AGENDA

Georges River Local Planning Panel

Thursday, 05 March 2026

4:00 PM

Blended Meeting

Online and Council Chambers, Civic Centre, Hurstville

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GEORGES RIVER LOCAL PLANNING PANEL MEETING

ORDER OF BUSINESS

1. ON SITE INSPECTIONS

2. OPENING

3. ACKNOWLEDGEMENT OF COUNTRY

The Georges River Local Planning Panel acknowledges the Bidjigal people of the Eora Nation, who are the Traditional Custodians of all lands, waters and sky in the Georges River area. We pay our respects 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

LPP008-26 **Planning Proposal - Affordable Housing Contribution Scheme – PP2026/0003**
(Report by Strategic Planner) 3

LPP009-26 **143 Stoney Creek Road, Beverly Hills NSW 2209 – DA2025/0397**
(Report by Senior Development Assessment Planner) 48

LPP010-26 **66-68 Woids Avenue, Allawah NSW 2218 – DA2025/0467**
(Report by Senior Development Assessment Planner) 121

LPP011-26 **153 Queens Road, Connells Point – DA2025/0535**
(Report by Senior Development Assessment Planner) 232

LPP012-26 **66-68 Lorraine Street Peakhurst – DA2025/0341**
(Report by Principal Planner) 390

LPP013-26 **15 Walton Street, Blakehurst – DA2025/0505**
(Report by Senior Development Assessment Planner) 509

9. CONFIRMATION OF MINUTES

Georges River Local Planning Panel Meeting - 05 March 2026

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LPP008-26

REPORTS AND LPP DELIBERATIONS

REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 05 MARCH 2026

LPP008-26 PLANNING PROPOSAL - AFFORDABLE HOUSING CONTRIBUTION SCHEME

LPP Report No	**LPP008-26**	**Development Application No**	**PP2026/0003**
Site Address & Ward Locality	Planning Proposal - Affordable Housing Contribution Scheme		
Proposed Development	Affordable Housing Contribution Scheme		
Owners	Georges River Council		
Applicant	Georges River Council		
Planner/Architect	N/A		
Date Of Lodgement			
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 – Draft Affordable Housing Contribution Scheme Attachment 2 – Affordable Housing Contributions Scheme Evidence Base Attachment 3 – Planning Proposal Report (PP2026/0003) – Affordable Housing Contribution Scheme		
Report prepared by	Strategic Planner		

RECOMMENDATION	That the Local Planning Panel provide to advice to Council on the subject Planning Proposal

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EXECUTIVE SUMMARY

1. A draft Affordable Housing Contribution Scheme (AHCS) and Evidence Base (**Attachment 1 & 2**) has been prepared in accordance with the DPHI's Guideline for *Developing an Affordable Housing Contribution Scheme* (February 2019) to address the need for affordable rental housing in the Georges River Local Government Area (LGA).

2. The Planning Proposal (**Attachment 3**) seeks to amend the *Georges River Local Environmental Plan* (GRLEP) 2021 by proposing a new Part 6 Additional Local Provision clause to enable the implementation of an affordable housing contribution scheme across the entire Georges River LGA.

3. This Planning Proposal gives effect to planning priorities in the Georges River Local Strategic Planning Statement (LSPS). It is also consistent with other Council adopted strategies including the Local Housing Strategy, Inclusive Housing Strategy and Georges River Affordable Housing Policy

4. The report seeks endorsement to forward the AHCS Planning Proposal to the Department of Planning and Infrastructure (DPHI) for Gateway Determination.

5. Community Consultation for the Planning Proposal will be undertaken as per the Gateway determination requirements and in accordance with Council's Community Engagement Strategy.

REPORT IN FULL

BACKGROUND

6. At its meeting held on 8 November 2022 Council resolved to prepare an AHCS.

7. A draft AHCS and Evidence Base (Attachment 1 & 2) has been prepared in accordance with the DPHI's *Guideline for Developing an Affordable Housing Contribution Scheme* (February 2019).

8. Council engaged Hill PDA to investigate the viability of introducing an affordable rental housing contribution charge for all new residential flat and shop-top housing developments across the LGA. This has been used to inform the draft AHCS.

9. The draft AHCS proposed the following contribution rates:
   - A 2% affordable rental housing contribution for all new residential flat buildings and shoptop housing.
   - A two-year implementation delay from gazettal is recommended by HillPDA. This allows developers to adjust feasibilities and acquisition strategies.

10. At its meeting on November 2025 Council endorsement of the draft AHCS so a Planning Proposal can be prepared to include the AHCS in the GRLEP 2021.

PROPOSAL

11. The Georges River AHCS is proposed to apply across the entire LGA, rather than being limited to areas with planning uplift.

12. HillPDA was engaged to investigate the viability of introducing an affordable rental housing contribution charge for all new residential flat and shop top housing developments across the LGA. This has been used to inform the draft AHCS.

13. The draft AHCS proposes the following contribution rates:
    - A 2% affordable rental housing contribution for all new residential flat buildings and shop top housing.
    - A two-year implementation delay from gazettal. This allows developers to adjust feasibilities and acquisition strategies. Currently Council does not have an adopted mechanism for the delivery of affordable rental housing.

14. Applying the AHCS across the entire LGA delivers several key benefits:
    - Ensures all high density developments contribute to affordable rental housing, avoiding uneven distribution.
    - A uniform framework reduces complexity, providing developers with greater certainty and the ability to factor contributions into feasibility assessments early.
    - Broad application increases the potential supply of affordable rental housing, meeting needs across the community rather than concentrating benefits in select areas.
    - Supports Council's long-term housing strategies and regional planning goals, embedding affordability in growth management.

15. An LGA wide AHCS represents a proactive and equitable approach to addressing housing affordability challenges in the Georges River LGA. A low rate applied broadly throughout the LGA has been demonstrated as an effective mechanism for providing a consistent supply of affordable housing in other Council areas, most notably the City of Sydney (as well as other Council areas). By ensuring consistent contributions and supporting sustainable development, this strategy will help deliver a more balanced approach to affordable rental housing and meet the needs of the community.

STRATEGIC AND SITE SPECIFIC MERIT

16. The *Local Environmental Plan Making Guideline* issued by DPHI under section 3.33(3) of the *Environmental Planning and Assessment Act 1979* (the Act), requires planning proposals to demonstrate both strategic merit and site-specific merit.

17. The strategic merit is to be tested by addressing whether the proposal give effect to State and Local planning strategies, or respond to a recent change in the planning circumstances.

18. The site-specific merit test requires an assessment of the proposal's demonstrated environmental, social and economic impact on the subject area and the ability to be accommodated within the capacity of the current and/or future infrastructure

19. A detailed assessment of strategic and site-specific merit of the Planning Proposal, forms part of the planning proposal and is attached (**Attachment 3**). A summary is provided below for the purpose of the report.

20. In terms of Strategic Merit, the planning proposal aligns with the regional and district plans. The planning proposal gives effect to these strategies by increasing housing supply, choice and affordability near jobs, services and transport.

21. The Draft Sydney Plan will require all Councils to prepare and adopt an affordable housing contribution scheme.

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22. The Planning Proposal is a direct outcome of Council's endorsed strategic work, including the LSPS, Inclusive Housing Strategy and Delivery Plan, Local Housing Strategy, and the Affordable Housing Policy. The planning proposal will implement the actions of the above strategies.

23. The Planning Proposal is consistent with all State Environmental Plans (SEPPs) and section 9.1 Ministerial Directions.

24. In terms of site-specific merit the Planning Proposal;
    - Has no adverse environmental impacts.
    - Will result in significant social benefits through increased affordable rental housing in the Georges River LGA.
    - It will ensure economic sustainability and viability for the development industry.
    - Will not generate additional infrastructure demand

COMMUNITY CONSULTATION

25. Should the Planning Proposal be supported by Council, it will be forwarded to the DPHI requesting a Gateway Determination to proceed to formal exhibition

26. The exhibition of the Planning Proposal will meet the requirements of any Gateway Determination and Council's Community Engagement Strategy. Details are outlined in Section 7 – Community Consultation of the Planning Proposal.

27. The project timeframe is dependent of 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	March 2026
Reporting to Council on PP seeking endorsement to forward PP for a Gateway Determination	April 2026
Anticipated commencement date (date of Gateway Determination)	July 2026
Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination)	August 2026
Commencement and completion dates for public exhibition period (minimum of 28 days)	September 2026
Timeframe for consideration of submissions	October 2026
Report to Council on community consultation outcomes and finalisation	November 2026

NEXT STEPS

28. The Planning Proposal will be reported to a future Environmental and Planning Committee meeting for consideration, including the LPP's advice.

29. If the planning proposal is endorsed by Council, it will be forwarded to the DPHI for a Gateway Determination under section 3.34 of the EP&A Act.

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ATTACHMENTS

Attachment ⇩1 Draft Affordable Housing Contribution Scheme
Attachment ⇩2 Affordable Housing Contributions Scheme Evidence Base
Attachment ⇩3 Planning Proposal Report - AHCS

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LPP008-26 Attachment 1

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GEORGES RIVER COUNCIL

Affordable Housing Contribution Scheme

July 2025

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Acknowledgement 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.

Introduction

The Georges River Affordable Housing Contribution Scheme (AHCS) has been developed to address the growing need for affordable rental housing within the Georges River Local Government Area (LGA). As housing costs continue to rise across Greater Sydney, many individuals and families, particularly those on very low to moderate incomes, are experiencing increasing difficulty in securing suitable accommodation close to where they work and live.

This Scheme provides a clear and transparent framework for collecting contributions from new residential developments to support the delivery of affordable rental housing. It outlines where and how contributions will be applied, the types of development subject to the scheme, and the mechanisms for administering and managing funds and dwellings.

By implementing this Scheme, Georges River Council aims to foster a socially inclusive community, support local economic resilience, and ensure that housing remains accessible to key workers and vulnerable populations. The AHCS is a critical step toward achieving a balanced and equitable housing market that reflects the diverse needs of the Georges River community.

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Section 1 – Strategic context and background

This Affordable Housing Contribution Scheme (this Scheme) sets out how, where and at what rate contributions are collected for affordable rental housing in the Georges River Local Government Area (LGA). This Scheme has been prepared in accordance with the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Housing) 2021 and the Department of Planning, Industry and Environment's *Guideline for Developing an Affordable Housing Contribution Scheme.*

1.1 Objectives of the affordable housing contribution scheme

The objectives of the Georges River AHCS are too:

- To recognise the provision of affordable rental housing as critical infrastructure to support sustainable growth and social outcomes for the Georges River LGA;
- To contribute to meeting the needs of very low to moderate income households for affordable rental housing in Georges River LGA;
- To contribute towards enabling individuals earning very low to moderate incomes to live directly within the communities where they work, fostering a stronger connection between employment and residence within the Georges River LGA.
- To provide certainty around the requirements for affordable rental housing in the Georges River LGA, including the rate for contributions and how contributions will be collected; and
- To ensure that contribution rates for affordable housing are viable, evidence based, and ultimately result in an increase in affordable rental housing.

1.2 Where does the affordable housing contribution scheme apply?

The scheme applies to the whole of the Georges River LGA.

1.3 What types of development does the scheme apply

The scheme applies to all new residential flat buildings, independent living units and mixed-use development (shop top housing).

1.4 Overview – Affordable housing need

Housing is critical to basic human needs for shelter, security and connection within communities. The availability of a suitable range of housing is vital to the efficient, equitable, prosperous and sustainable functioning of the area.

Offering more housing choices, including housing that is affordable for very low to moderate income households, is needed to support a socially diverse and inclusive community. Additionally, it is needed to help the local economy function, for example by ensuring sufficient workers are available for local businesses.

In recent years, continued escalation in house prices and rents across the Sydney Greater Metropolitan Region has made it difficult for very low to moderate income households to find housing that is affordable, resulting in increased levels of households in housing stress.

Key indicators demonstrating need in Georges River LGA for affordable housing:

- a significant proportion of very low to moderate income households are in housing stress
- very low to moderate income households cannot afford to purchase or rent housing in the area

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- it is difficult for key workers to meet their housing needs within the LGA that they work.
- the amount of affordably priced housing is declining as older stock is replaced by new developments.

Specific interventions are therefore needed to ensure that a diversity of housing, including affordable rental housing is provided.

1.5 Legislative basis for affordable housing contributions

Section 7.32 of the Environmental Planning and Assessment Act (EP&A Act) allows Council to levy contributions for affordable housing if a State Environmental Planning Policy (SEPP) identifies a need for affordable housing in the LGA.

In February 2019, State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes) was amended to apply to all municipalities within NSW. The SEPP provides a mechanism for Councils to develop schemes and levy developer contributions for affordable housing via conditions of consent. SEPP 70 was replaced by the State Environmental Planning Policy (Housing) 2021 ("Housing SEPP").

Under Section 7.32(3)(b) of the EP&A Act, any condition imposed on a development consent must be authorised by a Local Environmental Plan (LEP) and be in accordance with an affordable housing contribution scheme for dedications or contributions set out in, or adopted by, the LEP.

1.6 Relationship to other affordable housing provisions in the LGA

Georges River Local Strategic Planning Statement 2040

The Georges River Local Strategic Planning Statement 2040 (LSPS 2040) sets out the following affordable housing actions, as summarised below:

- Action 47 requires the completion of a Local Housing Strategy and Inclusive Housing Strategy to provide a framework to address housing diversity;
- Action A50 identifies the need to establish a planning framework to provide housing for people from very low to moderate income households including key workers; and
- Action A51 aims to utilise the provisions of the EP&A Act for affordable housing, drawing from the outcomes of the Inclusive Housing Strategy.

Georges River Local Housing Strategy

The Strategy identifies "the need to prioritise the provision of housing options that are affordable and responsive to the needs of the Georges River community" and that "measures need to be put in place to address housing affordability; in particular, reducing rental and mortgage stress for very low to moderate income households.

A core objective of the Georges River Local Housing Strategy (LHS) is the provision of affordable and inclusive housing. Key actions of relevance include:

- HA12: Prepare an Inclusive Housing Strategy;
- HA13: Include provisions in the LEP for affordable and inclusive housing (note: includes aims, implementation of the AHCS and dual key dwellings);
- HA14: Prepare an Affordable Housing Contributions Scheme (note: includes identifying areas);
- HA15: Facilitate the use of VPAs as a means of providing affordable and inclusive housing (note: includes amending the VPA policy); and
- HA17: Preparation of a policy and procedures via collaborating with community housing providers to support the ongoing delivery and management of affordable housing.

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Georges River Affordable Housing Policy

The Georges River Affordable Housing Policy (the Policy) provides a set of principles and policy statements which provide the framework for Georges River Council to support the supply of affordable housing. The Policy intends on increasing the supply of inclusive housing to accommodate a range of households, including very low to moderate income households, singles, families, couples, seniors, people with a disability, students, key workers and the broader residential market, including first home buyers.

The core principles of the Policy include:

- Establishing clear targets for the provision of affordable housing in the Georges River;
- Prepare an Affordable Housing Contributions Scheme (AHCS);
- Embedding affordable housing in Council's strategies, plans and policies;
- Partnering with the State and Commonwealth Government, other local councils, industry experts, the private sector, stakeholders and community housing providers to deliver affordable rental housing; and
- Advocating for change to support affordable housing in the Georges River.

Georges River Policy on Planning Agreements

The Georges River Policy on Planning Agreements (2016) provides Council's policy and procedures on the use of planning agreements. The legal and procedural framework for planning agreements is set by the EP&A Act, the Practice Note on Planning Agreements, and the Ministerial Direction Environmental Planning and Assessment (Planning Agreements) 2019.

Where Council is negotiating the terms of a proposed planning agreement that includes provision for affordable housing in connection with a development application or proposed development application, it will follow the requirements set out in Environmental Planning and Assessment (Planning Agreements) Ministerial Direction 2019.

For the purposes of the Direction and in relation to planning proposals (to which the Direction does not apply), the Council may seek to negotiate planning agreements providing for affordable housing contributions where the relevant development application, modification application or planning proposal proposes an increase to the maximum building height or floor space ratio applying to the land. For planning proposals, Council will also consider other matters as set out in the policy.

1.7 Affordable housing principles

The Georges River AHCS will be administered and managed in accordance with the following principles:

- Affordable housing should be provided and managed in the Georges River LGA so that a socially diverse residential population representative of all income groups is created and maintained.
- Affordable housing that is provided is to be made available to a mix on households on very low, low to moderate incomes.
- Affordable housing that is provided is to be rented to eligible households at an appropriate rate of gross household income.
- Dwellings provided for affordable housing are to be managed so as to maintain their continued use for affordable housing in perpetuity, or if sold, the funds raised reinvested to improve the offering of affordable housing within the LGA.

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- Affordable rental housing is to consist of dwellings constructed to a standard which, in the opinion of Georges River Council, is consistent with other dwellings in the Georges River LGA.

The Georges River AHCS forms part of the broader Georges River Inclusive Housing Strategy and Delivery Program which outlines the framework for encouraging and delivering a greater mix of housing, including affordable rental housing, in the Georges River LGA.

1.8 Definitions

Affordable housing has the same meaning as in the *Environmental Planning and Assessment Act 1979*, which means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

Contribution rate means the contribution rate that is used in the calculation of the monetary contribution for a relevant development and is adjusted quarterly to take into account indexation.

Community Housing Provider (CHP) Includes any organisation or entity registered under the National Regulatory System for Community Housing (NRSCH). Contributions received under this plan must be managed by a Tier 1 provider.

Very low to moderate income households As referenced in State Environmental Planning Policy (Housing) 2021, very low to moderate income households are those households whose gross incomes fall within the following ranges of percentages of the median household income for Greater Sydney or the Rest of NSW:

- Very low-income household < 50%
- Low income household 50% to 80%
- Moderate income household 80% to 120%.

NSW Affordable Housing Ministerial Guidelines provide the details of these income thresholds.

Section 2 Affordable housing contributions

2.1 Contribution Rates

Affordable housing contributions are in addition to other contributions including local infrastructure contributions (s7.11 or s7.12) and special infrastructure contributions (Subdivision 4 of the Act).

The rates of affordable housing contributions for new residential flat buildings and mixed use developments (shop top housing) required under this Scheme are listed below:

- Year 1 and Year 2 – no increase
- Year 3 and beyond – 2% increase of residential GFA

Planning proposals seeking additional residential floorspace may offer affordable housing contributions over the 2.0% flat rate as part of their voluntary planning agreement. The base rate of 2.0% will remain part of the contribution under the Council's LEP. The contribution will be payable to the new residential gross floor area.

2.2 Dedication of Dwellings

Council's preference is for monetary contributions because they can be pooled to provide units in buildings that have low ongoing costs.

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However, where the monetary contribution is equal to that of a whole unit (at least 50 square metres), one or more units may be dedicated, free of cost to Council's nominated registered Community Housing Provider.

Affordable housing resulting from a contribution is to be provided in the development in accordance with the following requirements:

- affordable housing dwellings are to align with the Affordable Housing Principles set out in Section 1.7 of this Scheme;
- affordable housing is to be provided in Georges River Council in perpetuity;
- affordable housing is rented to very low, low and moderate income households;
- affordable housing dwellings are to meet the minimum size requirements as outlined;
- in the Apartment Design Guide (ADG) (i.e. one bedroom apartment equates to no less than 50 square metres) and be incorporated within the proposed development;
- affordable housing dwellings are designed and constructed to a standard which, in the opinion of Council, is generally consistent with other dwellings in the LGA, that is, they are not differentiated as affordable housing compared with the design of other housing;
- where multiple affordable rental dwellings are provided within a larger development, the amenity benchmarks established by the Apartment Design Guideline (or any subsequent Guideline are to be achieved; and
- the location, size and quality of affordable housing dwellings are to be designed to the satisfaction of Council. If they are not satisfactory, Council may require changes to the development application, or require that the contribution is be made by way of an equivalent monetary contribution.

2.3 Equivalent monetary contribution

Where a monetary contribution is to be made in lieu of the dedication of completed dwellings on site, an equivalent monetary contribution will be made and indexed quarterly and the contribution rate will be reviewed periodically.

2.4 Development that is exempt from affordable housing contribution scheme

Residential development not specified in section 1.5, employment generating only developments, Social and Affordable Housing; Aged Housing; Townhouses (up to 3 storeys); Dual Occupancies; Detached Dwelling, Heritage Development and Refurbishments.

2.5 Conditions of consent for affordable housing

The provision of affordable housing contributions is to be a condition of development consent for applicable development within the Contribution Area.

The condition of consent must include the following information:

- The total residential gross floor area of the development that was used to calculate the contribution or the monetary contribution required.
- The relevant contribution rates.
- The indexation period at time of determination (for any monetary contributions).
- A requirement to demonstrate that the title of any dwellings will be transferred to Council prior to the granting an Occupancy Certificate.
- A requirement to make any monetary payment at a Construction Certificate (CC) stage in the development application process.
- A requirement that any dwellings that will be dedicated are shown on approved plans in the same development application and referenced in the affordable housing condition.

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- The dedicated affordable housing is to be constructed to a standard which in the opinion of Council is consistent with other dwellings in the development.

Section 3 – Administration and implementation

3.1 Making a Contribution

Payment of affordable housing contribution will be paid to council prior to the issue of any Construction Certificate.

In circumstances where the contribution is dwellings, the title of any affordable housing units is to be transferred to Council's nominated registered Community Housing Provider prior to the issue of any Occupation Certificate.

3.2 Indexing of Payments

Where a monetary contribution is agreed upon instead of an apartment dedication, a fixed cash rate, adjusted annually, is proposed for the LGA.

The monetary equivalent rate for the scheme's introduction is proposed to be $199 per sqm of residential GFA. It will be adjusted annually by CPI and reviewed every three years to ensure the rate has kept pace with apartment prices in the Georges River LGA.

$$\text{AH Contribution Rate (\$/sqmGFA)} = \frac{\text{DCJ Third Quartile Strata Price}}{\text{Average dwelling size non – house}} \times 0.02$$

Contribution Rate

$$= \frac{\$896{,}000 \times 0.02}{90} = \$199 \text{ (\$/sqmGFA)}$$

Note: The DCJ Third Quartile Strata Price (December 2024) was $896,000

3.3 Adjustment of a monetary contribution amount

The monetary contribution rate in this plan will be indexed for inflation quarterly from the commencement of the plan.

Contribution at the time of consent

The monetary contribution value specified in this scheme will be indexed at the time development consent is granted. The indexation of contributions at the time of consent will be conducted according to the below formula:

Monetary Contribution (Consent) = Monetary Contribution (Base) x Index (Consent) ÷ Index (Base)

Where:

Monetary Contribution (Consent) is the required payment amount at the time of the consent being issued.

Monetary Contribution (Base) is the required payment amount specified in this scheme.

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Index (Consent) is the increased current rate for the DCJ Third Quartile Strata Price.

Index (Base) is the DCJ Third Quartile Strata Price for March 2024

Note: The contribution required as a condition of development consent will not be less than the contribution that would have been required for the previous quarter, notwithstanding any indexation calculation.

Contribution at the time of payment

Indexation of the amount payable of a monetary contribution that has been imposed between the date of the granted development consent and the date of payment will be undertaken by Council. The indexation of contributions at the time of payment will be conducted according to the below formula:

Monetary Contribution (Payment) = Monetary Contribution (Base) x Index (Payment) ÷ Index (Base)

Where:

Monetary Contribution (Payment) is the required contribution at the time of payment.

Monetary Contribution (Base) is the required payment amount specified in this scheme.

Index (Payment) is the increased rate for the DCJ Third Quartile Strata Price at the time of payment

Index (Base) is the DCJ Third Quartile Strata Price for March 2024

Note: The contribution payable will not be less than the contribution that would have been payable for the previous quarter, notwithstanding any indexation calculation.

The indexed contribution rates can be viewed on Council's website.

3.4 Distribution and Management of Funds

All contributions, including both dedicated affordable housing and monetary contribution funds, collected for the purpose of providing affordable housing units are to be used in accordance with the Georges River Affordable Housing Contributions Scheme.

All monetary contributions received under this scheme will be paid directly to council. Council will transfer the balance to it's nominated Community Housing Provider every six months. Any monetary contribution received under this scheme must be used for the purpose of providing, improving or replacing affordable housing in Georges River Local Government Area.

The title of all dwellings dedicated for affordable housing are to be transferred to Council's nominated Community Housing Provider.

3.4 Management of Affordable Housing

Affordable housing properties acquired or achieved under this AHCS or by any other means, are to be transferred in property title to Georges River Council. Affordable housing dwellings are to be held and maintained in perpetuity.

Council will outsource the management of the affordable housing contributions and dwellings to a Community Housing Provider (CHP) with demonstrated experience and expertise in the management of affordable housing.

Council will also provide a delivery program that outlines how funds raised or dwelling provided under the scheme will be used and requirements for reporting and transparency.

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3.5 Monitoring and Review

Council will review and report on the Affordable Housing Contributions Scheme annually. The following key performance indicators will be included:

- amount of unspent funds being held by council and the Community Housing Provider,
- the expenditure of any funding received under this scheme,
- the number of in-kind dwellings received under this scheme,
- the geographical spread of affordable housing provided via this scheme of funded through this Scheme, and
- evidence that all rental income received after the deduction of management and maintenance costs has only been used for the purpose for improving, replacing, maintaining or providing additional affordable rental housing.

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Affordable Housing Contribution Scheme Evidence Base

July 2025

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Acknowledgement 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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Introduction

Georges River is a diverse and growing community located in southern Sydney, with a population of over 150,000 residents. The Local Government Area (LGA) has experienced steady population growth over the past two decades, and projections indicate continued growth through to 2046. This demographic change is accompanied by evolving household structures, an ageing population, and increasing demand for varied housing types.

Housing affordability has emerged as a significant issue across the LGA, mirroring broader trends seen throughout Greater Sydney. Rising property prices and rental costs have placed considerable pressure on very low, low, and moderate income households, many of whom are now experiencing housing stress. Essential workers, young adults, seniors, and single-parent families are particularly vulnerable, with limited access to affordable housing options.

This document investigates housing affordability, its need and availability within Georges River, and highlights the importance of implementing an Affordable Housing Contribution Scheme (AHCS) to support inclusive and sustainable growth

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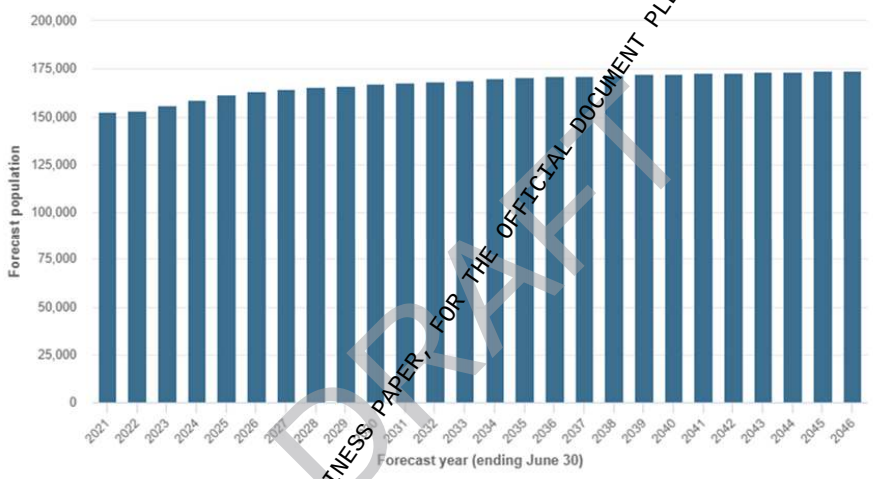
Demographic analysis

Population Growth

The LGA has a current (2021 Census) population of 152,703 people and has experienced significant population growth over the last twenty years. Over the past ten years, population growth has been around 0.7% p.a. This rate of growth is slower than the Greater Sydney average, which experienced a growth rate of 1.3% p.a. over the past decade.

The population of the LGA is forecast to reach approximately 174,000 by 2046. Between 2021 and 2046, the population for Georges River Council is forecast to increase by 21,454 persons (14.05% growth), at an average annual change of 0.53%.

Figure 1 – Population Projections



Source: Population and household forecasts, 2021 to 2046 .id (informed decisions), February 2025

Age Structure

Georges River's age structure in 2021 shows that it is fairly similar to that of Greater Sydney. However, there are slightly higher proportions of young adults (20-29 years) and older adults aged over 55 years.

Pre-retirement and Retirement age adults: There was a large increase (5,822) in adults aged 55 years and older observed between 2016 and 2021, those who moved to the area in the 1980s and 1990s.

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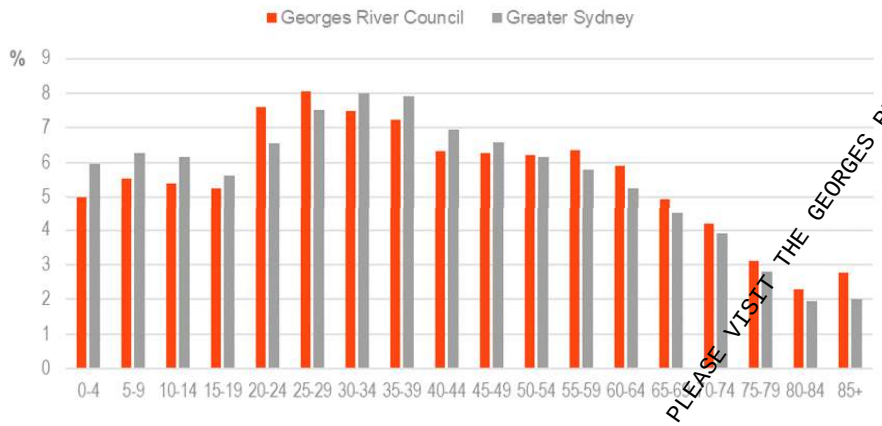
Figure 2 –Age Structure, Georges River and Greater Sydney – 2021



Source: ABS, Census of Population and Housing (2021). Data based on place of usual residence.(.id informed decisions)

Household composition

The household and family composition of Georges River has evolved over the past decade as a result of demographic and social changes. Key changes observed over the past decade include:

- The average household size declining to 2.75 in 2021 from 2.84 in 2016.
- Couples with children make up 36.2% of total households, reflecting growth of 2% between 2016 and 2021.
- Couples without children households make up approximately 23% of total households. This household type has increased significantly in the area, by 11% in the past five years.
- There was significant growth in couples with older children between 2016 and 2021, through ageing in place. There was also considerable growth in single parent families.
- Over the past five years, there has been significant growth in households without children– both couples and lone persons (13%) when compared to the growth of households with children (3.2% between 2016 and 2021).

Dwelling Profile

In 2021, there were more multi-dwelling residences than separate houses in Georges River. There were 49.7% separate houses, 16% medium density dwellings and 33.4% high density dwellings.

Based on the number of bedrooms, separate houses with four or more bedrooms are the most common (25.8%, compared with 29.2% in Greater Sydney), followed by high-density dwellings with two bedrooms (20.7%, compared with 14.6% in Greater Sydney).

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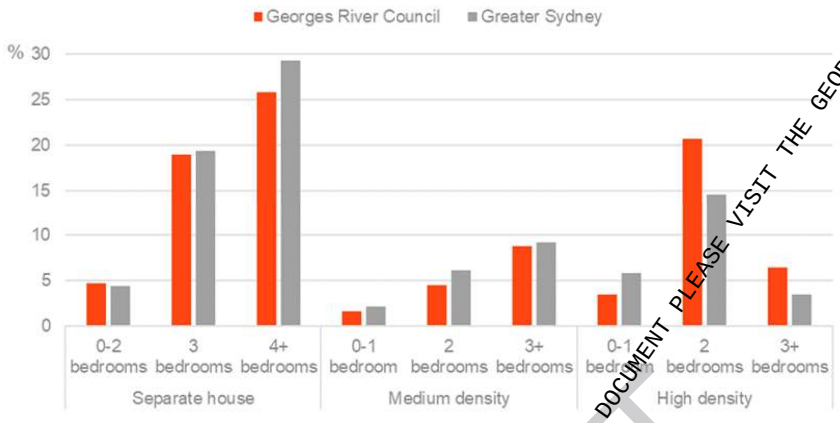
Compared to Greater Sydney, Georges River has a very similar mix of dwelling structures. Where it differs is in the number of bedrooms. High-density developments in the area are larger, with a higher proportion with two or more bedrooms.

Figure 3 - Dwellings by type, Georges River – 2021



Source: ABS, Census of Population and Housing (2021). (.id informed decisions)

Household Income

Income is a key indicator of socio-economic status. As at 2021 residents of Georges River recorded a median household income of $1,968 per week – slightly lower than the Greater Sydney median of $2,099 per week. Household incomes in Georges River have been increasing with the median increasing by circa $300 over the five years.

Affordable housing is provided for households on Very Low, Low and Moderate incomes. These are defined as:

- Very Low: households with incomes less than 50% of the Greater Sydney median household income.
- Low: households with incomes between 50% and 80% of the Greater Sydney median household income.
- Moderate: households with incomes between 80% and 120% of the Greater Sydney median household income.

The proportion of households in the Georges River LGA with very low, low and moderate incomes is relatively high and broadly aligns with the Greater Sydney average. Notably, there is a slightly higher proportion of households on very low to low incomes compared to Greater Sydney.

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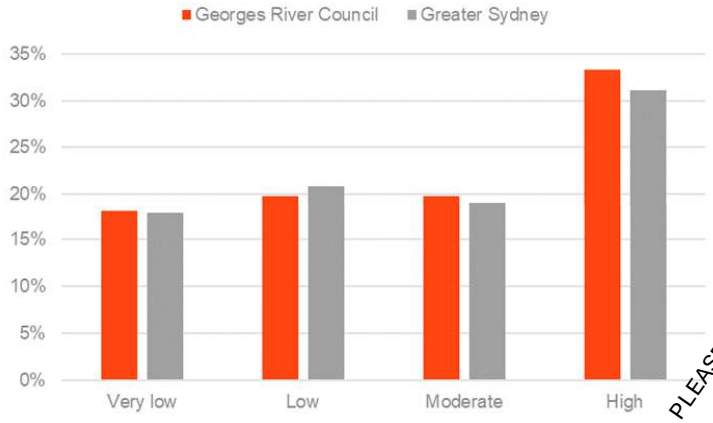
Figure 4 – Proportion of households in Family and Community Services income brackets 2021



Source: ABS, Census of Population and Housing (2021) (compiled.id informed decisions)

Household Tenure

There is currently significant diversity in tenure types across Georges River, which assists in creating a sustainable community. There are almost equal shares of people fully owning their homes, people with a mortgage and those who are renting.

In comparison to Greater Sydney, having a mortgage is slightly less common in Georges River. This is influenced by several factors, including the number of young couples in the area who are most likely renting, and a high proportion of older households who own their own homes.

Figure 5 -Tenure types 2021



Source: ABS, Census of Population and Housing (2021) (.id informed decisions)

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Growth in renting has been evident across the LGA, but some areas have had more significant change than others. The number of households renting in the Hurstville City Centre has increased by just over 900 households in the past decade.

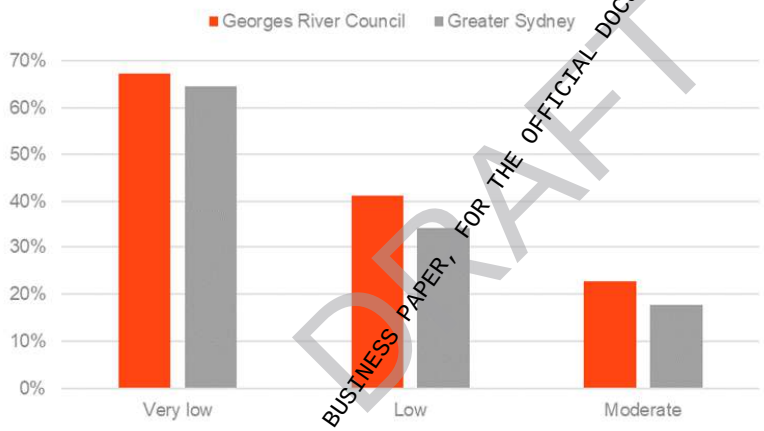
Affordable Housing Demand

Mortgage Stress

Housing stress is defined as households in the very low, low and moderate income brackets spending more than 30% of their income on housing costs.

At the time of the 2021 Census, there were 3,049 (18.7%) households with a mortgage spending more than 30% of their income on housing costs. The chart below shows the proportion of mortgaged households in each income bracket in housing stress, in comparison to Greater Sydney. The level of mortgage stress experienced in Georges River is marginally higher than the Greater Sydney average, especially for low and moderate income households.

Figure 6 – Proportion of households with a mortgage in stress 202



Source: ABS, Census of Population and Housing (2021) (.id informed decisions)

Rental stress

At the time of the 2021 Census, 4,743 (29.7%) households that were renting their dwelling were spending more than 30% of their income on housing costs. The chart below shows the proportion of rental households in each income bracket in rental stress, in comparison to Greater Sydney. The level of overall rental stress experienced in Georges River is marginally higher than the Greater Sydney average. However, when looking at an income breakdown, the rate of rental stress in Georges River is only higher for very low income households. The reason for the overall rate being higher than average is due to a lower number of high income renters in Georges River than is seen across Greater Sydney.

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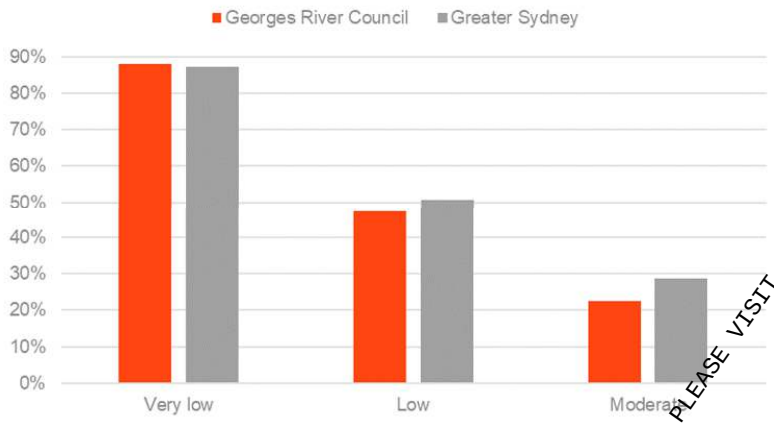
Figure 7- Proportion of renting households in stress 2021

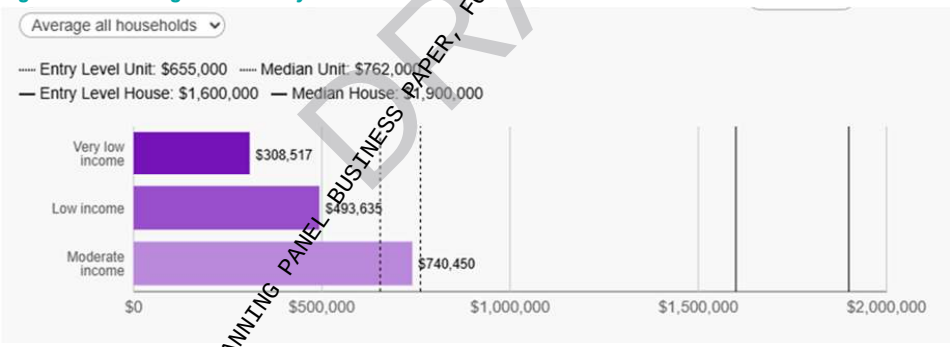


Source: ABS, Census of Population and Housing (2021) (.id informed decisions)

Affordable Housing Supply

Houses and medium and high-density dwellings are largely unaffordable for most lower income households in Georges River. This issue is particularly severe for very low and low income households who would find it near impossible to enter the housing market. For instance, in 2024, the median price for medium and high-density housing was 2.1 times higher than what a very low income lone person household could afford ($308,517).

Figure 8 – Housing Affordability



Source: Compiled and presented by .id (informed decisions using data from PropTrack Pty Ltd. Updated December 2024

Over the 12 months to December 2024, there were 2,536 property sales in Georges River. Of these, 26.4% were considered affordable for households on moderate incomes while only 2.3% and 0.7% were within reach for low and very low income households, respectively. A large share of these affordable properties was concentrated in the suburbs of Penshurst and Kogarah.

Similar analysis can be undertaken for rental costs. Renting in Georges River is somewhat more affordable for lower income households. However, those with very low incomes would

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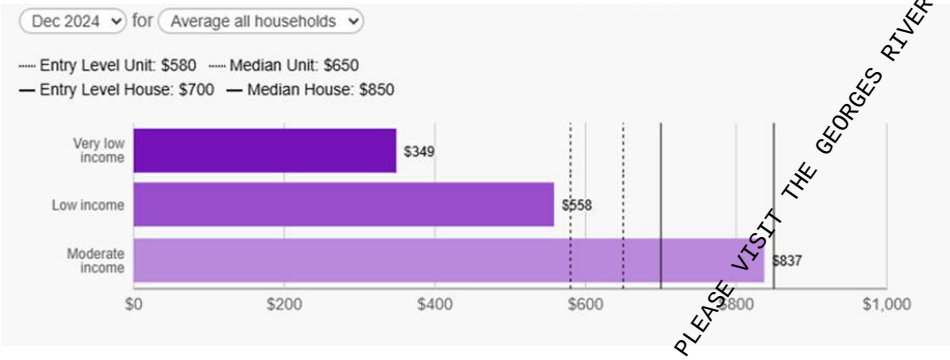
struggle to find affordable housing in the private market as the median rental cost for a unit in the area is 1.8 times what they could afford ($349 per week).

Figure 9 – Renting Affordability



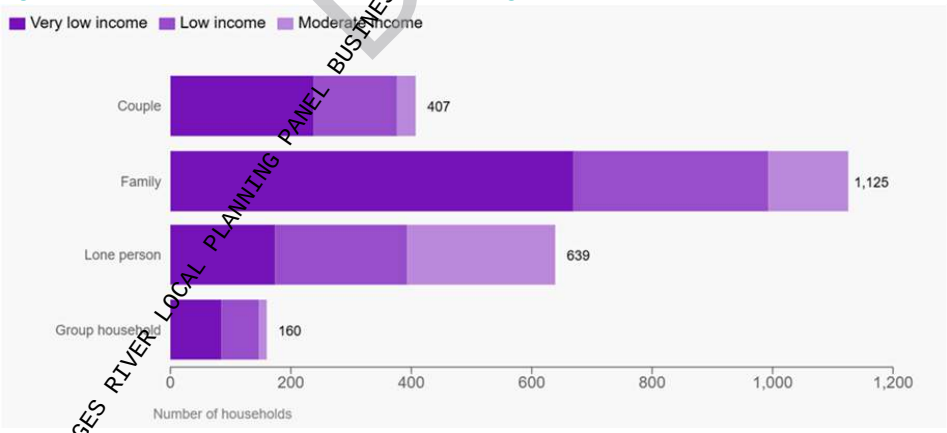
Source: Compiled and presented by .id (informed decisions using data from PropTrack Pty Ltd. Updated December 2024

Affordable Housing need

It is estimated that 3,825 households have an unmet need for affordable housing in Georges River. This represents 7.3% of all households compared to 7.2% for Greater Sydney.

Families are the most affected, with 1,125 households in need of affordable rental housing—highlighting the growing challenge for working families to secure stable accommodation while managing the costs of raising children. Lone person households follow closely behind, often comprising seniors or young adults who face unique vulnerabilities in the housing market.

Figure 10 – Households in need of affordable housing



Source: ABS census of Population and Housing 2021. Complied and presented by .id (informed decisions)

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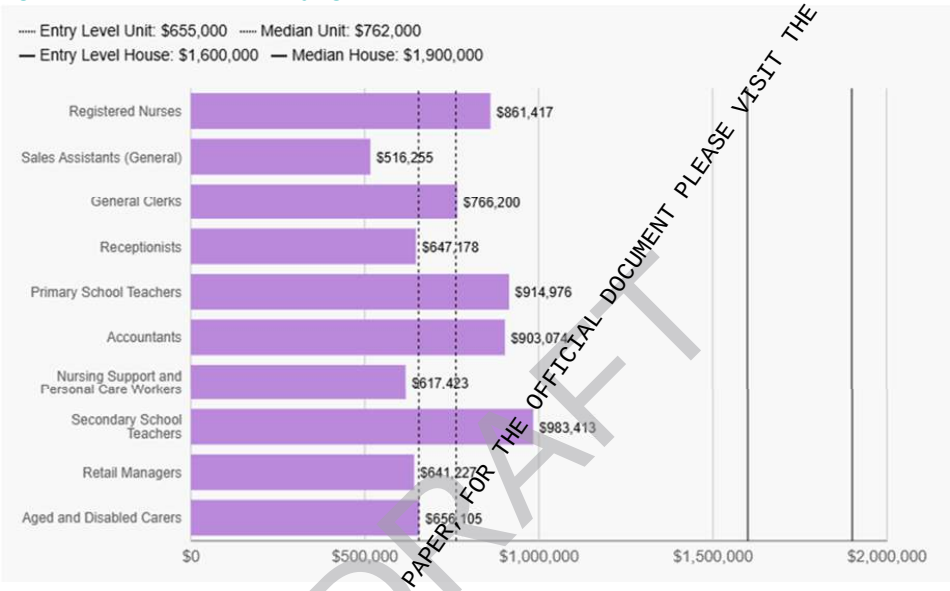
Key workers

There is a significant gap between property prices in Georges River and the purchasing capacity of local workers based on their median household incomes. In the 12 months to December 2024, even the most affordable housing options—entry-level units priced at $655,000—were beyond reach for most key occupations, including nurses, teachers, and retail workers. Entry-level houses ($1.6 million) and median houses ($1.9 million) were entirely unaffordable for all listed professions.

Figure 11- How affordable is buying a home for local workers



Source: Complied and presented by .id (informed decisions) using data from PropTrack Pty Ltd Updated December 2024

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Figure 12 - How affordable is renting for local workers



Source: Complied and presented by .id (informed decisions) using data from PropTrack Pty Ltd Updated December 2024

Conclusion

Similar to the broader Greater Sydney region, the Georges River LGA is facing mounting challenges in housing affordability, particularly for very low-, low-, and moderate-income households. The evidence presented highlights a growing disparity between income levels and housing costs, with both rental and mortgage stress affecting a significant proportion of the population.

The demographic trends—such as an increasing number of lone-person households, ageing residents, and young couples migrating to the area—underscore the urgent need for diverse and affordable housing options. The data reveals that only a small fraction of property sales and rental listings are accessible to those on lower incomes, including key workers who are essential to the functioning of the community but often priced out of the local housing market.

With 3,825 households currently experiencing unmet affordable housing needs, and a notable proportion of families and lone-person households who are at increasing risk of housing stress or exclusion from the housing market altogether.

All data has been sourced from .id (informed decisions) Georges River community profile, population forecast and housing monitor modules https://profile.id.com.au/georges-river

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GEORGES RIVER COUNCIL

Planning Proposal Report

Affordable Housing Contribution Scheme (PP2026/0003)

Planning Portal Reference: PP-2026-347

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Planning Proposal Information:

No.	Date	Version
1	March 2026	For review by the Georges River Local Planning Panel

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1. Introduction

The Planning Proposal (PP) seeks to amend the Georges River Local Environmental Plan (GRLEP) 2021 by proposing a new Part 6 Additional Local Provision clause for an affordable housing contribution scheme across the entire Georges River Local Government Area (LGA).

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

This PP 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).

2. Background

The Georges River LGA is experiencing significant housing affordability challenges. Based on the most recent Census data from 2021, an estimated 3,825 households (7.3%) of all households have an unmet need for affordable housing, slightly higher than the Greater Sydney average of 7.2%. These households are primarily those unable to access market-priced rental housing, including very low, low, and moderate-income families.

The local housing market has become increasingly unaffordable. In the June 2025 quarter, the median house price in Georges River reached $1.97 million, compared to $1.54 million for Greater Sydney. Median unit prices are also high at $790,000, while median weekly rents are $850 for houses and $656 for units. This price escalation has resulted in only 4.1% of property sales and 18.6% of rentals being affordable to low-income households in the past year.

The lack of affordable housing has broader social and economic implications. Key workers in essential occupations often cannot afford to live locally, forcing them to commute from other areas, which impacts workforce stability and community cohesion. Additionally, 513 people were recorded as experiencing homelessness in 2021, and nearly 939 individuals were marginally housed, highlighting the severity of housing stress.

Rising property prices, limited affordable rental options, and growing population pressures highlight the need for affordable housing in Georges River to ensure equitable access to housing and support sustainable community development.

The PP has been informed by the following documents:

Georges River Local Strategic Planning Statement (LSPS) 2040 -

The Georges River LSPS sets out a 20-year vision for land use in the LGA, guiding planning decisions that support environmental, economic, and social outcomes. It provides a strategic framework for future development while preserving the character of suburbs and strengthening community values.

The LSPS specifies measures to deliver an increased proportion of affordable housing provision in all new development. This includes planning priorities and actions to deliver:

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- P9. A mix of well-designed housing for all life stages caters for a range of needs and incomes
    - A47. Complete a Local Housing Strategy that includes planning for District Plan housing targets, a hierarchy of residential zones, providing targets for inclusive housing and addressing housing diversity
    - A50. Establish a planning framework to provide housing for people from very low to moderate income households including key workers
    - A51. Utilise the provisions for planning agreements in the EP&A Act for affordable housing, drawing from the outcomes of the Inclusive Housing Strategy

Georges River Local Housing Strategy

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

- Objective 3: Provide affordable and inclusive housing
    - HA13. Include provisions in the LEP for affordable and inclusive Housing
    - HA14. Prepare an Affordable Housing Contributions Scheme
    - HA17. Preparation of a policy and procedures via collaborating with community housing providers to support the ongoing delivery and management of affordable housing
- Objective 4: Provide greater housing choice and diversity

Georges River Inclusive Housing Strategy and Delivery Plan

Sets out a 20-year framework to address housing diversity and affordability within the Georges River LGA. It identifies key challenges such as rising housing stress, limited options for smaller households, and the need for age-friendly and accessible housing. The strategy proposes actions to increase housing choice, integrate affordable housing into new developments, and align growth with transport corridors and infrastructure. The following actions support the need for an affordable housing contribution scheme:

- Action 2.1.1 Prepare an Affordable Housing Contributions Scheme (AHCS)
    - An affordable housing contributions scheme would be prepared to comply with the Department of Planning, Industry and Environment's Guideline
    - Inclusion of the scheme into Council's LEP 2022 is subject review by DPIE and public exhibition.

Georges River Affordable Housing Policy

The policy outlines Council's position and high-level approach to providing affordable housing in the LGA.

The Policy in Section 3 outlines Council's commitment to prepare an AHCS:

- 3.1 Council will prepare an AHCS which will be compliant with the DPHI's Guideline for Developing an Affordable Housing Contribution Scheme.

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- 3.2 An Affordable Housing Contribution rate under the AHCS will be applied by Council for new residential flat buildings, independent living units, multi-dwelling housing and shop top housing developments in the Georges River LGA. Council will also seek an Affordable Housing Contribution towards affordable housing for sites that receive planning uplift through planning controls.

Draft Affordable Housing Contributions Scheme

To inform the preparation of this PP, a Draft Affordable Housing Contributions Scheme was prepared which includes a feasibility assessment that examined the capacity of development to tolerate affordable rental housing contributions within the residential release areas in the LGA. The draft AHCS is provided as **Appendix 1**.

Council completed an Affordable Housing Contribution Scheme - Evidence Base (**Appendix 2**), which investigates housing affordability, its need and availability within Georges River, and highlights the importance of implementing an Affordable Housing Contribution Scheme (AHCS) to support inclusive and sustainable growth.

Council engaged HillPDA to investigate the viability of introducing an affordable housing contribution charge for all new residential flat and shop-top housing developments across the LGA. This feasibility report provides evidence-based advice on the following:

- Identify an appropriate flat rate to implement across the LGA.
- A monetary equivalent rate to affordable housing dedication.
- Establish an adequate transition period for introducing a flat rate if it is not currently viable.

The key recommendations in the feasibility report are:

- A 2% affordable housing contribution (based on gross sales revenue or GFA) is viable across the Georges River LGA.
- Tested on four recent developments (Carlton, Kogarah Bay, Kogarah, Mortdale), the 2% rate did not compromise project viability.
- Higher rates (3–4%) were tested but found to reduce development margins below acceptable thresholds.
- A two-year implementation delay from gazettal is recommended. This allows developers to adjust feasibilities and acquisition strategies.
- Allow voluntary planning agreements (VPAs) to exceed 2% in association with rezoning proposals.

The proposed Georges River AHCS is inconsistent with the Department's Guideline for Developing an Affordable Housing Contribution Scheme (Guidelines), which require precinct scale upzonings to levy affordable housing contributions. This approach risks creating inequities by concentrating the cost burden on a limited number of landowners and developments, while other areas benefiting from growth and infrastructure investment are not required to contribute. A more equitable and fairer scheme would apply consistently across the LGA, ensuring that all development contributes proportionately to meeting affordable housing needs. This broader application supports transparency, fairness, and compliance with the Guideline's principle of distributing obligations in a way that reflects the shared responsibility for housing affordability.

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The Proposal

The Georges River AHCS is proposed to apply across the entire LGA, rather than being limited to areas with planning uplift.

HillPDA was engaged to investigate the viability of introducing an affordable housing contribution charge for all new residential flat and shop top housing developments across the LGA. This has been used to inform the draft AHCS.

The draft AHCS proposes the following contribution rates:

- A 2% affordable housing contribution for all new residential flat buildings and shop top housing.
- A two-year implementation delay from gazettal. This allows developers to adjust feasibilities and acquisition strategies. Currently Council does not have an adopted mechanism for the delivery of affordable rental housing.

Applying the AHCS across the entire LGA delivers several key benefits:

- Ensures all high density developments contribute to affordable rental housing, avoiding uneven distribution.
- A uniform framework reduces complexity, providing developers with greater certainty and the ability to factor contributions into feasibility assessments early.
- Broad application increases the potential supply of affordable housing, meeting needs across the community rather than concentrating benefits in select areas.
- Supports Council's long-term housing strategies and regional planning goals, embedding affordability in growth management.

An LGA wide AHCS represents a proactive and equitable approach to addressing housing affordability challenges in the Georges River LGA. A low rate applied broadly throughout the LGA has been demonstrated as an effective mechanism for providing a consistent supply of affordable housing in other Council areas, most notably the City of Sydney. By ensuring consistent contributions and supporting sustainable development, this strategy will help deliver a more balanced approach to affordable rental housing and meet the needs of the community.

3. Part 1 – Objectives and Intended Outcomes

Objective and Intended Outcomes

The PP seeks to amend the GRLEP 2021 by introducing a new affordable housing contribution requirement in the GRLEP 2021.

The objects and intended outcomes of the proposed LEP amendments are to:

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- To recognise the provision of affordable rental housing as critical infrastructure to support sustainable growth and social outcomes for the Georges River LGA;
- Increase the quantity of affordable housing in Georges River LGA to meet the needs of individuals earning very low to moderate incomes to live directly within the communities where they work and fostering a stronger connection between employment and residence;
- To provide certainty around the requirements for affordable rental housing in the Georges River LGA, including the rate for contributions and how contributions will be collected; and
- To ensure that contribution rates for affordable housing are viable, evidence based, and ultimately result in an increase in affordable rental housing.

The draft AHCS addresses the growing gap between housing supply and affordability in the LGA. Without a dedicated contribution scheme, new development will continue to exacerbate housing stress for low- to moderate-income households by replacing the more affordable, older housing stock. Implementing the AHCS ensures that a proportion of new housing stock remains affordable, supporting inclusive communities.

4. Part 2 – Explanation of Provisions

To achieve the objects and intended outcomes, this PP seeks to amend the GRLEP 2021 to increase the supply of affordable rental housing in the LGA.

It is proposed to include a new local provision in Part 6 of the GRLEP 2021 to enable the collection of development contributions for affordable rental housing within the LGA, giving effect to the AHCS. The scheme is proposed to apply to all new residential flat buildings and shop top housing developments in the LGA.

The draft Georges River AHCS proposes the following contribution rates:

- A 2% affordable housing contribution for all new residential flat buildings and shop top housing developments.
- A two-year implementation delay from gazettal.

The proposed wording for the new Part 6 Additional Local Provision clause is as follows:

6.19 Affordable housing contributions

(1) This clause applies to development involving the erection of the following—
a) residential flat buildings,
b) shop top housing.

*(2) The consent authority may, when granting development consent to development to which this clause applies, impose a condition requiring an affordable housing contribution (a **contribution**) equivalent to 2% of the gross floor area of the residential component of the development.*

(3) A condition imposed under this clause must permit a person to satisfy the contribution by—

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a) a monetary contribution paid to the Council, calculated in accordance with the Georges River Affordable Housing Contributions Scheme, or
b) a dedication in favour of the Council of land, comprising 1 or more dwellings, with a gross floor area of at least 50m^2 each.

(4) This clause does not apply to development—
a) for the purposes of affordable housing, or
b) that will be used as a social housing premises within the meaning of the Residential Tenancies Act 2010, or
c) that will be used to provide public housing within the meaning of the Housing Act 2001.

(5) The demolition of a building, or change in the use of land, does not give rise to a claim for a refund of a contribution.

Note – It is requested during the drafting that the clause commences 2 years after gazettal.

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 PP is a direct outcome of Council's endorsed strategic work, including the LSPS Inclusive Housing Strategy and Delivery Plan, the Local Housing Strategy, and the Affordable Housing Policy as outlined in the **Background** section of this report.

The draft AHCS prescribes a 2% contribution levy on all new residential flat buildings and shop top housing developments and a levy on all sites that receive uplift through planning controls. Implementing the AHCS via this PP will allow Council to secure much needed affordable rental housing for low-moderate income households.

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

A PP is the best means of achieving the objectives of the AHCS within Georges River LGA as it is the only means of amending the GRLEP 2021.

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)?

Greater Sydney Region Plan

Greater Sydney Region Plan – A Metropolis of Three Cities is the Greater Sydney Commission's

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strategic plan for Greater Sydney. It is a 20-year plan with a 40-year vision, seeking to transform Sydney into a metropolis of three distinct by connected cities. The following Objectives apply to the PP:

- Objective 10: Greater housing supply,

The Affordable Housing Contributions Scheme (AHCS) supports the delivery of greater housing supply in Georges River by enabling additional affordable housing to be delivered without undermining development feasibility or overall dwelling supply. As the contributions are proposed to cover the entirety of the Georges River LGA there will be greater certainty that the supply of housing will be located with good access to jobs, services and public transport.

A 2% affordable housing contribution rate can be absorbed for Residential Flat Buildings and Shop Top Housing development types without rendering projects unviable as demonstrated by the Feasibility Assessment Report. Importantly a 2% rate would have a limited impact on housing supply and would not discourage development activity, while higher contribution rates may risk reducing supply if imposed broadly.

Feasibility testing completed by HillPDA showed that other housing types such as multi dwelling housing and dual occupancies could not reliably accommodate an affordable housing contribution rate.

- Objective 11: Housing is more diverse and affordable

The evidence base demonstrates that housing affordability constraints are not caused by a lack of total dwellings alone, but by the limited supply of housing that is affordable to very low-, low- and moderate-income households.

It is estimated that 3,825 households have an unmet need for affordable housing in Georges River. This represents 7.3% of all households compared to 7.2% for Greater Sydney. Families are the most affected, with 1,125 households in need of affordable rental housing—highlighting the growing challenge for working families to secure stable accommodation while managing the costs of raising children.

Affordable rental housing plays a critical role in enabling key workers to live locally and close to employment and providing a stable housing outcome for essential workers within the Georges River LGA.

This PP is consistent with the above objectives and, will help increase the supply of affordable rental housing in Georges River LGA.

South District Plan

This South District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the vision of Greater Sydney. The South District covers the Canterbury Bankstown, Georges River and Sutherland local government areas. The following planning priority of the South District Plan applies to the PP:

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- S5 Providing housing supply, choice and affordability, with access to jobs, services and public transport

The PP seeks to deliver new affordable rental dwellings in locations that are well connected to existing transport and community infrastructure.

Draft Sydney Plan

The Sydney Plan is the NSW Government's 20-year land-use strategy for the Sydney region, it will replace the Greater Sydney Region Plan (2018) and associated District Plans and become the primary spatial framework guiding local planning, infrastructure investment and development decision-making across Sydney. The following action is assigned to local councils:

- Action 3.3 – Prepare and adopt an affordable housing scheme

The PP is consistent with the draft Sydney Plan as it seeks to adopt an affordable housing scheme.

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?

Yes, the PP is consistency with the endorsed LSPS 2040, especially *Planning Priority 9: A mix of well-designed housing for all life stages catering for a range of needs and incomes*.

The PP introduces an affordable housing contribution framework, enabling Council to collect funds dedicated to delivering affordable housing and ensuring a sustained supply for low to very low-income households, including key workers.

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

Table 1 – Consistency with SEPPs

SEPP	Consistency	Comment
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Consistent	This PP does not seek to introduce any controls that would be inconsistent with the SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Consistent	This PP does not seek to introduce any controls that would be inconsistent with the SEPP.

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State Environmental Planning Policy (Housing) 2021	Consistent	The framework to develop an affordable housing scheme is through Chapter 2 – Affordable Housing. This SEPP identifies that there is a need for affordable rental housing across NSW and is the mechanism through which Council can mandate a contribution to affordable rental housing from new development.
State Environmental Planning Policy (Industry and Employment) 2021	Consistent	This PP does not seek to introduce any controls that would be inconsistent with the SEPP.
State Environmental Planning Policy (Planning Systems) 2021	Consistent	This PP does not seek to introduce any controls that would be 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	Consistent	This PP does not seek to introduce any controls that would be inconsistent with the SEPP.
State Environmental Planning Policy (Resources and Energy) 2021	Consistent	This PP does not seek to introduce any controls that would be inconsistent with the SEPP.
State Environmental Planning Policy (Sustainable Buildings) 2022	Consistent	This PP does not seek to introduce any controls that would be inconsistent with the SEPP.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Consistent	This PP does not seek to introduce any controls that would be inconsistent with the SEPP.

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 and key government priorities as set out in **Table 3** below.

Table 2 – Consistency with Ministerial Directions

Ministerial Direction	Consistency	Comment
Focus area 1: Planning Systems		

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1.1 Implementation of Regional Plans	Consistent	The PP is consistent with the objectives of the Greater Sydney Region Plan and South District Plan by delivering housing and jobs in appropriate locations. See Q3 and Q4 above.
1.2 Development of Aboriginal Land Council land	N/A	Not applicable
1.3 Approval and Referral Requirements	Consistent	The planning proposal does not introduce additional requirements for the concurrence, consultation or referral of DAs to a Minister or public authority.
1.4 Site Specific Provisions	Consistent	The PP does not propose a provision allowing a particular development to be carried out.
1.4A Exclusion of Development Standards from Variation	Consistent	The PP does not propose to introduce or alter an existing exclusion to Clause 4.6 of a Standard Instrument LEP or an equivalent provision of any other environmental planning instrument.
Focus area 1: Planning Systems – Place-based	N/A	Not applicable
Focus Area 2: Design and Place	N/A	This Focus Area was blank when the Directions were made.
Focus Area 3: Biodiversity and Conservation		
3.1 Conservation Zones	Consistent	The PP does not apply to land within a conservation zone or land otherwise identified for environment conservation/ protection purposes in a GRLEP.
3.2 Heritage Conservation	Consistent	The planning proposal does not seek to amend heritage conservation provisions in the GRLEP.
3.3 Sydney Drinking Water Catchments	N/A	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	Not applicable
3.5 Recreation Vehicle Areas	N/A	Not applicable
3.6 Strategic Conservation Planning	Consistent	The PP does not propose any changes to existing controls protecting strategic conservation areas.
3.7 Public Bushland	Consistent	The PP does not propose any changes to existing controls protecting bushland.
3.8 Willandra Lakes Region	N/A	Not applicable
3.9 Sydney Harbour Foreshores and Waterways Area	N/A	Not applicable
3.10 Water Catchment Protection	Consistent	The PP does not propose any changes to controls that would impact on water catchments.
Focus Area 4: Resilience and Hazards		
4.1 Flooding	Consistent	This PP does not seek to amend the existing flood planning provisions within the GRLEP.
4.2 Coastal Management	Consistent	The PP does not propose any changes to existing coastal management controls.
4.3 Planning for Bushfire Protection	Consistent	The PP does not propose any changes to existing controls for bushfire protection.
4.4 Remediation of Contaminated Land	Consistent	The PP does not propose any changes to existing controls for the remediation of contaminated land.

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4.5 Acid Sulfate Soils	Consistent	The PP does not propose any changes to existing acid sulfate soils controls.
4.6 Mine Subsidence and Unstable Land	N/A	Not applicable
Focus Area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	Consistent	This PP is not inconsistent with this direction, as it is still proven to be financially viable to development the applicable residential land uses in well-connected areas with good access to jobs and services by cycling, walking and public transport particularly within the MU1, E1 and R4 zones.
5.2 Reserving Land for Public Purposes	Consistent	This PP does not create, alter, reduce, rezone existing zonings or reservations of land for public purposes.
5.3 Development Near Regulated Airports and Defence Airfields	Consistent	The PP does not propose any changes to existing controls for development near regulated airports.
5.4 Shooting Ranges	N/A	Not applicable
Focus Area 6: Housing		
6.1 Residential Zones	Consistent	This PP proposes to introduce a clause that will collect development contributions for the delivery of affordable rental housing within the Georges River LGA. As such, it will support the objectives of this direction to encourage a variety and choice of housing types to provide for existing and future housing needs.
6.2 Caravan Parks and Manufactured Home Estates	Consistent	Not applicable
Focus Area 7: Industry and Employment		
7.1 Employment Zones	Consistent	This PP is not inconsistent with this direction as it will not discourage employment growth in suitable locations nor impact on the viability of identified centres.
7.2 Reduction in non-hosted short-term rental accommodation period	N/A	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	Not applicable
Focus Area 8: Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	Consistent	Not applicable
Focus Area 9: Primary Production		
9.1 Rural Zones	N/A	Not applicable
9.2 Rural Lands	N/A	Not applicable
9.3 Oyster Aquaculture	N/A	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	Not applicable

Table 3 – Key Government Priorities

Key Government Priority	Consistency	Comment

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Building better homes for NSW	Consistent	This PP proposes to introduce a contribution fee which will increase the supply of affordable housing in locations where people can access jobs, services and transport.

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?

This PP is unlikely to adversely affect critical habitat, threatened species, populations or ecological communities or their habitats as no physical developments are proposed.

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

It is unlikely that this PP would have any adverse environmental effects as the proposal relates to the collection of contributions for affordable housing.

10. Has the planning proposal adequately addressed any social and economic effects?

Housing in the Georges River LGA has become increasingly unaffordable, creating significant challenges for families, seniors, young adults, and key workers. Based on the most recent Census data from 2021, an estimated , 3,825 households around 7.3% of all households have an unmet need for affordable housing. Many essential workers, such as nurses, teachers, and retail staff, cannot afford to buy or rent locally, forcing them to commute long distances and weakening the connection between employment and community life. Rising housing costs have also led to higher levels of housing stress, with nearly 30% of renters and 19% of mortgaged households spending more than 30% of their income on housing at the time of the 2021 Census. This financial pressure affects health, wellbeing, and stability for thousands of residents.

The AHCS will help address these issues by requiring developers of new residential flat buildings and shop top housing to contribute 2% of residential floor space or an equivalent cash amount. This will help to create more affordable rental homes for people on very low to moderate incomes, contributing to a reduction in housing stress and the risk of homelessness. It will also allow key workers to live closer to their jobs, improving workforce stability and reducing commuting times. By embedding affordable housing in new developments across the entire local area, the scheme promotes fairness and inclusion, ensuring that people of different income levels can remain part of the Georges River community. Over time, this will strengthen social cohesion, support better health and education outcomes, and create a more resilient and connected community.

Under the proposal, developers of residential flat buildings and shop top housing will contribute 2% of the residential floor space towards affordable housing. This can be provided as homes dedicated

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for affordable housing or as a defined cash contribution in accordance with the Scheme. Other residential accommodation such as detached houses, multi dwelling housing, aged housing and social housing developments will be exempt.

The scheme will start two years after it is gazetted, giving developers time to plan and adjust. Independent testing shows the 2% contribution will not stop projects from being built. It is a fair and modest rate that developers can absorb without reducing housing supply as demonstrated by the Affordable Housing Contribution Assessment completed by HillPDA.

Section D – Infrastructure (Local, State and Commonwealth)

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

This PP does not create additional need for public infrastructure as it does not seek to increase the number of dwellings permitted within the GRLEP.

This Planning Proposal proposes a new local provision to collect affordable rental housing development contributions for the delivery of affordable rental housing in the Georges River LGA.

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

However, State and Commonwealth public authorities will be consulted in accordance with a Gateway Determination and will be given at least 28 days to comment on this Planning Proposal.

6. Part 4 – Maps

The PP will result in no map amendments.

7. Part 5 – Community Consultation

It is anticipated that this PP 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 and a copy of the PP will be 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:

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- 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 State and Commonwealth Government agencies identified in the Gateway Determination.

8. Part 6 – Project Timeline

The anticipated project timeline for completion of this PP is shown below.

Task	Anticipated Timeframe
Referral to LPP in accordance with S9.1 Ministerial Direction	March 2026
Reporting to Council on PP seeking endorsement to forward PP for a Gateway Determination	April 2026
Anticipated commencement date (date of Gateway Determination)	July 2026
Timeframe for government agency consultation (pre and post exhibition as required by Gateway Determination)	August 2026
Commencement and completion dates for public exhibition period (minimum of 28 days)	September 2026
Timeframe for consideration of submissions	October 2026
Report to Council on community consultation outcomes and finalisation	November 2026

9. Appendices

Appendix 1 – Georges River Affordable Housing Contributions Scheme
Appendix 2 – Georges River Affordable Housing Contribution Scheme - Evidence Base

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REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 05 MARCH 2026

LPP009-26 143 STONEY CREEK ROAD, BEVERLY HILLS NSW 2209

LPP Report No	**LPP009-26**	**Development Application No**	**DA2025/0397**
Site Address & Ward Locality	143 Stoney Creek Road, Beverly Hills NSW 2209 Mortdale Ward		
Proposed Development	Demolition works and construction of a restaurant		
Owners	Cambridge Unit Developments Pty Limited		
Applicant	SLR Consulting Australia P/L		
Planner/Architect	Planner: Aaron Sutherland Architect: Richmond + Ross		
Date Of Lodgement	9/09/2025		
Submissions	33		
Cost of Works	$2,727,164.85		
Local Planning Panel Criteria	Contentious Development – Council received more than ten (10) submissions. A total of 33 submissions 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 (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, Georges River Local Environmental Plan 2021 (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, arborist report, civil engineering plan, crime risk assessment, plan of management, Statement of Environmental Effects, stormwater plan		
Report prepared by	Senior Development Assessment Planner		

RECOMMENDATION	Refusal

Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	**Yes**

Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	**Yes**
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	**Not Applicable. No variations requested**
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	**Not Applicable**
Conditions Have draft conditions been provided to the applicant for comment?	**N/A – the application is recommended for refusal**

PROPOSAL

1. The Development Application seeks consent for *Demolition works and construction of a restaurant*. The proposal comprises of the following components:

Demolition

- Existing office structures,
- Existing parking area, and
- Removal of all trees on site except Tree 3 and 16.

New Food and Drink Premises

The construction of a new 60-seat fast food restaurant with the following layout:

- Indoor dining area with a capacity of 34 seats
- Outdoor dining area with a capacity of 26 seats
- Meal serving area and coffee serving table
- Freezer, cool room, and storage areas
- Three toilets, of which one is accessible,
- Bin room accessible by on-site loading bay,
- 30 car parking spaces, of which one is accessible,
- Drive through component, with two ordering bay and one waiting bay.
- The proposed development is to be operated under the following parameters:
  - Operation hours: 24 hours per day Monday to Sunday.
  - Alcohol consumption is to be confined within the indoor area of the restaurant.

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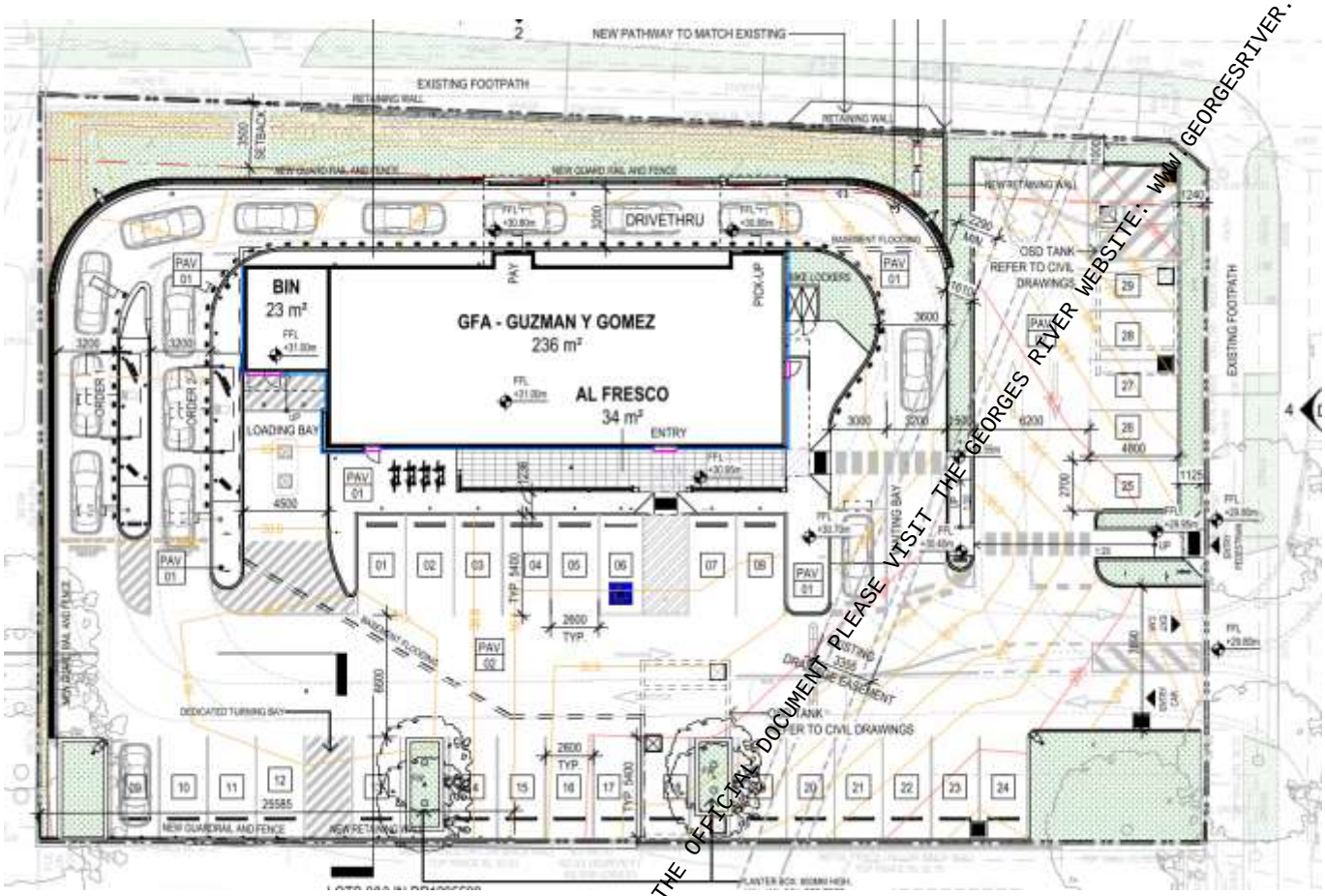

Figure 1 *– Site plan (Source: Architectural plans)*



Figure 2 *– South elevation (Source: Architectural plans)*



Figure 3 *– North elevation (Source: Architectural plans)*

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Figure 4 *– West elevation (Source: Architectural plans)*

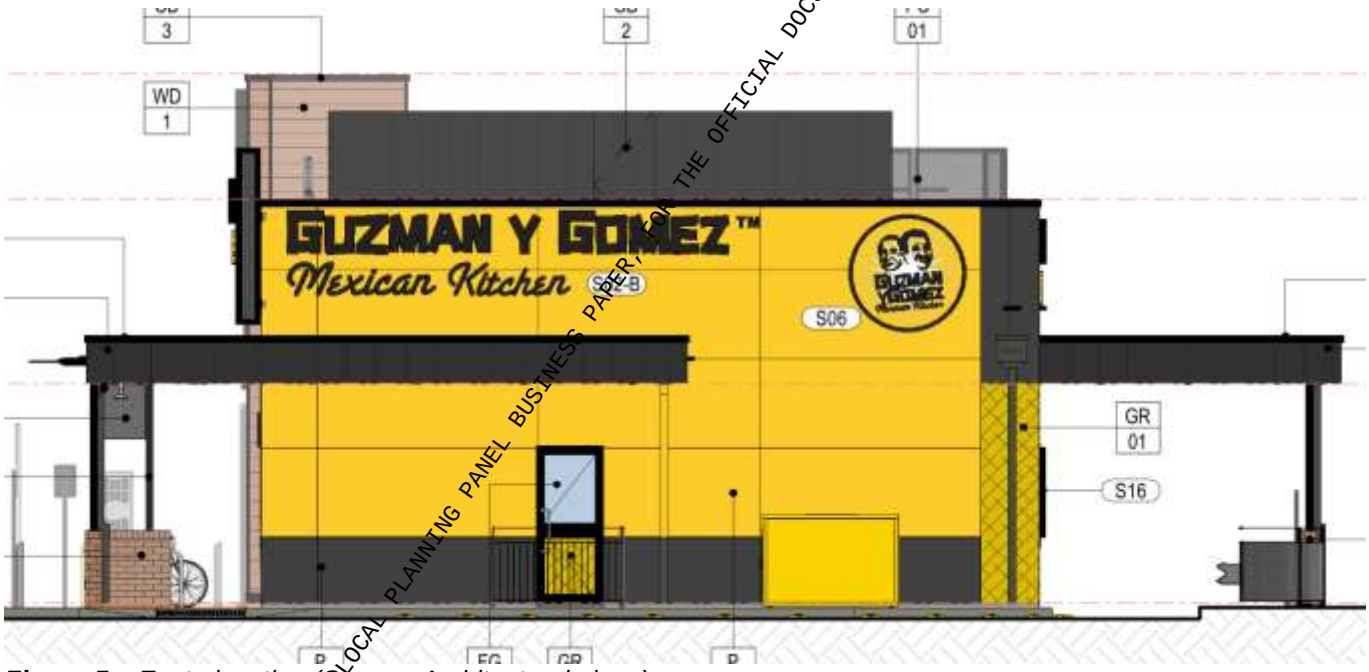

Figure 5 *– East elevation (Source: Architectural plans)*

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Figure 6 *– Street view of development site (image taken facing southwest (Source: Assessing Officer))*



Figure 7 *– Aerial view of development site outlined in red (Source: IntraMaps)*

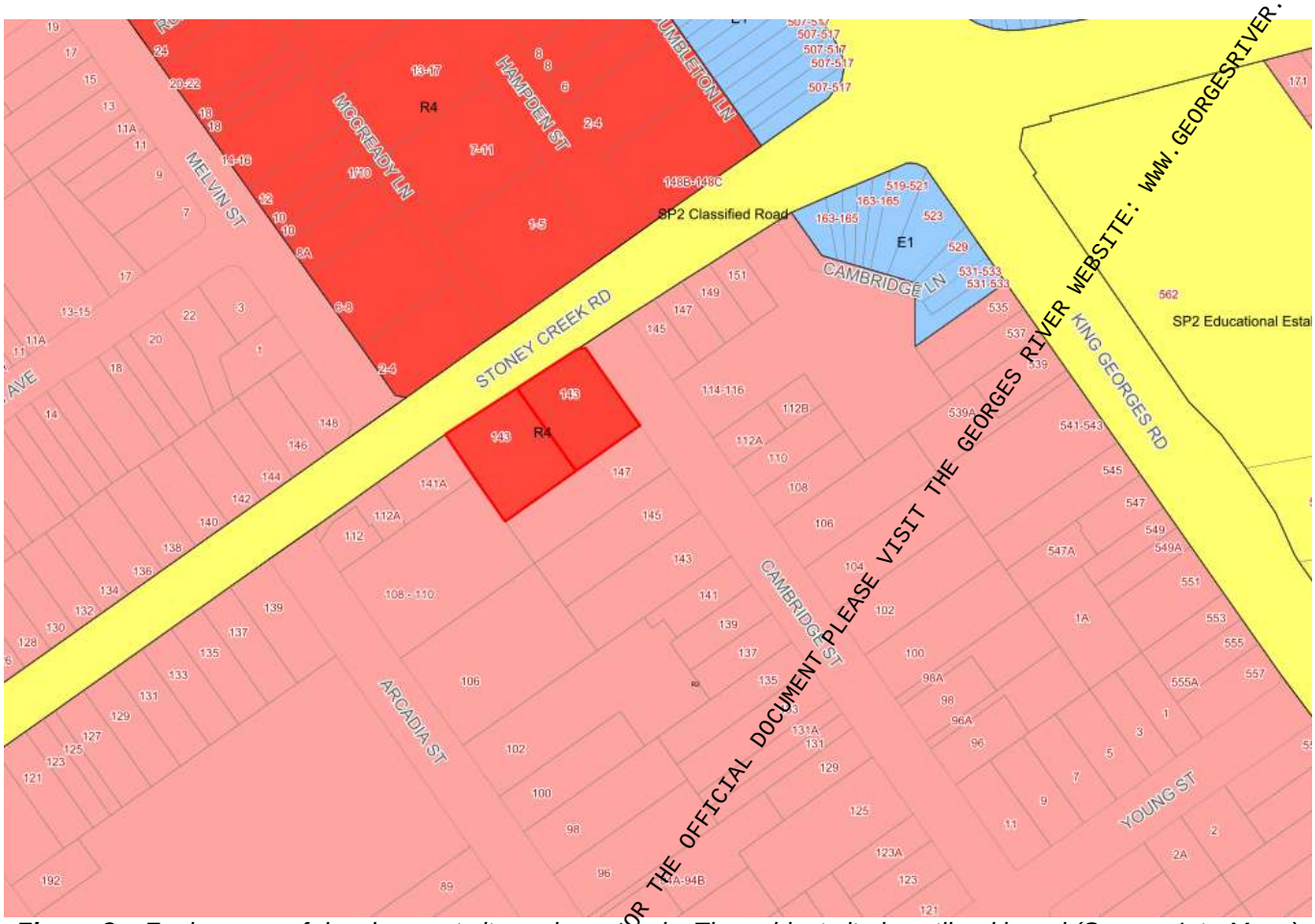

***Figure 8** – Zoning map of development site and surrounds. The subject site is outlined in red (Source: IntraMaps)*

SITE AND LOCALITY

2. The site is legally described as Lot 2 and 3 DP 1205598, commonly known as 143 Stoney Creek Road, Beverly Hills NSW 2209. The site has a total area of 2,447sqm by Deposited Plan. The site currently contains a disused one-storey office building. The office building previous accommodated Roads and Maritime Service centre.

3. Vehicular access to the site gained via Cambridge Street. Vegetation on the site consists of multiple trees within the landscaped area of the former parking area, and a large tree (Tree 17) located on the Stoney Creek Road frontage.

4. There is a Sydney Water stormwater drainage easement traversing the site. The easement carries a 1981×1219 stormwater channel.

5. Existing development in the locality consists of a mixture of multi-dwelling housing units, residential flat buildings, and dwelling houses. Existing development adjoining the subject site consists of a three-unit multi-dwelling housing development to the southeast, and a dwelling house and a seven-unit multi-dwelling housing development to the southwest.

ZONING AND PERMISSIBILITY

6. The subject site is zoned R4 High Density Residential under GRLEP 2021. The proposed works are defined as a ‘food and drinks premises’ which is permissible with consent within the R4 zone under the provisions of GRLEP 2021.

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ASSESSMENT

7. The table below presents a summary in respect to numerical compliance:

Georges River Local Environmental Plan 2021 (GRLEP 2021)			
Standard	**Required**	**Proposed**	**Complies Yes/no**
Cl. 4.3 *Height of Buildings*	Maximum 16m	7.2m	Yes
Cl. 4.4 *Floor Space Ratio*	Maximum 1.4:1 (3425.8m^2)	0.11:1 (258.9m^2)	Yes
Cl 6.12 *Landscaped Area*	Minimum 10% (244.7m^2)	10.3% (251.5m^2)	Yes

Georges River Development Control Plan 2021 (GRDCP 2021)			
Standard	**Required**	**Proposal**	**Complies yes/no**
3.13 Parking Access and Transport	Car parking rate (minimum): 20 spaces	29 parking spaces	Yes
	Bicycle parking rate (minimum): 4 spaces	4 bicycle spaces provided.	Yes
	Accessible parking rate (minimum): 1 space	1 accessible parking space provided	Yes
10.3.2 Setbacks	Stoney Creek Road: 3.5m, Lot corner: 8.9m Cambridge Street: 4.2m Rear (southeast): 9.0m Side (southwest): 9.0m	Stoney Creek Road: 6.8m Lot corner: 17.5m Cambridge Street: 22.7m Minimum side setback: 11.0m Rear setback: 18.9m	Yes

Main Issues

Traffic

8. The proposed car parking area near Stoney Creek Road/Cambridge Street will introduce unacceptable conflicts with on-site traffic from other parts of the site.

9. This issue may be resolved subject to changes to the parking area near Stoney Creek Road/Cambridge Street intersection. The applicant is required to do modelling and address compliance with Australian Standards. See referral comments below for further details.

Amenity and Food Safety Impacts

10. The submitted acoustic report is deficient as the report fails to adjust for the acoustic effects of rain, which influences the background noise rating. The report fails to adequately address the acoustic impacts of patrons at the alfresco area and does not adequately account for alcohol consumption.

Landscape

11. The proposed development fails to protect street trees and trees on adjoining properties as the proposed earthworks and stormwater works intrude into the Structural Root Zone and Natural Root Zone of those trees.

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12. Landscape issues are resolvable if the recommendations in the applicant's arboritcultural assessment report, relating to root mapping is carried out. This requires all architectural and engineering plans to be consistent in respect to earth works. There are conflicts and inconsistencies in various plans and documentation. See referral comments below for further details.

SUBMISSIONS

13. In accordance with the provisions of Council's public notification requirements, the application was placed on neighbour notification for twenty-eight (28) days where property owners within a 50m radius from the subject site were notified in writing of the proposal and invited to comment.

14. Council received 33 submissions during the notification period. The issues raised in the submissions are summarised below.

Issue	Comment
Trading hours The proposed 24/7 trading is identified to be the primary concern. The proposed trading hours are not compatible with the low-density residential context of the locality. Concerns were raised regarding the noise, littering, and public safety impacts associated with the proposed trading hours. There are only a small number of comparable 24/7 fast food premises currently operating in the St George Area. Multiple submissions requested for the proposed premises to cease operating between 22:00 to 07:00, and have a trial trading period up to 23:00.	The applicant fails to demonstrate the proposed development will not cause unacceptable noise and traffic impacts. The capability for the proposed development to accommodate 24/7 trading without adversely affecting neighbourhood amenity is not demonstrated. A revised acoustic report demonstrating acoustic impacts of patrons can address this concern.
Proximity to residential properties The proposed development is in a residential zone and in close proximity to existing residential properties. The approval of this proposal will cause adverse privacy, noise, and public safety impacts, partly because the proposed car parking area is in close proximity to residences. The proposed development, being commercial in nature, is not compatible with the locality. Some submissions indicated that there is no need for the proposed development.	While it is acknowledged that the proposed development is located in close proximity to many residences in the neighbourhood, the proposed development is permissible on R4 zone. The necessity of a proposed development is not a planning consideration. Whilst the necessity of a particular development is not a planning consideration, the proposal fails to demonstrate that the proposed development will not cause unacceptable noise impact, and will not cause adverse impacts to trees within adjoining properties.
Traffic Concerns are raised regarding traffic noise and intensification of local traffic congestion due to additional traffic volume.	Transport for NSW raised no objection to the proposed development, subject to restrictions on traffic movement being considered to minimise impacts on traffic flow on Stoney Creek Road.

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The proposal will increase the frequency of illegal traffic manoeuvres onto local streets.	The proposed development fails to demonstrate adequate on-site traffic management. See referral comments below for further details
Mechanical ventilation The ventilation system may not be sufficient to enable effective exhaust of odour.	Council's Environmental Health Officer raised no objection on the grounds of inadequate mechanical ventilation.
Vegetation The proposal will remove a substantial number of established trees. The proposal does not have sufficient replacement trees. The Stoney Creek Road frontage does not have sufficient vegetation to soften the visual impact of the proposal. A 500mm landscape buffer is recommended to separate the parking area and adjoining residences.	The proposal involves the removal of all except one tree on site. Council's landscape officer raised no objection to the tree removal, subject to the provision of 3 broad canopy trees. A condition to introduce replacement trees would have been imposed if the application was to be recommended for approval. There is no specific requirement for a landscape buffer between the parking area and the site boundary.
Signage The signage is of excessive height. Multiple submitters raise concern on the potential sleep disturbance and light pollution caused by the illuminated signs. The enforcement of relevant Australian Standards on illuminated signs are requested by multiple submitters.	All proposed signs comply with relevant height requirements. All illuminated signs, other than the pole signs and directional signs, are to be rendered non-illuminated to mitigate impacts to adjoining residences by condition should this application be recommended for approval. Conditions could be imposed to ensure an automatic timer is installed to restrict illumination during nighttime only, and control of illumination strength pursuant to Transport Corridor Outdoor Advertising and Signage Guidelines should this application be recommended for approval. Compliance with Australian Standards and Transport Corridor Outdoor Advertising and Signage Guidelines to be conditioned should this application be recommended for approval.
Noise Concerns are raised with respect to noise from the outdoor speaker and from restaurant patrons.	The submitted acoustic report fails to adequately address patron noise at the alfresco area.
Rooftop/second floor dining Concerns are raised on dining area above ground level.	No dining area proposed above the ground floor.

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Notification process The application should be placed on a longer notification period as the compliance table is not available online and multiple neighbours were not notified of the proposed development.	The notification process complies with the Georges River Community Engagement Strategy 2023-2033 with respect to notification duration and notification area.
Anti-social behaviour Allowing alcohol consumption will intensify noise and anti-social behaviour. The proposed development provides a venue that accommodates for loitering and crime. Multiple submissions indicate concerns over increasing littering in the area.	The acoustic report fails to adequately address alcohol consumption per NSW Liquor and Gaming requirements. Should this application be recommended for approval, the management of the premises would be subjected to the provisions stipulated in the *Liquor Act 2007* and other relevant regulations. The submitted plan of management outlines requirements to contact the police should public safety risks arises.
Privacy Concern is raised on potential privacy impacts on adjoining properties.	The proposal retains the existing ground level and does not involve a second storey. The proposal is not likely to introduce unacceptable visual privacy risks.

REFERRAL COMMENTS

15. Comments provided by internal referral specialists and external agencies are summarised below.

Specialist/Agencies	Comment
Development Engineer	No objection raised, subject to Sydney Water's approval.
Landscape Officer	Objection raised for the following reasons: - Proposed earthworks intrude substantially into the Natural Root Zone (NRZ) area of Trees 1, 2 (street trees), and 3 (tree on-site) - Proposed earthworks and stormwater pipe intrude into the Structural Root Zone (SRZ) of Tree 3. - Based on the earthwork diagram, the proposed earthworks intrude into SRZ and NRZ of Trees 11, 12, 13, 14 & 14.1 (trees on adjoining lots) - The submitted civil engineering plans are not consistent with respect to the extent of earthworks. Diagram C110 indicates no earthworks near the southern corner while Diagram C500 indicates cut and fill in the same location. Issues are resolvable if the recommendations in the arboritcultural assessment report, relating to root mapping, is carried out. This requires all architectural and engineering plans to be consistent in respect to earth works.

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Environmental Health Officer	Objections raised for the following reasons: - The acoustic report fails to adjust for the acoustic effects of rain, which influences the background noise rating. - The acoustic report fails to adequately address noise impacts from patrons in the alfresco area for a restaurant that operates 24/7 with alcohol serving. The acoustic report does not recognise the potential impact of alcohol consumption and does not refer to NSW Liquor and Gaming requirements.
Traffic Engineering	Objections raised for the following reasons: - The parking area near the Stoney Creek Road/Cambridge Street intersection will cause unacceptable conflicts with traffic from the main parking area and drive-thru lane. This issue may be resolved in the event changes occur to the parking area near Stoney Creek Road/Cambridge Street intersection.
Ausgrid	No objection raised.
Sydney Water	No objection raised.
Transport for NSW	No objection raised, subject to further consideration by Council to introduce measures to restrict traffic movements to and from Cambridge Street.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

16. Council received 33 submissions during the notification period.

17. In accordance with Schedule 1 subsection 2(b) of the Local Panning Panels Direction, this development requires referral to the Georges River Local Planning Panel as the proposed development is the subject of more than 10 submissions by way of objection.

CONTRIBUTIONS

18. Development contributions are required for this proposed development. Section 7.12 contributions would have been applied should this application be recommended for approval.

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. 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:

- *Georges River Local Environmental Plan 2021*
- *Georges River Development Control Plan 2021*

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RECOMMENDATION

21. Pursuant to *Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979* (as amended), DA2025/0397 for Demolition works and construction and use of a restaurant on Lots 2 and 3 DP 1205598 being land known as 143 Stoney Creek Road, Beverly Hills NSW 2209, is recommended for refusal for the reasons outlined below.

    1. 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.

    2. The proposal fails to comply with Section 3.2.1 and 3.2.2 of GRDCP 2021, as the proposal fails to comply with Council's Tree Management Policy, in that multiple trees on-site and in adjoining properties will be adversely affected by the proposed development, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

    3. The proposal fails to comply with Section 3.20 of GRDCP 2021, as the submitted acoustic report does not comply with relevant industry standards, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

    4. 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.

    5. 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.

ATTACHMENTS

Attachment ⇩1 Architectural Plans (Masterview) - 143 Stoney Creek Road, Beverly Hills NSW 2209 - DA2025/0397

Attachment ⇩2 Assessment Report - 143 Stoney Creek Road, Beverly Hills NSW 2209 - DA2025/0397

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ARCHITECTURAL DRAWINGS

ARCHITECTURAL

SHEET	TITLE	REVISION
DA000	COVER PAGE	X
DA005	PERSPECTIVES	X
DA010	LOCALITY PLAN	X
DA030	EXISTING SITE PLAN	X
DA031	PROPOSED SITE PLAN	X
DA032	PROPOSED CAR PATH	X
DA033	PROPOSED TRUCK PATH	X
DA040	SHADOW DIAGRAM	X
DA050	SIGNAGE PLAN	X
DA051	SIGNAGE DETAILS	X
DA052	SIGNAGE DETAILS	X
DA053	SIGNAGE DETAILS	X
DA054	SIGNAGE DETAILS	X
DA100	GROUND FLOOR PLAN	X
DA200	ELEVATIONS	X
DA201	ELEVATIONS	X
DA202	ELEVATIONS	X
DA210	EXTERNAL FINISHES	X
DA300	BUILDING SECTIONS	X
DA301	SITE SECTION	X
NP01	NOTIFICATION PLAN	X

CIVIL

SHEET	TITLE
C000	COVER PAGE
C100	STORMWATER PLAN (SUSPENDED SLAB)
C101	STORMWATER PLAN (SUB-FLOOR)
C150	STORMWATER SCHEDULE
C160	STORMWATER DETAILS
C161	STORMWATER DETAILS
C200	EROSION & SEDIMENT CONTROL PLAN
C250	EROSION & SEDIMENT CONTROL DETAILS
C400	OSD TANK DETAILS
C500	CUT AND FILL PLAN



GYG - BEVERLY HILLS

DA ISSUE

FEB 2026

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Client
GUZMAN Y GOMEZ™ Mexican Kitchen

Location
143 STONEY CREEK ROAD
BEVERLY HILLS
NSW 2209

DA ISSUE
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Project Number	Drawing Number	Issue
250031	DA000	X

LPP009-26 Attachment 1



3D VIEW 1



3D VIEW 2



3D VIEW 3



3D VIEW 4

Revisions				
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Project
GYG - BEVERLY HILLS

Location
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BEVERLY HILLS
NSW 2209

Scale
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Drawing
PERSPECTIVES

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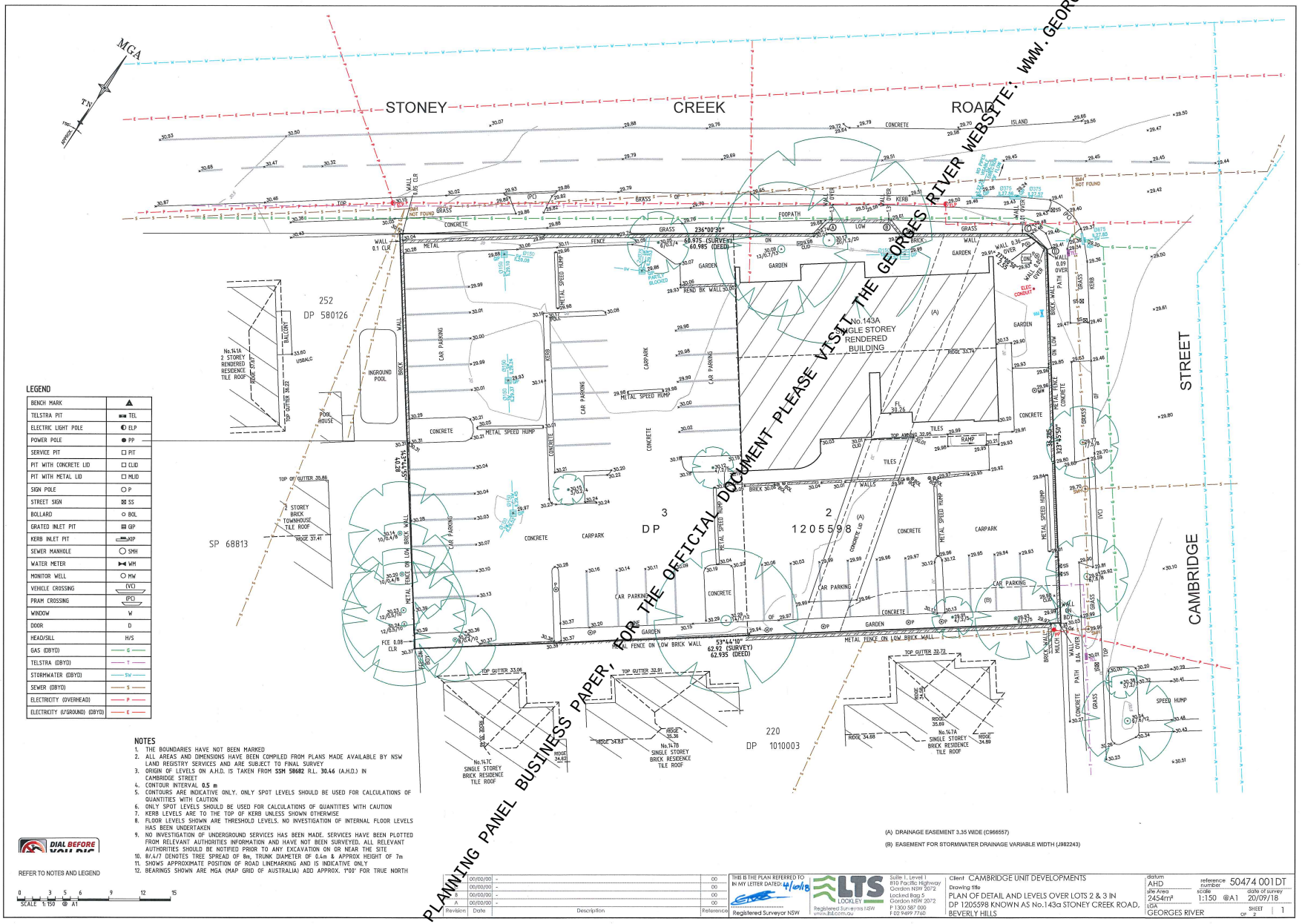



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Project
GYG - BEVERLY HILLS

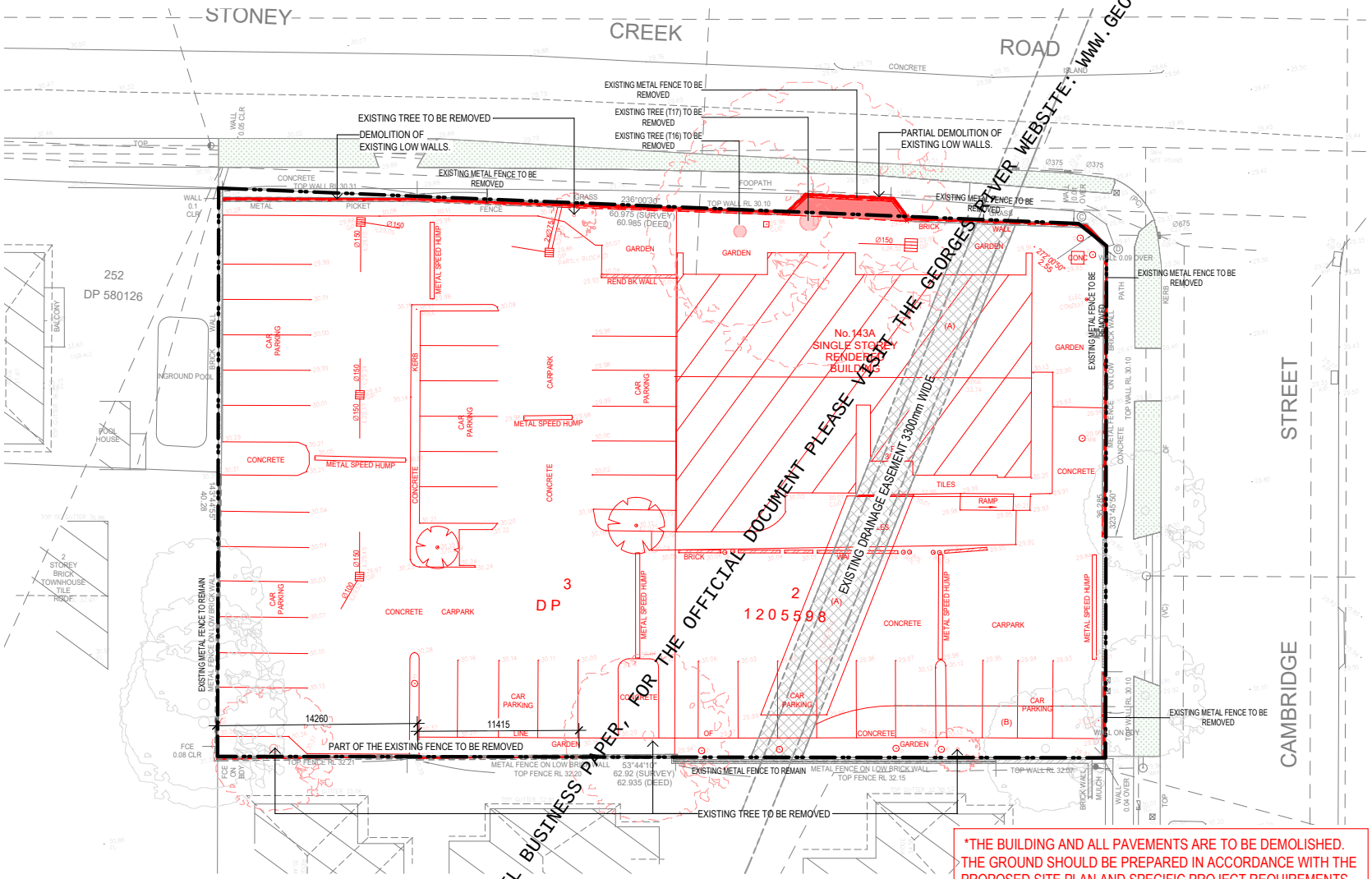
Location
143 STONEY CREEK ROAD
BEVERLY HILLS
NSW 2209

Scale
1 : 500 @ A3

Drawing
LOCALITY PLAN

Project Number	Drawing Number	Issue
250031	DA010	X

LPP009-26 Attachment 1



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NSW 2209

Scale
1 : 250 @ A3

Drawing
EXISTING SITE PLAN

Project Number	Drawing Number	Issue
250031	DA030	X

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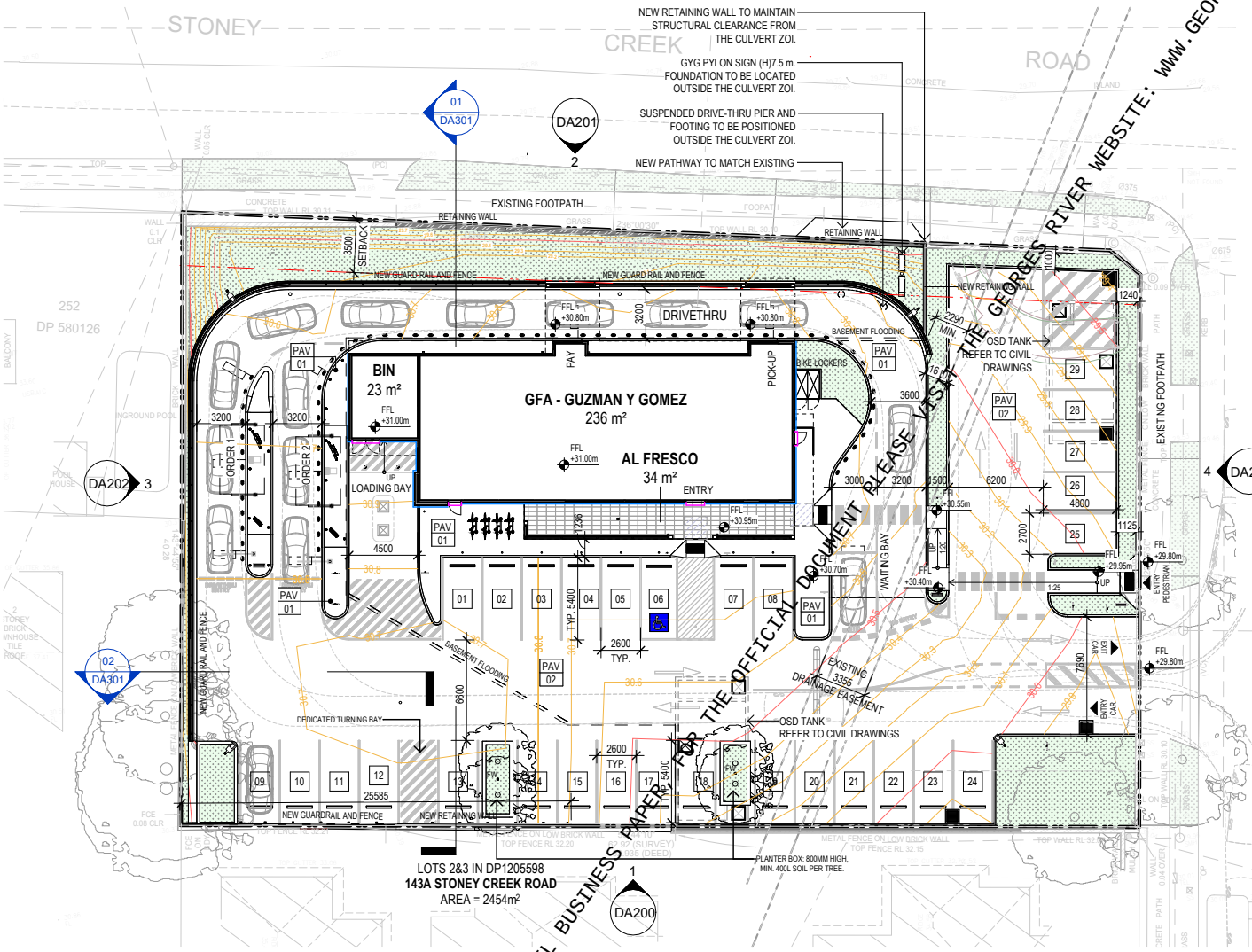

NOTES:

SITE AREA = 2454m²
BULDING GFA = 236m²
PARKING = 29 CAR SPACES:
23 X 2600 X 5400 SPACES
5 X 2700 X 4800 SPACES
1 X 2400 X 5400 ACCESSIBLE SPACE WITH
1 X 2400 X 5400 CLEAR ADJACENT SPACE.
1 X 3000 X 5400 WAITING BAYS.
1 X LOADING BAY.

PAVEMENT FINISHES SCHEDULE		
CODE	N.	DESCRIPTION
PAV	01	OXIDE CONCRETE FINISH COLOUR: ONYX

KERB FINISHES SCHEDULE		
CODE	N.	DESCRIPTION
PAV	02	PLAIN GREY CONCRETE

LEGEND:

FLOOD GATE TO RISE TO MIN. 31.27m AHD

FLOOD-AFFECTED FAçADE IS TO BE SET AT A MINIMUM FINISHED LEVEL OF 31.27 m AHD (HOB).

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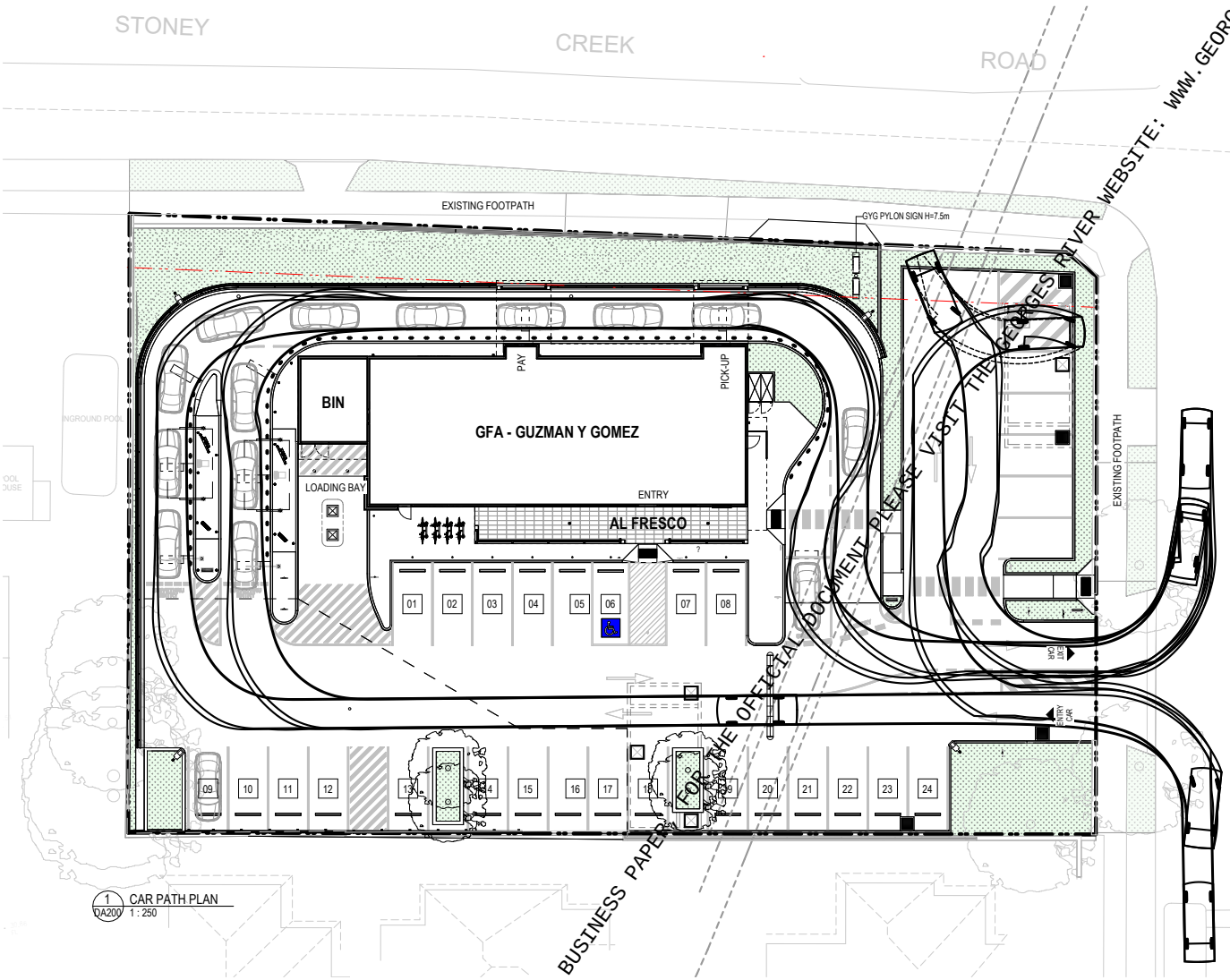
Scale
1 : 250 @ A3

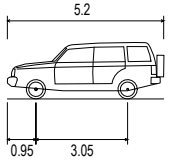
Drawing
PROPOSED SITE PLAN

Project Number	Drawing Number	Issue
250031	DA031	X

LPP009-26 Attachment 1



1 CAR PATH PLAN
DA200 1 : 250



B99 Vehicle (8m min radius) - AS/NZS 2890.1:2004

Overall Length	5.200m
Overall Width	1.940m
Overall Body Height	1.878m
Min Body Ground Clearance	0.272m
Track Width	1.840m
Lock-to-lock time	4.00s
Curb to Curb Turning Radius	8.000m

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Issue	Description	Date	Chk	Int

General Notes

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Drawing Notes

FOR DA
NOT TO BE USED DURING CONSTRUCTION

Architect ABN 34 001 485 436
Richmond+Ross
CONSULTING ENGINEERS AND PROJECT LEADERS
Suite 2.02, 1 Chandos Street, St Leonards NSW 2065
TEL: (02) 9490 9600 FAX: (02) 94381224

Client
GUZMAN Y GOMEZ™ Mexican Kitchen

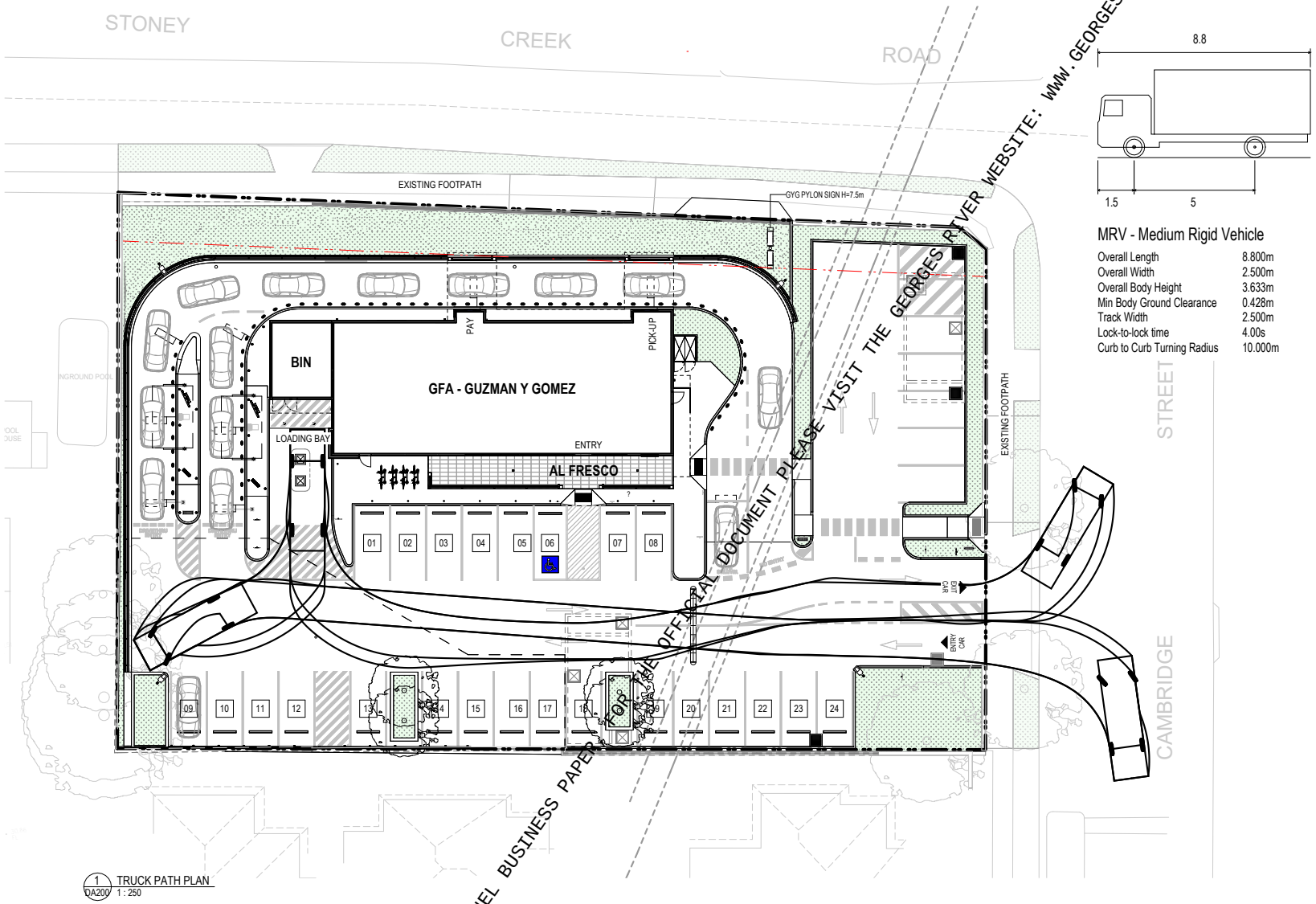
Project
GYG - BEVERLY HILLS

Location
143 STONEY CREEK ROAD
BEVERLY HILLS
NSW 2209

Scale
1 : 250 @ A3

Drawing
PROPOSED CAR PATH

Project Number	Drawing Number	Issue
250031	DA032	X



MRV - Medium Rigid Vehicle

Overall Length	8.800m
Overall Width	2.500m
Overall Body Height	3.633m
Min Body Ground Clearance	0.428m
Track Width	2.500m
Lock-to-lock time	4.00s
Curb to Curb Turning Radius	10.000m

1 DA200 TRUCK PATH PLAN
1 : 250

Revisions				
X	DA ISSUE	06/02/26	SP	MM
W	DA ISSUE	04/02/26	SP	MM
V	DA ISSUE	28/01/26	SP	MM
U	DA ISSUE	19/01/26	SP	MM
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Issue	Description	Date	Chk	Int

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Project
GYG - BEVERLY HILLS

Location
143 STONEY CREEK ROAD
BEVERLY HILLS
NSW 2209

Scale
1 : 250 @ A3

Drawing
PROPOSED TRUCK PATH

Project Number	Drawing Number	Issue
250031	DA033	X

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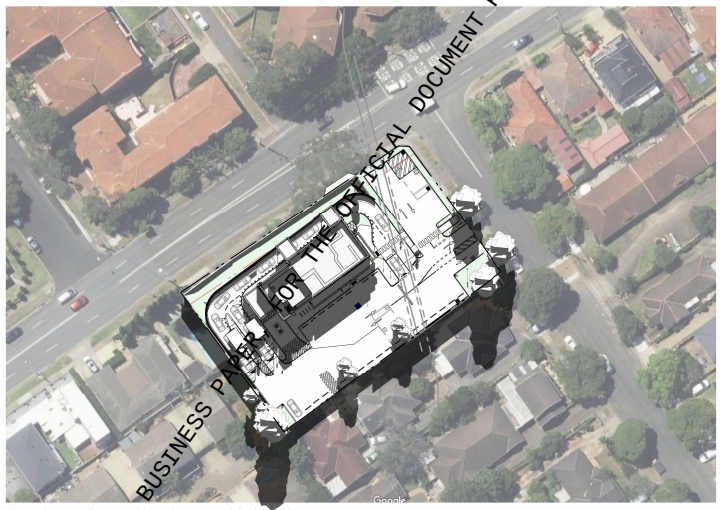
LPP009-26 Attachment 1



9 SHADOW DIAGRAM - 9AM (WINTER SOLSTICE)
1 : 1000



3 SHADOW DIAGRAM - 3PM (WINTER SOLSTICE)
1 : 1000



12 SHADOW DIAGRAM - 12PM (WINTER SOLSTICE)
1 : 1000

NOTE:
1. ALL FENCES SHOWN IN THE SHADOW DIAGRAMS ARE EXISTING.

Revisions				
X	DA ISSUE	06/02/26	SP	MM
W	DA ISSUE	04/02/26	SP	MM
V	DA ISSUE	28/01/26	SP	MM
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Client
GUZMAN Y GOMEZ™
Mexican Kitchen

Project
GYG - BEVERLY HILLS

Location
143 STONEY CREEK ROAD
BEVERLY HILLS
NSW 2209

Scale
1 : 1000 @ A3

Drawing
SHADOW DIAGRAM

Project Number	Drawing Number	Issue
250031	DA040	X

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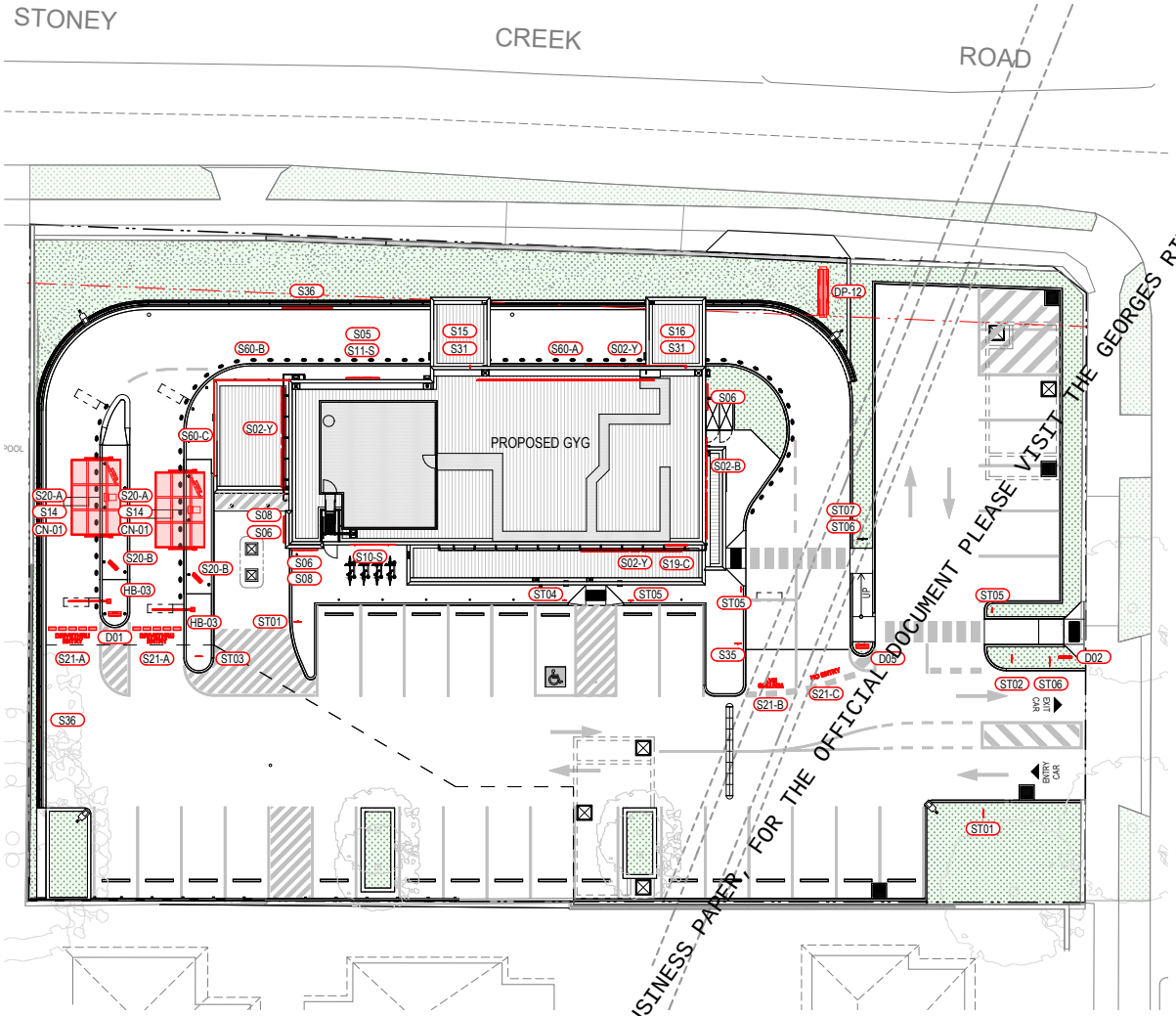

SIGNAGE SCHEDULE

MARK	DESCRIPTION	COUNT	ILLUMINATED
CN-01	ORDER POINT CANOPY	2	Yes
D01	DIRECTIONAL TOTEM SIGN - ANY LANE	1	Yes
D02	DIRECTIONAL TOTEM SIGN - DRIVETHRU	1	Yes
D05	DIRECTIONAL TOTEM SIGN - THANKS / NO ENTRY	1	Yes
DP-12	GYG PYLON SIGN H=7.5m	1	Yes
HB-03	HEIGHT CLEARANCE GANTRY (FIXED / RETRACTABLE)	2	Yes
S02-B	6.0m WALL SIGN "GUZMAN Y GOMEZ" & "MEXICAN KITCHEN" LETTERING (BLACK)	1	Yes
S02-Y	6.0m WALL SIGN "GUZMAN Y GOMEZ" & "MEXICAN KITCHEN" LETTERING (YELLOW)	3	Yes
S05	2.0m DIA WALL SIGN - GYG LOGO	1	Yes
S06	1.6m DIA WALL SIGN - GYG LOGO	3	Yes
S08	1.2m DIA WALL SIGN - CAFE HOLA BUTTON	2	Yes
S10-S	S10-SPLIT = WALL SIGN - PRODUCT LIST	1	No
S11-S	S11-SPLIT = BREKKIE LUNCH DINNER	1	No
S14	CUSTOMER ORDER POINT - ORDER HERE GRAPHIC	2	No
S15	DRIVETHRU SIGN - 2 PAY HERE	1	No
S16	DRIVETHRU SIGN - 3 PICK UP	1	No
S19-C	"APP & DELIVERY PICK UP" LIGHT BOX	1	Yes
S20-A	DOUBLE DIGITAL MENUBOARD	2	Yes
S20-B	SINGLE DIGITAL PRE-SELL MENUBOARD	2	Yes
S21-A	LINEMARKING - DRIVETHRU ENTRY	2	No
S21-B	LINEMARKING - WAITING BAY	1	No
S21-C	LINEMARKING - NO ENTRY	1	No
S31	DIGITAL PRINT SIGN - DRIVETHRU BOOTHS	2	No
S35	WAITING BAY POSTS	1	No
S36	BREAKFAST BANNER	2	No
S60-A	SIGNAGE ZONE / GRAPHICS TBC	1	No
S60-B	SIGNAGE ZONE / GRAPHICS TBC	1	No
S60-C	SIGNAGE ZONE / GRAPHICS TBC	1	No
ST01	SHARED ZONE SIGN	2	No
ST02	SHARED ZONE END	1	No
ST03	NO PEDESTRIAN ACCESS SIGN	2	No
ST04	ACCESSIBLE PARKING SIGN	1	No
ST05	PEDESTRIAN WARNING SIGN "LOOK LEFT & RIGHT"	3	No
ST06	STOP SIGN	2	No
ST07	PEDESTRIAN CROSSING SIGN	1	No

Revisions

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P	DA ISSUE	06/08/25	SP	MM

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Client
GUZMAN Y GOMEZ™ Mexican Kitchen

Project
GYG - BEVERLY HILLS

Location
143 STONEY CREEK ROAD
BEVERLY HILLS
NSW 2209

Scale
1 : 250 @ A3

Drawing
SIGNAGE PLAN

Project Number	Drawing Number	Issue
250031	DA050	X

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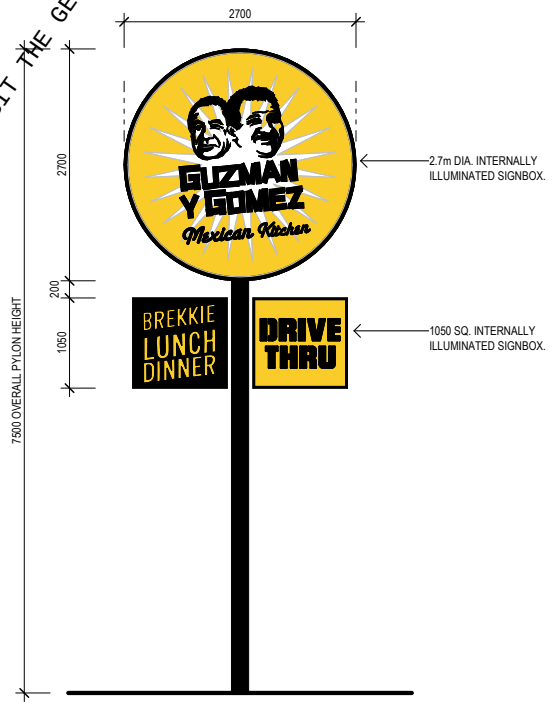

DP-12 (GYG PYLON SIGN)
INTERNALLY ILLUMINATED SIGN ZONE / GRAPHICS.

Revisions

Issue	Description	Date	Chk	Int
X	DA ISSUE	06/02/26	SP	MM
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GUZMAN Y GOMEZ™ Mexican Kitchen

Project
GYG - BEVERLY HILLS

Location
143 STONEY CREEK ROAD
BEVERLY HILLS
NSW 2209

Scale
1 : 50 @ A3

Drawing
SIGNAGE DETAILS

Project Number	Drawing Number	Issue
250031	DA051	X

LPP009-26 Attachment 1

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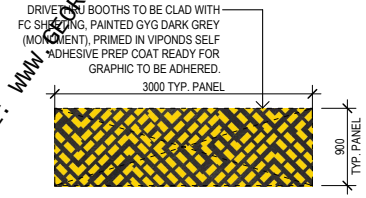
S02-B (WALL SIGN)
ILLUMINATED WORDMARK.

6.0m WALL SIGN "GUZMAN Y GOMEZ" & "MEXICAN KITCHEN" HALO - ILLUMINATED LETTERING. BLACK RETURN

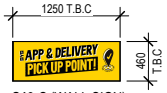


S02-Y (WALL SIGN)
ILLUMINATED WORDMARK.

6.0m WALL SIGN "GUZMAN Y GOMEZ" & "MEXICAN KITCHEN" HALO - ILLUMINATED LETTERING. BLACK RETURN



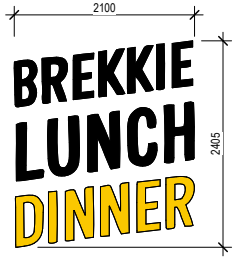
S31 (DIGITAL PRINT)
NON-ILLUMINATED GRAPHIC.



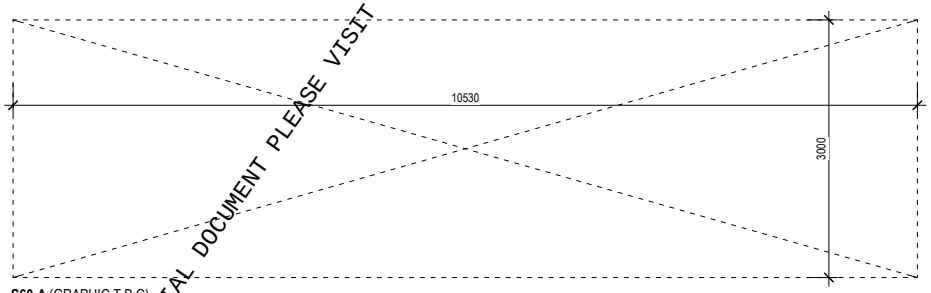
S19-C (WALL SIGN)
NON-ILLUMINATED GRAPHIC.



S10-S (STENCIL SPRAYED TO WALL)
NON-ILLUMINATED SIGN ZONE / GRAPHICS.



S11-S (STENCIL SPRAYED TO WALL)
NON-ILLUMINATED SIGN ZONE / GRAPHICS.



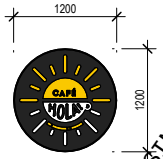
S60-A (GRAPHIC T.B.C)
NON-ILLUMINATED - GYG MURAL ARTWORK DIGITALLY PRINTED ON ACM PANELS.



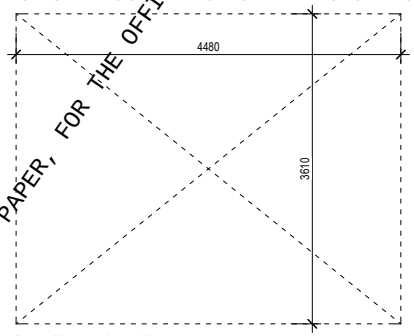
S05 - WALL SIGN
ILLUMINATED GYG LOGO.
BLACK RETURN.



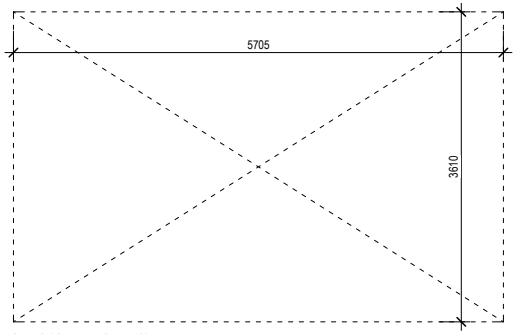
S06 - WALL SIGN
ILLUMINATED GYG LOGO.
BLACK RETURN.



S08 - WALL SIGN
ILLUMINATED LOGO.
BLACK RETURN.



S60-B (GRAPHIC T.B.C)
NON-ILLUMINATED - GYG MURAL ARTWORK DIGITALLY PRINTED ON ACM PANELS.



S60-C (GRAPHIC T.B.C)
NON-ILLUMINATED - GYG MURAL ARTWORK DIGITALLY PRINTED ON ACM PANELS.

Revisions				
X	DA ISSUE	06/02/26	SP	MM
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Project
GYG - BEVERLY HILLS

Location
143 STONEY CREEK ROAD
BEVERLY HILLS
NSW 2209

Scale
1 : 50 @ A3

Drawing
SIGNAGE DETAILS

Project Number	Drawing Number	Issue
250031	DA052	X

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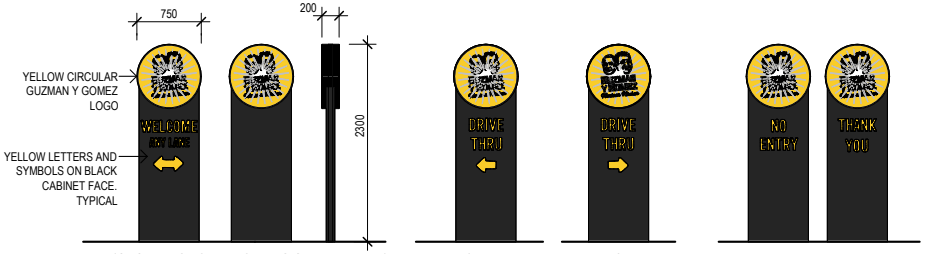


D01 (GYG DIRECTIONAL TOTEM SIGN - ANY LANE) INTERNALLY ILLUMINATED.

D02 - FRONT (DRIVE THRU LEFT) INTERNALLY ILLUM.

D02 - BACK (DRIVE THRU RIGHT) INTERNALLY ILLUM.

D05 (NO ENTRY / THANK YOU) INTERNALLY ILLUM.

DRIVETHRU ENTRY

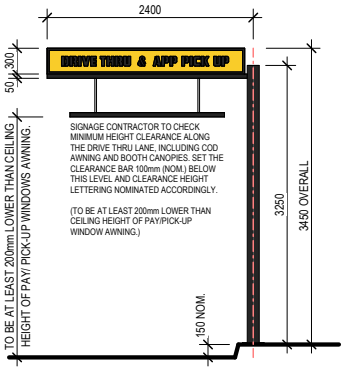
S21-A (WHITE PAINTED LINE MARKING)
REFER TO SITE PLAN FOR SPECIFIC WORDING & LOCATIONS

WAITING BAY

S21-B (WHITE PAINTED LINE MARKING)
REFER TO SITE PLAN FOR SPECIFIC WORDING & LOCATIONS

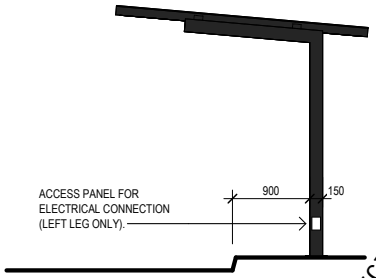
NO ENTRY

S21-C (WHITE PAINTED LINE MARKING)
REFER TO SITE PLAN FOR SPECIFIC WORDING & LOCATIONS

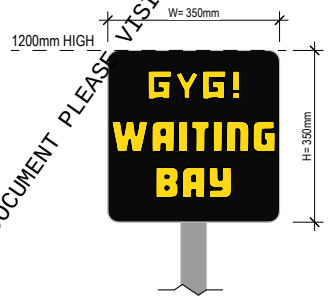


HB-03 (GYG HEIGHT CLEARANCE GANTRY)

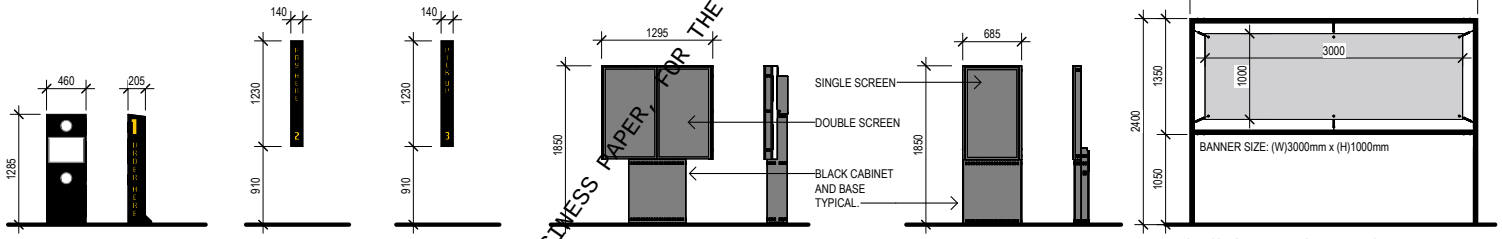
NOTE: OPTIONAL OPERABLE GANTRY.
REFER TO SITE PLAN.



CN-01 (GYG ORDER POINT CANOPY)



S35 (GYG WAITING BAY)



S14 (1 ORDER POINT SIGN)

S15 (PAY HERE 2 SIGN)

S16 (PICK UP 3 SIGN)

S20-A (DOUBLE DIGITAL MENU)

S20-B (DIGITAL PRESELL)

S36 (GYG BREAKFAST BANNER)

Revisions				
X	DA ISSUE	09/02/26	SP	MM
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Project
GYG - BEVERLY HILLS

Location
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BEVERLY HILLS
NSW 2209

Scale
As indicated @ A3

Drawing
SIGNAGE DETAILS

Project Number	Drawing Number	Issue
250031	DA053	X



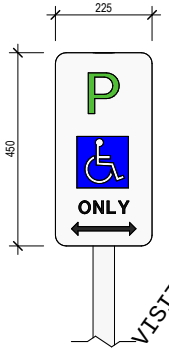
ST01 (SHARED ZONE SIGN)



ST02 (END SHARED ZONE SIGN)



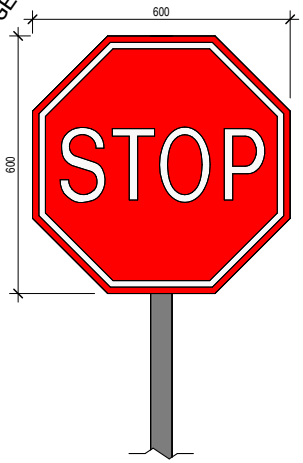
ST03 (NO ACCESS SIGN)



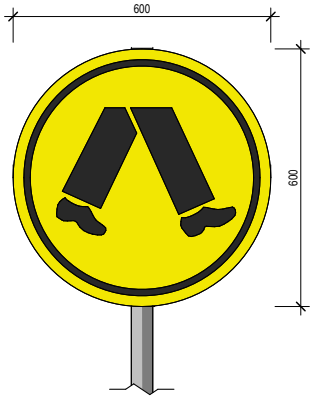
ST04 (ACCESSIBLE PARKING SIGN)



ST05 (PEDESTRIAN WARNING SIGN)



ST06 (STOP SIGN)



ST07 (PEDESTRIAN CROSSING SIGN)

NOTES:
1. DEPENDING ON LOCATION WITHIN SITE,**ST** STATUTORY SIGNAGE SHOULD BE INSTALLED WITH THE LOWER EDGE OF THE SIGN A MINIMUM OF 2m ABOVE TOP OF THE KERB. UNLESS THE SIGN IS IN A FOOTPATH OR PATH OF TRAVEL THEN U/S SHALL BE 2.5M ABOVE TOP OF KERB. SIGNAGE HEIGHTS SHALL BE IN ACCORDANCE WITH AS1742.2-2009.

Revisions				
X	DA ISSUE	06/02/26	SP	MM
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TEL: (02) 9490 9600 FAX: (02) 94381224

Client
GUZMAN Y GOMEZ™ Mexican Kitchen

Project
GYG - BEVERLY HILLS

Location
143 STONEY CREEK ROAD
BEVERLY HILLS
NSW 2209

Scale
1 : 10 @ A3

Drawing
SIGNAGE DETAILS

Project Number	Drawing Number	Issue
250031	DA054	X

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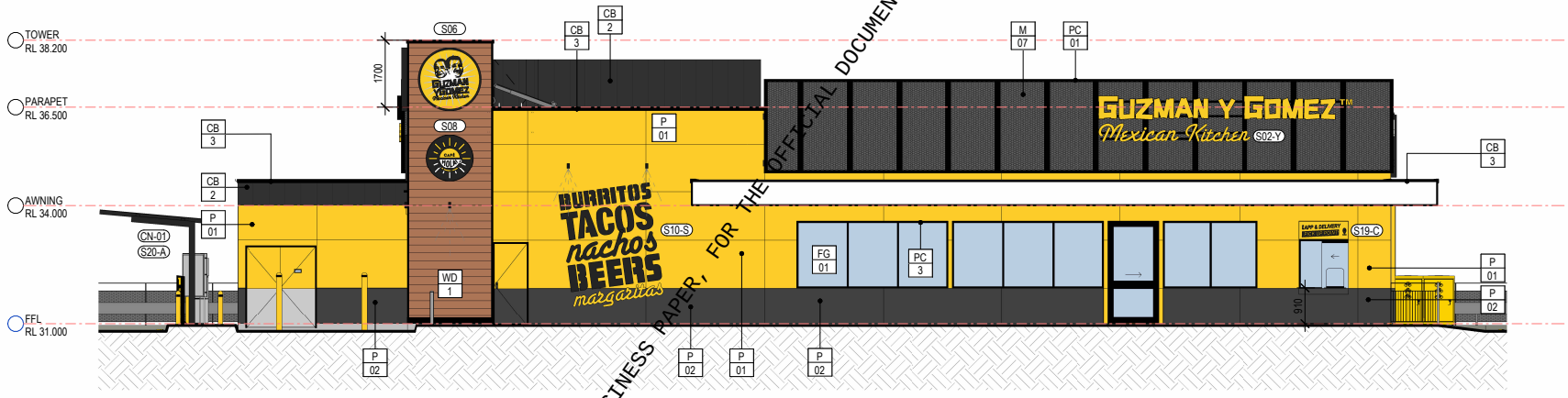
1 SOUTH ELEVATION - MAIN ENTRY
1 : 100



01 SOUTH ELEVATION - MAIN ENTRY (AL FRESCO)
1 : 100

Revisions				
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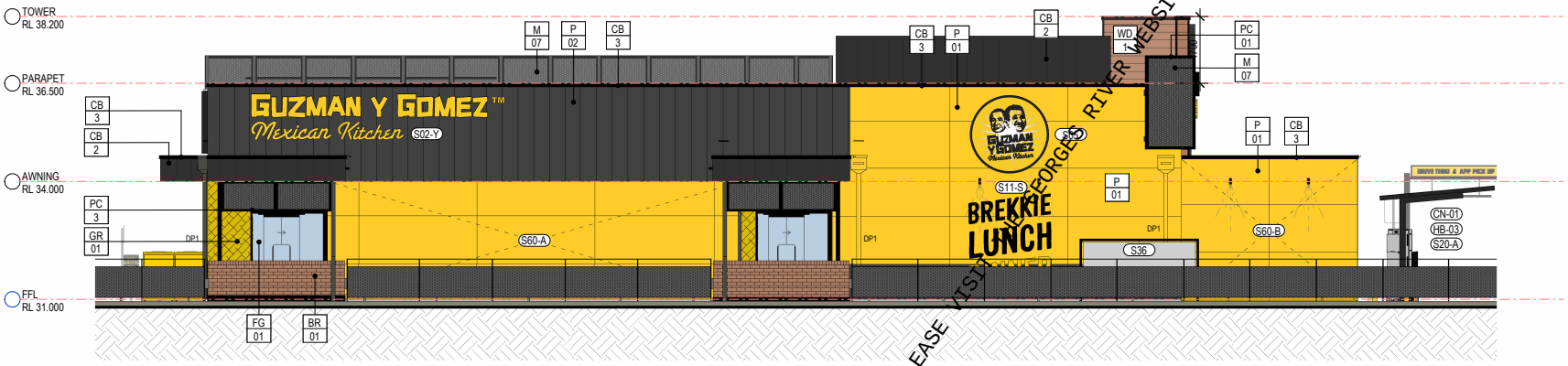
Project
GYG - BEVERLY HILLS

Location
143 STONEY CREEK ROAD
BEVERLY HILLS
NSW 2209

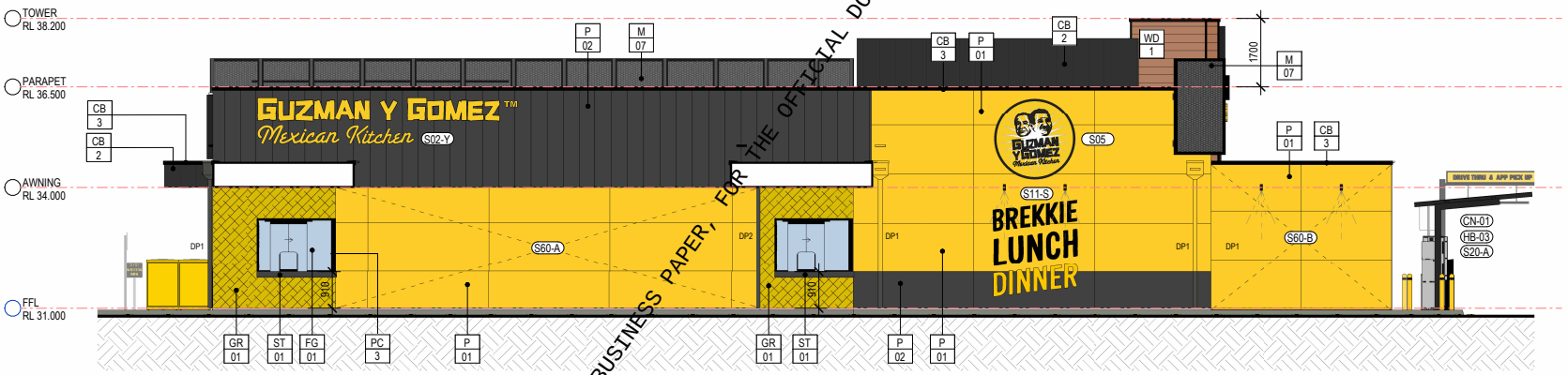
Scale
1 : 100 @ A3

Drawing
ELEVATIONS

Project Number	Drawing Number	Issue
250031	DA200	X



2 NORTH ELEVATION - DRIVETHRU
DA031 1 : 100



02 NORTH ELEVATION - DRIVETHRU WINDOWS
1 : 100

Revisions

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V	DA ISSUE	28/01/26	SP	MM
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Issue Description | Date | Chk | Int

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GYG - BEVERLY HILLS

Location
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BEVERLY HILLS
NSW 2209

Scale
1 : 100 @ A3

Drawing
ELEVATIONS

Project Number	Drawing Number	Issue
250031	DA201	X

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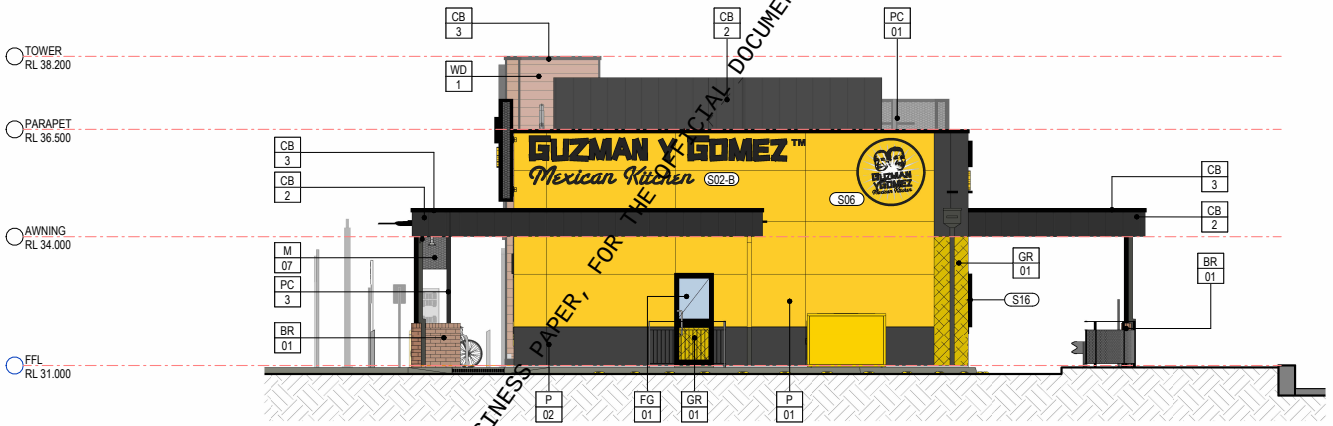
3 WEST ELEVATION
1 : 100



4 EAST ELEVATION - TERRACE
1 : 100

Revisions				
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V	DA ISSUE	28/01/26	SP	MM
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Project
GYG - BEVERLY HILLS

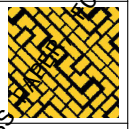
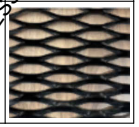
Location
143 STONEY CREEK ROAD
BEVERLY HILLS
NSW 2209

Scale
1 : 100 @ A3

Drawing
ELEVATIONS

Project Number	Drawing Number	Issue
250031	DA202	X

GYG EXTERNAL FINISHES SCHEDULE

CODE	No.	MANUFACTURER	COLOUR	LOCATION	IMAGE
BR	01	SOLID BRICK - SURFACE STUDIO	RECLAIMED INDUSTRIAL - BROWN MIX. STRETCHER BOND WITH SOLDIER COURSE CAPPING. FLUSH WHITE MORTAR CLEAR MATTE SEALER.	AL FRESCO DINING SILL WALLS & DRIVETHRU BOOTH SILL WALLS	
CB	1.1	LYSAGHT (CUSTOM ORB)	SURFMIST	INTERNAL PARAPET LININGS	
CB	1.2	COLORBOND	SURFMIST	ROOF FASHINGS WITHIN ROOF WELL (WHERE NOT VISABLE)	
CB	2	COLORBOND	MONUMENT	FASCIA AND ALL VISIBLE FLASHINGS	
CB	3	COLORBOND	NIGHT SKY	GUTTERING, CAPPINGs, ANY VISIBLE FLASHING, DOWNPIPES	
FG	01	VIRIDIAN	NEUTRAL	DOORS & WINDOWS	
GR	01	DULUX	GYG DARK GREY / MONUMENT (P02) WITH APPLIED YELLOW DIGITAL PRINT / GRAPHIC. (REFER TO SIGNAGE DETAILS)	DRIVETHRU BOOTH WALLS	
M	07	ETC20A EXPANDED METAL MESH ETCHED WALL SYSTEM SPECIALIST	ZEUS (BLACK) SATIN	AWNINGS & PARAPET SCREENS	

GYG EXTERNAL FINISHES SCHEDULE

CODE	No.	MANUFACTURER	COLOUR	LOCATION	IMAGE
P	01	DULUX WEATHERSHIELD EXTERIOR	GYG YELLOW / SUPERHUR - BRIGHT YELLOW	MAIN BUILDING WALLS	
P	02	DULUX WEATHERSHIELD EXTERIOR	GYG DARK GREY / MONUMENT	MAIN BUILDING WALLS	
P	04	DULUX WEATHERSHIELD EXTERIOR	HAMMER GREY	ROOF ACCESS	
PC	3	DULUX DURATEC	ZEUS (CHARCOAL) SATIN	WINDOW & DOOR FRAMES	
RF	01	LYSAGHT (KLIPLOK 406 / 700)	SURFMIST	ROOFS	
ST	01	CAESARSTONE 3100 JET BLACK OR SIMILAR APPROVED	BLACK STONE / CORIAN	DRIVETHRU WINDOW SILL	
WD	1	KNOTWOOD 150x16mm ALUMINIUM CLADDING BOARD - ANGLED TRIMS IN BLACK, TO BE SUPPLIED BY KNOTWOOD	CHESTNUT	TOWER WALL	

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Project
GYG - BEVERLY HILLS

Location
143 STONEY CREEK ROAD
BEVERLY HILLS
NSW 2209

Scale
@ A3

Drawing
EXTERNAL FINISHES

Project Number	Drawing Number	Issue
250031	DA210	X

LPP009-26 Attachment 1

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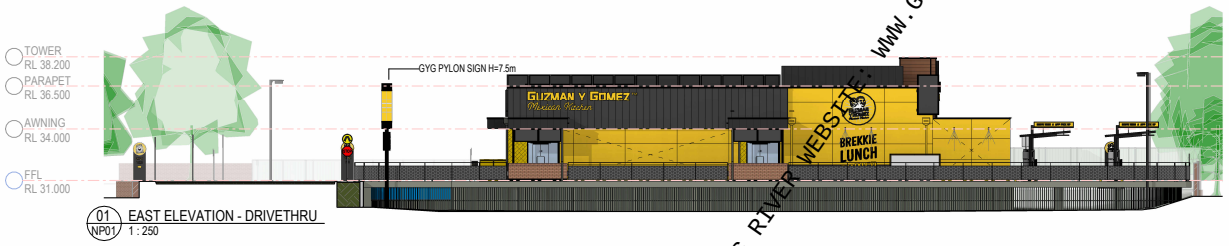
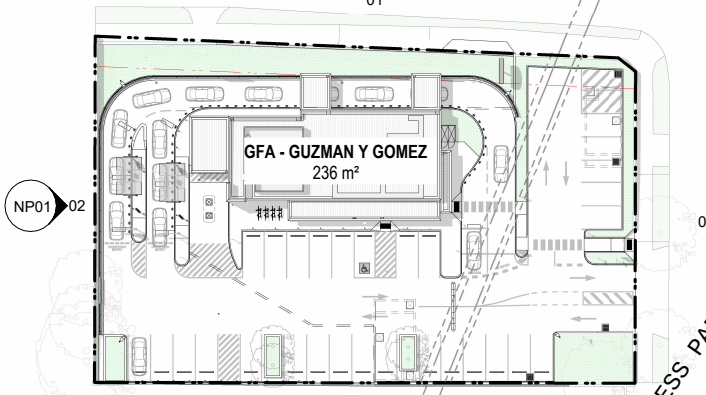


01 NP01 EAST ELEVATION - DRIVETHRU
1 : 250



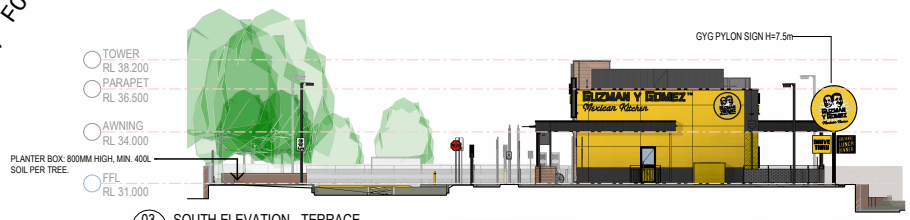
04 NP01 WEST ELEVATION - MAIN ENTRY
1 : 250



2 DA200 NOTIFICATION PLAN
1 : 500



02 NP01 NORTH ELEVATION
1 : 250



03 NP01 SOUTH ELEVATION - TERRACE
1 : 250

Revisions

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Project
GYG - BEVERLY HILLS

Location
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BEVERLY HILLS
NSW 2209

Scale
As indicated @ A3

Drawing
NOTIFICATION PLAN

Project Number	Drawing Number	Issue
250031	NP01	X

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Assessment Report

DA2025/0397

Lot 2 and 3 DP 1205598

143 Stoney Creek Road, Beverly Hills NSW 2209

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.

LPP009-26 Attachment 2

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Locality Description 4
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The Likely Impacts of the Development 34
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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 Council 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 items are to be removed:
- Existing office structures,
- Existing parking area, and
- Removal of all trees on site except Tree 3 and 16.

New Food and Drink Premises
The construction of a new 60-seat fast food restaurant with the following layout:
- Indoor dining area with a capacity of 34 seats
- Outdoor dining area with a capacity of 26 seats
- Meal serving area and coffee serving table
- Freezer, cool room, and storage areas
- Three toilets, of which one is accessible,
- Bin room, accessible by on-site loading bay,
- 30 car parking spaces, of which one is accessible,
- Drive-through component, with two ordering bay and one waiting bay.
- The proposed development is to be operated under the following parameters:
    - Operation hours: 24 hours on all day
    - Alcohol to be sold on site. Alcohol consumption is to be confined within the indoor area of the restaurant.

A site plan is provided below:

LPP009-26 Attachment 2

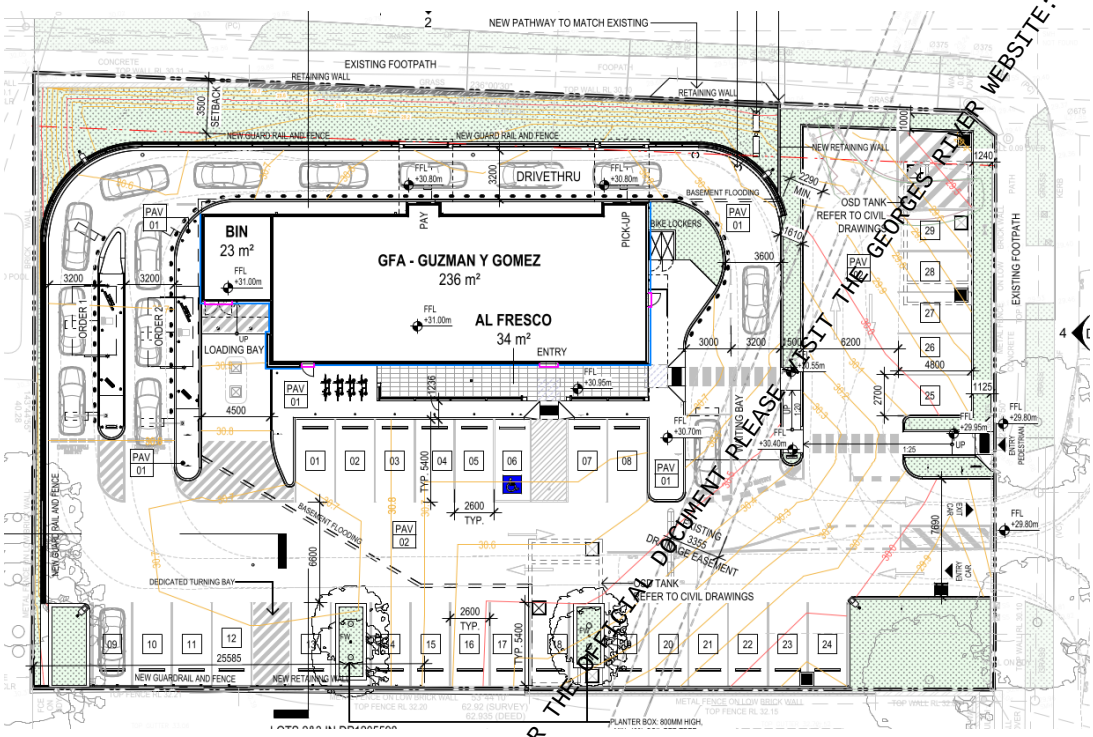

Figure 1 – Site plan *(Source: Architectural Plans)*

Site and Locality

Site Description

The site is legally described as Lot 2 and 3 DP 1205598, and has a total site area of 2,447sqm by Deposited Plan. The site currently contains a disused one-storey office building. The office building previous accommodates a Roads and Maritime Service centre.

Vehicular access is gained via Cambridge Street.

Vegetation on the site consists of multiple trees within the landscaped area of the former parking area, and a large tree (Tree 17) located on the Stoney Creek Road frontage.

Orientation is northwest-southeast.

There is a Sydney Water stormwater drainage easement traversing the site. The easement carries a 1981×1210 stormwater culvert.

Locality Description

Existing development in the locality consists of a mixture of multi-dwelling housing units, residential flat buildings, and dwelling houses.

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Existing development adjoining the subject site consists of a three-unit multi-dwelling housing development to the southeast, and a dwelling house and a seven-unit multi-dwelling housing development to the southwest.

Aerial Image of Land Zoning

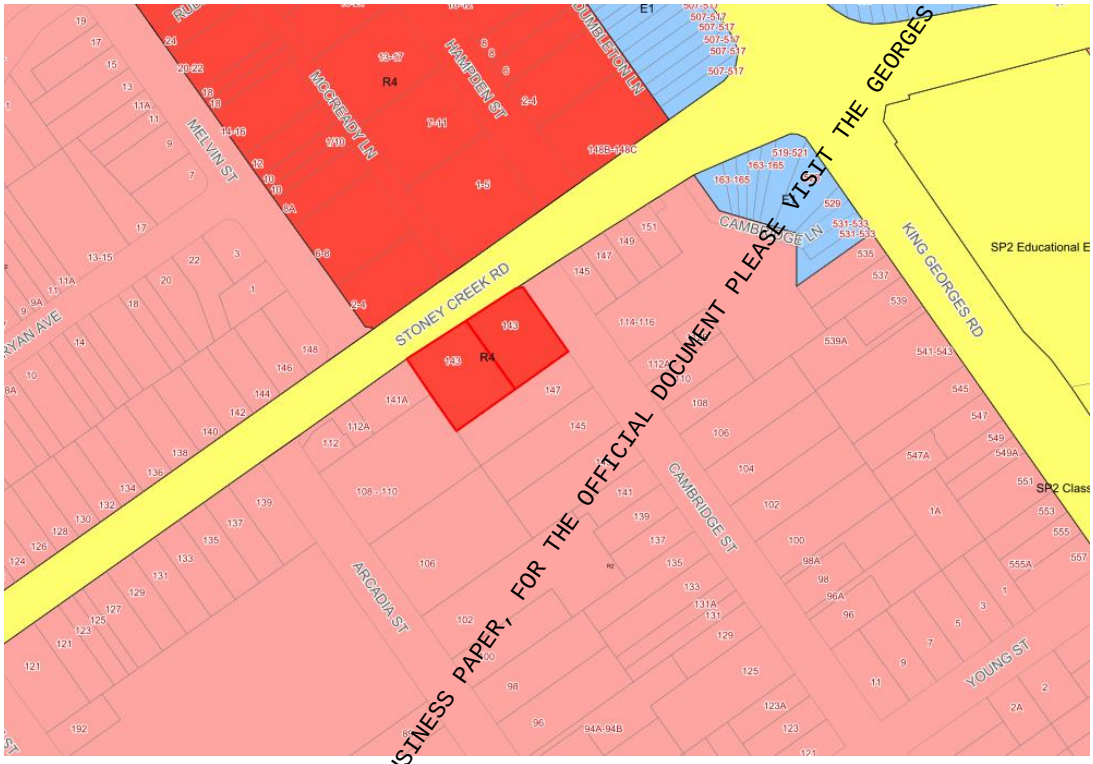

Figure 2 –Aerial view of development site outlined in red *(Source: IntraMaps)*

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Aerial Image of Site



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

Background

History

The following applications are relevant to the proposed works.

DA/CDC Number	Proposed Works	Determination	Date	Relevance
DA2020/0227	Medical centre	Approved	21 February 2021	The application did not commence.
90/DA-377	Extensions to a motor registry	Approved	21 September 1990	This relates to the previous use of the site as a motor registry. This is the oldest approval identified on the subject site.

Processing

Application History		
Action	**Date**	**Comment**

Submission Date	Friday, 15 August 2025	
Lodgement Date	Monday, 25 August 2025	
Site Inspection Conducted	Thursday, 8 January 2026	
Request to Withdraw Letter Sent	Tuesday, 2 December 2025	The letter outlines the following issues: - Conflict with Sydney Water culvert - Traffic management on Stoney Creek Road - Tree protection, and - Acoustic performance and food safety A request to withdraw letter was sent as the time needed to resolve the Sydney Water issue will likely exceed the acceptable Request for Further Information timeframe.
Meeting with applicant	Friday, 5 December 2025	The applicant indicated that the issues raised in the Request to Withdraw Letter can be resolved by mid-January 2026. On that basis, Council afforded the applicant an opportunity to supply additional information.
Request for Additional Information Sent	Friday, 19 December 2025	The letter outlines the following issues: - Signage design, - Building façade, - Landscape, - Undergrounding of existing powerlines - On-site traffic - Inadequate information
Revised Documentation Received	Tuesday, 27 January 2026	The following issues remains: - Traffic management - Conflict with Sydney Water culvert - Tree protection, and - Acoustic performance and food safety
Meeting with applicant	Friday, 6 February 2026	The applicant was advised of the outstanding issues and Council's position to recommend refusal of the application.
Revised Documentation Received	Monday, 9 February 2026	The following issues remains outstanding: - Traffic management

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LPP009-26 Attachment 2

		- Tree protection, and - Acoustic performance

Site Inspection

Image(s) from the site inspection are available below:



Figure 4: Street view of development site (image taken facing southwest *(Source: Assessing Officer)*)

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)

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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 (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 an office and residential accommodation, and there is no evidence that any use

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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 (Industry and Employment) 2021

State Environmental Planning Policy (Industry and Employment) 2021 is applicable to the development and the following clauses apply:

Chapter 3 – Advertising and Signage		
Schedule 5 – Assessment Criteria		
Standard	**Proposal**	**Compliance**
1 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? • Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signs are considered to be compatible with the desired future character of the locality The proposed signs, which is associated to a restaurant, is consistent with the theme of outdoor advertising in the area which is predominantly retail in nature.	☒ Yes ☐ No
2 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 subject site is not located in any special area.	
3 Views and vistas • Does the proposal obscure or compromise important views? • Does the proposal dominate the skyline and reduce the quality of vistas? • Does the proposal respect the viewing rights of other advertisers?	The proposed signs will not compromise any important views and obscure any adjoining advertisers.	
4 Streetscape, setting or landscape • Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? • Does the proposal contribute to the visual interest of the streetscape, setting or landscape? • Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signs are of a scale proportion and form that is appropriate for the streetscape. The proposed signs incorporate distinguishable colour contrast to generate visual interest. The proposed signs will not introduce unnecessary cluttering.	

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• Does the proposal screen unsightliness? • Does the proposal protrude above buildings, structures or tree canopies in the area or locality? • Does the proposal require ongoing vegetation management?	No part of the subject building is identified as unsightly. No signs protrude above the building. The signs do not require ongoing vegetation management.	
5 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? • Does the proposal respect important features of the site or building, or both? • Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal is compatible to the scale and characteristics of the building. The proposed signs do not diminish vital features of the built form. The proposed sign is visually integrated with the building.	
6 Associated devices and logos with advertisements and advertising structures • Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Illumination units and associated wires are integrated into the signs.	
7 Illumination • Would illumination result in unacceptable glare? • Would illumination affect safety for pedestrians, vehicles or aircraft? • Would illumination detract from the amenity of any residence or other form of accommodation? • Can the intensity of the illumination be adjusted, if necessary? • Is the illumination subject to a curfew?	All illuminated signs, other than the pole signs and directional signs, are to be rendered non-illuminated to mitigate impacts to adjoining residences by condition should this application be recommended for approval. The illumination of the proposed pole sign is considered acceptable as the sign is located far from nearby residences, and the illuminated is directed to the road rather than to adjoining residences. The illumination of the directional signs is considered acceptable as those signs are located away from	

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	adjoining residences and the signs are unlikely to cause nuisance given the small size of the signs. Conditions are to be imposed to ensure an automatic timer is installed to restrict illumination during nighttime only, and control of illumination strength pursuant to Transport Corridor Outdoor Advertising and Signage Guidelines should this application be recommended for approval. A condition will be imposed prohibiting flashing sign should this application be recommended for approval.	
8 Safety • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal will not affect road safety subject to conditions controlling the brightness of the illuminated sign should this application be recommended for approval.	

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.

Division 12A – Pipelines and pipeline corridors

Pursuant to Clause 2.77, this application is not required to be referred to APA Group (gas pipeline operator) as the proposed development is not located within 20m of the centreline of a high pressure gas pipeline.

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Division 17 – Roads and Traffic

Clause 2.122 is applicable to this application as the proposed development is a traffic-generating development.

The application was referred to Transport for NSW for comments. The agency raised no objection subject to further Council consideration on signage installation to restrict traffic movements to and from Cambridge Street.

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 – also consider Design Excellence	☐	☒
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 – FSPA or R4 land	☐	☒
Other Affectations			
Bushfire Prone Land		☐	☒
Council Owned Land		☐	☒
Crown Land		☐	☒
Easements Within Lot Boundaries		☐	☐
Narrow lot housing precinct		☐	☒
Sydney Water Stormwater Pipe		☒	☐

GRLEP 2021 Part 2 – Permitted or prohibited development

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Clause 2.3 – Zone objectives and Land Use Table		
Standard	**Proposal**	**Compliance**
The subject site is zoned R4 High Density Residential. The objectives of the zone are: • To provide for the housing needs of the community within a high density residential environment. • To provide a variety of housing types within a high density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To enable other land uses that contribute to the vibrancy of the neighbourhood while ensuring that business centres remain the focus for business and retail activity. • To encourage development that maximises public transport patronage and promotes walking and cycling.	The proposal is not consistent with the zone objectives for the following reasons: - The proposal does not adequately protect the acoustic privacy of adjoining residences.	☒ Yes ☐ No
Clause 2.7 - Demolition requires development consent		
Standard	**Proposal**	**Compliance**
The demolition of a building or work may be carried out only with development consent.	The proposal involves the removal of an existing office building.	☒ Yes ☐ No

GRLEP 2021 Numeric Controls			
Standard	**Required**	**Proposed**	**Compliance**
Cl. 4.3 *Height of Buildings*	Maximum 16m	7.2m	☒ Yes ☐ No
Cl. 4.4 *Floor Space Ratio*	Site area: 2,447.0sqm Maximum 1.4:1 (3425.8m^2)	0.11:1 (258.9m^2)	☒ Yes ☐ No
Cl 6.12 *Landscaped Area*	Minimum 10% (244.7m^2)	10.3% (251.5m^2)	☒ Yes ☐ No

GRLEP 2021 Part 5 – Miscellaneous Provisions		
Clause - 5.21 Flood Planning		
Standard	**Proposal**	**Compliance**

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(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— (a) is compatible with the flood function and behaviour on the land, and (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 (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 (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (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. (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters— (a) the impact of the development on projected changes to flood behaviour as a result of climate change, (b) the intended design and scale of buildings resulting from the development, (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,	The proposal adequately addresses provisions concerning flood management.	☒ Yes ☐ No

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(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 6.2 - Earthworks		
Standard	**Proposal**	**Compliance**
Council must consider the following prior to granting consent for any earthworks: (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) measures to minimise the need for cut and fill, particularly on sites with a slope of 15% or greater, by stepping the development to accommodate the fall in the land, (f) the source of any fill material and the destination of any excavated material, (g) the likelihood of disturbing relics, (h) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (i) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The proposed earthworks are satisfactory with regards to the matters identified.	☒ Yes ☐ No
Clause 6.3 – Stormwater Management		
Standard	**Proposal**	**Compliance**
(2) In deciding whether to grant development consent for development,	The proposal is considered satisfactory. No objections raised	☒ Yes ☐ No

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the consent authority must be satisfied that the development— (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater or river water, and (c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system or, if the impact cannot be reasonably avoided, minimises and mitigates the impact, and (d) is designed to minimise the impact on public drainage systems.	from Sydney Water and Council's stormwater engineer.	
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 a) the supply of water, b) the supply of electricity, c) the supply of telecommunications facilities, d) the disposal and management of sewage e) stormwater drainage or on-site conservation, f) suitable vehicular access.	The proposal does not have, or make adequate provision for the following services: - Vehicular access See referral sections below for detailed comments.	☐ Yes ☒ No

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:

Landscaping		
3.2.1 Trees & Vegetation		
Control	**Proposal**	**Compliance**
3. All works are to comply with Council's Tree Management Policy.	The proposal does not comply with Council's Tree Management Policy. The submitted civil engineering plan is not consistent with respect to earthworks near adjoining trees at 108-110 Arcadia Street. The proposed stormwater system and earthworks interferes with Tree 3. The proposed parking area near the Stoney Creek Road/Cambridge Street intersection intrudes into the Natural Root Zone of Tree 2, a street tree.	☐ Yes ☒ No
10. In planning the design of a development, consideration must be given to existing trees on the subject site and on the adjoining land, including: i) Designs to minimise or avoid potential conflict between trees and structures – on site and on any neighbouring property, ii) Existing trees are retained and incorporated as part of the design within an enforceable Tree Protection Zone (TPZ) of 12 x trunk diameter (DBH) when measured at 1.4 metres from ground level, iii) Driveways must be suitably distanced from existing street trees, iv) Awnings must be suitably distanced to reduce conflicts with canopy trees and future tree plantings,		

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v) Stormwater suitably distanced from trees and not within the deep soil zone area to allow for potential tree planting, vi) Vitality and stability of the tree(s) in the long term, vii) Sufficient landscape area and deep soil planting areas to allow for planting of replacement trees if an existing tree is proposed to be removed, viii) Protection of the tree during the demolition and construction phases, ix) Building construction methods that will minimise the impact on trees and their root systems, and x) Trees identified to be retained on the site and on adjoining land are to be protected in accordance with AS4970 Protection of trees on development sites.		
11. Where works are proposed within 5m of the trunk of the tree or within the TPZ, whichever is greater, of an existing tree, an Arboriculture Impact Assessment Report must be prepared and submitted as part of the development application in accordance with Council's DA Guide.		
3.3 Landscaping		
Control	**Proposal**	**Compliance**
1. Landscaping on site should be incorporated into the site planning of a development to (where appropriate): i. Reinforce the desired future character of the locality; ii. Maintain significant landscape features; iii. Be consistent with any dominant species in the adjoining area of ecological significance; iv. Incorporate fire resistant species in areas susceptible to bushfire hazard;	The proposal does not comply with Council's Tree Management Policy.	☐ Yes ☒ No

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v. Provide planting within setback zones (setbacks identified within the relevant applicable parts of the DCP); vi. Soften the visual impact of buildings, carparks and roads; vii. Cater for outdoor recreation areas; viii. Separate conflicting uses; ix. Screen undesirable elements; x. Provide opportunities for on-site stormwater infiltration, in particular around existing trees and vegetation; xi. Consider the future maintenance requirements of landscaped areas; xii. Protect the effective functioning of overhead, surface level or underground utilities; and xiii. Improve the aesthetic quality of the development.		
2. Landscape planting should achieve a mature height in scale with the structures on the site.		
3. Where canopy trees, shrubs and groundcovers are required, preference should be given to incorporating local 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).		

View Impacts		
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 ☐ No

Waste Management		
3.12 Waste Management		
Control	**Proposal**	**Compliance**

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1. Development must comply with Council's Waste Management requirements regarding construction waste and ongoing management of waste materials (per Appendix 4 of the GRDCP).	The proposal complies with Appendix 4 of the GRDCP and therefore complies with the controls of this section.	☒ Yes ☐ No

Utilities		
3.14 Utilities		
Control	**Proposal**	**Compliance**
1. Applicants should consult service providers for energy, electricity, gas, water, telephone, national broadband network (NBN) fibre cables and fire requirements.	The subject site is connected to reticulated utilities. A condition will be placed to require the existing overhead power cable to be placed underground should this application be recommended for approval. The machinery on the rooftop is concealed by acoustic barrier and are integrated into the built form. The car parking area is capable of accommodating three-phase chargers.	☒ Yes ☐ No
2. Any services and structures required by the providers should be located within the basement, or concealed within the facade, with appropriate access. Where this is not possible, an alternative method of minimising street impact should be demonstrated, such as screening with landscape or built elements.		
3. With the exception of dwelling houses, all buildings should accommodate proposed or future air conditioning units within the basement or on rooftops, with provision of associated vertical/ horizontal stacks to all sections of the building.		
4. Air conditioning units and mechanical plant located on the roof should be well screened and integrated into the building form.		
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.		
6. Car parking areas are to be designed and constructed so that		

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electric vehicle and bicycle charging points can be installed now or at a later date. This will include the provision of 3 phase power to car parking areas for residential flat buildings, shop top housing and non-residential buildings.		
8. The existing above ground electricity and telecommunication cables within the road reserve and within the site will be replaced, at the applicant's expense, by underground cable and appropriate street light standards, in accordance with the Energy and Communication Provider's guidelines.		

Universal / Accessible Design		
3.17 Universal / Accessible Design		
Control	**Proposal**	**Compliance**
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.	1 accessible space provided. A continuous unobstructed path of travel is provided to enable pedestrian access from Cambridge Street to the front door.	☒ Yes ☐ No
3. Accessways for pedestrians and vehicles to be separated		
7. All off-street parking facilities shall allocate accessible parking spaces for people with disabilities outlined below in Table 6. <u>Commercial premises</u> 1-2% of total car parking spaces 1 accessible space required.		

Signage		
3.18 Advertising and Signage		
Control	**Proposal**	**Compliance**

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1. Signs should be designed and located to: i. Relate to the use of the premises. ii. Be consistent with best practice guidelines. iii. Be integrated with the architecture of the supporting building, not obscure significant architectural features and maintain the dominance of the architecture. iv. Be limited in number to avoid cluttering, distraction and unnecessary repetition. v. Not cover mechanical ventilation inlets or outlets. vi. Not comprise a roof sign vii. Not comprise an above awning sign. viii. Not comprise a flag pole sign. ix. Not compromise road or pedestrian safety including cyclists.	The proposed signs achieve the following: - Relate to the use of the premises - Consistent with best practice guidelines on design - Align with the architectural expression of the building - No repetition and cluttering - No covering of ventilation vents - No roof sign, above awning sign, and flag pole sign proposed, and - No impact on road safety.	☐ Yes ☒ No
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.	To be conditioned should this application be recommended for approval.	
3. In addition to the above, illumination of signage should: i. Be integrated with the design of the sign. ii. Not cause light spillage into nearby residential properties. iii. Not use complex displays, moving signs, flashing lights or the like that hold driver's attention beyond 'glance appreciation', and iv. Be fitted with an automatic timing device, controlling the illumination hours.	All illuminated signs, other than the pole signs and directional signs, are to be rendered non-illuminated to mitigate impacts to adjoining residences by condition should this application be recommended for approval. The illuminated signs that are considered acceptable achieve the following: - Integration of illuminated units in the signs, - No light spillage into adjoining residences, and - No complex displays.	

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	The use of automatic timing device to control illumination hours are to be conditioned should this application be recommended for approval.	
4. In residential zones, signage should not be illuminated.	The illumination of the proposed pole sign is considered acceptable as the sign is located far from nearby residences, and the illuminated is directed to the road rather than adjoining residences. The illumination of the directional signs is considered acceptable as those signs are located away from adjoining residences and the signs are unlikely to cause nuisance given the small size of the signs. The brightness of the illuminated signs is to be controlled by condition should this application be recommended for approval.	
5. All commercial advertising should comply with SEPP No.64-Advertising and Signage.	Complies.	
6. Business identification signs (refer to Figure 2 below) should:		
i. Identify the significant owners, tenants and uses of buildings.	The proposed signs identify the use of the building as a restaurant.	
iii. Be displayed in English, but may include a translation in another language not larger than the English message.	All signs are in English.	
iv. Not incorporate advertising of products and services that are not directly related to the approved use of the premises.	No advertisement proposed.	
v. Comply with the general controls and the relevant prescriptive measures in Table 7.	Complies, subject to condition should this application be recommended for approval.	

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Flush wall Must comply with all of the following controls, otherwise prohibited: a. Only one sign per building elevation; b. Must not have an area greater than: i. 10% of the elevation, if the elevation is >200m2 ii. 20m2 if the elevation is greater than 100m2 but <200m2 iii. 20% of the elevation for elevations of <100m2 c. Must not project above or beyond the wall to which it is attached; d. Must not extend over a window or other opening, or architectural feature; e. Must not be located on a building wall if there is an existing building or business identification sign on the building elevation.	Multiple signs are proposed on each elevation. This is considered to be acceptable given no repetitive signs are used, and the scale of the signs are in line with the building form. All proposed signs comply with the size requirement. No signs proposed over a window or any opening.	
Painted wall a. Size and shape must relate to the architectural features of the building; b. Not permitted on unpainted masonry on heritage items or buildings in conservation areas. c. Painted wall signs to be painted at least once every three years, or at the Council's discretion.	The proposed painted wall signs are appropriate to the scale of the building. No heritage items affected. The maintenance of the painted wall signs is to be imposed by condition should this application be recommended for approval.	
Pole sign Must comply with all of the following controls, otherwise prohibited: a. Must not project over footpath or roadway; b. Maximum area of 8m2 ; c. Maximum height 7.5m to the top of sign, above natural ground level;	Surface area: 7.9sqm Height: 7.5m The proposed pole sign does not project over footpath.	

Safety and Security		
3.19 Crime Prevention / Safety and Security		
Control	**Proposal**	**Compliance**
1. Active spaces and windows of habitable rooms within buildings are to	The proposal achieves the following:	☒ Yes

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be located to maximise casual surveillance of the public domain.	- Introduction of large windows in the restaurant to maximise casual surveillance. - The proposed toilets and dining area are conveniently located to maximise casual surveillance to facility entries. - Minimisation of blind corners, and - Readily visible building entry.	☐ No
2. In commercial, retail or public buildings, facilities such as toilets and parents rooms are to be conveniently located and designed to maximise casual surveillance to facility entries.		
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.		
8. Development should comprise elements that contribute to effective access control by creating: i. Landscapes and physical locations that channel and group people into public areas; ii. Public spaces that attract, rather than discourage people from gathering; and iii. Restricted access to high crime risk areas such as car parks and other rarely visited areas.	The proposal achieves the following: - Landscaping and placement of structures that direct people into the front entrance and alfresco area. - The car parking area is designed such that it is readily observable from the public domain and the restaurant. The proposal does not introduce elements that enable unauthorised entries.	
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: i. Encouraging people to gather in public spaces and feel some	The proposal achieves the following: - Provision of clear delineation between public and private spaces.	

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responsibility for its use and condition; ii. Clearly defining transitions and boundaries between public and private spaces; and iii. Clearly defining the use of public spaces		

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.	The submitted acoustic report is insufficient – see referral comments below for further comments.	☐ Yes ☒ No
3.20.3 Noise Generating Development		
Control	**Proposal**	**Compliance**
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 submitted acoustic report is insufficient – see referral comments below for further comments.	☐ Yes ☒ No
2. Noise generating developments should be accompanied by an acoustic report that demonstrates the development is sited and designed to: i. Minimise the effects of noise and vibration on surrounding sensitive landuses; and ii. Comply with relevant State Government and Council guidelines.		
3. The location and design of noise generating activities, such as loading and unloading areas, garbage collection areas, driveways, parking areas, active recreation areas, air conditioning or mechanical plants, should be sited away from adjacent		

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

Built Form and Setbacks		
10.3.2 Built form and setbacks		
Control	**Proposal**	**Compliance**
1. The development to be erected on the Site shall have a maximum building height of 16 metres being the maximum height shown for the land on the Height of Buildings Map of the Georges River Local Environmental Plan 2021.	The proposed development complies with the GRLEP FSR and height controls. Stoney Creek Road setback: 6.8m Lot corner setback: 17.5m Cambridge Street setback: 22.7m Minimum side setback: 11.0m Rear setback: 18.9m	☒ Yes ☐ No
2. The maximum floor space ratio for a building on the Site shall not exceed 1.4:1 being the floor space ratio shown on the Floor Space Ratio Map of the Georges River Local Environmental Plan 2021		
3. Minimum setbacks and separation distances for all levels above ground are to be provided in accordance with Figure 2. Stoney Creek Road: 3.5m,		

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Lot corner: 8.9m Cambridge Street: 4.2m Rear (southeast): 9.0m Side (southwest): 9.0m		
4. A minimum front setback of 3.5m should be provided along Stoney Creek Road and 4.2m shall be provided along Cambridge Street to maintain the streetscape character and site context.		

Vehicular Access, Parking and Circulation		
3.13 Parking Access and Transport		
Control	**Proposal**	**Compliance**
1. The car parking rate for development types are outlined in Table 1 – Parking Requirements. In the event of a discrepancy between the parking rates specified in this Part of the DCP and any another, the specific requirements identified within the detailed controls for a locality/area shall prevail. <u>Retail Premises (Take away food and drink premises)</u> Developments with on-site seating and drive-through: • 1 space per 2 seats (internal), or • 1 space per 3 seats (internal & external) (whichever is the greater) 34 seats internally 60 seats in total Thus, 20 spaces required. <u>Note</u>: Given the proposed development contains drive-through component, the parking rate for take away food premises is utilised on merit to identify the appropriate parking provision.	29 spaces provided	☐ Yes ☐ No
8. All Commercial, Place of Public Worship, Residential flat building and	4 bicycle parking spaces provided.	

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Shop-top housing development is to provide on-site bicycle parking as outlined in Table 2 – Bicycle Parking Requirements. <u>Commercial developments</u> 1 space per 5 car parking spaces Required: 4		
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: i. 1 personal locker for each bike parking space; 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.	Two locker spaces provided for bicycle riders near the pickup window. The provision of bicycle lockers and their location would be imposed by condition should this application be recommended for approval.	
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 parking area near the Stoney Creek Road/Cambridge Street intersection does not comply with AS2890.1 with respect to traffic management.	
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)'.		
20. Car parking areas may be designed as ground level parking	The proposed parking is provided to the rear of the proposed restaurant.	

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provided that the design results in building frontages level with the street.	The parking area is adequately setback from the street and incorporates sufficient shade trees.	
21. Parking areas are to include: 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. ii. Shade trees are to be provided in open parking areas at the ratio of 1 shade tree for every 6 spaces. iii. Plants to avoid are those which have a short life, drop branches, gum or fruit or those which interfere with underground pipes.		
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.		
23. Parking complies with AS 1428 Design for access and mobility and AS/NZS 2890.6.	Adequate accessible parking spaces provided in close proximity to the building entrance.	
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.		
30. Design parking to ensure pedestrian safety.	Dedicated pedestrian pathways are provided to guide pedestrians from the Cambridge Street access to the restaurant entrance.	
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 parking area near the Stoney Creek Road/Cambridge Street intersection	

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33. Ensure that all vehicles, including vehicles using loading bays, can enter and leave the site in a forward direction.	does not comply with AS2890.1 with respect to traffic management.	
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.	Parking area material to be specified by condition should this application be recommended for approval.	
37. Large areas of at grade carparking are to be constructed of concrete or a light coloured material to minimise heat load. Tree planting within the carparking will be required to provide shade.		
52. Planning and design layout of loading and manoeuvring areas should be provided in accordance with AS2890.2 and: i. Preferably be located to the side or rear of buildings; ii. Screened from view from local and main roads; and 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.	One loading bay provided. The loading bay comply with relevant Australian Standards.	
54. The design of loading bay facilities are to be in accordance with Australian Standard AS2890.2 and Table 4 below. MRV Bay length: 9.8m Platform height: 0.95m to 1.10m Vertical clearance: 4.5m		
10.3.3 Vehicular access and car parking		
1. Car parking rates in accordance with Section 3.13 Parking Access and Transport of the GRDCP 2021.	Sufficient car parking spaces provided. The vehicle access point is provided through Cambridge Street. A traffic report is supplied for the subject application.	☒ Yes ☐ No
2. The vehicle access point to the Site shall be from Cambridge Street in accordance with Figure 2 to achieve safety, minimise conflicts between		

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pedestrians and vehicles and create a high quality streetscape to Stoney Creek Road.		
4. A Traffic Impact Statement must be provided to support the Development Application.		

Contamination		
10.3.4 Contamination		
Control	**Proposal**	**Compliance**
1. A remediation action plan is required to be submitted with any Development Application that involves the excavation at or beyond the depth of the groundwater table, and/or has the ability to influence the nature or depth of the groundwater table.	The proposal does not require deep excavation. No further contamination investigation required.	☒ Yes ☐ No

Stormwater Management		
10.3.5 Stormwater Management		
Control	**Proposal**	**Compliance**
1. Where a new development proposes to divert the existing Sydney Water Reinforced Concrete Box Culvert (RCBC) (with dimensions of 1.981m wide by 1.219m high), the replacement RCBC is to have internal dimensions of 2.1m (wide) by 1.5m (high), or as required by Sydney Water.	The proposal has no impacts on the Sydney Water box culvert that traverses the site.	☒ Yes ☐ No
5. A stormwater management system is to be provided in accordance with the requirements of the Georges River Stormwater Management Policy 2020 (or its successor).		

Waste Management		
10.3.6 Waste Management		
Control	**Proposal**	**Compliance**
1. Controls for the management of demolition, construction and ongoing operational waste are outlined within	The proposed development is capable of complying with Council's waste requirements subject to condition should	☒ Yes ☐ No

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Appendix 4 - Waste Management of the GRDCP.	this application be recommended for approval.	

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 proposal will adversely affect existing trees on site, on the street, and in neighbouring properties.
Built Environment	The proposed development fails to demonstrate adequate on-site traffic management.
Social Impact	The proposal fails to demonstrate acceptable acoustic impacts on adjoining properties. Furthermore, the proposal fails to demonstrate acceptable traffic impacts.
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 R4 High Density Residential. The proposal is not considered a suitable outcome for the subject site for the following reasons:

- Inadequate traffic management
- Inadequate protection on trees within and outside of the subject site, and
- The acoustic report is deficient with respect to compliance with relevant industry standards on noise.

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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 twenty-eight (28) days in which to view the plans and submit any comments on the proposal. Thirty-three (33) submissions were received during the neighbour notification period.

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

Issues raised in submissions	Comment
Trading hours The proposed 24/7 trading is identified to be the primary concern. The proposed trading hours are not compatible with the low-density residential context of the locality. Concerns were raised regarding the noise, littering, and public safety impacts associated with the proposed trading hours. There are only a small number of comparable 24/7 fast food premises currently operating in the St George Area. Multiple submissions requested for the proposed premises to cease operating between 22:00 to 07:00, and have a trial trading period up to 23:00.	The applicant fails to demonstrate the proposed development will not cause unacceptable noise and traffic impacts. The capability for the proposed development to accommodate 24/7 trading without adversely affecting neighbourhood amenity is not demonstrated.
Proximity to residential properties The proposed development is in a residential zone and in close proximity to existing residential properties. The approval of this proposal will cause adverse privacy, noise, and public safety impacts, partly because the proposed car parking area is in close proximity to residences. The proposed development, being commercial in nature, is not compatible with the locality.	While it is acknowledged that the proposed development is located in close proximity to many residences in the neighbourhood, the proposed development is permissible on R4 zone. The necessity of a proposed development is not a planning consideration. The proposal fails to demonstrate that the proposed development will not cause unacceptable noise impact, and will not cause adverse impacts to trees within adjoining properties.

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Some submissions indicated that there is no need for the proposed development.	
Traffic Concerns are raised regarding traffic noise and intensification of local traffic congestion due to additional traffic volume. The proposal will increase the frequency of illegal traffic manoeuvres onto local streets.	Transport for NSW raised no objection to the proposed development, subject to restrictions on traffic movement being considered to minimise impacts on traffic flow on Stoney Creek Road. The proposed development fails to demonstrate adequate on-site traffic management. See referral comments below for further details
Mechanical ventilation The ventilation system may not be sufficient to enable effective exhaust of odour.	Council's Environmental Health Officer raised no objection on the grounds of inadequate mechanical ventilation.
Vegetation The proposal will remove a substantial number of established trees. The proposal does not have sufficient replacement trees. The Stoney Creek Road frontage does not have sufficient vegetation to soften the visual impact of the proposal. A 500mm landscape buffer is recommended to separate the parking area and adjoining residences.	The proposal involves the removal of all except one tree on site. Council's landscape officer raised no objection to the tree removal, subject to the provision of 3 broad canopy trees. A condition to introduce replacement trees would be imposed should this application be recommended for approval. There is no specific requirement for a landscape buffer between the parking area and the site boundary.
Signage The signage is of excessive height. Multiple submitters raise concern on the potential sleep disturbance and light pollution caused by the illuminated signs. The enforcement of relevant Australian Standards on illuminated signs are requested by multiple submitters.	All proposed signs comply with relevant height requirements. All illuminated signs, other than the pole signs and directional signs, are to be rendered non-illuminated to mitigate impacts to adjoining residences by condition should this application be recommended for approval. Conditions are to be imposed to ensure an automatic timer is installed to restrict illumination during nighttime only, and control of illumination strength pursuant to Transport Corridor Outdoor Advertising and Signage Guidelines should this application be recommended for approval.

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	Compliance with Australian Standards and Transport Corridor Outdoor Advertising and Signage Guidelines to be conditioned should this application be recommended for approval.
Noise Concerns are raised with respect to noise from the outdoor speaker and from restaurant patrons.	The submitted acoustic report fails to adequately address patron noise at the alfresco area.
Rooftop/second floor dining Concerns are raised on dining area above ground level.	No dining area proposed above the ground floor.
Notification process The application should be placed on a longer notification period as the compliance table is not available online and multiple neighbours were not notified of the proposed development.	The notification process complies with the Georges River Community Engagement Strategy 2023-2033 with respect to notification duration and notification area.
Anti-social behaviour Allowing alcohol consumption will intensify noise and anti-social behaviour. The proposed development provides a venue that accommodates for loitering and crime. Multiple submissions indicate concerns over increasing littering in the area.	The acoustic report fails to adequately address alcohol consumption per NSW Liquor and Gaming requirements. Should this application be recommended for approval, the management of the premises would be subjected to the provisions stipulated in the *Liquor Act 2007* and other relevant regulations. The submitted plan of management outlines requirements to contact the police should public safety risks arises.
Privacy Concern is raised on potential visual privacy impacts on adjoining properties.	The proposal retains the existing ground level and does not involve a second storey. The proposal is not likely to introduce unacceptable visual privacy risks.

Revised Plans - Re-notification

The applicant lodged revised plans on Tuesday, 27 January 2026

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

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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

Section 4.15 (e) the public interest.

The proposal is not considered to be in the public interest for the following reasons:

- Inadequate traffic management
- Inadequate protection on trees within and outside of the subject site, and
- The acoustic report is deficient with respect to compliance with relevant industry standards on noise.

Referrals

Internal Referrals

Internal Referrals		
Specialist	**Comment**	**Outcome**
Development Engineer	The officer has considered the following planning provisions: - Clause 5.21 of GRLEP 2021 - Clause 6.3 of GRLEP 2021 - Clause 6.9 of GRLEP 2021 - Part 3.10 of GRDCP 2021 - Georges River Stormwater Management Policy No objections raised to the proposal, subject to Sydney Water granting approval to the proposed development.	-
Landscape Officer	The officer has considered the following planning provisions: - SEPP (Biodiversity Conservation) 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 - Georges River Tree Management Policy 2024 The following objections were raised: - Proposed earthworks intrude substantially into the Natural Root Zone (NRZ) area of Trees	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.

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	1, 2 (street trees), and 3 (tree on-site) - Proposed earthworks and stormwater pipe intrude into the Structural Root Zone (SRZ) of Tree 3. - Based on the earthwork diagram, the proposed earthworks intrude into SRZ and NRZ of Trees 11, 12, 13, 14 & 14.1 (trees on adjoining lots) - The submitted civil engineering plans are not consistent with respect to the extent of earthworks. Diagram C110 indicates no earthworks near the southern corner while Diagram C500 indicates cut and fill in the same location. The arboritcultural assessment was carried out on the basis that root mapping, as recommended in the submitted arboricultural impact assessment, was not carried out.	
Environmental Health Officer	The officer has considered the following planning provisions: - Clause 6.1 of GRLEP 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 - Food Act 2003 - Noise Policy for Industry 2017 - Australian Standards The following objections were raised: - The acoustic report fails to adjust for the acoustic effects of rain, which influences the background noise rating. - The acoustic report fails to adequately address noise impacts from patrons in the alfresco area for a restaurant that operates 24/7 with alcohol	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.

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	serving. The acoustic report does not recognise the potential impact of alcohol consumption and does not refer to NSW Liquor and Gaming requirements.	
Traffic Engineering	The officer has considered the following planning provisions: - Clause 6.9 of GRLEP 2021 - Part 3.13 of GRDCP 2021 The following objections were raised: - The parking area near the Stoney Creek Road/Cambridge Street intersection will cause unacceptable conflicts with traffic from the main parking area and drive-thru lane.	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.

External Referrals

External Referrals		
Referral Body	**Comment**	**Outcome**
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.	-
Transport for NSW (TfNSW)	The referral body has considered the following planning provisions: - Clause 2.122 of SEPP (Transport and Infrastructure) 2021 Concurrence granted, subject to consideration to introduce measures restricting traffic movements to and from Cambridge Street and compliance with *Transport Corridor*	-

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	Outdoor Advertising and Signage Guidelines.	
Sydney Water	The referral body has considered the following planning provisions: - Section 78 of Sydney Water Act 1994. No objections were raised.	-

Contributions

The development is subject to Section 7.12 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.

Recommendation

Refusal of Application

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer determines DA2025/0397 for *Demolition works and construction of a restaurant* on Lots 2 and 3 in DP 1205598 on land known as 143 Stoney Creek Road, Beverly Hills NSW 2209, should not be approved subject to the refusal reasons referenced below:

1. 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.

2. The proposal fails to comply with Section 3.2.1 and 3.2.2 of GRDCP 2021, as the proposal fails to comply with Council's Tree Management Policy, in that multiple trees on-site and in adjoining properties will be adversely affected by the proposed development, pursuant to Section 4.15 1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

3. The proposal fails to comply with Section 3.20 of GRDCP 2021, as the submitted acoustic report does not comply with relevant industry standards, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

4. 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.

5. 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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REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 05 MARCH 2026

LPP010-26 66-68 WOIDS AVENUE, ALLAWAH NSW 2218

LPP Report No	**LPP010-26**	**Development Application No**	**DA2025/0467**
Site Address & Ward Locality	66-68 Woids Avenue, Allawah NSW 2218 Kogarah Bay Ward		
Proposed Development	Demolition works and construction of a residential flat building with affordable housing units		
Owners	G & E Louca Pty Ltd		
Applicant	Project Odeon		
Planner/Architect	Architect: Fuse Architects Planner: Creative Planning Solutions		
Date Of Lodgement	22/10/2025		
Submissions	5		
Cost of Works	$10,088,485.00		
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, acoustic report, Clause 4.6 report, geotechnical report, landscape plan, Statement of Environmental Effects, stormwater plan, traffic report, walking distance survey, waste management plan		
Report prepared by	Senior Development Assessment Planner		

RECOMMENDATION	Refusal

Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	**Yes**

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Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	**Yes**
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	**Yes – Clause 4.3**
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	**Not Applicable**
Conditions Have draft conditions been provided to the applicant for comment?	**N/A – application to be recommended for refusal**

PROPOSAL

1. The Development Application seeks consent for Demolition works and construction of a residential flat building utilising the provisions of State Environmental Planning Policy (Housing) 2021. The proposal comprises of the following components:

Demolition

Demolition of two existing dwelling houses

Residential flat building

The proposed residential flat building comprising of 21 apartments includes the following components:

- Basement levels
  - 21 car parking spaces, of which
    - 16 residential spaces, and
    - 5 visitor spaces
  - 2 motorcycle spaces,
  - 10 bicycle spaces,
  - 16 storage units,
  - Waste storage room, and
  - Pump room and utilities on sub-level

- Ground floor
  - 1 one-bedroom unit,
  - 1 two-bedroom unit,
  - 1 three-bedroom unit,
  - Temporary bin holding area,
  - Communal open space, and
  - Utilities including gas meter and fire hydrant booster.

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- Levels 01 to 03
  - 2 one-bedroom units on each level,
  - 2 two-bedroom units on each level,
  - Of which, four units are to be allocated for affordable housing.

- Level 04
  - 1 one-bedroom unit,
  - 1 two-bedroom unit, and
  - 1 four-bedroom unit.

- Level 05
  - 1 one-bedroom unit,
  - 1 two-bedroom unit, and
  - 1 three-bedroom unit.

- Level 06 (rooftop)
  - Communal open space, and
  - Private terrace for Unit 503.

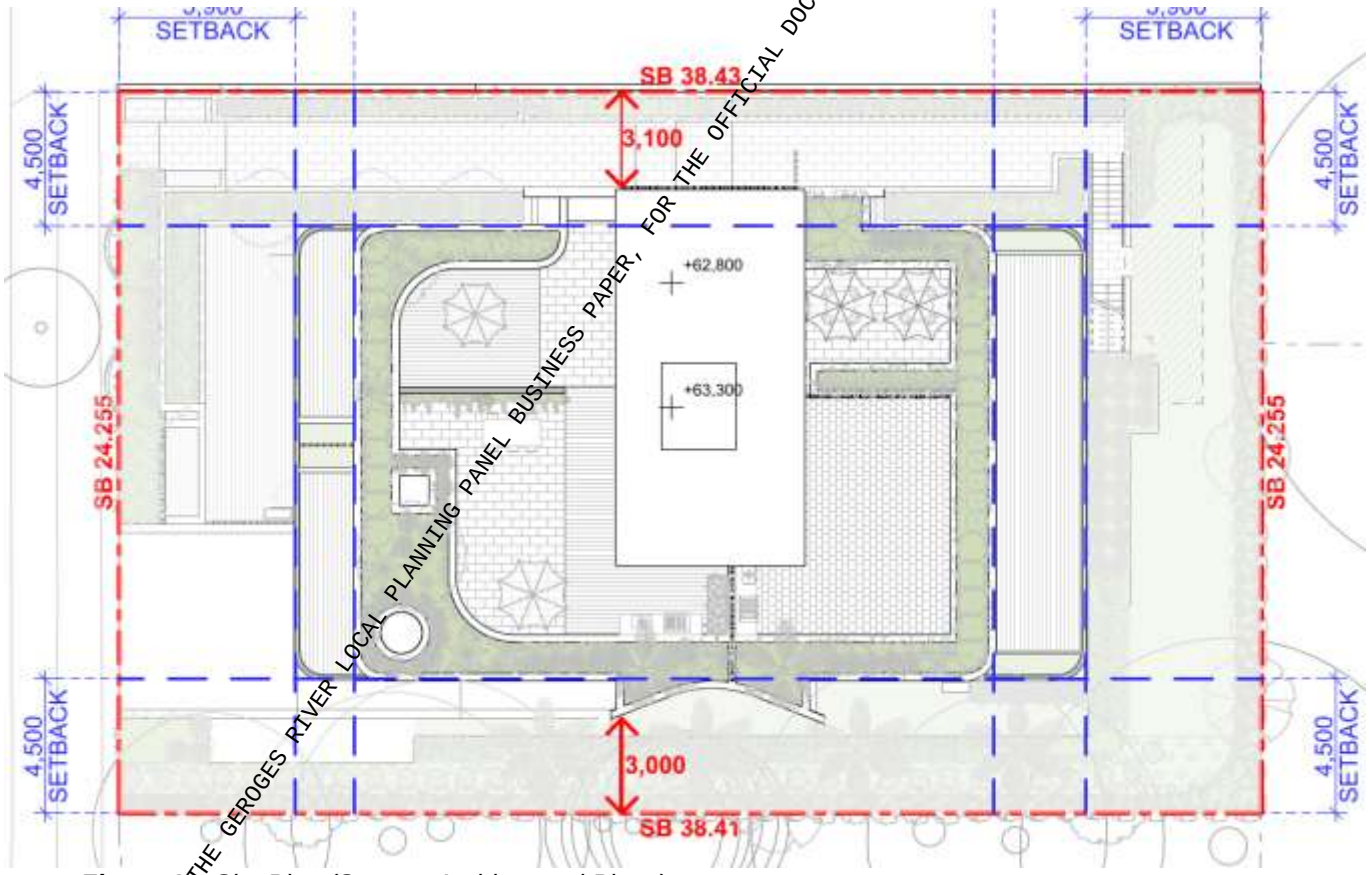

***Figure 1** – Site Plan (Source: Architectural Plans)*

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Figure 2 *– West elevation (Source: Architectural Plans)*



Figure 3 *– East elevation (Source: Architectural Plans)*

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Figure 4 *– North elevation (Source: Architectural Plans)*

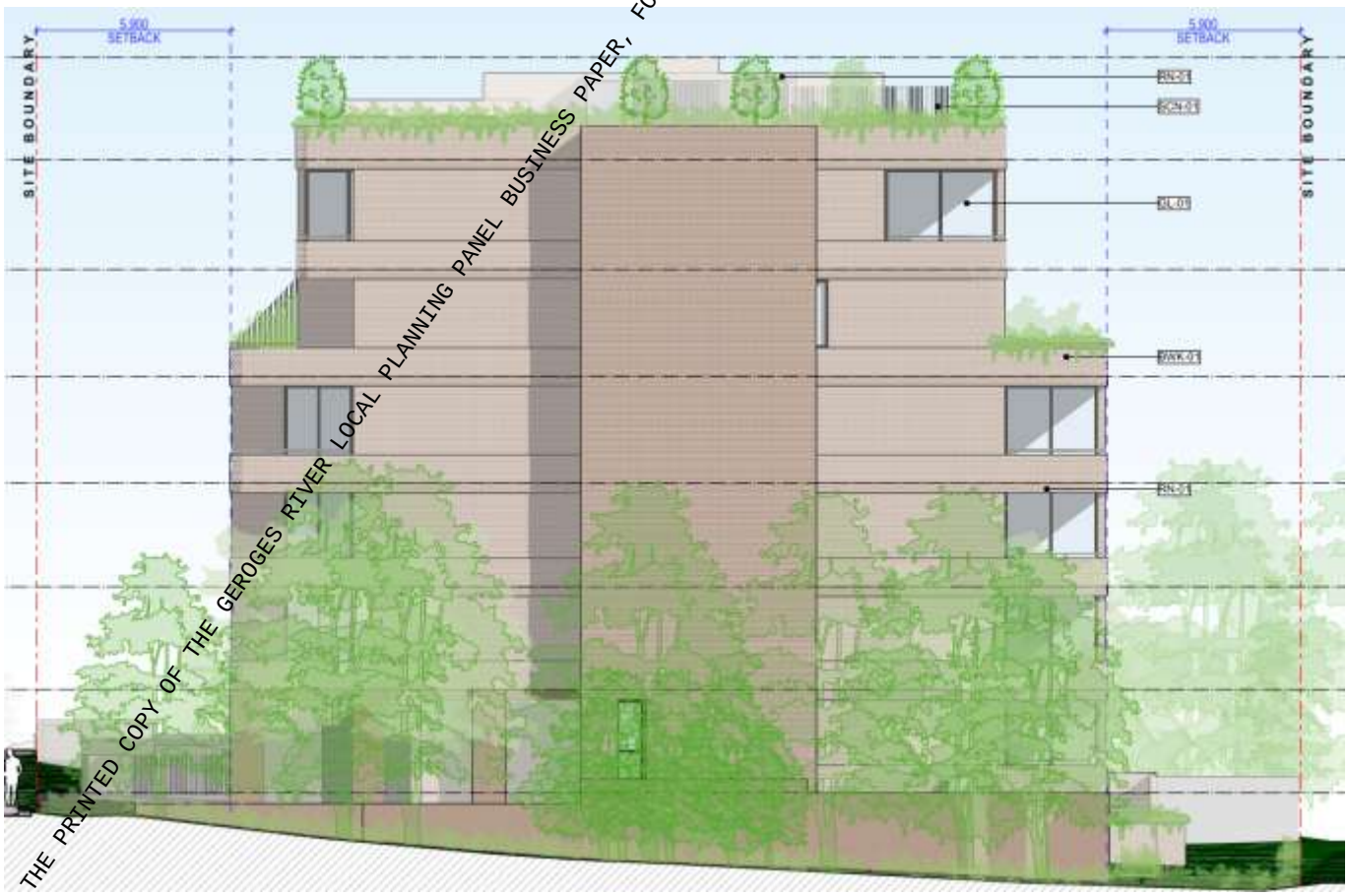

Figure 5 *– West elevation (Source: Architectural Plans)*

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Figure 6 *– Aerial view of development site outlined in red (Source: IntraMaps)*

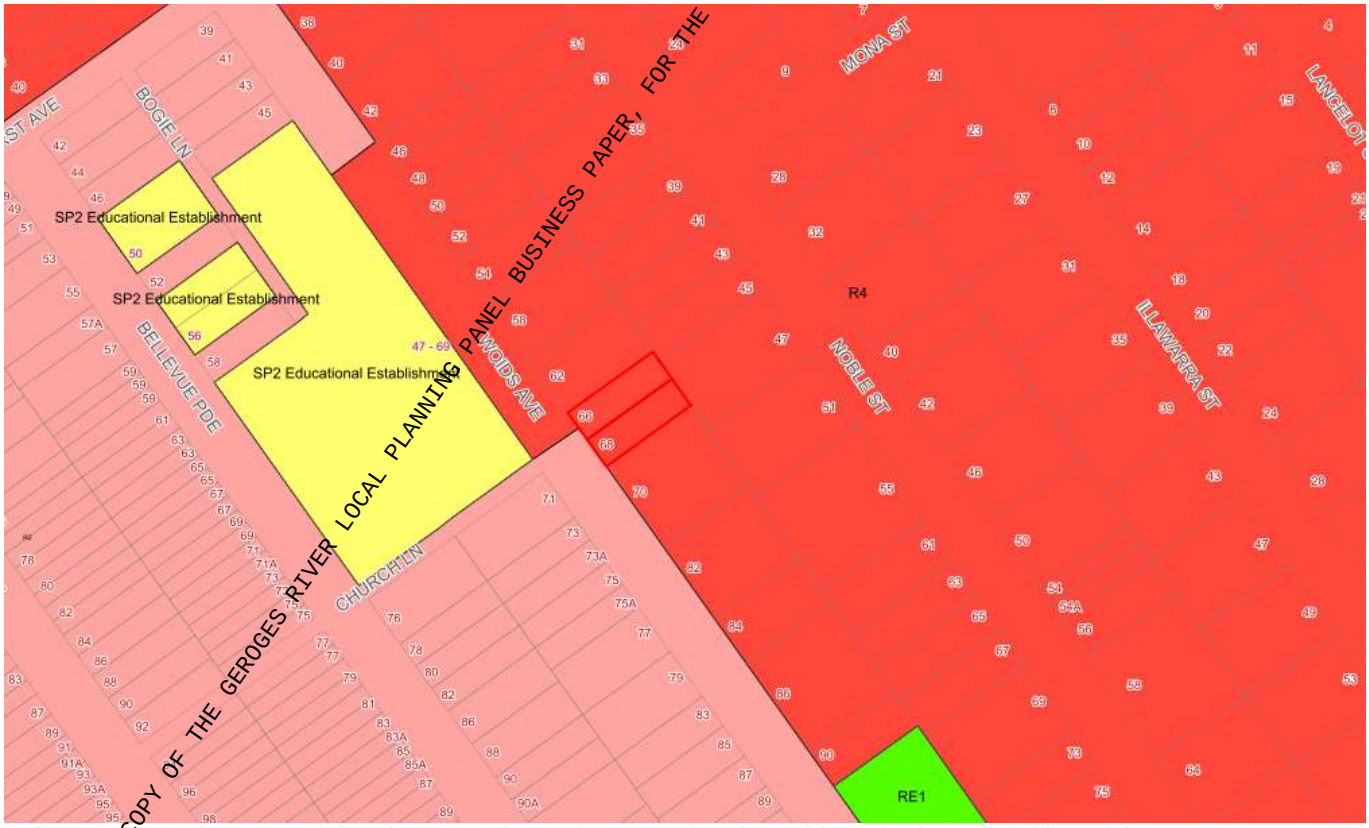

Figure 7 *– Zoning map of development site and surrounds. The subject site is outlined in red (Source: IntraMaps)*

SITE AND LOCALITY

2. The site has a total site area of 929.5sqm. The subject site is legally described as Lot 35 Sec 9 DP 2793 and Lot 1 DP 15025.

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3. Existing development on the site consists of two detached dwelling houses. The site is accessed through Woids Avenue. A Sydney Water sewer pipe traverse the rear of the subject site.

4. The immediate locality is characterised by a mix of residential and educational developments, of varying age, density and height. All properties adjoining the subject site contain residential flat buildings.

ZONING AND PERMISSIBILITY

5. 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.

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%	19.8% of gross floor area (GFA)	Yes
Section 16 – Affordable housing requirements for additional floor space ratio	Floor space ratio (FSR) bonus: 30% Maximum FSR: 1.95:1 (equivalent to 1,812.5sqm)	FSR: 1.98:1 (GFA: 1,843.3sqm)	No
	Building height bonus: 30% Maximum height: 22.75m	24.02m	No
Section 19 – non-discretionary development standards	Minimum site area: 450sqm	929.5sqm	Yes
	Minimum landscaped area of: - 35sqm per dwelling or - 30% of site area Whichever is the lesser	163.6sqm (17.6%) The landscape provision complies with Clause 6.12 of the GRLEP 2021.	Yes
	At least 70% of the dwelling to receive at least 3 hours of direct solar access.	71.4%	Yes
	Residential: 16.1 spaces Visitor: 4.4 spaces Minimum parking provision: 21 (20.5)	21 spaces	Yes

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State Environmental Planning Policy (Housing) 2021 Apartment Design Guide (ADG)			
Standard	**Required**	**Proposal**	**Complies yes/no**
3D - Communal open space (Minimum control)	25% of the site = 232.38sqm.	415.2sqm	Yes
3E – Deep Soil zones (Minimum control)	7%	163.6sqm (17.6%)	Yes
3F- Visual Privacy (Minimum control)	Separation distance from side and rear boundaries required: Up to 12m (4 storeys) Habitable room and balconies - 6m Non-habitable – 3m Up to 25m (5-8 storeys) Habitable room and balconies – 9m Non-habitable – 4.5m	Up to 12m (4 storeys) Habitable and balconies – 4.5m Non-habitable – 3.2m Up to 25m (5-8 storeys) Habitable and balconies – 4.5m Non-habitable – 4.5m	No
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 A maximum of 15% of apartments may receive no direct sunlight between 9am and 3pm in midwinter.	71.4% (15 units) have sufficient solar access. All units receive direct solar exposure on 21 June.	Yes
4B- Natural Ventilation (Minimum control)	60% of apartments are naturally cross ventilated.	9.6% of all units (2 units)	No
4C-Ceiling Heights (Minimum control)	Habitable rooms = 2.7m Non-habitable rooms = 2.4m	Complies for all units	Yes
4D- Apartment size and layout (Minimum control)	1 bedroom = 50sqm 2 bedroom = 70sqm 3 bedroom = 90sqm The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each Total minimum glass area: No less than 10% of the floor area of the habitable room.	All units comply. All windows are compliant in size.	Yes
	Maximum habitable room depths: 2.5 x of ceiling height. Open plan layouts - the maximum habitable room depth is 8m from a window	3 units do not comply with the open plan living area requirement.	No
	Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space).	All bedrooms and living rooms comply with minimum width requirement.	Yes

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	Bedrooms have a minimum dimension of 3m (excluding wardrobe space). Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom - 4m for 2 and 3 bedroom apartments		
4E- Private Open space and balconies (Minimum control)	All apartments are required to have primary balconies as follows: -1 bedroom = 8sqm/2m depth -2 bedroom = 10sqm/2m depth -3+ bedroom = 12sqm/2.4m The minimum balcony depth to be counted as contributing to the balcony area is 1m. Private open space for podium level apartments: Minimum area of 15sqm Minimum depth of 3m	2 ground floor units do not comply with the minimum private open space requirements.	No
4F- Common circulation areas	The maximum number of apartments off a circulation core on a single level is eight	4 units maximum	Yes
4G- Storage (Minimum control)	Storage requirement: 1 bedroom = 6m³ 2 bedroom – 8m³ 3 bedroom – 10m³ At least 50% of storage is to be located within the apartment.	16 external storage spaces provided in basement levels – a deficiency of 5.	No
4Q – Universal Design (Minimum control)	20% achieves Livable Housing Guideline's silver level	23.8%	Yes

Georges River Local Environmental Plan 2021 (GRLEP 2021)			
Standard	**Required**	**Proposed**	**Complies Yes/no**
Cl. 6.12 *Landscaped areas in certain residential and conservation zones*	10% (92.95sqm)	17.6%	Yes

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Georges River Development Control Plan 2021 (GRDCP 2021)			
Standard	**Required**	**Proposal**	**Complies yes/no**
3.13 Parking Access and Transport	Bicycle parking rate (minimum): 9 spaces	10 bicycle spaces	Yes
	Accessible parking rate (minimum): 3 spaces (3 adaptable units proposed)	4 accessible parking spaces	Yes
	1 car wash bay (minimum):	Nil	No
6.3.3 Building Setbacks and Street Interface	Front setbacks (minimum): i. Street setback: 5.0m up to four storeys 8.0m beyond four storeys	5.9m (G/F to 3/F) 7.9m (above 4 storeys)	No
	Encroachments into boundary setbacks (maximum): 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. ii. Ground floor private open space may encroach up to 3m into the side and rear setbacks leaving a minimum 3m of landscaped buffer	A 1.3m wide deep soil landscaped area is provided at the front setback area.	No
6.3.4 Basement Setbacks	Basement setbacks (minimum): i. Located within the building footprint, or ii. 6m from the front and rear boundaries, and 3m from the side boundaries.	Front: 3.3m Side: 0m Rear: 5.8m	No
	Driveways and driveway crossings setback (minimum): 1.5m	3.2m	Yes
6.3.9 Vehicular Access, Parking and Circulation	Parking area clearance (minimum): 2.5m	2.218m minimum	No
6.3.10 Dwelling Mix	Dwelling percentage mix: i. Studio apartments and 1 bed apartments – Maximum of 25% ii. 2 bed apartments – Minimum of 35% iii. 3+ bed apartments – Minimum of 15%	The apartment mix is as follows: 9 × 1 bedroom apartments (42.9%) 9 × 2 bedroom apartments (42.9%) 3 × 3/3+ bedroom apartments (14.3%)	No

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Main Issues

<u>Building Setback</u>

7. Objective 3F of the ADG requires a residential flat building to achieve a minimum side setback of 6m at habitable rooms and balconies up to four stories; and 9m for habitable rooms and balconies, and 4.5m from non-habitable rooms for the fifth to eight storeys.

8. The proposal demonstrates a side setback of 4.5m from habitable rooms and balconies up to Level 3, and 4.5m and 3.2m for habitable rooms and non-habitable rooms respectively from Level 4 to 6.

9. The setback non-compliance results in unacceptable visual privacy impacts on adjoining properties. Furthermore, the non-compliance exacerbates overshadowing on the adjoining 70 Woids Avenue, where solar access to habitable room windows is reduced by 75%.

Public Domain

10. Objective 3G of the ADG requires a clearly identifiable front entrance and street-facing units on the ground floor to have direct access to the street. The proposal incorporates a side-facing main entrance, and the street-facing unit is not provided a direct access to the street. The proposal demonstrates poor interaction to the public domain and a front setback area that is dominated by utilities (such as parking entrance and fire hydrant booster).

Cross Ventilation

11. Objective 4B of the ADG requires 60% of all apartments are naturally cross ventilated. In the ADG, cross ventilation is achieved by having '*a clear, unobstructed air flow path*' between the windows with *'the majority of the primary living space and n-1 bedrooms (where n is the number of bedrooms) should be on a ventilation path*'.

12. The cross-ventilation diagram supplied by the applicant indicates cross ventilation is achieved by air circulating in a 'u-shaped' path within the apartment unit. This depiction of air movement is not consistent with the cross ventilation defined in the ADG as air does not move in a 'u-shaped' path.

13. To ascertain compliance with Objective 4B, an assessment was conducted based on the aspects of windows in a unit. A unit is not considered cross-ventilated if the primary living space and insufficient number of bedrooms are located on a direct ventilation path (such as the unit indicated in Figure 9 below).

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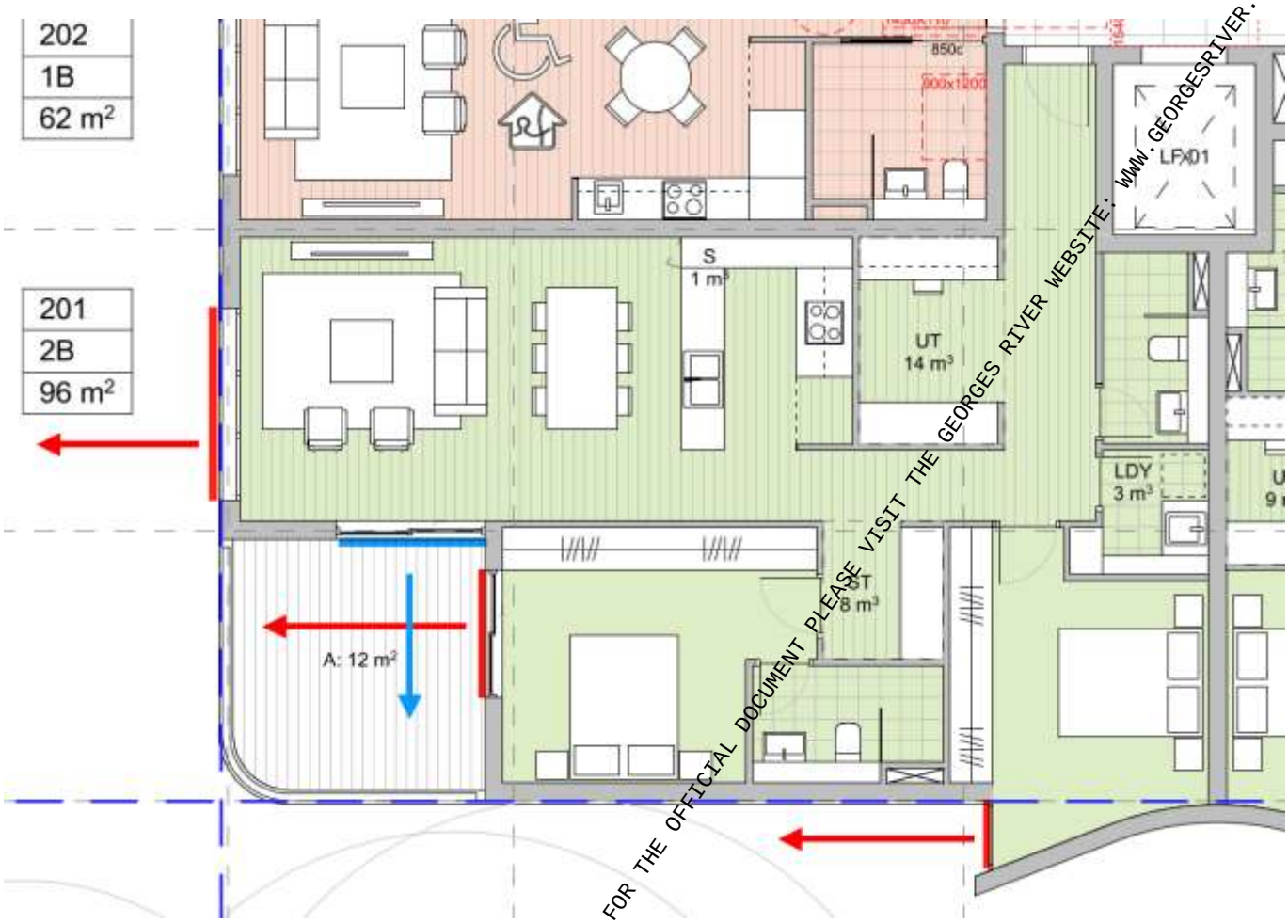

Figure 8 *– Floor plan of a typical two-bedroom apartment on Level 1 to 5. The arrows indicate the aspects of the windows. In this instance, only the living room is situated on a direct ventilation path as it incorporates windows on two aspects (Source: Architectural plans)*

14. Based on the assessment, only two units (9.6% of all units) enjoy cross ventilation, representing a substantial deviation from the ADG requirement.

<u>Height</u>

15. The proposed development is subjected to a height control of 22.75m as the proposal benefits from the affordable housing bonus provisions (Section 16) and Low and Mid Rise Housing provision (Section 176) of State Environmental Planning Policy (Housing) 2021. The proposal demonstrates a height of 24.02m, representing a variation of 5.6%.

16. The proposed height exceedance concerns the lift overrun and part of the privacy screens on the rooftop communal open space (see Figure 10 below). The submitted Clause 4.6 variation request demonstrates sufficient planning grounds to justify the height variation on that basis that the height exceedance, on its own, is minor in nature and does not cause unacceptable amenity impacts on adjoining properties.

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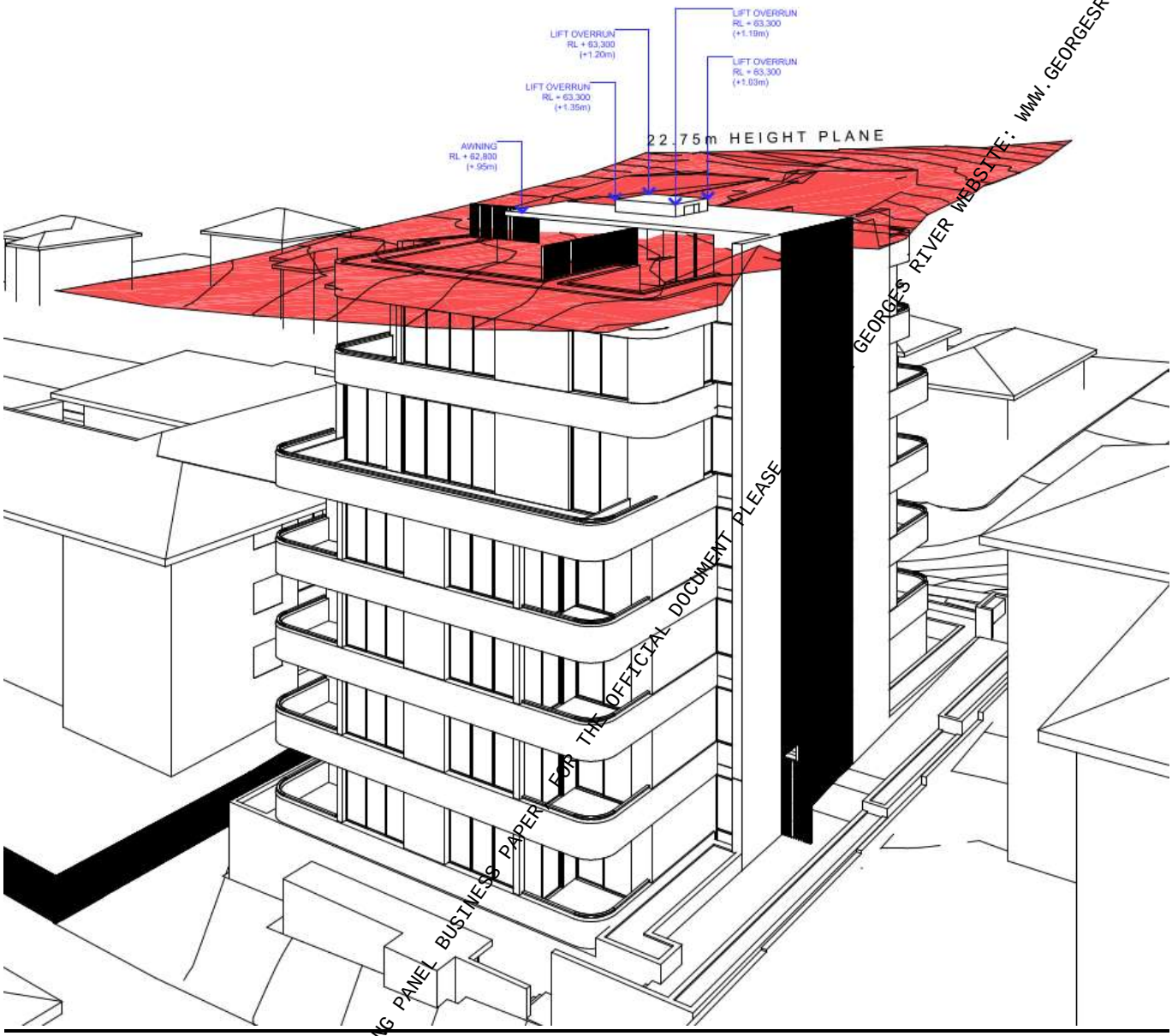

Figure 9 *– Extent of proposed variation. The height plane is represented in red. (Source: Architectural plans)*

Waste

17. Objective 4W of the ADG and 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 supply an adequate waste management plan, insufficient waste chute system, inadequate facilities at the waste storage room, and inadequate access to the temporary waste storage area on ground level. Council's waste officer has raised concerns with the proposal. Details are provided in the referral section of the report.

Urban Design

18. 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 poor interaction with public domain, insufficient massing and material variations, and failure to adequately address the topography at the parking levels. Council's urban designer has raised concerns with the proposal. Details are provided in the referral section of the report.

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Environmental Health

19. Council's Environmental Health officer raised concerns over the failure of the acoustic report to adequately address noise impacts associated with machinery and occupants of the rooftop communal open space. Details are provided in the referral section of the report.

Exceptions to Development Standards

20. A Clause 4.6 variation request is not submitted to address Section 16 of the Housing SEPP regarding non-compliances with the Floor Space Ratio development standard.

Ground Water Management

21. No details are provided regarding the management of ground water. Confirmation is required as to whether the proposed basement construction design, being either tanked (fully watertight) or drained (requiring permanent ongoing dewatering).

22. Depending on the method of construction the proposal may be integrated development particularly if dewatering of a basement during excavation is required. The applicant has indicated that the proposal is not integrated development, however in the absence of the required information this cannot be confirmed.

SUBMISSIONS

23. 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.

24. Council received 5 submissions during the notification period. The issues raised in the submissions are summarised below.

Issue	Comment
Visual privacy Concerns are raised on visual privacy intrusion from the balconies and rooftop communal open space into adjoining private spaces. One submission objects to the provision of toilet on the rooftop communal open space as concerns are raised on loitering and subsequently privacy intrusion.	The proposed development does not comply with the side setback requirements from Levels 4 to 6 which introduces unacceptable visual privacy impacts. The proposed rooftop communal open space lacks the necessary setback from the roof in some areas; however compliance can be imposed by condition if this application is recommended for approval. The provision of toilet on the rooftop communal open space is not objected as a toilet is an essential amenity for users of the open space.
Flood risk Concerns are raised on potential flooding risks onto adjoining properties.	The subject site is not affected by flooding. Council's stormwater engineer raised no objection to the proposed development.

Tree planting Concern is raised on the location of the trees from the boundary and the height and size of the new trees.	Council's landscape officer raised no objection to the proposed tree planting schedule.
Bulk and scale Concerns are raised on the non-compliant building height and opposed to the affordable housing height bonus provided by the Housing SEPP. Concerns are raised on additional overshadowing as a result of height non-compliance. One submission alleged the shadow diagrams submitted by the applicant underestimated the impact of the proposed development. Concerns are raised on the subject site being insufficient in size to support the proposed development. Concerns are raised on incompatibility with the local built form and visual dominance of the proposed structure. One submission indicated the proposal does not respect the local terrain.	The proposal exceeds the building height development standard by 5.6%. The proposed height exceedance, on its own, is considered acceptable as the height exceedance aligns with relevant planning objectives. The height bonus provided by the Housing SEPP overrides the height control stipulated by the GRLEP 2021. Non-compliance with setback requirements may contribute to additional overshadowing impacts on adjoining properties. The shadow diagrams supplied by the applicant appears to be accurate. The GRLEP 2021 does not prescribe a minimum lot size requirement for residential flat building. Notwithstanding that, the subject site does not have sufficient capacity to accommodate for the proposed development as evident by the multiple non-compliances identified in this assessment report. The proposed built form is considered to be incompatible given non-compliance with setback requirements and poor architectural expression. The nil northwestern setback for the partially above-ground parking structure result in a large blank surface readily observable at the rear of the site where the land slopes to the rear.
Traffic Concerns are raised on additional traffic volume, reduced availability of on-street parking, and diminishing pedestrian safety.	Traffic comments was not provided at the time of finalising this planning report.
Compliance with planning controls Concerns are raised on compliance with the following planning provisions: - Clause 4.6 of GRLEP – in that the proposal fails to demonstrate that the height control requirements are unreasonable or unnecessary, that there are sufficient planning grounds to support the variation, and that the proposed variation is in the public interest. - LMR provisions in Housing SEPP – in that the proposal is	As indicated in the Clause 4.6 assessment above, the proposal demonstrates sufficient planning grounds for the height variation. The subject site is located within 795m of walking distance from the Hurstville station and town centre LMR centre. The proposal benefits from LMR requirements.

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not covered by the LMR provisions as the site is located more than 800m from Hurstville Town Centre	
Insufficient information Concerns are raised on the following matters: - The survey plan does not include vegetation at the rear portion of the subject site - No stormwater plans supplied.	The lack of details of adjoining trees on the survey plan is noted. Council's landscape officer has reviewed the landscape plan, arboricultural impact assessment report, and latest aerial imagery as part of the assessment. No landscape objection was raised. A stormwater plan was submitted as part of this Development Application and was reviewed by Council's stormwater engineer. No objections were raised with respect to stormwater management.

REFERRAL COMMENTS

25. 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: - The proposal demonstrates poor interaction with the public domain. The main entrance is not visible from the street, and the street-facing ground floor apartment does not have street access. The street frontage is dominated by utilities and services (such as driveways and hydrant booster) - The proposal lacks sufficient massing variation, particularly on the side elevation. The non-compliant side setback results in large solid walls in contravention to the desired 'podium with tower' built form - The bulk and scale is intensified by a lack of material change and architectural details. The prominent spandrels reinforce horizontality. - The above-ground parking level does not adequately address the topography, resulting in large blank walls observable at the communal open space. - The ground floor communal open space is not accessible for all.
Land Information (GIS)	No objection raised.
Environmental Health Officer	Objections raised for the following reasons: - The acoustic assessment report fails to address the impacts associated with the car park ventilation system and the lift. - The acoustic assessment report does not evaluate the acoustic impact from the use of the rooftop communal area.
Traffic Engineering	No comments provided at the time of preparing the planning report.

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Waste	Objections raised for the following reasons: - The waste management plan (WMP) does not provide sufficient details with respect to waste management during demolition, construction, and operational phases - The WMP fails to provide details of the disposal facilities during the demolition stage and does not adequately address how compliance with GRDCP is achieved. - The single chute system is not adequate for the scale of the proposal. - The bin storage area is not sufficiently dimensioned to enable ease of bin movements. - The driveway gradient does not enable the use of bin tugs to transport the 660L waste bins to the collection point. - No bin wash area provided in the waste storage room. - The temporary ground level waste collection area is unsuitable for the Wheel Out Wheel Back service as the area sits above the kerb level of the proposed driveway.
Heritage Advisor	No comments provided at the time of preparing the planning report.
Building Surveyor	No objections raised.
Ausgrid	No objection raised.
Sydney Water	No objection raised.
Water NSW	Objection raised for the following reasons: - No details are provided regarding the management of ground water at the basement levels.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

26. Chapter 4 of State Environmental Planning Policy (Housing) 2021 is applicable to this development given its nature as residential flat building.

27. In accordance with Schedule, subsection 4(b) of the Local Panning Panels Direction, this development requires referral to the Georges River Local Planning Panel.

CONTRIBUTIONS

28. Development contributions are required for this proposed development. Section 7.11 contributions would have been applied should this application be recommended for approval.

CONCLUSION

29. 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.

30. 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*
- *State Environmental Policy (Transport and Infrastructure) 2021*

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- *Georges River Local Environmental Plan 2021*
- *Georges River Development Control Plan 2021*

RECOMMENDATION

31. 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 residential flat building utilising the provisions of State Environmental Planning Policy (Housing) 2021* on Lot 1 DP 15025 and Lot 35 Sec 9 DP 2793 on land known as 66-68 Woids Avenue, Allawah NSW 2219, 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 floor space ratio (FSR) of 1.98:1, exceeding the FSR limit of 1.95:1, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

    3. Clause 4.6 – Exceptions to development standards. No Clause 4.6 variation request is submitted to address Section 16 of the Housing SEPP regarding non-compliances with the Floor Space Ratio development standard.

    4. The development does not comply with Objective 3D of the ADG, as the proposed development fails to provide an accessible communal open space at the ground floor, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

    5. The development does not comply with Objective 3F of the ADG, as the proposal does not comply with the side setback requirements, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

    6. The development does not comply with Objective 3G of the ADG, as the proposal fails to provide a main building entrance that is clearly identifiable on the street, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

    7. The development does not comply with Objective 3J of the ADG, as no details of ventilation ducts are provided, and Basement Level 1 receives no natural ventilation, 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 9.6% of all units enjoy cross ventilation, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

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9. The development does not comply with Objectives 4D and 4E of the ADG as the proposed development contains multiple open living rooms that do not comply with the minimum room depth requirements, and two ground floor private open spaces fail to achieve the minimum size requirements, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

10. The development does not comply with Objective 4G of the ADG, as insufficient external storage spaces are provided at parking levels, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

11. The development does not comply with Objective 4J of the ADG, as the acoustic report fails to adequately address noise associated with ventilation system, lift operation, and usage of rooftop communal open space, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

12. The development does not comply with Objective 4K and 4Q of the ADG, as the proposed development fails to provide for adequate apartment variety that is suitable in the locality, and fails to provide a variety of adaptable apartment units, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

13. The development does not comply with Objective 4W of the ADG, as the proposed development fails to provide adequate waste management facilities, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

14. 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 demonstrate adequate electricity supply arrangement, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

15. The development does not comply with Clause 6.10 – Design Excellence of the GRLEP 2021, as the proposal lacks variations in massing and material, and the proposal is not adequate in terms of interaction with the public domain, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

16. The proposal fails to comply with Section 3.13 and 6.3.9 of GRDCP 2021, as the proposal provides no car wash bays, fails to provide adequate ceiling height for 3 parking spaces, and the proposal requires the removal of one street tree, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

17. The proposal fails to comply with Section 6.3.3 of GRDCP 2021, as the proposal fails to achieve adequate front setback above Level 3 and provide deep soil area of sufficient dimensions within the front setback, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

18. The proposal fails to comply with Section 6.3.4 of GRDCP 2021, as the proposal fails to provide adequate front, side, and rear setbacks at the parking levels, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

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19. The proposal fails to comply with Section 6.3.8 of GRDCP 2021, as the proposal will cause unacceptable solar access impacts on adjoining residences as a result of building setback non-compliances, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

20. 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.

21. 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.

ATTACHMENTS

Attachment ⇩1 Assessment Report - 66-68 Woids Avenue, Allawah NSW 2219 - DA2025 0467

Attachment ⇩2 Architectural Plans (Masterview) - 66-68 Woids Avenue, Allawah NSW 2218 - DA2025/0467

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Assessment Report

DA2025/0467

Lot 1 DP 15025 and Lot 35 Sec 9 DP 2793

66-68 Woids Avenue, Allawah NSW 2218

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 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 components are to be removed:
- Two existing dwelling houses

Residential flat building
The proposed 21-unit residential flat building includes the following:
- Basement levels
    - 21 car parking spaces, of which
        - 16 residential spaces, and
        - 5 visitor spaces
    - 2 motorcycle spaces,
    - 10 bicycle spaces,
    - 16 storage units,
    - Waste storage room, and
    - Pump room and utilities on sub-level
- Ground floor
    - 1 one-bedroom unit,
    - 1 two-bedroom unit,
    - 1 three-bedroom unit,
    - Temporary bin holding area,
    - Communal open space, and
    - Utilities including gas meter and fire hydrant booster.
- Levels 01 to 03
    - 2 one-bedroom units on each level,
    - 2 two-bedroom units on each level,
    - Of which, four units are to be allocated for affordable housing.
- Level 04
    - 1 one-bedroom unit,
    - 1 two-bedroom unit, and
    - 1 four-bedroom unit.
- Level 05
    - 1 one-bedroom unit,
    - 1 two-bedroom unit, and
    - 1 three-bedroom unit.
- Level 06 (rooftop)
    - Communal open space, and
    - Private terrace for Unit 503.

A site plan and elevation plans are provided below:

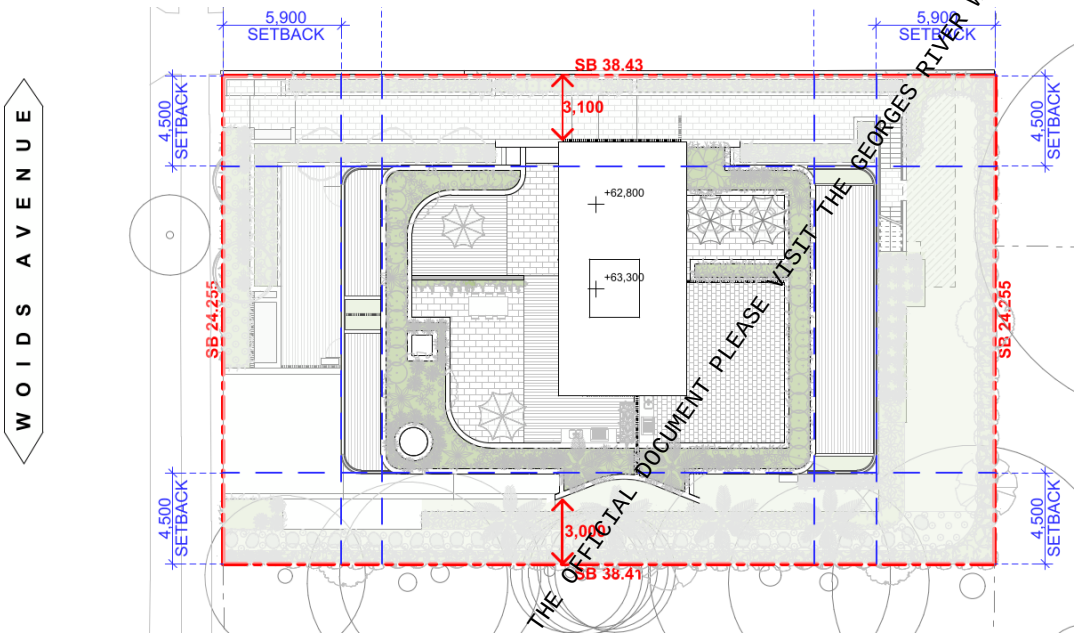

Figure 1 – Site plan *(Source: Architectural Plans)*

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Figure 2 – West (front) elevation *(Source: Architectural Plans)*

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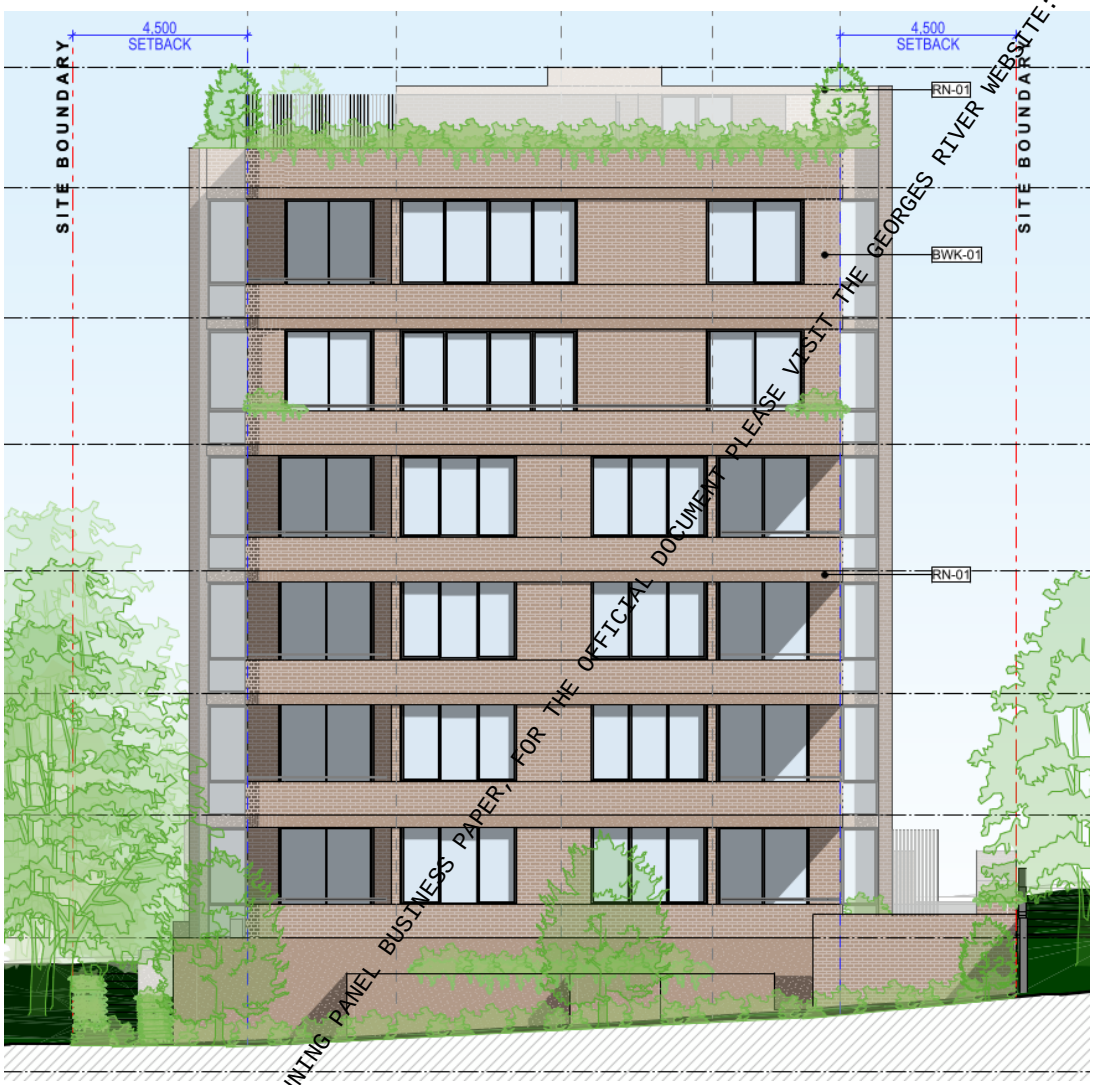

Figure 3 – East elevation *(Source: Architectural Plans)*

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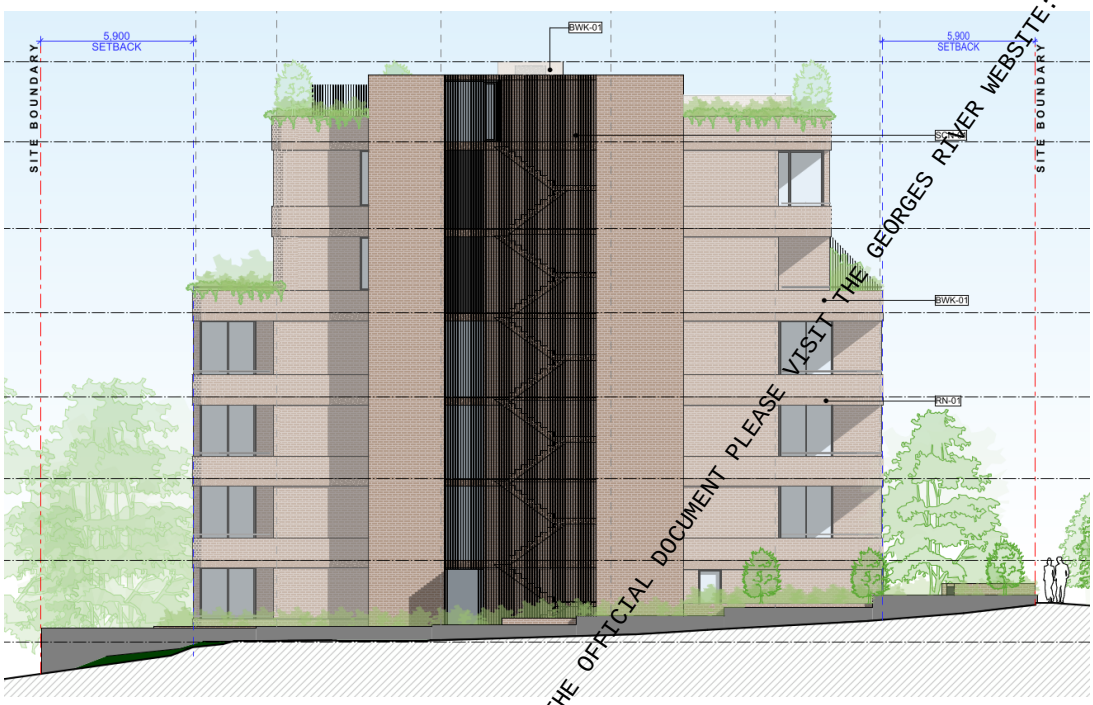

Figure 4 – North elevation *(Source: Architectural Plans)*

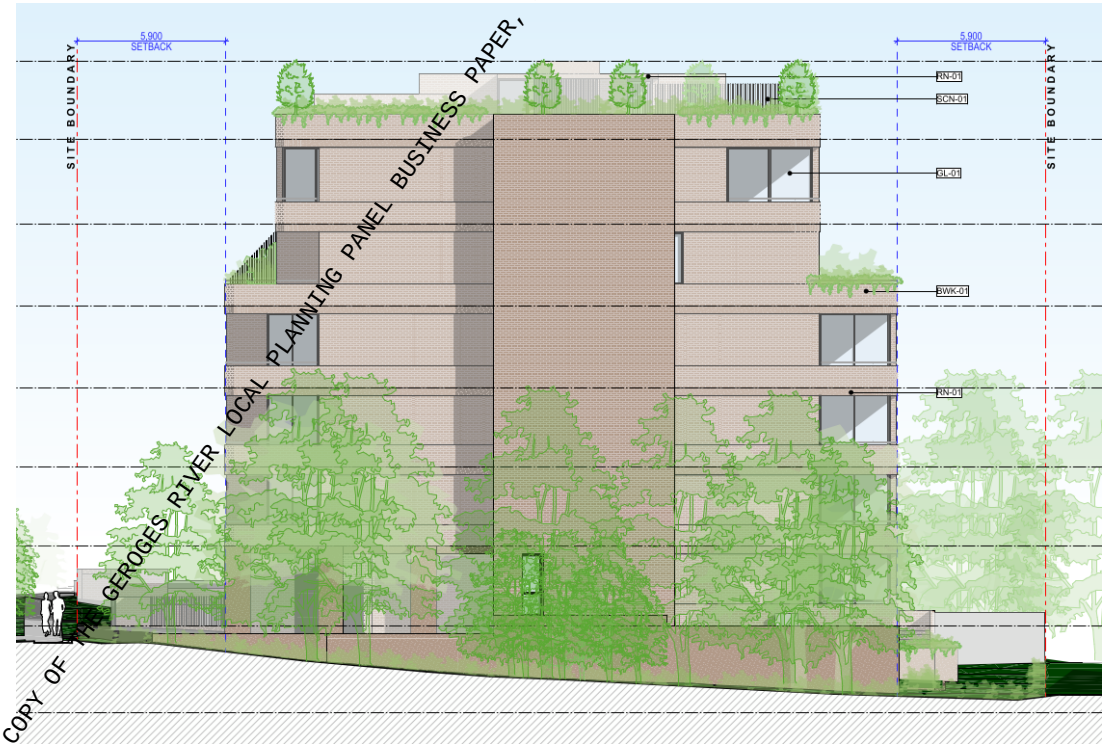

Figure 5 – South elevation *(Source: Architectural Plans)*

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Site and Locality

Site and Locality

The site has a total site area of 929.5sqm. The subject site is legally described as Lot 35 Sec 9 DP 2793 and Lot 1 DP 15025.

Existing development on the site consists of two detached dwelling houses. The site is accessed through Woids Avenue. A Sydney Water sewer pipe traverse the rear of the subject site.

The immediate locality is characterised by a mix of residential and educational developments, of varying age, density and height. All properties adjoining the subject site contain residential flat buildings.

Aerial Image of Land Zoning

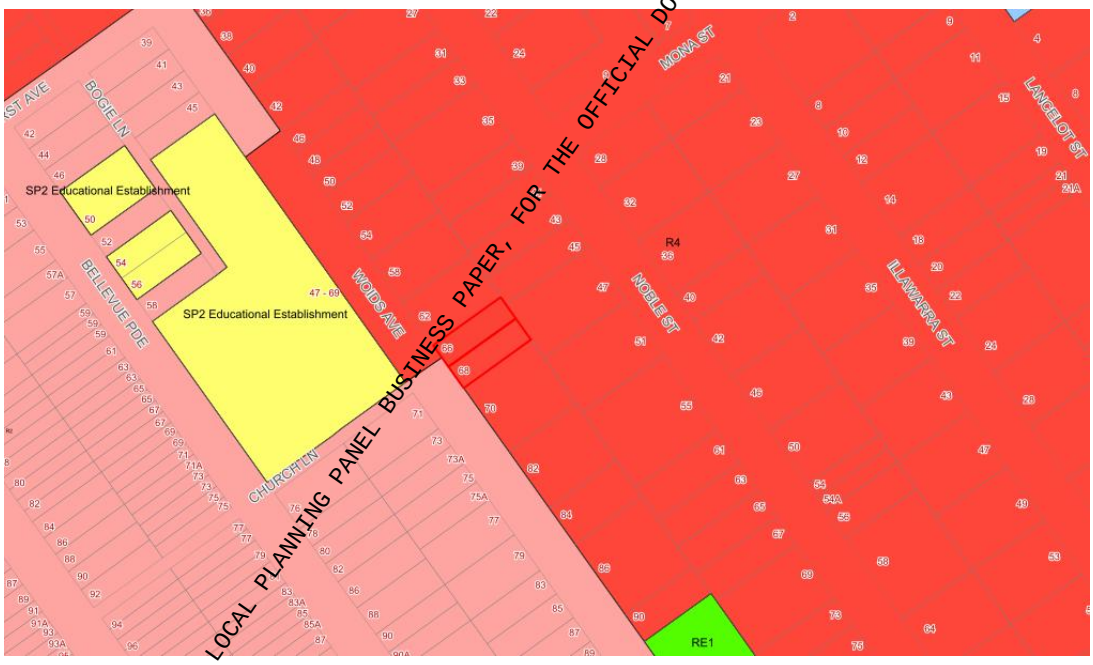

Figure 6 –Aerial view of development site outlined in red *(Source: IntraMaps)*

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Aerial Image of Site

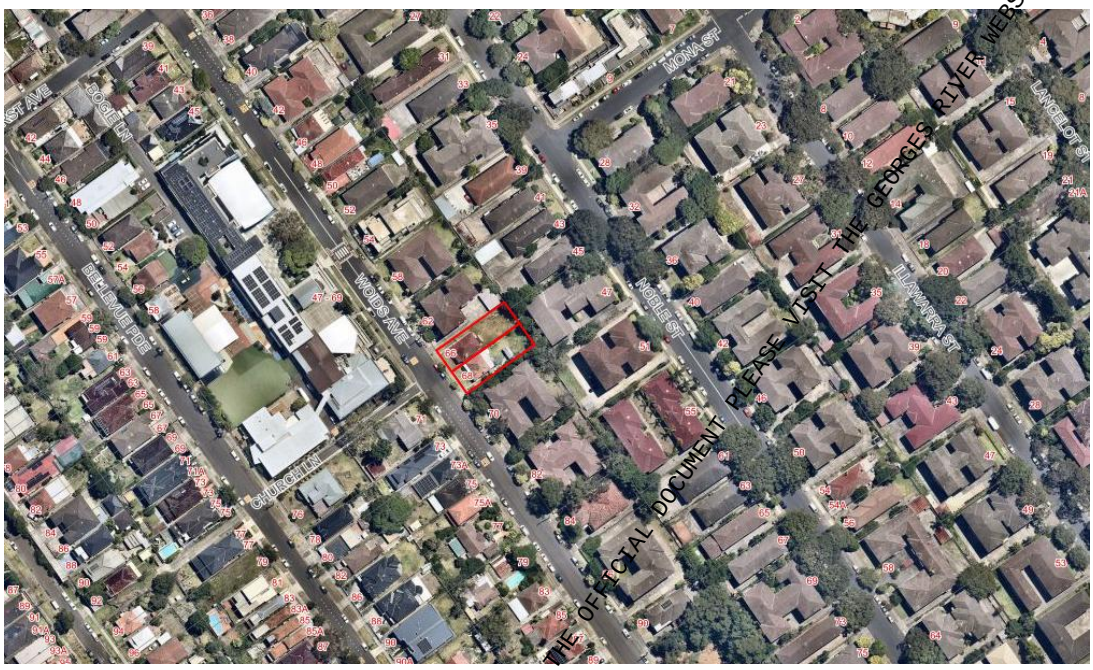

Figure 7–Aerial view of development site outlined in red *(Source: IntraMaps)*

Background

History

No applications relevant to the subject site are identified.

Processing

Application History		
Action	**Date**	**Comment**
Submission Date	Tuesday, 15 October 2024	
Lodgement Date	Tuesday, 22 October 2024	
Request to Withdraw Letter Sent	Friday, 23 January 2026	The applicant was requested to withdraw due to multiple non-compliances identified during the assessment process. The applicant instructed the assessing officer to proceed with recommendation based on the current form of the application.
Site Inspection Conducted	Friday, 13 February 2026	

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Site Inspection

Image(s) from the site inspection are available below:



Figure 8: Street view of development site (image taken facing North *(Source: Assessing Officer)*)

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	☒	☐

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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 manage 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:	Certified Energy

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Certificate Number:	1813816M
Certificate Date:	19 September 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 commercial and retail 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.

State Environmental Planning Policy (Housing) 2021

Chapters 2, 4, and 6 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— (a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another environmental planning instrument, and (b) the affordable housing component is at least 10%, and (c) all or part of the development is carried out— (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	Affordable housing is permissible as the subject site is within 800m walking distance of land in E1 zone.	☒ Yes ☐ 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: 929.5sqm The Gross Floor Area (GFA) is calculated as follows: Basement 1: 35.2sqm G/F: 287.6sqm 1/F: 322.6sqm 2/F: 322.6sqm 3/F: 322.6sqm 4/F: 275.9sqm 5/F: 261.4sqm 6/F: 15.4sqm Total: 1,843.3sqm (1.98:1) Affordable housing GFA: 1/F: 182.3sqm 2/F: 182.3sqm Total: 364.6sqm (19.8%) Applicable bonus: 30% LEP maximum FSR: 1.5:1 (1,394.25sqm) Maximum FSR: 1.95:1 (1,812.5sqm) No Clause 4.6 variation request supplied.	☐ Yes ☐ No
2) The minimum affordable housing component, which must be at least 20%, is calculated as follows— $\text{affordable housing component} = \text{additional floor space ratio (as a percentage)} \div 2$		
3) If the development includes residential flat buildings or shop top housing, the	LMR building height: 17.5m	☐ Yes

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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). **Example—** 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.	Maximum building height: 22.75m Proposed height: 24.02m (5.6% variation) Clause 4.6 variation request supplied. See below for further details.	☒ No
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— (a) a minimum site area of 450m^2,	Site area: 929.5sqm	☐ Yes ☒ No
(b) a minimum landscaped area that is the lesser of— (i) 35m^2 per dwelling, or (ii) 30% of the site area,	163.6sqm of landscaped area provided, equivalent to 17.6% of the site. The landscape provision complies with Clause 6.12 of the GRLEP 2021.	
(e) the following number of parking spaces for dwellings used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,	21 spaces required. 21 spaces provided, of which 16 spaces are residential, and 5 spaces are for visitors.	
(f) the following number of parking spaces for dwellings not used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 1 parking space,	N/A – refer to Guide to Traffic Generating Development which has a lower parking rate for units not allocated to affordable housing.	

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(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces, (g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	See ADG assessment below.	
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— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	See discussion below under DCP.	☐ Yes ☒ 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— (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider.	Agreement provided	☒ Yes ☐ No

Chapter 6 - State Environmental Planning Policy (Housing) 2021 applies to this development which is located within the Low and Mid Rise Housing Area. This proposal is assessed against the SEPP requirements as follows:

Chapter 2 Affordable Housing – Part 2 Division 1 In-fill affordable housing		
Section 176 – Development standards—low and mid rise housing outer area		
Standard	**Proposed**	**Compliance**
1) This section applies to land in a low and mid rise housing outer area in Zone R3	The subject site is 795m from Hurstville Station and Town	☒ Yes

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Medium Density Residential or R4 High Density Residential.	Centre per the walking distance survey supplied by the applicant.	☐ No
(2) Development consent must not be granted for development for the following purposes if a resulting building will have a building height of up to 17.5m unless the consent authority is satisfied that the building will have 4 storeys or fewer— (a) residential flat buildings, (b) buildings containing shop top housing.	The proposal utilises the affordable housing height bonus in Chapter 2 of the Housing SEPP and has 7 storeys. The height bonus overrides the storey requirement imposed under Chapter 6 of Housing SEPP.	
Section 177 – Landscaping—residential flat buildings or shop top housing		
Standard	**Proposed**	**Compliance**
(2) Development consent must not be granted for development for the purposes of residential flat buildings or shop top housing unless the consent authority has considered the *Tree Canopy Guide for Low and Mid Rise Housing*, published by the Department in February 2025. Site area: 929.5sqm <u>Minimum Requirements:</u> Tree canopy: 15% (139.43sqm or 1 large tree and 1 small tree) Deep soil area: 7% (65.07sqm)	Tree canopy: 200sqm (14 medium trees proposed) Deep soil area: 163.6sqm	☒ Yes ☐ No
Section 178 – Minimum lot size for residential flat buildings or shop top housing		
Standard	**Proposed**	**Compliance**
(2) A requirement specified in another environmental planning instrument or development control plan in relation to the following does not apply to development that meets the standards in section 180(2) or (3)— (a) minimum lot size, (b) minimum lot width.	Noted – The proposal complies with Section 19 with respect to minimum lot size. There are no GRLEP requirements on minimum lot width for residential flat buildings.	☒ Yes ☐ No
Section 180 – Non-discretionary development standards—residential flat buildings and shop top housing in Zone R3 or R4		
Standard	**Proposed**	**Compliance**
(3) The following non-discretionary development standards apply in relation to	Noted.	☒ Yes ☐ No

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development on land in a low and mid rise housing outer area— (a) a maximum floor space ratio of 1.5:1, (b) a maximum building height of 17.5m.		

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 Code.

Standard	Proposal	Complies
3C – Public domain interface		
3C-1 Objective Transition between private and public domain is achieved without compromising safety and security	The proposal demonstrates clear transition between private and public domain.	Yes
3C-2 Objective Amenity of the public domain is retained and enhanced	The proposal provides adequate landscaping within the front setback area. An accessible entryway is introduced in the development.	Yes
3D - Communal open space		
3D-1 Objective An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping Design Criteria 1. Communal open space has a minimum area equal to 25% of the site. 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)	Communal open space: 415.2sqm. The communal open space is provided seats and barbeque area to enable a wide range of communal activities. Landscaping is provided adjoining the communal open space. The ground floor communal open space is not accessible for wheelchair users.	No

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Site area 929.5sqm Required 25% of site area or 232.38sqm.		
3D-2 Objective 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 Objective 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 Objective 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 Design Criteria 1. Deep soil zones are to meet the following minimum requirements: 650sqm to 1,500sqm Minimum dimension 3m. Minimum deep soil area of 7%	163.6sqm of landscaped area provided equivalent to 17.6% of the site.	Yes
3F- Visual Privacy		
3F-1 Objective Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy. Design Criteria 1. Separation between windows of habitable rooms and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:	Up to 12m (4 storeys) Habitable and balconies – 4.5m Non-habitable – 3.2m Up to 25m (5-8 storeys) Habitable and balconies – 4.5m Non-habitable – 3.2m	No

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Up to 12m (4 storeys) Habitable and balconies - 6m Non-habitable – 3m Up to 25m (5-8 storeys) Habitable and balconies – 9m Non-habitable – 4.5m		
3F-2 <u>Objective</u> 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 communal open spaces are well separated from private open spaces and habitable rooms.	Yes
3G – Pedestrian Access and entries		
3G-1 <u>Objective</u> Building entries and pedestrian access connects to and addresses the public domain	The main entrance door is located on the side elevation. The front entrance does not address the public domain. Occupants are required to pass through a fire exit before reaching the lobby.	No
3G-2 <u>Objective</u> Access, entries and pathways are accessible and easy to identify	The front door is located on the side not readily visible from the street. The lobby is not observable from the public domain.	No
3H-Vehicle Access		
3H-1 <u>Objective</u> Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	No traffic comments provided as of the preparation of this application.	N/A
3J-Bicycle and carparking		
3J-1 <u>Objective</u> Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas <u>Design Criteria</u> 1. For development in the following locations:	The subject site is within 800m walking distance of Allawah Railway Station. Sufficient parking spaces provided. See Housing SEPP assessment above.	Yes

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• on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre 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 The car parking needs for a development must be provided off street Required parking rate- Residential: 16.1 (affordable housing provision considered) Visitor: 4.4 Total: 21 (20.5 required)		
3J-2 <u>Objective</u> Parking and facilities are provided for other modes of transport	Parking provided for motorcycles and bicycles.	Yes
3J-3 <u>Objective</u> Car park design and access is safe and secure	The waste room and services are segregated from the vehicular movement paths.	Yes
3J-4 <u>Objective</u> Visual and environmental impacts of underground car parking are minimised	Ventilation duct details not provided. Furthermore, no natural ventilation provided for Basement Level 01 despite being above the existing ground level.	No
4A- Solar and daylight access		
4A-1 <u>Objective</u> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space <u>Design Criteria</u> 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	71.4% (15 units) have sufficient solar access. All units receive direct solar exposure on 21 June.	Yes

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A maximum of 15% of apartments in a building may receive no direct sunlight between 9am and 3pm in midwinter.		
4A-2 Objective Daylight access is maximised where sunlight is limited	Daylight access is maximised by introduction of skylights and large windows.	Yes
4A-3 Objective Design incorporates shading and glare control, particularly for warmer months	Okay	Yes
4B- Natural Ventilation		
4B-1 Objective All habitable rooms are naturally ventilated	All habitable rooms are capable of natural ventilation.	Yes
4B-3 Objective The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents Design Criteria At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	9.6% of all units (2 units) are cross ventilated, those being Unit G01 and G03. While all apartment units have dual aspects, most windows face one direction only in a typical apartment unit proposed under this development. The window arrangements do not permit cross ventilation across a typical unit.	No
4C-Ceiling Heights		
4C-1 Objective Ceiling height achieves sufficient natural ventilation and daylight access Design Criteria Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Habitable rooms = 2.7m Non-habitable rooms = 2.4m	All levels achieve a minimum ceiling height of 2.85m.	Yes
4C-2 Objective 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 Objective	Adequate ceiling height provided to all units.	Yes

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Ceiling heights contribute to the flexibility of building use over the life of the building		
4D- Apartment size and layout		
4D-1 Objective The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity Design Criteria Apartments are required to have the following minimum internal areas: 1 bedroom = 50sqm 2 bedroom = 70sqm 3 bedroom = 90sqm The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each 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	All units comply with the size requirements.	Yes
4D-2 Objective Environmental performance of the apartment is maximised Design Criteria Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Units G01, 401, 501 contain living rooms more than 8.0m in open plan area.	No
4D-3 Objective Apartment layouts are designed to accommodate a variety of household activities and needs Design Criteria Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space).	All units comply with the dimension requirements.	Yes

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Bedrooms have a minimum dimension of 3m (excluding wardrobe space). Living rooms or combined living/dining rooms have a minimum width of: -3.6m for studio and 1 bedroom - 4m for 2 and 3 bedroom apartments		
4E- Private Open space and balconies		
4E-1 <u>Objective</u> Apartments provide appropriately sized private open space and balconies to enhance residential amenity <u>Design Criteria</u> All apartments are required to have primary balconies as follows: -studio = 4sqm -1 bedroom = 8sqm/2m depth -2 bedroom = 10sqm/2m depth -3+ bedroom = 12sqm/2.4m The minimum balcony depth to be counted as contributing to the balcony area is 1m. 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	Units G02 and G03 do not comply with the private open space size requirements.	No
4E-2 <u>Objective</u> Primary private open space and balconies are appropriately located to enhance liveability for residents	All private open spaces adjoin living rooms to enable ease of access.	Yes
4E-3 <u>Objective</u> Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building	The private open spaces contribute to the overall architectural expression of the development.	Yes
4E-4 <u>Objective</u> Private open space and balcony design maximises safety	All private open spaces are designed to be levelled from the internal areas and not conducive to climbing to maximise safety.	Yes
4F- Common circulation areas		

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4F-1 Objective Common circulation spaces achieve good amenity and properly service the number of apartments Design Criteria The maximum number of apartments off a circulation core on a single level is eight	Maximum 4 units per level.	Yes
4F-2 Objective Common circulation spaces promote safety and provide for social interaction between residents	The common circulation spaces are legible and conducive to safety.	Yes
4G- Storage		
4G-1 Objective Adequate, well designed storage is provided in each apartment Design Criteria In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: Studio – 4m² 1 bedroom - 6m³ 2 bedroom – 8m³ 3 bedroom – 10m³ At least 50% of storage is to be located within the apartment.	There are 16 storage spaces provided in the basement levels, representing a deficiency of 5 (as there are 21 units in total).	No
4G-2 Objective Additional storage is conveniently located, accessible and nominated for individual apartments	Storage spaces are not nominated on plans.	No
4H- Acoustic Privacy		
4H-1 Objective Noise transfer is minimised through the siting of buildings and building layout	The proposal incorporates co-location of quiet uses between units to achieve acoustic privacy. Machinery such as garage door is located away from apartment units.	Yes
4H-2 Objective Noise impacts are mitigated within apartments through layout and acoustic treatments		
4J – Noise and Pollution		
4J-1		No

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Objective In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	The acoustic report fails to adequately address for noise associated with the car park ventilation system and the lift. The acoustic report also fails to evaluate the noise impact stemmed from the use of the rooftop communal open space.	
4J-2 Objective Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission		
4K – Apartment Mix		
4K-1 Objective A range of apartment types and sizes is provided to cater for different household types now and into the future	The proposal has an oversupply of one-bedroom units, and an undersupply of three-bedroom units. The proposed apartment mix does not suit the local requirement. See DCP assessment below for apartment breakdown by type.	No
4K-2 Objective The apartment mix is distributed to suitable locations within the building	All levels contain different types of apartment units.	Yes
4M - Facades		
4M-1 Objective Building facades provide visual interest along the street while respecting the character of the local area	The proposed development lacks material and massing variety. The proposal does not provide visual interest.	No
4M-2 Objective Building functions are expressed by the façade	The proposed building entrance is not clearly defined.	No
4N – Roof design		
4N-1 Objective Roof treatments are integrated into the building design and positively respond to the street.	The proposal utilises brick-lined roof that is complementary to the streetscape which is occupied by predominantly brick-faced residential flat buildings.	Yes
4N-2 Objective Opportunities to use roof space for residential accommodation and open space are maximised	The rooftop area is utilised for public and private recreational purposes.	Yes
4N-3 Objective Incorporates sustainability features.	The proposed rooftop incorporates landscaping. The	Yes

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	proposal complies with relevant sustainability requirements.	
4O – Landscape Design		
4O-1 Objective Landscape design is viable and sustainable.	The landscape design is viable. The landscape design contributes to streetscape by way of introducing a variety of shrubs and trees.	Yes
4O-2 Objective Landscape design contributes to the streetscape and amenity		
4P- Planting on Structures		
4P-1 Objective Appropriate soil profiles are provided.	Adequate soil profile provided.	Yes
4P-2 Objective Plant growth is optimised with appropriate selection and maintenance	A variety of plants are included on the rooftop communal open space.	Yes
4P-3 Objective Planting on structures contributes to the quality and amenity of communal and public open spaces	The proposed landscaping contributes to the amenity of the communal open space on the rooftop level.	Yes
4Q – Universal Design		
4Q-1 Objective Universal design features are included in apartment design to promote flexible housing for all community members Design Guidance Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features	5 units (23.8%) are livable units. 3 units (14.3%) are adaptable units	Yes
4Q-2 Objective A variety of apartments with adaptable designs are provided	Adaptable units come in 1-bed configuration only	No
4Q-3 Objective Apartment layouts are flexible and accommodate a range of lifestyle needs	A diversity of apartment types are provided.	Yes
4U – Energy Efficiency		
4U-1 Objective	Sufficient solar access provided	Yes

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Development incorporates passive environmental design		
4U-2 Objective Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	The following passive solar design measures are utilised: - recessed windows.	Yes
4U-3 Objective Adequate natural ventilation minimises the need for mechanical ventilation	Insufficient natural ventilation provided for the units.	No
4V – Water management and conservation		
4V-1 Objective Potable water use is minimised	The proposal demonstrates adequate stormwater management.	Yes
4V-2 Objective Urban stormwater is treated on site before being discharged to receiving waters		
4W – Waste Management		
4W-1 Objective Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	The proposal fails to introduce adequate waste management facility. See referral comments below for further details.	No
4W-2 Objective Domestic waste is minimised by providing safe and convenient source separation and recycling		
4X – Building Maintenance		
4X-1 Objective Building design detail provides protection from weathering	The proposal incorporates the following features to enable ease of maintenance and minimise weathering: - Window design enables cleaning from the inside - Centralised maintenance, services and storage in lobby.	Yes
4X-2 Objective Systems and access enable ease of maintenance		
4X-3 Objective Material selection reduces ongoing maintenance costs		

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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 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 (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	☒	☐
Other Affectations			
Bushfire Prone Land		☐	☒
Council Owned Land		☐	☒
Crown Land		☐	☒
Easements Within Lot Boundaries		☐	☒

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Narrow lot housing precinct	☐	☒
Other (if yes describe)	☐	☒

GRLEP 2021 Part 2 – Permitted or prohibited development		
Clause 2.3 – Zone objectives and Land Use Table		
Standard	**Proposal**	**Compliance**
The subject site is zoned R4 High Density Residential The objectives of the zone are: • To provide for the housing needs of the community within a high density residential environment. • To provide a variety of housing types within a high density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To enable other land uses that contribute to the vibrancy of the neighbourhood while ensuring that business centres remain the focus for business and retail activity. • To encourage development that maximises public transport patronage and promotes walking and cycling.	The proposal is not consistent with the zone objectives for the following reasons: - The proposal fails to demonstrate sufficient variety of housing type.	☐ Yes ☒ No

GRLEP 2021 Numeric Controls			
Standard	**Required**	**Proposed**	**Compliance**
Cl. 6.12 *Landscaped areas in certain residential and conservation zones*	10% (92.95sqm)	17.6%	☒ Yes ☐ 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	The site is opposite of Item number I2 and known as Former Woids	N/A

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heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.	Avenue Congregational Church – St George Christian School as listed in Schedule 5 of the LEP. The proposal has yet to be reviewed by Council's heritage advisor at the point of preparing this report.	

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: (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) measures to minimise the need for cut and fill, particularly on sites with a slope of 15% or greater, by stepping the development to accommodate the fall in the land, (f) the source of any fill material and the destination of any excavated material, (g) the likelihood of disturbing relics, (h) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (i) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The proposed earthworks are not satisfactory with regards to the matters identified as the proposed car parking levels observe nil side setback, resulting in adverse visual amenity impacts within the subject site and adjoining properties.	☐ Yes ☒ No
Clause 6.3 – Stormwater Management		
Standard	**Proposal**	**Compliance**

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(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development— (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater or river water, and (c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system or, if the impact cannot be reasonably avoided, minimises and mitigates the impact, and (d) is designed to minimise the impact on public drainage systems.	The proposed stormwater management is adequate – Council's stormwater engineer raised no objection to the submitted stormwater plan.	☒ Yes ☐ No
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 a) the supply of water, b) the supply of electricity, c) the supply of telecommunications facilities, d) the disposal and management of sewage e) stormwater drainage or on-site conservation, f) suitable vehicular access.	The proposed development fails to demonstrate the adequate provision of the following essential services: - Electricity supply A residential flat building typically requires an electrical substation to enable effective electricity distribution on site. The proposed architectural plan indicates no placement of an electrical substation, and no documents are provided demonstrating that an electrical substation is not mandatory. Thus, electricity supply is identified as a potential issue.	☐ Yes ☒ No
Clause 6.10 Design Excellence		
Standard	**Proposal**	**Compliance**

(2) This clause applies to development on land within the Foreshore Scenic Protection Area involving— (a) the erection of a new building, or (b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant. (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— (i) Zone R4 High Density Residential (4) Development consent must not be granted for development to which this clause applies unless Council considers that the development exhibits design excellence. (5) In considering whether the development exhibits design excellence, Council must have regard to the following matters— (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain, (c) whether the development detrimentally impacts on view corridors, (d)how the development addresses the following matters—	The proposal is located within the Foreshore Scenic Protection Area for residential accommodation. As such, Clause 6.10 applies. The proposal has been considered with regards the matters identified in Clause (5) and is not considered to suitably demonstrate compliance with the Clause. See Urban Design comments below in the *Referral* section.	☐ Yes ☒ No

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i. the suitability of the land for development, ii. existing and proposed uses and use mix, iii. heritage issues and streetscape constraints, iv. the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, v. bulk, massing and modulation of buildings, vi. street frontage heights, vii. environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity, viii. pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks, ix. the impact on, and proposed improvements to, the public domain, x. achieving appropriate interfaces at ground level between the building and the public domain, xi. excellence and integration of landscape design, xii. the provision of communal spaces and meeting places, xiii. the provision of public art in the public domain, xiv. the provision of on-site integrated waste and recycling infrastructure, xv. the promotion of safety through the application of the principles of crime prevention through environmental design.		
Clause 6.11 Environmental Sustainability		
Standard	**Proposal**	**Compliance**

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(2) This clause applies to development— (a) on land in the following zones— (i) Zone R4 High Density Residential (b) that involves— (i) the erection of a new building, or (3) Development consent must not be granted to development on land to which this clause applies if the building is 1,500 square metres in gross floor area or greater unless adequate consideration has been given to the following in the design of the building— (a) water demand reduction, including water efficiency, water recycling and minimisation of potable water usage, (b) energy demand reduction, including energy generation, use of renewable energy and reduced reliance on mains power, (c) indoor environmental quality, including daylight provision, glare control, cross ventilation and thermal comfort, (d) the minimisation of surfaces that absorb and retain heat and the use of surfaces that reflect heat where possible, (e) a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation, (f) transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces.	The subject site is zoned R4 and involves the erection of a building with a gross floor area greater than 1,500sqm. The proposal addresses Clause 6.11(3) by complying with BASIX requirements.	☒ Yes ☐ No

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.

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Name of Clause	Proposed Variation
4.3 - Height	(a variation of 5.6% or 1.27m);

Note: Clause 5.4 provisions of LEP cannot be varied under Clause 4.6(8)

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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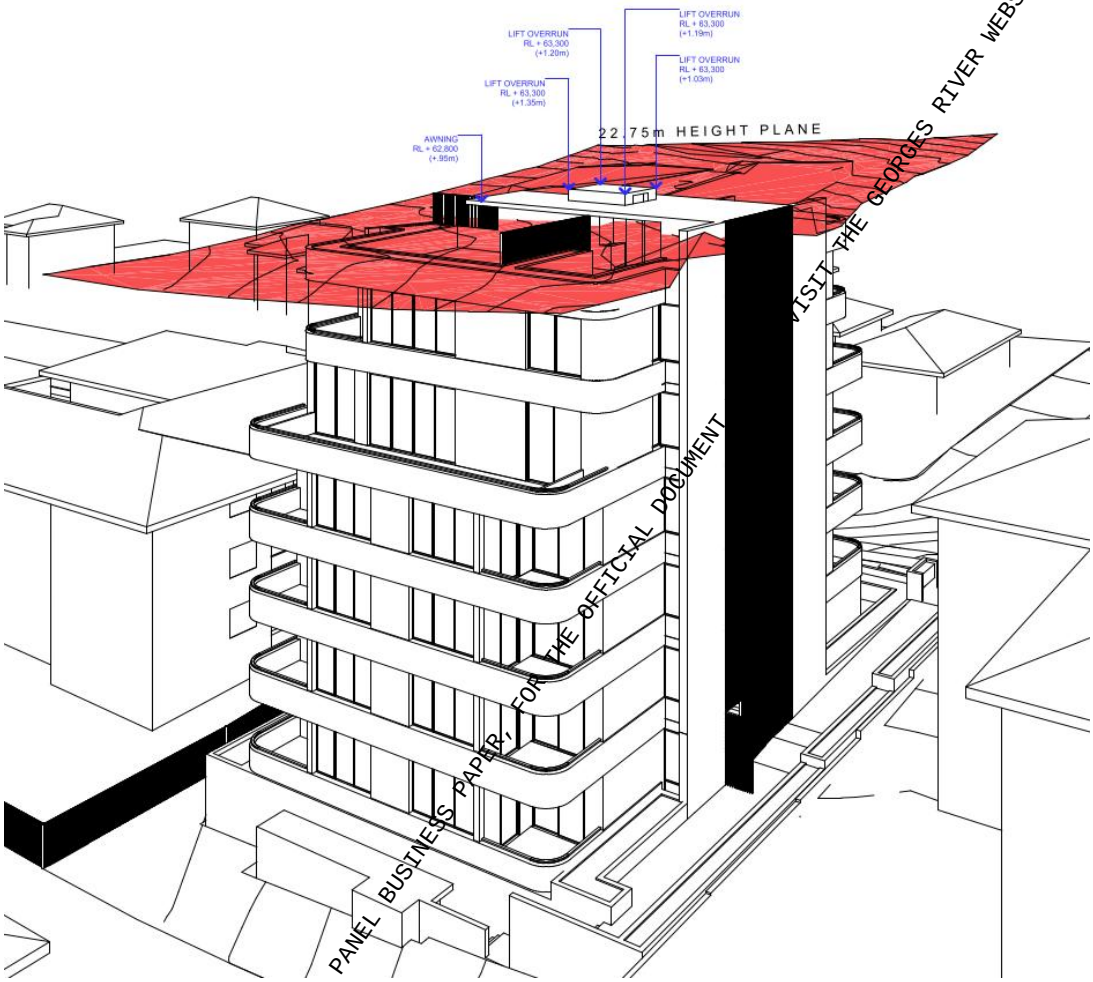

Figure 9: Three dimensional modelling of the proposed development, with the height plane indicated in red. *(Source: architectural plans)*

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;*

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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.*

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 the first and third test, the applicant indicated the following:

- The proposed development is compatible with the local streetscape which is predominantly formed by walk up apartments
- The proposal does not obscure any significant vistas
- The proposal will not result in unreasonable visual and acoustic privacy impacts
- Full compliance will not improve solar access to adjoining properties
- The proposed height variation has no heritage impacts.

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 proposed height variation concerns part of the lift overrun and privacy barriers at the rooftop communal area. The extent of height variation is minor and has little impact on the overall bulk and scale of the proposed development. The proposal generally aligns with the desired height, as expressed in the Housing SEPP, for a residential flat building with affordable housing component. Notwithstanding that above, it should be noted that the proposed bulk and scale is not considered acceptable due to other factors such as non-compliant building setback and lack of adequate built form variation. See discussions in other parts of the report for further details.
(b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,	The proposed height variation is minor and contributes little to visual impact and view disruption. The shadow diagrams supplied by the applicant indicates no improvement to solar access on adjoining properties should full height compliance is achieved.

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	The components that exceed the height limit are not accessible to residents, thus the height exceedance has no impacts on visual privacy.
(c) to ensure an appropriate height transition between new buildings and— (i) adjoining land uses, or (ii) heritage items, heritage conservation areas or Aboriginal places of heritage significance.	The proposed height variation is minor. The proposed building height generally aligns with the desired height, as expressed in the Housing SEPP. No heritage comments provided as of the preparation of this report.

As outlined above, the proposal is 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 made no comments addressing 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's response is summarised in the First Test above. The applicant does not indicate that the underlying object or purpose of the development standard would be defeated should strict compliance is required.

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 made no comments addressing 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 involves part of the lift overrun and privacy screens only, which is within the extent of height variations that were previously approved.

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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;

The applicant made no comments addressing this test.

The R4 High Density zoning of the subject site is considered to be appropriate given the zoning reflects the existing and desired use of the part of Allawah that is in close proximity to the railway station.

Conclusion

As discussed above, the applicant's justification satisfactorily demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

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:

- Fall of land – height variation is influenced by the finished floor level of the Ground Floor. The level of the ground floor is set to allow the building to achieve suitable ground level interface and minimise cut on the southeast-facing slope. The components that exceed the height limit is located at the central portion of the building.
- Rooftop communal open space – The provision of a communal open space at rooftop is required to provide adequate and accessible amenity to residents. The open space is designed to obscure the lift overrun.
- Affordable housing provision – The non-compliant height is attributed to the provision of affordable housing, which provides public benefit in line with State and Council policies on housing delivery
- Design constraints – The subject site is constrained by requirements in building articulation, setback requirements, and amenity provision. Height exceedance is required to achieve positive design outcome.
- Amenity impacts – the height variation does not cause adverse amenity impacts on adjoining residences.

It is considered that the proposal demonstrates sufficient environmental planning grounds to warrant the variation for the following reasons:

- The subject site falls to the rear and to the side. Requiring the building to strictly follow the terrain in order to achieve height compliance will likely require level changes within the building, resulting in accessibility hinderance. Furthermore, the height exceedance is confined to the central portion of the building and contains few building components. The height exceedance is imperceptible from the street level.
- The provision of rooftop communal open space, and the associate life access, is essential in providing adequate open space for residents
- The height exceedance, on its own, does not result in adverse amenity impacts on adjoining residences.

Summary of 4.6 Assessment and Conclusion

4.6 Variation Supported

The proposal seeks to vary Clause 4.3 of the Georges River Local Environmental Plan 2021.

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The 4.6 variation request has been assessed and is considered to be satisfactory with regards to the matters it is required to address under Clause 4.6(3).

Given the above, the 4.6 request is supported.

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. 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 does not comply with Council's Waste Management requirements. See referral comments below for details.	☐ Yes ☒ No

3.15 Public Domain		
3.15.1 Infrastructure		
Control	**Proposal**	**Compliance**
1. All proposed public domain works are to be undertaken in accordance	No public domain installation required.	Yes

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with the relevant Council Public Domain Plan.		
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, 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.		

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: - Residential: 3 - Commercial and visitors: 1 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		

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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 High Density Residential Development 1 space per adaptable unit Required 3 spaces (for 3 adaptable units)		

Crime Prevention		
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 entryway faces the side elevation and not readily observable from the street.	No
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.		
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:	The proposal achieves effective access control by incorporating the following design measures:	Yes

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i. Landscapes and physical locations that channel and group people into public areas; ii. Public spaces that attract, rather than discourage people from gathering; and iii. Restricted access to high crime risk areas such as car parks and other rarely visited areas	- Secured car parking area, and - Exclusion of building details that enables illegitimate access.	
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: i. Encouraging people to gather in public spaces and feel some responsibility for its use and condition; ii. Clearly defining transitions and boundaries between public and private spaces; and iii. Clearly defining the use of public spaces.	The proposed development demonstrates clear transitions between public and private 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.	The submitted acoustic assessment is not considered to be sufficient. See referral comments below.	☐ Yes ☒ No

Future Desired Character		
5.13 Allawah		
Control	**Proposal**	**Compliance**

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The Future Desired Character for Allawah is as follows: • Encourage tree planting and landscaping within the front setback space to create a treelined streetscape character. • Encourage landscaping in front gardens of dwelling to improve streetscape character and reduce excessive paving and hardstand areas. • Encourage a mix of building designs to reflect the diversity of form and mass.	The proposal does not align with the Future Desired Character for the following reasons: - The proposal does not contribute positively to streetscape character as the front entrance is not observable from the street. The proposal has a poor interaction to the public domain.	☐ Yes ☒ No

Minimum Site Requirements		
6.3.1 Minimum Site Requirements		
Control	**Proposal**	**Compliance**
1. Minimum lot width is 24m. 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.	The site has a width of 24.255m.	☒ Yes ☐ No

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 not result in site isolation.	☒ Yes ☐ No

Setbacks		
6.3.3 Building Setbacks and Street Interface		
Control	**Proposal**	**Compliance**

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1. Front setbacks: i. Street setback: up to a building height of four storeys, a minimum setback of 5m is to be provided. 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. 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. 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.	Front setback: 5.9m (G/F to 3/F) 7.9m (above 4 storeys) Side setback and rear setback overrode by ADG. See discussion on the ADG above. A 1.3m wide deep soil landscaped area is provided between the ground floor terrace and the street, in contravention to the GRDCP 2021. Woids Avenue has a width of approximately 20m. Additional front setback is not required. No information is provided regarding an electrical substation, which is required for a typical residential flat building development.	☐ Yes ☒ No
5. Encroachments into boundary setbacks: 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. 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.		

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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 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.		
9. Setbacks may need to be increased to maintain the required levels of solar access to adjoining development as per the DCP requirement for that particular type of development or where the site is in a Heritage Conservation Area or in the vicinity of a Heritage Item to provide an appropriate buffer or curtilage to the Heritage Conservation Area or Heritage Item.		
6.3.4 Basement Setbacks		
Control	**Proposal**	**Compliance**
1. Basements are to be: i. Located within the building footprint (refer to Figure 5), or ii. Set back a minimum of 6m from the front and rear boundaries and 3m from the side boundaries (refer to Figure 6).	The proposed basement levels expand beyond the building footprint. Basement front setback: 3.3m Basement side setback: 0m Basement rear setback: 5.8m Driveway setback: 3.2m The lack of side setback at the parking levels will result in large blank walls that are readily observable from the ground floor communal open space and adjoining residences. Sufficient deep soil area is provided to sustain trees of a mature height of 6.0m within the street setback areas.	☐ Yes ☒ 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.		
4. Where a development site shares a boundary with a lower density zone (i.e. R2 or R3 zones), the minimum setback of the basement is to be 6m from the boundary with the lower density zone		
5. The 6m basement setback at a zone boundary is to be planted to provide a vegetated landscape buffer between the development and		

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adjoining lower density development. Planting is to include trees that achieve a minimum mature height of 6.0m. Under canopy planting is to include lower scale planting that provides a visual buffer between developments and creates the desired landscape buffer.	The proposed basement does not project above the existing ground level at the street setback alignment.	
6. Basements fronting the primary street address are not to project above ground level (existing) at the street setback alignment.		

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 proposed façade treatment is monotonous and does not provide visual interest. See Urban Design comments below.	☐ Yes ☒ No
2. Building facades must be clearly articulated and employ high quality materials and finishes that enhance and complement the streetscape character.		
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.		
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.		
7. Large areas of blank, minimally or poorly articulated walls are not		

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acceptable. Façade treatments such as wall cladding, and green walls should be considered as alternatives to blank walls.		
8. Clear glazing to balustrades must be avoided where they are visible from nearby vantage points. Screening of balconies by way of adjustable or fixed panels should be included where there are issues of privacy, and/or excessive exposure to solar impacts.		

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.	The front elevation plan does not indicate how the fire hydrant booster is to be obscured. Council's landscape officer has no objection to the internal landscape arrangement.	☐ Yes ☒ 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		

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corresponds with the materiality of the building façade		
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.		
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	Required communal open space area: 232.38sqm Rooftop communal open space: 195.9sqm (84.3% of required)	☐ Yes ☒ No

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include smaller areas with designated functions such as a shaded garden for summer and an open courtyard for winter.	While the size of the rooftop communal open space exceeds the DCP requirement, no objection is raised on that aspect as a large rooftop communal open space provides greater amenity for future residents Notwithstanding the no objection to the non-compliant size, the applicant has failed to adequately address noise impacts from the roof top communal open space. Unpaved landscaped area accounts for more than 50% of the ground floor communal open space. The trafficable area of the roof top communal open space is setback less than 2.5m. A condition to enforce compliance would be imposed should this application be recommended for approval.	
2. Communal open space may be provided above ground level where: i. The proposed elevated communal open space will provide a high level of amenity to supplement the communal open space provided at ground level of the site; and ii. There will be no significant impact on surrounding properties with respect to the loss of privacy; and iii. The above ground communal open space does not exceed 40% of the required communal open space area.		
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.		
5. The useable and trafficable area of any roof top communal open space is to be set back a minimum of 2.5m from the edge of the roof of the floor immediately below with landscape planters (minimum 1.2m wide) provided to prevent close and direct views into adjoining properties.		
6. Roof top communal open space areas, amenities and common (non-private) rooms should include equitable access for all residents, and must be designed to ensure that noise and overlooking will be avoided, by way of screening and setbacks from boundaries as detailed.		
7. Where roof top communal open space is proposed on a site adjoining		

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lower density zone, any communal open space is to be setback a minimum of 4m from the edge of the roof of the floor immediately below adjacent to a lower density residential zone (refer to Figure 6).		
8. Ancillary structures on the roof such as lift overruns and staircases should be located where their impact is minimised to reduce their visual dominance. Balustrades should be visually recessive.		

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.	The proposed development will reduce the number of habitable room windows receiving 2 or more hours of solar access from 8 to 2 at the adjoining 70-74 Woids Avenue. The proposal does not comply with the side setback requirements from Levels 4 to 6 (roof top), and such non-compliance may contribute to the substantial loss of solar access on the adjoining properties.	☐ Yes ☒ 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 spaces of neighbouring properties. Existing overshadowing by fences, roof overhangs and changes in level should also be reflected in the diagrams.		
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). Note: Achieving compliance with this control may be difficult on steeply		

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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**
8. Bicycle Parking <u>Residential Flat Building</u> 1 space per 3 dwellings, and 1 space per 10 dwellings (visitors) <u>Required</u> Residential: 7 (for 21 apartments) Visitors: 2.1 Total: 9 (required rate = 9.1)	10 bicycle spaces provided.	☐ Yes ☒ No
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	No traffic comments provided with respect to compliance with Australian	

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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.	Standard at the time of preparing this report.	
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)'.		
15. Basement car parking is preferable in commercial and residential flat buildings.	Basement parking spaces are provided outside of the building footprint. Ventilation details are unknown. No natural ventilation provided for Basement Level 1	
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. 4 accessible parking spaces provided for residents and visitors, all located near the lift.	
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.		

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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 bay proposed	
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 garage door is placed underground, obscured from view lines from the street. No traffic comments provided with respect to the ability to enter and exit the site in forward direction at the time of preparing this report.	
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	The proposal will require the removal of an established street tree, which is not	☐ Yes ☒ No

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Apartment Design Guide applies. Car access areas and garages doors do not visually dominate either the development or the streetscape.	supported by Council's Street Tree team. MSB and pump room will reduce the ceiling height to a minimum of 2.218m at 3 parking spaces.	
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 accommodated wholly within the site before being required to stop.		
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: i. Is roofed and bunded to exclude rainwater. ii. Has clearly visible signs which indicate that no degreasing or mechanical work is to be undertaken in the car wash bay. iii. Has a fixed basket trap for floor waste. iv. Includes a 1000 litre general purpose pit.	No car wash proposed.	
11. Three options exist for the disposal of trade wastewater from residential car wash bays. They are: i. Removal off-site by an authorised liquid waste disposal contractor;		

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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 iii. Discharge to the sewer via appropriate pre-treatment.		
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.	No natural ventilation demonstrated for Basement Level 1.	
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: i. Studio apartments and 1 bed apartments – Maximum of 25% ii. 2 bed apartments – Minimum of 35% iii. 3+ bed apartments – Minimum of 15%	The apartment mix is as follows: - 9 × 1 bedroom apartments (42.9%) - 9 × 2 bedroom apartments (42.9%) - 3 × 3/3+ bedroom apartments (14.3%)	☐ Yes ☒ No
3. Apartment configurations are to support diverse household types and stages of life including single person households, families, multi-		

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generational families and group households.		

Dwelling Mix		
6.3.11 Adaptable Housing		
Control	**Proposal**	**Compliance**
1. The minimum number of adaptable units designed in accordance with AS4299 - 1995 Adaptable Housing must be incorporated into the developments included in this section: i. 5-10 units – 1 adaptable unit ii. 11-20 units – 2 adaptable units iii. 21-30 units – 3 adaptable units	3 adaptable units proposed. The proposal is capable of achieving the relevant Australian Standards concerning adaptable dwellings.	☒ Yes ☐ No
2. The adaptable units must comply with the relevant Australian Standards and be certified as "adaptable housing units" and every adaptable unit needs to have an accessible car space.		
3. Developments must be designed and constructed to comply with: i. AS 1428.1 – 1993 Design for Access and Mobility Part 1 ii. AS 1428.4 – 1993 Design for Access and Mobility Part 2 Enhanced and Additional Requirements – Buildings and Facilities iii. Relevant provisions of the Building Code of Australia		
4. Notwithstanding compliance with the above, the development shall be designed to meet the needs of people with disabilities, including: i. The provision for a continuous accessible path of travel from all public roads and public spaces as well as unimpeded internal access; ii. The provision in design for ease of use and comfort through appropriate gradients, rest areas, circulation space and user friendly entrances; iii. Safety design measures, including contrasting colour for		

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points of danger and slip resistant surfaces; and iv. Legible design features such as signs and indicators to assist the location of handrails and guardrails. Adaptable Housing is defined by Australian Standard AS 4299, which is specifically designed to allow for the future adaptation of a dwelling to accommodate the occupant's needs.		

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 proposal will require the removal of one street tree, and insufficient information is provided with respect to the dewatering of the parking levels.
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 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. As a

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	result of the non-compliant height, the proposal impinges on the established street character of Allawah.
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 R4 High Density Residential. The proposal is not considered a suitable outcome for the subject site for the following reasons:

- The proposed development has not demonstrated that it is suitable for the subject site.
- The proposal fails to comply with multiple planning controls and represents an inappropriately designed development that is not suitable for the site.

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. Five submissions were received during the neighbour notification period.

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

Issue	Comment
Visual privacy Concerns are raised on visual privacy intrusion from the balconies and rooftop communal open space into adjoining private spaces. One submission objects to the provision of toilet on the rooftop communal open space as concerns are raised on loitering and subsequently privacy intrusion.	The proposed development does not comply with the side setback requirements from Levels 4 to 6 which introduces unacceptable visual privacy risks. The proposed rooftop communal open space lacks the necessary setback from the roof in some areas, however compliance can be imposed by condition if this application is recommended for approval. The provision of toilet on the rooftop communal open space is not objected as a toilet is an essential amenity for users of the open space.
Flood risk Concerns are raised on potential flooding risks onto adjoining properties.	The subject site is not affected by flooding. Council's stormwater engineer raised no objection to the proposed development.

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Tree planting Concern is raised on the location of the trees from the boundary and the height and size of the new trees.	Council's landscape officer raised no objection to the proposed tree planting schedule.
Bulk and scale Concerns are raised on the non-compliant building height and opposed to the affordable housing height bonus provided by the Housing SEPP. Concerns are raised on additional overshadowing as a result of height non-compliance. One submission alleged the shadow diagrams submitted by the applicant underestimated the impact of the proposed development. Concerns are raised on the subject site being insufficient in size to support the proposed development. Concerns are raised on incompatibility with the local built form and visual dominance of the proposed structure. One submission indicated the proposal does not respect the local terrain.	The proposal exceeds the building height development standard by 5.6%. The proposed height exceedance, on its own, is considered acceptable as the height exceedance aligns with relevant planning objectives. The height bonus provided by the Housing SEPP overrides the height control stipulated by the GRLEP 2021. Non-compliance with setback requirements may contribute to additional overshadowing impacts on adjoining properties. The shadow diagrams supplied by the applicant appears to be accurate upon preliminary inspection. The GRLEP 2021 does not prescribe a minimum lot size requirement for residential flat building. Notwithstanding that, the subject site does not have sufficient capacity to accommodate for the proposed development as evident by the multiple non-compliances identified in this assessment report. The proposed built form is considered to be incompatible given non-compliance with setback requirements and poor architectural expression. The nil northwestern setback for the partially above-ground parking structure result in a large blank surface readily observable at the rear of the site where the land slopes to the rear.
Traffic Concerns are raised on additional traffic volume, reduced availability of on-street parking, and diminishing pedestrian safety.	No traffic comments provided at the time of preparing this application.
Compliance with planning controls	As indicated in the Clause 4.6 assessment above, the proposal demonstrates sufficient planning grounds for the height variation.

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Concerns are raised on compliance with the following planning provisions - Clause 4.6 of GRLEP – in that the proposal fails to demonstrate that the height control requirements are unreasonable or unnecessary, that there are sufficient planning grounds to support the variation, and that the proposed variation is in the public interest. - LMR provisions in Housing SEPP – in that the proposal is not covered by the LMR provisions as the site is located more than 800m from Hurstville Town Centre	The subject site is located within 795m of walking distance from the Hurstville station and town centre LMR centre. The proposal benefits from LMR requirements.
Insufficient information Concerns are raised on the following matters: - The survey plan does not include vegetation at the rear portion of the subject site - No stormwater plans supplied.	The lack of details of adjoining trees on the survey plan is noted. Council's landscape officer has reviewed the landscape plan, arboricultural impact assessment report, and latest aerial imagery as part of the assessment. No landscape objection was raised. A stormwater plan was submitted as part of this Development Application and was reviewed by Council's stormwater engineer. No objections were raised with respect to stormwater management.

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:
- The proposed development has not demonstrated that it is suitable for the subject site.
- The proposal fails to comply with multiple planning controls and represents an inappropriately designed development that is not suitable for the site.
- The approval of this application will set an adverse precedent in the Georges River Local Government Area.
- A Clause 4.6 variation request is not submitted to address Section 16 of the Housing SEPP regarding non-compliances with the Floor Space Ratio development standard.

Referrals

Internal Referrals

Internal Referrals		
Specialist	**Comment**	**Outcome**

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Development Engineer	The officer has considered the following planning provisions: - Clause 5.21 of GRLEP 2021 - Clause 6.3 of GRLEP 2021 - Clause 6.9 of GRLEP 2021 - Part 3.10 of GRDCP 2021 - Georges River Stormwater Management Policy No objections raised.	-
Landscape Officer	The officer has considered the following planning provisions: - SEPP (Biodiversity Conservation) 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 - Georges River Tree Management Policy 2024 No objections raised to the proposal and conditions recommended.	-
Street Tree Team	The officer has considered the following planning provisions: - Georges River Tree Management Policy 2024 The officer raised objection to the removal of a street tree.	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.
Urban Design	The officer has considered the following planning provisions: - Clause 6.10 of GRLEP 2021 - Part 5 of GRDCP 2021 The following objections were raised: - The proposal demonstrates poor interaction with the public domain. The main entrance is not visible from the street, and the street-facing ground floor apartment does not have street access. The street frontage is dominated by utilities and	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.

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	services (such as driveways and hydrant booster) - The proposal lacks sufficient massing variation, particularly on the side elevation. The non-compliant side setback results in large solid walls in contravention to the desired 'podium with tower' built form - The bulk and scale is intensified by a lack of material change and architectural details. The prominent spandrels reinforce horizontality. - The above-ground parking level, due to nil side setback, does not adequately address the topography, resulting in large blank walls observable at the communal open space. - The ground floor communal open space is not accessible for all.	
Land Information (GIS)	No objections raised to the proposal and conditions recommended.	-
Environmental Health Officer	The officer has considered the following planning provisions: - Clause 6.1 of GRLEP 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 The following objections were raised: - The acoustic assessment report fails to address the impacts associated with the car park ventilation system and the lift. - The acoustic assessment report does not evaluate the acoustic impact from the use of the rooftop communal area.	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: - Clause 6.9 of GRLEP 2021	-

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	- Part 3.13 of GRDCP 2021 No comments provided at the time of preparing the planning report.	
Waste	The officer has considered the following planning provisions: - Part 3.15 of GRDCP 2021 The following objections were raised: - The waste management plan (WMP) does not provide sufficient details with respect to waste management during demolition, construction, and operational phases - The WMP fails to provide details of the disposal facilities during the demolition stage and does not adequately address how compliance with GRDCP is achieved. - The single chute system is not adequate for the scale of the proposal. - The bin storage area is not sufficiently dimensioned to enable ease of bin movements. - The driveway gradient does not enable the use of bin tugs to transport the 660L waste bins to the collection point. - No bin wash area provided in the waste storage room. The temporary ground level waste collection area is unsuitable for the Wheel Out Wheel Back service as the area sits above the kerb level of the proposed driveway.	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.
Heritage advisor	No comments provided at the time of preparing the planning report.	-
Building Surveyor	The officer has considered the following planning provisions: - Building Code of Australia No objections raised to the proposal and conditions recommended.	-

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External Referrals

External Referrals		
Referral Body	**Comment**	**Outcome**
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.	-
Sydney Water	The referral body has considered the following planning provisions: - Section 78 of Sydney Water Act 1994 No objections raised to the proposal and conditions recommended.	-
Water NSW	The referral body has considered the following planning provisions: - Section 91 of Water Management Act 2000 The following objections were raised: - Insufficient information on dewatering/water extraction measures for basement levels. No details are provided regarding the management of ground water. Confirmation is required as to whether the proposed basement construction design, being either tanked (fully watertight) or drained (requiring permanent ongoing dewatering). Depending on the method of construction the proposal may be integrated development particularly if dewatering of a basement during excavation is required. The applicant has indicated that the	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.

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	proposal is not integrated development, however in the absence of the required information this cannot be confirmed.	

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.

Recommendation

Refusal of Application

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer recommends DA2025/0467 for Demolition works and construction of residential flat building utilising the provisions of State Environmental Planning Policy (Housing) 2021 on Lot 1 DP 15025 and Lot 35 Sec 9 DP 2793 on land known as 66-68 Woids Avenue, Allawah NSW 2219, 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 floor space ratio (FSR) of 1.98:1, exceeding the FSR limit of 1.95:1, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

3. Clause 4.6 – Exceptions to development standards. No Clause 4.6 variation request is submitted to address Section 16 of the Housing SEPP regarding non-compliances with the Floor Space Ratio development standard.

4. The development does not comply with Objective 3D of the ADG, as the proposed development fails to provide an accessible communal open space at the ground floor, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

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5. The development does not comply with Objective 3F of the ADG, as the proposal does not comply with the side setback requirements, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

6. The development does not comply with Objective 3G of the ADG, as the proposal fails to provide a main building entrance that is clearly identifiable on the street, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

7. The development does not comply with Objective 3J of the ADG, as no details of ventilation ducts are provided, and Basement Level 1 receives no natural ventilation, 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 9.6% 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 open living rooms that do not comply with the minimum room depth requirements, and two ground floor private open spaces fail to achieve the minimum size requirements, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

10. The development does not comply with Objective 4G of the ADG, as insufficient external storage spaces are provided at parking levels, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

11. The development does not comply with Objective 4J of the ADG, as the acoustic report fails to adequately address noise associated with ventilation system, lift operation, and usage of rooftop communal open space, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

12. The development does not comply with Objective 4K and 4Q of the ADG, as the proposed development fails to provide for adequate apartment variety that is suitable in the locality, and fails to provide a variety of adaptable apartment units, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

13. The development does not comply with Objective 4W of the ADG, as the proposed development fails to provide adequate waste management facilities, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

14. 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 demonstrate adequate electricity supply arrangement, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

15. The development does not comply with Clause 6.10 – Design Excellence of the GRLEP 2021, as the proposal lacks variations in massing and material, and the proposal is not adequate in terms of interaction with the public domain, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

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16. The proposal fails to comply with Section 3.13 and 6.3.9 of GRDCP 2021, as the proposal provides no car wash bays, fails to provide adequate ceiling height for 3 parking spaces, and the proposal requires the removal of one street tree, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

17. The proposal fails to comply with Section 6.3.3 of GRDCP 2021, as the proposal fails to achieve adequate front setback above Level 3 and provide deep soil area of sufficient dimensions within the front setback, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

18. The proposal fails to comply with Section 6.3.4 of GRDCP 2021, as the proposal fails to provide adequate front, side, and rear setbacks at the parking levels, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

19. The proposal fails to comply with Section 6.3.8 of GRDCP 2021, as the proposal will cause unacceptable solar access impacts on adjoining residences as a result of building setback non-compliances, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

20. 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.

21. 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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ALLAWAH

66-68 WOIDS AVENUE, ALLAWAH NSW 2218

DEVELOPMENT APPLICATION



NO.	DESCRIPTION	SCALE	REVISION
DA 000 GENERAL			
DA 001	COVER SHEET		A
DA 002	DEVELOPMENT SUMMARY		A
DA 003	CONTEXT ANALYSIS	1:3000	A
DA 004	SITE ANALYSIS	1:200	A
DA 005	SITE PLAN	1:200	A
DA 006	STREETSCAPE		A
DA 007	DEMOLITION PLAN	1:100	A
DA 100 PLANS			
DA 101	BASEMENT 02 PLAN	1:100	A
DA 102	BASEMENT 01 PLAN	1:100	A
DA 103	GROUND FLOOR PLAN	1:100	A
DA 104	LEVEL 01 PLAN	1:100	A
DA 105	LEVEL 02 PLAN	1:100	A
DA 106	LEVEL 03 PLAN	1:100	A
DA 107	LEVEL 04 PLAN	1:100	A
DA 108	LEVEL 05 PLAN	1:100	A
DA 109	ROOF PLAN	1:100	A
DA 110	LIFT OVERUN PLAN	1:100	A
DA 200 ELEVATIONS AND SECTIONS			
DA 201	WEST ELEVATION	1:100	A
DA 202	EAST ELEVATION	1:100	A
DA 203	NORTH ELEVATION	1:100	A
DA 204	SOUTH ELEVATION	1:100	A
DA 205	SECTION AA	1:100	A
DA 206	SECTION BB	1:100	A
DA 207	SECTION CC & DD RAMPS	1:50	A
DA 208	SECTION EE - PUMP ROOM	1:100	A
DA 300 UNIT TYPES			
DA 301	UNIT TYPES - SHEET 1	1:100	A
DA 302	UNIT TYPES - SHEET 2	1:100	A
DA 303	UNIT TYPE_ADAPTABLE	1:50	A
DA 400 SHADOW DIAGRAMS			
DA 401	SHADOW DIAGRAMS - SHEET 1	1:500	A
DA 402	SHADOW DIAGRAMS - SHEET 2	1:500	A
DA 403	SHADOW DIAGRAMS COMMUNAL OPEN SPACE	1:200	A
DA 404	SUN EYE VIEW DIAGRAMS - SHEET 1		A
DA 405	SUN EYE VIEW DIAGRAMS - SHEET 2		A
DA 406	NEIGHBOURING AMENITY ANALYSIS - SHADOW ST...		A
DA 407	NEIGHBOURING AMENITY ANALYSIS - SHADOW DI...	1:500	A
DA 500 ADG DIAGRAMS			
DA 501	SEPP65 DIAGRAMS	1:200	A
DA 502	GFA DIAGRAMS	1:200	A
DA 503	LANDSCAPE AREA DIAGRAMS	1:200	A
DA 504	HEIGHT PLANE DIAGRAM		A
DA 600 MATERIALS AND FINISHES			
DA 601	MATERIALS AND FINISHES SCHEDULE		A
DA 700 PHOTOMONTAGE			
DA 701	PHOTOMONTAGE		A

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Print date and time: Tuesday, 16 September 2025 @ 7:32 pm
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Assessor name: Jamie Bonnefin
Accreditation No.: 10098
Property Address: 66-68 Woids Avenue,ALLAWAH NSW,2218

REVISION ID	AMENDMENT	DATE
P1	FOR COORDINATION/CLIENT	18/10/2024
P2	FOR COORDINATION/CLIENT	29/11/2024
A	DEVELOPMENT APPLICATION	16/09/2025

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CLIENT
PROJECT ODEON

PROJECT
ALLAWAH
SITE ADDRESS
66-68 WOIDS AVENUE, ALLAWAH NSW 2218
JOB NO
2437
CHECKED RA
DRAWN RL
DATE
16/09/2025
PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
COVER SHEET
SHEET NO. DA 001
REVISION A

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ARCHITECTURAL LEGEND

	A
A	ALIGN
(A)	ACOUSTIC
AC	AIR CONDITIONING
ACC	ACCESSIBLE
ACS	ACCESS CONTROL SYSTEM
AD	ACCESS DECK
ADJ	ADJUSTABLE
ADP	ADAPTABLE
AH	ACCESS HATCH
AH_01	ROOF ACCESS HATCH, FIRE RATED
AH_02	ROOF ACCESS HATCH, NON-FIRE RATED
AHD	AUSTRALIAN HEIGHT DATUM
AL	ALUMINUM
AMB	AMBULANT
AP	ACCESS PANEL
ASL	FIXED VERTICAL LADDER
ASP	ANTI-SLIP PLATE
AWN	AWNING
	B
B	BATHROOM
BED	BEDROOM 1, BEDROOM 2, ETC.
BG	BOX GUTTER
BGS	BOOM GATE SYSTEM
BH	BULKHEAD
BJ	BUTT JOINT
BKP	BICYCLE PARKING
BKR	BICYCLE RACK
BKS	BICYCLE STORAGE
BL	BALUSTRADE
BL_01	GLAZED ALUMINIUM FRAME
BL_02	BLOCK WALL
BL_03	ALUMINIUM BATTEN
BLK	BLOCKWORK
BOL	BOLLARD
BRWO	BALCONY RAIN WATER OUTLET
BSN	BASIN
BSP	BATH SPOUT
BST	BALLAST
BT	BENCHTOP
BTH	BATH
BTP	BOTTLE TRAP
BTR	BOUNDARY TRAP
BWK	BRICK (FACE BRICK)
BWU	BRICK (GLAZED FEATURE BRICK)
BY	BALCONY
	C
C	COMMERCIAL
CAP	CAPPING
CBC	CUBICLE SYSTEM
CBF	CONCRETE BROOM FINISH
CEA	CONCRETE EXPOSED AGGREGATE FINISH
CF	CRITICAL FACE
CFC	COMPRESSED FIBRE CEMENT
CFF	CONCRETE FLOAT FINISH
CGF	CONCRETE GROOVE FINISH
CH	CEILING HEIGHT
CHE	CHAMFERED EDGE
CHS	CIRCULAR HOLLOW SECTION
(CI)	CAST IN
CIS	CISTERN
CJ	CONTROL JOINT
CKT	COOK TOP
CL	CENTRE LINE
CLD	CLADDING
CLK	CLOACK ROOM
CLNR	CLEANER STORE
CMR	CEMENT RENDER/ ACRYLIC
CNR	CORNER
COF	CONCRETE OFF-FORM FINISH
COL	COLUMN
COM	COMMERCIAL
COMS	COMMUNICATIONS SERVICES
CON	CONCRETE (25/20)
CP	CHECK ON SITE
CPS	CAR PARK SPACE
CPC	CONCRETE PRECAST
CPD	CUPBOARD
CPE	CAR PARK EXHAUST
CPL	COVER PLATE
CPS	CARPARK SUPPLY
CPT	CARPET
CS	CEILING FINISH
CSF	CEMENTITIOUS SCREED FINISH
CSK	COUNTERSUNK
CSNK	CLEANERS SINK
CST	CONCRETE STEEL TROWEL FINISH
CTF	CERAMIC TILE FLOOR FINISH
CTW	CERAMIC TILE WALL FINISH
CU	CONDENSER UNIT
CVJ	COVED JUNCTION
CW	COLD WATER
CWB	CAR WASH BAY
CWS	COLD WATER SUPPLY
CY	COURTYARD
	D
D	DINING
DG	DRIP GROOVE
DJ	DUMMY JOINT
DM	DOOR MAT
DP	DOWN PIPE
DPC	DAMP PROOF COURSE
DRW	DRAWER
DRY	DRYER
DW	DISHWASHER
	E
E	ENTRY
EA	EQUAL ANGLE
EDB	ELECTRICAL DISTRIBUTION BOARD
EFF	EPOXY FLOOR FINISH
EJ	EXPANSION JOINT SYSTEM
ELEC	ELECTRICAL SERVICE
EM	ENTRY MAT
EN	ENSUITE
EP	EDGE PROTECTION
EPO	EPOXY FLOOR FLINISH WITH COVERED CORNER
(EX)	EXISTING
EXH	EXHAUST
EXJ	EXPRESS JOINT
(EXP)	EXPOSED
	F
F	FIRE SERVICES
FB	FLUSH BUTTON (CISTERN)
FBV	FIRE BOOSTER VALVE
FC	FIBRE CEMENT
FCC	FIRE CONTROL CENTRE
FCL	FINISH CEILING LEVEL
FCP	FIRE CONTROL CENTRE
FD	FIRE DOOR
FEP	FIRE EGRESS PASSAGE
FES	FLOOR EDGE STRIP
FEX	FIRE EXTINGUISHER
FFL	FINISH FLOOR LEVEL
FG	FIXED GLASS
FGL	FINISHED GROUND LEVEL
FH	FIRE HYDRANT
FHB	FIRE HYDRANT BOOSTER
FHR	FIRE HOSE REEL
FIP	FIRE ALARM CONTROL PANEL
FLS	FLASHING
FMP	FIRE MIMIC PANEL
FN_01	FURNITURE TYPE 01, 02, ETC
FNC	FENCE
FR	FIRE RATED
FRL	FIRE RESISTANCE LEVEL
FS_01	FIRE STAIR NO.1, 2, ETC
FW	FLOOR WASTE
FX	FIXED
	G
GA_01	GREASE ARRESTOR NO.1, 2, ETC.
GB	GAS BAYONET
GBC	GARBAGE CHUTE
GBR	GARBAGE ROOM
GC	GLASS CLEAR
GD	GLASS, DECORATIVE
GDR	GRATED DRAIN
GE	GROOVED EDGE
GHR	GARBAGE HOLDING ROOM
GL	GLASS TYPE
GL**	GLAZED PANEL
GLR	MECHANICAL GRILLE
GM	GAS METER
GP	GLASS PANEL - FULL HEIGHT
GPO	GENERAL POWER OUTLET
GPT	GROSS POLLUTANT TRAP
GR	GRAB RAIL
GRL	GROUND LINE
GS	GLAZING SUITE
GT	GRATE, TRANSLUCENT
	H
H	HYDRAULIC SERVICES
HC	HOSE COCK
HD	HAND DRYER
HDR	HAND DRYER, ELECTRIC
HDO	HANDLE
HIR	HIGH IMPACT RESISTANT
HK	HOOK
HMR	HIGH MOISTURE RESISTANCE
HP	HIGH POINT
HR	HANDRAIL
HR_01	STAINLESS STEEL HANDRAIL
HR_02	STAINLESS STEEL HANDRAIL
HR_03	STAINLESS STEEL HANDRAIL
HR_04	STAINLESS STEEL HANDRAIL
HR_05	STAINLESS STEEL HANDRAIL
HR_06	3 RUNG HANDRAIL
HR_07	SINGLE RAIL
HR_08	HANDRAIL
HR_09	HANDRAIL
HR_10	STAINLESS STEEL HANDRAIL
HR_12	HANDRAIL FIXED TO WALL
HRV	HEAVY RIGID VEHICLE
HWS	HOT WATER SERVICE
HWU	HOT WATER UNIT
	I
ID	INSIDE DIAMETER
IL	INVERT LEVEL
(INA)	INTEGRATED ASSEMBLY
INS	INSULATION
INT	INTERCOM
IO	INSPECTION OPENING
	J
J_01	JOINERY TYPE 01, 02, ETC.
JF_01	JOINERY FINISH 01, 02, ETC.
JP	JOINERY PULL
	K
K	KITCHEN
KB	KERB
KE	KITCHEN EXHAUST
	L
L	LIVING
LB	LETTER BOX
LBY	LOBBY
LCB	LIFT CALL BUTTON
LCL	LIFT CALL LANTERN
LG	LOWER GROUND
LM	PLASTIC LAMINATE
LP	LOW POINT
LRA	LOBBY RELIEF AIR
LSA	LOBBY SUPPLY AIR
LT	LAUNDRY TUB
LY	LAUNDRY
LV_01	MECHANICAL LOUVRES, INTERNAL
LV_02	MECHANICAL LOUVRES, EXTERNAL
LV_03	MECHANICAL LOUVRES
LV_04	MECHANICAL LOUVRES, ACOUSTIC
LV_05	EXHAUST LOUVRES IN WINDOW SYSTEM
LV_06	METAL LOUVRES IN BRICK WALL
LV_07	ALL SLIDING SHUTTERS FIXED LOUVRES
LV_08	ALL SLIDING SHUTTERS OPERABLE LOUVRES
LV_09	VERTICAL ALUMINUM FIXED LOUVRES
LV_10	ALUMINUM SLATTED SCREEN
LV_11	FIXED FLAT BAR SCREEN
LV_12	LOUVRES TO CONDENSOR TOWERS
LV_13	LOUVRES TO ROOF TOP PLANT
LV_14	ALUMINUM BOX SECTION FIXED BLADES
LV_15	ALUMINUM PRIVACY SCREEN LOUVRES
LY	LAUNDRY
	M
M	MECHANICAL SERVICES
MATV	MASTER ANTENNA TELEVISION SERVICE
MBP	MOTOR BIKE PARKING
MBX	MAIL BOX ASSEMBLY
MCP	PRESSED METAL CAPPING
MDR	METAL DECK ROOFING
MDSP	MULTI-USE DISPENSER UNIT
MGB	MOBILE GARBAGE BIN
MJ	MITRE JOINT
MOV	MICROWAVE OVEN
MR	MIRROR
MRR	MIRROR REVERSE
MRV	MEDIUM RIGID VEHICLE
MS	MASONRY WALL TILES
MSB	MAIN SWITCH BOARD SERVICES
MTR	METER
MV	MECHANICAL VENT
MVJ	MOVEMENT JOINT
	N
NGL	NATURAL GROUND LEVEL
NOM	NOMINAL
	O
(O)	OPERABLE
OD	OVERHEAD DOOR
OFS	OVER FLOW SPOUT
OSD	ON SITE DETENTION TANK
OSR	ON SITE RETENTION TANK
OV	OVEN
	P
P	PANTRY
PB	PLASTERBOARD
PCF	POWDER COAT FINISH
PC_01	POLYESTER POWDER COATING
PC_02	POLYESTER POWDER COATING
PC_03	POLYESTER POWDER COATING
PD	PIVOT DOOR
PDO	PLANTER DRAINAGE OUTLET
PF	PLANTER
PF	PAINT FINISH
PF_01	ACRYLIC EXTERNAL WALL PAINT
PF_02	ACRYLIC EXTERNAL WALL PAINT
PF_03	ACRYLIC EXTERNAL WALL PAINT
PFC	PARALLEL FLANGE CHANNEL
PLT	PLATFORM LIFT
PP_01	TRAFFIC ROAD MARKING PAINT
PP_02	SAFETY HAZARD STRIPS
PRC	PRE CAST CONCRETE
PV	PAVING
PV_01	CONCRETE FOOTPATH
PV_02	STONE UNIT PAVING
PV-03	ASPHALT PAVEMENT
PV_04	STABILISED CRUSHED AGGREGRATE
PV_05	FEATURE PAVEMENT BANDING
PV_06	ROOF PEBBLES
	R
R	ROBE
(R)	RECESSED
RA	RETURN AIR
RASS	ROOF ACCESS SAFTEY SYSTEM
RC	REINFORCED CONCRETE
RD	ROLLER DOOR
REP	RECESSED EDGE PULL
RES	RESIDENTIAL
RF	REFRIGERATOR
RFF	RESILIENT FLOOR FINISH
RH	RANGE HOOD
RHS	RECTANGULAR HOLLOW SECTION
RL	RELATIVE LEVEL TO AHD
RTL	RETAIL
RY	RECYCLING
RWH	RAIN WATER HEAD
RWO	RAINWATER OUTLET
RWT	RAINWATER TANK
	S
S	STORAGE
SA	SUPPLY AIR
SB	SPLASH BACK
SBT	SEWER BOUNDRY TRAP
SC	STORAGE CAGE WITH GATE
SCN	SCREEN
SCOL	STEEL COLUMN
SD	SLIDING DOOR
SDH	SOAP DISH HOLDER
SDO	SPOON DRAIN OUTLET
SDSP	SOAP DISPENSER
SEC	SECURITY SERVICES
SFF	STONE FLOOR FINISH
SGN	SIGNAGE
SHC	SHAVING CABINET
SHP	SPEED HUMP
SHR	SHOWER
SHRR	SHOWER ROSE
SHS	SQUARE HOLLOW SECTION
SIM	SIMILAR
SJ	SILICON JOINT
SK	SARKING
SKL_01	SKYLIGHT (OPENABLE)
SKL_01	SKYLIGHT (FIXED)
SKT	SKIRTING
SLR	SEALANT
SLT	SAFETY HAZARD
SNK	SINK
SO	STRUCTURAL OPENING
SQE	SQUARE EDGE
(SR)	SEMI RECESSED
SS	STAINLESS STEEL
SSD	SUB-SURFACE DRAINAGE SYSTEM
SSL	STRUCTURAL SLAB LEVEL
SSN	SHOWER SCREEN
ST_01	STAIR NO.1, 2, ETC.
STL	STEEL
STN	STAIR NOSING
STY	STUDY
SW	STORM WATER
SWD	STORMWATER DRAIN
SWF	STONE WALL FINISH
SWP	STORMWATER PIT
	T
(T)	THERMAL
TCE	TERRACE
TD	TIMBER DECK
TDSP	TOWEL DISPENSER UNIT
TF	TILE FLOOR
TG	TIMBER DOOR
TFF	TIMBER FLOOR FINISH
TPW	TRADE FLOOR WASTE
TGS	TACTILE INDICATORS
TGS	TACTILE GROUND SURFACE INDICATOR
TH	THRESHOLD
TND	TUNDISH
TOH	TOP OF HOB
TOS	TOP OF SCREEN
TOW	TOP OF WALL
TPS	TAPSET
TR	TOWEL RAIL
TRA	TENANT RETURN AIR
TRH	TOILET ROLL HOLDER
TSA	TENANT SUPPLY AIR
TV	TIMBER VENEER
TYP	TYPICAL
	U
UG	UNDERGROUND
UIS	UNDERSIDE
UA	UNEQUAL ANGLE
UCT	UNDER CUT
UG	UPPER GROUND
UNO	UNLESS NOTED OTHERWISE
UR	URINAL
UT	UTILITY SPACE
	V
V	VOID
VR	VINYL FLOOR
VN	VENTL
VP	VENT PIPE
	W
WC	WC
WC-A	WC_ACCESSIBLE
WC_F	WC- FEMALE
WC_M	WC- MALE
WC_U	WC- UNISEX
WR	WALK IN ROBE
WM	WASHING MACHINE
WP	WEATHER PROOF
WPM	WATERPROOF MEMBRANE SYSTEM
WPM_01	WATERPROOFING SYSTEM EXTERNAL
WPM_02	LIQUID POLYURETHANE - EXTERNAL (LOW TRAFFIC)
WPM_03	LIQUID POLYURETHANE - NON EXPOSED
WPM_04	WATERSTOP
WPM_05	TANKING/ACRYLIC CEMENTITIOUS COATING
WPM_06	MOISTURE CURING POLIURETHANE SEALANT
WPM_07	MULTILAYER SHEET MEMBRANE
WPM_2	WATERPROOFING SYSTEM, INTERNAL
WPM_21	LIQUID-APPLIED MEMBRANE
WST	WHEEL STOP
WTM	WATERMETER

DEVELOPMENT SUMMARY

SITE INFO						
ADDRESS	66 -68 Woids Avenue, Allawah, NSW 2218					
DP	359/DP2793, 1/-/DP15025					
SITE AREA	932 sqm					
PROJECT SUMMARY						
RESIDENTIAL MIX	1 Bedroom Unit :	9				
	2 Bedroom Unit :	5				
	2 Bedroom AH Unit :	4				
	3 Bedroom Unit :	2				
	4 Bedroom Unit:	1				
	TOTAL UNITS :	**21**				
CAR PARKING	Residential Parking Spaces	16				
	Residential Visitor Parking Spaces	5				
	TOTAL CAR SPACES:	**21**				
GEORGES RIVER COUNCIL LEP 2021 / HOUSING SEPP						
	CONTROLS (L+M HOUSING)		**CONTROLS + 30% INFILL AFFORDABLE HOUSING**		**PROPOSED**	**PROPOSED AH**
LAND USE	R4 - High Density Residential		R4 - High Density Residential		R4 - High Density Residential	✓
BUILDING HEIGHT (m)	17.5m		22.75m		23.9m (Lift Overrun)	✗
FLOOR SPACE RATIO (:1)	1.5		1.95	0.21:1 AH Allocation min.	1.94:1	0.39:1 ✓
GROSS FLOOR AREA (sqm)	1398 sqm		1817.4 sqm	205sqm AH Allocation min.	1806 sqm	366 sqm ✓
GEORGES RIVER COUNCIL DCP 2021						
	CONTROLS		**CONTROLS + 30% INFILL AFFORDABLE HOUSING**		**PROPOSED**	**COMPLIANCE**
DWELLING MIX	Developments that proposed more than 20 dwellings are to provide a mix fo dwellings consistent with the following percentage mix :				Proposed Dwelling Mix : 1 Bedroom : 2 Bedroom : 2 Bedroom AH : 3 Bedroom : 4 Bedroom : **TOTAL UNITS :**	9 (42.8%) 5 (23.8%) 4 (19.0%) 2 (9.5%) 1 (4.7%) **21 (100%)**
	a. Studio and 1 Bedroom : b. 2 Bedroom : c. 3+ Bedroom :	25% max. 35% min. 15% min.				
SETBACK **66 - 68 WOIDS AVENUE**	FRONT SETBACK Street wall (4ST.): REAR SETBACK 4ST: >4ST: SIDE SETBACK 4ST: >4ST:	 5m 8m 6m 9m 6m 9m			FRONT SETBACK GF to L3 = L4 to L5 = REAR SETBACK GF to L3 = L4 to L5 SIDE SETBACK GF to L5 =	 5.9m 7.9m 5.9m 9.0m 4.5m + 3m. ADG
MIN. LANDSCAPE AREA	15% – 139.8 sqm		30% = 279.6sqm		**428sqm**	**46%** ✓
CAR PARKING	**RESIDENTIAL** RTA - Metropolitan Sub-Regional Centres: 0.6 spaces per 1B: 0.9 spaces per 2B: 1.40 spaces per 3B/4B: 1 space per 5 units (Visitor): **TOTAL:** **VISITOR** • 1 visitor parking space per 5 dwellings. For sites located within 800m of a railway station, the car parking rates are as stipulated in the RTA Guide to Traffic Generating Developments (version 2.2 dated October 2002) section 5.4.3 - Metropolitan Sub-Regional Centres. **CARWASH** • 1 carwash space per 60 dwellings. For all multi-unit development with at least 5 dwellings, one (1) car wash bay is to be provided for every 60 dwellings or part thereof. The car wash bay can either be dedicated space or shared with a visitor parking space. The dimensions of each wash space are to be at least 3.5m wide x 5.4m long. **TOTAL REQUIRED PARKING SPACES:**	9/0.6 = 5.4spaces 9/0.9 = 8.1spaces 3/1.4 = 4.2spaces 21/5 = 4.2spaces **= 21.9spaces** **21.9spaces**	**RESIDENTIAL** SEPP Infill Affordable Housing Parking Rates: 0.4 space per 1B: 0.5 space per 2B: 1 space per 3B: 1.5 spaces per 3B/4B: SEPP Infill Non-Affordable Housing Parking Rates: 0.5 space per 1B: 1 space per 2B: 1.5 spaces per 3B/4B: **VISITOR** • 1 visitor parking space per 5 dwellings: **CARWASH** • 1 carwash space per 60 dwellings: For all multi-unit development with at least 5 dwellings, one (1) car wash bay is to be provided for every **16spaces** **20.2spaces**	**2spaces** 0 4/0.5 = 2spaces 0 0 **14spaces** 9/0.5 = 4.5spaces 5/1 = 5spaces 3/1.5 = 4.5spaces 21/5 = 4.2spaces 21/60 = 0.35spaces	**RESIDENTIAL** Proposed Residential Parking Rates: 1 space per 1B: 1 space per 2B: 2 spaces per 3B/4B: (Includes 3 Accessible Residential spaces) **VISITOR** • Proposed visitor parking spaces: (Includes1 Accessible Visitor space) **CARWASH** • 1 carwash space per 60 dwellings: **TOTAL PROPOSED PARKING SPACES:**	**16spaces** 4 Spaces 7spaces 4.5spaces **5spaces** **1space** (shared with visitor) **21spaces** ✓
BICYCLE PARKING	**RESIDENTIAL BICYCLE PARKING RATE** 1 space per 3 dwellings (resident): 1 spaces per 10 dwellings (visitor): **TOTAL REQUIRED BICYCLE PARKING SPACES**	21/3 = 7spaces 21/0.1 = 2.1spaces **9.1spaces**			**RESIDENTIAL BICYCLE PARKING RATE** 1 space per 3 dwellings (resident): 1 spaces per 10 dwellings (visitor): **TOTAL PROVIDED BICYCLE PARKING SPACES:**	**7spaces** **3spaces** **10spaces** ✓
MOTORCYCLE PARKING	**RESIDENTIAL MOTORCYCLE PARKING RATE** 1 space pre 15 car spaces:	1/16 = 1.2spaces			**RESIDENTIAL MOTORCYCLE PARKING** Residential motorcycle parking spaces:	**2spaces** ✓
APARTMENT DESIGN GUIDE						
	CONTROLS				**PROPOSED**	**PROPOSED (%)** **COMPLIANCE**
3D. **COMMUNAL OPEN SPACE**	Communal open space has a minimum area equal to 25% of the site = 233 sqm				**424sqm**	**45.5%** ✓
3E. **DEEP SOIL ZONE**	3m minimum dimension, and equal to 7% of the site area = 65.24 sqm				3m min. = **65sqm** Overall = **182sqm**	3m min. = **7.0%** Overall = **19.5%** ✓
4A. **SOLAR AND DAYLIGHT ACCESS**	Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area				**15/21**	**71%** ✓
4B. **NATURAL VENTILATION**	At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed				**21/21**	**100%** ✓

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Certificate No. 0012212600
Scan QR code or follow website link for rating details.
Assessor name : Jamie Bonnelle
Accreditation No. 1055
Property Address 66-68 Woids Avenue,ALLAWAH NSW,2218
12600 1055 ALLAWAH 66-68 WOIDS AVENUE,ALLAWAH NSW,2218 16 SEP 2025 01:29:

REVISION ID	AMENDMENT	DATE
P1	FOR COORDINATION/CLIENT	18/10/2024
P2	FOR COORDINATION/CLIENT	29/11/2024
A	DEVELOPMENT APPLICATION	16/09/2025

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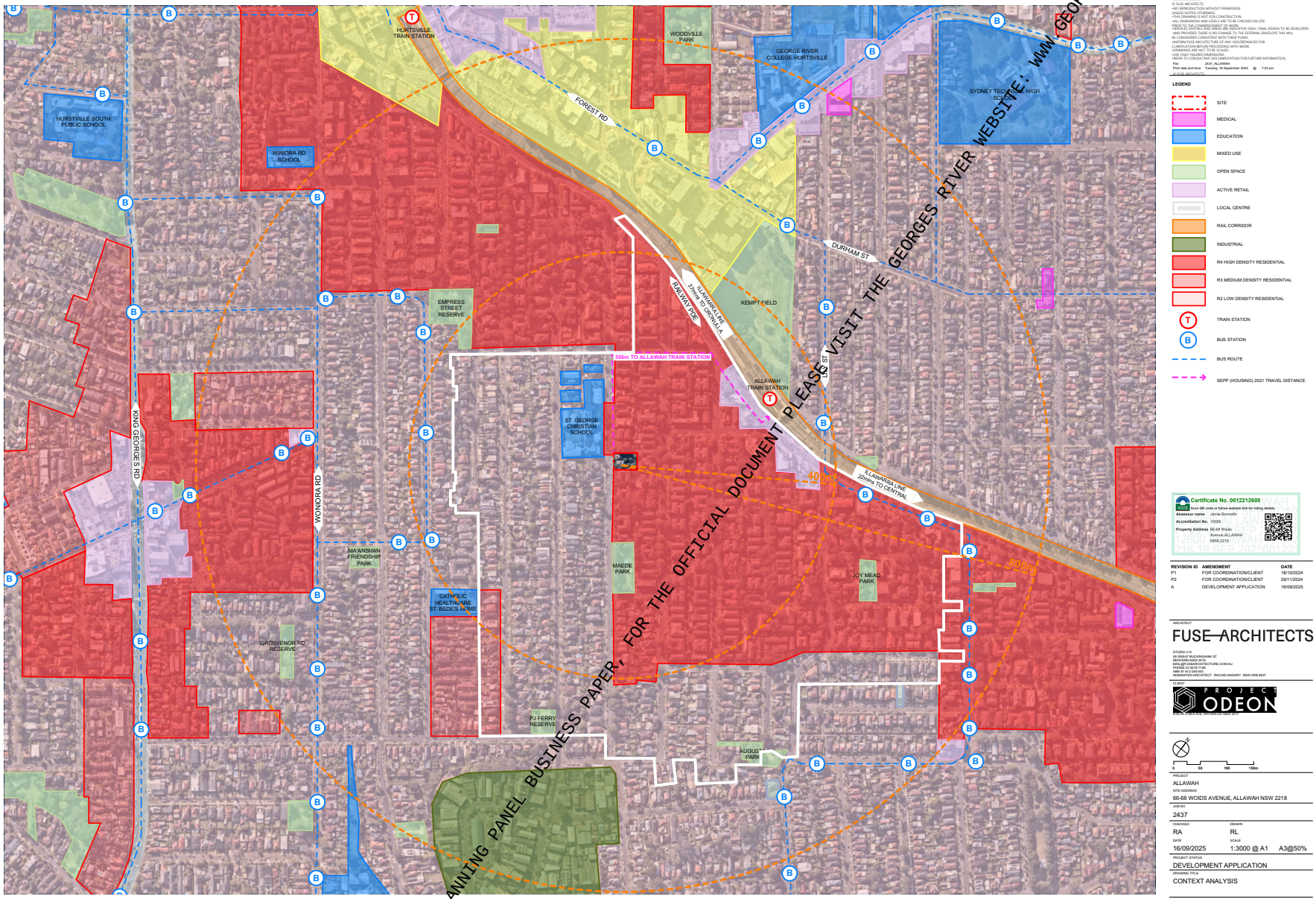
CLIENT
PROJECT ODEON

PROJECT	ALLAWAH
SITE ADDRESS	66-68 WOIDS AVENUE, ALLAWAH NSW 2218
JOB NO	2437
CHECKED	RA
DRAWN	RL
DATE	16/09/2025
SCALE	@ A1 A3@50%
PROJECT STATUS	DEVELOPMENT APPLICATION
DRAWING TITLE	DEVELOPMENT SUMMARY
SHEET NO.	DA 002
REVISION	A



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File: 2437_ALLAWAH
Print date and time: Tuesday, 16 September 2025 @ 7:32 pm

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LEGEND

- SITE
- STREET PARKING ZONE
- FALL OF TERRAIN
- VEHICULAR ACCESS
- TRAFFIC DIRECTION AND LANES
- LIGHT POLE
- POWER POLE
- PREVAILING BREEZES
- NOISE SOURCE
- ELECTRICAL CONDUITS
- ELECTRICAL CABLES
- POWER LINES
- GAS MAIN
- WATER MAIN
- SEWER MAIN
- HYDRANT
- NBN PIT
- TELSTRA PIT

Certificate No. 0012212600
Scan QR code or follow website link for rating details.
Assessor name Jamie Sonnefin
Accreditation No. 10056
Property Address 66-68 Woids Avenue,ALLAWAH NSW,2218

REVISION ID	AMENDMENT	DATE
P1	FOR COORDINATION/CLIENT	18/10/2024
P2	FOR COORDINATION/CLIENT	29/11/2024
A	DEVELOPMENT APPLICATION	16/09/2025

ARCHITECT
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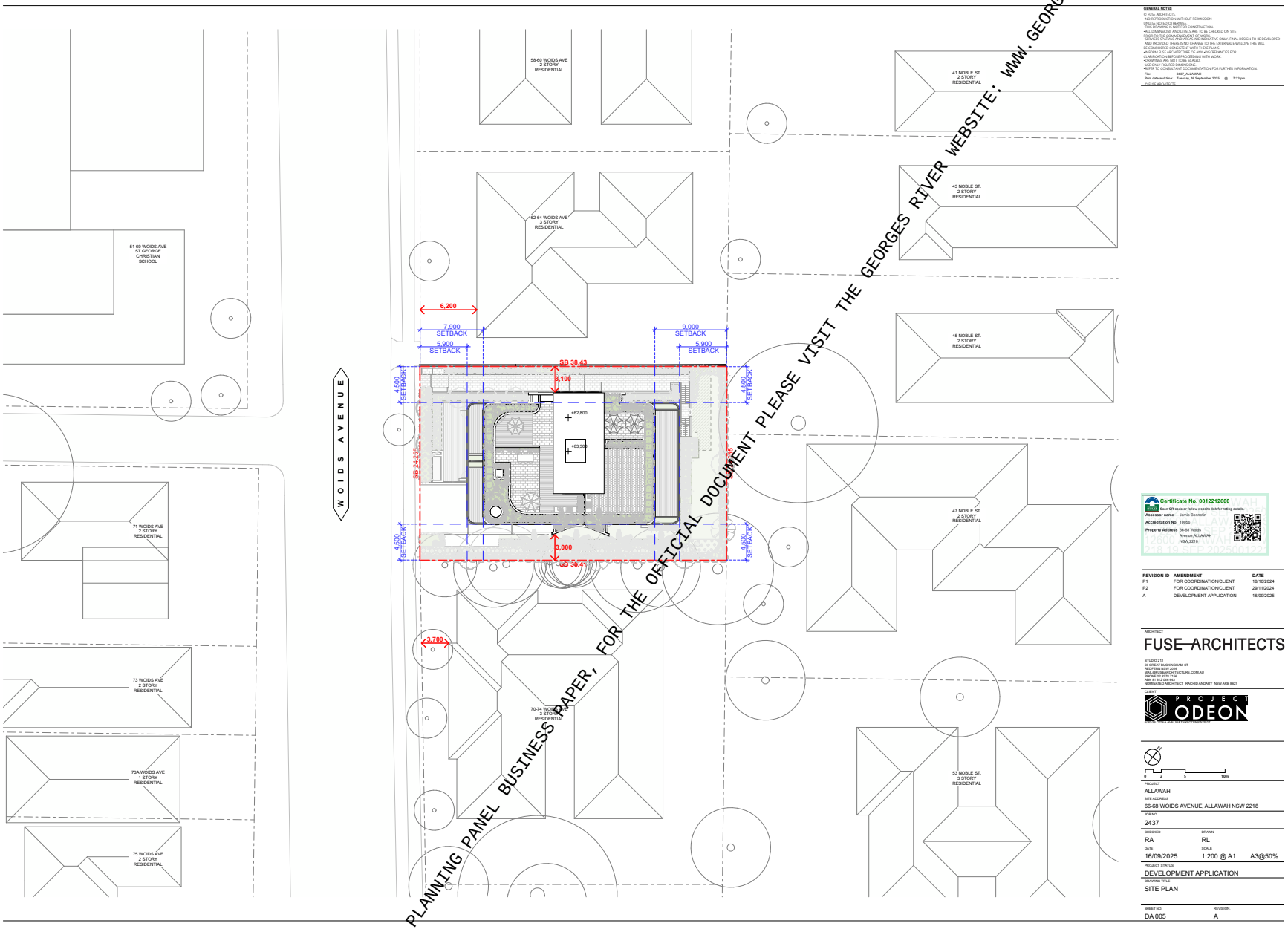
REDFERN NSW 2016
MAIL@FUSEARCHITECTURE.COM.AU
PHONE 02 8278 7198
ABN 81 612 598 643
NOMINATED ARCHITECT RACHID ANDARY NSW ARB 8627

CLIENT
PROJECT ODEON
ODEON DEVELOPMENT PROJECT NSW 2218

0 2 5 10m

PROJECT
ALLAWAH
SITE ADDRESS
66-68 WOIDS AVENUE, ALLAWAH NSW 2218
JOB NO
2437
CHECKED RA
DRAWN RL
DATE 16/09/2025
SCALE 1:200 @ A1 A3@50%
PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
SITE ANALYSIS
SHEET NO. DA 004
REVISION A



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Assessor name: Jamie Bonnello
Accreditation No.: 10056
Property Address: 66-68 Woids Avenue ALLAWAH NSW,2218

REVISION ID	AMENDMENT	DATE
P1	FOR COORDINATION/CLIENT	18/10/2024
P2	FOR COORDINATION/CLIENT	29/11/2024
A	DEVELOPMENT APPLICATION	16/09/2025

ARCHITECT
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MAIL@FUSEARCHITECTURE.COM.AU
PHONE 02 8278 7156
MOBILE 0412 566 845
NOMINATED ARCHITECT: RACHID ANDARY NSW ARB 8407

CLIENT
PROJECT ODEON

0 1 2 5 10m

PROJECT
ALLAWAH
SITE ADDRESS
66-68 WOIDS AVENUE, ALLAWAH NSW 2218
JOB NO.
2437
CHECKED: RA
DRAWN: RL
DATE: 16/09/2025
SCALE: 1:200 @ A1 A3@50%
PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
SITE PLAN
SHEET NO.: DA 005
REVISION: A

LPP010-26 Attachment 2

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Assessor name Jamie Bonnefin
Accreditation No. 10056
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REVISION ID	AMENDMENT	DATE
P1	FOR COORDINATION/CLIENT	18/10/2024
P2	FOR COORDINATION/CLIENT	29/11/2024
A	DEVELOPMENT APPLICATION	16/09/2025

ARCHITECT
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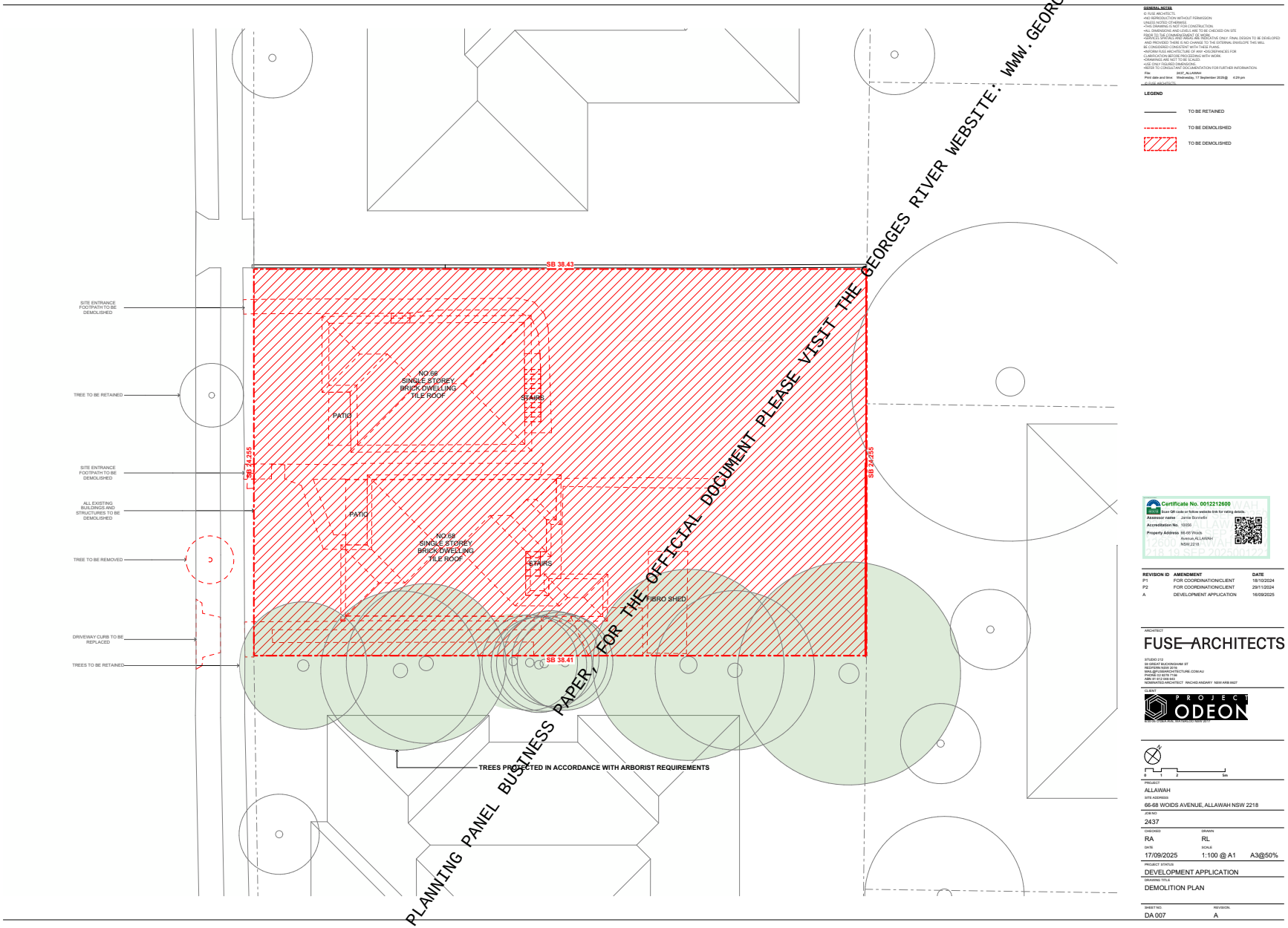
REDFERN NSW 2016
MAIL@FUSEARCHITECTURE.COM.AU
PHONE 02 8278 7198
ABN 81 612 588 643
NOMINATED ARCHITECT RACHID ANDARY NSW ARB 8437

CLIENT
PROJECT ODEON
ALLAWAH PROJECT MANAGEMENT PTY LTD

PROJECT
ALLAWAH
SITE ADDRESS
66-68 WOIDS AVENUE, ALLAWAH NSW 2218
JOB NO
2437
CHECKED RA
DRAWN RL
DATE 16/09/2025
SCALE @ A1 A3@50%
PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
STREETSCAPE
SHEET NO. DA 006
REVISION A



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TO BE RETAINED
TO BE DEMOLISHED
TO BE DEMOLISHED

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Assessor name Jamie Bonnelin
Accreditation No. 19350
Property Address 66-68 Woids Avenue,ALLAWAH NSW 2218

REVISION ID	AMENDMENT	DATE
P1	FOR COORDINATION/CLIENT	18/10/2024
P2	FOR COORDINATION/CLIENT	29/11/2024
A	DEVELOPMENT APPLICATION	16/09/2025

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STUDIO 212
99 GREAT BUCKINGHAM ST
REDFERN NSW 2016
MAIL@FUSEARCHITECTURE.COM.AU
PHONE 02 8278 7136
NOMINATED ARCHITECT RACHID ANDARY NSW ARB 8407

CLIENT
PROJECT ODEON

0 1 2 5m

PROJECT
ALLAWAH
SITE ADDRESS
66-68 WOIDS AVENUE, ALLAWAH NSW 2218
JOB NO
2437
CHECKED RA
DRAWN RL
DATE 17/09/2025
SCALE 1:100 @ A1 A3@50%
PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
DEMOLITION PLAN
SHEET NO. DA 007
REVISION A

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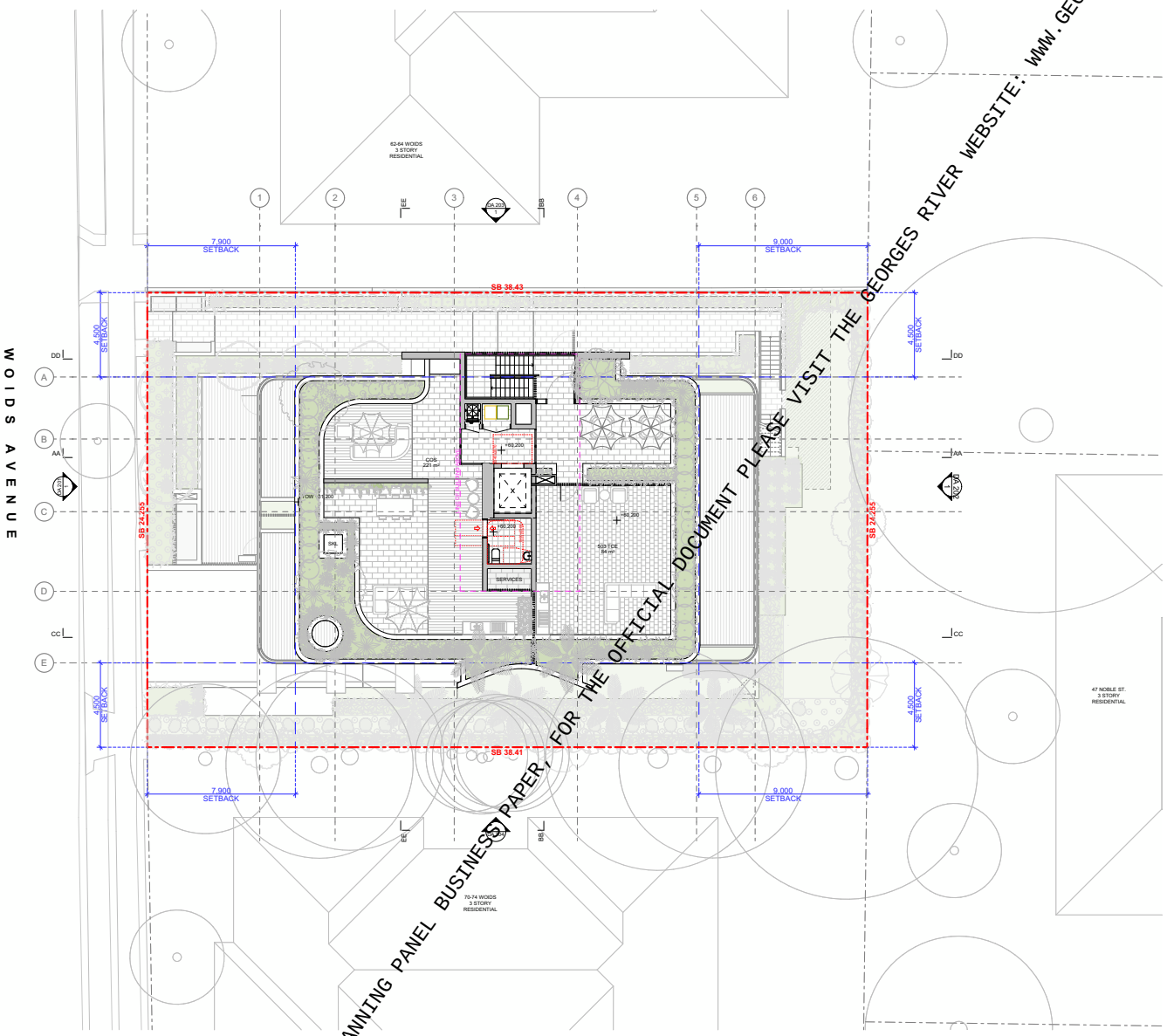

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LEGEND

- 1 BED APARTMENT
- 2 BED APARTMENT
- 2 BED SEPP AFFORDABLE APARTMENT
- 3 BED APARTMENT
- 4 BED APARTMENT
- ADAPTABLE APARTMENT
- LIVABLE APARTMENT

Certificate No. 0012212600
Scan QR code or follow website link for rating details.
Assessor name: Jamie Bonsafin
Accreditation No. 10056
Property Address: 66-68 Woids Avenue,ALLAWAH NSW,2218

REVISION ID	AMENDMENT	DATE
P1	FOR COORDINATION/CLIENT	18/10/2024
P2	FOR COORDINATION/CLIENT	29/11/2024
P3	FOR COORDINATION/CLIENT	11/03/2025
P4	FOR COORDINATION/CLIENT	6/08/2025
P5	FOR COORDINATION/CLIENT	26/08/2025
A	DEVELOPMENT APPLICATION	16/09/2025

ARCHITECT
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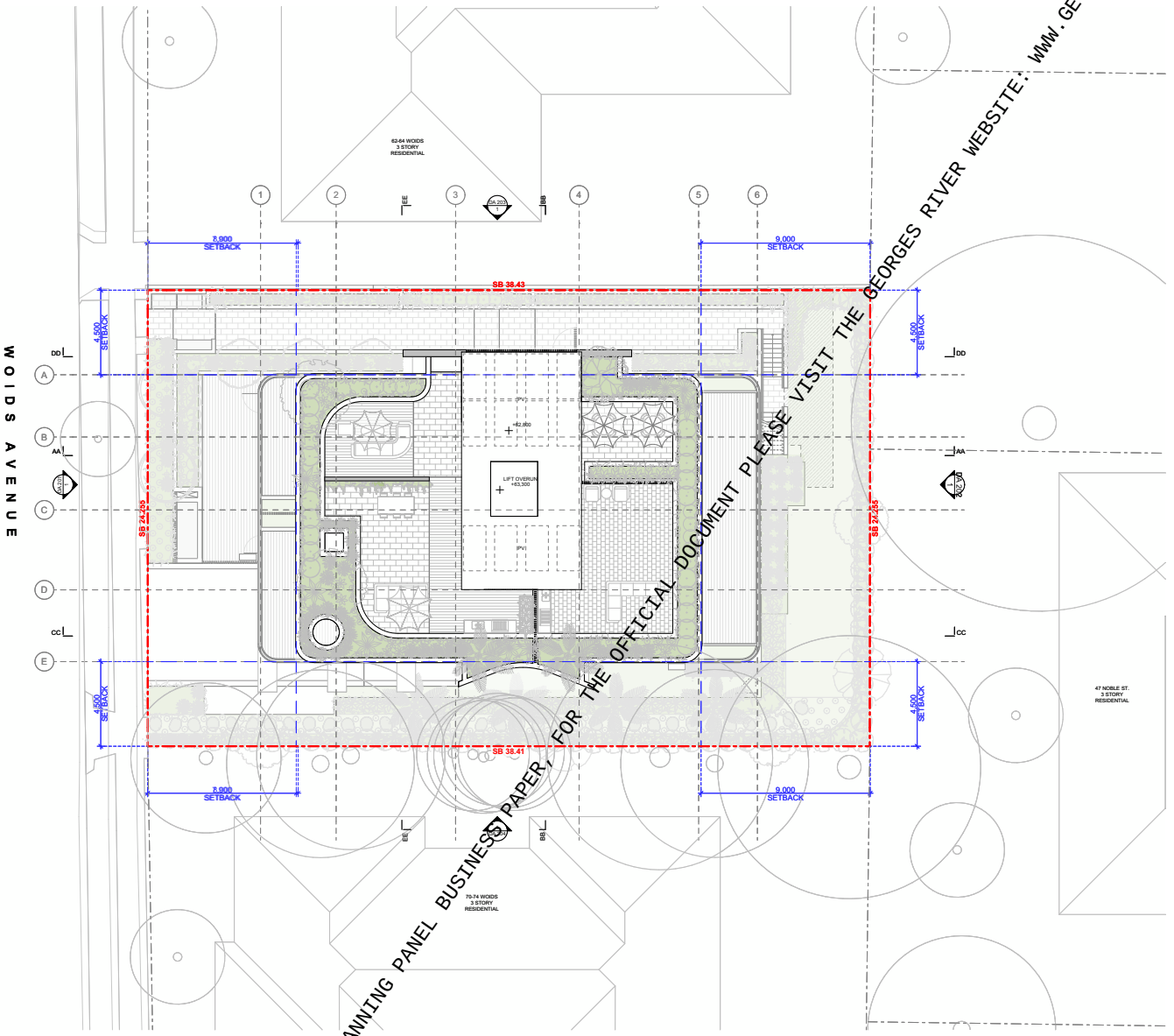
STUDIO 212
59 GREAT BUCKINGHAM ST
REDFERN NSW 2016
MAIL@FUSEARCHITECTURE.COM.AU
PHONE 02 8278 7198
ABN 81 612 508 643
NOMINATED ARCHITECT RACHID ANDARY NSW ARB 8627

CLIENT
PROJECT ODEON
ODEON ALLAWAH PROJECT NSW 2218

0 1 2 5m

PROJECT
ALLAWAH
SITE ADDRESS
66-68 WOIDS AVENUE, ALLAWAH NSW 2218
JOB NO
2437
CHECKED: RA
DRAWN: RL
DATE: 16/09/2025
SCALE: 1:100 @ A1 A3@50%
PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
ROOF PLAN
SHEET NO. DA 109
REVISION A

LPP010-26 Attachment 2



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LEGEND

- 1 BED APARTMENT
- 2 BED APARTMENT
- 2 BED SEPP AFFORDABLE APARTMENT
- 3 BED APARTMENT
- 4 BED APARTMENT
- ADAPTABLE APARTMENT
- LIVABLE APARTMENT

Certificate No. 0012212600
Scan QR code or follow website link for rating details
Assessor name Jamie Bonnello
Accreditation No. 10056
Property Address 66-68 Woids Avenue,ALLAWAH NSW,2218

REVISION ID	AMENDMENT	DATE
P1	FOR COORDINATION/CLIENT	26/08/2025
A	DEVELOPMENT APPLICATION	16/09/2025

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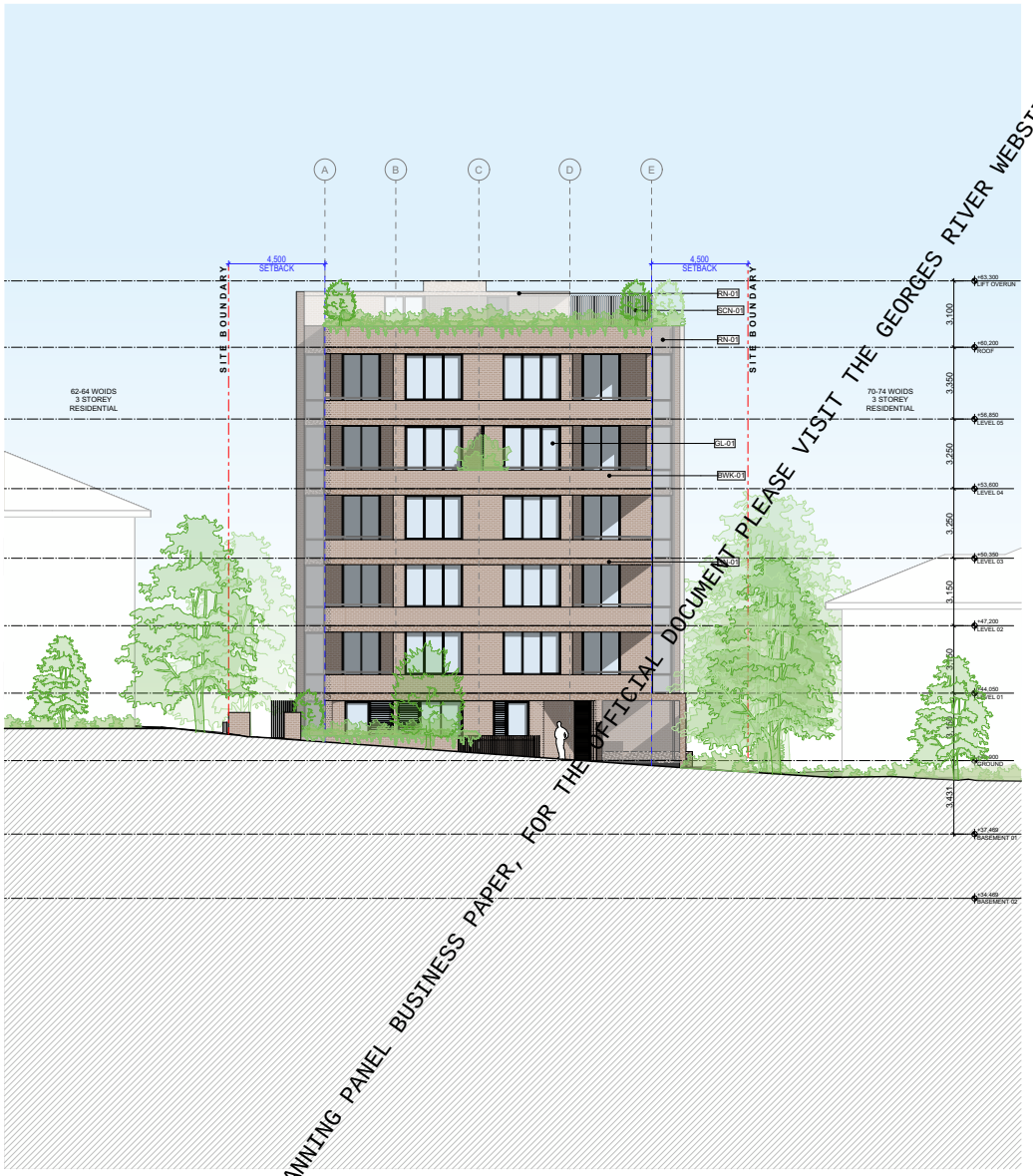
MAIL@FUSEARCHITECTURE.COM.AU
PHONE 02 8278 7136
NOMINATED ARCHITECT RACHID ANDARY NSW ARB 8407

CLIENT
PROJECT ODEON

0 1 2 5m

PROJECT
ALLAWAH
SITE ADDRESS
66-68 WOIDS AVENUE, ALLAWAH NSW 2218
JOB NO
2437
CHECKED RA
DRAWN RL
DATE 16/09/2025
SCALE 1:100 @ A1 A3@50%
PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
LIFT OVERUN PLAN
SHEET NO. DA 110
REVISION A

LPP010-26 Attachment 2



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LEGEND:

BWK-01	BRICK FACE
GL-01	CLEAR GLASS
GL-02	DARK TINTED GLASS
RN-01	RENDER + XF-01
SCN-01	ALUMINIUM PALISADE SCREEN
XF-01	EXTERNAL PAINT TO MATCH BWK-01
XF-02	DARK EXTERNAL PAINT

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Assessor name: Jamie Bonsafic
Accreditation No. 10056
Property Address: 66-68 Woids Avenue, ALLAWAH NSW,2218

REVISION ID	AMENDMENT	DATE
P1	FOR COORDINATION/CLIENT	18/10/2024
P2	FOR COORDINATION/CLIENT	29/11/2024
P3	FOR COORDINATION/CLIENT	11/03/2025
P4	FOR COORDINATION/CLIENT	26/08/2025
A	DEVELOPMENT APPLICATION	16/09/2025

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ABN 81 612 688 643
NOMINATED ARCHITECT RACHID ANDARY NSW ARB 8427

CLIENT
PROJECT ODEON
ODEON DEVELOPMENT PROJECT NSW 2218

0 1 2 5m

PROJECT
ALLAWAH
SITE ADDRESS
66-68 WOIDS AVENUE, ALLAWAH NSW 2218
JOB NO
2437
CHECKED: RA
DRAWN: RL
DATE: 17/09/2025
SCALE: 1:100 @ A1 A3@50%
PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
WEST ELEVATION
SHEET NO. DA 201
REVISION A

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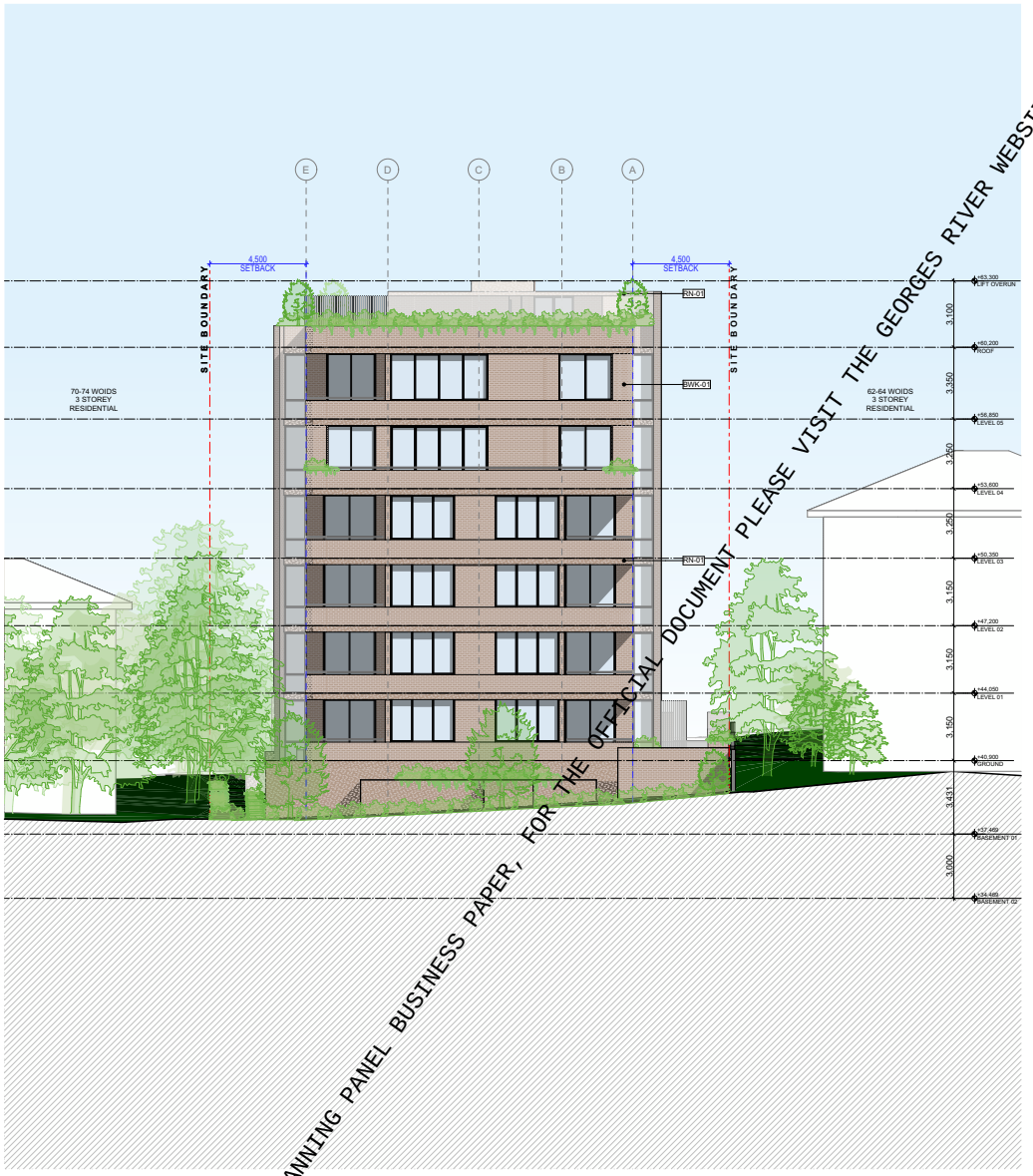

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LEGEND:

	BWK-01	BRICK FACE
	GL-01	CLEAR GLASS
	GL-02	DARK TINTED GLASS
	RN-01	RENDER + XF-01
	SCN-01	ALUMINIUM PALISADE SCREEN
	XF-01	EXTERNAL PAINT TO MATCH BWK-01
	XF-02	DARK EXTERNAL PAINT

Certificate No. 0012212600
Scan QR code or follow website link for rating details.
Assessor name: Jamie Bonsefin
Accreditation No.: 10055
Property Address: 66-68 Woids Avenue, ALLAWAH NSW,2218

REVISION ID	AMENDMENT	DATE
P1	FOR COORDINATION/CLIENT	18/10/2024
P2	FOR COORDINATION/CLIENT	29/11/2024
P3	FOR COORDINATION/CLIENT	11/03/2025
P4	FOR COORDINATION/CLIENT	26/08/2025
A	DEVELOPMENT APPLICATION	16/09/2025

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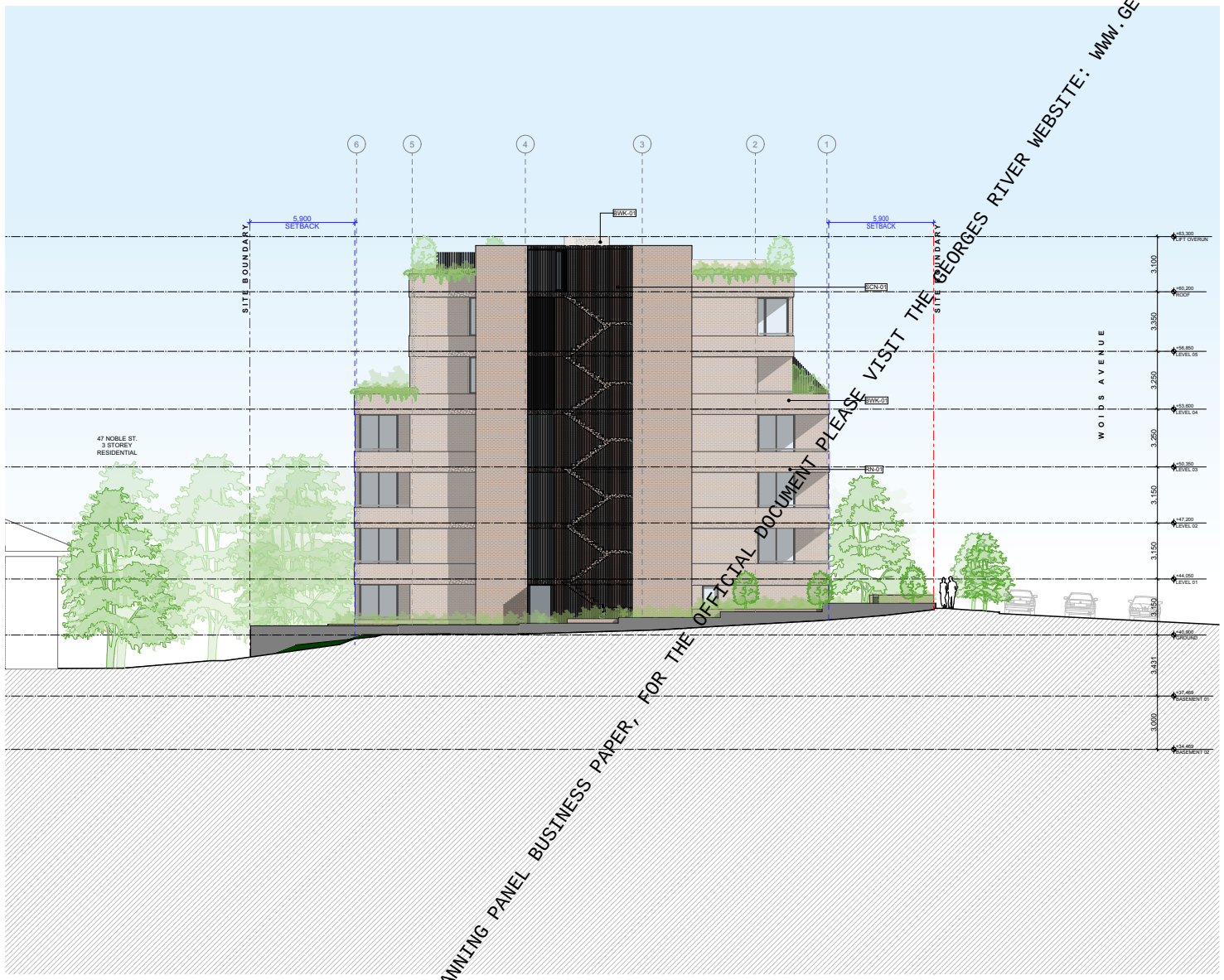
PHONE 02 8278 7158
ABN 81 612 688 643
NOMINATED ARCHITECT RACHID ANDARY NSW ARB #627

CLIENT
PROJECT ODEON
ODEON DEVELOPMENT PROPRIETARY LIMITED

0 1 2 5m

PROJECT
ALLAWAH
SITE ADDRESS
66-68 WOIDS AVENUE, ALLAWAH NSW 2218
JOB NO
2437
CHECKED: RA
DRAWN: RL
DATE: 17/09/2025
SCALE: 1:100 @ A1 A3@50%
PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
EAST ELEVATION
SHEET NO.: DA 202
REVISION: A

LPP010-26 Attachment 2



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LEGEND:

BWK-01	BRICK FACE
GL-01	CLEAR GLASS
GL-02	DARK TINTED GLASS
RN-01	RENDER + XF-01
SCN-01	ALUMINIUM PALISADE SCREEN
XF-01	EXTERNAL PAINT TO MATCH BWK-01
XF-02	DARK EXTERNAL PAINT

Certificate No. 0012212600
Scan QR code or follow website link for rating details.
Assessor name Jamie Bonnefin
Accreditation No. 10056
Property Address 66-68 Woids Avenue,ALLAWAH NSW,2218

REVISION ID	AMENDMENT	DATE
P1	FOR COORDINATION/CLIENT	18/10/2024
P2	FOR COORDINATION/CLIENT	29/11/2024
P3	FOR COORDINATION/CLIENT	11/03/2025
P4	FOR COORDINATION/CLIENT	26/08/2025
A	DEVELOPMENT APPLICATION	16/09/2025

ARCHITECT
FUSE ARCHITECTS
STUDIO 212
59 GREAT BUCKINGHAM ST
REDFERN NSW 2016
MAIL@FUSEARCHITECTURE.COM.AU
PHONE 02 8078 7198
ABN 81 612 008 643
NOMINATED ARCHITECT RACHID ANDARY NSW ARB 8627

CLIENT
PROJECT ODEON
ODEON ENGINEERING DEVELOPMENT NSW 2018

0 1 2 5m

PROJECT
ALLAWAH
SITE ADDRESS
66-68 WOIDS AVENUE, ALLAWAH NSW 2218
JOB NO
2437
CHECKED RA
DRAWN RL
DATE 16/09/2025
SCALE 1:100 @ A1 A3@50%
PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
NORTH ELEVATION
SHEET NO. DA 203
REVISION. A

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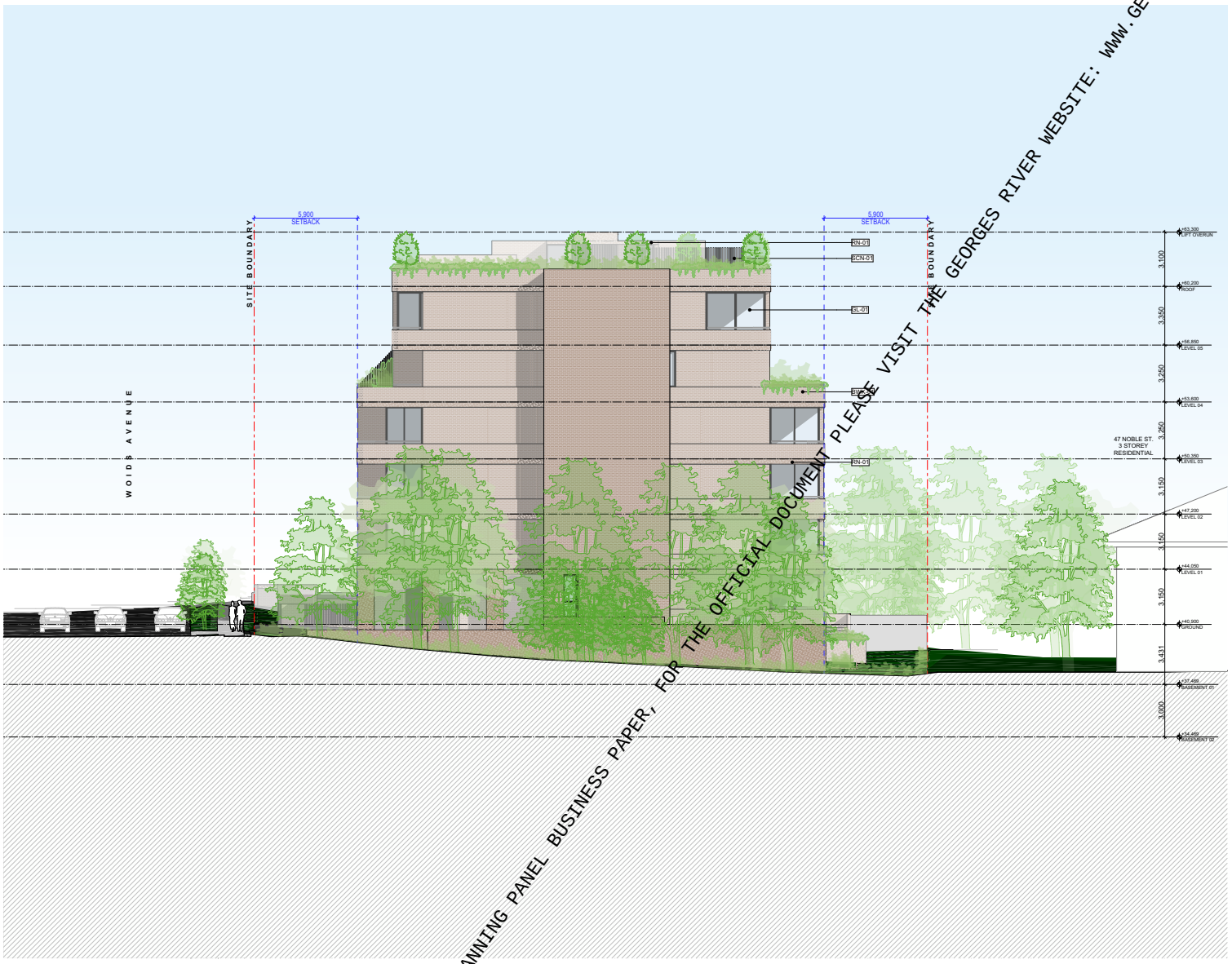

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•REFER TO CONSULTANT DOCUMENTATION FOR FURTHER INFORMATION.

File: 2437_ALLAWAH
Print date and time: Tuesday, 16 September 2025 @ 7:34 pm

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LEGEND:

BWK-01	BRICK FACE
GL-01	CLEAR GLASS
GL-02	DARK TINTED GLASS
RN-01	RENDER + XF-01
SCN-01	ALUMINIUM PALISADE SCREEN
XF-01	EXTERNAL PAINT TO MATCH BWK-01
XF-02	DARK EXTERNAL PAINT

Certificate No. 0012212600
Scan QR code or follow website link for rating details.
Assessor name Jamie Bonnefin
Accreditation No. 10056
Property Address 66-68 Woids Avenue,ALLAWAH NSW,2218

REVISION ID	AMENDMENT	DATE
P1	FOR COORDINATION/CLIENT	18/10/2024
P2	FOR COORDINATION/CLIENT	29/11/2024
P3	FOR COORDINATION/CLIENT	11/03/2025
P4	FOR COORDINATION/CLIENT	26/08/2025
A	DEVELOPMENT APPLICATION	16/09/2025

ARCHITECT
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59 GREAT BUCKINGHAM ST
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PHONE 02 8278 7156
ABN 81 612 508 643
NOMINATED ARCHITECT RACHID ANDARY NSW ARB 8427

CLIENT
PROJECT ODEON
ODEON ALLAWAH PROJECT PROJECT NSW 2218

0 1 2 5m

PROJECT
ALLAWAH
SITE ADDRESS
66-68 WOIDS AVENUE, ALLAWAH NSW 2218
JOB NO
2437
CHECKED RA
DRAWN RL
DATE 16/09/2025
SCALE 1:100 @ A1 A3@50%
PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
SOUTH ELEVATION
SHEET NO. DA 204
REVISION A

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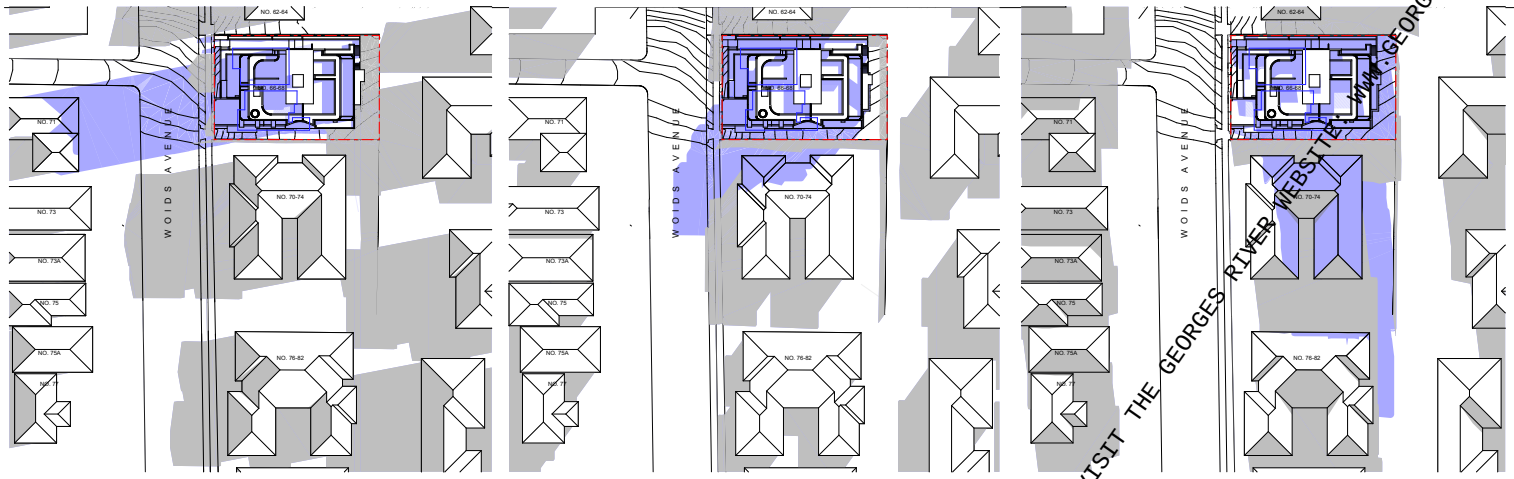

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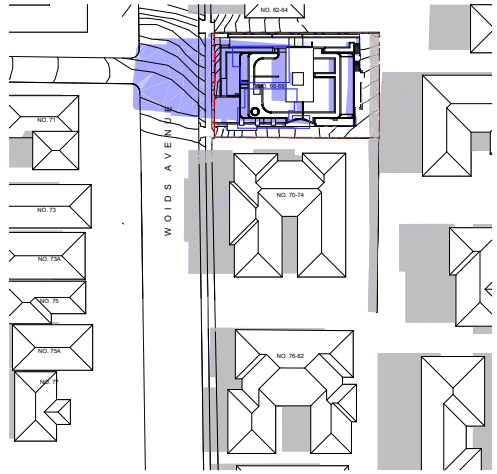
2 3D JUNE 21 - 12PM 1:500

3 3D JUNE 21 - 3PM 1:500



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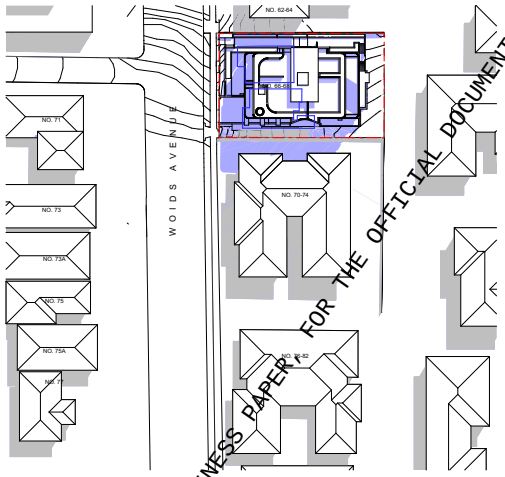

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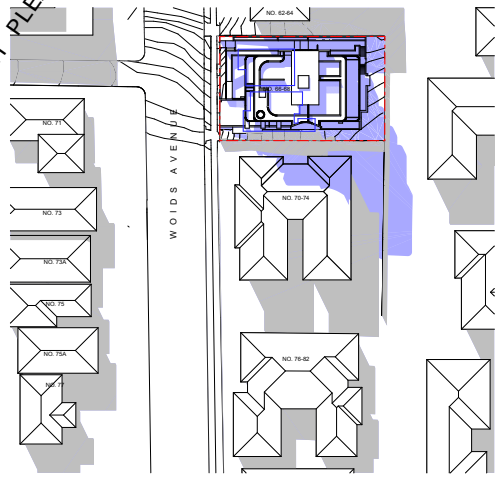

6 3D SEPTEMBER 21 - 3PM 1:500

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Print date and time: Tuesday, 16 September 2025 @ 7:33 pm
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LEGEND

- SITE BOUNDARY
- EXISTING BUILDING
- EXISTING SHADOWS
- PROPOSED BUILDING SHADOWS

Certificate No. 0012212600
Scan QR code or follow website link for rating details.
Assessor name Jamie Bonnelin
Accreditation No. 19350
Property Address 66-68 Woids Avenue,ALLAWAH NSW 2218

REVISION ID	AMENDMENT	DATE
P1	FOR COORDINATION/CLIENT	18/10/2024
P2	FOR COORDINATION/CLIENT	29/11/2024
A	DEVELOPMENT APPLICATION	16/09/2025

ARCHITECT
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PHONE 02 8078 7136
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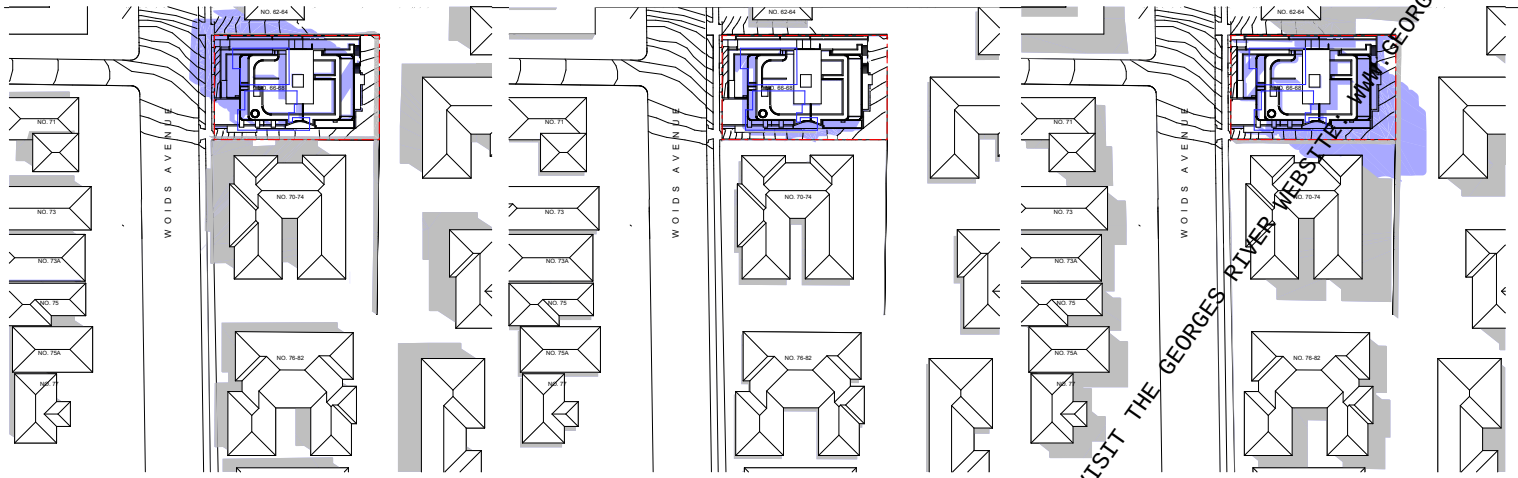
NOMINATED ARCHITECT RACHID ANDARY NSW ARB 8407

CLIENT
PROJECT ODEON

0 5 10 20m

PROJECT
ALLAWAH
SITE ADDRESS
66-68 WOIDS AVENUE, ALLAWAH NSW 2218
JOB NO
2437
CHECKED RA
DRAWN RL
DATE 16/09/2025
SCALE 1:500 @ A1 A3@50%
PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
SHADOW DIAGRAMS - SHEET 1
SHEET NO. DA 401
REVISION A

LPP010-26 Attachment 2



1 3D DECEMBER 21 - 9AM
1:500

2 3D DECEMBER 21 - 12PM
1:500

3 3D DECEMBER 21 - 3PM
1:500

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LEGEND

SITE BOUNDARY
EXISTING BUILDING
EXISTING SHADOWS
PROPOSED BUILDING SHADOWS

Certificate No. 0012212600
Scan QR code or follow website link for rating details
Assessor name Jamie Scotsafin
Accreditation No. 10056
Property Address 66-68 Woids Avenue,ALLAWAH NSW,2218

REVISION ID	AMENDMENT	DATE
A	DEVELOPMENT APPLICATION	16/09/2025

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ABN 81 612 588 643
NOMINATED ARCHITECT RACHID ANDARY NSW ARB 8437

CLIENT
PROJECT ODEON
ODEON ALLAWAH PROJECT NSW 2218

0 5 10 20m

PROJECT
ALLAWAH
SITE ADDRESS
66-68 WOIDS AVENUE, ALLAWAH NSW 2218
JOB NO
2437
CHECKED RA
DRAWN RL
DATE 16/09/2025
SCALE 1:500 @ A1 A3@50%
PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
SHADOW DIAGRAMS - SHEET 2
SHEET NO. DA 402
REVISION A

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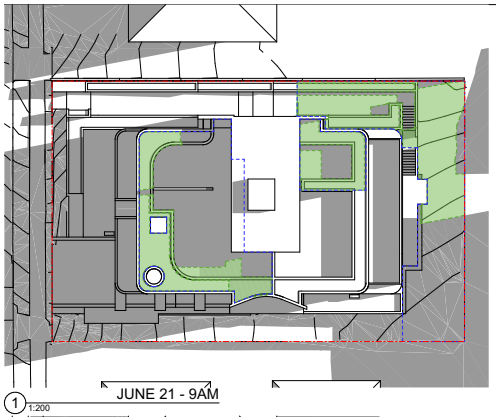

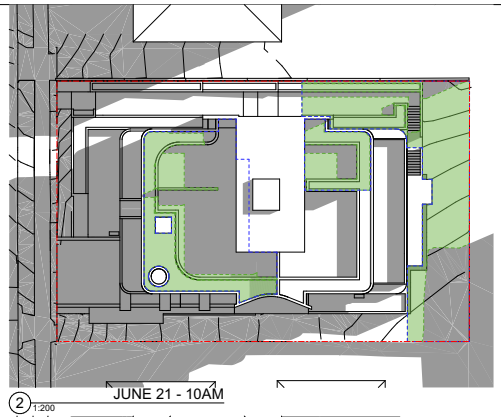

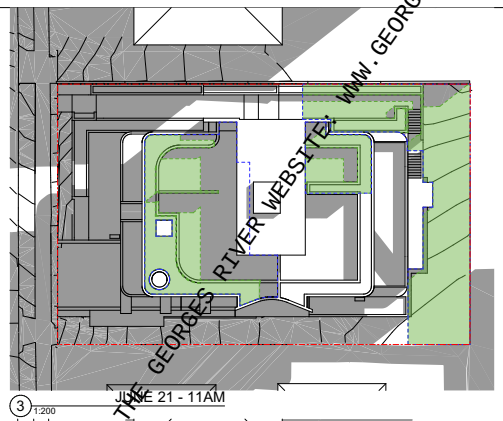

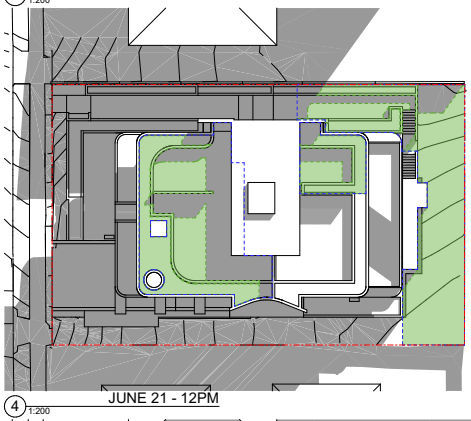

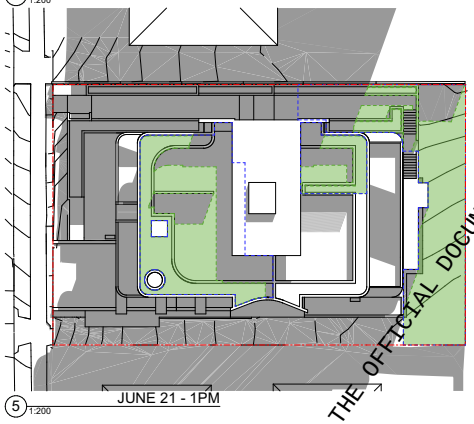

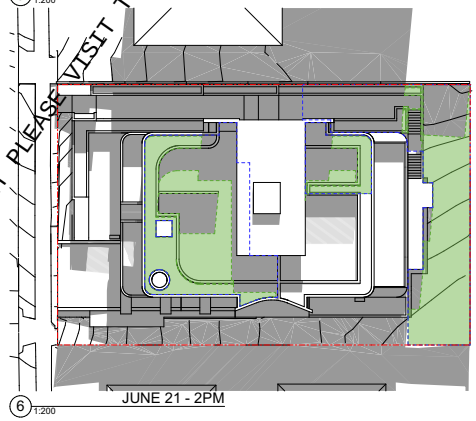

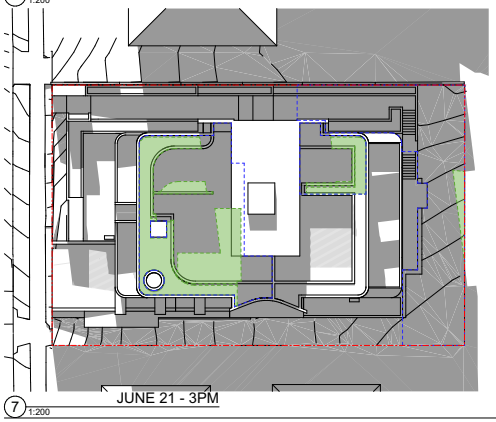

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LEGEND

SITE BOUNDARY

EXTENT OF PRINCIPAL USABLE COMMUNAL OPEN SPACE

EXTENT OF COMMUNAL OPEN SPACE RECEIVING SUNLIGHT

PRINCIPAL USABLE PART OF COMMUNAL OPEN SPACE

PRINCIPAL USABLE PART OF COMMUNAL OPEN SPACE (**ADG**): a consolidated part of the communal open space that is designed as the primary focus of recreational activity and social interaction.

Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hrs between 9am and 3pm on 21 June.

EXTENT OF PRINCIPAL USABLE COMMUNAL OPEN SPACE 350m²

JUNE 21-9AM	TOTAL	163m²
	TOTAL %	46.6%
JUNE 21-10AM	TOTAL %	198m²
	MIN. REQ. %	56.6%
JUNE 21-11AM	TOTAL %	239m²
	MIN. REQ. %	68.2%
JUNE 21-12PM	TOTAL %	236m²
	MIN. REQ. %	67.4%
JUNE 21-1PM	TOTAL %	217m²
	MIN. REQ. %	62.0%
JUNE 21-2PM	TOTAL %	187m²
	MIN. REQ. %	53.4%
JUNE 21-3PM	TOTAL %	87m²
	MIN. REQ. %	24.8%

ACHIEVES 50% SUNLIGHT ON PRINCIPAL USABLE PART OF COMMUNAL OPEN SPACE FOR 4 HRS BETWEEN 10AM TO 2PM.

Certificate No. 0012212600
Scan QR code or follow website link for rating details.
Assessor name: Jamie Donnelin
Accreditation No. 10086
Property Address: 66-68 Woids Avenue,ALLAWAH NSW,2218

REVISION ID	AMENDMENT	DATE
P1	FOR COORDINATION/CLIENT	18/10/2024
P2	FOR COORDINATION/CLIENT	29/11/2024
A	DEVELOPMENT APPLICATION	16/09/2025

ARCHITECT
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PHONE 02 8278 7136
MOBILE 412 398 845
NOMINATED ARCHITECT: RACHID ANDARY NSW ARB 8437

CLIENT
PROJECT ODEON

0 2 5 10m

PROJECT
ALLAWAH
SITE ADDRESS
66-68 WOIDS AVENUE, ALLAWAH NSW 2218
JOB NO
2437
CHECKED: RA
DRAWN: RL
DATE: 16/09/2025
SCALE: 1:200 @ A1 A3@50%
PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
SHADOW DIAGRAMS COMMUNAL OPEN SPACE
SHEET NO. DA 403
REVISION A

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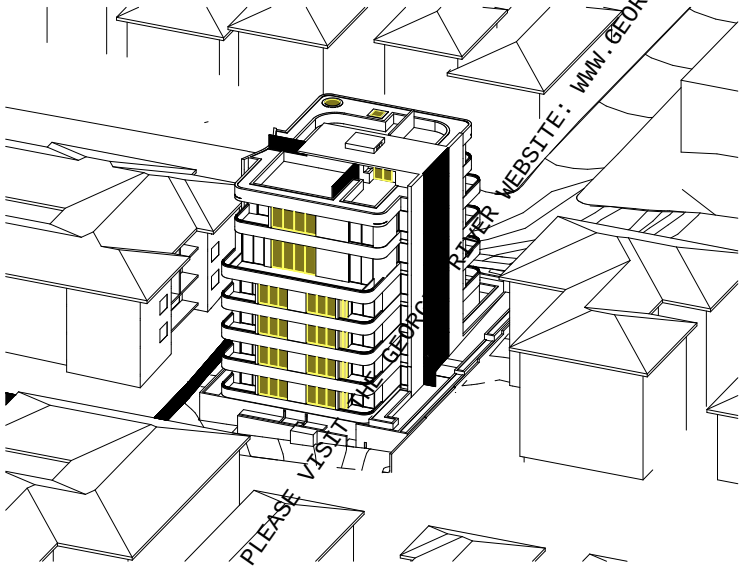
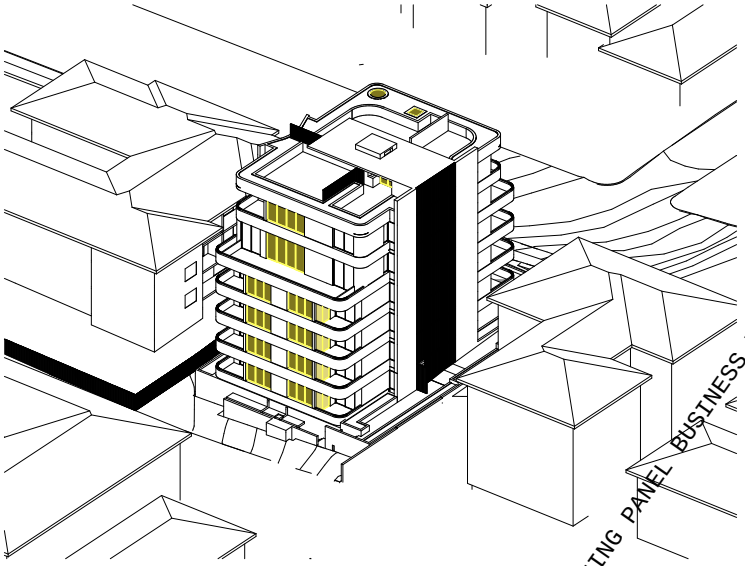
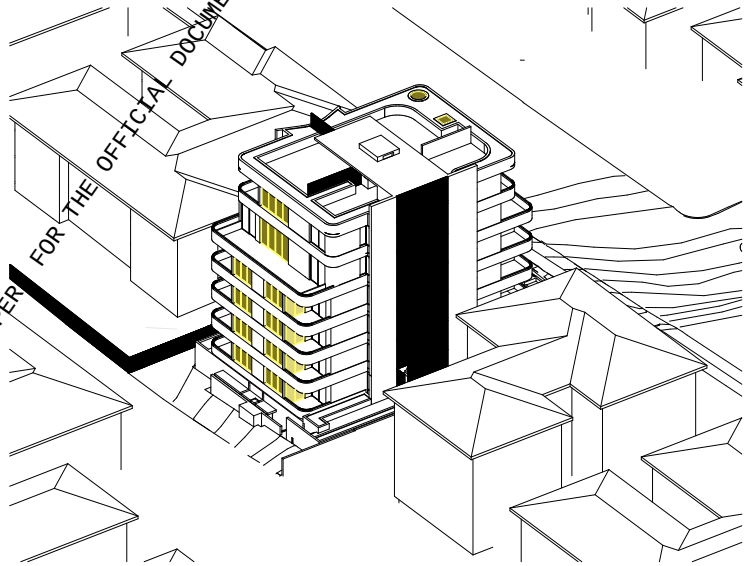
1 21 JUNE - 9AM



2 21 JUNE - 10AM



3 21 JUNE - 11AM



4 21 JUNE - 12PM

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LEGEND

LIVING AREAS RECEIVING SUNLIGHT

Certificate No. 0012212600
Scan QR code or follow website link for rating details.
Assessor name: Jamie Bosnaffin
Accreditation No.: 10055
Property Address: 66-68 Woids Avenue, ALLAWAH NSW,2218

REVISION ID	AMENDMENT	DATE
P1	FOR COORDINATION/CLIENT	18/10/2024
P2	FOR COORDINATION/CLIENT	29/11/2024
P3	FOR COORDINATION/CLIENT	26/08/2025
A	DEVELOPMENT APPLICATION	16/09/2025

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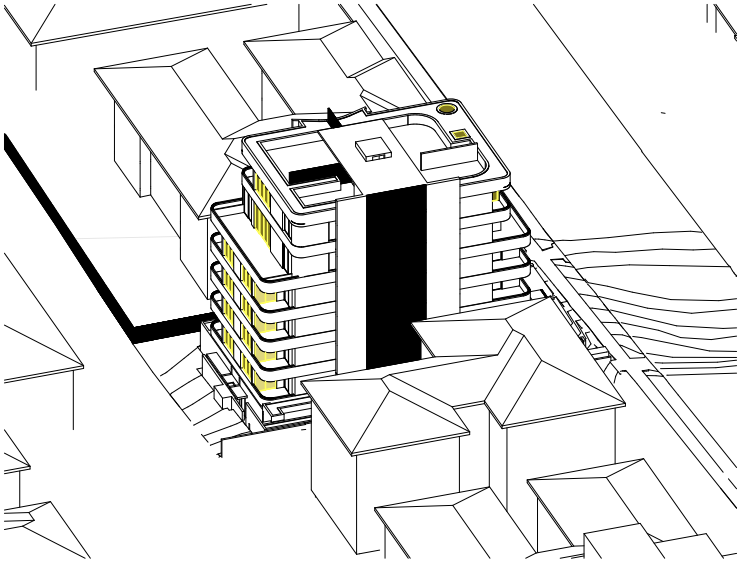
NOMINATED ARCHITECT RACHID ANDARY NSW ARB 8627

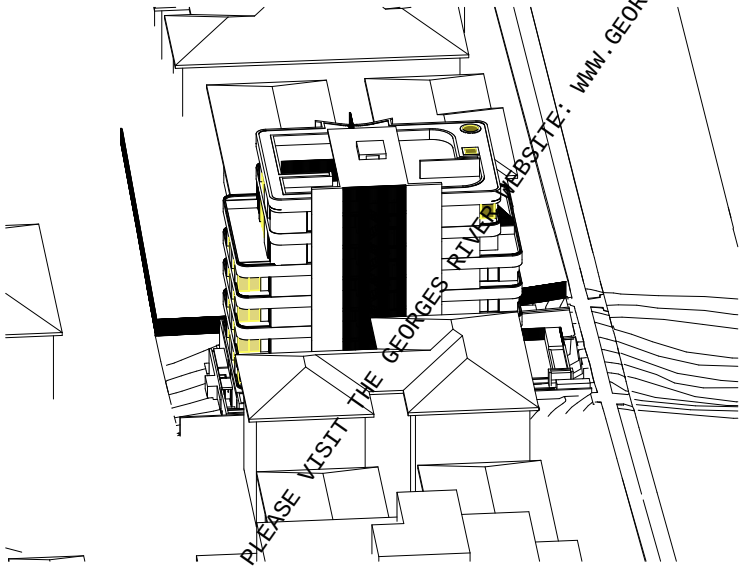
CLIENT
PROJECT ODEON
ODEON DEVELOPMENT PROJECT PLAN PLAN

PROJECT
ALLAWAH
SITE ADDRESS
66-68 WOIDS AVENUE, ALLAWAH NSW 2218
JOB NO
2437
CHECKED: RA
DRAWN: RL
DATE: 16/09/2025
SCALE: @ A1 A3@50%
PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
SUN EYE VIEW DIAGRAMS - SHEET 1
SHEET NO.: DA 404
REVISION: A

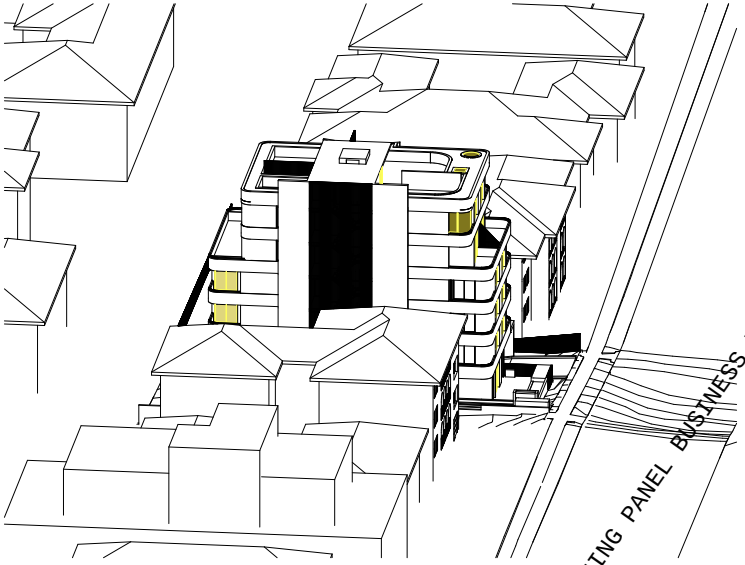
LPP010-26 Attachment 2



1 21 JUNE - 1PM



1 21 JUNE - 2PM



1 21 JUNE - 3PM

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LEGEND

LIVING AREAS RECEIVING SUNLIGHT

Certificate No. 0012212600
Scan QR code or follow website link for rating details.
Assessor name: Jamie Bonnello
Accreditation No.: 19356
Property Address: 66-68 Woids Avenue,ALLAWAH NSW,2218

REVISION ID	AMENDMENT	DATE
P1	FOR COORDINATION/CLIENT	18/10/2024
P2	FOR COORDINATION/CLIENT	29/11/2024
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A	DEVELOPMENT APPLICATION	16/09/2025

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PROJECT ODEON

PROJECT
ALLAWAH
SITE ADDRESS
66-68 WOIDS AVENUE, ALLAWAH NSW 2218
JOB NO
2437
CHECKED RA
DRAWN RL
DATE 16/09/2025
SCALE @ A1 A3@50%
PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
SUN EYE VIEW DIAGRAMS - SHEET 2
SHEET NO. DA 405
REVISION A

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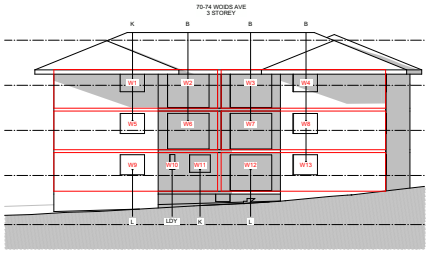
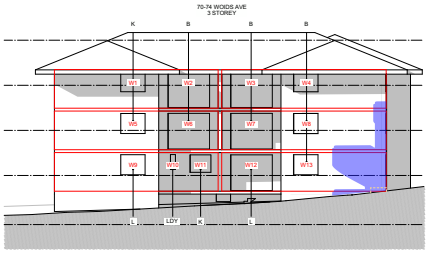
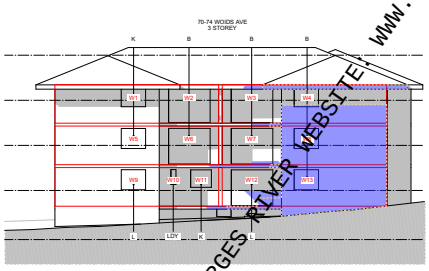


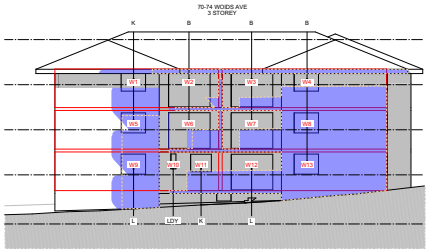
1 70-74 WOIDS AVE 9AM



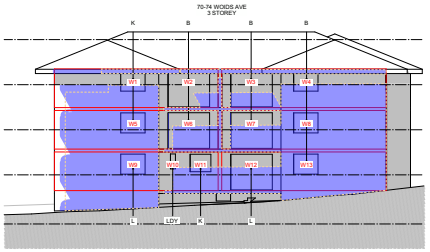
2 70-74 WOIDS AVE 10AM



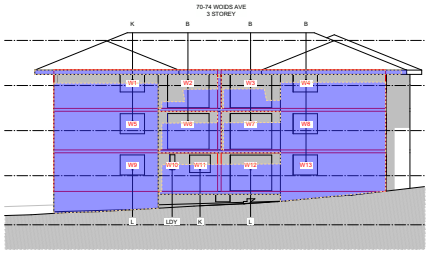
3 70-74 WOIDS AVE 11AM



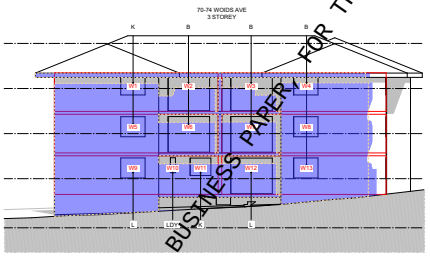
4 70-74 WOIDS AVE 12PM



5 70-74 WOIDS AVE 1PM



6 70-74 WOIDS AVE 2PM



7 70-74 WOIDS AVE 3PM

W	9AM	10AM	11AM	12PM	1PM	2PM	3PM	ROOM	EXISTING HOURS	PROPOSED HOURS	COMPLIANT MASS HOURS
W1	-	-	-	-	-			KITCHEN	1	0	0
W2	-	-	-	-	-			BEDROOM	1	0	0
W3	-	-	-	-	-			BEDROOM	3	0	0
W4	-	-	-	-	-			BEDROOM	1	0	0
W5	Y	Y	Y	-	-			KITCHEN	6	2	2
W6	-	-	-	-	-			BEDROOM	3	0	0
W7	-	-	Y	-	-			BEDROOM	4	<1	<1
W8	-	Y	Y	-	-			BEDROOM	6	1	1
W9	Y	Y	Y	-	-			LIVING	6	2	2
W10	-	-	-	-	-	-	-	LAUNDRY	0	0	0
W11	-	-	-	-	-	-	-	KITCHEN	<1	0	0
W12	-	-	Y	Y	-	-	-	LIVING	5	1	1
W13	Y	Y	Y	-	-	-	-	BEDROOM	6	1	1

WINDOWS RECEIVING 2 OR MORE HOURS OF SOLAR ACCESS ON JUNE 21 BETWEEN 9AM -3PM - EXISTING	8/13
WINDOWS RECEIVING LESS THAN 2 HOURS OF SOLAR ACCESS ON JUNE 21 BETWEEN 9AM -3PM - EXISTING	5/13
WINDOWS RECEIVING LESS SOLAR ACCESS DUE TO PROPOSED BUILDING	11/13
WINDOWS RECEIVING LESS SOLAR ACCESS DUE TO COMPLIANT MASSING	11/13

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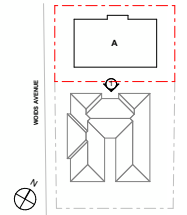
LEGEND

SHADOW FROM EXISTING BUILDING
SHADOW FROM PROPOSED BUILDING
SHADOW FROM COMPLIANT MASSING

KEY PLAN:



Certificate No. 0012212600
Scan QR code or follow website link for rating details.
Assessor name: Jamie Bonnefin
Accreditation No. 10058
Property Address: 66-68 Woids Avenue,ALLAWAH NSW,2218

REVISION ID	AMENDMENT	DATE
P1	FOR COORDINATION/CLIENT	18/10/2024
P2	FOR COORDINATION/CLIENT	29/11/2024
P3	FOR COORDINATION/CLIENT	26/08/2025
A	DEVELOPMENT APPLICATION	16/09/2025

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CLIENT
PROJECT ODEON

PROJECT
ALLAWAH
SITE ADDRESS
66-68 WOIDS AVENUE, ALLAWAH NSW 2218
JOB NO
2437
CHECKED RA
DRAWN RL
DATE 16/09/2025
SCALE @ A1 A3@50%
PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
NEIGHBOURING AMENITY ANALYSIS - SHADOW STUDY - 70-74 WOIDS AVENUE
SHEET NO. DA 406
REVISION A

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LEGEND

SITE BOUNDARY

EXTENT OF PRINCIPAL USABLE COMMUNAL OPEN SPACE

EXTENT OF COMMUNAL OPEN SPACE RECEIVING SUNLIGHT

PRINCIPAL USABLE PART OF COMMUNAL OPEN SPACE
PRINCIPAL USABLE PART OF COMMUNAL OPEN SPACE **(ADG)**: a consolidated part of the communal open space that is designed as the primary focus of recreational activity and social interaction.

Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hrs between 9am and 3pm on 21 June.

EXTENT OF PRINCIPAL USABLE COMMUNAL OPEN SPACE **243m²**

ACHIEVING 50%< SUN TO PRINCIPAL COMMUNAL OPEN SPACE

NOT ACHIEVING 50%< SUN TO PRINCIPAL COMMUNAL OPEN SPACE

NOT ACHIEVING 50%< SUN TO PRINCIPAL COMMUNAL OPEN SPACE DUE TO PROPOSED BUILDING

21 JUNE	EXISTING (%)	PROPOSED (%)	DIFFERENCE (%)
9AM	43m² (17.7%)	43m² (17.7%)	0m² (0%)
10AM	113m² (54.7%)	113m² (54.7%)	0m² (0%)
11AM	169m² (69.5%)	169m² (69.5%)	0m² (0%)
12PM	185m² (76.1%)	185m² (76.1%)	0m² (0%)
1PM	197m² (81%)	197m² (81%)	0m² (0%)
2PM	203m² (83.5%)	197m² (81.1%)	6m² (2.4%)
3PM	149m² (61.3%)	16m² (6.5%)	133m² (54.7%)

EXISTING ACHIEVES 50% SUNLIGHT ON PRINCIPAL USABLE PART OF COMMUNAL OPEN SPACE FOR 5 HRS BETWEEN 10AM TO 3PM.

PROPOSED ACHIEVES 50% SUNLIGHT ON PRINCIPAL USABLE PART OF COMMUNAL OPEN SPACE FOR 4.5 HRS BETWEEN 10AM TO 2.30PM.

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Assessor name Jamie Sonnefin
Accreditation No. 10056
Property Address 66-68 Woids Avenue,ALLAWAH NSW,2218

REVISION ID	AMENDMENT	DATE
A	DEVELOPMENT APPLICATION	16/09/2025

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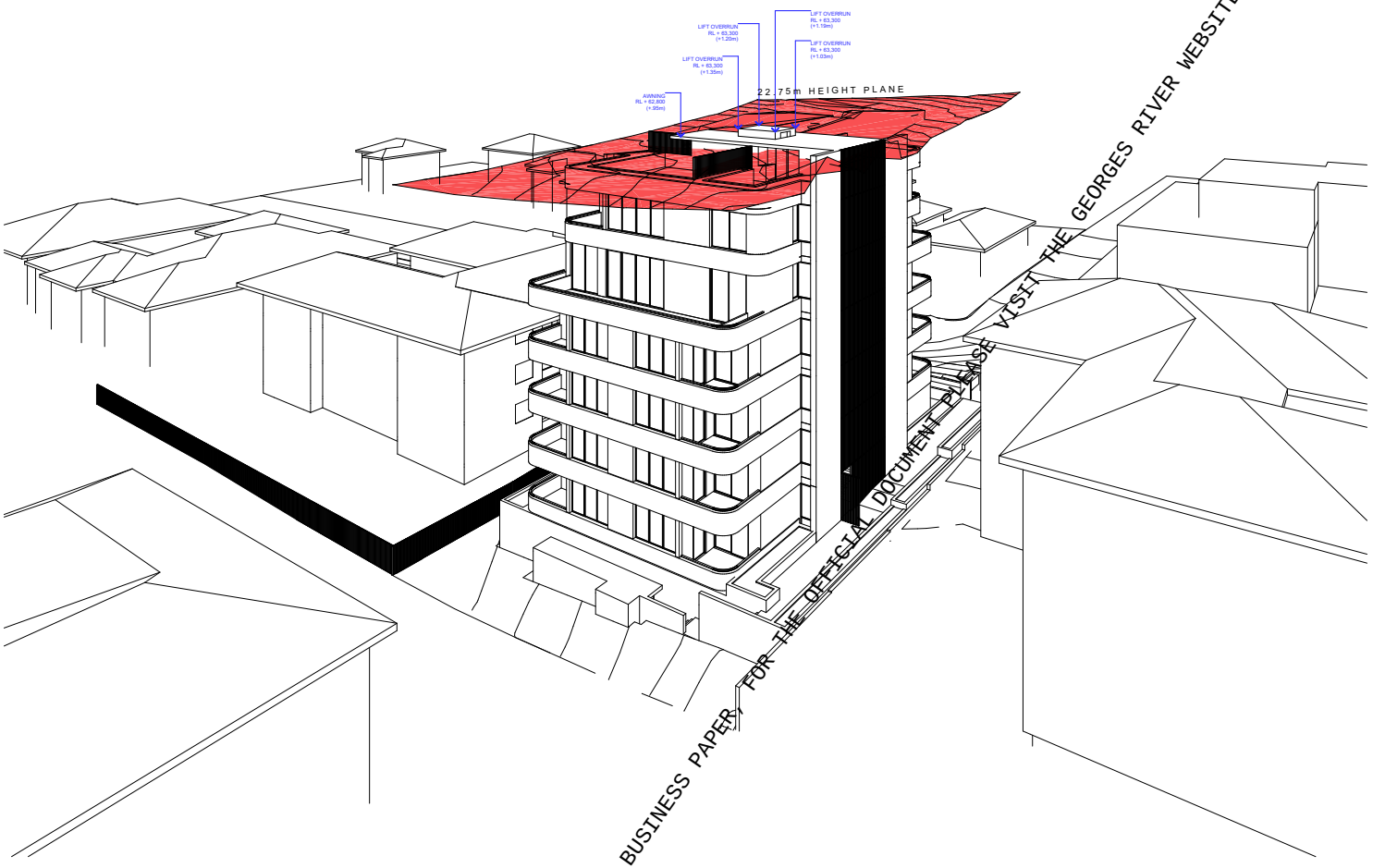
ODEON DEVELOPMENT PROJECT NSW 2218

0 5 10 20m

PROJECT
ALLAWAH
SITE ADDRESS
66-68 WOIDS AVENUE, ALLAWAH NSW 2218
JOB NO
2437
CHECKED RA
DRAWN RL
DATE 16/09/2025
SCALE 1:500 @ A1 A3@50%
PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
NEIGHBOURING AMENITY ANALYSIS - SHADOW DIAGRAMS COMMUNAL OPEN SPACE - 70-74 WOIDS AVE
SHEET NO. DA 407
REVISION A

LPP010-26 Attachment 2

LPP010-26 Attachment 2



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REVISION ID	AMENDMENT	DATE
P1	FOR COORDINATION/CLIENT	18/10/2024
P2	FOR COORDINATION/CLIENT	29/11/2024
A	DEVELOPMENT APPLICATION	16/09/2025

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ODEON ALLAWAH PROJECT NSW 2218

PROJECT
ALLAWAH
SITE ADDRESS
66-68 WOIDS AVENUE, ALLAWAH NSW 2218
JOB NO
2437
CHECKED RA
DRAWN RL
DATE 16/09/2025
SCALE @ A1 A3@50%
PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
HEIGHT PLANE DIAGRAM
SHEET NO. DA 504
REVISION A

LPP010-26 Attachment 2



01	01 | WINDOW GLAZING / CLEAR GLASS
02	02 | WINDOW FRAMES, SCREENS, FENCES, GATES, BALUSTRADES / ALUMINIUM POWDER COAT FINISH / MONUMENT OR SIMILAR
03	03 | SCREENS / ALUMINIUM POWDER COAT FINISH / DARK BROWN
04	04 | WALLS, BALUSTRADES / MASONRY BRICK / BROWN BRICK
05	05 | WALLS, SLAB EDGES, SOFFITS / HIGH TEXTURED PAINT FINISH / COLOUR TO MATCH MASONRY BRICK (05)

MATERIALS AND FINISHES SCHEDULE

66-68 WOIDS AVENUE, ALLAWAH NSW 2218

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A	DEVELOPMENT APPLICATION	16/09/2025

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CLIENT

PROJECT ODEON
ALLAWAH DEVELOPMENT PROJECT LIMITED

PROJECT
ALLAWAH

SITE ADDRESS
66-68 WOIDS AVENUE, ALLAWAH NSW 2218

JOB NO
2437

CHECKED	DRAWN	
RA	RL	
DATE	SCALE	
16/09/2025	@ A1	A3@50%

PROJECT STATUS
DEVELOPMENT APPLICATION

DRAWING TITLE
PHOTOMONTAGE

SHEET NO.	REVISION
DA 701	A

LPP010-26 Attachment 2

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REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 05 MARCH 2026

LPP011-26 153 QUEENS ROAD, CONNELLS POINT

LPP Report No	**LPP011-26**	**Development Application No**	**DA2025/0535**
Site Address & Ward Locality	153 Queens Road, Connells Point Blakehurst Ward		
Proposed Development	Demolition works and construction of dwelling house with swimming pool		
Owners	Julie Ann Harvey		
Applicant	Ali Amin		
Planner/Architect	RM Design Studio, BMA Urban		
Date Of Lodgement	28/11/2025		
Submissions	One (1)		
Cost of Works	$1,844,315.00		
Local Planning Panel Criteria	Departure from development standard more than 10%		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	SEPP (Resilience and Hazards) 2021, SEPP (Biodiversity and Conservation) 2021, SEPP (Transport and Infrastructure) 2021, Georges River Local Environmental Plan 2021, and Georges River Development Control Plan 2021		
List all documents submitted with this report for the Panel's consideration	Architectural Plans, Assessment Report and Clause 4.6 Variation Request		
Report prepared by	Principal Planner		

RECOMMENDATION	Refusal

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

Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	**Yes - Clause 4.3 Building Height and Clause 4.4 Floor Space Ratio**
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	**Not Applicable**
Conditions Have draft conditions been provided to the applicant for comment?	**No**

BACKGROUND

1. The Application was lodged on 28 November 2025.

2. On 15 January 2026, the Applicant commenced proceedings in Class 1 of the Land and Environment Court's jurisdiction appealing against the deemed refusal of the development application.

PROPOSAL

3. Development Application DA2025/0535 seeks consent for demolition works and construction of a 4-storey dwelling house and in ground swimming pool.

4. Specifically, the Application seeks consent for the following:

   a. Demolition of the existing dwelling house.

   b. Construction of a four storey dwelling house comprising:
      - The lower ground floor level containing:
        - open plan living, dining and kitchen area with access to the rear alfresco area
        - laundry, powder room, lift; and
        - non-habitable services room with an area of 65.4m^2.
      - The middle level comprises of:
        - 4 bedrooms, two with ensuites and walk in robes
        - Bathroom
        - Lift; and
        - non-habitable services space with an area of 31.9m^2.
      - The ground floor comprises of:
        - master bedroom with walk in robe and ensuite
        - mud room
        - lift; and
        - double garage.
      - The upper floor consists of a home office, with access to a balcony.

   c. Cabana and swimming pool, as well as landscaping and associated works including retaining walls and driveway.

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LPP011-26

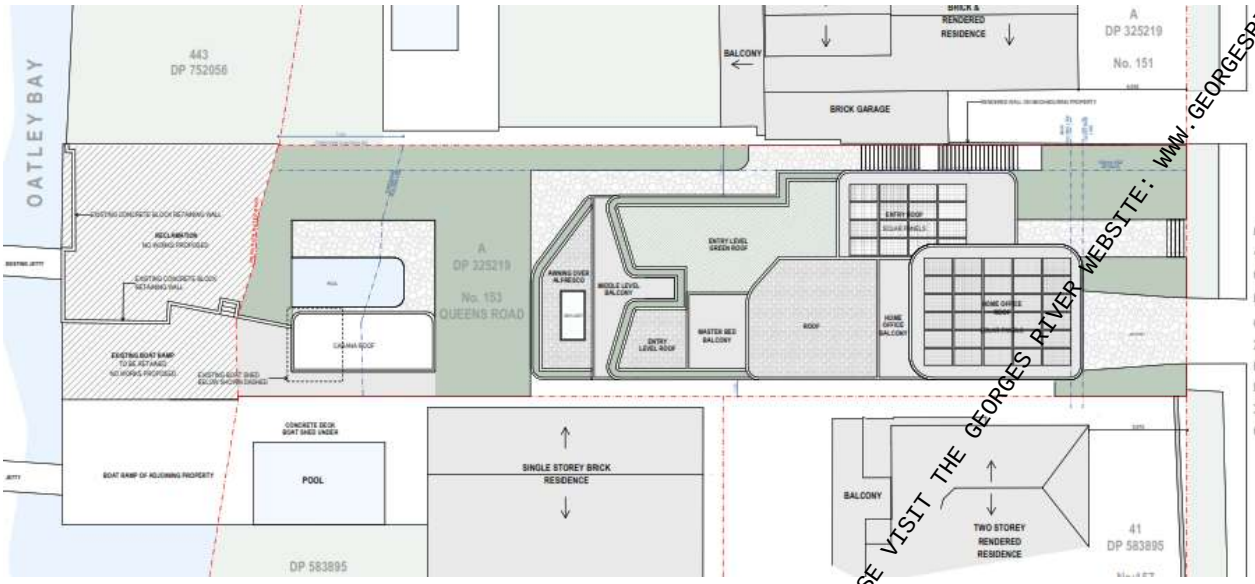

***Figure 1**: Site Plan (Source: Architectural Plans)*

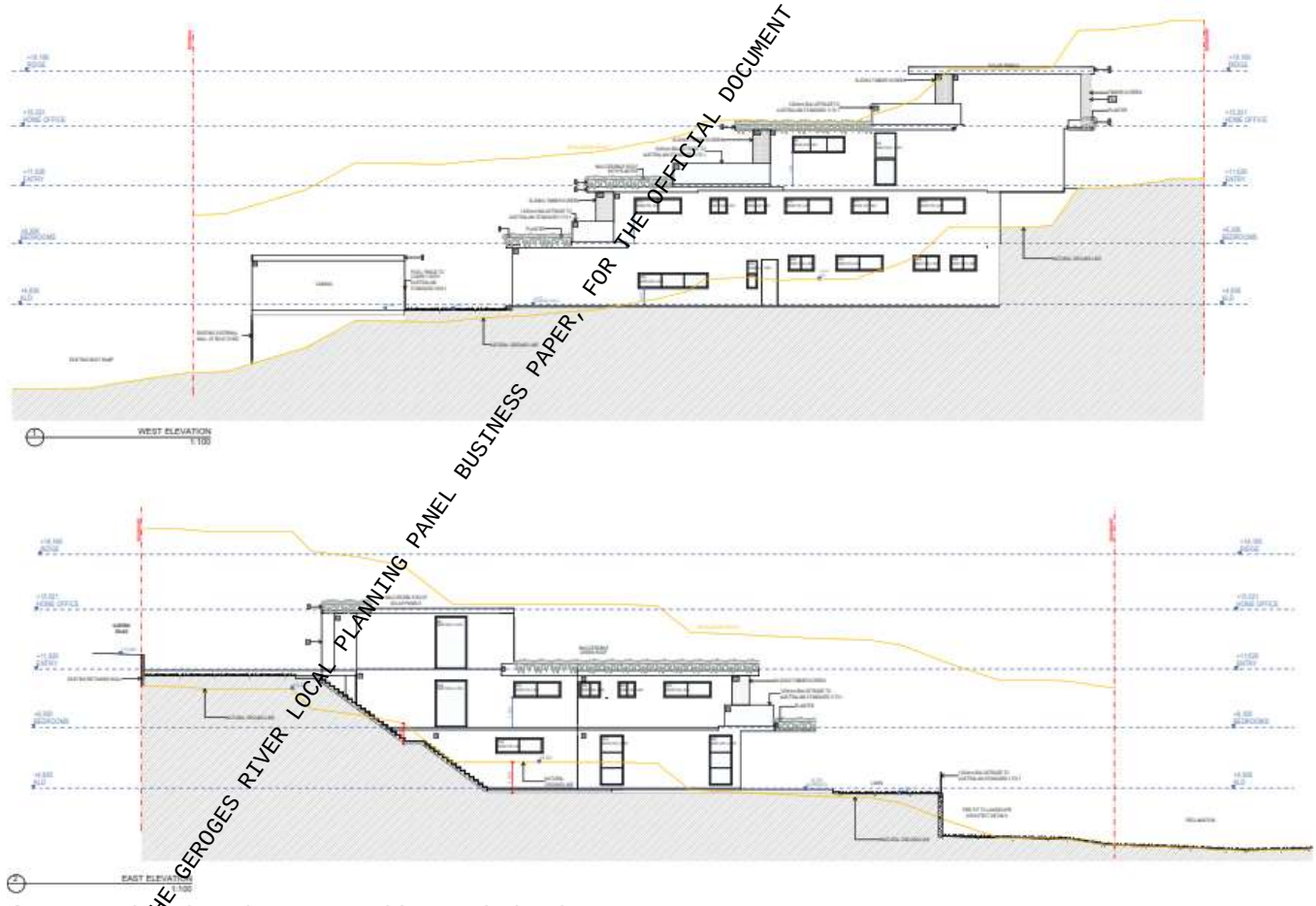

***Figure 2:** Elevations (Source: Architectural Plans)*

SITE AND LOCALITY

5. The site currently contains a double storey dwelling located on the north-western side of Queens Road.

6. The site is commonly known as 153 Queens Road, Connels Point and has a legal description of Lot B on Deposited Plan (DP) 325219.

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7. The site has a street frontage of 15.24m.

8. A reclaimed land area of 181.8m² adjoins the site at the rear. A notable slope is present, falling from the south-western corner down towards the foreshore.

9. The site contains sandstone outcrops within the southern and western side of the subfloor within the existing dwelling.

ZONING AND PERMISSIBILITY

10. The site is situated within Zone R2 Low Density Residential and partly W2 Recreational Waterways pursuant to the provisions of the Georges River Local Environmental Plan 2021 (GRLEP 2021). The proposed development is for a new dwelling which is a permissible land use with development consent.

ASSESSMENT

11. 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 controls:

- GRLEP 2021
  - Clause 4.3 – Building Height
  - Clause 4.4 – Floor Space Ratio
  - Clause 4.6 – Exceptions to Development Standards
  - Clause 6.2 – Earthworks
  - Clause 6.4 – Foreshore Area and Coastal Hazards
  - Clause 6.6 – Foreshore Scenic Protection Area
  - Clause 6.10 – Design Excellence

- GRDCP 2021
  - Part 3.5 – Earthworks
  - Part 5 – Residential Locality Statements
  - Part 6.1 – Low Density residential Controls
    - Part 6.1.2.1 – Streetscape Character and Built Form
    - Part 6.1.2.2 - Building Scale and Height
    - 6.1.2.3 – Setbacks
    - 6.1.2.6 – Excavation (Cut and Fill)
    - Part 6.1.2.8 – Visual Privacy

12. The table below presents a summary in respect to numerical compliance:

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Georges River Local Environmental Plan 2021					
Section	**Text**	**Comment**	**Y**	**N**	**N/A**
2.3 Zone objectives	R2 • To provide for the housing needs of the community within a low density residential environment. • 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.	The proposed development does not achieve a high standard of urban design as required under the R2 Low Density Residential zone objectives. The built form fails to respond appropriately to the established character of the surrounding low-density neighbourhood.	☐	☒	☐
4.3 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, **(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 Proposed: 12.1m The submitted documentation accompanying this development application does not correctly depict the extent of the height breach.	☐	☒	☐
4.4 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: 0.48:1 Proposed: The development has a gross floor area of 616.4m^2, which, given the site area of 859.2m^2, results in an FSR of **0.71:1**, noting that this calculation includes the “non-habitable services” rooms	☐	☒	☐
4.6 Exceptions to development standards	(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, **(b)** to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	A Clause 4.6 variation request has been provided and is assessed in this report.	☐	☒	☐

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Georges River Local Environmental Plan 2021					
Section	**Text**	**Comment**	**Y**	**N**	**N/A**
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 proposal fails to demonstrate compliance with this Clause. The proposal seeks significant cut in order to accommodate the form of the dwelling.	☐	☒	☐
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	Subject to conditions of consent.	☒	☐	☐
6.4 Foreshore area and coastal hazards and risk	To protect people and property from coastal hazards linked to climate change, ensure development does not disrupt natural foreshore processes or amenity, and promote public access along the foreshore.	The Applicant seeks development consent for the construction of a cabana situated below the foreshore building line. A cabana it not a nominated structure permitted under Clause 6.4(3)(c).	☐	☒	☐
6.5 Riparian land and waterways	To protect and maintain waterway ecosystems by safeguarding water quality, bank stability, aquatic and riparian habitats, ecological processes, and Aboriginal cultural heritage values.	Refer to the above.	☒	☐	☐
6.6 Foreshore scenic protection area	To protect, maintain, and enhance the scenic, ecological and cultural values of the Georges River foreshore, including significant views, native vegetation, landscape dominance, and the recovery of threatened species and habitats.	Refer to the below assessment.	☐	☒	☐
6.9 Essential services	The property must have in place by determination the following services: (a) water, (b) electricity, (c) telecommunications facilities, (d) the disposal and management of sewage, (e) stormwater drainage or on-site conservation, (f) suitable vehicular access.	Appropriate stormwater management and essential services proposed on site.	☒	☐	☐

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Georges River Local Environmental Plan 2021					
Section	**Text**	**Comment**	**Y**	**N**	**N/A**
6.10 Design excellence	Applies to new dwellings (not secondary dwellings) within the Foreshore Scenic Protection Map Area.	The proposal remains inconsistent with the objectives of Clause 6.10 of the LEP.	☐	☒	☐
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— (a) for a dwelling house located on land outside the Foreshore Scenic Protection Area—20% of the site area, or (b) for a dwelling house located on land within the Foreshore Scenic Protection Area—25% of the site area, (c) for development in Zone R3 Medium Density Residential—20% of the site area (d) for development in Zone R4 High Density Residential—10% of the site area 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.	Sufficient landscaping provided on site.	☒	☐	☐
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.					

FLOOR SPACE RATIO

13. The Floor Space Ratio referred to in Clause 4.4A(2) of the LEP establishes a maximum permitted FSR of 0.48:1 for the development.

14. The development has a gross floor area of 616.4m^2, which, given the site area of 859.2m^2, results in an FSR of 0.71:1, noting that this calculation includes the “non-habitable. services” rooms. This exceeds the maximum permitted Floor Space Ratio.

15. In addition, the proposed “non-habitable services” rooms are not of a size commensurate with that of a dwelling house.

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16. The variation to the floor space ratio control equates to 47.9%.

HEIGHT

17. The proposed development has an approximate height of 12.1 metres, measured to the first-floor awning. This exceeds the maximum permissible building height of 9m under Clause 4.3 of the LEP.

18. The submitted Clause 4.6 Variation Request, which seeks to vary the height standard, has not accurately identified or addressed the actual height of the development and therefore does not provide correct or sufficient justification for the extent of the non-compliance.

19. The development has not been designed to respond to or step with the natural topography of the site, contributing directly to the height breach and resulting non-compliance.

20. The variation to height control equates to 34.44%.

EXCEPTIONS TO DEVELOPMENT STANDARDS

21. The proposal seeks to vary Clause 4.3 and Clause 4.4 of the Georges River Local Environmental Plan 2021. The variation request does not demonstrate sufficient environmental planning grounds to justify contravening the development standard and that compliance with the development standard is unreasonable or unnecessary. Thus, the requirements of these clauses have not been met, and the variation cannot be supported.

FORESHORE AREA, COASTAL HAZARDS AND RISK

22. The Applicant seeks development consent for the construction of a cabana situated below the foreshore building line.

23. A cabana it not a nominated structure permitted under Clause 6.4(3)(c) of GRLEP 2021.

24. Clause 6.4(3) of the GRLEP 2021 operates as a prohibition, restricting the granting of consent to listed development types.

SUBMISSIONS

25. 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. One (1) submission was received during the neighbour notification period.

Issue	Comment
Cabana Structure	A cabana it not a nominated structure permitted under Clause 6.4(3)(c) of the GRLEP 2021, restricting Councils ability to grant consent for the cabana structure.
Loss of Privacy	It is considered that the development has not been sensitively designed to be respective of impacts onto the adjoining allotments with respect to maintaining privacy and minimising overlooking.

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Bulk	The proposed development is considered excessive in bulk and scale and is not supportable in its current form.
Floor Space Ratio	The proposal exceeds the maximum allowable floor space ratio applicable to the site and is not supported in its current form.
Building Height	Concern was raised regarding the height of building of the development. The proposed development has been assessed in accordance with the definition of height of building. The proposal in its current form exceeds the maximum allowable height of building and is not supported.
Excavation	The extent of the proposed cut and fill on site is a direct result of the proposal forms. The proposed development is not supportable in its current form, with particular regard to the proposed cut and fill.

REFERRAL COMMENTS

26. Comments provided by internal referral specialists and external agencies are summarised below.

Specialist/Agencies	Comment
Development Engineer	Conditions of consent imposed.
Landscape	Conditions of consent imposed.
Environmental Health Officer	Conditions of consent imposed.
Natural Environment/ Biodiversity	No concerns raised.
Ausgrid	Conditions of consent imposed.
WaterNSW	Conditions of consent imposed.

CONCLUSION

27. 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.

28. 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:

29. The proposed variation to Clause 4.3 and Clause 4.4 is not sufficiently justified by the provided Clause 4.6 variation request and the variation is not considered to be in the public interest, being contrary to the zone and standard objectives.

RECOMMENDATION

30. Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer determines DA2025/0535 for demolition works and construction of a dwelling house with swimming pool on 153 Queens Road, Connells Point, should not be approved subject to the refusal reasons referenced below:

    1. The application fails to satisfy Clause 2.3 of the Georges River Local Environmental Plan 2021 with regard to the objectives of the zone [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].

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2. The application fails to satisfy Clause 4.3 of the Georges River Local Environmental Plan 2021 with regard to building height [Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979].

3. The application fails to satisfy Clause 4.4 of the Georges River Local Environmental Plan 2021 with regard to floor space ratio [Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979].

4. The application fails to satisfy Clause 4.6 of Georges River Local Environmental Plan 2021 with regard to demonstrating compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds to support the departure [Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979].

5. The application fails to satisfy Clause 6.4 of the Georges River Local Environmental Plan 2021 with regard to foreshore area, coastal hazards and risk [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].

6. The application fails to satisfy Clause 6.6 of the Georges River Local Environmental Plan 2021 with regard to the perceived height and bulk of the development [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].

7. The application fails to satisfy Clause 6.10 of the Georges River Local Environmental Plan 2021 with regard to design excellence [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].

8. The application fails to satisfy Section 3.5 of the Georges River Development Control Plan 2021 with regard to earthworks [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].

9. The application fails to satisfy Section 6.1.2.1 of the Georges River Development Control Plan 2021 with regard to streetscape character and built form [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].

10. The application fails to satisfy Section 6.1.2.2 of the Georges River Development Control Plan 2021 with regard to building scale and height [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].

11. The application fails to satisfy Section 6.1.2.3 of the Georges River Development Control Plan 2021 with regard to setbacks [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].

12. The application fails to satisfy Section 6.1.2.6 of the Georges River Development Control Plan 2021 with regard to excavation [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].

13. The application fails to satisfy Section 6.1.2.2 of the Georges River Development Control Plan 2021 with regard to visual privacy [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].

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14. The proposed development is unsatisfactory, as insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development [Pursuant to Sections 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979] including:
    a. Sufficient architectural plans have not been provided.
    b. Insufficient information has been provided to determine the need for the proposed “non habitable services spaces”.
    c. Insufficient information has been provided to be able to determine the available solar access to the adjoining dwelling.

15. 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*].

ATTACHMENTS

Attachment ⇩1	SEE - 153 Queens Road, Connells Point.pdf - DA2025/0535
Attachment ⇩2	153 Queen Road, Connells Point Architectural Package 26.11.25_V1.pdf - DA2025/0535
Attachment ⇩3	Assessment Report - 153 Queens Road, Connells Point - DA2025-0535

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Development Application

Statement of Environmental Effects

153 Queens Road, Connells Point

BMA URBAN

Submitted to: Georges River Council
On behalf of: Dr Ali Amin
Date: November, 2025

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BMA URBAN STAFF RESPONSIBLE FOR THIS REPORT WERE:

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Project Code	Qrd - 221/25
Report Number	Final - 26/11/25

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1. INTRODUCTION

This Statement of Environmental Effects (SEE) has been prepared for Dr Ali Amin (**the applicant**) in support of a Detailed Development Application (DA) to Georges River Council, prepared in accordance with Section 4.12 of the Environmental Planning and Assessment Act, 1979 and Clause 50 of the Environmental Planning and Assessment Regulation, 2021. The proposed development comprises of '*demolition of the existing and construction of a new architecturally designed dwelling and swimming pool.*

1.1 Report Structure

This SEE is structure in the following manner:

- **Section 1** – Introduction;
- **Section 2** - Analysis of site and surrounding context;
- **Section 3** - Background to the project;
- **Section 4** - A description of the proposed development;
- **Section 5** - Assessment of the proposal's compliance with relevant planning instruments and policies;
- **Section 6** - Impact assessment and consideration of key planning issues as required by Section 4.15 of the EP&A Act; and
- **Section 7** – Conclusion.

1.2 Supporting Documentation

The technical and design documents that have been prepared to accompany this DA are identified in **Table 1** and are as follows;

Document:	Prepared by:
Architectural Plans	RM Design Studio
Stormwater Plans	Acroyali Engineering
Landscape Plans	Zenith Landscape
Geotech	MM Geo Mechanics
PSI	MM Geo Mechanics
Driveway Design	Acroyali Engineering
Cost of Works	HD QS
Survey	New Way Surveying
Basix	Elam Eco Design
Waste	Acroyali Engineering

Table 1: Technical and design documentation

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2. SITE ANALYSIS AND CONTEXT

2.1 The Subject Site

The subject site is located within the Local Government Area (LGA) of Georges River. **Figures 1 and 2** below provide an aerial view identifying the location of the site within its defining context.



Figure 1: Site Plan (Base Map)
Source: Six Maps

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Figure 2: Site Plan (Aerial)
Source: Six Maps

2.2 Site Description

The site is a single allotment situated on the north-western side of Queens Road. The site is a rectangular shaped allotment comprising of a street frontage width of 15.24m and respective north-eastern and south-western boundary lengths of 55.145m and 57.605m and overall area of 859.2m^2. A reclaimed land area of 181.8m^2 adjoins and forms part of the site. A notable land slope is observed from the south-western corner down towards the foreshore.

2.3 Existing Built Form And Landscaping

The site is currently occupied by a split level rendered residence, rendered garage, inground pool and timber deck with boatshed below. **Figures 3 and 4** below provide a clearer appreciation of the site and its current characteristics.

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Figure 3: Subject site as viewed from Queens Road



Figure 4: Rear of existing dwelling

2.4 Site Surrounds

The subject site is located within a residential area that is characterised by a number of land uses, including low rise residential, dual occupancies and passive and active areas of public open space. The vicinity of the site is characterised by an eclectic mix of older and newer housing stock constructed at different stages of Sydney's development including renovated Californian bungalow and Inter-War cottages, 'project home' dwellings and architecturally designed contemporary homes and dual occupancies, some of which include basement car parking.

Along both Queens Road and across the contextual surrounds, examples of more modern contemporary homes are identified which are becoming more prevalent within the immediate and broader context upon the redevelopment of older detached housing stock.

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3. THE PROPOSAL

3.1 Description

The proposed development is further described as follows:

Lower Ground Floor Plan

- Building services area;
- Sitting area and open plan living, dining and kitchen;
- Alfresco off the living spaces;
- New pool, shower, cabana and WC;
- Lift and stair access;
- Landscaping works; and
- Retention in situ of existing concrete boat ramp and retaining walls sited over the MHWM.

The lower ground floor level/s as they are presented within the architectural plan detail set is reproduced as **Figures 5 and 6** below.

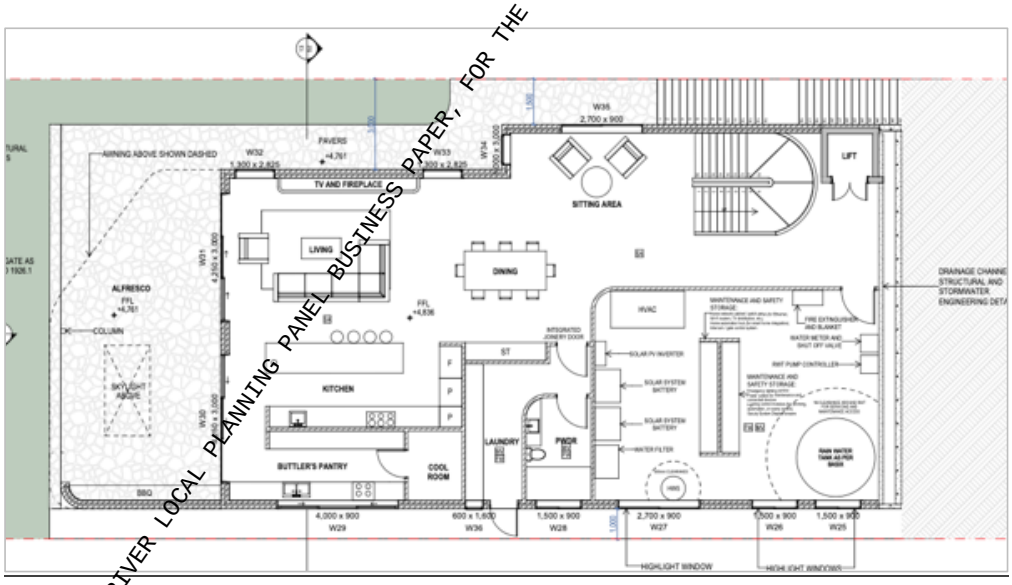

Figure 5: Lower Ground Floor Plan (1)
Source: RM Design Studio

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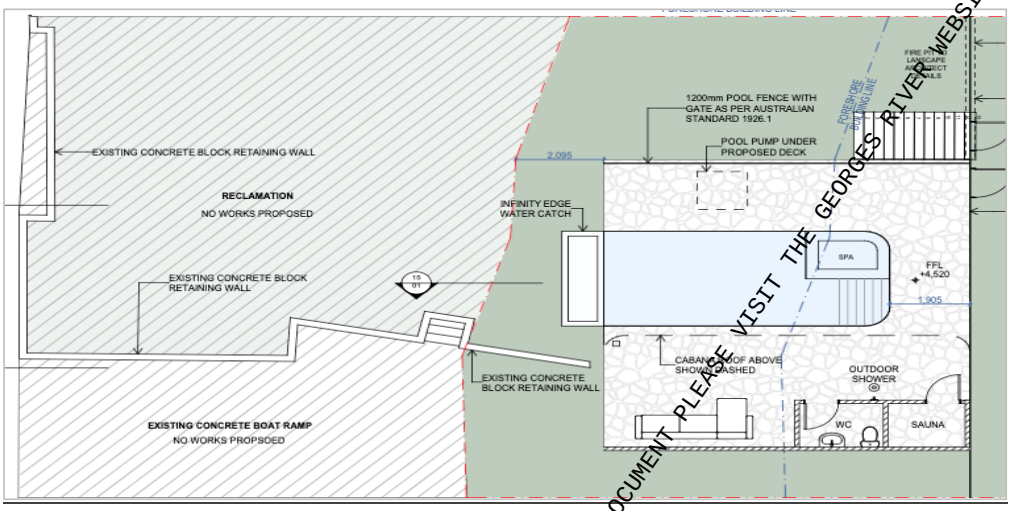

Figure 6: Lower Ground Floor Plan (2)
Source: RM Design Studio

Mid Level Floor Plan

- Services area;
- Four (4) bedrooms;
- Balcony off bedrooms 2 and 3;
- WC facilities; and
- Lift and stair access.

The mid level floor plan as it is presented within the architectural plan detail set is reproduced as **Figure 7** below.

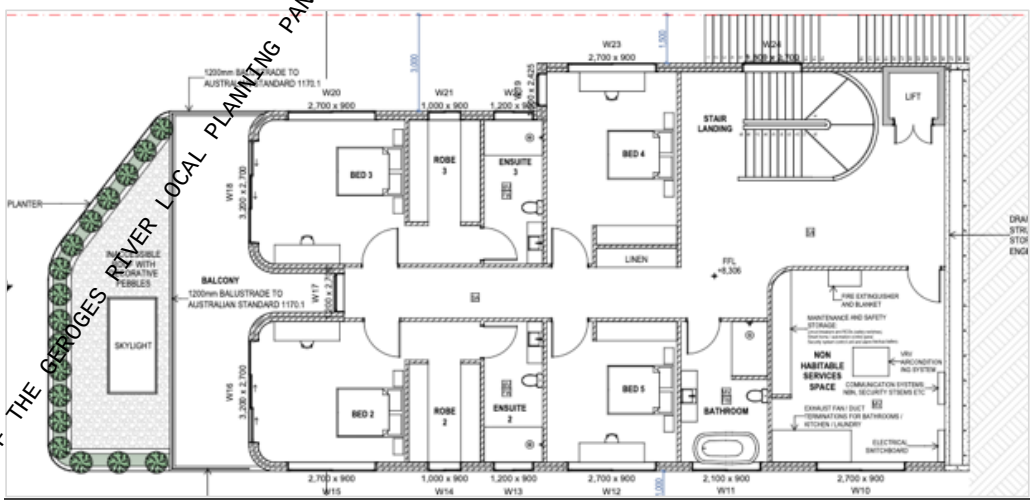

Figure 7: Mid-level floor plan
Source: RM Design Studio

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Ground Floor Plan

- Provision of a two (2) car garage;
- Entry porch and mud room;
- Bedroom area with balcony; lift and stair access; and
- Green roof.

The ground floor level as it is presented within the architectural plan detail set is reproduced as **Figure 8** below.

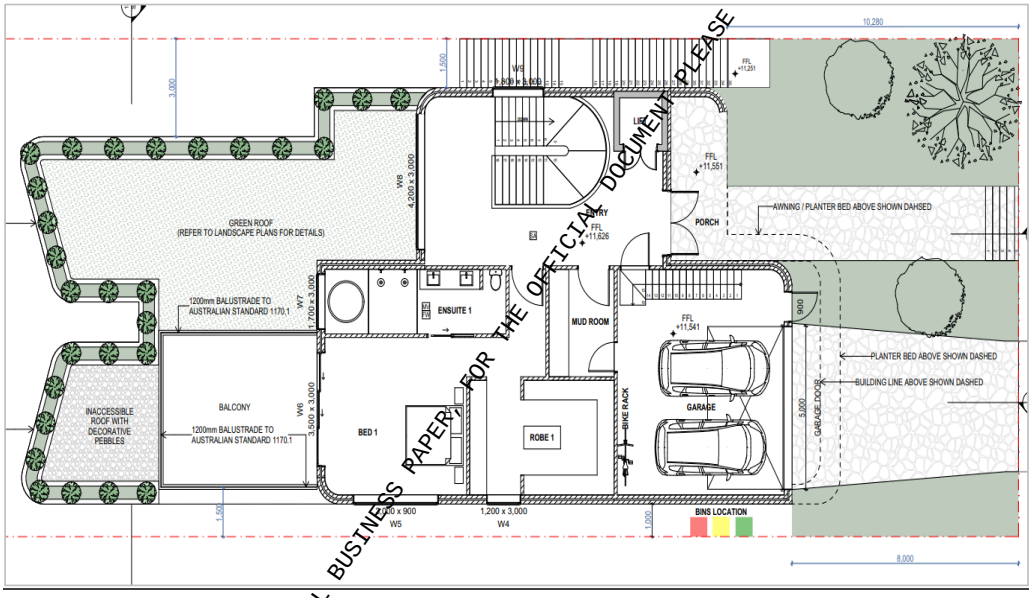

Figure 8: Ground floor level
Source: RM Design Studio

First Floor Plan

- Provision of a home office; and
- Balcony space.

The first floor level as it is presented within the architectural plan detail set is reproduced as **Figure 9** below.

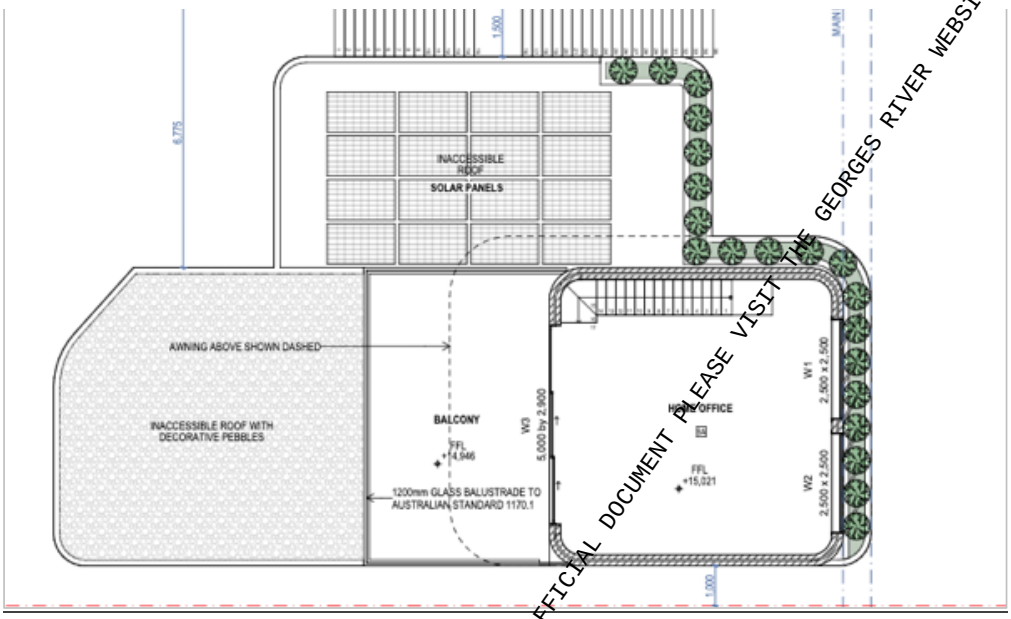

Figure 9: First floor plan
Source: RM Design Studio

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4. NUMERICAL OVERVIEW

The key numerical aspects of the proposed development are outlined in **Table 2** and described in further detail in the following sections.

Parameter	Proposal
Site Area	859.2m^2 and 181.8m^2 (Reclaimed land)
Total GFA	470.45m^2
Total Floor Space Ratio (FSR)	0.547:1
Building Height (Maximum)	9.96m.
Parking	Two (2) spaces within the existing garage
Landscaping	221.27m^2 or 25.7% of the calculable site area

Table 2: Numeric Overview of the proposed development

4.1 Building Design

The proposed dwelling presents a cohesive and contemporary architectural form, brought together through a carefully curated material palette and clearly illustrated in the submitted elevations and photomontages. The design responds sensitively to both the established streetscape along Queens Road and the visual relationship to the water frontage, ensuring the development makes a positive contribution when viewed from a range of public and private vantage points.

The material schedule showcases a sophisticated blend of high-quality, durable finishes chosen to deliver visual interest while maintaining a refined and understated presence. A combination of masonry, smooth rendered surfaces, timber or timber-look cladding, and contemporary metal detailing creates a balanced and well-articulated composition. These materials are applied purposefully to break up building mass, frame key architectural elements, and maintain consistency across both the street and waterfront elevations.

From Queens Road, the elevation reveals a layered and articulated façade that avoids excessive bulk through recesses, projecting volumes, varied materials, and clear horizontal and vertical breaks. The chosen finishes soften the scale and integrate the dwelling seamlessly into a streetscape characterised by both traditional homes and an emerging pattern of contemporary architectural redevelopment. The photomontages reinforce this, demonstrating how the design complements surrounding dwellings and contributes positively to the evolving character of the locality.

Facing the water, the building adopts a calmer and more open expression. Here, the material palette supports a subdued, naturalised appearance that avoids visual dominance when viewed from the foreshore or opposite waterfront properties. Generous glazing, slender balustrades, and textured wall elements reduce perceived mass and enhance transparency, while the stepped built form works with the site's topography to blend the structure into the surrounding landscape, as clearly shown in the waterfront photomontages.

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Collectively, the material schedule, elevations, and photomontages demonstrate a unified and site-responsive architectural solution. The proposal utilises high-quality materials, thoughtful detailing, and well-resolved façades to minimise bulk, enhance visual character, and present an attractive built form to both the street and the water. Through this holistic design approach, the dwelling delivers a visually cohesive and contextually appropriate addition to Queens Road and the broader waterfront setting.

Figures 10 and 11 below are perspectives of the development as viewed from Queens Road and the foreshore.



Figure 10: Perspective (Queens Road)
Source: RM Design Studio

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Figure 11Perspective (Foreshore)
Source: RM Design Studio

4.1.1 Materials and Finishes

The proposed dwelling incorporates a refined and contemporary palette of materials and finishes that reinforces the architectural character of the building while ensuring visual cohesion across all elevations. The selection of materials has been guided by durability, aesthetic quality, and compatibility with both the established streetscape and the foreshore environment.

A combination of masonry, smooth rendered surfaces, high-quality cladding elements, and selective use of timber or timber-look accents provides depth and textural variation to the façades. These materials are carefully arranged to articulate the building form, break down bulk, and highlight key architectural features such as recessed entries, upper-level projections, and framed openings.

Contemporary metal detailing, including balustrades, window frames and feature trims, further contributes to the dwelling's modern appearance while maintaining a restrained and elegant finish. The use of glazing has been strategically integrated to maximise light penetration and outlook while reducing the perceived mass of the built form, particularly along the waterfront elevation.

Together, the selected materials and finishes deliver a cohesive and high-quality architectural outcome that is both visually appealing and contextually appropriate, complementing the transition between older housing stock and the more modern dwellings emerging within the surrounding neighbourhood.

The material schedule as identified in the plan set is reproduced in **Figure 12** below.

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Figure 12Perspective (Foreshore)
Source: RM Design Studio

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5. STATUTORY PLANNING CONSIDERATIONS

5.1 Overview

The relevant statutory framework considered in the preparation of this report comprises:

- Environmental Planning and Assessment Act, 1979;
- Environmental Planning and Assessment Regulation 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- Georges River Local Environmental Plan 2021; and
- Georges River Development Control Plan 2021

The relevant provisions and controls of the above Instruments and Plans are summarised in the following sections of this SEE.

5.2 Environmental Planning and Assessment Act 1979

5.2.1 Section 1.3 – Objects

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

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

- It promotes the orderly and economic use and development of the land by proposing a residential built form that is consistent with the low density residential zoning and character of the site and surrounding locality;

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- It protects the environment by including suitable stormwater management measures and ensuring the retention of contributory site vegetation; and

It promotes good design and amenity by providing for an appropriately designed built form that responds to the characteristics of the site and locality, whilst ensuring that the amenity of the built environment in the immediate locality remains uncompromised.

5.3 Environmental Planning and Assessment Regulations 2021

5.3.1. Clause 69 - Compliance with the Building Code of Australia

Pursuant to the prescribed conditions under Section 69 of the EP&A Regulation, any building work "must be carried out in accordance with the requirements of the Building Code of Australia". All proposed works are deemed capable of complying with the relevant provisions of the Building Code of Australia.

5.4 State Environmental Planning Policies

5.4.1. State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 - Vegetation in Non Rural Areas

Chapter 2 of this state policy applies to the non-rural areas of the State including land in the Georges River LGA. The aims of this chapter are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.

The proposal does not seek the removal of trees from the site. Numerous native trees and vegetation are proposed in accordance with the landscape plans prepared by Zenith accompanying this application.

Chapter 11 - (Georges River Catchment)

Chapter 11 of this state policy applies to land within the catchment area of Georges River. This catchment area consists of parts of the Georges River LGA, including the subject site. The aims of this chapter are, amongst other things, to maintain and improve water quality and river flows of the Georges River and its tributaries and to protect and enhance the environmental quality of the catchment.

No significant issues arise in terms of the relevant planning principles as outlined in sections 11.6 and 11.7 of this chapter. The proposal will have no significant adverse impact on the water quality or river flows of the Georges River and its tributaries, nor will it compromise the environmental quality of the catchment. Filtration devices form part of the stormwater documentation which have been designed through music modelling. Additionally, suitable sediment and erosion control measures will be installed and maintained for the duration of construction works to ensure there is no risk of sediment laden water leaving the site and entering the nearby waterways.

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5.4.2. State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 2 of this state policy aims to promote an integrated and coordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016 by, amongst other things, managing development in the coastal zone and protecting the environmental assets of the coast.

The site is identified as being within the '*coastal zone*' and more particularly the '*coastal environment*' and '*coastal use*' areas pursuant to chapter 2. The proposal, by virtue of its siting, scale and its location where any works are removed and buffered from the nearby waterway, will not result in any adverse impacts in terms of those matters for consideration relating to the coastal environment and coastal use areas.

Most importantly, the proposed stormwater management measures will ensure no adverse biophysical, ecological or hydrological impacts on the waterways and associated mangrove community nearby. Additionally, the proposal will not result in increased risks of coastal hazards in the vicinity of the site. Having regard to the foregoing commentary, no significant adverse implications arise in terms of the provisions of this chapter.

Chapter 4 of this state policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Section 4.6(1) of this state policy prescribes as follows:

A consent authority must not consent to the carrying out of any development on land unless:

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

Having regard to the long term residential use of the land, contamination is unlikely. This has been further affirmed in the accompanying PSI prepared by MM Geo Mechanics.

The proposal therefore satisfies the relevant provisions of this SEPP.

5.4.2 State Environmental Planning Policy (Sustainable Development) 2021

In accordance with the provisions of the State Environmental Planning Policy, a BASIX Certificate has been provided. This BASIX certificate confirms that the proposal will meet the NSW government's requirements for sustainability, if it is built in accordance with the specified thermal comfort and energy/water use commitments.

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5.6 Local Environmental Plans

5.6.1 Georges River Local Environmental Plan 2021

The Georges River Local Environmental Plan 2021 (GRLEP 2021) applies to the subject site which is identified as being within Zone R2 – Low Density Residential. The proposed development is best characterised as '***demolition of the existing and construction of a new architecturally designed dwelling and swimming pool'*** which is a permissible form of development with the consent of Council in the R2 zone.



Figure 13:: Zoning Map
Source: GRLEP 2021

The objectives of the R2 – Low Density Residential 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.*

The proposed development is consistent with the objectives of Zone R2 in that it will provide for the housing needs of the community in a low-density residential environment. A summary of our assessment of the proposed development against the LEP provisions is detailed below. Some clauses with the LEP have been deliberately omitted because they are not applicable to the proposed development.

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Georges River Local Environmental Plan 2021			
CL	Requirement	Proposed	Y/N
Part 2 - Permitted or Prohibited development			
2.7	**Demolition requires development consent**	This application seeks consent for demolition.	Yes
Part 4 – Principal Development Standards			
4.3	**Height of Buildings** The development is subject to the provisions of Clause 4.3, which as indicated on the associated "Height of Buildings" Map, limits the height of buildings to 9m.	 Figure 14: Height of Buildings Map Source: GRLEP 2021 The new works will comprise of a maximum height of 9.96m. Refer to the Clause 4.6 Variation Request in Annexure A.	Merit
4.4A	**Exceptions to floor space ratio – certain residential accommodation** Clause 4.4A permits a maximum FSR of 0.49:1 or 420.6m² upon application of the floor space formula prescribed by 4.4A (2). Site area relevant to FSR has only been considered with respect to the R2 zoned component of the land.	The proposal results in a gross floor area of 470.45m² generating an FSR of 0.547:1. Refer to the Clause 4.6 Variation Request in Annexure B.	Merit

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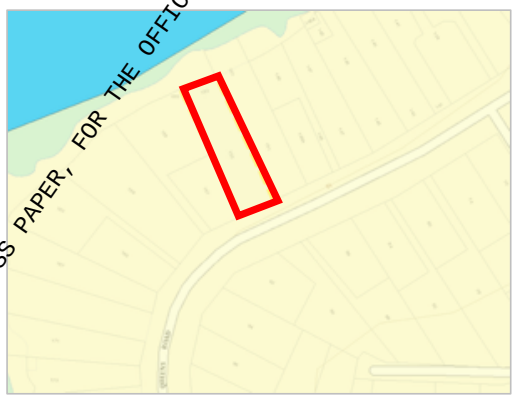
Part 5: Miscellaneous provisions			
5.10	**Heritage Conservation** The consent authority may, before granting consent to any development: (a) on land on which a heritage item is located, or (b) on land that is within a heritage conservation area, or (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),	The subject site, more specifically the existing dwelling on land, is not identified in Schedule 5 as having any heritage value nor is it located in any relevant distance to an item of significance.	N/A
Part 6: Additional Local Provisions			
6.1	**Acid Sulfate Soils** 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.	 Figure 15: ASS Planning Map Source: GRLEP 2021 The subject land is identified as Class 5 on the ASS planning map. A review of potential ASS impact formed part of the Geotechnical Investigation prepared by Geo Mechanics. This report identified that searches through the Australian Soil Resource Information System (ASRIS) for National Acid Sulfate Soils Occurrence indicates that within the site locality, there is no known occurrence of acid sulfate soils. In this regard, the provision of an ASS preliminary investigation is not warranted.	Yes

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6.2	**Earthworks** This clause seeks to ensure earthworks would not have a detrimental impact on any environmental functions or existing built environments. It also prescribes that earthworks are required for most earthworks.	Having regard to the nature of the site, and the proposed works relevant to this application, a moderate level of earthworks will be required to be carried out in order to facilitate the proposed development. A geotechnical report prepared by MM Geo Mechanics accompanies this application. In any regard, any excavated material is understood to be virgin material and highly unlikely to be contaminated given the long standing use of the site for residential purposes. It is anticipated that standard conditions of consent will be imposed in relation to land contamination and disposal of excavated material. Where proposed earthworks occur within or close to the zone of influence of neighbouring structures, specific excavation and earth retention methods will be implemented to ensure structural integrity of adjacent buildings is not compromised. It is considered unlikely that the site, which for the most part has been relatively undisturbed, contains relics or any items of historic significance. Should any such item be encountered during site preparation works, excavation will cease immediately and the appropriate government authority notified. It is anticipated that a standard condition of consent will be imposed in this regard. The earthworks are not anticipated to have any detrimental impact on, a waterway, drinking water catchment or environmentally sensitive area. Sediment and erosion controls will be installed and maintained for the duration of site preparation and construction phases to ensure there is no risk of sediment laden water leaving the site and entering council's drainage infrastructure. In this regard, the proposal will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.	Yes

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6.3	**Stormwater Management** In deciding whether to grant development consent for development, the consent authority must be satisfied that the development— (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater or river water, and (c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system or, if the impact cannot be reasonably avoided, minimises and mitigates the impact, and (d) is designed to minimise the impact on public drainage systems.	A stormwater plan has been prepared by Acroyali Pres Engineering. We have been informed that this plan has been designed in response to the requirements set out in this clause. No significant issues arise in terms of the prerequisites to the grant of consent as prescribed in this clause. Filtration devices form part of the stormwater documentation which have been designed through music modelling	

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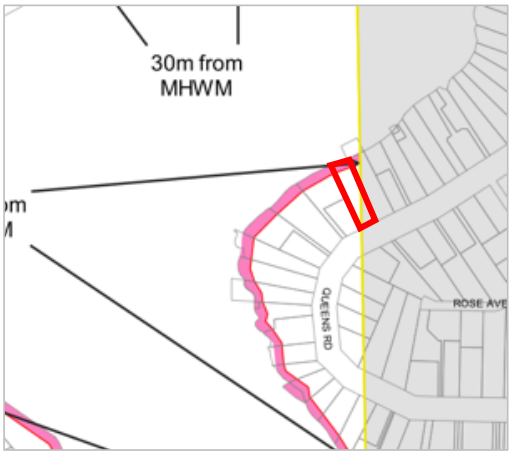
6.4	**Foreshore Area and Coastal Hazards and Risk** This clause applies to the following land– (a) land identified on the Coastal Hazard and Risk Map, (b) land identified on the Foreshore Building Line Map. (3) Development consent must not be granted for development on land to which this clause applies except for the following purposes– (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– (i) the foreshore building line, or (ii) the land identified on the Coastal Hazard and Risk Map, (b) the erection of a building if the levels, depth or other exceptional features of the site make it appropriate to do so, (c) boat sheds, cycling paths, fences, sea walls, swimming pools, water recreation structures or walking tracks.	A minor negligible component of the site is located within an area identified as Coastal Hazard as demonstrated in **Figure 16** below. No works are proposed in this location.  Figure 16: Coastal Risk Map Source: GRLEP 2021 The site is also subject to a 7.6m Foreshore Building Line as identified in **Figure 17** below.  Figure 17: FBL Map Source: GRLEP 2021 The architectural plan details prepared by RM Design Studio relied upon in the preparation of this Statement,	Yes Merit

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		demonstrate that all works relevant to this application are sited in a manner that does not encroach within the coastal risk area nor beyond the identified Foreshore Building Line. The proposed swimming pool is permitted by virtue of clause 6.4(3)(c) of GRLEP 2021. However, the remaining elements, those being the open cabana/deck area and pool pump are not specifically enabled by the 6.4 (3) provision and therefore, form the basis of this proposed variation. Refer to the clause 4.6 request (Annexure C).	

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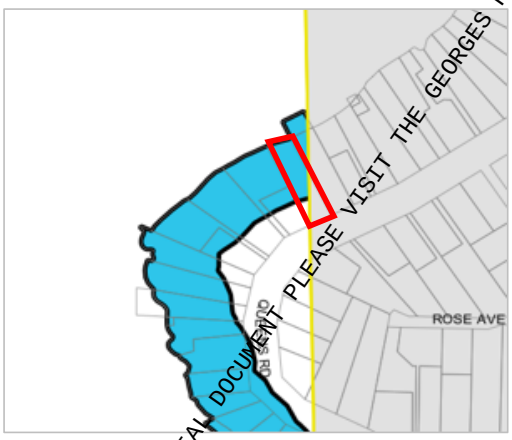
6,5	**Riparian Land and Waterways** This clause applies to land identified as "Sensitive land" on the Riparian Lands and Waterways Map.	A component of the site is located within an area identified as being located within the Riparian Land and Waterways Area as demonstrated in **Figure 18** below.  Figure 18: Riparian Ma Source: GRLEP 202 With regard to the matters for consideration prescribed in subclause 3(a), the proposed development is considered to appropriately address these requirements in a manner that will not result in any adverse impacts on water quality or water flows. The design, siting and nature of the works ensure that riparian processes are maintained and that the function of the adjacent waterway remains unaffected. During the construction phase, appropriate environmental management measures will be implemented to protect shoreline stability and minimise disturbance to foreshore areas. Any removal of vegetation necessary to facilitate the works will be offset through suitable replacement planting, ensuring no long-term reduction in riparian ecological values. Additional controls will be applied to prevent environmental harm, including measures to mitigate the potential for pollution, sediment runoff or siltation entering the waterway. These practices will safeguard the water environment and uphold the integrity of the surrounding riparian corridor. In relation to water extraction and the biophysical, hydrological or ecological integrity of adjacent coastal wetlands and riparian ecosystems, the proposed development will not introduce any impacts that could compromise these processes or the habitats and species associated with the waterway. The development is therefore considered to satisfy the objectives and performance requirements of the clause.

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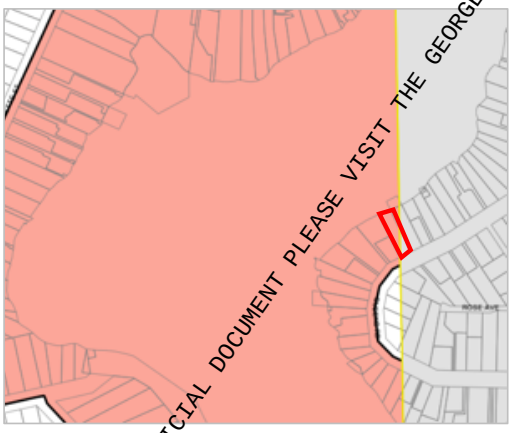
6.6	**Foreshore Scenic Protection Area** *Objectives:* (a) to protect, maintain and improve the scenic amenity of the Georges River foreshore, (b) to protect, maintain and improve significant views of and from the Georges River, (c) to protect, maintain and improve the diversity and condition of native vegetation and habitats, (d) to reinforce and improve the dominance of landscape over built form, hard surfaces and cut and fill, (e) to encourage the recovery of threatened species and their communities, populations and habitats, (f) to enhance existing environmental, cultural and built character values of the foreshore.	 Figure 19 : FSPA Map Source: GRLEP 2021 The site is identified as being within the "Foreshore scenic protection area" on the Foreshore Scenic Protection Area Map, as highlighted in **Figure 19** above. No significant issues arise in terms of the prerequisites to the grant of consent as prescribed in this clause. There is no remnant bushland evident on the site. Notwithstanding, the proposed planting throughout the site will make a positive contribution to the fauna and flora habitat values of the context. The proposal does not unduly interfere with views to the Georges River from the adjacent public domain and adjoining and nearby residential properties, given the siting and orientation of existing built forms, prevailing topography and aspect across the locality.	Yes
6.9	**Essential Services** Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—	The subject land is currently provided with the necessary service arrangements. If the subject proposal warrants an upgrade of these services, this can be readily accommodated.	Y

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	(a) the supply of water, (b) the supply of electricity, (c) the supply of telecommunications facilities, (d) the disposal and management of sewage, (e) stormwater drainage or on-site conservation, (f) suitable vehicular access.		
6.10	**Design Excellence** This clause applies to development on the following land— (a) land identified on the Foreshore Scenic Protection Area Map if the development is for one or more of the following purposes— (i) bed and breakfast accommodation, (ii) health services facilities, (iii) marinas, (iv) residential accommodation, except for secondary dwellings,	This clause applies to development on land identified on the Foreshore Scenic Protection Area Map when proposed for certain purposes, including residential accommodation other than secondary dwellings. As the proposal involves the construction of a dwelling on land mapped within the Foreshore Scenic Protection Area, the provisions of this clause are applicable. In response to the matters for consideration under Clause 6.10(5), the development is considered to demonstrate a high level of architectural quality and visual refinement. The dwelling incorporates a well-balanced and contemporary façade composition that is consistent with the design character envisaged for development along the foreshore. A carefully coordinated palette of materials, combined with a well-articulated building form, provides visual interest while ensuring the external appearance remains harmonious and respectful of its sensitive setting. The development represents a suitable and contextually appropriate outcome for the land, being permissible and consistent with the existing dwelling typologies and architectural patterns present along the foreshore environment. The proposal will not affect any heritage items, which are located at a sufficient distance from the site, nor will the scale, massing or spatial arrangement of the dwelling appear incongruous within the established foreshore context. The form and proportions of the dwelling visually integrate with surrounding built forms, presenting as an orderly and well-resolved addition to the scenic landscape. Environmental amenity impacts—such as privacy, overshadowing and view sharing—have been appropriately managed through the design response and remain within acceptable thresholds. The proposal also provides generous landscaping across the site, substantially exceeding the base minimum requirement and contributing to the natural character of the foreshore.	Y

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6.12	**Landscaped Areas in certain residential and environment protection zones** Development consent must not be granted to development on land to which this clause applies unless a percentage of the site area consists of landscaped areas that is at least— (a) for a dwelling house located on land within the Foreshore Scenic Protection Area—25% of the site area (excluding the access handle) equating to 214.8m^2.	The subject development seeks to provide 221.27m^2 of landscaping to the site equating to 25.7%.	Y

Table 3: Georges River Local Environmental Plan 2021 Compliance Table

5.7 Development Control Plans

5.7.1 Georges River Development Control Plan 2021

The Georges River Development Control Plan 2021 ('Georges River DCP') applies to the majority of land within the Georges River LGA including the subject site. It was adopted by the Georges River Council on 24 March 2021 and subsequently came into effect on 8 October 2021. It supports the provisions of the Georges River LEP by providing additional objectives and development controls to guide and enhance development within the Georges River LGA.

The relevant provisions of the Georges River DCP are discussed in the compliance table as follows. The bulk of the provisions within the DCP have been deliberately omitted from this table because they are not applicable to the subject site or proposal.

Georges River Development Control Plan 2021			
Controls	**Requirement**	**Proposed**	**Complies**
Part 3 - General Planning Considerations			
3.2 - Biodiversity	*3.2.1 - Trees & Vegetation*		
	Development is to comply with the provisions of the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017.	The proposed development does not seek the removal of any trees from the site.	Y
	Development is to comply with the provisions of the Biodiversity	The site is not identified as having high biodiversity value, based on the NSW	N/A

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	Conservation Act 2016 and the Biodiversity Regulation 2017.	Department of Planning & Environments Biodiversity Values Map.	
3.3 - Landscaping	Landscaping on site should be incorporated into the site planning of a development to (where appropriate): i. Reinforce the desired future character of the locality; ii. Maintain significant landscape features; iii. Be consistent with any dominant species in the adjoining area of ecological significance; iv. Incorporate fire resistant species in areas susceptible to bushfire hazard; v. Provide planting within setback zones (setbacks identified within the relevant applicable parts of the DCP); vi. Soften the visual impact of buildings, carparks and roads; vii. Cater for outdoor recreation areas; viii. Separate conflicting uses; ix. Screen undesirable elements; x. Provide opportunities for on site stormwater infiltration, in particular around existing trees and vegetation; xi. Consider the future maintenance requirements of landscaped areas; xii. Protect the effective functioning of overhead, surface level or underground utilities; and xiii. Improve the aesthetic quality of the development.	The landscaping proposed for the site has been thoughtfully integrated into the overall design, creating a cohesive transition between the built form, the streetscape and the foreshore environment. The use of predominantly native and coastal-appropriate species reinforces the desired future character of the locality and complements the ecological qualities of the adjoining riparian corridor. Existing natural features are retained where possible, allowing the landscape to sit comfortably within its setting while enhancing visual and ecological continuity. Planting is distributed across all setback areas, including a well-structured front garden with indigenous trees and mass-planted native groundcovers, extensive soft planting along both side boundaries, and layered coastal planting throughout the foreshore zone. These treatments soften the appearance of the dwelling and associated structures, provide privacy, screen functional elements, and frame outdoor recreation spaces such as the pool terrace, alfresco area and garden seating zones. The plant schedule incorporates resilient species that are low-maintenance, fire-conscious and suited to the climatic and coastal conditions of the site. The landscape layout has also been designed to promote permeability and on-site stormwater infiltration, with large areas of turf and garden beds retained at natural ground levels, particularly in proximity to existing trees and vegetation. At the same time, the placement of planting respects the location of utilities, drainage lines and retaining structures to ensure their long-term functionality is not compromised.	Yes

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		Overall, the landscaping enhances the aesthetic quality of the development, strengthens its relationship to the surrounding coastal landscape, and delivers a well-resolved and environmentally responsive outcome that aligns with the objectives	
	Landscape planting should achieve a mature height in scale with the structures on the site.	The proposed landscape planting has been selected to achieve mature heights that are well-proportioned to the scale and form of the built structures on the site. The planting strategy incorporates a deliberate mix of canopy trees, mid-storey shrubs, and low-growing groundcovers that, over time, will create a layered and visually balanced interface between the dwelling and the surrounding landscape. Larger feature species—such as the 75L Agonis flexuosa (Weeping WA Myrtle) and Olea 'Tolleys Upright'—are placed strategically within setback and garden areas where their mature form will complement the height and massing of the dwelling without overwhelming it. Mid-scale species, including Elaeocarpus 'Green Dream' and Garden Harvest Olives, provide additional structure and visual depth, enabling the planting to read as an integrated extension of the architecture. Along the foreshore and side boundaries, the use of medium-height native shrubs and screen plantings ensures appropriate visual softness while maintaining the human-scaled proportions necessary for both amenity and ecological function. Low-growing species throughout the pool terrace and lower garden level help maintain view corridors while contributing to a cohesive ground-plane landscape. Collectively, the selected plant palette is capable of reaching mature heights that harmonise with the built form and	Yes

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		strengthen the relationship between the dwelling, the site's topography, and the natural foreshore setting.	
	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).	The proposed planting will incorporate a proportion of locally indigenous species. This requirement may be reinforced by a suitable condition of development consent, if deemed necessary.	Yes
	Hydrological issues should be considered at the early stages of design for development around and close to trees on development sites.	Noted.	Y
	Public domain works including street tree planting should comply with Council's relevant policies including: i. Kogarah North Public Domain Plan ii. Kogarah Street Tree Management Strategy and Masterplan 2009; iii. Hurstville Street Tree Management Study 2015; and iv. Georges River Public Domain Streetscape works specifications 2019.	A consent condition may be imposed that formalises this requirement.	Y
	Topsoil and mulch should be included in landscape areas and should contain organic matter to support plant growth.	These requirements may be reinforced by suitable conditions of consent, if deemed necessary.	Y
	Where landscaping is provided in a structured environment such as a raised planter box or 'on slab' they should include waterproofing, drainage and automatic irrigation. The minimum plant material pot container sizes for trees should be 75 litres and minimum soil depth for shrubs 200mm and groundcovers 150mm.	These requirements may be reinforced by suitable conditions of consent, if deemed necessary.	Y
3.5 Earthworks	*3.5.1 - Excavation (including cut and fill)*		
	Cut and fill should not alter natural or existing ground levels by more than 1m.	The extent of excavation proposed is not an unreasonable outcome having regard to the sites characteristics noting that excavation in order to create functional floor levels that for most part, anchor the	Merit

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		dwelling to the slope. Excavation has been proposed beneath the building footprint and internal to the site, with no substantive boundary cuts and or retaining structures proposed on shared side boundaries. Furthermore, the excavation allows for the dwelling to step into the slope in lieu of raising it above natural ground that reduces the dwelling's prominence from both the street and the rear where the dwelling fronts the foreshore. Importantly, the excavation works will have no bearing on the retention of natural site features.	
	Habitable rooms (not including bathrooms, laundries and storerooms) are to be located above existing ground level.	All such rooms are located above the existing ground level.	Yes
	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).	The proposal will not unreasonably impact the health and or longevity of any neighbouring trees and or vegetation.	Yes
	Soil depth around buildings should be capable of sustaining trees as well as shrubs and smaller scale gardens.	The proposed planting in the vicinity of the building works will be supported by appropriate soil depths.	Yes
	Earthworks are not to increase or concentrate overland stormwater flow or aggravating existing flood conditions, on adjacent land.	The proposed excavation works will not result in these impacts.	Yes
	3.5.2 - Construction Management/Erosion and Sediment Control		
	Development must minimise any soil loss from the site to reduce impacts of sedimentation on waterways through the use of the following: • Sediment fencing • Water diversion • Single entry / exit points	Suitable measures are to be installed and maintained during the construction stages to prevent migration of sediment from the site. This requirement may also be reinforced by suitable conditions of consent.	Yes

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	• Filtration materials such as straw bales and turf strips Refer to NSW Guidelines for Erosion and Sediment Control on Building Sites for further guidance.		
	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 details are to be in accordance with The Blue Book – Managing Urban Stormwater: Soils & Construction by Landcom.	An erosion and sediment control plan accompanies this DA package.	Yes
	Development is to minimise site disturbance, including impacts on vegetation and significant trees and the need for cut and fill.	Site disturbance is minimised as far as practicable, noting that no significant trees are likely to be impacted while the extent of any unnecessary cut/fill is also minimised.	Yes
	Development which has high potential risk to groundwater must submit a geotechnical report to address how possible impacts on groundwater are minimised.	The nature and scale of the proposal is unlikely to result in any undue impact to groundwater. This was confirmed in the accompanying geotechnical assessment prepared by MM Geo Mechanics.	Yes
	Work must not be carried out in a public road or footpath unless a permit has been granted by Council (or other relevant roads authority) under s.138 of the Roads Act 1993, and/or s.68 of the Local Government Act 1993.	Noted. This requirement may be readily addressed by suitable conditions of consent, if deemed necessary.	Yes
3.8 - View Impacts	Development shall provide for the reasonable sharing of views.	The proposed built form has been sensitively located for the purpose of maintaining the reasonable sharing of views. In this regard, the proposed siting, scale, and spatial relationship the proposed dwelling will have with neighbouring properties will offer to ensure that any potential view impacts are appropriately mitigated.	Yes
3.10 - Water Management	Development must comply with Council's Stormwater Management Policy 2020 which provides detail of drainage requirements for different development types.	A concept stormwater drainage plan has been prepared by Acroyali Engineering. It is understood that this plan has been designed in response to any prescribed requirements.	Yes

	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.	As above.	Yes
	Measures to control pollutants in stormwater discharge from development sites are to be included in any development.	The application is supported by music modelling.	Yes
	Runoff entering directly to waterways or bushland is to be treated to reduce erosion and sedimentation, nutrient and seed dispersal.	As above.	Yes
3.12 - Waste Management	Development must comply with Council's Waste Management requirements regarding construction waste and ongoing management of waste materials (see Appendix 4).	The development has been designed to comply with Council's Waste Management requirements for both construction and ongoing operational waste, as outlined in Appendix 4 of the DCP. The designated location for domestic waste storage has been retained at ground level along the south-western side of the garage, ensuring convenient access for residents while enabling bins to be presented to the street in a safe and efficient manner without impacting the streetscape or pedestrian movement. In support of the application, a comprehensive Waste Management Plan prepared by RM Design Studio accompanies the DA. This document details the procedures for managing construction waste, including sorting, recycling, and disposal methods, as well as measures to minimise waste generation throughout the building process. The plan also outlines the long-term management of household waste, demonstrating that the development provides adequate storage, handling and collection arrangements consistent with Council's requirements. Overall, the proposal satisfies Council's waste management provisions and	Yes

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		incorporates appropriate measures to ensure responsible handling of waste during both construction and ongoing occupancy.	
3.13 - Parking Access & Transport	The car parking rate for development types are outlined in Table 1 – Parking Requirements. In the event of a discrepancy between the parking rates specified in this Part of the DCP and any another, the specific requirements identified within the detailed controls for a locality/area shall prevail.	This table prescribes a car parking rate of 2 spaces for dwelling houses with 3 or more bedrooms. Two (2) car parking spaces in the form of garage.	Y
	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 car spaces and internal driveway are designed to comply with the relevant standards.	Y
	Design vehicular access in accordance with the current Australian Standard for 'offstreet parking (Part 1) 'and 'off-street carparking for commercial vehicle	The vehicular access is designed to comply with the relevant standards.	Y
	Avoid locating accessways to driveways adjacent to the doors or windows of habitable rooms.	The location of the driveway will not result in an adverse impact with any habitable spaces across the dwelling.	Y
	All driveways are to be finished in plain concrete.	Noted. This requirement may be readily addressed by suitable conditions of consent, if deemed necessary.	Y
	In streets which have brick paved surfaces, driveways are constructed to Council's Engineering Specification including a concrete base with matching brick paving surface.	The adjacent road carriageways are paved in bitumen.	N/A
	Large areas of at grade carparking are to be constructed of concrete or a light coloured material to minimise heat load. Tree planting within the carparking will be required to provide shade.	Given the nature of the proposal, this requirement is irrelevant.	N/A

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Part 5 - Residential Locality Statements			
5.16 Connells Point and Kyle Bay Locality Statement	*Future Desired Character*		
	• Retain and enhance the prominence of the bushland landscaped character in new development through tree planting and landscaping. • Encourage tree planting and landscaping within the front setback space to enhance the existing leafy streetscape character. • Encourage the retention of trees and sharing of water views wherever possible, including screening via vegetation rather than solid walls. • Public views to waterways should be retained from streets and public places.	The proposed development responds strongly to the desired future character of the Connells Point and Kyle Bay locality by embracing a landscape-focused design that enhances the natural, leafy qualities of the area. Extensive planting across the site—including native shrubs, coastal groundcovers and new canopy trees within the generous front setback—reinforces the established character and contributes to the verdant streetscape that defines the locality. This approach also ensures that the prominence of vegetation remains a defining feature of the property, particularly when viewed from the public domain. Careful attention has been given to preserving existing natural features and supporting soft screening through vegetation rather than hard structures. The proposed layered planting along boundaries and within key outdoor spaces, helps maintain the area's visual softness while supporting view sharing between neighbouring properties. Importantly, the scale and siting of the dwelling ensure that public views toward the water are not diminished. The built form steps down toward the foreshore and is visually integrated with surrounding landscape treatments, allowing the natural environment—and the waterway itself—to remain the dominant visual element from public vantage points. Together, these measures create a development that sits comfortably within its setting and aligns closely with the locality's aspirations for a lush, landscape-rich environment that protects natural features, supports view sharing, and maintains public views to the waterways.	Yes

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Part 6 - Residential Controls; 6.1.2 - Single Dwellings			
Streetscape Character & Built Form	New buildings and additions are to consider the Desired Future Character statement in Part 5 of this DCP.	Refer to the preceding commentary.	Yes
	New buildings and additions are to be designed with an articulated front façade.	The architectural plans for the proposed dwelling clearly demonstrate a front façade that is highly articulated and thoughtfully composed. The Queens Road elevation reveals a carefully modulated arrangement of forms, where the garage, entry sequence, upper-level bedroom volumes and balcony elements are each expressed as distinct components within a broader cohesive composition. This stepped arrangement, shown consistently across the street-facing elevations and floor plans, ensures the building reads as a series of interlocking volumes rather than a single unbroken mass. The façade is further enriched through deliberate variation in depth, with recessed portal frames, projecting balcony slabs, and sheltered circulation spaces that generate pronounced shadowing and visual relief. The architectural drawings illustrate how these recessed and projecting forms give the elevation a layered character, softening the scale of the building when viewed from Queens Road and reinforcing a sense of architectural hierarchy across the frontage. Material differentiation, as indicated on the elevations and material notations, provides additional articulation through the juxtaposition of smooth rendered walls, feature cladding, glazed openings and slender metal detailing. These elements are strategically positioned to highlight transitions between volumes and to emphasise the vertical and horizontal rhythms established by the building's structural grid. The façade composition uses these materials not merely as surface treatments but as	Yes

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		architectural devices that delineate form, frame openings and enhance legibility. Window placement, balcony recesses and the alignment of internal spaces with the external façade treatment also contribute to the building's articulated expression. The upper-level fenestration presents as a balanced sequence of openings, some deeply set within the building envelope, creating variation in relief and offering a refined architectural response. Likewise, the entry level's covered porch and transitional threshold space provide an inviting, human-scaled moment within the larger form. Together, the architectural plans demonstrate a façade that is visually dynamic, well-proportioned and consistent with contemporary design expectations. The articulation is not applied superficially but is embedded in the massing strategy, structural layout and material coordination.	
	Dwelling houses are to have windows presenting to the street from a habitable room to encourage passive surveillance.	The proposed dwelling clearly satisfies the requirement to provide windows from habitable rooms facing the street to promote passive surveillance of the public domain. The architectural plans demonstrate that the front elevation is anchored by several habitable spaces that provide a reasonable level of outlook over Queens Road. The proposal therefore meets the intent of the control by ensuring that the dwelling contributes to an active and passively observed streetscape.	Yes
	The maximum size of voids at the first floor level should be a cumulative total of 15m² (excluding voids associated with internal stairs).	Apart from the stair, no other voids are proposed.	Yes
Building Scale & Height	New buildings are to consider and respond to the predominant and desired future scale of buildings within the neighbourhood, and consider the	The proposed dwelling has been designed with careful regard for the existing and emerging scale of residential development along Queens	Yes

	topography and form of the site.	Road and the broader foreshore locality. The architectural plans illustrate a building that is appropriately proportioned and consistent with the prevailing built form, which comprises a mix of contemporary multi-level dwellings stepping down towards the water, alongside older single- and double-storey homes that are gradually transitioning to more articulated and modern replacements. The height and massing strategy responds directly to the natural slope of the site, with the dwelling arranged over multiple levels that follow the topographic fall towards Oatley Bay. Rather than imposing a singular, elevated mass, the proposed form is stepped and modulated, reducing perceived bulk and ensuring that each level aligns comfortably with the site's contours. This terraced configuration is clearly depicted on the section drawings and level transitions within the architectural plans, demonstrating how the building sits into, rather than above, the landscape. Towards the street, the scale presents as a refined, two-storey built form, consistent with the predominant frontage character along Queens Road. As the site slopes away, the built form increases in height only where naturally supported by the descending terrain, allowing the overall building profile to remain visually contained when viewed from public vantage points. This approach is typical of foreshore-adjacent streets within the locality, where dwellings adopt stepped, multi-level arrangements to reconcile amenity, views and topographic constraints. In terms of desired future character, the proposal aligns closely with the architectural direction of newer	

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		developments in the area, which feature articulated façades, layered massing, and site-responsive height transitions. The design ensures that the final building envelope is proportioned, visually balanced and sympathetic to its context, contributing positively to the neighbourhood's evolving built form while respecting the natural landscape that defines the foreshore setting. Overall, the proposed scale and height respond sensitively to both the surrounding development pattern and the site's topography, achieving a coherent outcome that supports the desired future character for the locality.	
	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 subject site exhibits a pronounced slope falling from Queens Road towards the foreshore, with a gradient significantly steeper than 1:10. In direct response to this topographic condition, the proposed dwelling has been designed as a multi-level, split-form residence that steps progressively down the natural fall of the land. The architectural plans clearly illustrate this approach through the arrangement of the entry level, upper bedroom levels and lower-ground living and recreation spaces, each positioned at heights that closely align with the existing contours. This split-level strategy minimises the extent of excavation required and avoids the need for excessive cut or fill across the building footprint. Instead of imposing a uniform slab or benching platform, the design allows each level to be nested into the slope, reducing retaining wall heights and ensuring that natural ground levels are maintained where practicable. The result is a dwelling that sits organically within the landscape rather than appearing elevated or artificially imposed upon it. The stepped profile of the building also assists in breaking down its apparent bulk, enhancing the architectural	Yes

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		articulation already present in the façade and maintaining a scale that is consistent with the surrounding foreshore dwellings that adopt similar terracing solutions. Internally, the level changes create a highly functional layout with planned transitions between living, bedroom and outdoor spaces that take full advantage of the site's unique topography and water outlook. Overall, the design demonstrates a clear and sensitive response to the site's slope, effectively employing a split-level building form to limit earthworks, retain natural landform, and achieve an architecturally cohesive outcome	
	A maximum of two (2) storeys plus basement is permissible at any point above ground level (existing).	The architectural plans for the proposed dwelling demonstrate substantial compliance with this requirement across the majority of the building footprint. The design has been carefully stepped to respond to the natural fall of the land, resulting in a predominantly compliant two-storey presentation when measured against existing ground levels. A minor departure from this control occurs centrally within the dwelling where the relevant floor level projects more than 1 metre above natural ground level, resulting in a technical third storey under the DCP definition. This exceedance is limited in extent, localised to the internal core of the building, and is not perceivable as an additional storey when viewed from the street or the foreshore. A second, similarly constrained departure occurs in the vertical alignment of the home office, where a small section also exceeds the DCP threshold due to the steeply sloping terrain beneath that portion of the structure. These areas of non-compliance are a direct consequence of the site's	Merit

		pronounced slope, which falls significantly from Queens Road toward the water. To maintain an appropriately stepped, split-level design that minimises excavation and cut, certain upper-level elements inevitably register as being more than 1 metre above the existing ground level when measured strictly under the DCP definition. Importantly, despite this numerical triggering of an additional "storey," the built form continues to present as a two-storey dwelling in visual and architectural terms, consistent with the desired future character for the locality. The departures are minor, isolated, and do not contribute to any unacceptable bulk, height or visual dominance. The articulation of the façade, the terraced massing strategy, and the building's siting within the slope ensure that the overall scale remains well aligned with neighbouring development and the foreshore context. As such, the variation is considered reasonable, unavoidable given the topography, and compliant with the broader intent of the control.	
Setbacks	*Front Setbacks*		
	The minimum setback from the primary street boundary is: i. 4.5m to the main building wall / facade; ii. 5.5m to the front facade of a garage or carport, or at least 1m behind the main building wall / facade, whichever is the greater; iii. Where the prevailing street setback is greater than the minimum, the average setback of dwellings on adjoining lots is to be applied.	The proposal comfortably meets and exceeds Council's minimum street setback requirements. The architectural plans confirm that the dwelling presents a front setback of 6.3m to the cantilevered home office element, which sits well beyond the required 4.5m minimum for the main building façade. The garage is recessed even further, achieving an 8.0m setback, which not only exceeds the 5.5m minimum for garages but also satisfies the requirement that garages be located at least 1m behind the main building line. The entry porch is recessed deeper again, with a setback of 10.28m from the primary street boundary, introducing additional modulation and contributing	Yes

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		to an articulated, layered frontage. This tiered arrangement of building elements creates a clear hierarchy across the façade and reinforces a softened transition from the public domain into the dwelling. When considered alongside the neighbouring dwellings, the proposed setbacks provide a well-balanced response to the prevailing pattern along Queens Road. The increased setbacks accommodate ample landscaping opportunities within the frontage and maintain a generous spatial relationship between built forms. This results in a frontage that reads as consistent with, and respectful of, the established and emerging character of the locality. Overall, the street setbacks achieved by the proposal demonstrate a sensitive and compliant design approach that supports visual continuity, enhances streetscape appeal, and aligns with the intent of the DCP controls.	
	Side and Rear Setbacks		
	Buildings are to have a minimum rear setback of 15% of the average site length, or 6m, whichever is the greater.	The dwelling will observe a minimum setback from the rear boundary of 21.95m as measured from the MHWM to the ground floor sliding door.	Yes
	The minimum side setbacks for ground and first floor are: i. 900mm for lots up to 12.5m in width measured at the front building line for the length of the development. ii. 1.2m for lots greater than 12.5m in width measured at the front building line for the length of the development. iii. 1.5m for all lots within the Foreshore Scenic Protection Area measured at the front building line for the length of the development.	In this case, a minimum side setback of 1.5m applies. Side setbacks ranging between 1m and 1.5m is proposed along the south-western side and 1.5m to 3m along the north-eastern. While this represents a departure along the south-western side of the dwelling, it is offset by increased setbacks along the north-eastern boundary, where generous separations of up to 3.0m provide ample spatial relief between buildings. This variation helps balance the overall building envelope and maintains a spacious relationship with neighbouring	Merit

		properties. The dwelling's articulated façade, stepping of levels in response to topography, and careful placement of openings further mitigate any perception of bulk associated with the reduced setback. Importantly, the proposal maintains appropriate levels of privacy, solar access, view sharing and visual separation, consistent with the intent of the control. Opportunities for landscaping are also preserved along both boundaries, with the architectural and landscape plans showing continuous planting and softening treatments that reduce visual prominence and improve the interface between properties. Given the steep topography of the site and the need to adopt a split-level design that minimises excavation, the minor variability in the south-western setback represents a reasonable and site-responsive outcome. The development therefore achieves the broader objectives of the side setback provisions, balancing visual spacing, amenity outcomes, and contextual consistency with the surrounding foreshore character.	
Private Open Space	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).	The proposed development provides private open space that fully satisfies the intent and quantitative requirements of the DCP. The primary POS area is located at the rear of the dwelling, well behind the building line, and is positioned to maximise amenity, privacy and functional connection to internal living spaces. This space forms part of the lower-ground level outdoor living domain, directly accessible from the main living, dining and kitchen areas, ensuring seamless indoor–outdoor integration.	Yes

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		The POS area exceeds the minimum required 60m², offering a generous combination of levelled lawn, pool terrace and alfresco zones that significantly surpass the minimum dimensional requirement of 6 metres. While the site presents a pronounced fall toward the foreshore, the principal POS area itself is located on a single, functional level, consistent with the control's requirement. The architectural and landscape plans demonstrate that this POS has been designed as a cohesive, usable and high-amenity space. Its position to the rear not only aligns with the DCP requirement but also takes full advantage of the property's aspect, views and privacy. The layout ensures that the area receives ample solar access, is well-screened from neighbouring properties, and is large enough to accommodate a variety of outdoor recreation activities for future occupants. Overall, the proposed POS is compliant, appropriately located, and clearly designed to provide high-quality outdoor living consistent with both the numerical and qualitative objectives of the DCP.	
	Private open space is to be located so as to maximise solar access.	The proposed development provides private open space that has been deliberately positioned and designed to maximise solar access throughout the day. The principal POS area is located on the northern side of the rear living domains, aligning with the orientation of the site and ensuring that sunlight is able to penetrate deeply into the outdoor living spaces. Its placement adjacent to the main living, dining and kitchen areas enables both the internal and external recreational spaces to benefit from extensive northern light.	Yes

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		The POS layout—comprising the alfresco terrace, lawn area and pool surrounds—is situated on a single, open level with minimal overshadowing from the built form. The architectural arrangement ensures that upper-storey elements are set back and modulated in a way that prevents excessive shading over these primary outdoor areas. The stepped building massing, which follows the natural fall of the site, further enhances sunlight penetration by reducing the height and bulk of structures directly adjacent to the POS. Given the site's favourable orientation and the intentional placement of the outdoor spaces, the POS benefits from consistent and reliable solar access, supporting year-round usability, comfort and amenity. The design therefore accords with the DCP objective by ensuring that private open space is located and configured to take full advantage of available sunlight.	
	Private open space is to be designed to minimise adverse impacts upon the privacy of the occupants of adjacent buildings.	The private open space has been designed to ensure that the amenity and privacy of neighbouring properties are protected and that no unreasonable overlooking occurs. The POS is located at the rear of the dwelling, positioned downslope and set well away from the adjoining buildings along both the north-eastern and south-western boundaries. This natural level separation, combined with the stepped building form, significantly reduces opportunities for direct lines of sight into neighbouring private areas. The architectural plans further demonstrate that the main outdoor living areas adjoin internal living spaces rather than upper-level habitable rooms, ensuring that activity on the POS occurs at ground level and remains visually contained within the site. The landscape plans also incorporate strategic perimeter planting,	Yes

		including low-maintenance privacy shrubs and layered vegetation along both boundaries, which act as soft screening to interrupt oblique views while maintaining the open character of the foreshore setting. Balconies and elevated outdoor areas are positioned and oriented to minimise overlooking toward neighbouring dwellings, while the rear POS benefits from a generous setback and landscaping buffer that strengthens privacy between properties. The combination of level changes, setback distances and landscaping ensures that the POS does not create adverse privacy impacts for adjoining residences.	
Landscaping	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.	A landscaped area of 221.27m^2 or 25.7% of the site area is provided well in excess of the minimum 25% requirement prescribed by clause 6.12 of the Georges River LEP.	Yes
	Provide a landscape setting within the primary and secondary street frontages, where hard paved areas are minimised. At a maximum, impervious areas, including hardstanding, gravel, concrete or other material that does not permit landscaping, are to occupy no more than 40% of the street setback area.	The proposed development provides a generous and visually appealing landscaped setting to the primary street frontage, ensuring that soft planting remains the dominant feature within the setback. The plans illustrate a rich composition of native shrubs, groundcovers, deep-soil garden beds, and an indigenous feature tree within the front setback, creating a green and natural transition between the street and the dwelling. Hard surfaces have been kept to a minimum, with only the driveway, entry path and pedestrian access forming the impervious elements of the frontage. The landscape calculations confirm that impervious areas within the front setback amount to 56.40m², equating to 41%, which aligns closely with Council's maximum threshold and is visually offset by the extensive soft landscaping provided. The distribution of planting	Yes

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		across the frontage effectively softens the appearance of the built form, screens structural elements and reinforces the leafy character that defines Queens Road. Overall, the design achieves a well-balanced frontage where soft landscape dominates, hard paving is minimised, and the streetscape presentation contributes positively to the desired future character of the locality.	
	Developments should avoid unnecessary earthworks by designing and siting buildings that respond to the natural slope of the land. The building footprint must be designed to minimise cut and fill by allowing the building mass to step in accordance with the slope of the land.	The proposed development has been carefully designed and sited to respond to the significant natural slope of the land, thereby avoiding unnecessary earthworks. Rather than imposing a uniform structural platform across the site, the building footprint has been configured as a series of stepped levels, each following the natural fall from Queens Road down toward the foreshore. This approach is clearly illustrated in the architectural sections and floor levels, which show the dwelling's massing cascading down the site in a manner that mirrors the existing topography. By adopting this split-level arrangement, the design significantly reduces the extent of cut and fill required, confining earthworks to only those areas necessary for structural stability and access. This sensitive siting strategy limits disturbance to natural ground levels and ensures that retaining elements remain modest in scale. The stepped configuration also assists in visually embedding the building into the landscape rather than presenting as a single elevated form.	Yes
Vehicular Access, Parking & Circulation	Car parking is to be provided in accordance with the requirements in Part 3 of this DCP.	This table prescribes a car parking rate of 2 spaces for dwelling houses with 3 or more bedrooms. Two (2) car parking spaces in the form of garage.	Yes

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	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).	We have been informed that the car spaces and internal driveway have been designed to comply with the relevant standards. Refer to the civil engineering drawing prepared by Acroyal accompanying this application.	Yes
Visual Privacy	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.	The proposed dwelling has been designed to ensure that windows from active rooms do not give rise to direct overlooking of neighbouring dwellings. The architectural plans demonstrate that the majority of windows facing the side boundaries are either offset, narrow in proportion, or associated with non-habitable or low-intensity rooms, thereby reducing the potential for privacy conflicts. Where habitable room windows do face adjoining properties, these have been carefully positioned to avoid alignment with neighbouring windows, ensuring that lines of sight do not intrude upon the private internal spaces of adjacent dwellings. In several locations, window openings are oriented toward the rear outlook or internal courtyard areas rather than toward the side boundaries, further mitigating opportunities for direct visual overlooking. Additionally, upper-level windows have been designed with controlled sill heights, recessed positions, or screening elements where required to preserve privacy. The stepped building form, which follows the topography of the site, also naturally assists in breaking potential sightlines by creating vertical separation between habitable spaces and adjoining properties.	Yes
	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.	The design of the upper-level habitable rooms and balconies has been carefully developed to ensure that views toward adjoining properties are limited to oblique angles, thereby protecting	Yes

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		neighbouring privacy in accordance with Council's controls. The architectural plans show that windows associated with upper-level bedrooms, the home office, and other active spaces are strategically positioned to avoid direct alignment with adjacent dwellings. This is achieved through the use of offset window placement, façade modulation, and the natural stepping of levels that follows the site's topography. Where windows face the side boundaries, their dimensions, sill heights, and orientations have been controlled so that any potential sightlines toward neighbouring windows or private open space occur at an oblique angle rather than directly across boundary lines. The building's vertical articulation and recessed wall planes also assist in breaking up view corridors and preventing direct overlooking opportunities. Similarly, upper-level balconies have been designed to maintain privacy-sensitive orientations, focusing outward toward the foreshore and internal views rather than toward adjoining properties. Where necessary, screening elements—such as the placement of balustrades, side returns, or architectural projections—further limit the potential for cross-boundary visibility while still allowing access to light, ventilation, and distant views.	
	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.	A levels and detail survey accompanies the DA. This survey includes an appropriate level of information in this respect.	Yes
Noise	Noise generators such as plant and machinery including air conditioning units and pool pumps are located away from windows or other openings in	These requirements may be readily addressed by suitable conditions of consent, if deemed necessary by the council.	Yes

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	habitable rooms; they are to be screened to reduce noise or acoustically treated.		
Solar Access	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.	The proposed development has been designed to ensure that both internal living spaces and private open space receive adequate solar access in accordance with Council's requirements. The dwelling's orientation, stepped form, and arrangement of glazed openings allow sunlight to penetrate key habitable areas throughout the day, with the architectural plans confirming that living room windows receive at least 3 hours of direct sunlight between 9am and 3pm on 21 June, even under mid-winter conditions. The design strategically positions the primary living, dining and kitchen areas on levels that benefit from the site's natural aspect, with large, well-oriented windows capturing northern and north-eastern light. The building's stepped configuration—responding to the site's fall—reduces opportunities for self-shadowing and ensures that upper and lower living zones maintain access to direct sunlight during the required time period. Similarly, the principal private open space area, located at the rear of the dwelling and directly connected to the main living rooms, receives well in excess of the required 50% minimum solar access on 21 June. The POS benefits from its placement on an open, level terrace with minimal overshadowing from the dwelling itself. The stepped massing, recessed upper levels, and careful orientation of retaining structures collectively ensure that winter sunlight reaches a substantial portion of this outdoor area throughout the day.	Yes
	Direct sunlight to north-facing windows of habitable rooms and 50% of the	The architectural shadow diagrams for 21 June demonstrate that the	Yes

	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.	proposal does not reduce sunlight to the north-facing windows of habitable rooms in neighbouring dwellings to less than the required 3 hours between 9am and 3pm. The form and stepping of the building, which follows the natural fall of the site, limits the extent of overshadowing cast toward the adjoining lots. Similarly, overshadowing of principal private open space areas on neighbouring properties remains compliant. The shadows generated by the proposal during mid-winter do not result in more than 50% of the adjoining POS being in shade for the majority of the required period. The built form is arranged so that upper-level elements are recessed or pulled back from the side boundaries, reducing overshadowing impacts and ensuring that sunlight continues to reach adjoining open space during the critical midday hours.	
	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.	The shadow diagrams accompanying the DA provide for a suitable level of information in this respect.	Y
Materials, Colour Schemes & Details	Large expansive surfaces of predominantly white, light or primary colours which would dominate the streetscape or other vistas should not be used.	The proposed dwelling employs a carefully curated and balanced material palette that avoids the use of large, expansive surfaces in white, light or highly saturated colours that could visually dominate the streetscape or foreshore outlook. Instead, the architectural elevations present a combination of muted, natural and complementary tones, which collectively provide depth and visual interest without appearing stark or intrusive.	Yes

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		The façade composition is broken into a series of articulated volumes, ensuring that no single plane or material dominates the building's presentation. The use of controlled colour variation across key elements—such as recessed upper levels, balcony projections, and feature cladding—further reduces the risk of excessive reflectivity or glare, particularly when viewed from the water or surrounding vantage points. The overall effect is a visually restrained and contextually appropriate colour scheme, consistent with the desired character of the foreshore setting. The materials support a design that integrates sensitively into the landscape, complements the surrounding built form, and avoids any visual dominance that would be associated with broad, light-coloured or primary-coloured surfaces.	
	New development should incorporate colour schemes that have a hue and tonal relationship with the predominant colour schemes found in the street.	The proposed colour scheme has been selected to align closely with the prevailing hues and tonal qualities observed along Queens Road, ensuring the new dwelling integrates seamlessly into the established streetscape. The architectural elevations show a palette dominated by natural, muted and earthy tones, including warm masonry finishes, darker metal elements, and textured claddings that echo the contemporary yet restrained character emerging within the locality. These colours reflect the typical materials and tones used in nearby dwellings—predominantly greys, charcoals, warm neutrals and timber accents—creating a strong tonal relationship with the surrounding built form. By avoiding overly bright, light or reflective colours and instead adopting a palette grounded in complementary hues, the design achieves visual	Yes

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		harmony while maintaining a refined architectural identity.	
	All materials and finishes utilised should have low reflectivity.	The materials and finishes used in the external walls and roofing are to be of low reflectivity. This requirement may be addressed by a suitable condition of consent.	Yes
Site Facilities	All dwellings are to be provided with adequate and practical internal and external storage (garage, garden sheds, etc.).	Appropriate storage areas are provided within the garage.	Yes
	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.	Located adjacent to the south-western garage wall.	Yes
	Letterboxes are to be located on the frontage where the address has been allocated in accordance with Australia Post requirements.	The existing letterbox will be maintained.	Yes
Part 6 - Residential Controls; 6.4.1 - Fences & Walls			
Side & Rear Fences	Side and rear boundary fences must not be higher than 1.8m on level sites, or 1.8m as measured from the low side where there is a difference in level either side of the boundary. An additional 300mm of lattice is permitted for privacy screening.	A consent condition may be imposed formalising this requirement.	Yes
	Fencing must have regard for the Swimming Pools Act 1992 on the subject site and adjoining properties where a swimming pool exists or is proposed.	This requirement may be addressed by a suitable condition of consent.	Yes
Retaining Walls	Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing retaining wall or structures on the subject or adjoining allotments. All components, including footings and aggregate lines, must be wholly contained within the subject property.	These requirements may be addressed by suitable conditions of consent.	Yes

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	A retaining wall that is visible from the street or public area must: i. Be constructed to a height no greater than 1.0m, and ii. Be designed so a minimum setback of 1.0m between the retaining wall and the boundary is provided, to permit landscaping, and iii. Be constructed of materials that are durable and do not detract from the streetscape.	No proposed retaining walls are readily visible from the street.	Yes
	No part of any retaining wall or its footings is to encroach onto an easement unless approval from the beneficiary is obtained, and the purpose of the easement is not interfered with.	No proposed retaining walls encroach onto an easement.	N/A
	Any retaining walls, required as part of the dwelling construction to control potential land stability and/or the structural integrity of adjoining properties, must be completed and certified by an appropriately qualified and practicing engineer prior to occupation of the dwelling.	This requirement may be addressed by a suitable condition of consent.	Yes
	Excavation or filling requiring retaining shall be shored or retained immediately to protect neighbouring properties from loss of support and to prevent soil erosion.	This requirement may be addressed by a suitable condition of consent.	Yes
Part 6 - Residential Controls; 6.4.4 - Swimming Pools/Spas			
	Swimming pools/spas are to be located to the rear of properties.	The swimming pool is located at the rear of the property.	Yes
	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.	The swimming pool is centrally sited along the rear set away from side interface boundaries.	Yes
	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	The proposed in-ground swimming pool has been designed in clear accordance with Council's requirement to minimise out-of-ground exposure by positioning the coping as close as practicable to existing ground levels. Given the steep slope of the site falling toward the foreshore, the pool has been	Yes

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	swimming pool consistent with the low side.	carefully sited on the lower portion of the property where the natural grade already sits near the desired pool level. This approach significantly reduces the need for elevated structure and ensures the majority of the pool is embedded within the natural landform. To achieve an even and visually contained pool edge, the design employs localised excavation along the higher, landward side of the pool, allowing the coping to closely match existing contours. The small stone reservoir wall supporting the infinity edge—identified on the landscape plan—remains low in height and consistent with the requirement to minimise the pool's above-ground expression.	

Table 4: Georges River Development Control Plan 2021 Compliance Table

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6.0 ENVIRONMENTAL IMPACT ASSESSMENT

This section will consider the following: The Assessment of the Natural Environmental Impact, the Built Environment Impacts; the Site Suitability and the Public Interest in accordance with Section 4.15 of the EPA Act.

6.1 Assessment of Natural Environmental Impacts

This section will assess the topographic and scenic impacts as well as the water and air quality impacts of the proposed development.

6.1.1 Topography & Scenic Impacts

The proposed development responds sensitively to the site's pronounced topography and will make a positive contribution to the scenic qualities of the locality. The design adopts a stepped, split-level built form that follows the natural fall of the land toward the foreshore, reducing the need for extensive earthworks and ensuring that the dwelling sits comfortably within the landscape rather than imposing upon it. By allowing the building mass to transition with the slope, the proposal preserves the site's inherent landform and maintains the natural rhythm of terraced development characteristic of foreshore properties in Connells Point.

The architectural treatment, including its articulated façade, muted material palette and layered landscaping, ensures the dwelling presents as a refined and recessive addition when viewed from both the street and the water. The building's height and massing are consciously managed to avoid dominating the foreshore, with upper-level elements set back and visually broken into smaller volumes. These measures help protect the area's scenic value and maintain the balance between built form and natural landscape.

Excavation required to accommodate the dwelling and ancillary structures will be carried out in accordance with Council's standard conditions of consent, ensuring structural stability, minimal off-site impacts and appropriate environmental safeguards. The combination of sensitive siting, sympathetic design and controlled excavation results in a development that enhances the locality's visual cohesion and aligns with Council's expectations for development within a highly scenic and topographically varied foreshore environment.

6.1.2 Water & Air Quality Impacts

The proposed development is, in our opinion, unlikely to result in any adverse effects on the locality in terms of water and air quality. Stormwater and runoff will be managed, and the proposal is, in our opinion, acceptable.

6.2 Assessment of Built Environmental Impacts: Character and Context

This section will address the impact of the proposed development on the character and context of the area.

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6.2.1 Impact on the Area's Character

The surrounding streetscape is characterised by a diverse mix of one-, two- and three-storey dwellings that reflect several eras of residential development. Traditional building forms sit alongside more contemporary architectural styles, with an increasingly evident shift toward modern, well-articulated homes as older housing stock is replaced. This evolving pattern has resulted in an emerging contemporary character that is becoming a defining feature of the locality.

The proposed development aligns strongly with this transition. It is conceived as a contemporary, site-responsive dwelling that is compatible with both the existing built form and the desired future character of the area. The siting, scale and overall building volume are consistent with the prevailing spatial rhythm along the street and do not present as excessive or out of character when compared with neighbouring developments. Importantly, the proposal maintains full compliance with the applicable floorspace ratio and building height development standards, demonstrating that the built form sits comfortably within the planning envelope anticipated for the site.

The design adopts a well-articulated architectural expression incorporating varied setbacks, modulated massing and a refined palette of contemporary materials. These elements work together to break down the visual bulk of the dwelling and ensure its presentation is both balanced and sensitive to its surroundings. The provision of substantial new landscaping throughout the site—complementing the design intent and softening the built form—further enhances the development's integration with the streetscape. Mature plantings, deep soil zones and layered garden beds contribute to the visual softness of the frontage and improve the dwelling's appearance when viewed from adjacent properties and the public domain.

Overall, the proposal represents a positive contribution to the evolving character of Queens Road and will reinforce the high-quality contemporary development that is emerging within the area. Its architectural form, scale and landscaped setting ensure that it will sit harmoniously within the existing context while supporting the desired future character

6.3 Assessment of Built Environmental Impacts: Privacy and Amenity

6.3.1 Aural and Visual Privacy

The proposed dwelling has been carefully designed to protect both aural and visual privacy for occupants and neighbouring properties. The building layout positions the primary indoor and outdoor living areas toward the rear of the site, away from the street and adjoining dwellings, thereby reducing potential noise transmission and minimising opportunities for cross-boundary overlooking.

Window placement has been intentionally managed to preserve visual separation between dwellings. Upper-level windows to habitable rooms are either oriented toward the foreshore, offset from neighbouring openings, or provided with controlled sill heights to prevent direct overlooking. Where windows face side boundaries, their size, location and orientation have been selected to ensure that outward views are oblique rather than direct. This approach is reinforced by the stepped building form, which naturally breaks view lines and creates vertical separation that limits inter-visibility between properties.

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The principal private open space has been located at the rear and on a single, contained level, reducing its exposure to neighbouring areas and ensuring activities associated with outdoor recreation do not intrude upon the privacy of adjacent dwellings. The landscaping strategy incorporates a layered planting arrangement along both side boundaries, providing soft visual screening while maintaining the open, vegetated character of the foreshore setting.

From an aural perspective, separation between key active spaces and neighbouring dwellings—combined with the site's natural topography—helps mitigate noise transfer. The dwelling's internal layout also places lower-intensity rooms, such as corridors, bathrooms and circulation areas, toward sensitive boundary interfaces where appropriate, further reducing the likelihood of acoustic impacts.

6.3.2 Solar Access

To assess the impact of the proposed development in terms of overshadowing, shadow diagrams have been prepared by RM Design Studio for 9:00 am, 12 noon and 3:00 pm for the winter solstice (21 June). These diagrams indicate that the extent of overshadowing being cast by the proposed development is predicated on the orientational relationship between the subject and neighbouring sites. Notwithstanding, the proposal will facilitate the provision of acceptable levels of solar access across both the subject dwelling and neighbouring properties.

6.4 Assessment of the Site Suitability

This section will consider the proximity of the site to services and infrastructure; traffic, parking and access issues; and hazards.

6.4.1 Proximity to Services and Infrastructure

As the site is within an established area, electricity, telephone, water and sewerage are also readily available.

6.4.2 Traffic, Parking and Access

The proposal provides four (4) spaces across both a garage and detached carport structures. The proposal demonstrates compliance with Council's maximum car parking requirements and parking dimensions as specified in AS2890.1 – 2004 for off-street parking. We have been informed that the width, gradients and design of the proposed driveway's complies with the recommended geometry for a Category 1 driveway and is, in our opinion, suitable in terms of size and design.

As the proposal complies with the required number of spaces and geometry of Council's DCP and AS 2890.1:2004 and will satisfy the likely parking demand for the proposal, it is in our opinion, suitable from a traffic and parking point of view.

6.4.3 Hazards

The site is not in an area recognised by Council as being subject to landslip, bushfire and or flooding.

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6.5 The Public Interest

This section will consider the social and economic effects of the proposal and the public interest.

6.5.1 Social and Economic Impact

The proposal will have social and economic benefits in the area with the construction of an architecturally designed development. This outcome will cater to the continual demand for low density housing in the LGA.

The proposed development is contemporary in design and will be constructed from visually recessive materials. The proposal also seeks to provide appropriate levels of landscaping reducing its visibility when viewed from neighbouring development and the public domain. The proposal will reduce water and energy consumption through efficient fixtures, fittings and insulation; and will provide off-street parking for residents. This will reduce water consumption and parking congestion in the area.

6.5.2 The Public Interest

The proposed development is considered to be firmly in the public interest. It delivers a high-quality residential outcome that is compatible with the existing and emerging character of the locality, while also complying with the key development standards that regulate built form—including height, floorspace, landscaping and environmental performance. The dwelling adopts a contemporary, well-articulated design that enhances the visual quality of the streetscape and contributes positively to the coastal foreshore environment.

The proposal has been carefully sited and designed to respect the amenity of neighbouring properties, ensuring that privacy, solar access and acoustic considerations are appropriately addressed. The development also incorporates substantial landscaping throughout the site, reinforcing the leafy character of the area and supporting local ecological values. Engineering, environmental and waste-related matters have been addressed through supporting documentation, demonstrating that the development can be carried out without adverse impacts on public infrastructure, waterways or the surrounding natural environment.

By providing a sensitively designed dwelling that aligns with the intent of Council's planning controls and maintains a high standard of residential amenity, the proposal represents a responsible and appropriate use of the land. Accordingly, the development is considered to be in the public interest and worthy of approval.

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7.0 CONCLUSION

The proposal is permissible in the R2 Low Density Residential Zone under the LEP and is in our opinion, consistent with the relevant objectives of the Zone.

The proposal has a well-articulated built form, with varied setbacks, a range of materials and finishes and an appropriate degree of landscaping, all of which serve to enhance the developments streetscape presentation. Importantly, the proposal is compatible with the existing and emerging character of development in the locality and has been carefully designed to ensure that the amenity of neighbouring properties is maintained.

The proposed development complies with the building height and FSR development standards under the LEP and is not inconsistent with the finer grain DCP controls which ensures the new building envelope is unlikely to cause an unreasonable level of overshadowing or loss of privacy to nearby properties. The proposal is also unlikely to significantly affect outlook or views from surrounding properties and the public domain.

Having regard to the above, it is considered that the development is an acceptable built form, scale and density and will have acceptable impacts on the amenity of neighbouring development and therefore, can be supported.

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Clause 4.6 Variation Request

Clause 4.3 - Height of Buildings

GRLEP 2021

153 Queens Road, Connells Point

November 2025

BMA URBAN

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1. INTRODUCTION

This Clause 4.6 Exceptions to Development Standards request has been prepared BMA Urban on behalf of Dr Ali Amin. It is submitted in support of a Development Application for the demolition of the existing improvements and construction of a new single dwelling and swimming pool at 153 Queens Road, Connells Point.

This request seeks approval to vary the height of buildings development standard in clause 4.3 of the Georges River Local Environmental Plan 2021 (GRLEP 2021). Clause 4.3 prescribes a numerical building height limit of 9m over the subject site. The proposed building height departs from this standard as demonstrated in Part 2 of this variation request.

Clause 4.6 of the GRLEP 2021 enables consent for development to be granted even though it contravenes a development standard. The clause aims to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development.

As the following request demonstrates, flexibility may be afforded by Clause 4.6 because compliance with the height of buildings development standard is unreasonable or unnecessary in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the standard.

The following sections of the report provide an assessment of the request to vary the development standard relating to "height of buildings" in accordance with Clause 4.6 of GRLEP 2021.

Consideration has been given to the following matters within this assessment:

- Guide to varying Development Standards, prepared by the Department of Planning and Environment dated November 2023.
- Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582
- Relevant planning principles and judgments issued by the Land and Environment Court. The Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 court judgment is the most relevant of recent case law.

Chief Justice Preston of the Land and Environment Court confirmed in the above judgment:

The consent authority must, primarily, be satisfied the applicant's written request adequately addresses the 'unreasonable or unnecessary' and 'sufficient environmental planning grounds' tests:

> "that the applicant's written request ... has adequately addressed the matters required to be demonstrated by cl 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case ... and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard ..." [15]

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On the 'Five Part Test' established under Wehbe v Pittwater Council [2007] NSWLEC 827:

> "The five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all of the ways, it may be sufficient to establish only one way..." [22]

That in establishing 'sufficient environmental planning grounds' the focus must be on the contravention and not the development as a whole:

> "The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole" [26]

That clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development:

> "Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard will have a better environmental planning outcome than a development that complies with the development standard."
> [88]

This clause 4.6 variation has specifically responded to the matters outlined above and demonstrates that the request meets the relevant tests with regard to recent case law.

In accordance with the GRLEP 2021 requirements, this Clause 4.6 variation request:

- identifies the development standard to be varied (**Part 2**);
- identifies the variation sought (**Part 2**);
- summarises relevant case law (**Part 3);**
- establishes that compliance with the development standard is unreasonable in the circumstances of the case (**Part 4);**
- demonstrates there are sufficient environmental planning grounds to justify the contravention (**Part 4**); and
- provides a conclusion summarising the preceding parts (**Part 5**).

This Clause 4.6 Exceptions to Development Standards request should be read in conjunction with the architectural plans prepared by RM Design Studio

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2. VARIATION OF HEIGHT OF BUILDINGS STANDARD

2.1 DEVELOPMENT STANDARD

Clause 4.3(2) of GRLEP 2021 sets out the maximum building height for development as shown on the Height of Buildings Map. The site is subject to a maximum building height of 9 metres, as illustrated in **Figure 1** below.



Figure 1: Height of Buildings Map
Source: NSW Planning Portal

Clause 4.3(1) of GRLEP 2021 sets out the objectives for building height, as follows:

(a) *to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality*

(b) *to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space*

(c) *to ensure an appropriate height transition between new buildings and –*

(i) adjoining land uses, or

(ii) heritage items, heritage conservation areas or Aboriginal places of heritage significance.

The definition of "building height" for the purposes of clause 4.3 of GRLEP 2021 is as follows:

"building height (or height of building) means—

(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or
(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like."

2.2 VARIATION TO HEIGHT OF BUILDINGS STANDARD

The proposed development exceeds the maximum allowable height limit at various points on the proposed dwelling as shown in **Figure 2** and **3** below. The height breach is limited to the topmost component of the dwelling and ranges between 95mm and 960mm at its most significant point. The maximum height of 9.96m, represents a non-compliance of 960mm or 10.4%. The front, street facing component of the proposed dwelling sits comfortably within the maximum allowable height limit. The non-compliant parts of the building are demonstrated in the plan extracts below:

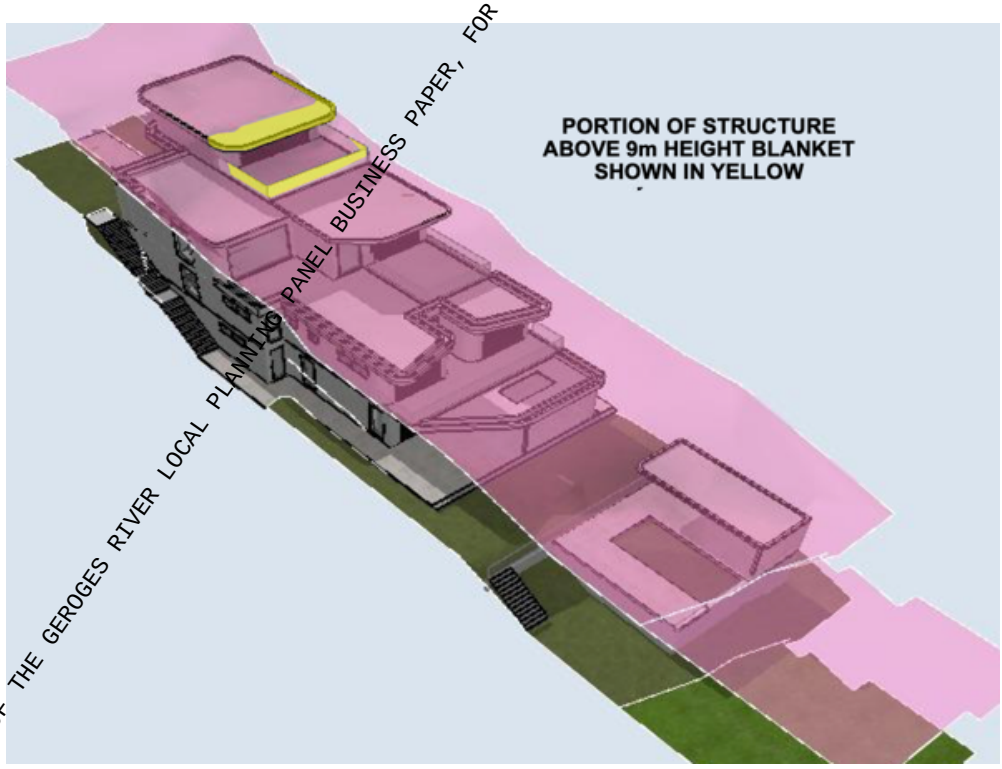

Figure 2: Section 1 extract
Source: RM Design Studio

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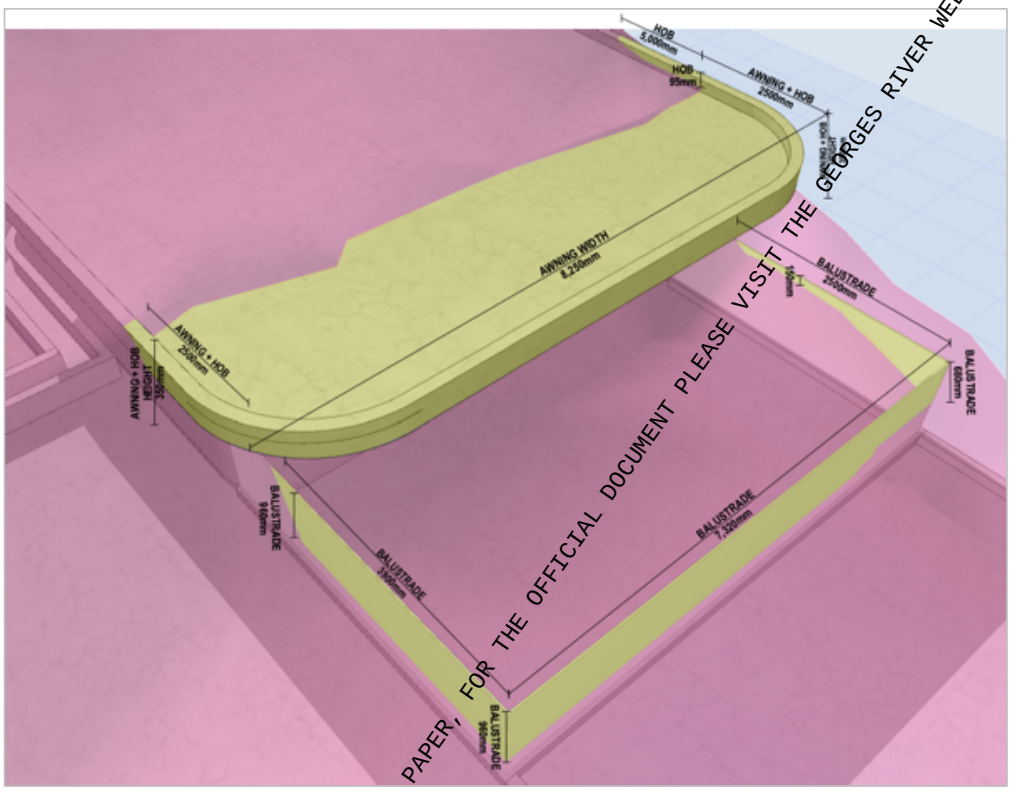

Figure 3: Section 2 extract
Source: RM Design Studio

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3. RELEVANT ASSESSMENT FRAMEWORK

Clause 4.6 of GRLEP 2021 includes provisions that allow for exceptions to development standards in certain circumstances. The objectives of clause 4.6 of GRLEP 2021 are:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6 provides flexibility in the application of planning provisions by allowing the consent authority to approve a DA that does not comply with certain development standards where it can be shown that flexibility in the particular circumstances of the case would achieve better outcomes for and from the development.

In determining whether to grant consent for development that contravenes a development standard, clause 4.6(3) requires that the consent authority consider a written request from the applicant that seeks to justify the contravention of the development by demonstrating:

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

Clause 4.6(4) requires the consent authority to keep a record of its assessment under subclause (3).

This clause 4.6 request demonstrates that compliance with the height of building prescribed for the site in Clause 4.3 of GRLEP 2021 is unreasonable, and there are sufficient environmental planning grounds to justify the requested variation and that the approval of the variation is consistent with the development standard.

In accordance with clause 4.6(3), the applicant requests that the building height standard be varied.

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4. ASSESSMENT OF THE CLAUSE 4.6 VARIATION

The following sections of this report provide a comprehensive assessment of the request to vary the development standard relating to height of buildings, in accordance with clause 4.3 of GRLEP 2021.

Detailed consideration has been given to the following matters within this assessment:

- *Guide to varying Development Standards*, prepared by the Department of Planning & Environment dated November 2023; and
- Relevant planning principles and judgements issued by the NSW Land and Environment Court.

The following sections of this report provide detailed responses to the key questions required to be addressed within the above documents and clause 4.6 of GRLEP 2021.

4.1 ABILITY TO VARY THE STANDARD

The height of buildings standard as prescribed in Clause 4.3 of GRLEP 2021 is a development standard capable of being varied under clause 4.6(2) of that LEP. The proposed variation is not excluded from the operation of clause 4.6(2) of GRLEP 2021, as it does not comprise any of the matters listed within clause 4.6(6) or clause 4.6(8) of that LEP.

4.2 CONSIDERATION

4.2.1 Clause 4.6(3)(a) – Is Compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case?

Historically, the most common way to establish a development standard was unreasonable or unnecessary was by satisfying the first method set out in Wehbe v Pittwater Council [2007] NSWLEC 827. This method requires that the objectives of the standard are achieved despite the non-compliance with the standard.

This was recently reaffirmed by the Chief Judge in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 at [16]-[17]. Similarly, in Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7 at [34] the Chief Judge held that "establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary".

This Request addresses the first method outlined in Wehbe v Pittwater Council [2007] NSWLEC 827. This method alone is sufficient to satisfy the 'unreasonable or unnecessary' requirement.

- **The objectives of the standard are achieved notwithstanding non-compliance with the standard** (the first method in Wehbe v Pittwater Council [2007] NSWLEC 827 [42]-[43]).

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The specific objectives of the height of buildings development standard, as specified in clause 4.3(1) of GRLEP 2021, are detailed in the table below. An assessment of the consistency of the proposed development with each of the objectives is also provided.

Objectives	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 height variations relate to the topmost component of the dwelling across the northern-most parapet periphery and balustrade associated with the home office. The remainder, and street facing component of the proposed dwelling is comfortably compliant with the statutory height limit. The scale of the proposed dwelling is compatible with the adjoining development in that it is of a form and style which is appropriate to the site and the wider character of the area, which is defined by waterfront properties stepping up along the slope and of varying style. The variation in itself does not result in a development which is no longer compatible with the adjoining development. When viewed from the waterway, the variation will not be highly perceptible and will be viewed as part of the overall building which steps up with the topography of the site. The desired future character is set by the LEP and DCP controls. The proposed development is broadly consistent with all applicable objectives and controls. Where there is a non-compliance, it is justified with site specific reasons and does not result in any significant adverse impact on the streetscape and/or adjoining properties. The design of the development steps up the site to preserve and complement the existing natural landscape setting. The landscape setting with the foreshore area at the southern end of the site as well as the landscaped setback area to Queens Road would be retained and enhanced as a result of the proposed development.

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(b) *To minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas.*	The height breaching components of the dwelling are such that their siting and location will not result in an adverse impact upon the privacy afforded to neighbouring properties. It is acknowledged that the balcony off the home office is partially above the height limit; however, this is limited to the balustrading structure and would have a similar level of impact regardless of whether it is above or below the statutory height limit. There would be no loss of privacy on open space areas. In terms of view impacts, the landform characteristics relevant to both the subject and neighbouring sites, and the relationship the proposed development will have with those dwellings, ensures that the breaching elements will not have a discernible impact on the extent of view enjoyed. In terms of shadows, the accompanying analysis prepared by *RM Design Studio* demonstrates that the extent of additional overshadowing cast by the development will not adversely compromise on the ability for neighbouring properties to maintain reasonable levels of solar access.
(c) *To ensure an appropriate height transition between new buildings and –* *(i) adjoining land uses, or* *(ii) heritage items, heritage conservation areas or Aboriginal places of heritage significance.*	There are no surrounding heritage items/HCA's or Aboriginal places of heritage significance. The subject site and the surroundings all contain a 9m height limit. The planning controls do not anticipate any height transitions in this location. In any case, the proposed height of the new building is not dissimilar to the scale of surrounding waterfront dwellings, achieving an appropriate height transition with adjoining land uses (those being residential).

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4.2.2 Clause 4.6(3)(b) – Are there Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard?

Clause 4.6(3)(b) of GRLEP 2021 requires the consent authority to be satisfied that the applicant's written request has adequately addressed that clause, by demonstrating:

> *"that there are sufficient environmental planning grounds to justify contravening the development standard."*

The environmental planning grounds relied upon in the written request under clause 4.6 must be sufficient to justify contravening the development standard. The focus is on the aspect of the development that contravenes the development standard, not the development as a whole. Therefore, the environmental planning grounds advanced in the written request must justify that contravention of the development standard and not simply promote the benefits of carrying out the development, as summarised in Initial Action Pty Ltd v Woollahra Municipal Council [2018] (NSWLEC 118).

There is an absence of environmental harm arising from the contravention of the development standard and positive planning benefits arising from the proposed development, as outlined in detail above. These include:

- The proposal is consistent with the objectives of the development standard and the objectives for development in the R2 Low Density Residential Zone.
- The height breaches are limited to portions of the dwelling which will not be highly perceptible when viewed from the public domain along Queens Road. The development would be visible from the adjacent waterway, however, the elements in breach are unlikely to be highly visible when viewed in context of the slope and adjoining buildings.
- The height non-compliances are a direct result of the topography of the site. It is evident that the greatest extent of the breach (see **Figure 4** below) co-incites with one of the largest changes in the natural topography of the site. Despite the height breaches, the proposed dwelling has been designed to step down the site, following the natural landform.
- The majority of the proposed development is comfortably within the height, in particular the southern end of the dwelling which faces Queens Road.
- The non-compliance does not create any significant or unreasonable amenity impact on any adjoining properties. In this regard, the additional overshadowing, privacy or view impacts associated with the breach would not be significantly different when compared to that of a height compliant scheme.
- The proposed development achieves the Objects in Section 1.3 of the EP&A Act. Specifically, the proposed development promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3)(g).
- There is no planning purpose to be served by limiting the height strictly to the maximum height allowable given the site constraints and absence of unreasonable levels of amenity related impacts.

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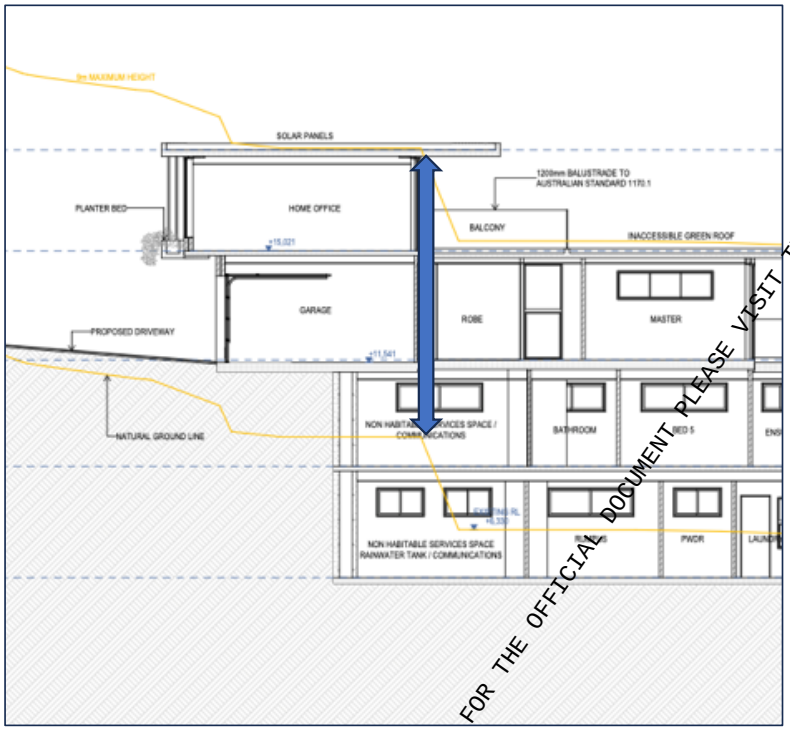

Figure 4: Section extract highlighting the change in topography co-inciting with the largest extent of the height breach
Source: RM Design Studio

Based on the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the proposed non-compliance with the height of buildings standard in this instance.

The Objects of the Environmental Planning & Assessment Act 1979 ('EP&A Act') under Section 1.3 of that Act are also relevant to whether grounds exist to warrant a variation. While this does not necessarily require that the proposed development should be consistent with the objects of the Act, nevertheless, in the table below we consider whether the proposed development is consistent with each object.

The objects of the EP&A Act and how this proposal responds to each of the objects are detailed as follows:

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Object	Comment
To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	This object is not relevant to this development.
To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	The proposal will facilitate an ecologically sustainable development given that no negative impact on environmental and social considerations will arise. This in turn will serve to offer the ongoing sustainment of the economic health of the area.
To promote the orderly and economic use and development of land	The proposed development will promote the orderly and economic use of the land by way of providing a land use typology and intensity, consistent with that envisaged by Council.
To promote the delivery and maintenance of affordable housing	This object is not relevant to this development.
To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	Given the nature and character of the urban setting the proposed development is located within, no impact on threatened species or ecological communities is likely to result.
To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	This object is not relevant to this development
To promote good design and amenity of the built environment	The proposed development promotes good design in that it serves to provide a built form and massing arrangement that serves to positively influence the future amenity of the dwelling occupants while adopting an architectural form and language, with an overall silhouette, height and land use intensity compatible with both the established and emerging development and housing typology.
To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The proposed development will comply with all relevant BCA codes and will promote the health and safety of occupants.
To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	This object is not relevant to this development
To provide increased opportunity for community participation in environmental planning and assessment	This proposed development has been publicly notified in accordance with Council's Community Engagement Strategy/DCP.

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Based on the above, the consent authority can be satisfied that the proposed development remains consistent with the Objects of the Act despite the height non-compliance.

4.2.3 Clause 4.6(4) – The consent authority must keep a record of its assessment carried out under subclause (3).

Georges River Council has a current Clause 4.6 register. Any record of this development and its address of subclause (3) will be required to be uploaded on this register.

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5. CONCLUSION

For the reasons set out in this written request, strict compliance with the height of buildings development standard contained within clause 4.3 of GRLEP 2021 is unreasonable in the circumstances of the case. Further, there are sufficient environmental planning grounds to justify the proposed variation and it is in the public interest to do so.

It is reasonable and appropriate to vary the height of buildings development standard to the extent proposed, for the reasons detailed within this submission and as summarised below:

- Compliance with the height of buildings development standard is unreasonable in the circumstances of the proposed development.
- The proposal, notwithstanding the non-compliance, is consistent with the objectives of the height of buildings standard.
- There are sufficient environmental planning grounds to justify the contravention; and
- There is an absence of any environmental impacts arising from the proposed variation.

For the reasons outlined above, the clause 4.6 request is well-founded. The development standard is unreasonable in the circumstances, and there are sufficient environmental planning grounds that warrant contravention of the standard. In the circumstances of this case, flexibility in the application of the height of buildings development standard should be applied.

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Clause 4.6 Variation Request

Clause 4.4A – Exceptions to floor space ratio – certain residential accommodation

GRLEP 2021

153 Queens Road, Connells Point

BMA URBAN

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1. INTRODUCTION

This Clause 4.6 Exceptions to Development Standards request has been prepared BMA Urban on behalf of Dr Ali Amin. It is submitted in support of a Development Application for the demolition of the existing improvements and construction of a new single dwelling and swimming pool at 153 Queens Road, Connells Point.

This request seeks approval to vary the Floor Space Ratio (FSR) development standard in clause 4.4A of the Georges River Local Environmental Plan 2021 (GRLEP 2021). Clause 4.4A prescribes a maximum allowable FSR of 0.49:1. The proposed FSR departs from this standard as demonstrated in Part 2 of this variation request.

Clause 4.6 of the GRLEP 2021 enables consent for development to be granted even though it contravenes a development standard. The clause aims to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development.

As the following request demonstrates, flexibility may be afforded by Clause 4.6 because compliance with the FSR development standard is unreasonable in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the standard.

The following sections of the report provide an assessment of the request to vary the development standard relating to "floor space ratio" in accordance with Clause 4.6 of GRLEP 2021.

Consideration has been given to the following matters within this assessment:

- Guide to varying Development Standards, prepared by the Department of Planning and Environment dated November 2023.
- Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582
- Relevant planning principles and judgments issued by the Land and Environment Court. The Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 court judgment is the most relevant of recent case law.

Chief Justice Preston of the Land and Environment Court confirmed in the above judgment:

The consent authority must, primarily, be satisfied the applicant's written request adequately addresses the 'unreasonable or unnecessary' and 'sufficient environmental planning grounds' tests:

> "that the applicant's written request ... has adequately addressed the matters required to be demonstrated by cl 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case ... and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard ..." [15]

On the 'Five Part Test' established under Wehbe v Pittwater Council [2007] NSWLEC 827:

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> "The five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all of the ways. It may be sufficient to establish only one way..." [22]

That in establishing 'sufficient environmental planning grounds' the focus must be on the contravention and not the development as a whole:

> "The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole" [26]

That clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development:

> "Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard will have a better environmental planning outcome than a development that complies with the development standard."
> [88]

This clause 4.6 variation has specifically responded to the matters outlined above and demonstrates that the request meets the relevant tests with regard to recent case law.

In accordance with the GRLEP 2021 requirements, this Clause 4.6 variation request:

- identifies the development standard to be varied (**Part 2**);
- identifies the variation sought (**Part 2**);
- summarises relevant case law (**Part 3);**
- establishes that compliance with the development standard is unreasonable in the circumstances of the case (**Part 4);**
- demonstrates there are sufficient environmental planning grounds to justify the contravention (**Part 4**); and
- provides a conclusion summarising the preceding parts (**Part 5**).

This Clause 4.6 Exceptions to Development Standards request should be read in conjunction with the architectural plans prepared by *RM Design Studio*.

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2. VARIATION OF FLOOR SPACE RATIO DEVELOPMENT STANDARD

2.1 DEVELOPMENT STANDARD

The formula set out within Clause 4.4A(2) of GRLEP 2021 establishes a maximum allowable FSR for the proposed development of 0.49:1 (420.6m^2).

Clause 4.4A of GRLEP 2021 contains the following objectives:

(d) to ensure that the bulk and scale of development are compatible with the size of the lot
(e) *to promote good residential amenity*

2.2 VARIATION TO FSR STANDARD

The proposed development has an FSR of 0.547:1 (470.45m^2) exceeding the maximum allowable FSR of 0.39:1 (420.6m^2). This represents a non-compliance of 49.85m^2 or 11.8%.

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3. RELEVANT ASSESSMENT FRAMEWORK

Clause 4.6 of GRLEP 2021 includes provisions that allow for exceptions to development standards in certain circumstances. The objectives of clause 4.6 of GRLEP 2021 are:

(c) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
(d) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6 provides flexibility in the application of planning provisions by allowing the consent authority to approve a DA that does not comply with certain development standards where it can be shown that flexibility in the particular circumstances of the case would achieve better outcomes for and from the development.

In determining whether to grant consent for development that contravenes a development standard, clause 4.6(3) requires that the consent authority consider a written request from the applicant that seeks to justify the contravention of the development by demonstrating:

(c) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(d) that there are sufficient environmental planning grounds to justify contravening the development standard.

Clause 4.6(4) requires the consent authority to keep a record of its assessment under subclause (3).

This clause 4.6 request demonstrates that compliance with the FSR prescribed for the site in Clause 4.4A of GRLEP 2021 is unreasonable, and there are sufficient environmental planning grounds to justify the requested variation and that the approval of the variation is consistent with the development standard.

In accordance with clause 4.6(3), the applicant requests that the FSR standard be varied.

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4. ASSESSMENT OF THE CLAUSE 4.6 VARIATION

The following sections of this report provide a comprehensive assessment of the request to vary the development standard relating to FSR, in accordance with clause 4.4A of GRLEP 2021.

Detailed consideration has been given to the following matters within this assessment:

- *Guide to varying Development Standards*, prepared by the Department of Planning & Environment dated November 2023; and
- Relevant planning principles and judgements issued by the NSW Land and Environment Court.

The following sections of this report provide detailed responses to the key questions required to be addressed within the above documents and clause 4.6 of GRLEP 2021.

4.1 ABILITY TO VARY THE STANDARD

The FSR standard as prescribed in Clause 4.4A of GRLEP 2021 is a development standard capable of being varied under clause 4.6(2) of that LEP. The proposed variation is not excluded from the operation of clause 4.6(2) of GRLEP 2021, as it does not comprise any of the matters listed within clause 4.6(6) or clause 4.6(8) of that LEP.

4.2 CONSIDERATION

4.2.1 Clause 4.6(3)(a) – Is Compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case?

Historically, the most common way to establish a development standard was unreasonable or unnecessary was by satisfying the first method set out in Wehbe v Pittwater Council [2007] NSWLEC 827. This method requires that the objectives of the standard are achieved despite the non-compliance with the standard.

This was recently reaffirmed by the Chief Judge in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 at [16]-[17]. Similarly, in Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7 at [34] the Chief Judge held that "establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary".

This Request addresses the first method outlined in Wehbe v Pittwater Council [2007] NSWLEC 827. This method alone is sufficient to satisfy the 'unreasonable or unnecessary' requirement.

- **The objectives of the standard are achieved notwithstanding non-compliance with the standard** (the first method in Wehbe v Pittwater Council [2007] NSWLEC 827 [42]-[43]).

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The specific objectives of the FSR development standard, as specified in clause 4.4A(1) of GRLEP 2021, are detailed in the table below. An assessment of the consistency of the proposed development with each of the objectives is also provided.

Objectives	Assessment
(a) *To ensure that the bulk and scale of development are compatible with the size of the lot*	The bulk and scale of the proposed development is compatible with the size of the lot as evidenced through: • While the subject lot comprise of a calculable land area of 859.2m², the rearmost foreshore fronting component of the lot consists of a 181.8m² reclaimed area that while not numerically contributing to the lot size, does visually represent a land area that comprise in total of 1041m2 and more reflective of the visual representation of the lot size as a whole. Despite its exclusion in the statutory calculation, the reclaimed land significantly contributes to the perceived size, functionality and openness of the site. When the titled area and reclaimed land are considered together, the lot presents with a substantially larger visual and physical footprint than the FSR-calculable area alone would suggest. • The development sits comfortably within the visual capacity of a site that effectively functions and reads as approximately 1,041 m² (titled area + reclaimed land), the proposal does not present as overdevelopment when viewed from the public domain or adjoining properties. • The scale of the proposed dwelling, notwithstanding the additional floor area, is compatible with the size of the lot as well as adjoining development in that it is of a form and style which is appropriate to the site and the wider character of the area, which is defined by waterfront properties stepping up along the slope and of varying style. • The design of the development is in keeping with the characteristics and size of the lot because the design of the dwelling steps up

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	the site to preserve and complement the existing natural landscape setting. The landscape setting with the foreshore area at the northern end of the site as well as the landscaped setback area to Queens Road would be retained and enhanced as a result of the proposed development.
(b) To promote good residential amenity	The proposed development promotes good residential amenity for surrounding properties, the public domain and the proposed dwelling itself as discussed below: *Surrounding properties* The FSR exceedance is not considered to be at the expense of the residential amenity of surrounding/adjoining properties. It does not have a high degree of visual prominence or contribute to any adverse amenity impacts in terms of visual privacy, overshadowing, view loss of the like. Similarly, overall, the proposed development, ensures that surrounding properties retain good levels of residential amenity in terms of access to sunlight, view availability and acoustic and visual privacy. *Public domain* There would be no adverse impacts caused to surrounding public domain areas so as to comprise residential amenity. Goven that the scale of the dwelling sits proportionately across a land size that includes both the subject calculable area and reclaimed land, the proposal will not present as a stepping outside of the allowable built form envelope as a result of the FSR exceedance. *Subject site/proposed dwelling* Good residential amenity for the proposed dwelling is achieved in the proposed design through access to sunlight, generously sized internal areas and ceiling heights, natural ventilation and view availability. It is considered that the proposed FSR breach is not at the expense of residential amenity for the proposed dwelling itself.

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4.2.2 Clause 4.6(3)(b) – Are there Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard?

Clause 4.6(3)(b) of GRLEP 2021 requires the consent authority to be satisfied that the applicant's written request has adequately addressed that clause, by demonstrating:

> *"that there are sufficient environmental planning grounds to justify contravening the development standard."*

The environmental planning grounds relied upon in the written request under Clause 4.6 must be sufficient to justify contravening the development standard. The focus is on the aspect of the development that contravenes the development standard, not the development as a whole. Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development, as summarised in Initial Action Pty Ltd v Woollahra Municipal Council [2018] (NSWLEC 118).

There is an absence of environmental harm arising from the contravention of the development standard and positive planning benefits arising from the proposed development, as outlined in detail above. These include:

- The proposal is consistent with the objectives of the development standard and the objectives for development in the R2 Low Density Residential Zone.
- The extent of the FSR breach is related to the statutory inability to include 181.8m2 of reclaimed land as part of the sites overall land area. Despite its exclusion in the statutory calculation, the reclaimed land significantly contributes to the perceived size, functionality and openness of the site. When the titled area and reclaimed land are considered together, the lot presents with a substantially larger visual and physical footprint than the FSR-calculable area alone would suggest. The breach in FSR has been limited to the titled and reclaimed area considered together and any generated gross floor area made available therein.
- The additional development density afforded by the FSR breach is suitably arranged and will not result in any adverse impacts on neighbouring land or potential future development thereon.
- Any adverse environmental impacts of the proposed development are not materially different from that of a floor space ratio compliant development, so there is no environmental benefit to reducing the extent of GFA proposed.
- The slope of the land, context and area of reclaimed land that physically forms part of the site, enables the extent of breach without any additional significant imposition to building volume and therefore will not present as a discernible component of the development.
- The proposed development achieves the Objects in Section 1.3 of the EP&A Act. Specifically, the proposed development promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3)(g).
- There is no planning purpose to be served by limiting the FSR to a strictly to the maximum FSR allowable given the site constraints and absence of unreasonable levels of amenity related impacts.

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Based on the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the proposed non-compliance with the FSR standard in this instance.

The Objects of the Environmental Planning & Assessment Act 1979 ('EP&A Act') under Section 1.3 of that Act are also relevant to whether grounds exist to warrant a variation. While this does not necessarily require that the proposed development should be consistent with the objects of the Act, nevertheless, in the table below we consider whether the proposed development is consistent with each object.

The objects of the EP&A Act and how this proposal responds to each of the objects are detailed as follows:

Object	Comment
To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	This object is not relevant to this development.
To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	The proposal will facilitate an ecologically sustainable development given that no negative impact on environmental and social considerations will arise. This in turn will serve to offer the ongoing sustainment of the economic health of the area.
To promote the orderly and economic use and development of land	The proposed development will promote the orderly and economic use of the land by way of providing a land use typology and intensity, consistent with that envisaged by Council.
To promote the delivery and maintenance of affordable housing	This object is not relevant to this development.
To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	Given the nature and character of the urban setting the proposed development is located within, no impact on threatened species or ecological communities is likely to result.
To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	This object is not relevant to this development
To promote good design and amenity of the built environment	The proposed development promotes good design in that it serves to provide a built form and massing arrangement that serves to positively influence the future amenity of the dwelling occupants while adopting an architectural form and language, with an overall silhouette, height and land use intensity

	compatible with both the established and emerging development and housing typology.
To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The proposed development will comply with all relevant BCA codes and will promote the health and safety of occupants.
To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	This object is not relevant to this development
To provide increased opportunity for community participation in environmental planning and assessment	This proposed development has been publicly notified in accordance with Council's Community Engagement Strategy/DCP.

Based on the above, the consent authority can be satisfied that the proposed development remains consistent with the Objects of the Act despite the FSR non-compliance.

4.2.3 Clause 4.6(4) – The consent authority must keep a record of its assessment carried out under subclause (3).

Georges River Council has a current Clause 4.6 register. Any record of this development and its address of subclause (3) will be required to be uploaded on this register.

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5. CONCLUSION

For the reasons set out in this written request, strict compliance with the FSR development standard contained within clause 4.4A of GRLEP 2021 is unreasonable in the circumstances of the case. Further, there are sufficient environmental planning grounds to justify the proposed variation and it is in the public interest to do so.

It is reasonable and appropriate to vary the FSR development standard to the extent proposed, for the reasons detailed within this submission and as summarised below:

- Compliance with the FSR development standard is unreasonable in the circumstances of the proposed development.
- The proposal, notwithstanding the non-compliance, is consistent with the objectives of the FSR standard contained in clause 4.4A of the LEP.
- There are sufficient environmental planning grounds to justify the contravention; and
- There is an absence of any environmental impacts arising from the proposed variation.

For the reasons outlined above, the clause 4.6 request is well-founded. The development standard is unreasonable in the circumstances, and there are sufficient environmental planning grounds that warrant contravention of the standard. In the circumstances of this case, flexibility in the application of the FSR development standard should be applied.

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LPP011-26 Attachment 1



Clause 4.6 Variation Request

Clause 6.4 – Foreshore area and coastal hazards and risk (Foreshore building line)

GRLEP 2021

153 Queens Road, Connells Point

November 2025

BMAURBAN

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1. INTRODUCTION

This Clause 4.6 Exceptions to Development Standards request has been prepared BMA Urban on behalf of Dr Ali Amin. It is submitted in support of a Development Application for the demolition of the existing improvements and construction of a new single dwelling and swimming pool at 153 Queens Road, Connells Point.

This request seeks approval to permit works that are below the Foreshore Building Line which do not constitute any of the items set out in clause 6.4(3) of GRLEP 2021 which would otherwise provide a legal basis for the works to occur within the foreshore area, in the absence of a clause 4.6 exception.

The extent of the works within the Foreshore area is limited to portions of a cabana (adjacent to the swimming pool), a pool pump room and decking as demonstrated in part 2 of this variation request.

Clause 4.6 of the GRLEP 2021 enables consent for development to be granted even though it contravenes a development standard. The clause aims to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development.

As the following request demonstrates, flexibility may be afforded by Clause 4.6 because compliance with the Foreshore building line development standard is unreasonable in the circumstances of the case and there are sufficient environmental planning grounds to justify contravening the standard.

The following sections of the report provide an assessment of the request to vary the development standard relating to the Foreshore building line in accordance with Clause 4.6 of GRLEP 2021.

Consideration has been given to the following matters within this assessment:

- Guide to varying Development Standards, prepared by the Department of Planning and Environment dated November 2023.
- Merman Investments Pty Ltd v Woollahra Municipal Council [2021] NSWLEC 1582
- Relevant planning principles and judgments issued by the Land and Environment Court. The Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 court judgment is the most relevant of recent case law.

Chief Justice Preston of the Land and Environment Court confirmed in the above judgment:

The consent authority must, primarily, be satisfied the applicant's written request adequately addresses the 'unreasonable or unnecessary' and 'sufficient environmental planning grounds' tests:

> "that the applicant's written request ... has adequately addressed the matters required to be demonstrated by cl 4.6(3). These matters are twofold: first, that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case ... and, secondly, that there are sufficient environmental planning grounds to justify contravening the development standard ..." [15]

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On the 'Five Part Test' established under Wehbe v Pittwater Council [2007] NSWLEC 827:

> "The five ways are not exhaustive of the ways in which an applicant might demonstrate that compliance with a development standard is unreasonable or unnecessary; they are merely the most commonly invoked ways. An applicant does not need to establish all of the ways. It may be sufficient to establish only one way..." [22]

That in establishing 'sufficient environmental planning grounds' the focus must be on the contravention and not the development as a whole:

> "The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole" [26]

That clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development:

> "Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard will have a better environmental planning outcome than a development that complies with the development standard."
> [88]

This clause 4.6 variation has specifically responded to the matters outlined above and demonstrates that the request meets the relevant tests with regard to recent case law.

In accordance with the GRLEP 2021 requirements, this Clause 4.6 variation request:

- identifies the development standard to be varied (**Part 2**);
- identifies the variation sought (**Part 2**);
- summarises relevant case law (**Part 3);**
- establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (**Part 4);**
- demonstrates there are sufficient environmental planning grounds to justify the contravention (**Part 4**); and
- provides a conclusion summarising the preceding parts (**Part 5**).

This Clause 4.6 Exceptions to Development Standards request should be read in conjunction with the architectural plans prepared by *RM Design Studio*.

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2. FORESHORE AREA DEVELOPMENT STANDARD

2.1 DEVELOPMENT STANDARD

Clause 6.4 of GRLEP 2021 relates to the foreshore area and coastal hazards and risk. The relevant map indicates the location of the foreshore building line on the subject site noting that it is taken to be 7.6m from the Mean High Water Mark (MHWM).

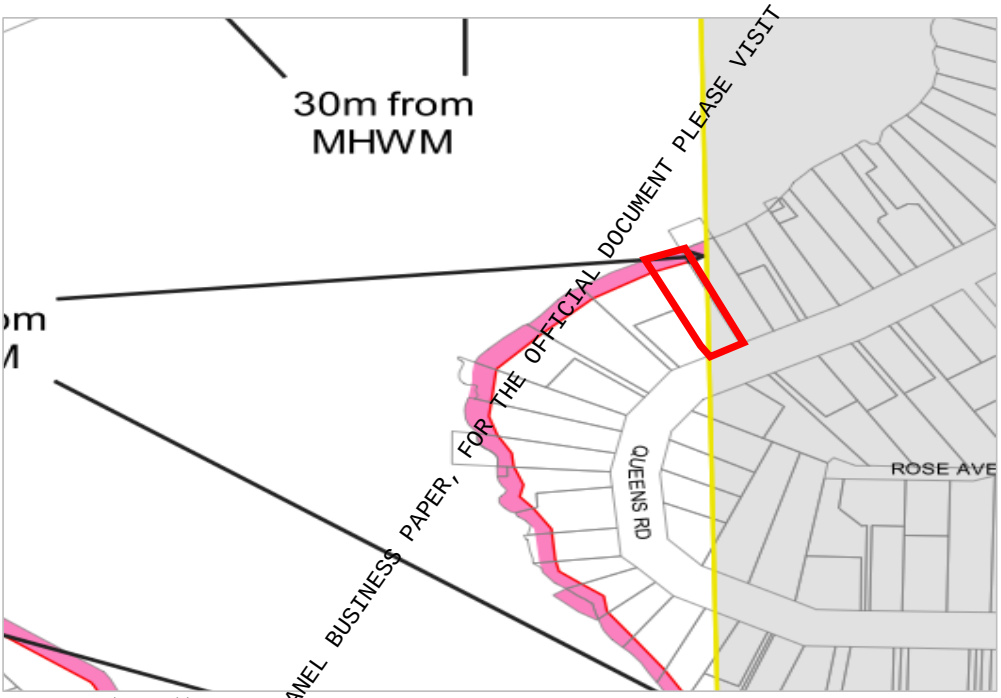

Figure 1: Foreshore Building Line Map
Source: GRLEP 2021

Of relevance to the proposal, clause 6.4(3) allows for the following development to be undertaken within the foreshore area:

(3) Development consent must not be granted for development on land to which this clause applies except for the following purposes—

(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—

1.

(i) the foreshore building line, or
(ii) the land identified on the Coastal Hazard and Risk Map,

(b) the erection of a building if the levels, depth or other exceptional features of the site make it appropriate to do so,

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(c) boat sheds, cycling paths, fences, sea walls, swimming pools, water recreation structures or walking tracks.

Clause 6.4 of GRLEP 2021 contains the following objectives:

(f) to protect people and property from unacceptable risk from coastal hazards associated with climate change,
(g) to ensure that development in the foreshore area will not impact on natural processes or affect the amenity of the area,
(h) to facilitate opportunities for public access to and along the foreshore.

2.2 PROPOSED VARIATION

The lower ground floor plan within the architectural plan set identifies the FBL (see **Figure 2**). It is evident that there is a swimming pool/decking, cabana and pool pump which are all positioned, to some extent, below the FBL.

The proposed swimming pool works are permitted by virtue of clause 6.4(3)(c) of GRLEP 2021. However, the remaining elements, those being the open cabana/deck area, pool pump under deck, form the basis of this proposed variation.

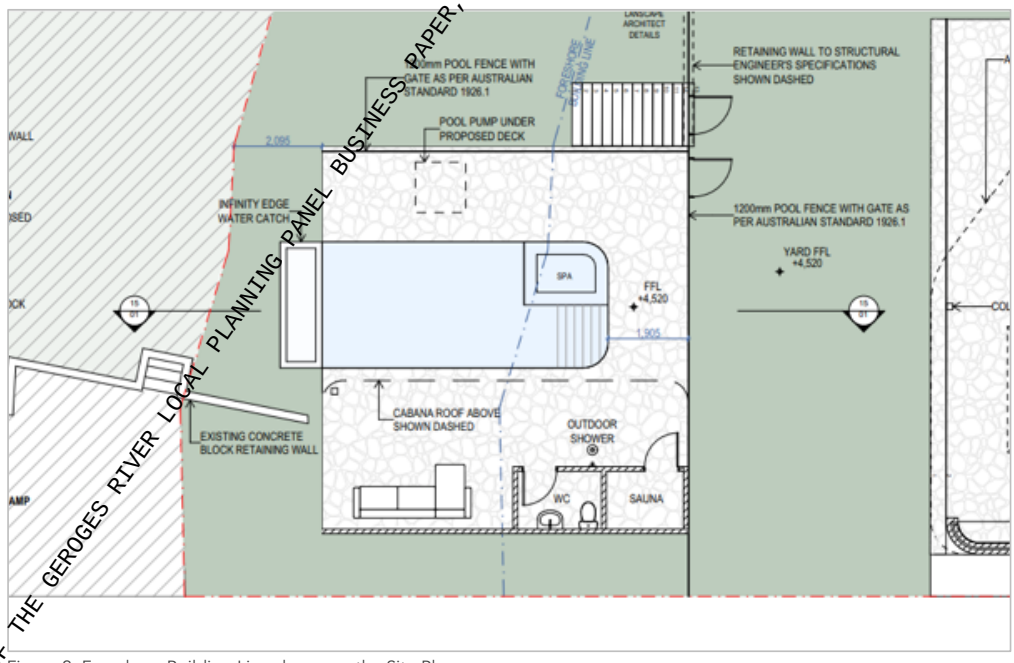

Figure 2: Foreshore Building Line shown on the Site Plan
Source: RM Design Studio

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3. RELEVANT ASSESSMENT FRAMEWORK

Clause 4.6 of GRLEP 2021 includes provisions that allow for exceptions to development standards in certain circumstances. The objectives of clause 4.6 of GRLEP 2021 are:

(e) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
(f) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6 provides flexibility in the application of planning provisions by allowing the consent authority to approve a DA that does not comply with certain development standards, where it can be shown that flexibility in the particular circumstances of the case would achieve better outcomes for and from the development.

In determining whether to grant consent for development that contravenes a development standard, clause 4.6(3) requires that the consent authority consider a written request from the applicant that seeks to justify the contravention of the development by demonstrating:

(e) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
(f) that there are sufficient environmental planning grounds to justify contravening the development standard.

Clause 4.6(4) requires the consent authority to keep a record of its assessment under subclause (3).

This clause 4.6 request demonstrates that compliance with the Foreshore building line prescribed for the site in Clause 6.4 of GRLEP 2021 is unreasonable, and there are sufficient environmental planning grounds to justify the requested variation and that the approval of the variation is consistent with the development standard.

In accordance with clause 4.6(3), the applicant requests that the Foreshore building line standard be varied.

LPP011-26 Attachment 1

4. ASSESSMENT OF THE CLAUSE 4.6 VARIATION

The following sections of this report provide a comprehensive assessment of the request to vary the development standard relating to Foreshore building line, in accordance with clause 6.4 of GRLEP 2021.

Detailed consideration has been given to the following matters within this assessment:

- *Guide to varying Development Standards*, prepared by the Department of Planning & Environment dated November 2023; and
- Relevant planning principles and judgements issued by the NSW Land and Environment Court.

The following sections of this report provide detailed responses to the key questions required to be addressed within the above documents and clause 4.6 of GRLEP 2021.

4.1 ABILITY TO VARY THE STANDARD

The Foreshore building line standard as prescribed in Clause 6.4 of GRLEP 2021 is a development standard capable of being varied under clause 4.6(2) of that LEP. The proposed variation is not excluded from the operation of clause 4.6(2) of GRLEP 2021, as it does not comprise any of the matters listed within clause 4.6(6) or clause 4.6(8) of that LEP.

4.2 CONSIDERATION

4.2.1 Clause 4.6(3)(a) – Is Compliance with the Development Standard Unreasonable or Unnecessary in the Circumstances of the Case?

Historically, the most common way to establish a development standard was unreasonable or unnecessary was by satisfying the first method set out in Wehbe v Pittwater Council [2007] NSWLEC 827. This method requires that the objectives of the standard are achieved despite the non-compliance with the standard.

This was recently reaffirmed by the Chief Judge in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 at [16]-[17]. Similarly, in Randwick City Council v Micaul Holdings Pty Ltd [2016] NSWLEC 7 at [34] the Chief Judge held that "establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary".

This Request addresses the first method outlined in Wehbe v Pittwater Council [2007] NSWLEC 827. This method alone is sufficient to satisfy the 'unreasonable or unnecessary' requirement.

- **The objectives of the standard are achieved notwithstanding non-compliance with the standard** (the first method in Wehbe v Pittwater Council [2007] NSWLEC 827 [42]-[43]).

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The specific objectives of the Foreshore building line development standard, as specified in clause 6.4 of GRLEP 2021, are detailed in the table below. An assessment of the consistency of the proposed development with each of the objectives is also provided.

Objectives	Assessment
(a) To protect people and property from unacceptable risk from coastal hazards associated with climate change.	The proposed elements in breach of the 7.6m FBL are well setback from the adjacent waterway and are at a much higher level compared to the waterway. Accordingly, there is unlikely to be any unacceptable risk from coastal hazards (such as sea level rise) associated with climate change.
(b) To ensure that development in the foreshore area will not impact on natural foreshore processes or affect the amenity of the area.	The elements in breach of the foreshore building line the subject of this clause 4.6 request are relatively minor, comprising part of an open cabana/decking and pool pump. They are located on the lower levels of the proposed dwelling, thereby reducing their visual prominence and associated impact on the amenity of the area. The elements are not considered to directly result in any adverse effect on the amenity of the area. The proposal will not cause any environmental harm and will not impact the natural foreshore processes including water quality or drainage systems. The proposed works are positioned well away from the Mean High Water Mark to ensure that marine habitats and vegetation will not be impacted by the proposal.
(c) To facilitate opportunities for public access to and along the foreshore.	Not applicable. The proposal is on private property and will not affect the public access to the waterway.

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4.2.2 Clause 4.6(3)(b) – Are there Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard?

Clause 4.6(3)(b) of GRLEP 2021 requires the consent authority to be satisfied that the applicant's written request has adequately addressed that clause, by demonstrating:

> *"that there are sufficient environmental planning grounds to justify contravening the development standard."*

The environmental planning grounds relied upon in the written request under clause 4.6 must be sufficient to justify contravening the development standard. The focus is on the aspect of the development that contravenes the development standard, not the development as a whole. Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development, as summarised in Initial Action Pty Ltd v Woollahra Municipal Council [2018] (NSWLEC 118).

There is an absence of environmental harm arising from the contravention of the development standard and positive planning benefits arising from the proposed development, as outlined in detail above. These include:

- The elements in breach of the foreshore building line the subject of this clause 4.6 request are relatively minor, comprising part of an open cabana/deck area and pool pump. They are located on the lower levels of the proposed dwelling, thereby reducing their visual prominence and associated impact on the amenity of the area.
- The breaching elements are open in form (with the exception of the pool pump located under the deck) and do not constitute any internal floor area.
- The proposed development would be generally consistent with the pattern of development along this part of Queens Road, noting that there are swimming pools and associated structures including dwellings, also within the FBL as identified across immediately
- The cabana/deck area is provided with landscaping on its northern edge which will provide an appropriate softening of this element when viewed from the waterway. Refer to rear montage extract in **Figure 3** below.

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Figure 3: Rear dwelling Perspective
Source: RM Design Studio

- Any adverse environmental impacts of the proposed development are not materially different from that of a compliant development, so there is no environmental benefit to removing the elements in breach of the Foreshore building line.
- The proposed development is consistent with the matters for satisfaction listed in clause 6.4(4) of GRLEP 2021 as identified below:

Clause 6.4(4) Matters for Consideration	
Matter	**Response**
Whether the development addresses the impacts of sea level rise and tidal inundation as a result of climate change	The proposed elements in breach of the 7.4m FBL are well setback from the adjacent waterway and are at a much higher level compared to the waterway. Accordingly, there is unlikely to be any unacceptable risk from sea level rise and tidal inundation as a result of climate change.
Whether the development could be located on part of the site not exposed to coastal hazards	The proposed development is not considered to be located in any part of the site that is unduly exposed to any coastal hazards.
Whether the development will cause congestion or generate conflict between people using open space areas or the waterway	The proposed development will not result in any congestion or conflicts between users of open space areas or the water. The proposal does not encroach on any open space and does not involve any works beyond the MHWM and is therefore acceptable in this regard.

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Whether the development will cause environmental harm by pollution or siltation of the waterway	The proposal will not cause any environmental harm and will not impact the water quality or drainage systems. The proposed development will connect into the existing stormwater drainage system.
Opportunities to provide reasonable, continuous public access along the foreshore, considering the needs of property owners	Not applicable. The proposal is on private property and will not affect the public access to the waterway.
Appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The proposed development avoids, minimises and mitigated the impacts of the development by ensuring that the non-compliant elements in the foreshore area are minor and are restricted to ancillary components of the dwelling.

The proposed development achieves the Objects in Section 1.3 of the EP&A Act. Specifically, the proposed development promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3)(g).

Based on the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the proposed non-compliance with the Foreshore building line in this instance.

The Objects of the Environmental Planning & Assessment Act 1979 ('EP&A Act') under Section 1.3 of that Act are also relevant to whether grounds exist to warrant a variation. While this does not necessarily require that the proposed development should be consistent with the objects of the Act, nevertheless, in the table below we consider whether the proposed development is consistent with each object.

The objects of the EP&A Act and how this proposal responds to each of the objects are detailed as follows:

Object	Comment
To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	This object is not relevant to this development.
To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	The proposal will facilitate an ecologically sustainable development given that no negative impact on environmental and social considerations will arise. This in turn will serve to offer the ongoing sustainment of the economic health of the area.
To promote the orderly and economic use and development of land	The proposed development will promote the orderly and economic use of the land by way of providing a land use consistent with the planning controls.
To promote the delivery and maintenance of affordable housing	This object is not relevant to this development.

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To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	Given the nature and character of the urban setting the proposed development is located within, no impact on threatened species or ecological communities is likely to result.
To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	This object is not relevant to this development
To promote good design and amenity of the built environment	The proposed development promotes good design in that it serves to provide a built form and massing arrangement that serves to positively influence the future amenity of the dwelling occupants while adopting an architectural form and language, with an overall silhouette and land use intensity compatible with both the established and emerging development and housing typology.
To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The proposed development will comply with all relevant BCA codes and will promote the health and safety of occupants.
To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	This object is not relevant to this development
To provide increased opportunity for community participation in environmental planning and assessment	This proposed development has been publicly notified in accordance with Council's Community Engagement Strategy/DCP.

Based on the above, the consent authority can be satisfied that the proposed development remains consistent with the Objects of the Act despite the non-compliance.

4.2.3 Clause 4.6(4) — The consent authority must keep a record of its assessment carried out under subclause (3).

Georges River Council has a current Clause 4.6 register. Any record of this development and its address of subclause (3) will be required to be uploaded on this register.

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5. CONCLUSION

For the reasons set out in this written request, strict compliance with the Foreshore area/Foreshore building line development standard contained within clause 6.4 of GRLEP 2021 is unreasonable in the circumstances of the case. Further, there are sufficient environmental planning grounds to justify the proposed variation and it is in the public interest to do so.

It is reasonable and appropriate to vary the development standard to the extent proposed, for the reasons detailed within this submission and as summarised below:

- Compliance with the Foreshore building line is unreasonable in the circumstances of the proposed development.
- The proposal, notwithstanding the non-compliance, is consistent with the objectives of clause 6.4 – Foreshore area and coastal hazards and risk within GRLEP 2021.
- There are sufficient environmental planning grounds to justify the contravention; and
- There is an absence of any environmental impacts arising from the proposed variation.

For the reasons outlined above, the clause 4.6 request is well-founded. The development standard is unreasonable in the circumstances, and there are sufficient environmental planning grounds that warrant contravention of the standard. In the circumstances of this case, flexibility in the application of the Foreshore building line should be applied.

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LPP011-26 Attachment 2

DEVELOPMENT APPLICATION: NEW SINGLE DWELLING

153 QUEENS ROAD, CONNELLS POINT

00 COVER SHEET

01 SITE ANALYSIS PLAN (EXISTING)

02 SITE ANALYSIS PLAN (PROPOSED)

03 EXISTING FLOOR PLANS

04 DEMOLITION AND SEDIMENT CONTROL PLAN

05 PROPOSED SITE PLAN

06 HOME OFFICE FLOOR PLAN

07 GROUND FLOOR PLAN (ENTRY)

08 MIDDLE LEVEL FLOOR PLAN

09 LOWER GROUND FLOOR PLAN

10 EXISTING BOAT SHED

11 EAST AND WEST ELEVATIONS

12 NORTH AND SOUTH ELEVATIONS

13 SECTIONS 1 AND 2

14 SECTION 3

15 POOL DETAILS

16 EXISTING SHADOW DIAGRAMS - JUNE 21ST

17 EXISTING SHADOW DIAGRAMS - DECEMBER 21ST

18 PROPOSED SHADOW DIAGRAMS - JUNE 21ST

19 PROPOSED SHADOW DIAGRAMS - DECEMBER 21ST

20 WINDOW SHEDULE AND BASIX COMMITMENTS

21 SCHEDULE OF COLOURS & EXTERNAL FINISHES

22 GFA, FSR AND LANDSCAPING CALCULATION PLANS

23 HEIGHT PLANE ANALYSIS

24 PHOTOMONTAGES OF PROPOSAL



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NOTE
The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not scale drawings. Drawings shall not be used for construction purposes unless and until marked for construction. This drawing is the property of RM Design Studio and is to be used only for work when authorised in writing by RM Design Studio.

All boundaries and contours are subject to the survey drawing. All levels to Australian Height Data. It is the contractors responsibility to confirm all measurements on site and locations of any services prior to work on site.

All documents here within are subject to Australian Copyright Laws.

Project Partners
Refer to accompanied documentation when directed
- BASIX Consultant - **BMA**
- Civil Engineer - **Acrayell Engineering**
- Hydraulic Engineer - **Acrayell Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **BMA**
- Structural Engineer - **Acrayell Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	Ali Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE : COVER PAGE

PROJECT NAME : 153 Queens Road, Connells Point

SCALE

DRAWING NO. 00

LPP011-26 Attachment 2

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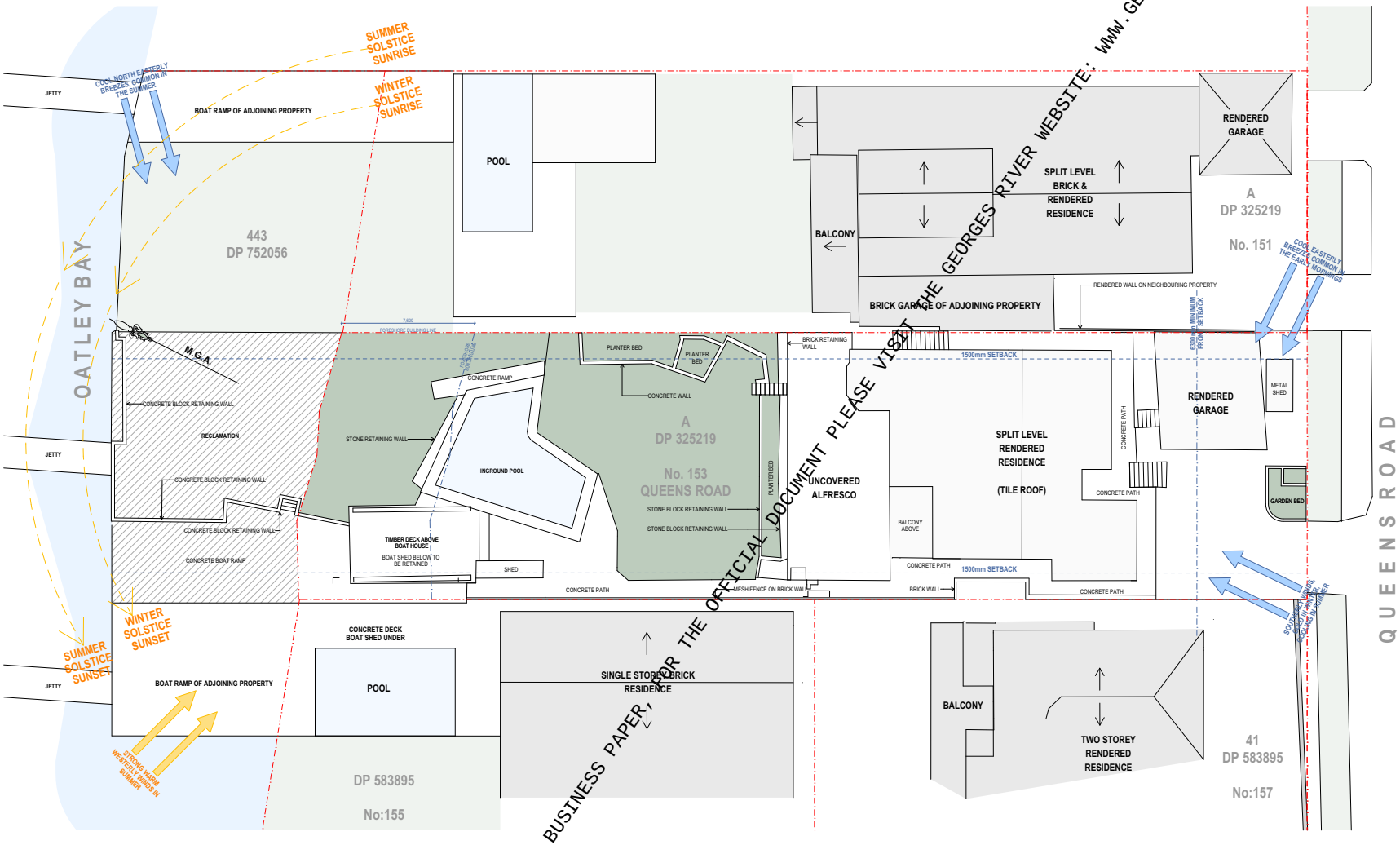


NOTE

Project Partners

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date: 26/11/2025
Project NO. CON25
Project Status FOR APPROVAL
Client All Amin
Site: 153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE : SITE ANALYSIS PLAN (EXISTING)

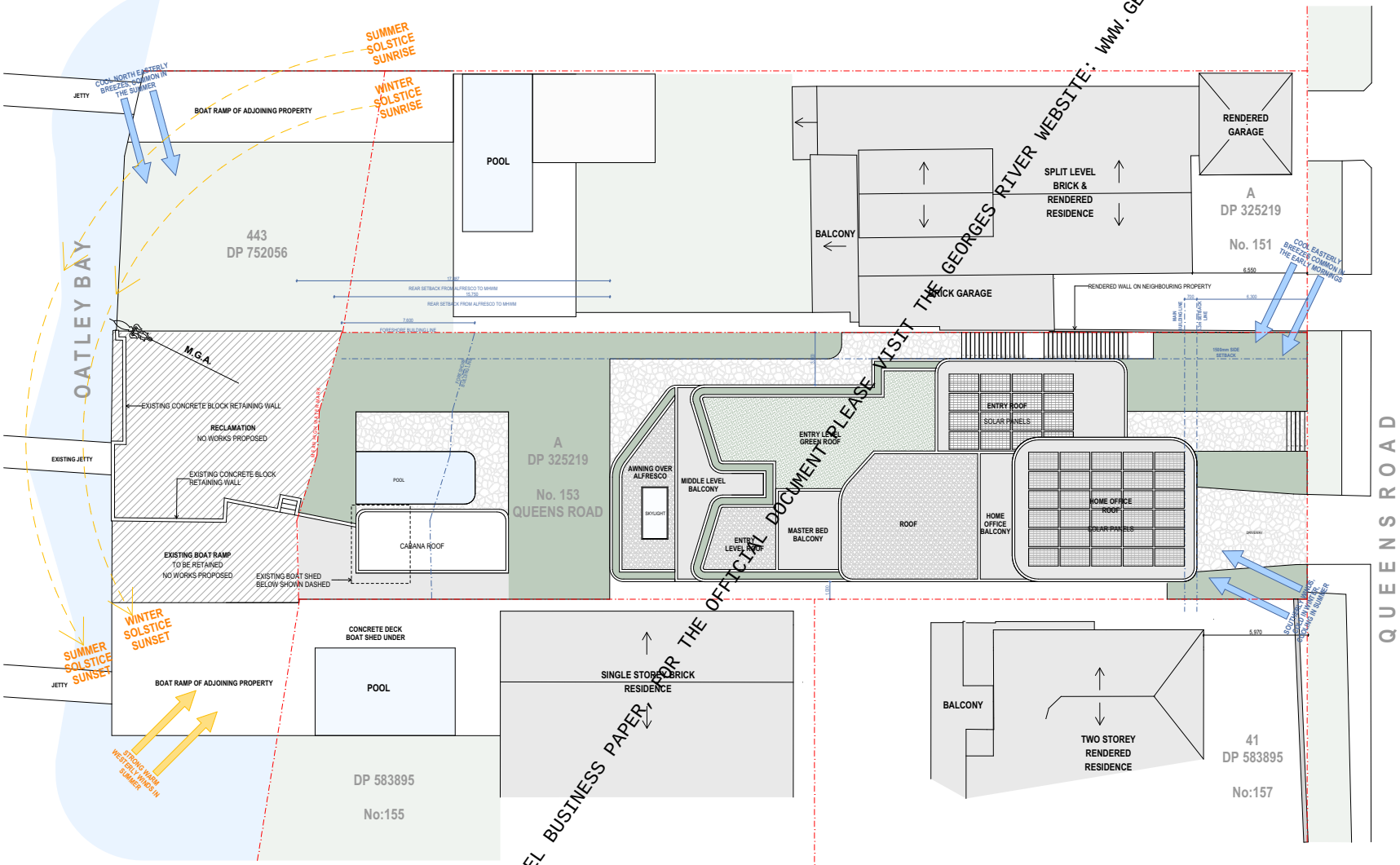
PROJECT NAME : 153 Queens Road, Connells Point

SCALE 1:100

DRAWING NO. 01

LPP011-26 Attachment 2

VER LOCAL PLANNING PANEL BUSINESS PAPER, FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU



NOTE

Project Partners

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date: 26/11/2025
Project NO. CON25
Project Status FOR APPROVAL
Client All Amin
Site: 153 Queens Road, Connells Point Sydney NSW Australia

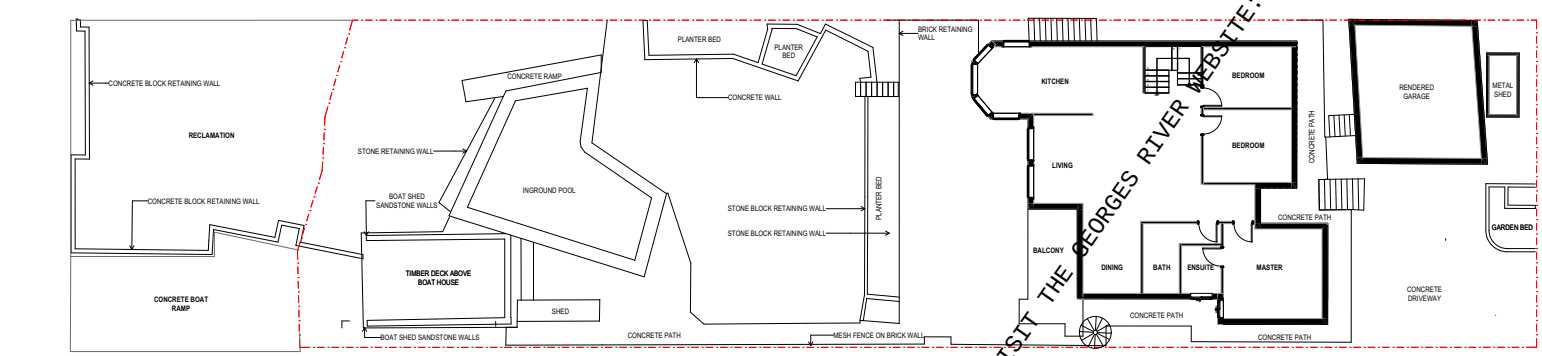
DRAWING TITLE : SITE ANALYSIS PLAN (PROPOSED)

PROJECT NAME : 153 Queens Road, Connells Point

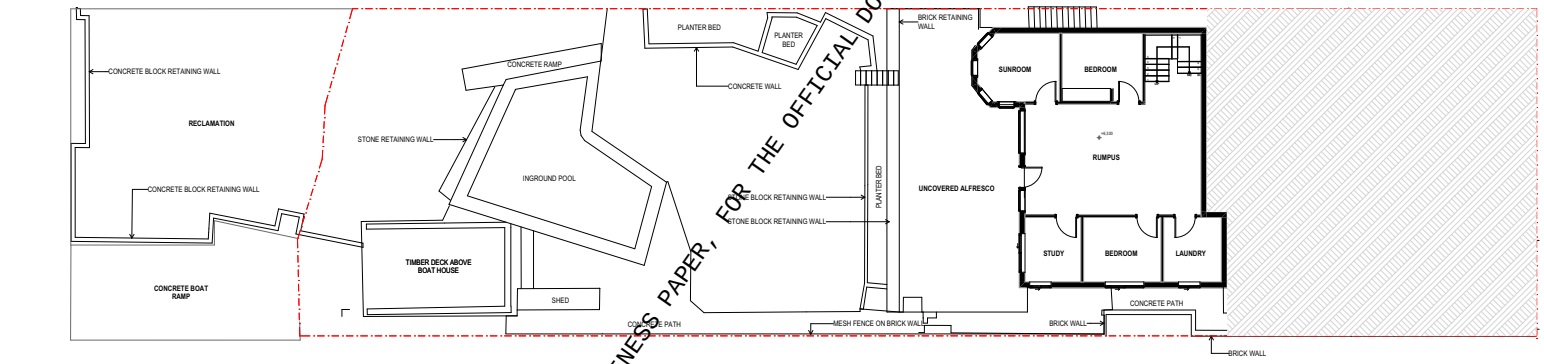
SCALE 1:100

DRAWING NO. 02

LPP011-26 Attachment 2



1 EXISTING GROUND FLOOR PLAN
1:100



2 EXISTING LOWER GROUND FLOOR PLAN
1:100

NOTE
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Project Partners
Rm Design Studio Documentation when directed
- BCA Consultant - **BBA**
- Civil Engineer - **Acrayell Engineering**
- Electrical Engineer - **Acrayell Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **BBA**
- Structural Engineer - **Acrayell Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	All Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE :
EXISTING FLOOR PLANS

PROJECT NAME :
153 Queens Road, Connells Point

SCALE
1:100

DRAWING NO.
03

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LPP011-26 Attachment 2

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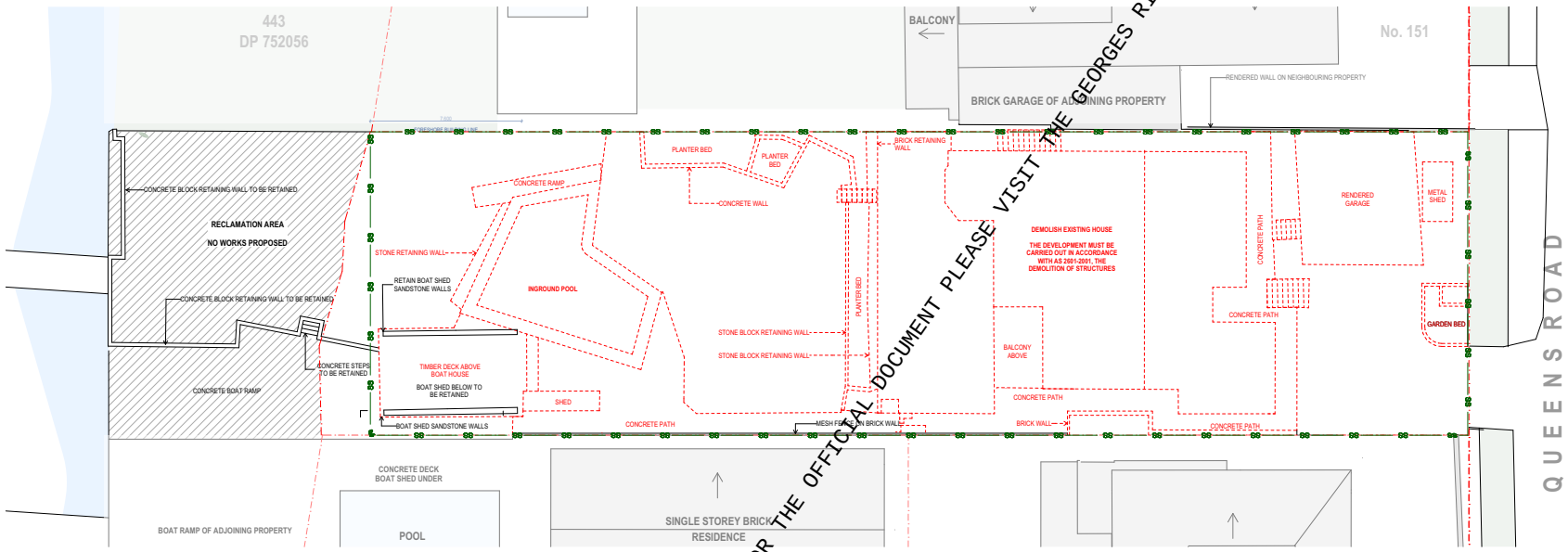
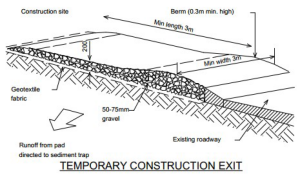
LEGEND

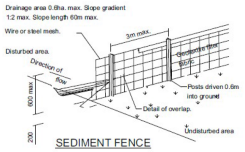
ITEMS TO BE REMOVED

1800mm HIGH CHAIN WITH SECURITY FENCE AND GATE REQUIRED





TEMPORARY CONSTRUCTION EXIT

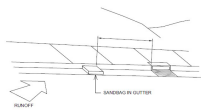


SEDIMENT FENCE



BUILDING MATERIAL STOCKPILES

NTS



SANDBAG KERB SEDIMENT TRAP

NTS

NOTE

This Plan shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not scale drawings. Drawings shall not be used for construction purposes until issued for construction. This drawing is subject to Rhi Design Studio and is to be used only for work when authorised in writing by RM Design Studio.

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All documents here within are subject to Australian Copyright Laws.

Project Partners

- Rhi Design Studio - **Rhi Design Studio**
- Cost Engineer - **Acrepoll Engineering**
- Lighting Engineer - **Acrepoll Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **BMA**
- Structural Engineer - **Acrepoll Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	Ali Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE :

DEMOLITION AND SEDIMENT CONROL PLAN

PROJECT NAME :

153 Queens Road, Connells Point

SCALE

1:100

DRAWING NO.

04

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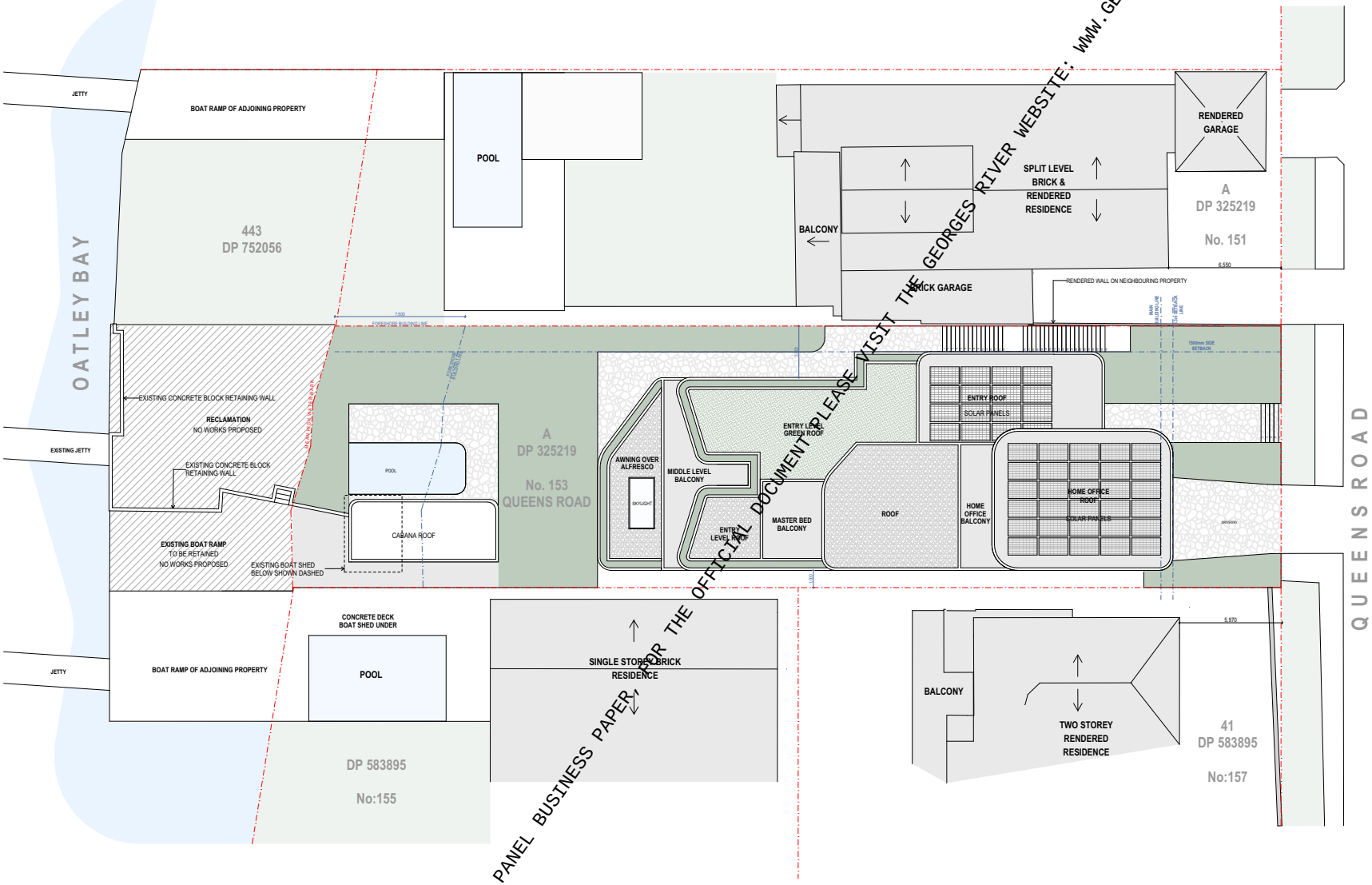

NOTE

Project Partners

FOR APPROVAL

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	Ali Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE : PROPOSED SITE PLAN

PROJECT NAME : 153 Queens Road, Connells Point

SCALE 1:100

DRAWING NO. 05

LPP011-26 Attachment 2

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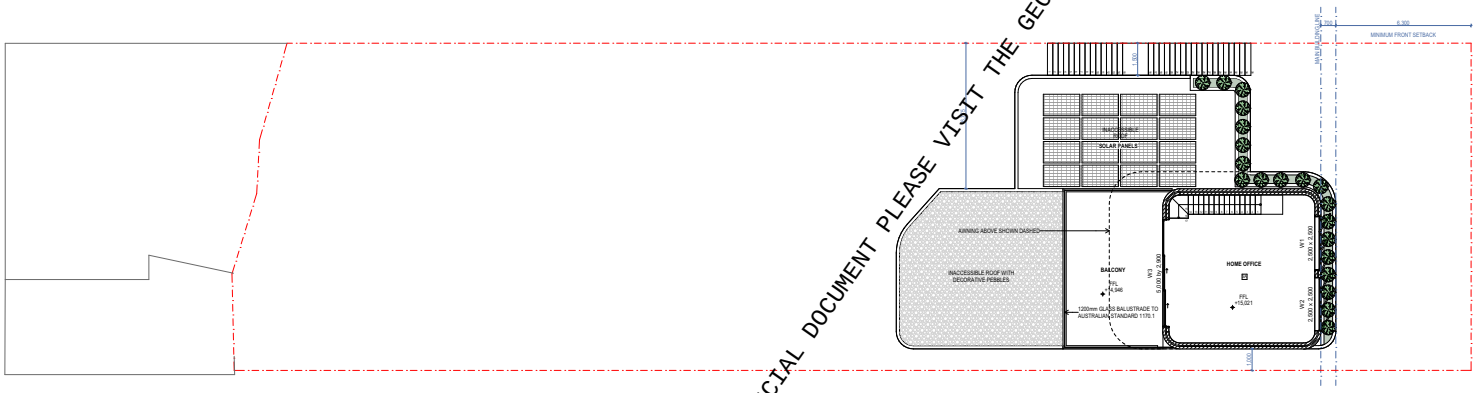
KEY

SA - SMOKE ALARM
MV - MECHANICAL VENTILATION
FW - FLOOR WASTE
FFL - FINISHED FLOOR LEVEL



NOTE
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All boundaries and contours are subject to the survey drawing. All levels to Australian Height Data. It is the contractors responsibility to confirm all measurements on site and locations of any services prior to work on site.

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Project Partners
- Rm Design Studio - **Documentation when directed**
- Hydraulic Engineer - **BMA**
- Civil Engineer - **Acrayell Engineering**
- Electrical Engineer - **Acrayell Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **BMA**
- Structural Engineer - **Acrayell Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	Ali Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE : **HOME OFFICE FLOOR PLAN**

PROJECT NAME : **153 Queens Road, Connells Point**

N

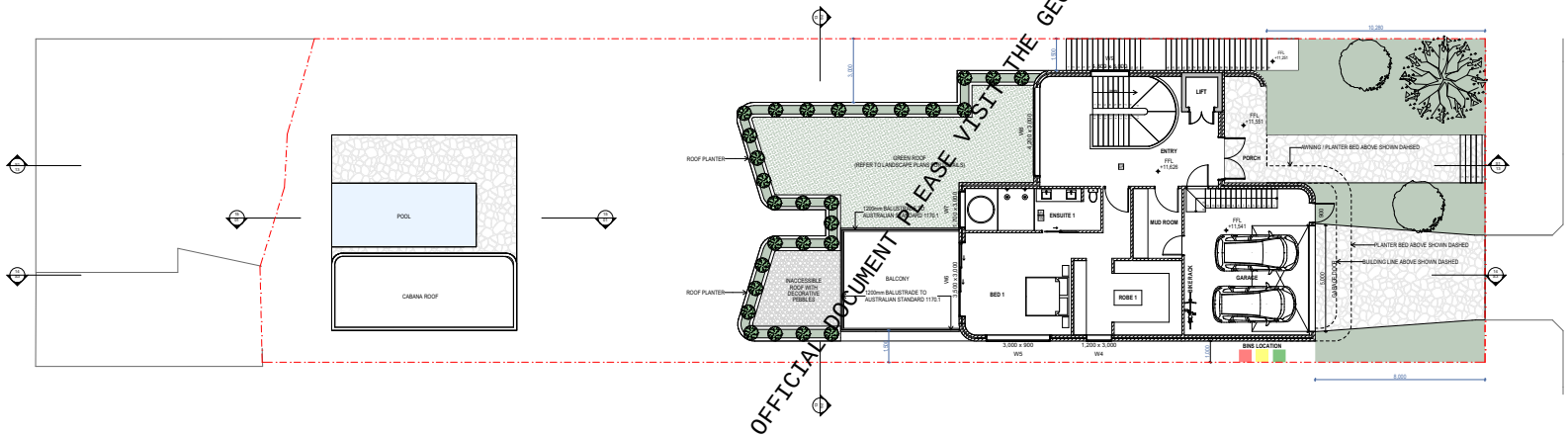
SCALE **1:100**

DRAWING NO. **06**

LPP011-26 Attachment 2

KEY

SA - SMOKE ALARM
MV - MECHANICAL VENTILATION
FW - FLOOR WASTE
FFL - FINISHED FLOOR LEVEL



NOTE

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Project Partners

- Water Sensitive Consultant - **Water Sensitive Consultant when directed**
- BCA Consultant - **BBA**
- Civil Engineer - **Acrayell Engineering**
- Hydraulic Engineer - **Acrayell Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **BBA**
- Structural Engineer - **Acrayell Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	Ali Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE :
GROUND FLOOR PLAN (ENTRY)

PROJECT NAME :
153 Queens Road, Connells Point

SCALE
1:100

DRAWING NO.
07

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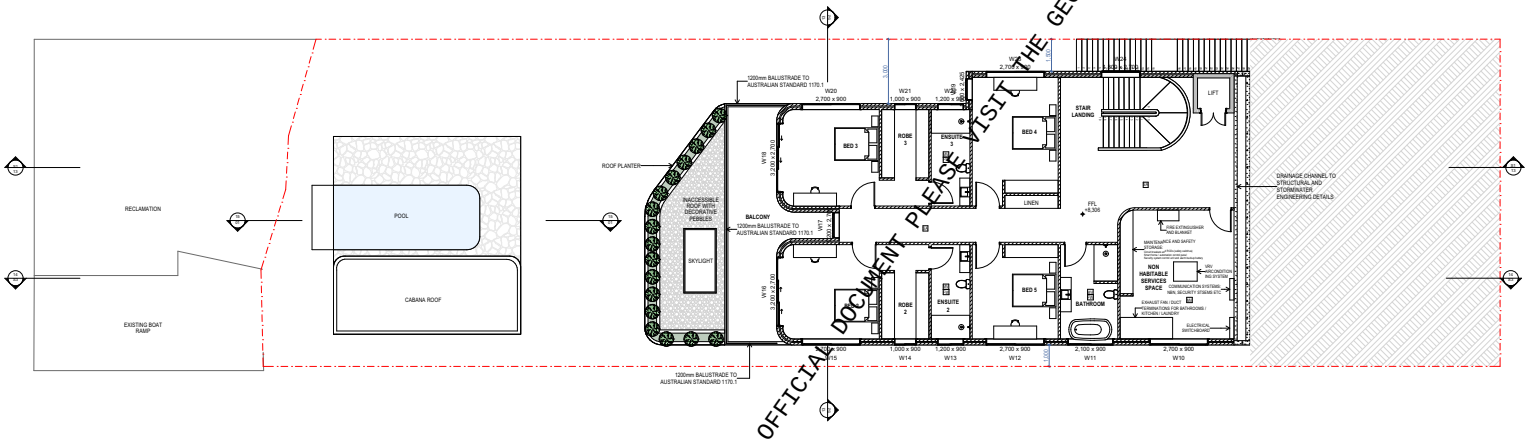
KEY

SA - SMOKE ALARM
MV - MECHANICAL VENTILATION
FW - FLOOR WASTE
FFL - FINISHED FLOOR LEVEL



NOTE
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Project Partners
- Refer to consultant documentation when directed
- BCA Consultant - **BBA**
- Civil Engineer - **Acrayell Engineering**
- Hydraulic Engineer - **Acrayell Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **BBA**
- Structural Engineer - **Acrayell Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	Ali Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE : **MIDDLE LEVEL FLOOR PLAN**

PROJECT NAME : **153 Queens Road, Connells Point**

SCALE **1:100**

DRAWING NO. **08**

LPP011-26 Attachment 2

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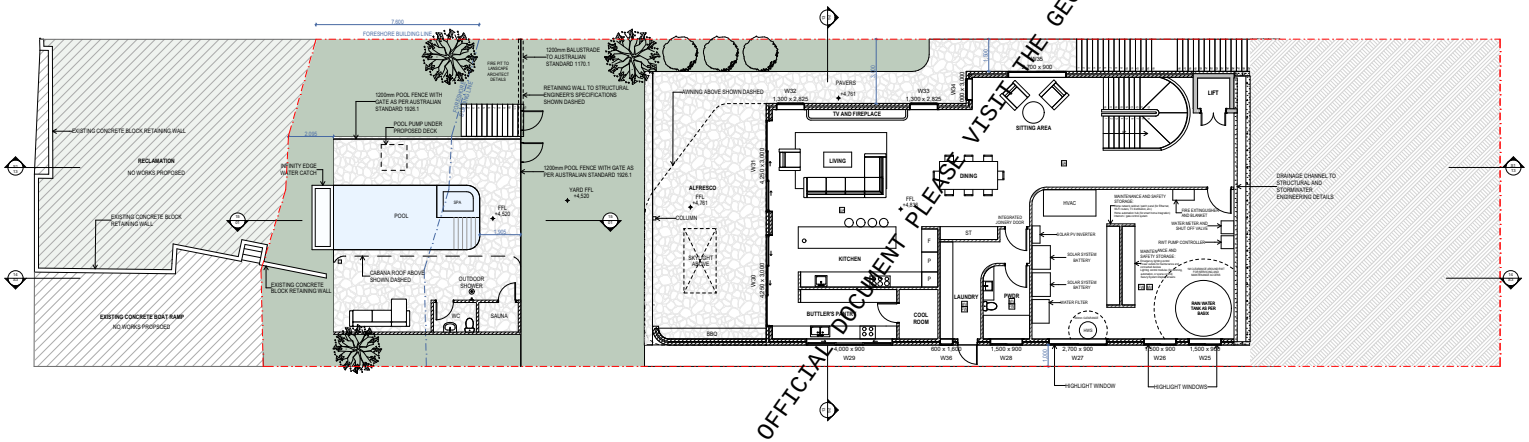
KEY

SA - SMOKE ALARM
MV - MECHANICAL VENTILATION
FW - FLOOR WASTE
FFL - FINISHED FLOOR LEVEL



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Project Partners
Prior to consulting documentation when directed
- BCA Consultant - **BBA**
- Civil Engineer - **Aurayati Engineering**
- Hydraulic Engineer - **Aurayati Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **BBA**
- Structural Engineer - **Aurayati Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	Ali Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE :
LOWER GROUND FLOOR PLAN

PROJECT NAME :
153 Queens Road, Connells Point

SCALE
1:100

DRAWING NO.
09

LPP011-26 Attachment 2

KEY

SA - SMOKE ALARM
MV - MECHANICAL VENTILATION
FW - FLOOR WASTE
FFL - FINISHED FLOOR LEVEL



NOTE
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Project Partners
- Water Sensitivity - **Water Sensitive Cities Consultants**
- Civil Engineer - **Acrayell Engineering**
- Hydraulic Engineer - **Acrayell Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **BMA**
- Structural Engineer - **Acrayell Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	Ali Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE : **EXISTING BOAT SHED**

PROJECT NAME : **153 Queens Road, Connells Point**

N

SCALE **1:100**

DRAWING NO. **10**

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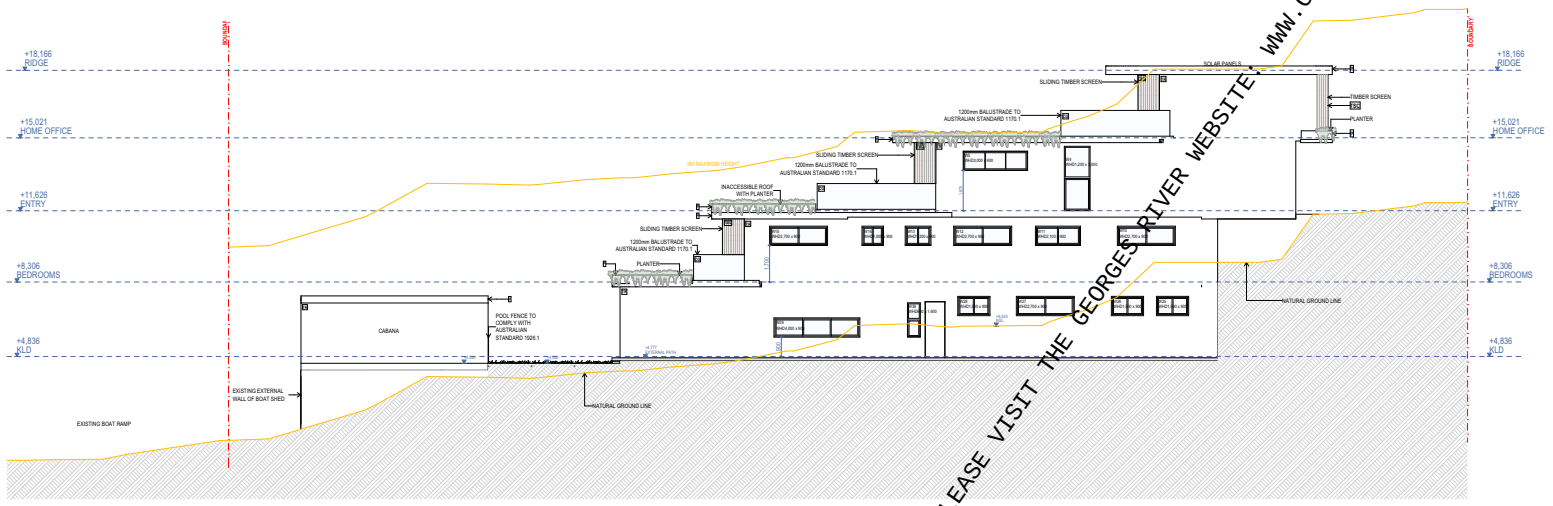
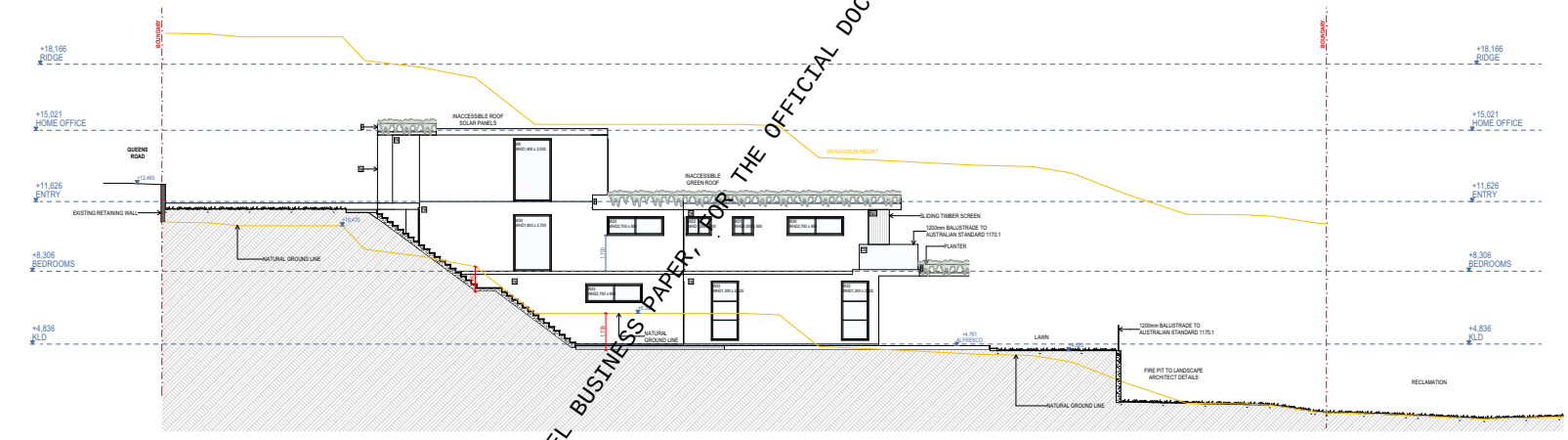
LPP011-26 Attachment 2



1 WEST ELEVATION
1:100



2 EAST ELEVATION
1:100

NOTE

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Project Partners

- BCA Consultant - **BBC**
- Civil Engineer - **Acrypt Engineering**
- Geotechnical Engineer - **Acrypt Engineering**
- Landscape Designer - **ZAHA**
- Planning Consultant - **BBA**
- Structural Engineer - **Acrypt Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CCN25
Project Status	FOR APPROVAL
Client	All Arnin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE :
EAST AND WEST ELEVATIONS

PROJECT NAME :
153 Queens Road, Connells Point

SCALE
1:100

DRAWING NO.
11

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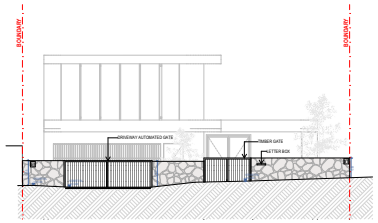
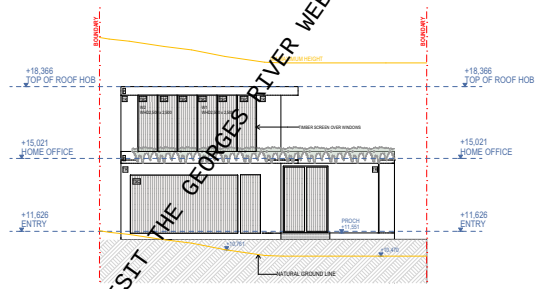
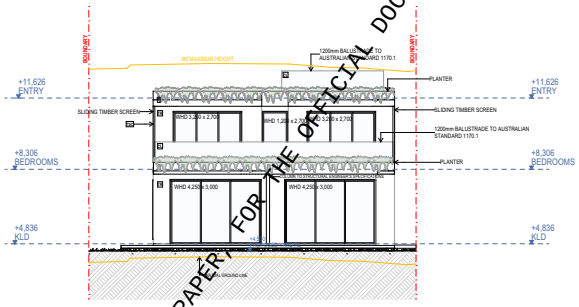
LPP011-26 Attachment 2



1 FENCE ELEVATION (QUEENS ROAD)
1:100



2 SOUTH ELEVATION
1:100



3 NORTH ELEVATION (REAR)
1:100

NOTE
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Project Partners
- Rear Boundary Representative when directed
- BCA Consultant - **BBA**
- Civil Engineer - **Acrogell Engineering**
- Hydraulic Engineer - **Acrogell Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **BBA**
- Structural Engineer - **Acrogell Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	All Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE :
NORTH AND SOUTH ELEVATIONS

PROJECT NAME :
153 Queens Road, Connells Point

SCALE
1:100

DRAWING NO.
12

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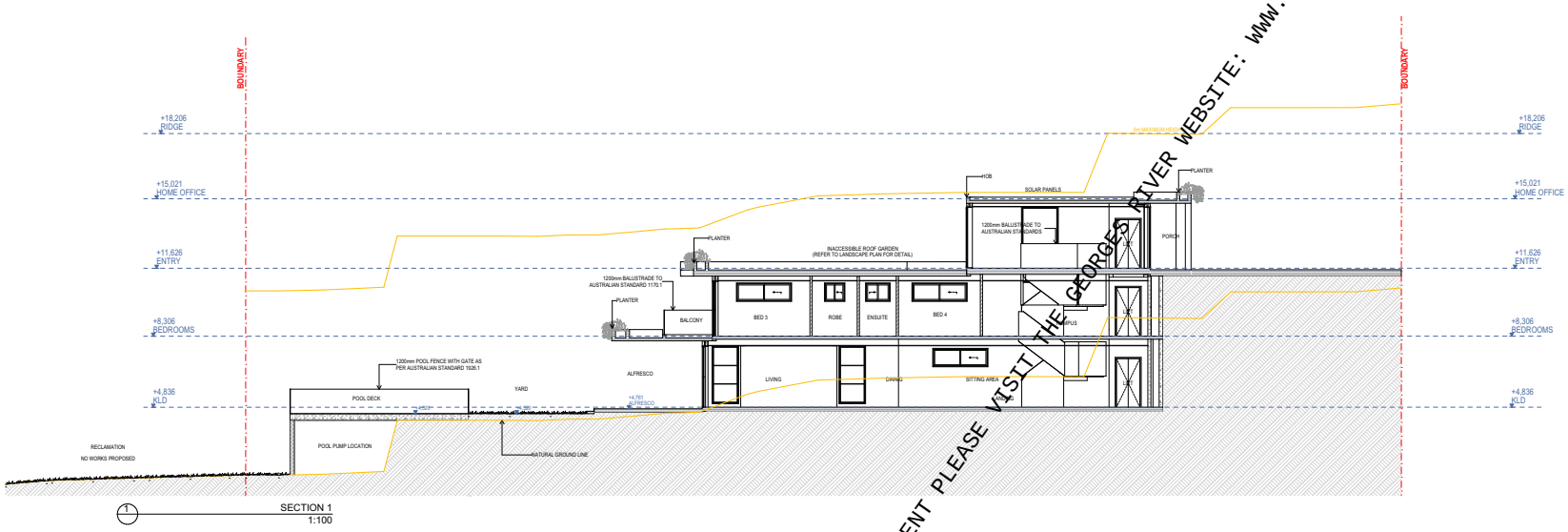
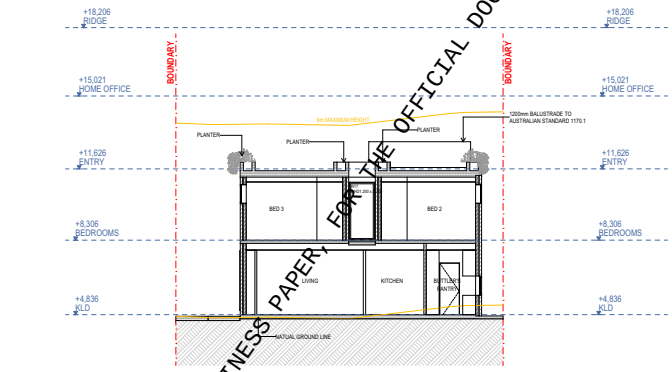


1 SECTION 1
1:100



2 CROSS SECTION
1:100

NOTE
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All documents here within are subject to Australian Copyright Laws.

Project Partners
- Refer to consultant documentation when directed
- BCA Consultant - **BBA**
- Civil Engineer - **Acrayell Engineering**
- Hydraulic Engineer - **Acrayell Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **BBA**
- Structural Engineer - **Acrayell Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	Ali Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE : **SECTIONS 1 AND 2**

PROJECT NAME : **153 Queens Road, Connells Point**

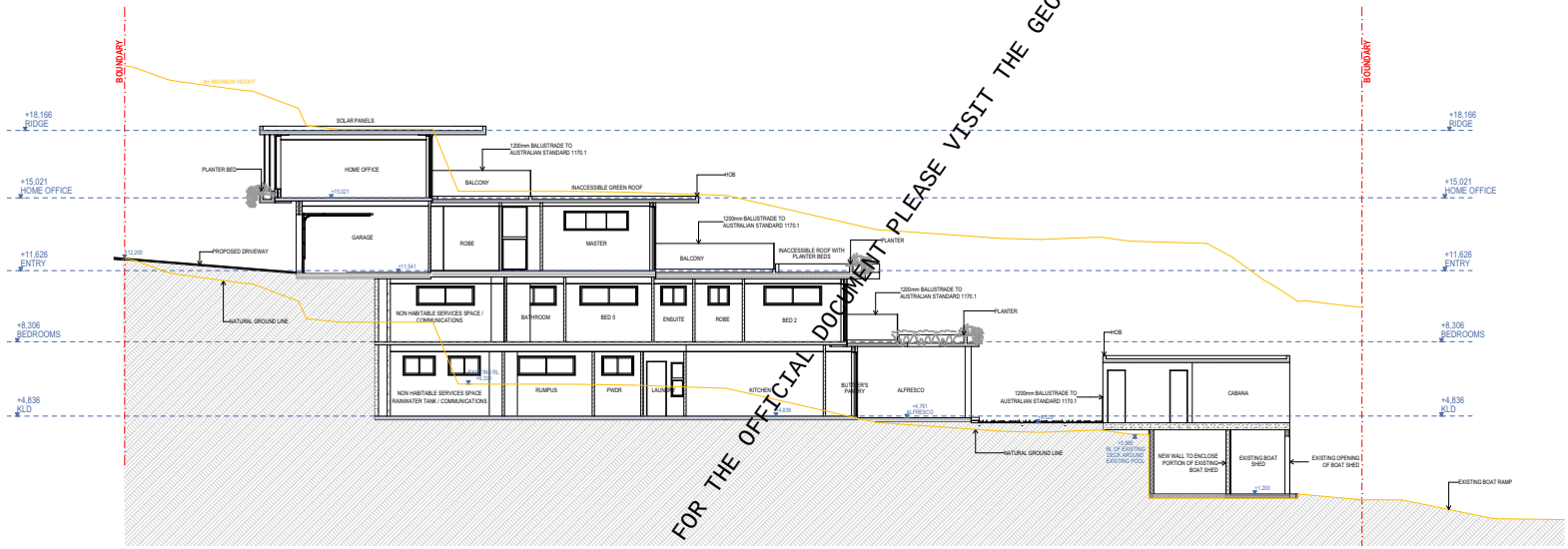
SCALE **1:100**

DRAWING NO. **13**

VER LOCAL PLANNING PANEL BUSINESS PAPER, FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU

LPP011-26 Attachment 2

FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU



NOTE

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Project Partners

- Town Planner - **Ethos Urban** *presentation when directed*
- BCA Consultant - **BBC**
- Civil Engineer - **Accupril Engineering**
- Structural Engineer - **Accupril Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **EMA**
- Structural Engineer - **Accupril Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	Ali Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE : SECTION 3

PROJECT NAME : 153 Queens Road, Connells Point

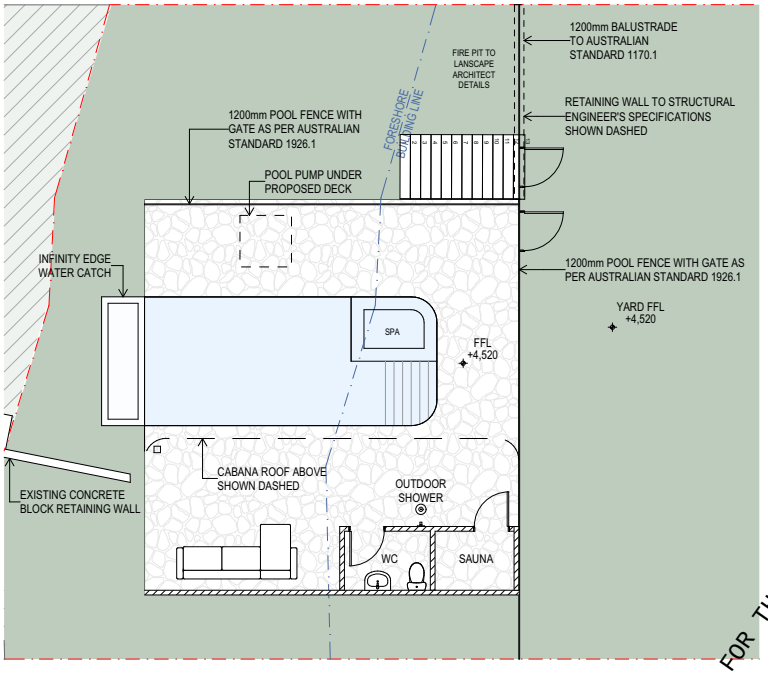
SCALE 1:100

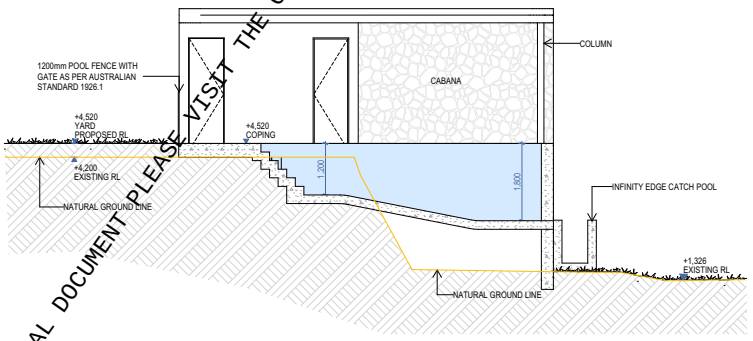
01

DRAWING NO. 14

GEORGES RIVER LOCAL PLANNING PANEL BUSINESS PAPER,

LPP011-26 Attachment 2





Pool Compliance Notes

- All fences to comply with AS1926 Swimming Pool Safety Standards and the Swimming Pools Act.
- Ensure a warning / resuscitation sign is displayed in accordance with the Swimming Pools Act.
- Ensure gate is free of obstructions that could hold gate open and is self-closing and self-latching.
- Ensure pool fence is a minimum of 1200mm high (measured outside of pool area).
- Ensure maximum 100mm gap under pool fence.
- Ensure boundary fences are 1800mm high when measured pool side in accordance with the Swimming Pools Act.
- Remove any landscaping that intrudes into the non-climbable zones in accordance with the Swimming Pools Act.

- Note:
- Water from a swimming pool must be scharged in accordance with an approval under the Local Government Act 1993 if the lot is not connected to a sewer main.
- The pump must be housed in an enclosure that is soundproof

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Project Partners
Refer to accepted documentation when directed
- Hydro Consultant - **BMA**
- Civil Engineer - **Acrayell Engineering**
- Landscape Engineer - **Acrayell Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **BMA**
- Structural Engineer - **Acrayell Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	All Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE : **POOL DETAIL**

PROJECT NAME : **153 Queens Road, Connells Point**

SCALE **1:50**

DRAWING NO. **15**

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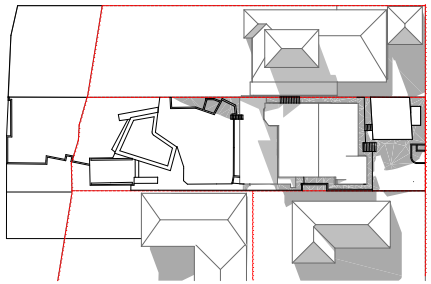

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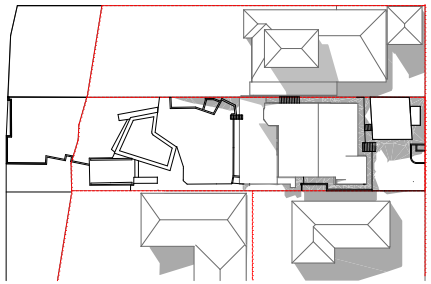

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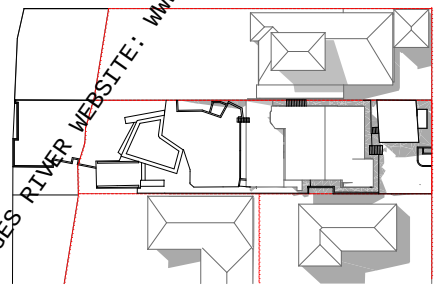

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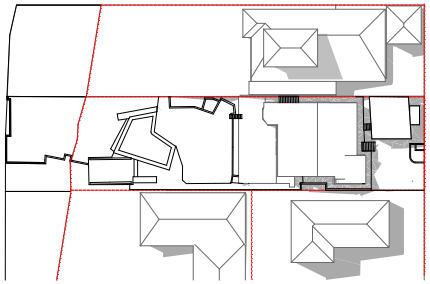

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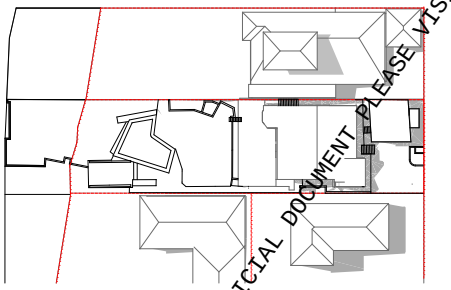

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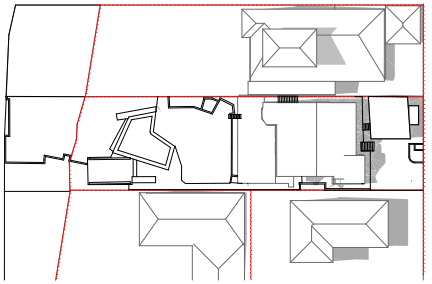

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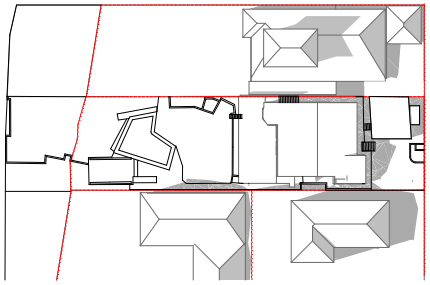

3PM JUNE 21ST

NOTE

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Project Partners

- Rate is consultant - **Rate**
- Cost Engineer - **Acrayell Engineering**
- Lighting Engineer - **Acrayell Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **BMA**
- Structural Engineer - **Acrayell Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	Ali Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE :
EXISTING SHADOW DIAGRAMS - JUNE 21ST

PROJECT NAME :
153 Queens Road, Connells Point

N

SCALE
1:350

DRAWING NO.
16

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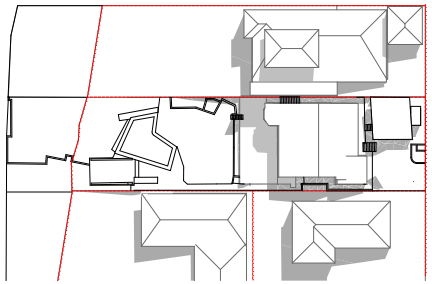
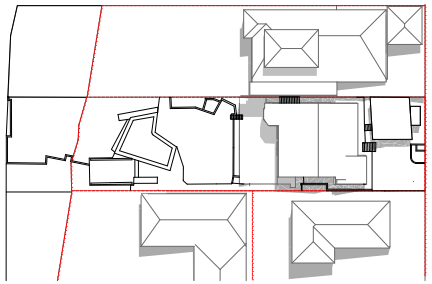
LPP011-26 Attachment 2



9AM DECEMBER 21ST



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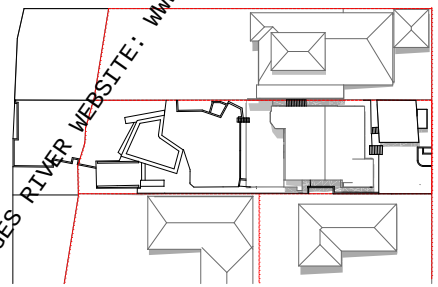

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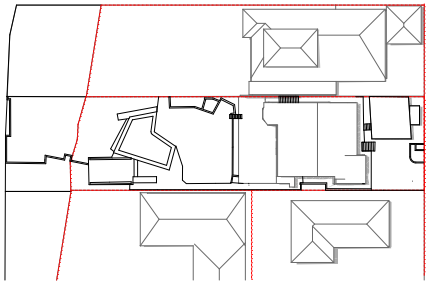

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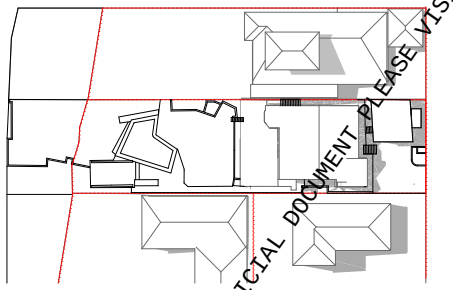

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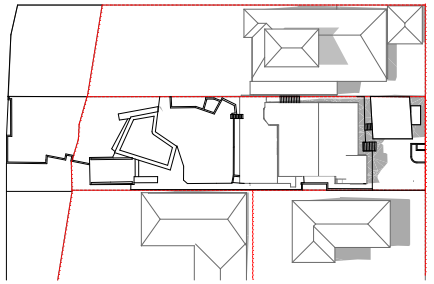

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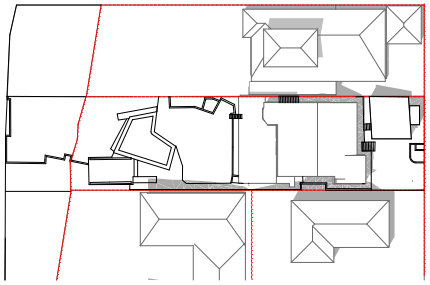

3PM DECEMBER 21ST

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Project Partners

- Rate Is Interpreted Documentation when directed
- BCA Consultant - **BBA**
- Civil Engineer - **Aurayati Engineering**
- Hydraulic Engineer - **Aurayati Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **BBA**
- Structural Engineer - **Aurayati Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	Ali Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE :
EXISTING SHADOW DIAGRAMS - DECEMBER 21ST

PROJECT NAME :
153 Queens Road, Connells Point

SCALE
1:350

DRAWING NO.
17

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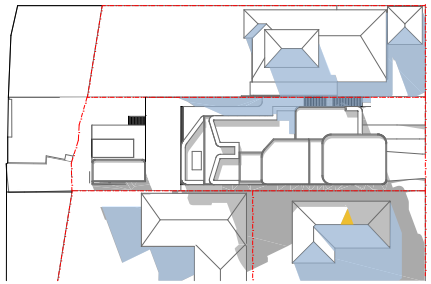
LPP011-26 Attachment 2



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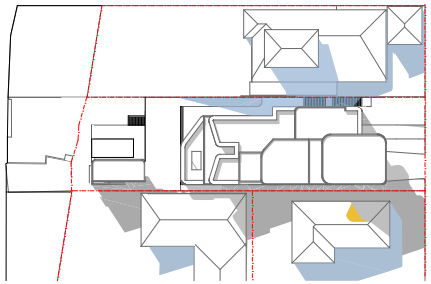

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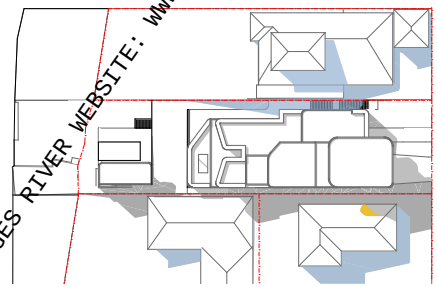

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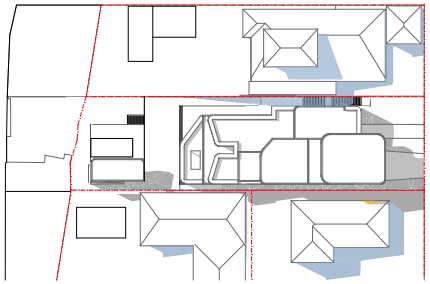

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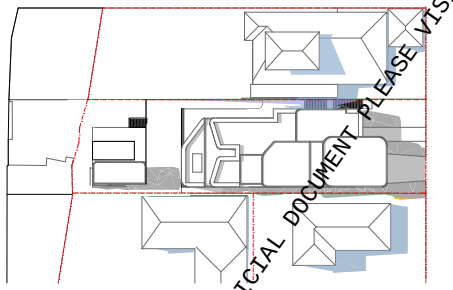

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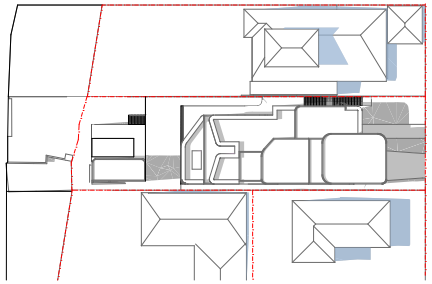

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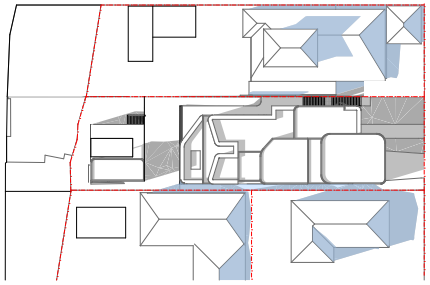

3PM JUNE 21ST

KEY

- SHADOWS CAST BY ADJOINING PROPERTIES
- SHADOWS CAST BY PROPOSED DEVELOPMENT
- SHADOW CAST BY HEIGHT BREACHING COMPONENTS

NOTE

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Project Partners

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- Civil Engineer - **Acrayell Engineering**
- Hydraulic Engineer - **Acrayell Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **BBA**
- Structural Engineer - **Acrayell Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	All Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE :
PROPOSED SHADOW DIAGRAMS - JUNE 21ST

PROJECT NAME :
153 Queens Road, Connells Point

N

SCALE
1:350

01

DRAWING NO.
18

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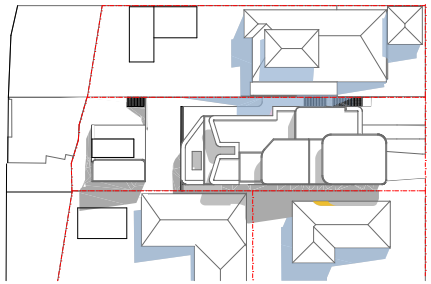
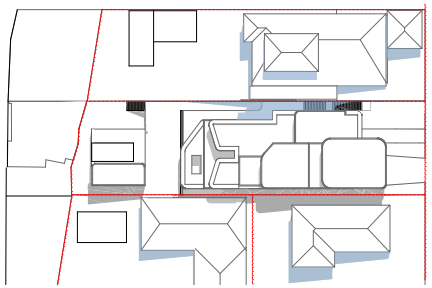
LPP011-26 Attachment 2



9AM DECEMBER 21ST



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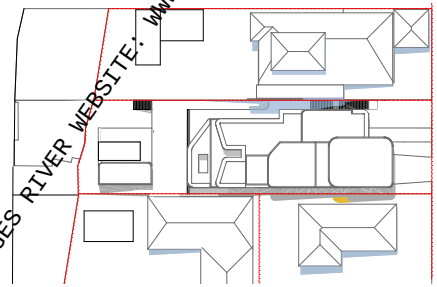

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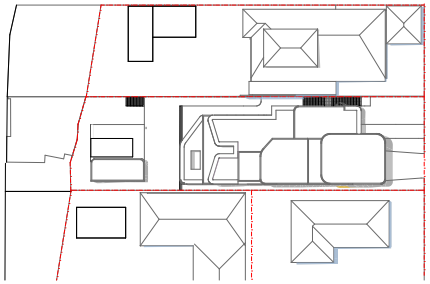

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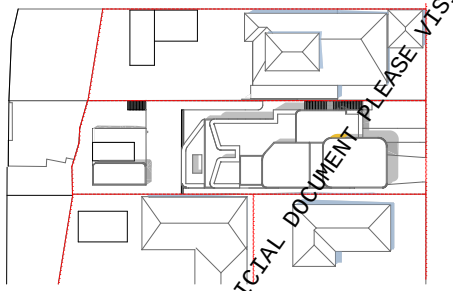

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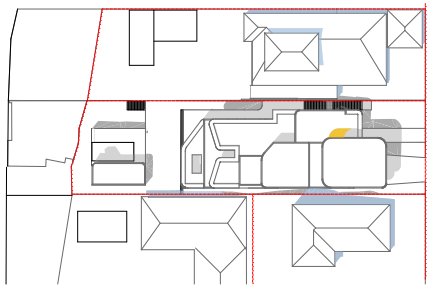

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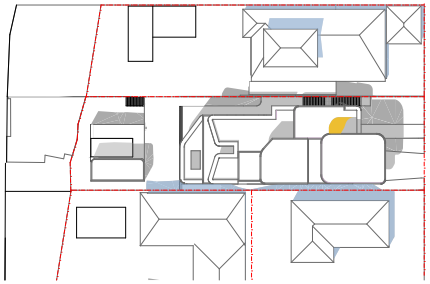

3PM DECEMBER 21ST

KEY

- SHADOWS CAST BY ADJOINING PROPERTIES
- SHADOWS CAST BY PROPOSED DEVELOPMENT
- SHADOW CAST BY HEIGHT BREACHING COMPONENTS

NOTE

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- Hydraulic Engineer - **Acrayell Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **BBA**
- Structural Engineer - **Acrayell Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
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Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	Ali Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE :
PROPOSED SHADOW DIAGRAMS - DECEMBER 21

PROJECT NAME :
153 Queens Road, Connells Point

SCALE
1:350

DRAWING NO.
19

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1 WINDOW SHEDULE
1:100

BASIX COMMITMEMENTS

WATER COMMITMEMENTS

Alternative water
Rainwater tank
The applicant must install a rainwater tank of at least 2500 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.

Swimming Pool
The swimming pool must not have a volume greater than 30 kilolitres.
The swimmming pool must be outdoors.

THERMAL PERFORMANCE AND MATERIALS COMMITMENTS

The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Assessor Certificate requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor to certify that this is the case. The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.

The applicant must show on the plans accompanying the development application for the proposed development, the locations of ceiling fans set out in the Assessor Certificate. The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), the locations of ceiling fans set out in the Assessor Certificate

Construction
The applicant must construct the floors, walls, roofs, ceilings and glazing of the dwelling in accordance with the specifications listed in the tables below.

Construction	Area - m²	Insulation
floor - concrete slab on ground, conventional slab.	278.8	none
floor - above habitable rooms or mezzanine, concrete - suspended; frame: timber - H2 treated softwood..	366.3	none
floor - suspended floor above garage, concrete - suspended; frame: timber - H2 treated softwood.	39.8	none
garage floor - concrete - suspended; frame: timber - H2 treated softwood.	40.6	none
external wall: cavity brick; frame: no frame.	542	polyurethane+ foil/sarking
external wall: concrete panel/plasterboard; frame: timber - H2 treated softwood.	84.7	fibreglass batts or roll+ foil/sarking
external garage wall: cavity brick; frame: no frame.	50.5	polystyrene+ foil/sarking
internal wall: single skin masonry; frame: no frame.	380.6	none
ceiling and roof - flat ceiling / flat roof, concrete - plasterboard internal, timber - H2 treated softwood.	282.1	ceiling: fibreglass batts or roll; roof: no

BASIX COMMITMEMENTS

Glazing
The applicant must install windows, glazed doors and skylights as described in the table below, in accordance with the specifications listed in the table.

Frames	Maximum area - m2
aluminium	159
timber	0
uPVC	0
steel	0
composite	0

Glazing	Maximum area - m2
single	96.1
double	62.9
triple	0

ENERGY COMMITMEMENTS

Hot Water
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous with a performance of 5 stars.

Natural Lighting
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.
The applicant must install a window and/or skylight in 5 bathroom(s)/toilet(s) in the development for natural lighting.

Alternative Energy
The applicant must install a photovoltaic system as part of the development. The applicant must connect this system to the development's electrical system.
The photovolatic system must consist of photovolatic collectors with the capacity to generate at least 5 peak kilowatts of electricity, installed at an angle between 0 degrees and 10 degrees to the horizontal facing north

NOTE
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Project Partners
Refer to consultant documentation when directed
- BCA Consultant - **BBA**
- Civil Engineer - **Acrepoll Engineering**
- Electrical Engineer - **Zenith Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **BBA**
- Structural Engineer - **Acrepoll Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	Ali Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE :
WINDOW SHEDULE AND BASIX COMMITMENTS

PROJECT NAME :
153 Queens Road, Connells Point

SCALE
1:100

DRAWING NO.
20

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TR
TEXTURED RENDER
WHITE

P
PAINT
WHITE



TSC
SLATTED TIMBER SCREEN
TASMAN OAK

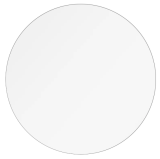


ST
STONE: TRAVERTINE
IVORY

PC
POWDERCOATED WINDOW FRAMES
MATT WHITE



TS
TIMBER
TASMAN OAK



CG
CLEAR GLASS
(ALL BALUSTRADES)

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Project Partners
- Rev-in-accordance documentation when directed
- BCA Consultant - **BBA**
- Civil Engineer - **Acrayell Engineering**
- Electrical Engineer - **Acrayell Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **BBA**
- Structural Engineer - **Acrayell Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	Ali Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE :
SCHEDULE OF COLOURS & EXTERNAL FINISHES

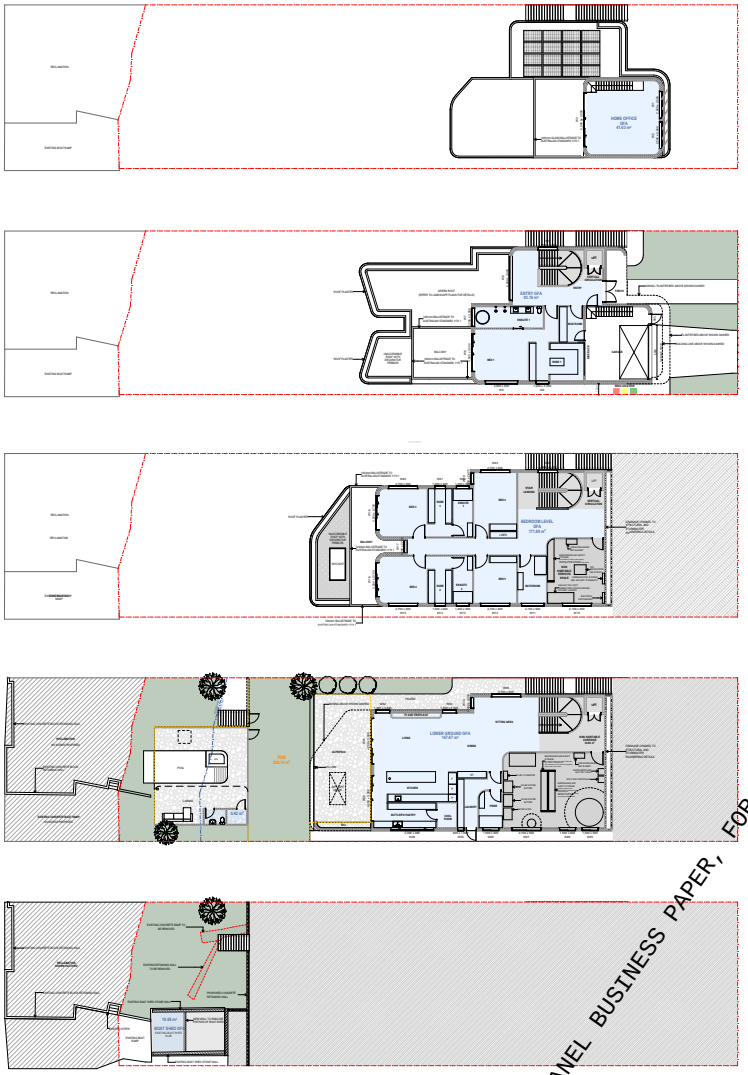
PROJECT NAME :
153 Queens Road, Connells Point

SCALE

DRAWING NO.
21

LPP011-26 Attachment 2

LPP011-26 Attachment 2



OVERALL SUMMARY		
Site Area		859.2 m² (1,041.00 m² including reclamation area)
	Required	**Proposed**
Floor Space Ratio (Area 1)	0.490:1	0.547:1
Gross Floor Area	420.6 m²	470.45 m²
Landscape	214.8 m²	221.27 m²

FSR = [(site area - 650) × 0.3 + 357.5] ÷ site area:1

GFA Compliance	
Level	**Area**
Home Office	41.63 m²
Entry	93.16 m²
Bedrooms	171.89 m²
Lower Ground	147.67 m²
Cabana and boat Shed	16.1 m²
Total	**470.45 m²**

Landscape Compliance		
Location	**Required**	**Proposed**
Overall	25% of site area = 214.8 m²	221.27 m²
Impervious Area forward the building line	No more than 50% of the street setback	50%
Private Open Space	Minimum 60 m²	236.14 m²

NOTE
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Project Partners
- **Plan Consultant** - **Documentation when directed**
- BCA Consultant - **BBA**
- Civil Engineer - **Acrayell Engineering**
- Geotechnical Engineer - **Acrayell Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **BBA**
- Structural Engineer - **Acrayell Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE :
GFA, FSR AND LANDSCAPING CALCULATIONS

PROJECT NAME :
153 Queens Road, Connells Point

SCALE
1:200

DRAWING NO.
22

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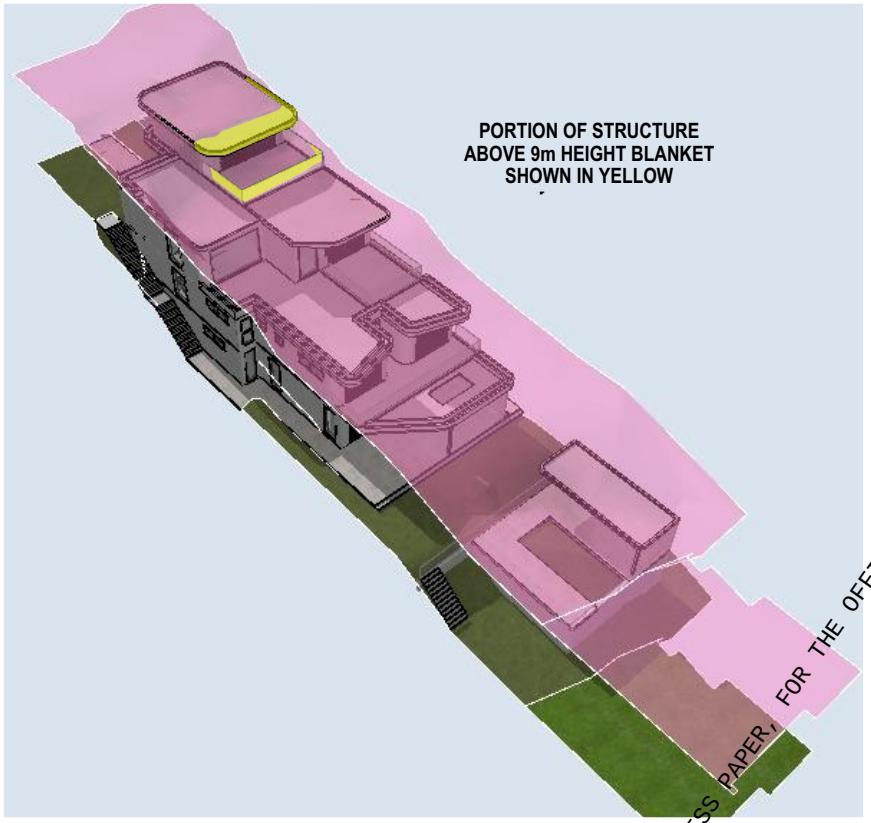
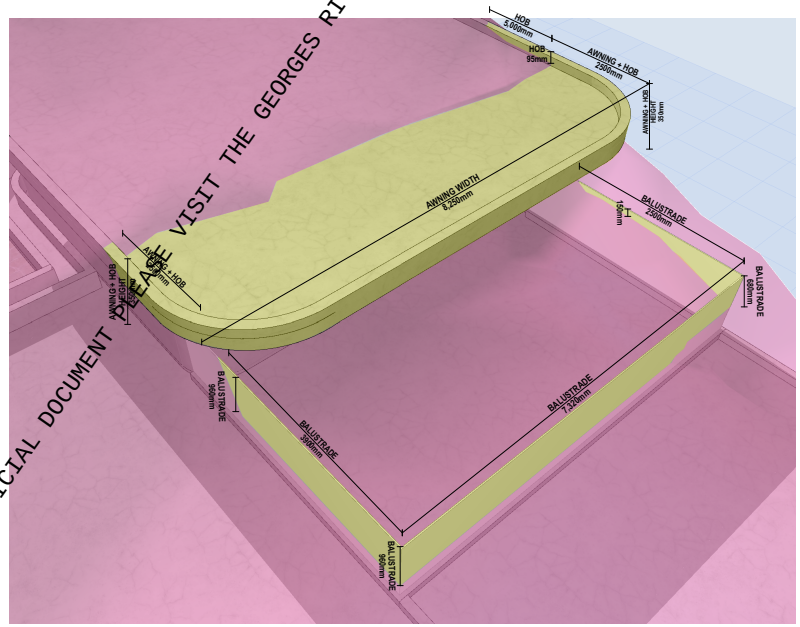
LPP011-26 Attachment 2



HEIGHT BLANKET DIAGRAM



HEIGHT BLANKET DIAGRAM
CLOSE UP OF PORTIONS HIGHLIGHTED IN YELLOW

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Project Partners
Rates Consultant - **Rates Consultant when directed**
- Civil Engineer - **Acrayell Engineering**
- Electrical Engineer - **Acrayell Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **BMA**
- Structural Engineer - **Acrayell Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	All Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE : **HEIGHT PLANE ANALYSIS**

PROJECT NAME : **153 Queens Road, Connells Point**

SCALE

DRAWING NO. **23**

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1 QUEENS ROAD PHOTOMONTAGE



2 OATLEY BAY PHOTOMONTAGE

NOTE
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Project Partners
Rate Sustainable Consultation when directed
- Hydraulic Engineer - **BMA**
- Civil Engineer - **Acrayell Engineering**
- Lighting Engineer - **Acrayell Engineering**
- Landscape Designer - **Zenith**
- Planning Consultant - **BMA**
- Structural Engineer - **Acrayell Engineering**
- Surveyor - **New Way**

FOR APPROVAL

RM DESIGN STUDIO

WORK IN PROGRESS	29 SEPTEMBER 2025
FOR CONSULTANTS	30 OCTOBER 2025
ISSUED FOR DEVELOPMENT APPLICATION	26 NOVEMBER 2025

Plot Date:	26/11/2025
Project NO.	CON25
Project Status	FOR APPROVAL
Client	Ali Amin
Site:	153 Queens Road, Connells Point Sydney NSW Australia

DRAWING TITLE :
PHOTOMONTAGES OF PROPOSAL

PROJECT NAME :
153 Queens Road, Connells Point

SCALE

DRAWING NO.
24

LPP011-26 Attachment 2

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Georges River Local Planning Panel Meeting

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	DA2025/0535
PAN	PAN-563189
Description	Demolition works and construction of dwelling house with swimming pool
Address	153 Queens Road CONNELLS POINT NSW 2221
Lot / DP	Lot B DP 325219
Applicant	Ali Amin
Owner(s)	Julie Harvey
Responsible Officer	Principal 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.
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	
Car Parking	Two (2) parking spaces
Demolition	Demolition proposed
Estimated Development Cost	$1,844,315.00 (inc GST)
Floor Space Ratio	Applicant: 0.55:1
	Council: 0.7:1
Front Setback	6.3m
Gross Floor Area	Applicant: 470.45m^2
	Council: 616.4m^2
Land Use	Dwelling
Maximum Height of Building	12.1m
Minimum Side Setback	1m

LPP011-26 Attachment 3

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Proposal	
Rear Setback	38m
Subdivision	Not applicable
Vegetation Removal	None proposed

A site plan is provided below:

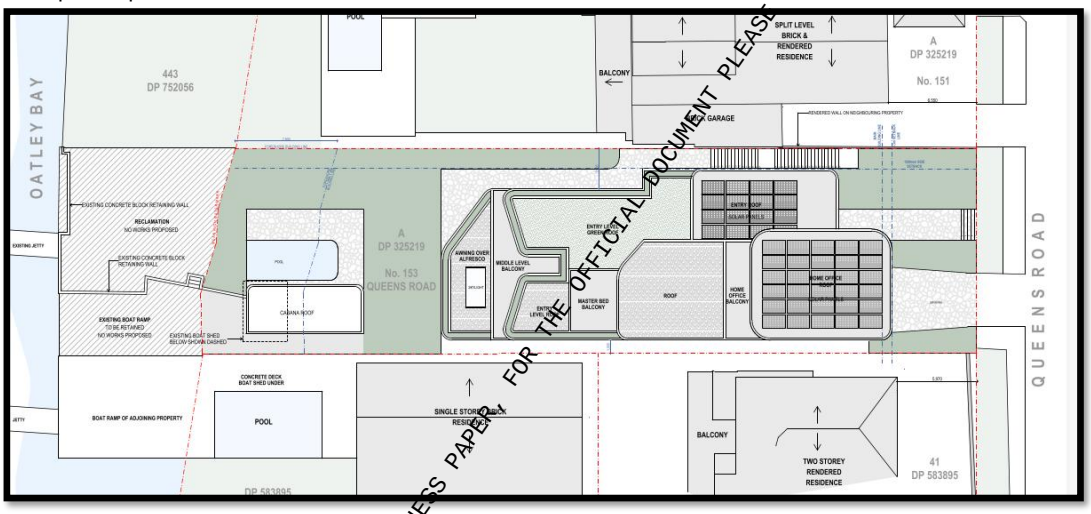

Figure 1 – Site plan *(Source: Architectural Plans)*

Locality

The site is located on the north-western side of Queens Road. The site is a rectangular shaped allotment with a frontage to Queens Road of 15.24m and has a land area of 853.6m^2 and respective north-eastern and south-western boundary lengths of 55.145m and 57.605m. The site is subject to a considerable slope from the south-western corner down towards the foreshore. The current land use has been residential in nature being a dwelling house.

Aerial Image of Land Zoning

LPP011-26 Attachment 3

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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)*

Processing

LPP011-26 Attachment 3

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Action	Date	Comments
Submission	27/11/2025	-
Lodgement	28/11/2025	-
Site Inspection	23/01/2026	-
Final Assessment Completed	05/03/2026	-

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:

- **2.** **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, impounding water at its source.
- **3.** **Drainage:** work for the purpose of draining water from land (such as a pump, pipe or channel) but is not for sewerage work.
- **4.** **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):

- **2.** **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.
- **3.** **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
	☒	☐
Referral Date: 11.12.2025		
Response: Additional information was requested by WaterNSW, which was addressed by the applicant. Conditions of consent to apply.		

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 (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.
  - 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

No removal

This application does not seek to remove any vegetation from the subject site and is therefore consistent with the aims of SEPP (Biodiversity).

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

LPP011-26 Attachment 3

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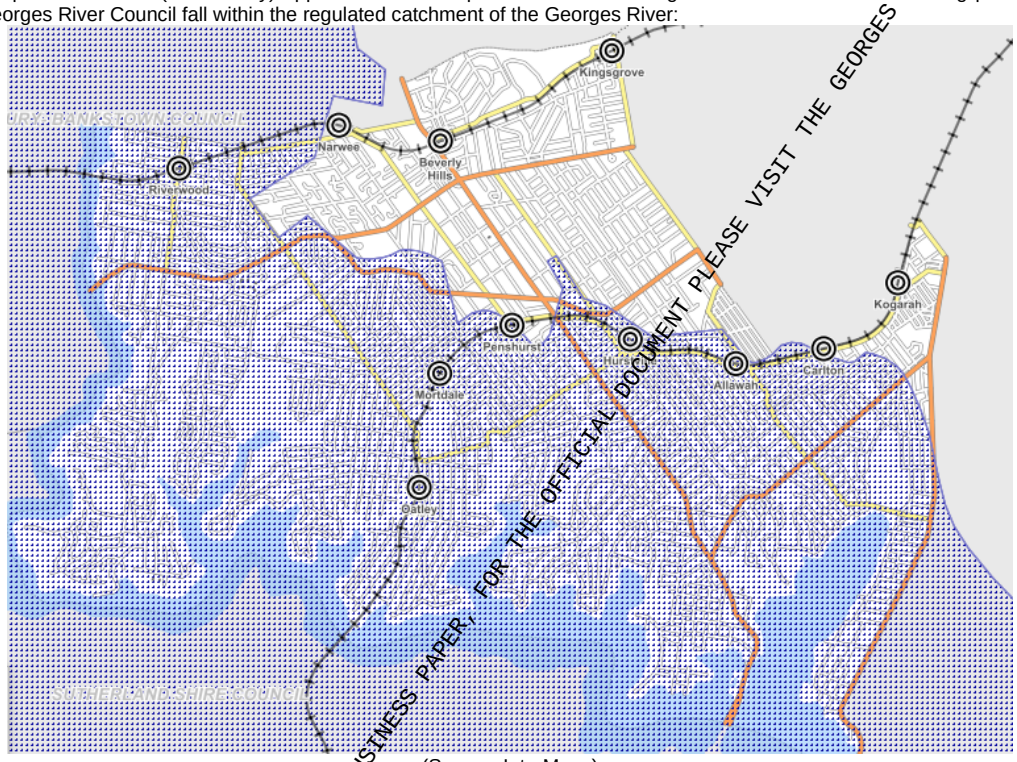
Chapter 6 of SEPP (Biodiversity) applies to all development on land in a regulated catchment. The following parts of Georges River Council fall within the regulated catchment of the Georges River:



(Source: IntraMaps)

State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 6

Assessment

Complies

The proposed development has been assessed against the provisions of Chapter 6 and complies. The development demonstrates 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.

The proposal ensures no release of pollutants during flooding and supports the natural recession of floodwaters into wetlands and riverine ecosystems.

Public access provisions are not applicable.

The development aligns with total catchment management principles, and therefore consultation with adjoining councils was not required.

SEPP (Resilience and Hazards) 2021

Chapter 2 – Coastal Management

Section	Text	Comment	Y	N	N/A
2.4 Identification of	(a) the coastal wetlands and littoral rainforests area	N/A	☐	☐	☒

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SEPP (Resilience and Hazards) 2021
Chapter 2 – Coastal Management

Section	Text	Comment	Y	N	N/A
coastal management areas	(b) the coastal vulnerability area	N/A	☐	☐	☒
	(c) the coastal environment area	Affected	☒	☐	☐
	(d) the coastal use area	Affected	☒	☐	☐
Part 2.2 Development controls for coastal management areas					
Division 3 Coastal environment area					
2.10(1) Development on land within the coastal environment area	Development consent must not be granted unless the consent authority has considered whether the 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, (b) coastal environmental values and natural coastal processes, (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, (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms, (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, (f) Aboriginal cultural heritage, practices and places, (g) the use of the surf zone.	The site is mapped within the coastal environment area. The proposed low-impact residential development has been assessed and is not likely to cause adverse impacts on the coastal environment area, including its ecological integrity, natural processes, marine water quality, vegetation, public access, Aboriginal heritage, or surf zone use, and therefore complies.	☒	☐	☐
2.10(2) Development on land within the coastal environment area	Development consent must not be granted 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 subsection (1), or (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	The proposed development is designed, sited, and will be managed to avoid adverse impacts on the coastal environment area, and where avoidance is not reasonably possible, impacts have been minimised or mitigated in accordance with the SEPP.	☒	☐	☐

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SEPP (Resilience and Hazards) 2021
Chapter 2 – Coastal Management

Section	Text	Comment	Y	N	N/A
	(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.				
	Division 5 General				
2.12 Development in coastal zone generally—development not to increase risk of coastal hazards	Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.	The development has been designed to minimise risk of coastal hazards and has been assessed by Council's Development Engineer as being suitable for the coastal site.	☒	☐	☐
2.13 Development in coastal zone generally—coastal management programs to be considered	Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.	The development has been assessed against the relevant provisions of the Georges River Estuary CZMP 2013. The assessment has found that the development will maintain water quality, avoid bank erosion, protect the riparian environment and be provided with floor levels sufficient to protect against anticipated flooding. Accordingly, approval of the application is consistent with the provisions of the program.	☒	☐	☐
2.15 Hierarchy of development controls if overlapping	If a single parcel of land is identified by this Chapter as being within more than one coastal management area the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail— (a) the coastal wetlands and littoral rainforests area, (b) the coastal vulnerability area, (c) the coastal environment area, (d) the coastal use area.	The application has been assessed in accordance with the provided hierarchy.	☒	☐	☐
The application has been assessed against the relevant provisions Chapter 2 of SEPP (Resilience and Hazards) 2021. The proposal complies with the objectives 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 R2 Low Density Residential.

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SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of land

- 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 (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.

SEPP (Sustainable Buildings) 2022

Assessment

Certificate Number:	1819991S
Certificate Date:	03 November 2025
The application has been assessed against the relevant provisions of SEPP (Sustainable Buildings) 2021. The proposal complies with the objectives of the EPI.	

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: • Penetration of ground within 2 metres of an underground power line • Works within 10 metres of any part of an electricity tower • Works immediately adjacent to a substation			

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SEPP (Transport and Infrastructure) 2021					
• Works immediately adjacent to an electricity easement • Works within 5m of an overhead power line • 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.	Achieved	☒	☐	☐
2.48(2)(b)	Any response to the above has been considered.	No objection raised by Ausgrid	☒	☐	☐
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**
2.2 Zoning	Refer to LEP map.	R2 Low Density	☒	☐	☐
2.3 Zone objectives	R2 • To provide for the housing needs of the community within a low density residential environment. • 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.	The proposed development does not achieve a high standard of urban design as required under the R2 Low Density Residential zone objectives. The built form fails to respond appropriately to the established character of the surrounding low-density neighbourhood.	☐	☒	☐
2.5 Additional permitted uses	Refer to Schedule 1.	Not applicable	☐	☐	☒
2.7 Demolition	The demolition of a building requires development consent.	Demolition proposed. Demolition plan provided.	☒	☐	☐
4.3 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, (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 Proposed: 12.1m The submitted documentation accompanying this development application does not correctly depict the extent of the height breach.	☐	☒	☐
4.4		Standard: 0.48:1	☐	☒	☐

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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: The development has a gross floor area of 616.4m^2, which, given the site area of 859.2m^2, results in an FSR of **0.71:1**, noting that this calculation includes the "non-habitable services" rooms			
4.4A Exceptions to floor space ratio—certain residential accommodation	**Dwelling** Site Are / Max. FSR Less than or 650 / 0.55:1 650 – 1,000 / [(site area - 650) × 0.3 + 357.5] ÷ site area:1 1,000 – 1,500 / [(site area - 1000) × 0.2 + 462.5] ÷ site area:1 1,500 + / [(site area - 1,500) × 0.1 + 562.5] ÷ site area:1 **Dual Occupancy** Site Are / Max. FSR Less than or 1,000 / 0.6:1 1,000 to 1,500 / [(site area – 1,000) × 0.3 + 600] ÷ site area:1 1,500 to 2,000 / [(site area - 1500) × 0.2 + 750] ÷ site area:1 2.000 / [(site area – 2,000) × 0.1 + 850] ÷ 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.	☐	☒	☐
4.6 Exceptions to development standards	(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	A Clause 4.6 variation request has been provided and is assessed in this report.	☐	☒	☐
5.7 Development below mean high water mark	1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters. 2) Development consent is required to carry out development on any	Not applicable	☐	☐	☒

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Georges River Local Environmental Plan 2021

Section	Text	Comment	Y	N	N/A
	land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).				
5.21 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 proposal is subject to conditions of consent. The application was referred to Councils Development Engineer who raised no consent relating to flooding.	☒	☐	☐
5.22 Special flood considerations	To ensure safe occupation and evacuation during flood events, protect flood-compatible land use and critical infrastructure, and minimise environmental impacts from hazardous development and flood behaviour.	The proposal is subject to conditions of consent. The application was referred to Councils Development Engineer who raised no consent relating to flooding.	☒	☐	☐
6.1 Acid sulfate soils	To ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage	The site is affected by Class 5 acid sulfate soils. Conditions of consent to apply.	☒	☐	☐
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 proposal fails to demonstrate compliance with this Clause. The proposal seeks significant cut in order to accommodate the form of the dwelling.	☐	☒	☐
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	Subject to conditions of consent.	☒	☐	☐
6.4 Foreshore area and coastal hazards and risk	To protect people and property from coastal hazards linked to climate change, ensure development does not disrupt natural foreshore processes or amenity, and promote public access along the foreshore.	The Applicant seeks development consent for the construction of a cabana situated below the foreshore building line. A cabana it not a nominated structure permitted under Clause 6.4(3)(c).	☐	☒	☐
6.5 Riparian land and waterways	To protect and maintain waterway ecosystems by safeguarding water quality, bank stability, aquatic and riparian habitats, ecological processes, and Aboriginal cultural heritage values.	Refer to the above.	☒	☐	☐
6.6 Foreshore scenic protection area	To protect, maintain, and enhance the scenic, ecological, and cultural values of the Georges River foreshore, including significant views,	Refer to the below assessment.	☐	☒	☐

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Georges River Local Environmental Plan 2021					
Section	**Text**	**Comment**	**Y**	**N**	**N/A**
	native vegetation, landscape dominance, and the recovery of threatened species and habitats.				
6.9 Essential services	The property must have in place by determination the following services: (a) water, (b) electricity, (c) telecommunications facilities, (d) the disposal and management of sewage, (e) stormwater drainage or on-site conservation, (f) suitable vehicular access.	Appropriate stormwater management and essential services proposed on site.	☒	☐	☐
6.10 Design excellence	Applies to new dwellings (not secondary dwellings) within the Foreshore Scenic Protection Map Area.	The proposal remains inconsistent with the objectives of Clause 6.10 of the LEP.	☐	☒	☐
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— (a) for a dwelling house located on land outside the Foreshore Scenic Protection Area—20% of the site area, or (b) for a dwelling house located on land within the Foreshore Scenic Protection Area—25% of the site area, (c) for development in Zone R3 Medium Density Residential—20% of the site area (d) for development in Zone R4 High Density Residential—10% of the site area 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.	Sufficient landscaping provided on site.	☒	☐	☐
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.					

GRLEP 2021 Clause 4.6 Variation

Clause 4.6 Exceptions to Development Standard of Georges River Local Environmental Plan (GRLEP) 2021 states in subsection 3, *that development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

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

Variation of a Development Standard
The proposed variation relates to building height. This matter is a Development Standard as defined in the Environmental Planning and Assessment Act 1979 and, as a result, the matter can be considered through Clause 4.6.

Written Request
Clause 35B of the Environmental Planning and Assessment Regulation 2021 requires the applicant to prepare a document (written request) that sets out the grounds on which these matters are demonstrated. The development application was accompanied by a written request for the proposed Clause 4.6 variation.

Proposed Variation
As identified in assessment of the proposed works against the GRLEP 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 of Building	A variation of 34.44% or 3.1m over the requirement.
4.4 – Floor Space Ratio	A variation of 47.9%

Summary of 4.6 Assessment
The proposal seeks to vary Clause 4.3 and Clause 4.4 of the Georges River Local Environmental Plan 2021. The variation request does not demonstrate sufficient environmental planning grounds to justify contravening the development standard and that compliance with the development standard is unreasonable or unnecessary. Thus, the requirements of this clause have not been met, and the variation cannot be supported.

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	☒	☐
Part 6.4	Ancillary Development	☒	☐
Part 6.5	Foreshore Locality Controls	☒	☐
Appendices	Supporting Information (e.g. Exempt Tree Works)	☒	☐

Part 3 – General Planning Considerations
3.5 - Earthworks

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The proposal involves substantial excavation that exceeds the allowable limits under Part 3.5 of the GRDCP 2021, including a 4.4 m cut and removal of rock outcrops. This results in extensive retaining walls and adverse impacts on the foreshore setting. The scale of earthworks is driven by non-compliance with height and FSR controls, producing an overly bulky built form that fails to respond to the site's natural topography and generates unreasonable overlooking and overshadowing to neighbouring properties.

Part 5 – Residential Locality Statement.
5.16 – Connells Point and Kyle Bay Locality Statement
The proposed development does not adequately respond to the Residential Locality Statement, as it fails to reflect the established or desired future character of the area, with inconsistencies in building form, scale, setbacks, or landscaping that detract from the locality's distinct identity and streetscape cohesion.

6.1.2.1 – Streetscape Character and Built Form
6.1.2.2 – Building Scale and Height
The proposal significantly exceeds both the maximum FSR and height controls, resulting in a building that is larger and more dominant than permitted. The overstated "non-habitable services" rooms inflate the bulk of the development, and the design does not step with the site's natural topography, contributing to the height breach. The non-compliances lead to a built form that is inconsistent with the desired streetscape character, scale, and built-form outcomes in Sections 6.1.2.1 and 6.1.2.2 of the GRDCP 2021.

6.1.2.3 – Setbacks
The proposal provides a reduced 1 m side setback along the western boundary, contrary to the GRDCP 2021 requirement for 1.5 m setbacks for properties within the Foreshore Scenic Protection Area. Combined with the excessive bulk and massing identified in earlier contentions, the reduced setback contributes to a built form that is larger and more imposing than what is reasonably expected in the R2 Low Density Residential zone and is inconsistent with the established and intended future character of the area.

6.1.2.6 – Excavation (Cut and Fill)
The proposal exceeds the DCP's 1m limit for cut and fill and introduces elevated outdoor areas that increase building height, bulk, and overlooking impacts. The extent of earthworks shows the development has not been designed to respond to the site's natural topography and instead relies on reshaping the landform, resulting in visual bulk, amenity impacts, and adverse effects on the foreshore setting.

6.1.2.8 – Visual Privacy
The proposal includes multiple upper-level balconies that extend toward the rear boundary and enable direct overlooking of the private open space of adjoining properties at 151 and 157 Queens Road. This results in adverse visual privacy impacts and is inconsistent with the DCP requirements, which seek to limit balcony projection, ensure windows allow only oblique views, and require design measures to protect neighbouring privacy.

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,

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Likely Impacts of the Development	
Natural Environment	The development is in a sensitive area and is likely to result in unreasonable impacts on the natural environment.
Built Environment	The built form and supporting infrastructure are inappropriate for the setting 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 R2 Low Density Residential. 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 twenty-eight (28) days in which to view the plans and submit any comments on the proposal. One (1) submission was received during the neighbour notification period.

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

Issue	Comment
Cabana Structure	A cabana it not a nominated structure permitted under Clause 6.4(3)(c) of the GRLEP 2021, restricting Councils ability to grant consent for the cabana structure.
Loss of Privacy	It is considered that the development has not been sensitively designed to be respective of impacts onto the adjoining allotments with respect to maintaining privacy and minimising overlooking.
Bulk	The proposed development is considered excessive in bulk and scale and is not supportable in its current form.
Floor Space Ratio	The proposal exceeds the maximum allowable floor space ratio applicable to the site and is not supported in its current form.
Building Height	Concern was raised regarding the height of building of the development. The proposed development has been assessed in accordance with the definition of height of building. The proposal in its current form exceeds the maximum allowable height of building and is not supported.
Excavation	The extent of the proposed cut and fill on site is a direct result of the proposal forms. The proposed

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	development is not supportable in its current form, with particular regard to the proposed cut and fill.

The Public Interest

The proposal is not in the public interest for the following reasons:

- The proposed use is permissible in the subject zone.
- The proposed development will result in unreasonable impacts to the natural and built environment.
- The proposed development will result in unreasonable amenity impacts to the adjoining neighbours.

Referrals

Internal Referrals		
Specialist	**Comment**	**Outcome**
Development Engineer	No objections raised with regard to the proposal and conditions recommended.	Conditions of consent imposed subject to the approval of the application.
Landscape and Arboricultural	Supported subject to conditions.	Conditions of consent imposed

External Referrals		
Referral Body	**Comment**	**Outcome**
Ausgrid	The referral body has considered the following planning provisions: Clause 2.48 of SEPP (Transport and Infrastructure) 2021. No objections raised with regard to the proposal and conditions recommended.	Conditions of consent imposed.
Water NSW	Conditions of consent to be imposed	Conditions of consent to be imposed

Contributions

No Section 7.11 or 7.12 development contributions apply as the proposal is recommended for refusal and will not proceed to 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 as follows:

The proposed variation to Clause 4.3 and Clause 4.4 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.

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Georges River Local Planning Panel Meeting

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 DA2025/0535 for demolition works and construction of a dwelling house with swimming pool on Lot B DP 325219 on land known as 153 Queens Road, Connells Point, should not be approved subject to the refusal reasons referenced below:

1. The application fails to satisfy Clause 2.3 of the Georges River Local Environmental Plan 2021 with regard to the objectives of the zone [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
2. The application fails to satisfy Clause 4.3 of the Georges River Local Environmental Plan 2021 with regard to building height [Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979].
3. The application fails to satisfy Clause 4.4 of the Georges River Local Environmental Plan 2021 with regard to floor space ratio [Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979].
4. The application fails to satisfy Clause 4.6 of Georges River Local Environmental Plan 2021 with regard to demonstrating compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds to support the departure [Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979].
5. The application fails to satisfy Clause 6.2 of the Georges River Local Environmental Plan 2021 with regard to foreshore area, coastal hazards and risk [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
6. The application fails to satisfy Clause 6.6 of the Georges River Local Environmental Plan 2021 with regard to the perceived height and bulk of the development [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
7. The application fails to satisfy Clause 6.10 of the Georges River Local Environmental Plan 2021 with regard to design excellence [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
8. The application fails to satisfy Section 3.5 of the Georges River Development Control Plan 2021 with regard to earthworks [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
9. The application fails to satisfy Section 6.1.2.1 of the Georges River Development Control Plan 2021 with regard to streetscape character and built form [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
10. The application fails to satisfy Section 6.1.2.2 of the Georges River Development Control Plan 2021 with regard to building scale and height [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
11. The application fails to satisfy Section 6.1.2.3 of the Georges River Development Control Plan 2021 with regard to setbacks [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].

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12. The application fails to satisfy Section 6.1.2.6 of the Georges River Development Control Plan 2021 with regard to excavation [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].

13. The application fails to satisfy Section 6.1.2.2 of the Georges River Development Control Plan 2021 with regard to visual privacy [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].

14. The proposed development is unsatisfactory, as insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development [Pursuant to Sections 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979] including:

    a. Sufficient architectural plans have not been provided.

    b. Insufficient information has been provided to determine the need for the proposed “non habitable services spaces”.

    c. Insufficient information has been provided to be able to determine the available solar access to the adjoining dwelling.

15. 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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REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 05 MARCH 2026

LPP012-26 66-68 LORRAINE STREET PEAKHURST

LPP Report No	**LPP012-26**	**Development Application No**	**DA2025-0341**
Site Address & Ward Locality	66-68 Lorraine Street Peakhurst Peakhurst Ward		
Proposed Development	Alterations and additions to mixed use development		
Owners	C Pselletes, M Pselletes, A Pselletes		
Applicant	C Pselletes		
Planner/Architect	Planner/Architect: Darc Architecture and Interiors		
Date Of Lodgement	11/07/2025		
Submissions	1		
Cost of Works	$2,095,800 exc. 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 (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, structural engineering letter, environmental and construction site management plan, construction traffic and pedestrian plan, crime risk assessment report, Clause 4.6 report, landscape plan, Statement of Environmental Effects, stormwater plan, civil/driveway drawings, waste management plan, traffic impact assessment, accessibility assessment report		
Report prepared by	Principal Planner		

RECOMMENDATION	Refusal

Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	**Yes**

Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	**Yes**
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	**Clause 4.6 request attached, in relation to Clause 4.3 Height of Buildings**
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	**Not Applicable**
Conditions Have draft conditions been provided to the applicant for comment?	**N/A – this application is recommended for refusal**

SITE PLAN



EXECUTIVE SUMMARY

PROPOSAL

1. The Development Application seeks consent for *Alterations and additions to an existing mixed use development.* The proposal being alterations and additions including an additional third storey comprised of the following components:

   Demolition
   Demolition of the existing residential component (4 SOUs) located at the first floor level of the building – the existing concrete slab and boundary walls are to be retained

   Modifications

   - Modifications to one of the two office units of the lower ground-floor facing Lorraine Street to accommodate a lift
   - Modifications to the existing garage entry to accommodate structurally required elements on the upper ground-floor facing the rear right-of-carriageway
   - Partial demolition, alterations and extension of the existing second storey comprising 4 x sole occupancy units (SOU's) to accommodate 6 new SOUs on a new third storey level

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Construction of Additional Storey

Construction of a new mixed-use development comprising:

- Ground floor office/retail space comprising of 2 individual tenancies
- Shop top housing including 6 x 1 bedroom units and 4 x 2 bedroom units
- New private open spaces on both residential floors

Parking provision: 4 residential parking spaces, 2 commercial parking spaces; no bicycle parking spaces.

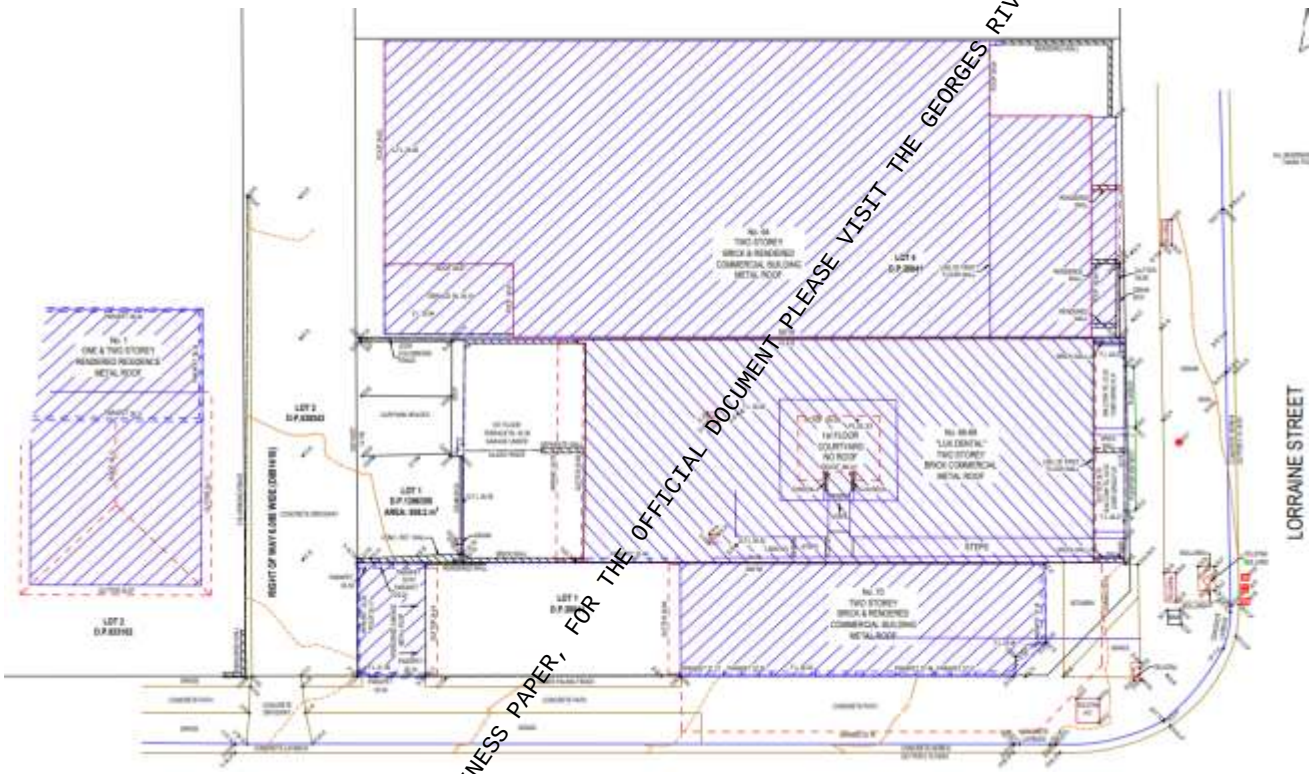

Figure 1 – Survey of site and portion of adjoining sites *(Source:* DA documentation*)*

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Figure 2 – Proposed Front Elevation – 3D Image *(Source: Architectural Plans)*

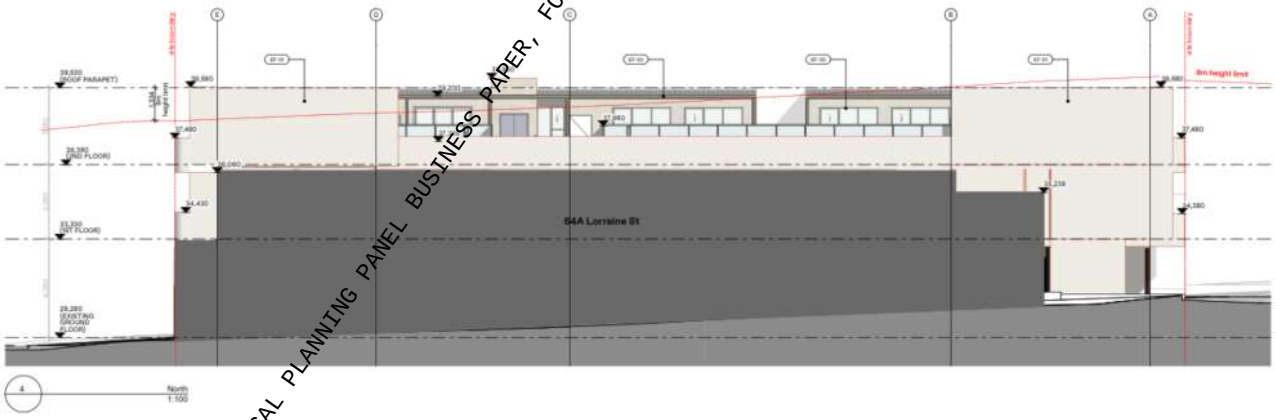

Figure 3 – *East elevation facing Isaac Street (Source: Architectural Plans)*

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Figure 4- Existing First Floor Plan REDACTED *(Source: Architectural Plans)*

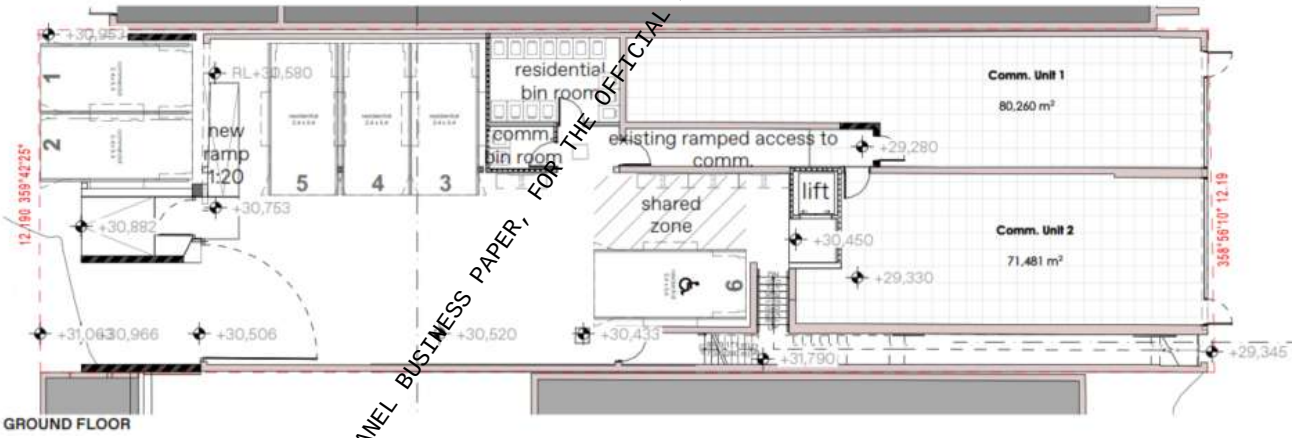

Figure 5- Ground Floor Plan – proposed – with vehicular access from ROC at rear *(Source: Architectural Plans)*

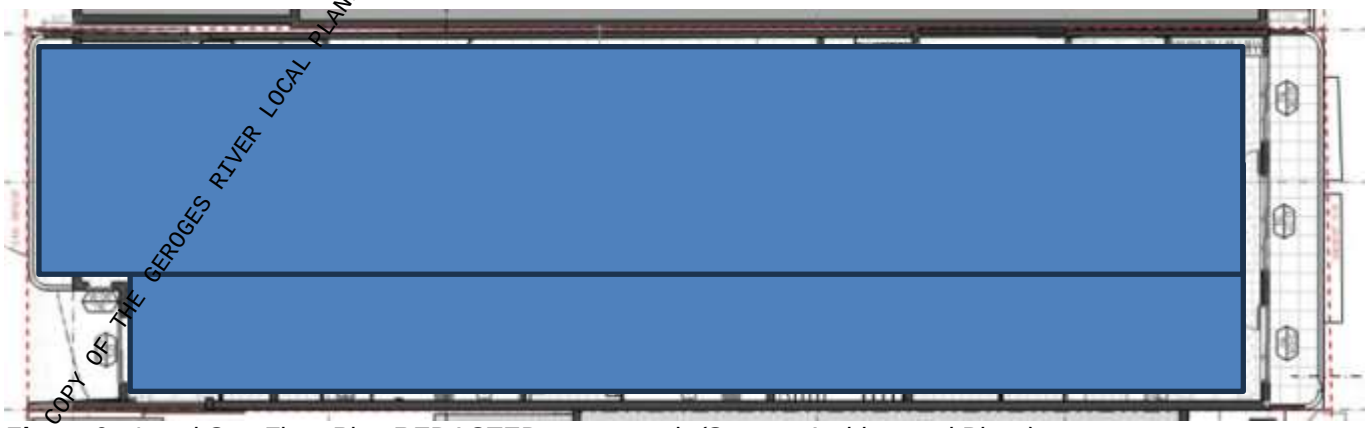

Figure 6 – Level One Floor Plan REDACTED – proposed *(Source: Architectural Plans)*

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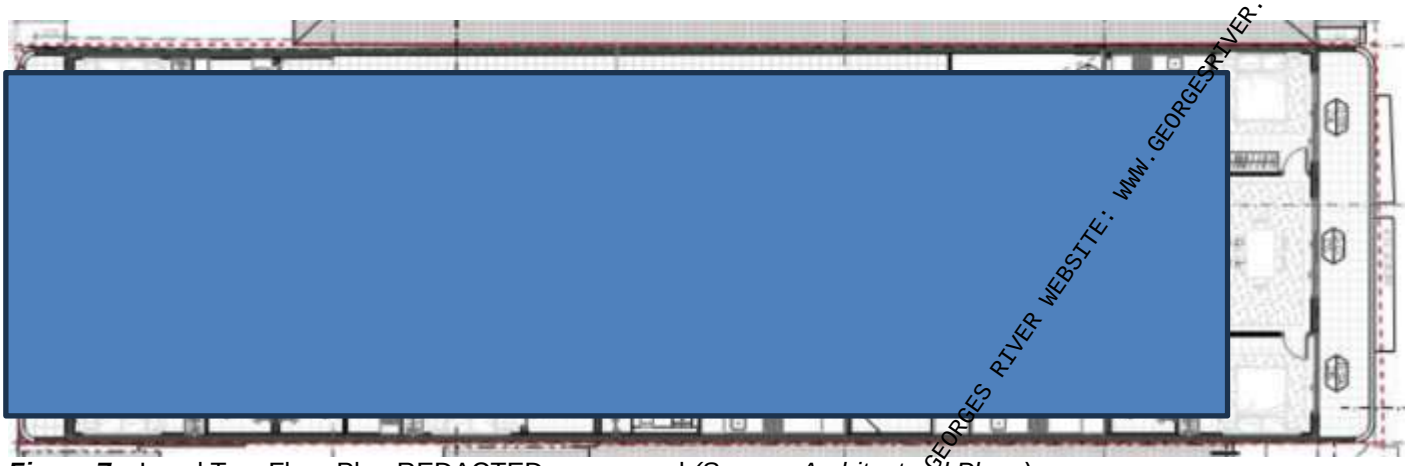

Figure 7 – Level Two Floor Plan REDACTED – proposed *(Source: Architectural Plans)*

SITE AND LOCALITY

2. The subject site is legally described as Lot 1 in Deposited Plan 1266359 and is known as 66-68 Lorraine Street, Peakhurst. It is on the western side of Lorraine Street, and approximately 20m north of the intersection of Lorraine Street with Isaac Street which joins Roberts Road.

3. The subject site is of rectangular shape, with a rear laneway privately owned which provides a Right of Carriageway for vehicular access. The site has a total area of 508m^2. It has a 12.19m frontage to Lorraine Street, a rear laneway frontage of 12m to a Right of Carriageway at the rear of the site; and a maximum site depth of 41.77m on its southern boundary, and 41.605m on its northern boundary.

4. The site is located within the E1 Local Centre zone which has an FSR of 1:1 and Height of Building control (HoB) of 12m. The adjoining property, 64 Lorraine Street, lies to the north and has ground floor retail premises and a ten room boarding house development on the first floor. The adjoining property to the south, 70 Lorraine Street, is an older style corner shop, and above the shop is a large residence with garage parking at the rear.

5. The subject site is opposite the E4 General Industrial zone which contains Peakhurst Business Centre, as well as the Stanley and Lorraine Street industrial precinct. Hurstville Golf Club, Beale Reserve, and Gannons Park are all located within one kilometre of the subject property. The immediate area is a mix of older freehold and low-rise townhouse style residential buildings, in amongst various industrial, commercial, and retail buildings with the Georges River located approximately three kilometres to the south of the Peakhurst vicinity.

6. The site is located near transport services: Oatley Station is 3.7m southeast of the property; Riverwood Station is 2.4km to the northwest of the subject property; unrestricted parking is available on Lorraine Street. A bus service is available 60m away in Roberts Road, and stops also in Lorraine Street and Forest Road, being the one 944 bus service, which only operates 6am-9.30pm weekdays, 8-6 Saturday and 9-5.30 on Sunday.

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ZONING AND PERMISSIBILITY

7. The subject site is zoned E1 Local Centre under GRLEP 2021. The proposed works are defined as a 'mixed use development' which is permissible with consent within E1 zone under the GRLEP 2021.

Aerial Image of Land Zoning



Figure 8 – Zoning map of development site outlined in red *(Source: IntraMaps)*



Figure 9 - Cadastral Image of Site *(Source: IntraMaps)*

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Figure 10 – Aerial view of development site outlined in red *(Source: NearMaps)*



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 fails to comply with the following planning matters:

    - State Environmental Planning Policies
    - SEPP (Housing) 2021 - Apartment Design Guide (ADG)
        - Public domain interface;
        - Communal open space;
        - Visual Privacy;

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- Vehicle access;
- Bicycle and car parking;
- Natural ventilation;
- Ceiling heights;
- Apartment sizes;
- Private open space and balconies;
- Common circulation areas;
- Acoustic privacy;
- Facades;
- Roof design;
- Planting on structures;
- Mixed use circulation area;
- Energy efficiency.
- Building maintenance viz. “green wall” at front elevation
- Architectural and landscape treatment;
- Building height, bulk and scale
- Building services and location

- GRLEP 2021
  - Zone objectives;
  - Height of building;
  - Exception to development standards;
  - Essential services;
  - Design excellence

- GRDCP 2021
  - Utilities;
  - Parking access and transport;
  - Vehicular access, parking and circulation;
  - Building Facades;
  - Streetscape;
  - Future desired character;
  - Setbacks.

9. The table below presents a summary in respect to numerical compliance:

ADG			
Standard	**Required**	**Proposal**	**Complies yes/no**
3C – Public domain interface	Amenity of the public domain is retained and enhanced. Ramping for accessibility should be minimized by building entry location and setting ground floor levels in relation to footpath levels. Service requirements should be located in basement car park or out of view.	The proposal fails to demonstrate adequate public domain interface on ROC which results in lack of vehicle manouevrability which requires vehicles to reverse out. There is no detailed information provided re proposed utilities and services.	No

3D - Communal open space (Minimum control)	25% of the site = 127sqm.	Nil provision	No
3F- Visual Privacy (Minimum control)	Separation distance from side boundaries required; and rear setback at Third storey.	Although the front setback at zero setback is permitted by the ADG to the two storey podium given the street wall height, the proposal is three storey in height, and is not setback 5m for the third storey at the front setback in accordance with the ADG. The subject site adjoins the blank walls of 64 and 70 Lorraine Street. The proposal demonstrates no setback to the side boundaries as required by the ADG of 3m or 6m at the third level. There is no rear setback of 9m as required by Part 7 of the GRDCP 2021. The proposed three storey built form is contrary to the two-storey height permitted in the E1 Local Centre and under Part 7 Business Precincts of GRCDCP 2021.	No
3G- Pedestrian + 3H Vehicle Access	Vehicle and pedestrian access to be separated to achieve safety – minimize conflicts 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 and layout and car park design that is compliant with the relevant Australian Standards. Pedestrian access is available from the front. A long corridor provides access to lift lobby which is shared between both commercial and residential users. The layout and design of the onsite car parking area is unsatisfactory. Access to the car park is from a private right-of-carriageway, however it is considered that vehicles parked in the gate enclosed part of the car park should enter and exit in a forward direction on vehicle and pedestrian safety ground. This is not feasible. Refer to Traffic referral.	No
3J- Bicycle and Car Parking And Car Park Design	Car parking – proximity to public transport	Car parking does not meet GRDCP 2021 parking rates; *RMS Guide to Traffic Generating Development* applies. Residential: 4 spaces (includes 1 accessible space). Commercial: 2 spaces. Parking is deficient by 10 car	No

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		spaces. Note: no loading bay. Fails to provide any bicycle parking in secure location. No motorbike provision provided. No electric charging station provided. It is unlikely that vehicles can exit the site in a forward direction. The ramp adjoins a ROC privately owned land and not a public roadway. Drivers of vehicles reversing from the car parking (spaces 1 & 2) to the ROC have no sighting of vehicles travelling in a northerly direction along the ROC until their vehicle is almost fully across the ROC. This is particularly hazardous when the vehicle crossing to the proposed development is only some 6m/ one car length in from Isaac Street.	
4B- Natural Ventilation (Minimum control)	60% of apartments are naturally cross ventilated.	All habitable rooms receive natural ventilation. Units 1.2, 1.3, 2.2, 2.3 do not have access to direct external ventilation, and are reliant on voids. The proposal fails to utilise the design solutions outlined in the Design Guidance to improve ventilation of the units in the centre of the building. The void **does not provide cross ventilation to the four internal units.**	No
4C-Ceiling Heights (Minimum control)	Habitable rooms = 2.7m Non-habitable rooms = 2.4m	3.05m Floor to floor provided for **first floor level, which is deficient** by .05m.	No
4D- Apartment size and layout (Minimum control)	1 bedroom = 50sqm 2 bedroom = 70sqm 3 bedroom = 90sqm	6 x one-bedroom units are proposed – **1 is deficient in size** by 2.2sqm 4 x two-bedroom units are proposed - **2 of these are deficient in unit size**: by 0.213sqm and 1.94sqm.	No
4E- Private Open space and balconies (Minimum control)	All apartments are required to have primary balconies as follows: -1 bedroom = 8sqm/2m depth -2 bedroom = 10sqm/2m depth -3+ bedroom	All balconies do not comply with the minimum size requirement, having a depth of 1.6m, and required depth of 2m not achieved. 4/10 apartments either have **balconies or private courtyards that are deficient in size**: **Units**	No

	= 12sqm/2.4m	**1.1., 2.1, 1.5, 2.5.** The private courtyards (POS) provided with planters on Levels 1 and 2 within the centre of the building do not meet the controls, being either deficient on depth e.g. 1.85m, or on length, e.g. 3.94m. Insufficient information on whether plants will access sufficient light for healthy growth.	
4F-2 Common circulation areas	Common circulation spaces promote safety and provide for social interaction between residents	Common circulation areas are compact and not conducive to social interaction. The commercial units on the ground floor share the same common circulation area and lit access with the residential units. Such design enables members of the public to intrude into common residential spaces.	No
4G-2 – Storage	Additional storage is conveniently located, accessible and nominated for individual apartments	No additional storage provided.	No
4H1 – Acoustic Privacy	Noise transfer is minimized through the siting of buildings and building layout.	No acoustic report was provided with the application. No information is given on the location of building services such as mechanical plant.	No
4M - Facades	Building facades provide visual interest along the street while respecting the character of the local area Building functions are expressed by the façade	The building façade does not respect the character of the local area, providing a three storey structure which is contrary to the local centre controls of 9m building height, and two storeys in height. No information is provided re location of building services within the front and rear setbacks.	No
4M – Roof Design	Roof treatments are integrated into the building design and positively respond to the street. Opportunities to use roof space for residential accommodation and open space are maximized	The proposed flat roof enhances horizontality and does not relate to the street. The roof area is not utilised as open space.	No

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4P – Planting on Structures	Planting on structures contributes to the quality and amenity of communal and public open spaces	The pot plants are located within private courtyards. No COS is provided. Internal location of some courtyards may not provide sufficient daylight access for plant growth.	No
4S – Mixed Use	Residential levels of the building are integrated within the development and safety and amenity is maximised for residents.	The commercial units on the ground floor share the same circulation area and lift lobby area with the residential component. Such design enables intrusions into the shared residential area. There is no indication on the plan as to how the commercial parking area is separated from residential component.	No
4U – Energy Energy	4U-1 Development incorporates passive environmental design 4U-2 Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer 4U-3 Adequate natural ventilation minimises the need for mechanical ventilation	The proposal does not achieve adequate cross ventilation and fails to accommodate adequate solar exposure within the building's core. Information is not provided as to the provision of consolidated heating and cooling infrastructure, and where it is to be located.	No

GRLEP 2021			
Standard	**Required**	**Proposed**	**Complies Yes/no**
Clause 2.3 – Zone objectives The subject site zoned E1 Local Centre and the zone objectives apply.		The proposal fails to demonstrate high quality urban design that is suitable in the Local Centre as it exceeds the height and storey limit which is 9m and two storey wall height, and does not provide a high level of residential amenity, and is thus inconsistent with the zone objectives.	No

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4.3 - Height of Buildings	9m (maximum)	The building height is 10.35m, which is a variance of 14.71 %	No
4.6 – Exceptions from Development Standards	Clause 4.6 Variation Request required to address variation from Clause 4.6 HoB standard	Variation request provided; not supported. See Assessment Report.	Not well founded
6.9 – Essential Services	Vehicular access is to be provided that is adequate and complies with relevant Australian Standards.	The proposal demonstrates inadequate vehicular access for the following reasons: - bicycle parking deficiency of 5 spaces - deficiency of 10 car parking spaces - The proposed loading area and parking area does not enable vehicular movement and adequate manoeuvring. The proposed driveway design is not conducive to pedestrian safety. - Reversing out into the ROC is not supported as this is contrary to the safety of vehicular and pedestrian traffic in the ROC. - Does not provide adequate loading bay for retail uses where 1 is required if both ground floor tenancies are used for retailing. If the ground floor tenancies are used for business/commercial purposes, loading facilities are not required	Not achieved
6.10(5) – Design Excellence	(5)(a) Requires high standard of architectural design, materials and detailing. (5)(b)Form and external appearance to improve quality and amenity of public domain. (5)(c)No detrimental impact on view corridors. (5)(d) (i)Addresses suitability of land; (ii) existing and proposed uses and use mix; (iii) heritage issues	Does not meet 6.10(5)(a) and (b): It provides for a monotonous façade with limited materiality; and does not provide a high level of architectural design for the location; (b) the built form and experience due to its bulk and scale and	Not achieved

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	and streetscape constraints; (iv) relationship between development and neighbouring development re separation, setbacks, amenity and urban form; (v) Bulk, massing and modulation (vi) Street frontage heights; (vii) Environmental impacts such as sustainable design, overshadowing, solar access, visual and acoustic privacy, noise, wind, reflectivity; (viii) Pedestrian cycle, vehicle and service access and circulation requirements (ix) Impact on and proposed improvements to public domain; (x) Achieve appropriate interfaces at ground level between building and public domain; (xi) Excellence and integration of landscape design; (xii) Provision of communal spaces and meeting spaces; (xiii) Provision of public art in public domain; (xiv) Provision of on-site integrated waste and recycling infrastructure; (xv) Promotion of safety through application of principles of crime prevention through environmental design.	height exceedance will not improve the quality and amenity of the public domain. Does not meet 6.10(5)(d)(i) Overdevelopment due to exceedance in building height and storey requirements. (vii) does not meet solar access requirements for POS Does not meet cross-ventilation requirements (ix) Will not improve public domain at street front due to excessive built form (x) car park design at rear provides poor interface; insufficient information on building services (xi) inadequate landscape design and no COS provision provided	

GRDCP 2021			
Standard	**Required**	**Proposal**	**Complies yes/no**
3.13 Parking Access and Transport	Requirements as per ADG and RMS *Guide to Traffic Generating Developments*	4 resident parking spaces (including 1 accessible) 2 commercial spaces 6 spaces in total; **shortfall of 10 space being 62.5%** No provision for motorbike space. No bicycle parking provision – 5 required No car wash bay. No provision for electric vehicle charging station.	No
3.14.5 Utilities	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. No acoustic report was submitted to address their location or treatment.	No

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6.3.9 Vehicular Access, Parking and Circulation	3. The design of the vehicular access should prevent vehicles queueing across footpaths and onto the public road. Vehicles should be accommodated wholly within the site before being required to stop. 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). 10. All residential flat buildings or residential components of shop top housing must provide a car wash bay which: i. Is roofed and bunded to exclude rainwater. ii. Has clearly visible signs which indicate that no degreasing or mechanical work is to be undertaken in the car wash bay. iii. Has a fixed basket trap for floor waste. iv. Includes a 1000 litre general purpose pit.	There is inadequate provision for the vehicle accessing the accessible parking space No. 6 for the vehicle to be turned within the car park in order for it to enter and exit the site in a forward direction. Even though access to the car park is from a private right-of-carriageway, it is considered vehicles parked in the gate enclosed part of the car park should enter and exit in a forward direction on vehicle and pedestrian safety grounds. Drivers of vehicles reversing from the car park to the ROC have no sighting of vehicles traveling in a northerly direction along the ROC until their vehicle is almost fully across the ROC. This is particularly hazardous when the vehicle crossing to the proposed development is only some 6m/one car length in from Isaac Street. No car wash bay proposed.	No
Part 7 Business Precincts	**- Built Form**		
7.1.2.3 Streetscape	3. In order to maintain the continuity of active frontages, side setbacks are generally not permitted unless specified in the precinct controls.	Nil setback proposed on all frontages. The proposal does not comply with control 7.1.3.8(b)(i) and (ii) which requires the street wall height to maintain the existing dominant street wall height which is generally two storeys; and up to a building height of four storeys a minimum front setback of 5m is to be provided, which in this instance is	No

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		applicable to the third level. The proposal does not provide for a rear setback that meets the prevailing setback, as per control 7.1.2.3.a whereby the adjoining site at 64 Lorraine Street has a 1.5m setback to the rear building façade. Contrary to this a nil rear setback is proposed. The proposal has unacceptable impact on sightlines in terms of vehicle reversing out of the site, due to inadequate setbacks.	
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
7.1.3.1 Design Excellence	Comply with Clause 6.10 of GRLEP 2021.	Mechanical ventilation shaft and vent details are not indicated on the elevation plans.	No
7.1.3.2 Building Facades	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).	The façade of the building has a built form that is quite dominating on the streetscape and is not considered an appropriate transitional element but rather jarring and not in line with the current streetscape as it is substantially taller than the adjoining buildings. The proposed development does not have an adequate setback from the street boundaries, which requires a 3m front setback for the third storey level. No ventilation details provided.	No

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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.	No public domain plans submitted.	No
7.1.2.6 Materials and Finishes	1. Building construction is to utilise high quality and durable materials and finishes. 2. Different materials and finishes are to be combined to assist building articulation and modulation. 4. A large unarticulated expanse of any single material to facades is to be avoided.	The proposed external finishes are monotonous and does not assist in building modulation. The proposed front façade presents as a large monotonous surface that detracts from the existing streetscape.	No
7.1.2.8 Shop top Housing	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.	The proposal fails to adequately separate the commercial units from the residential component given there is shared access to the lift lobby area. The design introduces unacceptable intrusion into residential spaces.	No
7.1.4.2 Acoustic Privacy	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. 5d. Noise impact associated with goods delivery and garbage collection, particularly early morning, should be minimized; 5e. Restaurants and cafes should be designed to minimise the impact of noise associated with late night operation, on nearby residents.	The proposed development will not introduce unacceptable noise impact to adjoining properties from the residential use. There is existing 4 sole occupancy units which will be demolished and replaced with an additional storey, and a provision of 6 x 1-bedroom units and 4 x 2-bedroom units. The required setbacks required for the third storey level do not comply with ADG requirements which has potential for acoustic privacy. No information provided on location of building services. An acoustic report has not been provided to address mechanical plant.	No

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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. 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. 6. Loading docks must comply with AS 2890/2 (latest edition) - off-street commercial vehicle facilities.	Any deliveries would be via a gated entry. No loading bay has been proposed.	No

SUBMISSIONS

10. 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.

11. One submission was received during the notification period between 29 July 2025 - 21 August 2025. The concerns raised in the submission are addressed below.

Issue	Comment
Parking on site: parking provision are not adequate. On street Parking: Traffic survey quotes a parking availability of 40% at the peak; the map shows that at its furthest point a 1km area was surveyed. There is insufficient on street parking, and the development will worsen the situation. Available public transport: The public transport only provides the 944 bus service which has limited hours of operation. Request for Council's traffic committee to review the traffic and parking issues.	Concern is raised with respect to on street parking. The proposal in its current form is not compliant with the required vehicle parking on site and is not in accordance with GRDCP 2021 car parking controls. Impact to on street parking is assumed to result from the proposal as on street parking is to be readily relied upon.
Use of Right of Way as a construction area: the submitters who own the lot containing the ROC do not consent for anything other than access purposes, and do not provide consent for the activities outlined at Section 6.2 and Section 6.3 of the 'CTMP'. Concern expressed re possibility of damage to their property being	Concerns have been raised that the proposed development during the construction phase would block/limit access to neighbouring properties. Inadequate information has been provided to ensure that this can be managed effectively during construction of the development. It is noted that a Construction Traffic and Pedestrian Management Plan and an Environmental Construction and Site Management Plan have been submitted.

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caused by heavy construction activities taking place on the RoW, 'for which we understand Council would have no right to enforce repair/rectification from the developer.'	
Height of building: At 3 storeys above ground level, the proposed development exceeds planning rules and exceeds the height and scale of the existing locality. The front elevation from the development proposal shows that the height excess is not insignificant compared to the two adjoining buildings and is effectively one full storey above either of these buildings.	The proposal is designed over three storeys, which is contrary to the requirement for two storey street wall in the Local Centre area. The three levels result in the proposal being considered out of character in this locality. The scale and form are considered unacceptable.
Rear setback: reference was made by objector to a LEC decision re 64 Lorraine Street, and is of the view that a 1.5m setback for the bulk of the development from the rear property boundary is appropriate with small Juliet style balconies. Objector requested that a Juliet balcony be requested instead of the proposed balconies.	Whilst Council does not support Juliet style balconies of 700mm in depth and 1.8m in length, as this does not comply with the ADG. The proposed nil rear setback is not supported as it impacts on vehicle and pedestrian sightlines in the ROC and forms a reason for refusal.

REFERRAL COMMENTS

12. Comments provided by internal referral specialists and external agencies are summarised below.

Specialist/Agencies	Comment
Development Engineer	The officer has considered the following planning provisions: - Clause 5.21 of GRLEP 2021 - Clause 6.3 of GRLEP 2021 - Clause 6.9 of GRLEP 2021 - Part 3.10 of GRDCP 2021 - Georges River Stormwater Management Policy. No objections raised to the proposal and conditions recommended.
Landscape Officer	Sufficient information provided no objection raised. Notes no communal open space provision and absence of any deep soil. All planting is within planter structures.
Urban Design	Objection raised on the following grounds: - Architectural expression, aesthetics and bulk and scale: issues raised re building appearance, height exceedance, narrow balconies, blank walls - Inadequate building setbacks, with respect of third level which is required to comply with the ADG 3F Visual Privacy. - No communal open space is provided as required by ADG. - Inadequate cross ventilation provided

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	- The architectural plans provided insufficient details on building services. - The proposal demonstrates a height breach, which result in a bulk and scale that is incompatible with the locality. - Inadequate parking provision. Vehicular access via the right of carriageway proposed. - 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.
Building Surveyor	No objection subject to recommended conditions.
Land Information (GIS)	No objection subject to recommended conditions.
Waste Management	A waste management plan to address Construction and Demolition Waste, and an Operational Waste Management Plan submitted. The operational waste management plan addresses both the residential uses, and commercial use (retail non-food shop and takeaway café). Bulky waste items will be collected within a room set aside on the first floor. Suitable conditions of consent will be imposed in the event were the proposal to be approved.
Traffic Engineering	It is recommended that: 1. The application not be approved as proposed. 2. The applicant be advised the application is not supported as proposed having regard to the following: (a) The application fails to make provision for on site car parking to satisfy the requirements of GRDCP 2021 for the parking of resident, resident visitor and the business/commercial/retail components. (b) A proposal for the significant shortfall in onsite car parking with the site in the E1 zone cannot be remedied with vehicles being parked in R2 zoned streets. (c) The application fails to satisfy the requirements of GRDCP 2021 with regard to the provision and secure parking of five (5) bicycles. (d) The design of the car parking area fails to make provision for all vehicles in the car park to enter and in a forward direction. Conclusion The application is not supported as proposed having regard to the significant non-compliance with the number of on site car parking spaces required in GRDCP 2021 Part 3 – 3.13 - Table 1 for the residential, residential visitor and business/commercial/retail components and other matters. Only 6 car parking spaces are provided and 16 are required. No bicycle parking spaces are provided and 5 are required.
Ausgrid	No objection subject to recommended conditions.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

13. The proposal is a development to which State Environmental Planning Policy (Housing) 2021, Chapter 4 (Design of residential apartment development) applies. In addition a height exceedance to vary the height more than 10% is proposed.

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CONCLUSION

14. The proposal has been assessed against the relevant provisions of State Environmental Planning Policies, the provisions of the GRLEP 2021 and GRDCP 2021. The proposed variation to Clause 4.3 of the GRLEP 2021 is not sufficiently justified by the provided Clause 4.6 Variation request and the variation is not considered to be well founded, being contrary to the zone and standard objectives.

    The proposal does not adequately address essential services re-vehicular access from the site to the Right of Carriageway, and a suitable car park design and adequate parking provision.

    The proposal does not satisfy the SEPP (Housing) 2021 and Chapter 4 – Design of Residential Apartment Development which applies to Levels One and Two of the development.

15. 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 (Housing) 2021*
    - *Georges River Local Environmental Plan 2021*
    - *Georges River Development Control Plan 2021*

RECOMMENDATION

1. Pursuant to *Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979* (as amended), the Georges River Planning Panel determines DA2025/0341 for *Alterations and additions to existing mixed use development* on Lot 1 in DP 1266359 on land known as 66-68 Lorraine Street, Peakhurst NSW 2210, should not be approved subject to the refusal reasons referenced below:

a) Under SEPP (Housing) 2021 - ADG Objective 3C – Public domain interface – the proposal fails to enable adequate transition between the private and public domain; and enhance the public domain due to the dominating bulk and scale and nil setback at the front elevation for the third storey. There is no detailed information re building services location.

b) ADG Objective 3D – Communal open space – No communal open space is provided.

c) ADG Objective 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 for Level Two.

d) ADG Objective 3H – Vehicle access – The proposal fails to provide a driveway compliant with Australian Standards. The car park configuration requires reversing out of cars into the right of carriageway which presents a danger to both vehicular and pedestrian traffic.

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e) ADG Objective 3J – Bicycle and car parking – Insufficient bicycle and car parking is provided.

f) ADG Objective 4B – Natural Ventilation – Cross-ventilation is deficient for the residential apartments.

g) ADG Objective 4C – Ceiling Heights – First Floor: floor to floor does not meet 3.1m.

h) ADG Objective 4D – Apartment sizes - Unit size: 1 x 1-bedroom unit deficient in size; and 2 x 2-bedroom are deficient in size.

i) ADG Objective 4E – Private open space and balconies – Required depth of 2m not achieved. One balcony is less than 4m in length.

j) ADG Objective 4F – Common circulation areas – do not promote sufficient safety for residents as the area including the lifts is shared with members of the public who can intrude into common residential spaces. The lobbies above the ground floor level are not provided with natural ventilation or solar access.

k) ADG Objective 4H - Acoustic privacy – no acoustic report tendered; no information given on location of building services

l) ADG Objective 4M – Facades – The proposal does not respect character of local area which requires a two storey street wall. No information provided on location of building services.

m) ADG Objective 4N – Roof design – treatment and opportunity to use for open space are not maximised.

n) ADG Objective 4P – Planting on structures – no COS provided. POS provided in planters, however the plant growth within the internal location of some courtyards will not receive sufficient daylight access.

o) ADG Objective 4S – The mixed use circulation area and lift lobby area is shared between commercial and residential components which enables intrusion into shared residential area. No indication shown on plan as to how commercial parking area is separated from residential component.

p) ADG Objective 4U – Energy Efficiency – location of consolidated heating and cooling infrastructure not provided.

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 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 Peakhurst local centre and achieves a high level of residential amenity.

b) Clause 4.3 – Height of Buildings. The proposed development demonstrates a height of 10.35m, exceeding the maximum building height of 9m.

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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 for all vehicles. The parking provision for both car spaces and bicycle spaces is deficient. The loading area and parking area does not enable vehicular movement and adequate manoeuvring. The proposed driveway design is not conductive to pedestrian safety especially in the right of carriageway. No loading bay is provided.

e) Clause 6.10 – Design Excellence. The proposed development has numerous urban design issues and is considered to not demonstrate design excellence.

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) Utilities – Insufficient information has been provided regarding building services and their location as per Part 3.14 of GRDCP 2021. In addition, no acoustic report was submitted to address their location or treatment.

b) Parking, vehicular access and transport - The proposal contravenes Part 3.13 and Part 6.3.9 of GRDCP 2021. The proposed layout will likely result in some vehicles being reversed out into the ROC, presenting a danger to both vehicular and pedestrian traffic due to poor design. The proposal fails to cater for the parking demand which will unreasonably intensify on-street parking demand in the surrounding area due to insufficient provision of parking spaces, being deficient by 10 car spaces and by 5 bicycle spaces.

c) Building Facades – The proposal does not comply with control 7.1.3.2 of GRDCP 2021 as the façade is monotonous in its treatment and has a built form that is dominating on the streetscape and is not an appropriate transitional element but rather jarring as it is substantially taller than the adjoining buildings.

d) Streetscape – The proposal does not comply with control 7.1.2.2.1 as it does not meet the requirement where if a centre does not have a character statement, the new infill development is to respect and maintain consistency with the established rhythms and scale of existing shopfronts. Control 7.1.2.3 requires the consistent street wall height to be met, whereas the proposal exceeds this on the third storey.

e) Setbacks – The proposal does not comply with control 7.1.3.8(b)(i) and (ii) – In that the street wall height is to maintain the dominant street wall height of two storeys. The proposal does not match the setback of 64 Lorraine Street of 1.82m, as required by control 7.1.2.3.4. The nil rear setback impacts on vehicle and pedestrian sightlines in the ROC

4. 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. 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. The scale and bulk and design elements of the development do not make a positive contribution to the streetscape and character of the area as the proposal is generally inconsistent from an urban design perspective. The development is occurring in a locality where adequate infrastructure exists to support the development during ongoing use, however vehicular access to the site during construction is unresolved.

b. Social Impacts. The assessment demonstrates that the proposal in its current form will have adverse impacts on visual amenity within the locality and road safety within the Right of Carriageway. As a result of the non-compliant building height, the proposal is dominating and impinges on the established street character of the Peakhurst local centre.

5. 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.

6. The Public Interest – Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

ATTACHMENTS

Attachment ⇩1 Assessment Report DA2025/0341 66-68 Lorraine Street Peakhurst 2210

Attachment ⇩2 Architectural Plans- 66-68 Lorraine St Peakhurst

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Assessment Report

DA2025/0341

66-68 Lorraine Street, Peakhurst NSW 2210

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	DA2025/0341
Development Description	Residential – new multi unit - Alterations and additions to existing mixed development
Development Type	Local
Lot and DP	Lot 1 DP 1266359
Street Address	66-68 Lorraine Street, Peakhurst NSW 2210
Land Zoning	R4 High Density Residential
Lot Size	908m^2
Applicant	C Pselletes
Owner(s)	A Pselletes, C Pselletes, M Pselletes
Date of Lodgement	11 July 2025
Cost of Works	$2,095,800 exc. GST
Clause 4.6 Variations	Yes
Public Notification	29/07/25-21/08/25
No. of Submissions	One
Recommendation	Refusal
Assessment Officer	Ruth Bennett, Principal Planner
Consent Authority	LPP
Delegation for Determination	N/A

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.

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 Soil class 5	☒	☐
Within Gas Main Buffer	☐	☒
Council Owned Land	☐	☒
Crown Land	☐	☒
Easements Within Lot Boundaries	☐	☒
Land Contamination	☐	☒
Narrow lot housing precinct	☐	☒
Other (if yes describe)	☐	☒

Proposal

1. The Development Application seeks consent for *Alterations and additions to existing mixed use development,* being a 2 storey building located at 66-68 Lorraine Street, Peakhurst.

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The alterations and additions comprise the following:

- Demolition of the existing residential component (4 SOUs) located at the first floor level of the building – the existing concrete slab and boundary walls are to be retained
- Modifications to one of the two office units of the lower ground-floor facing Lorraine Street to accommodate a lift
- Modifications to the existing garage entry to accommodate structurally required elements on the upper ground-floor facing the rear right-of-carriageway
- Partial demolition, alterations and extension of the existing second storey comprising 4 x sole occupancy units (SOU's) to accommodate 6 new SOUs on a new third storey level

Construction of a new mixed-use development comprising:
- Ground floor office/retail space comprising of 2 individual tenancies
- Shop top housing including 6 x 1 bedroom units and 4 x 2 bedroom units
- New private open spaces on both residential floors

Parking provision: 4 residential parking spaces, 2 commercial parking spaces; no bicycle parking spaces.

Table 1: Development Data

Control	Proposal
Site area: Site width: Part 7 GRDCP 2021 requires minimum 27m for development above 3 storeys, therefore not precluded SEPP (Housing) 2021 requires compliance with Schedule 9 for development 3 storeys and above	508sqm proposed as per survey plan 12.19m site width
FSR: 1.5:1	1.48:1
GFA	Existing GFA = 422sqm Proposed GFA = 750sqm
No of apartments	10 residential apartments; 2 existing commercial units
Maximum height of building 9m	10.35m; variance of 14.71% and one extra storey
Landscaped Area	nil
Deep Soil Zone	nil
Car Parking Spaces Bicycle Parking Spaces	6 cps (4 residential (includes 1 accessible space); 2 commercial) Nil provided
Setbacks	Nil setbacks to two storey wall height – E1 Local Centre zoning as per Part 7 Business Precincts of GRDCP 2021
Cross-ventilation	60% of units
Solar Access	80% of units for living room & POS 2 hours

Communal Open Space	No communal open space provided
Street trees	No provision
Tree removal	N/A

A site plan is provided below:

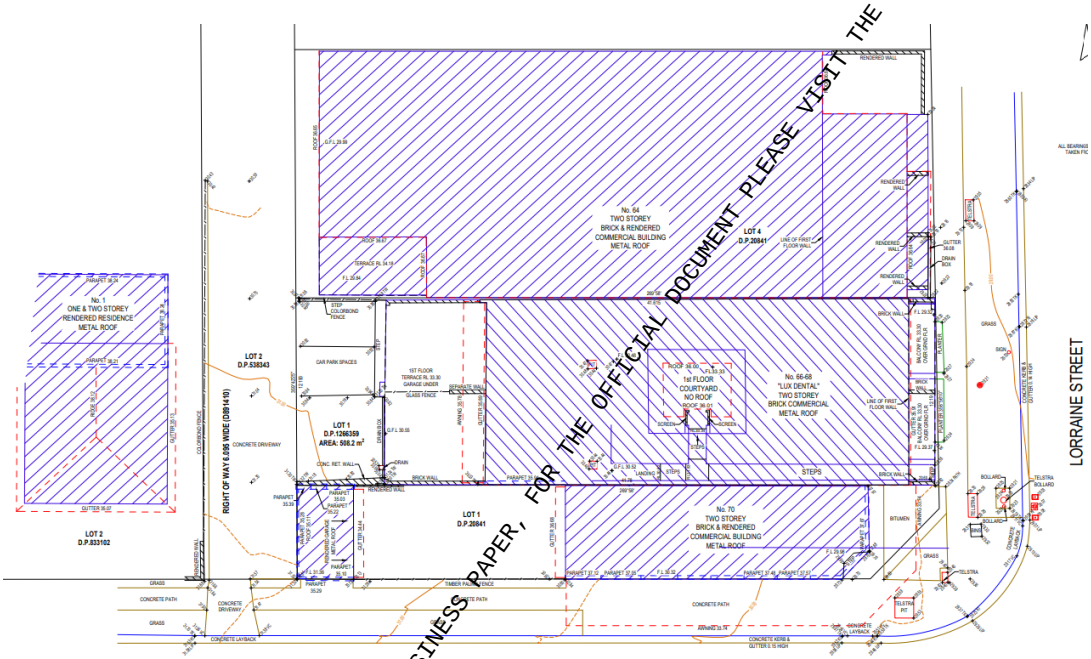

Figure 1 – Survey of site and portion of adjoining sites *(Source:* DA documentation*)*

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Figure 2– Proposed Front Elevation – 3D image *(Source:Architectural Plans)*

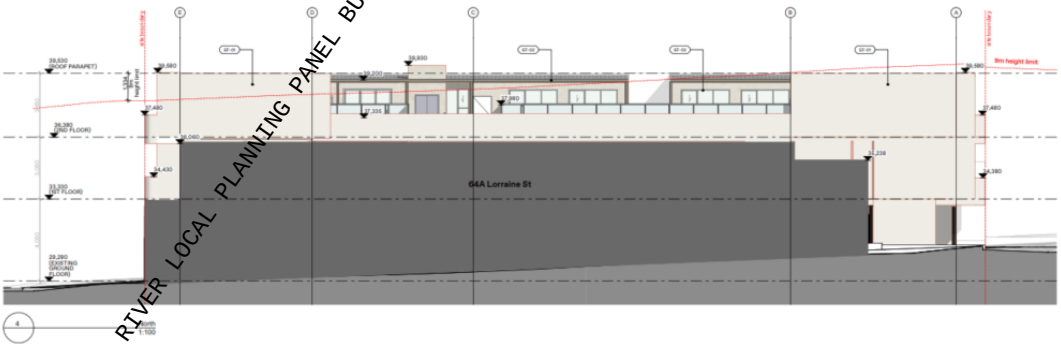

Figure 3 – East elevation facing Isaac Street *(Source: Architectural Plans)*

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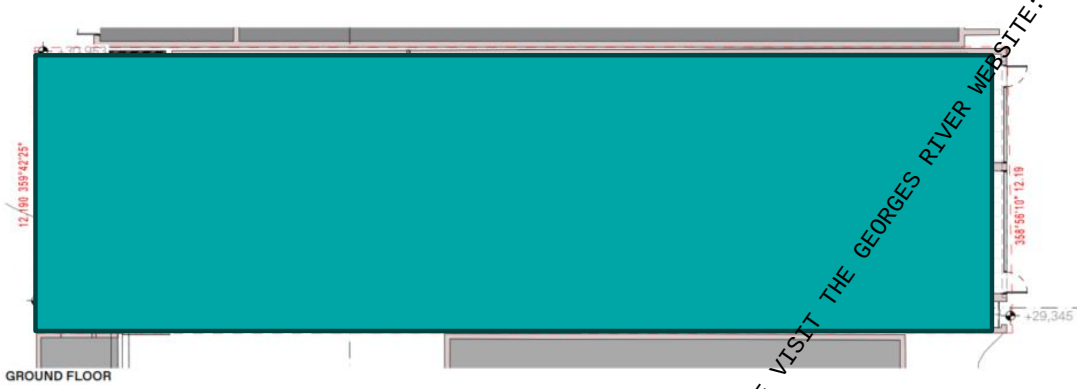

Figure 4- Ground Floor Plan – proposed – with vehicular access from ROC at rear *(Source: Architectural Plans)*

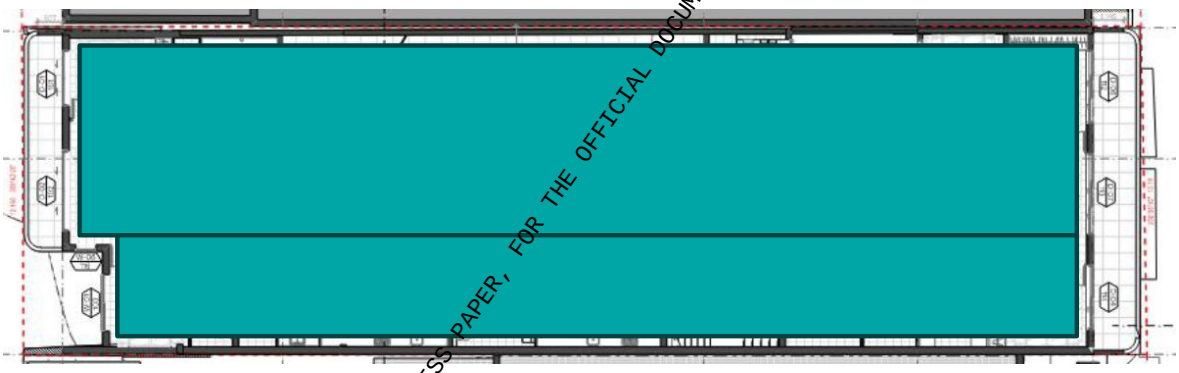

Figure 5 – Level One Floor Plan – proposed *(Source: Architectural Plans)*

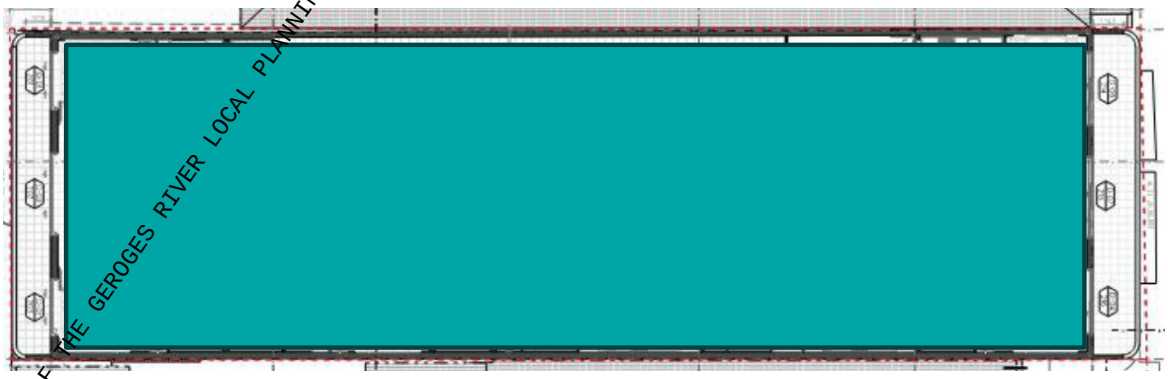

Figure 6 – Level Two Floor Plan – proposed *(Source: Architectural Plans)*

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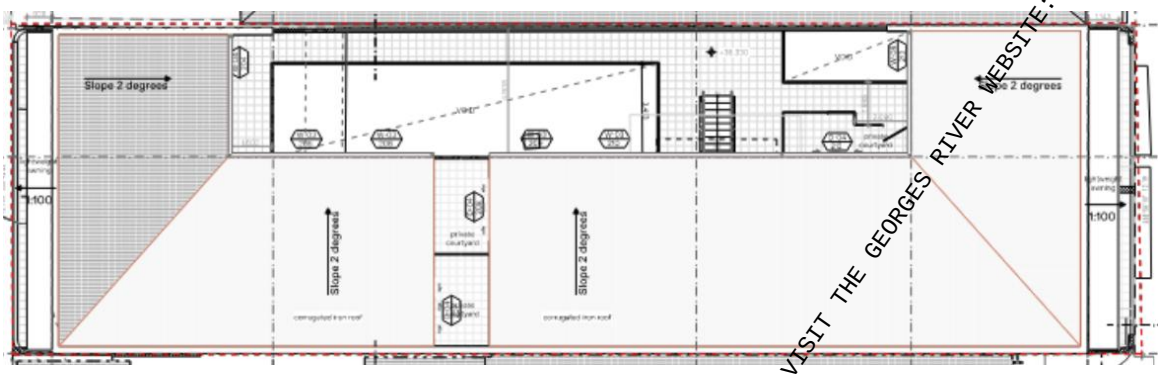

Figure 7 – Roof Plan – proposed *(Source: Architectural Plans)*

Site and Locality

Site Description

2. The subject site is legally described as Lot 1 in Deposited Plan 1266359 and is known as 66-68 Lorraine Street, Peakhurst. It is on the western side of Lorraine Street, and approximately 20m north of the intersection of Lorraine Street with Isaac Street which joins Roberts Road.

3. The subject site is of rectangular shape, with a rear laneway privately owned which provides a Right of Carriageway for vehicular access. The site has a total area of 508m^2. It has a 12.19m frontage to Lorraine Street, a rear laneway frontage of 12m to a Right of Carriageway at the rear of the site; and a maximum site depth of 41.77m on its southern boundary, and 41.605m on its northern boundary.

Locality Description

4. The site is located within the E1 Local Centre zone which has an FSR of 1:1 and HoB of 12m. The adjoining property, 64 Lorraine Street, lies to the north and has ground floor retail premises and a ten room boarding house development on the first floor. The adjoining property to the south, 70 Lorraine Street, is an older style corner shop, and above the shop is a large residence with garage parking at the rear.

5. The subject site is opposite the E4 General Industrial zone which contains Peakhurst Business Centre, as well as the Stanley and Lorraine Street industrial precinct. Hurstville Golf Club, Beale Reserve, and Gannons Park are all located within one kilometre of the subject property. The immediate area is a mix of older freehold and low-rise townhouse style residential buildings, in amongst various industrial, commercial, and retail buildings with the Georges River located approximately three kilometres to the south of the Peakhurst vicinity.

5. The site is located near transport services: Oatley Station is 3.7m southeast of the property; Riverwood Station is 2.4km to the northwest of the subject property; unrestricted parking is available on Lorraine Street. A bus service is available 60m away in Roberts Road, and stops also in Lorraine Street and Forest Road, being the

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one 944 bus service, which only operates 6am-9.30pm weekdays, 8-6 Saturday and 9-5.30 on Sunday.

Aerial Image of Land Zoning



Figure 8 – Zoning map of development site outlined in red *(Source: IntraMaps)*



Figure 9 - Cadastral Image of Site (*Source: IntraMaps)*

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Figure 10 – Aerial view of development site outlined in red *(Source: NearMaps)*

Background

History

A search of Council's records provided the following information:

1998/DA-8526 for mixed use development Approved 14/5/99
CC2000-01181 approved 21/07/2003
Final Occupancy Certificate was issued 13/02/2004 (CM: D07/31613) It was for 2 x shops and ground floor parking, and 4 x 2 bedroom units on first floor.

2002/OT-0002 (MOD) for unit 2 divided to create 2 units and shops decreased in size

A couple of applications for use of shops (2004 and 2009)

DA2018/0194 for alts and adds to existing building and construction of boarding house rooms within existing building Withdrawn 4/4/19 (50% refund)
PreCDC2020/0007 for change of use from beauty salon to dentist (shop 2) Advice given 16/7/20
CDC2020/0276 for change of use from beauty salon to dentist (shop 2) Refused 18/11/20
Private CDC2020/0450 for fit-out of a dental clinic (shop 2) Approved 11/11/20

DA2025/0296- Alterations and additions to an existing mixed development-returned 25/6/25
DA2025/0436 – Alterations to café - withdrawn 16/04/25

Processing

Application History

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Action	Date	Comment
Lodgement Date	11/07/25	
Public Notification	29/07/25-21/08/25	One submission received
Site Inspection Conducted	Tuesday, 29 July 2025	

Site Inspection

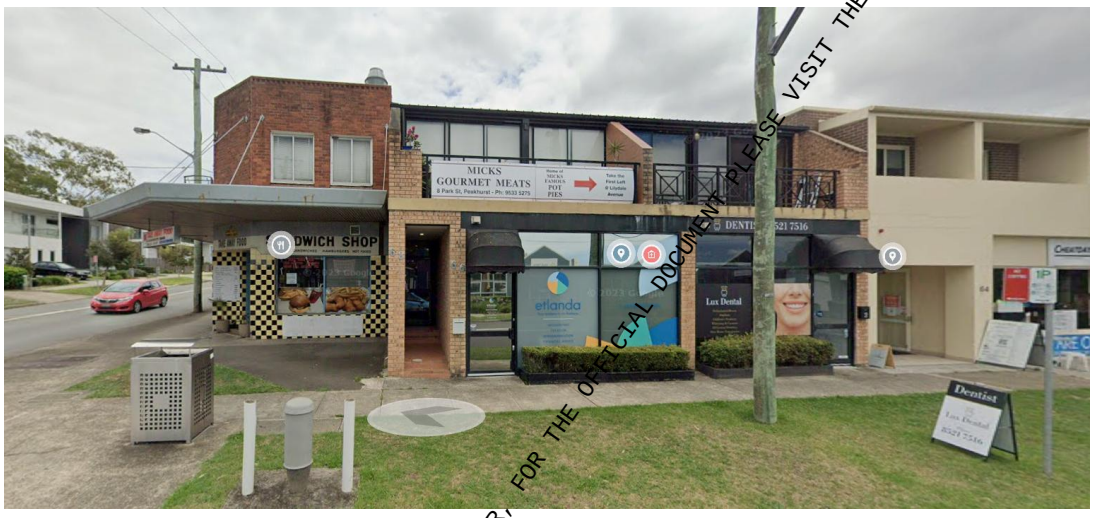

Figure 12 - Street view of development site *(Source: Google Earth*)



Figure 13 – Street view of right of carriage way at 1A Isaac Street *(Source: NearMaps)*

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Figure 14 – Cadastral view of right of carriageway and adjoining site outlined in red *(Source: Intramaps)*

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**

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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	☒	☐

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.

There is no alteration to the stormwater engineering arrangements on the site. No trees exist on site. No excavation is proposed. The proposal does not impact on the water quality of stormwater entering the catchment.

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:

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BASIX Certificate Details	
Author:	AENEC
Certificate Date:	4 June 2025
Certificate Number:	1798554M

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 is applicable to the development.

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 mixed use development 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

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 and Ausgrid underground cables are in the vicinity of the development. The response received will be incorporated within conditions of consent in the event the proposal were to be approved.

State Environmental Planning Policy (Housing) 2021

Chapter 4 - State Environmental Planning Policy (Housing) 2021 applies to the assessment of DAs for residential development including shop top housing and mixed use development 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.

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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 Objective 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 Objective Amenity of the public domain is retained and enhanced	The proposal at the rear demonstrates poor public domain interface on the ROC as a result of lack of vehicle manoeuvrability which require vehicles to reverse out.	No
3D - Communal open space		
3D-1 Objective An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping Design Criteria 1. Communal open space has a minimum area equal to 25% of the site. 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) Site area 950.6sqm Required 25% of site area or 127sqm.	Nil provision. 127sqm required, noting DCP requires at least 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.	No
3D-2 Objective Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	Nil provision	No
3D-3 Objective Communal open space is designed to maximise safety	Nil provision The proposal incorporates private courtyards with planters with enclosures provided and fall protection.	No
3E – Deep Soil zones		

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3E-1 Objective 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 Design Criteria 1. Deep soil zones are to meet the following minimum requirements: Less than 650sqm Minimum dimension not specified Minimum deep soil area of 7% Design Guidance Achieving the design criteria may not be possible on some sites including where: • the location and building typology have limited or no space for deep soil at ground level (e.g. central business district, constrained sites, high density areas, or in centres) • there is 100% site coverage or non-residential uses at ground floor level. 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.	The subject site is covered in its entirety and is located within the Business precinct within the E1 Local Centre zone. No deep soil landscaping is viable within the subject site.	Yes
3F- Visual Privacy		
3F-1 Objective Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy. Design Guidance 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.	Although the front setback at zero setback is permitted by the ADG to the two storey podium given the street wall height, the proposal is three-storey in height, and is not setback 5m for the third storey at the front setback in accordance with the ADG. The subject site adjoins the blank walls of 64 and 70 Lorraine Street.	No

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	The proposal demonstrates no setback to the side boundaries as required by the ADG of 3m or 6m at the third level. There is no rear setback of 9m as required by Part 7 of the GRDCP 2021. The proposed three storey built form is contrary to the two-storey height permitted in the E1 Local Centre and under Part 7 Business Precincts of GRCDCP 2021. The street setbacks are governed by the GRDCP. See further detail below.	
3F-2 Objective 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. 3F-2 Objective New development adjacent to existing buildings should provide adequate separation distances to the boundary in accordance with the design criteria.	No common areas provided. Private open spaces are provided with private courtyards with planters. Ground floor – provides no above slab planters. First Floor – provides 14.68sqm Second Floor – provides 6.69sqm. The total area of planters provided is 21.37sqm. This is 4.2% of the site area. All windows are well recessed and offset from windows of adjacent buildings. All balconies are sufficiently separated.	Yes
3G – Pedestrian Access and entries		
3G-1 Objective	The main building entry addresses Lorraine Street.	Yes

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Building entries and pedestrian access connects to and addresses the public domain	The two commercial units have street access. Pedestrian access is available from the front. A long corridor provides access to lift lobby which is shared between both commercial and residential users.	
3G-2 Objective Access, entries and pathways are accessible and easy to identify	The entry door is readily identifiable from the street. Level changes are minimised within the development.	Yes
3H-Vehicle Access		
3H-1 Objective Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes	The layout and design of the onsite car parking area is unsatisfactory. Access to the car park is from a private right-of carriageway, however it is considered that vehicles parked in the gate enclosed part of the car park should enter and exit in a forward direction on vehicle and pedestrian safety ground. This is not feasible. Refer to Traffic referral.	No
3J-Bicycle and carparking		
3J-1 Objective Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas Design Criteria For development in the following locations: • 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	Car parking is provided as follows: Residential: 4 spaces (includes 1 accessible space). Commercial: 2 spaces. Note: no loading bay. The proposal fails to provide car parking and bicycle in secure location to satisfy the requirements of *GRDCP2021 – Part 3 – 3.13 – Bicycle Parking – Control 8*. A total of 16 parking spaces are required, and 5 bicycle spaces are required. The parking is deficient by 10 car spaces, and the 5 required	No

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The car parking needs for a development must be provided off street.	bicycle spaces are not shown on the plans.	
3J-2 Objective Parking and facilities are provided for other modes of transport	The proposal does not satisfy the bicycle parking requirements outlined in GRDCP 2021. It also does not provide motorbike parking. No car wash bay. It does not provide an electric vehicle charging station.	No
3J-3 Objective Car park design and access is safe and secure	It is unlikely that vehicles can exit the site in a forward direction. The ramp adjoins a ROC privately owned land and not a public roadway. Drivers of vehicles reversing from the car parking (spaces 1 & 2) to the ROC have no sighting of vehicles travelling in a northerly direction along the ROC until their vehicle is almost fully across the ROC. This is particularly hazardous when the vehicle crossing to the proposed development is only some 6m/ one car length in from Isaac Street.	No
3J-4 Objective Visual and environmental impacts of underground car parking are minimised	N/A	N/A
4A- Solar and daylight access		
4A-1 Objective To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space Design Criteria 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	80% of the 10 residential units receive at least two hours of direct solar exposure in living rooms and private open spaces. 10% of all units receive no direct solar access.	Yes

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A maximum of 15% of apartments in a building may receive no direct sunlight between 9am and 3pm in midwinter.		
4A-2 Objective Daylight access is maximised where sunlight is limited	The proposal extensively utilises full height windows to maximise solar access.	Yes
4A-3 Objective 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 Objective All habitable rooms are naturally ventilated	All habitable rooms receive natural ventilation. Units 1.2, 1.3, 2.2, 2.3 do not have access to direct external ventilation, and are reliant on voids.	Yes
4B-2 Objective The layout and design of single aspect apartments maximises natural ventilation Design Guidance Natural ventilation to single aspect apartments is achieved with the following design solutions: • primary windows are augmented with plenums and light wells (generally not suitable for cross ventilation) • stack effect ventilation or solar chimneys or similar to naturally ventilate internal building areas or rooms such as bathrooms and laundries • 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 proposal fails to utilise the design solutions outlined in the Design Guidance to improve ventilation of the units in the centre of the building. The void does not provide cross ventilation to the four internal units.	No
4B-3 Objective The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents Design Criteria At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building.	6 units (60% of all units) enjoy cross ventilation	Yes
4C-Ceiling Heights		

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4C-1 Objective Ceiling height achieves sufficient natural ventilation and daylight access Design Criteria Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Habitable rooms = 2.7m Non-habitable rooms = 2.4m	All units achieve a ceiling height of at least 2.7m to habitable rooms.	Yes
4C-2 Objective 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 Objective Ceiling heights contribute to the flexibility of building use over the life of the building.	The proposal provides adequate ceiling height at the Ground level for the two commercial units. There is a floor to floor height of 4.05m for ground level; 3.05m for first floor which is deficient by .05m; and 3.12m for second floor (meets 3.1m requirement.)	No
4D- Apartment size and layout		
4D-1 Objective The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity Design Criteria Apartments are required to have the following minimum internal areas: Studio = 35sqm 1 bedroom = 50sqm 2 bedroom = 70sqm 3 bedroom = 90sqm The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each Every habitable room must have a window in an external wall with a total minimum glass area of	6 x one-bedroom units are proposed – 1 is deficient in size by 2.2sqm 4 x two-bedroom units are proposed - 2 of these are deficient in unit size: by 0.213sqm and 1.94sqm. All habitable rooms have a window of no less than 10% of the floor area of the room. meet the required unit size.	No

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not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms		
4D-2 Objective Environmental performance of the apartment is maximised Design Criteria Habitable room depths are limited to a maximum of 2.5 x the ceiling height. 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. All habitable rooms and open-plan living areas comply with Objective 4D-2.	Yes
4D-3 Objective Apartment layouts are designed to accommodate a variety of household activities and needs Design Criteria Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space). Bedrooms have a minimum dimension of 3m (excluding wardrobe space). Living rooms or combined living/dining rooms have a minimum width of: -3.6m for studio and 1 bedroom - 4m for 2 and 3 bedroom apartments	All bedrooms comply with the minimum size requirement. All living rooms comply with minimum width requirement. The living/dining rooms comply with minimum size requirement.	Yes
4E- Private Open space and balconies		
4E-1 Objective Apartments provide appropriately sized private open space and balconies to enhance residential amenity Design Criteria All apartments are required to have primary balconies as follows: -studio = 4sqm -1 bedroom = 8sqm/2m depth -2 bedroom = 10sqm/2m depth	All apartments contain balconies or private court yards, however these are deficient in size (Units 1.1, 2.1, 1.5, 2.5) thus the balconies at the front and rear of the building do not comply with the minimum size requirement, having a depth of 1.6m. Required depth of 2m not achieved. The private courtyards (POS) provided with planters on	No

-3+ bedroom = 12sqm/2.4m The minimum balcony depth to be counted as contributing to the balcony area is 1m. 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	Levels 1 and 2 within the centre of the building do not meet the controls, being either deficient on depth e.g. 1.85m, or on length, e.g. 3.94m. Insufficient information on whether plants will access sufficient light for healthy growth.	
4E-2 Objective 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 Objective 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 Objective 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 Objective Common circulation spaces achieve good amenity and properly service the number of apartments. Design Criteria The maximum number of apartments off a circulation core on a single level is eight	The lobbies above the ground floor level are not provided with natural ventilation or solar access. The maximum number of units accessing a lobby is five.	Yes
4F-2 Objective Common circulation spaces promote safety and provide for social interaction between residents	Common circulation areas are compact and not conducive to social interaction. The commercial units on the ground floor share the same common circulation area and lit access with the residential units. Such design enables members of the public to intrude into common residential spaces.	No
4G- Storage		

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4G-1 Objective Adequate, well designed storage is provided in each apartment Design Criteria In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: Studio – 4m² 1 bedroom - 6m³ 2 bedroom – 8m³ 3 bedroom – 10m³ At least 50% of storage is to be located within the apartment.	All units achieve the storage requirement.	Yes
4G-2 Objective Additional storage is conveniently located, accessible and nominated for individual apartments	No additional storage provided.	No
4H- Acoustic Privacy		
4H-1 Objective Noise transfer is minimised through the siting of buildings and building layout	No acoustic report was provided with the application. No information is given on the location of building services such as mechanical plant.	No
4H-2 Objective 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 Objective 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 Objective 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		

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4K-1 Objective 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 - 6 x One-bedroom: 60% 4 x Two-bedroom: 40% The proposed apartment mix is sufficient to cater for a diversity of living demands.	Yes
4K-2 Objective The apartment mix is distributed to suitable locations within the building	The proposed apartment mix is suitable for the site context within the Peakhurst local centre.	Yes
4M – Facades		
4M-1 Objective Building facades provide visual interest along the street while respecting the character of the local area	The building facade does not respect the character of the local area, providing a three storey structure which is contrary to the local centre controls of 9m building height, and two storeys in height. No information is provided re location of building services.	No
4M-2 Objective Building functions are expressed by the facade	No information is provided re building services within the front and rear setbacks.	No
4N – Roof design		
4N-1 Objective 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.	No
4N-2 Objective Opportunities to use roof space for residential accommodation and open space are maximised	The roof area is not utilised as open space.	No
4N-3 Objective Incorporates sustainability features.	The proposal complies with BASIX requirements	Yes
4O – Landscape Design		
4O-1 Objective Landscape design is viable and sustainable.	No landscape plan is provided. The site has no deep soil.	N/A
4O-2 Objective	No landscaping provision.and thus no contribution to streetscape.	N/A

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Landscape design contributes to the streetscape and amenity		
4P- Planting on Structures		
4P-1 Objective Appropriate soil profiles are provided.	Adequate soil depth and dimension provided for planters.	Yes
4P-2 Objective Plant growth is optimised with appropriate selection and maintenance	The proposed planters are to be planted with: Agave attenuata, Leptospermum 'Little Wonder' and Scaevola calendulacea.	Yes
4P-3 Objective Planting on structures contributes to the quality and amenity of communal and public open spaces	The pot plants are located within private courtyards. No COS is provided. Internal location of some courtyards may not provide sufficient daylight access for plant growth.	No
4Q – Universal Design		
4Q-1 Objective Universal design features are included in apartment design to promote flexible housing for all community members Design Guidance Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guideline's silver level universal design features	Adaptable units: 1 adaptable unit proposed: Unit 1.3. (1 required for 10 units). .	Yes
4Q-2 Objective A variety of apartments with adaptable designs are provided	Adaptable units limited to a one-bedroom configuration only.	N/A
4Q-3 Objective Apartment layouts are flexible and accommodate a range of lifestyle needs	A diversity of apartment types is provided.	Yes
4S – Mixed use		
4S-1 Objective	The proposal is mixed use in nature and is suitable to the mixed-use context of the E1 Local Centre zone.	Yes

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Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.		
4S-2 Objective Residential levels of the building are integrated within the development and safety and amenity is maximised for residents.	The commercial units on the ground floor share the same circulation area and lift lobby area with the residential component. Such design enables intrusions into the shared residential area. 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 Objective 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 Objective Development incorporates passive environmental design	The proposal does not achieve adequate cross ventilation and fails to accommodate adequate solar exposure within the building's core. Information is not provided as to the provision of consolidated heating and cooling infrastructure, and where it is to be located.	No
4U-2 Objective Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer		
4U-3 Objective Adequate natural ventilation minimises the need for mechanical ventilation		
4V – Water management and conservation		
4V-1 Objective Potable water use is minimised	The proposal demonstrates adequate stormwater management. The proposal complies with the water usage requirements outlined in the BASIX Certificate.	Yes
4V-2 Objective Urban stormwater is treated on site before being discharged to receiving waters		
4V-3 Objective Flood management systems are integrated into site design		
4W – Waste Management		

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4W-1 Objective Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents	A waste management plan was provided to address Construction and Demolition Waste, and an Operational Waste Management Plan 5x249L mobile waste bins are proposed to be stored in a bin room at ground level. A weekly kerbside collection from Isaac Street is proposed. The commercial waste component is separated from the residential component. The two business proprietors will enter into an SLA with a waste contractor.	Yes
4W-2 Objective Domestic waste is minimised by providing safe and convenient source separation and recycling	Three bin types provided for waste; recycling; and FOGO. Separate area provided for commercial units.	Yes
4X – Building Maintenance		
4X-1 Objective Building design detail provides protection from weathering	The proposal incorporates the following features to enable ease of maintenance and minimise weathering: - Window design enables cleaning from the inside - Centralised maintenance, in lobby.	Yes
4X-2 Objective Systems and access enable ease of maintenance		
4X-3 Objective Material selection reduces ongoing maintenance costs		

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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 class 5	☒	☐
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)		☐	☒

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 mixed use development and housing choices	Yes

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	to cater for changing demographics and population needs.	
Clause 1.4 – Definitions		
Standard	**Proposal**	**Compliance**
mixed use development *means a building or place comprising 2 or more different land uses.*	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 E1 Local Centre : The objectives of the zone are: • 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. • To encourage investment in local commercial development that generates employment opportunities and economic growth. • To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area. • To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. • To maximise public transport patronage and encourage walking and cycling. • To encourage development that is compatible with the centre's position on the centres hierarchy.	The proposal provides for adequate housing types (1 and 2 bedroom units), including 1 adaptable unit. The development is located on Lorraine Street which provides for public transport connections (bus). The proposal fails to demonstrate high quality urban design that is suitable in the Local Centre as it exceeds the height and storey limit which is 9m and two storey wall height, and does not provide a high level of residential amenity, and is thus inconsistent with the zone objectives.	No

GRLEP 2021 Part 4 – Principal Development Standards
Numeric Controls

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Standard	Proposal	Compliance
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. Maximum height is 9m as identified on Height of Buildings Map	The building height is 10.35m, which is a variance of 14.71 %	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. 1.5:1	1.48:1	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.

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, and is not in a heritage conservation area.	N/A

GRLEP 2021 Part 6 – Additional Local Provisions		
Clause 6.1 – Acid sulfate soils		
Standard	**Proposal**	**Compliance**
(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. **Class 5**	The site is located in an Acid Sulfate Soil Area – Class 5. A ASSM Plan is not required as no excavation is proposed.	Yes

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The site is identified as containing Class 5 Acid Sulfate Soils. 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.		
Clause 6.2 Earthworks		
Standard	**Proposal**	**Compliance**
Council must consider the following prior to granting consent for any earthworks: (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) measures to minimise the need for cut and fill, particularly on sites with a slope of 15% or greater, by stepping the development to accommodate the fall in the land, (f) the source of any fill material and the destination of any excavated material, (g) the likelihood of disturbing relics, (h) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (i) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The proposed earthworks are satisfactory with regards to the matters identified.	Yes
Clause 6.3 – Stormwater Management		
Standard	**Proposal**	**Compliance**

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(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development— (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater or river water, and (c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system or, if the impact cannot be reasonably avoided, minimises and mitigates the impact, and (d) is designed to minimise the impact on public drainage systems.	The proposal is satisfactory with regards to the matters identified.	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 a) the supply of water, b) the supply of electricity, c) the supply of telecommunications facilities, d) the disposal and management of sewage e) stormwater drainage or on-site conservation, f) suitable vehicular access.	The proposal demonstrates inadequate vehicular access for the following reasons: - bicycle parking deficiency of 5 spaces - deficiency of 10 car parking spaces - The proposed loading area and parking area does not enable vehicular movement and adequate manoeuvring. The proposed driveway design is not conducive to pedestrian safety. - Reversing out into the ROC is not supported as this is contrary to the safety of vehicular and pedestrian traffic in the ROC. - Does not provide adequate loading bay for retail uses where	No

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	1 is required if both ground floor tenancies are used for retailing. - If the ground floor tenancies are used for business/commercial purposes, loading facilities are not required	
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. (2) This clause applies to development on land referred to in subclause (3) involving— (a) the erection of a new building, or (b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant. (3) This clause applies to development on the following land— (a) land identified on the *Foreshore Scenic Protection Area Map* if the development is for one or more of the following purposes— (i) bed and breakfast accommodation, (ii) health services facilities, (iii) marinas, (iv) residential accommodation, except for secondary dwellings, (b) land in the following zones if the building concerned is 3 or more storeys or has a height of 12 metres or greater above ground level (existing), or both, not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for carparking— (i) Zone R4 High Density Residential, (ii) Zone E1 Local Centre, (iii) Zone E2 Commercial Centre, (iv) Zone E4 General Industrial,	Does not meet 6.10(5)(a) and (b): It provides for a monotonous façade with limited materiality; and does not provide a high level of architectural design for the location; (b) the built form and experience due to its bulk and scale and height exceedance will not improve the quality and amenity of the public domain. Does not meet 6.10(5)(d)(i) Overdevelopment due to exceedance in building height and storey requirements. (vii) does not meet solar access requirements for POS Does not meet cross-ventilation requirements (ix) Will not improve public domain at street front due to excessive built form (x) car park design at rear provides poor interface; insufficient information on building services (xi) inadequate landscape design and nil COS provision provided	No

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(v) Zone MU1 Mixed Use. (vi), (vii) (Repealed) (4) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence. (5) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters— (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain, (c) whether the development detrimentally impacts on view corridors, (d) how the development addresses the following matters— (i) the suitability of the land for development, (ii) existing and proposed uses and use mix, (iii) heritage issues and streetscape constraints, (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (v) bulk, massing and modulation of buildings, (vi) street frontage heights, (vii) environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,		

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(viii) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks, (ix) the impact on, and proposed improvements to, the public domain, (x) achieving appropriate interfaces at ground level between the building and the public domain, (xi) excellence and integration of landscape design, (xii) the provision of communal spaces and meeting places, (xiii) the provision of public art in the public domain, (xiv) the provision of on-site integrated waste and recycling infrastructure, (xv) the promotion of safety through the application of the principles of crime prevention through environmental design.		
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. (2) This clause applies to development— (a) on land in the following zones— (i) Zone R4 High Density Residential, (ii) Zone E1 Local Centre, (iii) Zone E2 Commercial Centre, (iv) Zone E4 General Industrial, (v) Zone MU1 Mixed Use. (vi), (vii) (Repealed) (b) that involves— (i) the erection of a new building, or (ii) (Repealed) (iii) alterations or additions to an existing building that, in the opinion of the consent authority, are significant. (3) Development consent must not be granted to development on land to	The subject site is zoned E1 Local Centre, and a gross floor area greater than 1,500sqm. 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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which this clause applies if the building is 1,500 square metres in gross floor area or greater unless adequate consideration has been given to the following in the design of the building— (a) water demand reduction, including water efficiency, water recycling and minimisation of potable water usage, (b) energy demand reduction, including energy generation, use of renewable energy and reduced reliance on mains power, (c) indoor environmental quality, including daylight provision, glare control, cross ventilation and thermal comfort, (d) the minimisation of surfaces that absorb and retain heat and the use of surfaces that reflect heat where possible, (e) a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation, (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 - (a) Zone E1 Local Centre (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	The proposal provides no residential accommodation on the ground floor.	Yes

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purposes of residential accommodation or tourist and visitor accommodation. (4) Subclause (3) does not apply to a part of a building that is used for the following purposes – (a) entrances and lobbies, including as part of a mixed use development; (b) access for fire services; (c) essential services.		

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: 9m Proposed: 10.35m (a variation of 14.71% or 1.35m) This is due to the provision of a third storey which contains five residential units.

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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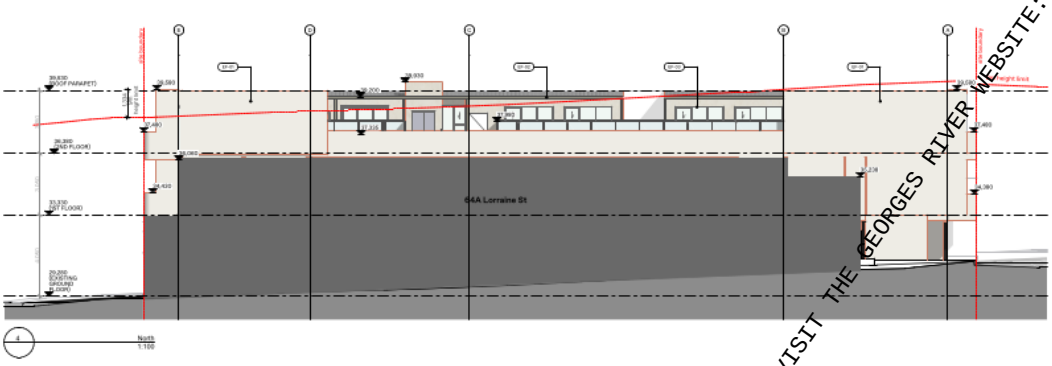

Figure 15: Extent of proposed variation, shown on Northern side elevation. The red dashed line represents the maximum building height. (*Source: Architectural plans*)

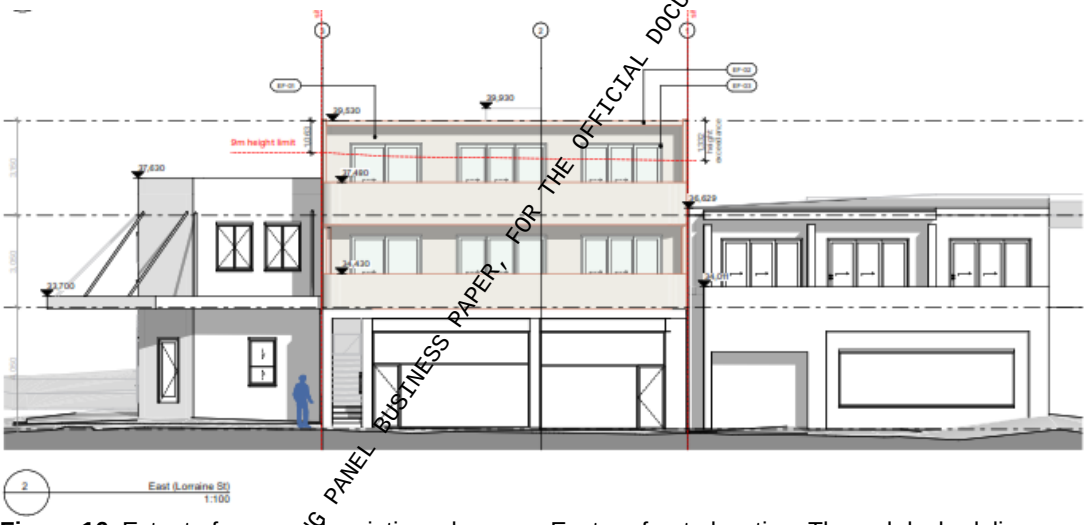

Figure 16: Extent of proposed variation, shown on Eastern front elevation. The red dashed line represents the maximum building height. (*Source: Architectural plans)*

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

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;*

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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.*

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 Clause 4.6 variation request has been set out in accordance with the following:

1. Introduction – which references the Waverley Local Environmental Plan 2021
2. Clause 4.6 exceptions to development standards
3. The development standard to be varied
4. Extent of variation to the development standard
5. Objectives of the standard
6. Objectives of the zone
7. Assessment
8. Conclusion

The request also addresses whether the proposed development is 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.

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 for a three storey development to Lorraine Street, providing for a mixed use development.
- The height variation is a 14.71% exceedance.
- The elements proposed above the building height control are asserted to be the rooftop articulation and parapets, plant and lift overrun.
- None of the elements that exceed the height control create any additional environmental impacts such as overshadowing or view loss.
- The proposal creates minimal additional overshadowing as a result of the exceedance over the corrugated iron roof of 70 Lorraine Street.
- The non-compliance diminishes from the front to the back of the site, with the rear of the site sitting comfortably within the envelope.
- The streetscape comprises a variety of frontage in shape and scale. The proposal will present as a half level addition compared to 70 Lorraine and one level compared to 64 Lorraine Street.
- The height transition between the new 3 storey extension and the adjoining developments will appear as entirely consistent with the character of the street.

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- 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 E1 Local Centre zone.

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. As shown on the front elevation plan it is clear that a substantial portion of the third storey level (a habitable level) protrudes beyond the height plane. The components breaching the height limit will be visible from Lorraine Street. The building is located within the local centre and close by is the R2 Low Density Residential zone. 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 adjoining properties and open space areas,	The components breaching the height limit are readily observable from Lorraine Street. The resultant built form contravenes the desired streetscape presenting an excessive structure and will result in adverse visual impacts. The proposed height breach is unlikely to cause view loss impacts given there are no notable landmarks or features identified in the locality.
(c) to ensure an appropriate height transition between new buildings and— (i) adjoining land uses, or (ii) heritage items, heritage conservation areas or Aboriginal places of heritage significance	The proposed building height is greater than the desired building height of the locality, which is informed by the maximum two storey limit in the Local Centre area. The breach of the building height development standard of 9m by 1.35m and the increase in storey does not reflect the desired height with the adjoining uses, including the R2 zone. 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 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 objectives of the E1 Local Centre zone as follows, quoting from page 10 of the variation request the following points are made:
    - *The additional height has afforded the ability to maximise communal and open space at the rear of the development which provides a heightened standard of amenity for residents, workers visitors, guests, and site users*
    - *The delivery of a positive through-site link and internal activated courtyard is achieved through the proposed massing on site. This approach has narrowed the footprint to create large inviting courtyards with solar access at first floor. Such elements of the design are amenity features and contribute to overall site usability.*

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Planners note: the above material does not appear to relate to the proposal under consideration, as no COS is provided.

The justification is not sufficient for there are factors such as the lack of compatibility with Part 5.18 of the DCP and the desired future character. Due to its insufficient lot width and site area, the proposal 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.

The applicant provides no comment 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 which 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 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;

The applicant provides no comments on this test.

The E1 Local Centre zoning of the subject site is considered to be appropriate given the zoning reflects the existing and desired use of the Peakhurst local area which provides for mixed use development adjacent to low density residential dwellings in this locality within 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)(a), 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.

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In response to this subclause, the applicant indicated the following:

- *The non-compliance being the variation to the 9m height standard has 'the majority of the built form … located below the building height'*
- *The only elements proposed above the building height control are rooftop articulation and parapets, plant and lift overrun.*
- *The proposed development has been carefully designed to deliver a contextually appropriate bult form that preserves the environmental amenity of neighbouring properties and public spaces.*
- *The exceedance in the height limit at the front is forced by the ceiling height of the existing commercial units as the existing 2nd storey slab is proposed be retained, to minimise construction costs and achieve the necessary head clearances within the existing carpark.*
- *The approach to massing has resulted in minor roof elements and lift overrun and plant exceeding the height control. These exceedances are minor, do not include any floor space within them, and therefore do not increase the density or intensity of development on the site.*

The variation request fails to satisfactorily address height contravention as it omits consideration of the following factors:

- The variation to the height standard involves habitable area within the Level Two of the proposal within the front portion of the building.
- Due to the adjacent developments being two storeys in height, there will be visual impacts upon adjoining development.
- Whilst the proposal permits headroom for vehicular access at the rear, it does not adequately address vehicular and pedestrian safety within and in proximity of the rear of the site.
- The variation does add an additional measure to the bulk and scale with an additional storey and overshadowing and visual/acoustic privacy impacts.
- Due to the one storey 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.

It is noted that the variation provides for a large habitable area on the upper most level, which is not adequately set out and addressed in the variation request.

In our view, the development does not meet the objectives of Clause 4.3 of GRLEP 2021: the proposal will result in adverse visual impacts as a result of the unsympathetic built form with bulk and scale that exceed the controls, poor streetscape contribution, and inadequate site width and area for the development, and issues with vehicular access, lack of adequate parking provision and pedestrian safety.

The proposal is considered an overdevelopment of the site and not supported.

Conclusion

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

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).

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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)

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

Part 3 – General Planning Considerations

Part 3 of the GRDCP 2021 is applicable to the development and the following clauses apply:

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 levels.	Yes
2. Cut and fill should not alter natural or existing ground levels by more than 1m	No alteration of EGLs proposed.	
3. Habitable Rooms (not including bathrooms, laundries and storerooms) are to be located above existing ground level.	No habitable rooms at ground level	
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: - Sediment fencing; - Water diversion;	The proposal includes a sediment control plan indicating implementation of these measures. A suitable condition will be included in	Yes

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- Single entry/exit points - Filtration materials such as straw bales and turf strips.	the consent which ensures compliance with the control.	
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 minimal excavation.	
5. Development which has a high potential risk to groundwater must submit a geotechnical report to address how possible impacts on groundwater are minimised.	No potential for risk to groundwater.	
3.6 Contaminated Land		
Control	**Proposal**	**Compliance**
2. The application is accompanied by sufficient information to determine: i. The extent to which the land is contaminated (both soil and ground water); ii. Whether the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out; iii. Whether the land requires remediation to make the land suitable for the intended use prior to that development being carried out; and iv. If the land has been previously investigated or remediated, development cannot be carried out until Council has considered the nature, distribution, and levels of residues remaining on the land, and Council has	The Assessing Officer has reviewed: • Councils Contamination Records • Arial Imaging (inc. historic imaging) • Conducted a site inspection. A review of the above indicates that the site has historically been used for Commericialpurposes 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, noting that no excavation is proposed.	Yes

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determined that the land is suitable for the intended use. Operating practices and technology must be employed to prevent contamination of ground water.		
3.10 Water Management		
Stormwater Management		
Control	**Proposal**	**Compliance**
1. Development must comply with Council's Stormwater Management Policy. 2. Water Sensitive Urban Design (WSUD) 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. Discussed at GRLEP 2021 – Stormwater.	Yes
Water Quality		
Control	**Proposal**	**Compliance**
6. Measures to control pollutants in stormwater discharge from development sites are to be included in any development. 7. Runoff entering directly to waterways or bushland is to be treated to reduce erosion and sedimentation, nutrient and seed dispersal.	The proposal includes a sediment control plan, and is otherwise satisfactory with regards the relevant parts of the clause.	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. See Sustainable Buildings SEPP assessment.	Yes
3.12 Waste Management		
Control	**Proposal**	**Compliance**

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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).	A WMP has been provided. Separate waste rooms have been provided for residential and commercial use.	Yes

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. No acoustic report was submitted to 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	No street tree planting is proposed.	N/A

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.	The proposal is capable of achieving compliance with BCA with regards to accessibility for disabled persons. 1 accessible parking space provided. One adaptable one-bedroom unit provided	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.		

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3. Accessways for pedestrians and vehicles to be separated		
6. Accessible parking space provision High Density Residential Development 1 space per adaptable unit Required 1 space		
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 clearly identifiable.	

Vehicular Access, Parking and Circulation		
3.13 Parking Access and Transport		
Control	**Proposal**	**Compliance**
1. Parking required: Residential Flat Building 1 space per 1 and 2 beds 2 spaces per 3 beds or more 1 visitor space per 5 units (1 car wash bay can be used as a visitor space) Proposed Apartment Mix 6 x 1 bedroom apartments 4 x 2 bedroom apartments Required Parking Spaces Residential: 10 Resident Visitor: 2	4 resident parking spaces (including 1 accessible) 2 commercial spaces 6 spaces in total; shortfall of 10 space being 62.5% No provision for motorbike space. No bicycle parking provision No provision for electric vehicle charging station.	No

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Commercial/Business/Retail 4 Total: 16 required		
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 <u>Residential Flat Building</u> 1 space per 3 dwellings, and 1 space per 10 dwellings (visitors) <u>Required</u> Residential: 4 Visitors: 1 Total: 5	No bicycle spaces provided. Five spaces required (4 residential and 1 commercial).	
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 longitudinal section shows a proposed down gradient of 12.2% for the first 6.57m in the from the rear / ROC boundary. Although this exceeds the Council's maximum down gradient of 5%, no objections are raised to the driveway long section; condition proposed.	
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)'.		

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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.	1 adaptable unit proposed. 1 accessible parking spaces provided for residents.	
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.	A car wash bay not provided	
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		

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32. Design driveways to minimise visual impact on the street and maximise pedestrian safety		
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.	There is inadequate provision for the vehicle accessing the accessible parking space No. 6 for the vehicle to be turned within the car park in order for it to enter and exit the site in a forward direction. Even though access to the car park is from a private right-of-carriageway, it is considered vehicles parked in the gate enclosed part of the car park should enter and exit in a forward direction on vehicle and pedestrian safety grounds. Drivers of vehicles reversing from the car park to the ROC have no sighting of vehicles traveling in a northerly direction along the ROC until their vehicle is almost fully across the ROC. This is particularly hazardous when the vehicle crossing to the proposed development is only some 6m/one car length in from Isaac Street.	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 accommodated wholly within the site before being required to stop.		
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		

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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: i. Is roofed and bunded to exclude rainwater. ii. Has clearly visible signs which indicate that no degreasing or mechanical work is to be undertaken in the car wash bay. iii. Has a fixed basket trap for floor waste. iv. Includes a 1000 litre general purpose pit.	No car wash bay proposed	
11. Three options exist for the disposal of trade wastewater from residential car wash bays. They are: i. Removal off-site by an authorised liquid waste disposal contractor; 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 iii. Discharge to the sewer via appropriate pre-treatment.		
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).		
15. Separate pedestrian access to buildings should be provided which does not rely upon access from a basement as the sole pedestrian access location.		

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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.	

Part 7 Business Precincts

Built Form		
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 primary street frontage. Continuous awning provided. Vehicular access provided at the rear from the ROW. Two tenancies are located on prominent locations on the street, providing street activation. The location of windows and balconies are designed to orientate towards the street and off set from adjoining residences. Bin storage areas are well integrated in the structure. No roof fixtures proposed.	Yes
4. Parapets are to be utilised for the consistency of street frontage and screening of unattractive roof structures.		
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		

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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 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. The proposal does not comply with control 7.1.3.8(b)(i) and (ii) which requires the street wall height to maintain the existing dominant street wall height which is generally two storeys; and up to a building height of four storeys a minimum front setback of 5m is to be provided, which in this instance is applicable to the third level. The proposal does not provide for a rear setback that meets the prevailing setback, as per control 7.1.2.3.4, whereby the adjoining site at 64 Lorraine Street has a 1.5m setback to the rear building façade. Contrary to this a nil rear setback is proposed.	No
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		

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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.	The proposal has unacceptable impact on sightlines in terms of vehicle reversing out of the site, due to inadequate setbacks.	
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 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.	No
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.	The façade of the building has a built form that is quite dominating on the streetscape and is not considered an appropriate transitional element but rather jarring and not in line with the	No
2. Street intersections are to be addressed with splays, curves, building		

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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). 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: a. Entries, bay windows. b. Balconies, terraces, French windows, garden walls, verandahs, pergolas, loggias, decks, porches, planters.	current streetscape as it is substantially taller than the adjoining buildings. The proposed development does not have an adequate setback from the street boundaries, which requires a 3m front setback for the third storey level. No ventilation details provided.	

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c. External access stairs, external walkways, letter boxes, seats. 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.		
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.	No new awnings or changes to the existing are proposed.	N/A
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		

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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).		
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 Lorraine Street. 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.		

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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		
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 front 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		Yes

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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 private open spaces. The planter boxes are capable of sustaining plants of various sizes. Confirmation is needed to demonstrated there is adequate sunlight for plant growth within the central section of the building.	
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 commercial units from the residential component given there is shared access to the lift lobby area. 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.		
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		

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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		
7.1.4.1 Visual Privacy		
Control	**Proposal**	**Compliance**
1. Potential visual privacy impacts are to be mitigated by the following design measures: a. Fixed screens of a reasonable density (minimum 75% block out); b. Fixed windows with translucent glazing (providing natural ventilation is not compromised); 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. d. Windows are to be off-set or splayed; and e. Windows with sill heights of 1.8 metres or more above floor level or fixed translucent glazing to any part of a window lower than 1.8 metres above floor level.	All units are well separated from adjoining uses. Planter boxes are provided as part of the development. No unacceptable overlooking anticipated.	Yes
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 from the residential use. There is existing 4 sole occupancy units which will be demolished and replaced with an additional storey, and a provision of 6 x 1-bedroom units and 4 x 2-bedroom units. The required setbacks required for the third storey level do not comply with ADG requirements which has potential for acoustic privacy.	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		No

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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: 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; 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; c. A floor separating sole occupancy units must not have a FSTC less than 50; d. Noise impact associated with goods delivery and garbage collection, particularly early morning, should be minimized; e. Restaurants and cafes should be designed to minimise the impact of noise associated with late night operation on nearby residents.	An acoustic report has not been provided to address mechanical plant.	
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	There is no alteration of the existing utility infrastructure. Refer to Ausgrid referral.	N/A

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proposed development, at the site planning stage.		
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.		
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.		

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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 room is able to be provided in the rear ground level.	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.	Any deliveries would be via a gated entry. No loading bay has been proposed.	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		
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.		

Summary of DCP assessment

The proposal, therefore,

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Does not comply with key provisions of the Georges River Development Control Plan including:

Part 3.13 – Parking access and transport

- The proposal has a deficiency of ten parking spaces; deficiency of 5 bicycle parking spaces; does not provide motor bike parking, and does not provide a loading bay. No car wash bay is provided. 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 6.3.9 Vehicular Access, Parking and Circulation

- The design of the car park does not make adequate provision with a deficiency of 10 car parking spaces and 5 bicycle parking spaces, and no loading bay provided.
- The proposal layout will very likely result in drivers of vehicles reversing out of the site.

Part 7 – Business Precincts

Part 7.1.2.3 – Setbacks

- Does not comply with front and side setbacks for the third storey, which results in an inappropriate transition of building bulk.
- There is a non-compliant setback on all boundaries for the third storey.

Part 7.1.2.6 - Façade Treatment

- Insufficient information is provided re services.
- The façade treatment is monotonous and only provides for off site cement render and nickel aluminium window and door frames and roof material.

Part 7.1.2.7 – Landscaped Treatment and Private Open Space

- No communal open space provided.
- Insufficient dimensions for private open space areas. The majority do not comply with the size and or dimension requirements.

Part 7.1.3.1 – Design Excellence

- The proposal is unacceptable as there is no provision of communal open space.
- The provision of private open space is limited with inadequate planting proposed, and areas that do not comply with ADG requirements for balconies and POS areas.

Part 7.1.3.2 – Building Facades

- The proposal is not consistent with the Peakhurst business precinct, as it provides for a three-storey built form in a local centre which has a two storey wall height, and so provides a dominant built form which is incongruent with the existing setting. The proposal is not well-designed due to multiple non-compliances, and does not positively contribute to the streetscape.

These form part of the reasons for refusal of the application.

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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 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)

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 is not considered to result in unreasonable impact.
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. The scale and bulk and design elements of the development do not make a positive contribution to the streetscape and character of the area as the proposal is generally inconsistent from an urban design perspective. The development is occurring in a locality where adequate infrastructure exists to support the development during ongoing use, however vehicular access to the site during construction is unresolved.
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 within the ROC. As a result of the non-compliant height, the proposal impinges on the established street character of the Peakhurst local centre.
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

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The site is zoned E1 Local Centre. The proposal is not considered a suitable outcome for the subject site for the following reasons:

- The proposal does not comply with the general commercial controls at Part 7.1 of Part 7 Business Precincts.
- The proposal does not address the issues of communal open space.
- The proposal does not adequate address essential services re vehicular access.
- The proposal does not meet the zone objectives of the E1 Local Centre zone.
- The proposal does not comply with numerous controls under the SEPP (Housing) 2021, the GRLEP 2021 and the GRDCP 2021.
- The proposal exceeds the building height control and represents an inappropriately designed development that is not suitable for the site.

Submissions

Section 4.15 (d) any submissions made in accordance with this Act or the regulations

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.

One submission was received during the notification period between 29 July 2025 - 21 August 2025. The concerns raised in the submission are addressed below.

Issue	Comment
Parking on site: parking provision are not adequate. On street Parking: Traffic survey quotes a parking availability of 40% at the peak; the map shows that at its furthest point a 1km area was surveyed. There is insufficient on street parking, and the development will worsen the situation. Available public transport: The public transport only provides the 944 bus service which has limited hours of operation. Request for Council's traffic committee to review the traffic and parking issues.	Concern is raised with respect to on street parking. The proposal in its current form is not compliant with the required vehicle parking on site and is not in accordance with GRDCP 2021 car parking controls. Impact to on street parking is assumed to result from the proposal as on street parking is to be readily relied upon.
Use of Right of Way as a construction area: the submitters	Concerns have been raised that the proposed development during the construction phase would

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who own the lot containing the ROC do not consent for anything other than access purposes, and do not provide consent for the activities outlined at Section 6.2 and Section 6.3 of the 'CTMP'. Concern expressed re possibility of damage to their property being caused by heavy construction activities taking place on the RoW, 'for which we understand Council would have no right to enforce repair/rectification from the developer.'	block/limit access to neighbouring properties. Inadequate information has been provided to ensure that this can be managed effectively during construction of the development. We note that a Construction Traffic and Pedestrian Management Plan and an Environmental Construction and Site Management Plan have been submitted.
Height of building: At 3 storeys above ground level, the proposed development exceeds planning rules and exceeds the height and scale of the existing locality. The front elevation from the development proposal shows that the height excess is not insignificant compared to the two adjoining buildings and is effectively one full storey above either of these buildings.	Council notes the proposal is designed over three storeys, which is contrary to the requirement for two storey street wall in the Local Centre area. It is deemed that the three levels result in the proposal being considered out of character in this locality. Unreasonable impacts on adjoining allotments are also considered. As a result, the scale and form are considered unacceptable.
Rear setback: reference was made by objector to LEC decision re 64 Lorraine Street, and claim made that a 1.5m setback for the bulk of the development from the rear property boundary was appropriate with small Juliet style balconies. However the proposal has large rear side to side balconies and end walls on the first and second story with the building envelope right on the boundary. Objector requested that the precedent established be followed so that the perceived bulk envelope is 1.5m from the boundary.	Council notes this, and will investigate further to establish whether this setback on the adjoining property is the 'prevailing' rear setback.

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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:

- The proposed development has not demonstrated that it is suitable for the subject site and reflects the future character of the local centre.
- The proposal fails to comply with multiple planning controls and represents an inappropriately designed development that is not suitable for the site.
- The proposal introduces unacceptable road safety risks due to inadequate design of vehicular access, and lack of adequate parking provision and loading bay.

Referrals

Internal Referrals

Internal Referrals		
Specialist	**Comment**	**Outcome**
Development Engineer	The officer has considered the following planning provisions: - Clause 5.21 of GRLEP 2021 - Clause 6.3 of GRLEP 2021 - Clause 6.9 of GRLEP 2021 - Part 3.10 of GRDCP 2021 - Georges River Stormwater Management Policy. No objections raised to the proposal and conditions recommended.	-
Landscape Officer	Sufficient information provided. Notes no communal open space provision and absence of any deep soil. All planting is within planter structures.	-
Urban Design	Objection raised on the following grounds: - Architectural expression, aesthetics and bulk and scale: issues raised re building appearance, height exceedance, narrow balconies, blank walls Inadequate building setbacks, with respect of third level which is required to comply with the ADG 3F Visual Privacy. - No communal open space is provided as required by ADG. - Inadequate cross ventilation provided - The architectural plans provided insufficient details on building services. - The proposal demonstrates a height breach, which result in a bulk and scale that is incompatible with the locality. - Inadequate parking provision. Vehicular access via the right of carriageway proposed. - 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.	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.

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Building Surveyor	No objection subject to recommended conditions.	-
Land Information (GIS)	No objection subject to recommended conditions.	-
Waste Management	A waste management plan to address Construction and Demolition Waste, and an Operational Waste Management Plan submitted. The operation waste management plan addresses both the residential uses, and commercial use (retail non-food shop and takeaway café). Bulky waste items will be collected within a room set aside on the first floor. Suitable conditions of consent will be imposed in the event were the proposal to be approved.	-
Traffic Engineering	It is recommended that: 1. The application not be approved as proposed. 2. The applicant be advised the application is not supported as proposed having regard to the following: (a) The application fails to make provision for on site car parking to satisfy the requirements of GRDCP 2021 for the parking of resident, resident visitor and the business/commercial/retail components. (b) A proposal for the significant shortfall in onsite car parking with the site in the E1 zone cannot be remedied with vehicles being parked in R2 zoned streets. (c) The application fails to satisfy the requirements of GRDCP 2021 with regard to the provision and secure parking of five (5) bicycles. (d) The design of the car parking area fails to make provision for all vehicles in the car park to enter and in a forward direction. Conclusion The application is not supported as proposed having regard to the significant non-compliance with the number of on site car parking spaces required in GRDCP 2021 Part 3 – 3.13 - Table 1 for the residential, residential visitor and business/commercial/retail components and other matters. Only 6 car parking spaces are provided and 16 are required. No bicycle parking spaces are provided and 5 are required.	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.

External Referrals

External Referrals		
Referral Body	**Comment**	**Outcome**
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.	-

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Contributions

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 imposed should this application be recommended for approval.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

The proposal is a development to which State Environmental Planning Policy (Housing) 2021, Chapter 4 (Design of Residential Apartment Development) applies, and the development proposed has a variation of more than 10% from the maximum height of building standard.

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 Variation request and the variation is not considered to be in the public interest, being contrary to the zone and standard objectives.

The proposal does not adequately address essential services re vehicular access from the site to the Right of Carriageway, and a suitable car park design and adequate parking provision.

The proposal does not satisfy the SEPP (Housing) 2021 and Chapter 4 – Design of Residential Apartment Development which applies to Levels One and Two of the development.

Recommendation

Refusal of Application

1. Pursuant to *Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979* (as amended), the Georges River Planning Panel determines DA2025/0341 for *Alterations and additions to existing mixed use development* on Lot 1 in DP 1266359 on land known as 66-68 Lorraine Street, Peakhurst NSW 2210, should not be approved subject to the refusal reasons referenced below:

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a) Under SEPP (Housing) 2021 - ADG Objective 3C – Public domain interface – the proposal fails to enable adequate transition between the private and public domain; and enhance the public domain due to the dominating bulk and scale and nil setback at the front elevation for the third storey. There is no detailed information re building services location.

b) ADG Objective 3D – Communal open space – No communal open space is provided.

c) ADG Objective 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 for Level Two.

d) ADG Objective 3H – Vehicle access – The proposal fails to provide a driveway compliant with Australian Standards. The car park configuration requires reversing out of cars into the right of carriageway which presents a danger to both vehicular and pedestrian traffic.

e) ADG Objective 3J – Bicycle and car parking – Insufficient bicycle and car parking is provided.

f) ADG Objective 4B – Natural Ventilation – Cross-ventilation is deficient for the residential apartments.

g) ADG Objective 4C – Ceiling Heights – First Floor: floor to floor does not meet 3.1m.

h) ADG Objective 4D – Apartment sizes - Unit size: 1 x 1-bedroom unit deficient in size and 2 x 2-bedroom are deficient in size.

i) ADG Objective 4E – Private open space and balconies – Required depth of 2m not achieved. One balcony is less than 4m in length.

j) ADG Objective 4F – Common circulation areas – do not promote sufficient safety for residents as the area including the lifts is shared with members of the public who can intrude into common residential spaces. The lobbies above the ground floor level are not provided with natural ventilation or solar access.

k) ADG Objective 4H - Acoustic privacy – no acoustic report tendered; no information given on location of building services

l) ADG Objective 4M – Facades – The proposal does not respect character of local area which requires a two storey street wall. No information provided on location of building services.

m) ADG Objective 4N – Roof design – treatment and opportunity to use for open space are not maximised.

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n) ADG Objective 4P – Planting on structures – no COS provided. COS provided in planters, however the plant growth within the internal location of some courtyards will not receive sufficient daylight access.

o) ADG Objective 4S – The mixed use circulation area and lift lobby area is shared between commercial and residential components which enables intrusion into shared residential area. No indication shown on plan as to how commercial parking area is separated from residential component.

p) ADG Objective 4U – Energy Efficiency – location of consolidated heating and cooling infrastructure not provided.

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 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 Peakhurst local centre and achieves a high level of residential amenity.

b) Clause 4.3 – Height of Buildings. The proposed development demonstrates a height of 10.35m, exceeding the maximum building height of 9m.

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 for all vehicles. The parking provision for both car spaces and bicycle spaces is deficient. The loading area and parking area does not enable vehicular movement and adequate manoeuvring. The proposed driveway design is not conductive to pedestrian safety especially in the right of carriageway. No loading bay is provided.

e) Clause 6.10 – Design Excellence. The proposed development has numerous urban design issues and is considered to not demonstrate design excellence.

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) Utilities – Insufficient information has been provided re building services and their location as per Part 3.14 of GRDCP 2021. No acoustic report was

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submitted to address their location or treatment.

b) Parking access and transport; and vehicular access, parking and circulation. The proposal contravenes Part 3.13 and Part 6.3.9 of GRDCP 2021, due to the car park design, layout, access arrangements, and insufficient provision of parking spaces, being deficient by 10 car space and by 5 bicycle spaces. The proposed layout will likely result in some vehicles being reversed out into the ROC, presenting a danger to both vehicular and pedestrian traffic. The proposal fails to cater for the parking demand which will unreasonably intensify on-street parking demand in the surrounding area.

c) Building Facades – the proposal does not comply with control 7.1.3.2 of GRDCP 2021 as the façade is monotonous in its treatment, and has a built form that is quite dominating on the streetscape and is not considered an appropriate transitional element but rather jarring as it is substantially taller than the adjoining buildings.

d) Streetscape – The proposal does not comply with control 7.1.2.2.1 as it is does not meet the requirement where if a centre does not have a character statement, the new infill development is to respect and maintain consistency with the established rhythm and scale of existing shopfronts. Control 7.1.2.3 requires the consistent street wall height to be met, whereas the proposal exceeds this on the third storey.

e) Setbacks – The proposal does not comply with control 7.1.3.8(b)(i) and (ii) which requires the street wall height to maintain the existing dominant street wall height which is generally two storeys; and up to a building height of four storeys a minimum front setback of 5m is to be provided above the existing dominant street wall height, which in this instance is applicable to the third level. The proposal does not provide for a rear setback that meets the prevailing setback, as per control 7.1.2.3.4, whereby the adjoining site at 64 Lorraine Street has a 1.5m setback to the rear building façade. Contrary to this a nil rear setback is proposed. The proposal has unacceptable impact on sightlines in terms of vehicle reversing out of the site, due to inadequate setbacks on the rear elevation.

4. **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) 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. The scale and bulk and design elements of the development do not make a positive contribution to the streetscape and character of the area as the proposal is generally inconsistent from an urban design perspective. The development is occurring in a locality where adequate infrastructure exists to support the development during ongoing use, however vehicular access to the site during construction is unresolved.

b. Social Impacts. The assessment demonstrates that the proposal in its current form will have adverse impacts on visual amenity within the locality and road safety within the Right of Carriageway. As a result of the non-compliant building height, the proposal is dominating and impinges on the established street character of the Peakhurst local centre.

5. **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.

6. **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.

RB

Ruth Bennett
Principal Planner
19/02/2026

Atalay Bas
Coordinator Development Assessment
/02/2026

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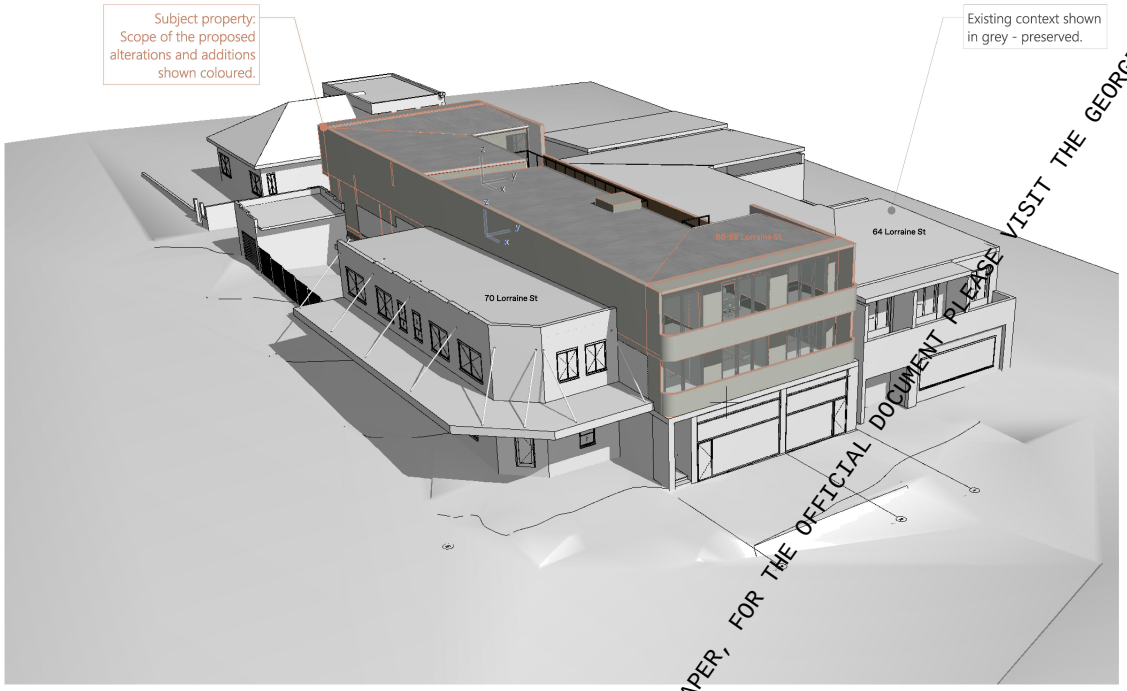

DEVELOPMENT APPLICATION ISSUE

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DA-23	01	3D PERSPECTIVES	
DA-24	01	WINDOW & DOOR SCHEDULE	1:0,48
DA-25	01	UNIT MIX DIAGRAM	1:93,01
DA-26	01	ADAPTABLE HOUSING	1:93,01
DA-27	01	ADAPTABLE HOUSING: 1-BED UNIT	
DA-28	01	SCHEDULE OF MATERIALS & FINISHES	
DA-29	01	BASIX COMMITMENTS	

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ABN: 77 668 120 901 | ACN: 668 120 901

Nominated Architect:
Emmanuil T. Chrysostalacu
•NSW Reg No. 9973
•DHSBF Reg No. DEPO001277

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PROJECT PARTNERS
Refer to consultant documentation
→ Client - Pwallatas
→ BCA Consultant - Nast Consulting
→ Civil Engineer - Aknoyal Engineering
→ Stormwater Engineer Aknoyal Engineering
→ Landscape Designer - DARC Studio
→ Planning Consultant - DARC Studio
→ Structural Engineer - Aknoyal Engineering
→ Surveyor - Sydney Surveyors
→ Geotech - MM Geomechanics

Certificate No. IRHR-V-21102-01

DRAWN | CHECK MC
PLOT DATE: 10/7/2025
SCALE: @ A1
CLIENT Pwallatas Partnership
SITE: 66-68 LORRAINE STREET PEAKHURST NSW 2210

DRAWING TITLE : DEVELOPMENT APPLICATION ISSUE COVER PAGE
PROJECT NAME : ALTERATIONS & ADDITIONS TO AN EXISTING MIXED-USE DEVELOPMENT

REVISION NO. 01
DRAWING NO. DA-00



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DRAWING TITLE: DEVELOPMENT APPLICATION ISSUE SITE & CONTEXT ANALYSIS PLAN

REVISION NO. 02

DRAWING NO. DA-01

PROJECT NAME: ALTERATIONS & ADDITIONS TO AN EXISTING MIXED-USE DEVELOPMENT

SITE: 66-68 LORRAINE STREET PEAKHURST NSW 2210

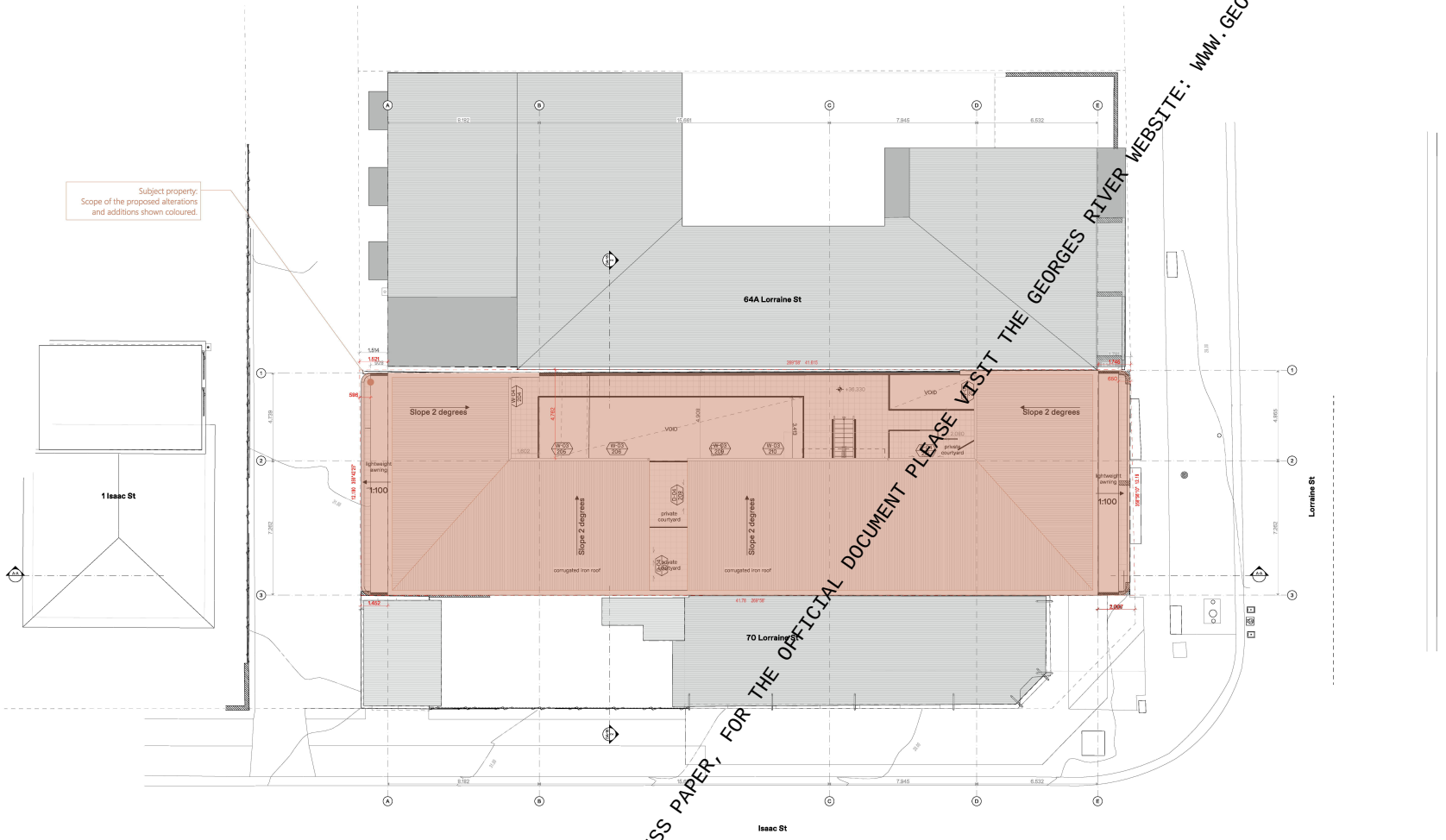
CLIENT: Paellatas Partnership

DRAWN | CHECK: MC

PLOT DATE: 10/7/2025

SCALE: @ A1

LPP012-26 Attachment 2



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ABN: 77 668 120 901 | ACN: 668 120 901

Nominated Architect:
Emmanuel E Chatzinikolaou
+NSW Reg No. 9973
+DGBP Reg No. DEP0001277

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PROJECT PARTNERS
Refer to consultant documentation when directed
→ BCA Consultant - Nest Consulting
→ Civil Engineer - Aircyal Engineering
→ Stormwater Engineer Aircyal Engineering
→ Landscape Designer - DARC Studio
→ Planning Consultant - DARC Studio
→ Structural Engineer - Aircyal Engineering
→ Surveyor - Sydney Surveyors
→ Geotech - MM Geomechanics

Certificate No. INR-V.2310Z-01

DRAWN | CHECK	MC	DRAWING TITLE : DEVELOPMENT APPLICATION ISSUE SITE PLAN	REVISION NO. 02
PLOT DATE:	10/7/2025		
SCALE:	1:100 @ A1		
CLIENT	Paellatas Partnership	PROJECT NAME : ALTERATIONS & ADDITIONS TO AN EXISTING MIXED-USE DEVELOPMENT	DRAWING NO. DA-02
SITE:	66-68 LORRAINE STREET PEAKHURST NSW 2210		

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Nominated Architect:
Emmanuel E Chatzoudakou
-NSW Reg No. 9973
-QBSP Reg No. DEP0001277

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PROJECT PARTNERS
Refer to consultant documentation
-Building Surveyor
→ BCA Consultant - Next Consulting
→ Civil Engineer - Aerovyal Engineering
→ Stormwater Engineer Aerovyal Engineering
→ Landscape Designer - DARC Studio
→ Planning Consultant - DARC Studio
→ Structural Engineer - Aerovyal Engineering
→ Surveyor - Sydney Surveyors
→ Geotech - MM Geomechanics

Certificate No. INR-V-2310Z-01
Nominated Architect: Emmanuel Chatzoudakou
Registration No. 9973
Expiry date: 31/12/2024
Address: Level 1, Suite 1, Potts Point, NSW 2011
Date of issue: 31/12/2023
Fully insured in accordance with Section 21 of the Act

DRAWN / CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	10/7/2025	DEVELOPMENT APPLICATION ISSUE	01
SCALE:	1:100 @ A1	GROUND FLOOR - EXISTING	
CLIENT:	Paellatas Partnership	PROJECT NAME :	DRAWING NO.
SITE:	66-68 LORRAINE STREET PEAKHURST NSW 2210	ALTERATIONS & ADDITIONS TO AN EXISTING MIXED-USE DEVELOPMENT	DA-03

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Nominated Architect:
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+NSW Reg No. 9973
+DGBP Reg No. DEP0001277

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PROJECT PARTNERS
Refer to consultant documentation when directed
→ BCA Consultant - Next Consulting
→ Civil Engineer - Aircyal Engineering
→ Stormwater Engineer Aircyal Engineering
→ Landscape Designer - DARC Studio
→ Planning Consultant - DARC Studio
→ Structural Engineer - Aircyal Engineering
→ Surveyor - Sydney Surveyors
→ Geotech - MM Geomechanics

Certificate No. INR-V.2310Z-01

DRAWN | CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	10/7/2025	DEVELOPMENT APPLICATION ISSUE ROOF PLAN - EXISTING	01
SCALE:	1:100 @ A1		
CLIENT	Paellatas Partnership	PROJECT NAME :	DRAWING NO.
SITE:	66-68 LORRAINE STREET PEAKHURST NSW 2210	ALTERATIONS & ADDITIONS TO AN EXISTING MIXED-USE DEVELOPMENT	DA-05

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Nominated Architect:
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+QBSP Reg No. DEP0001277

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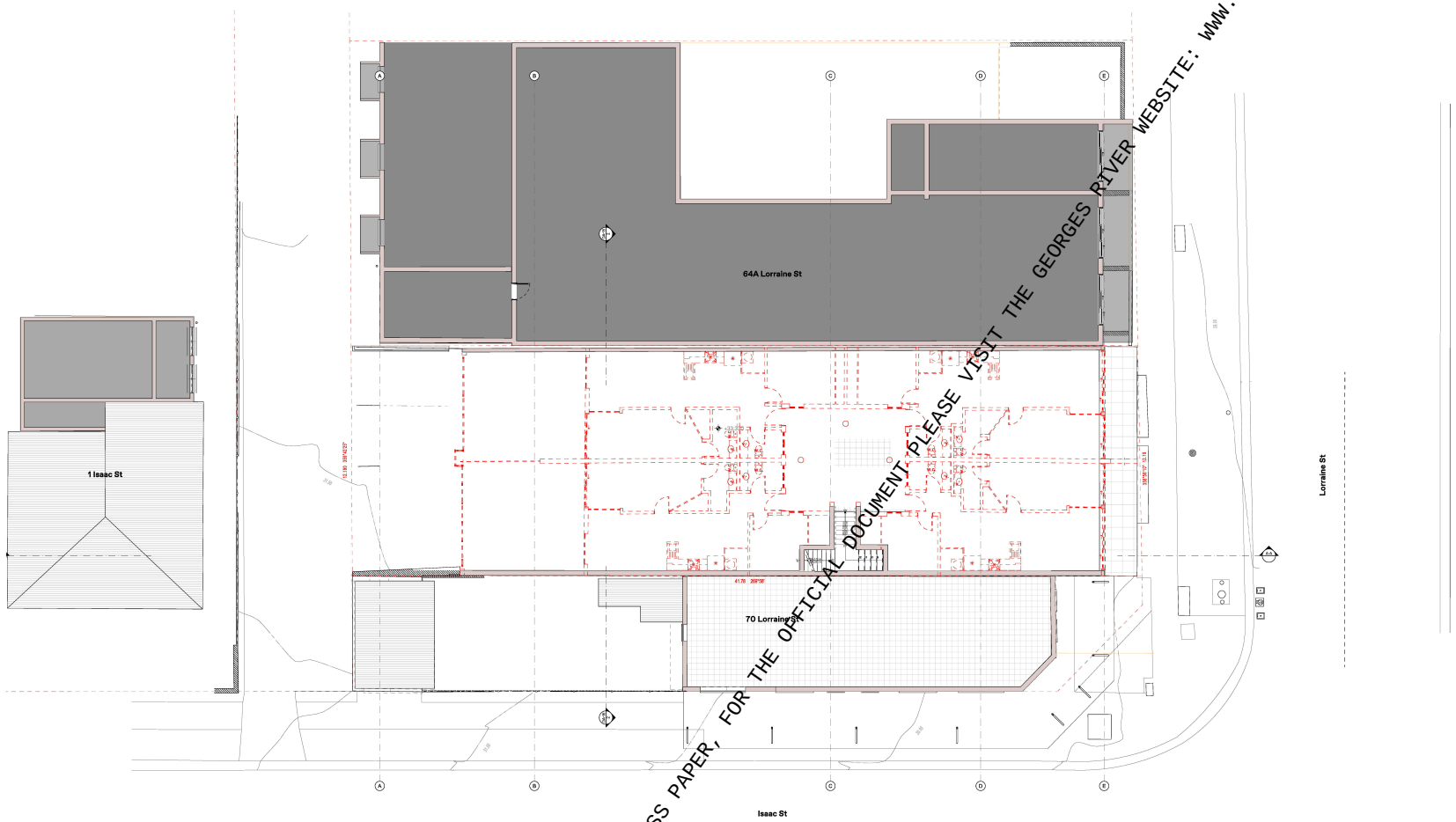
PROJECT PARTNERS
Refer to consultant documentation when directed
→ BCA Consultant - Next Consulting
→ Civil Engineer - Aircoyal Engineering
→ Stormwater Engineer Aircoyal Engineering
→ Landscape Designer - DARC Studio
→ Planning Consultant - DARC Studio
→ Structural Engineer - Aircoyal Engineering
→ Surveyor - Sydney Surveyors
→ Geotech - MM Geomechanics

Certificate No. INR-V.2310Z-01

DRAWN | CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	10/7/2025	DEVELOPMENT APPLICATION ISSUE GROUND FLOOR - DEMOLITION	01
SCALE:	1:100 @ A1		
CLIENT	Paellatas Partnership	PROJECT NAME :	DRAWING NO.
SITE:	66-68 LORRAINE STREET PEAKHURST NSW 2210	ALTERATIONS & ADDITIONS TO AN EXISTING MIXED-USE DEVELOPMENT	DA-06

LPP012-26 Attachment 2



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+QBSP Reg No. DEP0001277

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PROJECT PARTNERS
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→ BCA Consultant - Next Consulting
→ Civil Engineer - Aircyal Engineering
→ Stormwater Engineer Aircyal Engineering
→ Landscape Designer - DARC Studio
→ Planning Consultant - DARC Studio
→ Structural Engineer - Aircyal Engineering
→ Surveyor - Sydney Surveyors
→ Geotech - MM Geomechanics

Certificate No. INR-V.2012Z-01

DRAWN | CHECK	MC
PLOT DATE:	10/7/2025
SCALE:	1:100 @ A1
CLIENT	Paellatas Partnership
SITE:	66-68 LORRAINE STREET PEAKHURST NSW 2210

DRAWING TITLE :
DEVELOPMENT APPLICATION ISSUE
FIRST FLOOR - DEMOLITION

PROJECT NAME :
ALTERATIONS & ADDITIONS TO AN EXISTING MIXED-USE DEVELOPMENT

REVISION NO.
01

DRAWING NO.
DA-07

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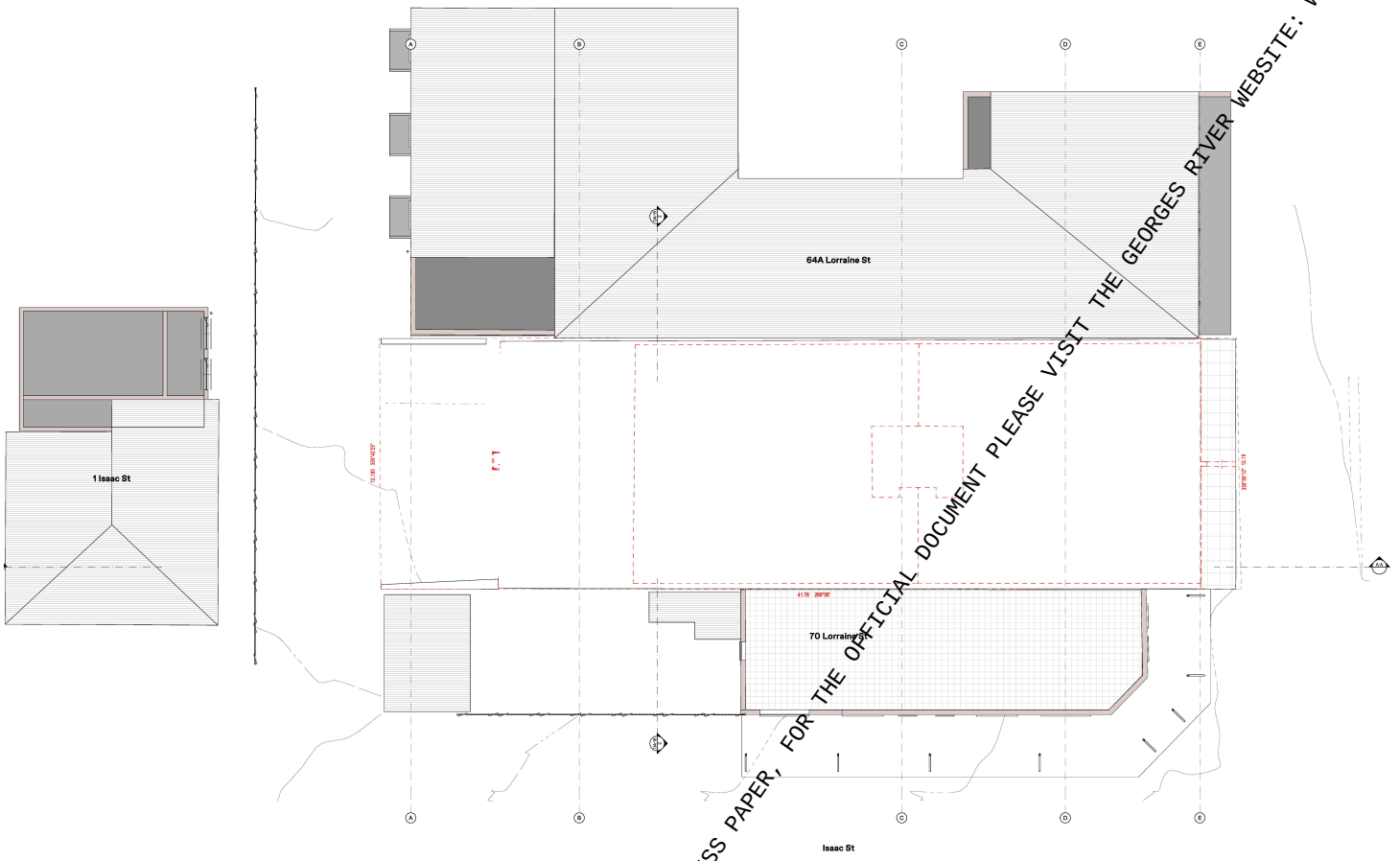

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→ Civil Engineer - Aircoyal Engineering
→ Stormwater Engineer Aircoyal Engineering
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→ Planning Consultant - DARC Studio
→ Structural Engineer - Aircoyal Engineering
→ Surveyor - Sydney Surveyors
→ Geotech - MM Geomechanics

Certificate No. INR-V.2012Z-01

DRAWN | CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	10/7/2025	DEVELOPMENT APPLICATION ISSUE ROOF PLAN - DEMOLITION	01
SCALE:	1:100 @ A1		
CLIENT	Paulistas Partnership	PROJECT NAME :	DRAWING NO.
SITE:	66-68 LORRAINE STREET PEAKHURST NSW 2210	ALTERATIONS & ADDITIONS TO AN EXISTING MIXED-USE DEVELOPMENT	DA-08

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Nominated Architect:
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+NSW Reg No. 9973
+DGBP Reg No. DEP0001277

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→ Civil Engineer - Akroyal Engineering
→ Stormwater Engineer Akroyal Engineering
→ Landscape Designer - DARC Studio
→ Planning Consultant - DARC Studio
→ Structural Engineer - Akroyal Engineering
→ Surveyor - Sydney Surveyors
→ Geotech - MM Geomechanics

Certificate No. INR-V.2012Z-01

DRAWN | CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	10/7/2025	DEVELOPMENT APPLICATION ISSUE GROUND FLOOR - PROPOSED	01
SCALE:	1:100 @ A1		
CLIENT	Paellatas Partnership	PROJECT NAME :	DRAWING NO.
SITE:	66-68 LORRAINE STREET PEAKHURST NSW 2210	ALTERATIONS & ADDITIONS TO AN EXISTING MIXED-USE DEVELOPMENT	DA-09

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→ Civil Engineer - Aircrypt Engineering
→ Stormwater Engineer Aircrypt Engineering
→ Landscape Designer - DARC Studio
→ Planning Consultant - DARC Studio
→ Structural Engineer - Aircrypt Engineering
→ Surveyor - Sydney Surveyors
→ Geotech - MM Geomechanics

Certificate No. INR-V.2310Z-01

DRAWN | CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	10/7/2025	DEVELOPMENT APPLICATION ISSUE ROOF PLAN - PROPOSED	01
SCALE:	1:100 @ A1		
CLIENT	Paellatas Partnership	PROJECT NAME :	DRAWING NO.
SITE:	66-68 LORRAINE STREET PEAKHURST NSW 2210	ALTERATIONS & ADDITIONS TO AN EXISTING MIXED-USE DEVELOPMENT	DA-12

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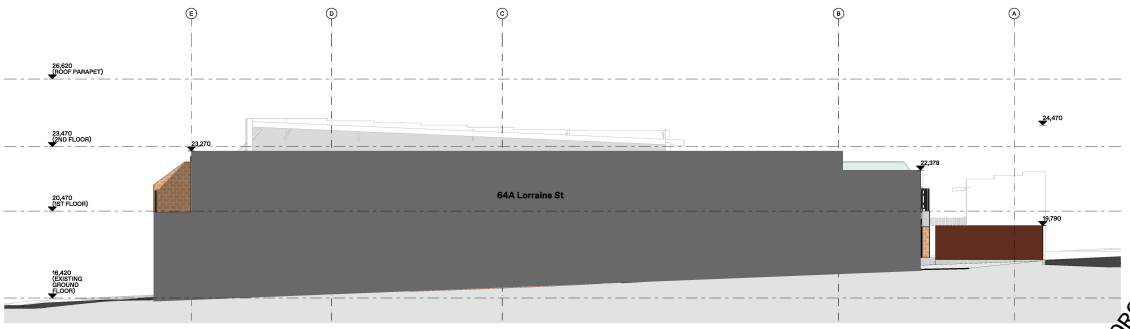


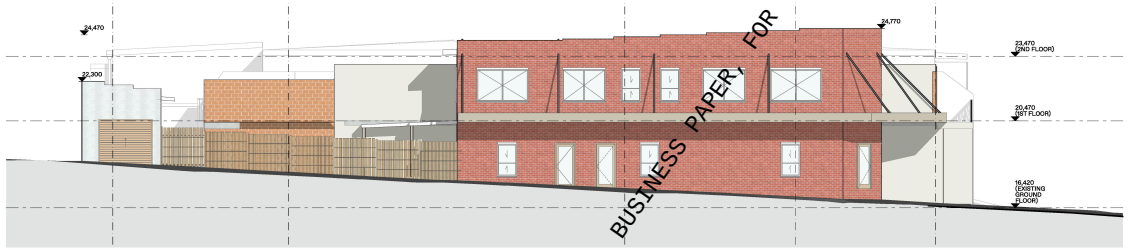
1 North 1:100



2 East 1:100



3 West 1:100



4 South 1:100

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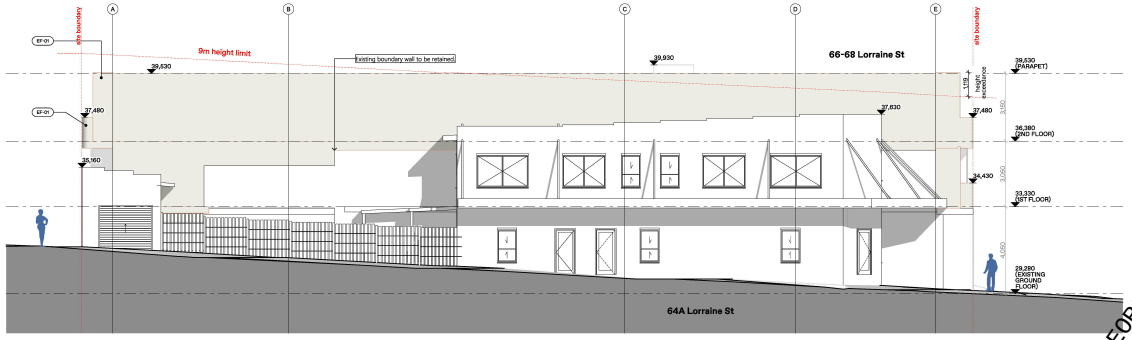
→ Civil Engineer - Akroyal Engineering
→ Stormwater Engineer Akroyal Engineering
→ Landscape Designer - DARC Studio
→ Planning Consultant - DARC Studio
→ Structural Engineer - Akroyal Engineering
→ Surveyor - Sydney Surveyors
→ Geotech - MM Geomechanics

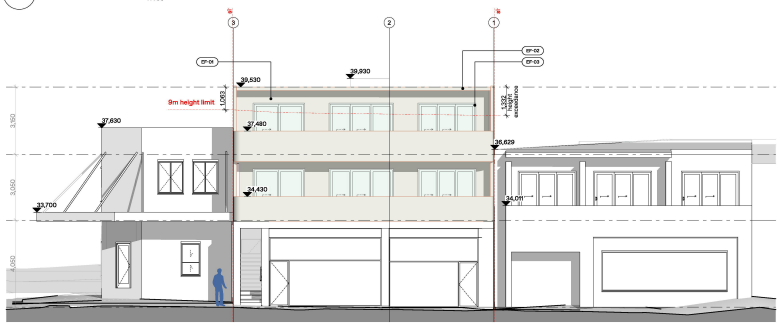
Certificate No. INR-V.2012Z-01

DRAWN | CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	10/7/2025	DEVELOPMENT APPLICATION ISSUE EXISTING ELEVATIONS	01
SCALE:	1:100 @ A1		
CLIENT	Paellatas Partnership	PROJECT NAME :	DRAWING NO.
SITE:	66-68 LORRAINE STREET PEAKHURST NSW 2210	ALTERATIONS & ADDITIONS TO AN EXISTING MIXED-USE DEVELOPMENT	DA-13

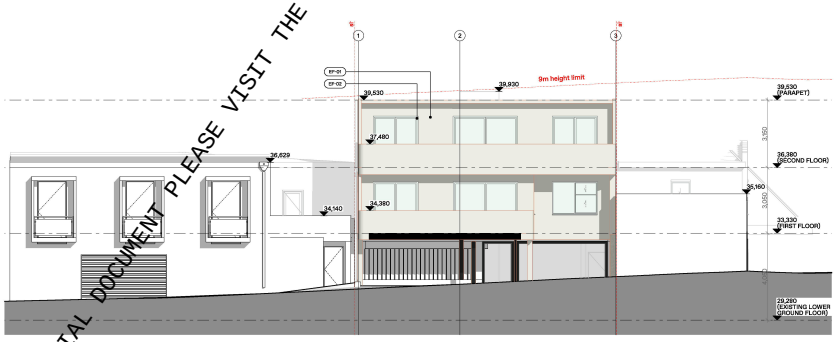
LPP012-26 Attachment 2



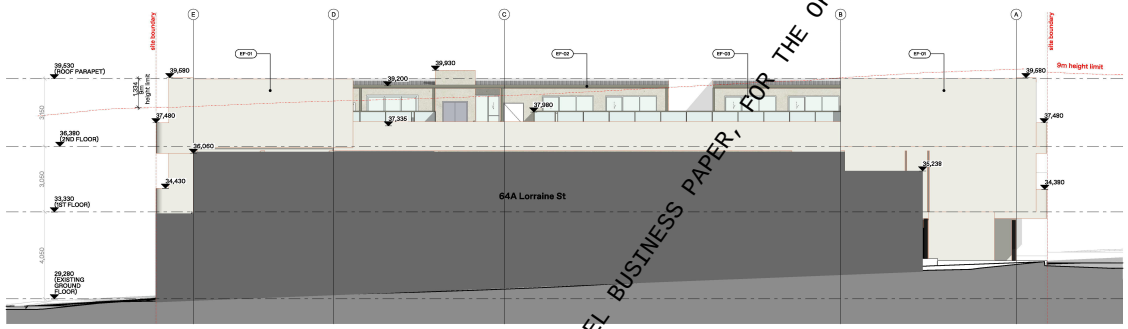
1 South (Isaac St) 1:100



2 East (Lorraine St) 1:100



3 West 1:100

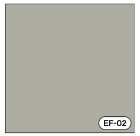


4 North 1:100

EXTERNAL FINISHES SCHEDULE:



RENDERED FINISH
In-situ poured concrete /masonry off-white, precast, textured



ROOF DETAILING & AWNINGS
steel
Dune - colorbond
matt
powdercoated



ALUMINIUM WINDOW FRAMES
steel or aluminum
nickel
matt
powdercoated

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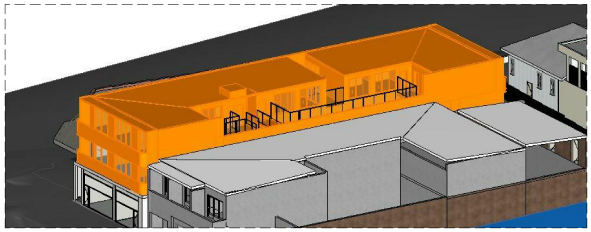
PROJECT PARTNERS
Refer to consultant documentation
- Hydraulic Engineer - Nest Consulting
- BCA Consultant - Nest Consulting
- Civil Engineer - Aerojet Engineering
- Stormwater Engineer Aerojet Engineering
- Landscape Designer - DARC Studio
- Planning Consultant - DARC Studio
- Structural Engineer - Aerojet Engineering
- Surveyor - Sydney Surveyors
- Geotech - MM Geomechanics

Certificate No. INR-W.2012Z-01

DRAWN / CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	10/7/2025	DEVELOPMENT APPLICATION ISSUE PROPOSED ELEVATIONS	01
SCALE:	1:100 @ A1		
CLIENT	Paallatas Partnership	PROJECT NAME :	DRAWING NO.
SITE:	66-68 LORRAINE STREET PEAKHURST NSW 2210	ALTERATIONS & ADDITIONS TO AN EXISTING MIXED-USE DEVELOPMENT	DA-14

VER LOCAL PLANNING PANEL BUSINESS PAPER, FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU



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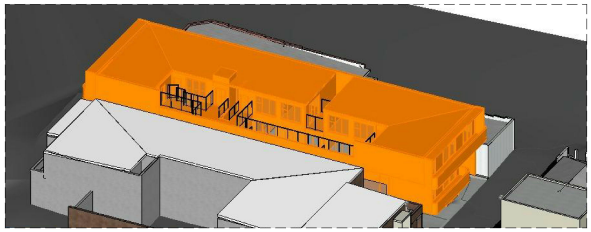

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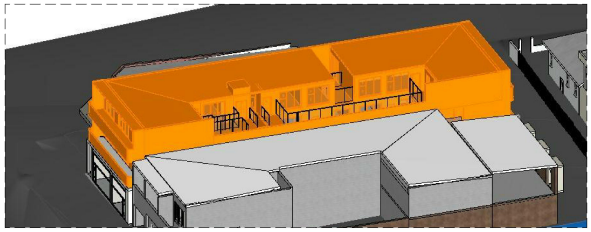

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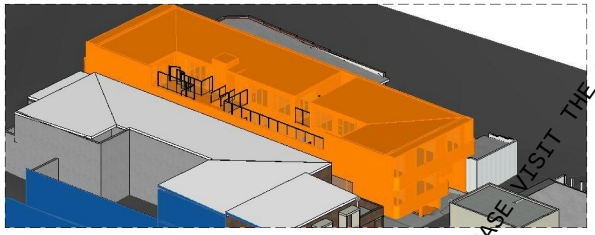

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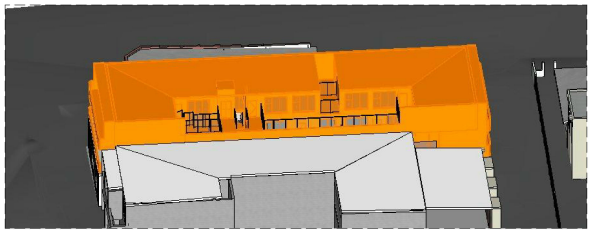

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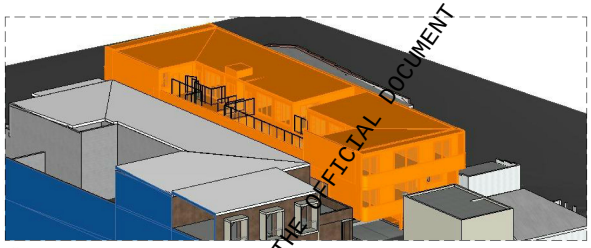

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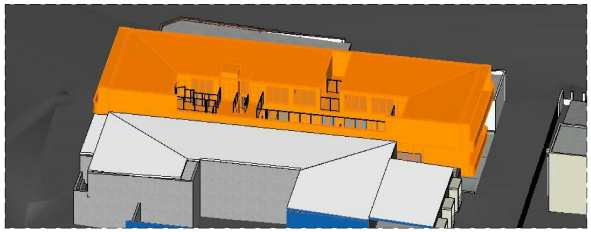

4 12:00 PM

SOLAR ACCESS - 21ST OF JUNE								
UNITS	9:00	10:00	11:00	12:00	13:00	14:00	15:00	total
101								2hrs
102								3hrs
103								3hrs
104								0hrs
105								1hrs
201								2hrs
202								6hrs
203								6hrs
204								6hrs
205								2hrs

8 OUT OF 10 UNITS (80%) ACHEIVE A MINIMUM OF 2HR SOLAR ACCESS. THE DEVELOPMENT COMPLIES

Objective 4A-1

To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space

Design criteria

Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas

In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter

A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter

DARCHITECTURE & INTERIORS

DARC® -W: https://darc.archi
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P: P.O. Box 693, Potts Point NSW 1335
DARC STUDIO PTY LTD
ABN: 77 669 120 901 | ACN: 669 120 901

Nominated Architect:
Emmanuil T. Chrysostalacu
•NSW Reg No. 9973
•ONSW Reg No. DEPO001277

NOTE
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PROJECT PARTNERS
Refer to consultant documentation
→ Client - Pasitas
→ BCA Consultant - Nast Consulting
→ Civil Engineer - Aknoyal Engineering
→ Stormwater Engineer Aknoyal Engineering
→ Landscape Designer - DARC Studio
→ Planning Consultant - DARC Studio
→ Structural Engineer - Aknoyal Engineering
→ Surveyor - Sydney Surveyors
→ Geotech - MM Geomechanics

Certificate No. IRIR-V-21102-01

DRAWN | CHECK MC
PLOT DATE: 10/7/2025
SCALE: @ A1
CLIENT Pasitas Partnership
SITE: 66-68 LORRAINE STREET PEAKHURST NSW 2210

DRAWING TITLE :
DEVELOPMENT APPLICATION ISSUE
SOLAR ACCESS DIAGRAM

PROJECT NAME :
ALTERATIONS & ADDITIONS TO AN EXISTING MIXED-USE DEVELOPMENT

REVISION NO.
01

DRAWING NO.
DA-16

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LPP012-26 Attachment 2

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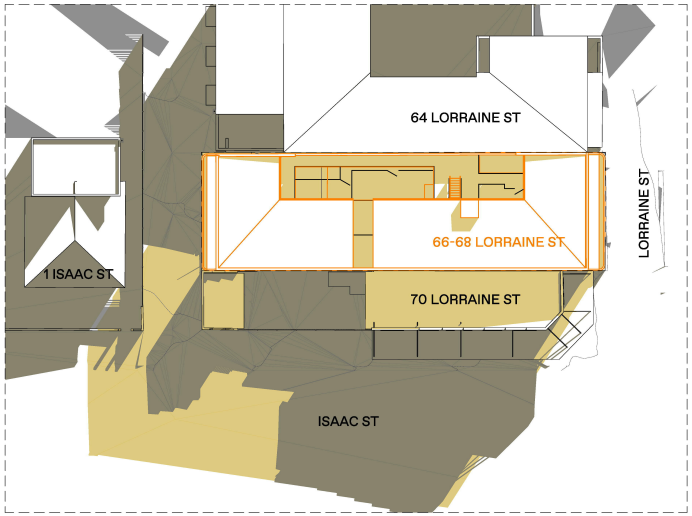
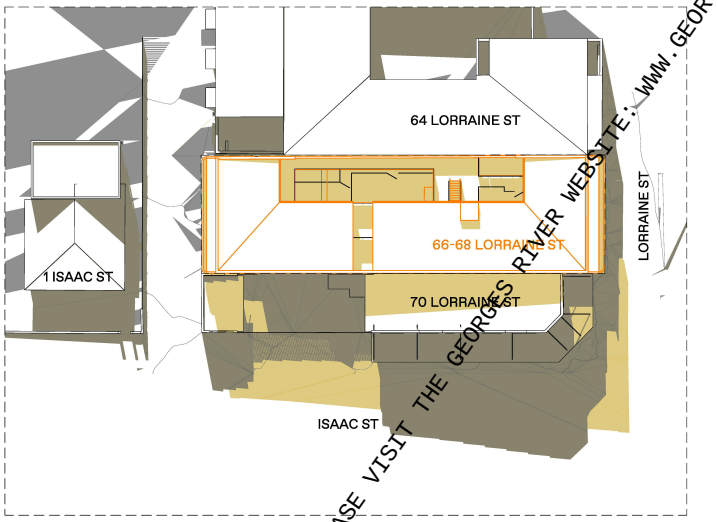


1 9:00 AM - 21st June



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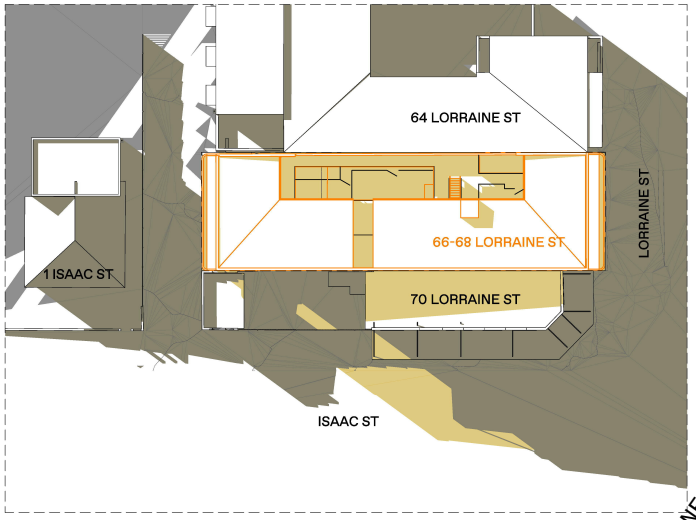

3 3:00 PM - 21st June

LEGEND

- SHADOWS PROJECTED FROM PROPOSED DEVELOPMENT
- EXISTING SHADOWS (HATCHED) + POST DEVELOPMENT(YELLOW)
- PROPOSED WORKS

DARCHITECTURE & INTERIORS

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ABN: 77 668 120 901 | ACN: 668 120 901

Nominated Architect:
Emmanuel E Chatzinikolaou
-NSW Reg No. 9973
-DGBP Reg No. DEP0001277

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PROJECT PARTNERS
Refer to consultant documentation when directed
→ BCA Consultant - Nest Consulting
→ Civil Engineer - Akroyal Engineering
→ Stormwater Engineer Akroyal Engineering
→ Landscape Designer - DARC Studio
→ Planning Consultant - DARC Studio
→ Structural Engineer - Akroyal Engineering
→ Surveyor - Sydney Surveyors
→ Geotech - MM Geomechanics

Certificate No. INR-V.2012Z-01

DRAWN | CHECK	MC	DRAWING TITLE : DEVELOPMENT APPLICATION ISSUE SHADOW DIAGRAM	REVISION NO. 01
PLOT DATE:	10/7/2025		
SCALE:	@ A1		
CLIENT	Paellatas Partnership	PROJECT NAME : ALTERATIONS & ADDITIONS TO AN EXISTING MIXED-USE DEVELOPMENT	DRAWING NO. DA-18
SITE:	66-68 LORRAINE STREET PEAKHURST NSW 2210		

LPP012-26 Attachment 2







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Nominated Architect:
Emmanuel E Chatzinikolaou
-NSW Reg No. 9973
-QBSP Reg No. DEP0001277

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PROJECT PARTNERS
Refer to consultant documentation
-> Civil Engineer - Aleroyal Engineering
-> Stormwater Engineer Aleroyal Engineering
-> Landscape Designer - DARC Studio
-> Planning Consultant - DARC Studio
-> Structural Engineer - Aleroyal Engineering
-> Surveyor - Sydney Surveyors
-> Geotech - MM Geomechanics

Certificate No. INR-V.2012Z-01

DRAWN | CHECK	MC	DRAWING TITLE :	REVISION NO.
PLOT DATE:	10/7/2025	DEVELOPMENT APPLICATION ISSUE 3D PERSPECTIVES	01
SCALE:	@ A1		
CLIENT	Paellatas Partnership	PROJECT NAME :	DRAWING NO.
SITE:	66-68 LORRAINE STREET PEAKHURST NSW 2210	ALTERATIONS & ADDITIONS TO AN EXISTING MIXED-USE DEVELOPMENT	DA-23

LPP012-26 Attachment 2

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EXTERNAL WINDOW AND DOOR SCHEDULE

ID	D-01	D-02	D-03	D-04	D-05	D-06	D-07
Height	2,400	2,400	2,400	2,400	2,400	2,400	2,400
Width	2,100	3,000	1,700	2,400	1,500	2,700	3,000
Window sill height	0,000	0,000	0,000	0,000	0,000	0,000	0,000
Orientation	R	R	L	R	R	R	R
Window head height	2,400	2,400	2,400	2,400	2,400	2,400	2,400
2D Symbol							
3D Front View							
Nominal W/D Opening Height on the Reveal ...	2.400	2.400	2.400	2.400	2.400	2.400	2.400
Nominal W/D Opening Width on the Reveal S...	2.100	3.000	1.700	2.400	1.500	2.700	3.000
W/D Opening Nominal Surface Area	5,04	7,20	4,08	5,76	3,60	6,48	7,20
Quantity	3	2	2	8	2	2	2

ID	W-01	W-02	W-03	W-04	W-05	W-06	W-07
Height	1,500	2,400	2,000	1,500	1,500	1,500	2,400
Width	2,100	1,700	2,400	1,500	1,500	0,750	1,165
Window sill height	0,900	0,000	3,400	0,900	0,900	0,900	0,000
Orientation	R	L	L	L	R	L	R
Window head height	2,400	2,400	5,400	2,400	2,400	2,400	2,400
2D Symbol							
3D Front View							
Nominal W/D Opening Height on the Reveal ...	1.500	2.400	2.000	1.500	1.500	1.500	2.400
Nominal W/D Opening Width on the Reveal S...	2.100	1.700	2.400	1.500	1.500	750	1.165
W/D Opening Nominal Surface Area	3,15	4,08	4,80	2,25	2,25	1,13	2,80
Quantity	1	1	4	1	1	2	1

DARCHITECTURE & INTERIORS

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DARC STUDIO PTY LTD
ABN: 77 668 120 901 | ACN: 668 120 901

Nominated Architect:
Emmanuel E Chatzinikolaou
→NSW Reg No. 9973
→DGBP Reg No. DEPO001277

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Refer to consultant documentation when directed
→ BCA Consultant - Next Consulting
→ Civil Engineer - Aircyal Engineering
→ Stormwater Engineer Aircyal Engineering
→ Landscape Designer - DARC Studio
→ Planning Consultant - DARC Studio
→ Structural Engineer - Aircyal Engineering
→ Surveyor - Sydney Surveyors
→ Geotech - MM Geomechanics

Certificate No. INR-V.2102-01

DRAWN | CHECK	MC
PLOT DATE:	10/7/2025
SCALE:	1:0,48 @ A1
CLIENT	Paulistas Partnership
SITE:	66-68 LORRAINE STREET PEAKHURST NSW 2210

DRAWING TITLE :
DEVELOPMENT APPLICATION ISSUE
WINDOW & DOOR SCHEDULE

PROJECT NAME :
ALTERATIONS & ADDITIONS TO AN EXISTING MIXED-USE DEVELOPMENT

REVISION NO.
01

DRAWING NO.
DA-24

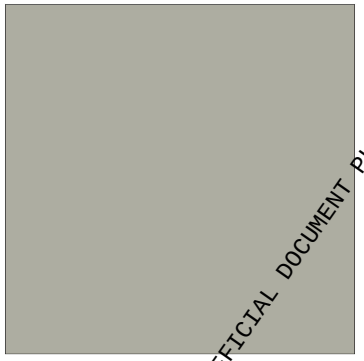
LPP012-26 Attachment 2



EF-01

RENDERED FINISH

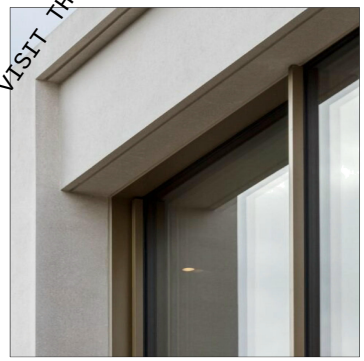
Material	render on in-situ poured concrete or masonry
Colour	off-white
Finish	trowelled
Treatment	textured



EF-02

ROOF DETAILING & AWNINGS

Material	steel
Colour	Dover colorbond
Finish	matt
Treatment	powdercoated



EF-03

ALUMINIUM WINDOW FRAMES

Material	steel or aluminum
Colour	nickel
Finish	matt
Treatment	powdercoated

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DARCHITECTURE & INTERIORS

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DARC STUDIO PTY LTD
ABN: 77 668 120 901 | ACN: 668 120 901

Nominated Architect:
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+NSW Reg No. 9973
+DGBP Reg No. DEP0001277

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PROJECT PARTNERS
Refer to consultant documentation
- Hydraulic Consultant - Next Consulting
- Civil Engineer - Aerovail Engineering
- Stormwater Engineer Aerovail Engineering
- Landscape Designer - DARC Studio
- Planning Consultant - DARC Studio
- Structural Engineer - Aerovail Engineering
- Surveyor - Sydney Surveyors
- Geotech - MM Geomechanics

Certificate No. INR-V.2012Z-01

DRAWN | CHECK	MC
PLOT DATE:	10/7/2025
SCALE:	@ A1
CLIENT	Paellatas Partnership
SITE:	66-68 LORRAINE STREET PEAKHURST NSW 2210

DRAWING TITLE :
DEVELOPMENT APPLICATION ISSUE
SCHEDULE OF MATERIALS & FINISHES

PROJECT NAME :
ALTERATIONS & ADDITIONS TO AN EXISTING MIXED-USE DEVELOPMENT

REVISION NO.
01

DRAWING NO.
DA-28

THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU

FOR THE OFFICIAL DOCUMENT PLEASE VISIT

GEORGES RIVER LOCAL PLANNING PANEL BUSINESS PAPER,

BASIX™ Certificate

Building Sustainability Index
www.planningportal.nsw.gov.au/development-and-assessment/basix

Multi Dwelling

Certificate number: 1798554M

This certificate confirms that the proposed development will meet the NSW government's requirements for sustainability, if it is built in accordance with the commitments set out below. Terms used in this certificate, or in the commitments, have the meaning given by the document entitled "BASIX Definitions" dated 10/09/2020 published by the Department. This document is available at www.planningportal.nsw.gov.au/definitions

Secretary
Date of issue: Wednesday, 04 June 2025
To be valid, this certificate must be submitted with a development application or lodged with a complying development certificate application within 3 months of the date of issue.

When submitting this BASIX certificate with a development application or complying development certificate application, it must be accompanied by NatHERS certificate HR-VJ31QZ-01.

Project summary	
Project name	66-68 Lorraine Street Peakhurst
Street address	66 LORRAINE STREET PEAKHURST 2210
Local Government Area	GEORGES RIVER
Plan type and plan number	Deposited Plan 1266359
Lot No.	1
Section no.	-
No. of residential flat buildings	1
Residential flat buildings: no. of dwellings	10
Multi-dwelling housing: no. of dwellings	0
No. of single dwelling houses	0

Project score		
Water	✔ 40	Target 40
Thermal Performance	✔ Pass	Target Pass
Energy	✔ 67	Target 67
Materials	✔ -76	Target n/a

Certificate Prepared by
Name / Company Name: AENEC - Office: 02 9994 8906
ABN (if applicable):

Fixtures						Appliances		Individual pool				Individual spa		
Dwelling no.	All shower-heads	All toilet flushing systems	All kitchen taps	All bathroom taps	HW recirculation or diversion	All clothes washers	All dish-washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover	Spa shaded
All dwellings	4 star (> 4.5 but <= 6 L/min)	4 star	4 star	4 star	-	not specified	3 star	-	-	-	-	-	-	-

Alternative water source							
Dwelling no.	Alternative water supply systems	Size	Configuration	Landscape connection	Toilet connection (s)	Laundry connection	Pool top-up	Spa top-up
All dwellings	No alternative water supply	-	-	-	-	-	-	-

	Hot water	Bathroom ventilation system		Kitchen ventilation system		Laundry ventilation system	
Dwelling no.	Hot water system	Each bathroom	Operation control	Each kitchen	Operation control	Each laundry	Operation control
All dwellings	gas instantaneous - 5.5 star	individual fan, ducted to façade or roof	interlocked to light with timer off	individual fan, ducted to façade or roof	manual switch on/off	individual fan, ducted to façade or roof	manual switch on/off

	Cooling		Heating		Natural lighting
Dwelling no.	living areas	bedroom areas	living areas	bedroom areas	No. of bathrooms or toilets	Main kitchen
All dwellings	1-phase airconditioning - ducted / 5 star (average zone)	1-phase airconditioning - ducted / 5 star (average zone)	1-phase airconditioning - ducted / 5 star (average zone)	1-phase airconditioning - ducted / 5 star (average zone)	0	no

	Individual pool			Individual spa		Appliances other efficiency measures				
Dwelling no.	Pool heating system	Pool Pump	Timer	Spa heating system	Timer	Kitchen cooktop/oven	Dishwasher	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or unsheltered clothes drying line
All dwellings	-	-	-	-	-	gas cooktop & electric oven	4 star	-	no	no

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	no common facility	3 star	no common laundry facility

	Common area ventilation system		Common area lighting		
Common area	Ventilation system type	Ventilation efficiency measure	Primary type of artificial lighting	Lighting efficiency measure	Lighting control system/ BMS
Lift bank (No. 1)	-	-	light-emitting diode	connected to lift call button	no
Undercover car park area (No. 1)	ventilation (supply + exhaust)	carbon monoxide monitor + VSD fan	light-emitting diode	daylight sensor and motion sensor	no
Ground floor lobby type (No. 1)	no mechanical ventilation	-	light-emitting diode	time clock and motion sensors	no
Hallway/lobby type (No. 1)	no mechanical ventilation	-	light-emitting diode	time clock and motion sensors	no

Central energy systems	Type	Specification
Lift bank (No. 1)	gearless traction with V V V F motor	Number of levels (including basement): 2 number of levels from the bottom of the lift shaft to the top of the lift shaft: 3 number of lifts: 1 lift load capacity: <1001 kg

Common area	Showerheads rating	Toilets rating	Taps rating	Clothes washers rating
All common areas	no common facility	no common facility	3 star	no common laundry facility

Central energy systems	Type	Specification
Alternative energy supply	Photovoltaic system	Rated electrical output (min): 2.2 peak kW
Other	-	-

Project Specification	Form # AE0.5	Australian Energy Efficiency Consulting E:info@aenec.com.au P:0416 316 204
Project Address:	66-68 Lorraine Street Peakhurst	
NatHERS Certification Number: HR-VJ31QZ-01		

This Project Specification outlines ONLY some of the NatHERS commitments. For the full list of specifications and construction allocations, you must refer to the corresponding NatHERS document that has been provided.

AENEC www.aenec.com.au

External Walls Specification:

Type	Material	Added Insulation	Colour**	Detail
Masonry	Concrete	none	medium	As per drawings, GF Carpark
Masonry	Brick Cavity	R1.15 XPS	light	As per drawings

Internal Walls specification:

Type	Material	Added Insulation	Colour**	Detail
Timber Framed	PB	none	-	As per drawings, Units internal walls
Masonry	Rebel	none	-	As per drawings, partition walls to other Units and to common area

Floors Specification:

Type	Material	Added Insulation	Covering	Detail
Masonry	Concrete on Ground	none	*	Slab on Carpark
Masonry	Concrete suspended	R2.50	*	to garage, subfloor, outside air

* Coverings exposed: Carpark | tiles: wet areas | carpet: Bedrooms | timber: all other

Roofs/Attic floor Specification:

Type	Material	Added Insulation	Colour**	Detail
Masonry	Concrete	none	Medium	As per drawings, over Carpark
Masonry	Concrete	R3.00	Medium	As per drawings, L1
Timber Framed	Colorbond	R3.00+R1.3 refl	light	As per drawings, L2

**Window Specification*

Frame material	Glazing	Colour**	Detail
Aluminium	As suitable	light	Refer to NatHERS for more info

Skylights-Roof Windows*

Type	Detail
none	Refer to NatHERS for more info

Ceiling fans

U2 only 1200mm:KLD

* NOTE: WINDOW PERFORMANCE IS DETERMINED BY U-VALUE AND SHGC NOT THE SYSTEM DESCRIPTION. THESE PERFORMANCE FIGURES CAN BE ACHIEVED BY MULTIPLE WINDOW/DOOR SYSTEMS AND THEIR DESCRIPTION IN THE NATHERS IS SECONDARY. FOCUS OF THE PERFORMANCE VALUES.
** LIGHT COLOR INSTALLATIONS HAVE SOLAR ABSORBANCE BEING LOWER THAN 0.475. MEDIUM COLOR INSTALLATIONS HAVE SOLAR ABSORBANCE BEING BETWEEN 0.475 AND 0.700. DARK COLOR INSTALLATIONS HAVE SOLAR ABSORBANCE BEING HIGHER THAN 0.700.

IT IS ILLEGAL TO COPY/PASTE NATHERS STAMPS FROM STAMPED DRAWINGS TO ANOTHER DRAWING SET, EVEN IF THIS IS FOR THE SAME PROJECT. NATHERS CERTIFICATES ARE ISSUED FOR THE SPECIFIC DRAWING VERSION AND DATE OF ISSUE AND ARE VALID ONLY FOR THIS PARTICULAR VERSION. IF YOU UPDATE DRAWINGS, YOU MUST UPDATE THE NATHERS CERTIFICATE AS WELL.

CAUTION – ALL OF THE ITEMS BELOW MUST BE ADHERED BY FOR NATHERS TO BE VALID

NOTES:

1. ALL DOWNLIGHTS TO BE:
   a. APPROVED NON-VENTILATED
   b. WITH FIRE-RATED COVER/SHIELD TO ALLOW CONTINUOUS INSULATION LED TYPE: IF HALOGEN LIGHT ARE TO BE INSTALLED THIS CERTIFICATION IS NOT VALID
2. ALL VENTS AND WALL OPENINGS INSTALLED TO BE "THE SEALED" TYPE
3. ALL INSULATION IS TO BE INSTALLED IN ACCORDANCE NCC PART 3.12.1.1
   a. CREATION OF CONTINUOUS THERMAL BARRIER
   b. COMPLIANCE WITH AS4859
   c. MAINTAINING THICKNESS OF BULK INSULATION AND AIR GAPS FOR REFLECTIVE INSULATION
4. BUILDING SEALING AS PER NCC PART 3.12.3
   a. WEATHER SEALS AND DRAFT EXCLUDERS
   b. DRAFT STOPPER GAPS
5. SERVICES AS REF NCC PART 3.12.5
   a. INSULATION OF SERVICES, PIPING AND DUCTWORK

NOTE: CEILING FANS HAVE BEEN NOMINATED WHEN PERFORMED THE NATHERS CALCULATIONS AND EACH CERTIFICATION HAS BEEN ISSUED ACCORDINGLY. ENSURE THAT THE INSTALLATIONS ARE CARRIED OUT.

REFER TO CORRESPONDING NATHERS CERTIFICATE(S) FOR CORRECT WINDOW SPECIFICATIONS / ALLOCATIONS (SEE AE.05 FORM FOR DETAIL)

Nationwide House Energy Rating Scheme®
Class 2 Summary
NatHERS® Certificate No. #HR-VJ31QZ-01

Generated on 04 Jun 2025 using Hero 4.1

Thermal performance Star rating

7.2 Average Rating

NATIONWIDE HOUSE ENERGY RATING SCHEME

The rating above is the average of all dwellings in this summary.

For more information on your dwelling's rating see: www.nathers.gov.au

Property

Address	66-68 Lorraine Street, Peakhurst, NSW, 2210
Lot/DP	1/1266359
NatHERS climate zone	56 - Mascot AMO

Accredited assessor

Name	Ioannis Fragkoulidis
Business Name	AENEC-Trading as Wide Spectrum Pty Ltd
Email	yanni.aenec@gmail.com
Phone	+61 452648288
Accreditation No.	10002
Assessor Accrediting Organisation	HERA

Verification

To verify this certificate, scan the QR code or visit http://www.hero-software.com.au/pdf/HR-VJ31QZ-01

When using either link, ensure you are visiting http://www.hero-software.com.au

National Construction Code (NCC) requirements

The NCC allows the use of NatHERS accredited software to comply with the energy efficiency requirements for houses (Class 1 buildings) and apartments (Class 2 sole-occupancy units and Class 4 parts of buildings). The applicable requirements for houses are detailed in Specification 42 of NCC Volume Two. For apartments the requirements are detailed in clauses J3D3 and J3D15 of NCC Volume One.

NCC 2022 includes enhanced thermal performance requirements for houses and apartments. It also includes a new whole-of-home annual energy use budget which applies to the major equipment in the home.

The NCC, and associated ABCB Standards and support material, can be accessed at www.abcb.gov.au.

Note, variations and additions to the NCC energy efficiency requirements may apply in some states and territories.

NCC heating and cooling maximum loads MJ/m².yr

Limits taken from ABCB Standard 2022

	Heating	Cooling
Average load	12.8	15.3
Maximum load	23.1	19.1
Average limit	29.7	21.2
Maximum limit	32.9	20.4

Whole of Home performance rating

No Whole of Home performance rating generated for this certificate or not completed for all dwellings.

Summary of all dwellings

Certificate number and link	Unit Number	Heating load (load limit) (MJ/m².yr)	Cooling load (load limit) (MJ/m².yr)	Total load (MJ/m².yr)	Star Rating	Whole of Home Rating
HR-SBUIHC-01	Unit 1.1	23.1 (33)	11.8 (20)	34.9	6.4	n/a
HR-8ROGVK-01	Unit 1.2	11.5 (33)	11.4 (20)	22.9	7.8	n/a
HR-QHG7DC-01	Unit 1.3	5.4 (33)	14.0 (20)	19.4	8.2	n/a

Nationwide House Energy Rating Scheme (NatHERS) is an initiative of the Australian, state and territory governments. For more details see www.nathers.gov.au
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#HR-VJ31QZ-01 NatHERS Certificate **7.2 Average Star Rating** as of 04 Jun 2025

Summary of all dwellings

Certificate number and link	Unit Number	Heating load (load limit) (MJ/m².yr)	Cooling load (load limit) (MJ/m².yr)	Total load (MJ/m².yr)	Star Rating	Whole of Home Rating
HR-PRTYYS-01	Unit 1.4	18.1 (33)	9.8 (20)	27.8	7.2	n/a
HR-YU2R7T-01	Unit 1.5	18.5 (33)	15.7 (20)	34.1	6.4	n/a
HR-ADP8GU-01	Unit 2.1	19.9 (33)	17.6 (20)	37.5	6.1	n/a
HR-11N70X-01	Unit 2.2	6.5 (33)	17.3 (20)	23.8	7.7	n/a
HR-1YW9GH-01	Unit 2.3	4.6 (33)	17.3 (20)	21.9	7.9	n/a
HR-BKON58-01	Unit 2.4	3.4 (33)	19.1 (20)	22.5	7.8	n/a
HR-0SN8PG-01	Unit 2.5	17.3 (33)	18.9 (20)	36.2	6.2	n/a
Averages	10x (Total)	12.8	15.3	28.1	7.2	n/a
Maximum Loads and Minimum Ratings		23.1	19.1	37.5	6.1	n/a

DARCHITECTURE & INTERIORS

DARC® HW: https://darc.archi
M: +61421916652 | E: hello@darc.archi
P: P.O. Box 593, Potts Point NSW 1335
DARC STUDIO PTY LTD
ABN: 77 668 120 901 | ACN: 668 120 901

Nominated Architect:
Emmanuil T. Chrysostomou
•NSW Reg No. 9973
•QHBP Reg No. DEP0001277

NOTE
The Builder shall check all dimensions and levels on site prior to construction. Notify any errors, discrepancies or omissions to the architect. Refer to written dimensions only. Do not scale drawings. Drawings shall not be used for construction unless issued "Issued for construction." This drawing reflects a design by DARC® and is to be used only for work when authorised in writing by DARC®.

All boundaries and contours are subject to survey drawing.

All levels to Australian Height Data. It is the contractors responsibility to confirm all measurements on site and locations of any services prior to work on site.

All documents here within are subject to Australian Copyright Laws.

PROJECT PARTNERS
Refer to consultant documentation
→ Architect - DARC
→ BCA Consultant - Next Consulting
→ Civil Engineer - Akroyall Engineering
→ Stormwater Engineer Akroyall Engineering
→ Landscape Designer - DARC Studio
→ Planning Consultant - DARC Studio
→ Structural Engineer - Akroyall Engineering
→ Surveyor - Sydney Surveyors
→ Geotech - MM Geomechanics

DRAWN | CHECK: MC
PLOT DATE: 10/7/2025
SCALE: @ A1
CLIENT: Paellatas Partnership
SITE: 66-68 LORRAINE STREET PEAKHURST NSW 2210

DRAWING TITLE: DEVELOPMENT APPLICATION ISSUE BASIX COMMITMENTS
PROJECT NAME: ALTERATIONS & ADDITIONS TO AN EXISTING MIXED-USE DEVELOPMENT
REVISION NO. 01
DRAWING NO. DA-29

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REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 05 MARCH 2026

LPP013-26 15 WALTON STREET, BLAKEHURST

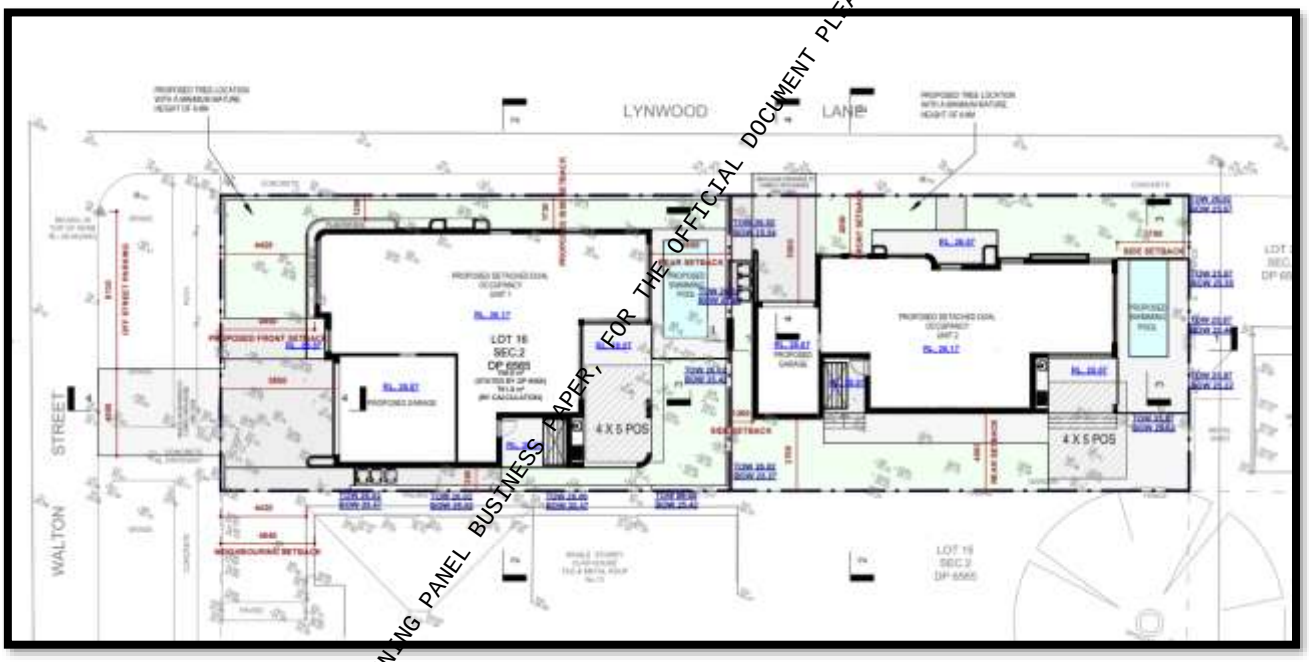
LPP Report No	**LPP013-26**	**Development Application No**	**DA2025/0505**
Site Address & Ward Locality	15 Walton Street, Blakehurst Blakehurst Ward		
Proposed Development	Demolition works, construction of dual occupancy with swimming pools and Torrens Title subdivision		
Owners	Andrew McGrath & Lyndal McGrath		
Applicant	Design Formation Pty Ltd		
Planner/Architect	Design Formation Pty Ltd, Pragma Urban Planning		
Date Of Lodgement	17/11/2025		
Submissions	Nil (0)		
Cost of Works	$1,769,000.00		
Local Planning Panel Criteria	Departure from development standard more than 10%		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	SEPP (Resilience and Hazards) 2021, SEPP (Biodiversity and Conservation) 2021, SEPP (Transport and Infrastructure) 2021, Georges River Local Environmental Plan 2021, and Georges River Development Control Plan 2021		
List all documents submitted with this report for the Panel's consideration	Architectural Plans, Assessment Report and Clause 4.6 Variation Request		
Report prepared by	Principal Planner		

RECOMMENDATION	Approval

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

Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	**Clause 4.1B Minimum lot sizes and special provisions for certain dwellings**
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	**Not Applicable**
Conditions Have draft conditions been provided to the applicant for comment?	**No**

SITE PLAN



PROPOSAL

1. Development Application No. DA2025/0505 seeks consent for demolition works, construction of dual occupancy with swimming pools and Torrens title subdivision.

2. The proposed dual occupancy is situated on a corner site, with each dwelling presenting a separate primary frontage to Walton Street and Lynwood Lane respectively

3. Each dwelling has at-grade parking arrangements.

4. The proposal involves the Torrens Title subdivision of the subject site into two parcels of land – Lot A = 400m^2 and Lot B = 361.8m^2.

SITE AND LOCALITY

5. The site currently contains a single storey dwelling located on the northern side of Walton Street.

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6. The site is commonly known as 15 Walton Street, Blakehurst and has a legal description of Lot 16 Sec 2 DP 6565. The site is a corner site with its primary frontage to Walton Street and secondary road frontage to Lynwood Lane. The lot width to Walton Street is 15.24m. the area of the site is 758.8m^2.

7. The site directly adjoins Lynwood Lane to the west. Immediately to the east is No. 13 Walton Street, Blakehurst, which is occupied by a single-storey dwelling.

8. Of note, comparable forms of development exist at No. 16A Cooleen Street, No. 19 Lynwood Lane and No. 24 Walton Street.

ZONING AND PERMISSIBILITY

9. The site is situated within Zone R3 Medium Density Residential pursuant to the provisions of the Georges River Local Environmental Plan 2021 (GRLEP 2021). The proposed development is for a dual occupancy which is a permissible land use with development consent.

SUBMISSIONS

10. The Development Application was publicly notified for a period of fourteen (14) days in accordance with the Georges River Community Engagement Strategy. No submissions were received.

ASSESSMENT

11. 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 controls:

    - GRLEP 2021
        - Clause 4.1B – Minimum subdivision lot size for dual occupancies

12. The table below presents a summary in respect to numerical compliance:

Georges River Local Environmental Plan 2021

Section	Text	Comment	Y	N	N/A
4.1 Minimum subdivision lot size	Refer to Lot Size Map	Achieved. Lot A – 400m^2 Lot B – 361.8m^2	☒	☐	☐
4.1B Minimum Lot sizes and special provisions for certain dwellings	(2)(a) Min. lot size for a dual occupancy = 650m2 (5) Min. frontage width = 18m2	15.24m frontage Refer to the below discussion.	☐	☒	☐
4.3 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, (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 Proposed: 7.7m	☒	☐	☐

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LPP013-26

Georges River Local Environmental Plan 2021					
Section	**Text**	**Comment**	**Y**	**N**	**N/A**
	(c) to ensure an appropriate height transition between new buildings and— (i) adjoining land uses, or (ii) heritage items, heritage conservation areas or Aboriginal places of heritage significance.				
4.4 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: 0.6:1 Proposed: Site Area – 761.8m^2 GFA: 444.1m^2 FSR: 0.58:1	☒	☐	☐
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.	☒	☐	☐
4.6 Exceptions to development standards	(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, **(b)** to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	Clause 4.6 variation request provided in support of the proposal. Refer to the below discussion.	☒	☐	☐
6.1 Acid sulfate soils	To ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage	Class 5. Subject to conditions of consent.	☒	☐	☐
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	Achieved. Minimal earthworks proposed. The proposal is not considered to detrimentally impact on the existing environmental functions.	☒	☐	☐
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	Appropriate stormwater management proposed on site. Conditions of consent to apply, subject to the approval of the application.	☒	☐	☐
6.9 Essential services	The property must have in place by determination the following services: (a) water, (b) electricity, (c) telecommunications facilities, (d) the disposal and management of sewage, (e) stormwater drainage or on-site conservation, (f) suitable vehicular access.	Essential services provided to each dwelling. Conditions of consent to apply, subject to the approval of the application.	☒	☐	☐
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—	Site Area – 761.8m2 Landscaped Area – 185.9m^2 185.9/761.8m = 24% **Lot A**	☒	☐	☐

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Georges River Local Environmental Plan 2021					
Section	**Text**	**Comment**	**Y**	**N**	**N/A**
	~~(a) for a dwelling house located on land outside the Foreshore Scenic Protection Area—20% of the site area, or~~ (b) ~~for a dwelling house located on land within the Foreshore Scenic Protection Area—25% of the site area,~~ (c) for development in Zone R3 Medium Density Residential—20% of the site area ~~(d) for development in Zone R4 High Density Residential—10% of the site area~~ 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.	86.7m^2 landscaped area 86.7/400 = 21% **Lot B** 99.2m2 landscaped area 99.2/361.8 = 27%			
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.					

CLAUSE 4.6 EXCEPTIONS TO DEVELOPMENT STANDARDS

13. The proposal seeks to vary Clause 4.1B(5)(a) Minimum Lot Sizes and Special Provisions for certain dwellings, a development standard contained within GRLEP 2021, as indicated table below:

Clause	Development Standard	Proposal	Calculated Variation (m)	Calculated variation (%)
Cl 4.1B: **Minimum lot sizes and special provisions for certain dwellings**	18m.	15.4m	2.6m	15.33%

14. Unreasonable or Unnecessary

The Clause 4.6 written request put forward the following reasons which sought to address why compliance with the standard was considered unreasonable or unnecessary, including:

- *The proposed dwellings are of sufficient size and are sited in a manner such that they provide appropriate setbacks to adjoining residential land, private open space, landscaped areas, and vehicle access and manoeuvring.*
- *The site satisfies the minimum lot area requirement under the provision, enabling an attached dual occupancy to be carried out in strict compliance with the relevant controls. In this case, the Site also maintains sufficient width to accommodate a detached dual occupancy, as the laneway effectively functions as an access handle;*
- *The proposal avoids an unnecessarily elongated built form. Although an attached form could be facilitated, it would deliver an inferior planning outcome in this context;*
- *The detached arrangement provides greater opportunity for landscaped area between the dwellings, thereby reducing visual bulk and contributing positively to the amenity of both the Site and the surrounding area.*

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15. Comments:
The objectives of the Standard are to ensure that sites have sufficient dimensions to provide adequate setbacks to adjoining residential land, private open space and landscaped areas, as well as suitable areas for driveways and vehicle manoeuvring.

The proposed development will not result in any adverse impacts on the amenity of the surrounding area.

The site is capable of accommodating a dual occupancy that complies with the requirements of the GRLEP 2021 and GRDCP 2021 with respect to private open space, parking, floor space ratio, and the provision of an appropriate living environment for both occupants and neighbouring properties.

Each dwelling within the proposed dual occupancy will have a public road frontage and a site width at the front building line exceeding 9.0 metres, as well as a site area greater than 325m². The development provides adequate space around each dwelling, along with compliant vehicular access and parking in accordance with the GRDCP 2021 requirements.

The proposed dual occupancy will present appropriately to both Walton Street and Lynwood Lane and is consistent with the established built form and other recent approvals in the locality. The design minimises impacts on adjoining properties and is compatible with the character of the surrounding development.

16. Environmental Planning Grounds
The Clause 4.6 written request considered environmental planning grounds to justify the contravention of the development standard, including: -

- *Despite the proposed contravention, the resulting detached dual occupancy is consistent with the established character of the locality. Examples include 16A Cooleen Street, 19 Lynwood Lane, and 24 Walton Street, each of which contains a dwelling fronting Lynwood Lane and presenting as a detached dual occupancy. Accordingly, the Proposal would be in keeping with the prevailing development pattern of the immediate locality.*
- *The Site meets the minimum area and width requirements to facilitate an attached dual occupancy in full compliance with the controls. However, the Site also provides adequate width to accommodate a detached dual occupancy, which is considered a better planning outcome as it avoids an elongated built form and allows for greater landscaped area, without requiring lot consolidation.*
- *The proposed dual occupancy does not result in undue adverse amenity impacts in terms of solar access, acoustic, visual privacy, or any known significant view impacts for any adjoining property.*
- *The Site exceeds the minimum required Site area by 111 sqm.*
- *The variation assists in facilitating the redevelopment of the site, revitalising the Site and the streetscape without undermining the desired character of the locality as it is our view that the design team has skillfully ensured that the proposal provides sufficient visual interest without resulting in undue visual bulk.*

17. Comments:
In supporting the variation, Council has considered the relevant environmental planning grounds and acknowledges the specific site circumstances, including the dual-frontage nature of the property.

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The applicant has demonstrated that the proposed development is consistent with the existing streetscape and built form along both Walton Street and Lynwood Lane. It is further noted that approval of the proposal would maintain consistency with nearby development patterns in the locality.

The proposed development has been assessed and is not expected to result in any adverse amenity impacts on adjoining properties.

18. Assessment of 4.6 Variation Request Conclusion

Council has considered the written request seeking a variation to Clause 4.1B(5)(a) – *Minimum Lot Sizes and Special Provisions for Certain Dwellings* of the Georges River Local Environmental Plan 2021.

Council is satisfied that the written request accurately identifies the extent of the non-compliance and appropriately addresses the degree of variation sought.

The applicant has argued that strict compliance with the development standard is unreasonable in the circumstances of this case, given the site's dual-frontage configuration. This site characteristic is consistent with surrounding properties, many of which have been similarly developed.

Council is satisfied that the written request has adequately demonstrated that compliance with the development standard is unreasonable, in accordance with Clause 4.6(3)(a) of the Georges River Local Environmental Plan 2021.

Council has also considered whether the request provides sufficient specific environmental planning grounds to justify the variation. The consent authority is satisfied that the written request addresses this requirement and demonstrates adequate environmental planning grounds in accordance with Clause 4.6(3)(b) of the Georges River Local Environmental Plan 2021.

Accordingly, the proposed variation is supported.

REFERRAL COMMENTS

19. Comments provided by internal referral specialists and external agencies are summarised below.

Specialist/Agencies	Comment
Development Engineer	Referral response received and supported subject to conditions
Landscape	Referral response received and supported subject to conditions
Infrastructure Road Assets	Referral response received and supported subject to conditions
Ausgrid	Referral response received and supported subject to conditions

STATEMENT OF REASONS AND DETERMINATION

20. The reasons for this recommendation are:

a. The development is a permissible development, with consent, in the zone.

b. The proposed dwelling provides housing needs for the community in an acceptable built form.

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c. There is adequate planning justification to support the contravention of Clause 4.1B(5)(a) of the GRLEP 2021.

d. The proposal is considered in the public interest.

RECOMMENDATION

21. Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979, DA2025/0505 for demolition works, construction of dual occupancy with swimming pools and Torrens title subdivision on land known as 15 Walton Street, Blakehurst is recommended for approval subject to the recommended conditions of consent.

ATTACHMENTS

Attachment ⇩1 Clause 4.6 Variation Request

Attachment ⇩2 Architectural Plans

Attachment ⇩3 Assessment Report

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LPP013-26 Attachment 1

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PRAGMA
URBAN PLANNING

Written Justification

Address: 15 Walton Street, Blakehurst

Proposal: 'demolition of existing structures, construction of a detached dual occupancy, each with a swimming pool and associated structures, and subsequent Torrens Title subdivision of the site to create two (2) lots

Variation: Clause 4.1B Minimum lot sizes and special provisions for certain dwellings (Lot Width) of the Georges River Local Environmental Plan 2021

Pragma Urban Planning Pty Ltd
Prepared by: M. Boutros
Revision: B
Date: January 2026

Contents

Introduction 3
Development Standard 5
Is Compliance with the Development Standard Unreasonable or Unnecessary? 10
Environmental Planning Grounds to Justify Contravening the Development Standard 12
The Public Interest 13
Conclusion 15

Document History				
Prepared by	**Date Prepared**	**Reviewed by**	**Date Reviewed**	**Revision Issue**
M.B.	September 2025	M.B.	September 2025	A
M.B.	January 2026	M.B.	January 2026	B

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LPP013-26 Attachment 1

Introduction

This written justification relates to a Development Application for 15 Walton Street, Blakehurst which seeks 'demolition of existing structures, construction of a detached dual occupancy, each with a swimming pool and associated structures, and subsequent Torrens Title subdivision of the site to create two (2) lots'. The application results in a non-compliance to 4.1B Minimum lot sizes and special provisions for certain dwellings of the Georges River Local Environmental Plan 2021 ('GRLEP 2021'). While the Site satisfies the minimum width requirement for an attached dual occupancy, Clause 4.1B(5)(a) requires a minimum width of 18 metres where a **detached** dual occupancy is proposed. However, this written justification outlines that compliance with the development standard is unreasonable and unnecessary in this instance and that there are sufficient planning grounds to justify the contravention of the development standard.

This statement has been prepared considering the '*Department of Planning & Environment's Guideline for Varying Development Standards: A Guide*' (August 2011) and '*Planning Circular PS-18-003: Variations to development standards*' (issued 21 February 2018), and has attempted to ensure consistency with the relevant principles identified in the following Land and Environment Court judgements:

- *Winten Property Group Limited v North Sydney Council [2001] NSWLEC 46*
- *Wehbe v Pittwater Council [2007] NSWLEC 827 ('Wehbe')*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 1009 ('Four2Five No 1')*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90*
- *Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 ('Four2Five No 3')*
- *Moskovich v Waverley Council [2016] NSWLEC 1015*
- *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 ('Initial Action')*

Please refer to the below listed drawings/documents when reading this statement:

Architectural Plans prepared by Design Formation Architects

Clause 4.6 of the GRLEP 2021 has been cited below:

Georges River Local Environmental Plan 2021

Current version for 18 July 2025 to date (accessed 12 September 2025 at 14:48)

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

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(3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

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

Note—

The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

(4) The consent authority must keep a record of its assessment carried out under subclause (3).

(5) (Repealed)

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone C4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) (Repealed)

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

(c) clause 5.4,

(ca) clause 5.5,

(d) clause 6.14.

Chief Justice Preston, in *Initial Action* outlined that the former Clause 4.6(4) establishes the preconditions that a Consent Authority must be satisfied before it can grant a variation to a development standard. This written justification has sought to address those preconditions which have been listed below:

(a) addresses why compliance with the development standard is unreasonable or unnecessary in the circumstances; and
(b) provides sufficient environmental planning grounds to justify contravening the development standard; and

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(c) identifies that the proposed development will be in the public interest because it is consistent with the objectives of the development standard and the zone.

Initial Action also establishes that:

- *in determining whether compliance with the development standard is unreasonable or unnecessary, the consent authority needs to ask itself if the applicant's written submission has adequately addressed this matter, not that they themselves consider the compliance unreasonable or unnecessary.*

- *Clause 4.6 does not directly or indirectly establish that a neutral or beneficial effect be realised by the proposal variation.*

- *clause 4.6(3)(b) required that there be "sufficient environmental planning grounds to justify contravening the development standard" and the words "better environmental outcome" came from the objectives of clause 4.6. as there is no provision to require compliance with those objectives, the belief that the outcome be a better outcome both for and by development is not a relevant matter for consideration.*

On 15 September 2023, the NSW Government introduced legislative changes to Clause 4.6 which came into effect on 1 November 2023. The changes by the NSW Government are identified below:

> *retain the existing 'unreasonable and unnecessary' and 'sufficient environmental planning grounds' tests, but requiring consent authorities to consider the same matters as applicants are required to address in their written request*
>
> *simplify the drafting, notably removing specific references to considering the public interest in the clause, noting that consideration of the public interest is already an obligation of consent authority*
>
> *remove the requirement to obtain the Planning Secretary's concurrence for a variation. A new reporting framework will replace the concurrence obligations to ensure transparency and accountability in decision making.*

This written justification aims to address each of the objectives relating to Clause 4.1B and R3 Zone of the GRLEP 2021, as well as identify planning outcomes in the subsequent sections of this document to establish that the preconditions are met in this instance.

Development Standard

The subject site is known as 15 Walton Street, Blakehurst having the legal description of Lot 16 in Section 2 in Deposited Plan 6565 ('the Site'). The Site is a regular shaped allotment with a frontage of 15.24m to Walton Street and a 49.985m frontage to Lynwood Lane. The Site has a total area of 761sqm. The Site has a South-North orientation and is considered to be relatively flat. Please refer to the Detail Survey prepared by C&A Surveyors for details regarding the site dimensions and topography. A single storey dwelling house, detached garage and shed are located on the Site. The Site is zoned R3 Medium Density Residential (see Figure 1).

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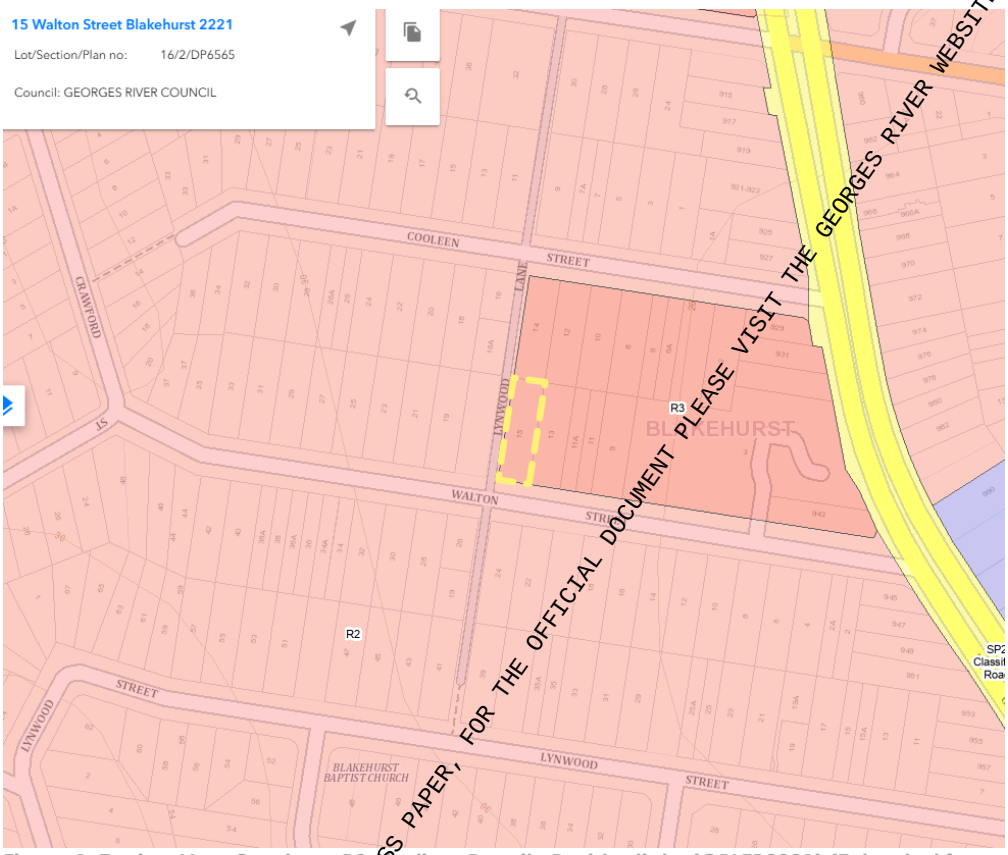

Figure 1. Zoning Map Overlay – R3 Medium Density Residential – (GRLEP2021) (Extracted from **https://www.planningportal.nsw.gov.au/spatialviewer/#/find-a-property/address**)

The Proposal relies upon a variation to 4.1B(5)(a) which has been cited below:

> ***4.1B Minimum lot sizes and special provisions for certain dwellings***
>
> *(1) The objectives of this clause are as follows—*
>
> *(a) to ensure that lots for residential accommodation are of sufficient size to accommodate proposed dwellings, setbacks to adjoining residential land, private open space and landscaped areas, driveways and vehicle manoeuvring areas,*
>
> *(b) to ensure that dual occupancies in Zone R2 Low Density Residential retain the general low-density scale and character of existing single dwelling development,*
>
> *(c) to ensure that multi dwelling housing in Zone R3 Medium Density Residential retain the general medium-density scale and character of existing multi dwelling development,*
>
> *(d) to minimise any likely adverse impact of the development on the amenity of the area,*
>
> *(e) where an existing lot is inadequate in terms of its area or width—to require the consolidation of 2 or more lots.*

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(2) Development consent must not be granted to development on a lot in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table opposite that zone unless—

(a) the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the table, and

(b) the width of the lot at the front building line is equal to or greater than the width specified for that purpose and shown opposite in Column 4 of the table.

Column 1	Column 2	Column 3	Column 4
Attached dwellings	Zone R3 Medium Density Residential	800 square metres	21 metres
Attached dwellings	Zone R4 High Density Residential	800 square metres	21 metres
Dual occupancies	Zone R2 Low Density Residential	650 square metres	15 metres
Dual occupancies	Zone R3 Medium Density Residential	650 square metres	15 metres
Dual occupancies	Zone R4 High Density Residential	650 square metres	15 metres
Manor houses	Zone R3 Medium Density Residential	800 square metres	18 metres
Manor houses	Zone R4 High Density Residential	800 square metres	18 metres
Multi dwelling housing	Zone R3 Medium Density Residential	800 square metres	18 metres
Multi dwelling housing	Zone R4 High Density Residential	800 square metres	18 metres
Multi dwelling housing (terraces)	Zone R3 Medium Density Residential	800 square metres	21 metres
Multi dwelling housing (terraces)	Zone R4 High Density Residential	800 square metres	21 metres

(3) Development consent must not be granted for the erection of a dual occupancy in the Foreshore Scenic Protection Area as identified on the Foreshore Scenic Protection Area Map unless the lot has an area of at least 1,000 square metres as shown on the Lot Size for Dual Occupancy Map.

(4) Development consent must not be granted for the erection of a dual occupancy (attached) that provides for both dwellings facing a primary road unless the width of the lot at the front building line is at least 15 metres.

(5) Development consent must not be granted for the erection of a dual occupancy (detached) unless the width of the lot at the front building line is at least—

(a) if only 1 dwelling faces the primary road—18 metres, or

(b) otherwise—22 metres.

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(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 lot size.

Highlight added.

In this circumstance, subclause (5) requires a minimum lot width of 18m. The Site has a width of 15.24m, resulting in a variation of approximately 15.33%. While the Site benefits from frontages to both Walton Street and Lynwood Lane, it is important to note that the secondary frontage is to an access laneway rather than a standard road. The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 makes a clear distinction between a corner lot and a lot with laneway frontage, as set out below:

> ***corner lot*** *means a lot that has 2 contiguous boundaries with a road or roads (other than a lane) that intersect at an angle of 135 degrees or less (whether or not the lot has any other boundaries with a road).*
>
> ***lane*** *means a public road, with a width greater than 4m but less than 7m, that is used primarily for access to the rear of premises, and includes a nightsoil lane.*

In this instance, the variation is considered appropriate. Lynwood Lane functions as an access handle and provides site access consistent with what is anticipated by the minimum width requirement. Although the Site has a width of 15.24m to Walton Street, the combined width of this frontage and Lynwood Lane exceeds 18m. This arrangement aligns with the intent of the Georges River Development Control Plan (GRDCP), which permits dual occupancies on standard allotments with an 18m frontage where a 3m access handle is incorporated within the site. In this instance, Lynwood Lane functions as the access handle, as shown in the extract below.



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The definitional distinction between a lane and a road is significant in this instance when assessing setback and streetscape outcomes. If the Site were to be regarded as a corner lot with two road frontages, the development would be required to provide a substantially larger front setback for Unit 2. However, as the secondary frontage is to an access lane laneway rather than a road, a reduced front setback for Unit 2 is considered both consistent with the prevailing character of the locality and appropriate in the context of the Site, particularly having regard to the other allotments that also share frontages to Lynwood Lane, see below examples.

16A Cooleen Street:



19 Lynwood Lane:



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24 Walton Street:



Architectural plans prepared by Design Formation Architects illustrate an attached dual occupancy form, which demonstrates that such an arrangement would deliver less favourable planning outcomes than the proposed detached form. The attached form results in a continuous and elongated building envelope with limited separation between dwellings, reducing landscaped area and increasing the perception of visual bulk. In contrast, the proposed detached form provides a more balanced site layout, meaningful separation between built elements, greater opportunities for deep soil planting, and a streetscape presentation that aligns more closely with the established character of the locality. Collectively, these factors confirm that the detached arrangement achieves a superior planning outcome when assessed against the objectives of Clause 4.1B and the R3 zone.

Is Compliance with the Development Standard Unreasonable or Unnecessary?

As outlined earlier in this statement, Initial Action Preston CJ establishes that in assessing whether compliance with a development standard is unreasonable or unnecessary, the consent authority needs to specifically assess if the applicant's written justification has adequately addressed this matter, not that they themselves consider the compliance unreasonable or unnecessary.

Wehbe asserts that compliance with a development standard is unreasonable or unnecessary, which may be demonstrated in one or more of the following ways:

- *"the objectives of the development standard are achieved notwithstanding non-compliance with the standard*
- *the underlying objective or purpose is not relevant to the development*
- *the underlying objective or purpose would be thwarted if compliance with the standard was required*
- *the development standard has been virtually abandoned or destroyed by the Council's decisions in granting development consents that depart from the standard*
- *the Zoning of the land is unreasonable or inappropriate (though this limb is limited)*

some other way".

In this circumstance, it is unreasonable and unnecessary to strictly comply with the lot width requirement of Clause 4.1B as the applicable objectives are satisfied and considered below:

(a) to ensure that lots for residential accommodation are of sufficient size to accommodate proposed dwellings, setbacks to adjoining residential land, private open space and landscaped areas, driveways and vehicle manoeuvring areas,

The proposed dwellings are of sufficient size and are sited in a manner such that they provide appropriate setbacks to adjoining residential land, private open space, landscaped areas, and vehicle access and manoeuvring. In this regard:

• each dwelling is sited to ensure adequate space for deep soil planting;

• landscaped areas are provided in excess of the requirements of Clause 6.12 of the GRLEP 2021;

• each dwelling provides minimum private open space well in excess of Part 6.3.1 of the 'GRDCP' (4m x 5m);

• Unit 1 is provided with a 4m wide vehicular crossover from Walton Street;

• Unit 2 is provided with vehicular access from Lynwood Lane (an access laneway); and

• the proposed building envelope and proposed finished levels minimise opportunities for overlooking of adjoining properties, undue overshadowing and visual bulk.

(b) to ensure that dual occupancies in Zone R2 Low Density Residential retain the general low-density scale and character of existing single dwelling development,

The Site is zoned R3.

(c) to ensure that multi dwelling housing in Zone R3 Medium Density Residential retain the general medium-density scale and character of existing multi dwelling development,

The Proposal does not relate to multi dwelling housing.

(d) to minimise any likely adverse impact of the development on the amenity of the area,

The Proposal strictly complies with the required dimensions for an attached dual occupancy under Clause 4.1B. However, a detached dual occupancy is proposed, as this avoids an unnecessarily elongated built form. Although an attached form could be facilitated, it would deliver an inferior planning outcome in this context. As stated earlier, architectural plans prepared by Design Formation Architects illustrate a compliant attached form, which demonstrates that such an arrangement would result in less favourable planning outcomes compared to the proposed detached form.

For instance, the detached arrangement provides greater opportunity for landscaped area between the dwellings, thereby reducing visual bulk and contributing positively to the amenity of both the Site and the surrounding area.

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(e) where an existing lot is inadequate in terms of its area or width—to require the consolidation of 2 or more lots.

The Site satisfies the minimum lot area requirement under the provision, enabling an attached dual occupancy to be carried out in strict compliance with the relevant controls. In this case, the Site also maintains sufficient width to accommodate a detached dual occupancy, as the laneway effectively functions as an access handle. Accordingly, consolidation of the Site with adjoining lots is not necessary to achieve compliance or an orderly development outcome

The Proposal is considered to result in positive or neutral impacts with respect to applicable objectives of Clause 4.1B.

Environmental Planning Grounds to Justify Contravening the Development Standard

Initial Action sets out a framework to demonstrate that there are 'sufficient' environmental planning grounds to justify contravening the development standard as:

- *"environmental planning grounds" by their nature, being grounds that relate to the subject matter, scope and purpose of the Environmental Planning and Assessment Act 1979 (including section 1.3 of the EPA Act); and*
- *"sufficient" in that they are adequate to:*
  - *justify contravening the development standard, not simply promote the benefits of the development. The focus should be the element of the development that contravenes the development standard, not on the development as a whole.*
  - *demonstrate that there are sufficient environmental planning grounds to justify contravention so that the Council can be satisfied that the written request has adequately addressed the matter*

Environmental planning grounds that are sufficient to justify the contravention of the Clause 4.1B development standard is identified below:

- Despite the proposed contravention, the resulting detached dual occupancy is consistent with the established character of the locality. Examples include 16A Cooleen Street, 19 Lynwood Lane, and 24 Walton Street, each of which contains a dwelling fronting Lynwood Lane and presenting as a detached dual occupancy. Accordingly, the Proposal would be in keeping with the prevailing development pattern of the immediate locality.

- The Site meets the minimum area and width requirements to facilitate an attached dual occupancy in full compliance with the controls. However, the Site also provides adequate width to accommodate a detached dual occupancy, which is considered a better planning outcome as it avoids an elongated built form and allows for greater landscaped area, without requiring lot consolidation.

- The proposed dual occupancy does not result in undue adverse amenity impacts in terms of solar access, acoustic, visual privacy, or any known significant view impacts for any adjoining property.

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- The Site exceeds the minimum required Site area by 111 sqm.

- The variation assists in facilitating the redevelopment of the site, revitalising the Site and the streetscape without undermining the desired character of the locality as it is our view that the design team has skilfully ensured that the proposal provides sufficient visual interest without resulting in undue visual bulk.

  The Proposal would not be creating an undesirable precedent as variations to this provision have previously been supported by both Georges River Council and the Georges River Local Planning Panel. In Development Application DA2023/0559 for 58 Walter Street, Mortdale, which is a parallel road lot. The environmental planning grounds cited in that instance align closely with the reasons advanced in the current proposal, as set out in Council's assessment report which has been cited below:

  Sufficient Environmental Planning Grounds

  (xii) The applicant has provided adequate environmental planning grounds. Some of the provided reasons are extracted below:

  "The site has two street frontages, therefore, a site width of 18m serves no practical planning purpose (i.e. the intent of standard is to have sufficient site width so as to accommodate a driveway to service a battle-axe allotment)"

  "The proposed dwelling facing Walter Street simply replaces the existing dwelling, which maintains a similar width at the building line of 12.48m and given the…"

  "Additional site width to provide a driveway to service the other dwelling is NOT required…"

  The paragraphs relating to the subject application are identified below:

  - This Site also has two frontages
  - Unit 1 maintains an orientation toward Walton Street in line with the existing dwelling house
  - Additional site width to provide a driveway to service the dwelling is also not required in this instance because Lynwood Lane provides that accessway

It is emphasised that Initial Action affirms that there is no requirement to demonstrate a neutral or beneficial outcome and as such, on the basis of the above matters listed, it is considered that there are sufficient environmental planning grounds to permit a variation to Clause 4.1B.

The Public Interest

As identified earlier in this document, the 1 November 2023 changes to Clause 4.6 removed references to the public interest on the following basis:

> *simplify the drafting, notably removing specific references to considering the public interest in the clause, noting that consideration of the public interest is already an obligation of consent authority*

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In any case, the public interest is considered in this section having already established consistency with the objectives of Clause 4.1B in a previous section and as such the objectives of the R3 zone are considered below.

Zone R3 Medium Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*

The Proposal contributes to meeting local housing needs by delivering a low–mid-rise residential form that is consistent with the minimum lot size requirement within Clause 4.1B of the GRLEP 2021.

- *To provide a variety of housing types within a medium density residential environment.*

The Proposal introduces a detached dual occupancy, a housing form that complements the existing mix of dwellings in the locality and provides diversity within the low–mid rise residential environment.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To enable other land uses that contribute to the vibrancy of the neighbourhood.*

The Proposal preserves a residential use in a residential zone.

- *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.*

The Proposal achieves a high standard of urban design through a form and scale that is consistent with the established pattern of development in the immediate visual catchment, including 16A Cooleen Street, 19 Lynwood Lane, and 24 Walton Street. The detached dual occupancy is appropriately sited and articulated to integrate with the surrounding streetscape and maintain the prevailing character of the locality.

The built form does not result in undue visual bulk, nor does it give rise to unreasonable impacts on the amenity of adjoining properties in terms of privacy, overshadowing, or solar access. Adequate separation between dwellings, provision of landscaped areas, and the use of Lynwood Lane for vehicle access ensure a high level of residential amenity for both future occupants and neighbouring residents. Collectively, these measures reinforce the desired character of the suburb while delivering a sensitive and contextually responsive built outcome.

- *To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River local government area.*

The Proposal incorporates substantial landscaped areas, deep soil zones, and private open space consistent with the objectives of Clause 6.12 of the GRLEP 2021. Landscaping has been designed to complement the built form, provide opportunities for canopy tree planting, and soften the presentation of the development to both street frontages. In this

way, the Proposal delivers housing within a landscaped setting that reinforces the existing environmental character of the Georges River local government area, while also maintaining a high level of amenity for both future occupants and adjoining residents.

The Proposal is considered to result in neutral or positive impacts with respect to each of the applicable objectives of the R3 zone. There are no discernible undue adverse or unreasonable impacts to the broader community and as such there are no public interest matters that would prevent a variation being granted in this instance.

Conclusion

In this circumstance, as argued in this document, the referenced variation satisfies the criteria established under Clause 4.6 of the GRLEP 2021. It is our view that there are sufficient planning grounds to justify the contravention to Clause 4.1B and that the development is consistent with the objectives of Clause 4.1B and the R3 zone. The Proposal is considered to be suitable for the Site subject to appropriate conditions of consent.

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LPP013-26 Attachment 2

PROPOSED DETACHED DUAL OCCUPANCY
15 WALTON STREET BLAKEHURST 2221
LOT 8 S2 IN DP 6565





SITE CALCULATIONS

TOTAL SITE AREA:	761.8 m²
MINIMUM REQUIRED LOT WIDTH:	18 m
LOT WIDTH:	15.24 m
MAXIMUM FSR PERMITTED 0.6:1:	457.08 m²
PROPOSED FSR GROUND FLOOR:	227.56 m²
PROPOSED FSR FIRST FLOOR:	229.23 m²
TOTAL PROPOSED GROSS FLOOR AREA:	456.79 m²
MINIMUM REQUIRED LANDSCAPED AREA 20%:	152.36 m²
TOTAL PROPOSED LANDSCAPED AREA:	190.89 m²
TOTAL PROPOSED FRONT LANDSCAPED AREA:	97.80 m²
TOTAL PROPOSED REAR LANDSCAPED AREA:	93.09 m²
PRIMARY STREET SETBACK AREA:	82 m²
MAXIMUM ALLOWABLE IMPERVIOUS AREA WITHIN STREET SETBACK 60%:	49.2 m²
PROPOSED IMPERVIOUS AREA WITHIN STREET SETBACK:	48.38 m² 59%

DRAWING LIST

DRAWING NUMBER	DRAWING NAME	CURRENT REVISION
A001	COVER PAGE	10
A002	SPECIFICATIONS AND NOTES	10
A003	SITE COMPLAINCE DIAGRAMS	10
A004	SITE ANALYSIS	10
A005	SUBDIVISION PLAN	10
A051	DEMOLITION PLAN	10
A101	SITE PLAN	10
A102	UNIT 1 GROUND FLOOR PLAN	10
A103	UNIT 2 GROUND FLOOR PLAN	10
A104	UNIT 1 FIRST FLOOR PLAN	10
A105	UNIT 2 FIRST FLOOR PLAN	10
A106	ROOF PLAN	10
A201	UNIT 1 ELEVATIONS	10
A202	UNIT 1 ELEVATIONS	10
A203	UNIT 2 ELEVATIONS	10
A204	UNIT 2 ELEVATIONS	10
A205	UNIT 1 SECTIONS	10
A206	UNIT 2 SECTIONS	10
A207	CUT/FILL PLAN	10
A208	FENCE PLAN	10
A311	SCHEDULES	10
A312	SHADOW DIAGRAMS	10
A313	SHADOW DIAGRAMS	10

TRUE NORTH:

DESIGN FORMATION ARCHITECTS

NOM. ARCHITECT: GEORGE YOUSSEF
NSW REGO: 11535

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REV.	DESCRIPTION	DATE
10	ISSUED FOR RFI	21-01-2026
09	ISSUED FOR DA	31-10-2025
08	ISSUED FOR DA	17-09-2025
07	ISSUED FOR DA	03-09-2025
06	ISSUED FOR CLIENT REIEW	15-08-2025
05	ISSUED FOR CLIENT REIEW	14-08-2025
04	ISSUED FOR CLIENT REVIEW	04-08-2025
03	ISSUED FOR CLIENT REVIEW	28-07-2025
02	ISSUED FOR CLIENT REVIEW	25-07-2025
01	ISSUED FOR CLIENT REVIEW	14-07-2025

PROJECT STATUS:
ISSUED FOR DEVELOPMENT APPLICATION

PREPARED FOR:
JOHNY KAYROUZ AND FRED NOUH

PROJECT TYPE:
DUAL OCCUPANCY

PROJECT ADDRESS:
15 WALTON STREET BLAKEHURST 2221
LOT 8 S2 IN DP 6565

SHEET TITLE:
COVER PAGE

SHEET NO: A001

PROJECT NO: 1052
REV NO: 10

DRAWN BY: JS
CHECKED BY: GY

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RIVER LOCAL

GENERAL DEVELOPMENT NOTES:

1. POWDER COATED ALUMINIUM GUTTERS & DOWNPIPES. STORMWATER TO DISCHARGE TO STREET - REFER TO HYDRAULIC ENGINEERS PLANS (CLIENT TO DECIDE ON COLOURS & FINISHES).
2. POWDER-COATED ALUMINIUM FRAMED GLASS WINDOWS & SLIDING DOORS (CLIENT TO DECIDE ON COLOURS & FINISHES).
3. DEMOLITION & EXCAVATION TO BE CARRIED OUT BY LICENSED CONTRACTORS. FOR SEDIMENT FENCING DETAILS REFER TO 'SITE MANAGEMENT & SEDIMENT CONTROL PLAN.
4. THE DEVELOPMENT HAS BEEN DESIGNED TO BEST MEET THE GUIDELINES OF COUNCIL & THE B.C.A (ALL WORK ON SITE SHALL SIMILARLY BE CARRIED OUT TO ADHERE TO THE REQUIREMENTS OF LOCAL COUNCIL AND THE B.C.A).
5. ALL PORCH'S, GARAGES, VERANDAHS, BALCONIES & THE LIKE TO HAVE A MINIMUM 85mm STEPDOWN. (ENGINEERS DETAILS TO SUPERCEED).
6. BITUMOUS MASONRY ARTICULATION JOINTS ON UNARTICULATED WALLS WITH LENGTHS GREATER THAN 6m TO BE LOCATED BEHIND DOWNPIPE LOCATIONS WHERE PRACTICAL.
7. ALL BALUSTRADES TO BE A MINIMUM 1000mm ABOVE FINISHED FLOOR LEVEL RAILS TO BE SPACED SO AS TO PREVENT A 125mm SPHERE PENETRATING THROUGH.
8. BALCONIES TO BE SUITABLY WATERPROOFED & GRADED TO SUIT THE REQUIREMENTS OF THE B.C.A.
9. ALL BATHROOM, ENSUITES, LAUNDRIES AND BALCONIES (ENCLOSED) TO HAVE FLOOR WASTES, BE SETDOWN AND WATERPROOFED.
10. LAND TO BATTER AS SHOWN WITH A SOLID GROUND LINE (EXISTING GROUND LEVELS SHOWN DASHED) MAXIMUM BATTER ON STABLE GROUND NOT TO EXCEED 1 IN 4 (IN WHICH CASE RETAINING WALLS ARE TO BE INCORPORATED - TO ENGINEERS SPECIFICATIONS).

GENERAL CONSTRUCTION NOTES:

1. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND OTHER CONSULTANT'S DRAWINGS AND SPECIFICATIONS AND WITH SUCH OTHER WRITTEN INSTRUCTIONS AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ALL DISCREPANCIES SHALL BE REFERRED TO THE CONTRACT ALL DISCREPANCIES SHALL BE REFERRED TO THE ARCHITECT FOR A DECISION BEFORE PROCEEDING WITH THE WORK.
2. ALL DIMENSIONS RELEVANT TO SETTING OUT AND OFF-SITE WORK SHALL BE VERIFIED BY THE CONTRACTOR BEFORE CONSTRUCTION AND FABRICATION IS COMMENCED. THE ARCHITECTURAL DRAWINGS SHALL NOT BE SCALED.
3. DURING CONSTRUCTION THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE STRUCTURE IN A STABLE CONDITION AND ENSURING NO PART SHALL BE OVERSTRESSED UNDER CONSTRUCTION ACTIVITIES. TEMPORARY BRACING SHALL BE PROVIDED BY THE CONTRACTOR AS REQUIRED.
4. ALL WORKMANSHIP AND MATERIALS ARE TO BE IN ACCORDANCE WITH THE RELEVANT CURRENT S.A.A. CODES INCLUDING ALL AMENDMENTS, AND THE LOCAL STATUTORY AUTHORITIES, REGULATIONS, ETC., EXCEPT WHERE VARIED BY THE CONTRACT DOCUMENTS.
5. THE APPROVAL OF A SUBSTITUTION SHALL BE SOUGHT FROM THE ENGINEER,BUT IS NOT AN AUTHORISATION FOR AN EXTRA. ANY EXTRA INVOLVED MUST BE VERIFIED WITH THE ARCHITECT BEFORE THE WORK COMMENCES.
6. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS STATED OTHERWISE. ALL LEVELS ARE EXPRESSED IN METRES TO AHD.
7. SETTING-OUT DIMENSIONS AND SIZES OF STRUCTURAL MEMBERS SHALL NOT BE OBTAINED BY SCALING THE STRUCTURAL DRAWINGS. ANY SETTING-OUT DIMENSIONS SHOWN IN THE STRUCTURAL DRAWINGS SHALL BE CHECKED BY THE CONTRACTOR BEFORE CONSTRUCTION COMMENCES.
8. DURING THE ALTERATION, THE EXISTING BUILDING SHALL BE PROTECTED ESPECIALLY FROM THE RAIN.
9. WORKMANSHIP, QUALITY AND STANDARDS OF WORK SHALL FOLLOW THE NEW SOUTH WALES GUIDE TO STANDARD AND TOLERANCES 2017.

SCHEDULE OF AUSTRALIAN STANDARD TO BE FOLLOWED:

1. AS 1288 - GLASS IN BUILDINGS, SELECTION & INSTALLATION.
2. AS/NZS 1170 - STRUCTURAL DESIGN ACTIONS.
3. AS 1562 - DESIGN & INSTALLATION OF SHEET ROOF & WALL CLADDING, METAL.
4. AS/NZS - DESIGN & INSTALLATION OF SHEET ROOF & WALL CLADDING, CORRUGATED FIRBE-REINFORCED CEMENT & PLASTICS.
5. AS 1668 - THE USE OF MECHANICAL VENTILATION & AIR CONDITIONING IN BUILDINGS.
6. AS/NZS 1680 - INTERIOR LIGHTING & SAFE MOVEMENT
7. AS 1684 - RESIDENTIAL TIMBER-FRAMED CONSTRUCTION.
8. AS 1926 - SWIMMING POOL SAFETY.
9. AS 2047 - WINDOWS IN BUILDINGS, SELECTION & INSTALLATION.
10. AS 2049 - ROOF TILES.
11. AS 2050 - INSTALLATION OF ROOF TILES.
12. AS/NZS 2269 - PLYWOOD, STRUCTURAL SPECIFICATIONS.
13. AS 2870 - RESIDENTIAL SLABS & FOOTINGS CONSTRUCTION.
14. AS/NZS 2904 - DAMP-PROOF COURSES & FLASHINGS.
15. AS/NZS 3500 - PLUMBING & DRAINAGE, STORMWATER DRAINAGE, HEATED SERVICES & DOMESTIC INSTALLATIONS.
16. AS 3600 - CONCRETE STRUCTURES.
17. AS 3660 - TERMITE MANAGEMENT.
18. AS 3700 - MASONRY STRUCTURES.
19. AS 3740 - WATERPROOFING OF WET AREAS IN RESIDENTIAL BUILDINGS.
20. AS 3786 - SMOKE ALARMS.
21. AS 3959 - CONSTRUCTION OF BUILDINGS IN BUSHFIRE-PRONE AREAS.
22. AS 4055 - WIND LOADS FOR HOUSING.
23. AS 4100 - STEEL STRUCTURES.
24. AS/NZS 4200 - PLIABLE BUILDING MEMBRANES & UNDERLAYS, MATERIALS & INSTALLATION REQUIREMENTS.
25. AS 4254 - DUCKWORK FOR AIR-HANDLING SYSTEMS IN BUILDINGS.
26. AS/NZS - 4600 - COLD-FORMED STEEL STRUCTURES.
27. AS 4773 - MASONRY FOR SMALL BUILDINGS, DESIGN & CONSTRUCTION.
28. AS/NZS 4858 - WET AREA MEMBRANES.
29. AS3000 ELECTRICAL INSTALLATIONS.
30. AS3008 ELECTRICAL INSTALLATIONS - SELECTION OF CABLES.
31. AS/NZS 3017 ELECTRICAL INSTALLATIONS - VERIFICATION GUIDELINES.
32. AS/NZS 3100 APPROVAL AND TEST SPECIFICATION - GENERAL REQUIREMENTS FOR ELECTRICAL EQUIPMENT.
33. AS 4586-2013 SLIP RESISTANCE CLASSIFICATION OF NEW PEDESTRIAN SURFACE MATERIAL (CLASS P2 FOR TILES IN BATHROOM, TOILET, AND KITCHEN)

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).	✔	✔	
(c) If a rating is specified in the table below for a fixture or appliance to be installed in the dwelling, the applicant must ensure that each such fixture and appliance meets the rating specified for it.		✔	✔
(d) The applicant must install an on demand hot water recirculation system which regulates all hot water use throughout the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below.		✔	✔
(e) The applicant must install: (aa) a hot water diversion system to all showers, kitchen sinks and all basins in the dwelling, where indicated for a dwelling in the "HW recirculation or diversion" column of the table below; and (bb) a separate diversion tank (or tanks) connected to the hot water diversion systems of at least 100 litres. The applicant must connect the hot water diversion tank to all toilets in the dwelling.		✔ ✔	✔ ✔
(e) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.	✔	✔	
(f) If specified in the table, that pool or spa (or both) must have a pool cover or shading (or both).		✔	
(g) The pool or spa must be located as specified in the table.	✔	✔	
(h) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.	✔	✔	✔

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must comply with the commitments listed below in carrying out the development of a dwelling listed in a table below.			
(b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.	✔	✔	✔
(c) The applicant must install, in each bathroom, kitchen and laundry of the dwelling, the ventilation system specified for that room in the table below. Each such ventilation system must have the operation control specified for it in the table.		✔	✔
(d) The applicant must install the cooling and heating system/s specified for the dwelling under the "Living areas" and "Bedroom areas" headings of the "Cooling" and "Heating" columns in the table below, in/for at least 1 living/bedroom area of the dwelling. If no cooling or heating system is specified in the table for "Living areas" or "Bedroom areas", then no systems may be installed in any such areas. If the term "zoned" is specified beside an air conditioning system, then the system must provide for day/night zoning between living areas and bedrooms.		✔	✔

(iii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(e) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Artificial lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that the "primary type of artificial lighting" for each such room in the dwelling is fluorescent lighting or light emitting diode (LED) lighting. If the term "dedicated" is specified for a particular room or area, then the light fittings in that room or area must only be capable of being used for fluorescent lighting or light emitting diode (LED) lighting.		✔	✔
(f) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.	✔	✔	✔
(g) This commitment applies if the applicant installs a water heating system for the dwelling's pool or spa. The applicant must: (aa) install the system specified for the pool in the "Individual Pool" column of the table below (or alternatively must not install any system for the pool). If specified, the applicant must install a timer, to control the pool's pump; and (bb) install the system specified for the spa in the "Individual Spa" column of the table below (or alternatively must not install any system for the spa). If specified, the applicant must install a timer to control the spa's pump.		✔ ✔	
(h) The applicant must install in the dwelling: (aa) the kitchen cook-top and oven specified for that dwelling in the "Appliances & other efficiency measures" column of the table below; (bb) each appliance for which a rating is specified for that dwelling in the "Appliances & other efficiency measures" column of the table, and ensure that the appliance has that minimum rating; and (cc) any clothes drying line specified for the dwelling in the "Appliances & other efficiency measures" column of the table.		✔ ✔ ✔	✔
(i) If specified in the table, the applicant must carry out the development so that each refrigerator space in the dwelling is "well ventilated".		✔	
(j) The applicant must install the photovoltaic system specified for the dwelling under the "Photovoltaic system" heading of the "Alternative energy" column of the table below, and connect the system to that dwelling's electrical system.	✔	✔	✔

(iii) Thermal Performance and Materials	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) The applicant must attach the certificate referred to under "Assessor details" on the front page of this BASIX certificate (the "Assessor Certificate") to the development application and construction certificate application for the proposed development (or, if the applicant is applying for a complying development certificate for the proposed development, to that application). The applicant must also attach the Assessor Certificate to the application for a final occupation certificate for the proposed development.			
(b) The Assessor Certificate must have been issued by an Accredited Assessor in accordance with the Thermal Comfort Protocol.			
(c) The details of the proposed development on the Assessor Certificate must be consistent with the details shown in this BASIX Certificate, including the details shown in the "Thermal Loads" table below.			
(d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on those plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.	✔		
(e) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), all thermal performance specifications set out in the Assessor Certificate, and all aspects of the proposed development which were used to calculate those specifications.		✔	

(iii) Thermal Performance and Materials	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(f) The applicant must construct the development in accordance with all thermal performance specifications set out in the Assessor Certificate, and in accordance with those aspects of the development application or application for a complying development certificate which were used to calculate those specifications.		✔	✔
(g) Where there is an in-slab heating or cooling system, the applicant must: (aa) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or (bb) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.	✔	✔	✔
(h) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.	✔	✔	✔
(i) The applicant must show on the plans accompanying The development application for The proposed development, The locations of ceiling fans set out in The Assessor Certificate.	✔		
(j) The applicant must show on the plans accompanying the application for a construction certificate (or complying development certificate, if applicable), the locations of ceiling fans set out in the Assessor Certificate.		✔	

(i) Water	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a showerhead, toilet, tap or clothes washer into a common area, then that item must meet the specifications listed for it in the table.		✔	✔
(b) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "central systems" column of the table below. In each case, the system must be sized, be configured, and be connected, as specified in the table.	✔	✔	✔
(c) A swimming pool or spa listed in the table must not have a volume (in kL/s) greater than that specified for the pool or spa in the table.	✔	✔	
(d) A pool or spa listed in the table must have a cover or shading if specified for the pool or spa in the table.		✔	
(e) The applicant must install each fire sprinkler system listed in the table so that the system is configured as specified in the table.		✔	✔
(f) The applicant must ensure that the central cooling system for a cooling tower is configured as specified in the table.		✔	✔

(ii) Energy	Show on DA plans	Show on CC/CDC plans & specs	Certifier check
(a) If, in carrying out the development, the applicant installs a ventilation system to service a common area specified in the table below, then that ventilation system must be of the type specified for that common area, and must meet the efficiency measure specified.		✔	✔
(b) In carrying out the development, the applicant must install, as the "primary type of artificial lighting" for each common area specified in the table below, the lighting specified for that common area. This lighting must meet the efficiency measure specified. The applicant must also install a centralised lighting control system or Building Management System (BMS) for the common area, where specified.		✔	✔
(c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.	✔	✔	✔

GENERAL NOTES

- SMOKE ALARMS ARE TO BE INSTALLED IN ACCORDANCE WITH AS3786-1993. ALARMS ARE TO BE POSITIONED ON THE CEILING AND SETBACK A MINIMUM DISTANCE OF 300mm FROM ANY WALL.
- WET AREAS ARE TO BE WATERPROOFED IN ACCORDANCE WITH AS3740 WATERPROOFING OF WET AREAS WITHIN ALL GLAZING TO COMPLY WITH AS1288 - " GLASS IN BUILDING".
- ALL BUILDING WORK AND CONSTRUCTION MATERIALS TO COMPLY WITH BUILDING CODE OF AUSTRALIA STANDARDS
- STAIR CASES TO INTERNAL OF BUILDING TO HAVE 187.5MM RISER & 250MM GOINGS TO COMPLY WITH BUILDING CODE OF AUSTRALIA STANDARDS.

TRUE NORTH:

DESIGN FORMATION ARCHITECTS

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REV.	DESCRIPTION	DATE
10	ISSUED FOR RFI	21-01-2026
09	ISSUED FOR DA	31-10-2025
08	ISSUED FOR DA	17-09-2025
07	ISSUED FOR DA	03-09-2025
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03	ISSUED FOR CLIENT REVIEW	28-07-2025
02	ISSUED FOR CLIENT REVIEW	25-07-2025
01	ISSUED FOR CLIENT REVIEW	14-07-2025

PROJECT STATUS:
ISSUED FOR DEVELOPMENT APPLICATION

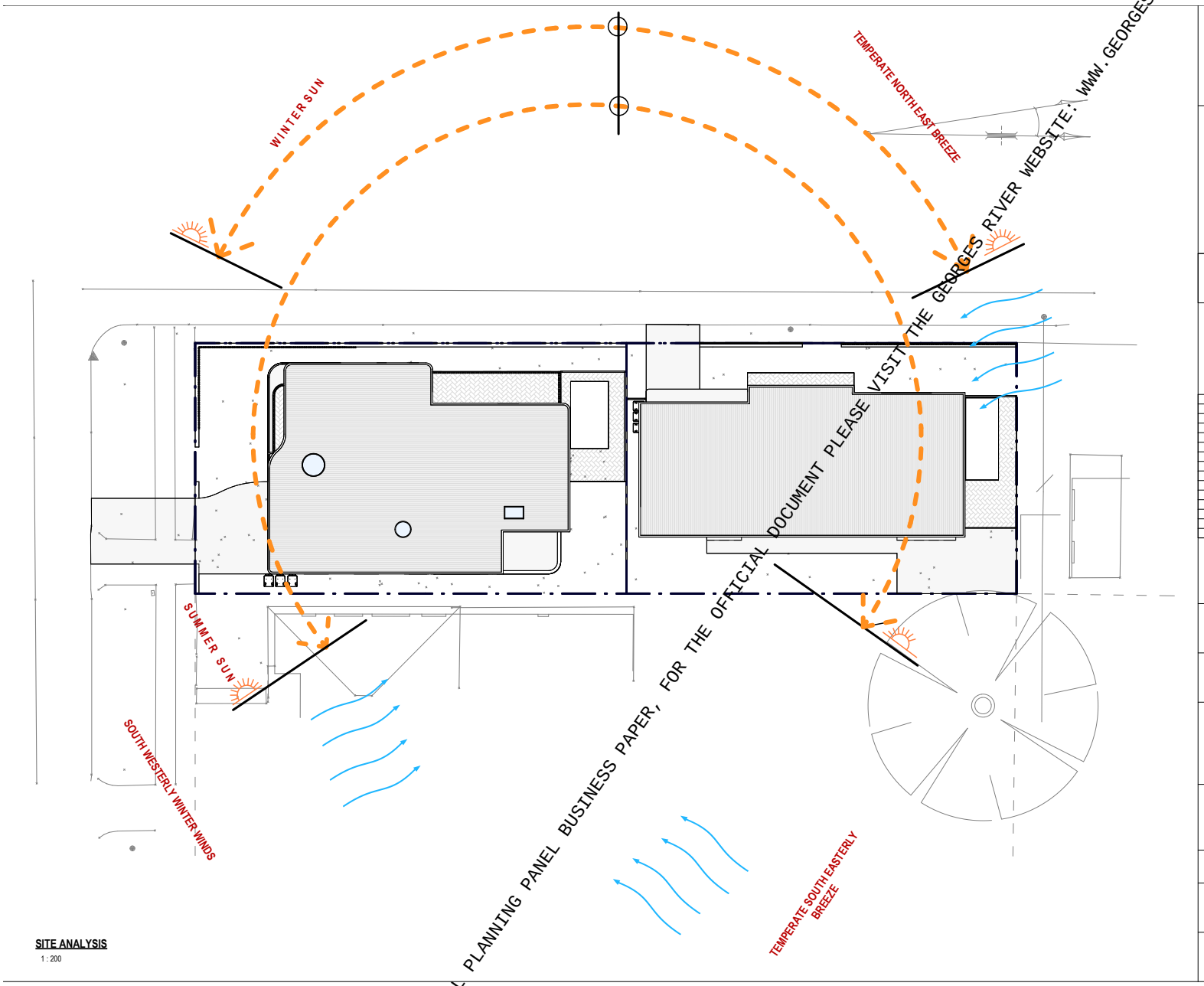
PREPARED FOR:
JOHNY KAYROUZ AND FRED NOUH

PROJECT TYPE:
DUAL OCCUPANCY

PROJECT ADDRESS:
15 WALTON STREET BLAKEHURST 2221
LOT 8 S2 IN DP 6565

SHEET TITLE:
SPECIFICATIONS AND NOTES

SHEET NO:	A002
PROJECT NO: 1052	REV NO: 10
DRAWN BY: JS	CHECKED BY: GY



SITE ANALYSIS
1 : 200

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LOT 8 S2 IN DP 6565

SHEET TITLE:
SITE ANALYSIS

SHEET NO: A004

PROJECT NO: 1052
REV NO: 10

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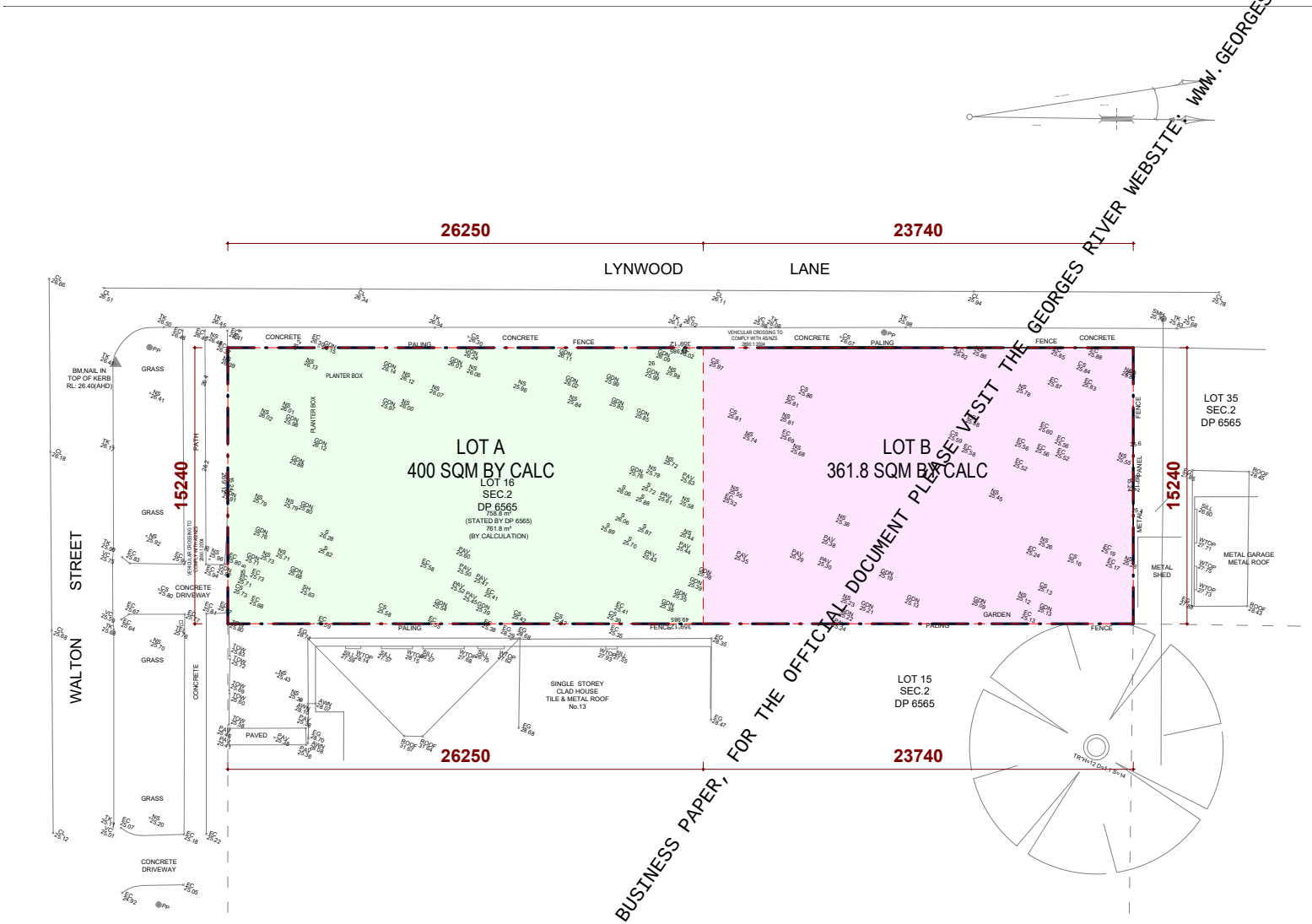

SUBDIVISION PLAN
1 : 200

TRUE NORTH:

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15 WALTON STREET BLAKEHURST 2221
LOT 8 S2 IN DP 6565

SHEET TITLE:
SUBDIVISION PLAN

SHEET NO: A005

PROJECT NO:	REV NO:
1052	10

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JS	GY

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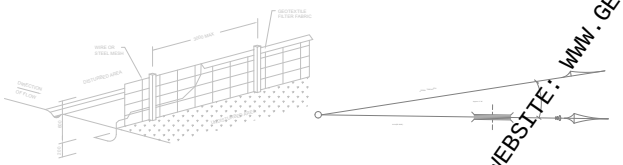
SEDIMENT CONTROL LEGEND

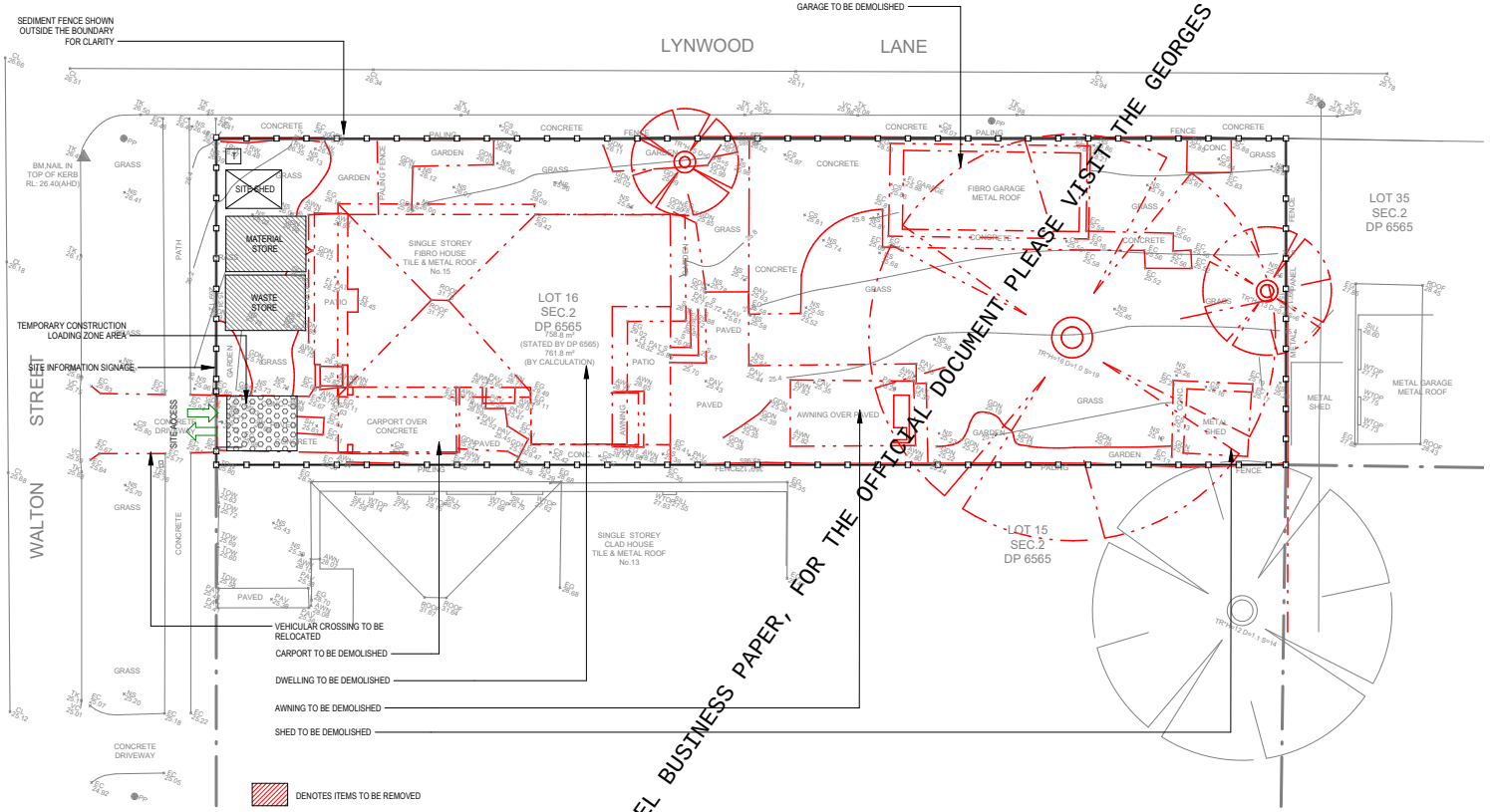
- SILT BARRIER FENCE
- SITE TOILET
- SITE SHED
- STABILIZED SITE ACCESS
- SITE ACCESS
- MATERIAL STORAGE
- WASTE STORAGE
- DIVERSION CHANNEL

A FILTER FENCE SHALL BE CONSTRUCTED BY STRETCHING A FLEXIBLE FABRIC (PROPEX OR SIMILAR) BETWEEN POSTS AT 2000mm CENTRES. FABRIC SHALL BE BURIED 150mm ALONG ITS LOWER EDGE. DRAINAGE CHANNELS SHALL LEAD TO A STRAW BALE LOCATED AT THE REAR OF THE SITE.

ALL VEHICLES TO HAVE WHEELS WASHED DOWN PRIOR TO LEAVING THE SITE.



SEDIMENT FENCE - N.T.S



DEMOLITION PLAN
1 : 200

DEMOLITION TO COMPLY WITH AS2601: 2001

TRUE NORTH:

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NOM. ARCHITECT: GEORGE YOUSSEF
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JOHNY KAYROUZ AND FRED NOUH

PROJECT TYPE:
DUAL OCCUPANCY

PROJECT ADDRESS:
15 WALTON STREET BLAKEHURST 2221
LOT 8 S2 IN DP 6565

SHEET TITLE:
DEMOLITION PLAN

SHEET NO:	A051
PROJECT NO: 1052	REV NO: 10
DRAWN BY: JS	CHECKED BY: GY

LPP013-26 Attachment 2

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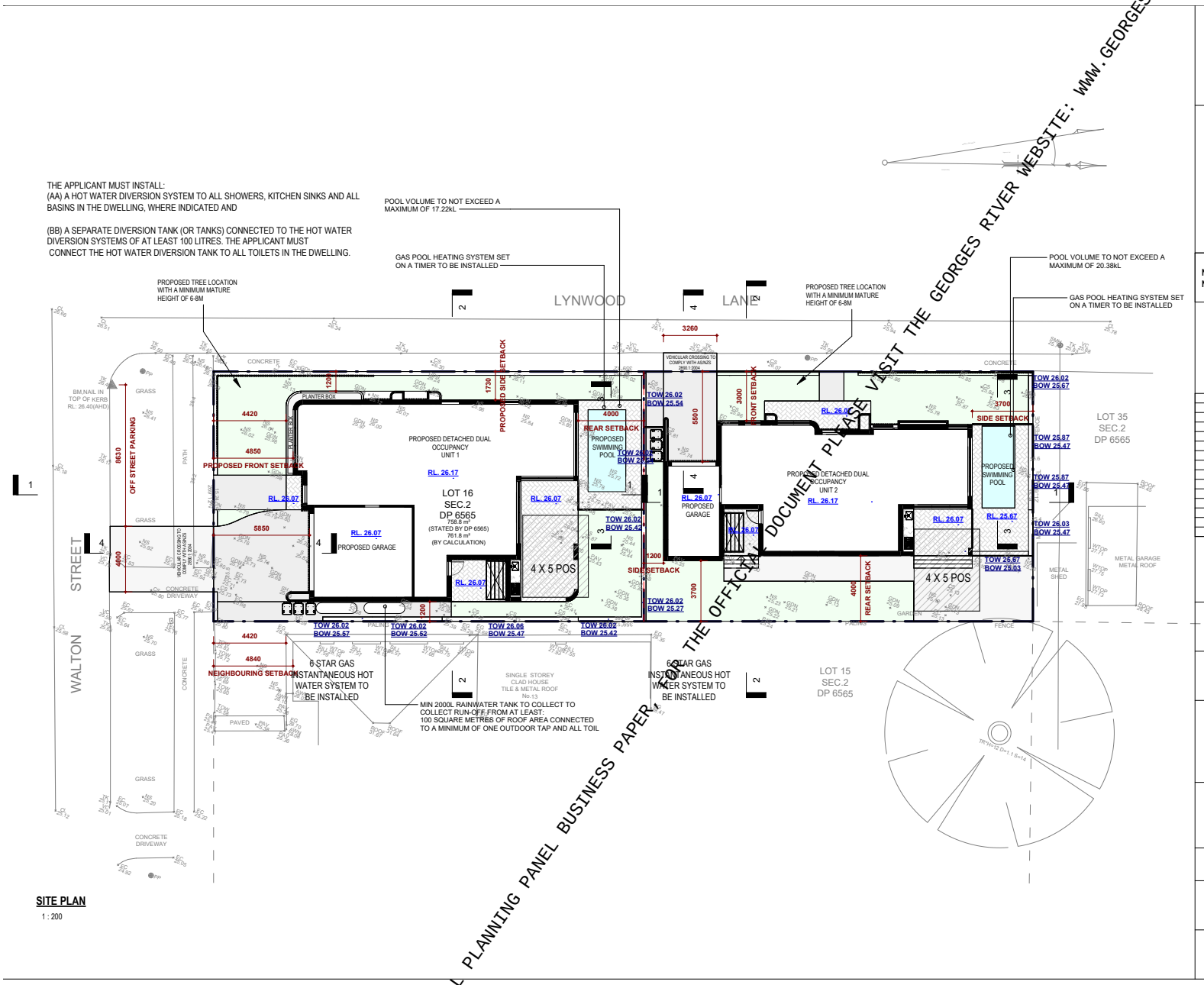

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SHEET TITLE:
SITE PLAN

SHEET NO: A101

PROJECT NO:	REV NO:
1052	10

DRAWN BY:	CHECKED BY:
JS	GY

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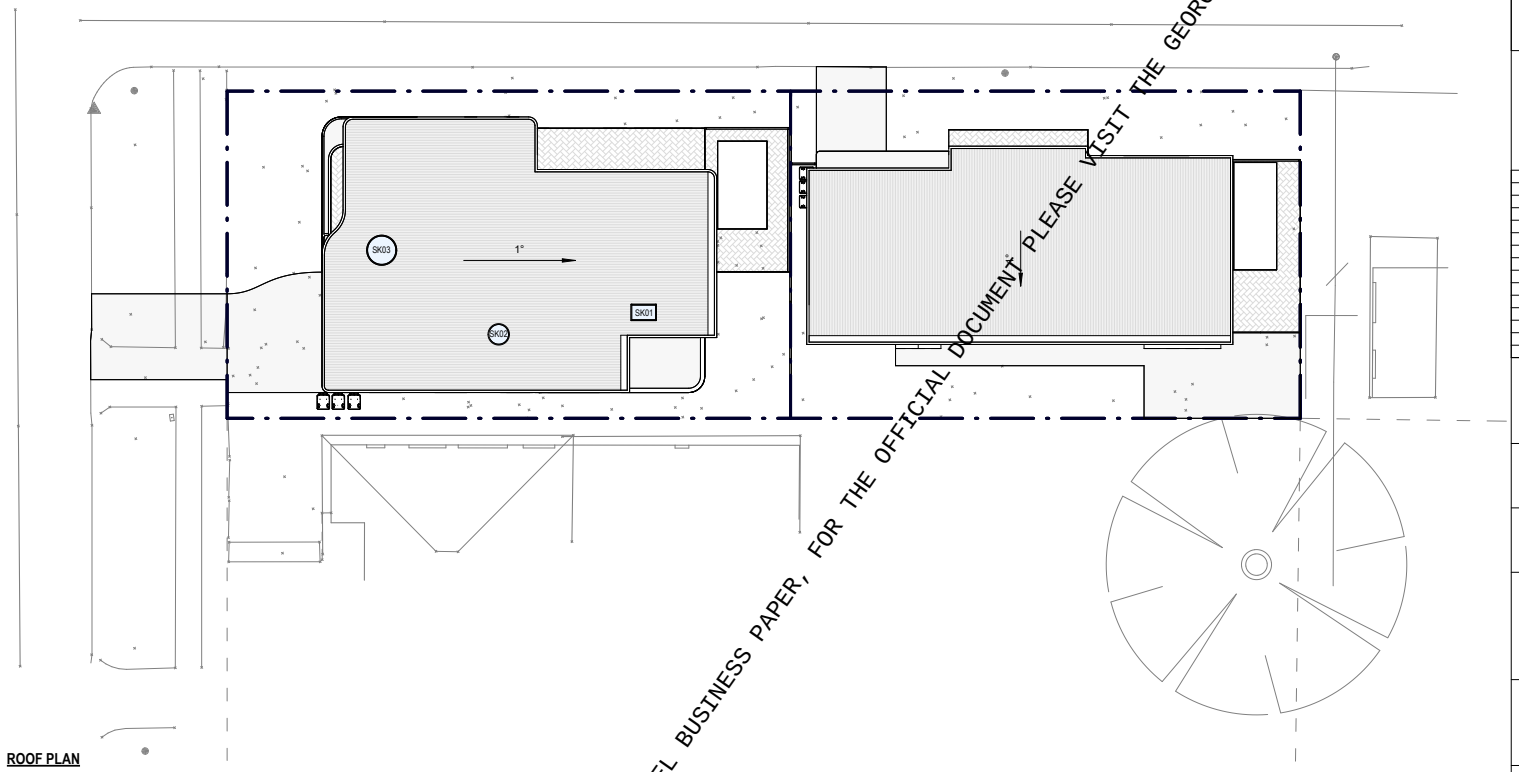

ROOF PLAN
1 : 200

TRUE NORTH:

DESIGN FORMATION ARCHITECTS

NOM. ARCHITECT: GEORGE YOUSSEF
NSW REGO: 11535

CONTACT:
A: 203/25-27 GROSE ST
PARRAMATTA NSW 2150
M: +61 422 566 912
E: GEORGE@DESIGNFORMATION.COM.AU

REV.	DESCRIPTION	DATE
10	ISSUED FOR RFI	21-01-2026
09	ISSUED FOR DA	31-10-2025
08	ISSUED FOR DA	17-09-2025
07	ISSUED FOR DA	03-09-2025
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03	ISSUED FOR CLIENT REVIEW	28-07-2025
02	ISSUED FOR CLIENT REVIEW	25-07-2025
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PROJECT STATUS:
ISSUED FOR DEVELOPMENT APPLICATION

PREPARED FOR:
JOHNY KAYROUZ AND FRED NOUH

PROJECT TYPE:
DUAL OCCUPANCY

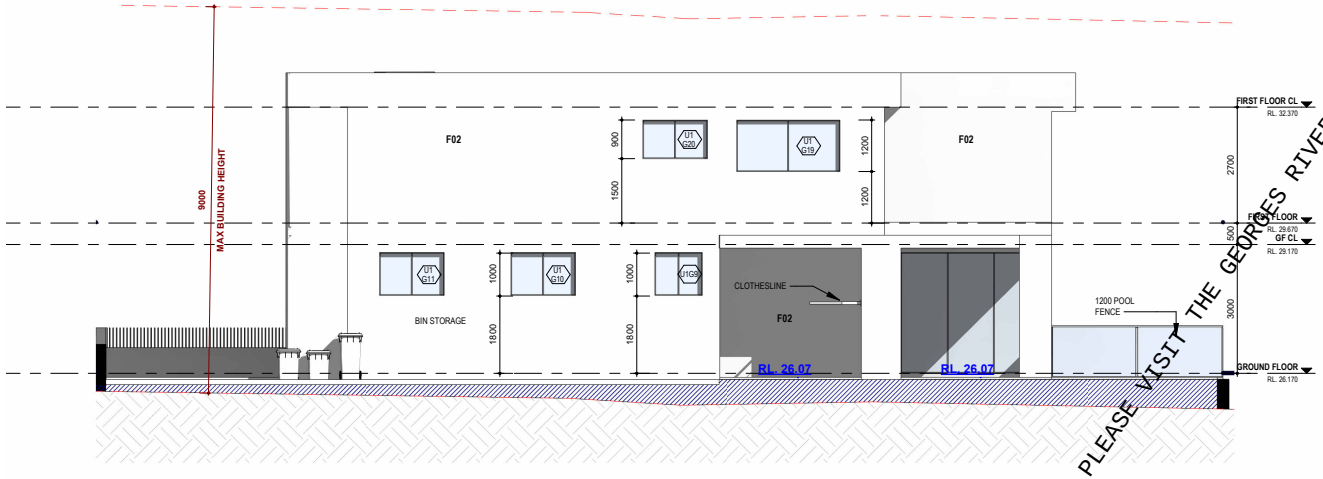
PROJECT ADDRESS:
15 WALTON STREET BLAKEHURST 2221
LOT 8 S2 IN DP 6565

SHEET TITLE:
ROOF PLAN

SHEET NO: A106

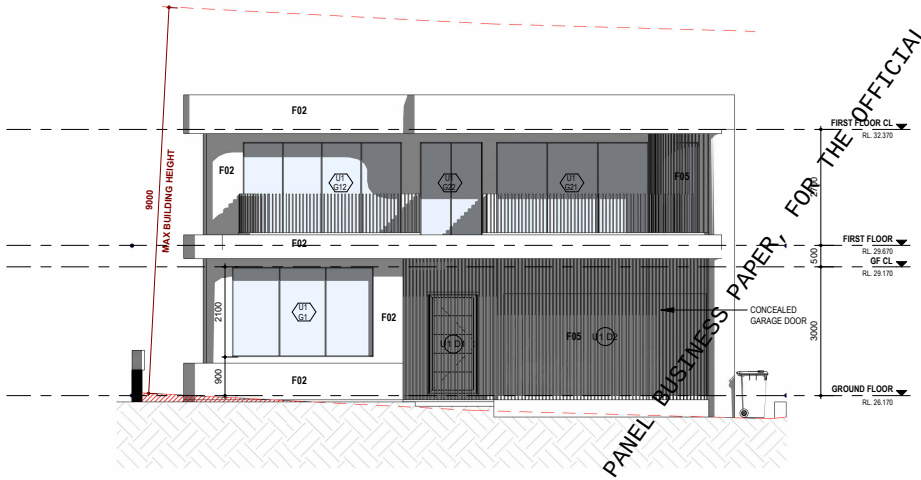
PROJECT NO: 1052
REV NO: 10

DRAWN BY: JS
CHECKED BY: GY



UNIT 1 EAST ELEVATION

1 : 100



UNIT 1 SOUTH ELEVATION

1 : 100

COLOUR AND MATERIAL SCHEDULE

CODE	SWATCH	DESCRIPTION
F01		COLORBOND ROOF, GUTTER & DOWNPIPE SURFMIST OR SIMILAR
F02		PAINT FINISH RENDERED WALL DULUX BEIGE ROYAL QUARTER OR SIMILAR
F03		PAINT FINISH RENDERED WALL DULUX PAINT LEXICON OR SIMILAR
F04		SANDSTONE CLAD FINISH WALL METALLIX AUSTRAL OR SIMILAR
F05		TIMBER LOOK ALUMINIUM BATTENS AND LOUVRES

TRUE NORTH:

DESIGN FORMATION ARCHITECTS

NOM. ARCHITECT: GEORGE YOUSSEF
NSW REGO: 11535

CONTACT:
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01	ISSUED FOR CLIENT REVIEW	14-07-2025

PROJECT STATUS:
ISSUED FOR DEVELOPMENT APPLICATION

PREPARED FOR:
JOHNY KAYROUZ AND FRED NOUH

PROJECT TYPE:
DUAL OCCUPANCY

PROJECT ADDRESS:
15 WALTON STREET BLAKEHURST 2221
LOT 8 S2 IN DP 6565

SHEET TITLE:
UNIT 1 ELEVATIONS

SHEET NO: A201

PROJECT NO: 1052

REV NO: 10

DRAWN BY: JS

CHECKED BY: GY

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BUSINESS
PANEL
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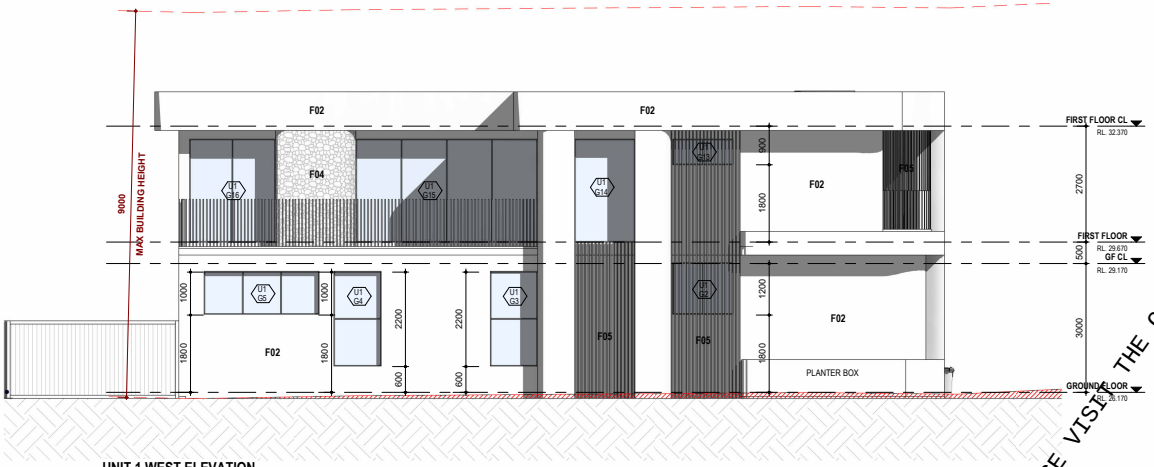
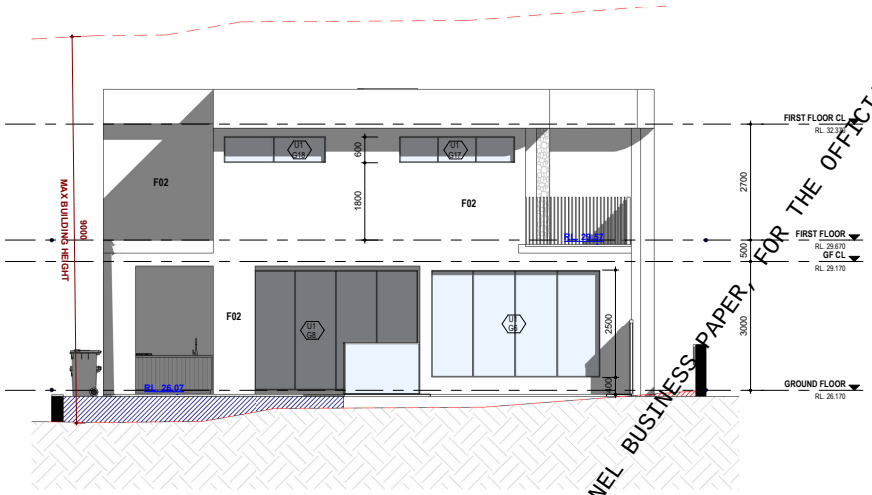


UNIT 1 WEST ELEVATION

1 : 100



UNIT 1 NORTH ELEVATION

1 : 100

COLOUR AND MATERIAL SCHEDULE

CODE	SWATCH	DESCRIPTION
F01		COLORBOND ROOF, GUTTER & DOWNPIPE SURFMIST OR SIMILAR
F02		PAINT FINISH RENDERED WALL DULUX BEIGE ROYAL QUARTER OR SIMILAR
F03		PAINT FINISH RENDERED WALL DULUX PAINT LEXICON OR SIMILAR
F04		SANDSTONE CLAD FINISH WALL METALLIX AUSTRAL OR SIMILAR
F05		TIMBER LOOK ALUMINIUM BATTENS AND LOUVRES

TRUE NORTH:

DESIGN FORMATION ARCHITECTS

NOM. ARCHITECT: GEORGE YOUSSEF
NSW REGO: 11535

CONTACT:
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PARRAMATTA NSW 2150
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PROJECT STATUS:
ISSUED FOR DEVELOPMENT APPLICATION

PREPARED FOR:
JOHNY KAYROUZ AND FRED NOUH

PROJECT TYPE:
DUAL OCCUPANCY

PROJECT ADDRESS:
15 WALTON STREET BLAKEHURST 2221
LOT 8 S2 IN DP 6565

SHEET TITLE:
UNIT 1 ELEVATIONS

SHEET NO: A202

PROJECT NO: 1052
REV NO: 10

DRAWN BY: JS
CHECKED BY: GY

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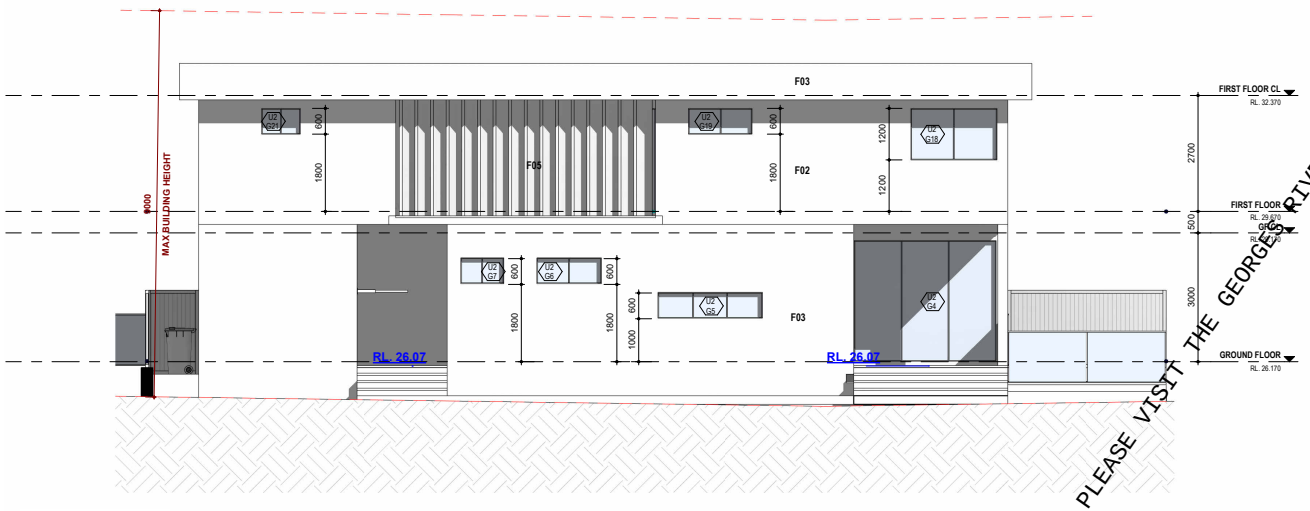
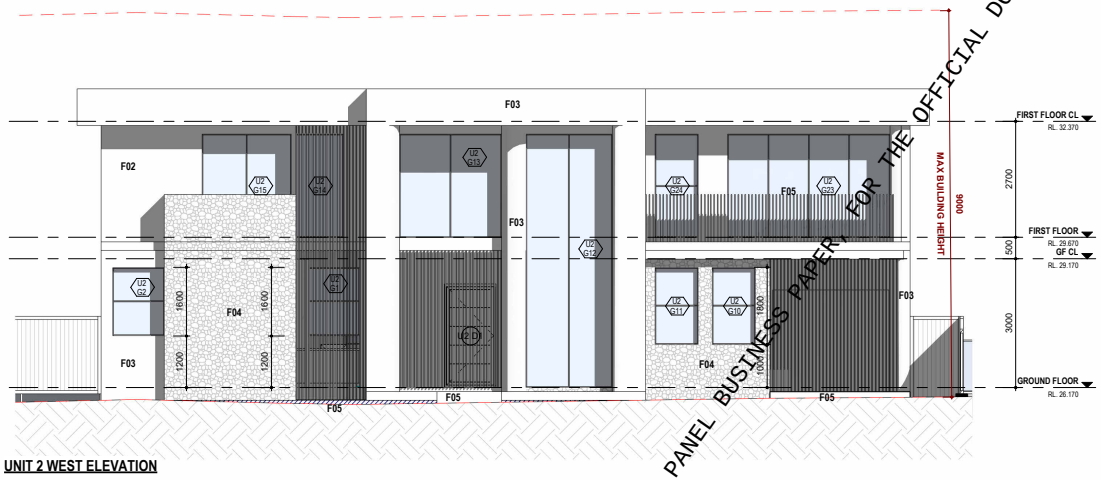


UNIT 2 EAST ELEVATION

1 : 100



UNIT 2 WEST ELEVATION

1 : 100

COLOUR AND MATERIAL SCHEDULE

CODE	SWATCH	DESCRIPTION
F01		COLORBOND ROOF, GUTTER & DOWNPIPE SURFMIST OR SIMILAR
F02		PAINT FINISH RENDERED WALL DULUX BEIGE ROYAL QUARTER OR SIMILAR
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F04		SANDSTONE CLAD FINISH WALL METALLIX AUSTRAL OR SIMILAR
F05		TIMBER LOOK ALUMINIUM BATTENS AND LOUVRES

TRUE NORTH:

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NOM. ARCHITECT: GEORGE YOUSSEF
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PROJECT STATUS:

ISSUED FOR DEVELOPMENT APPLICATION

PREPARED FOR:

JOHNY KAYROUZ AND FRED NOUH

PROJECT TYPE:

DUAL OCCUPANCY

PROJECT ADDRESS:

15 WALTON STREET BLAKEHURST 2221
LOT 8 S2 IN DP 6565

SHEET TITLE:

UNIT 2 ELEVATIONS

SHEET NO: A203

PROJECT NO: 1052

REV NO: 10

DRAWN BY: JS

CHECKED BY: GY

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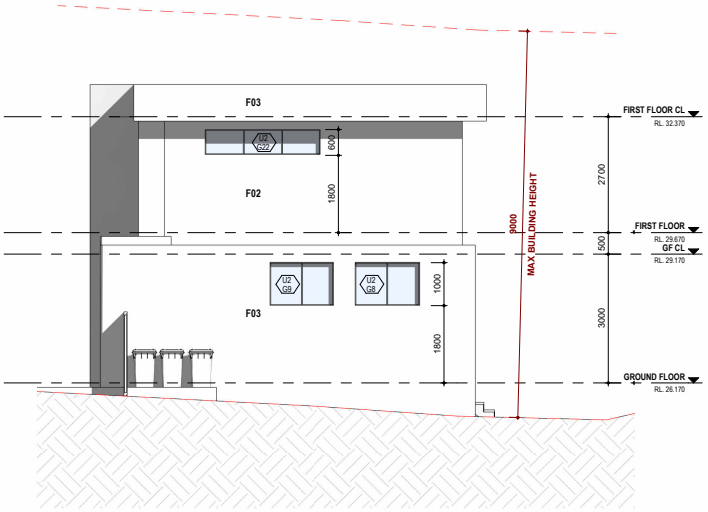
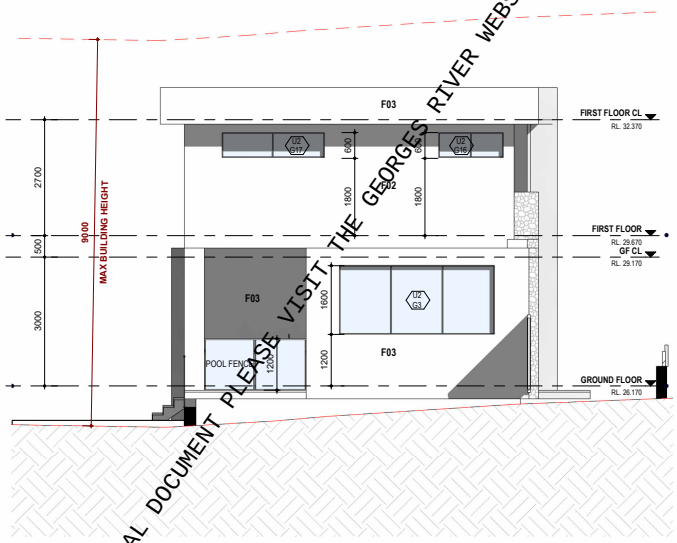


UNIT 2 SOUTH ELEVATION

1 : 100



UNIT 2 NORTH ELEVATION

1 : 100

COLOUR AND MATERIAL SCHEDULE

CODE	SWATCH	DESCRIPTION
F01		COLORBOND ROOF, GUTTER & DOWNPIPE SURFMIST OR SIMILAR
F02		PAINT FINISH RENDERED WALL DULUX BEIGE ROYAL QUARTER OR SIMILAR
F03		PAINT FINISH RENDERED WALL DULUX PAINT LEXICON OR SIMILAR
F04		SANDSTONE CLAD FINISH WALL METALLIX AUSTRAL OR SIMILAR
F05		TIMBER LOOK ALUMINIUM BATTENS AND LOUVRES

TRUE NORTH:

DESIGN FORMATION ARCHITECTS

NOM. ARCHITECT: GEORGE YOUSSEF
NSW REGO: 11535

CONTACT:
A: 203/25-27 GROSE ST PARRAMATTA NSW 2150
M: +61 422 566 912
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PROJECT STATUS:
ISSUED FOR DEVELOPMENT APPLICATION

PREPARED FOR:
JOHNY KAYROUZ AND FRED NOUH

PROJECT TYPE:
DUAL OCCUPANCY

PROJECT ADDRESS:
15 WALTON STREET BLAKEHURST 2221
LOT 8 S2 IN DP 6565

SHEET TITLE:
UNIT 2 ELEVATIONS

SHEET NO: A204

PROJECT NO:	REV NO:
1052	10

DRAWN BY:	CHECKED BY:
JS	GY

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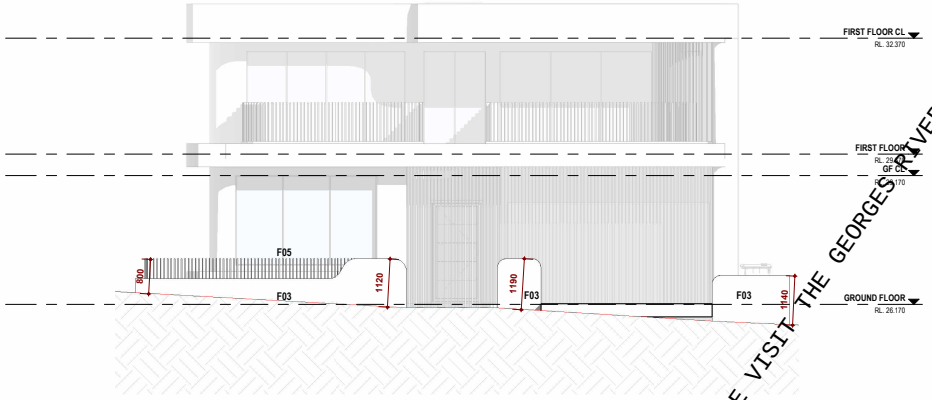
GEORGES RIVER LOCAL PLANNING PANEL BUSINESS PAPER, FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU



PRIMARY FRONT FENCE PLAN

1 : 100



SECONDARY FRONT FENCE PLAN

1 : 200

TRUE NORTH:

DESIGN FORMATION ARCHITECTS

NOM. ARCHITECT: GEORGE YOUSSEF
NSW REGO: 11535

CONTACT:
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PARRAMATTA NSW 2150
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PROJECT STATUS:
ISSUED FOR DEVELOPMENT APPLICATION

PREPARED FOR:
JOHNY KAYROUZ AND FRED NOUH

PROJECT TYPE:
DUAL OCCUPANCY

PROJECT ADDRESS:
15 WALTON STREET BLAKEHURST 2221
LOT 8 S2 IN DP 6565

SHEET TITLE:
FENCE PLAN

SHEET NO: A208

PROJECT NO:	REV NO:
1052	10

DRAWN BY:	CHECKED BY:
JS	GY

CURTAIN WALL SCHEDULE			
MARK	LEGNTH	HEIGHT	DESCRIPTION
U1 G1	3300	2100	3 PL SLIDING WINDOW
U1 G2	1400	1200	2 PL SLIDING WINDOW
U1 G3	1100	2200	2 PL HUNG WINDOW
U1 G4	1100	2200	2 PL HUNG WINDOW
U1 G5	2700	1000	3 PL SLIDING WINDOW
U1 G6	4040	2500	4 PL FIXED WINDOW
U1 G8	3800	2800	4 PL STACKER DOOR
U1 G10	1500	1000	2 PL SLIDING WINDOW
U1 G11	1500	1000	2 PL SLIDING WINDOW
U1 G12	3700	2400	4 PL STACKER DOOR
U1 G13	1400	600	2 PL SLIDING WINDOW
U1 G14	1400	2400	1 PL FIXED WINDOW
U1 G15	4215	2400	4 PL FIXED WINDOW
U1 G16	2000	2400	2 PL SLIDING DOOR
U1 G17	2675	600	3 PL SLIDING WINDOW
U1 G18	2505	600	2 PL SLIDING WINDOW
U1 G19	2400	1200	2 PL SLIDING WINDOW
U1 G20	1500	900	2 PL SLIDING WINDOW
U1 G21	4700	2400	4 PL STACKER DOOR
U1 G22	1440	2400	1 PL FIXED WINDOW
U1G7	3365	2800	3 PL STACKER DOOR
U1G9	1100	1000	2 PL SLIDING WINDOW
U2 G1	1200	1600	2 PL AWNING WINDOW
U2 G2	1200	1600	2 PL AWNING WINDOW
U2 G3	3600	1600	3 PL FIXED WINDOW
U2 G4	3300	2800	3 PL STACKER DOOR
U2 G5	2450	600	3 PL SLIDING WINDOW
U2 G6	1500	600	2 PL SLIDING WINDOW
U2 G7	1000	600	2 PL SLIDING WINDOW
U2 G8	1500	1000	2 PL SLIDING WINDOW
U2 G9	1500	1000	2 PL SLIDING WINDOW
U2 G10	1000	1800	2 PL AWNING WINDOW
U2 G11	1000	1800	2 PL AWNING WINDOW
U2 G12	2000	5900	2 PL FIXED WINDOW
U2 G13	2370	2400	2 PL SLIDING WINDOW W. RESTRICTORS
U2 G14	1100	2400	1 PL FIXED WINDOW
U2 G15	2075	2400	2 PL SLIDING DOOR
U2 G16	1500	600	2 PL SLIDING WINDOW
U2 G17	2400	600	2 PL SLIDING WINDOW
U2 G18	2000	1200	2 PL SLIDING WINDOW
U2 G19	1500	600	2 PL SLIDING WINDOW
U2 G20	4170	2400	4 PL SLIDING DOOR
U2 G21	900	600	2 PL SLIDING WINDOW
U2 G22	2700	600	3 PL SLIDING WINDOW
U2 G23	3770	2400	4 PL STACKER DOOR
U2 G24	1000	2400	2 PL AWNING WINDOW

DOORS SCHEDULE

MARK	HEIGHTS	WIDTH
U1 D1	2400	1200
U1 D2	2400	4800
U1 D3	2340	820
U1 D4	2340	820
U1 D5	2040	1240
U1 D6	2340	820
U1 D7	2040	820
U1 D8	2340	820
U1 D9	2340	820
U1 D10	2340	820
U1 D11	2340	820
U1 D12	2340	820
U1 D13	2340	820
U1 D14	2340	820
U1 D15	2340	820
U2 D1	2400	1200
U2 D2	2400	2780
U2 D3	2340	820
U2 D4	2340	820
U2 D5	2400	900
U2 D6	2340	820
U2 D7	2340	820
U2 D8	2340	820
U2 D9	2340	820
U2 D10	2340	820
U2 D11	2340	820
U2 D12	2340	820
U2 D13	2340	820

Grand total: 28

SKYLIGHT SCHEDULE	
MARK	COMMENTS
SK01	760X1180
SK02	1800X1800, 900 Radius
SK03	1800X1800, 900 Radius





COLOUR AND MATERIAL SCHEDULE

CODE	SWATCH	DESCRIPTION
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GEORGES RIVER LOCAL PLANNING PANEL BUSINESS

TRUE NORTH:

DESIGN FORMATION ARCHITECTS

NOM. ARCHITECT: GEORGE YOUSSEF
NSW REGO: 11535

CONTACT:
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PROJECT STATUS:
ISSUED FOR DEVELOPMENT APPLICATION

PREPARED FOR:
JOHNY KAYROUZ AND FRED NOUH

PROJECT TYPE:
DUAL OCCUPANCY

PROJECT ADDRESS:
15 WALTON STREET BLAKEHURST 2221
LOT 8 S2 IN DP 6565

SHEET TITLE:
SCHEDULES

SHEET NO: A311

PROJECT NO: 1052
REV NO: 10

DRAWN BY: JS
CHECKED BY: GY

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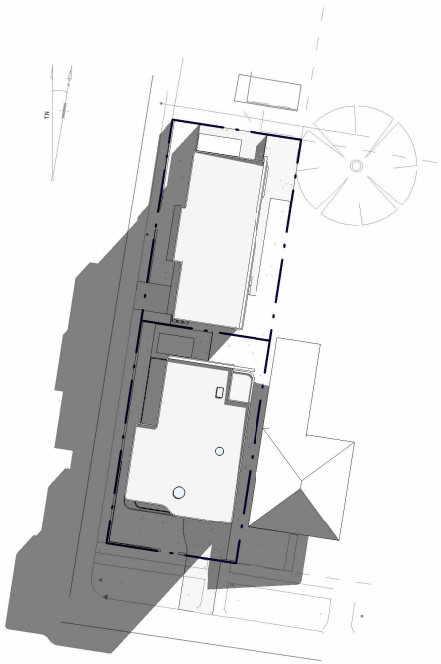
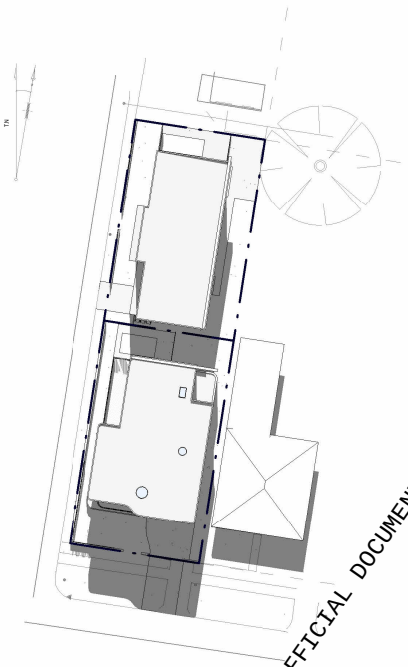


SHADOW DIAGRAM 9AM 21 JUNE

1 : 500



SHADOW DIAGRAM 12PM 21 JUNE

1 : 500



SHADOW DIAGRAM 3PM 21 JUNE

1 : 500

TRUE NORTH:

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NOM. ARCHITECT: GEORGE YOUSSEF
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PROJECT TYPE:

DUAL OCCUPANCY

PROJECT ADDRESS:

15 WALTON STREET BLAKEHURST 2221
LOT 8 S2 IN DP 6565

SHEET TITLE:

SHADOW DIAGRAMS

SHEET NO: A312

PROJECT NO:	REV NO:
1052	10
DRAWN BY:	**CHECKED BY:**
JS	GY

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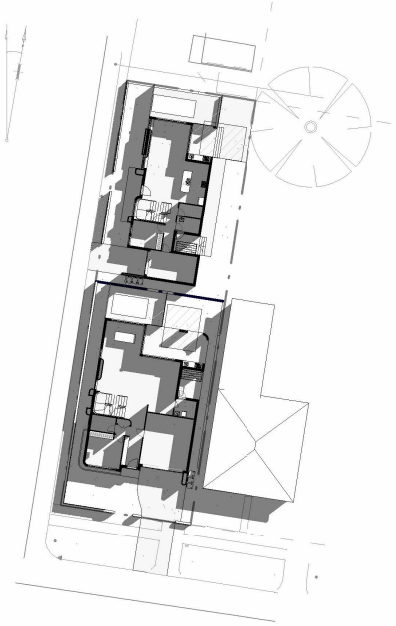
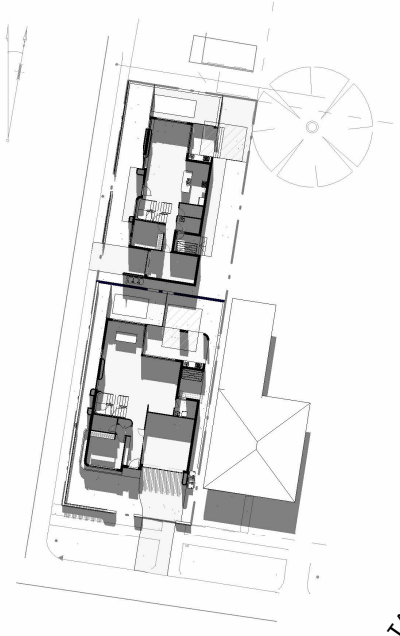


SHADOW DIAGRAMS 9AM 21 JUNE

1 : 500



SHADOW DIAGRAMS 12PM 21 JUNE

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SHADOW DIAGRAMS 3PM 21 JUNE

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TRUE NORTH:

DESIGN FORMATION ARCHITECTS

NOM. ARCHITECT: GEORGE YOUSSEF
NSW REGO: 11535

CONTACT:
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PARRAMATTA NSW 2150
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REV.	DESCRIPTION	DATE
10	ISSUED FOR RFI	21-01-2026
09	ISSUED FOR DA	31-10-2025
08	ISSUED FOR DA	17-09-2025
07	ISSUED FOR DA	03-09-2025
06	ISSUED FOR CLIENT REIEW	15-08-2025
05	ISSUED FOR CLIENT REIEW	14-08-2025
04	ISSUED FOR CLIENT REVIEW	04-08-2025
03	ISSUED FOR CLIENT REVIEW	28-07-2025
02	ISSUED FOR CLIENT REVIEW	25-07-2025
01	ISSUED FOR CLIENT REVIEW	14-07-2025

PROJECT STATUS:
ISSUED FOR DEVELOPMENT APPLICATION

PREPARED FOR:
JOHNY KAYROUZ AND FRED NOUH

PROJECT TYPE:
DUAL OCCUPANCY

PROJECT ADDRESS:
15 WALTON STREET BLAKEHURST 2221
LOT 8 S2 IN DP 6565

SHEET TITLE:
SHADOW DIAGRAMS

SHEET NO: A313

PROJECT NO:	REV NO:
1052	10

DRAWN BY:	CHECKED BY:
JS	GY

LPP013-26 Attachment 3

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Georges River Local Planning Panel Meeting

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	DA2025/0505
PAN	PAN-589738
Description	Demolition works, construction of dual occupancy with swimming pools and Torrens title subdivision
Address	15 Walton Street, Blakehurst
Lot / DP	Lot 16 Sec 2 DP 6565
Applicant	Design Formation Pty Ltd
Owner(s)	Andrew McGrath & Lyndal McGrath
Responsible Officer	Principal 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.

Proposal

Car Parking	Two (2) per dwelling
Demolition	Demolition proposed.
Estimated Development Cost	$1,760,000.00
Floor Space Ratio	Applicant: 0.60:1
	Council: 0.58:1
Front Setback	4.8m Secondary setback – 3.0m
Gross Floor Area	Applicant:456.79m^2
	Council: 444.1m^2
Land Use	Dual Occupancy
Landscaping Area	190.89m^2
Maximum Height of Building	7.7m
Minimum Side Setback	1.2m

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Proposal	
Rear Setback	4.0m
Subdivision	Y – Lot A = 400m^2, Lot B = 361.8m^2
Vegetation Removal	Y – Refer to the below assessment

A site plan is provided below:

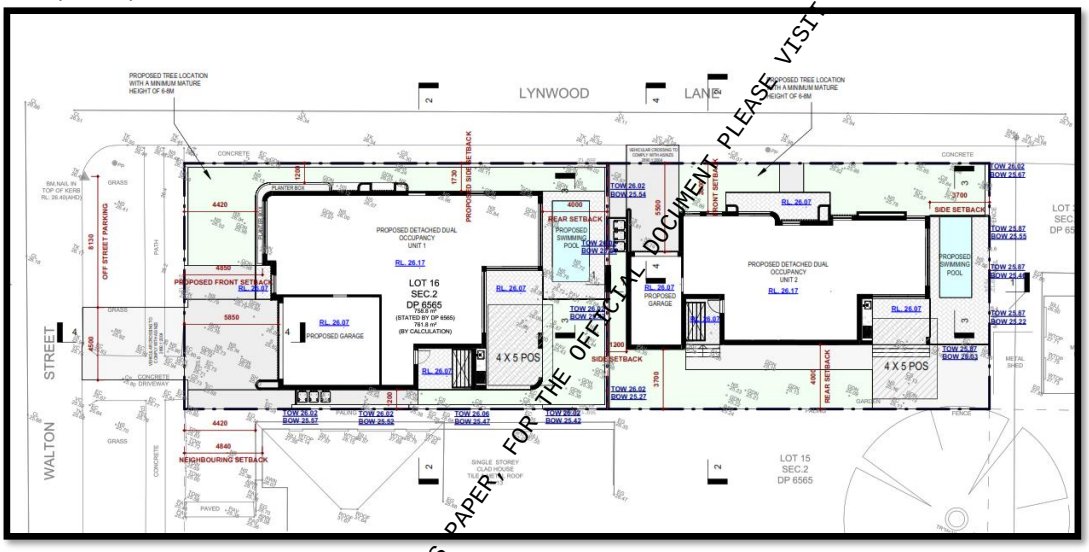

Figure 1 – Site plan *(Source: Architectural Plans)*

Aerial Image of Land Zoning

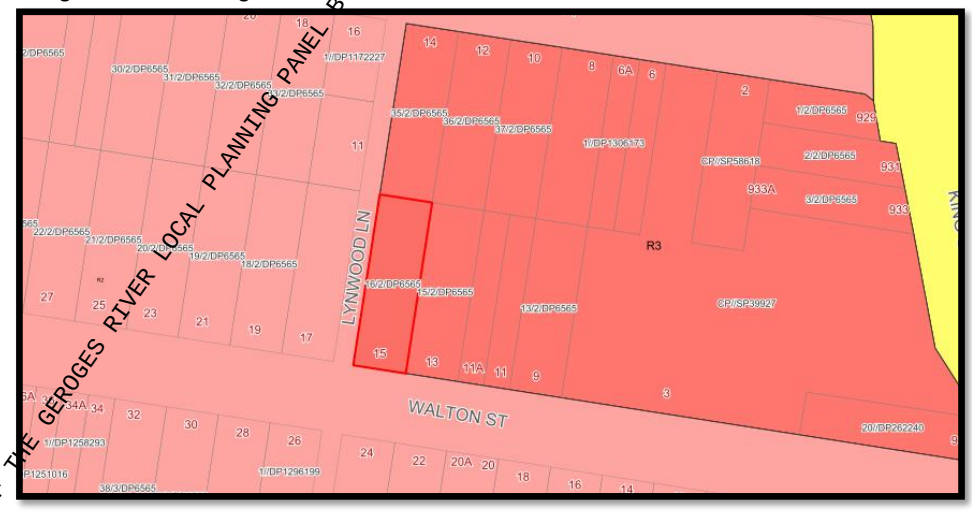

Figure 2 –Aerial view of development site outlined in red *(Source: IntraMaps)*

Aerial Image of Site

LPP013-26 Attachment 3



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

Processing

Action	Date	Comments
Submission	12/11/2025	-
Lodgement	17/11/2025	-
Site Inspection	13.02.2026	-
RFI Issued	20.01.2026	-
Revised Documents Received	04.02.2026	-
Final Assessment Completed	16.02.2026	-

Assessment - Section 4.15 Evaluation

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

Environmental Planning Policies	Applicable	
	Y	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	☒	☐

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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.
  - 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:

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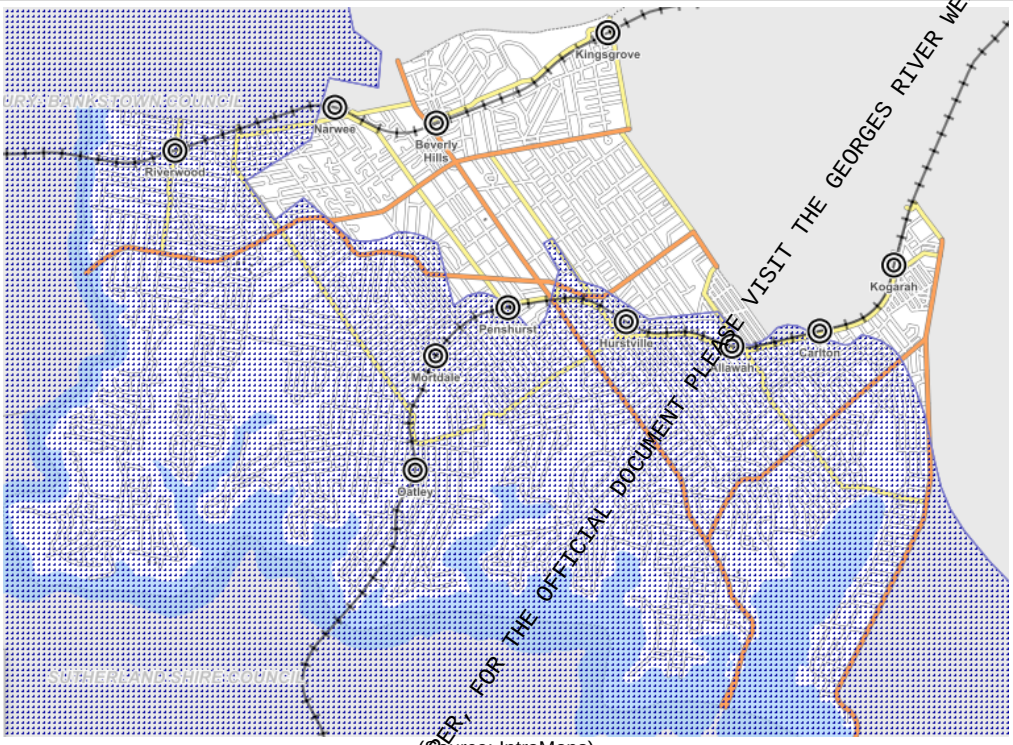

Source: IntraMaps)

State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 6

Assessment

Complies

The proposed development has been assessed against the provisions of Chapter 6 and complies. The development demonstrates 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 provisions are not applicable.

Public access provisions are not applicable.

The development aligns with total catchment management principles, and therefore consultation with adjoining councils was not required.

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 R3 Medium Density Residential.
- A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination.

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SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of land

- 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 (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.

SEPP (Sustainable Buildings) 2022

Assessment

Certificate Number:	1815656M			
Certificate Date:	02 October 2025			
		Y	**N**	**N/A**
Correct DP shown on the certificate	DP 6565	☒	☐	☐
Date of certificate is not older than 3 months to lodgement	2 October 2025	☒	☐	☐
Correct site area shown on the certificate	761.8m^2	☒	☐	☐
Correct floor area shown on the certificate	Y	☒	☐	☐
Correct roof area shown on the certificate	Y	☒	☐	☐
Correct number of bedrooms shown on certificate	4+ each dwelling	☒	☐	☐
Correct landscaping area shown on the certificate	Y	☒	☐	☐
Rainwater tank details on plans	2000L	☒	☐	☐

Correct swimming pool details shown on plans	KL shown on plans	☒	☐	☐
Correct hot water system details shown on plans (star rating, size)	6 Stars shown on plans	☒	☐	☐
The application has been assessed against the relevant provisions of SEPP (Sustainable Buildings) 2021. The proposal complies with the objectives of the EPI.				

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: • Penetration of ground within 2 metres of an underground power line • Works within 10 metres of any part of an electricity tower • Works immediately adjacent to a substation • Works immediately adjacent to an electricity easement • Works within 5m of an overhead power line • 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.	Achieved.	☒	☐	☐
2.48(2)(b)	Any response to the above has been considered.	No concerns raised. Conditions of consent to be imposed.	☒	☐	☐
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 Aims	(a) to provide for housing choices to cater for changing demographics and population needs, (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, (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, (f) to promote a high standard of urban design and built form, (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, (h) to protect, maintain and improve waterway health to achieve the environmental values of the	The proposal remains consistent with the aims of plan.	☒	☐	☐

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Georges River Local Environmental Plan 2021					
Section	**Text**	**Comment**	**Y**	**N**	**N/A**
	community and uses for waterways,				
2.2 Zoning	Refer to LEP map.	R3 Medium Density	☒	☐	☐
2.3 Zone objectives	R3 • To provide for the housing needs of the community within a medium density residential environment. • To provide a variety of housing types within a medium density residential environment. • 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.	The proposal demonstrates compliance with the objectives of the zone. The proposal reflects a high standard of urban design and built form.	☒	☐	☐
2.5 Additional permitted uses	Refer to Schedule 1.	Not applicable	☐	☐	☒
2.6 Subdivision	Subdivision may be carried out only with development consent.	Achieved.	☒	☐	☐
2.7 Demolition	The demolition of a building requires development consent.	Noted. Demolition plan provided for assessment.	☒	☐	☐
4.1 Minimum subdivision lot size	Refer to Lot Size Map	Achieved. Lot A – 400m^2 Lot B – 361.8m^2	☒	☐	☐
4.1B Minimum Lot sizes and special provisions for certain dwellings	(2)(a) Min. lot size for a dual occupancy = 650m2 (5) Min. frontage width = 18m2	15.24m frontage Refer to the below discussion.	☐	☒	☐
4.3 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, (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 Proposed: 7.7m	☒	☐	☐
4.4 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: 0.6:1 Proposed: Site Area – 761.8m^2 GFA: 444.1m^2	☒	☐	☐

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Georges River Local Environmental Plan 2021

Section	Text	Comment	Y	N	N/A
		FSR: 0.58:1			
4.4A Exceptions to floor space ratio—certain residential accommodation	**Dwelling** Site Are / Max. FSR Less than or 650 — 0.55:1 650 – 1,000 — [(site area - 650) × 0.3 + 357.5] ÷ site area:1 1,000 – 1,500 — [(site area - 1000) × 0.2 + 462.5] ÷ site area:1 1,500 + — [(site area - 1,500) × 0.1 + 562.5] ÷ site area:1 **Dual Occupancy** Site Are / Max. FSR Less than or 1,000 — 0.6:1 1,000 to 1,500 — [(site area – 1,000) × 0.3 + 600] ÷ site area:1 1,500 to 2,000 — [(site area - 1500) × 0.2 + 750] ÷ site area:1 2.000 + — [(site area – 2,000) × 0.1 + 850] ÷ 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.	☒	☐	☐
4.6 Exceptions to development standards	(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	Clause 4.6 variation request provided in support of the proposal. Refer to the below discussion.	☒	☐	☐
6.1 Acid sulfate soils	To ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage	Class 5. Subject to conditions of consent.	☒	☐	☐
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	Achieved. Minimal earthworks proposed. The proposal is not considered to detrimentally impact on the existing environmental functions.	☒	☐	☐
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	Appropriate stormwater management proposed on site. Conditions of consent to apply, subject to the approval of the application.	☒	☐	☐

LPP013-26 Attachment 3

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Georges River Local Environmental Plan 2021					
Section	**Text**	**Comment**	**Y**	**N**	**N/A**
6.9 Essential services	The property must have in place by determination the following services: (a) water, (b) electricity, (c) telecommunications facilities, (d) the disposal and management of sewage, (e) stormwater drainage or on-site conservation, (f) suitable vehicular access.	Essential services provided to each dwelling. Conditions of consent to apply, subject to the approval of the application.	☒	☐	☐
6.10 Design excellence	Applies to new dwellings (not secondary dwellings) within the Foreshore Scenic Protection Map Area.	Not applicable	☐	☐	☒
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— ~~(a) for a dwelling house located on land outside the Foreshore Scenic Protection Area—20% of the site area, or~~ (b) ~~for a dwelling house located on land within the Foreshore Scenic Protection Area—25% of the site area,~~ (c) for development in Zone R3 Medium Density Residential—20% of the site area ~~(d) for development in Zone R4 High Density Residential—10% of the site area~~ 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.	Site Area – 761.8m2 Landscaped Area – 185.9m^2 185.9/761.8m = 24% Lot A 86.7m^2 landscaped area 86.7/400 = 21% Lot B 99.2m2 landscaped area 99.2/361.8 = 27%	☒	☐	☐
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.					

GRLEP 2021 Clause 4.6 Variation

Clause 4.6 Exceptions to Development Standard of Georges River Local Environmental Plan (GRLEP) 2021 states in subsection 3, *that development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

(a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and

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

Variation of a Development Standard

The proposed variation relates to building height. This matter is a Development Standard as defined in the Environmental Planning and Assessment Act 1979 and, as a result, the matter can be considered through Clause 4.6.

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Written Request
Clause 35B of the Environmental Planning and Assessment Regulation 2021 requires the applicant to prepare a document (written request) that sets out the grounds on which these matters are demonstrated. The development application was accompanied by a written request for the proposed Clause 4.6 variation.

Proposed Variation
The proposal seeks to vary Clause 4.1B(5)(a) Minimum Lot Sizes and Special Provisions for certain dwellings, a development standard contained within GRLEP 2021, as indicated table below:

Clause	Development Standard	Proposal	Calculated Variation (m)	Calculated Variation (%)
Cl 4.1B: Minimum lot sizes and special provisions for certain dwellings	18m.	15.4m	2.6m	15.33%

The objectives of Clause 4.1B are:

(1) The objectives of this clause are as follows—

(a) to ensure that lots for residential accommodation are of sufficient size to accommodate proposed dwellings, setbacks to adjoining residential land, private open space and landscaped areas, driveways and vehicle manoeuvring areas,
(b) to ensure that dual occupancies in Zone R2 Low Density Residential retain the general low-density scale and character of existing single dwelling development,
(c) to ensure that multi dwelling housing in Zone R3 Medium Density Residential retain the general medium-density scale and character of existing multi dwelling development,
(d) to minimise any likely adverse impact of the development on the amenity of the area,
(e) where an existing lot is inadequate in terms of its area or width—to require the consolidation of 2 or more lots.

Unreasonable or Unnecessary
The Clause 4.6 written request put forward the following reasons which sought to address why compliance with the standard was considered unreasonable or unnecessary, including:

- *The proposed dwellings are of sufficient size and are sited in a manner such that they provide appropriate setbacks to adjoining residential land, private open space, landscaped areas, and vehicle access and manoeuvring.*
- *The Site satisfies the minimum lot area requirement under the provision, enabling an attached dual occupancy to be carried out in strict compliance with the relevant controls. In this case, the Site also maintains sufficient width to accommodate a detached dual occupancy, as the laneway effectively functions as a battle-access handle;*
- *The proposal avoids an unnecessarily elongated built form. Although an attached form could be facilitated, it would deliver an inferior planning outcome in this context;*
- *The detached arrangement provides greater opportunity for landscaped area between the dwellings, thereby reducing visual bulk and contributing positively to the amenity of both the Site and the surrounding area.*

Comment:
The objectives of the Standard are to ensure that sites have sufficient dimensions to provide adequate setbacks to adjoining residential land, private open space and landscaped areas, as well as suitable areas for driveways and vehicle manoeuvring.

The proposed development will not result in any adverse impacts on the amenity of the surrounding area.

The site is capable of accommodating a dual occupancy that complies with the requirements of the GRLEP 2021 and GRDCP 2021 with respect to private open space, parking, floor space ratio, and the provision of an appropriate living environment for both occupants and neighbouring properties.

Each dwelling within the proposed dual occupancy will have a public road frontage and a site width at the front building line exceeding 9.0 metres, as well as a site area greater than 325m². The development provides adequate space around each dwelling, along with compliant vehicular access and parking in accordance with the GRDCP 2021 requirements.

The proposed dual occupancy will present appropriately to both Walton Street and Lynwood Lane and is consistent with the established built form and other recent approvals in the locality. The design minimises impacts on adjoining properties and is compatible with the character of the surrounding development.

Environmental Planning Grounds
The Clause 4.6 written request considered environmental planning grounds to justify the contravention of the development standard, including: -

- *Despite the proposed contravention, the resulting detached dual occupancy is consistent with the established character of the locality. Examples include 16A Cooleen Street, 19 Lynwood Lane, and 24 Walton Street, each of which contains a dwelling fronting Lynwood Lane and presenting as a detached dual occupancy. Accordingly, the Proposal would be in keeping with the prevailing development pattern of the immediate locality.*
- *The Site meets the minimum area and width requirements to facilitate an attached dual occupancy in full compliance with the controls. However, the Site also provides adequate width to accommodate a detached dual occupancy, which is considered a better planning outcome as it avoids an elongated built form and allows for greater landscaped area, without requiring lot consolidation.*
- *The proposed dual occupancy does not result in undue adverse amenity impacts in terms of solar access, acoustic, visual privacy, or any known significant view impacts for any adjoining property.*
- *The Site exceeds the minimum required site area by 111 sqm.*
- *The variation assists in facilitating the redevelopment of the site, revitalising the Site and the streetscape without undermining the desired character of the locality as it is our view that the design team has skillfully ensured that the proposal provides sufficient visual interest without resulting in undue visual bulk.*

Comments:
In supporting the variation, Council has considered the relevant environmental planning grounds and acknowledges the specific site circumstances, including the dual-frontage nature of the property.

The applicant has demonstrated that the proposed development is consistent with the existing streetscape and built form along both Walton Street and Lynwood Lane. It is further noted that approval of the proposal would maintain consistency with nearby development patterns in the locality.

The proposed development has been assessed and is not expected to result in any adverse amenity impacts on adjoining properties.

Assessment of 4.6 Variation Request Conclusion
Council has considered the written request seeking a variation to Clause 4.1B(5)(a) – *Minimum Lot Sizes and Special Provisions for Certain Dwellings* of the Georges River Local Environmental Plan 2021.

Council is satisfied that the written request accurately identifies the extent of the non-compliance and appropriately addresses the degree of variation sought.

The applicant has argued that strict compliance with the development standard is unreasonable in the circumstances of this case, given the site's dual-frontage configuration. This site characteristic is consistent with surrounding properties, many of which have been similarly developed.

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Council is satisfied that the written request has adequately demonstrated that compliance with the development standard is unreasonable, in accordance with Clause 4.6(3)(a) of the Georges River Local Environmental Plan 2021.

Council has also considered whether the request provides sufficient specific environmental planning grounds to justify the variation. The consent authority is satisfied that the written request addresses this requirement and demonstrates adequate environmental planning grounds in accordance with Clause 4.6(3)(b) of the Georges River Local Environmental Plan 2021.

Accordingly, the proposed variation is supported.

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	☒	☐
Part 6.4	Ancillary Development	☒	☐
Part 6.5	Foreshore Locality Controls	☐	☒
Appendices	Supporting Information (e.g. Exempt Tree Works)	☒	☐

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.	Achieved. The proposal is subject to conditions of consent with regard to landscaping.	☒	☐	☐
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).	Achieved. The proposal is subject to conditions of consent with regard to landscaping.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.3. The proposal complies with the objectives and controls of this section of the DCP.					

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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.	Achieved	☒	☐	☐
3.5(2)	Cut and fill should not alter natural or existing ground levels by more than 1m	NGL is not altered more than 1m	☒	☐	☐
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 existing ground level.	☒	☐	☐
3.5(4)	Rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls are not to be removed or covered.	Not proposed / achieved.	☒	☐	☐
3.5(5)	Development is to be located so that clearing of vegetation is avoided.	Conditions of consent imposed.	☒	☐	☐
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 (Protection of trees on development sites).	Not applicable	☐	☐	☒
3.5(7)	Soil depth around buildings should be capable of sustaining trees as well as shrubs and smaller scale gardens.	Achieved. Appropriate soil depths maintained throughout.	☒	☐	☐
3.5(8)	Earthworks are not to increase or concentrate overland stormwater flow or aggravating existing flood conditions, on adjacent land	Achieved.	☒	☐	☐
3.5(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 subject site is not flood affected. Appropriate stormwater management proposed.	☒	☐	☐
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 complies with the objectives and 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	The application has been assessed against the relevant provisions of SEPP (Resilience and Hazards) 2021 within this report.	☒	☐	☐

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3.6 Contaminated Land

Clause	Text	Comment	Y	N	N/A
	should be restricted due to the presence of contamination.				
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.					

3.10 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 proposal provides for appropriate stormwater management on site.	☒	☐	☐
Flood Risk Management	The development must comply with Council's Stormwater Management Policy and the NSW Floodplain Development Manual, ensuring appropriate controls are applied in identified flood planning, 1% AEP, and PMF affected areas.	The proposal provides for appropriate stormwater management on site.	☒	☐	☐
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 proposal provides for appropriate stormwater management on site.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.10. The proposal complies with the objectives and controls of this section of the DCP.					

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 impacts on streetscape and neighbouring amenity.	A sufficient waste management plan has been provided with the application. Conditions of consent to apply, subject to the approval of the application.	☒	☐	☐
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.					

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3.13 Parking Access and Transportation

Clause	Text	Comment	Y	N	N/A
3.13(1) Rate	• 1 space per 1 and 2 beds • 2 spaces per 3 beds or more • Home business / industry: 1 per employee not residing at site.	2 spaces provided per dwelling. Unit 2 provided with a stacked arrangement.	☒	☐	☐
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	Achieved	☒	☐	☐
3.13(16) Basements	Basement car parking is to be located within the building footprint.	Not applicable	☐	☐	☒
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.	Not applicable	☐	☐	☒
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.					

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.	Achieved. Provided to each dwelling.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.14. The proposal complies with the objectives and controls of this section of the DCP.					

3.16 Subdivision

Clause	Text	Comment	Y	N	N/A
3.16(2)	New allotments for dwelling houses are to have a minimum width of 15m for the entire allotment.	Not applicable. Detached dual occupancy proposed.	☐	☐	☒
3.16(3)	Battle-axe allotments are to comply with the access requirements outlined below: Zone: R2 / R3 — Max. Number of Lots.: 6 — Width of Access Handle: 2 or less: 3m Zone: R2 / R3 — Max. Number of Lots.: 6 — Width of Access Handle: More than 2: 6m	Not applicable	☐	☐	☒
3.16(5)	Where the topography of a site requires separate pedestrian access	Not applicable	☐	☐	☒

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3.16 Subdivision

Clause	Text	Comment	Y	N	N/A
	or is only accessible by the use of an inclinator, an accessway with a minimum width of 2 metres is to be provided.				
3.16(6)	Corner allotments may be required to provide a 3m x 3m splay corner (road to road), or 1.5m x 1.5m (lane to road).	Not required in this instance	☐	☐	☒
3.16(7)	Newly created allotments must include an indicative building envelope to demonstrate how solar access, vehicular access, setbacks, landscaped areas and tree preservation can be achieved.	Achieved	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.16. The proposal complies with the objectives and controls of this section of the DCP.					

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.	Achieved. Each dwelling is provided views to the street from habitable rooms.	☒	☐	☐
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.					

Part 5 – Residential Locality Statement

Area	Comment	Y	N	N/A
• Blakehurst	The proposed development demonstrates consistency with the Residential Locality Statement by respecting the established and desired future character of the area, integrating well with the surrounding streetscape, and maintaining key features such as building form, scale, setbacks, and landscaping that contribute to the locality's unique identity.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 5. The proposal complies with the objectives and controls of this section of the DCP.				

6.1.3 Dual Occupancy

Clause	Text	Comment	Y	N	N/A
1. Streetscape Character and Built Form					

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6.1.3 Dual Occupancy					
Clause	**Text**	**Comment**	**Y**	**N**	**N/A**
• Ensure dual occupancy development contributes to the creation of cohesive yet varied and visually interesting streetscapes. • Ensure development is consistent with the desired future character of the area. • Ensure development is appropriately setback from the site boundaries to achieve a balance between buildings and open space around buildings. • Ensure development uses materials, colours and textures that are compatible with the dominant form in the streetscape in terms of type, form and colour. • Protect the natural scenic landscape qualities of sensitive areas such as the Georges River foreshore. • Create a high amenity living environment and to maintain existing residential amenity for adjoining or nearby residential development.		The proposed detached dual occupancy appropriately responds to the desired future character of the area. The proposal has been designed to respond to the relevant controls found within the GRDCP 2021.	☒	☐	☐
1	Dual occupancies are to have windows in all street-facing elevations. Service rooms such as bathrooms and ensuites are not to be within primary or secondary street frontages.	Habitable rooms are appropriately located to ensure they front the primary road frontages.	☒	☐	☐
2	Driveways and accessways should not dominate the streetscape and located to comply with AS2890 (latest edition).	The proposed driveways and accessways have bee appropriately integrated into the proposal.	☒	☐	☐
3	The design of the street facing elevation of any dual occupancy development should seek to incorporate design features such as: i. A defined entry feature; ii. Awnings, louvers, shutters or other features over windows; iii. Balcony or window box treatment to any first floor element; iv. Recessed or projected prominent architectural elements to visibly break up the facade and avoid an expansive blank wall; v. Open verandahs; vi. Use of bay windows or similar features along the façade	Achieved, appropriate elevational design proposed to the frontage of each dwelling.	☒	☐	☐
4	Each dwelling entrance is to be clearly identifiable from the street and recessed a maximum of 1m into the façade of the dwelling.	Achieved, each dwelling entrance is clearly identifiable from the street.	☒	☐	☐
5	Access to garaging and additional parking spaces for dual occupancy dwellings should not result in large expanses of paved surfaces within the street setback of the development.	Sufficient landscaping provided within the primary and secondary frontage.	☒	☐	☐
6	The maximum size of voids at the first floor level should be a total of 15m2	The proposed voids to unit 1 are not to exceed 15m^2	☒	☐	☐

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6.1.3 Dual Occupancy					
Clause	**Text**	**Comment**	**Y**	**N**	**N/A**
	(excluding voids associated with internal stairs) for each of the two dwellings.				
7	Garages for each dwelling within an attached dual occupancy development must be a single car space wide only. Two car garages in a tandem arrangement may be acceptable.	Not applicable			☒
2. Building Scale and Height					
• Ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality. • Minimise adverse visual impact, disruption of views, loss of privacy and loss of sunshine to existing residential development. • Minimise the adverse impact on Heritage Conservation Areas, Heritage Items and contributory buildings. • Reduce the visual impact of development when viewed from waterways, as well as other public places such as parks, roads and community facilities.		The proposal is of a building scale and height that is consistent with the controls found in the GRDCP 2021, and compatible with the adjoining development.	☒	☐	☐
1	New buildings are to consider and respond to the predominant and desired future scale of buildings within the neighbourhood, and respond to the topography and form of the site.	Achieved. The proposal is of a scale that remains compatible with the adjoining development and applicable FSR control found in the GRLEP 2021.	☒	☐	☐
3. Setbacks					
• Preserve significant vegetation, which contributes to the public domain, and allows for street landscape character to be enhanced. • Integrate new development with the desired setback character of the street by ensuring front setbacks are consistent with adjoining buildings. • Provide opportunities for landscape planting and private open space. • Maintain a reasonable level of privacy and amenity for neighbours and adequate access to sunlight. • Ensure adequate separation between buildings, consistent with the desired character and rhythm of built elements in the street.		The proposal has incorporated sufficient building separation/setbacks throughout.	☒	☐	☐
1 Front	Minimum setback from the primary street boundary for ground and first floor is: i. 4.5m to the main building wall / facade; ii. 5.5m to the front wall or door of the garage, carport or on-site parking space; iii. Where the prevailing street setback is greater than the minimum, the average setback of dwellings on adjoining lots is to be applied. Note: The "Prevailing Street Setback" is the setback calculated by	4.8m front setback proposed (Unit 1) 5.9m front setback proposed to the door of the garage.	☒	☐	☐

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6.1.3 Dual Occupancy					
Clause	**Text**	**Comment**	**Y**	**N**	**N/A**
	averaging the setback of the two (2) adjoining residential properties on either side of the development.				
3.8 Side and Rear	The minimum side setback of the dwelling with frontage to a primary street to the access handle is to be 1.2m	1.2m side setback proposed.	☒	☐	☐
9 Corner Site Setbacks – (Detached)	The minimum setback (ground and first floor) to a secondary street is 3m. Garages accessible from the secondary street must be setback a minimum of 5.5m.	Unit 2 is provided with a 3m setback and 5.5m setback to the garage door.	☒	☐	☐
10 Corner Site Setbacks – (Detached)	A minimum side setback (ground and first floor) of 1.2m is required from the internal allotment boundary for the dwelling addressing the secondary frontage for lots outside the Foreshore Scenic Protection Area. ~~A minimum side setback of 1.5m is to be provided for lots within a Foreshore Scenic Protection Area~~.	1.2m provided.	☒	☐	☐
11 Corner Site Setbacks – (Detached)	The minimum side setback of the dual occupancy dwelling addressing the secondary frontage is 3m, while the minimum rear setback of the dual occupancy dwelling addressing the secondary frontage is 4m. See Figure 8.	3.7m side setback proposed 4m rear setback proposed.	☒	☐	☐
12 Corner Site Setbacks – (Detached)	The minimum rear setback of the dwelling fronting the primary street to the proposed internal allotment boundary is 4m. The front and side setbacks in accordance with Points 1 and 2 in Sections 6.1.3.3 (1) and 6.1.3.3 (2) of this DCP will apply to this dwelling. See Figure 8.	4m rear setback proposed.	☒	☐	☐
13 Corner Site Setbacks – (Detached)	The minimum front setback of the dwelling fronting the primary street (ground and first floor) is: i. 4.5m to the main building wall / façade. ii. 5.5m to the front facade of a garage or carport; or on-site parking space.	Achieved.	☒	☐	☐
14 Corner Site Setbacks – (Detached)	The minimum side setback of the dwelling fronting the primary street (ground and first floor) are: i. 1.2m for development outside the Foreshore Scenic Protection Area. ii. 1.5m for lots within the Foreshore Scenic Protection Area.	1.2m proposed.	☒	☐	☐
4. Solar Access					

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6.1.3 Dual Occupancy					
Clause	**Text**	**Comment**	**Y**	**N**	**N/A**
• Minimise loss of sunlight to adjacent buildings and minimise adverse amenity impacts on adjoining development. • Ensure an appropriate amount of solar access to main living areas and areas of principal private open space within the site and adjoining sites. • Encourage the break up and articulation of building bulk to allow sunlight penetration.		Sufficient solar access is provided to each dwelling, whilst retaining the available solar access to the adjoining development.	☒	☐	☐
1	New buildings and additions are to provide 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.	The subject proposal is capable of achieving 3 hours solar access into living room windows and at least 50% of the POS.	☒	☐	☐
2	Direct sunlight to north-facing windows of habitable rooms and 50% of the area of principal private open space of neighbouring dwellings should not be reduced to less than 3 hours between 9.00am and 3.00pm on 21 June. Note: Variations will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation.	The adjoining development is capable of achieving a minimum 3 hours solar access to habitable rooms and POS.	☒	☐	☐
5. Visual Privacy					
• Ensure development minimises direct overlooking between main living areas and main private open space within the site and adjoining sites.		The proposal is not to result in the direct overlooking of the adjoining development. Habitable rooms are appropriately locate.	☒	☐	☐
1	Windows and balconies of main living areas are to be directed toward the front and rear of a site.	Main living areas are appropriately located, maintaining visual privacy to the adjoining development.	☒	☐	☐
2	Windows and balconies of habitable rooms are not to directly overlook windows, balconies and the open space of adjacent dwellings. To ensure appropriate privacy, consideration should be given to including: i. Physical screening devices such as fixed external timber battens; ii. Splaying or staggering the location of windows; iii. Use of level changes; iv. Use of increased window sill heights or the use of glazing such as frosted glass or glass blocks; v. Avoiding elevated decks or balconies; and vi. Increasing building setbacks from the side boundary.	Windows and balconies to each dwelling are appropriately located and are not considered to adversely impact upon the visual privacy of the adjoining development.	☒	☐	☐

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6.1.3 Dual Occupancy					
Clause	**Text**	**Comment**	**Y**	**N**	**N/A**
3	First floor balconies located at the rear of dwellings must not project more than 1500mm beyond the main rear wall alignment and must incorporate fin walls or privacy screens on the sides to prevent overlooking of the living rooms and main private open space areas of adjoining properties.	Achieved.	☐	☐	☐
7. Excavation (Cut and Fill)					
• Retain natural ground levels and existing landform. • Create consistency along streetscapes. • Minimise the extent of excavation and fill. • To ensure that excavation and fill does not result in an unreasonable loss of privacy or security for neighbours. • Must not impact the height of the swimming pool fence on the subject site or adjoining sites to ensure compliance with AS1926 (latest edition).		Natural ground level and the existing landform is generally retained. The proposal seeks minimum cut and fill throughout.	☒	☐	☐
1	Any excavation must not extend beyond the building footprint, including any basement car park.	Achieved	☒	☐	☐
2	The depth of cut and fill must not exceed 1.0m from existing ground level, except where the excavation is for a basement car park.	Cut/fill is not to exceed 1m. 0.6m proposed.	☒	☐	☐
3	Developments are to avoid unnecessary earthworks by designing and siting developments to 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.	Achieved	☒	☐	☐
8. Vehicular Access, Parking and Circulation					
• Ensure car parking is provided to meet the requirements of Council. • Ensure vehicular access routes and parking areas are easily accessible and visible to motorists. • Ensure car access areas and garages/carports do not visually dominate either the development or the streetscape. • Ensure car parking spaces are designed to ensure ease of access, egress and on-site manoeuvring. • Limit the width of driveways and hard surfaces depending on the site frontage.		Appropriate vehicular access to both dwellings is provided.	☒	☐	☐
1	Each 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).	Achieved. Double garage proposed to unit 1 and single garage with tandem car space proposed to unit 2.	☒	☐	☐

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6.1.3 Dual Occupancy					
Clause	**Text**	**Comment**	**Y**	**N**	**N/A**
2	Car parking is to be provided in accordance with the requirements in Part 3 General Issues of this DCP.	Achieved	☒	☐	☐
3	Garages should be accessed directly from a rear lane where this is available. Entry to parking facilities off the rear lane must be setback a minimum of 1m from the lane.	Achieved.	☒	☐	☐
4	Driveway crossings are to be positioned so that on-street parking and landscaping on the site and the public domain are maximised, and the removal or damage to existing street trees is avoided.	Achieved.	☐	☐	☐
5	The maximum driveway width between the street boundary and the primary building setback alignment of the garage is 4 metres.	A maximum 4m width is proposed.	☒	☐	☐
9. Subdivision					
• Subdivision of dual occupancy development is permitted with consent. The suitability of the dual occupancy development and its impacts upon streetscape and general amenity will guide the suitability of the underlying lots to be created. The minimum lot sizes that will apply to subdivision of a dual occupancy is contained within the GRLEP 2021 as referenced at Clauses 4.1A Minimum subdivision lot size for dual occupancies.		The proposed subdivision is considered suitable in this instance.	☒	☐	☐
10. Private Open Space					
• Ensure that private open space is designed to provide residents with quality useable private outdoor living areas for recreational and outdoor activities. • Ensure that private open space is designed for privacy, solar access, and is well integrated with living areas. • Provide private open space that facilitates opportunities for active and passive recreation, landscaping and tree planting		Each dwelling is provided with sufficient POS. The proposed POS is appropriately located with regard to its integration with living area.	☒	☐	☐
1	An area of Private Open Space is to be provided which: i. Is located at ground level; ii. Has a minimum dimension of 4m x 5m; iii. Is not steeper than 1 in 20; iv. Is directly accessible from a main living area; and v. May include a covered patio area.	A 4x5m area of POS is provided to each dwelling. The area of POS is appropriately located.	☒	☐	☐
2	The private open space is to be located at the rear of the property and/or behind the building line established by the front setback.	Achieved. POS is located behind the front building line.	☒	☐	☐
3	Private open space is to be provided for all dwellings.	POS is provided to each dwelling	☒	☐	☐

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6.1.3 Dual Occupancy					
Clause	**Text**	**Comment**	**Y**	**N**	**N/A**
5	Private open space is to be located so as to maximise solar access.	Private open space is appropriately orientated with consideration to the primary and secondary frontages.	☒	☐	☐
6	Private open space is to be designed to minimise adverse impacts upon the privacy of the occupants of adjacent sites and within the proposed development.	Achieved. Visual privacy is maintained for the adjoining development and the future occupants of the dwellings.	☐	☐	☐
11. Landscaping					
• Enhance the existing streetscape. • Enhance the quality and amenity of the built form by reducing the visual and environmental impacts of buildings, structures and hardstand areas. • Provide privacy and shade. • Minimise the extent of hard paved areas and facilitate rainwater infiltration to the water table. • Preserve and enhance native wildlife populations and habitat through appropriate planting of indigenous vegetation. • Retain and provide for mature vegetation and the healthy growth of canopy trees, particularly large and medium sized trees. • Provide continuous vegetation corridors. • Protect existing natural rock outcrops.		Sufficient landscaping has been provided to each dwelling. Conditions of consent to apply.	☒	☐	☐
1	Landscaped area for dual occupancies (has the same meaning as the Georges River LEP 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.	Achieved. Refer to the above assessment.	☒	☐	☐
2	Soft soil landscaping is to be provided in all landscaped areas as required by the GRLEP 2021 and must have a minimum dimension of 1.2m in all directions. Existing natural rock outcrops can be counted towards the calculation of soft soil landscaping.	Achieved.	☒	☐	☐
3	To provide a landscape setting within the primary and secondary street frontages, impervious paved areas are to be 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.	Achieved.	☒	☐	☐
4	Impervious areas are to occupy no more than: i. 70% of the street setback area where the front setback is less than 6m, or	Impervious areas are not to occupy more than 60% of the primary setback area.	☒	☐	☐

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6.1.3 Dual Occupancy					
Clause	**Text**	**Comment**	**Y**	**N**	**N/A**
	ii. 65% of the street setback area where the front setback is 6m or greater, or iii. 60% of the primary street setback area on corner allotments.				
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 is provided on Council's website.	Achieved	☒	☐	☐
12. Materials, Colour Scheme and Details					
• To ensure that the choice of external materials, colour schemes and building details in new development and existing houses where visible from a public place, reinforces and enhances any identifiable visual cohesiveness or special qualities evident in the street and the locality.		Appropriate colours and finishes are proposed. Articulation along the primary and secondary frontages is demonstrated.	☒	☐	☐
1	No large expansive surfaces of predominantly white, light or primary colours would dominate the streetscape or other vista should be used.	Appropriate articulation proposed.	☒	☐	☐
2	New development should incorporate colour schemes that have a hue and tonal relationship with the predominant colour schemes found in the street.	Achieved	☒	☐	☐
3	Matching buildings in a row should be finished in the same colour or have a tonal relationship.	Appropriate colours and finishes proposed.	☒	☐	☐
4	All materials and finishes utilised should have low reflectivity.	Appropriate colours and finishes proposed.	☒	☐	☐
13. Site Facilities					
• Ensure adequate provision is made for site facilities to support residential occupation of dual occupancy development. • Ensure that services do not detract from the amenity of neighbourhoods and streets. • Facilitate a safe, efficient and comfortable living environment. • Ensure site utilities are accessible, visually unobtrusive and require minimal maintenance.		Appropriate site facilities have been provided on site. The proposal was reviewed by Councils Development Engineer who raised no concerns with the proposal.	☒	☐	☐
1	All dwellings are to be provided with adequate and practical internal and external storage (garage, garden sheds, etc.).	Achieved.	☒	☐	☐
2	Provision for water, sewerage and stormwater drainage for the site shall	Achieved.	☐	☐	☐

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6.1.3 Dual Occupancy

Clause	Text	Comment	Y	N	N/A
	be nominated on the plans to Council's satisfaction.				
2	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.	Achieved.	☐	☐	☐
4	Letterboxes are to be located on the frontage where the address has been allocated in accordance with Australia Post requirements	Achieved.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 6.1.3. The proposal complies with the objectives and controls of this section of the DCP.					

6.4.1 Fences and Walls

Clause	Text	Comment	Y	N	N/A
• Ensure fences and walls improve amenity for existing and new residents and contribute positively to the streetscape and adjacent buildings. • Ensure materials used in fences and walls are of a high quality and in keeping with the existing streetscape character and character of the dwelling. • Ensure fences and walls are sympathetic to the topography of the site. • Ensure retaining walls minimise the impact of run off on adjoining properties and public land. • Minimise interference with natural drainage patterns. • Be of a height, design and located so as to not detrimentally impact upon pedestrian and vehicle sightlines		The proposed fencing is considered acceptable. A condition of consent is to apply.	☒	☐	☐
1 Front Fences	Fence heights are to be limited to a maximum of: i. 900mm for solid masonry, and ii. 1.2m for open or partially transparent styles such as picket or palisade.	A condition of consent is to apply to ensure compliance.	☒	☐	☐
2 Front Fences	Preferred materials for fencing are masonry, stone, ornate timber or ornate metal.	Achieved	☒	☐	☐
Front Fences	Fencing (and landscape screening) is to be located to ensure sight lines between pedestrians and vehicles exiting the site are not obscured. Gates are not to open over the public roadway or footpath.	The proposed fencing is of a height to ensure sight lines are maintained.	☒	☐	☐
6 Side and Rear Fences	Side and rear boundary fences must not be higher than 1.8m on level sites, or 1.8m as measured from the low side where there is a difference in level either side of the boundary.	Achieved. Conditions of consent to apply.	☒	☐	☐

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6.4.1 Fences and Walls					
Clause	**Text**	**Comment**	**Y**	**N**	**N/A**
	An additional 300mm of lattice is permitted for privacy screening.				
7 Side and Rear Fences	In the case of corner sites with two street frontages, a 1.8m fence height is only permitted behind the building line. Fencing forward of the building line is limited to a maximum height of between 900mm - 1.2m.	Noted. Achieved.	☒	☐	☐
8 Side and Rear Fences	Fencing between dwellings within a dual occupancy, multi-dwelling housing, multidwelling housing (terraces) and manor housing development is to be provided as per controls 6 and 7 above.	Achieved. Conditions of consent to apply.	☒	☐	☐
9 Side and Rear Fences	Fencing must have regard for the Swimming Pools Act 1992 on the subject site and adjoining properties where a swimming pool exists or is proposed.	Achieved. Conditions of consent to apply.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 6.4.1. The proposal complies with the objectives and controls of this section of the DCP.					

6.4.4 Swimming Pools / Spas					
Clause	**Text**	**Comment**	**Y**	**N**	**N/A**
• Ensure swimming pools do not adversely affect the amenity of the locality. • Ensure all swimming pools meet the safety, health, location and noise requirements of the relevant legislation. • Ensure swimming pools are appropriately fenced in accordance with the legislative requirements. • Require swimming pools and spas to be positioned to minimise the visual impact of the structure. • Require swimming pools to be located such that cut and fill is minimised and the visual impact on the surrounding area is reduced. • Require pool pumps to be suitably enclosed and/or positioned to minimise noise impacts on adjoining properties. • Ensure that all swimming pools are to have safe and adequate access in accordance with legislative requirements.		The proposed swimming pools to each dwelling are appropriately located and setback.	☒	☐	☐
	Swimming pools/spas are to be located to the rear of properties.	Each swimming pool is located to the rear of each dwelling	☒	☐	☐
2	For corner allotments or where the property has two street frontages, swimming pools/spas are not to be located in the primary frontage.	Achieved	☒	☐	☐
3	Swimming pools/spas must be positioned a minimum of 900mm from the property boundary with the	Appropriate setbacks proposed.	☒	☐	☐

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6.4.4 Swimming Pools / Spas					
Clause	**Text**	**Comment**	**Y**	**N**	**N/A**
	water line being a minimum of 1500mm from the property boundary.				
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.	Achieved	☒	☐	☐
5	Swimming pools/spas are to be no more than 500mm above existing ground level.	Achieved. The proposed pools are not to extend more than 500mm above existing ground level.	☒	☐	☐
7	Decking around a swimming pool must not be more than 600mm above existing ground level.	Achieved. The proposed decking is not to extend more than 500mm above existing ground level.	☒	☐	☐
9	Council may require mechanical equipment to be suitably acoustically treated so that noise to adjoining properties is reduced.	Standard conditions of consent to apply.	☒	☐	☐
10	A pool fence complying with the legislation is to separate access from the residential dwelling on the site to the pool.	Standard conditions of consent to apply.	☒	☐	☐
11	Safety and security measures for swimming pools must comply with the relevant requirements of the Swimming Pools Act 1992 and any relevant Australian Standards.	Standard conditions of consent to apply.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 6.4.4. 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 development is located within an established residential area and is not considered to result in unreasonable impact on the natural environment.

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Built Environment	The built form and supporting infrastructure are appropriate with its setting and is consistent 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 R3 Medium Density Residential. 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. **No** submissions were received during the neighbour notification period.

Revised Plans - Re-notification

The applicant lodged revised plans on Wednesday, 4 February 2026

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.

Referrals

Internal Referrals

Specialist	Comment	Outcome
Development Engineer	No objections raised with regard to the proposal and conditions recommended.	Conditions of consent imposed subject to the approval of the application.
Landscape and Arboricultural	No objections raised with regard to the proposal and conditions recommended.	Conditions of consent imposed

External Referrals

Referral Body	Comment	Outcome
Ausgrid	The referral body has considered the following planning provisions:	Conditions of consent imposed.

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	- Clause 2.48 of SEPP (Transport and Infrastructure) 2021. No objections raised with regard to the proposal and conditions recommended.	

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.

Council's delegate supports the request for variation under Clause 4.6 of Georges River Local Environmental Plan 2021, in relation to Clause 4.1B of the GRLEP 2021, as the variation sought satisfies the objectives of the standard and sufficient environmental planning grounds have been provided in the written request for variation justifying that compliance would be unnecessary and unreasonable in the circumstances of the case. The proposal is also in the public interest and it satisfies the objectives of the zone resulting in no adverse environmental impacts but rather a superior design outcome.

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 DA2025/0505 for on Lot 16 Sec 2 in DP 6565 on land known as 15 Walton Street, Blakehurst, NSW 2221, as an approval for the reasons below subject to the conditions referenced in Appendix 1:

Appendix 1 – Specific Development Conditions

Development Details

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

Description	Reference No.	Date	Revision	Prepared by
Site Analysis	A004	21/01/2026	10	Design Formations Architects
Subdivision Plan	A005	21/01/2026	10	Design Formations Architects
Demolition Plan	A051	21/01/2026	10	Design Formations Architects
Site Plan	A101	21/01/2026	10	Design Formations

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				Architects
Unit 1 Ground Floor Plan	A102	21/01/2026	10	Design Formations Architects
Unit 2 Ground Floor Plan	A103	21/01/2026	10	Design Formations Architects
Unit 1 First Floor Plan	A104	21/01/2026	10	Design Formations Architects
Unit 2 First Floor Plan	A105	21/01/2026	10	Design Formations Architects
Roof Plan	A106	21/01/2026	10	Design Formations Architects
Unit 1 Elevations	A201	21/01/2026	10	Design Formations Architects
Unit 1 Elevations	A202	21/01/2026	10	Design Formations Architects
Unit 2 Elevations	A203	21/01/2026	10	Design Formations Architects
Unit 2 Elevations	A204	21/01/2026	10	Design Formations Architects
Unit 1 Sections	A205	21/01/2026	10	Design Formations Architects
Unit 2 Sections	A206	21/01/2026	10	Design Formations Architects
Fence Plan	A208	21/01/2026	10	Design Formations Architects
Schedules	A311	21/01/2026	10	Design Formations Architects

2. **Design Amendments**

Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:

The submitted fence plan is to be amended to reflect the below:

- 900mm for solid masonry, and
- 1.2m for open or partially transparent styles such as picket or palisade.
- A 1.8m fence height is only permitted behind the building line. Fencing forward of the building line is limited to a maximum height of between 900mm - 1.2m.

Separate Approvals Required Under Other Legislation

3. **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;

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(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.

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

To apply for approval, complete the "Application for Driveway Crossing and Associated Works on Council Road Reserve" issued under Section 138 Roads Act." which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au. Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Section P1 and P2, in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with Driveway Crossing applications.
An approval for a new or modified driveway crossing will contain the approved access and/or alignment levels which will be required to construct the crossing and/or footpath. Once approved, all work shall be carried out in accordance with Council's specifications applicable at the time, prior to the issue of an Occupation Certificate.

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

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

6. **Notice of Requirements for a Section 73 Certificate** – A Notice of Requirements of what will eventually be required when issuing a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the 'Plumbing, building and developing' section of the web site www.sydneywater.com.au then refer to 'Providers' under 'Developing' or telephone 13 20 92 for assistance.

Following application, a 'Notice of Requirements' will advise of water and sewer infrastructure to be built

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and charges to be paid. Please make early contact with the Co-ordinator, as it can take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

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

Prior to the Issue of a Construction Certificate

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

Payments must be made prior to the issue of the Construction Certificate or prior to the commencement of work (if there is no associated Construction Certificate).
Council will only accept Bank Cheque or Electronic Funds Transfer (EFT) for transaction values of $500,000 or over. Council must be contacted prior to payment to determine correct total amount to be paid and bank account details (if applicable).

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	$2,060.00
Inspection Fee for Refund of Damage Deposit	$220.00
Georges River Council Local Infrastructure Contributions Plan 2021 (Section 7.11 And Section 7.12)	$20,000.00

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 7.11 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

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Service Centre, Kogarah Town Square, Belgrave Street, Kogarah) or viewed on Council's website www.georgesriver.nsw.gov.au.

8. **Housing and productivity contribution (NSW Government Contribution)** -

a) The housing and productivity contribution (HPC) set out in the table below is required to be made:

	Housing and productivity contribution	**Amount**
	Housing and productivity contribution (base component)	$10,812.17
	Transport project component	$0
	Total housing and productivity contribution	$10,812.17

b) The amount payable at the time of payment is the amount shown as the total housing and productivity contribution adjusted by multiplying it by:

$$\frac{\textit{highest PPI number}}{\textit{consent PPI number}}$$

where:

highest PPI number is the highest PPI number for a quarter following the June quarter 2023 and up to and including the 2nd last quarter before the quarter in which the payment is made, and

consent PPI number is the PPI number last used to adjust HPC rates when consent was granted, and

June quarter 2023 and **PPI** have the meanings given in clause 22 (4) of the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024.

c) The HPC must be paid before the issue first construction certificate in relation to the development, or before the commencement of any work authorised by this consent (if no construction certificate is required). However, if development is any of the kinds set out in the table below, the total housing and productivity contribution must be paid as set out in the table: Development Time by which HPC must be paid Development consisting only of residential subdivision within the meaning of the HPC Order Before the issue of the first subdivision certificate Department of Planning and Environment Housing and Productivity Contribution:

Standard conditions of consent 3 High-density residential development within the meaning of the HPC Order for which no construction certificate is required Before the issue of the first strata certificate Development that consists only of residential strata subdivision (within the meaning of the HPC Order) or only of residential strata subdivision and a change of use of an existing building Before the issue of the first strata certificate Manufactured home estate for which no construction certificate is required Before the installation of the first manufactured home In the Table, HPC Order means the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2023.

d) The HPC must be paid using the NSW planning portal. (https://pp.planningportal.nsw.gov.au/).

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

   (a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: $2,060.00

   (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.

10. **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.

11. **BASIX Commitments** - All energy efficiency measures as detailed in the BASIX Certificate No. 1794319M must be implemented on the plans lodged with the application for the Construction Certificate.

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

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

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

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

14. **Stormwater System –** The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted to the Council for approval prior to issue of the Construction Certificate.

   a. All stormwater shall be drained in accordance with the Australian/New Zealand Standard AS/NZS

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3500.3: 2015 (as amended).

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

15. **Stormwater System** - The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

a. All roof waters shall drain to a surface inlet pit at the OSD Tank and then drains at the rear property drainage easement by gravity to Shenstone Road kerb.

b. The design of this proposed drainage system must be prepared by a professional engineer who specialises in hydraulic engineering and be submitted for approval with the Construction Certificate application.

c. All pipes and downpipes are to be sealed to a minimum of 0.5m above the maximum water level in the system. All gutters and charged pipes in the system must be designed for a 1% AEP storm event.

16. On-site Stormwater Detention - Submitted Concept Stormwater Drainage Design and OSD Plan prepared by ELITE Australian Engineering have been assessed as a concept plan only. PCA shall ensure that final detailed drainage plans have been complied with following requirements, which must be prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval to Council prior to issue of the Construction Certificate. PCA shall ensure that this condition has been fully met prior to issue of construction certificate with the Construction Certificate.

a. An OSD facility designed by a professional engineer who specialises in Hydraulic engineering must be designed, approved and installed.

b. The required OSD storage requirements and permissible site discharge are to be calculated in accordance with Table 3 of Council's Stormwater Management Policy.

c. A minimum 9.0 cubic metre OSD volume along the side boundary is to be provided for the development in accordance with the Stormwater Concept Plan and Council's Stormwater Management Policy. On this site, it is required to design the dwellings gutters and pipes to the OSD to cater for the 1% AEP storm event. There are twin 5KL rainwater OSD tank have been nominated for each Unit, which must be designed and installed to both units as a part of development.

d. Stormwater drainage plan will need to be consistent with the architectural, landscape plans and BASIX certificate.

e. OSD system should capture 80% of the site. On this site, the gutters and pipes to rainwater tank and OSD to cater for 1% AEP storm event.

f. Twin heavy duty grate as shown in the drainage plan must be placed on the opposite corner of the tank's discharge control pit.

g. Driveway grated drain shall be 200 wide and 250 deep which is to be connected to site drainage system.

h. A drainage pit (600x600) shall be silt arrestor pit with installed Maximesh Screen prior to discharge to street kerb.

i. All drainage pits and pipes sizes with grades, surface/invert levels, OSD Rainwater tanks' plan details, longitudinal section, cross section (with all dimensions marked up) and connection to the

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street gutter must be documented in the drainage plans as CC plans for PCA approval.

j. Final site drainage detailed plans and a design certificate from a qualified Consulting drainage design engineer stating that the drainage plan design has been complied with the DA approved drainage plans and both shall accompany the application for the Construction Certificate

Full details shall accompany the application for the Construction Certificate.

17. **Council Property Shoring –** Prior to the issue of the Construction Certificate, plans and specifications prepared by a professional engineer specialising in practising structural engineering must detail how Council's property shall be supported at all times. Where any shoring is to be supporting, or located on Council's property, certified structural engineering drawings detailing; the extent of the encroachment, the type of shoring and the method of removal, shall be included on the plans. Where the shoring cannot be removed, the plans must detail that the shoring will be cut to 150mm below footpath level and the gap between the shoring and any building shall be filled with a 5MPa lean concrete mix.

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

a. Stormwater & ancillary works in the road reserve, this includes connections to council.

b. Stormwater & ancillary to public infrastructure on private land.

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

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

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

20. **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.

21. **Street Tree Planting by Council**

a. 1 x street tree of species to be determined by Council must be provided in the road reserve fronting the site.

b. Council must be appointed to plant the tree on public land. All costs associated with the planting of a tree shall be met by the applicant. Fees and charges outlined in the table below are subject to change and are set out in the current version of Council's 'Schedule of Fees and Charges', applicable at the time of payment.

c. The fees must be paid in accordance with the conditions of this consent. The fee payable is to ensure that the development makes adequate provision for the demand it generates for public amenities and public services within the area.

d. The fees payable will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the indices provided by the relevant conditions set out in this consent.

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

22. **Before You Dig Australia** - The applicant shall contact "Before You Dig Australia" at https://www.byda.com.au/ to obtain a Service Diagram prior to the issuing of the Construction Certificate. The reference number for the enquiry obtained from "Before You Dig Australia" shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.

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

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

    a. Set out before commencing excavation.

    b. Floor slabs or foundation wall, Aboveground Rainwater tanks before formwork or commencing any concrete pads for the tanks'works and/or brickwork.

    c. Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.

    d. Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.

    e. Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.

    f. Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

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

During Construction

25. **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.

26. **Hours of construction for demolition and building work** - Unless authorised by Council:

    (a) Building construction and delivery of material hours are restricted to: 7.00 am to 5.00 pm (inclusive) Monday to Saturday and no work on Sundays and Public Holidays.

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

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

29. **Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends.

    This construction shall be maintained in a state of good repair and condition throughout the course of construction.

30. **Damage within Road Reserve and Council Assets -** The owner shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.

31. **Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the Roads Act 1993 and/or under Section 68 of the Local Government Act 1993. Penalty infringement Notices may be issued for any offences and severe penalties apply.

32. **Building Materials – Flood Prone Land –** All building materials used to construct the proposed duplex must be constructed using flood proof materials up to the RL 39.65 m AHD and this must be specified by the manufacturer. All electrical services must also be located above this level. The applicant should refer to the NSW Government Public Reducing Vulnerability of Buildings to Flood Damage – Guidance on Building in Flood Prone Areas, Chapter 4.3'.

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

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

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

35. **Tree Removal, Replacement Planting & Offset Payment**

    Permission is granted for the removal of trees 1 - 8 within the site.

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

    b) Four x 100 litre replacement trees, which will attain a minimum mature height of eight (8) and minimum canopy spread of six (6) metres at maturity, must be planted within the property (in addition to the planting required by any approval or landscape plan). The trees are to conform to AS2303 – 2018, *Tree stock for landscape use*. Trees must be installed without root barrier.

36. **Landscape Works**

All landscape works shall be carried out in accordance with the approved landscape plans and specifications, subject to the following -

a) The applicant must engage a licensed and reputable nursery grower early within the build phase and order all trees and plant material early to ensure that all tree and plant material, pot/bag sizes and quantities are guaranteed at the time of the landscape and planting phase.
b) All trees proposed upon the approved landscape plan shall comply with AS 2303 – 2018, *Tree Stock for Landscape use* and *NATSPEC Specifying Trees: a guide to assessment of tree quality (2003)*.

Prior to the issue of the Occupation Certificate

37. **BASIX Compliance Certificate** - A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.

38. **Requirements prior to the issue of the Occupation Certificate –** The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

a. All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.

b. The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.

c. Construct any new vehicle crossings required.

d. Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.

e. A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.

f. Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

g. The construction of the new kerb inlet pit shall be completed in accordance with the conditions and specifications of the Section 68 Activity Approval.

39. **Vehicular crossing –** The vehicular crossings and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the specifications contained in the 'Application for Driveway Crossing and Associated Works on Council Road Reserve' approval issued by Council's Assets and Infrastructure Division and in accordance with Council's Specification for Vehicular Crossings and Associated Works and the issued.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

No stencilled or coloured concrete may be used outside the boundary of the property.

The work must be completed before the issue of an Occupation Certificate.

40. **Maintenance Schedule – On-site Stormwater Management** - A Maintenance Schedule for the proposed on-site stormwater management measures (OSD Rainwater Twin 5KL Tanks) is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

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

Restrictions on Use of Land

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

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

Positive Covenants

1. *The registered proprietor of the lot(s) hereby burdened will in respect of the system:*
   a. *keep the system clean and free from silt, rubbish and debris*
   b. *maintain and repair at the sole expense of the registered proprietors the whole of the system so that if functions in a safe and efficient manner*
   c. *permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant*
   d. *comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.*
2. *Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:*
   a. *in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part 1(d) above*
   b. *the Council may recover from the registered proprietor in a Court of competent jurisdiction:*
      i. *any expense reasonably incurred by it in exercising its powers under subparagraph (i) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (i) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.*
      ii. *legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act. Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.*

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42. **Requirements prior to the issue of the Occupation Certificate - Stormwater and Onsite Detention Works -** The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

    a. All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.

    b. Work as Executed Plans prepared and jointly duly signed by a Chartered Professional Civil Engineer and a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

43. **Requirements prior to the issue of the Occupation Certificate -** The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

    a. All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.

    b. The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate.

    c. Construct all new vehicle crossings required.

    d. Replace all redundant vehicle crossing laybacks with kerb and guttering, and replace redundant concrete with turf.

    e. A Section 73 (Sydney Water) Compliance Certificate for the Subdivision shall be issued and submitted to the PCA prior to the issue of the Occupation Certificate.

    f. Work as Executed Plans prepared by a Chartered Professional Engineer or a Registered Surveyor when all the site engineering works are complete shall be submitted to the PCA prior to the issue of the Occupation Certificate.

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

44. **Requirements prior to the issue of the Occupation Certificate - Driveways Works -** The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

    a. Construction if new vehicle crossings as required by this consent.

    b. Replacement of all redundant vehicle crossing laybacks with kerb and guttering, and replacement of redundant concrete with turf.

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

    a. Stormwater pipes, pits and connections to public stormwater systems within the road related area;

    b. Driveways and vehicular crossings within the road related area;

    c. Removal of redundant driveways and vehicular crossings.

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

    a. Compliance with conditions of development consent relating to stormwater;

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b. The structural adequacy of the On-Site Detention system (OSD);

c. That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;

d. Pipe invert levels and surface levels to Australian Height Datum;

e. Contours indicating the direction in which water will flow over land should the capacity of the pit be exceeded in a storm event exceeding design limits.

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

47. **Section 73 Compliance Certificate –** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted to the PCA prior to the issue of the Occupation/Subdivision Certificate.

48. **Vehicular crossing –** The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the specifications contained in the 'Application for Driveway Crossing and Associated Works on Council Road Reserve' approval issued by Council's Assets and Infrastructure Division and in accordance with Council's Specification for Vehicular Crossings and Associated Works and the issued.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

No stencilled or coloured concrete may be used outside the boundary of the property.

The work must be completed before the issue of an Occupation Certificate.

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

Location of Dwelling as per Proposed Subdivision Plan	Allocated street address to comply with AS/NZS 4819:2011 and NSW Addressing Manual
No. 15	15 Walton Street BLAKEHURST NSW 2221
No. 15A	15A Walton Street BLAKEHURST NSW 2221

Prior to the issue of the Occupation Certificate, photographs showing the above number allocations on the letterboxes must be provided to the satisfaction of the Spatial and Digital Services team, within council, demonstrating compliance with the above numbering allocation.

50. **Completion of Landscape Works**

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

Prior to the issue of the Subdivision Certificate

51. **Site works to be completed prior to issue of Subdivision Certificate -** The following works shall be completed prior to the issue of the Subdivision Certificate:

a. All the stormwater/drainage works shall be completed in accordance with the approved

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Construction Certificate plans.

b. The internal driveway construction works, together with the provision for all services (conduits and pipes laid) shall be completed in accordance with the approved Construction Certificate plans.

c. Construct the new 150 mm thick concrete vehicle crossing in accordance with Council requirements.

d. Replace all redundant vehicle crossing laybacks with kerb and guttering, and redundant concrete with turf.

e. A Final Occupation Certificate shall be obtained from the PCA upon completion of the construction works required by the approved Construction Certificate.

f. Sydney Water's Section 73 Compliance Certificate.

52. **Final Subdivision Plan Requirements** - A final Subdivision Plan shall be prepared by a Registered Surveyor and include (but not be limited to) the following:

a. Required Easements

The following easements shall be created by Section 88B of the Conveyancing Act 1919 on the Final Subdivision Plan.

i. Any necessary Easements for services (minimum 300mm wide).

ii. Any necessary Easements for overhanging roof structures.

53. **Subdivision - Requirements for Application of a Subdivision Certificate** – To enable registration of the plan of subdivision at NSW Land and Property Information (Land Title) Office, the person acting on the consent must apply for a Subdivision Certificate pursuant to section 109J of the Environmental Planning and Assessment Act 1979.

To enable the determination of the application for a Subdivision Certificate by Georges River Council, the applicant must submit the following:

a. Application for Subdivision Certificate form completed with payment of fees current at lodgement.

b. Three (3) copies of the final plan of subdivision prepared by a Registered Surveyor.

c. The Original Deposited Plan Administration Sheet(s) plus one (1) copy.

d. The Original of any relevant 88B instrument plus one (1) copy.

e. A copy of the Final Occupation Certificate for the dwellings obtained from the Principal Certifying Authority.

f. Certification from the Registered Surveyor that all services (including but not limited to stormwater drainage, gas, electricity, telephone cable) as constructed or to be constructed are/will be contained within each lot or within the necessary easements to accommodate such services.

g. A Section 73 (Sydney Water) Compliance Certificate for the Subdivision.

Please Note: The section 73 Certificate required must be a separate certificate for this development consent. Any other Section 73 Certificates (eg for the construction of the building only) cannot be accepted to approve the Subdivision Certificate.

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54. **Subdivision -** Fees to be paid to Council - The following fees shall be paid to Council prior to the issue of the Subdivision Certificate:

    a. All Section 7.11 Contribution Fees payable to Council as per Conditions of Development Consent DA2025/0080 shall be paid prior to the issue of the Subdivision Certificate.

    b. All Relevant Subdivision Certificate Application Fees plus any 88B Checking Fee shall be paid prior to the issue of the Subdivision Certificate.

Operational Conditions (Subdivision)

55. **Subdivision work – Notice of Commencement** - The beneficiary of the development consent must give at least two days notice to the Council and the PCA of their intention to commence the subdivision works.

    A Notice of Commencement Form is attached for your convenience.

56. **Subdivision Work – Construction Certificate & Appointment of PCA** - Subdivision work in accordance with a development consent cannot commence until:

    (a) A Construction Certificate (Stage 1) has been issued; and

    (b) The applicant has appointed a PCA for the subdivision work.

    No later than two days before the subdivision work commences, the PCA must notify:

    (c) The consent authority and the Council (if not the consent authority) of his or her appointment; and

    (d) The applicant of the critical stage inspections and other inspections that are to be carried out with respect to the subdivision work.

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

Operational Conditions (On-Going)

57. **Ongoing Tree & Landscape Maintenance Works –**

    a. All newly planted trees and plants must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilising, pest and disease control, replacement of dead or dying trees and plants and other operations required to maintain healthy trees, plants and turfed areas.

    b. Trees must be maintained until they reach a height where they are protected by Councils Tree Management Controls. If any trees are found to be faulty, damaged, dying or dead before they are protected by Councils Tree Management Controls then they must be replaced with the same species and pot/bag size.

58. **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).

59. **Outdoor Lighting** - To avoid annoyance to the occupants of adjoining premises or glare to motorist on nearby roads, outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.

60. **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.

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Flashing, moving or intermittent lights or signs are prohibited.

61. **Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste-water, waste products, grit, oil or other harmful products.

62. **Ongoing Tree Maintenance Works**

a. All newly planted trees must be maintained until they reach a height where they are protected by Councils Tree Management Controls. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilising, pest and disease control, replacement of dead or dying trees and other operations required to maintain healthy trees.

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

c. Mature trees shall be inspected for health and structural integrity by an AQF Level 5 Arborist 12 month post completion of works. A certificate of compliance and/or report with recommendations for remedial work will be required to be approved by Council's Tree Compliance Officer.

Operational Requirements Under the Environmental Planning & Assessment Act 1979

63. **Requirement for a Construction Certificate** - Division 2 Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 - The erection of a building must not commence until a Construction Certificate has been issued.

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

- appointed a PC for the building work; and
- if relevant, advised the PC that the work will be undertaken as an Owner Builder.

In accordance with Clause 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021

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

a) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the Home Building Act 1989) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and

b) notify the PC of the details of any such appointment; and

c) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

65. **Notification Requirements of PCA** – Clause 57 of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 - No later than two days before the building work commences, the PC must notify:

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

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respect to the building work.

66. **Notice of Commencement** - Clause 59 of Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 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.

67. **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 62 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

68. **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 in accordance with Clause 58 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.

    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.

69. **Occupation Certificate** - Part 5 Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 - 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.

70. **Subdivision Work - Construction Certificate & Appointment of PCA** – Any Subdivision work in accordance with a development consent cannot commence until:

    (a) A Construction Certificate has been issued; and

    (b) The applicant has appointed a PCA for the subdivision work.

        No later than two days before the subdivision work commences, the PCA must notify:

    (c) The consent authority and the Council (if not the consent authority) of his or her appointment; and

    (d) The applicant of the critical stage inspections and other inspections that are to be carried out with respect to the subdivision work.

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

71. **Subdivision work - Notice of Commencement** - The beneficiary of the development consent must give at least two days' notice to the Council and the PCA of their intention to commence any subdivision works.

    A Notice of Commencement Form must be submitted.

Prescribed Conditions

72. **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.

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73. **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.

74. **Home Building Act 1989** - If the development involves residential building work under the Home Building Act 1989, no work is permitted to commence unless certain details are provided in writing to Council.

The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.

75. **Shoring and adequacy of adjoining property** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

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

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

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

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

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

END CONDITIONS

NOTES / ADVICES

1. **Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at http://www.longservice.nsw.gov.au.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site https://online.longservice.nsw.gov.au/bci/levy. Payments can only be processed on-line for the full levy owing and where the value of work is between $25,000 and $6,000,000. Payments will be accepted for amounts up to $21,000, using either MasterCard or Visa.

2. **Stormwater & Ancillary Works - Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993** - To apply for approval under Section 138 of the Roads Act 1993 and/or Section 68 Local Government Act 1993:

(a) Complete the Stormwater Drainage Application Form which can be downloaded from Georges River Council's website at www.georgesriver.nsw.gov.au.

b) In the Application Form, quote the Development Consent No. (eg. DA2018/0***) and reference this condition number (e.g. Condition 23)

(c) Lodge the application form, together with the associated fees at Council's Customer Service

LPP013-26 Attachment 3

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Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with stormwater applications.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new stormwater drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.

NOTE: A minimum of four weeks should be allowed for assessment.

3. **Council as PCA - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the PCA in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative fire solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.

4. **Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

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

5. **Driveway** - The final driveway dimensions and levels on Council land are subject to the driveway application approval.

6. **Sydney Water Section 73 Certificates -** The section 73 Certificate must be a separate certificate that relates specifically to this development consent. For example, if the development consent relates to the subdivision of the land, a Section 73 Certificate for the construction of the building that is subject to a different development consent will not suffice.

7. **Torrens Title Subdivisions** -

   (a) The Section 73 Certificate required must be a separate certificate for this development consent. Any other Section 73 Certificates (e.g. for the construction of the building) cannot be accepted to approve the Subdivision Certificate.

   (b) A Subdivision Certificate cannot be issued unless all relevant conditions of the development consent that are to be satisfied prior to the issue of the Subdivision Certificate have been complied with.

   (c) Council will check the consent conditions on the relevant subdivision consent. Failure to submit the required information will delay endorsement of the plan of subdivision.

   (d) Plans of subdivision, Administration Sheets, 88B Instruments and copies must not be folded.

   (e) All Subdivision Plans, Deposited Plan Administration Sheets and Section 88B Instruments shall

be submitted to Council enclosed in a protective cardboard tube (to prevent damage during transfer).

(f) A Subdivision Certificate cannot be issued unless all relevant conditions of the development consent that are to be satisfied prior to the issue of the Subdivision Certificate have been complied with.

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

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

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

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

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

9. **New Driveways - Proximity to Existing Poles -** Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.

10. **New or modified connection** - To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; https://www.ausgrid.com.au/Connections/Get-connected

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

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

12. **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.

13. **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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