

AGENDA

Georges River Local Planning Panel

Thursday, 21 August 2025

4:00 PM

Blended Meeting

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

Participants:

Donna Rygate (Chairperson)

Nicholas Skelton (Expert Panel Member)

Ian Armstrong (Expert Panel Member)

Sophia Ma (Community Representative)

GEORGES RIVER LOCAL PLANNING PANEL MEETING

ORDER OF BUSINESS

1. ON SITE INSPECTIONS

2. OPENING

3. ACKNOWLEDGEMENT OF COUNTRY

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

4. APOLOGIES / LEAVE OF ABSENCE

5. NOTICE OF WEBCASTING

6. DISCLOSURES OF INTEREST

7. CONSIDERATION OF ITEM(S) AND VERBAL SUBMISSIONS

8. CLOSED SESSION – DELIBERATION OF REPORTS

LPP022-25	28 Carlton Crescent, Kogarah Bay – DA2023/0025 (Report by Senior Development Assessment Officer)	3
LPP023-25	12 Harris Street, Sans Souci – DA2024/0141 (Report by Senior Development Assessment Planner)	70
LPP024-25	68-72 Park Road, Kogarah Bay NSW 2217 – DA2024/0389 (Report by Senior Development Assessment Planner)	120

9. CONFIRMATION OF MINUTES

Georges River Local Planning Panel Meeting - 21 August 2025

REPORTS AND LPP DELIBERATIONS**REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 21 AUGUST 2025****LPP022-25 28 CARLTON CRESCENT, KOGARAH BAY****LPP022-25**

LPP Report No	LPP022-25	Development Application No	DA2023/0025
Site Address & Ward Locality	28 Carlton Crescent, Kogarah Bay Kogarah Bay Ward		
Proposed Development	Subdivision, demolition works and construction of a dwelling house, outbuildings and ancillary works.		
Owners	Mona Kayrouz		
Applicant	Glenn McCormack		
Planner/Architect	Glenn McCormack, Design Practitioner		
Date Of Lodgement	21/03/2023		
Submissions	3		
Cost of Works	\$1344712.00		
Local Planning Panel Criteria	Works to a heritage item		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, Georges River Local Environmental Plan 2021 (GRLEP 2021), Georges River Development Control Plan 2021 (GRDCP 2021)		
List all documents submitted with this report for the Panel's consideration	Architectural plans and assessment report,		
Report prepared by	Senior Development Assessment Officer		

RECOMMENDATION	Refusal
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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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?	N/A
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	N/A Application is recommended for refusal.

PROPOSAL

1. Approval sought for demolition works, tree removal, boundary adjustment between Lots 21 and 22, and construction of a 3-level dwelling housing as detailed below:
 - a) Demolition:
Demolition works are limited to lot 22. It involves demolition of the existing garage, laundry, out building and pergola structure at the rear.
 - b) Tree removal
Removal of four (4) trees.
 - c) Boundary adjustment
A boundary realignment of 1.8m is proposed between Lots 21 and 22. Lot 21 containing the heritage dwelling will be increased, and Lot 22 will be decreased.
 - d) Construction of a dwelling house
A dwelling house is proposed on Lot 22 (known as 28 Carlton Crescent Kogarah Bay) which will be over three levels.
 - i. **Lower Ground**
The level consists of the rumpus room with an adjoining pantry, a gym and sauna, bathroom, office, laundry and an equipment area.
 - ii. **Ground Level**
The ground level consists of a double garage, recessed entry, a guest bedroom, ensuite and living space at the front and an open plan living/kitchen/dining with pantry, and WC at the rear.
The master bedroom with walk-in-robe and ensuite is also proposed at the rear. An outdoor entertainment balcony/terrace is proposed off the living/dining and bedroom.
 - iii. **Level 1**
This floor consists of four (4) bedrooms, one with an ensuite, a shared bathroom and a balcony.
 - e) Alterations and additions to existing heritage listed dwelling
A double hardstand car space area is proposed in the front setback.
A new sub-floor laundry is proposed for the heritage listed dwelling.



Figure 1: Lot No 22 (28 Carlton Crescent) proposed to be reduced and Lot No 21 proposed to be increased by 114.1sqm (Boundary adjustment plan).

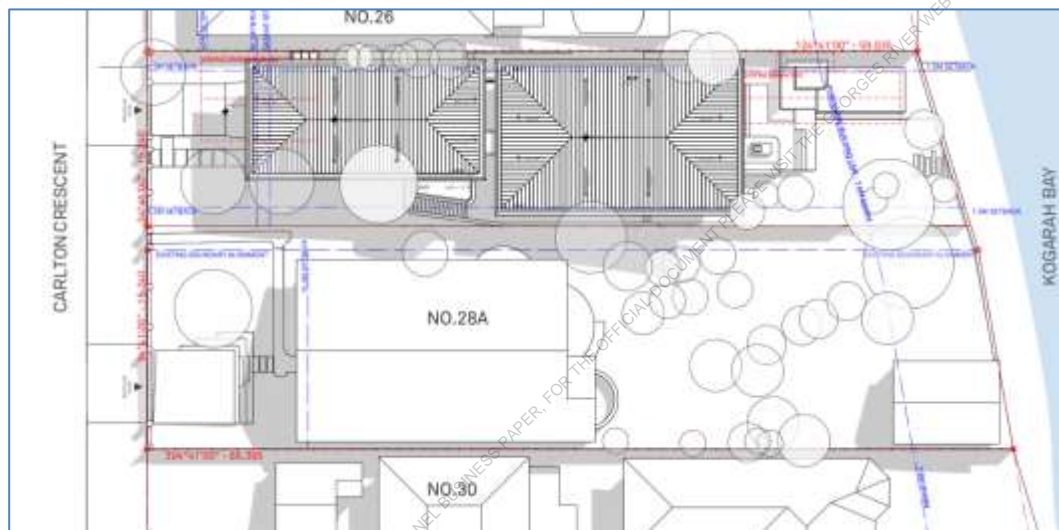


Figure 2: Site plan.



Figure 3: North elevation



Figure 4: South elevation



Figure 5: East Elevation



Figure 6: West Elevation

SITE AND LOCALITY

2. The subject site is legally described as Lot 21 & Lot 22, Sec 15, DP1963. The site is known as 28 and 28A Carlton Crescent, Kogarah Bay NSW 2217. The site is located on the eastern side of Carlton Crescent, Kogarah Bay.
3. The site currently contains the following structures:

Lot 21:
 - Brick dwelling house with tile roof,
 - Secondary dwelling, and
 - A shedLot 22:
 - Brick garage with tile roof at front of the allotment, and
 - Brick shed at the rear
4. The immediate locality is characterised primarily by single dwelling houses. The streetscape of Carlton Crescent is a mixture of older and newer detached dwellings. The immediate adjoining properties comprise of single storey brick dwelling house with tile roof to the Northeast and a mix of one and two storey rendered brick dwelling house with tile roofs to the southwest



Figure 7: Locality Plan and subject site.



Figure 8: Subject site

ZONING AND PERMISSIBILITY

5. The subject site is zoned R2 Low Density Residential under GRLEP 2021. The proposed works are defined as a '**Dwelling House**' which is permissible with consent within the R2 land use zone pursuant to the provisions of Georges River Local Environmental Plan 2021 (GRLEP 2021).



Figure 9: R2 Low density residential zoning and subject site.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

6. This application is referred to the Georges River Local Planning Panel for determination as the applicant seeking approval for demolition of heritage items.

SUBMISSIONS

7. The application was placed on public exhibition and adjoining residents were notified by letter and given fourteen (14) days from 23 March 2023 to 10 May 2023. Three (3) Submissions were received during the notification period.
8. Issues raised in the submissions are summarised as follows
 - Impact on the significant heritage item,
 - Over development,
 - Poor urban design; and
 - Impact on view corridor

BACKGROUND

9. The application was lodged on 21 March 2023 for demolition works, tree removal, boundary adjustment between Lots 22 and 21, and construction of a 3-level dwelling on lot 22. Demolition works are limited to lot 22.
10. At the time of the application lodgement, Lot 21 known as No.28A Carlton Crescent was listed as a heritage item as it contained the heritage listed dwelling (I208) "Bayview". However, lot 22 was not listed as a heritage listed item. On 28 March 2024, the house, garden, boatshed, garage and summerhouse on both lots became heritage items pursuant to the provisions of GRLEP 2021 (item no I208).



Figure 10: Heritage item and subject site

11. Applicant submitted class 1 appeal for deemed refusal on 28 June 2023 to the NSW Land and Environment Court. (case number 2023/200307). The appeal was discontinued on 29 May 2024, as the applicant was considering in lodging a new application seeking approval of a smaller development due to the heritage significance of the site.
12. The applicant opted not to withdraw the application or make revisions and as such the application was determined by way of a refusal under delegated authority on 15 July 2025. Unfortunately, the assessing officer was not aware of the heritage listing on lot 22 and as such no delegation was available to determine the application. In this instance it is considered that Council has not effectively nor legally determined the development application due to there being no delegated authority to do so. Accordingly, the application remains undetermined and as such referred to Georges River Local Planning Panel for their determination.

ASSESSMENT

13. 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. The subject application does not comply with the following applicable planning provisions:
 - a) Georges River Local Environmental Plan 2021
 - i. Clause 2.3 - Zone Objectives.
 - ii. Clause 4.4- Floor space ratio.
 - iii. Clause 5.10- Heritage conservation.
 - iv. Clause 6.4 Foreshore area and coastal hazards and risk.
 - v. Clause 6.10 – Design Excellence.
 - b) Development Control Plan:
 - i. Section 6.1.2.1 – Streetscape Character and Built Form.
 - ii. Section 6.1.2.2 – Building Scale and Height.
 - iii. Section 6.1.2.6 - Excavation (cut and fill).
 - iv. Section 6.1.2.7 (2) Vehicular access, parking and circulation.
 - v. Section 3.7- Heritage
14. In essence the proposed development does not propose a high quality of urban design and built form which is not keeping with the character of the local area. The proposed development is over the gross floor area which results in bulk and scale.

15. The proposal involves the construction of a structure labelled “day bed” which is located within the building foreshore line and no clause 4.6 has been submitted for the variation.
16. The proposed dwelling on lot 22 contains a double garage at the street frontage with the main entrance to the dwelling located at the side and behind the garage. The proposed garage is also forward of the main building line of the existing heritage listed dwelling house. It is considered that the proposed garage dominates the streetscape and does not provide appropriate street activation or passive surveillance. This does not meet the CPTED principles and is inconsistent with the controls and objectives contained in GRDCP 2021 in respect to streetscape character. In summary the proposal does not make a positive contribution to the streetscape and waterways.
17. The proposed development proposes excessive excavation for the car park. Despite the excessive cut the basement protrude more than 1.0m above existing ground level and as such not considered to be a basement in that it does not achieve the definition of a basement car park.
18. The proposed development has a three-storey presentation. The three-story nature presents excessive bulk and scale which is not sympathetic to the heritage listed dwelling.
19. Proposed development was referred to Council’s heritage consultant and Urban designer, in which both officers are not in supported of the proposal based on heritage and urban design ground particularly as the proposed scheme fails to satisfy the objectives of clause 5.10 of the Georges River LEP 2022 in respect to conservation of the environmental heritage of Georges River in the following manner:
 - a) The proposed roof and the built form are not sympathetic to the heritage listed dwelling;
 - b) The proposed built form disrupts the low scale setting of the site and considered to dominate the surrounds;
 - c) The development proposes the demolition of significant heritage features and ancillary buildings and will have an adverse visual and physical heritage impact;
 - d) The development proposes the construction of hardstand parking spaces and ancillary works directly in front of the existing heritage listed dwelling and will have an adverse visual and physical heritage impact; and
 - e) The proposed dwelling is of a footprint, scale and size that severs significant outward facing views and the visual relationships from the heritage item over the expansive garden setting and towards the Georges River will have an adverse visual and physical heritage impact.

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

Development Standard	Required	Proposed	Complies yes/no
Lot size (GRLEP 2021)	Min. 700sqm	Lot 21 – 1105.5 m ² Lot 22 – 821.1m ²	Yes
Height (GRLEP 2021)	Max. 9.0m	8.02m	Yes
FSR (GRLEP 2021)	Max. 0.497:1 or 408.83sqm	0.5:1 409.4qm	No
Landscape (GRLEP 2021)	Min. 25% of the site area. Which is 205.275sqm	33.0% 270.96sqm	Yes
Storeys (GRDCP 2021)	Max. 2 storeys plus basement	3 storeys	No
Rear setback (GRDCP 2021)	7.07m	11.44m	yes
Cut and fill (GRDCP 2021)	Max. 1.0m from existing ground level	2.71m	No
Balconies (GRDCP 2021)	Max 1.5m for upper-level balconies	5m Upper Ground Level	No

CONCLUSION

21. The proposal has been assessed against the relevant provisions of State Environmental Planning Policies, the provisions of the GRLEP 2021 and GRDCP 2021.
22. Having regard to the objectives of the applicable controls it is considered that the proposal fails to demonstrate compliance with the following Environmental Planning Instruments and Development Control Plan and is not considered to be suitable for the site:
- *Georges River Local Environmental Plan 2021*
 - *Georges River Development Control Plan 2021*

RECOMMENDATION

23. Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), DA2023/0025 for Subdivision, demolition works and construction of new dwelling, outbuildings and ancillary works on Lot 21 and 22 Sec 15 DP 1963 on land known as 28 Carlton Crescent Kogarah Bay, is recommended for refusal for the reasons outlined below:
1. Environmental Planning Instrument - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the following sections of Georges River Local Environmental Plan 2021:
 - a) Clause 2.3 - Zone Objectives. The proposal is inconsistent with the zone objectives as the proposal fails to demonstrate a high standard of urban design and built form that enhances the local character of Kogarah Bay and achieves a high level of residential amenity.

- b) Clause 4.4- Floor space ratio. The proposal exceeds the maximum permitted floor space ratio and results in excessive bulk and scale.
 - c) Clause 5.10- Heritage conservation. The proposal is inconsistent with the objectives and fails to conserve the heritage significance of the heritage items.
 - d) Clause 6.4 Foreshore area and coastal hazards and risk. The proposal is inconsistent with the objectives of this clause. The day bed encroaches that foreshore building line. The applicant did not provide clause 4.6 variation statement.
 - e) Clause 6.10 – Design Excellence. The proposal is inconsistent with the objectives of this clause and fails to deliver the highest standard of urban design. The proposed bulk and scale relate poorly with adjoining developments and the landscaped context.
2. Development Control Plan - Pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not satisfy the following sections of Georges River Development Control Plan 2021:
- a) Section 6.1.2.1 – Streetscape Character and Built Form. The proposal does not achieve the desired future character of Kogarah Bay.
 - b) Section 6.1.2.2 – Building Scale and Height. Part of the basement protrude more than 1.0m above existing ground level and adds to bulk and scale.
 - c) Section 6.1.2.3 - The proposed development presents garages fronting the street and dominates the streetscape.
 - d) Section 6.1.2.6 - Excavation (cut and fill). The designing and siting of the proposed built form does not respond to the natural slope of the land and as such results in excessive earthworks. The depth of cut exceeds 1.0m from existing ground level
 - e) Section 6.1.2.7 (2) The proposed development does not comply with vehicular access, parking and circulation. A dwelling is to provide one (1) garage and one (1) tandem driveway parking space forward of the garage (unless otherwise accommodated within the building envelope). The driveway grades do not comply with AS2890.
3. Impact on the Environment – Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be suitable for the site.
4. The Public Interest – Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

ATTACHMENTS

Attachment [1](#) Development Summary InfoCouncil Attachment



Attachment [2](#) Architectural Plans Masterview





Assessment Report

DA2023/0025

28 Carlton Crescent Kogarah Bay

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.

Development Summary	4
Report Summary	4
Site Affectations	5
Proposal.....	6
Site and Locality.....	8
Site Description	8
Locality Description.....	9
The immediate locality is characterised primarily by single to three storey dwelling houses, with the lowest levels in a three-storey dwelling typically being a parking level. The streetscape of Carlton Crescent is a mixture of older and newer stock. The immediate adjoining properties are:	9
- Northeast: single storey brick dwelling house with tile roof on 26 Carlton Crescent. ..	9
- Southwest: A part one, part two storey rendered brick dwelling house with tile roofs at the front and rear as a dual occupancy at 30A Carlton Crescent.	9
Image of Land Zoning.....	9
Aerial Image of Site	10
Background	11
History	11
Processing.....	11
Site Inspection	11
Assessment - Section 4.15 Evaluation.....	13
The provisions of any environmental planning instrument (EPI).....	13
The Provisions of any applicable Act.....	13
The Provision of any Applicable State Environmental Planning Policy (SEPPs).....	13
The Provisions of any Local Environmental Plan	15
Georges River Local Environmental Plan 2021	15
Provisions of any Proposed Instrument.....	29
Provisions of any Development Control Plan	30
Georges River Development Control Plan 2021	30
Part 4 – General Land Use	30
Part 5 – Residential Locality Statements	30
Part 6 – Residential Controls.....	31
Summary of DCP assessment	38
Any Planning Agreement Under Section 7.4	38
The Regulations	38
The Likely Impacts of the Development	38
Site Suitability	39
Submissions	40
The Public Interest.....	40
Referrals.....	41
Contributions.....	42





Conclusion.....	42
Determination	42

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Development Summary

Development Summary	
Application Number	DA2023/0025
Development Description	Subdivision, demolition works and construction of new dwelling, outbuildings and ancillary works
Development Type	Local
Lot and DP	Lot 21 and 22 Sec 15 DP 1963
Street Address	28A and 28 Carlton Crescent KOGARAH BAY NSW 2217
Land Zoning	R2 Low Density Residential
Lot Size	1926.7sqm
Applicant	Glenn McCormack
Owner(s)	Mona Kayrouz
Dated of Lodgement	21 March 2023
Cost of Works	\$1344712.00
Public Notification	Yes
No. of Submissions	3 (Three)
Recommendation	Refusal
Assessment Officer	Nahid Mahmud - Snr 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 Georges River Local Planning Panel as the Consent Authority pursuant to Section 4.16 (1)(b) Environmental Planning & Assessment Act 1979, refuse to the before mentioned Development Application due to the reasons discussed within this report



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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
Water Catchment Area	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ecological Significant Site	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Contains Heritage Item(s)	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>



Proposal

Proposed development: **Demolition, tree removal, boundary adjustment between Lot 20 and 21, and a new single dwelling housing development.**

The works proposed in this application are specifically outlined below: -

Demolition:

The existing garage with laundry, secondary dwelling and pergola structure at the rear are to be removed from Lot 22.

Tree removal

Four (4) trees are to be removed.

Boundary adjustment

A boundary realignment of 1.8m is proposed between Lots 21 and 22. Lot 21 containing the heritage dwelling will be increased, and Lot 22 will be decreased. The existing and altered lot sizes are shown in the table below.

	Lot 21	Lot 22
Existing	991.4m²	935.3m²
Proposed	1,105.5m²	821.1m²

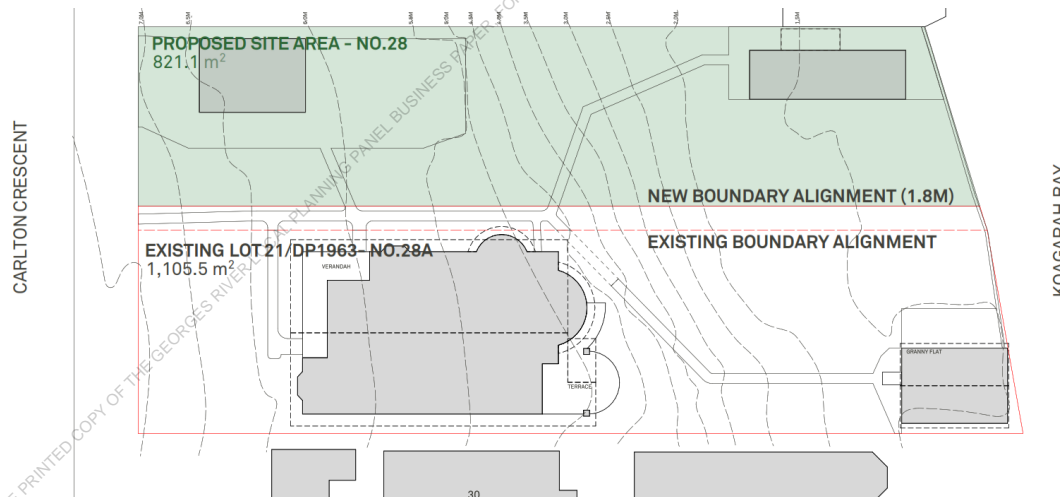


Fig 1: Boundary adjustment

New dwelling

A new dwelling house is proposed on Lot 22 (28 Carlton Crescent KOGARAH BAY) which will be over three levels but stepped down the slope.



Lower Ground

The level consists of the rumpus room with an adjoining pantry, a gym and sauna, bathroom, office, laundry and an equipment area.

Stairs and a lift.

Ground Level

The ground level consists of a double garage, recessed entry, a guest bedroom, ensuite and living space at the front and an open plan living/kitchen/dining with pantry, WC at the rear.

The master bedroom with walk-in-robe and ensuite is also proposed at the rear. An outdoor entertainment balcony/terrace is proposed off the living/dining and bedroom.

Level 1

The floor consists of four (4) bedrooms, one with an ensuite, a shared bathroom and a balcony.

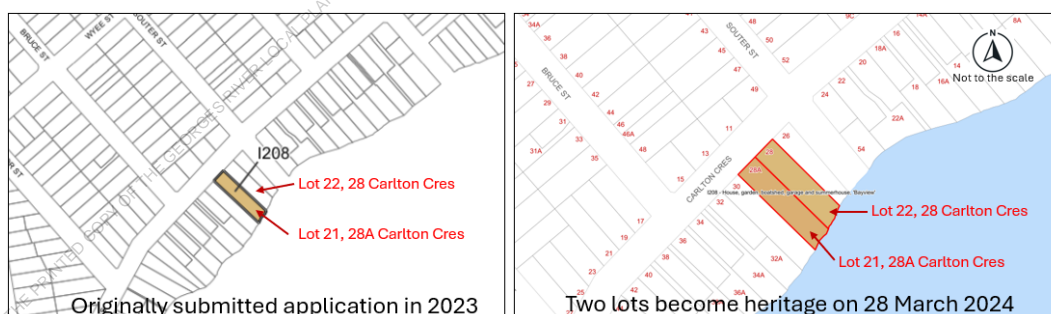
Alterations and additions to dwelling (heritage)

A double hardstand car space area is proposed in the front setback.

A new sub-floor laundry is proposed for dwelling.

History of the application

The application was formally lodged on 21 March 2023 for demolition works, tree removal, boundary adjustment between Lots 22 and 21, and construction of a 3-level dwelling housing. Lot 22 was not a heritage item listed when submitted the application and only lot 21 was listed area occupied by the existing heritage dwelling (I208) "Bayview" listed as No.28A Carlton crescent. On 28 March 2024, house, garden boatshed, garage and summerhouse on both lots are became heritage items under the Georges River LEP 2021 under the item no I208.



Applicant submitted class 1 appeal for deemed refusal on 28 June 2023 to the Land and Environment Court. (case number 2023/200307). The appeal was discontinued on 29 May 2024, because of heritage significance and the applicant was aiming to lodge a new development application for a smaller proposal with the Council.



Site and Locality

Site Description

The site is located on the eastern side of Carlton Crescent, Kogarah Bay. The site currently contains the following structures:

Lot 21:

- A heritage item brick dwelling house with tile roof,
- Secondary dwelling
- A shed

Lot 22:

- Brick garage with tile roof at front of the allotment
- Brick shed

The site slopes downward from Carlton Crescent to the rear. The high point on the site is at the street front at RL 7.58 with the rear at sea level beyond a stone and brick retaining wall.

The site has an east-west orientation.



Locality Description

The immediate locality is characterised primarily by single to three storey dwelling houses. The streetscape of Carlton Crescent is a mixture of older and newer detached dwellings. The immediate adjoining properties are:

- Northeast: single storey brick dwelling house with tile roof on 26 Carlton Crescent.
- Southwest: A part one, part two storey rendered brick dwelling house with tile roofs at the front and rear as a dual occupancy at 30A Carlton Crescent.

Image of Land Zoning

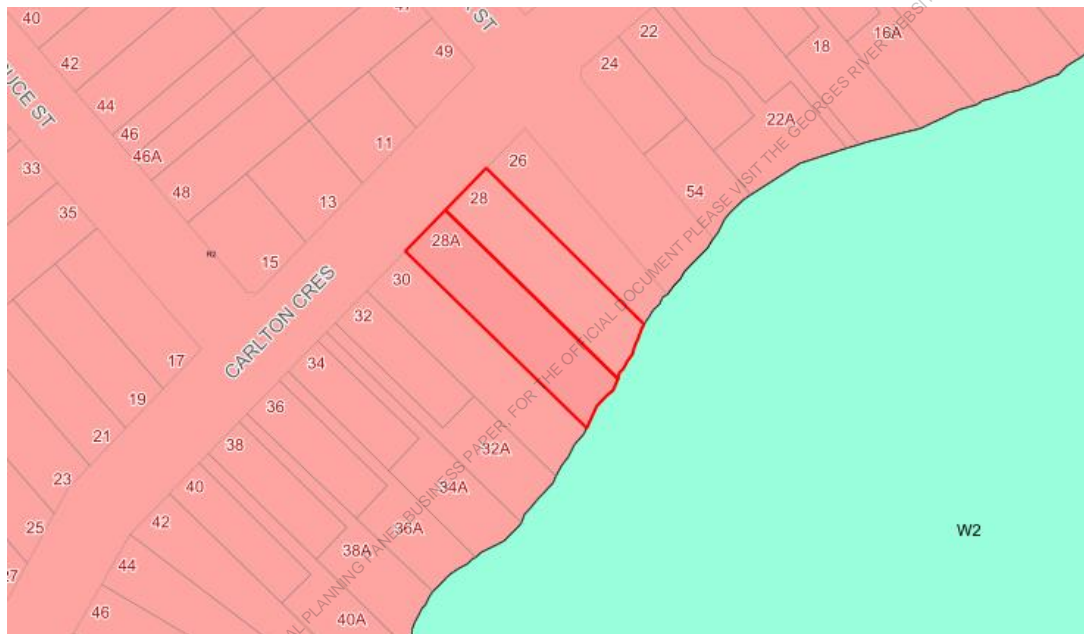


Figure 2 –Zoning of development site outlined in red (Source: IntraMaps)

Aerial Image of Site



Figure 3—Aerial view of development site outlined in red (*Base source: IntraMaps*)

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Background

History

Processing

Application History		
Action	Date	Comment
Submission Date	Thursday, 12 January 2023	Application was submitted
Lodgement Date	Tuesday, 21 March 2023	Lodged the application

Site Inspection

images from the site inspection can be seen below.



Image 1: Street view of development site (Source: Applicant's SEE Report)





Image 2: Street view of development site (Source: Applicant's SEE Report)

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Assessment - Section 4.15 Evaluation

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

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

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

The provisions of any environmental planning instrument (EPI)

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

The Provisions of any applicable Act

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

SEPPs applicable to the Georges River LGA	Applicable to the development	
Name of SEPP	Yes	Not Relevant
SEPP (Biodiversity Conservation) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Sustainable Buildings) 2022	<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 (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 (Transport and Infrastructure) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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 4 – Remediation of Land

Chapter 4 – Remediation of Land		
Clause 4.6 – Contamination and remediation to be considered in determining development application		
Standard	Proposal	Compliance
<p>(1) A consent authority must not consent to the carrying out of any development on land unless—</p> <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>The Assessing Officer has reviewed: Councils Contamination Records Aerial Imaging (inc. historic imaging) Conducted a site inspection.</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>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>

State Environmental Planning Policy (Sustainable Buildings) 2022

State Environmental Planning Policy (Sustainable Buildings) 2022		
Control	Proposal	Compliance
<p>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>	<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>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>



The Provisions of any Local Environmental Plan

Georges River Local Environmental Plan 2021

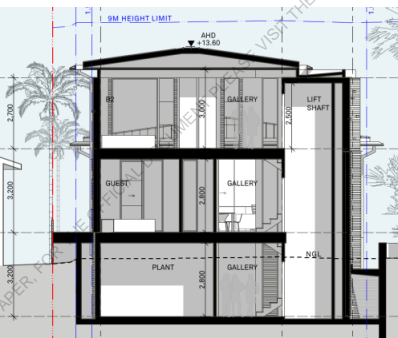
The extent to which the proposed development complies with the relevant provisions of the Georges River Local Environmental Plan 2021 (GRLEP 2021) is detailed and discussed in the table below.

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 objectives of the zone are: <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; The promote a high standard of urban design and built form that enhances the local character of the suburb and achieves a high level of residential amenity, To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River Local Government Area. 	The proposal is not consistent with the zone objectives as the development: <ul style="list-style-type: none"> Does not propose a high quality of urban design and built form which is not keeping with the character of the local area. The proposed garage does not encourage consistent setbacks of buildings from the street and the provision of landscaping within the front setback. 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Land Use Table		



The proposal is for a Dwelling House Which is a type of development permitted with consent in the zone.	Dwelling House is permitted in the zone.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
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GRLEP 2021 Part 4 – Principal Development Standards		
Clause 4.1 – Minimum subdivision lot size under Lot Size Map		
Standard	Proposal	Compliance
General Min. 700sqm	Lot 21 – 1105.5 m ² Lot 22 – 821.1m ²	<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
<p>The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>Maximum height is 9m as identified on Height of Buildings Map</p>	<p>Maximum height proposed 8.02m</p> 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Clause 4.4 – Floor Space Ratio		
Standard	Proposal	Compliance
<p>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.</p> <p>The maximum floor space is 0.55:1 as identified on Floor Space Ratio (FSR) Map. And Area 1, Therefore Clause 4.4A is applicable</p> <p>Site area: 821.1sqm $\frac{[(\text{site area} - 650) \times 0.3 + 357.5]}{\text{site area}} = \frac{171.1 \times 0.3 + 357.5}{821.1} = 0.497:1$ </p>	<p>Maximum allowable: 408.83sqm Garage area is 37sqm. (36sqm will be deducted)</p> <p>Lower ground level: 149.6sqm Upper Ground Level 169.2sqm Level 1: 89.6sqm</p> <p>Total floor area: 409.4sqm</p> <p>Applicant did not submit clause 4.6 variation report.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A

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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No



	breach of the Floor Space Ratio standard under Clause 4.4A. Applicant did not submit clause 4.6 for FSR and foreshore building line encroachment.	<input type="checkbox"/> N/A
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GRLEP 2021 Part 5 – Miscellaneous Provisions		
Clause 5.7 – Development below mean high water mark		
Standard	Proposal	Compliance
Development consent is required to carry out development on any land below the mean high-water mark of any body of water subject to tidal influence (including the bed of any such water).	The proposal does not involve works below the Mean High-Water Mark.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Clause 5.10 – Heritage conservation		
Standard	Proposal	Compliance
Council must, before granting consent under this clause with respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.	<p>The subject site is a heritage listed which adjoins 'House and front garden – "Bayview"' (Item No.1208) at 28A Carlton Crescent, listed on Schedule 5 of the Georges River LEP 2021.</p> <p>The application was referred to heritage consultant for comments and comments returned with unsatisfactory.</p> <p><u>Heritage consultant's comments</u> The proposed development fails to satisfy the objectives of clause 5.10 of the Georges River LEP 2022 and fails to conserve the environmental heritage of Georges River insofar as: a. The development proposes the demolition of significant landscaped features and ancillary buildings and will have an adverse visual and physical heritage impact. b. The development proposes the construction of hardstand parking spaces and ancillary works directly in front of the existing dwelling and will have an adverse visual and physical heritage impact.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A



	c. The proposed two storey dwelling is of a footprint, scale and size that severs significant outward facing views and visual relationships from the heritage item over the expansive garden setting and towards the Georges River and will have an adverse visual and physical heritage impact.	
Clause - 5.21 Flood Planning		
Standard	Proposal	Compliance
<p>(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—</p> <p>(a) is compatible with the flood function and behaviour on the land, and</p> <p>(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and</p> <p>(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and</p> <p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.</p> <p>(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—</p>	The subject land is not flood affected	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A



<p>(a) the impact of the development on projected changes to flood behaviour as a result of climate change,</p> <p>(b) the intended design and scale of buildings resulting from the development,</p> <p>(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,</p> <p>(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.</p>		
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GRLEP 2021 Part 6 – Additional Local Provisions

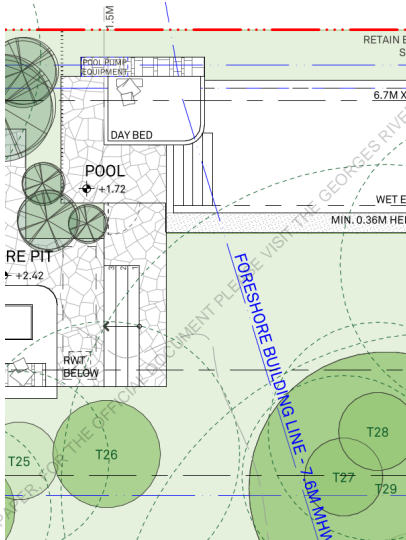
Clause 6.1 – Acid sulfate soils

Standard	Proposal	Compliance
<p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <p>Class 5 The site is identified as containing Class 5 Acid Sulfate Soils.</p> <p>Consent may not be granted for any Works within 100 metres of adjacent Class 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 2, 3 or 4 land unless an acid sulfate soils management plan has been prepared.</p>	<p>The site identified as containing Class 5 acid sulphate 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</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>

Clause 6.4 – Foreshore area and coastal hazards and risk

Standard	Proposal	Compliance
<p>(2) This clause applies to the following land—</p> <p>(a) and identified on the Coastal Hazard and Risk Map,</p>	<p>The site is located on land identified in the Coastal Hazard and Risk Map or on the Foreshore Building Line Map.</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>



<p>(b) land identified on the Foreshore Building Line Map.</p> <p>(3) Development consent must not be granted for development on land to which this clause applies except for the following purposes—</p> <p>(a) the alteration, or demolition and rebuilding, of an existing building if the footprint of the building will not extend further forward than the footprint of the existing building into—the foreshore building line, or the land identified on the Coastal Hazard and Risk Map,</p> <p>(b) the erection of a building if the levels, depth or other exceptional features of the site make it appropriate to do so,</p> <p>(c) boat sheds, cycling paths, fences, sea walls, swimming pools, water recreation structures or walking tracks.</p> <p>(4) In deciding whether to grant development consent, the consent authority must consider the following matters—</p> <p>(a) whether the development addresses the impacts of sea level rise and tidal inundation as a result of climate change,</p> <p>(b) whether the development could be located on parts of the site not exposed to coastal hazards,</p> <p>(c) whether the development will cause congestion or generate conflict between people using open space areas or the waterway,</p> <p>(d) whether the development will cause environmental harm by pollution or siltation of the waterway,</p> <p>(e) opportunities to provide reasonable, continuous public access along the foreshore, considering the needs of property owners,</p>	<p>A swimming pool has been proposed within the foreshore building line which satisfies the clause.</p> <p>A structure “Day bed” located near the FBL and encroached the FBL. The applicant did not submit clause 4.6 regarding this encroachment.</p>  <p>The proposal does not have opportunities to provide reasonable, continuous public access along the foreshore, considering the needs of property owners.</p> <p>The subject site is restricted by the FBL. Per Clause 6.4(3) of the GRLEP 2021, new dwelling house shall not be located forward of the FBL. The building footprint of the dwelling house depends on the location of the FBL.</p> <p>A Structure “Day bed” encroached the FBL.</p>	
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<p>(f) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</p> <p>(5) In this clause— foreshore area means the land between the foreshore building line and the mean high water mark of the nearest bay or river. Foreshore building line means the line shown as the foreshore building line on the Foreshore Building Line Map.</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, indigenous trees and other vegetation, opportunities for additional planting of local native riparian vegetation, <p>(b) whether the development is likely to increase water extraction from the waterway,</p>	<p>The site is located on Sensitive Land as identified on the Riparian Land and Waterways Map.</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. The proposal has a neutral impact on local flora and fauna.</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>(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>(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</p>	<p>The site is located within the Foreshore Scenic Protection Area as identified on the Foreshore Scenic Protection Area Map.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>



<p>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 6.8 Development in areas subject to aircraft noise		
Standard	Proposal	Compliance
<p>NOTE: Applies to 67-89 Croydon Road, 1-7 Somerset (odd only), 2-8 Bristol (even), 1-5 Bristol (odd) in Hurstville.</p> <p>(2) If a proposal is on land that is near the Kingsford Smith Airport and in an ANEF contour of 20 or greater, and Council considers the site is likely to be adversely affected by aircraft noise, and involves one or more of the following:</p> <ul style="list-style-type: none"> i. the erection of a new building, ii. a substantial alteration or addition to an existing building, iii. an alteration or addition to a building that is required by a development consent to be compliant with AS 2021—2015, iv. the change of use of any part of a building to a centre-based child care facility, educational establishment, entertainment facility, health services facility, place of public worship, public 	<p>The proposal is not located on the land identified by the Clause.</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> N/A</p>



<p>administration building or residential accommodation,</p> <p>v. the change of use of any part of a building on land that is in an ANEF contour of 25 or greater to business premises, a hostel, office premises, retail premises or tourist and visitor accommodation,</p> <p>vi. the change of use of any part of a building on land that is in an ANEF contour of 30 or greater to light industry.</p> <p>(3) In deciding whether to grant consent to development to which this clause applies, the consent authority:</p> <p>(a) must consider whether the development will result in the creation of a new dwelling or an increase in the number of dwellings or people affected by aircraft noise, and</p> <p>(b) must consider the location of the development in relation to the criteria set out in Table 2.1 (Building Site Acceptability Based on ANEF Zones) in AS 2021—2015, and</p> <p>(c) must be satisfied the development will meet the indoor design sound levels shown in Table 3.3 (Indoor Design Sound Levels for Determination of Aircraft Noise Reduction) in AS 2021—2015.</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>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, 	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>



<p>(3) For land identified in on the Foreshore Scenic Protection Area Map:</p> <ul style="list-style-type: none"> (i) bed and breakfast accommodation, (ii) health services facilities, (iii) marinas, (iv) residential accommodation, except for secondary dwellings, <p>(4) Development consent must not be granted for development to which this clause applies unless 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> <ul style="list-style-type: none"> (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain, (c) whether the development detrimentally impacts on view corridors, (d) how the development addresses the following matters— <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, 	<ul style="list-style-type: none"> • vehicular access. 	
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<p>v.bulk, massing and modulation of buildings,</p> <p>vi.street frontage heights,</p> <p>vii.environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,</p> <p>viii.pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks,</p> <p>ix.the impact on, and proposed improvements to, the public domain,</p> <p>x.achieving appropriate interfaces at ground level between the building and the public domain,</p> <p>xi.excellence and integration of landscape design,</p> <p>xii.the provision of communal spaces and meeting places,</p> <p>xiii.the provision of public art in the public domain,</p> <p>xiv.the provision of on-site integrated waste and recycling infrastructure,</p> <p>xv.the promotion of safety through the application of the principles of crime prevention through environmental design.</p>		
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>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).</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> N/A</p>



<p>(3) For land identified in on the Foreshore Scenic Protection Area Map:</p> <ul style="list-style-type: none"> (i) bed and breakfast accommodation, (ii) health services facilities, (iii) marinas, (iv) residential accommodation, except for secondary dwellings, <p>(4) Development consent must not be granted for development to which this clause applies unless 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> <ul style="list-style-type: none"> (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain, (c) whether the development detrimentally impacts on view corridors, (d) how the development addresses the following matters— <ul style="list-style-type: none"> xvi. the suitability of the land for development, xvii. existing and proposed uses and use mix, xviii. heritage issues and streetscape constraints, xix. 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, 	<p>The proposal was referred to urban designer and is not supported in a design perspective.</p> <p>The proposal does not demonstrates an appropriate standard of architectural design, materials and details appropriate to the building type and location.</p> <p>The proposal and its use are not suitable for the subject site. The development raises heritage issue and streetscape constraint and does not demonstrate a good relationship with other surrounding development.</p>	
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xx.bulk, massing and modulation of buildings, xxi.street frontage heights, xxii.environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity, xxiii.pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks, xxiv.the impact on, and proposed improvements to, the public domain, xxv.achieving appropriate interfaces at ground level between the building and the public domain, xxvi.excellence and integration of landscape design, xxvii.the provision of communal spaces and meeting places, xxviii.the provision of public art in the public domain, xxix.the provision of on-site integrated waste and recycling infrastructure, xxx.the promotion of safety through the application of the principles of crime prevention through environmental design.		
Clause 6.12 – Landscaped areas		
Standard	Proposal	Compliance
(4) Development consent must not be granted to development on land to which the clause applies unless the consent authority is satisfied that the development (a) allows for the establishment of appropriate plantings— that are of a scale and density commensurate with the height, bulk and scale of the buildings to which the development relates, and	The subject site is situated within the R2 Zone The assessment of the proposal has identified that the proposal is satisfactory that the provided landscape scheme and development is satisfactory with regards the matters identified in the Clause.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A



that will maintain and enhance the streetscape and the desired future character of the locality, and
 (b) maintains privacy between dwellings, and
 (c) does not adversely impact the health, condition and structure of existing trees, tree canopies and tree root systems on the land or adjacent land, and
 (d) enables the establishment of indigenous vegetation and habitat for native fauna, and
 (e) integrates with the existing vegetation to protect existing trees and natural landscape features such as rock outcrops, remnant bushland, habitats and natural watercourses.

(5) Development consent must not be granted to development on land to which this clause applies unless a percentage of the site area consists of landscaped areas that is at least—

Applicable site area: 821.1 sqm

(b) For a dwelling house located on land within the Foreshore Scenic Protection Area—25% of the site area (equivalent to 205.275m²)

(6) If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle and any right of carriageway is not to be included in calculating the site area for the purposes of subclause (5).

The proposal provides a landscaped area equivalent to 33.0%

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 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.

Carss Park and Kogarah Bay Locality Statement

Kogarah Bay Locality	
Future Desired Character	Consistency with Desired Character
<p>Retain and enhance the existing low density suburban residential character through articulated contemporary developments that respond to the human scale.</p> <p>Encourage well-designed high density residential development in designated areas along Princes Highway.</p> <p>Facilitate urban renewal in appropriate locations, allowing substantial change to the streetscape character while resulting in a high quality public domain.</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"> - The proposal is compatible with the existing suburban context of Kogarah Bay, - Maintenance of reasonable view sharing within the neighbourhood, and <p>Retention of public views to the waterway.</p>



<p>Encourage consistent setbacks of buildings from the street and the provision of landscaping within the front setback.</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>	
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Part 6 – Residential Controls

6.1.2 Single Dwellings


6.1.2.1 Streetscape Character and Built Form

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
2. New buildings and additions are to be designed with an articulated front façade.	The proposed front façade is sufficiently articulated.	
3. Developments on sites with two (2) or more frontages are to address all frontages.	N/A	
4. Dwelling houses are to have windows presenting to the street from a habitable room to encourage passive surveillance.	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 proposal is considered to be sensitively designed to enable reasonable view sharing and maintain the amenity of neighbouring properties.	



6.1.2.1 Streetscape Character and Built Form		
Control	Proposal	Compliance
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).	achieved	


6.1.2.2 Building Scale and Height

6.1.2.2 Building Scale and Height		
Control	Proposal	Compliance
1. New buildings are to consider and respond to the predominant and desired future scale of buildings within the neighbourhood, and consider the topography and form of the site.	The proposal is not considered to be compatible with the locality.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
2. On sites with a gradient or cross fall greater than 1:10, dwellings are to adopt a split level approach to minimise excavation and fill. The overall design of the dwelling should respond to the topography of the site.	The proposal incorporates split-level design to reduce cut and fill and comply with the maximum building height requirement.	
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.	Part of the basement protrude more than 1m above existing ground level. 	
4. Where topography conditions require a basement, the area of the basement should not exceed the area required to meet the car parking requirements for the development, access ramp to the parking and a maximum 10m ² for storage and 20m ² for plant rooms. Additional basement area to that required to satisfy these	Achieved	



requirements may be included as floor space area when calculating floor space ratio.		
5. Where the entry to the basement carpark is visible from the street, the entry should be recessed a minimum of 1m (from the edge of the external wall or balcony) from the levels above and the external walls of the garage differentiated from the walls above through articulation and external materials.	Achieved.	

6.1.2.3 Setbacks - Setbacks

6.1.2.3 Setbacks - Front Setbacks		
Control	Proposal	Compliance
1. The minimum setback from the primary street boundary is: i) 4.5m to the main building wall / facade;	The proposed garage complies with front setback. The proposed development has garage fronting only which dominates the streetscape. 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
ii) 5.5m to the front facade of a garage or carport; or iii) Where the prevailing street setback is greater than the minimum, the average setback of dwellings on adjoining lots is to be applied.	Not achieved	
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 7.07m; or 6m, whichever is the greater (excluding detached secondary dwellings – see	Complies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A



Point 12 in Section 6.1.2.12- Secondary Dwellings of this DCP).		
2. The minimum side setbacks for ground and first floor are:	complies	
i) 900mm for lots up to 12.5m in width measured at the front building line for the length of the development.	N/A	
ii) 1.2m for lots greater than 12.5m in width measured at the front building line for the length of the development.	N/A	
iii) 1.5m for all lots within the Foreshore Scenic Protection Area measured at the front building line for the length of the development.	Proposed 1.5m for all lots within the Foreshore Scenic Protection Area measured at the front building line for the length of the development.	
3. Where alterations and additions (ground and first floor) to an existing dwelling are proposed, an existing side setback less than the setback required in Control 3 can be maintained, provided the reduced setback does not adversely affect compliance with the solar access and landscaped area controls or adversely impact upon the visual and acoustic amenity of neighbouring dwellings.	Complies	
4. For battle-axe lots, minimum side and rear boundary setbacks apply, except the front setback of the battle-axe lot without a street frontage, where a minimum setback of 4.0m is to be provided as illustrated in Figure 1.	The site is not a battle-axe lot.	
5. Any garages or parking structures fronting rear lanes may encroach upon the rear setback areas but are still to provide a minimum setback of 1m from the lane.	Existing garage or parking structure are located at the front of the site forward of the dwelling house.	

6.1.2.4 - Private Open Space

6.1.2.4 - Private Open Space		
Control	Proposal	Compliance



1. Private open space is to be located at the rear of the property and/or behind the building line and is to have a minimum area of 60m ² with minimum dimensions of 6m and located on the same level (not terraced or over rock outcrops).	Achieved	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2. Private open space is to be provided for all dwellings, (with the exception of secondary dwellings, which are able to share the private open space of the principal dwelling).	Provided.	
3. Private open space is to be located so as to maximise solar access.	The private open space has solar exposure from the north and west.	
4. Private open space is to be designed to minimise adverse impacts upon the privacy of the occupants of adjacent buildings.	The proposed private open space is designed to minimise adverse impacts on visual privacy.	


6.1.2.5 Landscaping

6.1.2.5 Landscaping		
Control	Proposal	Compliance
1. Landscaped area (has the same meaning as GRLEP 2021) is to be provided in accordance with the table contained within Clause 6.12 Landscaped areas in certain residential and environmental protection zones of GRLEP 2021.	Complies.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2. Provide a landscape setting within the primary and secondary street frontages, where hard paved areas are minimised. At a maximum, impervious areas, including hard paving, gravel, concrete or other material that does not permit landscaping, are to occupy no more than 40% (equivalent to 99m ² of the street setback area).	Landscaping calculated in accordance with this methodology.	
3. The front setback area is to have an area where at least one (1) tree capable of achieving a minimum mature height of 10m with a spreading canopy can be accommodated. A schedule of appropriate species to	Native plants provided.	



consider is provided in Council's Tree Management Policy.		
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6.1.2.6 Excavation (Cut and Fill)

6.1.2.6 Excavation (Cut and Fill)		
Control	Proposal	Compliance
1. Any excavation must not extend beyond the building footprint, including for any basement car park.	Excavation, cut and fill have been proposed within the perimeter of the works proposed.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
2. The depth of cut or fill must not exceed 1.0m from existing ground level, except where the excavation is for a basement car park.	The depth of cut exceeds 1.0m from existing ground level. Excavation proposed 2.71m . 	
3. Developments should avoid unnecessary earthworks by designing and siting buildings that respond to the natural slope of the land. The building footprint must be designed to minimise cut and fill by allowing the building mass to step in accordance with the slope of the land.	The proposal demonstrates a split level design that minimises cut and fill of the building given the steep terrain of the site.	

6.1.2.7 Vehicular Access, Parking and Circulation

6.1.2.7 Vehicular Access, Parking and Circulation		
Control	Proposal	Compliance
1. Car parking is to be provided in accordance with the requirements in Part 3 of this DCP.	Proposed.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
2. A dwelling is to provide one (1) garage and one (1) tandem driveway parking space forward of the garage (unless otherwise accommodated within the building envelope).	Not provided.	



3. Driveways, garages and basements should be accessed from a secondary street or rear lane where this is available.	N/A
4. Entry to parking facilities off the rear lane must be setback a minimum of 1m from the lane.	N/A
5. Driveway crossings are to be positioned so that on-street parking and landscaping on the site are maximised, and removal or damage to existing street trees is avoided.	N/A
6. The maximum driveway width between the street boundary and the primary building setback alignment of the garage is 4.0m.	<p>Driveway width between the street boundary and the primary building setback alignment of the garage is more than 4m proposed.</p> <p>4.0m proposed at the property boundary.</p>

Summary of DCP assessment

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

1. The proposed garage dominates streetscape and is not consistent setbacks of buildings from the street and limiting the provision of landscaping within the front setback.
2. The proposed development does not comply with the section 6.1.2.6, GRDCP 2021, Excavation (cut and fill). Developments should avoid unnecessary earthworks by designing and siting buildings that respond to the natural slope of the land. The building footprint must be designed to minimise cut and fill by allowing the building mass to step in accordance with the slope of the land.
3. The proposed development does not comply with the section 6.1.2.7 (2), GRDCP 2021, vehicular access, parking and circulation. A dwelling is to provide one (1) garage and one (1) tandem driveway parking space forward of the garage (unless otherwise accommodated within the building envelope).

These form part of the reasons for recommendation of refusal of the application.

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

The Likely Impacts of the Development

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

Likely Impacts of the Development



Natural Environment	The development is located within an established residential area and is within the foreshore scenic protection area. The development if able to be supported could be conditioned to ensure that the natural environment was protected.
Built Environment	The built form of the proposed development is of a bulk and scale that is not appropriate within its setting and is not consistent with the desired future character of the area given the bulk and scale presenting to the street and the non-compliant driveway grade.
Social Impact	The proposal will have no significant social impact on the locality, the bulk presenting to the adjacent public access with nil setback remains unaltered by this application.
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 not considered a suitable outcome for the subject site for the following reasons:

- Under Part 3.5.1 of GRCP 2021, cut and fill for any proposed development are not to alter natural ground levels by **more than 1m**. In addition, the GRDCP 2021 also requires **habitable rooms to be located above existing ground level. The proposed development proposes 2.54m excavation which is excessive.**

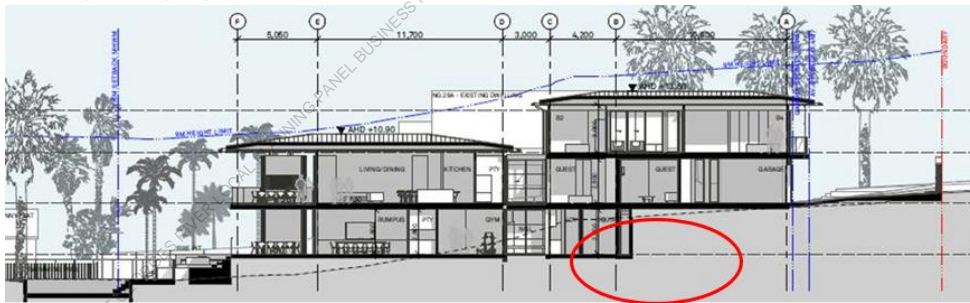


Figure 07: Excavation (Source, Applicant's SEE)

- The proposal has a double garage at the street frontage with the main entrance to the side behind the garage. The proposed garage is also forward of the main building line of the existing heritage item. The proposed garage dominates the streetscape and does not provide street activation or passive surveillance of the public domain. This is not consistent with the CPTED principles and is inconsistent with the GRDCP 2021 streetscape character objectives, which requires developments to make a positive contribution to the streetscape and waterways.
- The proposed roof form and the built form are also not sympathetic to the heritage item. The proposed built form disrupts the low scale setting of the site and considered to dominate the surrounds. The Heritage Impact Statement (HIS) (prepared by Perumal Murphy Alessi, dated



December 2022) provided concludes that *the new dwelling is contemporary, however, incorporates compatible materials, colours and details that do not mimic, but rather reflect and highlight the period details of the item.* Some effort has been made at heritage interpretation with a square built form with curved edges.

Submissions

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

The application was placed on public exhibition and adjoining residents were notified by letter and given fourteen (14) days in which to view the plans and submit any comments on the proposal. Three submissions were received during the neighbour notification period.

Issue 1: Significant heritage value to preserve

This issue has been considered during the assessment. This application also was referred to a heritage consultant for comments and provided comments with unsatisfactory the subject development. Heritage consultant's comments have been considered and it is one of the reasons for recommendation to refuse this application.

Issue 2: Over development

The proposed development considered this issue and recommended for refusal. Therefore no further assessment is required.

Issue 3: Urban design and view corridor

The submitter commented that The proposed development on No. 28 Carlton Cr, will significantly affect the View Corridors, from both ground level & first level of No. 11 Carlton Crescent, Kogarah Bay, when they have completed the construction of building of this new residence as per approved MOD2022/0039. The proposed development considered this issue and recommended for refusal. Therefore no further assessment is required.

The Public Interest.

Section 4.15 (e) the public interest.

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

- The bulk and scale of the proposal will dominate the views from the foreshore and the skyline.
- The proposed roof form and the built form are also not sympathetic to the heritage item.
- The proposed development proposes 2.54m excavation which is excessive.
- The proposed development does not comply with the FSR requirement. The applicant did not submit any clause 4.6.
- Part of the development falls within the BFL (Building Foreshore Line)



Referrals

Internal Referrals

Internal Referrals		
Specialist	Comment	Outcome
Development Engineer	Supported and provided conditions of consent.	Provided conditions of consent.
Urban Designer	Did not support the proposal and provided comments.	Issue raised by the urban designer; <ol style="list-style-type: none"> 1. Topography/ Building scale and height. 2. Context 3. Streetscape The urban designer also recommended significant design changes.
Heritage Consultant	Did not support the proposal and provided comments.	The proposed development is not supported on heritage grounds for the reasons summarised as follows: <ol style="list-style-type: none"> 1. The intent of the heritage listing is for both Lots 21 and 22. Lot 22 and all its extant built and landscape features, directly contributes to the setting and significance of the heritage item. This is recognised in the description of the heritage item per Schedule 5 but also depicted in the images supporting the Kogarah Heritage Study which underpins the heritage listing. 2. The proposed development fails to satisfy the objectives of clause 5.10 of the Georges River LEP 2022 and fails to conserve the environmental heritage of Georges River insofar as: <ol style="list-style-type: none"> A. The development proposes the demolition of significant landscaped features and ancillary buildings and will have an adverse visual and physical heritage impact. B. The development proposes the construction of hardstand parking spaces and ancillary works directly in front of the existing dwelling and will have an adverse visual and physical heritage impact. C. The proposed two storey dwelling is of a footprint, scale and size that severs significant outward facing views and visual relationships from the heritage item over the expansive



		garden setting and towards the Georges River and will have an adverse visual and physical heritage impact.
Senior Environment Officer	Supported and recommended conditions of consent.	Conditions provided.
Land information	Supported and recommended conditions of consent.	Conditions provided.

External Referrals

External Referrals		
Referral Body	Comment	Outcome
Ausgrid	No objections raised to the proposal.	-

Contributions

The development is recommended for refusal; therefore, no levies have been raised and not subject to Section 7.11/7.12 Contributions. Therefore, no contributions are charged as part of this application.

Conclusion

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

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

Determination

Recommended for Refusal of Application

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer recommends DA2023/0025 for Subdivision, demolition works and construction of new dwelling, outbuildings and ancillary works on Lot 21 and 22 Sec 15 DP 1963 on land known as 28 Carlton Crescent KOGARAH BAY, should not be approved subject to the refusal reasons referenced below:

- Refusal Reason - Environmental Planning Instrument** - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of Georges River Local Environmental Plan 2021:



- a) Clause 2.3 - Zone Objectives. The proposal is inconsistent with the zone objectives as the proposal fails to demonstrate a high standard of urban design and built form that enhances the local character of Kogarah Bay and achieves a high level of residential amenity.
- b) Clause 4.4- Floor space ratio. The proposal does not comply with the maximum floor space ratio for the new building.
- c) Clause 5.10- Heritage conservation. The proposal is inconsistent with the objectives and fails to conserve the heritage significance of the heritage items.
- d) Clause 6.4 Foreshore area and coastal hazards and risk. The proposal is inconsistent with the objectives of this clause. The day bed encroaches that foreshore building line.
- e) Clause 6.10 – Design Excellence. The proposal is inconsistent with the objectives of this clause to deliver highest standard of urban design. The proposed bulk and scale relates poorly with adjoining developments and the landscaped context.

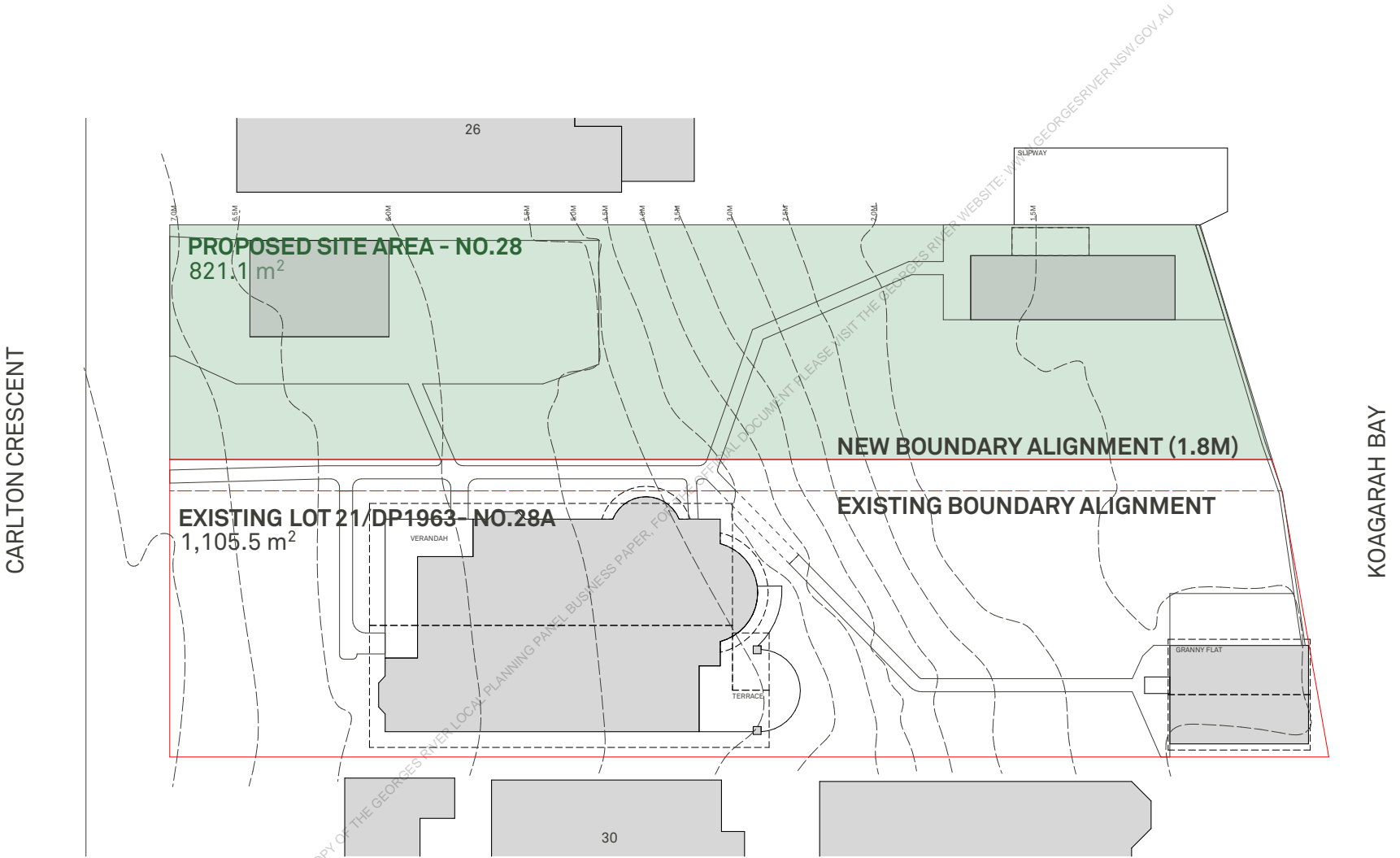
2. Refusal Reason – Development Control Plan - Pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with the following sections of Georges River Development Control Plan 2021:

- a) Section 6.1.2.1 – Streetscape Character and Built Form. The proposal does not comply with the desired future character of Kogarah Bay.
- b) Section 6.1.2.2 – Building Scale and Height. Part of the basement protrude more than 1m above existing ground level.
- c) Section 6.1.2.3 - The proposed development has garage fronting only which dominates the streetscape.
- d) Section 6.1.2.6 - Excavation (cut and fill). Developments should avoid unnecessary earthworks by designing and siting buildings that respond to the natural slope of the land. The building footprint must be designed to minimise cut and fill by allowing the building mass to step in accordance with the slope of the land. The depth of cut exceeds 1.0m from existing ground level.
- e) Section 6.1.2.7 (2) The proposed development does not comply with vehicular access, parking and circulation. A dwelling is to provide one (1) garage and one (1) tandem driveway parking space forward of the garage (unless otherwise accommodated within the building envelope). The driveway grades do not comply with AS2890.

3. Environmental Impacts - Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to have an adverse impact the natural environment.

4. Suitability of Site - Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not considered suitable for the proposed development as the built form of the proposed development is of a bulk and scale that is not appropriate with its setting and is not consistent with the desired future character of the area.





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LEGEND

AMENDMENTS
Chk Description
DA ISSUE 01

Date
15/12/2022

PROJECT
Rev 01
28CC
28 CARLTON CRESCENT, KOAGARAH BAY NSW 2217

DRAWING TITLE
GENERAL
Subdivision Plan

PROJECT No
2148A

DRAWING No
A-DA-000-007

DRAWN
DB

REV

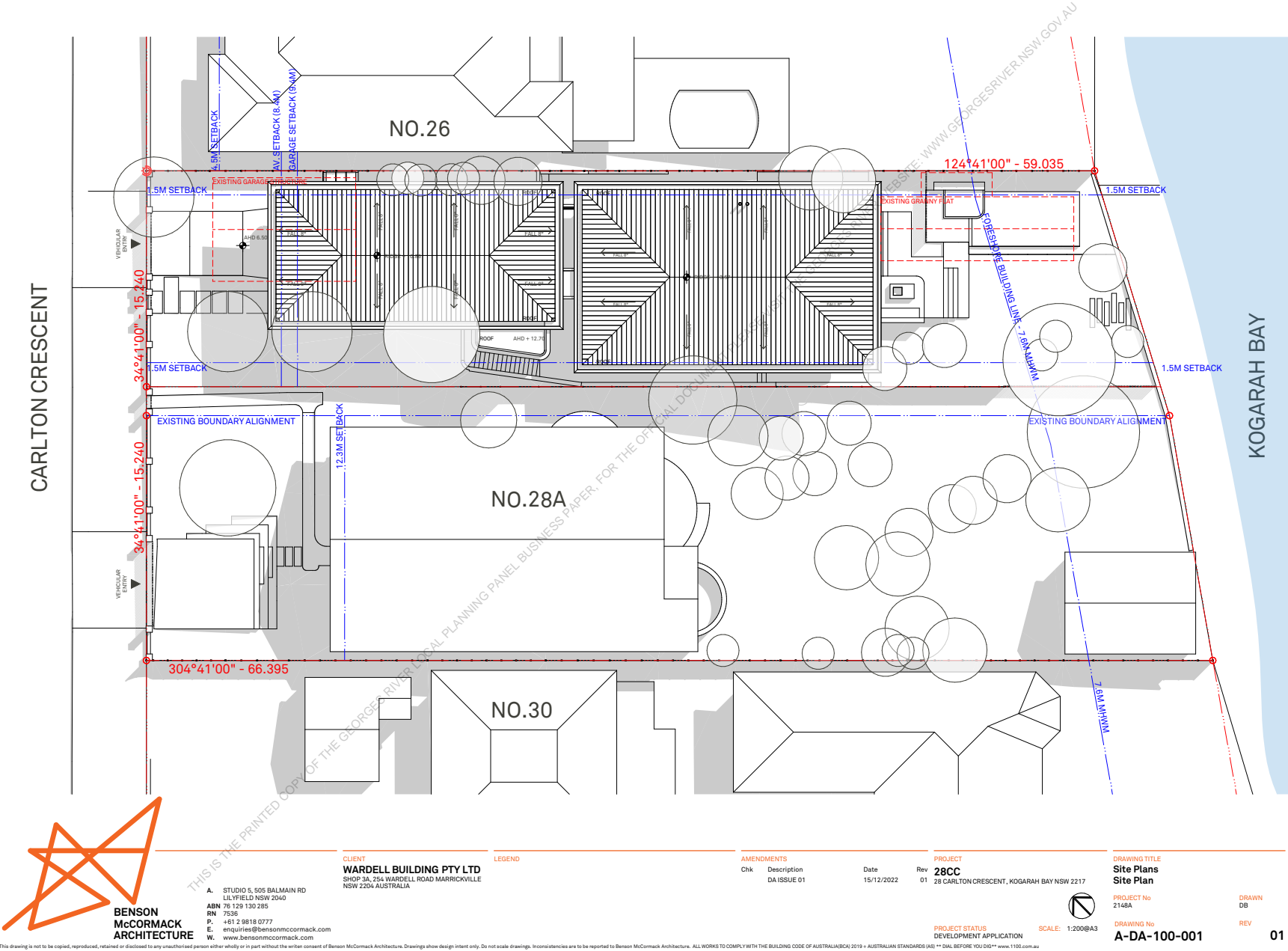
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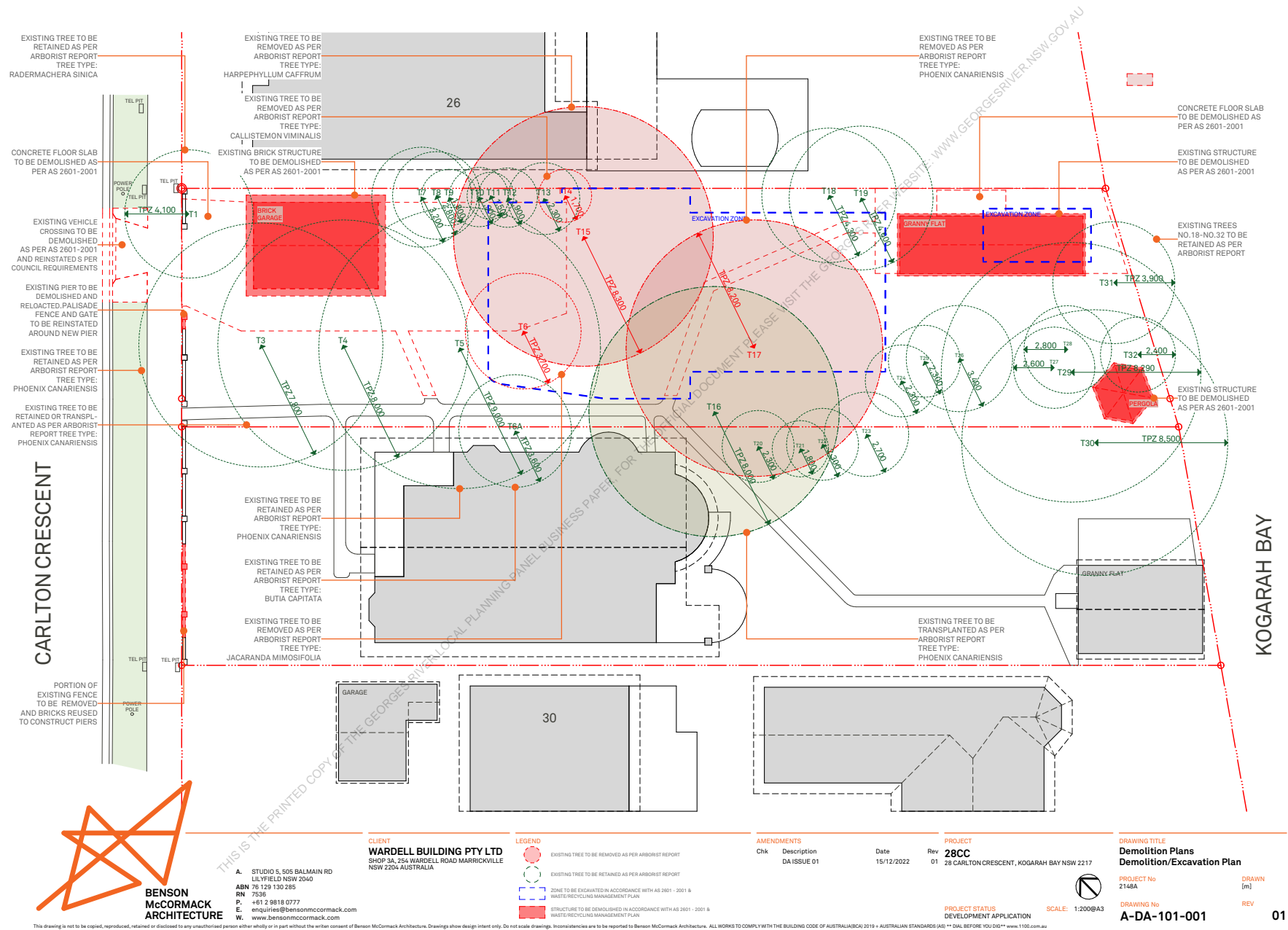


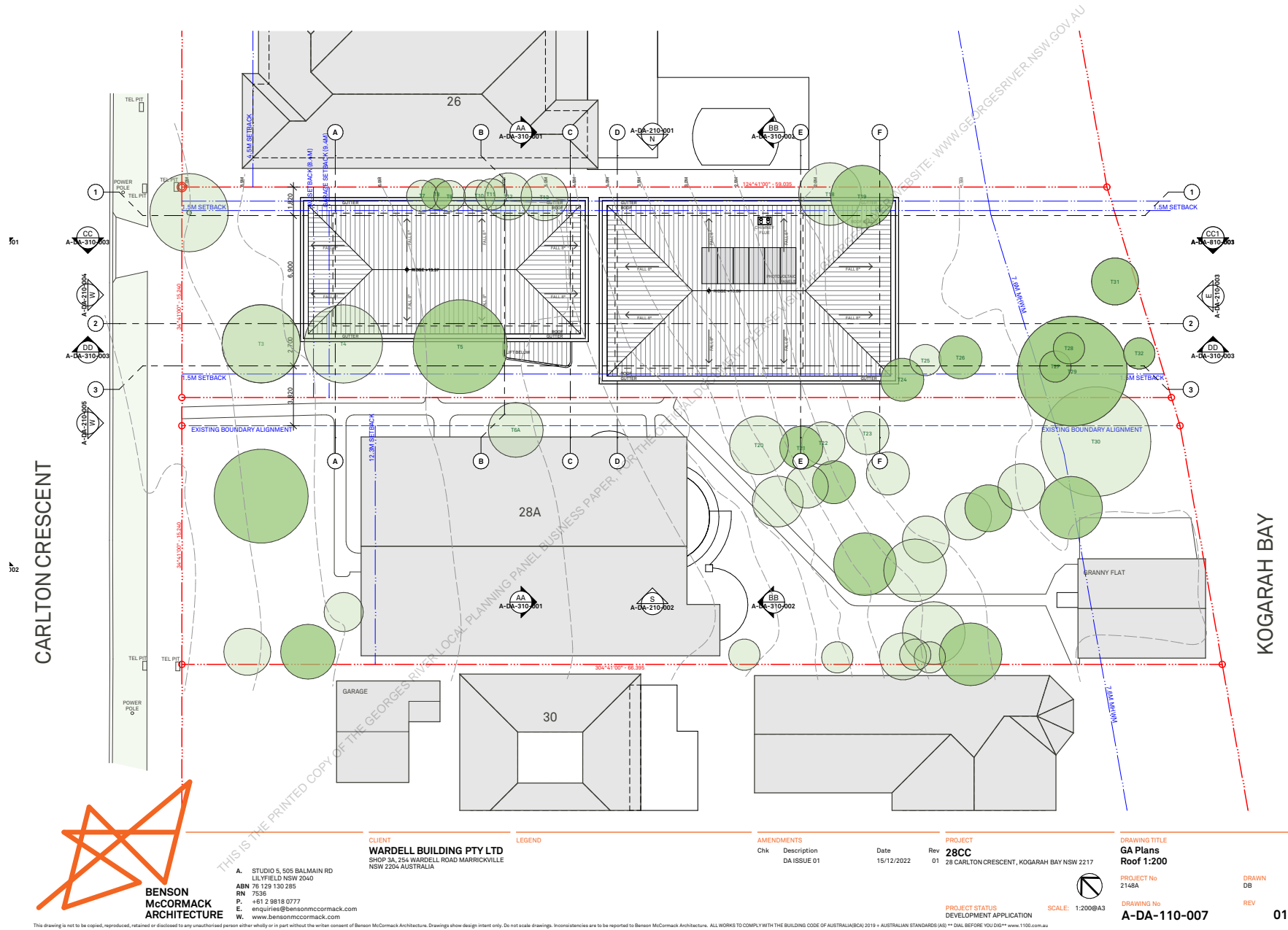
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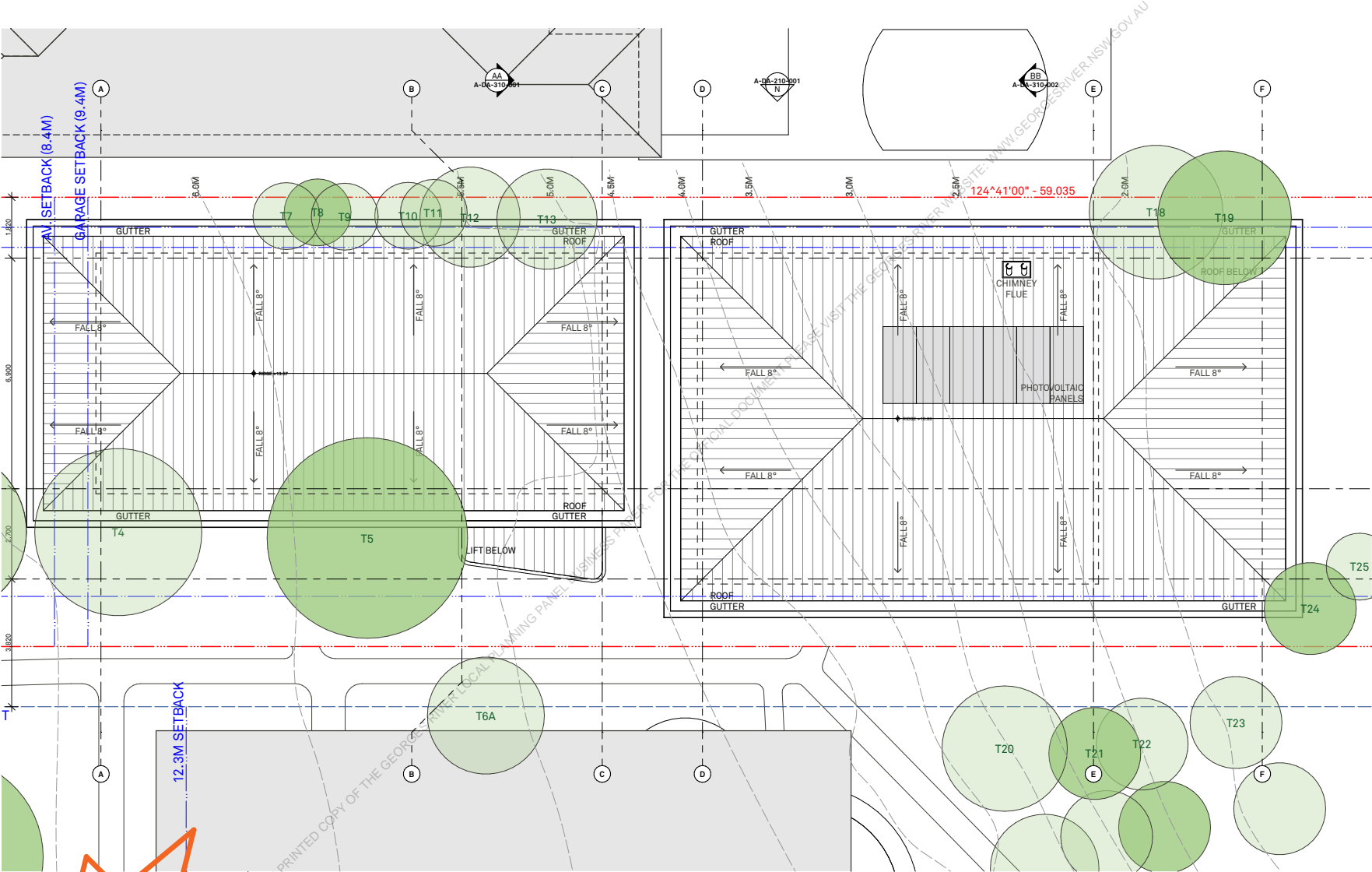
PROJECT STATUS
DEVELOPMENT APPLICATION

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LEGEND

AMENDMENTS
Chk Description
DA ISSUE 01

Date
15/12/2022

PROJECT
Rev 01
28CC
28 CARLTON CRESCENT, KOGARAH BAY NSW 2217

DRAWING TITLE
GA Plans
Roof 1:100

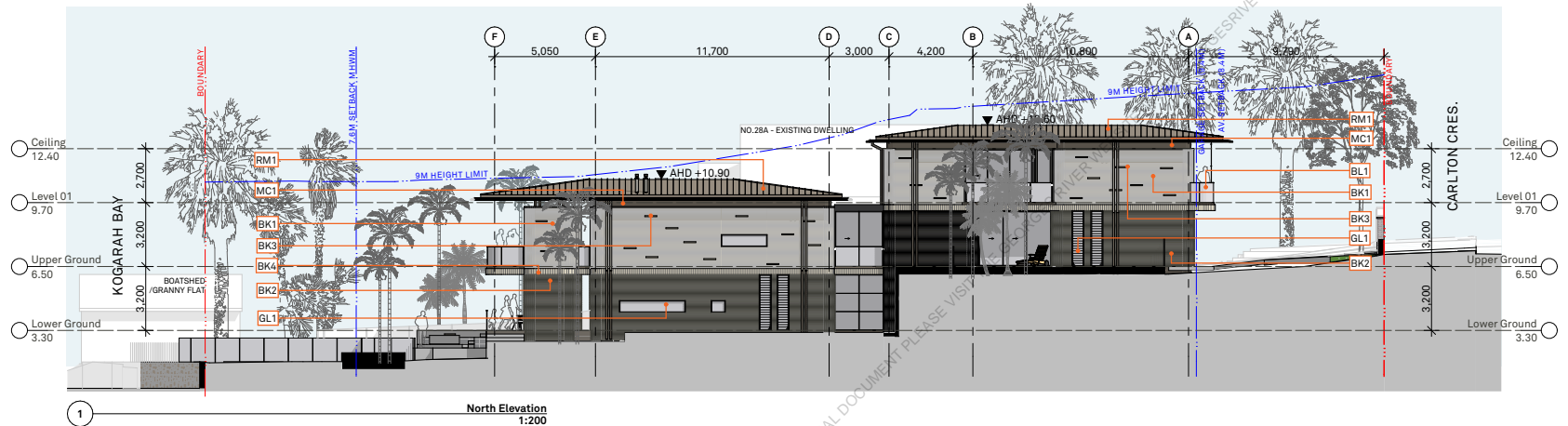
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FINISHES LEGEND:

- BK1 - BOWRAL 300 CHILLINGHAM WHITE 50mm - STRETCHER BOND
- BK2 - BOWRAL 300 CHILLINGHAM WHITE 50mm - HORIZONTAL RECESSED BRICKWORK (ALTERNATE COURSES)
- BK3 - BOWRAL 300 CHILLINGHAM WHITE 50mm - EXTRUDED BRICK
- BK4 - BOWRAL 300 CHILLINGHAM WHITE 50mm - VERTICAL BRICK
- MC1 - METAL CLADDING - PLAIN FINISH - MATT BRONZE COLOUR
- MC2 - METAL CLADDING - PLAIN FINISH - MATT LIGHT COLOUR
- GL1 - POWDERCOATED ALUM. FRAME & CLEAR GLAZING
- GL2 - POWDERCOATED ALUM. FRAME & OBSCURE GLAZING
- BL1 - FRAMELESS GLAZED BALUSTRADE - CLEAR GLAZING
- RM1 - ROOF - METAL STANDING SEAM SHEET - BRONZE COLOUR
- BLD1 - EXTERNAL BLIND HELIO SCREEN - COLOUR EQ. 'BRONZE'



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LEGEND

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Chk	Description	Date	Rev
DA	ISSUE 01	15/12/2022	01

PROJECT
28CC
28 CARLTON CRESCENT, KOGARAH BAY NSW 2217

DRAWING TITLE
**GA Elevation
North Elevation**

PROJECT No
2148A

DRAWN
SJ

DRAWING No
A-DA-210-001

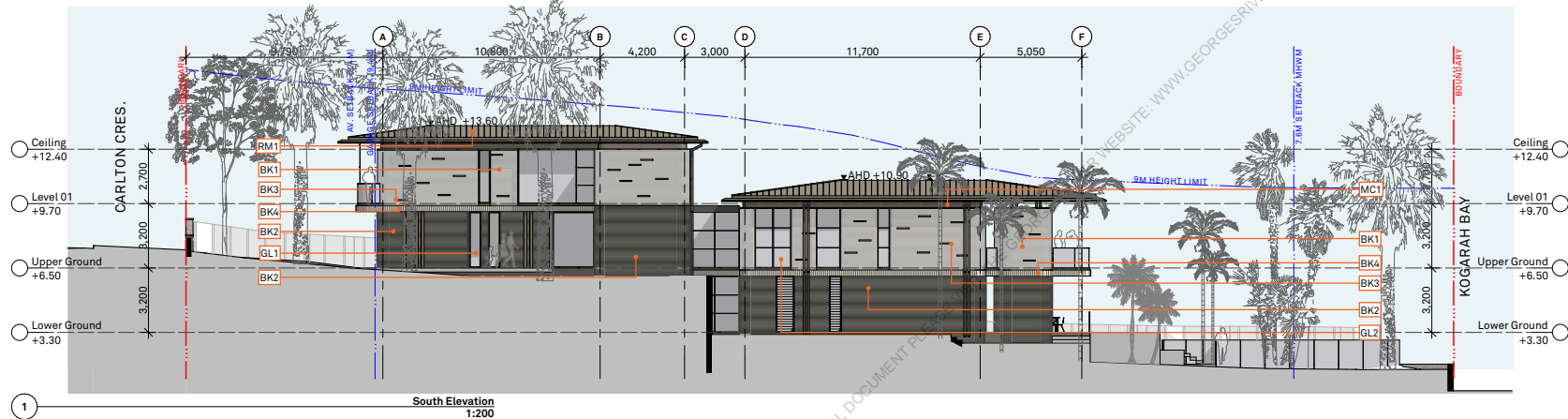
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PROJECT STATUS
DEVELOPMENT APPLICATION

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Chk Description	Rev
DA ISSUE 01	01
Date	15/12/2022
28CC	28 CARLTON CRESCENT, KOGARAH BAY NSW 2217

DRAWING TITLE
GA Elevation
South Elevation

PROJECT No
2148A

DRAWN
SJ

DRAWING No
A-DA-210-002

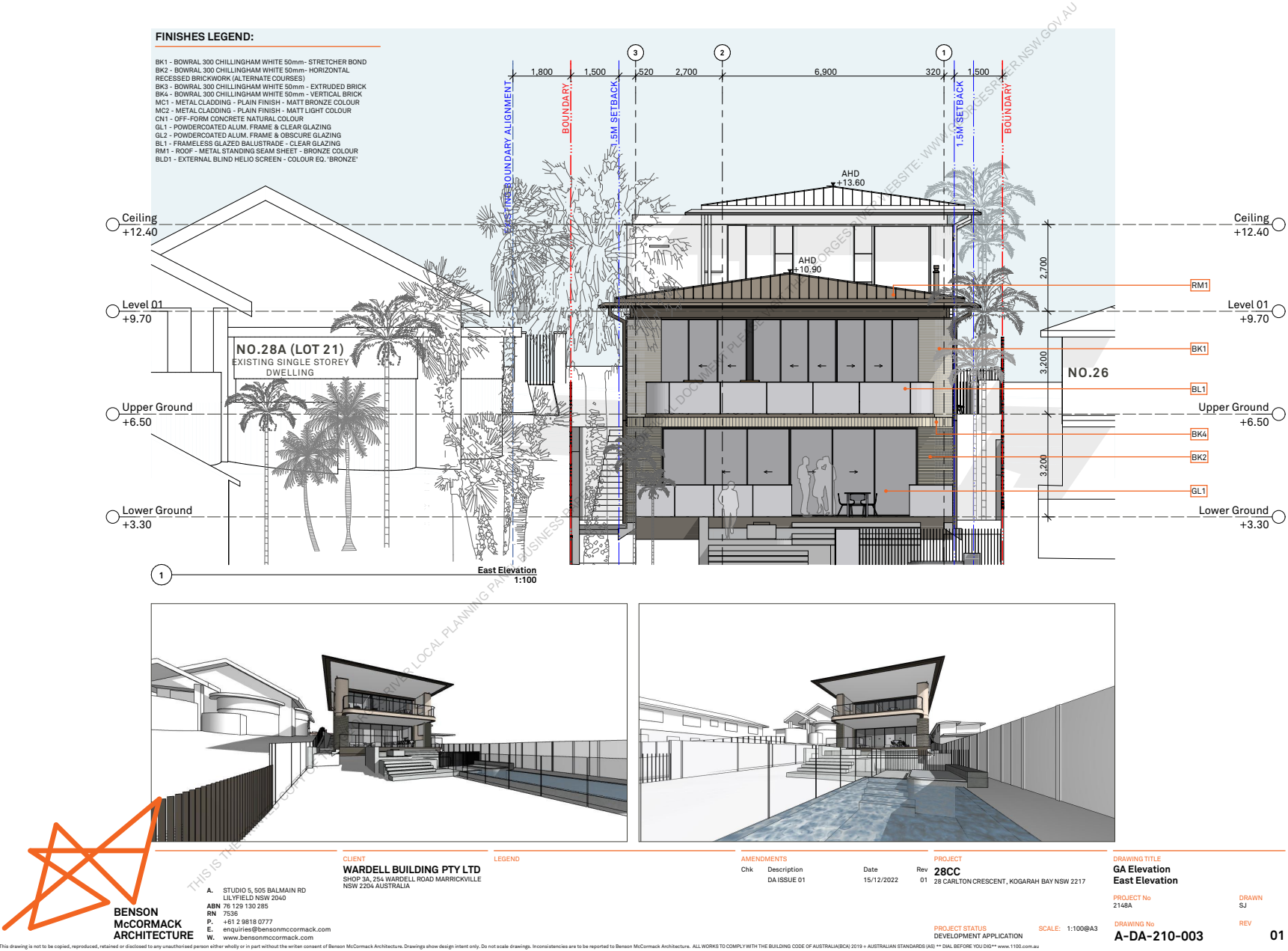
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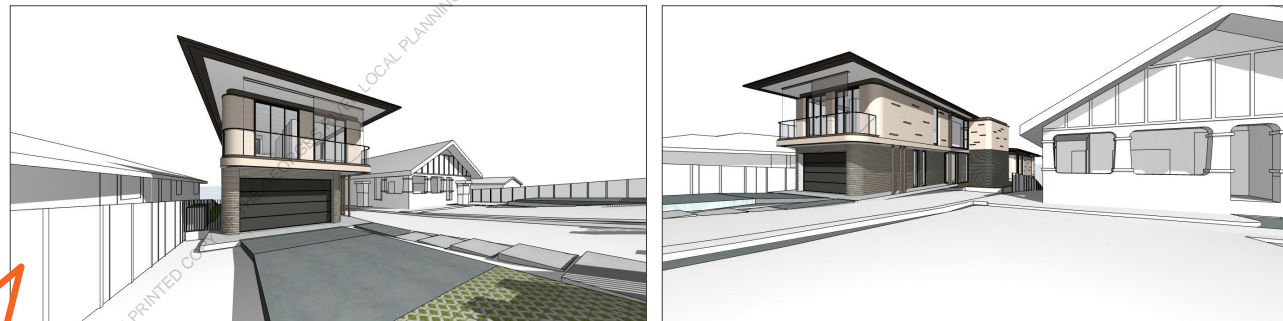
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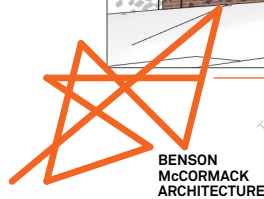
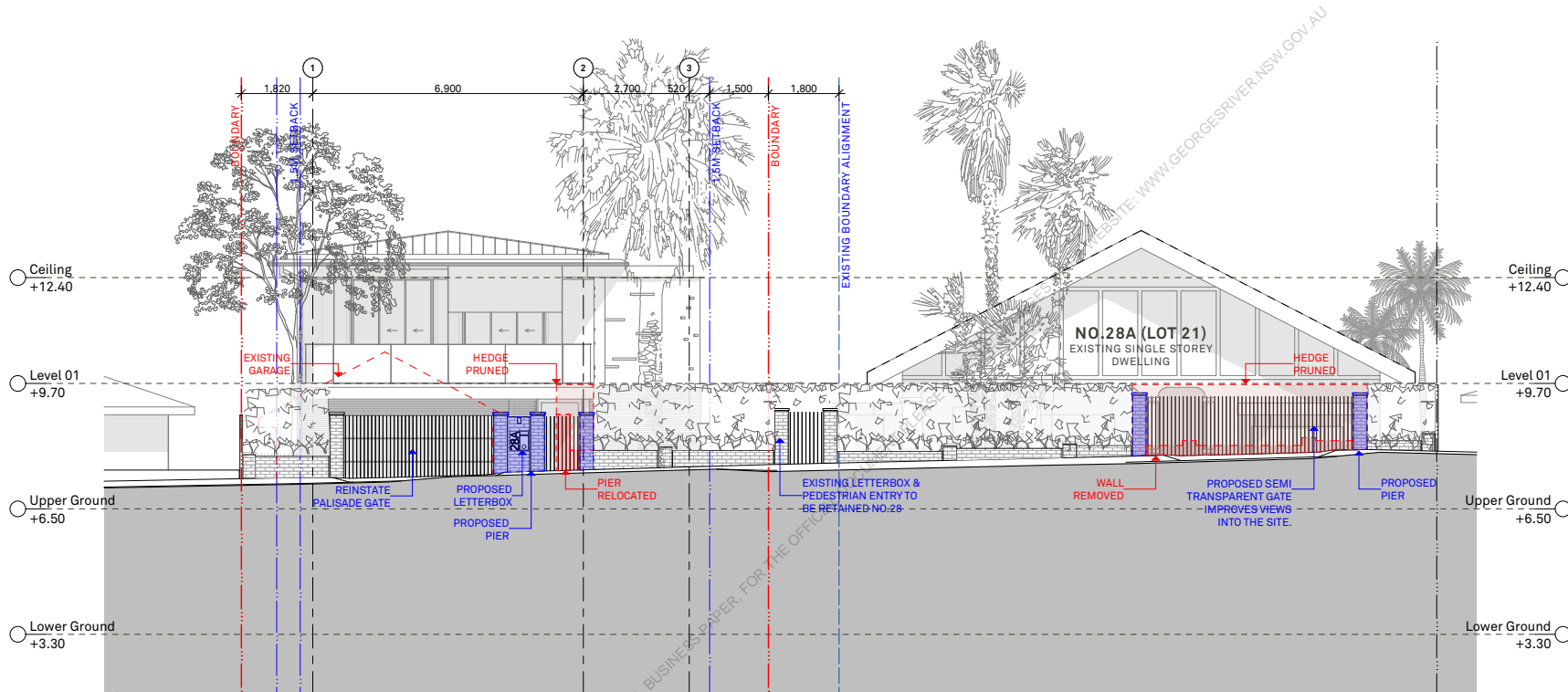
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NSW 2204 AUSTRALIA

LEGEND

AMENDMENTS
Chk Description
DA ISSUE 01

Date
15/12/2022

PROJECT
Rev 01
28CC
28 CARLTON CRESCENT, KOGARAH BAY NSW 2217

DRAWING TITLE
GA Elevation
West Elevation Proposed Fence

PROJECT No
2148A

DRAWN
SJ

DRAWING No
A-DA-210-005

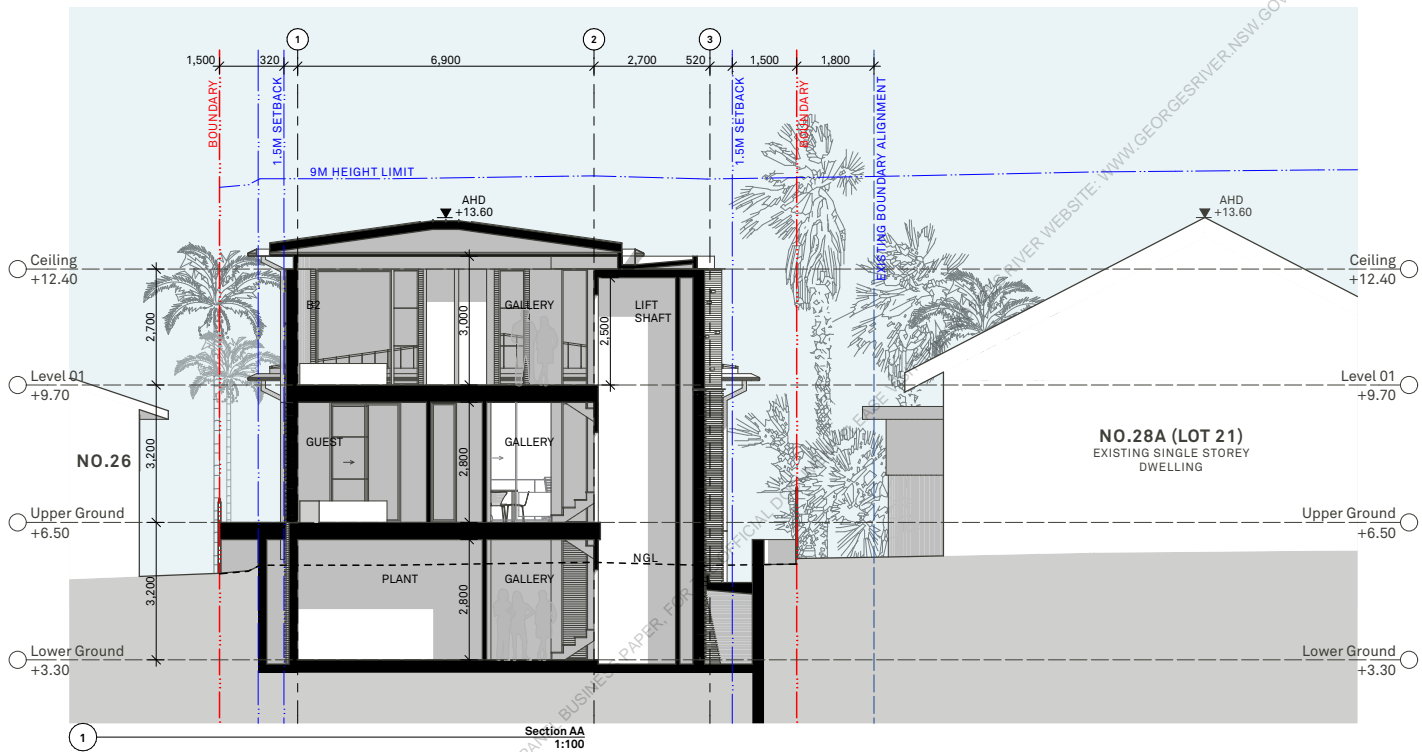
REV

01

PROJECT STATUS
DEVELOPMENT APPLICATION

SCALE: 1:100@A3

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LEGEND

AMENDMENTS
Chk Description
DA ISSUE 01

Date
15/12/2022

PROJECT
Rev
01 28CC
28 CARLTON CRESCENT, KOGARAH BAY NSW 2217

PROJECT STATUS
DEVELOPMENT APPLICATION

SCALE: 1:100@A3

DRAWING TITLE
GA Sections
Section AA

PROJECT No
2148A

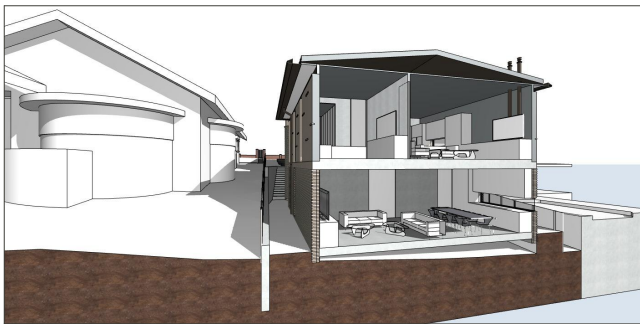
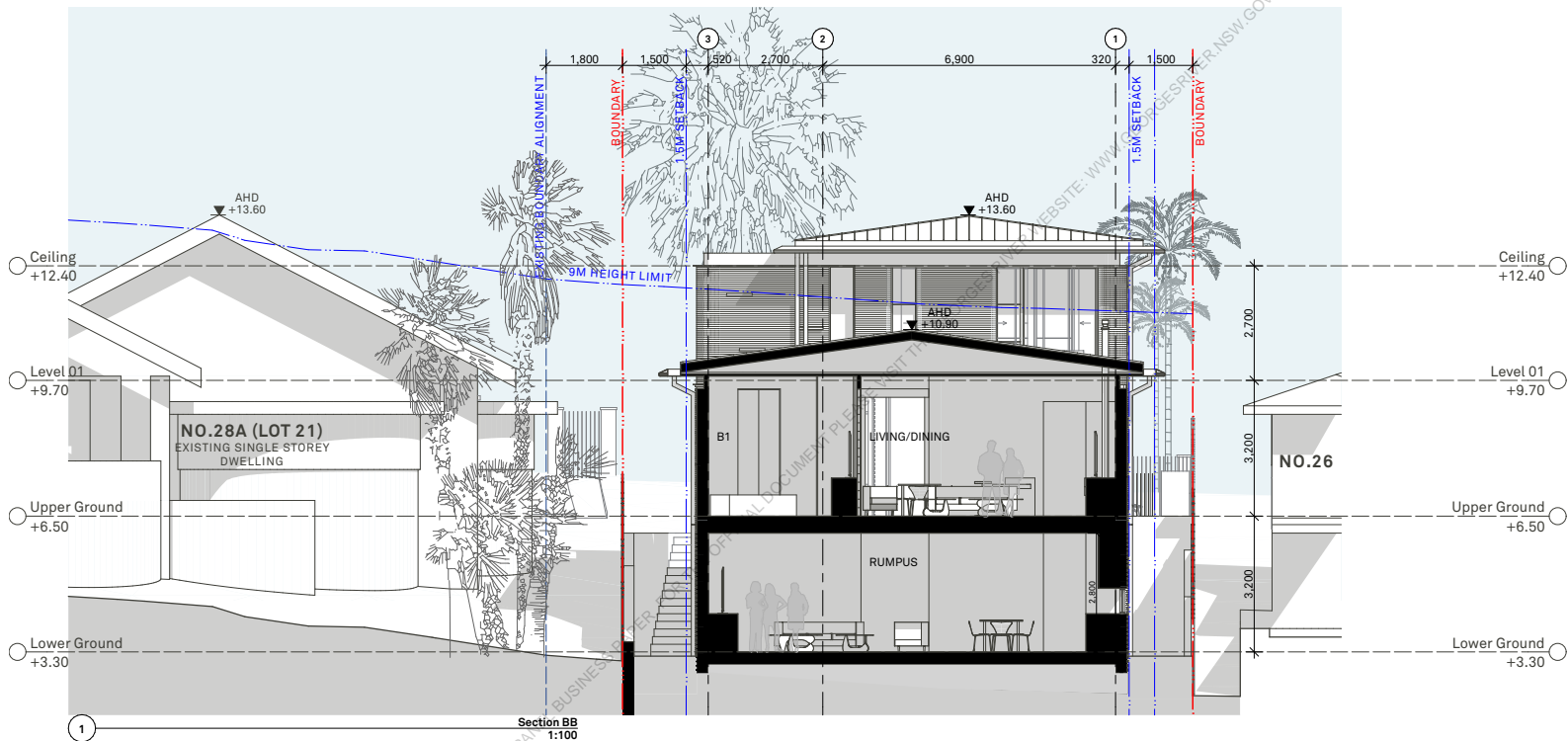
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AMENDMENTS
Chk Description
DA ISSUE 01

Date
15/12/2022

PROJECT
Rev 01
28CC
28 CARLTON CRESCENT, KOGARAH BAY NSW 2217

DRAWING TITLE
GA Sections
Section BB

PROJECT No
2148A

DRAWING No
A-DA-310-002

DRAWN
SJ

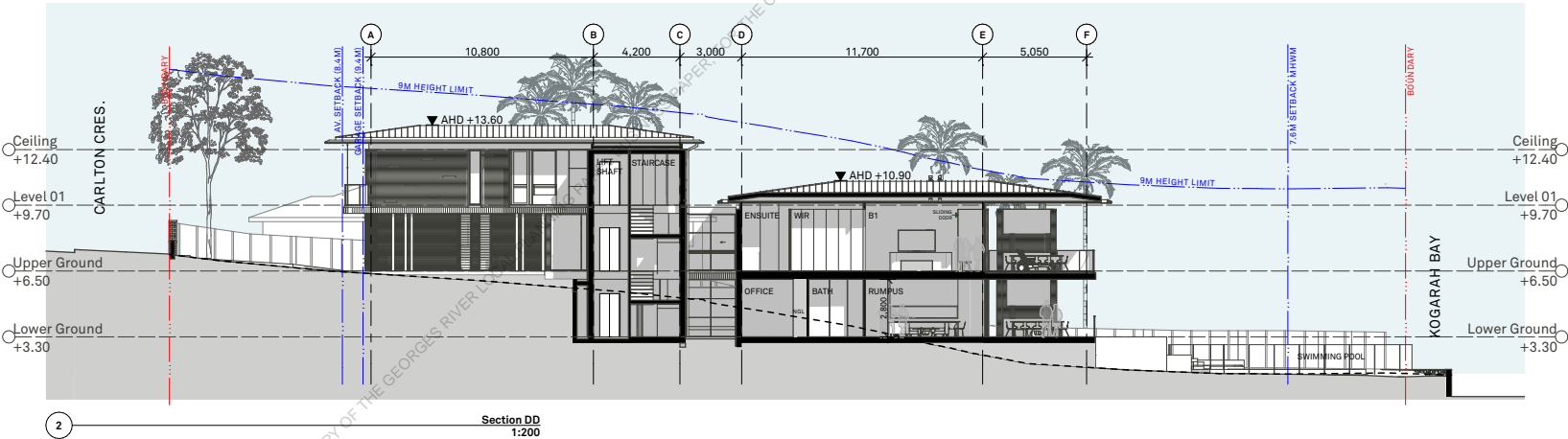
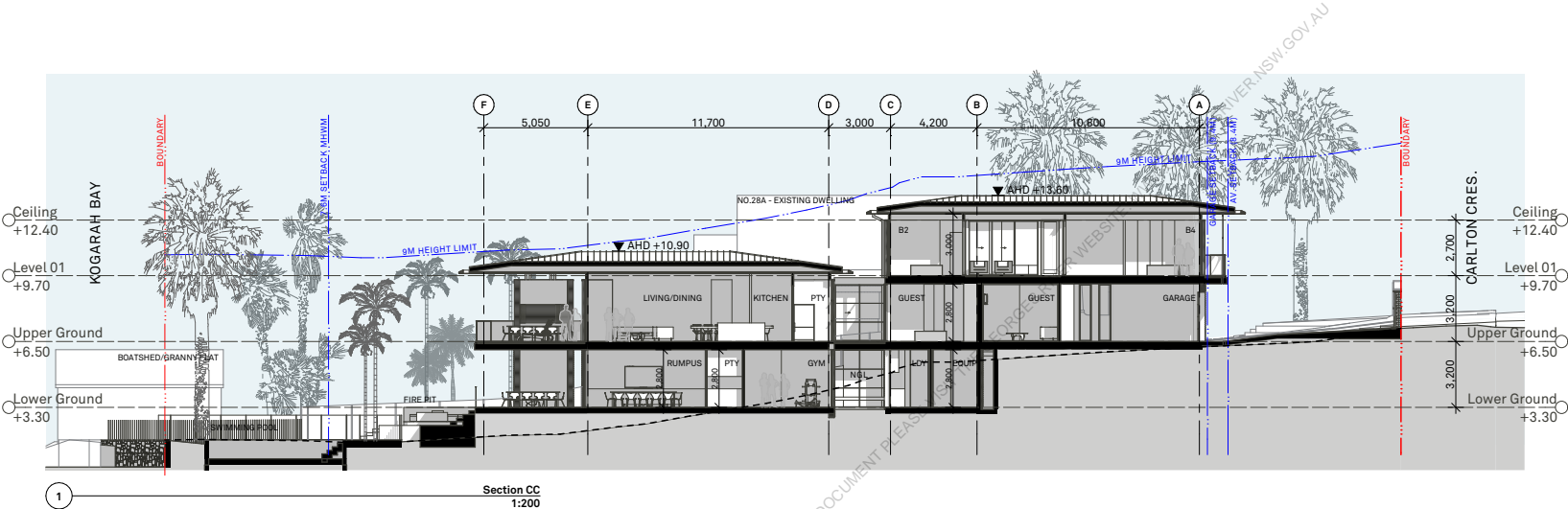
REV

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PROJECT STATUS
DEVELOPMENT APPLICATION

SCALE: 1:100@A3

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CLIENT
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LEGEND

AMENDMENTS
Chk Description
DA ISSUE 01

Date
15/12/2022

PROJECT
Rev 01
28 CARLTON CRESCENT, KOGARAH BAY NSW 2217

DRAWING TITLE
GA Sections
Sections CC & DD

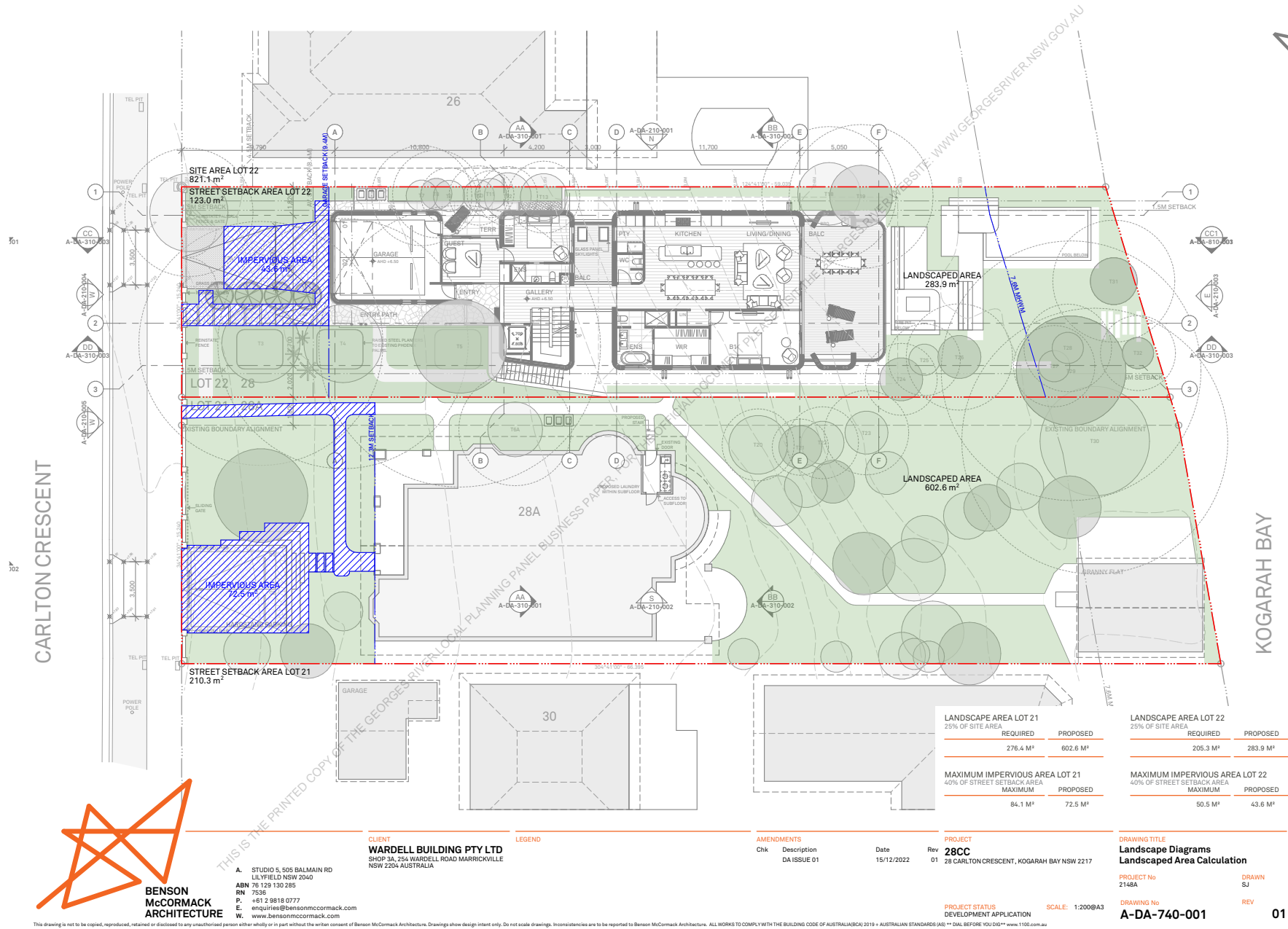
PROJECT No
2148A

DRAWING No
A-DA-310-003

DRAWN
SJ

REV

01



REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 21 AUGUST 2025

LPP023-25 DA2024/0141 - 12 HARRIS STREET, SANS SOUCI

LPP023-25

LPP Report No	LPP023-25	Development Application No	DA2024/0141
Site Address & Ward Locality	DA2024/0141 - 12 Harris Street, Sans Souci Kogarah Bay Ward		
Proposed Development	Demolition works, retention of the heritage listed dwelling and construction of a two storey addition at the rear of the existing dwelling with a basement area below, in-ground swimming pool, detached cabana, landscaping and site works.		
Owners	Jalal Sayed		
Applicant	Jalal Sayed		
Planner/Architect	Alison Davidson/Innovate Architects		
Date Of Lodgement	17/04/2024		
Submissions	No submissions received.		
Cost of Works	\$3,775,221.00		
Local Planning Panel Criteria	The proposed development involves demolition works to a heritage item listed under GRLEP 2021.		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Sustainable Buildings 2021), State Environmental Planning Policy (Transport and infrastructure) 2021, Georges River Local Environmental Plan 2021 (GRLEP 2021) and Georges River Development Control Plan 2021 (GRDCP 2021).		
List all documents submitted with this report for the Panel's consideration	Architectural Plans and Assessment Report		
Report prepared by	Senior Development Assessment Planner		

RECOMMENDATION	Refusal
-----------------------	---------

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

Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable
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.

EXECUTIVE SUMMARY

PROPOSAL

1. Council is in receipt of an application which seeks consent for the demolition works, retention of the heritage listed dwelling and construction of a two-storey addition at the rear of the existing dwelling with a basement area, landscaping, and site works as outlined below:
 - a) Demolition of the rear room and covered entertaining space to the rear of the dwelling, carport, outbuildings and detached wash closet.
 - b) The removal of the vehicle wheel strips and construction of a new driveway to access the new basement garage which accommodates five (5) car parking spaces, storerooms, bin store, plant room, lift, access stairs and stormwater drainage.
 - c) The ground floor will rework the existing floor plate and proposes an addition connected via a breezeway from the original heritage dwelling to the new addition which will consist of:
 - i. Entry, porch to the street facing elevation, bed 4, bathroom, lounge, bedroom 5, breezeway connection, stairs, lift, laundry, living, dining, kitchen with walk in pantry and cool room, rumpus/prayer room, attached entertaining terrace with outdoor kitchen, landscaping and site works.
 - ii. First floor involves the removal of the attic within the roof space of the heritage dwelling, the construction of a first-floor addition consisting of access stairs and lift, bedroom 1 with a walk-in robe and ensuite, bedroom two with a walk-in robe and ensuite, and rear facing balcony accessed via bedroom one.

2. **Note:** Via the proposed amendment to the design an originally proposed in-ground swimming pool and cabana were removed from the revised architectural plans that forms the basis of this assessment.
3. A site plan is provided below:

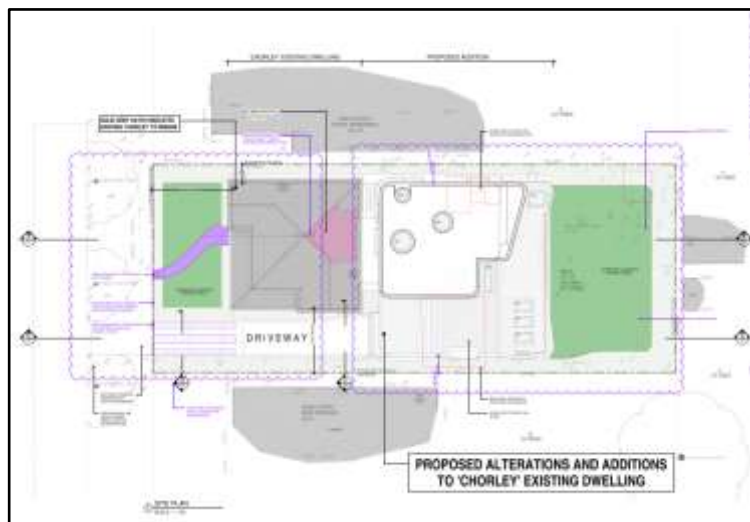


Figure 1 – Site plan (Source: Architectural Plans)

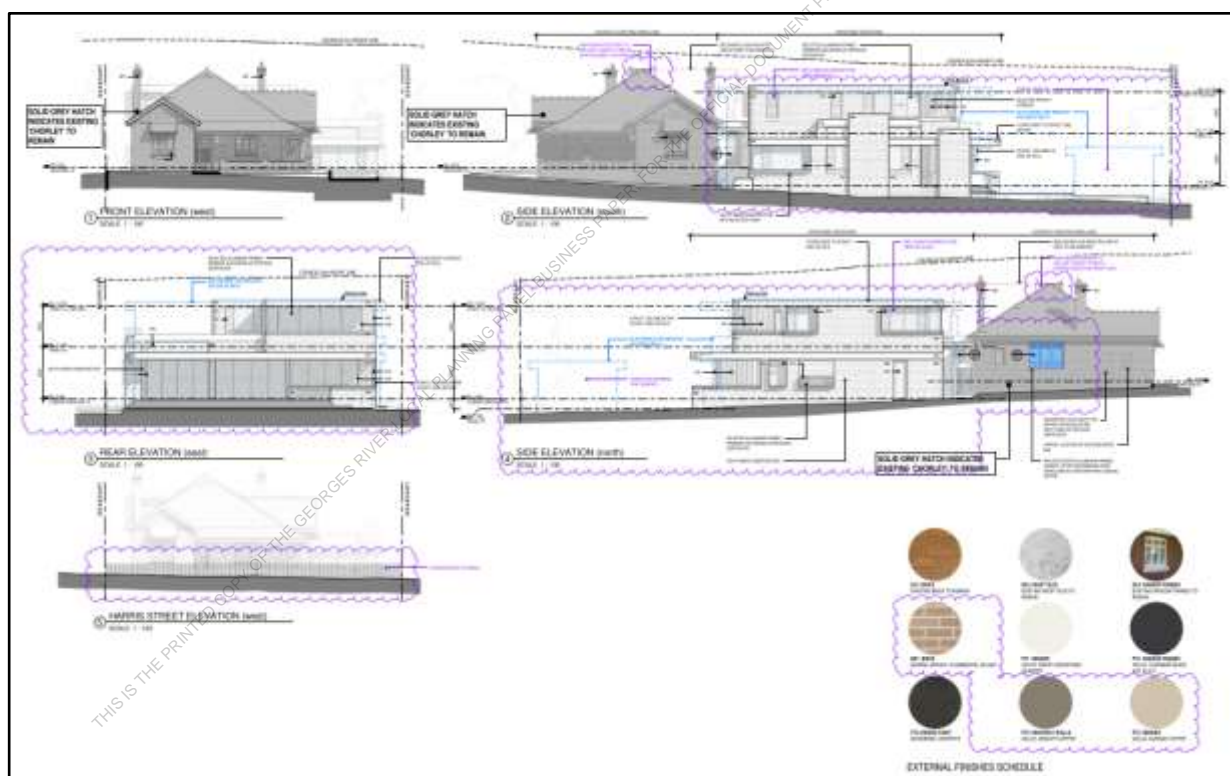


Figure 2 – Elevational Plans (Source: Architectural Plans)

SITE AND LOCALITY

4. The subject site is located on the eastern side of Harris Street and has a legal description of Lot 15 in Deposited Plan 975493 and is commonly known as 12 Harris Street, Sans Souci. The site is a regular shaped parcel with a primary frontage and direct access to Harris Street. The site has a total area of 1,017sqm with a sloping topography from the front to the rear by approximately 2.2m with a cross fall from north to south.

5. The site currently has a detached single storey brick dwelling house that is heritage listed as per Georges River Local Environmental Plan 2021, being known as “Chorley”. The subject site also has a strip driveway, hardstand area and a detached carport setback behind and along the southern side of the property. The rear weatherboard portion of the dwelling has a skillion roof with an attic and a balcony. The rear of the site also has a rear patio that steps down to the rear yard. An ancillary metal shed structure is in the middle of the site adjacent to the northern side boundary and an additional shed is located along the north easter corner of the site.
6. There are three (3) street trees across the site frontage and small hedging along the southern boundary, next to the driveway. The rear yard comprises a small garden area that is predominantly turf grassed area with a sewer manhole and inspection point.
7. The surround locality is predominantly low density residential with a variety of one and two storey dwelling houses. To the north and east of the subject site the land is zoned R3 medium density under Georges River Local Environmental Plan 2021 and consists of attached and detached multi-dwelling development predominantly fronting Rocky Point Road. Harris Street is flanked with street trees either side and extends with a gentle slope towards Georges River being approximately 450m south/south-west of the subject site.



Figure 3 –Aerial view of development site outlined in blue (Source: Intramaps)



Figure 4—Aerial view of development site outlined in blue (Source: *Intramaps*)

ZONING AND PERMISSIBILITY

8. 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 5 – Aerial view of development site outlined in blue (Source: *Intramaps*)

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

9. This application is referred to the Georges River Local Planning Panel for determination as the proposed development involves demolition to a heritage item listed under GRLEP 2021.

SUBMISSIONS

10. The DA was publicly notified to neighbours for a period of twenty-eight (28) days in accordance with the Georges River Community Engagement Strategy. No submissions were received. The applicant lodged revised plans on Tuesday, 10 July 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

11. 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	7.4m	Yes
Clause 4.4A – Exceptions to floor space ratio—certain residential accommodation		
Standard	Proposal	Compliance
Maximum 0.46:1 465.9sqm	0.45:1 460.37sqm	Yes
Clause 5.10 – Heritage conservation		
Standard	Proposal	Compliance
Council must, before granting consent under this clause with respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.	The site contains Item number I298 and known as Chorley as listed in Schedule 5 of the LEP. The proposal has been reviewed by Council's Heritage Advisor who has considered the effect of the proposal on the item and is satisfied, that the proposal is appropriate in this regard. Detailed comments are provided later in this report.	Yes
Clause 6.3 – Stormwater Management		
Standard	Proposal	Compliance
(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development— (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics	The proposal is unsatisfactory for the following reasons: 1. The subject site is identified as a low-level property while the site has a fall of approximately 2.5m fall from frontage to rear of the property boundary and the proposed development is	No

<p>affecting on-site infiltration of water, and 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>(b) 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>(c) is designed to minimise the impact on public drainage systems.</p> <p>(d)</p>	<p>a redevelopment of the property.</p> <p>2. Site stormwater runoff management plan proposes outlet discharge via charged drainage system (pressurized) to a nature strip 225mm pipeline in front of the property. The site discharge would not be able to be conveyed through nature strip 225mm pipeline which has a very limited capacity and cannot handle site runoff without overflowing runoff along the driveway thus entering the basement and to rear properties causing nuisance overland flooding. Therefore, the proposed site discharge design is unsatisfactory and non-compliant from Council's stormwater management policy.</p> <p>3. Submitted Telford Civil prepared stormwater plan (Issue B, dated 07/07/2025) where new roof area (284.5m²) runoff discharges (17.3 Litres/sec) to a rainwater tank, then tank overflow is charged within a 38-meter pipeline to front site boundary shallow pit (340mm), which discharges to an existing nature strip frontage 300mm shallow pit and 225mm pipeline (refer to attached photos 1 & 2). The site cannot drain to Harris Street drainage system due to its higher street levels, so the site runoff is currently draining towards rear boundary</p>	
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	<p>within Rocky Point Road drainage sub catchment.</p> <p>4. The site outlet pit intends to discharge to a nature strip shallow pit & 225mm pipeline, next to footpath, is having insufficient & very limited pit/pipeline capacity which caters only nature strip localized runoff in shorter rainfall event (maximum 2-year ARI rainfall or 50% AEP event) whilst the pipeline will be unable to manage any additional runoff from subject site which is unsustainable. So existing pit & pipeline are meant to be conveying localized nature strip runoff only during normal rain event and which will fail to convey runoff during higher rain event and cannot convey any further site runoff from nearby low-level properties.</p> <p>5. Furthermore, allowing site runoff discharge (20 Litres/sec) to nature strip pipeline would simply divert stormwater runoff flow from one drainage sub-catchment (being the subject site) to another sub-catchment. In this instance, Council would not be able to allow such flow diversion as per Clause 1.2 (c) towards Objective of the Stormwater Management Policy. By allowing the site runoff to nature strip shallow pit & 225mm pipeline would aggravate and overwhelm nature strip area flood inundation situation every times it rains in the area. And</p>	
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	<p>even, during regular developed site discharge to this pit & pipeline is unsustainable and would cause overflowing within nature strips and nuisance overland flow runoff flooding to subject site, adjoining and rear properties via runoff entering through driveways, into the basement & garages and properties along Harris Street and Rocky Point Road, which will not be in the public interest. Therefore, the proposed site runoff discharge option to front nature strips fails to provide compliant stormwater design in accordance with Council's Stormwater Management Policy.</p> <p>In conclusion, the proposed stormwater management arrangements for the subject site have not been adequately addressed and are contrary to Clauses 6.3 and 6.9(d) & (e) of the GRLEP 2021 and objective (b) of Section 3.10 of the GRDCP 2021. The proposed method of site stormwater drainage design is not supported based on abovementioned detailed findings. Therefore, an alternate option are to be explored & investigated either from a direct connection/upgrading pit/pipe to Harris Street main drainage pits/pipeline or seeking an easement from downhill properties is required to drain the subject site by gravity to a legal point of discharge.</p>	
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Clause 6.12 – Landscaped areas in certain residential and conservation zones		
Standard	Proposal	Compliance
Minimum 20% of the site area 203.4sqm	46.9% 476.86sqm	Yes
Clause 6.9 Essential Services		
Standard	Proposal	Compliance
Development consent must not be granted to development unless Council is satisfied that any of the following services that are essential for the development are available, or that adequate arrangements have been made to make them available when required a) the supply of water, b) the supply of electricity, c) the supply of telecommunications facilities, d) the disposal and management of sewage e) stormwater drainage or on-site conservation, suitable vehicular access.	The proposal does not have, or make adequate provision for the following services: - stormwater drainage or on-site conservation	No

Georges River Development Control Plan 2021		
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.	The rear balcony on the first floor demonstrates the following widths: 2.4m beyond the rear wall alignment.	No
6.1.2.8 - Visual Privacy		
Control	Proposal	Compliance
2. Provision for water, sewerage and stormwater drainage for the site shall be nominated on the plans to Council's satisfaction.	The proposed development fails to provide stormwater drainage for the site to Council's satisfaction.	No

CONTRIBUTIONS

12. The development is subject to Section 7.12 Contributions. In accordance with the Georges River Local Development Contributions Plan 2021, a condition of consent requiring payment of the contribution would have been imposed if the application were of a supportive nature.

CONCLUSION

13. 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.
14. The fundamental reason for the recommendation of refusal of this development application is the inability of the proposed development to provide adequate stormwater drainage in accordance with Georges River Stormwater Policy.
15. The proposal has been assessed against the provisions of the Georges River Local Environmental Plan 2021 and Georges River Development Control Plan 2021. Any variations have been addressed and are not worthy of support on merit.

STATEMENT OF REASONS AND DETERMINATION

Statement of Reasons

16. The reasons for this recommendation are:
 - The development is non-compliant with the development objectives and standards. the proposal fails to provide a compliant stormwater design in accordance with Georges River Stormwater Management Policy.
 - The proposed development will result in an undesirable amenity and privacy outcome due to the depth of an upper-level balcony.
 - the proposed development is likely to have an adverse impact on the following aspects of the built, natural and social environment

Recommendation

17. Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer recommends refusal of DA2024/0141 for demolition works, retention of the heritage listed dwelling and construction of a two storey addition at the rear of the existing dwelling with a basement area below, landscaping and site works on Lot 15 Sec 1 in DP 975493 on land known as 12 Harris Street, Sans Souci, should not be approved subject to the refusal reasons referenced below:
 1. **Environmental Planning Instrument** - Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is unacceptable in regard to State Environmental Planning Policy (Biodiversity and Conservation) 2021 with specific reference to stormwater drainage as the proposal fails to comply with Georges River Stormwater Policy and insufficient information has been provided to demonstrate compliance and an acceptable development outcome.

2. **Environmental Planning Instrument** - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is unacceptable in regard to the following sections of Georges River Local Environmental Plan 2021:
 - Clause 6.3 – Stormwater Management. The development is non-compliant with the development objectives and standards. the proposal fails to provide a compliant stormwater design in accordance with Georges River Stormwater Management Policy.
 - Clause 6.9 – Essential Services. Development consent cannot be granted unless essential services, in particular a compliant stormwater drainage design is available or that adequate arrangements have been made available.
3. **Georges River Development Control Plan 2021** - Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development proposal is unacceptable in regard to the following sections and development controls of the Georges River Development Control Plan 2021:
 - Part 3 – General Planning Considerations
 - Development control 1 under section 16.2 in part 3 in relation to Clause 6.9 Essential Services of GRLEP 2021.
 - Part 6.2 – Low Density Residential Controls
 - Development control 3 under section 8 in part 6.2 which outlines that 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.
 - Development control 2 under section 13 in part 6.2 in that the proposed development fails to provide adequate provisions for water, sewerage and stormwater drainage for the site to Council's satisfaction.
4. **Impacts on the Environment** - Pursuant to Section 4.15(1)(b) of the **Environmental** Planning and Assessment Act 1979, the proposed development is likely to have an adverse impact on the following aspects of the built, natural and social environment:
 - (a) The proposal fails to demonstrate adequate and compliant stormwater drainage from the site.
5. **Suitability of Site** - Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be suitable for the site or its locality due to the non-compliances with Georges River Stormwater Policy and the applications inability to provide adequate stormwater drainage.
6. **Public interest** - Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development in its current form is not considered to be in the public interest.

ATTACHMENTS

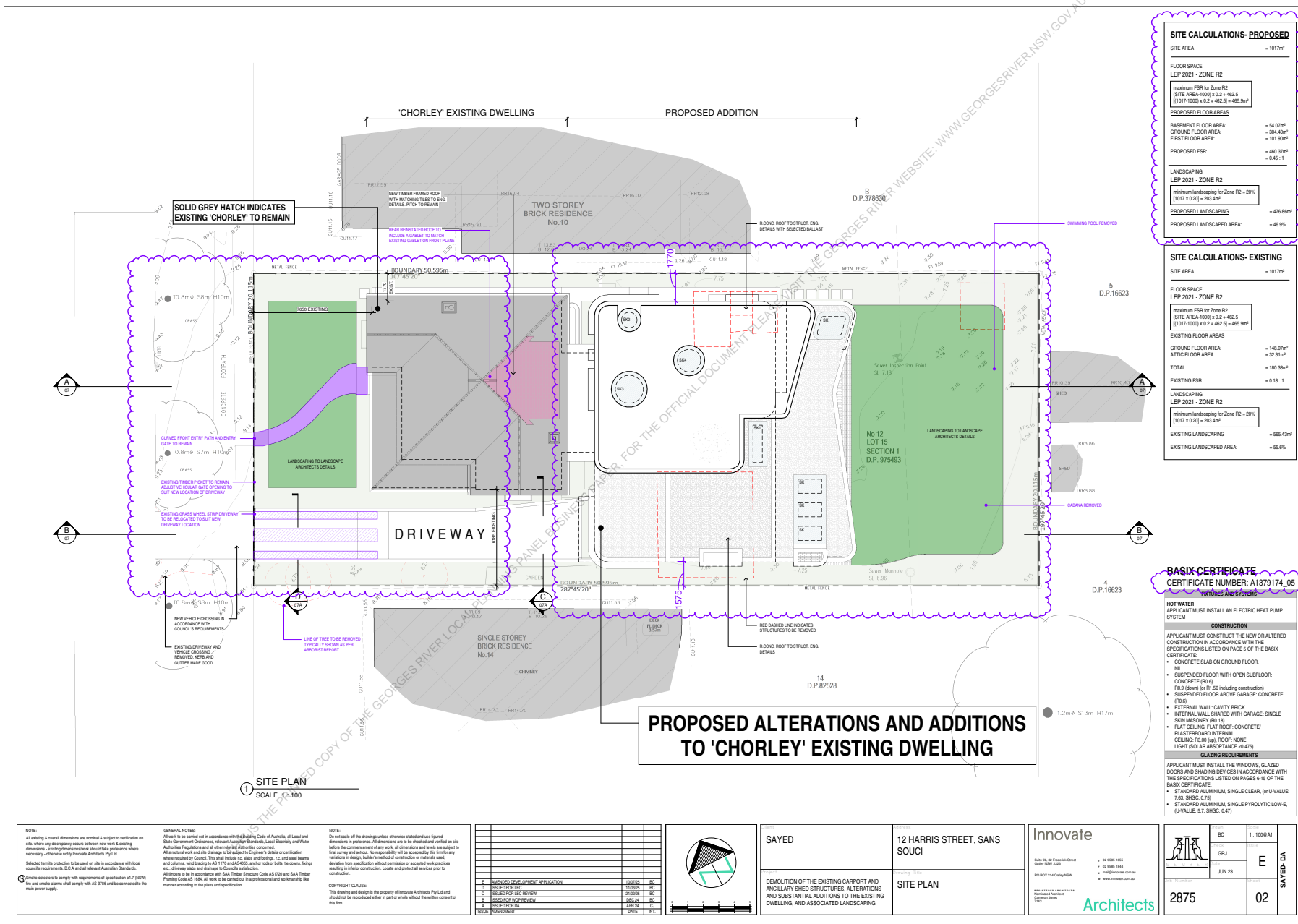
Attachment [1](#) Architectural Plans for LPP - 12 Harris St Sans Souci(3)

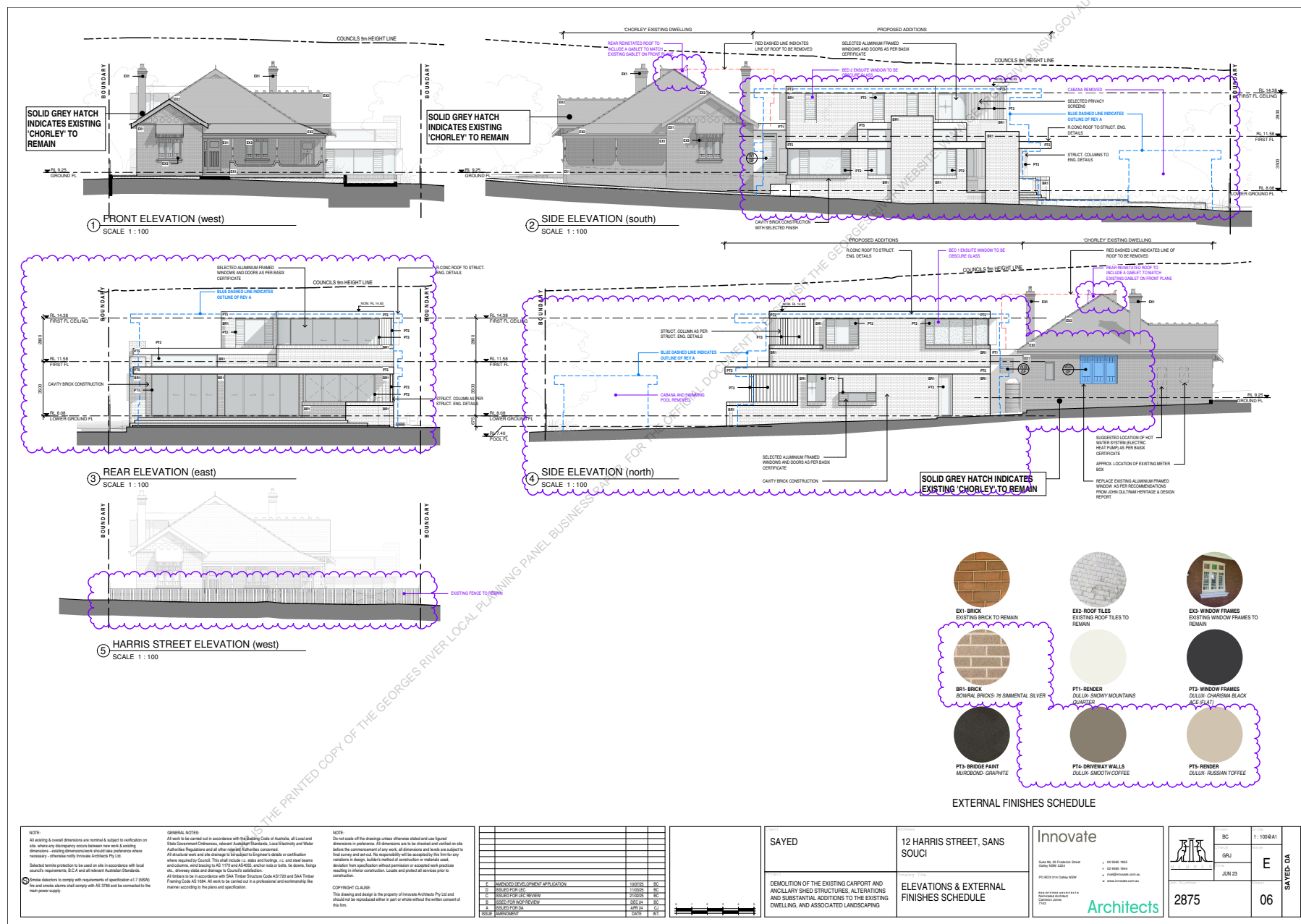


Attachment [↓2](#) Assessment Report



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Assessment Report

DA2024/0141

LOT 15 Sec 1 DP 975493

12 Harris Street, Sans Souci

Acknowledgment of Country

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

Report Summary	3
Proposal.....	3
Site and Locality.....	4
Site Description	Error! Bookmark not defined.
Locality Description.....	Error! Bookmark not defined.
Aerial Image of Land Zoning.....	4
Aerial Image of Site	5
Background	5
History	5
Processing.....	6
Site Inspection	6
Assessment - Section 4.15 Evaluation	7
The provisions of any environmental planning instrument (EPI).....	8
The Provisions of any applicable Act.....	8
The Provision of any Applicable State Environmental Planning Policy (SEPPs).....	8
The Provisions of any Local Environmental Plan	10
Georges River Local Environmental Plan 2021	10
Provisions of any Proposed Instrument.....	16
Provisions of any Development Control Plan	16
Georges River Development Control Plan 2021	16
Any Planning Agreement Under Section 7.4.....	28
The Regulations	28
The Likely Impacts of the Development	29
Site Suitability	29
Submissions	29
The Public Interest.....	30
Referrals.....	30
Contributions.....	33
Conclusion.....	33
Determination	Error! Bookmark not defined.
Appendix 1 - Conditions	Error! Bookmark not defined.



Report Summary

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

Refusal

The assessment recommends that Georges River Local Planning Panel as the Consent Authority pursuant to Section 4.16 (1)(b) Environmental Planning & Assessment Act 1979, refuse to the before mentioned Development Application due to the reasons discussed within this report.

Proposal

The works proposed (as amended) in this application are specifically outlined below:

Council is in receipt of an application which seeks consent for the demolition works, retention of the heritage listed dwelling and construction of a two-storey addition at the rear of the existing dwelling with a basement area below, landscaping, and site works.

- Demolition of the rear room and covered entertaining space to the rear of the dwelling, carport, outbuildings and detached wash closet.
- The removal of the vehicle wheel strips and construction of a new driveway to access the new basement garage which accommodates five (5) car parking spaces, storerooms, bin store, plant room, lift, access stairs and stormwater drainage.
- The ground floor will rework the existing floor plate and proposes an addition connected via a breezeway from the original heritage dwelling to the new addition which will consist of:
 - Entry, porch to the street facing elevation, bed 4, bathroom, lounge, bedroom 5, breezeway connection, stairs, lift, laundry, living, dining, kitchen with walk in pantry and cool room, rumpus/prayer room, attached entertaining terrace with outdoor kitchen, landscaping and site works.
 - First floor involves the removal of the attic within the roof space of the heritage dwelling, the construction of a first-floor addition consisting of access stairs and lift, bedroom 1 with a walk-in robe and ensuite, bedroom two with a walk-in robe and ensuite, and rear facing balcony accessed via bedroom one.

Note: Via the proposed amendment to the design an originally proposed in-ground swimming pool and cabana were removed from the revised architectural plans that forms the basis of this assessment.

A site plan is provided below:



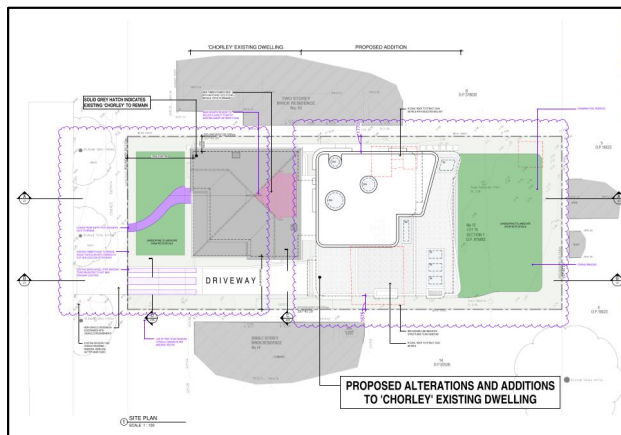


Figure 1 – Site plan (Source: Architectural Plans)

Site and Locality

The subject site is located on the eastern side of Harris Street and has a legal description of Lot 15 in Deposited Plan 975493 and is commonly known as 12 Harris Street, Sans Souci. The site is a regular shaped parcel with a primary frontage and direct access to Harris Street. The site has a total area of 1,017sqm with a sloping topography from the front to the rear by approximately 2.2m with a cross fall from north to south.

The site currently has a detached single storey brick dwelling house that is heritage listed as per Georges River Local Environmental Plan 2021, being known as “Chorley”. The subject site also has a strip driveway, hardstand area and a detached carport setback behind and along the southern side of the property. The rear weatherboard portion of the dwelling has a skillion roof with an attic and a balcony. The rear of the site also has a rear patio that steps down to the rear yard. An ancillary metal shed structure is in the middle of the site adjacent to the northern side boundary and an additional shed is located along the north easter corner of the site.

There are three (3) street trees across the site frontage and small hedging along the southern boundary, next to the driveway. The rear yard comprises a small garden area that is predominantly turf grassed area with a sewer manhole and inspection point.

The surround locality is predominantly low density residential with a variety of one and two storey dwelling houses. To the north and east of the subject site the land is zoned R3 medium density under Georges River Local Environmental Plan 2021 and consists of attached and detached multi-dwelling development predominantly fronting Rocky Point Road. Harris Street is flanked with street trees either side and extends with a gentle slope towards Georges River being approximately 450m south/south-west of the subject site.

Aerial Image of Land Zoning

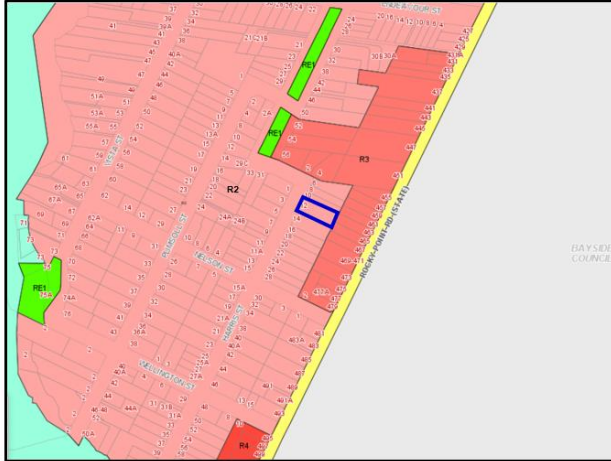


Figure 2 –Aerial view of development site outlined in blue (Source: Intramaps)

Aerial Image of Site



Figure 3 –Aerial view of development site outlined in blue (Source: Intramaps)

Background

History

The following applications are relevant to the proposed works.

DA/CDC Number	Proposed Works	Determination	Date	Relevance
<u>DA2023/0606</u>	Alterations and additions to dwelling and swimming pool	Withdrawn	15 December 2023	



DA2023/0609	Alterations and additions to dwelling and swimming pool	Returned	8 February 2024	Returned for driveway information and stormwater calculations
DA2024/0086	Alterations and additions to dwelling and swimming pool	Returned	28 March 2024	Driveway information

Processing

Application History		
Action	Date	Comment
Submission Date	Wednesday, 17 April 2024	
Lodgement Date	Tuesday, 23 April 2024	
Site Inspection Conducted	Tuesday, 20 August 2024	
Request for Additional Information Sent	Monday, 2 September 2024	
Meeting held with Applicant via MS Teams	Thursday, 5 September 2024	
The Applicant advised via email, that revised plans were not going to be submitted	Tuesday, 17 September 2024	
Application appealed to Land & Environmental Court	Monday, 23 September 2024	
Application appealed to Land & Environmental Court discontinued	Wednesday, 12 March 2025	
Applicant requested to provide final architectural, stormwater and landscape documentation for determination by GRLPP	Friday, 9 May 2025	
Meeting held with Applicant via MS Teams	Thursday, 12 June 2025	
Requested Additional Information Submitted	Thursday, 10 July 2025	Following an extension of time.

Site Inspection

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





Figure 3: Street view of development site (Source: Assessing Officer)



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

Assessment - Section 4.15 Evaluation

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

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

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

The provisions of any environmental planning instrument (EPI)

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

The Provisions of any applicable Act

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

Site Affections Relevant Under SEPPs

SEPPs		Applicable	
Affection	SEPP Name	Yes	No
Water Catchment	SEPP (Biodiversity Conservation) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Land Contamination	SEPP (Resilience and Hazards) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Coastal Zone	SEPP (Resilience and Hazards) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Adjoins Classified Road	SEPP (Transport and Infrastructure) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Adjoins Rail Corridor	SEPP (Transport and Infrastructure) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gas Pipeline Buffer	SEPP (Transport and Infrastructure) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SEPPs	Applicable	
Name of SEPP	Yes	No
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 (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 as the subject site is located within the Georges River Catchment and affects trees near the proposed development.



Council's landscape officer reviewed the application and raised no objection to the proposal.

The proposal will result in adverse environmental and ecological impacts to the Georges River Catchment as stormwater drainage has not been satisfied in accordance with Georges River Stormwater Policy.

The proposal fails to comply with SEPP (Biodiversity and Conservation) 2021.

State Environmental Planning Policy (Sustainable Buildings) 2022

The State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP) applies to all residential development (excluding alterations and additions less than \$50,000, and pools less than 40,000L) and all non-residential developments (except those excluded in [chapter 3.1](#) of the Policy).

A BASIX Certificate accompanies the development application addressing the sustainability requirements for the proposed building. The proposal achieves the minimum performance levels and targets associated with water, energy, thermal efficiency, and embodied emissions.

The details of the provided BASIX Certificate are provided below:

BASIX Certificate Details	
Author:	Building & Energy Consultants Australia
Certificate Number:	A1379174_05

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 is applicable to the development. The clause is in relation to remediation of contaminated land.

As part of the assessment process, a site inspection was conducted, and Council's Contamination Records and aerial imaging (inc. historic imaging) were reviewed. 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.

The Preliminary Site Investigation (PSI) Report submitted with the application did not provide any information to assume that the site might be and/or is contaminated land. A Detailed Site Investigation (DSI) report is not required for this site.

State Environmental Planning Policy (Transport and Infrastructure) 2021

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

Division 5 – Electricity transmission or distribution

Pursuant to Clause 2.48, this application was referred to Ausgrid for comments as the development is located within 5m of an overhead electricity power line or within or immediately adjacent to an easement for electricity purposes. Ausgrid raised no objection to the proposal.



The Provisions of any Local Environmental Plan

Georges River Local Environmental Plan 2021

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

Site Affections

Site Affections Relevant Under GRLEP 2021		Applicable	
Clause No.	Clause Name/Affection	Yes	No
5.7	Development Below Mean High Water Mark	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.10	Heritage Conservation Area and/or Heritage Item	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5.21	Flood Liable Land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.1	Acid Sulfate Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.4	Foreshore Building Line	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.4	Coastal Hazard and Risk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.5	Riparian Lands & Waterways	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.6	Foreshore Scenic Protection Area – also consider Design Excellence	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.8	Impacted by airspace operations (NOTE: Applies to 67-89 Croydon Road, 1-7 Somerset (odd only), 2-8 Bristol (even), 1-5 Bristol (odd) in Hurstville)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.10	Design Excellence – FSPA or R4 land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Affections			
	Bushfire Prone Land	<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 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 checked="" type="checkbox"/>

GRLEP 2021 Part 2 – Permitted or prohibited development

Clause 2.3 – Zone objectives and Land Use Table

Standard	Proposal	Compliance
<p>The subject site is zoned R2 Low Density Residential.</p> <p>The objectives of the zone are:</p> <ul style="list-style-type: none"> To provide for the housing needs of the community; To enable other land uses that provide facilities or services to 	<p>The proposal is consistent with the zone objectives and is satisfactory.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



meet the day to day needs of residents; • The promote a high standard of urban design and built form that enhances the local character of the suburb and achieves a high level of residential amenity, • To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River Local Government Area.		
Clause 2.7 - Demolition requires development consent		
Standard	Proposal	Compliance
The demolition of a building or work may be carried out only with development consent.	The proposal involves deletion of the rear of the heritage item.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

GRLEP 2021 Numeric Controls			
Standard	Required	Proposed	Compliance
Cl. 4.3 <i>Height of Buildings</i>	Maximum 9m	7.4m	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Cl. 4.4 <i>Floor Space Ratio</i> Cl. 4.4A <i>Exceptions to floor space ratio—certain residential accommodation</i>	Maximum 0.46:1 (465.9m ²)	0.45:1 (460.37m ²)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Cl 6.12 <i>Landscaped Area</i>	Minimum 20% (203.4m ²)	46.9% (476.86m ²)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

GRLEP 2021 Part 5 – Miscellaneous Provisions		
Clause 5.10 – Heritage conservation		
Standard	Proposal	Compliance
Council must, before granting consent under this clause with respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.	The site contains Item number I298 and known as Chorley as listed in Schedule 5 of the LEP. The proposal has been reviewed by Council's Heritage Advisor who has considered the effect of the proposal	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



	on the item and is satisfied, that the proposal is appropriate in this regard. Detailed comments are provided later in this report.	
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GRLEP 2021 Part 6 – Additional Local Provisions

Clause 6.1 – Acid sulfate soils

Standard	Proposal	Compliance
<p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <p>Class 5 The site is identified as containing Class 5 Acid Sulfate Soils.</p> <p>Consent may not be granted for any Works within 100 metres of adjacent Class 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 2, 3 or 4 land unless an acid sulfate soils management plan has been prepared.</p>	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.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Clause 6.2 - Earthworks

Standard	Proposal	Compliance
<p>Council must consider the following prior to granting consent for any earthworks:</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(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</p>	The proposed earthworks are satisfactory with regards to the matters identified.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



<p>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>		
Clause 6.3 – Stormwater Management		
Standard	Proposal	Compliance
<p>(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development—</p> <p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater or river water, and</p> <p>(c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system or, if the impact cannot be reasonably avoided, minimises and mitigates the impact, and</p> <p>(d) is designed to minimise the impact on public drainage systems.</p>	<p>The proposal is unsatisfactory for the following reasons:</p> <p>1. The subject site is identified as a low-level property while the site has a fall of approximately 2.5m fall from frontage to rear of the property boundary and the proposed development is a redevelopment of the property.</p> <p>2. Site stormwater runoff management plan proposes outlet discharge via charged drainage system (pressurized) to a nature strip 225mm pipeline in front of the property. The site discharge would not be able to be conveyed through nature strip 225mm pipeline which has a very limited capacity and cannot handle site runoff without overflowing runoff along the driveway thus entering the basement and to rear properties causing nuisance overland flooding. Therefore, the proposed site discharge design is unsatisfactory and non-compliant from Council's stormwater management policy.</p> <p>3. Submitted Telford Civil prepared stormwater plan (Issue B,</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>



	<p>dated 07/07/2025) where new roof area (284.5m²) runoff discharges (17.3 Litres/sec) to a rainwater tank, then tank overflow is charged within a 38-meter pipeline to front site boundary shallow pit (340mm), which discharges to an existing nature strip frontage 300mm shallow pit and 225mm pipeline (refer to attached photos 1 & 2). The site cannot drain to Harris Street drainage system due to its higher street levels so the site runoff is currently draining towards rear boundary within Rocky Point Road drainage sub catchment.</p> <p>4. The site outlet pit intends to discharge to a nature strip shallow pit & 225mm pipeline, next to footpath, is having insufficient & very limited pit/pipeline capacity which caters only nature strip localized runoff in shorter rainfall event (maximum 2-year ARI rainfall or 50% AEP event) whilst the pipeline will be unable to manage any additional runoff from subject site which is unsustainable. So existing pit & pipeline are meant to be conveying localized nature strip runoff only during normal rain event and which will fail to convey runoff during higher rain event and cannot convey any further site runoff from nearby low-level properties.</p> <p>5. Furthermore, allowing site runoff discharge (20 Litres/sec) to nature strip pipeline would simply divert stormwater runoff flow from one drainage sub-catchment (being the subject site) to another sub-catchment. In this instance, Council would not be able to allow such flow diversion as per Clause 1.2 (c)</p>	
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	<p>towards Objective of the Stormwater Management Policy. By allowing the site runoff to nature strip shallow pit & 225mm pipeline would aggravate and overwhelm nature strip area flood inundation situation every times it rains in the area. And even, during regular developed site discharge to this pit & pipeline is unsustainable and would cause overflowing within nature strips and nuisance overland flow runoff flooding to subject site, adjoining and rear properties via runoff entering through driveways, into the basement & garages and properties along Harris Street and Rocky Point Road, which will not be in the public interest. Therefore, the proposed site runoff discharge option to front nature strips fails to provide compliant stormwater design in accordance with Council's Stormwater Management Policy.</p> <p>6. In conclusion, the proposed stormwater management arrangements for the subject site have not been adequately addressed and are contrary to Clauses 6.3 and 6.9(d) & (e) of the GRLEP 2021 and objective (b) of Section 3.10 of the GRDCP 2021. The proposed method of site stormwater drainage design is not supported based on abovementioned detailed findings. Therefore an alternate options are to be explored & investigated either from a direct connection/upgrading pit/pipe to Harris Street main drainage pits/pipeline or seeking an easement from downhill properties is required to drain the subject site by gravity to a legal point of discharge.</p>	
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Clause 6.9 Essential Services		
Standard	Proposal	Compliance
Development consent must not be granted to development unless Council is satisfied that any of the following services that are essential for the development are available, or that adequate arrangements have been made to make them available when required	The proposal does not have, or make adequate provision for the following services: - stormwater drainage or on-site conservation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
a) the supply of water, b) the supply of electricity, c) the supply of telecommunications facilities, d) the disposal and management of sewage e) stormwater drainage or on-site conservation, f) suitable vehicular access.		

Provisions of any Proposed Instrument

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

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

Provisions of any Development Control Plan

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

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

Georges River Development Control Plan 2021

The following GRDCP 2021 controls are applicable to the development and the following clauses apply:

View Impacts		
3.8 View Impacts		
Control	Proposal	Compliance



1. The development shall provide for the reasonable sharing of views. <u>Note:</u> Where a proposal is likely to adversely affect views from either private or public land, assessment of applications will refer to the Planning Principle established by the Land and Environment Court in Tenacity Consulting vs Warringah Council (2004) NSWLEC140.	The proposal allows for the reasonable sharing of views.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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Waste Management

3.12 Waste Management

Control	Proposal	Compliance
1. Development must comply with Council's Waste Management requirements regarding construction waste and ongoing management of waste materials (per Appendix 4 of the GRDCP).	The proposal 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

Universal / Accessible Design

3.17 Universal / Accessible Design

Control	Proposal	Compliance
3. Accessways for pedestrians and vehicles to be separated	Accessways for pedestrians and vehicles is separated.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Part 5- Residential Locality Statements

Sans Souci and Ramsgate Locality Statement

Streetscape Character- Existing Character

- There are several heritage items in this locality that relate to the area's social history and architecture (refer to GRLEP 2021 Schedule 5).
- The streetscape exhibits an eclectic character attributed to the variety of housing and fence materials, roof forms, driveway widths and garage styles.
- The treatments of the front setback spaces are also inconsistent in many streets as the contemporary two storey dwellings have little to no landscaping and are often dominated by hardscaping and driveways.
- There are also varying heights for front fences, including a range of visually permeable to solid fencing materials and fence heights of up to 1.6m in height.

Streetscape Character- Future Desired Character

- Retain and enhance the existing low density suburban residential character through articulated contemporary developments that respond to the human scale.



- Encourage well-designed high density residential development in designated areas along Rocky Point Road.
 - Encourage consistent setbacks of buildings from the street and the provision of landscaping within the front setback, alongside low fencing to enhance visual permeability.
 - Encourage the retention of trees and sharing of water views wherever possible, including screening via vegetation rather than solid walls.
 - Protect public vistas over Georges River towards Kogarah Bay from Vista Street.
- The proposed development encourages consistent setbacks of buildings from the street and the provision of landscaping within the front setback

Streetscape Character and Built Form		
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.	3.7sqm of void proposed. The proposal is designed with a well-articulated façade, promotes passive surveillance, and is compatible with the streetscape.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. New buildings and additions are to be designed with an articulated front façade		
3. Developments on sites with two (2) or more frontages are to address all frontages.		
4. Dwelling houses are to have windows presenting to the street from a habitable room to encourage passive surveillance		
5. Development must be sensitively designed so as to minimise adverse impacts on the amenity and view corridors of neighbouring public and private property while maintaining reasonable amenity for the proposed development and is to balance this requirement with the amenity afforded to the new development.		
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).		

Building Scale and Height		
6.1.2.2 Building Scale and Height		
Control	Proposal	Compliance



1. New buildings are to consider and respond to the predominant and desired future scale of buildings within the neighbourhood, and consider the topography and form of the site.	Stores proposed: 2 Basement storage size: 10sqm Basement plant room size: 20sqm Basement garage setback: 20m	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. On sites with a gradient or cross fall greater than 1:10, dwellings are to adopt a split-level approach to minimise excavation and fill. The overall design of the dwelling should respond to the topography of the site.	The proposal considers and responds to the predominant and desired future scale of buildings within the neighbourhood and has had regard to the topography and form of the site.	
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.		
4. Where topography conditions require a basement, the area of the basement should not exceed the area required to meet the car parking requirements for the development, access ramp to the parking and a maximum 10m ² for storage and 20m ² for plant rooms. Additional basement area to that required to satisfy these requirements may be included as floor space area when calculating floor space ratio.		
5. Where the entry to the basement carpark is visible from the street, the entry should be recessed a minimum of 1m (from the edge of the external wall or balcony) from the levels above and the external walls of the garage differentiated from the walls above through articulation and external materials.		

Setbacks		
6.1.2.3 Setbacks		
Control	Proposal	Compliance
<u>Front Setbacks</u> 1. The minimum setback from the primary street boundary is: i. 4.5m to the main building wall / façade;	Front Setback- unchanged via the proposed development. Allowable Rear Setback- 7.59m Rear Setback proposed – 12.475m	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



<p>ii. 5.5m to the front facade of a garage or carport, or at least 1m behind the main building wall / façade, whichever is the greater;</p> <p>iii. Where the prevailing street setback is greater than the minimum, the average setback of dwellings on adjoining lots is to be applied.</p> <p><u>Note:</u> The “Prevailing Street Setback” is the setback calculated by averaging the setback of two (2) adjoining residential properties on both sides of the development.</p>	<p>Allowable Site Setback- 1.2m Proposed Side Setbacks</p> <p>Basement: 1.77m northern elevation proposed basement 2.05m southern elevation proposed basement</p> <p>Ground floor: 1.77m northern elevation existing dwelling 1.8m northern elevation proposed addition 1.5m northern elevation proposed addition 6.185m southern elevation existing dwelling 1.955m southern elevation</p> <p>First floor: 1.72m northern elevation proposed addition 1.955m southern elevation proposed addition</p>	
<p>2. Balconies cannot encroach into the front setback space.</p>		
<p>3. For corner lots, the setback from the secondary street boundary is to be at least:</p> <p>i. 1.2m to the building line if the site is less than 15m in width (see Figure 1); or</p> <p>ii. 2.0m to the building line if the site is 15m or greater in width (see Figure 2).</p>		
<p><u>Side and Rear Setbacks</u></p> <p>4. Buildings are to have a minimum rear setback of 15% of the average site length, or 6m, whichever is the greater (excluding detached secondary dwellings – see Point 12 in Section 6.1.2.12- Secondary Dwellings of this DCP).</p>		
<p>5. The minimum side setbacks for ground and first floor are:</p> <p>i. 900mm for lots up to 12.5m in width measured at the front building line for the length of the development.</p> <p>ii. 1.2m for lots greater than 12.5m in width measured at the front building line for the length of the development.</p> <p>iii. 1.5m for all lots within the Foreshore Scenic Protection Area measured at the front building line for the length of the development.</p>		
<p>6. Where alterations and additions (ground and first floor) to an existing dwelling are proposed, an existing side setback less than the setback</p>		



required in Control 2 can be maintained, provided the reduced setback does not adversely affect compliance with the solar access and landscaped area controls or adversely impact upon the visual and acoustic amenity of neighbouring dwellings.		
7. For battle-axe lots, minimum side and rear boundary setbacks apply, except the front setback of the battle-axe lot without a street frontage, where a minimum setback of 4.0m is to be provided as illustrated in Figure 3.		
8. Any garages or parking structures fronting rear lanes may encroach upon the rear setback areas but are still to provide a minimum setback of 1m from the lane.		
<u>Note:</u> The definition of “building line or setback” is provided in the Georges River Local Environmental Plan 2021 (GRLEP 2021)		

Private Open Space		
6.1.2.4 - Private Open Space		
Control	Proposal	Compliance
1. Private open space is to be located at the rear of the property and/or behind the building line and is to have a minimum area of 60m ² with minimum dimensions of 6m and located on the same level (not terraced or over rock outcrops).	Adequate private open space provided, all with compliant dimensions and on the same level, provided which attempts to maximise solar access.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Private open space is to be provided for all dwellings, (with the exception of secondary dwellings, which are able to share the private open space of the principal dwelling).		
3. Private open space is to be located so as to maximise solar access.		
4. Private open space is to be designed to minimise adverse impacts		



upon the privacy of the occupants of adjacent buildings.		
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Landscaping		
6.1.2.5 Landscaping		
Control	Proposal	Compliance
1. Landscaped area (has the same meaning as GRLEP 2021) is to be provided in accordance with the table contained within Clause 6.12 Landscaped areas in certain residential and conservation zones of the GRLEP 2021.	100% of the landscaped area has a minimum dimension of 1.2m. Impervious area accounts for 27% of the front setback area.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Soft soil landscaping is to be provided in all landscaped areas as required by the GRLEP 2021 and must have a minimum dimension of 1.2m in all directions. Existing natural rock outcrops can be counted towards the calculation of soft soil landscaping.	The proposed landscaped complies with Clause 6.12 of the GRLEP 2021. The proposal provides a landscape setting within the street frontage(s), where impervious areas are minimised.	
3. Provide a landscape setting within the primary and secondary street frontages, where impervious areas are minimised. Impervious areas include hard paving, gravel, concrete, artificial turf, rock gardens (excluding natural rock outcrops) and other material that does not permit soft soil landscaping.	The proposal demonstrates an area within the front yard that one (1) tree capable of achieving a minimum mature height of 6-8m with a spreading canopy can be accommodated.	
4. Impervious areas are to occupy no more than: i. 60% of the street setback area where the front setback is less than 6m, or ii. 50% of the street setback area where the front setback is 6m or greater, or iii. 50% of the primary street setback area on corner allotments.		
5. The front setback area must accommodate at least one (1) tree capable of achieving a minimum mature height of 6-8m with a spreading canopy. A schedule of appropriate species to consider is provided on Council's website.		



6. Preference is to be given to incorporating locally indigenous plants.		
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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.	<div><input checked="" type="checkbox"/> Yes</div> <div><input type="checkbox"/> No</div>
3. Habitable Rooms (not including bathrooms, laundries and storerooms) are to be located above existing ground level.	Habitable rooms are located above existing ground level.	
4. Rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls are not to be removed or covered.	Existing rock outcrops, overhangs, boulders, sandstone platform, and sandstone retaining walls are being retained.	
5. Development is to be located so that the clearing of vegetation is avoided.	The proposed earthworks avoids vegetation removal and will not adversely affect the health of existing vegetations.	
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).	Adequate soil depth is provided to sustain tree growth.	
7. Soil depth around buildings should be capable of sustaining trees as well as shrubs and smaller scale gardens.	The earthworks proposed do not impact adversely on stormwater or flood with regards to impacts on adjoining properties.	
8. Earthworks are not to increase or concentrate overland stormwater flow or aggravating existing flood conditions on adjacent land.	Condition(s) are to be applied to ensure that any fill is to be VENM.	
9. Fill material must be virgin excavated natural material (VENM)		
10. For flood-affected sites, cut and fill is to comply with the requirements of Chapter 6 of Council's Stormwater Management Policy		
3.5.2 Construction Management/Erosion and Sediment Control		
Control	Proposal	Compliance



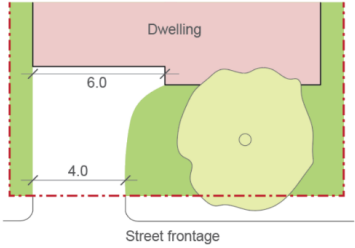
1. Development must minimise any soil loss from the site to reduce impacts of sedimentation on waterways through the use of the following: <ul style="list-style-type: none">- Sediment fencing;- Water diversion;- Single entry/exit points- Filtration materials such as straw bales and turf strips.	The proposal includes a sediment control plan indicating implementation of these measures. A suitable condition will be included in the consent which ensures compliance with the control.	<div><input checked="" type="checkbox"/> Yes</div> <div><input type="checkbox"/> No</div>
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	The proposal minimises cut and fill and site disturbance. The proposal is not considered to have a high potential risk to groundwater.	
3. Development is to minimise site disturbance including impacts on vegetation and significant trees and the need for cut and fill.	The proposal is accompanied by adequate documentation that ensures no adverse impacts result to groundwater, significant trees, or Councils public domain.	
4. Construction works within a tree protection zone (TPZ) of a tree on the development site or adjoining land, must be undertaken in accordance with AS 4970 (Protection of trees on development sites).		
5. Development which has a high potential risk to groundwater must submit a geotechnical report to address how possible impacts on groundwater are minimised.		
6. Work must not be carried out in a public road or footpath unless a permit has been granted by Council (or other relevant roads authority) under s.138 of the Roads Act 1993, and / or s.68 of the Local Government Act 1993. These are separate approvals to development consent or a Complying Development Certificate. Consult with Council to determine if a permit is required.		
6.1.2.6 Excavation (Cut and Fill)		



Control	Proposal	Compliance
1. Any excavation must not extend beyond the building footprint, including for any basement car park.	Maximum cut depth: 3.9m Maximum fill depth: nil fill proposed	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. The depth of cut or fill must not exceed 1.0m from existing ground level, except where the excavation is for a basement car park.	No excavation is proposed beyond the building footprint, and the proposal achieves the minimisation of cut and fill.	
3. Developments should avoid unnecessary earthworks by designing and siting buildings that respond to the natural slope of the land. The building footprint must be designed to minimise cut and fill by allowing the building mass to step in accordance with the slope of the land.		

Vehicular Access, Parking and Circulation		
3.13 Parking Access and Transport		
Control	Proposal	Compliance
Parking required: The development has 3 or more bedrooms therefore 2 spaces are required.	The proposal provides 4 car parking spaces for 4 beds.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6.1.2.7 Vehicular Access, Parking and Circulation		
Control	Proposal	Compliance
1. Car parking is to be provided in accordance with the requirements in Part 3 of this DCP.	The proposal demonstrates the following numerical design parameters: <ul style="list-style-type: none"> - Maximum driveway width: 3.025m - Driveway width at boundary: 3.025m - Garage width: 3m The proposal provides adequate spaces per Part 3 of the DCP.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. A dwelling is to provide one (1) garage and one (1) tandem driveway parking space forward of the garage (unless otherwise accommodated within the building envelope).		
3. Driveways, garages and basements should be accessed from a secondary street or rear lane where this is available.		
4. Entry to parking facilities off the rear lane must be setback a minimum of 1m from the lane.		



<p>5. Driveway crossings are to be positioned so that on-street parking and landscaping on the site are maximised, and removal or damage to existing street trees is avoided.</p>		
<p>6. The maximum driveway width at the street boundary is 4.0m. The driveway width may increase to a maximum of 6.0m to accommodate double garages at the front building line in accordance with Figure 4 below to the extent required for a B99 vehicle entry and exit from the garage in accordance with AS2890.1 Parking Facilities (Note: forward entry and exit from a site is not required unless the development is on a major road or as advised by Council). This does not apply to rear lanes.</p> 		
<p>7. Basements are permitted where the LEP height development standard is not exceeded, and it is demonstrated that there will be no adverse environmental impacts (e.g. affectation of watercourses and geological structure).</p> <p>(i) Basements on land where the average grade is less than 12.5% are permitted only where they are not considered a storey (see definition in the LEP) and the overall development presents as two (2) storeys to the street.</p>		
<p>8. Car parking layout and vehicular access requirements and design are to be in accordance with the Australian Standards, in particular AS 2890.1 (latest edition).</p>		
<p>9. The maximum width of a garage opening is 6.0m.</p>		

Visual Privacy		
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.	<p>The rear balcony on the first floor demonstrates the following widths: 2.4m beyond the rear wall alignment.</p> <p>The proposed living room and active room windows are designed to allow opaque views into the adjoining properties only.</p> <p>Survey plan supplied per DCP requirements.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. For active rooms or balconies on an upper level, the design should incorporate placement of room windows or screening devices to only allow oblique views to adjoining properties.		
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.		
4. Windows for primary living rooms must be designed so that they reasonably maintain the privacy of adjoining main living rooms and private open space areas.		
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.		
6. Roof top terraces are not permitted on top of dwelling houses, secondary dwellings and ancillary structures, such as boat sheds and garages.		

Materials, Colour Schemes and Details		
6.1.2.11 Materials, Colour Schemes and Details		
Control	Proposal	Compliance
1. Large expansive surfaces of predominantly white, light or primary colours which would dominate the streetscape or other vistas should not be used.	The proposal incorporates a material and colour scheme that is sympathetic to the existing streetscape and the desired future character of the locality.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



2. New development should incorporate colour schemes that have a hue and tonal relationship with the predominant colour schemes found in the street.		
3. Matching buildings in a row should be finished in the same colour or have a tonal relationship.		
4. All materials and finishes utilised should have low reflectivity.		

Site Facilities		
6.1.2.13 Site Facilities		
Control	Proposal	Compliance
1. All dwellings are to be provided with adequate and practical internal and external storage (garage, garden sheds, etc.).	Site facilities are not provided as per the DCP requirements for the following reasons: The proposed development fails to comply with development control 2. Provision for water, sewerage and stormwater drainage for the site shall be nominated on the plans to Council's satisfaction.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Provision for water, sewerage and stormwater drainage for the site shall be nominated on the plans to Council's satisfaction.		
3. Each dwelling must provide adequate space for the storage of garbage and recycling bins (a space of at least 3m x 1m per dwelling must be provided) and are not to be located within the front setback.		
4. Letterboxes are to be located on the frontage where the address has been allocated in accordance with Australia Post requirements.		

Any Planning Agreement Under Section 7.4

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

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

The Regulations

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



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

The Likely Impacts of the Development

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

Likely Impacts of the Development	
Natural Environment	The proposal has been assessed by Council's Development Engineer in terms of stormwater drainage. The Application has failed to provide compliance with Georges River Stormwater Policy that may have a negative impact on the natural environment.
Built Environment	The rearward balcony at an upper-level results in amenity and privacy concerns. Adequate stormwater drainage has not been proposed to support the proposed built form.
Social Impact	The proposal will have significant social impact on the locality due to inadequate stormwater drainage.
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 not considered a suitable outcome for the subject site for the following reasons:

- The proposal is a permissible form of development in this zone however the proposal has not been designed to adequately meet Georges River Stormwater Policy and adequately provide stormwater drainage for the site.
- As such, the proposed development in its current design is not supported.

Submissions

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

The application was advertised, and adjoining residents were notified by letter and given twenty-eight (28) days in which to view the plans and submit any comments on the proposal. No submissions were received during the neighbour notification period.

Revised Plans - Re-notification

The applicant lodged revised plans on Thursday, 10 July 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 not in the public interest as the proposed development has failed to ensure compliance with the legislative requirements under SEPP (Biodiversity and Conservation) 2021, GRLEP 2021 and GRDCP 2021 development clauses, objectives, and controls and no merit-based variation is supported.

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 	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.
<p>The following objections were raised by Council's Development Engineer:</p> <ol style="list-style-type: none"> 1. The subject site is identified as a low-level property while the site has a fall of approximately 2.5m fall from frontage to rear of the property boundary and the proposed development is a redevelopment of the property. 2. Site stormwater runoff management plan proposes outlet discharge via charged drainage system (pressurized) to a nature strip 225mm pipeline in front of the property. The site discharge would not be able to be conveyed through nature strip 225mm pipeline which has a very limited capacity and cannot handle site runoff without overflowing runoff along the driveway thus entering the basement and to rear properties causing nuisance overland flooding. Therefore, the proposed site discharge design is unsatisfactory and non-compliant from Council's stormwater management policy. 3. Submitted Telford Civil prepared stormwater plan (Issue B, dated 07/07/2025) where new roof area (284.5m²) runoff discharges (17.3 Litres/sec) to a rainwater tank, then tank overflow is charged within a 38-meter pipeline to front site boundary shallow pit (340mm), which discharges to an existing nature strip frontage 300mm shallow pit and 225mm pipeline (refer to attached photos 1 & 2). The site cannot drain to Harris Street drainage system due to its higher street levels, so the site runoff is currently draining towards rear boundary within Rocky Point Road drainage sub catchment. 4. The site outlet pit intends to discharge to a nature strip shallow pit & 225mm pipeline, next to footpath, is having insufficient & very limited pit/pipeline capacity which caters only nature strip localized runoff in shorter rainfall event (maximum 2-year ARI rainfall or 50% AEP event) whilst the pipeline will be unable to manage any additional runoff from subject site which is 		



unsustainable. So existing pit & pipeline are meant to be conveying localized nature strip runoff only during normal rain event and which will fail to convey runoff during higher rain event and cannot convey any further site runoff from nearby low-level properties.

5. Furthermore, allowing site runoff discharge (20 Litres/sec) to nature strip pipeline would simply divert stormwater runoff flow from one drainage sub-catchment (being the subject site) to another sub-catchment. In this instance, Council would not be able to allow such flow diversion as per Clause 1.2 (c) towards Objective of the Stormwater Management Policy. By allowing the site runoff to nature strip shallow pit & 225mm pipeline would aggravate and overwhelm nature strip area flood inundation situation every times it rains in the area. And even, during regular developed site discharge to this pit & pipeline is unsustainable and would cause overflowing within nature strips and nuisance overland flow runoff flooding to subject site, adjoining and rear properties via runoff entering through driveways, into the basement & garages and properties along Harris Street and Rocky Point Road, which will not be in the public interest. Therefore, the proposed site runoff discharge option to front nature strips fails to provide compliant stormwater design in accordance with Council's Stormwater Management Policy.
6. In conclusion, the proposed stormwater management arrangements for the subject site have not been adequately addressed and are contrary to Clauses 6.3 and 6.9(d) & (e) of the GRLEP 2021 and objective (b) of Section 3.10 of the GRDCP 2021. The proposed method of site stormwater drainage design is not supported based on abovementioned detailed findings. Therefore, an alternate option is to be explored & investigated either from a direct connection/upgrading pit/pipe to Harris Street main drainage pits/pipeline or seeking an easement from downhill properties is required to drain the subject site by gravity to a legal point of discharge.

Discussion on Design Issues Not Addressed:

1. Telford Civil prepared stormwater design plan did not demonstrate charged drainage design system performance documentation, which must maintain minimum 1.5m hydraulic head to drain roof water runoff to a front site boundary sealed pit and then to street kerb via outlet pipeline, which flows to kerb by gravity with at least 1% grade. Hydraulic grade line calculations of 38-meter long 90mm charged pipeline was not prepared to demonstrate that there is sufficient head to drive runoff from rainwater tank overflow outlet satisfactorily to front boundary sealed pit, then to a public drainage system as a gravity drainage.
2. Rainwater tank overflow outlet with charged pipeline longitudinal section was not prepared from tank overflow outlet pipe showing pipeline chainages, existing ground & finished surface levels, pipe invert/surface levels, chainages, grade, along pipeline to front site boundary sealed pit with GATIC lid at a scale of 1:100/1:200 horizontally & 1:20/1:10 vertically. The sectional plan must demonstrate satisfactory drainage disposal design to street kerb with 1.5 hydraulic head achieved. The plan must document very clearly & legibly existing & finished ground levels from rainwater tank (with tank's detail as overall dimensions, RL's of tank base level, top level & overflow levels) as well as pipe alignment up to front boundary pit (DRAINS model long section is not acceptable). Rainwater tank base pad level can be raised by 300-500mm to satisfy 1.5m head requirement as an option to consider further.
The above details are essential in assessing charged system (pressurized) performance to prevent any malfunctioning throughout development life cycle (at least 80 years). Note: these levels information must be presented in the plan and must be consistent with survey, drainage and architectural plans which was not demonstrated.
As a note that all gutters and downpipes draining by charged system to rainwater tank must be designed to 1% AEP storm event to ensure 100% capturing roof water runoff.



<p>3. Details were not prepared deliberately in relation to site boundary pit demonstrating that it drains by gravity to a legal point of discharge by having invert level of inlet pipe is higher than that of outlet pipe and site outlet pipeline longitudinal section from front boundary to downstream connection point.</p> <p>i. Site outlet pipeline Clear Cover of 80mm must be maintained within nature strip frontage which shall be based on Registered Surveyor prepared surveyed level along the nature strip. The outlet connection to street kerb must be made within a 45-degree splay where pipe flow is to drain by gravity at least 1% grade achieved. Outlet pipe across nature strip shall be documented showing public utility services particularly those may encroach the proposed stormwater pipeline.</p> <p>ii. Longitudinal section of site outlet pipe from boundary sealed pit to street system connection is to be submitted with documented nature strip surface level, outlet invert levels etc to demonstrate a minimum 80mm cover. <u>Note:</u> If this clear cover cannot be achieved then frontage footpath/nature strip regrading option to be explored, investigated, regraded to facilitate RHS clear cover in the form of civil design plan which must be approved by Council's Asset and Infrastructure unit in this case, due to the existing condition of the nature strip and concrete footpath prior to finalise site drainage plan.</p> <p>iii. Under the above circumstances, Council could allow developed site discharge outlet connection to an existing or proposed or upgraded pipeline along Harris Street pit and pipeline subject to detail hydraulic engineering investigation with gravity drainage line (not submerged outlet) for satisfactory performance complying Stormwater Management Policy which must be demonstrated.</p>		
Landscape Officer	<p>The officer has considered the following planning provisions:</p> <ul style="list-style-type: none"> - SEPP (Biodiversity Conservation) 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 - Georges River Tree Management Policy 2024 <p>No objections raised to the proposal and conditions recommended.</p>	Conditions recommended.
Environmental Health Officer	<p>The officer has considered the following planning provisions:</p> <ul style="list-style-type: none"> - Clause 6.1 of GRLEP 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 <p>No objections raised to the proposal and conditions recommended.</p>	Conditions recommended.
Heritage Officer	<p>The officer has considered the following planning provisions:</p> <ul style="list-style-type: none"> - Clause 5.10 of GRLEP 2021 - Part 3.7 of GRDCP 2021 	Comments provided.
<p>No objections raised to the proposal comments provided below.</p> <ul style="list-style-type: none"> - The first floor-built form was moved to the north side of the addition where it cannot be seen from the street. 		



- The materials and colour selections have been amended to better relate to the existing house and reduce the strong horizontal emphasis of the design.
- The deletion of the swimming pool and cabana restores a more satisfactory balance of landscaped area to building footprint.
- The bathroom in the existing position, incorporating the space of the stair which is to be removed. However, the amended plans still show the fireplace chimney breast in bedroom 3 removed. Figure 7.1 in the Heritage Impact Statement shows the fireplace is blocked up, but the chimney breast is still intact. Although removal of the chimney breast is still a heritage concern, there is limited weight provided the chimney above can still be supported.
- The door to the hallway is retained.
- The new driveway is in a wheel strip configuration.
- The curved front entry path is retained.
- The descending driveway has been moved to be 1500mm from the house.

External Referrals		
Referral Body	Comment	Outcome
Ausgrid	<p>The referral body has considered the following planning provisions:</p> <ul style="list-style-type: none"> - Clause 2.48 of SEPP (Transport and Infrastructure) 2021 <p>No objections raised to the proposal and conditions recommended.</p>	Conditions recommended.

Contributions

The development is subject to Section 7.12 Contributions. A condition of consent requiring payment of the contribution and identifying it is subject to indexation in accordance with the plan would be imposed should this application be recommended for approval.

Conclusion

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

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

Statement of Reasons

The reasons for this recommendation are:

- The development is non-compliant with the development objectives and standards. the proposal fails to provide a compliant stormwater design in accordance with Georges River Stormwater Management Policy.
- The proposed development will result in an undesirable amenity and privacy outcome due to the depth of an upper-level balcony.



- the proposed development is likely to have an adverse impact on the following aspects of the built, natural and social environment

Reasons for Refusal

Refusal of Application

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer recommends refusal of DA2024/0141 for demolition works, retention of the heritage listed dwelling and construction of a two storey addition at the rear of the existing dwelling with a basement area below, landscaping and site works on Lot 15 Sec 1 in DP 975493 on land known as 12 Harris Street, Sans Souci, should not be approved subject to the refusal reasons referenced below:

- 1. Environmental Planning Instrument** - Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is unacceptable in regard to State Environmental Planning Policy (Biodiversity and Conservation) 2021 with specific reference to stormwater drainage as the proposal fails to comply with Georges River Stormwater Policy and insufficient information has been provided to demonstrate compliance and an acceptable development outcome.
- 2. Environmental Planning Instrument** - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal is unacceptable in regard to the following sections of Georges River Local Environmental Plan 2021:
 - Clause 6.3 – Stormwater Management. The development is non-compliant with the development objectives and standards. the proposal fails to provide a compliant stormwater design in accordance with Georges River Stormwater Management Policy.
 - Clause 6.9 – Essential Services. Development consent cannot be granted unless essential services, in particular a compliant stormwater drainage design is available or that adequate arrangements have been made available.
- 4. Georges River Development Control Plan 2021** - Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development proposal is unacceptable in regard to the following sections and development controls of the Georges River Development Control Plan 2021:
 - Part 3 – General Planning Considerations
 - Development control 1 under section 16.2 in part 3 in relation to Clause 6.9 Essential Services of GRLEP 2021.
 - Part 6.2 – Low Density Residential Controls
 - Development control 3 under section 8 in part 6.2 which outlines that 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.
 - Development control 2 under section 13 in part 6.2 in that the proposed development fails to provide adequate provisions for water, sewerage and stormwater drainage for the site to Council's satisfaction.
- 3. Impacts on the Environment** - Pursuant to Section 4.15(1)(b) of the **Environmental Planning and Assessment Act 1979**, the proposed development is likely to have an adverse impact on the following aspects of the built, natural and social environment:
 - (a) The proposal fails to demonstrate adequate and compliant stormwater drainage from the site.



4. **Suitability of Site** - Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be suitable for the site or its locality due to the non-compliances with Georges River Stormwater Policy and the applications inability to provide adequate stormwater drainage.
5. **Public interest** - Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development in its current form is not considered to be in the public interest.

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REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 21 AUGUST 2025

LPP024-25 68-72 PARK ROAD, KOGARAH BAY NSW 2217

LPP024-25

LPP Report No	LPP024-25	Development Application No	DA2024/0389
Site Address & Ward Locality	68-72 Park Road, Kogarah Bay NSW 2217 Kogarah Bay Ward		
Proposed Development	Demolition works and construction of a residential flat building		
Owners	Aristides Papageorgiou Anastasia Papageorgiou Antony Daniel Theodora Daniel Jamie Papagianopoulos Dimitra Debbie Papagianopoulos		
Applicant	Anahi Beyot		
Planner/Architect	Planner: Tudor Planning and Design Architect: CMT Architects Australia Pty Ltd		
Date Of Lodgement	4/09/2024		
Submissions	0		
Cost of Works	\$13,715,000.00		
Local Planning Panel Criteria	4(b) - Chapter 4 (Design of residential apartment development) of State Environmental Planning Policy (Housing) 2021 applies to this proposal.		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Housing) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, Georges River Local Environmental Plan 2021 (GRLEP 2021), Georges River Development Control Plan 2021 (GRDCP 2021)		
List all documents submitted with this report for the Panel's consideration	Architectural plans, assessment report, access report, Acid Sulphate Soils management plan, arborist report, Clause 4.6 report, Detailed Site Investigation report, geotechnical report, landscape plan, Statement of Environmental Effects, stormwater plan, waste management plan		
Report prepared by	Senior Development Assessment Planner		

RECOMMENDATION	Refusal
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Clause 4.6 request attached, in relation to Clause 4.3 Height of Buildings
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	N/A – this application is recommended for refusal.

PROPOSAL

- The Development Application seeks consent for *Demolition works and construction of a residential flat building*. The proposal comprises of the following components:

Demolition

The following components are to be removed:

- Three dwelling houses and associated outbuildings, and
- Nine trees

Residential flat building

The construction of a seven storey residential flat building comprising of 26-unit in the following manner:

- Lower basement level contains:
 - o 19 car parking spaces,
 - o Storage spaces, and
 - o 12 bicycle parking spaces
- Upper basement level contains:
 - o 15 car parking spaces (of which one is a car wash bay),
 - o Pump room,
 - o Bulky waste room,
 - o Main switch room, and
 - o Waste rooms
- The ground floor contains:
 - o 1 x one-bedroom unit
 - o 2 x two-bedroom units
 - o 1 x three-bedroom unit,
 - o New vehicular access to John Street,
 - o Communal open spaces and associated landscaping,

- Temporary bin storage area along John Street frontage,
- Electrical substation, and
- Hydrant booster.
- The first floor will contain:
 - 1 x one-bedroom unit, and
 - 4 x two-bedroom units
- The second floor will contain:
 - 1 x one-bedroom unit, and
 - 4 x two-bedroom units
- The third floor will contain:
 - 1 x one-bedroom unit, and
 - 4 x two-bedroom units
- The fourth floor will contain:
 - 2 x two-bedroom units, and
 - 1 x three-bedroom unit
- The fifth floor will contain:
 - 2 x two-bedroom units, and
 - 1 x three-bedroom unit
- The sixth floor will contain:
 - 1 x three-bedroom unit

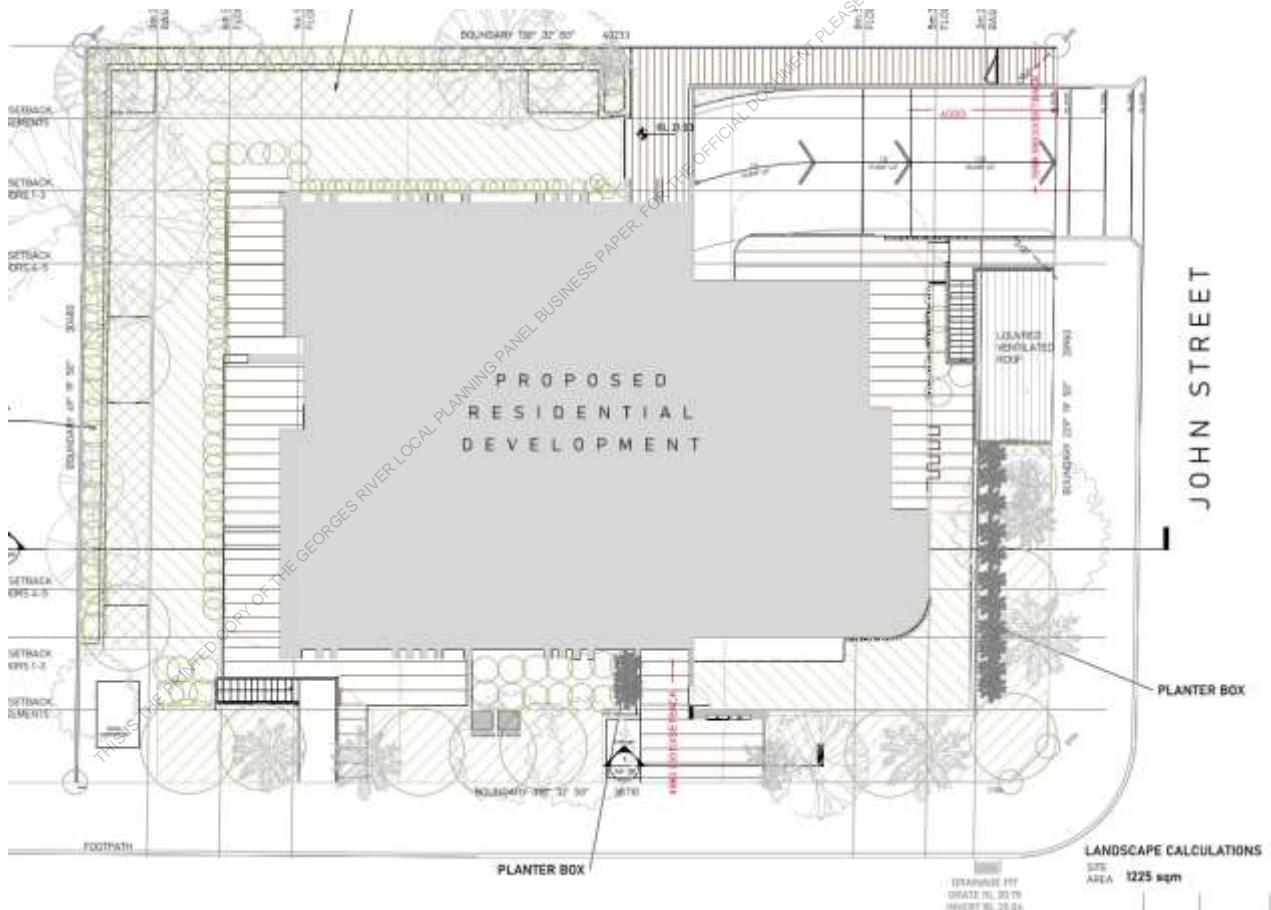


Figure 1 – Site plan (Source: Architectural Plans)



Figure 2 – Southeast elevation facing John Street (Source: Architectural Plans)



Figure 3 – Northeast elevation (Source: Architectural Plans)

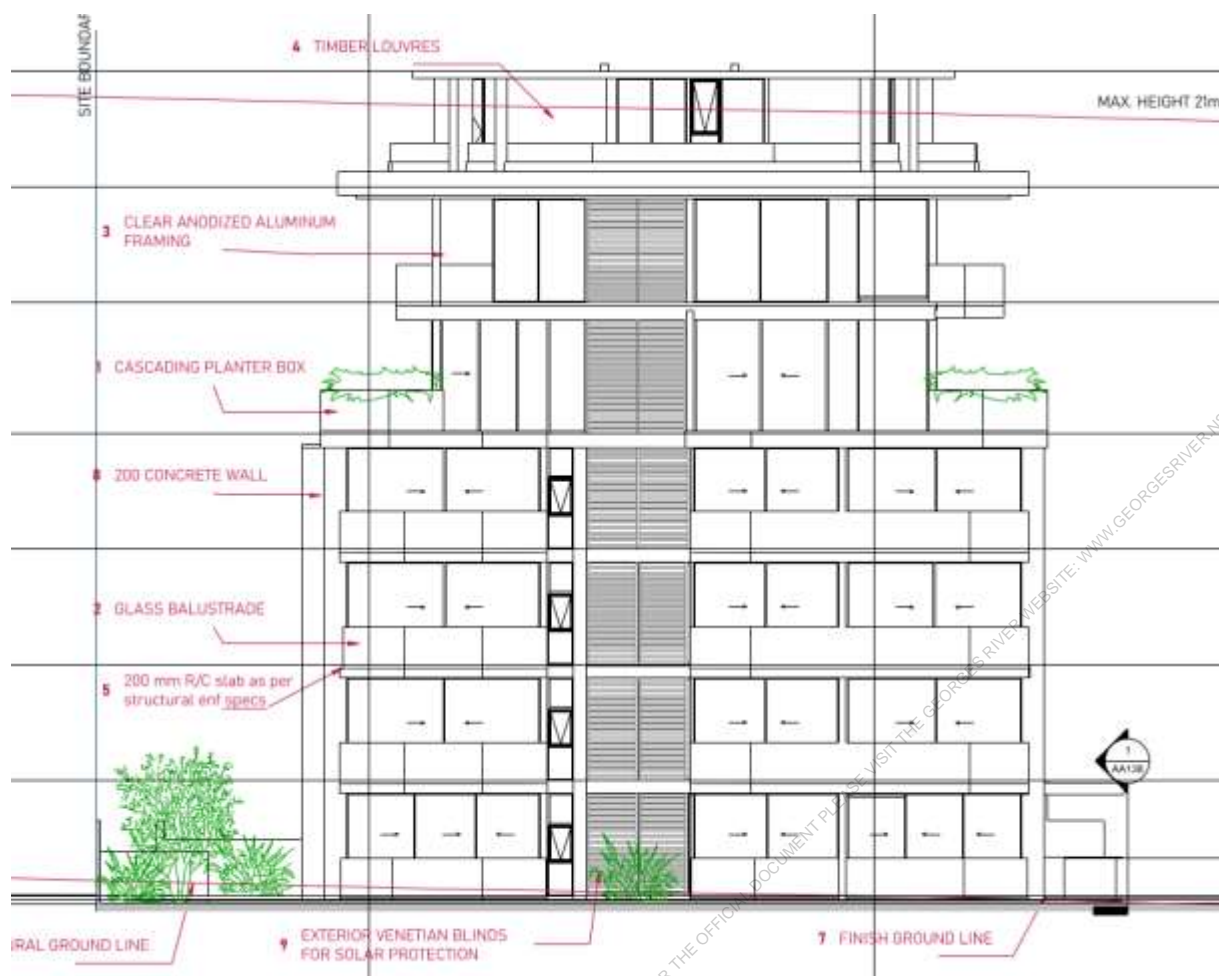


Figure 4 – Northwest elevation (Source: Architectural Plans)



Figure 5 – Southwest elevation facing Park Road (Source: Architectural Plans)



Figure 6: Street view of development site from John Street (image taken facing northwest (Source: Assessing Officer))



Figure 7: Street view of development site from Park Road (image taken facing northeast (Source: Assessing Officer))

SITE AND LOCALITY

2. The subject site is legally described as Lot A, B, and C DP 323668. The site encompasses 68, 70, and 72 Park Road, Kogarah Bay NSW 2217.
3. The subject site sits at the corner of Park Road and John Street across three individual properties which forms a regular shaped development site size 1,225.2sqm. The subject site has a 38.71m primary frontage to Park Road, a 28.96m secondary frontage to John Street, a 30.48m northwestern side boundary, and a 40.235m northeastern rear boundary. The site is generally flat with a gradient of approximately 2.5% sloping towards southwest.

4. The site is currently occupied by three detached dwelling houses, three outbuildings, and nine trees.
5. The subject site is zoned R4 High Density Residential. Existing developments in the locality consist of a mixture of dwelling houses, residential flat buildings, mixed use residential buildings, and commercial premises. Existing developments adjoining the subject site consist of a single-storey dwelling house and a two-storey dwelling house to the northwest, and a single-storey dwelling house with outbuilding to the northeast.

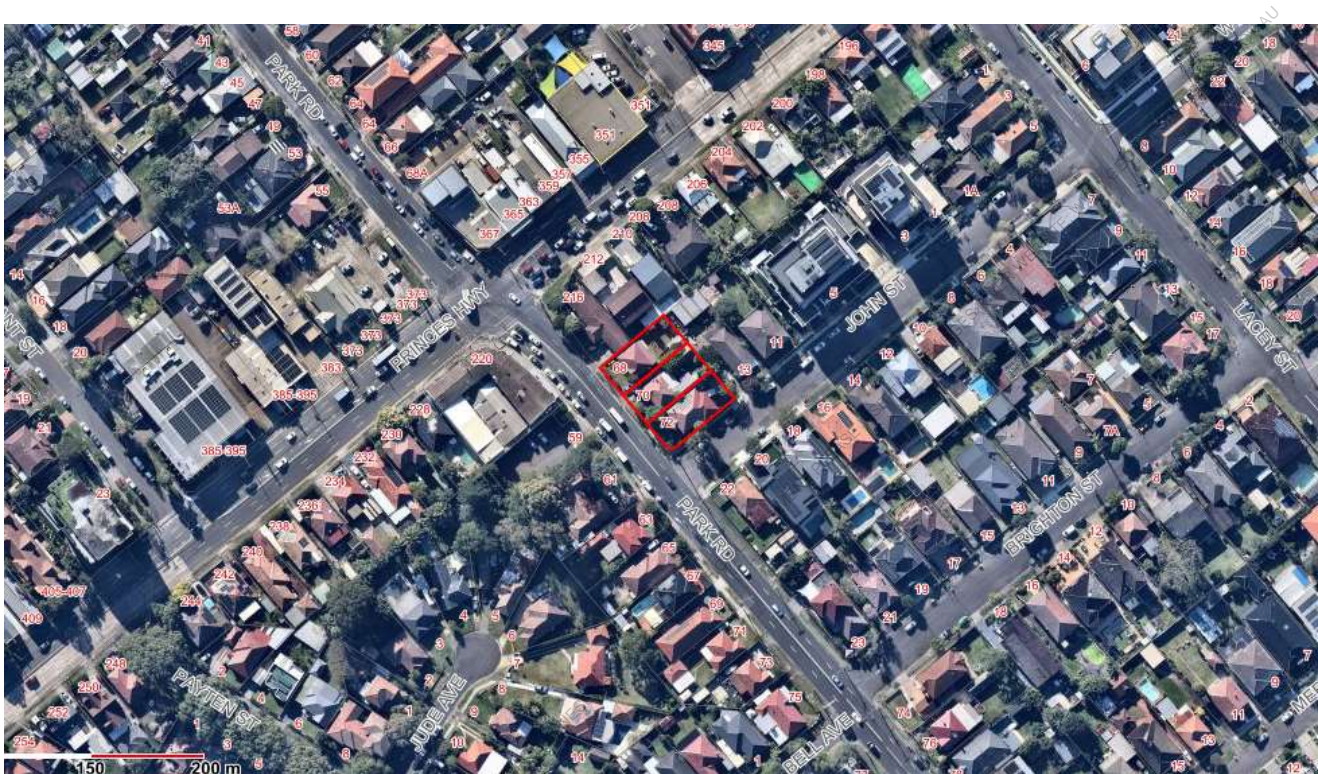


Figure 8: Aerial imagery of the locality. The subject site is outlined in red. (Source: Intramaps)



Figure 9: Aerial imagery of the subject site. The subject site is outlined in red. (Source: Intramaps)

ZONING AND PERMISSIBILITY

6. The subject site is zoned R4 High Density Residential under GRLEP 2021. The proposed works are defined as a 'residential flat building' which is permissible with consent within R4 zone under the GRLEP 2021.



Figure 10: Zoning map. The subject site is outlined in red. (Source: Intramaps)

ASSESSMENT

7. Having regard to the matters for consideration under *Section 4.15(1) of the Environmental Planning and Assessment Act 1979*, the subject application complies with the applicable planning controls with the exception of the following planning matters:

- State Environmental Planning Policies
 - Contamination management;
 - BASIX Certificate; and
 - Road noise attenuation
- Apartment Design Guide (ADG)
 - Public domain interface;
 - Communal open space;
 - Building separation;
 - Pedestrian access and common circulation areas;
 - Vehicle access;
 - Solar access;
 - Ceiling heights;
 - Apartment size, layout, and storage;
 - Private open spaces;
 - Noise attenuation;
 - Architectural and landscape treatment;
 - Universal design; and
 - Waste management
- GRLEP 2021
 - Height of building;
 - Essential services (in particularly vehicular access); and
 - Design excellence
- GRDCP 2021
 - Future desired character;
 - Building setbacks;
 - Façade and landscape treatment;
 - Communal open space; and
 - Parking provision

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

ADG			
Standard	Required	Proposal	Complies yes/no
3D - Communal open space (Minimum control)	25% of the site = 306.3sqm.	293.7sqm	No
3E - Deep Soil zones (Minimum control)	7% = 85.8sqm	10.5% 128.7sqm	Yes
3F- Visual Privacy (Minimum control)	Separation distance from side and rear boundaries required: Up to 12m (4 storeys) Habitable room and balconies - 6m Non-habitable – 3m Up to 25m (5-8 storeys) Habitable room and balconies – 9m Non-habitable – 4.5m	Up to 12m (4 storeys) Northeast: 6.0m Northwest: 6.0m Up to 25m (5-8 storeys) Northeast: 6.0m (measured from balcony) Northwest: 9.0m (all rooms and balconies)	No
4A- Solar and daylight access (Minimum control)	Living rooms and private open spaces of at least 70% of apartments receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter A maximum of 15% of apartments may receive no direct sunlight between 9am and 3pm in midwinter.	Compliance cannot be determined due to inadequate information.	No
4B- Natural Ventilation (Minimum control)	60% of apartments are naturally cross ventilated. Overall depth of a cross-through apartment does not exceed 18m.	84.6% of apartments achieve cross ventilation. All cross-through apartments have a depth of less than 18m.	Yes
4C-Ceiling Heights (Minimum control)	Habitable rooms = 2.7m Non-habitable rooms = 2.4m	Non-compliant ceiling height of 2.65m proposed on the third floor level habitable rooms. All other levels comply with the design criteria.	No
4D- Apartment size and layout (Minimum control)	1 bedroom = 50sqm 2 bedroom = 70sqm 3 bedroom = 90sqm The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each Total minimum glass area: No less than 10% of the floor area of the habitable room.	Unit 503, being a two-bedroom unit with two toilets, has a measured floor area of 73.6sqm All other apartments comply with the size requirement. Every habitable room has window openings	No

		larger than 10% of the room area.	
4D- Apartment size and layout	Maximum habitable room depths: 2.5 x of ceiling height. Open plan layouts - the maximum habitable room depth is 8m from a window	All habitable rooms and open-plan living areas comply with Objective 4D-2.	Yes
4D- Apartment size and layout (Minimum control)	Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space). Bedrooms have a minimum dimension of 3m (excluding wardrobe space). Living rooms or combined living/dining rooms have a minimum width of: - 3.6m for studio and 1 bedroom - 4m for 2 and 3 bedroom apartments The width of cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts	All bedrooms comply with the minimum size requirement. 14 apartment units contain bedrooms with an internal dimension of less than 3.0m excluding wardrobes. The living/dining room of Unit 403, which is a 2-bedroom unit, has a non-compliant width of 3.8m only. Minimum 4m width achieved for Unit 601 which is a cross-through apartment.	No
4E- Private Open space and balconies (Minimum control)	All apartments are required to have primary balconies as follows: -1 bedroom = 8sqm/2m depth -2 bedroom = 10sqm/2m depth -3+ bedroom = 12sqm/2.4m The minimum balcony depth to be counted as contributing to the balcony area is 1m. Private open space for ground level apartments: Minimum area of 15sqm Minimum depth of 3m	All apartments contain primary balconies that comply with the minimum size requirement. Unit 502 has a non-compliant balcony depth of 1.8m. Whilst compliant in size, all ground floor private open spaces do not achieve the required minimum depth of 3.0m.	No
4F- Common circulation areas	The maximum number of apartments off a circulation core on a single level is eight	No more than five (5) units are provided to any one core on a single level.	Yes
4G- Storage (Minimum control)	Storage requirement: 1 bedroom = 6m ³ 2 bedroom – 8m ³ 3 bedroom – 10m ³ At least 50% of storage is to be located within the apartment.	Storage space within the apartment units cannot be determined in absence of volume calculation and clear annotation.	No
4Q – Universal Design (Minimum control)	6 adaptable units (equivalent to 20% of total apartment units).	3 adaptable units proposed.	No

GRLEP 2021			
Standard	Required	Proposed	Complies Yes/no
4.3 - Height of Buildings	21.0m (maximum)	22.17m	No
4.4 - Floor Space Ratio	2:1 = 2,450.4sqm (maximum)	Total: 2,332.5sqm	Yes
6.12 - Landscaped Area	10% (minimum)	20.3% (236.4m ²)	Yes

GRDCP 2021			
Standard	Required	Proposal	Complies yes/no
6.3.3 Building Setbacks and Street Interface	Front setbacks (minimum): i. Street setback: 5.0m up to four storeys 8.0m beyond four storeys	Front setback (Park Road): 5.0m (G/F to 3/F) 5.0m (above 4 storeys) Secondary street setback (John Street): 4.6m (4 storeys, measured from balcony) 4.5m (above 4 storeys, measured from fourth floor level balcony)	No
	Encroachments into boundary setbacks (maximum): i. Ground floor private open space may encroach up to 2m into the 5m front setback leaving a minimum 3m of deep soil area to the street. ii. Ground floor private open space may encroach up to 3m into the side and rear setbacks leaving a minimum 3m of landscaped buffer	A 2.7m wide deep soil landscaped area is provided between the mailboxes and the street corner.	No
6.3.4 Basement Setbacks	Basement setbacks (minimum): i. Located within the building footprint, or ii. 6m from the front and rear boundaries, and 3m from the side boundaries.	Front setback: 3.0m Secondary street setback: 3.0m Side setback: 3.0m Rear setback: 3.0m	No
	Driveways and driveway crossings setback (minimum): 1.5m	1.5m	Yes
3.13 Parking Access and Transport	Car parking and car wash space rate (minimum): 30 resident parking spaces 6 visitor parking spaces 1 car wash space (can be used as visitor parking) Total required: 36 spaces	27 resident parking spaces 7 visitor spaces (including 1 car wash space) 34 spaces in total	No

	Bicycle parking rate (minimum): 12 spaces	12 bicycle spaces provided.	Yes
	Accessible parking rate (minimum): 6 spaces (ADG requires 6 adaptable units)	6 accessible parking spaces provided	Yes
6.3.9 Vehicular Access, Parking and Circulation	Parking area clearance (minimum): 2.5m	2.5m clearance provided.	Yes
6.3.10 Dwelling Mix	Dwelling percentage mix: i. Studio apartments and 1 bed apartments – Maximum of 25% ii. 2 bed apartments – Minimum of 35% iii. 3+ bed apartments – Minimum of 15%	The apartment mix is as follows: - 4 x 1 bedroom apartments (15.4%) - 18 x 2 bedroom apartments (69.2%) - 4 x 3 bedroom apartments (15.4%)	Yes

LPP024-25

SUBMISSIONS

9. In accordance with the provisions of Council's public notification requirements, the application was placed on neighbour notification for fourteen (14) days where property owners within a 50m radius from the subject site were notified in writing of the proposal and invited to comment.
10. No submissions were received during the notification period between 19 September 2024 and 03 October 2024.

REFERRAL COMMENTS

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

Specialist/Agencies	Comment
Development Engineer	No objection subject to recommended conditions.
Landscape Officer	No objection subject to recommended conditions.
Urban Design	<p>Objection raised on the following grounds:</p> <ul style="list-style-type: none"> - Inadequate public/private interface as a result of the temporary bin storage and other utilities being located in prominent locations, - Inadequate building setbacks - Inadequate basement setbacks - Internal communal circulation area is not conducive to passive surveillance, social interaction, and pedestrian circulation. The lift lobby has a long 'L shape', and vertical circulation areas are not readily visible from the street. Furthermore, the internal communal circulation areas above the ground floor does not have solar access. - The communal open spaces are not readily accessible from the building and from street level. On that basis concern is raised with regards to the usability, desirability and design excellence of the communal open spaces - Poor interface between the private open space of unit G01 and the temporary bin holding area facing John Street. - Inadequate solar access information is supplied for assessment.

	<ul style="list-style-type: none"> - The architectural plans provided insufficient details on fire hydrant boosters and electrical substations. - The proposal only achieves the bare minimum Environmental Sustainability Calculator result in contravention to Clause 6.10 of the GRLEP 2021 requiring design excellence to be demonstrated with respect to sustainability. - The proposal demonstrates a height breach, which result in a bulk and scale that is incompatible with the locality. - The proposed façade treatment fails to contribute to the public domain and enable activation at the street corner.
Building Surveyor	No objection subject to recommended conditions.
Land Information (GIS)	No objection subject to recommended conditions.
Environmental Health Officer	<p>Objection raised on the following grounds:</p> <ul style="list-style-type: none"> - No acoustic report submitted to demonstrate noise attenuation measures - No Remedial Action Plan is supplied to demonstrate how contamination is managed during the construction phase.
Traffic Engineering	<p>Objection raised on the following grounds:</p> <ul style="list-style-type: none"> - Insufficient on-site parking spaces provided - The driveway gradient exceeds maximum Australian Standards - The driveway gradient transition exceeds maximum Australian Standards
Ausgrid	No objection subject to recommended conditions.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

12. The proposal is a development to which State Environmental Planning Policy (Housing) 2021, Chapter 4 (Design of residential apartment development) applies.

CONCLUSION

13. The proposal has been assessed against the relevant provisions of State Environmental Planning Policies, the provisions of the GRLEP 2021 and GRDCP 2021.
14. Having regard to the objectives of the applicable controls it is considered that the proposal fails to demonstrate compliance with the following Environmental Planning Instruments and Development Control Plan and is not considered to be suitable for the site:
- *State Environmental Policy (Biodiversity and Conservation) 2021*
 - *State Environmental Policy (Sustainable Buildings) 2022*
 - *State Environmental Policy (Resilience and Hazards) 2021*
 - *State Environmental Policy (Housing) 2021*
 - *State Environmental Policy (Transport and Infrastructure) 2021*
 - *Georges River Local Environmental Plan 2021*
 - *Georges River Development Control Plan 2021*

RECOMMENDATION

15. Pursuant to *Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979* (as amended), DA2024/0389 for Demolition works and construction of a residential flat building on Lot A, B, and C DP 323668 being land known as 68-72 Park Road, Kogarah Bay NSW 2217, is recommended for refusal for the reasons outlined below.
1. **Environmental Planning Instrument – State Environmental Policy (Biodiversity and Conservation) 2021** - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021 for the following reasons:
 - a) The submitted Detailed Site Investigation identifies areas of contamination, however no Remedial Action Plan (RAP) was submitted to identify actions to manage and remedy the contaminated areas. In absence of an RAP, the proposal fails to demonstrate measures to protect the Georges River Catchment from contamination.
 2. **Environmental Planning Instrument – State Environmental Policy (Sustainable Buildings) 2022** - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Sustainable Buildings) 2022 for the following reasons:
 - a) No updated BASIX Certificate is supplied to reflect the latest architectural plans.
 3. **Environmental Planning Instrument – State Environmental Policy (Resilience and Hazards) 2021** - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 for the following reasons:
 - a) The proposal fails to comply with Chapter 4 as no RAP is supplied to ascertain actions to manage and remedy contaminated areas. The proposal fails to demonstrate that future occupants will not be exposed to unacceptable contamination risks.
 4. **Environmental Planning Instrument – State Environmental Policy (Housing) 2021** - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is unacceptable with respect to the following sections of the Apartment Design Guide (ADG):
 - a) 3C – Public domain interface – the proposal fails to enable adequate transition between the private and public domain; and enhance the public domain. The proposed utilities (including temporary bin holding area, electrical substation, and letterbox) are placed on prominent locations which hinders street activation. Furthermore, insufficient information is provided with respect to how the ventilation vents and air supply ducts will interact with the streetscape.

- b) 3D – Communal open space – Inadequate communal open space is provided with a deficiency of 12.6sqm. The communal open spaces are not readily accessible from internal circulation spaces, and the street-facing communal open space fails to achieve the required minimum dimension of 3.0m. Insufficient information is provided with respect to the separation of access between unit G01 and the communal open space.
- c) 3F – Visual privacy – The proposal fails to demonstrate adequate building separation from the northeastern boundary and John Street.
- d) 3G – Pedestrian access and entries – The proposal fails to provide building entries that adequately connect address the public domain.
- e) 3H – Vehicle access – The proposal fails to provide a driveway that is compliant with the relevant Australian Standards. Furthermore, no screen planting is provided to diminish the visual impacts of the driveway.
- f) 3J – Bicycle and parking – Insufficient information is provided with respect to the elevation and profile of the air supply duct and ventilation grills.
- g) 4A – Solar and daylight access – The submitted shadow diagrams contradict with the submitted solar access diagrams. Compliance with Part 4A cannot be ascertained in absence of adequate information.
- h) 4C – Ceiling heights – The third floor level has a ceiling height of 2.65m which does not comply with the design criteria.
- i) 4D – Apartment size and layout – Firstly, Unit 503 has a floor space short fall of 1.4sqm. Secondly, 14 apartment units contain bedrooms with an internal dimension less than 3.0m excluding wardrobes. Thirdly, the living/dining room of Unit 403 has a non-compliant width of 3.8m only. The proposal fails to provide adequate internal spaces.
- j) 4E – Private open space and balconies – The primary balcony of Unit 502 has a non-compliant depth of 1.8m only, and all ground floor level private open spaces fail to achieve a 3.0m width. Furthermore, the proposed balconies incorporate extensive use of glass and does not contribute positively to the architectural form.
- k) 4F – Common circulation areas – The lobby are not conducive to internal circulation and social interactions. All proposed lobby areas are narrow with service cupboards protruding into the lobby spaces. All lobbies above the ground floor level are not provided with natural ventilation or solar access.
- l) 4G – Storage – Compliance with Part 4G cannot be ascertained in absence of internal storage volume calculation within units.
- m) 4J – Noise and pollution – no acoustic report is supplied. It is unclear if future residents will be adequately protected from road noise originated from Park Road and Princes Highway.
- n) 4L – Ground floor apartments – Inadequate street access is provided for unit G01.

- o) 4M – Facades – The proposal fails to demonstrate well resolved façade treatments with an appropriate scale, articulation and proportion. The corner of Park Road and John Street is ill-defined from an architectural perspective.
- p) 4N – Roof design – The proposed flat roof enhances horizontality and does not relate to the street.
- q) 4O – Landscape design – No updated landscape plan is supplied to reflect the latest architectural plans and account for the electrical substation. Furthermore, the proposal demonstrates excessive use of artificial turf on communal open spaces which is not of a sustainable design.
- r) 4P – Planting on structures – the extensive use of artificial turf above the basement level does not positively contribute to the quality and amenity of the communal open spaces.
- s) 4Q – Universal design – Three adaptable units are proposed, representing a shortfall of three. Inadequate provision of adaptable units will result in unacceptable exclusion of disabled persons.
- t) 4W – Waste management – The temporary bin storage area is located in a visually prominent location on John Street without screening. Such arrangement diminishes street activation.

5. Environmental Planning Instrument – State Environmental Policy (Transport and Infrastructure) 2021 - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021 for the following reasons:

- a) The proposal does not comply with Clause 2.119 as no acoustic report was supplied to assess the noise impact of Park Road (a classified road) on the proposed development. Insufficient information is provided demonstrating measures to protect future occupants.

6. Environmental Planning Instrument – Local Environmental Plan - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is unacceptable in regard to the following sections of Georges River Local Environmental Plan 2021 (GRLEP 2021):

- a) Clause 2.3 - Zone Objectives. The proposal is inconsistent with the zone objectives as the proposal fails demonstrate a high standard of urban design and built form that enhances the local character of Kogarah Bay and achieve a high level of residential amenity.
- b) Clause 4.3 – Height of Buildings. The proposed development demonstrates a height of 22.17m, exceeding the maximum building height of 21m.
- c) Clause 4.6 – Exceptions to development standards. The Clause 4.6 variation request fails to demonstrate adequate planning grounds justifying variation to the maximum building height development standard.

- d) Clause 6.9 – Essential Services. The proposed development has not demonstrated a satisfactory design for vehicular access. The proposed driveway does not comply with relevant Australian Standards in relation to gradient and gradient transition.
- e) Clause 6.10 – Design Excellence. The proposed development has numerous urban design issues and is considered to have not demonstrated design excellence.

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


- a) Future desired character – The proposal contravenes with Section 5.18 as the proposal fails to achieve adequate transition to the lower density areas in the vicinity and positively contribute to the streetscape. The proposed development is also not considered to be well-designed as evident by the multiple non-compliances with the ADG, GRLEP 2021 and GRDCP 2021.
- b) Setbacks – The proposal does not comply with Section 6.3.3 and 6.3.4. The proposal incorporates a non-compliant setback of 5.0m above four storeys from Park Road, and a non-compliant setback of 4.5m from John Street. Furthermore, the proposed basement levels are setback only 3.0m from the street and rear boundaries. Insufficient setbacks result in an inappropriate transition of building bulk and inadequate provision of deep soil landscaping near the street boundaries
- c) Façade and landscape treatment – The proposal does not satisfy Section 6.3.5 and 6.3.6. The proposal incorporates extensive use of white render finish that is not compatible with the predominant external finishes found in the locality. The placement of utilities on prominent locations of the street frontage fails to take consideration of landscaping and provide visual prominence to the street corner.
- d) Communal open space – The proposal is unacceptable in regard to Section 6.3.7 as over 50% of the communal open spaces are covered by artificial turf. The extensive use of artificial turf diminishes landscape quality of the proposal.
- e) Parking – The proposal is unacceptable in regard to Section 3.13. The proposal demonstrates a deficiency of two parking spaces, and no accessible parking spaces are provided for the visitors. Furthermore, no detail is provided regarding the waste management of the car wash bay. The proposal fails to cater for the parking demand which will unreasonably intensify on-street parking demand in the surrounding area.

8. Impact on the Environment – Pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to have an adverse impact on the following aspects of the environment:

- a) Natural Environment. The proposal fails to provide an RAP demonstrating how contamination will be managed during construction.

- b) **Built Environment.** The proposal has not demonstrated that it will make a positive contribution to the streetscape and the character of the area as the siting, scale, bulk, massing, and design elements of the development is generally inconsistent from an urban design perspective. In absence of an acoustic report, the proposal fails to demonstrate noise attenuation for future occupants. The proposal does not accord with multiple planning controls and represents an inappropriately designed development that is not supported.
- c) **Social Impacts.** The assessment demonstrates that the proposal in its current form will have adverse impacts on visual amenity within the locality. As a result of the non-compliant height and poor street activation, the proposal impinges on the established street character of Park Road and John Street.
- 9. Impact on the Environment** – Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be suitable for the site.
- 10. The Public Interest** – Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.

ATTACHMENTS

Attachment [↓1](#)  Assessment Report - 68-72 Park Road, Kogarah Bay NSW 2217 - DA2024/0389

Attachment [↓2](#)  Masterview Architectural Plans - 68-72 Park Road, Kogarah Bay NSW 2217 - DA2024/0389



Assessment Report

DA2024/0389

Lot A, B, C DP 323668

68-72 Park Road, Kogarah Bay NSW 2217

Acknowledgment of Country

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

Report Summary	3
Proposal.....	3
Site and Locality.....	6
Site Description	6
Locality Description.....	7
Aerial Image of Land Zoning.....	7
Aerial Image of Site	8
Background	8
History	8
Processing.....	8
Site Inspection	9
Assessment - Section 4.15 Evaluation	10
The provisions of any environmental planning instrument (EPI).....	10
The Provisions of any applicable Act.....	10
The Provision of any Applicable State Environmental Planning Policy (SEPPs).....	10
The Provisions of any Local Environmental Plan	29
Georges River Local Environmental Plan 2021	29
GRLEP 2021 Clause 4.6 Variation	36
Provisions of any Proposed Instrument.....	41
Provisions of any Development Control Plan	41
Georges River Development Control Plan 2021	41
Any Planning Agreement Under Section 7.4.....	55
The Regulations	55
The Likely Impacts of the Development	55
Site Suitability	56
Submissions	56
The Public Interest.....	57
Referrals.....	57
Contributions.....	61
Conclusion.....	61
Recommendation	61

Report Summary

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

Refusal

The assessment recommends that the Georges River Local Planning Panel as the Consent Authority pursuant to Section 4.16 (1)(b) Environmental Planning & Assessment Act 1979, refuse to the beforementioned Development Application due to the reasons discussed within this report.

Proposal

The works proposed in this application are specifically outlined below:

Demolition

The following components are to be removed:

- Three dwelling houses and associated outbuildings, and
- Nine trees

New residential flat building

The construction of a 26-unit seven-storey residential flat building with the following layout:

- Lower basement level will contain:
 - o 19 car parking spaces,
 - o Storage spaces, and
 - o 12 bicycle parking spaces
- Upper basement level will contain:
 - o 15 car parking spaces (of which one is a car wash bay),
 - o Pump room,
 - o Bulky waste room,
 - o Main switch room, and
 - o Waste rooms
- The ground floor will contain:
 - o 1 x one-bedroom unit
 - o 2 x two-bedroom units
 - o 1 x three-bedroom unit,
 - o New vehicular access to John Street,
 - o Communal open spaces and associated landscaping,
 - o Temporary bin storage area on John Street frontage,
 - o Electrical substation, and
 - o Hydrant booster.
- The first floor will contain:
 - o 1 x one-bedroom unit, and
 - o 4 x two-bedroom units
- The second floor will contain:
 - o 1 x one-bedroom unit, and
 - o 4 x two-bedroom units
- The third floor will contain:
 - o 1 x one-bedroom unit, and
 - o 4 x two-bedroom units
- The fourth floor will contain:
 - o 2 x two-bedroom units, and
 - o 1 x three-bedroom unit



- The fifth floor will contain:
 - o 2 x two-bedroom units, and
 - o 1 x three-bedroom unit
- The sixth floor will contain:
 - o 1 x three-bedroom unit

A site plan is provided below:

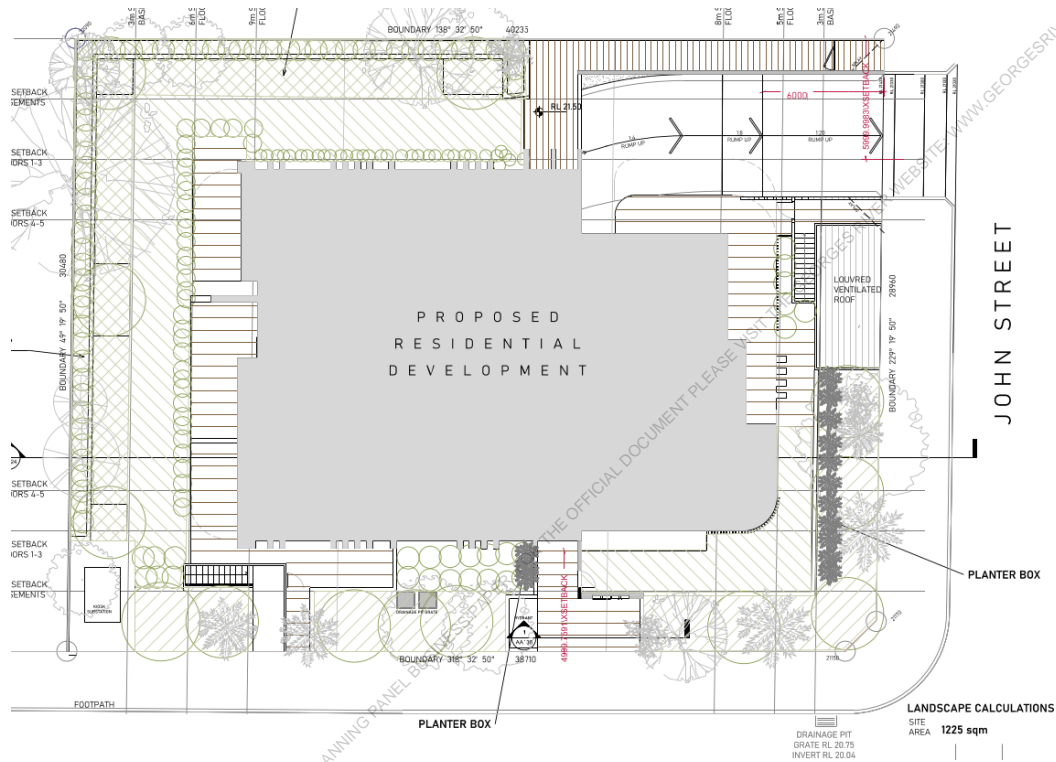


Figure 1 – Site plan (Source: Architectural Plans)

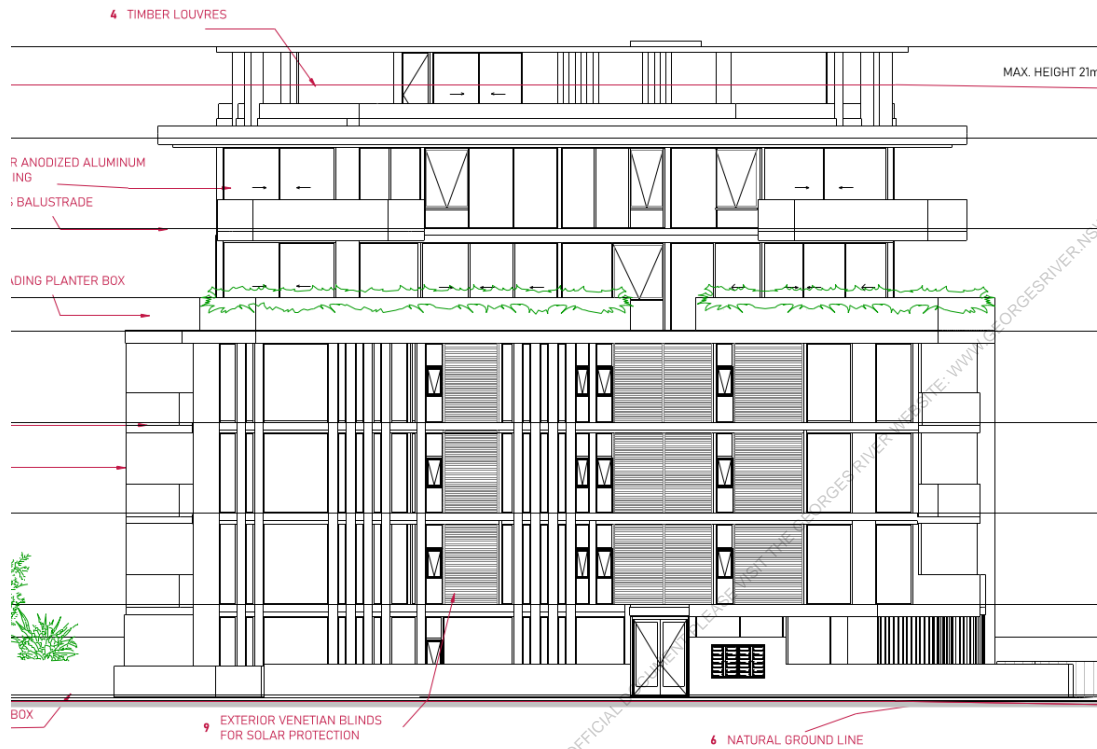


Figure 2 – Elevation plan (Park Road (southwest) elevation)



Site and Locality

Site Description

The subject site sits at the corner of Park Road and John Street across three individual properties which forms a regular shaped development site size 1,225.2sqm. The subject site has a 38.71m primary frontage to Park Road, a 28.96m secondary frontage to John Street, a 30.48m northwestern side boundary, and a 40.235m northeastern rear boundary. The site is generally flat with a gradient of approximately 2.5% sloping towards southwest.

The site currently contains one detached dwelling house on each individual allotment with outbuildings.

Vehicular access is gained via Park Road for 68 and 70 Park Road. 72 Park Road is accessed from John Street.

Vegetation on the site consists of nine trees.

Orientation of the site is southwest-northeast.

No easement is identified on the subject site.

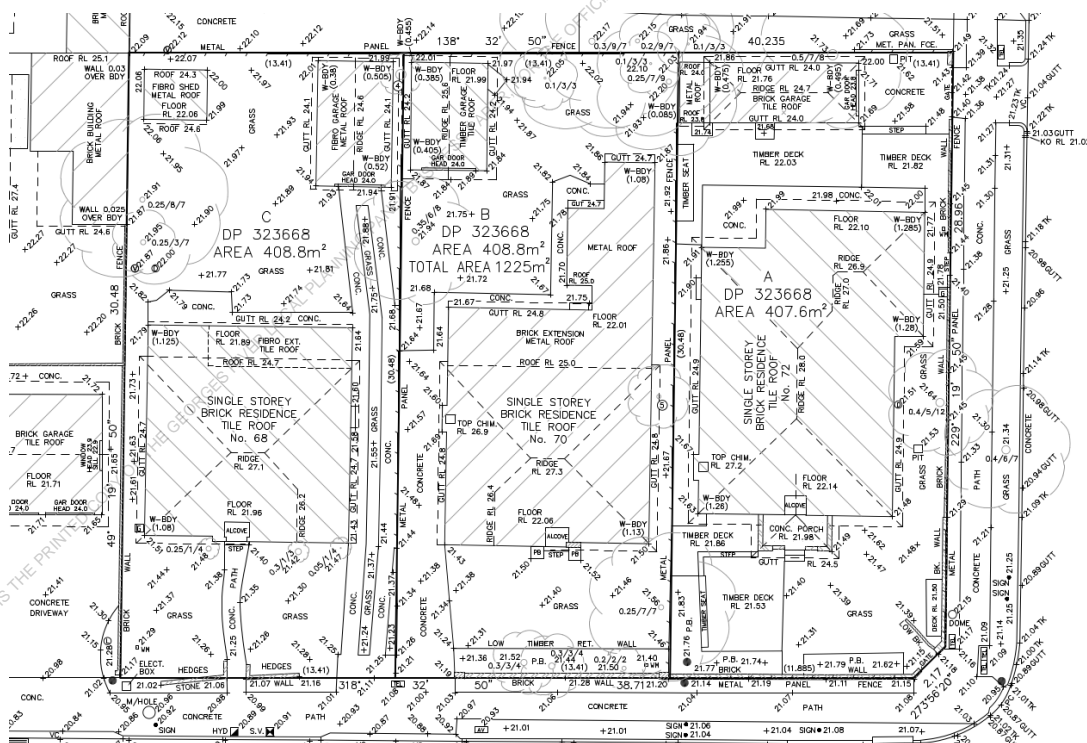


Figure 3—Survey plan



Locality Description

Existing developments in the locality consists of a mixture of dwelling houses, residential flat buildings, and mixed use residential buildings to the north along Princes Highway and John Street. To the east and south of the subject site are dwelling houses. Multiple commercial premises are located at the Park Road/Princes Highway intersection.

Existing developments adjoining the subject site consists of a single-storey dwelling house and a two-storey dwelling house to the northwest, and a single-storey dwelling house with outbuilding to the northeast.

Aerial Image of Land Zoning

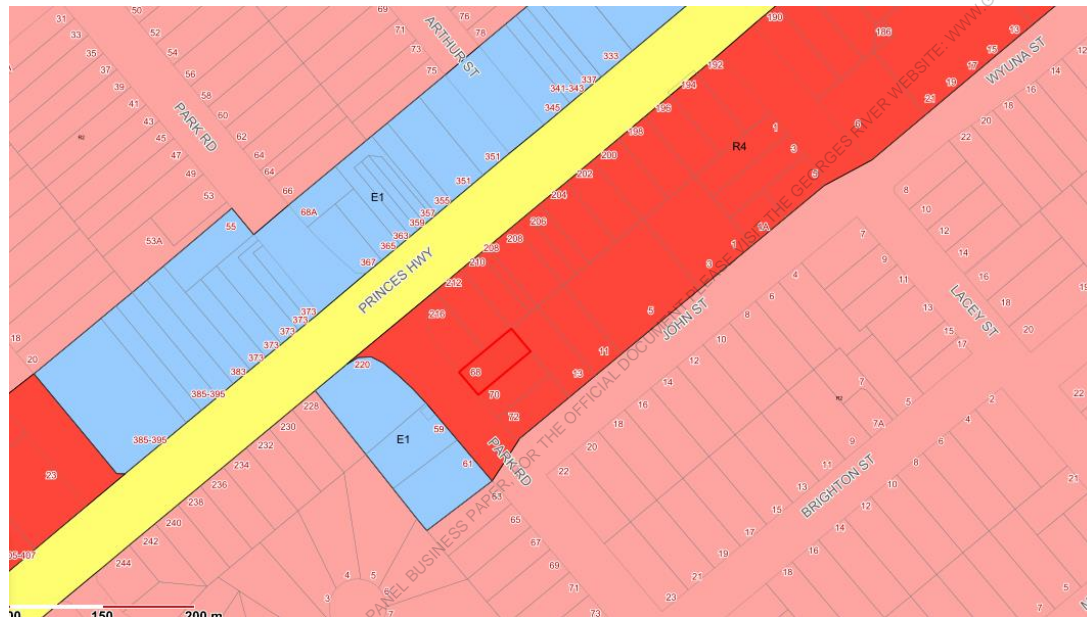


Figure 4 –Aerial view of development site outlined in red (Source: IntraMaps)

Aerial Image of Site

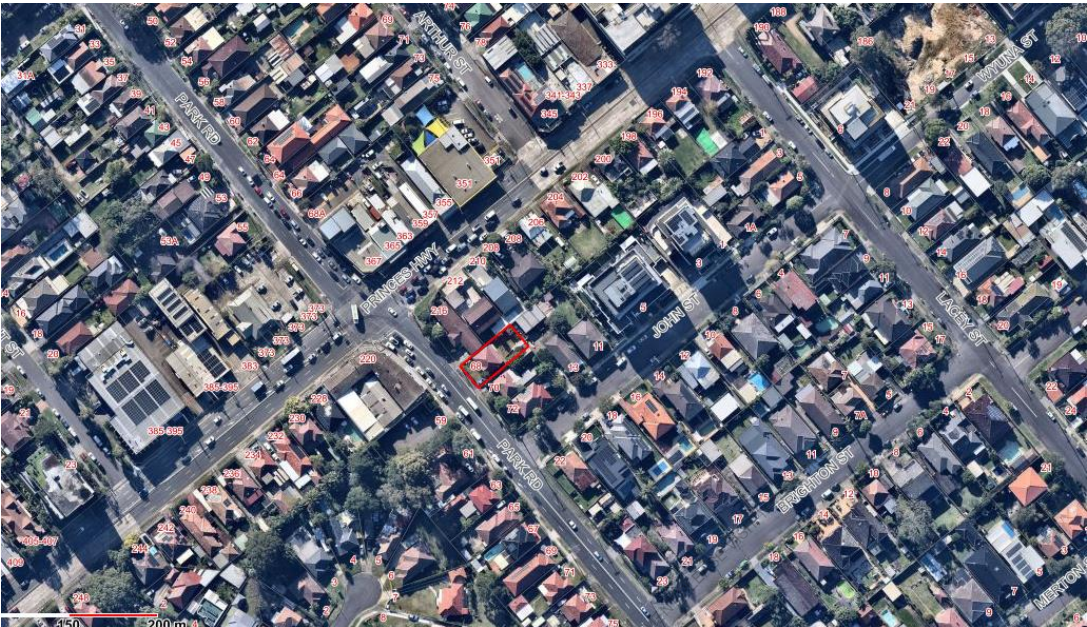


Figure 5–Aerial view of development site outlined in red (Source: IntraMaps)

Background

History

The following applications are relevant to the proposed works.

DA/CDC Number	Proposed Works	Determination	Date	Relevance
DA2024/0031	Residential flat building	Returned	29 February 2024	-

Processing

Application History		
Action	Date	Comment
Submission Date	Monday, 19 August 2024	
Lodgement Date	Wednesday, 4 September 2024	
Site Inspection Conducted	Friday, 20 June 2025	
Request for Additional Information Sent	Monday, 17 February 2025	
Revised Documentation Received	Wednesday, 26 March 2025	The amended plans fail to adequately address all issues



		<p>raised in the Request for Further Information letter.</p> <p>Council provides only <u>one</u> opportunity to provide additional information. On that basis, the assessment of this application proceeded with the latest available plans, with the recommendation to refuse this application.</p>
Application Re-allocated	Tuesday, 10 June 2025	
Second Site Inspection Conducted	Friday, 20 June 2025	

Site Inspection

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



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



Figure 7: Street view of development site (image taken facing northeast (Source: Assessing Officer))

Assessment – Section 4.15 Evaluation

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

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

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

The provisions of any environmental planning instrument (EPI)

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

The Provisions of any applicable Act

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

Site Affections Relevant Under SEPPs

SEPPs		Applicable	
Affection	SEPP Name	Yes	No
Water Catchment	SEPP (Biodiversity Conservation) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Land Contamination	SEPP (Resilience and Hazards) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Coastal Zone	SEPP (Resilience and Hazards) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Adjoins Classified Road	SEPP (Transport and Infrastructure) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Adjoins Rail Corridor	SEPP (Transport and Infrastructure) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gas Pipeline Buffer	SEPP (Transport and Infrastructure) 2021	<input type="checkbox"/>	<input checked="" type="checkbox"/>

SEPPs Name of SEPP	Applicable	
	Yes	No
SEPP (Biodiversity Conservation) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Housing) 2021	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEPP (Industry and Employment) 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 as the subject site is located within the Georges River Catchment and affects fourteen trees near the proposed development.

Council's landscape officer reviewed the application and raised no objection to the proposed tree works, which involves the removal of nine trees.

The submitted Detailed Site Investigation indicates some areas of contamination on the subject site and recommends a Remedial Action Plan (RAP) to be prepared.

An RAP was requested during the assessment process however it was not provided. In absence of an RAP, it is unclear how contamination will be managed during the construction stage. This poses an unacceptable risk to the wider Georges River Catchment.

The proposal therefore does not comply with SEPP (Biodiversity and Conservation) 2021.

State Environmental Planning Policy (Sustainable Buildings) 2022

The State Environmental Planning Policy (Sustainable Buildings) 2022 (Sustainable Buildings SEPP) applies to all residential development (excluding alterations and additions less than \$50,000, and pools less than 40,000L) and all non-residential developments (except those excluded in [chapter 3.1](#) of the Policy).



No updated BASIX Certificate is supplied to reflect the latest architectural plans. The proposal therefore does not comply with SEPP (Sustainable Buildings) 2022.

State Environmental Planning Policy (Resilience and Hazards) 2021

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

Chapter 4 – Remediation of Land

Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 is applicable to the development. The clause is in relation to remediation of contaminated land.

A review of Council's Contamination Records and arial imaging (inc. historic imaging) indicates that the subject site is potentially contaminated. Council cannot ascertain that the subject site is suitable for the proposed development for the following reasons:

- No RAP is provided indicating how contamination is managed during the construction phase.

State Environmental Planning Policy (Housing) 2021

Chapter 4 - State Environmental Planning Policy (Housing) 2021 applies to the assessment of DAs for residential flat developments of three (3) or more storeys in height and containing at least four (4) dwellings.

Clause 147 of Chapter 4 of State Environmental Planning Policy (Housing) 2021 requires that the consent authority take into consideration the following as part of the determination of DAs to which applies:

- (a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,
- (b) the Apartment Design Guide,
- (c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.

The table below assesses the proposal against the provisions outlined in the Apartment Design Guide.

Standard	Proposal	Complies
3C – Public domain interface		
3C-1 <u>Objective</u> Transition between private and public domain is achieved without compromising safety and security <u>Design Guidance</u> Front fences and walls along street frontages should use visually permeable materials and treatments. The height of solid fences or walls should be limited to 1m	The proposal does not achieve this objective for the following reasons: - The front fence has a height of more than 1.0m and is not sufficiently permeable, - The proposal incorporates a large temporary bin storage area which diminishes the connection between the residential flat building and the street.	No



Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at building entries, near letter boxes and in private courtyards adjacent to streets		
<p>3C-2</p> <p><u>Objective</u></p> <p>Amenity of the public domain is retained and enhanced</p> <p><u>Design Guidance</u></p> <p>Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided</p> <p>Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view</p>	<p>The proposal does not achieve this objective for the following reasons:</p> <ul style="list-style-type: none"> - The ventilation and air supply intake are not indicated on the elevation plans. It is unclear how HVAC is integrated into the design of the building. - The substation kiosk is located in a prominent location at the western corner of the subject site forward of the front building line. No information is provided regarding the dimensions of the substation. The substation is not adequately integrated into the design to achieve desirable streetscape outcome. - The letterbox is located outside of the lobby facing the street, which result in poor visual impacts. - No updated landscape plan is supplied. 	No
3D - Communal open space		
<p>3D-1</p> <p><u>Objective</u></p> <p>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping</p> <p><u>Design Criteria</u></p> <ol style="list-style-type: none"> 1. Communal open space has a minimum area equal to 25% of the site. 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the 	<p>Proposed communal open space area: 293.7sqm</p> <p>More than 50% of the principal usable part of the communal open space will receive at least 2 hours of direct solar exposure on 21 June.</p>	No



<p>communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)</p> <p>Site area 1,225.2sqm</p> <p>Required 25% of site area or 306.3sqm.</p> <p><u>Design Guidance</u></p> <p>Communal open space should be consolidated into a well designed, easily identified and usable area</p> <p>Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions</p>	<p>The proposal does not achieve this objective for the following reasons:</p> <ul style="list-style-type: none"> - Insufficient communal open space size, - Access to the main communal open space northwest to the residential flat building is provided through two narrow fire exits only which is sub-optimal from an accessibility perspective. - The street-facing communal open space has a width of less than 3.0m, which is insufficient to accommodate recreational activities; - The balcony of unit G01 and the street-facing communal open space shares the same street access on John Street. This will result in poor privacy outcome for unit G01. 	
<p>3D-2</p> <p><u>Objective</u></p> <p>Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting</p>	<p>Seating provided in the main communal open space according to the landscape plan.</p>	Yes
<p>3D-3</p> <p><u>Objective</u></p> <p>Communal open space is designed to maximise safety</p>	<p>The open spaces are readily visible from habitable rooms. Passive surveillance provision on the communal open spaces is adequate.</p>	Yes
3E – Deep Soil zones		
<p>3E-1</p> <p><u>Objective</u></p> <p>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality</p> <p><u>Design Criteria</u></p> <p>1. Deep soil zones are to meet the following minimum requirements:</p>	<p>Total area of deep soil zones provided is 128.7sqm or 10.5% of the site area.</p>	Yes



Where the site has an area between 650sqm and 1,500sqm		
Minimum dimension 3m.		
Minimum deep soil area of 7% (equivalent to 85.8sqm)		
3F- Visual Privacy		
<p>3F-1</p> <p><u>Objective</u></p> <p>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy</p> <p><u>Design Criteria</u></p> <p>1. Separation between windows of habitable rooms and balconies is provided to ensure visual privacy is achieved.</p> <p>Minimum required separation distances from buildings to the side and rear boundaries are as follows:</p> <p>Up to 12m (4 storeys) Habitable and balconies - 6m Non-habitable – 3m</p> <p>Up to 25m (5-8 storeys) Habitable and balconies – 9m Non-habitable – 4.5m</p> <p><u>Design Guidance</u></p> <p>Apartment buildings should have an increased separation distance of 3m (in addition to the requirements set out in design criteria 1) when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping (figure 3F.5)</p> <p>Required secondary street setback per Design Guidance (in addition to GRDCP setback requirement): 8.0m (4 storeys)</p>	<p>Up to 12m (4 storeys) Northeast: 6.0m Northwest: 6.0m</p> <p>Up to 25m (5-8 storeys) Northeast: 6.0m (measured from balcony) Northwest: 9.0m (all rooms and balconies)</p> <p>John Street is zoned R2 and the site, technically, adjoins a lower density zone. The Design Guidance requiring additional 3m of street setback is therefore considered. The intention of requiring additional setback is to provide an adequate transition in scale, typically for sites that directly adjoin allotments of a lower density zoning. It is considered that John Street, which has a width of 20m, provides adequate separation between the subject site and the wider neighbourhood that is zoned R2. In this instance, the increased street setback as required under the Design Guidance is not considered to be necessary. Refer to the GRDCP assessment on setback from John Street.</p>	No



11.0m (above 4 storeys)		
3F-2 <u>Objective</u> Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space <u>Design Guidance</u> Communal open space, common areas and access paths should be separated from private open space and windows to apartments, particularly habitable room windows.	The separation between G01 and common open space is not indicated on the architectural plans.	No
3G – Pedestrian Access and entries		
3G-1 <u>Objective</u> Building entries and pedestrian access connects to and addresses the public domain <u>Design Guidance</u> Multiple entries (including communal building entries and individual ground floor entries) should be provided to activate the street edge Building entries should be clearly identifiable and communal entries should be clearly distinguishable from private entries	The proposal does not achieve this objective for the following reasons: <ul style="list-style-type: none"> - The main entrance and lobby facing Park Road is long and narrow. The main entrance does not promote interaction between the site and the public domain. - Building entrances accessing John Street are not clearly identifiable. 	No
3G-2 <u>Objective</u> Access, entries and pathways are accessible and easy to identify <u>Design Guidance</u> Building access areas including lift lobbies, stairwells and hallways should be clearly visible from the public domain and communal spaces	The proposal does not achieve this objective for the following reasons: <ul style="list-style-type: none"> - The ground floor lobby has a long and narrow 'L' shaped configuration, with the lift entrance facing internally. The main building access is not easily identifiable. 	No
3H-Vehicle Access		
3H-1 <u>Objective</u> Vehicle access points are designed and located to achieve safety, minimise conflicts between	The proposal does not achieve this objective for the following reasons: <ul style="list-style-type: none"> - No screen planting is provided between the 	No



<p>pedestrians and vehicles and create high quality streetscapes</p> <p><u>Design Guidance</u></p> <p>Car park access should be integrated with the building's overall facade. Design solutions may include:</p> <ul style="list-style-type: none"> • the materials and colour palette to minimise visibility from the street • security doors or gates at entries that minimise voids in the facade • where doors are not provided, the visible interior reflects the facade design and the building services, pipes and ducts are concealed <p>Car park entries should be located behind the building line</p> <p>Visual impact of long driveways should be minimised through changing alignments and screen planting</p>	<p>driveway and the northeastern boundary.</p> <ul style="list-style-type: none"> - Inconsistencies are identified between the design finished levels and design gradients. The driveway is assessed to have a gradient and gradient transition that are not compliant with the relevant Australian Standards. 	
3J-Bicycle and carparking		
<p>3J-1</p> <p><u>Objective</u></p> <p>Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas</p> <p><u>Design Criteria</u></p> <p>1. For development in the following locations:</p> <ul style="list-style-type: none"> • on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre <p>the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less</p> <p>The car parking needs for a development must be provided off street</p>	<p>Design criterion not applicable to the subject site as there is no railway station or light rail stop within 800m, and no area zoned E2 Commercial Centre or MU1 Mixed Use within 400m.</p>	<p>N/A</p>



3J-2 <u>Objective</u> Parking and facilities are provided for other modes of transport	Adequate bicycle spaces are provided – see DCP assessment below.	Yes
3J-3 <u>Objective</u> Car park design and access is safe and secure	The proposed parking area demonstrates a clearly defined lobby. The utility areas and waste rooms are accessible without crossing through any car parking space. The lobby spaces are clearly defined.	Yes
3J-4 <u>Objective</u> Visual and environmental impacts of underground car parking are minimised <u>Design Guidance</u> Ventilation grills or screening devices for car parking openings should be integrated into the facade and landscape design	The proposal does not achieve this objective for the following reasons: - Insufficient information is supplied with respect to the elevation and profile of the air supply duct and ventilation grills.	No
4A- Solar and daylight access		
4A-1 <u>Objective</u> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space <u>Design Criteria</u> Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area A maximum of 15% of apartments in a building may receive no direct sunlight between 9am and 3pm in midwinter.	The solar access diagrams supplied by the applicant cannot be relied upon. The submitted shadow diagrams indicates the two-bedroom units at the southern corner are unlikely to receive more than 2 hours of direct solar access on 21 June due to site orientation. The submitted solar access diagrams, however, indicates all proposed units to receive adequate solar access. This contradicts with the shadow diagrams.	No
4A-2 <u>Objective</u> Daylight access is maximised where sunlight is limited	The proposal demonstrates extensive use of full-height window to achieve Objective 4A-2.	Yes



4A-3 <u>Objective</u> Design incorporates shading and glare control, particularly for warmer months	The proposal achieves this objective by introducing external venetian blinds on the northeast, northwest, and southwest elevations.	Yes
4B- Natural Ventilation		
4B-1 <u>Objective</u> All habitable rooms are naturally ventilated	All habitable rooms are naturally ventilated.	Yes
4B-2 <u>Objective</u> The layout and design of single aspect apartments maximises natural ventilation	All single aspect apartment units are indented to facilitate natural ventilation.	Yes
4B-3 <u>Objective</u> The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents <u>Design Criteria</u> At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	84.6% of apartments achieve cross ventilation. All cross-through apartments have a depth of less than 18m.	Yes
4C-Ceiling Heights		
4C-1 <u>Objective</u> Ceiling height achieves sufficient natural ventilation and daylight access <u>Design Criteria</u> Measured from finished floor level to finished ceiling level, minimum ceiling heights are: Habitable rooms = 2.7m Non-habitable rooms = 2.4m	No updated section diagrams are provided to reflect the latest architectural plan. Based on the submitted section diagram, the proposal demonstrates a non-compliant ceiling height of 2.65m on the third floor level habitable rooms. All other levels comply with the design criteria.	No
4C-2 <u>Objective</u> Ceiling height increases the sense of space in apartments and provides for well proportioned rooms	Insufficient ceiling height is provided on the third floor level.	No
4D- Apartment size and layout		



<p>4D-1</p> <p><u>Objective</u></p> <p>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</p> <p><u>Design Criteria</u></p> <p>Apartments are required to have the following minimum internal areas:</p> <p>1 bedroom = 50sqm 2 bedroom = 70sqm 3 bedroom = 90sqm</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each</p> <p>Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</p>	<p>Unit 503, being a two-bedroom unit with two toilets, requires a floor area of 75.0sqm. The unit has a measured floor area of 73.6sqm only which is non-compliant.</p> <p>All other apartments comply with the size requirement.</p> <p>Every habitable room has window openings larger than 10% of the room area.</p>	No
<p>4D-2</p> <p><u>Objective</u></p> <p>Environmental performance of the apartment is maximised</p> <p><u>Design Criteria</u></p> <p>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.</p> <p>In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window</p>	<p>All habitable rooms comply with Objective 4D-2.</p> <p>All proposed living rooms are of an open plan layout. All living rooms have a depth of no greater than 8.0m from a window.</p>	Yes
<p>4D-3</p> <p><u>Objective</u></p> <p>Apartment layouts are designed to accommodate a variety of household activities and needs</p> <p><u>Design Criteria</u></p> <p>Master bedrooms have a minimum area of 10sqm and other bedrooms 9sqm (excluding wardrobe space).</p> <p>Bedrooms have a minimum dimension of 3m (excluding wardrobe space).</p>	<p>All bedrooms comply with the minimum size requirement.</p> <p>14 apartment units contain bedrooms with an internal dimension of less than 3.0m excluding wardrobes.</p> <p>The living/dining room of Unit 403, which is a 2-bedroom unit, has a non-compliant width of 3.8m only.</p>	No



<p>Living rooms or combined living/dining rooms have a minimum width of:</p> <ul style="list-style-type: none"> -3.6m for studio and 1 bedroom - 4m for 2 and 3 bedroom apartments <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts</p>	<p>Minimum 4m width achieved for Unit 601 which is a cross-through apartment.</p>	
4E- Private Open space and balconies		
<p>4E-1</p> <p><u>Objective</u></p> <p>Apartments provide appropriately sized private open space and balconies to enhance residential amenity</p> <p><u>Design Criteria</u></p> <p>All apartments are required to have primary balconies as follows:</p> <ul style="list-style-type: none"> -1 bedroom = 8sqm/2m depth -2 bedroom = 10sqm/2m depth -3+ bedroom = 12sqm/2.4m <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m.</p> <p>For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15sqm and a minimum depth of 3m</p>	<p>All apartments contain primary balconies that comply with the minimum size requirement.</p> <p>Unit 502 has a non-compliant balcony depth of 1.8m.</p> <p>Whilst compliant in size, all ground floor private open spaces do not achieve the required minimum depth of 3.0m.</p>	No
<p>4E-2</p> <p><u>Objective</u></p> <p>Primary private open space and balconies are appropriately located to enhance liveability for residents</p>	<p>All primary private open spaces are accessible from the living room and appropriately located.</p>	Yes
<p>4E-3</p> <p><u>Objective</u></p> <p>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building</p> <p><u>Design Guidance</u></p> <p>Full width full height glass balustrades alone are generally not desirable</p>	<p>The proposal demonstrates extensive use of glass balustrade.</p> <p>The proposed private open space design does not contribute to the overall architectural form and detail of the building. The lack of massing composition especially along</p>	No



	Park Road frontage, lack of articulation and change in materiality has resulted in a bulky and visually uninteresting interface.	
4E-4 <u>Objective</u> Private open space and balcony design maximises safety	All proposed private open spaces are situated on the same level to maximise safety.	Yes
4F- Common circulation areas		
4F-1 <u>Objective</u> Common circulation spaces achieve good amenity and properly service the number of apartments <u>Design Criteria</u> The maximum number of apartments off a circulation core on a single level is eight <u>Design Guidance</u> Greater than minimum requirements for corridor widths and/ or ceiling heights allow comfortable movement and access particularly in entry lobbies, outside lifts and at apartment entry doors Daylight and natural ventilation should be provided to all common circulation spaces that are above ground Windows should be provided in common circulation spaces and should be adjacent to the stair or lift core or at the ends of corridors	No more than five (5) units are provided to any one core on a single level. Notwithstanding, the common circulation areas fail to adequately address the Design Guidance for the following reasons: <ul style="list-style-type: none"> - All lobby areas are generally narrow with a width ranging from 1.7m to 2.2m. - No window or solar access is provided for all lobby areas above the ground floor. - No natural ventilation provided for all lobby areas above the ground floor. - Services, such as the hydraulic meter cupboard, protrudes into the limited lobby space which hinders circulation and discourages staying. The proposed common circulation areas do not provide good amenity to future residents and not consistent with ADG objective 4F-1.	No
4F-2 <u>Objective</u> Common circulation spaces promote safety and provide for social interaction between residents <u>Design Guidance</u>	The common circulation areas fail to adequately address the Design Guidance for the following reasons: <ul style="list-style-type: none"> - The ground floor lobby is arranged in a long and 	No



Direct and legible access should be provided between vertical circulation points and apartment entries by minimising corridor or gallery length to give short, straight, clear sight lines	narrow 'L' shape which does not contribute to legibility.	
Tight corners and spaces are avoided	- All lobby areas are generally narrow with a width ranging from 1.7m to 2.2m. The narrow lobbies are not conducive to social interaction.	
4G- Storage		
4G-1 <u>Objective</u> Adequate, well designed storage is provided in each apartment <u>Design Criteria</u> In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided: 1 bedroom = 6m ³ 2 bedroom – 8m ³ 3 bedroom – 10m ³ At least 50% of storage is to be located within the apartment.	Storage space within the apartment units cannot be determined in absence of volume calculation and clear annotation.	No
4G-2 <u>Objective</u> Additional storage is conveniently located, accessible and nominated for individual apartments	All storage spaces outside of the apartment units are allocated within the basement areas. All storage spaces are obscured from public view.	Yes
4H- Acoustic Privacy		
4H-1 <u>Objective</u> Noise transfer is minimised through the siting of buildings and building layout <u>Design Guidance</u> Adequate building separation is provided within the development and from neighbouring buildings/adjacent uses (see also section 2F Building separation and section 3F Visual privacy)	The proposed setback is not adequate. See assessment on Section 3F above.	No
4H-2 <u>Objective</u> Noise impacts are mitigated within apartments through layout and acoustic treatments	All apartments achieves adequate noise separation within individual units.	Yes
4J – Noise and Pollution		



<p>4J-1</p> <p><u>Objective</u></p> <p>In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings</p>	<p>The subject site is located on Park Road, a classified regional road, and near Princes Highway, a road corridor carrying an Annual Average Traffic Volume of more than 20,000 vehicles.</p> <p>An acoustic report is required in this instance, however no acoustic report is supplied.</p>	No
<p>4J-2</p> <p><u>Objective</u></p> <p>Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission</p>	<p>No acoustic report is supplied. It is unclear whether the proposed design facilitates noise attenuation.</p>	No
4K – Apartment Mix		
<p>4K-1</p> <p><u>Objective</u></p> <p>A range of apartment types and sizes is provided to cater for different household types now and into the future</p>	<p>The development offers a mix of accommodation offering 1 bedroom apartments, 2 bedroom apartments and 3 bedroom apartments.</p> <ul style="list-style-type: none"> - 4 x 1 bedroom apartments (15.4%) - 18 x 2 bedroom apartments (69.2%) - 4 x 3 bedroom apartments (15.4%) <p>The mix complies with the GRDCP requirement and is considered appropriate in facilitating housing diversity.</p>	Yes
<p>4K-2</p> <p><u>Objective</u></p> <p>The apartment mix is distributed to suitable locations within the building</p>	<p>The apartment mix is adequately distributed throughout the building. Each level (bar sixth floor which contains a penthouse unit) contains a diversity of apartment types.</p>	Yes
4L – Ground Floor Apartments		
<p>4L-1</p> <p><u>Objective</u></p> <p>Street frontage activity is maximised where ground floor apartments are located.</p>	<p>Direct street access is provided to Units G01 and G02.</p>	No



<u>Design Guidance</u> Direct street access should be provided to ground floor apartments	Notwithstanding that, the street access for Unit G01 is sub-optimal. The access is situated in a discreet location between the driveway and the temporary bin holding area on John Street. It is also unclear whether the street access is segregated from the communal open space located forward of the unit.	
4L-2 <u>Objective</u> Design of ground floor apartments delivers amenity and safety for residents.	The ground floor apartments are sufficiently separated from the road.	Yes
4M - Facades		
4M-1 <u>Objective</u> Building facades provide visual interest along the street while respecting the character of the local area <u>Design Guidance</u> Building facades should be well resolved with an appropriate scale and proportion to the streetscape and human scale. Design solutions may include: <ul style="list-style-type: none"> • well composed horizontal and vertical elements • variation in floor heights to enhance the human scale • elements that are proportional and arranged in patterns • public artwork or treatments to exterior blank walls • grouping of floors or elements such as balconies and windows on taller building 	Council's Senior Specialist Planner (Urban Design) indicates that the lack of massing composition especially along Park Road frontage, lack of articulation and change in materiality has resulted in a bulky and visually uninteresting interface. In addition, the podium and tower form appear disconnected. It is further noted that the flat roof enhances the horizontality and bulk. While the dominant white render and glass balustrade will generate considerable glare.	No
4M-2 <u>Objective</u> Building functions are expressed by the façade <u>Design Guidance</u> Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height	The corner of Park Road and John Street is not architecturally emphasised and is ill-defined.	No
4N – Roof design		
4N-1 <u>Objective</u>	The proposal boasts a visually dominant flat roof which	No



Roof treatments are integrated into the building design and positively respond to the street. <u>Design Guidance</u> Roof design relates to the street. Design solutions may include: • special roof features and strong corners • use of skillion or very low pitch hipped roofs • breaking down the massing of the roof by using smaller elements to avoid bulk • using materials or a pitched form complementary to adjacent buildings	enhances horizontality and building bulk. The roof design does not relate to the street.	
4N-3 <u>Objective</u> Incorporates sustainability features.	Skylights incorporated into the roof design.	Yes
4O – Landscape Design		
4O-1 <u>Objective</u> Landscape design is viable and sustainable.	A landscape plan was not submitted as part of the latest architectural plans. Furthermore, the proposal incorporates extensive use of artificial turf which is not considered to be sustainable.	No
4O-2 <u>Objective</u> Landscape design contributes to the streetscape and amenity	A landscape plan was not submitted to reflect the latest architectural plans.	No
4P- Planting on Structures		
4P-1 <u>Objective</u> Appropriate soil profiles are provided.	Planter box not provided above basement. The area directly above the basement features predominantly artificial turf which is not desirable.	No
4P-2 <u>Objective</u> Plant growth is optimised with appropriate selection and maintenance	The proposed plant species are appropriate.	Yes
4P-3 <u>Objective</u> Planting on structures contributes to the quality and amenity of communal and public open spaces	The proposed landscape scheme above the basement is predominantly artificial turf which does not contribute to the quality and amenity of communal open spaces.	No
4Q – Universal Design		



<p>4Q-1</p> <p><u>Objective</u></p> <p>Universal design features are included in apartment design to promote flexible housing for all community members</p> <p><u>Design Guidance</u></p> <p>Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features</p> <p>6 adaptable units are required.</p>	3 adaptable units proposed.	No
<p>4Q-2</p> <p><u>Objective</u></p> <p>A variety of apartments with adaptable designs are provided</p>	Adaptable units are only provided in form of one-bedroom units.	No
<p>4Q-3</p> <p><u>Objective</u></p> <p>Apartment layouts are flexible and accommodate a range of lifestyle needs</p>	The proposed adaptable units can accommodate a range of lifestyle needs	Yes
4U – Energy Efficiency		
<p>4U-1</p> <p><u>Objective</u></p> <p>Development incorporates passive environmental design</p>	Adequate solar access provided.	Yes
<p>4U-2</p> <p><u>Objective</u></p> <p>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer</p>	The proposal demonstrates passive solar design by incorporating louvres to control heat transfer.	Yes
<p>4U-3</p> <p><u>Objective</u></p> <p>Adequate natural ventilation minimises the need for mechanical ventilation</p>	Adequate cross ventilation provided.	Yes
4V – Water management and conservation		
<p>4V-1</p> <p><u>Objective</u></p> <p>Potable water use is minimised</p>	The proposal demonstrates effective stormwater disposal.	Yes
<p>4V-2</p> <p><u>Objective</u></p> <p>Urban stormwater is treated on site before being discharged to receiving waters</p>		
<p>4V-3</p> <p><u>Objective</u></p>		



Flood management systems are integrated into site design		
4W – Waste Management		
4W-1 <u>Objective</u> Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents <u>Design Guidance</u> Adequately sized storage areas for rubbish bins should be located discreetly away from the front of the development or in the basement car park Temporary storage should be provided for large bulk items such as mattresses	A large temporary bin storage area is provided on John Street which diminishes street activation.	No
4W-2 <u>Objective</u> Domestic waste is minimised by providing safe and convenient source separation and recycling	Communal waste room and compost waste room provided in convenient location in the basement.	Yes
4X – Building Maintenance		
4X-1 <u>Objective</u> Building design detail provides protection from weathering	The proposal incorporates the following features to enable ease of maintenance and minimise weathering: - Roof overhang protecting walls, - Window design enables cleaning from the inside - Centralised maintenance, services and storage in lobby.	Yes
4X-2 <u>Objective</u> Systems and access enable ease of maintenance		
4X-3 <u>Objective</u> Material selection reduces ongoing maintenance costs		

State Environmental Planning Policy (Transport and Infrastructure) 2021

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

Division 5 – Electricity transmission or distribution

Pursuant to Clause 2.48, this application was referred to Ausgrid for comments as the development is located within 5m of an overhead electricity power line or within or immediately adjacent to an easement for electricity purposes.

Ausgrid raised no objection to the proposal.



Division 17 – Roads and Traffic

Clause 2.119 is applicable to this application as the proposed development has a frontage on a classified road, being Park Road. Council is satisfied that the proposal avoids creating additional vehicular access on classified road, maintains safety on the classified road for the following reasons:

- The proposed vehicular access is to be established on John Street. Council's traffic engineer raised no objection from a traffic generation perspective.

However, Council is not satisfied that the proposal adequately ameliorates potential traffic noise and emissions for the following reasons:

- No acoustic report was supplied for assessment.

On that basis, the proposal is not considered to comply with Clause 2.119 of the SEPP (Transport and Infrastructure) 2021.

The Provisions of any Local Environmental Plan

Georges River Local Environmental Plan 2021

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

Site Affections

Site Affections Relevant Under GRLEP 2021		Applicable	
Clause No.	Clause Name/Affection	Yes	No
5.7	Development Below Mean High Water Mark	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.10	Heritage Conservation Area and/or Heritage Item	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.21	Flood Liable Land	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.1	Acid Sulfate Soils	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.4	Foreshore Building Line	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.4	Coastal Hazard and Risk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.5	Riparian Lands & Waterways	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.6	Foreshore Scenic Protection Area – also consider Design Excellence	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.8	Impacted by airspace operations (NOTE: Applies to 67-89 Croydon Road, 1-7 Somerset (odd only), 2-8 Bristol (even), 1-5 Bristol (odd) in Hurstville)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.10	Design Excellence	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6.11	Environmental sustainability	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other Affections			
	Bushfire Prone Land	<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 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 checked="" type="checkbox"/>

GRLEP 2021 Part 2 – Permitted or prohibited development		
Clause 2.3 – Zone objectives and Land Use Table		
Standard	Proposal	Compliance
<p>The subject site is zoned R4 High Density Residential.</p> <p>The objectives of the zone are:</p> <ul style="list-style-type: none"> To provide for the housing needs of the community within a high density residential environment. To provide a variety of housing types within a high density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To enable other land uses that contribute to the vibrancy of the neighbourhood while ensuring that business centres remain the focus for business and retail activity. To encourage development that maximises public transport patronage and promotes walking and cycling. 	<p>The proposal is not consistent with the zone objectives for the following reasons:</p> <ul style="list-style-type: none"> The proposed development is not of an adequate bulk and scale compatible to the neighbourhood, and The proposal fails to provide for adequate adaptable units, 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

GRLEP 2021 Numeric Controls			
Standard	Required	Proposed	Compliance
Cl. 4.3 <i>Height of Buildings</i>	21.0m	22.17m See Clause 4.6 variation discussion below.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cl. 4.4 <i>Floor Space Ratio</i>	2:1 (equivalent to 2,450.4sqm)	G/F: 392.7sqm 1/F: 406.7sqm 2/F: 406.7sqm 3/F: 406.7sqm 4/F: 274.3sqm 5/F: 271.3sqm 6/F: 174.1sqm	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



		Total: 2,332.5sqm	
CI 6.12 <i>Landscaped Area</i>	10% for land zoned R4 High Density Residential	20.3% (236.4m ²)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

GRLEP 2021 Part 6 – Additional Local Provisions

Clause 6.1 – Acid sulfate soils

Standard	Proposal	Compliance
<p>(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.</p> <p>Class 5 The site is identified as containing Class 5 Acid Sulfate Soils.</p> <p>Consent may not be granted for any Works within 100 metres of adjacent Class 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 2, 3 or 4 land unless an acid sulfate soils management plan has been prepared.</p>	The Detailed Site Investigation report indicates no occurrence of acid sulfate soil in the vicinity of the subject site.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Clause 6.2 - Earthworks

Standard	Proposal	Compliance
<p>Council must consider the following prior to granting consent for any earthworks:</p> <p>(a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,</p> <p>(b) the effect of the development on the likely future use or redevelopment of the land,</p>	The proposed earthworks are satisfactory with regards to the matters identified.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



<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>		
Clause 6.3 – Stormwater Management		
Standard	Proposal	Compliance
<p>(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development—</p> <p>(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and</p> <p>(b) includes, if practicable, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater or river water, and</p> <p>(c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system or, if the impact cannot be reasonably avoided, minimises and mitigates the impact, and</p>	<p>The proposal is satisfactory with regards to the matters identified.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>



(d) is designed to minimise the impact on public drainage systems.		
Clause 6.9 Essential Services		
Standard	Proposal	Compliance
Development consent must not be granted to development unless Council is satisfied that any of the following services that are essential for the development are available, or that adequate arrangements have been made to make them available when required <ul style="list-style-type: none"> a) the supply of water, b) the supply of electricity, c) the supply of telecommunications facilities, d) the disposal and management of sewage e) stormwater drainage or on-site conservation, f) suitable vehicular access. 	The proposal does not demonstrate compliance with this clause for the following reasons: <ul style="list-style-type: none"> - The driveway is assessed to have a gradient and gradient transition that are non-compliant with the Australian Standards. It is further noted that the driveway gradient is not consistent with the floor levels indicated on the architectural plans. 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Clause 6.10 Design Excellence		
Standard	Proposal	Compliance
(2) This clause applies to development on land within the Foreshore Scenic Protection Area involving— <ul style="list-style-type: none"> (a) the erection of a new building, or (b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant. (3) For land identified in on the Foreshore Scenic Protection Area Map: <ul style="list-style-type: none"> (i) bed and breakfast accommodation, (ii) health services facilities, (iii) marinas, (iv) residential accommodation, except for secondary dwellings, (4) Development consent must not be granted for development to which this clause applies unless Council	The proposal fails to comply with Clause 6.10 for the following reasons: <ul style="list-style-type: none"> - Excessive bulk and scale due to height breach and setback non-compliance. The proposed built form is not sympathetic to the local context and does not provide the desired transition to the lower density developments across John Street. - Poor public/private interface treatment due to the placement of utilities (such as fire hydrants and temporary bin storage) on street frontages. This renders the building disconnected from the street. - Inadequate setbacks at basement and above-ground levels - Poor shared space arrangement. The proposed 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No



<p>considers that the development exhibits design excellence.</p> <p>(5) In considering whether the development exhibits design excellence, Council must have regard to the following matters—</p> <p>(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</p> <p>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</p> <p>(c) whether the development detrimentally impacts on view corridors,</p> <p>(d) how the development addresses the following matters—</p> <ol style="list-style-type: none"> i. the suitability of the land for development, ii. existing and proposed uses and use mix, iii. heritage issues and streetscape constraints, iv. the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, v. bulk, massing and modulation of buildings, vi. street frontage heights, vii. environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity, viii. pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks, 	<p>lobby is narrow and the lift is not readily visible from public space. The lobby areas are not conducive to social interaction and do not provide adequate natural light and ventilation.</p> <ul style="list-style-type: none"> - Poor communal open space access - A lack of massing composition and insufficient change in materiality resulted in a bulky and visually uninteresting interface that does not enhance the local streetscape. - The proposal only achieves the bare minimum sustainability standard based on the submitted Environmental Sustainability Calculator (ESC). 	
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ix.the impact on, and proposed improvements to, the public domain, x.achieving appropriate interfaces at ground level between the building and the public domain, xi.excellence and integration of landscape design, xii.the provision of communal spaces and meeting places, xiii.the provision of public art in the public domain, xiv.the provision of on-site integrated waste and recycling infrastructure, xv.the promotion of safety through the application of the principles of crime prevention through environmental design.		
Clause 6.11 Environmental Sustainability		
Standard	Proposal	Compliance
(2) This clause applies to development— (a) on land in the following zones— (i) Zone R4 High Density Residential, (b) that involves— (i) the erection of a new building, or (3) Development consent must not be granted to development on land to which this clause applies if the building is 1,500 square metres in gross floor area or greater unless adequate consideration has been given to the following in the design of the building— (a) water demand reduction, including water efficiency, water recycling and minimisation of potable water usage, (b) energy demand reduction, including energy generation, use of renewable energy and reduced reliance on mains power, (c) indoor environmental quality, including daylight provision,	The subject site is zoned R4 High Density Residential and involves the erection of a building with a gross floor area greater than 1,500sqm. The ESC result indicates the proposal achieves the minimum required environmental sustainability scores in all aspects other than water efficiency (the proposal exceed the minimum water efficiency requirement by 1 point).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No



glare control, cross ventilation and thermal comfort, (d) the minimisation of surfaces that absorb and retain heat and the use of surfaces that reflect heat where possible, (e) a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation, (f) transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces.		
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GRLEP 2021 Clause 4.6 Variation

As identified in assessment of the proposed works against the GRLEP 2021 a Clause 4.6 Variation is requested for the clause(s) outlined in the table below.

Name of Clause	Proposed Variation
4.3 - Height	Proposed building height: 22.17m A variation of 5.6% (equivalent to 1.17m);

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

Clause 4.6 Assessment

The Applicant has submitted a Clause 4.6 submission to vary clause 4.3 - Height.

Under Clause 4.6 of the GRLEP 2021, development consent may be granted even though the development would contravene a development standard imposed by this or any other environmental planning instrument.

Under Clause 4.6(3), development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that:

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

The extent of the proposed variation is indicated below:



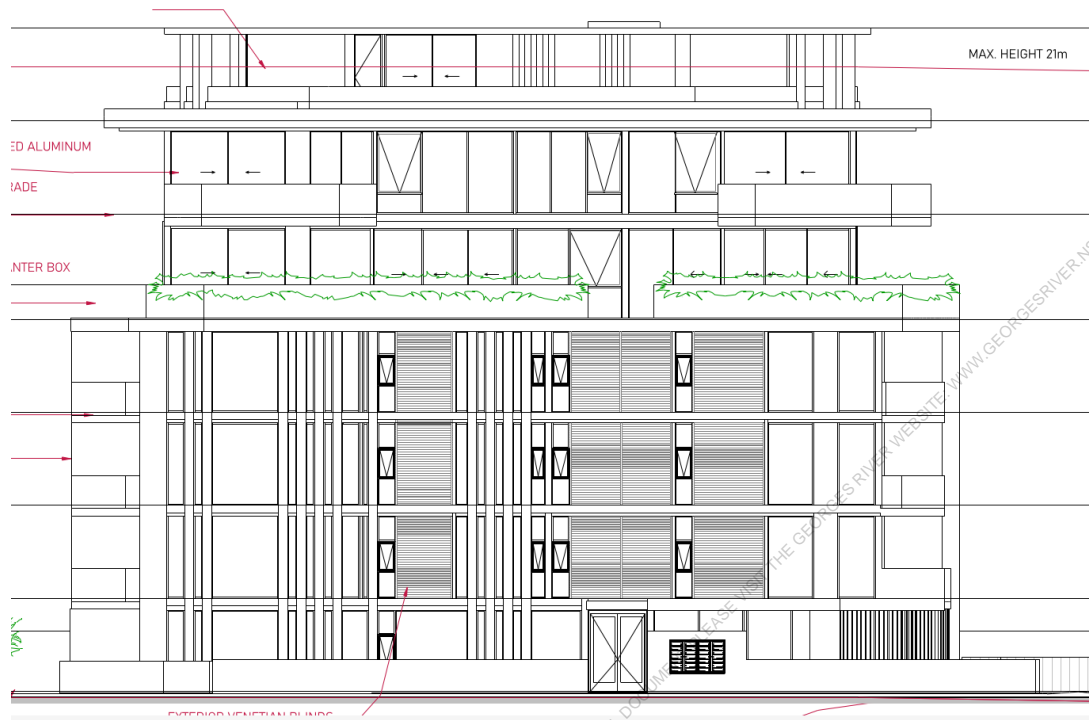


Figure 8: Extent of proposed variation. The red line represents the maximum building height of 21m.

The assessment of the Clause 4.6 variation request is contained below:

Adequacy of the written request pursuant to the matters outlined in Clause 4.6 (3)

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

In *Wehbe V Pittwater Council (2007) NSW LEC 827*, the Hon. Justice Preston CJ set out the five following criteria where compliance with a development standard would be unreasonable or unnecessary:

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

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

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

In response to this criterion, the applicant indicated the following:

- The proposal is compatible with the locality and no adverse environmental impact will be caused by the non-compliance
- Strict compliance with the development standard is unnecessary and unreasonable as the proposal achieves the objectives of Clause 4.3

Assessment of the proposal against the clause objectives are contained below:

Objective	Assessment
(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,	<p>The proposed height breach detracts from the desired future character for the following reasons:</p> <ul style="list-style-type: none"> - The proposed height breach does not enable adequate height transition from the R4 zoned area to the adjoining R2 zoned area. - The proposed height breach involves a key element of the proposal being the seventh storey. It is noted that whilst some residential flat buildings in the locality have a height breach, the non-compliance is confined to minor architectural elements such as roofs and lift overruns. The non-compliance as demonstrated in the subject proposal is more substantial compared to other existing or approved residential flat buildings in the locality.
(b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,	<p>The proposal will not result in unacceptable overshadowing and view loss impact.</p> <p>However, as a result of the height breach, the proposal fails to enable an adequate visual transition from the subject site to the adjoining land zoned R2 Low Density Residential.</p>
(c) to ensure an appropriate height transition between new buildings and— (i) adjoining land uses, or (ii) heritage items, heritage conservation areas or Aboriginal places of heritage significance.	<p>The proposed height breach involves a main component of the building which has a substantial visual bulk. As a result, the proposal does not enable an appropriate height transition from the subject site to the lower density zoned properties in the vicinity.</p> <p>The proposed height breach has no heritage impact.</p>

The proposal therefore is not considered to be consistent with the objectives of the standard.

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

In response to this criterion, the applicant indicated the following:

- The Clause 4.6 submission indicates that this test is not applicable.



The underlying objective or purpose of the standard is relevant to the development for the following reasons:

- The maximum building height development standard ensures an adequate visual transition is achieved between a higher density area and a lower density area.
- This development standard ensures adjoining properties will not be subjected to unreasonable amenity impacts such as overshadowing or view loss
- This development standard ensures new developments align with the desired future character of the suburb.

The proposal does not demonstrate that the underlying objective or purpose of the maximum building height development standard is not relevant in this instance.

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

In response to this criterion, the applicant indicated the following:

- The Clause 4.6 submission indicates that this test is not applicable.

The underlying objective or purpose of the standard will not be thwarted if compliance was required for the following reasons:

- Compliance with the maximum building height development standard is essential in ensuring future developments align with the desired future character of the suburb and enabling adequate visual transition between different densities.

The proposal does not demonstrate that compliance with the maximum building height development standard will thwart the clause objective or purpose in this instance.

Fourth Test: The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;

In response to this criterion, the applicant indicated the following:

- The Clause 4.6 submission indicates that this test is not applicable. Notwithstanding that, the submission indicates that multiple residential flat buildings in the locality were approved with a height variation.

According to Council's Clause 4.6 variation register, Clause 4.3 was varied six times for residential flat buildings and mixed use residential developments since GRLEP 2021 is in effect, of which three relate to Development Applications, and three relate to Modification Applications. The variations related to Development Applications were approved for lift overruns and minor roof intrusion; and the variations related to Modification Applications are related to top level open spaces that have already been approved under historic development standards.

Based on the variation register, Council has been applying the development standard consistently and only allow height variation to minor building components. On that basis, it is considered that Council has not abandoned or destroyed this development standard. The proposal, which involves a habitable level exceeding the height limit, is more significant than the building height variations granted under the GRLEP 2021.



Fifth Test: The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone;

In response to this criterion, the applicant indicated the following:

- The Clause 4.6 submission indicates that this test is not applicable.

The R4 High Density Residential zoning of the subject site is considered to be appropriate given the zoning enables high density residential development to be provided in a locale that is readily accessible from main roads.

Conclusion

As discussed above, the applicant's variation request fails to address the matters outlined in Clause 4.6 (3), and thus the requirements of this clause have not been met, and the variation cannot be supported.

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

In response to this subclause, the applicant indicated the following:

- The proposal demonstrates sufficient environmental planning grounds justifying a contravention of the maximum building height development standard.
- The proposal will not result in excessive overshadowing. The shadow diagrams indicate that the adjoining properties to the southeast and southwest will receive more than 3 hours of direct solar exposure.
- The proposal will not result in view obstruction. The proposal will not cause the loss of any significant views.
- The proposal will not result in adverse view impacts. The non-complying element form part of the top level residential unit and roof structure only which will not dominate the streetscape.

It is considered that the proposal does not demonstrate sufficient environmental planning grounds to warrant the variation for the following reasons:

- It is acknowledged that the proposal will not cause unreasonable overshadowing and view obstruction.
- Notwithstanding that, the proposed height variation involves a substantial part of a habitable level. The protrusion of a major structural element beyond the maximum building height does not provide adequate transition of bulk and scale from the subject site to the properties on the southeastern side of John Street which are zoned R2 Low Density Residential.

Summary of 4.6 Assessment and Conclusion

4.6 Variation Not Supported

As outlined in the assessment above, the proposed variation is not supported as the provided variation request does not adequately demonstrate the matters identified under Clause 4.6(3).

This forms part of the recommended reasons for refusal of the subject application.



Provisions of any Proposed Instrument

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

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

Provisions of any Development Control Plan

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

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

Georges River Development Control Plan 2021

The following GRDCP 2021 controls are applicable to the development and the following clauses apply:

Waste Management		
3.12 Waste Management		
Control	Proposal	Compliance
1. Development must comply with Council's Waste Management requirements regarding construction waste and ongoing management of waste materials (per Appendix 4 of the GRDCP).	The proposed development is capable of achieving compliance with Council's Waste Management Policy.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Universal / Accessible Design		
3.17 Universal / Accessible Design		
Control	Proposal	Compliance
1. All new building work should comply with the accessibility provisions of the Building Code of Australia (BCA) and the Disability (Access to Premises - Buildings) Standards 2010 where required.	The proposal is capable of achieving compliance with BCA with regards to accessibility for disabled persons. 6 accessible parking spaces provided.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Continuous unobstructed paths of travel should be provided from public		



footpaths, accessible car parking, and set down areas to public building entrances. Paths of travel should be designed in accordance with the Disability (Access to Premises - Buildings) Standards 2010.		
3. Accessways for pedestrians and vehicles to be separated		
6. Accessible parking space provision		
<u>High Density Residential Development</u> 1 space per adaptable unit		
<u>Required</u> 6 spaces (ADG requires 6 adaptable units to be provided)		

Future Desired Character

5.18 Carss Park and Kogarah Bay

Control	Proposal	Compliance
<p>The Future Desired Character for Carss Park and Kogarah Bay is as follows:</p> <ul style="list-style-type: none"> Retain and enhance the existing low density suburban residential character through articulated contemporary developments that respond to the human scale. Encourage well-designed high density residential development in designated areas along Princes Highway. Facilitate urban renewal in appropriate locations, allowing substantial change to the streetscape character while resulting in a high quality public domain. Encourage consistent setbacks of buildings from the street and the provision of landscaping within the front setback. 	<p>The proposal does not align with the Future Desired Character for the following reasons:</p> <ul style="list-style-type: none"> The proposal fails to enhance the low density suburban residential character. Height non-compliance, inadequate setbacks, and insufficient street activation results in unacceptable bulk and scale contributes to the failure to provide for adequate transition from the subject site to the lower density areas in vicinity. The proposed development demonstrates multiple non-compliances with the ADG, GRLEP, and GRDCP. The proposal is not considered to be well-designed. The proposal does not contribute positively to the streetscape, The proposal fails to provide adequate setbacks. 	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>



<ul style="list-style-type: none"> Encourage the retention of trees and sharing of water views wherever possible, including screening via vegetation rather than solid walls. Public views to waterways should be retained from streets and public places. 		
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Minimum Site Requirements

6.3.1 Minimum Site Requirements

Control	Proposal	Compliance
1. Minimum lot width is 24m.	The site has a width of 38.71m.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. For sites which allow development greater than four storeys, greater site width may be necessary to accommodate the greater setbacks required by the Apartment Design Guide.		

Site Isolation and Amalgamation

6.3.2 Site Isolation and Amalgamation

Control	Proposal	Compliance
1. Development for the purpose of residential flat buildings or residential components of shop top housing is not to result in the creation of an isolated site that could not be developed in compliance with the relevant planning controls, including the GRLEP 2021 and this DCP.	The proposal will not result in site isolation.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Setbacks

6.3.3 Building Setbacks and Street Interface

Control	Proposal	Compliance
1. Front setbacks: <ul style="list-style-type: none"> i. Street setback: up to a building height of four storeys, a minimum setback of 5m is to be provided. ii. Corner sites: up to a building height of four storeys, a minimum 	Front setback: 5.0m (G/F to 3/F) 5.0m (above 4 storeys) Secondary street setback: 4.6m (4 storeys, measured from balcony)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No



<p>setback of 5m to both street frontages is to be provided.</p> <p>iii. Above four storeys, the front setback of the upper building levels is to be increased to a minimum of 8m to the street. The minimum 8m setback also applies to balconies, terraces and balustrades and must be accommodated behind the setback.</p> <p>iv. On a corner site, both frontages are to provide the increased setback above four storeys.</p> <p>v. Above level four (ground plus 3 storeys); an increased setback of the upper levels/s may be required depending on the width of the street. The required additional upper level setback for sites fronting a road with a reservation width less than 20m will be determined based on their visual impact in the specific context of the development. If the assessment determines that an additional setback is required, the minimum additional setback will be 2m and up to 3m based on the assessment.</p> <p>vi. The street setback area needs to be predominantly landscaped and is to accommodate a minimum of two (2) canopy trees to a mature height of at least 6m.</p>	<p>4.5m (above 4 storeys, measured from fourth floor level balcony)</p> <p>Side setback and rear setback overrode by ADG. See discussion on the ADG above.</p> <p>A 2.7m wide deep soil landscaped area is provided between the mailboxes and the street corner, in contravention to the GRDCP 2021.</p> <p>Park Road has a width of approximately 20m. Additional setback from Park Road is not required.</p> <p>The bin storage, booster, and substation are located in visually dominant locations and are poorly integrated into the landscape scheme.</p>	
<p>5. Encroachments into boundary setbacks:</p> <p>i. Ground floor private open space may encroach up to 2m into the 5m front setback leaving a minimum 3m of deep soil area to the street.</p> <p>ii. Ground floor private open space may encroach up to 3m into the side and rear setbacks leaving a minimum 3m of landscaped buffer</p>		
<p>6. The setback areas, other than any permitted ground floor private open space, are to be landscaped and be</p>		



retained as part of the common property of the development.		
7. For improved streetscape, reduction in visual clutter and to provide above ground space for street tree canopy, powerlines in the street verge in front of new development to which this part applies will be undergrounded. This includes the connection of power supply from the road reservation into the development site.		
8. Sub-stations, fire booster assemblies and waste bin storage structures need to be integrated into the development and identified at the DA stage.		
6.3.4 Basement Setbacks		
Control	Proposal	Compliance
1. Basements are to be: i. Located within the building footprint (refer to Figure 5), or ii. Set back a minimum of 6m from the front and rear boundaries and 3m from the side boundaries (refer to Figure 6).	The proposed basement levels expand beyond the building footprint. Basement front setback: 3.0m Basement secondary street setback: 3.0m Basement side setback: 3.0m Basement rear setback: 3.0m Driveway setback: 1.5m	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. The basement setback areas are to be deep soil zones as defined in the Apartment Design Guide.	Sufficient deep soil area is provided to sustain trees of a mature height of 6.0m within the street setback areas.	
3. Driveways and driveway crossings are to be located a minimum of 1.5m from a side boundary.		
5. The 6m basement setback at a zone boundary is to be planted to provide a vegetated landscape buffer between the development and adjoining lower density development. Planting is to include trees that achieve a minimum mature height of 6.0m. Under canopy planting is to include lower scale planting that provides a visual buffer between developments and creates the desired landscape buffer.	The proposed basement does not project above the existing ground level.	
6. Basements fronting the primary street address are not to project above ground level (existing) at the street setback alignment.		



Façade Treatment		
6.3.5 Façade Treatment and Street Corners		
Control	Proposal	Compliance
1. New buildings and additions are to consider the Desired Future Character statement in Part 5 of this DCP.	The proposal does not comply with Part 5. See discussion above.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Building facades must be clearly articulated and employ high quality materials and finishes that enhance and complement the streetscape character.	The proposal demonstrates extensive use of white render finish with no secondary external wall finish. The predominant external finishes in the locality are two-toned, with a darker tone complementing a lighter tone (such as white render as the primary colour and a dark grey finish as the secondary colour). The proposed external finishes are not compatible with the external finishes found in the locality.	
3. Street corners must be given prominence by a change in building articulation, materials, colours, form and scale.	The street corner is not given prominence by way of variation in colour or architectural articulation.	
4. Human scale at street level must be reinforced in the design of the building and overall development. The scale, rhythm, materiality and landscaping treatment need to define the appearance of the building to create physical and visual connections between the private and public domain for pedestrians.	The substation and booster are not well integrated into the streetscape.	
5. Services such as substations and fire booster assemblies must be integrated into the design of the façade.	No blank wall proposed.	
6. Development must not rely solely on the use of two-dimensional colour and materials to create visual interest. Modulation and articulation in the building form must be considered in the design of the building, in plan view and elevation.	No vantage point is identified near the subject site. The proposed glass balustrades will not cause privacy concerns.	
7. Large areas of blank, minimally or poorly articulated walls are not acceptable. Façade treatments such as wall cladding, and green walls should be considered as alternatives to blank walls.		
8. Clear glazing to balustrades must be avoided where they are visible from nearby vantage points. Screening of balconies by way of adjustable or fixed		



panels should be included where there are issues of privacy, and/or excessive exposure to solar impacts.		
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Landscape Treatment		
6.3.6 Landscaped Treatment and Private Open Space		
Control	Proposal	Compliance
1. Deep soil is to be provided within the setbacks areas as required in Figures 3, 4 and 5 and consistent with Part 3E of the NSW State Government's Apartment Design Guide. To be included as deep soil as required by Part 3E of the Apartment Design Guide, the deep soil area must have a minimum dimension of 3m on any axis. Planting in the deep soil areas is to include trees that achieve a minimum mature height of 6m and under canopy planting.	Adequate deep soil area provided per the ADG and GRLEP, however no planter box is provided above area covered by basement carparking. Landscaping provided on all sides. The proposed substation and temporary bin storage area are not screened in any manner.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. The visual appearance of developments is to be softened through the incorporation of planter boxes and similar design treatments that will support landscaping in a minimum soil depth which is consistent with Part 4P of the Apartment Design Guide.	North-facing balconies provided. All private open spaces are directly accessible from living area; however the proposed ground floor private open spaces and the balcony of Unit 502 are not compliant.	
3. Where landscaping is included on balconies and terraces, the functional area of the private open space is not to be reduced to below the minimum requirements of Part 4E of the Apartment Design Guide.	No updated landscape plan supplied. The landscape plan does not match the latest architectural plans, and the proposed planting scheme does not account for the proposed electrical substation.	
4. Where services including fire booster valves, substations and other infrastructure required as part of the any new development present to a public road or public space, they must be concealed by a screen or fence that corresponds with the materiality of the building façade		
5. Any proposed deep soil, landscape area, podium or raised planter box landscaping that forms part of the communal open space or common property must be provided with suitable		



maintenance access from the site or building entry through common property to allow for landscape maintenance work.		
6. Private open space should be adjacent to and visible from the main living and/or dining rooms and be accessible from those areas.		
7. Development should take advantage of opportunities to provide north facing private open space to achieve comfortable year-round use.		
8. Unpaved or unsealed areas within a development site should be maximised and designed to facilitate on site infiltration of stormwater to the water table.		
9. Existing significant trees and vegetation must be incorporated into the proposed landscape treatment.		
10. Private open space and balconies must comply with Part 4E of the NSW State Government's Apartment Design Guide.		
11. Planting of replacement trees is to be in accordance with Council's Tree Management Policy.		

Communal Open Space

6.3.7 Communal Open Space

Control	Proposal	Compliance
1. Communal open space to a minimum area of 25% of the site area, with a minimum dimension of 5m is to be provided and must be designed with consideration of the user's thermal comfort throughout the year and may include smaller areas with designated functions such as a shaded garden for summer and an open courtyard for winter.	Communal open space fails to comply with the size requirement. Over 50% of the usable communal open space area will receive more than 2 hours of direct solar access between 09:00 to 15:00 on 21 June. Over 50% of the communal open space consists of artificial turf which is considered a paved area.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
3. At least 50% of the required communal open space area is to		



receive 2 hours of direct sunlight between 9am and 3pm on 21 June.		
4. At least 50% of the ground level communal open space is to comprise unpaved landscaped area.		

Solar Access		
6.3.8 Solar Access		
Control	Proposal	Compliance
1. Shadow diagrams are to be submitted for the winter solstice (21 June) to demonstrate impacts at a minimum of 9am, midday and 3pm.	<p>Shadow diagrams supplied per DCP requirement.</p> <p>The proposal will not result in adjoining private open space and primary living area windows to be overshadowed by more than 3 hours on winter solstice.</p> <p>No adjoining photovoltaic panel affected.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Shadow diagrams must include elevational diagrams identifying the habitable rooms and private open space areas of the adjoining dwellings, and view from the sun diagrams, identifying solar access compliance to the proposed development.		
3. Shadow diagrams are required to show the impact of the proposal on the sunlight to the open space of neighbouring properties. Existing overshadowing by fences, roof overhangs and changes in level should also be reflected in the diagrams.		
4. Where the neighbouring lower density residential zoned dwellings are affected by overshadowing from a development, at least 50% of the neighbouring existing primary private open space and windows to primary living areas must receive a minimum of 3 hours sunlight between 9am–3pm on the winter solstice (21 June). Note: Achieving compliance with this control may be difficult on steeply sloping sites, east west facing allotments, irregular allotments or sites with open space to the south of the built form. In this instance, compliance with the control will be considered on its merits.		
6. New development shall maintain solar access to the living rooms and		



private open space of apartments within existing residential flat buildings.		
7. Consider and minimise overshadowing impacts on the solar photovoltaic panels of neighbouring buildings where a variation to the building setbacks or number of storeys is sought.		

Vehicular Access, Parking and Circulation		
3.13 Parking Access and Transport		
Control	Proposal	Compliance
<p>1. Parking required:</p> <p><u>Residential Flat Building</u></p> <p>1 space per 1 and 2 beds, 2 spaces per 3 beds or more 1 visitor space per 5 units (1 car wash bay can be used as a visitor space)</p> <p><u>Proposed Apartment Mix</u></p> <p>4 x 1 bedroom apartments 18 x 2 bedroom apartments 4 x 3 bedroom apartments 26 apartments in total</p> <p><u>Required Parking Spaces</u></p> <p>Residential: 30 Visitor: 5.2 Total: 36 spaces (required parking rate = 35.2)</p> <p>5. In calculating the total number of car parking spaces required for a development type, the total should be rounded up to the nearest whole number (i.e. 0.5 or greater).</p>	<p>27 resident parking spaces 7 visitor spaces</p> <p>34 spaces in total – this represents a deficiency of 2 spaces.</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>8. Bicycle Parking</p> <p><u>Residential Flat Building</u></p> <p>1 space per 3 dwellings, and 1 space per 10 dwellings (visitors)</p>	12 bicycle spaces provided.	



<p><u>Required</u></p> <p>Residential: 8.7 (for 26 apartments)</p> <p>Visitors: 2.6</p> <p>Total: 12 (required rate = 11.3)</p>		
9. In calculating the total number of bicycle spaces required for a development type, the total should be rounded up to the nearest whole number (i.e. 0.5 or greater).		
10. Bicycle parking facilities are to be designed in accordance with Australian Standard AS2890.3 (Parking Facilities – Part 3 Bicycle Parking Facilities).		
12. Internal car park layouts, space dimensions, ramp grades, access driveways, internal circulation aisles and service vehicle areas shall be designed in accordance with the requirements set out in AS 2890.1 (2004) and AS 2890.2 (2002) for off street parking and commercial vehicles.	The proposed driveway diagrams are not consistent with the proposed floor levels.	
13. Design vehicular access in accordance with the current Australian Standard for 'off-street parking (Part 1)' and 'off-street carparking for commercial vehicles (Part 2)'.		
15. Basement car parking is preferable in commercial and residential flat buildings.	Basement parking spaces are provided outside of the building footprint.	
16. Basement car parking is to be located within the building footprint.	Ventilation details are unknown. While a supply air duct is indicated on the ground floor plan, the duct is not reflected on the elevation plans.	
17. All basement parking areas are to have security doors.		
18. Include natural ventilation to basement and semi basement car parking.		
19. Integrate ventilation design into the façade of the building, or parking structure, treating it with appropriate		



features such as louvres, well designed grilles, planting or other landscaping elements.		
23. Parking complies with AS 1428 Design for access and mobility and AS/NZS 2890.6.	3 adaptable units proposed.	
24. All off-street parking facilities shall allocate accessible parking spaces for people with disabilities at the rate in accordance with Section 3.17 – Universal/ Accessible Design of this DCP.	6 accessible parking spaces provided for residents, all located near the lift. No accessible parking space is provided for visitor.	
25. Accessible parking spaces shall be located close to an accessible lift, ramp or building entrance and be provided with an accessible path of travel.		
26. Accessible parking spaces shall be indicated by a permanent sign as specified in AS 1428.1		
27. For residential development, accessible car parking spaces are to be allocated to adaptable unit, or as visitor parking.		
28. A designated car washing area (which may also be a designated visitor car space) is required residential developments of four or more dwellings.	A car wash bay proposed.	
29. Car wash bays which collect waste water must be covered and discharge the water to the sewer in accordance with the requirements of Sydney Water.		
30. Design parking to ensure pedestrian safety.	Pedestrian entrances are separated from vehicular travel paths.	
31. Pedestrian entrances and exits shall be separated from vehicular access paths		
32. Design driveways to minimise visual impact on the street and maximise pedestrian safety	The garage door is placed underground, obscured from view lines from the street.	



33. Ensure that all vehicles, including vehicles using loading bays, can enter and leave the site in a forward direction.	Vehicular ingress and egress can be achieved in forward direction.	
34. Avoid locating accessways to driveways adjacent to the doors or windows of habitable rooms.		
35. All driveways are to be finished in plain concrete	This would be conditioned should the application be recommended for approval.	
6.3.9 Vehicular Access, Parking and Circulation		
Control	Proposal	Compliance
1. Car parking is to be provided in accordance with the requirements in Part 3 General Considerations of this DCP unless Objective 3J-1 of the Apartment Design Guide applies. Car access areas and garages doors do not visually dominate either the development or the streetscape.	Vehicular access points are clearly visible from the street. The subject site can accommodate vehicles to stop momentarily without crossing footpath.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. Vehicular access points should be clearly visible from the street with adequate sign posting or design cues to alert drivers to their availability.	Vehicular access is provided on John Street which is quieter compared to Park Road (being a regional classified road).	
3. The design of the vehicular access should prevent vehicles queueing across footpaths and onto the public road. Vehicles should be accommodated wholly within the site before being required to stop.	The proposed vehicular access has minimal impact on on-street parking provision and no impact on street tree. 2.5m clearance provided.	
4. On corner sites with two street frontages, vehicular access should be provided to the street with the lesser traffic volumes.		
6. Crossings are to be positioned so that on-street parking and landscaping on the site are maximised, and removal or damage to existing street trees is avoided.		
7. Car parking layout and vehicular access requirements and design are to be in accordance with the Australian Standards, in particular AS 2890.1 (latest edition).		



8. Clearance above the general parking surface must be a minimum of 2.5m		
10. All residential flat buildings or residential components of shop top housing must provide a car wash bay which: i. Is roofed and bunded to exclude rainwater. ii. Has clearly visible signs which indicate that no degreasing or mechanical work is to be undertaken in the car wash bay. iii. Has a fixed basket trap for floor waste. iv. Includes a 1000 litre general purpose pit.	A car wash bay is proposed. No basket trap or pit is indicated for floor waste, and waste management for car wash bay is not indicated.	
11. Three options exist for the disposal of trade wastewater from residential car wash bays. They are: i. Removal off-site by an authorised liquid waste disposal contractor; ii. Reuse of treated wastewater for car washing or irrigation on landscaped areas. An appropriate method should be used to treat grease, oil and silt before reuse or irrigation; or iii. Discharge to the sewer via appropriate pre-treatment.		
12. If the carwash bay is not discharged into the sewer, applicants must provide Council with details and evidence of how wastewater will be removed (e.g. removal by an authorised liquid waste disposal contractor).		
14. Basement car parking should be naturally ventilated where possible.	Ventilation details are unknown. While a supply air duct is indicated on the ground floor plan, the duct is not reflected on the elevation plans.	
15. Separate pedestrian access to buildings should be provided which does not rely upon access from a basement as the sole pedestrian access location.		



16. The use of mechanical parking devices such as car lifts, turn tables and car stackers for the provision of car parking should be avoided wherever possible.	No mechanical parking device required.	
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Dwelling Mix		
6.3.10 Dwelling Mix		
Control	Proposal	Compliance
<p>1. Developments that propose more than 20 dwellings are to provide a mix of dwellings consistent with the following percentage mix:</p> <p>i. Studio apartments and 1 bed apartments – Maximum of 25%</p> <p>ii. 2 bed apartments – Minimum of 35%</p> <p>iii. 3+ bed apartments – Minimum of 15%</p>	<p>The apartment mix is as follows:</p> <ul style="list-style-type: none"> - 4 × 1 bedroom apartments (15.4%) - 18 × 2 bedroom apartments (69.2%) - 4 × 3 bedroom apartments (15.4%) 	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>3. Apartment configurations are to support diverse household types and stages of life including single person households, families, multi-generational families and group households.</p>		

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

The Regulations

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

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

The Likely Impacts of the Development

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



Likely Impacts of the Development	
Natural Environment	The proposal fails to provide an RAP demonstrating how contamination will be managed during construction. In absence of an RAP, Council cannot ascertain that the proposal will not cause adverse impact on the natural environment and the wider Georges River Catchment.
Built Environment	The proposal has not demonstrated that it will make a positive contribution to the streetscape and the character of the area as the siting, scale, bulk, massing, and design elements of the development is generally inconsistent from an urban design perspective. In absence of an acoustic report, the proposal fails to demonstrate noise attenuation for future occupants. The proposal does not accord with multiple planning controls and represents an inappropriately designed development that is not supported.
Social Impact	The assessment demonstrates that the proposal in its current form will have adverse impacts on visual amenity within the locality. As a result of the non-compliant height and poor street activation, the proposal impinges on the established street character of Park Road and John Street.
Economic Impact	The proposal is not considered to result in unreasonable economic impact

Site Suitability

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

The site is zoned R4 High Density Residential. The proposal is not considered a suitable outcome for the subject site for the following reasons:

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

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 was received during the neighbour notification period.



Revised Plans - Re-notification

The applicant lodged revised plans on Wednesday, 26 March 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 not considered to be in the public interest for the following reasons:

1. The proposed development has not demonstrated that it is suitable for the subject site.
2. The proposal fails to achieve appropriate transition from a higher density area to a lower density area due to height exceedance and inadequate setbacks. The proposal does not make a positive contribution to the streetscape and urban form of the locality.
3. The proposal fails to comply with multiple planning controls and represents an inappropriately designed development that is not suitable for the site.
4. The proposal fails to demonstrate measures to manage and control contamination during construction stage. Council cannot ascertain that the proposal will not cause adverse environmental impacts to the locality as well as the wider Georges River Catchment.

Referrals

Internal 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>	-



Landscape Officer	<p>The officer has considered the following planning provisions:</p> <ul style="list-style-type: none"> - SEPP (Biodiversity Conservation) 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 - Georges River Tree Management Policy 2024 <p>No objections raised to the proposal and conditions recommended.</p>	-
Urban Design	<p>The officer has considered the following planning provisions:</p> <ul style="list-style-type: none"> - Clause 6.10 of GRLEP 2021 - Part 5 of GRDCP 2021 <p>The following objections were raised:</p> <ul style="list-style-type: none"> - Inadequate public/private interface as a result of the temporary bin storage and other utilities being located in prominent locations, - Inadequate building setbacks - Inadequate basement setbacks - Internal communal circulation area is not conducive to passive surveillance, social interaction, and pedestrian circulation. The lift lobby has a long 'L shape', and vertical circulation areas are not readily visible from the street. Furthermore, the internal communal circulation areas above the ground floor does not have solar access. - The communal open spaces are not readily accessible from the building and from street level. On that basis concern is raised with regards to the usability, desirability and design excellence of the communal open spaces 	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.

	<ul style="list-style-type: none"> - Poor interface between the private open space of unit G01 and the temporary bin holding area facing John Street - Inadequate solar access information is supplied for assessment. - The architectural plans provided insufficient details on fire hydrant boosters and electrical substations. - The proposal only achieves the bare minimum ESC result in contravention to Clause 6.10 of the GRLEP requiring design excellence to be demonstrated with respect to sustainability. - The proposal demonstrates a height breach, which result in a bulk and scale that is incompatible with the locality. - The proposed façade treatment fails to contribute to the public domain and enable activation at the street corner. 	
Building Surveyor	<p>The officer has considered the following planning provisions:</p> <ul style="list-style-type: none"> - Building Code of Australia <p>No objections raised to the proposal and conditions recommended.</p>	-
Land Information (GIS)	No objections raised to the proposal and conditions recommended.	-
Environmental Health Officer	<p>The officer has considered the following planning provisions:</p> <ul style="list-style-type: none"> - Clause 6.1 of GRLEP 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 <p>The following objections were raised:</p> <ul style="list-style-type: none"> - An RAP is not provided. In absence of the document Council cannot ascertain how 	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.

	<p>contamination will be managed during construction.</p> <ul style="list-style-type: none"> - An acoustic report is not supplied. An acoustic report is required in this instance as the subject site is located on a busy road. 	
Traffic Engineering	<p>The officer has considered the following planning provisions:</p> <ul style="list-style-type: none"> - Clause 6.9 of GRLEP 2021 - Part 3.13 of GRDCP 2021 <p>The following objections were raised:</p> <ul style="list-style-type: none"> - Insufficient parking spaces provided - Inconsistency between submitted driveway gradient and floor levels - Proposed driveway is assessed to have a gradient and gradient transition greater than the maximum design parameters allowable in the Australian Standards. 	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.

External Referrals

External Referrals		
Referral Body	Comment	Outcome
Ausgrid	<p>The referral body has considered the following planning provisions:</p> <ul style="list-style-type: none"> - Clause 2.48 of SEPP (Transport and Infrastructure) 2021 <p>No objections raised to the proposal and conditions recommended.</p>	-



Contributions

The development is subject to Section 7.11 Contributions. A condition of consent requiring payment of the contribution and identifying it is subject to indexation in accordance with the plan would be imposed should this application be recommended for approval.

Conclusion

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

The application is not considered suitable with regards to the matters listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 for the reasons outlined in the recommendation section.

The proposed variation to Clause 4.3 of the GRLEP 2021 is not sufficiently justified by the provided Clause 4.6 and the variation is not considered to be in the public interest, being contrary to the zone and standard objectives.

Recommendation

Refusal of Application

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), DA2024/0389 for Demolition works and construction of a residential flat building on Lots A, B, and C in DP 323668 on land known as Demolition works and construction of a residential flat building, is recommended for refusal subject to the reasons referenced below:

1. **Refusal Reason - Environmental Planning Instrument – State Environmental Policy (Biodiversity and Conservation) 2021** - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021 for the following reasons:
 - a) The submitted Detailed Site Investigation identifies areas of contamination, however no Remedial Action Plan (RAP) was submitted to identify actions to manage and remedy the contaminated areas. In absence of an RAP, the proposal fails to demonstrate measures to protect the Georges River Catchment from contamination.
2. **Refusal Reason - Environmental Planning Instrument – State Environmental Policy (Sustainable Buildings) 2022** - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Sustainable Buildings) 2022 for the following reasons:
 - a) No updated BASIX Certificate is supplied to reflect the latest architectural plans.
3. **Refusal Reason - Environmental Planning Instrument – State Environmental Policy (Resilience and Hazards) 2021** - Pursuant to Section 4.15 (1)(a)(i) of the Environmental



Planning and Assessment Act 1979, the proposal fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 for the following reasons:

- a) The proposal fails to comply with Chapter 4 as no RAP is supplied to ascertain actions to manage and remedy contaminated areas. The proposal fails to demonstrate that future occupants will not be exposed to unacceptable contamination risks.

4. Refusal Reason - Environmental Planning Instrument – State Environmental Policy (Housing) 2021 - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development is unacceptable with respect to the following sections of the Apartment Design Guide (ADG):

- a) 3C – Public domain interface – the proposal fails to enable adequate transition between the private and public domain; and enhance the public domain. The proposed utilities (including temporary bin holding area, electrical substation, and letterbox) are placed on prominent locations which hinders street activation. Furthermore, insufficient information is provided with respect to how the ventilation vents and air supply ducts will interact with the streetscape.
- b) 3D – Communal open space – Inadequate communal open space is provided with a deficiency of 12.6sqm. The communal open spaces are not readily accessible from internal circulation spaces, and the street-facing communal open space fails to achieve the required minimum dimension of 3.0m. Insufficient information is provided with respect to the separation of access between unit G01 and the communal open space.
- c) 3F – Visual privacy – The proposal fails to demonstrate adequate building separation from the northeastern boundary and John Street.
- d) 3G – Pedestrian access and entries – The proposal fails to provide building entries that adequately connect address the public domain.
- e) 3H – Vehicle access – The proposal fails to provide a driveway that is compliant with the relevant Australian Standards. Furthermore, no screen planting is provided to diminish the visual impacts of the driveway.
- f) 3J – Bicycle and parking – Insufficient information is provided with respect to the elevation and profile of the air supply duct and ventilation grills.
- g) 4A – Solar and daylight access – The submitted shadow diagrams contradict with the submitted solar access diagrams. Compliance with Part 4A cannot be ascertained in absence of adequate information.
- h) 4C – Ceiling heights – The third floor level has a ceiling height of 2.65m which does not comply with the design criteria.
- i) 4D – Apartment size and layout – Firstly, Unit 503 has a floor space short fall of 1.4sqm. Secondly, 14 apartment units contain bedrooms with an internal dimension less than 3.0m excluding wardrobes. Thirdly, the living/dining room of Unit 403 has a non-compliant width of 3.8m only. The proposal fails to provide adequate internal spaces.
- j) 4E – Private open space and balconies – The primary balcony of Unit 502 has a non-compliant depth of 1.8m only, and all ground floor level private open spaces fail to



achieve a 3.0m width. Furthermore, the proposed balconies incorporate extensive use of glass and does not contribute positively to the architectural form.

- k) 4F – Common circulation areas – The lobby are not conducive to internal circulation and social interactions. All proposed lobby areas are narrow with service cupboards protruding into the lobby spaces. All lobbies above the ground floor level are not provided with natural ventilation or solar access.
- l) 4G – Storage – Compliance with Part 4G cannot be ascertained in absence of internal storage volume calculation within units.
- m) 4J – Noise and pollution – no acoustic report is supplied. It is unclear if future residents will be adequately protected from road noise originated from Park Road and Princes Highway.
- n) 4L – Ground floor apartments – Inadequate street access is provided for unit G01.
- o) 4M – Facades – The proposal fails to demonstrate well resolved façade treatments with an appropriate scale, articulation and proportion. The corner of Park Road and John Street is ill-defined from an architectural perspective.
- p) 4N – Roof design – The proposed flat roof enhances horizontality and does not relate to the street.
- q) 4O – Landscape design – No updated landscape plan is supplied to reflect the latest architectural plans and account for the electrical substation. Furthermore, the proposal demonstrates excessive use of artificial turf on communal open spaces which is not of a sustainable design.
- r) 4P – Planting on structures – the extensive use of artificial turf above the basement level does not positively contribute to the quality and amenity of the communal open spaces.
- s) 4Q – Universal design – Three adaptable units are proposed, representing a shortfall of three. Inadequate provision of adaptable units will result in unacceptable exclusion of disabled persons.
- t) 4W – Waste management – The temporary bin storage area is located in a visually prominent location on John Street without screening. Such arrangement diminishes street activation.

5. Refusal Reason - Environmental Planning Instrument – State Environmental Policy (Transport and Infrastructure) 2021 - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposal fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021 for the following reasons:

- a) The proposal does not comply with Clause 2.119 as no acoustic report was supplied to assess the noise impact of Park Road (a classified road) on the proposed development. Insufficient information is provided demonstrating measures to protect future occupants.

6. Refusal Reason - Environmental Planning Instrument – Local Environmental Plan - Pursuant to Section 4.15 (1)(a)(i) of the Environmental Planning and Assessment Act 1979,



the proposed development is unacceptable in regard to the following sections of Georges River Local Environmental Plan 2021 (GRLEP 2021):

- a) Clause 2.3 - Zone Objectives. The proposal is inconsistent with the zone objectives as the proposal fails demonstrate a high standard of urban design and built form that enhances the local character of Kogarah Bay and achieve a high level of residential amenity.
- b) Clause 4.3 – Height of Buildings. The proposed development demonstrates a height of 22.17m, exceeding the maximum building height of 21m.
- c) Clause 4.6 – Exceptions to development standards. The Clause 4.6 variation request fails to demonstrate adequate planning grounds justifying variation to the maximum building height development standard.
- d) Clause 6.9 – Essential Services. The proposed development has not demonstrated a satisfactory design for vehicular access. The proposed driveway does not comply with relevant Australian Standards in relation to gradient and gradient transition.
- e) Clause 6.10 – Design Excellence. The proposed development has numerous urban design issues and is considered to have not demonstrated design excellence.

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

- a) Future desired character – The proposal contravenes with Section 5.18 as the proposal fails to achieve adequate transition to the lower density areas in the vicinity and positively contribute to the streetscape. The proposed development is also not considered to be well-designed as evident by the multiple non-compliances with the ADG, GRLEP 2021 and GRDCP 2021.
- b) Setbacks – The proposal does not comply with Section 6.3.3 and 6.3.4. The proposal incorporates a non-compliant setback of 5.0m above four storeys from Park Road, and a non-compliant setback of 4.5m from John Street. Furthermore, the proposed basement levels are setback only 3.0m from the street and rear boundaries. Insufficient setbacks result in an inappropriate transition of building bulk and inadequate provision of deep soil landscaping near the street boundaries
- c) Façade and landscape treatment – The proposal does not satisfy Section 6.3.5 and 6.3.6. The proposal incorporates extensive use of white render finish that is not compatible with the predominant external finishes found in the locality. The placement of utilities on prominent locations of the street frontage fails to take consideration of landscaping and provide visual prominence to the street corner.
- d) Communal open space – The proposal is unacceptable in regard to Section 6.3.7 as over 50% of the communal open spaces are covered by artificial turf. The extensive use of artificial turf diminishes landscape quality of the proposal.
- e) Parking – The proposal is unacceptable in regard to Section 3.13. The proposal demonstrates a deficiency of two parking spaces, and no accessible parking spaces are provided for the visitors. Furthermore, no detail is provided regarding the waste



management of the car wash bay. The proposal fails to cater for the parking demand which will unreasonably intensify on-street parking demand in the surrounding area.

8. **Refusal Reason – Impact on the Environment** – Pursuant to Section 4.15 (1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to have an adverse impact on the following aspects of the environment:
- a) Natural Environment. The proposal fails to provide an RAP demonstrating how contamination will be managed during construction.
 - b) Built Environment. The proposal has not demonstrated that it will make a positive contribution to the streetscape and the character of the area as the siting, scale, bulk, massing, and design elements of the development is generally inconsistent from an urban design perspective. In absence of an acoustic report, the proposal fails to demonstrate noise attenuation for future occupants. The proposal does not accord with multiple planning controls and represents an inappropriately designed development that is not supported.
 - c) Social Impacts. The assessment demonstrates that the proposal in its current form will have adverse impacts on visual amenity within the locality. As a result of the non-compliant height and poor street activation, the proposal impinges on the established street character of Park Road and John Street.
9. **Refusal Reason – Impact on the Environment** – Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be suitable for the site.
10. **Refusal Reason – The Public Interest** – Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979, the proposed development is not considered to be in the public interest and is likely to set an undesirable precedent.



