

AGENDA

Georges River Local Planning Panel

Thursday, 15 May 2025

4:00 PM

Blended Meeting

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

Participants:

Stuart McDonald (Chairperson)

Naomi Fiegel (Expert Panel Member)

Linda Gosling (Expert Panel Member)

Georgia Kissa (Community Representative)

GEORGES RIVER LOCAL PLANNING PANEL MEETING

ORDER OF BUSINESS

1. ON SITE INSPECTIONS

2. OPENING

3. ACKNOWLEDGEMENT OF COUNTRY

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

4. APOLOGIES / LEAVE OF ABSENCE

5. NOTICE OF WEBCASTING

6. DISCLOSURES OF INTEREST

7. CONSIDERATION OF ITEM(S) AND VERBAL SUBMISSIONS

8. CLOSED SESSION – DELIBERATION OF REPORTS

LPP010-25	27-31 Hampton Court Road CARLTON NSW 2218 – DA2023/0572 (Report by Consultant Planner)	3
LPP011-25	34 Marine Drive, Oatley NSW 2223 – DA2024/0621 (Report by Senior Development Assessment Planner)	103
LPP013-25	Kogarah Town Square and Belgrave Street Lot CP SP 69307 – DA2024/0560 (Report by Manager Development and Building)	170
LPP014-25	Suite 2, 272 Forest Road Hurstville NSW 2220 – DA2025/0023 (Report by Senior Development Assessment Planner)	295
LPP015-25	Unit 1A, 17 MacMahon Street, Hurstville NSW 2220 – DA2025/0029 (Report by Senior Development Assessment Planner)	359

9. CONFIRMATION OF MINUTES

Georges River Local Planning Panel Meeting - 15 May 2025

REPORTS AND LPP DELIBERATIONS**REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 15 MAY 2025****LPP010-25 27-31 HAMPTON COURT ROAD CARLTON NSW 2218****LPP010-25**

LPP Report No	LPP010-25	Development Application No	DA2023/0572
Site Address & Ward Locality	27-31 Hampton Court Road CARLTON NSW 2218 Kogarah Bay Ward		
Proposed Development	Demolition of existing buildings and Construction of new multi-storey residential development including Strata Subdivision		
Owners	Fasoula Pty Ltd		
Applicant	Willow Frank Consulting Pty Ltd		
Planner/Architect	Fuse Architects		
Date Of Lodgement	7/12/2023		
Submissions	Four (4)		
Cost of Works	\$7,820,000.00		
Local Planning Panel Criteria	Chapter 4 (Design of residential apartment development) – State Environmental Planning Policy (Housing) 2021		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Industry and Employment) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, State Environmental Planning Policy (Housing) 2021, Draft State Environmental Planning Policy – Environment, Georges River Local Environmental Plan 2021, Georges River Development Control Plan 2021		
List all documents submitted with this report for the Panel's consideration	Architectural Plans, Statement of Environmental Effects, Drainage Plans, Reports and Supporting Documents		
Report prepared by	Consultant Planner		

RECOMMENDATION	Refusal
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Summary of matters for consideration under Section 4.15	Yes
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Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes - Height of Building
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	No, the application is recommended for refusal

SITE PLAN



Figure 1: Aerial of Development Site

EXECUTIVE SUMMARY PROPOSAL

1. Council received development application DA2023/0572 seeking development consent for the Demolition of existing buildings and Construction of new multi-storey residential development including Strata Subdivision. A total of 16 residential units are proposed.

2. The extended development application period is attributed to multiple requests for information, notification periods and extensive consultation with the applicant and stakeholders.
3. The applicant has amended the original scheme, in response to the issues raised by Council, as part of the assessment process. This planning report is based on the most recent set of amended architectural plans lodged on the Planning Portal on 7 April 2025. However, the revised scheme has not adequately resolved issues raised by Council.
4. The development application is recommended for refusal for the following reasons:
 - The proposed development fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021.
 - The proposed development fails to demonstrate compliance with the requirements of the Apartment Design Guide as required by State Environmental Policy No 65 – Design Quality of Residential Flat Buildings.
 - The proposed development fails to demonstrate compliance with the requirements of Georges River Local Environmental Plan 2021 – 6.2 Earthworks, 6.9 Essential Services, 6.10 Design Excellence and 6.11 Environmental sustainability.
 - The proposed development fails to demonstrate compliance with several relevant requirements of Georges River Development Control Plan 2021.
 - The proposed development fails to demonstrate that it will not result in any unreasonable impact on the natural and built environment.
 - The proposed development has not demonstrated that it is compatible with the streetscape and character of the locality.
 - The proposed development has not demonstrated that it is in the public interest and that it will not set an undesirable precedent if approved.

SITE AND LOCALITY

5. The subject development site is known as 27-31 Hampton Court Road, Carlton.
6. The allotments and their legal description are Lot 1 DP 938265, Lot 1 DP 902806 and Lot 2 DP 902806
7. The development site is a corner allotment incorporating 3 individual sites which forms a regular shaped allotment with a 39.650 metre frontage to Hampton Court Road, and 27.10m to Winchester Street. The development site once consolidated will have a total area of 1,047sqm by Deposited Plan. The land falls from the northeast to the south west.
8. The site is currently occupied by three (3) single storey dwellings. There is a large Eucalyptus Saligna (Sydney Blue Gum) at the corner of Hampton Court Road and Winchester Street within the subject site.
9. The subject site is located on the northern side of Hampton Court Road within the R4 High Density Residential zone. The subject site is located among established residential development, set within a regularised subdivision pattern. The surrounding building stock is a combination of low- and high-density development. Adjoining the site to the north and east are established two and three storey residential flat buildings.

ZONING AND PERMISSIBILITY

10. The site is zoned R4 High Density Residential under the provisions of the Georges River Local Environmental Plan 2021 (GRLEP 2021). The proposal satisfies the R4 zone objectives. The proposed application is for a residential flat building which is a permitted land uses in the R4 High Density Residential zone under GRLEP 2021. The application seeks an increase to the statutory height limit being the lift over run which exceeds the maximum permitted height of 15.0m by 1.175m (7.83% variation)

SUBMISSIONS

11. The application was advertised for a period of fourteen (14) days in accordance with the Georges River Development Control Plan and the Georges River Council Community Engagement Strategy notification criterion. Four (4) submissions were received. The concerns relate to the protection of the Sydney Blue Gum tree, privacy impacts, overshadowing, carparking, bulk and scale and devaluation of properties. The issues raised will be discussed in detail within the report.

CONCLUSION

12. Having regard to the matters for consideration under section 4.15(1) of the Environmental Planning and Assessment Act 1979 and following a detailed assessment, the proposed Development Application DA2023/0572 is recommended for refusal for the reasons listed at the end of this report.

REPORT IN FULL

PROPOSAL

13. Council received development application DA2023/0572 seeking development consent for the Demolition of existing buildings and Construction of new multi-storey residential development including Strata Subdivision.
14. The applicant has amended the original scheme, in response to the issues raised by Council, as part of the assessment process. This planning report is based on the most recent set of amended architectural plans lodged on the Planning Portal on 7 April 2025. However the revised scheme has not adequately resolved issues raised by Council.

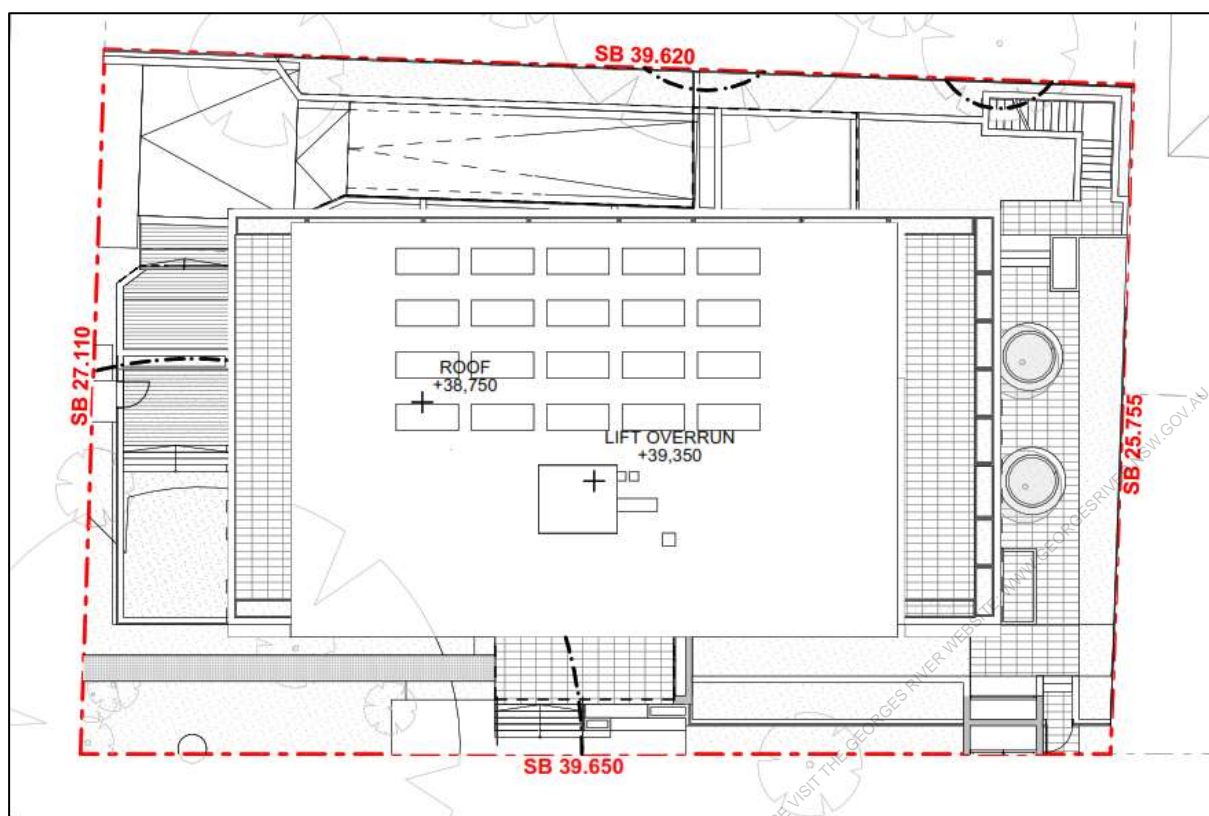


Figure 2: Site Plan



Figure 3: Elevation from Hampton Court Road

15. A numerical summary of the proposed development is provided as follows:

Element	Proposal
Height	16.175m at RL 39.35 (permitted maximum 15.0) Variation of 7.83% or 1.175m
Floor area	1482sqm
Levels	Five storeys including one basement level
Apartments	16 Residential apartments comprising of: <ul style="list-style-type: none"> 12 x 2-bedroom unit

	<ul style="list-style-type: none"> • 3 x 3-bedroom unit • 1 x 4-bedroom unit
Basement car parking spaces	19 car parking spaces comprising the following: <ul style="list-style-type: none"> • 16 residential spaces (4 stacked and 1 accessible) • 3 visitor spaces
Bicycle parking spaces	6 in the basement and 8 on the ground floor
Common open space	26sqm of communal open space provided on the ground floor.
Deep soil Area	77sqm (7.36%)
Solar access for apartments	14/16 residential units are compliant

THE SITE AND LOCALITY

16. The subject development site is known as 27-31 Hampton Court Road, Carlton.

17. The allotments and their legal description are noted below:

Lot 1 DP 938265, Lot 1 DP 902806 and Lot 2 DP 902806



Figure 4: Survey Plan of the Subject Site

18. The development site is a corner allotment incorporating 3 individual sites which forms a regular shaped allotment with a 39.650 metre frontage to Hampton Court Road, and 27.10m to Winchester Street. The development site once consolidated will have a total area of 1,047sqm by Deposited Plan. The land falls from the north east to the south west.

19. The site is currently occupied by three (3) single storey dwellings. There is a large Eucalyptus saligna (Sydney Blue Gum) at the corner of Hampton Court Road and Winchester Street within the subject site.
20. The subject site is located on the northern side of Hampton Court Road within the R4 High Density Residential zone. The subject site is located among established residential development, set within a regularised subdivision pattern. The surrounding building stock is a combination of low- and high-density development. Adjoining the site to the north and east are established two to three storey residential flat buildings.



Figure 5: The three dwellings contained within the red outline are proposed to be demolished.

BACKGROUND

21. A history of the development and related applications is as follows:
 - DA2023/0572 for Construction of a five-storey residential flat building was lodged on 7 December 2023.
 - The application was advertised from 7 December 2023 to 19 January 2024 in accordance with the Georges River Development Control Plan and the Georges River Council Community Engagement Strategy notification criterion. In response, four (4) submissions were received.
 - A request for further information was sent to the applicant raising the following issues:
 - (a) Insufficient Arboricultural impact Assessment, insufficient tree root mapping and inadequate information with respect to potential conflict with proposed driveways and stormwater infrastructure.
 - (b) Urban design issues relating to lack of regard for the site topography, residential units below natural ground level, lack of regard for public and private interface, non-compliant setbacks and building separation, lack of integration of driveways,

inadequate communal open space, lack of deep soil, inadequate cross ventilation, bulk and scale, non-compliant parking provision and driveway issues.

(c) A further request for further information was sent to the applicant raising similar issues to the first request as the initial concerns were not adequately resolved.

- Amended documentation was submitted by the applicant on 22 August 2024.
- The application was re-notified on 12 September 2024 for a two week period.
- Further amended documentation was submitted by the applicant on 12 September 2024.
- A further request for information letter was sent to the applicant on 26 March 2025. The majority of the issues detailed in the first request for information letter remain unaddressed.

PLANNING ASSESSMENT

22. The site has been inspected and the proposed development has been assessed under the provisions of Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

ENVIRONMENTAL PLANNING INSTRUMENTS

Environmental Planning and Assessment Act 1979

23. The proposal is considered to be consistent with the Objectives of the Act.

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Instruments

24. Compliance with the relevant State Environmental Planning Policies (SEPP) is detailed below.

State Environmental Planning Policy	Compliance
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes
State Environmental Planning Policy (Biodiversity and Conservation) 2021	No
State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes
State Environmental Planning Policy (Sustainable Buildings) 2022	No
State Environmental Planning Policy (Housing) 2021	No
State Environmental Planning Policy (Industry and Employment) 2021	N/A

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 Remediation of Land

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021

28. The relevant parts of the above Policy that apply to this application are Chapter 2 – Vegetation in non-rural areas.

Chapter 2 – Vegetation in Non-Rural Areas

29. Chapter 2 aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.
30. Chapter 2 regulates clearing of native vegetation on urban land and land zoned for environmental conservation/management that does not require development consent.
31. This chapter applies to clearing of:
- (a) Native vegetation above the Biodiversity Offset Scheme (BOS) threshold where a proponent will require an approval from the Native Vegetation Panel established under the Local Land Services Amendment Act 2016; and
 - (b) Vegetation below the BOS threshold where a proponent will require a permit from Council if that vegetation is identified in the council's development control plan (Development Control Plan).
32. The objectives of the Chapter are to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of non-rural areas through the preservation of trees and other vegetation. This policy is applicable pursuant to Clause 2.3 of the SEPP as the site is within both Georges River Council and the R4 High Density Residential zone.
33. The applicant submitted revised documentation to address Council's Tree Officer's concerns in relation to development's impact on a large *Eucalyptus Saligna* (Sydney Blue Gum) that is sought to be retained. Amended documentation was submitted on 7 April 2025 which included Tree Root Mapping and a Pruning Specification. The comments provided Council's officer are as follows:

Tree Root Investigation

34. The Root Mapping Report prepared by Dr Treegood dated April 2025 has been reviewed. The following issues are raised with the latest investigation:
- Insufficient evidence has been provided to demonstrate that root mapping has been undertaken to a depth of 700mm as previously requested by Council. This depth is necessary to establish the full extent of root pruning required for the basement, buildings and OSD basin which are all at lower finished levels than the existing grade. The photos in the report show the majority of the trenching just below the sandstone blocks which is estimated to be around 300-400mm.
 - The location of the trench does not account for excavation for the building which is required closer to the tree. The investigation is therefore inconclusive and does not demonstrate that the extent of impact and potential root loss the proposed excavation will have on the tree.
 - The large 200mm diameter root uncovered from the *Eucalyptus saligna* will require pruning for the OSD basin. As previously outlined by Council, Sydney Blue Gum trees are very sensitive to root disturbance. Removal of this root will adversely impact on the health, stability and viability of the tree.

Pruning Specification

35. The Pruning Report prepared by Redgum dated 19 March 2025 has been reviewed. The following issues are raised with the report:
- The report has not clearly marked the branches that will require pruning for the building. A greyed-out photo with a single line has only been provided. Commentary

in the report suggests a number of small diameter branches would need pruning. The overall percentage of canopy to be pruned has not been included in the report.

- The photos in the report are taken at an angle which suggests only minor pruning would be required.
- The below photo (taken on 17 April 2025) shows the area of canopy that will require pruning to allow for the proposed 15 metres building to be constructed which accounts for additional pruning necessary for scaffolding, piling rigs, crane movements etc. This will result in the loss of two primary branches approximately 200 - 300mm diameter.
- The expected pruning of 20-25% of the tree's canopy is excessive and will further impact on the ongoing health of the tree. Pruning such large branches will also expose other branches to new wind loads and it is highly likely that the pruning will cause future branch failures to occur.

Conclusion

- The proposed impacts to the *Eucalyptus saligna* (Sydney Blue Gum) does not meet the aims of 'State Environmental Planning Policy' (SEPP) 2021.
- The proposed impacts to the *Eucalyptus saligna* (Sydney Blue Gum) does not satisfy the objectives GRC Development Control Plan (DCP) part 3.2.

State Environmental Planning Policy (Sustainable Buildings) 2022

36. A BASIX Certificate is required to be lodged for any development application in NSW for any new residential development where the proposed cost of works exceeds \$50,000.
37. A BASIX certificate was provided with the original development application, however does not reflect the latest amendment.

State Environmental Planning Policy (Industry and Employment) 2021

38. Chapter 4 of State Environmental Planning Policy (Industry and Employment) 2021 relates to Advertising and Signage. The application does not propose any retail tenancies or advertising signage so the requirements of the SEPP are not relevant to this application.

State Environmental Planning Policy (Housing) 2021

39. 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.
40. Clause 147 of Chapter 4 of State Environmental Planning Policy (Industry and Employment) 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.
41. Clause 28 of SEPP 65 requires the consent authority to take into consideration the provisions of the Apartment Design Code. The table below assesses the proposal against these provisions.

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

Clause	Standard	Proposal	Complies
3D - Communal open space	<p>1. Communal open space has a minimum area equal to 25% of the site.</p> <ul style="list-style-type: none"> Where it cannot be provided on ground level it should be provided on a podium or roof Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in a dense urban area, they should: <ul style="list-style-type: none"> provide communal spaces elsewhere such as a landscaped roof top terrace or a common room provide larger balconies or increased private open space for apartments demonstrate good proximity to public open space and facilities and/or provide contributions to public open space 	<p>Site area 1047sqm.</p> <p>Required 25% of site area or 261.75sqm.</p> <p>A total of 262sqm is provided.</p>	Yes
	<p>2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p>	Achieved.	Yes
3E – Deep Soil zones	<p>1. Deep soil zones are to meet the following minimum requirements:</p>	<p>Required 7% of site area or 73.29sqm.</p> <p>Total area of deep soil zones provided is approximately</p>	No

	<p>Where the site has an area between 650sqm and 1,500sqm</p> <p>Minimum dimension 3m.</p> <p>Minimum deep soil area of 7%</p> <p>Deep soil zones should be located to retain existing significant trees and to allow for the development of healthy root systems, providing anchorage and stability for mature trees. Design solutions may include:</p> <ul style="list-style-type: none"> • basement and sub basement car park design that is consolidated beneath building footprints • use of increased front and side setbacks • adequate clearance around trees to ensure long term health • co-location with other deep soil areas on adjacent sites to create larger contiguous areas of deep soil 	<p>77sqm or 7.35% of the site area.</p> <p>While the provided deep soil numerically complies, the deep soil is not located so that it retains existing significant trees and allows for the development of healthy root systems.</p> <p>It is not considered that adequate deep soil clearance has been provided around the significant tree to ensure long term health.</p> <p>Further, the deep soil is not co-located with other deep soils areas on adjacent sites to create larger contiguous areas of deep soil.</p>	
3F- Visual Privacy	<p>Separation between windows of habitable rooms and balconies is provided to ensure visual privacy is achieved.</p> <p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <p>Up to 12m (4 storeys) Habitable - 6m</p>	<p>The setback to the northwest and northeast elevation is not compliant.</p> <p>At the northwest elevation facing No. 16-20 Winchester Avenue, a part of the balcony impinges into the required 6 metre setback.</p> <p>At the north-east elevation facing No. 17 and 21 Hampton Court Road, the kitchen and living room windows of level 1-3 and the balcony of level 4</p>	No

	<p>Non-habitable – 3m</p> <p>Up to 25m (5-8 storeys)</p> <p>Habitable – 9m</p> <p>Non-habitable – 4.5m</p>	<p>impinge into the required 6 metre setback.</p> <p>While a response was provided by the applicant to Council stating that the windows at the north-east windows and part of the balcony at the northwest could be removed from the scheme, Council's urban designer has noted that it would be an inappropriate outcome for amenity.</p>	
3G – Pedestrian Access and entries	<p>Building entries and pedestrian access connects to and addresses the public domain</p> <p>Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge</p>	<p>Council's Urban Designer raises the following concerns:</p> <ul style="list-style-type: none"> • Direct access to the ground floor units are not provided according to ADG objective 4L-1. • There is a lack of visibility of the lift from the public domain. • The open gallery fire stairs would likely be enclosed at the Construction Certificate stage resulting in a bulky element that visually impinges on the amenity of the building entry. • The entrance stairs are raised significantly above the footpath and is not considered to be well integrated as per ADG Objective 3G-2. 	No
3H-Vehicle Access	<p>Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p>The vehicle access on Winchester Street has a nil setback to the boundary. Council's Urban Designer raises concern that the access is not integrated with the design of the façade and is inconsistent with the objectives.</p>	No

		Council's Traffic Engineer notes that the design of the vehicle passing bay is inconsistent with Part 6.3.4 of the GRDCP 2021 which requires a minimum 1.5m from the side boundary.	
3J-Bicycle and carparking	<p>For development in locations that satisfy Objective 3J-1 proximity to public transport then reduced carparking rates set out in the Roads and Maritime Services Guide to Traffic Generating Developments (RMS), or the car parking requirement prescribed by the relevant council, whichever is less apply.</p> <p>The proposal fails to satisfy the location requirements so and the following DCP car parking provisions apply:</p> <p>1 space per 1 and 2 bedroom units, 2 spaces per 3 bedroom unit or greater and 1 space per 5 units (visitor parking) with 1 designated vehicle wash bays which maybe in a visitor space.</p> <p>1 space per Adaptable unit as per AS2890.6.</p>	See discussion below.	No

Car Parking

Given that the subject site is within 800m of Carlton Railway Station, the **parking requirements applicable to the development are contained in s5.4.3 High Density Residential Flat Buildings of the Guide to Traffic Generating Developments (RTA-2002) for the site in a Metropolitan Sub-Regional Centre.** The requirements are as follows:

No of bedrooms	No. of Units	Rate / unit	Required Spaces
2 Bedrooms	12	0.9 spaces	10.8

3 Bedrooms	3	1.4 spaces	4.2
4 Bedrooms	1	2 spaces	2
Visitors	16	1/5	3.2
Total required			20.2
Total provided			19.0

It is noted that 19 spaces are provided, resulting in a deficiency of 1 car parking space. Council's Traffic Engineer notes that:

- Even with the non-compliant basement setbacks on all 4 boundaries, the proposal is still unable to achieve the minimum parking requirement.
- **Each pair of tandem parking spaces, spaces 1 and 4, 2 and 5 and 3 and 6 will need to be allocated to single units. The provision of tandem parking results in on-site parking being provided for 13 of the 16 units and hence 3 units will have no onsite parking. Three units not being allocated onsite parking is considered undesirable in a location already experiencing a high demand for on road parking due to the large number of apartment blocks already constructed; the sites close proximity to the Carlton shops and commuter parking for the Carlton Railway Station.**
- The application does not show which one of the three visitor parking spaces is a shared car wash bay.

Bicycle Parking

Component	Rate	Number of Spaces REQUIRED
Resident bicycles	1 space per 3 units	5.3
Visitor	1 space per 10 units	1.6
TOTAL PREQUIRED		6.9(7)
TOTAL PROVIDED		14

Bicycle parking is proposed in the following two separate locations:

- **In the basement: 6 spaces**
- **At grade: 8 spaces – immediately inside the site adjacent to the main entry/exit steps on the Hampton Court Road frontage.**

Although parking is proposed for a total of 14 bicycles, the proposal for 8 of the spaces to be at grade/footpath level on the Hampton Court Road frontage is not supported.

The facility fails to provide a secure facility for the parking of the bicycles and the associated paving encroaches unnecessarily into landscaping.

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 9am and 3pm at mid-	14 of the 16 units (88%) achieve the minimum solar access requirement. This is compliant with the minimum requirement of 70%.	Yes
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		winter in the Sydney Metropolitan Area A maximum of 15% of apartments in a building may receive no direct sunlight between 9am and 3pm in midwinter		
4B- Natural Ventilation		At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line. The building should include dual aspect apartments, cross through apartments and corner apartments and limit apartment depths	See discussion below.	No

A Natural Ventilation Study report prepared by Vipac and dated 16/01/2025 was submitted to Council to support the proposal due to Council's concerns that the proposal is not compliant with the ADG requirements for natural ventilation.

The report conclusion was that only 9 out of 17 apartments (52.9%) are expected to be naturally cross ventilated and therefore not meeting the ADG requirements. The report recommended that to achieve the minimum of having 10 out of 16 apartments naturally cross ventilated, G02 and G03 should be combined, or additional openings be introduced to the south side of the combined apartments.

The amended proposal did not adopt the recommendations of the report and relied on ventilation through bathroom door and window which is not an acceptable outcome.

The recommended solution by Vipac (L) and the proposed solution (R) is shown below.

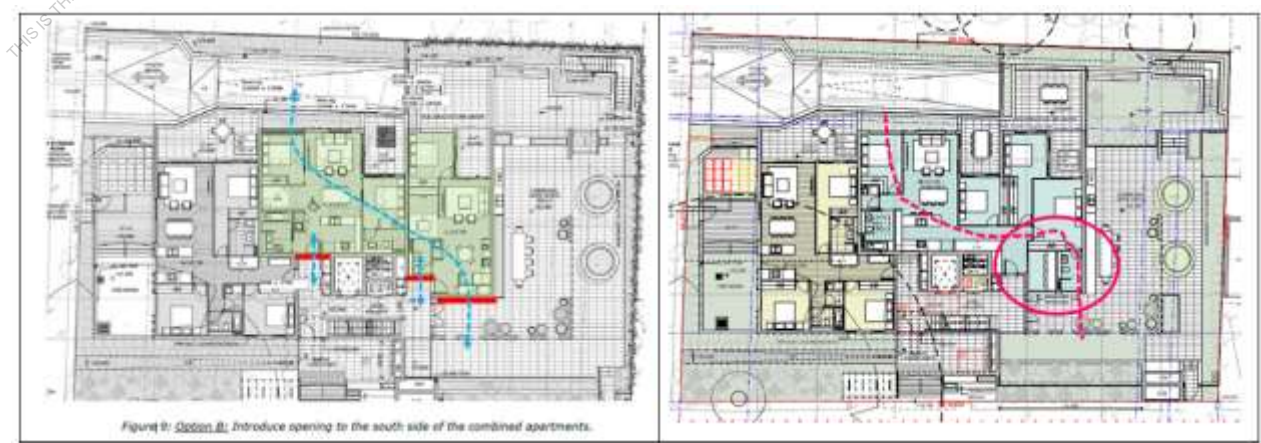


Figure 6: The recommended solution by Vipac (L) and the proposed solution (R)

4C-Ceiling Heights	Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Habitable rooms = 2.7m Non-habitable rooms = 2.4m 2 storey apartments = 2.7m for main living area floor and 2.4m for second floor where it does not exceed 50% of the apartment area	Compliant	Yes
4D- Apartment size and layout	<p>Apartments are required to have the following minimum internal areas: Studio = 35sqm 1 bedroom = 50sqm 2 bedroom = 70sqm 3 bedroom = 90sqm The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>	<p>All apartments exceed the minimum requirement.</p> <p>Every habitable room has window openings larger than 10% of the room area.</p>	Yes
4D-2 Apartment size and layout	<p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</p> <p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p>	<p>All apartments have open plan living/dining room layouts.</p> <p>Compliant.</p>	Yes
	Master bedrooms have a minimum area of 10sqm and other	All master bedrooms have a minimum internal size of 10sqm.	Yes

	<p>bedrooms 9sqm (excluding wardrobe space).</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p> <p>Living rooms or combined living/dining rooms have a minimum width of: -3.6m for studio and 1 bedroom - 4m for 2 and 3 bedroom apartments</p> <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	<p>All bedrooms have minimum dimensions of 3m.</p> <p>The combined living/dining rooms of apartments achieves the minimum required width of 4m.</p> <p>Minimum 4m provided for cross-over or cross-through apartments is proposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4E- Private Open space and balconies	<p>All apartments are required to have primary balconies as follows:</p> <p>Studio = 4sqm</p> <p>-1 bedroom = 8sqm/2m depth</p> <p>-2 bedroom = 10sqm/2m depth</p> <p>-3+ bedroom = 12sqm/2.4m</p> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum</p>	Compliant	Yes

	area of 15sqm and a minimum depth of 3m		
4F- Common circulation areas	The maximum number of apartments off a circulation core on a single level is eight	No more than four (4) units are provided to any one core on a single level.	Yes
	For Buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	N/A	N/A
4G- Storage	In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: Studio = 4m ³ 1 bedroom = 6m ³ 2 bedroom – 8m ³ 3 bedroom – 10m ³ At least 50% of storage is to be located within the apartment.	All apartments have sufficient storage totals.	Yes
4H- Acoustic Privacy	Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses. Window and door openings are generally orientated away from noise sources. Noisy areas within buildings including building entries and corridors should be located next to or above each other and quieter areas next to or above quieter areas Storage, circulation areas and non-habitable rooms should be located to buffer noise from external sources	Council's Environmental Health Officer has reviewed the proposal and raises no concerns subject to conditions.	Yes
4J – Noise and Pollution	To minimise impacts the following design solutions may be used: • physical separation between buildings and the noise or pollution source	Council's Environmental Health Officer has reviewed the proposal and raises no concerns subject to conditions.	Yes

	<ul style="list-style-type: none"> residential uses are located perpendicular to the noise source and where possible buffered by other uses buildings should respond to both solar access and noise. Where solar access is away from the noise source, non-habitable rooms can provide a buffer landscape design reduces the perception of noise and acts as a filter for air pollution generated by traffic and industry 		
4K – Apartment Mix	<p>A range of apartment types and sizes is provided to cater for different household types now and into the future.</p> <p>The apartment mix is distributed to suitable locations within the building.</p>	<p>The development offers a mix of accommodation offering 1 bedroom apartments, 2 bedroom apartments and 3 bedroom apartments.</p> <ul style="list-style-type: none"> 12 x 2 bedroom apartments 3x 3 bedroom apartments 1 x 4 bedroom apartments <p>The mix is acceptable and appropriate providing housing diversity.</p>	Yes
4L – Ground Floor Apartments	<p>Street frontage activity is maximised where ground floor apartments are located.</p> <p>Design of ground floor apartments delivers amenity and safety for residents.</p>	<p>The finished floor level of the bedroom of the 4 bedroom unit is 930mm below the existing ground level and the finished floor level of the living room of GO1 is 220mm below the existing ground level. This is not considered an acceptable outcome for a habitable area.</p> <p>Further, there is a lack of address between the ground floor apartments and the street as no direct access is provided.</p>	No
4M - Facades	<p>Facades should be well resolved with an appropriate scale and</p>	<p>Council's Urban Designer has reviewed the proposal and raises the following concerns:</p>	No

	proportion to the streetscape and human scale.	<ul style="list-style-type: none"> The building is dominated by a composition of repetitive building elements with red or similar face brick walls, with the only variation provided being the dark grey aluminium screens to the service stair façade. The façades do not include any projecting or receding elements providing depth to the built form. The façade includes large spans of unarticulated brick walls adding to the perceived bulk. The articulation in the form of the repetitive balconies do not provide depth in the massing due to the render fin walls framing the balconies. This adds to the building bulk as it does not read as projecting elements or variation in massing. The solid to void relationship, especially of the side elevations is not proportionate with significant proportion of the façade dominated by solid walls enhancing building bulk. At ground, the façade lacks activation, while the pedestrian entry is not distinguishable. There is also a lack of landscaping and deep soil within the setbacks. 	
4N – 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 maximised.	Acceptable.	Yes

	Incorporates sustainability features.		
4O – Landscape Design	Landscape design is viable and sustainable, contributes to the streetscape and amenity	An amended landscape plan was not submitted as part of the amended documentation.	No
4P- Planting on Structures	Planting on structures – appropriate soil profiles are provided, plant growth is optimised with appropriate selection and maintenance, contributes to the quality and amenity of communal and public open spaces	Not proposed.	N/A
4Q – Universal Design	Universal design – design of apartments allow for flexible housing, adaptable designs, accommodate a range of lifestyle needs.	In accordance with the ADG, 20% of total apartments within a development must incorporate the Liveable Housing Guideline's silver level universal design features. As such, 3 adaptable units are required. Noting that 3 adaptable units are proposed, it is considered acceptable.	Yes
4R – Adaptive reuse	Adaptive reuse as apartment of existing buildings- new additions are contemporary and complementary, provide residential amenity while not precluding future adaptive reuse.	N/A - A new development.	N/A
4S Mixed Use	Mixed use development are provided in appropriate locations and provide active street frontages that encourage pedestrian movement	The site is located within the R4 High Density Residential zone, mixed use is not proposed.	N/A
4U – Energy Efficiency.	Development incorporates passive environmental design, passive solar design to optimise heat storage in winter and reduce heat transfer in summer, natural ventilation minimises need for mechanical ventilation	A BASIX Certificate has been provided.	Yes

4V – Water management and conservation	Water management and conservation – potable water use is minimised, stormwater is treated on site before being discharged, flood management systems are integrated into the site design	Council's Development Engineer has reviewed the proposal and raises no concerns subject to conditions.	Yes
4W – Waste Management	Waste management – storage facilities are appropriately designed, domestic waste is minimised by convenient source separation and recycling	Council's Waste Management Officer has reviewed the proposal and raises no concerns.	Yes
4X – Building Maintenance	Building design provides protection from weathering and enables ease of maintenance, material selection reduces ongoing maintenance cost	Council's Urban Designer raises concern with the proposal.	Yes

42. The application has not demonstrated that it will satisfy all the relevant provisions of the Apartment Design Guide and is not considered able to be supported in its current form.

Georges River Local Environmental Plan 2021 (GRLEP 2021)

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



Figure 6: Zoning Map

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

Clause	Standard	Proposal	Complies
Part 2: Permitted or Prohibited Development			
2.2 Zoning of Land to which Plan applies	R4 High Density Residential	The proposed application is for a residential flat building in the R4 High Density Residential zone under GRLEP 2021.	Yes
2.3 Zone objectives and Land use table	Objectives of zone to be satisfied	The proposal satisfies objectives 1, 2 and 5 of the zone objectives by providing a mixture of residential apartments that are located to maximise public transport patronage and promote walking and cycling as viable transport options.	Yes
2.7 Demolition	Demolition requires development consent.	Consent for demolition of existing structures is sought.	Yes
Part 4: Principal Development Standards			
4.3 Height of Buildings	Maximum permitted height as per height of building map: 15m	Based on the submitted elevations and Clause 4.6 Variation, submitted by the applicant, the height of building is 16.175 metres at RL 39.35 which exceeds that 15m building height limit. A variation of 7.83% or 1.175m is proposed.	No, see clause 4.6 submitted.
Note: Clause 4.6 objection has been submitted requesting a variation to the development standards for the maximum building height. The non-compliance relates to the lift over run and a small section of the roof. This is discussed in greater detail below.			
4.4 Floor Space Ratio	Maximum permitted 1.5:1 or 1570sqm	A total of 1483sqm floor space is proposed (1.42:1)	Yes
Note: Based on a site area of 1047sqm.			
4.5 Calculations of Floor space and Site area	Floor space to be calculated in accordance with this Clause.	Calculated in accordance with this Clause	Yes
4.6 Exceptions to Development Standards	A Clause 4.6 variation request has been submitted in relation to the proposed building height breach. This is discussed in greater detail below.		
Part 5: Miscellaneous Provisions			
5.10 Heritage Conservation	(1) Objectives The objectives of this clause are as follows— (a) to conserve the environmental	The subject site is not a heritage item or in a heritage conservation area.	N/A

	<p>of the Georges River local government area,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(c) to conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>		
5.21 Flood Planning	<p>(1) Objectives The objectives of this clause are as follows—</p> <p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,</p> <p>(c) to avoid adverse or cumulative impacts on flood behaviour and the environment,</p> <p>(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.</p>	<p>This clause applies to development on land that the consent authority considers to be within the 'flood planning area'.</p> <p>The site is not mapped as being part of a flood planning area.</p>	N/A
Part 6: Additional Local Provisions			

6.1 Acid Sulfate Soils (ASS)	(1) Objectives The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The site is identified as being affected by acid sulfate soils – Class 5.	Yes
6.2 Earthworks	(2) Development consent is required for earthworks unless— (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.	While it is acknowledged earthworks will be required to facilitate the basement, it is considered that the extent of the earthworks have not been sufficient considered to ensure that public/private interface are appropriately designed and that the finished floor development of habitable rooms is above the existing ground level.	No
6.3 Stormwater Management	(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development— (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site	Council's Development Engineer raises no concern with the stormwater design subject to conditions.	Yes

	<p>stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater or river water, and</p> <p>(c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system or, if the impact cannot be reasonably avoided, minimises and mitigates the impact, and</p> <p>(d) is designed to minimise the impact on public drainage systems.</p>		
6.7 Airspace Operations	<p>(2) Development consent must not be granted to development to which this clause applies unless—</p> <p>(a) the consent authority has consulted the relevant Commonwealth body, and</p> <p>(b) the relevant Commonwealth body advises the consent authority that—</p> <p>(i) the development will penetrate the Limitations or Operations Surface but it does not object</p>	Air Services Australia has reviewed the proposal and raises no concerns.	N/A

	to the development, or (ii) the development will not penetrate the Limitations or Operations Surface.		
6.8 Development in areas subject to aircraft noise	<p>(1) Objectives The objectives of this clause are as follows:</p> <p>(a) to prevent certain noise sensitive developments from being located near the Sydney (Kingsford Smith) Airport and its flight paths,</p> <p>(b) to assist in minimising the impact of aircraft noise from that airport and its flight paths by requiring appropriate noise attenuation measures in noise sensitive buildings,</p> <p>(c) to ensure that land use and development in the vicinity of that airport do not hinder or have any other adverse impacts on the ongoing, safe and efficient operation of that airport.</p>	The proposed development is not on land that is in an ANEF contour of 20 or greater and therefore the matters for consideration under this clause are not triggered.	N/A
6.9 Essential Services	Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that		

	<p>adequate arrangements have been made to make them available when required—</p> <p>(a) the supply of water, (b) the supply of electricity, (c) the supply of telecommunications facilities, (d) the disposal and management of sewage, (e) stormwater drainage or on-site conservation, (f) suitable vehicular access.</p>	<p>Water and electricity supply is available to the site and can be extended to service this new development.</p> <p>Sewage disposal is available from the site.</p> <p>Stormwater disposal plan has been assessment by Council's Development Engineer and raises no concern subject to conditions.</p> <p>Council's Traffic Engineer raises concern with the proposal as discussed earlier.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p>
6.10 Design Excellence	(1) The objective of this clause is to deliver the highest standard of sustainable architecture and urban design.	Council's Urban Designer has reviewed the proposal and raises significant concern with the proposal.	No
6.10 (3) (b)	(3) (b) land in the following zones if the building concerned is 3 or more storeys or has a height of 12 metres or greater above ground level (existing), or both, not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking—	<p>The proposal is for a building greater than 3 storeys with a height greater than 12 metres in R4 High Density Residential Zone.</p> <p>The proposal fails to deliver a high standard of sustainable architecture and urban design. It is also noted that habitable areas are also proposed below the existing ground level.</p>	No

	(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.		
6.10 (4)	(4) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.	The amended plans still have multiple unresolved issues and the design is not supported by Council's Urban Designer. The application has failed to demonstrate that the development exhibits design excellence to satisfy the requirements of this clause.	No
6.10 (5)	(5) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters— (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain, (c) whether the development detrimentally impacts on view corridors,	<p>The architectural plans fail to demonstrate a high standard of architectural design is proposed incorporating modern and complementary materials and finishes.</p> <p>The application fails to demonstrate that the external appearance of the building will improve the quality and amenity of the public domain.</p> <p>The application fails to demonstrate compliant separation distances, setbacks and massing, impacting the amenity and development potential of adjoining sites.</p>	No

	<p>(d) how the development addresses the following matters—</p> <ul style="list-style-type: none"> (i) the suitability of the land for development, (ii) existing and proposed uses and use mix, (iii) heritage issues and streetscape constraints, (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (v) bulk, massing and modulation of buildings, (vi) street frontage heights, (vii) environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity, (viii) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks, (ix) the impact on, and proposed improvements to, the public domain, (x) achieving appropriate 		
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	<p>interfaces at ground level between the building and the public domain,</p> <p>(xi) excellence and integration of landscape design,</p> <p>(xii) the provision of communal spaces and meeting places,</p> <p>(xiii) the provision of public art in the public domain,</p> <p>(xiv) the provision of on-site integrated waste and recycling infrastructure,</p> <p>(xv) the promotion of safety through the application of the principles of crime prevention through environmental design.</p>		
6.11 Environmental sustainability	<p>(1) The objective of this clause is to ensure that the development to which this clause applies is consistent with principles of best practice environmentally sensitive design.</p>	<p>The application has failed to demonstrate that the development will not lead to a negative impact upon a significant tree due to the works proposed impacting the TPZ and potential structural roots.</p>	No
	<p>(2) This clause applies to development—</p> <p>(a) on land in the following zones—</p> <p>(i) Zone R4 High Density Residential,</p> <p>(ii) Zone E1 Local Centre,</p> <p>(iii) Zone E2 Commercial Centre,</p> <p>(iv) Zone E4 General Industrial,</p> <p>(v) Zone MU1 Mixed Use.</p>	<p>This clause applies to the proposed development as it is a new building on land zoned R4 High Density Residential.</p>	Yes

	(b) that involves— (i) the erection of a new building, or (ii) the change of use of an existing building, or (iii) alterations or additions to an existing building that, in the opinion of the consent authority, are significant.		
	(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	The site is less than 1500sqm.	N/A

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	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.		
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Clause 4.6 Exceptions to development standards

Detailed assessment of variation to Clause 4.3 Height of Buildings

45. Clause 4.3 of the Georges River Local Environmental Plan 2021 (GRLEP) relates to the maximum permitted building height for a site and refers to the Height of Buildings Map. The relevant map identifies the subject site as having a maximum height of 15m. Building Height is defined as:

“Building height (or height of building) means:

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

46. The location and extent of the height non-compliance is provided in the image below.

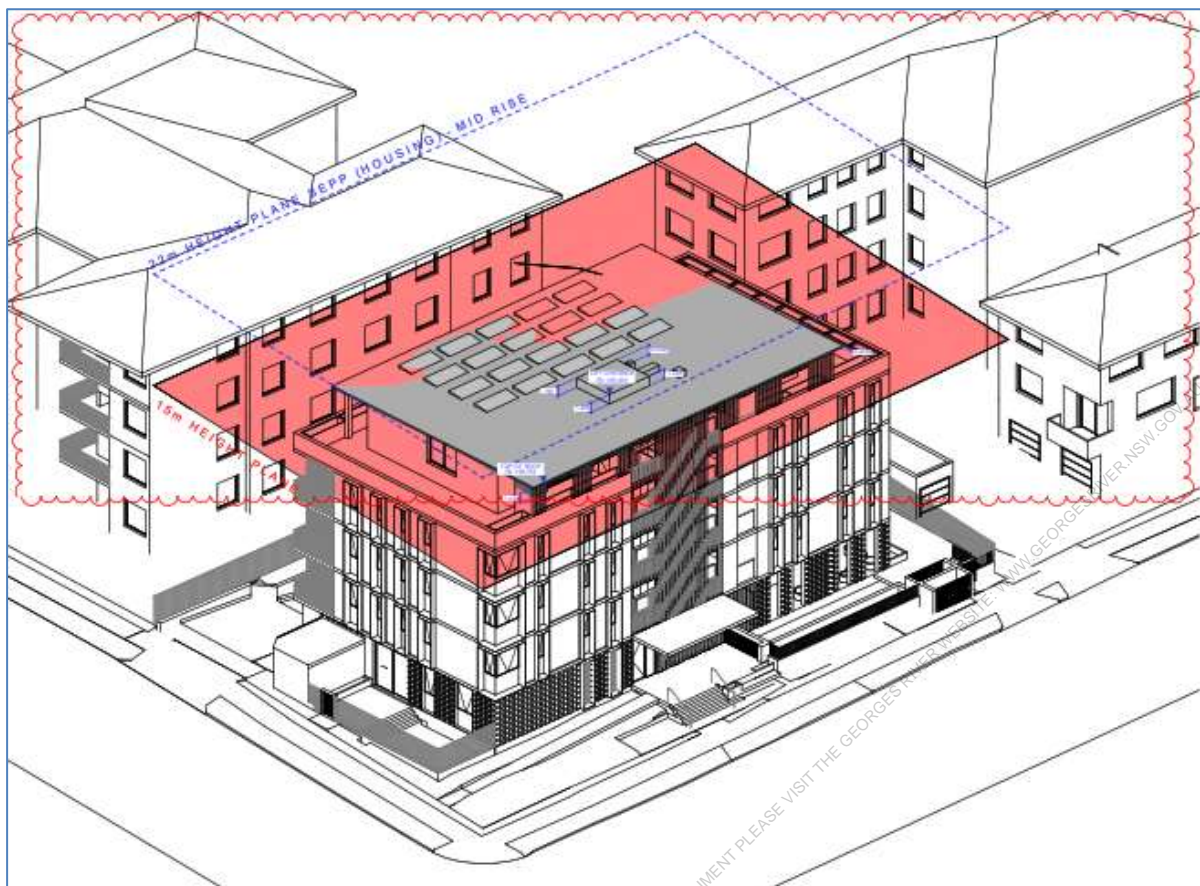


Figure 7: Height plan drawing which illustrates the components which are above the height control

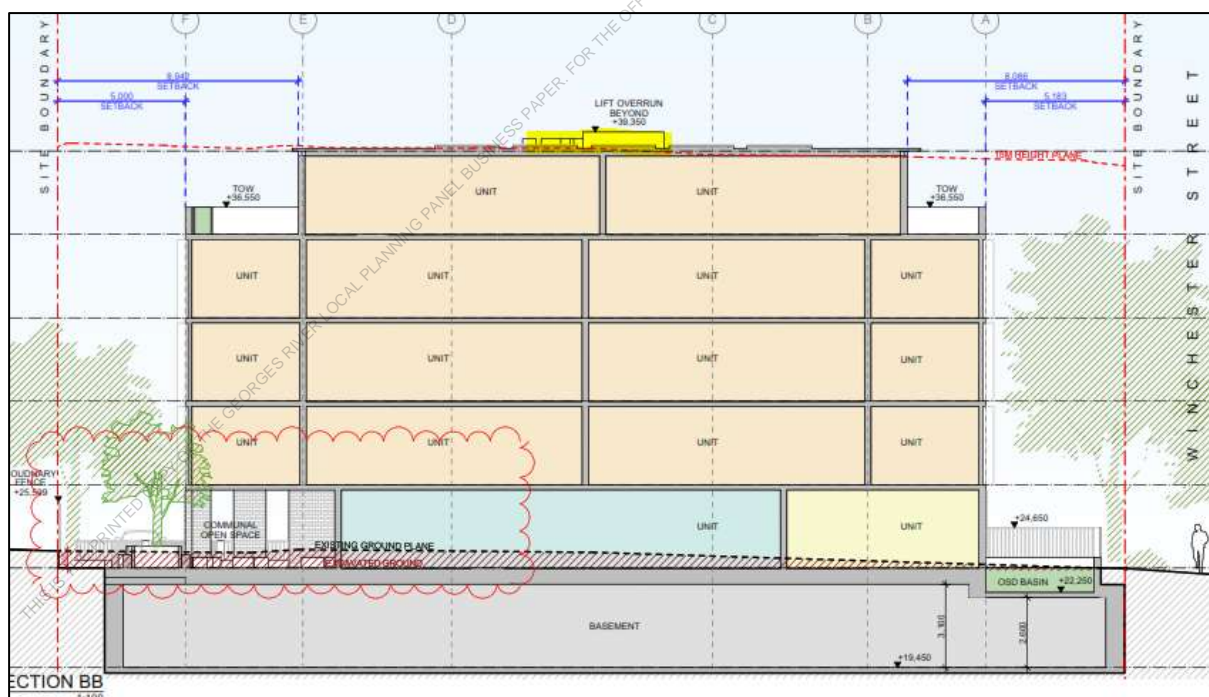


Figure 8: Section Plan

47. The proposed development seeks a variation to the development standard relating to height (Clause 4.3). The GRLEP identifies a maximum height control of 15m across this development site. The proposed development will exceed the height limit by 1.175m. The height breach relates primarily to the lift over run, a bathroom and part of the roof which has a maximum RL of 39.35m AHD resulting in a 7.83% variation of the height control.

48. Any variation to a statutory control can only be considered under Clause 4.6 – Exceptions to Development Standards of the GRLEP.
49. Clause 4.6(1) outlines the objectives of the standard which are to “*provide an appropriate degree of flexibility in applying certain development standards to particular development*” and “*to achieve better outcomes for and from development by allowing flexibility in particular circumstances*”.
50. Clause 4.6(3) states that:
“Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard”
 - (c) To support the non-compliance, the applicant has provided a request for a variation to Clause 4.3 in accordance with Clause 4.6 of GRLEP 2021. It is noted that the height of building of the original plans and the latest plans are consistent therefore, the originally submitted Clause 4.6 variation is assessed. The Clause 4.6 request for variation is assessed as follows:
 - (d) To support the non-compliance, the applicant has provided a request for a variation to Clause 4.3 in accordance with Clause 4.6 of GRLEP 2021. The Clause 4.6 request for variation is assessed as follows:

Is the planning control in question a development standard?

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

What are the underlying objectives of the development standard?

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

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

- (g) There have been several Court cases that have established provisions to assist in the assessment of Clause 4.6 statements to ensure they are well founded and address the provisions of Clause 4.6.
- (h) In *Wehbe V Pittwater Council* (2007) NSW LEC 827 Preston CJ sets out ways of establishing that compliance with a development standard is unreasonable or unnecessary. This list is not exhaustive. It states, inter alia:

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

(i) The judgment goes on to state that:

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

(j) Preston CJ in the judgement then expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy, as follows (with emphasis placed on number 1 for the purposes of this Clause 4.6 variation):

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.”*

51. The Clause 4.6 statement was prepared having regard to the recent court cases and their judgments.
52. Applicant's Comment: *Requiring strict compliance with the standard is unreasonable or unnecessary because the development:*
 - (a) *the development is consistent with the standard and zone objectives, even with the proposed variation.*
 - (b) *There are no additional significant adverse impacts arising from the proposed non-compliance; and*
 - (c) *The important planning goals are achieved by the approval of the variation.*
53. Officer's Comment: In respect to Prestons CJ judgment the NSW Land and Environment Court has established the five part test (outlined above). In this case the development satisfies the five part test and is considered the variation to the height control requested is considered to be worthy of support in this individual instance.

- As previously discussed, the objectives of the height standards are considered to be satisfied despite the numeric non-compliance.
- The underlying objectives of the standard remains relevant and therefore compliance is necessary and warranted. The majority of the building sits within the height limit with the lift over run exceeding the control. No habitable area extends beyond the 15m height limit.
- In this case the underlying objective will not be defeated or thwarted by the approval of the building, as the building has been designed to generally comply with the height standard. The height control will not be abandoned or destroyed through this or any recent approvals for similar development.
- The R4 zoning is an appropriate zoning for the site and this parcel of land was subject to up scaling. The proposed scale of the development is consistent with the anticipated height for development within this zone and precinct.

54. The height control objectives articulates the ultimate function of establishing the height of buildings. The maximum height for buildings is identified on the height of buildings map. As previously described, the maximum height of the proposal is 16.175m. The proposal contravenes the standard, as a result the amount and degree of non-compliance and its resultant impact needs to be considered.
55. The proposed height of the development is considered to be in keeping with the desired future character of development within the precinct.

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

56. Clause 4.6 (3)(b) states that (b) *there are sufficient environmental planning grounds to justify contravening the development standard.*
57. Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, it is considered that there is an absence of any negative impacts of the proposed non-compliance on the environmental quality of the locality and amenity of adjoining properties.
58. Applicant's Comment:
Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard. Specifically, Preston CJ in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118 (paragraph 24) states:
59. The environmental planning grounds relied on in the written request under cl 4.6 must be "sufficient". There are two respects in which the written request needs to be "sufficient". First, the environmental planning grounds advanced in the written request must be sufficient "to justify contravening the development standard". The focus of cl 4.6(3)(b) is on the aspect or element of the development that contravenes the development standard, not on the development as a whole, and why that contravention is justified on environmental planning grounds. The environmental planning grounds advanced in the written request must justify the contravention of the development standard, not simply promote the benefits of carrying out the development as a whole: see Four2Five Pty Ltd v Ashfield Council [2015] NSWCA 248 at [15]. Second, the written request must demonstrate that there are sufficient environmental planning grounds to justify contravening the development

standard so as to enable the consent authority to be satisfied under cl 4.6(4)(a)(i) that the written request has adequately addressed this matter: see *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 at [31].

60. The assessment of this numerical non-compliance is also guided by the decisions of the NSW LEC in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 and *Four2Five Pty Ltd v Ashfield Council* [2015] NSWCA 248 whereby Justice Pain ratified the original decision of Commissioner Pearson.
61. The following planning grounds are submitted to justify contravening the maximum building height:
- The height breach is a result of the unique combination of site topography, compatibility with flooding constraints and the retention of an existing mature tree. The portion of the building that exceeds the height control corresponds to the lower portions of existing ground levels which also contain the root zone of the tree to be retained and are also within or in close proximity to land potentially impacted by flooding.
 - Excavation is limited in order to retain and protect the root zone of the existing tree. Therefore, excavation is minimised in the southern corner of the site. This means the vehicle crossing must be located in the western corner of the site and on-site detention must be located in the western corner of the site. Limits to the maximum vehicle ramp grades result in the minimum basement finished floor level of RL 19.45m and consequential minimum floor to floor heights and flat roof resulting in the partial non-compliance for part of the roof area.
 - A single lift and stair core is the most efficient layout to achieve accessible visitation to all apartments and a step in the building to achieve height compliance would be an inefficient layout of internal space.
 - The roof area and lift overrun of Level 4 that breaches the height control is recessed from the storeys below being setback at least 5m from the north and south site boundaries and at least 8m and 9m from the west and east side boundaries respectively. The rooftop therefore is a recessive element in the overall built form and will not add excessive bulk and scale to the building design overall.
 - The proposal complies with the FSR development standard. The proposed height variation does not result in excessive GFA and therefore does not contribute to the perceived visual bulk of the proposal nor result in a building height that is not anticipated by the planning controls. The planning controls anticipate a building height of five (5) storeys.
 - The minor exceedance to building height does not result in excessive overshadowing. The midwinter shadow cast by the proposal is compliant with the DCP provisions and will not be detrimental to the amenity of neighbouring properties. The additional shadow cast by the non-compliant Section of the building does not make a significant difference to the mid-winter shadow in comparison to a compliant building envelope.
 - The location of the basement access and the pedestrian access are on flood-free areas of the site and will ensure the access and egress arrangements are safe and compatible with the potential for flooding in the locality. The critical levels required to maintain flood free access dictate the finished floor levels throughout the building and result in a minor non-compliance with the numeric height control.
 - The proposed building design provides a high level of amenity to the occupants of the apartments and it is considered that there is an absence of any significant material impacts attributed to the breach on the amenity or the environmental values of surrounding properties and on the character of the locality. Specifically:

- (a) The height breach creates no significant additional overshadowing to adjoining properties when considering the extent of overshadowing against the backdrop of the applicable planning controls. The elements of the building that breach the height limit would have insignificant or nil additional impacts on the overshadowing of adjoining properties;
- (b) The height breach does not result in any significant additional privacy impacts given that it is only the very upper portion of Level 4 and the lift overrun which are above the height limit. The area of the height breach within Level 4 is a maximum 1.175m over the height limit from which views would not be obtained. Therefore, the extent of privacy impacts caused by the height breach will have no greater impact on the privacy of adjoining properties when compared to the complying elements of the building. The loss of privacy caused by the noncompliant elements would be nil; and
- (c) The height breach does not result in any significant view loss. The proposed development will not result in any material loss of views or outlook when compared to a building with a compliant height. The extent of view loss caused by the non-compliant element would be insignificant or nil.
- (d) The proposed development meets the objectives of the development standard and meets the objectives of the R4 High Density Residential zone (as further detailed in Section 7 below);
- (e) The proposed development achieves the objects in Section 1.3 of the EP&A Act, specifically:
 - (a) The proposal promotes the orderly and economic use and development of land through the
 - (b) redevelopment of an underutilised site for residential uses (1.3(c));
 - (c) The proposed development promotes good design and amenity of the built environment
 - (d) through a well-considered design which is responsive to its setting and context (1.3(g)).

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

- (a) The proposed variation will provide more sustainable housing in social and environmental terms and better achieve urban planning policies (clause 2(3)(a)(i)); and Approval of the proposed variation will support a variety of housing types by providing a well located development that will be a better choice for families (clause 2(3)(g)).

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

- The proposed variation will provide more sustainable housing in social and environmental terms and better achieve urban planning policies (clause 2(3)(a)(i));
- Approval of the proposed variation will allow for a variation of building height and scale across the locality which is commonly accepted urban design approach instead of buildings with consistent height; and
- Approval of the proposed variation will support a variety of housing types by providing a well located and compact development that will be a better choice for families (clause 2(3)(g)).

- The above environmental planning grounds are not general propositions and are unique circumstances to the proposed development, particularly its location within proximity to the Princes Highway and requirement to provide equitable access to the communal open space rooftop. Insistence on compliance with the height control will result in the removal of lift and stair accessibility to the communal rooftop terrace, which is a disproportionate outcome given the impacts of the proposal. The additional height does not significantly impact the amenity of the neighbouring properties (when compared to a compliant development) and has been designed in such a way to ensure the additional height is not visually jarring from the public domain.
63. The above environmental planning grounds are not general propositions and are unique circumstances to the proposed development. Insistence on compliance with the height control will result in the removal of the lift overrun, the roof top terrace and part or all of Apartments 401 and 402, which is a disproportionate outcome given the non-compliance is due to the topography of the site and that there are no significant adverse impacts associated with the height breach.
64. The additional height does not significantly impact the amenity of the neighbouring properties (when compared to a compliant development) and has been designed in such a way to ensure the additional height is not visually discernible from the public domain.
65. It is noted that in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118, Preston CJ clarified what items a Clause 4.6 does and does not need to satisfy. Importantly, there does not need to be a "better" planning outcome:
- The second way is in an error because it finds no basis in cl 4.6. Clause 4.6 does not directly or indirectly establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development. This test is also inconsistent with objective (d) of the height development standard in cl4.3(1) of minimising the impacts of new development on adjoining or nearby properties from disruption of views or visual intrusion. Compliance with the height development standard might be unreasonable or unnecessary if the non-compliant development achieves this objective of minimising view loss or visual intrusion. It is not necessary, contrary to what the Commissioner held, that the non-compliant development have no view loss or less view loss than a compliant development.
 - The second matter was in cl 4.6(3)(b). I find that the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard.
66. As outlined above, it is considered that in many respects, the proposal will provide for a better planning outcome than a strictly compliant development. At the very least, there are sufficient environmental planning grounds to justify contravening the development standard.

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

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

68. Clause 4.6(4) states that:
"Development consent must not be granted for development that contravenes a development standard unless:
 - *the consent authority is satisfied that:*
- (a) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (b) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out,"*
69. Applicant's Comment: *The objectives and relevant provisions of Clause 4.3 of GRLEP 2021 are as follows:*

Objective	Comment
<i>"to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality"</i>	<p><i>This objective articulates the ultimate function of the height of buildings development standard. The maximum height for buildings on land within the Georges River Local Government Area is identified on the Height of Buildings Map. As previously described, the maximum building height permitted on the subject site is 15m and the maximum height of the proposal is 16.175m.</i></p> <p><i>The development standard provides for a five-storey form across the site and the proposed development complies. A small numeric non-compliance is created due to the site topography at this point where the existing ground level is lowest within the overall building footprint. The proposal contravenes the standard, which has prompted the preparation of this written variation request. Despite the nature and scale of development proposed by this development application, Clause 4.3 achieves the objective of establishing a maximum building height for the site, using the Height of Buildings Map as a mechanism to do so. This written request identifies the extent of variation proposed and explains why the variation is acceptable in the circumstances. For these reasons the proposed height is consistent with Objective (a).</i></p>
<i>"to minimise the impact of overshadowing, visual impact, disruption of views and loss of</i>	<i>This objective envisages that building heights must be controlled to minimise the impact to the amenity of neighbouring properties.</i>

<p>privacy on adjoining properties and open space areas”</p>	<p><i>In relation to solar access, the elements above the 15m height limit create no significant additional overshadowing to adjoining properties when considering the extent of overshadowing against the backdrop of applicable planning controls. That is, the height breach of the lift overrun and hot water service are located centrally within the site and will not cast significant shadows onto the neighbouring properties between 9am and 3pm in midwinter. The shadow diagrams indicate that any overshadowing associated with the proposed non-compliance is relatively minor and compliant with the DCP. In terms of visual impact, the proposed height variation is generally limited to elements recessed within the building footprint. The area of the height breach is set back at least 9m from the north and south site boundaries. To the casual observer on Hampton Court Road or Winchester Street, the non-complaint elements will not be visually discernible or obtrusive. With regards to privacy, the height breach does not result in any significant additional privacy impacts given that it is only the ceiling and roof over part of Apartments 401 and 402, lift overrun and hot water service which are above the height limit. The portion of the building exceeding the height control will not obstruct views or vistas.</i></p> <p><i>As such, as the majority of the built form is compliant with the relevant building controls set by the GRLEP, GRDCP and the ADG. This ensures that despite the maximum 1.175m height breach, the proposal is consistent with Objective (b)</i></p>
<p>“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”</p>	<p><i>This objective seeks to ensure development provides a suitable scale and intensity within the R4 zone. The 15m height of buildings control effectively anticipates that a five-storey building can be constructed on the site. The proposed development provides a five-storey building and is only partly in breach of the height limit due to the site topography and tree retention with the very central part of the development breaching the height control due to the change in ground levels within the site and the design which protects the root zone of the mature tree. As such, the five-storey appearance will result in a built form which is reasonably anticipated and generally compliant with the 15m height of buildings development standard. The proposal therefore represents a form consistent with the desired future character of the locality.</i></p> <p><i>Therefore the proposal will be entirely compatible with the streetscape and represents the desired future character of the locality. It will certainly not be visually discernible in the streetscape or obtrusive where viewed from any surrounding properties. On</i></p>

	<p><i>balance, the proposal is considered to achieve a planning purpose of providing a high quality residential flat building, in a suitable locality in close proximity to services and transport. These benefits are in the absence of any significant additional adverse streetscape or amenity impacts.</i></p> <p><i>The proposal is therefore consistent with objective (c), despite the minor height breach.</i></p>
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70. *Objectives of the Zone*

Clause 4.6(4)(a)(ii) requires that the consent authority be satisfied that the development is in the public interest because it is consistent with relevant zone objectives. The objectives of Zone R4 High Density Residential are as follows:

- To provide for the housing needs of the community within a high density residential environment.*

The proposed development will provide for the housing needs of the community and a section of the height variation is attributed to the lift overrun which along with the elevator provides equitable access to all floors of the building and improves the equity of access for future occupants and visitors..

- To provide a variety of housing types within a high density residential environment.*

The proposed development will provide apartments within an accessible location as required within the high density residential zone.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

This objective is not relevant to the proposal. However, the proposal does not preclude the non-residential use of other sites in Zone R4.

- To enable other land uses that contribute to the vibrancy of the neighbourhood while ensuring business centres remain the focus for business and retail activity.*

This objective is not relevant to the proposal. However, the proposal does not preclude the non-residential use of other sites in Zone R4.

- To encourage development that maximises public transport patronage and promotes walking and cycling.*

The proposed development is located close to Carlton Railway Station and will provide bicycle parking within the basement level. The proposed development, including those parts of the building that breach the height of buildings development standard, is not antipathetic to the objectives for the zone and for that reason the proposed variation is acceptable.

71. *The objectives of the zones as demonstrated above, as well as the objectives for the standard, have been adequately satisfied. Therefore, the proposal is considered to be in the public interest.*

72. Officer's Comment: The non-compliance has been designed to ensure all habitable areas are located within the permitted height and the only exceedance relates to the lift over run

which is generally recessive in nature. The proposal generally satisfies the objectives of the development standard in the following ways:

73. The amenity impacts associated with the non-compliance have been considered. In terms of visual impact, the structure is generally centrally located which reduces its visual appearance from the immediately adjoining streetscapes. It is considered that in this case the small-scale ancillary structure which will not be highly visible or an intrusive element. It will not be readily visible from immediately adjoining properties and streetscapes given that it is centrally located. There will be no significant adverse impacts in terms of overshadowing or overlooking to adjoining properties.
74. The proposed development is considered to satisfy the objectives of the building height development standard for the following reasons:
- (a) When considered in the context of the development, the variation is minor and would not be readily discernible from street level.
 - (b) The height variation will not result in any unreasonable adverse amenity impacts such as overshadowing on neighbouring properties or the public domain.
 - (c) The variation to the height would not result in an unreasonable visual impact on neighbouring properties or the streetscape.
75. The R4 High Density Residential zone objectives require the development to:
- *To provide for the housing needs of the community within a high density residential environment.*
 - *To provide a variety of housing types within a high density residential environment.*
 - *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
 - *To enable other land uses that contribute to the vibrancy of the neighbourhood while ensuring that business centres remain the focus for business and retail activity.*
 - *To encourage development that maximises public transport patronage and promotes walking and cycling.*
76. The exceedance in the building height control generally satisfies the objectives of the zone for the following reasons:
1. The development will provide for a residential flat building with a diverse mix of unit sizes and the proposed variations will not impede the attainment of this objective.
 2. The development is providing for the housing needs with a mix of apartment choices and layouts within a high residential zone.
 3. The development is located within an accessible location with only a short walk to bus stops within close proximity.
 4. The development incorporates a diversity of apartment types, including adaptable apartments.
77. The area of non-compliance is considered not to be unreasonable and will not establish an undesirable precedent or undermine the objectives of the zone or height control. It will not have any adverse effect on the surrounding locality, which is consistent within the R4 location. The proposal promotes the economic use and development of the land consistent with zone and its purpose.
78. The public benefit of the variation is that it will appropriately facilitate the provision of a high density residential development on R4 zoned land and will provide for a range of housing

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

79. The second matter was in cl 4.6(3)(b), where the Commissioner applied the wrong test in considering this matter by requiring that the development, which contravened the height development standard, result in a "better environmental planning outcome for the site" relative to a development that complies with the height development standard (in [141] and [142] of the judgment). Clause 4.6 does not directly or indirectly establish this test. The requirement in cl 4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard has a better environmental planning outcome than a development that complies with the development standard.
80. The structures which breach the building height is the lift over run. The lift over run is centrally located and will have minimal visual impact.
81. Clause 4.6(4)(b) the concurrence of the Director-General has been obtained.
82. In accordance with clause 55 of the Environmental Planning and Assessment Regulation 2021, Council may assume the Secretary's concurrence for exceptions to development standards for applications made under clause 4.6 of the LEP. This was further confirmed by directions provided within Planning Circular PS 18-003 issued on 21 February 2018.
83. Whether contravention of the development standard raises any matter of significance for State or regional environmental planning (Clause 4.6(5)(a))
84. Contravention of the maximum height development standard proposed by this application does not raise any matter of significance for State or regional environmental planning.

Conclusion – Assessment of Clause 4.6 Request for Variation

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

Georges River Development Control Plan 2021 (GRDCP 2021)

89. The proposed development is subject to the provisions of Georges River Development Control Plan 2021 (GRDCP 2021).
90. The proposal needs to address and satisfy the following relevant provisions of GRDCP:
- Part 3 General Planning Considerations,
 - Part 5 Residential Locality Statements (Carlton South),
 - Part 6.3 High Density Residential Controls.
91. These provisions are addressed in detail below.

Part 3: General Planning Considerations

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

Part 3 General Planning Considerations		
3.3 Landscaping		
<p>1. Landscaping on site should be incorporated into the site planning of a development to (where appropriate):</p> <ol style="list-style-type: none"> Reinforce the desired future character of the locality; Maintain significant landscape features; Be consistent with any dominant species in the adjoining area of ecological significance; Incorporate fire resistant species in areas susceptible to bushfire hazard; Provide planting within setback zones (setbacks identified within the relevant applicable parts of the DCP); Soften the visual impact of buildings, carparks and roads; Cater for outdoor recreation areas; Separate conflicting uses; Screen undesirable elements; Provide opportunities for on-site stormwater infiltration, in particular around existing trees and vegetation; Consider the future maintenance requirements of landscaped areas; Protect the effective functioning of overhead, surface level or underground utilities; and Improve the aesthetic quality of the development. <p>2. Landscape planting should achieve a mature height in scale with the structures on the site.</p>	<p>An amended landscape plan was not forthcoming as part of the latest amended submission.</p> <p>As above.</p>	<p>No</p> <p>No</p>

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).	As above.	No	LPP010-25
4. Hydrological issues should be considered at the early stages of design for development around and close to trees on development sites.	As above.	No	
5. 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.	As above.	No	
6. Topsoil and mulch should be included in landscape areas and should contain organic matter to support plant growth.	As above.	N/A	
<u>Planting on Structures</u> 7. 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.	As above.	No	
8. Green roofs and walls must be provided in higher density urban environments where opportunities for deep soil landscaping are limited and/or where large walls face active areas of the public domain.	As above.	N/A	
3.6 Contaminated Land			
1. Each development application is to include information sufficient to allow Council to meet its obligation to determine whether development should be restricted due to the presence of contamination.	The property has a lengthy history of residential use, no known past land uses are likely to cause contamination.	Yes	
2. Proposals for the development of contaminated land or potentially contaminated land will need to determine: i. The extent to which land is contaminated (including both soil and groundwater contamination):	Noted. The site is not a known contaminated site.	N/A	

<p>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;</p> <p>iii. Whether the land requires remediation to make the land suitable for the intended use prior to that development being carried out; and</p> <p>iv. If the land has been previously investigated or remediated, development cannot be carried out until Council has considered the nature, distribution and levels of residues remaining on the land and Council has determined that the land is suitable for the intended use.</p>		
3.7 Heritage		
Any application for a property identified in the Georges River LEP 2021 as a heritage item or in the vicinity of a heritage item or heritage conservation area, must be accompanied by a Heritage Impact Statement.	N/A	N/A
Development in the vicinity of a Heritage Item or Heritage Conservation Area		
Respect and respond to the curtilage, setbacks, form, scale and style of the heritage item or heritage conservation area in the design and siting of new work.	N/A	N/A
Maintain significant public domain views to and from the heritage item or heritage conservation area.	N/A	N/A
Ensure compatibility with the orientation and alignment of the heritage item.	N/A	N/A
Provide an adequate area around the heritage item to allow for its interpretation.	N/A	N/A
Retain original or significant landscape features that are associated with the heritage item or that contribute to its setting.	N/A	N/A
Protect and allow interpretation of archaeological features as appropriate.	N/A	N/A
3.10 Water Management		
Stormwater Management		
1. Development must comply with Council's Stormwater Management Policy 2020 which provides detail of drainage requirements for different development types. Consultation with Council is recommended.	The stormwater drainage plans has been reviewed by Councils Development Engineer and no concerns are raised subject to conditions.	Yes

3.11 Ecologically Sustainable Development

Residential Buildings

1. All BASIX affected development must comply with SEPP (Sustainable Buildings) 2022.	An amended BASIX Certificate was not submitted as part of the amended documentation.	No
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3.12 Waste Management

1. Development must comply with Council's Waste Management requirements regarding construction waste and ongoing management of waste materials	Council's Waste Management Officer has reviewed the proposal and no concerns were raised.	Yes
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3.13 Parking Access and Transport

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. Table 1: Off-street Car Parking requirements: Residential Flat Building <ul style="list-style-type: none"> 1 space per 1 and 2 beds 2 spaces per 3 beds or more 1 visitor space per 5 units or part thereof and 1 designated car wash bay which may also be a visitor space 	See discussion below.	No
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Car Parking

Given that the subject site is within 800m of Carlton Railway Station, the **parking requirements applicable to the development are contained in s5.4.3 High Density Residential Flat Buildings of the Guide to Traffic Generating Developments (RTA-2002) for the site in a Metropolitan Sub-Regional Centre.** The requirements are as follows:

Unit Type	No. of Units	Rate / unit	Required Spaces
2 Bedrooms	12	0.9 spaces	10.8
3 Bedrooms	3	1.4 spaces	4.2
4 Bedrooms	1	**2 spaces	2
		Resident Subtotal	17
Visitors	16	1/5	3.2
		TOTAL	20.2 (20)

It is noted that 19 spaces are provided, resulting in a deficiency of 1 car parking space. Council's Traffic Engineer notes that:

- Even with the non-compliant basement setbacks on all 4 boundaries, the proposal is still unable to achieve the minimum parking requirement.
- **Each pair of tandem parking spaces, spaces 1 and 4, 2 and 5 and 3 and 6 will need to be allocated to single units. The provision of tandem parking results in on-site parking being provided for 13 of the 16 units and hence 3 units will have no onsite parking. Three units not being allocated onsite parking is considered undesirable in a location already experiencing a high demand for on road parking due to the large number of apartment blocks already constructed; the sites close proximity to the Carlton shops and commuter parking for the Carlton Railway Station.**
- **The application does not show which one of the three visitor parking spaces is a shared car wash bay.**

2. Development types not listed in Table 1 would be subject to a merit assessment based on the provisions set out in the Roads and Traffic Authority – Guide to Traffic Generating Developments. Council may require a detailed Traffic & Parking Study to be prepared for major development types or types of development not listed in the Guide.	Residential flat building is listed in Table 1.	N/A
<u>Bicycle Parking</u> 8. All Commercial, Place of Public Worship, Residential flat building and Shop-top housing development is to provide on-site bicycle parking as outlined in Table 2 Bicycle Parking Requirements. <ul style="list-style-type: none"> • 1 space per 3 dwellings plus 1 space per 10 dwellings (visitors) 	See discussion below.	No

Bicycle Parking

Component	Rate	Number of Spaces REQUIRED	Number of Spaces PROPOSED
Resident bicycles	1 space per 3 units	5.3	
Visitor	1 space per 10 units	1.6	
	TOTAL	6.9(7)	14

Bicycle parking is proposed in the following two separate locations:

- **In the basement: 6 spaces**
- **At grade: 8 spaces – immediately inside the site adjacent to the main entry/exit steps on the Hampton Court Road frontage.**

Although parking is proposed for a total of 14 bicycles, the proposal for 8 of the spaces to be at grade/footpath level on the Hampton Court Road frontage is not supported.

The facility fails to provide a secure facility for the parking of the bicycles and the associated paving encroaches unnecessarily into landscaping.		
<u>Design and Layout of Car Parking Areas</u>		
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. 13. Design vehicular access in accordance with the current Australian Standard for 'offstreet parking (Part 1)' and 'off-street carparking for commercial vehicles (Part 2)'.	Council's Traffic Engineer notes that while the vehicle access ramp design is compliant with AS2890.1:2004 Parking Facilities, Part 1 – off street car parking, the ramp passing bay is proposed on a near zero setback to the north-western boundary and not able to be supported.	No
14. For mixed use development, residential off-street parking facilities shall be separated from the other uses and security roller doors shall be installed to provide security to residents.	No mixed-use development proposed.	N/A
<u>Parking for People with a Disability</u> 23. Parking complies with AS 1428 Design for access and mobility and AS/NZS 2890.6. 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.	The accessible spaces are compliant.	Yes
3.15 Public Domain		
3.15.2 Public Art		
1. Major developments (commercial, public administration, and retail development) and mixed-use developments with a capital investment value of \$5 million or more are to include an element of public art.	The application is not for a mixed-use development.	N/A
2. A minimum of 1% of the total cost of the development is to be allocated to the public art budget.	N/A.	N/A

3. Details of the nature of the work, its approximate location and size are to accompany the development application	N/A	N/A
4. Developers should consult the Georges River Council Public Art Guidelines, to determine any requirements for including public art in new developments, and to review what constitutes public art	N/A	N/A
5. The application must include a Public Art Plan which addresses how the proposed public art meets the following Design Selection Criteria: i. Standards of excellence and innovation. ii. Relevance and appropriateness of the work in relation to its site. iii. Its contribution to creating sense of place, and integration into the built form. iv. Where possible, participation of local artists, local groups, youth or indigenous groups. v. Consideration for public safety and the public's use of and access to the public space. vi. Consideration of maintenance and durability requirements of materials, including potential for vandalism and graffiti. vii. Where applicable, consistency with current planning, heritage and environmental policies and plans of management. viii. Evidence of appropriate Public Liability Insurance to cover construction and installation of work.	N/A	N/A
3.17 Universal / Accessible Design		
1. All new building work should comply with the accessibility provisions of the Building Code of Australia (BCA) and the Disability (Access to Premises - Buildings) Standards 2010 where required.	Capable of complying.	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.		Yes
3. Accessways for pedestrians and for vehicles are to be separated.		

Part 5 Residential Locality Statements

93. Part 5 provides locality statements for development within all residential areas of Georges River, except for Hurstville City Centre and Kogarah North. The statements are locality specific and identify the unique qualities that make up the local character and provide future desired character guidelines. The localities are generally based on suburb boundaries and character and include location, built form, setting, subdivision pattern, heritage and streetscape.
94. The statements build on the existing character of the neighbourhood and important elements that contribute to the existing character. These statements aim to reinforce and enhance the character of each locality. Development is required to consider the future character statement for the locality, in addition to the other requirements within other parts of this DCP.
95. The following table summarises the proposal against the relevant controls:

Part 5 Residential Locality Statements		
5.14.2 Carlton South Locality Statement		
Future Desired Character		
Required	Proposed	Complies
Retain and enhance the existing low density suburban residential character through articulated contemporary developments that respond to the human scale.	The subject site is zoned R4 High Density Residential.	N/A
Encourage well-designed high density residential development where applicable.	The proposal is for a residential flat building that is inconsistent with the Apartment Design Guide and the Georges River DCP 2021. In this regard, it is considered to be an unacceptable form of development.	No
Encourage tree planting and landscaping within the front setback space to create a treelined streetscape character.	Council's Tree and Landscape Officer has reviewed the proposal and raised concern given that insufficient information has been provided to detail adequate protection of an existing significant tree.	No
Encourage consistent setbacks of buildings from the street and the provision of landscaping within the front setback with uniform front fence heights.	Due to the nil basement setback along a large portion of the street elevations, adequate opportunities for larger landscaping are not able to be accommodated.	No

Part 6 – Residential Controls

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

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

6.3.1 Minimum Site Requirements

Control	Proposal	Compliance
1. Minimum lot width is 24m.	The development site has dual frontages which are both well over 24m in width.	Yes
6.3.2 - Site Isolation & Amalgamation		
1. Development for the purpose of residential flat buildings or residential components of shop top housing is not to result in the creation of an isolated site that could not be developed in compliance with the relevant planning controls, including the GRLEP 2021 and this DCP.	The proposed development will not result in any site isolation.	Yes
6.3.3 Building Setbacks and Street Interface		
Building setbacks establish the minimum separation distances between buildings, site boundaries and the public domain. The setbacks provide opportunities for the provision of private and communal areas of open space, landscaping, view sharing and opportunities to manage visual and acoustic privacy. The building setbacks are important requirements which contribute to the streetscape and control the footprint and bulk of a building as well as the impact the building will have on the environment, neighbouring properties and the public domain. Setbacks define the overall footprint of a building and the outer extremities of that building in relation to the location and orientation of balconies, windows/doors and solid elements. The separation between buildings is also important and determines the urban form of the building, the rhythm of buildings in the streetscape and the character. Appropriate building setback controls can contribute to the public domain by enhancing the streetscape character and the continuity of street facades. Building setbacks can also be used to enhance the setting of the building. Building setbacks are measured from the site boundaries to the facade of the building.	Overridden by ADG controls. See the assessment in the table above.	N/A
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).	At the side boundaries, the basement setback ranges from nil to a maximum of 1.875m. The basement setback is built to boundary to a maximum of 1.675m at the side and front boundaries. At the Hampton Court Road elevation, the basement setback is nil to 4.547m and at the Winchester Street elevation, the basement setback is nil to 11.445m. A setback compliant development would have provided an area of 570sqm for tree planting, while the proposal provides 200sqm of which the majority is not capable of accommodating trees. Except for the 77sqm provided at the street corner, there is no opportunity for tree planting and sustainable growth of trees anywhere else on the site. This will be inconsistent with the character of the area where extensive tree planting is evident along the side and rear boundaries.	No
2. The basement setback areas are to be deep soil zones as defined in the Apartment Design Guide.	The basement setbacks not capable of being deep soil zones.	No
3. Driveways and driveway crossings are to be located a minimum of 1.5m from a side boundary.	Not compliant. The driveway has a nil setback to the boundary with No. 18 Winchester Street.	No
5. The 6m basement setback at a zone boundary is to be planted to provide a vegetated landscape buffer between the development and adjoining lower density development. Planting is to include trees that achieve a minimum mature height of 6.0m. Under canopy planting is to include lower scale planting that provides a visual buffer between developments and creates the desired landscape buffer.	The basement setbacks are not compliant and unable to accommodate larger plantings.	No
6. Basements fronting the primary street address are not to project above ground level (existing) at the street setback alignment.	The basement levels are wholly below ground level.	Yes

6.3.5 Façade treatment and street corners

Control	Proposal	Compliance
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<p>2. Building facades must be clearly articulated and employ high quality materials and finishes that enhance and complement the streetscape character</p> <p>3. Street corners must be given prominence by a change in building articulation, materials, colours, form and scale.</p> <p>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.</p> <p>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.</p>	<p>Not acceptable.</p> <ul style="list-style-type: none"> i. The building is dominated by composition of repetitive building elements with red or similar face brick walls with the only variation provided by including dark grey aluminium screens to the service stairs façade ii. The facades do not include any projecting or receding elements providing depth to the built form iii. The facades include large spans of unarticulated brick walls adding to the perceived bulk iv. The articulation in the form of the repetitive balconies do not provide depth in the massing due to the render fin walls framing the balconies. This adds to the building bulk as it does not read as projecting elements or variation in massing v. The solid-to-void relationship, especially of the side elevations is not proportionate with significant proportion of the façade dominated by solid walls enhancing building bulk 	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>
<p>7. Large areas of blank, minimally or poorly articulated walls are not acceptable. Façade treatments such as wall cladding, and green walls should be considered as alternatives to blank walls.</p>	<ul style="list-style-type: none"> vi. At ground, the façade lacks activation, while the pedestrian entry is not distinguishable 	
<p>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.</p>	<ul style="list-style-type: none"> vii. Lack of landscaping / deep soil within setbacks 	
<p>9. Noise mitigation treatments and design considerations for developments adjoining busy roads or rail corridors, that</p>	<p>Achieved. See SEPP (Transport and Infrastructure) 2021 for further assessment.</p>	

satisfy the requirements for habitable rooms in accordance with Department of Planning, Industry and Environment's 'Development Near Rail Corridors and Busy Roads – Interim Guideline' and the requirements of Clause 102 (3) of SEPP (Transport and Infrastructure) 2021 need to be considered		
6.3.6 Landscaped Treatment and Private Open Space		
Control	Proposal	Compliance
Deep soil is to be provided within the setbacks areas as required in Figures 3, 4, 5 and 6 and consistent with Part 3E of the NSW State Government's Apartment Design Guide.	Inadequate deep soil has been provided within the setback areas.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
6.3.7 Communal Open Space		
Control	Proposal	Compliance
Communal open space to a minimum area of 25% of the site area and with a minimum dimension of 5m is to be provided.	Yes – 25% of the site area is provided as communal open space.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
At least 50% of the required communal open space area is to receive 2 hours of direct sunlight between 9am and 3pm on 21 June.	In excess of 50% of the communal open space will achieve the minimum sunlight requirement.	
6.3.8 Solar Access		
Control	Proposal	Control
Where the neighbouring lower density residential zoned dwellings are affected by overshadowing from a development, at least 50% of the neighbouring existing primary private open space and windows to primary living areas must receive a minimum of 3 hours sunlight between 9am–3pm on the winter solstice (21 June)	Complies as previous detailed	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
6.3.9 Vehicular Access, Parking and Circulation		
Control	Proposal	Compliance
Residential flat buildings and shop top housing: <ul style="list-style-type: none"> • 1 space per 1 and 2 beds • 2 spaces per 3 beds or more • 1 visitor space per 5 units or part thereof and 1 designated car wash bay 	Council's Traffic Engineer notes that the parking is deficient and does not support the proposal.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A

which may also be a visitor space		
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LPP010-25

Impacts***Natural Environment***

97. The proposed development has not demonstrated that it will not have an unacceptable impact on a significant tree. On this basis the proposal has not demonstrated that it will not give rise to a negative impact on the natural environment of the locality.

Built Environment

98. 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, architectural language and design elements of the development is generally inconsistent from an urban design perspective. The proposal fails to accord with multiple planning controls and represents an inappropriately designed development that is not supported.

Social Environment

99. The assessment demonstrates that the proposal in its current form will have adverse impacts on privacy, and visual amenity within the locality. As a result of the bulk and scale, the proposal impinges on the established street character of Hampton Court Road and Winchester Street.

Economic Environment

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

Suitability of the Site

101. The proposed development has not demonstrated that it is suitable for the subject site.
102. The proposal will have an unacceptable impact on significant vegetation.
103. The proposal fails to comply with multiple planning controls and represents an inappropriately designed development that is not suitable for the site.

SUBMISSIONS, REFERRALS AND THE PUBLIC INTEREST

104. The application was advertised, and adjoining residents were notified by letter on two occasions in which to view the plans and submit any comments on the proposal. Four (4) unique submissions were received during the notification periods.
105. Concerns raised in the submissions are summarised and addressed below.

Suitability of the Site

106. The proposed development has not demonstrated that it is suitable for the subject site.
107. The proposal will have an unacceptable impact on significant vegetation.
108. The proposal fails to comply with multiple planning controls and represents an inappropriately designed development that is not suitable for the site.

SUBMISSIONS, REFERRALS AND THE PUBLIC INTEREST

109. The application was advertised, and adjoining residents were notified by letter on two occasions in which to view the plans and submit any comments on the proposal. Four (4) unique submissions were received during the notification periods.

110. Concerns raised in the submissions are summarised and addressed below.

Submission	Officer Comment
The development has significant impact on the Eucalyptus Saligna (Sydney Blue Gum)	This is acknowledged as being an unresolved issue. Council's Tree and Landscape Officer does not support the proposal.
Height of Building	While the proposed development exceeds the height of building control, the exceedance is considered to be reasonable in this instance.
Devaluation of Property	This is not a matter of consideration in accordance with Clause 4.15 of the EP&A Act 1979.
Loss of Privacy	It is acknowledged that the building separations are deficient and not acceptable.
Shading	A review of the overshadowing diagrams reveals that the overshadowing impact on adjoining properties is not considered unreasonable.
Bulk and Scale	This is acknowledged as being an unresolved issue. Council's Urban Designer raises concern with the proposal.
Inadequate Parking	The deficient car parking is raises as a concern by Council's Traffic Engineer/
Noise	An acoustic report was submitted which was supported by Council's Environmental Health Officer. Conditions of consent would be included if the development was supported.
Traffic Safety	Council's Traffic Engineer notes that the additional traffic impact on the road network is minimal and is not anticipated to result in additional traffic safety impacts.

Application Referrals

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

Council Referrals

Development Engineer

112. Council's Development Engineer has reviewed the amended proposal and raises no concerns subject to conditions.

Traffic Engineer

113. Council's Senior Traffic & Parking Assessment Officer has reviewed the amended proposal and found the proposal to be unsatisfactory for the following reasons.

- There being a deficiency in the provision of onsite parking for resident vehicles.
- The provision of onsite parking, albeit deficient, is achieved with significantly reduced basement boundary setbacks on all four boundaries.
- The proposed bicycle parking facilities do not satisfy the requirements of GRDCP2021 for the parking resident and resident visitor bicycles in a secure facility.

Senior Landscape & Arboriculture Assessment Officer

114. Council's Senior Landscape & Arboriculture Assessment Officer has reviewed the landscape plan and arborist report submitted with the amended application and provide the below summary of issues.
115. The Root Mapping Report prepared by Dr Treegood dated April 2025 has been reviewed. The following issues are raised with the latest investigation:
- There is no clear evidence (e.g. photo with measuring) that the investigation has not been undertaken to a depth of 700mm as previously requested by Council. This depth is necessary to establish the full extent of root pruning required for the basement, buildings and OSD basin which are all at lower finished levels than the existing grade. The photos in the most recent root investigation report (Dr Treegood) show majority of the trench just below the sandstone blocks which is estimated to be around 300-400mm.
 - The location of the trench does not account for excavation for the building which is required closer to the tree. The investigation is therefore inconclusive and does not demonstrate that the extent of impact and potential root loss the proposed excavation will have on the tree.
 - The large 200mm diameter root uncovered from the *Eucalyptus saligna* will require pruning for the OSD basin. As previously outlined by the tree team, Sydney Blue Gum trees are very sensitive to root disturbance. Removal of this root will adversely impact on the health, stability and viability of the tree. This is not supported.
116. The Pruning Report prepared by Redgum dated 19 March 2025 has been reviewed. The following issues are raised with the report:
- The report has not clearly marked the branches that will require pruning for the building. A greyed-out photo with a single line has only been provided. Commentary in the report suggests a number of small diameter branches would need pruning. The overall percentage of canopy to be pruned has not been included in the report.
 - The photos in the report are taken at an angle which suggests only minor pruning would be required.
 - The below photo (taken on 17 April 2025) shows the area of canopy that will require pruning to allow for the proposed 15 metres building to be constructed which accounts for additional pruning necessary for scaffolding, piling rigs, crane movements etc. This will result in the loss of two primary branches approximately 200 - 300mm diameter.
 - The expected pruning of 20-25% of the tree's canopy is excessive and will further impact on the ongoing health of the tree. Pruning such large branches will also expose other branches to new wind loads and it is highly likely that the pruning will cause future branch failures to occur.

Urban Design

117. Council's Urban Designer has reviewed the amended proposal and found the proposal to be unsatisfactory for the following reasons:

Topography

- The amended design still does not provide appropriate response to existing topography resulting in numerous sets of steps. Following is established:
- Communal Open space in the northern corner at RL 23.4 is 1m below the existing natural ground.
- FFL of Bedroom in the northern corner (4 bedroom unit) at RL 23.15 is 0.93m below the existing natural ground.
- FFL of G.01 Living room is 0.22m below the existing natural ground.

- Basement ceiling generally is below (around 200mm – 800mm) the existing natural ground
- As stated in the Response to Council's Letter dated 26-3-2025, prepared by Planning Ingenuity (Response Letter), it is acknowledged that cut and fill is a necessary element of a development and excavation for a basement too is a necessary element. The Response Letter comments on difference of levels along the shared boundaries and states the following: The basement access is designed to the maximum grade to achieve maximum concealment of the basement below ground and to match the finished ground level as closely as possible to all site boundaries.
- It is also acknowledged that the existing E.saligna tree at the corner of Hampton Court Road and Winchester Street is proposed to be retained.
- Concern was never raised on the extent of excavation. Concern was raised on the undesirable public / private interface and the FFL of habitable rooms being below the existing natural ground, which is non-compliant with GRDCP (Part 3.5.1 of GRDCP requires habitable rooms to be located above existing ground level).
- The justification provided on the proposed FFLs are not considered accurate. Potentially raising the basement FFL to raise the FFL of the 4 bedroom unit to be above the existing natural ground will only improve the grade of the proposed driveway. In addition, raising the basement will reduce the amount of excavation and in turn damage to the root system of the existing E.saligna.
- Lastly, the proposed excavation does not provide a seamless transition to the adjacent properties.

Public Private Interface + Building Services

- Driveway not integrated with the design of the façade
- Lack of adequate activation at ground level:
 - Hampton Street façade has Unit G.01 bedroom windows x 2 with privacy louvers. While remainder of the facade is blank. The Hampton Street façade also has 1 building entry. Unit G.02 entrance is inset and won't be legible on the streetscape while the streetscape has 2 toilet windows.
 - No direct access to Unit G.02 from the street; however opportunity exists
 - Winchester Street façade - direct access to G.01 from the street is unclear
- Bin room at street interface (within the front setback), which does not comply with the front setback requirement
- OSD basin along the street, which cannot accommodate landscaping (Section has the OSD wall higher than the ground floor FFL but the plan has it at the same level as the ground floor FFL). The public / private interface will result in a constraint space between the fence and the OSD wall, which will be perceived as 2 fences along the street with limited opportunity for landscaping and no opportunity for tree planting
- Steps at the building entry.
- Lack of opportunity for deep soil planting / trees within the side setbacks and front setbacks, except the 70m2 deep soil along Hampton Court Street, which is inconsistent with GRDCP setback objectives.
- In addition, drainage pipes are proposed within the proposed 70m2 deep soil area at the corner of Hampton Court Road and Winchester Street. This will further compromise provision of deep soil planting (Deep soil is discussed further under section 4.2).

Pedestrian Access + Building Entry

- Lack of identifiable building entries / individual entries to the ground floor units have not been provided / is unclear. Direct access to ground floor units is required under ADG Objective 4L-1.

- Visibility of the lift from the public domain.
- Constraint Width of fire stairs as space for incidental social interaction as stated in the SEE
- Viability of the open gallery fire stairs from BCA perspective. Based on recent Modification applications approved by Council, it is highly likely that the "Open Gallery" space possibly will be enclosed in the future for weather protection especially from rain if the stairs were to be used as fire stairs. This will entirely change the streetscape and faced design.
- Steps at the boundary to access the building. Generally, pedestrian access at the same level as the footpath with the steps and level changes integrated into the overall building as per ADG Objective 3G-2, generally is considered a good urban design outcome.

Setbacks / Building Separation

- No changes are proposed to the building separation, which does not comply. The SEE states that the compliance to the NW can be achieved by reducing the balcony widths. Regarding the non-compliance of the NE façade, the SEE states that the windows on the NE façade are not necessary for BCA or ventilation compliance. Deleting the windows to achieve numeric compliance in the form of a blank wall would be to the detriment of internal amenity. Conditions could be considered to prevent line of sight such as obscured glazing, external battens or hoods. Conditions could also be imposed to delete all windows in this façade.
- Accordingly, providing either separation distance or amenity is not considered design excellence especially since Design excellence as a term usually describes a requirement or expectation that a project will achieve a level of design quality that is above and beyond the usual.
- Appropriate building separation will enhance amenity, a sense of openness, preserve visual scale and access to sky views that will offer relief from the built form. These considerations all contribute towards achieving a good design outcome and design excellence.

Setbacks and Vehicular Access

- It is acknowledged that retention of trees is critical; however providing deep soil / trees within setbacks to enhance the character of the area is equally important.
- Part 6.3.4 of GRDCP requires minimum 6m setback from the front and rear boundaries and 3m from the side boundaries. Even if the short boundary (Winchester Street) was considered as front boundary, the setback compliant development would have provided an area of around 570m² area for tree planting. While the proposal provides 200m², most of which is not capable of accommodating trees.
- Except for the 77m² provided at the street corner, there is no opportunity for tree planting and sustainable growth of the trees anywhere else on the site. This will be inconsistent with the character of the area where extensive tree planting is evident along side and rear boundaries.
- Lack of opportunity for tree planting along the boundaries, that will enhance the streetscape and character of the area is a major concern.

Vehicular Access

- No changes proposed to the vehicular access. Vehicular access off Winchester Street at the public interface has 0m setback to the boundary and does not provide any opportunity for tree planting to minimise its visual impact. The vehicular access is not integrated with the design of the façade and disrupts the streetscape. This is inconsistent with ADG Objective 3H-1.

Winchester Street Setback

- A 5m setback if provided to the majority of the main building façade. However, bin room has a setback of 0.75m, which does not comply with the front setback requirement.

Communal Open Space

- Amended landscape plans have not been provided.
- Based on the calculations provided, 262m² COS is provided. Detail calculations on 50% of COS comprise unpaved landscaped area as per Part 6.3.7 of GRDCP should be provided.

Deep Soil Area / Landscaped Area

- Based on the calculations provided, the proposal complies with the minimum ADG required deep soil zone. However, as stated before, the proposed deep soil area also include drainage pipes. This will impede growth of any meaningful vegetation and any maintenance works of the drainage pipes will require removal of vegetation above the pipes. With the cycle parking and the ramp in addition to the drainage pipes within the proposed deep soil area, limits opportunity for meaningful deep soil, which is inconsistent with the deep soil objectives.
- In addition, the lack of tree planting / deep soil along the boundaries is a concern as discussed before.
- Lastly, the ADG design guidance recommends 10% of the site area as deep soil for sites with an area of 650m² – 1,500m². It is considered that provision of minimum required is not considered design excellence.

Natural Ventilation

- The amended design fails to implement the Qualitative Natural Ventilation Study recommendations (Refer Figures below). Ventilation through the bathroom door and window is unlikely to provide air circulation.

Architectural Expression / Bulk and Scale

- The building is dominated by composition of repetitive building elements with red or similar face brick walls with the only variation provided by including dark grey aluminium screens to the service stairs façade.
- The facades do not include any projecting or receding elements providing depth to the built form.
- The facades include large spans of unarticulated brick walls adding to the perceived bulk.
- The articulation in the form of the repetitive balconies do not provide depth in the massing due to the render fin walls framing the balconies. This adds to the building bulk as it does not read as projecting elements or variation in massing.
- The solid-to-void relationship, especially of the side elevations is not proportionate with significant proportion of the façade dominated by solid walls enhancing building bulk.
- At ground, the façade lacks activation, while the pedestrian entry is not distinguishable.
- Lack of landscaping / deep soil within setbacks.

Environmental Health Officer

118. Council's Environmental Health Officer has reviewed the proposal including the Acoustic Report and raises no concerns subject to conditions.

Developer Contributions

119. The proposed development if approved would require the payment of developer contributions under Section 7.11 of the Environmental Planning and Assessment Act 1979 as the proposal is increasing the density of the locality. Conditions of development consent would be recommended should the application be supported.

CONCLUSION

120. The proposal seeks consent for the demolition of all Existing Structures and the Construction of a Residential Flat Building with Basement Carparking.
121. The proposal has been assessed in accordance with Section 4.15 (1) of the Environmental Planning and Assessment Act, 1979. As discussed throughout this report, the proposal has not demonstrated that it is a suitable development for the subject site.
122. The proposal seeks a variation to Clause 4.3 Height of Buildings development standard in the Georges River Local Environmental Plan. A Clause 4.6 Statement has been submitted with the application and is assessed in detail earlier in this report. The written request to vary the development standard is founded and it is satisfied that compliance with the development standard is unreasonable or unnecessary in the circumstances nor are there sufficient environmental planning grounds to justify the contravention of the development standard.
123. The proposed development is inconsistent with the State Environmental Planning Policy (Biodiversity and Conservation) 2021.
124. The proposed development fails to demonstrate compliance with the requirements of the Apartment Design Guide:
- (a) 3E – Deep Soil Zones – The deep soil is not located that it retains an existing significant trees and allows for the development of healthy root systems.
 - (b) 3F- Visual Privacy - The proposal fails to demonstrate adequate building separation.
 - (c) 3G – Pedestrian Access and Entries – The proposal fails to demonstrate that the building entry and pedestrian access connects to an addresses the public domain.
 - (d) 3H-Vehicle Access - The proposal fails to provide a vehicle access ramp and passing bay that is adequately offset from the boundary.
 - (e) 3J- Bicycle and Car Parking - The proposal does not provide sufficient car parking and bicycle spaces to accommodate the proposal.
 - (f) 4B- Natural Ventilation - The proposal fails to demonstrate that sufficient natural ventilation is provided to comply with this requirement.
 - (g) 4L – Ground Floor Apartments – The proposal fails to demonstrate that direct street access is provided to the ground floor apartments and that sufficient amenity is provided given that parts of the units will be below the existing ground level.
 - (h) 4M – Facades - The proposal fails to demonstrate well resolved façade treatments with an appropriate scale, articulation, and proportion.
 - (i) 4O – Landscape Design - The proposal fails to demonstrate an acceptable landscape design.
125. The proposal fails to satisfy the following requirements of Georges River Local Environmental Plan 2021:
- (a) 6.2 Earthworks - the proposal has not demonstrated that the extent of the earthworks do not unreasonably impact a significant tree on the site and that adequate consideration has been given to minimise the impacts of the development.

- (b) 6.9 Essential Services - Vehicular access - the proposal has not demonstrated a satisfactory design for vehicular access to the premises which is an essential service.
 - (c) 6.10 Design Excellence - the proposal has numerous unresolved issues and is not supported from an urban design perspective so has not demonstrated design excellence as required by the clause.
 - (d) 6.11 Environmental sustainability – the proposal has not demonstrated that it has achieved the environmental sustainability as the proposal will lead an unacceptable impact on a significant tree on the subject site.
126. The proposal fails to satisfy the following requirements of Georges River Development Control Plan 2021:
- (a) 3.3 Landscaping – Insufficient information has been provided to demonstrate the landscaping design is satisfactory.
 - (b) 3.11 Ecological Sustainable Development - the proposal has not demonstrated that it has achieved the environmental sustainability as the proposal will lead an unacceptable impact on a significant tree on an adjoining property.
 - (c) 3.13 Parking Access and Transport - the proposal has not demonstrated a satisfactory design for vehicular access to the premises which is an essential service.
 - (d) Part 5 – The proposal has not demonstrated that the development is consistent with the character of the Carlton South Locality.
 - (e) 6.3.4 Basement Setback – The proposal has not demonstrated it is consistent with the required setbacks.
 - (f) 6.3.5 Façade Treatment and Street Corners – The proposal fails to demonstrate well resolved façade treatments with an appropriate scale, articulation, and proportion.
 - (g) 6.3.6 Landscaped Treatment and Private Open Space – The proposal fails to demonstrate adequate deep has been provided within the setback areas.
 - (h) 6.3.9 Vehicular Access, Parking and Circulation – The proposal fails to demonstrate sufficient car parking and bicycle parking has been provided for the proposed use.
127. The application is recommended for refusal.

DETERMINATION AND STATEMENT OF REASONS

Statement of Reasons

128. The reasons for this recommendation are that:

- The proposed development fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- The proposed development fails to demonstrate compliance with the requirements of the Apartment Design Guide as required by State Environmental Policy No 65 – Design Quality of Residential Flat Buildings.
- The proposed development fails to demonstrate compliance with the requirements of Georges River Local Environmental Plan 2021 – 6.2 Earthworks, 6.9 Essential Services, 6.10 Design Excellence and 6.11 Environmental sustainability.
- The proposed development fails to demonstrate compliance with several relevant requirements of Georges River Development Control Plan 2021.
- The proposed development fails to demonstrate that it will not result in any unreasonable impact on the natural and built environment.
- The proposed development has not demonstrated that it is compatible with the streetscape and character of the locality.
- The proposed development has not demonstrated that it is in the public interest and that it will not set an undesirable precedent if approved.

Recommendation

129. Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended) the Georges River Local Planning Panel refuses Development Application DA2023/0572 for the Demolition of existing buildings and Construction of new multi-storey residential development including Strata Subdivision at No. 27-31 Hampton Court Road, Carlton, for the reasons outlined below:

Reasons for Refusal

1. Environmental Planning Instrument (SEPP)
Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021.
 - a) The amended arborist submitted was found to be unsatisfactory and failed to demonstrate mitigation measures to protect a significant tree on the subject site. If the development proceeded, it would result in an unacceptable level of impact to a significant tree which is contrary to the requirements of Chapter 2.
2. Environmental Planning Instrument (SEPP)
Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate compliance with the requirements of State Environmental Policy No 65 – Design Quality of Residential Flat Buildings. In particular the following requirements of the Apartment Design Guide:
 - (a) 3E – Deep Soil Zones – The deep soil is not located that it retains an existing significant tree and allows for the development of healthy root systems.
 - (b) 3F- Visual Privacy - The proposal fails to demonstrate adequate building separation.
 - (c) 3G – Pedestrian Access and Entries – The proposal fails to demonstrate that the building entry and pedestrian access addresses the public domain.
 - (d) 3H-Vehicle Access - The proposal fails to provide a vehicle access ramp and passing bay that is adequately offset from the boundary.
 - (e) 3J- Bicycle and Car Parking - The proposal does not provide sufficient car parking and bicycle spaces to accommodate the proposal.
 - (f) 4B- Natural Ventilation - The proposal fails to demonstrate that sufficient natural ventilation is provided to comply with this requirement.
 - (g) 4L – Ground Floor Apartments – The proposal fails to demonstrate that direct street access is provided to the ground floor apartments and that sufficient amenity is provided given that parts of the units will be below the existing ground level.
 - (h) 4M – Facades - The proposal fails to demonstrate well resolved façade treatments with an appropriate scale, articulation, and proportion.
 - (i) 4O – Landscape Design - The proposal fails to demonstrate an acceptable landscape design.
3. Environmental Planning Instrument (LEP)

Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development fails to demonstrate compliance with the requirements of Georges River Local Environmental Plan 2021. In particular:

- (a) 6.2 Earthworks - the proposal has not demonstrated that the extent of the earthworks do not unreasonably impact a significant tree on the site and that adequate consideration has been given to minimise the impacts of the development.
- (b) 6.9 Essential Services - Vehicular access - the proposal has not demonstrated a satisfactory design for vehicular access to the premises which is an essential service.
- (c) 6.10 Design Excellence - the proposal has numerous unresolved issues and is not supported from an urban design perspective so has not demonstrated design excellence as required by the clause.
- (d) 6.11 Environmental sustainability – the proposal has not demonstrated that it has achieved the environmental sustainability as the proposal will lead an unacceptable impact on a significant tree on the subject site.

4. Development Control Plan

Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the application fails to demonstrate compliance with the following requirements:

- (a) 3.3 Landscaping – Insufficient information has been provided to demonstrate the landscaping design is satisfactory.
- (b) 3.11 Ecological Sustainable Development - the proposal has not demonstrated that it has achieved the environmental sustainability as the proposal will lead an unacceptable impact on a significant tree on an adjoining property.
- (c) 3.13 Parking Access and Transport - the proposal has not demonstrated a satisfactory design for vehicular access to the premises which is an essential service.
- (d) Part 5 – The proposal has not demonstrated that the development is consistent with the character of the Carlton South Locality.
- (e) 6.3.4 Basement Setback – The proposal has not demonstrated it is consistent with the required setbacks.
- (f) 6.3.5 Façade Treatment and Street Corners – The proposal fails to demonstrate well resolved façade treatments with an appropriate scale, articulation, and proportion.
- (g) 6.3.6 Landscaped Treatment and Private Open Space – The proposal fails to demonstrate adequate deep has been provided within the setback areas.
- (h) 6.3.9 Vehicular Access, Parking and Circulation – The proposal fails to demonstrate sufficient car parking and bicycle parking has been provided for the proposed use.

5. Likely Environmental Impacts

Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the application fails to demonstrate that it will not lead to adverse environmental impacts on both the natural and built environment in the locality.

- a) The proposed development has failed to demonstrated that it will not have an unacceptable impact on a significant tree on the subject site. On this basis the proposal has not demonstrated that it will not give rise to a negative impact on the natural environment of the locality.

- b) 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, architectural language and design elements of the development is generally inconsistent from an urban design perspective. The proposal fails to accord with multiple planning controls and represents an inappropriately designed development that is not supported.

6. Suitability of the Site

Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the application fails to demonstrate that suitability of the site for the proposed development. In particular:

- a) The proposal will have an unacceptable impact on a significant tree on 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.

7. 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](#) REDACTED ARCHITECTURAL PLANS



THIS IS THE PRINTED COPY OF THE GEORGES RIVER LOCAL PLANNING PANEL BUSINESS PAPER. FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: www.georgesriver.nsw.gov.au

DEVELOPMENT SUMMARY

SITE INFO			
ADDRESS	27-31 Hampton Court Rd, Carlton NSW 2183		
DP	Lot 1, 2 DP 902806, 938205		
SITE AREA	1047 sqm		
PROPOSAL SUMMARY	16 UNITS 2 BED+ 12 3 BED+ 3 4 BED+ 1		
NO. OF UNITS			
LEP CONTROLS			
	CONTROLS	PROPOSED	
LAND USE	RU		
BUILDING HEIGHT	15 m	Refer to DA 503	
GFA	1,5:1	1:42:1	
FSR	1570.9 sqm	1482 sqm	
DCP + SEPP CONTROLS			
	CONTROLS	PROPOSED	
SETBACKS	(DCP) 6.3.3	Front Setback (Hampton Court Rd) = 6m (Compliant) Side Boundary (Winchester Street) = 9m (Compliant)	COMPLIANCE ✓ X
<p>1. Front setbacks:</p> <ul style="list-style-type: none"> i. Corner sites: up to a building height of four storeys, a minimum setback of 6m to both street frontages is to be provided. ii. 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 balconistades and must be accommodated behind the setback. iii. On a corner site, both frontages are to provide the increased setback above four storeys. iv. 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. <p>2. Side boundary setbacks:</p> <ul style="list-style-type: none"> i. Minimum setbacks of 6m from side boundary between ground floor level and up to four storeys. ii. Upper level setbacks are 9m above four storeys. <p>3. Rear boundary setbacks:</p> <ul style="list-style-type: none"> i. Minimum 6m setback from a rear boundary between ground floor level and up to four storeys. ii. Upper level setbacks are 9m above four storeys. 			
LANDSCAPE	(DCP) 6.3.6 Landscaped Treatment and Private Open Space	Landscaped Area = 37% (381 m ²) Deep Soil Zone = 7% (77 m ²)	✓
<p>i. Deep soil is to be provided within the setbacks areas as required in Figures 3, 4, 5 and 6 and consistent with Part 3E of the ADG. To be included as deep soil as required by Part 3E of the Apartment Design Guide, 9% 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.</p> <p>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 of 600mm.</p> <p>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.</p>			
COMMUNAL OPEN SPACE	(DCP) 6.3.7 Communal Open Space	Communal Open Space = 25% (262 m ²)	✓
<p>1. Communal open space to a minimum area of 25% of the site area and with a minimum dimension of 6m is to be provided.</p> <p>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.</p> <p>4. Where communal open space is provided at ground level, a minimum of 50% is to comprise unpaired landscaped area.</p>			
CAR PARKING	(DCP) Residential Flat Building	Residential Spaces = 16 Visitor Spaces = 3 Total = 19 Bicycle Spaces = 14 (GROUND + BASEMENT)	X
<p>Car</p> <p>1 space per 1 and 2 beds 2 spaces per 3 beds or more</p>			

BASIC COMMITMENT NOTES				
* IS AN AIA-CES EDUCATION COURSE APPROVED AS A LEED® CREDIT?				
WATER				
Appliances:	All Shower Heads	All toilet flushing systems	All kitchen taps	All bathroom taps
	1 star/1.8 l/min/flush	1 star/4	4 star	5 star
ENERGY				
Appliances:	Refrigerators: 1.0 kWh/24hr Chest freezer: 3.5 kWh/24hr rating to units – G91, G92, G93, A01, A02			
	Cooling system air conditioning 1 Phase – EER 3.0-5.0 l/s/ing/bed (ceiling) Heating system air conditioning 1 Phase – EER 3.0-5.0 l/s/ing/bed (ceiling)			
REFER TO BASIC BASIC	<p>Appliances: Any as per BASIX All electrical: As per BASIX</p> <p>Appliances: Electric cooking & electric oven in the kitchen of the dwellings Dishwashers: 5 star energy rating All electrical systems: Photovoltaic system – Rated electrical output (input): 5.5 peak kW</p> <p>COMMON AREAS</p> <p>Info in attached BASIX.pdf</p>			

[illegible]

GENERAL NOTES

0 FUSE ARCHITECTURE.

00 REPLICATION WITHOUT PERMISSION
UNLESS NOTED OTHERWISE.

01 THIS DRAWING IS NOT FOR CONSTRUCTION.

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CLARIFICATION BEFORE PROCEEDING WITH WORK.

04 DRAWINGS ARE NOT TO BE RECALLED.

05 BE ONLY FOLLOWED DIMENSIONS.

06 REFER TO CONSULTANT DOCUMENTATION FOR FURTHER
INFORMATION.

DATE 2022_CAD_T02

print date and time: Thursday, 27-Mar-2025 @ 11:58 AM

REVISION ID	AMENDMENT	DATE
A	DA SUBMISSION	2/05/2023
B	DA SUBMISSION	16/06/2024
C	DA AMENDMENTS	26/03/2025

ARCHITECT

FUSE ARCHITECTS

ARCHITECTURE | URBAN DESIGN | INTERIOR DESIGN

STUDIO 64
81 MAULBOROUGH STREET
SUPPLY HILLS NSW 2010

MAIL@FUSEARCHITECTURE.COM.AU

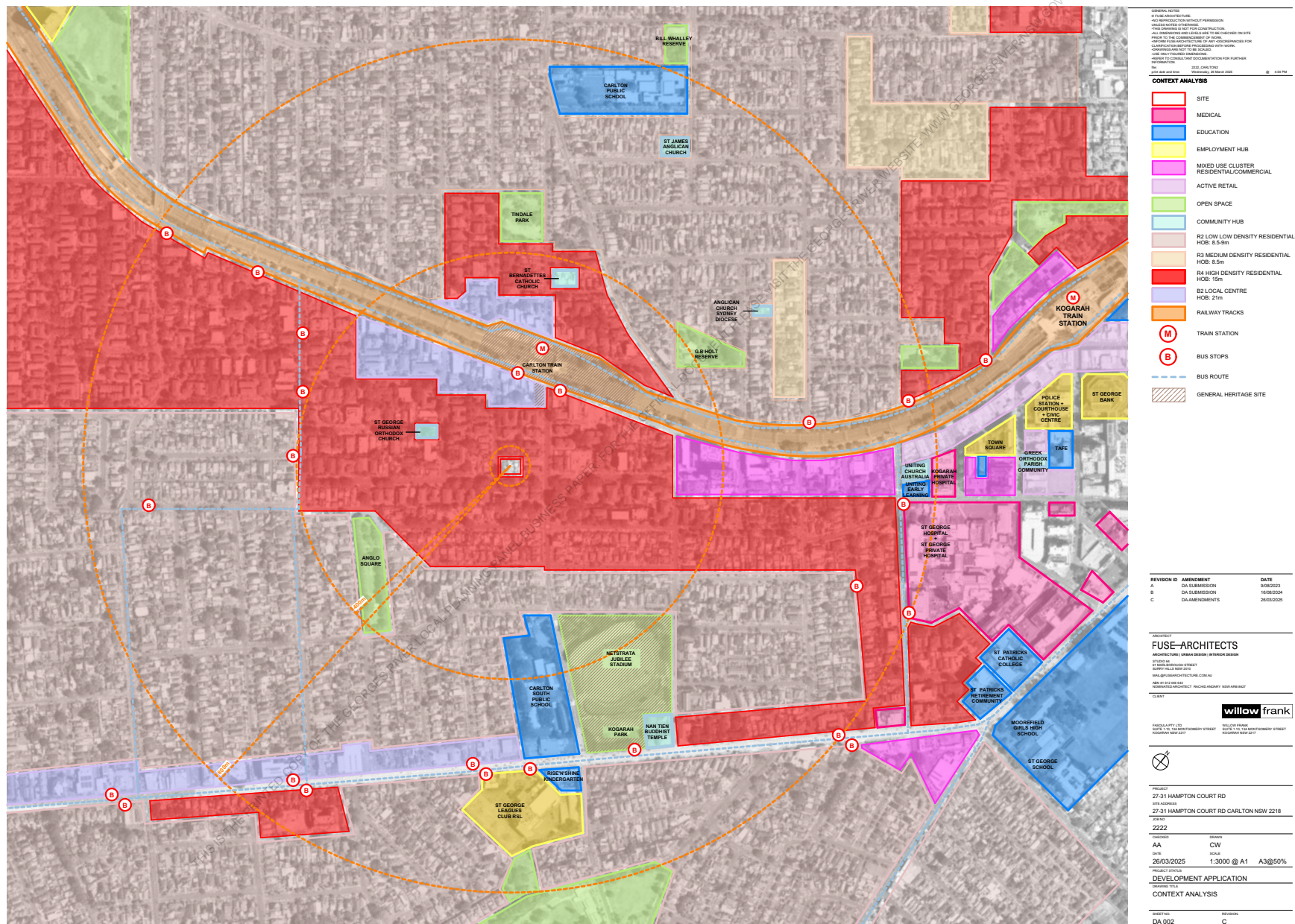
ABN 61 612 086 643
NOMINATED ARCHITECT PACHED ANDARY NSW ABN 8927

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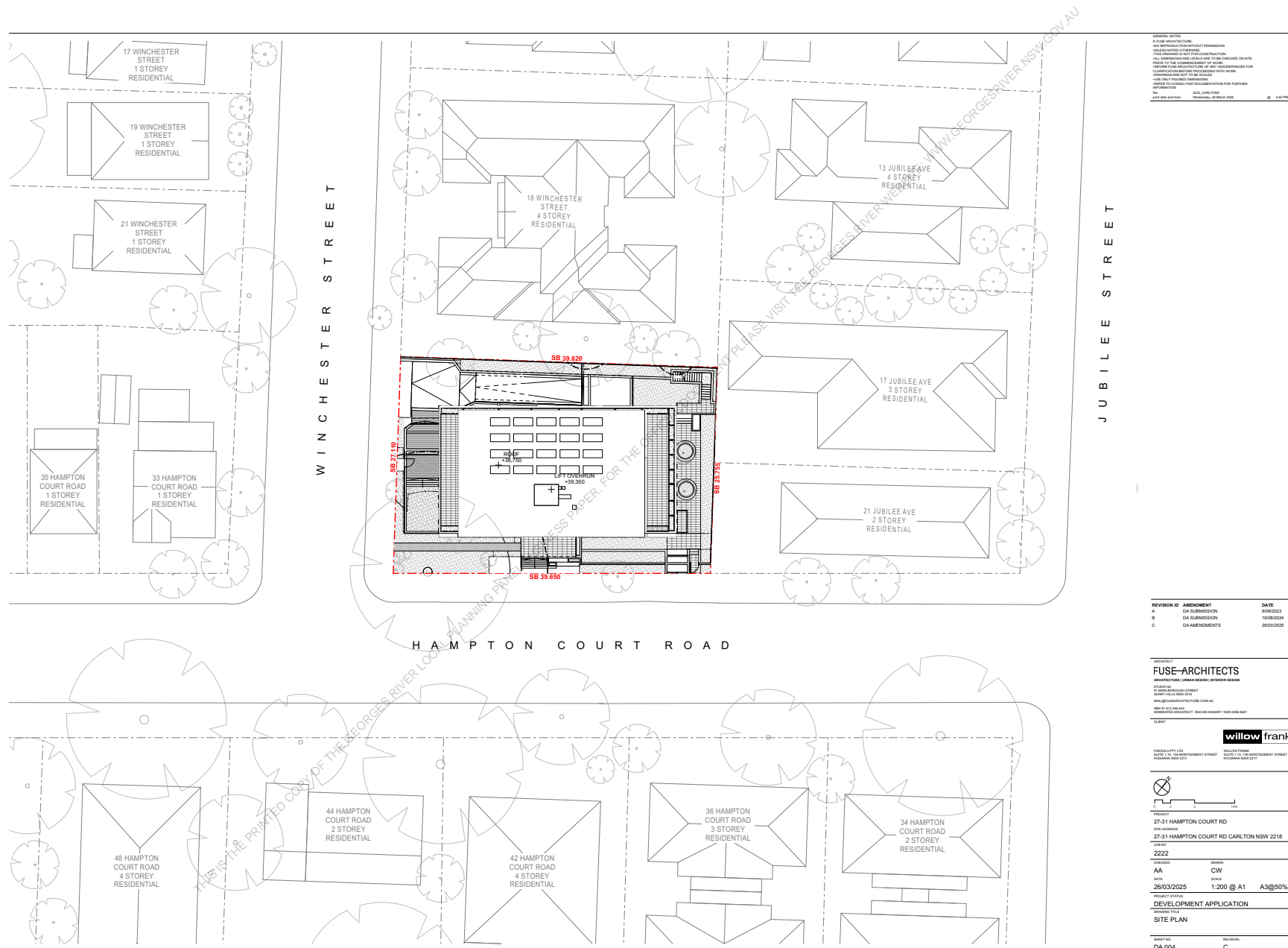


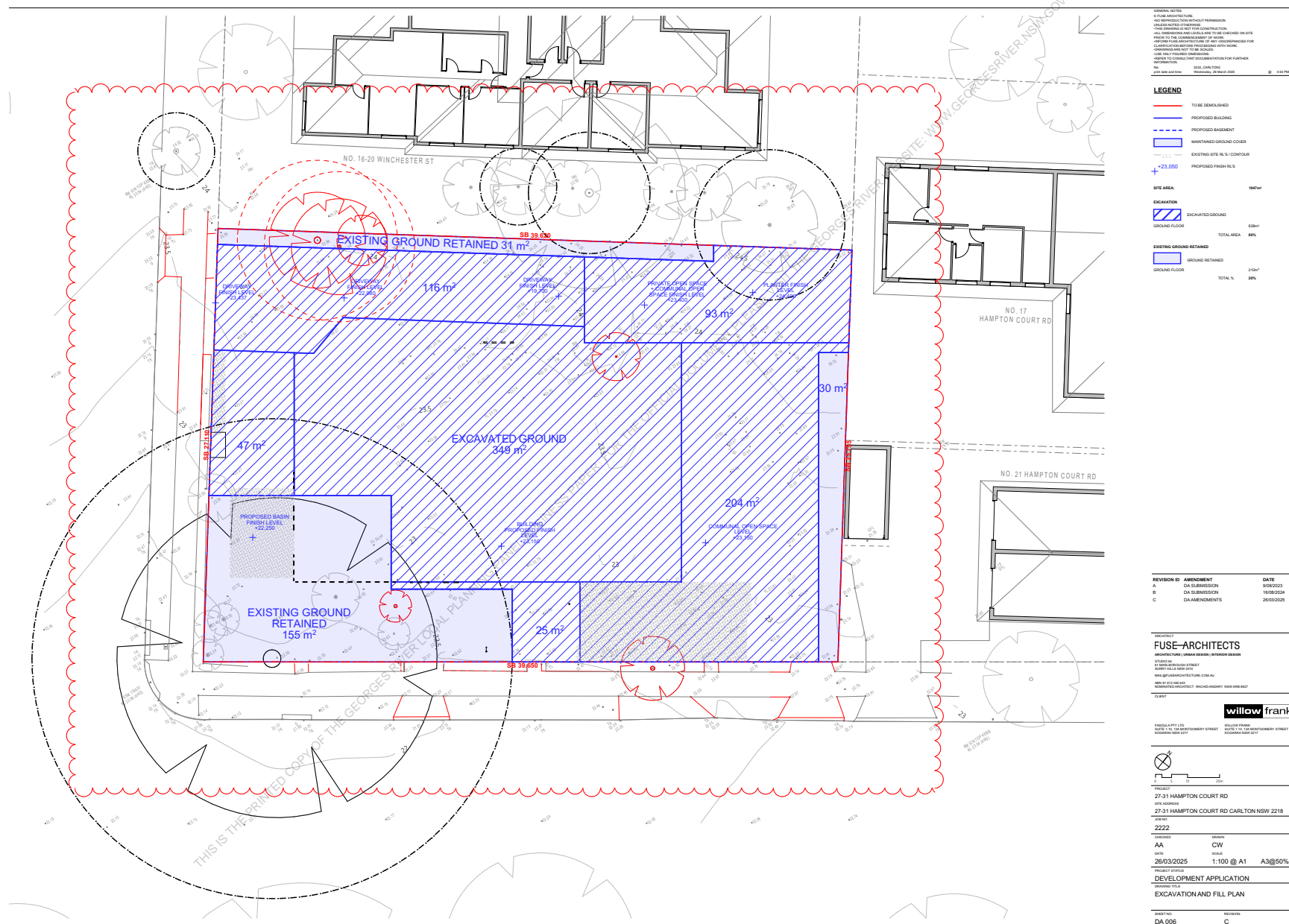
27-31 S HAMPTON COURT RD
 SITE ADDRESS
 27-31 CARLTON COURT RD CARLTON NSW 2218
 JOB NO
 2222
 CHECKED
 AA
 DATE
 27/03/2025
 DRAWN
 CW
 SCALE
 @ A1
 A3@50%

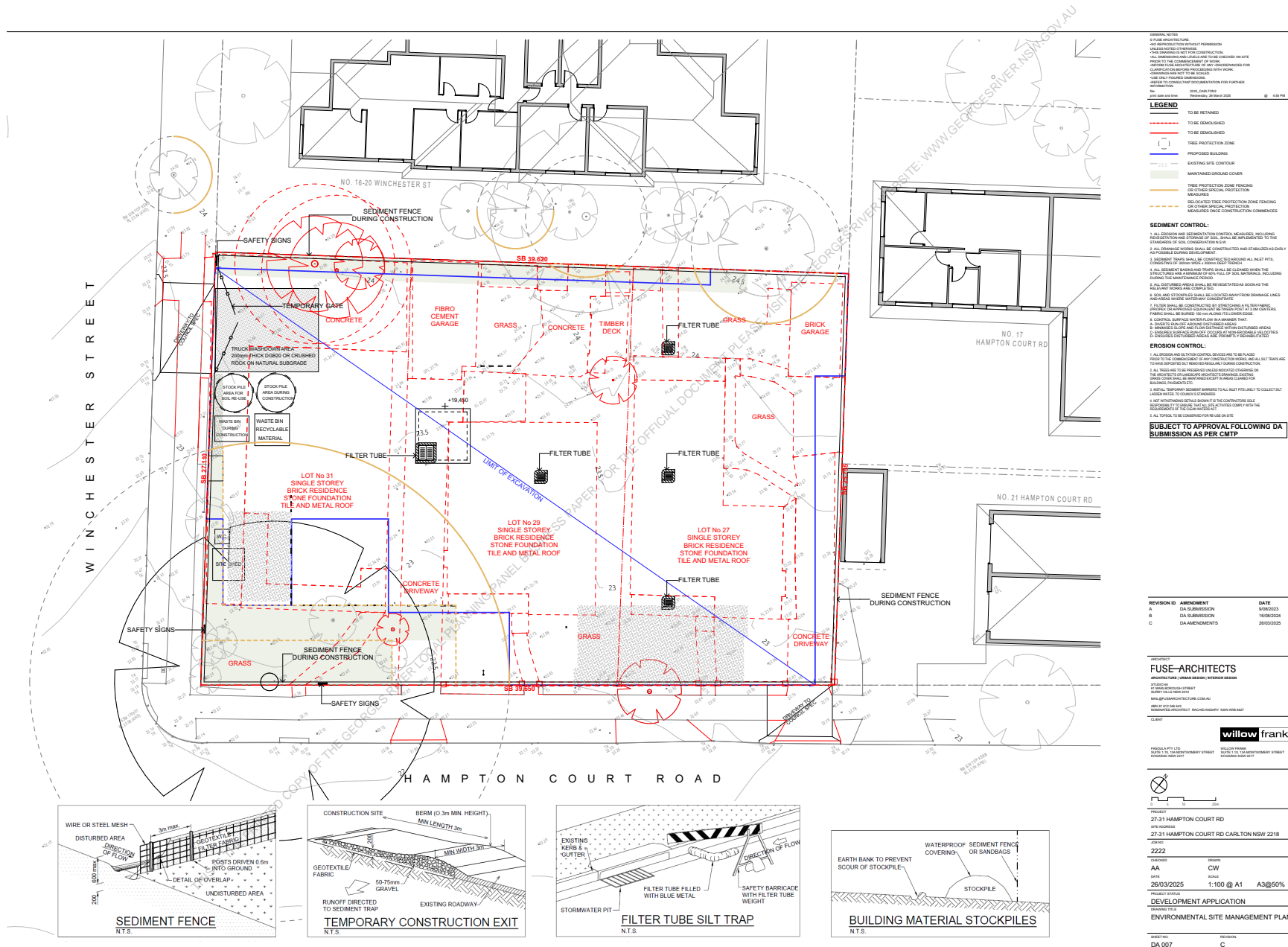
PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
DEVELOPMENT SUMMARY
SHEET NO.
DA 001
REVISION
C













1 SUBJECT SITE 2 SUBJECT SITE



3 SUBJECT SITE



4 16-20 WINCHESTER STREET
FIVE STOREY BRICK RESIDENTIAL APARTMENT BUILDING
WITH GROUND LEVEL LOCK UP GARAGES



5 33 HAMPTON COURT ROAD
SINGLE STOREY
BRICK RESIDENTIAL DWELLING



6 36 HAMPTON COURT ROAD
THREE STOREY BRICK
RESIDENTIAL FLAT BUILDING

40 HAMPTON COURT ROAD
FOUR STOREY BRICK
RESIDENTIAL FLAT BUILDING

44 HAMPTON COURT ROAD
TWO STOREY BRICK
RESIDENTIAL FLAT BUILDING

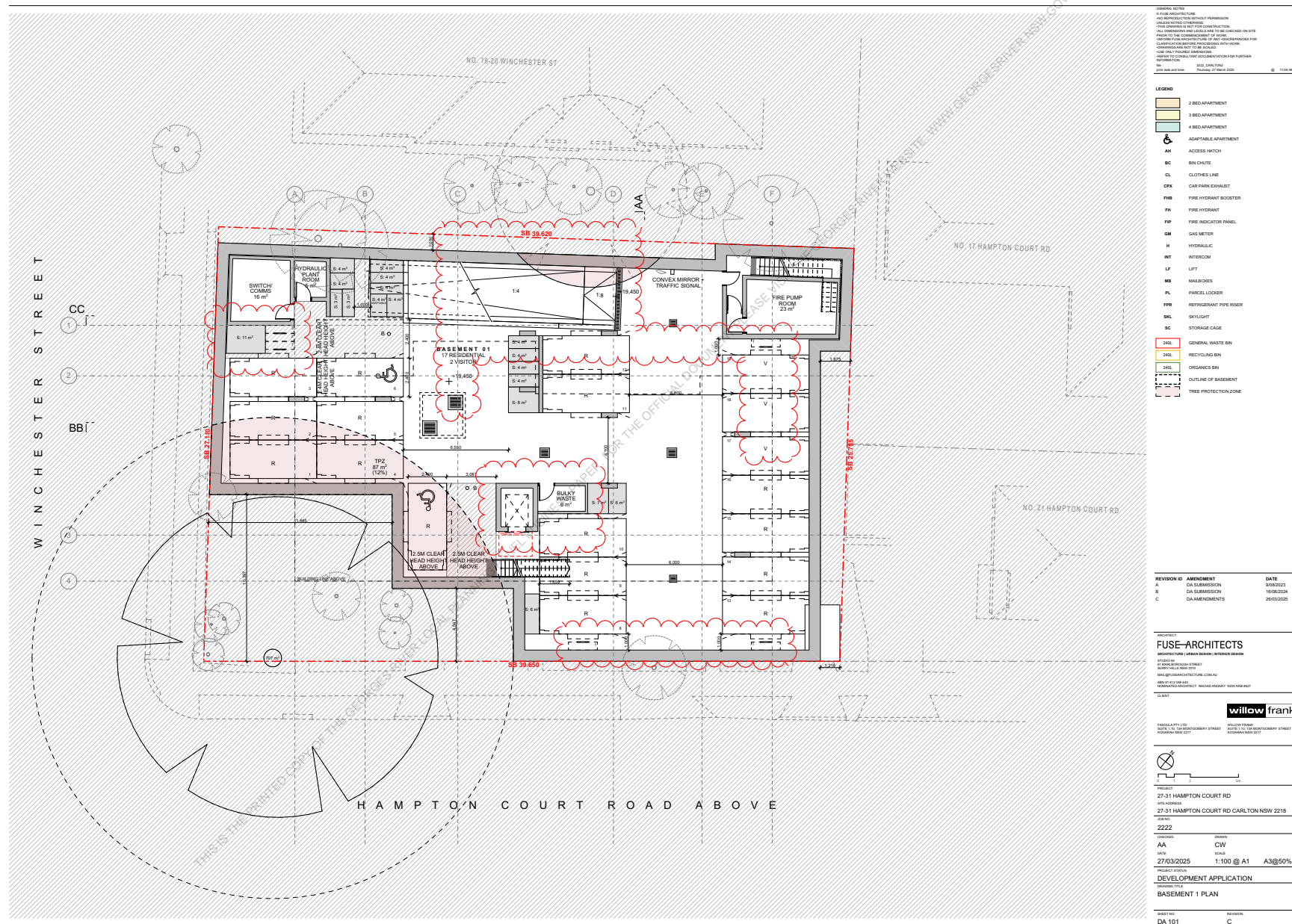
7 21 JUBILEE AVENUE
TWO STOREY BRICK
RESIDENTIAL FLAT BUILDING WITH
GROUND LEVEL LOCK UP GARAGES

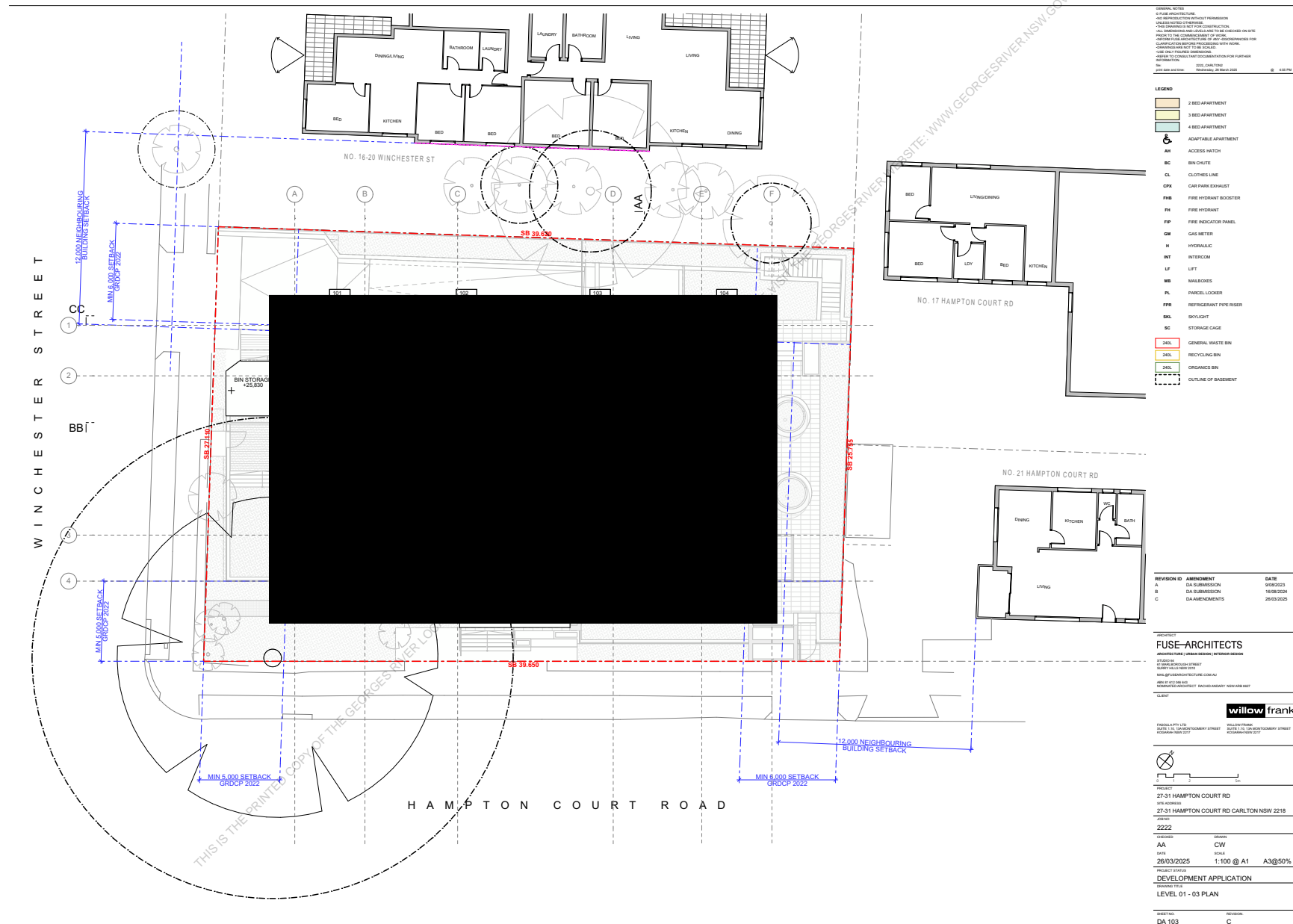
17 JUBILEE AVENUE
THREE STOREY BRICK
RESIDENTIAL FLAT BUILDING WITH
GROUND LEVEL LOCK UP GARAGES

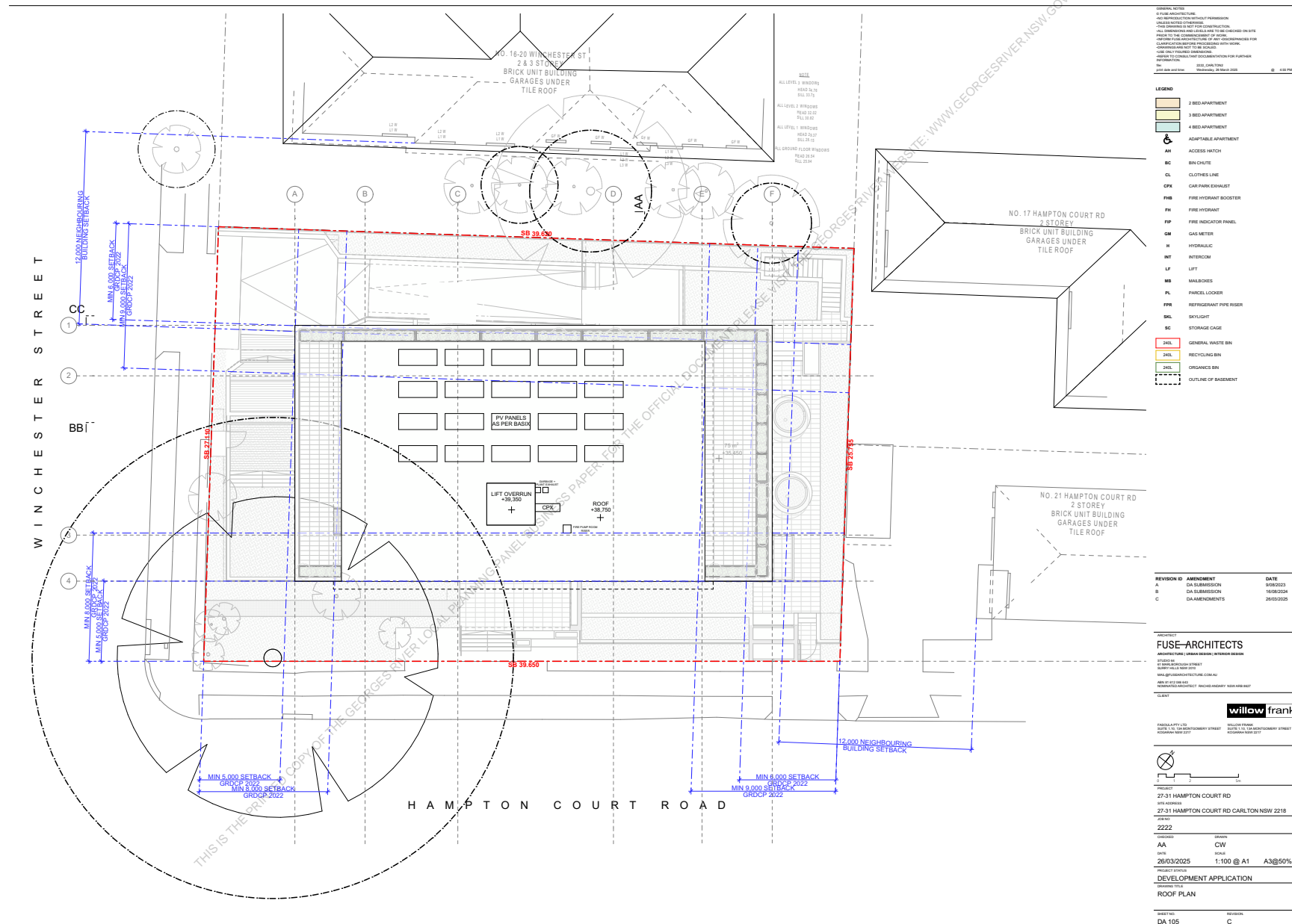
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2024, 2024, 2024
2024, 2024, 2024

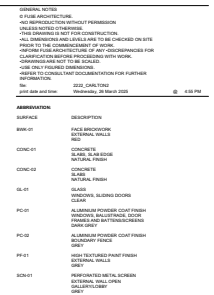
SITE ANALYSIS AND CONTEXT

The subject site is located on the northern side of Hampton Court Road and comprises three regular shaped lots identified as Nos. 27, 29 and 31 Hampton Court Road, Carlton. The lots are legally described as Lot 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 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② NORTH ELEVATION (DRIVEWAY) 1:100

REVISION ID	AMENDMENT	DATE
A	DA SUBMISSION	9/05/2023
B	DA SUBMISSION	16/08/2024
C	DA AMENDMENTS	26/03/2025

ARCHITECT

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STUDIO 66
41 MARLBOROUGH STREET
SUITE 1111 NEW YORK 10017

MAIL@FUSEARCHITECTURE.COM.AU

NEW YORK 212 688 6423
NORMANVILLE ARCHITECT RACHED ANDARY NEW YORK 212 277 1107

PL 0001

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FABOLA PTY LTD
SUITE 1.10, 13A MONTGOMERY STREET
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KOGARAH NSW 2217

PROJECT
27-31 HAMPTON COURT RD
SITE ADDRESS
27-31 HAMPTON COURT RD CARLTON NSW 2218

2222

CHECKED	DRAWN
AA	CW

DATE 26/03/2025 SCALE 1:100 @ A1 A3@50%

DEVELOPMENT APPLICATION

NORTH ELEVATION

SHEET NO.	REVISION.
DA 201	C



ABBREVIATION	DESCRIPTION
BWR-01	FACE BROOKVIEW EXTERNAL WALLS RED
C2C-01	CONCRETE SLAB, BLANK SLIDE NATURAL FINISH
C2C-02	CONCRETE SLAB NATURAL FINISH
GL-01	GLASS MINOR SLIDING DOORS CLEAR
PG-01	ALUMINUM COAT FINISH PANOPLY, BALUSTRADE, COOR NATURAL FINISH SAFIR GREY
PG-02	ALUMINUM COAT FINISH BOUNDRARY FENCE
PF-01	HIGH TEXTURED PAINT FINISH EXTERNAL WALLS GREY
BCH-01	PERFORATED METAL SCREEN EXTERNAL WALL, OPEN GALLERY LEVEL



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STUDIO 66
41 MARLBOROUGH STREET
SUITE 1101 NEW YORK 10017

MAIL@FUSEARCHITECTURE.COM.AU

NEW YORK OFFICE
401 W 42ND STREET
SUITE 1101 NEW YORK 10018

PHOTO

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SUITE 1.10, 13A MONTGOMERY STREET
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Graph of potential energy U versus position x . The potential is 0 for $x < 0$, 10 J for $0 < x < 1$ m, 30 J for $1 \text{ m} < x < 2$ m, and 0 for $x > 2$ m.

PROJECT
27-31 HAMPTON COURT RD
SITE ADDRESS
27-31 HAMPTON COURT RD CARLTON NSW 2218

2222

CHECKED	DRAWN
AA	CW

DATE 26/03/2025 SCALE 1:100 @ A1 A3@50%

DEVELOPMENT APPLICATION

SOUTH ELEVATION

SHEET NO.	REVISION.
DA 202	C



1 EAST ELEVATION
1:100



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STUDIO 66
41 MARLBOROUGH STREET
SUNNY HILLS NEW YORK

MAIL@FUSEARCHITECTURE.COM/AL

NEW YORK 212 688 6483
NOMINATED ARCHITECT RACHED ANDARY NEW YORK BRIST

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FABOOLA PTY LTD
SUITE 1.10, 13A MONTGOMERY STREET
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PROJECT
27-31 HAMPTON COURT RD

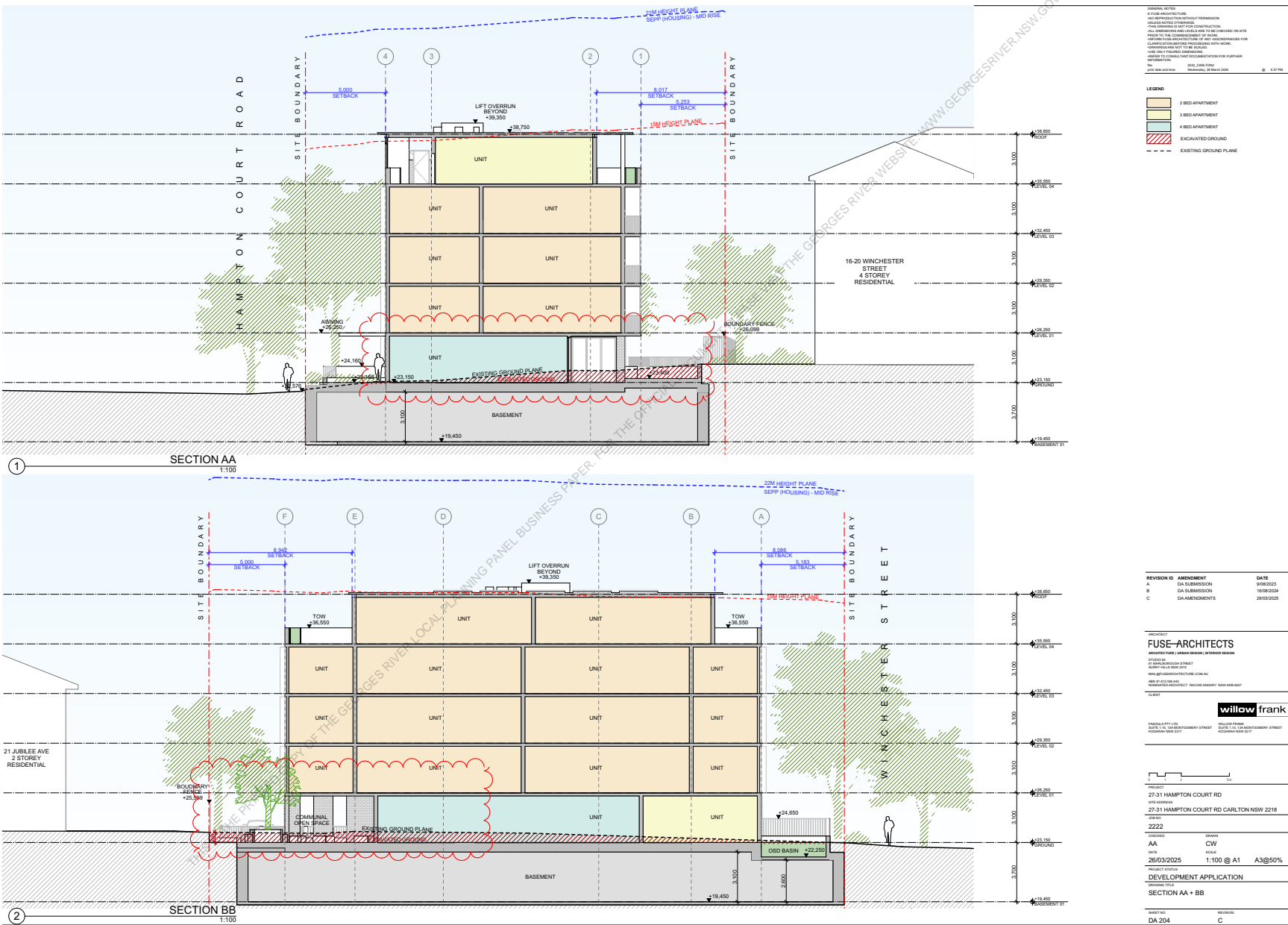
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27-31 HAMPTON COURT RD CARLTON NSW 2218
JOB NO
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DATE	SCALE	
26/03/2025	1:100 @ A1	A3@50%

PROJECT STATUS
DEVELOPMENT APPLICATION

DRAWING TITLE
EAST + WEST ELEVATION

SHEET NO.	REVISION
DA 203	C



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LEGEND	
	2 BED APARTMENT
	3 BED APARTMENT
	4 BED APARTMENT
	ADAPTABLE APARTMENT
#B	BEDROOM NO.
B	BATHROOM
BAL	BALCONY
ENS	ENSUITE
K	KITCHEN
L/D	LIVING / DINING
L	LAUNDRY
S	STORAGE
TER	TERRACE
UT	UTILITY ROOM

ARCHITECT

FUSE—ARCHITECTS

ARCHITECTURE | URBAN DESIGN | INTERIOR DESIGN

STUDIO 66
81 MARLBOROUGH STREET
SURREY HILLS NEW YORK 10319

MAIL@FUSEARCHITECTURE.COM.AU

ABN 81 612 588 643
NOMINATED ARCHITECT RACHED ANDARY NEW YORK 8827

PROJECT STATUS
DEVELOPMENT APPLICATION

DRAWING TITLE
UNIT TYPES

SHEET NO.	REVISION
DA 301	C

UNIT TYPE:	2.01 - 2 BEDROOM PRE ADAPTABLE	UNIT TYPE:	2.01 - 2 BEDROOM POST ADAPTABLE
UNIT NUMBER:	102, 202, 302	UNIT NUMBER:	102, 202, 302
STORAGE AREA:	IN APARTMENT: 10.0 m ³	STORAGE AREA:	IN APARTMENT: 5.0 m ³
INTERNAL AREA:	81m ²	INTERNAL AREA:	81m ²
TERRACE:	15m ²	TERRACE:	15m ²

GENERAL NOTES
 1. FURNISH ARCHITECTURE.
 2. NO INSPECTION WITHOUT PERMISSION.
 3. UNLESS NOTED OTHERWISE.
 4. THIS DRAWING IS NOT FOR CONSTRUCTION.
 5. ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE PRIOR TO THE COMMENCEMENT OF WORK.
 6. FURNISH ARCHITECTURE OF ANY DISCREPANCIES FOR CLARIFICATION BEFORE PROCEEDING WITH WORK.
 7. DRAWINGS ARE NOT TO BE RECALLED.
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 9. REFER TO CONSULTANT DOCUMENTATION FOR FURTHER INFORMATION.

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LEGEND

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	3 BED APARTMENT
	4 BED APARTMENT
	ADAPTABLE APARTMENT
#B	BEDROOM NO.
B	BATHROOM
BAL	BALCONY
ENS	ENSUITE
K	KITCHEN
L/D	LIVING / DINING
LA	LAUNDRY
S	STORAGE
TER	TERRACE
UT	UTILITY ROOM

REVISION ID	AMENDMENT	DATE
P2	FOR INFORMATION	14/06/2023
A	DA SUBMISSION	9/08/2023
B	DA SUBMISSION	16/08/2024
C	DA AMENDMENTS	26/03/2025

ARCHITECT

FUSE ARCHITECTS

ARCHITECTURE | URBAN DESIGN | INTERIOR DESIGN

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61 MARLBOROUGH STREET
SURREY HILLS NSW 2015

MAIL@FUSEARCHITECTURE.COM.AU

ABN 91 612 088 643
NOMINATED ARCHITECT RACHED ANDARY NSW ARB 8627

CLIENT

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SUITE 1.10, 13A MORTGAGERY STREET
KOTAHAM ROAD 2137

WILLOW FRANK
SUITE 1.10, 13A MORTGAGERY STREET
KOTAHAM ROAD 2137

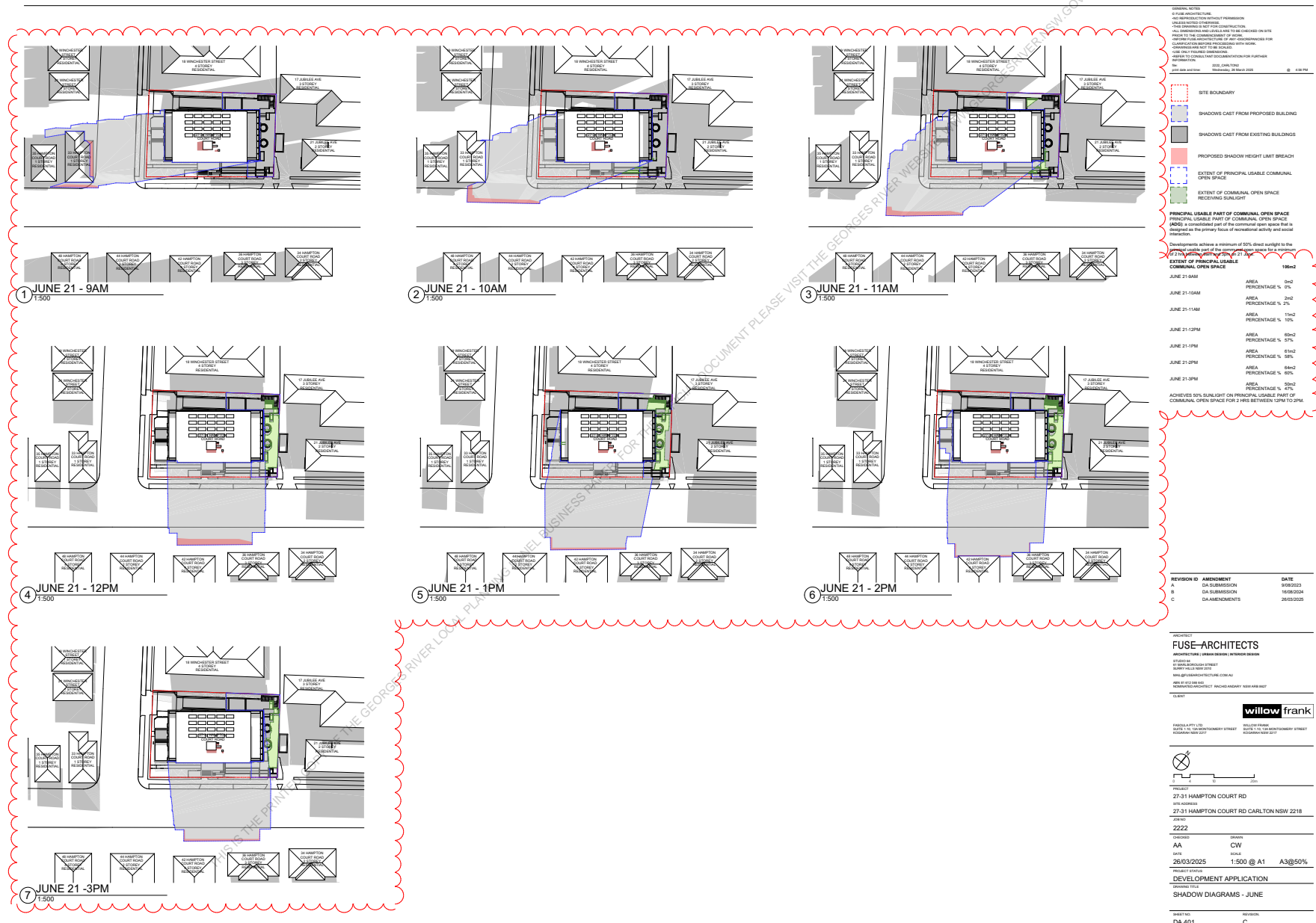
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27-31 HAMPTON COURT RD
SITE ADDRESS
27-31 HAMPTON COURT RD CARLTON NSW 2218

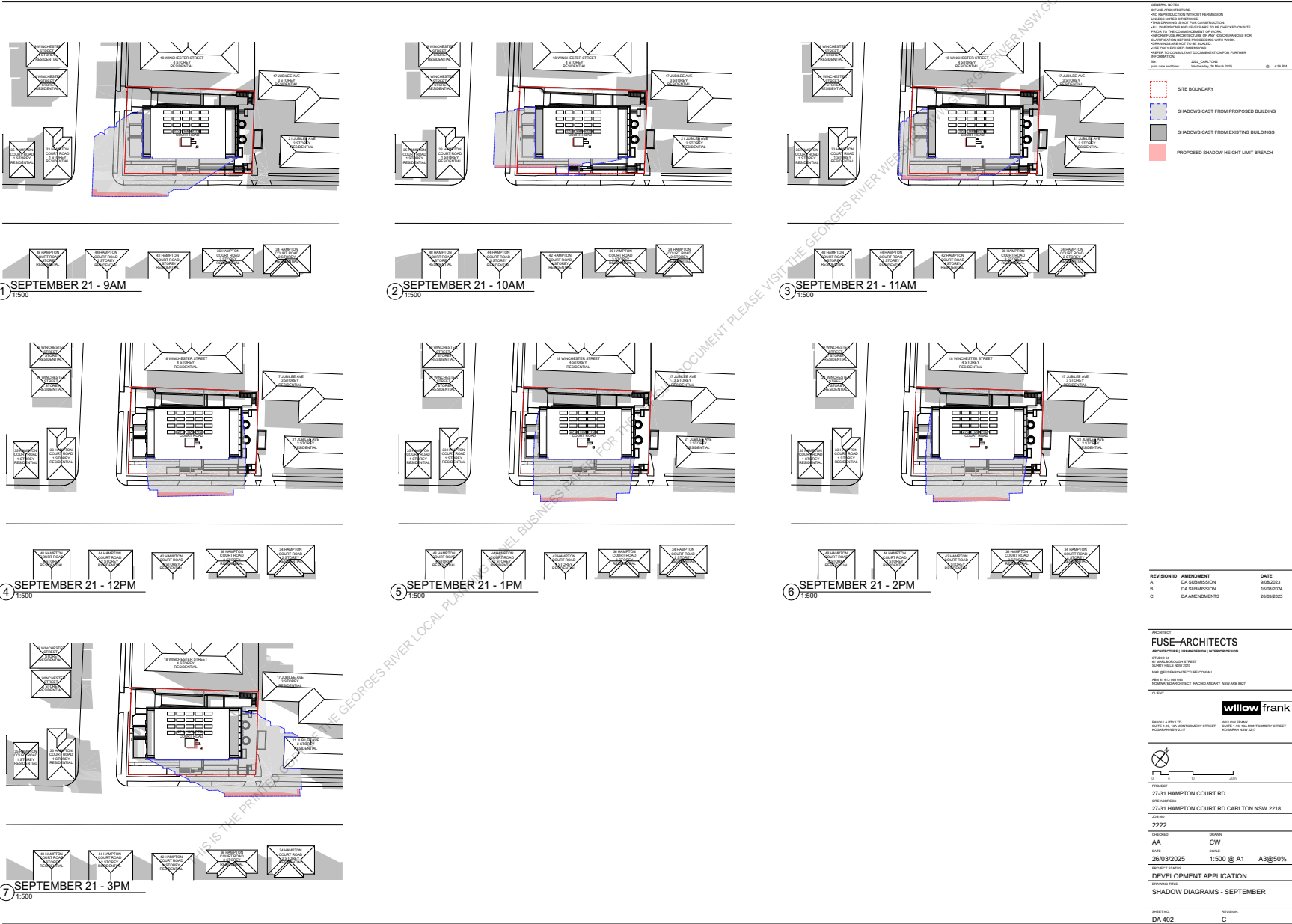
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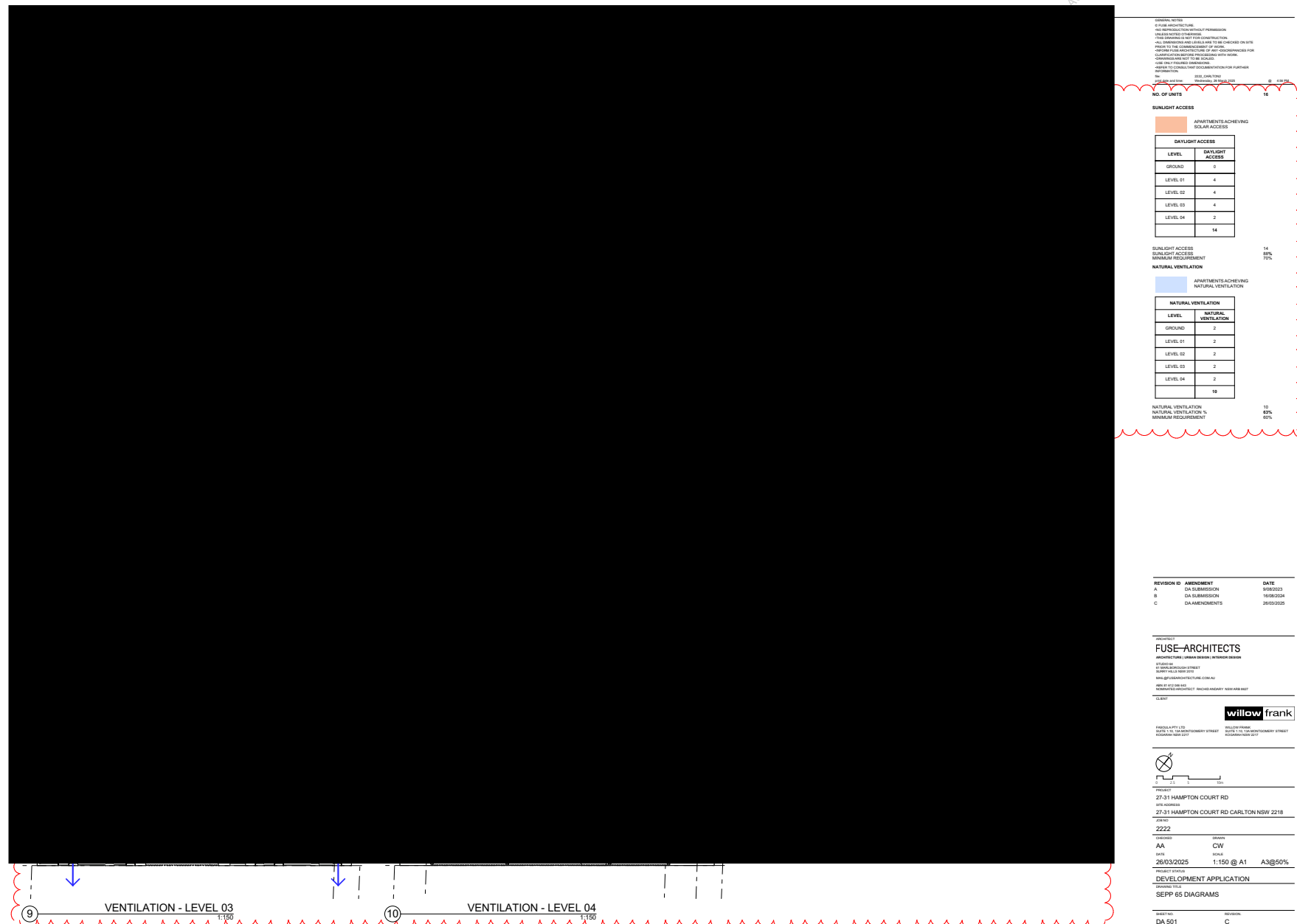
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PROJECT STATUS
DEVELOPMENT APPLICATION
DRAWING TITLE
ADAPTABLE UNIT TYPE

SHEET NO.	REVISION.
DA 302	C

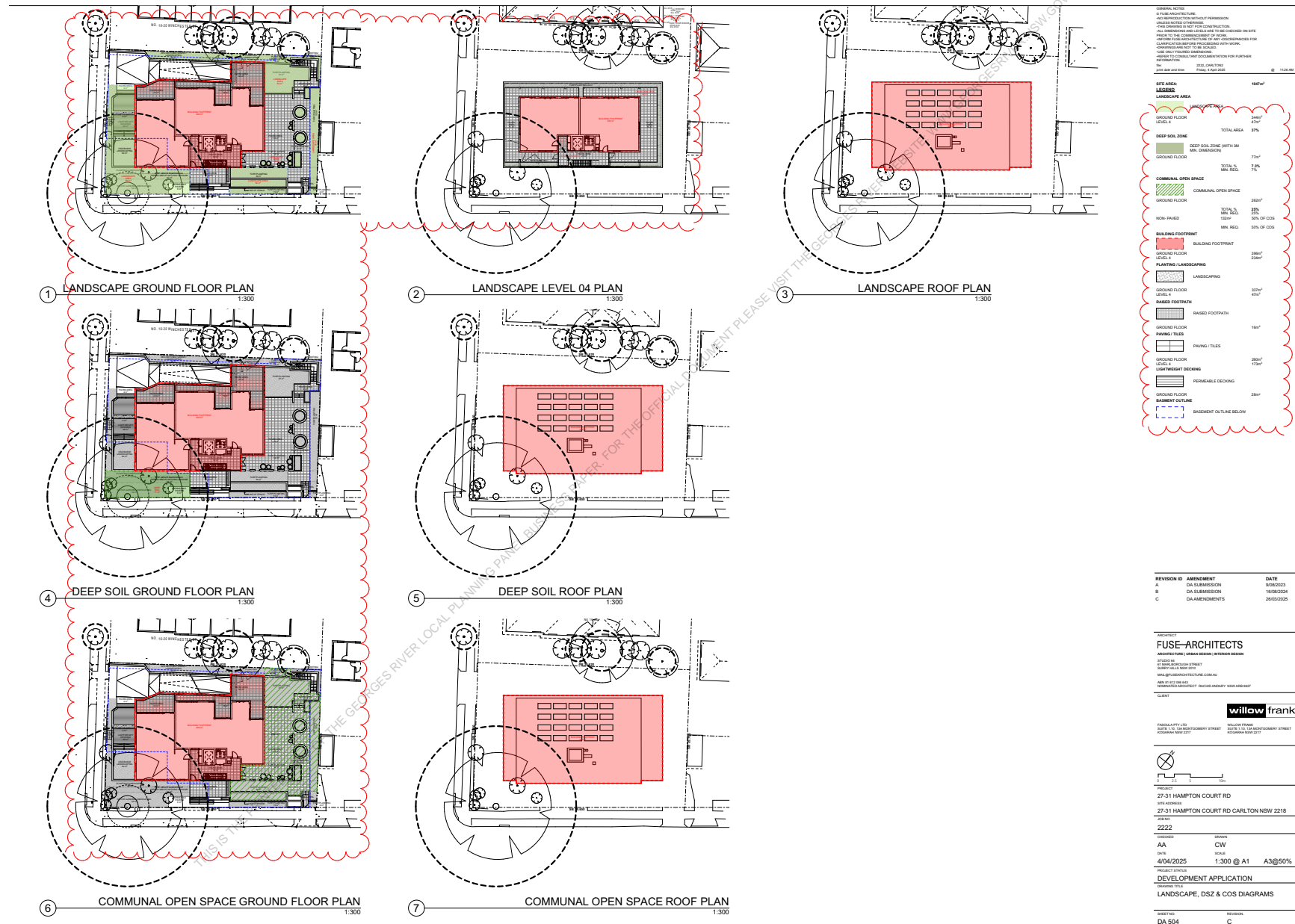


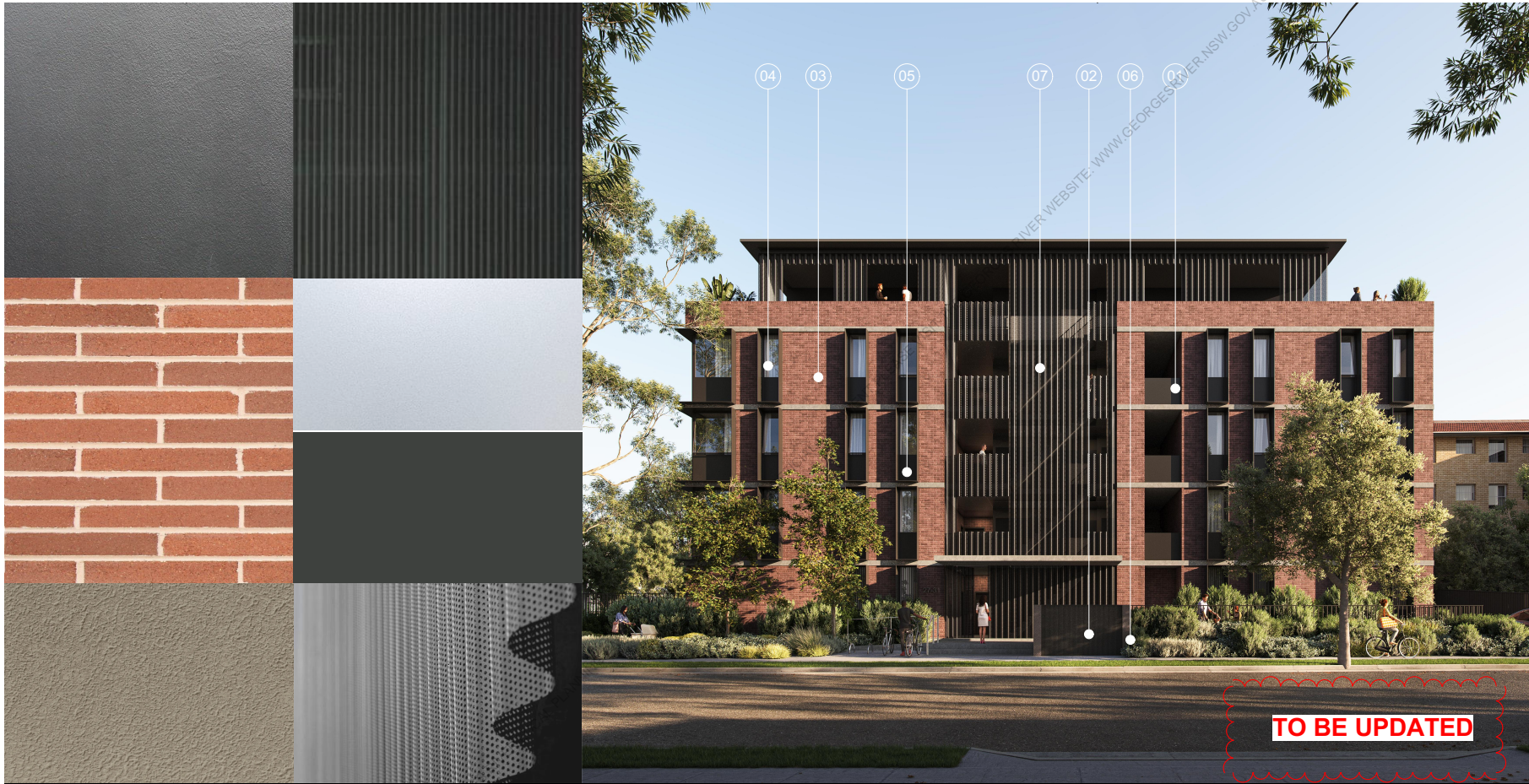




THIS IS THE PRINTED COPY OF THE GEORGES RIVER LOCAL PLAN

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01	02
03	04
	05
06	07

- 01 | WALLS / CFC PANELS / MONUMENT OR SIMILAR
- 02 | SCREENS, FENCES, GATES / POWDER COAT FINISH / MONUMENT, SURFMIST OR SIMILAR
- 03 | WALLS / BRICKWORK / FACE BRICK / DEEP RED OR SIMILAR
- 04 | WINDOWS / CLEAR GLASS
- 05 | WINDOWS / ALUMINIUM POWDER COAT FINISH / MONUMENT OR SIMILAR
- 06 | LOW WALLS / CONCRETE / ROUGH TEXTURED PAINT FINISH / GREY PAINT FINISH
- 07 | SCREENS / ALUMINIUM / POWDER COAT FINISH / DARK GREY PAINT FINISH

MATERIALS AND FINISHES SCHEDULE
27-31 HAMPTON COURT RD CARLTON

FUSE-ARCHITECTS

FUSE ARCHITECTS
T +612 8278 7156
STUDIO 64—61 MARLBOROUGH STREET
SURRY HILLS 2010 AUSTRALIA
MAIL@FUSEARCHITECTS.COM.AU
FUSEARCHITECTS.COM.AU



TO BE UPDATED

GENERAL NOTES

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- 7. OVERSPILLS ARE NOT TO BE SOILED.
- 8. USE ONLY FUSED DIMENSIONS.
- 9. REFER TO CONSULTANT DOCUMENTATION FOR FURTHER INFORMATION.

By: 2022, CARLETON

Issued Date and Time: 2022, CARLETON

REVISION ID	AMENDMENT	DATE
A	DA SUBMISSION	9/08/2021
B	DA SUBMISSION	16/08/2021
C	DA AMENDMENTS	26/03/2022

ARCHITECT

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STUDIO 66
61 MARLBOROUGH STREET
NEW YORK, N.Y. 10012

MAIL@FUSEARCHITECTURE.COM.AU

ABN 81 612 088 643
MEMBERSHIP ARCHITECT, BACHUS AVE, NOWA ABB

CLIENT

CLIENT _____

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SUITE 1.10, 13A MONTGOMERY STREET
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KODAKAH NEW 2217 KODAKAH

PROJECT _____

27-31 HAMPTON COURT RD

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27-31 HAMPTON COURT RD CAR
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DATE _____ SCALE _____

26/03/2025 @ A1

PROJECT STATUS

DEVELOPMENT APPLICATION

DRAWING TITLE

PHOTOMONTAGE 1

PROTOMONTAGE 1

QUALITY APP.	RELATIONS
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SHEET NO. DA 801
REVISION C

DA 801	C
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SHEET NO.	REVISION
DA 802	C

REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 15 MAY 2025

LPP011-25 34 MARINE DRIVE, OATLEY NSW 2223

LPP011-25

LPP Report No	LPP011-25	Development Application No	DA2024/0621
Site Address & Ward Locality	34 Marine Drive, Oatley NSW 2223 Peakhurst Ward		
Proposed Development	Demolition of existing dwelling and construction of new dwelling, swimming pool, inclinor and boatshed		
Owners	Christopher Stefanovski		
Applicant	Christopher Stefanovski		
Planner/Architect	Planner: Maximus Developments Australia Architect: Innovate Architects		
Date Of Lodgement	14/01/2025		
Submissions	3		
Cost of Works	\$4,136,926.00		
Local Planning Panel Criteria	Variation of greater than 10% proposed to maximum building height development standard related to Clause 4.3 Height of buildings. The variation sought equates to 53.9%.		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, Georges River Local Environmental Plan 2021, Georges River Development Control Plan 2021		
List all documents submitted with this report for the Panel's consideration	Statement of Environmental Effects (SEE), Clause 4.6 Variation (included in SEE), Architectural Plans, Landscape Plans, Stormwater Plans, Arboricultural Impact Assessment Report, and Site Inspection Pictures		
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?	Yes - Variation to Clause 4.3 Height of Buildings submitted.
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 – The application is recommended for refusal. The refusal reasons can be reviewed when the report is published.

SITE PLAN



Figure 1: Aerial image. The subject site is indicated in red. (Source: Intramaps)

EXECUTIVE SUMMARY PROPOSAL

- The Development Application seeks consent for demolition works and construction of 3 storey dwelling house, swimming pool, inclinor and boatshed. The proposal comprises of the following components:
 - Removal of the following structures and vegetation:
 - Existing dwelling house,

- Existing internal stair access to the foreshore, and
- Five trees
- Construction of a dwelling house with three storeys and a basement level to include:
 - Pool level (basement)
 - Gym with storage space,
 - Wellness room,
 - Sauna room,
 - Bathroom,
 - Lift and stair access reaching all levels, and
 - Semi-open barbeque area with pool equipment storage.
 - Lower ground floor
 - Rumpus with kitchenette,
 - Two storage rooms,
 - Laundry room with drying area,
 - Bedroom,
 - Study room,
 - Bathroom,
 - Plant and services room, and
 - Terrace accessed from rumpus and Bedroom 5.
 - Ground floor (entry level)
 - Open living, kitchen, and dining area with pantry,
 - Powder room,
 - Two-car garage with storage space, and
 - Terrace accessed from the open living and kitchen area.
 - First floor
 - Main bedroom with walk-in-robe and ensuite bathroom,
 - Three bedrooms with robe,
 - Bathroom, and
 - Two front balconies, accessible from Bedrooms 3 and 4.
- Ancillary works
 - Swimming pool accessible from basement level, supported by retaining walls,
 - New boatshed with no ramp,
 - New inclinor accessible from lower ground level to the foreshore area,
 - New external access within the site setback area of the proposed dwelling house,
 - New landing and stairs accessing the boatshed and existing jetty,
 - Stormwater system to discharge into Georges River,
 - New retaining walls near the boatshed, and
 - Landscape works.

SITE AND LOCALITY

2. The subject site is legally identified as Lot 162 DP 11934. The site is commonly known as 34 Marine Drive, Oatley.
3. The subject site is a rectangular allotment with an area of 1,081.0sqm by Deposited Plan (DP). The site has a 12.19m street frontage access to Townson Street. The site has a northern side boundary of 89.9m, a southern side boundary of 90.89m, and a western rear boundary of approximately 12.235m. The subject site has an average gradient of approximately 47.6%, situating on a steep west-facing slope with water access to the rear.
4. The site currently contains a detached two-storey dwelling house situated on the front portion of the site, a landing and stone jetty at the rear portion of the site, and dense

bushland with rock outcrops between the dwelling house and the jetty. The site is accessed from Marine Drive. A Sydney Water sewer pipe traverses the rear part of the subject site near the jetty.

5. Adjoining the site to the north contains a two-storey brick detached dwelling house. Adjoining the site to the south are two allotments, the larger one in a typical rectangular configuration and the smaller one in battle-axe arrangement. The larger allotment contains a two-storey rendered dwelling house accessing Marine Drive, and the smaller allotment contains a two-storey brick and weatherboard dwelling house accessed by an inclinator from Marine Drive.
6. The immediate locality primarily consists of low density detached two-to-three storey dwelling houses with dense bush coverage near the foreshore. The properties with foreshore access predominantly contain jetty and boat sheds.

ZONING AND PERMISSIBILITY

7. The subject site is zoned R2 – Low Density Residential under the Georges River Local Environmental Plan 2021 (GRLEP 2021). The proposal is defined as a 'dwelling house' and 'boat shed', which are permissible with consent within the R2 Zone under GRLEP 2021.

SUBMISSIONS

8. The application was notified on Council's website, 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. Three (3) submissions were received during the neighbour notification period, raising concerns with respect to height breach, privacy, tree removal, view loss, and ancillary structures.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

9. This Development Application is referred to the Georges River Local Planning Panel for determination as a variation of greater than 10% is proposed to the maximum height limit control contained in GRLEP 2021. The proposed dwelling house exceed the maximum building height development standard of 9m by 4.85m. The variation sought equates to 53.9%.

CONCLUSION

10. The proposal has been assessed against the provisions of the GRLEP 2021 and the Georges River Development Control Plan 2021 (GRDCP 2021).
11. Having regard to the matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979 and following a detailed assessment, the proposed Development Application (DA2024/0621) is recommended for refusal for the reasons identified in this report.
12. On 27 February 2025, A Class 1 Appeal against deemed refusal was filed in the Land and Environment Court.

REPORT IN FULL

PROPOSAL

13. The Development Application seeks consent for demolition works and construction of a 3 storey dwelling house, swimming pool, inclinator and boatshed. The proposal comprises of the following components:

- Removal of the following structures and vegetation:
 - Existing dwelling house,
 - Existing internal stair access to the foreshore, and
 - Five trees
- Construction of a dwelling house with three storeys and a basement level to include:
 - Pool level (basement)
 - Gym with storage space,
 - Wellness room,
 - Sauna room,
 - Bathroom,
 - Lift and stair access reaching all levels, and
 - Semi-open barbeque area with pool equipment storage.
 - Lower ground floor
 - Rumpus with kitchenette,
 - Two storage rooms,
 - Laundry room with drying area,
 - Bedroom,
 - Study room,
 - Bathroom,
 - Plant and services room, and
 - Terrace accessed from rumpus and Bedroom 5.
 - Ground floor (entry level)
 - Open living, kitchen, and dining area with pantry,
 - Powder room,
 - Two-car garage with storage space, and
 - Terrace accessed from the open living and kitchen area.
 - First floor
 - Main bedroom with walk-in-robe and ensuite bathroom,
 - Three bedrooms with robe,
 - Bathroom, and
 - Two front balconies, accessible from Bedrooms 3 and 4.
- Ancillary works
 - Swimming pool accessible from basement level, supported by retaining walls,
 - New boatshed with no ramp,
 - New inclinor accessible from lower ground level to the foreshore area,
 - New external access within the site setback area of the proposed dwelling house,
 - New landing and stairs accessing the boatshed and existing jetty,
 - Stormwater system to discharge into Georges River,
 - New retaining walls near the boatshed, and
 - Landscape works.

THE SITE AND LOCALITY

14. The subject site is legally identified as Lot 162 DP 11934. The site is commonly known as 34 Marine Drive, Oatley.
15. The subject site is a rectangular allotment with an area of 1,081.0sqm by Deposited Plan (DP). The site has a 12.19m street frontage access to Townson Street. The site has a northern side boundary of 89.9m, a southern side boundary of 90.89m, and a western rear boundary of approximately 12.235m. The subject site has an average gradient of approximately 47.6%, situating on a steep west-facing slope with water access to the rear.

16. The site currently contains a detached two-storey dwelling house situated on the front portion of the site, a landing and stone jetty on the rear portion of the site, and dense bushland with rock outcrops between the dwelling house and the jetty. The site is accessed from Marine Drive. A Sydney Water sewer pipe traverses the rear part of the subject site near the jetty.
17. Adjoining the site to the north contains a two-storey brick detached dwelling house. Adjoining the site to the south are two allotments, the larger one in a typical rectangular configuration and the smaller one in battle-axe arrangement. The larger allotment contains a two-storey rendered dwelling house accessing Marine Drive, and the smaller allotment contains a two-storey brick and weatherboard dwelling house accessed by an inclinator from Marine Drive.
18. The immediate locality primarily consists of low density detached two-to-three storey dwelling houses with dense bush coverage near the foreshore. The properties with foreshore access predominantly contain jetty and boat sheds.



Figure 2: Subject site observed from the street boundary. (Source: Site inspection pictures)



Figure 3: Details of existing rock outcrop. (Source: Site inspection pictures)



Figure 4: Densely bushy portion of the subject site. (Source: Site inspection pictures)



Figure 5: Details of the existing seawall and the location of the proposed boatshed. (Source: Site inspection pictures)



Figure 6: View of the subject site from the rear end of the jetty (Source: Site inspection pictures)

SITE BACKGROUND

19. A summary of the historical approvals on the subject tenancy is provided as follows:

DA/CDC Number	Proposed Works	Determination	Date	Comments
DA2023/0397	Alterations and additions to a dwelling house, construction of a swimming pool	Approved	1 March 2024	The approved works are not completed as of March 2025.
DA2023/0357	Ramp and Pontoon	Approved	30 November 2023	The structure was not built as of March 2025.
94/BA-111	Garage	Approved	19 July 1994	-
85/BA-551	Alteration and addition	Approved	2 August 1985	-

APPLICATION BACKGROUND

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

- The application was lodged on 14 January 2025.
- The application was allocated for assessment on 21 January 2025.
- On 07 February 2025, Ausgrid raised no objection to the proposal subject to recommended conditions.
- The application was placed on public exhibition between 13 February 2025 and 27 February 2025. Three (3) submissions were received during the notification period.
- On 03 March 2025, Sydney Water raised no objection to the proposal subject to recommended conditions.
- On 11 March 2025, Council's stormwater engineer raised no objection to the proposal subject to recommended conditions.
- On 27 February 2025, A Class 1 Appeal against deemed refusal was filed in the Land and Environment Court.
- On 21 March 2025, a site inspection was carried out.
- On 28 March 2025, a view loss analysis was carried out.
- Preliminary assessment of the application was finalised on 28 March 2025. Council is of the view that substantial design amendment is required to resolve the planning issues identified.
- On 11 April 2025, Council's environment officer raised objection to the proposal due to tree removal.

PLANNING ASSESSMENT

21. The development has been assessed having regard to Matters for Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

Section 4.15 Evaluation

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

(1) Matters for consideration - general

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

The provision of:

- (i) Any environmental planning instrument,

State Environmental Planning Policies (SEPPs)

23. Compliance with the relevant State Environmental Planning Policies is summarised in the following table and discussed in further detail below.

State Environmental Planning Policy Title	Complies
State Environmental Planning Policy (Biodiversity and Conservation) 2021	No
State Environmental Planning Policy (Resilience and Hazards) 2021	No
State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes
State Environmental Planning Policy (Industry and Employment) 2021	N/A
State Environmental Planning Policy (Sustainable Buildings) 2022	Yes

State Environmental Planning Policy (Biodiversity and Conservation) 2021

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

Chapter 2 - Vegetation in Non-Rural Areas

25. Chapter 2 aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. This chapter applies to the clearing of vegetation in non-rural areas.
26. The proposed removal of Tree 9, which is a native *Angophora costata* tree of High Retention Value, contravenes with the aim of this SEPP to preserve the amenity of non-rural areas of NSW.
27. Furthermore, the submitted Arboricultural Impact Assessment (AIA) report fails to provide sufficient detail pertaining to the Tree Protection Zones (TPZ) and Structural Root Zones (SRZ) of the 14 trees assessed under the AIA. The AIA also fails to indicate whether the proposed works are acceptable in accordance with the Australian Standards AS4970 'Protection of trees on development sites'.
28. Council's landscape officer raised objection to the proposed tree removal based on tree removal and insufficient AIA information. Non-compliance with Chapter 2 forms part of the reasons to recommend the refusal of this application.

Chapter 6 – Water Catchments

29. This chapter applies to Georges River Catchment which affects the subject site.
30. The environmental impact on the Georges River Catchment cannot be ascertained. While the concept stormwater plan submitted to Council is considered suitable, no water quality assessment was carried out for the proposed boatshed.

State Environmental Planning Policy (Resilience and Hazards) 2021

31. Chapter 2 and Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 are relevant to the proposal.

Chapter 2 – Coastal Management

32. Chapter 2 aims to: *“Promote an integrated and co-ordinated approach to land use planning in the coastal zone in a manner consistent with the objects of the Coastal Management Act 2016 including the management objectives for each coastal management area”*.
33. The subject site is mapped as a Coastal Environment area, a Coastal Use area, and a Coastal Zone.
34. The proposal does not comply with Clause 2.10 as the proposed work will cause adverse impact on native vegetations and existing rock outcrops. Furthermore, no water quality assessment was carried out for the proposed boatshed. The environmental impact on the Georges River Catchment cannot be ascertained.
35. The proposal does not sufficiently reduce adverse impacts related to Coastal Use Area in accordance with Clause 2.11. It is considered that the proposal will excessively increase the dominance of built form and adversely diminish the scenic quality of Georges River due to non-compliance with Clause 4.3 of the GRLEP 2021.

Chapter 4 – Remediation of Land

36. Chapter 4 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.
37. Clause 4.6 requires contamination and remediation to be considered in determining a DA. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.
38. A review of historic aerial photography dating back to 1943 indicates that the site has continually been used for residential purposes. Residential usage is not typically associated with activities that would result in the contamination of land. On this basis, the site is likely to be suitable for residential development in its current state for the development proposed with respect to contamination.

State Environmental Planning Policy (Transport and Infrastructure) 2021

39. Compliance with SEPP (Transport and Infrastructure) 2021 has been considered during the assessment of this development application. Ausgrid was consulted as required by Chapter 2, and no objection was raised to the proposed development.

State Environmental Planning Policy (Sustainable Buildings) 2022

40. The trigger for BASIX Certification is when the estimated cost of works for residential development (new dwelling(s)/alterations and additions) is equal to or above \$50,000. BASIX Certification is also triggered when proposing a swimming pool with a volume of 40,000 litres.
41. A BASIX Certificate prepared by Building & Energy Consultants Australia, dated 10 December 2024, certificate numbers 1777019S, has been submitted with the Development Application satisfying the minimum requirements of SEPP (Sustainable Buildings) 2022.

Georges River Local Environmental Plan 2021

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



Figure 7: Zoning map. The subject site is outlined in red. The area shaded in red indicates R2 Low Density Residential Zone. (Source: Intramaps)

GRLEP 2021 - Part 1 – Preliminary		
Clause 1.2 – Aims of the Plan		
Standard	Proposal	Compliance
In accordance with Clause 1.2 (2)	The development is considered to be inconsistent with the aims of the plan, in particular Aim (f). The proposal does not demonstrate a high standard of urban design and built form.	No
Clause 1.4 – Definitions		
Standard	Proposal	Compliance
<p>dwelling house means a building containing only one dwelling.</p> <p>boat shed means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.</p>	The proposal is consistent with the definitions.	Yes

Clause 2.3 – Zone objectives and Land Use Table		
Standard	Proposal	Compliance
<p>The subject site is zoned R2 Low Density Residential:</p> <p>The objectives of the zone are:</p> <ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To promote a high standard of urban design and built form that enhances the local character of the suburb and achieves a high level of residential amenity. To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River local government area. 	<p>The proposal is identified as a dwelling house and boat shed, which are permissible within the R2 Zone. However, the proposal is inconsistent with the following zone's objectives:</p> <ul style="list-style-type: none"> <i>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.</i> 	No
Land Use Table		
The proposal is for a dwelling house and a boat shed which are types of development permitted with consent in the zone.		Yes

GRLEP 2021 Part 4 – Principal Development Standards		
Clause 4.3 – Height of Buildings		
Standard	Proposal	Compliance
Maximum height is 9m as identified on Height of Buildings Map	13.85m A Clause 4.6 statement is supplied.	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.	Refer to Clause 4.4A for GFA and FSR calculation	N/A
Clause 4.4A - Exceptions to floor space ratio—certain residential accommodation		
Standard	Proposal	Compliance
<p>The maximum floor space ratio for a dwelling house must not exceed the maximum floor space ratio specified below (based on allotment size).</p> <p>Site area: 1,081.0sqm by DP</p>	<p>The proposed gross floor area is as follows:</p> <p>Boatshed: 24.5sqm Pool level: 73.9sqm (4.3sqm storage excluded as the level is a basement) LG/F: 123.5sqm</p>	No

<p><u>Site area more than 1000m² but not more than 1500m²</u></p> <p>$[(\text{lot area} - 1,000) \times 0.2 + 462.5] \div \text{lot area}:1$</p> <p>Equivalent to: 0.44:1</p> <p>(or 478.7m²)</p>	<p>G/F: 127.0sqm (36sqm excluded for two-car garage)</p> <p>1/F: 134.0sqm</p> <p>Total: 482.9sqm (0.45:1)</p> <p>No Clause 4.6 statement is provided for the breach in FSR.</p>	
Clause 4.6 - Exceptions to development standards		
Standard	Proposal	Compliance
In accordance with Clause 4.6 (1) through to and including (8)	<p>A variation is proposed to Clause 4.3 Height of buildings development standard. The variation request does not provide sufficient planning justification to warrant the granting of the proposed variation.</p> <p>A detailed discussion of the Clause 4.6 variation is contained within the <i>Clause 4.6 - Exceptions to Development Standards</i> section later in this report.</p>	No

GRLEP 2021 Part 6 – Additional Local Provisions		
Clause 6.1 Acid Sulfate Soils		
Standard	Proposal	Compliance
<p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <p>Class 5 The site is identified as containing Class 5 Acid Sulfate Soils.</p> <p>Consent may not be granted for any Works within 100 metres of adjacent Class 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 2, 3 or 4 land unless an acid sulfate soils management plan has been prepared.</p>	<p>The proposed deep excavation may affect the water table.</p> <p>No acid sulfate soil assessment is provided ascertaining the impact on the water table. On that basis, the proposal is considered to be non-compliant with this clause.</p>	No
Clause 6.2 Earthworks		
Standard	Proposal	Compliance
<p>Council must consider the following prior to granting consent for any earthworks:</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p>	<p>The proposal is unlikely to disrupt the existing natural drainage pattern or soil stability.</p>	Yes

<p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) measures to minimise the need for cut and fill, particularly on sites with a slope of 15% or greater, by stepping the development to accommodate the fall in the land,</p> <p>(f) the source of any fill material and the destination of any excavated material,</p> <p>(g) the likelihood of disturbing relics,</p> <p>(h) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,</p> <p>(i) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p>	<p>The proposal will not adversely affect the future use of the site.</p> <p>The quality of the fill material would be controlled via conditions if this application is supportable.</p> <p>The proposed earthworks have no impact on the amenity of adjoining properties.</p> <p>The proposal demonstrates excessive earthworks. The extent of earthworks is to be further discussed in the DCP section of the report.</p> <p>Soil management to be conditioned if this application is supportable.</p> <p>No known relic is identified on the subject site.</p> <p>In absence of an acid sulfate assessment, Council cannot ascertain the impact on the water table and containment of acid sulfate soil.</p> <p>The proposal will result in unnecessary tree removal.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p>
Clause 6.3 – Stormwater Management		
Standard	Proposal	Compliance
<p>(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development—</p> <p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains</p>	<p>The proposal is satisfactory with regard to the matters identified.</p> <p>The development considers soil characteristics for on-site water infiltration.</p> <p>On-site stormwater detention is not required on the subject site. Scour protection device proposed near the rear boundary to mitigate sedimentation and erosion.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>water, groundwater or river water, and</p> <p>(c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system or, if the impact cannot be reasonably avoided, minimises and mitigates the impact, and</p> <p>(d) is designed to minimise the impact on public drainage systems.</p>	<p>Adverse impacts on neighbouring properties, native bushland, receiving waters, and the downstream stormwater system including the public drainage system are also not considered to be unreasonably impacted.</p> <p>Council's Development Engineer reviewed this application and raised no objection.</p>	<p>Yes</p> <p>Yes</p>
Clause 6.4 – Foreshore area and coastal hazards and risk		
Standard	Proposal	Compliance
<p>(2) This clause applies to the following land—</p> <p>(a) and identified on the Coastal Hazard and Risk Map,</p> <p>(b) land identified on the Foreshore Building Line Map.</p> <p>(3) Development consent must not be granted for development on land to which this clause applies except for the following purposes—</p> <p>(a) the alteration, or demolition and rebuilding, of an existing building if the footprint of the building will not extend further forward than the footprint of the existing building into— the foreshore building line, or the land identified on the Coastal Hazard and Risk Map,</p> <p>(b) the erection of a building if the levels, depth or other exceptional features of the site make it appropriate to do so,</p> <p>(c) boat sheds, cycling paths, fences, sea walls, swimming pools, water recreation structures or walking tracks.</p> <p>(4) In deciding whether to grant development consent, the consent authority must consider the following matters—</p> <p>(a) whether the development addresses the impacts of sea level</p>	<p>The subject site is identified on the Foreshore Building Line Map and the Coastal Hazard and Risk Map.</p> <p>The FBL is located 15m from the MHWL.</p> <p>The proposed dwelling house is located entirely behind the FBL.</p> <p>The proposed boat shed and associated footpath and inclinator are located beyond the FBL. Those structures are permissible under Clause 4.6(3)(a).</p> <p>The proposed dwelling house avoids part of the subject site that</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>rise and tidal inundation as a result of climate change,</p> <p>(b) whether the development could be located on parts of the site not exposed to coastal hazards,</p> <p>(c) whether the development will cause congestion or generate conflict between people using open space areas or the waterway,</p> <p>(d) whether the development will cause environmental harm by pollution or siltation of the waterway,</p> <p>(e) opportunities to provide reasonable, continuous public access along the foreshore, considering the needs of property owners,</p> <p>(f) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development</p>	<p>is exposed to coastal hazards and is unlikely to be affected by sea level rise.</p> <p>The proposed dwelling house avoids part of the subject site that is exposed to coastal hazards.</p> <p>The proposal will not cause congestion or generate conflicts at the public waterway and public open spaces. No additional boat mooring facility proposed.</p> <p>It is uncertain whether the proposal will cause environmental harm in absence of a water quality assessment to ascertain the impact of the proposed boatshed on Georges River.</p> <p>The proposal does not hinder public access along the foreshore. The subject site has no existing public access to Georges River.</p> <p>The proposal demonstrates excessive built form within the foreshore area. The proposal fails to mitigate the visual impact of the development.</p>	<p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>No</p>
Clause 6.5 – Riparian land and waterways		
Standard	Proposal	Compliance
<p>(2) This clause applies to land identified as “Sensitive land” on the Riparian Lands and Waterways Map.</p> <p>(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the following—</p> <p>(a) whether the development is likely to have an adverse impact on the following—</p> <p>(i) the water quality and flows within the waterway,</p>	<p>The site is located on Sensitive Land as identified on the Riparian Land and Waterways Map.</p> <p>The proposal will not affect the water quality and flows of Georges</p>	<p>Yes</p> <p>Yes</p>

<p>(ii) the stability of the bed, shore and banks of the waterway,</p> <p>(iii) the future rehabilitation of the waterway and riparian areas,</p> <p>(iv) the biophysical, hydrological or ecological integrity of adjacent coastal wetlands, including the aquatic and riparian species, habitats and ecosystems of the waterway,</p> <p>(v) indigenous trees and other vegetation,</p> <p>(vi) opportunities for additional planting of local native riparian vegetation,</p> <p>(b) whether the development is likely to increase water extraction from the waterway,</p> <p>(c) whether the development will cause environmental harm by pollution or siltation of the waterway,</p> <p>(d) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</p> <p>(a) the development is designed, sited and will be managed to avoid significant adverse environmental impact, or</p> <p>(b) if that impact cannot be reasonably avoided—the</p>	<p>River. Scour protection device is incorporated in the stormwater plan.</p> <p>The proposal will not affect the stability of the foreshore area.</p> <p>The proposal has neutral impact on future rehabilitation of the waterway.</p> <p>It is uncertain whether the proposal will undermine the biophysical integrity of adjacent coastal habitat in absence of a water quality assessment to demonstrate the impact of the proposed boatshed on Georges River.</p> <p>The proposal to remove Tree 9 is unreasonable, and the submitted AIA is inadequate in demonstrating the impacts on existing native vegetations.</p> <p>The proposal provides sufficient space to accommodate additional native riparian vegetation.</p> <p>The proposal will not affect water extraction from the waterway.</p> <p>Sediment control conditions would be imposed if this application is to be recommended for approval.</p> <p>The proposal fails to demonstrate the avoidance of significant adverse environmental impacts due to inadequate AIA.</p> <p>The proposal fails to demonstrate the avoidance of significant adverse environmental impacts.</p>	<p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p>
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development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.		
Clause 6.6 Foreshore scenic protection area		
Standard	Proposal	Compliance
<p>(2) This clause applies to land identified as “Foreshore scenic protection area” on the Foreshore Scenic Protection Area Map.</p> <p>(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must be satisfied that the development would facilitate the following—</p> <p>(a) the protection of the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation,</p> <p>(b) the avoidance or minimisation of the disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations,</p> <p>(c) the maintenance and enhancement of native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors,</p> <p>(d) the achievement of no net loss of significant vegetation or habitat,</p> <p>(e) the avoidance of clearing steep slopes and facilitation of the stability of the land,</p> <p>(f) the minimisation of the impact on the views and visual environment, including views to and from the Georges River,</p>	<p>The subject site is identified on the Foreshore Scenic Protection Area Map.</p> <p>The proposal will cause unreasonable impact on existing rock formation and significant vegetation.</p> <p>The proposed tree removal is excessive, and the submitted AIA does not sufficiently demonstrate the impact of the proposal.</p> <p>The proposal fails to maintain existing significant native vegetation.</p> <p>The proposal will result in loss of significant vegetation.</p> <p>The proposal fails to minimise tree removal.</p> <p>The proposal will introduce excessive built form observable from the Georges River.</p>	<p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>

foreshore reserves, residential areas and public places, (g) the minimisation of the height and bulk of the development by stepping the development to accommodate the fall in the land.	The proposal fails to achieve the minimisation of earthworks.	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 subject site has access to reticulated water, electricity and the sewage network. The proposal also demonstrates effective stormwater disposal, access to telecommunication facilities, and vehicular access.	Yes
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) For land identified in on the Foreshore Scenic Protection Area Map: (i) bed and breakfast accommodation, (ii) health services facilities, (iii) marinas, (iv) residential accommodation, except for secondary dwellings, (4) Development consent must not be granted for development to which this clause applies unless	The proposal is located in the Foreshore Scenic Protection Area (FSPA). The proposal does not sufficiently demonstrate design excellence. Council identifies the following deficiencies with respect to the proposal: <ul style="list-style-type: none"> • The proposal exceeds the maximum height limit and FSR, resulting in an excessive bulk and scale that is not compatible with the desired character of FSPA and Oatley, • The proposal boasts a three-storey built form in contravention to GRDCP 2021, • The extensive use of white rendered finish is not compatible with the desired external finish as outlined in GRDCP 2021 • The proposal requires extensive cut and fill, 	No

<p>Council considers that the development exhibits design excellence.</p> <p>(5) In considering whether the development exhibits design excellence, Council must have regard to the following matters—</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</p> <p>(c) whether the development detrimentally impacts on view corridors,</p> <p>(d) how the development addresses the following matters—</p> <ol style="list-style-type: none"> i. the suitability of the land for development, ii. existing and proposed uses and use mix, iii. heritage issues and streetscape constraints, iv. the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, v. bulk, massing and modulation of buildings, vi. street frontage heights, vii. environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity, viii. pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks, ix. the impact on, and proposed improvements to, the public domain, 	<ul style="list-style-type: none"> • The proposal will damage existing rock outcrop, diminishing the landscape quality of the subject site, and • The proposal will result in the removal of one significant native tree (Tree 9) and the impacts on other trees are not sufficiently demonstrated in the AIA. 	
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<ul style="list-style-type: none"> 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 6.12 – Landscaped areas		
Standard	Proposal	Compliance
<p>(4) Development consent must not be granted to development on land to which the clause applies unless the consent authority is satisfied that the development</p> <p>(a) allows for the establishment of appropriate plantings—</p> <ul style="list-style-type: none"> i. that are of a scale and density commensurate with the height, bulk and scale of the buildings to which the development relates, and ii. that will maintain and enhance the streetscape and the desired future character of the locality, and <p>(b) maintains privacy between dwellings, and</p> <p>(c) does not adversely impact the health, condition and structure of existing trees, tree canopies and tree root systems on the land or adjacent land, and</p> <p>(d) enables the establishment of indigenous vegetation and habitat for native fauna, and</p> <p>(e) integrates with the existing vegetation to protect existing trees</p>	<p>Subject site is located within an R2 Low Density Residential Zone. This clause therefore applies.</p> <p>The proposed plantings are of a scale and density that is compatible with the bulk and scale of the building and the desired future character of the locality,</p> <p>No screen planting proposed to mitigate overlooking.</p> <p>The impact on adjoining trees is not known due to insufficient arboricultural assessment.</p> <p>The proposal requires the removal of a high retention value native tree.</p>	<p>Yes</p> <p>No</p> <p>No</p> <p>No</p>

and natural landscape features such as rock outcrops, remnant bushland, habitats and natural watercourses.	The proposal fails to adequately protect existing tree and rock outcrops.	No
(5) Development consent must not be granted to development on land to which this clause applies unless a percentage of the site area consists of landscaped areas that is at least—		
(a) for a dwelling house located on land within the Foreshore Scenic Protection Area—25% of the site area,	Required landscaped area: 270.25sqm for the subject site. Proposed: 490.1sqm (45.3%)	Yes

LPP011-25

Clause 4.6 - Exceptions to Development Standards

43. The proposal seeks to vary Clause 4.3 *Height of buildings* of the GRLEP 2021, which is a development standard relating to building height. Variations to GRLEP 2021 development standards can only be permitted through the application of Clause 4.6 *Exceptions to Development Standards* of the GRLEP 2021.
44. The relevant Clause 4.3 development standard to be varied is outlined as follows:
- (2) *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](#). – the maximum height is 9.0m.*
45. For context, Building Height is defined in the GRLEP 2021 as:

“Building height (or height of building) means:

- In relation to the height of a building in metres – the vertical distance from ground level (existing) to the highest point of the building, or*
- In relation to the RL of a building the vertical distance from the Australian Height Datum to the highest point of the building*

Including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.”

The applicant submitted a written Clause 4.6 variation request (prepared by Maximus Developments Australia) as part of the SEE, seeking a variation to Clause 4.3 *Height of Buildings*. The variation request indicates a proposed building height of 13.85m, representing a 53.9% variation from the maximum building height of 9.0m.

The extent of variation is indicated in Figures 8, 9, and 10 below:

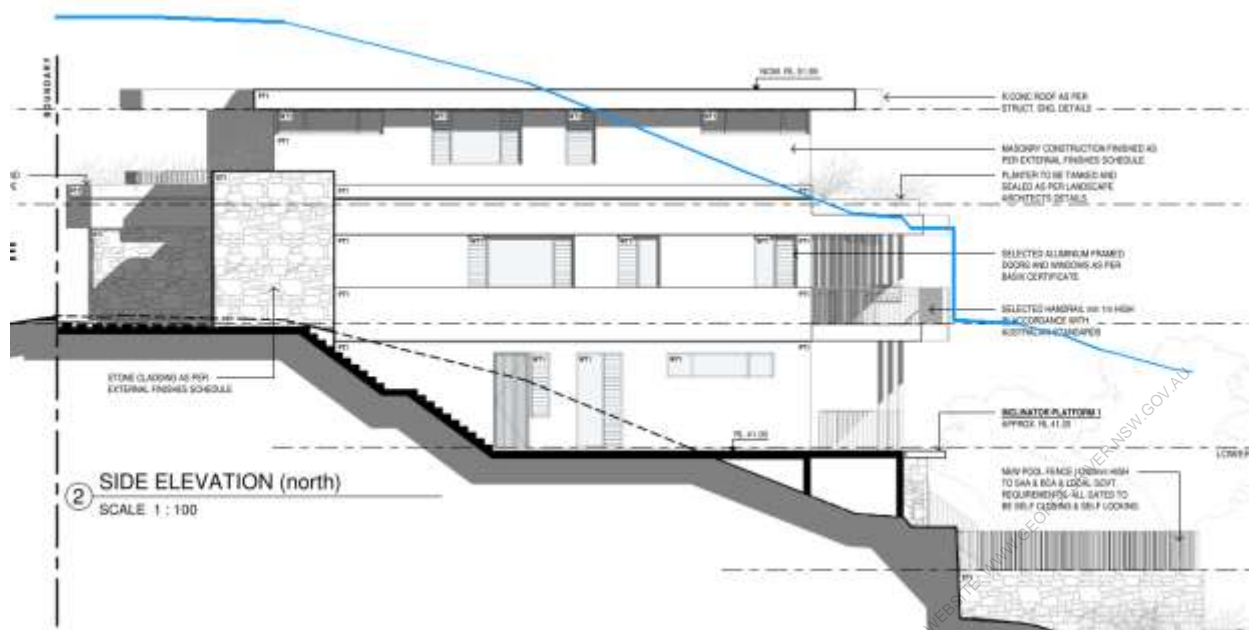


Figure 8: North elevation of the proposal. The 9.0m height limit is represented by the blue line created by the assessing officer based on the existing ground level indicated on the elevation diagram.

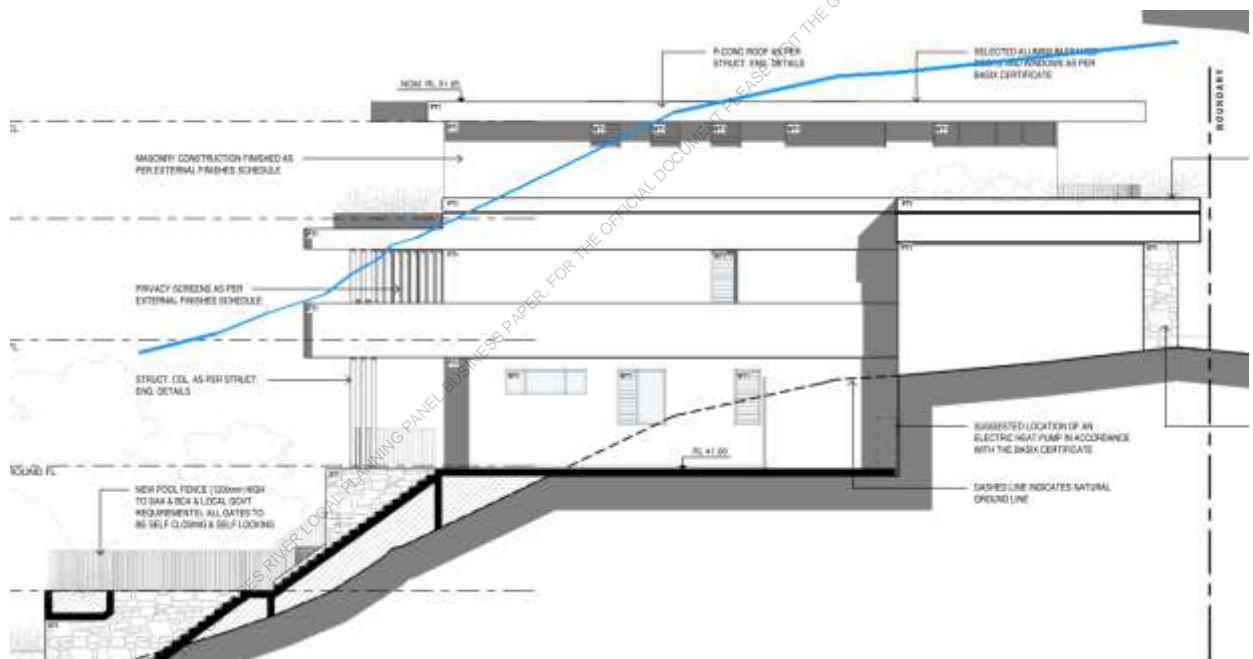


Figure 9: South elevation of the proposal. The 9.0m height limit is represented by the blue line created by the assessing officer based on the existing ground level indicated on the elevation diagram.



Figure 10: Section plan of the proposal. The 9.0m height limit is represented by the red dotted line.

46. In assessing whether the proposed intrusion into the FBL should be granted, considerations are given to the following Clause 4.6 provisions.
- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
- (a) *compliance with the development standard is unreasonable or unnecessary in the circumstances, and*
 - (b) *there are sufficient environmental planning grounds to justify the contravention of the development standard.*

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

47. There have been multiple case laws that have established the methodologies to assist in the assessment of Clause 4.6 statements. In *Wehbe V Pittwater Council (2007) NSW LEC 827*, the Hon. Justice Preston CJ set out the five following conditions where compliance with a development standard would be unreasonable or unnecessary:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be*

unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

48. The abovementioned matters of considerations form the basis to determine whether the compliance with development standard is unreasonable or unnecessary in the circumstances of the case. The assessment is as follows:

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

Applicant's Comment in respect to first test:

49. *It is considered that numerical compliance with the development standard is unreasonable or unnecessary as the objectives of the development standard have been achieved despite the numerical departure, as previously addressed within this report. Given this, the proposed extent of the variation has been designed thoughtfully as not compromise the amenity for future occupants or to adjoining properties.*

Assessing Officer comment in respect to the first test:

50. Assessment of the proposed variation has been carried out against the objectives of Clause 4.3 of the GRLEP as outlined in the table below:

Clause 4.3 Objectives	Comments
(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,	<p>The proposed height non-compliance detracts from the desired future character for the following reasons:</p> <ul style="list-style-type: none"> - The proposed three-storey built form represents a significant non-compliance with the GRDCP control, which requires a maximum two-storey built form as the desired future character within the Georges River Local Government Area. It is noted that the three-storey built form contributes to the height breach, and - The proposed building scale is not compatible within the locality which features predominantly two-to-three storey detached houses with split level design. The excessive bulk and scale of the buildings is further exacerbated by a monotonous side elevation design, extensive use of white rendered finish, and substantial removal of rock outcrop. <p>It is considered that alternative design solutions, such as split-level design, can be implemented to remove non-compliance with the maximum building height control.</p>
(b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,	<p>The shadow diagrams indicate additional overshadowing on 36 Marine Drive. No elevational shadow diagram is provided to ascertain the impact on 36 Marine Drive.</p> <p>Design measures to minimise the visual impact is not evident. The proposal demonstrates a three-storey built form throughout a substantial length of the building that is incompatible with the desired built form of the locality.</p> <p>The proposed ground floor living room balcony, which exceeds the height limit and does not incorporate fixed privacy screen on the northern elevation, enables overlooking into 32 Marine Drive. Moreover, the non-compliant balcony width of 3.86m will</p>

	<p>encourage gathering at the balcony, worsening the visual and acoustic privacy of the adjoining neighbours. It is noted that the GRDCP 2021 requires a maximum rear balcony width of 1.5m.</p> <p>Design measures to minimise the impacts of the proposal is not sufficiently demonstrated.</p>
<p>(c) to ensure an appropriate height transition between new buildings and—</p> <p>(i) adjoining land uses, or</p> <p>(ii) heritage items, heritage conservation areas or Aboriginal places of heritage significance.</p>	<p>The proposal fails to adjust the height according to the terrain. The proposed height exceedance and insufficient height transition will result in an obtrusive building bulk that is readily observable from the adjoining neighbours and public waterway.</p> <p>The proposal has no heritage impact given no heritage item is identified adjoining the subject site.</p>

51. The proposal achieves none of the Clause 4.3 objectives.

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

Applicant's comment in respect to the second test:

52. "The proposed variation seeks numerical departure at 13,850mm). The proposed variation does not offend the underlying intent of the Clause 4.3 Objectives which are intended to an appropriate built form within the context of the R2 Low Density Residential Zone."

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

53. The underlying purposes of Clause 4.3 is to ensure new developments are of a scale that is compatible to the locality and that new developments do not cause adverse amenity impacts on adjoining properties. The underlying purposes of Clause 4.3 do not conflict with the objectives of Zone R2 and other relevant GRLEP objectives. As such, the underlying purposes is relevant to the development, and compliance is therefore necessary.

54. There is also no site-specific reason as to why the variation sought might be justified in respect of the objectives of the control.

55. As indicated in the first test above, the proposal is not considered to be appropriate with respect to the local context, and therefore offend the underlying intent of Clause 4.3. The standard is relevant and the application of it is necessary in the circumstances at hand.

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

Applicant's comment in respect to the third test:

56. "Whilst the proposal seeks a variation to height of building, importantly a design has been achieved which is practical and centrally located on in regards to the site dimensions, boundaries and sloping topography. Strict compliance would result in a poor outcome whereby the omission of the central access which detracts from occupant and visitor amenity."

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

57. The applicant's response does not demonstrate how compliance with the maximum building height would be contrary to achieving the objectives and purposes of Clause 4.3. It is noted that no accessway protrudes beyond the height limit.
58. It is acknowledged that the steep terrain presents a challenge with regards to providing essential amenities and arranging internal layouts. However, an appropriate bulk and scale is required to be provided with all new developments. The proposed height variation is not considered to be in the public interest due to incompatible built form and privacy intrusion. Moreover, it is considered that an alternative design approach can be implemented to eliminate non-compliance with the maximum building height development standard.

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;

Applicant's comment in respect to the fourth test:

59. *"Council's Clause 4.6 Register, assessment report recommendations have demonstrated that strict numerical compliance in relation the Clause 4.3 have been varied for similar planning reasons as to that sought within Clause 4.6 Variation. In this regard, strict numerical compliance is considered unnecessary and unreasonable. It is not considered that this development standard has been abandoned but rather that flexibility to this standard has been previously considered for several approvals on significantly sloping sites.*

Furthermore, as previously mentioned the proposal is likely to result in negligible impacts in relation to solar access and visual bulk and scale in comparison to strict numerical compliance. This is considered to result in a minor impact given the design and orientation of the site.

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

60. Council's Clause 4.6 variation register was reviewed during the assessment of this application. Since GRLEP 2021 was in force, twelve (12) residential Development Applications in R2 Low Density Residential Zone was approved with a variation to the maximum building height. None of those twelve Development Applications sought for such an extent of variation. The extent of height variation proposed under this Development Application is far greater than the other variations previously granted by Council or the Georges River Local Planning Panel, a control that is seldom varied in any event.
61. Notwithstanding the above each site is assessed on its merits. It is considered that the variation is not suitable in this instance given the adverse planning impacts as detailed in this section.
62. In addition, it is important to note that the twelve Development Applications in question subject to height variation demonstrated no impacts to the amenity and are of a scale that is compatible to the neighbourhood. This is however not the case for this proposed dwelling house, which demonstrates adverse visual amenity impacts and is not of a scale that is compatible with the neighbourhood. The proposed development also does not comply with multiple planning provisions in respect to building scale, tree removal, visual privacy, excavation, external finishes, and swimming pool.
63. As such, while variations to maximum building height can be considered, the proposal does not demonstrate sufficient planning merit to warrant the granting of a variation to the maximum building height. It is clear given the limited number of variations granted to the height control that the standard has not been abandoned and therefore remains effective.

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;

Applicant's comment in respect to the fifth test:

64. *"The zoning for the subject site is R2 Low Density Residential, in this instance this is considered to be reasonable given that the site and its location."*

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

65. Agreed. The R2 Low Density Residential zoning of the subject site is considered appropriate given the locality consists predominantly of low-density detached houses. The subject site and all similar neighbouring residential sites share this zoning, which is consistent with the prevailing land uses in the vicinity of the subject site.

Assessing Officer's conclusion

66. As discussed above, the variation request submitted by the applicant is not considered to have satisfactorily demonstrated that compliance with the building height development standard is unreasonable or unnecessary in the circumstances of this case.
67. The proposal is not consistent with the objectives of Clause 4.3 – Height of Building due to excessive bulk and scale, adverse impacts with regards to visual amenity and privacy.
68. It is considered that alternative design solutions are available to achieve compliance or sufficiently mitigate the adverse impacts, however such changes will require substantial change to the proposal. Council assesses applications on the basis that all Development Applications are assessment-ready, and as such substantial amendments to the proposal cannot be entertained under this Development Application. No correspondence is provided to the applicant requesting the withdrawal of this application given a Class 1 appeal was filed for the proposed development.

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

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

Applicant's Comment:

"As previously discussed, this extent of the variation is inconsequential and does not result in any unreasonable impact. More importantly, the proposed variation satisfies the objectives of the underlying intent of Clause 4.3 Height of Building and therefore the merits of the proposal are considered to be worthy of approval.

The proposed extent of variation is considered to be consistent with 1.3 Objects of the Act (g) which states "to promote good design and amenity of the built environment". The extent of the variation satisfies this aim whereby the proposal promotes good design in the following manner;

The extent of the variation is located at the first floor and ground floor along the rear western elevation, whereby the extent of the variation is considered of a good design and is commensurate to that of other built forms approved within the locality.

It has been demonstrated within Council and the Courts have previously applied a reasonable approach in supporting variations to development standards. The proposed extent of variation is not considered to result in any adverse material amenity impact.

- *Strict numerical compliance would unlikely result in a materially better urban design outcome given the extent of the variation given that the minor extent of the variation. This is considered to result in negligible impacts in relation to; solar access, privacy and view loss in consideration with the extent of the variation design and immediate context of directly adjoining properties.*
- *The proposed variation is not considered to result in any unreasonable adverse view loss impact given the extent of the proposed additional height of 4.85m maximum.*
- *The extent of the variation is considered to be in the public interest as the proposal does not result in any adverse material impact to adjoining properties or beyond and still reads as a compatible built form within the evolving R2 Low Density Residential zone which is appropriately articulated and modulated. This is also considered to be in the public interest as the extent of the variation is not inconsistent with the objectives of the control.*
- *As previously discussed, the proposed extent of the variation regarding height adequately satisfies the underlying objectives of the controls of which do not result in any unacceptable impacts to the; built, natural, social or economic impacts for consideration under the Act.*
- *The extent of the variation of the additional height is not considered to be inconsistent with the Objects of the Act is considered to be satisfied regarding the merits of the variation sought as follows;*

Object Reference	Object	Comment	Satisfies objective
(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.	The extent of the variation is not considered to result in any adverse impacts in relation to natural and other resources.	Yes
(b)	To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.	The extent of the variation is not considered to be inconsistent with economic, environmental and social considerations.	Yes
(c)	To promote the orderly and economic use and development of land.	The extent of the variation results in an orderly and	Yes
		economic use of the land by providing adequate occupant amenity on site.	
(g)	To promote good design and amenity of the built environment.	The extent of the variation results in a generally compatible built form given the site and immediate residential context.	Yes

It is considered that the above environmental planning grounds are particular to the circumstances of the site and support the proposed extent of variation to the maximum building height standard.”

Assessing Officer Comment

70. It is considered that the proposal does not have sufficient planning grounds to justify the variation request. The proposal is not of a scale that is compatible within the neighbourhood, and the exceedance of maximum height development standard will result in unreasonable privacy impacts on neighbouring properties.

Conclusion

71. Having reviewed the Clause 4.6 request to vary the building height standards, it is considered that the proposed variation is not well-founded for the following reasons:
- The proposal will result in adverse impacts on visual amenity, privacy, and view corridors. The proposal demonstrates excessive bulk and scale that is incompatible with the existing and desired character of Oatley,
 - The applicant's written submission does not sufficiently demonstrate that compliance with the maximum height standard is unreasonable or unnecessary in the circumstances of the case,
 - The applicant's written submission does not demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard given the adverse impacts of the proposed development on public amenity, and
 - The proposed development is not in the public interest due to adverse impacts on visual amenity privacy. The proposal is not consistent with the objectives regarding Clause 4.3 Height of Buildings and the R2 Low Density Residential zone. The approval of the proposed variation to the maximum building height development standard will set an adverse precedent.

Georges River Development Control Plan 2021 (GRDCP 2021)

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

Part 3 General Planning Considerations

3.2 Biodiversity		
3.2.1 Trees and Vegetation		
Control	Proposal	Compliance
Tree removal and replacement planting is to comply with the provisions of the relevant SEPP's and Council's Tree Management Policy.	The proposed tree removal does not comply with Council's Tree Management Policy.	No
3.3 Landscaping		
Control	Proposal	Compliance
1. Landscaping on site should be incorporated into the site planning of a development to (where appropriate): <ul style="list-style-type: none"> i. Reinforce the desired future character of the locality; ii. Maintain significant landscape features; 	The proposed landscaping is not considered to be adequate for the following reasons: <ul style="list-style-type: none"> - Inadequate AIA information on existing TPZ and SRZ, - Failure to protect significant vegetation, and 	No

<ul style="list-style-type: none"> iii. Be consistent with any dominant species in the adjoining area of ecological significance; iv. Incorporate fire resistant species in areas susceptible to bushfire hazard; v. Provide planting within setback zones; vi. Soften the visual impact of buildings, carparks and roads; vii. Cater for outdoor recreation areas; viii. Separate conflicting uses; ix. Screen undesirable elements; x. Provide opportunities for on-site stormwater infiltration, in particular around existing trees and vegetation; xi. Consider the future maintenance requirements of landscaped areas; xii. Protect the effective functioning of overhead, surface level or underground utilities; and xiii. Improve the aesthetic quality of the development. 	<ul style="list-style-type: none"> - Failure to protect existing rock outcrops that contribute to the aesthetic quality of the development. 	
2. Landscape planting should achieve a mature height in scale with the structures on the site.	The proposed vegetations are of a height that is compatible with the proposed dwelling house.	Yes
3. Where landscaping is required, this should incorporate locally indigenous plants listed in the GRDCP 2021 Backyard Biodiversity Guide and Council's Tree Management Policy.	Native plant species have been incorporated in landscape plan.	Yes
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.	Excavation proposed within 900mm of the side boundaries with maximum cut of 2.78m at southern boundary.	No
2. Cut and fill should not alter natural or existing ground levels by more than 1m	The proposal incorporates extensive cut and fill as follows: <ul style="list-style-type: none"> - 7.2m cut proposed at pool level, - 2.7m fill at pool, and - 2.4m cut at boatshed 	No
3. Habitable Rooms (not including bathrooms, laundries and	All habitable rooms at the pool level are entirely underground.	

storerooms) are to be located above existing ground level.		No
4. Rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls are not to be removed or covered.	The proposal will cause extensive damage to existing rock outcrops at the rear portion of the proposed dwelling house and around the existing jetty.	No
5. Development is to be located so that the clearing of vegetation is avoided.	The proposed tree removal is unreasonable, and the AIA fails to provide sufficient information on tree impacts.	No
6. Cut and fill within a tree protection zone of a tree on the development site or adjoining land must be undertaken in accordance with AS4970 (protection of trees on development sites).	Impact of the proposed earthwork on existing trees cannot be ascertained due to insufficient information.	Yes
7. Soil depth around buildings should be capable of sustaining trees as well as shrubs and smaller scale gardens.	Adequate soil depths are retained which can sustain vegetation.	Yes
8. Earthworks are not to increase or concentrate overland stormwater flow or aggravating existing flood conditions on adjacent land.	The earthworks associated with the proposal will not adversely impact stormwater flow.	Yes
9. Fill material must be virgin excavated natural material (VENM)	If the subject application was to be recommended for approval, a condition of consent would be recommended to ensure that any fill imported to the site is VENM.	
3.5.2 Construction Management/Erosion and Sediment Control		
Control	Proposal	Compliance
1. Development must minimise any soil loss from the site to reduce impacts of sedimentation on waterways through the use of the following: <ul style="list-style-type: none"> - Sediment fencing; - Water diversion; - Single entry/exit points - Filtration materials such as straw bales and turf strips. 	If the subject application was to be recommended for approval, suitable conditions of consent would be recommended to ensure compliance with this control.	Yes
2. Development that involves site disturbance is to provide an erosion and sediment control plan which details the proposed method of soil management and its implementation. Such measures are to be in accordance with The Blue Book – Managing Urban Stormwater, Soils & Construction by LandCom	If the subject application was to be recommended for approval, suitable conditions of consent would be recommended to ensure compliance with this control.	Yes

3. Development is to minimise site disturbance including impacts on vegetation and significant trees and the need for cut and fill.	If the subject application was to be recommended for approval sediment control conditions would be imposed.	Yes
5. Development which has a high potential risk to groundwater must submit a geotechnical report to address how possible impacts on groundwater are minimised.	The proposal is not considered to have a high potential risk to groundwater.	Yes
3.12 Waste Management		
Control	Proposal	Compliance
1. Development must comply with Council's Waste Management requirements regarding construction waste and ongoing management of waste materials (per Appendix 4 of the GRDCP).	A waste management has been provided and a condition would be imposed if this application was recommended for approval. A condition would be imposed requiring construction material to be transported to and from the waterway for the construction of the boatshed.	Yes
3.13 Parking Access and Transport		
Control	Proposal	Compliance
The development is to provide parking at the following rates: Parking: The development has 3 or more bedrooms and 2 spaces are required.	The proposed garage accommodates two-car in a side-by-side manner.	Yes
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.	Standard noise control condition to apply should this application be recommended for approval.	Yes
3.17 Universal / Accessible Design		
Control	Proposal	Compliance
3. Accessways for pedestrians and vehicles to be separated	Pedestrian and vehicular accesses are separated.	Yes
3.19 Crime Prevention / Safety and Security		
Control	Proposal	Compliance
1. Active spaces and windows of habitable rooms within buildings are to be located to maximise casual surveillance of the public domain.	The proposal incorporates street-facing active room windows to maximise casual surveillance.	Yes
4. Building entries are to be clearly visible and identifiable from the public domain.	The proposed entry door is not clearly visible as it is substantially recessed behind the garage.	No

Part 5 Residential Locality Statements

5.10.2 Oatley West Locality Statement	
<ul style="list-style-type: none"> Retain and enhance the prominence of the bushland landscaped character in new development through tree planting and landscaping. Encourage consistent setbacks of buildings from the street and the provision of landscaping within the front setback. Encourage the retention of trees and sharing of water views wherever possible, including screening via vegetation rather than solid walls. Public views to waterways should be retained from streets and public places 	<p>The proposal is inconsistent with the future desired character of the precinct as specified below:</p> <ul style="list-style-type: none"> The proposal fails to retain Tree 9 and sufficiently demonstrate impacts on other existing trees on site. The proposed front setback does not comply. Views from the public domain to Georges River will be obstructed due to non-compliant side setback. <p>Given the above, the proposal is inconsistent with the future desired character of the area and warrants refusal of the application.</p>

Part 6.1.2 Single Dwellings

6.1.2.1 Streetscape Character and Built Form		
Control	Proposal	Compliance
1. New buildings and additions are to consider the Desired Future Character statement in Part 5 of this DCP.	The proposal does not align with the Desired Future Character of Oatley West.	No
2. New buildings and additions are to be designed with an articulated front façade.	The proposal demonstrates articulated front façade.	Yes
4. Dwelling houses are to have windows presenting to the street from a habitable room to encourage passive surveillance.	The proposal incorporates street-facing active room windows.	Yes
5. Development must be sensitively designed so as to minimise adverse impacts on the amenity and view corridors of neighbouring public and private property while maintaining reasonable amenity for the proposed development and is to balance this requirement with the amenity afforded to the new development.	The proposal does not enable a public view corridor to Georges River along the southern boundary due to non-compliant side setback.	No
6. The maximum size of voids at the first floor level should be a cumulative total of 15m ² (excluding voids associated with internal stairs).	0sqm	Yes
6.1.2.2 Building Scale and Height		
Control	Proposal	Compliance

1. New buildings are to consider and respond to the predominant and desired future scale of buildings within the neighbourhood and consider the topography and form of the site.	The proposal does not respond adequately to the desired future scale of buildings due to non-compliance with the building height development standard.	No
2. On sites with a gradient or cross fall greater than 1:10, dwellings are to adopt a split-level approach to minimise excavation and fill. The overall design of the dwelling should respond to the topography of the site.	The proposal fails to respond to the site terrain.	No
3. A maximum of two (2) storeys plus basement is permissible at any point above ground level (existing). Basements are to protrude no more than 1m above existing ground level.	The proposed dwelling is a three-storey structure. It is noted that the pool level is considered a basement given the level is entirely underground.	No
4. Where topography conditions require a basement, the area of the basement should not exceed the area required to meet the car parking requirements for the development, access ramp to the parking and a maximum 10m ² for storage and 20m ² for plant rooms. Additional basement area to that required to satisfy these requirements may be included as floor space area when calculating floor space ratio.	It is considered that a basement is not required on the subject site. The pool level provides non-essential entertainment uses. Incorporating deep excavation to accommodate non-essential uses is not supportable.	No
6.1.2.3 Setbacks		
Control	Proposal	Compliance
1. The minimum setback from the primary street boundary is: i. 4.5m to the main building wall / façade; ii. 5.5m to the front facade of a garage or carport, or at least 1m behind the main building wall / façade, whichever is the greater; iii. Where the prevailing street setback is greater than the minimum, the average setback of dwellings on adjoining lots is to be applied.	Prevailing street setback is 3.43m, therefore the required minimum setback is 4.5m Proposed front setback: 0.95m Proposed garage setback: 0.95m	No
2. Balconies cannot encroach into the front setback space.	No balcony encroaches into front setback space.	Yes
4. Buildings are to have a minimum rear setback of 15% of the average site length, or 6m, whichever is the greater (excluding detached	15% of average site length: 13.56m Proposed rear setback: 65.0m	Yes

secondary dwellings – see Point 12 in Section 6.1.2.12- Secondary Dwellings of this DCP).		No
5. The minimum side setbacks for ground and first floor are: i. 1.5m for all lots within FSPA.	Northern: 1.5m Southern: 0m at garage and private open space, 1.2m across the rest of the dwelling house.	
6.1.2.4 – Private Open Space		
Control	Proposal	Compliance
1. Private open space is to be located at the rear of the property and/or behind the building line and is to have a minimum area of 60m ² with minimum dimensions of 6m and located on the same level (not terraced or over rock outcrops).	101.6m ² provided, with a minimum dimension of 9.1m and on the same level.	Yes
2. Private open space is to be provided for all dwellings, (with the exception of secondary dwellings, which are able to share the private open space of the principal dwelling).	Provided for the proposed dwelling.	Yes
3. Private open space is to be located so as to maximise solar access.	Private open space located to maximise solar access.	Yes
4. Private open space is to be designed to minimise adverse impacts upon the privacy of the occupants of adjacent buildings.	The private open space, which is elevated 3.0m above the existing ground level, will enable visual intrusion into adjoining backyard. The private open space features no privacy screening. The southwestern corner of the turfed area has nil setback from the southern boundary.	No
6.1.2.5 – Landscaping		
Control	Proposal	Compliance
1. Landscaped area (has the same meaning as GRLEP 2021) is to be provided in accordance with the table contained within Clause 6.12 Landscaped areas in certain residential and conservation zones of the GRLEP 2021.	Complies.	Yes
2. Soft soil landscaping is to be provided in all landscaped areas as required by the GRLEP 2021 and must have a minimum dimension of 1.2m in all directions. Existing natural rock outcrops can be counted towards the calculation of soft soil landscaping.	Calculated per this methodology.	Yes

3. Provide a landscape setting within the primary and secondary street frontages, where impervious areas are minimised. Impervious areas include hard paving, gravel, concrete, artificial turf, rock gardens (excluding natural rock outcrops) and other material that does not permit soft soil landscaping.	The proposal fails to provide adequate planting and deep soil area to enable planting at the front setback.	No
4. Impervious areas are to occupy no more than: ii. 50% of the street setback area where the front setback is 6m or greater,	75.2% of the front setback area (measured from the garage) is identified to be impervious.	No
5. The front setback area must accommodate at least one (1) tree capable of achieving a minimum mature height of 6-8m with a spreading canopy. A schedule of appropriate species to consider is provided on Council's website.	Front setback area does not contain sufficient deep soil area to accommodate a tree.	No
6. Preference is to be given to incorporating locally indigenous plants.	Native plant species incorporated in landscape plan.	Yes
6.1.2.6 – Excavation (Cut and Fill)		
Control	Proposal	Compliance
1. Any excavation must not extend beyond the building footprint, including for any basement car park.	Excavation proposed on side footpath, outside of building footprint.	No
2. The depth of cut or fill must not exceed 1.0m from existing ground level, except where the excavation is for a basement car park.	The proposal incorporates extensive cut and fill as follows: - 7.2m cut proposed at pool level, - 2.7m fill at pool, and - 2.4m cut at boatshed	No
3. Developments should avoid unnecessary earthworks by designing and siting buildings that respond to the natural slope of the land. The building footprint must be designed to minimise cut and fill by allowing the building mass to step in accordance with the slope of the land.	The proposed pool level requires deep excavation to accommodate non-essential uses. On that basis, the proposal fails to demonstrate design measure to limit earthwork.	No
6.1.2.7 – Vehicular Access, Parking and Circulation		
Control	Proposal	Compliance
1. Car parking is to be provided in accordance with the requirements in Part 3 of this DCP.	Complies	Yes
2. A dwelling is to provide one (1) garage and one (1) tandem driveway parking space forward of	2-car garage provided.	Yes

the garage (unless otherwise accommodated within the building envelope).		
5. Driveway crossings are to be positioned so that on-street parking and landscaping on the site are maximised, and removal or damage to existing street trees is avoided.	The proposed driveway crossing will not result in a loss of on-street parking and street tree.	Yes
6. The maximum driveway width at the street boundary is 4.0m. The driveway width may increase to a maximum of 6.0m to accommodate double garages at the front building line in accordance with Figure 4 below to the extent required for a B99 vehicle entry and exit from the garage in accordance with AS2890.1 Parking Facilities (Note: forward entry and exit from a site is not required unless the development is on a major road or as advised by Council). This does not apply to rear lanes.	5.3m provided, from garage to street.	No
8. Car parking layout and vehicular access requirements and design are to be in accordance with the Australian Standards, in particular AS 2890.1 (latest edition).	Complies.	Yes
9. The maximum width of a garage opening is 6.0m.	5.3m	Yes
6.1.2.8 – Visual Privacy		
Control	Proposal	Compliance
1. Windows from active rooms are to be offset with windows in adjacent dwellings, or appropriately treated so as to avoid direct overlooking onto neighbouring windows.	The proposed active room windows are offset from adjoining windows.	Yes
2. For active rooms or balconies on an upper level, the design should incorporate placement of room windows or screening devices to only allow oblique views to adjoining properties.	The proposed active room windows are offset from adjoining windows. The proposed balconies do not incorporate adequate privacy screening to mitigate overlooking.	No
3. Upper level balconies should not project more than 1500mm beyond the main rear wall alignment so as to minimise adverse visual privacy impacts to adjoining properties.	LG/F balcony: 2.7m wide with no privacy protection on the side elevations. G/F balcony: 3.86m wide with sliding screens to north.	No

	The proposed balconies will enable overlooking into adjoining properties.	Yes
4. Windows for primary living rooms must be designed so that they reasonably maintain the privacy of adjoining main living rooms and private open space areas.	The proposed active room windows are offset from adjoining windows to mitigate overlooking.	
5. Development applications are to be accompanied by a survey plan or site analysis plan (to AHD) of the proposed dwelling showing the location of adjoining property windows, floors levels, window sill levels and ridge and gutter line levels.	Supplied per DCP requirement.	Yes
6. Roof top terraces are not permitted on top of dwelling houses, secondary dwellings and ancillary structures, such as boat sheds and garages.	No roof top terrace proposed.	Yes
6.1.2.9 - Noise		
Control	Proposal	Compliance
1. Noise generators such as plant and machinery including air conditioning units and pool pumps are located away from windows or other openings in habitable rooms; they are to be screened to reduce noise or acoustically treated.	Pool pump located away from residential receiver.	Yes
6.1.2.10 Solar Access		
Control	Proposal	Compliance
1. New buildings and additions are sited and designed to facilitate a minimum of 3 hours direct sunlight between 9am and 3pm on 21 June onto living room windows and at least 50% of the minimum amount of private open space.	The proposal will enable at least 3 hours of direct solar access to living room windows and more than 50% of the POS on 21 June.	Yes
2. To facilitate sunlight penetration to adjoining development, building bulk may be required to be articulated to achieve the required sunlight access.	The proposed dwelling house is not adequately articulated to enable solar access on adjoining properties.	No
3. Direct sunlight to north-facing windows of habitable rooms and 50% of the principal private open space area of adjacent dwellings should not be reduced to less than 3 hours between 9.00am and 3.00pm on 21 June.	The proposal will not affect solar access on adjoining private open space, however, given the bulk and scale of the proposed dwelling house, the proposal will likely overshadow all north-facing windows of the adjoining 36 Marine Drive.	No

	No elevational shadow diagram is supplied to ascertain the extent overshadowing over the adjoining windows and the uses of the adjoining windows.	
4. Note: Variations will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation or steeply sloping sites with a southerly orientation away from the street.	Variation is not considered to be appropriate for this case as the proposed dwelling house exceeds the height limit and contravenes with the minimum side setback requirement.	No
5. Shadow diagrams are required to show the impact of the proposal on solar access to the principal private open space and living rooms of neighbouring properties. Existing overshadowing by fences, roof overhangs and changes in level should also be reflected in the diagrams. It may also be necessary to provide elevations or views from sun diagrams to demonstrate appropriate solar access provision to adjoining development.	Top-down shadow diagrams are provided per DCP standard. However, given the scale of the proposed dwelling house, elevational shadow diagrams are required to ascertain the extent overshadowing over the adjoining windows and the uses of the adjoining windows. No elevational shadow diagram is supplied as part of this application.	No
6. Consider and minimise overshadowing impacts on the solar photovoltaic panels of neighbouring buildings where a variation to the building setbacks or number of storeys is sought.	No adjoining PV panel affected.	Yes
6.1.2.11 Materials, Colour Schemes and Details		
Control	Proposal	Compliance
1. Large expansive surfaces of predominantly white, light or primary colours which would dominate the streetscape or other vistas should not be used.	Large surfaces of white render finish proposed on south elevation.	No
2. New development should incorporate colour schemes that have a hue and tonal relationship with the predominant colour schemes found in the street.	The white primary finish is not compatible to the locality.	No
3. Matching buildings in a row should be finished in the same colour or have a tonal relationship.	No matching building proposed.	N/A
4. All materials and finishes utilised should have low reflectivity.	All materials are of low reflectivity.	Yes
6.1.2.13 Site Facilities		
Control	Proposal	Compliance

1. All dwellings are to be provided with adequate and practical internal and external storage (garage, garden sheds, etc.).	The proposed dwelling house incorporates sufficient storage spaces.	Yes
2. Provision for water, sewerage and stormwater drainage for the site shall be nominated on the plans to Council's satisfaction.	The provision of water, sewerage, and stormwater drainage is satisfactory.	Yes
3. Each dwelling must provide adequate space for the storage of garbage and recycling bins (a space of at least 3m x 1m per dwelling must be provided) and are not to be located within the front setback.	Bin storage space not indicated.	No
4. Letterboxes are to be located on the frontage where the address has been allocated in accordance with Australia Post requirements.	Letterbox not indicated.	No
6.4.1 Fences and Walls		
Control	Proposal	Compliance
6. 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.	Given the extensive excavation proposed within the side setback areas, new side fences are likely to be required. The submitted architectural plans indicate no side fence detail.	No
10. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing retaining wall or structures on the subject or adjoining allotments. All components, including footings and aggregate lines, must be wholly contained within the subject property.	A condition would be imposed requiring no part of the retaining wall to encroach into adjoining properties should this application be recommended for approval.	Yes
11. A retaining wall that is visible from the street or public area must: <ul style="list-style-type: none"> 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. 	The retaining wall beyond swimming pool have maximum height of 1.8m and built to the boundary. The retaining wall, given its height, will be readily visible from Georges River.	No

12. No part of any retaining wall or its footings is to encroach onto an easement unless approval from the beneficiary is obtained, and the purpose of the easement is not interfered with.	A condition would be imposed requiring no part of the retaining wall to encroach into adjoining properties should this application be recommended for approval.	Yes
13. Any retaining walls, required as part of the dwelling construction to control potential land stability and/or the structural integrity of adjoining properties, must be completed and certified by an appropriately qualified and practicing engineer prior to occupation of the dwelling.	A condition would be imposed requiring land stability to be maintained should this application be recommended for approval.	Yes
14. Excavation or filling requiring retaining shall be shored or retained immediately to protect neighbouring properties from loss of support and to prevent soil erosion.	A condition would be imposed requiring land stability to be maintained should this application be recommended for approval.	Yes
6.4.4 Swimming Pools and Spas		
Control	Proposal	Compliance
1. Swimming pools/spas are to be located to the rear of properties.	The proposed swimming pool is located to the rear of the dwelling house.	Yes
3. Swimming pools/spas must be positioned a minimum of 900mm from the property boundary with the water line being a minimum of 1500mm from the property boundary.	Pool edge – 1.5m from boundary. Waterline – 1.7m from nearest boundary	Yes
4. In-ground swimming pools shall be built so that the top of the swimming pool coping is as close to the existing ground level as possible. On sloping sites this will often require excavation of the site on the high side to obtain the minimum out of ground exposure of the swimming pool consistent with the low side.	The proposed swimming pool is excessively protruded above the existing ground level.	No
5. Swimming pools/spas are to be no more than 500mm above existing ground level.	The swimming pool is situated between 2.7m and 4.1m above existing ground level.	No
7. Decking around a swimming pool must not be more than 600mm above existing ground level.	The pool deck is situated between 2.7m and 4.1m above existing ground level.	No
8. Filling is not permitted between the swimming pool and the property boundary. The position of the swimming pool, in relation to	Fill is proposed between pool and northern boundary.	No

neighbours and other residents, must be considered to minimise noise associated with activities carried out in the swimming pool or from the swimming pool equipment, such as cleaning equipment.		
9. Council may require mechanical equipment to be suitably acoustically treated so that noise to adjoining properties is reduced.	The proposed pool equipment is located away from residential receivers.	Yes
10. A pool fence complying with the legislation is to separate access from the residential dwelling on the site to the pool.	Complies.	Yes
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.	Complies.	Yes
6.5.1 – Foreshore Scenic Protection Area		
Control	Proposal	Compliance
1. Development applications are supported by a site analysis and design response demonstrating how the relevant provisions of the LEP and the objectives of this part of the DCP have been addressed.	The proposed design does not adequately address the relevant provisions of the LEP and DCP.	No
2. Removal of existing native vegetation minimised to that which is reasonably required to site and construct a building.	The proposed removal of Tree 9, a high retention value native tree, is not supported.	No
3. The integrity of the existing edge of bushland closest to the Georges River is retained.	The impact of the proposal on bushland at the river edge is not sufficiently demonstrated in the AIA.	No
5. New, complementary planting and landscaping is encouraged.	New native trees and shrubs proposed.	Yes
7. Landscaped areas below the FBL should maximise the use of indigenous plant material and preferably use exclusively indigenous plants. Turf should be limited in this area. Details of planting are to be indicated on any landscape plan submitted to Council.	Native vegetation proposed in landscaped areas below FBL.	Yes
8. A landscape plan is to be submitted for any development between the FBL and Mean High Water Mark (MHW). The level of detail required will depend on the level of works being undertaken. Where a landscape plan is	Landscape plan submitted indicating plant schedule in the area between the FBL and MHW.	Yes

proposed colours is to be submitted with the development application.		No
15. Buildings fronting the waterway must have a compatible presence when viewed from the waterway and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc.) that are compatible with any design themes for the locality.	The proposed building is not compatible with the locality as the proposal boasts an excessive bulk and scale, and white render finish is proposed to be the primary colour.	No
16. Blank walls facing the waterfront shall not be permitted. In this regard, walls are to be articulated and should incorporate design features, such as: (i) Awnings or other features over windows; (ii) Recessing or projecting architectural elements; (iii) Open, deep verandas.	The proposed retaining wall for the swimming pool is identified as a water-facing blank wall.	N/A
17. Adequate landscaping shall be provided to screen the undercroft areas and reduce their impact when viewed from the water.	N/A – no undercroft area proposed.	Yes
18. The extent of associated paved surfaces is minimised to that which provides essential site access and reasonable private open space.	The proposal provides sufficient soft soil landscaped area.	Yes
19. Buildings have eternal finishes that are non-reflective and coloured to blend in with the surrounding landscape.	All proposed finishes are non-reflective.	No
20. Swimming pools and surrounds should be sited in areas that minimise the removal of trees and limit impact on the natural landform features (rock shelves and platforms)	The proposed swimming pool will result in the destruction of existing rock outcrop.	Yes
21. Fences are low in profile and at least 50% transparent.	All proposed water-fronting fences are at least 50% transparent.	Yes
22. Driveways and other forms of vehicular access are as close as practical to running parallel with contours.	The proposed vehicle manoeuvring area does not respond to the contours due to functionality purposes. A driveway that runs parallel to contours cannot provide access to the site.	No
23. The natural landform is to be retained and the use of retaining walls and terracing is discouraged.	Extensive use of retaining walls proposed.	No

24. Retaining walls are not to be located: - Between the FBL and MHWM - Within 40m of MHWM	Retaining walls proposed near the boatshed to support the stair access.	Yes
25. Landscaping works and other structures including retaining walls, stairs, paths and driveways are not permitted below the deemed MHWM except where approved by NSW Maritime.	No structure proposed beyond the MHWM.	No
26. Where retaining walls are constructed in other areas, materials and colours that blend with the character and landscape of the area are used. Where retaining walls face the foreshore they are to be constructed of coarse, rock faced stone or a stone facing and are to be no higher than 600mm above natural or existing ground level. Under no circumstances will Council permit a masonry faced retaining wall facing the foreshore.	The material of the proposed retaining wall is dark grey which is not sympathetic to the local context.	No
27. Development provides opportunities to create view corridors from the public domain to the Georges River.	The proposal will disrupt views from public domain to the Georges River due to inadequate southern side setback.	No

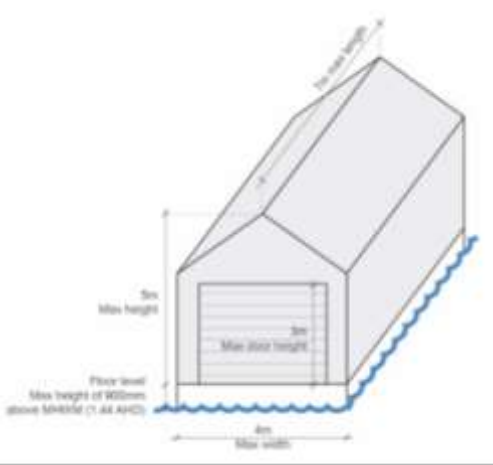
6.5.2 Development in the Foreshore Area

6.5.2.5 – Stairways and Inclinator

Control	Proposal	Compliance
1. Residential waterfront structures are not developed on: (i) Land which does not have frontage to the waterway (this includes allotments which only have a right of way to the waterway) (ii) Existing allotments having a water frontage of less than 9 metres.	The subject site has a water frontage of 12.37m	Yes

6.5.2.3 Boatsheds

Control	Proposal	Compliance
1. Boatsheds have a specific form and dimensions as shown in Figure 2.	Complies Floor level: 1.44m RL Height: 4.84m Width: 4.0m Depth: 7.0m	Yes

 <p>They must be single storey with a maximum floor level 900mm above MHWM and a maximum length of 7m. Flat roof with a slope of less than 15% is not permitted.</p>	<p>Door height: 2.5m</p>	
<p>2. Boatsheds are to be designed to minimise excavation and constructed of timber, stone, brick or other material satisfactory to Council.</p>	<p>The proposed boatshed will require deep excavation.</p>	<p>No</p>
<p>3. Boatsheds should be sited so as to minimise the removal of remnant native vegetation and the excavation of sandstone rock shelves and outcrops.</p>	<p>The proposed boatshed will require excavation into existing rock outcrop.</p>	<p>No</p>
<p>4. Boatsheds are setback a minimum 1.5m from the side boundary. Council may consider a variation where there is:</p> <ul style="list-style-type: none"> i. No detrimental impact on the view from the waterway ii. No loss of an existing view to the water from the adjoining lands to the waterway iii. A need to accommodate any significant vegetation, natural rock formations or other site features. 	<p>The proposed boatshed is setback 1.5m from the southern side boundary.</p>	<p>Yes</p>
<p>6.5.2.5 – Stairways and Inclinator</p>		
<p>Control</p>	<p>Proposal</p>	<p>Compliance</p>
<p>1. Stairways and inclinator are permitted between the FBL and MHWM.</p>	<p>Complies.</p>	<p>Yes</p>
<p>2. Stairways and inclinator must be constructed as close as practical to natural ground level, with minimal cut and fill.</p>	<p>The proposed stair access near the boatshed does not follow the existing ground level.</p>	<p>No</p>

3. Council will only consider the construction of an inclinator where it does not necessitate the removal of natural rock, trees and vegetation.	The proposed inclinator necessitates the removal of Tree 9, which is not supported by Council's landscape officer.	No
4. Inclinators should not obscure or break a view line of the rock or cliff face.	The proposed inclinator will break a view line of existing rock outcrop. Furthermore, no detail is provided with regards to the profile and external finish of the moving platform.	No
5. Inclinators and any associated infrastructure should be of colours that blend into the natural landscape.	No colour detail is provided for the inclinator and the moving platform.	No
6. Stairways must be a maximum of 1.2m wide and constructed in timber, masonry or stone. Sliprails will only be permitted in the form of two parallel rails and only where they are located as close as practical to the seabed/seafloor and are recessed into any seawall or reclamation. Council will not support any application for a sliprail which does not conform to natural foreshore levels and significantly obstructs practical public access along the foreshore.	Proposed stair accessways on the side boundaries are 2.3m wide.	No

Assessment

Georges River Development Control Plan 2021

View Loss Assessment

73. Council received one (1) submission during the public notification period raising concerns in respect to view loss. Assessment has been made in respect to view loss as detailed below:

Address	Location	Built form and elevation	View loss raised
36A Marine Drive	Adjoins the subject site to the south	Two-storey dwelling located near the waterway.	General view loss issue raised concerning the proposed boatshed



Figure 11: Satellite imagery. The subject site is indicated in red, and the site where view loss assessment has been carried out is indicated in yellow.

74. The applicant provided no documentation which addresses the view loss impacts. To determine the extent of the view loss impact, a view loss assessment was undertaken based on the following information:
- Site inspections of the subject site and all adjoining and nearby properties where view loss concerns were raised,
 - Aerial photography
 - Architectural plans of the proposed development, and
 - Survey plans of the subject site, which includes information on roof and floor levels of the adjoining property.
75. The Planning Principle established by the court case *Tenacity Consulting v Waringah [2004] NSWLEC 140* outlines four tests to determine whether reasonable sharing of views is achieved. The following matters for consideration form the basis of the view loss assessment:
- *The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.*
 - *The second step is to consider from what part of the property the views are obtained. For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.*
 - *The third step is to assess the extent of the impact. This should be done for the whole of the property, not just for the view that is affected. The impact on views from living*

areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

- The fourth step is to assess the reasonableness of the proposal that is causing the impact. A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

76. As stated by Commissioner Roseth as part of the Planning Principle 'The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment.'. In many cases, it is not reasonable for a proposed development to retain existing views in their entirety. The intention of a view loss analysis is to ensure new developments to retain a reasonable sharing of views.
77. Detailed view loss assessment is as follows in accordance with the Planning Principle established *Tenacity Consulting v Waringah [2004] NSWLEC 140*:

First criterion – assessment of views to be affected.

78. There are no iconic views or structures that is impacted. The property where view loss concern is raised currently have full westerly (rear) views towards the Georges River with an interface to the dense bushland and dwelling houses in Lugarno. No notable view is identified across the side boundaries which mainly consist of the Georges River, bushland, waterfront residences, and jetties.
79. The proposed boatshed is located to the north of the property where view loss concern is raised. The proposed boatshed boasts a compliant dimension of 4.84m (height, measured from finished floor level), 4.0m (width), and 7.0m (depth). The proposed boatshed has a ridge level of RL6.28m, which is higher than the ground floor level of RL3.90m at 36A Marine Drive. The proposed boatshed will only impact the northerly view from 36A Marine Drive.

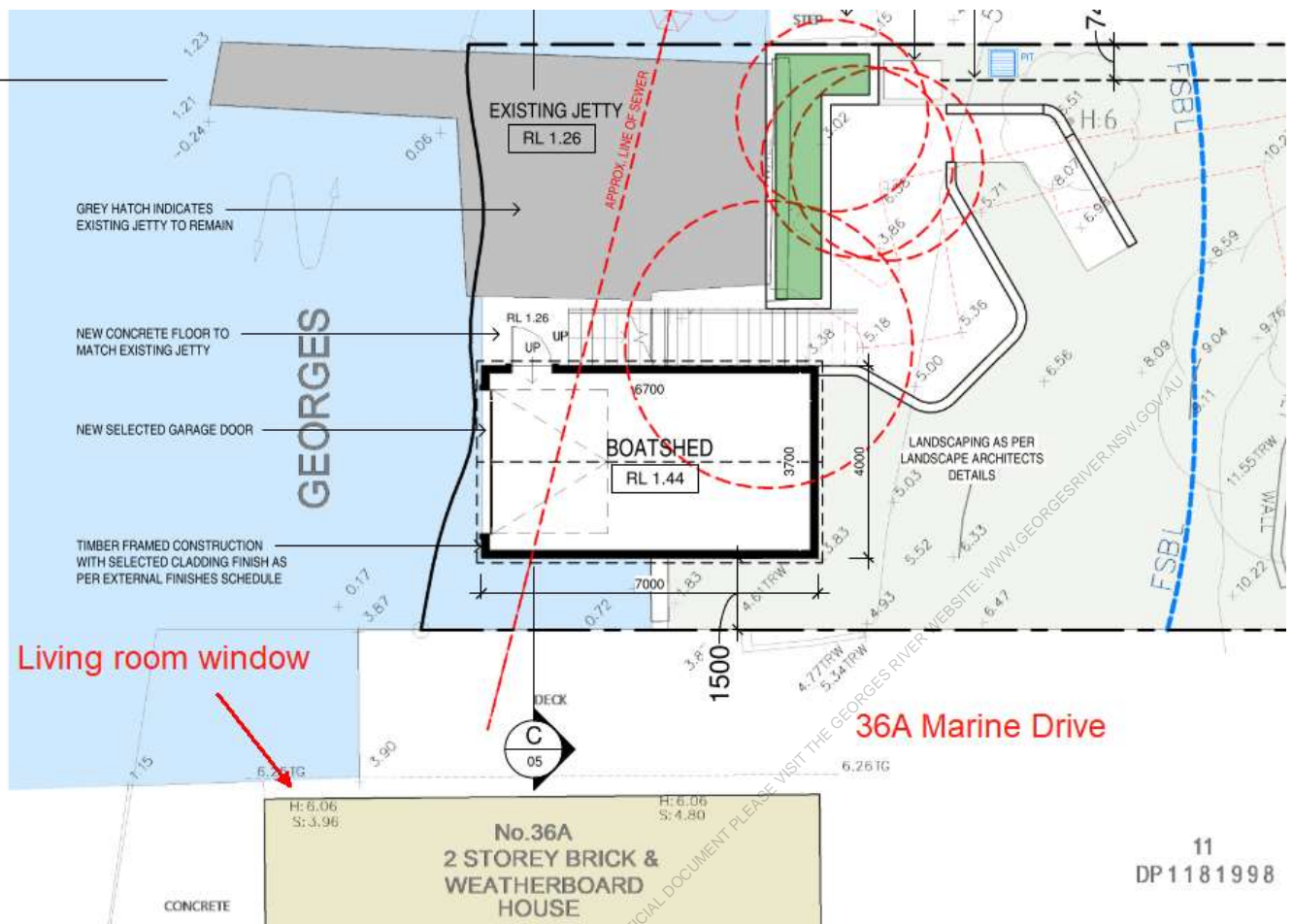


Figure 12 – Site Plan with property raising view loss concern indicated.



Figure 13 – Westerly view of Georges River from the deck (ground floor) of 36A Marine Drive, in standing position.



Figure 14 – Northerly view of Georges River from the living room (ground floor) of 36A Marine Drive, in standing position. The rear alignment of the proposed boatshed is indicated.

Second criterion - consider from what part of the property the views are obtained.

80. The proposed boatshed will only result in minor view loss across the northern side boundary of 36A Marine Drive. The main vista, being the westerly (rear) view, remains unaffected.
81. Given the height of the proposed boatshed, view loss will occur in both sitting and standing positions.

Third criterion - assess the extent of the impact.

82. 36A Marine contains two north-facing windows on the ground floor, of which the one closer to the waterway relates to a living room, and the other relates to a bedroom. The lower ground floor consists of a storage space and boat ramp. The living room is identified to be the primary living area where domestic activities take place.
83. As indicated in Figure 12, the living room is located further west compared to the proposed boatshed. While the proposed boatshed will be readily discernible from the living room, the boatshed will still enable the northerly view of the water and land interface. Refer to Figure 14 for the existing northerly view taken from the living room.
84. It is further noted that the living room enjoys full westerly view which will not be affected by the proposed boatshed.

85. Since the living area will not be affected by the proposal, and that the main vista from the living room remains intact, it is considered that the proposal will result in an overall negligible view loss impact on 36A Marine Drive.

Fourth criterion - assess the reasonableness of the proposal that is causing the impact.

86. The proposed boatshed fully complies with the maximum dimensions controls as outlined in the GRDCP 2021. Alternative design to relocate the boatshed eastward will require further deep excavation, and a lower roof design (such as flat roof) contravenes with the desired character as outlined in the GRDCP 2021 which requires a roof gradient of no less than 15%. There is no viable alternative design solution identified to reduce the view loss impact.
87. As the proposed boatshed demonstrates full compliance with the dimension requirements and has an overall negligible view impact, the proposed boatshed design is considered to be reasonable from a view sharing perspective.

Impacts

Natural Environment

88. The proposed removal of Tree 9 is considered to be unreasonable given the high retention value of the tree. Furthermore, the applicant fails to supply adequate arboricultural information fully demonstrating the impact of the proposal on surrounding trees. On that basis, the proposal is considered to have negative impacts on the natural environment.

Built Environment

89. The proposal represents an inappropriate built form of the subject site that is incompatible with the character of Oatley and the wider FSPA.
90. Firstly, the proposal exceeds the maximum building height by 4.85m (equivalent to 53.9%). The proposed height exceedance intensifies the visual dominance of the built form observable from the public waterway and cause unreasonable privacy and overshadowing impacts. It is considered that alternative design measures can be applied to achieve compliance.
91. Secondly, the proposed dwelling house fails to achieve the minimisation of earthworks. Extensive cut and fill is proposed across the proposed dwelling house, and works are proposed to damage the existing rock outcrop. The proposal fails to demonstrate an adequate split-level design and minimise building footprint layout that minimises earthworks across the site.
92. Thirdly, the proposal does not respect the desired built form rhythm. The proposed 0.95m front setback enhances the perceived bulk and scale when observed from the street level, and the nil southern side setback does not provide adequate separation from the adjoining residence.
93. Fourthly, the proposed white render finish, being the primary colour, does not suit the bushland character of Oatley and the wider FSPA. The proposed colour scheme will render the structure more visually obtrusive when observed from the waterway.
94. Lastly, the proposal fails to promote street activation given the front door is not readily visible from the street.

Social Impact

95. The assessment demonstrates that the proposal in its current form will have adverse impacts on local built form, privacy, and overshadowing. The proposed built form is obtrusive and does not demonstrate design excellence. The elevated private open space and pool will enable overlooking into adjoining private open spaces, and the rear balconies do not provide adequate screening to mitigate overlooking. The adjoining 36 Marine Drive will likely be unreasonably overshadowed due to height exceedance, and no sufficient information is provided ascertaining the extent overshadowing on the southern neighbour.

Economic Impact

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

Suitability of the Site

97. The site is zoned R2 – Low Density Residential. Whilst the proposal is a permissible form of development in this zone, it is considered that the proposal is not suitable for the site given the adverse impacts on general built form, earthworks, and visual privacy.

Submissions, Referrals and the Public Interest

Submissions

98. The application was advertised, and adjoining residents were notified and given fourteen (14) days in which to view the plans and submit any comments on the proposal. Council received 3 submissions in total.
99. Concerns raised in the submissions are summarised and addressed below.

Concerns	Comments
<p>Neighbour Notification</p> <ul style="list-style-type: none"> - Notification by post does not accommodate residents who would be away during the notification period. The submitter preferred email notification as well. - Extension requested 	<p>This Development Application was notified by post and was made publicly available on Council's DA Tracker in accordance with the Georges River Community Engagement Strategy 2018-2028.</p> <p>Council does not consider an extension to the public notification period warranted given the application can still be reviewed online. Notwithstanding that, Council would still accept and consider any submission that is lodged after the notification period.</p>
<p>Height Breach and Building Bulk</p> <ul style="list-style-type: none"> - Substantial height breach, - Excessive built form visually dominating over the existing bushland, - Incompatibility with the FSPA and locality context. 	<p>The proposed height breach is considered to be excessive and is not supported. In addition to the height breach, the proposed three-storey form is considered to be visually dominating, in contravention to the desired character of Oatley West and the wider FSPA.</p> <p>Refer to the Clause 4.6 assessment above for further discussion on height breach.</p>
<p>Privacy</p> <ul style="list-style-type: none"> - Loss of privacy as a result of non-compliant building height. 	<p>The privacy impacts are considered to be unreasonable.</p> <p>Refer to the assessment on Part 6.1.2.8 of the GRDCP 2021 for further details.</p>

<p>Impact on Bushland</p> <ul style="list-style-type: none"> - Loss of green space and existing vegetation, - Multiple tree deaths and tree clearing in recent years under suspicious circumstances, - AIA underestimating the value of several existing trees, - Loss of existing tree hollows. 	<p>The proposed removal of Tree 9 is not supported due to the high retention value of that tree.</p> <p>The submitted AIA does not indicate TPZ and SRZ encroachment, and does not address whether the proposed works are acceptable in accordance with Australian Standards AS4970. Inadequate AIA forms part of the reasons to recommend the refusal of this application.</p> <p>Historical tree deaths are outside the remit of this application. It is noted that Council issued a tree permit in 2022 approving the removal of three trees and took compliance action on unauthorised tree removal.</p>
<p>Boatshed</p> <ul style="list-style-type: none"> - Excessive boatshed height, - Construction over intertidal zone of Georges River, - Insufficient setback 	<p>The proposed boatshed demonstrates compliant dimensions and boundary setbacks.</p> <p>The proposed boatshed is located entirely within the subject site. No Crown Land approval is required.</p> <p>Refer to the assessment on Part 6.5.2.3 of the GRDCP 2021 for further details.</p>
<p>Inclinor</p> <ul style="list-style-type: none"> - The inclinor fails to avoid existing trees 	<p>The proposed inclinor is not supported due to the proposed removal of Tree 9.</p>
<p>View Loss</p> <ul style="list-style-type: none"> - Potential view loss caused by the boatshed 	<p>The proposed boatshed will not result unreasonable view loss.</p> <p>Refer to the <i>Assessment</i> section of the report for detailed discussion on view loss.</p>

Council (Internal) Referrals

Development Engineer

100. Council's Development Engineer raised no objection to the proposed development subject to conditions if the application was to be supported.

Landscape Officer

101. Council's Landscape Officer raised objection to the proposed development for the following reasons:

- Inadequate AIA information. Particularly, the submitted AIA does not demonstrate incursions into existing TPZ and SRZ, and the AIA does not discuss whether the proposed works are acceptable in accordance with Australian Standards AS4970 'Protection of trees on development sites'.
- The proposed removal of Tree 9 is not supported due to the tree has a High Retention Value rating.

Environment Officer

102. Council's Environment Officer raised objection to the proposed development for the following reasons:
- The proposed removal of Tree 9 is not supported due to the tree has a High Retention Value rating. The removal of that tree will result in loss of habitat and disconnection of the vegetation corridor.

External Referrals

Ausgrid

103. The application was referred to Ausgrid as per Clause 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. No concern was raised.

Sydney Water

104. The application was referred to Sydney Water as per Section 78 of the Sydney Water Act 1994. No objection was raised.

Development Contributions

105. The development is subject to Section 7.12 Contributions as the proposed cost of work is greater than \$100,000. In accordance with the Georges River Local Development Contributions Plan 2021, a condition of consent requiring payment of the contribution would have been imposed if the application were to be supported.

Conclusion

106. Development consent is sought for demolition of existing dwelling and construction of new dwelling, swimming pool, inclinor and boatshed at 34 Marine Drive, Oatley.
107. 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 is an inappropriate response to the context of the site and will not result in a good planning, environmental and urban design outcome in the locality.
108. The proposal has been assessed against the provisions of the relevant State Environmental Planning Policies, GRLEP 2021 and GRDCP 2021. The proposal does not meet the relevant objectives and numerical compliances with the relevant planning controls. As such, the refusal of the application is warranted.

Statement of Reasons

109. The reasons for refusal of the application:
- The development does not comply with SEPP (Biodiversity and Conservation) 2011 and SEPP (Resilience and Hazards) 2021. The proposal fails to adequately minimise landscaping impacts and will result in an excessive built form that is not compatible with the Coastal Use Area.
 - The development is inconsistent with the aims of the GRLEP 2021 as it fails to promote a high standard of urban design and built form outcomes.
 - The proposal fails to have adequate regard to the objectives of the R2 low density residential zone pursuant to Clause 2.3 of GRLEP 2021 *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 fails to demonstrate compliance with the Georges River Local Environmental Plan (GRLEP) 2021 criterion related to Aims of the Plan, Zone Objectives, Height of Buildings, Floor Space Ratio, Acid Sulfate Soils, Earthworks, Foreshore Area and Coastal Hazards and Risk, Riparian Land and Waterways,

Foreshore Scenic Protection Area (FSPA), Design Excellence, and Landscaped Areas.

- The proposal fails to demonstrate compliance with several of the Georges River Development Control Plan 2021 criteria related to Landscaping, Earthworks, Crime Prevention, Residential Locality Statements, Streetscape Character and Built Form, Building Scale and Height, Setbacks, Private Open Space, Visual Privacy, Vehicular Access, Solar Access, Colour Schemes, Site Facilities, Fences and Walls, Swimming Pools, Foreshore Scenic Protection Area, Boatsheds, and Stairways and Inclinator.
- The proposed development will have unacceptable adverse impacts on the built environment relating to the proposal not being compatible with the desired future character and zone objectives for the land.
- The proposed development will have unacceptable social impacts on the character of the locality and the amenity of neighbouring residential properties.
- The application is not in the public interest.

Recommendation

110. That Georges River Local Planning Panel refuse the request for variation under Clause 4.6 of the Georges River Local Environmental Plan 2021, in relation to the building height development standard (Clause 4.6), as the variation sought does not satisfy the objectives of the standard and insufficient environmental planning grounds have been provided in the written request for variation justifying the non-compliance. The proposal is also not in the public interest and does not satisfy the objectives of the zone.

111. Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended, the Georges River Local Planning Panel, refuse Development Application DA2024/0621 for Demolition of existing dwelling and construction of new dwelling, swimming pool, inclinor and boatshed at Lot 162 DP 11934 known as 34 Marine Drive, Oatley NSW 2223, is recommended for refusal of the development consent for the reasons outlined below.

1. Refusal Reason - Environmental Planning Instrument – State Environmental Policies - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following State Environmental Policy provisions:

- a) Part 2.2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 – The proposed removal of Tree 9 contravenes with the objective to preserve amenity in non-rural area, and the submitted Arboricultural Impact Assessment (AIA) is inadequate in demonstrating the potential impacts of the proposed development on existing vegetation. Furthermore, no water quality assessment is provided demonstrating the impact of the proposed boatshed on the water quality of the Georges River.
- b) Part 2.2 of State Environmental Planning Policy (Resilience and Hazards) 2021 – The proposal will cause unacceptable impacts on native vegetation and rock outcrops, and no information is provided demonstrating the impact of the proposed boatshed on the water quality of Georges River. Furthermore, the proposal will result in an excessive built form that is not compatible with the Coastal Use Area and the wider context of the locality.

2. Refusal Reason - Environmental Planning Instrument – Local Environmental Plan - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and

Assessment Act 1979, the proposed development does not comply with 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 local character of Oatley and achieve a high level of residential amenity.
- b) Clause 4.3 – Height of Buildings. The proposed development demonstrates a height of 13.85m, exceeding the maximum building height of 9.0m.
- c) Clause 4.4A - Exceptions to floor space ratio—certain residential accommodation. The proposed development has a Floor Space Ratio (FSR) of 0.45:1, in contravention to the applicable maximum FSR of 0.44:1. No Clause 4.6 variation statement is supplied to address this non-compliance.
- d) Clause 4.6 – Exceptions to development standards. The submitted Clause 4.6 variation request concerning *Clause 4.3 Height of Buildings* fails to demonstrate, that compliance with the development standard is unreasonable or unnecessary, and that, there is sufficient environmental planning grounds to justify the contravention of the maximum building height development standard.
- e) Clause 6.1 – Acid sulfate soil. No preliminary acid sulfate soil assessment is provided to demonstrate no impact on ground water level and acid sulfate soil exposure.
- f) Clause 6.2 – Earthworks. The proposed earthwork is excessive.
- g) Clause 6.4 – Foreshore area and coastal hazards and risk. The proposal fails to mitigate the visual impact of the built form. Furthermore, no information is supplied demonstrating neutral impact of the proposed boatshed on the water quality of Georges River.
- h) Clause 6.5 – Riparian land and waterways. The proposed removal of Tree 9 contravenes with the provision to protect native vegetation, and the submitted AIA fails to demonstrate avoidance of adverse impacts on existing vegetations. Furthermore, no information is supplied demonstrating neutral impact of the proposed boatshed on the water quality of Georges River.
- i) Clause 6.6 – Foreshore Scenic Protection Area. The proposal fails to maintain existing rock outcrop and protect significant native vegetation. The proposed dwelling house demonstrates excessive built form and fails to appropriately accommodate the fall in the land.
- j) Clause 6.10 – Design Excellence. The proposal demonstrates excessive built form that is not compatible with the desired future character of the locality and the wider Foreshore Scenic Protection Area. The proposal also fails to protect significant vegetation and rock outcrops which contributes to the scenic quality of the locality.
- k) Clause 6.12 – Landscaped Areas in Certain Residential and Conservation Zones. The proposal fails to provide adequate landscape screening, protect significant vegetation, and retain existing rock outcrops.

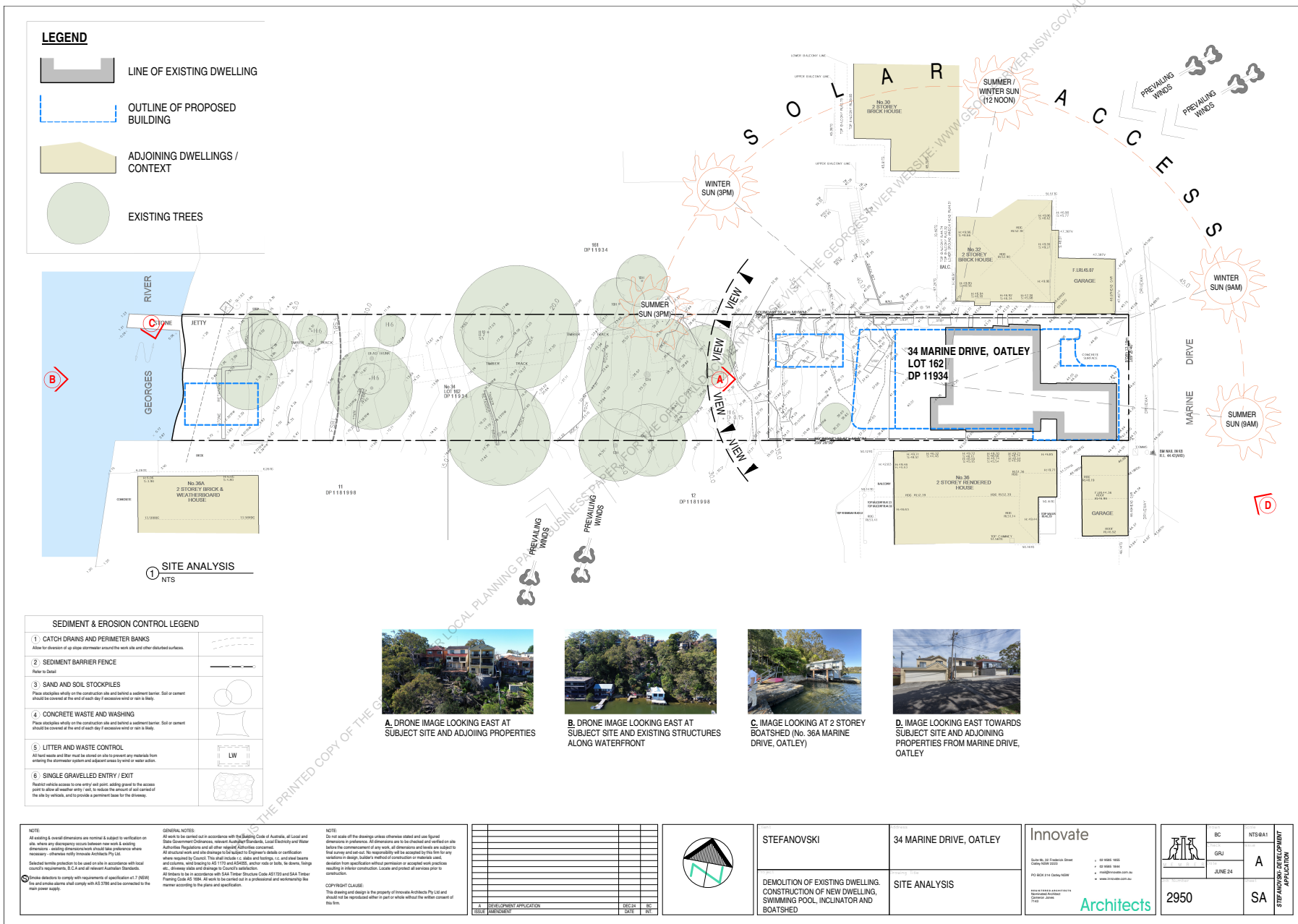
- 3. Refusal Reason – Development Control Plan** - Pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following provisions of Georges River Development Control Plan 2021 (GRDCP 2021):
- a) **Built Form** – The proposal contravenes with Section 5.10.2, 6.1.2.1 and 6.1.2.2. The proposal exceeds the GRLEP 2021 maximum building height limit and incorporates a non-compliant three-storey built form. The proposed bulk and scale is not compatible with the desired future character of Oatley West.
 - b) **Earthworks** – The proposal contravenes with Section 3.5.1 and Section 6.1.2.6. The proposal demonstrates a non-compliant maximum cut and fill of 7.2m and 2.66m respectively. Extensive excavation is proposed within 900mm of the southern side boundary to accommodate the lower ground level. The proposal also fails to protect existing rock outcrops.
 - c) **Passive Surveillance and Street Activation** – the proposal does not comply with Section 3.19 as the proposed entry door is not clearly visible from the street.
 - d) **Setbacks** – the proposal does not comply with Section 6.1.2.3. The proposal incorporates a non-compliant front setback of 0.95m and nil side setback from the southern side boundary.
 - e) **Landscaping** – The proposal does not satisfy Section 3.2, 3.3, 6.1.2.5, and 6.5.1. Firstly, the proposal fails to protect significant vegetation and existing rock outcrops, in contravention to Council's Tree Management Policy. Secondly, the proposal provides only 24.8% of the front setback area for landscaping. Thirdly, the submitted AIA is inadequate in demonstrating the impacts to existing trees. The AIA fails to demonstrate incursions into existing TPZ and SRZ, and the AIA fails to address the proposed works in accordance with Australian Standards AS4970 'Protection of trees on development sites'.
 - f) **Vehicular Access** – The proposal does not comply with Section 6.1.2.7 as the proposed driveway has a non-compliant width of 5.3m at the street boundary.
 - g) **Visual Privacy** – The proposal does not comply with Section 6.1.2.4 and 6.1.2.8. Firstly, no privacy protection is provided for the private open space which is elevated. Secondly, both rear balconies exceed the maximum width of 1.5m and incorporate inadequate privacy screening.
 - h) **Solar Access** – the proposal does not comply with Section 6.1.2.10. The proposal will likely overshadow all north-facing windows of the adjoining 36 Marine Drive as a result of the excessive bulk and scale. No elevational shadow diagram is provided to ascertain the extent of overshadowing on 36 Marine Drive.
 - i) **Material and Finishes** – The proposal does not comply with Section 6.1.2.11 and 6.5.1. The proposal introduces expansive surfaces of white render finish on the southern elevation. The extensive use of white render finish as the primary colour is not compatible within the Foreshore Scenic Protection Area which requires dark and earthy tones.

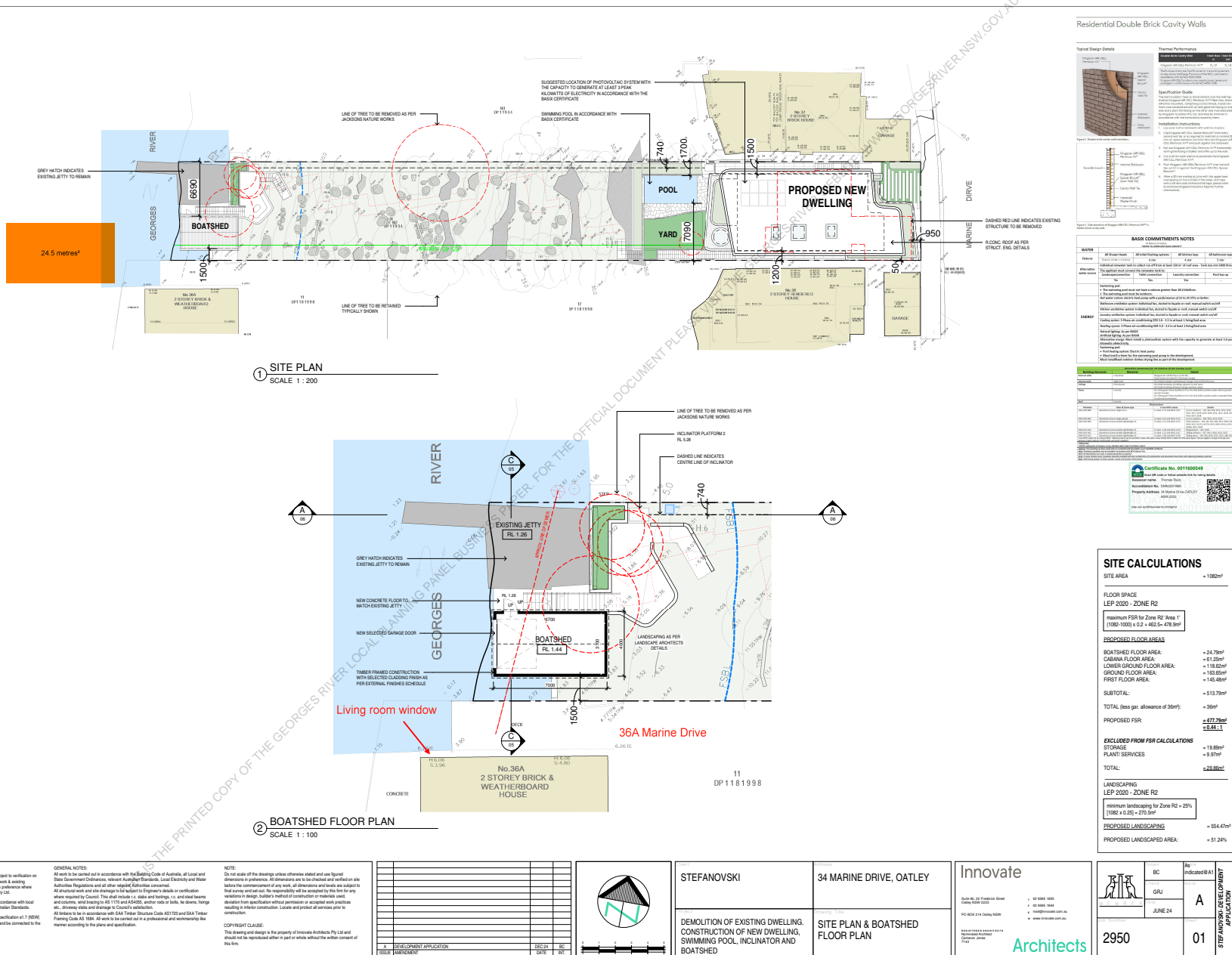
- j) Site Facilities – The proposal does not comply with Section 6.1.2.13 as the architectural plans do not indicate the locations of letterbox and waste bin storage area.
 - k) Fences and Walls – The proposal does not comply with Section 6.4.1 and 6.5.1. The proposed retaining wall supporting the swimming pool, which is visible from Georges River, has a height of 1.8m and has nil setback to the northern boundary. The proposed dark grey finish is not compatible to the bushland context of the site. Furthermore, no detail of the side fence is submitted.
 - l) Swimming Pool – The proposal does not comply with Section 6.4.4 as the proposed swimming pool and deck is situated approximately 4.1m above the existing ground level at the highest point.
 - m) Boatshed – The proposed boatshed does not comply with Section 6.5.2.3 as the structure requires deep excavation into rock outcrop.
 - n) Stairways and Inclinor – The proposal does not comply with Section 6.5.2.5. The proposed stair access within the Foreshore Area has a non-compliant width of 2.3m and fails to follow the existing ground level. The proposed inclinor will require the removal of Tree 9 and disrupt views to the rock outcrops. No material schedule is provided for the inclinor.
4. **Refusal Reason – Impact on the Environment** – Pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to have an adverse impact on the following aspects of the environment:
- a) Natural Environment. The proposed removal of Tree 9 is unreasonable given the high retention value of the tree, and insufficient arboricultural information is provided to demonstrate the impact of the proposal on surrounding trees.
 - b) Built Environment. The proposed built form detracts from the desired character due to height breach. The proposal also fails to minimise earthworks and achieve the desired setbacks in accordance with the local terrain and built form pattern.
 - c) Social Impacts. The proposal will result in visual dominance and adverse visual privacy impacts. The submitted solar diagrams are not adequate in demonstrating the full overshadowing impacts on 36 Marine Drive.
5. **Refusal Reason – Impact on the Environment** – Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be suitable for the site.
6. **Refusal Reason – The Public Interest** – Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

ATTACHMENTS


Attachment [1](#) Redacted Architectural Plans - 34 Marine Drive, Oatley NSW 2223 - DA2024/0621

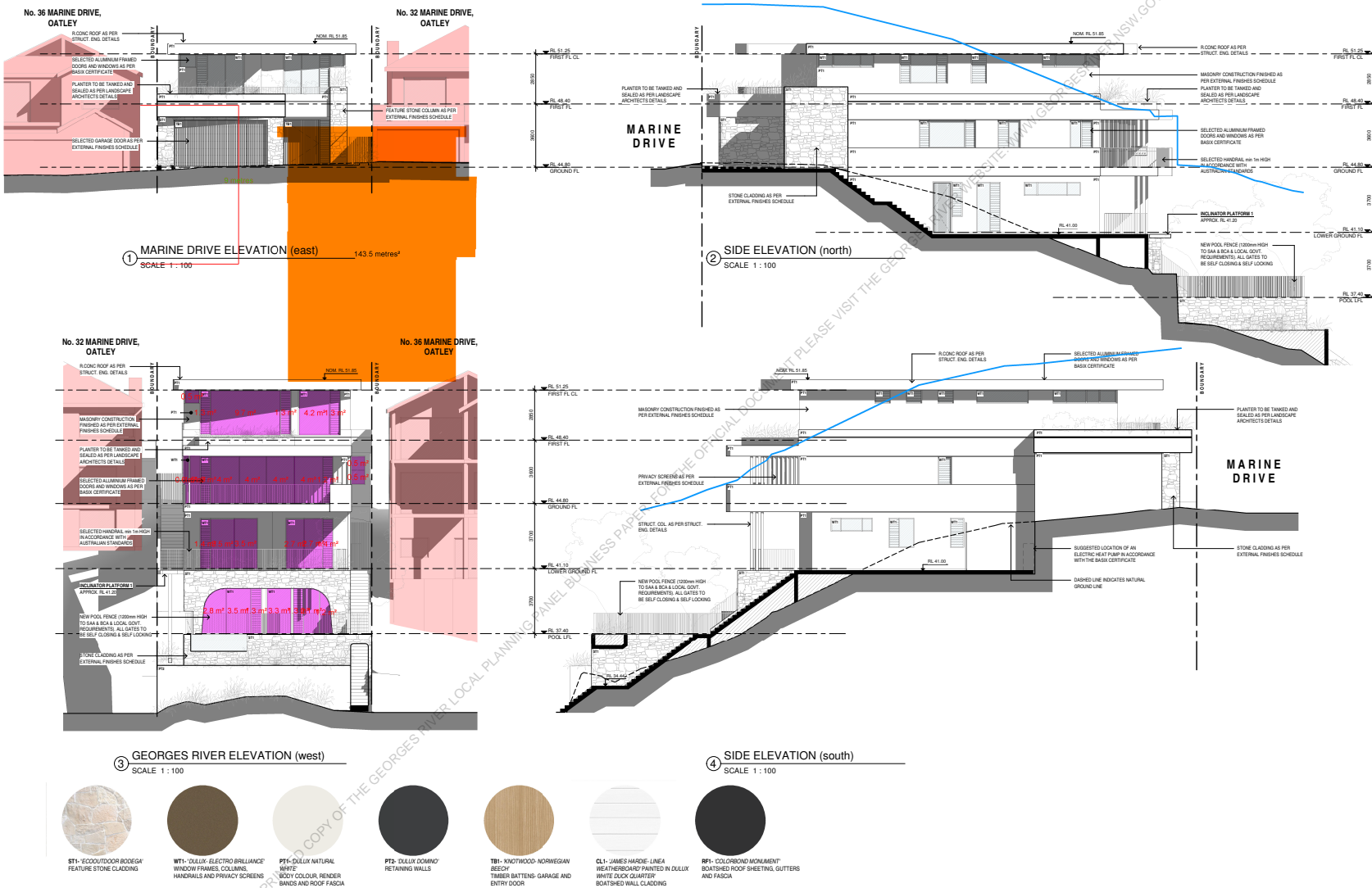








	BC	code	1: 150@A1	STEFANOSKUL-DEVELOPMENT APPLICATION
	GRJ	name	A	
	JUNE 24	date		
	app- Number 2950		app-1 10	

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A	DEVELOPMENT APPLICATION		DEC-24	BC	
	CORRECTION		JAN-25	BC	


OWNER	STEFANOVSKI	ADDRESS	34 MARINE DRIVE, OATLEY
PROJECT	DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF NEW DWELLING, SWIMMING POOL, INCLINATOR AND BOATSHED	TRADING TYPE	ELEVATIONS & EXTERNAL FINISHES SCHEDULE

Innovate

Suite 401, 327 Frederick Street
Calgary, Alberta T2C 0A8

PGC 4214 101 Calgary Street
Calgary, Alberta T2C 0A8

• 403 6955 1455
 • 403 6955 1944
 • 403(616) 6955 1455/44
 • www.pgc4214.com/44

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	BC	1-100#A1
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	TRIO	A
JUNE 24		

2950

04

STEP ANALYSIS DEVELOPMENT

Architects

1002

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owner	STEFANOVSKI	address	34 MARINE DRIVE, OATLEY
work	DEMOLITION OF EXISTING DWELLING. CONSTRUCTION OF NEW DWELLING, SWIMMING POOL, INCLINATOR AND BOATSHED	existing use	INCLINATOR SECTION

Innovate


Suite 10, 12 Frederick Street
Cairley NSW 2222

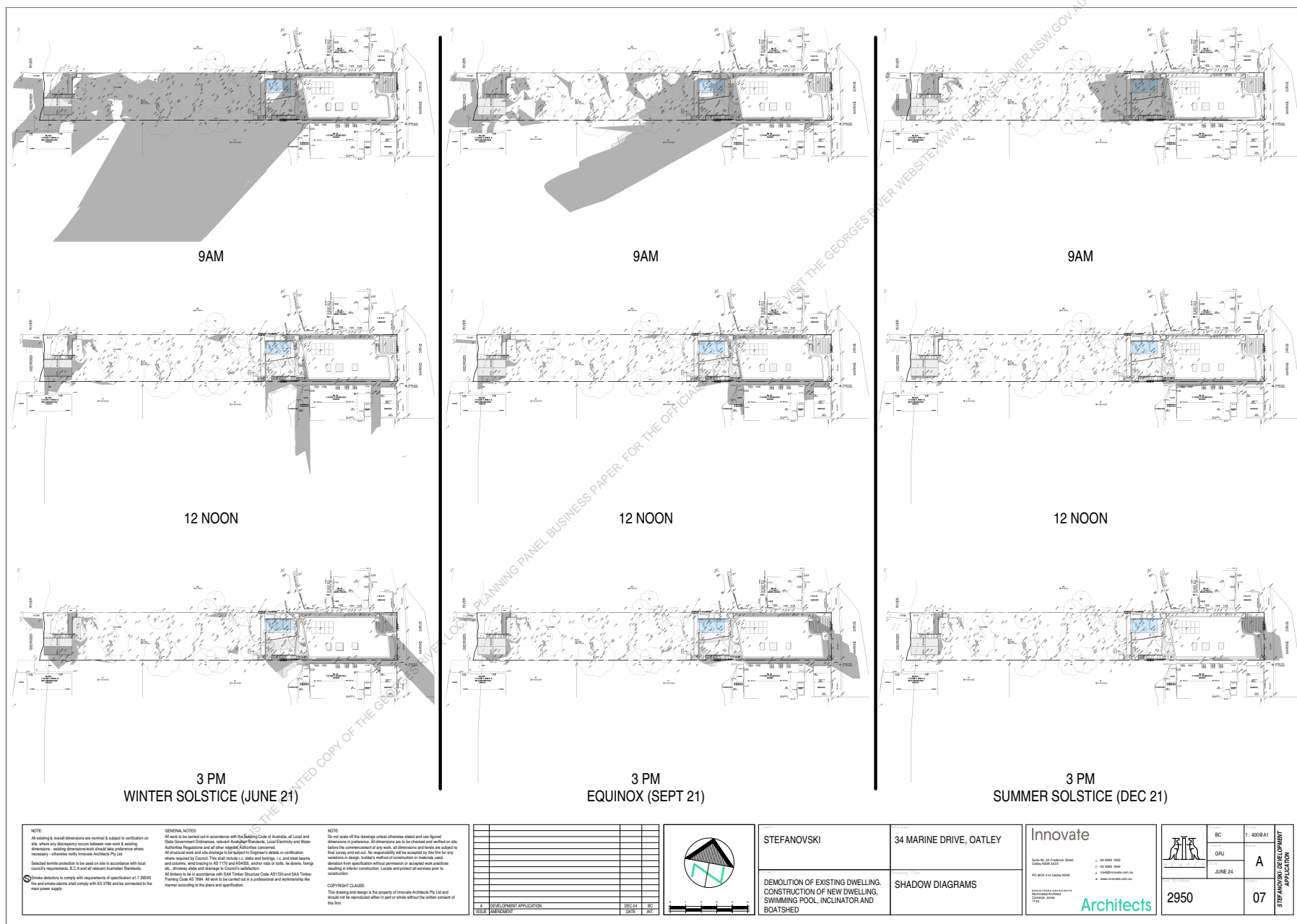
PO BOX 216 Cairley NSW

02 9565 1855
02 9565 1894
info@innovate.arch.au
www.innovate.arch.au

REGISTERED ARCHITECT
National Architect
Cameron Jones
7143

Architects

	Project BC	Scale 1 : 100 @ A1	STEPANOVSKI-DEVELOPMENT APPLICATION
	Track GRJ	Sheet A	
Date JUNE 24			
Job Number 2950		Sheet 06	



REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 15 MAY 2025

LPP013-25 KOGARAH TOWN SQUARE AND BELGRAVE STREET LOT CP SP 69307

LPP013-25

LPP Report No	LPP013-25	Development Application No	DA2024/0560
Site Address & Ward Locality	Kogarah Town Square and Belgrave Street Lot CP SP 69307 Kogarah Bay Ward		
Proposed Development	Temporary use of Kogarah Town Square, part of Belgrave Street, as bounded by Railway Parade to the north and Kensington Street to the south, and the forecourt of 2+2B Belgrave Street, for community, cultural, and corporate events, including the erection of associated overlay including temporary structures for up to 52 events per year		
Owners	Georges River Council		
Applicant	Milestone (Aust) Pty Ltd		
Planner/Architect	Milestone (Aust) Pty Ltd		
Date Of Lodgement	28/11/2024		
Submissions	One submission received (second notification)		
Cost of Works	\$1000		
Local Planning Panel Criteria	Georges River Council is the land owner		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Exempt & Complying Development Codes) 2008; State Environmental Planning Policy (Biodiversity & Conservation) 2021; State Environmental Planning Policy (Resilience & Hazards) 2021; State Environmental Planning Policy (Transport & Infrastructure) 2021; State Environmental Planning Policy (Industry & Employment) 2021; Georges River Local Environmental Plan 2021; Georges River Development Control Plan 2021; Georges River Council Local Approvals Policy: Use of Public Land, Event Toolkit and Council-related Development Application Policy.		
List all documents submitted with this report for the Panel's consideration	Statement of Environmental Effects, Operational Noise Management Plan, Accessibility Map, Event Site Plan, Traffic Control Plans		
Report prepared by	Consultant Planner		
RECOMMENDATION	That the application be approved in accordance with the recommended conditions included in this report.		

Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	No, conditions viewable upon publishing of this report

SITE PLAN

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

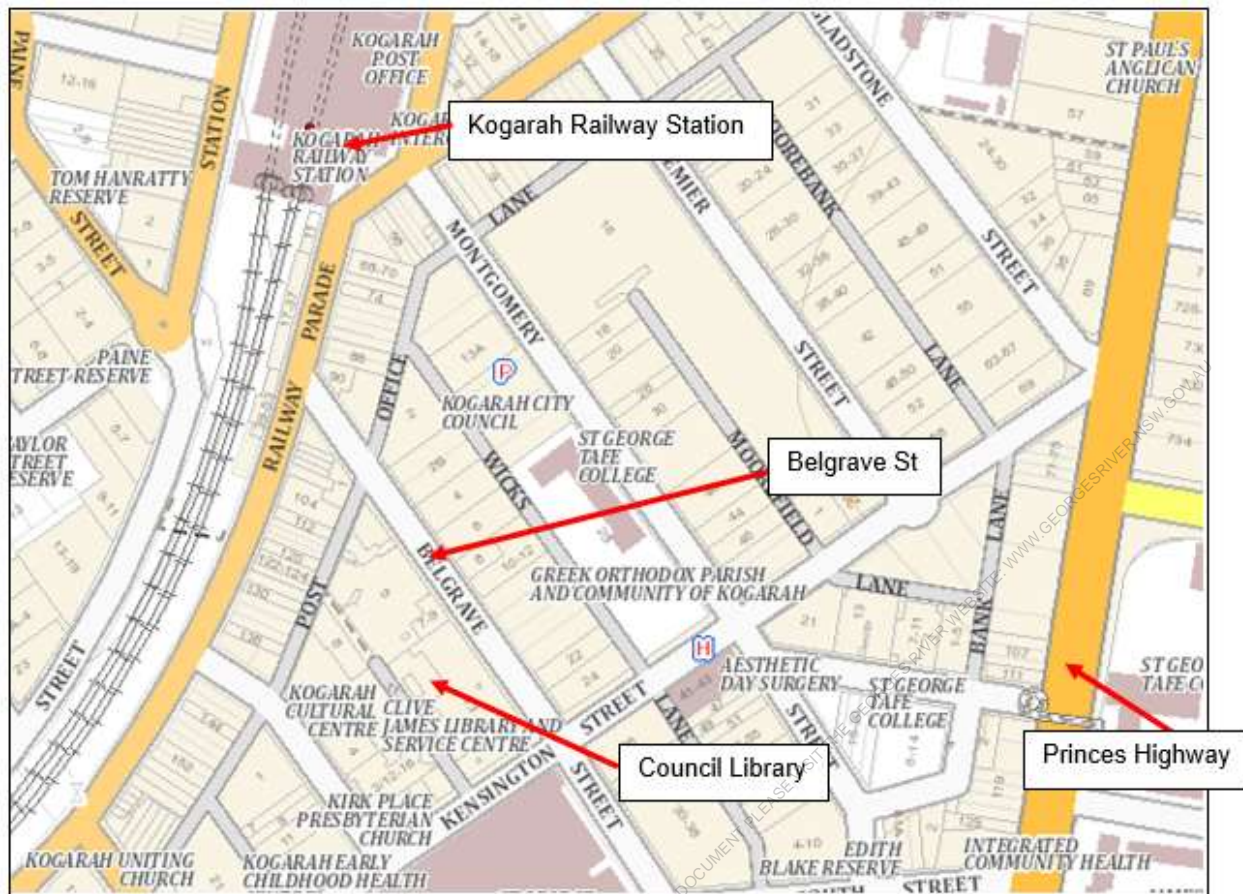


Figure 1: Subject Site (Source: SIX Maps)

EXECUTIVE SUMMARY

Proposal

1. The development application seeks the temporary use of Kogarah Town Square, part of Belgrave Street, as bounded by Railway Parade to the north and Kensington Street to the south, and the forecourt of No 2 and No 2B Belgrave Street (**Figure 1**), for community, cultural, and corporate events, including the erection of associated overlay including temporary structures. The proposal is to cover 52 community events to be held per calendar year within the event site (**Figure 1**).
2. Specifically, the proposal seeks to obtain an overarching Consent Notice from Council to hold temporary events for a period of five years, including approval for hours of operation and the erection of associated temporary structures that are not captured under Part 2, Division 3 of *State Environmental Planning Policy (exempt and Complying Development Codes) 2008* (**Codes SEPP**).

Background

3. Council and community groups regularly hold a number of annual community events within the event site, including the *Uncontained Arts Festival* (3 day event), the *Kogarah Family Fair* (Greek Orthodox Parish event) and the *Eat/Art Night Markets* (1 night). Other events are also held at the site. Approval is currently granted separately for each individual event by Council via Local Approvals under Section 68 of the *Local Government Act 1993* (**LG Act**) and Part 9 of the *Roads Act 1993* (**Roads Act**).
4. This proposal seeks to obtain an overarching approval for the temporary use of part of

Kogarah Town Square for events for a period of five (5) years, including approval for hours of operation and the erection of associated temporary structures not captured by the Codes SEPP.

5. The proposed events to be held at the site are part of the Permit/Plug/Play Pilot Program (**Pilot Program**), which is an \$8 million partnership grant program, which forms part of the NSW Government's Vibrant Streets Package, a \$19.7 million investment in transforming streets into thriving local places to support the community, businesses and the creative sector. Georges River Council is one of the pilot councils granted funding to streamline processes and reduce costs of delivering street-based events that require temporary road closures. The objectives of the Pilot Program include, among other things, to improve Council process efficiency and communication about temporary road closures and the street-based events that they enable and reduce the cost of delivering such events.
6. Key dates during the assessment of the application include:
 - 21 November 2024 – DA lodged
 - 11 December 2024 – review of DA information by Council and referral to Council officers
 - 12 December 2024 to 7 February 2025 - notification of the development application
 - 14 February 2025 – referral comments received from Council's Health Officer
 - 19 February 2025 – referral comments received from Council's Traffic Engineer
 - 5 March 2025 – Management Statement (Council-related DA) prepared by Council which stated the development application is 'Medium Risk'
 - 20 March 2025 to 1 May 2025 – renotification of the development application accompanied by the Management Statement

Site and Locality

7. The site comprises the area of the Kogarah town centre consisting of:
 - Belgrave Street, bounded by Railway Parade to the north and Kensington Street to the south and the adjacent pedestrian footpaths.
 - Kogarah Town Square, located at the southern side of the event site on the western side of Belgrave Street.
 - Forecourt of 2 and 2B Belgrave Street, Kogarah: Located at the northern end of the event site on the eastern side of Belgrave Street and legally described as Lot 48 Section F DP 1397, and Lots 46 and 47 Section F DP 1397, respectively
8. The immediate surrounding area generally comprises the town centre of Kogarah with a mix of commercial and retail uses at ground level and upper level residential uses. There are also community uses including the Council Library and places of public worship including the Greek Orthodox Parish and Community of Kogarah Church.

Zoning and Permissibility

9. The site is zoned MU1 Mixed Use zone pursuant to the *Georges River Local Environmental Plan 2021 (GRLEP 2021)*. The proposal does not seek to change the primary use of the site and surrounding land as *commercial premises* and *shop top housing*, however, proposes the use of the site (public roads, footpaths, forecourts etc) for events, pursuant to Clause 2.8 of the GRLEP 2021. The use of the site for events is considered ancillary to the primary use of the site as *commercial premises* and *shop top housing*.
10. The erection of temporary structures associated with events may be carried out via the Exempt Development Pathway in accordance with Division 3 of the Codes SEPP. In this

case, however, the proposed temporary structures and use of the event are outside those permitted under the Codes SEPP and therefore, the proposal seeks development consent for the erection of temporary structures and uses on the site which is not provided in the Codes SEPP for up to 52 events per year over the course of five (5) years.

Georges River Development Control Plan 2021

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

Planning and Design Issues

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

Submissions

13. The proposal was notified from 12 December 2024 to 7 February 2025 and between 20 March 2025 to 1 May 2025 (renotified accompanied by the Management Statement) in accordance with the provisions of Council's *Community Engagement Strategy 2023-2033* (Part C: Notification Plan). There were no submissions received during the first notification period and one (1) submission was received in response to the second notification.

Reason for Referral to the Local Planning Panel

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

Conclusion

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

REPORT IN FULL

The Site and Locality

16. The subject site comprises the following land and is known as the *event site* (**Figure 2**):
 - Belgrave Street: Bounded by Railway Parade to the north and Kensington Street to the south. Belgrave Street comprises two lanes of traffic in a north/south direction, as well as metered car parking and landscape beds on the eastern and western sides of the road. The event site also includes the adjacent pedestrian footpaths.
 - Kogarah Town Square: Located at the southern side of the event site on the western side of Belgrave Street.
 - Forecourt of 2 and 2B Belgrave Street, Kogarah: Located at the northern end of the event site on the eastern side of Belgrave Street and legally described as Lot 48 Section F DP 1397, and Lots 46 and 47 Section F DP 1397, respectively.

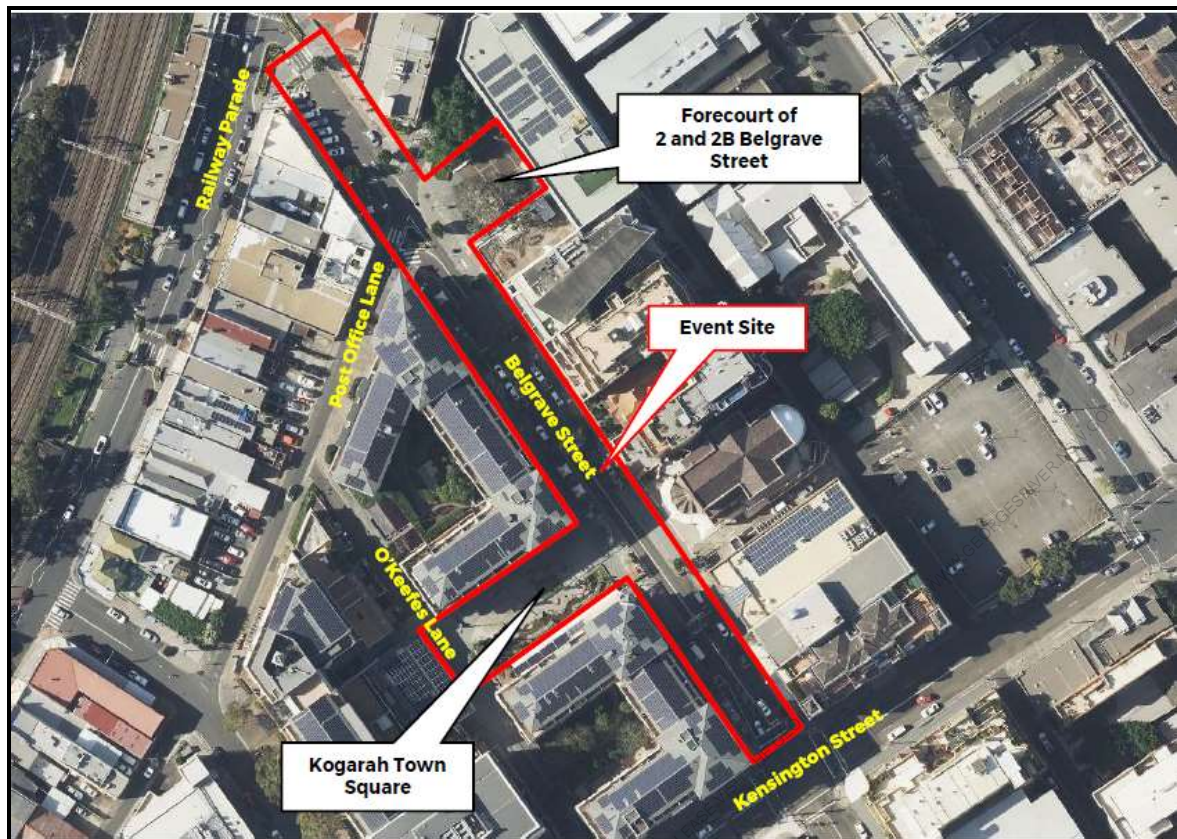


Figure 2: The Event Site (Source: SEE, Milestone, December 2024, Figure 1))

17. Existing development on the event site includes public roads and footpaths with mixed use buildings and community uses adjoining the public road.
18. There are a number of car parks located in close proximity to the event site including (Figure 3):
 - At-grade Wilson TAFE Car Park, located off Wicks Lane,
 - Kogarah Town Centre Car Park, located at 1-9 Railway Parade;
 - Park&Ride Kogarah, located adjacent to Kogarah Railway Station; and
 - Point Parking – Derby Street Carpark, located at the basement level of Kogarah Town Square

There is no additional car parking proposed as part of the application or on the event site.

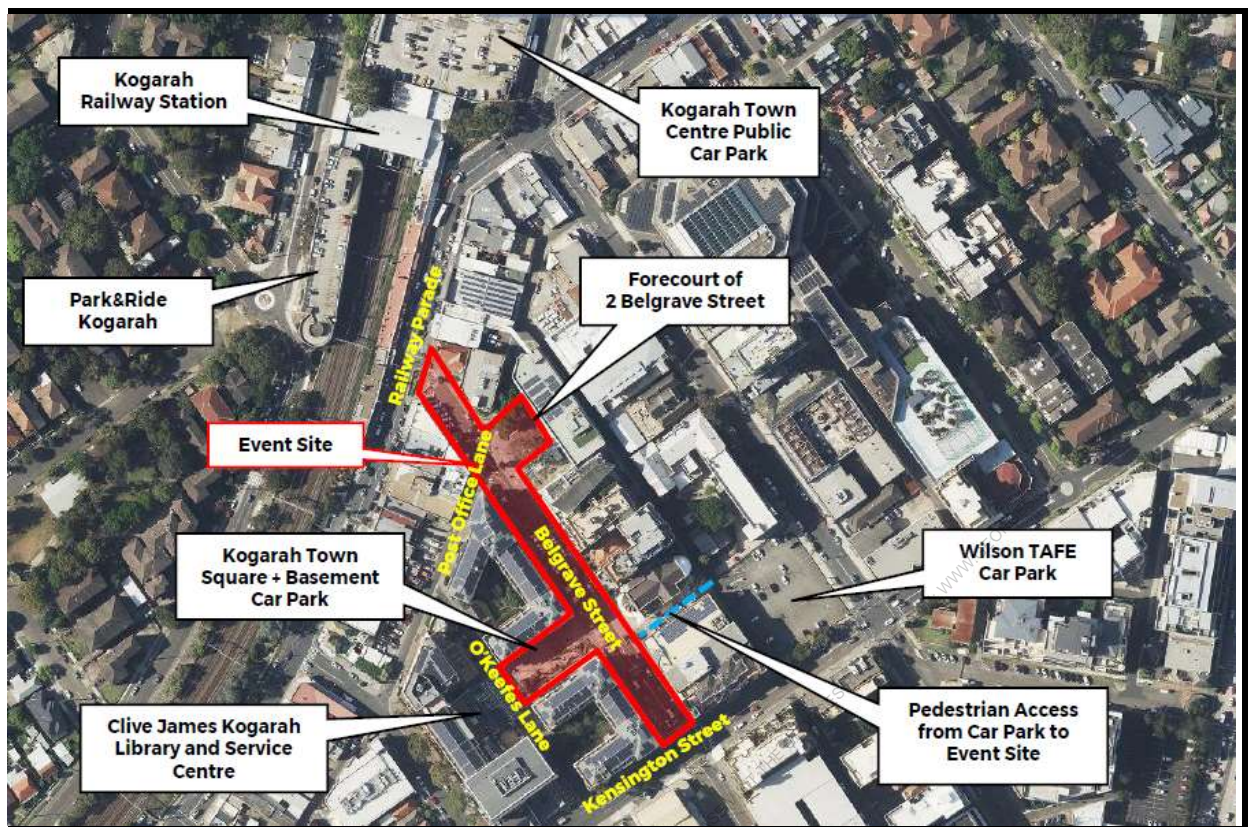


Figure 3: Site Context Plan (Source: SEE, Milestone, November 2024)

19. The immediate surrounding area generally comprises the town centre of Kogarah with a mix of commercial and retail uses at ground level including medical and professional uses and upper level residential uses. There are also community uses including the Council Library and places of public worship including the Greek Orthodox Parish and Community of Kogarah Church.
20. The site forms an irregularly shaped allotment, with numerous road frontages and various buildings scattered throughout the site used for a number of community uses.
21. Being located within the Kogarah Town Centre, the site is serviced by public transport including rail services, approximately 100 metres to the southeast of Kogarah train station, and various bus services are also provided between the site and other nearby suburbs.
22. The immediate surrounding area is generally within the MU1 mixed use area, with the special uses – hospital (SP2) zone under the GRLEP 2021 located to the south comprising St George Public and Private Hospitals.

Proposal

23. The development application seeks approval for use of the event site for community, cultural and corporate events, including the erection of associated temporary structures for temporary events for a period of five years and for up to 52 community events per calendar year. It is noted that the number of events has been considered in this assessment and consent conditions are recommended to ensure that the use of the site for temporary events is consistent with Clause 2.8 of the GRLEP 2021.
24. The purpose of this Development Application is to facilitate a streamlined approval process for conducting temporary events within the event site by eliminating the requirement to obtain a separate Local Approval pursuant to Section 68 of the *Local*

Government Act 1993 (LG Act) for each event. Each individual event will still be required to obtain an Event Permit from Council via lodgement of an Event Application for the specific event, which will set out the terms and conditions for the event by Council.

25. This development application also seeks to set out the general traffic and parking management procedures, road closure points, and management strategies to minimise the acoustic impact on nearby sensitive receivers for events to be held at the event site. All temporary events requiring road closures will need approval from Council under Part 9 of the *Roads Act 1993* via the lodgement of a Temporary Road Closures Application Form.
26. A *Traffic Management Plan* prepared by Guardian dated 14 November 2024, outlines the traffic control measures for both the bump in/bump out phases and the event phase, which details the required traffic control measures and road closure points to conduct temporary events within the event site.
27. These plans detail the required traffic control measures and road closure points to conduct temporary events within the event site, with two road closure options identified for events comprising the following (**Figure 4**), which are considered further in the key issues section of this report and consideration of the community submissions:
 - **Option 1:** Comprising two road closure points on Belgrave Street at its intersection with Kensington Street to the south and Post Office Lane to the north (Option 1 road closure); and
 - **Option 2:** Comprising two road closure points on Belgrave Street at its intersection with Kensington Street to the south and Railway Parade to the north (Option 2 road closure).

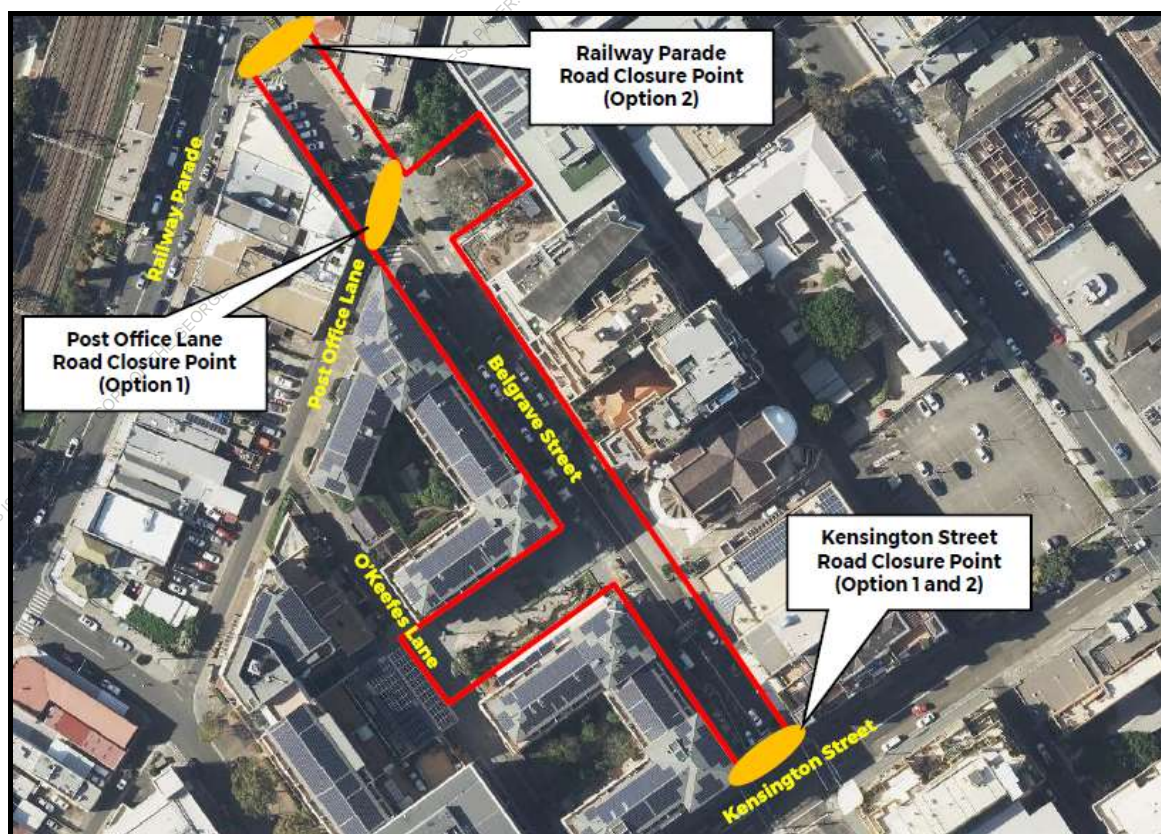


Figure 4: Proposed Road Closure points (Source: SEE, Milestone (AUST) Pty Limited, November 2024)

28. The types of temporary events to be held will generally be major events that will attract larger crowds of up to approximately 5,000 people at any given time. Most events will be open for the public to attend (non-exclusive) and some events may require the purchase of a ticket (exclusive).
29. The types of temporary events to generally be held at the site will include, but are not limited to, the following:
- Food and wine festivals.
 - Markets, including night markets.
 - Outdoor exhibitions.
 - Cultural exhibitions, festivals, and demonstrations.
 - Key performances
 - Film and Movie nights.
 - Art shows
 - Youth activities.
30. The application states that the general event hours of temporary events will be as follows:
- 7:30am to 11:00pm, Sunday to Thursday.
 - 7:30am to 12:00 midnight, Friday and Saturday.

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

31. The event site will have an approximate maximum capacity of up to 5,000 people at any given time. The site will hold mid-size events (up to 1,000 people at any given time), and major events (over 1,000 people at any given time), in accordance with the Events Matrix outlined in Council's Event Guide and summarised in **Table 1**. The application does not outline the number of events from each category, however, this is addresses in the key issues section of this report and recommended conditions of consent.

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

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

32. The bump in/bump out of the temporary events will likely require a number of construction workers, delivery truck and vehicle movements, fork lifts and other construction plant to erect the temporary structures and associated event overlay. The works undertaken during the bump in/bump out periods will be generally limited to five days in total for larger events. Smaller events will typically only require setup the day of

the event. A general timeframe for works carried out within these periods are outlined in **Table 2**.

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

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

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

34. A number of temporary structures will be required in association with events held at the event site, which will vary, but will likely include the following:
- Marquees and tents.
 - Stages and Platforms.
 - Mobile video screens.
 - Viewer seating.
 - Temporary food and drink premises.
 - Toilet facilities.
 - Crowd control barriers/fencing.
 - Temporary fencing.
 - First aid stations.
 - Art installations, activations, and sculptures.
 - Carnival rides and inflatables.
35. All temporary structures will be required to be structurally sound and erected in accordance with manufacturer's specifications and relevant Australian Standards with engineering certification required for each structure prior to the commencement of the event. Suitable locations for typical temporary structures are illustrated in **Figure 5**.

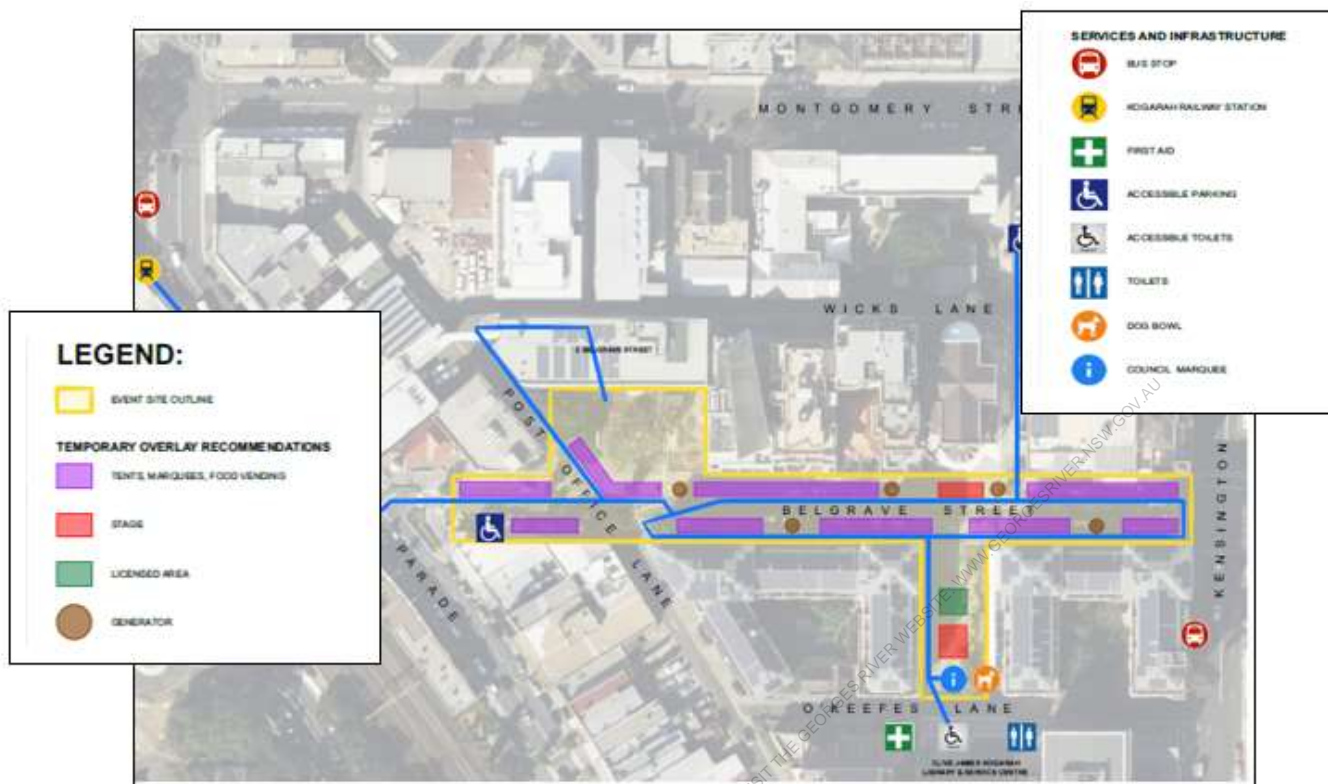


Figure 5: Event Site and Accessibility Map (Source: GSBN, November 2024)

36. The proposed temporary structures will be erected within the part of the event site to along the alignment of Belgrave Street, with recommended areas for:
 - Stalls, marquees, and food vending, along Belgrave Street;
 - A stage within Kogarah Town Square and a stage on the footpath of Belgrave Street adjoining the Greek Orthodox Parish Church building; and
 - A licensed area within Kogarah Town Square.
37. The proposed temporary structures associated with temporary events held on the event site will generally have a maximum footprint of 14 metres x 10 metres, and a maximum overall height of 9 metres. A continuous accessible path of travel is provided throughout the event site (red and blue lines in Figure 3).
38. Temporary event signage is proposed to identify the event to the community, wayfinding, crowd management and information delivery and will be erected on Council managed land and removed at the conclusion of the event. Non-event general and third party advertising, 'A' frame signage and obscene, offensive, derogatory and defamatory signs are all to be prohibited.
39. There is existing lighting infrastructure available within the event site, including along the footpaths and within Kogarah Town Square. Additional lighting may be required for specific events or may include lighting activations, for example, at the Uncontained Art Festival. Any additional temporary lighting erected within the event site associated with an event shall be designed so as to not cause a nuisance to residences within the area or to motorists and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare.
40. Some of the proposed temporary events held at the event site will require liquor licenses, which are to be obtained from Liquor & Gaming NSW.
41. The proposed temporary use of the event site will not include earthworks, demolition,

vegetation or tree removal or pruning. All installation works will be completed by qualified contractors and will be temporary and reversible in nature. Following the conclusion of the temporary use and any proposed overlay, the site will be re-instated to the existing condition.

Background to the DA

42. The development application was lodged on 21 November 2024. A review of the application was undertaken on 11 December 2024 by the Council's Planning Advisory Officer and the relevant referrals (internal and external) which were required for the proposal were sent to relevant Council officers. On 12 December 2024, the application was notified until 7 February 2025 and between 20 March 2025 to 1 May 2025 (renotified accompanied by the Management Statement). One (1) submission has been received raising objections to the application. Comments from Council's referral officers were received on 14 (Health) and 19 (Traffic) February 2025.

Compliance and Assessment

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

Section 4.15(1) Evaluation

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

(1) *Matters for consideration - general*

In determining an application, a consent authority is to take into consideration such matters as are of relevance to the development the subject of the development application:

(a) The provision of:

- (i) any environmental planning instrument,*
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) any development control plan, and*
- (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*

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

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

These matters are considered below.

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

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

46. There are no Plans of Management relevant to the site.
47. The proposal is not integrated development for the purposes of the EP&A Act as the proposal does not require an approval under Section 138 of the *Roads Act 1993*. While temporary road closures associated with events will be required, such closures are made pursuant to Section 144(1) of the *Roads Act 1993* and are not included in the integrated development provisions.

ENVIRONMENTAL PLANNING INSTRUMENTS (Section 4.15(1)(a)(i) of the EP&A Act)
STATE ENVIRONMENTAL PLANNING POLICY (EXEMPT AND COMPLYING DEVELOPMENT CODES) 2008

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

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

50. Pursuant to this Section, the carrying out of the retail sale of food, drinks and related products on land from a mobile outlet such as a food truck, van, cart or other similar vehicle is development specified for this code (s2.54A). The proposal is generally consistent with the specified development standards pursuant to Section 2.54B for such development with the exception of the hours of operation for land adjoining a residential zone (s2.54B(f1) notwithstanding that the site does not adjoin a residential zone but it does adjoin residential development). The proposed events are to operate until 11.00pm Mondays to Thursdays and 12.00 midnight on Fridays and Saturdays, while the development standard for exempt development is until 10.00pm. The hours of operation are considered satisfactory given the noise mitigation strategies proposed, which are

included in the recommended consent conditions.

51. There are also development standards in relation to not restricting any vehicular or pedestrian access to or from the land or entry to any building on the land, and not obstructing the operation of, or access to, any utility services on the land or on adjacent land. Further requirements include that such equipment/vehicles shall not be located within the canopy of, or result in damage to, any tree growing on the land or on adjacent land, and shall not result in any damage to public property on the land or on adjacent land. Relevant consent conditions are recommended to ensure these requirements are satisfied for the food trucks on the site.

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

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

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

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

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

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

55. The development standards in Section 2.120 limit the size of tents, marquees and booths to 300m² in area and 6 metres in height, requires the removal of the structures within 7 days of the event and sets hours of operation from 7.30am to 11pm on Mondays to Thursdays, 12.00 midnight on Fridays and Saturdays and 8.00pm on Sundays. There are also requirements for exits and travel paths as well as the requirement for waste to be removed from the site. Section 2.124 provides similar development standards for stages or platforms for community events, which limits the size of a stage to 50m², a height off the ground of a maximum of 2 metres.
56. The proposal involves a stage and marquees with an overall maximum footprint of 10 metres x 14 metres and an overall height of 9 metres, falling outside of the exempt provisions. The hours of operation are also beyond those for exempt development, which will allow for bump in/bump out procedures to be undertaken as well as event operation.
57. The proposed hours of operation of the event site are 7.30am to 11.00pm Sundays to Thursdays and 7.30am to 12.00 midnight Fridays and Saturdays. The proposed bump in/bump out hours are 6.00am to 12.00 midnight on any day. The proposal is considered to be satisfactory having regard to these requirements and, where appropriate relevant consent conditions are recommended, having considered the requirements in the Codes SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021

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

Chapter 2: Vegetation in non-rural areas

59. The aims of this Chapter are to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. Pursuant to Section 2.7, a permit or approval to clear vegetation is not required under this Chapter if it is clearing of a kind that is authorised under the *Local Land Services Act 2013*, section 60O or Part 5B.
60. Any tree clearing proposed in this application would have been covered by this exemption as it will be authorised by a development consent under Part 4 of the EP&A Act pursuant to Section 60O(a)(i) of the *Local Land Services Act 2013*. There are, however, no trees proposed to be removed in this application. The proposal is consistent with Chapter 2 of this Policy and is consistent with the Biodiversity & Conservation SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021

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

Chapter 4 Remediation of Land

62. Section 4.6 requires contamination and remediation to be considered in determining a development application. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.

63. The proposed development does not include any change to the use of the land that would result in any concerns with respect to contamination and does not propose any excavation on the site. There is no indication of previous uses that would cause contamination. In this regard the SEPP has been satisfied and the proposal is consistent with the Resilience & Hazards SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

64. *State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport & Infrastructure SEPP)* outlines the controls for the provision of infrastructure. The SEPP achieves this by improving regulatory certainty and efficiency through a consistent planning regime and establishing consistent State-wide assessment requirements and design considerations. Only Chapter 2 (Infrastructure) is relevant to the development application.
65. *Section 2.48 – Determination of development applications – other development* - This section applies to a development application involving development carried out within 5 metres of an exposed overhead electricity power line (among other matters) pursuant to Section 2.48(1)(b)(iii). There are no overhead electricity power lines in the vicinity of the event site and therefore a referral to the electricity supply authority pursuant to Section 2.48(2) is not required. The proposal is consistent with this clause.
66. *Section 2.119 - Development with frontage to classified road* – The event site does not have a direct frontage to the nearest classified road, comprising Railway Parade. Accordingly, this Clause is not relevant to the development application.
67. *Section 2.120 – Impact of road noise or vibration on non-road development* – This requires that development for certain land uses must consider the impact of road noise or vibration on non-road development. In this case, Belgrave Street is not included in the “mandatory” category for this assessment (being land adjacent to a road corridor with >40,000 vehicles per day or between 20,000 and 40,000 vehicles per day respectively) and the proposal does not involve any of the uses listed in the Clause. Accordingly, this control is not relevant to this proposal.

Section 2.122 – Traffic-generating development - This section requires consideration of certain matters relating to development which is deemed to be traffic-generating. There is no additional car parking proposed in the development application.

68. The proposal involves temporary uses and structures and does not involve any additional parking areas and therefore, the proposal does not achieve any of the criteria listed in Column 2. Accordingly, a referral to TfNSW is not required under this Section.
69. Accordingly, the proposal is considered to be consistent with the Transport & Infrastructure SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021

70. *State Environmental Planning Policy (Industry and Employment) 2021 (Industry & Employment SEPP)* provides controls for advertising and signage (Chapter 3), which is relevant to the application.
71. The proposal involves the installation of temporary event signage for wayfinding and safety. Details of the proposed signage will be required to be provided to Council for review and approval prior to the granting of an Event Permit for each individual event at the site at which time the specific signage can be considered further.

72. Pursuant to Sections 3.3 and 3.4, Chapter 3 applies to the proposed signage as it can be displayed with consent under the GRLEP 2021 (*Signage is permissible in the MU1 zone with consent as any other development not specified in item 2 or 4*) and is visible from a public place. It is noted that, pursuant to Section 3.4(2), the controls of this Policy do not apply to signage that is exempt development. This includes temporary event signage comprising an event signage where there is no more than one banner and one other type of temporary sign facing any road frontage, and does not have a surface area of more than 6 square metres, is not illuminated, is not displayed earlier than 14 days before the event and is removed within 2 days after the event. These specifications are recommended in the draft consent conditions in **Attachment 1**. It is considered that the majority of proposed event signage would be included within the exempt development provisions.
73. Part 3.2 of the SEPP applies to signage generally and pursuant to Section 3.6 of the SEPP requires that a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—
- that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and*
 - that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.*

The objectives to be considered include:

- to ensure that signage (including advertising)—*
 - is compatible with the desired amenity and visual character of an area, and*
 - provides effective communication in suitable locations, and*
 - is of high quality design and finish,*
74. The proposed signage outside of the exempt development provisions, is likely to be consistent with these objectives in that:
- The proposed signage is likely to be of a size and design expected in the area, which comprises a mixed use/local centre, and which is unlikely to dominate the visual amenity of the area and is compatible with existing signage in the area.
 - The proposed temporary signage will provide for effective communication of the events to occur at the event site including for wayfinding. The proposed new signage will be located in a suitable location given there are a number of other signs in the area.
 - The proposed temporary signage will likely be banner signs, which are of a high quality design.
75. The proposal temporary signage will likely be consistent with the assessment criteria in Schedule 5, which is considered in **Table 3**. The proposed signage can be provided to Council for review and approval prior to the granting of an Event Permit.

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

REQUIREMENTS	PROPOSAL	COMPLY
1. Character of the area		

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

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

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

GEORGES RIVER LOCAL ENVIRONMENTAL PLAN 2021

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

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

- Aim (aa) – *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- Aim (d) - *to provide for a range of recreational, social, cultural and community service opportunities to meet the needs of the Georges River community,*

79. The proposal satisfies these aims of the plan as the proposed development provides for cultural activities which contributes to community wellbeing.

80. The site is located in the MU1 Mixed Use zone (**Figure 6**). The land use definitions which are relevant to the proposal include:

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following—

- (a) an advertising structure,
 - (b) a building identification sign,
 - (c) a business identification sign,
- but does not include a traffic sign or traffic control facilities.

81. The proposal does not seek to change the primary use of the site for roads, footpaths and forecourts to existing buildings, however, proposes the use of the site for events, pursuant to Clause 2.8 of the GRLEP 2021. The use of the site for events is considered ancillary to the primary use of the site for road uses. Therefore, the proposal is permissible pursuant to Clause 2.8 of the GRLEP 2021 pursuant to a consent condition limiting the use of the site for events to 52 days (including bump in/bump out). Signage is permissible with consent in the MU1 zone (as *any other development not specified in item 2 or 4*).

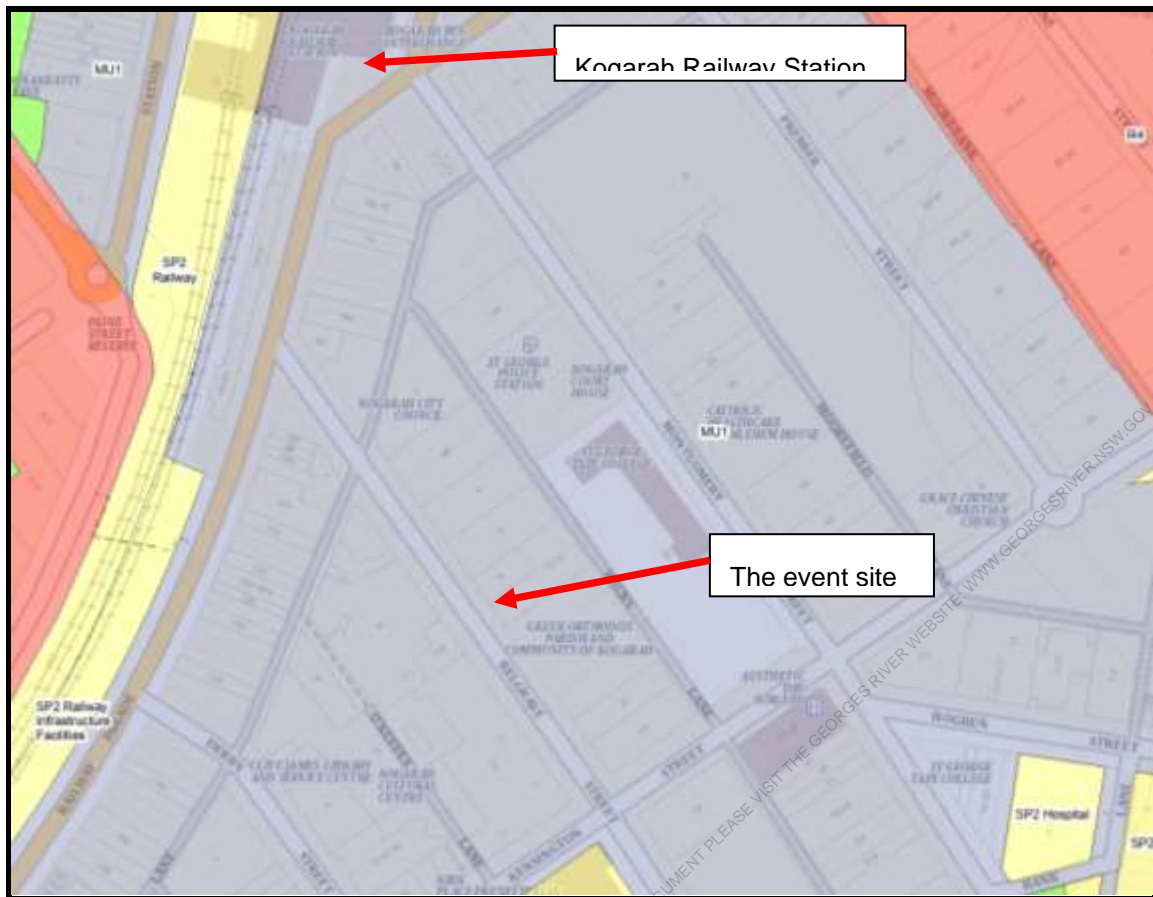


Figure 6: Zoning map from GRLEP 2021 (Source: NSW Planning Portal)

82. The objectives of the MU1 zone include (Clause 2.3):
- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
 - *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
 - *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
 - *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
 - *To integrate suitable business, office, residential, retail and other development in accessible locations to maximise public transport patronage and encourage walking and cycling.*
 - *To allow residential development that contributes to the vitality of the centre and provides housing that meets the needs of the community.*
 - *To encourage the provision of community facilities and public infrastructure so that all residents have reasonable access to a range of facilities and services.*
83. The proposal is consistent with these zone objectives in that the proposal provides for the use of the site for community events which will attract pedestrian traffic and will contribute to vibrant, diverse and functional streets and public spaces. The proposal will also provide for access to a range of facilities and services on event days. The restriction on the use of the event site to 52 days in any 12 months will ensure impacts to existing businesses within and adjoining the event site are minimised. It is also recommended as a consent condition that the number of major events is restricted to a maximum of four (4) in any period of 12 months to ensure that disruption to existing businesses including

active frontages and car parking, are minimised and balanced against the social importance of providing events for the community to celebrate together. The potential economic impacts to existing businesses in the area is considered in the Section 4.15(1) assessment in this report.

84. Clause 2.8 of the GRLEP 2021 provides for the temporary use of land. The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
85. The proposal is consistent with this objective in that the proposal will not compromise the future development of the land, or have detrimental impacts on the economic, social, amenity or environmental aspects of the land. The potential economic impacts to existing businesses in the area is considered in the Section 4.15(1) assessment in this report. The uses and structures are temporary and will not impinge on the use of the site for public roads and thoroughfares when the events are not being held.
86. Clause 2.8(2) states that despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months. A consent condition is recommended which clarifies that the period of any event includes any days required for set-up and dismantling of any equipment, stalls, temporary structures (bump in/bump out) and any other temporary site work or traffic management works. This requirement will reduce the number of events that can be held on the site, particularly the major events as such events will require more days for bump in/bump out. These matters are addressed in the recommended consent conditions. Accordingly, the proposal is consistent with this clause.
87. Clause 2.8(3) provides a precondition to the grant of consent, stating that development consent **must not be granted** unless the consent authority is satisfied as to the following matters, considered in the context of the proposal below:

- (a) *the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument,*

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

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

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

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

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

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

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

88. Accordingly, the proposal is consistent with Clause 2.8 of the GRLEP 2021 and satisfies the preconditions to the grant of consent, subject to the recommended consent conditions requiring a maximum of 52 days per year of use.
89. The relevant controls including development standards and preconditions to the grant of consent (in bold) of GRLEP 2021 are considered in **Table 4** below.

Table 4: Consideration of GRLEP 2021

Applicable LEP Clause	Standards	Proposal	Comply
Part 2: Permitted or Prohibited Development			
2.7 Demolition	Demolition requires consent	Not proposed	N/A
2.8 Temporary Use of Land	Refer above	Refer above	✓
Part 4: Principal development standards			
4.3(2) Height of Buildings	None specified	There are no permanent structures proposed.	N/A
4.4(2) Floor Space Ratio	None specified	There are no permanent structures proposed.	N/A
Part 5: Miscellaneous provisions			
5.10 Heritage Conservation	The objectives are to conserve the environmental heritage of Georges River.	There are heritage items adjoining the event site including: <ul style="list-style-type: none"> • No 1 Belgrave Street (Item I157 -Former Commonwealth Bank); • No 8 Belgrave Street (Item I158 - <i>Tokio House & Garden</i>); • No 90 Railway Parade – (Item I198 - Former post office); • No 92 Railway Parade – Item I199 - <i>Shops and offices</i>). 	✓

		The area is not located in a heritage conservation area. There are no permanent works proposed at the site and there are no works proposed to any of these heritage items. The event site does not include any of these heritage items. A consent condition is also recommended prohibiting the placement of any advertising or signage material on any of the nearby heritage items. Therefore, there is unlikely to be any significant impact on these items arising from the proposal.	
Part 6: Additional local provisions			
6.1 Acid Sulfate Soils	The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The site is not identified on the Acid Sulfate Soil map. Therefore, consent is not required under this clause.	N/A
6.2 Earthworks	Matters to be considered.	There are no earthworks proposed.	N/A
6.3 Stormwater management	Matters to be satisfied.	There are no permanent structures proposed and no changes to the existing stormwater management arrangements on the site.	✓
6.4 Foreshore area and coastal hazards and risk	This clause applies to land identified on the foreshore building line map.	The site is not identified on this map.	N/A
6.5 Riparian lands and waterways	This clause applies to land identified on the foreshore building line map.	The site is not identified on this map.	N/A
6.6 Foreshore scenic protection area	This clause applies to land identified on the foreshore scenic protection map.	The site is not identified on this map.	N/A
6.9 Essential Services	Adequate services are required to the site in relation to: <i>a. the supply of water</i> <i>b. the supply of electricity,</i> <i>c. the supply of telecommunications facilities</i> <i>d. the disposal and</i>	These services are all available at the site.	✓

	<i>management of sewage – e. stormwater drainage or on-site conservation – f. suitable vehicular access.</i>		
6.10 Design Excellence	Applies to new buildings of 3 or more storeys or more than 12m (or both) in the MU1 zone.	The proposal does not involve the erection of a new building or additions or external alterations to an existing building that, in the opinion of the consent authority, are significant.	N/A
6.11 Environmental Sustainability	Requires consideration of environmentally sensitive design prior to granting consent.	The proposal does not involve the erection of a new building or additions or external alterations to an existing building that, in the opinion of the consent authority, are significant.	N/A
6.13 Development in Zones E1, E2 and MU1	This clause applies to the event site in the MU1 zone (Cl 6.13(2)(b)). Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied the development will not cause a part of the ground floor of a building that is facing a street to be used for the purposes of residential accommodation or tourist and visitor accommodation.	<p>The proposal does not involve any permanent structures on the site and provides for an event use at ground level, consistent with the objectives of this clause to promote uses that attract pedestrian traffic along ground floor street frontages. Consent conditions recommending restricting the major events to a maximum of four (4) in any 12 months will ensure that active frontages are maintained for existing businesses within and adjoining the event site, with some disruptions on major event days only.</p> <p>Subclause (5) does not apply as the erection of a building is not proposed.</p>	✓

LPP013-25

90. The proposal is consistent with the GRLEP 2021.

PROPOSED INSTRUMENTS (Section 4.15(1)(a)(ii) of the EP&A Act)
DRAFT REMEDIATION OF LAND SEPP

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

- *Provide a state-wide planning framework for the remediation of land;*
- *Maintain the objectives and reinforce those aspects of the existing framework that have worked well;*
- *Require planning authorities to consider the potential for land to be contaminated when determining development applications and rezoning land;*
- *Clearly list the remediation works that require development consent;*

- *Introduce certification and operational requirements for remediation works that can be undertaken without development consent.*

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

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

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

94. There are a number of changes proposed comprising:

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

95. As part of the Cultural EIE, a *Draft Guide to Planning Pathways for Community Events* A guide for councils approving community events on public land and local streets has also been prepared by the Department (November 2024). The purpose of this guide is to provide clear and consistent information about the planning pathways available for community events on public land or those that involve street closures.

96. Section 5.4 of the Draft Guide refers to the lodgement of a development application where it is proposed to hold multiple events at the same site over the course of several years. These applications are referred to a 'global development application' because separate development consent may not be required for each event where event organisers propose an event within the parameters established by the existing development consent. Such DAs are encouraged in the draft guide as is proposed in this current development application.

97. It is considered that the proposal is consistent with the planning reforms outlined in the Cultural EIE and the Draft Guide and is therefore satisfactory having regard to Section 4.15(1)(a)(ii) of the EP&A Act.

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

Georges River Development Control Plan 2021

98. The development application is subject to the provisions of the *Georges River Development Control Plan 2021 (GRDCP 2021)* which was gazetted and came into effect on 8 October 2021 concurrently with the commencement of GRLEP 2021.

99. The relevant Parts of the GRDCP 2021 for the current proposal include:

- (a) Part 3 General Planning Considerations;
- (b) Part 7: Business Precincts (Part 7.1: General Commercial Controls); and
- (c) Part 8.1 – Kogarah Strategic Centre

Part 3: General Planning Considerations

100. The proposal is considered to be generally consistent with the controls of Part 3 including the following:

- *Part 3.2: Biodiversity* - The site does not contain any significant vegetation and is not referenced on the Green Web Map. The proposal is consistent with these controls.
- *Part 3.3: Landscaping* – There is no tree removal proposed in this application, and relevant conditions are recommended to ensure there is no damage to vegetation at the event site. The proposal is consistent with these controls.
- *Part 3.4: Bushfire Prone Land* - The event site is not bushfire prone land.
- *Part 3.5: Earthworks* - There is no excavation proposed and no fill is proposed. The proposal is consistent with these controls.
- *Part 3.6: Contaminated Land* – The event site is not considered to be contaminated land (discussed further in the Resilience & Hazards SEPP).
- *Part 3.7: Heritage* – There is a heritage item adjoining the event site, however, there will be no adverse impacts arising to the heritage value of this item from the proposal (refer to GRLEP 2021 assessment).
- *Part 3.8 Views Impacts* – The site is not affected by these hazards and there are no view impacts arising from the proposal as there are no permanent structures proposed.
- *Part 3.9 Coastal Hazards and Risks* – The site is not affected by these hazards or risks.
- *Part 3.10: Water Management* – The proposal does not involve any changes to the existing stormwater arrangements at the event site. The proposal is consistent with these controls.
- *Part 3.11: Ecologically Sustainable Development* - The proposal does not involve any permanent structures at the event site. The proposal is consistent with these controls.
- *Part 3.12: Waste Management* - The proposal will be required to manage waste appropriately on the site for each event. A Waste Management Plan is to be submitted to Councils Event Team as part of the Event Application Process. Conditions are recommended in this regard.
- *Part 3.13: Parking, Access and Transport* – There is no additional car parking being provided for the proposed events as there are a number of existing car parking facilities in the area and public transport is available in the area (train and bus services available in close proximity to the event site). Council's Traffic Engineer has reviewed the proposal and considered there will be no adverse traffic and parking implications resulting from the proposed development. No objections were raised subject to relevant conditions being imposed. The proposed road closures and access to parking are considered further in the key issues section of this report.
- *Part 3.14: Utilities* - There are adequate services on the site and the proposal is consistent with these controls.
- *Part 3.15: Public Domain* – There are no permanent works proposed in the public domain. Recommended conditions of consent are included requiring the event site to be returned to its pre-existing state following each of the events to be held at the site.
- *Part 3.17: Universal/Accessible Design* – There are no permanent buildings proposed to be constructed on the site.

- *Part 3.18 Advertising and Signage* – The proposed temporary signage has been considered in the Industry & Employment SEPP assessment in this report. Details of all proposed signage will be provided to Council for review and approval prior to the granting of an Event Permit as outlined in the recommended consent conditions.
- *Part 3.19: Crime Prevention/Safety and Security* – There are no permanent buildings proposed to be constructed on the site. The recommended consent conditions require the provision of security at the events to be held at the site.
- *Part 3.20: Noise and Vibration* - Clause 3.20.3 requires consideration of noise generating development, outlined below:

1. *Development should be sited and designed so that noise is kept to a minimum and does not create offensive noise as defined by the Protection of the Environment Operations Act 1997.*

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

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

An Acoustic report has been provided and is considered in the key issues section of this report.

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

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

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

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

Part 7: Business Precincts

101. This part applies to all Business zoned land being E1 Local Centre, E2 Commercial Centre and MU1 Mixed Use under the GRLEP 2021. In the event of any inconsistency between the controls specified in this Part of the DCP and Part 8 Strategic Centres, the specific requirements identified within Part 8 of this DCP shall prevail. The controls in

Part 7.1 are generally related to building form and amenity issues, which are not relevant to the current application as no permanent building works are proposed. Part 7.2 contain controls for Character statements for local centres, which are not relevant to the event site.

Part 8: Strategic Centres

102. The controls of Part 8.1 - Kogarah Strategic Centre are considered in **Table 5** for the proposal. The proposal is considered to be generally consistent with these controls.

Table 5: Consideration of Part 8.1 of the GRDCP 2021

Requirement	Proposal	Comply
Part 8.1.3 – The vision for Kogarah Town Centre		
By 2036, the Kogarah will be a vibrant Health and Knowledge precinct that continues to foster innovation, provides access to comprehensive education, is home to research institutions and is well-connected to major economic centres by efficient transport links. Council's planning and development approval processes will ensure Emphasis is placed on encouraging opportunities for social activities and community celebrations	The proposal allows the use of the event site for community gatherings and is therefore consistent with this vision.	✓
Part 8.1.4 Local Precinct Character Statements		
8.1.4.4 – Belgrave Street		
Desired future character Belgrave Street will be a green, vibrant pedestrian priority main street for the Kogarah Town Centre, providing a direct link to the hospitals as the southern anchor, leveraging its civic uses and supporting pedestrian desire lines from the hospitals to the station. A small public plaza at the intersection of Belgrave Street and Post Office Lane will provide additional civic open space within the Town Centre. Post Office and Wicks Lanes will provide a finer grain pedestrian network for the Kogarah Town Centre and will facilitate activation, street art and night time activity.	The proposal provides for a vibrant pedestrian use of the area which is consistent with the desired future character of the site. Relevant consent conditions are recommended to restrict the number of major events to ensure there is a balance between community activation and minimising disruption to existing businesses and residents within and adjoining the event site.	✓
Controls 1. Development is to address Belgrave Street with active frontages, awnings and street trees to increase pedestrian amenity between Railway Parade and the new entry to the St George Hospital as indicated by the Hospital Masterplan.	There are no permanent building works proposed.	N/A
2. Development is to be set back from Post Office Lane to allow redevelopment on both sides of the lane, while maintaining privacy between buildings and pedestrian amenity in the lane.	Refer above	N/A
3. The intersection of Kensington and Belgrave Streets is to be emphasised with buildings which address the corner	Refer above	N/A
4. Adjacent development is to consider and respect the two storey heritage buildings on the corner of Railway Parade and Gray Street (6-14 Gray Street). Development on Gray Street should relate with vertical proportions and frontage	Refer above	N/A

articulation.		
5. Minimum 3m setbacks to Post Office Lane and Wicks Lane. Street Aligned for commercial and residential must be setback on Belgrave Street.	Refer above	N/A
6. Upper levels of the building are to be setback to articulate the building along Montgomery Street, Belgrave Street and Post Office Lane.	Refer above	N/A
7. Provide clear lines of sight and unimpeded access along pedestrian links to public streets and plazas.	Any structures erected at the event site are temporary and will be removed at the conclusion of each event at the site.	✓
8. Provide a public link minimum 6.0m in width between Wicks Lane and Belgrave Street to create a continuous pedestrian link between Montgomery Street and Belgrave Street.	There are no permanent building works proposed.	N/A
9. Align the new pedestrian through-site link on axis with the existing walkway, terminating at the corner of Belgrave Street and Post Office Lane.	There are no permanent building works proposed.	N/A
10. On Montgomery Street and Belgrave Street, visually break up the building mass both vertically and horizontally, for example with building bays, openings and entries.	There are no permanent building works proposed.	N/A
Part 8.1.5 Kogarah Town Centre General Controls		
1. Consolidation of sites	There are no permanent building works proposed.	N/A
2. Alignment of buildings	There are no permanent building works proposed.	N/A
3. Dedication of Land to Council for Road/Lane Widening	There are no permanent building works proposed.	N/A
4. Awnings	There are no permanent building works proposed.	N/A

LPP013-25

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

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

Georges River Council's Events Toolkit, Charter and Guide

105. Council has prepared an *Events and Festivals Charter* which defines a framework for Council and external events for the greater benefit to the Georges River community. Council aims to establish Georges River as a leading event-friendly destination, with a balanced calendar of events that attracts visitors, bolsters the economy, and reflects community and cultural identity. The strategic objectives include to foster positive community connections, increase community engagement, promote diversity, civic pride and cultural identity and to contribute to resilience and local economies.

106. The *Event Guide* provides information on planning and holding events in the Georges River area and outlines the requirement for an Event Permit application to host an event within the Council area. The Guide outlines the requirements for such an application which includes public liability insurance, a risk assessment plan and a site map.
107. The *Event Toolkit* includes all of the necessary documentation required for an Event Permit application, comprising the application form, risk assessment report, an Event operations plans, site map guidelines, contact information, and stallholder application forms. An Event notification letter, lost/found child procedures and temporary food premises information are also provided.
108. The development application is consistent with the Events and Festivals Charter subject to the recommended consent conditions.

Council Related Development Application Policy

109. The Council's *Council related Development Application Policy* was adopted by Council on 24 February 2025, and was prepared in accordance with Section 66A of the *Environmental Planning and Assessment Regulation 2021 (Regulation)*. The policy aims to manage potential conflicts of interest and increase openness and transparency at all stages of the development process for Council related development by Council.
110. A *Council-related development application* is defined in Schedule 1, Clause 9B of the EP&A Act as:

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

 - (a) made by or on behalf of the council, or
 - (b) for development on land, other than a public road within the meaning of the *Local Government Act 1993*—
 - (i) of which the council is an owner, a lessee or a licensee, or
 - (ii) otherwise vested in or under the control of the council.
111. In this case, the land is owned by Council and therefore satisfies the definition of a *council-related development application*.
112. Pursuant to Section 2.1(2) of the Policy, the development application was referred to Council's Manager Development and Building for a conflict-of-interest risk assessment and preparation of a management statement in accordance with the requirements of the Regulation. The management statement was notified for 28 days from 20 March 2025 until 1 May 2025 pursuant to Section 2.3 of the Policy as outlined in this report. The level of risk associated with the current development application is medium risk as it involves a council-related development for which the LPP is the consent authority.
113. Section 2.4 of the Policy requires that medium risk development applications are to be assessed by Council staff and referred to the LPP for determination. In this case, Council considered that the development application is to be assessed by an external independent consultant planner and referred to the LPP for determination as outlined in the Management Statement.

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

114. The proposal is not subject to any levies or contributions in accordance with Clause 1.2

of the *Georges River Council Local Contributions Plan 2021 (Section 7.11 and Section 7.12) Plan* as the estimated cost of works is less than \$100,000.00.

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

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

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

116. Section 30B of the Regulations requires that Council-related development applications must be accompanied by a statement specifying how the council will manage conflicts of interest that may arise in connection with the application because the council is the consent authority (Management Statement) or a statement that the council has no management strategy for the application. Council has provided a Management Strategy which states that the development application is a medium risk application and that an independent planning consultant is to prepare the assessment report and for the development application to be referred to the LPP for determination. The development application satisfies this Section of the Regulations.

117. Division 1 of Part 4 of the Regulations requires consideration of the following matters:

- (a) Section 61: Additional matters that consent authority must consider – There are no matters in this section which are relevant in relation to the development application;
- (b) Section 62: Consideration of fire safety - The development application does not involve a change of building use for an existing building and therefore this is not relevant to this application;
- (c) Section 63: Considerations for erection of temporary structures - In determining a development application for the erection of a temporary structure, the consent authority must consider whether—
 - a. *the fire protection and structural capacity of the structure will be appropriate to the proposed use of the structure, and*
 - b. *the ground or other surface on which the structure will be erected will be sufficiently firm and level to sustain the structure while in use.*
 Relevant consent conditions are recommended in relation to these matters.
- (d) Section 64: Consent authority may require upgrade of buildings - The development application does not involve the rebuilding or alteration of an existing building and therefore this is not relevant to this application;
- (e) Section 66A: Council-related development applications—the Act, s 4.16(11) - A council-related development application **must not be determined** by the consent authority unless the council has adopted a conflict of interest policy, and the council considers the policy in determining the application. This Policy has been adopted by Council and is considered in this report. This matter has been satisfactorily addressed by the development application. Therefore, Section 4.16(11) of the EP&A Act has been satisfied and consent can be granted.

Key Issues

Road Closures

118. The proposed Option 2 road closure involves closing Belgrave Street at its intersection with Railway Parade. This road closure will restrict vehicle access to twelve (12) existing public on-street car parking spaces adjoining 92 Railway Parade Kogarah. This Option 2 road closure will also prevent vehicle access to the basement car parking for No 5

Belgrave Street which contains a significant number of car spaces and is only accessed from Belgrave Street via the one-way Post Office Lane. The Option 2 road closure would prevent vehicle access for residents and business owners in the building at No 5 Belgrave Street from accessing their garages for an unspecified period as there is an area for tents, marquees and food vending in this area (in addition to the road closure), and likely up to three (3) days in the case of the Uncontained Arts Festival, which is unacceptable.

Further, the application does not outline how often the Option 2 road closure would be implemented or nominate the likely number of major events (likely to be the main reason for the Option 2 road closure). Given the likely disruption to car parking and vehicle access to a significant number of properties, a consent condition is recommended which prevents the use of the Option 2 road closure.

Number and Type of Events

119. The development application does not outline the total number of events proposed to be held at the event site or the composition of those events as either mid or major events. The major events have the potential to result in some disruptions to businesses and residents as well as potentially impact on the amenity of the general area through the creation of noise.

Therefore, it is considered that the proposed operation of major events at the event site should be limited to four (4) events in any 12 months. This number of major events will allow the existing three (3) major events which regularly occur at the site, comprising the *Uncontained Arts Festival*, *Kogarah Family Fair* and the *Eat/Art Night Markets* to be undertaken, as well as an additional one which may be created/organised in the next five (5) years. Any further major events beyond this number will require a separate (future) development application so that potential impacts can be considered.

Accordingly, a consent condition is recommended to limit the number of major events to a maximum number of four (4) events to reduce disruption to existing businesses and residents arising from the operation of the events at the event site.

Acoustic Impacts

120. In relation to acoustic impacts, Part 3.20.3(3) and (4) of the GRDCP 2021 contains the following controls:

3. *The location and design of noise generating activities, such as loading and unloading areas, garbage collection areas, driveways, parking areas, active recreation areas, air conditioning or mechanical plants, should be sited away from adjacent sensitive land uses and/or screened by walls or other acoustic treatments.*
4. *In addition to physical noise mitigation measures, noise impact management measures should be used to further limit potential noise impacts on sensitive land uses such as:*
 - i. *Scheduled times to undertake noise generating activities and/or use of noise generating machinery; and*
 - ii. *Reasonable hours of operation including delivery hours. Note: Noise generating development may include, but is not limited to the following: childcare centres, schools, places of public worship, industrial uses, commercial developments, hotels, backpackers' accommodation, and some active recreational facilities.*

121. The development application is accompanied by an *Operational Noise Management*

Plan prepared by Acoustic Dynamics dated 19 November 2024 (**Noise Management Plan**). The Noise Management Plan assessed noise from two event scenarios and the bump in/bump out activities in relation to the project noise trigger level for each of the assessment periods (day, evening, night) for the site. These scenarios comprise the following:

- Scenario A: a mid-event with a maximum 1,000 event participants at any one time, pop up stalls/tents/installations spread evenly across the site, performing musicians on the stage, food trucks with background music and exhaust fans and up to three (3) generators on the site;
- Scenario B: a major event with a maximum 5,000 event participants at any one time, pop up stalls/tents/installations spread evenly across the site, performing musicians, including a DJ with video screen, on the stage, food trucks with background music and exhaust fans and up to eight (8) generators on the site; and
- Scenario C: a maximum of 30 staff with a maximum 2 heavy vehicles within a 15 minute period to deliver event equipment, light power tools to be used sparingly between 7am and 6pm only and testing of speakers and sound systems between 8am and 9pm only.

122. The noise assessments were based on likely noise levels from various sources as outlined in the report in Table 4.2 (provided from short term measurements or referenced from a database), which includes noise from patrons, performing musicians, food trucks, generators, performing bands with speakers and heavy vehicles for bump in/bump out. The noise assessment also assumed that all music would cease before 10.00pm. The cumulative noise impact has been assessed to the potentially most affected point at the adjacent sensitive receiver properties which include residential developments at:

- R1 - No 4 to 12 Belgrave Street (opposite side of Belgrave Street to the NE)
- R2 - No 3 to 9 Belgrave Street (adjoining Kogarah Town Square to N)
- R3 - No 9 & 13 Belgrave St (Kogarah Town Square)
- R4 - No 13-19 Belgrave Street (to the south of Kogarah Town Square)
- R5 - No 24 Belgrave Street (opposite side of Belgrave Street to the SE)

Receivers R2 and R3 are the most affected residential receivers given their location adjoining the Kogarah Town Square (**Figure 7**).



Figure 7: Residential Receivers (Source: Noise Management Plan, Acoustic Dynamics, Nov 2024)

123. The noise assessments revealed the following

- Noise emission from the mid and major events is predicted to exceed the relevant external noise emission criteria when assessed at the nearest sensitive receivers during the worst-case operational scenario;
- The proposal is predicted to comply with the guidelines on sleep disturbance during bump in/bump out periods if vehicle movements and minor works are limited prior to 7.00am and after 10.00pm;
- Major events are predicted to exceed the sleep disturbance criteria, however the risk of sleep disturbance can be minimised following the implementation of the recommended noise management measures outlined in the Noise Management Plan;
- The noise emissions assessment was undertaken under worst-case scenario and that generally noise emissions associated with the proposed events is predicted to be lower than the calculations outlined in the Noise Management Plan.

124. The Noise Management Plan outlines a number of recommendations to ensure noise associated with the proposed events is adequately managed and minimised comprising the following:

- Best management practice and Noise Management Plan & Bump In / Bump Out – measure to include:
 - Noise and vibration induction for all site staff,
 - Vehicle movements and deliveries required for bump in/bump out periods are recommended to occur during day-time hours only (i.e. between 7.00am and 10.00pm Monday to Friday, or between 8.00am and 10.00pm on weekends and public holidays).
 - Engines of trucks and other heavy vehicles should be switched off if on-site for longer than five (5) minutes;
 - Where feasible, consider reducing operations after 10.00pm by reducing the operational capacity of mechanical equipment such as generators
 - Use of electrical power and construction tools to be used between the hours of 7:00am and 6:00pm to minimise the risk of acoustic disturbance in the evening

- and night-time periods. The continuous operation of tools and machinery should be avoided (i.e. by providing short periods of respite) wherever feasible to minimise noise impacts on the surrounding area;
- Sound testing and rehearsals for performances to occur between 7:00am and 6:00pm to minimise the risk of acoustic disturbance in the evening and night-time periods and the duration of any sound checks should be minimised;
 - Consider the placement of noise equipment such as site generators:
 - Enclose equipment within ventilated enclosures, where feasible
 - Position equipment behind structures that act as barriers;
 - Locate equipment at the greatest distance from noise sensitive areas; or
 - Orient equipment such that emission is directed away from noise sensitive areas.
 - Ensure all noisy engines, fans and pumps are fitted with efficient muffler or silencer design and where feasible, consider using quieter engines, such as electric instead of internal combustion;
 - At the cessation of events, ensure participants leave the premises quietly and respectfully to minimise any potential impact on the surrounding amenity, including provision of signage;
 - Implementation of an appropriate community liaison procedure, including a noise and vibration complaint procedure and means of ongoing communication with nearby potentially affected receivers once development operations begin
- Acoustic barriers – where feasible, consider the use of acoustic barriers to mitigate noise transmission from high-generating noise uses such as site generators and other continuous running sources of mechanical plant, the rear of sound stages, and other high noise generating sources of entertainment to the nearest receivers.
 - Vehicle Management Procedures - Deliveries should be avoided during night-time periods (between 10:00pm and 7:00am from Monday to Friday, or 8:00am on weekends and public holidays) to minimise the risk of sleep disturbance. Soft rubber pads between items of heavy equipment and other measures to avoid impact noises should be investigated and applied where practical and non-tonal reversing beepers should be used on site, where safe;
 - Community Liaison Procedure - The implementation of an appropriate community liaison procedure, including a noise management and complaint procedure, and continual liaison with the nearby potentially affected receivers as outlined in the Noise Management Plan.
 - Audio Systems And Musical Performances – Recommendations relating to the layout of all loudspeakers and portable amplifiers and to proposed performing artists and musicians to minimise noise emission to nearby sensitive receivers were outlined, including:
 - Stages for performing artists and musicians shall be located at the two (2) locations marked on the Event Site Plan;
 - Speaker location and orientation to be optimised to ensure no speakers are facing directly toward nearby residential receivers and to minimise noise emission to all receivers along Belgrave Street and surrounding Kogarah Town Square;
 - Minimisation of the number of sub-woofer speakers included for the event.
 - All loudspeakers and amplified music are powered off and no audio is amplified after 10:00pm and no artist's performing after 10:00pm;
 - Schedule of all performing artists and musicians to be staggered such that no more than one (1) artist is performing at any moment in time;
 - Installation of an overall output limiter (or several output limiters assigned to the various groups of speakers) to enable maximum overall output levels to be limited for the duration of the events;
 - Direct, real-time, communication between the audio engineers in control of the

noise output levels of all audio-visual and audio amplification equipment during the event and an event representative, for the duration of the event.

- Pyrotechnics / Fireworks – Recommendations for management of noise from fireworks include:
 - Annual frequency of pyrotechnics and fireworks should be extremely limited;
 - Duration of pyrotechnics and fireworks to be minimised and limited to no more than 15 minutes;
 - Distance between the pyrotechnics and fireworks and receivers (including event participants) is maximised; and
 - To avoid the risk of sleep disturbance, pyrotechnics and fireworks should not occur after 10:00pm or prior to 7:00am.

125. The Noise Management Plan outlined the project amenity noise level and sleep disturbance criterion and considered the external noise emissions from the events, the bump in/bump out activities and the likely additional traffic noise. The Noise Management Plan also provided a number of recommendations to ensure noise associated with the proposal is adequately managed and minimised which is required by the DCP controls. These recommendations included:

- Best management practice policies and procures
- Acoustic barriers to mitigate noise transmission where possible
- Signage regarding patrons leaving quietly
- Vehicle management procedures
- Equipment controls and speaker placement requirements
- Community liaison procedures, including complaint handling process and a designated contact person during events,
- Audio systems and musical performances, including no performances or amplified music after 10.00pm
- Pyrotechnics restrictions
- Bump in/bump out operations, including limiting operation of power tools and sound testing/rehearsals to occur only between 7.00am and 6.00pm.

126. The Noise Management Plan concluded that while the noise generated in general during events will not comply with industry noise requirement, the recommendations provided will likely ensure the noise emissions associated with larger mid and major events will generally comply with intent of the applicable noise emission criteria. When combined with real-time event noise monitoring, the Noise Management Plan considered that the proposal is unlikely to adversely impact nearby receivers for significant durations or frequencies throughout the year.

127. It is also considered that given the proximity of residential development to the event site, it is unlikely that the relevant noise criteria could be achieved for the nearby residential development. On balance, it is considered that the recommended mitigation measures and consent conditions, will reduce potential noise impacts to nearby residents and that the operation of the events on the site have a significant public benefit in bringing the community together to celebrate events as well as providing vibrancy to the town centre for existing businesses. The recommended consent condition to limit the number of major events to four (4) in any 12 months will also assist in reducing acoustic impacts to surrounding residents and businesses.

128. Council's Environmental Health Officer has also considered the Noise Management Plan

and did not raise any objections to the proposal, providing recommended conditions of consent.

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

Natural Environment

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

Built Environment

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

Social Impact

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

Economic Impact

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

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

133. The site is zoned MU1 Mixed use pursuant to the GRLEP 2021 and is located in the Kogarah town Centre. The proposal results in a reasonable planning outcome (subject to the recommended consent conditions) which is considered to be compatible with the site. It is considered that the proposal will not have any unreasonable impacts on adjoining properties, the streetscape or locality beyond in its current form subject to the recommended conditions of consent.

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

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

Table 6: Consideration of Public Submission

Issue	Comments	Resolved
Reduction in access	The concerns stated the proposal will	✓

<p>to car parking spaces in the vicinity of the event site</p>	<p>result in:-</p> <ul style="list-style-type: none"> • Loss of 12 public car parking spaces adjoining No 92 Railway Parade which provide car parking for premises along both Belgrave Street and Railway Parade, which will be removed if the road closure occurs at the corner of Railway Parade and Belgrave Street (Option 2 road closure) with a negative impact on local businesses. The submission also stated that these small strip shop businesses need this parking to survive and removing it will have a devastating commercial impact on these local businesses which Council needs to support and encourage, particularly given the frequency of the proposed events (52 days/ year plus 3-4 set up and removal days = 260 days/year or 70% of the year). • Loss of vehicle access to No 5 Belgrave Street, which the submission states is a car park that services the commercial/residential building on the corner of Belgrave Street and Post Office Lane and also assists in servicing parking for St George Hospital in Kogarah. Events such as those anticipated with this application would increase the pressure and need for parking, with attendees at such Events putting further pressure on limited on street parking. <p><u>Comment:</u> The proposed Option 2 road closure is not supported and a consent condition is recommended to be imposed to prohibit this road closure. It is noted that the car park to No 5 Belgrave Street does not appear to provide for public car parking, although it does service a large mixed use development. There is a public car park on Derby Street (Point Parking - Derby Street Carpark) which is accessed from</p>	
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	Derby Street and not via Belgrave Street and therefore the public car parking in the area will not be affected by the proposal.	
Removal of active frontage and restrictions on pedestrian access	<p>The submission stated that the application effectively removes the active street frontage for No 92 Railway Parade under the Option 2 road closure and the proposed event layout and traffic block off points are also likely to redirect and restrict pedestrian access along the northern end of Belgrave Street shops by blocking the footpath access, which is contrary to the zone objectives. The submission stated that the proposed market stalls will block the shopfronts and channel pedestrians through the middle of the markets. The submission requested that Council balance the interests of the local businesses with this desire for community events and go with Option 1 road closure.</p> <p><u>Comment:</u> The proposed Option 2 road closure is not supported given it restricts vehicle entry to car parking for No 5 Belgrave Street and a consent condition is recommended to be imposed to prohibit this road closure. In relation to pedestrian access, a consent condition is recommended that ensures existing pedestrian access through the site is maintained throughout the operation of the events. This will ensure pedestrian access is still provided along Belgrave Street.</p> <p>In relation to potential adverse impacts on existing businesses within the event site, particularly in relation to people using the services offered by the event (such as food premises) or potentially blocking some of the shop frontages (for all of the businesses fronting Belgrave Street), these potential impacts need to be balanced against the important role that community events play in the wellbeing of the community. Furthermore, people will be drawn to the centre for the events and therefore there is likely to be economic activity generated for the existing shops</p>	✓

	and businesses in the area. On balance, it is considered that the proposal is in the public interest subject to the recommended consent conditions outlined in this report.	
Street closures and restricted access to No 5 Belgrave St	<p>The concerns stated that the application proposes two road closure options for events, with Option 1 being more favourable to the local community, residents, shoppers and commercial tenancies as:</p> <ul style="list-style-type: none"> - it will allow traffic circulation (drop off and pick up) - it will allow for the use of Post Office Lane (one-way laneway) which allows entry to the car park for No 5 Belgrave Street - minimises traffic conflict at the corner of Belgrave Street and Railway Parade which will result from Option 2. <p>Option 2 road closure is not supported as it will result in congestion by blocking an area of roadway off Railway Parade, will reduce access to St George Hospital and increase traffic in the area. Option 2 would have a very poor outcome on local businesses, traffic circulation, access to the event and public convenience of movement.</p> <p><u>Comment:</u> The proposed Option 2 road closure is not supported given it restricts vehicle entry to car parking for No 5 Belgrave Street and a consent condition is recommended to be imposed to prohibit this road closure (refer to other issues outlined in this submission).</p>	✓
Frequency & Duration of Events	The submission stated that there is inadequate information in relation to how many days an event may be held for, and that the application is extremely vague that it could not lawfully be approved with its current state/level of detail (see <i>Torquil Cameron v Nambucca Shire Council [1997] NSWLEC 114</i>). The concerns stated that certainty of the application and it's environmental impact must be 'upfront', which is not the current state of the application as it has not addressed the	✓

local concern that the frequency with which events may be carried out (up to 260 days including bump in/bump out) will have a potentially detrimental effect on the amenity of existing businesses. The submission requested that further information be provided identifying the expected frequency and duration of minor, mid and major events in a calendar year and what has to be set up and packed down.

Comment: Having considered the cited case, where there were significant inadequacies in the application (i.e. no consideration of traffic impacts, acid sulphate soils and biodiversity), this development application provided limited information on the number and type of events to be held at the site.

However, certainty is provided in Clause 2.8 of the GRLEP 2021 which only permits temporary uses to occur for 52 days in any 12 months. This requirement is recommended to be imposed as a consent condition, with this condition also ensuring that any bump in/bump out activities are included within those given 52 days. A further consent condition is also recommended to limit the number of major events to four (4) in any 12 months to reduce potential adverse impacts on the existing businesses and residents in the area.

This number will allow the existing three (3) major events which regularly occur at the site (*Uncontained Arts Festival*, *Kogarah Family Fair* and the *Eat/Art Night Markets*) to be undertaken plus an additional one which may be organised in the next five (5) years.

Further, each event to be held at the site is also required to obtain an Event Permit from Council (also a recommended consent condition) which represents a further assessment of the detailed arrangements for each event which will be assessed in that Event Permit application.

Acoustic Impact	<p>The submission stated that given the location of commercial and residential uses within the surrounding area, there are potential noise concerns generated by events and the associated bump in/bump out works including:</p> <ul style="list-style-type: none"> the noise management strategies proposed will be insufficient to mitigate the noise generated, particularly on residential and commercial spaces. the specifics of noise impacts are vague. A two week notice letter sent to residents/owners in the event site (page 21 of Acoustic Report) is inadequate to allow residents and commercial/office operations to prepare for the noise and other disruptions of a major event. the potential for 52 events a year means that the frequency of the events could have an extreme impact on the conduct of businesses in the area. This is an example of the assessment problems arising from the vagueness of the proposal, given this may not happen all the time but that is what the consent seeks. <p><u>Comment:</u> Each event is required to obtain an Event Permit for each event to be held at the event site, which includes notification to surrounding residents and businesses in accordance with Council's Event Toolkit.</p> <p>In relation to potential acoustic impacts arising from the proposed events at the site, this is considered in detail in the Acoustic Report submitted with the application and in this report and has been considered by Council's Environmental Health Officer to be satisfactory subject to conditions. The recommended consent conditions also impose restrictions on the number of major events at the site and hours of operation of events, including sound</p>	✓
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	checks and use of amplified music.	
Cumulative Impact & Notification	<p>The concerns stated that the likely adverse environmental impacts on the Kogarah town centre community will be facilitated by any consent to this vague application as the application could involve 4-5 days set up/take down, road closures for 52 weeks a year, i.e. this could result in removal of critical shopping centre parking and restricted pedestrian access for 260 days a year.</p> <p>The submission also stated that it is unclear whether notice will be given to the owners/residents located in the event site for each Event Permit application and whether they will be given the opportunity to comment on such an application. The submission stated that there is a denial of procedural fairness and community participation if such notification and submission opportunity is not given, and that Council could not be giving proper consideration to community concerns.</p> <p><u>Comment:</u> This development application represents the overarching approval for event uses on the site for the next five (5) years and has been subject to two (2) community notification periods for community consultation. The concerns outlined this submission have been considered in this assessment and concerns are largely resolved in the recommended consent conditions. Therefore the community has had an opportunity to provide comments on the proposal pursuant to the requirements of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Council's Event Guide requires that an event notification letter is sent 2 weeks prior to inform and minimise the impact to surrounding residents and businesses. There is no requirement for further community consultation for the Event Permit application.</p>	✓
Inconsistent with the MU1 zone	The submission stated that the application is contrary to the zone	✓

objectives	<p>objectives due to the reduction in car parking adjoining 92 Railway Parade and restricted access to the car park entry to No 5 Belgrave Street. The submission also stated that if Option 1 road closure is pursued in a manner that does not block off Post Office Lane, that the objectives can be achieved. The concerns also stated that ensuring that local businesses are encouraged and supported is fundamental to the achievement of the zone objectives, which is not considered achieved with Option 2.</p> <p>The submission also stated that more detailed analysis of the environmental impacts including traffic movement and noise must be undertaken to inform detailed conditions of consent, particularly if such vague and far reaching consent is to be granted.</p> <p><u>Comment:</u> The application has been appropriately assessed, with input from Council's special health and traffic officers, and relevant consent conditions are recommended to be imposed to ensure impacts are minimised to the surrounding area, while also allowing for community events to be undertaken at the event site.</p>	
Consent conditions	<p>The submission stated that a specific limit on the total yearly number of days and how many days at a time roads can be closed (including set up and pack down time/ bump in/ bump out') should be imposed as consent conditions.</p> <p><u>Comment:</u> This has been addressed in the recommended consent conditions.</p>	✓

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

135. The proposal is considered to be in the public interest as the proposed development is generally consistent with the applicable planning controls and achieves the objectives of the zone subject to the recommended consent conditions, particularly those conditions limiting the number of major events and road closures. The proposal is also generally consistent with the *Georges River Local Strategic Planning Statement 2040*. In particular Theme 3: *Housing and Neighbourhoods* in that the proposal allows for place-making initiatives in the neighbourhood such as pop-up events which can be facilitated through local guidelines and controls and supported by an Activation Plan. The proposal is also consistent with Action A54 which encourages temporary events. While there may be

some temporary impacts to existing businesses and residents in the area, it is considered that these impacts have been minimised as much as possible and the wellbeing of the community through the operation of community events is also an important consideration.

136. The proposal is also consistent with Pillar One of Council's *Community Strategic Plan 2022-2032* in that it provides for a socially and culturally connected community through events and festivals, which is outlined in Goal 1.1.

SUBMISSIONS, REFERRALS AND THE PUBLIC INTEREST

137. The application was notified for 57 days (due to the Christmas shut-down) between 12 December 2024 and 7 February 2025 and between 20 March and 1 May 2025 (25 days excluding Easter and Anzac Day public holidays). In response, one submission was received, which has been adequately considered in this assessment.

COUNCIL REFERRALS

138. The following referrals were undertaken with Council's specialist assessment officers:

- (a) Health – Considered the Noise Management Plan, the Food Act legislation and the *Protection of the Environment Operations Act 1997*. The acoustic issues are considered in more detail in the key issues section of this report. No objections were raised to the proposal subject to the recommended consent conditions.
- (b) Traffic – Council's Traffic engineer considered the proposal and stated that the site is highly accessible to public transport infrastructure, including the Kogarah Railway Station and bus terminal, situated 120 metres north of the event site and a second bus stop 80 metres west of the event site on Kensington Street. The referral comments noted that the existing public transport network can accommodate the increased number of passengers during temporary events held within the event site and that in addition to public transport, there are several car parks located within walking distance to the event site. Attendance at the temporary events will predominantly be through public transport or walking and that it is also likely some people may attend events that are already in the vicinity having arrived earlier when events commence.

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

External Referrals

139. There were no external referrals required for the development application.

CONCLUSION

140. The proposal seeks consent for the temporary use of Kogarah Town Square, part of Belgrave Street, as bounded by Railway Parade to the north and Kensington Street to the south, and the forecourt of No. 2 and 2B Belgrave Street, for community, cultural, and corporate events, including the erection of associated overlay including temporary structures.
141. The proposal has been assessed with regard to the matters for consideration pursuant to Section 4.15 of EP&A Act. The proposal is considered to be an appropriate response

to the context of the site and will result in a reasonable planning outcome, subject to the recommended conditions of consent.

142. The proposal has been assessed against the provisions of the relevant State Environmental Planning Policies, *Georges River Local Environmental Plan 2021* and *Georges River Development Control Plan 2021*. The proposal complies with the development standards of the Local Environmental Plan, meets the underlying objectives of Development Control Plan and is worthy of support subject to the recommended conditions of consent.

RECOMMENDATION AND STATEMENT OF REASONS

143. Statement of Reasons

- The proposal is consistent with the aims of the GRLEP 2021 in that it provides for events to be held within the Kogarah Town Square which will promote social connectedness and will contribute to the viability and vibrancy of centres. The proposal also promotes and facilitates liveable neighbourhoods as promoted by the *Georges River Local Strategic Planning Statement*.
- The site is located in the MU1 Mixed Use Zone under the GRLEP 2021 and is generally consistent with the objectives of the zone given it provides for events which will create diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- The proposed development is a permissible use on the site pursuant to Clause 2.8 of the GRLEP 2021.
- The proposal satisfies the preconditions to the grant of consent requirements of the GRLEP 2021, including 6.9 (Essential services), and 6.13 (Development in certain business zones).
- The proposal is consistent with the planning controls and objectives of the relevant State Environmental Planning Policies and the GRDCP 2021 having regard to the controls in Parts 3 (General Planning Considerations), Part 7 (Business Precincts), and Part 8.1 Strategic Centres.
- The proposal is satisfactory, having regard to potential impacts on the natural and built environment and is considered to be compatible with the desired future character of the area. The potential impacts to existing businesses and residents in the event area have been considered and minimised as far as possible, while balancing the importance of community wellbeing through the operation of such community events.
- The proposal is also considered to be satisfactory having regard to social and economic impacts and the amenity of adjoining properties is maintained, subject to the recommended conditions of consent.

RECOMMENDATION

144. Pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979*, the Georges River Local Planning Panel grant approval for the temporary use of Kogarah Town Square, part of Belgrave Street, as bounded by Post Office Lane to the north and Kensington Street to the south, and the forecourt of No 2 & No 2B Belgrave Street, for community, cultural, and corporate events, including the erection of associated overlay including temporary structures for five (5) years subject to the recommended conditions.

Note: The description of the development requires amendment in any consent granted to remove the reference to the Railway Parade (road closure) and the specific number of events (given the 52 days per year includes bump in/bump out).

GENERAL CONDITIONS

1. Approved Plans

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

Description	Reference No.	Date	Rev	Prepared by
Site Plan	DA1.01	15/11/24	A	GSBN
Accessibility Map	DA1.02	15/11/24	A	GSBN
Operational Noise Management Plan	6581R001.LM.241119_1	19/11/24	3	Acoustic Dynamics
Traffic Management Plan	-	14/11/24	-	Guardian Venue Management International
Statement of Environmental Effects	-	20/11/24	C	Milestone

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

2. Duration of Consent

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

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

3. Frequency of Event Use

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

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

4. Event Capacity and Events Types

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

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

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

5. Major Events

The number of major events to be held at the site (as defined in Council's Event Guide) is limited to four (4) events in any period of 12 months.

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

6. Road Closures

Road closures are to occur only in accordance with Option 1 as outlined on the Traffic Management Plan prepared by Guardian Venue Management International dated 14 November 2024. Belgrave Street must only be closed at the intersection with Post Office Lane to the north and Kensington Street to the south.

Reason: To ensure disruption to local businesses and residents is minimised during the operation of events at the site, particularly in relation to vehicle access.

7. Event Permit

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

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

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

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

8. Hours of Operation

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

- (a) Events:
 - (i) 7:30am to 11:00pm, Sunday to Thursday
 - (ii) 7:30am to 12:00 midnight, Friday and Saturday

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

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

9. Condition of Event Site

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

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

10. Site set up

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

Reason: To ensure disruptions on the site are minimised.

11. Event Traffic Control Plans

The Event Traffic Control Plans (Option 1 - Version 1 and Option 2 - Version 1) prepared by Guardian Venue Management International dated 14 November 2024 shall be submitted to the Georges River Local Traffic Committee for approval prior to the first event taking place involving a full road closure.

Reason: To ensure compliance with Council's requirements under the Roads Act 1993.

12. Traffic and Transport Management

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

All events are to be undertaken in accordance with the following

- (a) Footpaths shall not be obstructed by temporary structures, staging, equipment, speakers or signage.
- (b) Any proposed structures adjacent to the roadway shall comply with the requirements of AS 2890.1 to provide for adequate sight distance. This includes, but is not limited to, structures such as temporary signage, stalls, registration tables etc.
- (c) If car parking is provided within the site, sufficient signage and supervision shall be provided by the operator/proprietor to ensure that parking is carried out in an orderly and safe manner.
- (d) Parking and Traffic Marshals shall direct vehicles to appropriate parking areas and ensure safe vehicular and pedestrian movement. All marshals must wear reflective safety vests at all times and be positioned at the entry to the site, the parking area and throughout the event course.
- (e) Any Marshal directing traffic within the Road Reserve must be TfNSW Traffic Control accredited.

- (f) Heavy or other vehicles used as part of any event shall be of a size that does not require the vehicle to travel over any kerb or traffic control device/island when entering or exiting the event site.
- (g) All temporary events requiring road closures will need approval from Council under Part 9 of the *Roads Act 1993* via the lodgement of a Temporary Road Closures Application Form

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

13. Compliance with Requirements of other Authorities and Legislation

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

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

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

14. Structural Soundness Certification (for all Structures)

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

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

15. Temporary Structures and Food Trucks

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

- (a) Must not restrict any vehicular or pedestrian access to or from the land,
- (b) Must not redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property,
- (c) Must not result in damage to any protected tree growing on the land or on adjacent land,
- (d) Must be erected on a surface that is sufficiently firm and level to sustain the structure while in use
- (e) Must be able to resist loads determined in accordance with AS/NZS 1170.0:2002, *Structural design actions*,

- (f) Must be carried out in accordance with the provisions of the National Construction Code - Building Code of Australia and relevant Australian Standards.
- (g) Must have a maximum footprint of 14m x 10m, and a maximum overall height of 9 metres.
- (h) Food trucks on the site shall not restrict any vehicular or pedestrian access to or from the land or entry to any building on the land, and must not obstruct the operation of, or access to, any utility services on the land or on adjacent land. and
- (a) Food trucks on the site shall not be located within the canopy of, or result in damage to, any tree growing on the land or on adjacent land and must not result in any damage to public property on the land or on adjacent land.

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

16. Notification

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

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

17. Public Liability Insurance

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

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

18. Insurances

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

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

19. Bonds

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

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

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

20. Compliance with the Operational Noise Management Plan

The recommendations of the *Operational Noise Management Plan: Kogarah Town Square Temporary Events* prepared by Acoustic Dynamics, dated 19 November 2024 must be complied with during operation of events at the site.

In particular, the following recommendations of the *Operational Noise Management Plan: Kogarah Town Square Temporary Events* are to be observed where possible to reduce noise impacts to nearby properties:

- (a) Noise and vibration induction to be carried out for all site staff;
- (b) Use of acoustic barriers, where possible, to mitigate noise transmission from high-generating noise uses such as site generators and other continuous running sources of mechanical plant, the rear of sound stages, and other high noise generating sources of entertainment to the nearest receivers
- (c) Vehicle movements and deliveries required for bump in/bump out periods should occur where possible between:
 - (i) 7.00am and 10.00pm Monday to Friday,
 - (ii) 8.00am and 10.00pm on weekends and public holidays;
- (d) Engines of trucks and other heavy vehicles should be switched off if on-site for longer than five (5) minutes;
- (e) Use of electrical power and construction tools to be used between the hours of 7:00am and 6:00pm to minimise the risk of acoustic disturbance in the evening and night-time periods. The continuous operation of tools and machinery should be avoided (i.e. by providing short periods of respite) wherever feasible to minimise noise impacts on the surrounding area;
- (f) Sound testing and rehearsals for performances to occur between 7:00am and 6:00pm to minimise the risk of acoustic disturbance in the evening and night-time periods and the duration of any sound checks should be minimised;
- (g) At the cessation of events, ensure participants leave the premises quietly and respectfully to minimise any potential impact on the surrounding amenity, including provision of signage;
- (h) Implementation of an appropriate community liaison procedure, including a noise and vibration complaint procedure and means of ongoing communication with nearby potentially affected receivers once development operations begin
- (i) Where feasible, reduce the operational capacity of mechanical equipment such as generators after 10.00pm;
- (j) The layout of all loudspeakers, portable amplifiers and performing artists and musicians as outlined in the Operational Noise Assessment Plan;
- (k) The annual frequency of pyrotechnics and fireworks should be extremely limited and the duration of pyrotechnics and fireworks is to be limited to no more than 15 minutes. The distance between the pyrotechnics and fireworks and receivers (including event participants) is to be maximised and shall not occur after 10:00pm or prior to 7:00am.

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

21. Security

Where an event involves the sale or service of alcohol and/or where an event occurs after

daylight hours, the person responsible for conducting the event shall ensure qualified security personnel are employed for the full duration of the event (including set up and pack up).

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

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

22. Lighting

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

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

23. General Amenity of Neighbourhood

The implementation of the development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of due to the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, wastewater, waste products, grit, oil or other harmful products.

Reason: To ensure the protection of neighbourhood amenity.

24. Temporary food stall and mobile food vehicle information

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

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

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

25. Food Stalls/Mobile Food Vehicles

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

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

26. Signage

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

- (a) The proposed temporary event signage must only consist of signage that identifies

- the event to the community, or comprises wayfinding, crowd management and information delivery signage
- (b) All event signage must be erected on Council managed land only, must not be displayed earlier than 14 days before the event and must be removed within 2 days after the event
 - (c) No signage is to be placed on any heritage items in the vicinity of the event site
 - (d) Signage must not be illuminated
 - (e) Signage which is not associated with the event or is third party advertising or comprises 'A' frame signage is prohibited
 - (f) Obscene, offensive, derogatory and defamatory signs are not permitted
 - (g) All event signage is to be safely secured and must not obstruct a public road, footpath or cycleway.

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

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

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

27. Liquor Licence

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

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

28. Waste Management Plan

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

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

29. Protection of Trees and Vegetation

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

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

30. Incident Reporting

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

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

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

31. Accessibility and the *Disability Discrimination Act 1992*

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

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

ATTACHMENTS

Attachment [↓1](#) Event Site Plan



Attachment [↓2](#) SEE



Attachment [↓3](#) Transport Management Plan



Attachment [↓4](#) Operational Noise Management Plan



THIS IS THE PRINTED COPY OF THE GEORGES RIVER LOCAL PLANNING PANEL BUSINESS PLAN. FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVERNSW.COM

EVENT SITE OUTLINE

TEMPORARY OVERLAY RECOMMENDATIONS

- TENTS, MARQUEES, FOOD VENDING

- STAGE

- 
- LICENSED AREA


-
- GENERATOR

SERVICES AND INFRASTRUCTURE

- 
- BUS STOP

-
- KOGARAH RAILWAY STATION

- 
- FIRST AID

- 
- ACCESSIBLE PARKING

-
- ACCESSIBLE TOILETS

- 
- TOILETS**

-
- DOG BOWL**

- 
- COUNCIL MARQUEE

44 Douglas Street,
Redfern, NSW 2016
ABN 846 241 067 52
p. 0481 348 568
www.gsbnstudio.com.au
admin@gsbnstudio.com.au

Nom Arch. Henry Goodwin 11338

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ISSUE	DATE	AMENDMENTS
A	15/11/2024	ISSUE FOR DA

PROJECT

KOGARAH TOWN CENTRE EVENTS

ADDRESS

KOGARAH TOWN SQUARE, BELGRAVE STREET, KOGARAH NSW

PROJECT NO.
2411

SHEET TITLE
EVENT SITE PLAN

SHEET
DA1.01

DRAWN	SCALE
RS	1:1000 @ A3
CHECKED	DATE
HG	15/11/2024

SCALE BAR

0m 10m 20m 30m 40m

NORTH

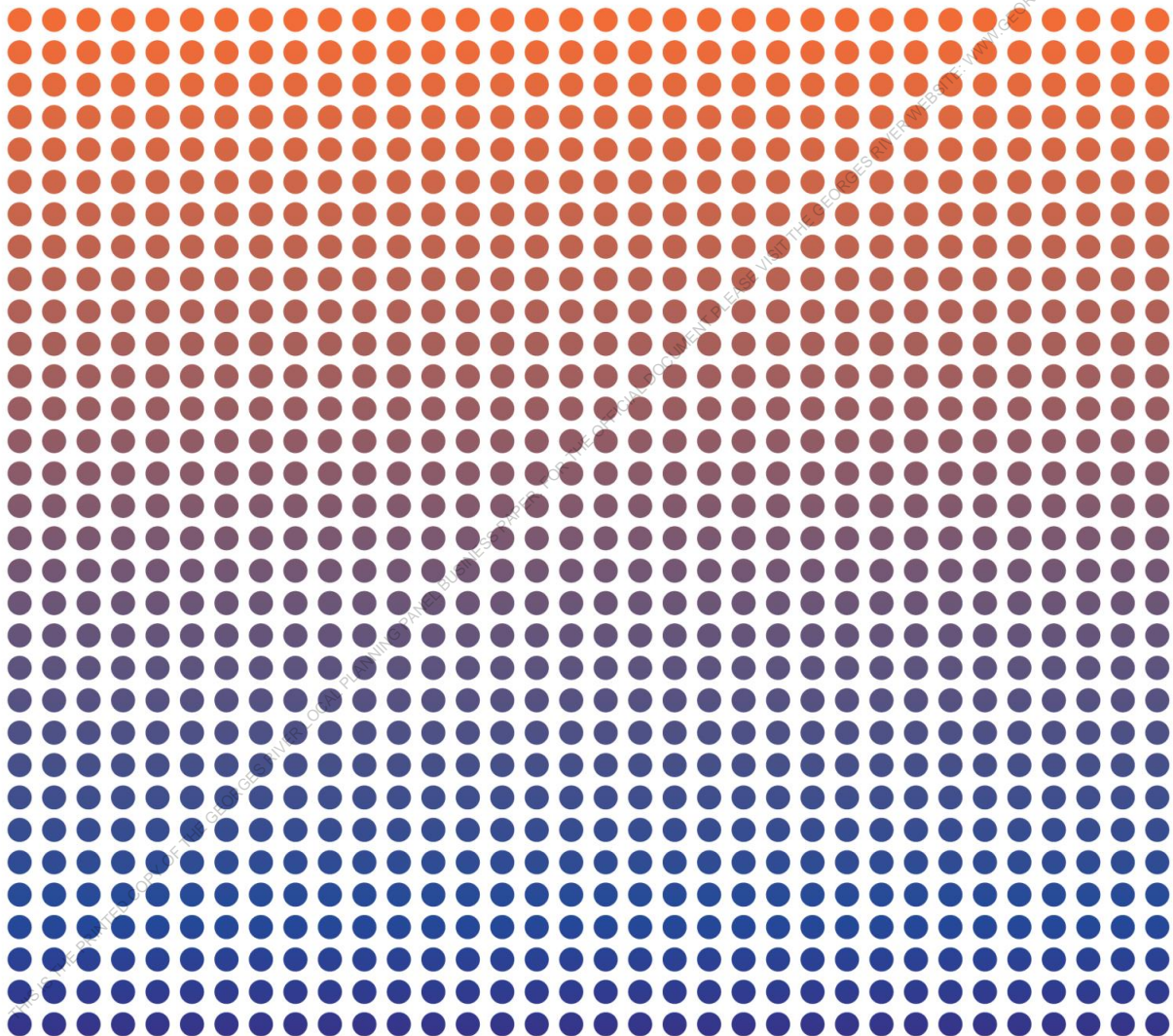


STATEMENT OF ENVIRONMENTAL EFFECTS

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

KOGARAH TOWN SQUARE, BELGRAVE STREET, KOGARAH

NOVEMBER 2024



Prepared by
Milestone (AUST) Pty Limited

Contacts
Luke Signoretti
Lisa Bella Esposito

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Version	Status	Date	Prepared By	Reviewed By
A	Draft	15 November 2024	Luke Signoretti, Associate	Lisa Bella Esposito, Director
B	Draft	18 November 2024	Luke Signoretti, Associate	Lisa Bella Esposito, Director
C	Final	20 November 2024	Luke Signoretti, Associate	Lisa Bella Esposito, Director

TABLE OF CONTENTS

1	INTRODUCTION	3
1.1	Brief Description of the Proposal	3
1.2	Supporting Documentation	3
2	THE SITE	4
2.1	The Site and its Context	4
2.2	Event Site History	8
2.3	Land Ownership	9
2.4	Relevant Programs and Policies	9
2.4.1	Permit/Plug/Play Pilot Program	9
2.4.2	Georges River Council Event Toolkit	9
3	DESCRIPTION OF PROPOSAL	11
3.1	Overview	11
3.2	Event Capacity	11
3.3	Event Operational Details	12
3.4	Noise	12
3.5	Temporary Structures	13
3.5.1	Temporary Structures outside of Exempt Development	14
3.6	Vegetation and Tree Protection	14
3.7	Event Signage	14
3.8	Liquor Licenses	14
3.9	Traffic Management and Road Closures	15
3.10	Accessibility	15
3.11	Lighting	15
3.12	Other Approvals	16
3.12.1	Event Permit	16
3.12.2	Temporary Road Closure	16
4	STATUTORY PLANNING FRAMEWORK AND ENVIRONMENTAL ASSESSMENT	17
4.1	Strategic Policies	17
4.1.1	South District Plan	17
4.1.2	Georges River Local Strategic Planning Statement 2040	18
4.1.3	Commercial Centres Strategy 2020	18
4.1.4	Community Strategic Plan 2022 - 2032	18
4.1.5	Kogarah Community Strategic Plan 2030	18
4.2	Roads Act 1993	19
4.3	Environmental Planning Instruments	19
4.3.1	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	19
4.3.2	State Environmental Planning Policy (Resilience and Hazards) 2021	20
4.3.3	State Environmental Planning Policy (Industry and Employment) 2021	20
4.3.4	Explanation of Intended Effect: Cultural State Environmental Planning Policy	21
4.3.5	Georges River Local Environmental Plan 2021	22
4.4	Development Control Plans	25
4.4.1	Part 3 - General Planning Considerations	25
4.4.2	Part 8 - Strategic Centres	25
4.5	Section 4.15(1) Assessment	27
4.5.1	Impact of the development including the environmental impact of the development on both the natural and built environment and social and economic impacts on the locality	27
4.5.2	Suitability of the Site for the Development	30
4.5.3	Any submissions made in accordance with the Act or Regulation	30
4.5.4	The Public Interest	30
5	CONCLUSION	31

LIST OF PHOTOS

Photo 1: Belgrave Street, view northwest.....	5
Photo 2: Kogarah Town Centre, view west.....	5
Photo 3: Forecourt of 2 and 2B Belgrave Street, view east.....	5
Photo 4: Greek Orthodox Parish and Community of Kogarah Church, view east.....	7
Photo 5: The 'Bank Tavern' located at 1 Belgrave Street, view west.....	7
Photo 6: Town Square Development along the western side of Belgrave Street, view northwest.....	7
Photo 7: Town Square Development surrounding Kogarah Town Square, view southwest.....	7
Photo 8: Clive James Kogarah Library and Service Centre and residential development behind, view west.....	7
Photo 9: Uncontained Art Festival 2024 (forecourt of 2 Belgrave Street), view east.....	8
Photo 10: Uncontained Art Festival 2024 (Kogarah Town Square), view east.....	8
Photo 11: Kogarah Family Fair 2024, Dance Performance in Kogarah Town Square, view southeast.....	9
Photo 12: Kogarah Family Fair 2024, Temporary Stalls erected along Belgrave Street, view southwest.....	9

LIST OF FIGURES

Figure 1: Site Map.....	4
Figure 2: Site Context Map.....	6
Figure 3: Event Site Plan.....	14
Figure 4: Road Closure Points.....	15
Figure 5: South District Plan Map.....	17
Figure 6: Land Zoning Map.....	23
Figure 7: Heritage Map.....	24
Figure 8: Kogarah Town Centre Map.....	26

LIST OF TABLES

Table 1: Event Matrix: Georges River Council Event Guide.....	11
Table 2: Bump In and Bump Out - All Event Categories.....	12
Table 3: Proposed Hours of Operation.....	20
Table 4: Summary of nearest heritage items nearest to the site (Schedule 5 of LEP 2021).....	24

1 INTRODUCTION

1.1 Brief Description of the Proposal

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

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

The objectives of the Development Application are to:

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

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

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

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

1.2 Supporting Documentation

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

- Owner's Consent from Georges River Council authorising Milestone to lodge the Development Application.
- This Statement of Environmental Effects Report prepared by Milestone, dated 15 November 2024.
- Event Site Plan prepared by GSBN Studio, Drawing No. DA 1.01, Issue A, dated 15 November 2024.
- Accessibility Map prepared by GSBN Studio, Drawing No. DA 1.02, Issue A dated 15 November 2024.
- Operational Noise Management Plan prepared by Acoustic Dynamics, dated 19 November 2024.
- Traffic Management Plans prepared by Guardian Venue Management International (Guardian), dated 14 November 2024, including:
 - GRC – Belgrave St Kogarah Option 1; and
 - GRC – Belgrave St Kogarah Option 2.

2 THE SITE

2.1 The Site and its Context

The proposed event site comprises:

- **Belgrave Street:** Bounded by Railway Parade to the north and Kensington Street to the south. Belgrave Street comprises two lanes of traffic in a north/south direction, as well as metered car parking and landscape beds on the eastern and western sides of the road. The event site also includes the adjacent pedestrian footpaths.
- **Kogarah Town Square:** Located at the southern side of the event site on the western side of Belgrave Street.
- **Forecourt of 2 and 2B Belgrave Street, Kogarah:** Located at the northern end of the event site on the eastern side of Belgrave Street and legally described as Lot 48 Section F DP 1397, and Lots 46 and 47 Section F DP 1397, respectively.

Refer to the Event Site Plan prepared by GSB Studio dated 15 November 2024 and **Figure 1** showing the location of the Kogarah Town Centre Event Site.

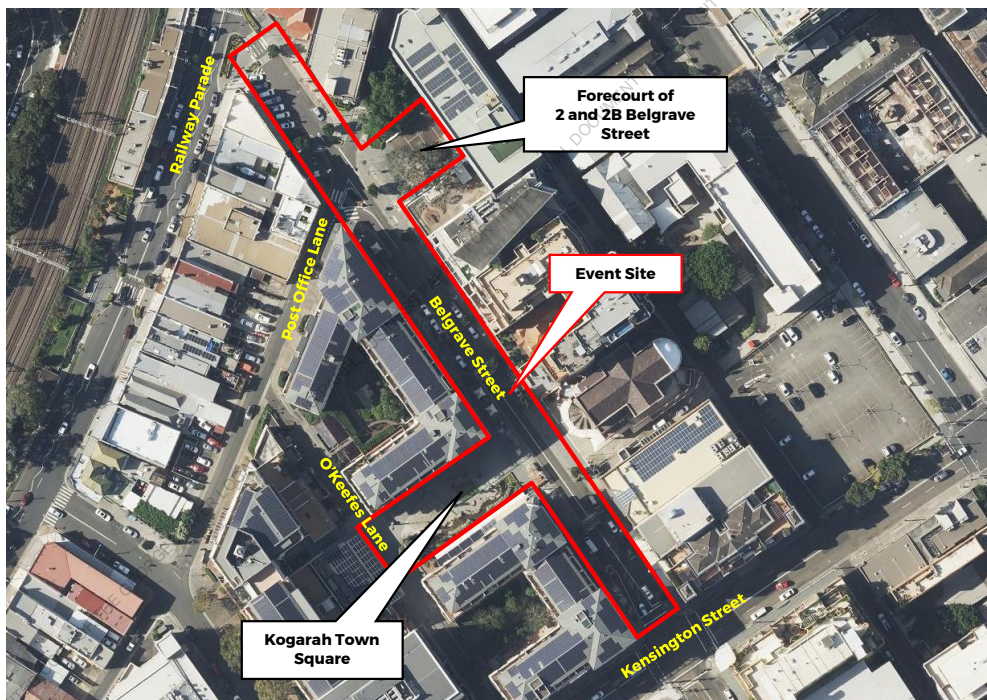


Figure 1: Site Map
Source: Six Maps, 2024



Photo 1: Belgrave Street, view northwest
Source: Milestone, 2024



Photo 2: Kogarah Town Centre, view west
Source: Milestone, 2024



Photo 3: Forecourt of 2 and 2B Belgrave Street, view east
Source: Milestone, 2024

The event site is located within a mixed-use zone pursuant to *Georges River Local Environmental Plan 2021* (LEP 2021) and is within the Kogarah Town Centre. The event site is focussed along Belgrave Street, which is situated in Kogarah's commercial precinct and meets Railway Parade at the northern end and Kensington Street to the south. Belgrave Street is an important pedestrian route from the Kogarah Railway Station to the commercial centre. It is a civic street, which is directly adjoined by public buildings, commercial office buildings, a mix of health service facilities, and the Greek Orthodox Parish and Community of Kogarah Church. A historic pub, known as 'Bank Tavern' is located on the western side of Belgrave Street at the northern end of the event site. The former Kogarah Post Office building is also located on the corner of Belgrave Street and Railway Parade, and is now used as a neighbourhood centre. In total, there are four heritage items that are identified along Belgrave Street adjoining the event site pursuant to LEP 2021, which are summarised as follows:

- 1 Belgrave Street, described as '*Former Commonwealth Bank*', now in use as a pub;
- 8 Belgrave Street, described as '*House and Garden "tokio"*', now in use as a health service facility;
- 90 Railway Parade, described as '*Former Post Office*', now in use as a neighbourhood centre; and
- 92 Railway Parade, described as '*Shops and Offices*', which comprises a number of professional services and retail premises.

Many mid-rise residential apartment buildings have been recently built around the commercial precinct on the eastern and western sides of Belgrave Street and therefore there are sensitive residential receivers located around the event site.

The event site also comprises Kogarah Town Square which has low rise built edges and the 'Town Square Development', which comprises residential apartments and a range of retail and commercial uses at the ground floor facing Belgrave Street and the Town Square, including medical and professional services, offices, specialty stores, cafes and restaurants. The Clive James Kogarah Library and Service Centre is located at the western end of the Town Square, with medium density residential development further west. The square's design lends itself to community gatherings and festivities.

There is also a small public plaza at the intersection of Belgrave Street and Post Office Lane at the forecourt of 2 Belgrave Street, which provides additional civic open space within the Town Centre and forms part of the event site.

The event site is highly accessible via public transport, including the Kogarah Railway Station and adjoining bus terminal, located 120m north of the event site. A second bus stop is also located 80m west of the event site on Kensington Street. There are a number of car parks located in proximity to the event site including:

- The at-grade Wilson TAFE Car Park, located off Wicks Lane;
- The Kogarah Town Centre Car Park, located at 1-9 Railway Parade;
- Park&Ride Kogarah, located adjacent to Kogarah Railway Station; and
- Point Parking – Derby Street Carpark, located at the basement level of Kogarah Town Square.

Refer to **Figure 2** for Site Context Map and **Photos 4** to **8** for surrounding development.

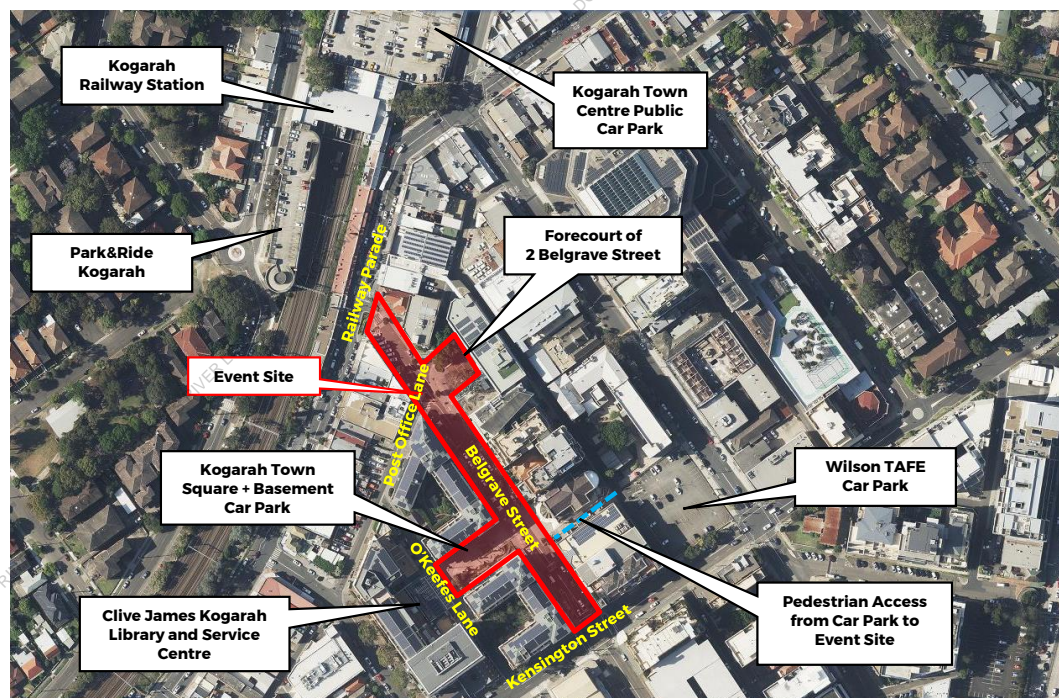


Figure 2: Site Context Map
Source: Six Maps, 2024



Photo 4: Greek Orthodox Parish and Community of Kogarah Church, view east
Source: Milestone, 2024



Photo 5: The 'Bank Tavern' located at 1 Belgrave Street, view west
Source: Milestone, 2024



Photo 6: Town Square Development along the western side of Belgrave Street, view northwest
Source: Milestone, 2024



Photo 7: Town Square Development surrounding Kogarah Town Square, view southwest
Source: Milestone, 2024



Photo 8: Clive James Kogarah Library and Service Centre and residential development behind, view west
Source: Milestone, 2024

2.2 Event Site History

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

Uncontained Art Festival

The Uncontained Arts Festival is South Sydney's biggest outdoor annual art festival and was first held by Council in 2021. The festival occupies the entirety of the event site and attracts over 40,000 people over the duration of the temporary event, which runs for three days. The event includes the road closure of Belgrave Street at its intersection with Railway Parade and Kensington Street.

Temporary structures erected within the event site associated with the Uncontained Arts Festival include stalls, food and drink premises including food trucks and a licensed bar and beer garden. A series of art and lighting installations are also erected along the roadway and pedestrian footpaths of Belgrave Street, Kogarah Town Square and the forecourt of 2 Belgrave Street. Live music, cultural, and art performances also make up part of the event activities.

Refer to **Photos 9** and **10** for presentation of the Uncontained Art Festival 2024.



Photo 9: Uncontained Art Festival 2024 (forecourt of 2 Belgrave Street), view east
Source: Georges River Council, 2024



Photo 10: Uncontained Art Festival 2024 (Kogarah Town Square), view east
Source: Georges River Council, 2024

Kogarah Family Fair

The Greek Orthodox Parish and Community of Kogarah hold an annual Family Fair within the event site, to which the Greek Orthodox Parish Church Building adjoins, and features traditional Greek dance performances, music and food. Stalls are also set up along Belgrave Street.

Temporary structures erected in association with this event include covered dining areas, stalls, marquees, and viewer seating. The event includes the road closure of Belgrave Street at its intersection with Railway Parade and Kensington Street.

Refer to **Photos 11** and **12** relevant to Kogarah Family Fair 2024.



Photo 11: Kogarah Family Fair 2024, Dance Performance in Kogarah Town Square, view southeast
Source: The Creek Herald, 2024



Photo 12: Kogarah Family Fair 2024, Temporary Stalls erected along Belgrave Street, view southwest
Source: The Creek Herald, 2024

Eat / Art Night Markets

The Eat / Art Night Markets is a one-night event held within event site and includes a fusion of food stalls, art, and music.

Temporary structures erected in association with the event include stalls along the Belgrave Street roadway and footpath, as well as within Kogarah Town Square. The event includes the road closure of Belgrave Street for a duration of one day, at its intersection with Railway Parade and Kensington Street.

2.3 Land Ownership

Georges River Council is the owner of the land within the proposed event site, the subject of this Development Application. Owner's Consent was provided by Georges River Council on 12 November 2024 for the lodgement of the Development Application.

2.4 Relevant Programs and Policies

2.4.1 Permit/Plug/Play Pilot Program

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

The objectives of the Pilot Program are to:

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

2.4.2 Georges River Council Event Toolkit

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

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

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

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

3 DESCRIPTION OF PROPOSAL

3.1 Overview

Council and community groups regularly hold a number of annual community events within the event site. Approval is currently granted separately for each individual event by Council via Local Approvals under Section 68 of the *Local Government Act 1993* (Local Government Act) and via Part 9 of the *Roads Act 1993* (Roads Act). This Development Application seeks to obtain an overarching approval for the temporary use of Kogarah Town Square and part of Belgrave Street, as bounded by Railway Parade to the north and Kensington Street to the south for community, cultural, and corporate events, including the erection of associated overlay including temporary structures. A holistic approval for temporary events is sought for a period of five years and for up to 52 community events per calendar year within the event site.

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

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

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

3.2 Event Capacity

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

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

Table 1: Event Matrix: Georges River Council Event Guide

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

3.3 Event Operational Details

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

Hours of Operation

The hours of operation required for temporary events are as follows:

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

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

Bump In and Bump Out

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

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

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

Criteria	Times Permitted
Maximum Duration of Bump In and Bump Out	Four to five days total duration
Bump In and Bump Out Hours	6:00am – 12:00 midnight, on any day
Sound Check hours of Operation (Amplified Music)	8:00am – 9:00pm, on any day

3.4 Noise

The event site is surrounded by residential apartments along the eastern and western sides of Belgrave Street, as well as surrounding Kogarah Town Square. An Operational Noise Management Plan has been prepared by Acoustic Dynamics, dated 19 November 2024, and this analysis identifies the sensitive noise receivers surrounding the event site. To ensure potential noise impacts are appropriately managed and mitigated for sensitive receivers, the following key recommended acoustic measures have been provided for the event site under Section 7 of the Operational Noise Management Plan:

- Consideration of the use of acoustic barriers for noise generating equipment and other continuous running sources of mechanical plant, the rear of sound stages, and other high-noise generating sources of entertainment to the nearest receivers.
- Vehicle Management Procedures, including:
 - Timeframes for deliveries to occur within the event site.
 - Switching off vehicle engines during loading and unloading activities.
 - Use of soft rubber pads to limit impact noises.
 - Use of non-tonal reversing beepers, where safe.
- Community Liaison Procedures, including:
 - Notification of the event to adjacent residential receivers, including a contact number for the receipt of any complaints.
 - The erection of signage at the event entry point with 24-hour contact details for the receipt of complaints.

- A detailed log of all complaints received during the event.
- Management of patron movement.
- Notification of the event by the event organiser to the local Police Station (St George Police Station).
- Audio Systems and Musical Performance, including:
 - The location of stages in accordance with the Event Site Plan.
 - Speaker location and orientation to be optimised to ensure no speakers are directly facing towards nearby residential receivers.
 - Minimisation of the number of sub-woofers used during temporary events.
 - Ceasing amplified music by 10:00pm.
 - Having no more than one artist performing on stage at one time in the event site.
 - Installation of an overall output limiter, one-third octave band equaliser, and a 'high pass' shelf equaliser.
 - Direct, real time communication between the Audio Engineers and the event organiser, for the duration of the event to adequately control noise emission levels.
- Bump In / Bump Out Operations, including:
 - Timeframes for bump in / bump out activities.
 - Timeframes for the use of electrical power and construction tools.
 - Timeframes for sound testing and performance rehearsals.
 - Switching off vehicle engines during loading and unloading activities.
 - Site induction required for all site staff and contractors.

3.5 Temporary Structures

Depending on the event, a number of temporary structures will be required in association with events held in the event site, including:

- Marquees and tents.
- Stages and Platforms.
- Mobile video screens.
- Viewer seating.
- Temporary food and drink premises.
- Toilet facilities.
- Crowd control barriers/fencing.
- Temporary fencing.
- First aid stations.
- Art installations, activations, and sculptures.
- Carnival rides and inflatables.

All temporary structures will be structurally sound and erected in accordance with manufacturer's specifications and relevant Australian Standards. Following the erection of the temporary structures, engineering certification will be completed for each structure prior to the commencement of the event. This will ensure safety and structures being capable of withstanding weather conditions and loads. All certifications will be forwarded to Georges River Council.

Suitable locations for typical temporary overlay recommendations are identified within the Event Site Plan prepared by GSBN Studio dated 15 November 2024, as shown at **Figure 3**. The part of the event site between Post Office Lane and Railway Parade can be used for car parking during bump in and bump out activities, as well as additional area for temporary activations maximising the footprint of the event site, as required. Typical event overlay includes recommended areas for:

- Stalls, marquees, and food vending, along Belgrave Street;
- A stage within Kogarah Town Square and a stage on the footpath of Belgrave Street adjoining the Greek Orthodox Parish Church building; and
- A licensed area within Kogarah Town Square.

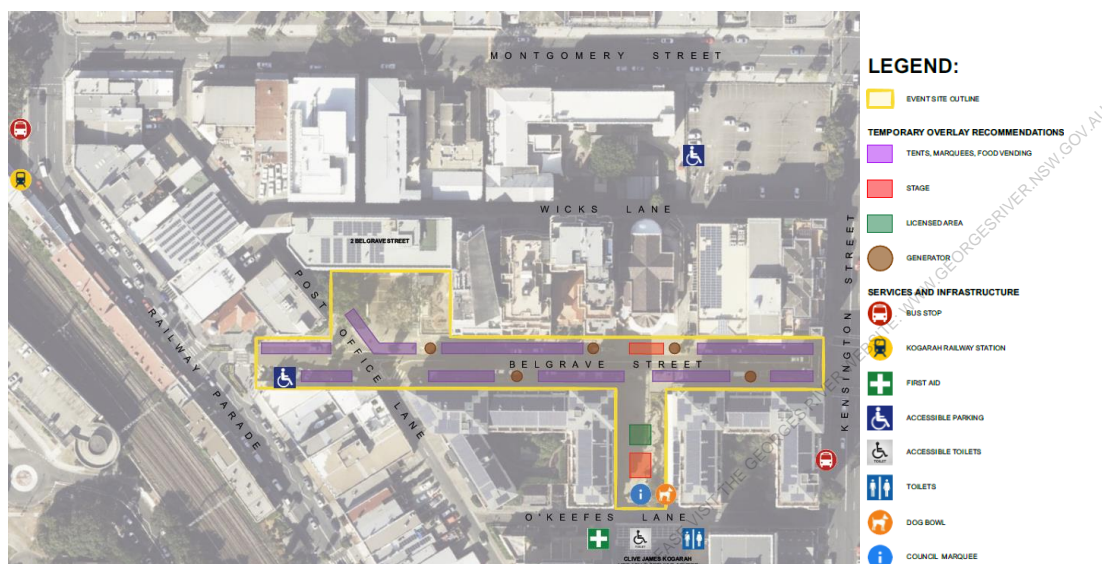


Figure 3: Event Site Plan
Source: GSBN Studio (Drawing No. DA 1.01, dated 15 November 2024)

3.5.1 Temporary Structures outside of Exempt Development

The erection of temporary structures associated with an approval for the use of land may be carried out via the Exempt Development Pathway in accordance with Division 3 of the Codes SEPP. The proposed temporary use of the event site will sometimes require temporary structures to be erected that are outside those permitted under Division 3 and therefore, the proposal seeks approval for the erection of temporary structures on the site which are not consistent with the Development Standards of the Codes SEPP (refer to Section 4.2.1 of this report).

Temporary structures associated with temporary events held on the event site will generally have a maximum footprint of 14m x 10m, and a maximum overall height of 9m.

3.6 Vegetation and Tree Protection

The event site comprises landscape beds along either side of Belgrave Street, as well as along the southern side of Kogarah Town Square. Vegetation and tree protection measures must be implemented for all temporary events to ensure the protection of the existing landscaping within the event site.

3.7 Event Signage

Temporary signage will be permitted as part of each temporary event held within the event site. The proposed temporary event signage must serve a primary purpose of identifying the event to the community, wayfinding crowd management and information delivery.

All event signage must be erected on Council land and removed at the conclusion of the event. The following types of event signage are prohibited:

- Non-event general and third party advertising;
- 'A' frame signage; and
- Obscene, offensive, derogatory and defamatory signs.

3.8 Liquor Licenses

Some temporary events held at the event site will require liquor licenses to be obtained from Liquor & Gaming NSW. The event organiser will be responsible for obtaining the required license for any event that is proposed to serve alcohol.

3.9 Traffic Management and Road Closures

Two traffic management options have been prepared by Guardian dated 14 November 2024, for the event site. These plans detail the required traffic control measures and road closure points to conduct temporary events within the event site. Two road closure options are identified for events:

- **Option 1:** Comprising two road closure points on Belgrave Street at its intersection with Kensington Street to the south and Post Office Lane to the north; and
- **Option 2:** Comprising two road closure points on Belgrave Street at its intersection with Kensington Street to the south and Railway Parade to the north.

The location of signage and traffic control measures required for the two road closure options are also detailed within each corresponding Transport Management Plan. Refer to **Figure 4** for an overview of the road closure points.

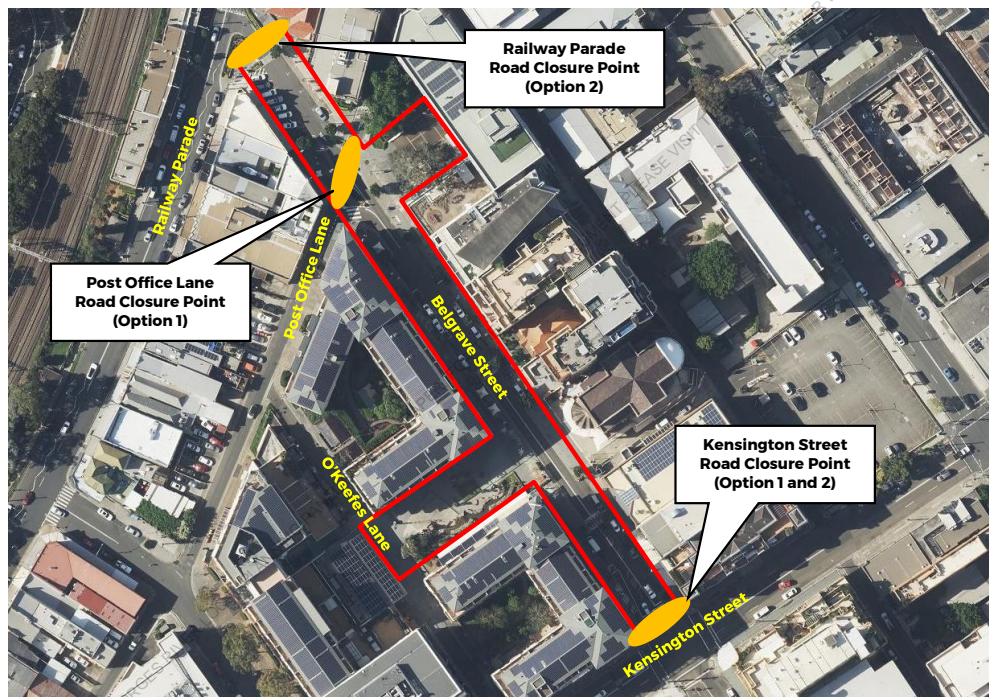


Figure 4: Road Closure Points
Source: Six Maps, 2024

3.10 Accessibility

Council has a responsibility to ensure equitable access is provided for all events so that people of all abilities can access different parts of the event. An Accessibility Map has been prepared by GSB Studio (Drawing No. DA 1.02, dated 15 November 2024), which details the agreed continuous paths of accessible travel throughout the event site, accessible car parking and public transport points, accessible toilets, as well as first aid and information points. Accessible paths of travel and associated amenities within the event site will be required in accordance with the Accessibility Map prepared by GSB Studio for each event.

3.11 Lighting

Existing lighting provided within the event site includes light poles along the pedestrian footpaths on Belgrave Street, as well as three light poles within Kogarah Town Square. The existing lighting infrastructure is suitable for most events. Additional lighting may be required for a specific event, or may include lighting activations, for example, at the Uncontained Art Festival.

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

3.12 Other Approvals

3.12.1 Event Permit

The purpose of this Development Application is to obtain a holistic approval for the temporary use of the event site for events and to streamline the approval process for event organisers by eliminating the requirement to obtain a separate Local Approval under Section 68 of the Local Government Act. When the overarching Development Consent is in place for the Kogarah Town Centre event site, each event organiser will still be required to obtain an Event Permit from Council via lodgement of an Event Application for the specific event, 12 weeks prior to the event date, or 16 weeks prior if the proposed event requires temporary or partial road closures, or pyrotechnics. The Event Application must include specific details relating to the temporary event, as well as a detailed Operational Plan of Management prepared in accordance with Council's Event Toolkit, including:

- Event Site Plan and Overlay.
- Operational Management Procedures.
- Waste Management Strategy.
- Event Risk Assessment and Management Strategy.
- Emergency Plan.
- Resident Notification Letter.
- Alcohol Management Plan (if alcohol being served).
- Lost Child Response Plan.

The Event Permit will set out the terms and conditions for the event by Council. The event organiser is bound by the terms of the Event Permit. The event organiser will also be bound by all conditions of the overarching Development Consent.

3.12.2 Temporary Road Closure

All temporary events requiring road closures will need approval from Council under Part 9 of the Roads Act via the lodgement of a Temporary Road Closures Application Form (refer to Section 4.2 of this report).

4 STATUTORY PLANNING FRAMEWORK AND ENVIRONMENTAL ASSESSMENT

In accordance with Section 4.15(1) of the Act, the following section provides an appraisal of the proposed development having regard to the statutory planning instruments and development control plans that apply to the subject sites.

4.1 Strategic Policies

4.1.1 South District Plan

This *South District Plan* is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney and includes the Georges River LGA. Refer to **Figure 5** for the South District Plan Map.

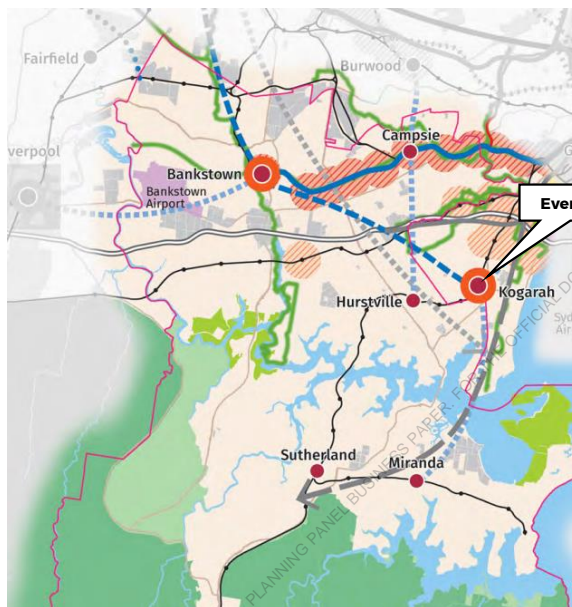


Figure 5: South District Plan Map
Source: South District Plan

As a strategic centre, the *South District Plan* nominates a number of Actions that must be completed by Council, other planning authorities and State agencies to strengthen Kogarah Town Centre's regional significance:

36. *Strengthen Kogarah through approaches that:*

- a. *Support the growth of the health and education precinct*
- b. *Encourage new lifestyle and entertainment uses to activate streets and grow the night-time economy*
- c. *Facilitate the attraction of office and commercial floor space and provide opportunities to allow commercial and retail activities to innovate*
- d. *Retain and manage surrounding employment, industrial and urban services.*
- e. *Encourage activation of secondary streets.*

The proposal seeks approval for the temporary use of Council land within Kogarah Town Centre for community, cultural and corporate events. This will directly support the relevant key action (b) for Kogarah within the *South District Plan*.

4.1.2 *Georges River Local Strategic Planning Statement 2040*

The *Georges River Local Strategic Planning Statement 2040* (LSPS) guides land use planning and the delivery of significant infrastructure for the Georges River LGA until 2040.

Theme 3: Housing and Neighbourhood

Theme 3 of the LSPS relates to housing and neighbourhood and identifies an opportunity for place-making initiatives in neighbourhoods such as temporary events, to be facilitated through local guidelines and controls. Local Planning Priority 10 of the LSPS outlines key actions for homes to be supported by safe, accessible, green, clean, creative and diverse facilities, services and spaces. Key Action 54 is a short-term action for Council to encourage temporary events through Clause 2.8 of LEP 2021, which permits the temporary use of land. The proposal seeks a holistic approval for the temporary use of Council land in Kogarah Town Centre for community, cultural and corporate events. The proposal supports up to 52 events to be held each year within the event site, which directly supports Local Planning Priority 10 of the LSPS.

4.1.3 *Commercial Centres Strategy 2020*

The *Commercial Centres Strategy 2020* was prepared in two parts to assist in the preparation of LEP 2021 and proceeding LEP and DCP amendments. A total of six strategic centres were identified within the Strategy, which includes Kogarah. The Strategy has an aim of preparing a harmonised planning framework that effectively governs the future development of these centres to support their ongoing viability and the growth of local businesses and jobs.

Economic trends and drivers that influence economic activity and development have been identified within Section 3 of the Strategy. One key finding is that community events that showcase local retail offerings and services assist in driving retail growth by creating a sense of community identity. The proposal seeks temporary use of Council land for community, cultural, and corporate events, which in turn supports the activation of Belgrave Street and the public domain at Kogarah Town Square. Further, the proposal will increase the desirability for people to visit the event site and will have positive social and economic impacts for surrounding businesses as well as enhance the vitality of the locality. Therefore, the proposal directly supports the overarching aim of the *Commercial Centres Strategy 2020*.

4.1.4 *Community Strategic Plan 2022 - 2032*

The *Community Strategic Plan 2022-2032* is the second community strategic plan for the Georges River LGA and represents the community's ambitions and expectations for the area for the next ten years. A key matter that was raised by the community during the public consultation period of the *Community Strategic Plan 2022-2032* was the continuation of local festivals and events, which was built into the goals for Pillar One of the *Community Strategic Plan 2022-2032*, which pertains to the community.

Pillar One has a goal for a community that is socially and culturally connected and strives for social equity. A strategy to achieve this goal is to initiate, facilitate, and support inclusive and accessible events that meet the community aspirations and connect people, communities, and diverse groups. The proposal, which seeks a holistic approval for temporary use of Council land within Kogarah Town Centre for community, cultural and corporate events, will assist Council in achieving this goal for the community.

4.1.5 *Kogarah Community Strategic Plan 2030*

The *Kogarah Community Strategic Plan 2030* was adopted by Council on 25 February 2013. The Community Strategic Plan includes a key strategic direction and goal to create a vibrant safe and inclusive city for Kogarah. Goal 4.4 states that Kogarah City is a harmonious community, where diversity is respected and celebrated, and everyone is made to feel welcome. To support the local community, Council recognises that a range of community services, facilities and programs are vital in contributing to a community where people feel safe, have access to the services they need for themselves and their families, and feel part of their community.

The proposal will directly support the key strategic direction and goal of the Community Strategic Plan. The approval sought not only supports Council run events, but also provides an opportunity for other businesses and community groups to utilise the event site for the benefit of the local community.

4.2 Roads Act 1993

Part 9, Division 4: Road Events

Section 144 of the *Roads Act 1993* (Roads Act) specifies when a permit for a road event can be granted:

144 Permits for road events

- (1) *A roads authority may grant a permit to any person to conduct a road event on a public road.*
- (2) *A permit may not be granted with respect to a classified road except with the consent of TfNSW.*
- (3) *A permit may not be granted with respect to an activity for which an approval is required under section 115 of the Road Transport Act 2013 unless such an approval is in force.*

Belgrave Street is classified as a 'local road' pursuant to NSW Road Network Classifications. Georges River Council, as the relevant authority for Belgrave Street is therefore able to grant permits for temporary events held within the roadway and carry out associated road closures, pursuant to Section 144(1) of the Roads Act. General road closure point options and traffic management procedures for the event site are provided in the two Traffic Management Plans prepared by Guardian dated 14 November 2024.

4.3 Environmental Planning Instruments

4.3.1 State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Division 3 of the Exempt Development Code (Part 2 of the Codes SEPP) applies to temporary uses and structures for private and community events and provides for a number of temporary structures, signage and stages that can be provided as Exempt Development.

- Subdivision 6 Tents or marquees used for filming purposes and private functions
Subdivision 7 of the Temporary Uses and Structures Exempt Development Code allows for up to 300m² of tents, marquees and booths with a wall height of 4m and overall height of 6m, to be Exempt Development.
- Subdivision 7 Tents, Marquees or Booths for Community Events
Subdivision 7 of the Temporary Uses and Structures Exempt Development Code allows for up to 300m² of tents, marquees and booths with a wall height of 4m and overall height of 6m, to be Exempt Development.
- Subdivision 8 Stages or platforms for private functions
Subdivision 9 of the Temporary Uses and Structures Exempt Development Code allows for a stage of maximum 50m² to be erected as exempt development.
- Subdivision 9 Stages or Platforms for Community Events
Subdivision 9 of the Temporary Uses and Structures Exempt Development Code allows for a stage of maximum 50m² to be erected as exempt development.
- Subdivision 27A Mobile Food and Drink Outlets
Mobile food and drink outlets required for temporary events will be provided in accordance with Subdivision 27A.

The abovementioned Development Standards are not always suitable to provide for the needs of the temporary events proposed at the event site. Approval is therefore sought for the erection of temporary structures within the event site, which will have an overall maximum footprint of 10m x 14m, and a maximum overall height of 9m. This expansion of size in temporary structures will capture the requirements of larger activation and installations, for example, art installations used as part of the Uncontained Art Festival.

In addition, other temporary structures will be erected within the event site that are not captured within Division 3 of the Codes SEPP. For example, the erection of art installations, mobile video and cinema screens, and viewer seating. The proposal therefore seeks development consent for the erection of additional temporary structures, as well as temporary structures in exceedance of the Development Standards under Division 3 of the Codes SEPP.

Hours of Operation

Division 3 of the Codes SEPP outlines hours of operation permitted for community and private events via the Exempt Development Pathway under Subdivision 7, Clauses 2.118 and 2.120. The hours of operation required for the temporary use of the event site vary from those provided under Division 3 to capture bump in times that may be required for an event between Friday and Sunday, as outlined in **Table 3**.

Table 3: Proposed Hours of Operation

Codes SEPP Requirements	Proposed Hours of Operation
<p><i>Clause 2.118 Development Standards (Private Functions)</i></p> <p>(l) any wedding, private party or other private function must take place only during the following periods—</p> <p>(i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,</p> <p>(ii) 7.30 am to 12.00 am on Friday or Saturday,</p> <p>(iii) 8.00 am to 8.00 pm on Sunday,</p> <p><i>Clause 2.120 Development Standards (Community Events)</i></p> <p>(k) the event must take place only during the following periods (unless it is a community event to which Subdivision 9 applies)—</p> <p>(i) 7.30 am to 11.00 pm on Monday, Tuesday, Wednesday or Thursday,</p> <p>(ii) 7.30 am to 12.00 am on Friday or Saturday,</p> <p>(iii) 8.00 am to 8.00 pm on Sunday,</p>	<ul style="list-style-type: none"> Monday to Thursday - 7:30am to 11:00pm Friday to Sunday - 6:00am to 12:00 midnight.

4.3.2 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Section 4.6(l) of the Resilience and Hazards SEPP states that the consent authority must not consent to the carrying out of any development on land unless:

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

The proposal seeks development consent for the temporary use of Council land for events within an existing public pedestrian plaza (Kogarah Town Square) and road (Belgrave Street) and includes the erection of associated temporary structures. Therefore, no further consideration is required under Section 4.6(l) of the Resilience and Hazards SEPP.

4.3.3 State Environmental Planning Policy (Industry and Employment) 2021

The proposed development may include the display of temporary event signage which has the primary purpose of identifying the event for the community, wayfinding and crowd control for the public. Chapter 3 'Advertising and Signage' of the *State Environmental Planning Policy (Industry and Employment) 2021* (Industry and Employment SEPP) ensures that outdoor signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The aims and objectives of the Industry and Employment SEPP are as follows:

3.1 Aims, objectives etc

(l) This Chapter aims—

- (a) to ensure that signage (including advertising)—
- (i) is compatible with the desired amenity and visual character of an area, and
- (ii) provides effective communication in suitable locations, and
- (iii) is of high quality design and finish, ...

Temporary signage erected within the event site in association with a temporary event must comply with the aims of the Industry and Employment SEPP. Signage must not detract from the amenity or visual quality of the locality and not obscure or compromise views to adjoining heritage items. Temporary signage must be designed so as to not reduce the safety of pedestrians, cyclists or vehicles. The following types of event signage are prohibited:

- Non-event general and third party advertising;
- 'A' frame signage; and
- Obscene, offensive, derogatory and defamatory signs.

4.3.4 Explanation of Intended Effect: Cultural State Environmental Planning Policy 2024

The NSW Government is proposing changes to the planning system as part of a range of Vibrancy Reforms. These changes aim to create a more vibrant 24-hour economy in NSW, while supporting businesses and communities. On 15 November 2024, the Department of Planning, Housing and Infrastructure (DPHI) commenced the exhibition period of the *Explanation of Intended Effect* (EIE) which describes proposed changes to be incorporated into a future *Cultural State Environmental Planning Policy* (Cultural SEPP).

The Cultural SEPP will propose changes to the planning system to support more creative, hospitality and cultural uses contributing to the 24-hour economy. These changes include:

- LEP Amendments - to expand the non-refusal standards in Clause 5.20 of the *Standard Instrument—Principal Local Environmental Plan (2006 EPI 155a)* (Standard Instrument) to include unlicensed venues and other types of entertainment.
- Codes SEPP Amendments - to allow 'change of use' in SP4 Enterprise zones as Complying Development, rather than require a Development Application.
- Temporary Structures for Community Events - allowing more development through the Codes SEPP for temporary event signs, tents, marquees or booths, stages or platforms, to reduce the requirement to lodge Development Applications for temporary structures.
- Events at Major Precincts - changes to support events at major precincts by enabling more events across new and existing sites.
- Outdoor Music and Outdoor Dining as Exempt Development - removal of the restriction that requires performances to take place inside and changes to allow increased patron capacity for outdoor dining as Exempt Development.
- Extended Trading Hours - Allowing temporary extended trading hours for unlicensed businesses during special events.

Two new guidelines are also on public exhibition as part of the proposed Cultural SEPP:

- *Guide to Late Night Hours of Operation for Food and Drink Premises*
- *Guide to Planning Pathways for Community Events*

The *Explanation of Intended Effect: Cultural State Environmental Policy dated November 2024*, states the aims of the Cultural SEPP are to:

- "deliver more opportunities for cultural, performance and hospitality uses and venues
- identify opportunities in the planning system to encourage the establishment and improved use of venues and performance spaces
- support the ongoing use of existing spaces and places for music, performance and culture
- streamline approval processes to reduce the regulatory burden and associated costs for businesses and councils".

The proposal, which seeks to provide a more streamlined approval process for temporary events within Kogarah Town Centre and provide greater opportunity for cultural and community events through the use of Council land, is consistent with the aims of the Cultural SEPP.

4.3.5 Georges River Local Environmental Plan 2021

Lane Zoning and Permissibility

The event site is located within the MUI Mixed Use Zone pursuant to LEP 2021 (refer to **Figure 6**). The objectives of the MUI Mixed Use Zone are as follows:

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To integrate suitable business, office, residential, retail and other development in accessible locations to maximise public transport patronage and encourage walking and cycling.
- To allow residential development that contributes to the vitality of the centre and provides housing that meets the needs of the community.
- To encourage the provision of community facilities and public infrastructure so that all residents have reasonable access to a range of facilities and services.

The proposed development is considered to directly support the objectives of the zone as follows:

- The proposal will utilise the roadway and adjoining footpath along Belgrave Street, as well as Kogarah Town Square for temporary events, which will contribute to vibrant and diverse recreational uses within the locality.
- The proposal will enable a more streamlined approval process for temporary events and in turn reduce the timeframe and costs to conduct a temporary event. This will provide Council and community groups the ability to facilitate more events for the local community.
- Visitation of Kogarah Town Centre will be encouraged through the hosting of community, cultural and corporate events that in turn will raise public awareness of the event site and its facilities.

The proposed temporary use of the event site for community, cultural and corporate events is defined under the following definitions pursuant to LEP 2021:

“community facility means a building or place—

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation”.

“market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

Note—

Markets are a type of **retail premises**—see the definition of that term in this Dictionary”.

In addition, the proposal is also defined as a ‘community event’, pursuant to the Codes SEPP:

“community event means a function or event open to the public or a section of the public that is a ceremony, cultural celebration, exhibition, fete, fair, gathering, market or sporting event”.

The proposed development is permissible within the MUI Mixed Use Zone pursuant to LEP 2021.

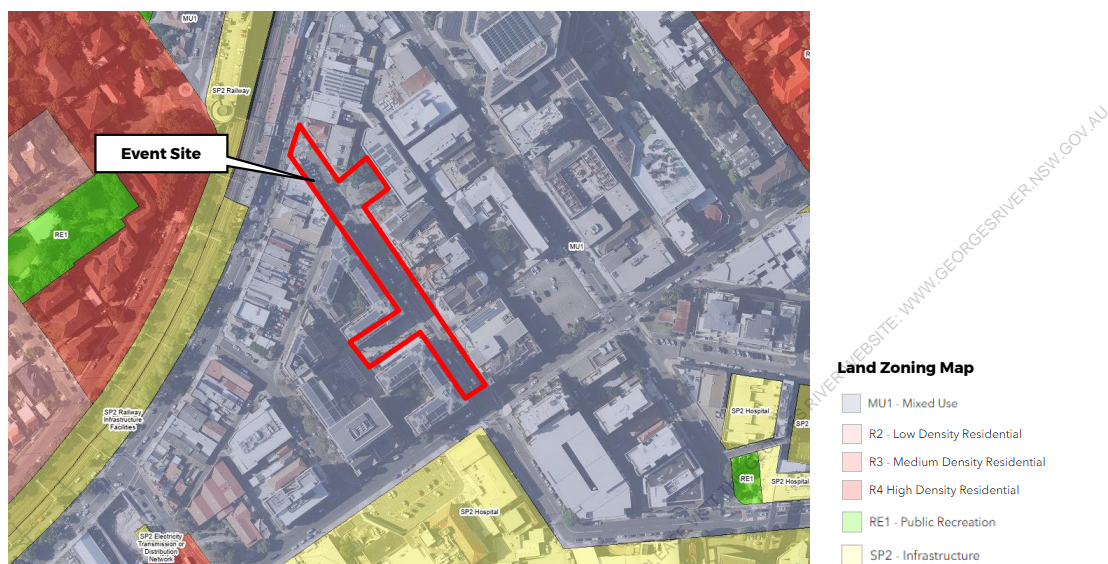


Figure 6: Land Zoning Map
Source: LEP 2021

Clause 2.8 – Temporary Use of Land

The objective of Clause 2.8 of LEP 2021 is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land. Pursuant to Subclause 2.8(3), development consent must not be granted unless the consent authority is satisfied that:

- (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
- (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
- (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
- (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

The proposal involves only works or installations of a temporary and reversible nature. The event site will be returned to its original condition following the conclusion of temporary events and therefore, the proposed temporary use will not prejudice the subsequent carrying out of future development on the land and the return back to usual operations. Environmental impacts associated with the proposed use of the site for community, cultural and corporate events will be limited in their duration and limited to 52 events in a calendar year. Appropriate mitigation measures will be implemented for all events to ensure acceptable levels of amenity are maintained for surrounding development and the functions of Kogarah Town Centre as a commercial centre continue.

Clause 5.10 - Heritage Conservation

Clause 5.10 of LEP 2021 outlines provisions for heritage conservation. The objectives of Clause 5.10 are as follows:

“(1) Objectives The objectives of this clause are as follows—

- (a) to conserve the environmental heritage of the City of Sydney,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance”.*

Clause 5.10(4) of LEP 2021 requires the consent authority to consider the effect of the proposed development on the heritage significance of an item or heritage conservation area. The event site is not listed as a heritage item, nor is it located within a heritage conservation area pursuant to Schedule 5 of LEP 2021. Notwithstanding, this, the site is immediately adjacent to four heritage items of local significance, as summarised in **Table 4** and identified in **Figure 7**.

The proposal involves only works of a temporary and reversible nature with no works occurring to surrounding heritage items. The proposal does not propose any permanent changes to any of the heritage items in the vicinity of the event site along Belgrave Street and will maintain the significance of the items by proposing no changes to any fabric. Temporary structures and signage erected within the site area for events will not be affixed to the four subject heritage items. In addition, it is important to note that the proposal will result in positive attention and observation of surrounding heritage along Belgrave Street. Based on this, the proposal will have an acceptable heritage impact on surrounding heritage items.

Table 4: Summary of nearest heritage items nearest to the site (Schedule 5 of LEP 2021)

Address	Lot and DP	Description	Level of Significance	Item No.
90 Railway Parade, Kogarah	Lot 1 DP 618131	Former Post Office	Local	I198
92 Railway Parade, Kogarah	Lot 1 DP 913023	Shops and Offices	Local	I199
1 Belgrave Street, Kogarah	Lot 1 DP 710161	Former Commonwealth Bank	Local	I157
8 Belgrave Street, Kogarah	Lot 101 DP 1051252	House and Garden "Tokio"	Local	I158

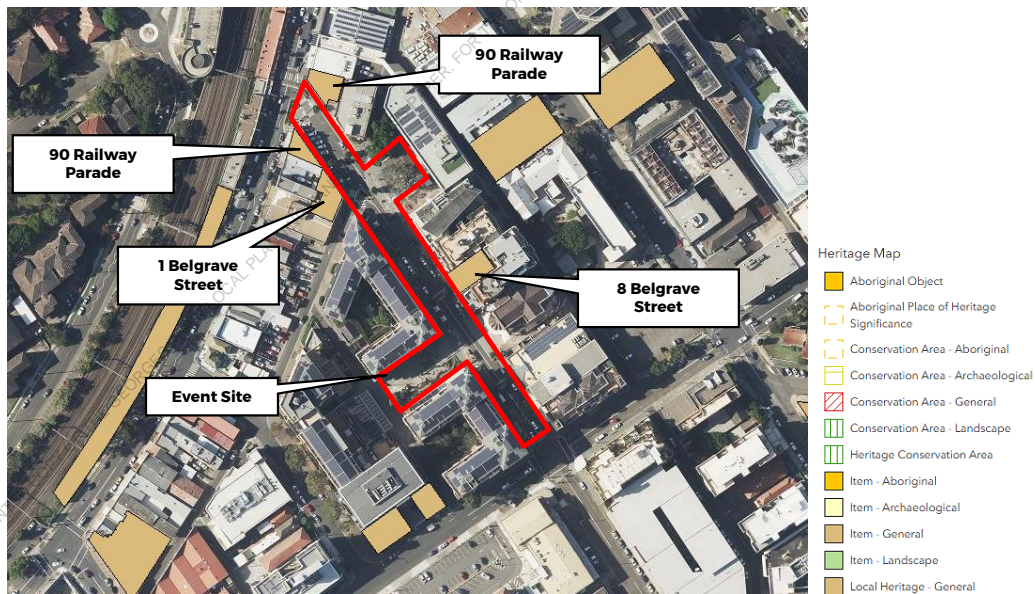


Figure 7: Heritage Map
Source: LEP 2021

4.4 Development Control Plans

The *Georges River Development Control Plan 2021* (DCP 2021) applies to the development site. The following assessment addresses the relevant sections of DCP 2021.

4.4.1 Part 3 – General Planning Considerations

Part 3.7.6: Development in the Vicinity of a Heritage Item or Heritage Conservation Area

The use of the site for temporary events and the erection of associated structures and signage will not result in any permanent change to the four heritage items along Belgrave Street. There are no works proposed to heritage items in the vicinity of the event site and therefore no impact to the heritage fabric of these buildings. As there are no physical changes to the heritage items, nor demolition or excavation, there will be no impacts to any associated archaeology. The proposal seeks to retain and temporarily enliven the views to the adjoining and adjacent heritage items through the use of the event site for temporary events.

Part 3.11: Ecologically Sustainable Development

The *Sustainable Events Management Guideline* (Sustainable Guideline) identifies the environmental impacts of an event and establishes actions to enhance Council's ability to support, facilitate and deliver sustainable events, ensuring a consistent approach to sustainable event management across the organisation and within the local government area. Each event organiser will consider the volume and type of wastes generated during an event, how much water is required to be consumed or required during the event and how much energy is required to be used for, or to power the event, to ensure that environmentally sustainable design is suitably considered for events to reduce the overall impact on the environment.

Part 3.12: Waste Management

A detailed Waste Management Plan will be prepared by the event organiser for each temporary event held as part of the Operational Plan of Management. General rubbish, organics (food and green waste) and recycling bins must be available at the event site pursuant to Council's Event Toolkit.

Part 3.17: Universal/Accessible Design

The Accessibility Map prepared by GSBN Studio dated 15 November 2024, identifies the continuous accessible paths of travel to the event site from Kogarah Railway Station and the bus terminal on Railway Parade, as well as accessible parking and toilets, and the general location of first-aid and information marquees within the event site. All temporary events held at the event site must provide appropriate access and accessible facilities for persons with a disability in accordance with the Accessibility Map prepared by GSBN Studio, dated 15 November 2024.

4.4.2 Part 8 – Strategic Centres

Kogarah Town Centre

The event site is located within Kogarah Town Centre (refer to **Figure 8**) and therefore subject to the development standards under Part 8 of DCP 2021. The key visions outlined for the planning and development approval process of Kogarah Town Centre encourage:

- *The village atmosphere is maintained and strengthened,*
- *The human scale and people friendly environment is enhanced,*
- *New buildings and streetscapes display a distinctive character,*
- *New development respects and enhances existing items of heritage,*
- *Streets and open spaces are safe and attractive for all pedestrians, including people with disabilities, and*
- *Emphasis is placed on encouraging opportunities for social activities and community celebrations.*

The proposal, which seeks a holistic approval for the temporary use of land to facilitate community, cultural and corporate events, will encourage opportunities for social activities and community celebrations. This will in turn enhance vitality and overall social interaction through high quality and unique street activations and festivals. The proposal is therefore consistent with the relevant key visions for Kogarah Town Centre.

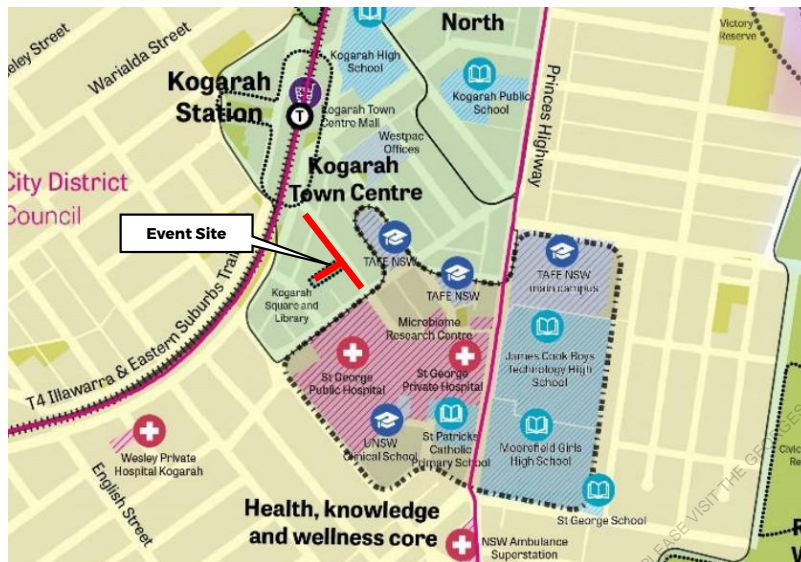


Figure 8: Kogarah Town Centre Map
Source: Georges River DCP 2021

Belgrave Street Precinct

Local Precinct Character Statements are provided under Section 8.1.4 of DCP 2021. The event site is situated within Belgrave Street Precinct, and the existing character of the precinct is described as an important pedestrian route from Kogarah Railway Station to St George Hospital. Belgrave Street is given a formal, cohesive character by extensive streetscape works. The desired future character of the Belgrave Street Precinct described within Section 8.1.4, is as follows:

"Belgrave Street will be a green, vibrant pedestrian priority main street for the Kogarah Town Centre, providing a direct link to the hospitals as the southern anchor, leveraging its civic uses and supporting pedestrian desire lines from the hospitals to the station.

A small public plaza at the intersection of Belgrave Street and Post Office Lane will provide additional civic open space within the Town Centre.

Post Office and Wicks Lanes will provide a finer grain pedestrian network for the Kogarah Town Centre and will facilitate activation, street art and night time activity".

The proposed development will encourage pedestrian movement and street activation along Belgrave Street through the conducting of temporary events and will facilitate activation, street art and night time activity. The proposal will result in the positive attention and observation of Belgrave Street and the adjoining heritage buildings. The proposal therefore is considered to appropriately complement and be consistent with the desired future character of the Belgrave Street Precinct in accordance with Section 8.1.4 of DCP 2021.

4.5 Section 4.15(1) Assessment

Section 4.15(1) of the Act requires the following matters be considered in the assessment of the proposed development.

4.5.1 *Impact of the development including the environmental impact of the development on both the natural and built environment and social and economic impacts on the locality.*

All impacts associated with the proposed event use and works in the event site will be temporary in their duration. Event organisers will be required to prepare a detailed Operational Plan of Management to minimise environmental impacts on the event site and surrounding area. All works associated with structures and overlay will be temporary and reversible. All temporary structures will be removed by the end of the bump out period and the event site will be reinstated to its existing condition at the end of the event. Impacts from the bump in and bump out phases will also result in some impacts on the community, businesses and visitors to the event site and the locality.

Overall, the proposal will provide a streamlined approval process to facilitate the delivery of temporary events and festivals by Council and community groups. These events will be appropriately managed so that they are vibrant, innovative, diverse, inclusive, safe and of minimal environmental impact. The proposal will also strongly promote community and social connections as well as creativity and culture within the Georges River LGA.

A comprehensive assessment of the short-term impacts of the proposal is provided below.

Visual Impact

Temporary structures and installations erected in association with temporary events will be professionally designed, structurally certified to the necessary regulatory Australian Standards, and will have a positive and dynamic visual outcome on the streetscape, landscape and public domain settings. Any view loss from the public domain and surrounding properties generated as a result of the proposal will be temporary in nature, and only for the duration of the temporary use. Consideration will be given to maintain views to heritage items in proximity to the event site during event planning and the placement of temporary structures. The event site will be reinstated to its existing condition immediately at the conclusion of the temporary use and there will be no permanent impact on any element of the locality in respect to view loss and visual amenity.

Details of the types of temporary structures have yet to be provided in relation to specific events and functions to be held on the event site and will be submitted as part of the Event Application. The type of temporary structures will differ between events and there is no single type of structure or layout that will be used for all events. Notwithstanding the proposal involves a range of temporary facilities to be installed on the site which may be visible from private properties and public domain locations. The proposed temporary structures will be visible from outside the site but are not considered to unreasonably obstruct existing view corridors across the site. The potential visual impact of the temporary structures is considered acceptable given the limited and short duration on the site. The event site containing temporary structures must be reinstated to their existing condition on removal of all temporary structures.

Social and Economic Impact

The proposed development will contribute to generating positive social and economic benefits by facilitating a blanket planning approval for temporary events within a high quality, suitable and accessible temporary event site within Kogarah Town Centre for the hosting of Council, corporate, and community events. The proposal will:

- Increase desirability for event organisers to conduct their events within the event site;
- Support the surrounding businesses and community groups, enhance the overall vitality of the locality, and develop social opportunities and connectiveness within the community; and
- Encourage new lifestyle, cultural, festive and entertainment uses to activate Belgrave Street and surrounding public domain spaces and grow the night-time economy.

By obtaining a holistic planning approval for a period of five years to use the site for temporary events, there will be increased opportunities and a streamline process to host an event within Kogarah Town Centre, which will encourage people to visit the area, without causing any adverse impacts to neighbouring properties or the locality.

Noise Impact

The proposed temporary use of the event site for community, cultural and corporate events will generate short-term noise from:

- Amplified music;
- Bump In and Bump Out activities including speaker and sound testing relating to Public Address (PA) and amplified music systems;
- Pyrotechnic displays;
- Use of generators;
- Increased pedestrian and vehicular traffic around surrounding road network during event periods (including during Bump In and Bump Out); and
- The movement of patrons to and from the event site.

Sensitive noise receivers have been identified adjacent to the event site along Belgrave Street and surrounding Kogarah Town Square and include residential apartments above ground floor commercial premises.

An Operational Noise Management Plan dated 19 November 2024 has been prepared for the event site by Acoustic Dynamics. The Operational Noise Management Plan concludes that noise emission resulting from the operations of some mid-size events and major events within the event site is predicted to exceed the relevant external noise emission criteria when assessed at the nearest sensitive receivers during a worst-case operational scenario.

The Operational Noise Management Plan provides recommended noise mitigation measures to be implemented during all aspects of the proposal to minimise impacts to the adjacent residential development during a temporary event. Recommended noise mitigation measures are detailed in Section 7 of the Operational Noise Management Plan and summarised in Section 3.4 of this report. The operation of events will be in accordance with the noise management measures to minimise any noise related impacts on the nearest affected noise sensitive receivers.

Traffic and Parking Management

The site is highly accessible to public transport infrastructure, including the Kogarah Railway Station and bus terminal, situated 120m north of the event site. A second bus stop is also located 80m west of the event site on Kensington Street. The existing public transport network is able to suitably accommodate the increased number of passengers during temporary events held within the event site. In addition to public transport, there are several car parks located within walking distance to the event site. Attendance at the temporary events will predominantly be through public transport or walking.

The two Traffic Management Plans prepared by Guardian dated 14 November 2024 address general pedestrian and vehicle safety and management for the event site, as well as the temporary road closure points. These Traffic Management Plans are to be implemented for all events requiring a road closure and set the general parameters for traffic management during an event. The plans clearly indicate changed flows of traffic when it is required to temporarily close Belgrave Street for events.

Heritage

The proposed temporary use of the event site for community, cultural and corporate events and the erection of any associated temporary structures will not materially affect the heritage significance of the four local heritage items situated along Belgrave Street, nor will it detract from the heritage significance of the items. The proposal involves only works of a temporary and reversible nature on Council land only. The overall heritage significance of the surrounding items will therefore not be compromised in any way by the proposal.

The use of the site as a venue for the hosting of temporary events and the erection of associated temporary structures is therefore considered to be acceptable in regard to heritage conservation.

Safety and Security

Structural compliance to address wind loading is a requirement for all events and functions. All temporary structures must be designed and secured against the potential wind uplift and crowd vandalism.

An Operational Plan of Management will be prepared by each event organiser for all temporary events as part of the Event Application lodged with Council. This will ensure a high standard of event management and acceptable environmental impact to surrounding properties and the locality is maintained.

Stringent security and management practices to deter anti-social behaviour, including that resulting from alcohol consumption at events or functions, will be implemented for all events to ensure public safety and to maintain a reasonable level of residential amenity to surrounding residential development. The careful service of alcohol and management of crowds will be the responsibility of the event organiser. All legislative requirements regarding the responsible service of alcohol, attendee safety and behaviour control will be outlined within the event Operational Plan submitted to Council prior to the granting of an Event Permit for the event or function.

Pyrotechnics/Fireworks

Some major events held within the event site may include the use of pyrotechnics/fireworks. To ensure noise, light and odour impacts are suitably mitigated from pyrotechnic displays, notice of the events that will include the use of pyrotechnics must be made by the event organiser to both Council as well as the nearest residential properties.

Lighting

Existing lighting infrastructure is available within Kogarah Town Square and along the footpaths on Belgrave Street and is suitable to cater for the needs of the majority of temporary events. Additional temporary lighting may be required for some events, as well as the erection of lighting installations or electronic screens/displayed. Temporary lighting must be installed and integrated to be sympathetic to the public domain and controlled so that it is switched off in accordance with the hours of operation for the event. This will in turn mitigate any potential lighting impacts to the surrounding development.

Waste Management

All temporary events will be conducted with regard to the principles of environmental sustainability, in accordance with Council's Sustainable Guidelines for events. A detailed Waste Management Plan will be prepared for each temporary event by the event organiser and addressed as part of the Operational Plan of Management and will detail waste management operations during all phases of the event including bump in and bump out activities and during the event.

Event organisers will be required to outline within the Operational Plan the methods of collection, storage and transportation of all waste generated by the proposed event or function held on the event site. Event organisers should outline the measures for minimising the use of non-recyclable materials and packaging as well as minimising the distribution of non-reusable utensils and items. The Waste Management Plan may also ensure that waste materials including items able to be recycled which are generated by the proposed event are collected from the event site and will be managed appropriately by waste contractors and deposited at appropriate waste and recycling facilities.

Event Signage

The proposed event may include the installation of signage as part of the temporary overlay for an event or function. The signage requirements will vary for each event. The provision of signage as part of an integrated temporary overlay package may include business and event sponsor identification, product branding and wayfinding. These types of signs are recognised as a necessary element for the promotion of the event, visitor safety and the successful operation of the proposed event.

Details of all proposed signage can be provided to Council for review and approval prior to the granting of an Event Permit. It may be a conditional requirement of the Permit that further detail regarding the proposed signage is provided to Council for review and approval prior to the event commencing. The provision of signage on the site including animated, illuminated and non-illuminated signs, where environmental impacts are minimised, is considered acceptable due to the temporary nature and short duration on the site.

Unrelated/third party signage not associated with the proposed event will not be permitted to be displayed on the site. Other forms of visual branding or visual identification or promotion relating to the proposed event such as lighting displays using lasers and spotlights, projection graphics and animated or moving electronic signage may be installed and operated on the site where environmental impacts are minimal and values of the locality are maintained. All event signage plans will be subject to an assessment by Council.

4.5.2 *Suitability of the Site for the Development*

The overall event site, which includes the roadway and pedestrian footpaths along Belgrave Street between Railway Parade and Kensington Street, Kogarah Town Square, and the forecourt of 2 and 2B Belgrave Street, is regularly used by Council and community groups throughout the year to hold a range of temporary events that differ in size, duration, overlay, and the types of temporary structures required. Therefore, the suitability of the event site for the proposed development has already been established.

The event site has already been successfully used for community and cultural events which demonstrates the suitability to grant holistic approval for temporary use of the land for a period of five years. The proposal will result in an overall acceptable environmental impact, where all impacts are temporary and can be appropriately managed throughout an event. Further, the proposal is a permissible use within the Mixed Use Zone and will not alter the established use of the land within the Kogarah Town Centre.

The proposed use and associated temporary overlay installations are therefore suitable development for the event site.

4.5.3 *Any submissions made in accordance with the Act or Regulation*

In accordance with Schedule 1, Section 9B of the Act, Council-related Development Applications must be publicly notified for a minimum period of 28 days. Any relevant matters raised by any submissions received by Council will be addressed by the Applicant (Milestone), if required.

4.5.4 *The Public Interest*

The proposed development is considered to be in the public interest as it will play an important role in promoting Kogarah Town Centre as a destination for community, cultural, and corporate events and will also encourage an increased pedestrian flow and vibrancy to the locality overall. Kogarah Town Centre has a distinct identity with high quality infrastructure and public spaces that support the wellbeing of the community and encourage opportunities for social activities and community celebrations. The proposal respects the desired future character of the locality and will initiate, facilitate, and support inclusive and accessible events that meet the community aspirations and connect people, communities, and diverse groups.

Importantly, the proposal improves Council process efficiency by eliminating unnecessary planning red tape and reducing the overall costs for event organisers to conduct temporary events and road closures within the event site, and deliver enhanced cultural, economic, and social benefits through street-based events. The proposal will therefore have an overall positive public benefit to the locality.

5 CONCLUSION

Development Consent is sought from the consent authority for the temporary use of Council owned land for community, cultural, and corporate events, including the erection of associated temporary structures and installation of event overlay within the Kogarah Town Centre. The Development Application seeks to obtain an overarching Development Consent Notice to hold community, cultural and corporate events for a period of five years.

The proposal seeks to streamline the planning and event approval process for temporary events and reduce the overall time and cost of delivering street-based events and temporary road closures for event organisers. Further, the blanket approval will provide operational parameters to be implemented for events and includes recommended temporary event overlays including accessibility, traffic control, and noise mitigation measures. This will in turn allow for enhanced cultural, economic, and social benefits through street-based events, whilst ensuring a minimal overall environmental impact.

The likely impacts on the community as a result of the proposal are addressed in Section 4 of this report and demonstrate that subject to the noise and visual impacts of the proposed events and functions being addressed as well as a comprehensive Operational Plan developed by the event organiser being implemented, the cumulative environmental impacts will be acceptable.

This comprehensive assessment concludes that the proposed development can be undertaken without resulting in significant adverse environmental impacts. In the absence of any significant environmental impacts as a result of the proposal, and considering the broader social and economic benefits of the proposed use of the site, it is considered a satisfactory proposal.

In relation to Event Applications, Council has an established rigorous approval process and the following documents are required to be submitted to Council by each event organiser for Council's assessment of the application prior to granting a Permit for the event:

- Detailed Operational Plan of Management prepared in accordance with Council's Event Toolkit, including:
 - Event Site Plan and Overlay.
 - Operational Management Procedures.
 - Waste Management Strategy.
 - Event Risk Assessment and Management Strategy.
 - Emergency Plan.
 - Resident Notification Letter.
 - Alcohol Management Plan (if alcohol being served).
 - Lost Child Response Plan.

Based on the conclusions of this comprehensive review of environmental impact and taking into account the mitigation measures identified in the preceding sections of this report, the overall effect of the proposal is considered acceptable in terms of the site and its context.

This assessment has demonstrated the proposed development will have acceptable impacts on both the natural and built environment and the locality, is suitable for the event site, and is in the public interest, subject to appropriate conditions of consent being imposed. The proposed development appropriately satisfies and achieves a high level of compliance with the relevant provisions of the applicable State Environmental Planning Instruments, the *Georges River Local Environmental Plan 2021* and the *Georges River Development Control Plan 2021* and is acceptable. In accordance with Section 4.15 of the *Environmental Planning and Assessment Act 1979*, the proposed development is considered appropriate and will not cause any significant adverse environmental, heritage, economic or social impacts. In addition, the proposal:

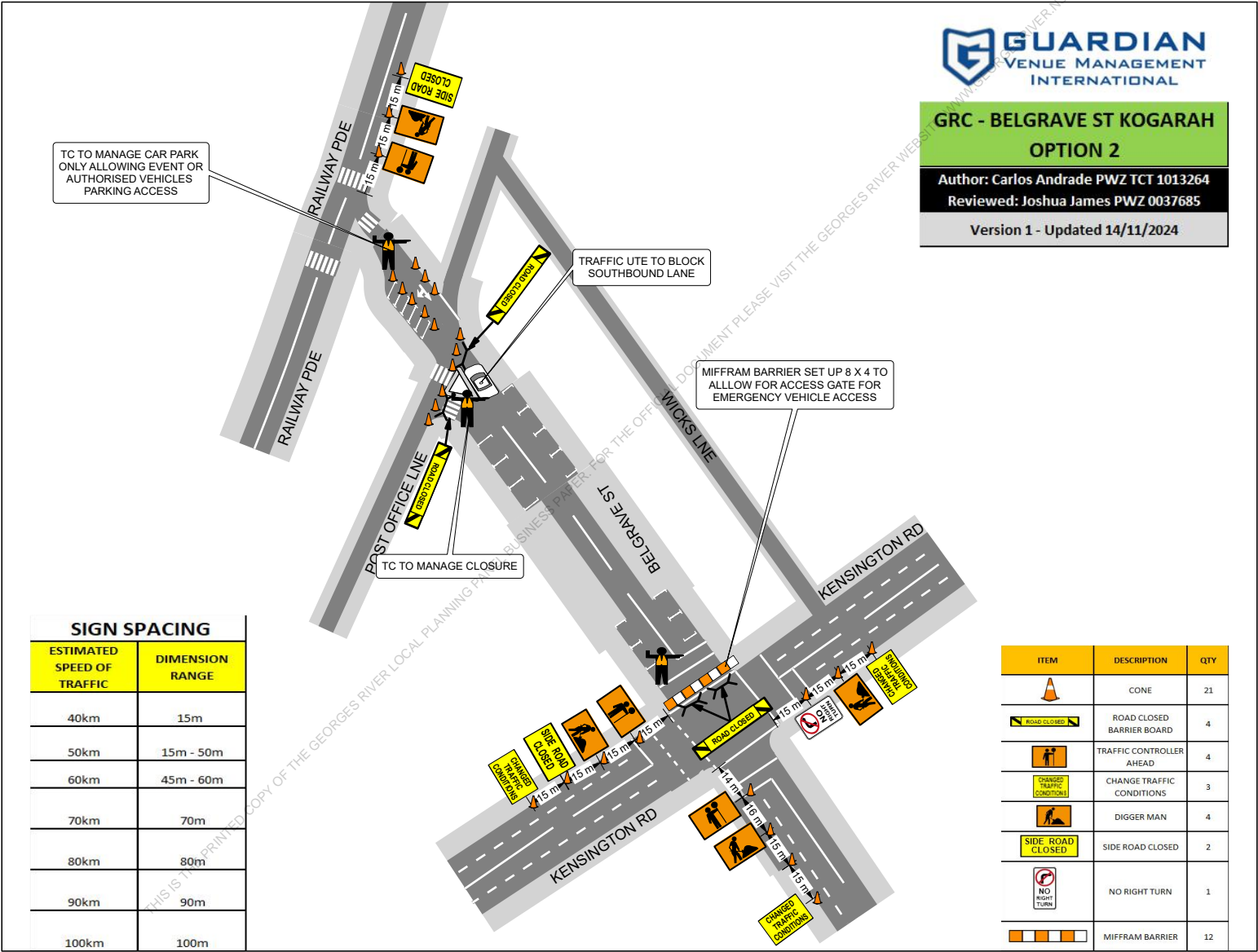
- Is permissible within the MUI Mixed-use Zone and is consistent with the relevant zone objectives;
- Supports and promotes community activation of Council's event spaces by streamlining the approval process for event organisers to hold an event within Kogarah Town Centre;
- Provides appropriate measures for temporary road closure points for the event site to reduce the overall cost of delivering street-based events;

- Provides an appropriate management structure and measures to mitigate potential environmental impacts associated with proposed events and functions through a holistic approval for all events to comply with;
- Will be designed and managed to be inclusive and maintain positive safety crowd outcomes and accessibility;
- Has minimal impact to the surrounding heritage items;
- Will contribute positively to the public domain through the provision of high quality and unique activations that will enhance vitality and social interaction overall; and
- Will contribute positively to the economy through increased visitor numbers with flow on benefits to other businesses including retail, food and drink premises and other services.

In light of the merits of the proposal and in the absence of any significant adverse environmental, social, heritage or economic impacts, we have no hesitation in recommending that the Development Application for the temporary use of Council land for temporary events be approved subject to conditions to ensure the impacts of the development, albeit temporary impacts are appropriately mitigated and/or managed and operations are undertaken in accordance with Council's event management plans and procedures.

MILESTONE (AUST) PTY LIMITED







Operational Noise Management Plan Kogarah Town Square Temporary Events Belgrave Street, Kogarah, NSW

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Client:
Georges River Council

19 November 2024



Sydney Head Office
Suite 2
174 Willoughby Rd
St Leonards NSW 2065
T: 02 9908 1270

Melbourne Office
Suite 11
70 Racecourse Rd
Nth Melbourne VIC 3051
T: 03 7015 5112

ABN: 36 105 797 715
PO Box 270
Neutral Bay NSW 2089
E: info@acousticdynamics.com.au
W: www.acousticdynamics.com.au



Client	Georges River Council
Contact	Ms Fiona Goumis
Address	Corner of MacMahon and Dora Streets HURSTVILLE NSW 2220
Phone	02 9330 6003
Email	fgoumis@georgesriver.nsw.gov.au

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CONTENTS

Glossary	3
1 Introduction.....	4
1.1 Executive Summary.....	4
1.2 Project Description	4
1.3 Scope of Works	6
2 Assessment Criteria and Standards.....	6
2.1 Local Government and Council Criteria	6
2.2 State Government Policies and Legislation.....	7
2.3 Liquor and Gaming NSW.....	7
2.4 NSW Environment Protection Authority	8
3 Noise Measurement Equipment and Standards.....	10
4 Assessment Methodology.....	10
4.1 Project Criteria.....	10
4.2 Operational Scenarios	11
4.3 Noise Sources	13
4.4 Receivers	14
5 Operational Noise Emission Assessment	15
5.1 External Noise Emission.....	15
5.2 Sleep Disturbance	17
5.3 Road Traffic Noise.....	18
6 Discussion.....	18
7 Noise Management	19
7.1 Best Management Practice and Noise Management Plan	19
7.2 Acoustic Barriers	20
7.3 Vehicle Management Procedures.....	20
7.4 Community Liason Procedure.....	21
7.5 Audio Systems and Musical Performances.....	22
7.6 Bump In / Bump Out Operations.....	23
8 Conclusion.....	24
Appendix A – Location Map, Aerial Image and Drawings.....	2 pages
Appendix B – Unattended Noise Monitoring Data.....	2 pages



GLOSSARY

NOISE

Noise is produced through rapid variations in air pressure at audible frequencies (20 Hz – 20 kHz). Most noise sources vary with time. The measurement of a variable noise source requires the ability to describe the sound over a particular duration of time. A series of industry standard statistical descriptors have been developed to describe variable noise, as outlined below.

NOISE DESCRIPTORS

L_{eq} – The sound pressure level averaged over the measurement period. It can be considered as the equivalent continuous steady-state sound pressure level, which would have the same total acoustic energy as the real fluctuating noise over the same time period.

L_{Aeq(15min)} – The A-weighted average equivalent sound level over a 15-minute period.

L_{A10} – The A-weighted noise level that has been exceeded for 10% of the measurement duration.

L_{A90} – The A-weighted noise level that has been exceeded for 90% of the measurement duration. This descriptor is used to describe the background noise level.

RBL – Rating Background Level. The overall, single-figure background level representing each assessment period (day/evening/night) over the whole monitoring period (as opposed to over each 24-hour period used for assessment background level). This is the level used for assessment purposes.

dB – Decibels. The fundamental unit of sound, a Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell. Probably the most common usage of the Decibel in reference to sound loudness is dB sound pressure level (SPL), referenced to the nominal threshold of human hearing. For sound in air and other gases, dB (SPL) is relative to 20 micropascals (μPa) = 2×10^{-5} Pa, the quietest sound a human can hear.

R_w – Weighted Sound Reduction Index. A measure of sound insulation performance of a building element. The higher the number, the better the insulation performance.

A-WEIGHTING

"A-weighting" refers to a prescribed amplitude versus frequency curve used to "weight" noise measurements to represent the frequency response of the human ear. Simply, the human ear is less sensitive to noise at some frequencies and more sensitive to noise at other frequencies. A-weighting is a method to present a measurement or calculation result with a number representing how humans subjectively hear different frequencies at different levels.

NOISE CHARACTER, NOISE LEVEL AND ANNOYANCE

The perception of a given sound to be deemed annoying or acceptable is greatly influenced by the character of the sound and how it contrasts with the character of the background noise. A noise source may be measured to have only a marginal difference to the background noise level but may be perceived as annoying due to the character of the noise. Acoustic Dynamics' analysis of noise considers both the noise level and sound character in the assessment of annoyance and impact on amenity.



1 INTRODUCTION

1.1 EXECUTIVE SUMMARY

Acoustic Dynamics is engaged by **Georges River Council** to conduct an acoustic assessment of operational noise emission associated with the proposed Council, community, cultural and corporate events, including the erection of temporary structures and event overlay at Kogarah Town Square and along Belgrave Street in Kogarah, NSW, including management strategies to minimise the acoustic impacts on affected residences.

The purpose of this assessment is to provide detail and recommendations for the management of operational noise emission for temporary events. This assessment is prepared in accordance with the various acoustic requirements of:

- (a) Georges River Council;
- (b) NSW Environment Protection Authority;
- (c) Association of Australasian Acoustical Consultants; and
- (d) Australian Standards.

1.2 PROJECT DESCRIPTION

The proposed event site comprises:

- **Belgrave Street:** Bounded by Railway Parade to the north and Kensington Street to the south. Belgrave Street comprises two lanes of traffic in a north/south direction, as well as metred car parking and landscape beds on the eastern and western sides of the road. The event site also includes the pedestrian footpath;
- **Kogarah Town Square:** Located at the southern side of the event site on the eastern side of Belgrave Street. Kogarah Town Square is situated within two separate lots:
 - 11 O'Keefes Lane, Kogarah (legally described as SP 82313); and
 - 13 Belgrave Street, Kogarah (legally described as SP 69307).
- **Forecourt of 2 and 2B Belgrave Street, Kogarah:** Located at the northern end of the event site on the eastern side of Belgrave Street and legally described as Lot 48 Section F DP 1397, and Lots 46 and 47 Section F DP 1397, respectively.

The event site is zoned MU1 Mixed Use pursuant to Georges River Local Environmental Plan 2021 and immediately adjoins commercial office buildings, as well as a mix of health service facilities along the eastern side of Belgrave Street. Medium density mixed-use residential and commercial buildings are also located on the eastern side of Belgrave Street, as well as along the western side of Belgrave Street and immediately adjoining Kogarah Town Square. Commercial tenancies along the street level include medical and professional services, retail, and food and drink premises. A pub is also located on the western side of Belgrave Street at the northern end of the event site.



This proposal seeks the temporary use of Council owned land within Kogarah Town Centre for community, cultural, and corporate events, including the erection of associated temporary structures and event overlay.

Proposed temporary events will range from minor gatherings to major events that attract crowds of generally up to 5,000 people at any one time. The majority of events will be open to the public to attend (non-exclusive) and some events may require the purchase of a ticket (exclusive).

The types of temporary events to be held at the site will include, but are not limited to:

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

The site will generally have up to 5,000 people attending temporary events at any given time. For the purpose of this assessment Acoustic Dynamics has assessed the events under the following two categories, in accordance with the Event Matrix provided within Council's Event Guide:

Table 1.1 Georges River Council Event Matrix and Guide

Mid Event	Major Event
Up to 1,000 people at any one time	Over 1,000 people at any one time
Temporary infrastructure – marquees, portable toilets	Temporary infrastructure required – staging, portable toilets, marquees
Moderate noise impact or amplification	High noise impact and amplification
Up to 5 caterers or food vendors	Above 5 caterers or food vendors
Change to traffic or pedestrian management	Traffic and pedestrian management, including increased vehicle traffic to the event area

Acoustic Dynamics understands that the event site is proposed to be used for temporary events at the following times:

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

Acoustic Dynamic understands event set up will commence no earlier than 6:00am, or end later than 12:00 midnight, on any day. Event set-down and clean-up will end no later than two (2) hours after the end of the event on any day.

The project site, adjacent receivers and surrounding area are shown in the Location Map and Aerial Image within **Appendix A**.



1.3 SCOPE OF WORKS

Acoustic Dynamics has been engaged to provide an acoustic assessment suitable for submission to the relevant authorities.

The scope of the assessment is to include the following:

- Review local planning and development control instruments, state guidelines, federal legislation, standards and guidelines applicable to the proposal;
- Conduct unattended noise monitoring and operator-attended measurements at the development site to determine the existing noise environment and establish relevant noise criteria;
- Perform relevant calculations and noise modelling associated with the proposal to determine noise emission at nearby receiver locations; and
- Provide recommendations for mitigation measures to be incorporated to achieve compliance with the relevant criteria and minimise potential noise impacts at nearby receiver locations.

2 ASSESSMENT CRITERIA AND STANDARDS

Acoustic Dynamics has reviewed local planning and development control instruments, government policies and legislation, standards and guidelines that are applicable to the proposal. The relevant sections of this review and the most stringent criteria applicable to this assessment are presented below.

2.1 LOCAL GOVERNMENT AND COUNCIL CRITERIA

2.1.1 LOCAL PLANNING AND DEVELOPMENT CONTROL INSTRUMENTS

Acoustic Dynamics has reviewed the relevant local planning and development control instruments, including the following documents:

- *Georges River Local Environmental Plan 2021* (LEP); and
- *Georges River Development Control Plan 2021* (DCP).

Acoustic Dynamics' review of the Georges River LEP and DCP did not yield specific acoustic criteria or information relevant to this assessment.



2.2 STATE GOVERNMENT POLICIES AND LEGISLATION

Acoustic Dynamics has conducted a review of the relevant state environmental planning policies, legislative acts and statutory instruments, including the *Protection of the Environment Operations Act 1997*.

The POEO Act provides generic regulatory instruments that can be applied to manage noise emission from a development site. Acoustic Dynamics advises that the operation of building services and other sources associated with the development not generate “*offensive noise*”, as defined within the Act:

“offensive noise means noise—

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

2.3 LIQUOR AND GAMING NSW

Prior to the *Liquor Act 2007* being gazetted by the NSW State Parliament, and establishment of the *Liquor Regulation 2008*, noise emission from licensed premises had to comply with the Liquor and Gaming NSW noise emission criteria (formerly NSW Office of Liquor and Gaming (OLG)), detailed below.

Acoustic Dynamics advises that many NSW liquor licenses still specify the following noise emission criteria, which would be considered reasonable to apply to other large outdoor events:

“The L_{A10} noise emitted from the licensed premises shall not exceed the background noise level in any octave band frequency (31.5 Hz to 8 kHz inclusive) by more than 5 dB(A) between 7.00am and midnight at the boundary at any affected residence.

The L_{A10} noise level emitted from the licensed premises shall not exceed the background noise in any octave band centre frequency (31.5 Hz to 8 kHz inclusive) between midnight and 7.00am at the boundary of any affected residence.

Notwithstanding compliance of the above, noise from the licensed premises shall not be audible in any habitable room in any residential premises between the hours of midnight and 7.00am.”



2.4 NSW ENVIRONMENT PROTECTION AUTHORITY

Acoustic Dynamics has reviewed various assessment guidelines and criteria published by the NSW Environment Protection Authority (EPA), including the following documents:

- *Noise Policy for Industry 2017 (NPfI)*; and
- *Noise Guide for Local Government 2022 (NGLG)*.

2.4.1 NOISE POLICY FOR INDUSTRY 2017

The NPfI outlines and establishes noise criteria for industrial and other noise sources in various zoning areas. Whilst not directly applicable to noise from temporary events, the following criteria would normally apply to noise from commercial and/or industrial developments, or other continuous operating noise sources such as mechanical plant and vehicles.

The following assessment guidelines are provided for context.

PROJECT INTRUSIVENESS NOISE LEVEL

The intrusiveness noise level is determined as follows:

$L_{Aeq, 15min} = \text{rating background noise level} + 5 \text{ dB}$	
where:	
$L_{Aeq, 15min}$	represents the equivalent continuous (energy average) A-weighted sound pressure level of the source over 15 minutes.
and	
Rating background noise level	represents the background level to be used for assessment purposes, as determined by the method outlined in Fact Sheets A and B.

PROJECT AMENITY NOISE LEVEL

The recommended amenity noise levels represent the objective for **total** industrial noise at a receiver location, whereas the **project amenity noise level** represents the objective for a noise from a **single** industrial development at a receiver location.

To ensure industrial noise levels (existing plus new) remain within the recommended amenity noise levels for an area, a project amenity noise level applies for each new source of industrial noise as follows:

Project amenity noise level for industrial developments = recommended amenity noise level (Table 2.2) minus 5 dB(A)

Given the temporary nature of the proposed events, Acoustic Dynamics advises that compliance with the Amenity Level would not normally be considered as a reasonable application of the NPfI.

However, Acoustic Dynamics advises that compliance with the assessment criterion of NSW Liquor and Gaming will also ensure compliance with the NPfI Project Intrusiveness Level.



2.4.2 SLEEP DISTURBANCE CRITERION

Acoustic Dynamics advises that sleep disturbance is a complex issue, and the potential for sleep disturbance to occur depends on both the level of noise at a residential receiver, and the number of events that occur.

The NSW EPA has investigated overseas and Australian research on sleep disturbance. The assessment of noise for sleep disturbance relies on the application of a screening that indicates the potential for this to occur. The EPA's NGLG provides the following guidance for such a screening test:

"Currently, there is no definitive guideline to indicate a noise level that causes sleep disturbance and more research is needed to better define this relationship. Where likely disturbance to sleep is being assessed, a screening test can be applied that indicates the potential for this to occur. For example, this could be where the subject noise exceeds the background noise level by more than 15 dB(A). The most appropriate descriptors for a source relating to sleep disturbance would be $L_{A1(1 \text{ minute})}$ (the level exceeded for 1% of the specified time period of 1 minute) or L_{Amax} (the maximum level during the specified time period) with measurement outside the bedroom window."

Additionally, the guidelines of the NPfI provide the following additional information:

"Where the subject development/premises night-time noise levels at a residential location exceed:

- $L_{Aeq,15min}$ 40 dB(A) or the prevailing RBL plus 5 dB, whichever is the greater; and/or
- L_{AFmax} 52 dB(A) or the prevailing RBL plus 15 dB, whichever is greater".

Further to the above information, the following summarises the sleep disturbance criterion for external noise levels:

$$L_{Aeq,15min} \leq 40 \text{ dB or } L_{Aeq,15min} \leq (RBL + 5 \text{ dB}), \text{ whichever is greater}$$

AND

$$L_{Amax} \text{ or } L_{A1(1 \text{ minute})} \leq L_{A90} + 15 \text{ dB or } 52 \text{ dB(A)}, \text{ whichever is greater}$$

The RNP references other publications for consideration:

"The World Health Organisation guidelines (WHO 1999) recommended that:

'where noise is continuous, the equivalent sound pressure level should not exceed 30 dB(A) indoors, if negative effects on sleep are to be avoided'.

In addition to the above, the EPA has previously published the following additional information relating to findings of significant research carried out for sleep disturbance:

"Maximum internal noise levels below 50-55 dBA are unlikely to cause awakening reactions... One or more noise events per night, with maximum internal noise levels of 65-70 dBA, are not likely to affect health and wellbeing significantly."



3 NOISE MEASUREMENT EQUIPMENT AND STANDARDS

All measurements were conducted in general accordance with AS 1055.1:2018 *Acoustics – Description and Measurement of Environmental Noise Part 1: General Procedures*. Sound measurements were carried out using precision sound level meters conforming to the requirements of IEC 61672.1:2002 *Electroacoustics: Sound Level Meters – Part 1: Specifications*. The instrumentation used during the survey is set out in **Table 3.1**.

Table 3.1 Noise Survey Instrumentation

Type	Serial Number	Instrument Description
2270	2664115	Brüel & Kjaer Modular Precision Sound Level Meter
4189	2385698	Brüel & Kjaer 12.5 mm Prepolarised Condenser Microphone
4230	623588	Brüel & Kjaer Acoustic Calibrator
XL2	A2A-06816-E0	NTI Audio XL2 Noise Logger
4230	1234148	Brüel & Kjaer Acoustic Calibrator

The reference sound pressure level was checked prior to and after the measurements using the acoustic calibrator and remained within acceptable limits.

4 ASSESSMENT METHODOLOGY

Acoustic modelling was undertaken using noise modelling software (*CadnaA Version 2020*) to predict operational noise levels generated by the development. CadnaA calculates environmental noise propagation according to the applicable international and ISO standards, including the ISO 9613 algorithm.

Within our calculations and acoustic modelling, noise emission contributions from the development have been considered taking the following factors into account:

- Airborne noise losses due to distance and ground topography;
- Losses due to direction and diffraction;
- Increases due to reflections; and
- Acoustic shielding.

4.1 PROJECT CRITERIA

To establish the acoustic environment at the subject site in accordance with the criteria outlined in **Section 2**, unattended noise monitoring was conducted between Friday 7 May 2021 and Monday 10 May 2021, adjacent to the Greek Orthodox Parish and Community of Kogarah on Belgrave St, Kogarah.

Acoustic Dynamics advises the measurement location is representative of the existing noise environment of the nearest sensitive receivers. The measurement location is shown within **Appendix A**. Results from the long-term noise monitoring are presented in **Appendix B**.



Following the general procedures outlined in **Section 2**, a summary of the established noise environment and project noise objectives at the nearest residential receivers is presented below.

In consideration of the typical NSW Liquor and Gaming assessment requirements applicable to licensed premises and other entertainment events, detailed in **Section 2.3**, Acoustic Dynamics has established the following **octave band** noise emission criteria, presented in **Table 4.1**.

Table 4.1 Measured External Octave Band Levels and Noise Emission Criteria – Residential Receivers

Location	Assessment Period	Method for Calculation of Criteria	Relevant $L_{A10,15min}$ External Noise Emission Criteria [dB]									
			Octave Band Centre Frequency [Hz]									
			32	63	125	250	500	1K	2K	4K	8K	O/A
Nearest Residential Receivers ¹	Morning 6am to 7am ¹	External L_{A90}	21	31	37	40	42	42	40	36	31	48
		$(L_{A90} + 0 \text{ dB})^2$	21	31	37	40	42	42	40	36	31	48
	Day 7am ¹ to 6pm	External L_{A90}	22	31	38	41	44	44	42	38	32	49
		$(L_{A90} + 5 \text{ dB})^3$	27	36	43	46	49	49	47	43	37	54
	Evening 6pm to 10pm	External L_{A90}	22	31	38	40	43	43	40	37	32	48
		$(L_{A90} + 5 \text{ dB})$	27	36	43	45	48	48	45	42	37	53
	Late Evening 10pm to 12am	External L_{A90}	21	30	37	39	41	41	39	36	31	47
		$(L_{A90} + 5 \text{ dB})$	26	35	42	44	46	46	44	41	36	52
	Night 12am to 2am	External L_{A90}	21	30	37	39	41	41	38	35	31	47
		$(L_{A90} + 0 \text{ dB})$	21	30	37	39	41	41	38	35	31	47

Note: 1) 8:00am on Sundays and public holidays.

2) External Noise Level, at nearest residential boundary. External Background Noise Level (L_{A90}) + 0 dB.

3) External Noise Level, at nearest residential boundary. External Background Noise Level (L_{A90}) + 5 dB.

In accordance with the NGLG and NPfI guidelines detailed above, the following sleep disturbance screening criterion for external noise emission has been applied for this project:

External Sleep Disturbance Criteria:

$$L_{Aeq,15min} \leq 53 \text{ dB}$$

AND

$$L_{Amax} \text{ OR } L_{A1(1 \text{ minute})} \leq 63 \text{ dB}$$

4.2 OPERATIONAL SCENARIOS

Acoustic Dynamics has assessed noise from the following two event scenarios, which can occur at any time between the following hours:

- **Sunday to Thursday:** 7:30am to 11:00pm.
- **Friday to Saturday:** 7:30am to midnight (12:00am).



Acoustic Dynamics notes the below operations have been assumed based on Council's vision for these temporary mid and major events. Acoustic Dynamics notes the below assumptions are non-prescriptive, but have been assumed for the purposes of predicting the impact of noise emission on the local area.

Generally speaking, Acoustic Dynamics understands the below are representative of a typical mid or major event scenario. Any changes to the scenarios below may result in marginally higher noise levels than predicted in **Section 5**. In this case, the management plan provided in **Section 7** is still applicable and may be implemented to minimise acoustic impacts on the local area.

SCENARIO A: MID EVENT

- Maximum 1,000 event participants at any one time, with:
 - 500 participants moving between stalls, and to and from the location in groups of two (2); and
 - 500 participants in small groups of two (2), with half speaking at a normal level;
- Pop up stalls / tents / installations spread evenly across the site;
- Performing musicians at the designated stage areas;
- Food trucks with exhaust fans and light background music at the areas marked on the event site plan; and
- Up to three (3) site generators at the areas marked on the event site plan.

SCENARIO B: MAJOR EVENT

- Maximum 5,000 event participants at any one time, with:
 - 2,500 participants moving between stalls, and to and from the location in groups of two (2); and
 - 2,300 participants in small groups of two (2), with half speaking at a normal level;
 - Up to 200 patrons in a beer garden with patrons speaking at a raised volume;
- Pop up stalls / tents / installations spread evenly across the site;
- Performing band or DJs with video screen and amplified music;
- Performing musicians at the designated stage areas;
- Performing musicians in the licensed area with amplified music;
- Food trucks with exhaust fans and light background music at the areas marked on the event site plan; and
- Up to eight (8) site generators at the areas marked on the event site plan.

NB: Acoustic Dynamics has assumed the level of noise from performing musicians, video screens and loudspeakers at the areas marked on the Event Site Plan will be set to the levels presented in **Table 4.2** and all music will cease before 10:00pm.

Acoustic Dynamics has also assessed noise resulting from bump in and bump out activities.

To support the bump in and bump out of the temporary event, a number of construction workers, delivery truck and vehicle movements, fork lifts and other construction plant will be required to erect the temporary structures and associated event overlay. Speakers and sound systems relating to public address (PA) and amplified music will also need to be tested.



Acoustic Dynamics understands bump in and bump out activities can occur at any time between 6:00am and 12:00am (midnight) on any given day.

Acoustic Dynamics has assessed the following worst-case scenario resulting from bump in and bump out operations for a major event.

SCENARIO C: BUMP-IN / BUMP-OUT

- Maximum thirty (30) staff including contractors at any time bumping in or out;
- Maximum two (2) heavy vehicles within a 15-minute period to deliver event equipment;
- Light power tools to be used sparingly between 7:00am and 6:00pm **only**;
- Testing of speakers and sound systems (between 8:00am and 9:00pm **only**).

4.3 NOISE SOURCES

Acoustic Dynamics has established and assessed the following noise levels for activities and operations associated with the event.

The noise data presented in **Table 4.2** has been established based on information provided by the proponent, short-term measurements and inspections conducted on-site, or referenced from our database of nearfield measurements at similar developments.

Table 4.2 Associated Noise Sources and Operations

Source	Sound Power Level L_w [dBA]
Mid Event	
Group of two patrons walking together	61
Group of two patrons, one speaking at a normal volume	68
Performing musicians with amplifier (Stage Areas)	88
Delivery van / food truck with exhaust fan and music	86
Generator	78
Major Event	
Group of two patrons walking together	61
Group of two patrons, one speaking at a normal volume	68
Group of three patrons, one speaking at a raised volume	75
Performing band / DJ (Stage Areas)	100
Performing musicians with amplifier (Stage Area & Licensed Area)	88
Video screen with lowered loudspeakers (Stage Areas)	80
Delivery van / food truck with exhaust fan and music	86
Generator	78



Source	Sound Power Level L_w [dBA]
Bump In / Out	
Staff / contractor setting up with light power tools used sparingly	80
Performing acoustic musician with amplifier	88
Video screen with two lowered loudspeakers	80
Heavy vehicle delivering event equipment	91

Note: 1) Overall sound power levels are detailed, but octave band sound power levels have been used in our assessment.

4.4 RECEIVERS

The cumulative noise impact has been assessed to the potentially most affected point at the adjacent sensitive receiver properties and presented in **Table 4.3** below.

Table 4.3 Nearest Sensitive Receiver Locations

Source	Location
R₁	4 to 12 Belgrave Street
R₂	3 to 9 Belgrave Street
R₃	Kogarah Town Square (9 & 13 Belgrave Street)
R₄	13 to 19 Belgrave Street
R₅	24 Belgrave Street

Acoustic Dynamics advises that by achieving compliance with the nearest sensitive receiver locations, compliance will also be achieved at all other sensitive receiver locations further away.

The project site, adjacent receivers and surrounding area are shown in the Location Map and Aerial Image within **Appendix A**.



5 OPERATIONAL NOISE EMISSION ASSESSMENT

The calculated maximum noise emission levels at the nearest receiver locations against the relevant criteria are presented below. It is advised that by achieving compliance with the nearest sensitive receiver locations, compliance will also be achieved at all other receiver locations.

The assessment location for **external noise emission** is defined as the most affected point on or within any sensitive receiver property boundary. Examples of this location may be:

- 1.5m above ground level;
- On a balcony at 1.5m above floor level; and
- Outside a window on the ground or higher floors, at a height of 300mm below the head of the window.

The assessment location for **internal noise emission** is defined as the most affected point within the nearest room of any sensitive receiver property, assuming windows are closed.

5.1 EXTERNAL NOISE EMISSION

The calculated maximum **external** noise emission levels at the nearest receiver locations are presented against the relevant noise emission criteria below.

Acoustic Dynamics advises the calculated **external** noise emission levels are conservatively based on **maximum capacity** operations. Acoustic Dynamics advises that such a scenario is unlikely to occur and noise levels are likely to be below those calculated for the majority of the time.

Table 5.1 Calculated External Noise Emission Levels at Residential Receivers (Mid Event)

Receiver	Noise Source ¹	Relevant L _{A10} Noise Emission Criterion [dB] and Calculated L _{A10} Noise Emission Levels at Receivers [dB] ^{2,3}										Complies?
		32	63	125	250	500	1K	2K	4K	8K	O/A	
Late Evening Criterion (10:00pm to 12:00am)		26	35	42	44	46	46	44	41	36	52	
R ₁	Cumulative Total	0	45	45	47	54	54	50	47	37	59	No
R ₂	Cumulative Total	0	51	42	49	54	53	48	44	34	59	No
R ₃	Cumulative Total	0	36	41	45	54	53	48	43	34	58	No
R ₄	Cumulative Total	0	48	47	49	55	55	51	47	38	60	No
R ₅	Cumulative Total	0	49	48	50	56	56	52	48	40	61	No



Table 5.2 Calculated External Noise Emission Levels at Residential Receivers (Major Event)

Receiver	Noise Source ¹	Relevant L _{A10} Noise Emission Criterion [dB] and Calculated L _{A10} Noise Emission Levels at Receivers [dB] ^{2,3}										Complies?
		32	63	125	250	500	1K	2K	4K	8K	O/A	
Day & Evening Criterion (7:00am to 10:00pm)		27	36	43	45	48	48	45	42	37	53	
R ₁	Cumulative Total	1	52	46	52	59	59	54	48	38	63	No
R ₂	Cumulative Total	0	50	50	53	60	59	55	51	42	64	No
R ₃	Cumulative Total	15	46	50	56	67	69	64	57	44	72	No
R ₄	Cumulative Total	0	52	49	52	58	58	54	49	40	63	No
R ₅	Cumulative Total	0	52	51	53	59	59	55	51	43	64	No
Late Evening Criterion (10:00pm to 12:00am)		26	35	42	44	46	46	44	41	36	52	
R ₁	Cumulative Total	0	49	50	52	59	59	54	51	42	63	No
R ₂	Cumulative Total	0	50	50	53	60	59	55	51	42	64	No
R ₃	Cumulative Total	0	47	50	51	58	58	54	51	42	63	No
R ₄	Cumulative Total	0	52	49	52	58	58	54	49	40	63	No
R ₅	Cumulative Total	0	52	51	53	59	59	55	51	43	64	No



Table 5.3 Calculated External Noise Emission Levels at Residential Receivers (Bump In / Out)

Receiver	Noise Source ¹	Relevant L _{A10} Noise Emission Criterion [dB] and Calculated L _{A10} Noise Emission Levels at Receivers [dB] ^{2,3}										Complies?
		32	63	125	250	500	1K	2K	4K	8K	O/A	
Early Morning Criterion (6:00am to 7:00am)		21	31	37	40	42	42	40	36	31	48	
R ₁	Cumulative Total	13	34	34	35	42	45	43	36	27	49	No
R ₂	Cumulative Total	11	33	33	33	41	44	42	35	26	48	Yes
R ₃	Cumulative Total	0	22	21	21	29	34	32	24	13	37	Yes
R ₄	Cumulative Total	13	35	34	35	43	46	44	37	28	50	No
R ₅	Cumulative Total	12	34	33	34	42	45	43	36	27	49	No
Day & Evening Criterion (7:00am to 10:00pm)		27	36	43	45	48	48	45	42	37	53	
R ₁	Cumulative Total	13	35	36	45	55	55	50	43	33	59	No
R ₂	Cumulative Total	13	35	35	44	55	54	49	42	33	58	No
R ₃	Cumulative Total	15	26	45	55	66	68	63	56	42	71	No
R ₄	Cumulative Total	13	35	35	44	54	53	48	41	33	58	No
R ₅	Cumulative Total	12	34	35	45	55	54	49	42	33	59	No

5.2 SLEEP DISTURBANCE

Acoustic Dynamics has determined the potential maximum L_{Amax} **external** noise emission level from the development, resulting from participants packing equipment after closing, with high maximum levels predicted to result from closing truck doors, when measured at the nearest residential receivers during the night-time assessment period.

Table 5.5 Calculated Maximum Instantaneous External Noise Levels & Relevant Noise Criteria

Sensitive Receiver	Source	Predicted Maximum L _{Amax} Sound Pressure Level [dB] ¹	L _{Amax} Sleep Disturbance Criterion [dB] ²	Complies?
Residential Receivers along Belgrave Street	Major event (Musical Performance)	80	52	No
	Bump-in & Bump-out (Closing truck doors)	60	63	Yes

Note: 1) Predicted L_{A1(60 Sec)} noise level is the maximum noise level measured within a 60-second period.
 2) Maximum instantaneous noise level measured during the night-time assessment period (10:00pm until 7:00am on weekdays, or 8:00am on weekends and public holidays).



5.3 ROAD TRAFFIC NOISE

Acoustic Dynamics understands that patrons and staff who drive will access the development via surrounding local roads. Vehicles utilising local roads are assessed in consideration of the NSW EPA's *Road Noise Policy 2011*.

The calculated maximum noise emission levels at the nearest residential receivers, due to predicted maximum 1,000 vehicles utilising surrounding local roads during a peak one-hour period at the conclusion of an event, are presented below. Acoustic Dynamics advises this is a highly conservative assumption, as the number of vehicles is expected to be significantly less.

Acoustic Dynamics advises that by achieving compliance with the nearest sensitive receiver locations, compliance will also be achieved at all other sensitive receiver locations further away.

Table 5.6 Calculated Road Traffic Noise Emission Levels & Relevant Noise Criteria

Sensitive Receiver	Predicted Maximum $L_{Aeq,1hr}$ Sound Pressure Level [dB] ¹	Relevant $L_{Aeq,1hr}$ Criterion [dB] ^{2,3}	Complies?
Residential receivers along Belgrave Street	51	50	Yes ³

Note: 1) Predicted L_{Aeq} noise level is the maximum noise level measured within a 1-hour period.
 2) Measured noise level within a 1-hour period during the night-time assessment period (10:00pm until 12:00am).
 3) Marginal compliance is considered to be achieved as 1 to 2 dB are generally considered to be acoustically insignificant and not easily discernible to the human ear.

6 DISCUSSION

The calculations indicate the following:

- Noise emission resulting from the operations of **mid and major** events is **predicted to exceed** with the relevant **external** noise emission criteria when assessed at the nearest sensitive receivers during a worst-case operational scenario;
- Maximum instantaneous external noise events are **predicted to comply** with NSW EPA guidelines on sleep disturbance when assessed at the nearest sensitive receivers during the bump-in and bump-out periods, if vehicle movements and minor works are limited prior to 7:00am and after 10:00pm;
- Activities associated with a major event are predicted to **exceed** the sleep disturbance criterion. However, the risk of sleep disturbance can be minimised following the implementation of the recommended management measures below; and
- To ensure the assessment is conducted in a conservative manner, noise emission has been assessed as a **worst-case** scenario (i.e. all noise generating activities and noise sources occurring simultaneously and at maximum capacity). Generally, noise emission associated with the operation of the facility is **predicted to be lower** than the calculations presented.



7 NOISE MANAGEMENT

The following Operational Noise Management Plan is provided to ensure noise associated with the proposal is adequately managed and minimised.

7.1 BEST MANAGEMENT PRACTICE AND NOISE MANAGEMENT PLAN

The following best management practice policies and procedures are provided to protect the acoustic amenity of the surrounding area:

1. Noise and vibration induction of all site staff, including the explanation of noise and vibration control and a discussion of project specific reduction strategies;
2. Where feasible, vehicle movements and deliveries required for bump-in and bump-out periods are recommended to occur during day-time hours only (i.e. between 7:00am and 10:00pm from Monday to Friday, or between 8:00am and 10:00pm on weekends and public holidays);
3. Should trucks or other heavy vehicles be required to be on-site for longer than five minutes, engines should be switched off for the duration;
4. Where feasible, consider reducing operations after 10:00pm by reducing the operational capacity of mechanical equipment such as generators;
5. Consider the placement of noisy equipment such as site generators:
 - Enclose equipment within ventilated enclosures, where feasible;
 - Position equipment behind structures that act as barriers;
 - Locate equipment at the greatest distance from noise sensitive areas; or
 - Orient equipment such that noise emission is directed away from noise sensitive areas;
6. Ensure all noisy engines, fans and pumps are fitted with efficient muffler or silencer design;
7. Where feasible, consider using quieter engines, such as electric instead of internal combustion;
8. At the cessation of events, ensure participants leave the premises quietly and respectfully to minimise any potential impacts on the surrounding amenity, including signage reminding participants to be aware of their neighbours and to leave in a respectful manner;
9. Implementation of an appropriate community liaison procedure, including a noise and vibration complaint procedure and means of ongoing communication with nearby potentially affected receivers once development operations begin.



7.2 ACOUSTIC BARRIERS

Where feasible, consider the use of acoustic barriers to mitigate noise transmission from high-generating noise uses such as site generators and other continuous running sources of mechanical plant, the rear of sound stages, and other high-noise generating sources of entertainment to the nearest receivers.

The effectiveness of an acoustic barrier is determined by its height, constructed materials and density. The acoustic barrier must meet the following specifications:

1. The acoustic barrier must provide a minimum surface density of **15 kg/m²** and contain **no gaps** along the surface. All gaps are to be adequately sealed using a flexible mastic sealant. Acoustic Dynamics advises that the acoustic barrier could be constructed to be:
 - A double layer Colorbond™ (or equivalent) construction;
 - Masonry (brick or concrete) construction;
 - A minimum 9mm thick compressed fibre-cement sheeting on a timber or steel stud; or
 - Other suitable material (minimum surface density of **15 kg/m²**) such as Perspex or equivalent;
2. The acoustic barrier must be high enough such that direct line-of sight is blocked between the noise source and the nearest residential receiver(s); and
3. The acoustic barriers may be lined internally (side facing the noise source) with a suitably weather resistant and durable outdoor acoustic absorption material (such as Stratocell Whisper™ or equivalent).

7.3 VEHICLE MANAGEMENT PROCEDURES

Acoustic Dynamics recommends the following vehicle management procedures be implemented to protect the acoustic amenity of the surrounding area:

1. Deliveries should be avoided during night-time periods (between 10:00pm and 7:00am from Monday to Friday, or 8:00am on weekends and public holidays) to minimise the risk of sleep disturbance. Acoustic Dynamics understands that some vehicle movements associated with bump-in and bump-out activities may be required, and advises that the following management strategies may assist in reducing the risk of sleep disturbance;
2. Vehicle engines should be switched off during loading and unloading activities;
3. Soft rubber pads between items of heavy equipment and other measures to avoid impact noises should be investigated and applied where practical;
4. Non-tonal reversing beepers should be used on site, where safe;
5. Reversing beepers should be avoided using forward manoeuvring where practical.



7.4 COMMUNITY LIASON PROCEDURE

Acoustic Dynamics recommends the implementation of an appropriate community liaison procedure, including a noise management and complaint procedure, and continual liaison with the nearby potentially affected receivers. The following should be carried out by the proponent:

1. No less than two (2) weeks prior to the event, a brief letter should be delivered to each of the adjacent residential receivers informing the occupants of the duration of the upcoming event and the steps that have been taken to minimize noise intrusion or disturbance;
2. Within the letter a contact telephone number should be provided so that should residents feel they are being adversely affected by the event operations (during the event) they can call a nominated member of the event staff to report their complaint;
3. A sign is to be located near the site entry points with 24-hour contact details (mobile phone numbers and email addresses for receipt of complaints);
4. A detailed (physical) log of all complaints relating to noise is to be kept on site. Such a log should include details of:
 - (a) the address of the complainant;
 - (b) the date and time of the complaint;
 - (c) the date and time the subject noise was heard;
 - (d) a description of the activities being undertaken at the time of the subject complaint;
 - (e) a contact telephone number for the complainant;
 - (f) detail of the person who fielded and logged the complaint;
 - (g) the signature of the project manager or site foreman confirming the complaint has reached an appropriate level of responsibility;
 - (h) detail of the action taken to respond to the complaint and the timing of this response; and
 - (i) the signature of the event manager or representative signing off confirmation that the complaint has been appropriately addressed.

NB: Note is made that should the complaint require the services of an independent consultant to investigate or conduct measurements, such services shall be engaged promptly and dates and times of contact with such a consultant shall be maintained/detailed within the complaints log.

5. All music associated with the event should cease at 10:00pm. No music should be played during pack-down or setup;
6. Ensuring patrons leave the site in a quiet and sensible manner to minimise any potential impacts on the surrounding amenity, including signage reminding patrons to be aware of their neighbours and to leave in a quiet manner; and
7. Event organisers will liaise with the local Police Station to ensure they are aware of the community complaints telephone number established.



7.5 AUDIO SYSTEMS AND MUSICAL PERFORMANCES

Acoustic Dynamics provides the following recommendations relating to the layout of all powered loudspeakers and portable amplifiers, to minimise noise emission to nearby sensitive receivers:

1. Stages for performing artists and musicians shall be located at the two (2) locations marked on the Event Site Plan in **Appendix A**;
2. Speaker location and orientation to be optimised to ensure no speakers are facing directly toward nearby residential receivers and to minimise noise emission to all receivers along Belgrave Street and surrounding Kogarah Town Square;
3. Minimisation of the number of sub-woofer speakers included for the event. We advise that sub-woofer speakers have the highest potential to cause disturbance at the surrounding receivers, and we recommend that no sub-woofer speakers be used during the event; and
4. All audio-visual systems be scheduled such that all powered loudspeakers and portable amplifiers are powered off and no audio is amplified after 10:00pm.

Acoustic Dynamics provides the following recommendations relating to all proposed performing artists and musicians, to minimise noise emission to nearby sensitive receivers:

1. Schedule of all performing artists and musicians to be staggered such that no more than one (1) artist is performing at any moment in time;
2. All artists be scheduled such that no artist is performing after 10:00pm and all amplified music is to be stopped at 10:00pm;
3. Installation on an overall output limiter (or several output limiters assigned to the various groups of speakers) to enable maximum overall output levels to be limited for the duration of the event for the following sources:
 - Performing band / DJ (major events): **92 dB(A)** at 1 metre from speakers;
 - Acoustic musician (beer garden): **80 dB(A)** at 1 metre from amplifier;
 - Audio visual installation: **72 dB(A)** at 1 metre from speakers;
4. Installation of a one-third octave band graphic equaliser (EQ), to enable the control of output levels of particular frequencies during the event;
5. Installation of a "high pass" shelf equaliser (EQ), set such that the output levels of all frequencies below **63Hz** are heavily reduced, and effectively removed from the overall output noise emission spectrum of the event; and
6. Direct, real-time, communication between the audio engineers in control of the noise output levels of all audio-visual and audio amplification equipment during the event and an event representative, for the duration of the event. This direct communication will allow noise emission levels to be adequately controlled, and reduced when required, throughout the event.



7.6 PYROTECHNICS / FIREWORKS

Acoustic Dynamics understands there will be **limited** events throughout the year where pyrotechnics and fireworks are proposed (such as the Lunar New Year).

Acoustic Dynamics advises noise from pyrotechnics and fireworks can cause **significant** disturbance to residents and animals within the area, particularly if they occur frequently, for a long duration, and at times when one would expect to enjoy peace and quiet.

Acoustic Dynamics provides the following recommendations for management of noise from fireworks:

1. The annual frequency of pyrotechnics and fireworks should be extremely limited;
2. The duration of pyrotechnics and fireworks should be minimised and limited to no more than 15 minutes;
3. The location should be considered such that the distance between the pyrotechnics and fireworks and receivers (including event participants) is maximised; and
4. To avoid the risk of sleep disturbance, pyrotechnics and fireworks should not occur after 10:00pm or prior to 7:00am.

7.7 BUMP IN / BUMP OUT OPERATIONS

Acoustic Dynamics provides the following recommendations relating to bump in and bump out activities:

1. Where feasible, vehicle movements associated with bump in and bump out activities should be avoided during night-time periods (between 10:00pm and 7:00am from Monday to Friday, or 8:00am on weekends and public holidays) to minimise the risk of sleep disturbance. Acoustic Dynamics understands that some vehicle movements associated with bump-in and bump-out activities may be required, and advises that the management strategies provided previously in **Section 7.3** will assist in minimising the risk of sleep disturbance;
2. Use of electrical power and construction tools are recommended to be used between the hours of 7:00am and 6:00pm to minimise the risk of acoustic disturbance in the evening and night-time periods. The continuous operation of tools and machinery should be avoided (i.e. by providing short periods of respite) wherever feasible to minimise noise impacts on the surrounding area;
3. Sound testing and rehearsals for performances are recommended to occur between the hours of 7:00am and 6:00pm to minimise the risk of acoustic disturbance in the evening and night-time periods, unless it is absolutely necessary that they occur outside of these hours;



4. If it is necessary that sound testing be undertaken outside of these hours, Acoustic Dynamics recommends that the residents in the local area be advised prior, and brief periods of respite (i.e. 3 to 5 minutes) should be provided between equally brief periods (i.e. 3 to 5 minutes) of musical amplification and sound testing;
5. The duration of any sound checks should be minimised;
6. Vehicle engines should be switched off during loading and unloading activities; and
7. All site staff and contractors shall undergo a site induction, including the explanation of noise and vibration control and a discussion of project specific reduction strategies.

8 CONCLUSION

Acoustic Dynamics has provided an Operational Noise Management Plan to minimise acoustic impacts resulting from the operations of temporary events proposed to be held at the Kogarah Town Square and along Belgrave Street, Kogarah, NSW, in accordance with the requirements of Georges River Council.

Acoustic Dynamics advises that incorporation of the above recommendations will likely ensure that noise emission associated with larger mid and major events will generally comply with the intent of the applicable noise emission criteria and, when coupled with real-time event noise monitoring, is unlikely to adversely impact nearby receivers for significant durations or frequencies throughout the year.

A review of the applicable local council, state government, federal legislation and international standards was conducted. Noise levels were assessed in accordance with the requirements of:

- (a) Georges River Council;
- (b) NSW Environment Protection Authority;
- (c) Association of Australasian Acoustical Consultants; and
- (d) Australian Standards.

The assessment predicted noise impacts at nearby sensitive receiver locations. Noise modelling was conducted using assumed **worst-case** operational scenarios in **Section 5**.

Recommendations are provided in **Section 7** detailing best management practices and design strategies minimise the impacts on the surrounding acoustic environment.

**Acoustic Opinion**

Further to our review of the relevant acoustic criteria and requirements and our calculations, Acoustic Dynamics advises that the proposed mid and major events are predicted to exceed the applicable noise criteria during worst-case scenarios, however, for the majority of the time, noise emission is likely to generally comply with the applicable criteria provided the recommendations in our report are appropriately implemented.

It is our opinion that the acoustic risks associated with the proposal can be adequately controlled and the amenity of neighbouring residents can be satisfactorily protected for the majority of these temporary events.

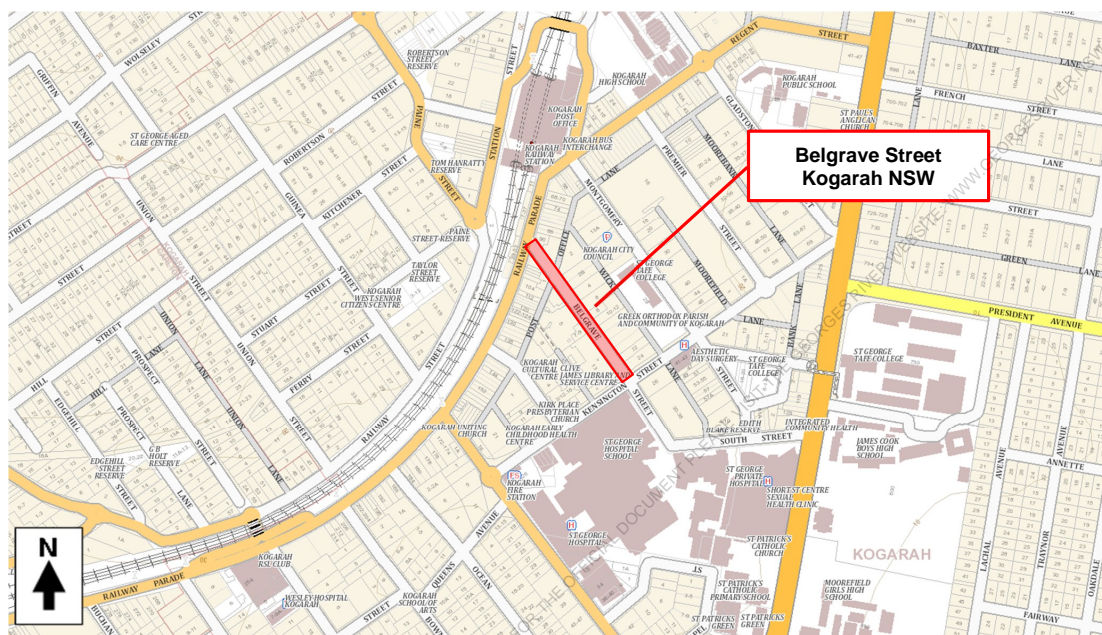
We trust that the above information meets with your present requirements and expectations. Please do not hesitate to contact us on 02 9908 1270 should you require more information.

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

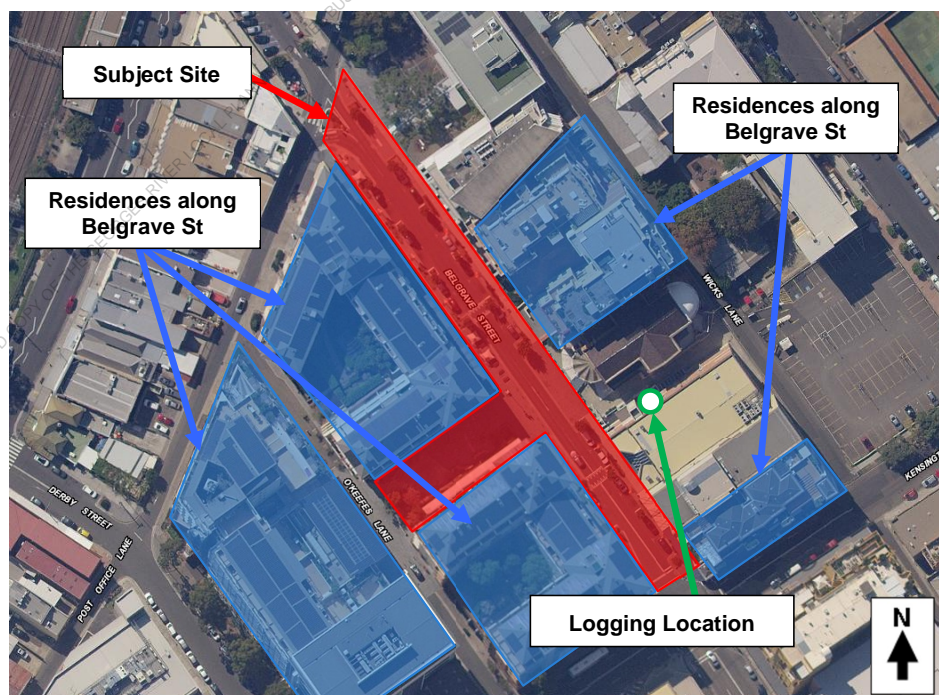


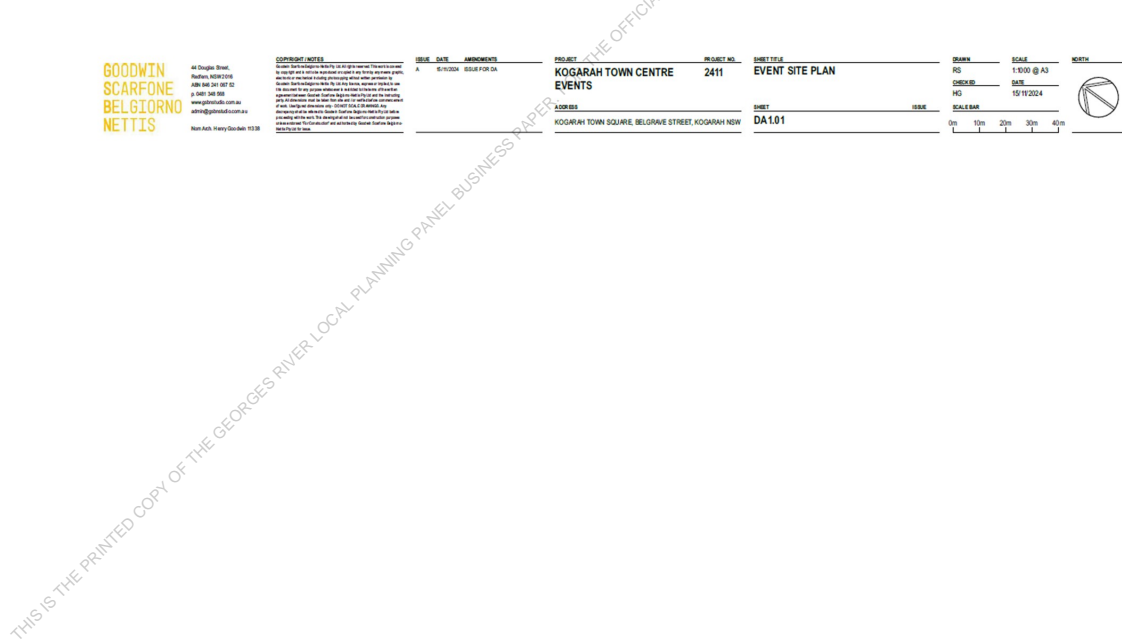
APPENDIX A — LOCATION MAP, AERIAL IMAGE AND DRAWINGS

A.1 LOCATION MAP (COURTESY OF SIX MAPS)



A.2 AERIAL IMAGE (COURTESY OF SIX MAPS)

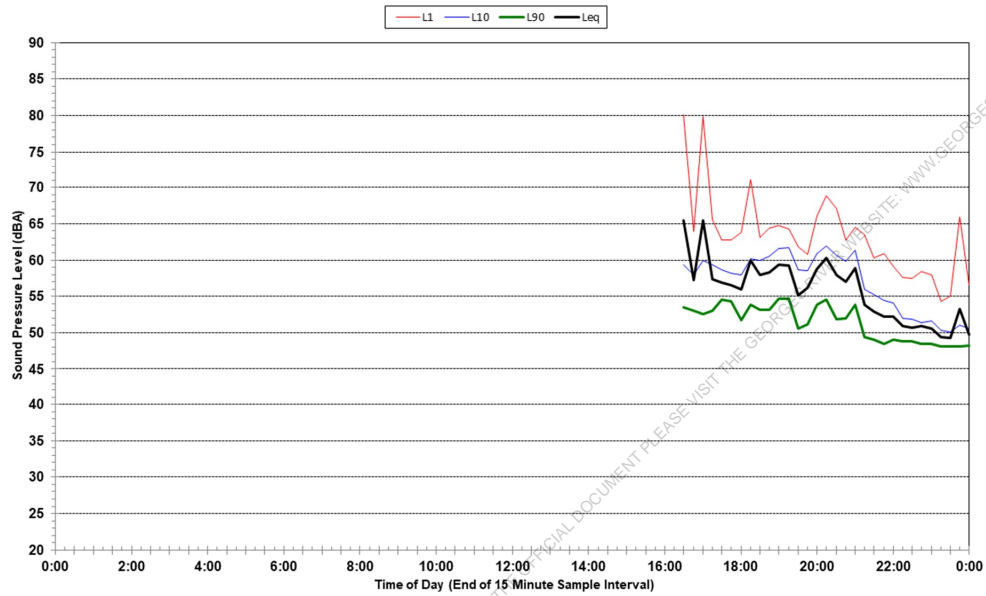




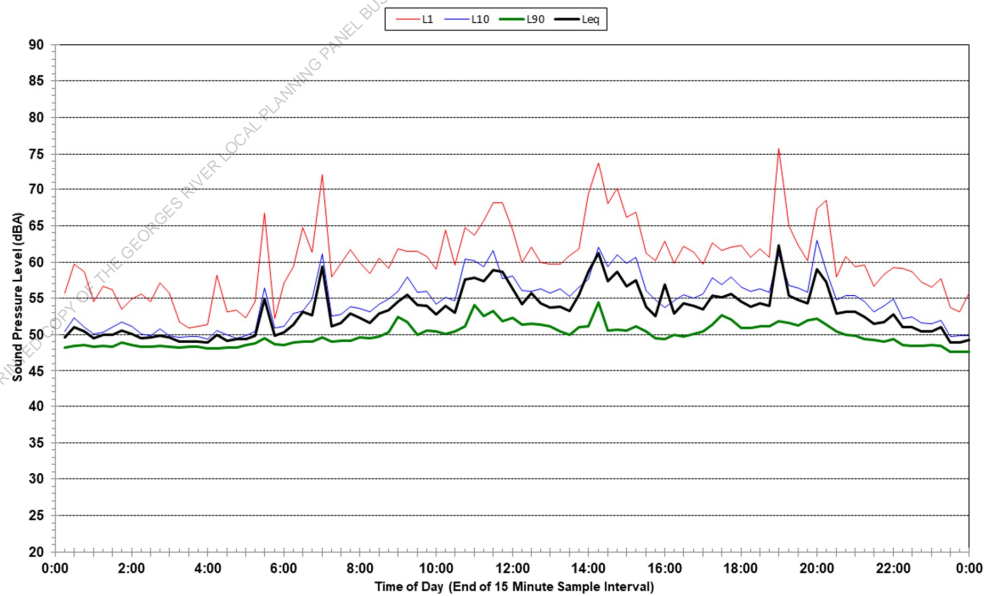


APPENDIX B — UNATTENDED NOISE MONITORING STATISTICAL GRAPHS

Statistical Ambient Noise Levels
Greek Orthodox Parish and Community of Kogarah - Friday 7 May 2021

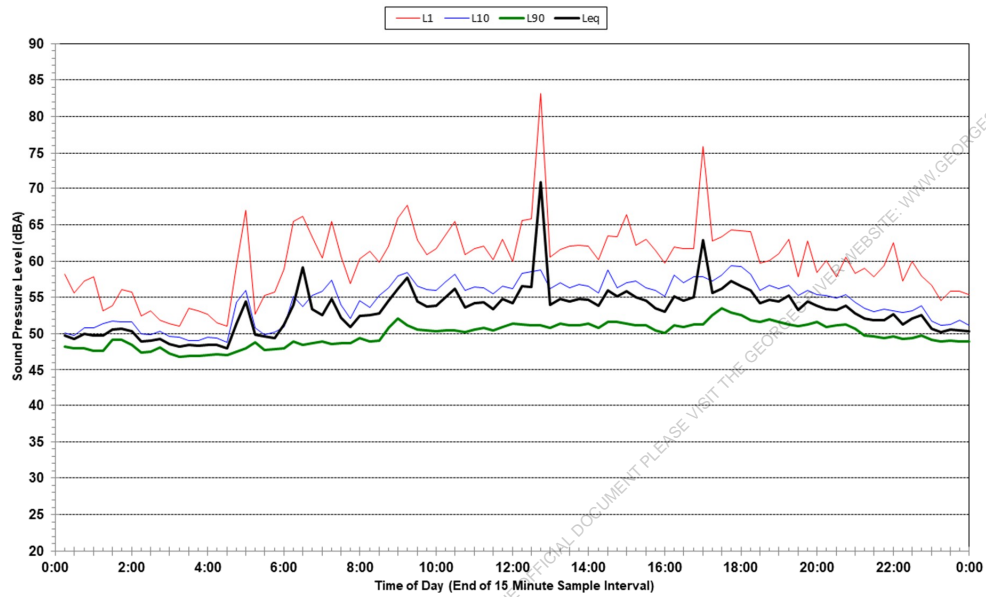


Statistical Ambient Noise Levels
Greek Orthodox Parish and Community of Kogarah - Sunday 9 May 2021

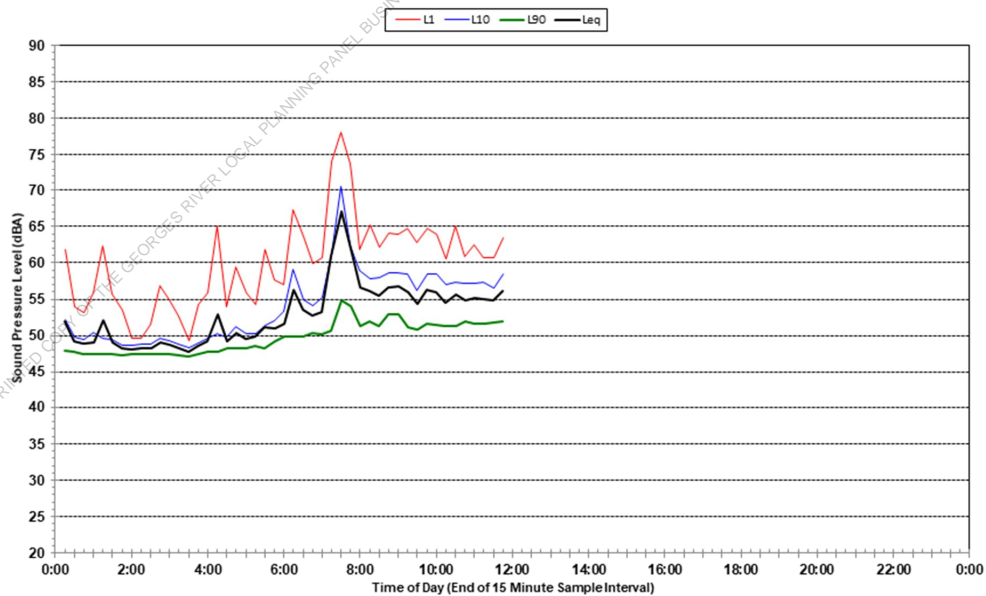




Statistical Ambient Noise Levels
Greek Orthodox Parish and Community of Kogarah - Saturday 8 May 2021

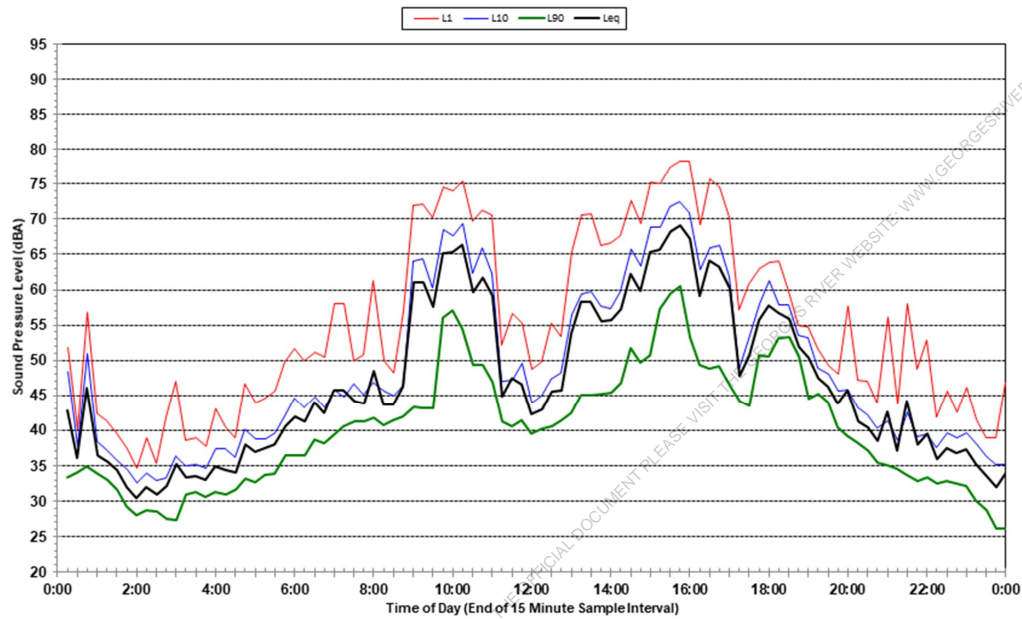


Statistical Ambient Noise Levels
Greek Orthodox Parish and Community of Kogarah - Monday 10 May 2021

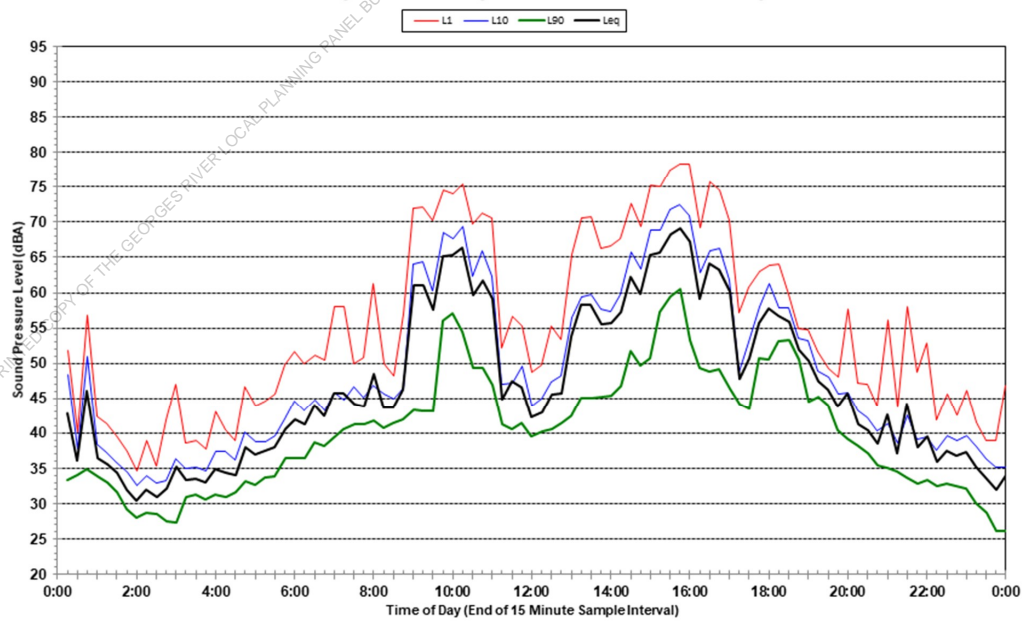




Statistical Ambient Noise Levels
36-38 Northcote Rd Hornsby - Kids Academy Child Care Centre - Wednesday 8 December 2021

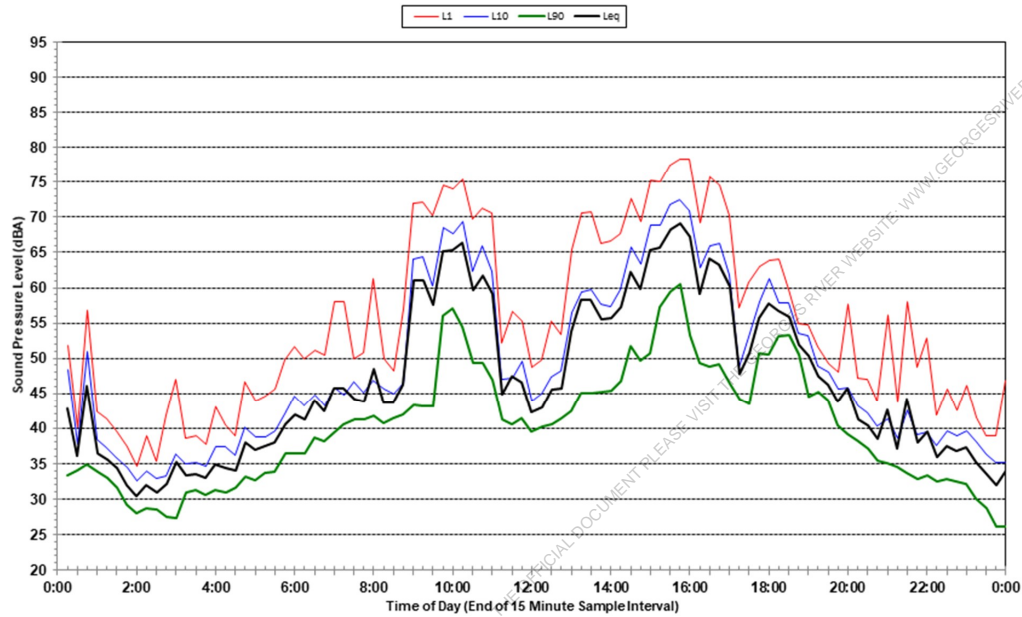


Statistical Ambient Noise Levels
36-38 Northcote Rd Hornsby - Kids Academy Child Care Centre - Wednesday 8 December 2021

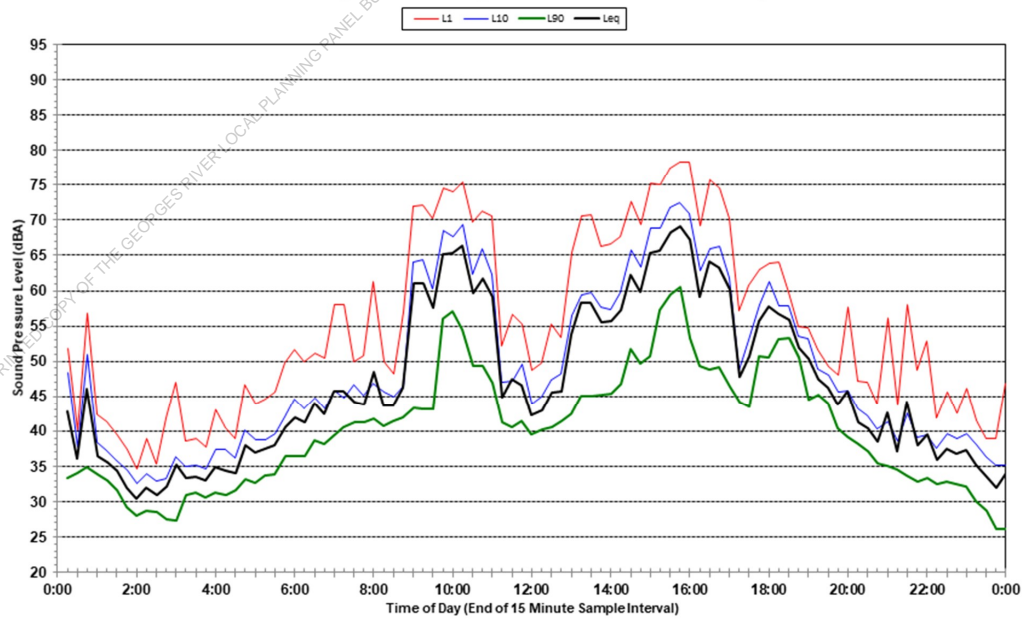




Statistical Ambient Noise Levels
36-38 Northcote Rd Hornsby - Kids Academy Child Care Centre - Wednesday 8 December 2021



Statistical Ambient Noise Levels
36-38 Northcote Rd Hornsby - Kids Academy Child Care Centre - Wednesday 8 December 2021



REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 15 MAY 2025

LPP014-25 SUITE 2, 272 FOREST ROAD HURSTVILLE NSW 2220

LPP014-25

LPP Report No	LPP014-25	Development Application No	DA2025/0023
Site Address & Ward Locality	Suite 2, 272 Forest Road Hurstville NSW 2220 Hurstville Ward		
Proposed Development	Demolition works, change of use to a recreation facility (fitness studio) and fit-out and construction of signage		
Owners	Sybmore Holdings Pty Ltd		
Applicant	Mihyun Ju		
Planner/Architect	JMH Interiors		
Date Of Lodgement	29/01/2025		
Submissions	0		
Cost of Works	\$133,100.00		
Local Planning Panel Criteria	The proposal involves internal demolition of a heritage item.		
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 (Industry and Employment) 2021, Georges River Local Environmental Plan 2021, Georges River Development Control Plan 2021.		
List all documents submitted with this report for the Panel's consideration	Architectural plans, Statement of Environmental Effects, Statement of Heritage Impact, Plan of Management		
Report prepared by	Senior Development Assessment Planner		

RECOMMENDATION	Approval, subject to recommended conditions
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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<p>Legislative clauses requiring consent authority satisfaction</p> <p>Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?</p>	<p>Yes</p>
<p>Clause 4.6 Exceptions to development standards</p> <p>If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?</p>	<p>Not Applicable. No variation proposed.</p>
<p>Special Infrastructure Contributions</p> <p>Does the DA require Special Infrastructure Contributions conditions (under s7.24)?</p>	<p>Not Applicable</p>
<p>Conditions</p> <p>Have draft conditions been provided to the applicant for comment?</p>	<p>No, the applicant can review the conditions upon this report being made publicly available.</p>

SITE PLAN

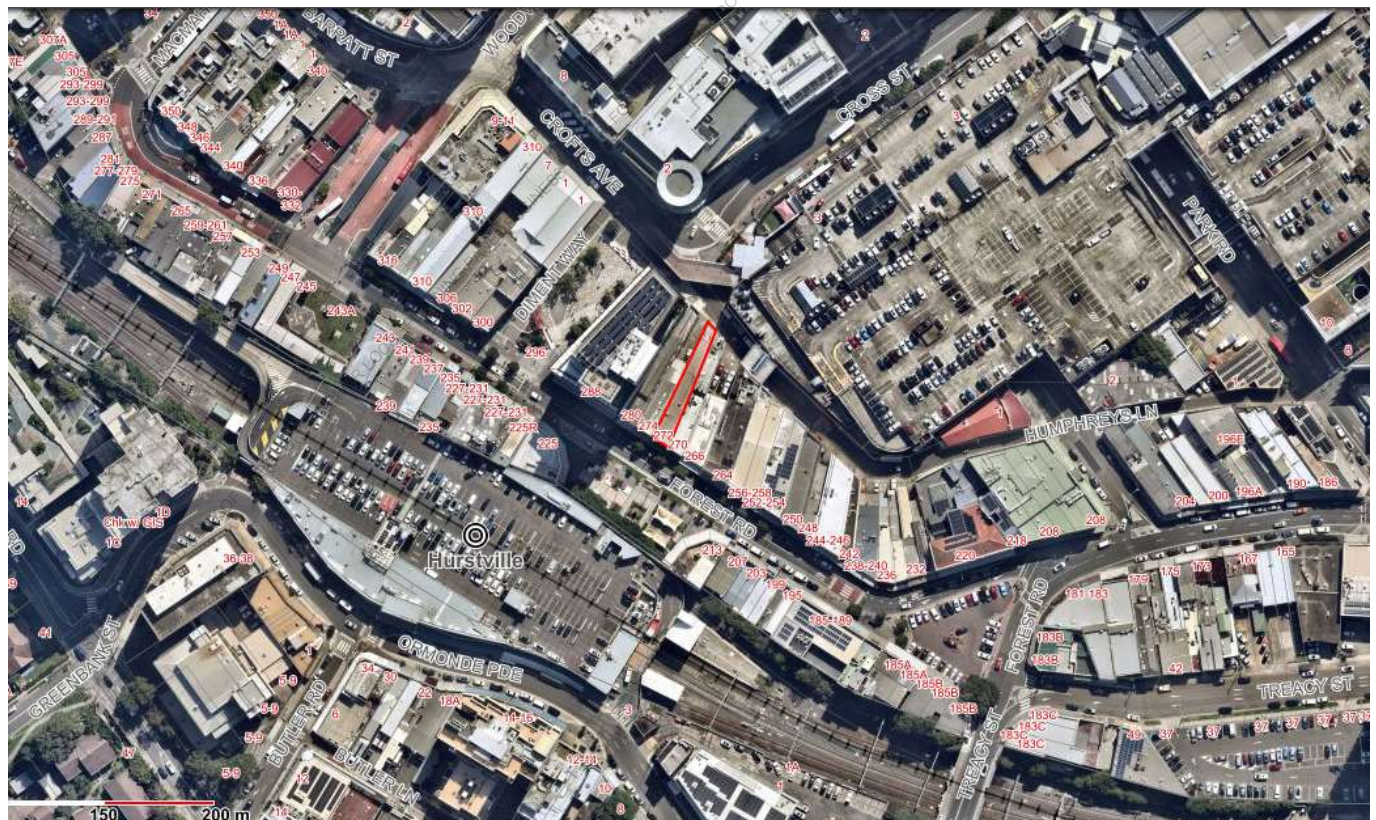


Figure 1: Aerial Image. The subject site is outlined in red. (Source: Intramaps)

EXECUTIVE SUMMARY

PROPOSAL

1. Approval is sought for internal demolition works, change of use to a recreation facility (Pilates studio), fit-out and signage. The proposal comprises of the following components:
 - Demolition of internal walls
 - Change of use of an existing first floor tenancy to a Pilates studio. The studio includes the following components:
 - Waiting area,
 - Store room,
 - Office,
 - Private room consists of one Pilates bench for one-on-one class, and
 - Shared exercise room consists of eight Pilates benches for group classes.
 - The subject tenancy will utilise the shared toilet facilities located on the first floor.
 - Three (3) proposed signs consist of the following:
 - One illuminated under awning sign,
 - One window sign on the front entrance, and
 - One illuminated wall sign at the rear with a brightness of 400cd/sqm.
 - The premises is proposed to be operated under the following parameters:
 - Operation hours: 09:00 to 21:00 Monday to Friday, 09:00 to 15:00 Saturdays and Sundays
 - Customer capacity: Maximum nine (9) at any given time, of which the private room can accommodate one (1) customer and the shared exercise room can hold eight (8).
 - Staff: Maximum three (3) staff members at any given time.
 - Class timetable – Group class of 8 and private class of 1 are held on a one-hour interval. All participants attend the class by appointment.
 - Parking: two spaces available for the tenancy which will be provided to staff members and service personnel. No visitor parking provided.
 - Waste: General waste to be placed in the common waste area at the lower ground level. Waste is to be collected by a contractor twice weekly on Tuesdays and Fridays.

SITE AND LOCALITY

2. The subject site is legally described as Lot 23 DP 4799 and known as Suite 2, 272 Forest Road, Hurstville.
3. The subject tenancy is currently vacant. The subject tenancy is located on the first floor of a three-storey heritage listed commercial building (item No. 196) pursuant to Georges River Local Environmental Plan 2021 (GRLEP 2021).
4. The ground floor consists of a chemist, the first floor which is accessible by internal stairs only, contains a dentist facing Forest Road and the subject tenancy faces Humphreys Lane to the rear. Vehicle access to the site is via Humphreys Lane and 4 car parking spaces are provided at the lower ground floor to service the tenancy. The subject tenancy has a floor area of 74.1sqm.
5. Adjoining the site to the east is a single-storey attached commercial building, and adjoining the site to the west is an attached two-storey commercial building.
6. The locality is predominantly commercial in nature, featuring a wide range of shops and offices.

ZONING AND PERMISSIBILITY

7. The subject site is zoned E2 Commercial Centre under the Georges River Local Environmental Plan 2021 (GRLEP 2021). The proposal is defined as a 'recreation facility (indoor)' which is permissible with consent in E2 Zone under the GRLEP 2021.

SUBMISSIONS

8. The application was placed on public notification from 12 March 2025 to 09 April 2025 and advertised on the St George and Sutherland Shire Leader. Council received no submission.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

9. Per the *Local Planning Panels Direction* given by the Minister for Planning and Public Spaces on 6 May 2024, a Development Application that involves the demolition of a heritage item is to be referred to the Local Planning Panel for determination. Per Clause 5.10(2)(a) of the GRLEP 2021, internal alteration is classified as 'demolition'.

CONCLUSION

10. Having regard to the matters for consideration under section 4.15(1) of the Environmental Planning and Assessment Act 1979 and following a detailed assessment, the proposed Development Application (DA2025/0023) is recommended for approval for the reasons contained within this report.

REPORT IN FULL

PROPOSAL

11. Approval is sought for internal demolition works, change of use to a recreation facility (Pilates studio), fit-out and signage. The proposal comprises of the following components:
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 - Parking: two spaces available for the tenancy which will be provided to staff members and service personnel. No visitor parking provided.

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15. Adjoining the site to the east is a single-storey attached commercial building, and adjoining the site to the west is an attached two-storey commercial building.
16. The locality is predominantly commercial in nature, featuring a wide range of shops and offices.



Figure 2: Subject site observed from the street boundary. Access to the subject tenancy is available through the glass door next to the ground floor chemist (Source: Site inspection photos)



Figure 3: Interior of the subject tenancy, indicating the location where pilates reformers are proposed to be placed (Source: Site inspection photos)



Figure 4: Exterior of the subject tenancy, indicating the proposed location of the reception (Source: Site inspection photos)

SITE BACKGROUND

17. A summary of the historical approvals on the subject tenancy is provided as follows:

DA/CDC Number	Proposed Works	Determination	Date	Comments
-	-	-	-	The previous use of the subject tenancy is a music school. No approval is identified for that use.
02/DA-1109	Change of Use – Medical Centre, Advertising Sign	Approved	4 February 2003	This application is related to the subject tenancy. The application form indicates two employee parking spaces to be provided plus one space for delivery.
98/DA-8616	Internal office fitout	Approved	17 February 1999	Internal partition proposed on the first floor which forms the subject tenancy.
97/DA-307	Renovation/R building of Existing Two Storey Commercial Building and Basement Parking / Change of Use to Banking Chamber	Approved	27 February 1998	This application grants approval to a banking chamber at the ground floor, and a consolidated commercial space on the first floor. The work involves demolishing the building with the exception of the façade and part of the existing basement. The approval includes four spaces at the lower ground level.
Early 20 th Century (circa 1911)				The building was constructed in the early 20 th Century (circa 1911) originally as a butcher.

LPP014-25

APPLICATION BACKGROUND

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

- The application was lodged on 29 January 2025.
- The application was allocated to the assessing officer on 17 February 2025.
- On 25 February 2025, Ausgrid provided a response indicating no objection to the proposal.
- On 07 March 2025, Council's Heritage Advisor provided comments in support of the proposal, subject to recommended conditions.
- The application was placed on public exhibition between 12 March 2025 and 09 April 2025. No submission was received.
- On 13 March 2025, Council's building surveyor provided comments in support of the proposal, subject to recommended conditions.

- Site inspection was conducted on 19 March 2025.
- A request for further information was sent to the applicant on 27 March 2025 requesting further information regarding signage design, operation details, and parking.
- Requested information was returned on 10 April 2025.
- On 11 April 2025, Council's senior environmental health officer provided comments in support of the proposal, subject to recommended conditions.

PLANNING ASSESSMENT

19. The development has been assessed having regard to Matters for Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

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

The provision of:

- b) *Any environmental planning instrument,*

State Environmental Planning Policies (SEPPs)

20. Compliance with the relevant State Environmental Planning Policies is summarised in the following table and discussed in further detail below.

State Environmental Planning Policy Title	Complies
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Yes
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes
State Environmental Planning Policy (Industry and Employment) 2021	Yes
State Environmental Planning Policy (Sustainable Buildings) 2022	N/A

State Environmental Planning Policy (Biodiversity and Conservation) 2021

21. The relevant part of the above Policy that apply to this application is Chapter 6 – Water Catchments.

Chapter 6 – Water Catchments

22. This chapter applies to Georges River Catchment which affects the subject site.
23. The proposal has a neutral environmental impact on the Georges River Catchment as the proposal does not require earthworks. Standard conditions are imposed to ensure construction waste will be appropriately managed.

State Environmental Planning Policy (Resilience and Hazards) 2021

24. Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 are relevant to the proposal.
25. Chapter 4 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.
26. Clause 4.6 requires contamination and remediation to be considered in determining a DA. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.

27. A review of historic aerial photography dating back to 1943 and the NSW State Heritage Inventory indicates that the site has continually been used for commercial purposes. Commercial usage is not typically associated with activities that would result in the contamination of land. On this basis, the site is likely to be suitable for commercial development in its current state for the development proposed in respect to contamination.

State Environmental Planning Policy (Transport and Infrastructure) 2021

28. Compliance with SEPP (Transport and Infrastructure) 2021 has been considered during the assessment of this development application. The site is not mapped within a Transport and Infrastructure area thus it is unlikely to be impacted by rail noise or vibration. Ausgrid has been consulted as required by Chapter 2, no objection was raised to the proposed development.

State Environmental Planning Policy (Industry and Employment) 2021

29. The relevant part of the above Policy that apply to this application is Chapter 3 – Advertising and Signage, as the proposed signage is not an exempt development.

Chapter 3 – Advertising and Signage

30. This chapter applies to the proposed under awning sign, window sign, and rear wall sign.
31. The proposed signage aligns with Clause 3.1(1)(a) in that the signs are compatible with the desired amenity and visual character of the area, provides effective communication in suitable locations, and are of high-quality design and finish.
32. Per Clause 3.6(b), the proposed signs are assessed under Schedule 5 as tabled below:

Chapter 3 – Advertising and Signage		
Schedule 5 – Assessment Criteria		
Controls	Proposed	Compliance
1 Character of the area <ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	The proposal is compatible with the existing mixed-use character of the area and the heritage item on the subject site. The proposed signs are consistent with the diverse signage schemes as observed on Forest Road.	Yes
2 Special areas <ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	The proposal is compatible with the heritage item on the subject site.	Yes
3 Views and vistas <ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? 	The proposed signs do not obscure nor compromise important views. The proposed signs do not dominate the skyline of Hurstville and do not obstruct other signs in the area.	Yes

<ul style="list-style-type: none"> Does the proposal respect the viewing rights of other advertisers? 		
4 Streetscape, setting or landscape <ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	<p>The proposed signs are of a scale that is compatible with the streetscape and setting of Forest Road, being a mixed-use precinct of Hurstville.</p> <p>The proposed signs have a neutral impact on the local streetscape, setting and landscape.</p> <p>The proposed signs do not contribute to cluttering of signage.</p> <p>The subject building is not unsightly. The proposed signs will not protrude above buildings or tree canopy.</p> <p>The proposed signs do not affect any vegetation in the locality.</p>	Yes
5 Site and building <ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>The proposed signs are of a scale that is compatible to the heritage item on the subject site and the wider streetscape.</p>	Yes
6 Associated devices and logos with advertisements and advertising structures <ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<p>The proposed signage does not include any associated structures or device.</p>	Yes
7 Illumination <ul style="list-style-type: none"> Would illumination result in unacceptable glare? 	<p>The proposed rear wall sign has a luminance level of 400cd/sqm, which is higher than the maximum nighttime requirement of 350cd/sqm for shopping</p>	Yes

<ul style="list-style-type: none"> • 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? 	<p>precincts according to the <i>Transport Corridor Outdoor Advertising and Signage Guidelines</i>.</p> <p>The luminance level of the under awning sign is unknown. The brightness is to be controlled by way of condition.</p> <p>A condition of consent is recommended to reduce the luminance of the illuminated signs to no greater than 350cd/sqm such that the sign will not result in unacceptable glare that cause danger to road users.</p> <p>The proposed illuminated signs are unlikely to cause unacceptable light spillage into adjoining residential accommodations subject to a condition limiting the brightness of the signs to no greater than 350cd/sqm. A condition will be included requiring the fitting of automatic timing devices to control the hours of illumination within the operation hours of the premises only.</p>	
<p>8 Safety</p> <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	<p>The proposed signs will not obstruct sightlines of any road users nor cause distractions. The proposed illuminated signs will be subjected to a recommended condition of consent limiting the brightness of the signage in line with the <i>Transport Corridor Outdoor Advertising and Signage Guidelines</i>.</p>	Yes

Georges River Local Environmental Plan 2021

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

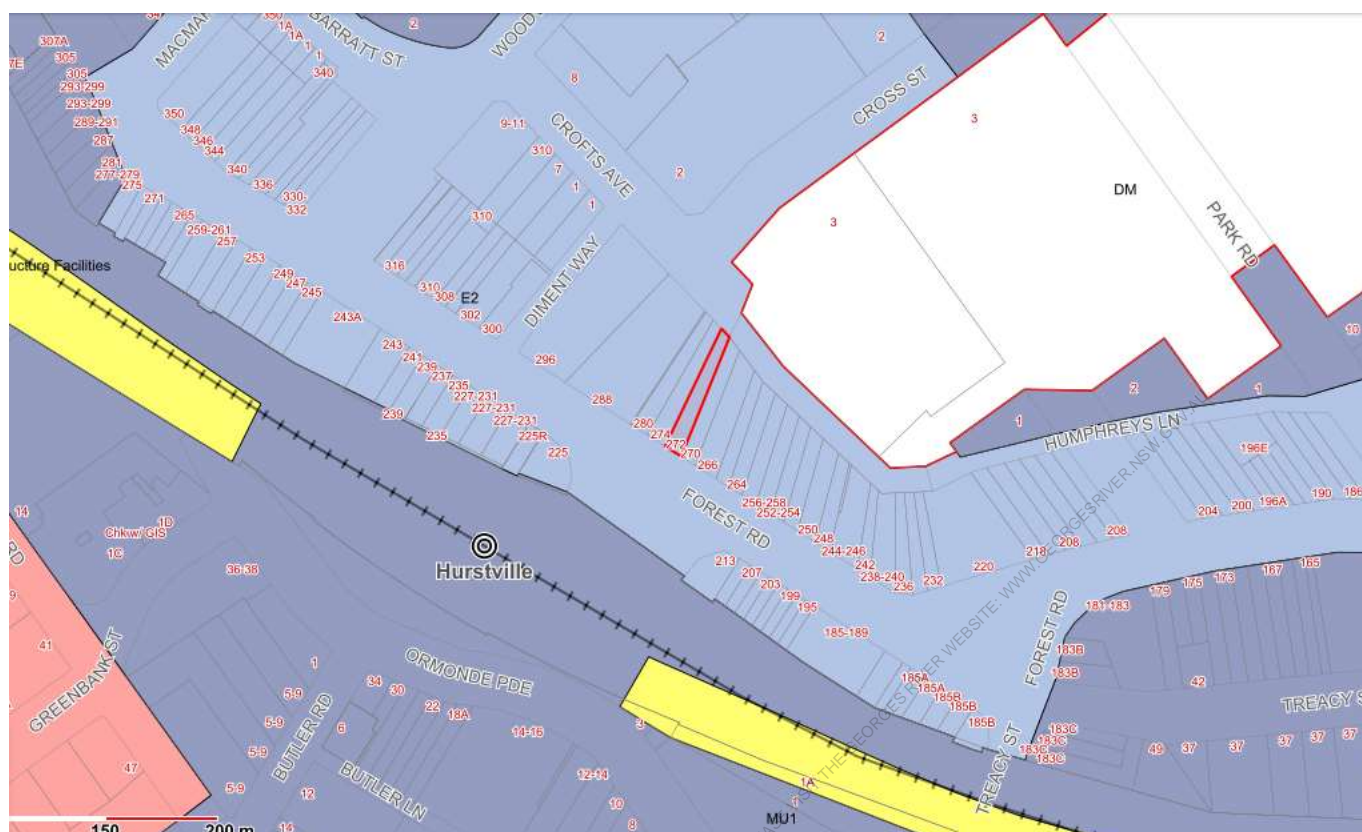


Figure 5: Zoning map. The subject site is outlined in red. The area shaded in light blue indicates E2 Commercial Centre Zone (Source: Intramaps).

GRLEP 2021 – Part 1 – Preliminary		
Clause 1.2 – Aims of the Plan		
Standard	Proposal	Compliance
In accordance with Clause 1.2 (2)	The development is considered to be consistent with the aims of the plan.	Yes
Clause 1.4 – Definitions		
Standard	Proposal	Compliance
<p>recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.</p> <p>business identification sign means a sign—</p> <p>(a) that indicates—</p> <p>(i) the name of the person or business, and</p>	The proposed development, being a Pilates studio, is consistent with the definitions.	Yes

<p>(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and</p> <p>(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,</p>		
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GRLEP 2021 Part 2 – Permitted or prohibited development**Clause 2.3 – Zone objectives and Land Use Table**

Standard	Proposal	Compliance
<p>The subject site zoned E2 Commercial Centre:</p> <p>The objectives of the zone are:</p> <ul style="list-style-type: none"> • To strengthen the role of the commercial centre as the centre of business, retail, community and cultural activity. • To encourage investment in commercial development that generates employment opportunities and economic growth. • To encourage development that has a high level of accessibility and amenity, particularly for pedestrians. • To enable residential development only if it is consistent with the Council's strategic planning for residential development in the area. • To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. • To encourage a range of tourism, recreation, function and entertainment uses. 	<p>The proposal is consistent with the zone objectives as the development:</p> <ul style="list-style-type: none"> • Provides a diversity of businesses within an accessible location within Hurstville Town Centre, • Provides employment opportunities, • Provides recreational uses, and • Does not cause land use conflict and nuisance. 	Yes
Land Use Table		
The proposal is for a 'recreation facility (indoor)' and 'business identification sign', which are permitted with consent in the zone.		Yes

GRLEP 2021 Part 4 – Principal Development Standards**Clause 4.3 – Height of Buildings**

Standard	Proposal	Compliance
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Maximum height is 15m at the front portion of the site, and 23m at the rear portion of the site.	No change is proposed to the existing building height.	N/A
Clause 4.4 – Floor Space Ratio		
Standard	Proposal	Compliance
The maximum floor space is 3:1 as identified on Floor Space Ratio (FSR) Map. This is equivalent to 796.8m ²	No change to the existing Floor Space Ratio	N/A

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 contains Item number I96 and known as ‘Retail Building’ as listed in Schedule 5 of the LEP. Council’s Heritage Advisor raised no objection to the proposed development subject to conditions. The proposal satisfies Clause 5.10.	Yes

GRLEP 2021 Part 6 – Additional Local Provisions		
Clause 6.3 – Stormwater Management		
Standard	Proposal	Compliance
(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development— (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development’s reliance on mains water, groundwater or river water, and (c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system or, if	The proposal will retain the existing stormwater disposal system. No additional floor area proposed.	Yes

<p>the impact cannot be reasonably avoided, minimises and mitigates the impact, and</p> <p>(d) is designed to minimise the impact on public drainage systems.</p>		
Clause 6.9 Essential Services		
Standard	Proposal	Compliance
<p>Development consent must not be granted to development unless Council is satisfied that any of the following services that are essential for the development are available, or that adequate arrangements have been made to make them available when required</p> <p>a) the supply of water, b) the supply of electricity, c) the supply of telecommunications facilities, d) the disposal and management of sewage e) stormwater drainage or on-site conservation, f) suitable vehicular access.</p>	<p>The following services are currently available to the subject site:</p> <ul style="list-style-type: none"> the supply of water, the supply of electricity, the supply of telecommunications facilities, the disposal and management of sewage, stormwater drainage or on-site conservation, vehicular access. 	<p>Yes</p>
Clause 6.10 Design Excellence		
Standard	Proposal	Compliance
<p>(2) This clause applies to development on land referred to in subclause (3) involving—</p> <p>(a) the erection of a new building, or</p> <p>(b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant.</p> <p>(3)(b) This clause applies to the following zones if the building concerned is 3 or more storeys or has a height of 12 metres or greater above ground level (existing), or both, not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking—</p> <p>(iii) Zone E2 Commercial Centre</p>	<p>The existing building has a height of less than 12m and a built form of 2 storeys. The proposal does not propose to increase the building height or level of storeys. As such Clause 6.10 does not apply.</p>	<p>N/A</p>
Clause 6.12 – Landscaped areas		

Standard	Proposal	Compliance
(2) This clause applies to land in the following zones— (a) Zone R2 Low Density Residential, (b) Zone R3 Medium Density Residential, (c) Zone R4 High Density Residential, (d) Zone C2 Environmental Conservation.	The subject site is situated within the E2 Zone. Therefore Clause 6.12 does not apply.	N/A
Clause 6.13 Development in Zones E1, E2 and MU1		
Standard	Proposal	Compliance
(2) This clause applies to land in the following zones— (a1) Zone E2 Commercial 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 purposes of residential accommodation or tourist and visitor accommodation.	The subject site is located in Zone E2 Commercial Centre. This clause therefore applies. The proposal will not result in residential accommodation or tourist and visitor accommodation to be located on ground floor facing a street.	Yes

Georges River Development Control Plan 2021

34. The extent to which the proposed development complies with the GRDCP 2021 is detailed and discussed in the table below.

3.7 – Heritage		
3.7.1 – Aboriginal Cultural Heritage		
Control	Proposal	Compliance
1. Approvals to be obtained from relevant agencies prior to works commencing on sites that contains, or has potential to contain Aboriginal objects; 2. Building and landscaping works, including paths and driveways, are not to disturb any aboriginal objects. 3. New works, including excavations for swimming pools, jetties and boat sheds is to be sited away from the foreshore where possible; 4. New works are to be sited away from rock outcrops and overhangs	There is no known evidence that Aboriginal objects are present on the site. The proposal is unlikely to result in the discovery of relics as no excavation is proposed.	Yes

3.7.2 – Non-Aboriginal Cultural Heritage

Control	Proposal	Compliance
<p>Non-Aboriginal Heritage</p> <ol style="list-style-type: none"> 1. Retain features (including landscape features) that contribute to the significance of the item; 2. Remove unsympathetic elements, especially where substantial changes are proposed to a heritage item, and there is potential for an improved heritage setback; 3. New work is to be consistent with the massing, form, and scale of the significant features of the heritage item; 4. Retain significant fabric, features, or parts of the heritage item that represent key periods of the item's history or development; 5. Locate change away from original areas of the heritage item that are intact. For example, where a building's significance is related to the front of a building, locate new works to the rear. 6. All works are to be consistent with an adopted Conservation Management Plan/s, where applicable. 	<p>The proposed development is considered to be consistent with the controls as the proposal retains the built form, façade, and fenestrations of the heritage item which contributes to the significance of the heritage item.</p> <p>The proposed internal alterations to remove the partition walls are not considered to diminish the heritage value of the building.</p> <p>The proposed signage is of a design and scale appropriate to the heritage item.</p> <p>Council's Heritage Advisor has reviewed the proposal and is satisfied that the outlined matters are addressed, and the proposal is suitable for the site.</p>	Yes

3.7.3 – Archaeological Management

Control	Proposal	Compliance
<ol style="list-style-type: none"> 1. Minimise depth of any excavation and locate new work away from areas known to contain archaeological relics 2. Ensure reversibility of changes. 	<p>The site is not known to contain archaeological remains. The proposal does not require earthwork and therefore is unlikely to damage or discover any relic.</p>	Yes

3.11 Ecologically Sustainable Development**Non-Residential Buildings**

Control	Proposal	Compliance
<ol style="list-style-type: none"> 8. All development must comply with Section J Energy Efficiency of the BCA/NCC. 9. The energy efficiency provisions of the Building Code of Australia should be incorporated into the design of non-residential buildings. This may require the inclusion of the following: 	<p>The proposed development retains the existing awning which improves the energy efficiency of the building.</p> <p>Conditions are imposed requiring compliance with Section J Energy Efficiency of the BCA/NCC.</p>	Yes

<ul style="list-style-type: none"> i. Windows that are appropriately sized and shaded to reduce summer heat load and permit entry of winter sun. ii. Building materials selected to assist thermal performance and ceiling insulation used where appropriate. iii. Natural ventilation. iv. Buildings should have an area, orientation and roof pitch that is suitable for the installation of solar collectors. v. Low energy, high efficiency plant, fittings and appliances should be specified. vi. The use of photovoltaic panels/solar collectors for hot water heating and power is encouraged to reduce energy consumption. 		
<p>10. Water conservation principles should be incorporated into non-residential developments, including the following:</p> <ul style="list-style-type: none"> i. Water efficient fittings and appliances including: 4 star dual-flush toilets and taps, 3 star showerheads and urinals, water efficient washing machines and dishwashers. ii. Rainwater tanks should be provided to meet 80% of non-potable demand including outdoor use, toilets and laundry. iii. Cooling Towers are designed in accordance with best practice guidelines to reduce potable water consumption. iv. Water use within open spaces (for irrigation, water features etc.) should be supplied from sources other than potable mains water (e.g. stormwater, greywater or wastewater) to meet 80% water use demand. 	<p>The subject tenancy has no direct water connection.</p>	<p>N/A</p>
<p>11. Development is to demonstrate how the design has sought to</p>	<p>Not applicable – the proposal is a change of use only with minor external modifications. The</p>	

<p>reduce the urban heat island effect through the following:</p> <ul style="list-style-type: none"> i. Use of reflective or light coloured building materials; ii. Provision of permeable surfaces; and iii. Planting of increased vegetation to achieve substantial tree canopy and shading. 	<p>proposal will have a neutral impact on the thermal load of the building.</p>	N/A
<p>12. Building design is to demonstrate that the indoor environmental quality has been considered through:</p> <ul style="list-style-type: none"> i. Use of passive design elements i.e. natural lighting and natural cross ventilation; ii. Provision of shading devices to reduce heat load and for glare control; and iii. Use of cross ventilation for thermal comfort. 	<p>The proposal enables natural lighting and ventilation via existing windows.</p>	N/A
<p>13. Ecologically sustainable, second hand and recycled building materials should be considered for use in building construction.</p>	<p>Not applicable – the proposal does not involve the construction of a new building.</p>	
<p>14. Developments should seek to reduce car dependence through the provision of end of trip facilities, bicycle parking, car share and small vehicle parking spaces, electric vehicle charging stations and green travel plans. Note: In achieving the desired outcomes of this element, applicants for non-residential developments are encouraged to demonstrate that the development is designed to achieve a minimum 4 star rating under the Green Building Council of Australia's Green Star Rating Tool. Go to www.gbca.org.au for more details on the green star rating tool. Sydney Water's best practice guide for cooling towers is available at www.sydneywater.com.au.</p>	<p>The subject site is within walking distance to frequent bus and train services, being located within Hurstville City Centre. Bicycle parking is available at Hurstville City Centre.</p> <p>Given the building on the subject site is a heritage item, the building does not have the capacity to include on-site bicycle parking.</p> <p>The subject site does not involve altering the existing parking area. As such, chargers are not imposed on this proposed development.</p>	<p>N/A</p> <p>Yes</p>

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).	<p>The proposal complies with Council's waste management requirements. The applicant included a waste management plan within the plan of management. Minimum waste is anticipated given the nature of the premises as a Pilate studio.</p> <p>During operation, general waste will be placed within the shared waste storage area in the lower ground level and be collected twice every week.</p> <p>A condition will be imposed to limit waste collection to no earlier than 06:00.</p> <p>A standard condition is recommended requiring a suitable waste management plan for the construction work to be prepared prior to the issue of the Construction Certificate.</p>	Yes
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3.13 Parking Access and Transport

Control	Proposal	Compliance
<p>As per the table within this section the development is to provide parking at the following rates:</p> <p>Gymnasium: Gymnasium – 4.5 (min) to 7.5 (preferred) spaces per 100sqm (GFA)</p> <p>Gross floor area (GFA): 74.1sqm</p> <p><u>Required: 5 spaces</u></p>	<p>There is no parking rate specifically for Pilate studio. As a Pilate studio functions similar to a gymnasium, the parking rate required for a gymnasium is applied to this development for the purpose of assessment</p> <p>Two spaces provided at the lower ground level for staff.</p> <p>The proposed car parking provision does not comply with the GRDCP parking rate. Notwithstanding that, the proposed car parking provision is considered to be acceptable and no Section 7.11 contribution is required for the deficient parking spaces. Refer to the <i>Assessment</i> section of the report for further discussion.</p>	No, however acceptable on merit.
5. In calculating the total number of car parking spaces required for a development type, the total should be rounded up to	Parking provision calculated per this methodology.	Yes

the nearest whole number (i.e. 0.5 or greater).		
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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.	Utilities are available for the subject site.	Yes
2. Any services and structures required by the providers should be located within the basement, or concealed within the I, 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.	No utility proposed on the street-facing façade.	Yes
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.	N/A – no air conditioning unit or mechanical plant proposed.	N/A
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.	N/A – the proposal does not involve the construction of new building nor the increase in gross floor area. The undergrounding of utilities is not considered necessary in this instance.	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.	N/A – the subject tenancy is accessible by stairs only. The commercial building has no lift and the proposal does not involve changes within the shared area of the building.	N/A
3. Accessways for pedestrians and vehicles to be separated.	Pedestrian and parking accesses are separated.	Yes

3.18 Advertising and Signage

Control	Proposal	Compliance
<p>1. Signs should be designed and located to:</p> <ul style="list-style-type: none"> 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. x. Be a minimum of 2.6 metres above any footpath where the sign is not flush with the wall. xi. Be at least 600mm from a kerb or roadway edge where the sign is over a public road. 	<p>The proposed signage addresses the following controls:</p> <ul style="list-style-type: none"> i. The proposed signs relate to the proposed use being a Pilate studio, ii. The proposed signs feature matching design and utilised appropriate colour and contrast. The signs utilise high quality materials. iii. The proposed signs will not diminish the heritage significance of the commercial building. iv. Only three signs are proposed. The proposed signs are not considered excessively repetitive. v. The proposed signs are clear of mechanical ventilation inlets or outlets. vi. No roof sign proposed. vii. No above awning sign proposed. viii. No flag pole sign proposed. ix. The proposed sign will not cause unacceptable glaring or sightlines obstruction to cause danger to any road user. x. The proposed under awning sign is 2.65m above ground level. xi. The proposed under awning sign is more than 0.6m from the kerb. 	Yes
<p>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.</p>	<p>Conditions will be imposed requiring the signs to be securely attached and comply with relevant Australian Standards.</p>	Yes
<p>3. In addition to the above, illumination of signage should:</p> <ul style="list-style-type: none"> 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 	<p>The illumination unit is fitted within the illuminated signs.</p> <p>A condition is recommended requiring the luminance level to be no greater than 350cd/sqm per the maximum nighttime requirement for shopping precincts according to the <i>Transport Corridor Outdoor</i></p>	Yes

attention beyond ‘glance appreciation’, and iv. Be fitted with an automatic timing device, controlling the illumination hours.	Advertising and Signage Guidelines. The proposed illuminated signs will not cause light spillage nor involve complex displays and moving signs that distract motorists. Automatic timing device will be conditioned.	Yes
5. All commercial advertising should comply with SEPP No.64-Advertising and Signage.	All proposed signs comply with the provisions of the former SEPP 64 (the signage provisions are integrated into SEPP Industry and Employment 2021)	
Business Identification Signs		
6. Business identification signs (refer to Figure 2 below) should: i. Identify the significant owners, tenants and uses of buildings. ii. Consolidate signs for multiple tenancies. iii. Be displayed in English, but may include a translation in another language not larger than the English message. iv. Not incorporate advertising of products and services that are not directly related to the approved use of the premises. v. Comply with the general controls and the relevant prescriptive measures in Table 7.	The proposed business identification signs incorporate the following design elements: - Identification of the use of the premise as a Pilate studio, - Demonstrates no cluttering, - Displayed solely in English, and - Do not incorporate advertising of services and products not related to the proposed development. Compliance with Table 7 is detailed below.	Yes
Flush Wall Sign 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 <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:	The proposal contains one wall sign only at the rear elevation. The proposed wall sign has a size of 0.75sqm which is less than 10% of the rear elevation. The rear wall sign does not project above or beyond the building wall, and does not obscure any architectural feature. The proposed rear wall sign will not be placed on the same wall where the existing wall sign for the ground floor pharmacy is placed.	Yes

e. Must not be located on a building wall if there is an existing building or business identification sign on the building elevation.		
<p><i>Under Awning Sign</i> Must comply with all of the following controls, otherwise prohibited:</p> <p>a. Should be erected below the awning fascia, horizontally to the ground and at right angles to the building</p> <p>b. Should not exceed 0.4m in width</p> <p>c. Should not exceed a vertical height of 0.5m</p> <p>d. Should be located 2m from the side property boundary, and not closer than 3m to another under awning sign</p>	<p>The proposed under awning sign demonstrates the following:</p> <ul style="list-style-type: none"> - Erected below the awning fascia and right angle to the building - 0.15m in width (thickness), - 0.5m in height, and - The closest under awning sign is 3.65m away. <p>It is noted that the under awning sign is approximately 1.0m from the western side boundary. A condition will be imposed requiring the sign to be relocated no less than 2.0m from the side boundary. This condition will not result in non-compliant separation distance from other under awning sign.</p>	Yes

3.19 Crime Prevention / Safety and Security

Control	Proposal	Compliance
1. Active spaces and windows of habitable rooms within buildings are to be located to maximise casual surveillance of the public domain.	The waiting area is located near the entrance of the tenancy to enable casual surveillance of the public corridor.	Yes
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.	The waiting area is located near the entrance of the tenancy to enable casual surveillance of the public corridor.	Yes
3. Minimise blind-corners, recesses and other external areas that have the potential for concealment or entrapment.	No blind corner introduced in the proposed development.	Yes
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.	The existing building entry to the first floor is clearly visible from public area.	Yes

8. Development should comprise elements that contribute to effective access control by creating: <ul style="list-style-type: none"> 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 has a neutral impact on the public space to encourage gathering. The public has no access to other rarely visited areas.	Yes
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.	The proposal does not introduce elements that facilitate opportunities for unauthorised access.	Yes
10. Development should incorporate design elements that contribute to the creation of a sense of community ownership of public spaces by: <ul style="list-style-type: none"> 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 proposal has a neutral contribution to a sense of community ownership by demonstrating clear transition between public and private spaces.	Yes

7.1.2.2 Streetscape

Control	Proposal	Compliance
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.	No substation and fire booster incorporated. Waste storage is provided entirely within the subject tenancy.	Yes
13. Roof fixtures (such as roof vents, chimneys, aerials, solar collectors, mobile phone transmitters, satellite dishes) are to be inconspicuously	No roof fixture proposed.	Yes

located so as not to be visible from the street (including side streets).		
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7.1.3.1 Design Excellence		
Control	Proposal	Compliance
<p>2. If Clause 6.10 of the GRLEP 2021 does not apply, the new development is to address the following:</p> <ol style="list-style-type: none"> The characteristics of the site and adjoining development by undertaking a thorough site analysis. Utilise innovative design which positively responds to the character and context of its locality. Large areas of flat façade need to be articulated using panels, bay windows, balconies, steps in the façade and changes in texture and colour. Enhance the streetscape character of the locality. Ensure that proposed development is consistent in height and scale with surrounding development. Development is integrated with the surrounding environment by considering pedestrian, bicycle, vehicular and visual links to the street, rear laneways and open spaces. Maintain established setbacks. Design buildings to minimise impacts on neighbours by maintaining appropriate levels of solar access and privacy. Ensure any development utilises materials and finishes which complement the locality. Design for acoustic and visual privacy. 	<p>Clause 6.10 of the GRLEP does not apply.</p> <p>The proposal demonstrates the following design excellence measures:</p> <ul style="list-style-type: none"> - Retention of existing fenestrations and façade details to preserve heritage values, - Utilise high quality signage design that is sympathetic to the heritage value of the subject building, and - Causing no hinderance to existing vehicular and pedestrian traffic. 	Yes

<ul style="list-style-type: none"> k. Ensure dwellings and open space areas achieve good solar access, and are energy efficient. l. Ensure building entries address the street and are clearly visible from the street or footpaths. m. Design development that provides good quality landscaping. n. Consider the relationship of private open space to the layout of the dwelling. o. Use design techniques which promote safety and discourage crime; and p. Encourage active street frontages. 		
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7.1.3.2 Building Façades

Control	Proposal	Compliance
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'.	Noise attenuation not required. The proposal is for a Pilates studio and Forest Road is not classified as a busy road.	Yes

7.1.3.6 Materials and Finishes

Control	Proposal	Compliance
1. Building construction is to utilise high quality and durable materials and finishes.	The proposal will retain the existing external wall material and finishes.	Yes
3. Where the Locality includes a significant facade or streetscape, materials and finishes are to complement the existing streetscape.	The existing building is a local heritage item. The proposal will retain the existing external wall material and finishes.	Yes
5. The reflectivity of building materials must not result in glare to motorists, residents or pedestrians or endanger their safety.	The proposal retains the existing windows. No additional reflective material incorporated.	Yes

7.1.4.1 Visual Privacy

Control	Proposal	Compliance
1. Potential visual privacy impacts are to be mitigated by the following design measures:	The proposal will not create privacy intrusion as the subject site is not located near sensitive uses (such as residential developments).	Yes

<ul style="list-style-type: none"> 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. 		
7.1.4.2 Acoustic Privacy		
Control	Proposal	Compliance
<p>5. In order to assist acoustic control of airborne noise between units:</p> <ul style="list-style-type: none"> 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, 	<p>The proposal does not contain machinery and is not considered a noise-generating development. The Pilate classes does not involve the playing of music or jumping. Only 1kg dumbbells are being utilised which is unlikely to cause obnoxious noise and vibration impacts.</p> <p>The plan of management is to be included in the recommended list of approved plans to ensure the noise control measures are implemented.</p>	<p>Yes</p>

<p>particularly early morning, should be minimised;</p> <p>e. Restaurants and cafes should be designed to minimise the impact of noise associated with late night operation, on nearby residents.</p>		
7.1.4.4 Utility Infrastructure		
Control	Proposal	Compliance
1. All existing and additional utility infrastructure must be identified, and an assessment of whether these services need to be upgraded for the proposed development, at the site planning stage.	The subject site has access to reticulated electricity, water, and sewage services. No change proposed to the existing utility arrangements.	Yes
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.	No tree loss to be resulted. No change proposed to the public domain.	Yes
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.	The proposal will not affect the provision of street lighting.	Yes
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.	The work associated with the proposal is not likely to damage the existing Council footpath. Standard condition is recommended requiring the payment of damage deposit in case damage to public asset occurs.	Yes
7.1.7 Servicing		
Control	Proposal	Compliance
2. Loading and unloading areas must be well screened from the public domain and located underground where practical.	The loading area is located within the building, well-screened from the public domain.	Yes
5. No garbage collection is permitted between 10pm and 6am.	According to the submitted waste management plan, general waste will be placed in the shared waste storage area	Yes

	and to collected on twice every week. A condition is recommended to require waste collection to occur no earlier than 06:00.	
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.	According to the submitted plan of management, the proposes premises rely on irregular supplies of light goods such as cleaning products and paper cups. Those goods will be carried to the premises on foot from local shops and does not require a delivery vehicle	Yes
7.1.8 Plan of Management		
Control	Proposal	Compliance
2. A POM must provide all details relevant to the operation of the commercial or light industrial premise and will require information on the following: <ul style="list-style-type: none"> Hours of operation Noise and Vibration Environmental Protection 	The plan of management contains the following contents: <ul style="list-style-type: none"> Hours of operation Class schedule Maximum customer and staff capacity, Noise management Waste management, and Compliant and customer management. 	Yes
8.2.6.2 Forest Road High Street		
Control	Proposal	Compliance
1. Prioritise retail activity and other active uses along Forest Road.	The existing ground floor retail activity will not be affected. The proposal contributes to the diversity of commercial activities on Forest Road.	Yes
2. Prohibit the creation of new car park entries on Forest Road, Barratt Street and Crofts Avenue.	No new car park entry proposed. The proposal will utilise the existing car park entry facing Humphreys Lane.	Yes
3. Retain the existing two (2) to three (3) storey street wall and subdivision pattern of Forest Road and provide a continuous building line of fine grain shopfronts with a continuous awning.	Existing building to be retained.	Yes
4. Enhance and complement the 'high street' character through the use of scale, rhythm, materiality and/or landscaping in new developments.	The existing building entrance is to be retained.	Yes

7. Encourage retail and business premises to extend the hours of operation beyond the standard day-time trading schedule to diversify the offering of activities after 6pm.	The premises operates till 21:00 on Monday to Friday.	Yes
8. Ensure lighting is provided to positively contribute to the safety, legibility, wayfinding and visual interest of the public domain.	Existing lighting to be provided.	Yes

LPP014-25

Assessment

Georges River Development Control Plan 2021

Car Parking Provision

35. The proposed Pilate studio is identified as a 'recreational facility (indoor)' under GRLEP 2021. Part 3.13 of the GRDCP 2021 requires a parking rate ranging from 4.5 to 7.5 spaces per 100sqm of gymnasium. A Pilate studio provides coached exercise sessions to paid members similar to a gymnasium and as such, the parking rate for gymnasium is applied to this proposed development. If parking cannot be accommodated on site, a Section 7.11 contribution is required for each deficient parking space.
36. The subject tenancy has a GFA of 74.1sqm which requires a minimum of five parking spaces to be provided.
37. The last development consent granted for the subject tenancy is 02/DA-1109 for a medical centre. The development consent was granted on the basis that two staff parking spaces and one loading space are provided for the tenancy.
38. Per the plan of management, two car spaces will be allocated to the proposed development for staff members and service personnel, and the existing building already contains an on-site loading area available for the subject tenancy. In this respect, the proposed development will fully utilise the parking spaces that was originally made available to the subject tenancy.
39. However, the proposed use is still subject to a parking deficiency of three spaces pursuant to the parking rate stipulated by the GRDCP 2021. Despite the deficiency, it is considered that the proposal will not generate substantial traffic for the following reasons:
 - (a) Size of proposed development – The subject tenancy has a size of 74.1sqm and only a maximum of 12 people will be present on site at any given time. Given the small size of the tenancy, the proposed development will not become a major traffic generator. The provision of on-site parking for staff members and service personnel alleviates the demand for full day parking in Hurstville which is in limited supply.
 - (b) Accessibility to public transport – The subject site is within 100m walk from Hurstville Railway Station and a major bus stop. The subject site is readily accessible by public transport which will alleviate the demand for parking.
 - (c) Proximity to existing public car parks – The subject site is located in close proximity to Westfield shopping centre and multiple Council car parks around Hurstville. Since the proposed development is not a major traffic generator, the surrounding car parks are well within the capacity to accommodate the demand generated by the proposed development.
 - (d) Operation of classes – all classes are to be conducted by appointment. The appointment system would deter unplanned visits and ensure the premises operates within the approved capacity at all times.

40. Given the proposal fully utilised the existing parking spaces available to the subject tenancy and demonstrates limited impacts on parking demand within the Hurstville City Centre, it is considered that the proposed on-site car parking provision is adequate on merit. No further parking requirement or Section 7.11 development contribution is to be imposed to address the parking deficiency.

Impacts

Natural Environment

41. The proposal does not involve any earthwork or vegetation removal. The proposal has a neutral impact to the natural environment.

Built Environment

42. The proposal represents an appropriate planning outcome for the site. The proposal incorporates appropriate signage, does not detract from the heritage value of the commercial building on the subject site and will not result in an increase of bulk and scale. The proposal is considered an appropriate response to the context of the site and its E2 Commercial Centre zoning.

Social Impact

43. The proposed Pilate studio will have no adverse impact on the character of the locality and amenity of neighbouring properties. The proposed use will not result in unacceptable noise, light spillage, and traffic volume in the locality. The environmental impacts on the social environment are considered to be reasonable and the application is supported.

Economic Impact

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

Suitability of the Site

45. The site is zoned E2 – Commercial Centre. The proposal is a permissible form of development in this zone and has been designed to be compatible with the heritage character of the subject site. The proposal will not result in unacceptable adverse impacts to neighbouring properties.

Submissions, Referrals and the Public Interest

Submissions

46. 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. No submission was received during the notification period.

Public Interest

47. The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. Following a detailed assessment, the proposal is considered to be in the public interest.

Council (Internal) Referrals

Building Surveyor

48. Council's Building Surveyor raised no objection to the proposal, subject to recommended conditions.

Environmental Health Officer

49. Council's Environmental Health Officer raised no objection to the proposal, subject to recommended conditions.

Heritage Advisor

50. Council's Heritage Advisor raised no objection to the proposal, subject to recommended conditions.
51. It is noted that in the comment dated 07 March 2025, the advisor recommended a condition to remove the above awning sign. The above awning sign is removed as part of the request for further information dated 10 April 2025.

External Referrals

Ausgrid

52. The application was referred to Ausgrid as per Clause 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. No concern was raised.

Development Contributions

53. The development is subject to Section 7.12 Contributions as the proposal is for a change of use from one non-residential use to another. In accordance with the Georges River Local Development Contributions Plan 2021, a condition of consent requiring payment of the contribution is recommended.

Conclusion

54. The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policies and the provisions of the Georges River Local Environmental Plan 2021 and the Georges River Development Control Plan 2021.
55. The proposal on its merits is an acceptable outcome (subject to the imposition of conditions) for the reasons outlined within this report. The proposal is reasonable and compliant with the key planning controls and will not result in any unreasonable or adverse amenity outcomes. Considering this the proposal is recommended for approval subject to the conditions recommended below.

DETERMINATION AND STATEMENT OF REASONS

Statement of Reasons

56. The reasons for this recommendation are:
- The proposed change of use, fit out, and signage does not undermine the heritage significance of Heritage Item I96 – Retail Building.
 - The development is permissible in the zone and align with the objectives of E2 Commercial Centre zone.
 - The development complies with the Georges River Local Environmental Plan 2021 and the Georges River Development Control Plan 2021.
 - The proposal will not result in unacceptable impacts to the locality.

RECOMMENDATION

57. Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), DA2025/0023 for demolition works, change of use to a recreation facility (fitness studio) and fit-out and construction of signage on Lot 23 DP 4799 on land known as Suite 2, 272 Forest Road, Hurstville NSW 2220, is recommended for approval subject to attached conditions of consent.

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	Drawing No.	Date	Rev	Prepared by
Location Plan	WP04	22 April 2025	B	JMH Interiors
Demolition Plan	WP06	22 April 2025	B	JMH Interiors
Floor Plan	WP06	22 April 2025	B	JMH Interiors
Reference Plan	WP07	22 April 2025	B	JMH Interiors
Internal Elevation – WP11	WP11	22 April 2025	B	JMH Interiors
Internal Elevation – WP12	WP12	22 April 2025	B	JMH Interiors
Internal Elevation – WP13	WP13	22 April 2025	B	JMH Interiors
Internal Elevation – WP14	WP14	22 April 2025	B	JMH Interiors
Internal Elevation – WP15	WP15	22 April 2025	B	JMH Interiors
Blade Signage Detail	WP16	22 April 2025	B	JMH Interiors
Main Entry Door Signage Detail	WP17	22 April 2025	B	JMH Interiors
Outdoor Illuminated Signage Detail	WP21	22 April 2025	B	JMH Interiors
Plan of Management	-	22 April 2025	-	JMH Interiors

Documents Relied Upon

Description	Drawing No.	Job No.	Date	Prepared by
Statement of Environmental Effects	-	-	22 April 2025	JMH Interiors
Statement of Heritage Impact	-	PM-24052	January 2025	Perumal Murphy Alessi Heritage Consultants

2. **Signage** - A separate application shall be submitted to Council prior to the erection of any additional signage unless the proposed signage is 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or any other applicable environmental planning instrument.

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;

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

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council’s website www.georgesriver.nsw.gov.au. For further information, please contact Council’s Customer Service Centre on (02) 9330 6400.

Prior to the Issue of a Construction Certificate

4. 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	\$3,750.00
Inspection Fee for Refund of Damage Deposit	\$210.00
Georges River Council Local Infrastructure Contributions Plan 2021 (Section 7.11 And Section 7.12)	\$665.50

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

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

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the Georges River Council Local Infrastructure Contributions Plan 2021.

Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

Further Information

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

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

- a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$3,750.00.**
- b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: **\$210.00.**
- c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of 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.

6. **Site Management Plan** - A Site Management Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

7. **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.
8. **Structural Details** - Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns & other structural members. The details are to be submitted to the Principal Certifier for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the PC.

9. **Design Amendments** – Before the issue of a construction certificate, the certifier must ensure the approved construction certificate plans (and specifications) detail the following required amendments to the approved plans and supporting documentation stamped by Council.

Area of change required	Change Required
Under awning sign	The under awning sign shall be located no less than 2.0m from a property boundary, and no less than 3.0m from an existing under awning sign.

10. **Provision for escape** – In addition to any horizontal exit, minimum of one (# 1) exit is adequate from this facility because it is part of a building has an effective height of less than 25 m. No point on any part of this floor must be more than 20 m from an exit, or a point from which travel in different directions to 2 exits is available, in which case the maximum distance to one of those exits must not exceed 40 m. The unobstructed width of each required path of travel to an exit, including doorways, must be not less than 1.0 m. Emergency signage is appropriately located and maintained at the entry and emergency exit door.

A door in a required exit, forming part of a required exit or in the path of travel to a required exit must be readily openable without a key from the side that faces a person seeking egress, by a single hand downward action on a single device which is located between 900 mm and 1.1 m from the floor.

All parts of this facility must be accessible to all areas normally used by the occupants.

Signage to identify an ambulant accessible sanitary facility in accordance with AS 1428.1 must be located on the door of the facility; and where a bank of sanitary facilities is not provided with an accessible unisex sanitary facility, directional signage incorporating the international symbol of access in accordance with AS 1428.1 must be placed at the location of the sanitary facilities that are not accessible, to direct a person to the location of the nearest accessible unisex sanitary facility.

11. Glazing on an accessway - On an accessway, where there is no chair rail, handrail or transom, all frameless or fully glazed doors, sidelights and any glazing capable of being mistaken for a doorway or opening, must be clearly marked in accordance with AS 1428.1.
12. Fire Safety Measures - Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PC. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PC will then issue a Fire Safety Schedule for the building.
13. Firefighting equipment - Fire Hydrants, Hose Reels and Portable fire extinguishers shall be provided as appropriate. This facility must be provided with an automatic smoke detection and alarm system complying with Specification 20 or a sprinkler system (other than a FPAA101D or FPAA101H system) complying with Specification 17.
14. Engineer's Certificate - A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.
15. Visibility in an Emergency, Exit Signs and Emergency Lights - To facilitate safe evacuation in an emergency, this facility must be provided with a system that ensures a level of visibility sufficient to enable exits, paths of travel to exits and any obstacles along a path of travel to an exit to be identified. Exit signs to be provided to identify the location of exits and must be clearly visible to occupants. Emergency lighting system must be provided to the full level of illumination of visibility for safe evacuation and operate at not less than the minimum required level of illuminance for not less than 90 minutes.
16. Access for Persons with a Disability - Access and/or sanitary facilities for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises, the Building Code of Australia (NCC/BCA 2022 Vol 1), and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.
17. Building works to comply with BCA – Heritage Buildings – Any building works required to ensure compliance with the BCA or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features.

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

Prior To The Commencement Of Work (Including Demolition)

18. 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.
19. Demolition & Asbestos - The demolition work shall comply with the provisions of Australian

Standard AS2601:2001 - Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PC prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the [NSW Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015).

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

- 20.** Demolition Notification Requirements - The following notification requirements apply to this consent:
- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
 - (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
 - (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.
- 21.** Demolition work involving asbestos removal - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).
- 22.** Site sign – Soil & Erosion Control Measures - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

Note: A penalty infringement notice may be issued for any offence.

During Construction

- 23.** 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.
- 24.** Hours of construction for demolition and building work - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Note: A penalty infringement notice may be issued for any offence.

- 25.** Waste Management Facility - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PC and Council, where Council is not the Principal Certifier.

- 26.** General Heritage
- a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing heritage item.
 - b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction.
 - c) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on significant heritage fabric.

Prior To The Issue of the Occupation Certificate

- 27.** Fire Safety Certificate before Occupation or Use - In accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000, on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the Environmental Planning and Assessment Regulation 2000. In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

28. Securing of Business Identification Signs - Prior to the issue of an Occupation Certificate, the business identification wall sign and projecting wall sign must be securely attached in accordance with relevant Australian Standards.

Operational Conditions (Ongoing)

29. Hours of Operation – The operation of the premises shall be restricted to the following hours:
- Monday to Friday (including public holidays) – 09:00 to 21:00
Saturday and Sunday (including public holidays) – 09:00 to 15:00
30. Hours of Projecting Wall Sign Illumination – The illumination of signs shall be restricted to the following operational hours:
- Monday to Friday (including public holidays) – 09:00 to 21:00
Saturday and Sunday (including public holidays) – 09:00 to 15:00
- The illumination of the signs shall be controlled by an automatic timing device.
31. **Luminous Intensity** – The luminous intensity of any illuminated sign must not exceed 350 candelas per square metre.
32. Hours of Waste Collection – Waste collection shall occur no earlier than 06:00 Monday to Sunday excluding public holidays.
33. Number of Patrons and Staff – The maximum number of people on site, at any one time is as follows:
- a) Customers – 9
 - b) Staff – 3
34. On-site Parking – Two (2) parking spaces shall be provided to the premises at all times.
35. Amenity of the neighbourhood - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, wastewater, waste products, grit, oil or other harmful products.
36. 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).
37. Noise or vibration generating exercise equipment - Development approval must be obtained before use of any fitness or exercise modality or equipment on the premises that can generate noise, including but not limited to aerobics classes, circuit classes, plyometric classes, weight training equipment, pin loaded weight machines and cardio vascular equipment such as treadmills.
38. Outdoor Lighting - To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with AS 4282-2019: *Control of the obtrusive effects of outdoor lighting*.

- 39. Lighting – General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare. Flashing, moving or intermittent lights or signs are prohibited.
- 40. Activities and storage of goods outside building** - There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.
- 41. Annual Fire Safety Statement** - The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:
- (a) Within 12 months after the date on which the fire safety certificate was received.
 - (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
 - (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation 2000.
 - (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

Operational Requirements Under Environmental Planning And Assessment Act 1979

- 42. Requirement for a Construction Certificate** - The erection of a building must not commence until a Construction Certificate has been issued.
- 43. Appointment of a PC** - The erection of a building must not commence until the applicant has:
- (a) appointed a PC for the building work; and
 - (b) if relevant, advised the PC that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the PC of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

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

- 44. Notification of Critical Stage Inspections** - No later than two days before the building work commences, the PC must notify:
- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and

- (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

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

A Notice of Commencement Form is attached for your convenience. An Information Pack is attached for your convenience should you wish to appoint Georges River Council as the PC for your development.

46. Critical Stage Inspections - The last critical stage inspection must be undertaken by the PC. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in [Clause 61 of the Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#).

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

Where Georges River Council has been appointed as the PC, 48 hours' notice in writing, or alternatively 24 hours' notice by facsimile or telephone, must be given when specified work requiring inspection has been completed.

48. Occupation Certificate - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part. Only the PC appointed for the building work can issue the Occupation Certificate. An Occupation Certificate Application Form is attached for your convenience.

Prescribed Conditions

49. Clause 19 – Building Code of Australia & Home Building Act 1989 - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the [Home Building Act 1989](#) relates, there is a requirement for a contract of insurance to be in force before any work commences.
50. Clause 73 – Erection of sign for maximum number of persons - This prescribed condition applies to entertainment venues, function centres, pubs, registered clubs and restaurants. This condition requires the erection of a sign which states the maximum number of persons (as specified in the consent) that are permitted in the building.
51. Clause 75 – Erection of Signs - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PC and the Principal Contractor.

END CONDITIONS

NOTES/ADVICES

1. **Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at

<http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

2. **Security deposit administration & compliance fee** - Under Section 97 (5) of the [Local Government Act 1993](#), a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is \$50.00 plus 2% of the bond amount per annum.

The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

3. **Council as PC - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the PC in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative fire solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.
4. **Building – Energy Efficiency Provisions** - Should Council be appointed as the Principal Certifier, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Principal Certifier.
5. **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.

6. **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.

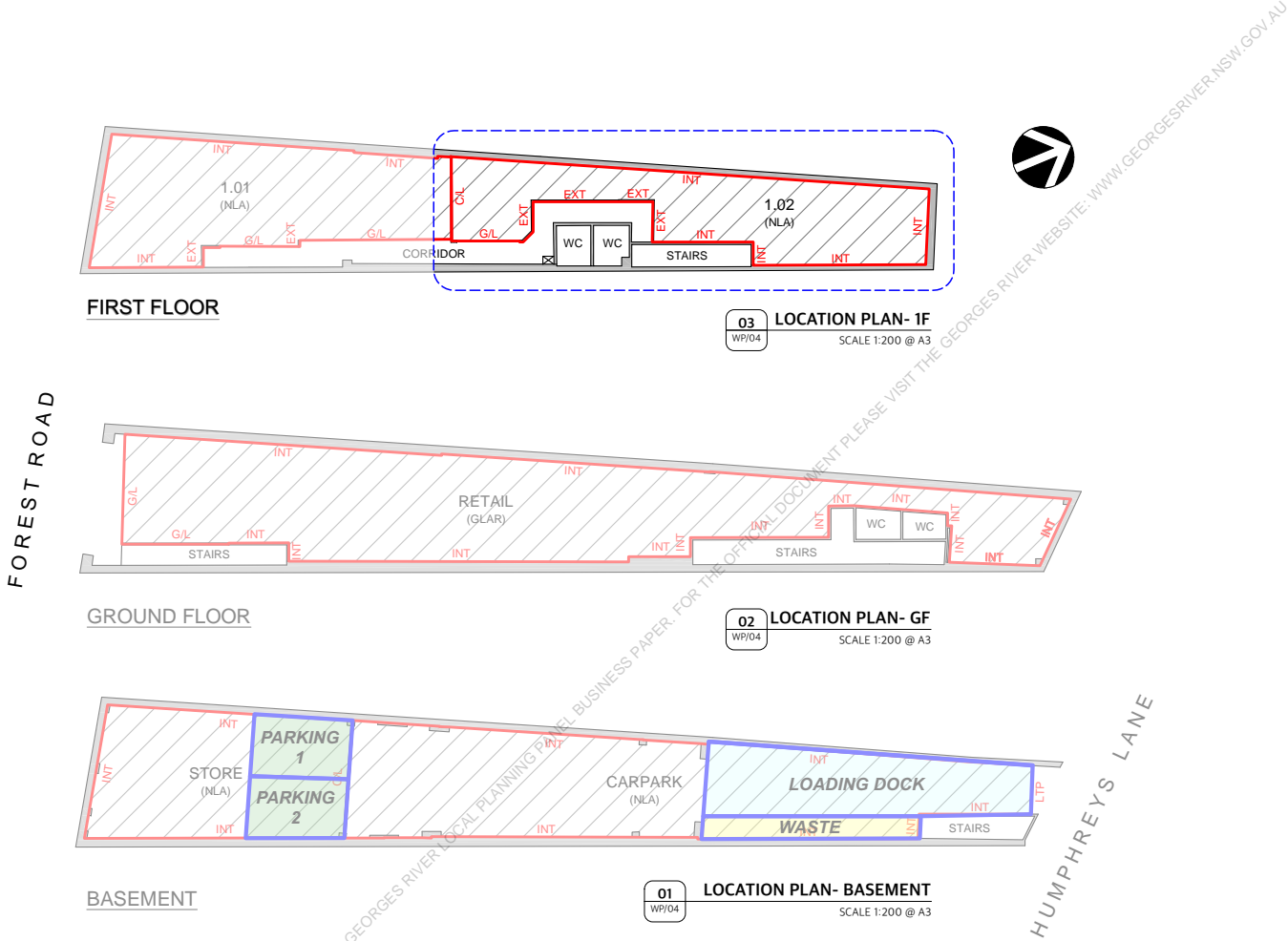
7. **Lapsing of Consent** - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

ATTACHMENTS

Attachment [1](#) Architectural Plans and Plan of Management - 272 Forest Road, Hurstville
NSW 2220 - DA2025/0023



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



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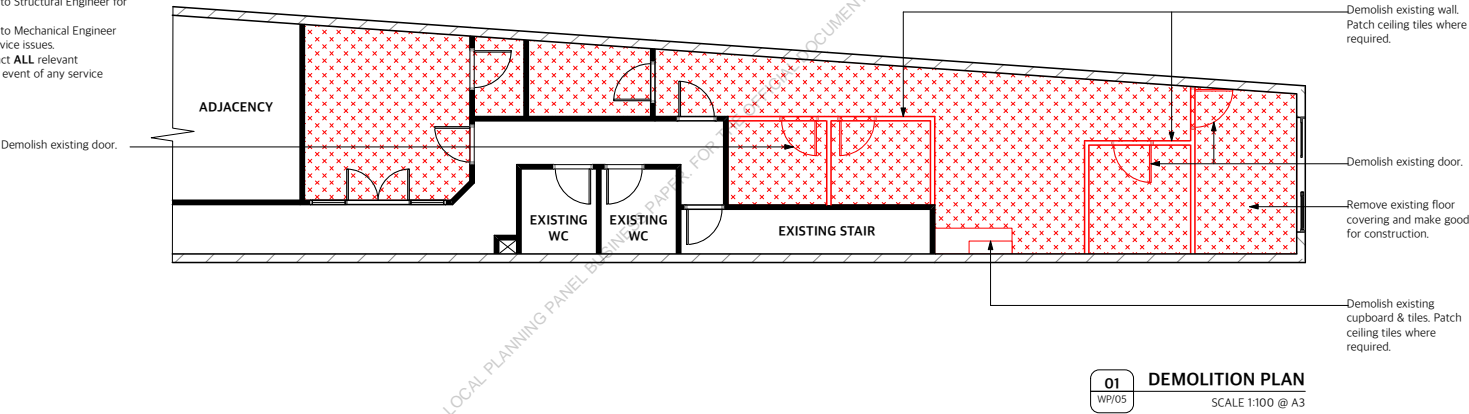
JMH Interiors 7 Rider Boulevard, Rhodes, NSW 2138 T +61 478 724 279 E reina.mihyun.ju@gmail.com A.B.N 53 629 264 957		Issued Details		Client Details		Drawing Details		Drawing Number
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				Tenancy 1.02 (Level 1, Suite 2) 272 Forest Rd, Hurstville 2220		Drawn By		Checked By
				Drawing Details		RJ		RJ
				WP-02		Date	Scale	Revision
						22/4/2025	1:200	B

Legend

- Existing Partition wall and to be demolished. Floor to be infilled as needed to suit new layout. Make good walls, floor and ceiling for construction.
- Existing furniture and bathroom to be demolished.

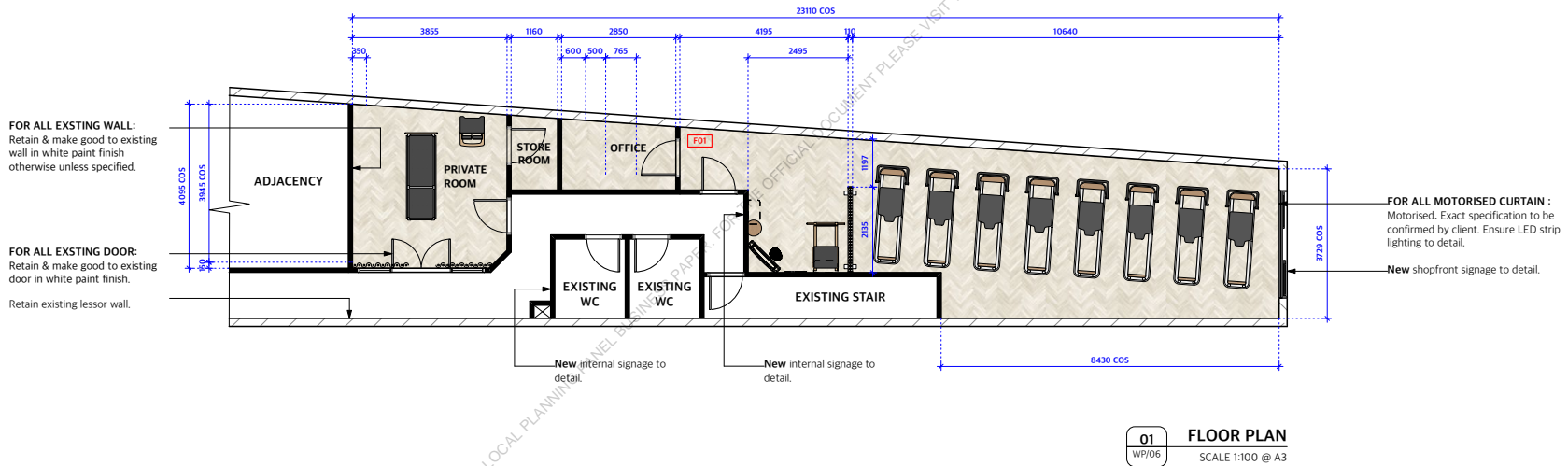
Notes

- Contractor to keep all existing windows, and window frames unless otherwise noted.
- Contractor to confirm Demolition plans with client prior to commencing breaking out.
- Contractor to report any discrepancies between what is noted on the drawings and what exists on site. Contractor must contact Structural Engineer and/or Mechanical Engineer in the event of any discrepancies.
- Contractor is to confirm any structural or mechanical conflict that may appear in breaking out, with the relevant Engineers and consultants.
- Contractor not to remove any structural member/element nor mechanical element without prior check with Engineers/Consultants.
- Contractor **MUST** refer to Structural Engineer for all structural issues.
- Contractor **MUST** refer to Mechanical Engineer for all mechanical and service issues.
- Contractor **MUST** contact **ALL** relevant service/consultant in the event of any service conflicts.



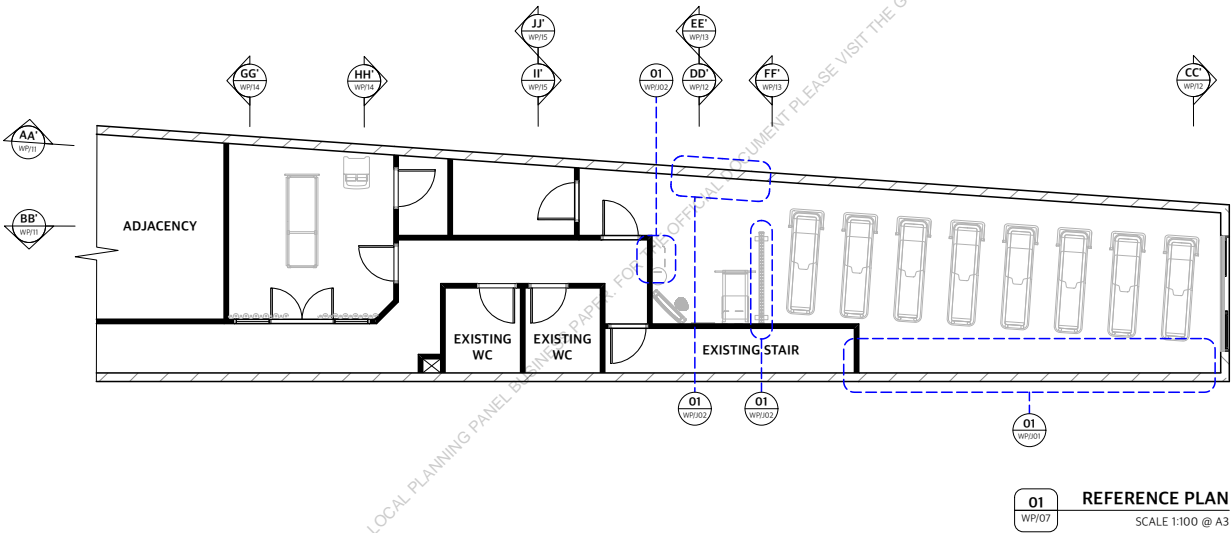
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				Project Address		Drawn By		Checked By
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		B	22/4/2025	Revised Information	RJ			
		A	10/4/2025	Revised & additional Information	RJ			



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		A	10/4/2025	Revised & additional Information	RJ			



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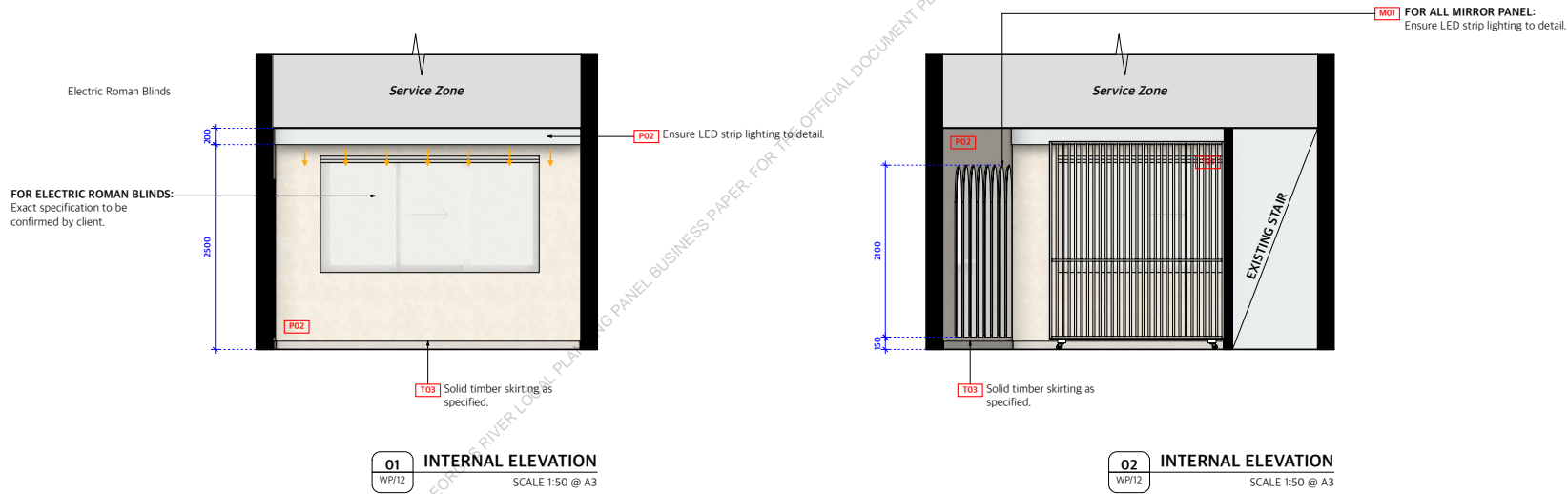
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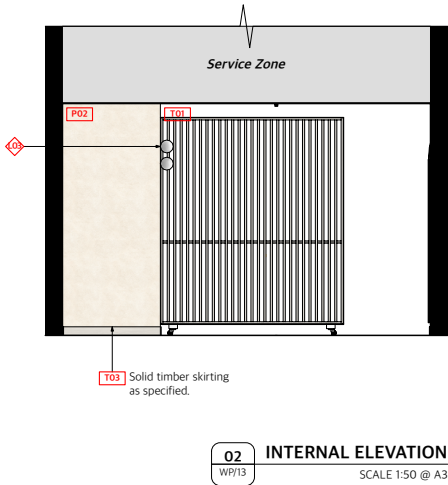
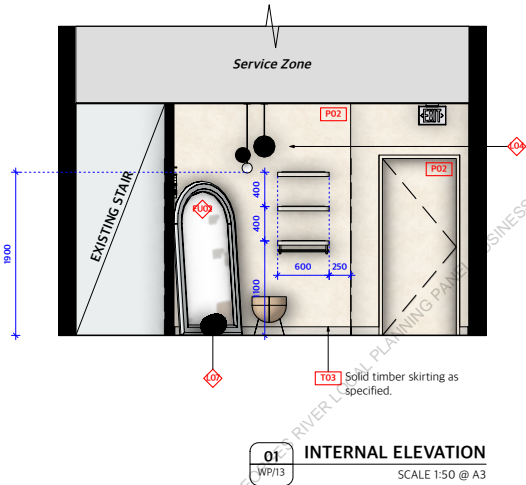
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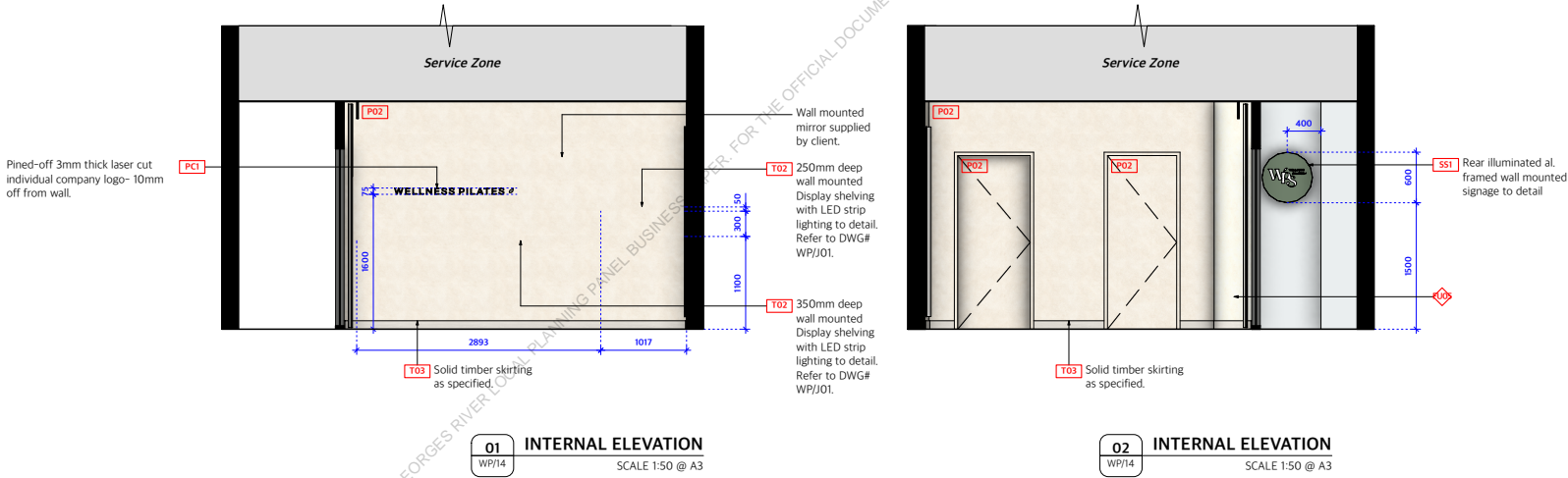
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				Project Address		Drawn By		Checked By
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		A	10/4/2025	Revised & additional Information	RJ			



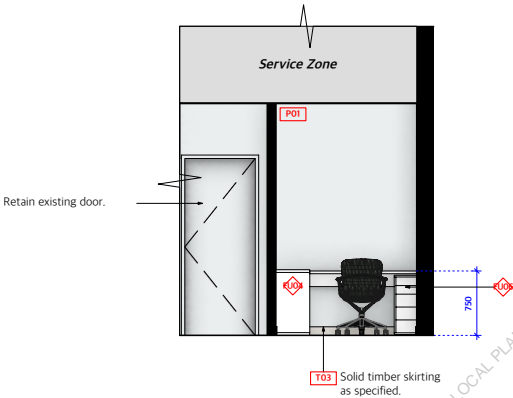
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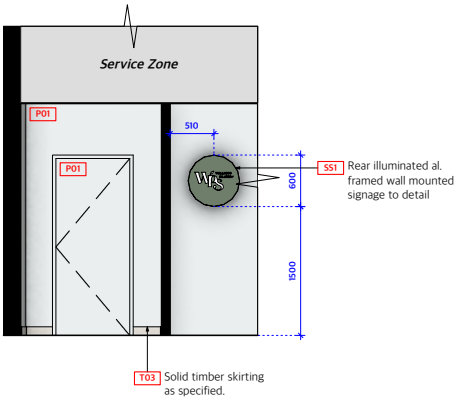


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				Project Address		Drawn By	Checked By
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				Drawing Details		Date	Scale
				Revision		22/4/2025	1:50
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01 INTERNAL ELEVATION
WP/15 SCALE 1:50 @ A3



02 INTERNAL ELEVATION
WP/15 SCALE 1:50 @ A3

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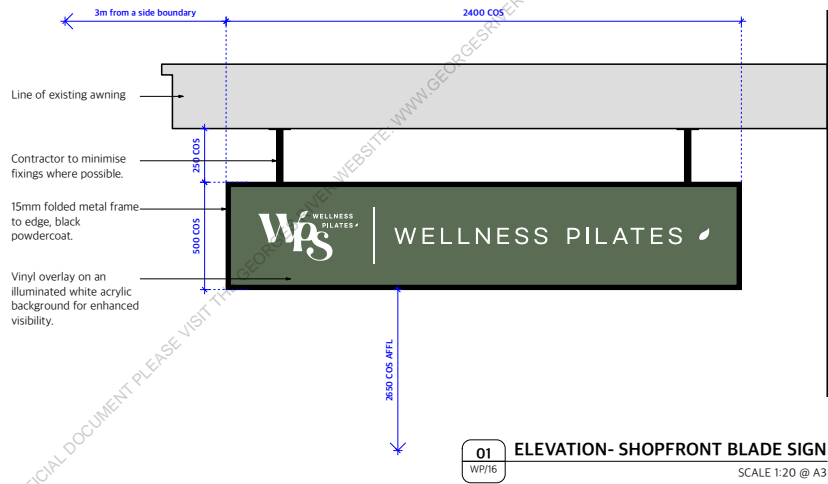
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				Drawing Details		RJ		RJ
				Date		Scale		Revision
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Site Photo- Proposed



Reference Image

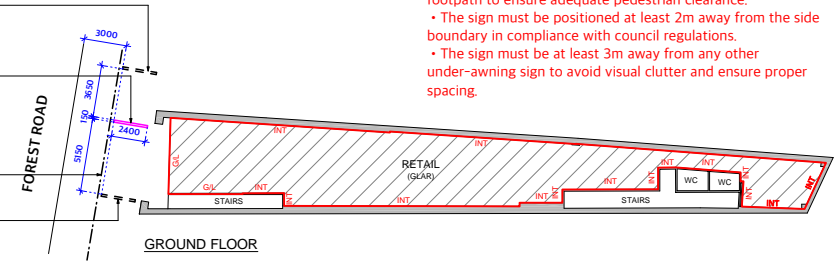


Location of existing adjacency (Chemist Warehouse) blade signage.

Proposed location of new blade signage. Existing signage to be removed prior to installation.

Existing awning indicative only- dashed line.

Location of existing adjacency (Forest Road Dental Surgery) blade signage.



- SPECIAL NOTE:**
- The bottom of the sign must be at least 2.6m above the footpath to ensure adequate pedestrian clearance.
 - The sign must be positioned at least 2m away from the side boundary in compliance with council regulations.
 - The sign must be at least 3m away from any other under-awning sign to avoid visual clutter and ensure proper spacing.

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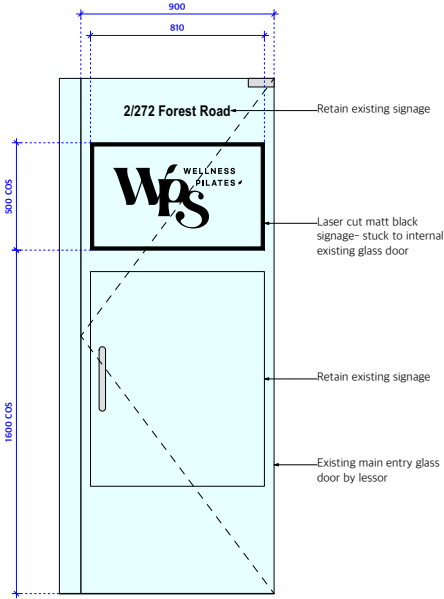
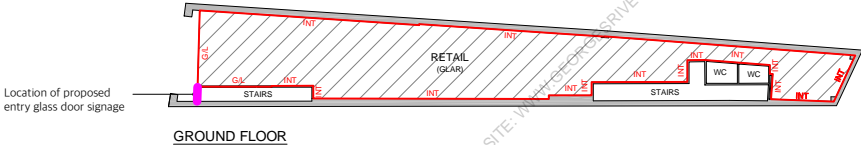
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Site Photo- Proposed



Site Photo- Current

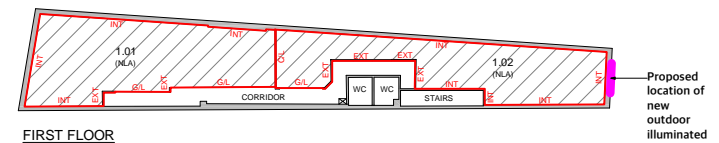
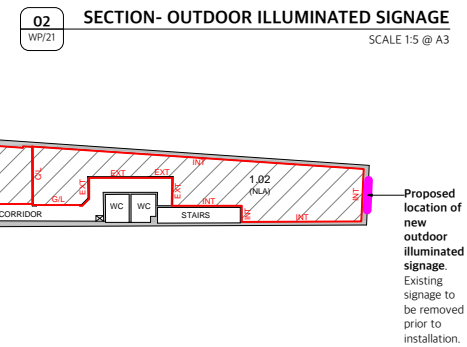
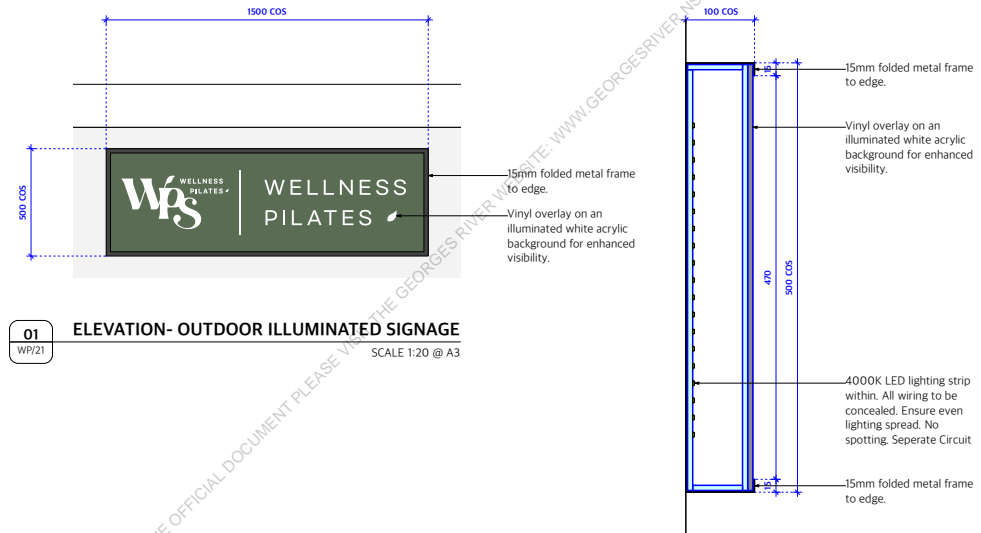


01 ELEVATION- MAIN ENTRY DOOR SIGNAGE
WP17

SCALE 1:15 @ A3

STATUS
FOR DA APPROVAL

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				Project Address		Drawn By		Checked By
				Tenancy 1.02 (Level 1, Suite 2) 272 Forest Rd, Hurstville 2220		RJ		RJ
				Drawing Details		Date	Scale	Revision
				WP-02		22/4/2025	1:15	B
		B	22/4/2025	Revised Information	RJ			
		A	10/4/2025	Revised & additional Information	RJ			



STATUS

FOR DA APPROVAL

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				Project Address		Drawn By		Checked By			
				Tenancy 1.02 (Level 1, Suite 2) 272 Forest Rd, Hurstville 2220		RJ		RJ			
Drawing Details		Date		Scale		Revision					
WP-02		22/4/2025		1:50		B					

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A.B.N 53 629 264 957

Date: 22 April 2025

The General Manager
Georges River Council
PO Box 205, Hurstville BC
NSW 1481 Australia

Attention: Sir/Madam

Re: Plan of Management (POM)
Proposed Wellness Pilates Sydney
Level 1, Suite 2/272 Forest Rd, Hurstville, NSW 2220

1. INTRODUCTION

The Wellness Pilates Sydney facility will be located at Level 1, Suite 2, 272 Forest Road, Hurstville, NSW, 2220. This Plan of Management (POM) outlines operational and management strategies to comply with local council requirements, ensure customer and staff safety, and minimise environmental impacts.

2. FACILITY OVERVIEW

- **Floor Area:** 76.2 m²
- **Type of Facility:** Recreation facility (fitness studio)
- **Proposed Use:** Pilates and wellness activities for the community

3. CUSTOMER CAPACITY MANAGEMENT

- Maximum customer number at any given time: Nine(9) customers.
- Total available benches: Nine(9)

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4. OPERATING HOURS

The operating hours for **Wellness Pilates Sydney** are as follows:

- Monday to Friday: 9:00 am - 9:00 pm

Start	End	Maximum Capacity (Group Class)	Maximum Capacity (Private Class)
9:00	9:50	8 people	1 person
10:00	10:50	8 people	1 person
11:00	11:50	8 people	1 person
12:00	12:50	8 people	1 person
13:00	13:50	8 people	1 person
14:00	14:50	8 people	1 person
15:00	15:50	8 people	1 person
16:00	16:50	8 people	1 person
17:00	17:50	8 people	1 person
18:00	18:50	8 people	1 person
19:00	19:50	8 people	1 person
20:00	20:50	8 people	1 person

- Saturday & Sunday: 9:00 am - 3:00 pm

Start	End	Maximum Capacity (Group Class)	Maximum Capacity (Private Class)
9:00	9:50	8 people	1 person
10:00	10:50	8 people	1 person
11:00	11:50	8 people	1 person
12:00	12:50	8 people	1 person
13:00	13:50	8 people	1 person
14:00	14:50	8 people	1 person

All Pilates class services are provided strictly by appointment.

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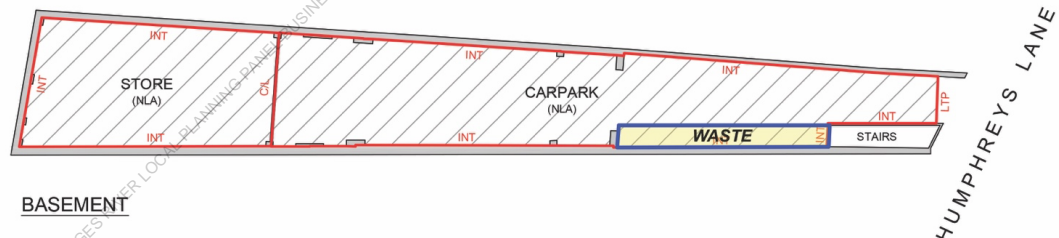
5. STAFF MANAGEMENT**Number of Staff:**

- Monday - Friday: Two(2) staff members in the morning, Two(2) staff members in the afternoon.
- Saturday - Sunday: Two(2) staff members from 9:00 AM to 3:00 PM.
- Maximum number of staff present in the studio at any time: Three(3).**

Staff Training: Regular training in customer service, emergency procedures, first aid, and safe operation of fitness equipment.

6. WASTE MANAGEMENT

- Waste Collection:** Other tenants have their waste bins located in the waste bin area on the left-hand side (LHS) when looking at the building. This area is at the front of the parking area in the basement, accessible from **Humphreys Lane, Hurstville**.



- Collection Time:** Waste is collected twice weekly on Tuesdays and Fridays by a contracted waste management service.

7. TRAFFIC AND PARKING MANAGEMENT

- Public Transport:** Public Transport: The facility is near Hurstville Station (1-minute walk) and nearby bus stops.

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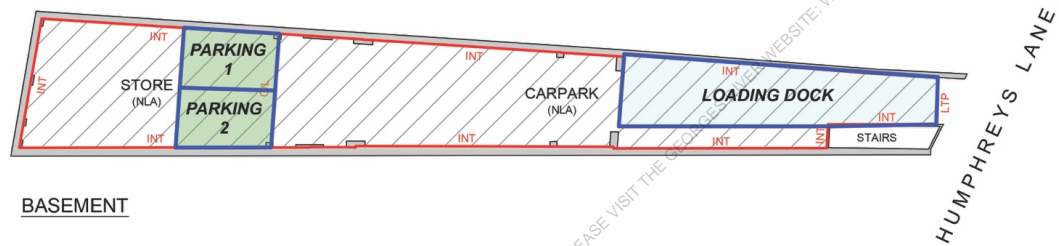
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- **Parking and Loading Arrangements:** There are **two (2) dedicated parking spaces**, and a loading dock located in the **basement level**, accessible via **Humphreys Lane, Hurstville**. These facilities are designated for use by staff, contractors, and service personnel during operational hours. The exact locations of the parking bays and loading dock are shown on the **attached plan**.

*Site Photo - Loading Dock & Waste**Site Photo - Parking*

- **Additional Parking Options (if required):** While on-site basement parking is the primary provision, short-term parking is also available nearby, including at **Westfield Hurstville Shopping Centre**, located adjacent to the premises.

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8. SERVICE AND SUPPLY MANAGEMENT**Delivery & Supply Method:**

- No regular deliveries.
- Small supplies such as wet wipes, cleaning cloths, and paper cups are purchased approximately once every 3-4 months.
- Supplies are carried by staff from a nearby supermarket.

Type of Goods Supplied:

- Basic cleaning and hygiene supplies (wet wipes, cleaning cloths, paper cups, etc.).
- All equipment and small props are set up when the studio first opens, requiring no additional regular deliveries.

Type of Service/Supply Vehicles:

- No supply vehicles are used.
- No dedicated parking is needed for supply vehicles.

9. NOISE MANAGEMENT

Class Schedule: Classes are scheduled to minimise noise impact during peak residential hours.

Soundproofing: Measures in place to reduce sound impact on surrounding properties.

Noise Control Measures:

- The only weights on-site will be **1kg dumbbells**.
- **Pilates reformers** will be used exclusively for the class.
- **No music** will be played during the class.
- **No jumping** is involved in any of the exercises.

Complaint Handling: Any noise complaints will be investigated and addressed promptly.

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10. CUSTOMER SAFETY AND WELLBEING

- **Emergency Procedures:** Evacuation plans and fire safety protocols are clearly posted and reviewed regularly.
- **First Aid:** A qualified first-aid officer will be on-site, and a first aid kit will be available.
- **Security:** The facility is monitored via CCTV, and entry points are controlled.

11. MAINTENANCE & CLEANLINESS

- **Daily cleaning schedule:** The fitness studio, restrooms, and common areas are cleaned daily.
- **Equipment Maintenance:** Regular inspections and immediate repairs for any faulty equipment.

12. COMMUNITY ENGAGEMENT AND COMPLAINT HANDLING

- **Community Engagement:** Updates and promotions shared through newsletters and social media.
- **Complaint Handling:** Complaints (e.g., noise, parking) can be submitted via email or phone and will be addressed within 48 hours.

13. PRIVATE ROOM ACTIVITIES

The private room will be used as a **standard Pilates room**, where **one-on-one personal training sessions** will take place.

14. DEMOLITION PLAN

A **separate demolition plan** indicating the extent of internal demolition will be **provided as an attachment** to this document.

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15. CONCLUSION

The Wellness Pilates Sydney facility will operate responsibly, with a focus on safety, compliance, and environmental sustainability. The Plan of Management will be periodically reviewed for continuous improvement.

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

REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 15 MAY 2025

LPP015-25 UNIT 1A, 17 MACMAHON STREET, HURSTVILLE NSW 2220

LPP015-25

LPP Report No	LPP015-25	Development Application No	DA2025/0029
Site Address & Ward Locality	Unit 1A, 17 MacMahon Street, Hurstville NSW 2220 Hurstville Ward		
Proposed Development	Change of use to beauty salon premise and replace the external signage		
Owners	Cindy Tang and Henry Tang		
Applicant	Yuan Tao		
Planner/Architect	Planner and Architect: EA Architecture		
Date Of Lodgement	4/02/2025		
Submissions	0		
Cost of Works	\$137,700.00		
Local Planning Panel Criteria	The proposal involves the internal demolition of a local heritage item.		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Industry and Employment) 2021, Georges River Local Environmental Plan 2021, Georges River Development Control Plan 2021.		
List all documents submitted with this report for the Panel's consideration	Architectural plans, Statement of Environmental Effects, Statement of Heritage Impact, Plan of Management, and Operational Waste Management Plan		
Report prepared by	Senior Development Assessment Planner		

RECOMMENDATION	Approval, subject to recommended conditions
-----------------------	---

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

Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	No, the applicant can review the conditions upon this report being made publicly available.

SITE PLAN

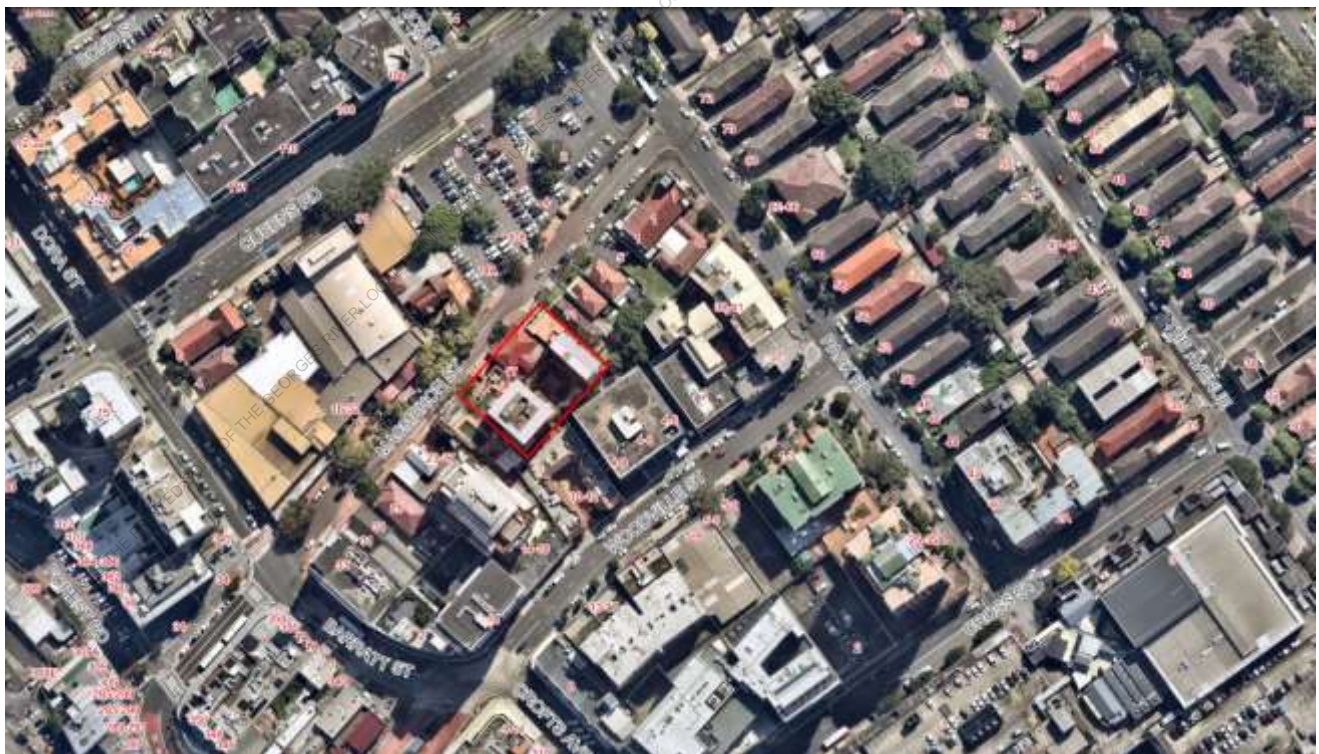


Figure 1: Aerial image. The subject site is outlined in red. (Source: Intramaps)

EXECUTIVE SUMMARY PROPOSAL

1. Approval is sought for change of use to a beauty salon with internal fit out works. The proposal comprises of the following components:

- Demolition of internal walls
- Change of use of an existing ground floor tenancy (Unit 1A) to a beauty salon. The beauty salon includes the following components:
 - Reception,
 - Two rooms for medical procedures (Skin penetration procedures),
 - Wash station,
 - Toilet, and
 - Storage room
- Three proposed signs consist of the following:
 - One Illuminated under awning sign,
 - One window sign on the front entrance, and
 - One awning fascia sign.
- The beauty salon is proposed to be operated under the following parameters based on the submitted plan of management and operational waste management plan:
 - Operation hours: 10:00am to 6:00pm Monday to Saturday,
 - Customer capacity: 3 at any given time,
 - Staff capacity: 2 at any given time, which include one medical practitioner (Skin penetration procedures) and one receptionist,
 - Parking: two spaces available for the tenancy which will be provided to staff members. No visitor parking provided. Those two spaces form part of the tenancy's strata lot.
 - Loading to be conducted on Macmahon Street by van on a weekly basis.
 - Waste: General waste to be placed in the common waste area at basement level 1, and medical waste is to be placed in a secured container located at the wash station. The general waste will be collected by Council's weekly waste services, while the medical waste will be removed by specialist contractors no more than once per week.
 - Skin penetration procedures, such as filler injection, are to be carried out in the proposed beauty salon by a registered medical practitioner.

SITE AND LOCALITY

2. The subject site is legally described as Part 71 SP 72896 and known as Unit 1A/17 Macmahon Street, Hurstville.
3. The subject tenancy is located on the ground floor of a heritage listed commercial building (item No. 116) pursuant to Georges River Local Environmental Plan 2021 (GRLEP 2021). The commercial building is a part of a larger mixed-use development which consists of two apartment towers with shops on the ground floor and three levels of shared basement parking. The subject tenancy has a floor space area of 71.0sqm on the ground floor in accordance with the strata plan (SP), and 2 allocated parking spaces at basement level 3.
4. Adjoining the site to the northeast is a single-storey brick detached dwelling house, and adjoining the site to the southwest is a mixed-use development with shops on the podium level and an residential apartment building above the podium level.
5. The locality comprises of mixed-use developments such as offices, shops, shop top housing, community centres, and residential flat buildings.

ZONING AND PERMISSIBILITY

6. The subject site is zoned MU1 Mixed Use under the provisions of Georges River Local Environmental Plan 2021 (GRLEP 2021). The proposal is permissible with consent.

SUBMISSIONS

7. The application was placed on public notification from 26 February 2025 to 26 March 2025 and advertised on the St George and Sutherland Shire Leader. Council received no submission.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

8. Per the *Local Planning Panels Direction* given by the Minister for Planning and Public Spaces on 6 May 2024, a Development Application that involves the demolition of a heritage item is to be referred to the Local Planning Panel for determination. Per Clause 5.10(2)(a) of the GRLEP 2021, internal alteration is classified as 'demolition' and hence before the Georges River Local Planning Panel.

CONCLUSION

9. Having regard to the matters for consideration under section 4.15(1) of the Environmental Planning and Assessment Act 1979 and following a detailed assessment, the submitted Development Application (DA2025/0029) is recommended for approval for the reasons contained within this report.

REPORT IN FULL

PROPOSAL

10. The Development Application seeks consent for change of use to a beauty salon with internal fitout works. The proposal comprises of the following components:
- Demolition of internal walls
 - Change of use of an existing ground floor tenancy (Unit 1A) to a beauty salon. The beauty salon includes the following components:
 - Reception,
 - Two rooms for medical procedures (Skin penetration procedures),
 - Wash station,
 - Toilet, and
 - Storage room
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14. Adjoining the site to the northeast is a single-storey brick detached dwelling house, and adjoining the site to the southwest is a mixed-use development with shops on the podium level and an residential apartment building above the podium level.



Figure 2: Subject site observed from the street boundary (Source: Site inspection photos)



Figure 3: Close up of the subject tenancy (Source: Site inspection photos)



Figure 4: Interior of the subject tenancy, indicating the proposed location of the reception (Source: Site inspection photos)

SITE BACKGROUND

15. A summary of the historical approvals on the subject tenancy is provided as follows:

DA/CDC Number	Proposed Works	Determination	Date	Comments
-	Gift shop	-	-	This is the last known use of the site according to historical Google Streetview imagery. No approval is identified for this use.
-	Dental clinic	-	-	According to historical Google Streetview imagery, the subject tenancy ceased to operate as a dental clinic circa 2014. No approval is identified for this use.
05/DA-23	Proposed Residential Use & Strata Subdivision of Existing Lots 29-32 to inclusive and common property to create 7 Lots	Approval	10 May 2005	This consent provides approval to the stratum subdivision for the subject tenancy and the two associated parking spaces at basement level 1.
74/BA-545	Shopfront Alteration	Approval	24 May 1974	The work involves replacing the shop front window frame of the subject tenancy.
-	Chemist	N/A	Circa 1915-1935	According to the NSW State Heritage Inventory, the portion of the building where the subject tenancy is located was originally built in 1935 as an extension to a chemist. No approval is identified for the subject building when it was initially proposed and built.

APPLICATION BACKGROUND

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

- The application was lodged on 04 February 2025.
- The application was allocated to the assessing officer on 12 February 2025.
- On 18 February 2025, Ausgrid provided a response indicating no objection to the proposal.
- On 24 February 2025, Council's Health officer provided comments in support of the proposal, subject to recommended conditions.

- The application was placed on public exhibition and advertised on the St George and Sutherland Shire Leader between 26 February 2025 and 26 March 2025. No submission was received.
- On 27 February 2025, Council's building surveyor provided comments in support of the proposal, subject to recommended conditions.
- On 3 March 2025, Council's heritage advisor raised objection to the proposal requesting design changes.
- Site inspection was conducted on 19 March 2025.
- A request for further information was sent to the applicant on 20 March 2025 requesting further information regarding signage design, operation details, and parking.
- Requested information was returned on 25 March 2025.
- On 10 April 2025, Council's heritage advisor, after reviewing additional information, raised no objection subject to recommended conditions.
- On 14 April 2025, the applicant submitted an amended Statement of Environmental Effects and amended signage plans. The amended signage is considered to be similar to what was originally reviewed by the heritage advisor in terms of colour and composition. As such no referral was made to the heritage advisor.

PLANNING ASSESSMENT

17. The development has been assessed having regard to Matters for Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

a) *Matters for consideration – general*

In determining an application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

The provision of:

- b) *Any environmental planning instrument,*

State Environmental Planning Policies (SEPPs)

18. Compliance with the relevant State Environmental Planning Policies is summarised in the following table and discussed in further detail below.

State Environmental Planning Policy Title	Complies
State Environmental Planning Policy (Biodiversity and Conservation) 2021	N/A
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes
State Environmental Planning Policy (Industry and Employment) 2021	Yes
State Environmental Planning Policy (Sustainable Buildings) 2022	N/A

State Environmental Planning Policy (Resilience and Hazards) 2021

19. Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 are relevant to the proposal.
20. Chapter 4 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.
21. Clause 4.6 requires contamination and remediation to be considered in determining a DA. The consent authority must not consent to the carrying out of development on land unless it has considered whether or not the land is contaminated.

22. A review of historic aerial photography dating back to 1943 and the NSW State Heritage Inventory indicates that the site has continually been used for commercial purposes. Commercial usage is not typically associated with activities that would result in the contamination of land. On this basis, the site is likely to be suitable for commercial development in its current state for the development proposed in respect to contamination.

State Environmental Planning Policy (Transport and Infrastructure) 2021

23. Compliance with SEPP (Transport and Infrastructure) 2021 has been considered during the assessment of this development application. The site is not mapped within a Transport and Infrastructure area thus it is unlikely to be impacted by rail noise or vibration. Ausgrid has been consulted as required by Chapter 2 and no objection was raised to the proposed development.

State Environmental Planning Policy (Industry and Employment) 2021

24. The relevant part of the above Policy that apply to this application is Chapter 3 – Advertising and Signage, as the proposed signage is not an exempt development.

Chapter 3 – Advertising and Signage

25. This chapter applies to the proposed awning fascia sign, under awning sign, and window sign.
26. The proposed signage aligns with Clause 3.1(1)(a) in that the signs are compatible with the desired amenity and visual character of the area, provides effective communication in suitable locations, and are of high-quality design and finish.
27. Per Clause 3.6(b), the proposed signs are assessed under Schedule 5 as tabled below:

Chapter 3 – Advertising and Signage		
Schedule 5 – Assessment Criteria		
Controls	Proposed	Compliance
1 Character of the area <ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>The proposal is compatible with the existing mixed-use character of the area and the heritage item on the subject site.</p> <p>It is noted that no consistent theme of outdoor advertising is identified along Macmahon Street.</p>	Yes
2 Special areas <ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>The proposal is compatible with the heritage item on the subject site.</p>	Yes
3 Views and vistas <ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? 	<p>The proposed signs do not obscure nor compromise important views. The proposed signs do not dominate the skyline of Hurstville and do not obstruct other signs in the area.</p>	Yes

<ul style="list-style-type: none"> Does the proposal respect the viewing rights of other advertisers? 		
4 Streetscape, setting or landscape <ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	<p>The proposed signs are of a scale that is compatible with the streetscape and setting of Macmahon Street, being a mixed-use precinct of Hurstville.</p> <p>The proposed signs have a neutral impact on the local streetscape, setting and landscape.</p> <p>The proposed signs do not contribute to cluttering of signage.</p> <p>The subject building is not unsightly. The proposed signs will not protrude above buildings or tree canopy.</p> <p>The proposed signs do not affect any vegetation in the locality.</p>	Yes
5 Site and building <ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>The proposed signs are of a scale that is compatible to the heritage item on the subject site and the wider streetscape.</p>	Yes
6 Associated devices and logos with advertisements and advertising structures <ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<p>The proposed signage does not include any associated structures or device.</p>	Yes
7 Illumination <ul style="list-style-type: none"> Would illumination result in unacceptable glare? 	<p>The proposed under awning sign has a luminance level of 150 cd/sqm, which is lower than the maximum nighttime requirement for shopping precincts according</p>	Yes

<ul style="list-style-type: none"> • 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? 	<p>to the <i>Transport Corridor Outdoor Advertising and Signage Guidelines</i>. The proposed illuminated sign will not result in unacceptable glare that cause danger to road users. The intensity of illumination is considered appropriate and adjustments are not considered necessary.</p> <p>The proposed illuminated sign is unlikely to cause unacceptable light spillage into adjoining residential accommodations. A condition will be included requiring the fitting of an automatic timing device to control the hours of illumination within the operation hours only.</p>	
<p>8 Safety</p> <ul style="list-style-type: none"> • Would the proposal reduce the safety for any public road? • Would the proposal reduce the safety for pedestrians or bicyclists? • Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	<p>The proposed signs will not obstruct sightlines of any road users nor cause distractions. The proposed under awning sign is of a luminance level that is appropriate in a mixed-use context.</p>	Yes

Georges River Local Environmental Plan 2021

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

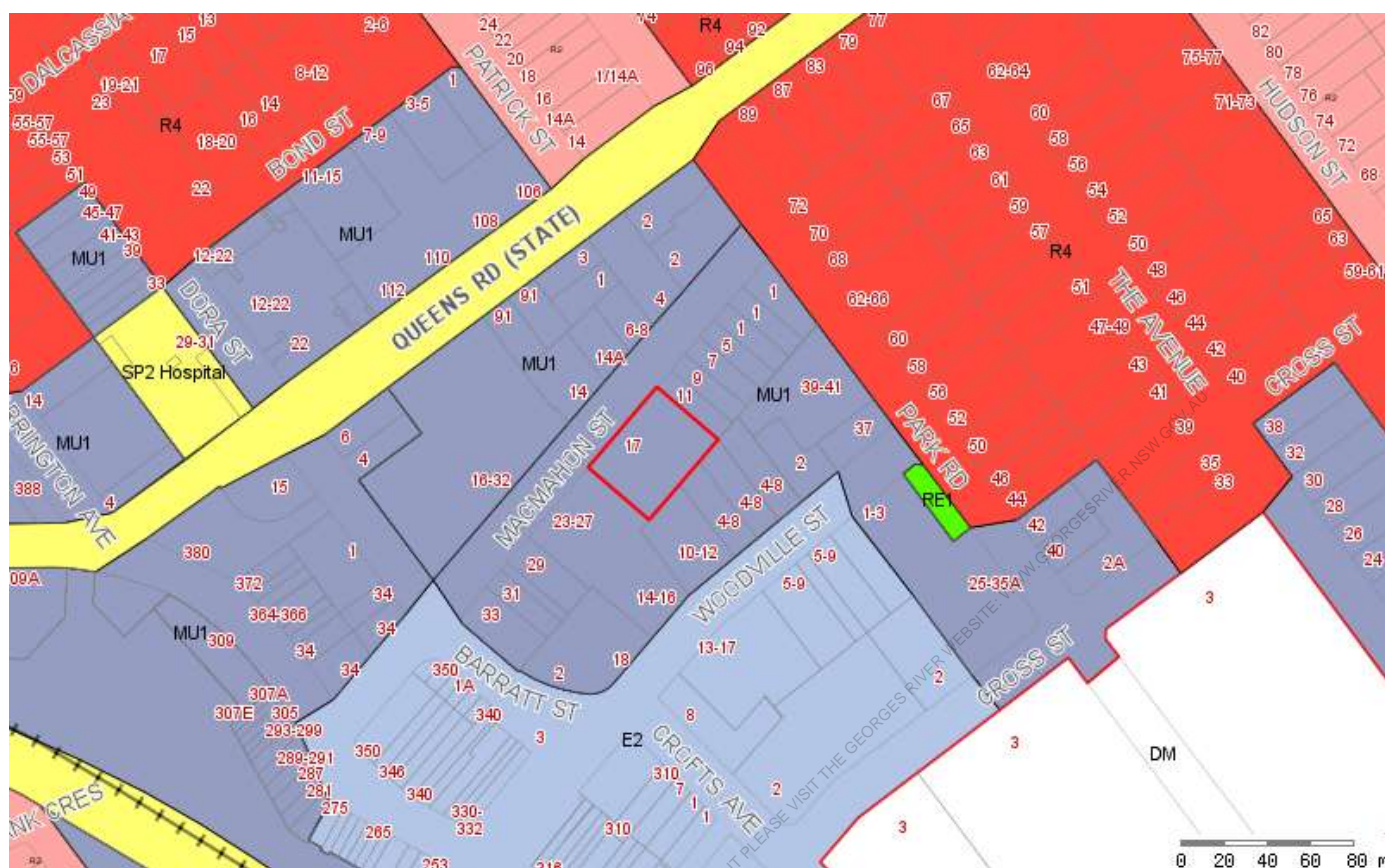


Figure 5: Zoning map. The subject site is outlined in red. The area shaded in dark blue indicates MU1 Mixed Use Zone (Source: Intramaps).

GRLEP 2021 – Part 1 – Preliminary		
Clause 1.2 – Aims of the Plan		
Standard	Proposal	Compliance
In accordance with Clause 1.2 (2)	The development is considered to be consistent with the aims of the plan.	Yes
Clause 1.4 – Definitions		
Standard	Proposal	Compliance
<i>business premises means a building or place at or on which—</i> <i>(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or</i> <i>(b) a service is provided directly to members of the public on a regular basis,</i> <i>and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home</i>	The proposed development is consistent with both definitions.	Yes

business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

And

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note.

Medical centres are a type of health services facility

business identification sign

means a sign—

- (a) that indicates—
 - (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

GRLEP 2021 Part 2 – Permitted or prohibited development

Clause 2.3 – Zone objectives and Land Use Table

Standard	Proposal	Compliance
<p>The subject site zoned MU1 Mixed Use:</p> <p>The objectives of the zone are:</p> <ul style="list-style-type: none"> To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities. To ensure that new development provides diverse and active street frontages to attract pedestrian 	<p>The proposal is consistent with the zone objectives as the development:</p> <ul style="list-style-type: none"> Provides a diversity of businesses within an accessible location within Hurstville Town Centre, Facilitates active street frontage that contributes to 	Yes

<p>traffic and to contribute to vibrant, diverse and functional streets and public spaces.</p> <ul style="list-style-type: none"> To minimise conflict between land uses within this zone and land uses within adjoining zones. To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. To integrate suitable business, office, residential, retail and other development in accessible locations to maximise public transport patronage and encourage walking and cycling. To allow residential development that contributes to the vitality of the centre and provides housing that meets the needs of the community. To encourage the provision of community facilities and public infrastructure so that all residents have reasonable access to a range of facilities and services. 	<p>functional streets and public space,</p> <ul style="list-style-type: none"> Provides a business that is suitable to the site context on ground floor, and Does not cause land use conflict and nuisance. 	
Land Use Table		
The proposal is for a business premises and part medical centre for the skin penetration procedure component. The proposal also involves business identification sign, which are permitted with consent in the zone.		Yes

GRLEP 2021 Part 4 – Principal Development Standards**Clause 4.3 – Height of Buildings**

Standard	Proposal	Compliance
Maximum height is 15m to the northwest and 30m to the southeast.	No change is proposed to the existing building height.	N/A

Clause 4.4 – Floor Space Ratio

Standard	Proposal	Compliance
<p>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p> <p>The maximum floor space is 4.5:1 as identified on Floor Space Ratio (FSR) Map.</p>	No change to the existing Floor Space Ratio	N/A

Clause 4.4B – Exceptions to floor space ratio—non-residential uses

Standard	Proposal	Compliance
(2) This clause applies to development that is the erection of a new	The subject site is located within Area 4 in the FSR map.	Yes

<p>building or alterations or additions to an existing building.</p> <p>(4) Development consent must not be granted for development on the following land identified on the Floor Space Ratio Map unless the non-residential floor space ratio is—</p> <p>(b) for land identified as “Area 4”—at least 1:1.</p>	<p>The proposed beauty salon is contained entirely within the existing building footprint and will utilise the entire tenancy for commercial purposes. The proposal will maintain the existing commercial gross floor area.</p>	
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GRLEP 2021 Part 5 – Miscellaneous Provisions**Clause 5.10 – Heritage conservation**

Standard	Proposal	Compliance
<p>Council must, before granting consent under this clause with respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.</p>	<p>The site contains Item number 116 and known as ‘Friendly Societies’ Dispensary Building’ as listed in Schedule 5 of the LEP.</p> <p>The proposal has been reviewed by Council’s Heritage Advisor who has considered the effect of the proposal on the item and is satisfied, subject to conditions, that the proposal is appropriate in this regard.</p>	<p>Yes</p>

GRLEP 2021 Part 6 – Additional Local Provisions**Clause 6.3 – Stormwater Management**

Standard	Proposal	Compliance
<p>(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development—</p> <p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development’s reliance on mains water, groundwater or river water, and</p> <p>(c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native</p>	<p>The proposal will retain the existing stormwater disposal system.</p>	<p>Yes</p>

<p>bushland, receiving waters and the downstream stormwater system or, if the impact cannot be reasonably avoided, minimises and mitigates the impact, and</p> <p>(d) is designed to minimise the impact on public drainage systems.</p>		
Clause 6.9 Essential Services		
Standard	Proposal	Compliance
<p>Development consent must not be granted to development unless Council is satisfied that any of the following services that are essential for the development are available, or that adequate arrangements have been made to make them available when required</p> <p>a) the supply of water, b) the supply of electricity, c) the supply of telecommunications facilities, d) the disposal and management of sewage e) stormwater drainage or on-site conservation, f) suitable vehicular access.</p>	<p>The proposal currently has arrangements that will make available, the:</p> <ul style="list-style-type: none"> the supply of water, the supply of electricity, the supply of telecommunications facilities, the disposal and management of sewage, stormwater drainage or on-site conservation, vehicular access. 	Yes
Clause 6.10 Design Excellence		
Standard	Proposal	Compliance
<p>(2) This clause applies to development on land referred to in subclause (3) involving—</p> <p>(a) the erection of a new building, or</p> <p>(b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant.</p> <p>(3)(b) This clause applies to the following zones if the building concerned is 3 or more storeys or has a height of 12 metres or greater above ground level (existing), or both, not including levels below ground level (existing) or levels that are less than 1.2 metres above ground level (existing) that provide for car parking—</p>	<p>The existing building has a height of less than 12m and a built form of 2 storey. The proposal does not propose to increase the building height or level of storeys. As such Clause 6.10 does not apply.</p>	N/A

(v) Zone MU1 Mixed Use		
Clause 6.12 – Landscaped areas		
Standard	Proposal	Compliance
(2) This clause applies to land in the following zones— (a) Zone R2 Low Density Residential, (b) Zone R3 Medium Density Residential, (c) Zone R4 High Density Residential, (d) Zone C2 Environmental Conservation.	The subject site is situated within the MU1 Zone. Therefore Clause 6.12 does not apply.	N/A
Clause 6.13 Development in Zones E1, E2 and MU1		
Standard	Proposal	Compliance
(2) This clause applies to land in the following zones— (b) Zone MU1 Mixed Use. (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied the development will not cause a part of the ground floor of a building that is facing a street to be used for the purposes of residential accommodation or tourist and visitor accommodation.	The subject site is located in Zone MU1 Mixed Use. This clause therefore applies. The proposal will not introduce residential accommodation or tourist and visitor accommodation on ground floor facing a street.	Yes

Georges River Development Control Plan 2021

29. The extent to which the proposed development complies with the GRDCP 2021 is detailed and discussed in the table below.

3.7 – Heritage		
3.7.1 – Aboriginal Cultural Heritage		
Control	Proposal	Compliance
1. Approvals to be obtained from relevant agencies prior to works commencing on sites that contains, or has potential to contain Aboriginal objects; 2. Building and landscaping works, including paths and driveways, are not to disturb any aboriginal objects. 3. New works, including excavations for swimming pools, jetties and boat sheds is to be sited away from the foreshore where possible;	There is no known evidence that Aboriginal objects are present on the site. The proposal is unlikely to result in the discovery of relics as no excavation is proposed.	Yes

4. New works are to be sited away from rock outcrops and overhangs		
3.7.2 – Non-Aboriginal Cultural Heritage		
Control	Proposal	Compliance
<p>Non-Aboriginal Heritage</p> <ol style="list-style-type: none"> 1. Retain features (including landscape features) that contribute to the significance of the item; 2. Remove unsympathetic elements, especially where substantial changes are proposed to a heritage item, and there is potential for an improved heritage setback; 3. New work is to be consistent with the massing, form, and scale of the significant features of the heritage item; 4. Retain significant fabric, features, or parts of the heritage item that represent key periods of the item's history or development; 5. Locate change away from original areas of the heritage item that are intact. For example, where a building's significance is related to the front of a building, locate new works to the rear. 6. All works are to be consistent with an adopted Conservation Management Plan/s, where applicable. 	<p>The proposed development is considered to be consistent with the controls as the proposal retains the built form, façade, and fenestrations of the heritage item which contributes to the significance of the heritage item.</p> <p>The proposed internal alterations to remove the partition walls are not considered to diminish the heritage value of the building.</p> <p>The proposed signage is of a design and scale appropriate to the heritage item.</p> <p>Council's Heritage Advisor has reviewed the proposal and is satisfied that the outlined matters are addressed, and the proposal is suitable for the site.</p>	Yes
3.7.3 – Archaeological Management		
Control	Proposal	Compliance
<ol style="list-style-type: none"> 1. Minimise depth of any excavation and locate new work away from areas known to contain archaeological relics 2. Ensure reversibility of changes. 	<p>The site is not known to contain archaeological remains. The proposal does not require earthwork and therefore is unlikely to damage or discover any relic.</p>	Yes
3.11 Ecologically Sustainable Development		
Non-Residential Buildings		
Control	Proposal	Compliance
<ol style="list-style-type: none"> 8. All development must comply with Section J Energy Efficiency of the BCA/NCC. 9. The energy efficiency provisions of the Building Code of Australia should be incorporated into the design of non-residential 	<p>The proposed development retains the existing awning which improves the energy efficiency of the building.</p> <p>Conditions are imposed requiring compliance with Section J Energy Efficiency of the BCA/NCC.</p>	Yes

<p>buildings. This may require the inclusion of the following:</p> <ul style="list-style-type: none"> i. Windows that are appropriately sized and shaded to reduce summer heat load and permit entry of winter sun. ii. Building materials selected to assist thermal performance and ceiling insulation used where appropriate. iii. Natural ventilation. iv. Buildings should have an area, orientation and roof pitch that is suitable for the installation of solar collectors. v. Low energy, high efficiency plant, fittings and appliances should be specified. vi. The use of photovoltaic panels/solar collectors for hot water heating and power is encouraged to reduce energy consumption. 		
<p>10. Water conservation principles should be incorporated into non-residential developments, including the following:</p> <ul style="list-style-type: none"> i. Water efficient fittings and appliances including: 4 star dual-flush toilets and taps, 3 star showerheads and urinals, water efficient washing machines and dishwashers. ii. Rainwater tanks should be provided to meet 80% of non-potable demand including outdoor use, toilets and laundry. iii. Cooling Towers are designed in accordance with best practice guidelines to reduce potable water consumption. iv. Water use within open spaces (for irrigation, water features etc.) should be supplied from sources other than potable mains water (e.g. stormwater, greywater or wastewater) to meet 80% water use demand. 	<p>The proposal is not a water-intensive use. 4 star toilets and taps are to be provided prior to the issue of Occupation Certificate in accordance with the recommended condition.</p>	<p>Yes</p>

11. Development is to demonstrate how the design has sought to reduce the urban heat island effect through the following: <ul style="list-style-type: none"> i. Use of reflective or light coloured building materials; ii. Provision of permeable surfaces; and iii. Planting of increased vegetation to achieve substantial tree canopy and shading. 	Not applicable – the proposal is a change of use only with minor external modifications. The proposal will have a neutral impact on the thermal load of the building.	N/A
12. Building design is to demonstrate that the indoor environmental quality has been considered through: <ul style="list-style-type: none"> i. Use of passive design elements i.e. natural lighting and natural cross ventilation; ii. Provision of shading devices to reduce heat load and for glare control; and iii. Use of cross ventilation for thermal comfort. 	The proposal enables natural lighting and ventilation via existing windows.	Yes
13. Ecologically sustainable, second hand and recycled building materials should be considered for use in building construction.	Not applicable – the proposal does not involve the construction of a new building.	
14. Developments should seek to reduce car dependence through the provision of end of trip facilities, bicycle parking, car share and small vehicle parking spaces, electric vehicle charging stations and green travel plans. Note: In achieving the desired outcomes of this element, applicants for non-residential developments are encouraged to demonstrate that the development is designed to achieve a minimum 4 star rating under the Green Building Council of Australia's Green Star Rating Tool. Go to www.gbca.org.au for more details on the green star rating tool. Sydney Water's best practice guide for cooling towers is available at www.sydneywater.com.au .	Not applicable – The subject site is within walking distance to frequent bus and train services, being located within Hurstville City Centre. Bicycle parking is available at Hurstville City Centre. Given the building on the subject site is a heritage item, the building does not have the capacity to include on-site bicycle parking and charging station.	N/A N/A

3.12 Waste Management

Control	Proposal	Compliance
1. Development must comply with Council's Waste Management requirements regarding construction waste and ongoing management of waste materials (per Appendix 4 of the GRDCP).	<p>The proposal complies with Council's waste management requirements. The applicant included a waste management plan detailing waste treatment.</p> <p>During operation, general waste will be placed within the shared bin storage area in basement level 1 and be collected by Council's collection service.</p> <p>Medical waste will be placed within the premises in a secured 50L box. Medical waste will be collected by a private contractor no more than once per week.</p> <p>A condition will be imposed to limit waste collection to no earlier than 06:00.</p> <p>A standard condition is recommended requiring a suitable waste management plan for the construction work to be prepared prior to the issue of the Construction Certificate.</p>	Yes

3.13 Parking Access and Transport

Control	Proposal	Compliance
<p>As per the table within this section the development is to provide parking at the following rates:</p> <p>Medical centre parking (within Hurstville Strategic Centre: 1 space per 50sqm NB: Transport and Parking Assessment Study required.</p> <p>Proposed beauty salon gross floor area (GFA): 71.0sqm</p> <p><u>Required: 1 space (1.42 spaces calculated)</u></p>	<p>Two (2) spaces provided at basement level 3 for staff.</p> <p>A transport and parking assessment study is not considered to be necessary for the following reasons:</p> <ul style="list-style-type: none"> - The proposal provides more parking than the rates stipulated by the GRDCP 2021, - The proposed development is not a large scale operation given a maximum capacity of two staff members servicing three customers at any one point, and - The subject site is highly accessible to a large public car park adjacent to the Hurstville Museum and public transport. 	Use of existing premises.

	The proposed development will not be a major traffic generator and as such a traffic study is not required in this instance.	
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).	Parking provision calculated per this methodology.	Yes

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.	Utilities are available for the subject site.	Yes
2. Any services and structures required by the providers should be located within the basement, or concealed within the I, 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.	No utility proposed on the street-facing façade.	Yes
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.	N/A – no air conditioning unit or mechanical plant proposed.	N/A
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.	N/A – the proposal does not involve the construction of new building nor the increase in gross floor area. The undergrounding of utilities is not considered necessary in this instance.	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	The existing tenancy has a sloped entrance appropriate for wheelchair	Yes

of Australia (BCA) and the Disability (Access to Premises – Buildings) Standards 2010 where required.	access. Disability access to be conditioned.	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.	The proposal enables levelled access from the footpath.	
3. Accessways for pedestrians and vehicles to be separated.	Pedestrian and parking accesses are separated.	
Yes		
3.18 Advertising and Signage		
Control	Proposal	Compliance
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. x. Be a minimum of 2.6 metres above any footpath where the sign is not flush with the wall. xi. Be at least 600mm from a kerb or roadway edge where the sign is over a public road.	The proposed signage addresses the following controls: i. The proposed signs relate to the proposed use being a beauty salon, ii. The proposed signs feature matching design and utilised appropriate colour and contrast. All signs utilise high quality materials. iii. The proposed signs will not diminish the heritage significance of the commercial building. iv. Only three signs are proposed. The proposed signs are not considered excessively repetitive. v. The proposed signs are clear of mechanical ventilation inlets or outlets. vi. No roof sign proposed. vii. No above awning sign proposed. viii. No flag pole sign proposed. ix. The proposed sign will not cause unacceptable glaring or sightlines obstruction to cause danger to any road user. x. The proposed under awning sign is 2.6m above ground level.	Yes

	xi. The proposed under awning sign is situated more than 0.6m from the kerb.	
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.	Conditions will be imposed requiring the signs to be securely attached and comply with relevant Australian Standards.	Yes
3. In addition to the above, illumination of signage should: <ol style="list-style-type: none"> Be integrated with the design of the sign. Not cause light spillage into nearby residential properties. Not use complex displays, moving signs, flashing lights or the like that hold driver's attention beyond 'glance appreciation', and Be fitted with an automatic timing device, controlling the illumination hours. 	<p>The illumination unit is fitted within the under awning sign.</p> <p>The proposed illuminated under awning sign has a luminance level of 150cd/sqm, which is lower than the maximum nighttime requirement for shopping precincts according to the <i>Transport Corridor Outdoor Advertising and Signage Guidelines</i>. The proposed illuminated sign will not cause light spillage nor involve complex displays and moving signs that distract motorists.</p> <p>Automatic timing device will be conditioned.</p>	Yes
5. All commercial advertising should comply with SEPP No.64-Advertising and Signage.	Both proposed signs comply with the provisions of the former SEPP 64 (the signage provisions are integrated into SEPP Industry and Employment 2021)	Yes
Business Identification Signs		
6. Business identification signs (refer to Figure 2 below) should: <ol style="list-style-type: none"> Identify the significant owners, tenants and uses of buildings. Consolidate signs for multiple tenancies. Be displayed in English, but may include a translation in another language not larger than the English message. Not incorporate advertising of products and services that are not directly related to the approved use of the premises. Comply with the general controls and the relevant prescriptive measures in Table 7. 	<p>The proposed business identification signs incorporate the following design elements:</p> <ul style="list-style-type: none"> - Identification of the use of the premise as a beauty salon, - Demonstrates no cluttering, - Displayed solely in English, and - Do not incorporate advertising of services and products not related to the proposed development. <p>Compliance with Table 7 is detailed below.</p>	Yes

<p><i>Awning Fascia Sign</i> Must comply with all of the following controls, otherwise prohibited:</p> <p>a. Should not project above or below the fascia</p> <p>b. Should not be illuminated.</p>	<p>The proposed awning fascia sign does not project beyond the fascia and is not illuminated.</p>	Yes
<p><i>Under Awning Sign</i> Must comply with all of the following controls, otherwise prohibited:</p> <p>a. Should be erected below the awning fascia, horizontally to the ground and at right angles to the building</p> <p>b. Should not exceed 0.4m in width</p> <p>c. Should not exceed a vertical height of 0.5m</p> <p>d. Should be located 2m from the side property boundary, and not closer than 3m to another under awning sign</p>	<p>The proposed under awning sign demonstrates the following:</p> <ul style="list-style-type: none"> - Erected below the awning fascia and right angle to the building - 0.25m in width (thickness), - 0.4m in height, and - More than 2m from the side boundary and 3m from another under awning sign. 	Yes

3.19 Crime Prevention / Safety and Security

Control	Proposal	Compliance
1. Active spaces and windows of habitable rooms within buildings are to be located to maximise casual surveillance of the public domain.	The sitting area and reception are placed adjacent to a large street-facing window to provide passive surveillance.	Yes
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.	The internal corridor is visible from the entry to maximise casual surveillance.	Yes
3. Minimise blind-corners, recesses and other external areas that have the potential for concealment or entrapment.	No blind corner incorporated in external spaces.	Yes
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.	The existing building entry is clearly visible from public area.	Yes
5. Ground floors of non-residential buildings, the non-residential component of mixed use developments, and the foyers of residential buildings, are to be designed to enable surveillance	The main street-facing window are proposed to remain clear to enable surveillance from the public domain.	Yes

from the public domain to the inside of the building at night.		
8. Development should comprise elements that contribute to effective access control by creating: <ul style="list-style-type: none"> 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 has a neutral impact on the public space to encourage gathering. The public has no access to other rarely visited areas.	Yes
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.	The proposal does not introduce elements that facilitate opportunities for unauthorised access.	Yes
10. Development should incorporate design elements that contribute to the creation of a sense of community ownership of public spaces by: <ul style="list-style-type: none"> 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 proposal has a neutral contribution to a sense of community ownership by demonstrating clear transition between public and private spaces.	Yes

7.1.2.2 Streetscape

Control	Proposal	Compliance
8. Pedestrian entries on active street frontages must have a finished surface level at the site boundary that is level with the public footpath.	Complies. The proposed beauty salon has a levelled entry from the footpath.	Yes
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	No roof fixture proposed.	N/A

from the street (including side streets).		
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7.1.3.1 Design Excellence		
Control	Proposal	Compliance
<p>2. If Clause 6.10 of the GRLEP 2021 does not apply, the new development is to address the following:</p> <ul style="list-style-type: none"> a. The characteristics of the site and adjoining development by undertaking a thorough site analysis. b. Utilise innovative design which positively responds to the character and context of its locality. c. Large areas of flat façade need to be articulated using panels, bay windows, balconies, steps in the façade and changes in texture and colour. d. Enhance the streetscape character of the locality. e. Ensure that proposed development is consistent in height and scale with surrounding development. f. Development is integrated with the surrounding environment by considering pedestrian, bicycle, vehicular and visual links to the street, rear laneways and open spaces. g. Maintain established setbacks. h. Design buildings to minimise impacts on neighbours by maintaining appropriate levels of solar access and privacy. i. Ensure any development utilises materials and finishes which complement the locality. j. Design for acoustic and visual privacy. k. Ensure dwellings and open space areas achieve 	<p>Clause 6.10 of the GRLEP does not apply.</p> <p>The proposal demonstrates the following design excellence measures:</p> <ul style="list-style-type: none"> - Retention of existing fenestrations and façade details to preserve heritage values, - Utilise high quality signage design that is sympathetic to the heritage value of the subject building, - No hinderance to existing vehicular and pedestrian traffic, and - Retention of street-facing windows to enable passive surveillance and street activation. 	<p>Yes</p>

<p>good solar access, and are energy efficient.</p> <p>l. Ensure building entries address the street and are clearly visible from the street or footpaths.</p> <p>m. Design development that provides good quality landscaping.</p> <p>n. Consider the relationship of private open space to the layout of the dwelling.</p> <p>o. Use design techniques which promote safety and discourage crime; and</p> <p>p. Encourage active street frontages.</p>		
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7.1.3.2 Building Façades

Control	Proposal	Compliance
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'.	Noise attenuation not required. The proposal is for a beauty salon and Macmahon Street is not classified as a busy street.	Yes

7.1.3.4 Public Domain Interface at Ground Level

Control	Proposal	Compliance
1. Development must comply with the Desired Future Character objectives and controls (refer to Section 7.2 of this DCP).	Complies. See <i>Part 8.2.6.6</i> section of the GRDCP for further discussion.	Yes
2. Development must be designed so that it has a clearly definable entry and addresses the street.	The proposal demonstrates a clearly definable entry to Macmahon Street.	Yes
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.	The proposal retains all existing window to enable street activation.	Yes

7.1.3.5 Active Street Frontages

Control	Proposal	Compliance
1. Developments must identify landscaping, street paving and furniture and the like along the	No work proposed within the public domain.	Yes

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.		
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).	Seatings are proposed at the street-facing windows to promote activation of the street.	Yes
7.1.3.6 Materials and Finishes		
Control	Proposal	Compliance
1. Building construction is to utilise high quality and durable materials and finishes.	The proposal will retain the existing external wall material and finishes.	Yes
3. Where the Locality includes a significant facade or streetscape, materials and finishes are to complement the existing streetscape.	The existing building is a local heritage item. The proposal will retain the existing external wall material and finishes.	Yes
5. The reflectivity of building materials must not result in glare to motorists, residents or pedestrians or endanger their safety.	The proposal retains the existing glazed shopfront. No additional reflective material incorporated.	Yes
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	The proposal will not create privacy intrusion given its ground floor location. No sensitive use is identified opposite to the subject site on the ground level.	Yes

<p>planting will be guaranteed.</p> <p>d. Windows are to be off-set or splayed; and</p> <p>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.</p>		
7.1.4.2 Acoustic Privacy		
Control	Proposal	Compliance
<p>5. In order to assist acoustic control of airborne noise between units:</p> <p>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;</p> <p>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;</p> <p>c. A floor separating sole occupancy units must not have a FSTC less than 50;</p> <p>d. Noise impact associated with goods delivery and garbage collection, particularly early morning, should be minimised;</p> <p>e. Restaurants and cafes should be designed to minimise the impact of noise associated with late night operation, on nearby residents.</p>	<p>The proposal does not contain machinery and is not considered a noise-generating development.</p>	<p>Yes</p>
7.1.4.4 Utility Infrastructure		
Control	Proposal	Compliance
<p>1. All existing and additional utility infrastructure must be identified, and an assessment</p>	<p>The subject site has access to reticulated electricity, water, and sewage services. No change</p>	<p>Yes</p>

of whether these services need to be upgraded for the proposed development, at the site planning stage.	proposed to the existing utility arrangements.	
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.	No tree loss to be resulted. No change proposed to the public domain.	Yes
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.	No street lighting identified in front of the proposed premises. The proposal will not affect the provision of street lighting.	Yes
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.	The work associated with the proposal is not likely to damage the existing Council footpath. Standard condition is recommended requiring the payment of damage deposit in case damage to public asset occurs.	Yes
7.1.7 Servicing		
Control	Proposal	Compliance
5. No garbage collection is permitted between 10pm and 6am.	<p>According to the submitted waste management plan, general waste will be placed in the shared waste storage area and to collected by weekly Council services provided to the mixed-use complex.</p> <p>The collection of medical waste is to take place at 'off-peak hours' no more than once per week in accordance with the waste management plan.</p> <p>A condition is recommended to require waste collection to occur no earlier than 06:00.</p>	Yes
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	According to the submitted plan of management, a van will supply the proposed development on a weekly basis.	Yes

be considered by Council for a large development site with loading and unloading to be carried out on-site only.	The van will park in nearby on-street loading or parking area.	
7.1.8 Plan of Management		
Control	Proposal	Compliance
1. A POM will be required when a commercial or light industrial use is proposed in proximity of a residential land use and Council considers it may unreasonably impact on the amenity of surrounding residences. Note: For the purpose of this control 'in proximity' may include a commercial or light industrial premise adjoining, abutting, adjacent to or contained within the same building as residential land use, or as determined by Council.	A plan of management is provided.	Yes
2. A POM must provide all details relevant to the operation of the commercial or light industrial premise and will require information on the following: <ul style="list-style-type: none"> • Hours of operation • Noise and Vibration • Environmental Protection 	The plan of management contains the following contents: <ul style="list-style-type: none"> - Hours of operation - Maximum customer and staff capacity, - Waste management, and - Compliant and customer management. 	Yes
8.2.6.6 Civic Centre		
Control	Proposal	Compliance
1. Provide a continuous awning along all active street frontages.	The proposal retains the existing awning.	Yes
3. Retain and promote arcades and through-site links to enable better connectivity between street blocks.	The proposal retains existing through-site links.	Yes
5. Encourage retail and business premises to extend the hours of operation beyond the standard day-time trading schedule to diversify the offering of activities after 6pm.	The proposed operation hours of 10:00am to 6:00pm is suitable for the proposed use.	Yes
6. Ensure lighting is provided to positively contribute to the safety, legibility, wayfinding and visual interest of the public domain.	The illuminated sign provides interest to the public domain.	Yes

7. Define the street edge using building podiums that feature fine grain retail and active uses.	Existing street edge to be retained.	Yes
8. Maintain a street wall height of maximum three (3) storeys	Existing street wall to be retained.	Yes
11. Ensure the widening of existing footpaths in accordance with Section 8.2.7.6 to improve pedestrian access and safety.	Not applicable – the subject site is not affected by Section 8.2.7.6 of the GRDCP.	N/A

Impacts

Natural Environment

30. The proposal does not involve any earthwork or vegetation removal. The proposal has a neutral impact to the natural environment.

Built Environment

31. The proposal represents an appropriate planning outcome for the site. The proposal enables passive surveillance, does not detract from the heritage value of the commercial building on the subject site, and will not result in an increase of bulk and scale. The proposal is considered an appropriate response to the context of the site and its MU1 Mixed Use zoning.

Social Impact

32. The proposed beauty salon will have no adverse impact on the character of the locality and amenity of neighbouring properties. The proposed use will not result in unacceptable noise, light spillage, and traffic volume in the locality. Conditions are recommended to ensure the premises is built and operated within relevant public health standards. The social impacts of the proposal are considered to be reasonable and the application is supported.

Economic Impact

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

Suitability of the Site

34. The site is zoned MU1 – Mixed Use. The proposal is a permissible form of development in this zone and has been designed to be compatible with the heritage character of the subject site. The proposal will not result in unacceptable adverse impacts to neighbouring properties.

Submissions, Referrals and the Public Interest

Submissions

35. 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. No submission was received during the notification period.

Public Interest

36. The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. Following a detailed assessment, the proposal is considered to be in the public interest.

Council (Internal) Referrals

Building Surveyor

37. Council's Building Surveyor raised no objection to the proposal, subject to recommended conditions.

Environmental Health Officer

38. Council's Environmental Health Officer raised no objection to the proposal, subject to recommended conditions.

Heritage Advisor

39. Council's Heritage Advisor raised no objection to the proposal subject to recommended conditions requiring archival recording, heritage protection during construction, and no demolition of extra heritage fabric.
40. The conditions recommended by the heritage advisor are included as part of the recommended conditions of consent.

External Referrals

Ausgrid

41. The application was referred to Ausgrid as per Clause 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021. No concern was raised.

Development Contributions

42. The development is subject to Section 7.12 Contributions as the proposal is for a change of use from one non-residential use to another. In accordance with the Georges River Local Development Contributions Plan 2021, a condition of consent requiring payment of the contribution is recommended.

Conclusion

43. The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policies and the provisions of the Georges River Local Environmental Plan 2021 and the Georges River Development Control Plan 2021.
44. The proposal on its merits is an acceptable outcome (subject to the imposition of conditions) for the reasons outlined within this report. The proposal is reasonable and compliant with the key planning controls and will not result in any unreasonable or adverse amenity outcomes. Considering this the proposal is recommended for approval subject to the conditions recommended below.

DETERMINATION AND STATEMENT OF REASONS

Statement of Reasons

45. The reasons for this recommendation are:
- The proposed change of use, fit out, and signage does not undermine the heritage significance of Heritage Item 116 – Friendly Societies' Dispensary Building.
 - The development is permissible in the zone and align with the objectives of MU1 Mixed Use zone.
 - The development complies with the Georges River Local Environmental Plan 2021 and the Georges River Development Control Plan 2021.
 - The proposal will not result in unacceptable impacts to the locality.

RECOMMENDATION

46. Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), DA2025/0029 for Change of use to beauty salon premise and replace the external signage on Part 71 SP 72896 on land known as Unit 1A/17 Macmahon Street,

Hurstville NSW 2220, is recommended for approval subject to attached conditions of consent.

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	Drawing No.	Rev	Date	Prepared by
Demolition Plan	INT401	A	24 March 2025	EA Architecture
Proposed Floor Plan	INT402	A	24 March 2025	EA Architecture
Floor Finishes Plan	INT500	A	24 March 2025	EA Architecture
Existing and Proposed Section Y-Y	INT401	A	24 March 2025	EA Architecture
Elevations and Sections	INT907	A	24 March 2025	EA Architecture
Proposed Front Elevation	INT401	A	24 March 2025	EA Architecture
Plan of Management	-	-	-	EA Architecture
Operational Waste Management Plan	-	1A	March 2025	Archer Consultants Pty Ltd

Documents Relied Upon

Description	Drawing No.	Job No.	Date	Prepared by
Statement of Environmental Effects	-	-	11 April 2025	Auzton Planning
Statement of Heritage Impact	-	-	21 November 2024	Three Plus One Heritage

2. **Signage** - A separate application shall be submitted to Council prior to the erection of any additional signage unless the proposed signage is 'exempt development' under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or any other applicable environmental planning instrument.

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;

- (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.

Requirements Of Concurrence, Integrated & Other Government Authorities

4. Sydney Water – Tap in™ - The approved plans must be submitted to a Sydney Water Tap in™ to determine whether the development application will affect Sydney Water’s sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately endorsed. For details please refer to ‘Plumbing, building and developing’ section of Sydney Water’s web site at www.sydneywater.com.au then see ‘Building’, or telephone 13000 TAP IN (1300 082 746). The Certifying Authority must ensure that a Tap in™ agent has appropriately stamped the plans prior to the issue of the Construction Certificate.

Prior to the Issue of a Construction Certificate

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	\$3,750.00
Inspection Fee for Refund of Damage Deposit	\$210.00
Georges River Council Local Infrastructure Contributions Plan 2021 (Section 7.11 And Section 7.12)	\$698.50

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

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

Indexation

The above contributions will be adjusted at the time of payment to reflect changes in the cost of delivering public amenities and public services, in accordance with the Georges River Council Local Infrastructure Contributions Plan 2021.

Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

Further Information

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

6. Damage Deposit - Minor Works - In order to insure against damage to Council property the following is required:
 - a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: **\$3,750.00.**
 - b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: **\$210.00.**

- c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

7. Site Management Plan - A Site Management Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

8. Waste Management Plan - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

9. Provision for escape - In addition to any horizontal exit, minimum of one (# 1) exit is adequate from this facility because it is part of a building has an effective height of less than 25 m. No point on any part of this floor must be more than 20 m from an exit, or a point from which travel in different directions to 2 exits is available, in which case the maximum distance to one of those exits must not exceed 40 m. The unobstructed width of each required path of travel to an exit, including doorways, must be not less than 1.0 m. Emergency signage is appropriately located and maintained at the entry and emergency exit door. A door in a required exit, forming part of a required exit or in the path of travel to a required exit must be readily openable without a key from the side that faces a person seeking egress, by a single hand downward action on a single device which is located between 900 mm and 1.1 m from the floor.

10. Glazing on an accessway - On an accessway, where there is no chair rail, handrail or transom, all frameless or fully glazed doors, sidelights and any glazing capable of being mistaken for a doorway or opening, must be clearly marked in accordance with AS 1428.1.

11. Fire Safety Measures - Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PC. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PC will then issue a Fire Safety Schedule for the building.

12. Firefighting equipment - Fire Hydrants, Hose Reels and Portable fire extinguishers shall be provided as appropriate. This facility must be provided with an automatic smoke detection and alarm system complying with Specification 20 or a sprinkler system (other than a FPAA101D or FPAA101H system) complying with Specification 17.

13. Engineer's Certificate - A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.
14. Visibility in an Emergency, Exit Signs and Emergency Lights - To facilitate safe evacuation in an emergency, this facility must be provided with a system that ensures a level of visibility sufficient to enable exits, paths of travel to exits and any obstacles along a path of travel to an exit to be identified. Exit signs to be provided to identify the location of exits and must be clearly visible to occupants. Emergency lighting system must be provided to the full level of illumination of visibility for safe evacuation and operate at not less than the minimum required level of illuminance for not less than 90 minutes.
15. Access for Persons with a Disability - Access and/or sanitary facilities for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises, the Building Code of Australia (NCC/BCA 2022 Vol 1), and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.
16. Building works to comply with BCA - Heritage Buildings or Buildings Within Conservation Area - Any building works required to ensure compliance with the BCA or new building standards not specified in the submitted/approved plan must not damage existing fabric and building features. If such upgrading works will potentially impact on existing fabric and features, details of the works must be submitted and approved by Council's Heritage Advisor prior to issue of a Construction Certificate.
17. Skin Penetration Premises – Design and Fit-out – Details of the construction and fit-out of the skin penetration premises must be submitted to the satisfaction of Council's Environmental Health Officer. The plans and specifications must demonstrate compliance with the:
 - a. [Public Health Act 2010](#) (NSW) (as amended), and
 - b. [Public Health Regulation 2022](#) (NSW) (as amended)

Prior to the release of the Construction Certificate, the written approval of Council's Environmental Health Officer must be provided to the Certifying Authority. The plans approved by Council's Environmental Health Officer must be incorporated into the Construction Certificate documentation.

Prior To The Commencement Of Work (Including Demolition)

18. 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.
19. Demolition & Asbestos - The demolition work shall comply with the provisions of Australian Standard AS2601:2001 - Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PC prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be

carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the [NSW Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015).

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

20. Demolition Notification Requirements - The following notification requirements apply to this consent:
- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
 - (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
 - (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.
21. Demolition work involving asbestos removal - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).
22. **Asbestos (hazardous management strategy)** -The preparation of an appropriate hazard management strategy by an appropriately licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure that any such proposed demolition works involving asbestos are carried out in accordance with the requirements of the "Code of Practice: How to Safely Remove Asbestos" published by Safe Work Australia.
- The strategy shall be submitted to the Principal Certifier, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.
23. Site sign – Soil & Erosion Control Measures - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.

Note: A penalty infringement notice may be issued for any offence.

- 24. Photographic Archival Recording** - Prior to the commencement of any works, including the dismantling of fabric or demolition, a simplified Photographic Archival Recording shall be undertaken of the interior and exterior of the building and submitted to the satisfaction of Council.

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

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

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

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

During Construction

- 25. 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.
- 26. Hours of construction for demolition and building work** - Any work activity or activity associated with the development consent that requires the use of any tools (including hand tools) or any power operated plant and machinery that creates noise on or adjacent to the site shall not be performed, or permitted to be performed, except between the hours of 7.00 am to 5.00 pm, Monday to Saturday inclusive. No work or ancillary activity is permitted on Sundays, or Public Holidays.

Note: A penalty infringement notice may be issued for any offence.

- 27. Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PC and Council, where Council is not the Principal Certifier.

- 28. General Heritage**

- a) The proposed works are to be carried out in a manner that minimises demolition, alterations and new penetrations/fixings to the significant fabric of the existing heritage item.
- b) The fabric and features to be retained by the proposal must be properly protected during the process of demolition and construction.
- c) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on significant heritage fabric.
- d) Appropriately qualified tradespersons (as appropriate) are to be commissioned who are skilled in traditional building and engineering trades to carry out the proposed scope of works.
- e) The floating floorboard system is to be installed over an isolating membrane of at least 200um, which is to be installed across the entire surface area of the floor where the floating floorboard system is to be installed. The isolating membrane shall not be fixed in place with any adhesives but ensure reversibility and protection of the original timber floorboards.
- f) Where internal partitions meet external walls they must abut window mullions, columns or other such building elements and not glazing.
- g) All original joinery including architraves, skirtings and the like, are to be retained and protected.

- 29.** No demolition of extra fabric - Alterations to, and demolition of, the existing building shall be limited to that documented on the approved plans (by way of notation) or conditioned in this consent.

No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Should any portion of the existing building which is indicated on the approved plans to be retained, be damaged for whatever reason, all the works in the area of this damaged portion are to cease and written notification given to Council.

No work is to resume until the written approval of Council is obtained. Failure to comply with the provisions of this condition may result in the Council instituting legal proceedings.

Prior To The Issue of the Occupation Certificate

- 30.** Fire Safety Certificate before Occupation or Use - In accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000, on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 170 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of Clause 174 of the Environmental Planning and Assessment Regulation 2000. In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate is to state:

- (a) That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so.
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the Schedule.

A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance.

31. Securing of Business Identification Signs - Prior to the issue of an Occupation Certificate, the under awning sign must be securely attached in accordance with relevant Australian Standards.
32. Skin Penetration Premises – Environmental Health Inspection and Notification - Prior to the issue of any Occupation Certificate, or use of the skin penetration premises, evidence demonstrating compliance with the below requirements must be provided to the satisfaction of the Certifying Authority
 - d) Written confirmation of a satisfactory final inspection of the skin penetration premises fit out by Council's Environmental Health Officer; and
 - e) Notification of the skin penetration premises with Council as required under clause 42 of the [Public Health Regulation 2022](#) (NSW) (as amended).
33. Water Conservation - Prior to the issue of an Occupation Certificate, the premises shall be equipped with dual flush toilets and water taps that achieves at least 4 star rating pursuant to the Water Efficiency Labelling and Standards (WELS).

Operational Conditions (Ongoing)

34. Hours of Operation – The premise shall be restricted to the following operational hours:

Monday to Saturday (including public holidays) – 10:00 to 18:00
No trading on Sundays
35. Hours of Under Awning Sign Illumination – The illumination of the under awning sign shall be restricted to the following operational hours:

Monday to Saturday (including public holidays) – 10:00 to 18:00
Under awning sign to be turned off on Sundays

The illumination of the under awning sign shall be controlled by an automatic timing device.
36. Hours of Waste Collection – Waste collection shall occur no earlier than 06:00 Monday to Sunday excluding public holidays.
37. Number of Patrons and Staff – The maximum number of people on site, at any one time is as follows:
 - a) Customers – 3
 - b) Staff – 2
38. Amenity of the neighbourhood - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, wastewater, waste products, grit, oil or other harmful products.

39. 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).
40. Outdoor Lighting - To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with *AS 4282-2019: Control of the obtrusive effects of outdoor lighting*.
41. Lighting – General Nuisance - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare. Flashing, moving or intermittent lights or signs are prohibited.
42. Activities and storage of goods outside building - There shall be no activities including storing or depositing of any goods or maintenance to any machinery external to the building with the exception of waste receptacles.
43. Annual Fire Safety Statement - The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:
- (a) Within 12 months after the date on which the fire safety certificate was received.
 - (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
 - (c) An annual fire safety statement is to be given in or to the effect of Clause 181 of the Environmental Planning and Assessment Regulation 2000.
 - (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.
44. Skin Penetration Premises – Ongoing operation - The operation of the premises where skin penetrating activities are carried out must be conducted in accordance with the requirements of the following:
- a. [Public Health Act 2010](#) (NSW) (as amended),
 - b. [Public Health Regulation 2022](#) (NSW) (as amended),
 - c. The current or most recent version of AS2182 – *Sterilizes – Steam – Benchtop*,
 - d. The current or most recent version of AS4031 – Non-reusable containers for collection of sharp medical items used in health care areas,
 - e. The current or most recent version of AS/NZS4261 – *Reusable containers for the collection of sharp items used in human and animal medical applications*, and
 - f. The current or most recent version of AS/NZS4815 – *Office-based health care facilities – Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment*.
45. **Health Care Premises – Medical Waste Storage & Disposal** - The disposal of any sharps must be conducted in accordance with the requirements of the:
- a. The current or most recent version of AS4031 – Non-reusable containers for collection of sharp medical items used in health care areas,
 - b. The current or most recent version of AS/NZS4261 – *Reusable containers for the collection of sharp items used in human and animal medical applications*, and

- c. The current or most recent version of AS/NZS4815 – *Office-based health care facilities – Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment.*

Operational Requirements Under Environmental Planning And Assessment Act 1979

- 46. Requirement for a Construction Certificate - The erection of a building must not commence until a Construction Certificate has been issued.
- 47. Appointment of a PC - The erection of a building must not commence until the applicant has:
 - (a) appointed a PC for the building work; and
 - (b) if relevant, advised the PC that the work will be undertaken as an Owner -Builder.

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (c) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (d) notify the PC of the details of any such appointment; and
- (e) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

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

- 48. Notification of Critical Stage Inspections - No later than two days before the building work commences, the PC must notify:
 - (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
 - (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

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

A Notice of Commencement Form is attached for your convenience. An Information Pack is attached for your convenience should you wish to appoint Georges River Council as the PC for your development.

- 50. Critical Stage Inspections - The last critical stage inspection must be undertaken by the PC. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 61 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#).
- 51. Notice to be given prior to critical stage inspections - The principal contractor for a building site, or the owner-builder, must notify the PC at least 48 hours before each required inspection needs to be carried out.

Where Georges River Council has been appointed as the PC, 48 hours' notice in writing, or alternatively 24 hours' notice by facsimile or telephone, must be given when specified work requiring inspection has been completed.

52. Occupation Certificate - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part. Only the PC appointed for the building work can issue the Occupation Certificate. An Occupation Certificate Application Form is attached for your convenience.

Prescribed Conditions

53. Clause 19 – Building Code of Australia & Home Building Act 1989 - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the [Home Building Act 1989](#) relates, there is a requirement for a contract of insurance to be in force before any work commences.
54. Clause 73 – Erection of sign for maximum number of persons - This prescribed condition applies to entertainment venues, function centres, pubs, registered clubs and restaurants. This condition requires the erection of a sign which states the maximum number of persons (as specified in the consent) that are permitted in the building.
55. Clause 75 – Erection of Signs - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PC and the Principal Contractor.

END CONDITIONS

NOTES/ADVISES

1. **Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

2. **Security deposit administration & compliance fee** - Under Section 97 (5) of the [Local Government Act 1993](#), a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is \$50.00 plus 2% of the bond amount per annum.

The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

3. **Council as PC - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the PC in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative fire solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.
4. **Building – Energy Efficiency Provisions** - Should Council be appointed as the Principal Certifier, a report prepared and endorsed by an Energy Efficiency Engineer or other suitably qualified person must be submitted, detailing the measures that must be implemented in the building to comply with Section J of the BCA. The proposed measures and feature of the building that facilitate the efficient use of energy must be identified and detailed on the architectural plans. At completion of the building and before the issue of an Occupation Certificate, a certificate certifying that the building has been erected to comply with the energy efficiency provisions must be submitted to the Principal Certifier.
5. **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).

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

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

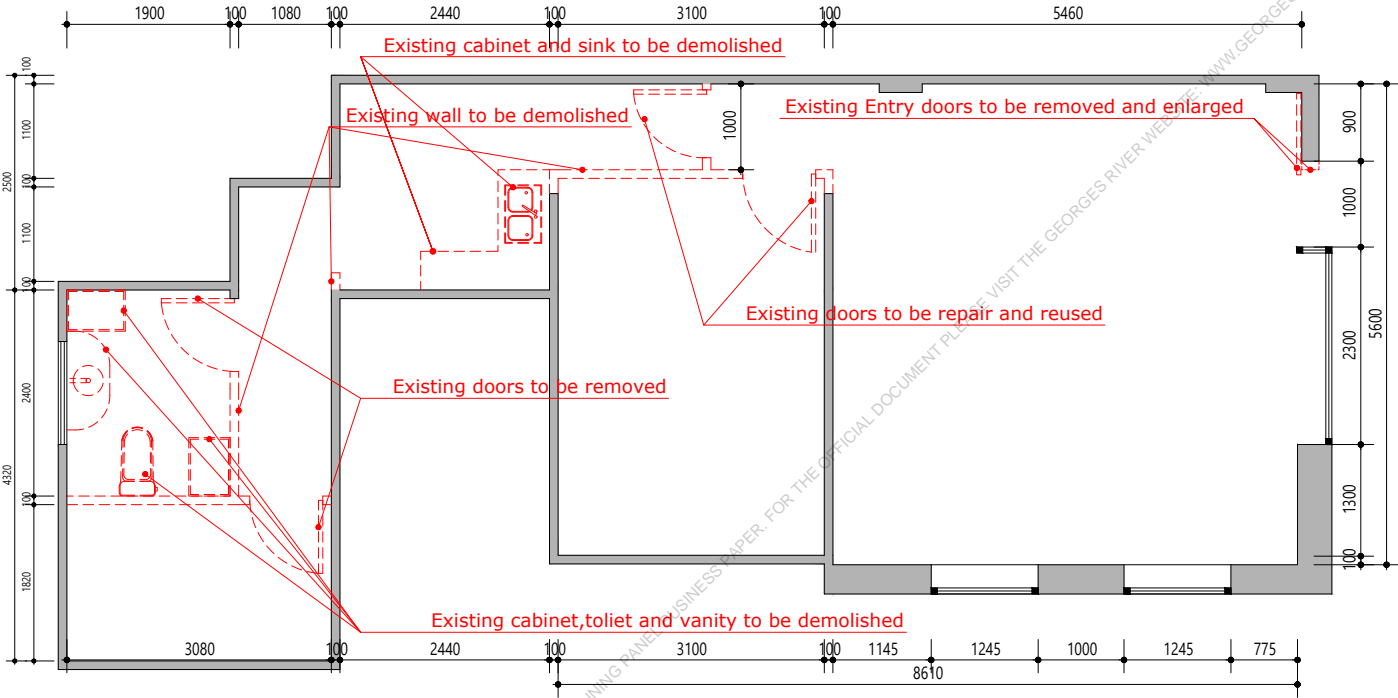
7. **Appeal Rights** - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
8. **Lapsing of Consent** - This consent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

ATTACHMENTS

- Attachment [↓](#)1  Architectural Plans - Unit 1A, 17 MacMahon Street, Hurstville NSW 2220 - DA2025/0029
- Attachment [↓](#)2  Statement of Environmental Effects - Unit 1A, 17 MacMahon Street, Hurstville NSW 2220 - DA2025/0029
- Attachment [↓](#)3  Plan of Management - Unit 1A, 17 MacMahon Street, Hurstville NSW 2220 - DA2025-0029
- Attachment [↓](#)4  Operational Waste Management Plan- Unit 1A, 17 MacMahon Street, Hurstville NSW 2220 - DA2025-0029

LPP015-25

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DEMOLITION PLAN

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Eric Architecture Pty Ltd 2024



EA ARCHITECTURE

Eric Architecture Pty Ltd
ABN: 46 664 932 245
ACN: 664 932 245
Nominated Architect: Yuan Tao (NSW 12177)
22 Stevens street, Ermington NSW 2115
W: www.eadd.com.au
E: ericyuantao@gmail.com
P: 0423 097 684

Scale: 1:50@A3 1:25@A1

Northpoint:



Description	Date	Rev.
For DA	24/03/2025	A

General Notes:

ALL DIMENSIONS AND SETOUTS ARE TO BE VERIFIED ON SITE AND ALL OMISSIONS OR ANY DISCREPANCIES TO BE NOTIFIED TO THE ARCHITECT.
FIGURED DIMENSIONS TO BE USED AT ALL TIME.
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Interior Design (ID)

Address:
1A/17 MACMAHON STREET
HURSTVILLE NSW 2220

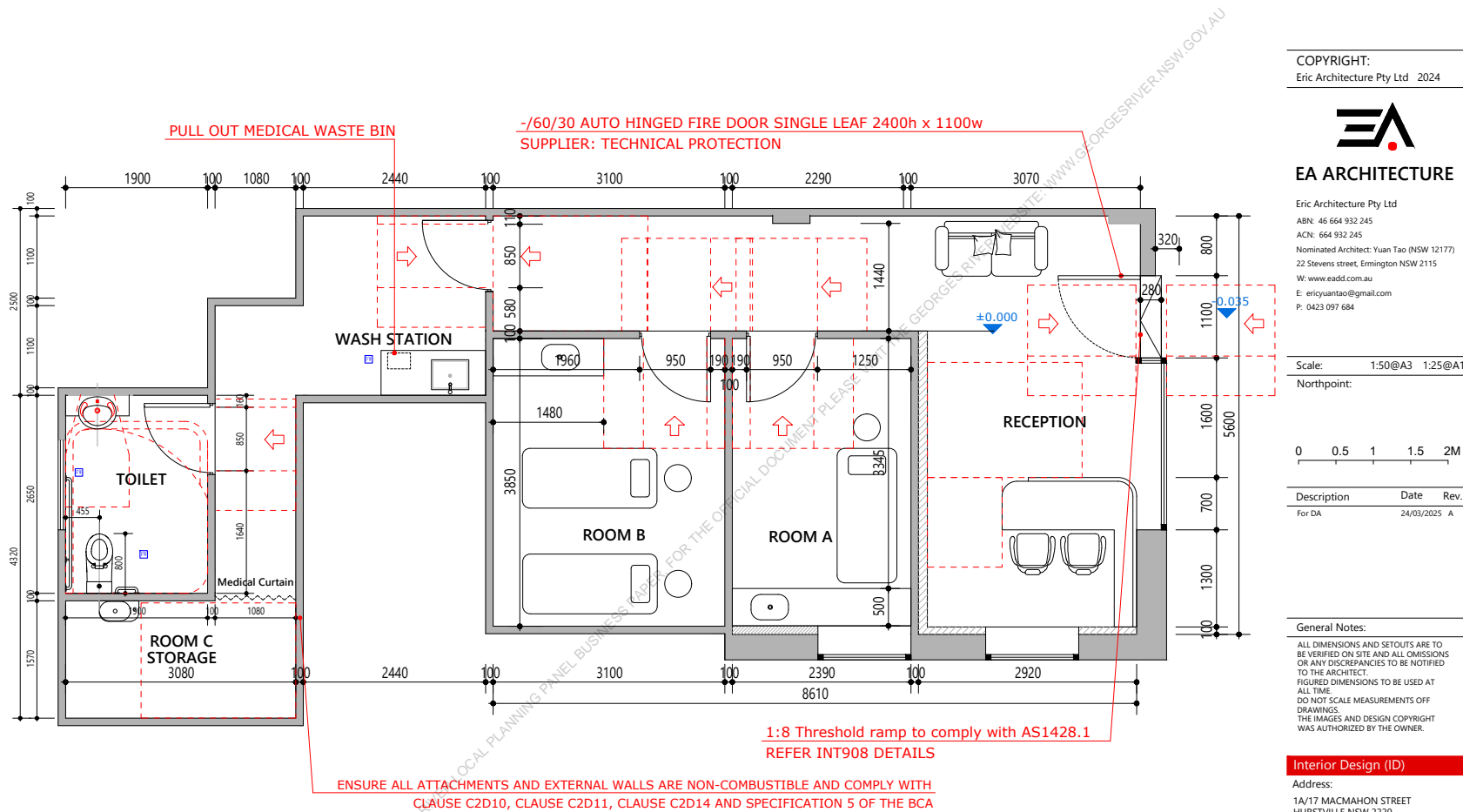
Project:
ROYAL Q BEAUTY CLINIC

Client:
CINDY TANG

Title:
DEMOLITION PLAN

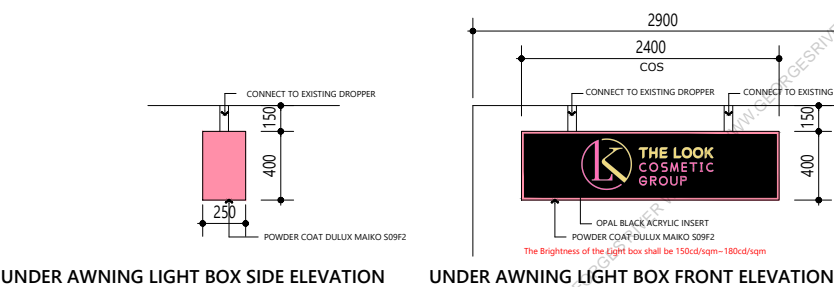
Drawing no: INT 401
Revision: A

Date: 24/03/2025



PROPOSED FLOOR PLAN

SIGNAGE SPECIFICATIONS:



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EA ARCHITECTURE

Eric Architecture Pty Ltd
ABN: 46 664 932 245
ACN: 664 932 245
Nominated Architect: Yuan Tao (NSW 12177)
22 Stevens street, Ermington NSW 2115
W: www.eaad.com.au
E: ericyuantao@gmail.com
P: 0423 097 684

Scale: 1:25@A3 1:12.5@A1
Northpoint:

Description	Date	Rev.
For DA	24/03/2025	A

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Address:
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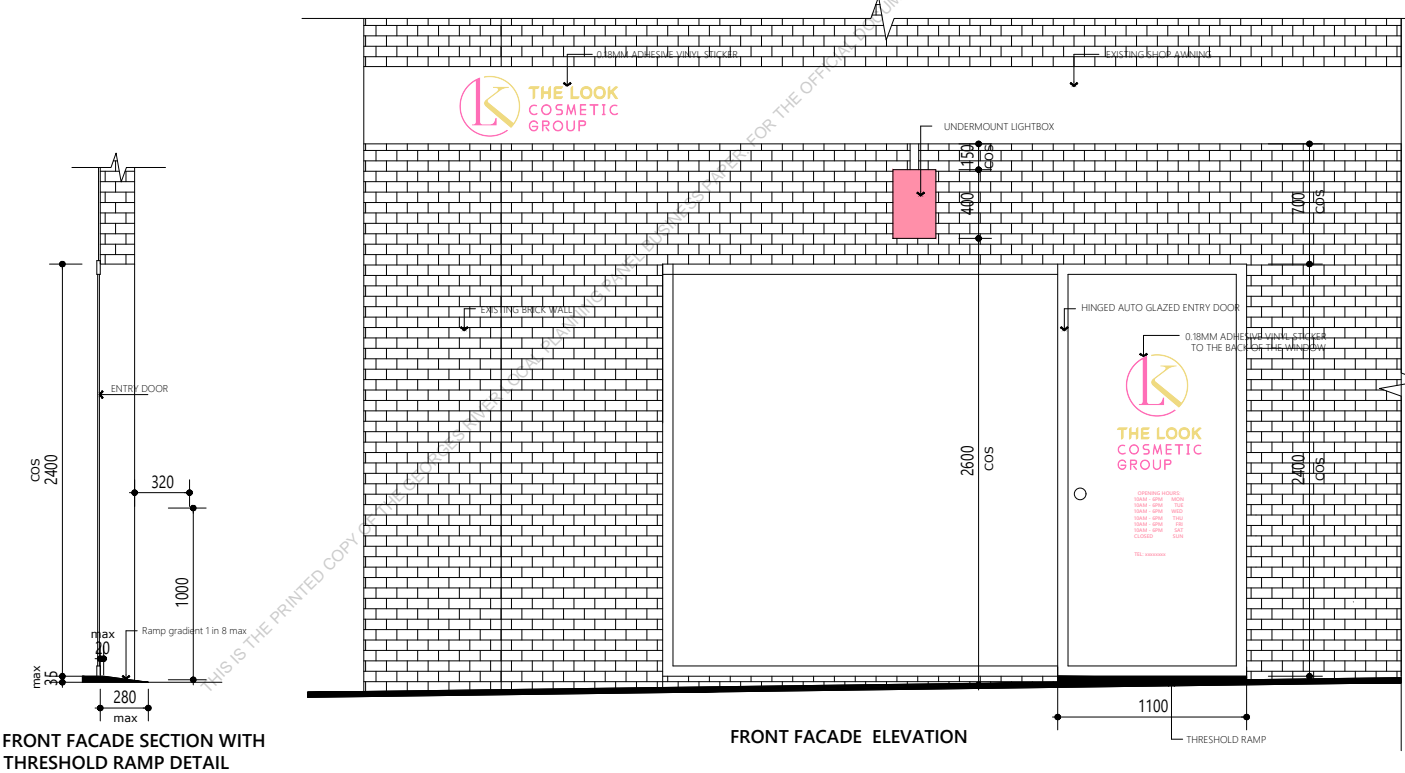
Project:
ROYAL Q BEAUTY CLINIC

Client:
CINDY TANG

Title:
ELEVATIONS AND SECTIONS

Drawing no: INT 907
Revision: A

Date: 24/03/2025





Statement of Environmental Effects

1A/17 MacMahon Street, Hurstville



11 April 2025

Prepared for Mrs Cindy Tang

Prepared by Auzton Planning

T: 0450 101 017 E: AuztonPlanning@gmail.com

Member of





DOCUMENT ISSUE RECORD

Revision	Date	Description	Prepared	Approved
Rev 1	26/11/2024	Issued for DA lodgement	IZ	DZ
Rev 2	11/04/2025	Updated as per the Revised Drawings	DZ	DZ

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Contents

1.0	Introduction	1
2.0	Site and Context Analysis	2
3.0	Proposed Development	4
4.0	Assessment under Relevant Controls	5
4.1	State Environmental Planning Policies	5
(1)	SEPP (Resilience and Hazards) 2021	6
(2)	SEPP (Industry and Employment) 2021	6
4.2	Local Environmental Plan	8
4.3	Development Control Plan	10
4.4	EP&A Act 1979, Section 4.15 Evaluation	16
5.0	Conclusion	17

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1.0 Introduction

This Statement of Environmental Effects has been prepared as a component of a development application proposing the change of use to a beauty clinic and minor fit-out works including associated business signage at 1A/17 Macmahon Street, Hurstville.

This Statement is based on and should be read in conjunction with, the architectural drawings and supporting technical documents submitted under separate cover with the DA.

It provides information on the following:

- Description of the site and locality;
- Description of the proposed development;
- Assessment of relevant environmental planning considerations under Section 4.15 of the EP&A Act including compliance with planning instruments, environmental impacts, site suitability and the public interest.

The following regulatory frameworks are applicable to the site and proposal:

- *The Environmental Planning & Assessment Act, 1979*
- *The Environmental Planning and Assessment Regulation 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Industry and Employment) 2021*
- *Georges River Local Environmental Plan (LEP) 2021*
- *Georges River Development Control Plan (DCP) 2021*

This report provides the applicant's assessment against these provisions and requirements. It concludes that the development is appropriate, and generally consistent with current planning controls and with Council's intent for the area.

The proposed change of use is not anticipated to contribute to adverse environmental impacts and the development application succeeds on its merits. Accordingly, Council's approval of the application is therefore sought, subject to relevant and reasonable conditions.



2.0 Site and Context Analysis

The subject site is known as 1A/17 Macmahon Street, Hurstville, legally known as Lot 71 SP72896. The site is located on the eastern side of Macmahon Street, with Park Road to the east, Barratt Street to the west and Woodville Street to the south. An aerial photograph of the site is included in Figure 1 with the site outlined in yellow.



Figure 1 Aerial Photo of the Subject Site (SIX MAP)

The existing site currently contains a mixed-use development including a eleven storey tower, an eight storey tower and a two storey heritage listed building. The subject property is located on the northeast side of the ground floor of the two-storey building. The building is a listed heritage item known as Friendly Societies' Dispensary Building. Vehicular access is currently from Macmahon Street. Images of the site and building are provided at Figures 2-3 below.

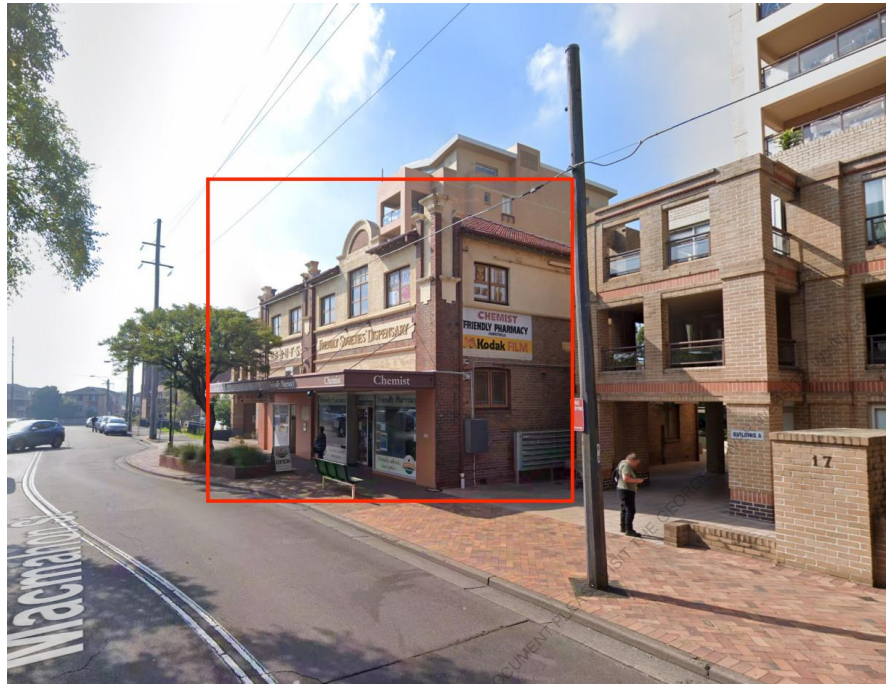


Figure 2 The Subject Building (Google Map)



Figure 3 Location of the Proposed Development within the Building (Google Map)



3.0 Proposed Development

The proposal is to convert the existing retail store into a beauty clinic which does procedures such as non-surgical fat reduction treatments, laser skin tightening and rejuvenation, professional cosmetic peels, laser treatments for pigmentation removal, anti-wrinkle and injection of fillers, as well as offering comprehensive health and beauty consultations and selling associated beauty products.

The business will primarily operate with a hybrid model, combining walk-in access with a booking system that requires clients to make appointments in advance.

The hours of operation will be 10am to 6pm on Monday to Saturday.

The business will be operated by two employees including 1 medical practitioner and 1 receptionist. The number of patients will be approximate 16 per day.

Proposed minor fit-out works include:

- Removal of studwork partition wall in front room, and all internal doors;
- Installation of new lightweight partition walls to create three rooms;
- Addition of new loose furniture, fixed cabinetry, counters, fixtures, and other elements;
- Renovations to the existing bathroom and kitchenette
- Modifications to the existing services (e.g., plumbing, electrical, etc.)
- Application of new finishes to the shopfront interior, including repainting walls and ceilings, installation of wall tiles and application of floating timber floor throughout;

The proposed minor fit-out works will not handle, store, or use any hazardous chemicals or materials.

This proposal also includes the updates to the existing under-awning and awning fascia signage and installation of new glazing decal signage.

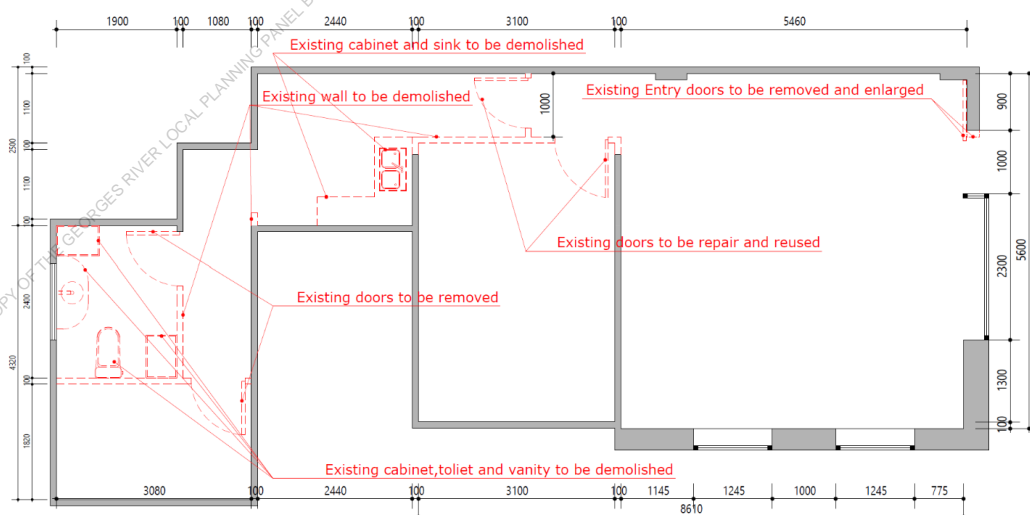


Figure 4 Demolition Plan

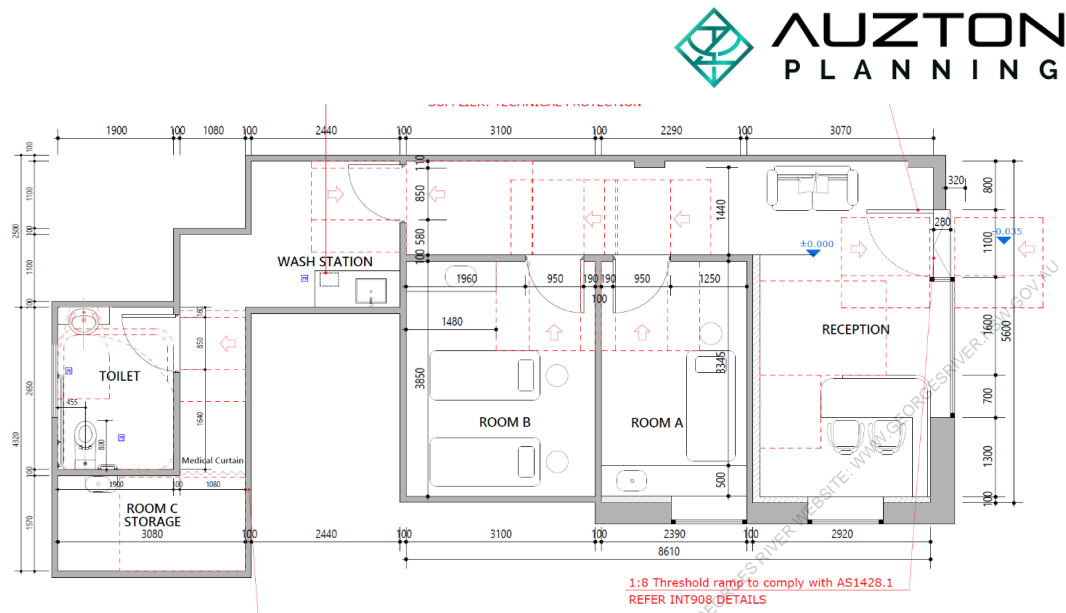


Figure 5 Proposed Floor Plan

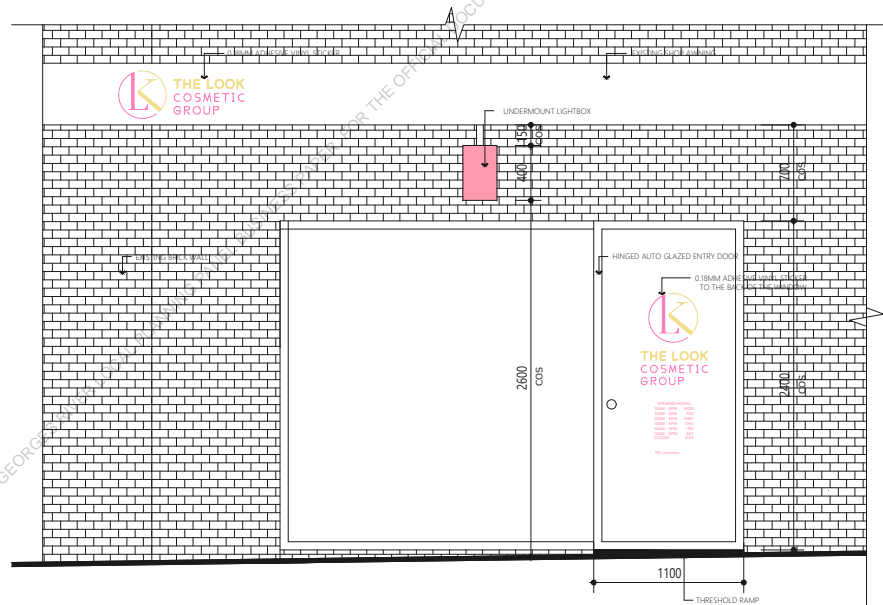


Figure 6 Proposed Signage

4.0 Assessment under Relevant Controls

4.1 State Environmental Planning Policies

The proposed development is subject to the following State Environmental Planning Policies.



(1) SEPP (Resilience and Hazards) 2021

According to Clause 4.6 of this SEPP, Council may not consent to the carrying out of any development on land unless it has considered whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out. No excavation is required as part of this change of use. In this regard, it is considered that the site is suitable for the proposed use and that no further investigation is warranted.

(2) SEPP (Industry and Employment) 2021

State Environmental Planning Policy (Industry and Employment) 2021 (Industry and Employment SEPP) commenced on 1 March 2022, repealing and replacing former SEPP 64 - Advertising and Signage. Of relevance to the proposed development is Chapter 3 Advertising and Signage. Chapter 3 applies to all signage that can be displayed with or without development consent and is visible from any public space. As per Clause 3.11 Matters for consideration. Please see the compliance response to clause 3.1(1) (a) and Schedule 5 in the tables below.

Standards	Assessment	Compliance
3.1(1)(a)		
(a) to ensure that signage (including advertising) (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high quality design and finish	The proposal replaces the existing external signage to suit the new tenancy. Hence, it is considered generally compatible with the amenity without significant alteration to the building.	Yes
Schedule 5		
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 beauty clinic, being categorised as a business premises is permitted in MU1 zone. The update of the existing external signage to suit the new tenancy is consistent with local character.	Yes
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 proposed signage has been assessed by a qualified heritage consultant and considered it will not cause adverse impact on the heritage significant of the building.	Yes
3. Views and vistas • Does the proposal obscure or compromise important views? • Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signages replace the existing ones. Hence, they will not compromise important views or other advertisers. The proposed signs are located on ground floor and will not affect the skyline.	Yes



<ul style="list-style-type: none"> Does the proposal respect the viewing rights of other advertisers? 		
<p>4. Streetscape, setting or landscape</p> <ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	<p>The proposed signs update existing ones without increase the scale or proportion or adverse impact on streetscape.</p> <p>The signs are visually compatible with the building and will not impact on the heritage significance.</p> <p>The signages are located on street level and do not protrude above buildings or structures.</p> <p>There is one street tree adjacent to the awning which may require pruning in the future. However, the awning is an existing structure. The proposed replacement of signs on the face of the awning is considered acceptable.</p>	Yes
<p>5. Site and building</p> <ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both? 	<p>The signs are visually compatible with the building without adversely impact the heritage significance.</p>	Yes
<p>6. Associated devices and logos with advertisements and advertising structures</p> <ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	<p>The under awning signage will use the existing light box and associated structure and wiring.</p> <p>No new device is proposed.</p>	Yes
<p>7. Illumination</p> <ul style="list-style-type: none"> Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? 	<p>The under awning sign can be illuminated. Since it is to update the existing sign to suit new tenancy, it is considered acceptable.</p> <p>Appropriate condition can be introduced to ensure the illumination compliance with relevant codes and standards.</p>	Yes



<ul style="list-style-type: none"> Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew? 		
8. Safety <ul style="list-style-type: none"> Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	<p>The proposed under awning sign maintains the existing location.</p> <p>The proposed awning sign and window decal sign do not protrude the building or the structure.</p> <p>Therefore, all proposed signage will not cause safety issues.</p>	Yes

4.2 Local Environmental Plan

Georges River Local Environmental Plan 2021 (GRLEP 2021) applies to the subject site. Under the LEP the subject site is located within the MU1 Mixed Use zone.

Commercial premises are permissible with consent in this zone. The objectives of the MU1 Zone are as follows:

- To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.
- To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.
- To integrate suitable business, office, residential, retail and other development in accessible locations to maximise public transport patronage and encourage walking and cycling.
- To allow residential development that contributes to the vitality of the centre and provides housing that meets the needs of the community.
- To encourage the provision of community facilities and public infrastructure so that all residents have reasonable access to a range of facilities and services

The proposal meets the above objectives through the provision of a ground-level commercial premises that encourages a diversity of commercial uses and will generate employment opportunities. The proposal will provide a non-residential development that will not impact the amenity of the neighbouring properties and is compatible with the built form and landscaped character of the locality.



The proposal satisfies the other relevant requirements and development standards under GRLEP 2021. An assessment of the proposal is provided in Appendix A of this report and demonstrates that the proposal complies with all relevant LEP controls.

Clause	Requirement	Proposal	Compliance
2.1 Land Use Zones	<p><u>Zone MU1 - Mixed Use</u></p> <ul style="list-style-type: none"> To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities. To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces. To minimise conflict between land uses within this zone and land uses within adjoining zones. To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. To integrate suitable business, office, residential, retail and other development in accessible locations to maximise public transport patronage and encourage walking and cycling. To allow residential development that contributes to the vitality of the centre and provides housing that meets the needs of the community. <p>To encourage the provision of community facilities and public infrastructure so that all residents have reasonable access to a range of facilities and services.</p>	<p>The proposed beauty clinic is defined as Business Premises which is permitted in the zone.</p> <p>The proposed beauty clinic contributes to the diversity of business and retail uses, generating local employment and activating the street frontage to encourage pedestrian traffic.</p> <p>It aligns with objectives to promote non-residential ground-floor uses, enhancing the vibrancy of the area while minimising conflicts with adjacent land uses.</p> <p>The development is located in an accessible area, supporting public transport, walking, and cycling. Overall, the proposal supports community infrastructure by providing essential services in a central, well-connected location.</p>	Yes
5.10 Heritage conservation	Development consent is required for this proposed development	A Statement of Heritage Assessment is submitted with this application.	Yes
6.13 Development in E1, E2 and	<p>(1) The objectives of this clause are as follows</p> <p>(a) To promote uses that</p>	The proposed beauty clinic will attract pedestrian traffic with an inviting storefront, and extended	Yes



MU1 zones	<p>attract pedestrian traffic along ground floor street frontages.</p> <p>(b) To maintain existing, and encourage additional non-residential uses along ground floor street frontages.</p> <p>(c) To strengthen the viability of existing established centres.</p> <p>(d) To maintain opportunities for business and retail development that is suited to high exposure locations.</p>	weekend hours contributing to a vibrant mix of non-residential uses along the street frontage. It will support the local centre's viability by drawing new and repeat customers, while its high visibility location offers strong potential for future business opportunities.	
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4.3 Development Control Plan

The Georges River Development Control Plan 2021 applies to the subject site. A detailed compliance table and discussion has been provided in Appendix B of this SEE. As detailed in Appendix B, the proposal complies with all the relevant planning controls.

Clause	Requirement	Proposal	Compliance
Part 3 – General Planning Consideration			
3.7 Heritage	Any application for a property identified in the Georges River LEP 2021 as a heritage item or in the vicinity of a heritage item or heritage conservation area, must be accompanied by a Heritage impact statement. Refer to Council's Development Application Guide for further details.	As per attached Heritage Impact Statement.	Yes
	A Conservation Management Plan (CMP) may be required for works relating to State heritage items subject to advice from Council's Heritage advisory service.	The subject heritage item is of local significance.	Not applicable
3.7.2 Non-Aboriginal Heritage	1. Retain features (including landscape features) that contribute to the significance of the item.	The proposed fit-out will not impact any significant original exterior features or landscape elements of the heritage building. The interior renovations focus on the ground-floor shop front unit, which has been extensively modified in previous works and no longer retains early decorative details. As such, the proposal preserves the building's external	Yes



		presentation and heritage significance.	
	2. Remove unsympathetic elements, especially where substantial changes are proposed to a heritage item, and there is potential for an improved heritage outcome.	The proposed changes involve the removal of recent, non-heritage elements, such as plasterboard partitions and lightweight studwork walls. These changes will not affect any original fabric or heritage elements, as the internal modifications are primarily in areas that have already been altered, with no significant early details remaining. The proposed works aim to improve the building's function without compromising its heritage value.	Yes
	3. New work is to be consistent with the setback, massing, form and scale of the significant features of the heritage item.	As the proposed works are limited to interior modifications and updates to existing signage, there is no change to the building's setback, massing, or exterior form. The interior fit-out will be respectful of the original spatial configurations, and the external appearance, including the updated signage, will remain consistent with the building's current massing and scale.	Yes
	4. Retain significant fabric, features or parts of the heritage item that represent key periods of the item's history or development.	The proposed works will not impact any significant historical fabric or early decorative features, as the building's interior has already been altered through previous renovations. The proposal focuses on non-invasive interior modifications and renovations to spaces that have little or no visible original details. Renovations to the kitchenette and bathroom will not affect any early fabric, as both areas have been previously modified.	Yes
	5. Locate change away from original	The proposed changes are	Yes



	areas of the heritage item that are intact. For example, where a building's significance is related to the front of a building, locate new work to the rear.	confined to the interior of the building, with new work focused in areas where previous alterations have already occurred, such as the shopfront area, service rooms, and rear rooms. No work will be carried out on the building's original, intact areas, ensuring that the most significant features of the heritage item are preserved.			
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).	See the Waste Management Plan	Yes		
3.13 Parking Access and Transport	Specific Commercial / Retail – Non-residential accommodation development within Hurstville and Kogarah Strategic Centres <table><tr><td>Business and Commercial</td><td>≤800m walking distance of Railway Station – 1 space per 60m² (GFA)</td></tr></table>	Business and Commercial	≤800m walking distance of Railway Station – 1 space per 60m ² (GFA)	The premises is within 800m walking distance of Hurstville train station and the total GFA is 71m ² . Two car spaces (tandem) is located in basement level 3 for staff parking. Sufficient parking space available in close proximity to the site for customers. Notably, the MacMahon Street Parking is situated a mere 10 metres across the road.	Yes
Business and Commercial	≤800m walking distance of Railway Station – 1 space per 60m ² (GFA)				
3.14 Utilities	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 all relevant essential services and no additional facilities are required.	Yes		
	4. Air conditioning units and mechanical plant located on the roof should be well screened and integrated into the building form.	Any future air conditioning units will utilise the ducts/runs for existing service without causing any adverse visual impact. An appropriate condition can be introduced to ensure the compliance.	Yes		
	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.	Any external condensers will use the location of existing units. An appropriate condition can be introduced to ensure the	Yes		



		compliance.	
3.17 Universal / Accessible Design	Heritage Building 5. Access to heritage buildings should be provided that is sympathetic to the heritage significance of the building and its curtilage.	The proposed works will not alter the existing access points, ensuring that the building's heritage value is preserved while maintaining functionality for the proposed use.	Yes
3.18 Advertising and Signage	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. x. Be a minimum of 2.6 metres above any footpath where the sign is not flush with the wall. xi. Be at least 600mm from a kerb or roadway edge where the sign is over a public road.	The proposed signage will update existing signs to suit the proposed beauty clinic. Three signages (one awning fascia sign, one under awning sign and one glazing decal sign) are proposed which will not cause clutter and will not cover mechanical ventilation. The under awning sign will utilise existing light box without alteration to the height and location.	Yes
	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.	The under awning sign will use existing signage holder and light box. An appropriate condition to be introduced to ensure the installation of new signages are structurally sound.	Yes
	3. In addition to the above,	Appropriate condition can be	Yes



	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', iv. Be fitted with an automatic timing device, controlling the illumination hours.	introduced to ensure the illumination compliance with relevant codes and standards.	
	4. In residential zones, signage should not be illuminated.	The proposal in MU zones.	Not applicable
	5. All commercial advertising should comply with SEPP No.64-Advertising and Signage.	Please see relevant section above for more details.	Yes
	6. Business identification signs should: i. Identify the significant owners, tenants and uses of buildings. ii. Consolidate signs for multiple tenancies. iii. Be displayed in English, but may include a translation in another language not larger than the English message. iv. Not incorporate advertising of products and services that are not directly related to the approved use of the premises. v. Comply with the general controls and the relevant prescriptive measures in Table 7.	The signage will clearly identify the beauty clinic's name, logo and other information such as operation hours. They are displaced in English. The awning fascia sign does not project above or below the fascia and is not illuminated. The under awning is 400mm in height and 250mm in width which does not exceed the maximum height of 0.5m and maximum width of 0.4m. The sign is 3m away from the side building wall.	Yes
3.19 Crime Prevention/ Safety and Security	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 reception area, with large street-facing windows, maximises casual surveillance of the street and surrounding public areas.	Yes
	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.	Toilets and wash stations are located towards the rear, with clear visibility of their entrances to ensure safety and surveillance.	Yes



	3. Minimise blind-corners, recesses and other external areas that have the potential for concealment or entrapment.	The layout avoids blind corners and concealed spaces, with open, well-lit corridors for clear sightlines throughout the salon.	Yes
	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.	The entry is unobstructed, clearly visible from the street, and easily identifiable, with a street-facing reception area for immediate visibility.	Yes
	5. Ground floors of non-residential buildings, the non-residential component of mixed use developments, and the foyers of residential buildings, are to be designed to enable surveillance from the public domain to the inside of the building at night.	The ground floor design, with transparent windows and appropriate lighting, allows for visibility of the interior from the street after hours, ensuring safety and passive surveillance.	Yes
Part 8 Strategic Centres			
8.2.6.6 Civic Centre	1. Provide a continuous awning along all active street frontages.	The proposed development will maintain continuous awning along all active street frontages to provide weather protection, enhance pedestrian comfort, and create a cohesive and attractive streetscape.	Yes
	2. Prohibit the creation of new car park entries on Barratt Street and Crofts Avenue.	No proposed car park	Not applicable
	3. Retain and promote arcades and through-site links to enable better connectivity between street blocks.	The proposed development will not have a negative impact on the connectivity of the civic centre.	Yes
	4. Encourage outdoor dining on footpaths for both day-time and night-time trading	The proposed business does not provide outdoor dining.	Not applicable
	5. Encourage retail and business premises to extend the hours of operation beyond the standard day-time trading schedule to diversify the offering of activities after 6pm.	The proposed operation hours are 10am-6pm Monday to Saturday. Due to the nature of the beauty clinic, extending trading hours may not significantly improve the street activities.	No but acceptable.
	6. Ensure lighting is provided to positively contribute to the safety,	The premises is cable to provide lighting in the	Yes



	legibility, wayfinding	reception area to improve pedestrian safety in evening. An appropriate condition may be introduced if lighting in evening is desirable.	
	7. Define the street edge using building podiums that feature fine grain retail and active uses.	The proposal includes change of use and interior fit-out works without changing the existing building and streetscape.	Yes
	8. Maintain a street wall height of maximum three (3) storeys	The proposal includes change of use and interior fit-out works without changing the existing building and streetscape.	Yes
	9. Where residential uses are permissible, provide a minimum setback of 3 metres from the street for upper residential storeys (including balconies) to respect the human scale while allowing passive surveillance of the public domain.	Not applicable	Not applicable
	10. Enhance the streetscape character through the use of scale, rhythm, materiality and/or landscaping in new developments.	The proposal includes change of use and interior fit-out works without changing the existing building and streetscape.	Yes
	11. Ensure the widening of existing footpaths in accordance with Section 8.2.7.6 to improve pedestrian access and safety.	Not applicable	Not applicable

4.4 EP&A Act 1979, Section 4.15 Evaluation

In determining a development 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 and the provisions of any environmental planning instrument (EPI'S).

Section 4.15	Compliance
(a) The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations.	The proposal is permissible and generally in accordance with the development standards contained within Georges River LEP and DCP.



(b) The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality	The proposed development will have minimal environmental impact, preserving the building's heritage and utilising existing infrastructure. Socially, it will create local employment, attract foot traffic, and enhance the area's vibrancy. Economically, the beauty clinic will support the local centre's viability by drawing new and repeat customers, contributing to economic activity and future business opportunities.
(c) The suitability of the site for the development	The site is highly suitable for the proposed beauty clinic, given its central location with high visibility, accessibility, and existing infrastructure. The ground-floor space is ideal for non-residential use, complementing the local civic centre's commercial character. Additionally, the site is well-served by public transport, supporting sustainable access and ensuring strong potential for attracting pedestrian traffic and customers.
(e) The suitability of the development when considering public interest	The proposed development is highly suitable when considering the public interest, as it preserves the heritage value of the building while introducing a beauty salon that will support, rather than compete with, existing local businesses. The minor fit-out construction work will have minimal impact on the community, ensuring no disruption to the area or its residents. By offering a new service, the beauty salon will enhance the local economy, create jobs, and contribute to the vibrancy of the street, without causing negative effects on other businesses or creating unnecessary competition.

5.0 Conclusion

This Statement of Environmental Effects supports a development application for a change of use to a beauty clinic and minor fit-out works at 1A/17 Macmahon Street, Hurstville. It provides an overview of the site and locality, details the proposed development, and assesses the development's compliance with relevant planning instruments and environmental considerations under Section 4.15 of the Environmental Planning and Assessment Act (EP&A Act). The report evaluates the proposal against applicable regulations, including the Georges River Local Environmental Plan (LEP) 2021 and Development Control Plan (DCP) 2021, as well as other relevant state policies. It concludes that the proposed development is consistent with planning controls, has no significant adverse environmental impacts, and aligns with Council's objectives for the area. Therefore, the application is recommended for favourable consideration by Council.

Plan of Management

1A/17 MacMahon Street, Hurstville NSW 2220

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ERIC ARCHITECTURE PTY LTD
ABN: 46 664 932 245

Plan of Management

1A/17 MacMahon Street, Hurstville NSW 2220

Title**Property: 1A/17 MacMahon Street, Hurstville NSW 2220****Legal Description: Part 71 SP72896****Development Application No: DA2025/0029****Proposed Development: Change of use to beauty salon premise and replace the external signage****Objectives**

The objective for this POM aims to:

- design the future operations of the Look Cosmetics ,
- design the strategies used to meet the objectives,
- minimize risk and danger for the business operation
- formulate staff and customer guide

Operational details

The existing site currently contains a mixed-use development including an eleven storey tower, an eight storey tower and a two storey heritage listed building.

The two towers are residential apartment, and the heritage list building is known as Friendly Societies' Dispensary Building.

The subject property is located on the northeast side of the ground floor of the two-storey heritage listed building.

Proposed fit-out activities include:

- Removal of studwork partition wall in front room, and all internal doors;
- Installation of wall tiles and application of floating timber floor throughout,
- Installation of new lightweight partition walls to create three rooms;
- Addition of new loose furniture, fixed cabinetry, counters, fixtures, and other elements;
- Renovations to the existing bathroom and kitchenette
- Modifications to the existing services (e.g., plumbing, electrical, etc.)
- Application of new finishes to the shopfront interior, including repainting walls and ceilings,
- The proposed minor fit-out works will not handle, store, or use any hazardous chemicals or materials.
- This proposal also includes the updates to the existing under-awning and awning fascia signage.
- Installation of new glazing decal signage.

The fit-out activities will last 8-12weeks, and may have construction noise to the neighbours, and may incur safety problems to surroundings. So the build should restrict their noise and work in workdays from 8am-5pm, and conduct fit-out work under WHS Management Plan to minimize the adversely impact.



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1A/17 MacMahon Street, Hurstville NSW 2220

Proposed beauty clinic does procedures such as laser skin tightening and rejuvenation, professional cosmetic peels, laser treatments for pigmentation removal, anti-wrinkle and injection of fillers, as well as offering comprehensive health and beauty consultations and selling associated beauty products.

Proposed service and premise can be concluded as:

- Customers and patrons waiting and treatment preparation in reception area;
- Medical consultation and restricted medical treatment to customers in Room A and Room B.
- Medicine and equipment, devices storage area in Room C.
- Clean and medical preparation for therapists in wash station area.

The Beauty Salon service a small number of people and most service require online or telephone advanced booking for availability, as a result. The staffs and customers work together orderly, which will not incur large number of people in queue and not bring crowds to the neighbour residents. The medicine and medical consumable, devices are packed in small volume, and can be delivered simply by small volume of freight service to front door or be brought with the staffs.

All medical treatments and consultation will be offered by registered medical practitioners and will be covered by medical indemnity insurance.

Medical waste will be disposed strictly in according with waste management plan.

These medical services are not likely impacted by seasons.

Exhaustive list of medical procedures to be carried out

Beauty clinic which does procedures such as

- Laser skin tightening
- Rejuvenation
- Professional cosmetic peels
- Laser treatments for pigmentation removal
- Anti-wrinkle and
- Injection of fillers
- Offering comprehensive health and beauty consultations
- Selling associated beauty products.

And there above treatment may conclude of medical procedure as Laser/physiotherapy equipment operations, and oral drugs, Inject drugs

Hours of operation

The hours of operation will be 10am to 6pm on Monday to Saturday in each seasons. The business will not be impacted by seasons.

The working hours for Dr Cindy Tang

Monday to Friday 10am to 5pm, Saturday morning 10am to 1pm

The working hours for the Manager/Receptionist Ms Isabel Lin



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Plan of Management

1A/17 MacMahon Street, Hurstville NSW 2220

Monday to Saturday 10am to 6pm

Staffing details

The business will be operated by 2 employees including 1 business owner (medical practitioner) and 1 receptionist. The receptionist will work full time to admin and management time booking for the business. The medical practitioner may work full time or part-time depends on number of customers.

Maximum staff number at any given time

The business will be maximum 1 business owner (Dr Cindy Tang) and 1 receptionist (Ms Isabel Lin).

Guidelines for staff

The business will, so far as is reasonably practicable, ensure the provision of training, instructions, or supervision necessary to protect all persons from risks arising from work carried out as part of the conduct of Beauty clinic business.

We will ensure that the information, training, or instruction is suitable and adequate to address the nature of the work and the degree of risk, confirming employee understanding and application of controls.

We minimise the risks arising from the physical work environment by:

- a) Ensuring all employees have access to this procedure and will be inducted to the Workplace Health & Safety Management System (WHSMS)
- b) Ensuring allocated WHS roles, Health and Safety Representatives (HSR's) and others in authority to complete regular audit and assurance activities in accordance with WHSMP15: Audit and Assurance Procedure.
- c) Ensuring all employees have access to and understand how to request maintenance or repairs via the Maintenance Management System.
- d) Dedicating the relevant partner service provider to oversee the condition, ongoing maintenance and construction of safe work environments.
- e) Our facilities and working environment is designed to prompt safe, healthy and ergonomic practices. They should be clean, safe, accessible and in good working order.
- f) Our workplaces and facilities are scheduled subject to facility use, operating hours and end-user requirements.

- Car parking

We recommend our staff commute by public transportation because the location is much closed to public transportation centre. Temporary visitors can park their car in MacMahon Street Parking opposite to the MacMahon Street. Core team member can be offered an onsite car parking in the basement as a benefit.



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Customers and patrons

The Beauty Salon service a small number of people and most service require online or telephone advanced booking for availability, as a result. The staffs and customers work together orderly, which will not incur large number of people in queue.

The customers and patrons can access the Beauty clinic by public transportation or park their car in nearby car parking facilities in Hurstville town centre area. The parking number is minor to

The main business for customers and patrons is to enter the therapy room to consult with the beauty therapist.

The customers and patrons will wait in reception area with chairs and lounge, water, coffee, magazine, safety guides, free Wi-Fi is supplied to the customers and patrons.

And some medical measuring devices such as weight measure, body fat measure, blood pressure measure devices are offered to customers and patrons for fee.

Maximum customer number at any given time

The number of patients will be approximate 6-10 per day.

The maximum number of patients will be approximate 16 per day.

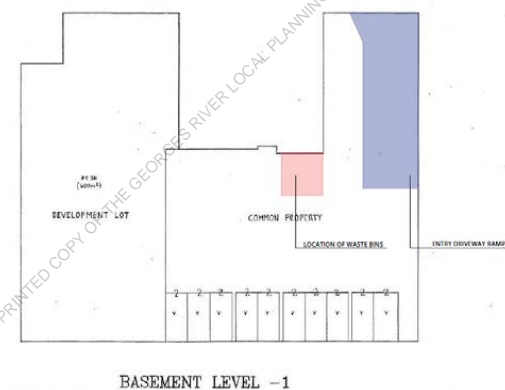
The maximum number of patients will be 3 person at any given time as the premise has 3 beds to adopt the patients.

Location of on-site waste storage

The waste bins are located in common property area in basement 1.

Waste bins are put out by strata management, and waste collection will be provided by a council's domestic waste services. Refer to waste management plan.

The construction waste will be discarded to the strata waste bins, or brought away by workers, or recycled by relevant recycling services.



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Deliveries and loading/unloading

The deliveries include medicine and medical consumable, devices.

The list of main cosmetic treatment materials used are as follows (all of them are registered with Australian Therapeutic Goods Administration).

These products will be used by Dr Cindy Tang only:

- Dysport
- Botox
- Xeomin
- Relfydess
- Restylane
- Redensity
- Rejuran



These deliveries are concentrated and packed in small volume, and can be delivered simply by small volume of freight service to front door or be brought with the staffs.

The receptionist will be responsible for checking and administrating medicine and medical consumable, devices, and will replenish stock by purchasing from medical suppliers weekly. Items will be delivered once a week at working hours by courier vans to front door. Vans can park near the road or parking facilities, which will not impact the neighbourhood due to the low volume and frequency.

The construction materials will be delivered on site by truck to nearby car parking, and carried to site by workers.

Security

Security cameras will be installed to the ceiling with video record and alarm to ensure security of community.



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Plan of Management

1A/17 MacMahon Street, Hurstville NSW 2220

Complaint recording and handling process

Complaint can be lodged to the letter box, with below process:

- Receipt and initial acknowledgement of the complaint.
- Assessment of the complaint and advice to complainant.
- Investigating the complaint.
- Decision.
- Internal review of complaints.
- Closure.
- Records Management.
- Review of complaints data.

Review process

Goals and objectives will need to be refined, modified and in some cases, rewritten. Identify the people in the organisation who will be responsible for monitoring. Our review process for monitoring, evaluating and reviewing the management plan:

- Ensure specific time frames have been allocated for the implementation of strategies.
- Develop formal reporting procedures for the identified person to comply with — reporting procedures can be assigned to an action plan group or person, or they can be built into established reporting processes.
- Check progress regularly in relation to what is set out in the management plan. This should be included as a regular item on management meeting agendas.
- Modify the management plan if it is not possible to achieve some of the goals that have been set.
- Establish a planning sub-committee to review the whole management plan each year to check whether the organisation achieved goals for the year and to add another year to the management plan. The organisation should be constantly planning three to four years ahead.
- If the changes to the management plan are not major, a simple way of approaching the review is to treat the previous year's plan as a draft and circulate it for amendment and for addition of the information for one year further ahead.



ERIC ARCHITECTURE PTY LTD
ABN: 46 664 932 245

Archer Consultants Pty Ltd

PH: 02 7227 9360

ABN: 79 661 164 683

1A/17 MacMahon Street, Hurstville NSW 2220

OPERATIONAL WASTE MANAGEMENT PLAN

Proposed Commercial Development

Beauty Salon

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Client - Eric Architecture

Revision - 1A

Prepared for georges river council- March 2025

CONTENTS

INTRODUCTION	4
BACKGROUND & EXISTING CONDITIONS	5
PROPOSED DEVELOPMENT	7
ANTICIPATED WASTE GENERATION, STORAGE & COLLECTION.....	8
WASTE GENERATION	8
WASTE WITHIN OVERALL DEVELOPMENT	8
WASTE STORAGE AND HANDLING OF WASTE STREAMS	8
WASTE COLLECTION (OPERATIONAL WASTE).....	12
MEDICAL WASTE.....	13
ANTICIPATED TYPES OF MEDICAL WASTE	14
CLINICAL WASTE.....	14
GENERAL WASTE.....	14
RECYCLABLE WASTE	14
ANTICIPATED MEDICAL WASTE GENERATION & DISPOSAL	15
CLINICAL AND RELATED WASTE	15
MEDICAL WASTE STORAGE AREA:	15
MEDICAL WASTE STORAGE AND COLLECTION	17
REQUIREMENTS FOR STORAGE OF MEDICAL WASTE.....	17
COLLECTION AND TRANSPORT OF MEDICAL WASTE.....	18
DISPOSAL OF MEDICAL WASTE	19
AMENITY	20
NOISE	20
VENTILATION	20
SECURITY & COMMUNICATION STRATEGY	20
WASTE STORAGE ENCLOSURES & CLEANING FACILITIES	20
PREVENTION OF VERMIN	20
MISCELLANEOUS	21
COMMUNAL COMPOSTING FACILITY	21
INTERNAL WASTE STORAGE	21
ORGANIC (FOOD/GREEN) WASTE	21
BULKY WASTE	21
E-WASTE	21
APPENDIX A – WASTE DESCRIPTORS.....	22
APPENDIX B – CLINICAL WASTE MANAGEMENT.....	23
APPENDIX C – SHARPS WASTE MANAGEMENT	24

FIGURES

FIGURE 1: SUBJECT SITE LOCATION	SOURCE: GOOGLE MAPS.....	5
FIGURE 2: SUBJECT SITE AERIAL VIEW	SOURCE: GOOGLE MAPS	6
FIGURE 3: TYPICAL 30L/20L GENERAL & RECYCLING WASTE INFRA-RED SENSOR BIN.....		9
FIGURE 4: GUIDELINES FOR WASTE PLACEMENT WITHIN THE MGB'S.....		10
FIGURE 5: LOCATION OF THE WASTE STORAGE/COLLECTION AREA.....		11
FIGURE 6: LOCATION OF THE MEDICAL WASTE CUPBOARD.....		11
FIGURE 7: TYPICAL MEDICAL WASTE COLLECTION VEHICLES		19

TABLES

TABLE 1: TYPICAL GARBAGE AND RECYCLING GENERATION RATES FOR COMMERCIAL DEVELOPMENTS.....	8
TABLE 2: DISPOSAL OPTIONS FOR DIFFERENT TYPES OF MEDICAL WASTE	15

INTRODUCTION

Archer Consultants Pty Ltd was engaged by Eric Architecture to prepare a Waste Management Plan (WMP) for approval of a proposed beauty salon development at 1A/17 MacMahon Street, Hurstville NSW 2220.

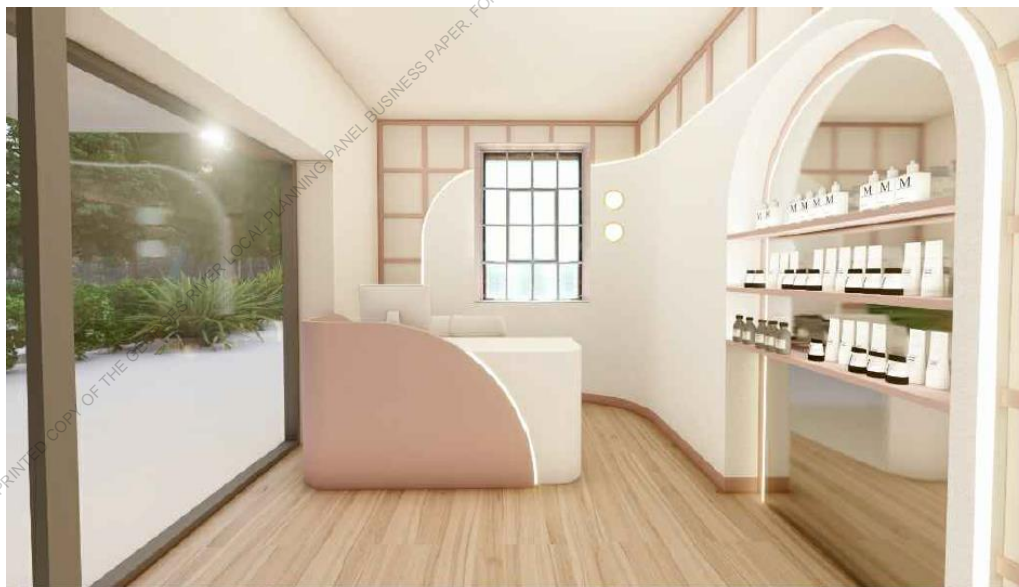
The proposed development consists of;

DEVELOPMENT DETAILS
Ground Level: Beauty Salon (71m ²)

In the course of preparing this WMP, the subject site and its environs have been inspected, plans of the development examined, and all relevant council requirements and documentation collected and analysed.

This WMP has been prepared based on the following information:

- Architectural Plans provided by Eric Architecture.
- Georges River DCP & EPA Better Practice Guide for Resource Recovery in Residential Developments (2019).



BACKGROUND & EXISTING CONDITIONS

The subject site is located on the southeastern side of MacMahon Street with the nearby land a mix of commercial and residential.

Figure 1 provides an overview of the area, and its surrounding land uses whilst **Figure 2** provides an aerial view of the immediate area surround the subject site.

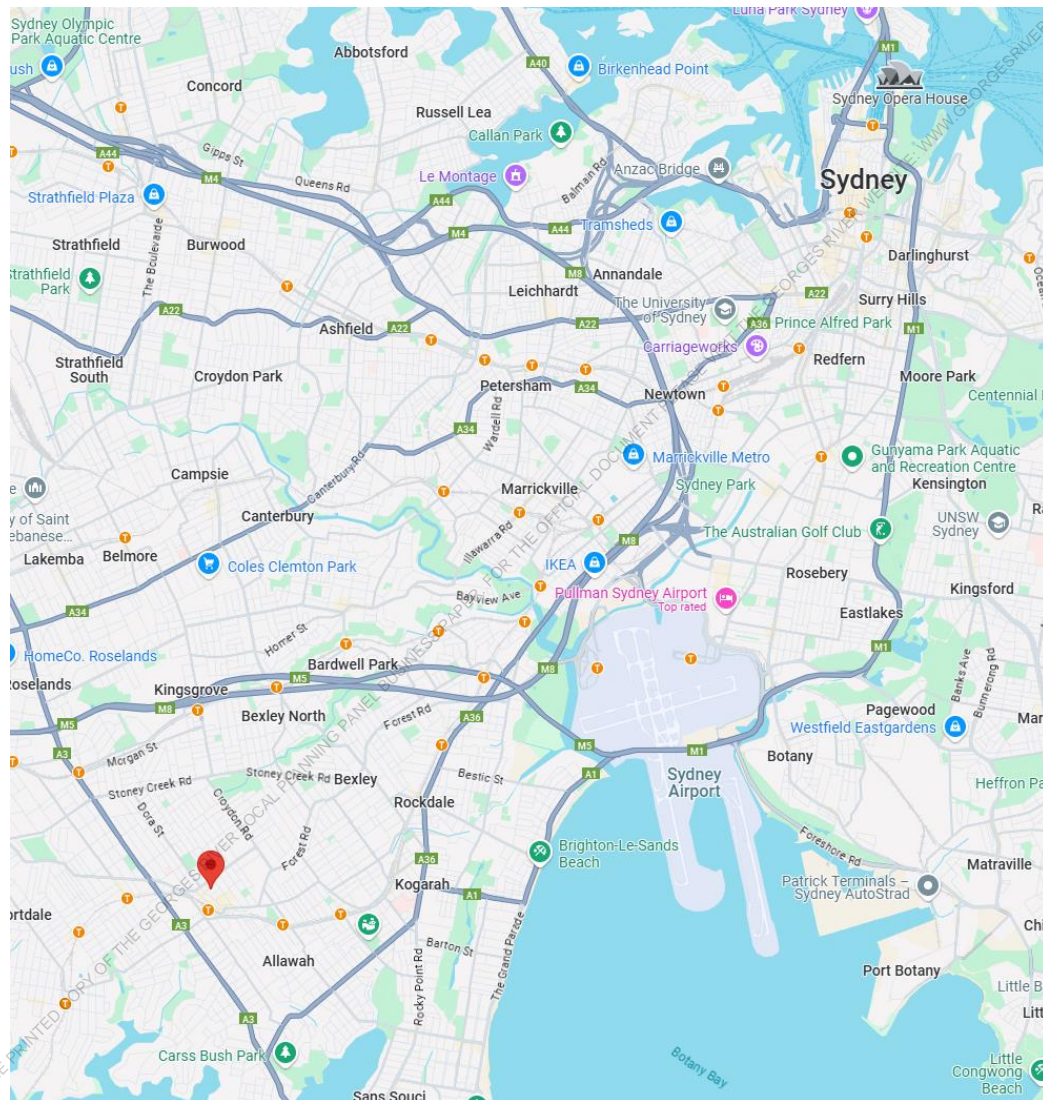


Figure 1 Subject Site Location

source: Google Maps

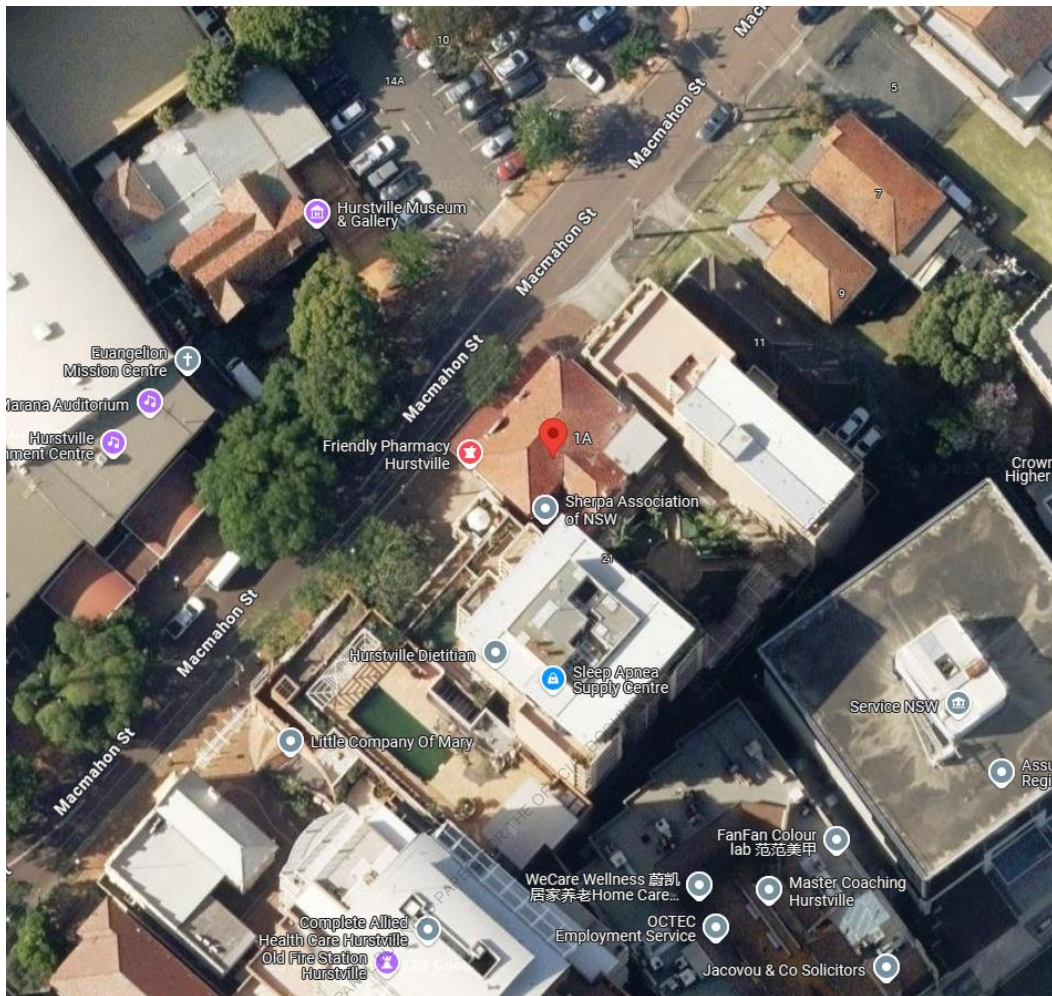


Figure 2 Subject Site Aerial View

source: Google Maps

PROPOSED DEVELOPMENT

The proposed development consists of minor internal construction works and fitting out a beauty salon. Access to the proposed front entrance of the beauty salon will be provided via a footpath on MacMahons Street. The Mobile Garbage bins (MGB's) will be stored within the basement level waste storage/collection room. **(Refer Appendix A).**

The proposed operating hours of the beauty salon are 10:00am – 6:00pm Monday to Saturday

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ANTICIPATED WASTE GENERATION, STORAGE & COLLECTION

Waste collection will be provided by a private contractor.

Waste Generation

As per the EPA Better Practice Guide for Resource Recovery in Residential Developments (2019), the waste entitlement for the proposed development is 60L/100m² of floor area per day general waste and 60L/100m² of floor area per day recycling waste (inclusive of paper & cardboard waste).

The following table illustrates the typical garbage and recycling generation rates.

Type of Premises	General Land Waste	Commingled Recycling Waste
Hairdresser/Beauty Salon	60L/100m ² floor area/day	60L/100m ² floor area/day

Table 1: Typical Garbage and Recycling Generation Rates for Commercial Developments

Waste within Overall Development

Using the garbage and recycling generation rates above, the following can be calculated;

Waste Generating Floor Areas: (71m²) (6 Day Week)

- 60L/100m² of floor area per day general waste = 255.6L per week (uncompacted)
- 60L/100m² of floor area per day recycling waste = 255.6L per week (uncompacted)

Waste Storage and Handling of Waste Streams

There is central waste room in the basement that is shared between other businesses and residents within the complex. The waste generated from the proposed beauty salon is not expected to cause a substantial impact on the current waste generation of the overall site.

Consulting & Treatment Rooms may be provided with its own Stainless Hands-Free Hygiene Automatic Sensor Bin (30L/20L) for general and recycled waste (sufficient daily storage of waste). These bins are chosen for hygiene and due to the strict cleaning and infection control measures of the clinic, these bins will be emptied by the cleaners into the 240L general and recycling waste MGB's provided within the waste storage/collection room by the cleaners.

Medical/Clinical Waste: Due to the consultation and treatment rooms, clinical and sharps waste containers will be provided within the appropriate rooms. As required or at the end of each day the containers will be transferred to the secure clinical waste storage cupboard for collection by a Clinical & Regulated Waste Services Contractor as required (**Refer to Medical Waste**).



Figure 3: Typical 30L/20L General & Recycling Waste Infra-Red Sensor Bin

Organic	Recycling	Garbage
<ul style="list-style-type: none"> ✓ All food waste and scraps. ✓ Meat, chicken, fish scraps and bones. ✓ Fruit, vegetable scraps. ✓ Dairy products, Seafood. ✓ Cake, bread, rice, pasta. ✓ Coffee grounds, loose tea leaf. ✓ lawn clippings, leaves, prunings, flowers. ✓ Weeds (except Tropical Soda Apple). ✓ Shredded paper, paper towel, serviettes. ✓ Council provided compostable caddy liner. <ul style="list-style-type: none"> ✗ Plastic bags, food packaging, cling wrap, tea bags, coffee pods, cigarette butts, nappies or wipes, kitty litter, tree ash or stumps, glass, metal, hair, dog-cat droppings, dish clothes, or recyclables. 	<ul style="list-style-type: none"> ✓ All recycling. ✓ Steel, tin, aluminium cans, empty aerosols. ✓ Clear, brown, green glass bottles / jars (rinsed, no lids). ✓ Plastic bottles, soft drink bottles, containers (rinsed, no lids). ✓ Carboard boxes, milk, juice cartons. ✓ Newspapers, magazines, office paper, junk mail, window envelopes. ✓ Council provided compostable caddy liner. <ul style="list-style-type: none"> ✗ Plastic bags, light bulbs, mirrors, drinking glasses, general and food waste, ceramics, crockery, foam, ovenware, polystyrene, waxed cardboard boxes. 	<ul style="list-style-type: none"> ✓ General waste. ✓ Plastic bags. ✓ Packets, wrappers, cling wrap, bubble wrap. ✓ Nappies, sanitary waste, (wrapped tightly, stored in a well-sealed bag). ✓ Animal faeces, bedding, and kitty litter. ✓ Foam, polythene, and polystyrene. ✓ Light bulbs, mirrors, ceramics, cookware, drinking glasses. ✓ Contents of your vacuum cleaner, cotton wool, buds and cigarette ends. <ul style="list-style-type: none"> ✗ Building materials, syringes, oil or paint, gas bottles, hazardous or chemical waste. ✗ Medical waste: (speak to your doctor / pharmacy).

Figure 4: Guidelines for Waste Placement within the MGB's

The following figure illustrates the location of the MGB's within the waste storage/collection area.



Figure 5: Location of the Waste Storage/Collection Area

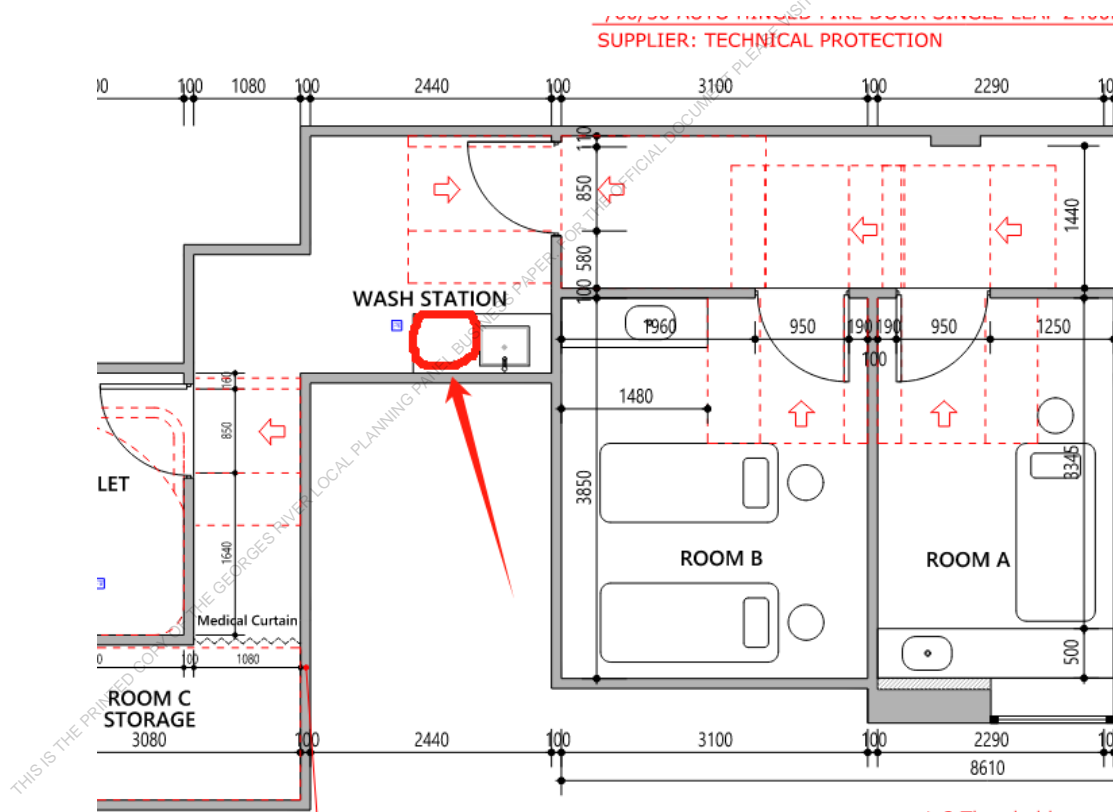


Figure 6: Location of the lockable Medical Waste Cupboard

WASTE COLLECTION (OPERATIONAL WASTE)

Waste collection will be provided by a private waste services contractor.

Refer to the WMP for the overall site for the current waste collection details.

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MEDICAL WASTE

The proposed beauty salon is expected to generate small amounts of medical sharps waste.

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ANTICIPATED TYPES OF MEDICAL WASTE

The definitions adopted in this section of the report are those described in the Australian/New Zealand Standard AS/NZS 3816:1998 Management of clinical and related wastes and any subsequent revisions. The following types of waste are generated in typical beauty salons;

- 1) Clinical Waste
- 2) Related Waste
- 3) General Waste
- 4) Recyclable Waste

The following section outlines the forementioned types of waste in detail.

Clinical Waste

These are wastes that have the potential to cause disease, sharps injury or public offence including sharps, human tissue waste, laboratory waste and animal waste resulting from medical or veterinary research or treatment or any other waste. Clinical waste is further categorised into:

- Sharps waste: objects or devices having sharp points or protuberances or cutting edges capable of causing a penetrating injury to humans.
- Human tissue waste: body tissue, organs, limbs and any free-flowing liquid body substance e.g. blood; Excludes teeth, hair and nails.

Radioactive waste:

Waste material, including sharps, contaminated with a radioisotope which arises from the medical or research use of radionuclide, e.g. during nuclear medicine, radioimmunoassay and bacteriological procedures, which may be of solid, liquid or gaseous form, and which emit a level of radiation above the level set by regulatory authorities as exempt.

It must be noted that specific health legislation applies to the management of radiological and pharmaceutical wastes: The Radiation Safety Act 1975 and Poisons Act 1964 respectively.

General Waste

This waste stream comprises any waste material which is not otherwise specified in the above definitions.

Recyclable Waste

Are those products, packages or element thereof that can be diverted from the waste stream and through existing processes, be collected, processed and returned to use in the form of raw materials or products.

The majority of waste generated from a typical health facility can be classified as general or recyclable waste. Classification of commonly produced healthcare waste and possible disposal methods is described in **Appendix A**.

ANTICIPATED MEDICAL WASTE GENERATION & DISPOSAL

Clinical and Related Waste

In addition to general wastes, the beauty salon has unique wastes generated from its operation, i.e.: Clinical and related waste. Special care needs to be provided to ensure the waste is disposed in a sustainable manner.

The overall objective of any waste treatment process is to render the waste non-hazardous and inoffensive, so that it can be disposed of safely. The treatment process itself must also be controlled so that it does not lead to other environmental problems.

Methods other than incineration are only suitable for treating some of the wastes, so it is essential that wastes are segregated at their source and waste is not sent to be treated by a process that is unsuitable.

It is the responsibility of the waste generator to ensure that all waste types are only sent to treatment facilities that are licenced for those specific waste types. The following table summarises the possible disposal options for different types of waste.

Waste Description	Incineration	Autoclave w/o Shredding	Autoclave & Shredding	Hypochlorite & Shredding	Peroxide, Lime & Shredding	Microwave /Shredding
Sharps	Y	N	N	N	N	N
Clinical	N	N	N	N	N	N
Human tissue	N	N	N	N	N	N
Recognisable anatomical body parts	N	N	N	N	N	N
Cytotoxic	N	N	N	N	N	N
Pharmaceutical	N	N	N	N	N	N
Chemical	N	N	N	N	N	N

Table 2: Disposal Options for Different Types of Medical Waste

All clinical and related waste shall be collected by a transporter licensed by the Environment Protection Authority (EPA) to collect and transport such waste. A licensee wishing to transport its own waste is required to be licensed to transport medical waste. The proposed beauty salon could occupy a professional clinical waste company such as SteriHealth Clinical Waste Pty Ltd.

Medical Waste Storage Area: A secure waste cupboard will be used for medical waste.

The medical waste will be securely collected from all rooms and ferried (using 50L Secure Medical & Clinical Waste Bins) to the locked clinical waste storage area nearby for collected by the clinical waste contractor Clinical & Regulated Waste Services.

However, the management of the centre are advised to monitor the typical usage of these bins and adjust the sizes and collection frequencies accordingly.

A 20L Clinical Waste Pail can also be provided as a precautionary measure in key areas for unforeseen circumstances.

It is noted that the purple bin will not be placed out for collection. The cytotoxic waste collection can be carried out on site by a medium rigid truck (8.4 metres long) during non-peak periods.

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MEDICAL WASTE HANDLING AND STORAGE

Requirements for Storage of Medical Waste

It is recommended to follow the general practices outlined below when storing medical related wastes at the subject site.

- Contain medical waste in a manner that is not offensive and that minimises the threat to health, safety or the environment.
- Store all containers of medical waste in a secure location – medical waste bins shall be sufficiently screened from vermin. Bins which have been specifically designed to store medical waste are available for purchase through medical waste collection companies such as SITA.
- Ensure all necessary equipment required to clean and disinfect the area in case of accidental spillage is easily available and accessible.
- Treat any waste mixed with medical waste, as medical waste.
- Sharps such as needles, syringes with needles and surgical instruments are to be handled as follows:
 - 1) The disposal of sharps should not incorporate cutting, bending or any other manipulation that could generate aerosols or splatter contaminated fluids.
 - 2) Place sharps into a suitable container that:
 - a) Is puncture-resistant, leak-proof, shatter-proof and able to withstand heavy handling
 - b) Displays the universal biohazard label and has a label clearly indicating the nature of the contents
 - c) Has an opening which is accessible, safe to use, and designed so that it is obvious when the container is full
 - d) Is sealed when full or ready for disposal
 - e) Can be handled without danger of the contents spilling or falling out.
 - f) Place all medical waste other than sharps in clearly labelled heavy duty yellow plastic bags or wet strength paper bags. Bags intended for domestic use are unsuitable for this waste.
 - g) Tie the bags so as to prevent leakage or expulsion of solid or liquid wastes during storage, handling or transport and ensure they will not be subject to compaction by any compacting device.

COLLECTION AND TRANSPORT OF MEDICAL WASTE

Medical waste shall be collected by a transporter licensed by the Environment Protection Authority (EPA) to collect and transport such waste (such as SteriHealth Clinical Waste Pty Ltd). A licensee wishing to transport its own waste is required to be licensed to transport medical waste.

Medical waste shall be collected for disposal by:

- A person licensed by the EPA for the collection and transport of medical waste.
- A council.

Or transported by a person employed or engaged in the business producing the waste directly to:

- A waste depot licensed by the EPA to receive medical waste.
- A hospital.
- A number of contractors provide services dedicated to the collection and transport of medical waste. Advantages of the use of their services include:
 - An assurance that all medical waste is destroyed by incineration.
 - The use of personnel who are familiar with handling medical waste and who are equipped with appropriate safety clothing, etc.
 - A reduced risk to health and safety because the transporter is knowingly handling medical waste the use of containers which can be returned clean and disinfected.
 - The use of containers which remain intact until final disposal.

The medical waste collection can be undertaken on-site, within the car parking area at non-peak times. The medical waste collection will be undertaken by a private contractor, such as J.J.Richards, SITA and Veolia. The following figure illustrates typical medical waste collection vehicles used by SITA. They can be in the form of small to medium rigid vehicles (up to 8.4m long).

The applicant has advised that the frequency of waste collection can be made flexible so that collection is demand dependant. However, in a typical week, up to 1 collection run can be expected from the beauty salon.



Figure 7: Typical Medical Waste Collection Vehicles

Disposal of Medical Waste

Medical waste must be destroyed in an incinerator licensed by the regulatory authority in the state or territory in which the incinerator is located.

- Where an incinerator is not available, such as in remote areas, medical waste may be disposed of at solid waste landfill depots licensed to receive the waste under the following conditions:
- Medical waste must be placed at the foot of the operating face or into a hole excavated at the depot in such a manner as to prevent contact with the public.
- Medical waste must be covered with other wastes or clean fill while the waste transporter is present.

The medical waste transporter should give sufficient notice to the depot operator to allow these arrangements to be carried out.

AMENITY

Noise

The only noise generated from the waste management at the property will be that of the MGB's being wheeled to / from the waste vehicle emptying the MGB's. Any other noise related to the waste management will be kept to a minimum.

Ventilation

The waste bin area storage/collection room currently has ventilation.

Security & Communication Strategy

All MGB's will be secured within the waste storage area.

Management and Staff will receive detailed documentation detailing all necessary requirements for safe waste management and handling including all relevant contact information.

Waste Storage Enclosures & Cleaning Facilities

The private waste contractor will be responsible for keeping the MGB's clean.

Prevention of Vermin

The occupants will be advised to not overfill the bins so that the lids are closed at all times. It is suggested to place rat traps in the corners of the waste storage areas.

MISCELLANEOUS

Communal Composting Facility

NOTE: Organic waste is a problem in landfill as it produces methane, a harmful greenhouse gas that is 25 times more potent than carbon dioxide. Turning it into compost reduces the impact on the environment and allows waste to become a usable product. Existing landfill sites are also nearing capacity, and the creation of new sites can cause significant detrimental effects through land clearing, loss of habitat for local wildlife, and potential groundwater and soil contamination from the leaching of heavy metals and chemicals.

Management can decide to commit to improving waste management methods by composting in support of social and environmental commitments at the local level by providing a 240L Organic Waste MGB or by using **Bokashi Anaerobic Composting** bins that can be stored indoors or outdoors. It's a great way to turn your kitchen scraps into rich liquid and semi-solid fertiliser.

Internal Waste Storage

It is suggested that sufficient space, should be provided for interim storage of smaller bins in strategic areas for garbage and recyclables. Space should allow for separate storage of recyclables from the garbage streams. And segregation of organics waste placed in a kitchen caddy for placement within the organic waste bin if an organic waste bin is used.

Organic (Food/Green) Waste

Gardening waste will not be required. Food waste will be placed in the general waste bin. Please refer to Communal Composting Facility above.

Bulky Waste

If bulky hard waste collection is required management will organise a private contractor for collection.

E-Waste

Recyclable electronic goods include batteries, equipment containing printed circuit boards, computers, televisions, fluorescent tubes and smoke detectors. E-Waste is expected to be minimal therefore, all waste will be placed in a small impermeable surface container and management will organise for the E-Waste to be taken to a registered E-Waste Re-Processor as required.

APPENDIX A – WASTE DESCRIPTORS

Classification	Examples	On-Site Management	Disposal Option
General Waste that is not capable of being recycled, processed, or reused.	General waste will include: <ul style="list-style-type: none"> ✓ Dressings not saturated with blood or body fluids. ✓ Gowns, gloves, masks. 	General waste can be disposed of into clear / opaque or black plastic bags. No regulated labelling however the bins should clearly state they are for general waste.	Landfill
Clinical	Clinical waste includes: <ul style="list-style-type: none"> ✓ Human tissue. ✓ Liquid blood ✓ Dressings saturated with blood / body fluids. ✓ Any tubing containing blood. 	All clinical waste is to be disposed of into clinical waste bins that meet the labelling and colour coding requirements AS / NZ 3816. Plastic liners are to conform to colour coding.	Refer OD clinical wastes.
Sharps	Any object or device that has sharp points or protuberances or cutting edges capable causing a penetrating injury to humans.	The users of any sharps are responsible for the immediate and safe disposal into a sharps container that meets Australian standards.	Refer OD clinical wastes.

APPENDIX B – CLINICAL WASTE MANAGEMENT



Biohazard/Clinical and related waste are classed as waste which has the potential to cause injury, infection and offence to the general population. Sharps, human tissue waste, laboratory waste, animal waste resulting from medical, dental or veterinary research or treatment has the potential to cause disease. Other related waste arising from sources specified by a health facility falls within this category. Related waste is defined as waste within the biohazard/clinical waste stream which constitute, or are contaminated with, cytotoxic drugs, chemicals and pharmaceuticals. Definitions include all waste contaminated with human or animal matter originating from any patient care area, surgery, health or transport facility and any autopsy, surgical, pathological, dental and veterinary or laboratory procedure. It includes bone and other tissue, swabs, bandages, blood samples and disposable surgical hardware.

All Medical Waste Australia provides health care professional with a complete, cost-effective, environmentally sound contaminated medical waste disposal service. We provide a range of clinical waste bins and sharps disposal containers for the safe collection of Clinical Waste at the client's location.

All our waste bins are sturdy with a safety locking lid to prevent removal or spillage of contents. Waste bins are delivered clean, fully lined and are designed to meet all safety requirements. Our waste bins are treated according to the standards set by E.P.A. Once collected they are transported using specially designed vehicles to an approved E.P.A. facility and are disposed of. The frequency of medical waste collection can be daily, weekly, fortnightly, monthly or at a frequency to suit every client's requirements. We have been particularly successful at tailoring medical waste removal from a dentist and medical clinics generating smaller volumes of hazardous medical waste and where a more customised service is needed for the medical waste disposal and medical waste management.



Cylindrical 50 Litre Clinical Waste Bins

- Heavy Duty Construction
- With Lockable Lids via a bar which "clicks" into place over the top of the lid for transportation and carrying.



36 Litre Clinical Waste Bin

- If space is an issue our 36 Litre bins will fit snug into tight corners.



Hands Free Clinical Waste Bins (Reduces risk of pathogen transfer)

- Using a foot-pedal opening bin now means hand contact with the bin is no longer required. This results in a dramatic reduction in the pathogen transfer risk that currently exists with standard clinical waste bins. Our foot pedal bin range consist of 4 sizes 30Lt, 45Lt, 70Lt & 85Lt.



Clinical Waste – Wheelee Bins

- Available in lockable 120 , 240, 660 & 1100 Litre sizes. The 120 Litre waste bin is suitable for outside storage for medium sized surgeries or clinics. Our 240, 660 & 1100 Litre waste bins are recommended for outside storage, large surgeries, nursing homes, hospitals and clinics. All our waste bins are delivered clean, fully lined and are designed to meet all safety requirements.

APPENDIX C – SHARPS WASTE MANAGEMENT

DISPOSABLE SHARPS CONTAINERS

Our Disposable Sharps Containers are a well established, safe, efficient and economical means by which needles and syringes can be collected for sterilisation and destruction. They are robust, pre-assembled and stocked items. They are manufactured locally in Australia to comply with Australian Standards AS4031-1992. All containers are rigorously tested for non-penetrability.

The BIO-CAN is a single piece unit (not a nested container) nor does it require any assembly by your staff. This ensures you have great piece of mind when it comes to safety, with no chance of containers falling apart when full if accidentally knocked over.

The range includes a variety of containers for various applications, as well as Cytotoxic container options. They can be safely autoclaved and incinerated as part of the controlled destruction process. A special fitting is also offered for the removal of needles from various syringes.

Please note that correct procedures need to be in place whenever sharps containers are used and the OH & S Officer should be consulted.

Openings

We offer the option of a screw top or funnel top on almost every size of BIO-CAN. That way you can choose the container to suit your preference or application. Either option are secured to the container by a plastic strap.

Screw top



Open **Closed**

Funnel Top/Push Cap



Open **Closed**

SHARPS DISPOSAL

Sharps are defined as discarded objects or devices capable of cutting or penetrating the skin, eg hypodermic needles, Pasteur pipettes, contaminated broken glass, diabetic needle disposal units, razors and scalpel blades. Various hard plastic items, such as broken plastic pipettes, are also classified as sharps.

All sharps have the potential to cause injury through cuts or puncture wounds. In addition, many sharps are contaminated with blood or body fluids, microbiological materials, toxic chemicals or radioactive substances, posing a risk of infection or illness if they penetrate the skin. It is, therefore, essential to follow safe procedures when using and disposing of sharps.

When dealing with the hazards of used injecting equipment, it is essential that safety is not compromised in any way and that's why we only supply the best quality sharps containers which meet with the AUSTRALIAN STANDARDS ACCREDITATION - AS4031:1992.

Sharps must be placed into a sharps container as soon as possible after use. To avoid needlestick injuries, needles/syringes must not be re-capped. Sharps containers must not be filled above the marked fill line.

All Medical Waste can provide you with a large range of Australian-approved sharps disposal containers ranging from 1.4 litre up to 60-litre capacity. These sharps disposal containers can have lockable wall mounted storage units, mounting frames, brackets, trolleys or free-standing baskets.

Sharps Disposal
All Medical Waste Australia will deliver and pick-up your sharps container with one phone call.

- One stop deliver and pick-up
- Cost effective
- No large volume re-ordering
- Reliable service
- Choice of sizes
- Metal wall mounted Sharp Safe option
- Scheduled "no ring" service available
- No storage headaches

