

AGENDA

Georges River Local Planning Panel

Thursday, 18 September 2025

4:00 PM

Blended Meeting

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

Participants:

Stuart McDonald (Chairperson)

Naomi Fiegel (Expert Panel Member)

Larissa Ozog (Expert Panel Member)

Andrew Loukopoulos (Community Representative)

GEORGES RIVER LOCAL PLANNING PANEL MEETING

ORDER OF BUSINESS

1. ON SITE INSPECTIONS

2. OPENING

3. ACKNOWLEDGEMENT OF COUNTRY

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

4. APOLOGIES / LEAVE OF ABSENCE

5. NOTICE OF WEBCASTING

6. DISCLOSURES OF INTEREST

7. CONSIDERATION OF ITEM(S) AND VERBAL SUBMISSIONS

8. CLOSED SESSION – DELIBERATION OF REPORTS

LPP025-25	2-4 Victoria Street Kogarah – DA2024/0544 (Report by Principal Planner)	3
LPP026-25	133 Vanessa Street (Unit 3B), Kingsgrove – DA2025/0272 (Report by Senior Development Assessment Officer)	167
LPP027-25	222 Connells Point Road, Connells Point – DA2025/0281 (Report by Development Assessment Planner)	206
LPP028-25	Peakhurst Park, 5A Hedley Street, RIVERWOOD – DA2025/0302 (Report by Senior Development Assessment Planner)	260

9. CONFIRMATION OF MINUTES

Georges River Local Planning Panel Meeting - 18 September 2025

REPORTS AND LPP DELIBERATIONS**REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 18 SEPTEMBER 2025****LPP025-25 2-4 VICTORIA STREET KOGARAH**

LPP025-25

LPP Report No	LPP025-25	Development Application No	DA2024/0544
Site Address & Ward Locality	2-4 Victoria Street Kogarah Kogarah Bay Ward		
Proposed Development	Alterations and additions to the 11-storey residential flat building approved pursuant to Development Consent No. 2019/0319, granted by the Land and Environment Court on 15 May 2020, and includes the construction of a new 4-storey eastern wing on 4 Victoria Street, construction of 3 additional storeys and various internal reconfigurations, resulting in a 14-storey development containing 110 apartments (including 26 apartments to be used as affordable housing) over two levels of basement car parking accommodating 52 vehicles.		
Owners	Kogarah development No. 1 Pty Ltd		
Applicant	Aaron Sutherland		
Planner/Architect	Sutherland and Associates Pty Ltd		
Date Of Lodgement	29/01/2025		
Submissions	Thirty-five (35)		
Cost of Works	\$15,379,417		
Local Planning Panel Criteria	Residential Flat Building and 10 or more submissions.		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Housing) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 State Environmental Planning Policy (Transport & Infrastructure) 2021. 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	Principal Planner		

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

Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes - 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?	Not Applicable – Recommended for refusal

SITE PLAN

EXECUTIVE SUMMARY

PROPOSAL

1. Council is in receipt of a Development Application No. 2024/0544 seeking consent for alterations and additions to the 11-storey residential flat building approved pursuant to Development Consent No. 2019/0319, granted by the Land and Environment Court on 15 May 2020, and includes the construction of a new 4-storey eastern wing on 4 Victoria Street, construction of 3 additional storeys and various internal reconfigurations, resulting in a 14-storey development containing 110 apartments (including 26 apartments to be used as affordable housing) over two levels of basement car parking accommodating 52 vehicles.

2. The development comprises the following components:

General

- Construction of 4-storey eastern wing at 4 Victoria Street and extension of the approved building footprint behind the heritage cottage to connect.
- Introduction of new lift core
- Floor to floor heights of all storeys (except ground floor and Level 3) increased from 3.05m to 3.1m. The floor-to-floor height of Level 3 has been raised by 200mm.
- Basement Levels 3 and 4 deleted.
- A total of 110 apartments are proposed with the following apartment mix: 3 x studios, 41 x 1-bed, 64 x 2-bed and 3 x 2-bed.

Basement Level 2

- Basement footprint expansion onto 4 Victoria Street
- 29 residential car parking spaces (including 5 accessible spaces)
- 23 bicycle spaces; and
- residential storage.

Basement Level 1

- Basement footprint expansion
- 21 residential car parking spaces (including 5 accessible spaces and 5 small car spaces)
- 2 car share spaces and
- 35 bicycle spaces.

Ground Floor

- Layout reconfiguration including extension of building behind and on eastern side of heritage cottage. Now contains:
 - Western wing to contain:
 - 1 x studio apartment
 - 2 x 1-bedroom apartments
 - 3 x 2-bedroom apartments
 - Lower floors of:
 - i. 3 x 2 storey, 2-bedroom apartments (G01, G03 and G09).

- Eastern wing to contain:
 - lower floor of the 2 storey 2-bedroom apartment (G10).
- Communal open space (COS) in southwest corner of site
- OSD tank
- temporary bin holding room
- substation and booster
- Adaptive re-use of heritage cottage as a café, the proposed works to the heritage item approved under the development consent will remain, further demolition of internal fabric and further external works to provide access including an accessible entrance and ramps is proposed.

Level 1

- Layout reconfiguration including extension of building behind and on eastern side of heritage cottage. Now contains:
 - Western wing to contain:
 - 3 x 1-bedroom apartments
 - 1 x 2-bedroom apartment; and
 - Upper floors of:
 - i. 3 x 2 storey, 2-bedroom apartments (G01, G03 and G09).
 - Eastern wing to contain:
 - upper floor of 2 storey, 2-bedroom apartment (G10)
 - lower floor of 2 storey, 1-bed apartment (105); and
 - 2 x 2-bedroom apartments.

Level 2

- Layout reconfiguration including extension of building behind and on eastern side of heritage cottage. Now contains:
 - Western wing to contain:
 - 1 x studio apartment
 - 2 x 1-bedroom apartments; and
 - 4 x 2-bedroom apartments.
 - Eastern wing to contain:
 - upper floor of 2 storey, 1-bed apartment (105)
 - 1 x 1-bed apartment lower floor (307); and
 - 2 x 2-bedroom apartments.

Level 3

- Layout reconfiguration including extension of building behind and on eastern side of heritage cottage, containing:
 - Western wing to contain:
 - 1 x studio apartment
 - 2 x 1-bedroom apartments; and
 - 4 x 2-bedroom apartments.
 - Eastern wing to contain:

- 1 x 1-bed apartment upper floor (307); and
- 2 x 2-bedroom apartments.

Levels 4-7

- Layout reconfiguration to provide:
 - 2 x 1-bedroom apartments
 - 6 x 2-bedroom apartments; and
 - Non-trafficable roof provided over eastern wing at Level 4.

Levels 8-10

- Layout reconfiguration to provide:
 - 5 x 1-bedroom apartments
 - 3 x 2-bedroom apartments; and
 - Rooftop communal open space relocated from Level 10 to Level 13.

Levels 11-13

- New storeys providing the following:
 - Levels 11 to 12 to contain across each floor:
 - 5 x 1-bedroom apartments; and
 - 3 x 2-bedroom apartments.
 - Level 13:
 - 1 x 2-bedroom apartment
 - 2 x 3-bedroom apartments; and
 - rooftop communal open space.

Note: Habitable floor space, roof and lift overrun are all contained in the part of the building that will exceed the maximum height control.

3. The following images outline the LEC approved built form and the proposed built form.



LEC approval – Photomontage



Proposed – Artist impression

SITE AND LOCALITY

4. The site is located at 2-4 Victoria Street, Kogarah, comprising Lot 3 in DP 1265877 and Lot 1 in DP 171055. The rectangular site has a 51m frontage to Victoria Street, a 37m frontage to Gladstone Street, and covers 1,838m² with a 5% slope from north-west to south-east. The site is presently vacant except for "Hindmarsh", a heritage-listed single-storey weatherboard cottage in the north-eastern corner (Item I205 under Georges River Local Environmental Plan 2021). A Sydney Water sewer tunnel runs through the site, and the land is zoned R4 High Density Residential.
5. The site is situated within the Kogarah North Precinct, an area undergoing transition from older low-scale residential development to high-density housing following rezoning in 2017. The locality benefits from proximity to educational facilities including Kogarah High School directly across Gladstone Street and St George Girls High School to the north-east, whilst Kogarah Town Centre and railway station are approximately 400 metres south-east. Surrounding development includes recently constructed high-rise residential buildings at 6 Victoria Street (12 storeys, 83 apartments) and 44-52 Regent Street (11 storeys, 87 apartments), with the St George Hospital precinct located further south, creating a mixed residential and institutional character typical of this transitioning urban area.



Figure 1: Street view of development site from Victoria Street (image taken facing South)



Figure 2: Street view of development site from Regent Street (Image taken facing North).

ZONING AND PERMISSIBILITY

6. The subject site is zoned R4 High Density Residential both a café and residential flat building are permitted within the zone and the development satisfies the objectives of the zone.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

7. The application is referred to the Georges River Local Planning Panel for determination as more than thirty-five (35) unique submissions were received.

SUBMISSIONS

8. The application was placed on public exhibition and adjoining residents were notified by letter and given twenty-one (21) days from 31 January 2025 until 20 February 2025. Thirty-five (35) submissions were received during the notification period.
9. Issues raised in the submission are summarised as follows:
 - No development of the site
 - Non-compliance with height control
 - Overshadowing
 - Loss of privacy
 - Decrease in property of value
 - Impact on scenic views
 - Impact on local infrastructure
 - Sustainability impact
 - Traffic congestion
 - Insufficient car parking
 - Overdevelopment of the site
 - Inconsistent streetscape
 - Safety concern
 - Increase in number of residential units
 - Insufficient documentation
 - Construction noise and pollution
 - Proximity to 6 Victoria Street
 - Waste management

BACKGROUND

10. On 15 May 2020, the Land and Environment Court (LEC) approved DA2019/0319 for the Retention and conservation of the local heritage item at 2 Victoria Street, the demolition of other structures and the construction of an 11-storey residential flat building containing 77 units and including 3 levels of basement car parking.
11. On 14 January 2022, Council approved MOD2020/0220 for the modification of the conditions of the development consent to enable the removal of the Jacaranda mimosifolia in the south-eastern corner of 2 Victoria Street. Conditions 43, 44, 45, 47, 83 and 98 were also modified, Condition 48 was deleted, and Condition 48A was inserted.
12. On 19 November 2024, the current development application DA2024/0544 was accepted for lodgement and has been prepared following the acquisition of the adjoining isolated lot known as 4 Victoria Street, Kogarah.
13. On 20 January 2025, the applicant submitted class 1 appeal for deemed refusal to the LEC (case number 2025/00023807). A hearing date has been set for the 6th and 7th November 2025.

14. This application is being determined based on the information available and on this basis is recommended for refusal.

ASSESSMENT

15. The application has been assessed having regard to the Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, the provisions of the relevant State Environmental Planning Policies, GRLEP2021 and GR DCP 2021. The subject application has not provided sufficient information and/or does not comply with the following applicable planning provisions:
- a) Biodiversity and Conservation SEPP:
 - i. Section 2.6 - Clearing that requires permit or approval
 - ii. Section 6.2 - Water Quantity and Quality
 - iii. Section 6.21 - Stormwater Management
 - b) Housing SEPP
 - i. Chapter 2 – Affordable Housing
 - ii. Chapter 4 – Design of Residential Apartment
 - c) Resilience and Hazards SEPP:
 - i. Section 4.6 – Contamination and remediation
 - d) GRLEP 2021
 - i. Clause 4.3 – Maximum Height
 - ii. Clause 4.6 – Exceptions to Development Standards
 - iii. Clause 5.10 – Heritage Conservation
 - iv. Clause 6.2 – Earthworks
 - v. Clause 6.3 – Stormwater Management
 - vi. Clause 6.8 – Development in areas subject to aircraft noise
 - vii. Clause 6.9 – Essential Services
 - viii. Clause 6.10 – Design Excellence
 - e) GRDCP 2021
 - i. Section 3.12 – Waste Management Plan
 - ii. Section 5.18 – Kogarah North
 - iii. Section 6.1.2.11 – Materials, Colour Schemes and Details
 - iv. Section 6.3.3 – Building setbacks and amalgamation
 - v. Section 6.3.4 – Basement Setbacks
 - vi. Section 6.3.5 – Facade Treatment and Street Corner
 - vii. Section 6.3.6 – Landscape Treatment
 - viii. Section 6.3.7 – Communal Open Space
 - ix. Section 6.3.8 – Solar Access
 - x. Section 3.13 – Parking Access and Transport
 - xi. Section 6.3.9 – Vehicular Access, Parking and Circulation
 - xii. Section 6.3.10 - Dwelling Mix
16. Water NSW do not support the application in its current form as inadequate information has been provided to ensure that there is no adverse impact on to the water quality of the Georges River catchment.

17. It cannot be determined if the subject site is suitable for the proposed development as a preliminary site investigation report was not submitted with the application and the site was previously occupied by a dwelling, which has been demolished in recent years and may have contained asbestos.
18. There is insufficient information to determine the percentage of affordable housing gross floor area to ascertain the maximum percentage of increase in floor space ratio increase under Section 16 of the Housing SEPP.
19. The proposed height of the development, being 45.8m, is excessive and the application has not demonstrated that under clause 4.6(3) of the GRLEP 2021 that compliance with the development standard in section 16(3) of the Housing SEPP, being 42.9m, is unreasonable and unnecessary in the circumstances and there are insufficient environmental planning grounds to justify the contravention of the development standard in section 16(3) of Housing SEPP and the maximum increase is dependent on the on GFA calculations for the affordable housing above.
20. The proposal fails to achieve the Future Desired Character for Kogarah South, demonstrating poor design quality with mundane repetitive architectural detailing and inadequate streetscape contribution. The building lacks proper corner articulation despite being on a corner site, with services such as substations and boosters poorly integrated into the facade. The design includes problematic blank walls and relies excessively on glass balustrades, creating an imbalance of solid to void proportions that undermines human scale at street level.
21. Critical setback non-compliances include inadequate front setbacks with insufficient documentation of actual dimensions, and basement setbacks that fail to provide the required 3m deep soil buffer zones. The deep soil landscaped area varies from only 0.98m wide on Victoria Street to 2m on Gladstone Street, falling well short of the minimum 3m requirement. This compromises the ability to support adequate tree planting and undermines the green infrastructure objectives of the development controls.
22. Landscaping failures include inability to demonstrate adequate deep soil areas meeting ADG definitions, insufficient communal open space solar access (failing to show 50% receives direct sunlight), and inadequate integration of services into the landscape scheme. The development lacks the required two canopy trees in street setback areas and fails to provide proper maintenance access for landscaped areas.
23. The submitted shadow diagrams fail to accurately reflect recently constructed residential flat buildings in the vicinity, preventing proper assessment of cumulative overshadowing impacts. The proposal will result in additional overshadowing to northern properties beyond what can be acceptably assessed with the current inadequate documentation, raising concerns about solar access compliance for both the development and neighbouring properties.

24. Significant parking deficiencies include failure to provide required car wash facilities, inadequate visitor parking spaces, and poor vehicular access design lacking proper sightlines between vehicles and pedestrians as required by Australian Standards. The development provides only 52 car parking spaces against a requirement of 102 car spaces, being a significant shortfall of 50 spaces.
25. The proposal cannot achieve compliance with Council's Waste Management Policy requirements.
26. The apartment mix is non-compliant, providing only 1.82% three-bedroom apartments against the minimum 15% requirement, limiting housing diversity for families. Material and colour selections have been rejected by Council's Urban Designer for failing to complement the streetscape character and lacking appropriate tonal relationships with surrounding development.
27. The proposed development fails to comply with the Chapter 4 of the Housing SEPP, the proposal has failed to achieve the ADG requirements, as summarised below:
- (a) Section 3C - Front fence, booster and substation location fail achieve an adequate transition between Victoria Street and the public domain.
 - (b) Section 3D - proposal fails to demonstrate compliance with the minimum 25% site area requirement, and solar access diagrams confirming 50% direct sunlight to communal open space for minimum two hours between 9am-3pm on 21 June have not been provided.
 - (c) Section 3E - The proposal provides only 129m² (7%) of deep soil zones, failing to achieve the required 6m minimum dimensions. Despite the site area increasing by 288m², the deep soil areas have decreased from the previous approval, demonstrating inadequate provision of suitable land for healthy plant and tree growth.
 - (d) Section 3F - Building separation distances are inadequate along both southern and eastern boundaries. The proposal fails to achieve minimum setbacks of 6m for the first four levels, 9m at level five and above, and 12m at level eight and above from the southern boundary. This inadequate separation compromises visual and acoustic privacy with adjoining developments.
 - (e) Section 3G – the main entry points require improved definition through architectural design.
 - (f) Section 3J - The development provides insufficient car parking, offering only 52 residential spaces and no visitor parking despite requirements for 102 total spaces (80 resident plus 22 visitor spaces under relevant guidelines). The provision of two car share spaces does not adequately offset this significant shortfall.
 - (g) Section 4A – The solar access drawings are contradictory and fail to consider impacts on recently constructed residential flat buildings at 52 Regent Street and 10 Victoria Street.
 - (h) Section 4C – floor to ceiling height is not adequate to accommodate transfer plates and wet areas.
 - (i) Section 4E – Several units do not achieve the minimum requirements with multiple balconies compromised by structural columns.

- (j) Section 4M - The facade fails to achieve design excellence, demonstrating bulk and scale issues, disconnected public/private interface, lack of street-level activation, inappropriate vehicular entry integration, imbalanced solid-to-void proportions, large blank wall spans on south and east elevations, mundane architectural detailing repetition, and flat roof design contributing nothing to the skyline.
- (k) Section 4Q – Only 10% of the adaptable units satisfy the 'Liveable Housing Guidelines' with several adaptable units having poor amenity.

28. The proposed development will adversely affect the significance of the existing heritage item known as a 'Hindmarsh' and should not be supported for the reasons outlined below:

- (a) **Scale and Setting Impacts:** The proposed development creates an excessive and overbearing backdrop to the heritage item, with buildings of inappropriate scale positioned too close to the cottage. This overwhelms the historic structure and fundamentally alters its setting and curtilage. The development extends within the historic lot boundaries of the heritage item, compromising the spatial relationship that contributes to its significance.
- (b) **Loss of Significant Elements:** The proposal involves demolition of original fabric identified as having high significance, alongside the loss of the heritage item's significant garden setting. The existing deep soil landscaping around the cottage, which provides important screening and contributes to the item's significance, cannot be retained due to basement construction in close proximity to the heritage structure.
- (c) **Inappropriate Interventions:** The proposed change of use to a café requires substantial intervention into the original fabric and setting, resulting in loss of significant heritage elements and impacts on the item's streetscape presentation. The development fails to retain significant features including internal fabric and garden elements that contribute to the property's heritage value.
- (d) **Regulatory Non-Compliance:** The proposal contravenes multiple objectives and controls in both the GRLEP 2021 and GRDCP 2021, particularly regarding heritage conservation, appropriate setbacks, scale relationships, and curtilage protection. Additionally, the development is inconsistent with numerous policies in the approved Conservation Management Strategy for the site, including those relating to conservation approach, alterations to significant fabric, and the landscaped setting of the heritage item.

29. Insufficient information has been submitted to enable proper assessment.

30. The table below presents a summary of numerical compliance:

Development Standard	Required	Proposed	Compliance
Affordable Housing provided (Housing SEPP)	15% GFA	No calculations provided. 26 apartments proposed	Not confirmed
Affordable Housing Management (Housing SEPP)	Minimum of 15 Years	15 years	Yes
Height (Housing SEPP)	42.9m	45.8m	No
FSR (Housing SEPP)	5.2:1 (9,557.6m ²)	5:1 (9,346m ²)	Yes
Landscaping (Housing SEPP)	30% of the site area (min. 551.4m ²)	Applicant's calculations state that 38.3% (704m ²) is provided. Insufficient information has been provided to confirm this, the areas should be identified on the drawings and calculations provided.	No
Deep Soil (Housing SEPP)	- Min. of 15% of the site area - Min. 3m widths - if possible, min. 65% of the deep soil zone located in rear	7% (129m ²) provided with widths less than 3m.	No
Solar Access (Housing SEPP)	living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter	64% - 70 of the 110 units	No

Visual Privacy – Separation (ADG)	Up to 12m (4 storeys) Habitable and balconies - 6m Non-habitable – 3m Up to 25m (5-8 storeys) Habitable and balconies – 9m Non-habitable – 4.5m	Southern Setback: - Ground to level 4 = 4.5m - Level 5 to 8 = 9m - Level 8 above = 9m Western Setback: - Ground to level 4 = nil - Level 4 and above Dimensions not provided	No
No direct sunlight (ADG)	Max of 15% of apartments	10 south facing apartments – 9%	Yes
Cross Ventilation (ADG)	Min of 60%	65.4%	Yes
Unit Mix (GRDCP 2021 and ADG)	Studio apartments and 1 bed - max. 25% 2 bed - min. 35% 3+ bed - min. of 15%	3 x studios (2.73%) 41 x 1-bedroom apartments (37.27%) 64 x 2-bedroom apartments (58.18%) 2 x 3-bedroom apartments (1.82%) 31. A greater mix of 3-bedroom units is required.	No
Car Parking (Housing SEPP)	Affordable housing: - 1 bed – 0.4 spaces - 2 bed - 0.5 parking spaces - 3 bed or more – 1 parking space (12 spaces required) Apartments: - 1 bed - 0.5 parking spaces, - 2 bed - 1 parking space,	52 car spaces provided (including 2 car share spaces). In addition, no visitor spaces provided.	No

	- 3 or more beds - 1.5 parking spaces (68 spaces required)		
Visitor Car Parking (GRDCP 2021)	1 per 5 apartments (require 22)	Nil	No
Bicycle parking (GRDCP 2021)	<u>RFB</u> 1 space per 3 dwellings (36.66 spaces required) <u>Visitor</u> 1 space per 10 dwellings (11 required)	56 provided	Yes
Communal Open Space (GRDCP 2021)	Min 25% (459.5m²) with 50% to receive direct solar access for 3 hours on 21 June. Min dimension of 3m.	The applicant suggests that 462m² is provided, however, the ground level areas are not suitable for COS and unsafe. On this basis, the rooftop is calculated as 204.23m². In sufficient information to determine solar access.	No
Basement Setbacks (GRDCP 2021)	Boundary setbacks: - 6m front and rear - 3m side Driveway to have 1.5m setback form boundary.	Front = 0.98m Rear = nil West side = nil East side = 2m Driveway = 1m	No

CONCLUSION

32. The proposal has been assessed against the relevant provisions of the State Environmental Planning Policies, the provisions of the GRLEP 2021 and GRDCP 202.
33. 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 Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *Georges River Local Environmental Plan 2021*
- *Georges River Development Control Plan 2021*

RECOMMENDATION

34. Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), DA2024/0544 for alterations and additions to the 11-storey residential flat building approved pursuant to Development Consent No. 2019/0319, granted by the Land and Environment Court on 15 May 2020, and includes the construction of a new 4-storey eastern wing on 4 Victoria Street, construction of 3 additional storeys and various internal reconfigurations, resulting in a 14-storey development containing 110 apartments (including 26 apartments to be used as affordable housing) over two levels of basement car parking accommodating 52 vehicles on Lot 3 DP 1265877 and Lot 1 DP 171055 at 2-4 Victoria Street, Kogarah, is recommended for refusal for the reasons outlined below:
1. Water NSW has refused to issue the General Terms of Approval, with regard to dewatering, consent cannot be granted on this basis in accordance with Section 4.15(d) of the Environmental Planning and Assessment Act 1979.
 2. The application fails to provide sufficient information to assess the impacts on the regulated catchment of the Georges River, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
 3. The proposed development has not demonstrated that the site is suitable for the intended use, fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
 4. The proposal fails to provide adequate car parking and fails to achieve the minimum requirements under Chapter 2 Part 2 Division 1 Section 19(e) of the State Environmental Planning Policy (Housing) 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
 5. The proposed residential flat building does not satisfy Sections 3C, 3D, 3F, 3G, 3H, 3J, 4A, 4C, 4D, 4E, 4F, 4M, 4O, 4P, and 4W of the Apartment Design Guide (ADG) requirements failing to demonstrate compliance with the Chapter 4 Section 149 of the State Environmental Policy (Housing) 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

6. The proposed height of the building fails to comply with the maximum height permitted under Chapter 2 Part 2 Division 1 Section 17 of the State Environmental Planning Policy (Housing) 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
7. The development seeks to vary the height control and the submitted Clause 4.6 Variation Report, fails to demonstrate that a height variation should be supported, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
8. The proposed development will have unacceptable impact on an existing heritage item and is inconsistent with Clause 5.10 Heritage Conservation of the Georges River Local Environmental Plan 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
9. The proposed development fails to provide sufficient information to determine that adequate stormwater works can be undertaken as required under Section 6.9 of the Georges River Local Environmental Plan 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
10. The design of the building does not achieve design excellence, being contrary to Section 6.10 of the Georges River Local Environmental Plan 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
11. Pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is unacceptable and fails to satisfy Sections 3.12, 3.13, 3.17, 5.18, 6.3.3, 6.3.4, 6.3.5, 6.3.6, 6.3.7, 6.3.8, 6.3.10 and 6.1.2.11 of Georges River Development Control Plan 2021 (GRDCP 2021).
12. The development will result in unacceptable bulk and scale and overshadowing of properties to the north and the proposal has failed to demonstrate that the development 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, pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, with regards to proposed built environment.
13. The proposal, in its current form, is not considered to be suitable for the site, pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.

14. The proposed development, in its current form, is not considered to be in the public interest and is likely to set an undesirable precedent, pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

Attachment [↓1](#) LPP Report Final - 2-4 Victoria Street Kogarah - DA2024-0544



Attachment [↓2](#) Architectural plans - 2-4 Victoria St Kogarah



Attachment [↓3](#) Clause 4.6 request - Building Height - 2-4 Victoria Street, Kogarah.pdf - DA2024/0544



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



Assessment Report

DA2024/0544

LOT 3 DP 1265877 and LOT 1
DP 171055

2-4 VICTORIA STREET, KOGARARH

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.....	7
Site Description	7
Locality Description.....	10
Background	11
History	11
Processing.....	11
Site Inspection	12
Assessment - Section 4.15 Evaluation	12
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	43
Georges River Local Environmental Plan 2021	43
Provisions of any Proposed Instrument.....	59
Provisions of any Development Control Plan	59
Georges River Development Control Plan 2021	59
Any Planning Agreement Under Section 7.4.....	73
The Regulations	73
The Likely Impacts of the Development	73
Site Suitability	74
Submissions	75
The Public Interest.....	78
Referrals.....	79
Contributions.....	82
Conclusion.....	82
Determination	82



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 Council as the Consent Authority pursuant to Section 4.16 (1)(b) Environmental Planning & Assessment Act 1979, refuse to the before mentioned Development Application due to the reasons discussed within this report.

Proposal

Council is in receipt of an application which seeks consent for alterations and additions to the 11-storey residential flat building approved pursuant to Development Consent No. 2019/0319, granted by the Land and Environment Court on 15 May 2020, and includes the construction of a new 4-storey eastern wing on 4 Victoria Street, construction of 3 additional storeys and various internal reconfigurations, resulting in a 14-storey development containing 110 apartments (including 26 apartments to be used as affordable housing) over two levels of basement car parking accommodating 52 vehicles.

Specifically, the development application proposes the following alterations and additions to the approved development:

General

- 1) Construction of 4-storey eastern wing at 4 Victoria Street and extension of the approved building footprint behind the heritage cottage to connect.
- 2) Introduction of new lift core to provide access to apartments on eastern and southern side of heritage cottage.
- 3) Floor to floor heights of all storeys (except ground floor and Level 3) increased from 3.05m to 3.1m. The floor-to-floor height of Level 3 has been raised by 200mm.
- 4) Basement Levels 3 and 4 deleted.
- 5) A total of 110 apartments are proposed with the following apartment mix: 3 x studios, 41 x 1-bed, 64 x 2-bed and 3 x 2-bed.

Basement Level 2

- 6) Basement footprint expanded onto 4 Victoria Street and into previous deep soil areas at south-eastern corner of 2 Victoria Street and front setback, and other layout reconfigurations. Now provides for a total of 29 residential car parking spaces (including 5 accessible spaces), 23 bicycle spaces, residential storage, 3 lift cores, 2 fire stairs and services.

Basement Level 1



- 7) Basement footprint expanded onto 4 Victoria Street and into previous deep soil areas at south-eastern corner of 2 Victoria Street and front setback, and other layout reconfigurations. Now provides for a total of 21 residential car parking spaces (including 5 accessible spaces and 5 small car spaces), 2 car share spaces, 35 bicycle spaces, residential storage, 2 waste rooms, 3 lift cores, 2 fire stairs and services.

Ground Floor

- 8) Layout reconfiguration including extension of building behind and on eastern side of heritage cottage. Now contains:
- i) Western wing: 1 x studio apartment (G02), 1 x 1 bedroom apartment (G05), lower floor of 1 x 2 storey, 1 bedroom apartment (G08), 3 x 2 bedroom apartments (G04, G06 and G07), and lower floor of 3 x 2 storey, 2 bedroom apartments (G01, G03 and G09).
 - ii) Eastern wing: lower floor 1 x 2 storey, 2 bedroom apartment (G10).
- 9) Communal open space is provided to the west of the heritage cottage and in the south-eastern corner of the site.
- 10) OSD tank and temporary bin holding room reconfigured adjacent to basement driveway.
- 11) The heritage cottage is now proposed for adaptive re-use as a café, the proposed works to the heritage item approved under the development consent will remain, including the removal of rear 2 storey element and the suite of conservation works described in the Schedule of Conservation Works. However, the café layout would require further demolition of internal fabric and further external works to provide access including an accessible entrance and ramps.

Level 1

- 12) Layout reconfiguration including extension of building behind and on eastern side of heritage cottage. Now contains:
- i) Western wing: upper floors of G01, G03, G08 and G09, 2 x 1 bedroom apartments (102 and 106), and 1 x 2 bedroom apartment (101).
 - ii) Eastern wing: upper floor of G10, lower floor of 1 x 2 storey, 1 bedroom apartment (105), and 2 x 2 bedroom apartments (103 and 104).

Level 2

- 13) Layout reconfiguration including extension of building behind and on eastern side of heritage cottage. Now contains:
- i) Western wing: 1 x studio apartment (202), 2 x 1 bedroom apartments (204 and 207), and 4 x 2 bedroom apartments (201, 203, 208 and 209).
 - ii) Eastern wing: upper floor of 105, lower floor of 307, and 2 x 2 bedroom apartments (205 and 206).

Level 3



14) Layout reconfiguration including extension of building behind and on eastern side of heritage cottage. Now contains:

- i) Western wing: 1 x studio apartment (302), 2 x 1 bedroom apartments (304 and 308), and 4 x 2 bedroom apartments (301, 303, 309 and 310).
- ii) Eastern wing: upper floor of 307, and 2 x 2 bedroom apartments (305 and 306).

Levels 4-7

15) Layout reconfiguration to provide 2 x 1 bedroom apartments (403 / 503 / 603 / 703 and 408 / 508 / 608 / 708), and 6 x 2 bedroom apartments (401 / 501 / 601 / 701, 402 / 502 / 602 / 702, 404 / 504 / 604 / 704, 405 / 505 / 605 / 705, 406 / 506 / 606 / 706 and 407 / 507 / 607 / 707). Non-trafficable roof provided over eastern wing at Level 4.

Levels 8-10

16) Layout reconfiguration to provide 5 x 1 bedroom apartments (803 / 903 / 1003, 804 / 904 / 1004, 805 / 905 / 1005, 807 / 907 / 1007 and 808 / 908 / 1008) and 3 x 2 bedroom apartments (801 / 901 / 1001, 802 / 902 / 1002 and 806 / 906 / 1006). Rooftop communal open space relocated from Level 10 to Level 13.

Levels 11-13

17) New storeys providing the following:

- i) Level 11: 5 x 1 bedroom apartments (1103, 1104, 1105, 1107 and 1108) and 3 x 2 bedroom apartments (1101, 1102 and 1106).
- ii) Level 12: 5 x 1 bedroom apartments (1203, 1204, 1205, 1207 and 1208) and 3 x 2 bedroom apartments (1201, 1202 and 1206).
- iii) Level 13: 1 x 2 bedroom apartment (1303), 2 x 3 bedroom apartments (1301 and 1302) and rooftop communal open space.

A site plan and artist impression are provided below at Figure 1 and Figure 2 below, respectively.





Figure 1 – Site plan (Source: Architectural Plans prepared by Level 33 Architects dated 14/11/24)



Figure 2 – Artist Impression of the Development (Source: Architectural Plans prepared by Level 33 Architects dated 14/11/24)

Site and Locality

Site Description

The site is known as 2-4 Victoria Street, Kogarah and is legally described as Lot 3 in DP 1265877 and Lot 1 in DP 171055.

The site is rectangular in shape with a frontage to Victoria Street of approximately 51 metres, a frontage to Gladstone Street of approximately 37 metres and a total area of 1,838m².

The development consent applied to a smaller site comprising of 7 allotments formerly known as 16-22A Gladstone Street and 2 Victoria Street, Kogarah, with a total area of 1,150m². The 7 allotments were subsequently consolidated to form 2 Victoria Street, Kogarah.

The site is presently vacant other than the heritage cottage in the north-eastern corner of 2 Victoria Street and a Jacaranda mimosifolia in the south-eastern corner of the same parcel. The development consent (as modified to date) authorises the removal of the tree.

The cottage, known as "Hindmarsh", is a single storey weatherboard structure that is identified as an item of local heritage significance (Item I205) in Schedule 5 to Georges River Local Environmental Plan 2021 ("GRLEP 2021"). The Statement of Significance for the item provides as follows:

"Within the Kogarah LGA, 2 Victoria Street is a relatively rare representative example of a modest single-storey weatherboard cottage displaying excellent Federation Arts and Crafts stylistic influence in its external detailing. A recent sympathetic rear addition and wire front boundary fence do not diminish its picturesque characteristics and high streetscape contribution. The place is an important contributor to the historical development of the Kogarah Township Estate."

An extract from the Heritage Map made under GRLEP 2021 with the site outlined in red is provided below at Figure 3.

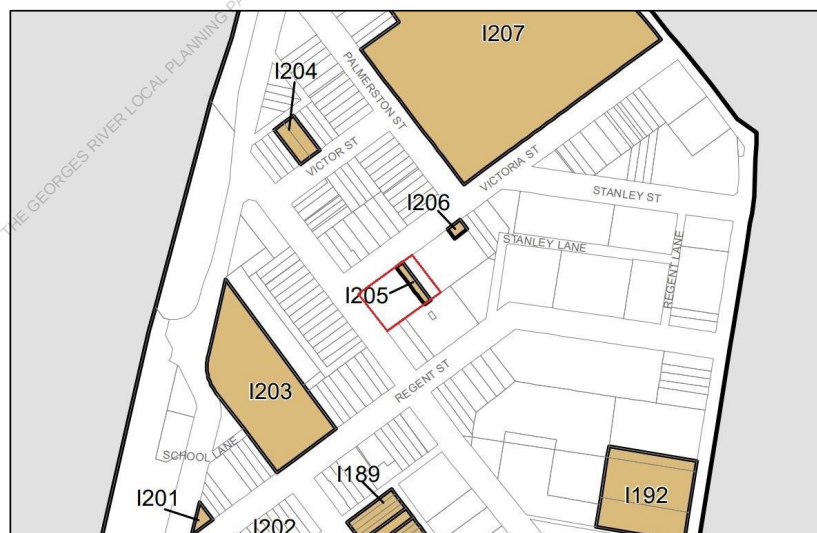


Figure 3: Extract from Heritage Map under GRLEP 2021 (HER_010).



The site grades from the north-western corner to the south-eastern corner, with a slope of approximately 5%.

A Sydney Water Corporation sewer tunnel forming part of the Western Sydney Ocean Outfall Sewer conveying sewage to the Malabar Sewage Treatment Plant runs through the site. Refer to survey at Figure 4.



Figure 4: Architectural Drawings – Site Plan (Source: Architectural Plans prepared by Level 33 Architects dated 14/11/24)

The site is situated within Zone R4 High Density Residential pursuant to the provisions of GRLEP 2021. An extract from the Land Zoning Map referred to in clause 2.2 of GRLEP 2021 with the site outlined in blue is provided below at Figure 5.

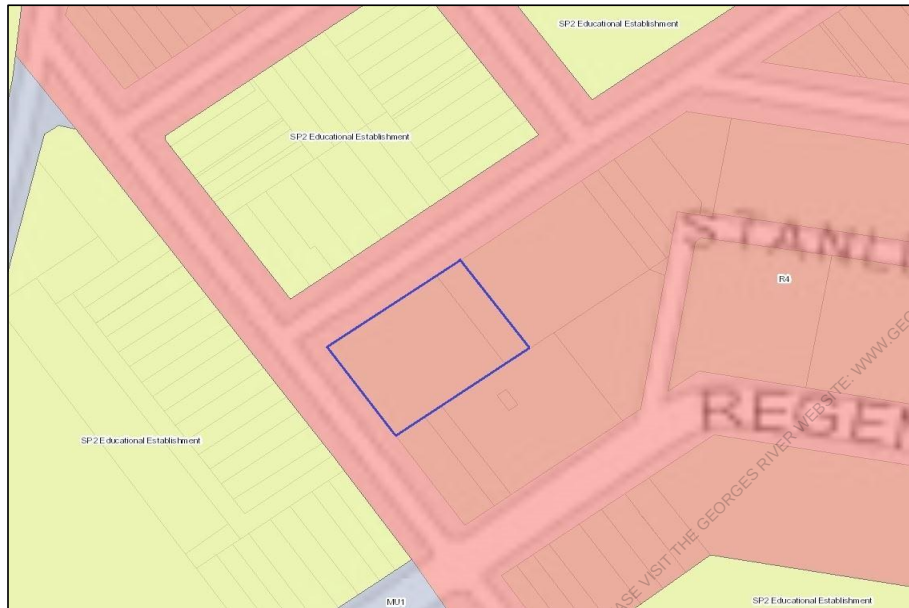


Figure 5: Extract from Land Zoning Map under GRLEP 2021.

An aerial photograph showing the site shaded in blue is provided below at Figure 5.



Figure 6: Aerial photograph of site (Source: Nearmap, 27 January 2025).



Locality Description

The site is located within the Kogarah North Precinct ("KNP") (as identified in the Georges River Development Control Plan 2021), which is situated at the northern tip of the Georges River local government area. The KNP is an area transitioning from older single and double storey dwellings, low scale residential flat buildings and commercial development to high density housing development consistent with the rezoning of the area under the former Kogarah Local Environmental Plan 2012 (Amendment No 2) which commenced on 26 May 2017.

There are a variety of educational institutions within walking distance of the site, including Kogarah High School across Gladstone Street and St George Girls High School to the north-east across Victoria Street.

The Kogarah Town Centre and Kogarah Station are situated approximately 400 metres to the south-east of the site and include a variety of retail and commercial uses concentrated around the station.

The St George Hospital and St George Private Hospital are further to the south and together with the Kogarah Town Centre form part of the Kogarah Health and Education Precinct.

Development on adjoining properties consists of the following:

- 6 Victoria Street (east): a recently constructed 12-storey residential flat building (including the adaptive re-use of 2 terrace houses) containing 83 apartments over basement parking (Development Consent No. DA2020/0128 granted by the Land and Environment Court on 10 February 2021 (Landmark Group Australia Pty Ltd v Georges River Council [2021] NSWLEC 1064));
- 38-40 Regent Street (south): a pair of semi-detached dwellings located on the corner of Regent and Gladstone Streets;
- 42 Regent Street (south): a single storey dwelling house;
- 44-52 Regent Street (south): a recently constructed 11-storey residential flat building containing 87 apartments over 3 basement levels (Development Consent No. DA2020/0132 granted by the Land and Environment Court on 10 February 2021 (Landmark Group Australia Pty Ltd v Georges River Council [2021] NSWLEC 1063));
- North: parking and oval associated with Kogarah High School; and
- 22A Gladstone Street (west): Kogarah High School.



Background

History

The following applications are relevant to the proposed works.

DA/CDC Number	Proposed Works	Determination	Date	Relevance
DA2019/0319	Retention and conservation of the local heritage item at 2 Victoria Street, the demolition of other structures and the construction of an 11-storey residential flat building containing 77 units and including 3 levels of basement car parking	Approval granted by Land and Environment Court	15 May 2020	The current application seeks to expand the development site and amalgamate with 4 Victoria Street and seeks increase density and built form across the development site to provide a 4-storey wing across 4 Victoria Street, delete a basement level and expand the remaining basement levels. Overall, the development will provide 110 apartments (of which 26 will be for affordable housing) and 52 car parking spaces within the basement levels. The DA will deliver a further 32 apartments.
MOD2020/0220	Modification of the conditions of the development consent to enable the removal of the Jacaranda mimosifolia in the south-eastern corner of 2 Victoria Street. Conditions 43, 44, 45, 47, 83 and 98 were modified, Condition 48 was deleted, and Condition 48A was inserted.	Approved under Delegation	14 January 2021	Modified DA2019/0319, requires consideration during the assessment of the current application.

Processing

Application History		
Action	Date	Comment
Submission Date	Friday, 15 November 2024	



Lodgement Date	Monday, 18 November 2024	
Class 1 Proceedings	Monday, 20 January 2025	
Notification	Between 30 January 2025 until 20 February 2025	A total of 35 submissions were received.
External Referrals	10 February 2025	The DA was referred to: - Sydney Airport - Air Services; - NSW Ambulance; - NSW Police Corporation; - Ausgrid; and - WaterNSW

Site Inspection

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



Figure 7: Street view of development site (image taken facing South)

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	☒	☐
Land Contamination	SEPP (Resilience and Hazards) 2021	☒	☐
Coastal Zone	SEPP (Resilience and Hazards) 2021	☐	☒
Adjoins Classified Road	SEPP (Transport and Infrastructure) 2021	☐	☒
Adjoins Rail Corridor	SEPP (Transport and Infrastructure) 2021	☐	☒
Gas Pipeline Buffer	SEPP (Transport and Infrastructure) 2021	☐	☒

SEPPs	Applicable	
Name of SEPP	Yes	No
SEPP (Biodiversity Conservation) 2021	☒	☐
SEPP (Housing) 2021	☒	☐
SEPP (Industry and Employment) 2021	☐	☒
SEPP (Resilience and Hazards) 2021	☒	☐
SEPP (Resource and Energy) 2021	☐	☒
SEPP (Sustainable Buildings) 2022	☒	☐
SEPP (Transport and Infrastructure) 2021	☒	☐
SEPP (Planning Systems) 2021	☒	☐

Assessment of the 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 (SEPP Biodiversity and Conservation) is applicable to the development as the subject site is located within the Georges River Catchment and a Sydney Water Corporation sewer tunnel, forming part of the Western Sydney Ocean Outfall Sewer, traverses the consolidated site and one (1) tree along Victoria Street is in close proximity to the proposed works.

Council's landscape officer reviewed the application and raised objection to potential impacts on the *Eucalyptus microcorys* (Tallowwood) located on Council land adjacent to the front boundary of 4 Victoria Street. An arboricultural impact assessment has not been submitted and is required to ensure that the tree can be suitably retained and protected.

In addition, there is insufficient information has been provided to ensure that the development does not adversely affect the water quality of stormwater leaving the site and being discharged into the Georges River catchment and the impact on the sewer line is not known. The application cannot make an assessment against Section 6.6 – Water Quantity and Quality as well as Section 6.21 – Stormwater Management.

On this basis, a complete assessment against the SEPP (Biodiversity and Conservation) 2021 cannot be undertaken.

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. Although the proposal has submitted documentation that states it achieves the minimum performance levels and targets associated with water, energy, thermal efficiency, and embodied emissions, the development has failed to satisfy Section 6.3(2)(b) of the *Georges River Local Environmental Plan 2021 (GRLEP 2021)*, which requires on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater or river water.

On this basis, amended documentation would be required to satisfy this requirement, the current BASIX and NATHERs require amendment.

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

Section 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 ariel 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 as a preliminary site investigation report was not submitted with the application and the site was previously occupied by a dwelling, which has been demolished in recent years and may have contained asbestos.

On this basis, Council cannot be satisfied that the site is suitable for the residential uses.

State Environmental Planning Policy (Housing) 2021

This proposal seeks consent for a residential flat building containing infill affordable housing and the part of the site known as 4 Victoria Street if also identified as being within a TOD nominated area, however as the 4 Victoria Street will be amalgamated with 2 Victoria Street, which contains a heritage item, the TOD controls do not apply under Section 152 (2) and (3) of the *State Environmental Planning Policy (Housing) 2021* (Housing SEPP).

As such, the following Chapters of the Housing SEPP is applicable to the development:

- Chapter 2 Affordable Housing – Part 2 Division 1 Infill Affordable Housing
- Chapter 4 Design of Residential Apartment Development

An assessment against the relevant provisions of Chapter 2 and 4 are provided below.

Chapter 2 Affordable Housing – Part 2 Division 1 In-fill affordable housing		
Section 15C – Development to which the division applies		
Standard	Proposed	Compliance
1) This division applies to development that includes residential development if— (a) the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another environmental planning instrument, and (b) the affordable housing component is at least 10%, and (c) all or part of the development is carried out— (i) for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or (ii) for development on other land—within 800m walking distance of	23.6% of apartments have been nominated as affordable housing.	☒ Yes ☐ No



land in a relevant zone or an equivalent land use zone.		
2) Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division.	Noted.	
Section 16 Affordable housing requirements for additional floor space ratio		
Standard	Proposed	Compliance
1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the development on the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).	The current calculations provided on the architectural drawings propose a maximum FSR of 5:1 (9346m ²), this complies with the base FSR of 4:1 plus 30% (9557.6m ²). It is noted that 4 Victoria Street is identified as being within a TOD area.	☒ Yes ☒ No
2) The minimum affordable housing component, which must be at least 10%, is calculated as follows— $\text{affordable housing component} = \frac{\text{additional floor space ratio}}{(\text{as a percentage})} \div 2$	This cannot be confirmed as amended calculations are required.	☐ Yes ☒ No
3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1). Example— Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing.	The proposed height exceeds 30%. The height cannot be confirmed based on the current documentation but seeks a variation beyond the maximum permitted incentivised height (42.9m) to 42.9m. This is not supported.	☐ Yes ☒ No



Section 19 Non-discretionary development standards – the Act, s.4.15		
Standard	Proposed	Compliance
1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.	Noted	☒ Yes ☐ No
2) The following are non-discretionary development standards in relation to the residential development to which this division applies— (a) a minimum site area of 450m², (b) a minimum landscaped area that is the lesser of— (i) 35m² per dwelling, or (ii) 30% of the site area, (c) a deep soil zone on at least 15% of the site area, where— (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site, (d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter, (e) the following number of parking spaces for dwellings used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,	The site is 1838m². 551.4m² (30%) of the site should be landscaped. The proposal does not provide landscaping compliant with the definition and does not support the growth of trees and vegetation. Applicant suggests 129m² (7%) of landscaping is deep soil, however, the dimensions are less than the required ADG minimum with of 6m and as site is over 1500m², 15% minimum is encouraged under the ADG. An assessment of the submitted drawings, has determined that only 70 of the 110 units (64%) will achieve a minimum of 3 hours of sunlight, failing to achieve the required 70% minimum. The following number or car spaces are required: - 26 affordable housing = 12 - 84 apartments = 68 - Visitors (1 per 5 units) = 22 - Total = 102 car spaces	☐ Yes ☒ No



(f) the following number of parking spaces for dwellings not used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) e (g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development, (h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide, (i) if paragraphs (g) and (h) do not apply, the following minimum floor areas— (i) for each dwelling containing 1 bedroom—65m², (ii) for each dwelling containing 2 bedrooms—90m², (iii) for each dwelling containing at least 3 bedrooms—115m² plus 12m² for each bedroom in addition to 3 bedrooms.	A total of 52 car spaces are provided, which is a significant shortfall of 50 spaces, being an unacceptable variation. An accurate schedule of the proposed area for each apartment has not been submitted, this is required to confirm compliant sizes.	
3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	Noted	
Section 20 Design requirements		
Standard	Proposed	Compliance
3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	The proposal is not compatible with the Kogarah North Plan. See discussion below under DCP.	☐ Yes ☒ No
Section 21 Must be used for affordable housing for at least 15 years		



Standard	Proposed	Compliance
1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider.	The SEE is accompanied by a letter from City West Housing advising that a 'Memorandum of Understanding' has been entered into for the future management of the affordable housing units.	☒ Yes ☐ No

Chapter 4 of the Housing SEPP 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 Opportunities should be provided for casual interaction between residents and the public domain. Design solutions may include seating at	The front fence along Victoria Street exceeds 1.0m in parts and is not sufficiently permeable.	No



building entries, near letter boxes and in private courtyards adjacent to streets		
3C-2 <u>Objective</u> Amenity of the public domain is retained and enhanced <u>Design Guidance</u> Mail boxes should be located in lobbies, perpendicular to the street alignment or integrated into front fences where individual street entries are provided Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view	The proposal does not achieve this objective for the following reasons: - The substation kiosk is located in a prominent location along Gladstone Street and would be best integrated into the building to improve streetscape. - Details of letterbox location not provided.	No
3D - Communal open space		
3D-1 <u>Objective</u> An adequate area of communal open space (COS) is provided to enhance residential amenity and to provide opportunities for landscaping <u>Design Criteria</u> 1. Communal open space has a minimum area equal to 25% of the site. 2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter) Site area 1,838m² Required 25% of site area or 459.5m². <u>Design Guidance</u> Communal open space should be consolidated into a well designed, easily identified and usable area Communal open space should have a minimum dimension of 3m, and larger developments should consider greater dimensions	Inconsistent COS calculations have been provided and it is not certain if the area, surrounding the heritage item to be used as seating for a future cafe, has been included in the overall COS calculations, the development has not demonstrated that Design Criteria 1 under Objective 4A- 1 of the ADG can be achieved. In addition, solar access diagrams have not been provided to confirm that a minimum of 50% of the COS receives direct sunlight as required by Design Criteria 2 under Objective 4A-1 of the ADG. The amount, siting and amenity of the COS for a development of this scale is a poor outcome for the site.	No
3D-2 <u>Objective</u>	Seating, children's playground and BBQ facilities have been provided within the rooftop	Yes



Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	communal open space according to the landscape plan.	
3D-3 <u>Objective</u> Communal open space is designed to maximise safety	The open spaces are readily visible from habitable rooms. Passive surveillance provision of the COS is adequate. The solid screen around the COS is not depicted in the elevational diagrams, this detail should be provided to undertake and assessment.	Yes
3E – Deep Soil zones		
3E-1 <u>Objective</u> 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 <u>Design Criteria</u> 1. Deep soil zones are to meet the following minimum requirements: Greater than 1,500sqm site: - Minimum dimension 6m dimension. - Minimum deep soil area of 7% (equivalent to 128.66m ²) On sites greater than 1500m ² , could consider providing 15% deep soil.	Total area of deep soil zones provided is 129m ² or 7% of the site area. The width of the deep soil zones does not achieve 6m dimensions. The site area has now increased by 288m ² and should provide compliant 6m wide deep soil landscaping. However, the deep soil areas have decreased from the previous approval.	No
3F- Visual Privacy		
3F-1 <u>Objective</u> Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy <u>Design Criteria</u> 1. Separation between windows of habitable rooms and balconies is provided to ensure visual privacy is achieved.	The building fails to achieve the design criteria under Objective 3F-1 of the ADG for building separation along the southern boundary, which should be a minimum of 6m for the first 4 levels, 9m at level 5 and above, and 12m at level 8 and above. There should be only one step consistent with the design guidance under Objective 3F-1, meaning that some levels may need to be further set back (e.g.	No



Minimum required separation distances from buildings to the side and rear boundaries are as follows: Up to 12m (4 storeys) Habitable and balconies - 6m Non-habitable – 3m Up to 25m (5-8 storeys) Habitable and balconies – 9m Non-habitable – 4.5m <u>Design Guidance</u> 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) Required secondary street setback per Design Guidance (in addition to GRDCP setback requirement): 8.0m (4 storeys) 11.0m (above 4 storeys)	12m at level 5 and above). The inadequate building separation causes south-facing apartments such as 405-1205 and 506-1206 to have unacceptable visual and acoustic privacy and necessitates the excessive use of high-level windows and screening that significantly compromises the outlook from every window in the apartments and from every balcony. The approved design directed living room and balcony outlooks towards the east (away from this boundary) but this application changes and adversely impacts their outlooks. The inadequate building separation to the south also impacts the amenity and outlook of the development to the south at 44- 52 Regent Street which includes many north-facing apartments. The building also fails to achieve the design criteria under Objective 3F-1 of the ADG for building separation along the eastern boundary, which accordingly adversely impacts the amenity of the adjoining development at 6 Victoria Street.	
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	The visual impacts associated within the position of the cafe and residential built form that wraps around this future use will result in unacceptable privacy impacts. Unit G06 has poor amenity being under an undercroft space and with poor visual privacy due to inadequate separation from public walkways.	No



open space and windows to apartments, particularly habitable room windows.		
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	No defined entry is provided from the street to the new residential apartments positioned on 4 Victoria Street. The main entry from Victoria Street positioned on 2 Victoria Street could be improved to provide a clearer identifiable entry.	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	As discussed above, the entry and street access provided to the new apartments positioned on 4 Victoria Street should be improved.	No
3H-Vehicle Access		
3H-1 <u>Objective</u> Vehicle access points are designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes <u>Design Guidance</u> Car park access should be integrated with the building's overall facade. Design solutions may include: • 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	The car park entry will continue to be positioned along Gladstone Street and suitably integrated into the building. It is noted that a complete assessment of the proposed basement against the Australian Standards had not been finalised for the preparation of this application, therefore there may still be further issues identified.	Yes



Car park entries should be located behind the building line		
Visual impact of long driveways should be minimised through changing alignments and screen planting		
3J-Bicycle and carparking		
3J-1 <u>Objective</u> Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas <u>Design Criteria</u> 1. For development in the following locations: • 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 the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less The car parking needs for a development must be provided off street	The site is positioned within 800m of Kogarah railway station. Sections 19(2)(e) and (f) of SEPP Housing would require a total of 80 car parking spaces to be provided, and the RMS Guide to Traffic Generating Development would require a total of 22 visitor parking spaces, resulting in a combined total of 102 car parking spaces. However, the proposed development provides only 52 car parking spaces (including 11 accessible spaces, 2 car share spaces and 4 small car spaces) and nil visitor parking spaces. On this basis, inadequate car parking is provided. The provision of 2 car share spaces does not offset the shortfall in the required car parking spaces.	No
3J-2 <u>Objective</u> Parking and facilities are provided for other modes of transport	Car share and bicycle parking is provided.	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	All car parking is below ground and integrated into the built form.	Yes
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. Units G06, 104, 205, 206, 305, 306, 1205 and 1303 do not receive solar access to their private open space but have still been counted as being compliant. 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. The submitted shadow diagrams have not considered solar impacts to the recently constructed RFB at 52 Regent Street and 10 Victoria Street.	No
4A-2 <u>Objective</u> Daylight access is maximised where sunlight is limited	The proposal demonstrates extensive use of full-height windows 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.	Council assessment determines that 64% of apartments achieve cross ventilation. All cross-through apartments have a depth of less than 18m.	No
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. The view from the sun diagrams do not confirm whether the living rooms of Units 102, 204, 304, 403 through 1203 and 904 through 1204 receive at least 1m ² of useful sunlight due to the deeply inset living rooms. Unit 804 has also been counted as having living room solar access	No



	but this is not demonstrated by the view from the sun diagrams. If these do not achieve the design criteria the amenity will be further reduced. As discussed above under the Housing SEPP, only 64% of units achieve compliant solar access.	
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 to level 1 and above, 3.1m is no longer accepted under the NCC as there is insufficient to allow for transfer slabs and wet areas, the minimum should be 3.2m. In addition, the ground floor provides 3.2m only rather than the required 3.3m. Floor to ceilings are unacceptable and any further increase in these heights will not be supported as the overall height of the proposal will increase further, a reduction in levels will be required in this instance.	No
4D- Apartment size and layout		
4D-1 <u>Objective</u> The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity <u>Design Criteria</u> Apartments are required to have the following minimum internal areas: 1 bedroom = 50sqm 2 bedroom = 70sqm 3 bedroom = 90sqm The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5sqm each	The submitted drawings have inconsistent information for the size of the proposed units, in particular Units G01, G03, G08 and G09. Based on this information, the sizes can not be confirmed. The study of G10 is in the entrance corridor and cannot reasonably function as a study contrary to the design guidance objective. Units G05, G10, 202 and 302 do not have a kitchen.	No



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	Unit 102, 104, 105, 204, 304, 307, 404, 408, 508, living room has an unacceptably poor layout contrary to the design guidance under this objective. Adaptable units 102, 204, 304 and 403 through 1103 have poor amenity, with a layout that cannot function in its adapted mode because there is insufficient room to move around and between the furniture (despite multiple different layouts all of which fail to function). Use of the balcony is also compromised by a column. Several apartments have front doors that are placed next to, or directly opposite other apartment entry doors. This is poor design practice and unacceptably affects visual and acoustic privacy.	
4D-2 <u>Objective</u> Environmental performance of the apartment is maximised <u>Design Criteria</u> Habitable room depths are limited to a maximum of 2.5 x the ceiling height. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window	Habitable room depths for apartment 307, G04, G10, 101, 203, 208, 303, 309, 402, 404, 502 through 1202, 504 through 804, 806 through 1206, 808 through 1208, and 1303 do not comply with Objective 4D-2.	No
4D-3 <u>Objective</u> Apartment layouts are designed to accommodate a variety of household activities and needs <u>Design Criteria</u>	The ground floor bedroom within unit G10 does not comply with the minimum size requirement. This substandard size is not supported.	No



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-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts		
4E- Private Open space and balconies		
4E-1 <u>Objective</u> Apartments provide appropriately sized private open space and balconies to enhance residential amenity <u>Design Criteria</u> All apartments are required to have primary balconies as follows: -1 bedroom = 8sqm/2m depth -2 bedroom = 10sqm/2m depth -3+ bedroom = 12sqm/2.4m The minimum balcony depth to be counted as contributing to the balcony area is 1m. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15sqm and a minimum depth of 3m	The ground floor private open spaces of Units G05, G08, G09 and G10 are too narrow and should be 3m deep, consistent with the design criteria. Units 407 through to 1207 are inconsistent with the design criteria and the dimensions do not satisfy this objective of the ADG. Units 102, 204, 304 and 403 through 1103 do not provide accurate calculations and the areas with only a 1m width should not be included in the minimum size requirements, on this basis the balcony areas should be increased in size. Multiple other balconies throughout the development also have unacceptable amenity because they are compromised by a circular column that disrupts their functioning, impacts useability and furnishing of the balcony and is	No



	indicative of poor structural and architectural design.	
4E-2 <u>Objective</u> Primary private open space (POS) and balconies are appropriately located to enhance liveability for residents	All primary POS are accessible from the living room and appropriately located. As outlined above, some do not satisfy the minimum balcony size.	Yes
4E-3 <u>Objective</u> Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building <u>Design Guidance</u> Full width full height glass balustrades alone are generally not desirable	The proposal demonstrates extensive use of glass balustrade.	No
4E-4 <u>Objective</u> Private open space and balcony design maximises safety	All proposed POS 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	Less than seven (7) 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: - All lobby areas are generally narrow with a width ranging from 1m to 1.8m. - Electrical services 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> 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 Tight corners and spaces are avoided.	The common circulation areas fail to adequately address the Design Guidance for the following reasons: - the corridor within the expanded built form across 4 Victoria Street has a blind corner. - The corridor across levels 5 and above create hiding spaces and fail to provide clear sightlines.	No
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 = 6m³ 2 bedroom – 8m³ 3 bedroom – 10m³ 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 within Section 3F above.	No
4H-2 <u>Objective</u>	The acoustic privacy of Unit G05 and units above will be	No



Noise impacts are mitigated within apartments through layout and acoustic treatments	compromised by the location of the cafe, within the retained heritage item. In addition, the design of Units G06, G07, G10, 104, 206 and 206 result in unacceptable; acoustic impacts, stemming from position of windows and/or corridors.	
4J – Noise and Pollution		
4J-1 <u>Objective</u> In noisy or hostile environments the impacts of external noise and pollution are minimised through the careful siting and layout of buildings	An acoustic report has been provided, further details should be confirmed in relation to plant noise.	No
4J-2 <u>Objective</u> Appropriate noise shielding or attenuation techniques for the building design, construction and choice of materials are used to mitigate noise transmission	The acoustic report recommends high performance acoustic treatment to plant items, details should be confirmed.	No
4K – Apartment Mix		
4K-1 <u>Objective</u> A range of apartment types and sizes is provided to cater for different household types now and into the future	The apartment mix does not comply with the GRDCP 2021 and is as follows: - 3 x studios (2.73%) - 41 x 1-bedroom apartments (37.27%) - 64 x 2-bedroom apartments (58.18%) - 2 x 3-bedroom apartments (1.82%) Greater 3-bed units should be provided.	No
4K-2 <u>Objective</u> The apartment mix is distributed to suitable locations within the building	The apartment mix is adequately distributed throughout the building.	Yes
4L – Ground Floor Apartments		
4L-1 <u>Objective</u> Street frontage activity is maximised where ground floor apartments are located.	Direct street access is provided to Units ground level units, however, entry to Unit G06 and G07 is unacceptable due to	No



<u>Design Guidance</u> Direct street access should be provided to ground floor apartments	distance from the street and corridor design.	
4L-2 <u>Objective</u> Design of ground floor apartments delivers amenity and safety for residents.	The design of the ground floor corridors and accessway to Unit G06 and G07 are not suitable.	Yes
4M – Facade		
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: • 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 facade composition is an improvement from the original approval (D2023/0104), however, still fails to achieve design excellence for the following reasons: • Bulk and scale and box shaped built form • Public / private interface – disconnected • Lack of activation at street level due to level change • Vehicular entry disrupting the streetscape as not incorporated within the design of the building façade • Street wall height • Typology - podium and tower not distinguished by massing variation • Imbalance of solid to void proportions • Large spans of blank wall on the south and east elevations • Mundane repetition of architectural detailing • Flat roof making no contribution to the skyline.	No



	On this basis, the proposal does not satisfy objective 4M of the ADG.	
4M-2 <u>Objective</u> Building functions are expressed by the facade <u>Design Guidance</u> Important corners are given visual prominence through a change in articulation, materials or colour, roof expression or changes in height	As discussed above, the architectural expression is not supported.	No
4N – Roof design		
4N-1 <u>Objective</u> Roof treatments are integrated into the building design and positively respond to the street. <u>Design Guidance</u>	The lift overrun is centrally positioned and setback from the edge of the building. However collectively with the roof and habitable non-compliance,	No



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	these will result in unsuitable form.	
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.	The landscape plan submitted with the application is insufficient and additional information is required to undertake an assessment. Furthermore, the proposal fails to provide adequate deep soil planting to ensure the growth of plants and trees.	No
4O-2 <u>Objective</u> Landscape design contributes to the streetscape and amenity	A landscape plan has been submitted but fails to provide suitable deep soil planting and reduces green roof planting, previously approved under the original LEC approval.	No
4P- Planting on Structures		
4P-1 <u>Objective</u> Appropriate soil profiles are provided.	The current landscape drawings do not demonstrate sufficient soil volume, within the planter beds, is provided to support healthy growth of small and medium sized trees. Reference shall be made to industry best practices for appropriate soil volumes.	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>	The proposed landscape scheme above the basement is predominantly artificial turf	No



Planting on structures contributes to the quality and amenity of communal and public open spaces	which does not contribute to the quality and amenity of COS.	
4Q – Universal Design		
4Q-1 <u>Objective</u> Universal design features are included in apartment design to promote flexible housing for all community members <u>Design Guidance</u> Developments achieve a benchmark of 20% of the total apartments incorporating the Livable Housing Guideline's silver level universal design features 6 adaptable units are required.	11 adaptable units proposed. Only 10% meet the LHG silver level universal design. In addition, adaptable units 102, 204, 304 and 403 through 1103 have unacceptably poor amenity, with a layout that cannot function in its adapted mode because there is insufficient room to move around and between the furniture (despite multiple different layouts all of which fail to function). Use of the balcony is also compromised by a column.	No
4Q-2 <u>Objective</u> A variety of apartments with adaptable designs are provided	Adaptable units are only provided in the form of one-bedroom units.	No
4Q-3 <u>Objective</u> Apartment layouts are flexible and accommodate a range of lifestyle needs	As discussed above, several adaptable units result in unacceptable amenity.	No
4U – Energy Efficiency		
4U-1 <u>Objective</u> Development incorporates passive environmental design	Inadequate solar access is achieved, as discussed above.	No
4U-2 <u>Objective</u> Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer	The design of units has not been suitably demonstrated in the documentation.	No
4U-3 <u>Objective</u> Adequate natural ventilation minimises the need for mechanical ventilation	Adequate cross ventilation provided for majority of the units, with the exception of apartment 505 and 1205.	No
4V – Water management and conservation		
4V-1 <u>Objective</u>	Adequate arrangements have not been made for stormwater	No



Potable water use is minimised	drainage and on-site conservation as required by clause 6.9 of GRLEP 2021, and the consent authority otherwise cannot be satisfied as to the matters in clause 6.3(2)(b) of GRLEP 2021 or that appropriate consideration has been given to the matters in clause 6.11(3)(e) on the basis of the submitted plans and documents are not supported.	
4V-2 <u>Objective</u> Urban stormwater is treated on site before being discharged to receiving waters		
4V-3 <u>Objective</u> 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	The proposed waste management arrangements are unsatisfactory and are inconsistent with the provisions of Section 3.12 in Part 3 and Appendix 4 of the GRDCP 2021. On this basis, the waste design is not suitable.	No
4W-2 <u>Objective</u> Domestic waste is minimised by providing safe and convenient source separation and recycling		
4X – Building Maintenance		
4X-1 <u>Objective</u> Building design detail provides protection from weathering	The proposal achieves these objectives.	Yes
4X-2 <u>Objective</u> Systems and access enable ease of maintenance		
4X-3 <u>Objective</u> Material selection reduces ongoing maintenance costs		

Chapter 5 Affordable Housing - Division 1 In-fill affordable housing



Section 15C – Development to which the division applies		
Standard	Proposed	Compliance
3) This division applies to development that includes residential development if— (d) the development is permitted with consent under Chapter 3, Part 4, Chapter 5, Chapter 6 or another environmental planning instrument, and (e) the affordable housing component is at least 10%, and (f) all or part of the development is carried out— (iii) for development on land in the Six Cities Region, other than in the City of Shoalhaven or Port Stephens local government area—in an accessible area, or (iv) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.	23.6% of apartments have been nominated as affordable housing.	☒ Yes ☐ No
4) Affordable housing provided as part of development because of a requirement under another chapter of this policy, another environmental planning instrument or a planning agreement is not counted towards the affordable housing component under this division.	Noted. Refer to Chapter 5 Section 156(1) and (2), the part of the site known as 4 Victoria Street may be required to provide additional affordable housing, in perpetuity, in addition to the above requirement, refer to discussion below under Chapter 5.	
2A) This division does not apply to development on land— (a) identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map, or (b) identified as the “Warrawong Site” on the State Significant Development Sites Map, within the meaning of State Environmental Planning Policy (Planning Systems) 2021, Chapter 2, or	These controls continue to apply, as the 4 Victoria Street is positioned within a TOD area.	



(c) identified as the “Kanwal Site” on the State Significant Development Sites Map , within the meaning of State Environmental Planning Policy (Planning Systems) 2021 , Chapter 2.		
Section 16 Affordable housing requirements for additional floor space ratio		
Standard	Proposed	Compliance
4) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the development on the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).	The current calculations provided on the architectural drawings propose a maximum FSR of 5:1 (9346m ²), this complies with the base FSR of 4:1 plus 30% (9557.6m ²). It is noted that 4 Victoria Street is identified as being within a TOD area and on this basis additional affordable housing is required to be provided.	☐ Yes ☒ No
5) The minimum affordable housing component, which must be at least 10%, is calculated as follows— $\text{affordable housing component} = \frac{\text{additional floor space ratio}}{(\text{as a percentage})} \div 2$	This cannot be confirmed as amended insufficient information has been provided.	☐ Yes ☒ No
6) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1). Example— Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the	The proposed height exceeds 30%. The height cannot be confirmed based on the current documentation but seeks a variation beyond the maximum permitted height of 42.9m. This is not supported, and the Clause 4.6 Variation is not justified.	☐ Yes ☒ No



development involves residential flat buildings or shop top housing.		
7) This section does not apply to development on land for which there is no maximum permissible floor space ratio.	The site has a maximum of 4:1.	☒ Yes ☐ No
Section 18 Affordable housing requirements for additional building height		NA
Section 19 Non-discretionary development standards – the Act, s.4.15		
Standard	Proposed	Compliance
4) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters. Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.	Noted	
5) The following are non-discretionary development standards in relation to the residential development to which this division applies— (j) a minimum site area of 450m², (k) a minimum landscaped area that is the lesser of— (iii) 35m² per dwelling, or (iv) 30% of the site area, (l) a deep soil zone on at least 15% of the site area, where— (iii) each deep soil zone has minimum dimensions of 3m, and (iv) if practicable, at least 65% of the deep soil zone is located at the rear of the site, (m) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,	The site is 1838m². 551.4m² (30%) of the site should be landscaped. The proposal does not provide landscaping compliant with the definition and does not support the growth of trees and vegetation. An assessment of the submitted drawings, has determined that only 70 of the 110 units (64%) will achieve a minimum of 3 hours of sunlight, failing to achieve the required 70% minimum. The following number or car spaces are required:	☐ Yes ☒ No



(n) the following number of parking spaces for dwellings used for affordable housing— (iv) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (v) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (vi) for each dwelling containing at least 3 bedrooms— at least 1 parking space, (o) the following number of parking spaces for dwellings not used for affordable housing— (iv) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (v) for each dwelling containing 2 bedrooms—at least 1 parking space, (vi) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces, (p) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development, (q) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide, (r) if paragraphs (g) and (h) do not apply, the following minimum floor areas— (iv) for each dwelling containing 1 bedroom—65m², (v) for each dwelling containing 2 bedrooms—90m², (vi) for each dwelling containing at least 3 bedrooms—115m² plus 12m² for each bedroom in addition to 3 bedrooms.	- 26 affordable housing = 12 - 84 apartments = 68 - Visitors (1 per 5 units) = 22 - Total = 102 car spaces A total of 52 car spaces are provided, which is a significant shortfall of 50 spaces, being an unacceptable variation. An accurate schedule of the proposed area for each apartment has not been submitted, this is required to confirm compliant sizes.	
--	--	--



6) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	Noted	
Section 20 Design requirements		
Standard	Proposed	Compliance
4) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (c) the desirable elements of the character of the local area, or (d) for precincts undergoing transition—the desired future character of the precinct.	The proposal is not compatible with the Kogarah North Plan. See discussion below under DCP.	☐ Yes ☒ No
Section 21 Must be used for affordable housing for at least 15 years		
Standard	Proposed	Compliance
2) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— (c) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (d) the affordable housing component will be managed by a registered community housing provider.	The SEE is accompanied by a letter from City West Housing, they will be managing the affordable housing component for 15 years. Should consent be granted a condition would be recommended.	☐ Yes ☒ No

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.

State Environmental Planning Policy (Planning Systems) 2021

Section 5 in Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* (SEPP Planning Systems), development that has an estimated development cost of more than \$5 million for the purposes of affordable housing is declared to be regionally significant development for which the Sydney South Planning Panel would be the consent authority.

The applicant has not confirmed the estimated development cost of the affordable housing component of the proposed development. On this basis, it is assumed it estimated that it is below \$5 million and the application will be determined by the LPP.

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	☐	☒
5.10	Heritage Conservation Area and/or Heritage Item	☒	☐
5.21	Flood Liable Land	☐	☒
6.1	Acid Sulfate Soils	☐	☒
6.4	Foreshore Building Line	☐	☒
6.4	Coastal Hazard and Risk	☐	☒
6.5	Riparian Lands & Waterways	☐	☒
6.6	Foreshore Scenic Protection Area – also consider Design Excellence	☐	☒
6.8	Impacted by airspace operations (NOTE: Applies to 67-89 Croydon Road, 1-7 Somerset (odd only), 2-8 Bristol (even), 1-5 Bristol (odd) in Hurstville)	☒	☐
6.10	Design Excellence – FSPA or R4 land	☒	☐
Other Affections			
	Bushfire Prone Land	☐	☒
	Council Owned Land	☐	☒
	Crown Land	☐	☒
	Easements Within Lot Boundaries	☒	☐



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

GRLEP 2021 Part 2 – Permitted or prohibited development		
Clause 2.3 – Zone objectives and Land Use Table		
Standard	Proposal	Compliance
The subject site is zoned R4 High Density Residential. The objectives of the zone are: - To provide for the housing needs of the community within a high density residential environment. - To provide a variety of housing types within a high density residential environment. - To enable other land uses that provide facilities or services to meet the day to day needs of residents. - To enable other land uses that contribute to the vibrancy of the neighbourhood while ensuring that business centres remain the focus for business and retail activity. - To encourage development that maximises public transport patronage and promotes walking and cycling.	The proposal is consistent with the zone objectives and is satisfactory.	☒ Yes ☐ No
Clause 2.7 - Demolition requires development consent		
Standard	Proposal	Compliance
The demolition of a building or work may be carried out only with development consent.	The site is clear of structures, no demolition is required.	☒ Yes ☐ No

GRLEP 2021 Numeric Controls			
Standard	Required	Proposed	Compliance
CI.4.3 <i>Height of Buildings</i>	Maximum 42.9m (plus 30% - Refer to Housing SEPP discussion above, the DA relies upon Section 16 of Housing SEPP to facilitate a maximum height of 42.9m across the site.	45.8m (approximately) Insufficient information provided to confirm height variation.	☐ Yes ☒ No



Cl.4.4 <i>Floor Space Ratio</i>	Maximum 5.2:1 (m ²) (plus 30% - refer to Housing SEPP discussion above, the DA relies upon clause 16 of SEPP Housing to facilitate a maximum FSR of 5.2:1 across the site).	5:1	☒ Yes ☐ No
Cl.4.6 <i>Variation Request</i>	Height variation request	See discussion below table.	☐ Yes ☒ No

GRLEP 2021 Part 5 – Miscellaneous Provisions		
Clause 5.10 Heritage conservation		
		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 a heritage listed item No. I205 known as a “House and Garden – Hindmarsh”, being listed in Schedule 5 of the LEP. The proposed development will cause major adverse heritage impacts to the heritage-listed “Hindmarsh” property through excessive scale and inappropriate siting. The development creates an overbearing backdrop to the heritage cottage, with buildings positioned within the historic lot boundaries that overwhelm the structure's scale and compromise its curtilage and setting. The loss of the significant garden setting, replacement with built form and hard landscaping, and inability to retain existing deep soil landscaping due to basement construction fundamentally alter the heritage item's character and significance. The proposal involves demolition of original fabric identified as having high significance and requires substantial intervention for the	☐ Yes ☒ No



	proposed café use, resulting in loss of significant heritage elements and impacts on streetscape presentation. The development contravenes multiple heritage conservation objectives and controls in both the GRLEP 2021 and GRDCP2021, failing to provide appropriate setbacks, scale transitions, or adequate curtilage protection. Additionally, the proposal is inconsistent with numerous policies in the approved Conservation Management Strategy, particularly those relating to conservation approach, alterations to significant fabric to create a café, and retention of the landscaped setting.	
--	---	--

GRLEP 2021 Part 6 – Additional Local Provisions

Clause 6.2 - Earthworks

Standard	Proposal	Compliance
Council must consider the following prior to granting consent for any earthworks: (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) measures to minimise the need for cut and fill, particularly on sites with a slope of 15% or greater, by stepping the development to accommodate the fall in the land, (f) the source of any fill material and the destination of any excavated material,	The geotechnical report has not adequately demonstrated that sufficient investigation has been undertaken and requires further borehole testing. No details of the water table have been provided in the geotechnical report.	☐ Yes ☒ No



(g) the likelihood of disturbing relics, (h) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (i) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.		
Clause 6.3 – Stormwater Management		
Standard	Proposal	Compliance
(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development— (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater or river water, and (c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system or, if the impact cannot be reasonably avoided, minimises and mitigates the impact, and (d) is designed to minimise the impact on public drainage systems.	The proposal has not demonstrated that adequate stormwater drainage and on-site conservation will be provided. In addition, WaterNSW has refused to issue GTAs as adequate arrangements are not in place to ensure no more than minimal harm will be done to any water source or waterfront land as a consequence of the development.	☐ Yes ☒ No
Clause 6.8 Development in areas subject to aircraft noise		
Standard	Proposal	Compliance
(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: i. the erection of a new building,	The application was referred to Sydney Airport and Air Services on 6 February 2025 and no comments have been received from Air Services. In addition, the noise report did not consider noise associated with aircraft.	☐ Yes ☒ No



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 administration building or residential accommodation, 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, 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. (3) In deciding whether to grant consent to development to which this clause applies, the consent authority: (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 (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 (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.		
--	--	--



Clause 6.9 Essential Services		
Standard	Proposal	Compliance
Development consent must not be granted to development unless Council is satisfied that any of the following services that are essential for the development are available, or that adequate arrangements have been made to make them available when required a) the supply of water, b) the supply of electricity, c) the supply of telecommunications facilities, d) the disposal and management of sewage e) stormwater drainage or on-site conservation, f) suitable vehicular access.	The proposal does not demonstrate that suitable stormwater management can be implemented. In addition, has not provided details on the impact on the sewer that traverses the site.	☐ Yes ☒ No
Clause 6.10 Design Excellence		
Standard	Proposal	Compliance
(2) This clause applies to development on land within the R4 High Density zone involving— (a) the erection of a new building, or (b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant. (3)(b) For land identified in the R4 zone that contains 3 or more storeys or has a height of 12 metres or greater above natural ground. (4) Development consent must not be granted for development to which this clause applies unless Council considers that the development exhibits design excellence. (5) In considering whether the development exhibits design excellence, Council must have regard to the following matters—	The proposal is located within the R4 High Density Residential and proposes residential accommodation. As such, Clause 6.10 applies. The proposal fails to comply with Clause 6.10 for the following reasons: • Bulk and scale and box shaped built form • Public / private interface – disconnected • Lack of activation at street level due to level change • Vehicular entry disrupting the streetscape as not incorporated within the design of the building facade • Street wall height • Typology - podium and tower not distinguished by massing variation	☐ Yes ☒ No



(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain, (c) whether the development detrimentally impacts on view corridors, (d) how the development addresses the following matters— i. the suitability of the land for development, ii. existing and proposed uses and use mix, iii. heritage issues and streetscape constraints, iv. the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, v. bulk, massing and modulation of buildings, vi. street frontage heights, vii. environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity, viii. pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks, ix. the impact on, and proposed improvements to, the public domain, x. achieving appropriate interfaces at ground level between the building and the public domain, xi. excellence and integration of landscape design,	• Imbalance of solid to void proportions • Large spans of blank wall on the south and east elevations • Mundane repetition of architectural detailing; and • Flat roof making no contribution to the skyline.	
---	--	--



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, 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	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 energy, water and thermal comfort.	☒ Yes ☐ No



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.		
--	--	--

As identified in assessment of the proposed works against the GRC LEP 2021 a Clause 4.6 Variation is requested for the variation to Clause 4.3 the GRC LEP 2021.

Name of Clause	Proposed Variation
4.3 - Height	Proposed building height: 45.8m A variation of 6.76% (equivalent to 2.9m);

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 in Figure 8 below.





Figure 8: Extent of proposed variation. The pink line represents the maximum building height of 42.9m (Source: *Architectural Plans prepared by Level 33 Architects dated 14/11/24*)

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 not compatible with the locality and results in unacceptable additional environmental impact caused by the non-compliance, in particular overshadowing.
- 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,	The proposed height breach detracts from the desired future character for the following reasons: - The proposed height breach exceeds the height beyond the height of the recently constructed buildings surrounding the development. - The proposed height breach involves a key element of the proposal being the roof, resulting from adjustment of floor to ceiling heights to accommodate the NCC and these adjustments are still not sufficient to address transfer slabs and wet areas. - The incentivised floor space has been applied from the Housing SEPP and this subsequently results in a taller building, the additional FSR could be accommodated below the maximum, surrounding the heritage item, subject to heritage consideration. - The non-compliance will create additional shadow to Sites to the north, affecting solar access and this impact can not be assessed as the new RFBs have not been included in the architectural drawings.



(b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,	The proposal will result in unacceptable overshadowing and this impact cannot be accurately measured from the current documentation.
(c) to ensure an appropriate height transition between new buildings and— (i) adjoining land uses, or (ii) heritage items, heritage conservation areas or Aboriginal places of heritage significance.	The proposed height breach is inconsistent with recently approved developments. Consideration of additional GFA should be explored across 4 Victoria Street, Council has determined that the heritage impact of the proposal is acceptable.

The proposal therefore is inconsistent 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 that 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 roof level plus lift overrun 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 roof and roof structure only which will not dominate the streetscape.
- Allows for the orderly and economic development of the land.
- GRC has allowed variations where the lift overrun provided access to good quality rooftop communal open space.

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

- The proposal has no considered recent approvals and developments surrounding the site and the impact of the additional overshadowing and impacts to the properties to the southwest to southeast.
- The incentivised 30% bonus FSR and subsequent height uplift, under the Housing SEPP 2021, is not intended to result in further non-compliances beyond the 30% height of 42.9m, compliance should be met.

Consistency with objectives of the development standard Clause 4.3 Height of Buildings

The objectives of Clause 4.3 and assess are as follows:

(1) *The objectives of this clause are as follows:*

- a. *To ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.*
- b. *To minimize the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open spaces areas.*
- c. *To ensure an appropriate height transition between new buildings and –*
 - i. *Adjoining land uses, or*
 - ii. *Heritage items, heritage conservation areas or Aboriginal places of heritage significance.*



- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Maps.*

The proposed development is not considered to be consistent with the objectives of Clause 4.3(1)(d) of the GRLEP 2021 in that:

- The objectives of building height is to establish the maximum height limit in which buildings can be designed and to ensure that there is an appropriate height transition between new buildings and heritage items. However, the proposed development results in major adverse impacts on the heritage significance of the heritage listed house and garden on the site ("Hindmarsh"), including its fabric, views, curtilage and setting due to the scale of the development and its proximity to the heritage item. Therefore, the proposal provides for an inappropriate built form due to overdevelopment, poor urban design outcomes and excessive height.
- The proposed development does not minimise the impact of overshadowing to adjoining sites. The submitted shadow diagrams demonstrate that the proposal will result in unacceptable overshadowing of neighbouring properties. The assessment identified that the shadow diagrams do not accurately reflect recently constructed residential flat buildings at 6-12 Victoria Street and 52 Regent Street, preventing a complete assessment of cumulative overshadowing impacts. The height non-compliance directly contributes to overshadowing beyond the 30% incentivised bonus permitted under the Housing SEPP 2021 and on this basis is not supported.
- Building height controls ensure development responds to the desired future scale and character of the street and local area, the applicants discussion that multiple residential flat buildings in the locality were approved with a height variation is not considered to adequately justify a departure from the standard. A high level of amenity could also be achieved through a compliant development, therefore, compliance has not been demonstrated to be unnecessary.

For the reasons above, the proposed development is considered to be inconsistent with the objectives of Clause 4.3 of the GRLEP 2021.

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 (GRDCP 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 not capable of achieving compliance with Council's Waste Management Policy, as previously discussed above.	☐ Yes ☒ 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.	Able to comply.	☒ Yes ☐ 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> 11 spaces (ADG requires 11 adaptable units to be provided)		

Future Desired Character

5.18 Kogarah South Locality Statement

Control	Proposal	Compliance
The Future Desired Character for Kogarah South is as follows: - 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 where applicable. - Preserve the high quality of the existing streetscape, especially within the Heritage Conservation Area. - Encourage tree planting and landscaping within the front setback space to enhance the existing leafy streetscape character. - Encourage consistent setbacks of buildings from the street and the provision of landscaping within the front setback with uniform front fence heights.	The proposal does not align with the Future Desired Character for the following reasons: - The proposal fails to enhance the low density suburban residential character and human scale. Height non-compliance results in increased overshadowing beyond the incentivised bonus of 30%, permitted under the Housing SEPP 2021. - 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, context of the locality and fails to achieve design excellence.	☐ Yes ☒ No



Minimum Site Requirements		
6.3.1 Minimum Site Requirements		
Control	Proposal	Compliance
1. Minimum lot width is 24m. 2. For sites which allow development greater than four storeys, greater site width may be necessary to accommodate the greater setbacks required by the Apartment Design Guide.	The site has a width of 50m along Victoria Street and 36m along Gladstone Street.	☒ Yes ☐ No

Site Isolation and Amalgamation		
6.3.2 Site Isolation and Amalgamation		
Control	Proposal	Compliance
1. Development for the purpose of residential flat buildings or residential components of shop top housing is not to result in the creation of an isolated site that could not be developed in compliance with the relevant planning controls, including the GRLEP 2021 and this DCP.	The proposal will not result in site isolation, the application seeks to amalgamate and isolated site into the previously approved development, resulting in a positive outcome.	☒ Yes ☐ No

Setbacks		
6.3.3 Building Setbacks and Street Interface		
Control	Proposal	Compliance
1. Front setbacks: 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 setback of 5m to both street frontages is to be provided. iii. Above four storeys, the front setback of the upper building levels is to be increased to a minimum of 8m to the street. The minimum 8m setback also applies to balconies,	The submitted drawings do not provide dimensions for all setbacks, this is most likely due to the reliance on the previous court approval. However, the dimensions are required to enable a proper assessment, currently the setbacks appear to remain non-compliant. Side setback and rear setbacks need to comply with the ADG. See discussion on the ADG above.	☐ Yes ☒ No



terraces and balustrades and must be accommodated behind the setback. iv. On a corner site, both frontages are to provide the increased setback above four storeys. v. Above level four (ground plus 3 storeys); an increased setback of the upper levels/s may be required depending on the width of the street. The required additional upper-level setback for sites fronting a road with a reservation width less than 20m will be determined based on their visual impact in the specific context of the development. If the assessment determines that an additional setback is required, the minimum additional setback will be 2m and up to 3m based on the assessment. vi. The street setback area needs to be predominantly landscaped and is to accommodate a minimum of two (2) canopy trees to a mature height of at least 6m.	A deep soil landscaped area, of varying width (approximately 0.98m wide on Victoria Street and up to 2m wide on Gladstone Street) is provided along both street fronts, in contravention to the minimum requirements under GRDCP 2021, which requires a minimum of 3m. It is also inconsistent with the court approval which approved a 3m wide deep soil zone fronting Victoria Street. This is also addressed in the ADG discussion above. Gladstone Road has a width of approximately 20m, an additional setback is not required. The booster and substation are positioned within visually dominant locations and are poorly integrated into the landscape scheme.	
5. Encroachments into boundary setbacks: i. Ground floor private open space may encroach up to 2m into the 5m front setback leaving a minimum 3m of deep soil area to the street. ii. Ground floor private open space may encroach up to 3m into the side and rear setbacks leaving a minimum 3m of landscaped buffer		
6. The setback areas, other than any permitted ground floor private open space, are to be landscaped and be retained as part of the common property of the development.		
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 are not setback to provide for 3m of deep soil planting. In addition, dimensions are not provided on the drawings, approximate setbacks are provided below: - Basement front setback: 0.98m - Basement secondary street setback: 2m - Basement side setback: 0m - Basement rear setback: 0m - Driveway setback: 1m	☐ Yes ☒ No
2. The basement setback areas are to be deep soil zones as defined in the Apartment Design Guide.		
3. Driveways and driveway crossings are to be located a minimum of 1.5m from a side boundary.		
6. Basements fronting the primary street address are not to project above ground level (existing) at the street setback alignment.	Insufficient information provided to confirm suitability of the deep soil areas. The proposed basement does not project above the existing ground level, the ground floor of the proposed building is set below ground level.	

Façade Treatment		
6.3.5 Facade 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.	☐ Yes ☒ No
2. Building facades must be clearly articulated and employ high quality materials and finishes that enhance and complement the streetscape character.	The proposed facades and building design are not supported as the design results in mundane repetitive architectural detailing.	
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.	Some blank walls proposed, these require further design resolution.	
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 but results in an imbalance of solid to void proportions.	
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.		

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	Insufficient documentation has been provided to ensure adequate deep soil area can be provided, as per the ADG and GRLEP 2021 and as discussed above, further details are required to confirm this.	☐ Yes ☒ No



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.	Landscaping provided along both street frontages with small amount provided along the northern boundary. No planter beds only provided at ground level and surrounding the COS at roof level.	
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.	The proposed substation is screened; however, the booster is not reflected clearly in the elevational detailing.	
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.	North-facing balconies are provided, in addition to both east, west and south. All private open spaces are directly accessible from living area. As discussed above, within the ADG section, several units fail to provide adequate POS area.	
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	It has not been demonstrated on the basis of the plans and documents submitted with the development application that more than 551.4m ² of landscaped area, meeting the definition provided in SEPP Housing, is provided by the proposed development, particularly having regard to the concerns raised in particulars below about the ability of claimed landscaped areas to support the growth of trees and vegetation.	
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.	On this basis, insufficient information has been received to undertake a suitable assessment.	
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.	The applicant has not demonstrated that a minimum of 50% of the communal open space receives direct sunlight, also required by Design Criteria 2 under Objective 4A-1 of the ADG.	☐ Yes ☒ 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.	Shadow diagrams supplied per DCP requirement but do not accurately reflect	☐ Yes ☒ No



2. Shadow diagrams must include elevational diagrams identifying the habitable rooms and private open space areas of the adjoining dwellings, and view from the sun diagrams, identifying solar access compliance to the proposed development.	the recently constructed RFBs at 6-12 Victoria Street and 52 Regent Street. The proposal will result in further overshadowing and insufficient information has been provided to determine the impacts, particularly with recent approvals residential flat buildings surrounding the site.	
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.		
6. New development shall maintain solar access to the living rooms and private open space of apartments within existing residential flat buildings.		
7. Consider and minimise overshadowing impacts on the solar photovoltaic panels of neighbouring buildings where a variation to the building setbacks or number of storeys is sought.		

Vehicular Access, Parking and Circulation		
3.13 Parking Access and Transport		
Control	Proposal	Compliance
1. Parking required: <u>Residential Flat Building</u> 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) <u>Proposed Apartment Mix</u> 3 x studio apartments 41 x 1 bedroom apartments 64 x 2 bedroom apartments 2 x 3 bedroom apartments 110 apartments in total <u>Required Parking Spaces</u> Residential: 109	See discussion under the Housing SEPP 2021 above. No visitor parking is provided.	☐ Yes ☒ No – Notwithstanding, car parking non-compliance, adequate bicycle spaces (56) are provided.



Visitor: 22 Total: 131 spaces required		
5. In calculating the total number of car parking spaces required for a development type, the total should be rounded up to the nearest whole number (i.e. 0.5 or greater).		
8. Bicycle Parking <u>Residential Flat Building</u> 1 space per 3 dwellings, and 1 space per 10 dwellings (visitors) <u>Required</u> Residential: 36.66 (for 110 apartments) Visitors: 11 Total: 47 (required rate = 46.66)	56 bicycle spaces provided.	
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.	Council's senior traffic engineer has reviewed the proposal and has raised concern with driveway design, as clear sight lines have not been incorporated into the design to ensure adequate visibility between vehicles and pedestrians as required by AS2890.1:2004.	
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 within in 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.
16. Basement car parking is to be located within the building footprint.		
17. All basement parking areas are to have security doors.		
18. Include natural ventilation to basement and semi basement car parking.		
19. Integrate ventilation design into the façade of the building, or parking structure, treating it with appropriate features such as louvres, well designed grilles, planting or other landscaping elements.		
23. Parking complies with AS 1428 Design for access and mobility and AS/NZS 2890.6.	11 adaptable units proposed.	11 accessible parking spaces provided for residents, all located near the lift. No accessible parking space is provided for a visitor.
24. All off-street parking facilities shall allocate accessible parking spaces for people with disabilities at the rate in accordance with Section 3.17 – Universal/ Accessible Design of this DCP.		
25. Accessible parking spaces shall be located close to an accessible lift, ramp or building entrance and be provided with an accessible path of travel.		
26. Accessible parking spaces shall be indicated by a permanent sign as specified in AS 1428.1		
27. For residential development, accessible car parking spaces are to be allocated to adaptable unit, or as visitor parking.		
28. A designated car washing area (which may also be a designated visitor car space) is required residential developments of four or more dwellings.	No visitor spaces provided and no car wash bay.	



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 but sightlines to be improved as outlined above.	
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		
33. Ensure that all vehicles, including vehicles using loading bays, can enter and leave the site in a forward direction.		
34. Avoid locating accessways to driveways adjacent to the doors or windows of habitable rooms.	Vehicular ingress and egress can be achieved in forward direction.	
35. All driveways are to be finished in plain concrete	The application is recommended for refusal.	
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.	☐ Yes ☒ 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 Gladstone Street which is quieter compared to Victoria Street.	
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.	No 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.	

Dwelling Mix**6.3.10 Dwelling Mix**

Control	Proposal	Compliance
1. Developments that propose more than 20 dwellings are to provide a mix of dwellings consistent with the following percentage mix: i. Studio apartments and 1 bed apartments – Maximum of 25% ii. 2 bed apartments – Minimum of 35% iii. 3+ bed apartments – Minimum of 15%	The apartment mix is as follows: - 3 x studios (2.73%) - 41 x 1-bedroom apartments (37.27%) - 64 x 2-bedroom apartments (58.18%) - 2 x 3-bedroom apartments (1.82%) A greater mix of 3-bedroom units are required.	☐ Yes ☒ No
3. Apartment configurations are to support diverse household types and stages of life including single person households, families, multi-generational families and group households.		

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	Council's Urban Designer does not support the material and finishes, for	☐ Yes ☒ No



streetscape or other vistas should not be used.	reasons discussed above under design excellence.	
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.		

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 development is located within an established residential area and generally will not result in unreasonable impact on the natural environment. Notwithstanding, Water NSW has not issued their General Terms of Approval for the proposed development, the current design did not provide adequate arrangements to ensure that no more than minimal harm will be done to any water source as a consequent of the development. This related to the basement design and management of dewatering.



	In addition, the site has failed to provide confirmation that the site is suitable for its intended use and requires a Detailed Site Investigation to determine the suitability of the site.
Built Environment	The proposed built form is fundamentally unsuitable for the site and fails to satisfy key planning measures. In particular, the non-compliant building height exceeds development controls and will result in unacceptable overshadowing of neighbouring properties, the documentation provided does not enable a complete assessment to be undertaken. Whilst the inadequate provision of deep soil planting and compromised landscaping outcomes fail to deliver the green infrastructure essential for urban amenity and environmental sustainability. The building design further demonstrates poor planning outcomes through unclear and poorly designed entry points that compromise wayfinding and accessibility, creating confusion for residents and visitors alike. The submitted documentation reveals a concerning lack of consideration for recent surrounding developments, indicating that the proposal has not been adequately assessed within its evolving urban context. Most critically, the building's internal design will compromise the liveability of future residents through inadequate cross-ventilation and poor solar access to some of the individual units. These compounding design deficiencies collectively demonstrate that the proposed built form is inappropriate for the site and inconsistent with good planning practice.
Social Impact	Whilst the proposal would provide additional housing to the locality—a recognised benefit—the non-compliant building height, increased overshadowing of neighbouring properties, and reduced deep soil planting and green roof landscaping will create unacceptable adverse impacts on surrounding residents' amenity. Furthermore, the lack of critical information prevents a thorough assessment of the proposal's full social and environmental impacts, as detailed throughout this report, rendering the development socially unacceptable in its current form.
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 twenty-one (21) days in which to view the plans and submit any comments on the proposal. **35** submissions were received during the neighbour notification period.

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

Issue	Comment
No development of the site	Noted. The application is recommended for refusal.
Non-compliance with height control	Council's assessment confirms that the proposed development exceeds the maximum building height permitted under the Housing SEPP 2021. The height non-compliance results in a built form that is inappropriate for the site and locality, contributing to increased overshadowing impacts beyond what would be acceptable under a compliant development, on this basis the Clause 4.6 Height Variation is not supported.
Overshadowing	The submitted shadow diagrams demonstrate that the proposal will result in unacceptable overshadowing of neighbouring properties. The assessment identified that the shadow diagrams do not accurately reflect recently constructed residential flat buildings at 6-12 Victoria Street and 52 Regent Street, preventing a complete assessment of cumulative overshadowing impacts. The height non-compliance directly contributes to overshadowing beyond the 30% incentivised bonus permitted under the Housing SEPP 2021 and on this basis is not supported.
Loss of privacy	The proposed glass balustrades and building design create an imbalance of solid to void proportions which may impact visual privacy for neighbouring properties along with the non-compliant Apartment Design Guide separation setbacks provided. Given the recent constructed



	RFBs at 6-12 Victoria Street and 52 Regent Street, compliance should be achieved.
Decrease in property value	This is not a planning consideration under Section 4.15 of the EP&A Act 1979.
Impact on scenic vistas	The non-compliant height results in a built form that does not respond appropriately to the human scale and fails to contribute positively to the streetscape and locality context. In addition, the application has not considered view impacts to the recently completed Residential Flat Buildings at 6-12 Victoria Street and 52 Regent Street.
Impact on local infrastructure	Concerns regarding the capacity of local infrastructure including schools and roads are noted. The proposal's non-compliance with parking requirements and inadequate provision for waste management place additional strain on local infrastructure systems.
Sustainability Impact	The assessment identified significant deficiencies in sustainability measures, including: • Inadequate deep soil provision for tree planting and landscaping • Non-compliance with waste management requirements • Insufficient landscaped areas to support vegetation growth; and • Failure to provide adequate green infrastructure for urban amenity and environmental sustainability.
Traffic congestion	Council's senior traffic engineer has identified concerns with the driveway design, specifically the lack of adequate sight lines between vehicles and pedestrians as required by Australian Standards AS2890.1:2004. The proposal fails to provide: • Required visitor parking spaces (22 spaces required, none provided) • Designated car wash bay as required for residential developments; and • Accessible visitor parking spaces. Regarding GoGet car sharing services, these cannot substitute for the minimum parking requirements under the Housing SEPP 2021, which are established based on demonstrated parking demand in the locality and proximity to public transport.
Insufficient car parking	



Overdevelopment of site	The assessment confirms the site is overdeveloped, with multiple non-compliances including: • Height • Separation requirements • Inadequate deep soil area • Lack of parking; and • Insufficient parking. In addition, there is insufficient information provided to make a complete assessment, including affordable housing FSR calculations, on this basis the application is being refused.
Inconsistent with streetscape	The proposal demonstrates multiple failures in streetscape integration: • Mundane repetitive architectural detailing • Street corners not given prominence through architectural variation • Substation and booster poorly integrated into the streetscape • Failure to enhance the low density suburban residential character; and • Non-compliance with facade treatment requirements. On this basis, the development cannot be supported.
Safety concern	The application was referred to the NSW Police for comment, to date no comments were received.
Increase in number of residential units	The number of units have increased as a result of the introduction of the <i>State Environmental Planning Policy Housing 2021</i>, which incentivises FSR, allowing an uplift of up to 30%, provided 10% of the GFA is allocated to affordable housing, to be managed in perpetuity for 15 years. The proposed apartment mix fails to comply with dwelling mix requirements, with insufficient provision of 3+ bedroom apartments (1.82% provided versus minimum 15% required). This impacts the development's ability to support diverse household types and family accommodation.
Insufficient documentation	Council's assessment confirms significant documentation deficiencies:



	• Setback dimensions not provided on submitted drawings • Ventilation details for basement parking unknown • Insufficient information to confirm deep soil area suitability • Elevations requiring correction for accurate assessment; and • Elevations labelled incorrectly. On this basis, the application is recommended for refusal.
Rockdale would be preferred location for this development	The application has been lodged across the subject site and must be assessed under these circumstances.
Construction noise and pollution	Should the application be approved, construction impacts will be managed through standard construction management conditions. However, given the recommendation for refusal, these impacts need not be further considered at this stage.
Proximity to 6 Victoria Street	The cumulative impact assessment is compromised by outdated shadow diagrams that fail to accurately reflect recently constructed developments in the vicinity, including 6-12 Victoria Street and 52 Regent Street, the application can not be supported and is deficient in information to enable a complete assessment to be undertaken.
Waste Management	The proposal fails to comply with Council's Waste Management Policy as detailed in Appendix 4 of the Georges River Development Control Plan 2021. This non-compliance impacts both construction waste management and ongoing operational waste management for the development.

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 exceeds the incentivised infill affordable housing uplift to height under the Housing SEPP 2021 and the supporting documentation does not provide suitable justification for a non-compliance.
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 that the site is suitable for the intended use, a detailed site investigation report has not been submitted and there is risk of contamination of adjoining properties as the dewatering and management of the site is unknown.
5. Water NSW has refused to issue their General Terms of Approval due to insufficient to ensure that the site did not detrimentally impact on the regulated Georges River catchment.
6. Insufficient car parking has been provided to service the proposed development.

Referrals

Internal Referrals

Internal Referrals		
Specialist	Comment	Outcome
Development Engineer	The officer has considered the following planning provisions: - Clause 5.21 of GRLEP 2021 - Clause 6.3 of GRLEP 2021 - Clause 6.9 of GRLEP 2021 - Part 3.10 of GRDCP 2021 - Georges River Stormwater Management Policy No objections raised to the proposal and conditions recommended.	Conditions will be imposed should this application be recommended for approval.
Landscape Officer	The officer has considered the following planning provisions: - SEPP (Biodiversity Conservation) 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 - Georges River Tree Management Policy 2024 The following objections were raised: - An arboricultural assessment was not submitted and is	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.



	required to ensure protection of Tree 1, positioned within Council land on Victoria Street. - Insufficient deep soil landscaping. - additional information required for planter box soil depths.	
Urban Design	The officer has considered the following planning provisions: - Clause 6.10 of GRLEP 2021 - Part 5 of GRDCP 2021 The following objections were raised: - Bulk and scale and box shaped built form - Public / private interface – disconnected - Lack of activation at street level due to level change - Vehicular entry disrupting the streetscape as not incorporated within the design of the building facade - Street wall height - Typology - podium and tower not distinguished by massing variation - Imbalance of solid to void proportions - Large spans of blank wall on the south and east elevations - Mundane repetition of architectural detailing - Flat roof making no contribution to the skyline	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.
Land Information (GIS)	No objections raised to the proposal and conditions recommended.	Conditions will be imposed should this application be recommended for approval.
Heritage Officer	The officer has considered the following planning provisions: - Clause 5.10 of GRLEP 2021 - Part 3.7 of GRDCP 2021	Failure to achieve compliance with this matter forms part of the reasons to refuse this application



	No objections raised to the proposal and conditions recommended.	
Traffic Engineering	No objections raised to the proposal and conditions would be recommended. The comments are yet to be received.	Conditions will be imposed should this application be recommended for approval.
Building Surveyor	No objections raised to the proposal and conditions recommended.	Conditions will be imposed should this application be recommended for approval.

External Referrals

External Referrals		
Referral Body	Comment	Outcome
Ausgrid	The referral body has considered the following planning provisions: - Clause 2.48 of SEPP (Transport and Infrastructure) 2021 No objections raised to the proposal and conditions recommended.	Conditions will be imposed should this application be recommended for approval.
Water NSW	The following objections were raised: • Adequate arrangements are not in place to ensure no more than minimal harm will be done to any water source as a consequence of the proposed work.	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.
Sydney Airport Corporation	The referral body has considered the following planning provisions: - Section 6.7 of the GRC LEP 2021 - Airports Act 1996 Elevational diagrams were requested to show maximum height of building including lift overruns and lighting masts etc.	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.



	As the DA has been deemed refused and subject to a Class 1A appeal, further follow up has not occurred as part of this assessment.	
Air Services Australia	The application was referred to the external agency on 6 February 2025.	Comments have not yet been received.
NSW Ambulance	The application was referred to the external agency on 6 February 2025.	Comments have not yet been received.
NSW Police	The application was referred to the external agency on 6 February 2025.	Comments have not yet been received.

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 the additional permitted height under Section 18 of the Housing SEPP 2021 is not sufficiently justified by the provided Clause 4.3 and the variation is not considered to be in the public interest, being contrary to the zone and standard objectives.

Determination

Refusal of Application

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), DA2024/0544 for alterations and additions to the 11-storey residential flat building approved pursuant to Development Consent No. 2019/0319, granted by the Land and Environment Court on 15 May 2020, and includes the construction of a new 4-storey eastern wing on 4 Victoria Street, construction of 3 additional storeys and various internal reconfigurations, resulting in a 14-storey development containing 110 apartments (including 26 apartments to be used as affordable



housing) over two levels of basement car parking accommodating 52 vehicles on Lot 1 in DP 171055 and Lot 3 in DP 1265877 on land known as 2-4 Victoria Street Kogarah, should not be approved subject to the refusal reasons referenced below:

1. Water NSW has refused to issue the General Terms of Approval, with regard to dewatering, consent cannot be granted on this basis in accordance with Section 4.15(d) of the Environmental Planning and Assessment Act 1979.
2. The application fails to provide sufficient information to assess the impacts on the regulated catchment of the Georges River, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
3. The proposed development has not demonstrated that the site is suitable for the intended use, fails to demonstrate compliance with the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
4. The proposal fails to provide adequate car parking and fails to achieve the minimum requirements under Chapter 2 Part 2 Division 1 Section 19(e) of the State Environmental Planning Policy (Housing) 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
5. The proposed residential flat building does not satisfy Sections 3C, 3D, 3F, 3G, 3H, 3I, 3J, 4A, 4C, 4D, 4E, 4F, 4M, 4O, 4P, and 4W of the Apartment Design Guide (ADG) requirements failing to demonstrate compliance with the Chapter 4 Section 149 of the State Environmental Policy (Housing) 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
6. The proposed height of the building fails to comply with the maximum height permitted under Chapter 2 Part 2 Division 1 Section 17 of the State Environmental Planning Policy (Housing) 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
7. The development seeks to vary the height control and the submitted Clause 4.6 Variation Report, fails to demonstrate that a height variation should be supported, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
8. The proposed development will have unacceptable impact on an existing heritage item and is inconsistent with Clause 5.10 Heritage Conservation of the Georges River Local Environmental Plan 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
9. The proposed development fails to provide sufficient information to determine that adequate stormwater works can be undertaken as required under Section 6.9 of the Georges River Local Environmental Plan 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.



10. The design of the building does not achieve design excellence, being contrary to Section 6.10 of the Georges River Local Environmental Plan 2021, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
11. Pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development is unacceptable and fails to satisfy Sections 3.12, 3.13, 3.17, 5.18, 6.3.3, 6.3.4, 6.3.5, 6.3.6, 6.3.7, 6.3.8, 6.3.10 and 6.1.2.11 of Georges River Development Control Plan 2021 (GRDCP 2021).
12. The development will result in unacceptable bulk and scale and overshadowing of properties to the north and the proposal has failed to demonstrate that the development 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, pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, with regards to proposed built environment.
13. The proposal, in its current form, is not considered to be suitable for the site, pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.
14. The proposed development, in its current form, is not considered to be in the public interest and is likely to set an undesirable precedent, pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979.



2-4 VICTORIA STREET KOGARAH NSW RESIDENTIAL DEVELOPMENT

001 COVER SHEET	B	14-11-2024	137 STREET INTERFACE SECTIONS 3	B	14-11-2024
002 CALCULATIONS	B	14-11-2024	138 STREET INTERFACE SECTIONS 4	B	14-11-2024
003 STORAGE CALCULATIONS	B	14-11-2024	139 STREET INTERFACE SECTIONS 5	B	14-11-2024
006 SITE PLAN & LOCATION PLAN	B	14-11-2024	201 SHADOW DIAGRAMS WINTER 9 AM	B	14-11-2024
008 SITE ANALYSIS	B	14-11-2024	202 SHADOW DIAGRAMS WINTER 10 AM	B	14-11-2024
009 MASSING CONCEPT AND COTTAGE CURTLAGE	B	14-11-2024	203 SHADOW DIAGRAMS WINTER 11 AM	B	14-11-2024
102 BASEMENT 2	B	14-11-2024	204 SHADOW DIAGRAMS WINTER 12 PM	B	14-11-2024
103 BASEMENT 1	B	14-11-2024	205 SHADOW DIAGRAMS WINTER 1 PM	B	14-11-2024
104 GROUND LEVEL	B	14-11-2024	206 SHADOW DIAGRAMS WINTER 2 PM	B	14-11-2024
105 LEVEL 1	B	14-11-2024	207 SHADOW DIAGRAMS WINTER 3 PM	B	14-11-2024
106 LEVEL 2	B	14-11-2024	300 GFA & COS CALCS	B	14-11-2024
107 LEVEL 3	B	14-11-2024	301 CROSS VENTILATION	B	14-11-2024
108 LEVEL 4	B	14-11-2024	302 SOLAR COMPLIANCE	B	14-11-2024
109 LEVEL 5 TO LEVEL 7	B	14-11-2024	303 SUN VIEWS	B	14-11-2024
110 LEVEL 8	B	14-11-2024	304 SOUTH FACING UNITS	B	14-11-2024
111 LEVEL 9 TO LEVEL 10	B	14-11-2024	400 PRE & POST ADAPTABLE& LIVABLE UNITS	B	14-11-2024
116 LEVEL 11	B	14-11-2024	403 ADAPTABLE UNITS DETAILS	B	14-11-2024
117 LEVEL 12	B	14-11-2024	510 NORTH ELEVATION FINISHES	B	14-11-2024
118 LEVEL 13	B	14-11-2024	511 WEST ELEVATION FINISHES	B	14-11-2024
120 ROOF PLAN	B	14-11-2024	512 SOUTH ELEVATION FINISHES	B	14-11-2024
122 NORTH ELEVATION	B	14-11-2024	513 EAST ELEVATION FINISHES	B	14-11-2024
125 WEST ELEVATION	B	14-11-2024	550 AFFORDABLE HOUSING	B	14-11-2024
127 SOUTH ELEVATION	B	14-11-2024	551 HEIGHT CONTROL	B	14-11-2024
129 EAST ELEVATION	B	14-11-2024	600 HERITAGE EXISTING PLANS	B	14-11-2024
130 SECTION 1	B	14-11-2024	601 HERITAGE EXISTING ELEVATIONS	B	14-11-2024
131 SECTION 2	B	14-11-2024	602 HERITAGE DEMOLITION	B	14-11-2024
132 SECTION 3	B	14-11-2024	603 HERITAGE DEMOLITION ELEVATIONS	B	14-11-2024
133 STREET INTERFACE SECTIONS 1	B	14-11-2024	604 HERITAGE ADAPTATION PLAN	B	14-11-2024
135 STREET INTERFACE SECTIONS 2	B	14-11-2024	605 HERITAGE RESTORATION ELEVATIONS	B	14-11-2024
			610 CONSTRUCTION SITE MANAGEMENT	B	14-11-2024



LEGEND	
AW	OPENABLE AIRING WINDOW
DA	DEVICES DRIFT
DA	LIVABLE HOUSING
ADAPT	ACCESSIBLE HOUSING
DR	DRIVEWAY
DR	DRIVEWAY
CR	CRATE
LD	LANDSCAPE
CPK	CARPARK EXHAUST
RL	HIGH LEVEL WINDOW SILL 1.8m

LEGEND	
CRG	COLOR BACK GLASS WITH SOLID INSULATED WALL INTERNALLY
1B	ONE BEDROOM APARTMENT
2B	TWO BEDROOM APARTMENT
3B	THREE BEDROOM APARTMENT
POS	PRIVATE OPEN SPACE
POS	COMMON OPEN SPACE
POS	PRIVATE GREEN
POS	COMMON GREEN
POS	1.8m HIGH MAINTENANCE WALL
POS	COMMON GREEN
POS	COMMON GREEN

ISSUE	AMENDMENT	DATE
A	DA ISSUE	14-11-2024
B	DA ISSUE REVISED	14-11-2024

LEVEL

ARCHITECTURAL DIVISION

T +612 8199 1144

www.level33.com.au

Nominated Registered Architect

George O'Donovan NSW 6763

DATE	19 JULY 2024	PROJECT	2-4 VICTORIA STREET KOGARAH RESIDENTIAL DEVELOPMENT
CHECKED	GO'D	DRAWING TITLE	COVER SHEET
DRAWN	AC /GO'D	DRAWING NUMBER	001
DRAWING SCALE	@ A1	DRAWING ISSUE	B

GFA SCHEDULE & GFA

Level	Area
GROUND LEVEL	636.59 m ²
GROUND LEVEL	49.26 m ²
GROUND LEVEL	83.44 m ²
LEVEL 1B	800.50 m ²
LEVEL 2 B	808.64 m ²
LEVEL 3B	803.01 m ²
LEVEL 4 B	711.15 m ²
LEVEL 5B	711.15 m ²
LEVEL 6B	711.15 m ²
LEVEL 7B	711.15 m ²
LEVEL 8B	590.61 m ²
LEVEL 9B	590.61 m ²
LEVEL 10B	590.61 m ²
LEVEL 11B	590.61 m ²
LEVEL 12	590.61 m ²
LEVEL 13	356.30 m ²
Grand total: 16	9345.41 m ²

site area = 1838 m²
 @ 4:1 =
 7352 m²
 30% ON 7352 m² = 2205 m²
 7352 m² + 2205 m²
 9557 m²

FSR ACHIEVED 9346 m²
 5.0:1

COMMON OPEN SPACE (COS)

Level	Area
LEVEL 13	294.23 m ²
GROUND LEVEL	258.24 m ²
Grand total: 2	462.47 m ²

COMMON OPEN SPACE REQUIRED
 25% X 1838 = 459.5 m²

COMMON OPENSACE PROVIDED 462 m²

PARKING

Parking Schedule		
Type	Count	Type Comments

Accessible	11	Accessible
Commercial	2	CAR SHARE
Residential	39	Res
Grand total: 52		

PARKING RATES- FOR AFFORDABLE HOUSING SEPP 2021

STUDIO	0.4	2	0.8
1B	0.4	8	3.2
2B	0.6	16	9.6
VISITORS	0	0	0
TOTAL			11.8

PARKING RATES- FOR MARKET UNITS HOUSING SEPP 2021

STUDIO	0.5	1	0.5
1B	0.6	33	16.5
2B	1.0	48	48
3B	1.5	2	3.0
VISITORS	0	0	0.0

88.0 + 11.8 = 99.8 REQUIRED
 PROVIDED OVER 2 BASEMENTS 52 + 2 CAR SHARE (54)=56
 SPACES SHORTFALL

ADAPTABLE APARTMENT SCHEDULE

Level	Name	Number	Area
LEVEL 1B	1B(ADAPT)	102	56.06 m ²
LEVEL 2 B	1B(ADAPT)	204	56.61 m ²
LEVEL 3B	1B(ADAPT)	304	56.06 m ²
LEVEL 4 B	1B(ADAPT)	403	54.85 m ²
LEVEL 5B	1B(ADAPT)	503	54.93 m ²
LEVEL 6B	1B(ADAPT)	603	54.09 m ²
LEVEL 7B	1B(ADAPT)	703	53.68 m ²
LEVEL 8B	1B(ADAPT)	803	54.90 m ²
LEVEL 9B	1B(ADAPT)	903	54.98 m ²
LEVEL 10B	1B(ADAPT)	1003	54.97 m ²
LEVEL 11B	1B(ADAPT)	1103	54.97 m ²
Grand total: 11			

LIVABLE APARTMENT SCHEDULE

Level	Name	Number	Area
LEVEL 1B	1B+S(LHA)	106	51.04 m ²
LEVEL 2 B	1B+S(LHA)	207	51.12 m ²
LEVEL 3B	1B+S(LHA)	308	51.12 m ²
LEVEL 4 B	2B(LHA)	406	77.80 m ²
LEVEL 4 B	1B(LHA)	408	52.55 m ²
LEVEL 5B	2B(LHA)	506	77.80 m ²
LEVEL 5B	1B(LHA)	508	52.68 m ²
LEVEL 6B	2B(LHA)	606	77.80 m ²
LEVEL 6B	1B(LHA)	608	52.55 m ²
LEVEL 7B	2B(LHA)	706	77.19 m ²
LEVEL 7B	1B(LHA)	708	52.55 m ²
Grand total: 11			

DEEP SOIL

site area = 1838 m²
 @ 7% = 128.66 m²

Provided 129 m²

BIKES PROVIDED

8 RACKS OF 7 BIKES = 56

APARTMENT SCHEDULE

APARTMENT SCHEDULE							
Level	Number	Name	Unit	Area sqm	Cost USD	Value USD	Ratio
GROUND LEVEL							
GROUND LEVEL	101	2B		Yes	Yes	33.25 m ²	
GROUND LEVEL	102	2B	STUDIO	No	Yes	43.28 m ²	
GROUND LEVEL	103	2B		No	Yes	26.85 m ²	
GROUND LEVEL	104	2B(S)		No	Yes	86.97 m ²	
GROUND LEVEL	105	1B		No	Yes	27.05 m ²	
GROUND LEVEL	106	2B(S)		Yes	Yes	87.77 m ²	
GROUND LEVEL	107	2B		No	Yes	73.08 m ²	
GROUND LEVEL	108	1B(S)		Yes	No	42.22 m ²	
GROUND LEVEL	109	2B		No	Yes	76.66 m ²	
GROUND LEVEL	110	2B(S)		No	Yes	86.28 m ²	
Type 1B							
LEVEL 1B	111	2B		No	Yes	77.81 m ²	
LEVEL 1B	112	1B(ADAPT)		Yes	No	56.06 m ²	
LEVEL 1B	113	2B(S)		No	Yes	77.81 m ²	
LEVEL 1B	114	2B		No	Yes	77.81 m ²	
LEVEL 1B	115	1B+S(LHA)		Yes	No	51.04 m ²	
LEVEL 1B	116	2B(S)		Yes	Yes	77.81 m ²	
Type 7							
LEVEL 7							
LEVEL 7	201	2B(S)		No	Yes	79.58 m ²	
LEVEL 7	202	2B		No	Yes	79.58 m ²	
LEVEL 7	203	2B(S)		No	Yes	79.58 m ²	
LEVEL 7	204	1B(ADAPT)		Yes	Yes	77.81 m ²	
LEVEL 7	205	2B(S)		No	Yes	79.58 m ²	
LEVEL 7	206	2B		No	Yes	79.58 m ²	
LEVEL 7	207	2B(S)		No	Yes	79.58 m ²	
LEVEL 7	208	2B		No	Yes	79.58 m ²	
LEVEL 7	209	2B(S)		No	Yes	79.58 m ²	
LEVEL 7	210	2B		No	Yes	79.58 m ²	
Type 8							
LEVEL 8							
LEVEL 8	301	2B(S)		No	Yes	76.82 m ²	
LEVEL 8	302	2B		No	Yes	76.82 m ²	
LEVEL 8	303	2B(S)		No	Yes	77.24 m ²	
LEVEL 8	304	1B(ADAPT)		Yes	Yes	77.24 m ²	
LEVEL 8	305	2B(S)		No	Yes	76.82 m ²	
LEVEL 8	306	2B		No	Yes	76.82 m ²	
LEVEL 8	307	2B(S)		No	Yes	76.82 m ²	
LEVEL 8	308	2B		No	Yes	76.82 m ²	
LEVEL 8	309	2B(S)		No	Yes	76.82 m ²	
LEVEL 8	310	2B		No	Yes	76.82 m ²	
Type 9							
LEVEL 9							
LEVEL 9	401	2B		Yes	Yes	76.82 m ²	
LEVEL 9	402	2B		Yes	Yes	76.82 m ²	

Storage Schedule			
Unit Number	Level	Unit Type	Volume
101	LEVEL B1	2B	5.96 m³
101	LEVEL 1B		10.14 m³
102	LEVEL B1	1B	5.78 m³
102	LEVEL 1B		3.02 m³
			8.80 m³
103	LEVEL B1	1B	5.78 m³
103	LEVEL 1B		4.39 m³
			10.16 m³
104	B2	2B	5.43 m³
104	LEVEL 1B		4.02 m³
			9.44 m³
105	LEVEL B1	2B	5.78 m³
105	LEVEL 1B		4.11 m³
			9.89 m³
106	LEVEL B1	2B	4.19 m³
106	LEVEL 1B		3.40 m³
			7.59 m³
201	LEVEL B1	2B	4.19 m³
201	LEVEL 2 B		4.70 m³
			8.89 m³
202	LEVEL B1	STUDIO	4.46 m³
202	LEVEL 2 B		1.85 m³
			6.31 m³
203	LEVEL 2 B		4.06 m³
203	B2	2B	4.19 m³
			8.25 m³
204	B2	1B	5.34 m³
204	LEVEL 2 B		3.02 m³
			8.36 m³
205	B2	2B	5.96 m³
205	LEVEL 2 B		5.02 m³
			10.98 m³
206	B2	2B	5.96 m³
206	LEVEL 2 B		4.10 m³
			10.06 m³
207	B2	2B	5.96 m³
207	LEVEL 2 B		3.41 m³
			9.37 m³
208	B2	2B	5.96 m³
208	LEVEL 2 B		5.19 m³
			11.15 m³
209	B2	2B	5.96 m³
209	LEVEL 2 B		4.05 m³
			10.01 m³
301	B2	2B	5.96 m³
301	LEVEL 3B		10.66 m³
302	LEVEL B1	STUDIO	6.32 m³
302	LEVEL 3B		2.02 m³
			8.34 m³
303	LEVEL 3B		4.06 m³
303	LEVEL B1	2B	3.11 m³
			7.55 m³
304	LEVEL 3B		3.07 m³
304	B2	1B	4.59 m³
			7.67 m³
305	B2	2B	5.96 m³
305	LEVEL 3B		5.02 m³
			10.98 m³
306	B2	2B	5.96 m³
306	LEVEL 3B		4.02 m³
			9.98 m³
307	B2	2B	4.07 m³
307	LEVEL 3B		1.95 m³
307	LEVEL 3B		3.11 m³
			9.14 m³
308	B2	1B	4.06 m³
308	LEVEL 3B		3.28 m³
			7.34 m³
309	B2	2B	4.16 m³
309	LEVEL 3B		4.16 m³
			8.52 m³
310	LEVEL 3B		4.47 m³
310	LEVEL B1	2B	4.04 m³
			8.51 m³
401	B2	2B	4.26 m³
401	LEVEL 4 B		4.08 m³
			8.34 m³
402	LEVEL B1	1B	4.15 m³
402	LEVEL 4 B		1.24 m³

Storage Schedule			
Unit Number	Level	Unit Type	Volume
402	LEVEL 4 B		1.52 m³
402	LEVEL 4 B		1.39 m³
			8.29 m³
403	LEVEL 4 B		3.20 m³
403	B2	1B	4.12 m³
			7.32 m³
404	B2	2B	4.34 m³
404	LEVEL 4 B		2.27 m³
404	LEVEL 4 B		2.73 m³
			9.33 m³
405	LEVEL 4 B		4.32 m³
405	LEVEL B1	2B	2.24 m³
			8.58 m³
406	LEVEL B1	2B	4.26 m³
406	LEVEL 4 B		4.08 m³
			8.34 m³
407	LEVEL 4 B		4.12 m³
407	B2	2B	5.10 m³
			9.22 m³
408	B2	1B	4.06 m³
408	B2	1B	4.06 m³
408	LEVEL 4 B		1.80 m³
408	LEVEL 4 B		1.97 m³
			11.89 m³
501	B2	2B	4.12 m³
501	LEVEL 5B		4.09 m³
			8.21 m³
502	LEVEL 5B		1.52 m³
502	LEVEL 5B		1.39 m³
502	LEVEL 5B		1.24 m³
502	B2		4.01 m³
			8.15 m³
503	LEVEL 5B		3.20 m³
503	B2	1B	4.12 m³
			7.32 m³
504	B2	2B	4.12 m³
504	LEVEL 5B		2.27 m³
504	LEVEL 5B		2.73 m³
			9.11 m³
505	LEVEL 5B		4.15 m³
505	B2	2B	4.12 m³
			8.27 m³
506	LEVEL 5B		4.12 m³
506	B2	2B	4.06 m³
			8.18 m³
507	B2	2B	4.05 m³
507	LEVEL 5B		4.14 m³
			8.19 m³
508	B2	1B	5.24 m³
508	LEVEL 5B		1.80 m³
508	LEVEL 5B		1.97 m³
			9.01 m³
601	B2	2B	4.15 m³
601	LEVEL 6B		4.09 m³
			8.24 m³
602	LEVEL 6B		1.52 m³
602	LEVEL 6B		1.39 m³
602	LEVEL 6B		1.24 m³
602	B2	2B	4.03 m³
			8.17 m³
603	B2	1B	4.08 m³
603	LEVEL 6B		3.20 m³
			7.28 m³
604	B2	2B+S	4.74 m³
604	LEVEL 6B		2.27 m³
604	LEVEL 6B		2.73 m³
			9.73 m³
605	LEVEL 6B	2B	5.29 m³
605	LEVEL B1		4.01 m³
			9.30 m³
606	LEVEL 6B	2B	4.43 m³
606	LEVEL B1		4.16 m³
			8.53 m³
607	LEVEL B1	2B	5.37 m³
607	LEVEL 6B		4.14 m³
			9.50 m³
608	LEVEL 6B	1B	1.80 m³
608	LEVEL 6B		1.97 m³
608	LEVEL B1	2B	4.16 m³
			7.87 m³
701	LEVEL B1	2B	5.68 m³

Storage Schedule			
Unit Number	Level	Unit Type	Volume
701	LEVEL 7B		4.09 m³
702	LEVEL 7B	2B	0.87 m³
			1.52 m³
702	LEVEL 7B		1.39 m³
702	LEVEL 7B		1.24 m³
702	B2		5.01 m³
			9.15 m³
703	B2	1B	4.01 m³
703	LEVEL 7B		3.01 m³
			7.02 m³
704	LEVEL B1	2B+S	4.41 m³
704	LEVEL 7B		2.24 m³
704	LEVEL 7B		2.73 m³
			9.38 m³
705	LEVEL B1	2B	5.58 m³
705	LEVEL 7B		4.27 m³
			9.85 m³
706	B2	2B	4.03 m³
706	LEVEL 7B		2.14 m³
			6.18 m³
707	LEVEL 7B	2B	4.14 m³
707	LEVEL B1		4.90 m³
			9.13 m³
708	LEVEL 7B	1B	1.80 m³
708	LEVEL 7B		1.97 m³
708	B2	1B	2.39 m³
			6.16 m³
801	LEVEL B1	1B	7.59 m³
801	LEVEL 8B		4.23 m³
			9.48 m³
802	B2	1B	4.03 m³
802	LEVEL 8B		1.24 m³
802	LEVEL 8B		1.52 m³
802	LEVEL 8B		1.39 m³
			8.17 m³
803	LEVEL 8B		3.11 m³
803	LEVEL B1	1B	4.22 m³
			7.33 m³
804	LEVEL B1	1B	5.44 m³
804	LEVEL 8B		3.67 m³
			9.10 m³
805	LEVEL 8B		4.61 m³
805	LEVEL B1	1B	4.12 m³
			8.73 m³
806	LEVEL 8B		2.39 m³
806	LEVEL B1	2B	4.15 m³
806	LEVEL 8B		2.78 m³
			9.32 m³
807	LEVEL 8B		1.28 m³
807	LEVEL 8B		3.12 m³
807	LEVEL B1	1B	4.06 m³
			8.45 m³
808	LEVEL 8B		3.51 m³
808	B2	1B	4.15 m³
			7.66 m³
901	LEVEL 9B		4.12 m³
901	B2	2B	4.02 m³
			8.14 m³
902	LEVEL 9B		1.24 m³
902	LEVEL 9B		1.52 m³
902	LEVEL 9B		1.39 m³
902	B2	2B	4.04 m³
			8.18 m³
903	LEVEL 9B		3.20 m³
903	B2	1B	4.03 m³
			7.23 m³
904	B2	1B	4.19 m³
904	LEVEL 9B		3.67 m³
			7.85 m³
905	LEVEL B1	1B	4.02 m³
905	LEVEL 9B		3.11 m³
			7.13 m³
906	LEVEL B1	2B	4.03 m³
906	LEVEL 9B		4.26 m³
			8.29 m³
907	LEVEL 9B		2.91 m³
907	LEVEL B1	1B	4.06 m³
			6.96 m³
908	LEVEL 9B		2.89 m³
908	B2	1B	4.12 m³
			7.00 m³

Storage Schedule			
Unit Number	Level	Unit Type	Volume
1001	LEVEL B1	2B	3.93 m³
1001	LEVEL 10B		4.09 m³
			8.02 m³
1002	B2	1B	4.17 m³
1002	LEVEL 10B		1.24 m³
1002	LEVEL 10B		1.52 m³
1002	LEVEL 10B		1.39 m³
			8.31 m³
1003	LEVEL B1	1B	4.29 m³
1003	LEVEL 10B		3.19 m³
			7.48 m³
1004	B2	2B+S	4.08 m³
1004	LEVEL 10B		3.67 m³
			7.75 m³
1005	LEVEL B1	1B	4.56 m³
1005	LEVEL 10B		3.01 m³
			7.57 m³
1006	LEVEL B1	2B	4.11 m³
1006	LEVEL 10B		3.44 m³
1006	LEVEL 10B		2.43 m³
1006	LEVEL 10B		9.98 m³
1007	LEVEL 10B		2.58 m³
1007	LEVEL 10B		1.30 m³
1007	B2	2B	4.16 m³
			8.04 m³
1008	LEVEL 10B		3.30 m³
1008	LEVEL B1	1B	4.29 m³
			7.59 m³
1101	LEVEL 11B		4.21 m³
1101	B2	2B	4.11 m³
			8.31 m³
1102	B2	1B	4.05 m³
1102	LEVEL 11B		1.24 m³
1102	LEVEL 11B		1.52 m³
1102	LEVEL 11B		1.39 m³
			8.19 m³
1103	LEVEL 11B		3.20 m³
1103	B2	1B	4.16 m³
			7.36 m³
1104	LEVEL B1	2B	5.78 m³
1104	LEVEL 11B		3.67 m³
			9.45 m³
1105	LEVEL B1	2B	5.78 m³
1105	LEVEL 11B		3.91 m³
			9.69 m³
1106	LEVEL B1	2B	5.96 m³
1106	LEVEL 11B		2.81 m³
1106	LEVEL 11B		2.53 m³
			11.30 m³
1107	LEVEL 11B		2.58 m³
1107	B2	1B	4.11 m³
1107	LEVEL 11B		1.35 m³
			8.04 m³
1108	LEVEL 11B	1B	3.12 m³
1108	LEVEL B1	1B	4.48 m³
			7.60 m³
1201	LEVEL 12		4.24 m³
1201	B2	1B	4.08 m³
			8.32 m³

Storage Schedule			
Unit Number	Level	Unit Type	Volume
1202	LEVEL 12		1.24 m³
1202	LEVEL 12		1.52 m³
1202	LEVEL 12		1.39 m³
1202	B2	1B	4.06 m³
			8.20 m³
1203	LEVEL 12		3.20 m³
1203	B2	1B	4.07 m³
			7.27 m³
1204	B2	1B	4.03 m³
1204	LEVEL 12		3.67 m³
			7.69 m³
1205	B2	2B	5.49 m³
1205	LEVEL 12		4.40 m³
			9.89 m³
1206	LEVEL 12		2.83 m³
1206	LEVEL B1	2B	4.81 m³
1206	LEVEL 12		2.53 m³
			10.16 m³
1207	LEVEL 12		2.77 m³
1207	LEVEL 12		1.26 m³
1207	B2	2B	4.98 m³
			8.11 m³
1208	LEVEL 12		3.08 m³
1208	B2	1B	5.18 m³
			8.26 m³
1301	LEVEL 13		6.20 m³
1301	B2	2B	4.12 m³
			10.32 m³
1302	LEVEL 13		6.35 m³
1302	B2	2B	6.05 m³
			12.40 m³
1303	LEVEL 13		3.88 m³
1303	B2	2B	4.00 m³
1303	LEVEL 13		3.62 m³
			11.49 m³
G01	B2	2B	5.10 m³
G01	LEVEL 1B		6.72 m³
			11.82 m³
G02	LEVEL B1	STUDIO	4.20 m³
G02	GROUND LEVEL		4.12 m³
			8.32 m³
G03	LEVEL B1	2B	4.41 m³
G03	GROUND LEVEL		2.86 m³
G03	GROUND LEVEL		2.05 m³
			9.31 m³
G04	B2	2B	



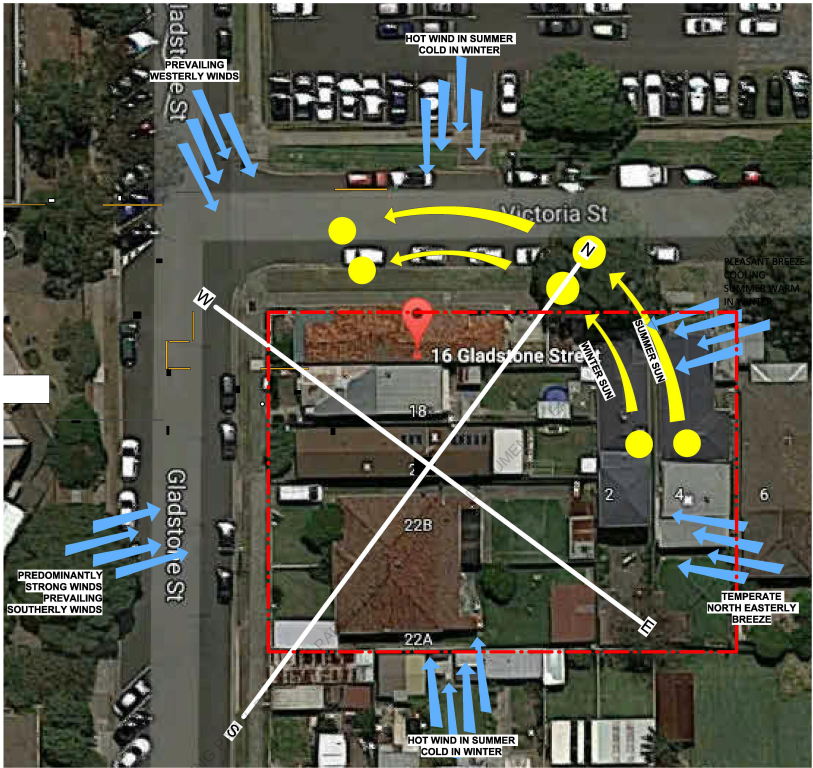
KOGARAH HIGH SCHOOL



KOGARAH TOWN CENTER



VIEW TOWARDS COTTAGE & NEWLY BUILT RESIDENTIAL DEVELOPMENT "LANDMARK"



VIEW TOWARDS THE SITE FROM THE CNR VICTORIA & GLADSTONE STREETS



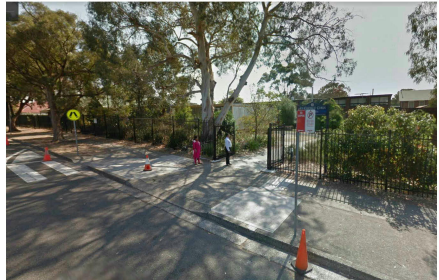
KOGARAH TRAIN STATION



FRYS RESERVE



HOGBEN PARK



GEORGES' RIVER GIRLS HIGH SCHOOL



VIEW TOWARDS COTTAGE & NEWLY BUILT RESIDENTIAL DEVELOPMENT "LANDMARK"

LEGEND	
SW	OPENABLE & AROUND WINDOW
SA	SERVICES SHAFT
LA	LIABLE HOUSING
ADAPT	ACCESSIBLE HOUSING
W	WIND
CR	CRUISE
LD	LANDSCAPE
CPK	CAMPFIRE EXHAUST
RL	HIGH LEVEL WINDOW SILL 1.8m

LEGEND	
CRG	COLOR BACK GLASS WITH SOLID INSULATED WALL INTERNALLY
1B	ONE BEDROOM APARTMENT
2B	TWO BEDROOM APARTMENT
3B	THREE BEDROOM APARTMENT
POS	COMMON OPEN SPACE
PS	PRIVATE GREEN
1.8	1.8m HIGH MASONRY WALL
SS	SECOND STOREY
BR	BRIGHT

ISSUE	AMENDMENT	DATE
A	DA ISSUE	19-09-2024
B	DA ISSUE REVISED	14-11-2024

LEVEL
ARCHITECTURAL DIVISION
T +612 8199 1144
www.level33.com.au
Nominated Registered Architect
George O'Donovan NSW 6763

North

DATE	19 JULY 2024	PROJECT	2-4 VICTORIA STREET KOGARAH RESIDENTIAL DEVELOPMENT
CHECKED	GO'D	DRAWING TITLE	SITE ANALYSIS
DRAWN	AC / GO'D	DRAWING NUMBER	008
DRAWING SCALE	1 : 250 @ A1	DRAWING ISSUE	B



The architecture of the building responds primarily to three concepts:

- the interface of the proposed building with the existing timber cottage ;
- to maximise the curtilage landscape setting surrounding the timber cottage
to maximise the cottage's street presence and its built form.
- to provide a heavily landscape curtlig setting surrounding the cottage with arecessed reflective glazed building backdrop that will enhance the importance of the heritage item .

The massing of the proposed building's lower podium levels from the ground to the fourth storey , reinforces the base of the building as a more base element through the use of dark face brickwork and vertical blade elements . Its massing reinforces the curtilage height and space surrounding the cottage

The upper levels of the building is designed to both complement its landscape setting and maintain its identity as a lightweight, modern addition to the streetscape.

The corner balconies at the street intersection is similar in expression and anchor the proposal, providing an urban marker when viewed from the north and south along Gladstone Street.

The split of the podium form reduces the mass and bulk of the development, so that it sits comfortably within the existing streetscape and context of surrounding buildings.

The building is setback from all boundaries with compliant ADG controls,, maximising soft landscaping around the perimeter of the site.

The mass and bulk of the buildings are further reduced by the use of recessed vertical gaps in the building form where either setback balconies or windows are have been placed.

The top level of the proposal is further recessed from the levels below to reduce their visual impact, along the northern,western and southern boundaries.

LEGEND	
SW	OPENABLE AIRHAND WINDOW
DA	SERVICES SHAFT
LA	LIVABLE HOUSING
ADAPT	ACCESSIBLE HOUSING
W	WALKWAY
BL	BLOCK
CR	CRATE
LD	LANDSCAPE
CPK	CANOPY EXHAUST
HL	HIGH LEVEL WINDOW SILL 1.8m
BR	BRIGHT

LEGEND	
CRG	COLOR BACK GLASS WITH SOLID INSULATED WALL INTERNALLY
1B	ONE BEDROOM APARTMENT
2B	TWO BEDROOM APARTMENT
3B	THREE BEDROOM APARTMENT
POS	PRIVATE OPEN SPACE
COM	COMMON OPEN SPACE
PS	PRIVATE GREEN
PSV	1.8m HIGH MASONRY WALL SECOND FLOOR
BR	BRIGHT

LEVEL

ARCHITECTURAL DIVISION

T +612 8199 1144

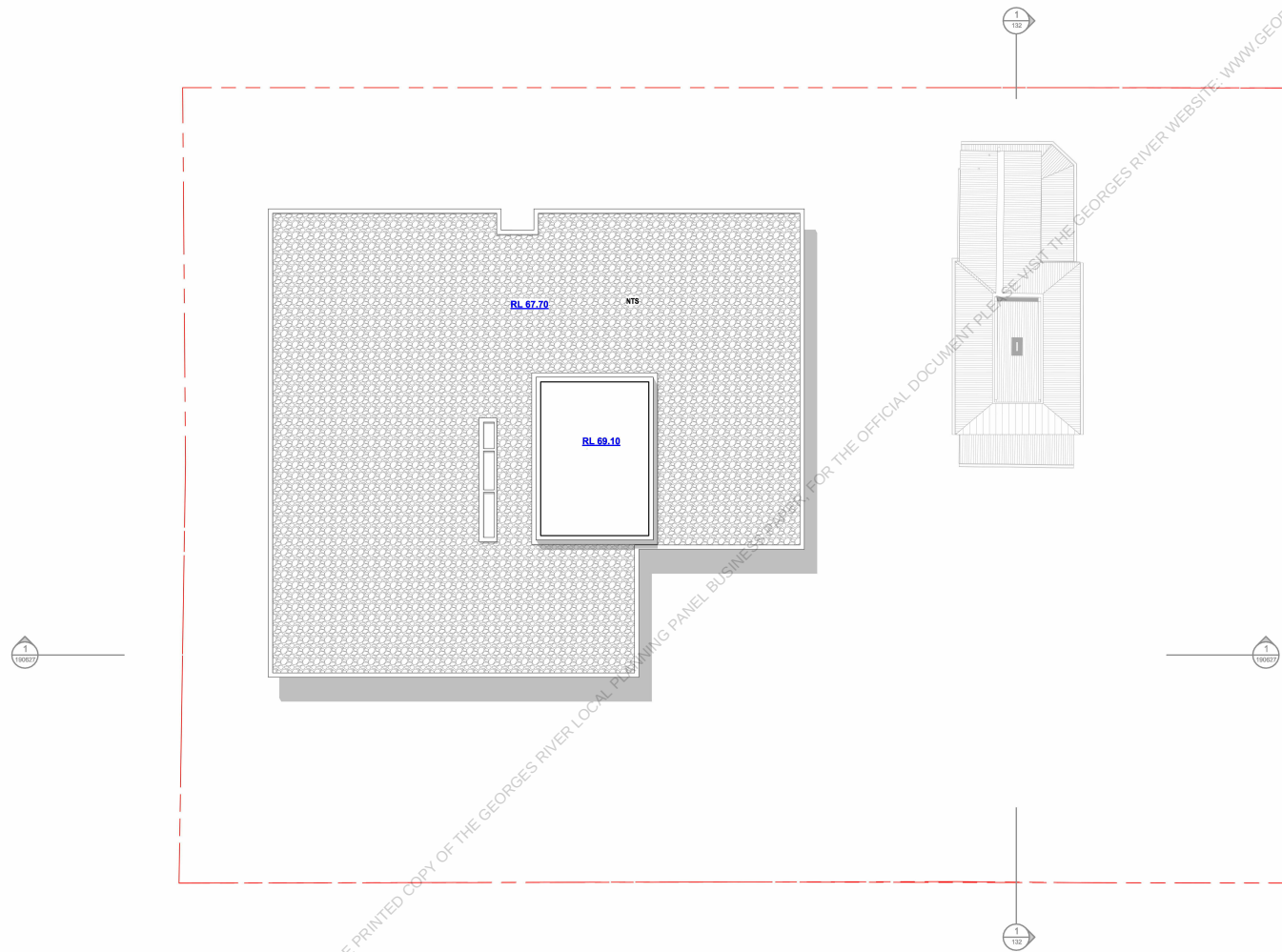
www.level33.com.au

Nominated Registered Architect

George O'Donovan NSW 6763

North

DATE	19 JULY 2024	PROJECT	2-4 VICTORIA STREET KOGARAH RESIDENTIAL DEVELOPMENT
CHECKED	GO'D	DRAWING TITLE	MASSING CONCEPT AND COTTAGE CURTILAGE
DRAWN	AC /GO'D	DRAWING NUMBER	009
DRAWING SCALE	@ A1	DRAWING ISSUE	B



LEGEND	LEGEND
AW S OPENABLE AWNING WINDOW	C8G COLOUR BACK GLASS WITH
SRV S SERVICES SHAFT	SOLD INSULATED WALL INTERNALLY
HA S HANGABLE HOUSING	ONE BEDROOM APARTMENT
ADAPT S ACCESSIBLE HOUSING	2S TWO BEDROOM APARTMENT
HR S HANGRAIL	3S THREE BEDROOM APARTMENT
B S BALCONY	POS PRIVATE OPEN SPACE
CH S CHUTE	COM COMMON OPEN SPACE
LD S LADDER	PS PRIVITY SCREEN
CFEX S CARPARK EXHAUST	PD 1.5m HIGH MASONRY WALL
HL S HIGH LEVEL WINDOW SILL 1.8m	SW 1.2m HIGH DOOR

LEGEND

CBG	COLOR BACK GLASS WITH SOLID INSULATED WALL INTERNALLY
1B	ONE BEDROOM APARTMENT
2B	TWO BEDROOM APARTMENT
3B	THREE BEDROOM APARTMENT
POS	PRIVATE OPEN SPACE
COS	COMMON OPEN SPACE
PS	PRIVACY SCREEN
PW	1.2 m HIGH MASONRY WALL
SD	SLIDING DOOR
SK	SKOS LIGHT

ISSUE	AMENDMENT	DATE
A	DA ISSUE	18-03-2024
B	DA ISSUE REVISED	14-11-2024

LEVEL 
ARCHITECTURAL DIVISION

T +612 8199 1144
www.level33.com.au
Nominated Registered Architect
George O'Donovan NSW 6763

North 

North

DATE	19 JULY 2024	PROJECT	2-4 VICTORIA STREET KOGARAH RESIDENTIAL DEVELOPMENT
CHECKED	GO'D	DRAWING TITLE	ROOF PLAN
DRAWN	AC /GO'D	DRAWING NUMBER	120
DRAWING SCALE	1 : 100 @ A1	DRAWING ISSUE	B



LEGEND	
AW	OPENABLE AIRING WINDOW
SW	SERVICES SHAFT
UA	UNITS
ADAPT	ACCESSIBLE HOUSING
W	WALLS
BR	BALCONY
CR	CRATE
LD	LANDSCAPE
CPK	CAMPFIRE EXHAUST
RL	ROOF LEVEL WINDOW SILL 1.0m

LEGEND	
CRG	COLOR BACK GLASS WITH SOLID INSULATED WALL INTERNALLY
1B	ONE BEDROOM APARTMENT
2B	TWO BEDROOM APARTMENT
3B	THREE BEDROOM APARTMENT
PO	PRIVATE OPEN SPACE
CO	COMMON OPEN SPACE
PS	PRIVATE SCREEN
FW	1.0m HIGH MAINTENANCE WALL
SD	SCREEN DOOR
BL	BRIGHT

ISSUE	AMENDMENT	DATE
A	DA ISSUE	19-09-2024
B	DA ISSUE REVISED	14-11-2024

LEVEL

ARCHITECTURAL DIVISION

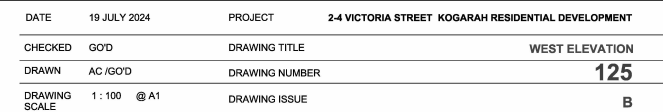
T +612 8199 1144

www.level33.com.au

Nominated Registered Architect

George O'Donovan NSW 6763

DATE	19 JULY 2024	PROJECT	2-4 VICTORIA STREET KOGARAH RESIDENTIAL DEVELOPMENT
CHECKED	GO'D	DRAWING TITLE	NORTH ELEVATION
DRAWN	AC /GO'D	DRAWING NUMBER	122
DRAWING SCALE	1 : 100 @ A1	DRAWING ISSUE	B





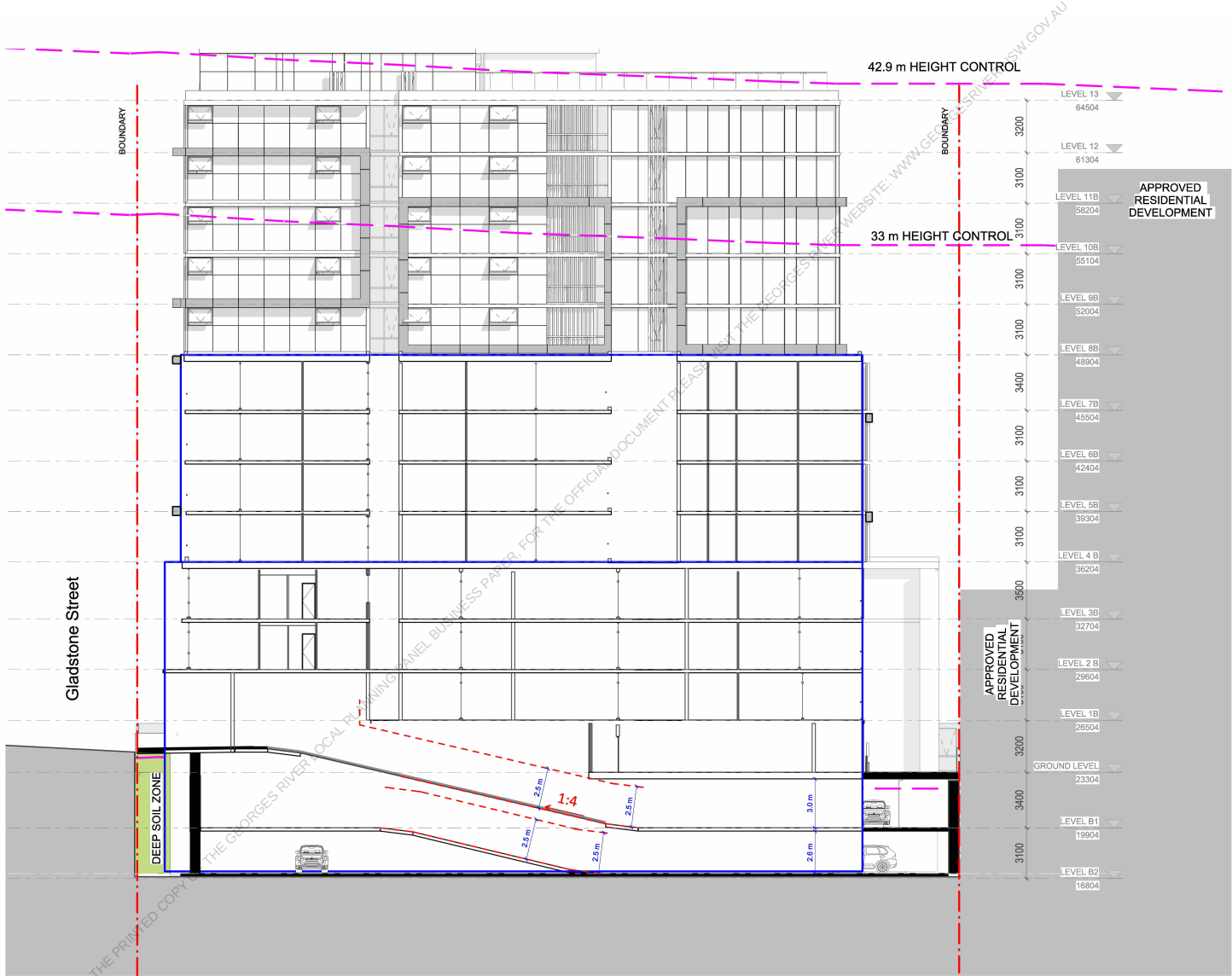
LEGEND	
AW	OPENABLE AIRING WINDOW
DA	SERVICES DRAFT
LA	LIVABLE HOUSING
ADAPT	ACCESSIBLE HOUSING
IB	INDIGENOUS
BL	BALCONY
CH	CHUTE
LD	LANDSCAPE
CPK	CAMPFIRE EXHAUST
HL	HIGH LEVEL WINDOW SILL 1.8m

LEGEND	
CRG	COLOR BACK GLASS WITH SOLID INSULATED WALL INTERNALLY
IB	ONE BEDROOM APARTMENT
2B	TWO BEDROOM APARTMENT
3B	THREE BEDROOM APARTMENT
PO	PRIVATE OPEN SPACE
COB	COMMON OPEN SPACE
PS	PRIVATE SCREEN
FW	1.8m HIGH MASONRY WALL
SD	SECOND DOOR
BL	BRIGHT

LEVEL
ARCHITECTURAL DIVISION
T +612 8199 1144
www.level33.com.au
Nominated Registered Architect
George O'Donovan NSW 6763

DATE	19 JULY 2024	PROJECT	2-4 VICTORIA STREET KOGARAH RESIDENTIAL DEVELOPMENT
CHECKED	GO'D	DRAWING TITLE	SOUTH ELEVATION
DRAWN	AC /GO'D	DRAWING NUMBER	127
DRAWING SCALE	1 : 100 @ A1	DRAWING ISSUE	B





LEGEND

SW

OP

AD

DR

CR

LD

CP

EL

OPENABLE AIRING WINDOW

SHOWER DRAPE

LIVABLE HOUSING

ACCESSIBLE HOUSING

WALKWAY

BUILDING

CRUISE

LANDINGS

CARPARK EXHAUST

HIGH LEVEL WINDOW SILL 1.8m

CRG

CO

1B

2B

3B

POB

COB

PS

PRV

SG

BR

COLOR BACK GLASS WITH SOLID INSULATED WALL INTERNALLY

ONE BEDROOM APARTMENT

TWO BEDROOM APARTMENT

THREE BEDROOM APARTMENT

PATIO WITH OPEN SPACE

COMMON OPEN SPACE

PRIVATE SCREEN

1.8m HIGH MASONRY WALL

SECOND FLOOR

BRIGHT

ISSUE

TAMERMENT

DATE

A

DA ISSUE

19-09-2024

B

DA ISSUE REVISED

14-11-2024

LEVEL

ARCHITECTURAL DIVISION

T +612 8199 1144

www.level33.com.au

Nominated Registered Architect

George O'Donovan NSW 6763

DATE

19 JULY 2024

PROJECT

2-4 VICTORIA STREET KOGARAH RESIDENTIAL DEVELOPMENT

CHECKED

GO'D

DRAWING TITLE

SECTION 1

DRAWN

AC /GO'D

DRAWING NUMBER

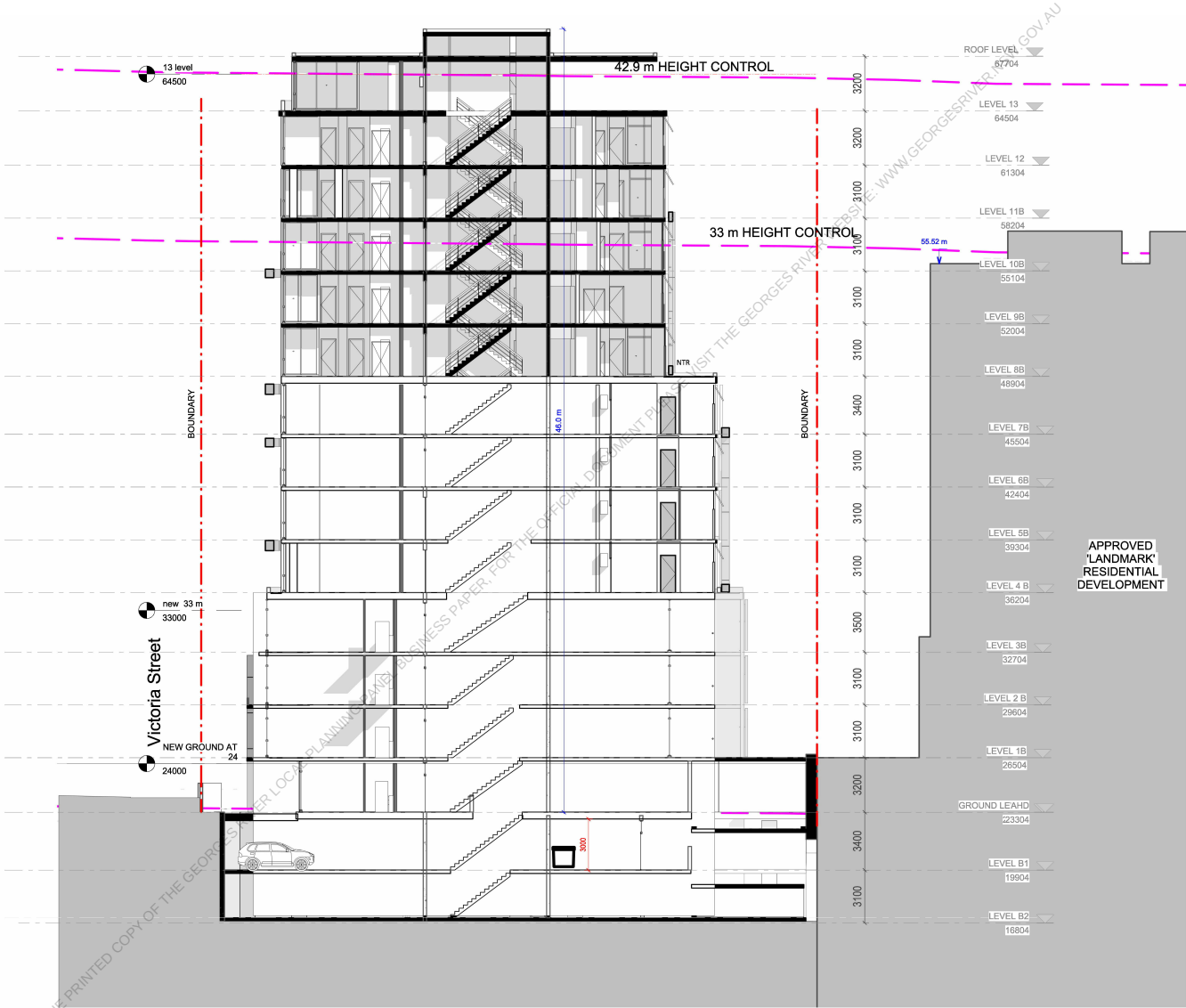
130

DRAWING SCALE

1: 120 @ A1

DRAWING ISSUE

B

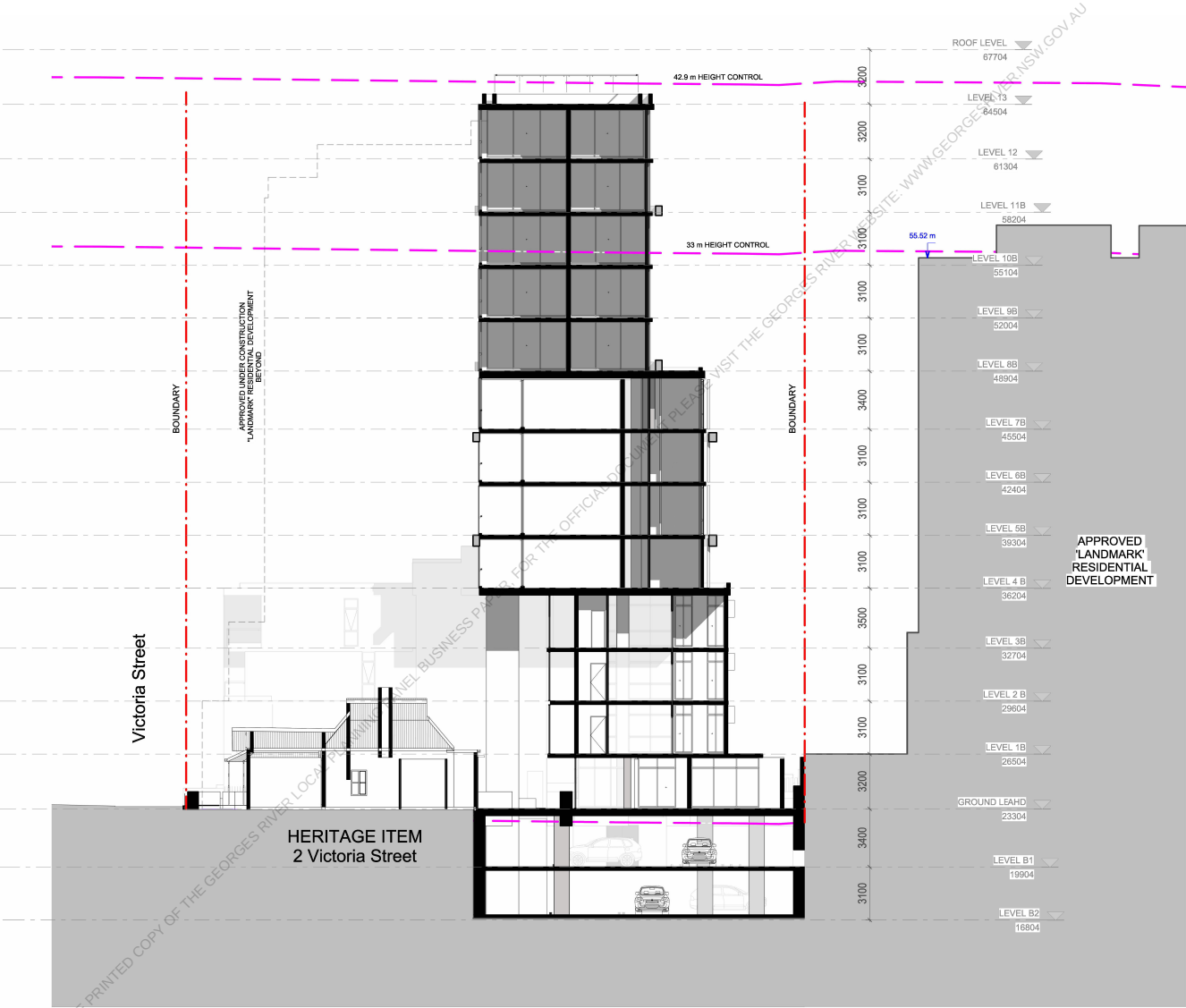


LEGEND	
SW	OPENABLE AIRING WINDOW
SA	SERVICES SHAFT
UA	UNITS
ADAPT	ACCESSIBLE HOUSING
IB	INDICATOR
BL	BUILDING
CR	CRUISE
LD	LANDSCAPE
CPK	CAMPFIRE EXHAUST
HL	HIGH LEVEL WINDOW SILL 1.8m
BR	BRIGHT

ISSUE	AMENDMENT	DATE
A	ON ISSUE	19-09-2024
B	ON ISSUE REVISED	14-11-2024

LEVEL
ARCHITECTURAL DIVISION
T +612 8199 1144
www.level33.com.au
Nominated Registered Architect
George O'Donovan NSW 6763

DATE	19 JULY 2024	PROJECT	2-4 VICTORIA STREET KOGARAH RESIDENTIAL DEVELOPMENT
CHECKED	GO'D	DRAWING TITLE	SECTION 2
DRAWN	AC /GO'D	DRAWING NUMBER	131
DRAWING SCALE	1: 120 @ A1	DRAWING ISSUE	B

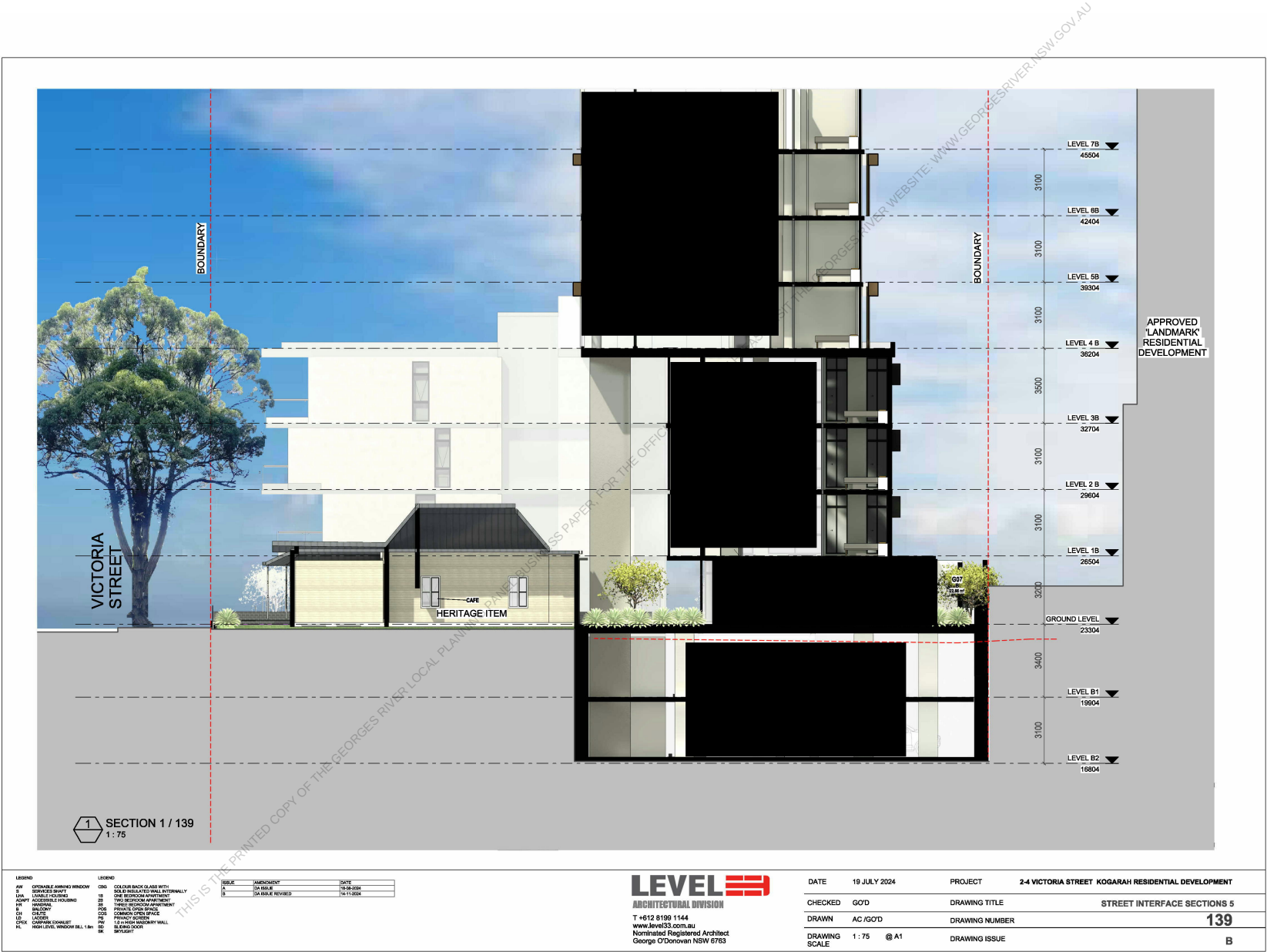


LEGEND	
AW	OPENABLE AROUND WINDOW
SW	SERVICES SHAFT
UA	UNITS
ADAPT	ACCESSIBLE HOUSING
UB	UNITS
BU	BUILDING
CR	CRATE
LD	LANDSCAPE
CPK	CANOPY EXHAUST
HL	HIGH LEVEL WINDOW SILL 1.8m
BR	BRIGHT
CRG	COLOR BACK GLASS WITH SOLID INSULATED WALL INTERNALLY
1B	ONE BEDROOM APARTMENT
2B	TWO BEDROOM APARTMENT
3B	THREE BEDROOM APARTMENT
POS	PRIVATE OPEN SPACE
OSR	COMMON OPEN SPACE
PS	PRIVATE SCREEN
PW	1.8m HIGH MAJORITY WALL
SD	SCREEN DOOR

ISSUE	AMENDMENT	DATE
A	ON ISSUE	19-09-2024
B	ON ISSUE REVISED	14-11-2024

LEVEL
ARCHITECTURAL DIVISION
T +612 8199 1144
www.level33.com.au
Nominated Registered Architect
George O'Donovan NSW 6763

DATE	19 JULY 2024	PROJECT	2-4 VICTORIA STREET KOGARAH RESIDENTIAL DEVELOPMENT
CHECKED	GO'D	DRAWING TITLE	SECTION 3
DRAWN	AC / GO'D	DRAWING NUMBER	132
DRAWING SCALE	1: 120 @ A1	DRAWING ISSUE	B



















LEGEND:

- MASONRY SURFACES FINISHED IN RENDER AND PAINTED EQUAL TO DULUX "VIVID WHITE"
- MASONRY SURFACES FINISHED IN RENDER AND PAINTED EQUAL TO DULUX "DEEP WALNUT"
- PODIUM & TOWER ACCENT FACE BRICKWORK 1 COLOUR "ONYX" WITH GREY MORTAR JOINTS
- GROUND LEVEL PAVING FINISH HERRINGBONE PATTERN RECTANGULAR DARK GREY
- PERFORMANCE GLAZING EQUAL TO LOW E GLASS EQUAL TO PILKINGTON OPTIFLOAT TINTED "GREY"
- GLAZED BALCONY BALUSTRADES EQUAL TO GLASS EQUAL TO PILKINGTON OPTIFLOAT "CLEAR"
- POWDERCOATED METAL ALUMINIUM ITEMS: FRAMED WINDOWS, DOORS, ROLLER SHUTTER, VENTILATION LOUVRES EQUAL TO POWDERCOAT FINISH INTERPON CHARCOAL FUTURA PEARL
- FIXED ALUMINIUM LOUVRES-300 mm ELLIPTICAL TYPE POWDERCOATED FINISH INTERPON FLATT MATT MEDIUM BRONZE
- EXTERNAL FRAMED ELEMENTS EQUAL TO EXPRESSED JOINT ALUMINIUM ALUCOBOND -CLADDING FIRE RATED-POWDERCOATED FINISH INTERPON FLATT MATT MEDIUM BRONZE
- EXPRESSED WALL JOINTS FINISH EQUAL TO DULUX COLOUR MATT VIVID WHITE
- EXPRESSED WALL JOINTS FINISH EQUAL TO DULUX COLOUR SILVER PEARL

NO.	DESCRIPTION	DATE
1	COLOUR BACK GLASS WITH SOLID REDUCED TO WALL INTERNALLY	18.06.2024
2	COLOUR BACK GLASS WITH SOLID REDUCED TO WALL INTERNALLY	18.06.2024
3	COLOUR BACK GLASS WITH SOLID REDUCED TO WALL INTERNALLY	18.06.2024
4	COLOUR BACK GLASS WITH SOLID REDUCED TO WALL INTERNALLY	18.06.2024
5	COLOUR BACK GLASS WITH SOLID REDUCED TO WALL INTERNALLY	18.06.2024
6	COLOUR BACK GLASS WITH SOLID REDUCED TO WALL INTERNALLY	18.06.2024
7	COLOUR BACK GLASS WITH SOLID REDUCED TO WALL INTERNALLY	18.06.2024
8	COLOUR BACK GLASS WITH SOLID REDUCED TO WALL INTERNALLY	18.06.2024
9	COLOUR BACK GLASS WITH SOLID REDUCED TO WALL INTERNALLY	18.06.2024
10	COLOUR BACK GLASS WITH SOLID REDUCED TO WALL INTERNALLY	18.06.2024
11	COLOUR BACK GLASS WITH SOLID REDUCED TO WALL INTERNALLY	18.06.2024

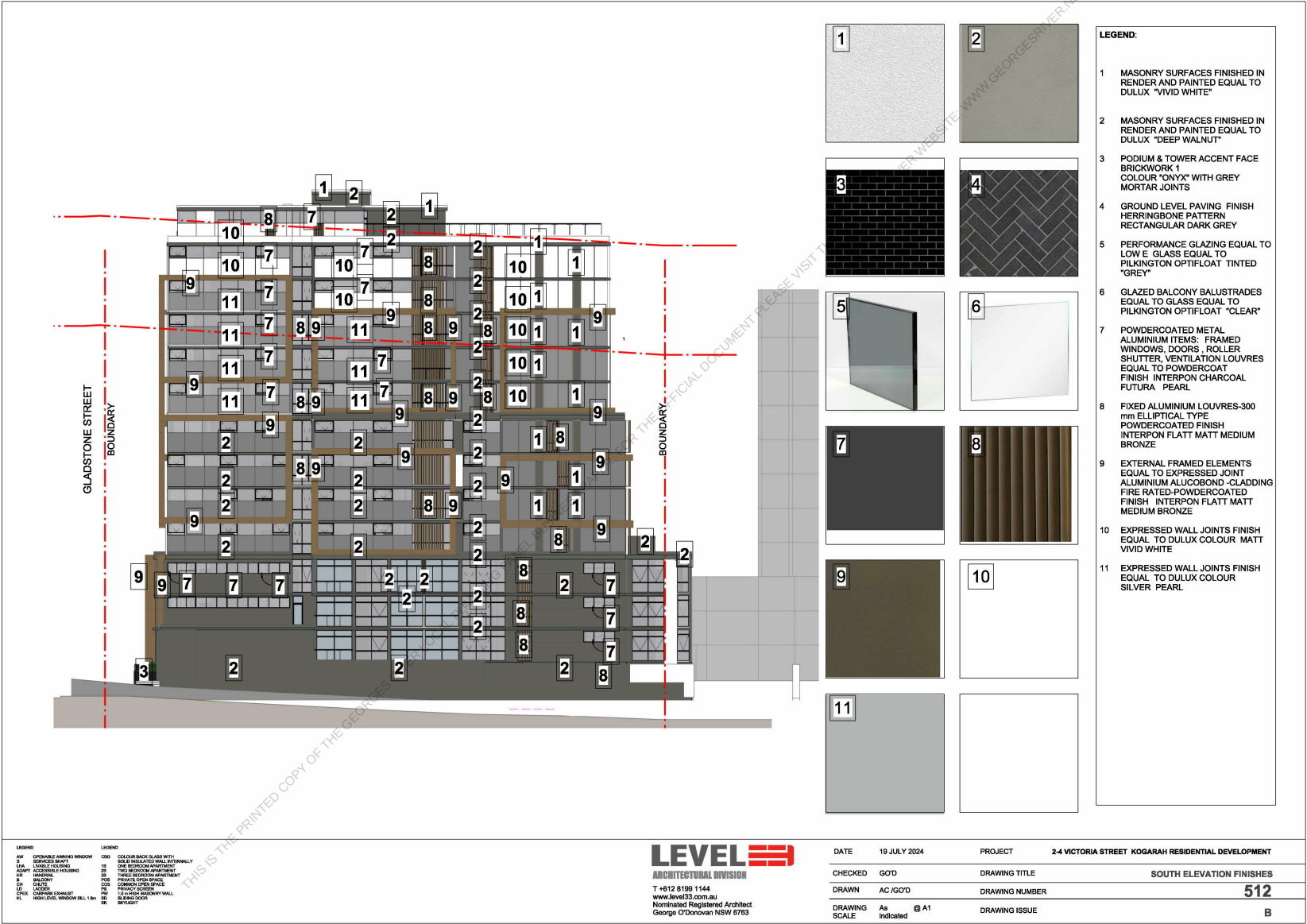
DATE	PROJECT
19 JULY 2024	24 VICTORIA STREET KOGARAH RESIDENTIAL DEVELOPMENT

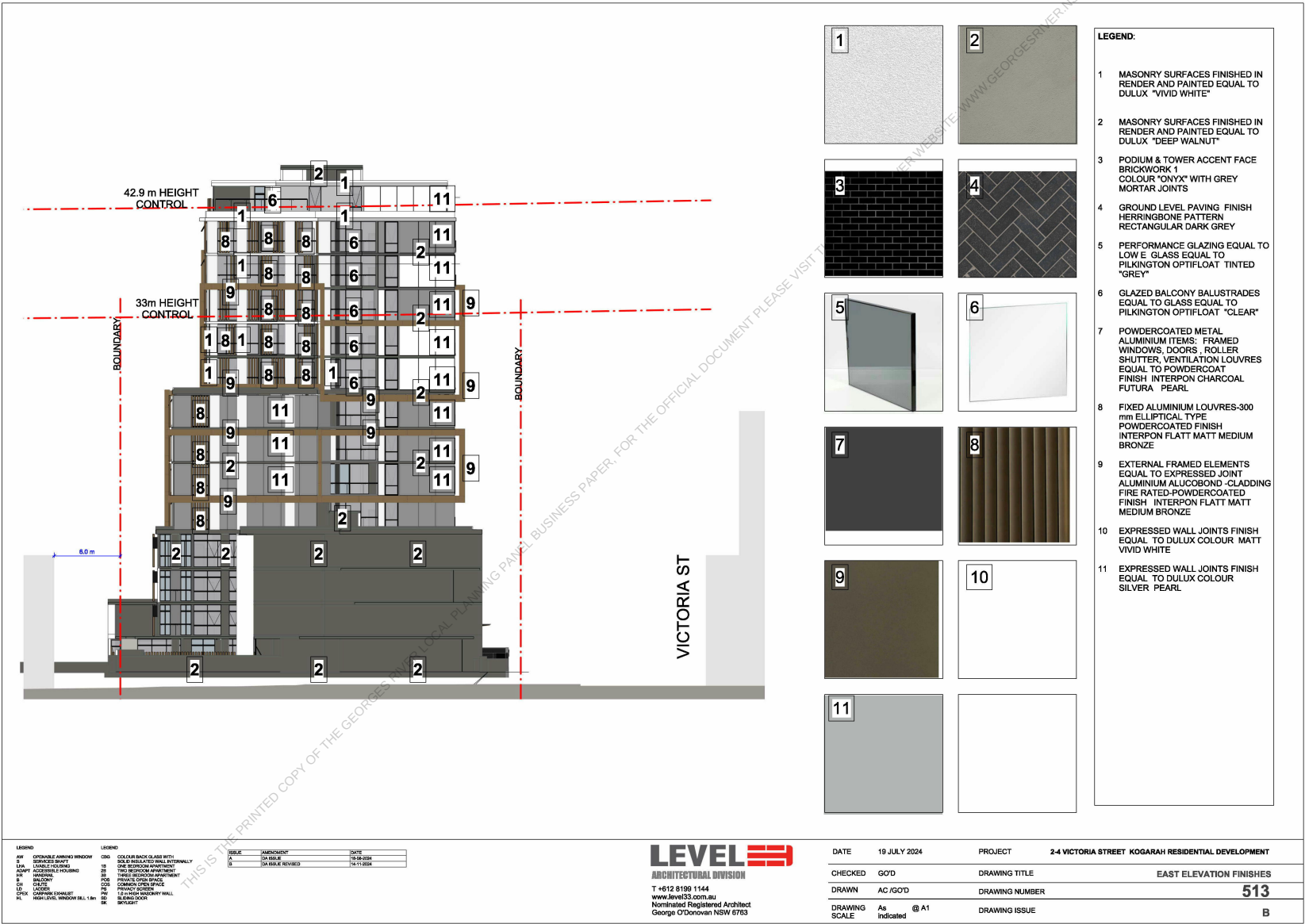
CHECKED	DRAWING TITLE
GOD	NORTH ELEVATION FINISHES

DRAWN	AC/GOD	DRAWING NUMBER
As Indicated	@ A1	510

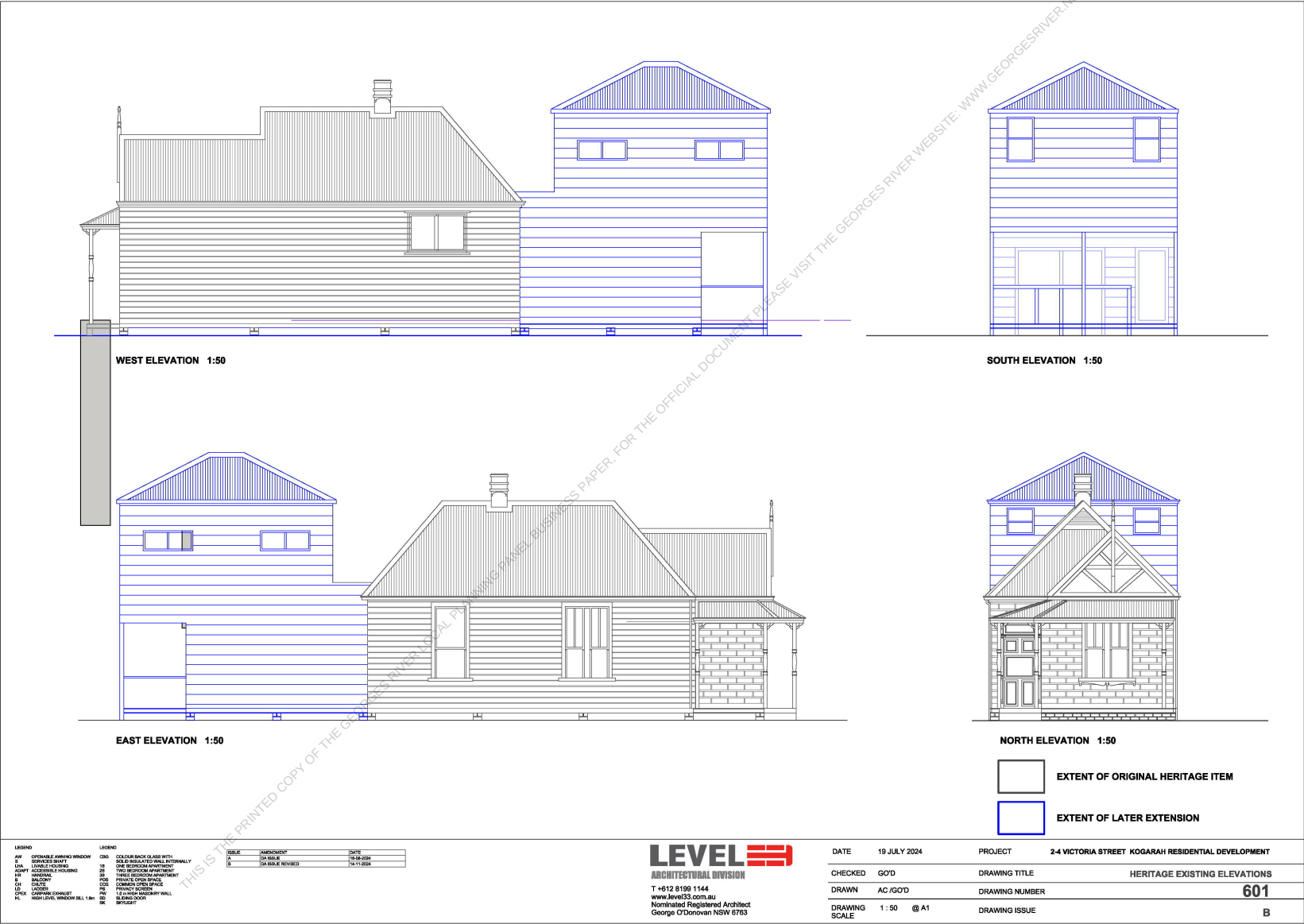
DRAWING SCALE	DRAWING ISSUE
As Indicated	

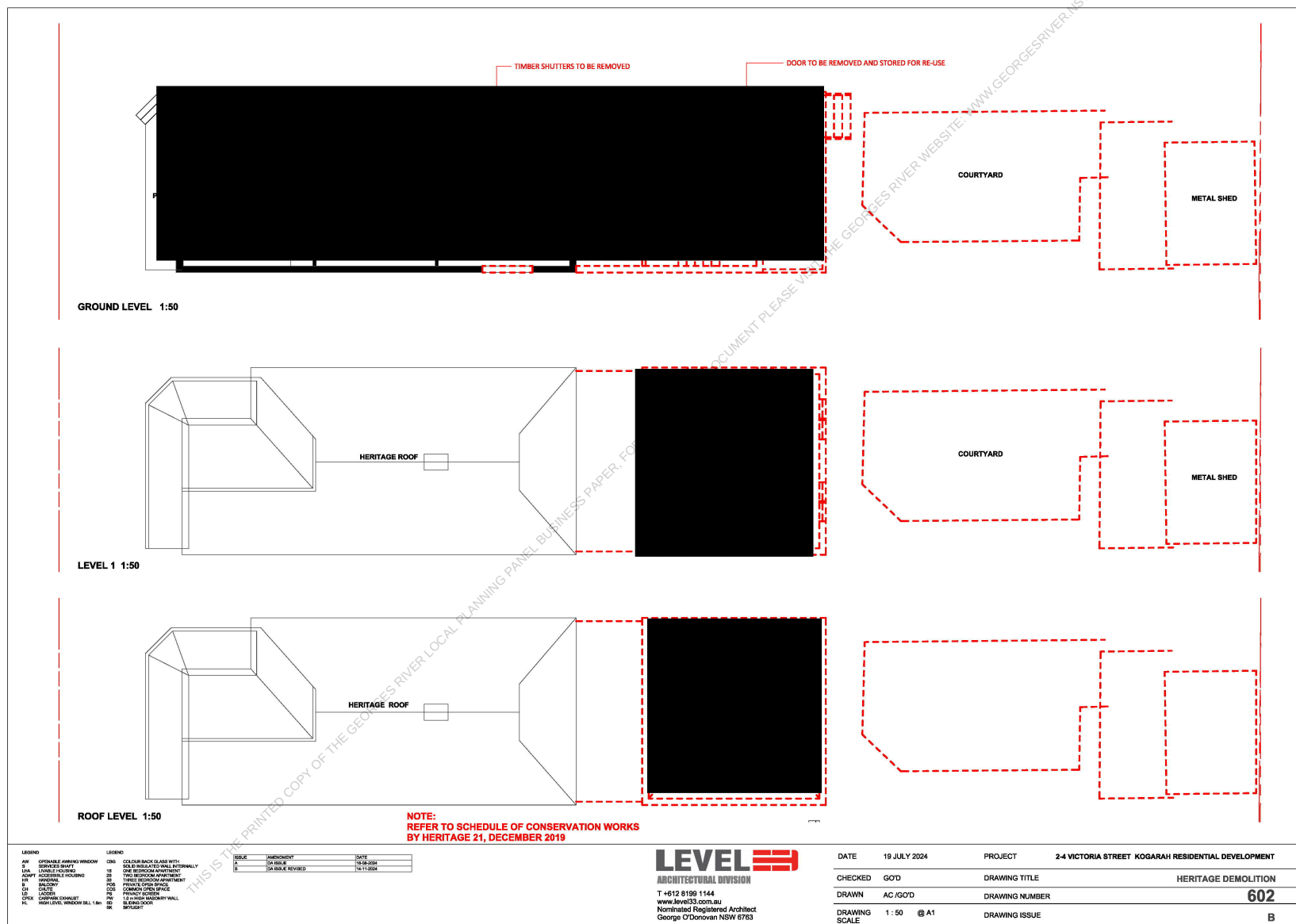


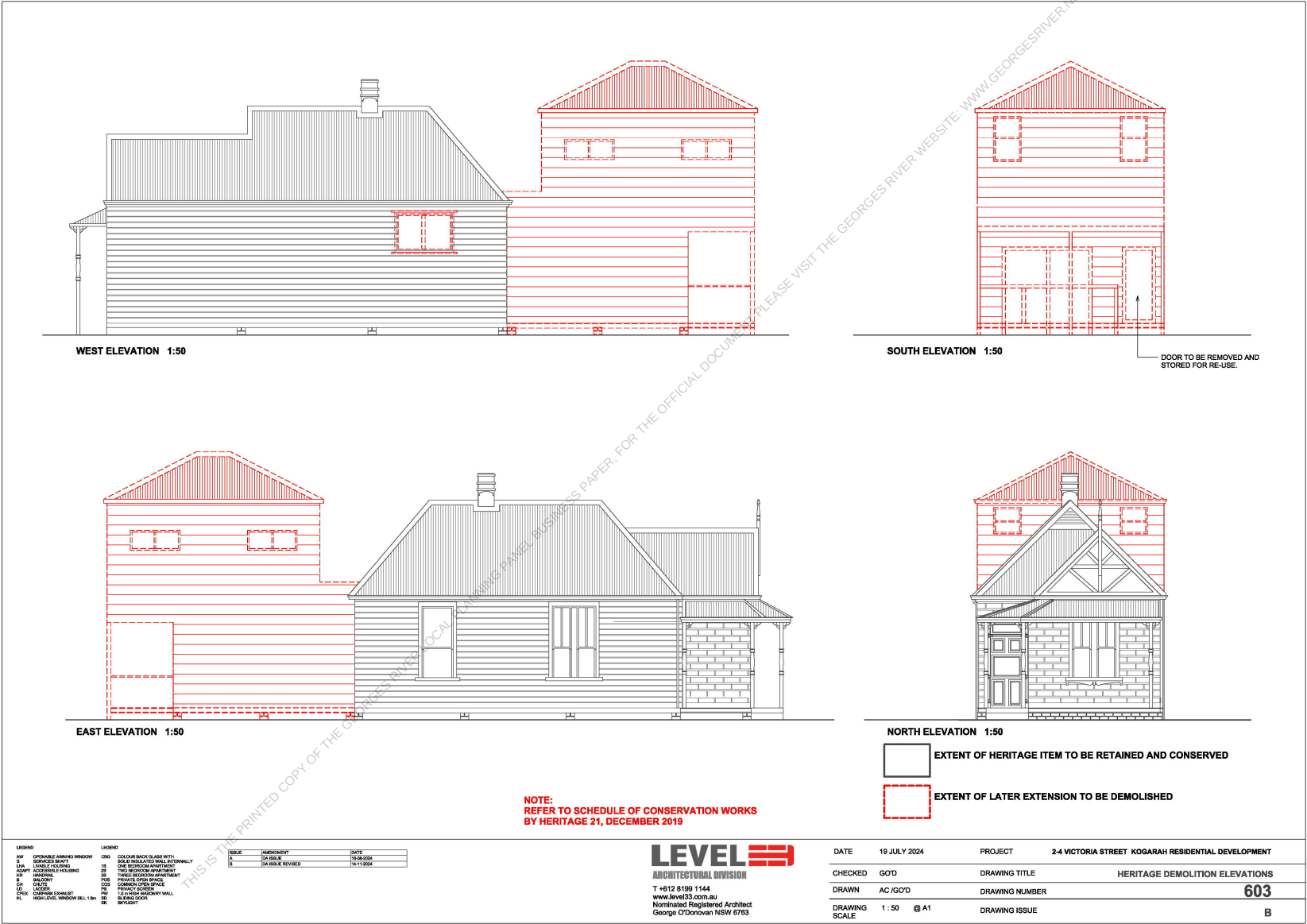


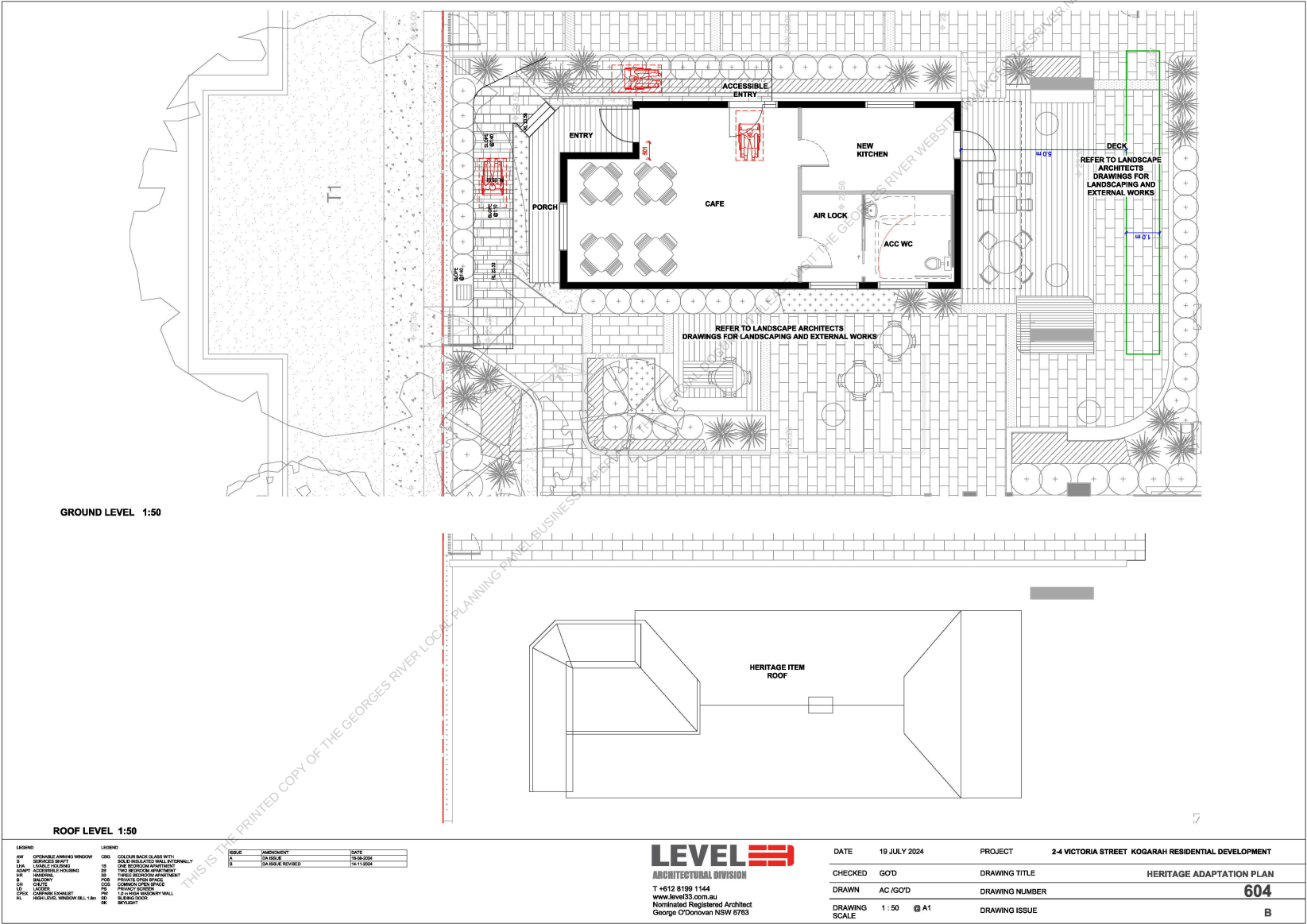


DATE	19 JULY 2024	PROJECT	2-4 VICTORIA STREET KOGARAH RESIDENTIAL DEVELOPMENT
CHECKED	GO'D	DRAWING TITLE	HERITAGE EXISTING PLANS
DRAWN	AC /GO'D	DRAWING NUMBER	600
DRAWING SCALE	1:50 @ A1	DRAWING ISSUE	B







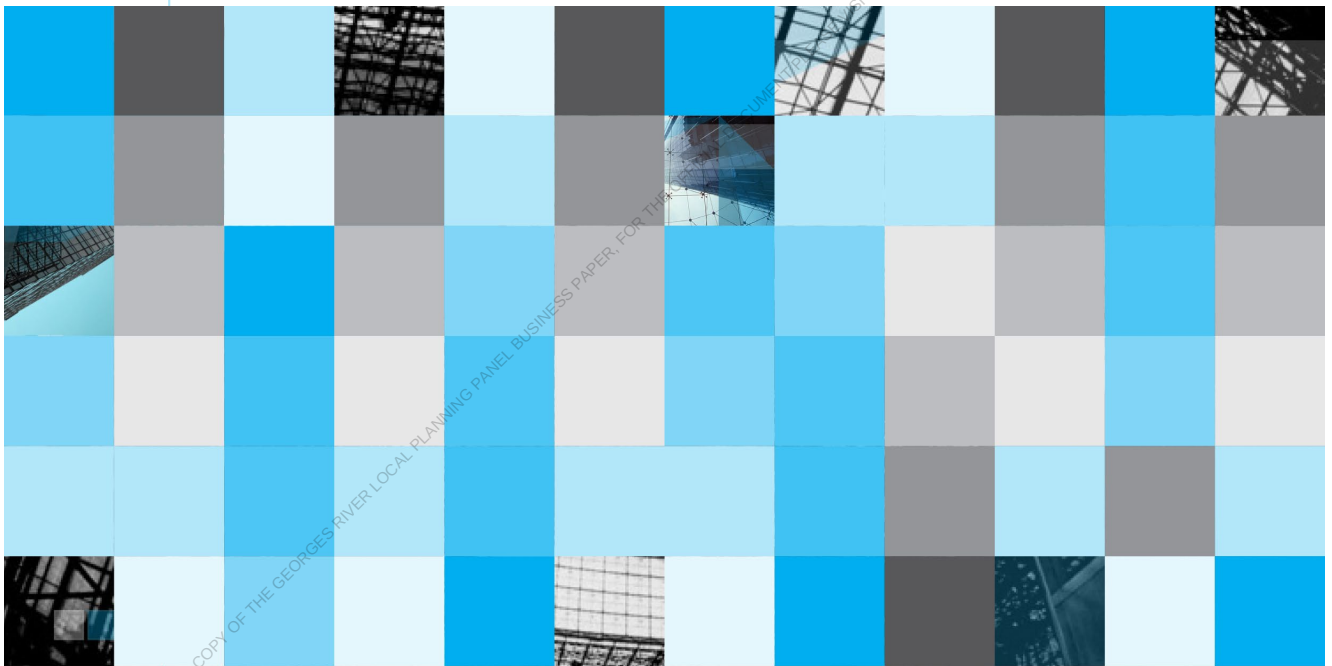






**SUTHERLAND
& ASSOCIATES
PLANNING**

LPP025-25 Attachment 3



2-4 Victoria Street, Kogarah

Clause 4.6 – Building Height Development Standard

SUTHERLAND & ASSOCIATES PLANNING

ABN 14 118 321 793 ACN 144 979 564

Clause 4.6 – Building Height Development Standard

2-4 VICTORIA STREET, KOGARAH

September 2024

Prepared under instructions from
[Kogarah Investments No.1 Pty Ltd](#)

by

[Aaron Sutherland](#)
B Town Planning UNSW

aaron@sutherlandplanning.com.au
Tel: 0410 452 371
PO BOX 814 BOWRAL NSW 2576

NOTE: This document is Copyright. Apart from any fair dealings for the purposes of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced in whole or in part, without the written permission of Sutherland & Associates Planning, PO Box 814, Bowral NSW 2576

CONTENTS

1.0	INTRODUCTION	5
2.0	BACKGROUND	6
2.1	DA2019/0319 - 16-22B Gladstone Street and 2 Victoria Street, Kogarah	6
2.2	DA2020/0128 – 6-16 Victoria Street, Kogarah	6
2.3	Acquisition of 4 Victoria Street and Incentivised Provision of Affordable Housing	8
3.0	SITE DESCRIPTION	10
4.0	PROPOSAL	11
4.1	General Description	11
4.2	Design Intent	11
5.0	CLAUSE 4.6	13
5.1	Clause 4.6 Exceptions to development standards	13
5.2	Development Standard to be varied	13
5.3	Extent of Variation to the Development Standard	14
5.4	Clause 4.6(3)(a) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?	16
5.4.1	Test 1: the objectives of the standard are achieved notwithstanding non-compliance with the standard;	17
5.4.2	Test 2: the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;	22
5.4.3	Test 3: the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;	22
5.4.4	Test 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;	23
5.4.5	Test 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 would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.	23
5.4.6	Summary	23
5.5	Clause 4.6(3)(b) Are there are sufficient environmental planning grounds to justify contravening the development standard?	24
5.6	Objectives of Clause 4.6	26
6.0	CONCLUSION	27

Clause 4.6 – Building Height Development Standard - 2-4 Victoria Street, Kogarah

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

1.0 INTRODUCTION

The proposed development is for alterations and additions to the residential flat building approved under DA2019/0319 at 2 Victoria Street, Kogarah. The application also seeks to modify the development to incorporate 4 Victoria Street. The amended proposal contains 110 apartments, including 26 apartments (or 15% of the floor space) which are to be affordable dwellings for 15 years in accordance with the in-fill affordable housing provisions of State Environmental Planning Policy (Housing) 2021. The amended proposal also includes a number of other design modifications.

The Development Application involves a variation to the building height development standard at clause 16(3) of State Environmental Planning Policy (Housing) 2021.

The Georges River Local Environmental Plan 2021 (GRLEP) applies to the land. Clause 4.6(2) of the GRLEP provides that development consent may be granted for development even though the development would contravene a development standard imposed by the GRLEP, or any other environmental planning instrument.

However, clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

In accordance with clause 4.6(3) of the GRLEP, the applicant requests that the building height development standard at clause 16(3) of State Environmental Planning Policy (Housing) 2021 be varied. This clause 4.6 written request has been prepared on behalf of the applicant in support of the proposed variation to the building height development standard at clause 16(3) of SEPP (Housing) 2021 and justifies the proposed extent of variation.

This written request has been prepared having regard to NSW Planning & Infrastructure, 'Varying development standards: A Guide', August 2011, which remains a relevant policy document, being referred to in Planning Circular PS20- 002, dated 5 May 2020.

2.0 BACKGROUND

2.1 DA2019/0319 - 16-22B Gladstone Street and 2 Victoria Street, Kogarah

On 15 May 2020, development consent was granted to Development Application DA2019/0319 for the retention and conservation of the local heritage item at 2 Victoria Street, the demolition of other structures and the construction of an 11-storey residential flat building containing 77 units and including 4 levels of basement car parking at 16-22A Gladstone Street and 2 Victoria Street, Kogarah (now 2 Victoria Street, Kogarah). This consent has a lapsing date of 15 May 2025 and can be taken up by Kogarah Investments No.1 Pty Ltd at any time up until this date.

The approved development involved a variation to the 33-metre height control to facilitate a lift overrun and rooftop amenities and common open space.



Figure 1:

Approved
development
DA2019/0319

2.2 DA2020/0128 – 6-16 Victoria Street, Kogarah

Since DA2019/0319 was approved, DA2020/0128 was approved on 10 February 2021 for a residential flat development to the east at 6-16 Victoria Street. In preparing the development proposal, the owner of the site, Landmark Group, attempted to acquire the one remaining property between the two development sites, at 4 Victoria Street, as part of their development. Landmark Group were unable to secure that property on commercially reasonable terms and so development consent was subsequently granted for a residential flat building at 6-16 Victoria Street without the inclusion of that property. As a result, 4 Victoria Street, has become an isolated anomaly in the streetscape between two large residential developments. Figure 2 below illustrates the pattern of approvals in Victoria Street and the isolated 4 Victoria Street.



Figure 2:

Aerial photograph of Victoria Street which illustrates the isolated

The approved development DA2020/0128 on 6-16 Victoria Street was for a 12-storey building which involved the following variations to the height control, as illustrated in Figure 3 below:

Element	Proposed Height	Variation to 33m control
Lift overrun	42.4 metres	+9.4m (28.4% over)
Parapet	39.5-41 metres	+6.5m (19.6% over) to +8m (24.2% over)

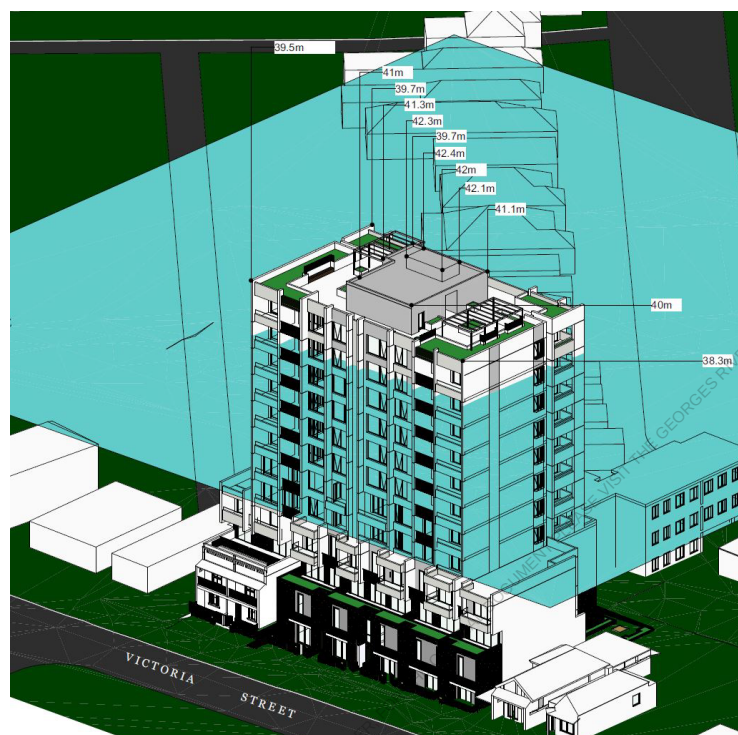


Figure 3:

3D height plane
diagram for
approved
development
DA2020/0128
for 6-16 Victoria
Street

2.3 Acquisition of 4 Victoria Street and Incentivised Provision of Affordable Housing

Kogarah Investments No.1 Pty Ltd met with Council staff in March 2021 to discuss the potential acquisition of 4 Victoria Street and incorporation of the site into the remainder of the Kogarah Investments No.1 Pty Ltd parcel. Council staff were highly supportive of this outcome. The potential new massing options were discussed, and Council indicated that on the basis of achieving a significantly improved streetscape outcome and heritage solution, that support for a height variation similar to that which was approved for the Landmark Group project D2020/0128 could be considered. On the basis of this discussion, Kogarah Investments No.1 Pty Ltd subsequently acquired 4 Victoria Street.

Since the time of the approval of DA2019/0319, amendments have also been made to State Environmental Planning Policy (Housing) 2021 to incentivise the supply of housing and in particular the delivery of affordable housing, by providing for a 30% increase in height and Floor Space Ratio in exchange for 15% of the floor space of the development for affordable housing.

Following the acquisition of 4 Victoria Street, and the amendment of SEPP (Housing) 2021, the approved development has been redesigned to reflect the larger site area and to provide 15% of the floor area as affordable housing. The amended development has the following benefits:

- 15% of the total gross floor area (26 apartments) will be affordable housing apartments for a period of 15 years. The affordable housing units will be managed by a Community Housing Provider. No affordable housing apartments were provided in the development approved under DA2019/0319.

- The amended development resolves an anomaly in the streetscape which would result if 4 Victoria Street was left isolated. The inclusion of 4 Victoria Street provides for the orderly and economic use of land that would not be achieved if 4 Victoria Street was left isolated. The amended development also allows for the heritage item to be better integrated into the emerging high-density character of development in the precinct.

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

3.0 SITE DESCRIPTION

The development site comprises 2 allotments. The substantive allotment is legally described as Lot 3 in DP 1265877 and is known as 2 Victoria Street, Kogarah. This lot is the amalgamated lot the subject of development consent DA2019/0319. The smaller allotment is legally described as Lot 1 in DP 171055 and is known as 4 Victoria Street.

The combined site is rectangular in shape with a property frontage to Victoria Street of approximately 51 metres in length, and a frontage of approximately 37 metres to Gladstone Street. The total site has an area of 1,838 square metres. An aerial view of the site and surrounds is included as Figure 4. Since the time the aerial photograph was taken, all of the buildings on the site have been demolished with the exception of the retained heritage item at 2 Victoria Street.

The site does not contain any significant vegetation. There is only a minor fall from the north-western corner to the south-eastern corner of the site.

2 Victoria Street is improved by a single-storey timber and iron cottage with an original 'L' shaped front verandah. This building is listed as a local heritage item under Schedule 5 of the GRLEP (Item I205).



Figure 4:

Aerial view of the site (Source: Six Maps, Department of Lands 2023)

4.0 PROPOSAL

4.1 General Description

The application seeks consent to amend the residential flat building approved under DA2019/3019. The amended proposal contains 110 apartments, including 26 apartments (or 15% of the floor space) which are to be affordable dwellings for 15 years in accordance with the in-fill affordable housing provisions of SEPP (Housing 2021). The amended proposal also incorporates 4 Victoria Street in the site area and modifies the development accordingly. The amended proposal includes a number of other design modifications.

4.2 Design Intent

The proposed distribution of built form and massing across the site is the result of a considered analysis of the site constraints and development context, and the desire to deliver a positive urban design outcome. The proposed development has been specifically designed to meaningfully incorporate the retained heritage item as an integral part of the development, rather than a residual element.

The proposal provides for a 14-storey scale which is compatible with that of the approved Landmark Group development at 6-16 Victoria Street (12 storeys plus roof top open space) and 44-52 Regent Street (11 storeys plus roof top open space) and will therefore contribute towards a cohesive streetscape outcome.

A roof terrace is located on Level 13 to maximise the provision of common open space and to ensure that a high level of solar access is achieved for common open space. The roof top area is designed with extensive planting, BBQs, and seating, and will be a high amenity facility for the development.

The front, side and rear setbacks are generally consistent with the approved development. The additional built form on the eastern side of the heritage item has a nil setback to the eastern boundary, which is compatible with the approved development at 6-16 Victoria Street. In relation to the southern boundary setback, the proposed setbacks are identical the previously approved setbacks of 4.5 metres for the first four floors, 6 metres for the next four floors, and 9 metres for the levels above.

The proposed development achieves a highly modulated built form which serves to generate a particularly high level of visual interest and architectural merit whilst delivering an excellent level of residential amenity.

The development has also been designed to provide a sensitive response to both adjacent properties to the east and the south, with the majority of windows oriented to the north and west and limited window openings along the eastern and southern sides of the building.

The amended building exhibits a high level of environmental performance, provides a good level of amenity and an attractive contemporary architectural expression which respects and responds to the heritage listed cottage, that will contribute positively to the built form quality of the building stock located in Kogarah. A varied palette and materiality are used to provide a clear identity for the development. The varied architectural language generates a high level of visual interest.

Clause 4.6 – Building Height Development Standard - 2-4 Victoria Street, Kogarah



Figure 5:

CGI of the amended development as viewed Victoria Street (Source: Level 33)

5.0 CLAUSE 4.6

5.1 Clause 4.6 Exceptions to development standards

Clause 4.6(2) of the GRLEP provides that development consent may be granted for development even though the development would contravene a development standard imposed by the GRLEP, or any other environmental planning instrument.

However, clause 4.6(3) states that development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

In accordance with clause 4.6(3) the applicant requests that the building height development standard at clause 16(3) of State Environmental Planning Policy (Housing) 2021 be varied.

5.2 Development Standard to be varied

Clause 16 of State Environmental Planning Policy (Housing) 2021 states:

16 Affordable housing requirements for additional floor space ratio

(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).

(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—

$$\text{affordable housing component} = \frac{\text{additional floor space ratio}}{(\text{as a percentage})} \div 2$$

(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).

Example—

Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing.

(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.

A maximum building height of 42.9 metres applies to the amended development pursuant to clause 16(3) as follows:

- The proposed development is for a residential flat building.
- The maximum building height permissible for the land is 33 metres pursuant to Clause 4.3 of the GRLEP and the Height of Buildings Map (refer to Figure 6 below).
- An additional floor space ratio is permitted in accordance with clause 16(1) as 15% of the development is affordable housing.
- An additional building height of 9.9 metres is permitted (30% greater than 33 metres). A total building height of 42.9 metres is permitted.

Building height (or height of building) is defined in the dictionary of GRLEP as:

(a) in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or

(b) in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,

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

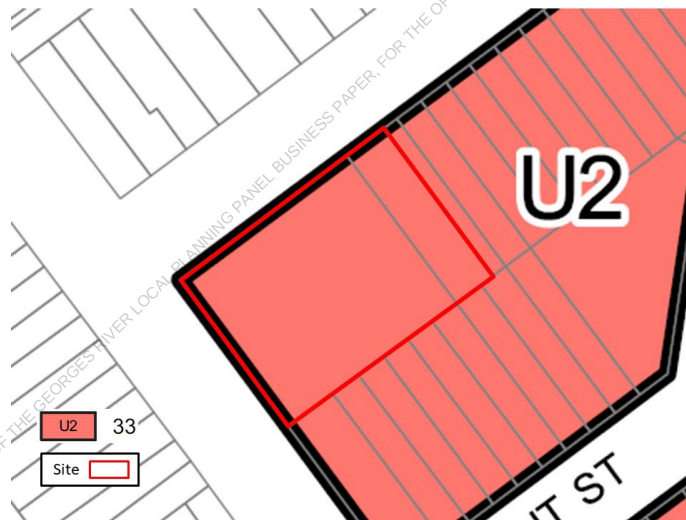


Figure 6:

Extract from the
GRLEP Height of
Buildings Map

5.3 Extent of Variation to the Development Standard

A clause 4.6 request to vary the 33 metres height of buildings development standard was supported by Council for Development Application DA 2019/0319. The elements of the building that exceeded the height standard were the lift lobby roof and lift motor room as shown in Figure 7.

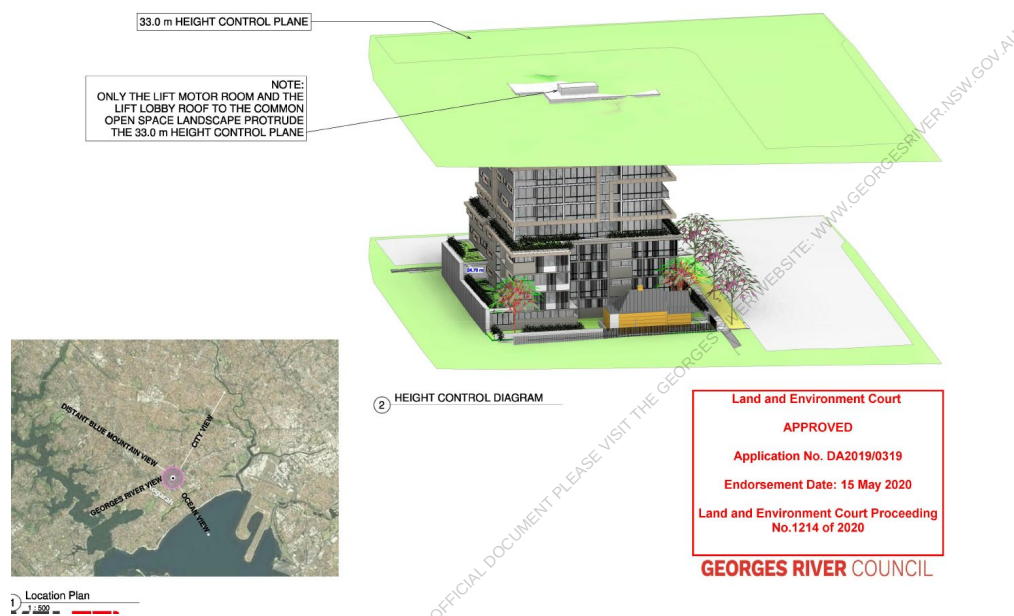


Figure 7:

Extract from the height control diagram for DA2019/3019 prepared by Level 33

The majority of the amended development complies with the 42.9 metre height limit, with only a small portion of the roof of Level 13, and the lift overrun and services, exceeding the height control. The extent of variation is clearly shown on the height control diagram prepared by Level 33 (refer to extract of the height control diagram in Figure 8).

Due to the topography of the site, the extent of variation to the height control for the roof of Level 13 varies. The north-west corner complies with the height limit. A 1 metre variation (2.33%) is proposed at the northern corner of Level 13. The south-east corner of Level 13 exceeds the height control by 0.4m (0.9%) and the southern side of Level 13 exceeds the height control by 0.3m (0.7%). The lift overrun exceeds the height standard by 2.9 metres (6.76%).

A significant portion of the variation (up to 0.75m) can be attributed to increasing the floor-to-floor heights of each level, except the ground floor level and Level 3) by approximately 0.5m and increasing the floor-to-floor height of level 3 by 0.2m. The increased floor to floor heights are required to ensure compliance with the National Construction Code requirements.

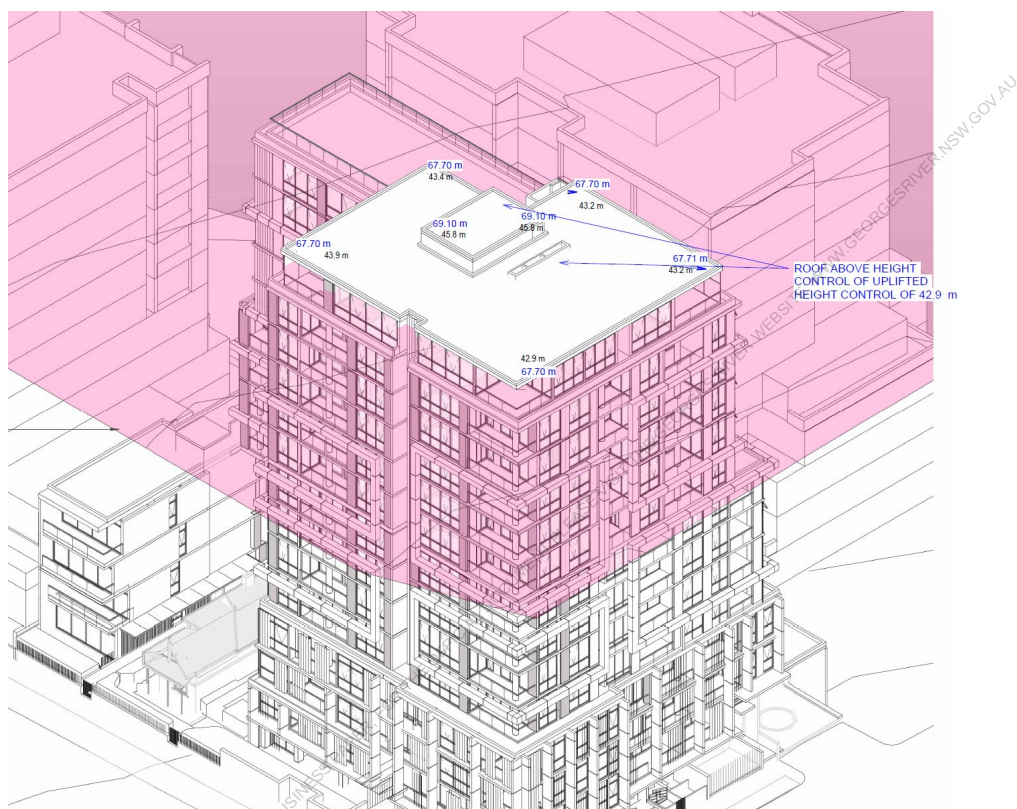


Figure 8:

Extract from Drawing 551 'Height Control' prepared by Level 33

5.4 Clause 4.6(3)(a) Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Historically the most commonly invoked way to establish that a development standard was unreasonable or unnecessary was satisfaction of the first test of the five set out in *Wehbe v Pittwater Council* [2007] NSWLEC 827 which requires that the objectives of the standard are achieved notwithstanding the non-compliance with the standard.

This was recently re-affirmed in the matter of *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 [34] the Chief Judge held that "establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary".

Whilst it is only necessary to address the first method of the five-part test described in *Wehbe v Pittwater Council* [2007] NSWLEC 827, which alone is sufficient to satisfy the 'unreasonable and unnecessary' requirement, all five tests are addressed below followed by a concluding position which demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case:

5.4.1 Test 1: the objectives of the standard are achieved notwithstanding non-compliance with the standard;

There are no objectives of the height standard in clause 16(3) of SEPP (Housing) 2021. However, there is an objective for the entire Division at Clause 15A which is addressed below:

The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.

The amended development has been designed to accommodate in-fill housing, with 15% of the GFA or 26 apartments provided as affordable housing. The affordable housing component of the development would not have been provided, if the infill affordable housing provisions did not incentivise the provision of affordable housing, as is demonstrated by the current consent for DA2019/3019. In this regard, the objective of the standard has been achieved.

Despite the variation to the height standard, the proposed development remains fully compliant with the FSR standard that applies under Clause 16(2) of SEPP Housing. A maximum FSR of 5.2:1 is permitted on the basis that 15% of the floor area of the development is affordable housing however the development provides an FSR of 5:1 with 15% of the floor area being affordable housing. The additional building height is therefore not associated with an exceedance of the maximum FSR control and excessive floor space. The variation is entirely related to the provision of affordable housing.

The objectives of Clause 4.3 'Height of Buildings' of the GRLEP have been addressed below to demonstrate that the proposal complies with these objectives, despite the additional height proposed.

(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,

The immediately adjacent development to the east, at 6-16 Victoria Street, has recently been approved with a variation to the 33-metre height control to facilitate a 12-storey development (with roof top open space). A maximum height of 42.4 metres was permitted for the lift overrun (a variation of 28.4%) and a height of 38.3 metres was permitted to the top of Level 12. The variation was supported primarily on basis that a positive heritage outcome achieved by that development, there was a lack of adverse impact associated with the variation, and the scale remained similar to that which is anticipated by the height control such that the variation would not result in an antipathetic streetscape outcome.

The proposed development is only one to two residential storeys higher than the approved development at 6-16 Victoria Street, despite infill affordable housing being able to benefit from a 30% uplift in height (3 storeys). The height of the development will therefore be compatible with the emerging character of the locality and despite the additional height permitted for infill affordable housing, the height difference between the proposed development and the adjoining development will not be as significant as permitted by SEPP (Housing) 2021.

b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas.

Overshadowing

Figures 9, 10 and 11 illustrate the 9am, 12 noon and 3pm shadows which result from the proposal, and the shadow which would be cast by a compliant height on the subject site. These figures, and the additional diagrams showing the hourly intervals throughout the day on 21 June in the architectural

package, demonstrate that the variation does not result in a significant increase in the shadow cast by the proposed development over the adjoining properties.

Due to the location of the subject site on the northern side of the street block bounded by Victoria Street to the north, Gladstone Street to the west, and Regent Street to the south, the shadow cast by the amended development generally lies within the family of shadow which will be cast by existing and/or approved developments on the surrounding sites, particularly between 1pm and 3pm) (as shown by Figures 12, 13 and 14). Therefore, the additional shadow which is cast as a result of the proposed height variation will not result in any perceived or meaningful additional shadow further to the south across Regent Street when these shadows cast by other surrounding approved or proposed development is taken into account. As such, there is no significant difference in shadow within the context of the site which arises from the proposed variation which would warrant strict compliance in this instance.



Figure 9:

Shadow diagram 9am 21 June



Figure 10:

Shadow diagram 12pm 21 June



Figure 11:

Shadow diagram 3pm 21 June

Clause 4.6 – Building Height Development Standard - 2-4 Victoria Street, Kogarah

Clause 4.6 – Building Height Development Standard - 2-4 Victoria Street, Kogarah

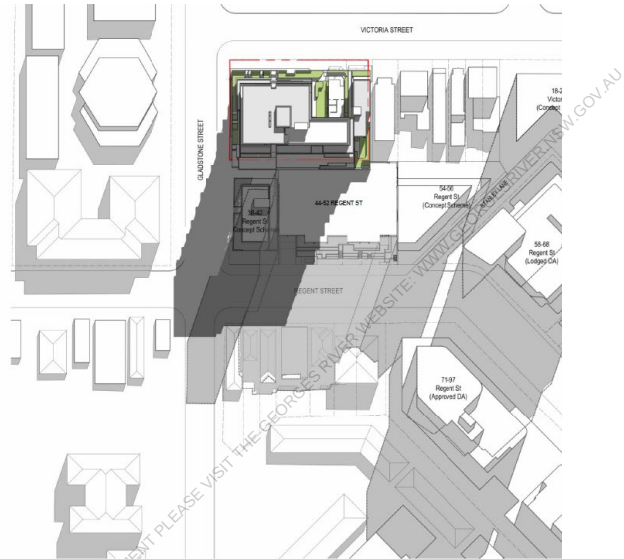


Figure 12:

Extract from the 1pm Comparison Shadow Study



Figure 13:

Extract from the 2pm Comparison Shadow Study



Figure 14:

Extract from the 3pm Comparison Shadow Study

Visual Impact

The proposal achieves a particularly well resolved outcome in relation to visual impact, notwithstanding the proposed height variation.

The proposed distribution of built form and massing across the site maintains the previously approved form and the additional elements are the result of a considered analysis site constraints and development context, combined with context of the site and the desire to deliver a positive urban design outcome.

The amended proposal achieves a robust architectural solution for the site which incorporates 4 Victoria Street to remove the anomaly of an isolated site, and also provides an appropriate setting for the retained heritage listed cottage. This has implications for height because the creation of appropriate massing surrounding the heritage item requires the reallocation of floor space to the top of the building.

A roof terrace is also located above the building, and contributes to the proposed height variation, to maximise the provision of common open space and to ensure that a high level of solar access is achieved for common open space. The roof top area is designed with extensive planting, BBQs, seating and will be a high amenity facility for the development.

Due to the overall height of emerging development within the context of the site, including the 12-storey building to the east which also has a roof top terrace, and variation in topography within the subject street block, the additional scale will not result in any meaningful impact which would compromise the objective of the height control in relation to visual impact.

Accordingly, the proposed development will still achieve a harmonious outcome with the future desired character of the area and anticipated scale of development and the visual impact of the proposed height variation is therefore acceptable.

Disruption of Views

The subject and surrounding sites are located within the North Kogarah Precinct and there are no identified view corridors over the subject site. Whilst the top-level apartments on the eastern adjacent site would enjoy an outlook to the west over the subject site once they are constructed, this would only be as a result of the presently undeveloped nature of the subject land, and the proposed height variation will not result in any material adverse impact to views.

Privacy

The proposed development maintains the previously approved rear building setbacks and provides ADG compliant separation from the adjacent properties (or sufficient privacy measures), such that the proposed variation in height does not result in any adverse privacy impacts to adjacent properties.

Open Space

There are no public open space areas affected by the proposal and the proposed variation to the height control. Notwithstanding this, it is important to note that the proposed development will itself contribute to common open space within the development which will provide a high level of amenity for the future residents of the development with no adverse impact.

(c) to ensure an appropriate height transition between new buildings and—

(i) adjoining land uses, or

(ii) heritage items, heritage conservation areas or Aboriginal place of heritage significance.

The proposed variation is necessary to achieve an appropriate massing on the site, that achieves an appropriate scale of development surrounding the heritage item. The accompanying Heritage Impact Statement prepared by Weir Phillips which indicates the additional height proposed (including the proposed variation to the height standard) will not result in any further impact on the heritage item than the original DA.

5.4.2 Test 2: the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;

There are no stated objective of the building height standard in clause 16(3) of SEPP (Housing) 2021. The objectives of the height standard in the GRLEP have some relevance to the proposed development. The proposed development is consistent with those objectives on the basis that the proposed height is compatible with the future scale of the surrounding buildings, the extent of the variation to the height standard is minor (being a maximum of 6.7%), and the development will sit comfortably with the context of the site with no significant adverse impacts to adjacent properties.

5.4.3 Test 3: the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;

The underlying objectives and purpose of the standard relates to compatibility and impact and are relevant to the proposed development. The underlying objective and purpose would be satisfied by a

compliant proposal, but is also demonstrated to be satisfied in this instance notwithstanding the proposed height variation.

5.4.4 Test 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;

In order to demonstrate that a development standard has been abandoned it is necessary to establish more than a single instance of departure from that standard. As explained by Robson J in *Abrahams v The Council of the City of Sydney (No 2)* (2018] NSWLEC 85 there needs to be a pattern of abandonment and extent of which will depend on the circumstances of the case:

A pattern of abandonment such that the development standard can no longer be said to represent the existing and/or desired character of the locality would mean that the development standard had been "virtually abandoned or destroyed" in the sense considered by Wehbe, but not all non-applications will meet this description. It will be a matter of fact and degree in the circumstances of each case.

Council has consistently varied the 33-metre height control within the Kogarah North Precinct a significant number of times, including on the subject site. To be specific, the consent authority has previously been satisfied that strict compliance is unnecessary and unreasonable on the subject site.

Typically, the height variations have been to facilitate the provision of rooftop common open space. However, for the immediately adjacent site at 6-16 Victoria Street, the consent authority was satisfied that an even greater variation to the height control was warranted due to the positive heritage and streetscape outcome that would be achieved by the variation of the control.

There is undoubtably a pattern of abandonment of strict compliance with the height control in the North Kogarah Precinct, where the consent authority has been satisfied that there are sufficient environmental planning grounds to support a variation.

Whilst additional height is permitted under clause 16(3) of SEPP (Housing) 2021, and the standard is different to the standard that has been regularly varied, the approach to the height of buildings standard has clearly been that the building height standard is to be applied flexibly, where it can be demonstrated that there are sufficient environmental planning grounds to do so.

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

The zoning of the land is not considered to be unreasonable or inappropriate.

5.4.6 Summary

In summary, strict compliance with the maximum 42.9m height of buildings development standard is considered to be unnecessary and unreasonable in the circumstance of this site as discussed below:

- The proposed variation to the height control in this instance results from three key factors:
 - The need to accommodate the additional floor space that is permitted to incentivise the provision of affordable housing on the site without adversely impacting the heritage item on the site.
 - The desire to incorporate 4 Victoria Street into the development so that it is no longer an isolated site and the associated design outcome of creating an appropriate replacement building at 4 Victoria Street that allows for the orderly and economic use of the land without adversely impacting the significance of the heritage item. This results in a displacement of the floor space to the top of the building.
 - The need to achieve an economic outcome which incentivises the amalgamation of 4 Victoria Street into the site as well as the more expensive design outcome which properly acknowledges the retained heritage cottage on the site.
- The proposed departure from the height control in this instance does not result in an incompatible or unacceptable visual impact and the proposed development will be compatible with the emerging context.
- The proposed area of height non-compliance does not result in any significant or meaningful additional overshadowing within the context of the subject site and the approved and proposed developments within this locality.
- There are no adverse impacts in terms of privacy impacts to adjacent sites resulting from the proposed variation to the height development standard which would warrant strict compliance.
- The proposed variation allows for the most efficient and economic use of the land.
- There is a pattern of abandonment of strict compliance with the height control in the North Kogarah Precinct, where the consent authority has been satisfied that there are sufficient environmental planning grounds to support a variation. Council have also accepted that this will create a precedent as identified in Regent Land Pty Ltd ATF Regent Land Unit Trust v Georges River Council [2018] NSWLEC 1370 where Commissioner Smithson states at paragraph 108 that “The Council is prepared to accept a nil podium setback to the eastern boundary and height breaches to accommodate quality rooftop communal open space and the lift overrun to access it, notwithstanding this is one of the first RFB applications to be determined in the KNP under the new controls and the potential precedent this would set. In doing so, the Council accepts that there are sufficient environmental planning grounds to do so and that the pre-requisites under cl 4.6 for these height breaches are met”.
- Having regard to the planning principle established in the matter of Project Venture Developments v Pittwater Council [2005] NSWLEC 191 most observers would not find the proposed development offensive, jarring or unsympathetic to its location and the proposed development will be compatible with its context.
- Requiring strict compliance would result in an inflexible application of the control that would not deliver any additional benefits to the owners or occupants of the surrounding properties or the general public and instead would impact significantly on the quantum of affordable housing that can be provided and the achievement of an ideal heritage outcome.

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

The Land & Environment Court matter of Initial Action Pty Ltd v Woollahra Council [2018] NSWLEC 2018, provides assistance in relation to the consideration of sufficient environmental planning grounds whereby Preston J observed that:

- in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and
- there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development

Further guidance is also provided in *Eather v Randwick City Council [2021] NSWLEC 1075* and *Petrovic v Randwick City Council [202] NSW LEC 1242* which indicate that the small departure from the actual numerical standard and the lack of any material impacts are environmental grounds.

The environmental grounds relevant to the standard that is to be varied are:

- The variation is required in order for the development to promote the orderly and economic use and development of land, consistent with object (c) of the EP&A Act and to promote the sustainable management of built heritage, consistent with object (f) of the EP&A Act.

The pattern of approvals within Victoria Street has resulted in the unfortunate circumstance of 4 Victoria Street becoming an isolated site between two large residential flat developments. Kogarah Investments No.1 Pty Ltd have identified an opportunity to remedy the situation by acquiring 4 Victoria Street and amalgamating it as part of the redevelopment of the overall site. The acquisition of 4 Victoria Street was encouraged by Council for the obvious urban design, streetscape and amenity benefits that can be achieved with this outcome. The incorporation of 4 Victoria Street into an adjoining development also achieves a more orderly and economic use of the land. However, due to the location of the heritage cottage at 2 Victoria Street, the massing and scale of the new building at 4 Victoria Street had to be carefully conceived to ensure an appropriate form is achieved that allows for the economic and efficient use of the land without resulting in any impact on the significance of the heritage item.

The proposed design seeks to introduce a building on the land currently known as 4 Victoria Street. A four-storey building is proposed, that is separated from the heritage item. Requiring compliance with the height of buildings standard could be achieved through the redistribution of floor space from Level 13 to 4 Victoria Street. This would however result in a greater impact on the heritage item and would create an inconsistency with the form of the approved development to the east which has a four-storey scale at the boundary. The proposed distribution of massing on the site, to accommodate the additional floor space that is permitted on the site to incentivise the provision of affordable housing, has therefore achieved an appropriate balance between managing the relationship of the new development with the heritage item on the site, ensuring the efficient and orderly use of the land and delivering affordable housing.

- Significant variations to the height of buildings standard and floor space ratio standard were approved for the adjoining development on the east which did not include the provision of any affordable housing. A variation was also approved for DA2019/0319 which did not include any affordable housing. There is a clear and significant public benefit involved with the proposed variation, that has not been delivered by other developments where a variation to the applicable building height development standard has been supported. The variation is associated with providing 15% of the gross floor area (26 apartments) as affordable housing and is therefore consistent with object (d) of the EP&A Act which is to promote the

delivery of affordable housing. The proposed variation is in the public interest in that the development provides much needed affordable housing, which would not be provided if compliance with the standard was required.

- The SEPP permits an additional 211 square metres as an incentive for the provision of affordable housing, beyond that which is proposed. Despite the maximum FSR not being achieved, the development still provides 15% of the gross floor area as affordable housing. The proposed variation to the height limit is not therefore associated with the applicant attempting to maximise, or exceed, the FSR that is available and is directly associated with the provision of affordable housing, consistent with object (d) of the EP&A Act which is to promote the delivery of affordable housing.
- Part of the proposed height variation (the variation for the lift overrun) is associated with the desire to provide common open space in the form of a roof top common open space area which maximises the amenity afforded to the future residents. This is a positive outcome as it results in a significant amenity feature for the future occupants and also ensures that a high level of solar access can be achieved for the common open space within the development. In addition, the roof top area will enjoy excellent amenity as a result of district views and outlook. This is a further environmental planning ground to support the specific elements above the height control.
- As discussed previously under the objectives of the height control, the proposed height non-compliance does not result in any significant material impact both to adjacent properties and also within the development itself, as shadow cast by the proposal largely falls within the shadows cast by surrounding approved and proposed development. Again, the lack of adverse impact associated with the area of the development which exceeds the height plane is an environmental planning ground which supports the extent of variation proposed.

5.6 Objectives of Clause 4.6

The specific objectives of Clause 4.6 are:

- to provide an appropriate degree of flexibility in applying certain development standards to particular development,
- to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Requiring strict compliance with the height of buildings development standard on the subject site would result in an inferior built form and would not result in any meaningful benefit to the streetscape or the amenity of adjoining properties. On the contrary, strict compliance would likely lead to the abandonment of the proposed development and the taking up of DA2019/0319 which would leave 4 Victoria Street as a permanently isolated site, and 26 affordable dwellings would not be provided.

Allowing the flexible application of the maximum height of buildings development standard in this instance is not only reasonable but also desirable given the significant social and heritage benefits which will be achieved by the amended development, which will contribute positively to the urban context of the North Kogarah locality.

Accordingly, it is considered that the consent authority can be satisfied that the proposal meets objective 1(a) of Clause 4.6 in that allowing flexibility in relation to the maximum height of buildings development standard will achieve a much need social benefit through the provision of affordable housing, and the variation will lead to an improved urban design and heritage conservation outcome in this instance, in accordance with objective 1(b).

6.0 CONCLUSION

Strict compliance with the maximum building height development standard contained within clause 16(3) of State Environmental Planning Policy (Housing) 2021 has been found to be unreasonable and unnecessary in the circumstances of the case. In addition, there are sufficient environmental planning grounds to justify the variation in this instance.

Finally, the proposed development and height variation is in the public interest because it is consistent with the objectives of the standard and the zone and facilitates the delivery of a form, scale and density of development which is not inconsistent with the planning controls. In this regard it is reasonable and appropriate to vary the building height development standard to the extent proposed.

Clause 4.6 – Building Height Development Standard - 2-4 Victoria Street, Kogarah

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

REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 18 SEPTEMBER 2025

LPP026-25 133 VANESSA STREET (UNIT 3B), KINGSGROVE

LPP026-25

LPP Report No	LPP026-25	Development Application No	DA2025/0272
Site Address & Ward Locality	133 Vanessa Street (Unit 3B), Kingsgrove Hurstville Ward		
Proposed Development	Alterations and additions to existing industrial building and change of use of the existing industrial building for the purposes of a recreation facility (Indoor)- Gymnasium.		
Owners	Vanessa Aus Sub TC Pty Ltd		
Applicant	Mark Assad		
Planner/Architect	Brosnan & Moore Town Planning Services		
Date Of Lodgement	16/06/2025		
Submissions	31		
Cost of Works	1506428.00		
Local Planning Panel Criteria	31 Submissions		
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, State Environmental Planning Policy (Industry and Employment) 2021, 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 Full assessment report		
Report prepared by	Senior Development Assessment Officer		

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	Yes

recommendations summarised, in the Executive Summary of the assessment report?	
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?	Application is recommended for refusal.

PROPOSAL

1. Council is in receipt of a development application seeking consent for internal fit out and change of use from industrial warehouse use to a gymnasium (Indoor recreational facility).
 - i) The proposed internal fitout includes:
 - Reception and entry area;
 - Main gym floor;
 - Group fitness rooms;
 - Amenities and change rooms;
 - Offices and staff area; and
 - Storage, plant rooms, and associated internal fit-out.
 - ii) Operating Hours: 24 hours/7days
 - iii) Number of Staff: Maximum 4 staff all time.
 - vi) Signage: Wall mounted 4mx7m signage proposed (Flash wall sign) (West Elevation) 2x Flash wall sign (North Elevation)



Figure 1: Site plan and parking arrangement

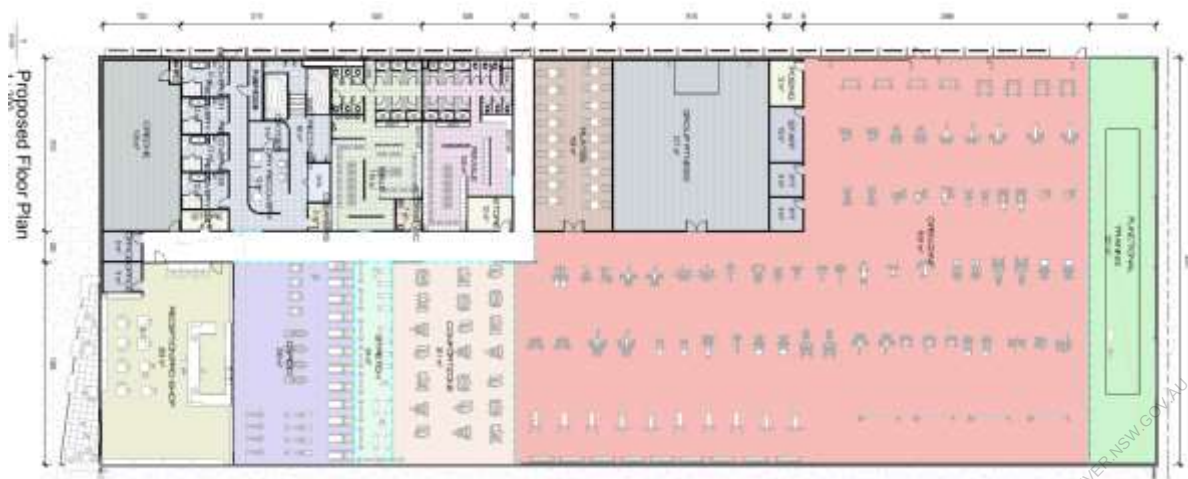


Figure 2: Proposed floor plan

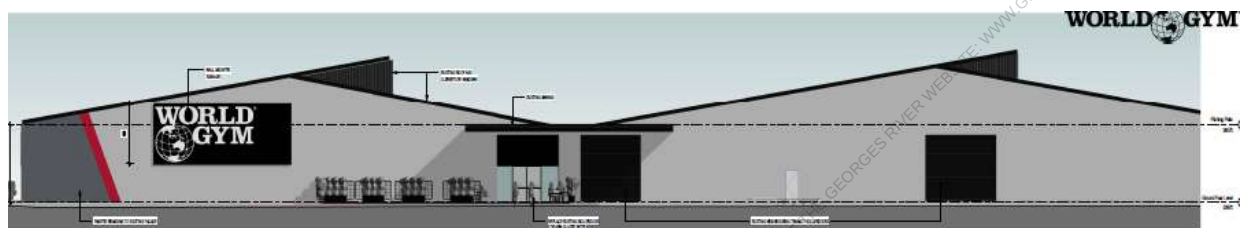


Figure 3: West Elevation



Figure 4: North Elevation

SITE AND LOCALITY

2. The subject site is legally described as Lot 1 in DP 223967 and known as No. 133 Vanessa Street, Kingsgrove. The site is located on the western side of Vanessa Street, within an established industrial precinct.
3. The overall site has an approximate area of 20,260m². The industrial complex comprises of four (4) industrial units. The industrial units are identified as unit 1, unit 2, unit 3B and unit 3A (refer to Fig 1). The proposed gym is located within unit No. 3B which has a gross floor area of 3,505sqm.
4. Units 1 and 2 has development consent (No 99/DA965) for warehouse units and ancillary office with 47 on site car parking. Unit 3A and 3B were approved under development approval (No 71/25-1180) for renovation of an existing factory. Unit No.3A is the largest unit and is currently vacant.
5. The surrounding locality is characterised by a mix of industrial and employment generating land uses, consistent with the E4 General Industrial land use zone.
6. No trees or vegetation are proposed for removal as part of this application. However, the site is flood affected.



Figure 5: Aerial view with site shown with the red arrow.

ZONING AND PERMISSIBILITY

7. The subject site is zoned E4 General Industrial Zone pursuant to the provisions of GRLEP 2021. The proposed works are defined as a 'Recreation facility (indoor)' which is permissible with consent within the E4 land use zone pursuant to the provisions of Georges River Local Environmental Plan 2021 (GRLEP 2021).



Figure 6: Zoning map of the subject site.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

8. This application is referred to the Georges River Local Planning Panel for determination as the proposal received more than 10 submissions. A total of 31 submissions has been received raising concerns to the proposal.

SUBMISSIONS

9. The application was placed on public exhibition and adjoining residents were notified by letter and given fourteen (14) days from 19 June 2025 to 10 July 2025. Thirty One (31) submissions were received during the notification period.
10. Issues raised in the submissions are summarised as follows

Issue raised	Submissions	Comments	Officer Comments
Parking	29	Parking problem -within the property -On streetcar parking unavailable	The proposal does not have sufficient onsite parking to service the proposed use.
Traffic	21	Traffic and transport problem within the area.	Council's Senior traffic engineer is not in support of the proposal as the submitted traffic report is considered to be inadequate.
Noise Pollution	6	-Nighttime noise -Traffic noise -Public gathering noise	The subject site is not located in close proximity to residential uses.
Estimated cost of work	1	-estimated cost of work is not accurate.	The proposed cost of works indicated by applicant considered to be reflect the proposal.
Over structure within this area	1	-Over development within the locality in terms of capacity of Gym	The submitted traffic report is considered inadequate and as such the capacity of the proposal is of a concern.
Safety and security concern	6	-Reputation as the world Gym previously faced violent incidents in its other location. -Lack of pedestrian safety	Whilst concern is raised in respect to pedestrian safety incidents in other locations is not a consideration.
Existing Gym in this area and no need more Gym	3	-6 Gyms in this locality and 4 of them are in operation and no need additional Gym within this area.	Not a planning consideration other than adequate traffic report not provided.
Hours of operation 1	3	-Hours of operation is alarming -24hours operation is not consistent within the local area.	The hours of operation is of concern only in respect to adequacy of car parking and the lack of an adequate traffic and parking report

BACKGROUND

11. The application was lodged on 16 June 2025 for Alterations and additions to an existing industrial building and change of use to a recreation facility (indoor) — gymnasium.
12. Council's Senior Traffic and Parking Assessment Officer is not in supported of the application due to lack of information regarding traffic and shortfall of parking spaces.
13. A meeting was held with the applicant at Council Chamber on 17 July 2025 and applicant was advised that the application is not supported in its current form due to inadequate traffic and parking requirement. During this meeting applicant indicated that they will address the issues and requested that Council sent a formal letter outlining the issues.

14. A Request for additional information letter was sent to applicant on 23 July 2025, outlining the three non compliant issues.
 - Flash wall signage;
 - Accessible design and pedestrian access way; and
 - Traffic and parking requirements.
15. Despite the applicant indicating that they will provide the required information an appeal was lodged with the NSW Land & Environment Court on 14 August 2025 based on deemed refusal.

ASSESSMENT

16. 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 adequately satisfy the following applicable planning provisions:

Signage

17. The proposed development does not adequately satisfy part 3.18 (6) of the GRDCP2021 relating to flash wall sign. Only one sign is permitted per building elevation. In this instance the north elevation illustrates two flash wall signs.

Access

18. The proposed development does not adequately satisfy part 3.17 (7) of the GRDCP2021 relating to accessible design. In this respect 2 - 3% of the total car parking spaces provided is required to be accessible parking. The proposed development does not provide any accessible car parking spaces.
19. Accessways for pedestrians are required to be separated from vehicles. In addition a continuous unobstructed paths of travel should be provided from public footpaths, accessible car parking, and set down areas to the building entrances. Paths of travel should be required to be designed in accordance with the Disability (Access to Premises - Buildings) Standards 2010. Unfortunately, the proposed development does not comply with this requirement.

On site car parking

20. Total floor area of the proposed development is approximately 3505sqm. Therefore, according to the part 3.13 of the GRDCP2021, the minimum parking requirement for the proposed use is 158 spaces but the preferred on site car parking space required is 163. Proposed development provides only 97 parking spaces which represents a significant shortfall.
21. Condition No. 14 of the previous approval (DA No 99/DA965) for the warehouse units and ancillary office, required that 47 car parking spaces to be allocated to the 2x warehouse units. The proposed car parking arrangement does not take into account and conflicts with the previously approved on site car parking and semi-trailer turning area as well as fire service storage tank and pump room.

22. Council's Senior Traffic and Parking Officer has raised the following issues:

- (i) *The application fails to firstly assess existing parking demand within the site during the normal daytime business hours and secondly, fails to properly assess the impact the proposal will have on parking demand within the site when all other industrial units are in operation during those times.*
- (ii) *Architectural Drawing A104 - Issue "B" prepared by Doring Design showing the location proposed for dedicated parking for the gymnasium is showing parking spaces in locations that are not approved. The non-approved locations for parking are those proposed in front of existing roller shutters at internal loading bays; in semi trailer and other heavy vehicle manoeuvring areas and on driveways serving loading bays.*
- (iii) *Contrary to statements made in the Traffic and Parking Assessment document prepared by Wongala Consulting Engineers, the site is not considered to be in a location that will see gymnasium patrons walk, cycle or catch public transport to and/or from having regard to it being located within an industrial area some 750mm from the nearest bus stop in the west and some 1km from Beverley Hills and Kingsgrove Train Stations.*
- (iv) *The application fails to properly assess traffic movements generated by the proposed development by using an incorrect/underestimated GFA and fails to assess the impact the proposal will have on the key intersection of Vanessa Street and The Crescent particularly in the weekday p.m. peak on those occasions when Beverley Hills Park adjacent to the site has high traffic movements associated with sporting activities.*
- (v) *Contrary to part 4. Car Parking Demands in the Traffic and Parking Assessment by Wongala Consulting Engineers, the gymnasium is not located within a "commercial" complex and the use of the TfNSW Guide is not applicable to the proposal.*

CONCLUSION

23. The proposal has been assessed against the relevant provisions of State Environmental Planning Policies, the provisions of the GRLEP 2021 and GRDCP 2021.
24. 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 Planning Policy (Industry and Employment) 2021
 - Georges River Local Environmental Plan 2021; and
 - Georges River Development Control Plan 2021.

RECOMMENDATION

25. Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended, the Planning panel determine DA2025/0272 by way of refusal for alterations and additions to existing industrial building for the change of use to a recreation facility (indoor) — gymnasium on Lot 1 DP 223967 being 133 Vanessa Street KINGSGROVE NSW 2208, as referenced below:
 1. **Social 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 social impact, as the subject site does not provide sufficient onsite parking for customers and hence patrons are likely to park on the street, intensifying traffic conflicts potentially resulting in road safety.

2. **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/use as the proposed gym will result in unacceptable traffic and road safety impacts. Parking for the proposed gymnasium is shown in locations that are not approved. The non-approved locations for parking are those proposed in front of existing roller shutters at internal loading bays; in semi trailer and other heavy vehicle manoeuvring areas and on driveways serving loading bays.
3. **Environmental Planning Instrument - State Environmental Planning Policy** - Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with Schedule 5 of State Environmental Planning Policy (Industry and Employment) 2021 as the proposed sign does not comply with the signage controls outlined in the Georges River Development Control Plan. The applicant has failed to provide technical details with respect to Flash wall signage.
4. **Development Control Plan** - Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development has failed to demonstrate compliance with the following objectives of the Georges River Development Control Plan:

Part 3.13 Parking Access and Transport

- (a) Minimise traffic congestion and ensure adequate traffic safety and management is achieved.
- (b) Ensure provision of adequate onsite parking (including both safety and amenity).

Part 3.18 Advertising and Signage

- (a) Ensure signage is compatible with the character of the locality and protects the amenity of the area.
- (b) Promote signage that complements the scale, size and architecture of the building or structure on which it is displayed.

5. **Inadequate Traffic and Parking Study** - The assessment of traffic generation and recommendations contained in the Traffic and Parking Assessment document prepared by Wongala Consulting Engineers is unsatisfactory and not supported.
6. **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 within the locality.

ATTACHMENTS

Attachment [↓1](#) Assessment Report - 133 Vanessa Street (Unit 3B) Kingsgrove



Attachment [↓2](#) Architectural Drawings





ASSESSMENT REPORT – Section 4.15 Assessment

DA No:	DA2025/0272
Property:	133 Vanessa Street KINGSGROVE NSW 2208, Lot 1 DP 223967
Proposal:	Alterations and additions to existing industrial building for the change of use to a recreation facility (indoor) — gymnasium
Date of receipt:	04/06/2025
Applicant:	Mark Assad
Owner:	Vanessa Aus Sub TC Pty Ltd
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	31 Submissions \$1506,428.00
Cost of Works	
Recommendation:	Refusal
Report prepared by:	Nahid Mahmud – Senior Development Assessment Planner
Report prepared for:	Local Planning Panel

Legislative Requirements

- Environmental Planning Instruments
- State Environmental Planning Policy (Biodiversity and Conservation) 2021.

	• State Environmental Planning Policy (Resilience and Hazards) 2021. • State Environmental Planning Policy (Transport and Infrastructure) 2021. • State Environmental Planning Policy (Industry and Employment) 2021. • Georges River Local Environmental Plan 2021
Zoning	E4 – General Industrial Zoning
Foreshore Building Line	No
Foreshore Scenic Protection Area	No
Coastal Hazard and Risk	No
Bushfire Prone Land	No
Heritage	No
Heritage Conservation Area	No
Integrated development	No
Clause 4.6 variation	No

Application History

A history of the development proposal is as follows:

Date	Comments
4/6/2025	Application submitted with council
16/6/2025	Application lodged with council
17/6/2025	Referral sent to Development Engineer, Traffic Engineer and Building Surveyor
23/6/2025	Building Surveyor's comments, no objection raised, provided conditions.
25/6/2025	Development Engineer's comments received, flood affected and provided conditions. No objection raised.
10/7/2025	Traffic Engineer's comments received and not supported this application due to traffic and parking ground.
17/7/2025	Meeting with the applicant.
23/7/2025	RFI letter sent to applicant for signage, accessibility and parking arrangement.

The Site and Locality

The subject site is legally described as Lot 1 in DP 223967, known as No. 133 Vanessa Street, Kingsgrove NSW 2208. The site is located on the western side of Vanessa Street, within an established industrial precinct.

The site has an approximate area of 20,260m² and contains a large industrial warehouse building with ancillary office areas and hardstand. The building is currently occupied by multiple tenancies and has existing vehicular access and on-site parking.

The surrounding locality is characterised by a mix of industrial and employment generating land uses, consistent with the E4 General Industrial zone. The site is positioned near arterial routes including Kingsgrove Road and the M5 Motorway, providing strong regional connectivity.

There are no known heritage items, foreshore building lines, or environmentally sensitive features on the site.

The site is flood affected.

No trees or vegetation are proposed for removal as part of this application.



Figure 1: Aerial view with site shown with the red arrow (Source: Near maps, 2025)

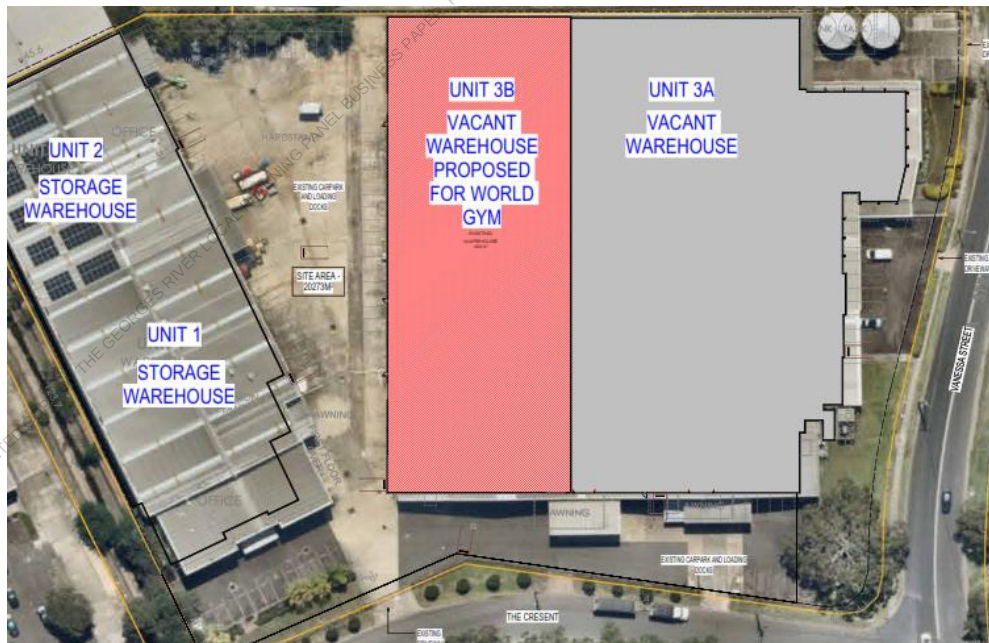


Figure 2: The site shown with the red (Source: Applicant's SEE report)



Figure 3: Street View from Crescent Street (Google Maps, 2025)

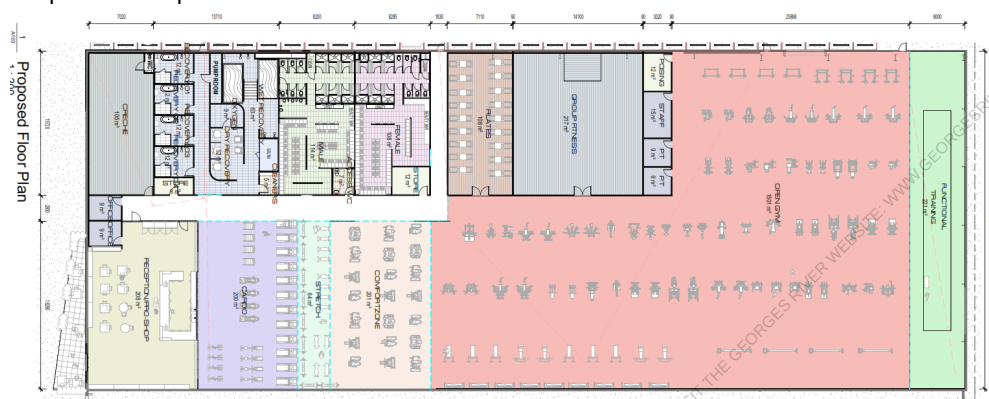


Figure 4: Zoning map of the subject site (highlighted) and the surrounding properties. (Source: IntraMaps GRLEP 2025)

Proposal

Council is in receipt of an application seeking consent for the internal fit out and change of use from industrial warehouse to accommodate a gymnasium (Indoor recreational facility).

Proposed floor plan:



Internal fitout including

- Reception and entry area
- Main gym floor
- Group fitness rooms
- Amenities and change rooms
- Offices and staff area
- Storage, plant rooms, and associated internal fit-out

Use: Gymnasium (Indoor Recreational Facility)

Operating hours, staff members

Days		Staff Number
Monday	24 Hours	4
Tuesday	24 Hours	4
Wednesdays	24 Hours	4
Thursday	24 Hours	4
Friday	24 Hours	4
Saturday	24 Hours	4
Sunday	24 Hours	4

Signage:

- Wall mounted 4mx7m signage proposed (Flash wall sign) (West Elevation)
- 2x Flash wall sign (North Elevation)

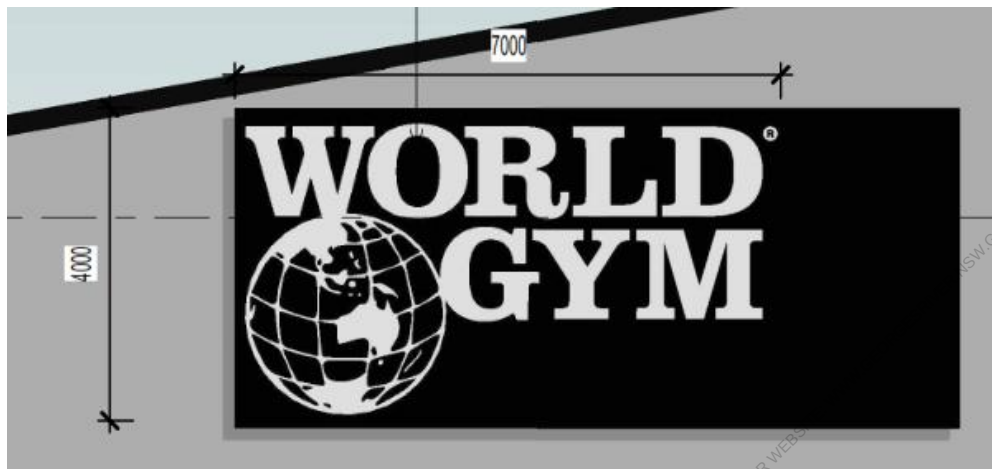


Figure: Proposed Signage

Number of Staff

- Maximum 4 staff.

Section 4.15 Evaluation

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

Environmental Planning Instruments – State Environmental Planning Policies

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

State Environmental Planning Policy Title	Complies
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes
State Environmental Planning Policy (Industry and Employment) 2021	Yes

State Environmental Planning Policy (Resilience and Hazards) 2021

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

Chapter 4 aims to promote the remediation of contaminated land in order to reduce the risk of harm to human health or any other aspect of the environment.

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

A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination. Historic aerial photographs were used to investigate the history of uses on the site. A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination. A search of public authority databases did not include the property as contaminated. The statement of Environmental Effects states that the property is not contaminated. There is no specific evidence that indicates the site is contaminated.

Therefore, in accordance with Clause 4.6 of the State Environmental Planning Policy (Resilience and Hazards) 2021, the land is suitable for the proposed use.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause	Comment
Division 5 (Subdivision 2) - Development likely to affect an electricity transmission or distribution network	The subject site is located within an established warehouse complex. The proposed development is related to change of use and internal fit out only. The subject site is not in the vicinity of electricity infrastructure that would trigger the concurrence of the electricity supply authority.
Division 15 (Subdivision 2) s2.97 – Development adjacent to rail corridors	The subject site is not adjacent to a rail corridor.
Division 15 (Subdivision 2) s2.98 – Excavation in, above, below or adjacent to rail corridors	N/A.
Division 15 (Subdivision 2) s2.99 – Impact of rail noise or vibration on non-rail development	N/A.
Division 17 (Subdivision 2) – Development in or adjacent to road corridors and road reservations.	The subject site does not have frontage to a classified road. As such, this clause is not applicable to the development application.

State Environmental Planning Policy (Industry and Employment) 2021

The proposed sign is subject to the provisions of SEPP (Industry and Employment) 2021. The aims of the policy in accordance with clause 3.1 (1a) are:

- (a) to ensure that signage (including advertising):
 - i. is compatible with the desired amenity and visual character of the area, and
 - ii. provides effective communication in suitable locations, and
 - iii. is of high-quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and
- (c) to provide time-limited consents for the display of certain advertisements, and
- (d) to regulate the display of advertisements in transport corridors, and
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

Clause 3.6 of SEPP (Industry and Employment) 2021 states the following:

“A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfying:

- a) that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and;
- b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.

The proposal compares to the assessment criteria outlined in Schedule 5 as follows:

Standard	Proposed	Compliance
1 -Character of the area		
Is the proposal consistent with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is not consistent with the existing and desired future character of the area . The proposed large two signages do not comply with the section 3.18 (6) of the GRDCP, flash wall sign. Only one sign per building elevation is permitted. North elevation showing two flash wall signs have been proposed which is over development within the locality.	No
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is not consistent with outdoor advertising within the locality as it proposes two large sizes signs are proposed on northern elevation.	No
2 – Special Areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	N/A Not a heritage item, not located within conservation area.	N/A
3 – Views and vistas		
Does the proposal obscure or compromise important views?	The proposal does not obscure or compromise important views.	Yes
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposal neither dominates the skyline nor reduces the quality of vistas.	Yes
Does the proposal respect the viewing rights of other advertisers	The proposal respects the viewing rights of other advertisers.	Yes

4 – Streetscape, setting or landscape		
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal is considered to contribute to the visual interest of the streetscape and setting.	Yes
Does the proposal screen unsightliness?	The proposal does not screen unsightliness and is considered to contribute to the visual interest of the streetscape.	Yes
Does the proposal protrude above buildings, structures, or tree canopies in the area or locality?	Does not protrude above building structure.	Yes
Does the proposal require vegetation management?	Vegetation management is not required for the proposed signage.	N/A
5 Site and Building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposal is proportional to the scale of the site and the subject building itself.	Yes
Does the proposal respect important features of the site, or building, or both?	Important features of the site and building are respected by the proposal.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal demonstrates innovation and imagination to the site and the building.	Yes
6. Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices, or logos been designed as an integral part of the signage or structure on which it is to be displayed?	N/A	N/A
7. Illumination		

Would illumination result in unacceptable glare?	Illumination of proposed signage will not result in unacceptable glare.	Yes
Would illumination affect safety for pedestrians, vehicles or aircraft?	Illumination is not considered to affect the safety for pedestrians, vehicles or aircrafts.	Yes
Would illumination detract from the amenity of any residence or other form of accommodation?	Illumination is not considered to detract from the amenity of a residence or any other form of accommodation.	Yes
Is the illumination subject to a curfew?	Being zoned E4 General Industrial, signage illumination is not subject to a curfew.	Yes
8. Safety		
Would the proposal reduce safety for any public road?	The proposal is not considered to reduce the safety of any public road.	Yes
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposal is not considered to reduce pedestrian or bicyclist safety.	Yes
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposal does not obscure sightlines of public areas and does not reduce safety to pedestrians.	Yes

The proposal therefore satisfies the advertising requirements under the SEPP (subject to conditions).

Georges River Local Environmental Plan 2021

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

Clause	Proposed	Compliance
Part 1 – Preliminary		
1.2 – Aims of the Plan	The development is consistent with the aims of the plan.	Yes
In accordance with Clause 1.2 (2)		
1.4 - Definitions	The proposed development is consistent with the definition.	Yes
Recreation facility (indoor) <i>recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.</i>	The proposed development seeks consent for the fit-out and change of use of an existing industrial warehouse building to accommodate a gymnasium (indoor recreational facility) at 133 Vanessa Street, Kingsgrove NSW 2208. No retail activities have been proposed.	
Part 2 - Permitted or prohibited development		
2.3 - Zone objectives and Land Use Table	The proposal meets all objectives.	Yes
Meets objectives of E4 – General Industrial applying to the land: - To provide a range of industrial, warehouse, logistics and related land uses - To ensure the efficient and viable use of land for industrial uses. - To minimise any adverse effect of industry on other land uses. - To encourage employment opportunities. - To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers. - To encourage a range of uses that support the repair, reuse, recycling, remanufacturing and reprocessing of waste	The proposal is permissible with development consent. Proposed development keeping warehouse character. The proposal ensures the efficient and viable use of land for industrial uses. The proposed development encourages employment opportunity. 4 staff members will be working.	

Development must be permissible with consent		
Part 4 - Principal Development Standards		
4.3 – Height of Buildings 16m	There are no changes proposed to the existing building height. Existing building height is 8.395m 	N/A.
4.4 – Floor Space Ratio 1:1 as identified on Floor Space Ratio Map.	No changes to existing approved FSR.	N/A
Part 5 - Miscellaneous Provisions		
5.7 – Development below means high water mark (2) Development consent is required to carry out development on any land below the mean high-water mark of any body of water subject to tidal influence (including the bed of any such water).	The proposal does not involve works below the Mean High-Water Mark.	N/A
5.10 – Heritage conservation In accordance with Clause 5.10 (2)	The site is not a heritage item or within the vicinity of a heritage item. Site is not in a heritage conservation area.	N/A
5.11 – Bush Fire Hazard Reduction Bush fire hazard reduction work authorised by the Rural Fires Act 1997 may be carried out on any land without development consent.	The subject land is not within a bush fire prone area.	N/A
Part 6 - Additional Local Provisions		
6.1 – Acid Sulfate soils (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. Class 5: Works within 100 metres of adjacent Class 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 2, 3 or 4 land.	Refer to SEPP (Resilience and Hazards) 2021 for further discussion	Yes.
6.2 – Earthworks	No earthworks are proposed within this application. All proposed works are internal.	N/A

(2) Development consent is required for earthworks unless— (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.		
6.3 – Stormwater Management (2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development— (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater or river water, and (c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system or, if the impact cannot be reasonably avoided, minimises and mitigates the impact, and (d) is designed to minimise the impact on public drainage systems.	Council's Engineer has reviewed the proposed development and is supported subject to conditions.	Yes
6.4 - Foreshore area and coastal hazards and risk (2) This clause applies to the following land— (a) land identified on the Coastal Hazard and Risk Map, (b) land identified on the Foreshore Building Line Map.	The site is not located in a foreshore area and/or coastal hazards and risk	N/A
6.5 - Riparian land and waterways (2) This clause applies to land identified as "Sensitive land" on the Riparian Lands and Waterways Map.	The site is not located on land identified as sensitive land	N/A
6.6 - Foreshore scenic protection area	The site is not in a foreshore scenic protection area.	N/A

2) This clause applies to land identified as "Foreshore scenic protection area" on the Foreshore Scenic Protection Area Map.		
--	--	--

Georges River Development Control Plan 2021

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 relevant controls contained within the DCP.

Part 3 – General Planning Considerations

Part 4 – General Land Use

Part 9 – Industrial Development

Control	Proposal	Compliance
Built Form		
1. Development is to comply with the maximum Height of Building Standard for land zoned E4 General Industrial as prescribed in Clause 4.3 and associated maps of the Georges River LEP 2021.	The proposal has a maximum overall height of 8.395m above existing ground level and complies with the 16m development standard established in the GRLEP 2021.	Yes
2. Development is to comply with the maximum Floor Space Ratio Standard for land zoned E4 General Industrial as prescribed in Clause 4.4 and associated maps of the Georges River LEP 2021	No changes to existing approved FSR.	N/A
Setbacks		
A minimum front setback of 4.5 metres is required for all industrial development, except where otherwise specified in the site-specific precinct controls (Figure 1).	No change.	N/A

Within the front setback, a minimum 3 metres wide deep soil landscaped strip is to be provided along the front boundary. This area is to be devoid of any structures, storage areas, car parking and manoeuvring areas.	No change.	N/A
Nil setbacks to side and rear boundaries are permitted where abutting existing industrial development.	No change	N/A
9.2.4 Building Design and Appearance		
Facades		
Building facades are to be an innovative and contemporary architectural appearance.	No change to existing approved façade.	N/A
Architectural features are to be included in the design of new buildings to provide for more visually interesting industrial areas. Such features may include: i. Distinctive parapets or roof forms; ii. Articulated facades; iii. Distinctive entries; iv. A variety of window patterns; v. Balustrades; vi. Pergolas and other sun shading devices; and vii. Selection of building materials.	No change.	N/A
Building facades visible from a public road,	N/A	N/A

reserve, railway or adjacent or adjoining residential areas are to be articulated to minimise large expanses of blank walls and constructed of high quality materials and suitable finishes.		
Building facades are to be designed to minimise the visual dominance of loading docks fronting the street.	N/A	N/A
Where blank walls on street frontages are unavoidable in new construction they must be screened by landscaping or treated as sculptural elements incorporating murals reflecting modern architectural design.	N/A	N/A
9.2.6 Vehicle Access and Parking		
Design and layout of parking and loading facilities is in accordance with the relevant Australian Standards	On-site car parking complies with the relevant Australian Standards.	Yes
All vehicles are to enter and leave the site in a forward direction	Vehicles are capable of entering and exiting the subject site in a forward direction.	Yes
Access and mobility provisions must comply with Section 3.17 - Universal / Accessible Design of this DCP.	The proposal does not comply with Section 3.17 - Universal/ Accessible Design of the GRDCP 2021. The proposed development does not comply with the section 3.17 (7) of the GRDCP, Accessible design. 2-3% of total car parking spaces should be accessible for persons with disability.	No

Pedestrian access through car parking areas should be clearly marked, and where possible emphasised by the use of raised and textured surfaces.	Not clearly marked. Accessways for pedestrians and for vehicles are not separated. Continuous unobstructed paths of travel should be provided from public footpaths, accessible car parking, and set down areas to public building entrances.	No
Pedestrian access through car parks should be kept separate from vehicle access ways.	Pedestrian access is not separate from vehicle accessways.	No
9.2.7 Environmental Protection		
Acoustic and Visual Privacy		
Development is to comply with the relevant provisions specified in the Noise Policy for Industry (2017).	The applicant submitted Noise and acoustic report. It generally complies.	Yes
Development is to comply with the relevant provisions specified in SEPP (Infrastructure) 2007.	Refer to the assessment of SEPP (Industry and Employment) 2021 above.	Yes
Design developments to locate all noise generating equipment such as mechanical plant rooms, mechanical equipment, air conditioning units, mechanical ventilation from car parks, driveway entry shutters, loading docks, garbage collection areas or similar to protect the acoustic privacy of workers, residents and neighbours.	An Acoustic Assessment accompanies the subject application. The report concludes that noise generated from the subject site will not be audible at the nearest residential receivers.	Yes.
Developments within 200m of a residential or sensitive land use are to be designed to minimise impacts on the amenity of	An Acoustic Assessment accompanies the subject application.	Yes

residential or sensitive land uses.		
<u>Operational Restrictions</u>		
<u>Waste</u>		
Comply with the provisions of Section 3.12 – Waste Management of this DCP.	A WMP accompanies the subject application and is considered satisfactory.	Yes.
<u>Energy Efficiency</u>		
Development is to comply with the requirements of Section 3.11 – Ecologically Sustainable Development and Section 3.14 – Utilities in this DCP.	The proposal generally complies with Sections 3.11 and 3.14 of the GRDCP 2021 (subject to conditions).	Yes.
<u>Signage</u>		
Signage is to comply with the requirements of SEPP 64	Signage does not comply	No
Signage is to comply with the requirements of Section 3.18 – Advertising and Signage of this DCP.	Does not comply The proposed development does not comply with the section 3.18 (6) of the GRDCP, flash wall sign. Only one sign per building elevation is permitted. North elevation showing two flash wall signs have been proposed.	No

9.3.5 Kingsgrove Industrial

Standard	Proposal	Compliance
Encourage new land uses including high-tech industries, research and development, freight handling and other airport related industries in addition to the existing more traditional employment uses;	The proposed development will maintain a diverse range of industries to support local residents.	Yes

Encourage active street frontages;	Encourage active street frontage.	Yes
Encourage new buildings to also address the stormwater channel corridors;	Not a new building. Existing change of uses.	N/A
Encourage high quality buildings of contemporary design to create more attractive streetscapes;	N/A	N/A
Retain, protect and enhance existing landscape character by providing tree planting along stormwater channels	N/A	N/A

Impacts

Natural Environment

The proposed works will not directly impact the natural environment. No trees are proposed for removal within this application.

Built Environment

The proposal represents an appropriate planning outcome for the site with respect to its bulk, scale and density, façade articulation and expression and is an appropriate response to the context of the site and its zoning.

Social Impact

The proposal will have a significant social impact on the locality with respect to lack of car parking and traffic ground.

The intensity of the change of use will result in substantial traffic generation that is in conflict with other uses during peak times. As the subject site does not provide sufficient space for parking, gym customers are likely to park on the street, intensifying traffic conflicts. Furthermore, insufficient space is available on the subject site to accommodate safe pedestrian and vehicular movements. The social impacts associated with the proposal are considered to be unreasonable and unresolvable. Therefore, the application is not supported on the grounds of social impacts.

Economic Impact

There is no apparent adverse economic impact that is likely to result within the locality due to change of use and internal fit out.

Suitability of the Site

The site is zoned **E4** – General Industrial. The proposal is a permissible form of development in this zone and It is considered that the high intensity of the use resulted from the proposed gym development will cause substantial nuisance on the adjoining properties and is likely to overload road network in its current form. The application lacks a traffic and parking assessment study, and the site does not have sufficient space to facilitate off-street parking required for the gym clients. Moreover, the safety of pedestrians cannot be guaranteed due to site constraints. The proposal is therefore not deemed suitable on the subject site

Public Notification

Submissions

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. 31 submissions were received during the neighbour notification period.

Submissions summarise:

Issue raised	Number of submissions	Comments
Parking	29	Inadequate Parking provided
Traffic	21	Traffic and transport problem within the area.
Noise Pollution	6	-Nighttime noise -Traffic noise -Public gathering noise
Estimated cost of work	1	-estimated cost of work is not accurate.
Over structure within this area	1	-Over development within the locality in terms of capacity of Gym
Safety and security concern	6	-Not have good reputation as the world Gym previously faced violent incidents including shootings at its other location. -Lack of pedestrian safety
Existing Gym in this area and no need more Gym	3	-6 Gyms in this locality and 4 of them are in operation and no need additional Gym within this area.
Hours of operation	3	-24hours operation is not consistent within the local area.

Parking

The proposed development does not comply with the minimum parking requirements. The proposal provides only 97. (47 for existing warehouse have been deducted)

The development application no 99/DA965 for Light Industrial Building comprising 2x warehouse units and ancillary office, condition no 14 under the development consent no 99/DA965 states that 47 car parking spaces have been allocated for the 2x warehouse units. The proposed car parking arrangement conflicts with the approved car parking, semi-trailer turning circle, fire service storage tank and pump room

This is the reason to refuse this application.

Traffic

Submitters commented that the proposed development will bring more traffic within this area. The areas already facing traffic congestion. This application was referred to Council's traffic and parking officer and the proposal is not supported by the Council's traffic and parking officer. Applicant's submitted traffic report is not adequate to assess further.

This is one of the reasons to refuse this application.

Noise Pollution

The applicant submitted noise impact assessment report. The subject development site is not adjacent to residential area and not adjacent to any sensitive uses. As the application has been recommended to refusal therefore no further assessment is required.

Estimated cost of work

One of the submitters raised this issue that the estimated cost of work being \$1,506,428 is grossly understated for a 3500sqm build that requires major Mechanical/ HVAC & Fire compliance, let alone a fitout. The industry norm is approx \$1000 per sqm = \$3,500,00 for a alteration/addition (change of use).

As the application has been recommended to refusal therefore no further assessment is required.

Over structure within this area

The proposed development is an existing building. No changes to height, FSR and bulk of the building is proposed.

Safety and security concern

The proposed development does not provide safe pedestrian access. Pedestrian access is not separated from the car parking arrangement.

This is one of the reasons to refuse this application.

Council (Internal) Referrals**Building Surveyor**

No objections were raised to the proposal. Relevant conditions imposed.

Development Engineer

No objections were raised to the proposal. Relevant conditions imposed.

Traffic Engineer

Objections were raised to the proposal for parking non-compliant.

External Referrals**Transport for NSW**

No objections were raised to the proposal.

Contributions

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

Conclusion

Development consent is sought for alterations and additions to existing industrial building for the change of use to a recreation facility (indoor) — gymnasium.

The proposal has been assessed with regard to the matters for consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979. The proposal is not appropriate response to the context of the site and will not result in a good planning and urban design outcome in the locality.

The proposal has been assessed against the provisions of the relevant State Environmental Planning Policy, Georges River Local Environmental Plan 2021 and Georges River Development Control Plan 2021 and does not comply with car parking requirement, signage, separate access way for pedestrian and disable parking spaces requirement.

Determination

THAT pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act, 1979, as amended, the Planning panel determine DA2025/0272 by way of refusal for alterations and additions to existing industrial building for the change of use to a recreation facility (indoor) — gymnasium on Lot 1 DP 223967 being 133 Vanessa Street KINGSGROVE NSW 2208, as referenced below:

1. **Social 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 social impact, as the subject site does not provide sufficient onsite parking for customers and hence patrons are likely to park on the street, intensifying traffic conflicts potentially resulting in road safety.
2. **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/use as the proposed gym will result in unacceptable traffic and road safety impacts. Parking for the proposed gymnasium is shown in locations that are not approved. The non-approved locations for parking are those proposed in front of existing roller shutters at internal loading bays; in semi trailer and other heavy vehicle manoeuvring areas and on driveways serving loading bays.
3. **Environmental Planning Instrument - State Environmental Planning Policy** - Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development does not comply with Schedule 5 of State Environmental Planning Policy (Industry and Employment) 2021 as the proposed sign does not comply with the signage controls outlined in the Georges River Development Control Plan. The applicant has failed to provide technical details with respect to Flash wall signage.
4. **Development Control Plan** - Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development has failed to demonstrate compliance with the following objectives of the Georges River Development Control Plan:

Part 3.13 Parking Access and Transport

- (a) Minimise traffic congestion and ensure adequate traffic safety and management is achieved.
- (b) Ensure provision of adequate onsite parking (including both safety and amenity).

Part 3.18 Advertising and Signage

- (a) Ensure signage is compatible with the character of the locality and protects the amenity of the area.
- (b) Promote signage that complements the scale, size and architecture of the building or structure on which it is displayed.

5. **Inadequate Traffic and Parking Study** - The assessment of traffic generation and recommendations contained in the Traffic and Parking Assessment document prepared by Wongala Consulting Engineers is unsatisfactory and not supported.
6. **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 within the locality

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

DEVELOPMENT APPLICATION FOR:
PROPOSED CHANGE OF USE AND FITOUT FOR GYM



AT: 133 VANESSA ST, KINGSGROVE (LOT 1/DP 223967)

consultants\		status\DA ISSUE B	description\ PROPOSED GYM FITOUT AND USAGE	scale\	@A1	sheet\	project no\ 25007	
client\WG KINGSGROVE		address\ UNIT 3B/133 VANESSA ST, KINGSGROVE	issue date\08.07.25			NOTIFICATION PLAN		
date		description	issue			N02 A100 ISSUE A		
						menweather nsw 2291 m/ 0404 755250 © copyright 2025		

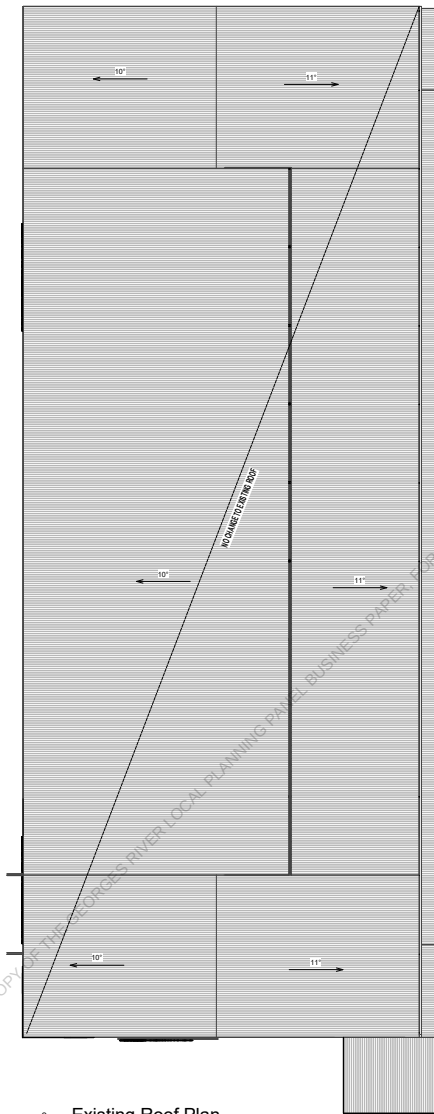
Sheet List		
Sheet Number	Sheet Name	Sheet Issue Date
A100	COVER SHEET	08.05.25
A101	EXISTING SITE PLAN	08.05.25
A102	PROPOSED SITE PLAN	08.05.25
A103	EXISTING AND PROPOSED FLOOR PLAN	08.05.25
A104	AREA AND EGRESS PLANS	08.05.25
A201	BOUNDARY ELEVATIONS	08.05.25
A202	BOUNDARY ELEVATION	08.05.25
A203	BUILDING SECTIONS	08.05.25
N01	NOTIFICATION PLAN	08.05.25
N02	A100 ISSUE A	08.05.25





1 A102 Proposed Site Plan 1 : 250			TOTAL CARSPACES ON SITE + 156 CARSPACES (APPROX)												
			consultants \	status \ DA ISSUE B	description \ PROPOSED GYM FITOUT AND USAGE	scale \ As indicated	@ A1	sheet \ A102	issue \ A	pl p/ box 3367	marieweather nsw 2281	my 0404 755250	©ccpwnh+ 2025	residential commercial industrial	doing design
date	description	issue		client \ WG KINGSGROVE	address \ UNIT 3B/133 VANESSA ST, KINGSGROVE	issue date \ 08.07.25	project no \ 25007								





2 Existing Roof Plan
A104 1 : 200

Checking - Fire Egress Travel Distances	
PATH ID	TRAVEL DISTANCE
Egress 1	39223
Egress 2	35750
Egress 3	35700
Egress 4	39375
Egress 5	39985

Site plan of the proposed World Gym facility. The plan shows four main units: Unit 2 (1506 m²), Unit 3 (2198 m²), Unit 3-A (5199 m²), and Unit 3-B (3498 m²). Unit 3-B is highlighted in red and labeled 'WORLD GYM'. The plan also shows parking areas with 40 carspaces, 30 carspaces, and 100 carspaces. A legend indicates that red hatched areas represent '100 WORLD GYM CARSPACES'. The plan is oriented with North at the top.

3 Ground Floor Level - Area Plan
A104 1 : 500

LIGHT INDUSTRIAL:

- 1 space per 300m² (Warehouse component)
- 1 space per 100m² (Factory / Manufacturing component)
- 1 space per 40m² (Office component)

RECREATION FACILITIES (INDOOR):

- Squash / cricket / netball / soccer courts – 3 spaces per court
- Bowling Alley – 3 spaces per lane
- Gymnasium – 4.5 (min) to 7.5 (preferred) spaces per 100m² (GFA)
- Others - Identify car parking demand through a Transport and Parking Assessment

Study based on a survey of similar developments.

Area Schedule		
Name	Area	Comments
UNIT 1	2198 m ²	PARKING @1/300 = 7.3 CARPARKS
UNIT 2	1506 m ²	PARKING @1/300 = 5 CARPARKS
UNIT 3-A	5199 m ²	PARKING @1/300 = 17.3 CARPARKS
UNIT 3-B	3498 m ²	GYM AREA 252m ² - SPACES REQUIRED = 113
Grand total	12401 m ²	

TOTAL SHARED CARPARKING ONSITE - 156

Land Use	Parking Rate	Total	Spaces Required	Spaces Provided
Gymnasiums	4.5 (min) to 7.5 (preferred) spaces per 300m ² GFA	2,532m ²	113	144

Based on the proposed land use, the minimum required parking spaces is 113 car spaces to meet the requirements of the Georges River Development Control Plan 2021. It is deemed that the proposal exceeds the minimum parking requirements within the property boundaries.

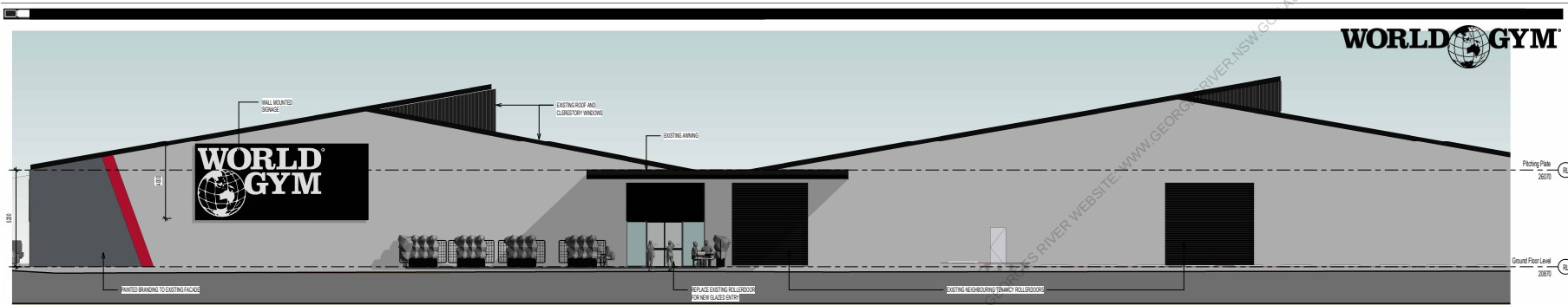
[illegible]

sheet\ A104

project no\ 25007

4 **issue\ A**
p/ po box 3387
07 merewether nsw 2291
m/ 0404 755250
©COPYRIGHT 2025





4 West Elevation
1 : 100



1 North Elevation
1 : 200

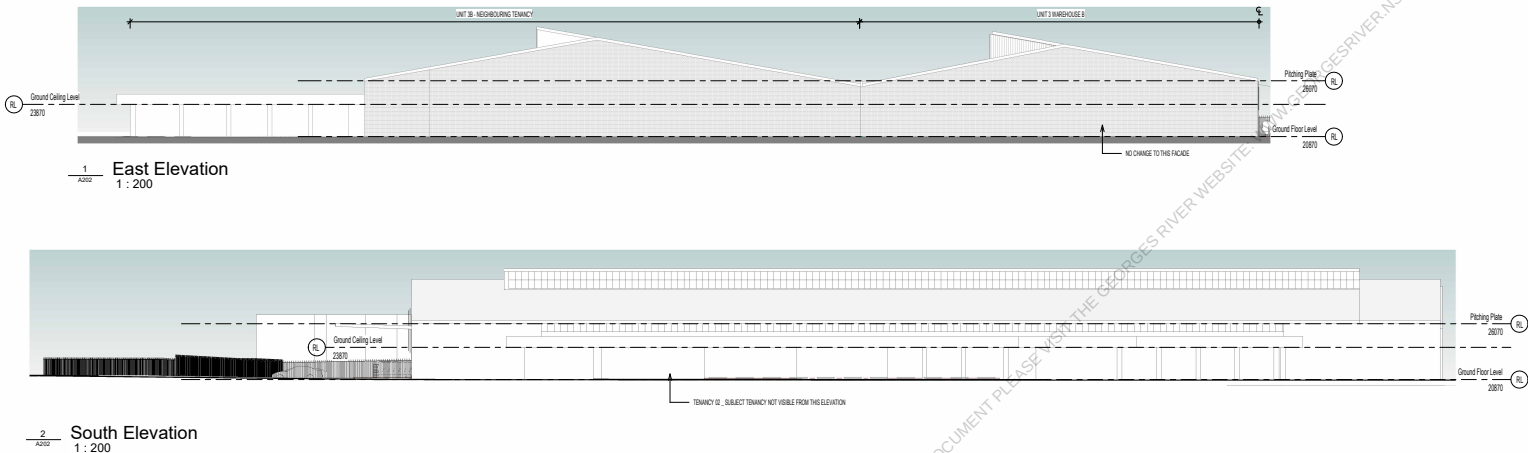
WORLD GYM EXTERIOR PAINT COLOURS

Exterior Paint Color

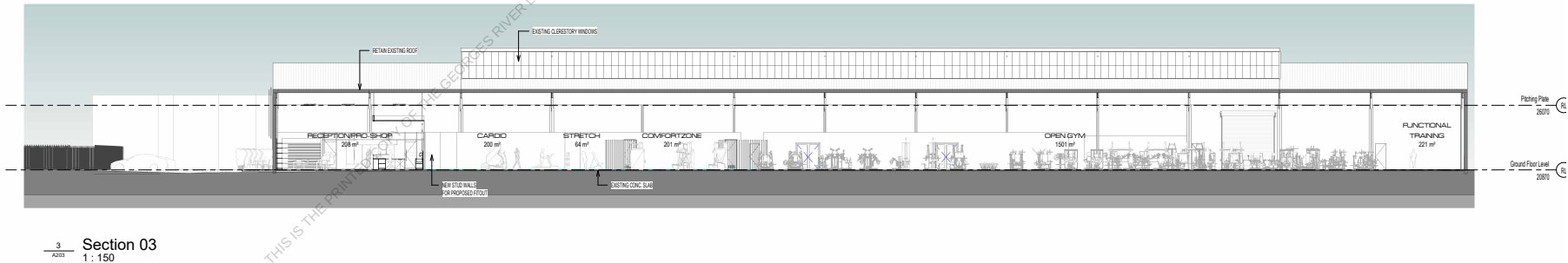
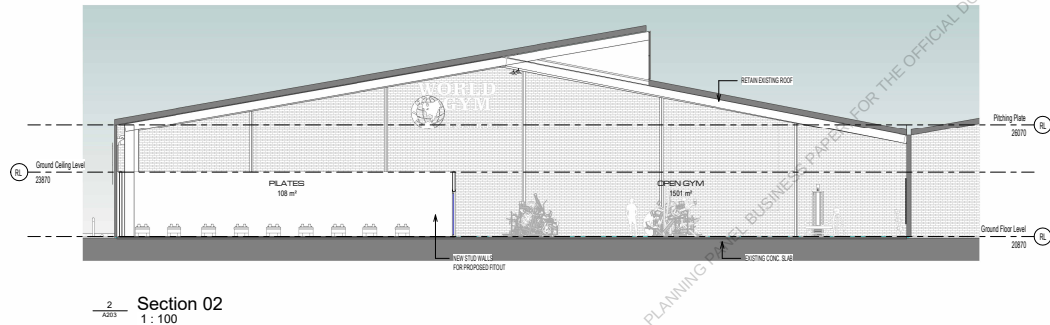
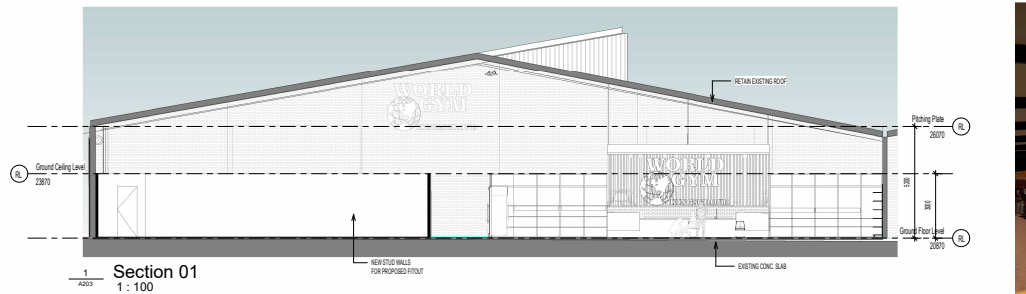
 WG Red Pantone 18-1113 TCX RSL 174 13 43 HSL 350/53/28 CMYK 0 100 73 23	 WG White Pantone White RSL 255 255 255 HSL 0/0/100 CMYK 0 0 0 0	 WG Black Pantone 18-0000 TPC RSL 0 0 0 HSL 0/0/0 CMYK 40 40 100	 WG Silver Pantone 18-0000 TPC RSL 199 199 199 HSL 0/0/0 CMYK 22 17 17 0	 WG Chrome Pantone Cool Gray 51C RSL 99 99 104 HSL 0/0/0 CMYK 64 53 48 20
 SW 6868 Real Red Sherwin Williams Paint CCF Colormatch OZ 32 64 128 Bt New Red 10 32 - - Y3 Deep Gold - 32 - - One Gallon K43700054	 SW 7004 Extra White Sherwin Williams Paint No Colorants added CCF Colormatch OZ 32 64 128 Bt Black 10 - - - Y3 Deep Gold - 32 1 1 One Gallon K43700054	 SW 6258 Tricorn Black Sherwin Williams Paint CCF Colormatch OZ 32 64 128 Bt Black 10 - - - Y3 Deep Gold - 32 1 1 One Gallon K43700054	 SW 7071 Gray Screen Sherwin Williams Paint CCF Colormatch OZ 32 64 128 Bt Black 10 - - - Y3 Deep Gold - 32 1 1 One Gallon K43700054	 SW 6251 Outerspace Sherwin Williams Paint CCF Colormatch OZ 32 64 128 Bt White 2 63 1 - Bt Black 4 53 1 1 G3 New Green - 1 - - L1 Blue - 9 1 1 One Gallon K43700054



			consultants\	status\DA ISSUE B	description\ PROPOSED GYM FITOUT AND USAGE	scale\ As indicated	@A1	sheet\ A201	issue\ A	
				client\WG KINGSGROVE	address\ UNIT 3B/133 VANESSA ST, KINGSGROVE	issue date\08.07.25		project no\ 25007	pl po box 3387 menewether nsw 2291 m\ 0404 755250 ©comment 2025	
date	description	issue								



			consultants\	status\ DA ISSUE B	description\ PROPOSED GYM FITOUT AND USAGE	scale\ 1 : 200 @A1	sheet\ A202	issue\ A	
				client\ WG KINGSGROVE	address\ UNIT 3B/133 VANESSA ST, KINGSGROVE	issue date\ 08.07.25	project no\ 25007	pl po box 3387	
								menewether nsw 2291	
								my 0404 755250	
date	description	issue						comment asss	



			consultants\	status\DA ISSUE B	description\ PROPOSED GYM FITOUT AND USAGE	scale\ As @A1	sheet\ A203	issue\ A	 pl po box 3387 menewether nsw 2291 m 0404 755250 © copyright 2025 doring design
				client\WG KINGS GROVE	address\ UNIT 3B/133 VANESSA ST, KINGS GROVE	issue date\ 08.07.25	project no\ 25007		
date	description	issue							

REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 18 SEPTEMBER 2025

LPP027-25 222 CONNELLS POINT ROAD, CONNELLS POINT

LPP027-25

LPP Report No	LPP027-25	Development Application No	DA2025/0281
Site Address & Ward Locality	222 Connells Point Road, Connells Point Blakehurst Ward		
Proposed Development	Removal of a tree and demolition of the structure surrounding the tree		
Owners	Andrew Howie and Stefan Jamal		
Applicant	Andrew Howie		
Planner/Architect	Planner: The Planning Co		
Date Of Lodgement	23/06/2025		
Submissions	0		
Cost of Works	\$1.10		
Local Planning Panel Criteria	Removal of a tree and demolition of structure surrounding the tree which is located within an allotment containing a local heritage item		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, 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	Site plan		
Report prepared by	Development Assessment Planner		

RECOMMENDATION	Approval
-----------------------	----------

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

recommendations summarised, in the Executive Summary of the assessment report?	
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable. No variation proposed
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 draft conditions will be made available when the report is being published

PROPOSAL

- Approval is sought for the removal of:
 - A tree (Jacaranda mimosifolia) located at the rear along the eastern property side boundary; and
 - Demolition of a structure that has been erected around the tree and extends from ground level to approx. 3m in height.

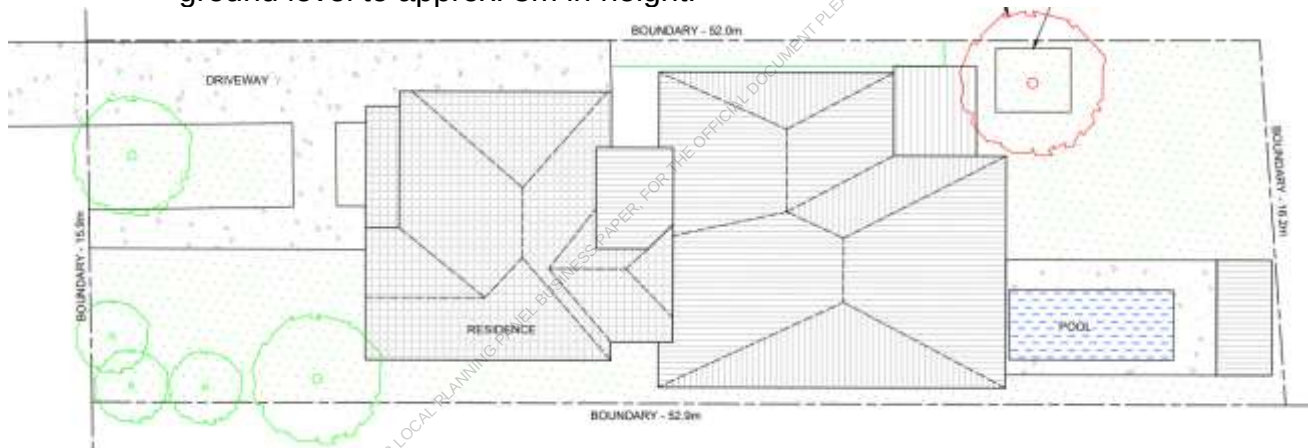


Figure 1 – Site plan



Figure 2 – Subject tree and its surrounding timber structure (photo taken on 28 July by Assessment Officer)

SITE AND LOCALITY

2. The site is known as 222 Connells Point Road, Connells Point and has a legal description of Lot D in DP 414623. The site is rectangular in shape with a northern frontage of 15.9m to Connells Point Road. The subject site has an eastern and western side boundaries of approximately 52m. The site has a total area of approximately 834.7 sqm.
3. The site is relatively flat. There is an existing single storey sandstone dwelling house, swimming pool and an outbuilding. The site contains some small to medium shrubs located at the frontage and rear of the site.
4. The site contains a local listed heritage dwelling – item number 'I49' and known as House and garden, "Jacma" pursuant to schedule 5 of the GRLEP 2012.

5. Development in the surrounding locality comprises 1 and 2 storey, low density residential development. The site is located 70m southwest of Redin Place Reserve which extends down to the foreshore

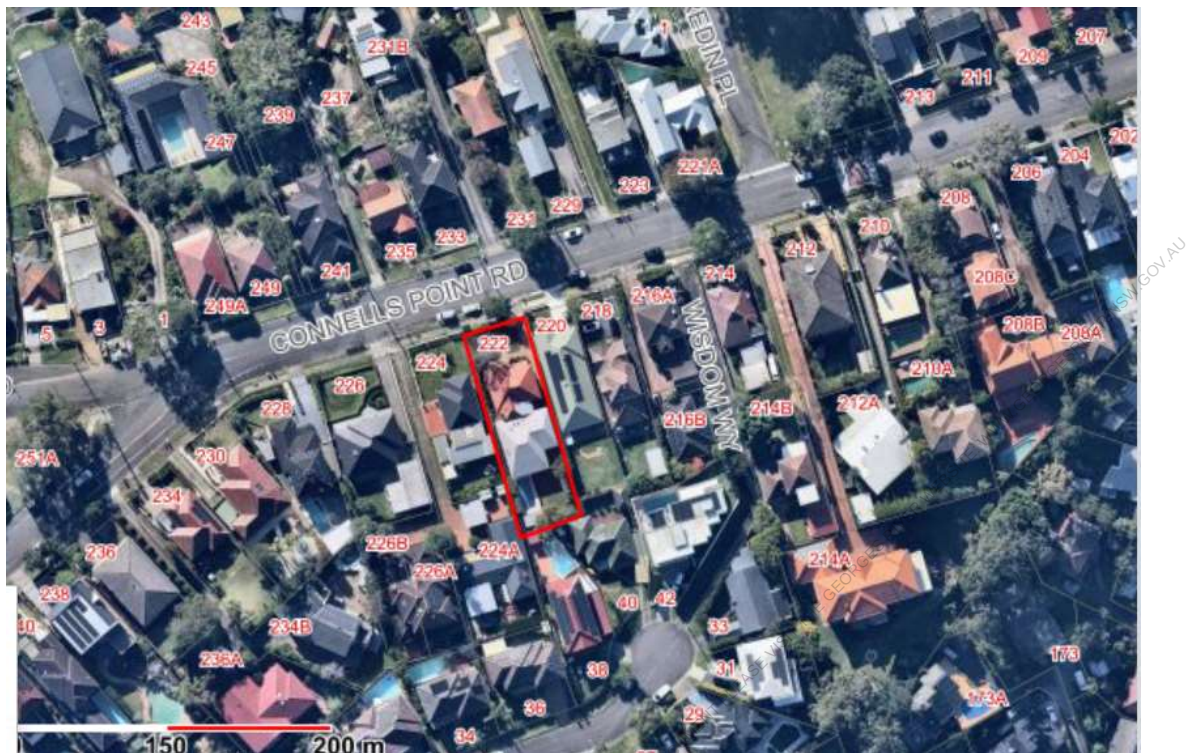


Figure 3 – Aerial view of development site outlined in red (Source: Intramaps)



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

ZONING AND PERMISSIBILITY

6. The subject site is zoned R2 Low Density Residential pursuant to the provisions of Georges River Local Environmental Plan 2021 (GRLEP2021). The proposal involves “removal of a tree and surrounding structure” within a heritage listed property which is permissible with development consent.



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

REASONS FOR REFERRAL TO THE LOCAL PLANNING PANEL

7. This application is referred to the Georges River Local Planning Panel for determination as the applicant seeks consent to the removal of a tree and demolition of a structure surrounding the tree located within an allotment containing a heritage listed dwelling house.

Assessment

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

Georges River Local Environmental Plan 2021			
Control	Requirement	Proposal	Compliance
Clause 5.10 Heritage Conversation	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 I49 and known as House and garden, 'Jacma' 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, subject to conditions.	Yes
Clause 6.12 – Landscaped areas in certain residential and conservation zones	Minimum 20% of the site area required for landscaping which equates to 166.94sqm	28.9% (241.92sqm)	Yes
Georges River Development Control Plan 2021			
Control	Requirement	Proposal	Compliance
3.2.1 Trees & Vegetation	Approval through a Development Application is required for the removal of a tree located within a listed Heritage Item	The application is seeking development consent for the removal of the tree	Yes
3.7.2 Non-Aboriginal Heritage -	Retain features (including landscape features) that contribute to the significance of the item	The subject tree proposed for removal is not considered containing any heritage significance. Heritage officer has reviewed the application and supported it subject to conditions.	Yes

SUBMISSIONS

9. The DA was publicly notified to neighbours for a period of fourteen (14) days in accordance with the Georges River Community Engagement Strategy. No submissions were received.

REFERRAL COMMENTS

10. The development application has been referred to relevant internal and external referral bodies as identified below.

Internal Referrals		
Specialist	Comment	Outcome
Landscape Officer	Proposal is supported subject to conditions. The subject tree has been noted in fair health and poor structural condition. The tree has also suffered multiple branch failures in the past which is likely due to the poor pruning which has occurred over many years.	Conditions imposed as recommended.
Heritage Officer	Proposal is supported subject to conditions. The Applicant's Heritage Impact Statement includes a series of historical aerial photos which evidence that the tree in question does not appear until the late 1970s. The tree and the surrounding timber structure does not contribute to the significance of the heritage item and removal of the tree and structure is not contentious and would have a low impact on the significance of the heritage item.	Conditions imposed as recommended.
External Referral		
Referral Body	Comment	Outcome
Ausgrid	No objection raised to the proposal and conditions recommended.	Conditions imposed as recommended.

CONTRIBUTION

11. The development is not subject to Development Contributions as the proposed cost of work is below the chargeable threshold of \$100,000.00.

CONCLUSION

12. 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

STATEMENT OF REASONS AND DETERMINATION

Statement of Reasons

13. The reasons for this recommendation are:
- The proposed development complies with the requirements of the relevant environmental planning instruments.
 - The proposed development is supported by heritage and landscape officer subject to conditions.
 - The proposed development will not diminish the heritage significance of the identified heritage item.
 - The proposed development will not result in unreasonable impacts to the adjoining neighbours.

Determination

14. Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), Development Application DA2025/0281 for Removal of a tree and demolition of surrounding structure within a heritage listed property on Lot D in DP 414623 known as 222 Connells Point Road, Connells Point, is granted Development Consent subject to the following conditions of consent.

CONDITIONS**Development Details**

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

Description	Reference No.	Date	Rev	Prepared by
Site Plan	-	15/05/25	1	Site Plans Online

Documents Relied Upon

Description	Reference No.	Date	Rev	Prepared by
Statement of Environmental Effects	PCP_25090	10 June 2025	-	The Planning Co.
Heritage Report	-	6 June 2025	-	Three+one heritage
Arborist Report	-	-	-	Capability Green Co.

2. **Section 138 Roads Act 1993 and Section 68 Local Government Act 1993** - Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure. Separate approval is required under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993 for any of the following activities carried out in, on or over a public road (including the footpath) listed below. An application is required to be lodged and approved prior to the commencement of any of the following works or activities;
- (a) Placing or storing materials or equipment;
 - (b) Placing or storing waste containers or skip bins
 - (c) Erecting a structure or carrying out work
 - (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
 - (e) Pumping concrete from a public road;
 - (f) Pumping water from the site into the public road;
 - (g) Constructing a vehicular crossing or footpath;
 - (h) Establishing a "works zone";

- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in a road reserve;
- (k) Stormwater and ancillary to public infrastructure on private land; and
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided prior to works commencing.

The relevant Application Forms for these activities can be downloaded from Council's website www.georgesriver.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 93306400

Prior to the commencement of works

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	\$2,000.00
Inspection Fee for Refund of Damage Deposit	\$210.00

General Fees

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

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

- (a) Pay Council, before the commencement of demolition works, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: \$2,000.00

- (b) Pay Council, before the commencement of demolition works, a non-refundable inspection fee to enable assessment of any damage and repairs where required: \$210.00
- (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

- 5. **Site Management Plan** - A Site Management Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted to Council prior to the commencement of tree removal and or any demolition work.
- 6. **Erosion & Sedimentation Control** - Erosion and sediment controls must be provided to ensure:
 - (a) Compliance with the approved Erosion & Sediment Control Plan
 - (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
 - (c) All clean water runoff is diverted around cleared or exposed areas
 - (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
 - (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works
 - (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
 - (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
 - (h) Compliance with [Managing Urban Stormwater - Soils and Construction \(Blue Book\) produced by Landcom 2004](#).

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

- 7. **Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to Council prior to the commencement of tree removal and or demolition works.

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

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

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

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

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

During Work

- 11. Site sign - Soil & Erosion Control Measures** - Prior to the commencement of works (including demolition, siteworks and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.
- 12. Tree Removal prohibited on adjoining properties** – No tree on Council's public footway, public reserves or on neighbouring properties and protected under the Georges River Tree Management Policy 2024 may be removed, pruned or otherwise damaged without Council consent.
- 13. Tree Removal and Replacement Planting on site – Permission is granted for the removal of the following trees:**

Tree No.	Species	Location
1	<i>Jacaranda mimosifolia</i>	Rear Yard

- (a) All tree removal shall be carried out by a minimum AQF Level 3 Arborist with appropriate insurance. Tree removal is to be undertaken safely and in compliance with AS 4373-2007 – *Pruning of Amenity Trees and Tree Works Industry Code of Practice (Work Cover NSW 1.8.98)*.
- (b) One (1) x 75 litre replacement tree, which will attain a minimum mature height of 10 metres and minimum canopy spread of six (6) at maturity, must be planted within rear yard of the property.
- (c) The replacement tree must be grown to AS2303-2018, Tree stock for landscape use.
- (d) The replacement tree must be planted in natural ground and appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction.
- (e) A certificate of compliance for the planting of the replacement tree prepared by a qualified Horticulturist, Landscape Designer or AQF Level 5 Arborist shall be submitted to Council's Landscape and Arboricultural Officer within 3 months of removal of the Jacaranda tree.
- 14. Landscape works**– Following the completion of demolition works, the site must be cleared of all demolition materials and waste. The area must reinstate grassed lawn once the soil levels have been achieved. No hard paving is allowed.
- 15. Archaeology** – As required by the National Parks and Wildlife Service Act 1974 and the Heritage Act 1977, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately, and Council and Heritage NSW must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including any the statutory requirements under the Heritage Act 1977.

Note: The National Parks and Wildlife Act 1974 and the Heritage Act 1977 impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

16. **Temporary storage of materials, equipment and waste during works** – All construction materials, equipment and demolition / construction waste shall be stored wholly within the allotment boundaries and shall be stored, contained or stockpiled in such locations that do not cause any impacts to existing built structures including ancillary structures, walls or fences, or established gardens.
17. **Hours of construction for building work** - Unless authorised by Council:
 - (a) Building construction and delivery of material hours are restricted to: 7.00 am to 5.00 pm (inclusive) Monday to Saturday and no work on Sundays and Public Holidays.
 - (b) Demolition and excavation works are restricted to: 8.00 am to 5.00 pm (inclusive) Monday to Friday only. Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site.
18. **Cost of work to be borne by the applicant** – The Applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.
19. **Waste Management Facility** - All materials removed from the site as a result of demolition, site clearing, site preparation and, or excavation shall be disposed of at a suitable Waste Management Facility. No vegetation, article, building material, waste or the like shall be ignited or burnt.

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

Operational Conditions

20. Ongoing Tree & Landscape Maintenance Works

- (a) All newly planted trees and plants must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilising, pest and disease control, replacement of dead or dying trees and plants and other operations required to maintain healthy trees, plants and turfed areas.

- (b) Trees must be maintained until they reach a height where they are protected by Councils Tree Management Controls. If any trees are found to be faulty, damaged, dying or dead before they are protected by Councils Tree Management Controls then they must be replaced with the same species and pot/bag size.

Prescribed Conditions

21. **Clause 75 - Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PC and the Principal Contractor.
22. **Clause 73 - Site Excavation** - Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

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

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

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

END CONDITIONS

NOTES / ADVICES

1. **Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

2. **Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high-risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

3. **Review of Determination** - Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.

4. **Appeal Rights** - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
5. **Lapsing of Consent** - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

ATTACHMENTS

Attachment [↓1](#) Assessment Report - 222 Connells Point Road, Connells Point DA2025-0281



Attachment [↓2](#) Site Plan - 222 Connells Point Rd Connells Point.pdf - DA2025/0281



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



Delegated Assessment Report

DA2025/0281

LOT D DP 414623

222 Connells Point Road, Connells Point

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.....	3
Site Description	3
Aerial Image of Land Zoning	4
Aerial Image of Site	5
Background	5
History	5
Processing.....	5
Site Inspection	6
Assessment - Section 4.15 Evaluation	6
The provisions of any environmental planning instrument (EPI).....	7
The Provisions of any applicable Act.....	7
The Provision of any Applicable State Environmental Planning Policy (SEPPs).....	7
The Provisions of any Local Environmental Plan	8
Georges River Local Environmental Plan 2021	8
Provisions of any Proposed Instrument.....	13
Provisions of any Development Control Plan	13
Georges River Development Control Plan 2021	13
Any Planning Agreement Under Section 7.4	26
The Regulations	26
The Likely Impacts of the Development	26
Site Suitability	27
Submissions	27
The Public Interest.....	27
Referrals.....	27
Contributions.....	28
Conclusion.....	28
Determination	29
Appendix 1 – Conditions	30



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.

Approval

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

Proposal

The works proposed in this application are specifically outlined below:

- Removal of a tree (Jacaranda mimosifolia) located at the rear along the eastern side boundary.
- Remove structure (tree house) that has been erected around the tree and extends from ground level to approx. 3m high.

A site plan is provided below:

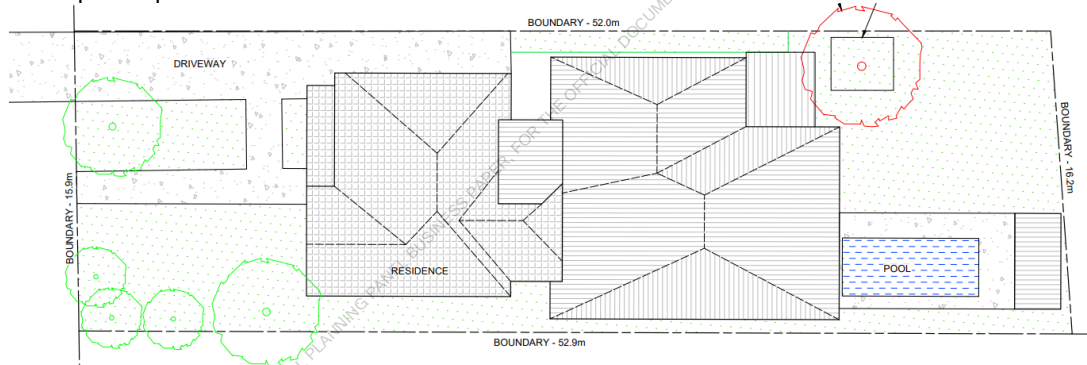


Figure 1 – Site plan (Source: Architectural Plans)

Site and Locality

Site Description

The site is located on the southern side Connells Point Road. The site is relatively flat and contain small and medium shrubs and trees to frontage and rear yard including the subject Jacaranda tree in rear yard. The locality is characterised by a variety of 1 and 2 storey, low density residential development. The site is located 70m west of Redin Place Reserve which extends down to the foreshore.

Aerial Image of Land Zoning



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

Aerial Image of Site

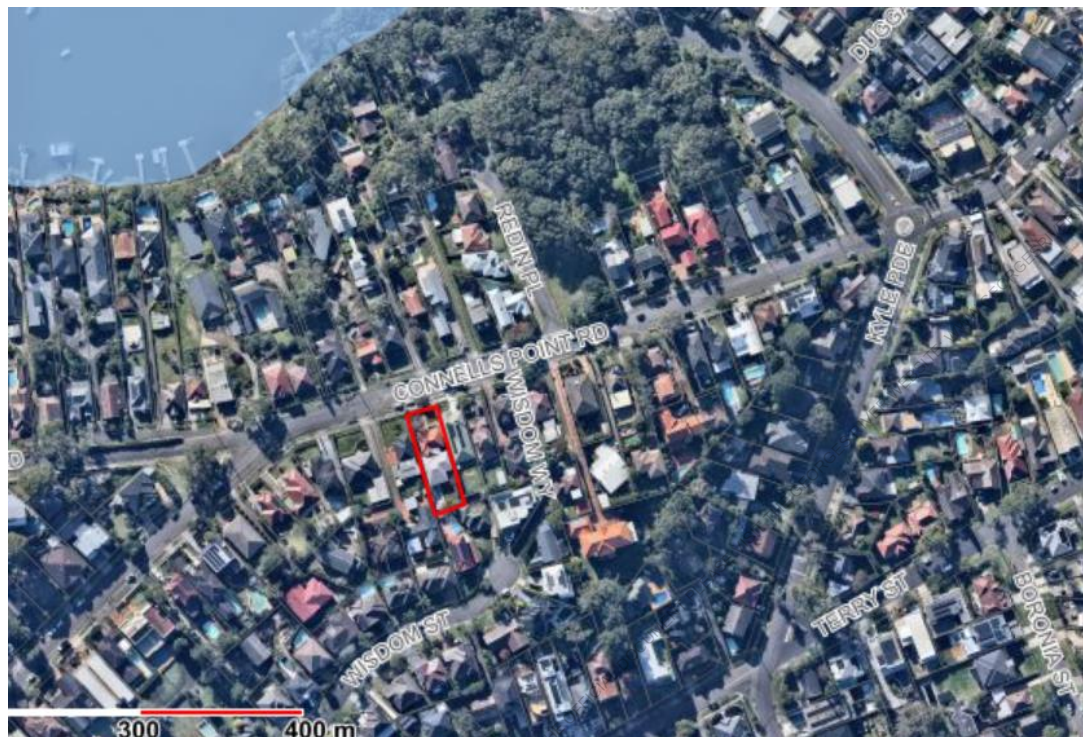


Figure 3 –Aerial view of development site outlined in red (Source: IntraMaps)

Background

History

The following applications are relevant to the proposed works.

DA/CDC Number	Proposed Works	Determination	Date	Relevance
NA				

Processing

Application History		
Action	Date	Comment
Submission Date	Tuesday, 10 June 2025	-
Lodgement Date	Monday, 23 June 2025	-
Site Inspection Conducted	Monday, 28 July 2025	-



Site Inspection

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



Figure 4: Street view of development site (image taken facing East(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	☐	☒
Land Contamination	SEPP (Resilience and Hazards) 2021	☒	☐
Coastal Zone	SEPP (Resilience and Hazards) 2021	☐	☒
Adjoins Classified Road	SEPP (Transport and Infrastructure) 2021	☐	☒
Adjoins Rail Corridor	SEPP (Transport and Infrastructure) 2021	☐	☒
Gas Pipeline Buffer	SEPP (Transport and Infrastructure) 2021	☐	☒

SEPPs		Applicable	
Name of SEPP		Yes	No
SEPP (Biodiversity Conservation) 2021		☒	☐
SEPP (Housing) 2021		☐	☒
SEPP (Industry and Employment) 2021		☐	☒
SEPP (Resilience and Hazards) 2021		☒	☐
SEPP (Resource and Energy) 2021		☐	☒
SEPP (Sustainable Buildings) 2022		☐	☒
SEPP (Transport and Infrastructure) 2021		☐	☒

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 is applicable to the development as the subject site is located within the Georges River Catchment and affects [1] trees near the proposed development.

Council's landscape officer reviewed the application and raised no objection to the proposed tree works.



The proposal will not result in adverse environmental and ecological impacts to the Georges River Catchment.

The proposal complies with SEPP (Biodiversity and Conservation) 2021, subject to tree protection and sediment control conditions.

State Environmental Planning Policy (Resilience and Hazards) 2021

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

Chapter 4 – Remediation of Land

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

As part of the assessment process, a site inspection was conducted, and Council's Contamination Records and 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 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	☐	☒
5.10	Heritage Item (I49 – House and garden, 'Jacma')	☒	☐
5.21	Flood Liable Land – no flood study, to be completed	☐	☒
6.1	Acid Sulfate Soils – Class 5	☒	☐
6.4	Foreshore Building Line	☐	☒
6.4	Coastal Hazard and Risk	☐	☒
6.5	Riparian Lands & Waterways	☐	☒
6.6	Foreshore Scenic Protection Area – also consider Design Excellence	☐	☒
6.8	Impacted by airspace operations (NOTE: Applies to 67-89 Croydon Road, 1-7 Somerset (odd only), 2-8 Bristol (even), 1-5 Bristol (odd) in Hurstville)	☐	☒
6.10	Design Excellence – FSPA or R4 land	☐	☒



Other Affectations		
Bushfire Prone Land	☐	☒
Council Owned Land	☐	☒
Crown Land	☐	☒
Easements Within Lot Boundaries	☐	☒
Narrow lot housing precinct	☐	☒
Other (if yes describe)	☐	☒

GRLEP 2021 Part 2 – Permitted or prohibited development		
Clause 2.3 – Zone objectives and Land Use Table		
Standard	Proposal	Compliance
The subject site is zoned R2 Low Density Residential. The objectives of the zone are: - To provide for the housing needs of the community; - To enable other land uses that provide facilities or services to meet the day to day needs of residents; - To promote a high standard of urban design and built form that enhances the local character of the suburb and achieves a high level of residential amenity, - To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River Local Government Area.	The proposal is consistent with the zone objectives and is satisfactory.	☒ Yes ☐ No

GRLEP 2021 Numeric Controls			
Standard	Required	Proposed	Compliance
Cl. 4.3 <i>Height of Buildings</i>	Maximum 9m	No change proposed to the height of the existing development.	☒ Yes ☐ No



Cl. 4.4 <i>Floor Space Ratio</i>	Maximum 0.55:1 (459.085m ²)	No change to the existing FSR	☒ Yes ☐ No
Or Cl. 4.4A <i>Exceptions to floor space ratio— certain residential accommodation</i>	Or Maximum 0.49:1 (412.91m ²)		
Cl 6.12 <i>Landscaped Area</i>	Minimum 20% (166.94m ²)	28.9%. No change proposed.	☒ Yes ☐ No

GRLEP 2021 Part 5 – Miscellaneous Provisions		
Clause 5.10 – Heritage conservation		
Standard	Proposal	Compliance
Council must, before granting consent under this clause with respect of a 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 I49 and known as House and garden, 'Jacma' as listed in Schedule 5 of the LEP. While the statutory listing of the heritage item references the garden, the extant garden setting is considered minimalistic and only the front garden presenting to the street is expressly visible when viewing the heritage item. The proposal has been reviewed by Council's Heritage Advisor who has considered the effect of the proposal on the item and is satisfied, subject to conditions that the proposal is appropriate in this regard. Detailed comments are provided later in this report.	☒ Yes ☐ No

GRLEP 2021 Part 6 – Additional Local Provisions		
Clause 6.1 – Acid sulfate soils		
Standard	Proposal	Compliance
(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map	The site identified as containing Class 5 acid sulfate soils, but the works are not located on land within	☒ Yes ☐ No



as being of the class specified for those works. Class 5 The site is identified as containing Class 5 Acid Sulfate Soils. Consent may not be granted for any Works within 100 metres of adjacent Class 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 2, 3 or 4 land unless an acid sulfate soils management plan has been prepared.	500m of land of a lower class, and is not below 5m Australian Height Datum. No further action is therefore required.	
Clause 6.2 - Earthworks		
Standard	Proposal	Compliance
Council must consider the following prior to granting consent for any earthworks: (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) measures to minimise the need for cut and fill, particularly on sites with a slope of 15% or greater, by stepping the development to accommodate the fall in the land, (f) the source of any fill material and the destination of any excavated material, (g) the likelihood of disturbing relics, (h) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,	No earthwork proposed.	☒ Yes ☐ No



(i) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.		
Clause 6.3 – Stormwater Management		
Standard	Proposal	Compliance
(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development— (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater or river water, and (c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system or, if the impact cannot be reasonably avoided, minimises and mitigates the impact, and (d) is designed to minimise the impact on public drainage systems.	The proposal is satisfactory with regards to the matters identified.	☒ Yes ☐ No
Clause 6.9 Essential Services		
Standard	Proposal	Compliance
Development consent must not be granted to development unless Council is satisfied that any of the following services that are essential for the development are available, or that adequate arrangements have been made to make them available when required a) the supply of water, b) the supply of electricity, c) the supply of telecommunications facilities, d) the disposal and management of sewage	The proposal has, or includes arrangements that will make available these essential services.	☒ Yes ☐ No



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:

Heritage		
3.7.2 Non-Aboriginal Heritage		
Control	Proposal	Compliance
1. Retain features (including landscape features) that contribute to the significance of the item.	The subject tree proposed for removal is not considered containing any heritage significance. Heritage officer has reviewed the application and supported it subject to conditions.	☒ Yes ☐ No
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	The proposal allows for the reasonable sharing of views.	☒ Yes ☐ No



Principle established by the Land and Environment Court in Tenacity Consulting vs Warringah Council (2004) NSWLEC140.		
---	--	--

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.	☒ Yes ☐ No

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.	No change to the built form proposed. The proposal only seeks to remove a tree.	☒ Yes ☐ 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.		



Streetscape Character and Built Form		
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).		

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.	No change to the building scale and height of the development.	☒ Yes ☐ 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.		
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; ii. 5.5m to the front facade of a garage or carport, or at least 1m behind the main building wall / façade, whichever is the greater; iii. Where the prevailing street setback is greater than the minimum, the average setback of dwellings on adjoining lots is to be applied. <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. 2. Balconies cannot encroach into the front setback space. 3. For corner lots, the setback from the secondary street boundary is to be at least: i. 1.2m to the building line if the site is less than 15m in width (see Figure 1); or ii. 2.0m to the building line if the site is 15m or greater in width (see Figure 2). <u>Side and Rear Setbacks</u> 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). Required rear setback:	No change to the existing setbacks.	☒ Yes ☐ No



5. The minimum side setbacks for ground and first floor are: i. 900mm for lots up to 12.5m in width measured at the front building line for the length of the development. ii. 1.2m for lots greater than 12.5m in width measured at the front building line for the length of the development. iii. 1.5m for all lots within the Foreshore Scenic Protection Area measured at the front building line for the length of the development.		
6. 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 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).	No change to POS.	☒ Yes ☐ 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.		

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.	No change proposed to the landscaped area. Conditions imposed in relation to the replacement trees and ongoing maintenance.	☒ Yes ☐ 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.		
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.		



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.		

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.	☒ Yes ☐ No
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. Condition(s) are to be applied to ensure that any fill is to be VENM. :	
8. Earthworks are not to increase or concentrate overland stormwater flow or aggravating existing flood conditions on adjacent land.		
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: - Sediment fencing; - Water diversion; - Single entry/exit points - Filtration materials such as straw bales and turf strips.	Sediment control plan not required.	☒ Yes ☐ No
2. Development that involves site disturbance is to provide an erosion and sediment control plan which details the proposed method of soil management and its implementation. Such measures are to be in accordance with The Blue Book – Managing Urban Stormwater, Soils & Construction by LandCom		
3. Development is to minimise site disturbance including impacts on vegetation and significant trees and the need for cut and fill.		
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.	No excavation proposed.	☒ Yes ☐ 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.		
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

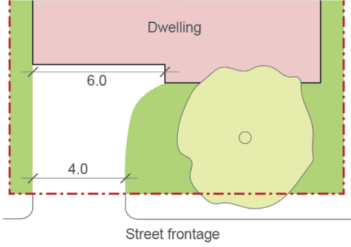
3.13 Parking Access and Transport

Control	Proposal	Compliance
Parking required: The development has 2 bedrooms therefore 1 space is required. Or	No change to number of parking spaces.	☒ Yes ☐ No



The development has 3 or more bedrooms therefore 2 spaces are required.		
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.	No change to existing parking arrangements.	☒ Yes ☐ 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.		
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.		
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.		



		
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). (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.		
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).		
9. The maximum width of a garage opening is 6.0m.		

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.	No additional impact on visual privacy anticipated.	☒ Yes ☐ 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.		

Solar Access		
6.1.2.10 Solar Access		
Control	Proposal	Compliance
1. New buildings and additions are sited and designed to facilitate a minimum of 3 hours direct sunlight between 9am and 3pm on 21 June onto living room windows and at least 50% of the minimum amount of private open space.	No shadow diagram provided. However, the proposal is not expected to adversely impact on solar access.	☒ Yes ☐ No
2. To facilitate sunlight penetration to adjoining development, building bulk may be required to be articulated to achieve the required sunlight access.		
3. Direct sunlight to north-facing windows of habitable rooms and 50% of the principal private open space area of adjacent dwellings should not be reduced to less than 3 hours between 9.00am and 3.00pm on 21 June.		



4. Note: Variations will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation or steeply sloping sites with a southerly orientation away from the street.		
5. Shadow diagrams are required to show the impact of the proposal on solar access to the principal private open space and living rooms of neighbouring properties. Existing overshadowing by fences, roof overhangs and changes in level should also be reflected in the diagrams. It may also be necessary to provide elevations or views from sun diagrams to demonstrate appropriate solar access provision to adjoining development.		
6. Consider and minimise overshadowing impacts on the solar photovoltaic panels of neighbouring buildings where a variation to the building setbacks or number of storeys is sought		

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.	No change to the external colours of the development.	☒ Yes ☐ 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.).	All site facilities provided per DCP requirements.	☒ Yes ☐ 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) (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 development is located within an established residential area and is not considered to result in unreasonable impact on the natural environment.
Built Environment	The built form and supporting infrastructure is appropriate with its setting and is consistent with the desired future character of the site.
Social Impact	The proposal will have no significant social impact on the locality.
Economic Impact	The proposal is not considered to result in unreasonable economic impact

Site Suitability

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

The site is zoned R2 Low Density Residential. The proposal is considered a suitable outcome for the subject site for the following reasons:

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

Submissions

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. 0 submissions were received during the neighbour notification period.

The Public Interest.

Section 4.15 (e) the public interest.

The proposal is considered to be in the public interest for the following reasons:

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

Referrals

Internal Referrals

Internal Referrals		
Specialist	Comment	Outcome



Landscape Officer	The officer has considered the following planning provisions: - SEPP (Biodiversity Conservation) 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 - Georges River Tree Management Policy 2024 No objections raised to the proposal and conditions recommended.	Conditions imposed as recommended.
Heritage Officer	The officer has considered the following planning provisions: - Clause 5.10 of GRLEP 2021 - Part 3.7 of GRDCP 2021 No objections raised to the proposal and conditions recommended.	Conditions imposed as recommended.

External Referrals

External Referrals		
Referral Body	Comment	Outcome
Ausgrid	The referral body has considered the following planning provisions: - Clause 2.48 of SEPP (Transport and Infrastructure) 2021 No objections raised to the proposal and conditions recommended.	Conditions imposed as recommended.

Contributions

The development is not subject to Development Contributions as the proposed cost of work is below the chargeable threshold of \$100,000.00.

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.



APPROVAL NO 4.6

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

Determination

Approval of Application

Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer determines DA2025/0281 for Removal of a tree (and surrounding structure) on heritage listed property on Lot/s D in DP 414623 on land known as 222 Connells Point Road, Connells Point, as an approval for the reasons below subject to the conditions referenced in Appendix 1:

Signed**Assessing Officer: Kevin Suen****Title: Development Assessment Planner – Fast Track****Date: 12 August 2025**

The application is recommended for determination under the delegation associated with my position.

Delegated Officer: Atalay Bas**Title: Coordinator Development Assessment****Date:**

The application is determined in accordance with the recommendation and delegation under PLN03 associated with my position.



Appendix 1 – Conditions

Development Details

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

Description	Reference No.	Date	Rev	Prepared by
Site Plan	-	15/05/25	1	Site Plans Online

Documents Relied Upon

Description	Reference No.	Date	Rev	Prepared by
Statement of Environmental Effects	PCP_25090	10 June 2025	-	The Planning Co.
Heritage Report	-	6 June 2025	-	Three+one heritage
Arborist Report	-	-	-	Capability Green Co.

- Section 138 Roads Act 1993 and Section 68 Local Government Act 1993** - Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure. Separate approval is required under Section 138 of the Roads Act 1993 and/or Section 68 of the Local Government Act 1993 for any of the following activities carried out in, on or over a public road (including the footpath) listed below. An application is required to be lodged and approved prior to the commencement of any of the following works or activities;
 - Placing or storing materials or equipment;
 - Placing or storing waste containers or skip bins
 - Erecting a structure or carrying out work
 - Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
 - Pumping concrete from a public road;
 - Pumping water from the site into the public road;
 - Constructing a vehicular crossing or footpath;
 - Establishing a "works zone";
 - Digging up or disturbing the surface of a public road (eg Opening the road for the



purpose of connections to utility providers);

(j) Stormwater and ancillary works in a road reserve;

(k) Stormwater and ancillary to public infrastructure on private land; and

(l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Certifying Authority prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council's website www.georgesriver.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 93306400

Prior to the commencement of demolition work

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	\$2,000.00
Inspection Fee for Refund of Damage Deposit	\$210.00

General Fees

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

A Section 7.12 contribution has been levied on the subject development pursuant to the Georges River Council Local Infrastructure Contributions Plan 2021 (Section 7.11 And Section 7.12).

Indexation



A Section 7.12 contribution has been levied on the subject development pursuant to the Georges River Council Local Infrastructure Contributions Plan 2021 (Section 7.11 And Section 7.12).

Timing of Payment

The contribution must be paid and receipted by Council prior to demolition works

Further Information

A copy of the *all current Development Contributions Plans* may be inspected or a copy purchased at Council's offices (Georges River Civic Centre, MacMahon Street, Hurstville and Kogarah Library and Service Centre, Kogarah Town Square, Belgrave Street, Kogarah) or viewed on Council's website www.georgesriver.nsw.gov.au

4. **Damage Deposit - Minor Works** - In order to insure against damage to Council property the following is required:
 - (a) Pay Council, before the commencement of demolition works, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: \$2,000.00
 - (b) Pay Council, before the commencement of demolition works, a non-refundable inspection fee to enable assessment of any damage and repairs where required: \$210.00
 - (c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

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

5. **Site Management Plan** - A Site Management Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted prior to the commencement of any demolition or site works.
6. **Erosion & Sedimentation Control** - Erosion and sediment controls must be provided to ensure:
 - (a) Compliance with the approved Erosion & Sediment Control Plan
 - (b) Removal or disturbance of vegetation and top soil is confined to within 3m of the approved building area (no trees to be removed without approval)
 - (c) All clean water runoff is diverted around cleared or exposed areas
 - (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways
 - (e) All erosion and sediment controls are fully maintained for the duration of



demolition, excavation and/or development works

- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar
- (h) Compliance with [Managing Urban Stormwater - Soils and Construction \(Blue Book\) produced by Landcom 2004](#).

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

7. **Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifier prior to the commencement of demolition works.
8. **Demolition & Asbestos** - The demolition work shall comply with the provisions of Australian Standard AS2601:2001 – Demolition of Structures, NSW Work Health & Safety Act 2011 and the NSW Work Health & Safety Regulation 2011. The work plans required by AS2601:2001 shall be accompanied by a written statement by a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the safety statement shall be submitted to the Certifier prior to the commencement of works.

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

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

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

9. **Demolition Notification Requirements** - The following notification requirements apply to this consent:
 - a) The developer /builder must notify adjoining residents five (5) working days prior to demolition. Such notification is to be a clearly written note giving the date demolition will commence, contact details of the developer/builder, licensed asbestos demolisher and the appropriate regulatory authority. Notification is to be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately at the rear of the demolition site.



- b) Five (5) working days prior to demolition, the developer/builder is to provide written notification to Council advising of the demolition date, details of the SafeWork licensed asbestos demolisher and the list of residents advised of the demolition.
 - c) On demolition sites where buildings to be demolished contain asbestos, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position (from street frontage) on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site to an approved waste facility.
10. **Demolition work involving asbestos removal** - Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under clause 458 of the Work Health and Safety Regulation 2011.

During Work

11. **Site sign - Soil & Erosion Control Measures** - Prior to the commencement of works (including demolition, siteworks and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.
12. **Tree Removal prohibited on adjoining properties** – No tree on Council's public footway, public reserves or on neighbouring properties and protected under the Georges River Tree Management Policy 2024 may be removed, pruned or otherwise damaged without Council consent.
13. **Tree Removal and Replacement Planting on site – Permission is granted for the removal of the following trees:**

Tree No.	Species	Location
1	<i>Jacaranda mimosifolia</i>	Rear Yard

- (a) All tree removal shall be carried out by a minimum AQF Level 3 Arborist with appropriate insurance. Tree removal is to be undertaken safely and in compliance with AS 4373-2007 – *Pruning of Amenity Trees and Tree Works Industry Code of Practice (Work Cover NSW 1.8.98)*.
- (b) One (1) x 75 litre replacement tree, which will attain a minimum mature height of 10 metres and minimum canopy spread of six (6) at maturity, must be planted within rear yard of the property.



- (c) The replacement tree must be grown to AS2303-2018, Tree stock for landscape use.
- (d) The replacement tree must be planted in natural ground and appropriately located away from existing buildings and structures to allow maturity to be achieved without restriction.
- (e) A certificate of compliance for the planting of the replacement tree prepared by a qualified Horticulturist, Landscape Designer or AQF Level 5 Arborist shall be submitted to Council's Landscape and Arboricultural Officer within 3 months of removal of the Jacaranda tree.
14. **Landscape works**– Following the completion of demolition works, the site must be cleared of all demolition materials and waste. The area must reinstate grassed lawn once the soil levels have been achieved. No hard paving is allowed.
15. **Archaeology** – As required by the National Parks and Wildlife Service Act 1974 and the Heritage Act 1977, in the event that Aboriginal cultural heritage or historical cultural fabric or deposits are encountered/discovered where they are not expected, works must cease immediately, and Council and Heritage NSW must be notified of the discovery.
- In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including any the statutory requirements under the Heritage Act 1977.
- Note: The National Parks and Wildlife Act 1974 and the Heritage Act 1977 impose substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.
16. **Temporary storage of materials, equipment and waste during works** – All construction materials, equipment and demolition / construction waste shall be stored wholly within the allotment boundaries and shall be stored, contained or stockpiled in such locations that do not cause any impacts to existing built structures including ancillary structures, walls or fences, or established gardens.
17. **Hours of construction for building work** - Unless authorised by Council:
- (a) Building construction and delivery of material hours are restricted to: 7.00 am to 5.00 pm (inclusive) Monday to Saturday and no work on Sundays and Public Holidays.
- (b) Demolition and excavation works are restricted to: 8.00 am to 5.00 pm (inclusive) Monday to Friday only. Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site.
18. **Cost of work to be borne by the applicant** – The Applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway,



kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.

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

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

Operational Conditions

20. Ongoing Tree & Landscape Maintenance Works

- (a) All newly planted trees and plants must be maintained. Maintenance includes watering, weeding, removal of rubbish from tree bases, fertilising, pest and disease control, replacement of dead or dying trees and plants and other operations required to maintain healthy trees, plants and turfed areas.
- (b) Trees must be maintained until they reach a height where they are protected by Councils Tree Management Controls. If any trees are found to be faulty, damaged, dying or dead before they are protected by Councils Tree Management Controls then they must be replaced with the same species and pot/bag size.

Operational Requirements Under the Environmental Planning & Assessment Act 1979

21. **Appointment of a Certifier** - The erection of a building must not commence until the applicant has:

- (a) appointed a Certifier for the building work; and
- (b) if relevant, advised the Certifier that the work will be undertaken as an Owner - Builder.

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

- (a) appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- (b) notify the Certifier of the details of any such appointment; and
- (c) notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work.

An Information Pack is attached for your convenience should you wish to appoint Georges River Council as the PC for your development.



22. **Notification Requirements of Certifier** - No later than two days before the building work commences, the Certifier must notify:
- (a) the consent authority and the Council (if not the consent authority) of his or her appointment; and
 - (b) the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.
23. **Critical Stage Inspections** - The last critical stage inspection must be undertaken by the Certifier. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 61 of the [Environmental Planning and Assessment \(Development Certification and Fire Safety\) Regulation 2021](#).
24. **Notice to be given prior to critical stage inspections** – Once demolition completed and landscape incorporated. The principal contractor for a building site, or the owner-builder, must notify Georges River Council to carry out inspection.

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

Prescribed Conditions

25. **Clause 75 - Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PC and the Principal Contractor.
26. **Clause 73 - Site Excavation** - Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

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

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

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

END CONDITIONS

NOTES / ADVICES

1. **Long Service Levy** - The Long Service Corporation administers a scheme which



provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

2. **Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high-risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

3. **Review of Determination** - Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.

4. **Appeal Rights** - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
5. **Lapsing of Consent** - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.

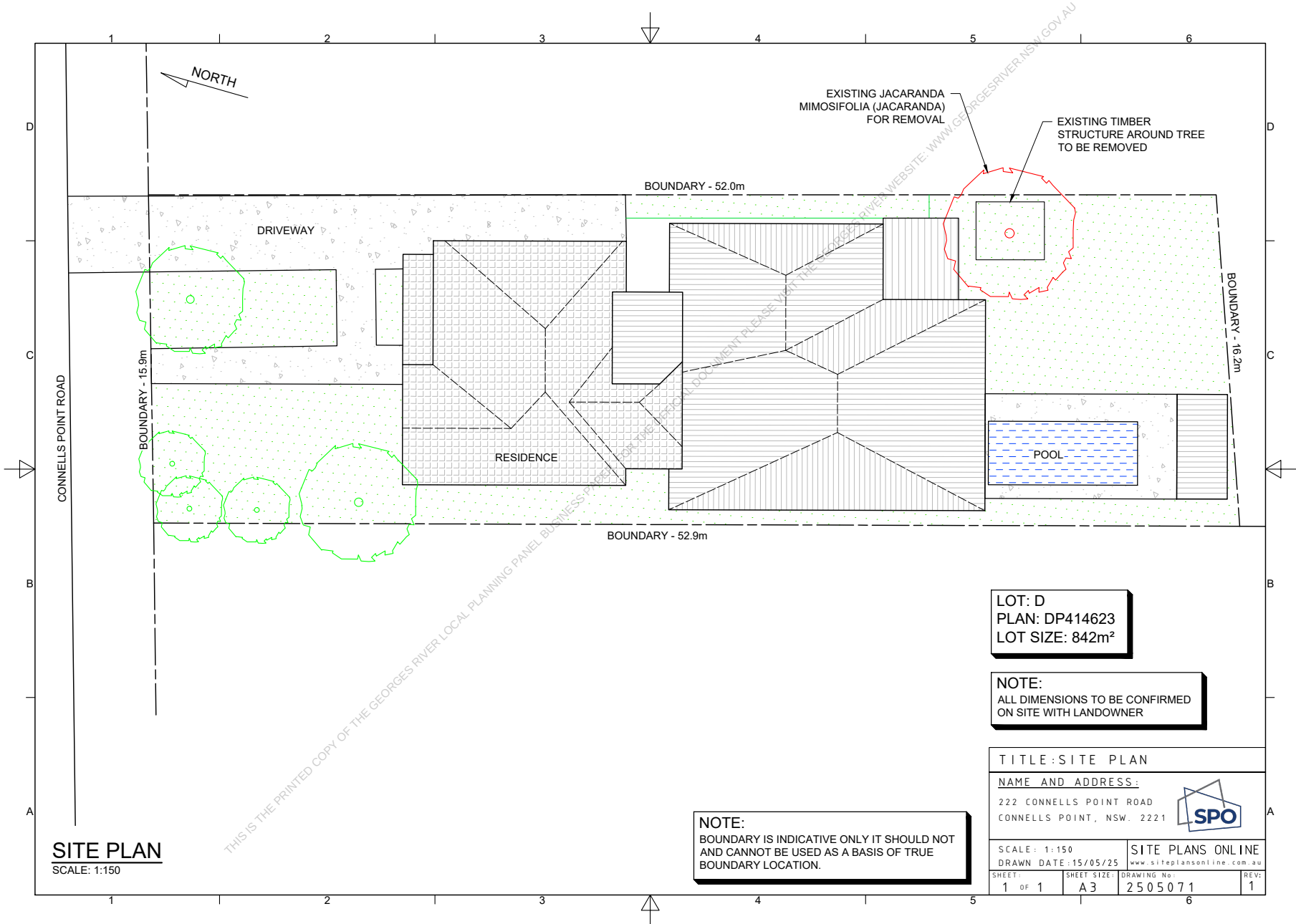
If you need more information, please contact the undersigned on 9330-6400 between 9.00am - 11.00am business days.



Kevin Suen

Development Assessment Planner





REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 18 SEPTEMBER 2025

LPP028-25 PEAKHURST PARK, 5A HEDLEY STREET, RIVERWOOD NSW 2210

LPP028-25

LPP Report No	LPP028-25	Development Application No	DA2025/0302
Site Address & Ward Locality	Peakhurst Park, 5A Hedley Street, RIVERWOOD NSW 2210 Peakhurst Ward		
Proposed Development	Construct a community centre		
Owners	Georges River Council		
Applicant	Steve Querin		
Planner/Architect	Planner: Que Consulting Architect/Designer: Modstruct Group		
Date Of Lodgement	30/06/2025		
Submissions	1		
Cost of Works	\$1,600,000.00		
Local Planning Panel Criteria	Georges River Council is the owner of the subject site		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Industry and Employment) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, 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 Planner		

RECOMMENDATION	Approval subject to conditions
-----------------------	--------------------------------

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

Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Not Applicable. No variation proposed.
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, standard conditions have been attached with no design changes

PROPOSAL

- Approval is sought for the construction of a community centre. The proposal comprises of the following components:
 - Main community area with storage space;
 - Two secondary community areas;
 - Office space;
 - Five toilets, of which one is accessible;
 - Kitchen with pantry and servery;
 - Service room containing communication units;
 - External air conditioning units and rainwater tank;
 - Signage displaying the name of the building and Council logo;
 - The community centre proposes to operate under the following parameter;
 - Operation hours:
 - 08:00 to 20:00 Sunday to Thursday
 - 08:00 to midnight Friday and Saturday
 - Maximum capacity is 100 patrons; and
 - Booking is essential to utilise the proposed community centre.

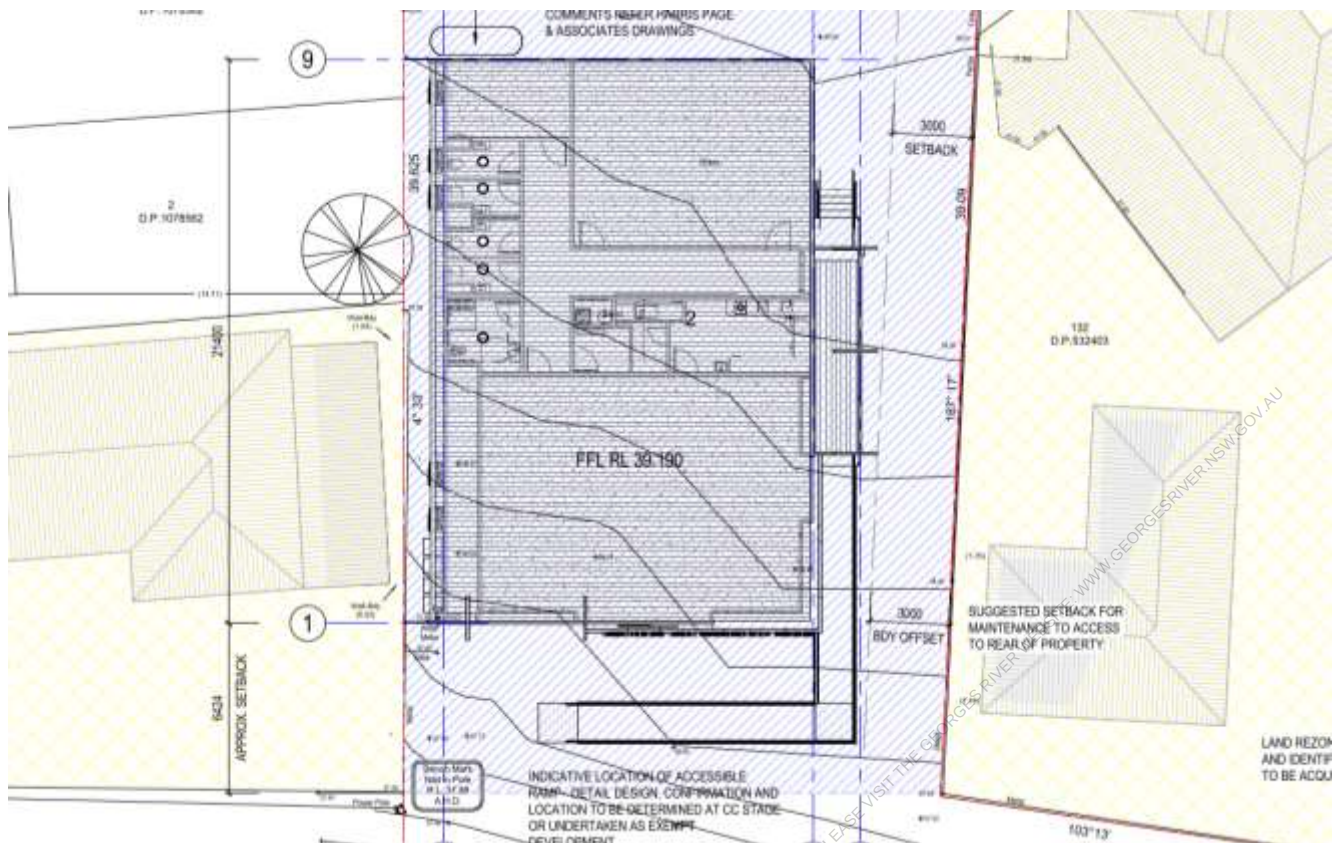


Figure 1 – Site plan (Source: Architectural Plans)

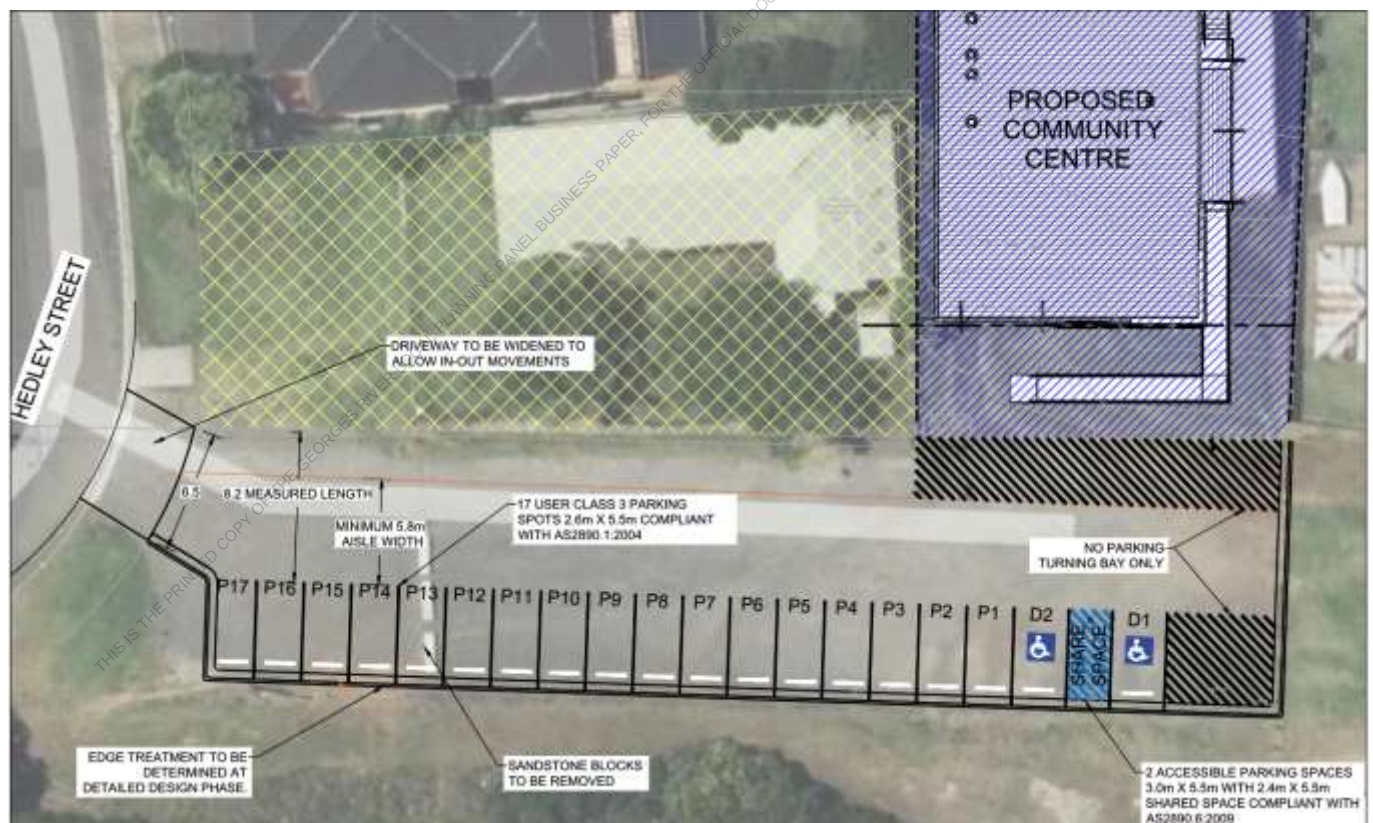


Figure 2 – Car parking concept plan (Source: Architectural Plans)

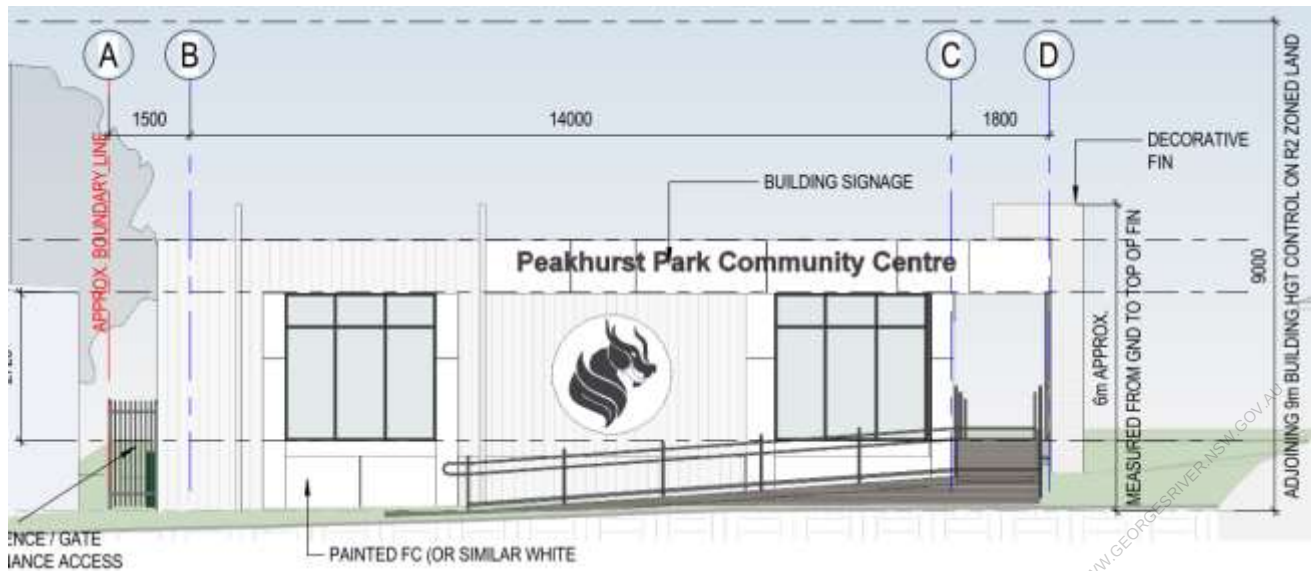


Figure 3 – Southern elevation (Source: Architectural Plans)

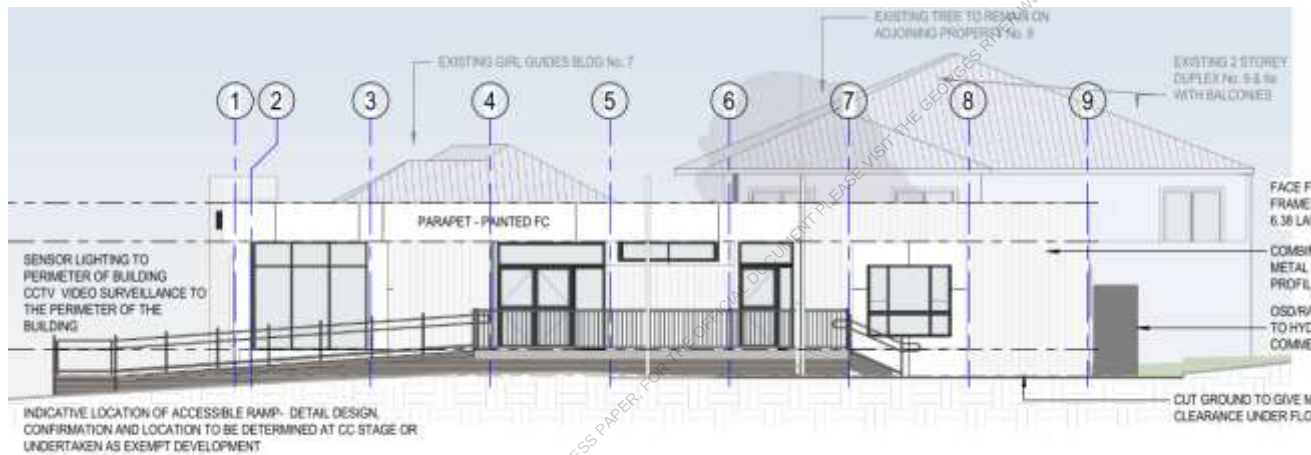


Figure 4 – Eastern elevation (Source: Architectural Plans)

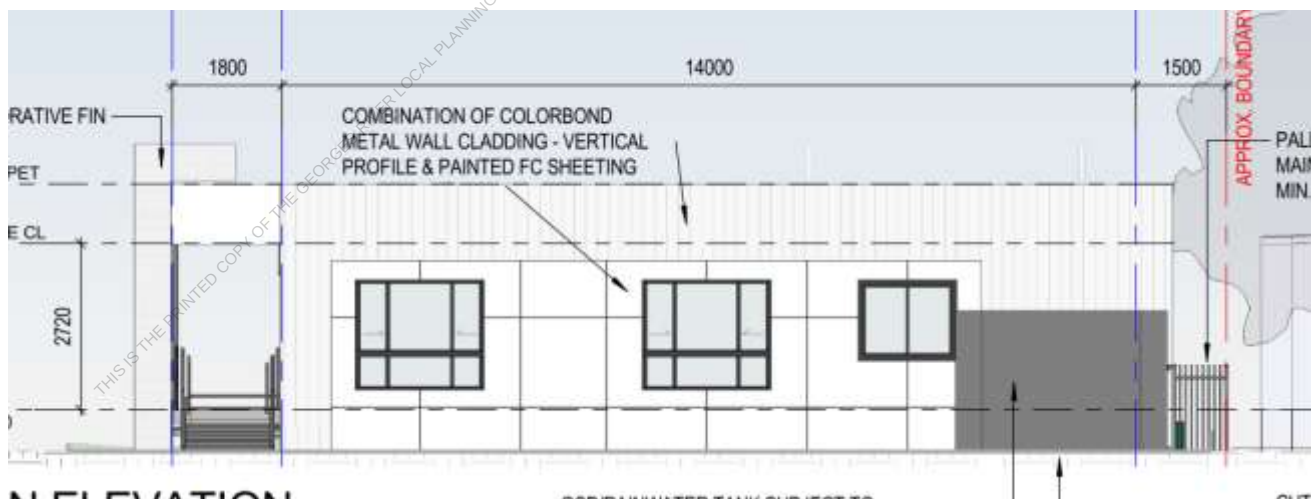


Figure 5 – Northern elevation (Source: Architectural Plans)

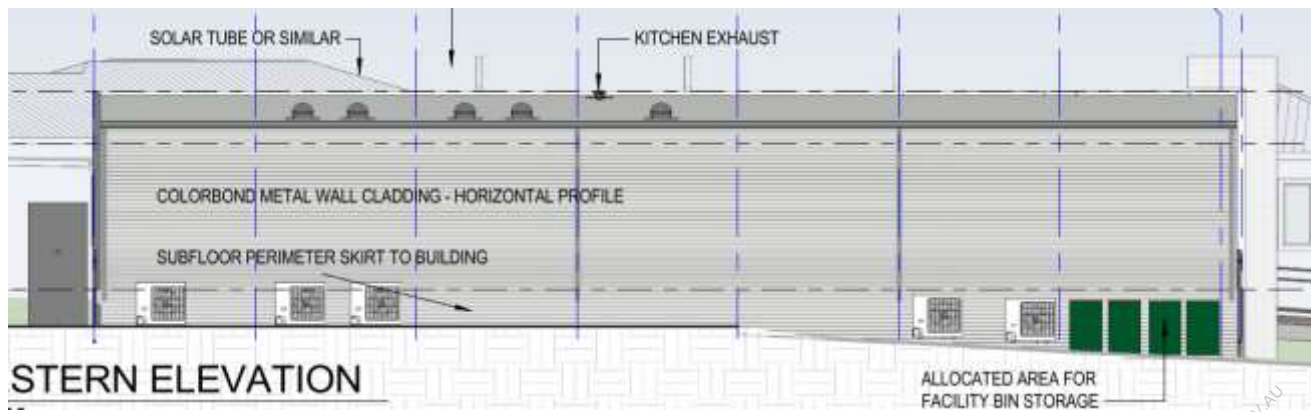


Figure 6 – Western elevation (Source: Architectural Plans)



Figure 7: View of the existing parking area (image taken facing east (Source: Assessing Officer))



Figure 8: View of development site (image taken facing north (Source: Assessing Officer))

SITE AND LOCALITY

2. The subject site is legally described as Lot 2 DP 1143770 and commonly known as 5A Hedley Street, Riverwood. It is an irregular shaped allotment with a street frontage to Hedley Street and is connected to Keith Street via a pedestrian walkway.
3. The site is at two different levels, one being the lower southern portion containing grassed areas and landscaping and trees accommodation three sporting fields known as Peakhurst Park. The higher northern portion is where the new community centre is proposed. This higher portion of the site previously contained an older community centre that was demolished in April 2025. The existing on-site car parking area, which serviced the former facility, will continue to provide parking for the new community centre.



Figure 9: Aerial image showing demolished community centre (Source: Google Maps)

4. The surrounding locality is characterised by predominantly single and two-storey dwelling houses and dual occupancies to the north, with public open space and outdoor recreational facilities to the south. Immediately adjoining the subject site are a vacant allotment to the north, two single-storey dwellings to the east, a parking area and recreational facilities to the south, and two attached dual occupancies and a single-storey unused building to the west.

ZONING AND PERMISSIBILITY

5. The subject site is zoned RE1 Public Recreation under the provisions of GRLEP 2021. The proposed works are defined as a 'community facility' which is a permissible with development consent.
6. The proposal is consistent with the zone objectives and is satisfactory.

ASSESSMENT

Built Form

7. There is no floor space ratio or height control for the proposed development. It is considered that the proposal is of a scale appropriate for the context and has a neutral impact on locality.

Signage

8. The proposed signs, which display Council's logo and the name of the building, are compatible with the existing and desired future character of the area being a park and will not detract from the amenity or visual quality of any special areas.

Flooding

9. The subject site is flood affected. The proposed building will not impact the existing flood path. Council's engineer reviewed the proposal and raised no objection.

Plan of Management

10. The submitted plan of management satisfies all criteria outlined in the Planning Principle relating to adequacy and preparation of plan of managements. The proposed management plan is assessed as satisfactory for the proposed community centre in that:
 - a) the management plan places the responsibility on the operators to enforce noise attenuation measures during events and report incidents to Council;
 - b) The management plan clearly identifies the responsibilities for operators and Council. Breaches caused by the patrons can be promptly identified by the operators, and breaches caused by the operators can be identified by Council through routine monitoring and checks;
 - c) Noise attenuation measures incorporated in the building design provide sufficient protection to adjoining residences should breaches to the management plan occur. Breaches caused by the patrons can be stopped in short notice through consistent monitoring by the operators. The management plan includes an accountability system to disincentivise breaching the management plan.
 - d) The management plan includes a complaint management procedure administered by Council as per Council's *Complaint Management Framework*. Council's phone number will be made available on the front door to allow members of public to lodge complaints. The operators are required to notify Council of all incidents and complaints per the management plan.

Traffic & Parking

11. The previous community facility on the site, demolished in April 2025, had a gross floor area (GFA) of approximately 296sqm. The proposed facility is of a similar scale, with an overall GFA of 284.4sqm, including 187sqm dedicated to event and office space. The former facility was satisfactorily serviced by the existing on-site car park, which accommodated the parking demand and traffic movements it generated. A comparable level of demand is expected from the current proposal.

12. The site contains 21 on-site parking spaces, this provision satisfies the objectives of Part 3.13 of the Georges River DCP 2021, which aim to minimise congestion, ensure safety, and provide adequate parking for building users and visitors. While a Transport and Parking Assessment Study has not been submitted, the site has historically operated with a comparable floor area without giving rise to adverse traffic or parking impacts. On this basis, no unacceptable impacts are anticipated as a result of the proposed development.

SUBMISSIONS

13. In accordance with the provisions of Council's public notification requirements, the application was placed on neighbour notification for twenty-eight (28) days where property owners within a 50m radius from the subject site were notified in writing of the proposal and invited to comment.
14. One submission was received during the notification period between 13 August 2025 and 10 September 2025. Concern is raised in relation to the impacts of anti-social behaviour and noise on the adjoining residences.
15. The proposed development will be subject to conditions requiring strict operation in accordance with the approved Plan of Management, which includes measures to mitigate anti-social behaviour. In addition, the development must be constructed and operated in accordance with the submitted and approved acoustic report. Conditions of consent are recommended to ensure all acoustic attenuation measures are implemented and maintained to industry standards for the ongoing operation of the premises.

REFERRAL COMMENTS

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

Specialist/Agencies	Comment
Development Engineer	No objection subject to recommended conditions.
Environmental Health Officer	No objection subject to recommended conditions.
Traffic Engineering	No objection subject to recommended conditions.
Ausgrid	No objection subject to recommended conditions.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

17. The proposal is located on Council-owned land. In accordance with Schedule 1 subsection 1(a) of the Local Planning Panels Direction, this development requires referral to the Georges River Local Planning Panel.
18. A Management Statement was prepared by the Manager Development and Building. This Statement was also published on the NSW Planning Portal and Council's website in accordance with the requirement of Council Related Development Application Policy.

CONTRIBUTIONS

19. The development is not subject to Development Contributions as the proposal is considered public infrastructure undertaken by Council.

CONCLUSION

20. 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.
21. The proposal has been assessed against the provisions of the Georges River Local Environmental Plan 2021 and the Georges River Development Control Plan 2021. The development generally complies with a variation that relates to the DCP requirement for a Transport and Parking Assessment Study. In this instance, a study was not considered necessary as the existing on-site car park has historically serviced a larger community facility on the site without adverse traffic and parking impacts and the existing car park has sufficient capacity to accommodate the parking demand of the proposed development.
22. Having regard to the provisions of the Environmental Planning and Assessment Act 1979, the Georges River Local Environmental Plan 2021, the Georges River Development Control Plan 2021 and the submission received, the proposal is considered to be satisfactory. The development is expected to deliver a positive outcome for the community, and no unreasonable adverse impacts on the surrounding locality are anticipated.

STATEMENT OF REASONS AND DETERMINATION

Statement of Reasons

23. The reasons for this recommendation are:
 - The proposed development is permissible within the subject zone.
 - The proposed development complies with the requirements of the relevant environmental planning instruments.
 - The proposed development as conditioned complies with the objectives of the relevant environmental planning instruments.
 - The proposal as conditioned via the design change aims to provide a high-quality development that will establish a positive urban design outcome.
 - The proposal, subject to condition, will not cause unreasonable environmental and amenity impacts.

Recommendation

24. Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), DA2025/0302 for Construct a new community centre on Lot 2 in DP 1143770 on land known as 5A Hedley Street, Riverwood NSW 2210 is recommended for approval subject to the attached conditions of consent.

Development Details

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

Description	Reference No.	Date	Revision	Prepared by
Location Plan	4089.DA.000	18 June 2025	F	Modstruct Group
Site Plan	4089.DA.010	18 June 2025	F	Modstruct Group
Floor Plan	4089.DA.100	18 June 2025	F	Modstruct Group
Roof Plan	4089.DA.120	18 June 2025	G	Modstruct Group
Elevations – Southern & Eastern	4089.DA.200	18 June 2025	F	Modstruct Group
Elevations – Northern & Western	4089.DA.201	18 June 2025	F	Modstruct Group
Typical Section	4089.DA.300	18 June 2025	F	Modstruct Group
Plan of Management	-	21 August 2025	4	Que Consulting

Documents relied upon:

Description	Reference No.	Date	Revision	Prepared by
Statement of Environmental Effects	-	19 June 2025	3	Que Consulting
Waste Management Plan	-	19 June 2025	1	Que Consulting
Concept Car Park Plan	-	28 May 2025	A	Georges River Council
Acoustic Report	-	28 August 2025	6797	Koikas Acoustics Pty Ltd
Survey plan	-3599 DS	09 May 2025	A	Richards & Loftus
Asbestos Containing Material Clearance Inspection	9059	29 April 2025	-	Trinitas Group

Separate Approvals Required Under Other Legislation

2. Section 138 Roads Act 1993 and Section 68 Local Government Act 1993 - Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.

Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a "works zone";
- (i) Digging up or disturbing the surface of a public road (e.g. Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve;
- (k) Stormwater and ancillary to public infrastructure on private land; and
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Principal Certifier prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council's website www.georgesriver.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9330 6400.

Prior to the Issue of a Construction Certificate

3. **Fire Safety Measures** - Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PC. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PC will then issue a Fire Safety Schedule for the building.
4. **Engineer's Certificate** - A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.
5. **Structural details** - Engineer's details prepared by a practising Structural Engineer being used to construct all reinforced concrete work, structural beams, columns and other structural members. The details are to be submitted to the Principal Certifier for approval prior to construction of the specified works.

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

6. **Access for Persons with a Disability** - [Access and/or sanitary facilities] for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.
7. **Commonwealth Disability (Access to Premises) Standard** - The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.
8. **Fees to be paid** - The fees listed in the table below must be paid in accordance with the conditions of this consent and Council's adopted Fees and Charges applicable at the time of payment (available at www.georgesriver.nsw.gov.au).

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	\$3,870.00
Inspection Fee for Refund of Damage Deposit	\$220.00

General Fees

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

Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

Further Information

A copy of the *all current Development Contributions Plans* may be inspected or a copy purchased at Council's offices (Georges River Civic Centre, MacMahon Street, Hurstville and Kogarah Library and Service Centre, Kogarah Town Square, Belgrave Street, Kogarah) or viewed on Council's website www.georgesriver.nsw.gov.au.

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

- a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: \$3,870.00.
- b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: \$220.00.
- c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

10. Site Management Plan - A Site Management Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

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

- (a) Compliance with the approved Erosion & Sediment Control Plan
- (b) Removal or disturbance of vegetation and topsoil is confined to within 3m of the approved building area (no trees to be removed without approval)
- (c) All clean water run-off is diverted around cleared or exposed areas.

- (d) Silt fences, stabilised entry/exit points or other devices are installed to prevent sediment from entering drainage systems or waterways.
- (e) All erosion and sediment controls are fully maintained for the duration of demolition, excavation and/or development works.
- (f) Controls are put into place to prevent tracking of sediment by vehicles onto adjoining roadway.
- (g) All disturbed areas are rendered erosion-resistant by turfing, mulching, paving or similar.
- (h) Compliance with [Managing Urban Stormwater – Soils and Construction \(Blue Book\) produced by Landcom 2004](#).

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

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

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

13. On Site Detention (new Stormwater Management Policy) - The final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

An onsite detention (OSD) facility designed by a professional engineer who specialises in Hydraulic engineering must be designed, approved and installed.

The required OSD storage requirements and permissible discharge are to be calculated in accordance with Table 3 of Council's Stormwater Management Policy.

The OSD facility shall be designed to meet all legislated safety requirements and child proof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."

Full details shall accompany the application for the Construction Certificate.

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

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Policy.

15. **Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

16. **Construction vehicle and pedestrian plan of management** - Prior to the issuing of a Construction Certificate, a Construction Vehicle and Pedestrian Plan of Management (CVPPM) shall be submitted to Council for the approval of Council's Senior Traffic and Parking Assessment Officer. The CVPPM shall include, but not be limited to, the following:

- (a) The routes to be taken by trucks in the Georges River Council area when travelling to and from the site.
- (b) The maximum truck size proposed during the various stages of development.
- (c) The approved hours of construction.
- (d) The location and length of any proposed Works Zones.

NOTE: The installation of Works Zones and any associated changes to existing parking control signs and Council infrastructure to implement the zones requires the prior approval of the Georges River Council Traffic Committee.

- (e) Any changes to on street parking at and near the site during the various stages of development including during and outside the approved hours of construction.
- (f) Any changes proposed to the movements of pedestrians and/or cyclists past the site both during and outside the approved hours of construction.

A copy of the approved CVPPM must be kept at the site and made available to the Principal Certifier or Council on request:

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

17. **Utility Arrangements** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicant's expense.
18. **Dial before your dig** - The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to the Principal Certifier (PC) and Council for their records.

During Construction

- 19. Contaminated Land - Unexpected Contaminants Found During Demolition or Construction** - Any new information that is identified during demolition, excavation or construction which has the potential to alter previous conclusions about site contamination and remediation, must be notified to the Certifying Authority (and Council if Council is not the Certifying Authority) immediately.

All works must cease and a qualified Land Contamination Consultant (certified under the consultant certification schemes recognised by the NSW EPA), must be engaged to assess and provide a Remedial Action Plan on the management of the contamination in accordance with any relevant NSW EPA adopted guidelines.

Works on site must not recommence until such time as the contaminants are managed in accordance with:

- (a) the Remedial Action Plan, and
- (b) a Validation Report and or Environmental Management Plan is obtained, and
- (c) both Remedial Action Plan and Validation Report are provided to the Certifying Authority. If the Council is not the Council, then a copy of the Remedial Action Plan and the Validation Report is to be provided to Council.

- 20. Site Maintenance** - The premises shall be maintained in a manner that will not adversely impact upon public health and safety until such time as an occupation certificate is issued. The premises shall be maintained during construction in accordance with the following:

- a. There must be no burning of any material.
- b. All putrescible waste must be disposed of in a suitable manner within 24 hours of generation.
- c. All grass and vegetation must be maintained within the development site so the grass and vegetation (excluding trees, shrubs and any other protected vegetation) does not exceed a height of 100 mm above ground level, until such a time that all approved landscaping works have been completed in accordance with the approved landscaping plan.
- d. Any accumulated or ponded water must be removed within 5 days (weather permitting). The removal of any water must comply with the *Protection of the Environment Operations Act 1997* (NSW) so as to not cause a pollution incident.
- e. Fencing must be provided and installed within the boundary of the premises. Fencing must be maintained so as to eliminate access to the public.
- f. All Activity associated with the development including storage or depositing of any goods or maintenance of any machinery and equipment must be conducted wholly within the site boundaries.

- 21. Site sign - Soil & Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.
- 22. Hours of construction for demolition and building work** - Unless authorised by Council:
- Building construction and delivery of material hours are restricted to: 7.00 am to 5.00 pm (inclusive) Monday to Saturday and no work on Sundays and Public Holidays.
 - Demolition and excavation works are restricted to: 8.00 am to 5.00 pm (inclusive) Monday to Friday only. Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site.
- 23. Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.
- 24. Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the [Roads Act 1993](#) and/or under Section 68 of the [Local Government Act 1993](#). Penalty infringement Notices may be issued for any offences and severe penalties apply.
- 25. Damage within Road Reserve and Council Assets** - The owner shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course of providing services to the site.
- 26. Worksite traffic and pedestrian control** - traffic and pedestrian control shall be provided in accordance with TfNSW *'Traffic Control at Works Sites- Technical Manual'* version 6.1- February 2022.

Prior to the issue of the Occupation Certificate

- 27. Fire Safety Certificate before Occupation or Use** - In accordance with clause 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 83 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of clause 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate as required pursuant to clause 86 of the aforesaid regulation is to

- (a) state That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so and the certificate be in the approved form
- (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

In accordance with clause 85 Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance

28. Restriction to User and Positive Covenant for On-Site Detention Facility - A Restriction on Use of the Land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owners of the land. The terms of the instrument are to be in accordance with Council's standard terms and restrictions which are as follows.

Restrictions on Use of Land

The registered proprietor shall not make or permit or suffer the making of any alterations to any on-site stormwater management system which is, or shall be, constructed on the lot(s) burdened without the prior consent in writing of Georges River Council. The expression "on-site stormwater management system" shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to manage stormwater quantity or quality including the temporary detention or permanent retention of stormwater storages. Any on-site stormwater management system constructed on the lot(s) burdened is hereafter referred to as "the system."

Name of Authority having the power to release, vary or modify the Restriction referred to is Georges River Council."

Positive Covenants

1. *The registered proprietor of the lot(s) hereby burdened will in respect of the system:*
 - a) *keep the system clean and free from silt, rubbish and debris*
 - b) *maintain and repair at the sole expense of the registered proprietors the whole of the system so that it functions in a safe and efficient manner*
 - c) *permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant*
 - d) *comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.*

2. Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:
 - a) in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part 1(d) above
 - b) the Council may recover from the registered proprietor in a Court of competent jurisdiction:
 - i. any expense reasonably incurred by it in exercising its powers under subparagraph (i) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (i) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.
 - ii. legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act. Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.

29. Maintenance Schedule – On-site Stormwater Management - A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.
30. Completion of Major Works - Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:
 - (a) Stormwater pipes, pits and connections to public stormwater systems within the road related area.
31. Stormwater drainage works – Works As Executed - Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:
 - (a) Compliance with conditions of development consent relating to stormwater;
 - (b) The structural adequacy of the On-Site Detention system (OSD/OSR);
 - (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
 - (d) Pipe invert levels and surface levels to Australian Height Datum;

Council must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of an Occupation Certificate.

32. **Acoustic Certification** - Prior to the issue of any Occupation Certificate, or use of the premises, a report prepared by a suitably qualified acoustic consultant or engineer must be submitted to the Certifying Authority, certifying that the construction has incorporated the recommendations in the Acoustic Report as referenced in this consent.

The Acoustic Certification must be incorporated into the Occupation Certificate documentation and provided to Council.

33. **Acoustic Compliance – General Operation of Premise** - A suitably qualified acoustic consultant or engineer must certify that the operation of the plant and equipment complies with the NSW Environment Protection Authority's "[Noise Policy for Industry \(2017\)](#)" (as amended).

The Acoustic Certification must be submitted to the Certifying Authority prior to the issue of any Occupation Certificate or use of the premises.

The Acoustic Certification must be incorporated into the Occupation Certificate documentation and provided to Council.

34. **Signage** - Clear and noticeable signs written in plain English to be installed near the building entrances. The signs are to notify users and visitors with respect to the conditions of use (hours, capacity and maintaining noise attenuation measures) of the premises.
35. **Securing of External Signs** - Prior to the issue of an Occupation Certificate, all external signs must be securely attached in accordance with relevant Australian Standards.
36. **Vehicle crossing – construction** - a vehicle crossing shall be constructed to cater for two-way operation prior to the issue of the Occupation Certificate. The crossing shall be designed and constructed:
- (i) To provide all weather access
 - (ii) In accordance with Council's design requirements.
 - (iii) To provide for the simultaneous passing of two (2) B99 Australian Standard Design Vehicles
37. **Parking control signs** - subject to the approval of the Georges River Local Traffic Committee, appropriate parking control signs shall be installed at the designated "No Parking Turning Bay Only" area at the eastern end of the car park prior to the issue of the Occupation Certificate.
38. **Water efficient fittings** – Prior to the issue of Occupation Certificate, the Principal Certifier must ensure all installed water fittings achieve the Water Efficiency Labelling and Standards ratings as follows:

- a) Dual-flush toilets and taps – minimum 4 stars

Operational Conditions (On-Going)

39. **Offensive Noise** - The use of the premises must not give rise to the transmission of Offensive Noise to any place of different occupancy. Offensive Noise is defined in the [Protection of the Environment Operations Act 1997](#) <https://legislation.nsw.gov.au/view/html/inforce/current/act-1997-156> (NSW) (as amended).

40. Acoustic mitigation infrastructure – Maintenance - Noise mitigation measures as outlined in the Acoustic Report prepared by Tony Basa of Koikas Acoustic Pty Ltd, titled “Acoustical Report” and dated 28 August 2025 must be maintained at all times to ensure their acoustic performance does not diminish.
41. Acoustic Compliance – General Operation - The operation of the activity must comply with the NSW Environment Protection Authority’s [“Noise Policy for Industry \(2017\)”](#) (as amended).
42. Compliance with Acoustic Report – The operation of the premises shall, at all times, comply with the noise mitigation strategies listed within the recommendations of the Acoustical report – Koikas Acoustics Pty Ltd – 28 August 2025 – reference D25/282342
43. Compliance with Plan of Management - The operation of the premises shall, at all times, comply with the Plan of Management – Que Consulting – 21 August 2025 – reference D25/273875. In addition, the following must be complied with:
- All users of the site must be provided with a copy of the approved Plan of Management and be fully briefed on its requirements prior to using the premises. Operators are responsible for ensuring that all users understand and comply with the Plan of Management so that the operation and use of the site does not unreasonably interfere with the amenity of adjoining premises.
 - The operator must submit an annual compliance statement to Council confirming that the facility has operated in accordance with the Plan of Management. The statement is to be signed by a responsible officer of the organisation and kept on file by Council.
 - A full and current copy of all current development consents for the operation of the premises, and the Plan of Management must be kept on-site and made available to Police and Council Officers upon request.
 - Failure to adhere to the Plan of Management will be subject to enforcement action by Council’s Compliance Team.
 - Any changes to the approved plan of management will require separate Council approval.
44. **Hours of operation** - The approved hours of operation shall be restricted to the following:
- Sunday to Thursday - 08:00 to 22:00
 - Friday to Saturday - 08:00 to midnight
45. Hours of Waste Collection – Waste collection shall not occur between 22:00 to 06:00 on all days.
46. Number of Patrons – The maximum number of patrons on site, at any one time is 100.
47. **Activities and storage of goods outside buildings** - Any work or activity associated with the use of this development consent, including storage, or depositing of any goods or maintenance of any machinery shall be conducted within the building. External storage shall be limited to waste receptacles.
48. **Schedule of Existing Fire Measures to be Maintained** - The following statutory safety measures are existing and shall be fully maintained in accordance with the approved standard and inspected annually:

- a) Access panels, door and hoppers to fire resisting shafts - minimum standard AS 1905.1 - 2015.
- b) Automatic fail safe devices - minimum standard Part D of BCA.
- d) Automatic fire suppression systems - minimum standard AS 2118.1 - 2006.
- e) Emergency lighting - minimum standard AS 2293.1 - 2005.
- h) Exit signs - minimum standard AS 2293.1 - 2005.
- i) Fire control centres and rooms - minimum standard BCA.
- k) Fire doors - minimum standard AS 1905.2 - 2005.
- l) Fire hydrant systems - minimum standard AS 2419.1 -2005.
- m) Fire seals protecting openings in fire resisting components of the building -minimum standard Part C of BCA.1
- p) Hose reel systems - minimum standard AS 2441 - 2005.
- q) Lightweight construction - minimum standard Part C of BCA.
- r) Mechanical air handling systems - minimum standard AS 1668.2 - 2012.
- s) Perimeter vehicle access for emergency vehicles - minimum standard Part C of BCA.1
- t) Portable fire extinguishers - minimum standard AS 2444 - 2001.
- w) Smoke dampers - minimum standard AS 1682.1 and 2 - 2015.
- x) Smoke detectors and heat detectors - minimum standard AS 3786 - 2014 and AS 1670.1 - 2015.
- z) Solid core doors - minimum standard Part C of BCA.
- aa) Stand-by power systems - Spec. G. 3.8 of BCA and AS 2665. - 2001.
- cc) Warning and operations signs - minimum standard is BCA.1

49. Annual Fire Safety Statement - The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:

- (a) Within 12 months after the date on which the fire safety certificate was received.
- (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
- (c) An annual fire safety statement is to be given in or to the effect of part 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021
- (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.

50. Vehicular entry/exit - Vehicular entry/exit movements shall be carried out in a forward direction at all times.

51. Delivery of goods - Loading and unloading of vehicles shall be carried out within the confines of the carpark.

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

53. Outdoor Lighting - To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with *AS 4282-2019: Control of the obtrusive effects of outdoor lighting*.
54. Lighting – General Nuisance - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill or glare. Flashing, moving or intermittent lights or signs are prohibited.
55. **Outdoor areas - Prohibition of live bands, amplified music or speakers-** Live bands, amplified music or loud speakers are not permitted in the outdoor areas at any time.

Operational Requirements Under the Environmental Planning & Assessment Act 1979

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

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

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

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

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

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

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

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

Prescribed Conditions

63. **Clause 67 - Building Code of Australia & Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.
64. **Clause 75 - Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PC and the Principal Contractor.
65. **Clause 67 - Home Building Act 1989** - If the development involves residential **building** work under the [Home Building Act 1989](#), no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the [Home Building Act 1989](#).
66. **Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.
67. **Clause 61 - Site Excavation** - Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

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

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

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

END CONDITIONS

NOTES/ADVICES

1. **Review of Determination** - Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.

2. **Appeal Rights** - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
3. **Lapsing of Consent** - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.
4. **Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

5. **Security deposit administration & compliance fee** - Under Section 97 (5) of the [Local Government Act 1993](#), a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is \$50.00 plus 2% of the bond amount per annum.

The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

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

- (a) Complete the Stormwater Drainage Application Form which can be downloaded from Georges River Council's website at www.georgesriver.nsw.gov.au.
- (b) In the Application Form, quote the Development Consent No. (e.g. DA2025/0302) and reference this condition number (e.g. Condition 23)
- (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with stormwater applications.

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

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

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

7. Ausgrid Underground Cables are in the vicinity of the development - Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

8. **Ausgrid – New or modified connection** - To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

9. **Ausgrid – New driveways – proximity to existing poles** - Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.
10. **Council as PC - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the PC in determining the Construction Certificate, the building must comply with all the applicable deemed to satisfy provision of the BCA. However, if an alternative fire solution is proposed it must comply with the performance requirements of the BCA, in which case, the alternative solution, prepared by an appropriately qualified fire consultant, accredited and having specialist qualifications in fire engineering, must justifying the non-compliances with a detailed report, suitable evidence and expert judgement. Council will also require if deemed necessary, for the alternative solution to undergo an independent peer review by either the CSIRO or other accredited organisation. In these circumstances, the applicant must pay all costs for the independent review.
11. **Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

ATTACHMENTS

Attachment  1 Assessment Report - 5A Hedley Street, Riverwood NSW 2210 - DA2025 0302



Attachment  2 Architectural Plans - 5A Hedley Street, Riverwood NSW 2210 - DA2025/0302





Assessment Report

DA2025/0302

Lot 2 DP 1143770

5A Hedley Street, Riverwood NSW 2210

Acknowledgment of Country

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

Report Summary	3
Proposal.....	3
Site and Locality.....	5
Site Description	5
Locality Description.....	6
Aerial Image of Land Zoning.....	6
Aerial Image of Site	7
Background	8
History	8
Processing.....	8
Site Inspection	8
Assessment – Council Related Development Application Policy.....	9
Assessment - Section 4.15 Evaluation	11
The provisions of any environmental planning instrument (EPI).....	11
The Provisions of any applicable Act.....	11
The Provision of any Applicable State Environmental Planning Policy (SEPPs).....	11
The Provisions of any Local Environmental Plan	15
Georges River Local Environmental Plan 2021	15
Provisions of any Proposed Instrument.....	20
Provisions of any Development Control Plan	20
Georges River Development Control Plan 2021	20
Any Planning Agreement Under Section 7.4	33
The Regulations	34
The Likely Impacts of the Development	34
Site Suitability	34
Submissions	34
The Public Interest.....	35
Referrals.....	35
Contributions.....	36
Conclusion.....	37
Recommendation	37
Appendix 1 – Conditions	38

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.

Approval

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

Proposal

The works proposed in this application are specifically outlined below:

New community centre

The construction of a one-storey community centre with the following layout:

- Main community area with storage space,
- Two secondary community areas,
- Office space
- Five toilets, of which one is accessible,
- Kitchen with pantry and servery,
- Service room containing communication units,
- External air conditioning units and rainwater tank, and
- Signage displaying the name of the building and Council logo.
- The community centre proposes to operate under the following parameter:
 - o Operation hours:
 - 08:00 to 20:00 Sunday to Thursday
 - 08:00 to Midnight Friday and Saturday
 - o Maximum capacity: 100
 - o Booking is essential to utilise the proposed community centre

No works are proposed within the existing parking area. Paving of the parking area is to be carried out after the proposed community centre commences operation. The parking area has sufficient capacity to accommodate parking. See the *Assessment* section of the report for further details.

A site plan is provided below:



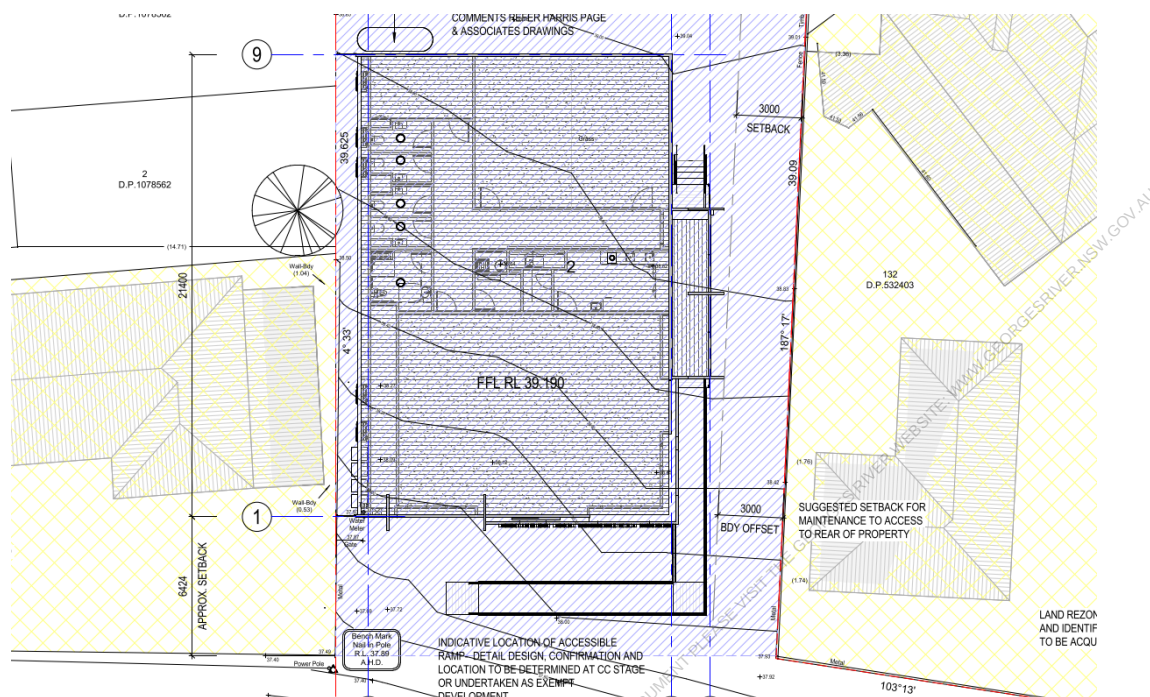


Figure 1 – Site plan (Source: Architectural Plans)

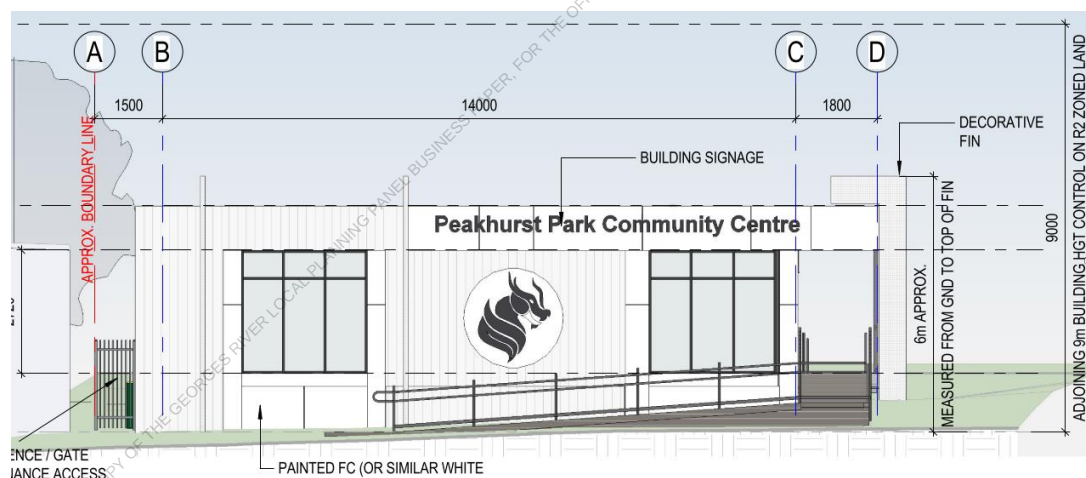


Figure 2 – Southern elevation (Source: Architectural Plans)

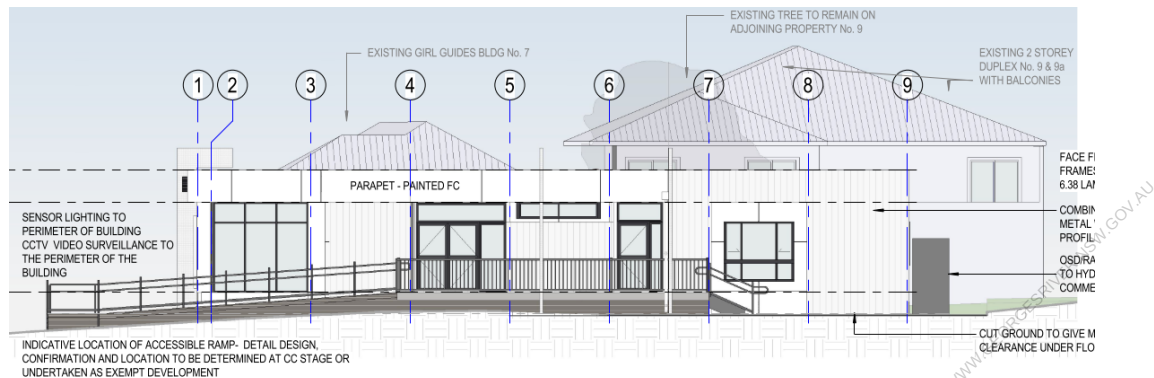


Figure 3 – Eastern elevation (Source: Architectural Plans)

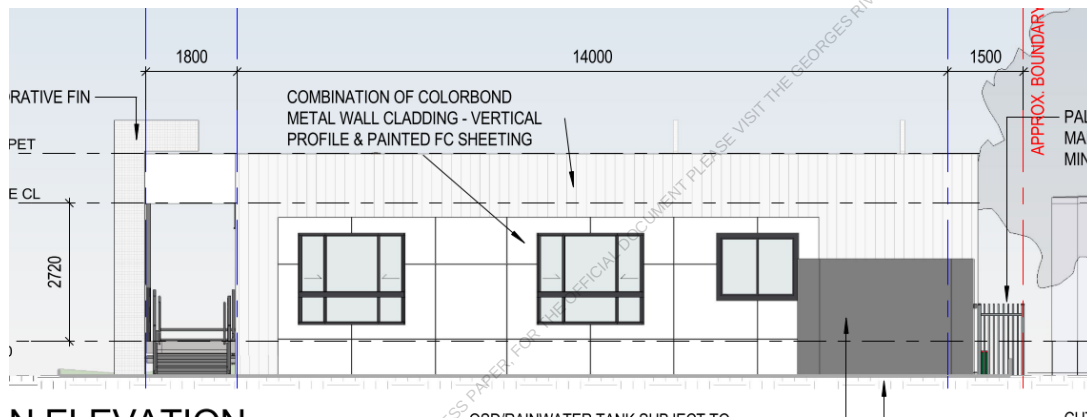


Figure 4 – Northern elevation (Source: Architectural Plans)

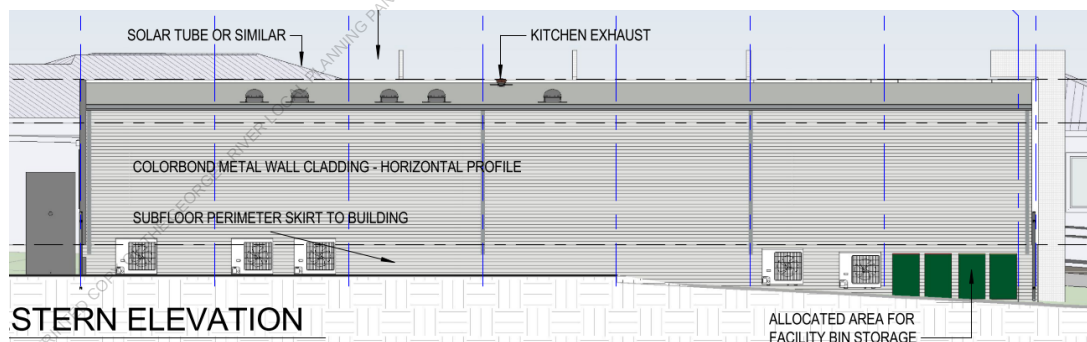


Figure 5 – Western elevation (Source: Architectural Plans)

Site and Locality

Site Description

The subject site forms the northeastern portion of Peakhurst Park and the site is split into two levels. The lower southern portion of the subject allotment contains landscaped area and partially covers two sporting fields. The higher northern portion of the allotment, where the community centre is

proposed, contains an unmarked gravelled parking area and no buildings. The previous building occupying the development site was demolished in early 2025.

Vehicular access is gained via Hedley Street

The subject site contains no significant vegetation.

The subject site is irregularly shaped with an east-west orientation.

No easements are identified within the subject site.

Locality Description

Existing development in the locality consists of predominantly single-to-two-storey dwelling houses and dual occupancies to the north of the subject site, and public open spaces and outdoor recreational facilities to the south of the subject site.

Existing developments adjoining the proposed community centre consist of a vacant allotment to the north, two single-storey dwelling houses to the east, parking area and outdoor recreational facilities to the south, and two attached dual occupancies and a one-storey unused building to the west.

Aerial Image of Land Zoning

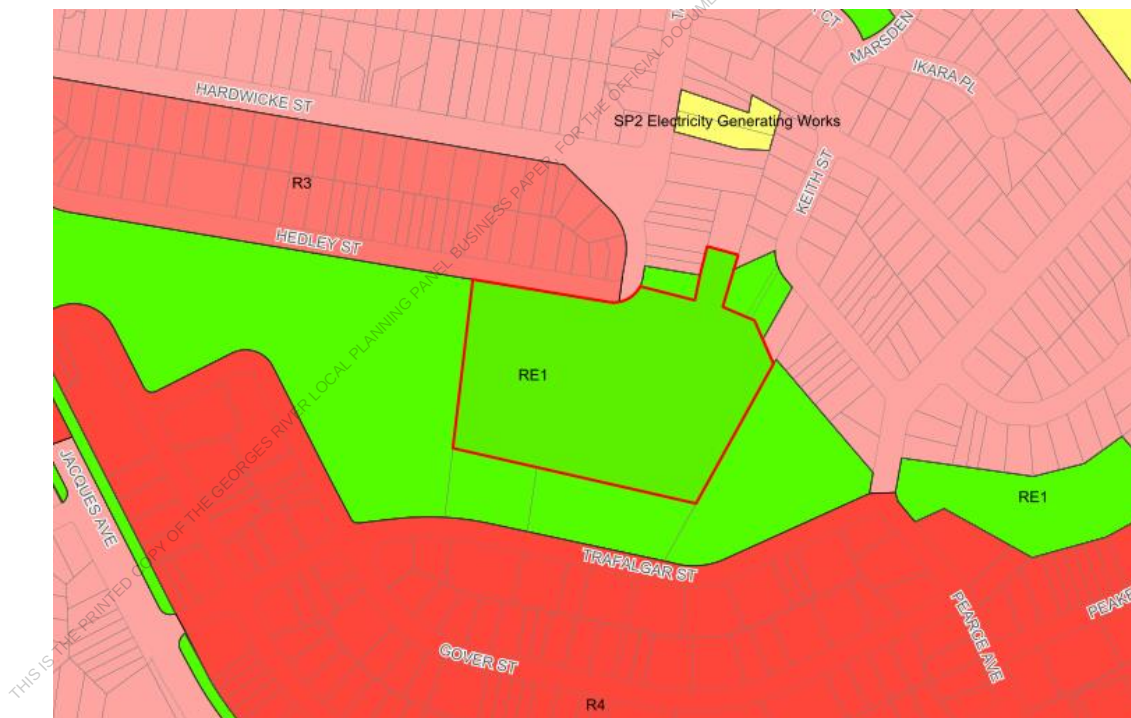


Figure 6 –Aerial view of development site outlined in red (Source: IntraMaps)

Aerial Image of Site

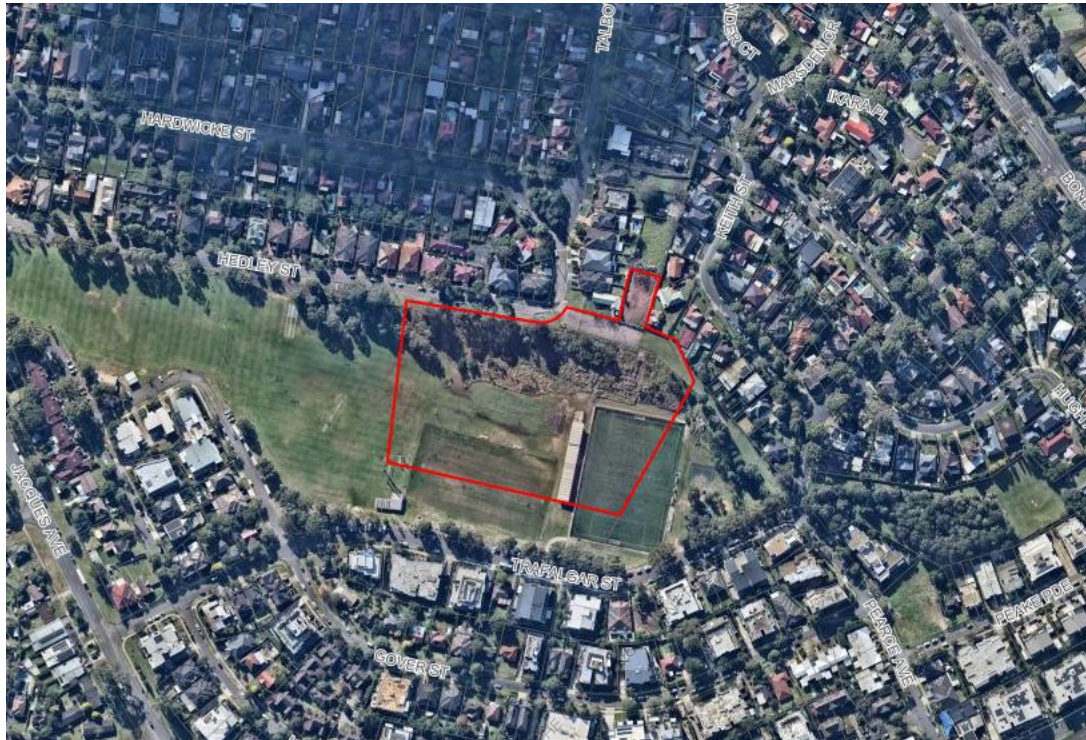


Figure 7—Aerial view of development site outlined in red (Source: IntraMaps)



Figure 8—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
DA2025/0236	Community centre	Returned	23 May 2025	-

Processing

Application History		
Action	Date	Comment
Submission Date	Friday, 20 June 2025	
Lodgement Date	Monday, 30 June 2025	
Site Inspection Conducted	Monday, 28 July 2025	
Request for Additional Information Sent	Wednesday, 30 July 2025	
Revised Documentation Received	Thursday, 21 August 2025	

Site Inspection

Images from the site inspection are available below:



Figure 9: View of the existing parking area (image taken facing east (Source: Assessing Officer))





Figure 10: View of development site (image taken facing north (Source: Assessing Officer))

Assessment – Council Related Development Application Policy

The following is an assessment of the application against the *Georges River Council Related Development Application Policy*

Council Related Development Application Policy		
2.1 Policy Criteria		
Standard	Proposal	Compliance
2) Development applications that are for council-related development are to be referred to the Manager Development and Building for an initial conflict-of-interest risk assessment and preparation of a management statement in accordance with the requirements of the Regulation.	A Management Statement was prepared by the Manager Development and Building. The Statement was published on the NSW Planning Portal and Council's website as required by the policy.	☐ Yes ☐ No
3) At the preliminary stage, the information required for consideration by the Manager Development and Building is: a. whether the application is one in which a potential conflict of interest exists,		

b. identification of the phase(s) of the development process at which the identified conflict of interest arises, c. assessment of the level of risk involved at each phase of the development process, determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in clause 6 of the policy, 4) Once the management statement is endorsed it is published on the NSW Planning Portal 5) The management strategy in relation to the assessment and determination of applications for council-related development is to be in accordance with the level of risk identified in this policy. In general, the following management strategies are to be implemented: <u>Medium Risk</u> a. Any council-related development for which the Georges River Local Planning Panel is the consent authority.		
2.2 The management strategy		
1) The strategy must be documented with the minimum information being: • Address and Project name (where applicable) • DA number and PAN • Potential conflict	The management strategy contains all required details to minimise conflict of interest.	☒ Yes ☐ No



• Management strategy • Contact details in relation to the strategy.		
2.3 Public consultation of Council-related Development Applications		
1) All council-related development applications will be publicly exhibited for a minimum of 28 days. The management strategy for the proposal will be publicly exhibited with the application and will remain publicly available on the NSW Planning Portal and Council's website.	This application and the management strategy was publicly exhibited for a minimum 28 days.	☒ Yes ☐ No
2.4 Determination of Council-related Development Applications		
1) The following management strategies are to be implemented: <u>Medium risk</u> Application assessed by Council staff and referred to the Georges River Local Planning Panel for determination.	This application is to be referred to the Georges River Local Planning Panel for determination in pursuant to the <i>Council Related Development Application Policy</i> and the <i>Local Planning Panels Direction</i> dated 6 May 2024.	☒ Yes ☐ No

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	☒	☐
Land Contamination	SEPP (Resilience and Hazards) 2021	☒	☐
Coastal Zone	SEPP (Resilience and Hazards) 2021	☐	☒
Adjoins Classified Road	SEPP (Transport and Infrastructure) 2021	☐	☒
Adjoins Rail Corridor	SEPP (Transport and Infrastructure) 2021	☐	☒
Gas Pipeline Buffer	SEPP (Transport and Infrastructure) 2021	☐	☒

SEPPs Name of SEPP	Applicable	
	Yes	No
SEPP (Biodiversity Conservation) 2021	☒	☐
SEPP (Housing) 2021	☐	☒
SEPP (Industry and Employment) 2021	☒	☐
SEPP (Resilience and Hazards) 2021	☒	☐
SEPP (Resource and Energy) 2021	☐	☒
SEPP (Sustainable Buildings) 2022	☐	☒
SEPP (Transport and Infrastructure) 2021	☒	☐

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 is applicable to the development as the subject site is located within the Georges River Catchment.

The proposal will not result in adverse environmental and ecological impacts to the Georges River Catchment.

The proposal complies with SEPP (Biodiversity and Conservation) 2021, subject to tree protection and sediment control conditions.

State Environmental Planning Policy (Industry and Employment) 2021

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

- Clause 3.6 – Granting of consent to signage

Clause 3.6(b) requires a signage to be consistent with the assessment criteria specified in Schedule 5 of the SEPP. The table below contains the assessment of the proposed development against the development criteria outlined in Schedule 5:



Chapter 3 – Advertising and Signage		
Schedule 5 – Assessment Criteria		
Standard	Proposal	Compliance
1 Character of the area - Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? - Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signs, which display Council's logo and the name of the building, are compatible with the existing and desired future character of the area being a park.	☒ Yes ☐ No
2 Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signs will not detract from the amenity or visual quality of any special areas.	
3 Views and vistas - Does the proposal obscure or compromise important views? - Does the proposal dominate the skyline and reduce the quality of vistas? - Does the proposal respect the viewing rights of other advertisers?	The proposed signs will not compromise important views, dominate skyline, and hinder viewing rights.	
4 Streetscape, setting or landscape - Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? - Does the proposal contribute to the visual interest of the streetscape, setting or landscape? - Does the proposal reduce clutter by rationalising and simplifying existing advertising? - Does the proposal screen unsightliness? - Does the proposal protrude above buildings, structures or tree canopies in the area or locality? - Does the proposal require ongoing vegetation management?	The proposed signs are of a scale appropriate for the context and has a neutral impact on the landscape. The proposed signs are not repetitive and do not protrude above buildings. No vegetation management is required for the proposed signs.	



5 Site and building - Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? - Does the proposal respect important features of the site or building, or both? - Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signs are compatible within the scale, proportion and other characteristics of the site. The proposed signs are compatible with the building and do not obstruct key architectural features.	
6 Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	N/A – the proposed signs are not advertising signs.	
7 Illumination - Would illumination result in unacceptable glare? - Would illumination affect safety for pedestrians, vehicles or aircraft? - Would illumination detract from the amenity of any residence or other form of accommodation? - Can the intensity of the illumination be adjusted, if necessary? - Is the illumination subject to a curfew?	The proposed signs are not illuminated.	
8 Safety - Would the proposal reduce the safety for any public road? - Would the proposal reduce the safety for pedestrians or bicyclists? - Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The proposed signs will not cause distraction to motorist and obstruct sightlines.	

State Environmental Planning Policy (Sustainable Buildings) 2022

This policy is not applicable to the proposed development as the proposal is a non-residential development with a cost of works below \$5,000,000.



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.

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 subject site is identified as potentially asbestos affected due to the discovery of asbestos in a building that was demolished in early 2025.

Remedial works were carried out during the demolition work. The submitted Asbestos Clearance Certificate identifies no visible asbestos residues from remediation works, and confirms the site is safe to be re-occupied.

A condition is inserted to ensure unexpected discovery of contaminants is managed in accordance with relevant environmental regulations to ensure the safe occupation of the 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
4.3	Height of buildings	☐	☒
4.4	Floor space ratio	☐	☒
5.7	Development Below Mean High Water Mark	☐	☒



5.10	Heritage Conservation Area and/or Heritage Item	☐	☒
5.21	Flood Liable Land	☒	☐
6.1	Acid Sulfate Soils	☐	☒
6.4	Foreshore Building Line	☐	☒
6.4	Coastal Hazard and Risk	☐	☒
6.5	Riparian Lands & Waterways	☐	☒
6.6	Foreshore Scenic Protection Area	☐	☒
6.8	Impacted by airspace operations (NOTE: Applies to 67-89 Croydon Road, 1-7 Somerset (odd only), 2-8 Bristol (even), 1-5 Bristol (odd) in Hurstville)	☐	☒
6.10	Design Excellence – FSPA or R4 land	☐	☒
6.11	Environmental sustainability	☐	☒
6.12	Landscaped areas in certain residential and conservation zones	☐	☒
Other Affections			
	Bushfire Prone Land	☐	☒
	Council Owned Land	☒	☐
	Crown Land	☐	☒
	Easements Within Lot Boundaries	☐	☒
	Narrow lot housing precinct	☐	☒
	Other (if yes describe)	☐	☒

GRLEP 2021 Part 2 – Permitted or prohibited development		
Clause 2.3 – Zone objectives and Land Use Table		
Standard	Proposal	Compliance
The subject site is zoned RE1 Public Recreation. The objectives of the zone are: - To enable land to be used for public open space or recreational purposes. - To provide a range of recreational settings and activities and compatible land uses. - To protect and enhance the natural environment for recreational purposes.	The proposal is consistent with the zone objectives and is satisfactory.	☒ Yes ☐ No



GRLEP 2021 Part 5 – Miscellaneous Provisions		
Clause - 5.21 Flood Planning		
Standard	Proposal	Compliance
(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses. (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters— (a) the impact of the development on projected changes to flood behaviour as a result of climate change, (b) the intended design and scale of buildings resulting from the development, (c) whether the development incorporates measures to minimise the risk to life and ensure the safe	The subject site is impacted by flood. The proposed building is supported by posts and does not affect the existing flood path. Council's engineer reviewed the proposal and raised no objection.	☒ Yes ☐ No



evacuation of people in the event of a flood, (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.		
---	--	--

GRLEP 2021 Part 6 – Additional Local Provisions		
Clause 6.2 - Earthworks		
Standard	Proposal	Compliance
Council must consider the following prior to granting consent for any earthworks: (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development, (b) the effect of the development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the development on the existing and likely amenity of adjoining properties, (e) measures to minimise the need for cut and fill, particularly on sites with a slope of 15% or greater, by stepping the development to accommodate the fall in the land, (f) the source of any fill material and the destination of any excavated material, (g) the likelihood of disturbing relics, (h) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area, (i) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	The proposed earthworks are satisfactory with regards to the matters identified. The proposal will not require extensive earthworks as the structure sits on supporting posts.	☒ Yes ☐ No
Clause 6.3 – Stormwater Management		
Standard	Proposal	Compliance



(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development— (a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and (b) includes, if practicable, on-site stormwater detention or retention to minimise stormwater runoff volumes and reduce the development's reliance on mains water, groundwater or river water, and (c) avoids significant adverse impacts of stormwater runoff on adjoining properties, native bushland, receiving waters and the downstream stormwater system or, if the impact cannot be reasonably avoided, minimises and mitigates the impact, and (d) is designed to minimise the impact on public drainage systems.	The proposal is satisfactory with regards to the matters identified.	☒ Yes ☐ No
Clause 6.9 Essential Services		
Standard	Proposal	Compliance
Development consent must not be granted to development unless Council is satisfied that any of the following services that are essential for the development are available, or that adequate arrangements have been made to make them available when required a) the supply of water, b) the supply of electricity, c) the supply of telecommunications facilities, d) the disposal and management of sewage e) stormwater drainage or on-site conservation, f) suitable vehicular access.	The proposal has, or includes arrangements that will make available these essential services.	☒ Yes ☐ No

Provisions of any Proposed Instrument

Section 4.15 (1) (a) (i) - Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the 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:

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.	☒ Yes ☐ No
5. Development is to be located so that the clearing of vegetation is avoided.	The proposed earthworks will not result in 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.	The proposal will not intensify flood affectation in the locality.	



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: - Sediment fencing; - Water diversion; - Single entry/exit points - Filtration materials such as straw bales and turf strips.	Suitable conditions will be included in the consent which ensures compliance with the sediment control requirements. The proposal minimises cut and fill and site disturbance. The proposal is not considered to have a high potential risk to groundwater.	☒ Yes ☐ No
2. Development that involves site disturbance is to provide an erosion and sediment control plan which details the proposed method of soil management and its implementation. Such measures are to be in accordance with The Blue Book – Managing Urban Stormwater, Soils & Construction by LandCom	The proposal is accompanied by adequate documentation that ensures no adverse impacts result to groundwater, significant trees, or Council's public domain.	
3. Development is to minimise site disturbance including impacts on vegetation and significant trees and the need for cut and fill.		
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.		
--	--	--

Contaminated Land		
3.6 Contaminated Land		
Control	Proposal	Compliance
1. Each development application is to include information sufficient to allow Council to meet its obligation to determine whether development should be restricted due to the presence of contamination. 2. Proposals for the development of contaminated land or potentially contaminated land will need to determine: i. The extent to which land is contaminated (including both soil and groundwater contamination); ii. Whether the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out; iii. Whether the land requires remediation to make the land suitable for the intended use prior to that development being carried out; and iv. If the land has been previously investigated or remediated, development cannot be carried out until Council has considered the nature, distribution and levels of residues remaining on the land and Council has determined that the land is suitable for the intended use.	The subject site is labelled as potentially asbestos contaminated due to the discovery of asbestos in a building that was demolished in early 2025. The submitted Asbestos Clearance Certificate indicates no visible residue within the development site. The development site is unlikely to pose a public health risk. A condition is inserted to ensure unexpected discovery of contaminants is managed in accordance with relevant environmental regulations to ensure the safe occupation of the site.	☒ Yes ☐ No



3. Operating practices and technology must be employed to prevent contamination of groundwater.		
---	--	--

Ecologically Sustainable Development		
3.11.1 Energy and Water Efficiency		
Control	Proposal	Compliance
8. All development must comply with Section J Energy Efficiency of the BCA/NCC.	The proposal complies with Appendix 4 of the GRDCP and therefore complies with the controls of this section.	☒ Yes ☐ No
9. The energy efficiency provisions of the Building Code of Australia should be incorporated into the design of non-residential buildings. This may require the inclusion of the following: i. Windows that are appropriately sized and shaded to reduce summer heat load and permit entry of winter sun. ii. Building materials selected to assist thermal performance and ceiling insulation used where appropriate. iii. Natural ventilation. iv. Buildings should have an area, orientation and roof pitch that is suitable for the installation of solar collectors. v. Low energy, high efficiency plant, fittings and appliances should be specified. vi. The use of photovoltaic panels/solar collectors for hot water heating and power is encouraged to reduce energy consumption	The proposal demonstrates the following energy efficiency measures: - Appropriately sized windows, and - Use of light-coloured external finishes.	
10. Water conservation principles should be incorporated into non-residential developments, including the following: i. Water efficient fittings and appliances including: 4 star dual-flush toilets and taps, 3 star showerheads and urinals, water efficient washing machines and dishwashers.	The use of 4 star dual-flush toilets and taps will be conditioned.	



ii. Rainwater tanks should be provided to meet 80% of non-potable demand including outdoor use, toilets and laundry. iv. Water use within open spaces (for irrigation, water features etc.) should be supplied from sources other than potable mains water (e.g. stormwater, greywater or wastewater) to meet 80% water use demand.		
11. Development is to demonstrate how the design has sought to reduce the urban heat island effect through the following: i. Use of reflective or light coloured building materials; ii. Provision of permeable surfaces; and iii. Planting of increased vegetation to achieve substantial tree canopy and shading.	The proposal utilises light-coloured external finishes to mitigate heat absorption.	
12. Building design is to demonstrate that the indoor environmental quality has been considered through: i. Use of passive design elements i.e. natural lighting and natural cross ventilation; ii. Provision of shading devices to reduce heat load and for glare control; and iii. Use of cross ventilation for thermal comfort.	The proposal incorporates openable windows to enable cross ventilation and protruding parapet to provide shading.	

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).	Waste management to be imposed via condition.	☒ Yes ☐ No



Vehicular Access, Parking and Circulation		
3.13 Parking Access and Transport		
Control	Proposal	Compliance
1. Parking required: <u>Community Facility</u> Identify car parking demand through a Transport and Parking Assessment Study based on a survey of similar developments	The previous community facility on the site, demolished in April 2025, had a gross floor area (GFA) of approximately 296sqm. The proposed facility is of a similar scale, with an overall GFA of 284.4sqm, including 187sqm dedicated to event and office space. The former facility was satisfactorily serviced by the existing on-site car park, which accommodated the parking demand and traffic movements it generated. A comparable level of demand is expected from the current proposal. The site contains 21 on-site parking spaces, this provision satisfies the objectives of Part 3.13 of the Georges River DCP 2021, which aim to minimise congestion, ensure safety, and provide adequate parking for building users and visitors. While a Transport and Parking Assessment Study has not been submitted, the site has historically operated with a comparable floor area without giving rise to adverse traffic or parking impacts. On this basis, no unacceptable impacts are anticipated as a result of the proposed development.	☒ Yes ☐ No
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).		
12. Internal car park layouts, space dimensions, ramp grades, access driveways, internal circulation aisles and service vehicle areas shall be designed in accordance with the requirements set out in AS 2890.1 (2004) and AS 2890.2 (2002) for off street parking and commercial vehicles.		
13. Design vehicular access in accordance with the current Australian Standard for 'off-street parking (Part 1)	Existing car park.	



'and 'off-street carparking for commercial vehicles (Part 2)'. 20. Car parking areas may be designed as ground level parking provided that the design results in building frontages level with the street.	Existing car park.	
21. Parking areas are to include: i. Planting beds fronting a street or public place are to have a minimum width of 1 metre, unless otherwise specified elsewhere in this DCP. ii. Shade trees are to be provided in open parking areas at the ratio of 1 shade tree for every 6 spaces. iii. Plants to avoid are those which have a short life, drop branches, gum or fruit or those which interfere with underground pipes.		
22. Parking areas are to incorporate a 150mm concrete kerb or edge treatment to reduce the likelihood of vehicles damaging adjoining landscaped areas. The use of bollards should also be considered.		
23. Parking complies with AS 1428 Design for access and mobility and AS/NZS 2890.6.		
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.	Existing car park.	
25. Accessible parking spaces shall be located close to an accessible lift, ramp or building entrance and be provided with an accessible path of travel.		
26. Accessible parking spaces shall be indicated by a permanent sign as specified in AS 1428.1		
30. Design parking to ensure pedestrian safety.		



31. Pedestrian entrances and exits shall be separated from vehicular access paths	The parking area is of a sufficient size to accommodate safe pedestrian and vehicular movements.	
32. Design driveways to minimise visual impact on the street and maximise pedestrian safety	A condition is to be imposed requiring the construction of a new driveway that can accommodate two cars to pass simultaneously.	
33. Ensure that all vehicles, including vehicles using loading bays, can enter and leave the site in a forward direction.	All vehicles can enter and exit the subject site in forward direction.	

Utilities		
3.14 Utilities		
Control	Proposal	Compliance
1. Applicants should consult service providers for energy, electricity, gas, water, telephone, national broadband network (NBN) fibre cables and fire requirements	The subject site currently has access to utilities.	☒ Yes ☐ No
2. Any services and structures required by the providers should be located within the basement, or concealed within the facade, with appropriate access. Where this is not possible, an alternative method of minimising street impact should be demonstrated, such as screening with landscape or built elements.	The proposed air conditioning units are located on the western side of the proposed building, obscured from public view. The proposed air conditioning units will not adversely affect any adjoining residences.	
3. With the exception of dwelling houses, all buildings should accommodate proposed or future air conditioning units within the basement or on rooftops, with provision of associated vertical/ horizontal stacks to all sections of the building.		
4. Air conditioning units and mechanical plant located on the roof should be well screened and integrated into the building form.		
5. Air conditioning units and mechanical plant should be sited away		



from adjacent sensitive land uses and/or screened by walls or other acoustic treatments.		
--	--	--

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 proposed building is capable of compliance with the BCA with respect to disability access. The parking concept plan demonstrates that unobstructed paths of travel from the car park to the community facility can be accommodated. 2 accessible parking spaces can be accommodated, accounting for 10.5% of all spaces. The parking area is of sufficient size to enable safe movement for pedestrians and motorists.	☒ Yes ☐ 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		
7. All off-street parking facilities shall allocate accessible parking spaces for people with disabilities outlined below		
<u>Community facilities</u> 2-3% of total car parking spaces		

Signage		
3.18 Advertising and Signage		
Control	Proposal	Compliance
1. Signs should be designed and located to: i. Relate to the use of the premises. ii. Be consistent with best practice guidelines. iii. Be integrated with the architecture of the supporting building, not obscure significant architectural features and	The proposed signs achieve the following: - Related to the use of the premises as a community facility, - The signage is compatible to the proposed building and its surrounds - No cluttering and repetition.	☒ Yes ☐ No



Signage		
3.18 Advertising and Signage		
Control	Proposal	Compliance
maintain the dominance of the architecture. iv. Be limited in number to avoid cluttering, distraction and unnecessary repetition. v. Not cover mechanical ventilation inlets or outlets. vi. Not comprise a roof sign. vii. Not comprise an above awning sign. viii. Not comprise a flag pole sign. ix. Not compromise road or pedestrian safety including cyclists. x. Be a minimum of 2.6 metres above any footpath where the sign is not flush with the wall. xi. Be at least 600mm from a kerb or roadway edge where the sign is over a public road. 2. Signs must be securely fastened to the structure or building to which they are attached and must comply with the applicable requirements of the BCA and relevant Australian Standards.	- Not covering any mechanical ventilation inlets or outlets - No roof sign proposed - No above awning sign proposed A condition will be imposed requiring the sign to be fastened per relevant BCA standards.	

Crime Prevention		
3.19 Crime Prevention / Safety and Security		
Control	Proposal	Compliance
1. Active spaces and windows of habitable rooms within buildings are to be located to maximise casual surveillance of streets, laneways, parking areas, public spaces and communal courtyard space.	The proposal incorporates the main community area facing forward to enable passive surveillance on the car parking area. Amenities such as toilets and kitchen are conveniently located to maximise casual surveillance.	☒ Yes ☐ No
2. In commercial, retail or public buildings, facilities such as toilets and parents rooms are to be conveniently located and designed to maximise casual surveillance to facility entries.	No blind corner proposed. All building entries are clearly visible and easily identifiable from the car parking area.	



3. Minimise blind-corners, recesses and other external areas that have the potential for concealment or entrapment.		
4. Building entries are to be clearly visible, unobstructed and easily identifiable from the street, other public areas and other development. Where practicable lift lobbies, stairwells, hallways and corridors should be visible from the public domain.		
5. Ground floors of non-residential buildings, the non-residential component of mixed use developments, and the foyers of residential buildings, are to be designed to enable surveillance from the public domain to the inside of the building at night.		
8. Development should comprise elements that contribute to effective access control by creating: i. Landscapes and physical locations that channel and group people into public areas; ii. Public spaces that attract, rather than discourage people from gathering; and iii. Restricted access to high crime risk areas such as car parks and other rarely visited areas.	The proposal, being a community facility, will encourage gathering within the park area and improves the utility of the public space. The proposal does not include building features that enable concealment or unauthorised entry.	
9. Building details such as fencing, drainpipes and landscaping are to be designed so that illegitimate access is not facilitated by the opportunity for foot or hand-holds, concealment and the like.		
10. Development should incorporate design elements that contribute to the creation of a sense of community ownership of public spaces by: i. Encouraging people to gather in public spaces and feel some responsibility for its use and condition;		



ii. Clearly defining transitions and boundaries between public and private spaces; and iii. Clearly defining the use of public spaces.		
---	--	--

Noise and Vibration		
3.20.3 Noise Generating Development		
Control	Proposal	Compliance
1. Development should be sited and designed so that noise is kept to a minimum and does not create offensive noise as defined by the Protection of the Environment Operations Act 1997.	The plan of management is considered appropriate in ameliorating noise impacts. See Comment 1 on the detailed assessment of the management plan. The proposal will not result in excessive noise generation, subject to conditions to comply with the management plan and ongoing maintenance of noise mitigation measures.	☒ Yes ☐ No
2. Noise generating developments should be accompanied by an acoustic report that demonstrates the development is sited and designed to:		
i. Minimise the effect of noise and vibration on surrounding sensitive landuses; and ii. Comply with relevant State Government and Council guidelines.		
3. The location and design of noise generating activities, such as loading and unloading areas, garbage collection areas, driveways, parking areas, active recreation areas, air conditioning or mechanical plants, should be sited away from adjacent sensitive land uses and/or screened by walls or other acoustic treatments.		
4. In addition to physical noise mitigation measures, noise impact management measures should be used to further limit potential noise impacts on sensitive land uses such as:		
i. Scheduled times to undertake noise generating activities and/or use of noise generating machinery; and		



ii. Reasonable hours of operation including delivery hours. Note: Noise generating development may include, but is not limited to the following: childcare centres, schools, places of public worship, industrial uses, commercial developments, hotels, backpackers' accommodation, and some active recreational facilities.		
Comment 1 – Plan of Management The case law <i>Renaldo Plus 3 Pty Limited v Hurstville City Council [2005] NSWLEC 315</i> provides guidance on determining whether a management plan is considered appropriate. The submitted Plan of Management is assessed against the Planning Principle as follows: 1. Do the requirements in the Management Plan relate to the proposed use and complement any conditions of approval? <u>Comment:</u> The proposed management plan relates to the proposed use being a community facility and does not interfere with any of the conditions of approval. 2. Do the requirements in the Management Plan require people to act in a manner that would be unlikely or unreasonable in the circumstances of the case? <u>Comment:</u> The management plan requires patrons to minimise noise emission after 10pm and exit the premises in a quiet manner. On the other hand, the management plan places the responsibility on the operators to enforce noise attenuation measures during events and report incidents to Council. The requirements in the management plan align with the typical behavioural expectations of event patrons, and the responsibilities of the operators in charge of organising the events. 3. Can the source of any breaches of the Management Plan be readily identified to allow for any enforcement action? <u>Comment:</u> The source of any breaches can be readily identified. The management plan clearly identifies the responsibilities for operators and Council. Breaches caused by the patrons can be identified in short notice by the operators, and breaches caused by the operators can be identified by Council through routine monitoring and checkups. Council's phone number will be made available at the front door of the community centre to allow members of public to lodge complaints should there are any breaches. 4. Do the requirements in the Management Plan require absolute compliance to achieve an acceptable outcome?		

Comment: Absolute compliance is not required to achieve an acceptable outcome. Noise attenuation measures incorporated in the building design provide sufficient protection to adjoining residences should breaches to the management plan occur. Breaches caused by the patrons can be stopped in short notice through consistent monitoring by the operators. The management plan includes an accountability system to disincentivise breaching the management plan.

5. Can the people the subject of the Management Plan be reasonably expected to know of its requirements?

Comment: The management plan clearly outlines the responsibilities of Council and the operators. The operators are responsible for enforcing the requirements outlined in the management plan on the patrons.

6. Is the Management Plan to be enforced as a condition of consent?

Comment: The management plan will be imposed as a condition of consent.

7. Does the Management Plan contain complaint management procedures?

Comment: The management plan includes a complaint management procedure administered by Council as per Council's *Complaint Management Framework*. Council's phone number will be made available on the front door to allow members of public to lodge complaints. The operators are required to notify Council of all incidents and complaints per the management plan.

8. Is there a procedure for updating and changing the Management Plan, including the advertising of any changes?

Comment: Any changes made to the management plan will have to be carried out as a Modification Application.

Conclusion

As the proposed management plan satisfies will all criteria outlined in the Planning Principle, the proposed management plan is considered to be sufficient and appropriate for the proposed community centre.

Any Planning Agreement Under Section 7.4

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

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 development is located within a park and is not considered to result in unreasonable impact on the natural environment.
Built Environment	The built form and supporting infrastructure is appropriate with its setting and is consistent with the desired future character of the site.
Social Impact	The proposal will have no significant social impact on the locality, subject to noise control conditions.
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 RE1 Public Recreation. The proposal is considered a suitable outcome for the subject site for the following reasons:

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

Submissions

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. submissions were received during the neighbour notification period.

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

Issue	Comment
-------	---------



Proximity to residences The submitter raised concern in relation to the impacts of anti-social behaviour and noise on the adjoining residences.	The proposed development is required by condition to operate within the confines of the operation plan, which contains measures to mitigate anti-social behaviour. According to the acoustic report, the proposed development provides sufficient acoustic attenuation. Conditions are recommended requiring the acoustic attenuation measures to be maintained per industry standard during the operation of the premises.
--	---

Revised Plans - Re-notification

The applicant lodged revised documents on Thursday, 21 August 2025

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

The Public Interest

Section 4.15 (e) the public interest.

The proposal is considered to be in the public interest for the following reasons:

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

Referrals

Internal Referrals

Internal Referrals		
Specialist	Comment	Outcome
Development Engineer	The officer has considered the following planning provisions: - Clause 5.21 of GRLEP 2021 - Clause 6.3 of GRLEP 2021 - Clause 6.9 of GRLEP 2021 - Part 3.10 of GRDCP 2021 - Georges River Stormwater Management Policy	Conditions imposed as recommended.



	No objections raised to the proposal and conditions recommended.	
Environmental Health Officer	The officer has considered the following planning provisions: - Clause 6.1 of GRLEP 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 No objections raised to the proposal and conditions recommended.	Conditions imposed as recommended.
Traffic Engineering	The officer has considered the following planning provisions: - Clause 6.9 of GRLEP 2021 - Part 3.13 of GRDCP 2021 No objections raised to the proposal and conditions recommended.	Conditions imposed as recommended.

External Referrals

External Referrals		
Referral Body	Comment	Outcome
Ausgrid	The referral body has considered the following planning provisions: - Clause 2.48 of SEPP (Transport and Infrastructure) 2021 No objections raised to the proposal and conditions recommended.	Conditions imposed as recommended.

Contributions

The development is not subject to Development Contributions as the proposal is considered public infrastructure undertaken by Council.



Conclusion

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

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

Recommendation

Approval of Application

Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), DA2025/0302 for Construct a new community centre on Lot 2 in DP 1143770 on land known as 5A Hedley Street, Riverwood NSW 2210 is recommended for approval subject to the conditions referenced in Appendix 1:

Signed



James Wong
Senior Development Assessment Planner
Date: 10 September 2025

The application is recommended for determination under the delegation associated with my position.

Appendix 1 – Conditions

Development Details

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

Description	Reference No.	Date	Revision	Prepared by
Location Plan	4089.DA.000	18 June 2025	F	Modstruct Group
Site Plan	4089.DA.010	18 June 2025	F	Modstruct Group
Floor Plan	4089.DA.100	18 June 2025	F	Modstruct Group
Roof Plan	4089.DA.120	18 June 2025	G	Modstruct Group
Elevations – Southern & Eastern	4089.DA.200	18 June 2025	F	Modstruct Group
Elevations – Northern & Western	4089.DA.201	18 June 2025	F	Modstruct Group
Typical Section	4089.DA.300	18 June 2025	F	Modstruct Group
Plan of Management	-	21 August 2025	4	Que Consulting

Documents relied upon:

Description	Reference No.	Date	Revision	Prepared by
Statement of Environmental Effects	-	19 June 2025	3	Que Consulting
Waste Management Plan	-	19 June 2025	1	Que Consulting
Concept Car Park Plan	-	28 May 2025	A	Georges River Council
Acoustic Report	-	28 August 2025	6797	Koikas Acoustics Pty Ltd
Survey plan	-3599 DS	09 May 2025	A	Richards & Loftus
Asbestos Containing Material Clearance Inspection	9059	29 April 2025	-	Trinitas Group

Separate Approvals Required Under Other Legislation

- Section 138 Roads Act 1993 and Section 68 Local Government Act 1993** - Unless otherwise specified by a condition of this consent, this Development Consent does not give any approval to undertake works on public infrastructure.



Separate approval is required under Section 138 of the [Roads Act 1993](#) and/or Section 68 of the [Local Government Act 1993](#) for any of the following activities carried out in, on or over a public road (including the footpath) listed below.

An application is required to be lodged and approved prior to the commencement of any of the following works or activities;

- (a) Placing or storing materials or equipment;
- (b) Placing or storing waste containers or skip bins;
- (c) Erecting a structure or carrying out work
- (d) Swinging or hoisting goods over any part of a public road by means of a lift, crane or the like;
- (e) Pumping concrete from a public road;
- (f) Pumping water from the site into the public road;
- (g) Constructing a vehicular crossing or footpath;
- (h) Establishing a "works zone";
- (i) Digging up or disturbing the surface of a public road (eg Opening the road for the purpose of connections to utility providers);
- (j) Stormwater and ancillary works in the road reserve;
- (k) Stormwater and ancillary to public infrastructure on private land; and
- (l) If any excavation is to be supported by the use of below ground (cable) anchors that are constructed under Council's roadways/footways.

These separate activity approvals must be obtained and evidence of the approval provided to the Principal Certifier prior to the issue of the Construction Certificate.

The relevant Application Forms for these activities can be downloaded from Council's website www.georgesriver.nsw.gov.au. For further information, please contact Council's Customer Service Centre on (02) 9330 6400.

Prior to the Issue of a Construction Certificate

3. **Fire Safety Measures** - Prior to the issue of a construction certificate a list of the essential fire safety measures that are to be provided in relation to the land and any building on the land as a consequence of the building work must accompany an application for a construction certificate, which is required to be submitted to either Council or a PC. Such list must also specify the minimum standard of performance for each essential fire safety measure included in the list. The Council or PC will then issue a Fire Safety Schedule for the building.
4. **Engineer's Certificate** - A certificate from a professional Engineer specialising in structural engineering certifying the structural adequacy of the existing structure, to support all proposed additional superimposed loads shall be submitted to the Certifying Authority prior to the issue of the Construction Certificate.



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

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

6. **Access for Persons with a Disability** - [Access and/or sanitary facilities] for persons with disabilities must be provided to the premises/building in accordance with the requirements of the Premises Standards, the Building Code of Australia, and AS 1428.1. Details must be submitted with the Construction Certificate Application for approval.

7. **Commonwealth Disability (Access to Premises) Standard** - The Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) applies to all applications (i.e. Construction Certificate). This requires any new building, part of a building and the affected part of the existing building to comply with the Premises Standards, the Building Code of Australia and AS 1428.

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

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

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

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

Fee Type	Fee
GENERAL FEES	
Long Service Levy (to Long Service Corporation) Or, provide evidence of Payment direct to the Long Service Corporation. See https://portal.longservice.nsw.gov.au/bci/levy/	
Builders Damage Deposit	\$3,870.00
Inspection Fee for Refund of Damage Deposit	\$220.00

General Fees

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

Timing of Payment

The contribution must be paid and receipted by Council prior to the release of the Construction Certificate.

Further Information

A copy of the *all current Development Contributions Plans* may be inspected or a copy purchased at Council's offices (Georges River Civic Centre, MacMahon Street, Hurstville and Kogarah Library and Service Centre, Kogarah Town Square, Belgrave Street, Kogarah) or viewed on Council's website www.georgesriver.nsw.gov.au.



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

- a) Pay Council, before the issue of the Construction Certificate, a damage deposit for the cost of making good any damage caused to any Council property as a result of the development: \$3,870.00.
- b) Pay Council, before the issue of the Construction Certificate, a non-refundable inspection fee to enable assessment of any damage and repairs where required: \$220.00.
- c) Submit to Council, before the commencement of work, a photographic record of the condition of the Council nature strip, footpath and driveway crossing, or any area likely to be affected by the proposal.

10. Site Management Plan - A Site Management Plan detailing all weather access control points, sedimentation controls, fencing, builder's site sheds office, amenities, materials storage and unloading arrangements must be submitted with the application for the Construction Certificate.

The site management measures are to be implemented prior to the commencement of any works including demolition and excavation. The site management measures are to be maintained throughout the works, to maintain reasonable levels of public health, safety and amenity. A copy of the Site Management Plan must be kept on site and is to be made available upon request.

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

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

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

12. Stormwater System - The submitted stormwater plan has been assessed as a concept plan



only. Final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

(a) All stormwater shall drain by gravity to Council's kerb and gutter within Hedley Street front of the development site in accordance with the Australian/New Zealand Standard AS/NZS 3500.3: 2015 (as amended).

(b) Stormwater drainage plans including the details of pipe sizes, type, grade, length, invert levels, dimensions and types of drainage pits prepared by a professional engineer who specialises in Hydraulic Engineering in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Drainage Guidelines, shall accompany the application for the Construction Certificate.

- 13. On Site Detention (new Stormwater Management Policy)** - The final detailed plans of the drainage system, prepared by a professional engineer specialising in hydraulic engineering, shall be submitted for approval with the Construction Certificate.

An onsite detention (OSD) facility designed by a professional engineer who specialises in Hydraulic engineering must be designed, approved and installed.

The required OSD storage requirements and permissible discharge are to be calculated in accordance with Table 3 of Council's Stormwater Management Policy.

The OSD facility shall be designed to meet all legislated safety requirements and child proof safety fencing around the facility must be provided where the OSD facility is open or above ground when the design peak storage depth is greater than 300mm. A durable metal plate or similar sign is to be placed at the OSD facility and must bear the words:

"BEWARE: This is an on-site detention basin/tank for rainwater which could overflow during heavy storms."

Full details shall accompany the application for the Construction Certificate.

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

These plans shall be prepared in accordance with the Australian Institute of Engineers Australian Rainfall and Runoff (1987) and Council's Stormwater Management Policy.

- 15. Waste Management Plan** - A Waste Management Plan incorporating all requirements in respect of the provision of waste storage facilities, removal of all materials from the site that are the result of site clearing, extraction, and, or demolition works and the designated Waste Management Facility shall be submitted to the Certifying Authority prior to the issue of any Construction Certificate.

- 16. Construction vehicle and pedestrian plan of management** - Prior to the issuing of a Construction Certificate, a Construction Vehicle and Pedestrian Plan of Management (CVPPM) shall be submitted to Council for the approval of Council's Senior Traffic and Parking Assessment Officer. The CVPPM shall include, but not be limited to, the following:

(a) The routes to be taken by trucks in the Georges River Council area when travelling to and from the site.



- (b) The maximum truck size proposed during the various stages of development.
- (c) The approved hours of construction.
- (d) The location and length of any proposed Works Zones.

NOTE: The installation of Works Zones and any associated changes to existing parking control signs and Council infrastructure to implement the zones requires the prior approval of the Georges River Council Traffic Committee.

- (e) Any changes to on street parking at and near the site during the various stages of development including during and outside the approved hours of construction.
- (f) Any changes proposed to the movements of pedestrians and/or cyclists past the site both during and outside the approved hours of construction.

A copy of the approved CVPPM must be kept at the site and made available to the Principal Certifier or Council on request:

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

17. **Utility Arrangements** - Arrangements are to be made with utility authorities in respect to the services supplied by those authorities to the development. The cost associated with the provision or adjustment of services within the road and footway areas is to be at the applicant's expense.
18. **Dial before your dig** - The applicant shall contact "Dial Before You Dig on 1100" to obtain a Service Diagram prior to the issuing of the Construction Certificate. The sequence number obtained from "Dial Before You Dig" shall be forwarded to the Principal Certifier (PC) and Council for their records.

During Construction

19. **Contaminated Land - Unexpected Contaminants Found During Demolition or Construction** - Any new information that is identified during demolition, excavation or construction which has the potential to alter previous conclusions about site contamination and remediation, must be notified to the Certifying Authority (and Council if Council is not the Certifying Authority) immediately.

All works must cease and a qualified Land Contamination Consultant (certified under the consultant certification schemes recognised by the NSW EPA), must be engaged to assess and provide a Remedial Action Plan on the management of the contamination in accordance with any relevant NSW EPA adopted guidelines.

Works on site must not recommence until such time as the contaminants are managed in accordance with:

- (a) the Remedial Action Plan, and
- (b) a Validation Report and or Environmental Management Plan is obtained, and
- (c) both Remedial Action Plan and Validation Report are provided to the Certifying Authority. If the Council is not the Council, then a copy of the Remedial Action Plan and the Validation Report is to be provided to Council.

20. **Site Maintenance** - The premises shall be maintained in a manner that will not adversely impact upon public health and safety until such time as an occupation certificate is issued. The premises shall be maintained during construction in accordance with the following:

- a. There must be no burning of any material.



- b. All putrescible waste must be disposed of in a suitable manner within 24 hours of generation.
 - c. All grass and vegetation must be maintained within the development site so the grass and vegetation (excluding trees, shrubs and any other protected vegetation) does not exceed a height of 100 mm above ground level, until such a time that all approved landscaping works have been completed in accordance with the approved landscaping plan.
 - d. Any accumulated or ponded water must be removed within 5 days (weather permitting). The removal of any water must comply with the *Protection of the Environment Operations Act 1997* (NSW) so as to not cause a pollution incident.
 - e. Fencing must be provided and installed within the boundary of the premises. Fencing must be maintained so as to eliminate access to the public.
 - f. All Activity associated with the development including storage or depositing of any goods or maintenance of any machinery and equipment must be conducted wholly within the site boundaries.
- 21. Site sign - Soil & Erosion Control Measures** - Prior to the commencement of works (including demolition and excavation), a durable site sign, issued by Council in conjunction with this consent, must be erected in a prominent location on site. The site sign warns of the penalties which apply to pollution, storing materials on road or footpath and breaches of the conditions relating to erosion and sediment controls. The sign must remain in a prominent location on site up until the completion of all site and building works.
- 22. Hours of construction for demolition and building work** - Unless authorised by Council:
- a. Building construction and delivery of material hours are restricted to: 7.00 am to 5.00 pm (inclusive) Monday to Saturday and no work on Sundays and Public Holidays.
 - b. Demolition and excavation works are restricted to: 8.00 am to 5.00 pm (inclusive) Monday to Friday only. Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site.
- 23. Cost of work to be borne by the applicant** - The applicant shall bear the cost of all works associated with the construction of the development that occurs on Council property. Care must be taken to protect Council's roads, including the made footway, kerbs, etc., and, where plant and vehicles enter the site, the footway shall be protected against damage by deep-sectioned timber members laid crosswise, held together by hoop iron straps and chamfered at their ends. This construction shall be maintained in a state of good repair and condition throughout the course of construction.
- 24. Obstruction of Road or Footpath** - The use of the road or footpath for the storage of any building materials, waste materials, temporary toilets, waste or skip bins, or any other matter is not permitted unless separately approved by Council under Section 138 of the [Roads Act 1993](#) and/or under Section 68 of the [Local Government Act 1993](#). Penalty infringement Notices may be issued for any offences and severe penalties apply.
- 25. Damage within Road Reserve and Council Assets**- The owner shall bear the cost of restoring any footpath, roadway and any other Council assets damaged due to works at, near or associated with the site. This may include works by Public Utility Authorities in the course



of providing services to the site.

26. **Worksite traffic and pedestrian control** - traffic and pedestrian control shall be provided in accordance with TfNSW 'Traffic Control at Works Sites- Technical Manual' version 6.1- February 2022.

Prior to the issue of the Occupation Certificate

27. **Fire Safety Certificate before Occupation or Use** - In accordance with clause 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 on completion of building works and prior to the issue of an Occupation Certificate, the owner must cause the issue of a Final Fire Safety Certificate in accordance with Clause 83 of the aforesaid Regulation. The Fire Safety Certificate must be in the form or to the effect of clause 41 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021. In addition, in relation to each essential fire or other safety measure implemented in the building or on the land on which the building is situated, such a Certificate as required pursuant to clause 86 of the aforesaid regulation is to
- (a) state That the measure has been assessed by a person (chosen by the owner of the building) who is properly qualified to do so and the certificate be in the approved form
 - (b) That as at the date of the assessment the measure was found to be capable of functioning at a standard not less than that required by the attached Schedule.

In accordance with clause 85 Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021 A copy of the certificate is to be given by the applicant to the Commissioner of Fire & Rescue NSW and a further copy is to be displayed in a frame and fixed to a wall inside the building's main entrance

28. **Restriction to User and Positive Covenant for On-Site Detention Facility** - A Restriction on Use of the Land and Positive Covenant shall be created and registered on the title of the property, which places the responsibility for the maintenance of the on-site stormwater management system on the owners of the land. The terms of the instrument are to be in accordance with Council's standard terms and restrictions which are as follows.

Restrictions on Use of Land

The registered proprietor shall not make or permit or suffer the making of any alterations to any on-site stormwater management system which is, or shall be, constructed on the lot(s) burdened without the prior consent in writing of Georges River Council. The expression "on-site stormwater management system" shall include all ancillary gutters, pipes, drains, walls, kerbs, pits, grates, tanks, chambers, basins and surfaces designed to manage stormwater quantity or quality including the temporary detention or permanent retention of stormwater storages. Any on-site stormwater management system constructed on the lot(s) burdened is hereafter referred to as "the system."

Name of Authority having the power to release, vary or modify the Restriction referred to is Georges River Council."

Positive Covenants

1. *The registered proprietor of the lot(s) hereby burdened will in respect of the system:*
 - a) *keep the system clean and free from silt, rubbish and debris*
 - b) *maintain and repair at the sole expense of the registered proprietors the whole of the*



system so that it functions in a safe and efficient manner

- c) permit the Council or its authorised agents from time to time and upon giving reasonable notice (but at any time and without notice in the case of an emergency) to enter and inspect the land for the compliance with the requirements of this covenant
- d) comply with the terms of any written notice issued by the Council in respect of the requirements of this covenant within the time stated in the notice.

2. Pursuant to Section 88F(3) of the Conveyancing Act 1919 the Council shall have the following additional powers:

- a) in the event that the registered proprietor fails to comply with the terms of any written notice issued by the Council as set out above the Council or its authorised agents may enter the land with all necessary materials and equipment and carry out any work which the Council in its discretion considers reasonable to comply with the said notice referred to in part 1(d) above

b) the Council may recover from the registered proprietor in a Court of competent jurisdiction:

- i. any expense reasonably incurred by it in exercising its powers under subparagraph (i) hereof. Such expense shall include reasonable wages for the Council's employees engaged in effecting the work referred to in (i) above, supervising and administering the said work together with costs, reasonably estimated by the Council, for the use of materials, machinery, tools and equipment in conjunction with the said work.

- ii. legal costs on an indemnity basis for issue of the said notices and recovery of the said costs and expenses together with the costs and expenses of registration of a covenant charge pursuant to section 88F of the Act or providing any certificate required pursuant to section 88G of the Act or obtaining any injunction pursuant to section 88H of the Act. Name of Authority having the power to release vary or modify the Positive Covenant referred to is Georges River Council.

29. Maintenance Schedule – On-site Stormwater Management - A Maintenance Schedule for the proposed on-site stormwater management measures is to be prepared and submitted to Council. The Maintenance Schedule shall outline the required maintenance works, how and when these will be done and who will be carrying out these maintenance works.

30. Completion of Major Works - Prior to the issue of a Final Occupation Certificate, the following works must be completed at the applicant's expense to the satisfaction of Council's Engineering Services section:

- (a) Stormwater pipes, pits and connections to public stormwater systems within the road related area.

31. Stormwater drainage works – Works As Executed - Prior to the issue of the Occupation Certificate, storm water drainage works are to be certified by a professional engineer specialising in hydraulic engineering, with Works-As-Executed drawings supplied to Council detailing:

- (a) Compliance with conditions of development consent relating to stormwater;
- (b) The structural adequacy of the On-Site Detention system (OSD/OSR);
- (c) That the works have been constructed in accordance with the approved design and will provide the detention storage volume and attenuation in accordance with the submitted calculations;
- (d) Pipe invert levels and surface levels to Australian Height Datum;



Council must advise in writing that they are satisfied with the Works-As-Executed prior to the issue of an Occupation Certificate.

32. **Acoustic Certification** - Prior to the issue of any Occupation Certificate, or use of the premises, a report prepared by a suitably qualified acoustic consultant or engineer must be submitted to the Certifying Authority, certifying that the construction has incorporated the recommendations in the Acoustic Report as referenced in this consent.

The Acoustic Certification must be incorporated into the Occupation Certificate documentation and provided to Council.

33. **Acoustic Compliance** – General Operation of Premise - A suitably qualified acoustic consultant or engineer must certify that the operation of the plant and equipment complies with the NSW Environment Protection Authority's "[Noise Policy for Industry \(2017\)](#)" (as amended).

The Acoustic Certification must be submitted to the Certifying Authority prior to the issue of any Occupation Certificate or use of the premises.

The Acoustic Certification must be incorporated into the Occupation Certificate documentation and provided to Council.

34. **Signage** - Clear and noticeable signs written in plain English to be installed near the building entrances. The signs are to notify users and visitors with respect to the conditions of use (hours, capacity and maintaining noise attenuation measures) of the premises.
35. **Securing of External Signs** - Prior to the issue of an Occupation Certificate, all external signs must be securely attached in accordance with relevant Australian Standards.
36. **Vehicle crossing – construction** - a vehicle crossing shall be constructed to cater for two-way operation prior to the issue of the Occupation Certificate. The crossing shall be designed and constructed:
- (i) To provide all weather access
 - (ii) In accordance with Council's design requirements.
 - (iii) To provide for the simultaneous passing of two (2) B99 Australian Standard Design Vehicles
37. **Parking control signs** - subject to the approval of the Georges River Local Traffic Committee, appropriate parking control signs shall be installed at the designated "No Parking Turning Bay Only" area at the eastern end of the car park prior to the issue of the Occupation Certificate.
38. **Water efficient fittings** – Prior to the issue of Occupation Certificate, the Principal Certifier must ensure all installed water fittings achieve the Water Efficiency Labelling and Standards ratings as follows:
- a) Dual-flush toilets and taps – minimum 4 stars

Operational Conditions (On-Going)

39. **Offensive Noise** - The use of the premises must not give rise to the transmission of Offensive Noise to any place of different occupancy. Offensive Noise is defined in the [Protection of the Environment Operations Act 1997](#) [\(<https://legislation.nsw.gov.au/view/html/inforce/current/act-1997-156>](https://legislation.nsw.gov.au/view/html/inforce/current/act-1997-156) (NSW) (as



amended).

40. **Acoustic mitigation infrastructure – Maintenance** - Noise mitigation measures as outlined in the Acoustic Report prepared by Tony Basa of Koikas Acoustic Pty Ltd, titled “Acoustical Report” and dated 28 August 2025 must be maintained at all times to ensure their acoustic performance does not diminish.
41. **Acoustic Compliance – General Operation** - The operation of the activity must comply with the NSW Environment Protection Authority’s “[Noise Policy for Industry \(2017\)](#)” (as amended).
42. **Compliance with Acoustic Report** – The operation of the premises shall, at all times, comply with the noise mitigation strategies listed within the recommendations of the Acoustical report – Koikas Acoustics Pty Ltd – 28 August 2025 – reference D25/282342
43. **Compliance with Plan of Management** - The operation of the premises shall, at all times, comply with the Plan of Management – Que Consulting – 21 August 2025 – reference D25/273875. In addition, the following must be complied with:
 - All users of the site must be provided with a copy of the approved Plan of Management and be fully briefed on its requirements prior to using the premises. Operators are responsible for ensuring that all users understand and comply with the Plan of Management so that the operation and use of the site does not unreasonably interfere with the amenity of adjoining premises.
 - The operator must submit an annual compliance statement to Council confirming that the facility has operated in accordance with the Plan of Management. The statement is to be signed by a responsible officer of the organisation and kept on file by Council.
 - A full and current copy of all current development consents for the operation of the premises, and the Plan of Management must be kept on-site and made available to Police and Council Officers upon request.
 - Failure to adhere to the Plan of Management will be subject to enforcement action by Council’s Compliance Team.
 - Any changes to the approved plan of management will require separate Council approval.
44. **Hours of operation** - The approved hours of operation shall be restricted to the following:
 - Sunday to Thursday - 08:00 to 22:00
 - Friday to Saturday - 08:00 to Midnight
45. **Hours of Waste Collection** – Waste collection shall not occur between 22:00 to 06:00 on all days.
46. **Number of Patrons** – The maximum number of patrons on site, at any one time is 100.
47. **Activities and storage of goods outside buildings** - Any work or activity associated with the use of this development consent, including storage, or depositing of any goods or maintenance of any machinery shall be conducted within the building. External storage shall be limited to waste receptacles.
48. **Schedule of Existing Fire Measures to be Maintained** - The following statutory safety measures are existing and shall be fully maintained in accordance with the approved standard and inspected annually:
 - a) Access panels, door and hoppers to fire resisting shafts - minimum standard AS 1905.1 - 2015.
 - b) Automatic fail safe devices - minimum standard Part D of BCA.



- d) Automatic fire suppression systems - minimum standard AS 2118.1 - 2006.
- e) Emergency lighting - minimum standard AS 2293.1 - 2005.
- h) Exit signs - minimum standard AS 2293.1 - 2005.
- i) Fire control centres and rooms - minimum standard BCA.
- k) Fire doors - minimum standard AS 1905.2 - 2005.
- l) Fire hydrant systems - minimum standard AS 2419.1 - 2005.
- m) Fire seals protecting openings in fire resisting components of the building - minimum standard Part C of BCA.1
- p) Hose reel systems - minimum standard AS 2441 - 2005.
- q) Lightweight construction - minimum standard Part C of BCA.
- r) Mechanical air handling systems - minimum standard AS 1668.2 - 2012.
- s) Perimeter vehicle access for emergency vehicles - minimum standard Part C of BCA.1
- t) Portable fire extinguishers - minimum standard AS 2444 - 2001.
- w) Smoke dampers - minimum standard AS 1682.1 and 2 - 2015.
- x) Smoke detectors and heat detectors - minimum standard AS 3786 - 2014 and AS 1670.1 - 2015.
- z) Solid core doors - minimum standard Part C of BCA.
- aa) Stand-by power systems - Spec. G. 3.8 of BCA and AS 2665. - 2001.
- cc) Warning and operations signs - minimum standard is BCA.1

49. **Annual Fire Safety Statement** - The owner of the building premises must ensure the Council is given an annual fire safety statement in relation to each essential fire safety measure implemented in the building. The annual fire safety statement must be given:
- (a) Within 12 months after the date on which the fire safety certificate was received.
 - (b) Subsequent annual fire safety statements are to be given within 12 months after the last such statement was given.
 - (c) An annual fire safety statement is to be given in or to the effect of part 12 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021
 - (d) A copy of the statement is to be given to the Commissioner of Fire & Rescue NSW, and a further copy is to be prominently displayed in the building.
50. **Vehicular entry/exit** - Vehicular entry/exit movements shall be carried out in a forward direction at all times.
51. **Delivery of goods** - Loading and unloading of vehicles shall be carried out within the confines of the carpark.
52. **General amenity of the neighbourhood** - The implementation of the development must not adversely affect the amenity of the neighbourhood or interfere unreasonably with the comfort or repose of a person who is outside the premises by reason of due to the emission or discharge of noise, fumes, vapour, odour, steam, soot, dust, wastewater, waste products, grit, oil or other harmful products.
53. **Outdoor Lighting** - To avoid annoyance to the occupants of adjoining premises or glare to motorists on nearby roads, outdoor lighting must comply with AS 4282-2019: *Control of the obtrusive effects of outdoor lighting*.
54. **Lighting – General Nuisance** - Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no



adverse impact on the amenity of the surrounding area by light overspill or glare. Flashing, moving or intermittent lights or signs are prohibited.

55. **Outdoor areas - Prohibition of live bands, amplified music or speakers-** Live bands, amplified music or loud speakers are not permitted in the outdoor areas at any time.

Operational Requirements Under the Environmental Planning & Assessment Act 1979

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

57. **Appointment of a Principal Certifier (PC)-** The erection of a building must not commence until the applicant has:

- a. appointed a PC for the building work; and
- b. if relevant, advised the PC that the work will be undertaken as an Owner -Builder.

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

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

- a. appoint a Principal Contractor to undertake the building work. If residential building work (within the meaning of the [Home Building Act 1989](#)) is to be undertaken, the Principal Contractor must be a holder of a contractor licence; and
- b. notify the PC of the details of any such appointment; and notify the Principal Contractor of any critical stage inspections or other inspections that are required to be carried out in respect of the building work..

58. **Notification Requirements of PC –** Clause 57 of [Environmental Planning and Assessment \(Development and Fire Safety\) Regulation 2021](#) - No later than two days before the building work commences, the PC must notify:

- a. the consent authority and the Council (if not the consent authority) of his or her appointment; and
- b. the applicant of the critical stage inspections and other inspections that are to be carried out with respect to the building work.

59. **Notice of Commencement –** Clause 59 of [Environmental Planning and Assessment \(Development and Fire Safety\) Regulation 2021](#) the applicant must give at least two days notice to the Council and the PC of their intention to commence the erection of a building. A Notice of Commencement Form is attached for your convenience.

60. **Critical Stage Inspections -** The last critical stage inspection must be undertaken by the PC. The critical stage inspections required to be carried out vary according to Building Class under the Building Code of Australia and are listed in Clause 68 of the [Environmental Planning and Assessment \(Development and Fire Safety\) Regulation 2021](#).

61. **Notice to be given prior to critical stage inspections -** The principal contractor for a building site, or the owner-builder, must notify the PC at least 48 hours before each required inspection needs to be carried out in accordance with Clause 58 of the [Environmental Planning and Assessment \(Development and Fire Safety\) Regulation 2021](#).



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

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

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

Prescribed Conditions

63. **Clause 67 - Building Code of Australia & Home Building Act 1989** - Requires all building work to be carried out in accordance with the Building Code of Australia. In the case of residential building work to which the Home Building Act 1989 relates, there is a requirement for a contract of insurance to be in force before any work commences.
64. **Clause 75 - Erection of Signs** - Requires the erection of signs on site and outlines the details which are to be included on the sign. The sign must be displayed in a prominent position on site and include the name and contact details of the PC and the Principal Contractor.
65. **Clause 67 - Home Building Act 1989** - If the development involves residential **building** work under the [Home Building Act 1989](#), no work is permitted to commence unless certain details are provided in writing to Council. The name and licence/permit number of the Principal Contractor or Owner Builder and the name of the Insurer by which work is insured under Part 6 of the [Home Building Act 1989](#).
66. **Protection & support of adjoining premises** - If the development involves excavation that extends below the level of the base of the footings of a building on adjoining land, this prescribed condition requires the person who benefits from the development consent to protect and support the adjoining premises and where necessary underpin the adjoining premises to prevent any damage.
67. **Clause 61 - Site Excavation** - Excavation of the site is to extend only to that area required for building works depicted upon the approved plans. All excess excavated material shall be removed from the site.

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

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

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

NOTES/ADVICES

1. **Review of Determination** - Section 8.2 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of the application the right to lodge an application with Council for a review of such determination. Any such review must however be completed within 6 months from its determination. Should a review be



contemplated sufficient time should be allowed for Council to undertake public notification and other processes involved in the review of the determination.

Note: Review provisions do not apply to Complying Development, Designated Development, State Significant Development, Integrated Development or any application determined by the Sydney South Planning Panel or the Land & Environment Court.

2. **Appeal Rights** - Part 8 (Reviews and appeals) of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of the application a right of appeal to the Land and Environment Court of New South Wales.
3. **Lapsing of Consent** - This consent will lapse unless the development is physically commenced within 5 years from the Date of Operation of this consent, in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979 as amended.
4. **Long Service Levy** - The Long Service Corporation administers a scheme which provides a portable long service benefit for eligible workers in the building and construction industry in NSW. All benefits and requirements are determined by the Building and Construction Industry Long Service Payments Act 1986. More information about the scheme and the levy amount you are required to pay to satisfy a condition of your consent can be found at <http://www.longservice.nsw.gov.au>.

The required Long Service Levy payment can be direct to the Long Service Corporation via their web site <https://online.longservice.nsw.gov.au/bci/levy>. Payments can only be processed on-line for the full levy owing and where the value of work is between \$25,000 and \$6,000,000. Payments will be accepted for amounts up to \$21,000, using either MasterCard or Visa.

5. **Security deposit administration & compliance fee** - Under Section 97 (5) of the [Local Government Act 1993](#), a security deposit (or part) if repaid to the person who provided it is to be repaid with any interest accrued on the deposit (or part) as a consequence of its investment.

Council must cover administration and other costs incurred in the investment of these monies. The current charge is \$50.00 plus 2% of the bond amount per annum.

The interest rate applied to bonds is set at Council's business banking facility rate as at 1 July each year. Council will accept a bank guarantee in lieu of a deposit.

All interest earned on security deposits will be used to offset the Security Deposit Administration and Compliance fee. Where interest earned on a deposit is not sufficient to meet the fee, it will be accepted in full satisfaction of the fee.

6. **Stormwater & Ancillary Works - Applications under Section 138 Roads Act and/or Section 68 Local Government Act 1993** - To apply for approval under Section 138 of the Roads Act 1993 and/or Section 68 Local Government Act 1993:
 - (a) Complete the Stormwater Drainage Application Form which can be downloaded from Georges River Council's website at www.georgesriver.nsw.gov.au.
 - (b) In the Application Form, quote the Development Consent No. (eg. DA2018/0***) and reference this condition number (e.g. Condition 23)
 - (c) Lodge the application form, together with the associated fees at Council's Customer Service Centre, during business hours. Refer to Council's adopted Fees and Charges for the administrative and inspection charges associated with stormwater applications.



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

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

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

7. **Ausgrid Underground Cables are in the vicinity of the development** - Special care should be taken to ensure that driveways and any other construction activities do not interfere with existing underground cables located in the footpath or adjacent roadways.

It is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Information regarding the position of cables along footpaths and roadways can be obtained by contacting Dial Before You Dig (DBYD).

In addition to DBYD the proponent should refer to the following documents to support safety in design and construction:

SafeWork Australia – Excavation Code of Practice.

Ausgrid's Network Standard NS156 which outlines the minimum requirements for working around Ausgrid's underground cables.

The following points should also be taken into consideration.

Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed.

Should ground anchors be required in the vicinity of Ausgrid underground cables, the anchors must not be installed within 300mm of any cable, and the anchors must not pass over the top of any cable.

8. **Ausgrid – New or modified connection** - To apply to connect or modify a connection for a residential or commercial premises. Ausgrid recommends the proponent to engage an Accredited Service Provider and submit a connection application to Ausgrid as soon as practicable. Visit the Ausgrid website for further details; <https://www.ausgrid.com.au/Connections/Get-connected>

Additional information can be found in the Ausgrid Quick Reference Guide for Safety Clearances "Working Near Ausgrid Assets - Clearances". This document can be found by visiting the following Ausgrid website: www.ausgrid.com.au/Your-safety/Working-Safe/Clearance-enquiries

9. **Ausgrid – New driveways – proximity to existing poles** - Proposed driveways shall be located to maintain a minimum clearance of 1.5m from the nearest face of the pole to any part of the driveway, including the layback, this is to allow room for future pole replacements. Ausgrid should be further consulted for any deviation to this distance.
10. **Council as PC - Deemed to Satisfy Provisions of BCA** - Should the Council be appointed as the PC in determining the Construction Certificate, the building must comply with all the



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

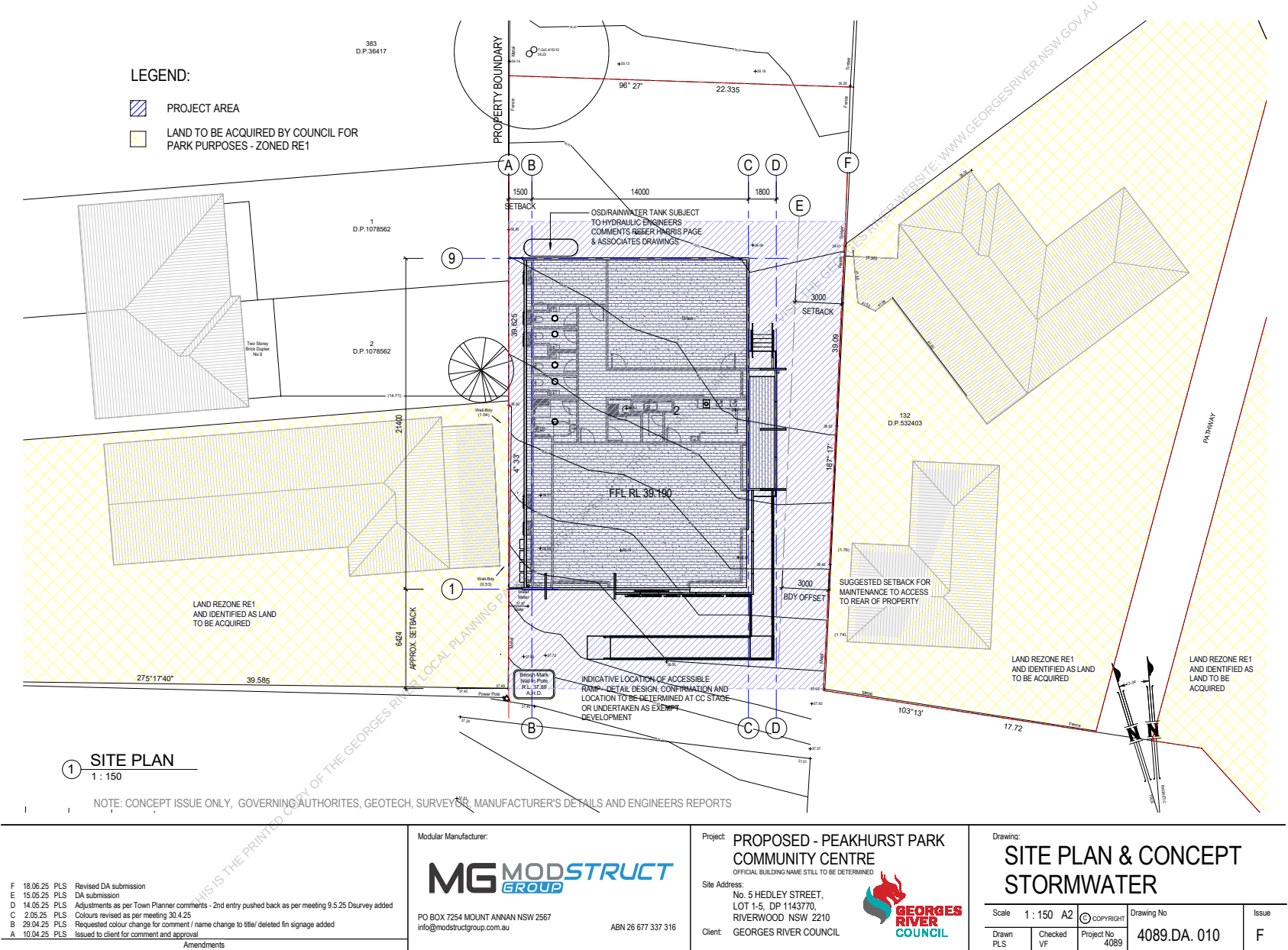
11. **Site Safety Fencing** - Site fencing must be erected in accordance with SafeWork Guidelines, to exclude public access to the site throughout the demolition and/or construction work, except in the case of alterations to an occupied dwelling. The fencing must be erected before the commencement of any work and maintained throughout any demolition and construction work.

A demolition licence and/or a high risk work license may be required from SafeWork NSW (see www.SafeWork.nsw.gov.au).

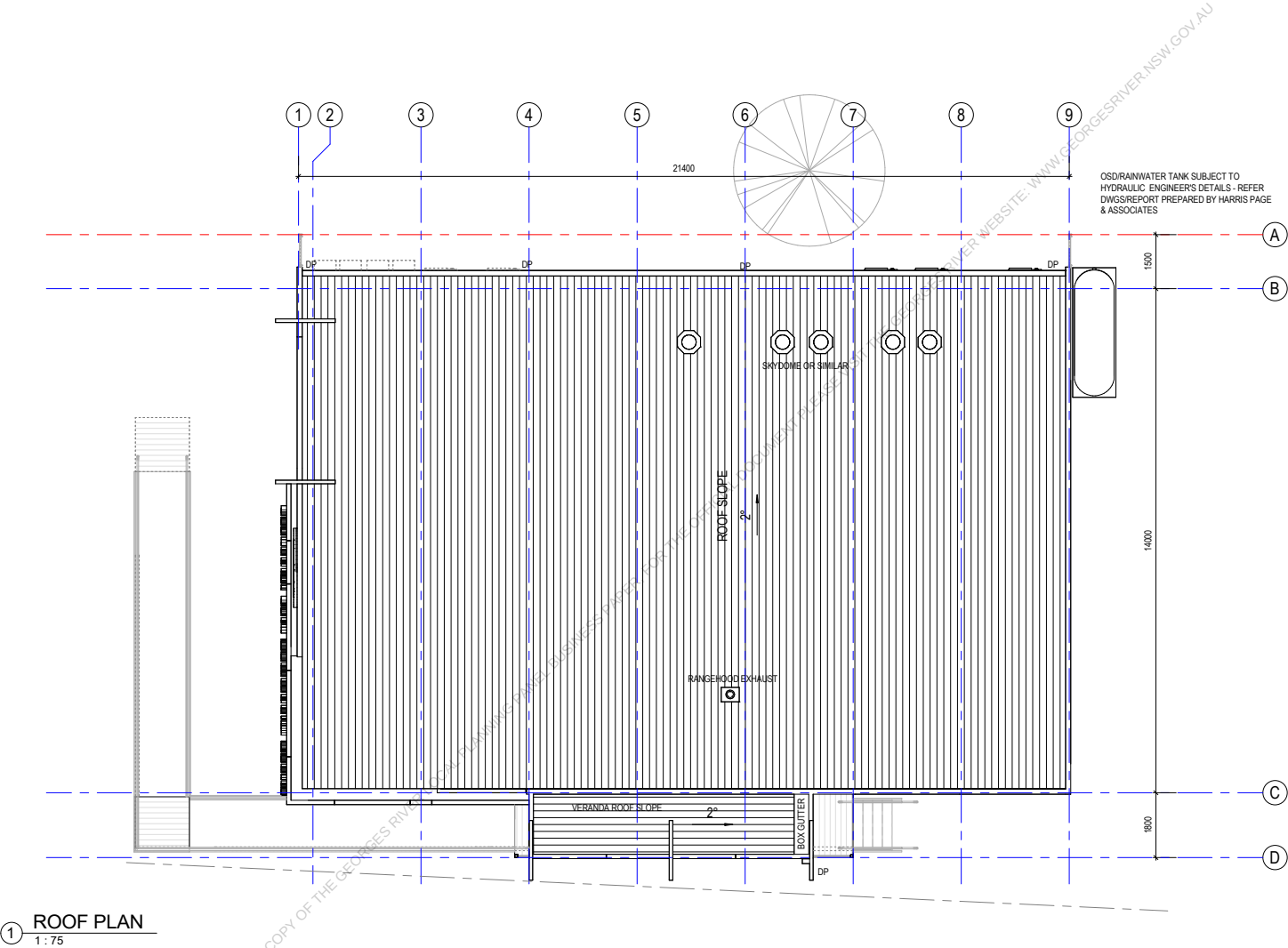
THIS IS THE PRINTED COPY OF THE GEORGES RIVER LOCAL PLANNING PANEL BUSINESS PAPER. FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER LOCAL PLANNING PANEL WEBSITE: WWW.GEORGESRIVERLOCALPLANNINGPANEL.NSW.GOV.AU



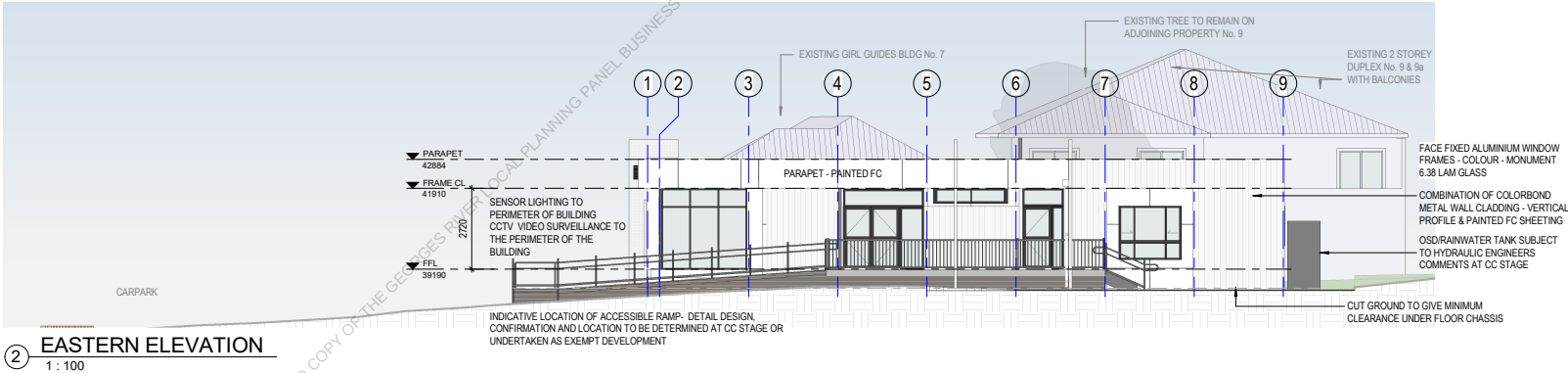
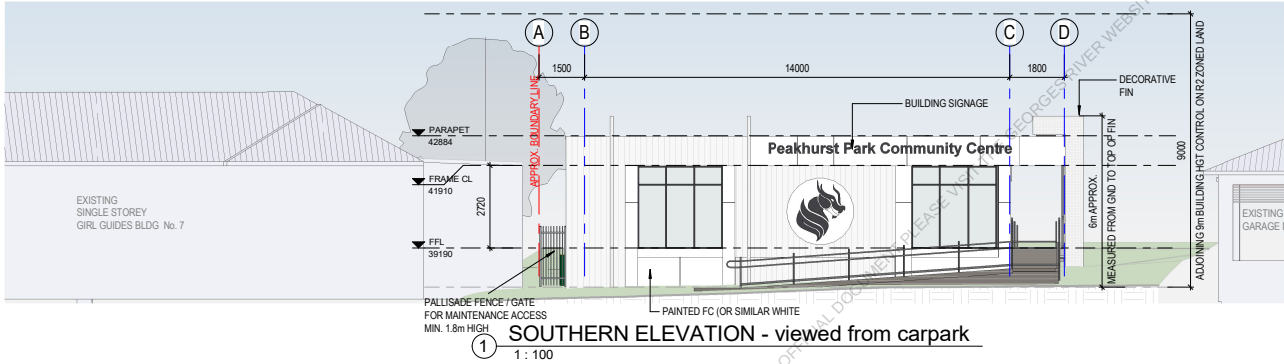




THIS IS THE PRINTED COPY OF THE GEORGES RIVER LOCAL PLANNING PANEL BUSINESS PAPER. FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU



</



F18.06.25PLSRevised DA submission

E15.05.25PLSDA submission

D14.05.25PLSAdjustments as per Town Planner comments - 2nd entry pushed back as per meeting 9.5.25/ DSurvey added

C2.05.25PLSColours revised as per meeting 30.4.25

B29.04.25PLSRequested colour change for comment / name change to title/ deleted fin signage added

A10.04.25PLSIssued to client for comment and approval

Amendments

Modular Manufacturer:

MG

MODSTRUCT

GROUP

PO BOX 7254 MOUNT ANNAN NSW 2567

info@modstructgroup.com.au

ABN 26 677 337 316

Project:PROPOSED - PEAKHURST PARK
COMMUNITY CENTRE

OFFICIAL BUILDING NAME STILL TO BE DETERMINED

Site Address:
No. 5 HEDLEY STREET,
LOT 1-5, DP 1143770,
RIVERWOOD NSW 2210

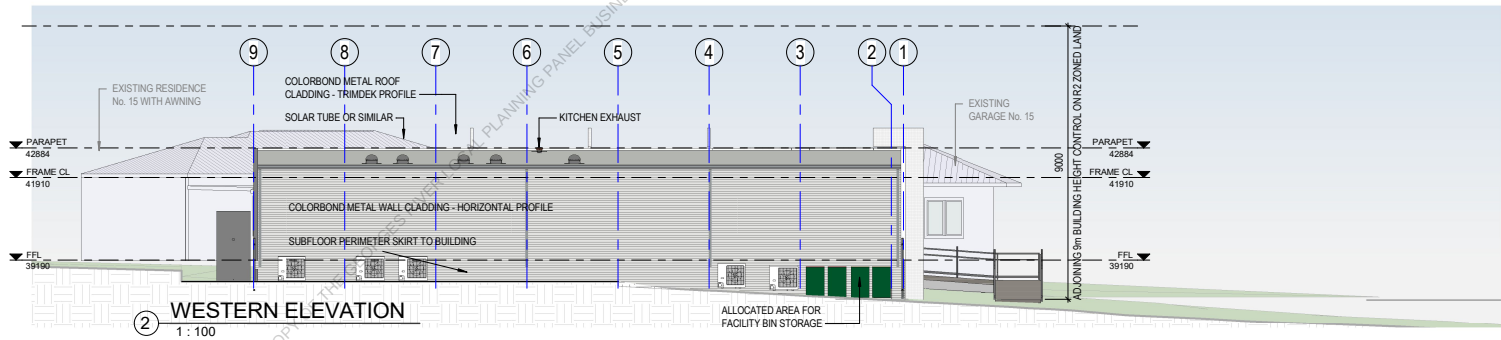
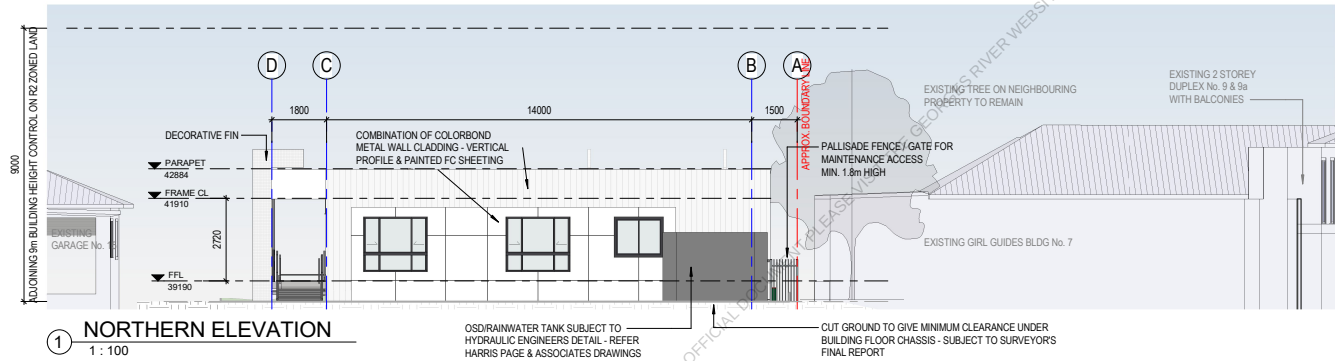
Client:GEORGES RIVER COUNCIL



Drawing:

ELEVATIONS - Southern &
Eastern

Scale	1 : 100	A2	© COPYRIGHT	Drawing No	Issue
Drawn	PLS	Checked	VF	Project No	4089
				4089.DA. 200	F



F18.06.25PLSRevised DA submission

E15.05.25PLSDA submission

D14.05.25PLSAdjustments as per Town Planner comments - 2nd entry pushed back as per meeting 9.5.25/ DSurvey added

C2.05.25PLSColours revised as per meeting 30.4.25

B29.04.25PLSRequested colour change for comment / name change to title/ deleted fin signage added

A10.04.25PLSIssued to client for comment and approval

Amendments

Modular Manufacturer:

MG

MODSTRUCT

GROUP

PO BOX 7254 MOUNT ANNAN NSW 2567
info@modstructgroup.com.au

ABN 26 677 337 316

Project:PROPOSED - PEAKHURST PARK
COMMUNITY CENTRE
OFFICIAL BUILDING NAME STILL TO BE DETERMINED

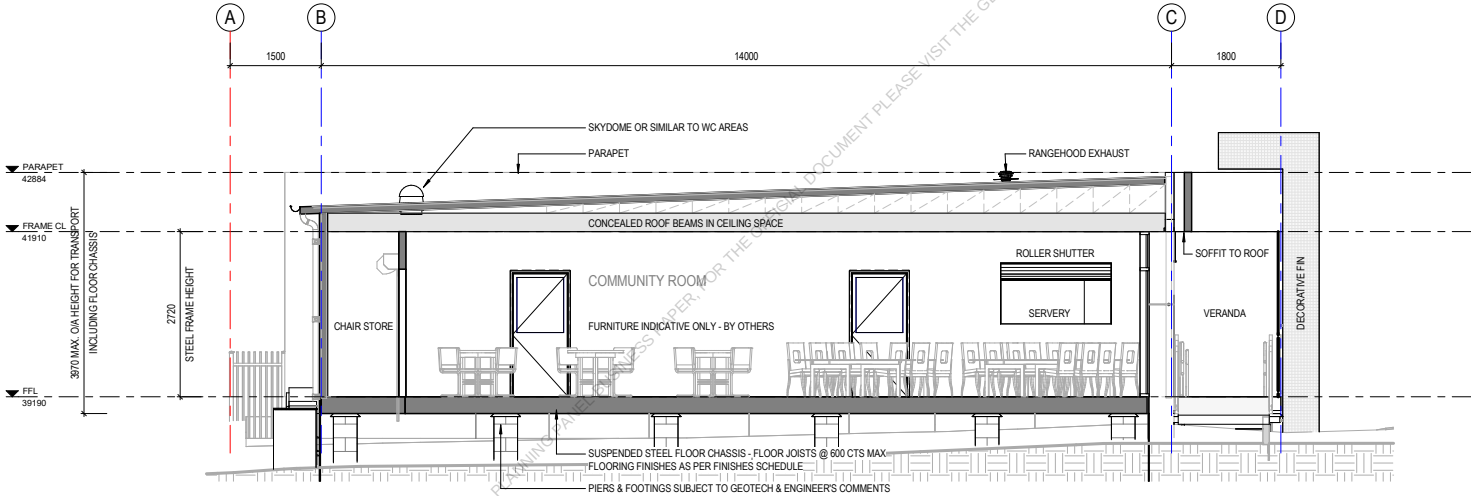
Site Address:
No. 5 HEDLEY STREET,
LOT 1-5, DP 1143770,
RIVERWOOD NSW 2210

Client:GEORGES RIVER COUNCIL



Drawing:
ELEVATIONS - Northern &
Western

Scale	1 : 100	A2	© COPYRIGHT	Drawing No	Issue
Drawn	PLS	Checked	VF	Project No 4089	
				4089.DA. 201	F



1 TYPICAL SECTION
1 : 50

Modular Manufacturer: MG MODSTRUCT GROUP PO BOX 7254 MOUNT ANNAN NSW 2567 info@modstructgroup.com.au ABN 26 677 337 316		Project: PROPOSED - PEAKHURST PARK COMMUNITY CENTRE OFFICIAL BUILDING NAME STILL TO BE DETERMINED Site Address: No. 5 HEDLEY STREET, LOT 1-5, DP 1143770, RIVERWOOD NSW 2210 Client: GEORGES RIVER COUNCIL		Drawing: TYPICAL SECTION <table><tr><td>Scale</td><td>1 : 50</td><td>A2</td><td>© COPYRIGHT</td><td>Drawing No</td><td>Issue</td></tr><tr><td>Drawn</td><td>PLS</td><td>Checked</td><td>VF</td><td>Project No</td><td>4089</td></tr><tr><td colspan="4"></td><td>4089.DA. 300</td><td>F</td></tr></table>		Scale	1 : 50	A2	© COPYRIGHT	Drawing No	Issue	Drawn	PLS	Checked	VF	Project No	4089					4089.DA. 300	F
Scale	1 : 50	A2	© COPYRIGHT	Drawing No	Issue																		
Drawn	PLS	Checked	VF	Project No	4089																		
				4089.DA. 300	F																		
F 18.06.25 PLS Revised DA submission E 15.05.25 PLS DA submission D 14.05.25 PLS Adjustments as per Town Planner comments - 2nd entry pushed back as per meeting 9.5.25 C 2.05.25 PLS Colours revised as per meeting 30.4.25 B 29.04.25 PLS Requested colour change for comment / name change to title/ deleted fin signage added A 10.04.25 PLS Issued to client for comment and approval Amendments																							



Plan of Management

Site

5A Hedley Street, Riverwood

Project

New Community Centre

21 August 2025

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



telephone 1300 123 783

email info@queconsulting.com.au

web queconsulting.com.au

© que consulting

All Rights Reserved. No part of this document may be reproduced, transmitted, stored in a retrieval system, or translated into any language in any form by any means without the written permission of que consulting. Statements and information including figures contained in this document are based on sources which are believed to be reliable and correct. Although we have no reason to doubt the accuracy and reliability of the statements and information, no responsibility is assumed by us or any of our staff or consultants for any mis-statement omission or error and interested persons should rely on their own enquiries.

Document Management

Date	Revision	Author	Approver
21.08.2025	Revision 4	JW	SQ

Plan of Management_04.docx | 8/21/25

Plan of Management

1.0	Introduction	4
2.0	The site	5
3.0	Operation Details.....	6
4.0	Waste Management	8
5.0	Noise Management	9
6.0	Patron Management	10
7.0	Booking and Leasing.....	12
8.0	Security and Safety Management	13
9.0	Liquor.....	14
10.0	Communication, Complaints and Monitoring.....	15
11.0	Parking Management	16

1.0 Introduction

Purpose

- 1.1 The purpose of this 'Plan of Management' ('Plan') is to establish performance criteria for the use of 5A Hedley Street, Riverwood ('the site').

Scope and Use of the Plan

- 1.2 The key objectives of the Plan are to:
- a) Ensure the safety and well-being of staff, visitors and patrons.
 - b) Maintain the amenity of the neighbourhood.
- 1.3 Guide Operations, and security operations.
- 1.4 This Plan is to be reviewed by the operator and to ensure all operations is in accordance with the guidelines.

Compliance with Existing Conditions

- 1.5 The Community Centre is to operate in accordance with the Development Consent issued by Georges River Council, as amended.

A copy of this Consent is contained in **Attachment No.1**.

Amendments to the Plan

- 1.6 This Plan is to be reviewed on a yearly basis.
- 1.7 If, in circumstances where experience shows that it is reasonable or desirable to modify any provision of this plan for the better management of the premises, a modification application of the Development Consent is required to be submitted to Council.

2.0 The site

- 2.1 This Plan of Management applies only to the Community Centre located at 5A Hedley Street, Riverwood and shown in red in **Figure 1**.
- 2.2 The floor plan of the Community Centre is provided in **Attachment No. 2**



Figure 1: Subject Site

3.0 Operation Details

Use

- 3.1 The building will be used as a community facility dedicated to providing physical, social, cultural, or intellectual development and welfare for the local community. The use will include low scale live music / entertainment performance.

Organisational Overview

- 3.2 The roles and responsibilities of all staff members are to be carried out generally as follows:

Staff Members	Role & Responsibility	
Council Management	Manage and Review	• Management of registers, approvals and licenses. • Regular review of this Plan of Management. • Review Incident and Complaints Register. • Advise of any Corrective Action Plans.
Council Staff	Advise & Train	• To ensure all are aware of the requirements outlined in this Plan of Management. • Undertake training and mentoring in relation to the requirements outlined in this Plan of Management
Operator Manager	Advise & Train	• To ensure all staff are aware of the requirements outlined in this Plan of Management. • Undertake training and mentoring of in relation to the requirements outlined in this Plan of Management. • Maintain an Incident and Complaints Register.
Operator	Action	• To ensure all conduct and actions are carried out in accordance with this Plan of Management

Security Guards

3.3 Nil

Patron Capacity

3.4 The maximum patron capacity of the Community Centre is to be as follows:

- **Indoors** - 100 patrons (seated and standing)

Staff Capacity

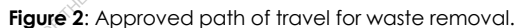
3.5 Unlimited to meet patron capacity needs.

Hours of Operation

3.6 The Community Centre is to operate seven days a week, and as modified by Council's Development Consent, as follows:

- **Indoors**
 - 8am to 10pm, Sunday to Thursday
 - 8am to 12midnight, Friday to Saturday

- 4.1 Loading and unloading on the premises will be in accordance with the conditions of the Development Consent issued by Council.
- 4.2 Waste is to be managed and minimised in accordance with the Waste Management Plan contained in **Attachment No.3**
- 4.3 All waste will be transferred to the common waste room during the approved training hours of the Community Centre in accordance with the approved path of travel shown in **Figure 2.**
- 4.4 External disposal of bottles/waste should be done prior to 12:00am, but not before 6:00am.



5.0 Noise Management

- 5.1 The Community Centre is to operate in accordance with the Noise Emission Assessment approved by Council to ensure the amenity of the local residents is protected. (Refer to **Attachment No.4**)
- 5.2 Doors and windows shall remain closed during operating hours of the Community Centre.
- 5.3 Live or amplified music is not permitted after 10pm
- 5.4 All sound emissions and noise management practices will comply with Council's requirements and the *Protection of the Environment (Operations) Act 1997*.
- 5.5 Within the outdoor areas, Operator staff are to address and caution unusually vocal patrons to minimise the likelihood of disturbing neighbours or other members of the public. Patrons making any excessive noise will be asked to leave quietly and quickly. In addition, any patrons loitering will be asked to move on.
- 5.6 No external spruiking or operation of external speakers.
- 5.7 No live or amplified music is allowed to the outdoor areas of the building.
- 5.8 External disposal of bottles/waste should be done prior to 12:00am, but not before 6:00am.
- 5.9 Signs are to be displayed at the entrance of the Community Centre reminding patrons to minimise noise when departing the premise, especially after 10:00pm.

6.0 Patron Management

General

- 6.1 Staff shall consider the amenity of neighbours and shall take all reasonable measures to ensure the conduct of the business does not impact adversely on the surrounding area.
- 6.2 Staff shall ensure that the entry points and the immediate vicinity are kept clean and tidy during the operating hours of the Community Centre.
- 6.3 Staff shall take all reasonable measures to control the behaviour of patrons of the premises when entering or leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard:
 - 6.4 With the arrival of groups of patrons, staff are to ensure that they enter the premises and are served quickly invited to remain within the premises.
 - 6.5 Between 10pm and midnight staff are to monitor patrons leaving the premises and provide corrective advice to any patron in the immediate vicinity of the premises acting in a manner which may adversely impact on the surrounding area.

Outdoor Area

- 6.6 After 10pm, there is to be no congregation of patrons in external areas along the eastern boundary of the site.

Closure

- 6.7 No deliveries or the disposing of glass bottles shall be carried out between 10pm and 7am the following day.
- 6.8 To assist in the closure of the Community Centre in a timely manner to comply with the Development Consent, the Duty Manager and Staff are to implement the following actions:

	Action	When
Last Patrons	Staff to remind patrons of closing time.	45 minutes before closure
Last Orders	Staff to commence pack up procedures. All waste (including bottles) to be taken to waste collection area.	30 minutes before closure
Kitchen Closure	Kitchen closed, and wash up to be undertaken.	30 minutes before closure
Reminder No.1	Staff to advise patrons of closing time. Air conditioner to be turned off.	20 minutes before closure

Reminder No.2	Staff to advise patrons of closing time.	15 minutes before closure
Reminder No.3	Staff to advise patrons to start leaving. Staff must complete a walkaround of the carpark and request that guests depart quietly.	10 minutes before closure
Final Reminder	Staff must complete a walkaround of the carpark and request that guests depart quietly.	At closure 10 minutes after closure

Signage

- 6.9 Signs are to be displayed at the entrance of the Community Centre reminding patrons to minimise noise when departing the premise, especially after 10:00pm.

7.0 Booking and Leasing

General Hire

- 7.1 Members of the public are required to book any hireable areas of the facility via the Council's online booking system.

Functions and Events

- 7.2 Any functions are to be booked prior to attendance.
- 7.3 For any functions, a register is to be maintained by the Operator and reviewed the day prior to function to ensure patron capacity is not exceedance.
- 7.4 For any functions, on the day prior, the Operator Manager is to check register to ensure patron capacity is not exceeded. If patron exceedance is noted, appropriate actions must be taken to notify to cancel bookings to ensure compliance.
- 7.5 For any functions, 15 minutes prior to the commencement, a staff member is to be stationed at the door entry to control patron numbers.

8.0 Security and Safety Management

CCTV

- 8.1 CCTV surveillance camera system is to be installed that covers both indoor and outdoor public areas.
- 8.2 The system is to be recorded and backed up to a period of 30 days.
- 8.3 All images are to be made available free of charge to any government agency.

Emergency Evacuation & Risk Management Plan

- 8.4 Nil – To be undertaken by the Operator.

Security Guards

- 8.5 Nil

9.0 Liquor

Liquor License

- 9.1 Nil

Police

- 9.2 Council Management shall implement any recommendation from the Local Licensing Police.
- 9.3 Council Management will meet with the Licensing Unit of the NSW Police Force, on an as needed basis.

Responsible Service of Alcohol

- 9.4 Not applicable. The Community Centre will not be licensed.

Illegal Drugs

- 9.5 Council Management will take substance abuse very seriously from patrons and Operator staff.

Any Operator staff proven to be selling, purchasing, using or in possession of narcotics or other legally controlled substances off premises or within, will be dismissed. Any patron found to be selling, purchasing, using or in the possession of narcotics or other legally controlled substances on the premises will be asked to leave and/or the local police will be contacted.

10.0 Communication, Complaints and Monitoring

- 10.1 All complaints are to be responded to by Council in accordance with Georges River Council Complaint Management Framework (available on Council's website).
- 10.2 A telephone number is to be made available on the Council website and shown near the front door to allow communication with Council's relevant community property and venues team through 9330 6400.
- 10.3 Operator Staff are to ensure the Council Management and Operator Management are aware of all Incidents and Complaints.

11.0 Parking Management

Carpark

- 11.1 The existing car park will be designated for the exclusive use of the Community Centre operator and visitors during the Community Centre's operating hours. At other times, the car park will be available for Peakhurst park users.
- 11.2 Staff must complete a walkaround of the carpark and request that guests depart quietly (both 10 minutes before and after the Centre closes).

Public Transport

- 11.3 The Operator is to create a 'Transport Access Guide' for employees and patrons to encourage public transport use, and is include:
 - a) A map showing the walking path to the Train Station.
 - b) A map showing the location of the nearest bus stop.
 - c) A copy of the local bus network map
 - d) The telephone number and website of Transport NSW showing the timetable for buses and trains.
 - e) A map of the local bicycle network
 - f) Advise the availability of bicycle parking on the site.
 - g) A list of taxis and ride share companies that operate within the local area.
- 11.4 The 'Transport Access Guide' is to be made available to all employees upon indication and is to be made available on the website for patrons.
- 11.5 The 'Transport Access Guide' is to be regularly updated in January and July each year.
- 11.6 Operator staff are to allow patrons to access a telephone free of charge to arrange taxi or ride share services.

Attachment No.1

Development Consent issued by council.

Plan of Management_04.docx | 8/21/25

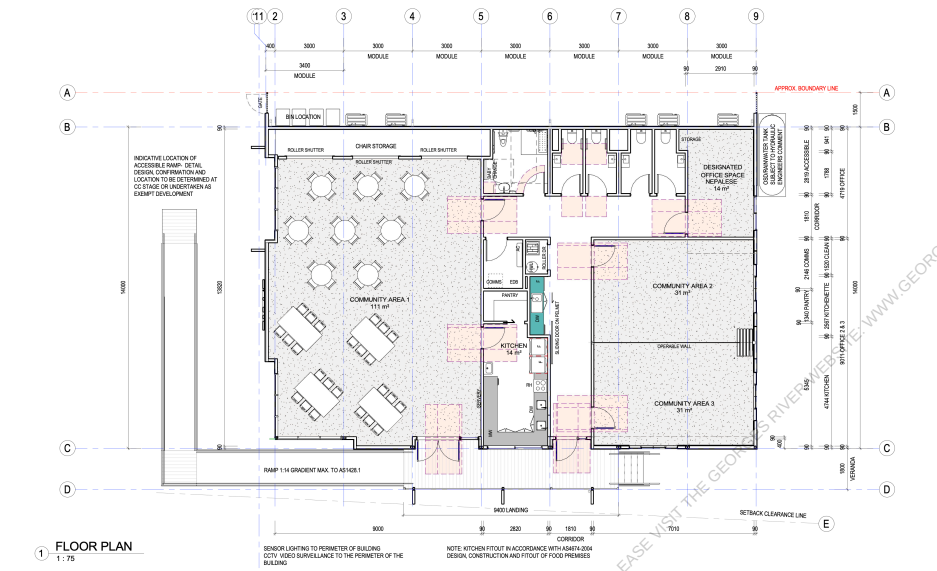
THIS IS THE PRINTED COPY OF THE GEORGES RIVER LOCAL PLANNING PANEL BUSINESS PAPER. FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU

Attachment No.2

Floor Plan.

Plan of Management_04.docx | 8/21/25

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



Attachment No.3

Waste Management Plan.

Plan of Management_04.docx | 8/21/25

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

Attachment No.4

Noise Emission Assessment.

Plan of Management_04.docx | 8/21/25

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