

AGENDA

Georges River Local Planning Panel

Thursday, 03 July 2025

4:00 PM

Blended Meeting

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

Participants:

Stuart McDonald (Chairperson)

Judith Clark (Expert Panel Member)

Brian Kirk (Expert Panel Member)

Rita Vella (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. We pay our 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**

**LPP020-25 Part of Moore Park, 33 Lobb Crescent, Beverley Park NSW –
PP2024/0006**
(Report by Strategic Planner/Information Management) 3

LPP021-25 42 Annette Street, Oatley – DA2025/0098
(Report by Senior Development Assessment Planner) 89

9. CONFIRMATION OF MINUTES

Georges River Local Planning Panel Meeting - 03 July 2025

REPORTS AND LPP DELIBERATIONS**REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 03 JULY 2025****LPP020-25 PART OF MOORE PARK, 33 LOBB CRESCENT, BEVERLEY PARK NSW**

LPP020-25

LPP Report No	LPP020-25	Planning Proposal No	PP2024/0006 (PP-2024-2441)
Site Address & Ward Locality	Part of Moore Park, 33 Lobb Crescent, Beverley Park NSW Kogarah Bay Ward		
Proposed Development	Planning Proposal (PP) to amend Schedule 4, Part 1 of the Georges River Local Environmental Plan 2021 for the reclassification of public land		
Owners	Georges River Council		
Applicant	Mecone		
Planner/Architect	Mecone		
Date Of Lodgement	22/11/2024		
Submissions	N/A		
Cost of Works	N/A		
Local Planning Panel Criteria	Direction from the Minister for Planning under Section 9.1 of the Environmental Planning and Assessment Act 1979 and the charter of the Georges River Council Local Planning Panel 2018 both specify that the Planning Proposal is to be referred to the Local Planning Panel before it is forwarded for Gateway Determination		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	N/A		
List all documents submitted with this report for the Panel's consideration	Attachment 1 – Planning Proposal for the reclassification of part of Moore Park, Beverley Park		
Report prepared by	The APP Group		

RECOMMENDATION	<p>That the Georges River Local Planning Panel note and acknowledge the amendment to Schedule 4 of the <i>Georges River Local Environmental Plan 2021</i> (GRLEP) to reclassify a northwestern portion of Council's Moore Park land at 33 Lobb Crescent, Beverley Park (Part of Lot 160, DP 19098) (the Site) to 'operational land' as proposed by Planning Proposal PP2024/0006, and recommend that Council:</p> <p>a) Support the proposed amendment to Schedule 4 of the GRLEP to reclassify the Site to 'operational land';</p>
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	<p>b) Endorse the forwarding of the PP to the NSW Department of Planning, Housing and Infrastructure (DPHI) to request a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979 for an amendment to the GRLEP by reclassifying the northwestern portion of the land at 33 Lobb Crescent, Beverley Park (Part of Lot 160, DP 19098).</p>
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EXECUTIVE SUMMARY

PROPOSAL

1. The Planning Proposal (PP) PP2024/0006 (**Attachment 1**) seeks to amend Schedule 4, Part 1 of the *Georges River Local Environmental Plan 2021* (GRLEP) to reclassify a portion of Council's Moore Park at 33 Lobb Crescent, Beverley Park (Part of Lot 160, DP 19098) (the Site) to 'operational land'.
2. The objective of the PP is to enable the reclassification of the Site from 'community land' to 'operational land' under the *Local Government Act 1993*, and thereby enable the land to be purchased by the adjoining St George Leagues Club (the Club) for improved access around the Club curtilage.

SITE AND LOCALITY

3. Moore Park is legally comprised of 160 DP 19098, Lot 269 DP 20568, and Lot 159 DP 19288, and has a street address of 33 Lobb Crescent, Beverley Park. The Park has a frontage to Ferry Avenue, covers an area of approximately 5,840 sqm, and is used for public open space, including a fenced off-leash dog park.
4. The Site proposed for reclassification to operational land covers an area of 305sq.m, located in the rear northwestern portion of Moore Park, specifically a portion of Lot 160 DP 19098, as identified in **Figure 1** below.

ZONING AND PERMISSIBILITY

5. The land comprising Moore Park, including the Site, is currently zoned RE1 Public Recreation under the GRLEP. The PP does not seek to rezone the Site.

RECLASSIFICATION OF LAND

6. The PP seeks to reclassify the Site from 'community land' to 'operational land' under the *Local Government Act 1993* by amending Schedule 4 of the GRLEP.
7. Moore Park is currently owned by Georges River Council. St George Leagues Club has expressed an interest in purchasing the northwestern portion of the Park, the Site, that adjoins the Club for the purpose of providing access around the Club building curtilage. Council has resolved to sell the Site. However, as it is currently classified as 'community land' under the *Local Government Act 1993*, it cannot be sold or disposed of in its current classification. Reclassification to 'operational land' is required to enable the sale.

CONCLUSION

8. The proposal is not directly a result of any strategic directions or objectives in State or local strategic plans. However, it is not inconsistent with any of the strategic objectives or priorities in strategic plans relevant to the Site.
9. The proposal states the proposed reclassification will not have any direct environmental impacts. The Site is not identified as containing critical habitats or threatened species, populations or ecological communities, or their habitats. There are no identified environmental constraints that render the Site unsuitable for the reclassification and sale to the Club.
10. Council's Generic Plan of Management for Parks identifies objectives for Moore Park as being for use as an off-leash dog park and community events, and for natural value of the stormwater drainage corridor through it. The reclassification of the Site to operational land and sale of it to the Club will not undermine these current use objectives at Moore Park as the Site is a relatively small isolated part of the park that is outside the fenced off-leash dog area, has constrained access and useability, and has no drainage corridor though it as shown in **Figure 1** below.
11. This report recommends the Georges River Local Planning Panel (GRLPP) note and acknowledge the proposed amendment to Schedule 4 of the GRLEP and recommend that Council:
 - a) Support the proposed amendment to Schedule 4 of the GRLEP;
 - b) Endorse the forwarding of the PP to the NSW Department of Planning, Housing and Infrastructure (DPHI) to request a Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* for an amendment to the GRLEP to reclassify the northwestern portion of the land at 33 Lobb Crescent, Beverley Park (Part of Lot 160, DP 19098).
12. Council's Voluntary Planning Agreement ("VPA") Policy (adopted 1 August 2016) does not apply to this PP as the proposal does not seek development uplift and is only concerned with land reclassification.



Figure 1: The Site - Aerial view (Source: Nearmap.com, dated 2/04/2025)

REPORT IN FULL

PROPOSAL

13. The Planning Proposal (PP) seeks to amend the GRLEP to reclassify the northwestern portion of Council-owned Moore Park at 33 Lobb Crescent, Beverley Park (the Site), from Community Land to Operational Land under the Local Government Act 1993. Specifically, the PP seeks to amend Schedule 4, Part 1 of the GRLEP to reclassify the Site, as shown in **Figure 1**.
14. The primary objective of the PP is to enable the sale of the Site to the adjoining St George Leagues Club to improve access around the curtilage of the Club.
15. The land is zoned RE1 Public Recreation under the GRLEP, and the PP does not propose any change to existing zoning or development controls that currently apply to the subject land under the LEP.
16. The Planning Proposal seeks to achieve the intended outcomes above through an amendment to Schedule 4 Classification and reclassification of public land to insert the following into Part 1 of that Schedule:

Part 1 – Land classified, or reclassified, as operational land – no interests changed

Column 1	Column 2
Locality	Description
Beverley Park	Part of Lot 160 DP 19098

THE SITE AND LOCALITY

17. Moore Park is legally comprised of Lot 160 DP 19098, Lot 269 DP 20568, and Lot 159 DP 19288 and has a street address of 33 Lobb Crescent, Beverley Park.
18. Moore Park covers an area of approximately 5,840 square metres with frontage to Ferry Avenue and includes a fenced dog park as well as green public open space containing extensive grassed lawn and scattered trees (**Figure 2**).



Figure 2: Site photo taken from Ferry Avenue, Beverley Park towards the Site from the PP

19. Council's Generic Plan of Management for Parks identifies objectives for Moore Park as being for use as an off-leash dog park and community events, and for the natural value of the stormwater drainage corridor through it.
20. The Site (**Figure 1**) proposed for reclassification is triangular shaped area covering 305sq.m positioned on the north-west portion of the Moore Park, immediately adjacent to St George Leagues Club. It is separated from the remainder of Moore Park by the fenced dog park and open stormwater culverts. The Site is a relatively small isolated part of the Park that is outside the fenced off-leash dog area, has constrained access and useability, and has no drainage corridor through it.
21. The Site is accessed via a footpath that runs between Lobb Crescent and Harslett Crescent as shown in **Figure 1**.

22. The Site has a relatively flat to gentle sloping topography. Vegetation on the Site is limited to grass ground cover and four small trees.
23. Surrounding uses and development of the Site include:
- **Northwest:** St George Leagues Club is located to the northwest of the site (which is zoned R2 Low Density Residential).
 - **Northeast:** R2 Low Density Residential zoned land characterised by one and two-storey single dwellings is to the northeast of the Site.
 - **Southeast:** Beverley Park Golf Club and Spooner Park are on the opposite side of Ferry Avenue to the southeast of the Site.
 - **Southwest:** R2 Low Density Residential zoned land characterised by one and two-storey single dwellings is to the southwest of the Site.
24. Moore Park is located within Beverley Park, in the eastern part of the Georges River LGA. Carlton Train Station is just over a 1km walking distance to the north. The area is characterised predominantly by residential development with some commercial and club uses along Princes Highway, and parkland comprising Beverley Park Golf Club, Spooner Park and the subject Moore Park. For a visual reference, see **Figure 3**, which provides an aerial view of the Site and its surroundings.



Figure 3: Locality of the Site (Source: Mecone/Mosaic, dated 29/09/2024)

EXISTING PLANNING CONTROLS UNDER THE GRLEP

Existing Zoning

25. The Site is currently zoned RE1 Public Recreation under the current GRLEP (**Figure 4**).

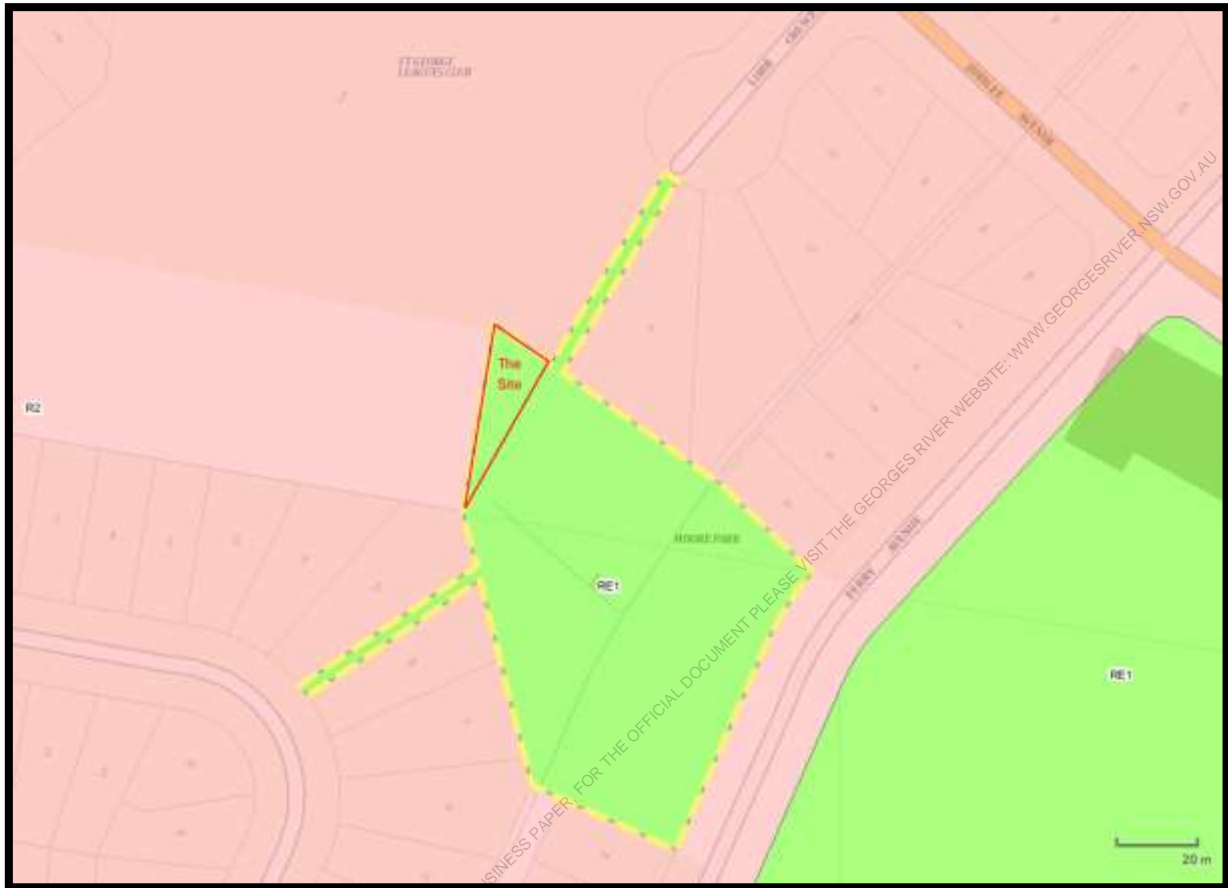


Figure 4: GRLEP Land Use Zoning Map (Source: NSW Planning Portal)

26. The RE1 Public Recreation Zone Land use table with the zone objective and permissible and prohibited uses are as follows:

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Environmental facilities; Environmental protection works

3 Permitted with consent

Aquaculture; Boat launching ramps; Centre-based child care facilities; Community facilities; Emergency services facilities; Information and education facilities; Jetties; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Water recreation structures; Water storage facilities

4 Prohibited

Any development not specified in item 2 or 3

PROJECT BACKGROUND

27. Georges River Council was approached in 2023 by the St George Leagues Club regarding their interest in acquiring a part of Moore Park to assist with the traffic flow associated with the existing leagues club car park.
28. Georges River Council considered the matter on 8 May 2023 and resolved that a further report be presented to Council 'outlining all costs, considerations payable and options in regard to the replacement of open space' (FIN021-23) (details are provided as an Appendix in the PP at **Attachment 1**).
29. A confidential report was considered by Council on 24 June 2024. The minutes indicate that Council resolved to proceed with the sale of the land as follows:
 - (a) *That Council note the legal advice from Council's General Counsel in relation to this matter (Attachment 3).*
 - (b) *That the General Manager, in accordance with Section 377(h) of the Local Government Act 1993, be authorised to execute the Contract for Sale, Transfer Document and all other documentation in this matter, to effect the disposal of part Lot 160 in DP19098, pursuant to the advice and terms provided within Attachment 4 of the report.*
 - (c) *That prior to disposal, the subject part of Lot 160 in DP19098 (being approximately 330 square metres as shown in Attachment 1) be reclassified from Community to Operational land and any costs associated with the reclassification process are reimbursed by the purchaser.*
 - (d) *That any monies derived from the proposed land sale be held in restricted reserve for the future embellishment or acquisition of public open space within any suburbs of the current Kogarah Bay Ward.*
 - (e) *That any monies derived from the proposed land sale be made public within the relevant public document, after settlement takes place.*
 - (f) *That owner's consent for any development application or planning proposal for Part Lot 160 in DP19098, does not form part of the Contract for Sale, noting that the sale will not fetter Council's discretionary powers as the local Consent Authority.*
 - (g) *That if the counter offer is not accepted, other options outlined in this report from the legal advice received is communicated to the St George Leagues Club.*
(details are provided as an Appendix in the PP at **Attachment 1**)

SITE HISTORY

30. Moore Park originally formed part of an approximate 4.04 hectare parcel of land that was resumed and vested in the Council of the Municipality of Kogarah by notification published in Government Gazette dated 13 August 1937 Folios 3302 to 3303 (details are provided as an Appendix in the PP, **Attachment 1**). The land was later subdivided to provide residential, commercial and recreational land uses.

ASSESSMENT OF THE PLANNING PROPOSAL

31. The following Tables are extracts of Section 5 of the PP, which provide a detailed assessment and justification of the strategic and site-specific merit of the PP. The Tables contain the 12 questions from the DPHI's Local Environmental Plan Making Guideline, dated August 2023, which outlines the matters for consideration when describing, evaluating and justifying a proposal.

Strategic Merit

Table 1: Section A – Need for the Planning Proposal

1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?
The planning proposal is not the direct result of a strategic study or report. It is a response to a Council resolution to dispose of part Lot 160 in DP 19098 (CCL027A-24 24 June 2024).
2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?
The site is currently classified as community land and therefore Georges River Council is not able to develop, sell, exchange or dispose of community land under the provisions of the <i>Local Government Act 1993</i> . Amending the Georges River LEP 2021 is the only means of reclassifying the land to enable Council to divest the land. A Planning Proposal is required to reclassify the land.

Table 2: Section B – Relationship to the Strategic Planning Framework

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

The Planning Proposal is consistent with the objectives and outcomes of the applicable strategic plans, as outlined below.

The Greater Sydney Regional Plan 2056 was published in March 2018 and sets out a vision, objectives, strategies and actions for a metropolis of three cities across Greater Sydney. The Plan outlines 10 overarching directions supported by 40 objectives which aim to provide interconnected infrastructure, productivity, liveability and sustainability benefits to all residents. The Planning Proposal’s consistency with the relevant objectives is discussed in the table below:

Objective number / ref	Topic / Theme	PP Consistency with the objective
Objective 1: <i>Infrastructure supports the three cities</i>	Infrastructure and collaboration	The strategy emphasises infrastructure investment to support local communities. The proposal supports the efficient use of land by reclassifying an underutilised portion of public open space for sale.
Objective 4: <i>Infrastructure use is optimised</i>	Infrastructure and collaboration	Reclassification of underutilised and poorly located open space will allow its sale, with the funds to be reinvested in the acquisition and/or embellishment of open space which better meets community needs in the eastern part of the LGA.

The South District Plan covers the Canterbury-Bankstown, Georges River and Sutherland Local Government Areas. It assists in informing local strategic planning statements and local environmental plans, and stems from the objectives of the Greater Sydney Region Plan. The table below provides a summary of the planning proposal’s consistency with the relevant District Plan priority.

Objective number / ref	Topic / Theme	PP Consistency with the objective
Planning priority S16: <i>'Delivering high quality open space'</i>	Sustainability	The site does not represent high quality open space. Reclassification to facilitate the sale of the land will have minimal impact on the overall provision of open space in the Georges River LGA. The proposal will have minimal effect of local resident's access to public open space as Spooner Park and Leighton Park are within 200m walking distance of Moore Park.

4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or another endorsed local strategy or strategic plan?

The Georges River Local Strategic Planning Statement 2040 aims to guide land use planning and the delivery of significant infrastructure for the Georges River LGA. The LSPS does not identify Moore Park as a priority open space.

The table below provides an overview of the LSPS planning priorities and the Planning Proposal's consistency with each priority.

Objective / Priority number / ref	Topic / Theme	PP Consistency with the priority / objective
P19. <i>Everyone has access to quality, clean, useable, passive and active open and green spaces and recreation places</i>	Environment and Open Space	The proposal to reclassify the land will not reduce access to open space as the land is a small portion of Moore Park. Ultimately, the reclassification will allow sale of the land which provide additional funds that will be reinvested into improving public open spaces within the LGA, benefiting the wider community.

The proposed reclassification is consistent with the Community Infrastructure Needs Assessment and Acquisition Area Strategy and Open Space, Recreation and Community Facilities Strategy 2019-2036. Reclassification will not reduce the local accessibility of open space. The land is not well located for colocation of other social infrastructure. Reclassification to facilitate its disposal aligns with the Open Space, Recreation and Community Facility Strategy's aim to maximise the utility of open spaces for broader benefits, including financial stability. Facilitating the sale will realise funds that can be strategically utilised to improve the utilisation of other open spaces.

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

There are no other relevant studies or strategies.

6. Is the planning proposal consistent with applicable SEPPs?

The proposal is consistent with all relevant state environmental planning policies (SEPPs). The following table outlines the intent of the relevant SEPPs and consistency of the Planning Proposal.

SEPP	Consistency	Assessment
SEPP (Biodiversity and Conservation) 2021	Consistent	The proposal does not involve any clearing of vegetation or works.
SEPP (Exempt and Complying Development Codes) 2008	Not applicable	Not applicable
SEPP (Housing) 2021	Not applicable	Not applicable
SEPP (Industry and Employment) 2021	Not applicable	Not applicable
SEPP (Planning Systems) 2021	Not applicable	Not applicable
SEPP (Precincts—Central River City) 2021	Not applicable	Not applicable
SEPP (Precincts—Eastern Harbour City) 2021	Consistent	The proposal does not contravene any clauses within the SEPP.
SEPP (Precincts—Regional) 2021	Not applicable	Not applicable
SEPP (Precincts—Western Parkland City) 2021	Not applicable	Not applicable
SEPP (Primary Production) 2021	Not applicable	Not applicable
SEPP (Resilience and Hazards) 2021	Not applicable	Not applicable
SEPP (Resources and Energy) 2021	Not applicable	Not applicable
SEPP (Sustainable Buildings) 2022	Not applicable	Not applicable
SEPP (Transport and Infrastructure) 2021	Not applicable	Not applicable

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

The planning proposal is consistent with the applicable Ministerial Directions as indicated in the table below:

Ministerial Direction	Consistency	Comments
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	Consistent	The proposal is consistent with the Greater Sydney Region Plan and South District Plan.
1.2 Development of the Aboriginal Land Council	N/A	The Planning Proposal is not on Aboriginal Land Council land.
1.3 Approval and Referral Requirements	Consistent	The Planning Proposal does not introduce new concurrence, consultation or referral provisions and is designated development.
1.4 Site Specific Provisions	N/A	No new site specific provision forms part the planning proposal.
1.4A Exclusion of Development Standards from Variation	N/A	No changes to development standards are proposed.

Focus Area 1: Planning Systems – Place Based		
1.5 Parramatta Road Corridor Urban Transformation Strategy	N/A	The site is not located in the Parramatta Road Corridor.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	The site is not located in the North West Priority Growth Area.
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	The site is not located in the Greater Parramatta Priority Growth Area.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	The site is not located in the Wilton Priority Growth Area.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	The site is not located in the Glenfield to Macarthur Urban Renewal Corridor.
1.10 Implementation of the Western Sydney Aerotropolis Plan	N/A	The site is not located in the area affected by the Western Sydney Aerotropolis Plan.
1.11 Implementation of Bayside West Precincts 2036 Plan	N/A	The site is not located in the Bayside West Precincts.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	The site is not located in the Cooks Cove Precinct.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	N/A	The site is not located in St Leonards and Crows Nest.
1.14 Implementation of Greater Macarthur 2040	N/A	The site is not located in Greater Macarthur.
1.15 Implementation of the Pyrmont Peninsula Place Strategy	N/A	The site is not located in Pyrmont Peninsula.
1.16 North West Rail Link Corridor Strategy	N/A	The site is not located in the North West Rail Link Corridor.
1.17 Implementation of the Bays West Place Strategy	N/A	The site is not located in Bays West.
1.18 Implementation of the Macquarie Park Innovation Precinct	N/A	The site is not located in Macquarie Park Innovation Precinct.
1.19 Implementation of the Westmead Place Strategy	N/A	The site is not located in Westmead.
1.20 Implementation of the Camellia-Rosehill Place Strategy	N/A	The site is not located in Camellia-Rosehill.
1.21 Implementation of South West Growth Area Structure Plan	N/A	The site is not located in the South West Growth Area.
1.22 Implementation of the Cherrybrook Station Place Strategy	N/A	The site is not located in the Cherrybrook Station Precinct.

Focus area 3: Biodiversity and Conservation		
3.1 Conservation Zones	N/A	The subject site is not within a conservation zone.
3.2 Heritage Conservation	N/A	The subject site does not contain any heritage items.
3.3 Sydney Drinking Water Catchments	N/A	The site is not within the Sydney Drinking Water Catchment.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	The site is not in the Far North Coast.
3.5 Recreation Vehicle Areas	N/A	The site is not identified as or around sensitive land where impacts from recreational vehicles could occur.
3.6 Strategic Conservation Planning	N/A	The site does not contain land that is identified as avoided land or a strategic conservation area.
3.7 Public Bushland	N/A	The site does not contain bushland.
3.8 Willandra Lakes Region	N/A	The site is not located in Willandra Lakes.
3.9 Sydney Harbour Foreshores and Waterways Area	N/A	The site is not located in the Sydney Harbor foreshore or waterway.
3.10 Water Catchment Protection	N/A	The site is not within a regulated catchment within the meaning of the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> .
Focus area 4: Resilience and Hazards		
4.1 Flooding	Consistent	The site is not mapped as being flood prone.
4.2 Coastal Management	N/A	The site is not identified as being in a coastal area.
4.3 Planning for Bushfire Protection	N/A.	The site is not mapped as bush fire prone land.
4.4 Remediation of Contaminated Land	Consistent	The land has history of use as open space and is not known to have been used for potentially contaminated uses.
4.5 Acid Sulfate Soils	Consistent	The Site is Class 5 ASS. The PP does not propose any earthworks on the site.
4.6 Mine Subsidence and Unstable Land	N/A	The Proposal is not subject to mine subsidence.
Focus area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	N/A	The PP does not have any significant implications for access or transport or integration of landuse and transport planning.
5.2 Reserving Land for Public Purposes	Consistent	Council will need to approve the reclassification and sale of the public open space land.

5.3 Development Near Regulated Airports and Defence Airfields	N/A	The site is not located near regulated airports or a defence airfield.
5.4 Shooting Ranges	N/A	The site is not located near or adjacent to a shooting range.
5.5 High Pressure Dangerous Goods Pipelines	N/A	The site is not located near high pressure dangerous goods pipelines.
Focus area 6: Housing		
6.1 Residential Zones	N/A	Residential development is not proposed on the land.
6.2 Caravan Parks and Manufactured Home Estates	N/A	The proposal does not involve any caravan or manufactured home estates.
Focus area 7: Industry and Employment		
7.1 Employment Zones	N/A	The site does not include any employment or business zones.
7.2 Reduction in non-hosted short-term rental accommodation period	N/A	The proposal does not include any non-hosted short-term rental accommodation.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	The site is not located along the Pacific Highway, North Coast.
Focus area 8: Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	N/A	There is no proposal to carry out any mining of production industries on the site.
Focus area 9: Primary Production		
9.1 Rural Zones	N/A	No rezoning is proposed.
9.2 Rural Lands	N/A	The site is not within any of the LGAs where the Planning Direction applies.
9.3 Oyster Aquaculture	N/A	No oyster aquaculture is proposed on the site.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	The site is not located on the Far North Coast.

Site-Specific Merit

Table 3: Section C – Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the Proposal?
The proposal does not apply to land that has been identified as containing critical habitats or threatened species, populations or ecological communities, or their habitats.
9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?
The planning proposal does not result in any direct environmental impacts. Any environmental impacts which may arise as a result of a future use or development by the St George Leagues Club would be assessed as part of that future development application process.

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

The social and economic considerations associated with this PP include the potential effect on:

- supply of public open space in the locality;
- public access to Moore Park and the pedestrian link connecting Lobb Crescent with Harslett Crescent through the Park;
- any covenant / interests on title to maintain the Site for public open space; and
- use of funds generated from the sale of the land.

We are satisfied that these potential issues are satisfactorily addressed by the PP and do not preclude the strategic and site specific merit of it.

Supply of public open space

The impact of the PP on the supply of public open space in the locality is considered not significant given that:

- Council's strategies do not identify a need for additional open space in this particular area; and
- the subject Site is a small isolated parcel of 305sq.m which divided by a path and fence from the rest of Moore Park with constrained access and limited capacity and useability for recreation.

Public access to Moore Park and through pedestrian link

The reclassification and disposal of the Site would not affect public access to Moore Park or through the adjacent pedestrian pathway between Lobb Crescent and Harslett Crescent. The Site as identified in the PP excludes the public pedestrian pathway adjoining it which would remain in place as a pedestrian connection between Lobb Crescent, Moore Park and Harslett Crescent.

Covenant / interests on title

The PP includes historical title information on the subject land in which it appears there is no covenant or other restriction or interest on the subject land title that restricts Council disposing of the Site.

Use of funds

Council resolved the following at its meeting on 24 June 2024 regarding the use of funds raised from the sale of part of Moore Park towards open space in the locality :

"that any monies derived from the proposed land sale be held in restricted reserve for the future embellishment or acquisition of public open space within any suburbs of the current Kogarah Bay Ward."

Table 7: Section D – Infrastructure (Local, State and Commonwealth)

11. Is there adequate public infrastructure for the Planning Proposal?

The proposed reclassification does not result in any increased demand for public infrastructure. Any increased demand resulting from the future use of the land by the Club (which is unlikely) will be assessed as part of a future development application process.

Table 8: Section E – State and Commonwealth Interests

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

No State or federal public authority or government agency has been consulted at this time, and it is unlikely any such agency would have an interest in this PP as there is no matter of State or regional significance in it.

Planning Secretary's Requirements Relating to the Reclassification of Land

32. Pursuant to Section 3.33 of the Environmental Planning and Assessment Act 1979, the Planning Secretary has issued requirements as to the specific matters that must be addressed in the justification of a planning proposal for the reclassification of land. The Local Environmental Plan Making Guideline sets out these requirements. These are addressed below:

<i>Is the planning proposal the result of a strategic study or report?</i>
The planning proposal is not the direct result of a strategic study or report. It is a response to a Council resolution to dispose of part Lot 160 in DP 19098 (CCL027A-24 24 June 2024).
<i>Is the planning proposal consistent with the council's community plan, or other local strategic plan?</i>
The planning proposal is not inconsistent with the intent of the Georges River Council Community Strategic Plan, Local Strategic Planning Statement 2040, Community Infrastructure Needs Assessment and Acquisition Area Strategy and Open Space, Recreation and Community Facilities Strategy as discussed in the PP.
<i>If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided</i>
There are no known easements or interests in the land.
<i>The concurrence of the landowner must be obtained, where the land is not owned by the PPA</i>
Council as PPA is the landowner of the site.
<i>The effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status</i>
The reclassification in the PP will not have any significant environmental or social effect as described above in Item 10 of Table 3 in this report.
<i>The strategic and site-specific merits of the reclassification and evidence to support this</i>
The strategic and site specific merits of the reclassification are mentioned above in this report in Tables 1, 2 and 3 .
<i>Does the planning proposal deliver a public benefit?</i>
The planning proposal will facilitate the sale of underutilised land. Funds derived from the sale will be utilised by Council for acquisition and/or embellishment of other public open space in the locality in accordance with the Council resolution at its meeting on 24 June 2024 which can provide a better community benefit on more useable public open space compared to the subject Site which is constrained for recreational use due its small size and isolated position.
<i>Have the implications for open space in the LGA in relation to current and future open space needs been considered and will there be a net gain to open space?</i>
The PP addresses the open space needs of the Local Government Area as identified in the Georges River Council Community Infrastructure Needs Assessment and the Area Acquisition Strategy, as well as the Open Space, Recreation, and Community Facilities Strategy. These documents highlight that open space provision in the LGA is comparable with the provision in nearby LGAs with the majority of residents enjoying relatively high level of accessibility to open space within a 400m walking catchment. The reclassification is to facilitate the sale of a small area of poorly located and underutilised open space, leading to a net loss of open space. To mitigate this, Georges River Council has resolved to designate the use of the funds generated from the disposal of the land to the acquisition or enhancement of open spaces within the locality.

How funds obtained from any future sale of the land will be used

Georges River Council resolved on Monday 24 June 2024 (CCL027A-24):
“that any monies derived from the proposed land sale be held in restricted reserve for the future embellishment or acquisition of public open space within any suburbs of the current Kogarah Bay Ward.

Funds obtained from the sale will therefore be used to increase the supply or quality of public open space in the locality.

How council will ensure funds remain available to fund proposed open space sites or improvement referred to in justifying the reclassification, if relevant

The funds will be held in restricted reserve for the future embellishment or acquisition of public open space in accordance with the Council resolution of 24 June 2024 (CCL027A-024).

Summary of Assessment/Conclusion

33. The Planning Proposal (PP) seeks to amend the GRLEP to reclassify a portion of Moore Park, specifically part Lot 160 in DP 19098, from ‘community’ to ‘operational’ land to allow its sale to the adjoining St George Leagues Club. The PP is driven by a Council resolution (CCL027A-24 dated 24 June 2024) to dispose of this underutilised land.
34. The PP focuses solely on the land’s reclassification and does not propose changes to the built form or other zoning provisions that would impact the surrounding area or land use. The reclassification will facilitate the sale of the land, with funds being reinvested into the enhancement or acquisition of open spaces within the local government area (LGA).
35. The PP meets both the strategic and site-specific merit tests that are outlined in the DPHI’s *Local Environmental Plan Making Guideline dated August 2023*.
36. In terms of strategic merit, the proposal is:
 - Consistent with the objectives of the *Greater Sydney Region Plan 2056*, particularly Objective 1 (Infrastructure supports the three cities) and Objective 4 (Infrastructure use is optimised), as the reclassification allows for the sale of underutilised public space, facilitating reinvestment in more accessible open space;
 - Consistent with the *South District Plan*, specifically Priority S16, which aims to deliver high-quality open space, with the proposal ensuring that the sale of the land has minimal impact on overall open space provision in the LGA;
 - Consistent with the *Georges River Local Strategic Planning Statement 2040*, specifically Priority P19, which focuses on maintaining and improving access to quality, usable open spaces for the community;
 - Consistent with the *Community Infrastructure Needs Assessment and Acquisition Area Strategy*, as reclassification will not reduce the local accessibility of open space;
 - Aligns with the *Open Space, Recreation, and Community Facilities Strategy 2019-2036*, as it aims to maximise the utility of open spaces for broader benefits, including financial stability;
 - Consistent with all relevant state environmental planning policies (SEPPs);
 - Consistent with the applicable Ministerial Directions.
37. In terms of site-specific merit, the proposal:
 - focuses only on land reclassification, with no changes to built form or development standards that could affect the surrounding area;
 - seeks to dispose of a small, underutilised portion of Moore Park (approximately 305m²), which is poorly located and has limited accessibility

- has minimal social effect and environmental impact;
 - will not adversely affect any critical habitats or threatened species, populations, or ecological communities;
 - will not create additional demand on public infrastructure;
 - is to be implemented in a way that ensures the future sale proceeds from the Site are directed towards improving other open spaces within the locality.
38. In summary, the proposed reclassification of part Lot 160 in DP 19098 will facilitate the sale of an underutilised section of Moore Park, allowing the funds to be reinvested in enhancing other public open spaces within the Kogarah Bay Ward. The proposal aligns with strategic planning priorities, and no significant environmental or social impacts are anticipated. The PP is a logical and beneficial proposal that is consistent with broader strategic goals of enhancing public open spaces in the Georges River LGA. It is recommended that the GRLPP support the LEP amendment to reclassify the Site to operational land and to forward the proposal to the DPHI for a Gateway Determination.
39. Any future development proposal on the Site for the purposes of St George Leagues Club (currently prohibited in the RE1 Zone) will need to be the subject of a future PP and DA (other than exempt development or other development permissible without consent).
40. Council accepts retaining the voluntary acquisition obligation over the Site associated with the RE1 Zone applying to the Site.

Maps

41. The PP for reclassification has no proposed changes to the maps in *Georges River Local Environmental Plan 2021*.

Community Consultation

42. Should the PP be supported, it will be forwarded to the delegate of the Minister for Planning, requesting a Gateway Determination.
43. If a Gateway Determination (Approval) is issued, and subject to its conditions, it is anticipated the PP will be exhibited for a period of 28 days in accordance with Council's Community Participation Plan and any requirements of the Gateway determination.
44. As the Planning Proposal is seeking the reclassification of public land from the 'community' to 'operational' land, a public hearing will also be required in accordance with Section 29 of the LG Act and Section 57 of the Environmental Planning & Assessment (EP&A) Act 1979.
45. Exhibition material, including explanatory information, land to which the PP applies, a description of the objectives and intended outcomes, a copy of the PP and relevant supporting documents will be available for viewing during the exhibition period on Council's website and hard copies available at Council offices and libraries.
46. Notification of the public exhibition will be through:
- Newspaper advertisement in The St George and Sutherland Shire Leader;
 - Exhibition notice on Council's website;
 - Notices in Council offices and libraries; and
 - Letters to adjoining landowners (as per Council's Notification Procedures).

47. Notification to State and Commonwealth Government agencies are not likely to be required in the Gateway Determination. This will be confirmed in the Gateway Determination.
48. The project timeframe will depend on the Gateway Determination date and the required public exhibition period based on the different planning proposal categories. The indicative timeline in **Table 9** is based on a standard planning proposal with a public exhibition period of 28 working days.
49. It is noted that the project timeline will be assessed by the DPHI and may be amended by the Gateway Determination.

Project Timeline

50. The expected timeframes for each stage are summarised in the following table.

Table 9: Indicative Timeline

Stage	Timeframe/date
Lodgement of the Planning Proposal	22 November 2024
Consideration by Council	December 2024 – June 2025
Local Planning Panel	3 July 2025
Report to Council for decision to proceed and Issue to DPHI for Gateway Determination	25 August 2025
Gateway determination	October 2025 (Subject to the DPHI)
Post Gateway / Pre-exhibition	October 2025 (Subject to the DPHI)
Public exhibition and Public Hearing period	October to November 2025
Consideration of submissions and PP review	November 2025
Report to Council on approving finalisation of PP.	December 2025
Gazettal of LEP amendment	January 2026 (Subject to the DPHI)


Voluntary Planning Agreement

51. Council's Voluntary Planning Agreement (VPA) Policy, adopted on 1 August 2016, does not apply to this reclassification of land.

Next Steps

52. The PP will be presented at a future Environment and Planning Committee meeting for consideration, including the LPP recommendations. The minutes of the Environment and Planning Committee meeting will subsequently be considered at a future Council meeting. If the Planning Proposal is endorsed by Council, it will be forwarded to the DPHI for a Gateway Determination under Section 3.34 of the EP&A Act.
53. Following a Gateway Determination, a statutory public exhibition period and public hearing on the proposal will be undertaken, after which the proposal will be reported back to Council for approval to be finalised and sent to DPHI for finalisation and gazettal.

ATTACHMENTS

Attachment [↓](#) 1  Planning Proposal for the reclassification of part of Moore Park, Beverley Park

LPP020-25

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Reclassification of part of Moore Park, Beverley Park Part of 160/DP19098

Prepared for
Georges River Council

NOVEMBER 2024

MECONE.COM.AU



Mecone acknowledges the Traditional Custodians of the land on where this project is undertaken and across the Mecone offices that this report is prepared, paying respect to the Elders past and present. We recognise the ongoing connection of Aboriginal and Torres Strait Islander peoples to land, waters, and culture.



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Revision	Revision date	Status	Authorised: Name & Signature	
1	10 October	Draft	Chris Shannon	
	11 November	Final for lodgement	Chris Shannon	

* This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.

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Executive Summary

Introduction

This Planning Proposal has been prepared by Mecone Group Pty Ltd (**Mecone**) on behalf of Georges River Council in relation to land forming part of Moore Park, Beverley Park. This planning proposal seeks an amendment to Georges River Local Environmental Plan 2021. It satisfies the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and aligns with NSW Department of Planning Housing and Infrastructure (**DPHI**) *Local Environmental Plan Making Guideline* dated August 2023 (the **Guidelines**).

The Site

The Moore Park Reserve is legally defined as Lot 160 in DP 19098 (22AFerry Avenue Beverley Park NSW 2217, also referred to by Georges River Council as 33 Lobb Cres, Beverley Park NSW 2217). The reserve includes public open space and an off leash dog-park. The subject site is a portion of open space to the rear of Moore Park as identified in **Figure 1** below.

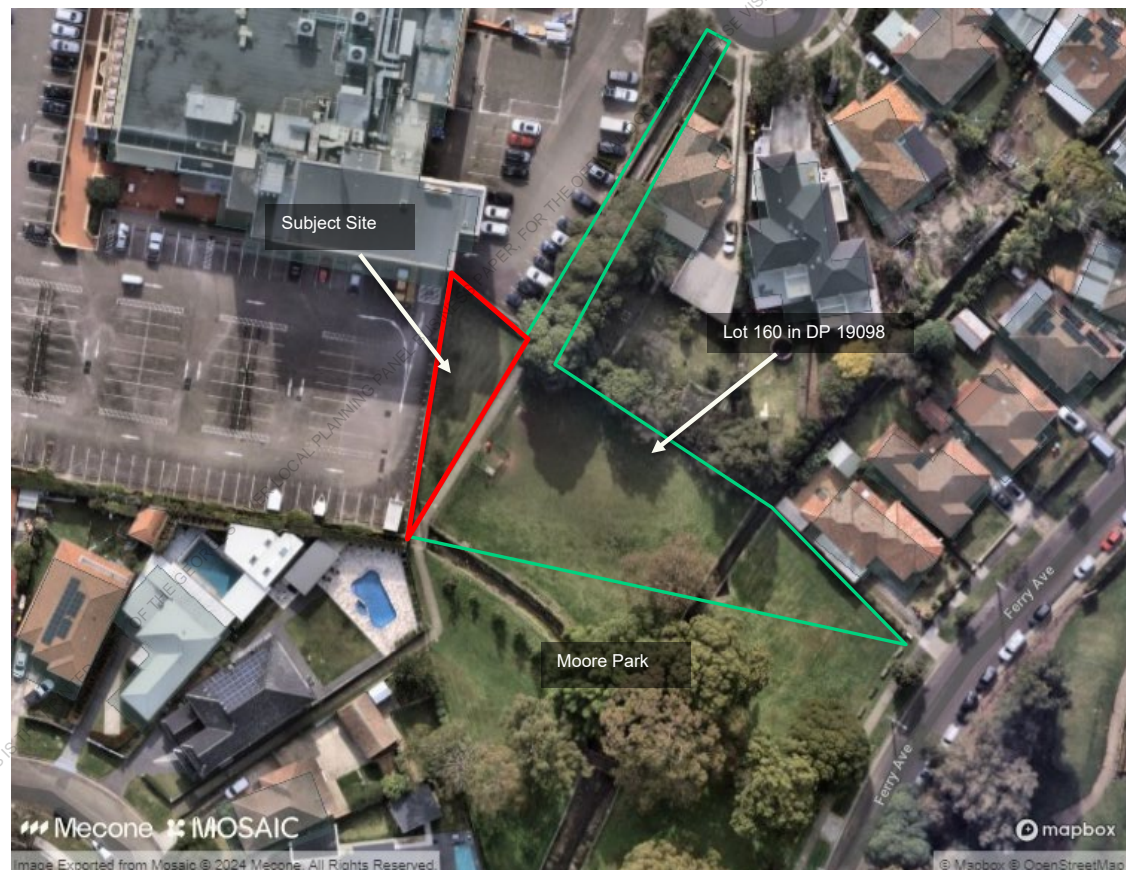


Figure 1: Subject Site Aerial

Source: Mecone Mosaic dated 18/09/2024



The proposal

The planning proposal seeks to reclassify the subject site in the northern portion of Moore Park from 'community land' to 'operational land' under the *Local Government Act 1993*.

Rationale for the proposed changes to the planning controls

The subject land is currently owned by Georges River Council. St Georges Leagues Club has expressed an interest in purchasing the subject land that borders the club for the purpose of providing access around the existing Leagues Club building. Council has resolved to sell the land. As the land is classified as 'community land' pursuant to Section 45 of the *Local Government Act 1993*, Council cannot sell or dispose of the land. Reclassification to 'operational land' is required to allow the Council to sell the land.

Strategic Merit

The proposal does not respond directly to any strategic directions or objectives in State or local strategic plans. However, it is not inconsistent with any of the strategic objectives of the plans relevant to the site, including the Metropolis of Three Cities: Greater Sydney Region Plan, South District Plan, Georges River Local Strategic Planning Statement 2040, Community Infrastructure Needs Assessment and Acquisition Area Strategy, and Open Space, Recreation and Community Facilities Strategy. The relevant objectives are outlined below.

A Metropolis of Three Cities: The Greater Sydney Region Plan

- Section 3: Infrastructure and Collaboration
 - Objective 1: Infrastructure supports the three cities
 - Objective 4: Infrastructure use is optimised.

Reclassification will facilitate the sale of poorly located and underutilised public open space, with the funds raised to be reinvested in the acquisition and/or embellishment of open space which better meets community needs in the Georges River LGA.

South District Plan

- Planning Priority S4: Delivering High Quality Open Space

The subject site is not embellished and forms an isolated corner of a larger open space. The reclassification to facilitate the sale of the land will have minimal impact on the overall provision of high quality open space in the District.

Georges River Local Strategic Planning Statement 2040

The Georges River Local Strategic Planning Statement 2040 aims to guide land use planning and the delivery of significant infrastructure for the Georges River LGA. The LSPS does not identify Moore Park as a priority open space.

Community Infrastructure Needs Assessment and Acquisition Area Strategy

This strategy prioritises the provision of sporting fields to meet community needs. The level of public open space provision in the Georges River LGA is comparable with the rate provided in nearby LGAs. The proposed reclassification will have no impact on the provision of public open space in the LGA. Residents who reside within proximity to the park will not be disadvantaged through reduced accessibility to public open space.



Open Space, Recreation and Community Facilities Strategy 2019- 2036

One of the key objectives of the strategy is to make the most efficient use of underutilised open spaces. The strategy aims to maximise the utility of open spaces for broader benefits, such as financial stability. The proposed reclassification will facilitate the sale of poorly located public open space, with the funds to be realised to be reinvested into improving the quality of public open space in the LGA.

The proposed reclassification is consistent with all relevant state environmental planning policies and Local Planning Directions.

Site Specific Merit

The proposed reclassification will not have any direct environmental impacts. The land is not identified as containing critical habitats or threatened species, populations or ecological communities, or their habitats.

The area of land subject to the proposal has limited accessibility and passive surveillance and is underutilised as public open space due to its location away from the main extent of Moore Park. The land is a grassed area with no embellishment. The land currently provides minimal benefit to the community.

Conclusion

Reclassification of the identified part of Moore Park from 'community land' to 'operational land' will facilitate the sale of the land by Council to St George Leagues Club. The funds from the use of the sale will be used to acquire and/or embellish public open space in the Kogarah Bay Ward within Georges River LGA. In the long term, this will provide a greater public benefit than retention of a portion of public open space that offers limited amenity to the community.

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1 Introduction

This Planning Proposal has been prepared by Mecone Group Pty Ltd on behalf of Georges River Council to support an amendment to the Georges River Local Environmental Plan 2021.

1.1 Planning Proposal overview

The planning proposal seeks to reclassify a portion of land forming part of Moore Park, Beverley Park from Community land to Operational land under the *Local Government Act 1993* to allow the sale of the land.

1.2 Project background

Georges River Council was approached in 2023 by the St George Leagues Club regarding their interest in acquiring a part of Moore Park to assist with the traffic flow associated with the existing leagues club car park.

Georges River Council considered the matter on 8 May 2023 and resolved that a further report be presented to Council '*outlining all costs, considerations payable and options in regard to the replacement of open space*' (FIN021-23) (Appendix A).

A confidential report was considered by Council on 24 June 2024. The minutes indicate that Council resolved to proceed with the sale of the land as follows:

- (a) That Council note the legal advice from Council's General Counsel in relation to this matter (Attachment 3).
- (b) That the General Manager, in accordance with Section 377(h) of the Local Government Act 1993, be authorised to execute the Contract for Sale, Transfer Document and all other documentation in this matter, to effect the disposal of part Lot 160 in DP19098, pursuant to the advice and terms provided within Attachment 4 of the report.
- (c) That prior to disposal, the subject part of Lot 160 in DP19098 (being approximately 330 square metres as shown in Attachment 1) be reclassified from Community to Operational land and any costs associated with the reclassification process are reimbursed by the purchaser.
- (d) That any monies derived from the proposed land sale be held in restricted reserve for the future embellishment or acquisition of public open space within any suburbs of the current Kogarah Bay Ward.
- (e) That any monies derived from the proposed land sale be made public within the relevant public document, after settlement takes place.
- (f) That owner's consent for any development application or planning proposal for Part Lot 160 in DP19098, does not form part of the Contract for Sale, noting that the sale will not fetter Council's discretionary powers as the local Consent Authority.
- (g) That if the counter offer is not accepted, other options outlined in this report from the legal advice received is communicated to the St George Leagues Club.

(CCL027A-24 – see Appendix B)



1.3 Report structure

The Planning Proposal has been prepared in accordance with:

- Section 3.33 of the Environmental Planning and Assessment Act 1979 (**EP&A Act**); and
- The NSW Department of Planning Housing and Infrastructure (**DPHI**) Local Environmental Plan Making Guideline dated August 2023 (the **Guidelines**)
- Planning Practice Note PN16-001 Classification and reclassification of public land through a local environmental plan.

Specifically, the planning proposal includes the following information:

- A description of the land to be reclassified and its context
- A statement of the objectives or intended outcomes of the proposed changes to the instrument
- An explanation of the provisions that are to be included in the instrument
- The justification for those provisions and the process for their implementation including:
 - whether the proposed instrument will comply with relevant directions under Section 9.1 of the EP&A Act
 - the relationship to the strategic planning framework
 - environmental, social and economic impacts
 - any relevant State and Commonwealth interests
 - details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.
- Details to address the Planning Secretary's requirements for reclassification of public land.

The Planning Proposal Report is accompanied by the list of Appendices in the Table of Contents.

2 Site description

2.1 The Site

The site is legally described as Part of Lot 160 DP 19098 and is referred to by Georges River Council as 33 Lobb Crescent, Beverley Park. The site forms part of Moore Park.

Moore Park includes a fenced dog park, as well as green public open space containing scattered trees that face the streets on Ferry Avenue. The park adjoins residential dwellings to either side and the St George Leagues Club to the North.

The land to be reclassified is located in the north-west portion of the Moore Park, immediately adjacent to St Georges Leagues Club. It is accessed via a footpath that runs between Lobb Crescent and Harslett Crescent. It is separated from the remainder of Moore Park by the enclosed dog park and open stormwater culverts.

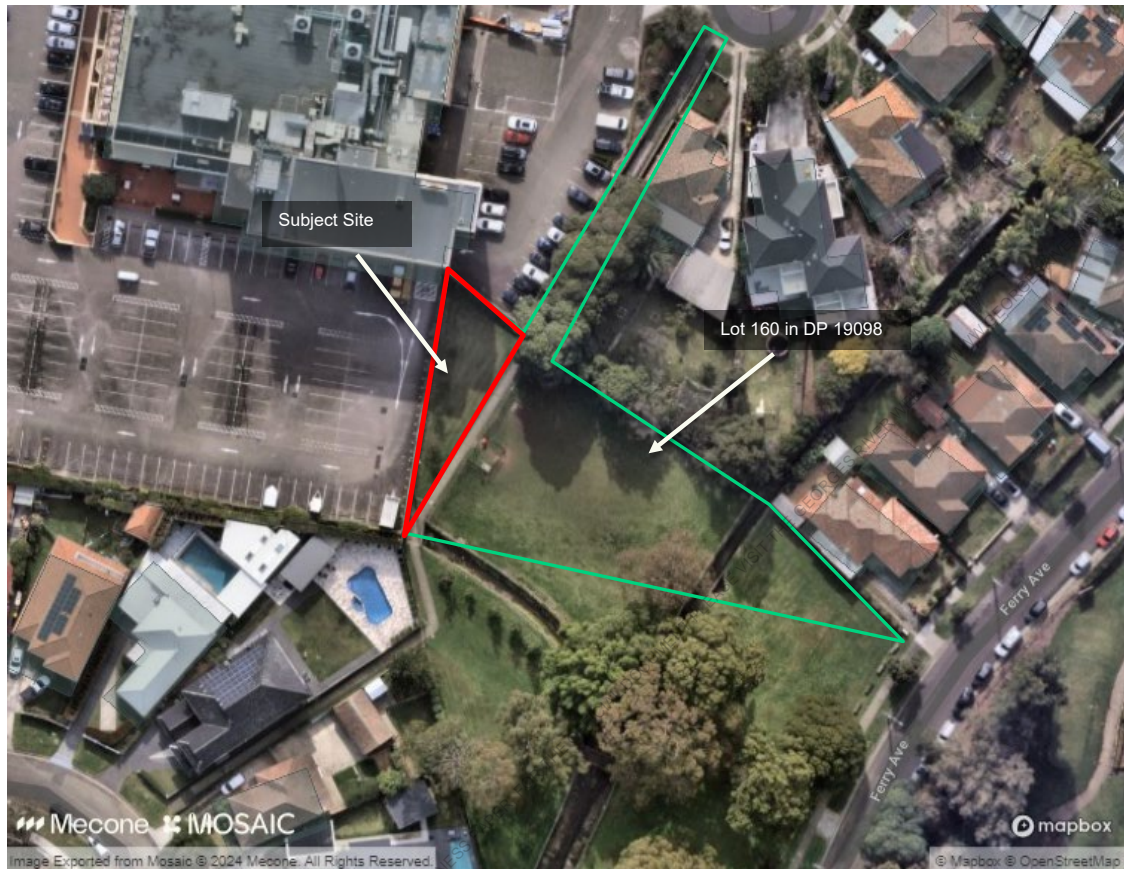


Figure 2: Subject Site Aerial

Source: Mecone Mosaic dated 18/09/2024

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Figure 3: View from Ferry Avenue, Beverley Park

Source: Google Maps

Table 1: Summary of Key Features

Item	Description
Address	22A Ferry Avenue, Beverley Park.
Legal Description	Part of Lot 160 DP 19098
Total area to be reclassified	305m ² (by survey – see Appendix C)
Description of the land to be reclassified	The triangular shaped land is located in the north-west portion of Moore Park. A footpath runs along the eastern side of the land. St George Leagues Club adjoins the land on the northern and western sides.
Topography	The land is flat and contains minimal vegetation.
Local Context	The majority of surrounding development comprises low-density residential. Moore Park contains a fenced dog park, as well as open green space with scattered trees that faces the streetscape on Ferry Avenue. Moore Park is located 120m from Spooner Park, and across the road from a privately owned golf course.
Surrounding uses and development	<p>North: St Georges Leagues Club is located to the north of the site.</p> <p>East: Land to the north-east is residentially zoned land, characterised by one and two-storey single dwellings. Immediately east of the land proposed to be reclassified is Moore Park, which includes a dog park and passive recreation space.</p>



Item	Description
	<p>West: The parking area of St Georges Leagues Club is immediately adjacent to the land to be reclassified.</p> <p>South: Land to the south is public open space, being part of Moore Park and one and two storey single dwellings.</p>
Access	The land is accessed by a pedestrian pathway linking Lobb Crescent and Harslett Crescent. There is no vehicular access to the site.

Moore Park is located within Beverly Park, in the eastern part of the Georges River LGA. Carlton Train Station is just over a 1km walking distance to the north. Residential development dominates the area, with some commercial and retail along Princes Highway. A large privately owned golf-course sits directly opposite the Moore Park.



Figure 4: Local context diagram

Source: Mecone/Mosaic (dated 29 September 2024)



2.2 Site history

Moore Park originally formed part of an approximate 4.04 hectare parcel of land that was resumed and vested in the Council of the Municipality of Kogarah by notification published in Government Gazette dated 13 August 1937 Folios 3302 to 3303 (see Appendix D). The land was later subdivided to provide residential, commercial and recreational land uses. Previous plans are displayed in **Figure 5 and 6** below.

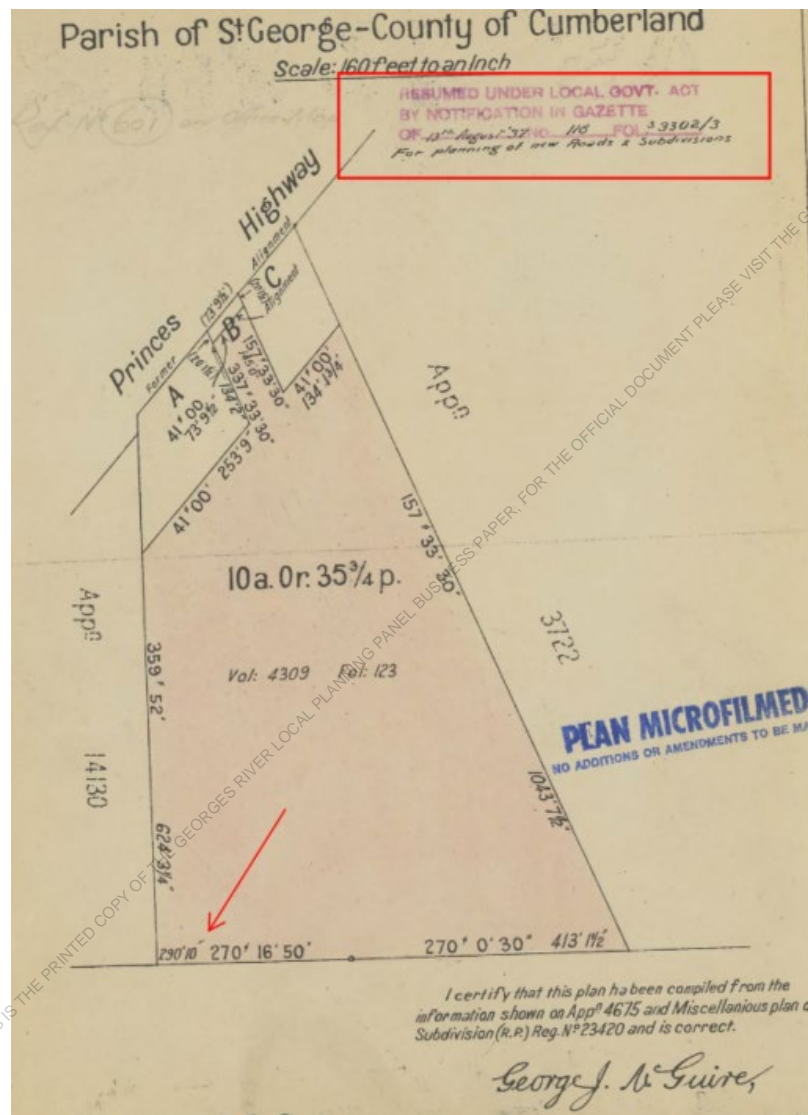


Figure 5: Plan dated 19 February 1937

Source: InfoTrack



Figure 6: Deposited Plan dated 22 December 1939

Source: InfoTrack

2.3 Planning Context

2.3.1 A Metropolis of Three Cities – The Greater Sydney Region Plan

The Greater Sydney Region Plan: A Metropolis of Three Cities (2018) aims to provide cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The proposal is consistent with objectives within the Greater Sydney Region Plan, notably within *Section 3: Infrastructure and Collaboration*. The planning proposal to reclassify the land aligns with *Objective 1: Infrastructure supports the three cities*, specifically Strategy 1.1 which prioritises infrastructure investments to support the vision of the three cities and *Objective 4: Infrastructure use is optimised*, which aims to increase infrastructure capacity to better support the community.

2.3.2 South District Plan

Greater Sydney's three cities reach across five districts, one of which being the South District in which Georges River Council is located. South District Plan *Planning Priority S4: Delivering High Quality Open Space* acknowledges that greater emphasis is needed on improving the quality and distribution of open space. Although reclassification of the land will facilitate its sale, this land is poorly located, not embellished and the sale will have minimal impact on the overall provision of public open space in the area. The district comprises of 42% of open space, provided including local parks, including National Parks, reserves and beaches. Almost 98% of the district's residents live within 400m of open space.



2.3.3 Working together for a better future – Community Strategic Plan 2022-2032

The Community Strategic Plan 2022-2032 represents the ambitions and expectations for the local government area (LGA) for the 10 years to 2032. It comprises six pillars, each with a range of goals. Pillar 4: Our built environment includes *Goal 4.4: Everyone has access to quality parks and open space and active and passive recreation facilities.*

2.3.4 Georges River Local Strategic Planning Statement 2040

The Georges River Local Strategic Planning Statement 2040 (**LSPS**) sets out the 20-year vision for land use in the LGA, special characteristics that contribute to the area, shared community values and how growth and change will be managed into the future. The plan recognises that most public open space in the LGA is of good quality and mostly accessible to the community. The LSPS identifies that the priority for open space is to acquire land to deliver an additional 7.6 ha of open space in identified locations. The area surrounding Moore Park is not identified as a priority for public open space, as shown in **Figure 5** below.



Figure 7: Open Space and Waterways Structure Plan

Source: Georges River Local Strategic Planning Statement 2040



2.3.5 Community Infrastructure Needs Assessment and Acquisition Area Strategy

The Community Infrastructure Needs Assessment and Acquisition Area Strategy (2023) provides strategic guidance around public open space and the provision of community facilities. In terms of open space, the strategy focuses on the provision of sporting fields as a priority.

The strategy reports that in Georges River LGA, open space is provided at a rate of 2.7 hectares per 1,000 residents, comparable to nearby LGA's, with the large majority of people within a 400m walking catchment of existing open space.

2.3.6 Open Space, Recreation and Community Facilities Strategy 2019- 2036

The Open Space, Recreation and Community Facilities Strategy 2019-2036 provides a high-level direction for community facilities in the Georges River area.

The strategy references the Australian Government's *Sport 2030 – National Sport Plan* to emphasise the importance of strengthening the country's sporting industry through the provision of sporting fields. The strategy recognises libraries, community centres and cultural facilities as social infrastructure that play an important role in enhancing public open space, with a key objective to make the most efficient use of underutilised open spaces.

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3 Statutory planning framework

3.1 Existing planning controls under Georges River Local Environmental Plan 2021

3.1.1 Zoning

The site is zoned RE1 Public Recreation.

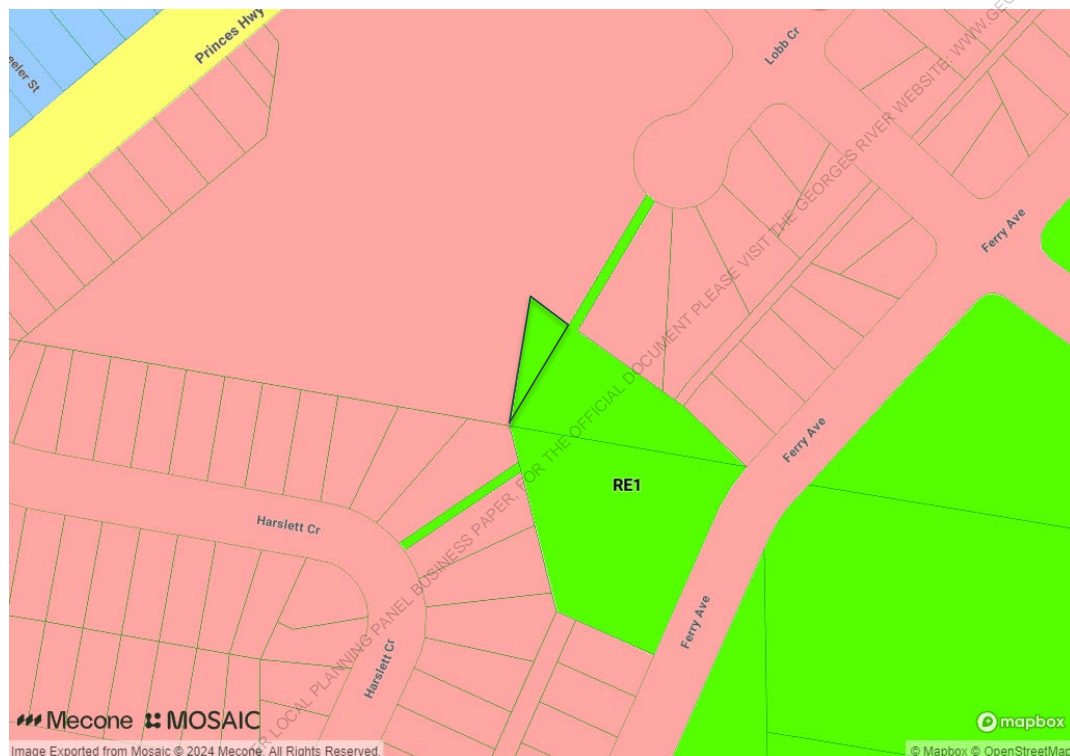


Figure 8: Zoning

Source: Mecone Mosaic

3.1.2 Building height

The site has no mapped maximum building height.

3.1.3 Floor space ratio

The site has no mapped floor space ratio.

3.1.4 Minimum lot size

The site has no mapped minimum lot size.



4 The proposal

4.1 Part 1 – Objectives and intended outcomes

4.1.1 Objectives

The key objective of the PP is to reclassify a portion of land owned by Georges River Council and forming part of Moore Park, Beverley Park from Community Land to Operational Land.

4.1.2 Intended outcomes

The intended outcome of this planning proposal is to enable the sale of the land to St Georges Leagues Club.

The planning proposal does not include any change to existing zoning and development standards that apply to the subject land. The land will remain zoned RE1 Public Recreation.

4.2 Part 2 – Explanation of the provisions

The Planning Proposal seeks to achieve the intended outcomes outlined under Section 4.1 (Part 1) above through an amendment to Schedule 4 Classification and reclassification of public land to insert the following into Part 1 of that Schedule:

Part 1 – Land classified, or reclassified, as operational land – no interests changed

Column 1	Column 2
Locality	Description
Beverley Park	Part of Lot 160 DP 19098



5 Part 3 - Justification of strategic and site – specific merit

This section provides an assessment of the proposal's strategic and site-specific merit, the environmental, social and economic impact of the proposed change and outlines any State and Commonwealth interests.

5.1 Strategic merit

The proposal does not respond directly to any strategic directions or objectives in State or local strategic plans. However, it is not inconsistent with any of the strategic objectives of the plans relevant to the site.

5.1.1 Section A – Need for the planning proposal

Q1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The planning proposal is not the direct result of a strategic study or report. It is a response to a Council resolution to dispose of part Lot 160 in DP 19098 (CCL027A-24 24 June 2024).

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The site is currently classified as community land and therefore Georges River Council is not able to develop, sell, exchange or dispose of community land under the provisions of the *Local Government Act 1993*. Amending the Georges River LEP 2021 is the only means of reclassifying the land to enable Council to divest the land. A Planning Proposal is required to reclassify the land.

5.1.2 Section B – Relationship to the strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plan or strategies)?

The Planning Proposal is consistent with the objectives and outcomes of the applicable strategic plans, as outlined below.

The Greater Sydney Regional Plan 2056 was published in March 2018 and sets out a vision, objectives, strategies and actions for a metropolis of three cities across Greater Sydney. The Plan outlines 10 overarching directions supported by 40 objectives which aim to provide interconnected infrastructure, productivity, liveability and sustainability benefits to all residents. The Planning Proposal's consistency with the relevant objectives is discussed in the table below:

**Table 2: Consistency with the Greater Sydney Regional Plan**

Objective number / ref	Topic / Theme	PP Consistency with the objective
Objective 1: <i>Infrastructure supports the three cities</i>	Infrastructure and collaboration	The strategy emphasizes infrastructure investment to support local communities. The proposal supports the efficient use of land by reclassifying an underutilised portion of public open space for sale.
Objective 4: <i>Infrastructure use is optimised</i>	Infrastructure and collaboration	Reclassification of underutilised and poorly located open space will allow its sale, with the funds to be reinvested in the acquisition and/or embellishment of open space which better meets community needs in the eastern part of the LGA.

The South District Plan covers the Canterbury-Bankstown, Georges River and Sutherland Local Government Areas. It assists in informing local strategic planning statements and local environmental plans, and stems from the objectives of the Greater Sydney Region Plan. The table below provides a summary of the planning proposal's consistency with the relevant District Plan priority.

Table 3: Consistency with the South District Plan

Objective number / ref	Topic / Theme	PP Consistency with the objective
Planning priority S16: <i>'Delivering high quality open space'</i>	Sustainability	The site does not represent high quality open space. Reclassification to facilitate the sale of the land will have minimal impact on the overall provision of open space in the Georges River LGA. The proposal will have minimal effect of local resident's access to public open space as Spooner Park and Leighton Park are within 200m walking distance of Moore Park.

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or another endorsed local strategy or strategic plan?

The Georges River Local Strategic Planning Statement 2040 aims to guide land use planning and the delivery of significant infrastructure for the Georges River LGA. The LSPS does not identify Moore Park as a priority open space.

Table 4 provides an overview of the LSPS planning priorities and the Planning Proposal's consistency with each priority.

Table 4: Consistency with the Georges River LSPS

Objective / Priority number / ref	Topic / Theme	PP Consistency with the priority / objective
P19. <i>Everyone has access to quality, clean, useable, passive and active open and green spaces and recreation places</i>	Environment and Open Space	The proposal to reclassify the land will not reduce access to open space as the land is a small portion of Moore Park. Ultimately, the reclassification will allow sale of the land which provide additional funds that will be reinvested into improving public open spaces within the LGA, benefiting the wider community.



The proposed reclassification is consistent with the Community Infrastructure Needs Assessment and Acquisition Area Strategy and Open Space, Recreation and Community Facilities Strategy 2019-2036. Reclassification will not reduce the local accessibility of open space. The land is not well located for co-location of other social infrastructure. Reclassification to facilitate its disposal aligns with the Open Space, Recreation and Community Facility Strategy's aim to maximise the utility of open spaces for broader benefits, including financial stability. Facilitating the sale will realise funds that can be strategically utilised to improve the utilisation of other open spaces.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

There are no other relevant studies or strategies.

Q6. Is the planning proposal consistent with applicable SEPP's?

The proposal is consistent with all relevant state environmental planning policies (SEPPs). The following table outlines the intent of the relevant SEPPs and consistency of the Planning Proposal.

Table 5: Consistency with State Environmental Planning Policies

SEPP	Consistency	Assessment
SEPP (Biodiversity and Conservation) 2021	Consistent	The proposal does not involve the clearing of any vegetation on the site.
SEPP (Exempt and Complying Development Codes) 2008	Not applicable	Not applicable
SEPP (Housing) 2021	Not applicable	Not applicable
SEPP (Industry and Employment) 2021	Not applicable	Not applicable
SEPP (Planning Systems) 2021	Not applicable	Not applicable
SEPP (Precincts – Central River City) 2021	Not applicable	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	Consistent	The proposal does not contravene any clauses within the SEPP.
SEPP (Precincts – Regional) 2021	Not applicable	Not applicable
SEPP (Precincts – Western Parkland City) 2021	Not applicable	Not applicable
SEPP (Primary Production) 2021	Not applicable	Not applicable
SEPP (Resilience and Hazards) 2021	Not applicable	Not applicable
SEPP (Resources and Energy) 2021	Not applicable	Not applicable
SEPP (Sustainable Buildings) 2022	Not applicable	Not applicable
SEPP (Transport and Infrastructure) 2021	Not applicable	Not applicable

Q7. Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The planning proposal is consistent with the applicable Ministerial Directions as indicated in Table 6.



Table 6: Consistency with Ministerial Directions

Ministerial Direction	Consistent?	Comments
Focus area 1: Planning Systems		
1.1 Implementation of Regional Plans	Consistent	The proposal is consistent with the Greater Sydney Region Plan and South District Plan.
1.2 Development of Aboriginal Land Council land	Not applicable	The Planning Proposal is not on Aboriginal Land Council land
1.3 Approval and Referral Requirements	Consistent	The Planning Proposal does not introduce new concurrence, consultation or referral provisions and is designated development.
1.4 Site Specific Provisions	Not applicable	No development or rezoning of the site forms part the planning proposal.
1.4A Exclusion of Development Standards from Variation	Not applicable	No changes to development standards are proposed
Focus area 1: Planning Systems – Place-based		
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not applicable	The site is not located in the Parramatta Road Corridor
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable	The site is not located in the North West Priority Growth Area
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable	The site is not located in the Greater Parramatta Priority Growth Area
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable	The site is not located in the Wilton Priority Growth Area
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable	The site is not located in the Glenfield to Macarthur Urban Renewal Corridor
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not applicable	The site is not located in the area affected by the Western Sydney Aerotropolis Plan
1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable	The site is not located in the Bayside West Precincts
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable	The site is not located in the Cooks Cove Precinct
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable	The site is not located in St Leonards and Crows Nest
1.14 Implementation of Greater Macarthur 2040	Not applicable	The site is not located in Greater Macarthur
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable	The site is not located in Pyrmont Peninsula
1.16 North West Rail Link Corridor Strategy	Not applicable	The site is not located in the North West Rail Link Corridor



Ministerial Direction	Consistent?	Comments
1.17 Implementation of the Bays West Place Strategy	Not applicable	The site is not located in Bays West
1.18 Implementation of the Macquarie Park Innovation Precinct	Not applicable	The site is not located in Macquarie Park Innovation Precinct
1.19 Implementation of the Westmead Place Strategy	Not applicable	The site is not located in Westmead
1.20 Implementation of the Camellia-Rosehill Place Strategy	Not applicable	The site is not located in Camellia-Rosehill
1.21 Implementation of South West Growth Area Structure Plan	Not applicable	The site is not located in the South West Growth Area
1.22 Implementation of the Cherrybrook Station Place Strategy	Not applicable	The site is not located in the Cherrybrook Station Precinct
Focus area 2: Design and Place		
Focus area 3: Biodiversity and Conservation		
3.1 Conservation Zones	Not applicable	The subject site is not within a conservation zone.
3.2 Heritage Conservation	Not applicable	The subject site does not contain any heritage items.
3.3 Sydney Drinking Water Catchments	Not applicable	The site is not within the Sydney Drinking Water Catchment
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable	The site is not in the Far North Coast
3.5 Recreation Vehicle Areas	Not applicable	The site is not identified as or around sensitive land where impacts from recreational vehicles could occur
3.6 Strategic Conservation Planning	Not applicable	The site does not contain land that is identified as avoided land or a strategic conservation area
3.7 Public Bushland	Not Applicable	The site is does not contain bushland
3.8 Willandra Lakes Region	Not applicable	The site is not located in Willandra Lakes
3.9 Sydney Harbour Foreshores and Waterways Area	Not applicable	The site is not located in the Sydney Harbor foreshore or waterway
3.10 Water Catchment Protection	Not applicable	The site is not within a regulated catchment within the meaning of the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>
Focus area 4: Resilience and Hazards		
4.1 Flooding	Consistent	No rezoning or change of the planning provisions affecting the land is proposed.



Ministerial Direction	Consistent?	Comments
4.2 Coastal Management	Not applicable	The site is not identified as being in a coastal area
4.3 Planning for Bushfire Protection	Not applicable	The site is not mapped as bush fire prone land
4.4 Remediation of Contaminated Land	Consistent	The planning proposal does not propose rezoning of the land
4.5 Acid Sulfate Soils	Consistent	The planning proposal does not include provisions relating to acid sulfate soils or propose intensification of use of the land.
4.6 Mine Subsidence and Unstable Land	Not applicable	The Proposal is not subject to mine subsidence
Focus area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	Not Applicable	The planning proposal does not seek to change the existing zoning of the land or provisions relating to urban land.
5.2 Reserving Land for Public Purposes	Consistent	The planning proposal does not seek to rezone the land.
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable	The site is not located near regulated airports or a defence airfield
5.4 Shooting Ranges	Not applicable	The site is not located near or adjacent to a shooting range
5.5 High Pressure Dangerous Goods Pipelines	Not applicable	The site is not located near high pressure dangerous goods pipelines
Focus area 6: Housing		
6.1 Residential zones	Not applicable	Residential development is not permitted on the land
6.2 Caravan Parks and Manufactured Home Estates	Not applicable	The proposal does not involve any caravan or manufactured home estates
Focus area 7: Industry and Employment		
7.1 Employment Zones	Not applicable	The site does not include any employment or business zones
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable	The proposal does not include any non-hosted short-term rental accommodation
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	The site is not located along the Pacific Highway, North Coast
Focus area 8: Resources and Energy		



Ministerial Direction	Consistent?	Comments
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable	There is no proposal to carry out any mining of production industries on the site
Focus area 9: Primary Production		
9.1 Rural Zones	Not applicable	No rezoning is proposed
9.2 Rural Lands	Not applicable	The site is not within any of the LGAs where the Planning Direction applies
9.3 Oyster Aquaculture	Not applicable	No oyster aquaculture is proposed on the site
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable	The site is not located on the Far North Coast

5.2 Site-specific merit

5.2.1 Section C – environmental, social and economic impact

5.2.1.1 Environmental Effects

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposal does not apply to land that has been identified as containing critical habitats or threatened species, populations or ecological communities, or their habitats.

Q9. Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The planning proposal does not result in any direct environmental impacts. Any environmental impacts which may arise as a result of a future rezoning or future development application will be assessed as part of the planning proposal or development application process.

Q10. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will facilitate the sale of land, which will result in the loss of approximately 305m² of public open space, representing 5% of the area of Moore Park. This open space is underutilised, being separated from the main extent of Moore Park by the dog park and drainage channel, with limited accessibility and passive surveillance.

The planning proposal will have no broader economic effects, aside from providing Georges River Council will funds for the provision and/or upgrade of other public open space in the Kogarah Bay Ward.

5.2.2 Section D – Infrastructure (Local, State and Commonwealth)

Q11. Is there adequate public infrastructure for the Planning Proposal?

The proposed reclassification does not result in any increased demand for public infrastructure. Any increased demand likely to result from the future use of the land will be assessed as part of a future planning proposal or development application process.



5.2.3 Section E – State and Commonwealth interests

Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

At this stage, the appropriate State and federal public authorities and government agencies have not been identified or consulted. Consultation with the government authorities, agencies and other stakeholders will be undertaken part of any Gateway determination condition and public exhibition.

5.3 Planning Secretary's requirements relating to the reclassification of land

Pursuant to Section 3.33 of the *Environmental Planning and Assessment Act 1979*, the Planning Secretary has issued requirements as to the specific matters that must be addressed in the justification of a planning proposal for the reclassification of land. The Local Environmental Plan Making Guideline sets out these requirements. These are addressed below.

Is the planning proposal the result of a strategic study or report?

The planning proposal is not the direct result of a strategic study or report. It is a response to a Council resolution to dispose of part Lot 160 in DP 19098 (CCL027A-24 24 June 2024).

Is the planning proposal consistent with the council's community plan, or other local strategic plan?

The planning proposal is consistent with the intent of the Georges River Council Community Strategic Plan, Local Strategic Planning Statement 2040, Community Infrastructure Needs Assessment and Acquisition Area Strategy and Open Space, Recreation and Community Facilities Strategy as discussed in Section 5.1.

If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished should be provided

No easements or interests in the land have been identified.

The concurrence of the landowner must be obtained, where the land is not owned by the PPA

Council is the landowner of the site.

The effect of the reclassification, including loss of open space, any discharge of interests, and/or removal of public reserve status

The reclassification will not in itself result in the loss of any open space as the land is not proposed to be rezoned. Use of the land after acquisition of the land by St Georges Leagues Club is likely to result in the loss of approximately 305m² of public open space forming part of Moore Park. The area of open space to be reclassified is not well utilised as public open space. There will be approximately 5,700m² of public open space remaining as Moore Park.

An archive search has not identified any interests to be discharged and the land has not been identified 'public reserve'.

A copy of the Land Title is provided at Appendix E.



The strategic and site-specific merits of the reclassification and evidence to support this

The strategic and site specific merits of the reclassification are discussed in Sections 5.1 and 5.2 above.

Does the planning proposal deliver a public benefit?

The planning proposal will facilitate sale of the underutilised land. The funds derived from the sale will be utilised for the acquisition or embellishment of public open space to better serve the needs of the local community.

Have the implications for open space in the LGA in relation to current and future open space needs been considered and will there be a net gain to open space?

The open space needs of the Local Government Area have been considered in the Georges River Council Community Infrastructure Needs Assessment and the Area Acquisition Strategy, as well as the Open Space, Recreation, and Community Facilities Strategy, as discussed in Section 2.3 above.

The Georges River Community Infrastructure Needs Assessment and Acquisition Area Strategy highlights that open space provision in the LGA is comparable with the provision in nearby LGAs with the majority of residents enjoying high accessibility to open space within a 400m walking catchment.

The reclassification is to facilitate the sale of a small area of poorly located and underutilised open space, leading to a net loss of open space. To mitigate this, Georges River Council has resolved to designate the use of the funds generated from the disposal of the land to the acquisition or enhancement of open spaces, within the same proximity.

How funds obtained from any future sale of the land will be used

Georges River Council resolved on Monday 24 June 2024 (CCL027A-24):

that any monies derived from the proposed land sale be held in restricted reserve for the future embellishment or acquisition of public open space within any suburbs of the current Kogarah Bay Ward.

Funds obtained from the sale will therefore be used to increase the supply or quality of public open space in the eastern part of Georges River LGA.

How council will ensure funds remain available to fund proposed open space sites or improvement referred to in justifying the reclassification, if relevant

The funds will be held in restricted reserve for the future embellishment or acquisition of public open space in accordance with the Council resolution of 24 June 2024 (CCL027A-024).



6 Part 4 – Maps

There are no proposed changes to the maps in *Georges River Local Environmental Plan 2021* and the proposal does not include additional changes to planning controls.

7 Part 5 – Community consultation

It is anticipated that the Planning Proposal will be exhibited for a period of twenty eight (28) days in accordance with Council's Community Participation Plan and any requirements of the Gateway determination.

As the Planning Proposal is seeking the reclassification of public land from the 'community' to 'operational' land, a public hearing will also be required in accordance with Section 29 of the LG Act and Section 57 of the EP&A Act.

Notification of the public exhibition will be through:

- newspaper advertisement in The St George and Sutherland Shire Leader
- exhibition notice on Council's website
- notices in Council offices and libraries
- letters to State and Commonwealth Government agencies identified in the Gateway determination
- letters to adjoining landowners.

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8 Part 6 – Project timeline

The anticipated project timeframe is set out in Table 7.

Table 7: Indicative Project Timeline

Stage	Timeframe and/or date
Lodgement of the Planning Proposal	Mid November 2024
Consideration by Council	December 2024 – February 2025
Council (or Local Planning Panel) decision	24 February 2025
Issue to DPHI for Gateway Determination	Early March 2025
Gateway determination	Early April 2025
Pre-exhibition	Early – mid April 2025
Commencement and completion of public exhibition period	Late April – late May 2025
Public Hearing	End June 2025
Consideration of submissions	End May – July 2025
Post exhibition review	August 2025
Submission to the Department for finalisation	September 2025
Gazettal of LEP amendment	November 2025

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Appendix A:

Council Report FIN021-23

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AGENDA

Finance and Governance Committee

Monday, 08 May 2023

6:00pm

Waratah Room

Georges River Civic Centre

Hurstville

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GEORGES RIVER COUNCIL

Item: FIN021-23 Property Matter - Proposed Reclassification and Sale of Part Moore Park, Beverley Park

Author: Head of Strategic Property

Directorate: Business and Corporate Services

Matter Type: Committee Reports

FIN021-23

RECOMMENDATION:

That should Council wish to proceed with the reclassification and disposal of Part of Lot 160 in DP19098, being part of Moore Park, Beverley Park, that the General Manager provide a further report to Council outlining details of all costs, consideration payable and options in regard to replacement of open space.

EXECUTIVE SUMMARY

1. Council is the registered proprietor of public open space land known as Moore Park. The land is described as Lot 160 in Deposited Plan (DP)19098 and Lot 269 in DP20568, located at 33 Lobb Crescent, Beverley Park.
2. Council has been approached by the St George Leagues Club (the Club) in regard to purchasing part of the rear of Council's Lot 160 in DP19098 that adjoins the south-eastern corner of their property being Lot 1 in DP814106. The subject area is a triangular portion of the park that comprises approximately three hundred (300) square metres. A location plan is provided in Attachment 1.
3. As the Council's land is classified as community land, Council, pursuant to Section 45 of the Local Government Act, 1993 has no power to sell, exchange or otherwise dispose of community land.
4. Should a Council wish to dispose of any community classified land, the land must first be reclassified from community to operational land via an amendment to the Local Environmental Plan (LEP). The purpose of this report is to consider if Council wishes to proceed with a proposed reclassification and sale of part of the land, subject to the parties agreeing to financial terms and conditions.

BACKGROUND

5. Council has been approached by the St George Leagues Club regarding their interest in acquiring part of a Council public park known as Moore Park located at 33 Lobb Crescent, Beverley Park but also fronting Ferry Avenue.
6. Moore Park is currently used as an off-leash dog park and is made up of two lots described as Lot 160 in Deposited Plan (DP)19098 and Lot 269 in DP20568. The two lots comprise an area of approximately 6,000 square metres.
7. The Club is interested in purchasing from Council a triangular portion of land at the rear of the reserve comprising an area of approximately 300 square metres for the purpose of providing access around the existing leagues club building. Photos are provided in Attachment 2.

8. Moore Park is currently classified as community land. Council, in accordance with the community provisions of the Local Government Act, 1993 has no power to sell, exchange or otherwise dispose of community land.
9. Should Council be interested in dealing with any part of this property, the subject land will first need to be reclassified from community to operational land. The process of reclassification will require an amendment to Council's Local Environmental Plan and could take up to a year to achieve.

FINANCIAL IMPLICATIONS

10. The Club has provided details of its own valuation advice. Council officers' advice regarding the offer submitted is also provided. Both are provided in (confidential) attachment 3.
11. Any proposed reclassification and disposal of part of Moore Park will result in the permanent loss of approximately 300 square metres (subject to survey) of public open space. If Council is interested in the proposal from the Club, a further (Council) valuation report will be obtained for Council's consideration at a future meeting (in accordance with the Council's Acquisition and Disposal Policy).
12. If the Council is interested in reclassifying and selling part of Moore Park, this report will recommend that the General Manager prepare a subsequent report to Council advising options available regarding the reinstatement of the lost open space.
13. It is further proposed that all costs associated with the reclassification be at the expense of the applicant and that any monies derived from a land sale be restricted for the future acquisition of public open space in the locality of Kogarah/Beverley Park.

RISK IMPLICATIONS

14. No risks identified.



COMMUNITY ENGAGEMENT

15. Community engagement will be conducted as part of the reclassification process should Council be interested in pursuing a disposal of part of the reserve.

FILE REFERENCE

D23/97335

ATTACHMENTS

- Attachment [1](#)  Location Plan Moore Park
- Attachment [2](#)  Photos of Land
- Attachment 3 Applicant's Valuation Report with Council Comments, (Confidential)

FIN021-23

Attachment 1: Location Plan – Moore Park, Beverley Park



FIN021-23 Attachment 1

LPP020-25 Attachment 1

Georges River Council - Finance and Governance Committee - Monday, 8 May 2023
FIN021-23 PROPERTY MATTER - PROPOSED RECLASSIFICATION AND SALE OF PART MOORE PARK,
BEVERLEY PARK
[Appendix 2] Photos of Land

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Attachment 2: Photos of Land



FIN021-23 Attachment 2

LPP020-25 Attachment 1

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Appendix B:

Council Minutes

CCL027A-24

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MINUTES

Council Meeting

Monday, 24 June 2024

7:00 PM

Dragon Room

Civic Centre

Hurstville

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GEORGES RIVER COUNCIL

elevation plans in the notice to neighbours and councils.

- (iv) to include provisions for an independent technical review of a CDC application by the Building Commission NSW where alleged departures from the prescriptive and/ or numerical requirements of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* have been identified and documented by an appropriately accredited professional within the 21 day notification period.
- (v) to allow the relevant Officer, employed by Building Commission NSW, to issue notices to the Private Certifier, involved with the CDC, to rectify the departures from prescriptive and/ or numerical requirements of the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihapahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

QUESTIONS WITH NOTICE

QWN016-24 Hurstville Precinct Playspace Development Project
(Report by Councillor Wang)

Answer published in the business paper.

QWN017-24 Parking Issues - MacMahon Street and Hurstville Plaza
(Report by Councillor Wang)

Answer published in the business paper.

Note: Councillor Wang asked a Question with No Notice to the Director Environment and Planning "What are the statistics in fines for our area". The Director took the question on notice. The response will be reported to the July 2024 Council Meeting.

QWN018-24 Development Application Progress
(Report by Councillor Wang)

Answer published in the business paper.

PROCEDURAL MOTION

MOVE TO CLOSED SESSION

RESOLVED: Mayor, Councillor Elmir, Councillor Smerdely

At this stage of the meeting being 9:55pm the Mayor advised that the meeting would move into a Committee of the Whole to allow consideration of a matter in Closed Session in accordance with Section 10A of The Local Government Act 1993. Accordingly, members of the press and public are excluded from the closed session and access to the correspondence and reports relating to the items considered during the course of the closed session will be withheld.

This action was taken to allow discussion of the following item(s):

CCL027A-24 Property Matter - Proposed Reclassification and Sale of Part Moore Park,

Beverley Park

(Report by Senior Property Officer)

THAT in accordance with the provisions of Part 1 of Chapter 4 of the Local Government Act 1993, the matters dealt with in this report be considered in closed Council Meeting at which the press and public are excluded. In accordance with Section 10A(2) (g) it is considered the matter contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

THAT in accordance with Section 10D it is considered that if the matter were discussed in an open Council Meeting, it would on balance, be contrary to the public interest as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege and 10A(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

The Mayor asked the General Manager if any representations had been received from the public that the item should not be discussed in closed session.

The General Manager replied that no representations had been received to the item in closed session.

The Mayor asked if there were any members of the public gallery who would like to speak on the reasons Council proposes to consider the items in Closed Session.

There were none.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

CLOSED CONFIDENTIAL SESSION**CONSIDERATION OF CONFIDENTIAL RECOMMENDATIONS****CCL027A-24 Property Matter - Proposed Reclassification and Sale of Part Moore Park, Beverley Park**

(Report by Senior Property Officer)

RESOLVED: Councillor Jamieson, Deputy Mayor, Councillor Borg

- (a) That Council note the legal advice from Council's General Counsel in relation to this matter (Attachment 3).
- (b) That the General Manager, in accordance with Section 377(h) of the Local Government Act 1993, be authorised to execute the Contract for Sale, Transfer Document and all other documentation in this matter, to effect the disposal of part Lot 160 in DP19098, pursuant to the advice and terms provided within Attachment 4 of the report.
- (c) That prior to disposal, the subject part of Lot 160 in DP19098 (being approximately 330 square metres as shown in Attachment 1) be reclassified from Community to Operational land and any costs associated with the reclassification process are reimbursed by the

purchaser.

- (d) That any monies derived from the proposed land sale be held in restricted reserve for the future embellishment or acquisition of public open space within any suburbs of the current Kogarah Bay Ward.
- (e) That any monies derived from the proposed land sale be made public within the relevant public document, after settlement takes place.
- (f) That owner's consent for any development application or planning proposal for Part Lot 160 in DP19098, does not form part of the Contract for Sale, noting that the sale will not fetter Council's discretionary powers as the local Consent Authority.
- (g) That if the counter offer is not accepted, other options outlined in this report from the legal advice received is communicated to the St George Leagues Club.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

PROCEDURAL MOTION

OPEN SESSION

RESOLVED: Councillor Smerdely

That the meeting revert to Open Session time being 10:02pm.

Record of Voting

For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Wang

On being PUT to the meeting, voting on this Motion was UNANIMOUS. The Motion was CARRIED.

OPEN SESSION

CONFIRMATION OF RECOMMENDATIONS FROM CLOSED SESSION

RESOLVED: Councillor Katris and Councillor Konjarski

That the Committee of the Whole recommendations from the Closed Session in relation to 10:02pm be received and noted as a resolution of Council without any alteration or amendment thereto.

Record of Voting

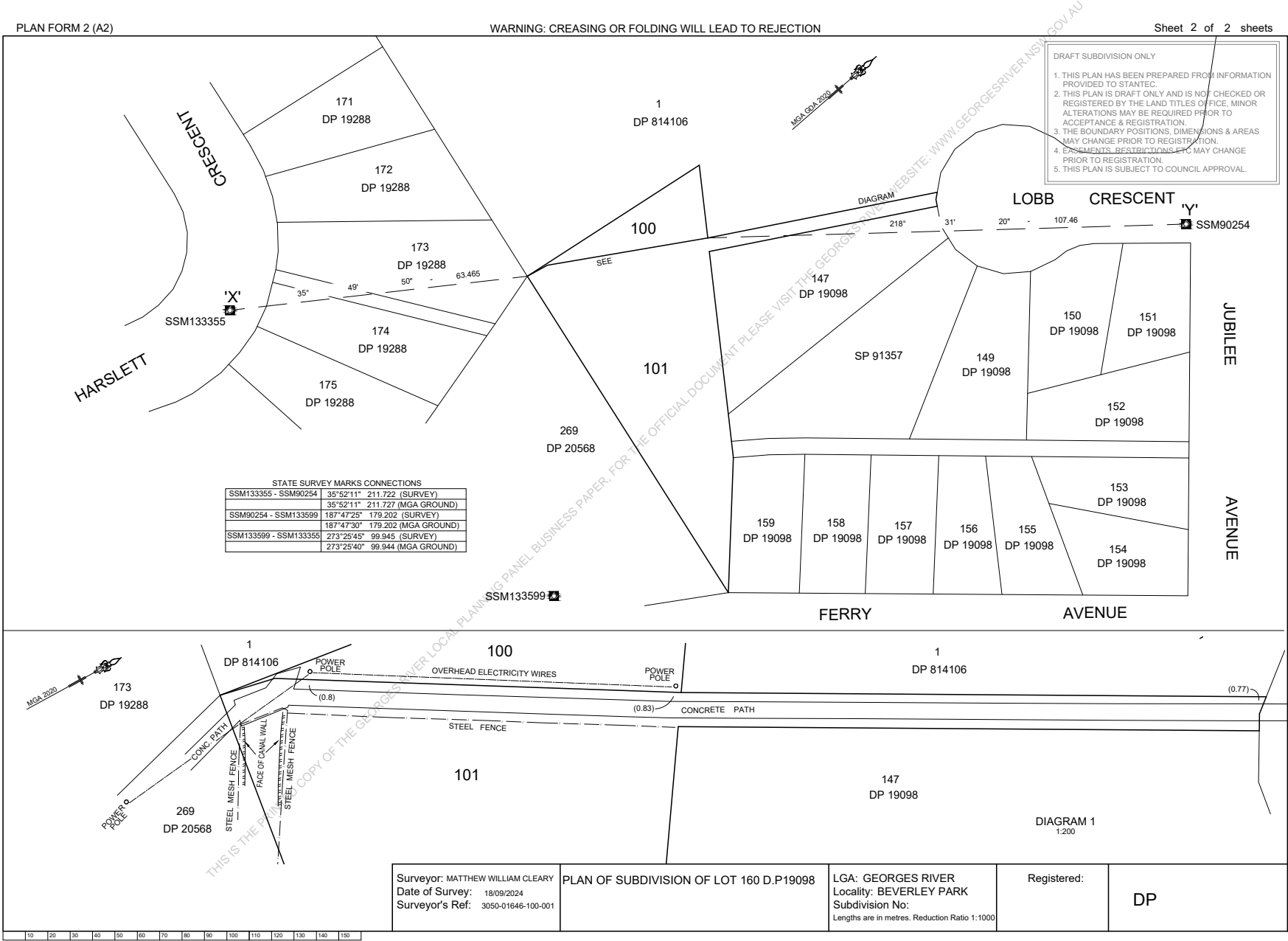
For the Motion: Mayor, Councillor Elmir, Deputy Mayor, Councillor Borg, Councillor Ambihaipahar, Councillor Ficarra, Councillor Jamieson, Councillor Katris, Councillor Konjarski, Councillor Landsberry, Councillor Liu, Councillor Mort, Councillor Smerdely, Councillor Stratikopoulos, Councillor Wang



Appendix C: Draft Plan of Subdivision

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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Appendix D: Property Report

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

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ABN: 36 092 724 251
Ph: 02 9099 7400
(Ph: 0412 199 304)

Level 14, 135 King Street, Sydney
Sydney 2000
GPO Box 4103 Sydney NSW 2001
DX 967 Sydney

Summary of Owners Report

Re: - Moore Park at Beverley Park

Description: - Lot 160 D.P. 19098

An investigation of the various records available for my inspection disclosed that Lot 160 D.P. 19098 formed part of a 10 acres 0 roods 35 $\frac{3}{4}$ perches parcel of land that was resumed and vested in the Council of the Municipality of Kogarah by notification published in Government Gazette dated 13th August 1937 Folios 3302 to 3303. See also Resumption No. C 590064 and Crown Plan 9528-3000.

Such action for the purpose of planning new roads and subdivisions pursuant to the Local Government Act of 1919 and the Public Works Act of 1912.

Yours Sincerely
Mark Groll
20 June 2024

Email: mark.groll@infotrack.com.au



**LAND
REGISTRY
SERVICES**

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 160/19098

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
20/6/2024	6:04 PM	-	-

LAND

LOT 160 IN DEPOSITED PLAN 19098
AT BEVERLEY PARK
LOCAL GOVERNMENT AREA GEORGES RIVER
PARISH OF ST GEORGE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP19098

FIRST SCHEDULE

KOGARAH CITY COUNCIL

SECOND SCHEDULE (1 NOTIFICATION)

* 1	C590064	LAND EXCLUDES MINERALS (S.141 PUBLIC WORKS ACT, 1912)
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NOTATIONS

NOTE: PRIOR CERTIFICATE OF TITLE VOL.5148 FOL.240 IS PARTIALLY CANCELLED AND IS NOT REQUIRED TO LODGE DEALINGS. PHOTOGRAPHIC IDENTIFICATION MAY BE REQUIRED FROM THE REGISTERED PROPRIETOR WHEN DEALINGS ARE BEING LODGED.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

Moore Park at Beverley Park

PRINTED ON 20/6/2024

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

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3302

NEW SOUTH WALES GOVERNMENT GAZETTE No. 118. [13 Aug., 1937.]

thence on the north-west by part of the aforesaid south-eastern boundary of the Great Northern Railway bearing 76 degrees 11 minutes 217.3 links to the point of commencement being approximately 14½ perches in area and said to be in the possession of the Scottish Australian Mining Company Limited.

Signed at Sydney, this 21st day of July, 1937.

WAKEHURST, Governor.

By His Excellency's Command,

B. S. STEVENS.

(5205) GOD SAVE THE KING!

LOCAL GOVERNMENT ACT, 1919, AS AMENDED.

PUBLIC WORKS ACT, 1912, AS AMENDED.

KOGARAH MUNICIPAL COUNCIL: RESUMPTION OF LAND FOR THE PLANNING OF NEW ROADS AND SUBDIVISIONS.

APPLICATION by the Council of the Municipality of Kogarah having been made that the land described in the Schedule hereto be appropriated and resumed for the purpose of planning new roads and subdivisions, it is hereby notified and declared by His Excellency the Governor, acting with the advice of the Executive Council, and by the Minister for Public Works, that so much of the land described in the said Schedule hereto as is Crown land is hereby appropriated, and so much of the said land as is private property is hereby resumed, under Division 1 of Part V of the Public Works Act, 1912, as amended, for the purpose aforesaid, and the Minister for Public Works hereby further notifies that the land described in the said Schedule is vested in the Council of the Municipality of Kogarah.

Dated at Sydney, this eleventh day of August, 1937.

WAKEHURST, Governor.

E. S. SPOONER, Minister for Public Works.

SCHEDULE.

All that piece or parcel of land situate in the Municipality of Kogarah, parish of St. George, county of Cumberland and State of New South Wales, being lot 1, deposited plan 16,363, and also being the whole of the land comprised in Certificate of Title, registered volume 4,778, folio 195,—having an area of 19½ perches or thereabouts and said to be in the possession of Ada Daniels.

Also, all that piece or parcel of land situate in the Municipality of Kogarah, parish of St. George, county of Cumberland and State of New South Wales, being part of lot B, Miscellaneous Plan of Subdivision (R.P.) registered number 23,420: Commencing at the easternmost corner of the said lot B; and bounded thence on the south by the southern boundary of that lot being lines successively bearing 270 degrees 30 seconds 413 feet 14 inches and 270 degrees 16 minutes 624 feet 34 inches; on the west by the western boundary of that lot bearing 359 degrees 52 minutes 624 feet 34 inches; on the north-west by the south-eastern boundary of lot A of the said Miscellaneous Plan of Subdivision (R.P.) registered number 23,420, bearing 41 degrees 253 feet 9 inches; on the south-west by part of the north-eastern boundary of that lot bearing 337 degrees 33 minutes 30 seconds 134 feet 2 inches; again on the north-west by a line bearing 41 degrees 73 feet 9½ inches to the south-western boundary of lot C; on the north-east by part of that boundary bearing 157 degrees 33 minutes 30 seconds 145 feet; and again on the north-west and north-east by a north-western boundary and a north-eastern boundary of the said lot B bearing 41 degrees 134 feet 13 inches and 157 degrees 33 minutes 30 seconds 1,043 feet 7½ inches respectively to the point of commencement,—having an area of 10 acres 35½ perches or thereabouts and said to be in the possession of Tiy Yick & Coy.

Also, all that piece or parcel of land situate in the Municipality of Kogarah, parish of St. George, county of Cumberland and State of New South Wales, being lots 9 to 14, inclusive, deposited plan 12,389, lot 24, deposited plan 12,389, and lot 12, deposited plan 9,758,—having an area of 5 acres 17½ perches or thereabouts, and said to be in the possession of Julia Annette Cox and others.

Also, all that piece or parcel of land situate in the Municipality of Kogarah, parish of St. George, county of Cumberland and State of New South Wales, being lot 160, deposited plan 7,056,—having an area of 6 acres 64 perches or thereabouts, and said to be in the possession of Ah Young.

Also, all that piece or parcel of land, 1 chain wide, situate as aforesaid, being part of portions 28 and 30: Commencing at the easternmost corner of lot 160, deposited plan 7,056; and bounded thence on the south by the northern boundary of that lot bearing 270 degrees 28 minutes 736 feet 10½ inches; on the south-west by the north-eastern boundary of the said lot 160 and the north-eastern boundary of lots 136 and 137 of the said deposited plan 7,056, bearing 337 degrees 6 minutes 30 seconds 116 feet 3½ inches; again on the south by the northern boundary of lots 133 to 136, inclusive, bearing 270 degrees 32 minutes 415 feet 10 inches to the north-eastern side of Stubbs-street; again on the south-west by that side of that street bearing 311 degrees 6 minutes 101 feet 6 inches to the south-western corner of the land shown in Miscellaneous Plan of Subdivision (R.P.), registered number 25,958; on the north by the southern boundary of that land and the southernmost southern boundary of the land comprised in Certificate of Title, registered volume 2,237, folio 42, bearing 90 degrees 32 minutes 536 feet 3 inches; on the north-east by the south-western boundary of the land comprised in Certificates of Title, registered volume 3,787, folios 17 to 21, inclusive, bearing 157 degrees 6 minutes 30 seconds 116 feet 2½ inches; again on the north by the southern boundary of that land bearing 90 degrees 28 minutes 693 feet 4 inches; and on the east by the western boundary of lot 11, the western extremity of a drainage reserve and the western boundary of lot A, deposited plan 10,739, bearing 180 degrees 28 minutes 66 feet to the point of commencement,—having an area of 1 acre 3 roods 363 perches or thereabouts, and said to be in the possession of John Power.

Also, all that piece or parcel of land situate in the Municipality of Kogarah, parish of St. George, county of Cumberland and State of New South Wales, being lots 55 to 58 inclusive, deposited plan 3,097,—having an area of 3 acres 5½ perches or thereabouts and said to be in the possession of Sylvester Nock.

Also, all that piece or parcel of land situate as aforesaid, being lot 60, deposited plan 3,097,—having an area of 2 roods 5½ perches or thereabouts and said to be in the possession of Arthur Edward Slingo.

Also, all that piece or parcel of land situate as aforesaid, being lots 61 to 64 inclusive, deposited plan 3,097,—having an area of 1 acre 3 roods 31½ perches or thereabouts and said to be in the possession of Leonard Pointing.

Also, all that piece or parcel of land situate as aforesaid, being part of lot 65, deposited plan 3,097: Commencing on the high-water mark of Kogarah Bay at the north-western corner of the said lot 65; and bounded thence on the north by part of the northern boundary of that lot bearing 89 degrees 42 minutes 146 feet 10 inches; on the east by a line bearing 179 degrees 25 minutes 55 feet 0½ inch to the southern boundary of the said lot 65; on the south by part of that boundary bearing 271 degrees 47 minutes 171 feet 5½ inches to the aforesaid high-water mark of Kogarah Bay; and on the north-west by that high-water mark north-easterly to the point of commencement,—having an area of 301 perches or thereabouts and said to be in the possession of the Estate of the late Lewis Harold Bell Lasseter.

Also, all that piece or parcel of land situate in the Municipality of Kogarah, parish of St. George, county of Cumberland and State of New South Wales, being lot 6, deposited plan 11,558,—having an area of 1 rood 9½ perches or thereabouts and said to be in the possession of Ralph Eber Bull Burgess.

Also, all that piece or parcel of land situate in the Municipality of Kogarah, parish of St. George, county of Cumberland and State of New South Wales, being lot 47, deposited plan 14,826,—having an area of 20½ perches or thereabouts, and said to be in the possession of Brereton Joseph Colvin.

And also, all that piece or parcel of land situate in the Municipality of Kogarah, parish of St. George, county of Cumberland and State of New South Wales, being part of portion 30: Commencing at the intersection of the south-western side of Carroll-street with the northern side of Hastings-road; and bounded thence on the south by that side of Hastings-road bearing 270 degrees 26 minutes 10 seconds 360 feet 10½ inches; again on the south by part of the northern boundary of lot 55, deposited plan 3,097, bearing 270 degrees 59 minutes 49 seconds 329 feet 8 inches; on the south-west by a north-eastern boundary of lot F, deposited plan 10,739, bearing 350 degrees 1 minute 46 seconds 425 feet 8½ inches; on the north by a southern boundary of the aforesaid lot F, the southern boundary of lot 21, deposited plan 8888, the southern extremity of Burgess-street and the southern boundary of lot 22 of the

13 Aug., 1937.] NEW SOUTH WALES GOVERNMENT GAZETTE No. 118.

3303

aforesaid deposited plan 8888 and lot 28, deposited plan 4,796, bearing 90 degrees 44 minutes 27 seconds 681 feet 7½ inches to the aforesaid south-western side of Carroll-street; and on the north-east by that side of that street bearing 163 degrees 50 minutes 40 seconds 427 feet 0¼ inch to the point of commencement,—having an area of 6 acres 2 roods 11¼ perches or thereabouts, and said to be in the possession of Ah Young and others. (L.G. 36-M. 5,014) (3938)

LOCAL GOVERNMENT ACT, 1919, AS AMENDED.

PUBLIC WORKS ACT, 1912, AS AMENDED.

MOSMAN MUNICIPAL COUNCIL: RESUMPTION OF LAND FOR THE PURPOSE OF WIDENING PUBLIC ROADS.

APPLICATION by the Council of the Municipality of Mosman having been made that the land described in the Schedule hereto be appropriated and resumed for the purpose of widening public roads, it is hereby notified and declared by His Excellency the Governor, acting with the advice of the Executive Council, and by the Minister for Public Works, that so much of the land described in the said Schedule hereto as is Crown land is hereby appropriated, and so much of the said land as is private property is hereby resumed, under Division I of Part V of the Public Works Act, 1912, as amended, for the purpose aforesaid, and the Minister for Public Works hereby further notifies that the land described in the said Schedule is vested in the Council of the Municipality of Mosman.

Dated at Sydney, this eighth day of August, 1937.

WAKEHURST, Governor.

E. S. SPOONER, Minister for Public Works.

SCHEDULE.

All that piece or parcel of land situate in the Municipality of Mosman, parish of Willoughby, county of Cumberland and State of New South Wales, being part of lot 19, section B, deposited plan 2,509: Commencing at the intersection of the southern side of Rangers-avenue with the north-western side of Oswald-street; and bounded thence on the south-east by that side of Oswald-street bearing 210 degrees 58 minutes 14 feet; on the south-west by lines successively bearing 338 degrees 32 minutes 6 feet 11 inches and 321 degrees 56 minutes 6 feet 11 inches to the aforesaid southern side of Rangers-avenue; and on the north by that side of that avenue bearing 89 degrees 39 minutes 14 feet to the point of commencement,—having an area of 76 square feet or thereabouts, and said to be in the possession of Henry George Morgan and Isabel Violet Morgan.

Also all that piece or parcel of land situate in the Municipality of Mosman, parish of Willoughby, county of Cumberland and State of New South Wales, being part of lot 1, deposited plan 2,298: Commencing at the intersection of the northern side of Miller-street with the south-eastern side of Raglan-street; and bounded thence on the north-west by that side of Raglan-street bearing 44 degrees 44 minutes 18 feet 6 inches; on the north-east by a line bearing 157 degrees 22 minutes 14 feet 3 inches to the aforesaid northern side of Miller-street; and on the south by that side of that street bearing 270 degrees 18 feet 6 inches to the point of commencement,—having an area of 121 square feet or thereabouts, and said to be in the possession of the Public Trustee.

Also all that piece or parcel of land situate in the Municipality of Mosman, parish of Willoughby, county of Cumberland and State of New South Wales, being part of lot 9, deposited plan 3,332: Commencing at the intersection of the northern side of Calypso-lane with the south-eastern side of Raglan-street; and bounded thence on the north-west by that side of Raglan-street bearing 38 degrees 6 minutes 15 seconds 18 feet; on the north-east by a line bearing 154 degrees 4 minutes 15 seconds 15 feet 9 inches to the aforesaid northern side of Calypso-lane; and on the south by that side of that lane bearing 270 degrees 2 minutes 15 seconds 18 feet to the point of commencement,—having an area of 127 square feet or thereabouts, and said to be in the possession of Ellen Elivv Bredon.

Also all that piece or parcel of land situate in the Municipality of Mosman, parish of Willoughby, county of Cumberland and State of New South Wales, being part of the land comprised in deposited plan 916: Commencing at an angle on the generally north-western side of Raglan-street being also the south-eastern corner of the land comprised in Certificate of Title, registered volume 1,244, folio 130; and bounded thence on the south-east by a north-western side of Raglan-street bearing 256

degrees 15 seconds 28 feet 0¼ inch; generally on the north-west by a curved line being 44 feet of the arc of a circle having a radius of 28 feet, the centre lying towards the north-west of the chord which bears 30 degrees 59 minutes 8 seconds for a distance of 39 feet 7½ inches to a south-western side of Raglan-street; and on the north-east by that side of that street bearing 165 degrees 58 minutes 28 feet 0¼ inch to the point of commencement,—having an area of 168 square feet or thereabouts, and said to be in the possession of Beatrice Sara Rhodes.

Also all that piece or parcel of land situate in the Municipality of Mosman, parish of Willoughby, county of Cumberland and State of New South Wales, being part of lot 20, deposited plan 2,298: Commencing at the intersection of a northern side of Queen-street with a south-eastern side of Raglan-street; and bounded thence on the north-west by that side of Raglan-street bearing 44 degrees 44 minutes 18 feet 7½ inches; on the north-east by a line bearing 156 degrees 59 minutes 14 feet 4½ inches to the northern side of Queen-street aforesaid; and on the south by that side of that street bearing 270 degrees 18 feet 8½ inches to the point of commencement,—having an area of 123 square feet or thereabouts, and said to be in the possession of Malina Jane Leech.

Also all that piece or parcel of land situate in the Municipality of Mosman, parish of Willoughby, county of Cumberland and State of New South Wales, being part of lot 48, deposited plan 4,180: Commencing at an angle in the generally north-western side of Raglan-street being also the easternmost corner of the said lot 48; and bounded thence on the south-east by a north-western side of that street bearing 243 degrees 31 minutes 30 seconds 10 feet 11½ inches; on the north-west by a line bearing 36 degrees 22 minutes 11 feet 9½ inches to the north-eastern boundary of the said lot 48; and on the north-east by part of that boundary bearing 148 degrees 31 minutes 5 feet 4½ inches to the point of commencement,—having an area of 29 square feet or thereabouts, and said to be in the possession of Nissim Grant.

And also all that piece or parcel of land situate in the Municipality of Mosman, parish of Willoughby, county of Cumberland and State of New South Wales, being part of lot 2, section D, deposited plan 2,509: Commencing at the intersection of the south-eastern side of Oswald-street with the south-western side of Rangers-avenue; and bounded thence on the north-east by that side of Rangers-avenue bearing 161 degrees 16 minutes 37 feet; on the south by a line bearing 279 degrees 33 minutes 30 feet 3¼ inches to the aforesaid south-eastern side of Oswald-street; and on the north-west by that side of that street bearing 30 degrees 58 minutes 35 feet to the point of commencement,—having an area of 1¼ perches or thereabouts, and said to be in the possession of Roy Keith Stevenson. (Mun. 36-5,816) (4352)

PUBLIC WORKS ACT, 1912, AS AMENDED.

CANTERBURY STORMWATER DRAINAGE: COOK'S RIVER MAIN CHANNEL EXTENSION—BEAMISH-STREET TO RAILWAY BRIDGE.

Acquisition of Land.

IT is hereby notified and declared by His Excellency the Governor, acting with the advice of the Executive Council, that the land described in the Schedule hereto is, as to so much of the said land described in the said Schedule as is Crown land, hereby appropriated, and, as to so much of the said land described in the said Schedule as is private property, hereby resumed, under the Public Works Act, 1912, as amended, for the purposes of a certain authorised work, namely, Canterbury Stormwater Drainage: Cook's River Main Channel Extension—Beamish-street to Railway Bridge; and it is hereby further notified and declared that the said land is vested in the Minister for Public Works as Constructing Authority.

Dated this fifth day of August, 1937.

WAKEHURST, Governor.

By His Excellency's Command,

E. S. SPOONER, Minister for Public Works.

SCHEDULE.

All that piece or parcel of land situate in the Municipality of Canterbury, parish of St. George, county of Cumberland and State of New South Wales, being lot 10, deposited plan 10,253,—having an area of 2 roods 8¼ perches, and said to be in the possession of Mary Elizabeth Rhodes. (H. & R. 37-2,580) (4837)

Req:R608784 /Doc:DL C590064 /Rev:17-Mar-1997 /NSW LRS /Pgs:ALL /Prt:20-Jun-2024 18:05 /Seq:1 of 6
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C590064

CONVEYANCING ACT, 1919-1932.
 REAL PROPERTY ACT, 1900.

Notice of Resumption of Land subject to the provisions of the Real Property Act, 1900.

I, Arthur Harry O'Connor DO HEREBY CERTIFY that the copy Gazette Notification hereunto annexed is a true copy of the Gazette Notification contained in the Government Gazette of the thirteenth day of August one thousand nine hundred and thirty-seven, declaring that the land therein described, being the land mentioned in the Schedule hereunder written, has been resumed. AND I REQUEST that you will deal with and give effect to the said Notification as if the same were a Memorandum of Transfer of the land therein described duly executed under the Real Property Act, 1900, and I, the said Arthur Harry O'Connor HEREBY CERTIFY that this instrument is correct for the purposes of the Real Property Act, 1900. AND I FURTHER CERTIFY that I was appointed by writing dated the 21st day of August, one thousand nine hundred and thirty-one under his hand and official seal by the Minister for Public Works to sign this Certificate on behalf of the said Minister, and that I have received no notice or information of the revocation of such appointment.

SCHEDULE.

Lot	Section	Deposited Plan or Name of Estate	Part or Whole	Volume	Folio
1		P.P. 16363 ✓	whole	4778	195# ✓
Part of Lot 1		miscellaneous Plan of 1/200 (R.P.) no 23420	Part edged and plan annexed and marked "H"	4309	123# ✓
4		D.P. 12379	whole	4202	56 ✓
10		"	"	4241	56 ✓
11 & 12		"	"	4389	232 ✓
13 & 14		"	"	"	"
12		D.P. 9738	Part edged and plan annexed and marked "H"	3581	167 ✓
21		"	whole	3476	162 ✓
160		D.P. 12389	"	4151	197 ✓
Part of Lot 28		D.P. 7036	"	3473	55 ✓
"		"	"	"	"
55 & 56 (jointly)		"	"	"	"
10		D.P. 3097	whole	2553	77 ✓
11 & 12 (jointly)		"	"	1310	243 ✓
16		"	"	"	"
16		D.P. 11558	Part edged and plan annexed and marked "H"	1364	235 ✓
16		D.P. 11426	Part edged and plan annexed and marked "H"	2768	16 ✓
Part of Lot 30		"	Part edged and plan annexed and marked "H"	4511	132 ✓
"		"	whole	3474	245 ✓

DATED this nineteenth day of October, in the year of Our Lord
 one thousand nine hundred and thirty-seven.

SIGNED by the said

Arthur Harry O'Connor
 in the presence of

THE REGISTRAR GENERAL,
 SYDNEY.

13743 9.36

Sydney: Alfred James Kent, T.M.O., Government Printer - 1946.

Req:R608784 /Doc:DL C590064 /Rev:17-Mar-1997 /NSW LRS /Pgs:ALL /Prt:20-Jun-2024 18:05 /Seq:2 of 6
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[Published in Government Gazette No. 118 of 13th August, 1937.]

LOCAL GOVERNMENT ACT, 1919, AS AMENDED.

PUBLIC WORKS ACT, 1913, AS AMENDED.

ROGAHAR MUNICIPAL COUNCIL: RESUMPTION OF LAND FOR THE PLANNING OF NEW ROADS AND SUBDIVISIONS.

APPLICATION by the Council of the Municipality of Kogarah having been made that the land described in the Schedule hereto be appropriated and resumed for the purpose of planning new roads and subdivisions, it is hereby notified and declared by His Excellency the Governor, acting with the advice of the Executive Council, and by the Minister for Public Works, that so much of the land described in the said Schedule hereto as is Crown land is hereby appropriated, and so much of the said land as is private property is hereby resumed, under Division 1 of Part V of the Public Works Act, 1913, as amended, for the purpose aforesaid, and the Minister for Public Works hereby further notifies that the land described in the said Schedule is vested in the Council of the Municipality of Kogarah.

Dated at Sydney, this eleventh day of August, 1937.

WAKEHURST, Governor.

E. S. SPOONER, Minister for Public Works.

SCHEDULE.

All that piece or parcel of land situate in the Municipality of Kogarah, parish of St. George, county of Cumberland and State of New South Wales, being lot 1, deposited plan 14,358, and also being the whole of the land comprised in Certificate of Title, registered volume 4,778, folio 195, having an area of 194 perches or thereabouts and said to be in the possession of Ada Danilov.

Also, all that piece or parcel of land situate in the Municipality of Kogarah, parish of St. George, county of Cumberland and State of New South Wales, being part of lot B, Miscellaneous Plan of Subdivision (R.P.) registered number 33,421, commencing at the easternmost corner of the said lot B; and bounded thence on the south by the southern boundary of that lot being lines successively bearing 270 degrees 30 seconds 413 feet 11 inches and 270 degrees 10 minutes 50 seconds 280 feet 10 inches; on the west by the western boundary of that lot bearing 359 degrees 52 minutes 624 feet 31 inches; on the north-west by the south-eastern boundary of lot A of the said Miscellaneous Plan of Subdivision (R.P.) registered number 33,421, bearing 41 degrees 258 feet 9 inches; on the south-west by part of the north-eastern boundary of that lot bearing 337 degrees 33 minutes 30 seconds 134 feet 4 inches; again on the north-west by a line bearing 41 degrees 25 feet 84 inches to the south-western boundary of lot C; on the north-east by part of that boundary bearing 187 degrees 33 minutes north-east by a north-western boundary and a north-eastern boundary of the said lot B bearing 41 degrees 134 feet 14 inches and 187 degrees 33 minutes 30 seconds 1,043 feet 14 inches respectively to the point of commencement, having an area of 10 acres 34 perches or thereabouts and said to be in the possession of T. J. Kirk & Coy.

Also, all that piece or parcel of land situate in the Municipality of Kogarah, parish of St. George, county of Cumberland and State of New South Wales, being lots 9 to 14, inclusive, deposited plan 12,389, lot 24, deposited plan 12,389, and lot 12, deposited plan 1,758, having an area of 8 acres 171 perches or thereabouts, and said to be in the possession of Julia Annette Cox and others.

Also, all that piece or parcel of land situate in the Municipality of Kogarah, parish of St. George, county of Cumberland and State of New South Wales, being lot 100, deposited plan 7,556, having an area of 6 acres 61 perches or thereabouts, and said to be in the possession of Ah Young.

Also, all that piece or parcel of land, 1 chain wide, situate as aforesaid, being part of portions 28 and 30; commencing at the easternmost corner of lot 100, deposited plan 7,556; and bounded thence on the south by the northern boundary of that lot bearing 270 degrees 28 minutes 730 feet 10 inches; on the south-west by the north-eastern boundary of the said lot 100 and the north-eastern boundary of lots 136 and 137 of the said deposited plan 7,556, bearing 337 degrees 6 minutes 30 seconds 118 feet 24 inches; again on the south by the northern boundary of lots 133 to 138, inclusive, bearing 270 degrees 32 minutes 415 feet 10 inches to the north-

eastern side of Stubbs street; again on the south-west by that side of that street bearing 311 degrees 9 minutes 101 feet 6 inches to the south-western corner of the land shown in Miscellaneous Plan of Subdivision (R.P.), registered number 25,953; on the north by the southern boundary of that land and the southernmost southern boundary of the land comprised in Certificate of Title, registered volume 2,237, folio 42, bearing 90 degrees 33 minutes 530 feet 3 inches; on the north-east by the south-western boundary of the land comprised in Certificate of Title, registered volume 2,237, folios 17 to 21, inclusive, bearing 157 degrees 6 minutes 30 seconds 118 feet 24 inches; again on the north by the southern boundary of that land bearing 90 degrees 28 minutes 693 feet 4 inches; and on the east by the western boundary of lot 11, the western extremity of a drainage reserve and the western boundary of lot A, deposited plan 10,730, bearing 180 degrees 28 minutes 66 feet to the point of commencement, having an area of 1 acre 3 roads 363 perches or thereabouts, and said to be in the possession of John Pomeroy.

Also, all that piece or parcel of land situate in the Municipality of Kogarah, parish of St. George, county of Cumberland and State of New South Wales, being lots 56 to 58 inclusive, deposited plan 3,007, having an area of 3 acres 34 perches or thereabouts and said to be in the possession of Sylvester Nock.

Also, all that piece or parcel of land situate as aforesaid, being lot 60, deposited plan 3,007, having an area of 2 roads 54 perches or thereabouts and said to be in the possession of Arthur Edward Shing.

Also, all that piece or parcel of land situate as aforesaid, being lots 91 to 94 inclusive, deposited plan 3,007, having an area of 1 acre 3 roads 31 perches or thereabouts and said to be in the possession of Leonard Poulting.

Also, all that piece or parcel of land situate as aforesaid, being part of lot 65, deposited plan 3,007; commencing on the high-water mark of Kogarah Bay at the north-western corner of the said lot 65; and bounded thence on the north by part of the northern boundary of that lot bearing 89 degrees 42 minutes 140 feet 10 inches; on the east by a line bearing 170 degrees 25 minutes 55 feet 49 inches to the southern boundary of the said lot 65; on the south by part of that boundary bearing 271 degrees 47 minutes 171 feet 54 inches to the aforesaid high-water mark of Kogarah Bay; and on the north-west by that high-water mark north-easterly to the point of commencement, having an area of 301 perches or thereabouts and said to be in the possession of the Estate of the late Lewis Harold Bell Linscott.

Also, all that piece or parcel of land situate in the Municipality of Kogarah, parish of St. George, county of Cumberland and State of New South Wales, being lot 6, deposited plan 11,659, having an area of 1 road 21 perches or thereabouts and said to be in the possession of Ralph Peter Bull Dargatzis.

Also, all that piece or parcel of land situate in the Municipality of Kogarah, parish of St. George, county of Cumberland and State of New South Wales, being lot 47, deposited plan 14,825, having an area of 20 perches or thereabouts, and said to be in the possession of Brandon Joseph Colvin.

Also, all that piece or parcel of land situate in the Municipality of Kogarah, parish of St. George, county of Cumberland and State of New South Wales, being part of portion 30; commencing at the intersection of the south-western side of Carroll street with the northern side of Hastings road; and bounded thence on the south by that side of Hastings road bearing 270 degrees 28 minutes 10 seconds 300 feet 101 inches; again on the south by part of the northern boundary of lot 55, deposited plan 3,007, bearing 270 degrees 50 minutes 40 seconds 529 feet 8 inches; on the south-west by a north-eastern boundary of lot F, deposited plan 10,730, bearing 350 degrees 1 minute 40 seconds 423 feet 24 inches; on the north by a southern boundary of the aforesaid lot F, the southern boundary of lot 21, deposited plan 3,888, the southern extremity of Burgess street and the southern boundary of lot 22 of the aforesaid deposited plan 3,888 and lot 28, deposited plan 5,196, bearing 90 degrees 44 minutes 37 seconds 681 feet 74 inches to the aforesaid south-western side of Carroll street; and on the north-east by that side of that street bearing 108 degrees 50 minutes 40 seconds 427 feet 84 inches to the point of commencement, having an area of 6 acres 3 roads 111 perches or thereabouts, and said to be in the possession of Ah Young and others. (L.G. 36-M, 5,014) (3638)

Typeset by David Harold Palmer, Government Printer—1937.

This is the copy Gazette Notification referred to in the annexed Certificate.

Witness

Ardenor

Req:R608784 /Doc:DL C590064 /Rev:17-Mar-1997 /NSW LRS /Pgs:ALL /Prt:20-Jun-2024 18:05 /Seq:3 of 6
 © Office of the Registrar-General /Src:InfoTrack /Ref:Moore Park at Beverley Park

No.

C590064

LOGGED by

State Crown Solicitor,
 237 Macquarie Street,
 Sydney.

NOTICE OF RESUMPTION.

numerous parcels

3 plans.

Mun. of Hozarah

(accepting money & deposits by order of
 Jd 141 of the Pub Works Act 1912)

the Council of the
 Municipality of Hozarah

Particulars entered in Register Book.

VOL	FOL	VOL	FOL	VOL	FOL	VOL	FOL
1350	243	414	249	3975	9	4389	232
1344	235	"	250	4151	19	4511	135
2553	77	4473	55	4202	56	4778	19
2768	16	4476	162	4441	66	4749	16
3431	242	3581	167	4309	123	4779	3

and on mortgages B 108999, B 857857, B 896815,
 B 94400, C 14451, C 18199 & C 336808

day of April the 22nd 1938

at minutes

12 o'clock in the noon.

By to nil

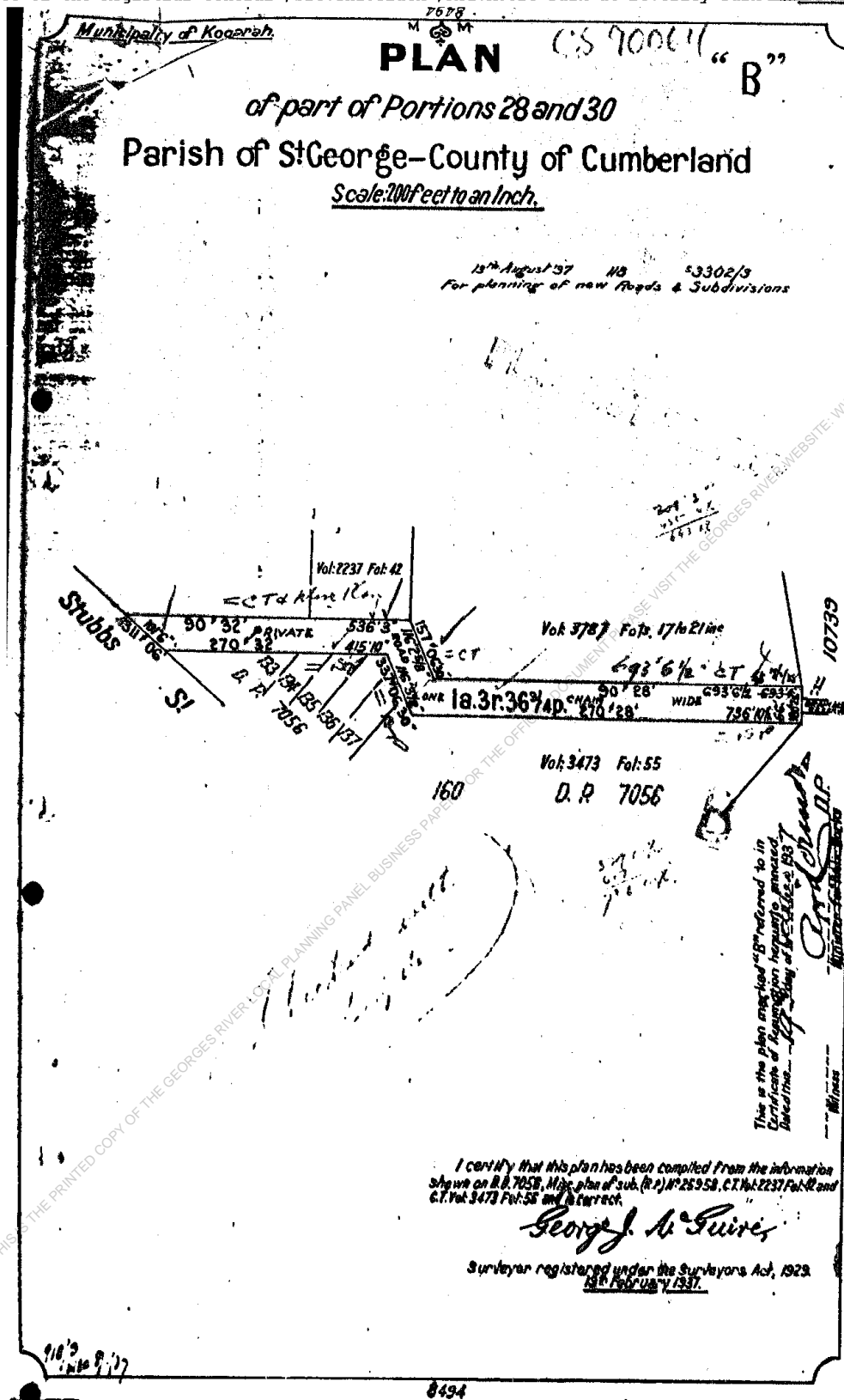


Registrar General.

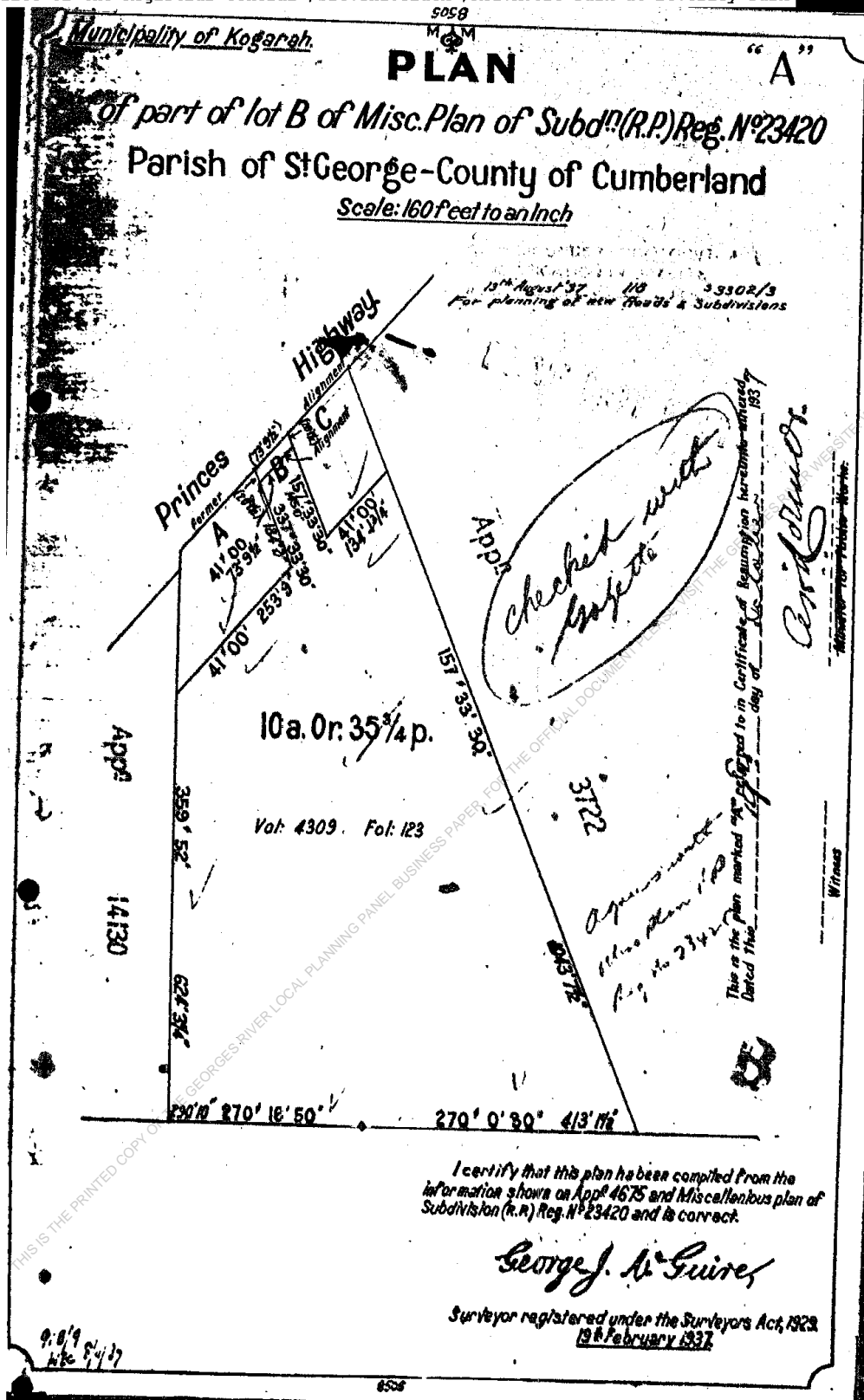
THIS IS THE PRINTED COPY OF THE GEORGES RIVER LOCAL PLANNING PANEL MEETING - 3 JULY 2025

If consolidated CT is being prepared
 the following CT is not to be included
 4713 3

Req:R608784 /Doc:DL C590064 /Rev:17-Mar-1997 /NSW LRS /Pgs:ALL /Prt:20-Jun-2024 18:05 /Seq:4 of 6
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2058
M 34

Municipality of Kogarah.

PLAN
of part of lot 65 D.P. 3097
Parish of St George - County of Cumberland
Scale: 80 feet to an inch.

13th August 37. HB 3330E/3
For planning of new Roads & Subdivisions

Kogarah Bay
Orient Road
D.P. 3097
Lot 65
Lot 66
Lot 64
Lot 65 = 1/2 33 1/2
1. 3.
33 1/2
cleared with 6 acres

This is the plan marked "C" referred to in Certificate of Registration herewith annexed dated this 19th day of August 1937.

Witness
B

I certify that this plan has been compiled from the information shown on Deposited Plan 3097 and is correct.

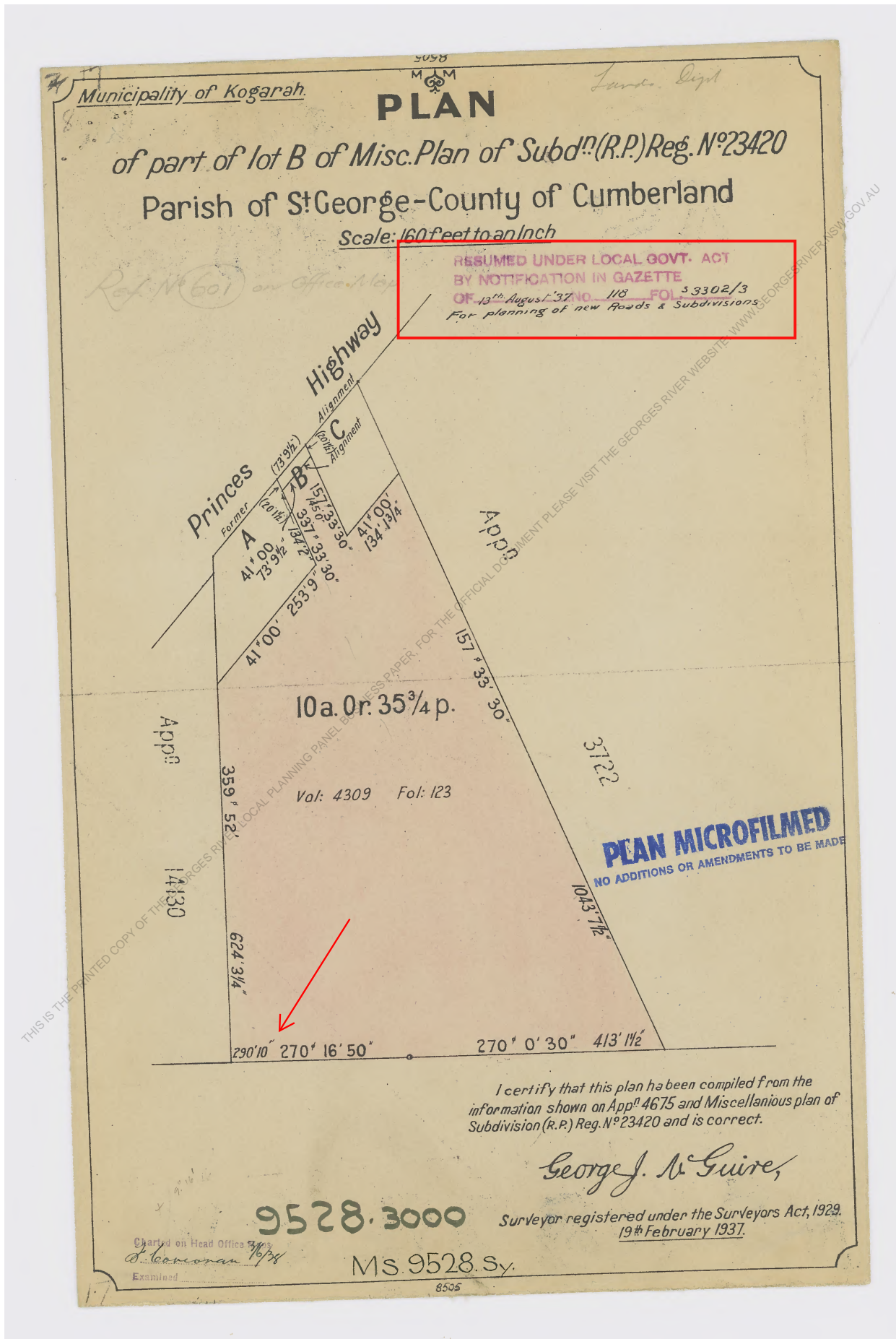
George J. M. Guire

Surveyor registered under the Surveyors Act, 1929
15th February 1937.

9/8/0
4/10/13

8502

Req:R608829 /Doc:CP 09528-3000 P /Rev:26-Nov-2012 /NSW LRS /Prt:20-Jun-2024 18:14 /Seq:1 of
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Req:R608812 / Doc:DP 001998 P / Rev:20-Mar-1998 / NSW LRS / Egs:ALL / Ppt:20-Jun-2024 18:10 / Seq:4 of 10
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Approved and covered by Council Clerks Certificate.
No 170 of 22 Dec. 1939.

E. J. Johnson
Council Clerk.

The Common Seal of the Council of the Municipality was hereto affixed this 22nd day of December 1939 in pursuance of a resolution passed by the said Council on the 18th day of December 1939

J. R. O'Connell Mayor
W. J. O'Connell Town Clerk.

I, GEORGE JAMES MCGUIRE of 185 Elizabeth St SYDNEY, a Surveyor registered under the Surveyors Act 1929, do hereby solemnly and sincerely declare, (a) that all boundaries and measurements shown on this plan are correct, (b) that all survey marks found and relevant physical objects on or adjacent to the boundaries are correctly represented, (c) that all physical objects indicated actually exist in the positions shown, (d) that the whole of the material facts in relation to the land are correctly represented, (e) that the survey represented in this plan has been made in accordance with the Survey Practice Regulations, 1933, under my immediate supervision the character and extent of which was as required by the Survey Practice Regulations, 1933, and was completed on 25th September, 1939, and permanent marks have been placed as shown hereon.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths Act, 1900.

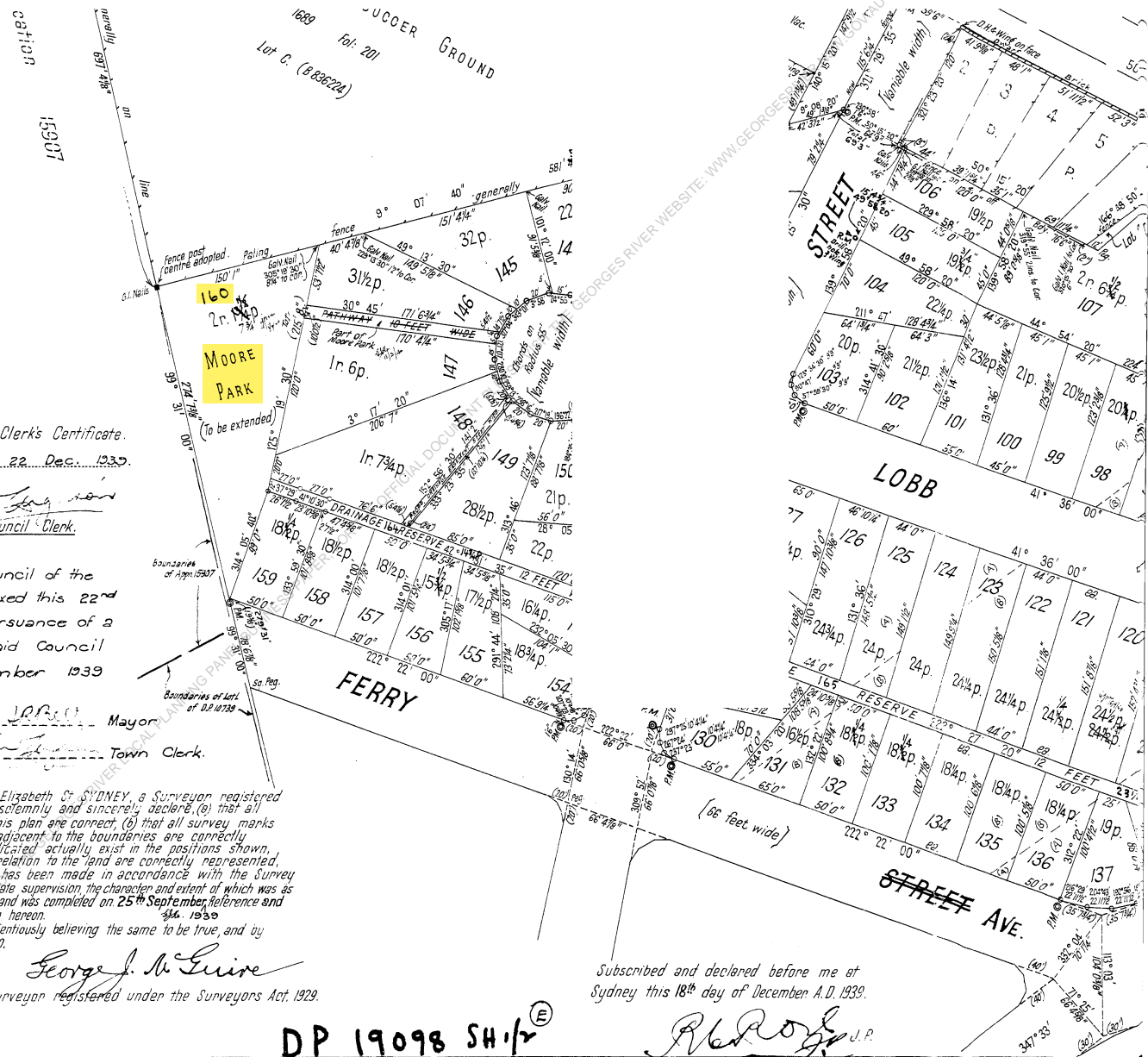
George J. McGuire
Surveyor registered under the Surveyors Act, 1929.

Datum line of Azimuth A-B.

DP 19098 SH 1/2

Subscribed and declared before me at Sydney this 18th day of December A.D. 1939.

R. G. R. O'Connell J.R.



InfoTrack

PLAN
OF PART OF

D.P. 19098

sh 1/2 E

D P 19098 E
19th June 40

Y PARK ESTATE

Subdivision of Land comprised in
1983 fol: 136, Vol: 1229 fol: 112, Vol: 524 fol: 53, Lot 3 being part of C.T. Vol: 4309 fol: 123,
of: 195, Part of Lot 2 of D.P. 16229, & Lot 47 of D.P. 14826.

GEORGE - COUNTY OF CUMBERLAND

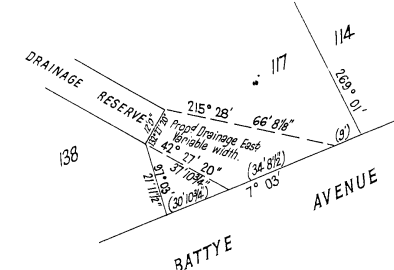
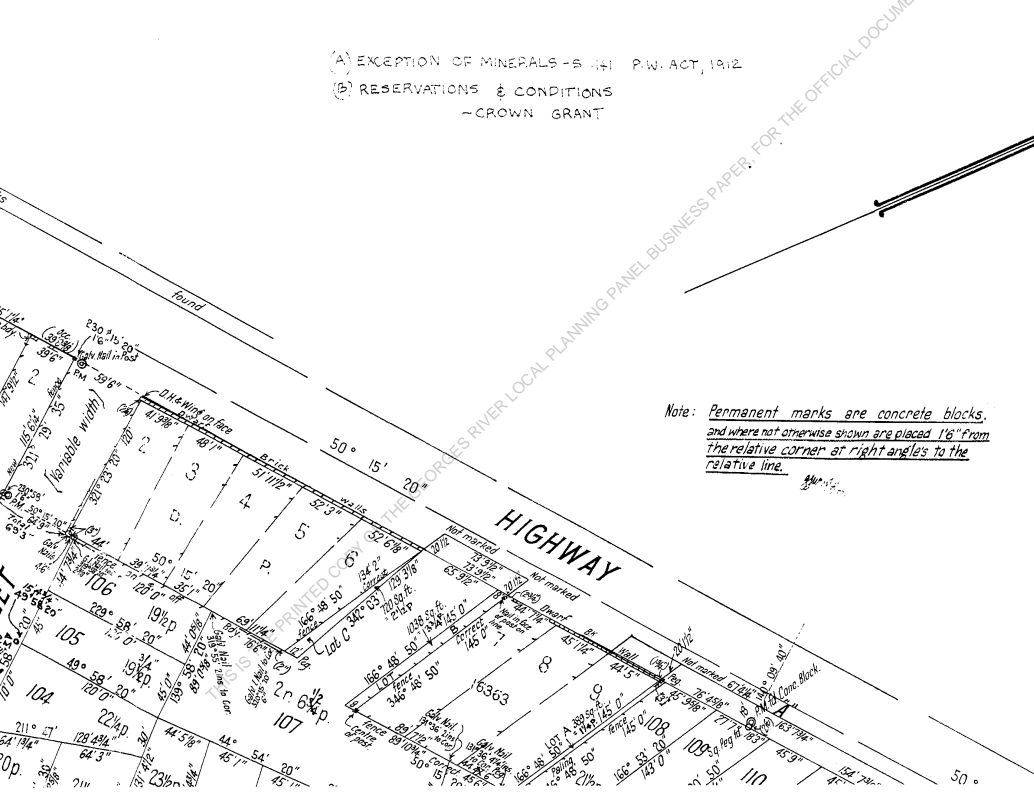
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- (A) EXCEPTION OF MINERALS - S. 141 P.W. ACT, 1912
(B) RESERVATIONS & CONDITIONS
- CROWN GRANT

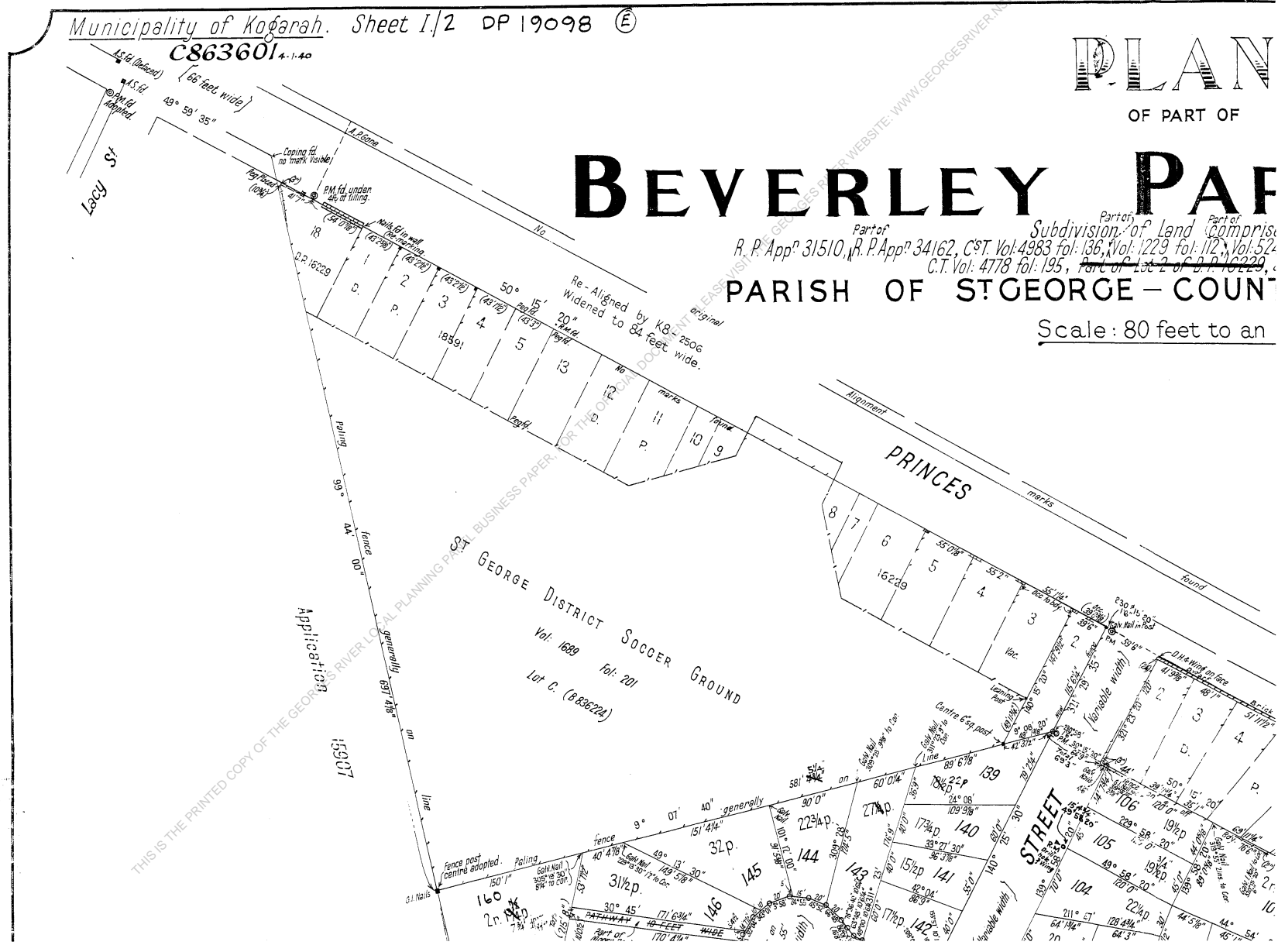
Note: Permanent marks are concrete blocks,
and where not otherwise shown are placed 1'6" from
the relative corner at right angles to the
relative line.

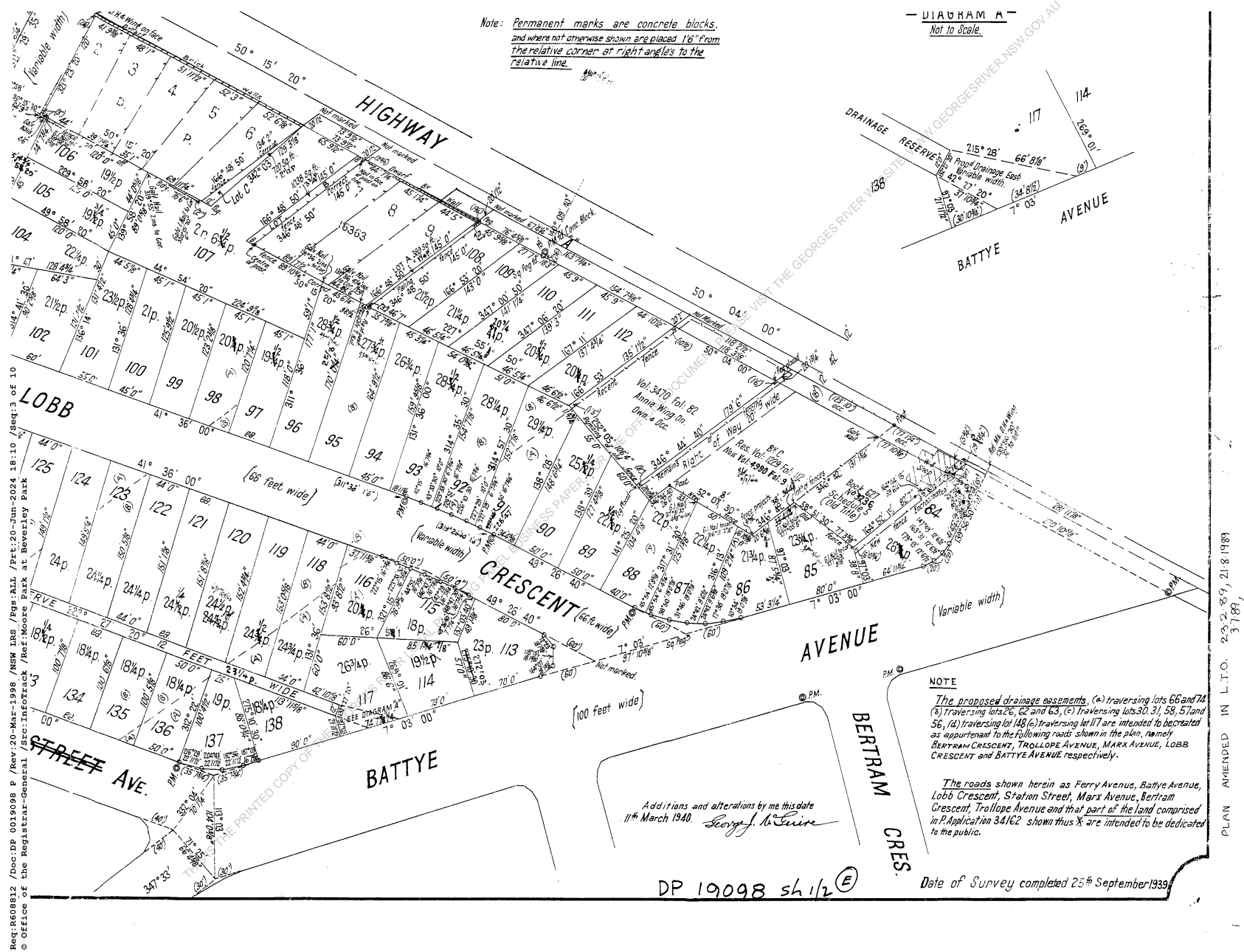
- DIAGRAM 'A' -
Not to Scale.

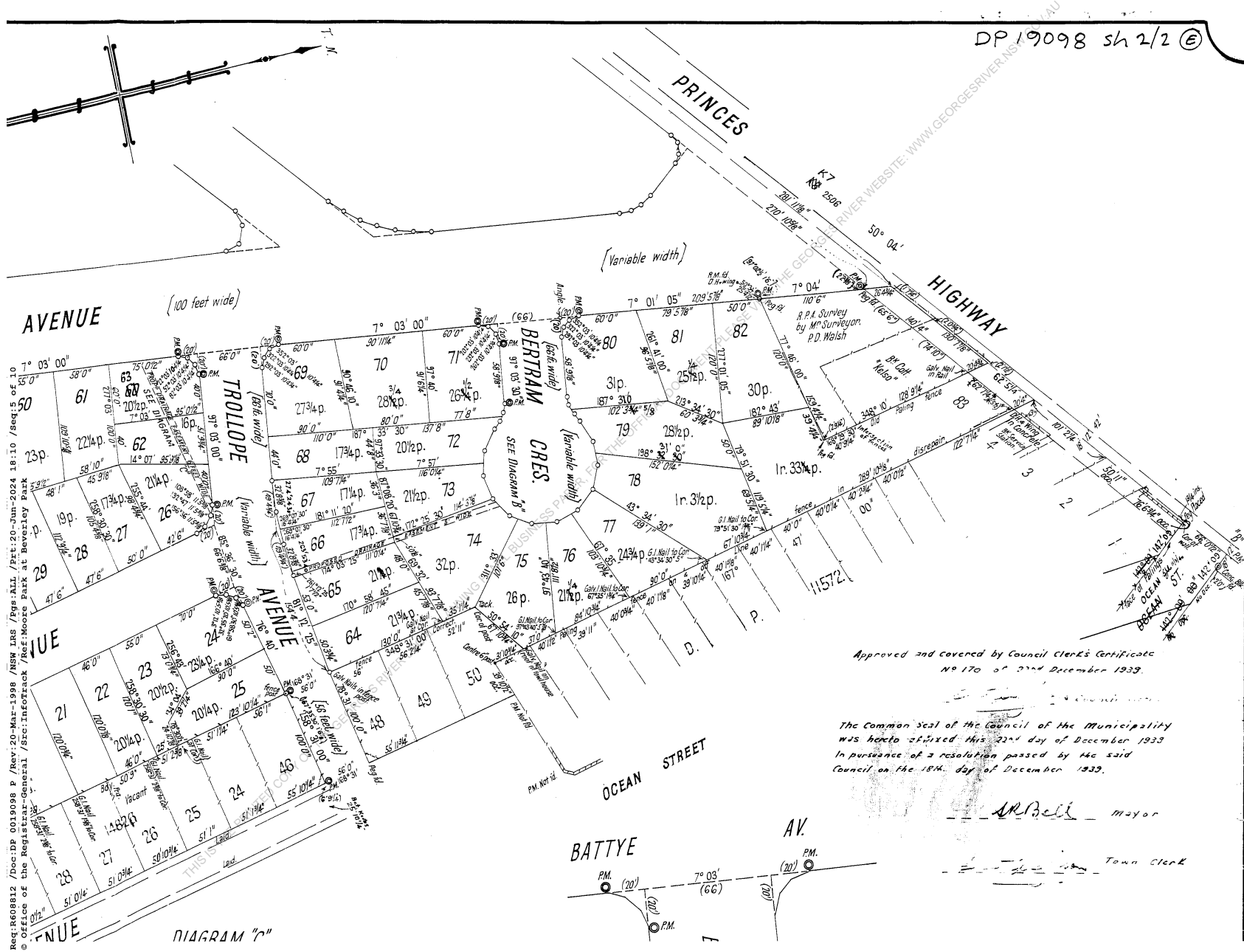
Req: R608812 / Doc: DP 0019098 P / Rev: 20-Mar-1998 / NSW LRS / Egs: ALL / Ppt: 20-Jun-2024 18:10 / Seq: 1 of 10
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Req:R608812 / Doc:DP 0019098 P / Rev:20-Mar-1998 / NSW LRS / Egs:ALL / Ppt:20-Jun-2024 18:10 / Seq:2 of 10
 © Office of the Registrar-General / Src:InfoTrack / Ref:Moore Park at Beverley Park



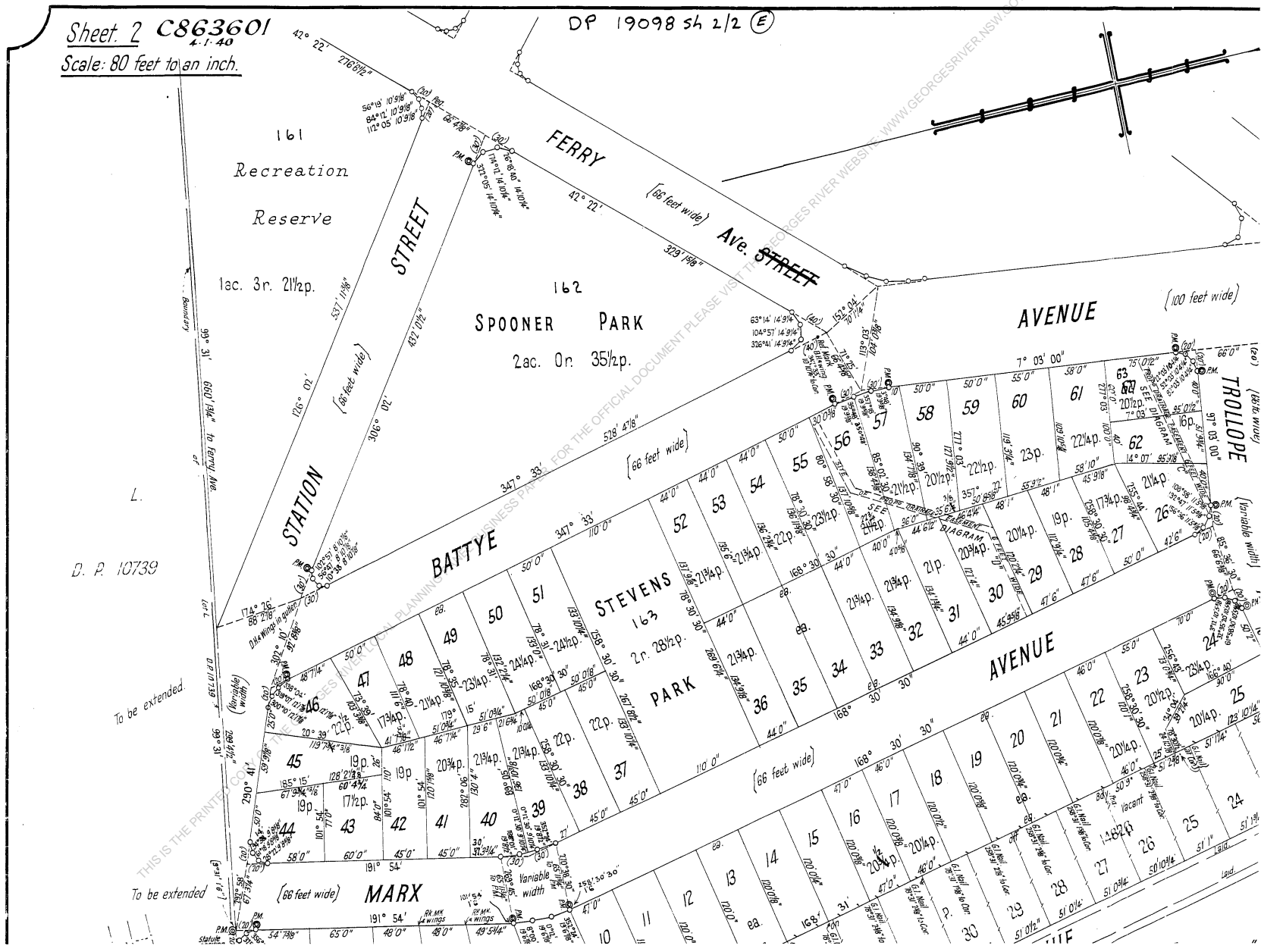


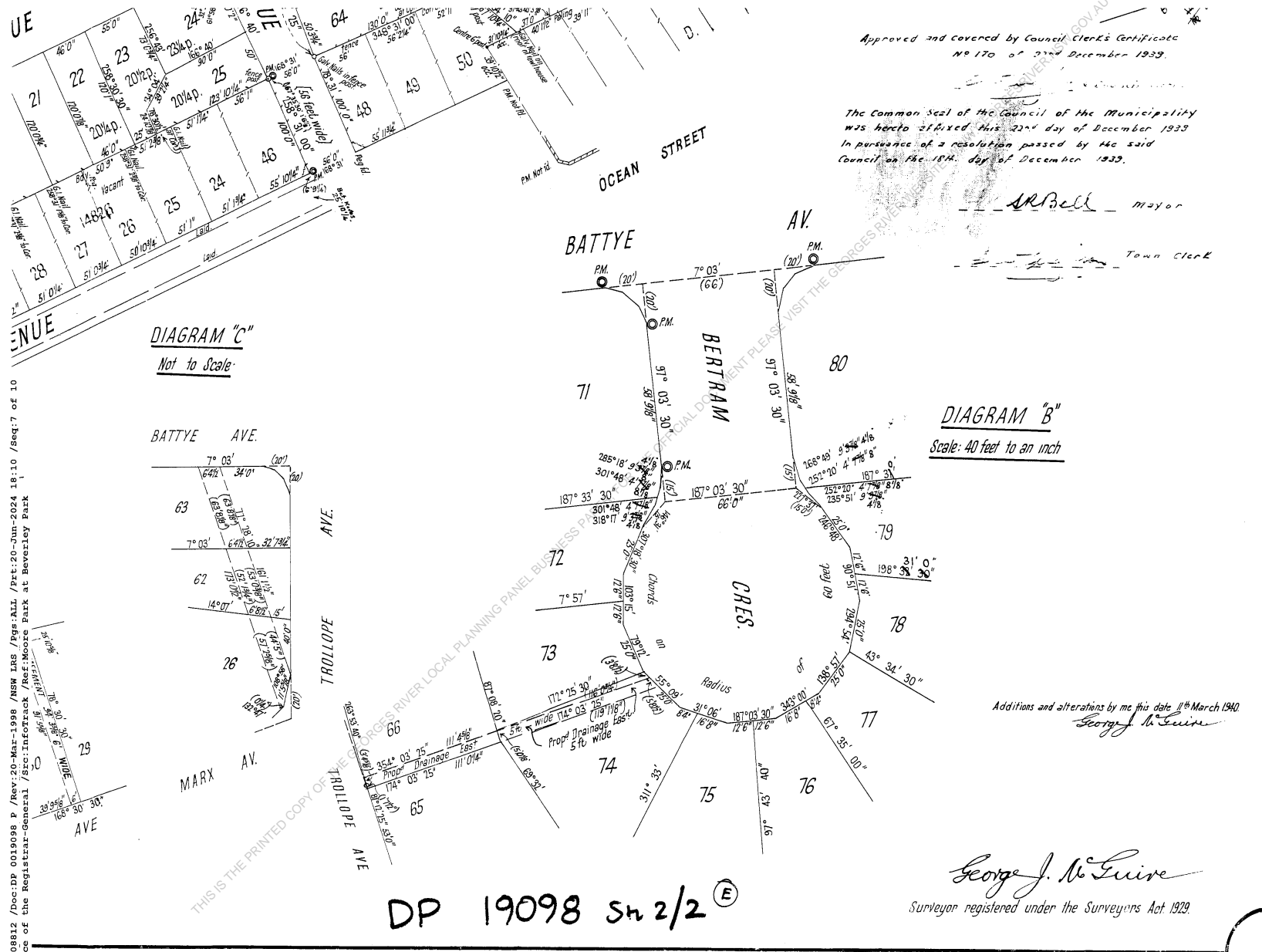


Sheet 2 C863601
4.1.40

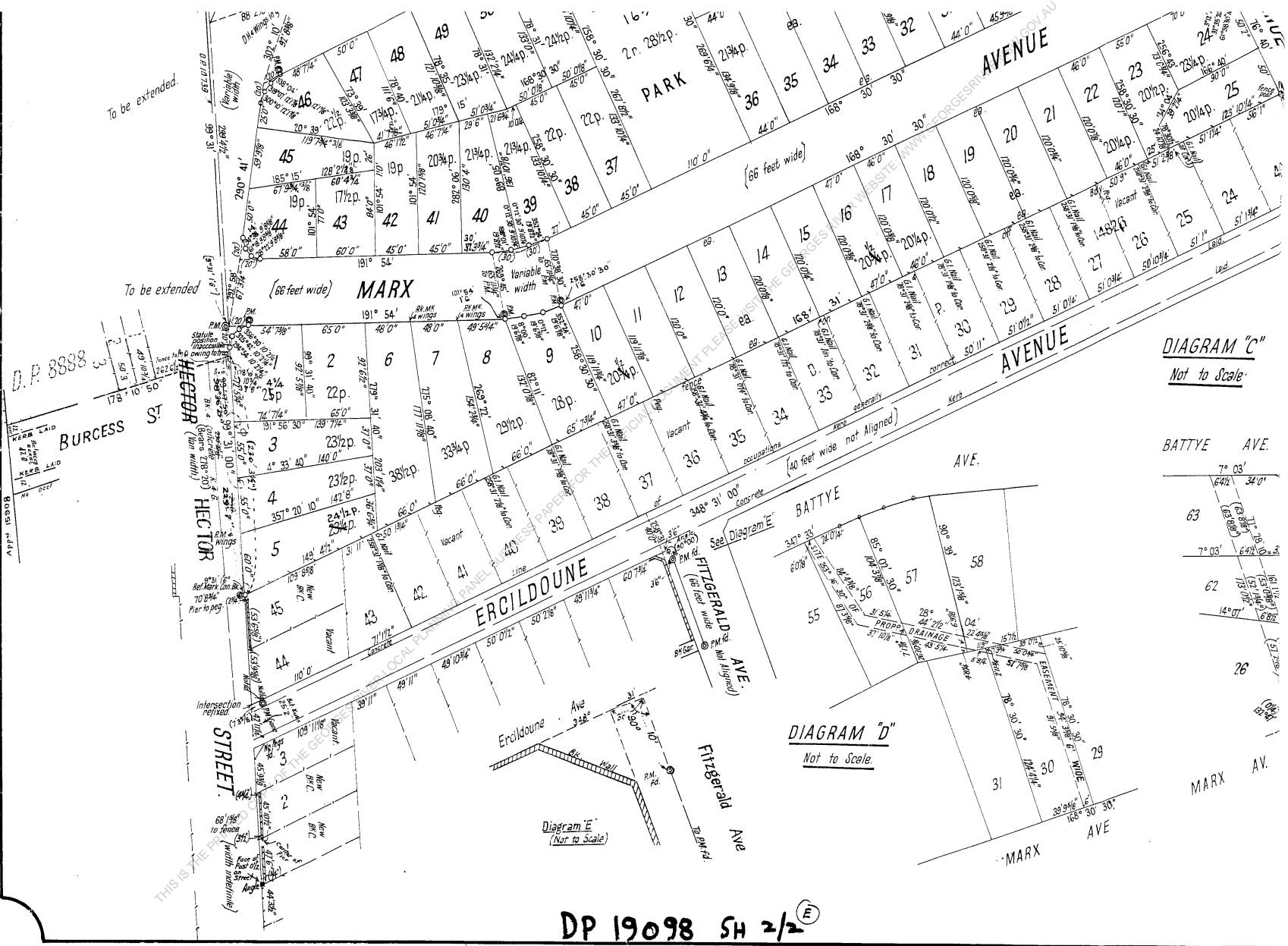
Scale: 80 feet to an inch.

Req:R608812 / Doc:DP 0019098 P / Rev:20-Mar-1998 / NSW LRS / Egs:ALL / Prt:20-Jun-2024 18:10 / Seq:6 of 10
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Req:R608812 / Doc:DP 0019098 P / Rev:20-Mar-1998 / NSW LRS / Egs:ALL / Ppt:20-Jun-2024 18:10 / Seq:8 of 10
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 APP 15508





Appendix E: Title Search

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MECONE.COM.AU



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 160/19098

SEARCH DATE	TIME	EDITION NO	DATE
12/9/2024	5:18 PM	1	22/8/2024

LAND

LOT 160 IN DEPOSITED PLAN 19098
AT BEVERLEY PARK
LOCAL GOVERNMENT AREA GEORGES RIVER
PARISH OF ST GEORGE COUNTY OF CUMBERLAND
TITLE DIAGRAM DP19098

FIRST SCHEDULE

GEORGES RIVER COUNCIL (RP AU313228)

SECOND SCHEDULE (1 NOTIFICATION)

1 C590064 LAND EXCLUDES MINERALS (S.141 PUBLIC WORKS ACT,
1912)

NOTATIONS

NOTE: PRIOR CERTIFICATE OF TITLE VOL.5148 FOL.240 IS PARTIALLY
CANCELLED AND IS NOT REQUIRED TO LODGE DEALINGS. PHOTOGRAPHIC
IDENTIFICATION MAY BE REQUIRED FROM THE REGISTERED PROPRIETOR
WHEN DEALINGS ARE BEING LODGED.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

hprop01

PRINTED ON 12/9/2024

Obtained from NSW LRS on 12 September 2024 05:18 PM AEST

© Office of the Registrar-General 2024

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. GlobalX hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900. Note: Information contained in this document is provided by GlobalX Pty Ltd, ABN 35 099 032 596, www.globalx.com.au an approved NSW Information Broker.

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



mecone.com.au
info@mecone.com.au
02 8667 8668

REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 03 JULY 2025

LPP021-25 42 ANNETTE STREET, OATLEY

LPP021-25

LPP Report No	LPP021-25	Development Application No	DA2025/0098
Site Address & Ward Locality	42 Annette Street, Oatley Blakehurst Ward		
Proposed Development	Alterations and addition to a dwelling house		
Owners	Philip Howarth and Kerryl Howarth		
Applicant	Philip Howarth		
Planner/Architect	Planning Ingenuity Pty Ltd/Innovate Architects		
Date Of Lodgement	19/03/2025		
Submissions	No submissions received.		
Cost of Works	\$976,990.00		
Local Planning Panel Criteria	The existing dwelling and proposed alterations and additions to the existing dwelling has a variation that is greater than 10% to Clause 4.4A floor space ratio development standard. The proposed variation equates to 31.59% to the development standard which is beyond Councils delegation.		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Sustainable Buildings 2021), State Environmental Planning Policy (Transport and infrastructure) 2021, Georges River Local Environmental Plan 2021 (GRLEP 2021) and Georges River Development Control Plan 2021 (GRDCP 2021).		
List all documents submitted with this report for the Panel's consideration	Architectural Plans and assessment report		
Report prepared by	Senior Development Assessment Planner		

RECOMMENDATION	Approval Subject to 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?	Yes - Exceptions to floor space ratio—certain residential accommodation
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 conditions can be reviewed when the report is published.

SITE PLAN



Figure 1 – Aerial view of development site outlined in red (Source: Intramaps)

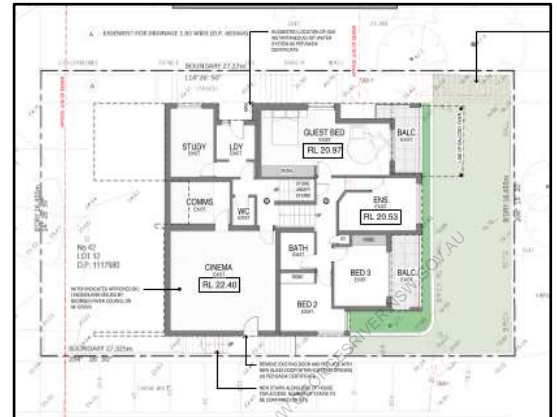
PROPOSAL

1. The proposal comprises of the following components:
 - a) Demolition works
 - i. Demolition works to allow for the internal configuration changes and external works.
 - ii. Demolition works will encompass some interior walls and the partial demolition of exterior walls for the provision of new windows and the new additions.
 - b) Lower ground floor

- i. The lower ground floor will remain as existing, no new internal works are proposed.



Existing



Proposed

- c) Proposed works to the ground floor:

- An extension of the kitchen to engulf the existing dining room with the provision of a new walk-in pantry.
- The existing sitting room will be raised to match the existing floor level and used as a dining room.
- The northern balcony will also be extended which will be setback 4.1m from the neighbouring rear property.



Existing



Proposed

- d) Proposed works to the first floor:

- An extension to the upper-level bedroom to create a study room to the southern side of the dwelling.
- Amalgamation of the existing walk-in robe and ensuite to create a larger ensuite next to a new walk-in robe.
- Addition of a study with two desks.

- e) External works

- Demolition of northern boundary stairs and fill to match existing levels
- Replacement of the existing tiled roof with metal deck roofing
- New stairs along the southern boundary
- Changes to fenestration and materials on the ground and first floor
- New skylights



Existing

**Proposed**

SITE AND LOCALITY

2. The site is known as No.42 Annette Street, Oatley and has a legal description of Lot 12 in DP 1117980. The site is regular in shape with a western frontage of 16.455m to Annette Street. The site is situated on Annette Street sitting forward of No.42A Annette Street which is a battle axe allotment to the sites rear. The site does not benefit from direct access to the waterway. The subject site has a northern and southern side boundaries of approximately 27m. The site has a total area of 449.3sqm.
3. The site falls from the front to rear boundary by approximately 6.5m over the length of the site. There is an existing three storey single dwelling located on site. The site contains some vegetation within the front and rear alignments; however, the site contains limited mature vegetation. Existing trees on the site have been approved for removal under TA2024/0306.
4. The topography of the immediate locality generally falls down towards the Georges River. Development in the surrounding locality comprises multi storey single dwellings that step down with the slope of the land. The character of the residential dwellings throughout the locality varies given the age and their associated architectural style.



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



Figure 3 – Aerial view of development site outlined in red (Source: Near Maps).

ZONING AND PERMISSIBILITY

5. The subject site is zoned R2 Low Density Residential under the provisions of Georges River Local Environmental Plan 2021 (GRLEP 2021). The proposal involves the alterations and additions to a dwelling house which is a permissible use in the zone with development consent.



Figure 4 – Aerial view of development site outlined in red (Source: Intramaps)

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

6. This application is referred to the Georges River Local Planning Panel for determination as the applicants seeks a variation to the exceptions to floor space ratio—certain residential accommodation of greater than 10%. The variation sought equates to 31.59%.

SUBMISSIONS

7. The DA was publicly notified to neighbours for a period of fourteen (14) days in accordance with the Georges River Community Engagement Strategy. No submissions were received. The applicant lodged revised plans on Tuesday, 10 June 2025. In accordance with the requirements of Georges River Community Engagement Strategy these plans were not publicly exhibited as, in the opinion of Council, the changes being sought did not intensify or change the external impact of the development to the extent that neighbours ought to be given the opportunity to comment.

ASSESSMENT

8. The application has been assessed having regard to the Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, the provisions of the relevant State Environmental Planning Policies, Georges River Local Environmental Plan 2021 and Georges River Development Control Plan 2021.

Georges River Local Environmental Plan 2021		
Clause 4.3 – Height of Buildings		
Standard	Proposal	Compliance
Maximum 9m	8.83m	Yes
Clause 4.4A – Exceptions to floor space ratio—certain residential accommodation		
Standard	Proposal	Compliance
Maximum 0.55:1 247.12sqm	0.72:1 325.19sqm	No, 31.59% variation to development standard - see Clause 4.6 Assessment.
Clause 6.2 Earthworks		
Standard	Proposal	Compliance
Cut and fill to the site	The proposed earth works have been conditioned to ensure that the significant fill proposed is not supported and the existing ground level is to be retained.	No - merit based assessment.
Clause 6.10 Design Excellence		
Standard	Proposal	Compliance
(2) This clause applies to development on land within the Foreshore Scenic Protection Area.	The proposal is located within the Foreshore Scenic Protection Area for residential accommodation. The proposal has been considered with regards the matters identified in Clause (5) and is considered to suitably demonstrate compliance with the Clause subject to the design change condition.	No - merit based assessment.
Clause 6.12 – Landscaped areas in certain residential and conservation zones		
Standard	Proposal	Compliance
Minimum 25% of the site area 112.35sqm	29.9% 134.31sqm	Yes – the application seeks to remove hard stand area to make way for deep soil landscape area.

Clause 4.6 - Exceptions to development standards		
Clause 4.6 Variation Statement submitted in regard to the proposed variation to Clause 4.4A Exceptions to floor space ratio— certain residential accommodation.	Existing Variation: 22.87% Proposed Variation: 31.59% Variation as Conditioned: 27.06%	See assessment attached.

Georges River Development Control Plan 2021		
3.5.1 Excavation (including cut and fill)		
Control	Proposal	Compliance
2. Maximum 1m	2.42m of fill proposed	No
3.5.2 Construction Management/Erosion and Sediment Control		
Control	Proposal	Compliance
3. Development is to minimise site disturbance including impacts on vegetation and significant trees and the need for cut and fill.	2.42m of fill proposed	No
6.1.2.2 Building Scale and Height		
Control	Proposal	Compliance
3. A maximum of two (2) storeys plus basement is permissible at any point above ground level (existing). Basements are to protrude no more than 1m above existing ground level.	3 storeys existing and proposed.	No
6.1.2.3 Setbacks - Side and Rear Setbacks		
Control	Proposal	Compliance
Rear Setback	4.125m	No
6.1.2.6 Excavation (Cut and Fill)		
Control	Proposal	Compliance
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.	2.42m	No
6.1.2.8 - Visual Privacy		
Control	Proposal	Compliance
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.	3m rearward balcony at an upper level proposed.	No
6.5.1 – Foreshore Scenic Protection Area		
Control	Proposal	Compliance
4. The visual impact of buildings is minimised having regard to building size, height, bulk, siting, external materials and colours, and cut and fill.	The existing dwelling has a fourth bedroom, ensuite and walk in robe at the first floor. The proposed development seeks to significantly increase the first floor (third storey) by increasing the ensuite, walk in	No

	robe and bedroom. The proposal also seeks to add a study off of the bedroom at the first floor (third storey). The proposed development fails to meet the development objectives as outlined in GRDCP 2021 relating to building scale and form.	
--	---	--

9. The proposed development does not comply with majority of controls. Despite the numerous non-compliances, the proposal may be supported subject to design changes as conditioned in the assessment report.
10. The existing dwelling house in its current form exceeds the maximum permissible FSR by 22.87%. The proposed alterations and additions to the dwelling house will further result in a FSR variation of approximately 31.59%. The increase in gross floor area to the built form is concentrated to the first-floor bedroom and study.
11. Concern was raised with the Applicant that the proposed extension to the first floor adds additional bulk and scale to the built form. The Applicant was requested to delete the study through the course of the assessment of the application. The revised plans have sought to retain the study. The study at the first floor is not supported and is subject to a design change condition for its deletion.
12. It is considered that the study adds additional bulk and scale to the first floor that is not in keeping with the desired future character. It should be noted that the existing gross floor area of the dwelling includes two studies within the built form. The addition of a third study at the first-floor level adds additional built form on the third storey which increases the visual dominance of the development when viewed from the waterway. The deletion of the study will remove approximately 10.7sqm of gross floor area from the proposal and reduce the built form at the third storey.
13. The proposal also seeks to vary GRDCP 2021 development control which limits development to 2 storeys in height above existing ground level and a basement. The non-compliance is as a result of an extension of an existing first-floor addition to the existing dwelling. The DCP provides that Council may permit a variation to the control (whether that be a basement or third storey above natural ground) where it is satisfied with the following relevant objectives as discussed below:
 - a) Ensure that buildings are compatible with the height, bulk, and scale of the desired future character of the locality,
 - b) Minimise adverse visual impact, disruption of views, loss of privacy and loss of sunshine to existing residential developments.
 - c) Reduce the visual dominance of development when viewed from waterways, as well as other public places such as parks, roads, and community facilities.

14. The variation to the development control is only in part supported. The existing dwelling has a fourth bedroom, ensuite and walk in robe at the first floor. The proposed development seeks to significantly increase the first floor (third storey) by increasing the ensuite, walk in robe and bedroom. The proposal also seeks to add a study off the bedroom at the first floor (third storey).
15. The proposed development fails to meet the development objectives as outlined in GRDCP 2021 relating to building scale and form. The resultant built form will present to Annette Street as two storeys however angled to the side elevation from the street will be viewed as three-storeys. Furthermore, the dwelling will be viewed as three storeys from the adjoining side and rear properties. GRDCP 2021 outlines that 'buildings must be compatible with the height, bulk and scale of the desired future character of the locality'.
16. The proposed development also fails to comply with development control 4 under part 6.5.1 in that the visual impact of buildings is not minimised having regard to building size, height, bulk, siting, external materials and colours, and cut and fill. The proposed development fails to meet the development objectives as outlined in GRDCP 2021 relating to building scale and form.
17. As indicated above the subject application is subject to the following design change conditions:
 - a) The study on the first floor is to be deleted. The roof form is to remain as existing except for the change of materiality of the roof from tiles to metal roofing.
 - b) The proposed fill of up to 2.42m within the north-eastern corner of the site is not permitted. The existing concrete stairs can be removed with the land in this location retaining the existing sloping topography and either grass and/or mass landscape planting.

CONTRIBUTIONS

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

CONCLUSION

19. The application has been assessed having regard to the matters for consideration under section 4.15 of the environmental planning and assessment act 1979, the provisions of the relevant state environmental planning policies, local environmental plans and development control plans.
20. The proposal has been assessed against the provisions of the Georges River Local Environmental Plan 2021 and Georges River Development Control Plan 2021. The identified non-compliances with the floor space ratio have been addressed and justified in this report, the Clause 4.6 request to vary the floor space ratio development standard is supported subject to a design change condition for reasons identified in this report. Any variations have been addressed and are worthy of support on merit.

STATEMENT OF REASONS AND DETERMINATION

Statement of Reasons

21. The reasons for this recommendation are:
- The proposed development complies with the requirements of the relevant environmental planning instruments except Clause 4.4A Exceptions to floor space ratio—certain residential accommodation. A Clause 4.6 variation has been submitted in support of the application which is considered acceptable as conditioned via the design change and having regard to the justification provided in the report above.
 - The proposed development as conditioned via the design change complies with the objectives of the relevant environmental planning instruments.
 - The proposal as conditioned via the design change aims to provide a high-quality development that will establish a positive urban design outcome.

Determination

22. That: Georges River Local Planning Panel as conditioned support the request for variation under Clause 4.6 of Georges River Local Environmental Plan 2021, in relation to the Exceptions to floor space ratio—certain residential accommodation (Clause 4.4A) development standard, as the variation satisfies the objectives of the standard and sufficient environmental planning grounds have been provided in the written request for variation justifying that compliance would be unnecessary and unreasonable in the circumstances of the case. The proposal is also in the public interest, resulting in no adverse environmental impacts but rather a superior design outcome.
23. Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act, 1979 (as amended), Development Application DA2025/0098 for alterations and additions to a dwelling house on Lot 12 in DP 1117980, known as 42 Annette Street, Oatley, is granted Development Consent subject to the following conditions of consent:

CONDITIONS

Development Details

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

Description	Reference No.	Date	Revision	Prepared by
Site Plan	Sheet 3	10 June 2025	B	Innovate Architects
Lower Ground Floor Plan	Sheet 4	10 June 2025	B	Innovate Architects
Ground Floor Plan	Sheet 5	10 June 2025	B	Innovate Architects
First Floor Plan	Sheet 6	10 June 2025	B	Innovate Architects

Elevations & External Finishes Schedule	Sheet 7	10 June 2025	B	Innovate Architects
Sections & Height Blanket Diagram	Sheet 8	10 June 2025	B	Innovate Architects

Documents relied upon to form this development consent:

Description	Reference No.	Date	Revision	Prepared by
Clause 4.6 Variation Statement	M230263	11 June 2025	-	Planning Ingenuity
Stormwater Drainage Plan	SW01	23 August 2023	A	Hyten Engineering
Landscape Plan	L-01 L-02 L-03 L-04 L-05 L-06	12 March 2025	E	Site Design & Studio

Separate Approvals Required Under Other Legislation

2. AUSGRID

Ausgrid Overhead Powerlines are in the vicinity of the development. The developer should refer to SafeWork NSW Document - Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase. Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected to be entering and leaving the site. The "as constructed" minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid's website at www.ausgrid.com.au. It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer's cost. Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

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.

4. Driveway Crossing - Minor Development - Constructing a driveway crossing and/or footpath requires a separate approval under Section 138 of the Roads Act 1993 prior to the commencement of those works.

To apply for approval, complete the "Application for Driveway Crossing and Associated Works on Council Road Reserve" issued under Section 138 Roads Act." which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au. Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Section P1 and P2, in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with Driveway Crossing applications.

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

The design boundary level is to be received from Council prior to construction of the internal driveway

5. **Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the RMS, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

Requirements of Concurrence, Integrated & Other Government Authorities

6. **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

7. **Low reflectivity roof** - Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the Certifying Authority.
8. **Fees to be paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.georgesriver.nsw.gov.au).

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	\$2,000.00
Inspection Fee for Refund of Damage Deposit	\$210.00
DEVELOPMENT CONTRIBUTIONS	
Georges River Council Section 7.12 Development Contributions Plan 2021	\$9,769.90

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

Development Contributions

A Section 7.12 contribution has been levied on the subject development pursuant to the Georges River Council Section 94A Contributions Plan 2017.

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.

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

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

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

10. Site Management Plan -

Minor Development

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.

11. BASIX Commitments - All energy efficiency measures as detailed in the BASIX Certificate No. A505782_04 must be implemented on the plans lodged with the application for the Construction Certificate.

12. Required design changes - The following changes are required to be made and shown on the Construction Certificate plans:

1. The study on the first floor is to be deleted. The roof form is to remain as existing except for the change of materiality of the roof from tiles to metal roofing.
2. The proposed fill of up to 2.42m within the north-eastern corner of the site is not permitted. The existing concrete stairs can be removed with the land in this location retaining the existing sloping topography and either grass and/or mass landscape planting.

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

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water runoff is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater - Soils and Construction \(Blue Book\) produced by Landcom 2004](#).

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

14. Stormwater System -

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate to Principal Certifying Authority.

- (a) All stormwater shall be drained in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).
- (b) Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, shall accompany the application for the Construction Certificate.

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

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Hurstville Development Control Plan 1 which includes Appendix 2.

16. **Structural details** - Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.

A copy shall be forwarded to Council where Council is not the PCA.

17. **Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).
18. **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.
19. **Landscape Plan** – An updated detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted prior to the issue of the Construction Certificate.

The plan must include:

- (a) Location of existing and proposed structures, services and existing trees;
- (b) Details of earthworks including mounding and retaining walls and planter boxes;
- (c) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
- (d) Details of planting procedure and maintenance;
- (e) Landscape specification;
- (f) Details of drainage and watering systems;
- (g) Details of garden edging and turf; and
- (h) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

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

- 20. Demolition & Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2001 - Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the [NSW Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015).

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

- 21. Demolition Notification Requirements** - The following notification requirements apply to this consent:
- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
 - (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
 - (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.
- 22. Demolition work involving asbestos removal** - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).

- 23. Before You Dig Australia** - The applicant shall contact "Before You Dig Australia" at <https://www.byda.com.au/> to obtain a Service Diagram prior to the issuing of the Construction Certificate. The reference number for the enquiry obtained from "Before You Dig Australia" shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.
- 24. Registered Surveyors Report - During Development Work** - A report must be submitted to the PCA at each of the following applicable stages of construction:
- Set out before commencing excavation.
 - Floor slabs or foundation wall, before formwork or commencing brickwork.
 - Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
 - Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
 - Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
 - Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
 - Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

- 25. 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.

During Construction

26. Road Opening Permit

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

- 27. Development Engineering - Damage within Road Reserve and Council Assets** - The owner shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.
- 28. 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.
- 29. Hours of construction for demolition and building work** - Unless authorised by Council:
- Building construction and delivery of material hours are restricted to: 7.00 am to 5.00 pm (inclusive) Monday to Saturday and no work on Sundays and Public Holidays.
 - Demolition and excavation works are restricted to: 8.00 am to 5.00 pm (inclusive) Monday to Friday only. Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site.
- 30. Ground levels and retaining walls** - The ground levels of the site shall not be excavated, raised or filled, or retaining walls constructed on the allotment boundary, except where indicated on approved plans or approved by Council.
- 31. Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.
- 32. 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.
- 33. Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.
- Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.
- 34. Tree Removal on Private Land** - The trees identified as 'to be removed/pruned' on the approved plans or by conditions of this consent shall be removed in accordance with AS4373 -2007 and the *Amenity Tree Industry Code of Practice* (SafeWork NSW, August 1998).

Prior to the issue of the Occupation Certificate**35. Requirements prior to the issue of the Occupation Certificate -**

The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

- (a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate. The information must include work as executed levels in mAHD of rainwater tank details, surface /invert levels and charged piped system, twin front boundary pits surface/invert levels and sizes.
- (b) The above Work as Executed plans must be jointly prepared and duly CERTIFIED and SIGNED OFF by Drainage Design Engineer that all drainage systems which have been installed as per CC approved drainage plans and submitted to Council for compliance and record.
- (c) The above Work as Executed Plans when all the site engineering stormwater drainage related works are completed and then shall be submitted to the PCA prior to the issue of the Occupation Certificate.

36. BASIX Compliance Certificate - A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.

37. Completion of Landscape Works - All landscape works must be completed before the issue of the Final Occupation Certificate.

38. Vehicular crossing - Minor development - The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the 'Application for Driveway Crossing and Associated Works on Council Road Reserve' approval issued by Council's Assets and Infrastructure Division.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

NOTE: No stencilled or coloured concrete may be used outside the boundary of the property.

The work must be completed before the issue of an Occupation Certificate.

Operational Conditions (On-Going)

39. Maintenance of Landscaping - All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

40. Outdoor Lighting - To avoid annoyance to the occupants of adjoining premises or glare to motorist on nearby roads, outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.

- 41. Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

Operational Requirements Under the Environmental Planning & Assessment Act 1979

- 42. Requirement for a Construction Certificate** – Division 2 [Environmental Planning and Assessment \(Development and Fire Safety\) Regulation 2021](#) - The erection of a building must not commence until a Construction Certificate has been issued.
- 43. Appointment of a Principal Certifier (PC)**- The erection of a building must not commence until the applicant has:
- appointed a PC for the building work; and
 - if relevant, advised the PC that the work will be undertaken as an Owner -Builder.

In accordance with Clause 57 of the [Environmental Planning and Assessment \(Development and Fire Safety\) Regulation 2021](#)

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- 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
 - notify the PC of the details of any such appointment; and
 - 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.
- 44. Notification Requirements of PC** – Clause 57 of [Environmental Planning and Assessment \(Development and Fire Safety\) Regulation 2021](#) - No later than two days before the building work commences, the PC must notify:
- the consent authority and the Council (if not the consent authority) of his or her appointment; and
 - the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.
- 45. Notice of Commencement** – Clause 59 of [Environmental Planning and Assessment \(Development and Fire Safety\) Regulation 2021](#) the applicant must give at least two days notice to the Council and the PC of their intention to commence the erection of a building. A Notice of Commencement Form is attached for your convenience.
- 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 68 of the [Environmental Planning and Assessment \(Development and Fire Safety\) 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 in accordance with Clause 58 of the [Environmental Planning and Assessment \(Development and Fire Safety\) Regulation 2021](#).

Where Georges River Council has been appointed as the PC, 48 hours notice in writing, or alternatively 24 hours notice by facsimile or telephone, must be given when specified work requiring inspection has been completed.

48. **Occupation Certificate** – Part 5 [Environmental Planning and Assessment \(Development and Fire Safety\) Regulation 2021](#) - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.
Only the PC appointed for the building work can issue the Occupation Certificate.

Prescribed Conditions

49. **Clause 44 - BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
50. **Clause 67 - Building Code of Australia & Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.
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.
52. **Clause 67 - Home Building Act 1989** - If the development involves residential **building** work under the [Home Building Act 1989](#), no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the [Home Building Act 1989](#).
53. **Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.
54. **Clause 61 - Site Excavation** - Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.
All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

END CONDITIONS

NOTES/ADVICES

1. **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.
2. **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.
3. **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.
4. **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.

5. **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.

6. **Stormwater & Ancillary Works - Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993** - To apply for approval under Section 138 of the Roads Act 1993 and/or Section 68 Local Government Act 1993:

- (a) Complete the Stormwater Drainage Application Form which can be downloaded from Georges River Council's website at www.georgesriver.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. DA2018/0***) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with stormwater applications.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new stormwater drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.

NOTE: A minimum of four weeks should be allowed for assessment.

7. **Council as PCA - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the PCA in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative fire solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.
8. **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).

ATTACHMENTS

Attachment [↓1](#) DA Assessment Report 42 Annette Street Oatley DA2025-0098



Attachment [↓2](#) Redacted Architectural Plans - 42 Annette St Oatley





Assessment Report

DA2025/0098 – 42 Annette Street,
Oatley

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Acknowledgment of Country

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

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Development Summary

Development Summary	
Application Number	DA2025/0098
Development Description	Alterations and additions to a dwelling house
Development Type	Local
Lot and DP	Lot 12 DP 1117980
Street Address	42 Annette Street OATLEY NSW 2223
Land Zoning	R2 Low Density Residential
Lot Size	449.3sqm
Applicant	Mr Philip Howarth
Owner(s)	Mr Philip Howarth Mrs Kerry Howarth
Dated of Lodgement	19 March 2025
Cost of Works	\$976,990.00
Clause 4.6 Variations	Clause 4.4A - Exceptions to floor space ratio—certain residential accommodation
Public Notification	10/04/2025 – 01/05/2025
No. of Submissions	No submissions received
Recommendation	Approval
Assessment Officer	Renee Arrowsmith/Senior Development Assessment Planner
Consent Authority	Georges River Local Planning Panel
Delegation for Determination	Georges River Local Planning Panel

Report Summary

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

The assessment recommends that pursuant to Section 4.16 (1)(a) Environmental Planning & Assessment Act 1979, grant consent to the before mentioned Development Application, subject to the imposed conditions of consent.



Site Affectations

Site Affectations	Yes	No
Bushfire Prone Land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Flood Liable Land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Foreshore Building Line	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Foreshore Scenic Protection Area	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Riparian Lands & Waterways	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Coastal Hazard and Risk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water Catchment Area	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ecological Significant Site	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Contains Heritage Item(s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Heritage Conservation Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Adjoining rail corridor	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Adjoining classified road	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Impacted by airspace operations	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Acid Sulfate Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Within Gas Main Buffer	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Council Owned Land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Crown Land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Easements Within Lot Boundaries	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Land Contamination	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Narrow lot housing precinct	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other (if yes describe)	<input type="checkbox"/>	<input type="checkbox"/>

Proposal

The works proposed in this application are specifically outlined below:

- Demolition works to allow for the internal configuration changes and external works.
- Demolition works will encompass some interior walls and the partial demolition of exterior walls for the provision of new windows and the new additions.

Alterations & Additions to Dwelling House

- The lower ground floor will remain as existing, no new internal works are proposed.



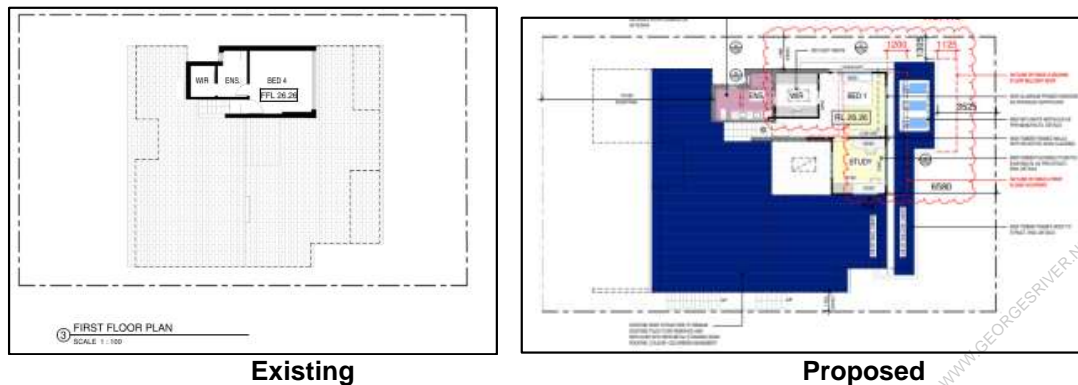
**Existing****Proposed**

- The proposed works to the ground floor:
 - o An extension of the kitchen to engulf the existing dining room with the provision of a new walk-in pantry.
 - o The existing sitting room will be raised to match the existing floor level and used as a dining room.
 - o The northern balcony will also be extended which will be setback 4.1m from the neighbouring rear property.

**Existing****Proposed**

- The proposed works to the first floor:
 - o An extension to the upper-level bedroom to create a study room to the southern side of the dwelling.
 - o Amalgamation of the existing walk-in robe and ensuite to create a larger ensuite next to a new walk-in robe.
 - o Addition of a study with two desks.
- External works
 - o Demolition of northern boundary stairs and fill to match existing levels
 - o Replacement of the existing tiled roof with metal deck roofing
 - o New stairs along the southern boundary
 - o Changes to fenestration and materials on the ground and first floor
 - o New skylights





Site and Locality

The site is known as No.42 Annette Street, Oatley and has a legal description of Lot 12 in DP 1117980. The site is regular in shape with a western frontage of 16.455m to Annette Street. The site is situated on Annette Street sitting forward of No.42A Annette Street which is a battle axe allotment to the sites rear. The site does not benefit from direct access to the waterway. The subject site has a northern and southern side boundaries of approximately 27m. The site has a total area of 449.3sqm.

The site falls from the front to rear boundary by approximately 6.5m over the length of the site. There is an existing three storey single dwelling located on site. The site contains some vegetation within the front and rear alignments; however, the site contains limited mature vegetation. Existing trees on the site have been approved for removal under TA2024/0306.

The topography of the immediate locality generally falls down towards the Georges River. Development in the surrounding locality comprises multi storey single dwellings that step down with the slope of the land. The character of the residential dwellings throughout the locality varies given the age and their associated architectural style.

Aerial Image of Land Zoning



Figure 1 – Aerial view of development site outlined in red (Source: Intramaps)

Aerial Image of Site



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

Aerial Image of Site



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

Infrastructure – Water / Sewer / Stormwater



Figure 4 – Sewer mains traversing through front and rear of lot (brown), water connection to lot (purple), Council stormwater main located along northern side boundary (blue) (Source: *Intramaps*)

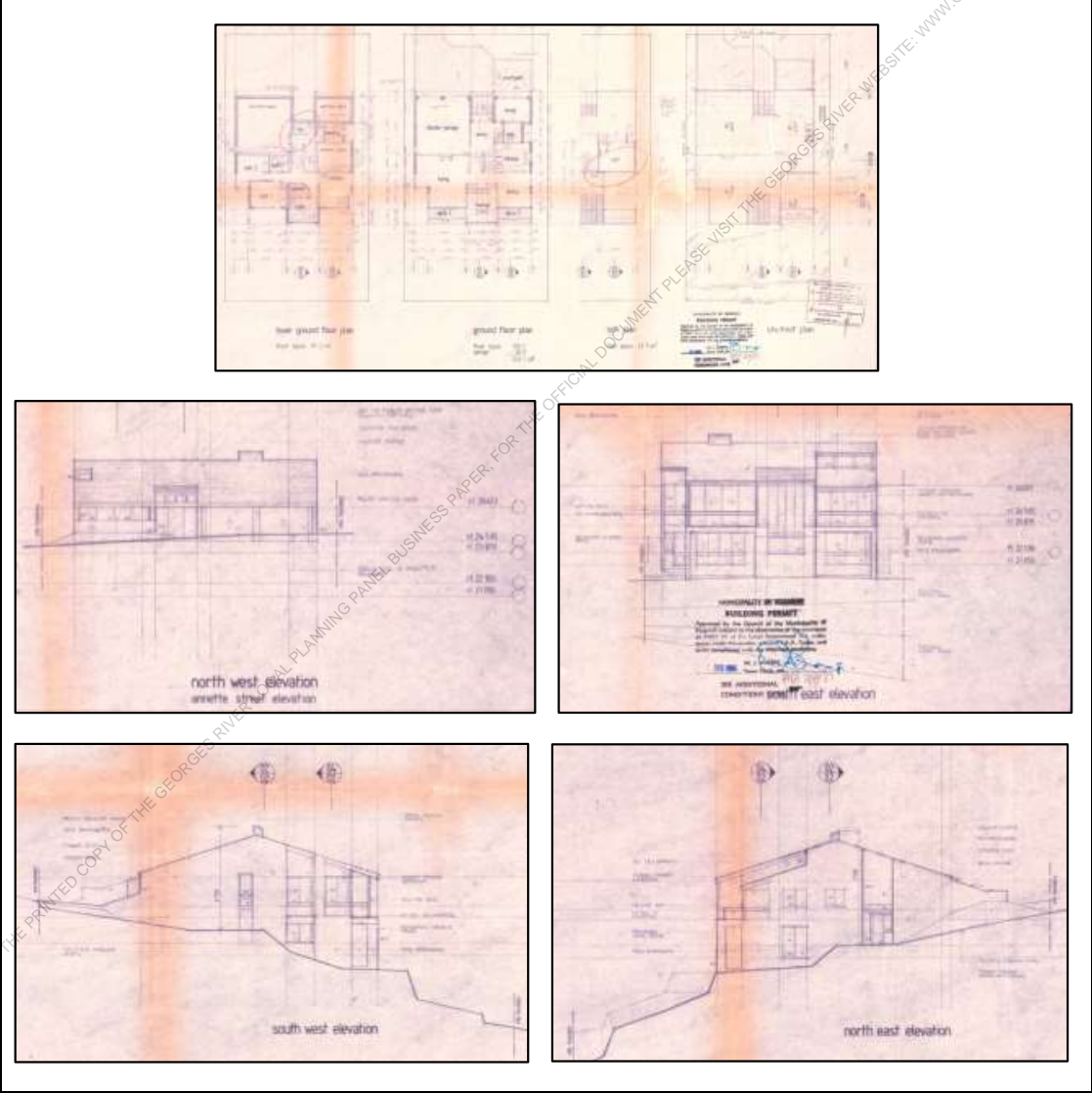


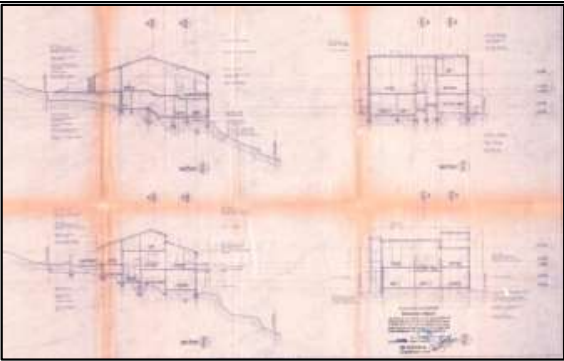
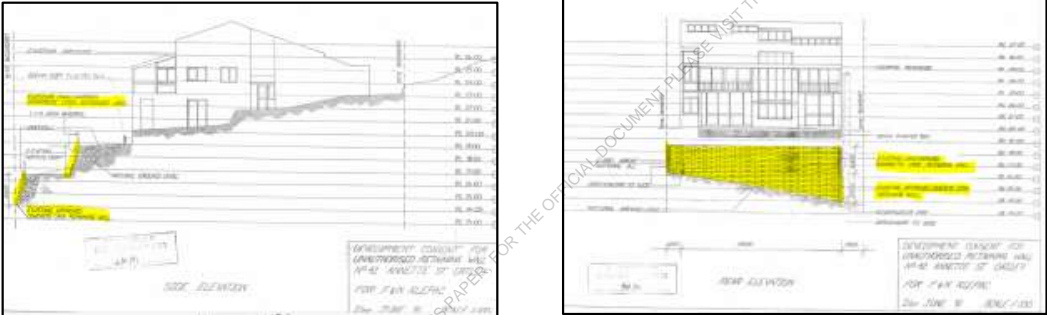
Background


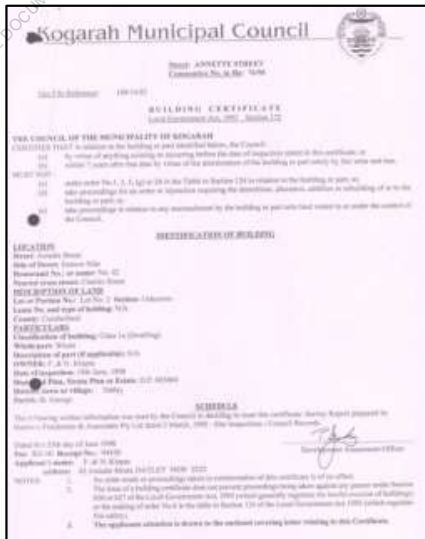
History


The following applications are relevant to the proposed works.

DA/CDC Number	Proposed Works	Determination	Date	Relevance
BA764/84	Dwelling	03 December 1985	Approved	BA764/84 was approved for the construction of the current dwelling on the site.



				
DA149/91	Authorise existing unauthorised retaining wall	16 October 1991	Approved	DA149/91 approved the retention of the unauthorised retaining walls constructed at the rear of the site.
				
HB/14/42	Building Certificate (Dwelling)	Refused	178 August 1992	This Building Certificate relates to the existing dwelling and was refused due as the unauthorised conversion of the subfloor was not supported.
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>Dear Sir/Madam,</p> <p>LOCATION: 42 ANNETTE STREET, OATLEY PROPOSAL: NEW RESIDENCE & RETAINING WALL</p> <p>I refer to your building application in respect of the abovementioned property, submitted on March 13, 1992 and thank you for the information that it was considered by the Council at its meeting held August 17, 1992.</p> <p>The Council has refused your application for the reasons as outlined in its resolution:</p> <p><i>"THAT Council, as the Responsible Authority, refuse the application for release of a Building Certificate in respect of premises 42 Annette Street, Oatley, as the unauthorised conversion of the sub floor area is considered undesirable expansion of floor space. Further, such expansion is contrary to terms of the consent granted by Council September 8, 1985."</i></p> <p>Notwithstanding, however, in accordance with the provisions of Section 517L of the Local Government Act, 1919, you may appeal to the Land & Environment Court against the Council's decision to refuse the application.</p> </div> <div style="width: 48%;"> <p>BUILDING CERTIFICATE - 42 ANNETTE STREET, OATLEY - MR F & MRS H KLEPAC, OWNERS/APPLICANTS - WEST BASIN - HILLSIDE 25 Annette Street, Oatley, NSW 1513</p> <p>A Building Certificate application pursuant to Section 517AB of the Local Government Act has been received from Mr & Mrs Klepac seeking approval to convert unauthorised former walls to a new residence and retaining walls at property 42 Annette Street, Oatley.</p> <p>For Council Members information the dwelling received development consent by Council on September 8, 1985.</p> <p>Building Approval was then granted under Delegated Authority, November 6, 1985. An amended plan was submitted and approved on December 3, 1985.</p> <p>I would point out to Members that the dwelling has never had a final inspection by an Officer of Council.</p> <p>Following the submission of the Building Certificate a site inspection was carried out by myself on March 25, 1992 which revealed the following unauthorised building works had been carried out:</p> <ol style="list-style-type: none"> 1. A concrete floor has been provided to the subfloor space behind bedroom nos 25 & 26 lower ground level. 2. The ramped room at the lower ground floor level has been extended into the subfloor area. 3. The subfloor space behind the laundry at lower ground floor level has been converted into a habitable room which has a window in the side wall. 4. The area shown on Council's approved plans dated December 3, 1985 as a lot has been converted into a bathroom with an attached ensuite. </div> </div>				

76/98	Building Certificate (Dwelling)	Approved	25 June 1998	<p>Building Certificate 76/98 was approved for the subject dwelling on the site.</p> <p>This BC authorised the usage of the loft area as bedroom 1, WIR and ensuite, however restricted the usage of the subfloor area to be non-habitable.</p> <p>The subfloor area has since been converted to habitable usage and is labelled as <i>cinema</i>, <i>comms</i> and <i>study</i> on the existing lower ground floor plan of the submitted architectural plans with DA2023/0563.</p>
<div style="display: flex; justify-content: space-around; align-items: center;">   </div>				
DA/2004/311	Torrens title subdivision	20 September 2004	Approved	
DA2023/0563	Alterations and additions to an existing dwelling	10 April 2024	Withdrawn	
TA2024/0306	Tree removal of four (4) Kentia Palms	5 June 2024	Approved	
149D2024/0099	Unauthorized Works - Additional	10 December 2024	Issued	

	rooms and areas without consent			
				

Processing

Application History		
Action	Date	Comment
Submission Date	Friday, 14 March 2025	
Lodgement Date	Wednesday, 19 March 2025	
Site Inspection Conducted	Thursday, 22 May 2025	
Request to Withdraw Letter	Thursday, 22 May 2025	
MS Teams Meeting held with Applicant	Wednesday, 28 May 2025	<p>-FSR – Applicant suggested to return the cinema room back to subfloor to reduce the FSR. Council advised that this solution would not result in the issues of the proposal being eliminated.</p> <p>-Bulk and scale, privacy and setbacks were raised as issues with the proposal it is current form.</p> <p>-Applicant and owner expressed that the issues raised in Councils Request to Withdraw Letter were not raised in the previously withdrawn DA and should have been. Council agreed with this statement. Applicant requested to submit concept plans to address Councils concerns with the proposal.</p>



		<p>Post meeting notes:</p> <ul style="list-style-type: none"> -A review of the submitted concept plans has been undertaken. -The concept plans as submitted is not supported. -Council would be of the mind to support revised plans (subject to prior review), if the following changes are made. <p><u>Ground floor balcony</u></p> <ul style="list-style-type: none"> •Reduction of the ground floor rearward balcony to no more than 3m beyond the rear wall alignment. •A solid wall privacy screen along the northern elevation; a highlight window/louvres/cut out at a minimum 1.8m above the finished floor level of the balcony. <p><u>First floor</u></p> <ul style="list-style-type: none"> •Deletion of the study from the first floor. •Reduction in the first-floor bedroom by a further approx. 400mm. <p><u>Additional Information</u></p> <ul style="list-style-type: none"> •Photomontages from Annette Street taken outside of 42A Annette/42 Annette Street. •Roof Plan and Sediment & Erosion Control Plan required. •Specify northern side setback of new balcony and roof. •Ridge height/eave heights must be specified on the plans. •Further information on the demolition of stairs near rear boundary and treatment of this space in landscaping.
Amended Plans submitted	Tuesday, 10 June 2025	
Revised Clause 4.6 Variation Statement submitted	Wednesday, 11 June 2025	

Site Inspection

images from the site inspection can be seen below.





Image 4: Subject site when viewed from the driveway at the rear (Source: Assessing Officer)

Additional Site Photo's



Image 5: Subject site when viewed from the driveway at the rear (Source: Applicant)



Image 6: Subject site when viewed from the street (Source: Applicant)

Assessment - Section 4.15 Evaluation

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

Section 4.15 (1) *Matters for consideration – general*

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

The provisions of any environmental planning instrument (EPI)

Section 4.15 (1) (a) (i) *The provisions of any environmental planning instrument (EPI)*

The Provisions of any applicable Act

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

SEPPs applicable to the Georges River LGA	Applicable to the development	
	Yes	Not Relevant
SEPP (Biodiversity Conservation) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Housing) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP (Industry and Employment) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP No 65 – Design Quality of Residential Apartment Development	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP (Planning Systems) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP (Primary Production) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>



SEPP (Resilience and Hazards) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Resource and Energy) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SEPP (Sustainable Buildings) 2022	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Transport and Infrastructure) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Chapter 6 Water Catchments		
Clause 6.6 Water Quality and Quantity		
Control	Proposal	Compliance
(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following— (a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,	The proposal will not impact on the quality of water entering the waterway.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
(b) whether the development will have an adverse impact on water flow in a natural waterbody,	The proposal will not have an adverse impact on water flow in a water body.	
(c) whether the development will increase the amount of stormwater run-off from a site,	The proposal does incorporate appropriate measures that mean it will not increase the amount of run-off from the site.	
(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,	N/A	
(e) the impact of the development on the level and quality of the water table,	The proposal does not impact on the level or water quality of the water table.	
f) the cumulative environmental impact of the development on the regulated catchment,	The proposal will not contribute to an adverse cumulative impact on the waterway.	



(g) whether the development makes adequate provision to protect the quality and quantity of ground water.	Groundwater will not be disturbed.	
Development consent must not be granted on land in a regulated catchment unless the consent authority is satisfied that the development ensures - (a) The effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial; and	The proposal will not impact on the quality of water entering the waterway.	
(b) The impact on the water flow in a natural water body will be minimised.	The proposal will not impact on waterflows in the natural water body.	

Clause 6.21 Stormwater Management

Control	Proposal	Compliance
Stormwater management works are prohibited if the works will cause untreated stormwater to be disposed of into a natural waterbody.	The works will not result in untreated stormwater entering a natural waterbody.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

State Environmental Planning Policy (Sustainable Buildings) 2022**State Environmental Planning Policy (Sustainable Buildings) 2022**

Control	Proposal	Compliance
A BASIX Certificate is required to be lodged for any development application in NSW considered to be BASIX Affected Development by the Environmental Planning and Assessment Regulation 2000, unless the development constitutes BASIX Excluded Development (see Clause 3) of the Regulations.	<p>The development is BASIX Affected Development and is accompanied by a BASIX Certificate</p> <p>The supplied plan set incorporates the provisions of the BASIX, and a condition of consent will be included in determination to ensure the proposal is constructed in accordance with a current BASIX.</p> <p>Therefore, the proposal is considered to satisfy the requirements of this SEPP.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A



The details of the provided BASIX Certificate are provided below:

BASIX Certificate Details	
Author:	Efficient Living Pty Ltd
Certificate Date:	12 March 2025
Certificate Number	A505782_04

State Environmental Planning Policy (Resilience and Hazards) 2021

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

Chapter 2 – Coastal Management		
Clause 2.10 Development on land within the coastal environment area		
Control	Proposal	Compliance
<p>(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following:</p> <p>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,</p> <p>(b) coastal environmental values and natural coastal processes,</p> <p>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,</p> <p>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,</p>	<p>Surface water runoff is to be managed in accordance with the approved stormwater management plan for the dwelling house. The proposal is satisfactory and does not require any specific conditions in relation to stormwater. The proposal is used for residential purposes and will not unacceptably impact the coastal environmental values and there is no perceived impact on coastal processes.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>
	<p>The site is not located on any of the sensitive coastal lakes identified in Schedule 1.</p>	
	<p>There will be no unreasonable impact upon these features.</p>	



(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,	There is currently no public access to the foreshore from the site.	
(f) Aboriginal cultural heritage, practices and places,	The allotment is not known to be a place of Aboriginal significance. There is no perceived impact in terms of Aboriginal heritage.	
(g) the use of the surf zone.	The development is not located near the surf zone.	
(2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:		
(a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or	The proposal is generally satisfactory in terms of impact as discussed throughout this report.	
(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or	The proposal is generally satisfactory and has been designed to reduce impacts in terms of the coastal environmental and coastal use area.	
(c) if that impact cannot be minimised—the development will be managed to mitigate that impact	The proposal is generally satisfactory and has been designed to minimise impacts.	

Chapter 2 – Coastal Management**Clause 2.11 Development on land within the coastal use area**

Control	Control	Control
(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority: (a) has considered whether the proposed development is likely to cause an adverse impact on the following:		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
(i) existing, safe access to and along the foreshore, beach, headland or rock platform for	There is no public access in this location.	



members of the public, including persons with a disability, (ii) overshadowing, wind funnelling and the loss of views from public places to foreshores, (iii) the visual amenity and scenic qualities of the coast, including coastal headlands, (iv) Aboriginal cultural heritage, practices and places, (v) cultural and built environment heritage, and		
	The proposal will not impact any public space.	
	No adverse impact proposed.	
	The property is not a known site of Aboriginal heritage.	
	The site does not contain any heritage items. The site is not located adjacent and/or within the vicinity of a heritage item.	
(b) is satisfied that: (i) the development is designed, sited and will be managed to avoid an adverse impact referred to in paragraph (a), or (ii) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (iii) if that impact cannot be minimised—the development will be managed to mitigate that impact, and (iv) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development.	Proposal is satisfactory in terms of impact with regards to the coastal environment and coastal use area as discussed throughout this report. The development does not result in any unreasonable impacts in terms of the coastal environment and coastal use area. The development does not result in any unreasonable impacts in terms of the coastal environment and coastal use area. Development is generally satisfactory in terms of the built form controls in Georges River Local Environmental Plan 2021 and Georges River Development Control Plan 2021. Any non-compliances are addressed elsewhere in this report.	

Chapter 4 – Remediation of Land

Clause 4.6 – Contamination and remediation to be considered in determining development application

Standard	Proposal	Compliance
(1) A consent authority must not consent to the carrying out of any development on land unless—	The Assessing Officer has reviewed: Councils Contamination Records Aerial Imaging (inc. historic imaging) Conducted a site inspection.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A



<p>(a) it has considered whether the land is contaminated, and</p> <p>(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</p> <p>(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.</p>	<p>A review of the above indicates that the site has historically been used for Residential purposes and there is no evidence that any use under Table 1 of the contaminated land planning guidelines has occurred on site. Given this, there is no evidence that the site is contaminated, and the site is considered suitable for the proposed development.</p>	
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State Environmental Planning Policy (Transport and Infrastructure) 2021

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

Division 5 Electricity transmission or distribution networks

Subdivision 2 Development likely to affect an electricity transmission or distribution network.

Clause 2.48 – Determination of development applications – other development

Standard	Proposal	Compliance
<p>(1) Where a development involves:</p> <p>(a) The penetration of ground within 2m of an underground electricity power line or electricity distribution pole, or within 10 of any part of an electricity tower,</p> <p>(b) Development carried out</p> <p>i. Within or immediately adjacent to an easement for electricity purposes;</p> <p>ii. Immediately adjacent to an electricity substation, or</p> <p>iii. Within 5m of an overhead electricity power line,</p> <p>(c) The installation of a swimming pool any part of which is-</p> <p>i. Within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to</p>	<p>Notice was sent to the electricity supply authority, with a response received. The matters identified in that response have been incorporated into the recommendation as conditions of consent.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>



<p>the bottom of the structure at ground level;</p> <p>ii. Within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool</p> <p>(d) Development involving, or requiring the placement of power lines underground, unless an agreement with respect to the placement of underground powerlines is in force between the electricity supply authority and the council for the land concerned.</p> <p>(2) Council must give written notice to the electricity supply authority and take into consideration any response to the notice received within 21 days after the notice is given.</p>		
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The Provisions of any Local Environmental Plan

Georges River Local Environmental Plan 2021

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

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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Clause 1.4 – Definitions		
Standard	Proposal	Compliance
Dwelling House means: <i>a building containing only one dwelling.</i>	The proposed development is consistent with the definition.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

GRLEP 2021 Part 2 – Permitted or prohibited development		
Clause 2.3 – Zone objectives and Land Use Table		
Standard	Proposal	Compliance
The subject site zoned R2 General Residential:	The proposal is consistent with the zone objectives as the development:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
The objectives of the zone are:	<ul style="list-style-type: none"> Provides housing to service the community. 	



<ul style="list-style-type: none"> To provide for the housing needs of the community. 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. 	<ul style="list-style-type: none"> Is without negative impact on facilities and services. 	
Land Use Table		
The proposal is for a Dwelling House	Which is a type of development permitted with consent in the zone.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

GRLEP 2021 Part 4 – Principal Development Standards		
Clause 4.3 – Height of Buildings		
Standard	Proposal	Compliance
The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map. Maximum height is 9m as identified on Height of Buildings Map.	The proposal has a maximum overall height of 8.83m above existing ground level.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
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. The maximum floor space is 0.55:1 as identified on Floor Space Ratio (FSR) Map. This is equivalent to 247.12m ²	0.72:1 This is equivalent to 325.19m ² Despite clause 4.4 (2), the floor space ratio for residential accommodation on land in Zone R2 Low Density Residential, Clause 4.4A applies.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Clause 4.4A - Exceptions to floor space ratio—certain residential accommodation		
Standard	Proposal	Compliance
The maximum floor space ratio for a dwelling house (as the site is situated on land identified as "Area 1" on the Floor Space Ratio Map) must not exceed the maximum floor space ratio specified below (based on allotment size). Site area not more than 650m²	The proposed dwelling house gross floor area compares as follows: GFA: 325.19m ² FSR: 0.72:1	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A



Maximum 0.55:1 (or 247.12m ²)		
Clause 4.6 - Exceptions to development standards		
Standard	Proposal	Compliance
In accordance with Clause 4.6 (1) through to and including (8)	The proposal is accompanied by a Clause 4.6 variation relating to the breach of the Floor Space Ratio standard under Clause 4.4A.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Clause 4.6 - Exceptions to development standards		
<p>The proposed development site consists of a three-storey dwelling house that exceeds the maximum permissible Floor Space Ratio (FSR) under Georges River Local Environmental Plan 2021 (GRLEP 2021) Clause 4.4A - Exceptions to floor space ratio—certain residential accommodation.</p> <p>The floor space ratio of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.</p> <p>Gross floor area is defined to mean: ‘...gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes— (a) the area of a mezzanine, and (b) habitable rooms in a basement or an attic, and (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes— (d) any area for common vertical circulation, such as lifts and stairs, and (e) any basement— i. storage, and ii. vehicular access, loading areas, garbage and services, and (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and (g) car parking to meet any requirements of the consent authority (including access to that car parking), and (h) any space used for the loading or unloading of goods (including access to it), and (i) terraces and balconies with outer walls less than 1.4 metres high, and (j) voids above a floor at the level of a storey or storey above....’</p> <p>The subject application seeks development consent for alterations and additions to an existing dwelling house, noting the proposal includes additional gross floor area from the approved dwelling to contribute to FSR. The site under Clause 4.4A of GRLEP 2021 has a maximum permissible FSR of 0.55:1.</p>		
Clause 4.4A - Exceptions to floor space ratio—certain residential accommodation		
Standard	Existing	Proposal
0.55:1 247.12sqm	0.676:1 303.63sqm	0.72:1 325.19sqm
Compliance		
No		
<p>The existing dwelling has a 22.87% variation to Clause 4.4A floor space ratio development standard under GRLEP 2021. The existing non-compliance to Clause 4.4A development standard has come about due to the conversion of sub-floor and roof space area to habitable spaces within the dwelling. A Building Information Certificate has been sought for these spaces within the dwelling.</p> <p>The proposed alterations and additions to the dwelling house seeks a 31.59% variation to Clause 4.4A floor space ratio development standard under GRLEP 2021. The proposed development seeks a gross floor area increase of 21.56sqm. The increase in gross floor area to the built form is concentrated to the first-floor bedroom and study.</p>		



The Applicant's assessment of the proposed variation:

It is hereby requested that a variation to this development standard be granted pursuant to Clause 4.6 so as to permit a maximum floor space ratio of 0.72:1 which equates to a numerical variation of 78.13m² and a percentage variation of 31.62%.

Clause 4.6(3) of GRLEP 2021 provides:

(3) 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.

Consideration of the Clause 4.6 variation to Clause 4.4 of GRLEP 2021 and the subsequent granting of consent would allow the variation to floor space ratio under GRLEP 2021 based on the circumstances of the case and as such, allow the floor area of the dwelling house.

This approach is consistent with the approach taken by the court in *Jacobs V Waverly Council* [2019] NSWLEC 1232 and *Zhang v Georges River Council* [2020] NSWLEC 1625.

The Clause 4.6 variation details the reasons why it is unreasonable and unnecessary to apply the development standard.

The Applicant has lodged a written request in accordance with the requirements of Clause 4.6 of GRLEP 2021. Any variation to a statutory control can only be considered under Clause 4.6 – Exceptions to Development Standards of the GRLEP.

Clause 4.6(3) states that:

“Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

The Clause 4.6 request for variation is assessed as follows:

Is the planning control in question a development standard?

Floor space ratio control under Clause 4.4A of GRLEP 2021 is a development standard. The maximum permissible FSR is 0.55:1.

What are the underlying objectives of the development standard?

The objectives of the FSR development standard set out in Clause 4.4 (1) of GRLEP 2021 are as follows:

- (a) to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,
- (b) to ensure that development provides appropriate built form transition between new buildings and—
 - (i) adjoining land uses, or
 - (ii) heritage items, heritage conservation areas or Aboriginal places of heritage significance,



- (c) to control development density and intensity of land use, taking into account—
- (i) the environmental constraints and values of the site, including retaining the scenic, visual, and landscape qualities of the area, and
 - (ii) the amenity of adjoining land and the public domain, and
 - (iii) the availability of infrastructure to service the site, and
 - (iv) the capacity of the road network to accommodate the vehicular and pedestrian traffic that a development will generate.

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

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. In *Wehbe V Pittwater Council* (2007) NSW LEC 827 Preston CJ set out ways of establishing that compliance with a development standard is unreasonable or unnecessary.

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.*

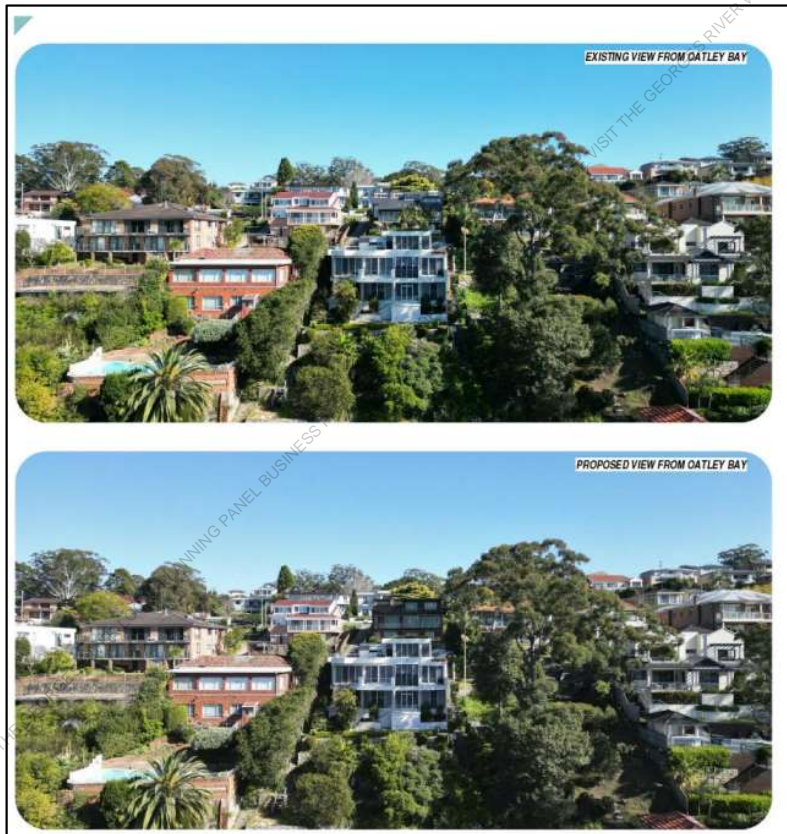
The Clause 4.6 Statement has not been prepared in consideration of the recent court cases and their judgements.

Applicant Comments:

The existing dwelling on the site does not comply with the FSR development standard and attains an FSR of 0.676:1. The proposed alterations and additions seek to increase the GFA by 21.56m² to provide a GFA of 0.72:1. Whilst greater than the permissible FSR of 0.55:1, the additional GFA is not the result of excessive bulk and scale or a form that is incompatible with the scale of surrounding development or the site area. In this regard, the additional GFA is provided on the first-floor level and is provided within the permissible building height and building envelope. That is, the additional GFA does not result in any non-compliance with the relevant controls. The proposal provides for a three-storey dwelling that will fit comfortably within its lot and urban context on Annette Street, which includes three storey dwellings adjacent to the waterfront and surrounding the sites. As detailed in Figures 2-3 below, the proposed additions are not readily discernible from the public domain or waterway and are certainly not visually jarring or excessive relative to the site area. The dwelling has been designed to ensure an appropriate building bulk and scale that is relative to the lot size of



449.2m. The proposed development, including the FSR variation, will provide for a superior design and outcome when compared to the existing building and will be provided within an envelope anticipated by the planning controls. The distribution of bulk has been well considered and located on the first-floor level to minimise the impact on the amenity of adjoining properties whilst ensuring the proposed development sits comfortably in the streetscape. The located of the additional 21.56m² on the first-floor level is a specific design response that retains the distribution of bulk and scale for the existing dwelling while providing additional GFA in a location that minimise the impact on the public domain and the waterway. The objective requires that the bulk and scale is compatible with the lot size, noting that compatible does not mean 'sameness' (Project Venture Developments Pty Ltd v Pittwater Council [2005] NSWLEC 191), it cannot be said that the resultant built form is visually jarring or does not sit in harmony with the scale of development in the streetscape or anticipated by the planning controls.



The proposal, including the FSR variation, will significantly increase the residential amenity of the subject site and not have any adverse additional impacts on its neighbouring properties. As discussed above, when considering the proposed development against the backdrop of a the existing or a compliant FSR, there is unlikely to be any additional adverse amenity impacts on adjoining properties in regard to noise, views, solar access or privacy (refer to Part 6 discussion below). In terms of the proposed development, the arrangement of GFA, open plan design, use of split levels and high level of solar access and cross ventilation will provide a high level of

amenity for the occupants. The additional FSR provides for increased amenity for the occupants on the first-floor level without having any adverse impacts on adjoining properties. When considered in totality for the subject site and each neighbouring property, it can be concluded that the residential amenity will be promoted. It cannot be said that any additional impact attributed to one element such as overshadowing, privacy and/or views will reduce the residential amenity of adjoining properties given the breach to the FSR development standard. Given the dwelling will have no adverse impacts on the amenity of surrounding properties and public domain, the proposal meets objective (b).

Sufficient environmental planning grounds (Clause 4.6(3)(b))

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard, Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 (paragraph 24) states:

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

Applicant's comments:

1. The FSR development standard ignores the FSR of the existing dwelling (0.676:1) on the site which already exceeds the 0.55:1 FSR development standard. The existing dwelling (and surrounding dwellings) have an FSR greater than the 0.55:1 limit imposed under the current planning controls and were constructed prior to the implementation of the FSR development standard in 2021.

2. The additional GFA will not to have any material impacts which arise as a consequence of the Variation, on the amenity or the environmental values of surrounding properties, the amenity of future building occupants and on the character of the locality.

Specifically:

a. The additional GFA does not result in any significant additional privacy impacts above a complaint scheme. The additional GFA is located within the permissible building envelope and generously setback and below the height limit. Therefore, the extent of the variation will have no greater impact on the privacy of adjoining properties when compared to the complying elements of the building and would be insignificant.

b. The additional GFA creates no significant additional overshadowing to adjoining properties and complies with the solar access requirements for private open space and north facing windows under GRDCP 2021. Therefore, when considering the extent of overshadowing



against the backdrop of the applicable planning controls, the extent of overshadowing caused by the non-compliant element would be insignificant; and

c. The additional GFA does not result in any significant additional view loss. The proposed development will not result in any material loss of views or outlook when compared to a building with a compliant FSR with views over the site and between the buildings retained. When considering the extent of view sharing against the backdrop of the applicable planning controls, the extent of view loss caused by the non-compliant element would be insignificant.

3. The proposed development seeks to increase the GFA by 21.56m² on the first floor level which is located to the rear and as detailed in Figures 2-3 above will not be visually jarring or incompatible with the scale of surrounding development and be contained within the permissible building envelope established by GRLEP 2021 and GRDCP 2021. This is an appropriate response to provide additional GFA in a location that was specifically chosen to maximise the amenity for the occupants but minimise the impact on surrounding properties.

4. The bulk and scale of the proposed development, even with the FSR variation, is harmonious with the existing and surrounding dwellings. In this regard, the proposed additions have been designed to integrate with the existing building so as not to create any adverse visual impacts. The additional GFA will be provided on the first floor level and will contain a design and materials that is compatible with the colours, materials and finishes, form and proportionality of the existing dwelling and other dwellings in the locality. The proposed variation will not detract from the character when viewed from Annette Street as the dwelling appears as a single-storey dwelling from the front façade with the addition behind the existing ridge and below the maximum building height under GRLEP 2021. Therefore, the proposed built form is anticipated for this site and will not create any unreasonable bulk or scale and amenity impacts.

5. The proposed variation will not result in any discernible increase to bulk and scale or change to the character of the dwelling when viewed from the neighbouring properties or public domain. That is, the additional GFA does not bring with it a built form that is excessive, nor does it appear out of context with the scale and character of other contemporary development in the locality. The resulting built form is similar to the scale of neighbouring properties along Annette Street, in Particular Nos. 40 and 44 Annette Street, which are also of a two and three storey scale that appear single storey from the street elevation. That is, the development will be of scale that sits comfortably between the two adjoining buildings. This will create a more harmonious connection between the two sites and improve the character of the streetscape.

6. The locality is not characterised by development that is compliant with the FSR development standard. Whilst the control has not been abandoned or thrown away, existing variations to the FSR development standard sets a different character to that of a strictly complaint area. The differing building typologies in the area also skew consideration of the FSR development standard especially where dwellings adjoin dual occupancies which are subject to different FSR development standards under Clause 4.4A of GRLEP 2021 yet are both permissible in the zone.

7. Insistence on compliance with the FSR development standard would result in the removal of the proposed first floor additions and another 32.67m² from the existing dwelling which is a disproportionate response to the impacts created by the FSR variation. The proposed built form is appropriately located on the site relative to the constraints and will not result in any material impacts on the amenity of surrounding properties in terms of views, solar access and privacy.

8. The additional GFA is not antipathetic to the objectives of the R2 – Low Density Residential zone under GRLEP 2021 and retains the existing dwelling house in a low density area and



promotes a high standard of urban design and built form to maintain the amenity of adjoining properties and the landscaped character.

9. 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 by providing an improved residential development (1.3c); and

b. The proposed development promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context (1.3g). The above environmental planning grounds are not general propositions. They are unique circumstances to the proposed development, particularly the fact that the FSR controls ignore the scale of the existing dwelling and the additional GFA is located within the permissible building envelope and remains compatible with the bulk and scale of the existing and surrounding dwellings. Furthermore, the additional GFA allows for improved amenity for the existing and future occupants of the dwelling, complements the important design elements of the existing building and streetscape and does not result in any significant adverse impacts on adjoining properties beyond those of a fully compliant development.

Assessing Officer comments:

The existing and proposed dwelling on the site does not comply with Clause 4.4A - Exceptions to floor space ratio—certain residential accommodation.

The proposed dwelling seeks to increase the gross floor area by 21.56sqm. The increase to the gross floor area is centralised to the first floor as the proposal seeks to increase the first floor to include a bedroom, walk in robe, ensuite and study. Concern was raised with the Applicant that the proposed extension to the first floor adds additional bulk and scale to the built form. Via the assessment of the application, the first floor has been reduced from the rear boundary by 1.2m for the extent of the eastern elevation. The Applicant was requested to delete the study through the course of the assessment of the application. The revised plans have sought to retain the study.

The study at the first floor is not supported and is subject to a design change condition for the deletion of the study. The study adds additional bulk and scale to the first floor that is not in keeping with the desired future character. It should be noted that the existing gross floor area of the dwelling includes two studies within the built form. The addition of a third study at the first-floor level adds additional built form at a third storey which fails to reduce the visual dominance of the development when viewed from the waterway. The deletion of the study will remove approximately 10.7sqm of gross floor area from the proposal and reduce the built form at the third storey.

Design change condition:

The subject application is subject to the following design change conditions due to the reasons mentioned above in this assessment report.

1. The study on the first floor is to be deleted. The roof form is to remain as existing except for the change of materiality of the roof from tiles to metal roofing.

The variation to Clause 4.4A - Exceptions to floor space ratio—certain residential accommodation will be as follows.



Clause 4.4A - Exceptions to floor space ratio—certain residential accommodation				
Standard	Existing	Proposal	As conditioned	Compliance
0.55:1 247.12sqm	0.676:1 303.63sqm	0.72:1 325.19sqm	0.7:1 314.49	No

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. The Applicant's written submission demonstrates that compliance with the floor space ratio development standard is unreasonable or unnecessary in the circumstances of the case. It also demonstrates in part sufficient environmental planning grounds to justify varying this development standard. The approximate 10.7sqm of gross floor area for the study at the first floor is not supported and is subject to a design change condition for its deletion.

The proposed development (as conditioned) is in the public interest. The proposed variation does not raise any matters of State or regional environmental planning significance. The areas of non-compliance of the bedroom, ensuite and walk in robe are not considered to be reasonable and will not establish an undesirable precedent as it is consistent with the dwelling constructed on site.

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 to the as conditioned variation to Clause 4.4A - Exceptions to floor space ratio—certain residential accommodation.

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</p>	<p>The site identified as containing Class 5 acid sulfate soils, but the works are not located on land within 500m of land of a lower class and is not below 5m Australian Height Datum. No further action is therefore required.</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>



lowered below 1 metre Australian Height Datum on adjacent Class 2, 3 or 4 land unless an acid sulfate soils management plan has been prepared.		
Clause 6.2 Earthworks		
Standard	Proposal	Compliance
<p>Council must consider the following prior to granting consent for any earthworks:</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p> <p>(c) the quality of the fill or the soil to be excavated, or both,</p> <p>(d) the effect of the development on the existing and likely amenity of adjoining properties,</p> <p>(e) measures to minimise the need for cut and fill, particularly on sites with a slope of 15% or greater, by stepping the 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 has been considered in this regard. The proposed earth works have been conditioned to ensure that the significant fill proposed is not supported and the existing ground level is to be retained.</p> <p>The development has been executed in a manner that minimizes disruption to drainage patterns and ensures soil stability in the surrounding area.</p> <p>Measures have been implemented to mitigate any adverse effects on the existing and anticipated amenity of neighbouring properties caused by the development.</p> <p>The design and construction of the development have effectively minimised the need for extensive cut and fill operations.</p> <p>The sourcing of any fill material will be subject to conditions.</p> <p>Adequate measures have been proposed and implemented to avoid, minimise, or mitigate any potential negative impacts associated with the proposed earthworks.</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No see merit-based assessment.</p> <p><input type="checkbox"/> N/A</p>
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—	The proposal has been considered in this regard. The proposal is satisfactory with regards the matters identified.	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>



<p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater or river water, and</p> <p>(c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system or, if the impact cannot be reasonably avoided, minimises and mitigates the impact, and</p> <p>(d) is designed to minimise the impact on public drainage systems.</p>	<p>The development maximizes water permeable surfaces, considering soil characteristics for on-site water infiltration.</p> <p>The development incorporates on-site stormwater detention/retention to minimise runoff volumes.</p> <p>Adverse impacts on neighbouring properties, native bushland, receiving waters, and the downstream stormwater system and public drainage systems are also not considered to be impacted.</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, Council must consider the following—</p> <p>(a) whether the development is likely to have an adverse impact on the following—</p> <ol style="list-style-type: none"> the water quality and flows within the waterway, the stability of the bed, shore and banks of the waterway, the future rehabilitation of the waterway and riparian areas, the biophysical, hydrological or ecological integrity of adjacent coastal wetlands, including the aquatic and riparian species, habitats and ecosystems of the waterway, 	<p>The proposal is for alterations and additions to an existing dwelling which is a purpose permitted under the Clause.</p> <p>Following consideration of the matters identified in Clause (3), the proposal is considered to suitably respond to these where relevant in the case at hand.</p> <p>The proposal also appropriately addresses the matters identified in Clause (4)</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</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 Council 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 development is designed, sited and will be managed to minimise that impact, or</p> <p>(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.</p>		
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>The proposal is satisfactory with regards the matters identified in (3).</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</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, foreshore reserves, residential areas and public places,</p> <p>(g) the minimisation of the height and bulk of the development by stepping the development to accommodate the fall in the land.</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,</p> <p>b) the supply of electricity,</p> <p>c) the supply of telecommunications facilities,</p> <p>d) the disposal and management of sewage</p> <p>e) stormwater drainage or on-site conservation,</p> <p>f) suitable vehicular access.</p>	<p>The proposal has, or includes arrangements that will make available, the:</p> <ul style="list-style-type: none"> the supply of water, the supply of electricity, the supply of telecommunications facilities, the disposal and management of sewage, stormwater drainage or on-site conservation, vehicular access. 	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>
Clause 6.10 Design Excellence		



Standard	Proposal	Compliance
<p>(2) This clause applies to development on land within the Foreshore Scenic Protection Area 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) For land identified in on the Foreshore Scenic Protection Area Map:</p> <p>(i) bed and breakfast accommodation,</p> <p>(ii) health services facilities,</p> <p>(iii) marinas,</p> <p>(iv) residential accommodation, except for secondary dwellings,</p> <p>(4) Development consent must not be granted for development to which this clause applies unless 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>	<p>The proposal is located within the Foreshore Scenic Protection Area for residential accommodation. The proposal has been considered with regards the matters identified in Clause (5) and is considered to suitably demonstrate compliance with the Clause subject to the design change condition.</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – see merit-based assessment.</p> <p><input type="checkbox"/> N/A</p>



<ul style="list-style-type: none"> i.the suitability of the land for development, ii.existing and proposed uses and use mix, iii.heritage issues and streetscape constraints, iv.the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, v.bulk, massing and modulation of buildings, vi.street frontage heights, vii.environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity, viii.pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks, ix.the impact on, and proposed improvements to, the public domain, x.achieving appropriate interfaces at ground level between the building and the public domain, xi.excellence and integration of landscape design, xii.the provision of communal spaces and meeting places, 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—that are of a scale and density commensurate with the height, bulk and scale of the buildings to which the development relates, and that will maintain and enhance the streetscape and the desired future character of the locality, and</p> <p>(b) maintains privacy between dwellings, and</p> <p>(c) does not adversely impact the health, condition and structure of existing trees, tree canopies and tree root systems on the land or adjacent land, and</p> <p>(d) enables the establishment of indigenous vegetation and habitat for native fauna, and</p> <p>(e) integrates with the existing vegetation to protect existing trees and natural landscape features such as rock outcrops, remnant bushland, habitats and natural watercourses.</p>	<p>The subject site is situated within the R2 Zone</p> <p>The assessment of the proposal has identified that the proposal is satisfactory that the provided landscape scheme and development is satisfactory with regards the matters identified in the Clause.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>
<p>(5) Development consent must not be granted to development on land to which this clause applies unless a percentage of the site area consists of landscaped areas that is at least—</p> <p>(b) For a dwelling house located on land within the Foreshore Scenic Protection Area—25% of the site area (equivalent to 112.35m²)</p>	<p>The proposal provides a landscaped area equivalent to 29.9% (or 134.31m²). The proposed development seeks to remove hard stand area and replace with landscape area.</p>	





Areas where hard stand area is being removed and replaced with landscape area.

Provisions of any Proposed Instrument

Section 4.15 (1) (a) (i) - Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

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

Provisions of any Development Control Plan

Section 4.15 (1) (a) (iii) The provisions of any development control plan

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

Georges River Development Control Plan 2021

Part 3 – General Planning Considerations

Part 3 of the GRDCP 2021 is applicable to the development and the following clauses apply:

3.3 Landscaping		
Control	Proposal	Compliance
1. Landscaping on site should be incorporated into the site planning of a development to (where appropriate): i. Reinforce the desired future character of the locality;	The landscape scheme proposed addresses the matters identified as appropriate.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A



<ul style="list-style-type: none"> ii. Maintain significant landscape features; iii. Be consistent with any dominant species in the adjoining area of ecological significance; iv. Incorporate fire resistant species in areas susceptible to bushfire hazard; v. Provide planting within setback zones; vi. Soften the visual impact of buildings, carparks and roads; vii. Cater for outdoor recreation areas; viii. Separate conflicting uses; ix. Screen undesirable elements; x. Provide opportunities for on-site stormwater infiltration, in particular around existing trees and vegetation; 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. 	It achieves this by increasing the overall landscape area on the site.	
2. Landscape planting should achieve a mature height in scale with the structures on the site.	The proposed landscaping is of an appropriate scale relative to the proposed structures.	
3. Where landscaping is required, this should incorporate locally indigenous plants listed in the GRDCP 2021 Backyard Biodiversity Guide and Council's Tree Management Policy.	The proposal suitably incorporates locally indigenous species.	

3.5 Earthworks

3.5.1 Earthworks

Control	Proposal	Compliance
1. Natural ground level should be maintained within 900mm of a side or rear boundary.	The proposal maintains existing ground level near site and rear boundaries.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – see merit assessment below. <input type="checkbox"/> N/A
2. Cut and fill should not alter natural or existing ground levels by more than 1m	The proposal does not alter natural/existing ground level by more than 1m	
<u>Earthworks</u>		



Deep excavation, cut and fill or benching may alter the pattern of subsoil water flow and soil stability, which may adversely affect neighbouring properties and the natural environment.

The proposed development fails to comply with development control 1 under section 3.5.1 in that the *natural ground level should be maintained within 900mm of a side or rear boundary*. Furthermore, the proposed development fails to comply with development control 2 under section 3.5.1 in that *cut and fill should not alter natural or existing ground levels by more than 1m*.

The proposed development seeks to remove an existing set of stairs that run parallel with the side boundary along the northern side boundary. These stairs have been made redundant since the torrens title subdivision in 2004. The proposed development seeks to remove these stairs, fill the area to match the existing levelled area adjacent to the stairs. The removal of the stairs is supported however the fill of up to 2.42m is not supported. The stairs maybe removed, with the site in this portion being landscape area that follows the natural topography of the site within this location. Alternatively, mass planting maybe planted within this location.

A design change condition will be applied to the development consent.



3. Habitable Rooms (not including bathrooms, laundries and storerooms) are to be located above existing ground level.

Habitable rooms as part of this development application are located above existing ground level.

4. Rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls are not to be removed or covered.

All existing elements as specified are being retained.

5. Development is to be located so that the clearing of vegetation is avoided.	The proposal and associated earthworks are sited so that vegetation removal is avoided where practical and desirable.	
6. Cut and fill within a tree protection zone of a tree on the development site or adjoining land must be undertaken in accordance with AS4970 (protection of trees on development sites).	Condition(s) are to be applied to ensure that the development complies with accordance with AS4970.	
7. Soil depth around buildings should be capable of sustaining trees as well as shrubs and smaller scale gardens.	Adequate soil depths are provided which can sustain vegetation.	
8. Earthworks are not to increase or concentrate overland stormwater flow or aggravating existing flood conditions on adjacent land.	The earthworks proposed do not impact adversely on stormwater or flood with regards to impacts on adjoining properties.	
9. Fill material must be virgin excavated natural material (VENM)	Condition(s) are to be applied to ensure that any fill is to be VENM.	
10. For flood-affected sites, cut and fill is to comply with the requirements of Chapter 6 of Council's Stormwater Management Policy	Condition(s) are to be applied to ensure that any fill is to be done in accordance with Council's Stormwater Management Policy	
3.5.2 Construction Management/Erosion and Sediment Control		
Control	Proposal	Compliance
1. Development must minimise any soil loss from the site to reduce impacts of sedimentation on waterways through the use of the following: <ul style="list-style-type: none">- Sediment fencing;- Water diversion;- Single entry/exit points- Filtration materials such as straw bales and turf strips.	<p>The proposal includes a sediment control plan indicating implementation of these measures.</p> <p>A suitable condition will be included in the consent which ensures compliance with the control.</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – see merit assessment below.</p> <p><input type="checkbox"/> N/A</p>
2. Development that involves site disturbance is to provide an erosion and sediment control plan which details the proposed method of soil management and its implementation. Such measures are to be in accordance with The Blue Book – Managing Urban Stormwater, Soils & Construction by LandCom		



3. Development is to minimise site disturbance including impacts on vegetation and significant trees and the need for cut and fill.	Significant 2.42m of fill proposed.
<u>Construction Management/Erosion and Sediment Control</u> The proposed development as sought fails to comply with development control 3 under section 3.5.2 in that <i>development is to minimise site disturbance including impacts on vegetation and significant trees and the need for cut and fill</i> . The proposed development seeks to remove an existing set of stairs that run parallel with the side boundary along the northern side boundary. These stairs have been made redundant since the torrens title subdivision in 2004. The proposed development seeks to remove these stairs, fill the area to match the existing levelled area adjacent to the stairs. The removal of the stairs is supported however the fill of up to 2.42m is not supported. The stairs maybe removed, with the site in this portion being landscape area that follows the natural topography of the site within this location. Alternatively, mass planting maybe planted within this location. A design change condition will be applied to the development consent.	
5. Development which has a high potential risk to groundwater must submit a geotechnical report to address how possible impacts on groundwater are minimised.	The proposal is not considered to have a high potential risk to groundwater.

3.6 Contaminated Land		
Control	Proposal	Compliance
2. The application is accompanied by sufficient information to determine: <ol style="list-style-type: none"> The extent to which the land is contaminated (both soil and ground water); 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; Whether the land requires remediation to make the land suitable for the intended use prior to that development being carried out; and If the land has been previously investigated or remediated, development cannot be carried out until Council has considered the nature, distribution, and 	The Assessing Officer has reviewed: <ul style="list-style-type: none"> Councils Contamination Records Aerial Imaging (inc. historic imaging) Conducted a site inspection. A review of the above indicates that the site has historically been used for Residential purposes and there is no evidence that any use under Table 1 of the contaminated land planning guidelines has occurred on site. Given this, there is no evidence that the site is contaminated, and the site is considered suitable for the proposed development.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A



levels of residues remaining on the land, and Council has determined that the land is suitable for the intended use. Operating practices and technology must be employed to prevent contamination of ground water.		
3.10 Water Management		
Stormwater Management		
Control	Proposal	Compliance
1. Development must comply with Council's Stormwater Management Policy.	The proposal has been reviewed by Council's Development Engineer and has been found to be satisfactory with regards to this clause.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2. Water Sensitive Urban Design (WSUD) principles are to be incorporated into the design of stormwater drainage, on -site retention and detention, landscaping and within the overall design of the development.	Conditions suggested by Council's Engineer have been applied.	
3. Where on-site detention (OSD) is proposed within the front setback area, the OSD: i. Must be located below ground, ii. Must not encroach into the deep soil zone provided for trees, and iii. Maintain a minimum soil depth of 400mm above to enable landscaping if it is proposed within the landscaped area, supported by irrigation and sub-surface drainage.		
4. Above ground OSD within the front setback area will only be considered by Council where it can be demonstrated that the development can satisfy the required landscaping and deep soil zone controls (if applicable).		

3.11 Ecologically Sustainable Development		
Residential Buildings		
Control	Proposal	Compliance



1. All BASIX affected development must comply with SEPP (Building Sustainability Index: BASIX) 2004.	A BASIX has been provided with the application; the proposal shall be conditioned to comply with the BASIX. See BASIX SEPP assessment	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Photovoltaic Solar Panels		
Control	Proposal	Compliance
15. The use, location and placement of photovoltaic solar panels are to consider the potential permissible building form on adjacent properties.	The use location and placement of solar panels is considered to meet the requirements of this clause.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
16. Where possible, proposals for new buildings, alterations and additions, and major tree plantings are to maintain solar access to existing photovoltaic solar panels having regard to their performance, efficiency, economic viability, and reasonableness of their location		

3.12 Waste Management		
Control	Proposal	Compliance
1. Development must comply with Council's Waste Management requirements regarding construction waste and ongoing management of waste materials (per Appendix 4 of the GRDCP).	The proposal complies with Appendix 4 of the GRDCP and therefore complies with the controls of this section.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Part 4 – General Land Use

The provisions of this part relate to specific development types not subject of this application and are not applicable to this proposal.

Part 5 – Residential Locality Statements

Development is required to consider the future character statement for the locality, in addition to the requirements within other parts of this DCP as shown on the map on Page 3, Part 5 of the DCP.

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

Oatley	
Future Desired Character	Consistency with Desired Character



<p>Retain and enhance the prominence of the bushland landscaped character in new development through tree planting and landscaping.</p> <p>Encourage consistent setbacks of buildings from the street and the provision of landscaping within the front setback, alongside low fencing to enhance visual permeability.</p> <p>Encourage the retention of trees and sharing of water views wherever possible, including screening via vegetation rather than solid walls.</p> <p>Public views to waterways should be retained from streets and public places.</p>	<p>The proposal is consistent with the future desired character of the precinct for the following reasons:</p> <ul style="list-style-type: none"> Increases landscape area on the site. Encourages the sharing of views towards the Georges River As designed changed conditioned the proposed bulk and scale of the development is in keeping with the desired future character.
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Part 6 – Residential Controls

6.1.2 Single Dwellings

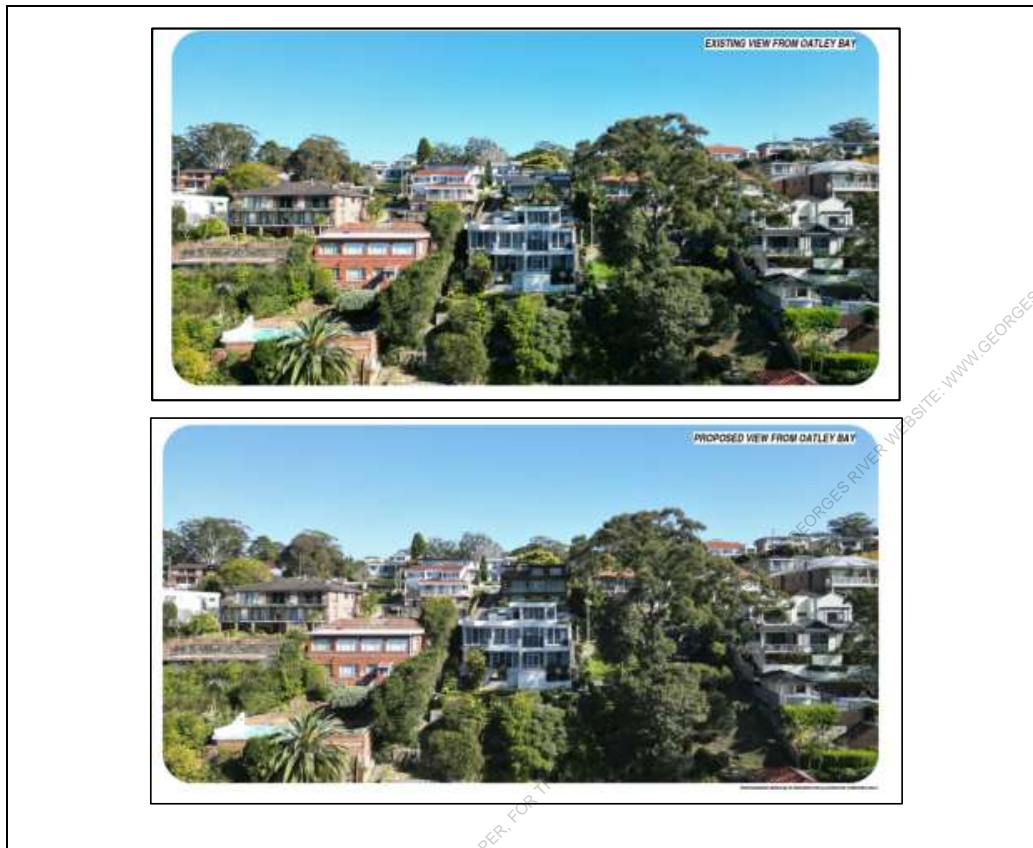
6.1.2.1 Streetscape Character and Built Form		
Control	Proposal	Compliance
1. New buildings and additions are to consider the Desired Future Character statement in Part 5 of this DCP.	See Part 5 Assessment above.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3. Developments on sites with two (2) or more frontages are to address all frontages.	Only one frontage to Annette Street.	
4. Dwelling houses are to have windows presenting to the street from a habitable room to encourage passive surveillance.	Passive surveillance of the street from a habitable room is achieved.	
5. Development must be sensitively designed so as to minimise adverse impacts on the amenity and view corridors of neighbouring public and private property while maintaining reasonable amenity for the proposed development and is to balance this requirement with the amenity afforded to the new development.	The proposed development as amended has been 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.	



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).	Void does not exceed 15sqm.	
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6.1.2.2 Building Scale and Height		
Control	Proposal	Compliance
3. A maximum of two (2) storeys plus basement is permissible at any point above ground level (existing). Basements are to protrude no more than 1m above existing ground level.	3 storeys existing and proposed.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – see merit based assessment <input type="checkbox"/> N/A
<p>Building Scale and Height</p> <p>The proposal seeks to vary GRDCP 2021 development control which limits development to 2 storeys in height above existing ground level and a basement. The non-compliance is as a result of an extension of an existing first-floor addition to the existing dwelling. The DCP provides that Council may permit a variation to the control (whether that be a basement or third storey above natural ground) where it is satisfied with the following relevant objectives as discussed below.</p> <ul style="list-style-type: none"> • Ensure that buildings are compatible with the height, bulk, and scale of the desired future character of the locality, • Minimise adverse visual impact, disruption of views, loss of privacy and loss of sunshine to existing residential developments. • Reduce the visual dominance of development when viewed from waterways, as well as other public places such as parks, roads, and community facilities. <p>The variation to the development control is only in part supported. The existing dwelling has a fourth bedroom, ensuite and walk in robe at the first floor. The proposed development seeks to significantly increase the first floor (third storey) by increasing the ensuite, walk in robe and bedroom. The proposal also seeks to add a study off of the bedroom at the first floor (third storey). The proposed development fails to meet the development objectives as outlined in GRDCP 2021 relating to building scale and form. The resultant-built form will present to Annette Street from the front as two storeys front on however angled to the side elevation from the street will be viewed as three-storeys. Furthermore, the dwelling will be viewed as three storeys from the adjoining side and rear properties. GRDCP 2021 outlines that 'buildings must be compatible with the height, bulk and scale of the desired future character of the locality'. Via the amended design the bedroom has reduced the built form by incorporating a reduction of 1.2m off of the rearward projection along the eastern elevation. The Applicant was advised post the meeting that the study must be deleted as the increase of the built form is not in accordance with the desired future character of the foreshore scenic protection area. GRDCP 2021 outlines that proposed built form is to <i>reduce the visual dominance of development when viewed from waterways</i>. The addition of the study increases both the built form at a third storey and glazing that fronts the waterway. Mention should also be given to the existing dwelling and proposed developments non-compliance with Clause 4.4A of GRLEP 2021 in relation to floor space ratio. The existing dwelling has two studies within the dwelling and seeks to add a third via the proposed alterations and additions. The application is subject to a design change condition for the deletion of the study and the retention of the existing building roof form in this location subject to new roof materiality.</p>		





6.1.2.3 Setbacks - Side and Rear Setbacks

Control	Proposal	Compliance
1. Buildings are to have a minimum rear setback of 15% of the average site length equivalent to 6m; or 6m, whichever is the greater (excluding detached secondary dwellings – see Point 12 in Section 6.1.2.12- Secondary Dwellings of this DCP).	The proposal provides a rear setback of 4.125m at its nearest point.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – see merit based assessment. <input type="checkbox"/> N/A
2. The minimum side setbacks for ground and first floor are: iii) 1.5m for all lots within the Foreshore Scenic Protection Area measured at the front building line for the length of the development.	1.905m first floor northern elevation 2.095m ground floor northern elevation	
<u>Setbacks</u>		




GRDCP 2021 requires a minimum 6m rear setback for the subject site. The existing dwelling has a rear setback of 5.35m that is less than the minimum rear setback requirement. The proposed extension of the ground floor rear balcony will further encroach on this setback resulting in a rear setback of 4.125m to the rearward balcony.

The reduced rear setback is considered reasonable in this instance given the site constraints, topography and design of the adjoining property to the east which is located at a much lower RL than the subject site thereby minimising any impacts. The balcony will overlook the roof form of the dwelling and ancillary structures of the property to the east of the subject site. Specifically, the balcony extension will be offset from the dwelling on the adjoining property such that no adverse privacy impacts between these will result. Furthermore, a privacy screen is proposed along the northern elevation of the balcony. The rear setback still allows for screen planting to be provided along the rear boundary to alleviate the visual dominance of the proposed balcony at a reduced setback.

6.1.2.5 Landscaping		
Control	Proposal	Compliance
1. Landscaped area (has the same meaning as GRLEP 2021) is to be provided in accordance with the table contained within <i>Clause 6.12 Landscaped areas in certain residential and conservation zones</i> of the GRLEP 2021.	See Clause 6.12 above in this assessment report.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2. Soft soil landscaping is to be provided in all landscaped areas as required by the GRLEP 2021 and must have a minimum dimension of 1.2m in all directions. Existing natural rock outcrops can be counted towards the calculation of soft soil landscaping.	The soft soil landscaping is compliant with this development control.	
6. Preference is to be given to incorporating locally indigenous plants.	Indigenous plants incorporated into the landscape design.	

6.1.2.6 Excavation (Cut and Fill)		
Control	Proposal	Compliance
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.	Fill exceeds 2.42m.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No See merit assessment below. <input type="checkbox"/> N
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	Proposed alterations and additions rely on the footprint of the existing dwelling.	



mass to step in accordance with the slope of the land.		
<p><u>Excavation (Cut and Fill)</u></p> <p>Deep excavation, cut and fill or benching may alter the pattern of subsoil water flow and soil stability, which may adversely affect neighbouring properties and the natural environment.</p> <p>The proposed development fails to comply with development control 1 under section 6 in part 6.1.2 in the section 3.5.1 in that <i>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.</i></p> <p>The proposed development seeks to remove an existing set of stairs that run parallel with the side boundary along the northern side boundary. These stairs have been made redundant since the torrens title subdivision in 2004. The proposed development seeks to remove these stairs, fill the area to match the existing levelled area adjacent to the stairs. The removal of the stairs is supported however the fill of up to 2.42m is not supported. The stairs maybe removed, with the site in this portion being landscape area that follows the natural topography of the site within this location. Alternatively, mass planting maybe planted within this location. A design change condition will be applied to the development consent.</p>		
		

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.	Acceptable visual privacy for both the future occupants and adjoining properties	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – see merit based assessment below.
2. For active rooms or balconies on an upper level, the design should	Satisfactory – appropriately positioned.	<input type="checkbox"/> N/A

incorporate placement of room windows or screening devices to only allow oblique views to adjoining properties.		
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.	Non-compliant.	
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.	A survey plan was submitted with documentation.	
<p>Visual Privacy</p> <p>Building design must take into consideration visual and acoustic privacy. Amenity is enhanced by privacy and a better acoustic environment. This can be achieved by carefully considering the location of the building on the site, the internal layout, the building materials used, and screening devices. The consideration of privacy requires an understanding of the context of the adjacent site, site configuration and the layout of the dwelling and ancillary elements.</p> <p>The proposed development fails to comply with GRDCP 2021 development control 3 under section 8 in part 6.1.2 in that <i>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.</i></p> <p>The proposed elevated ground floor (upper level) balcony is beyond the maximum 1.5m development control. The balcony via the proposal seeks a total balcony width of 3m beyond the rear wall alignment. The ground floor (upper level) balcony has incorporated privacy screening along the northern side elevation to ensure that the development minimises direct overlooking between the main living areas and main private open space within the site and adjoining property to the north. The proposed development can comply with development control 3 under section 8 in part 6.1.2 in that the proposal has considered its relationship with the adjoining properties in that the adjoining property has an elevated rearward balcony at an upper level.</p> <p>It is acknowledged that the proposed development does not impact upon the view corridors of neighbouring private properties. Additionally, the proposal can comply with the objective of the development control being that the proposed works <i>provides a high level of visual and acoustic privacy for residents and neighbouring dwellings and their private open space.</i> A privacy screen has been erected on the northern side of the proposed rearward balcony. A variation to the development control is supported in this instance.</p>		

6.1.2.10 Solar Access

Control	Proposal	Compliance
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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 proposed development will not alter the location of the primary living areas and private open spaces (on the upper ground and rear yard) which are orientated (east) towards the waterway. As demonstrated on the architectural plans, the living areas and private open spaces will continue to receive 3 hours of solar during mid-winter from 9am to 12pm.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2. To facilitate sunlight penetration to adjoining development, building bulk may be required to be articulated to achieve the required sunlight access.	Built form has articulation.	
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.	Given the east-west orientation, solar access of the properties to the south will be impacted by the proposed development with compliant levels of solar access maintained to No. 42A Annette Street to the east. The proposal has been designed to predominately retain the footprint and envelope of the existing building.	
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.	Solar access diagrams submitted that show the impact of the proposal on solar access to the principal private open space and living rooms of neighbouring properties.	
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.	Neighbouring properties do not have solar photovoltaic panels.	

6.1.2.11 Materials, Colour Schemes and Details

Control	Proposal	Compliance
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1. Large expansive surfaces of predominantly white, light, or primary colours which would dominate the streetscape or other vistas should not be used.	The colours and materials schedule are compatible with the existing adjoining properties and landscape setting.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4. All materials and finishes utilised should have low reflectivity.	Materials and finishes have been chosen from a standard colour scheme that is low in reflectivity.	

Part 6.5 Foreshore Locality Controls

Part 6.5 of the GRDCP 2021 is applicable to the development and the following clauses apply:

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.	Sufficient information has been submitted with the application to form an assessment.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – see merit based assessment below. <input type="checkbox"/> N/A
2. New complementary planting and landscaping is encouraged.	Additional landscaping proposed.	
3. Where on a steep site, vegetation is used to screen the impact of support structures such as piers.	The balcony is proposed to be constructed on piers. Rear landscape planting is proposed that will reduce the impact of support structures when viewed from the water.	
4. The visual impact of buildings is minimised having regard to building size, height, bulk, siting, external materials and colours, and cut and fill.	Design change conditions to delete the study, no fill beyond 1m within the location of the stairs to be removed.	
5. Facades and rooflines of dwellings facing the water are to be broken up into smaller elements with a balance of solid areas to glazed areas. Rectangular or boxy shaped dwellings with large expanses of glazing and reflective materials are not acceptable. In this regard, the maximum amount of glazed to solid area for facades along the foreshore is to be 50%-50%.	Compliant 48% glazed area.	
6. Colours that harmonise with and recede into the background	Satisfactory colours that are harmonise with the landscape	



landscape are to be used. In this regard, dark and earthy tones are recommended, and white and light-coloured roofs and walls are not permitted. To ensure that colours are appropriate, a schedule of proposed colours is to be submitted with the development application.	setting of the site have been proposed.	
7. 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 existing dwelling and proposed alterations and additions to the existing dwelling as conditioned has a compatible presence when viewed from the adjoining properties.	
8. Adequate landscaping shall be provided to screen the undercroft areas and reduce their impact when viewed from the water.	Landscape quantity and quality is improved on site via the proposed development.	
9. The extent of associated paved surfaces is minimised to that which provides essential site access and reasonable private open space.	Achieved by the proposal.	
10. Buildings have eternal finishes that are non-reflective and coloured to blend in with the surrounding landscape.	Satisfactory materials nominated.	
11. Development provides opportunities to create view corridors from the public domain to the Georges River.	The view corridor of the Georges River from the public domain is maintained via the proposed alterations and additions to the existing dwelling.	
<p><u>Foreshore Scenic Protection Area</u></p> <p>The proposed development fails to comply with development control 4 under part 6.5.1 in that the visual impact of buildings is not minimised having regard to building size, height, bulk, siting, external materials and colours, and cut and fill.</p> <p>The existing dwelling has a fourth bedroom, ensuite and walk in robe at the first floor. The proposed development seeks to significantly increase the first floor (third storey) by increasing the ensuite, walk in robe and bedroom. The proposal also seeks to add a study off of the bedroom at the first floor (third storey). The proposed development fails to meet the development objectives as outlined in GRDCP 2021 relating to building scale and form.</p>		



The application is subject to a design change condition for the deletion of the study and the retention of the existing building roof form in this location subject to new roof materiality

The proposed development seeks to remove these stairs, fill the area to match the existing levelled area adjacent to the stairs. The removal of the stairs is supported however the fill of up to 2.42m is not supported. The stairs maybe removed, with the site in this portion being landscape area that follows the natural topography of the site within this location. Alternatively, mass planting maybe planted within this location.

Design change conditions will be applied to the development consent to delete the study and extensive fill to the site.

Design Change Conditions

The subject application is subject to the following design change conditions due to the reasons mentioned above in this assessment report.

1. The study on the first floor is to be deleted. The roof form is to remain as existing except for the change of materiality of the roof from tiles to metal roofing.
2. The proposed fill of up to 2.42m within the north-eastern corner of the site is not permitted. The existing concrete stairs can be removed with the land in this location retaining the existing sloping topography and either grass and/or mass landscape planting.

Any Planning Agreement Under Section 7.4

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

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

The Regulations

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

There is no regulation (to the extent that they prescribe matters for the purposes of this paragraph) applicable to the proposal.

The Likely Impacts of the Development

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

Likely Impacts of the Development



Natural Environment	The development is located within an established residential area and is not considered to result in unreasonable impact on the natural environment via the conditioned design.
Built Environment	The built form of the proposed development subject to the implementation of the design change conditions is of a bulk and scale that is appropriate with its setting and consistent with the desired future character of the area. The development is occurring in a locality where adequate infrastructure exists to support the development during construction and ongoing use.
Social Impact	The proposal will have no significant social impact on the locality.
Economic Impact	The proposal is not considered to result in unreasonable economic impact

Site Suitability

Section 4.15 (c) the suitability of the site for the development

The site is zoned R2 Low Density Residential.

The proposal is considered a suitable outcome for the subject site with the exception of the design change conditions.

Submissions

Section 4.15 (d) any submissions made in accordance with this Act or the regulations.

The application was advertised, and adjoining residents were notified by letter and given fourteen (14) days in which to view the plans and submit any comments on the proposal. No submission were received during the neighbour notification period.

Revised Plans - Re-notification

The applicant lodged revised plans on Tuesday, 10 June 2025

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

The Public Interest.

Section 4.15 (e) the public interest.

The proposal is considered to be in the public interest subject to the design change conditions.

Referrals

Internal Referrals		
Specialist	Comment	Outcome



Development Engineer	<p>The officer has considered the following planning provisions:</p> <ul style="list-style-type: none"> - Clause 5.21 of GRLEP 2021 - Clause 6.3 of GRLEP 2021 - Clause 6.9 of GRLEP 2021 - Part 3.10 of GRDCP 2021 - Georges River Stormwater Management Policy <p>No objections raised to the proposal and conditions recommended.</p>	Conditions imposed as recommended.
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External Referrals		
Referral Body	Comment	Outcome
Ausgrid	No objections raised to the proposal and conditions suggested.	Conditions imposed.

Contributions

The development is subject to Section 7.12 Contributions. In accordance with the Georges River Local Development Contributions Plan 2021, a condition of consent requiring payment of the contribution and identifying it is subject to indexation in accordance with the plan has been imposed.

Conclusion

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

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

Council's delegate supports the request for variation under Clause 4.6 of Georges River Local Environmental Plan 2021, in relation to the Clause 4.4A Exceptions to floor space ratio—certain residential accommodation development standard, as the variation sought as amended via a design change condition satisfies the objectives of the standard and sufficient environmental planning grounds have been provided in the written request for variation justifying that compliance would be unnecessary and unreasonable in the circumstances of the case. The proposal is also in the public interest, and it results in no adverse environmental impacts but rather a superior design outcome.

Determination

Approval of Application



Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer recommends DA2025/0098 for alterations and additions to a dwelling house on Lot 12 in DP 1117980 on land known as 42 Annette Street, Oatley, as an approval for the reasons in this assessment report and subject to the conditions referenced in Appendix A:

CONDITIONS

As contained in Appendix A.

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Appendix 1 – Conditions

Development Details

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

Description	Reference No.	Date	Revision	Prepared by
Site Plan	Sheet 3	10 June 2025	B	Innovate Architects
Lower Ground Floor Plan	Sheet 4	10 June 2025	B	Innovate Architects
Ground Floor Plan	Sheet 5	10 June 2025	B	Innovate Architects
First Floor Plan	Sheet 6	10 June 2025	B	Innovate Architects
Elevations & External Finishes Schedule	Sheet 7	10 June 2025	B	Innovate Architects
Sections & Height Blanket Diagram	Sheet 8	10 June 2025	B	Innovate Architects

Documents relied upon to form this development consent:

Description	Reference No.	Date	Revision	Prepared by
Clause 4.6 Variation Statement	M230263	11 June 2025	-	Planning Ingenuity
Stormwater Drainage Plan	SW01	23 August 2023	A	Hyten Engineering
Landscape Plan	L-01 L-02 L-03 L-04 L-05 L-06	12 March 2025	E	Site Design & Studio

Separate Approvals Required Under Other Legislation

2. AUSGRID

Ausgrid Overhead Powerlines are in the vicinity of the development. The developer should refer to SafeWork NSW Document - Work Near Overhead Powerlines: Code of Practice. This document outlines the minimum separation requirements between electrical mains (overhead wires) and structures within the development site.



throughout the construction process. It is a statutory requirement that these distances be maintained throughout the construction phase. Consideration should be given to the positioning and operating of cranes, scaffolding, and sufficient clearances from all types of vehicles that are expected be entering and leaving the site. The “as constructed” minimum clearances to the mains must also be maintained. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website at www.ausgrid.com.au. It is the responsibility of the developer to verify and maintain minimum clearances onsite. In the event where minimum safe clearances are not able to be met due to the design of the development, the Ausgrid mains may need to be relocated in this instance. Any Ausgrid asset relocation works will be at the developer’s cost. Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances “Working Near Ausgrid Assets - Clearances”. This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

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.

4. **Driveway Crossing - Minor Development** - Constructing a driveway crossing and/or footpath requires a separate approval under Section 138 of the Roads Act 1993 prior to the commencement of those works.

To apply for approval, complete the "Application for Driveway Crossing and Associated Works on Council Road Reserve" issued under Section 138 Roads Act." which can be downloaded from Georges River Council's Website at www.georgesriver.nsw.gov.au. Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Section P1 and P2, in Council's adopted *Fees and Charges* for the administrative and inspection charges associated with Driveway Crossing applications.

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

The design boundary level is to be received from Council prior to construction of the internal driveway

5. **Road Opening Permit** - A Road Opening Permit must be obtained from Council, in the case of local or regional roads, or from the RMS, in the case of State roads, for every opening of a public road reserve to access services including sewer, stormwater drains, water mains, gas mains, and telecommunications before the commencement of work in the road.

Requirements of Concurrence, Integrated & Other Government Authorities

6. **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.sydneypwater.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

7. **Low reflectivity roof** - Roofing materials must be low glare and reflectivity. Details of finished external materials including colours and texture must be provided to the



Certifying Authority.

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	\$2,000.00
Inspection Fee for Refund of Damage Deposit	\$210.00
DEVELOPMENT CONTRIBUTIONS	
Georges River Council Section 7.12 Development Contributions Plan 2021	\$9,769.90

General Fees

The fees and charges above are subject to change and are as set out in the version of Council's Schedule of Fees and Charges or as required by other Government Authorities, applicable at the time of payment.

Development Contributions

A Section 7.12 contribution has been levied on the subject development pursuant to the Georges River Council Section 94A Contributions Plan 2017.

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.

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



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

At the completion of work Council will inspect the public works, and the damage deposit will be refunded in full upon completion of work where no damage occurs. Otherwise the amount will be either forfeited or partly refunded according to the amount of damage.

10. **Site Management Plan -**

Minor Development

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.

11. **BASIX Commitments** - All energy efficiency measures as detailed in the BASIX Certificate No. A505782_04 must be implemented on the plans lodged with the application for the Construction Certificate.

12. **Required design changes** - The following changes are required to be made and shown on the Construction Certificate plans:

1. The study on the first floor is to be deleted. The roof form is to remain as existing except for the change of materiality of the roof from tiles to metal roofing.
2. The proposed fill of up to 2.42m within the north-eastern corner of the site is not permitted. The existing concrete stairs can be removed with the land in this location retaining the existing sloping topography and either grass and/or mass landscape planting.

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

- (a) Compliance with the approved Erosion & Sediment Control Plan



- (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water runoff is diverted around cleared or exposed areas
- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater - Soils and Construction \(Blue Book\) produced by Landcom 2004](#).

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

14. **Stormwater System -**

The submitted stormwater plan has been assessed as a concept plan only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate to Principal Certifying Authority.

- (a) All stormwater shall be drained in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).
- (b) Stormwater drainage plans including pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, shall accompany the application for the Construction Certificate.

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

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Hurstville Development Control Plan 1 which includes Appendix 2.

16. **Structural details -** Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Principal Certifying Authority for approval prior to construction of the specified works.



A copy shall be forwarded to Council where Council is not the PCA.

17. **Traffic Management - Compliance with AS2890** - All driveways, access ramps, vehicular crossings and car parking spaces shall be designed and constructed in accordance with the current version of Australian Standards, AS 2890.1 (for car parking facilities) and AS 2890.2 (for commercial vehicle facilities).
18. **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.
19. **Landscape Plan** – An updated detailed landscape plan, drawn to scale, by a qualified landscape architect or landscape designer, must be submitted prior to the issue of the Construction Certificate.

The plan must include:

- (a) Location of existing and proposed structures, services and existing trees;
- (b) Details of earthworks including mounding and retaining walls and planter boxes;
- (c) Location of proposed plants and a plant schedule showing the plant symbol, botanical name/ common name; quantity; pot size/; and mature height x width.
- (d) Details of planting procedure and maintenance;
- (e) Landscape specification;
- (f) Details of drainage and watering systems;
- (g) Details of garden edging and turf; and
- (h) Any required fencing, retaining walls and other structures not shown on other approved architectural and engineering plans.

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

20. **Demolition & Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2001 - Demolition of Structures, NSW [Work Health & Safety Act 2011](#) and the NSW [Work Health & Safety Regulation 2011](#). The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the PCA prior to the commencement of works.

For demolition work which involves the removal of asbestos, the asbestos removal work must be carried out by a licensed asbestos removalist who is licensed to carry out the work in accordance with the [NSW Work Health & Safety Act 2011](#) and the NSW



[Work Health & Safety Regulation 2011](#) unless specified in the Act and/or Regulation that a license is not required.

All demolition work including the removal of asbestos, shall be undertaken in accordance with the [Demolition Code of Practice](#) (NSW Work Cover July 2015).

Note: Copies of the Act, Regulation and Code of Practice can be downloaded free of charge from the SafeWork NSW website: www.SafeWork.nsw.gov.au.

21. Demolition Notification Requirements - The following notification requirements apply to this consent:

- (a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.
- (b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
- (c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.

22. Demolition work involving asbestos removal - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the [Work Health and Safety Regulation 2011](#).

23. Before You Dig Australia - The applicant shall contact "Before You Dig Australia" at <https://www.byda.com.au/> to obtain a Service Diagram prior to the issuing of the Construction Certificate. The reference number for the enquiry obtained from "Before You Dig Australia" shall be forwarded to the Principal Certifying Authority (PCA) and Council for their records.

24. Registered Surveyors Report - During Development Work - A report must be submitted to the PCA at each of the following applicable stages of construction:

- a) Set out before commencing excavation.
- b) Floor slabs or foundation wall, before formwork or commencing brickwork.



- c) Completion of Foundation Walls - Before any construction of flooring, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans.
- d) Completion of Floor Slab Formwork - Before pouring of concrete/walls construction, detailing the location of the structure relative to adjacent boundaries and floor levels relative to the datum shown on the approved plans. In multi-storey buildings a further survey must be provided at each subsequent storey.
- e) Completion of any Pool Formwork - Before concreting of pool shell, detailing the location of the pool relative to the adjacent boundaries and its height relative to the datum shown on the approved plans.
- f) Completion of any Roof Framing - Before roof covered detailing eaves/gutter setback from boundaries.
- g) Completion of all Work - Detailing the location of the structure (including eaves/gutters) relative to adjacent boundaries and its height relative to the datum shown on the approved plans. A final Check Survey must indicate the reduced level of the main ridge.

Work must not proceed beyond each stage until the PCA is satisfied that the height and location of the building is proceeding in accordance with the approved plans.

25. **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.

During Construction

26. Road Opening Permit

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

27. Development Engineering - Damage within Road Reserve and Council Assets -

The owner shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.

28. **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.

29. **Hours of construction for demolition and building work** - Unless authorised by Council:

- a. Building construction and delivery of material hours are restricted to: 7.00 am to 5.00 pm (inclusive) Monday to Saturday and no work on Sundays and Public Holidays.
- b. Demolition and excavation works are restricted to: 8.00 am to 5.00 pm (inclusive) Monday to Friday only. Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site.

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

31. **Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.

32. **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.

33. **Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

Copies of all receipts for the disposal, or processing of all such materials shall be submitted to the PCA and Council, where Council is not the Principal Certifying Authority.

34. **Tree Removal on Private Land** - The trees identified as 'to be removed/pruned' on the approved plans or by conditions of this consent shall be removed in accordance with AS4373 -2007 and the *Amenity Tree Industry Code of Practice* (SafeWork NSW, August 1998).

Prior to the issue of the Occupation Certificate

35. **Requirements prior to the issue of the Occupation Certificate** -



The following shall be completed and or submitted to the PCA prior to the issue of the Occupation Certificate:

(a) All the stormwater/drainage works shall be completed in accordance with the approved Construction Certificate plans prior to the issue of the Occupation Certificate. The information must include work as executed levels in mAHD of rainwater tank details, surface /invert levels and charged piped system, twin front boundary pits surface/invert levels and sizes.

(b) The above Work as Executed plans must be jointly prepared and duly CERTIFIED and SIGNED OFF by Drainage Design Engineer that all drainage systems which have been installed as per CC approved drainage plans and submitted to Council for compliance and record.

(c) The above Work as Executed Plans when all the site engineering stormwater drainage related works are completed and then shall be submitted to the PCA prior to the issue of the Occupation Certificate.

36. **BASIX Compliance Certificate** - A Compliance Certificate must be provided to the PCA regarding the implementation of all energy efficiency measures as detailed in the approved BASIX Certificate before any Occupation Certificate is issued.

37. **Completion of Landscape Works** - All landscape works must be completed before the issue of the Final Occupation Certificate.

38. **Vehicular crossing - Minor development** - The vehicular crossing and/or footpath works shall be constructed by a private contractor at the expense of the applicant, in accordance with the 'Application for Driveway Crossing and Associated Works on Council Road Reserve' approval issued by Council's Assets and Infrastructure Division.

Any existing vehicular crossing and/or laybacks which are redundant must be removed. The kerb and gutter, any other footpath and turf areas shall be restored at the expense of the applicant and in accordance with Council's Specification for Vehicular Crossings and Associated Works.

NOTE: No stencilled or coloured concrete may be used outside the boundary of the property.

The work must be completed before the issue of an Occupation Certificate.

Operational Conditions (On-Going)

39. **Maintenance of Landscaping** - All trees and plants forming part of the landscaping must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilizing, pest and disease control, replacement of dead or dying plants and any other operations required to maintain healthy trees, plants and turfed areas.

40. **Outdoor Lighting** - To avoid annoyance to the occupants of adjoining premises or glare to motorist on nearby roads, outdoor lighting must comply with AS 4282-1997: Control of the obtrusive effects of outdoor lighting.



41. **Amenity of the neighbourhood** - The implementation of this development shall not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, waste water, waste products, grit, oil or other harmful products.

Operational Requirements Under the Environmental Planning & Assessment Act 1979

1. **Requirement for a Construction Certificate** – Division 2 [Environmental Planning and Assessment \(Development and Fire Safety\) Regulation 2021](#) - The erection of a building must not commence until a Construction Certificate has been issued.
2. **Appointment of a Principal Certifier (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.

In accordance with Clause 57 of the [Environmental Planning and Assessment \(Development and Fire Safety\) Regulation 2021](#)

If the work is not going to be undertaken by an Owner - Builder, the applicant must:

- (a) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
 - (b) notify the PC of the details of any such appointment; and 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..
3. **Notification Requirements of PC** – Clause 57 of [Environmental Planning and Assessment \(Development and Fire Safety\) Regulation 2021](#) - No later than two days before the building work commences, the PC must notify:
 - c. the consent authority and the Council (if not the consent authority) of his or her appointment; and
 - d. the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.
4. **Notice of Commencement** – Clause 59 of [Environmental Planning and Assessment \(Development and Fire Safety\) Regulation 2021](#) the applicant must give at least two days notice to the Council and the PC of their intention to commence the erection of a building.



A Notice of Commencement Form is attached for your convenience.

5. **Critical Stage Inspections** - The last critical stage inspection must be undertaken by the PC. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 68 of the [Environmental Planning and Assessment \(Development and Fire Safety\) Regulation 2021](#).
6. **Notice to be given prior to critical stage inspections** - The principal contractor for a building site, or the owner-builder, must notify the PC at least 48 hours before each required inspection needs to be carried out in accordance with Clause 58 of the [Environmental Planning and Assessment \(Development and Fire Safety\) Regulation 2021](#).

Where Georges River Council has been appointed as the PC, 48 hours notice in writing, or alternatively 24 hours notice by facsimile or telephone, must be given when specified work requiring inspection has been completed.

7. **Occupation Certificate** – Part 5 [Environmental Planning and Assessment \(Development and Fire Safety\) Regulation 2021](#) - A person must not commence occupation or use of the whole or any part of a new building unless an Occupation Certificate has been issued in relation to the building or part.

Only the PC appointed for the building work can issue the Occupation Certificate.

Prescribed Conditions

8. **Clause 44 - BASIX Commitments** - This Clause requires the fulfilment of all BASIX Commitments as detailed in the BASIX Certificate to which the development relates.
9. **Clause 67 - Building Code of Australia & Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.
10. **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.
11. **Clause 67 - Home Building Act 1989** - If the development involves residential building work under the [Home Building Act 1989](#), no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit



number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the Home Building Act 1989.

- 12. Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.

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

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

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

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

NOTES/ADVICES

- 1. 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.

- 2. 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.

- 3. 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.

4. **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.

5. **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.

6. **Stormwater & Ancillary Works - Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993** - To apply for approval under Section 138 of the Roads Act 1993 and/or Section 68 Local Government Act 1993:

- (a) Complete the Stormwater Drainage Application Form which can be downloaded from Georges River Council's website at www.georgesriver.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (eg. DA2018/0***) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with



stormwater applications.

The developer must meet all costs of the extension, relocation or reconstruction of any part of Council's drainage system (including design drawings and easements) required to carry out the approved development.

The preparation of all engineering drawings (site layout plans, cross sections, longitudinal sections, elevation views together with a hydraulic grade analysis) and specifications for the new stormwater drainage system to be arranged by the applicant. The design plans must be lodged and approved by Council prior to the issue of a Construction Certificate.

NOTE: A minimum of four weeks should be allowed for assessment.

7. **Council as PCA - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the PCA in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative fire solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.
8. **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).





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HOWARTH	42 ANNETTE STREET, OATLEY
PROPOSED ALTERATIONS & ADDITIONS TO AN EXISTING DWELLING	PHOTOGRAPHIC MONTAGE 01 VIEW FROM ANNETTE STREET OATLEY

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Architects


	Project	BC	Order	NTS@A1	HOWARTH-DA
	Project Code	GRJ	Issue	B	
	Date	JUN 22			
	Order Number	2826.2	Issue 1	01	



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NOTE:
All existing & overall dimensions are nominal & subject to verification on site, where any discrepancy occurs between new work & existing dimensions - existing dimensions/work should take preference where necessary - otherwise notify Innovate Architects Pty Ltd.

Selected terrile protection to be used on site in accordance with local council's requirements, B.C.A and all relevant Australian Standards.

 Smoke detectors to comply with requirements of specification 1.7 (NSW) and smoke alarms shall comply with AS 3786 and be connected to the mains power supply.

GENERAL NOTES:

All work to be carried out in accordance with the Building Code of Australia, all Local and State Government Ordinances, relevant Australian Standards, Local Electricity and Water Authorities Regulations and all other relevant Authorities concerned.

All structural work and site drainage to be subject to Engineer's details or certification where required by Council. This shall include all s.c. slabs and footings, n.c. and steel beams and columns, wind bracing to AS 1170 and AS4055, anchor rods or bolts, tie downs, fixings etc., driveway slabs and drainage to Council's satisfaction.

All timbers to be in accordance with SAA Timber Structure Code AS1720 and SAA Timber Framing Code AS 1854. All work to be carried out in a professional and workmanship like manner according to the plans and specification.

NOTE:
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B	AMENDED DEVELOPMENT APPLICATION					10/02			BC
A	DEVELOPMENT APPLICATION					MAY 25			CJ
0000						7/26			DJ

HOWARTH	42 ANNETTE STREET, OATLEY
PROPOSED ALTERATIONS & ADDITIONS TO AN EXISTING DWELLING	PHOTOGRAPHIC MONTAGE 01 VIEW FROM OATLEY BAY

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
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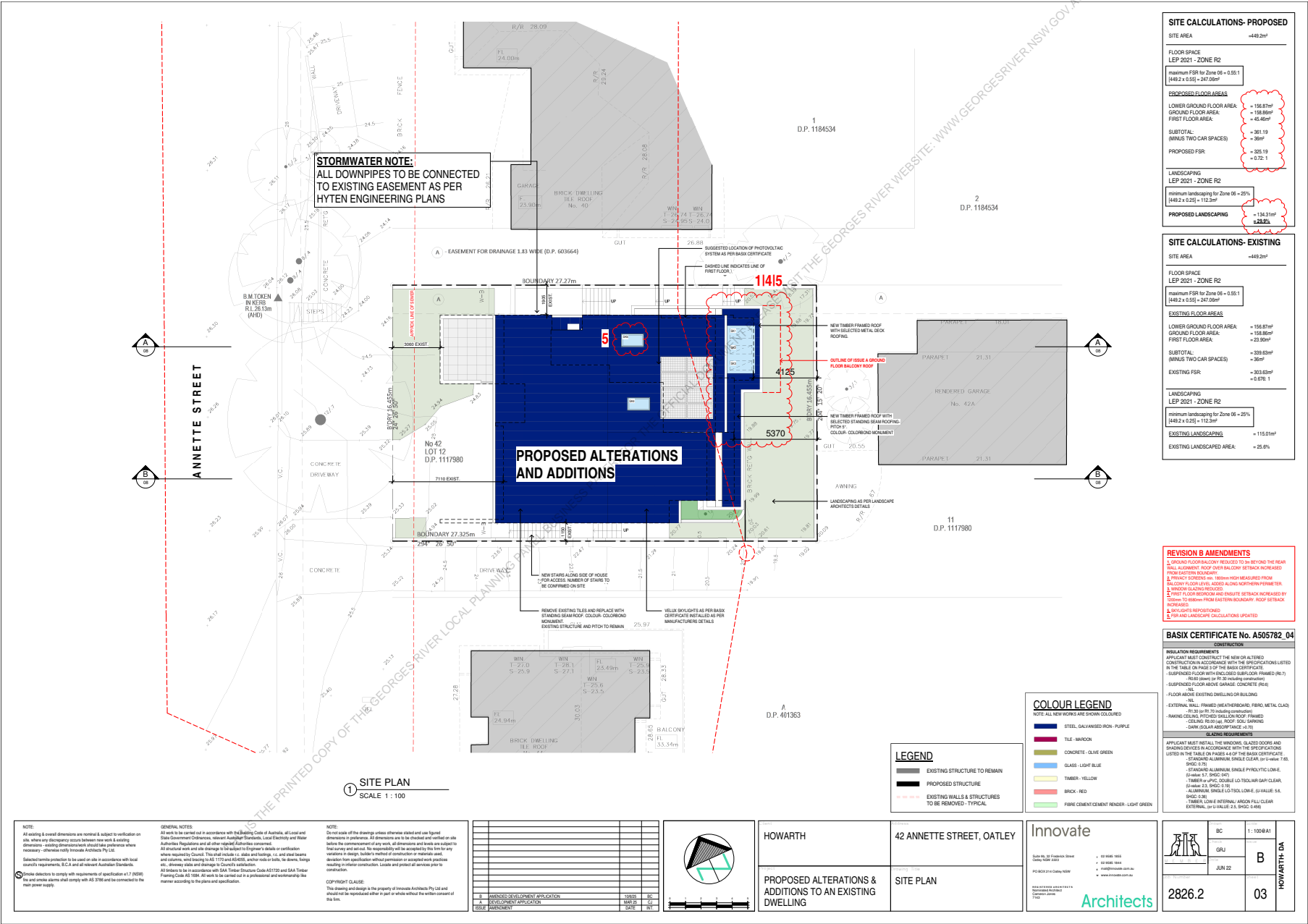
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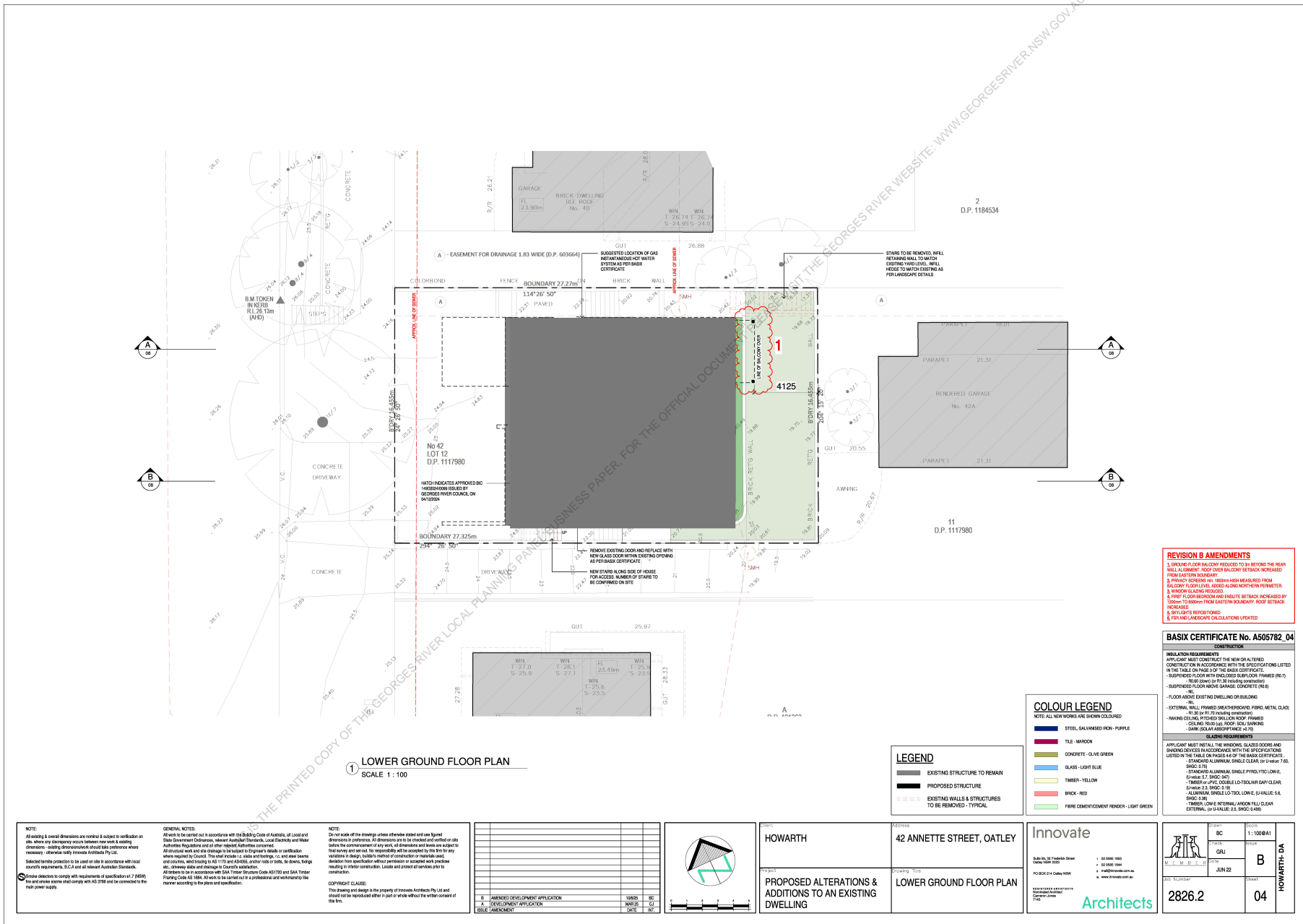
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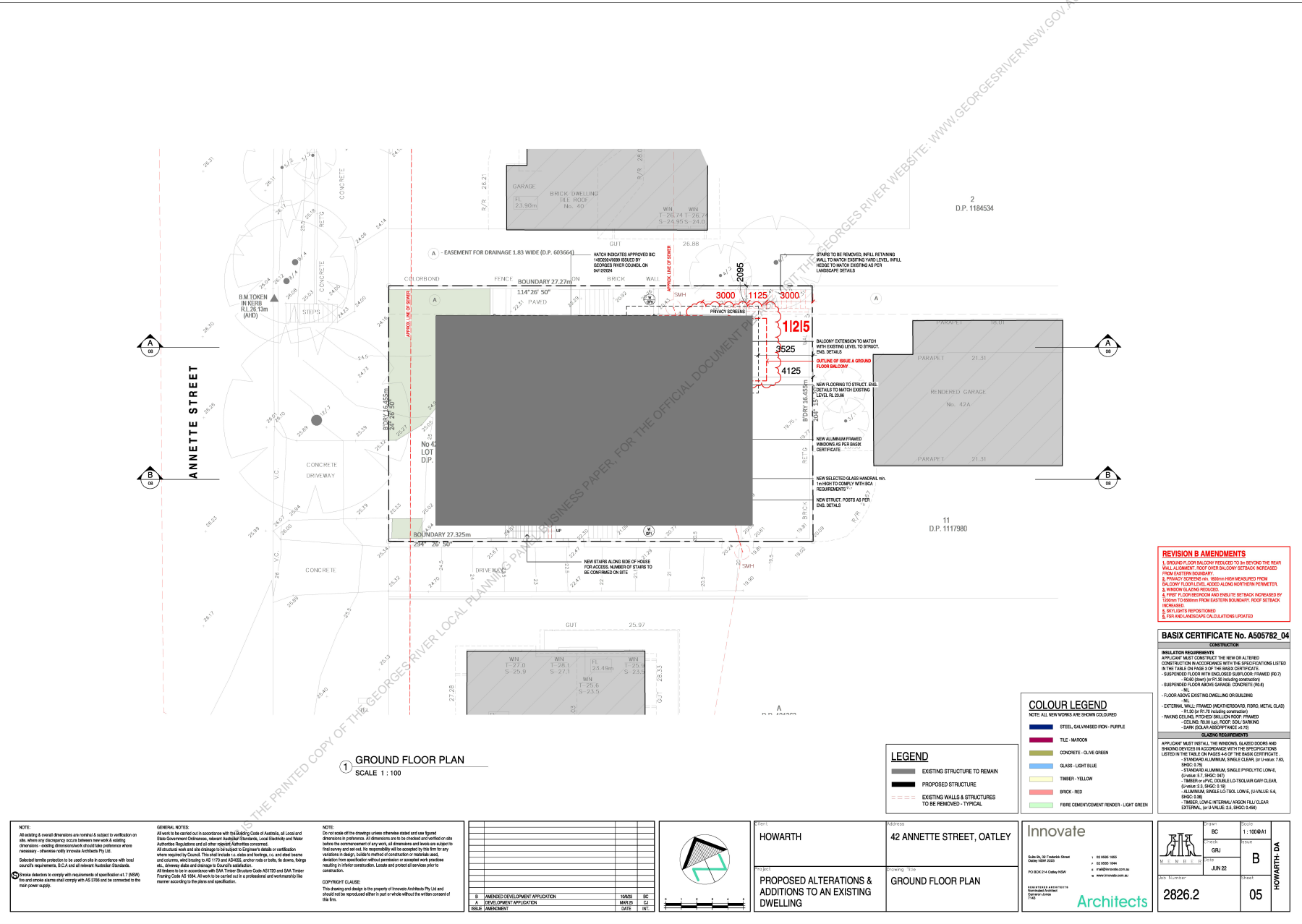
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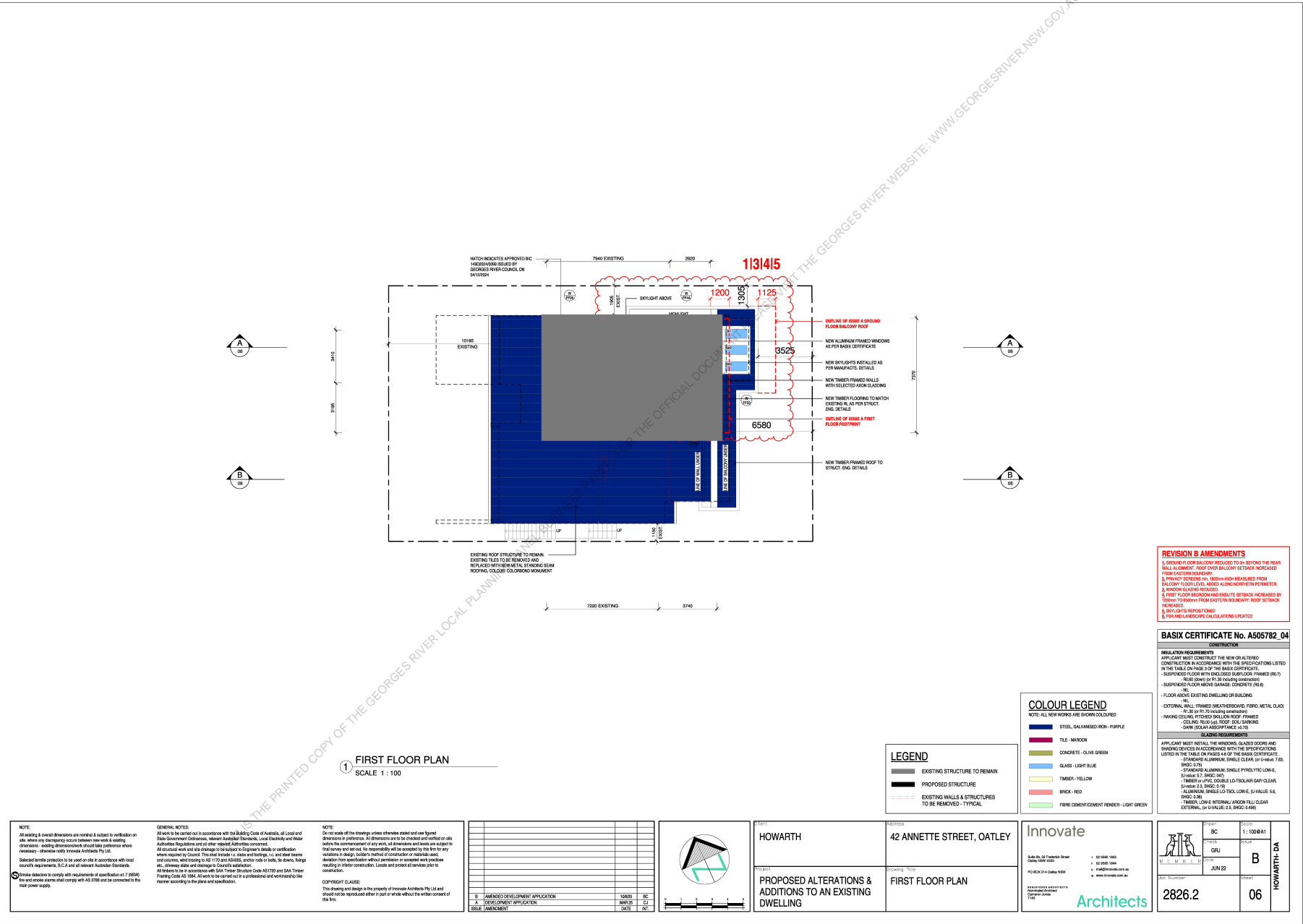
Architect

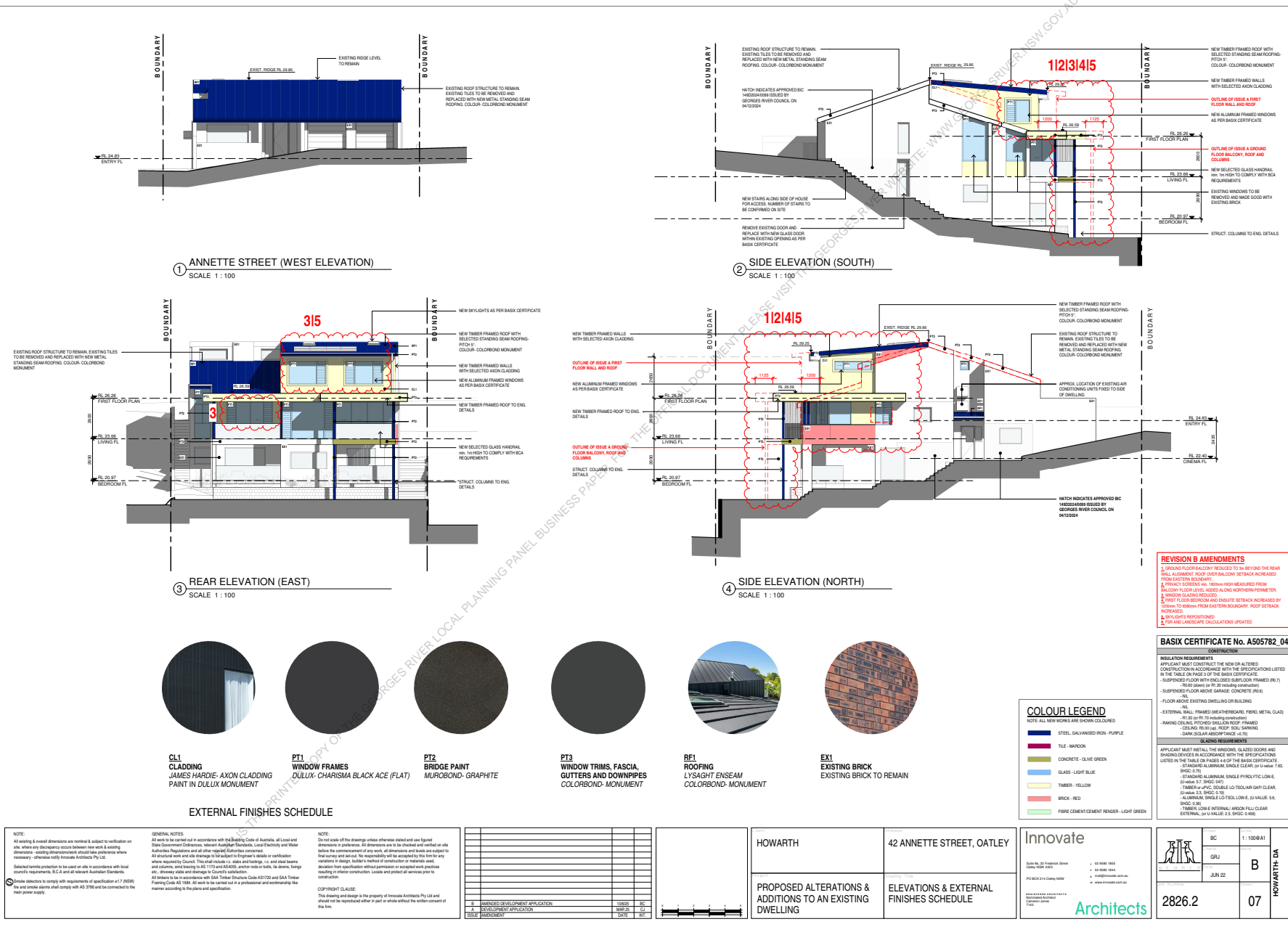
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Date	JUN 22	
Order Number	2826.2	
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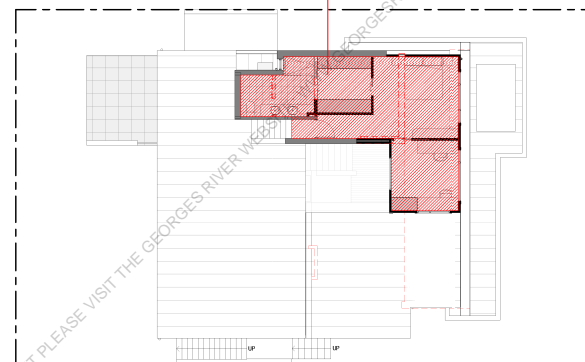












③ FIRST FLOOR PLAN
SCALE 1 : 100

EXISTING
LANDSCAPE AREA

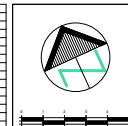
ADDITIONAL
LANDSCAPED AREA

GROSS FLOOR AREA

REVISION B AMENDMENTS

1. GROUND FLOOR BALCONY REDUCED TO 3m BEYOND THE REAR WALL ALIGNMENT. ROOF OVER BALCONY SETBACK INCREASED FROM EASTERN BOUNDARY.
2. PRIVACY SCREENS max. 1800mm HIGH MEASURED FROM BALCONY FLOOR LEVEL ALONG NORTHERN PERIMETER.
3. WINDOW GLAZING REDUCED.
4. FIRST FLOOR BEDROOM AND ENSUITE SETBACK INCREASED BY 1200mm TO 6500mm FROM EASTERN BOUNDARY. ROOF SETBACK INCREASED.
5. SKYLIGHTS REPOSITIONED.
6. FSR AND LANDSCAPE CALCULATIONS UPDATED.

B	AMENDED DEVELOPMENT APPLICATION	10/25	BC
A	DEVELOPMENT APPLICATION	MAY 25	CJ
DIST	HIGHWAY	DATE	NV



NAME	ADDRESS
HOWARTH	42 ANNETTE STREET, OATLEY
PROPOSED ALTERATIONS & ADDITIONS TO AN EXISTING DWELLING	CALCULATIONS

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
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 U M N I S T R Y	report ES	copies 1:100@A1	HOWARTH - DA
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	title JUN 22		
	job Number 2826.2		
		sheets 10	



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Selected termite protection to be used on site in accordance with local councils requirements, B.C.A and all relevant Australian Standards.

Smoke detectors to comply with requirements of specification e1.7 (NSW) and smoke alarms shall comply with AS 3786 and be connected to the main power supply.

GENERAL NOTES:
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All timbers to be in accordance with SAA Timber Structure Code AS1720 and SAA Timber Framing Code AS 1884. All work to be carried out in a professional and workmanship like manner according to the plans and specification.

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B	ADVANCED DEVELOPMENT APPLICATION		10/9/25	BC	
A	DEVELOPMENT APPLICATION		MAY 26	CJ	
ISSUE	AMENDMENT		DATE	BY	

<p>NAME</p> <p>HOWARTH</p>	<p>ADDRESS</p> <p>42 ANNETTE STREET, OATLEY</p>
<p>PROPOSED ALTERATIONS & ADDITIONS TO AN EXISTING DWELLING</p>	<p>PHOTOGRAPHIC MONTAGE 03 VIEW FROM ANNETTE STREET OATLEY</p>

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Architects

	Project	BC	NTS@A1	HOWARTH - DA
	Project	GRJ	B	
	Date	JUN 22		
	2826.2		11	



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B	AWARDED DEVELOPMENT APPLICATION	10/6/05	BO		
A	DEVELOPMENT APPLICATION	MAY 25	CJ		
ISSUE	AWARDMENT	DATE	INT		

HOWARTH	42 ANNETTE STREET, OATLEY
PROPOSED ALTERATIONS & ADDITIONS TO AN EXISTING DWELLING	PHOTOGRAPHIC MONTAGE OF VIEW FROM ANNETTE STREET OATLEY

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
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