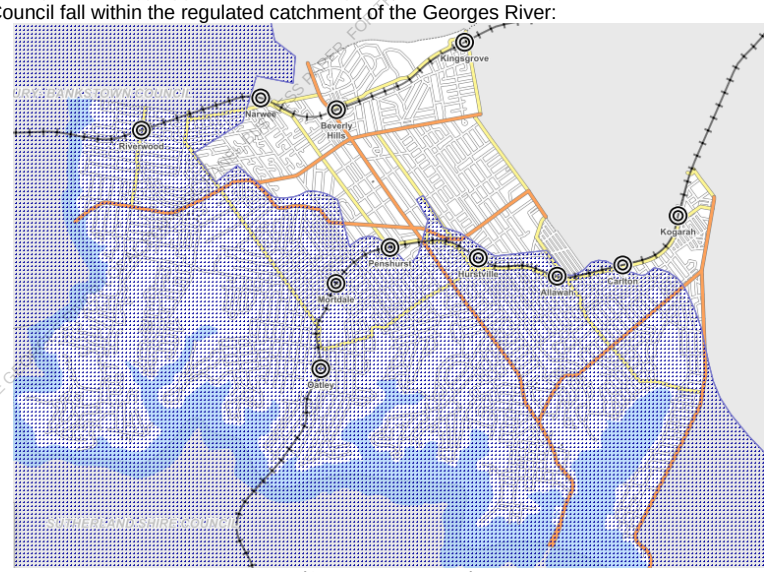
Trees located within 3m of the external wall of an approved dwelling, not including a secondary dwelling are exempt from protection as well as any trees referenced in Appendix 8 of Council's DCP.

### SEPP (Biodiversity and Conservation) 2021 Chapter 2
**Assessment**

**Complies**
The proposed vegetation removal has been assessed against the provisions of Chapter 2 of SEPP (Biodiversity and Conservation) 2021. The vegetation identified for removal is not exempt under GRDCP 2021 and therefore requires consideration under SEPP (Biodiversity). The application complies with Section 2.6, as the clearing will be authorised through conditions of consent issued by Council and does not exceed the biodiversity offsets scheme threshold. The works are not located on biodiversity certified land. Accordingly, the development complies with the relevant provisions of Chapter 2 of the SEPP.

### SEPP (Biodiversity and Conservation) 2021 Chapter 6
**Intro**

Chapter 6 of SEPP (Biodiversity) applies to all development on land in a regulated catchment. The following parts of Georges River Council fall within the regulated catchment of the Georges River:




(Source: IntraMaps)

### State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 6
**Assessment**

**Does not comply**
The proposed development does not comply with the requirements of Chapter 6.

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The development is likely to result in cumulative environmental harm, including degraded water quality, increased stormwater runoff, disruption to natural water flow and groundwater systems, and risks to aquatic ecology and wetlands. The proposed stormwater system does not satisfy Council's Stormwater Management Policy, refer to engineer comments above. On this basis, the proposal should not be supported.

Flood-related provisions are not applicable.

Public access provisions are not applicable.

Although consultation with downstream councils is generally required where adverse impacts are likely, in this case it was not required, as the development does not conflict with total catchment management principles.

## SEPP (Resilience and Hazards) 2021
**Chapter 4 Remediation of land**

Chapter 4, Section 4.6 requires a consent authority to consider whether the land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, the consent authority must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make it suitable for the proposed use, the consent authority must be satisfied that the land will be remediated before the land is used for that purpose.

- The subject site is zoned R2 Low Density Residential.
- A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination.
- Historic aerial photographs do not indicate an obvious history of a previous land use that may have caused contamination.
- A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination.
- The Statement of Environmental Effects states that the property is not contaminated.

A PSI was submitted with the previous application (DA2024/0141) determining that the subject site has no history of contamination. On this basis the site is suitable for the continuing residential use. Should consent be granted unexpected finds condition should be imposed.

## SEPP (Sustainable Buildings) 2022
**Intro**

SEPP (Sustainable Buildings) 2022 aims to encourage the design and delivery of sustainable buildings, ensure consistent assessment of sustainability in buildings, minimise the consumption of energy, reduce greenhouse gas emissions, minimise the consumption of mains-supplied potable water and to ensure good thermal performance of buildings. The SEPP sets standards for BASIX buildings, which are defined as developments which include at least 1 dwelling (excluding boarding houses, hostels and co-living housing which accommodate more than 12 residents or have a gross floor area exceeding 300m2.

Schedule 1 of the SEPP sets out standards which apply to the erection of a new BASIX building.

Schedule 2 of the SEPP sets out standards which apply to alterations to a BASIX building with construction costs in excess of $50,000.00 as well as to the construction of a swimming pool, spa or combination thereof which serve a single dwelling and which have a capacity of 40,000L or more.

Note: if a swimming pool and spa are to be constructed as part of the same application as alterations to a dwelling which exceed $50,000.00 in construction costs, then BASIX requirements adhere to the pool regardless of volume.

Note: standards may not apply to heritage items or an item in a heritage conservation area where the Planning Secretary is satisfied the development is not capable of achieving compliance.

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### SEPP (Sustainable Buildings) 2022
**Assessment**

| | | | | |
|---|---|---|---|---|
| Certificate Number: | A1379174-06 | | | |
| Certificate Date: | 13 October 2025 | | | |
| | | **Y** | **N** | **N/A** |
| Correct DP shown on the certificate | | ☒ | ☐ | ☐ |
| Date of certificate is not older than 3 months to lodgement | | ☒ | ☐ | ☐ |
| Correct site area shown on the certificate | | ☐ | ☐ | ☒ |
| Rainwater tank details on plans | | ☐ | ☒ | ☐ |
| Correct hot water system details shown on plans (star rating, size) | | ☒ | ☐ | ☐ |
| The application has been assessed against the relevant provisions of SEPP (Sustainable Buildings) 2021.<br>The proposal does not comply with one or more of the objectives of the EPI as the rainwater tank is not shown on the drawings. | | | | |

### SEPP (Transport and Infrastructure) 2021
**Division 5 Electricity transmission or distribution**
**Subdivision 2 – Development likely to affect an electricity transmission or distribution network (Ausgrid)**

| | | | | | |
|---|---|---|---|---|---|
| This section applies to development or modification applications which include:<br>• Penetration of ground within 2 metres of an underground power line<br>• Works within 10 metres of any part of an electricity tower<br>• Works immediately adjacent to a substation<br>• Works immediately adjacent to an electricity easement<br>• Works within 5m of an overhead power line<br>• Installation of a pool within 30 metres of supporting overhead electricity transmission lines or within 5 metres of overhead power lines | | | **Y** | **N** | **N/A** |
| 2.48(2)(a) | Written notice to the electrical supply authority has been carried out. | | ☒ | ☐ | ☐ |
| 2.48(2)(b) | Any response to the above has been considered. | | ☒ | ☐ | ☐ |
| The application has been assessed against the relevant provisions of SEPP (Transport and Infrastructure) 2021.<br>The proposal complies with the objectives and controls of the EPI. | | | | | |

### Georges River Local Environmental Plan 2021

| Section | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| 1.2 Aims | (a) to provide for housing choices to cater for changing demographics and population needs,<br>(c) to promote and facilitate an ecologically and economically sustainable and vegetated urban environment in which the needs | The proposal is consistent with the aims of the GRLEP 2021. | ☒ | ☐ | ☐ |

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### Georges River Local Environmental Plan 2021

| Section | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| | and aspirations of the community are realised,<br>(e) to protect and preserve the natural, built, cultural and Aboriginal heritage of Georges River and to build upon and enhance the character of local areas,<br>(f) to promote a high standard of urban design and built form,<br>(g) to protect, preserve and enhance the natural landform, vegetation and open space, especially foreshores or bushland, in order to maintain landscape amenity and public access and use,<br>(h) to protect, maintain and improve waterway health to achieve the environmental values of the community and uses for waterways, | | | | |
| 2.2<br>Zoning | Refer to LEP map. | R2 Low Density | ☒ | ☐ | ☐ |
| 2.3<br>Zone objectives | R2<br>• To provide for the housing needs of the community within a low-density residential environment.<br>• 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.<br>• To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River local government area. | The proposal is consistent with the zone objectives and is satisfactory. | ☒ | ☐ | ☐ |
| 2.7<br>Demolition | The demolition of a building requires development consent. | The proposal involves deletion of the rear of the heritage item. | ☒ | ☐ | ☐ |
| 4.3<br>Height of Buildings | (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,<br>(b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas, | Standard: 9m<br><br>Existing: 7.66m<br>Proposed (addition): 7.4m | ☒ | ☐ | ☐ |
| 4.4 | | Standard: 0.46:1 (refer to Cl 4.4A) | ☒ | ☐ | ☐ |

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### Georges River Local Environmental Plan 2021

| Section | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| Floor space ratio | To ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality, | Proposed: 0.45:1 (460.37m²) | | | |
| 4.4A Exceptions to floor space ratio—certain residential accommodation | Dwelling<br>Site Are / Max. FSR<br>Less than or 650 / 0.55:1<br>650 – 1,000 / [(site area - 650) × 0.3 + 357.5] ÷ site area:1<br>1,000 – 1,500 / [(site area - 1000) × 0.2 + 462.5] ÷ site area:1<br>1,500 + / [(site area - 1,500) × 0.1 + 562.5] ÷ site area:1 | Refer to FSR assessment. | ☒ | ☐ | ☐ |
| 4.5 Calculation of floor space ratio and site area | To set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios | The application has been assessed in accordance with the provisions of this section. | ☒ | ☐ | ☐ |
| 5.10 Heritage conservation | To conserve the environmental and cultural heritage of the Georges River local government area, including heritage items, conservation areas, archaeological sites, and Aboriginal places of significance. | The site contains heritage item I298, known as Chorley, which is listed in Schedule 5 of the LEP.<br><br>Refer to discussion at end of table. | ☒ | ☐ | ☐ |
| 6.1 Acid sulfate soils | To ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage | The site identified as containing Class 5 acid sulfate soils, but the works are not located on land within 500m of land of a lower class and is not below 5m Australian Height Datum. No further action is therefore required. | ☒ | ☐ | ☐ |
| 6.2 Earthworks | To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land | The proposed earthworks are satisfactory with regards to the matters identified. | ☒ | ☐ | ☐ |
| 6.3 Stormwater management | To minimise the impacts of urban stormwater on land to which this Plan applies and on adjoining properties, native bushland and receiving waters | The proposal is unsatisfactory as the current stormwater drawings fail to comply with Council's Stormwater Management Policy, refer to engineer referral comments above. | ☐ | ☒ | ☐ |
| 6.9 Essential services | The property must have in place by determination the following services:<br>(a) water,<br>(b) electricity,<br>(c) telecommunications facilities,<br>(d) the disposal and management of sewage, | The proposal does not have, or make adequate provision for the following services:<br><br>• stormwater drainage or on-site conservation. | ☐ | ☒ | ☐ |

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### Georges River Local Environmental Plan 2021

| Section | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| | (e) stormwater drainage or on-site conservation,<br>(f) suitable vehicular access. | This is evident in the engineer referral comments above. | | | |
| 6.12 Landscaped areas in certain residential and conservation zones | 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—<br>(a) for a dwelling house located on land outside the Foreshore Scenic Protection Area—20% of the site area, or<br>(b) for a dwelling house located on land within the Foreshore Scenic Protection Area—25% of the site area,<br>(c) for development in Zone R3 Medium Density Residential—20% of the site area<br>(d) for development in Zone R4 High Density Residential—10% of the site area<br>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. | 46.9% (476.86m²) | ☒ | ☐ | ☐ |

The application has been assessed against the relevant provisions of the Georges River Local Environmental Plan 2021.

The proposal does not comply with one or more of the aims or controls of the EPI. In particular, the proposal is unsatisfactory as the current stormwater drawings fail to comply with Council's Stormwater Management Policy, refer to engineer referral comments above and discussion below.

**Stormwater Management**

Several meetings have been held and a suitable design has not been developed to enable drainage of the site to Harris Street and a suitable easement has not been obtained to drain by gravity across the rear adjoining site towards Rocky Point Road. On this basis, the application cannot be supported without the essential stormwater drainage.

**Heritage**

Council's Heritage Adviser has reviewed the proposal and is satisfied it appropriately addresses heritage considerations, subject to further structural information, as outlined in the referral comments above.

It is noted that further information was required to ensure that the existing walls of the heritage-listed dwelling remain structurally sound following excavation for the basement and ensure that the materials and finish of the driveway remains as originally proposed. This was requested on the 23 December 2025.

A response was received from the applicant on 21 January 2026 to state that the materials and finishes remain the same and that the LEC expert engineers agreed that conditions could be imposed to require structural certification for the retention of the dwelling prior to construction. On this basis, should consent be granted an appropriate deferred commencement condition can be imposed.

In respect of the existing dwelling the State heritage Inventory sheet provides the following Statement of Significance:

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|---|---|---|---|---|---|

*12 Harris Street, Sans Souci is significant at a Local level for its historic value and its aesthetic and streetscape contribution. The place is a substantially intact early 1920's single-storey, tuck pointed brick and slate roofed dwelling displaying excellent Federation Bungalow stylistic influence. Inclusive of its garden setting and historically accurate recent picket fence, the place makes a valuable contribution to the streetscape. The place provides evidence of the historical evolution of the St Kilda Estate and is a worthy example of its type in the Kogarah LGA. Integrity has been somewhat compromised by unsympathetic alterations to the rear but is still able to be conserved.*

The accompanying HIS assesses the item against the criterion and confirms the following:

- **Criterion (a) Historical Development** - represents the early development of the area following subdivision of the original estates and construction of the Illawarra railway and tram line and is local significance.
- **Criterion (b) Historical Associations** – no associations identified, does not meet this criterion.
- **Criterion (c) Aesthetic Significance** - This classic single-storey Federation-style house, likely builder-designed as the style was well-established by 1915, displays many distinctive period features and has landmark qualities due to its scale and character. Whilst the front section remains largely intact in layout and detail, the property has undergone alterations including rear additions, attic conversion with a large rear dormer, replacement joinery and removal of two of three fireplaces. The large site has rather underwhelming landscaping.
- **Criterion (d) Social Significance** – no special association with any particular group, does not meet this criterion.
- **Criterion (e) Technical/Scientific Significance** - The site has no previous buildings or known archaeological potential, and whilst a good example of its type, the building is typical for the period with no technical significance, does not meet this criterion.
- **Criterion (f) Rarity** – House of this type are rare in the local area, have local significance.
- **Criterion (g) Representativeness** – very good example of a single storey, Federation style house and retains much of its early form and detail. Has local significance.

The proposed works will remove intrusive additions and reinstate some of the original features, this is a positive outcome, the addition will be generally separate from the retained heritage listed dwelling with a corridor connecting the original and new elements and as the rear landscaped area has no notable heritage significance, the new extension is supported in this location of the rear yard.

The internal works to the existing dwelling will generally retain the existing layout. The removal of the chimney breast from northwestern bedroom within the existing dwelling may structurally affect the external chimney, on this basis should consent be granted for the proposal a condition should be imposed to ensure the chimney breast be retained in situ, unless structural certification is provided to ensure structural stability of the chimney flue structure at the top of the dwelling.

The two-storey addition component has been setback behind the retained dwelling and will be generally hidden from the street view by the retained heritage listed dwelling, this is a positive outcome. The parapet of the addition, which will be partially visible for the street, will have a recessive colour finish (Muorbond – Graphite) and the walls will contain brickwork, these materials and finishes will minimise impacts when viewed from the street.

The two-storey addition will extend to the southern boundary, behind the retained dwelling, and this addition along with the basement will be visible from the street when looking immediately south from Harris Street, they will not be visible on approach from the north west, being obscured by retained dwelling and the dwelling at 14 Harris Street will obscure the view when approaching from the south. On this basis, the two-storey extension is supported as it has been set 2.26m from the retained dwelling, sits below the ridgeline of the existing dwelling and is two-storey in height. When combined with the materials and finishes, the impact is acceptable as it will ensure the dwelling appear separate of the addition and the architectural elements and important features are retained still ensuring the relevant criterions above are unaffected.

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| Section | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|

Finally, further structural certification and details are required to ensure that the basement excavation does not impact the structural stability of the retained heritage listed dwelling, should consent be granted a deferred commencement consent should be imposed to require a structural design and method statement to show that the works can be undertaken without affecting the stability of the retained building and require certification of the works.

On this basis the proposed alterations and additions are acceptable, should consent be granted suitable conditions should be imposed to ensure structural stability of the original dwelling, ensure the driveway detailing remains as originally approved and the northern chimney breast/chimney is retained in situ.

**Recommendation**

On the basis that no suitable stormwater system has been provided, the current proposal cannot be supported and is recommended for refusal.

**Provisions of any Proposed Instrument**
There is no proposed instrument that is or has been the subject of public consultation under this Act which is relevant to the proposal.

**Provisions of any Development Control Plan**

### Georges River Development Control Plan 2021

| Part | Name | Y | N |
|---|---|---|---|
| Part 3 | General Planning Considerations | ☒ | ☐ |
| Part 5 | Residential Locality Statements | ☒ | ☐ |
| Part 6.1 | Low Density Residential Controls | ☒ | ☐ |
| Appendices | Supporting Information (e.g. Exempt Tree Works) | ☒ | ☐ |

### 3.2 Biodiversity

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| 3.2.1(1) Biodiversity | Development is to comply with the provisions of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 | Assessed above. | ☒ | ☐ | ☐ |
| 3.2.2(2) Green Web | Green Web areas are to be landscaped with species indigenous to the Georges River Council area, listed in Council's Backyard Biodiversity Guide on Council's website and Council's Tree Management Policy (and its Appendix 1 – Tree Planting). Trees and landscaping should be provided in a form and configuration that maintains and enhances the core habitat and vegetated linkages | The site is not mapped within a green web area. | ☐ | ☐ | ☒ |

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### 3.2 Biodiversity

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.2.<br>The proposal complies with the objectives and controls of this section of the DCP. | | | | | |

### 3.3 Landscaping

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| 3.3(2) | Landscape planting should achieve a mature height in scale with the structures on the site. | The landscaping is considered suitable. | ☒ | ☐ | ☐ |
| 3.3(3) | Where canopy trees, shrubs and groundcovers are required, preference should be given to incorporating locally indigenous plants listed in GRDCP 2021 Backyard Biodiversity Guide on Council's website and Council's Tree Management Policy (and its Appendix 1 – Tree Planting). | Noted, the selected plantings are supported by Council's landscaping specialist. | ☒ | ☐ | ☐ |
| The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.3.<br>The proposal complies with the objectives and controls of this section of the DCP. | | | | | |

### 3.5 Earthworks

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| 3.5(1) | Natural ground level should be maintained within 900mm of a side and rear boundary. | The basement is setback more than 900mm from all boundaries. | ☒ | ☐ | ☐ |
| 3.5(2) | Cut and fill should not alter natural or existing ground levels by more than 1m | The proposed cut and fill is acceptable. | ☒ | ☐ | ☐ |
| 3.5(3) | Habitable rooms (not including bathrooms, laundries and storerooms) are to be located above existing ground level | All habitable rooms are located above ground level. | ☒ | ☐ | ☐ |
| 3.5(4) | Rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls are not to be removed or covered. | Not impact. | ☒ | ☐ | ☐ |
| 3.5(5) | Development is to be located so that clearing of vegetation is avoided. | Development is appropriately located. | ☒ | ☐ | ☐ |
| 3.5(6) | Cut and fill within a tree protection zone (TPZ) of a tree on the development site or adjoining land, must be undertaken in accordance with Australian Standard AS 4970 | Noted. Four (4) trees to be removed. | ☒ | ☐ | ☐ |

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### 3.5 Earthworks

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| | (Protection of trees on development sites). | | | | |
| 3.5(7) | Soil depth around buildings should be capable of sustaining trees as well as shrubs and smaller scale gardens. | Noted, soil depths will be adequate. | ☒ | ☐ | ☐ |
| 3.5(8) | Earthworks are not to increase or concentrate overland stormwater flow or aggravating existing flood conditions, on adjacent land | The proposed stormwater water design will not satisfy Council's stormwater management plan, as discussed above. | ☐ | ☒ | ☐ |
| 3.5.2 Erosion & Sediment Control | Standard conditions of consent would be imposed on any development consent which would adequately restrict erosion and control sediment release. | | ☒ | ☐ | ☐ |

The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.5.

The proposal generally complies, however, the proposed stormwater design is unacceptable and cannot be supported in its current form. Therefore, the development does not comply with one or more of the objectives or controls of this section of the DCP.

### 3.6 Contaminated Land

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| 3.6(1) | Each development application is to include information sufficient to allow Council to meet its obligation to determine whether development should be restricted due to the presence of contamination. | The application has been assessed against the relevant provisions of SEPP (Resilience and Hazards) 2021 within this report.<br><br>Conditions will be included for an unexpected finds. | ☒ | ☐ | ☐ |

The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.6.
The proposal complies with the objectives and controls of this section of the DCP.

### 3.7 Heritage

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| Note | Any application for a property identified in the Georges River LEP 2021 as a heritage item or in the vicinity of a heritage item or heritage conservation area, must be accompanied by a Heritage impact statement. | The subject site comprises Heritage Item I298 (Chorley), as identified within Schedule 5 of the LEP.<br><br>Council's Heritage Adviser has examined the proposal and HIS in relation to its potential impacts on the heritage item and has determined that it is acceptable, subject to further structural details, as outlined in the referral comments above. | ☒ | ☐ | ☐ |
| 3.7.1 Aboriginal Cultural Heritage | To protect Aboriginal heritage and culturally significant landscapes by | A AHIMS search was undertaken on 29 January 2026 and did not identify | ☒ | ☐ | ☐ |

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### 3.7 Heritage

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| | minimising disturbance to Aboriginal objects, archaeological relics, foreshore areas, and natural features such as rock outcrops. | any Aboriginal places and/or sites within 200m of the site. | | | |
| 3.7.2 Non-Aboriginal Heritage | To guide changes to heritage items in a way that respects and retains their significance, allows sympathetic and reversible modifications, and ensures new uses and additions are compatible with their historic character and fabric. | Refer to heritage discussion below. | ☒ | ☐ | ☐ |
| 3.7.3 Archaeological Management | To protect archaeological heritage in the Georges River area by recognising its significance and encouraging in-situ preservation to minimise disturbance from development. | Acceptable impact, can be condition for 'unexpected finds' protocol. | ☒ | ☐ | ☐ |
| 3.7.5 Heritage Conservation Areas | To preserve the architectural and streetscape character of Georges River Heritage Conservation Areas by requiring that existing dwellings be retained and any new development or alterations respect, complement, and enhance the area's heritage significance. | Site is not located in a heritage conservation area, as discussed above the proposal will not detrimentally impact on the heritage significance of the existing dwelling. . | ☒ | ☐ | ☐ |
| 3.7.6 Development in the vicinity of a Heritage Item or Heritage Conservation Area | Ensure development in the vicinity of a heritage item or heritage conservation area is designed and sited to protect the heritage significance of the item or heritage conservation area. | The heritage listed site is located in close proximity to the following heritage items:<br>• I304 Street Trees along the middle of The Boulevarde<br>• I305 – "Kellaton" heritage listed house and garden at 50 The Boulevarde.<br><br>The proposal will not detrimentally impact the heritage significance of the nearby heritage listed items. | ☒ | ☐ | ☐ |

The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.7.

Council's external Heritage Consultant reviewed the proposal and determined that the proposed works were suitable subject to the following:

- *The Section 8.2 Review Plans do not differ to the Issue D plans (last Amendment on appeal) which include the reference to the agreed driveway finish, being "Raven Granite mesh". Sheet 07A (both in Issue D to s34AA and Issue A to s8.2) includes this reference. If it would give Council further comfort this could be included as a condition?*
- *The Planning & Heritage JER deferred to the Engineering JER on this particular Contention. The Engineers JER filed 13/2/25 [at 2.5.2, 35] identify (in agreement) the missing information in the Construction Methodology "highlighting some of the items which we consider pose a risk to the heritage dwelling and to a lesser extent the neighbouring structures and have not been explicitly addressed by the submitted construction methodology". The JER provides conditions of consent, which they agree would resolve the issue – excerpt below:*

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### 3.7 Heritage

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| Additional information was received, and the applicant sought the imposition of conditions to address the above matters, on this basis should consent be determined appropriate conditions would need to be included.<br><br>The proposal generally complies with the objectives and controls of this section of the DCP. | | | | | |

### 3.8 Views Impacts

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| 3.8(1) | Development shall provide for the reasonable sharing of views. | View sharing is reasonably maintained. | ☒ | ☐ | ☐ |
| 3.8(2) | View pruning is to comply with Council's Tree Management Policy. | Noted. | ☒ | ☐ | ☐ |
| The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.8.<br>The proposal complies with the objectives and controls of this section of the DCP. | | | | | |

### 3.10 Water Management

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| Stormwater Management | The development must comply with Council's Stormwater Management Policy, incorporate WSUD principles, ensure on-site detention does not compromise deep soil zones or landscaping, and manage runoff to prevent adverse impacts on neighbouring properties. | The proposed stormwater system fails to comply with Council's stormwater management policy, refer discussion below. | ☐ | ☒ | ☐ |
| Water Quality | All development must include measures to control stormwater pollutants and treat runoff to reduce erosion, sedimentation, and nutrient dispersal, especially near waterways and bushland. | The proposed stormwater system does not comply and may impact the water quality discharge. | ☐ | ☒ | ☐ |
| The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.10.<br><br>The proposal does not comply with one or more of the objectives or controls of this section of the DCP, in particular the stormwater system fails to satisfy Council's Stormwater Management Policy, as outlined in the engineer comments above. On this basis, the proposal cannot be supported. | | | | | |

### 3.12 Waste Management

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| 3.12 | All development must provide well-integrated, conveniently located waste storage and recycling facilities that support reuse and minimise | Able to comply, subject to conditions. | ☒ | ☐ | ☐ |

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### 3.12 Waste Management

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| | impacts on streetscape and neighbouring amenity. | | | | |
| The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.12.<br>The proposal complies with the objectives and controls of this section of the DCP. | | | | | |

### 3.13 Parking Access and Transportation

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| 3.13(1) Rate | • 1 space per 1 and 2 beds<br>• 2 spaces per 3 beds or more<br>• Home business / industry: 1 per employee not residing at site. | Four (4) car spaces are provided. | ☒ | ☐ | ☐ |
| Design and Layout of Car Parking Areas | Be designed in accordance with the requirements set out in AS 2890.1 (2004) and AS 2890.2 (2002) for off street parking | Able to comply, conditions recommended. | ☒ | ☐ | ☐ |
| 3.13(16) Basements | Basement car parking is to be located within the building footprint. | The basement is provided below the below the extended footprint and minor part of the existing dwelling. | ☒ | ☐ | ☐ |
| 3.13(19) Basements | Integrate ventilation design into the façade of the building, or parking structure, treating it with appropriate features such as louvres, well designed grilles, planting or other landscaping elements. | Noted. | ☒ | ☐ | ☐ |
| The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.13.<br>The proposal complies with the objectives and controls of this section of the DCP. | | | | | |

### 3.14 Utilities

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| Utilities | Development must provide essential services integrated into building and site design to minimise streetscape impacts and support future occupants. | All utilities are suitably integrated into the development. | ☒ | ☐ | ☐ |
| The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.14.<br>The proposal complies with the objectives and controls of this section of the DCP. | | | | | |

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### 3.19 Crime Prevention / Safety and Security

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| 3.19(1) | Active spaces and windows of habitable rooms within buildings are to be located to maximise casual surveillance of streets, laneways, parking areas, public spaces and communal courtyard space. | Windows are designed to overlook the street and this will maintain adequate natural surveillance. | ☒ | ☐ | ☐ |

The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.19.
The proposal complies with the objectives and controls of this section of the DCP.

### 3.20 Noise and Vibration

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| 3.20.3(1) Noise Generating | 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. | Able to comply, conditions can be imposed. | ☒ | ☐ | ☐ |

The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.20.
The proposal complies with the objectives and controls of this section of the DCP. .

### Part 5 – Residential Locality Statement

| Area | Comment | Y | N | N/A |
|---|---|---|---|---|
| Sans Souci and Ramsgate | Refer to discussion below. | ☒ | ☐ | ☐ |

The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 5.

Streetscape Character- Existing Character

- *There are several heritage items in this locality that relate to the area's social history and architecture (refer to GRLEP 2021 Schedule 5).*
- *The streetscape exhibits an eclectic character attributed to the variety of housing and fence materials, roof forms, driveway widths and garage styles.*
- *The treatments of the front setback spaces are also inconsistent in many streets as the contemporary two storey dwellings have little to no landscaping and are often dominated by hardscaping and driveways.*
- *There are also varying heights for front fences, including a range of visually permeable to solid fencing materials and fence heights of up to 1.6m in height.*

Streetscape Character- Future Desired Character

- *Retain and enhance the existing low density suburban residential character through articulated contemporary developments that respond to the human scale.*
- *Encourage well-designed high density residential development in designated areas along Rocky Point Road.*
- *Encourage consistent setbacks of buildings from the street and the provision of landscaping within the front setback, alongside low fencing to enhance visual permeability.*
- *Encourage the retention of trees and sharing of water views wherever possible, including screening via vegetation rather than solid walls.*
- *Protect public vistas over Georges River towards Kogarah Bay from Vista Street.*

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### Part 5 – Residential Locality Statement

| Area | Comment | Y | N | N/A |
|---|---|---|---|---|
| The proposal complies with the objectives and controls of this section of the DCP, the proposed development encourages consistent setbacks of buildings from the street and the provision of landscaping within the front setback | | | | |

### 6.1.2 Single Dwelling

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| **1. Streetscape Character and Built Form** | | | | | |
| Objectives:<br>• Ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality.<br>• Minimise adverse visual impact, disruption of views, loss of privacy and loss of sunshine to existing residential developments.<br>• Minimise adverse impact on Heritage Conservation Areas, Heritage Items and contributory buildings.<br>• Reduce the visual dominance of development waterways, as well as other public places such as parks, roads. | | The proposal is consistent with the objectives. | ☒ | ☐ | ☐ |
| 1.1 | New buildings are to consider and respond to the predominant future scale of buildings within the neighbourhood, and consider the form of the site. | A 3.7m² of void is proposed.<br>The proposal features a well-articulated façade, promotes passive surveillance, and is compatible with the streetscape. | ☐ | ☐ | ☒ |
| 1.2 | New buildings and additions are to be designed with an articulated front façade. | | ☒ | ☐ | ☐ |
| 1.3 | Developments on sites with two (2) or more frontages are to address all frontages. | | ☐ | ☐ | ☒ |
| 1.4 | Dwelling houses are to have windows presenting to the street from a habitable room to encourage passive surveillance. | | ☒ | ☐ | ☐ |
| 1.5 | Development must be sensitively designed 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. | | ☒ | ☐ | ☐ |
| 1.6 | The maximum size of voids at the first floor level should be a cumulative total of 15m2 (excluding voids associated with internal stairs). | | ☒ | ☐ | ☐ |
| **2. Building Scale and Height** | | | | | |
| • Ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality. | | The proposal is consistent with the objectives. | ☒ | ☐ | ☐ |

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### 6.1.2 Single Dwelling

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| • Minimise adverse visual impact, disruption of views, loss of privacy and loss of sunshine to existing residential developments.<br>• Minimise adverse impact on Heritage Conservation Areas, Heritage Items and contributory buildings.<br>• Reduce the visual dominance of development when viewed from waterways, as well as other public places such as parks, roads and community facilities. | | | | | |
| 2.1 | 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. | Storeys proposed: 2<br><br>Basement storage size: 10sqm<br><br>Basement plant room size: 20sqm<br><br>Basement garage setback: 20m<br><br>The proposal considers and responds to the predominant and desired future scale of buildings within the neighbourhood and takes into account the topography and form of the site. | ☒ | ☐ | ☐ |
| 2.2 | 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. | | ☒ | ☐ | ☐ |
| 2.3 | 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. | | ☒ | ☐ | ☐ |
| 2.4 | 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 and a maximum 10m2 for storage and 20m$^2$ 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. | | ☒ | ☐ | ☐ |
| 2.5 | 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. | | ☒ | ☐ | ☐ |
| **3. Setbacks** | | | | | |
| • Preserve significant vegetation, which contributes to the public domain, and allows for street landscape character to be maintained. | | The proposal is consistent with the objectives. | ☒ | ☐ | ☐ |

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### 6.1.2 Single Dwelling

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| • Integrate new development with the established setback character of the street by ensuring front setbacks are not inconsistent with adjoining buildings.<br>• Provide opportunities for landscape planting and private open space.<br>• Maintain a reasonable level of privacy and amenity for neighbours together with adequate access to sunlight.<br>• Ensure adequate separation between buildings, consistent with the desired character and rhythm of built elements in the street. | | | | | |
| 3.1<br>Front | The minimum setback from the primary street boundary is:<br>i. 4.5m to the main building wall / façade;<br>ii. 5.5m to the front facade of a garage or carport, or at least 1m behind the main building wall / façade, whichever is the greater;<br>iii. Where the prevailing street setback is greater than the minimum, the average setback of dwellings on adjoining lots is to be applied. | 7.65m (existing) | ☒ | ☐ | ☐ |
| 3.2<br>Front | Balconies cannot encroach into the front setback space. | Noted, no balconies encroach. | ☒ | ☐ | ☐ |
| 3.4<br>Side and Rear | 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). | 16.97m from rear of dwelling<br>12m from rear external terrace | ☒ | ☐ | ☐ |
| 3.5<br>Side and Rear | The minimum side setbacks for ground and first floor are:<br>i. 900mm for lots up to 12.5m in width measured at the front building line for the length of the development.<br>ii. 1.2m for lots greater than 12.5m in width measured at the front building line for the length of the development.<br>iii. 1.5m for all lots within the Foreshore Scenic Protection Area measured at the front building line for the length of the development. | Side North – 1.77m<br>Side South – 1.31m | ☒ | ☐ | ☐ |
| **4. Private Open Space** | | | | | |
| • Ensure that private open space is designed to provide residents with quality usable and functional private outdoor living areas for recreational and outdoor activities. | | The proposal is consistent with the objectives. | ☒ | ☐ | ☐ |

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## Section 8.2A Review Determination
S4.15 Environmental Planning & Assessment Act, 1979

GEORGES RIVER COUNCIL

### 6.1.2 Single Dwelling

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| • Ensure that private open space is designed for privacy, solar access, and is well integrated to be accessed from living areas.<br>• Provide private open space that facilitates opportunities for active and passive recreation, landscaping and tree planting. | | | | | |
| 4.1 | 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). | In excess of 240m² of private open space is provided in the rear yard. | ☒ | ☐ | ☐ |
| 4.2 | Private open space is to be provided for all dwellings, (except for secondary dwellings, which can share the private open space of the principal dwelling). | Noted, complies. | ☒ | ☐ | ☐ |
| 4.3 | Private open space is to be located to maximise solar access | The POS is positioned to the east of the site and has a northern orientation. | ☒ | ☐ | ☐ |
| 4.4 | Private open space is to be designed to minimise adverse impacts upon the privacy of the occupants of adjacent buildings. | The POS has been designed minimise privacy impacts to adjoining properties. | ☒ | ☐ | ☐ |
| **5. Landscaping** | | | | | |
| • Enhance the existing streetscape.<br>• Enhance the quality and amenity of the built form by reducing the visual and environmental impacts of buildings, structures and hardstand areas.<br>• Provide privacy and shade.<br>• Minimise the extent of hard paved areas and facilitate rainwater infiltration to the water table.<br>• Preserve and enhance native wildlife populations and habitat through appropriate planting of indigenous vegetation.<br>• Retain and provide for mature vegetation and the healthy growth of canopy trees, particularly large and medium sized trees.<br>• Provide continuous vegetation corridors.<br>• Protect existing natural rock outcrops. | | The proposal is consistent with the objectives. | ☒ | ☐ | ☐ |
| 5.1 | 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 conservation zones of the GRLEP 2021. | Noted, complies as outlined above. | ☒ | ☐ | ☐ |
| 5.2 | Soft soil landscaping is to be provided in all landscaped areas as required by the GRLEP 2021 and | Adequate deep soil planting is provided where landscaping is shown on eth accompanying drawings. | ☒ | ☐ | ☐ |

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## Section 8.2A Review Determination
S4.15 Environmental Planning & Assessment Act, 1979

GEORGES RIVER COUNCIL

### 6.1.2 Single Dwelling

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| | 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. | | | | |
| 5.3 | 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. | Landscaped setting is maintained. | ☒ | ☐ | ☐ |
| 5.4 | Impervious areas are to occupy no more than:<br>i. 60% of the street setback area where the front setback is less than 6m, or<br>ii. 50% of the street setback area where the front setback is 6m or greater, or<br>iii. 50% of the primary street setback area on corner allotments. | 15% of the street setback is impervious. | ☒ | ☐ | ☐ |
| 5.5 | The front setback area must accommodate at least one (1) tree capable of achieving a minimum mature height of 6-8m with a spreading canopy. A schedule of appropriate species to consider is provided on Council's website. | Five (5) trees will be planted within the front setback and one (1) tree is capable of achieving this requirement. | ☒ | ☐ | ☐ |
| 5.6 | Preference is to be given to incorporating locally indigenous plants. | Noted. Able to comply. | ☒ | ☐ | ☐ |
| **6. Excavation (Cut and Fill)** | | | | | |
| • Have regard to existing natural ground levels and existing landform.<br>• Create consistency along streetscapes.<br>• Minimise the extent of excavation and fill.<br>• Ensure that excavation and fill does not result in an unreasonable loss of privacy or security for neighbours.<br>• Must not impact the height of the swimming pool fence on the subject site or adjoining sites to ensure compliance with AS1926. | | The proposal is consistent with the objectives. | ☒ | ☐ | ☐ |
| 6.1 | Any excavation must not extend beyond the building footprint, including for any basement car park. | The proposal preserves the existing ground level adjacent to the site and rear boundaries. | ☒ | ☐ | ☐ |
| 6.2 | 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. | Noted, excavation is associated with a basement car park. Maximum depth of 3.9m. | ☒ | ☐ | ☐ |

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## Section 8.2A Review Determination
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GEORGES RIVER COUNCIL

### 6.1.2 Single Dwelling

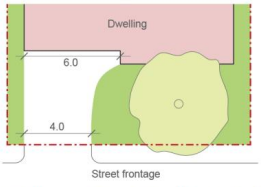
| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| 6.3 | Developments should avoid unnecessary earthworks by designing and siting buildings that respond to the natural slope of the land. The building footprint must be designed to minimise cut and fill by allowing the building mass to step in accordance with the slope of the land. | Habitable spaces are positioned above the current ground level.<br><br>Existing geological features including rock outcrops, overhangs, boulders, sandstone platforms, and sandstone retaining walls will be retained.<br><br>The earthworks proposed are designed to avoid vegetation removal and will not negatively impact the health of existing vegetation.<br><br>Sufficient soil depth has been provided to support ongoing tree growth.<br>The proposed earthworks will not adversely affect stormwater management or flood behaviour in relation to neighbouring properties.<br><br>Condition(s) shall be imposed to ensure that any fill material used is VENM (Virgin Excavated Natural Material). | ☒ | ☐ | ☐ |
| **7. Vehicular Access, Parking and Circulation** | | | | | |
| • Ensure car parking is provided to meet the requirements of Council.<br>• Ensure vehicular access routes and parking areas are easily accessible and visible to motorists.<br>• Ensure car access areas and garages/carports do not visually dominate either the development or the streetscape.<br>• Ensure car parking spaces are designed to ensure ease of access, egress and on-site manoeuvring. | | The proposal is consistent with the objectives. | ☒ | ☐ | ☐ |
| 7.1 | Car parking is to be provided in accordance with the requirements in Part 3 of this DCP. | Complies, refer above. | ☒ | ☐ | ☐ |
| 7.2 | 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 discussed above, four (4) car spaces are provided. | ☒ | ☐ | ☐ |
| 7.5 | 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. | The driveway crossing is suitable. | ☒ | ☐ | ☐ |
| 7.6 | 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 | The proposal achieves the following numerical design parameters:<br>• Maximum driveway width: 3.025m | ☒ | ☐ | ☐ |

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GEORGES RIVER COUNCIL

### 6.1.2 Single Dwelling

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| | line in accordance with Figure 4 below to the extent required for a B99 vehicle entry and exit from the garage in accordance with AS2890.1 Parking Facilities (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.<br>  <br><br>**Figure 4:** Maximum width of driveways at the street boundary and front building line | • Driveway width at boundary: 3.025m<br>• Garage width: 3m | | | |
| 7.7 | 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).<br>Basements on land where the average grade is less than 12.5% are permitted only where they are not considered a storey and the overall development presents as two (2) storeys to the street | Noted. The basement is positioned below ground and the dwelling will remain two storey in form. | ☒ | ☐ | ☐ |
| 7.8 | Car parking layout and vehicular access requirements and design are to be in accordance with the Australian Standards, in particular AS 2890.1 | The proposed driveway and crossover comply with the relevant Australian Standards and will not result in the net loss of any street trees or on-street parking spaces. | ☒ | ☐ | ☐ |
| 7.9 | The maximum width of a garage opening is 6.0m | 6m | ☒ | ☐ | ☐ |
| **8. Visual Privacy** | | | | | |
| • Ensure the siting and design of buildings provides a high level of visual and acoustic privacy for residents and neighbouring dwellings and their private open space.<br>• Minimise direct overlooking from windows, decks, balconies and terraces.<br>• Minimise direct overlooking between primary living rooms and private open space on the subject site and that of the adjoining sites. | | The proposal is consistent with the objectives. | ☒ | ☐ | ☐ |
| 8.1 | Windows from active rooms are to be offset with windows in adjacent dwellings, or appropriately treated to avoid direct overlooking onto neighbouring windows | Should consent be granted, conditions are recommended to treat upper-level windows (W27, W28 and W29) on the northern elevation, requiring translucent glazing. The following condition is recommended: | ☐ | ☒ | ☐ |

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## Section 8.2A Review Determination
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### 6.1.2 Single Dwelling

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| | | *Prior to the issue of a Construction Certificate, the windows known as W27, W28 and W29 shall be amended to contain translucent glazing to minimise overlooking of the adjoining property at 10 Harris Street. Details to be provided to the Private Certifier.* | | | |
| 8.2 | 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. | Appropriate screening has been provided to the ground level and first level decking. Should consent be granted a condition is recommended as follows:<br><br>*Prior to the issue of an Occupation Certificate, the privacy screen that will be installed along the northern edge of the first-floor rear balcony must be:*<br>1. *fixed in position to prevent direct line-of-sight views into the rear of the adjoining property at 10 Harris Street; and*<br>2. *be permanently maintained in good condition for the life of the development.* | ☒ | ☐ | ☐ |
| 8.3 | 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. | The first level balcony is splayed and has a varied width of between 900mm and 2.585m and is associated with Bed 1 and contains privacy screening at the northern end, where it widens to 2.585m<br><br>A variation is supported due to the privacy treatment and splayed design, overlooking of the property to the north will be maintained. | ☒ | ☐ | ☐ |
| 8.4 | 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. | The primary living areas are positioned at ground and are acceptable. | ☒ | ☐ | ☐ |
| 8.5 | 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. | Noted, a survey has been provided. | ☒ | ☐ | ☐ |
| **9. Noise** | | | | | |
| • Minimise the intrusion of noise from external sources into habitable rooms, in particular bedrooms. | | The proposal is consistent with the objectives. | ☒ | ☐ | ☐ |

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### 6.1.2 Single Dwelling

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| • Minimise noise transmission between dwellings within the development and from the development to adjoining dwellings. | | | | | |
| 9.1 | Noise generators such as plant and machinery including air conditioning units and pool pumps are located away from windows or other openings in habitable rooms; they are to be screened to reduce noise or acoustically treated. | Noted, appropriate conditions can be included should consent be granted. | ☒ | ☐ | ☐ |
| **10. Solar Access** | | | | | |
| • Minimise loss of sunlight to adjacent buildings.<br>• Ensure the required level of mid-winter solar access to main living areas and areas of principal private open space within the site and adjoining sites is provided.<br>• Maximise mid-winter sunlight to windows of neighbouring living rooms and to the primary private open spaces of adjacent properties.<br>• Minimises adverse impacts on the overshadowing of neighbouring buildings and primary private open spaces. | | The proposal is consistent with the objectives. | ☒ | ☐ | ☐ |
| 10.1 | 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. | Adequate sunlight is maintained to the existing and extended property to the south given the east-west orientation of the site.<br><br>In addition, the rear POS of the will retain solar access to 50% of the area. | ☒ | ☐ | ☐ |
| 10.2 | To facilitate sunlight penetration to adjoining development, building bulk may be required to be articulated to achieve the required sunlight access. | Noted. Suitable solar access is maintained. | ☒ | ☐ | ☐ |
| 10.3 | 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. | Adequate sunlight is maintained to the adjoining property to the south given the east-west orientation of the site, generous side setbacks along the southern boundary.<br><br>In addition, the rear POS of the adjoining southern property will retain solar access to 50% of the area. | ☒ | ☐ | ☐ |
| 10.4 | 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. | Noted. | ☒ | ☐ | ☐ |
| 10.5 | 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 | Shadow diagrams have been provided. | ☒ | ☐ | ☐ |

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GEORGES RIVER COUNCIL

### 6.1.2 Single Dwelling

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| | 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. | | | | |
| 10.6 | 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. | Noted, no PVC identified on the adjoining southern dwelling. | ☒ | ☐ | ☐ |
| **11. Materials, Colour Schemes and Details** | | | | | |
| • Ensure that the choice of external materials, colour schemes and building details of new development and existing houses visible from a public place, reinforces and enhances any identifiable visual cohesiveness or special qualities evident in the street and the adjoining locality. | | The proposal is consistent with the objectives. | ☒ | ☐ | ☐ |
| 11.1 | Large expansive surfaces of predominantly white, light or primary colours which would dominate the streetscape or other vistas should not be used | These colours have been minimised. | ☒ | ☐ | ☐ |
| 11.2 | New development should incorporate colour schemes that have a hue and tonal relationship with the predominant colour schemes found in the street. | The proposed materials and finishes are suitable for the proposal and retained heritage item. | ☒ | ☐ | ☐ |
| 11.4 | All materials and finishes utilised should have low reflectivity. | Noted. Able to comply. | ☒ | ☐ | ☐ |
| **13. Site Facilities** | | | | | |
| • Ensure adequate provision is made for site facilities to support residential occupation.<br>• Ensure that services do not detract from the amenity of neighbourhoods and streets.<br>• Facilitate a safe, efficient and comfortable living environment.<br>• Ensure site utilities are accessible, visually unobtrusive and require minimal maintenance | | The proposal is not able to provide adequate stormwater facilities. | ☐ | ☒ | ☐ |
| 13.1 | All dwellings are to be provided with adequate and practical internal and external storage (garage, garden sheds, etc.). | Adequate storage is provided. | ☒ | ☐ | ☐ |
| 13.2 | Provision for water, sewerage and stormwater drainage for the site shall be nominated on the plans to Council's satisfaction. | The proposal will not deliver adequate stormwater, as discussed above and in the referral discussion below. | ☐ | ☒ | ☐ |

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GEORGES RIVER COUNCIL

### 6.1.2 Single Dwelling

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| 13.3 | Each dwelling must provide adequate space for the storage of garbage and recycling bins (a space of at least 3m by 1m must be provided) and this space is not to be located within the front setback. | Adequate storage provided within the basement. | ☒ | ☐ | ☐ |
| 13.4 | Letterboxes are to be located on the frontage where the address has been allocated in accordance with Australia Post requirements. | The letter box will be positioned in a suitable location. | ☒ | ☐ | ☐ |
| The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 6.1.2.<br>The proposal does not comply with one or more of the objectives or controls of this section of the DCP. In particular, the proposed stormwater system is not suitable, as discussed above. | | | | | |

### 6.4.2 Air Conditioning

| Clause | Text | Comment | Y | N | N/A |
|---|---|---|---|---|---|
| • | The positioning of air conditioning units should not detract from the streetscape. | Able to satisfy the objectives. | ☒ | ☐ | ☐ |
| 1 | Air conditioning units should be sited so that they are not visible from the street | Should consent be granted suitable conditions are recommended. | ☒ | ☐ | ☐ |
| 2 | The noise level from air conditioning condensers/systems is not to exceed the LAeq 15 minute by 5dBA measured at the property boundary | Able to comply. | ☒ | ☐ | ☐ |
| The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 6.4.2.<br><br>The proposal complies with the objectives and controls of this section of the DCP. | | | | | |

**Any Planning Agreement Under Section 7.4**

There are no planning agreements that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter 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)*

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

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## Section 8.2A Review Determination
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### The Likely Impacts of the Development

*Section 4.15 (1) (b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

| Likely Impacts of the Development | |
|---|---|
| Natural Environment | The development is located within an established residential area and is not considered to result in unreasonable impact on the natural environment, subject to the delivery of an adequate stormwater system. |
| Built Environment | The built form is appropriate with its setting and is consistent with the desired future character of the site.<br><br>However, the stormwater infrastructure is not suitable and on this basis the development cannot be supported. |
| Social Impact | The proposal will have no significant social impact on the locality. |
| Economic Impact | The proposal is not considered to result in unreasonable economic impact |

### Site Suitability

The site is zoned R2 Low Density Residential. The proposed use is permissible in the subject zone, however, the proposal is not considered a suitable outcome for the subject site for the following reasons:

- The proposed development will result in unreasonable impacts to the natural and built environment.

### Submissions

The application was notified in accordance with Council policy by letter and given twenty-eight (28) days in which to view the plans and submit any comments on the proposal. 1 submission was received during the neighbour notification period.

The matters relevant to this application raised in the submissions are considered below:

| Issue | Comment |
|---|---|
| **Bulk and scale - Concern was raised in relation to the first floor extending east beyond the adjoining property.** | The proposed development complies with the GRLEP 2021 Height and FSR controls and also complies with the required front, side and rear setback controls under the GRDCP 2021. On this basis, the bulk and scale are considered satisfactory and will not result in any unreasonable adverse impacts on the adjoining properties. |
| **Privacy - Overlooking from first floor balcony and first floor windows.** | The first-floor balcony will be suitably screened to direct views away from the adjoining property at 10 Harris Street.<br><br>It is noted that the elevated first level windows (W27, W28 and W29) along the northern elevation shall be finished in translucent glazing and the louvres shall be installed to be fixed to direct views away from the rear of 10 Harris Street, to maintain privacy. Suitable conditions will be imposed should consent be granted. |
| **Setbacks - Increase side setbacks to the first level to position the first-floor addition centrally across the site to minimise shadows, privacy and scale.** | As discussed above, the proposal complies with the height, FSR and setback controls and is considered to be a suitable addition to the existing heritage dwelling.<br><br>The proposal will not create unreasonable shadow to the property to the south at 10 Harris Street and acceptable |

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| | |
|---|---|
| | levels of solar access will be maintained to the existing dwelling and rear private open space. There will be no unreasonable adverse shadow impacts to 10 Harris Street, being the adjoining site to the south.<br><br>Privacy will be protected as outlined above. |

**Revised Plans - Re-notification**

The applicant lodged revised stormwater documentation and an email response, respectively on Friday, 12 December 2025 and Wednesday, 21 January 2026.

In accordance with the requirements of Georges River Community Engagement Strategy the documentation was not publicly exhibited as, in the opinion of Council, the changes being sought did not intensify or change the external impact of the development

**The Public Interest**

The proposal is not in the public interest for the following reasons:

- The proposed stormwater system fails to comply with Council's stormwater management policy and will not be able to deliver the essential stormwater system, in accordance with Clause 6.9 of the GRLEP 2021.
- In terms of stormwater, the proposed development will result in unreasonable impacts to the natural and built environment.

### Contributions

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 and identifying it is subject to indexation in accordance with the plan will be imposed, should consent be granted.

### Conclusion

The proposal has been assessed with regard to the matters for consideration listed in Section 4.15 and Section 8.2A of the Environmental Planning and Assessment Act 1979.

The application is not considered suitable with regard to the matters listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 for the reasons outlined in the recommendation section.

The proposal fails to provide adequate stormwater management system measures and is unable to drain via gravity to the street and for this reason the proposal is not in the public interest and should be refused.

### Determination

**Refusal of Application**

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer determines REV2025/0028 for the Section 8.2A Review of Determination of DA2024/0141 for the demolition works, retention of the heritage listed dwelling and construction of a two storey addition at the rear of the existing dwelling with a basement area below, landscaping and site works on Lot 15 in DP 975493 on land known as 12 Harris Street Sans Souci, should not be approved subject to the refusal reasons referenced below:

a) The application fails to provide sufficient information to assess the impacts of the proposed development pursuant to Clause 4.15(a)(iv) of the Environmental Planning and Assessment Act 1979.

b) The proposed development fails to demonstrate compliance with Part 6.2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021, in regard to impact on the Georges River regulated catchment.

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## Section 8.2A Review Determination
S4.15 Environmental Planning & Assessment Act, 1979

GEORGES RIVER COUNCIL

c) The proposed development fails to demonstrate compliance with Clause 6.3 Stormwater Management of the Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the environmental Planning and Assessment Act 1979.

d) The proposed development fails to demonstrate compliance with Clause 6.9(e) Essential Services of the Georges River Local Environmental Plan 2021 pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

e) The proposal fails to comply with Section 3.5 Earthworks under the Georges River development control Plan 2021 pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

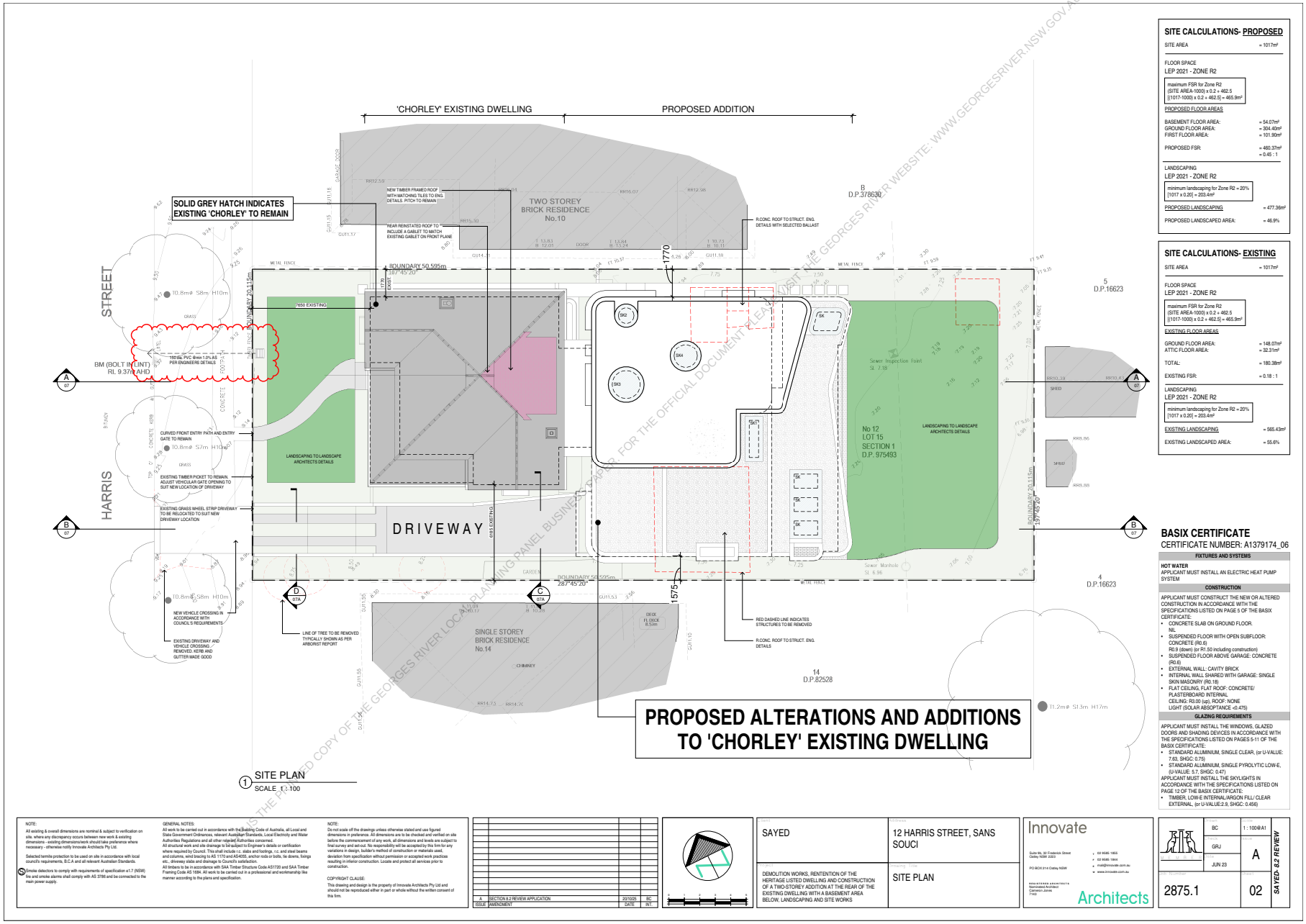
f) The proposal fails to comply with Section 13.10 Water Management and Water quality under the Georges River development control Plan 2021 pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

g) The proposal fails to comply with Section 13.2 Site Facilities under the Georges River development control Plan 2021 pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

h) For the states reasons above, the proposed development is not suitable for the site, Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.

i) For the reasons stated above, it is considered that the development is not in the public interest, Pursuant to S4.15(1)(e) of the Environmental Planning & Assessment Act 1979.

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## SITE CALCULATIONS- PROPOSED

SITE AREA = 1017m²

FLOOR SPACE
LEP 2021 - ZONE R2

maximum FSR for Zone R2
(SITE AREA-1000) x 0.2 + 462.5
[(1017-1000) x 0.2 + 462.5] = 465.9m²

PROPOSED FLOOR AREAS

| | |
|---|---|
| BASEMENT FLOOR AREA: | = 54.07m² |
| GROUND FLOOR AREA: | = 304.40m² |
| FIRST FLOOR AREA: | = 101.90m² |
| PROPOSED FSR: | = 460.37m² = 0.45 : 1 |

LANDSCAPING
LEP 2021 - ZONE R2

minimum landscaping for Zone R2 = 20%
[1017 x 0.20] = 203.4m²

| | |
|---|---|
| PROPOSED LANDSCAPING | = 477.36m² |
| PROPOSED LANDSCAPED AREA: | = 46.9% |

## SITE CALCULATIONS- EXISTING

SITE AREA = 1017m²

FLOOR SPACE
LEP 2021 - ZONE R2

maximum FSR for Zone R2
(SITE AREA-1000) x 0.2 + 462.5
[(1017-1000) x 0.2 + 462.5] = 465.9m²

EXISTING FLOOR AREAS

| | |
|---|---|
| GROUND FLOOR AREA: | = 148.07m² |
| ATTIC FLOOR AREA: | = 32.31m² |
| TOTAL: | = 180.38m² |
| EXISTING FSR: | = 0.18 : 1 |

LANDSCAPING
LEP 2021 - ZONE R2

minimum landscaping for Zone R2 = 20%
[1017 x 0.20] = 203.4m²

| | |
|---|---|
| EXISTING LANDSCAPING | = 565.43m² |
| EXISTING LANDSCAPED AREA: | = 55.6% |

## BASIX CERTIFICATE

CERTIFICATE NUMBER: A1379174_06

**FIXTURES AND SYSTEMS**

**HOT WATER**
APPLICANT MUST INSTALL AN ELECTRIC HEAT PUMP SYSTEM

**CONSTRUCTION**

APPLICANT MUST CONSTRUCT THE NEW OR ALTERED CONSTRUCTION IN ACCORDANCE WITH THE SPECIFICATIONS LISTED ON PAGE 5 OF THE BASIX CERTIFICATE:

- CONCRETE SLAB ON GROUND FLOOR. NIL
- SUSPENDED FLOOR WITH OPEN SUBFLOOR: CONCRETE (R0.6) R0.9 (down) (or R1.50 including construction)
- SUSPENDED FLOOR ABOVE GARAGE: CONCRETE (R0.6)
- EXTERNAL WALL: CAVITY BRICK
- INTERNAL WALL SHARED WITH GARAGE: SINGLE SKIN MASONRY (R0.18)
- FLAT CEILING, FLAT ROOF: CONCRETE/ PLASTERBOARD; INTERNAL CEILING: R3.00 (up), ROOF: NONE LIGHT (SOLAR ABSOPTANCE <0.475)

**GLAZING REQUIREMENTS**

APPLICANT MUST INSTALL THE WINDOWS, GLAZED DOORS AND SHADING DEVICES IN ACCORDANCE WITH THE SPECIFICATIONS LISTED ON PAGES 5-11 OF THE BASIX CERTIFICATE:

- STANDARD ALUMINIUM, SINGLE CLEAR, (or U-VALUE: 7.63, SHGC: 0.75)
- STANDARD ALUMINIUM, SINGLE PYROLYTIC LOW-E, (U-VALUE: 5.7, SHGC: 0.47)

APPLICANT MUST INSTALL THE SKYLIGHTS IN ACCORDANCE WITH THE SPECIFICATIONS LISTED ON PAGE 12 OF THE BASIX CERTIFICATE:

- TIMBER, LOW-E INTERNAL/ARGON FILL/ CLEAR EXTERNAL, (or U-VALUE:2.9, SHGC: 0.466)

NOTE:
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Selected termite protection to be used on site in accordance with local council's requirements, B.C.A and all relevant Australian Standards.

Smoke detectors to comply with requirements of specification e1.7 (NSW) fire and smoke alarms shall comply with AS 3786 and be connected to the main power supply.

GENERAL NOTES:
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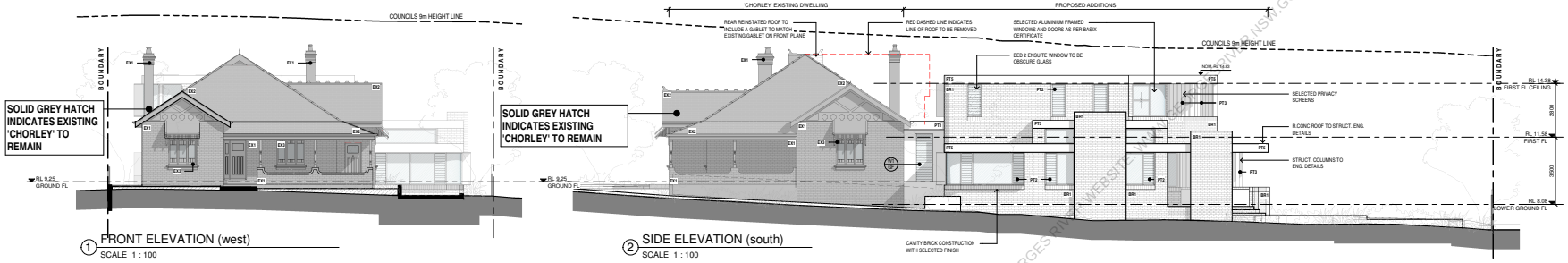
| ISSUE | AMENDMENT | DATE | INT |
|---|---|---|---|
| A | SECTION 8.2 REVIEW APPLICATION | 20/10/25 | BC |

CLIENT: SAYED
PROJECT: DEMOLITION WORKS, RENTENTION OF THE HERITAGE LISTED DWELLING AND CONSTRUCTION OF A TWO-STOREY ADDITION AT THE REAR OF THE EXISTING DWELLING WITH A BASEMENT AREA BELOW, LANDSCAPING AND SITE WORKS
ADDRESS: 12 HARRIS STREET, SANS SOUCI
DRAWING TITLE: SITE PLAN

Innovate Architects
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w www.innovate.com.au
REGISTERED ARCHITECTS
Nominated Architect Cameron Jones 7143

| | |
|---|---|
| DRAWN | BC |
| CHECKED | GRJ |
| DATE | JUN 23 |
| SCALE | 1 : 100@A1 |
| ISSUE | A |
| JOB No. | 2875.1 |
| SHEET | 02 |

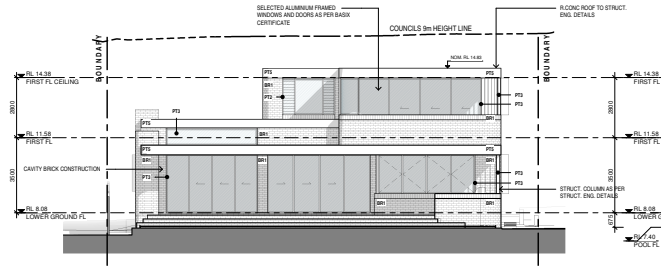
SAYED- 8.2 REVIEW



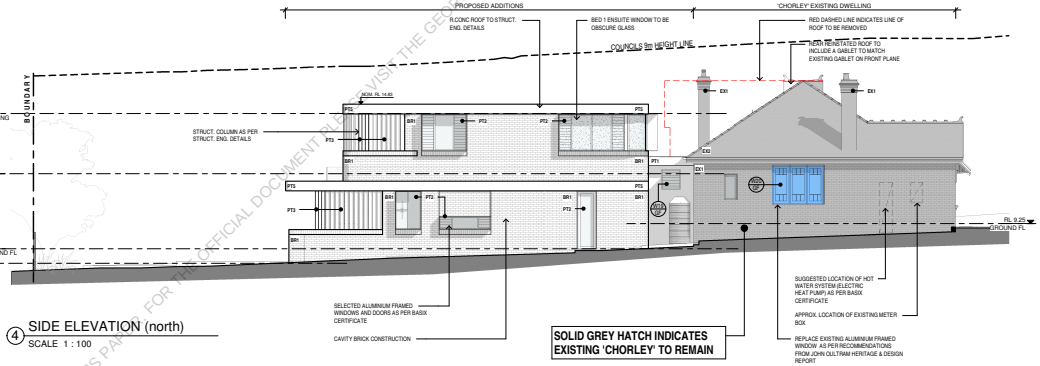

1 FRONT ELEVATION (west)
SCALE 1 : 100




2 SIDE ELEVATION (south)
SCALE 1 : 100



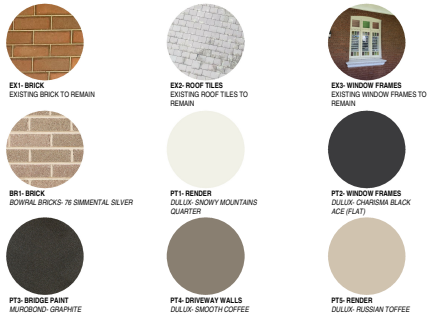

3 REAR ELEVATION (east)
SCALE 1 : 100




4 SIDE ELEVATION (north)
SCALE 1 : 100




5 HARRIS STREET ELEVATION (west)
SCALE 1 : 100




EXTERNAL FINISHES SCHEDULE

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Selected termite protection to be used on site in accordance with local council's requirements, B.C.A and all relevant Australian Standards.

Smoke detectors to comply with requirements of specification e1.7 (NSW) fire and smoke alarms shall comply with AS 3786 and be connected to the main power supply.

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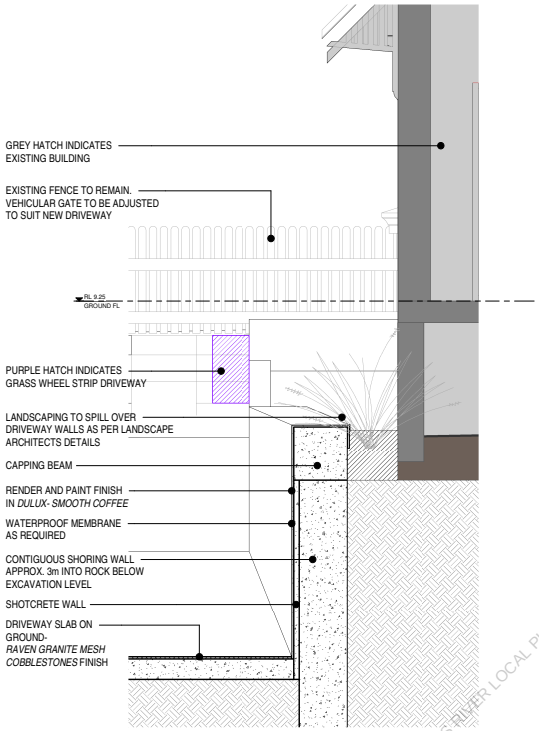
| ISSUE | AMENDMENT | DATE | INT |
|---|---|---|---|
| A | SECTION 8.2 REVIEW APPLICATION | 20/10/25 | BC |

CLIENT: SAYED
PROJECT: 12 HARRIS STREET, SANS SOUCI
DRAWING TITLE: ELEVATIONS & EXTERNAL FINISHES SCHEDULE
DESCRIPTION: DEMOLITION WORKS, RENTENTION OF THE HERITAGE LISTED DWELLING AND CONSTRUCTION OF A TWO-STOREY ADDITION AT THE REAR OF THE EXISTING DWELLING WITH A BASEMENT AREA BELOW, LANDSCAPING AND SITE WORKS

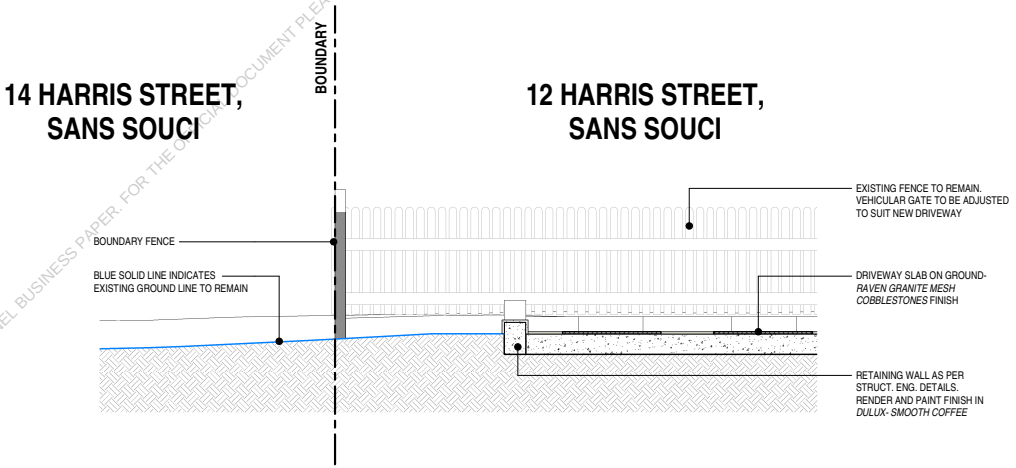
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w www.innovate.com.au
REGISTERED ARCHITECTS
Nominated Architect
Cameron Jones
7143

DRAWN: BC
CHECKED: GRJ
DATE: JUN 23
SCALE: 1:100@A1
ISSUE: A
JOB No.: 2875.1
SHEET: 06
SAYED- 8.2 REVIEW

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Ⓒ DRIVEWAY DETAIL SECTION
SCALE 1 : 20




Ⓓ SOUTHERN BOUNDARY SECTION
SCALE 1 : 20

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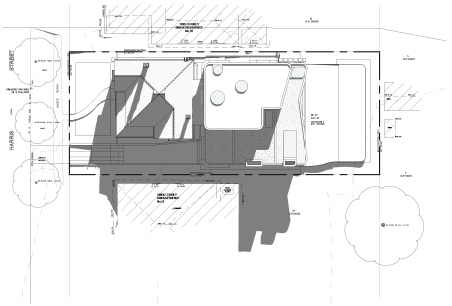
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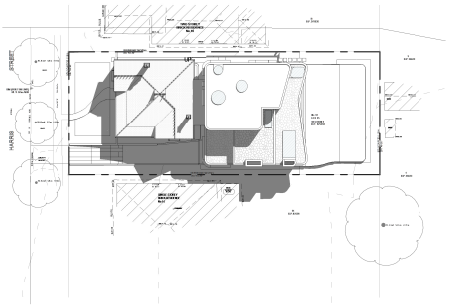
CLIENT: SAYED
PROJECT: 12 HARRIS STREET, SANS SOUCI
DESCRIPTION: DEMOLITION WORKS, RENTENTION OF THE HERITAGE LISTED DWELLING AND CONSTRUCTION OF A TWO-STOREY ADDITION AT THE REAR OF THE EXISTING DWELLING WITH A BASEMENT AREA BELOW, LANDSCAPING AND SITE WORKS
DRAWING TITLE: DETAILED SECTIONS

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e mail@innovate.com.au
w www.innovate.com.au
REGISTERED ARCHITECTS
Nominated Architect
Cameron Jones
7143
Architects

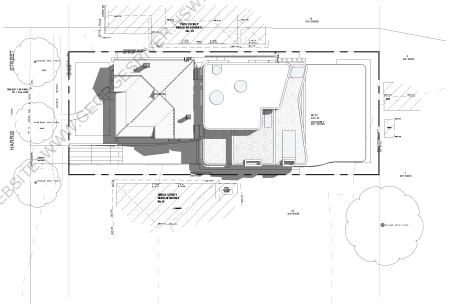
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CHECKED: GRJ
DATE: JUN 23
SCALE: 1 : 20@A1
REVISION: A
JOB NUMBER: 2875.1
SHEET: 07A
SAYED- 8.2 REVIEW



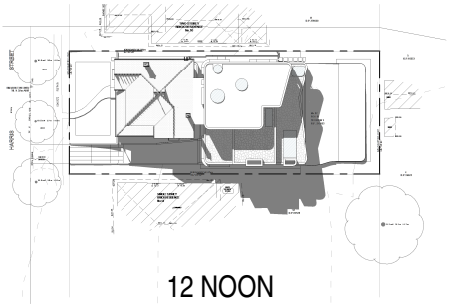
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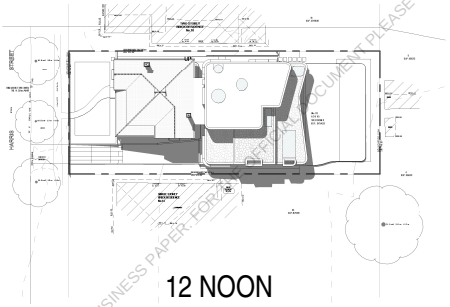
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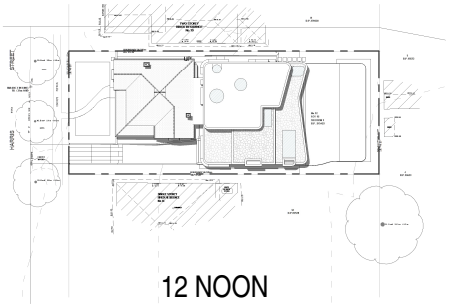
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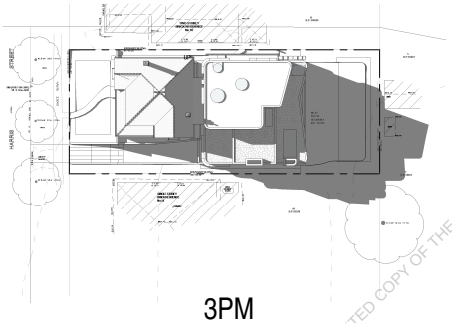
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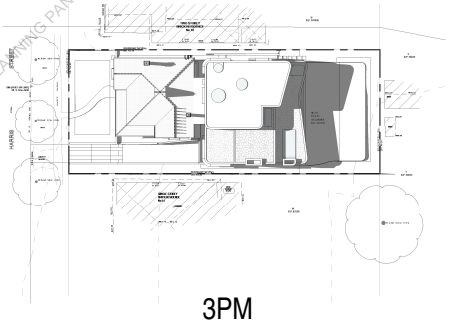
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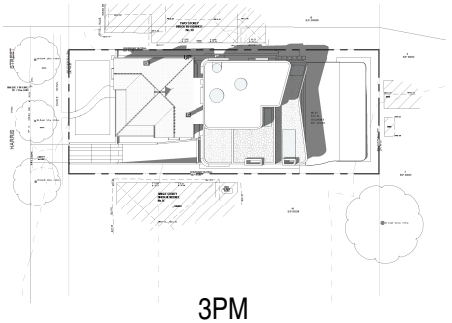
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3PM
WINTER SOLSTICE (JUNE 21)



3PM
EQUINOX (MAR 21)



3PM
SUMMER SOLSTICE (DEC 21)

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| ISSUE | AMENDMENT | DATE | INT |
|---|---|---|---|
| A | SECTION 8.2 REVIEW APPLICATION | 20/10/25 | BC |

CLIENT: SAYED

PROJECT: DEMOLITION WORKS, RENTENTION OF THE HERITAGE LISTED DWELLING AND CONSTRUCTION OF A TWO-STOREY ADDITION AT THE REAR OF THE EXISTING DWELLING WITH A BASEMENT AREA BELOW, LANDSCAPING AND SITE WORKS

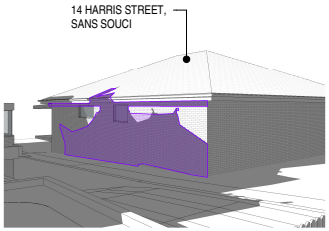
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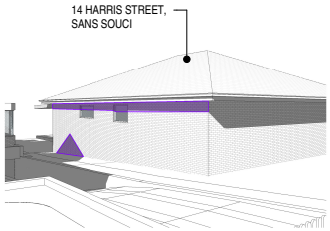
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REGISTERED ARCHITECTS
Nominated Architect
Cameron Jones
7143
Architects

| | |
|---|---|
| DRAWN | BC |
| CHECKED | GRJ |
| DATE | JUN 23 |
| SCALE | 1 : 350@A1 |
| ISSUE | A |
| JOB NUMBER | 2875.1 |
| SHEET | 08 |

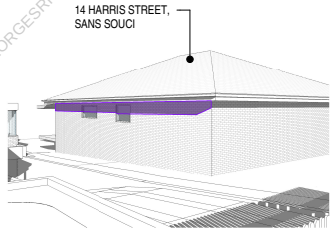
SAYED- 8.2 REVIEW



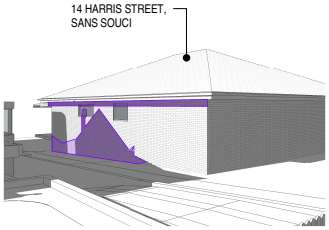

**21 JUNE- 9am**



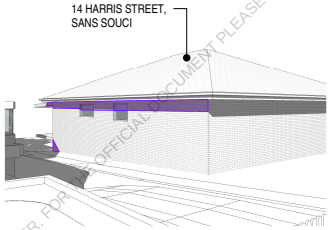

**21 JUNE- 12noon**




**21 JUNE- 3pm**



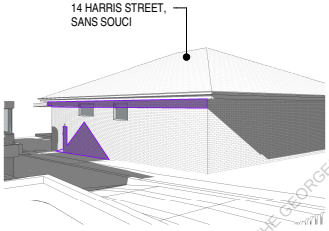

**21 JUNE- 10am**



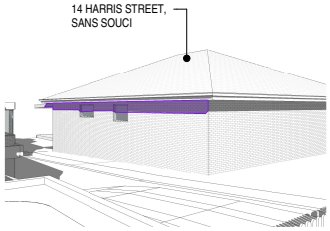

**21 JUNE- 1pm**

**ELEVATIONAL SHADOWS LEGEND**

PURPLE HATCH INDICATES EXISTING SHADOW CAST ON NORTH ELEVATION OF THE HOUSE AT 14 HARRIS STREET, SANS SOUCI




**21 JUNE- 11am**




**21 JUNE- 2pm**

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NOTE:
All existing & overall dimensions are nominal & subject to verification on site, where any discrepancy occurs between new work & existing dimensions - existing dimensions/work should take preference where necessary - otherwise notify Innovate Architects Pty Ltd.

Selected termite protection to be used on site in accordance with local council's requirements, B.C.A and all relevant Australian Standards.

Smoke detectors to comply with requirements of specification e1.7 (NSW) fire and smoke alarms shall comply with AS 3786 and be connected to the main power supply.

GENERAL NOTES:
All work to be carried out in accordance with the Building Code of Australia, all Local and State Government Ordinances, relevant Australian Standards, Local Electricity and Water Authorities Regulations and all other relevant Authorities concerned.
All structural work and site drainage to be subject to Engineer's details or certification where required by Council. This shall include r.c. slabs and footings, r.c. and steel beams and columns, wind bracing to AS 1170 and AS4055, anchor rods or bolts, tie downs, fixings etc., driveway slabs and drainage to Council's satisfaction.
All timbers to be in accordance with SAA Timber Structure Code AS1720 and SAA Timber Framing Code AS 1684. All work to be carried out in a professional and workmanship like manner according to the plans and specification.

NOTE:
Do not scale off the drawings unless otherwise stated and use figured dimensions in preference. All dimensions are to be checked and verified on site before the commencement of any work, all dimensions and levels are subject to final survey and set-out. No responsibility will be accepted by this firm for any variations in design, builder's method of construction or materials used, deviation from specification without permission or accepted work practices resulting in inferior construction. Locate and protect all services prior to construction.

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| ISSUE | AMENDMENT | DATE | INT |
|---|---|---|---|
| A | SECTION 8.2 REVIEW APPLICATION | 20/10/25 | BC |

CLIENT: SAYED
PROJECT: DEMOLITION WORKS, RENTENTION OF THE HERITAGE LISTED DWELLING AND CONSTRUCTION OF A TWO-STOREY ADDITION AT THE REAR OF THE EXISTING DWELLING WITH A BASEMENT AREA BELOW, LANDSCAPING AND SITE WORKS

ADDRESS: 12 HARRIS STREET, SANS SOUCI
DRAWING TITLE: ELEVATIONAL SHADOWS ON 14 HARRIS STREET, SANS SOUCI

Innovate
Suite 9b, 32 Frederick Street
Oatley NSW 2223
PO BOX 214 Oatley NSW
t 02 9585 1855
f 02 9585 1844
e mail@innovate.com.au
w www.innovate.com.au
REGISTERED ARCHITECTS
Nominated Architect
Cameron Jones
7143
Architects

| | |
|---|---|
| DRAWN | BC |
| CHECKED | GRJ |
| DATE | JUN 23 |
| JOB No. | 2875.1 |
| SCALE | NTS@A1 |
| ISSUE | A |
| SHEET | 08B |

SAYED- 8.2 REVIEW

**REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 19 FEBRUARY 2026**

**LPP006-26 139 STUART STREET BLAKEHURST**

| | | | |
|---|---|---|---|
| **LPP Report No** | **LPP006-26** | **Development Application No** | **DA2025/0024** |
| **Site Address & Ward Locality** | 139 Stuart Street BLAKEHURST<br>Blakehurst Ward | | |
| **Proposed Development** | Alterations and additions to existing dwelling, construction of new boat shed to rear of site and associated landscaping | | |
| **Owners** | S Leverton and A Papadopoulos | | |
| **Applicant** | Mather Beere Architects Pty Ltd | | |
| **Planner/Architect** | Chapman Planning Pty Ltd / Mather Beere Architects Pty Ltd | | |
| **Date Of Lodgement** | 16/03/2025 | | |
| **Submissions** | One | | |
| **Cost of Works** | $1,760,589.00 | | |
| **Local Planning Panel Criteria** | Under Schedule 5 of the Georges River Local Environmental Plan 2021, the site is listed as a heritage item, being House and Garden (I14) and is of local significance. The DA is referred to the LPP as the DA proposes alterations and additions to a Local Heritage Item (house and garden). | | |
| **List of all relevant s.4.15 matters (formerly s79C(1)(a))** | State Environmental Planning Policy (Biodiversity and Conservation) 2021State Environmental Planning Policy (Resilience and Hazards) 2021State Environmental Planning Policy (Transport and Infrastructure) 2021State Environmental Planning Policy (Sustainable Buildings) 2022Georges River Local Environmental Plan 2021 (GRLEP 2021) Georges River Development Control Plan 2021 (GRDCP 2021) | | |
| **List all documents submitted with this report for the Panel's consideration** | Architectural plans, landscape plans, assessment report, geotechnical investigation report, heritage impact assessment report, Statement of Environmental Effects, arboricultural impact assessment report, response to RFI, stormwater and drainage plan, stormwater and OSD, civil engineering plans, excavation and fill plans, structural plans, structural design statement, survey plan, schedule of colours and exterior finishes, submission | | |
| **Report prepared by** | Principal Planner | | |

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| | |
|---|---|
| **RECOMMENDATION** | Refusal |

| | |
|---|---|
| **Summary of matters for consideration under Section 4.15**<br>Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? | **Yes** |
| **Legislative clauses requiring consent authority satisfaction**<br>Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? | **Yes** |
| **Clause 4.6 Exceptions to development standards**<br>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? | **N/A** |
| **Special Infrastructure Contributions**<br>Does the DA require Special Infrastructure Contributions conditions (under s7.24)? | **N/A** |
| **Conditions**<br>Have draft conditions been provided to the applicant for comment? | **N/A** |

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**PROPOSAL**

1. The Development Application seeks consent for alterations and additions to an existing dwelling, construction of a new boat shed to rear of the site and associated landscaping.

2. The proposed development comprises of:

   (a) Alternations and additions to the existing dwelling comprising of:
      (i) Demolition of northwest wing of existing dwelling, verandah overhang, attic link and select dormer windows as well as removal of internal fixtures and fittings.
      (ii) Demolition of covered cabana shelter that overhangs swimming pool and boatshed to the rear of the site.
      (iii) Reconfiguration of the internal layout of the dwelling and construction of a new two storey wing in lieu of that to be demolished, which will provide a living room to the ground floor and reconfigured master bedroom to the first floor with terrace; removal of staircase within the north section of the dwelling; retention of staircase in the eastern section.
      (iv) Construction of a carport attached to the eastern elevation of the dwelling to provide additional parking for two vehicles in a stacked configuration with a detached sauna (relocated), with shower adjacent.
      (v) Construction of a new boat shed with single storey form, with dimensions of 10m x 5.2m (area of 44m2 referenced in SEE) which includes storage area and work area to the rear, and amenities (internal bathroom); the existing boat shed is to be demolished; and some rock removed to the rear to

accommodate increased footprint. Adjacent to boat shed is proposed: outdoor shower; and storage for 5 canoes.

(b) Associated works, site landscaping and new enlarged driveway area:
- (i) new stairs down the driveway with handrails for safety between cars and pedestrians.
- (ii) new gate and entry presentation.
- (iii) new car driveway and parking to front and left hand side of property with minor excavation of existing rock shelf to enable wider driveway area.
- (iv) new pool deck works with new wall and glass balustrade.
- (v) existing cabana to be demolished.
- (vi) existing sandstone stairs from upper terrace to lower terrace to be retained.

(c) The Foreshore Garden works:
- (i) Existing sauna to be relocated under a rock overhang, with a path provided
- (ii) Timber deck platform for spa/hot tub
- (iii) Timber decks – midway landing for inclinator and bottom landing
- (iv) Garden bench of reclaimed wharf timber
- (v) Built in timber daybed/lounge
- (vi) Stone work
- (vii) Outdoor Kitchen
- (viii) Fire Pit on plinth with cover to double as coffee table
- (viii) Planting

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***Figure 1a*** *– Site plan – Upper Site (Source: Architectural Plans)*




***Figure 1b*** *– Site plan – Lower Site (Source: Architectural Plans)*



***Figure 2a and 2b*** *– Front western elevation facing Georges River and Swimming Pool area (Canopy in foreground) (Source: Site Photos)*

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***Figure 3a and 3b*** *– Existing boat shed adjacent to the Georges River: northern side elevation and rear elevation (Source: site photos)*

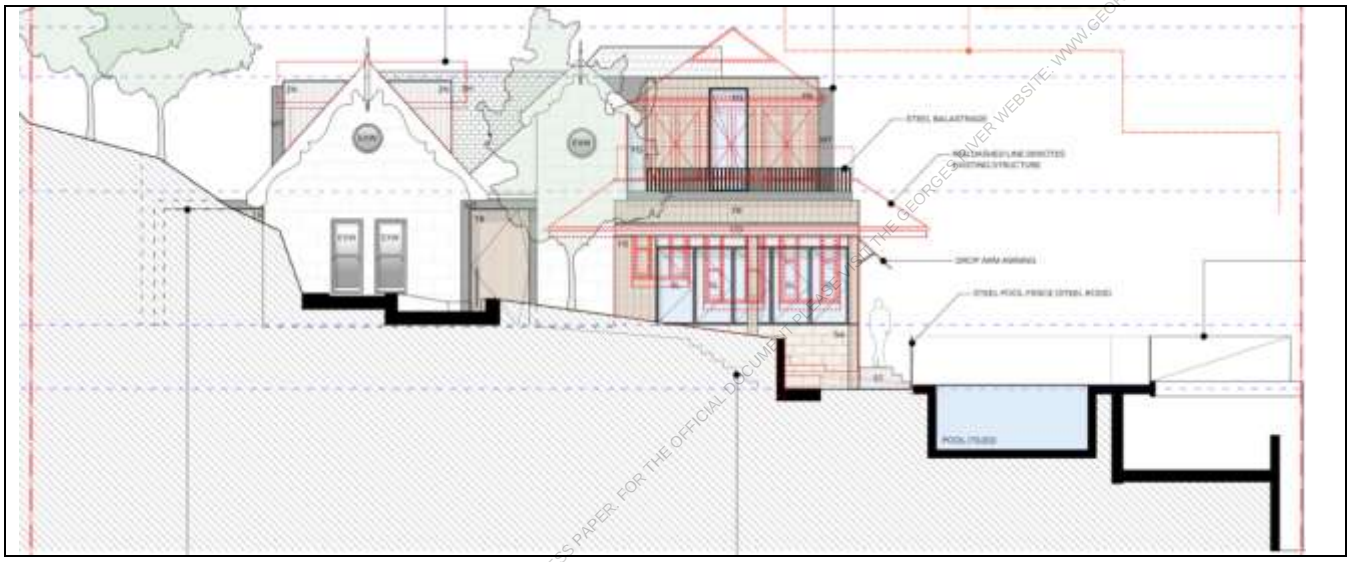


***Figure 4*** *– Proposed northern elevation of dwelling facing ROC and entry (Source: Architectural Plans)*



***Figure 5*** *– Proposed western elevation of dwelling facing Georges River (Source: Architectural Plans)*

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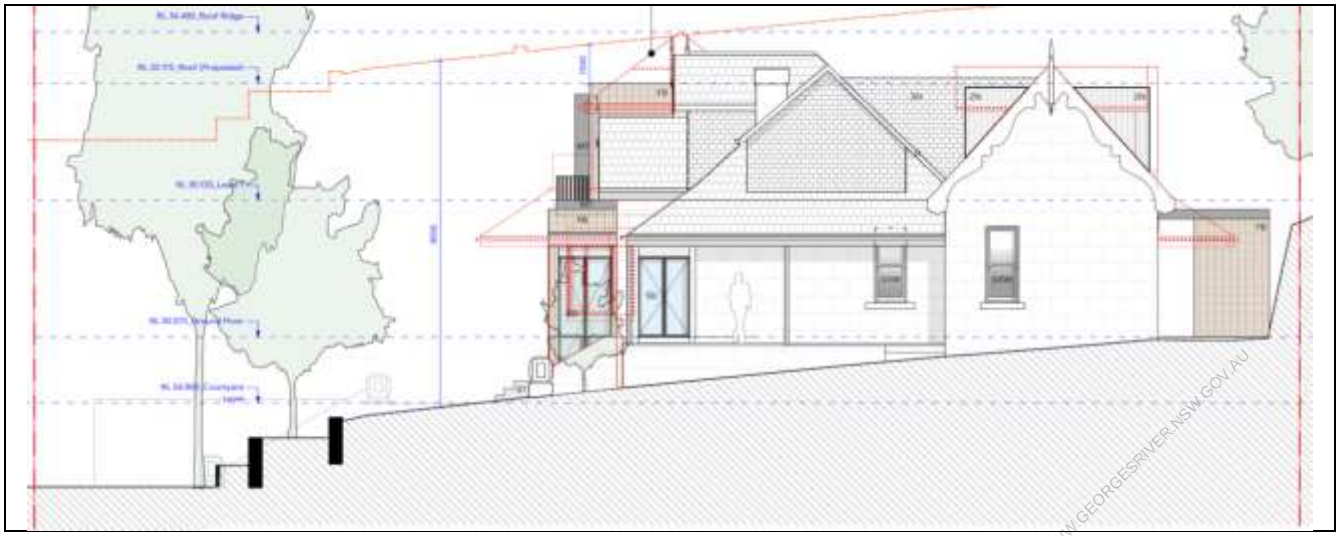


***Figure 6 –*** *Proposed southern elevation of dwelling (carport sauna RHS) (Source: Architectural Plans)*




***Figure 7 –*** *Proposed eastern elevation of dwelling (Source: Architectural Plans)*

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***Figure 8 –*** *Overlay of Proposed Boat Shed (yellow outline) on Existing Boat Shed (red outline) (Source: Landscape Plan)*

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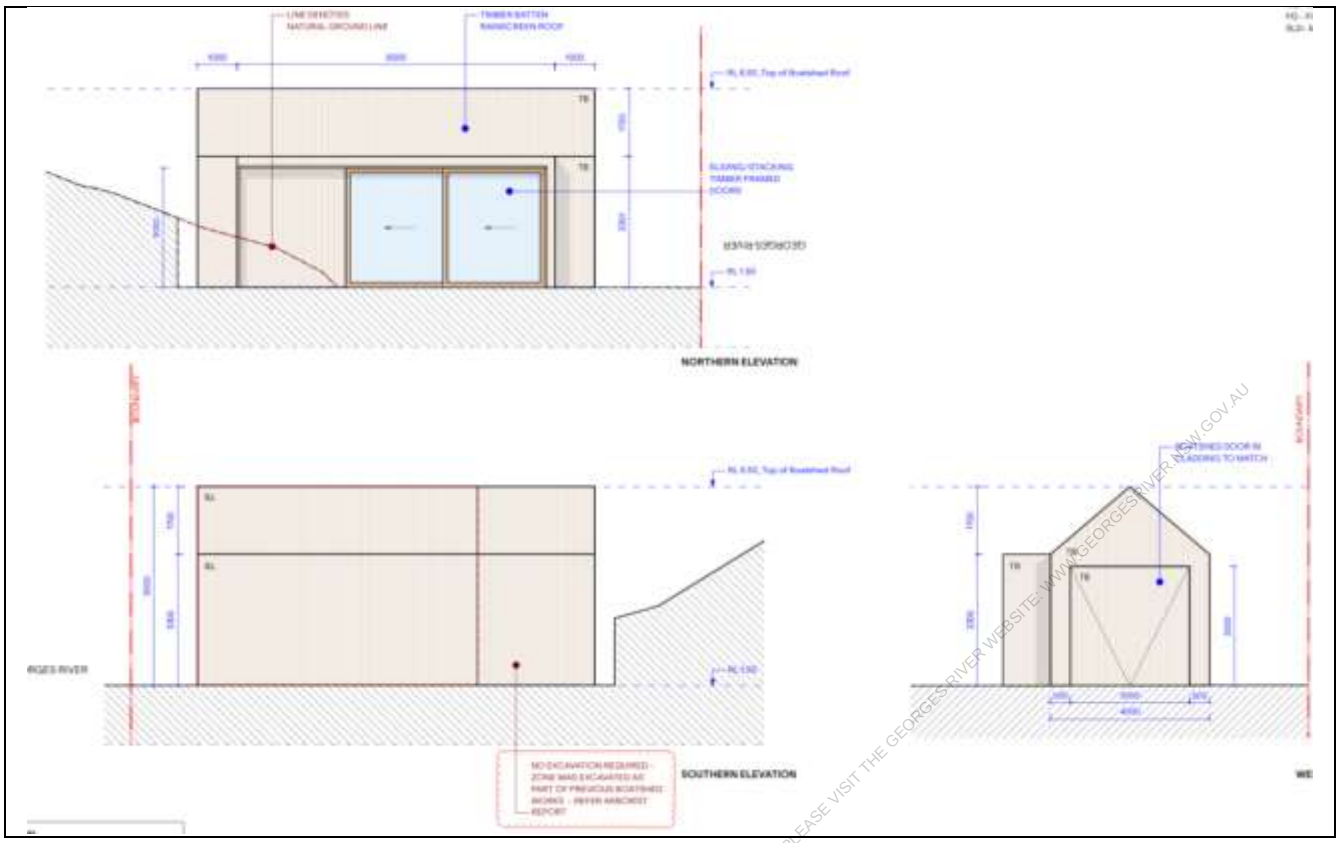



***Figure 9*** *- Proposed Boat Shed Elevations (Source: Architectural Plans)*

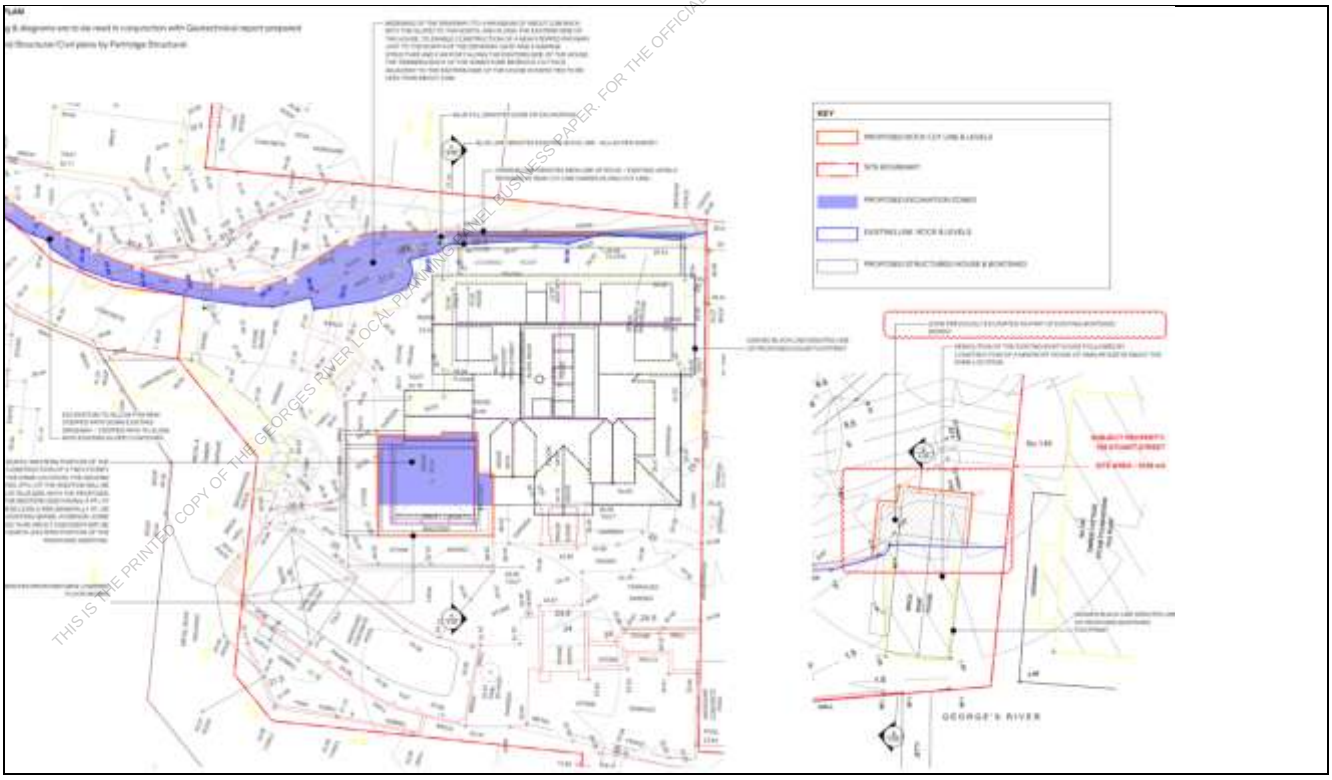



***Figure 10*** *- Excavation / Fill Plan (Source: Architectural Drawings)*

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## SITE AND LOCALITY

### Site Description

3. Under Schedule 5 of the Georges River Local Environmental Plan 2021, the site is listed as a heritage item, being House and Garden (I14) and is of local significance.

4. The site has an approximate area of 2129sqm. The site is subject to several encumbrances registered on Title noting referenced right of way as well as several easements. The subject site is irregularly shaped and the boundaries are various and complex. The property is west facing and extends along a shared driveway to Stuart Street to the east of the property. The site is accessed via a sealed right of way with a detached double brick garage (8.3x8.5m) off the ROC, beyond which the driveway extends down to provide access to the dwelling, providing both vehicular and pedestrian access. There is a gated entry, with stone pillars. The site has an upper section on which the dwelling is located, and a lower section which is adjacent to the foreshore.

5. The site slopes from east to west where the western rear boundary abuts Georges River. The site falls from underneath the top landing area at approximately RL 25.5, down to the foreshore area at approximately RL 1.5, with a fall of 24m which presents a slope of 28.5 degrees overall. The existing stairs and pathway between the dwelling and foreshore area includes a vertical drop of 10m, which the approved inclinator can traverse. The fall elsewhere is approximately 6m between the upper component of the site and the base of the escarpment.

6. The site currently contains a dwelling within the south-eastern part of the upper level of the site. This area contains the two storey sandstone block house (ca. 1910-1920 with many alterations), which is accessed via a moderately sloping concrete driveway grading into the site. The two storey dwelling has a pitched slate roof form. It is set down below a rock shelf that delineates the eastern boundary. The principal front façade is the northern elevation, with an outlook from within provided to the west towards the Georges River.

7. There is a separate small structure being a brick laundry/bathroom located off the south-eastern corner of the house. Both structures had been constructed by cutting into the hillside to a depth of at least 4.0m along its eastern side where sandstone bedrock was exposed. The bedding partings in the rock occur spaced at least 1m apart and few defects were observed. Sandstone bedrock was outcropped extensively along the eastern side of the driveway. There is slight groundwater seepage over and through the bedrock exposures in some areas. There is no obvious sign of rock cut face instability.

8. A concrete swimming pool is located to the rear of the dwelling, with a cabana providing partial shelter, and paved surroundings. From this juncture, the site drops away with a cliff/rock outcrop separating the lower component of the site which is accessed by way of a spiral staircase, and a (to be constructed) approved inclinator. A boat house is located to the southwestern corner with a timber jetty forward providing access to the waterway.

9. The site has consolidated areas of deep soil with scattered plantings of shrubs and more mature canopy, and to the rear is an iconic Norfolk Island Pine located adjacent to the dwelling.

**Locality Description**

10. Existing development in the locality consists of dwelling houses of one and two storey construction, detached structures, and swimming pools. The site is located within a consolidated low density residential zoning. Bald Face Public School is located within close proximity.

## Land Zoning Map




***Figure 11*** - *Zoning Plan (Source: Intramaps)*

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## Aerial Image of Site

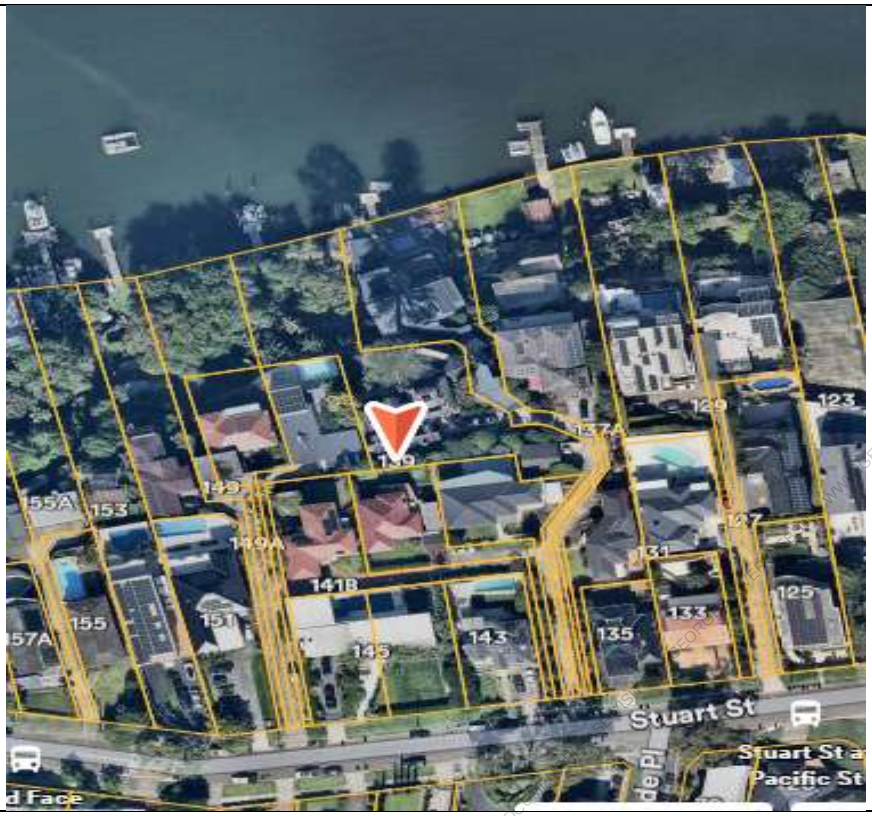



***Figure 12*** *- Aerial view of development site outlined in orange arrow (Source: Intramaps, 2025)*



***Figure 13*** *– Site Plan including Deep Soil shown in Green (Source: Architectural Plans)*

**ZONING AND PERMISSIBILITY**

11. The subject site is zoned R2 Low Density Residential under Georges River Local Environmental Plan 2021 (GRLEP 2021). The proposed works are defined as a 'Alterations and additions to a dwelling' which is permissible with consent within R2 zone under the GRLEP 2021. The zoning map is shown above.

12. Under Schedule 5 of the Georges River Local Environmental Plan 2021, the site is listed as a heritage item, being House and Garden (I14) and is of local significance.

**ASSESSMENT**

13. 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:

**Planning Controls**

a) State Environmental Planning Policies
   (i) SEPP (Biodiversity and Conservation) 2021,
      - Chapter 2, Division 3, Coastal environmental areas 2.10(2(b) and (c): The proposed boat shed is not supported, due to its size, location, and the threat of Sea Level Rise which was not addressed.
      - Chapter 2, Division 4, Coastal use area 2.11(1)(a)(v): Insufficient information re heritage item (dwelling)
      - Chapter 2, Division 4, Coastal use area 2.11(1)(b)(i) and (c): size, location, siting of boat shed and retaining wall within FBL Insufficient information and as such proposed size is not supported.

b) GRLEP 2021
   (i) Clause 5.10 Heritage Conservation: insufficient information provided.
   (ii) Clause 6.2 and Clause 6.9 Essential services: insufficient information provided. (SEA and FEA required as recommended in Geotechnical Investigation Report); concurrence from Sydney Water required re impacts on sewer pipe/ maintenance hole from rock removal to widen driveway area.
   (iii) Clause 6.4 Foreshore area and coastal hazards and risk: boat shed and retaining wall located between FBL and MHWM is of concern as insufficient information on Sea Level Rise.
   (iv) Clause 6.6 Foreshore Scenic Protection Area: insufficient information re heritage item (dwelling). Proposed boat shed has potential visual impact from Georges River and adjoining.
   (v) Clause 10 Design excellence: proposed boat shed is non-compliance due to size, location and visual impact. A Design Excellence Statement was not submitted with the proposal.

c) GRDCP 2021
   (i) 3.7.2 Non-Aboriginal Heritage – insufficient information.
   (ii) 5.10 Heritage Conservation – insufficient information.
   (iii) 6.1.2.10 Materials, colour schemes and details: Dulux Natural White as a paint

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finish for cement render is not supported;

(iv) 6.4.1 Fences and Walls: retaining wall location within FBL, adjacent to boat shed: see Dwg L102D Revised DA Greenweb Planting, Revision D, dated 15/10/2025 by Spirit Level Designs Pty Ltd, location E02

(v) 6.5.1.9 Foreshore Scenic Protection Area: visual impact due to size and location of boat shed

(vi) 6.5.1.11 and 6.5.1.13. FSPA: site disturbance: additional information required re driveway widening; colour white: condition to be "natural" colour tone for render.

**Proposed Boat Shed**

14. Below is presented a summary in respect to compliance of boat shed as stipulated in GRDCP 2012:

| |
|---|
| Dimensions of 10m x 5.2m proposed; maximum of 7m x 4m is permitted. |
| The proposed boat shed includes a full bathroom; workshop area; and storage area at rear. The size is 44sqm, which does not comply with the 28sqm control, and exceeds area control by 57.5%. |
| No information provided on risk of sea level rise re boat shed and retaining wall which is at RL 1.5. |
| Bush rock removal and retaining wall works are proposed to facilitate platform for boat shed; this is within FB, and thus will impact upon a mapped Coastal Environment area and a Coastal Use area. |
| In respect to control 6.5.1 of the GRDCP 2021 relating to Scenic Protection Area; Contravention of development standard relating to the size and location of the boat shed, and the proposed retaining wall within the FBL. This will also create a visual impact when viewed from the Georges River |

**Heritage**

15. Amended plans and additional documentation were reviewed in response to Council's RFI dated 23 September 2025 which included heritage issues raised from previous heritage referral response. Whilst the revised Heritage Impact Statement provides a grading of significance of the landscape garden setting and includes an impact assessment on the site which demonstrates the proposed landscaping works will have low and therefore acceptable impact on the significance of the landscape setting and existing features of the site. The revised architectural plans does not contain the following required information and remains outstanding which was contained in Council's RFI dated 23 September 2025:

> *"Section plans are to be provided showing the proposed internal partition walls within the original section of the dwelling and demonstrate how the proposed partition walls relate to and protect existing detailing and finishes, such as cornices, skirtings and the like."*

16. In this respect the proposal is not considered to satisfy the objectives and requirements of clause 5.10 of the GRLEP 2012 and does not demonstrate satisfactory consistency with the provisions of Part 3.7 of the GRDCP 2021. Consequently, the proposed development is not supported on heritage grounds.

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**Actions to Date**

17. On 23 September 2025 Council sent an RFI to the applicant raising issues in respect to the proposal and requesting additional information and amended plans to be provided within 14 days from the date of the letter.

18. On 29 September the applicant requested an additional 28 days to provide the information.

19. On 20 November 2025 the applicant provided additional information which was then re-referred to Council's Heritage Advisor.

20. On 11 December Council's Heritage Advisor provided a response to the referral not in support of the proposal on the basis discussed in this report.

21. Given that two months have passed since the RFI was issued to the applicant, it considered that the applicant has been afforded sufficient opportunity to address the concerns and provide the required information. The applicant chose not to provide all of the requested information and as such it is recommended that the application be determined in its current form.

**Outstanding information**

22. Information is required to address Clause 6.2 and Clause 6.9 of GRLEP 2021, as there is a Sydney Water sewer pipe below the north-eastern portion of the site, with a sewer maintenance hole within the cliff face. Insufficient information has been provided. A Specialist Engineering Assessment of the potential impact of the excavation and construction works will have on the sewer is required to be submitted to Sydney Water, and also a Finite Element Analysis. The Geotechnical Investigation Report advised that Sydney Water may require the reduction in the trimming back of the rock face so as to not undermine or damage the maintenance hole, or alternative the possibility of relocating the maintenance hole further to the east could be explored. Concurrence will be required by Sydney Water before full support can be granted for the driveway works.

23. The following information has not been provided to address Clause 5.10 of GRLEP 2021, despite previously requested:

> *Section plans are to be provided showing the proposed internal partition walls within the original section of the dwelling and demonstrate how the proposed partition walls relate to and protect existing detailing and finishes, such as cornices, skirtings and the like."*

**SUBMISSIONS**

24. In accordance with the provisions of Council's public notification requirements, the application was placed on neighbour notification for thirty (30) days.

25. One submission was received during the notification period between 18 March 2025 and 30 April 2025. The concerns raised in the submission are addressed below, firstly in relation to view loss, and then in the table form that address the other issues raised by the town planning consultant on behalf of an adjoining neighbour.

**View Loss concern raised in submission**

26. To address the four questions established under the Planning Principle.

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The subject site and adjoining properties gain views to the west of the site which include immediate water views, land and water interface views of the local heritage item (garden).

The part of the submitter's property the views are obtained from are from the private open space area and from the western elevation of the dwelling, which includes a balcony area which has views of the Georges River in addition to overlooking the eastern elevation of the dwelling (heritage item). In assessing the extent of the impact, it is evident that there are the following changes proposed:

- Removal of the cabana: this will open out a greater viewing area of the land and water interface views
- Relocation of the sauna to under the carport: this increases in a very minor way the available views
- Replacement of boat shed: this built element is not raised by the submitter in their view loss submission
- Addition to the external face of the dwelling entry, with columns and a planter at first floor level adjacent to the master bedroom
- Alterations and additions to the dwelling: these are the primary matters raised in the submission, in particular the changes to the upper level of the eastern elevation, with an increase in the amount of windows, with the removal of two standard sill height dormer style window, and the larger central double dormer window, to be replaced with larger windows.

  The key issues raised in the submission are:

  - Fenestration on eastern elevation which has increased in size, particularly the upper storey as the lower storey is not visible, given the cliff shelf
  - It is argued as follows:
    - *'While the DA complies numerically with the maximum height provision of the LEP it does not meet its objectives i.e. to minimise the visual impact, disruption of views and loss of privacy on adjoining properties and open space areas.*
    - *This extensive glazing that is proposed fills this roof plane with dominant and visually confronting full length heavy steel window frames and zinc cladding. It is proposed to become approximately 80% covered in 5 banks of full-length windows in close proximity to the only ground level POS garden area (5 metres away) and first floor balcony (9 metres away) of no. X Stuart.*
    - *This is unacceptable in relation to the significant negative visual impact and commensurate loss of visual and aural privacy for the adjacent neighbours at no. X. Light spill from the multiple large bedroom windows is also of concern.*
    - *Viewing of the Georges River by residents at no. X would be significantly diminished as a result.*
    - *It appears the potential for overlooking by residents using the POS areas at no. X has not been considered by the applicant.*
    - *It is requested that there be no change to the eastern roof plane to maintain amenity for the adjacent neighbours at no. X If any change to this roof plane is to occur, a significant reduction in the size, scale and number of windows is requested. Raised sill heights to 1.6 metres for any new windows and translucent windows with limited opening potential (e.g. awning) for wet areas is also requested.*

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In assessing the reasonableness of the proposal that is causing the view impact, it is observed that the development:

- The dwelling complies with the planning controls relating to height and FSR; the footprint of the dwelling is for the most part retained.
- Does not comply with the planning controls relating to the boat shed re its area and location.
- Has a variation to the side setback for the carport, which is 900mm from the boundary at its narrowest point, however the carport is not visible from the objector's property as it is located next to the cliff shelf.
- The dwelling is located 3.8m from the side boundary with the objector's property. As outlined in the submission, the eastern elevation is 5m from the ground level POS garden area of the submitter, and is 9m away from the first floor balcony of the submitter.
- The footprint of the building is increasing by a minimal amount being an increase in FSR of 6.49sqm (refer to Dwg 4.01 Area Calculations GFA/FSR Revision C which show in red dashed line the existing dwelling and the proposed location of the new outer walls).
- Whilst the upper level of the eastern elevation has been altered in terms of the size and material and finishes from the existing three windows, the use of the area remains the same, which is not an active use. It is noted that the neighbour's balcony has provided and will continue to provide for overlooking of no. 139 Stuart Street.
- The concern for visual privacy for the adjoining neighbour's POS area, and the potential for overlooking that has been raised, will be addressed by way of condition to require obscure glazing to a height of 1.6m to the windows on the upper eastern elevation.
- As the scale of the dwelling is not markedly changed, the argument that the viewing of the Georges River is significantly diminished cannot be substantiated.
- The removal of the cabana will improve the view towards the Georges River.
- The external addition with column to provide cover over pathway in front of house which is near the entry to the dwelling with a planter at first floor level while not raised by the submitter, in the opinion of the assessing officer will not obscure the view, as it is a structure that can be viewed through.

**Assessment**

It is concluded that the concern for view loss has provided insufficient grounds to justify this concern. No evidence has been provided that aural impacts will result from the two non-active rooms proposed. Concerns re privacy impacts, overlooking, and aural impact concerns will be addressed by way of conditions.

27. **Additional matters raised in submission**

| **Issue** | **Offer comment** |
|---|---|
| Acoustic (Noise Pollution)<br>Issues of aural privacy were raised re alteration of fenestration on eastern upper elevation. | An assessment of the application has revealed that the application is not assumed to generate offensive noise due to the non-active uses of the two rooms. This is also reinforced by way of condition and is considered adequate. |
| Heritage Conservation | Council's Heritage Adviser has examined in detail the HIS, and the |

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| Concern has been raised with respect to:<br>- Level of demolition<br>- Conflicting information in HIS re age of dormer windows on eastern roof plane<br>- No archaeological assessment<br>- Statement on page 34 of HIS re 'scantness of the original detail'<br>- Proposed style of development is a significant departure from earlier alterations. | proposal, as well as the previous approvals granted (1984, 1991, 1994). Additional information was provided in the revised HIS to satisfy most concerns raised in the submission and by the Heritage Adviser.<br><br>Whilst the amended landscaping proposal for the heritage item (garden) is supported insufficient information has been provided re internal fabric of the dwelling as addressed above at Clause 5.10 of GRLEP 2021 and as such refusal recommended. |
| Changes to Cliff Face<br><br>Concern is raised re disturbance and excavation proposed at the cliff face i.e. on the eastern boundary of the site to accommodate new parking and sauna. The cliff supports no. X and other dwelling houses in the vicinity. | DA is non-compliant with DCP minimum setback requirement of 1.5m and natural ground level being retained within 900mm of boundary. There is no structural engineering detail provided.<br>DA is non-compliant with DCP Section 3.5 Earthworks.<br><br>Details of method of any disturbance and excavation of the cliff face (previously altered prior to the construction of the dwelling ca. 1920 and the brick laundry) has been provided within the Geological Investigation Report.<br><br>The variation to the setback at one point for the carport of 900mm is a minor variation on this angled boundary. The carport is not visible given the cliff face. There is no alteration within 900mm of boundary.<br><br>The existing dwelling setback of 1.3m on the southern boundary is unchanged.<br><br>There is a small portion of rock removal proposed by way of use of hand equipment. This is to create a vehicular access to the 2.9m wide tandem carport, to ensure that there is a safe entry for both vehicles and pedestrians into the site. At present the brick garage off the ROC is located 16m from the dwelling which is accessed from the ROC and through |

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| | the gated entry, and currently there is no separation provided between vehicular and pedestrian uses; this separation is provided under this DA.<br><br>Additional information is required by Sydney Water re the sewer pipe which is located within the cliff face. Subject to this being satisfactorily addressed by way of a Specialist Engineering Assessment, conditions can be imposed in line with the recommendations of the Geological Investigation Report which will ensure there is minimal disturbance during earthworks. Refer to discussion at Clauses 6.2 and 6.9 GRLEP 2021 above. |
| Design Excellence Statement | Whilst the applicant did not submit a Design Excellence Statement (GRLEP 2021 Clause 6.10 re FSPA), the SEE did satisfactorily address Clauses 6.4, 6.6 and 6.12 of the GRLEP 2021. |
| Details of driveway (long section, swept path curves) | Council's Engineer reviewed the Driveway Access Layout and Key Plan; Driveway Access Longitudinal Sections; Driveway Manoeuvre Entry and Exit Paths.<br><br>Suitable conditions of consent were provided. |
| Stormwater Management Plans | Council's Engineer reviewed: Stormwater Services Ground Floor Layout; Stormwater Services First Floor and Roof Layouts.<br><br>Suitable conditions of consent were provided. |
| Proposed Boat Shed, including Rising Sea Level affectation<br><br>Exceeds DCP requirements in terms of size and scale which has not been justified in terms of the LEP and DCP. | Concerns have been raised. This is noted and has been addressed in this report. Due to the size and location of the boat shed in its current form it is not being supported. |
| Details of proposed sauna | The sauna is existing. It is to be relocated. It will be placed in the footprint of the existing brick laundry. It will not be visible from the adjoining neighbour. |
| Existing sewer pipe | Insufficient information has been provided. Sydney Water require submission of a Specialist Engineering |

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| | |
|---|---|
| Concern is raised that there is no detail on how the existing sewer pipe that crosses the site in the vicinity of the garage and driveway will be managed. There appears to be no consultation with the relevant agencies. | Assessment in relation to the sewer pipe maintenance hole, to be able to complete a referral and provide concurrence re the proposed disturbance relating to the rock area to be removed to widen the driveway access area.<br><br>Due to this, Clause 6.9 Essential Services of the GRLEP 2021 has not been satisfied. |
| Landscaping Plans<br><br>Submitter claims that no landscaping plans provided. | Landscaping plans were submitted with the DA. Amended landscaping Plans, revision D, dated 15/10/25 were submitted in response to the comments of Council's Landscape/Arboriculture Officer. An arboricultural impact assessment and tree protection plan was also submitted. The landscaping proposal is supported in its amended form. |
| Dilapidation to adjoining properties.<br><br>Submitter has indicated that a dilapidation report is to be provided for adjacent and affected properties and is to be made available to those property owner. | This is a standard requirement that is addressed by suitable conditions being included in the consent, were the proposal to be approved. |

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## REFERRAL COMMENTS

28. Comments provided by internal referral specialists and external agencies are summarised below.

| Specialist/Agencies | Comment |
|---|---|
| Ausgrid | No objection to proposal |
| Sydney Water | Advised that additional information was required. |
| Heritage Adviser | Insufficient information has been submitted. |
| Development Engineering | Satisfied with the concept stormwater drainage arrangement, and driveway design subject to the imposition of conditions of consent should the application be approved. |
| Senior Environmental Officer | Amended documents and plans found to satisfy concerns raised. Suitable conditions of consent provided. |
| Landscape Officer | Council's Landscape Officer had requested an arborist report by a minimum AQF 5 arborist to assess all trees from proposed works and make recommendations to minimise impacts to all trees' growth environments in |

| | |
|---|---|
| | accordance with AS 4970.<br>The applicant was advised in the RFI the Landscape Officer's Recommendations to redesign are encouraged to minimise impacts to trees and sandstone rock shelves and outcrops.<br>An Arboricultural Impact Assessment and tree protection plan was received (see comments from Senior Environmental Officer below).<br>Suitable conditions of consent will be imposed should the application be approved. |

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## REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

29. The development proposes alterations and additions to a Local Heritage Item (house and garden).

## CONCLUSION

30. The proposal has been assessed against the relevant provisions of State Environmental Planning Policies, the provisions of the GRLEP 2021 and GRDCP 2021.

31. Having regard to the objectives of the applicable controls it is considered that the proposal fails to demonstrate compliance with the following Environmental Planning Instruments and Development Control Plan and is not considered to be suitable for the site:

- *State Environmental Policy (Resilience and Hazards) 2021*
- *Georges River Local Environmental Plan 2021*
- *Georges River Development Control Plan 2021*

## RECOMMENDATION

### Refusal of the Application

32. 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.

33. Pursuant to *Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979* (as amended), DA2025/0024 for 'Residential Alterations and Additions - Alterations and additions to existing dwelling, construction of a new boat shed to rear of the site and associated landscaping ' on Lot 102 DP 739163 being land known as 139 Stuart Street, Blakehurst NSW, 2221, is recommended for refusal for the reasons outlined below.

**1. Environmental Planning Instrument – State Environmental Policy (Resilience and Hazards) 2021 -** Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021 for the following reasons:

Does not comply with 2.10(1)(a) and 2.11(1)(v)(b)(i)(ii)(iii), due to size and location of boat shed, and its proximity to the foreshore, and potential for visual impact due to non-compliant size.

2. **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 sections of Georges River Local Environmental Plan 2021 (GRLEP 2021):

   a) Clause 5.10 – Heritage Conservation. Insufficient information: pertaining to heritage, as required by Council's Heritage Advisor, namely:

      *Section plans are to be provided showing the proposed internal partition walls within the original section of the dwelling and demonstrate how the proposed partition walls relate to and protect existing detailing and finishes, such as cornices, skirtings and the like."*

   b) Clause 6.4 - Foreshore area and coastal hazards and risk. Proposed boatshed does not comply with 6.4(3)(a)(i) and 6.4(4)(a) due to the size, location of the proposed boat shed; and insufficient information to address Sea Level Rise, and visual impacts when viewed from the Georges River and adjoining properties.

   c) Clause 6.9 – Essential Services. Insufficient information has been provided. Additional information is required re the geotechnical works, and the potential for impact on the maintenance hole of the sewer pipe due to proposed earthworks, and mitigation. This information (Specialist Engineering Assessment and Finite Element Analysis) is required by Sydney Water, in order to obtain concurrence for the proposal.

   d) Clause 6.10 – Design Excellence. A Design Excellence Statement was not submitted with the proposal.

3. **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) GRDCP 2021 3.7 Non-Aboriginal Heritage. Insufficient information provided.

   b) GRDCP 2021 6.4.1 Fences and Walls. The retaining wall is proposed within the FBL.

   b) GRDCP 2021 6.5.1 Foreshore Scenic Protection Area. Contravention of development standard relating to the size and location of the boat shed, and the proposed retaining wall within the FBL. This will also create a visual impact when viewed from the Georges River and adjoining neighbour.

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## ATTACHMENTS

Attachment ⇩1 LPP Report Refusal - 139 Stuart Street Blakehurst - DA2025-0024

Attachment ⇩2 Architectural plans - 139 Stuart Street BLAKEHURST - Attached to LPP Report - 19-2-26

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# LPP Assessment Report

## DA2025/0024

### 139 Stuart Street BLAKEHURST

**Acknowledgment of Country**

Georges River Council acknowledges the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. Council recognises Aboriginal and Torres Strait Islander peoples as an integral part of the Georges River community and values their social and cultural contributions. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples who live work and meet on these lands.

## Report in Full

The development has been assessed having regards to the Matters for Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

## Proposal

1. The proposal seeks consent for 'Residential Alterations and Additions - Alterations and additions to existing dwelling, construction of a new boat shed to rear of the site and associated landscaping '.

2. The proposed development is for alternations and additions to the existing dwelling comprising:
    - Demolition of northwest wing of existing dwelling, verandah overhang, attic link and select dormer windows as well as removal of internal fixtures and fittings
    - Demolition of covered cabana shelter that overhangs swimming pool and boatshed to the rear of the site
    - Reconfiguration of the internal layout of the dwelling and construction of a new two storey wing in lieu of that to be demolished, which will provide a living room to the ground floor and reconfigured master bedroom to the first floor with terrace; removal of staircase within the north section of the dwelling; retention of staircase in the eastern section
    - Construction of a carport attached to the eastern elevation of the dwelling to provide additional parking for two vehicles in a stacked configuration with a detached sauna (relocated), with shower adjacent
    - Construction of a new boat shed with single storey form, with dimensions of 10m x 5.2m (area of 44m2 referenced in SEE) which includes storage area and work area to the rear, and amenities (internal bathroom); the existing boat shed is to be demolished; and some rock removed to the rear to accommodate increased footprint. Adjacent to boat shed is proposed: outdoor shower; and storage for 5 canoes;
    - Associated site landscaping and new enlarged driveway area:
        - the site plan shows new stairs down the driveway with handrails for safety between cars and pedestrians;
        - new gate and entry presentation;
        - new car driveway and parking to front and left hand side of property with minor excavation of existing rock shelf to enable wider driveway area;
        - new pool deck works with new wall and glass balustrade;
        - existing cabana to be demolished;
        - existing sandstone stairs from upper terrace to lower terrace to be retained.
    - The Foreshore Garden Concept Plan Dwg L102D itemises the following:
        - Existing sauna to be relocated under a rock overhang, with a path provided
        - Timber deck platform for spa/hot tub
        - Timber decks – midway landing for inclinator and bottom landing
        - Garden bench of reclaimed wharf timber

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- Built in timber daybed/lounge
- Stone work
  - Path to sauna
  - Informal stepping stone pathway
  - Stone wall 'backrest' for day bed, 800mm high, to be built into existing rock shelf
  - Paved firepit terrace with stone paving, and steps and stepping stones
  - Stepped stone walls, and new retaining wall to create platform for new boat shed
  - Stepping stone access to boat shed
  - Paved pathway and steps
  - Existing pathway – repair and replace as required
- Outdoor Kitchen
- Fire Pit on plinth with cover to double as coffee table
- Plantings:
  - Mixed screen planting along boundary
  - Screen planting to provide privacy for spa/hot tub and along boundary
  - New palm planting to complement existing
  - Lush shade tolerant planting in palm grove
  - Shade tolerant mass planting under fig tree
  - Screen planting along boundary adjacent to boat shed

3. Approved under DA2023/0311 was the following:
   - Installation of an inclined passenger lift to improve the access from the existing dwelling to Georges River.
   - The removal of 4 trees (2 of which are exempt species).
   - Upgrades to the existing dilapidated landscaping paths.

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## Development Summary

| Development Summary | |
|---|---|
| Application Number | DA2025/0024 |
| Development Description | Residential Alterations and Additions - Alterations and additions to existing dwelling, construction of a new boat shed to rear of the site and associated landscaping |
| Development Type | Local |
| Lot and DP | Lot 102 DP 739163 |
| Street Address | 139 Stuart Street, Blakehurst |
| Land Zoning | R2 Low Density Residential |
| Lot Size | 2129sqm |
| Applicant | Mather Beere Architects Pty Ltd |
| Owner(s) | S Leverton and A Papadopoulos |
| Date of Lodgement | 16 March 2025 |

| | |
|---|---|
| Cost of Works | $1,760,589.00 |
| Clause 4.6 Variations | No |
| Public Notification | Yes |
| No. of Submissions | One |
| Recommendation | Refusal |
| Assessment Officer | Principal Planner |
| Consent Authority | LPP |
| Delegation for Determination | N/A – local heritage item |

## Report Summary

4. The development has been assessed having regards to the Matters for Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

5. The assessment recommends that Council as the Consent Authority pursuant to Section 4.16 (1)(a) Environmental Planning & Assessment Act 1979, grant consent to the before mentioned Development Application, subject to the imposed conditions of consent.

## Site Affectations

| Site Affectations | Yes | No |
|---|---|---|
| Bushfire Prone Land | ☐ | ☒ |
| Flood Liable Land | ☐ | ☒ |
| Foreshore Building Line – 30m (from MHWM) | ☒ | ☐ |
| Foreshore Scenic Protection Area | ☒ | ☐ |
| Riparian Lands & Waterways | ☒ | ☐ |
| Coastal Hazard and Risk | ☒ | ☐ |
| Water Catchment Area | ☒ | ☐ |
| Contains Heritage Item(s) | ☒ | ☐ |
| Heritage Conservation Area | ☐ | ☒ |
| Adjoining rail corridor | ☐ | ☒ |
| Adjoining classified road | ☐ | ☒ |
| Impacted by airspace operations | ☐ | ☒ |
| Acid Sulfate Soils | ☒ | ☐ |
| Within Gas Main Buffer | ☐ | ☒ |
| Council Owned Land | ☐ | ☒ |

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| Crown Land | ☐ | ☒ |
| Easements Within Lot Boundaries | ☐ | ☒ |
| Land Contamination | ☐ | ☒ |
| Narrow lot housing precinct | ☐ | ☒ |
| Other (if yes describe) | ☐ | ☐ |

## Proposal

6. The works proposed in this application are specifically outlined above; it is described as:

   - Residential Alterations and Additions - Alterations and additions to existing dwelling, construction of a new boat shed to rear of the site and associated landscaping.

## Site and Locality

### Site Description

7. The site has a total site area of 2129sqm. The site is subject to several encumbrances registered on Title noting referenced right of way as well as several easements. The subject site is irregularly shaped; the boundaries are various and complex. The property is west facing and extends along a shared driveway to Stuart Street to the east of the property. The site is accessed via a sealed right of way with a detached double brick garage (8.3x8.5m) off the ROC, beyond which the driveway extends down to provide access to the dwelling, providing both vehicular and pedestrian access. There is a gated entry, with stone pillars. The site has an upper section or component on which the dwelling is located, and a lower component adjacent to the foreshore.

8. The site slopes from east to west where the western rear boundary abuts Georges River. The site falls from underneath the top landing area at approximately RL 25.5, down to the foreshore area at approximately RL 1.5, with a fall of 24m which presents a slope of 28.5 degrees overall. The existing stairs and pathway between the dwelling and foreshore area includes a vertical drop of 10m, which the approved inclinator can traverse. The fall elsewhere is approximately 6m between the upper component of the site and the base of the escarpment.

9. The site currently contains a dwelling within the south-eastern part of the upper level of the site; this area contains the two storey sandstone block house (ca. 1910-1920 with many alterations), which is accessed via a moderately sloping concrete driveway grading into the site. The two storey dwelling has a pitched slate roof form. It is set down below a rock shelf that delineates the eastern boundary. The principal front façade is the northern elevation, with an outlook from within provided to the west towards the Georges River. There is a separate small structure being a brick laundry/bathroom located off the south-eastern corner of the house. Both structures had been constructed by cutting into the hillside to a depth of at least 4.0m along its

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eastern side where sandstone bedrock was exposed. The bedding partings in the rock occur spaced at least 1m apart and few defects were observed. Sandstone bedrock was outcropped extensively along the eastern side of the driveway. There is slight groundwater seepage over and through the bedrock exposures in some areas. There is no obvious signs of rock cut face instability.

10. A concrete swimming pool is located to the rear of the dwelling, with a cabana providing partial shelter, and paved surroundings. From this juncture, the site drops away with a cliff/rock outcrop separating the lower component of the site which is accessed by way of a spiral staircase, and a (to be constructed) approved inclinator. A boat house is located to the southwestern corner with a timber jetty forward providing access to the waterway.

11. The site has consolidated areas of deep soil with scattered plantings of shrubs and more mature canopy, and to the rear is an iconic Norfolk Island Pine located adjacent to the dwelling.

12. Under Schedule 5 of the Georges River Local Environmental Plan 2021, the site is listed as a heritage item, being House and Garden (I14) and is of local significance.

## Locality Description

13. Existing development in the locality consists of dwelling houses of one and two storey construction, detached structures, and swimming pools. The site is located within a consolidated low density residential zoning. Bald Face Public School is located within close proximity.

## Land Zoning Map

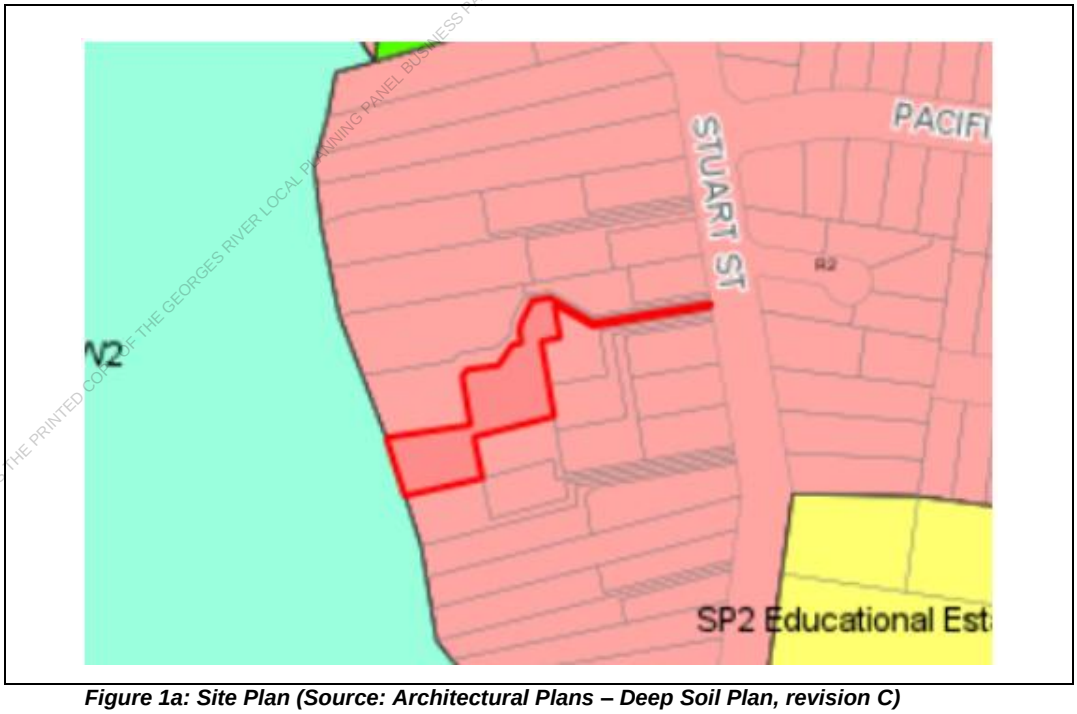



***Figure 1a: Site Plan (Source: Architectural Plans – Deep Soil Plan, revision C)***

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## Aerial Image of Site

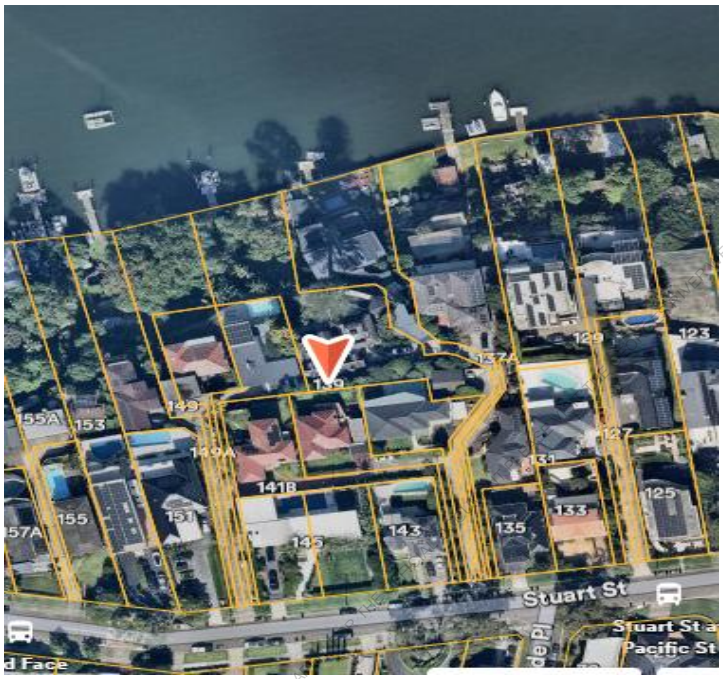



***Figure 1(b): Aerial view of development site outlined in orange arrow (Source: Intramaps, 2025)***

Below at Figure 1(c) is the site plan.

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***Figure 1(c): Site Plan (Source: Architectural Plans – Deep Soil Plan, revision C)***

Figures 2 to 11 illustrate the proposal:

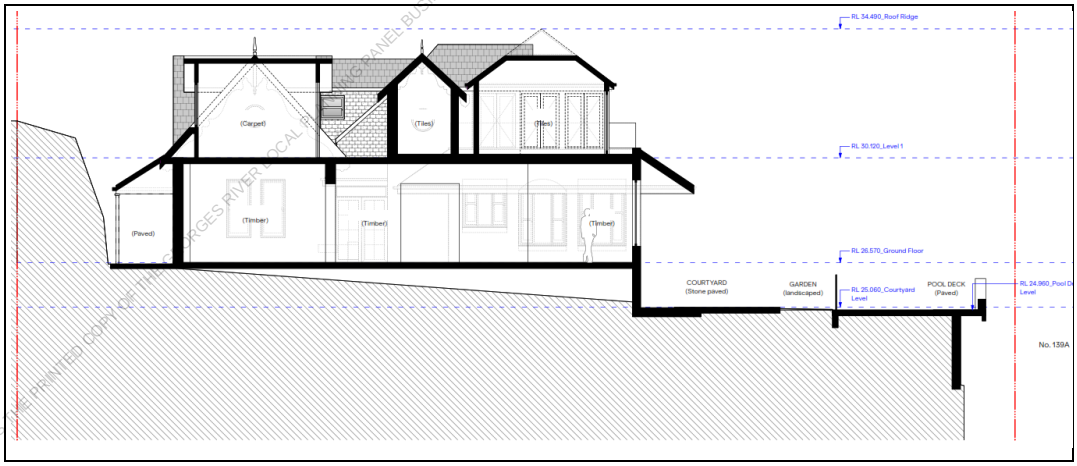



***Figure 2a: Existing Section A-A (Source: Architectural Plans, redacted, revision C)***

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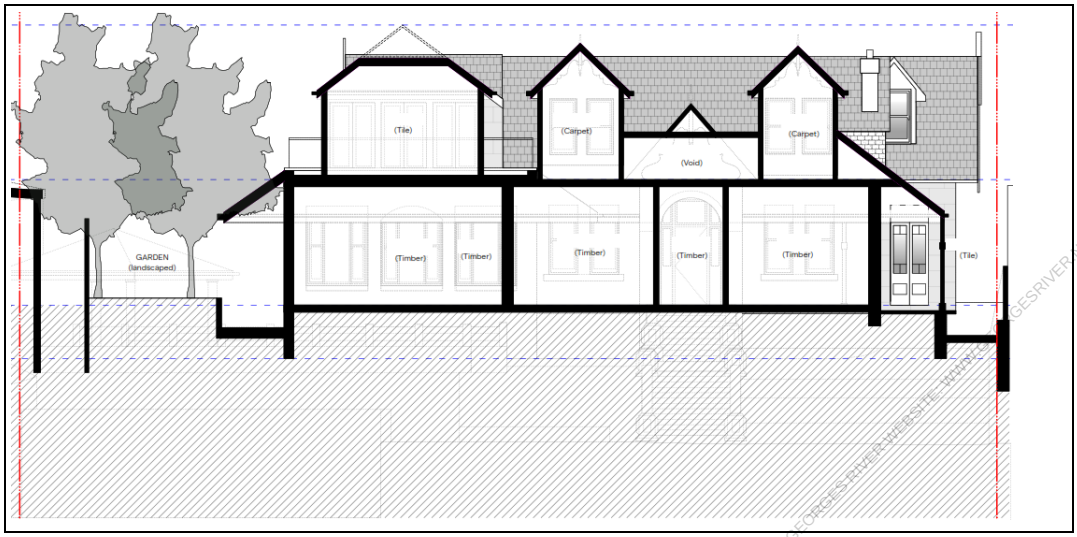



*Figure 2b: Proposed Section A-A (Source: Architectural Plans, redacted, revision C)*

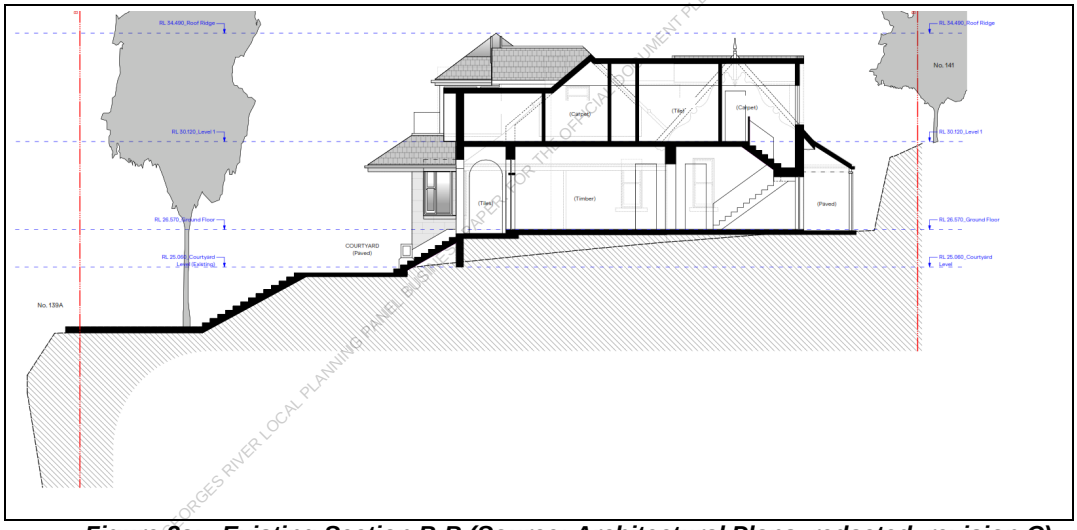



*Figure 3a: Existing Section B-B (Source: Architectural Plans, redacted, revision C)*

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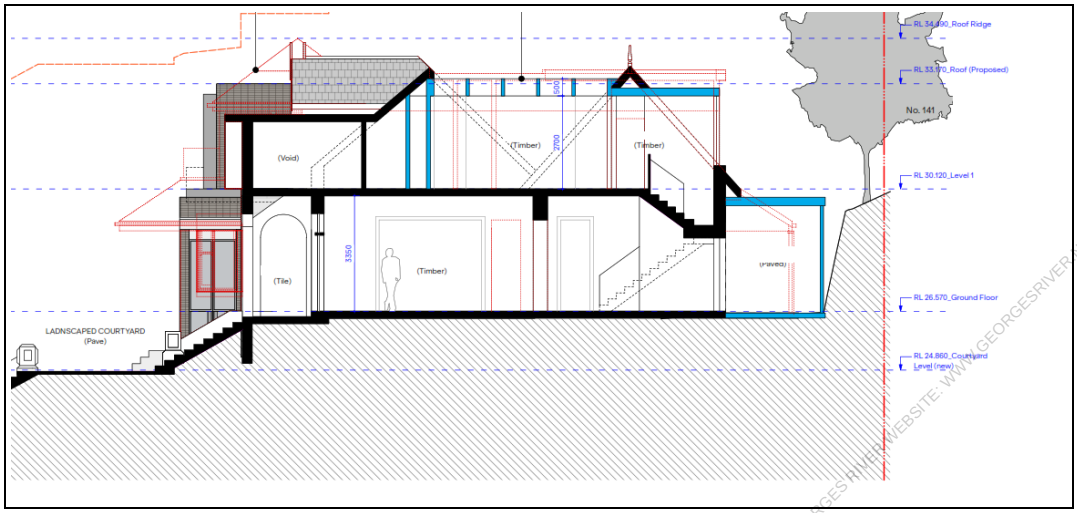



***Figure 3b: Proposed Section B-B (Source: Architectural Plans, redacted, revision C)***

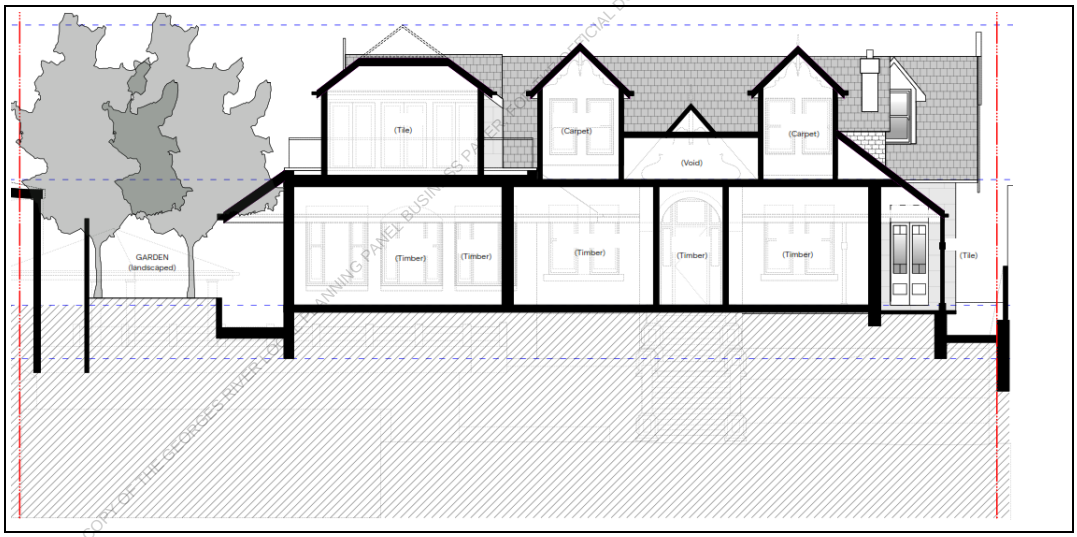



***Figure 4a: Existing Section C-C (Source: Architectural Plans, redacted, revision C)***

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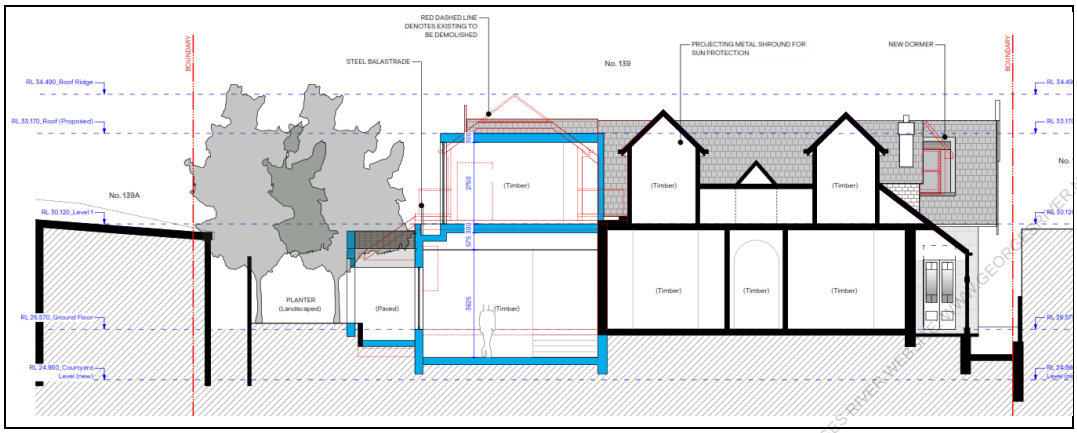



*Figure 4b: Proposed Section C-C (Source: Architectural Plans, redacted, revision C)*

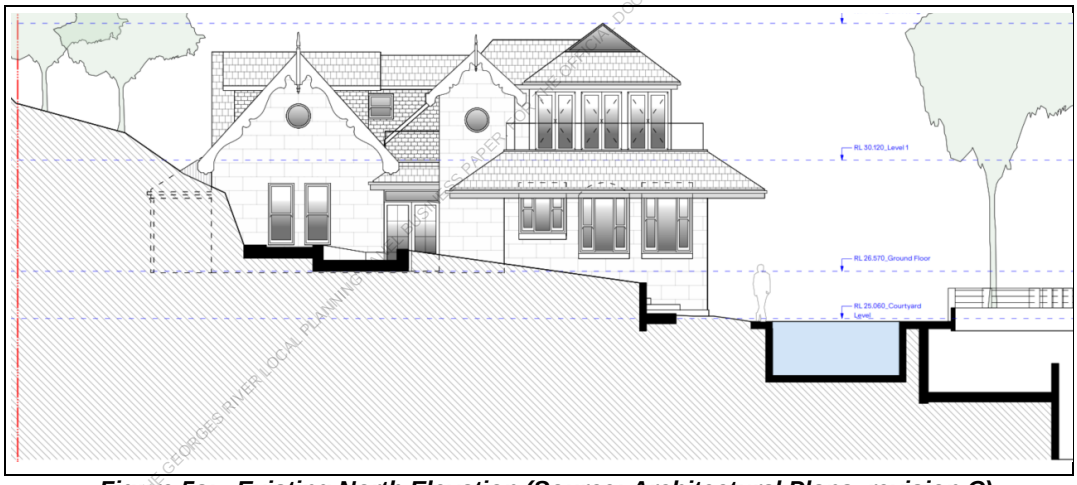



*Figure 5a: Existing North Elevation (Source: Architectural Plans, revision C)*

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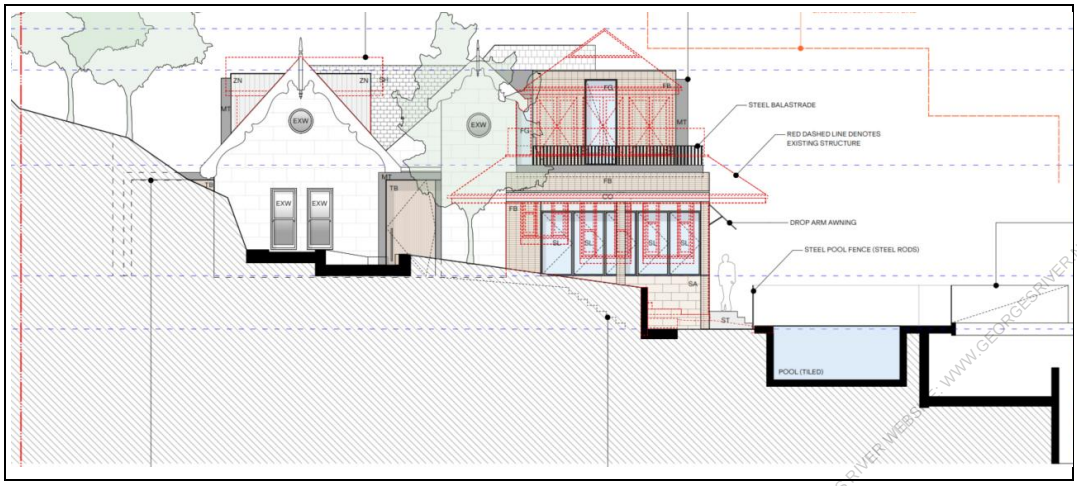



*Figure 5b: Proposed North Elevation (Source: Architectural Plans, revision C)*

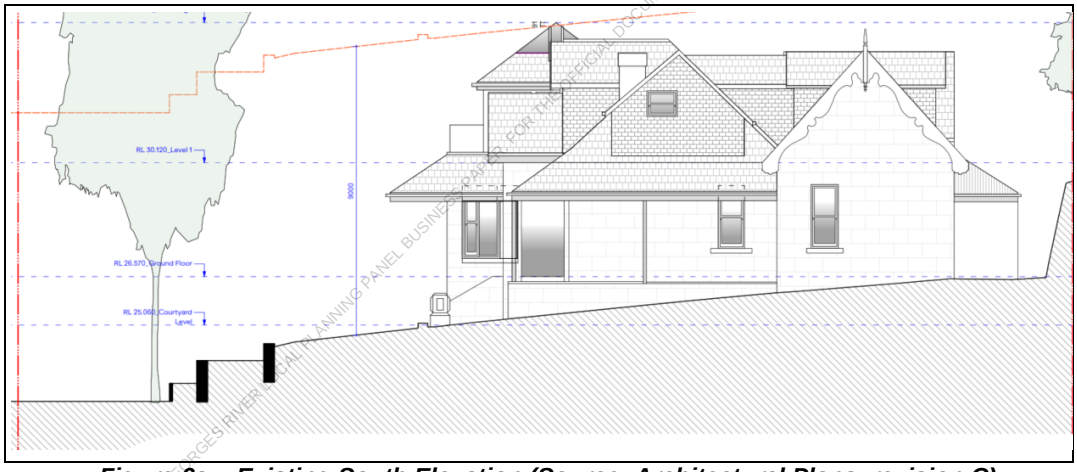



*Figure 6a: Existing South Elevation (Source: Architectural Plans, revision C)*

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*Figure 6b: Proposed South Elevation (Source: Architectural Plans, revision C)*



*Figure 7a: Existing East Elevation (Source: Architectural Plans, revision C)*

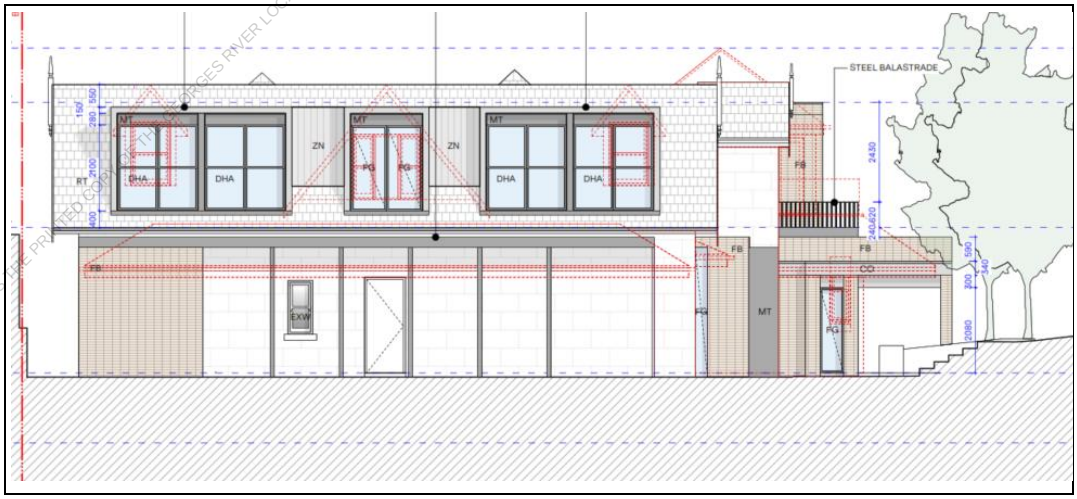



*Figure 7a: Proposed East Elevation (Source: Architectural Plans, revision C)*

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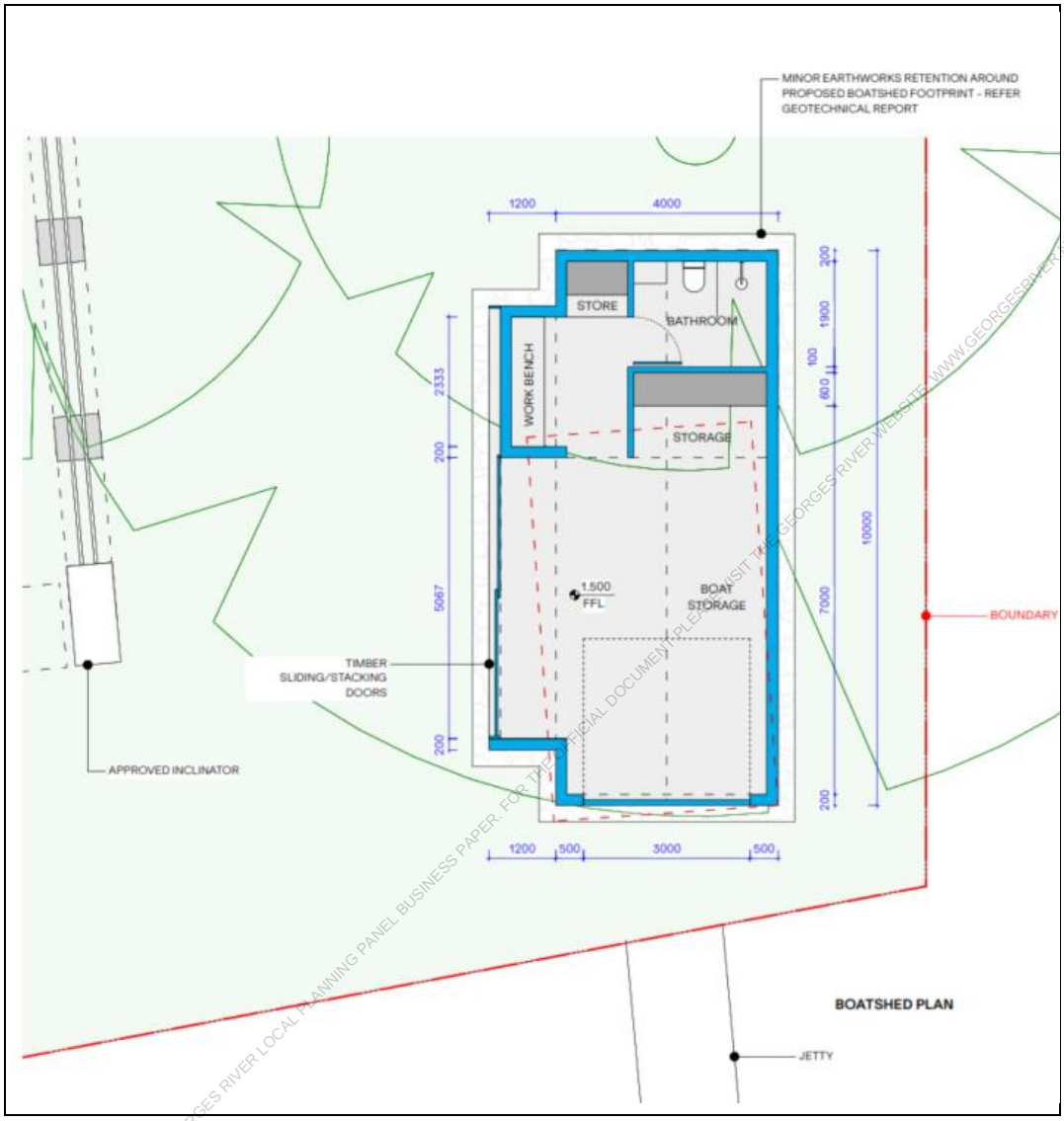



*Figure 8a: Existing West Elevation (Source: Architectural Plans, revision C)*



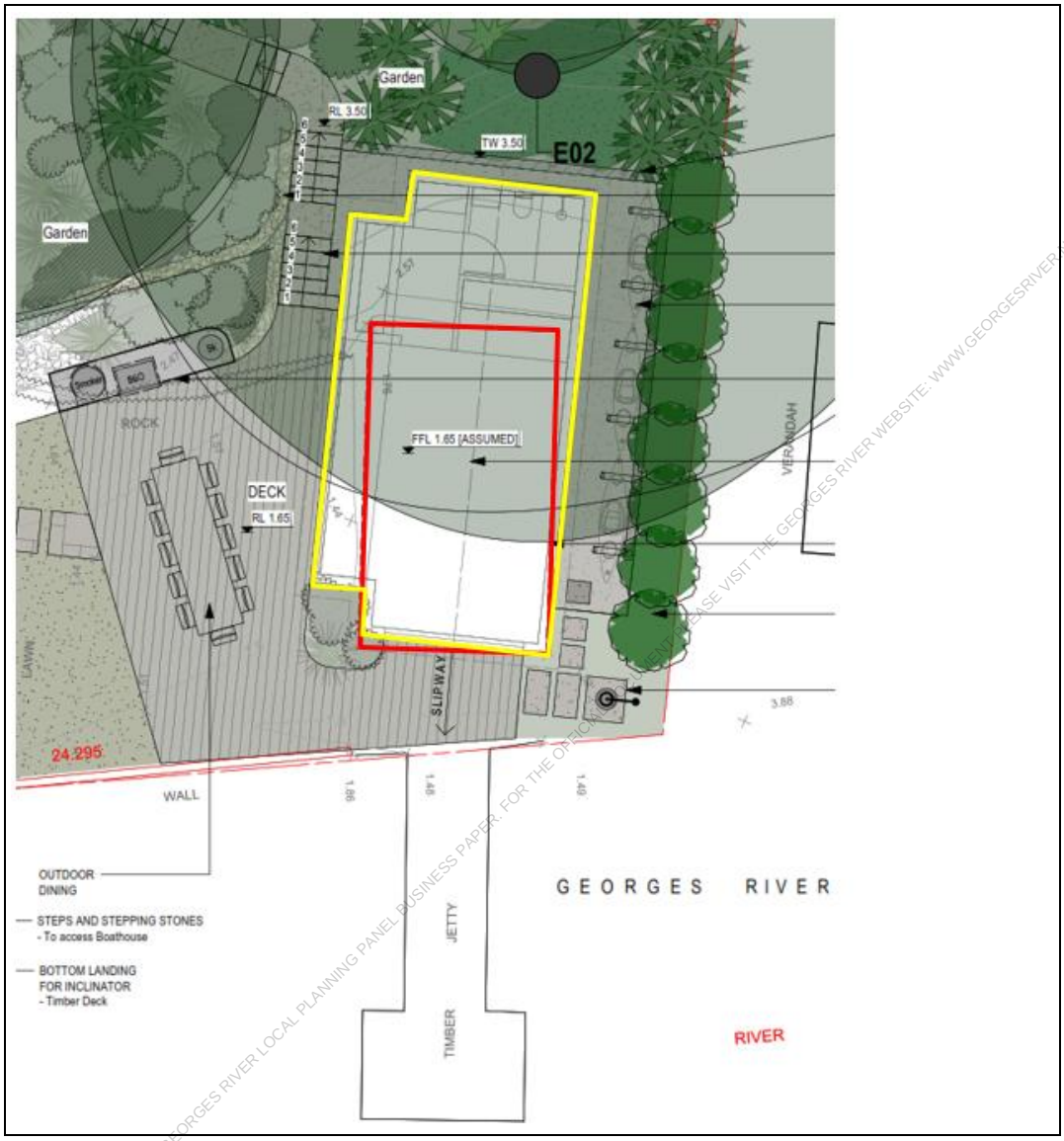

*Figure 8b: Proposed West Elevation (Source: Architectural Plans, revision C)*

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***Figure 9a: Proposed Boat Shed (Source: Architectural Drawings, revision C)***




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***Figure 9b: Overlay of Proposed Boat Shed (yellow outline) on Existing Boat Shed (red outline) (Source: Landscape Plan)***

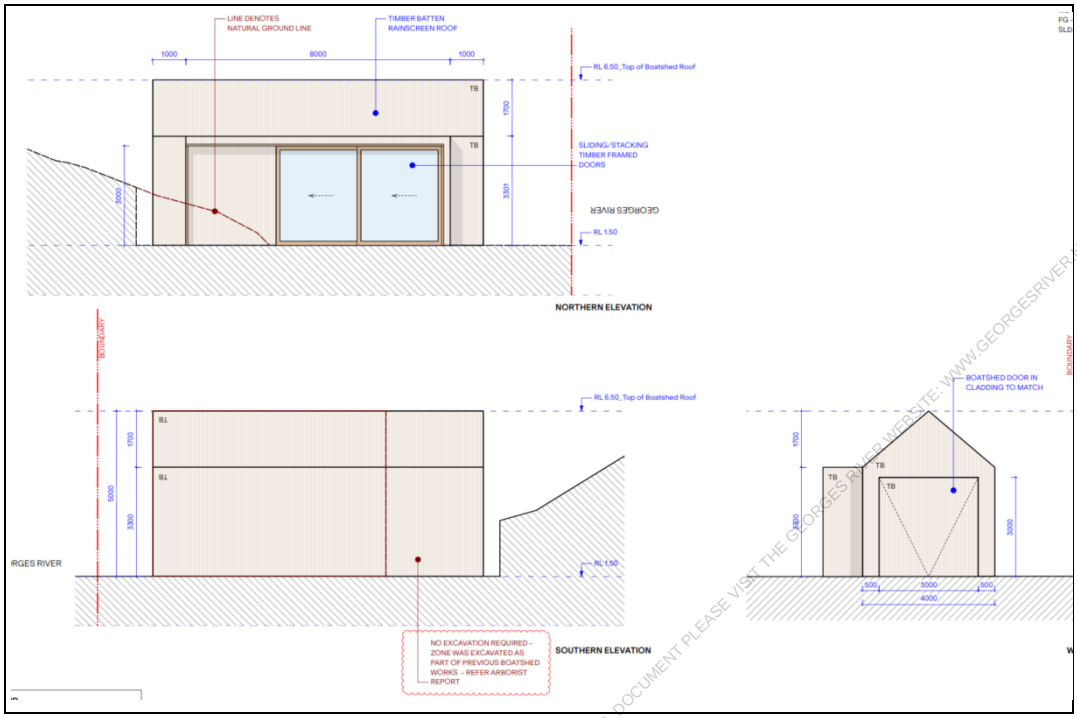



*Figure 10: Proposed Boat Shed Elevations (Source: Architectural Drawings, revision C)*

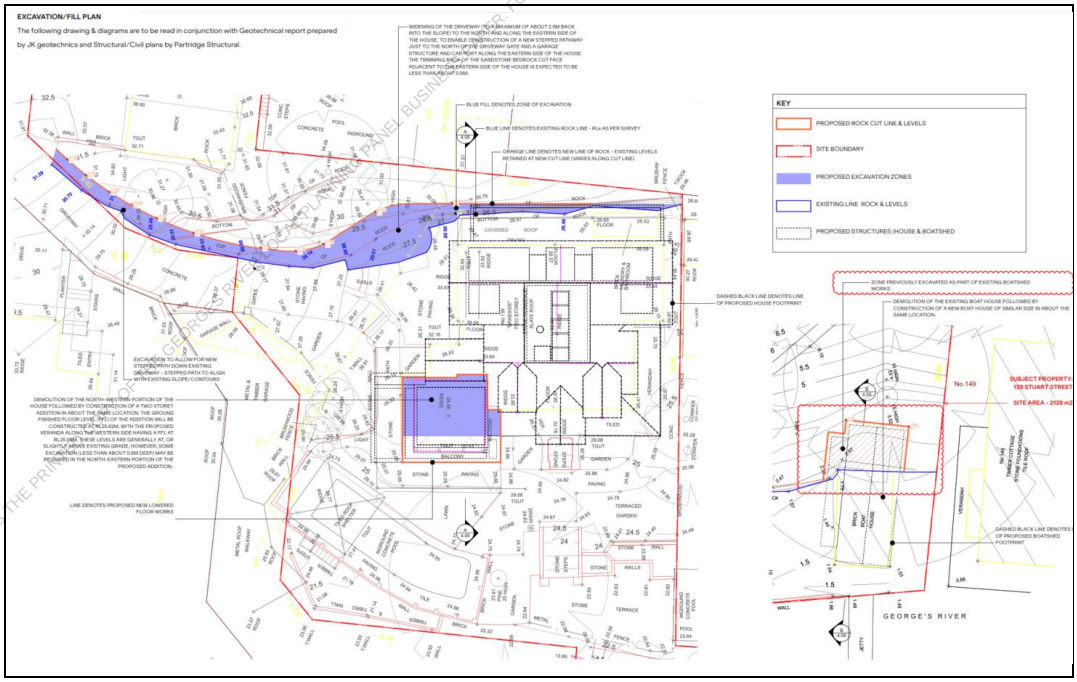



*Figure 11: Excavation / Fill Plan (Source: Architectural Drawings, revision C)*

## Background

14. **Previous development history:**

1976: BA618/76 – Alterations and additions Top Storey, 2 Bed and 2 Bath and storage. Architect: Gilbert Ball

1991: BA748/91 – Building Application – Spa, Pool and Safety Fence. By: Stylus Spa Pools & Jones Nicholson Civil Engineers

1992: BA664/92 – Building Application – Fence. By: Natural Bush Fencing Co.

1992: BA788/92 – Building Application – Proposed External Stairs. Architect: Tim Blackall

1993: BA807/93 – Building Application – Alterations. Architect: Tom Crebar & Associates

1994: DA7/94 – Development Application – Residential Additions.

1995: BA41/95 Basement Storage Area. Architect: Tom Crebar & Associations & Geoff Ninnes & Partners (eng)

1996: DA51/96 – Development Application

1997: BA34/1997 – Boatshed, Ramp and Pontoon with Stabilising Piles. By JH Building & Landscaping Design

2001: DA/2001/290 – First Floor Conservatory. Architect: Tom Crebar & Associates

2005: DA/2005/487 – Detached Gazebo. By: The Australian Summerhouse Company.

2016: DA1/2016 – Construction and Installation of an inclinator

2023: DA2023/0311 for the installation of an inclinator (inclined passenger lift).

15. The DA history is below:

| Application History | | |
|---|---|---|
| **Action** | **Date** | **Comment** |
| Lodgement Date | Sunday, 16 March 2025 | Subject application received by Council on 23.01.2025, and accepted on 16.03.2025. |

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|---|---|---|
| Notification | 18/03/2025 – 30/04/2025 | Application on notification for 30 days. One submission was received within this timeframe. |
| Site visit | 16 June 2025 | |
| Request for Additional Information Sent | Thursday, 25 September 2025 | Requesting information as follows:<br>- Updated arboricultural impact assessment report<br>- Tree protection plan<br>- Amended landscape plan to include higher diversity of local native species<br>- Heritage information – revised heritage impact statement: to include assessment of significance of existing landscaped setting and elements; include impact assessment of proposed landscaping works; clarify yellow hatched area what it represents in the grading of significance per Figure 43;<br>- Archival research with copies of original architectural plans for the c1984, 1991 and 1994 alterations and additions<br>- Section plans to show the proposed internal partition walls within the original section of the dwelling and demonstrate how the proposed partition walls relate to and protect existing detailing and finishes such as cornices, skirtings and the like.<br>This information was due on the 9 October 2025. |
| Applicant request for Extension of time | Monday, 29 September 2025 | A request for extension to address the RFI was sent to Council by the applicant which |

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| | | requested an extension of 28 days. The extension was granted to 27 October 2025. |
| Applicant requested building application file in a format compatible with Mac systems; provided update that a GIPA request had been lodge to access required archival files. Arborist and landscape report had been completed; they awaited the finalisation of the required heritage items. | Thursday, 24 October 2024 | Council provided historic records on the property to the applicant. |
| Applicant submitted amended plans to Planning Portal including:<br>Amended Arboricultural Impact Assessment Report<br>Amended Landscape Plan<br>Heritage Impact Assessment Report<br>Response to RFI<br>Architectural Plans revision C | Monday, 11 November 2024 | Amended documentation re-referred to Heritage; Development Engineering; Natural Environment Biodiversity; Landscape |

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## Site Photos



***Figure 12: Existing boatshed adjacent to the Georges River, and specifically northern (side) and rear elevations***



***Figure 13: Western façade of dwelling and swimming pool area***

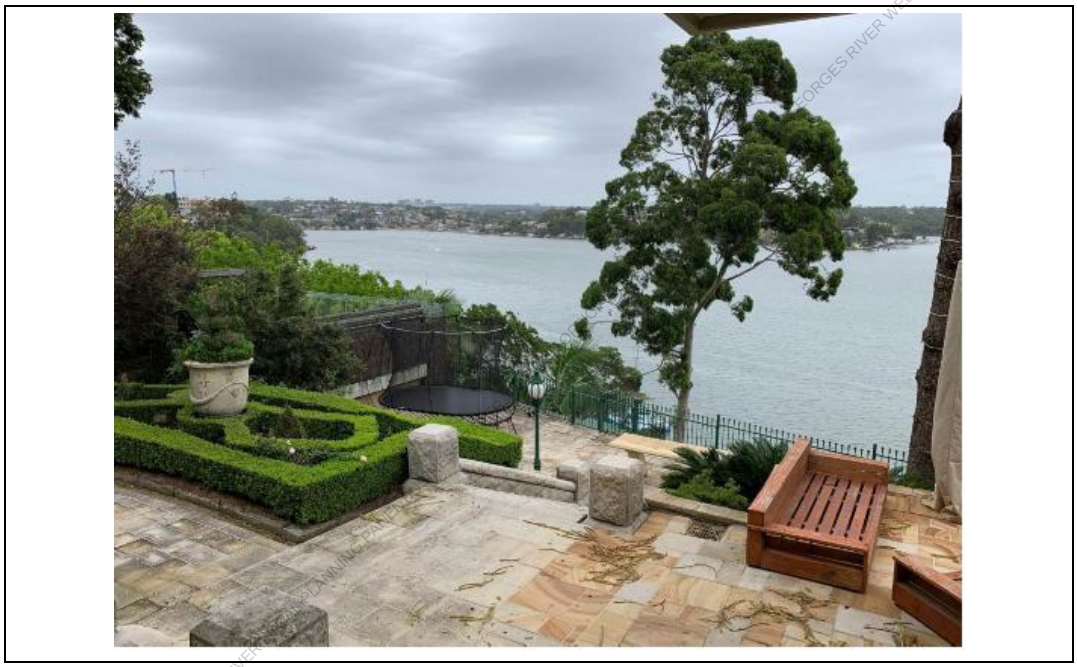


***Figure 14: View of development site facing west towards Georges River***

**SECTION 4.15 EVALUATION**

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

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

***The provision of:***
*(i) Any environmental planning instrument,*

## STATE ENVIRONMENTAL PLANNING POLICIES (SEPPS)

17. 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 (Sustainable Buildings) 2022 | Yes |

### State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 - Vegetation in Non-Rural Areas

18. 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.

19. 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).*

20. No trees of any significance are proposed to be removed.

21. In response to Council's comments, the applicant has provided amended landscape plans which provide for greater proportion of native species in the proposed plantings within the foreshore area.

Chapter 6 – Water Catchments – Clause 6.6 Water Quality and Quantity

22. Chapter 6 applies to development on land in a regulated catchment. Consideration is to be given to whether the development will have a neutral or beneficial effect on the quality of water entering a waterway; whether the development will have an adverse impact on water flow in a natural waterbody; whether the development will increase the amount of stormwater run-off from a site; whether the development will incorporate on-site stormwater retention, infiltration or reuse; the impact of the development on the level and quality of the water table; the cumulative environmental impact of the development on the regulated catchment; whether the development makes adequate provision to protect the quality and quantity of ground water.

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23. The proposal will not impact on the quality of water entering the waterway; will not have an adverse impact on water flow in a water body. The proposal incorporates appropriate measures to prevent any amount of run-off from the site. The proposal does not impact on the level or water quality on the water table.

Chapter 6 – Water Catchments – Clause 6.7 Aquatic Ecology

24. Consideration is to be given to whether a development will have a direct, indirect or cumulative adverse impact on terrestrial aquatic or migratory animals or vegetation; whether the development involves the clearing of riparian vegetation; whether the development will minimise or avoid erosion of land abutting a natural waterbody, or the sedimentation of a natural water; whether the development will have an adverse impact on wetlands that are not in the coastal wetlands and littoral rainforests area; whether the development includes adequate safeguards and rehabilitation measures to protect aquatic ecology.

25. The proposal will not have or contribute to an adverse impact on the identified elements. No clearing of riparian vegetation is proposed. The Development will avoid any erosion of and abutting a natural water body. The proposal will not impact on a wetland or on aquatic ecology. Council's Senior Environmental Officer has reviewed the proposal and provided suitable conditions of consent.

Chapter 6 – Water Catchments – Clause 6.8 Flooding

26. Consideration is to be given to the likely impact of the development on periodic flooding that benefits wetlands and other riverine ecosystems. Development consent must not be granted to development on flood liable land in a regulated catchment unless the consent authority is satisfied the development will not
(a) If there is a flood, result in a release of pollutants that may have an adverse impact on the water quality of the natural waterbody. (b) Have an adverse impact on the natural recession of floodwaters into the wetlands and other riverine ecosystems.

27. The proposal will not impact in this regard. Council's Development Engineer has reviewed the proposed development and provided a standard condition of consent.

Chapter 6 – Water Catchments – Clause 6.9 Recreation and Public Access

28. N/A – no impact.

Chapter 6 – Water Catchments – Clause 6.10 Total Catchment Management

29. N/A – no impact.

Division 3 – Controls on development in specific areas

Chapter 6 – Water Catchments – Clause 6.11 Land within 100m of a natural waterbody

30. The land uses proposed for land abutting the natural waterbody are water-dependent uses, and conflicts between land sues are minimised.

31. The proposed boat shed to replace the existing boat shed is a water dependent use. Refer to assessment below against GRDCP 2021 controls re potential for visual impacts due to the non-compliant size proposed.

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Chapter 6 – Water Catchments – Clause 6.21 Stormwater Management

32. Stormwater management works are prohibited if the works will cause untreated stormwater to be disposed of into a natural waterbody.

33. The works will not result in untreated stormwater entering a natural waterbody.

Chapter 11 – Georges River Catchment

34. 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,*

35. Stormwater plans were provided to address the alternations to the dwellings, and the extended area proposed for driveway access. The stormwater services ground floor layout, stormwater services first floor and roof layouts, driveway access layout, long sections and manoeuvre entry and exit paths were reviewed by Council's Engineering Section. No objection was raised with respect to the management and disposal of stormwater, and proposed driveway crossing subject to recommended conditions of consent.

36. The proposal is consistent with the objectives and purpose of Chapter 11 of the SEPP.

**State Environmental Planning Policy (Resilience and Hazards) 2021**

37. Chapter 2 and Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 are relevant to the proposal.

38. 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

39. The subject site is mapped as being located within the coastal zone.

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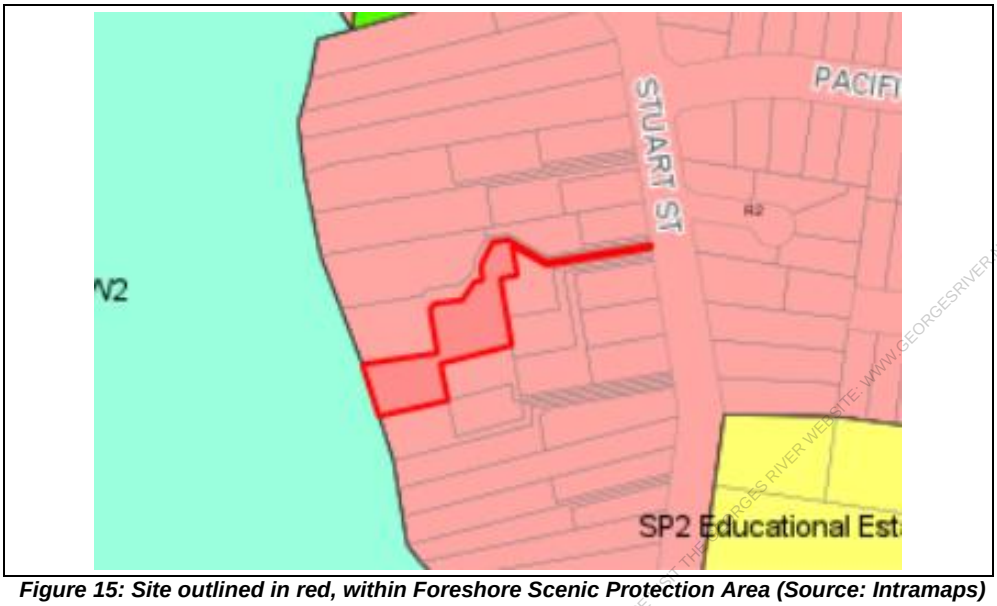



*Figure 15: Site outlined in red, within Foreshore Scenic Protection Area (Source: Intramaps)*

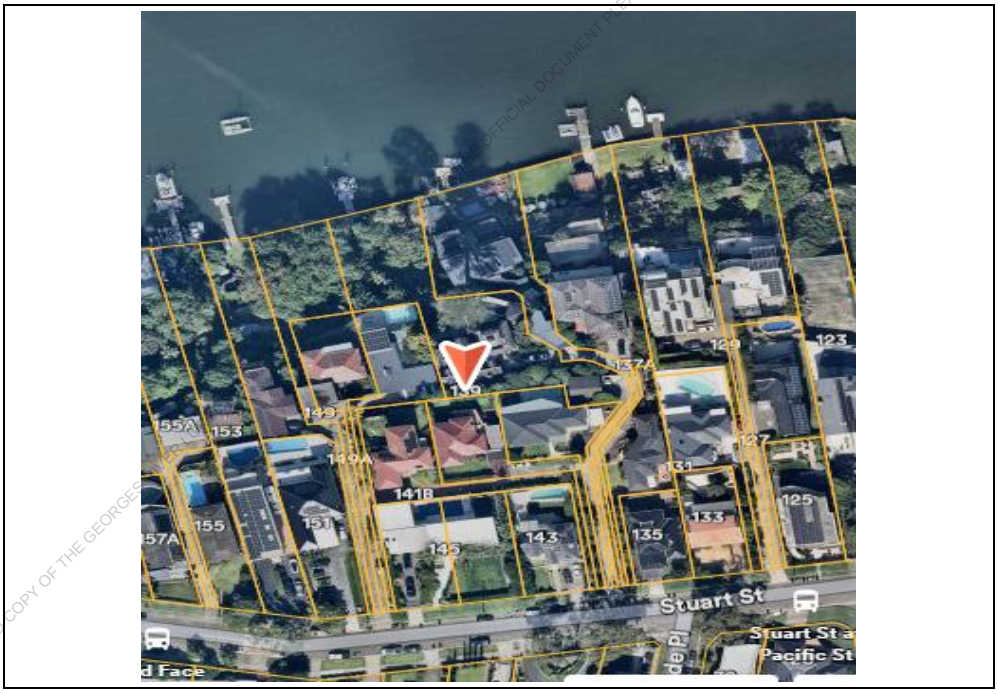



*Figure 16: Aerial view of development site outlined in orange arrow (Source: Intramaps, 2025)*

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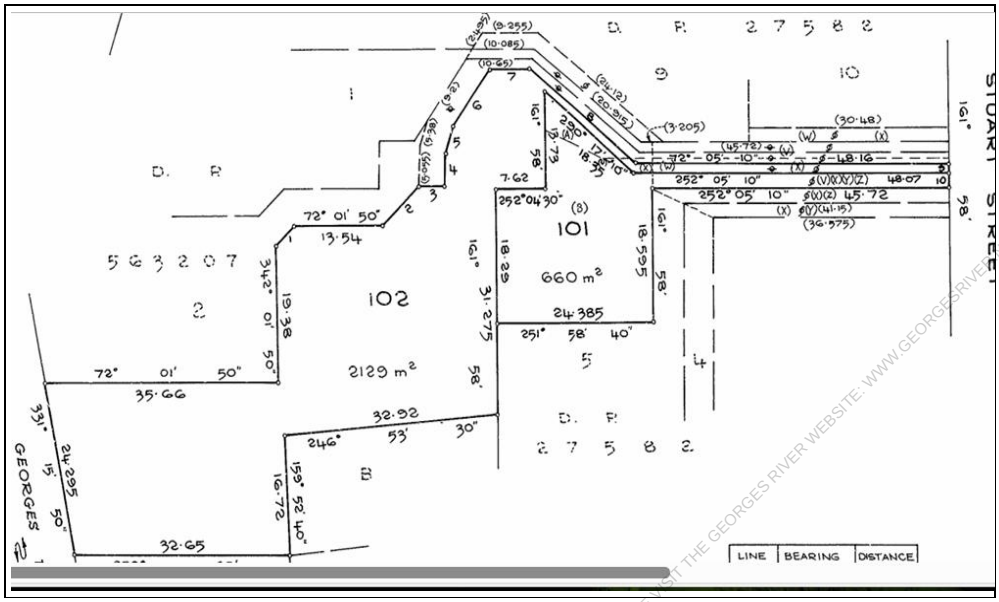



*Figure 17: Survey of development site (Source: Intramaps, 2025)*

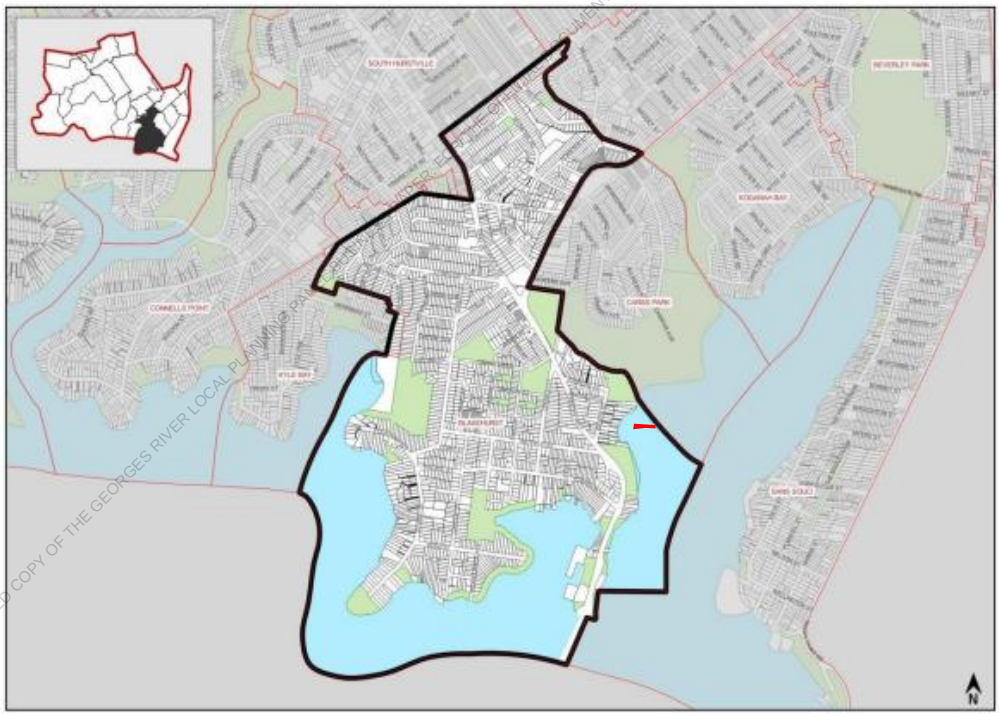


*Figure 18: Blakehurst Locality – Site shown in Red (Source: GRDCP 2021 Part 5)*

40. 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.

| Chapter 2 Coastal Management Division 3 Coastal environment areas | 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. | N/A |
| (f) Aboriginal cultural heritage, practices and places, | The allotment is not known as a place of Aboriginal significance. | Yes |

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| | | |
|---|---|---|
| | There is no known impact in terms of Aboriginal heritage. | |
| (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 is generally satisfactory in terms of impacts as discussed throughout this report with respect to the alterations and additions to the dwelling, the ancillary development adjacent to the dwelling, and the proposed amended landscaping.<br>These elements of the proposal are generally satisfactory and do not seek to adversely impact upon the coastal environment and have been designed to minimise impacts. Suitable conditions would be recommended if the application was supported for approval.<br>The proposed boat shed does impact upon a mapped Coastal Environment area and a Coastal Use area, given the removal of bush rock and the non-compliant size proposed which exceeds the control by 57.5%. | Yes |
| (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or | | |
| (c) if that impact cannot be minimised—the development will be managed to mitigate that impact | | No – boat shed |
| **Division 4 Coastal Use Area**<br><br>**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 |

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| (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores, | Site is not adjacent to public places. | N/A |
| (iii) the visual amenity and scenic qualities of the coast, including coastal headlands, | Increase in landscape provision using native species, and hence improvement of existing visual amenity. | Yes |
| (iv) Aboriginal cultural heritage, practices and places, | The property is not a known site of Aboriginal heritage. | N/A |
| (v) cultural and built environment heritage, and | The site is an item of heritage significance, known as 'House and Garden' (Item No.I14), which is listed on Schedule 5 of the GRLEP 2021. It has been known as 'Braeside'.<br><br>The previously approved DA for an inclinator was referred to Council's Heritage Officer who provided the following comments:<br>"*Situated on the site is a detached style dwelling, which displays characteristics attributed to the late 19th century Victorian period. The site contains a prominent rock shelf, which provides a sudden drop in level between the substantiative site area and the rear (waterfront) portion of the site.*<br><br>*The proposed inclined passenger lift will involve minimal disturbance to the natural landform, with the proposed footings having minimal visual and physical impacts. The proposed works will not involve any material affectation to the significant fabric of the dwelling and the proposed removal of an existing Jacaranda tree to permit the passage of the passenger lift is acceptable as the tree is considered of low heritage significance".*<br><br>The current DA DA2025.0024 was referred to Council's Heritage Officer who provided the following comments dated 10 April 2025: | No – insufficient information |

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| | *"The subject site is irregularly shaped, with a shared driveway within an access handle connecting to Stuart Street. Situated on the site is a detached style dwelling, which displays characteristics attributed to the late 19th century Victorian period, though the Applicant's Heritage Impact Statement suggests that the dwelling was erected in the early 20th century pre-1920s. From the citation on the NSW State Heritage Inventory Database, and as evidenced in the HIS, the dwelling has been previously modified, sitting within a substantially obscured setting and hemmed in by surrounding residential development. The dwelling is not visible from Stuart Street.*<br>*The site contains a prominent rock shelf, which provides a sudden drop in level between the substantive site area and the rear (waterfront) portion of the site.*<br>*The proposed alterations and additions involve partial demolition of the existing dwelling, which includes material changes to previously modified areas of the original dwelling and later additions. It is accepted that the changes proposed to the later additions will have a low and acceptable impact on the significance of the heritage item. However, the proposal also involves internal changes within the footprint of the original dwelling, which is graded in the HIS as having high significance. Figure 43 of the HIS shows the grading of significance of the interior however there is a yellow hatched area which is ambiguous and there is no clear indication what this signifies. This must be clarified by the Applicant.* | |

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| | *Section plans have been provided, however the section plans do not detail the sections through the original dwelling and in the areas of high significance where new internal partition walls are proposed. Consequently, additional section plans are required.*<br>*The HIS must also be expanded to identify the significance of the existing landscape elements and provide an impact assessment of the proposed landscaping works.*<br>*In addition to the required additional information, a site inspection is required to understand the significance of the fabric and subsequent changes together with the impacts of the proposed development.*<br>*Recommendation:*<br>*At this juncture, the proposal is not considered to satisfy the objectives and requirements of clause 5.10 of the GRLEP 2021 and does not demonstrate satisfactory consistency with the provisions of Part 3.7 of the GRDCP 2021. Consequently, the proposed development is not supported on heritage grounds.*<br>*The following additional information is required:*<br>*The Heritage Impact Statement is to be revised to:*<br>- *include an assessment of the significance of the existing landscaped setting and elements*<br>- *include an impact assessment of the proposed landscaping works*<br>- *clarify what the yellow hatched area represents in the grading of significance per Figure 43*<br>- *include archival research with copies of original architectural plans for the c1984, 1991 and 1994* | |

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| | *alterations and additions to accurately understand the changes that have been made to the dwelling.*<br>-<br>*Section plans are to be provided showing the proposed internal partition walls within the original section of the dwelling and demonstrate how the proposed partition walls relate to and protect existing detailing and finishes such as cornices, skirtings and the like."*<br><br>An RFI was sent to the applicant enclosing these recommendations and comments from other internal officers.<br>The amended documentation submitted by the applicant on 11.11.2025 was re-referred to Heritage who provided the following comments dated 11/12/2025:<br><br>*"The Statement of Cultural Significance is reproduced from the citation for the heritage listing on the NSW State Heritage Inventory database as follows: 'This early Victorian cottage is historically significant as it represents early Victorian development within the Hughes and Hosking farm. It is important to note that although the former property has been developed the former references pertaining to the 1860s have been retained (to an extent) across a number of properties.'*<br>*Amended plans and additional documentation has been received in response to Council's RFI which included the heritage issues raised from the previous heritage referral response. In summary, the reviewed Heritage Impact Statement provides the necessary clarification around the grading of significance diagram at Figure 43,* | |

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| | *provides a grading of significance of the landscaped garden setting and includes an impact assessment* on *the site.*<br>*It is accepted that the proposed landscaping works will have a low and therefore acceptable impact on the significance of the landscaped setting and existing features of the site.*<br>*The revised architectural plans include drawing 2.04 (revision C), which is titled 'Section – Proposed CC'. However this drawing is blank and does not contain any information other than the title block of the drawing.*<br>*Consequently, point 13 (ii) of the heritage referral response dated 10 April 2025 remains outstanding.*<br>*This section drawing is necessary to consider the impacts of the proposed internal partition walls within the original section of the dwelling and how the walls interact with significant fabric such as ceilings, cornices, skirtings and the like.*<br>*Recommendation:*<br>*At this juncture, the proposal is not considered to satisfy the objectives and requirements of clause 5.10 of the GRLDP 2021 and does not demonstrate satisfactory consistency with the provisions of Part 3.7 of the GRDCP 2021.*<br>*Consequently, the proposed development is not supported on heritage grounds.*<br>*The following additional information is required:*<br>- *Section plans are to be provided showing the proposed internal partition walls within the original section of the dwelling and demonstrate how the proposed partition walls relate to and protect existing detailing and finishes, such* | |

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| | *as cornices, skirtings and the like."*<br><br>Due to receipt of insufficient information in regard to heritage matters, a full assessment of the proposal cannot be finalised with respect to heritage. | |
| (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, albeit that the proposed boat shed and retaining wall (Dwg L102D Revised DA – Greenweb Planting, revision D dated 15/10/2025 by Spirit Level Designs Pty Ltd) are designed and sited within the FBL. | No |
| (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or | To manage to minimise the impact, the boat shed would require redesign to comply with the controls. | No |
| (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and | The size of the boat shed is not supported. | No |
| (c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development. | The proposed bulk and scale of the boat shed has been considered in this assessment report. It is noted that it exceeds the size of the existing boat shed which was approved under BA34/1997, and which was non-compliant with the size controls at that time as noted on the DA file.<br>Current controls require a maximum size of 7m x 4m for a boat shed. In this regard, the proposal exceeds this by 57.5%, being 44sqm in area (10mx5.2m), which exceeds the maximum permitted 28sqm (7x4m in area) by 16sqm.<br>This degree of exceedance will impact on the surrounding coastal and built environment, notwithstanding that a screen planting of *Elaeocarpus reticulatis* is proposed on the boundary which is located 2.6m from the boat shed, | |

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| | and is next to the racks to store 5 canoes. This screen planting would screen the boat shed and the canoe storage area so that the structure is less visible from the adjoining property (149 Stuart Street), however this relates to one side boundary, and so the structures are unscreened from the Georges River, and from the neighbour at No. 139A Stuart Street . | |

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Chapter 4 Remediation of Land

41. Chapter 4 of this SEPP is relevant to the proposal.

42. This chapter aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.

43. Clause 4.6 of the SEPP requires contamination and remediation to be considered in determining a DA. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.

44. The proposed works relate to the demolition of external and internal structures, demolition of the following is proposed: the northwest wing of the existing dwelling; the verandah overhang; attic link; select dormer windows; removal of internal fixtures and fittings including staircase within the northern section. Reconfiguration of the internal layout of the dwelling is proposed with the construction of new two storey wing in lieu of that to be demolished which will provide a living room to the ground floor and reconfigured master bedroom to the first floor.

45. The Assessing Officer has reviewed: Council's Contamination Records, Aerial Imaging (inc. historic imaging), conducted a site inspection. 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 and the site is considered suitable for the proposed development, given the site's history of residential use. Thus the site is suitable for the proposed development subject to conditions regarding removal of asbestos, and any unexpected finds, in the event were the proposal to be approved.

46. The proposal is consistent with the provisions of the State Environmental Planning Policy (Resilience and Hazards) 2021, with the exception of the boat shed, due to its size, location, and the threat of Sea Level Rise which was not addressed.

**State Environmental Planning Policy (Transport and Infrastructure) 2021**

47. 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 (Sustainable Buildings) 2022**

48. A BASIX Certificate has been issued for the proposed alterations and additions to the existing dwelling house. The commitments required under the certificate have been satisfied. Conditions of consent would be imposed should the application be approved.

**GEORGES RIVER LOCAL ENVIRONMENTAL PLAN 2021**

49. 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.

50. 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.*

51. The proposal for alterations and additions to the existing dwelling house will promote a high standard of urban design and built form in regard to the dwelling, and achieves a high level of residential amenity. The amended proposal provides for a landscaped setting that will enhance the environmental character of the area, and provides greater provision of endemic species as part of the proposed planting. However concerns have been raised in response to public notification in relation to potential for view loss and view impacts and privacy impacts in regard to the first floor alterations, due to the window size proposed on the eastern upper level elevations (see visual outlines at Figures 2-8 which provide section and elevations of the existing and proposed development). These concerns are addressed below under Public Submissions.

52. The boat shed which is non-compliant with the controls being 57.5% greater in area than the control under GRDCP 2021 will impact the visual amenity of the locality, and will not meet the requirements under Clause 6.10 Design Excellence of GRLEP 2021.

53. The extent to which the proposal complies/does not comply with the relevant standards of GRLEP 2021 is outlined in the table below.

**GEORGES RIVER LOCAL ENVIRONMENTAL PLAN 2021**

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

| Clause | Standard | Proposed | Complies |
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| **Part 1 – Preliminary** | | | |
| 1.2 – Aims of the Plan | In accordance with Clause 1.2 (2) | The development is consistent with the aims of the plan. | Yes |
| 1.4 - Definitions | Dwelling House means:<br><br>*a building containing only one dwelling.* | The proposed development for alterations and additions to a dwelling house, and ancillary development is consistent with the definition as one dwelling will be extant on the site, and the proposed boat shed is to replace the existing boat shed. The carport is proposed to be an addition to the dwelling, and so there are no additional "outbuildings" proposed. | Yes |
| **Part 2 - Permitted or prohibited development** | | | |
| 2.3 - Zone objectives and Land Use Table | Meets objectives of R2-Low Density Residential Zone.<br><br>Development must be permissible with consent | The proposal for alterations and additions to a dwelling and a boat shed, and ancillary development to a dwelling is consistent with the zone objectives as the development:<br>• Is without negative impact on facilities and services, except sewer pipe – which requires Sydney Water sign-off<br>• Proposes an amended built form which is keeping with the character of the local community and promotes amenity | Yes |

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| | | • Incorporates a satisfactory amended landscape plan which enhances the local environment. | |
| 2.7 – Demolition requires development consent | The demolition of a building or work may be carried out only with development consent. | The proposed demolition works include internal and external works to the dwelling; demolition of the cabana and boat house; and portion of existing driveway and removal of current entry way and gates. | Yes |
| **Part 4 - Principal Development Standards** | | | |
| 4.3 – Height of Buildings | 9m as identified on Height of Buildings Map | 8.9m at highest point | Yes |
| 4.4 – Floor Space Ratio<br>4.4A - Exceptions to floor space ratio—certain residential accommodation | 0.55:1 as identified on Floor Space Ratio Map.<br>Clause 4.4A(2) provides that:<br><br>The maximum FSR for a dwelling house on land identified as “Area 1” on the Floor Space Ratio Map must not exceed the maximum FSR specified in the table to this subclause as follows for sites >1,500sqm, being 0.2936:1.<br><br>Site area: 2129 sqm | Dwelling 332.07sqm<br>Boat House 44 sqm<br>Total 376.07sqm (stated in SEE)<br>plus exceedance (34.55sqm) re garage as discussed below.<br>Thus total FSR = 0.194:1<br><br>Existing garage 8.3x8.5m exceeds the permitted 36sqm for parking provision; the exceedance is 34.55sqm.<br><br>FSR complies | Yes |
| **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 application, no proposed development is to be carried out below the mean high-water mark. No works are proposed to the existing jetty. | N/A |

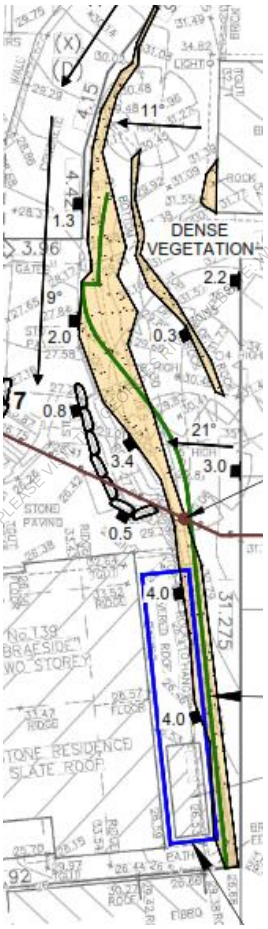
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| 5.10 – Heritage conservation | In accordance with Clause 5.10 (2) | The site (house and garden) is a local heritage item.<br><br>See discussion above against SEPP (Resilience & Hazards) 2021. 2.11(1)(v). | No - insufficient information |
| 5.11 – 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 | (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.<br><br>**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 on adjacent Class 2, 3 or 4 land. | The site is identified as containing Class 5 acid sulfate soils. The works adjacent to the foreshore have a limited nature, and the floor level of the proposed boat shed is consistent with the existing boat shed although some rocks at the rear is proposed for removal. It is unlikely that acid sulfate soils will be encountered.<br><br>A Geotechnical Investigation Report has been submitted and it determines that site soil can be suitably managed. Suitable conditions of would be included should consent be granted including excavation works, VENM, and an unexpected finds condition. | Yes |
| 6.2 – Earthworks | (2) Development consent is required for earthworks unless— | Earthworks is addressed in the Geotechnical | No - insufficient information |

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| | (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or<br><br>(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. | Investigation Report which addresses the demolition requirements, stripping of any vegetation within the footprint of the driveway widening works, excavation of fill, and rock excavation of up to 2.5m to widen driveway, and minor rock removal within the proposed boat shed footprint.<br>Excavation of up to 0.6m is proposed in the footprint of the new two-storey extension within the north-western corner of the dwelling.<br>The current proposal proposes some excavation into the rock for the driveway widening, to be done without rock breaker machinery, with the majority of the rock to be retained.<br>Refer to Excavation/Fill Plan and also to the Geotechnical Site Plan (excerpt below) contained within the Geotechnical Investigation Report. This shows the alignment of the proposed cut (green line), within the site, for the widening of the driveway area to permit a single tandem carport to be installed. The existing brick laundry and bathroom will be | re sewer pipe<br><br>Conditions would be imposed if the application was recommend-e<br>d for approval re use of hand equipment etc. as outlined in GIR |

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| | | removed, and the sauna relocated to within this footprint.<br>  <br><br>Recommendations would be contained in conditions where the proposal to be approved; these include no use of rock breaker attachments at this site, however it is recommended the use of excavation contractors with appropriate experience and a competent supervisor aware of vibration damage risks, due to | |

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| | | the presence of poorly compacted granular fill and nearby structures including the sewer and gravity (sandstone block) retaining walls.<br><br>Hand equipment is a method that should be considered for excavation of fill and any residual soils and extremely weathered sandstone. Refer to advice at page 10, 4.5 Excavation of Geological Investigation Report by JK Geotechnics. Due to the rock face not being in original condition, a range of methods are outlined.<br><br>During excavation there must be good maintenance of a drop zone to arrest blocks falling form the face and prevent them impacting the existing house or rolling downhill.<br><br>It is possible that there is required to be a slight reduction in excavation in the vicinity of the sewer pipe: refer to discussion at 6.9 Essential Services. A specialist engineering report is required to be tendered to Sydney Water for review and concurrence. | |

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| 6.3 – Stormwater Management | (2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development—<br>(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<br>(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<br>(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<br>(d) is designed to minimise the impact on public drainage systems. | The stormwater services ground floor layout, stormwater services first floor and roof layouts, driveway access layout, long sections and manoeuvre entry and exit paths were reviewed by Council's Engineering Section.<br><br>No objection was raised with respect to the management and disposal of stormwater, subject to recommended conditions of consent. | Yes |
| 6.4 - Foreshore area and coastal hazards and risk | (2) This clause applies to the following land—<br>(a) land identified on the Coastal Hazard and Risk Map,<br>(b) land identified on the Foreshore Building Line Map.<br>(3) Development consent must not be granted for | The site is located in a foreshore area and/or coastal hazards and risk area.<br><br>Works extend into the Foreshore area. These include boat shed including minor | No – boat shed exceeds existing size |

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| | development on land to which this clause applies except for the following purposes—<br>(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—<br>(i) the foreshore building line, or<br>(ii) the land identified on the Coastal Hazard and Risk Map,<br>(b) the erection of a building if the levels, depth or other exceptional features of the site make it appropriate to do so,<br>(c) boat sheds, cycling paths, fences, sea walls, swimming pools, water recreation structures or walking tracks.<br>(4) In deciding whether to grant development consent, the consent authority must consider the following matters—<br>(a) whether the development addresses the impacts of sea level rise and tidal inundation as a result of climate change,<br>(b) whether the development could be located on parts of the site not exposed to coastal hazards,<br>(c) whether the development will cause congestion or generate conflict between people using open space areas or the waterway,<br>(d) whether the development will cause environmental harm by | excavation of bush rock for enlarged footprint of boat shed at rear; pathways; retaining wall adjacent to the boat shed. The proposal is a purpose permitted under Clause (3).<br><br>The proposal is for the demolition and rebuilding of an existing building being a boat shed 44sqm in size – the footprint of the building is not to extend further forward than the footprint of the existing building into the FBL or the land identified on the Coastal Hazard and Risk Map.<br><br>A boat shed is a permissible use within the foreshore area.<br><br>  <br>FBL<br><br>  <br>Foreshore Area<br><br>Development does not address the impacts of sea level rise viz boat shed. | |

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| | pollution or siltation of the waterway,<br>(e) opportunities to provide reasonable, continuous public access along the foreshore, considering the needs of property owners,<br>(f) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.<br>(5) In this clause—<br>***foreshore area*** means the land between the foreshore building line and the mean high-water mark of the nearest bay or river.<br>***foreshore building line*** means the line shown as the foreshore building line on the Foreshore Building Line Map. | Retaining wall proposed within foreshore area – this conflicts with 6.5.1 FSPA of DCP, as it is located between FBL and MHWM.<br><br>See Dwg L102D Revised DA – Greenweb Planting revision D dated 15/10/2025 by Spirit Level Designs Pty Ltd – Location E02 on plan for retaining wall. | |
| 6.5 – Riparian land and waterways | (2) This clause applies to land identified as "Sensitive land" on the Riparian Lands and Waterways Map.<br>(3) In deciding whether to grant development consent for development on land to which this clause applies, Council must consider the following—<br>(a) whether the development is likely to have an adverse impact on the following—<br>i. the water quality and flows within the waterway,<br>ii. the stability of the bed, shore and banks of the waterway,<br>iii. the future rehabilitation of the waterway and riparian areas, | The proposal is for retaining wall, boat shed, and pathways and landscaping which is a purpose permitted under the Clause.<br><br>Following consideration of the matters identified in Clause (3), the proposal is considered to not impact on water quality and floes; stability of bed, shore and banks; the waterway and riparian areas.<br><br>The proposal also appropriately addresses the matters identified in Clause (4) | Yes |

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| | iv. the biophysical, hydrological or ecological integrity of adjacent coastal wetlands, including the aquatic and riparian species, habitats and ecosystems of the waterway,<br>v. indigenous trees and other vegetation,<br>vi. opportunities for additional planting of local native riparian vegetation,<br>(b) whether the development is likely to increase water extraction from the waterway,<br>(c) whether the development will cause environmental harm by pollution or siltation of the waterway,<br>(d) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.<br><br>(4) Development consent must not be granted to development on land to which this clause applies unless Council is satisfied that—<br>(a) the development is designed, sited and will be managed to avoid significant adverse environmental impact, or<br>(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or<br>(c) if that impact cannot be minimised—the development will be | | |

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| | managed to mitigate that impact. | | |
| 6.6 - Foreshore scenic protection area | (2) This clause applies to land identified as "Foreshore scenic protection area" on the Foreshore Scenic Protection Area Map.<br>(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—<br>(a) the protection of the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation,<br>(b) the avoidance or minimisation of the disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations,<br>(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,<br>(d) the achievement of no net loss of significant vegetation or habitat,<br>(e) the avoidance of clearing steep slopes and facilitation of the stability of the land,<br>(f) the minimisation of the impact on the views and visual environment, including views to and from the Georges River, | The site is in the FSPA.<br><br>The proposal is satisfactory with regards the matters identified in (3), with exception of the boat shed which exceeds the maximum permissible footprint by 57.5%; and whilst the alterations and additions to the dwelling do not markedly increase the GFA, there has been received insufficient information regarding this heritage item.<br><br>See discussion above under SEPP (Resilience and Hazards) 2021 above. | No |

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| | foreshore reserves, residential areas and public places,<br>(g) the minimisation of the height and bulk of the development by stepping the development to accommodate the fall in the land. | | |
| 6.9 Essential Services | 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:<br>(a) the supply of water,<br>(b) the supply of electricity,<br>i the supply of telecommunications facilities,<br>(d) the disposal and management of sewage,<br>i stormwater drainage or on-site conservation,<br>(f) suitable vehicular access. | The subject site has made available the essential services via the proposed development.<br><br>*Stormwater*<br>The stormwater disposal arrangements with discharge to the Georges River are maintained. Suitable conditions would be imposed should the application be recommended for approval.<br><br>*Driveway*<br>Vehicular access is improved with a larger driveway access, 'making good of storage' in the existing garage, and provision of a tandem carport attached to the dwelling.<br><br>Existing essential services are maintained on site. Apart from the sewer pipe which is discussed below, there are no concerns raised re stormwater subject to conditions. Should the application be recommended for | Yes – stormwater<br><br>No – Sydney Water sewer pipe – SEA and possible Finite Element Analysis (FEA) required to be prepared and referred for approval to Sydney Water |

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| | | approval, suitable conditions of consent would be imposed in regard to stormwater and driveway.<br><br>*Sewer Pipe*<br>However it is noted that the Geotechnical Investigation Report advises that in regard to the Sydney Water sewer pipe below the north-eastern portion of the site, that there is a sewer maintenance hole within the cliff face along the eastern side of the site where some trimming back of the cliff is proposed to accommodate the proposed widened driveway leading to the proposed tandem car port attached to the dwelling.<br><br>The report states that assessed risk to property during and following construction would be very low or low which would be considered acceptable. Levels of risk to life during and following construction would be acceptable. The proposed development is geotechnically feasible provided the comments and recommendations below are followed.<br><br>Consultation will be required with a water services co-ordinator | |

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| | | to assess the feasibility of relocating the maintenance hole further to the east, or else the trimming back of the rock face will need to be reduced so as to not undermine or damage the maintenance hole.<br><br>A Specialist Engineering Assessment will need to be provided to Sydney Water to outline the potential impact of the excavation and construction works on the sewer, and may need to include finite element analysis of the sewer main and the proposed works.<br><br>Concurrence from Sydney Water will be required before any final determination can be made, given this is an essential service. | |
| 6.10 - Design excellence | (2) This clause applies to development on land referred to in subclause (3) involving—<br>(a) the erection of a new building, or<br>(b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant.<br>(3) This clause applies to development on the following land—<br>(a) land identified on the Foreshore Scenic | The proposal is located within the Foreshore Scenic Protection Area for residential accommodation. The proposal has been considered with regards the matters identified in Clauses (3), (4) and (5). It is noted that the proposal includes alterations and additions to residential | Yes – landscaping and alts and adds to dwelling<br><br>No - boat shed |

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| | Protection Area Map if the development is for one or more of the following purposes—<br>(i) bed and breakfast accommodation,<br>(ii) health services facilities,<br>(iii) marinas,<br>(iv) residential accommodation, except for secondary dwellings,<br>(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—<br>(i) Zone R4 High Density Residential,<br>(ii) Zone B1 Neighbourhood Centre,<br>(iii) Zone B2 Local Centre,<br>(iv) Zone B3 Commercial Core,<br>(v) Zone B4 Mixed Use,<br>(vi) Zone B6 Enterprise Corridor,<br>(vii) Zone IN2 Light Industrial.<br>(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.<br>(5) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters— | accommodation. These do not increase the size of the dwelling beyond an increase of 6.49sqm in area from the existing 325.12sqm in area.<br>A high standard of architectural design, materials and details has been proposed re the alts and adds. However insufficient information has been submitted with respect to the internal fabric of the heritage item. Thus the external fabric of the proposed changes to the dwelling area acceptable, and will not impact on the quality and amenity of the public domain.<br><br>A schedule of materials and finishes has been submitted which provides for: Timber work; off form concrete, clear glazing; gutters/flashing in dark grey; stone paving in light colour; face brickwork; metal work painted grey; steel framed doors powder coated grey; zinc cladding and painted metal work; and cement render painted white in Dulux Natural White. With the exception of 'Dulux Natural White' which does not meet the requirement for a 'natural' colour tone, | |

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| | (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,<br>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,<br>(c) whether the development detrimentally impacts on view corridors,<br>(d) how the development addresses the following matters—<br>(i) the suitability of the land for development,<br>(ii) existing and proposed uses and use mix,<br>(iii) heritage issues and streetscape constraints,<br>(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,<br>(v) bulk, massing and modulation of buildings,<br>(vi) street frontage heights,<br>(vii) environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,<br>(viii) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks,<br>(ix) the impact on, and proposed improvements to, the public domain, | the other proposed materials and finishes are acceptable. A condition relating to a change in colour for the cement render would be provided in the event the DA were approved.<br><br>With regard to the proposed boat shed, it is noted that the existing boat shed as approved exceeded the controls that applied at that time. The proposed boat shed is 10m long and 5m wide, and has a footprint of 44sqm, which exceeds the control of 7x4m by 57.5%. This has been discussed above. The size of the structure is not in keeping with the clause, due to its form, appearance and location which is 2-2.2m from the foreshore, noting a sea level rise of at least 0.4m by 2050.<br><br>The amended landscape plan does address the foreshore, and has provided the native plant species as requested by Council's Senior Environmental Officer.<br><br>This will ensure the proposal achieves the requirements under Clause 6.10 that | |

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| | (x) achieving appropriate interfaces at ground level between the building and the public domain,<br>(xi) excellence and integration of landscape design,<br>(xii) the provision of communal spaces and meeting places,<br>(xiii) the provision of public art in the public domain,<br>(xiv) the provision of on-site integrated waste and recycling infrastructure,<br>(xv) the promotion of safety through the application of the principles of crime prevention through environmental design. | landscaping works including within the foreshore area are required to provide improvement to the quality and appearance of the site when viewed from the waterway. The extensive plantings will achieve this.<br><br>It is noted the structures will not reduce view corridors to the river due to the distance from the boundaries. However the oversized boat shed will create a view impacts from the river and from a neighbouring property. | |
| 6.12 - Landscaped areas in certain residential and environment protection zones | (2) This clause applies to land in the following zones—<br>(a) Zone R2 Low Density Residential,<br>(b) Zone R3 Medium Density Residential,<br>(c) Zone R4 High Density Residential,<br>(d) Zone E2 Environmental Conservation.<br>(3) Despite subclause (2), this clause does not apply to development referred to in *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development*, clause 4.<br>(4) Development consent must not be granted to development on land to which the clause applies | The subject site is situated within the R2 Low Density Residential Zone. The assessment of the proposal has identified that the proposal is satisfactory that the provided landscape scheme and development is satisfactory with regards the matters identified in the Clause.<br><br>Greater than 25% of the site has landscaping provision, noting that subclause (6) excludes the area of any access handle. | Yes |

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| | unless the consent authority is satisfied that the development—<br>(a) allows for the establishment of appropriate plantings—<br>(i) that are of a scale and density commensurate with the height, bulk and scale of the buildings to which the development relates, and<br>(ii) that will maintain and enhance the streetscape and the desired future character of the locality, and<br>(b) maintains privacy between dwellings, and<br>(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<br>(d) enables the establishment of indigenous vegetation and habitat for native fauna, and<br>(e) integrates with the existing vegetation to protect existing trees and natural landscape features such as rock outcrops, remnant bushland, habitats and natural watercourses.<br>(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—<br>(a) for a dwelling house located on land outside the Foreshore Scenic Protection Area—20% of the site area, or | The proposal provides a landscaped area equivalent to 41.7% (or 888m²)<br><br>Significant existing planning on site is retained and supplemented with additional plantings as per the amended landscape plan. There are no amenity impacts foreseen with rock outcrops across the site not being adversely affected. There is minimal disruption to rock, with minor removal for the widening of the driveway to access the proposed carport, and minor rock removal in the rear of the proposed boat shed footprint.<br><br>The landscaped area is maintained, and enhanced, with additional native species being planted. | |

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| | **(b) for a dwelling house located on land within the Foreshore Scenic Protection Area—25% of the site area, or**<br>(c) for a dual occupancy located on land outside the Foreshore Scenic Protection Area—25% of the site area, or<br>(d) for a dual occupancy located on land within the Foreshore Scenic Protection Area—30% of the site area, or<br>(e) for development in Zone R3 Medium Density Residential—20% of the site area, or<br>(f) for development in Zone R4 High Density Residential—10% of the site area, or<br>(g) for development in Zone E2 Environmental Conservation—70% of the site area.<br>(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).<br>(7) In this clause—<br>***Foreshore Scenic Protection Area*** means land shown on the Foreshore Scenic Protection Area Map. | | |
| | | The assessment of the proposal has identified that the proposal is satisfactory that the provided landscape scheme and development is satisfactory with | |

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| | | regards the matters identified in the Clause. | |

## Provisions of any Proposed Instrument

*Section 4.15 (1) (a) (i) - Provisions of 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)*

55. There is no proposed instrument that is or has been the subject of public consultation under this Act which is relevant to the proposal.

## Provisions of any Development Control Plan

*Section 4.15 (1) (a) (iii) The provisions of any development control plan*

56. 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.

### GEORGES RIVER DEVELOPMENT CONTROL PLAN 2021

57. The proposed development is subject to the provisions of the GRDCP 2021. The following comments are made with respect to the proposal considering the objectives and controls contained within the DCP.

## Part 3 – General Planning Considerations

58. Part 3 of the GRDCP 2021 is applicable to the development and the following clauses apply:

| **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. | The proposal has been assessed with regards to the identified matters and complies with the identified requirements (see specialist comments). | Yes |
| **3.3 Landscaping** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Landscaping on site should be incorporated into the site planning of a development to (where appropriate): | The amended landscape scheme proposed addresses the matters identified as appropriate. | Yes |

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| i. Reinforce the desired future character of the locality;<br>ii. Maintain significant landscape features;<br>iii. Be consistent with any dominant species in the adjoining area of ecological significance;<br>iv. Incorporate fire resistant species in areas susceptible to bushfire hazard;<br>v. Provide planting within setback zones;<br>vi. Soften the visual impact of buildings, carparks and roads;<br>vii. Cater for outdoor recreation areas;<br>viii. Separate conflicting uses;<br>ix. Screen undesirable elements;<br>x. Provide opportunities for on-site stormwater infiltration, in particular around existing trees and vegetation;<br>xi. Consider the future maintenance requirements of landscaped areas;<br>xii. Protect the effective functioning of overhead, surface level or underground utilities; and<br>xiii. Improve the aesthetic quality of the development. | | |
| 2. Landscape planting should achieve a mature height in scale with the structures on the site. | The proposed amended landscaping scheme is of an appropriate scale relative to the proposed structures. | |
| **3.5 Earthworks** | | |
| **3.5.1 Earthworks** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Natural ground level should be maintained within 900mm of a side or rear boundary. | The proposal maintains existing ground level near side and rear boundaries, with 900mm of the boundary. | Yes |
| 2. Cut and fill should not alter natural or existing ground levels by more than 1m | The proposal does not alter natural/existing ground level by more than 1m. | |

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| 3. Habitable Rooms (not including bathrooms, laundries and storerooms) are to be located above existing ground level. | Complies. | |
| 4. Rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls are not to be removed or covered. | All existing elements as specified are being retained. See discussion above at GRLEP 2021 Clause 6.2 Earthworks. | |
| 5. Development is to be located so that the clearing of vegetation is avoided. | The proposal and associated earthworks are sited so that vegetation removal and bush rock 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). | Condition(s) are to be applied to ensure that the development complies with accordance with AS4970. | |
| 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 do not impact adversely on stormwater or flood with regards to impacts on adjoining properties. | |
| 9. Fill material must be virgin excavated natural material (VENM) | Condition(s) are to be applied to ensure that any fill is to be VENM. | |
| 10. For flood-affected sites, cut and fill is to comply with the requirements of Chapter 6 of Council's Stormwater Management Policy | Condition(s) are to be applied to ensure that any fill is to be done in accordance with Council's Stormwater Management Policy | |
| **3.5.2 Construction Management/Erosion and Sediment Control** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Development must minimise any soil loss from the site to reduce impacts of sedimentation on waterways through the use of the following:<br>- Sediment fencing;<br>- Water diversion;<br>- Single entry/exit points | The proposal includes a sediment control plan indicating implementation of these measures.<br><br>A suitable condition will be included in the consent which ensures compliance with the control. | Yes |

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| - Filtration materials such as straw bales and turf strips. | | |
| 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 | | |
| 3. Development is to minimise site disturbance including impacts on vegetation and significant trees and the need for cut and fill. | The proposal minimises cut and fill and site disturbance. | |
| 5. Development which has a high potential risk to groundwater must submit a geotechnical report to address how possible impacts on groundwater are minimised. | The proposal is not considered to have a high potential risk to groundwater. | |
| **3.6 Contaminated Land** | | |
| **Control** | **Proposal** | **Compliance** |
| 2. The application is accompanied by sufficient information to determine:<br>i. The extent to which the land is contaminated (both soil and ground water);<br>ii. Whether the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out;<br>iii. Whether the land requires remediation to make the land suitable for the intended use prior to that development being carried out; and<br>iv. If the land has been previously investigated or remediated, development cannot be carried out until Council has considered the nature, distribution, and levels of residues remaining | The Assessing Officer has reviewed:<br>• Council's Contamination Records<br>• Aerial Imaging (inc. historic imaging)<br>• Conducted a site inspection.<br><br>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 and the site is considered suitable for the proposed development. | Yes |

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| on the land, and Council has determined that the land is suitable for the intended use. Operating practices and technology must be employed to prevent contamination of ground water. | | |
| **3.7 – Heritage** | | |
| **3.7.1 - Aboriginal Cultural Heritage** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Approvals to be obtained from relevant agencies prior to works commencing on sites that contains, or has potential to contain Aboriginal objects;<br>2. Building and landscaping works, including paths and driveways, are not to disturb any aboriginal objects.<br>3. New works, including excavations for swimming pools, jetties and boat sheds is to be sited away from the foreshore where possible;<br>4. New works are to be sited away from rock outcrops and overhangs | There is no known evidence that Aboriginal objects are present on the site. | Yes |
| **3.7.2 – Non-Aboriginal Heritage** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Retain features (including landscape features) that contribute to the significance of the item.<br>2. Remove unsympathetic elements, especially where substantial changes are proposed to a heritage item, and there is potential for an improved heritage outcome.<br>3. New work is to be consistent with the setback, massing, form and scale of the significant features of the heritage item.<br>4. Retain significant fabric, features or parts of the heritage item that represent key periods of the item's history or development. | A Heritage Impact Report has been submitted with the application.<br>Additional information has been provided on request of Council's Heritage Adviser.<br>On review of this additional information, Council's Heritage Adviser has advised he has received insufficient information and has asked for further particulars.<br>The Heritage Adviser does not object to the landscaping works, and for the most part does not object to the alterations and additions to the dwelling. | No - insufficient information |

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| 5. Locate change away from original areas of the heritage item that are intact. For example, where a building's significance is related to the front of a building, locate new work to the rear.<br>6. All works are to be consistent with an adopted Conservation Management Plan/s where applicable. | | |
| **3.7.3 - Archaeological Management** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. Minimise depth of any excavation and locate new work away from areas known to contain archaeological relics<br>2. Ensure reversibility of changes. | The site is not known to contain archaeological remains. Nonetheless, a condition is included to ensure the appropriate management of unexpected finds where they occur. | Yes |
| **3.8 View Impacts** | | |
| **Control** | **Proposal** | **Compliance** |
| 1. 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** |
| 1. Development is to comply with the provisions of SEPP (Coastal Management) 2018 and the Coastal Management Act 2016. | See assessment of SEPP (Resilience and Hazards) 2021 above in this report which superseded the referenced SEPP. | Yes |
| **3.9.2 Sea Level Rise** | | |
| **Control** | **Proposal** | **Compliance** |
| 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.<br>2. Development should be designed and situated to reduce the risk from the effects of sea level rise. | The proposal has been reviewed by Council's Engineers who are satisfied that the proposal addresses these requirements. | Yes |

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| 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:<br>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 o.5 freeboard.<br>ii. Siting other non-habitable structures (e.g. sheds, decks, pergolas) 0.7m above the 1% AEP riverine flood level.<br>iii. Siting all garages and basements 1.2m above the 1% AEP riverine flood level. | | |

| **3.12 Waste Management** | | |
|---|---|---|
| **Control** | **Proposal** | **Compliance** |
| 1. Development must comply with Council's Waste Management requirements regarding construction waste and ongoing management of waste materials (per Appendix 4 of the GRDCP). | The proposal complies with Appendix 4 of the GRDCP 2021 and therefore complies with the controls of this section. | Yes |

| **3.20.3 Noise Generating Development** | | |
|---|---|---|
| **Control** | **Proposal** | **Compliance** |
| Development designed and managed to minimise noise and vibration impacts on the occupants of residential dwellings and other noise sensitive land uses and comply with controls 1 -4 of this section of the GRDCP | The proposal has been designed and managed to minimise noise and vibration impacts on the occupants of residential dwellings and other noise sensitive land uses and comply with controls 1 -4 of this section of the GRDCP 2021. | Yes |

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## Part 4 – General Land Use

59. The provisions of this part relate to specific development types not subject of this application and are not applicable to this proposal.

## Part 5 – Residential Locality Statements

60. 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.

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

| **Blakehurst** | |
|---|---|
| - Retain and enhance the existing low density suburban residential character through articulated contemporary developments. | The proposal is consistent with the future desired character of the precinct. |
| - Encourage well-designed high density residential development towards the Blakehurst commercial centre and Tom Ugly's Point where applicable. | The existing low density suburban character is retained. The dwelling form is retained, and is not visible from Stuart Street. The scale is maintained, and the height of 8.9m complies with the control. |
| - Encourage the prominence of the bushland landscaped character in new development through tree planting and landscaping. | The significant existing plantings on site will be retained and added to with additional native planting. |
| - Encourage consistent setbacks of buildings from the street and the provision of landscaping within the front setback. | Setbacks are appropriate with the site being a battle axe. |
| - Encourage the retention of trees and sharing of water views wherever possible, including screening via vegetation rather than solid walls. | All native vegetation is retained, and additional native vegetation added, with view sharing promoted. |
| - Public views to waterways should be retained from streets and public places. | No direct interface exists with public places. |

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## Part 6 – Residential Controls

| 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 in accordance with the desired future character statement for Blakehurst. | Yes |
| 2. New buildings and additions are to be designed with an articulated front façade. | The site is a battle axe with the dwelling not visible from the street. | N/A |
| 3. Developments on sites with two (2) or more frontages are to address all frontages. | Singular street frontage with access via shared ROC. | N/A |
| 4. Dwelling houses are to have windows presenting to the street from a habitable room to encourage passive surveillance. | Dwelling is not visible from the street. | Yes |
| 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 proposed works to the dwelling maintain a similar building envelope to the existing dwelling, with a maximum height of building of 8.9m. The dwellings to the east are high set. Notwithstanding this, view sharing is afforded. | Yes |
| 6. The maximum size of voids at the first-floor level should be a cumulative total of 15m² (excluding voids associated with internal stairs). | There are no voids provided beyond the stairwell. The proposal is FSR compliant. | Yes |
| **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 alteration and addition to the dwelling retains the predominant and desired future scale of buildings within the neighbourhood. | Yes |
| 2. On sites with a gradient or cross fall greater than 1:10, dwellings are to adopt a split-level approach to minimise excavation and fill. The overall design of the dwelling should respond to the topography of the site. | The site has a steep fall. The dwelling responds to the site topography. The reconstructed northwest wing, and the living room are set down close to natural ground levels. | Yes |

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| 6.1.2 Single Dwellings | | |
|---|---|---|
| **Control** | **Proposal** | **Compliance** |
| 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.<br><br>4. Where topographic 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 and a maximum 10sqm for storage and 20sqm for plant rooms. | Two storey form is provided.<br><br>Not proposed | Yes<br><br>N/A |
| **3. Setbacks** | | |
| Front Setbacks<br>1. The minimum setback from the primary street boundary is:<br>i. 4.5m to the main building wall / facade;<br>ii. 5.5m to the front facade of a garage or carport; or<br>iii. Where the prevailing street setback is greater than the minimum, the average setback of dwellings on adjoining lots is to be applied. | The battle axe configuration of the site is noted with the dwelling setback off the ROC and a significant distance from the street frontage and not visible. No change to extent of existing front setback. | Yes |
| Side and Rear Setbacks<br><br>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).<br><br>2. The minimum side setbacks for ground and first floor are:<br><br>iii. 1.5m for all lots within the Foreshore Scenic Protection Area measured at the front building line for the length of the development. | > 6m and 15%<br><br>No change to rear setback for dwelling.<br><br>Slight increase in rear setback for boat shed, which is 2-2.2m setback from the foreshore. The existing setback to the boat shed is 2m.<br><br>The site is within the FSPA which requires a setback of 1.5m. The existing setback of 1.3m to the southern side of the dwelling will remain. | Yes<br><br>N/A existing<br><br>N/A existing |

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| 6.1.2 Single Dwellings | | |
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| **Control** | **Proposal** | **Compliance** |
| 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.<br><br>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.<br><br>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. | The setback of dwelling to western boundary is 3.8m. The open carport (2.9m x 15m in size) attached to the dwelling on its western side, will reduce the setback on the western boundary to 900mm at its narrowest point due to the angled nature of the boundary. This boundary is delineated by an escarpment, with built form at its base, and the structure will not be visible from or impact upon adjoining sites and is acceptable. The relocated sauna is to be placed in the area of the existing brick laundry (setback 1.6m).<br><br>The brick double garage will remain unchanged, with internal storage area to be renewed. | Variation – carport, but no visual impact<br><br>No change |
| **4. Private Open Space** | | |
| 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).<br><br>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).<br><br>3. Private open space is to be located so as to maximise solar access.<br><br>4. Private open space is to be designed to minimise adverse impacts upon the privacy of the occupants of adjacent buildings. | The private open space remains as existing.<br><br>It receives adequate solar access.<br><br>The cabana that is adjacent to the swimming pool is to be removed.<br><br>The sauna is to be relocated under the carport area.<br><br>The private open space will receive adequate solar access.<br><br>There are no adverse impacts upon privacy of occupants of adjacent dwellings due to proposed landscaping works, | Yes |

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| 6.1.2 Single Dwellings | | |
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| **Control** | **Proposal** | **Compliance** |
| | the removal of the cabana, or the relocation of the sauna. | |
| **5. Landscaping** | | |
| 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.<br><br>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.<br><br>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. | The minimum deep soil landscaping requirement for the R2 zone is 25% of the site.<br><br>The proposal complies. It is discussed above at Clause 6.12 of GRLEP 2021.<br><br>The deep soil area is maintained.<br><br>Additional plantings including native species are proposed to several areas of the garden, to enhance the amenity of the landscaping in this foreshore location.<br><br>The amended landscape plan and Arboricultural Impact Assessment Report have been reviewed by Council's Landscape/Arboriculture Officer who has provided suitable conditions of consent in the event that the proposal were to be approved.<br><br>See comments at Referral section below. | Yes |
| **6. Excavation (Cut and Fill)** | | |
| 1. Any excavation must not extend beyond the building footprint, including for any basement car park.<br><br>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.<br><br>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 | The maximum cut and fill proposed is 1m.<br><br>Excavation is proposed which does not exceed 1m. This has been addressed in the Geological Investigation Report, with respect to removal of a section of rock to widen the driveway area in the western upper portion of the site. | Yes |

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| 6.1.2 Single Dwellings | | |
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| **Control** | **Proposal** | **Compliance** |
| cut and fill by allowing the building mass to step in accordance with the slope of the land. | This has been discussed at 6.2 Earthworks at GRLEP 2021 above. | |
| **7. Vehicular Access, Parking and Circulation** | | |
| 1. Car parking is to be provided in accordance with the requirements in Part 3 of this DCP.<br><br>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).<br><br>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.<br><br>6. The maximum driveway width between the street boundary and the primary building setback alignment of the garage is 4.0m.<br><br>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).<br><br>9. The maximum width of a garage opening is 6m. | A new gate and entry presentation is proposed, with a widened driveway and access area proposed, which will necessitate removal of a portion of rock, which at the greatest extent is 2.5m wide (see excerpt above of plan from geological investigation report at 6.2 Earthworks at GRLEP 2021).<br><br>The existing double garage footprint is unchanged (8.3x8.5m) with the annotation 'make good existing storage separate to house' on the plan. The double garage is located 16m from the dwelling and is accessed from the ROC. The driveway thus provides both vehicular and pedestrian access (through the double entry gates), with limited ability to access and park on site at the present time due to the constrained size of the driveway and hardstand area.<br><br>A carport 2.9x15m in size with tandem parking is proposed attached to the dwelling (and will incorporate relocated sauna). This carport will be accessed via the new widened driveway. This will result that parking is immediately adjacent to the dwelling, rather than at a distance as currently, where the garage is 16m away. | Yes<br><br>Yes<br><br>Yes |

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| 6.1.2 Single Dwellings | | |
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| **Control** | **Proposal** | **Compliance** |
| | Current vehicular access is via the ROC from Stuart Street and is to remain.<br><br>The existing driveway is 3m wide, and the proposed driveway width is 4m which complies.<br><br>Driveway is compliant with AS 2890.1.<br><br>Carport opening is suitable for single, tandem parking. | |
| **8. Visual Privacy** | | |
| 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.<br><br>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.<br><br>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.<br><br>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.<br><br>5. Development applications are to be accompanied by a survey plan or site analysis plan (to AHD) of the | Placement of additional window openings on the eastern elevation at the upper level has increased the amount of fenestration with greater area of glazing (see Figures 7a and 7b). The two single dormer windows are replaced with double hung windows in a double set for each of the two rooms on the eastern elevation. The window over the staircase in the centre is similar in size with a slight increase. The two rooms either side of the stairs are not active rooms. However there is a potential to cause privacy impacts, noting that the upper storey is located 3.8m from the boundary. Due to concerns re privacy and overlooking raised in public submission, in the event that the proposal were to be approved, obscure glazing would be required up to a height of 1.6m measured from the finished floor level, noting that the two rooms in this location are not living | Yes, by condition |

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| 6.1.2 Single Dwellings | | |
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| **Control** | **Proposal** | **Compliance** |
| proposed dwelling showing the location of adjoining property windows, floors levels, windowsill levels and ridge and gutter line levels. | rooms, and thus lesser used during the daytime.<br><br>Thus subject to suitable conditions to require obscure glazing to a height of 1.6m, the windows on the eastern upper elevation are acceptable.<br><br>The upper-level balcony on the front elevation complies and will not have an adverse privacy impact to adjoining properties.<br><br>The windows for primary living rooms maintain the privacy of neighbours, as they face west towards the Georges River.<br><br>The DA was accompanied by a survey plan and site analysis plan showing the location of adjoining dwellings, which are located to the south, north, and several dwellings to the east. | |
| **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.<br><br>2. To facilitate sunlight penetration to adjoining development, building bulk may be required to be articulated to achieve the required sunlight access.<br><br>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 | The proposal allows sufficient sunlight penetration to adjoining developments where possible, to both windows and private open space. The additions are for the most part within the existing footprint of the dwelling. There is no impact on solar access, due to the two storey structure retaining the majority of its current built form, with height unchanged, and minimal increase in size for the new two storey extension to replace the area which is to be demolished. | Yes<br><br>Yes<br><br>Yes |

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| 6.1.2 Single Dwellings | | |
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| **Control** | **Proposal** | **Compliance** |
| between 9.00am and 3.00pm on 21 June.<br><br>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.<br><br>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. | There is sufficient articulation of the built form to ensure adequate sunlight penetration.<br><br>The existing southern setback of the dwelling is to be maintained, and its height remains at 8.9m. Thus there is no impact on north-facing windows and POS of the adjacent dwelling to the south. | Yes |
| **10. Materials, Colour Schemes and Details** | | |
| 1. Large expansive surfaces of predominantly white, light or primary colours which would dominate the streetscape or other vistas should not be used.<br><br>2. New development should incorporate colour schemes that have a hue and tonal relationship with the predominant colour schemes found in the street.<br><br>3. Matching buildings in a row should be finished in the same colour or have a tonal relationship.<br><br>4. All materials and finishes utilised should have low reflectivity. | The Schedule of Materials and Finishes submitted provides for:<br>Visual examples of the following: Timber work; off form concrete, clear glazing; gutters/flashing in dark grey; stone paving in light colour; face brickwork; metal work painted grey; steel framed doors powder coated grey; zinc cladding and painted metal work; and cement render painted white in Dulux Natural White.<br><br>The materials to be utilised as outlined in the Elevations Materials Key include: Awning; off form concrete; stone paving; timber battens; painted render; face brickwork; metal work – gates, doors, steel; glazing; metal | Yes, with exception of white render - condition |

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| 6.1.2 Single Dwellings | | |
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| **Control** | **Proposal** | **Compliance** |
| | sliding doors and doors and double hung windows; timber – double hung windows; shingles; roof tiles; stone; sandstone wall cladding; zinc cladding and roofing; terracotta tiles (existing); aluminium guillotine windows<br><br>With the exception of 'Dulux Natural White' which does not meet the requirement for a 'natural' colour tone, the other proposed materials and finishes are acceptable. A condition relating to a change in colour for the cement render would be provided in the event the DA were approved. | |
| **11. Site Facilities** | | |
| 1. All dwellings are to be provided with adequate and practical internal and external storage (garage, garden sheds, etc.).<br><br>2. Provision for water, sewerage and stormwater drainage for the site shall be nominated on the plans to Council's satisfaction.<br><br>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.<br><br>4. Letterboxes are to be located on the frontage where the address has been allocated in accordance with Australia Post requirements. | There is existing storage within the dwelling; and storage to be provided in the brick garage. Storage is also proposed in the boat house.<br>This provision is shown on the plans. We note Sydney Water have raised issues with regard to the sewer pipe in the context of earthworks to the existing stone on the eastern boundary.<br><br>There is a proposed stormwater system.<br><br>Sufficient area is provided within the proposed carport to accommodate the required waste containers.<br><br>An existing letter box is retained at the front setback. | Yes<br><br>Yes<br><br>Yes<br><br>Yes<br><br>Yes |

| 6.4.1 Fences and Walls | | |
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| **Control** | **Proposal** | **Compliance** |
| 1. Fence heights are to be limited to a maximum of: | Fencing is existing, as shown on the survey. | N/A |

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| 6.4.1 Fences and Walls | | |
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| **Control** | **Proposal** | **Compliance** |
| i. 900mm for solid masonry, and<br>ii. 1.2m for open or partially transparent styles such as picket or palisade. | New wall and balustrade proposed in pool area; new retaining wall proposed adjacent to boat shed. See Dwg L102D Revised DA – Greenweb Planting, revision D dated 15/10/2025 by Spirit Level Designs Pty Ltd, location E02 re retaining wall. | Yes – pool area<br>No – within FBL |
| 2. Preferred materials for fencing are masonry, stone, ornate timber or ornate metal. | No change proposed to fencing. A new gate entry is proposed. | Yes |
| **6.4.2 Air Conditioning** | | |
| **Control** | | |
| 1. Air conditioning units should be sited so that they are no visible from the street.<br>2.The noise level from air conditioning condensers/systems is not to exceed the LAeq 15 minute by 5dBA measured at the property boundary. | A condition will be included to ensure any air conditioning unit will not create noise impact in the event were an approval issued. | Yes |
| **6.4.4 Swimming Pools** | | |
| 1. Swimming pools/spas are to be located to the rear of properties<br><br>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.<br><br>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. | The swimming pool is located within the rear garden and is unchanged.<br><br>The cabana is to be demolished.<br><br>New pool deck works with new wall and balustrade proposed adjacent to swimming pool. | N/A<br><br>Yes<br><br>Yes |

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| 5. Swimming pools/spas are to be no more than 500mm above existing ground<br>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.<br><br>9. Council may require mechanical equipment to be suitably acoustically treated so that noise to adjoining properties is reduced.<br><br>10. A pool fence complying with the legislation is to separate access from the<br>residential dwelling on the site to the pool.<br><br>11. Safety and security measures for swimming pools must comply with the relevant requirements of the Swimming Pools Act 1992 and any relevant<br>Australian Standards. | | |
| **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. | A site analysis plan and a design response has been provided to demonstrate how the objectives of the FSPA have been met. It is noted that the existing southern boundary will remain unchanged, with a setback of 1.3m. | Yes |
| 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 |
| 5. New, complementary planting and landscaping is encouraged. | Additional landscape planting is proposed in the rear garden and foreshore area, including native species. | Yes |
| 6. Where on a steep site, vegetation is used to screen the impact of support structures such as piers. | Existing vegetation is to be retained, and added to, including native species. | Yes |

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| 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. | Landscaping areas below the FBL utilise the use of indigenous plant material. | Yes |
| 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. | Natural features within the site in the foreshore area are retained. Additional screen planting is also proposed.<br><br>Minimal impact on bushrock is proposed – with excavation in the area of the rear of the boat shed proposed. | Yes |
| 9. 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 alterations and additions to the dwelling is consistent with the adjoining properties as the building size, height, bulk are within the required development standards, with only one variation from the side setback control, being the edge of the carport which is at its narrowest point 900mm from the boundary.<br>Due to its located next to a rock shelf it will not have any visual impact.<br><br>The materials and finishes are sympathetic to the existing surrounds, with the exception of the proposed white concrete render. A suitable condition will be imposed in the event the DA were approved.<br><br>The proposed boat shed, as discussed above, is greater than 57.5% in size that the control which permits a boat shed of 7x4m in size. The proposed boat shed is 5mx10.2m in size and 44sqm in area, which exceeds the | Yes<br><br>No |

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| | permitted 28sqm in the current control. Thus the boat shed is not supported in its current form, due to the visual impact. This has been discussed above in this report. | |
| 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. | The siting of development has not impacted on the existing vegetation. | Yes |
| 11. Where on a steep site, buildings are sited to sit discreetly 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 tress 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. | The building footprint of the boat shed will result in a loss of a small area of rock in the rear area of the footprint. The greater portion of the topographic features in this area are retained.<br><br>Significant trees and vegetation are retained.<br><br>The site disturbance is minimised, with the exception of some rock removal in the western uppermost portion of the site in the section of driveway and hardstand widening where some rock is proposed to be removed. This is supported as the improved driveway access and manoeuvring area will increase safety for both vehicles and pedestrians, with a separate pathway created for pedestrians. | Yes<br><br>Yes<br><br>No – see Geological Impact Report re driveway works However supported subject to information to satisfy Sydney Water Requirements re sewer maintenance hole. |
| 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 | Adequate articulation is provided for the western elevation of the dwelling which faces the water. There is a balance between masonry and glazing on this elevation. The proposal will not impact on the views from the water. | Yes |

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| solid area for façades facing the foreshore is to be 50%-50%. | | |
| 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. | The colour and material scheme have provided sufficient information. The white render does not appear to be sympathetic to the current desired and future character of the immediate locality, and a suitable condition would be imposed in the event the proposal were approved. | No - condition |
| 14. 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 windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality | The proposed development retains the existing scale of the dwelling and the extant 8.9m height. It is located within a generous garden setting on two levels. The materials, finishes, articulation and modulation, and arrangement of windows provide a pleasing façade when viewed from the Georges River. | Yes |
| 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:<br>(i) Awnings or other features over windows;<br>(ii) Recessing or projecting architectural elements; or<br>(iii) Open, deep verandas. | The development does not propose blank walls facing the waterfront. | Yes |
| 17. The extent of associated paved surfaces is minimised to that which provides essential site access and reasonable private open space. | Paved surfaces are minimised to the essential site access areas, sections of front setback within this battle axe lot, and areas around the pool area. Timber decks are proposed with regard to the landing areas for the inclinator, and adjacent to the boat shed. | Yes |
| 18. Buildings have external finishes that are non-reflective and coloured to blend with the surrounding landscape. | The proposed external finishes and materials blend with the surrounding context. A suitable condition will be imposed re colour of the | Yes |

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| | cement render to be in a more natural tone. | |
| 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 existing. | N/A |
| 20. Fences are low in profile and are at least 50% transparent. | Fencing is existing. | N/A |
| 21. Driveways and other forms of vehicular access are as close as practical to running parallel with contours | Driveway proposed and suitably designed. | Yes |
| 22. The natural landform is to be retained and the use of retaining walls and terracing is discouraged. | No further alteration to the existing ground levels proposed.<br>A retaining wall is proposed in the vicinity of the boat shed. | Yes |
| 23. Retaining walls are not to be located:<br>• Between the FBL and MHWM<br>• Within 40m of MHWM | A retaining wall is proposed in the vicinity of the boat shed. | 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 masonry faced retaining wall facing the foreshore. | Retaining wall proposed of 800mm | N/A |
| 25. Development provides opportunities to create view corridors from the public domain to the Georges River. | The site is a battleaxe lot with access via ROC and is some distance from Stuart Street. | N/A |

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**SUMMARY OF DCP ASSESSMENT**

62. The proposal, therefore, does not comply with key provisions of the Georges River Development Control Plan as outlined below:

a) Part 3 – General Planning Considerations:
   - Part 3.7.2 Non-Aboriginal Heritage: insufficient information

b) Part 5 – Miscellaneous Provisions
   - Part 5.10 Heritage Conservation: insufficient information

c) Part 6.1.2 – Low Density Residential Controls
   - Part 6.1.2.3 Setbacks: noncompliant side setback – carport – 900mm at one point

   - Part 6.4.1. Fences and Walls: retaining wall located within area between FBL and MHWM – noncompliant

   - Part 6.5.1 Foreshore Scenic Protection Area:
     - 6.5.1.9 Visual Impact: boat shed exceeds the control in size, and will be a visual impact when viewed from the river and adjoining neighbour
     - 6.5.1.11 Site disturbance: rock proposed to be removed to widen driveway – required to be reduced around sewer pipe location and specialist engineering report required for review by Sydney Water; if concurrence granted, conditions to be imposed re hand equipment, and possible relocation of sewer pipe (see discussion at GRLEP Clauses 6.2 and 6.9)
     - 6.5.1.13 Colours: white render proposed: conditions to be imposed to alter to natural tone.

**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.*

63. 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.*

64. 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***
65. The proposed development provides a positive benefit or contribution to the natural environment within the FSPA.

66. The landscaping proposal contributes in any positive sense to the foreshore location with respect to the biodiversity and ecological development standards which are outlined at Clauses 6.4, 6.5, 6.6, 6.10 and 6.12 of GRLEP 2021, and will ensure this local heritage item (garden) is enhanced and retained.

***Built Environment***
67. The alterations and additions to the dwelling provides for an improved reconfiguration of uses within the dwelling, with a minimal increase in GFA of 6.49sqm to the dwelling. The dwelling complies with both the FSR and height of building controls.

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

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its two storey built form within a landscaped setting that compliments this ca. 1920 dwelling, which is a local heritage item (house).

69. The proposal is 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 appropriate response to the context of the site, with the exception of the boatshed, which exceeds the size controls, and is located in an area close to the foreshore that will be impacted by sea level rise.

70. The character requirements within the Blakehurst Locality Statement have been appropriately addressed.

71. Additional information is required to address Clause 6.2 and Clause 6.9 of GRLEP 2021, as there is a Sydney Water sewer pipe below the north-eastern portion of the site, with a sewer maintenance hole within the cliff face. A Specialist Engineering Assessment of the potential impact of the excavation and construction works will have on the sewer is required to be submitted to Sydney Water, who may require the reduction in the trimming back of the rock face so as to not undermine or damage the maintenance hole, or alternative the possibility of relocating the maintenance hole further to the east could be explored. Concurrence will be required by Sydney Water before full support can be granted for the driveway works.

***Social Impact***

72. No social impacts have been identified as part of the assessment due to amenity impacts: there is no overshadowing. Any overlooking and/or visual privacy impacts will be addressed by way of condition for obscure glazing. If any air conditioner is to be installed, a condition will be imposed to address acoustic impacts. The dwelling will not impact the visual aspect of the Georges River, however the boat shed due to its size and location close to the foreshore will be highly visible when viewed from the water.

73. A dwelling house is permissible with consent given the residential zoning of the land, and there are no amenity impacts as the FSR and height are compliant. It is noted there is a non-compliance which relates to the carport setback, however it will not be visible to adjoining neighbours as it is located next to the rock shelf.

74. The alterations and additions to the dwelling, and the proposed landscaping will benefit the local heritage item (house and garden) in a positive manner, and ensure it will be retained in perpetuity.

***Economic Impact***

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

***Suitability of the site***

76. The site is zoned R2 – Low Density Residential. The proposal is a permissible form of development in this zone and has regard in its design to reflect the current and future context of the locality. It is consistent with the zone objective in retaining the low-density residential character.

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97. Sufficient and adequate information was provided regarding landscaping design, as an amended landscape plan and an arboricultural assessment report and tree protection plan were provided.

**SUBMISSIONS AND THE PUBLIC INTEREST**

**Submissions – View Loss**

98. The application was neighbour notified in accordance with Community Engagement Strategy for a period of twenty eight (28) days. One (1) submission was received from a town planning consultant on behalf of a neighbour nearby.

99. View Loss Assessment: to address the four questions established under the Planning Principle.

The subject site and adjoining properties gain views to the west of the site which include immediate water views, land and water interface views of the local heritage item (garden).

The part of the submitter's property the views are obtained from are from the private open space area and from the western elevation of the dwelling. In assessing the extent of the impact, it is evident that there are the following changes proposed:

- Removal of the cabana: this will open out a greater viewing area of the land and water interface views
- Relocation of the sauna to under the carport – this increases in a very minor way the available views
- Replacement of boat shed: this built element is not raised by the submitter in their view loss submission
- Addition to the external face of the dwelling entry, with columns and a planter at first floor level adjacent to the master bedroom
- Alterations and additions to the dwelling: these are the primary matters raised in the submission, in particular the changes to the upper level of the eastern elevation, with an increase in the amount of windows, with the removal of two standard sill height dormer style window, and the larger central double dormer window, to be replaced with larger windows. The key issues raised in the submission are:
    - Fenestration on eastern elevation which has increased in size, particularly the upper storey as the lower storey is not visible, given the cliff shelf
    - It is argued as follows:
        - *'While the DA complies numerically with the maximum height provision of the LEP it does not meet its objectives i.e. to minimise the visual impact, disruption of views and loss of privacy on adjoining properties and open space areas.*
        - *This extensive glazing that is proposed fills this roof plane with dominant and visually confronting full length heavy steel window frames and zinc cladding. It is proposed to become approximately 80% covered in 5 banks of full-length windows in close proximity to the only ground level POS garden area (5 metres away) and first floor balcony (9 metres away) of no. X Stuart.*
        - *This is unacceptable in relation to the significant negative visual impact and commensurate loss of visual and aural privacy for the*

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*adjacent neighbours at no. X. Light spill from the multiple large bedroom windows is also of concern.*

- *Viewing of the Georges River by residents at no. X would be significantly diminished as a result.*
- *It appears the potential for overlooking by residents using the POS areas at no. X has not been considered by the applicant.*
- *It is requested that there be no change to the eastern roof plane to maintain amenity for the adjacent neighbours at no. X If any change to this roof plane is to occur, a significant reduction in the size, scale and number of windows is requested. Raised sill heights to 1.6 metres for any new windows and translucent windows with limited opening potential (e.g. awning) for wet areas is also requested.*

In assessing the reasonableness of the proposal that is causing the view impact, it is observed that the development:

- The dwelling complies with the planning controls relating to height and FSR; the footprint of the dwelling is for the most part retained.
- Does not comply with the planning controls relating to the boat shed re its area and location
- Has a variation to the side setback for the carport, which is 900mm from the boundary at its narrowest point, however the carport is not visible from the objector's property as it is located next to the cliff shelf
- The dwelling is located 3.8m from the side boundary with the objector's property. As outlined in the submission, the eastern elevation is 5m from the ground level POS garden area of the submitter, and is 9m away from the first floor balcony of the submitter.
- The footprint of the building is increasing by a minimal amount being an increase in FSR of 6.49sqm (refer to Dwg 4.01 Area Calculations GFA/FSR Revision C which show in red dashed line the existing dwelling and the proposed location of the new outer walls).
- Whilst the upper level of the eastern elevation has been altered in terms of the size and material and finishes from the existing three windows, the use of the area remains the same, which is not an active use. It is noted that the neighbour's balcony has provided and will continue to provide for overlooking of no. 139 Stuart Street.
- The concern for visual privacy for the adjoining neighbour's POS area, and the potential for overlooking that has been raised, will be addressed by way of condition to require obscure glazing to a height of 1.6m to the windows on the upper eastern elevation.
- As the scale of the dwelling is not markedly changed, the argument that the viewing of the Georges River is significantly diminished cannot be substantiated.
- The removal of the cabana will improve the view towards the Georges River.
- The external addition with column to provide cover over pathway in front of house which is near the entry to the dwelling with a planter at first floor level while not raised by the submitter, in the opinion of the assessing officer will not obscure the view, as it is a structure that can be viewed through.
- **Recommendation:** Thus it is concluded that the concern for view loss has provided insufficient grounds to justify this concern. No evidence has been provided that aural impacts will result from the two non-active rooms proposed.

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Concerns re privacy impacts, overlooking, and aural impact concerns will be addressed by way of conditions.

**Submission – Additional matters raised**

The other concerns raised by the submitter are outlined below in the table.

| Issue | Comment |
|---|---|
| Acoustic (Noise Pollution) | Issues of aural privacy were raised re alteration of fenestration on eastern upper elevation.<br><br>*Response:* An assessment of the application has revealed that the application is not assumed to generate offensive noise due to the non-active uses of the two rooms. This is also reinforced by way of condition and is considered adequate. |
| Heritage Conservation | Concern has been raised with respect to:<br>- Level of demolition<br>- Conflicting information in HIS re age of dormer windows on eastern roof plane<br>- No archaeological assessment<br>- Statement on page 34 of HIS re 'scantness of the original detail'<br>- Proposed style of development is a significant departure from earlier alterations.<br><br>Response: Council's Heritage Adviser has examined in detail the HIS, and the proposal, as well as the previous approvals granted (1984, 1991, 1994). Additional information was provided in the revised HIS to satisfy most concerns raised in the submission and by the Heritage Adviser.<br><br>Whilst Council is in support of the proposal, insufficient information has been provided re internal fabric of the dwelling as addressed above at Clause 5.10 of GRLEP 2021.<br><br>The amended landscaping proposal for the heritage item (garden) is supported. |
| Changes to Cliff Face | Concern is raised re disturbance and excavation proposed at the cliff face i.e. on the eastern boundary of the site to accommodate new parking and sauna. The cliff supports no. X and other dwelling houses in the vicinity.<br><br>DA is non-compliant with DCP minimum setback requirement of 1.5m and natural ground |

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| | level being retained within 900mm of boundary. There is no structural engineering detail provided.<br>DA is non-compliant with DCP Section 3.5 Earthworks.<br><br>*Response:* Details of method of any disturbance and excavation of the cliff face (previously altered prior to the construction of the dwelling ca. 1920 and the brick laundry) has been provided within the Geological Investigation Report.<br><br>The variation to the setback at one point for the carport of 900mm is a minor variation on this angled boundary. The carport is not visible given the cliff face. There is no alteration within 900mm of boundary.<br><br>The existing dwelling setback of 1.3m on the southern boundary is unchanged.<br><br>There is a small portion of rock removal proposed by way of use of hand equipment. This is to create a vehicular access to the 2.9m wide tandem carport, to ensure that there is a safe entry for both vehicles and pedestrians into the site. At present the brick garage off the ROC is located 16m from the dwelling which is accessed from the ROC and through the gated entry, and currently there is no separation provided between vehicular and pedestrian uses; this separation is provided under this DA.<br><br>Additional information is required by Sydney Water re the sewer pipe which is located within the cliff face. Subject to this being satisfactorily addressed by way of a Specialist Engineering Assessment, conditions can be imposed in line with the recommendations of the Geological Investigation Report which will ensure there is minimal disturbance during earthworks. Refer to discussion at Clauses 6.2 and 6.9 GRLEP 2021 above. |
| Design Excellence Statement | Not submitted<br><br>*Response:* Whilst the applicant did not submit a Design Excellence Statement (GRLEP 2021 Clause 6.10 re FSPA), the SEE did satisfactorily |

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| | |
|---|---|
| | address Clauses 6.4, 6.6 and 6.12 of the GRLEP 2021. |
| Details of driveway (long section, swept path curves) | No details received.<br><br>*Response:* Council's Engineer reviewed: Driveway Access Layout and Key Plan; Driveway Access Longitudinal Sections; Driveway Manoeuvre Entry and Exit Paths. Suitable conditions of consent were provided. |
| Stormwater Management Plans | Not provided<br><br>*Response:* Council's Engineer reviewed: Stormwater Services Ground Floor Layout; Stormwater Services First Floor and Roof Layouts.<br><br>Suitable conditions of consent were provided. |
| Proposed Boat Shed, including Rising Sea Level affectation | Exceeds DCP requirements in terms of size and scale which has not been justified in terms of the LEP and DCP.<br><br>*Response:* Concerns have been raised. This is noted and has been addressed in this report. Due to the size and location of the boat shed in its current form it is not being supported. |
| Details of proposed sauna | No details provided.<br><br>*Response:* The sauna is existing. It is to be relocated. It will be placed in the footprint of the existing brick laundry. It will not be visible from the adjoining neighbour. |
| Existing sewer pipe | There is no detail on how the existing sewer pipe that crosses the site in the vicinity of the garage and driveway will be managed. There appears to be no consultation with the relevant agencies.<br><br>*Response:* Insufficient information has been provided. Sydney Water require submission of a Specialist Engineering Assessment in relation to the sewer pipe maintenance hole, to be able to complete a referral and provide concurrence re the proposed disturbance relating to the rock area to be removed to widen the driveway access area.<br><br>Due to this, Clause 6.9 Essential Services of the GRLEP 2021 has not been satisfied. |

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| | |
|---|---|
| Landscaping Plans | No landscaping plans provided.<br><br>*Response:* Landscaping plans were submitted with the DA. Amended landscaping Plans, revision D, dated 15/10/25 were submitted in response to the comments of Council's Landscape/Arboriculture Officer. An arboricultural impact assessment and tree protection plan was also submitted. The landscaping proposal is supported in its amended form. |
| Dilapidation to adjoining properties. | A dilapidation report is to be provided for adjacent and affected properties and is to be made available to those property owner.<br><br>*Response:* This is a standard requirement that is addressed by suitable conditions being included in the consent, were the proposal to be approved. |

**The Public Interest**

*Section 4.15(3) the public interest*

100. 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 at Clause 6.9 Essential Services: additional information re the geotechnical works, and any impact on the sewer pipe, are required by Sydney Water, in order to obtain concurrence for the proposal.
    - Insufficient information: pertaining to heritage, as required by Clause 5.10 Heritage of the GRLEP 2021
    - Contravention of development standard relating to the size and location of the boat shed, and the proposed retaining wall within the FBL, which is contrary to the requirements of the GRDCP 2021 6.5.1 Foreshore Scenic Protection Area

**REFERRALS**

**External Referrals**

Ausgrid

101. 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.

Sydney Water

102. In accordance with Clause 45 of State Environmental Planning Policy (Infrastructure) 2007, advice was sought from Sydney Water, as outlined in the Geotechnical Investigation Report. Sydney Water advised that additional information was required,

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**Council (Internal) Referrals**

Heritage

103. The application was referred to Council's Heritage Adviser for comment. See Clause 5.10 GRLEP 2021 above. Insufficient information has been submitted.

Development Engineer

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

Landscape Officer

105. Council's Landscape Officer had requested an arborist report by a minimum AQF 5 arborist to assess all trees from proposed works and make recommendations to minimise impacts to all trees' growth environments in accordance with AS 4970.

106. The applicant was advised in the RFI the Landscape Officer's Recommendations to redesign are encouraged to minimise impacts to trees and sandstone rock shelves and outcrops.

107. An Arboricultural Impact Assessment and tree protection plan was received (see comments from Senior Environmental Officer below).

108. Suitable conditions of consent will be imposed should the application be approved.

Senior Environmental Officer

109. The application was referred to Council's Senior Environmental Officer for comment. Further information including AIA report, amended landscaping plans and tree protection plan were requested. An updated Arboricultural Impact Assessment Report and tree protection plan was provided. The landscape plan was amended as required to include a higher diversity of locally native species aligned with the GRDCP 2021 for Green Web Areas.

110. These amended documents and plans were found to satisfy the concerns raised.

111. The officer provided suitable conditions of consent relating to erosion and sediment controls to ensure no pollution or building material enters the Georges River waterway. Also an arborist holding a minimum AQF Level 5 qualification is to be present on site to supervise all excavation works occurring within the structural root zone of any trees located on the property aligned with the requirements of AS 4970 – Protection of Trees on Development Sites. These conditions would be imposed if the application were to be supported.

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**DEVELOPMENT CONTRIBUTIONS**

112. 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.

**REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL**

113. The development proposes alterations and additions to a Local Heritage Item (house and garden).

**CONCLUSION**

114. The proposal has been assessed against the relevant provisions of State Environmental Planning Policies, the provisions of the GRLEP 2021 and GRDCP 2021.

115. Having regard to the objectives of the applicable controls it is considered that the proposal fails to demonstrate compliance with the following Environmental Planning Instruments and Development Control Plan and is not considered to be suitable for the site:

- *State Environmental Policy (Resilience and Hazards) 2021*
- *Georges River Local Environmental Plan 2021*
- *Georges River Development Control Plan 2021*

**RECOMMENDATION**

**Refusal of the Application**

116. 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.

117. Pursuant to *Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979* (as amended), DA2025/0024 for 'Residential Alterations and Additions - Alterations and additions to existing dwelling, construction of a new boat shed to rear of the site and associated landscaping ' on Lot 102 DP 739163 being land known as 139 Stuart Street, Blakehurst NSW, 2221, is recommended for refusal for the reasons outlined below.

1. **Environmental Planning Instrument – State Environmental Policy (Resilience and Hazards) 2021 -** Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021 for the following reasons:

   Does not comply with 2.10(1)(a) and 2.11(1)(v)(b)(i)(ii)(iii), due to size and location of boat shed, and its proximity to the foreshore, and potential for visual impact due to non-compliant size.

2. **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 sections of Georges River Local Environmental Plan 2021 (GRLEP 2021):

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a) Clause 5.10 – Heritage Conservation. Insufficient information: pertaining to heritage, as required by Council's Heritage Advisor, namely:

> *Section plans are to be provided showing the proposed internal partition walls within the original section of the dwelling and demonstrate how the proposed partition walls relate to and protect existing detailing and finishes, such as cornices, skirtings and the like."*

b) Clause 6.4 - Foreshore area and coastal hazards and risk. Proposed boatshed does not comply with 6.4(3)(a)(i) and 6.4(4)(a) due to the size, location of the proposed boat shed; and insufficient information to address Sea Level Rise, and visual impacts when viewed from the Georges River and adjoining properties.

c) Clause 6.9 – Essential Services. Insufficient information has been provided. Additional information is required re the geotechnical works, and the potential for impact on the maintenance hole of the sewer pipe due to proposed earthworks, and mitigation. This information (Specialist Engineering Assessment and Finite Element Analysis) is required by Sydney Water, in order to obtain concurrence for the proposal.

d) Clause 6.10 – Design Excellence. A Design Excellence Statement was not submitted with the proposal.

**3. 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) GRDCP 2021 3.7 Non-Aboriginal Heritage. Insufficient information provided.

b) GRDCP 2021 6.4.1 Fences and Walls. The retaining wall is proposed within the FBL.

b) GRDCP 2021 6.5.1 Foreshore Scenic Protection Area. Contravention of development standard relating to the size and location of the boat shed, and the proposed retaining wall within the FBL. This will also create a visual impact when viewed from the Georges River.

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| A | 2/12/2024 | COUNCIL ISSUE | |
| B | 23/1/2025 | COUNCIL RE-ISSUE | |
| C | 13/11/2025 | Revised plans for council RFI | |

PROJECT ADDRESS: 139 Stuart Street, Blakehurst

CLIENT: Simon Leverton & Anastasia Papadopoulas

DRAWING TITLE: SITE PLAN_UPPER SITE

DATE: 12/11/2025 SCALE: 1:100 SHEET SIZE: @ A1

PROJECT NUMBER: 23_014 DRAWING NUMBER: 0.02 REVISION: C

DA

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SITE PLAN_LOWER SITE




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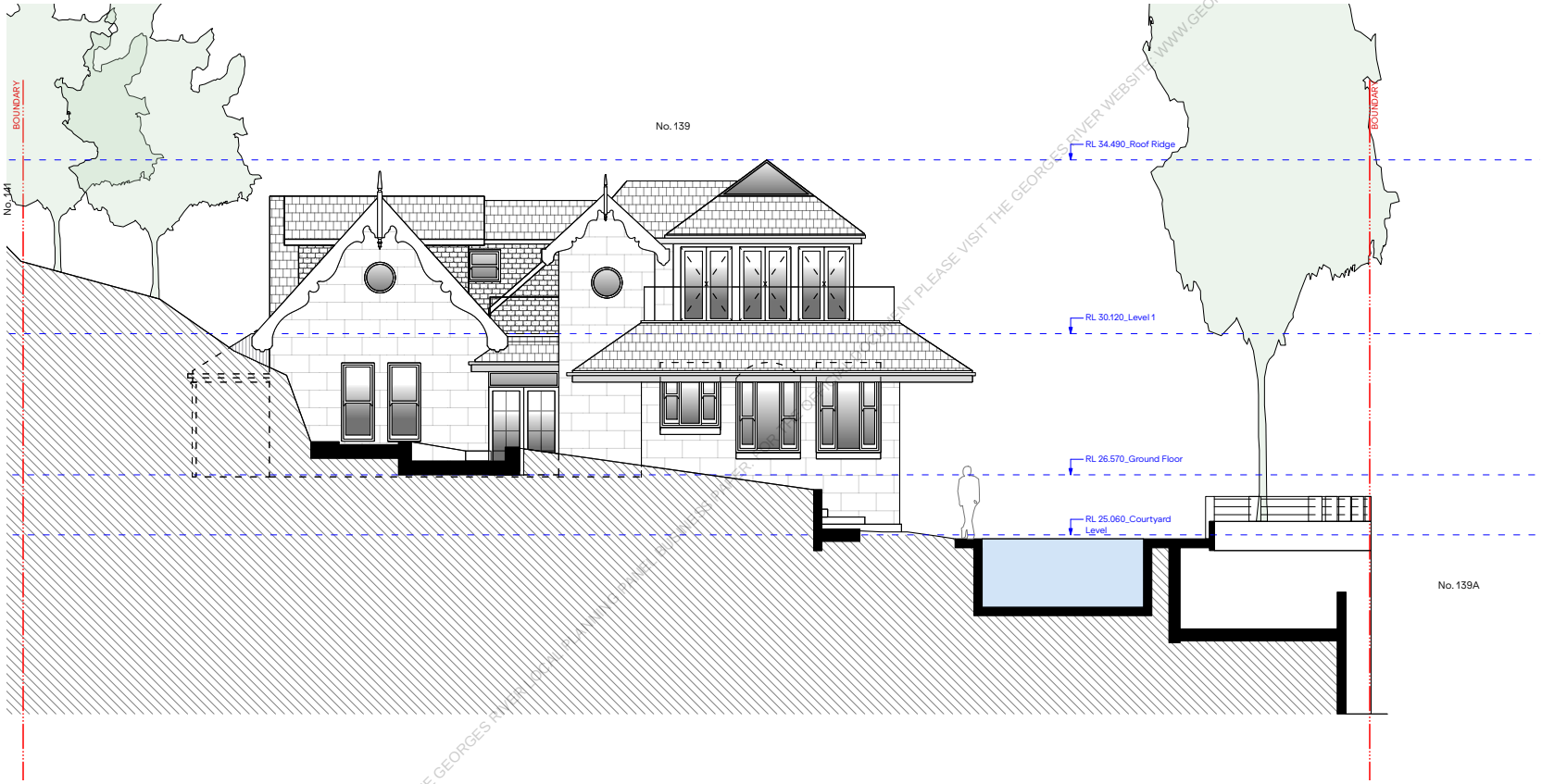
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DATE: 12/11/2025
SCALE: 1:100
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DRAWING TITLE: SITE PLAN_LOWER SITE
PROJECT NUMBER: 23_014
DRAWING NUMBER: 0.03
REVISION: C

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Mather Beere




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|---|---|---|---|
| A | 2/12/2024 | COUNCIL ISSUE | |
| B | 23/1/2025 | COUNCIL RE-ISSUE | |
| C | 13/11/2025 | Revised plans for council RFI | |

PROJECT ADDRESS: **139 Stuart Street, Blakehurst**

CLIENT: **Simon Leverton & Anastasia Papadopoulas**

DRAWING TITLE: **ELEVATION - NORTH EXISTING**

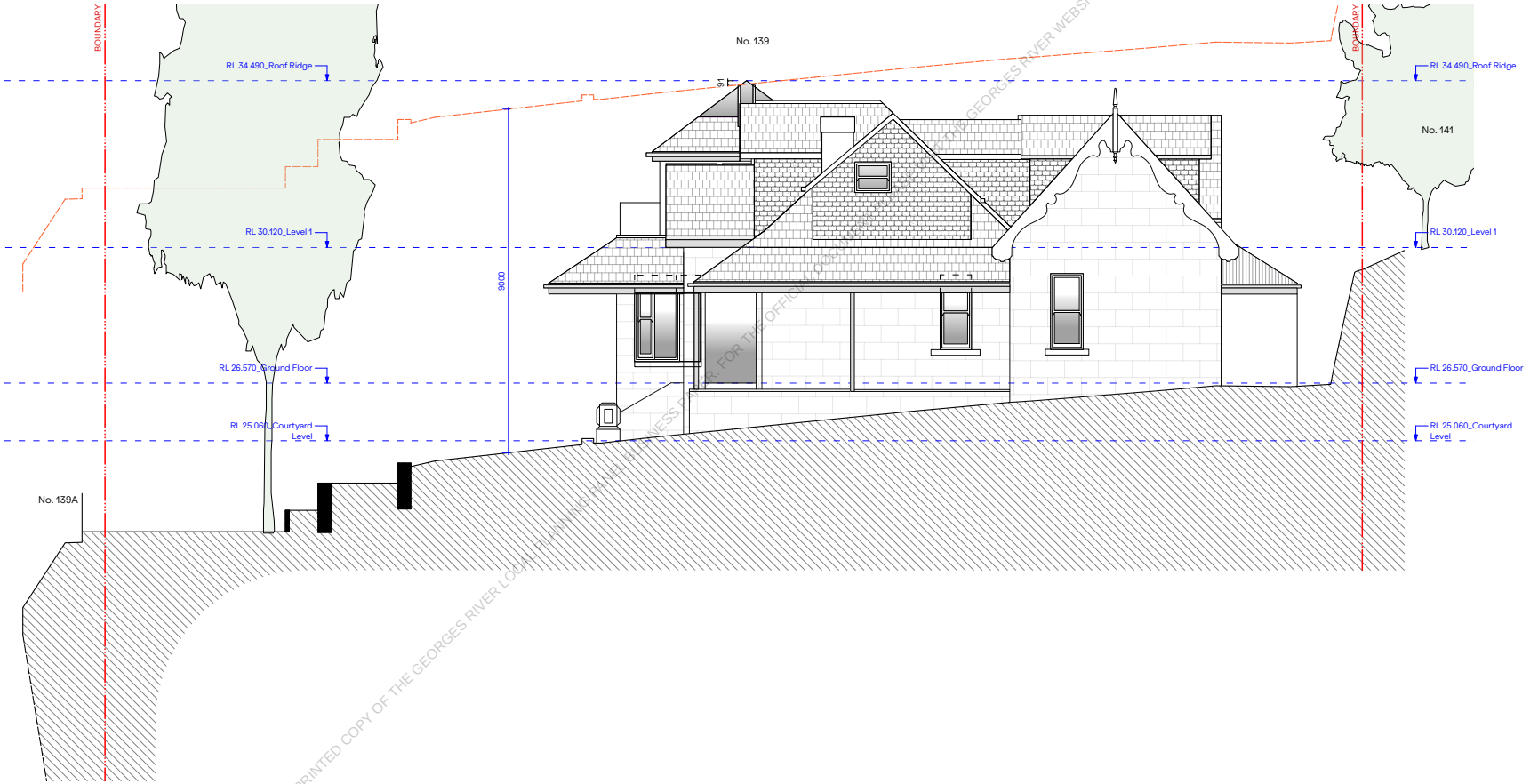
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PROJECT NUMBER: **23_014** DRAWING NUMBER: **0.10** REVISION: **C**

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PROJECT ADDRESS: **139 Stuart Street, Blakehurst**

CLIENT: **Simon Leverton & Anastasia Papadopoulas**

DRAWING TITLE: **ELEVATION - SOUTH EXISTING**

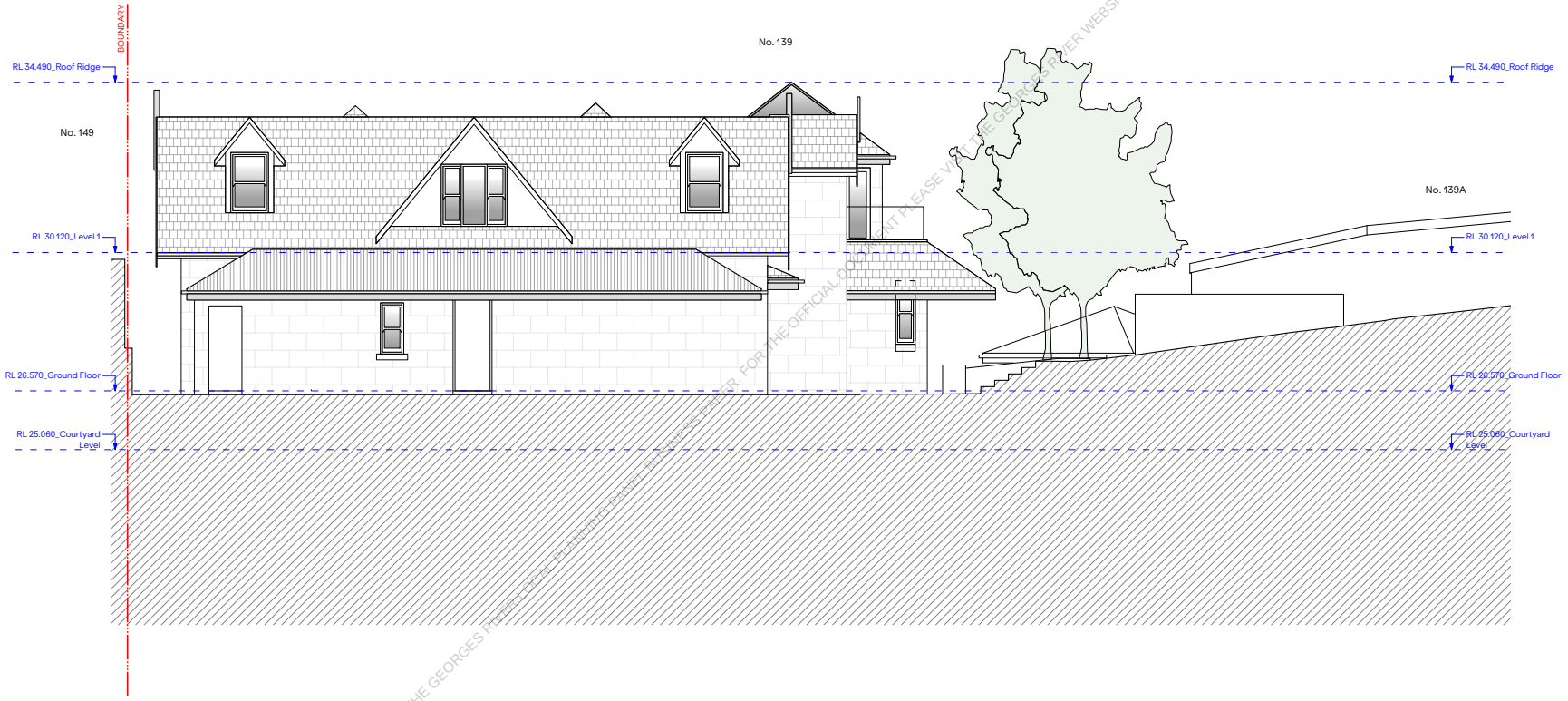
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PROJECT NUMBER: **23_014** DRAWING NUMBER: **0.11** REVISION: **C**

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| C | 13/11/2025 | Revised plans for council RFI | |

PROJECT ADDRESS:
**139 Stuart Street, Blakehurst**

CLIENT:
**Simon Leverton & Anastasia Papadopoulas**

DRAWING TITLE:
**ELEVATION - EAST EXISTING**

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| C | 12/11/2025 | Revised plans for council RFI | |

PROJECT ADDRESS: **139 Stuart Street, Blakehurst**

CLIENT: **Simon Leverton & Anastasia Papadopoulas**

DRAWING TITLE: **ELEVATION - WEST EXISTING**

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PROJECT NUMBER: **23_014** DRAWING NUMBER: **0.13** REVISION: **C**

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**REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 19 FEBRUARY 2026**

**LPP007-26 64 JERSEY AVENUE MORTDALE**

| | | | |
|---|---|---|---|
| **LPP Report No** | **LPP007-26** | **Development Application No** | **MOD2025/0086** |
| **Site Address & Ward Locality** | 64 Jersey Avenue Mortdale<br>Mortdale Ward | | |
| **Proposed Development** | Proposed changes to delete Condition 9(c), (d) and (e) of the Consent in relation to design changes for amendments to the configuration of 3 car spaces and carport off the rear lane known as Ocean Lane | | |
| **Owners** | Strata Plan 5353 (c/o Elevate Strata) | | |
| **Applicant** | Christina Jamieson | | |
| **Planner/Architect** | Ken Jamieson (Planner) / Strachan Architects | | |
| **Date Of Lodgement** | 30/06/2025 | | |
| **Submissions** | Nil | | |
| **Cost of Works** | $2,000.00 | | |
| **Local Planning Panel Criteria** | A Councillor owns a dwelling at the subject site | | |
| **List of all relevant s.4.15 matters (formerly s79C(1)(a))** | State Environmental Planning Policy (Resilience and Hazards) 2021,<br>State Environmental Planning Policy (Biodiversity and Conservation) 2021,<br>State Environmental Planning Policy (Transport and Infrastructure) 2021,<br>Georges River Local Environmental Plan 2021 (GRLEP 2021),<br>Georges River Development Control Plan 2021 (GRDCP 2021) | | |
| **List all documents submitted with this report for the Panel's consideration** | Architectural plans and assessment report | | |
| **Report prepared by** | Consultant Planner (c/o Coordinator Development Assessment) | | |

| | |
|---|---|
| **RECOMMENDATION** | Refusal |

| | |
|---|---|
| **Summary of matters for consideration under Section 4.15**<br>Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? | **Yes** |

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| | |
|---|---|
| **Legislative clauses requiring consent authority satisfaction**<br>Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? | **Yes** |
| **Clause 4.6 Exceptions to development standards**<br>If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? | **Not Applicable** |
| **Special Infrastructure Contributions**<br>Does the DA require Special Infrastructure Contributions conditions (under s7.24)? | **Not Applicable** |
| **Conditions**<br>Have draft conditions been provided to the applicant for comment? | **No, refusal is recommended** |

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**SITE PLAN**



# EXECUTIVE SUMMARY

## PROPOSAL

1. Approval is sought to make the following changes to the alignment of the car parking spaces along the laneway boundary of the site including the following:

   - Move car space No 8 closer to the laneway;
   - Relocate the bins to the Jersey Avenue frontage; and
   - Reconfigure car spaces No 2 and 4 from parallel parking to angled parking spaces (**Figure 1**).

2. The proposed modification requests the deletion of Conditions 9(c), 9(d) & 9(e) of the Consent in relation to these proposed design changes for amendments to the configuration of the three (3) car parking spaces and carport located adjoining the rear lane, known as Ocean Lane, on the northeastern boundary of the site.

3. The current configuration of car parking spaces at the laneway boundary of the site are parallel parking spaces (**Figure 2**), while the proposal is to realign these car spaces to angled (30 degree) parking spaces.

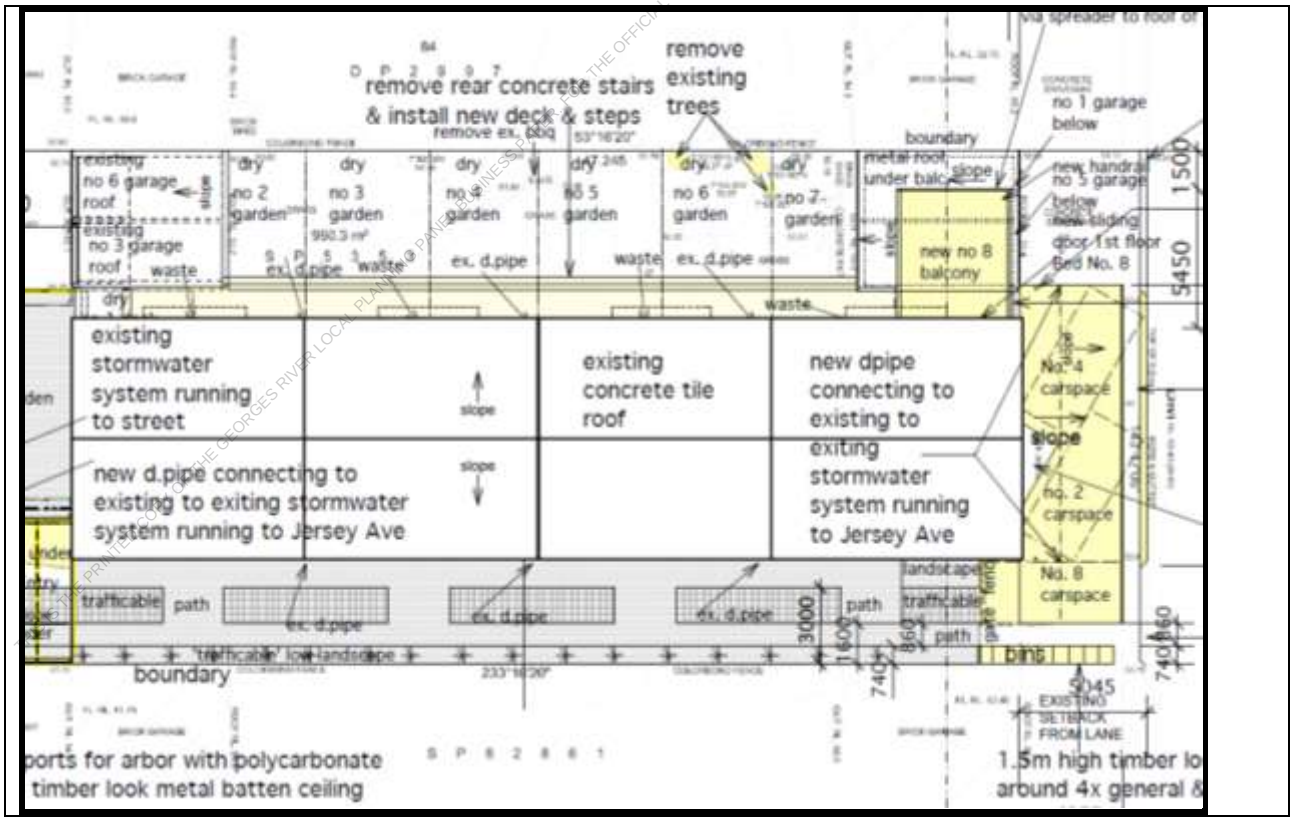



*Figure 1 – Proposed Changes to Car Parking Spaces (Source: Architectural Plans)*

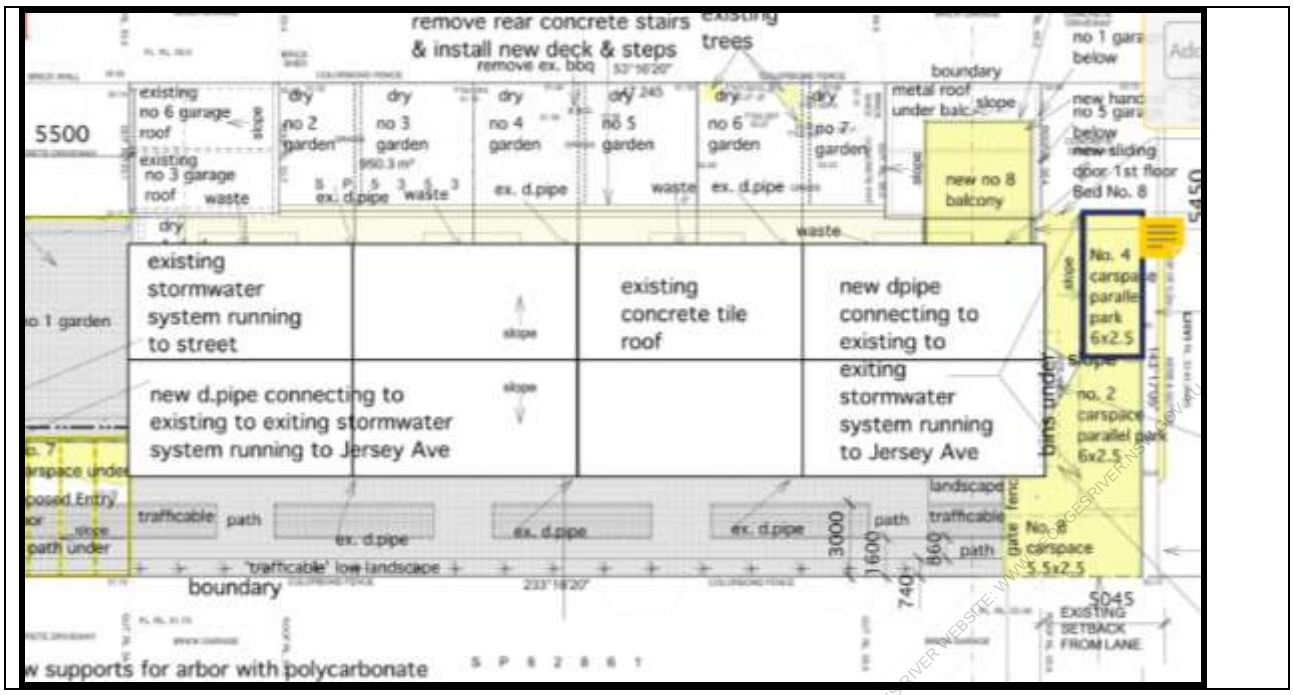



*Figure 2 - Current Car Parking Spaces (Source: DA Tracker)*



*Figure 3 - View of existing car space No 4 at the site (Source: Assessing Officer)*

## SITE AND LOCALITY

4. The subject site is legally described as SP 5353, known as No 64 Jersey Avenue, Mortdale. It is a regularly shaped allotment with a street frontage to Jersey Avenue (southern boundary) and Ocean Lane (northern boundary).

5. The site currently contains a two (2) storey brick multi-unit housing development comprising eight (8) dwellings, known as Woodbury Townhouse, with vehicular access

provided from both the laneway and Jersey Avenue frontage. Parking spaces are located off the laneway to the rear, the subject of this modification application, as well as single car garages located from both the Jersey Avenue and laneway frontages (no changes proposed). There are no easements identified on the site.

6. The site comprises an area of 949.6m².

7. The surrounding locality is characterised by predominantly two (2) storey multi-unit buildings and three (3) storey apartments buildings to the eastern end of the street. A two (2) and three (3) storey aged care facility exists on the opposite side of Jersey Avenue, known as Ferndale Gardens. The Ocean Lane frontage is characterized by car parking and rear fencing of four (4) storey apartment buildings fronting Ocean Street.

8. Existing development adjoining the subject site to the southeast consists of a two (2) storey multi-unit building with a detached garage known as No 60-62 Jersey Avenue, while to the southwest the adjoining development is also a two (2) storey multi-unit building with a detached garage known as No 64A Jersey Avenue.

## ZONING AND PERMISSIBILITY

9. The subject site is zoned R4 High Density Residential under the provisions of GRLEP 2021. The proposed works are defined as works ancillary to 'Multi dwelling housing', which is a permissible with development consent.

10. The proposal is consistent with the zone objectives.

## ASSESSMENT

### Traffic & Parking

11. The site contains a number of car parking spaces and garages as approved under the original development consent. The proposal involves realigning two (2) of the approved car parking spaces from parallel to angled parking.

12. Council's traffic engineer has considered the proposal and recommended the modification application be refused as the proposed car parking spaces encroach into the laneway. Such parking arrangements are unsatisfactory and cannot be supported.

## SUBMISSIONS

13. In accordance with the provisions of Council's public notification requirements, the application was placed on neighbour notification for twenty-one (21) days (between 25 July 2025 and 14 August 2025), where property owners within a 50m radius from the subject site were notified in writing of the proposal and invited to comment.

14. There were no submissions received during the notification period.

## REFERRAL COMMENTS

15. Comments provided by internal referral specialists and external agencies are summarised below.

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| Specialist/Agencies | Comment |
|---|---|
| Traffic Engineering | Objects to the encroachment of the proposed realigned car parking spaces into the rear lane and the removal of the pedestrian pathway along the rear boundary of the site adjoining the laneway. Recommends refusal of the modification application. |
| Ausgrid | No objection subject to recommended conditions. |

## REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

16. The proposal is development for which a Councillor is the landowner. In accordance with Schedule 1 subsection 1(b) of the *Local Panning Panels Direction* (dated 6 March 2024), this modification application requires referral to the Georges River Local Planning Panel.

17. A Management Statement was prepared by the Manager Development and Building, which considered the application as medium risk and must be referred to the Georges River Local Planning Panel for determination. This Statement was also published on the NSW Planning Portal and Council's website in accordance with the requirement of *Council Related Development Application Policy*.

## CONTRIBUTIONS

18. The development is not subject to Development Contributions as the proposed cost of the development is below $100,000 pursuant to Cause 1.2 of the Plan.

## CONCLUSION

19. The application has been assessed having regard to the matters for consideration under section 4.15 of the *Environmental Planning and Assessment Act 1979*, the provisions of the relevant state environmental planning policies, local environmental plans and development control plans.

20. The proposal has been assessed against the provisions of the *Georges River Local Environmental Plan 2021* and the *Georges River Development Control Plan 2021*. The proposed development does not comply with various car parking controls of the DCP given the encroachment into the laneway along the rear boundary.

21. Having regard to the provisions of the *Environmental Planning and Assessment Act 1979*, the *Georges River Local Environmental Plan 2021* and the *Georges River Development Control Plan 2021*, the proposal is considered to be unsatisfactory. The development is not expected to deliver a positive outcome for the community, and unreasonable adverse impacts on the surrounding locality are anticipated.

## STATEMENT OF REASONS AND DETERMINATION

Statement of Reasons

22. The reasons for this recommendation are:
    - The proposed modification does not comply with the requirements of a number of planning controls under GRLEP 2021;
    - The proposed modification will result in an encroachment into the laneway which is likely to impact on pedestrian safety and the operation of the laneway; and

- The proposed modification is not in the public interest given the likely impacts on pedestrian safety and safe operation of the laneway.

Recommendation

23. Pursuant to Section 4.16(1)(b) of the *Environmental Planning and Assessment Act 1979* (as amended), MOD2025/0086 for the proposed changes to the configuration of car spaces off the rear lane, known as Ocean Lane, at 64 Jersey Avenue, Mortdale NSW 2223 is recommended for refusal subject to the reasons outlined below.

1. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as the proposal is inconsistent with the following controls of the *Georges River Development Control Plan 2021* (GRDCP 2021):

   (a) Part 3.13(12) and Part 6.2.12(8) of the GRDCP 2021 in that the proposed realigned car parking spaces have not been designed in accordance with the requirements set out in *AS/NZS 2890.1:2004 Parking Facilities, Part 1 -off street car parking* (AS 2890.1). The proposed width of the angled parking spaces and the extent of line marking required to satisfy the requirements of AS 2890.1 are inconsistent with the requirements of AS 2890.1 as parking of the B85 vehicle cannot be contained within the boundaries of the site.

   (b) Part 3.13(30) of the GRDCP 2021 in that the proposed realigned car parking spaces have not been designed to ensure pedestrian safety given the encroachment of the B85 vehicle onto Ocean Lane which does not allow for pedestrians to safely traverse the site.

   (c) Parts 6.2.4(11) and 6.2.12(5) of the GRDCP 2021 in that entry to parking facilities off the rear lane are not setback a minimum of 1 metre from the lane to allow for pedestrian safety.

2. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* as the proposal is likely to result in significant impacts to the built environment arising from the encroachment of the proposed car parking spaces into the laneway.

3. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* as the site is not suitable for the proposed development in that the proposed realigned spaces do not fit within the boundaries of the site.

4. The proposed development is considered unacceptable pursuant to the provisions of Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979* as the proposal is not in the public interest as it is:

   (a) Inconsistent with numerous planning controls in relation to the adverse impacts on the laneway;

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(b) The amenity of immediately adjoining properties will be adversely affected;

(c) Will result in a poor outcome for vehicle and pedestrian safety on the laneway; and

(d) Contrary to *Regulation 198* of the *NSW Road Rules 2014,* having regard to the proposed car spaces encroaching onto Ocean Lane.

**ATTACHMENTS**

Attachment ⇩1 LPP Report - MOD 2025_0086 - Report - 64 Jersey Avenue Mortdale

Attachment ⇩2 Site Analysis Plan - 64 Jersey Ave Mortdale.PDF - MOD2025/0086

Attachment ⇩3 DA Elevation Plans - 64 Jersey Ave Mortdale.PDF - MOD2025/0086

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# Assessment Report (s4.55(1A)) Residential

S4.15 Environmental Planning & Assessment Act, 1979

*Georges River Council acknowledges the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. Council recognises Aboriginal and Torres Strait Islander peoples as an integral part of the Georges River community and values their social and cultural contributions. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples who live work and meet on these lands.*

## Report Summary

| Introduction | |
|---|---|
| **Application Number** | MOD 2025/0086 |
| **Parent Application Number** | DA 2014/0085 |
| **PAN** | PAN-549086 |
| **Parent PAN** | Original development consent was prior to the commencement of the NSW Planning Portal |
| **Description of Changes** | Proposed changes to delete Condition 9(c), 9(d) & 9(e) of the Consent in relation to design changes for amendments to the configuration of the 3 car spaces and carport off the rear lane known as Ocean Lane. |
| **Modification Type (1, 1A, 2)** | 1A |
| **Address** | 64 Jersey Avenue Mortdale |
| **Lot / DP** | SP 5353 |
| **Applicant** | Christina Jamieson |
| **Owner(s)** | Strata Committee for Strata Plan 5353 |
| **Responsible Officer** | External consultant |

| Recommendation | |
|---|---|
| **Summary** | The development has been assessed having regards to the Matters for Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979. |
| **Refusal** | The assessment recommends that Council as the Consent Authority in accordance with Section 4.16 (1)(b) *Environmental Planning & Assessment Act* 1979, refuse to the Development Application due to the reasons discussed within this report. |

## Proposal

The proposed modification involves changes to the approved alterations and additions to the existing multi-unit development approved under DA 2014/0085 comprising the following:

- Changes to delete Condition 9(c), 9(d) & 9(e) of the Consent in relation to design changes for amendments to the configuration of the three (3) car parking spaces and carport located adjoining the rear lane, known as Ocean Lane, on the northeastern boundary of the site comprising:

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**Assessment Report (s4.55(1A)) Residential**
S4.15 Environmental Planning & Assessment Act, 1979

GEORGES RIVER COUNCIL

- Move car space No 8 closer to the laneway;
- Relocate the bins to the Jersey Avenue frontage; and
- Reconfigure car spaces No 2 and 4 from parallel parking to angled parking spaces.

There are no other changes proposed to the existing building on the site. A change to Condition 1 (Approved Plans) is also proposed.

A site plan is provided in **Figure 1** below.

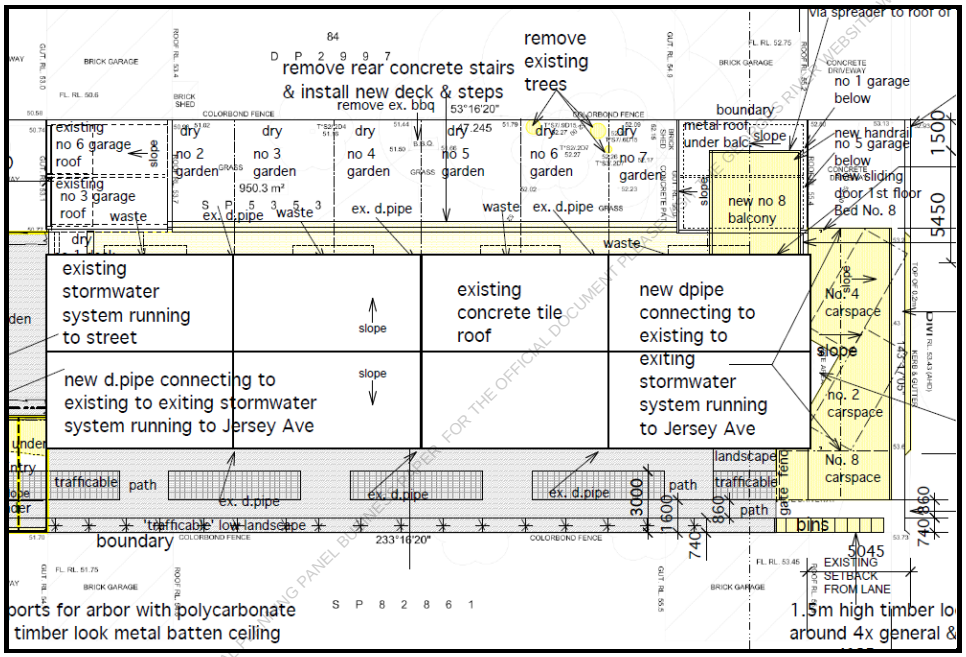



***Figure 1: Proposed Changes to Car Parking Spaces (Source: Architectural Plans)***

## Site and Locality

### Site Description

The subject site is legally described as SP 5353 and is known as No 64 Jersey Avenue, Mortdale NSW 2223. The site has an area of 948.4m² pursuant to the Strata Plan, with a frontage to both the laneway and Jersey Avenue of 20.115 metres and 47.245 metre side boundaries. The site falls from the rear (laneway) boundary to the frontage along Jersey Avenue.

The site currently contains a two (2) storey brick multi-unit housing development, comprising eight (8) dwellings, known as Woodbury Townhouse (**Figures 2** and **3**). Vehicular access is provided from both the laneway and Jersey Avenue frontages. Car parking spaces are located off the laneway to the rear (**Figure 4**), the subject of this modification application, as well as single car garages located from both the Jersey Avenue and laneway frontages (no changes proposed). There are no easements identified on the site.

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**Assessment Report (s4.55(1A)) Residential**
S4.15 Environmental Planning & Assessment Act, 1979




*Figure 2: The site from Jersey Avenue (Source: Consultant Planner)*



*Figure 3: The site from Ocean Lane (Source: Consultant Planner)*

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**Assessment Report (s4.55(1A)) Residential**
S4.15 Environmental Planning & Assessment Act, 1979



***Figure 4: The site from Ocean Lane (Source: Consultant Planner)***

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**Locality Description**

The subject site is zoned R4 High Density Residential (**Figure 5**), with existing development in the locality primarily consisting of two (2) storey multi-unit buildings and three (3) storey apartments buildings to the eastern end of the street. A two (2) and three (3) storey aged care facility exists on the opposite side of Jersey Avenue, known as *Ferndale Gardens*. The Ocean Lane frontage is characterized by car parking and rear fencing of four (4) storey apartment buildings fronting Ocean Street.

Existing development adjoining the subject site to the southeast consists of a two (2) storey multi-unit building with a detached garage known as No 60-62 Jersey Avenue, while to the southwest the adjoining development is also a two (2) storey multi-unit building with a detached garage known as No 64A Jersey Avenue. An aerial photograph of the site is at **Figure 6**.

**Assessment Report (s4.55(1A)) Residential**
S4.15 Environmental Planning & Assessment Act, 1979

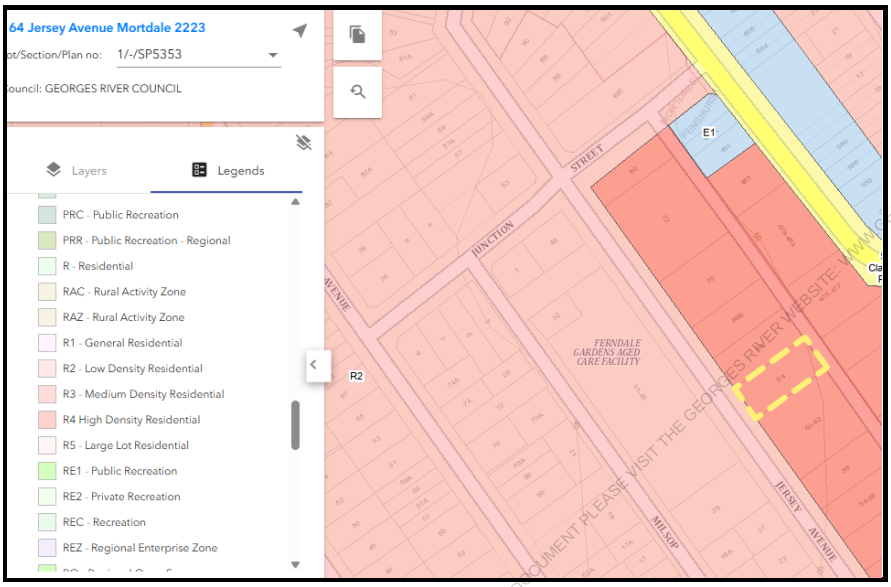



*Figure 5: Zoning of the site (Source: NSW Planning Portal Spatial Viewer)*



*Figure 6: Aerial Photograph of the Site*

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**Assessment Report (s4.55(1A)) Residential**
S4.15 Environmental Planning & Assessment Act, 1979

## Background

### History

The following application is relevant to the proposed works:

- DA 2014/0085 –
  - Approved by Council on 6 August 2014
  - This consent approved alterations and additions to the existing multi-unit development - carports to rear of the development fronting Ocean Lane, new awning to northern side of building and first floor balcony to Unit 8 at rear.
  - This is the most recent development consent for the site and which is proposed to be modified in this modification application.

### Processing

The processing of this modification application is outlined in **Table 1** below.

***Table 1: Processing of the Application***

| Action | Date |
|---|---|
| Submission date | 30 June 2025 |
| Lodgement date | 08 July 2025 |
| Referral comments from Traffic Engineer recommending refusal | 18 November 2025 |
| Meeting with Council to discuss issues | 8 December 2025 |
| Site inspection conducted | 29 January 2026 |
| Final Assessment Completed | 6 February 2026 |

### Site Inspection

A site inspection was carried out to consider the proposed changes to the car parking spaces along the laneway at the rear of the site. At the time of the inspection, a vehicle was parked in Car space No 4 in its approved, parallel, position. Photographs from this site inspection are at **Figures 7, 8** and **9**.

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*Figure 7: Looking south towards existing car space No 4 (Source: Consultant Planner)*



*Figure 8: Existing garages at the site along the laneway at the rear (Source: Consultant Planner)*

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***Figure 9: Existing pedestrian gate into the site (Source: Consultant Planner)***

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## Assessment – Section 4.55(1A) Evaluation

Council issued DA 2014/0085 for alterations and additions to an existing multi-unit development at the site on 6 August 2014 subject to conditions of consent. This modification application seeks to modify Condition 9(c), (d) and (e) of that consent in relation to the alignment of car parking spaces along the rear (Laneway) boundary of the site as well as Condition 1 in relation to the approved plans.

The following is an assessment of the application with regard to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**):

> ***Modifications involving no or minimal environmental impact*** *A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent* if—
>
> *(a) it is satisfied that the proposed modification is of no or minimal environmental impact, and*

Comment: The proposed modification involves a change to the alignment of the car parking spaces at the rear of the site, with no other changes to the building's form or size proposed. Therefore, it is considered that there will be minimal environmental impacts beyond those arising from the original determination.

*(b) it is satisfied that the development to which the consent as modified relates is the same or substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*

Comment: The proposed modification has been assessed and is substantially the same development as that for which development consent has been granted. The development will remain as a multi-unit development, with no significant changes proposed from the approved development on the site.

*(c) it has notified the application in accordance with—*
*(i) the regulations, if the regulations so require, or*
*(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

Comment: This modification application has been notified in accordance with Part C: Notification Plan of Council's *Community Engagement Strategy 2023-2033* and the Regulations for 21 days between 25 July and 14 August 2025.

*(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

Comment: There were no submissions received during the notification period.

Section 4.55(1A)(3) of the EP&A Act is also required to be considered in this modification application, which states:

*In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.*

The matters for consideration pursuant to Section 4.15(1) of the EP&A Act are considered below. The proposed modification is inconsistent with a number of the matters for consideration pursuant to Section 4.15(1) of the EP&A Act as outlined below.

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## Assessment – Section 4.15 Evaluation

***Section 4.15(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 provisions of any environmental planning instrument (EPI)***

*Section 4.15 (1) (a) (i) The provisions of any environmental planning instrument (EPI)*

**The Provisions of any applicable Act**

There are no other provisions of any other Acts which are relevant in this case.

***The Provision of any Applicable State Environmental Planning Policy (SEPPs)***

The State Environmental Planning Policies relevant to the proposed modification are outlined in **Table 2**, having regard to site affectations. The applicable SEPPs are outlined in **Table 3**.

***Table 2: Relevant SEPPs***

| **SEPPs** | | **Applicable** |
|---|---|---|
| **Affectation** | **SEPP Name** | **Yes/No** |
| Water catchment | SEPP (Biodiversity Conservation) 2021 | Yes |
| Land Contamination | SEPP (Resilience & Hazards) 2021 | No |
| Coastal Zone | SEPP (Resilience & Hazards) 2021 | No |
| Adjoins Classified Road | SEPP (Transport & Infrastructure) 2021 | No |
| Adjoins Rail Corridor | SEPP (Transport & Infrastructure) 2021 | No |
| Gas Pipeline Buffer | SEPP (Transport & Infrastructure) 2021 | No |

***Table 3: Applicable SEPPs***

| **SEPPs** | **Applicable** |
|---|---|
| **Affectation** | **Yes/No** |
| SEPP (Biodiversity Conservation) 2021 | Yes |
| SEPP (Housing) 2021 | No |
| SEPP (Resilience & Hazards) 2021 | Yes |
| SEPP (Sustainable Buildings) 2022 | No (less than $50,000) |
| SEPP (Transport & Infrastructure) 2021 | Yes |

Consideration of the applicable State Environmental Planning Policies (SEPP) is detailed below.

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**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

Chapters 2 and 6 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (Biodiversity & Conservation SEPP) are relevant to the Proposal.

*Chapter 2 – Vegetation in non-rural areas*

This modification application does not seek to removal of trees or vegetation from the site. Therefore, the application is consistent with this chapter.

*Chapter 6 – Water Catchments*

The site is located within the Georges River Catchment and therefore Chapter 6 is relevant to the proposed modification. The proposal will not result in adverse environmental and ecological impacts to the Georges River Catchment as there is no increase in excavation proposed or any additional impermeable surfaces or vegetation to be removed. Existing geotechnical and sediment control conditions are to be retained to mitigate environmental impacts on the Georges River Catchment.

The proposed modification has been assessed against the provisions of Chapter 6 and is consistent with these provisions. The development will continue to demonstrate a neutral or beneficial effect on water quality and minimises impacts on water flow, stormwater runoff, and groundwater. It avoids adverse effects on aquatic ecology, including riparian vegetation, wetlands, and migratory species, and includes appropriate erosion control measures. Flood-related and Public access provisions are not applicable. The development as modified aligns with total catchment management principles, and therefore consultation with adjoining councils is not required.

The proposed modification is consistent with the Biodiversity & Conservation SEPP.

**State Environmental Planning Policy (Resilience and Hazards) 2021**

Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* (Resilience & Hazards SEPP) is relevant to the Proposal (Chapter 2: Coastal Management is not relevant to this application as it is not located in the coastal zone).

*Chapter 4 – Remediation of Land*

Section 4.6 of Chapter 4 of the Resilience & Hazards SEPP requires a consent authority to consider whether the land is contaminated prior to granting consent to the carrying out of any development on that land. Should the land be contaminated, the consent authority must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make it suitable for the proposed use, the consent authority must be satisfied that the land will be remediated before the land is used for that purpose.

A site inspection and review of Council's Contamination Records and aerial photographs was undertaken and it is evident that historically the site has 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 this site. Given this, there is no evidence that the site is contaminated and the site is considered suitable for the proposed development.

The proposed modification is consistent with the Resilience & Hazards SEPP.

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**State Environmental Planning Policy (Transport and Infrastructure) 2021**

*State Environmental Planning Policy (Transport and Infrastructure) 2021* is applicable to the development and the following clauses apply:

*Division 5 – Electricity transmission or distribution*

Pursuant to Clause 2.48, this application was referred to Ausgrid for comments as the proposed modification is located within 5 metres of an overhead electricity power line (located on the opposite side of the laneway). Ausgrid was referred the application and raised no objection to the proposal. The application complies with this section.

*Division 17 – Roads and Traffic*

Clause 2.119 is not applicable to this application as the proposed development does not have a frontage to a classified road. Clause 2.120 is also not applicable to this application as the subject site does not adjoin a roadway with an annual average daily traffic volume of more than 20,000 vehicles (refer to TfNSW Traffic Volume Map – Map 16A).

The proposed modification is consistent with the Transport & Infrastructure SEPP.

***The Provisions of any Local Environmental Plan***

**Georges River Local Environmental Plan 2021**

The extent to which the proposed development complies with the relevant provisions of the *Georges River Local Environmental Plan 2021* (**GRLEP 2021**) is detailed and discussed below in **Table 4**:

***Table 4: Consideration of GRLEP 2021***

| **GRLEP 2021** | | |
|---|---|---|
| **Standard** | **Proposal** | **Compliance** |
| **Clause 1.2 – Aims of Plan** | | |
| *(a) to provide for housing choices to cater for changing demographics and population needs,*<br>*(c) to promote and facilitate an ecologically and economically sustainable and vegetated urban environment in which the needs and aspirations of the community are realised,*<br>*(e) to protect and preserve the natural, built, cultural and Aboriginal heritage of Georges River and to build upon and enhance the character of local areas,*<br>*(f) to promote a high standard of urban design and built form,*<br>*(g) to protect, preserve and enhance the natural landform, vegetation and open space, especially foreshores or bushland, in order to* | The development as modified remains consistent with the relevant aims of the Plan. | Yes |

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| *maintain landscape amenity and public access and use,*<br>*(h) to protect, maintain and improve waterway health to achieve the environmental values of the community and uses for waterways,* | | |
| **Clause 2.3 – Zone objectives and Land Use Table** | | |
| The site is zoned R4 High Density Residential.<br><br>The objectives of the zone are:<br>• *To provide for the housing needs of the community within a high density residential environment.*<br>• *To provide a variety of housing types within a high density residential environment.*<br>• *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*<br>• *To enable other land uses that contribute to the vibrancy of the neighbourhood while ensuring that business centres remain the focus for business and retail activity.*<br>• *To encourage development that maximises public transport patronage and promotes walking and cycling.* | The proposal is consistent with the zone objectives and is satisfactory. | Yes |
| **Clause 2.5 Additional permitted uses** | | |
| Outlined in Schedule 1. | The site is not listed in this schedule. | N/A |
| **Clause 2.6 Subdivision — consent requirements** | | |
| Subdivision may be carried out only with development consent | Subdivision is not proposed. | N/A |
| **Clause 2.7 Demolition requires development consent** | | |
| The demolition of a building requires development consent. | Demolition is not proposed. | N/A |
| **Clause 4.1 Minimum subdivision lot size** | | |
| Minimum lot size for subdivision | Subdivision is not proposed. | N/A |
| **Clause 4.3 Height of Buildings** | | |
| 12 metres | No changes | N/A |
| **Clause 4.4 Floor Space Ratio** | | |
| FSR of 1:1 | No changes | N/A |
| **Clause 5.1: Relevant acquisition authority** | | |
| Outlines the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired | The site is not identified on the land acquisition map. | N/A |
| **Clause 5.4: Controls relating to miscellaneous permissible uses** | | |
| Various miscellaneous permissible uses. | Not proposed. | N/A |

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| **Clause 5.7: Development below mean high water mark** | | |
| Consent required to carry out development on any land below the MHWM. | Not proposed and no MHWM on the site. | N/A |
| **Clause 5.10: Heritage conservation** | | |
| Conservation of heritage items on the site and in the vicinity of the site. | The site does not contain any heritage items and there are no heritage items in the vicinity of the site. | Yes |
| **Clause 5.21: Flood planning** | | |
| Consent and matters for consideration in the flood planning area. | The site is not within the flood planning area. | N/A |
| **Clause 5.23: Public Bushland** | | |
| Consent and matters for consideration which contains public bushland. | The site does not contain any public bushland. | N/A |
| **Clause 6.1: Acid Sulfate Soils** | | |
| Consent and matters for consideration for sites affected by acid sulfate soils. | The site is not affected by acid sulfate soils. | N/A |
| **Clause 6.2: Earthworks** | | |
| To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land | There are limited earthworks proposed in the application to realign car parking spaces. | Yes |
| **Clause 6.3: Stormwater Management** | | |
| To minimise the impacts of urban stormwater on land to which this Plan applies and on adjoining properties, native bushland and receiving waters | There are no changes to the existing stormwater management arrangements on the site. | Yes |
| **Clause 6.4: Foreshore area and coastal hazards and risk** | | |
| Applies to land in the foreshore area and land identified on the coastal hazards and risk map. | The site is not affected by the foreshore area or any coastal hazards and risks. | N/A |
| **Clause 6.5: Riparian land and waterways** | | |
| Applies to land on the riparian land and waterways map. | The site is not affected by the riparian land and waterways map. | N/A |
| **Clause 6.6: Foreshore scenic protection area** | | |
| Applies to land in the Foreshore scenic protection area. | The site is not affected by the foreshore scenic protection area. | N/A |
| **Clause 6.7: Airspace operations** | | |
| Applies to land affected by airspace operations. | The proposal does not penetrate the obstacle limitation surface. | N/A |
| **Clause 6.8: Development in areas subject to aircraft noise** | | |
| Applies to development subject to aircraft noise. | The site is not affected by aircraft noise. | N/A |

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| **Clause 6.9: Essential Services** | | |
| The property must have in place by determination the following services:<br>(a) water,<br>(b) electricity,<br>(c) telecommunications facilities,<br>(d) the disposal and management of sewage,<br>(e) stormwater drainage or on-site conservation,<br>(f) suitable vehicular access. | There are adequate services on the site. | Yes |
| **Clause 6.12: Landscaped areas in certain residential and conservation zones** | | |
| The objectives of this clause are as follows—<br>(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,<br>(b) to minimise urban run-off by maximising permeable areas on the sites of development,<br>(c) to ensure that the visual impact of development is minimised by sufficient and appropriately located landscaping that complements the scale of buildings,<br>(d) to ensure that the use of surfaces that absorb and retain heat are minimised. | There are no changes proposed which would result in an increased building footprint on the land within the R4 zone and therefore this clause does not apply (Cl 6.12(2)(c)). | N/A |

### *Provisions of any Proposed Instrument*

*Section 4.15 (1) (a) (i) - Provisions of 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).*

There is no proposed instrument that is or has been the subject of public consultation under this Act which is relevant to the proposal.

### *Provisions of any Development Control Plan*

### Section 4.15 (1) (a) (iii) The provisions of any development control plan

The proposed development is subject to the provisions of the *Georges River Development Control Plan 2021* (**GRDCP**).

### Georges River Development Control Plan 2021

The GRDCP 2021 controls applicable to the proposed modification are outlined in **Table 5** and consideration of the relevant controls is outlined in **Table 6**.

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***Table 5: Relevant Parts of GRDCP 2021***

| Georges River Development Control Plan 2021 | | | |
|---|---|---|---|
| **Part** | **Name** | **Y** | **N** |
| Part 3 | General Planning Considerations | ☒ | ☐ |
| Part 5 | Residential Locality Statements | ☒ | ☐ |
| Part 6.1 | Low Density Residential Controls | ☐ | ☒ |
| Part 6.2 | Multi dwelling housing, Multi dwelling housing (terraces) and Manor houses (Medium Density) | ☒ | ☐ |
| Part 6.4 | Ancillary Development | ☐ | ☒ |
| Part 6.5 | Foreshore Locality Controls | ☐ | ☒ |
| Appendices | Supporting Information (e.g. Exempt Tree Works) | ☐ | ☒ |

***Table 6: Consideration of Part 3: General Planning Considerations of GRDCP 2021***

| Control | Proposal | Comply |
|---|---|---|
| **3.2: Biodiversity** | | |
| **3.2.1 Trees & Vegetation**<br>1. Development is to comply with the provisions of SEPP (Biodiversity & Conservation) 2021.<br>2. Development to comply with the provisions of the *Biodiversity Conservation Act 2016* and the *Biodiversity Regulation 2017*.<br>3. All works to comply with Council's *Tree Management Policy*.<br>4. For the purposes of this section, a tree is defined as vegetation having a:<br>• Height of 3 metres or more, or<br>• Diameter of 100mm or more when measured at ground level, or<br>• Branch spread of 3 metres or more.<br>See Figure 1 below for visual reference of what is defined as a tree. | There are no trees proposed to be removed in this application. | Yes |
| **3.2.2 Green Web**<br>**All Green Web Areas**<br>1. Green Web areas are those areas mapped on the maps contained within **Appendix 1**. | The site is not located on the Green Web Map. | N/A |
| **3.3: Landscaping** | | |
| 1. Landscaping on site should be incorporated into the site planning of a development.<br><br>2. Landscape planting should achieve a mature height in scale with the structures on the site. | There are no changes proposed to the existing landscaping on the site.<br><br>There are no changes proposed to the existing landscaping on the site. | ✓<br><br>✓<br><br>✓ |

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| 3. Where canopy trees, shrubs and groundcovers are required, preference should be given to incorporating locally indigenous plants listed in GRDCP 2021 Backyard Biodiversity Guide on Council's website and Council's Tree Management Policy (and its Appendix 1 – Tree Planting). | There are no changes proposed to the existing landscaping on the site. | |
| 4. Hydrological issues should be considered at the early stages of design for development around and close to trees on development sites. | There are no changes proposed to the existing landscaping on the site. | ✓ |
| 5. Public domain works including street tree planting should comply with Council's relevant policies including<br>i. Kogarah North Public Domain Plan<br>ii. Kogarah Street Tree Management Strategy and Masterplan 2009;<br>iii. Hurstville Street Tree Management Study 2015; and<br>iv. Georges River Public Domain Streetscape works specifications 2019. | Not required for this site. | N/A |
| 6. Topsoil and mulch should be included in landscape areas and should contain organic matter to support plant growth. | There are no changes proposed to the existing landscaping on the site. | ✓ |
| **3.4: Bushfire Prone Land** | | |
| | The site is not bushfire prone land. | N/A |
| **3.5: Earthworks** | | |
| **3.5.1 Excavation (including cut and fill)** | | |
| 1. Natural ground level should be maintained within 900mm of side and rear boundary. | This is achieved. | ✓ |
| 2. Cut and fill should not alter natural or existing ground levels by > 1m (see Figure 1). | Limited excavation proposed. | ✓ |
| 3. Habitable rooms (not including bathrooms, laundries and storerooms) are to be located above existing ground level. | None proposed. | ✓ |
| 4. Rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls are not to be removed or covered. | Not proposed. | ✓ |
| 5. Development is to be located so that clearing of vegetation is avoided. | No vegetation clearing proposed. | ✓ |
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| 6. Cut and fill within a tree protection zone (TPZ) of a tree on the development site or adjoining land, must be undertaken in accordance with Australian Standard AS 4970 (Protection of trees on development sites). | Not proposed. | ✓ |
| 7. Soil depth around buildings should be capable of sustaining trees as well as shrubs and smaller scale gardens. | No changes proposed. | ✓ |
| 8. Earthworks are not to increase or concentrate overland stormwater flow or aggravating existing flood conditions, on adjacent land. | No changes to stormwater management are proposed. | ✓ |
| 9. Fill material must be virgin excavated natural material (VENM) or fill that meets all of the conditions of a recourse recovery order issued by the NSW Environmental Protection Authority (EPA). | No filling proposed. | N/A |
| 10. For sites identified as flood affected, any cut and fill works, included in the development are to comply with the requirements of Council's Stormwater Management Policy, specifically Chapter 6 – Flooding and Overland Flow. | The site is not flood affected. | ✓ |
| **3.5.2 Construction Management / Erosion and Sediment Control** | Satisfactory | |
| **3.6: Contaminated Land** | | |
| Ensure that the development of contaminated or potentially contaminated land does not pose a risk to human health or the environment. | Refer to GRLEP assessment. The proposal complies with the objectives and controls of this section of the DCP. | ✓ |
| **3.7: Heritage** | | |
| Protection of heritage items. | Refer to GRLEP assessment. | ✓ |
| **3.8: View Impacts** | | |
| Protect vistas and public views from streets and public places. | No views are impacted by the proposed changes. | ✓ |
| **3.9: Coastal Hazards and Risks** | | |
| Protect and manage the coastal environment of the LGA. | No impacts from coastal processes or within the coastal areas. | ✓ |
| **3.10: Water Management** | | |
| Stormwater management, flood risk management and water quality controls. | No changes to the existing stormwater management arrangements on the site and the site is not within the flood planning area. The proposal complies with the objectives and controls of this section of the DCP. | ✓ |

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| **3.11: Ecologically Sustainable Development** | | |
| Ensure development incorporates environmentally sustainable design and construction. | The application is not subject to ESD requirements. | N/A |
| **3.12: Waste Management** | | |
| 1. Development must comply with Council's Waste Management requirements regarding construction waste and ongoing management of waste materials (see Appendix 4).<br>Appendix 4 | The existing waste collection arrangements are that bins are serviced from the rear lane (as per the approved plan from 2014), however, the modification application states that the majority of the bins are collected from the front boundary along Jersey Avenue.<br><br>There appears to be a mixture of bin collection arrangements, being from both the front and rear of this property as well as other surrounding properties.<br><br>Bins are able to be collected from either the front or the rear of the property and therefore this is no concerns raised to this arrangement as there is adequate room on either frontage for the storage of bins.<br><br>The proposal complies with the objectives and controls of this section of the DCP. | ✓ |
| **3.13: Parking Access and Transport** | | |
| <u>Parking Rates</u><br>1. Parking rates<br>Multi-dwelling housing (excluding terraces) –<br>• 1.5 spaces per dwelling<br>• 1 visitor space per 5 units (incl car wash space) | 8 dwellings on the site with 8 spaces provided (approved under different DCP), which is within the approval of the existing development on the site.<br><br>While the Traffic report concludes that the proposal is satisfactory, the proposed realigned car parking spaces are inconsistent with the relevant Australian standards and encroach into the laneway, which is unsatisfactory. Council's traffic engineer recommends that the application should not be supported. | On merit (existing) |

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| Design and Layout of Car Parking Areas<br>12. Internal car park layouts, space dimensions, ramp grades, access driveways, internal circulation aisles and service vehicle areas shall be designed in accordance with the requirements set out in AS 2890.1 (2004) and AS 2890.2 (2002) for off street parking and commercial vehicles. | Council's traffic engineer recommended the modification not be approved having regard to the following:<br>1. The proposal results in a portion of the B85 Australian Standard Design Vehicle when parked in the spaces encroaching onto Ocean Lane which is contrary to *Regulation 198* of the *NSW Road Rules 2014*.<br>2. The encroachment of the B85 vehicle onto Ocean Lane is unsatisfactory on pedestrian safety grounds.<br>3. The proposed width of the angled parking spaces does not satisfy the requirements of *AS/NZS 2890.1:2004 Parking Facilities, Part 1 -off street car parking.*<br>4. The extent of line marking required to satisfy the requirements of *AS/NZS 2890.1:2004 Parking Facilities, Part 1 -off street car parking* and cater for the parking of the B85 vehicle cannot be contained within the boundaries of the site.<br>5. The line marking of the car parking spaces satisfying the dimensional requirements of the above Australian Standard will need to be contained fully within the site for the spaces to be included in a Strata Plan. | **No** |
| 13. Design vehicular access in accordance with the current Australian Standard for 'off-street parking (Part 1) 'and 'off-street carparking for commercial vehicles (Part 2)'. | Vehicle access is considered in (12) above. | |
| At Grade Parking<br>20. Car parking areas may be designed as ground level parking provided that the design results in building frontages level with the street. | Complies – no changes proposed. | ✓ |
| 21. Parking areas are to include:<br>i. Planting beds fronting a street or public place are to have a minimum width of 1 metre, unless otherwise specified elsewhere in this DCP.<br>ii. Shade trees are to be provided in open parking areas at the ratio of 1 shade tree for every 6 spaces. | No changes proposed | N/A |

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| iii. Plants to avoid are those which have a short life, drop branches, gum or fruit or those which interfere with underground pipes.<br><br>22. Parking areas are to incorporate a 150mm concrete kerb or edge treatment to reduce the likelihood of vehicles damaging adjoining landscaped areas. The use of bollards should also be considered. | <br><br>No changes proposed | N/A |
| Pedestrian<br>30. Design parking to ensure pedestrian safety.<br><br>31. Pedestrian entrances and exits shall be separated from vehicular access paths. | The proposed realigned car parking spaces which encroach onto Council's road reserve encroach into the 600mm wide strip of laneway typically located between the kerb and the property boundary onto which pedestrians may need to walk to be clear of an approaching vehicle.<br><br>The encroaching vehicle will result in a pedestrian having to remain on the road carriageway which reduces safety as pedestrians may be injured as a result of not being able to step onto the area behind the kerb.<br><br>Therefore, car parking on the site has not been designed to ensure pedestrian safety and is therefore inconsistent with this this DCP control.<br><br>No changes proposed. | **No**<br><br>N/A |
| Access<br>32. Design driveways to minimise visual impact on the street and maximise pedestrian safety.<br><br>33. Ensure that all vehicles, including vehicles using loading bays, can enter and leave the site in a forward direction.<br><br>34. Avoid locating accessways to driveways adjacent to the doors or windows of habitable rooms. | No changes which are contrary to these controls. | ✓ |
| **3.14: Utilities** | | |
| Development must provide essential services integrated into building and site design to minimise streetscape impacts and support future occupants. | There are adequate services on the site. The proposal complies with the objectives and controls of this section of the DCP. | |

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| **3.15: Public Domain** | | |
| 1. Council Public Domain Plan | Not required on this site. | N/A |
| **3.16: Subdivision** | | |
| | Not proposed | N/A |
| **3.17: Universal/Accessible Design** | | |
| 1. All new building work should comply with the accessibility provisions of the Building Code of Australia (BCA) and the Disability (Access to Premises - Buildings) Standards 2010 where required. | There is no new building work proposed. | N/A |
| **3.18: Advertising and Signage** | | |
| | Not proposed. | N/A |
| **3.19: Crime Prevention / Safety and Security** | | |
| | There are no changes which impact on the safety and security of the existing approved development on the site. The proposal complies with the objectives and controls of this section of the DCP. | ✓ |
| **3.20: Noise and Vibration** | | |
| 1. Buildings exposed to aircraft noise are to be designed and constructed in accordance with AS 2021-2000 – Acoustics- Aircraft noise intrusion – Building siting and construction). | The site is located outside the 20 ANEF contour. | N/A |
| 2. If the building is located within a specific area identified on the OLS map or seeks to exceed the height limit specified in the map the application must be referred to Civil Aviation Safety Authority and Airservices Australia for assessment. | No building works proposed. | N/A |
| **3.20.2 Development near Road and Rail Corridors**<br>Assessment under the Transport & infrastructure SEPP. | Jersey Avenue is not included in the "mandatory" or recommended category for this assessment. | N/A |
| **3.20.3 Noise Generating Development**<br>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 development is not noise generating. The proposal complies with the objectives and controls of this section of the DCP. | N/A |
| **3.21: Dedication of Land to Council for Road/Lane Widening** | | |
| Extend existing land and street frontage alignments to improve public amenity and access. | The site is not affected by these controls. | N/A |

***Table 7: Consideration of Part 5: Residential Locality Statements of GRDCP 2021***

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| Control | Proposal | Comply |
|---|---|---|
| **5.5.1 Penshurst North Locality Statement** | | |
| Future Desired Character<br>• Encourage appropriate medium and high density development towards the Penshurst commercial centre.<br>• Retain and enhance the existing low density suburban residential character through articulated contemporary developments that respond to the human scale.<br>• Encourage tree planting within the front setback space to create a tree-lined streetscape character.<br>• Encourage consistent setbacks of buildings from the street and the provision of landscaping within the front setback with uniform front fence heights. | The development as modified demonstrates consistency with the Residential Locality Statement by respecting the established and desired future character of the area given there are no changes to the building form.<br><br>The proposal complies with the objectives and controls of this section of the DCP. | ✓ |

***Table 8: Consideration of Part 6:2 - Multi dwelling Housing of GRDCP 2021***

| Control | Proposal | Comply |
|---|---|---|
| **6.2.1 Minimum Site Requirements** | | |
| 1. Refer to Clause 4.1B Minimum lot sizes and special provisions for certain dwellings in Georges River LEP 2021 in regard to minimum lot size (m2) and minimum lot width (m) | There are no changes to the lot size or other changes to the approved building form on the site. | N/A |
| **6.2.2 Building Scale and Height** | | |
| 1. Refer to Clause 4.3 Height of buildings and Clause 4.3A Exceptions to height of buildings in Georges River LEP 2021. | No changes to building height. | ✓ |
| 2. On sites with steep and varied topography and/or cross fall, development is to adopt a split-level approach to the design of the building/s to minimise excavation and fill. The overall design of the dwelling should respond to the topography of the site. | No changes to the building form. | ✓ |
| 3. A maximum of two (2) storeys plus basement is permissible at any point above ground level (existing). Basements are not to protrude more than 1m above existing ground level. | No changes to building height. | ✓ |
| 4. Where topography conditions require a basement, the area of the basement should not exceed the area required to meet the carparking requirements for the development, access ramp to the parking, a maximum 10m2 for storage and 20m2 for plant rooms. Additional basement area to that required to satisfy these requirements | No changes to the building form. | ✓ |

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| may be included as floor space area when calculating floor space ratio. | | |
| 5. The maximum size of voids at the first floor level should be a cumulative total of 15m2 (excluding voids created by internal stairs). | No changes to the building form. | ✓ |
| 6. 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. | No basement. | N/A |
| **6.2.3 Streetscape Character and Built Form** | | |
| 1. New buildings and additions are to consider the Desired Future Character statement in Part 5 of this DCP. | Refer to assessment under Part 5 of the GRDCP 2021. | ✓ |
| 2. Buildings should be broken up where a continuous street elevation exceeds 25m in width or where five (5) or more dwellings are proposed. The buildings should be broken up whereby the street facing elevation incorporates visually significant changes in massing and form, through the use of articulation such as recesses, projections, balconies, blade walls or similar. | No changes proposed to the building form. | ✓ |
| 3. Along common driveways, the alignment of buildings is to be stepped to provide visual relief and landscaping to break the visual monotony and sense of enclosure. | No changes proposed to the building form. | ✓ |
| 4. Where multi dwelling housing (terraces) are proposed and basement parking is not provided, at grade parking is to be provided from a rear lane. | Not proposed. | N/A |
| 5. Where multi dwelling housing (terraces) are proposed, each dwelling is to be a maximum of two (2) storeys. An attic room will be considered but must include a dormer window. The width of a dormer window must not exceed 1/3 of the width of the roof up to a maximum of 1.3m, including the width of the window frame. | Not proposed. | N/A |
| **6.2.4 Building Setbacks** | | |
| Building Setbacks (Front) | | |
| 1. Minimum setbacks from the primary street boundary are:<br>i. 4.5m to the main building facade; and<br>ii. 5.5m to the front wall of a garage, carport roof or onsite parking space. | No changes proposed to the front building setback. | ✓ |

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| Building Setbacks (Secondary street frontage)<br>2. Minimum setback to a secondary frontage is 4.5m to the main building facade (5.5m to the front wall of garage, carport roof or onsite parking space). | No changes proposed to the existing building setback to the laneway. | ✓ |
| Building Setbacks (Side allotment boundary)<br>3. Minimum side boundary setback is 4m to the main building facade (multi dwelling housing).<br>4. Minimum side boundary setback is 1.5m to the main building facade (multi dwelling housing (terraces) and manor houses). | No changes proposed to the side building setbacks.<br><br>Refer above. | ✓<br><br>✓ |
| Building Setbacks (rear allotment boundary)<br>5. The minimum rear boundary setback is 6m to the main building facade from the rear of the allotment.<br>6. Any garages or parking structures fronting rear lanes may encroach upon the rear setback areas. Note: Please see Figures 1 to 5 for examples of building footprints, location of POS, landscaping and car parking. | No changes proposed to the existing building setback to the laneway.<br><br>No change to carports proposed. | ✓<br><br>N/A |
| Variation to street setbacks<br>7. To promote articulation of the street elevations, the following elements can be located up to 1.5m forward of the minimum required setback from the primary or secondary street frontage:<br>i. An entry feature or portico;<br>ii. A balcony, deck, terrace or verandah; Window box treatment;<br>iii. A bay window or similar feature;<br>iv. An awning or other feature over a window;<br>v. A sun shading feature; and<br>vi. An access ramp.<br>These elements must occupy no more than 1/3 of any street elevation. | No changes proposed to the building form. | ✓ |
| Internal Setbacks<br>8. If two (2) or more rows of dwellings are proposed within a multi dwelling housing development, a minimum internal setback of 6m is required between the rows of dwellings. | Not proposed. | N/A<br><br>N/A |

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| Car parking<br>9. Any basement car park is to comply with the relevant setbacks applicable to the building above so as to facilitate the location of the basements predominantly within the building footprint and to facilitate perimeter deep soil landscape opportunities. | Not proposed. | N/A |
| 10. No car parking space or access driveway is to be setback less than 1.5m from a side boundary. | No changes proposed to side boundary setbacks of car parking spaces beyond the approved car spaces. | **No** |
| 11. Entry to parking facilities off the rear lane must be setback a minimum of 1m from the lane. | This has not been achieved as the proposed realigned spaces encroach into the laneway beyond the site. | N/A |
| 12. Car parking (including visitor parking) is not to be provided within the required setbacks to a street other than a tandem space located on a driveway to a single garage. | Not proposed. | |
| **6.2.5 Facade Treatment and Street Corners** | | |
| | No changes proposed to the building form. | N/A |
| **6.2.6 Orientation and Public Domain Interface** | | |
| | No changes proposed to the building form. | N/A |
| **6.2.7 Landscaped Area and Private Open Space** | | |
| | No changes proposed to the landscaped area or private open space. | N/A |
| **6.2.8 Visual Privacy** | | |
| | No changes proposed. | N/A |
| **6.2.9 Acoustic Privacy** | | |
| | No changes proposed. | N/A |
| **6.2.10 Solar Access** | | |
| | No changes proposed to the building form, which would impact on solar access. | N/A |
| **6.2.11 Excavation (Cut and Fill)** | | |
| | No changes proposed. | N/A |

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| **6.2.12 Vehicular Access, Parking and Circulation** | | |
| 1. Car parking is to be provided as a maximum in accordance with the requirements in Part 3 – General Issues of this DCP. | Refer to Part 3.13 of the DCP. | ✓ |
| 2. Vehicular access points should be clearly visible from the street with adequate sign posting or design cues to alert drivers to their availability. | No changes proposed. | ✓ |
| 3. On corner sites with two (2) street frontages, vehicular access should be provided to the street with the lesser traffic volumes with driveways to be located away from the street intersection. | Not relevant. | N/A |
| 4. Driveways, garages and basements are to be accessed from a rear lane where this is available. | As approved | ✓ |
| **5. Entry to parking facilities off the rear lane must be setback a minimum of 1m from the lane.** | This has not been achieved. | **No** |
| 6. 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. | No changes proposed. | ✓ |
| 7. Driveways should be designed to avoid a straight, long "gun barrel" appearance by using appropriate landscaping and variations in alignment. | No changes proposed. | ✓ |
| 8. **Car parking layout and vehicular access requirements and design are to be in accordance with the Australian Standards**. | Not achieved – refer to Part 3.13 of the DCP. | **No** |
| 9. Clearance above the general parking surface must be a minimum of 2.5m. | No changes proposed. | ✓ |
| 10. Tandem parking (one (1) space immediately behind another) may be used where two (2) spaces are provided and allocated to a single specific dwelling. | No changes proposed. | ✓ |
| 11. Basements are permitted where Council's height controls are not exceeded, and it is demonstrated that there will be no adverse environmental impacts (e.g. affectation of watercourses and geological structure) and subject to the following criteria: i. Basements for low grade sites (i.e. < 12.5% Grade front to rear). ii. Basements on land where the average grade is less than 12.5% are permitted only where they are not considered a storey (see definition below) and the overall development presents as two (2) storeys to the street. iii. A basement is not considered a storey if it is situated below the | Not proposed. | ✓ |

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| finished ground and the underside of the ceiling is not more than 1m above the natural ground at the external wall for a maximum of 12m in length, with the exception of the facade in which the garage door is located. | | |
| 12. All multi dwelling housing development of five (5) or more dwellings must provide a car wash bay which: i. ii. iii. Is roofed and bunded to exclude rainwater; Has clearly visible signs which indicate that no degreasing or mechanical work is to be undertaken in the car wash bay; Has a fixed basket trap for floor waste; and iv. Includes a 1000 litre general purpose pit. | No changes proposed. | ✓ |
| 13. Car wash. | No changes proposed. | |
| 14. Car wash bay. | | ✓ |
| 15. Carwash bay. | | |
| 16. Developments on State and Regional Roads (refer to Appendix 5) are to: i. ii. iii. Minimise the number of access points or seek alternative access wherever possible. Provide safe vehicle access, adequate sight distances and make provision for vehicles to leave the site in a forward direction. Comply with any conditions imposed by Council to satisfy the requirements of TfNSW. | Not relevant to this site. | N/A |
| 17. Basement car parking should be naturally ventilated where possible. | Not relevant to this site. | ✓ |
| 18. Separate pedestrian access to buildings should be provided which does not rely upon access from a basement as the sole pedestrian access location. | No changes proposed. | N/A |
| 19. The use of mechanical parking devices such as car lifts, turn tables and car stackers for the provision of car parking should be avoided wherever possible. | No changes proposed. | N/A |
| **6.2.13 Waste and Recycling Storage** | | |
| 1. Waste storage is to be provided for each dwelling in accordance with Part 3 - General Planning Considerations and Appendix 4 of this DCP. | Refer to Part 3 of the DCP. | ✓ |
| 2. For multi dwelling housing (terraces) a bin storage area is to be provided either to the rear of the dwellings or in a centralised area where bins can be stored prior to the presentation to the street for collection. | A bin storage area is proposed along the laneway. | ✓ |
| 3. The waste bin storage area is not to be provided within the front setbacks and is preferred to be located in the yard of the dwelling or garage. | Satisfactory. | ✓ |
| | | ✓ |

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| 4. Each dwelling is to have a convenient route to the presentation area for waste collection. | Satisfactory. | |
| **6.2.14 Dwelling Mix and Size** | | |
| | No changes proposed. | N/A |
| **6.2.15 Storage** | | |
| | No changes proposed. | N/A |
| **6.2.16 Universal and Adaptable Design** | | |
| | No changes proposed. | N/A |
| **6.2.17 Materials, Colour Schemes and Details** | | |
| | No changes proposed. | N/A |
| **6.2.18 Subdivision** | | |
| | Not proposed. | N/A |
| **6.2.19 Neighbourhood Shops in R3 Zones** | | |
| | Not relevant. | N/A |

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**Any Planning Agreement Under Section 7.4**

There are no planning agreements that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter 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)*

The regulations prescribe the following matters for the purposes of this paragraph, which are applicable to the proposal:

- Section 66A(1) - *Council-related development applications - A council-related development application must not be determined by the consent authority unless—*
  *(a) the council has adopted a conflict of interest policy, and*
  *(b) the council considers the policy in determining the application.*

  The modification application has been considered under Council's Policy and deemed to be a *medium risk*, and will therefore be referred to the Georges River Local Planning Panel. This report has also been assessed by an external consultant. The proposal is consistent with this section.

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## The Likely Impacts of the Development

*Section 4.15 (1) (b) the significant likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

The likely impacts arising from the proposed modification are considered in **Table 9**.

***Table 9: Consideration of Likely Impacts arising from the proposed Modification***

| Likely Impacts of the Development | |
|---|---|
| Natural Environment | The development as proposed to be modified is located within an established residential area and is not considered to result in unreasonable impact on the natural environment. |
| Built Environment | The proposed modified car parking spaces are inappropriate for the setting given such spaces encroach into the laneway and are inconsistent with the desired future character of the site. |
| Social Impact | The proposal will have no significant social impact on the locality. |
| Economic Impact | The proposal is not considered to result in unreasonable economic impact. |

## Site Suitability

The site is zoned R4 High Density Residential. The proposed modification is not considered a suitable outcome for the subject site for the following reasons:

- The proposed realigned car parking spaces encroach into the laneway and will impede pedestrian and vehicle movements along the laneway.
- The proposed modification will result in unreasonable amenity impacts to the public by encroaching into the laneway.

## Submissions

The application was notified in accordance with Council policy by letter and given twenty one (21) days in which to view the plans and submit any comments on the proposal. There were no submissions received during the neighbour notification period.

## The Public Interest

The proposal is **not** in the public interest for the following reasons:

- The proposed modifications will result in unreasonable impacts to the built environment given the encroachment into the laneway.
- The proposed modifications will result in unreasonable amenity impacts to pedestrians and motorists by encroaching into the laneway.
- The proposed modifications are contrary to the controls in GRDCP 2021 in relation to car parking and pedestrian access.

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## Referrals

The internal and external referrals in relation to the proposed modification are considered in **Table 10.**

***Table 10: Consideration of Internal Referrals***

| Specialist/referral body | Comment | Outcome |
|---|---|---|
| **Internal Referrals** | | |
| Traffic | It is recommended the proposal to change the two approved parallel parking spaces on the Ocean Lane frontage to 30-degree angled parking not be approved having regard to the following:<br>• The proposal results in a portion of the B85 Australian Standard Design Vehicle when parked in the spaces encroaching onto Ocean Lane which is contrary to *Regulation 198* of the *NSW Road Rules 2014*.<br>• The encroachment of the B85 vehicle onto Ocean Lane is unsatisfactory on pedestrian safety grounds.<br>• The proposed width of the angled parking spaces does not satisfy the requirements of *AS/NZS 2890.1:2004 Parking Facilities, Part 1 -off street car parking.*<br>• The extent of line marking required to satisfy the requirements of *AS/NZS 2890.1:2004 Parking Facilities, Part 1 -off street car parking* and cater for the parking of the B85 vehicle cannot be contained within the boundaries of the site.<br>• The line marking of the car parking spaces satisfying the dimensional requirements of the above Australian Standard will need to be contained fully within the site for the spaces to be included in a Strata Plan. | Recommends refusal |
| **External Referrals** | | |
| Ausgrid | The referral body has considered the following planning provisions: - Clause 2.48 of SEPP (Transport and Infrastructure) 2021 No objections raised to the proposal and conditions recommended. | No objections |

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## Consideration of Changes in Proposed Modification

The changes proposed in this modification application and reasons for those changes are considered below In **Table 11**. The proposed changes are considered unsatisfactory.

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***Table 11: Consideration of Proposed Changes to Condition 9(c), 9(d) and 9(e)***

| Condition No | Applicant's reasons | Comment | Change Supported |
|---|---|---|---|
| *9(c) - The car parking space identified as number 8 is to be set back an additional 3.5m, providing a setback from the rear boundary of 6m, in order to provide sufficient manoeuvring area for the use of car parking space number 2 and to provide an appropriate 1m wide pedestrian access to the rear lane.* | Should Council permit car space No.8 to be moved back towards the Ocean Lane it will permit more landscaping to be provided along the side of the building.<br><br>Secondly, the majority of the garbage bins from this unit block are serviced from Jersey Avenue and not the rear lane. By allowing car spaces No.2 & No.4 to be angled as shown on the Architectural plan accompanying this Amended DA. Car space No.2 will not be impeded by car space No.8. | There are no changes proposed to the landscaping which was approved for the site.<br><br>Car Space No 2 is not impeded by car space No 8 as it is to be setback from the laneway (as approved) to provide adequate manoeuvring area for car space No 2. | **No** |
| *9 (d) - The carport located on the rear boundary is to be set back a minimum of 1 metre from the boundary in order to provide sufficient area for the presentation of bins to the rear lane.* | As stated above the majority of garbage bins are serviced from Jersey Avenue and not the rear lane.<br><br>The Body Corporate would be willing to amend its Strata By-Laws to insist all bins be emptied via Jersey Avenue. | The approved location for bin storage is along the rear laneway frontage of the site, however, Council has no issues with bins being picked up from Jersey Avenue. | Yes |
| *9(e) - Access to proposed car parking spaces No 4 and No 2 at the rear of the site are to be provided by the existing kerb and gutter crossing.* | As can be seen by the accompanying photograph in Part 4 of this Statement, if a car is parked in front of the adjoining garage, access to car space No.4 is denied.<br><br>This Condition also restricts pedestrian access to a gate, which allows occupants of the Units to enter the common area of the building from Ocean | There is no designated car space in front of the adjoining garage to car space No 4 and therefore access should not be denied to car space No 4.<br><br>Pedestrian access is still available to this gate and is as per the original approved plans. | **No** |

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| | Lane. Angled parking for spaces No.2 and No.4 will allow access to this gate.<br><br>The two angled spaces will allow easy manoeuvrability from the rear lane to the 2 spaces and will have no negative impact on the Ocean Lane streetscape. | The proposed angled spaces will encroach onto the laneway and will not provide for safe pedestrian access along the laneway. | |

## Contributions

The development is not subject to Section 7.11/7.12 Contributions.

## Conclusion

The proposal has been assessed against the provisions of the relevant State Environmental Planning Policy, *Georges River Local Environmental Plan 2021* and *Georges River Development Control Plan 2021.* The proposed modification, while generally consistent with the development standards and controls of the Local Environmental Plan, the proposal does not satisfy some of the objectives and controls of the Development Control Plan.

A meeting was held in December 2025 between the applicant and Council (including Council's Traffic Engineer) following the concerns raised by Council's Traffic Engineer in relation to the proposed realigned car parking spaces encroaching into the laneway. There were, however, no changes made to the proposal to achieve compliance with the Australian standards for car parking.

Accordingly, the proposal is recommended for refusal subject to the following reasons:

- The proposed development is contrary to the following controls of the *Georges River Development Control Plan 2021* (**GRDCP 2021**):
  - Part 3.13(12) and Part 6.2.12(8) of the GRDCP 2021 in that the proposed realigned car parking spaces have not been designed in accordance with the requirements set out in *AS/NZS 2890.1:2004 Parking Facilities, Part 1 -off street car parking* (**AS 2890.1**). The proposed width of the angled parking spaces and the extent of line marking required to satisfy the requirements of AS 2890.1 are inconsistent with the requirements of AS 2890.1 and parking of the B85 vehicle cannot be contained within the boundaries of the site.
  - Part 3.13(30) of the GRDCP 2021 in that the proposed realigned car parking spaces have not been designed to ensure pedestrian safety given the encroachment of the B85 vehicle onto Ocean Lane which does not allow for pedestrians to safely traverse the site.
  - Parts 6.2.4(11) and 6.2.12(5) of the GRDCP 2021 in that entry to parking facilities off the rear lane are not setback a minimum of 1 metre from the lane to allow for pedestrian safety.
- The proposed development is likely to result in significant impacts to the built environment arising from the encroachment of the proposed car parking spaces into the laneway.

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- The site is not suitable for the proposed development in that the proposed realigned spaces do not fit within the boundaries of the site.

- The proposal is not in the public interest as it is:

  - Inconsistent with numerous planning controls in relation to the adverse impacts on the laneway;

  - The amenity of immediately adjoining properties will be adversely affected;

  - Will result in a poor outcome for vehicle and pedestrian safety on the laneway.

  - Contrary to *Regulation 198* of the *NSW Road Rules 2014,* having regard to the proposed car spaces encroaching onto Ocean Lane.

## Determination

**Refusal of Application**

Pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, the delegated officer determines MOD 2025/0086 should not be approved subject to the refusal reasons referenced below:

1. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as the proposal is inconsistent with the following controls of the *Georges River Development Control Plan 2021* (**GRDCP 2021**):

   (a) Part 3.13(12) and Part 6.2.12(8) of the GRDCP 2021 in that the proposed realigned car parking spaces have not been designed in accordance with the requirements set out in *AS/NZS 2890.1:2004 Parking Facilities, Part 1 -off street car parking* (**AS 2890.1**). The proposed width of the angled parking spaces and the extent of line marking required to satisfy the requirements of AS 2890.1 are inconsistent with the requirements of AS 2890.1 as parking of the B85 vehicle cannot be contained within the boundaries of the site.

   (b) Part 3.13(30) of the GRDCP 2021 in that the proposed realigned car parking spaces have not been designed to ensure pedestrian safety given the encroachment of the B85 vehicle onto Ocean Lane which does not allow for pedestrians to safely traverse the site.

   (c) Parts 6.2.4(11) and 6.2.12(5) of the GRDCP 2021 in that entry to parking facilities off the rear lane are not setback a minimum of 1 metre from the lane to allow for pedestrian safety.

2. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(b) of the *Environmental Planning and Assessment Act 1979* as the proposal is likely to result in significant impacts to the built environment arising from the encroachment of the proposed car parking spaces into the laneway.

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**Assessment Report (s4.55(1A)) Residential**
S4.15 Environmental Planning & Assessment Act, 1979

3. The proposed development is considered unacceptable pursuant to the provisions of s4.15(1)(c) of the *Environmental Planning and Assessment Act 1979* as the site is not suitable for the proposed development in that the proposed realigned spaces do not fit within the boundaries of the site.

4. The proposed development is considered unacceptable pursuant to the provisions of Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979* as the proposal is not in the public interest as it is:

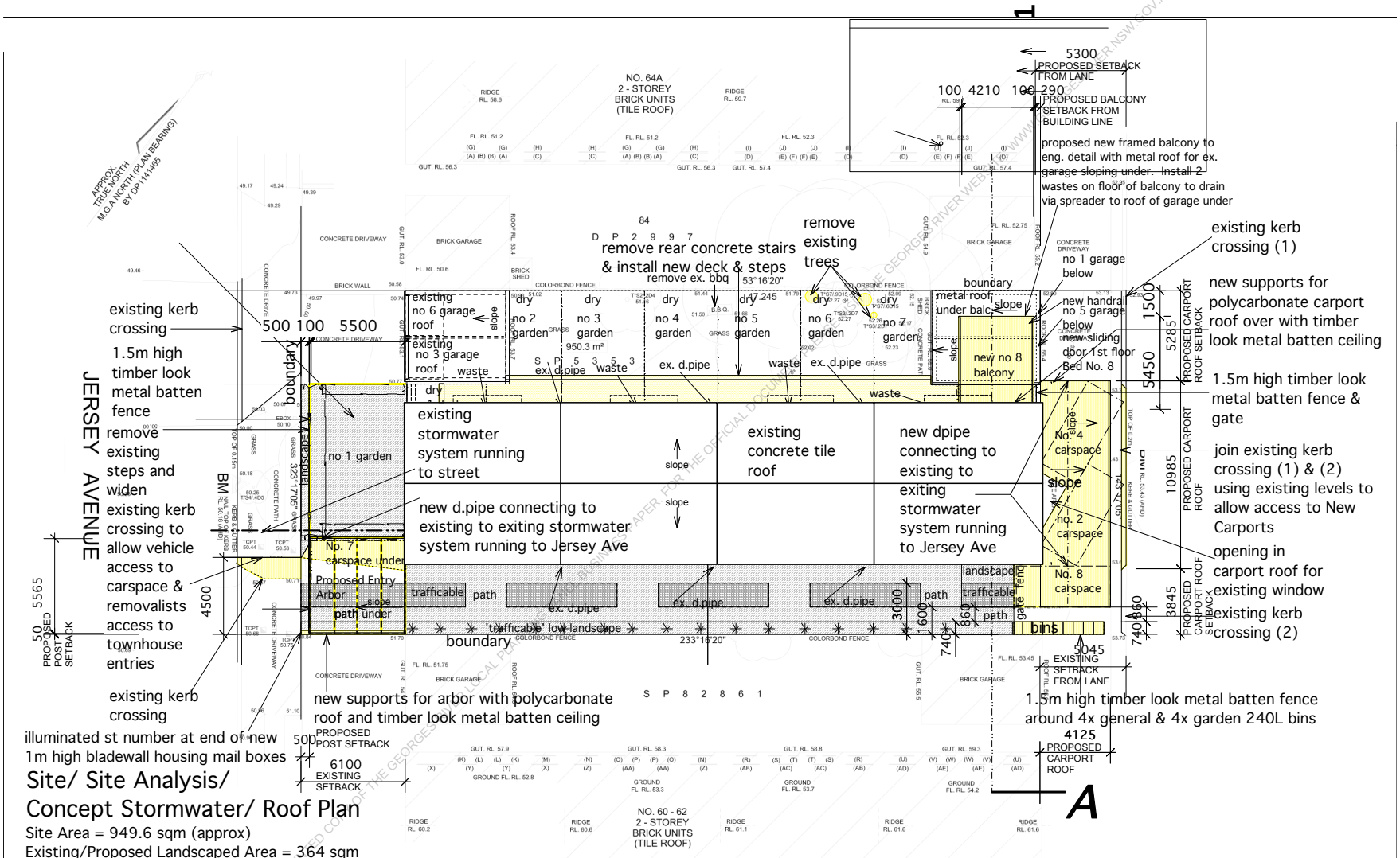
   (a) Inconsistent with numerous planning controls in relation to the adverse impacts on the laneway;

   (b) The amenity of immediately adjoining properties will be adversely affected;

   (c) Will result in a poor outcome for vehicle and pedestrian safety on the laneway; and

   (d) Contrary to *Regulation 198* of the *NSW Road Rules 2014,* having regard to the proposed car spaces encroaching onto Ocean Lane.

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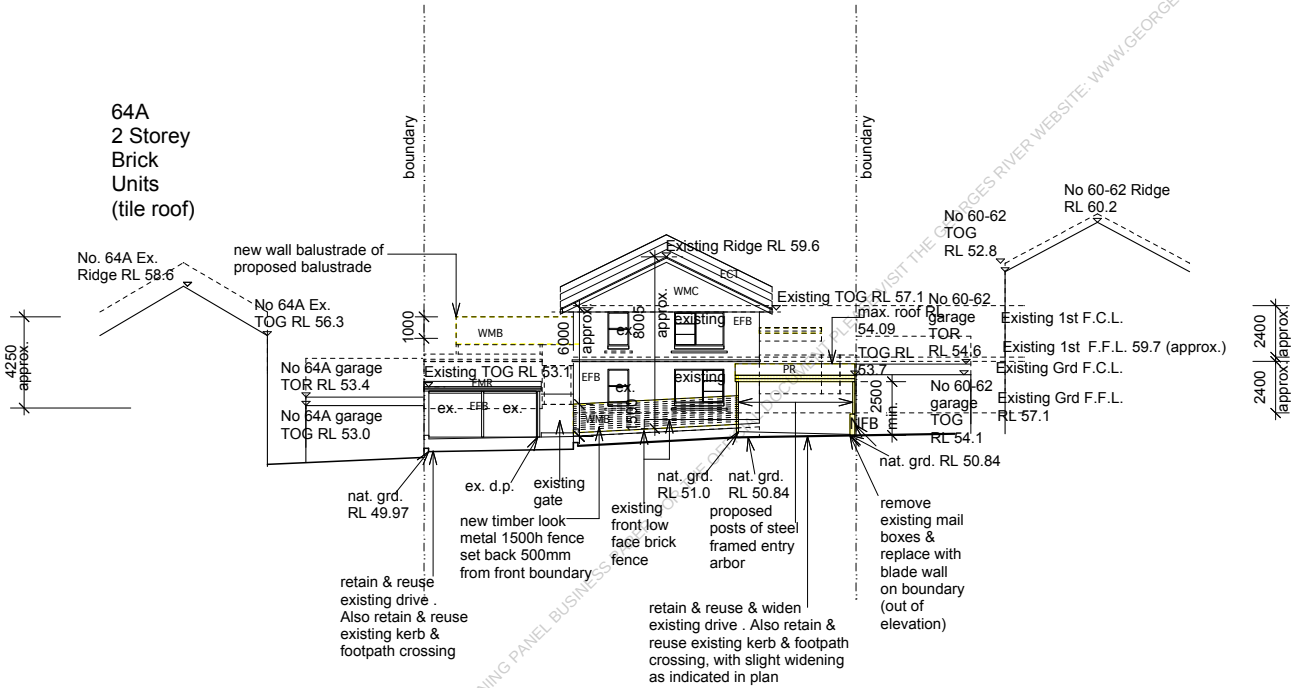



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|---|---|---|---|---|---|
| applicant: Tora Strachan | scale: 1:200 @ A3 | drawn by: T.S. | date: Dec 2013 | job no.: 201006 | draw no.: DA00 |
| project: **Proposed Alteration to 64 Jersey Ave, Mortdale** | 0 2m 4m 6m 8m | | | drawing: **Site/ Site Analysis/ Roof Concept Stormwater Plan** | |

**STRACHAN ARCHITECTS**
Reg. No. 6899
ABN 48 724 982 608
PO Box 159, Mortdale NSW 2223
Ph: 9570 4758; Mob. 0404 898 583 ; Fx: 9570 4948

amend.: date:

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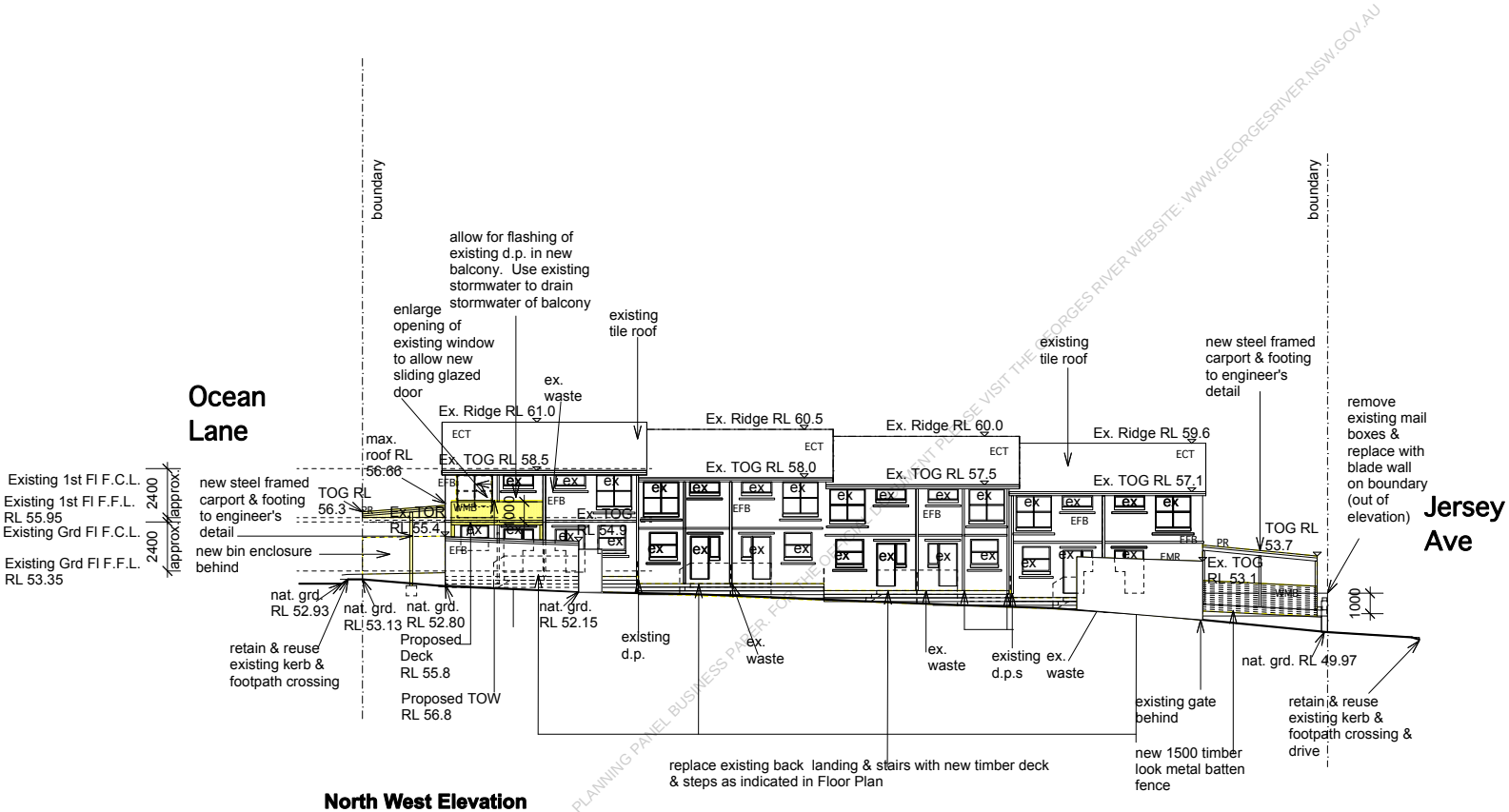



**Jersey Ave (South West) Elevation**

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MATERIALS SCHEDULE
EFB - existing face brick
NFB - new face brick
WMC - wood look metal cladding
WMB - wood look metal battens
ECT - existing concrete tile
EMR - existing metal roof; colour: medium grey
MR - metal roof; colour: medium grey
PR - polycarbonate roof; colour: grey tint

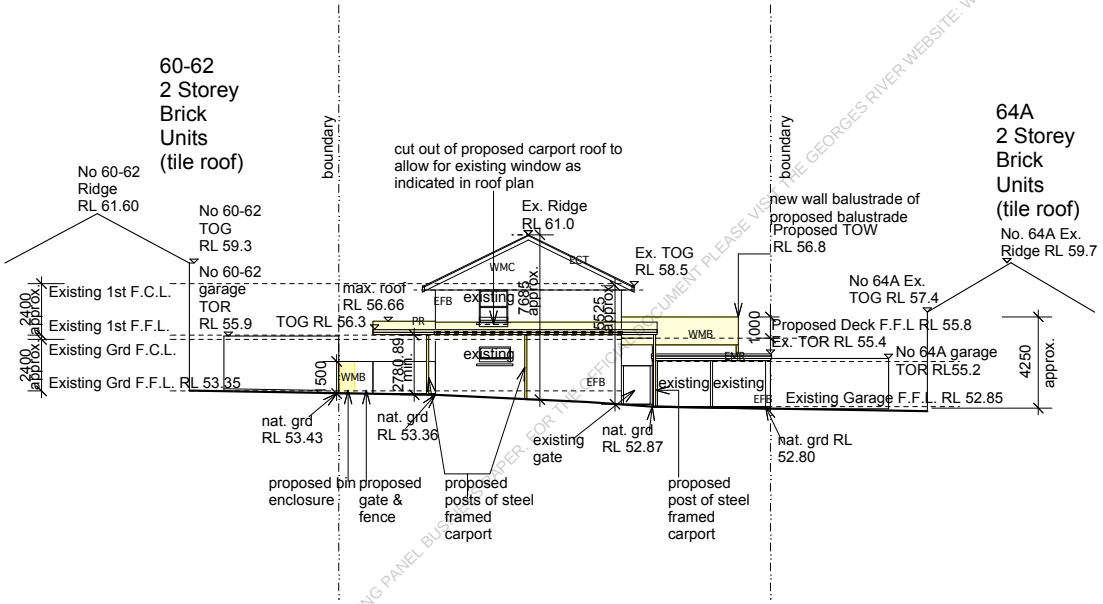
| | | | | | |
|---|---|---|---|---|---|
| | applicant: Tora Strachan | scale: 1:200 @ A3 / drawn by: T.S. / date: Dec 2013 | job no.: 201006 / draw no.: DA02 | **STRACHAN ARCHITECTS** Reg. No. 6899 ABN 48 724 982 608 PO Box 159, Mortdale NSW 2223 Ph: 9570 4758; Mob. 0404 898 583 ; Fx: 9570 4948 | amend.: / date: |
| | project: **Proposed Alteration to 64 Jersey Ave, Mortdale** | 0 2m 4m 6m 8m | drawing: **Jersey Ave (South West) Elevation** | | |




MATERIALS SCHEDULE
EFB - existing face brick
NFB - new face brick
WMC - wood look metal cladding
WMB - wood look metal battens
ECT - existing concrete tile
EMR - existing metal roof; colour: medium grey
MR - metal roof; colour: medium grey
PR - polycarbonate roof; colour: grey tint

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|---|---|---|---|---|---|
| | applicant: Tora Strachan | scale: 1:200 @ A3 / drawn by: T.S. / date: Dec 2013 | job no.: 201006 / draw no.: DA03 | STRACHAN ARCHITECTS<br>Reg. No. 6899<br>ABN 48 724 982 608<br>PO Box 159, Mortdale NSW 2223<br>Ph: 9570 4758; Mob. 0404 898 583 ; Fx: 9570 4948 | amend.: / date: |
| | project: **Proposed Alteration to 64 Jersey Ave, Mortdale** | 0 2m 4m 6m 8m | drawing: **North West Elevation** | | |

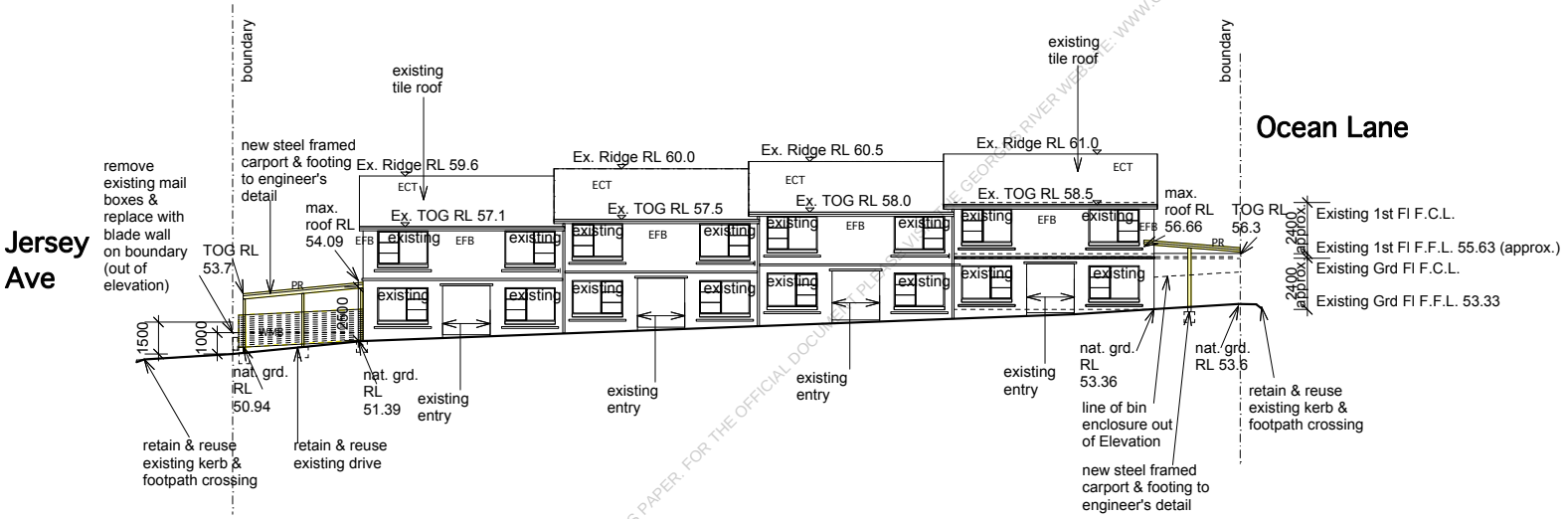



**Ocean Lane (North East) Elevation**

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MATERIALS SCHEDULE
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WMB - wood look metal battens
ECT - existing concrete tile
EMR - existing metal roof; colour: medium grey
MR - metal roof; colour: medium grey
PR - polycarbonate roof; colour: grey tint

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|---|---|---|---|---|---|
| | applicant: Tora Strachan | scale: 1:200 @ A3 / drawn by: T.S. / date: Dec 2013 | job no.: 201006 / draw no.: DA04 | **STRACHAN ARCHITECTS** Reg. No. 6899 ABN 48 724 982 608 PO Box 159, Mortdale NSW 2223 Ph: 9570 4758; Mob. 0404 898 583 ; Fx: 9570 4948 | amend.: / date: |
| | project: **Proposed Alteration to 64 Jersey Ave, Mortdale** | 0 2m 4m 6m 8m | drawing: **Ocean Lane (North East) Elevation** | | |




**South East Elevation**

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MATERIALS SCHEDULE
EFB - existing face brick
NFB - new face brick
WMC - wood look metal cladding
WMB - wood look metal battens
ECT - existing concrete tile
EMR - existing metal roof; colour: medium grey
MR - metal roof; colour: medium grey
PR - polycarbonate roof; colour: grey tint

| | | | | | |
|---|---|---|---|---|---|
| | applicant: Tora Strachan | scale: 1:200 @ A3 / drawn by: T.S. / date: Dec 2013 | job no.: 201006 / draw no.: DA05 | **STRACHAN ARCHITECTS** Reg. No. 6899 ABN 48 724 982 608 PO Box 159, Mortdale NSW 2223 Ph: 9570 4758; Mob. 0404 898 583 ; Fx: 9570 4948 | amend.: / date: |
| | project: **Proposed Alteration to 64 Jersey Ave, Mortdale** | 0 2m 4m 6m 8m | drawing: **South East Elevation** | | |