

AGENDA

Georges River Local Planning Panel

Thursday, 20 November 2025

4:00 PM

Blended Meeting

Online and Council Chambers, Civic Centre,
Hurstville

Participants:

Anthony Hudson (Chairperson)

Greg Britton (Expert Panel Member)

Stephen Davies (Expert Panel Member)

Rita Vella (Community Representative)

GEORGES RIVER LOCAL PLANNING PANEL MEETING

ORDER OF BUSINESS

1. ON SITE INSPECTIONS

2. OPENING

3. ACKNOWLEDGEMENT OF COUNTRY

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

4. APOLOGIES / LEAVE OF ABSENCE

5. NOTICE OF WEBCASTING

6. DISCLOSURES OF INTEREST

7. CONSIDERATION OF ITEM(S) AND VERBAL SUBMISSIONS

8. CLOSED SESSION – DELIBERATION OF REPORTS

LPP034-25	165-169 Bellevue Parade, Carlton – DA2025/0301 (Report by Senior Development Assessment Planner)	3
LPP035-25	31 Clarke Street, Peakhurst – DA2025/0207 (Report by Senior Development Assessment Planner)	70
LPP036-25	253 Princes Highway, Carlton – DA2024/0465 (Report by Development Assessment Planner)	147

9. CONFIRMATION OF MINUTES

Georges River Local Planning Panel Meeting - 20 November 2025

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REPORTS AND LPP DELIBERATIONS**REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 20 NOVEMBER 2025****LPP034-25 165-169 BELLEVUE PARADE, CARLTON**

LPP Report No	LPP034-25	Development Application No	DA2025/0301
Site Address & Ward Locality	165-169 Bellevue Parade, Carlton Kogarah Bay Ward		
Proposed Development	Change of use of an approved mixed use development to a self-storage development and alterations and additions		
Owners	The trustee for ATG Carlton Trust		
Applicant	Lachlan McDougall		
Planner/Architect	Planning Ingenuity/MCHP Architects		
Date Of Lodgement	1/07/2025		
Submissions	No submissions received.		
Cost of Works	\$1,795,328.00		
Local Planning Panel Criteria	This application is referred to the Georges River Local Planning Panel for determination as the proposal results in a variation greater than 10% to both Clause 4.3 Height of Building and Clause 4.4 Floor Space Ratio development standards.		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	SEPP (Resilience and Hazards) 2021, SEPP (Biodiversity and Conservation) 2021, SEPP (Transport and Infrastructure) 2021, SEPP (Industry and Employment) 2021, Georges River Local Environmental Plan 2021, and Georges River Development Control Plan 2021.		
List all documents submitted with this report for the Panel's consideration	Assessment Report, Traffic Impact Assessment, Stormwater Management Plan, Statement of Environmental Effects, Preliminary Site Investigation, BCA Report, Noise Assessment, Access Report, Site Photo's and Architectural Plans.		
Report prepared by	Senior Development Assessment Planner		

RECOMMENDATION	That the application be refused in accordance with the reasons referenced at the end of this report.
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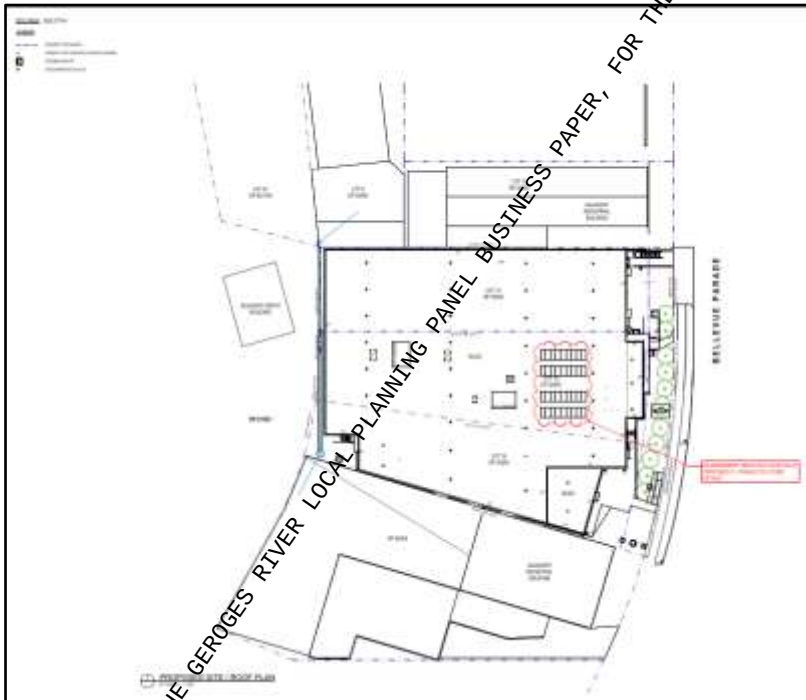
Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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LPP034-25

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Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes - Clause 4.3 Height of Building of GRLEP 2021 and Clause 4.4 Floor Space Ratio
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	No, the application is recommended for refusal, the refusal reasons can be viewed when the report is published.

SITE PLAN



EXECUTIVE SUMMARY

BACKGROUND

1. Several complying development certificates and a previous Land and Environment Court approved development application are relied upon for the proposed development application. The background of the relevant applications, on the subject site, are outlined below.

Complying Development Certificates

- A Complying Development Certificate (21304/01) was issued for the subject site on 15 May 2023 for demolition of existing structures and removal of footings and subgrade.
- A Complying Development Certificate (21304/02) was issued for the subject site on 11 October 2023 for construction of a multi-level mixed use development with a basement, comprising retail hardware premises, wholesale suppliers and a café.

Development Application (DA2024/0007)

- A Development Application was submitted on 23 January 2024 for the Change of use of the approved mixed-use development to a self-storage development and construction of signage. The proposal under this development application generally retained the approved building envelope but sought to make changes to the internal layout and floor levels to accommodate the change of use. The removal of car parking spaces with self-storage units resulted in the increase of GFA from the CDC approved building. The development was supported by a Clause 4.6 variation request to Clause 4.4 Floor Space Ratio of GRLEP 2021 permitting an FSR of 3.1:1.
- The application was appealed to the Land and Environmental Court was made following deemed the refusal of DA2024/0007. The appeal was upheld by the Land and Environmental Court (NSWLEC24/254881).

PROPOSAL

2. Development Application (DA2025/0301) seeks to change the use of the approved development on the site under CDC21304/02 to provide a self-storage development within the approved built form. To facilitate the proposed change of use the proposal involves alterations and additions to the approved building, particularly in relation to the internal layout. The proposal seeks to:
 - increase the useable floor area within the approved building envelope by providing an additional floor level for self-storage units. This is achieved by reducing the approved floor to ceiling heights within the approved development.
 - retain the overall building envelope (as approved), however, this will be amended to be reconfigured to provide a self-storage facility comprising self-storage units of varying shapes and sizes across each level, with six (6) levels provided within the approved envelope instead of five (5) levels.
 - amendments to the approved OSD arrangements on the site by replacing the two (2) tank system with a single tank to provide a more efficient stormwater system. The single OSD tank will sit at a depth of 4.2m below the existing ground level and will require additional excavation than previously approved.

SITE AND LOCALITY

3. The subject site is located on the western side of Bellevue Parade. The site is known as No.165-169 Bellevue Parade, Carlton and has a legal description of Lots 14, 15 and 16 in DP 25093.

4. The site has a curved eastern frontage to Bellevue Parade of 56.385m, a 37.985m curved western rear boundary, a 65.01m northern side boundary, and a 64.01m southern side boundary. These site boundaries result in a site area of 3022.377sqm.
5. The site falls from the north-east to the south-west by approximately 3m and does not contain any significant vegetation or other natural features.
6. The site is located within an industrial area and is in close walking distance to a variety of land uses, including retail and commercial uses. The area surrounding the site contains a mix of building typologies, including small to large scale industrial and commercial developments. The subject site is situated amidst several industrial and commercial buildings located in the industrial zone.
7. Adjoining the site to the north is No.163 Bellevue Parade which contains a single storey factory with the business "Win Cheers Butchers" operating from the site. Adjoining the site to the south is No.171 Bellevue Parade which contains a double storey building with the business "Sydney Drive Shaft Carlton" operating from the site. Adjoining the site to the west is No.78 Planthurst Road which contains a large warehouse, smaller buildings/sheds and various other ancillary structures with the "Georges River Council Works Carlton Depot" operating from the site. To the east of the site and across Bellevue Parade are a range of retail and commercial services.

ZONING AND PERMISSIBILITY

8. The subject site is zoned and mapped under GRLEP 2021 as E4 General Industrial. The proposed development is for a self-storage units which is a permissible form of development with development consent.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

9. This application is referred to the Georges River Local Planning Panel for determination as the proposal results in a variation greater than 10% to both Clause 4.3 Height of Building and Clause 4.4 Floor Space Ratio development standards.

SUBMISSIONS

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

ASSESSMENT

GRLEP 2021 Numeric Controls			
Standard	Required	Proposed	Compliance
Cl. 4.1 Minimum subdivision lot size	Minimum 1000sqm	Proposal seeks to amalgamate three sites to a total site area of 3022.38sqm.	☒ Yes ☐ No
Cl. 4.3 Height of Buildings	Maximum 12m	18m 50% variation to development standard.	☐ Yes ☒ No
Cl. 4.4 Floor Space Ratio	Maximum 1:1 (3,022.38m ²)	3.78:1 (11,403m ²) 278% variation to development standard.	☐ Yes ☒ No

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 earth works are unsatisfactory for the following reasons: (c) the quality of the fill or the soil to be excavated, or both,	☐ Yes ☒ No

Clause 6.10 Design Excellence

Standard	Proposal	Compliance
(2) This clause applies to development on land within the Foreshore Scenic Protection Area involving— (a) the erection of a new building, or (b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant. (3) For land identified in on the Foreshore Scenic Protection Area Map:	The proposal fails to comply with Clause 6.10 for the following reasons: ○ Public Private Interface ○ Architectural Expression / Building Bulk and Scale Refer to the Urban Designers comment below in this assessment report.	☐ Yes ☒ No

(i) bed and breakfast accommodation,

(ii) health services facilities,

(iii) marinas,

(iv) residential accommodation, except for secondary dwellings,

(4) Development consent must not be granted for development to which this clause applies unless Council considers that the development exhibits design excellence.

(5) In considering whether the development exhibits design excellence, Council must have regard to the following matters—

(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,

(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,

(c) whether the development detrimentally impacts on view corridors,

(d) how the development addresses the following matters—

- 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 neighboring 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

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privacy, noise, wind and reflectivity, viii. pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks, ix. the impact on, and proposed improvements to, the public domain, x. achieving appropriate interfaces at ground level between the building and the public domain, xi. excellence and integration of landscape design, xii. the provision of communal spaces and meeting places, xiii. the provision of public art in the public domain, xiv. the provision of on-site integrated waste and recycling infrastructure, xv. the promotion of safety through the application of the principles of crime prevention through environmental design.		
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Industrial Development

9.2.1 Built Form

Control	Proposal	Compliance
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 proposed development fails to comply with GRLEP Clause 4.3 Height of Building and Clause 4.4 Floor Space Ratio.	☐ Yes ☒ No
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.		

Industrial Development

9.2.4 Building Design & Appearance

Control	Proposal	Compliance
1. Building facades are to be an innovative and contemporary architectural appearance.	Whilst the built form has been approved under a previous CDC application the proposed development fails to comply with development control 8.	☐ Yes ☒ No
2. 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.		
3. Building facades visible from a public road, 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.		
4. Building facades are to be designed to minimise the visual dominance of loading docks fronting the street.		
5. 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.		
6. External finishes must be robust and graffiti resistant, in particular those facades fronting a public road, reserve or railway.		
7. Non-reflective materials and finishes are to be used. Reflective surfaces on the external wall of a proposed building are to be no greater than 20%.		

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8. In addition to the above requirements, any new industrial development exceeding 12 metres in height is to comply with the provisions outlined in Clause 6.10 - Design excellence of the Georges River LEP 2021.

9. All rooftop or exposed structures including lift motor rooms, plant rooms, etc., together with air conditioning, ventilation and exhaust systems, are to be suitably screened and integrated with the building in order to ensure a properly integrated overall appearance. If the site adjoins a residential premise the facilities are to be located away from the residential boundary.

10. Council may require the bundling of cables in the area surrounding the development to reduce the visual impact of overhead street cables.

11. Lighting must be provided to the external entry path, common lobby, driveway, and car park to a building using vandal resistant, high mounted light fixtures.

12. The lighting in a car park must conform to the relevant Australian standards.

13. External lighting to an industrial development must give consideration to the impact of glare on the amenity of adjoining residents.

14. The siting of a telecommunication facility, aerial, satellite dish, plant room, lift motor room, mechanical ventilation stack, exhaust stack, and the like must integrate with the architectural features of the building to which it is attached; or be sufficiently screened when viewed from the street and neighbouring residential zoned land.

15. Service areas including waste, recycling areas and external

storage areas are to be located away from principal street frontages and screened from view.		
16. Fencing is not to be constructed within any landscape setback area.		
17. Fencing at the front of premises is to be of an open design and a maximum height of 1.8m.		
18. Fences on boundaries directly adjoining residential properties are to be constructed of pre-painted solid metal or full brick to provide screening and noise control.		

Industrial Development

9.2.5 Landscaping

Control	Proposal	Compliance
1. Deep soil landscaping is to be provided in the front setback area. This landscaping is to have a minimum depth of 3m measured from the front boundary (see Figure 1).	Deep soil landscape area provided. No outdoor communal area has been provided.	☐ Yes ☒ No
2. Deep soil landscaped areas are to be provided to areas fronting both primary and secondary streets, and sensitive land uses – refer to Section 9.2.3 – Setbacks and Section 9.2.11 – Industrial / Sensitive Land Use Interface controls in this DCP.		
3. Landscaping, with a minimum width of 2.5m, is to be provided around car parking areas. This landscaping is to include suitable canopy trees to provide shade		
4. Buildings, driveways and service trenches are to have a minimum setback of 4m from existing trees on the site and adjoining land which have been assessed as being significant and warranting retention.		
5. An outdoor communal area is to be provided within sites at a rate of 1m ² per employee, with a minimum total area of 10m ² .		

6. Outdoor communal areas should incorporate green space and shading where possible.		
7. Energy efficient and sustainable landscaping practices are to be incorporated in the landscape design.		
8. Street trees are to be planted to all street frontages.		

Industrial Development

Operational Restrictions

Control	Proposal	Compliance
1. The hours of operation of industrial activities (with the exception of ancillary offices and other non-noise generating components) are between the hours of 7.00 am and 7.00 pm. Mondays to Saturdays inclusive, with no work on Sundays or Public Holidays.	No Plan of Management submitted with the application.	☐ Yes ☒ No
2. Uses that propose to operate outside of the standard hours of operation referenced above are required to submit a Plan of Management. Further details are outlined in Council's Development Application Guide.		
3. For uses adjoining residential land, refer to Section 9.2.11 – Industrial / Sensitive Land Use Interface controls in this DCP.		

Industrial Development

9.3.3 Carlton

Control	Proposal	Compliance
<u>Desired Future Character</u> The Carlton precinct is an important precinct as it provides and will continue to provide a largely local service function and essential services to the local community and businesses. Regeneration of older building stock should be encouraged, along with amalgamation of smaller and narrower lots to achieve larger	The proposal fails to comply with objective (c) Encourage high quality buildings of contemporary design to create attractive streetscapes;	☐ Yes ☒ No

development sites, with increased landscaping and off-street parking. Opportunities exist for greening of this precinct and improved public domain, through street tree planting, landscaped frontages and landscaped setbacks to the stormwater channel and residential interfaces.		
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CONTRIBUTIONS

11. The development is subject to Section 7.11/7.12 Contributions.

CONCLUSION

12. The proposal has been assessed with regard to the matters for consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979. The application is not considered suitable with regards to the matters listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 for the reasons as follows:

STATEMENT OF REASONS AND DETERMINATION

13. Statement of Reasons

- The proposal fails to ensure that the site is suitable from a remediation perspective for the proposed use as per SEPP (Resilience and Hazards) 2021.
- The proposed variation to Clause 4.3 Height of Building and Clause 4.4 Floor Space Ratio is not sufficiently justified and the variations are not considered to be in the public interest, being contrary to the zone and standard objectives.
- The proposal fails to comply with Clause 6.10 Design Excellence as the proposal is not compatible with the desired future character, bulk, proportion and form are not in keeping with the streetscape and the proposal will protrude above the existing and proposed buildings / structures.
- The proposal fails to provide a detailed Plan of Management to support the application.

Determination

14. Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), recommends that Georges River Local Planning Panel determine DA2025/0301 for change of use of an approved mixed use development to a self-storage development and alterations and additions on Lot 15 DP 25093, Lot 16 DP 25093 and Lot 14 DP 25093 on land known as 165-169 Bellevue Parade, Carlton, should not be approved subject to the refusal reasons referenced below:

- 1) The proposal does not demonstrate that the site is suitable for the intended use in accordance with Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021, Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979

The proposed height of the building fails to comply with the maximum height permitted under clause 4.3 of the Georges River Local Environmental Plan 2021, pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

- 3) The development seeks to vary the Height Control standard under 4.3 Georges River Local Environmental Plan 2021, however no written request under Clause 4.6 – Exceptions to Development Standards has been provided to justify the non-compliance, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
- 4) The proposed development exceeds the maximum floor space ratio permitted under clause 4.4 of the Georges River Local Environmental Plan 2021, pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
- 5) The development seeks to vary the maximum floor space ratio, however it fails to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances, and there are sufficient environmental planning grounds to justify the contravention of the development standard pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
- 6) The development seeks to vary the Height Control standard under 4.3 Georges River Local Environmental Plan 2021, however no written request under Clause 4.6 – Exceptions to Development Standards has been provided to justify the non-compliance, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
- 7) Without a clause 4.6 variation for the exceedance in height, the application cannot be determined in accordance with Clause 4.6(3) of the Georges River Local Environmental Plan 2021, pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
- 8) The proposed earthworks are unsatisfactory and the quality of the soil to be excavated has not been determined failing to satisfy Clause 6.2 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 design of the building does not achieve design excellence, being contrary to Clause 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.
- 10) The proposed development results in unacceptable built form scale, being inconsistent Section 9.2.1.1 of the Georges River Development Control Plan 2021, pursuant to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
- 11) The proposed development results in unacceptable built form bulk, being inconsistent Section 9.2.1.2 of the Georges River Development Control Plan 2021, pursuant to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
- 12) The proposed development results in unacceptable building design and appearance, being inconsistent Section 9.2.4.8 of the Georges River Development Control Plan 2021, pursuant to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.

- 13) The proposal fails to provide an outdoor communal area, being inconsistent with Section 9.2.5.5 of the Georges River Development Control Plan 2021, pursuant to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
- 14) The proposed development fails to provide a Plan of Management in accordance with Section 9.2 of the Georges River Development Control Plan 2021, pursuant to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
- 15) The proposed development fails to encourage high quality buildings of contemporary design to create attractive streetscapes within the suburb of Carlton being inconsistent with Section 6.1.2.2 of the Georges River Development Control Plan 2021, pursuant to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
- 16) The development will result in unacceptable built form with excessive bulk and scale resulting in an overwhelming development without appropriate transition to lower scale developments surrounding the site being an unsuitable development for the site, pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.
- 17) The proposal, in its current form, is not suitable for the site or its locality and is likely to set an undesirable precedent, pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
- 18) The proposed development, in its current form, is not in the public interest and is likely pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979.

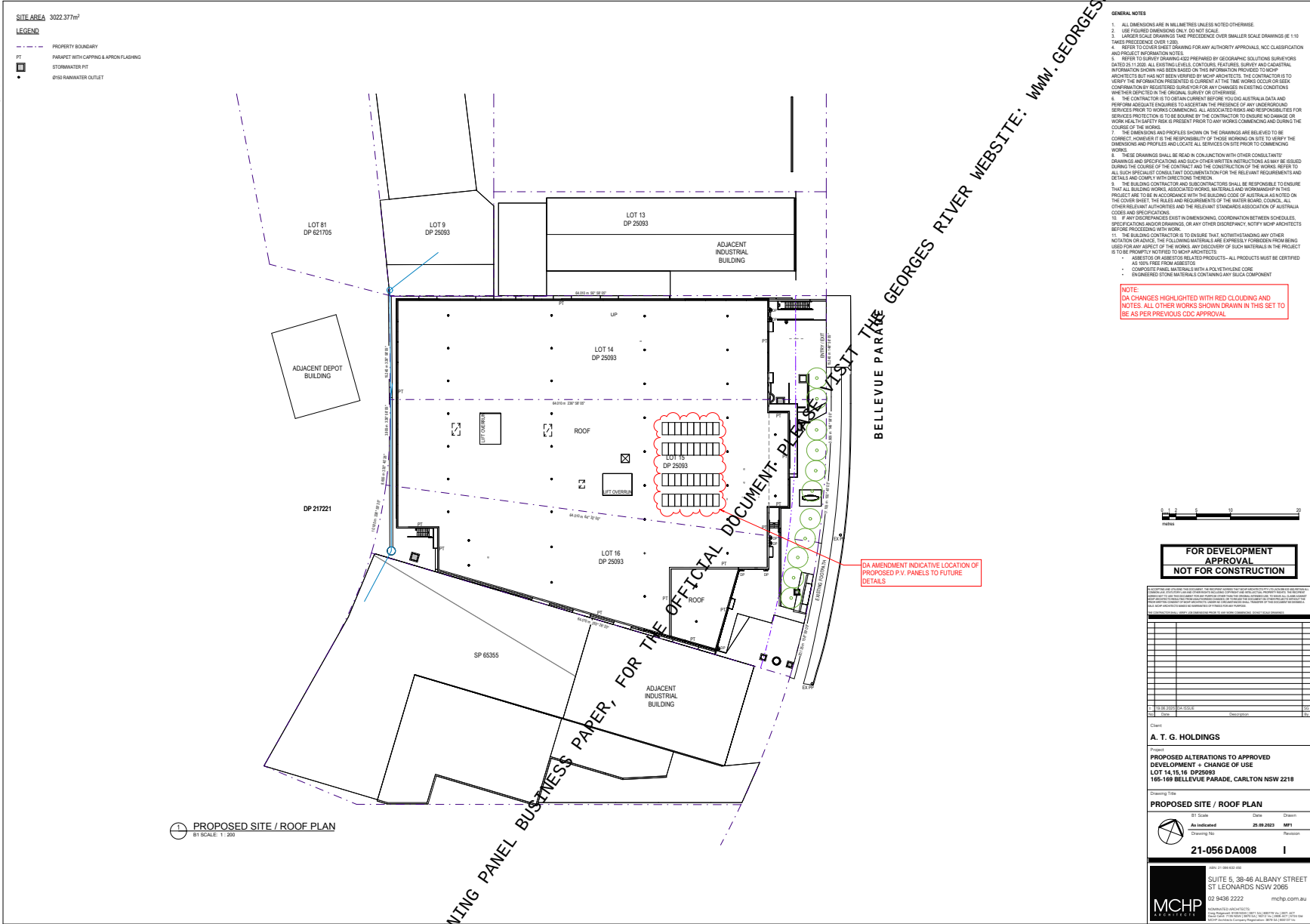
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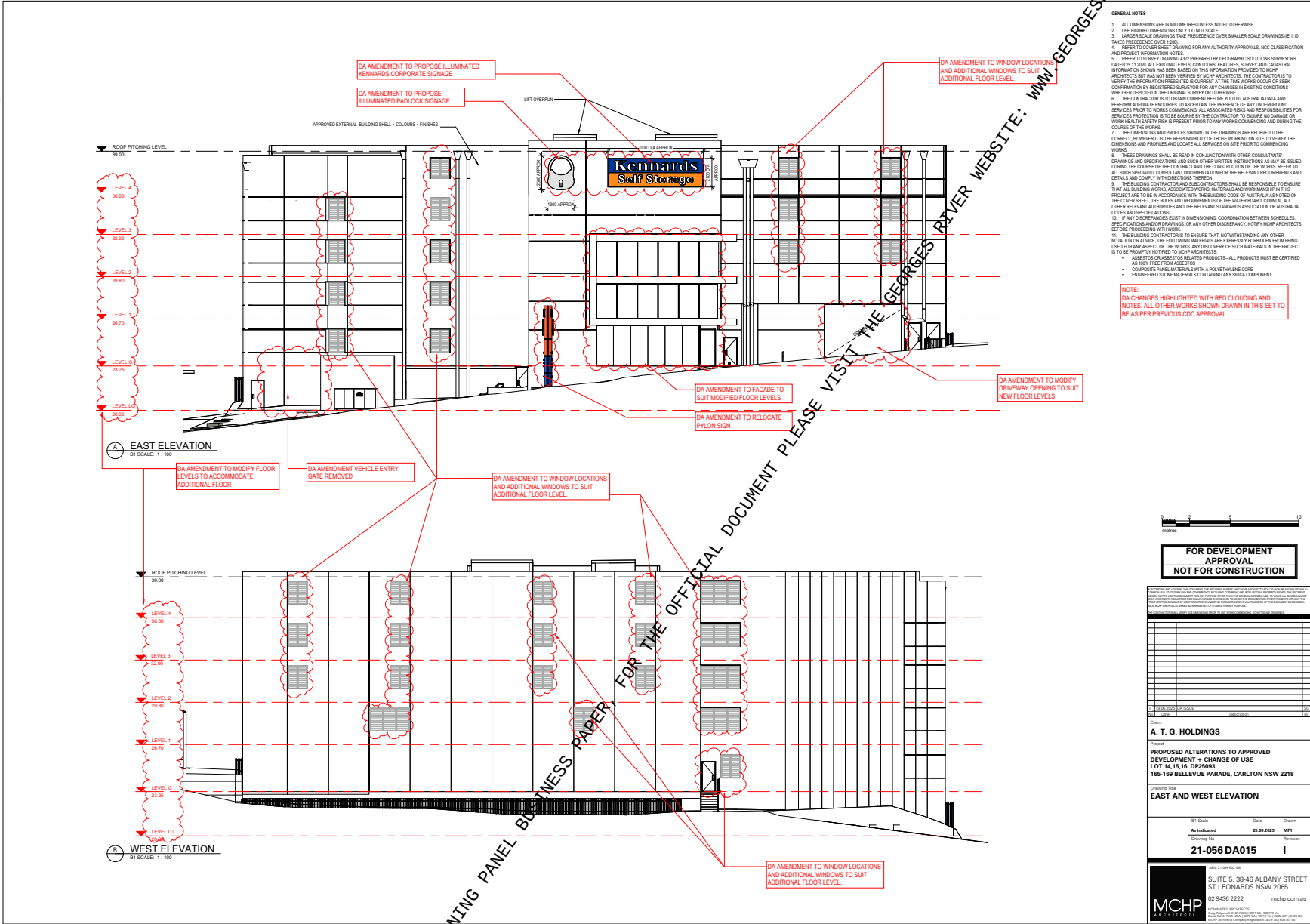
Attachment [1](#) Architectural Plans - 165-169 Bellevue Parade Carlton



Attachment [2](#) DA Assessment Report - DA2025-0301 165-169 Bellevue Parade Carlton







GENERAL NOTES

1. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
2. USE FIGURED DIMENSIONS ONLY (DO NOT SCALE).
3. LARGER SCALE DRAWINGS TAKE PRECEDENCE OVER SMALLER SCALE DRAWINGS (IE 1:10 TAKES PRECEDENCE OVER 1:200).
4. REFER TO COVER SHEET DRAWING FOR ANY AUTHORITY APPROVALS, MCC CLASSIFICATION AND PROJECT INFORMATION NOTES.
5. REFER TO SURVEY DRAWING (22) PREPARED BY GEOGRAPHIC SOLUTIONS SURVEYORS DATED 25.11.2020. ALL EXISTING LEVELS, COLOURS, FEATURES, SURVEY AND CADASTRAL INFORMATION SHOWN HAS BEEN BASED ON THE INFORMATION PROVIDED TO MCHP ARCHITECTS BUT HAS NOT BEEN VERIFIED BY MCHP ARCHITECTS. THE CONTRACTOR IS TO VERIFY THE INFORMATION PRESENTED IS CURRENT AT THE TIME THE WORKS OCCUR OR SEEK CONFIRMATION BY REGISTERED SURVEYOR FOR ANY CHANGES IN EXISTING CONDITIONS WHETHER SPECIFIED IN THE ORIGINAL SURVEY OR OTHERWISE.
6. THE CONTRACTOR IS TO OBTAIN CURRENT BEFORE YOU GO AUSTRALIA DATA AND PERSONAL INSURANCE TO ACCORDANCE WITH THE PRESENCE OF ANY UNDERGROUND SERVICES PRIOR TO ANY WORKS COMMENCING. ALL ASSOCIATED FORMS ARE RESPONSIBLE FOR SERVICES PROTECTION IS TO BE OBTAINED BY THE CONTRACTOR TO ENSURE NO DAMAGE OR WORK NEAR TO SAFETY FOR 5 PRESENT FROM TO ANY WORKS COMMENCING AND DURING THE COURSE OF THE WORKS.
7. THE DIMENSIONS AND PROFILES SHOWN ON THE DRAWINGS ARE BELIEVED TO BE CORRECT, HOWEVER IT IS THE RESPONSIBILITY OF THOSE WORKING ON SITE TO VERIFY THE DIMENSIONS AND PROFILES AND LOCATE ALL SERVICES ON SITE PRIOR TO COMMENCING WORKS.
8. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH OTHER CONSULTANT DRAWINGS AND SPECIFICATIONS AND SUCH OTHER WRITTEN INSTRUCTIONS AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT AND THE CONSTRUCTION OF THE WORKS. REFER TO ALL SUCH SPECIALIST CONSULTANT DOCUMENTATION FOR THE RELEVANT REQUIREMENTS AND DETAILS AND COMPLY WITH DIRECTIONS THEREON.
9. THE BUILDING CONTRACTOR AND SUBCONTRACTORS SHALL BE RESPONSIBLE TO ENSURE THAT ALL BUILDING WORKS, ASSOCIATED WORKS, MATERIALS AND WORKMANSHIP IN THIS PROJECT ARE TO BE IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA AS NOTED ON THE COVER SHEET, THE RULES AND REGULATIONS OF THE WATER BOARD, COUNCIL, ALL OTHER RELEVANT AUTHORITIES AND THE RELEVANT STANDARDS ASSOCIATION OF AUSTRALIA CODES AND SPECIFICATIONS.
10. IF ANY DISCREPANCIES EXIST IN DIMENSIONS, COORDINATION BETWEEN SCHEDULES, SPECIFICATIONS AND/OR DRAWINGS, OR ANY OTHER DISCREPANCY, NOTIFY MCHP ARCHITECTS BEFORE PROCEEDING WITH WORK.
11. THE BUILDING CONTRACTOR IS TO ENSURE THAT, NOTWITHSTANDING ANY OTHER NOTATION OR NOTICE, THE FOLLOWING MATERIALS ARE EXPRESSLY FORBIDDEN FROM BEING USED FOR ANY ASPECT OF THE WORKS, ANY DISCOVERY OF SUCH MATERIALS IN THE PROJECT IS TO BE PROMPTLY NOTIFIED TO MCHP ARCHITECTS:
 - ASBESTOS OR ASBESTOS RELATED PRODUCTS - ALL PRODUCTS MUST BE CERTIFIED AS 100% FREE FROM ASBESTOS
 - COMPOSITE PANEL MATERIALS WITH A POLYETHYLENE CORE
 - ENGINEERED STONE MATERIALS CONTAINING ANY POLYMER COMPONENT

NOTE:
DA CHANGES HIGHLIGHTED WITH RED CLOUDING AND NOTES. ALL OTHER WORKS SHOWN DRAWN IN THIS SET TO BE AS PER PREVIOUS CDC APPROVAL.

FOR DEVELOPMENT APPROVAL
NOT FOR CONSTRUCTION

Project:
PROPOSED ALTERATIONS TO APPROVED DEVELOPMENT - CHANGE OF USE LOT 14, 15, 16 DP20093 185-189 BELLEVUE PARADE, CARLTON NSW 2218

Drawing Title:
EAST AND WEST ELEVATION

Scale:
As indicated

Date:
25.09.2023

Author:
MCHP

21-056 DA015

MCHP

SUITE 5, 38-46 ALBANY STREET ST LEONARDS NSW 2065

02 9436 2222 mchp.com.au

REGISTERED ARCHITECTS

ARCHITECTS

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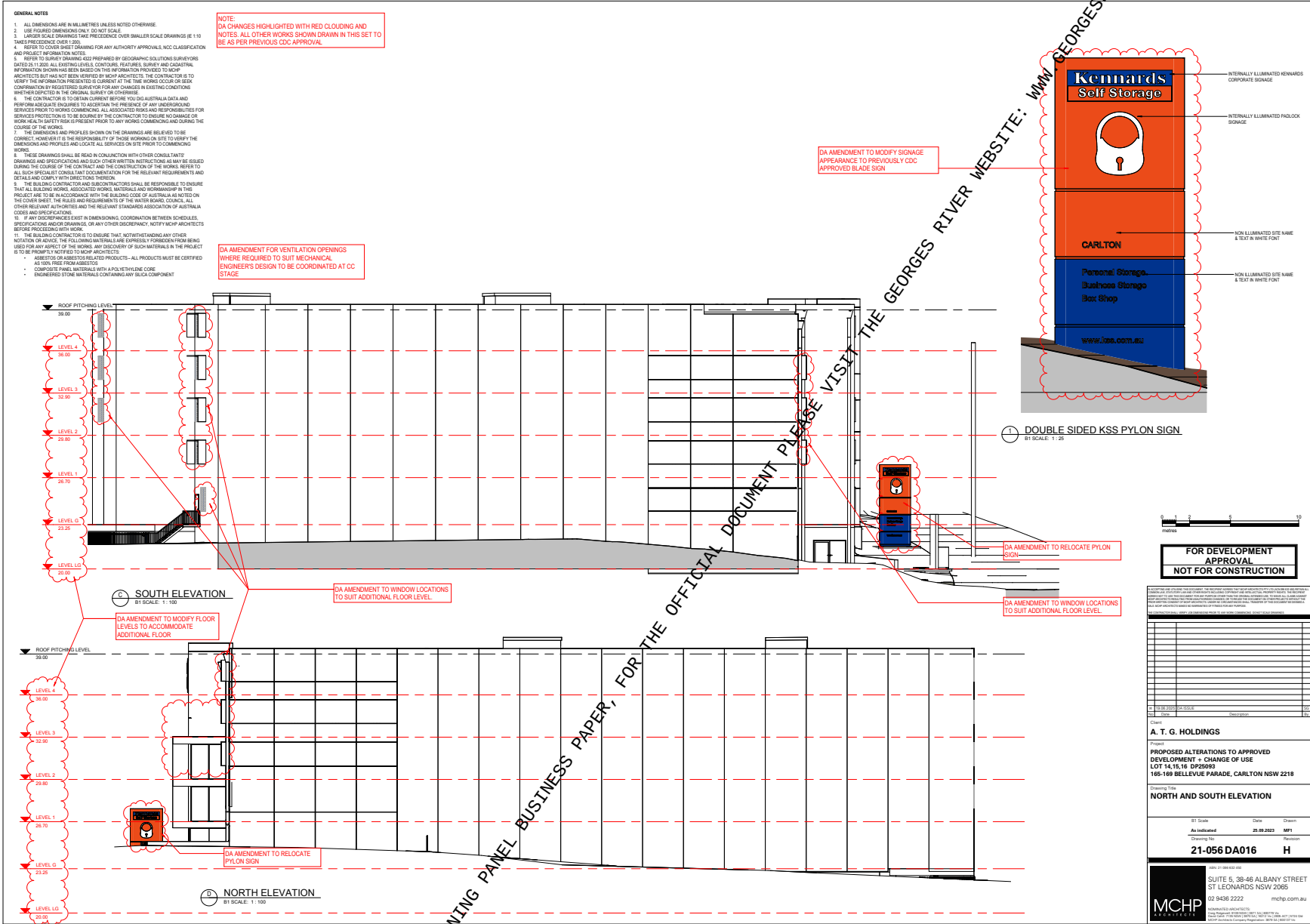
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Assessment Report

DA2025/0301

Lot 15 DP 25093 & Lot 16 DP 25093
& Lot 14 DP 25093

165-169 Bellevue Parade
CARLTON NSW 2218

Acknowledgment of Country

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

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Report Summary

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

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

Background

Several complying development certificates and a previous Land and Environment Court approved development application are relied upon for the proposed development application. The background of the relevant applications, on the subject site, are outlined below.

- Complying Development Certificates
 - A Complying Development Certificate (21304/01) was issued for the subject site on 15 May 2023 for demolition of existing structures and removal of footings and subgrade.
 - A Complying Development Certificate (21304/02) was issued for the subject site on 11 October 2023 for construction of a multi-level mixed use development with a basement, comprising retail hardware premises, wholesale suppliers and a café.
- Development Application (DA2024/0007)
 - A Development Application was submitted on 23 January 2024 for the Change of use of the approved mixed-use development to a self-storage development and construction of signage. The proposal under this development application generally retained the approved building envelope but sought to make changes to the internal layout and floor levels to accommodate the change of use. The removal of car parking spaces with self-storage units resulted in the increase of GFA from the CDC approved building. The development was supported by a Clause 4.6 variation request to vary Clause 4.4 Floor Space Ratio maximum under GRLEP 2021, permitting an FSR of 3.1:1.
 - The application was appealed to the Land and Environmental Court following the deemed refusal of DA2024/0007. The appeal was upheld by the Land and Environmental Court (NSWLEC24/254881).

Proposal

The proposed development is outlined below:

- Development Application (DA2025/0301)

The proposed development seeks to change the use of the approved development on the site under CDC21304/02 to provide a self-storage development within the approved built form. To facilitate the proposed change of use the proposal involves alterations and additions to the approved building, particularly in relation to the internal layout. The proposal seeks to:

- increase the useable floor area within the approved building envelope by providing an additional floor level for self-storage units. This is achieved by reducing the approved floor to ceiling heights within the approved development.
- retain the overall building envelope (as approved), however, this will be amended to be reconfigured to provide a self-storage facility comprising self-storage units of varying shapes and sizes across each level, with six (6) levels provided within the approved envelope instead of five (5) levels.
- amendments to the approved OSD arrangements on the site by replacing the two (2) tank system with a single tank to provide a more efficient stormwater system. The single OSD tank will sit at a depth of 4.2m below the existing ground level and will require additional excavation than previously approved.

- The proposed configuration is outlined below:

Lower Ground Floor:

- At the lower ground floor, the proposal will retain the approved lift access points, electrical switch room and pump room and the vehicle entry/exit point to Bellevue Parade will also be retained as approved.
- The approved parking at the lower ground floor will be replaced to accommodate self-storage units and pedestrian access corridors.
- The proposal will lower the approved lower ground floor level by 800mm to RL20.00, and as such will increase excavation and remove various elevated floor elements and ramps to respond to the new lower ground floor level.
- The approved fire passageways and fire stairs will largely be retained, with only minor changes proposed to suit modified floor levels.
- Provision of lift access to the lower ground floor level.
- 750mm reduction in the lower ground ceiling height, this combined with the lowered floor level will enable an additional level to be incorporated into the approved built form.

Ground Floor:

- Retain the approved stair and lift access points within the building, as well as the vehicle entry/exit access point and driveway off Bellevue Parade and the 4 (four) car parking spaces (including 1 x accessible) space, with the only change being the relocation of the accessible parking space.
- The remainder of the level will be converted from parking to provide self-storage units and pedestrian access corridors, as well as a large space for loading and access to storage units.
- An additional ten (10) internal parking spaces will also be provided at the ground floor loading area.
- Conversion of the approved café to a showroom, and provision of a new meeting room, company store, parcel locker, and accessible bathroom.
- The approved fire passageways and fire stairs will largely be retained, with only minor changes proposed to suit modified floor levels.
- There are no changes to the building footprint at the ground floor level.
- Reduction in the approved ground floor level from RL24.00 to RL23.25.
- Retention of the 3.45m ceiling heights will continue to accommodate loading and servicing on the site.

First Floor:

- Retention of the approved stair and lift access points within the building.
- The proposal will expand the approved void and replace parking, vehicle access and the mechanical plant with self-storage units and pedestrian access corridors.

- New stair access is provided between the lower ground floor and ground floor to allow for adequate access to the storage units.
- There are no changes to the building footprint at this level.
- The approved fire stairs will largely be retained, with only minor changes proposed to suit modified floor levels.
- The first-floor level will be lowered from RL27.80 to RL26.70.
- The floor to ceiling heights will remain suitable for the self-storage use.

Second Floor:

- Retention of the approved stair and lift access points within the building.
- Conversion of the mechanical plant, hardware unit, storerooms, amenities and bathrooms to self-storage units and pedestrian access corridors.
- There are no changes to the building footprint at this level.
- The approved fire stairs will largely be retained, with only minor changes proposed to suit modified floor levels.
- The second floor will be lowered from RL31.60 to RL29.80.
- The floor to ceiling heights will remain suitable for the self-storage use.

Third Floor:

- The third-floor level is the new level proposed to sit above the second level as a result of amendments to the change in RLs proposed by this application. This new level will sit at RL32.900.
- The third-floor level will continue to utilise the approved stair and lift access points within the building.
- The level is identical to the second floor below it and provides self-storage unit and pedestrian access corridors, with a GFA of 2,309m².

Fourth Floor:

- The approved third level will become the fourth level with the floor level changing from RL35.40 to RL36.00.
- The proposal will remove the void and replace the mechanical plant, hardware and retail, and warehouse/distribution, with self-storage units and pedestrian access corridors.
- There are no changes to the building footprint at this level, however a new void will be inserted in response to the internal layout changes.
- A ceiling height of 3m will be provided, within the approved building height.
- The level is essentially identical to the third-floor level in terms of self-storage unit layout and pedestrian access, and lift and stair access points, however, it will also provide plant rooms to support the use.

Parking:

- The development proposes a total of fourteen (14) car parking spaces located within the ground floor level and accessed via the approved driveways off Bellevue Parade.

Signage:

New business identification signage as follows:

Eastern Elevation:

- one (1) x Kennards Self Storage wall sign measuring 7000mm x 2100mm; and
- one (1) x padlock wall signs measuring 1900mm x 2500mm.

- Amend the approved pylon sign on the site under the CDC approval to provide the Kennards Self Storage signage on both sides.
- The proposal will not alter the size and dimensions of the sign approved under CDC which will continue to measure 6000mm x 2380mm, as per the CDC approval, however, will slightly change the location of the sign to sit further south.
- All signs will be internally illuminated.

A site analysis plan is provided below:

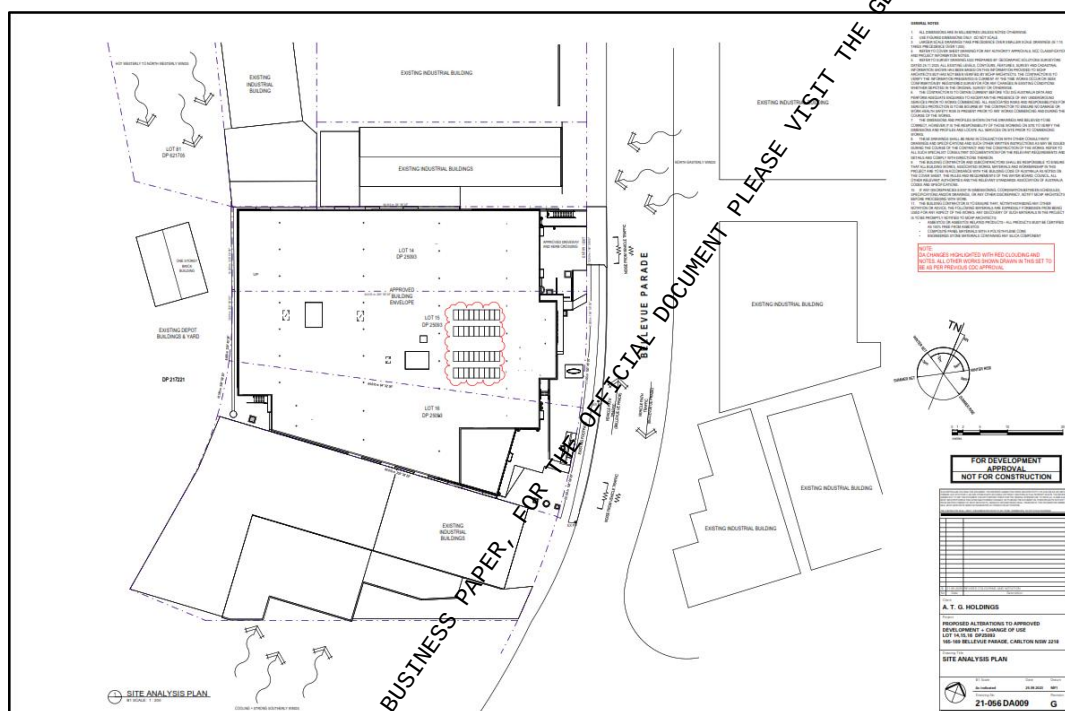


Figure 1 – Site analysis plan (Source: Architectural Plans)

Site and Locality

The subject site is located on the western side of Bellevue Parade. The site is known as No.165-169 Bellevue Parade, Carlton and has a legal description of Lots 14, 15 and 16 in DP 25093. The site has a curved eastern frontage to Bellevue Parade of 56.385m, a 37.985m curved western rear boundary, a 65.01m northern side boundary, and a 64.01m southern side boundary. These site boundaries result in a site area of 3,022.377sqm. The site falls from the north-east to the south-west by approximately 3m and does not contain any significant vegetation or other natural features.

The site is located within an industrial area and is in close walking distance to a variety of land uses, including retail and commercial uses. The area surrounding the site contains a mix of building typologies, including small to large scale industrial and commercial developments. The subject site is situated amidst several industrial and commercial buildings located in the industrial zone.

Adjoining the site to the north is No.163 Bellevue Parade which contains a single storey factory with the business "Win Cheers Butchers" operating from the site. Adjoining the site to the south is No.171 Bellevue Parade which contains a double storey building with the business "Sydney Drive Shaft

Carlton” operating from the site. Adjoining the site to the west is No.78 Planthurst Road which contains a large warehouse, smaller buildings/sheds and various other ancillary structures with the “Georges River Council Works Carlton Depot” operating from the site. To the east of the site and across Bellevue Parade are a range of retail and commercial services.

Aerial Image of Land Zoning

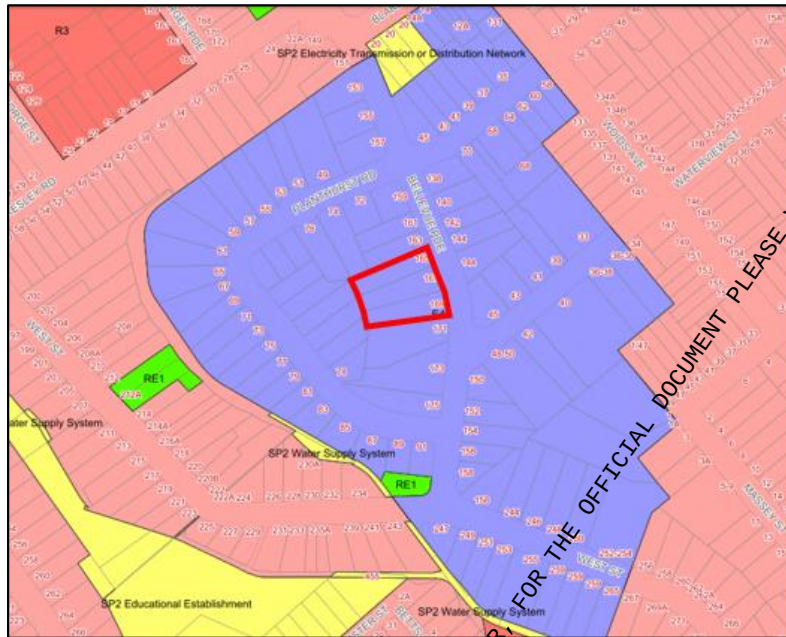


Figure 2 –Aerial view of development site outlined in red (Source: Intramaps)

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
CDC2023/0242	Demolition of existing structures.	Approval	15 May 2023	
CDC2023/0502	Construction of a multi-level mixed use development with a basement, comprising retail hardware premises, wholesale suppliers and a café.	Approval	11 October 2023	
DA2024/0007	Changes of use to self-storage and signage.	Approved via Land and Environmental Court	6 February 2025	
DA2025/0263	Change of use to self-storage, and alterations and additions.	Returned	6 June 2025	Returned for deep soil plan, stormwater checklist, notification plans and excavation/fill plan

Processing

Application History		
Action	Date	Comment
Submission Date	Friday, 20 June 2025	
Lodgement Date	Tuesday, 1 July 2025	
Site Inspection Conducted	Tuesday, 29 July 2025	
Request to Withdraw Letter Sent	Friday, 3 October 2025	

Site Inspection

Image(s) from the site inspection available below:

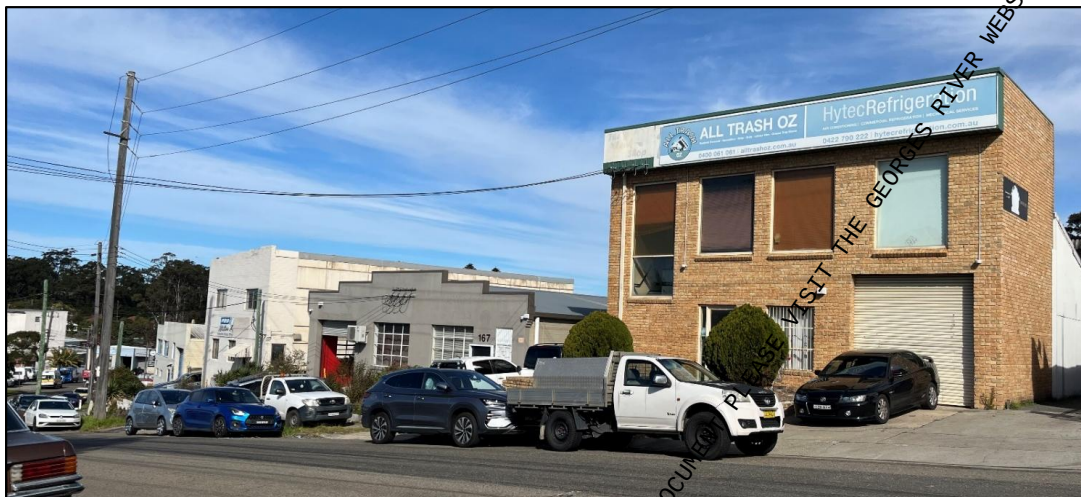


Figure 4- Street view of development site (Source: Assessing Officer)

Assessment - Section 4.15 Evaluation

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

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

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

The provisions of any environmental planning instrument (EPI)

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

The Provisions of any applicable Act

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

Site Affections Relevant Under SEPPs

SEPPs		Applicable	
Affection	SEPP Name	Yes	No
Water Catchment	SEPP (Biodiversity Conservation) 2021	☒	☐
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

Chapter 6 of the SEPP (Biodiversity and Conservation) 2021 aims to protect water quality and ecological values in regulated catchments, including the Georges River Catchment, which covers Carlton.

1. Catchment Protection (Part 6.2)
 - The site is within the Georges River Catchment, which is regulated under Chapter 6.
 - The proposed use (self-storage) is low impact in terms of water pollution risk.
 - Any alterations must ensure stormwater management complies with Council and SEPP standards to prevent runoff into waterways.
2. Foreshores and Waterways (Part 6.3)
 - The site is not directly adjacent to a foreshore or waterway, so these controls likely do not apply.
3. Public Bushland and Canal Estate Controls
 - The site is urban and developed, not bushland or canal estate, so these provisions are not triggered.
4. Environmental Impact Assessment
 - As per the SEPP and EP&A Regulation 2021, the Council must assess whether the development has no significant impact on water catchment values.
 - Given the nature of the proposal, it is likely to be considered compliant, provided stormwater and waste management are addressed.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 – Remediation of Land

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

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

- The same Preliminary Site Investigation (PSI) provided with the previous DA 2024/0007 has been submitted for this application.
- The PSI conclude that there are unacceptable risks to human health. The development is anticipated to remove all fill from the site, reinforcing that post development the site will be suitable for the proposed land use and risks to site users will be low and acceptable.

Furthermore, the application submitted a *Targeted Site Investigation (TSI) report signed by F Robinson dated 21/12/2023* which referenced a combined preliminary and Detailed Site investigation prepared by ADE in 2021 for 165-169 Bellevue Pde Carlton. However, a Remediation Action Plan (RAP) was not provided to ensure that the land can be made suitable for the proposed use.

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 (Industry and Employment) 2021

Chapter 3 of the Industry and Employment SEPP is required to be considered as the application proposed business identification signage. Section 3.36 of the SEPP states that the consent authority cannot grant consent unless:

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

On this basis, the proposed signage is generally consistent with Section 3.1(1)(a) of the SEPP, as it will be compatible with the amenity and visual character of the area. An assessment against Section 5 is provided below.

Assessment Against Schedule 5 Criteria

Criteria for evaluating signage and advertising structures.

1. Character of the Area

- The site is located in a predominantly industrial area with some emerging mixed-use and commercial developments.
- The proposed self-storage use is compatible with the evolving character of the area, especially if designed to be low-impact and visually integrated.

2. Special Areas

- The site is not within an environmentally sensitive or heritage area.

- The proposal is unlikely to detract from visual quality, provided the design is sympathetic to the industrial context and avoids excessive bulk or visual clutter.

3. Views and Vistas

- The signage is not expected to obscure significant views or dominate the skyline.
- The building modifications and signage should be contained within the existing envelope and not protrude above rooflines or tree canopies.

4. Streetscape, Setting or Landscape

- The scale and form of the proposed signage is appropriate for the streetscape.

5. Site and Building

- The proposed signage is compatible with the built form.

6. Associated Devices and Logos

- Any safety devices, lighting, or logos has been integrated into the building design and does not appear as add-ons.

7. Illumination of signage

- Avoids glare or light spill into nearby properties.
- Is adjustable and subject to curfews to protect amenity if approved.
- Does not affect pedestrian or vehicle safety.

8. Safety

- Clear sightlines for pedestrians and vehicles are maintained.
- No obstruction to public roads or footpaths.

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	☐	☒
6.10	Design Excellence –	☒	☐

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 1 – Preliminary**Clause 1.4 – Definitions**

Standard	Proposal	Compliance
self-storage units mean premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).	The proposal is consistent with the definition.	☒ Yes ☐ No

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 E4 General Industrial. The objectives of the zone are: - 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 consistent with the zone objectives and is satisfactory.	☒ Yes ☐ No

GRLEP 2021 Numeric Controls

Standard	Required	Proposed	Compliance
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Cl. 4.1 Minimum subdivision lot size	Minimum 1000sqm	Proposal seeks to amalgamate three sites to a total site area of 3022.38sqm.	☒ Yes ☐ No
Cl. 4.3 Height of Buildings	Maximum 12m	18m 50% variation to development standard.	☐ Yes ☒ No
Cl. 4.4 Floor Space Ratio	Maximum 1:1 (3,022.38m ²)	3.78:1 (11,403m ²) 278% variation to development standard.	☐ Yes ☒ No

GRLEP 2021 Clause 4.6 – Variation Statement

Clause 4.3 – Height of Building

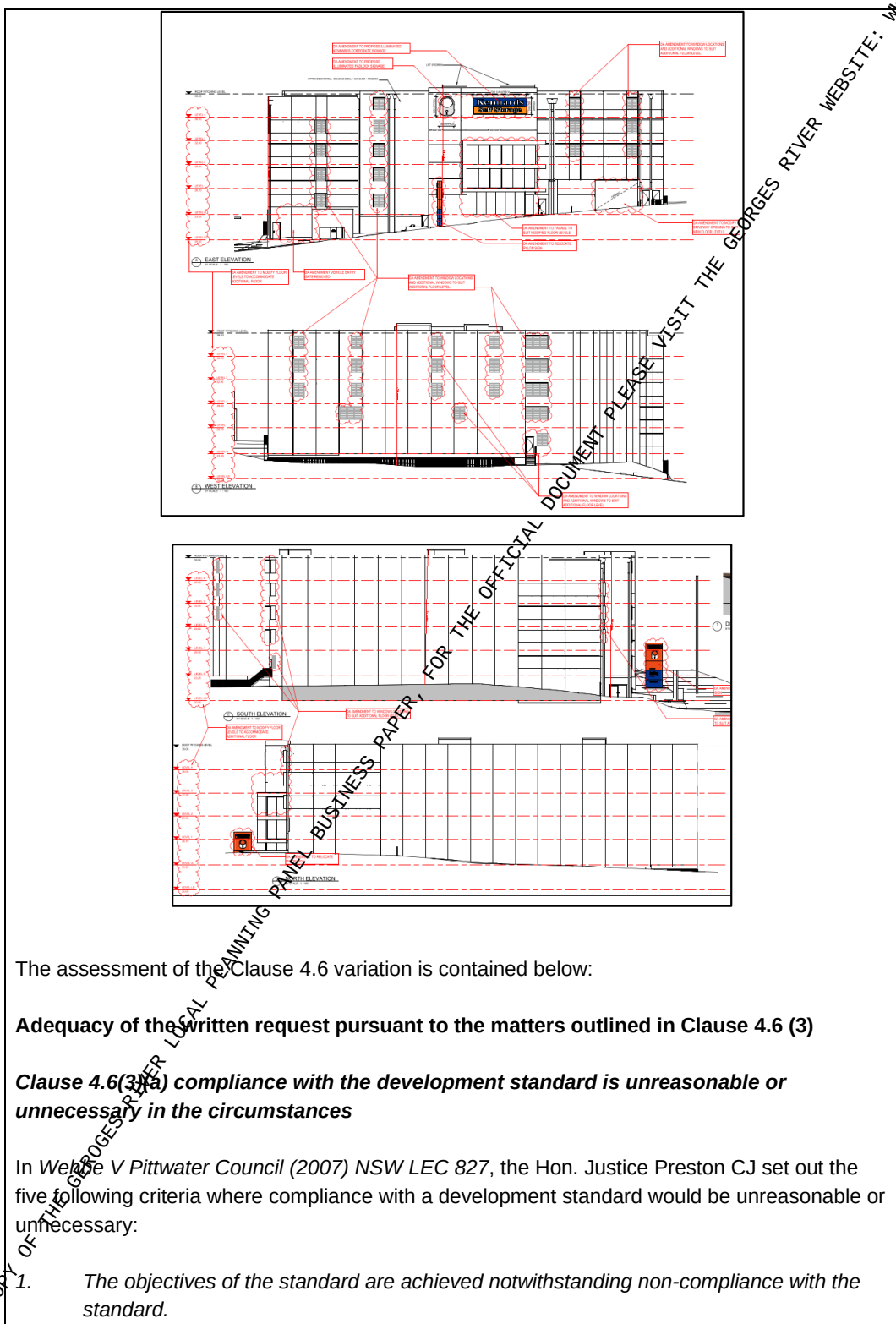
The Applicant has failed to submit a Clause 4.6 submission to vary Clause 4.3 - Height of Building development standard under GRLEP 2021.

Under Clause 4.6 of 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 below.



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

In *Webb 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:

-

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:

- A Clause 4.6 Variation Statement was not submitted. However, the Applicant advised that the height of the development has been approved under CDC, complying with the 18m maximum height limit under the Codes SEPP. This application does not include any changes to the building envelope approved on the site under the CDC or subsequent DA, and as such does not introduce any new variation to the building height limit.

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

(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 constructed buildings surrounding the development.
- The proposed height breach involves several storeys of the proposal.

(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 visual impact on the surrounding area and adjoining properties.

(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 exceedance of height does not appropriately respect the adjoining land uses both within the industrial precinct and beyond within the residential zoned land.

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:

- A Clause 4.6 Variation Statement was not submitted. However, the Applicant advised that the height of the development has been approved under CDC, complying with the 18m maximum height limit under the Codes SEPP. This application does not include any changes to the building envelope approved on the site under the CDC or subsequent DA, and as such does not introduce any new variation to the building height limit.

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

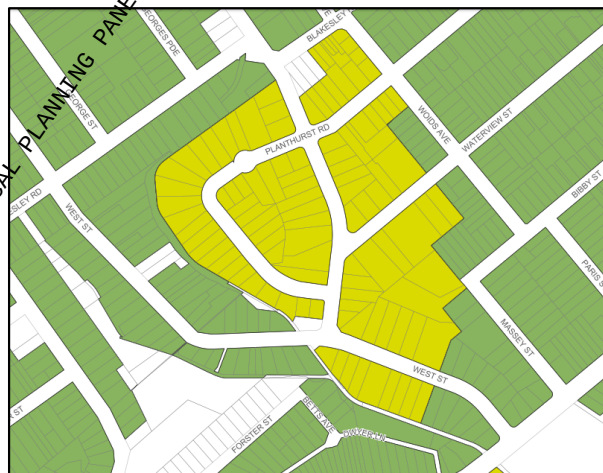
Third Test: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.

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

- A Clause 4.6 Variation Statement was not submitted. However, the Applicant advised that the height of the development has been approved under CDC, complying with the 18m maximum height limit under the Codes SEPP. This application does not include any changes to the building envelope approved on the site under the CDC or subsequent DA, and as such does not introduce any new variation to the building height limit.

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.



GRLEP 2021 – Height of Building Map

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:

- A Clause 4.6 Variation Statement was not submitted. However, the Applicant advised that the height of the development has been approved under CDC, complying with the 18m maximum height limit under the Codes SEPP. This application does not include any changes to the building envelope approved on the site under the CDC or subsequent DA, and as such does not introduce any new variation to the building height limit.

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:

- A Clause 4.6 Variation Statement was not submitted. However, the Applicant advised that the height of the development has been approved under CDC, complying with the 18m maximum height limit under the Codes SEPP. This application does not include any changes to the building envelope approved on the site under the CDC or subsequent DA, and as such does not introduce any new variation to the building height limit.

Conclusion

As discussed above, the Applicant has failed to provide a Clause 4.6 Variation Statement, 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:

- A Clause 4.6 Variation Statement was not submitted. However, the Applicant advised that the height of the development has been approved under CDC, complying with the 18m maximum height limit under the Codes SEPP. This application does not include any changes to the building envelope approved on the site under the CDC or subsequent DA, and as such does not introduce any new variation to the building height limit.

It is considered that the proposal does not demonstrate sufficient environmental planning grounds to warrant the variation.

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

The objectives of Clause 4.3 and assessed 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 proposed building exceeds the 12m height limit and introduces a scale and bulk that is not compatible with the desired future character of the locality. The surrounding developments generally comply with the height standard, and the proposed variation would result in a visually dominant structure that disrupts the established urban rhythm and scale.

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

As outlined in the assessment above, the proposed variation is not supported as a variation request has not been provided that adequately demonstrates the matters identified under Clause 4.6(3).

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

GRLEP 2021 Clause 4.6 – Variation Statement

Clause 4.4 – Floor Space Ratio

The application seeks a Clause 4.6 variation to the Floor Space Ratio (FSR) development standard under Clause 4.4 of the Georges River LEP 2021. The site has a mapped FSR of 1:1, while the proposed development seeks an FSR of 3.78:1, representing a 278% exceedance (an additional 8,383.1m² of GFA).

Clause 4.6(3) of GRLEP 2021 provides:

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

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

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

This approach is consistent with the approach taken by the court in *Jacobs V Waverley Council* [2019] NSWLEC 1232 and *Zhang v Georges River Council* [2020] NSWLEC 1628.

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

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

Clause 4.6(3) states that:

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

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

The Clause 4.6 request for variation is assessed as follows:

Is the planning control in question a development standard?

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

What are the underlying objectives of the development standard?

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

- (a) *to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality;*
- (b) *to ensure that development provides appropriate built form transition between new buildings and—*
 - (i) *adjoining land uses, or*
 - (ii) *heritage items, heritage conservation areas or Aboriginal places of heritage significance;*
- (c) *to control development density and intensity of land use, taking into account—*
 - (i) *the environmental constraints and values of the site, including retaining the scenic, visual, and landscape qualities of the area, and*
 - (ii) *the amenity of adjoining land and the public domain, and*
 - (iii) *the availability of infrastructure to service the site, and*
 - (iv) *the capacity of the road network to accommodate the vehicular and pedestrian traffic that a development will generate.*

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

There have been several Court cases that have established provisions to assist in the assessment of Clause 4.6 statements to ensure they are well founded and address the provisions

of Clause 4.6. In *Wehbe v Pittwater Council* (2007) NSW LEC 827 Preston CJ set out ways of establishing that compliance with a development standard is unreasonable or unnecessary.

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

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

The Clause 4.6 Statement has been prepared in consideration of the recent court cases and their judgements.

Applicant Comments:

The development is entirely compatible with the scale and bulk of surrounding built form and will enhance the appearance of the streetscape through the contemporary building form and choice of colours and materials. The proposal will not significantly alter the approved built form on the site, which, is reflective of the industrial zoning and consistent with the building typology within the locality. The proposed development does not significantly alter the approved development on the site, which replaces the existing building with a high-quality design, that includes height, setbacks, materials and architectural detailing that are compatible with surrounding built form and complement the characteristics of the streetscape. Therefore, despite the non-compliance with the FSR development standard, the proposed development will be compatible with the scale, form and bulk of existing development in the locality and is compatible with the desired future character for the precinct. This is demonstrated through the consistency with the objectives of the Carlton precinct as outlined in GRDCP 2021.

The proposed development does not alter the approved building envelope on the site, retaining the building setbacks and separation to adjoining land uses. As such, the proposal does not alter the approved transition between the development and adjoining sites, which is considered appropriate given the development was approved under CDC, achieving full compliance with the applicable built form controls for industrial development. The site is not located within close proximity to any heritage items, conservation areas or Aboriginal places of heritage significance.

The proposal will not alter the approved building footprint on the site and as such will not have any further impacts on the environment or the amenity of adjoining land uses and the public domain. The proposal will continue to present as a contemporary industrial development, which is characteristic of the land use zoning and character of development within the immediate locality as approved. The proposal will not alter the approved landscaping arrangement on the site

The proposal is for a change of use from a mixed-use development to a self-storage facility, which will utilise existing infrastructure on the site and will not have any adverse impact on the capacity of the road network. The self-storage facility use will not attract significant levels of vehicular or pedestrian traffic to the site and will actually decrease the traffic generation to the site when compared to the approved land use under CDC, despite the increased gross floor area.

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

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

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

Applicant's comments:

1. The proposed development is an appropriate addition to the streetscape a) The additional floor area proposed does not adversely change the character of the development in terms of streetscape. The scale and form of the development viewed from the street frontage reflects that desired by the planning controls and consistent with surrounding development. b) The additional FSR on the site is generally "internalised" and will not be readily perceptible from the public domain or surrounding properties. That is, the proposal adopts front setbacks to Bellevue Parade and setbacks to side boundaries which are anticipated by the DCP controls. These characteristics of the envelope primarily influence appearance and character of the development. The FSR that results from this envelope exceeds the numeric control but is considered to be consistent with the primary building envelope controls.
2. The proposed use requires a large floorplate with small service and parking areas a) The proposed use of the site for a self-storage facility requires a floorplate that does not include significant area for servicing or parking that would typically not be included as GFA in a standard commercial/retail use. As such, this type of land use results in a higher amount of calculated GFA than other non-residential or residential land uses that are permitted on the site.
3. The FSR breach will be imperceptible a) As identified above, the additional FSR proposed by the application is located within the building envelope which has been approved on the site under CDC. The additional GFA is located entirely within the approved building footprint, which provided a compliant FSR of 1:1. Overall, since the proposal retains a building envelope that can achieve a 1:1 FSR, the proposal, despite the numerical non-compliance, is not considered

to result in a scale of development that is visually excessive for the site or locality, and the non-compliance will not be perceived anywhere from the public domain.

4. The proposal will not have any adverse impacts on surrounding development or the public domain a) Whilst floor space ratio provides a quantitative assessment, the proposed development will have no adverse impact on the future amenity of surrounding properties. Solar access to neighbouring development will not be unreasonably impacted by the proposed development as there is no built form change. The additional floor space proposed will not give rise to any additional adverse overshadowing impacts on neighbouring properties. Furthermore, due to its location and design, the additional floor space areas that result in the non-compliance with the FSR development standard will not give rise to any adverse impacts on neighbouring amenity in terms of outlook and views, or acoustic and visual privacy. The proposal will continue to provide a land use on the site which has a lesser intensity than the approved use under CDC in terms of both acoustic and traffic impacts. Indeed, the self-storage use will attract less people to the site, reducing the overall traffic generation and minimising the amount of noise generated on the site even with an additional floor level added. As such, the proposal will continue to reduce the development impacts of the site on the surrounding development and public domain even with an increased gross floor area.

5. The proposal aligns with the objectives of the development standard and the zone a) The proposed development meets the objectives of the development standard and meets the objectives of the E4 General Industrial zone in that:

- i. The proposal will contribute to the range of industrial uses within the locality.
- ii. The proposed will provide a high-quality storage facility that will contribute to the viability of the locality; iii. The proposed use will not have any adverse impacts on other land uses.
- iv. The proposal will provide employment opportunities.
- v. The proposal will not impact the ability of facilities and services to meet the needs of workers in the area; and
- vi. The proposal will not have any adverse impacts on waste management.

6. Deletion of floor space would not be orderly and economic use of land

a) Despite the FSR non-compliance, the proposed built form is entirely compatible with the scale and form of Bellevue Parade. Removing floorspace to provide a compliant FSR would have no tangible benefits in terms of character, appearance or amenity. The provision of a compliant building would not be economically viable given the location of the site and the commercial character of the area.

b) The proposal provides high quality storage space within a well resolved building. The provision of a high-quality storage facility within a site which can accommodate the additional density without the creation of adverse impacts or any perception of additional density is a planning benefit.

7. The proposed development achieves the objects in Section 1.3 of the EPA Act

a) The proposal promotes the orderly and economic use and development of land by providing a high-quality storage facility that will enhance the vitality and viability of the industrial precinct.

Furthermore, the design will enhance the appearance of the site and streetscape, with no adverse amenity, character or heritage impacts (1.3(c)); and

b) The proposed development promotes good design and amenity of the built environment through a well-considered design which is responsive to its setting and context, providing an enhanced built form on the site that will improve the environmental and scenic quality of the locality (1.3(g)).

The above environmental planning grounds are not general propositions and are unique circumstances to the proposed development. It is considered that there is an absence of any material impacts of the proposed increased noncompliance on the amenity of the environmental values of the locality, the amenity of future building occupants and the character of the area. The proposal allows for a high-quality design within a site which can accommodate the proposed increase in floor space without the creation of significant adverse impacts.

Assessing Officer comments:

Extent of Variation is Excessive

The proposed FSR significantly exceeds the mapped control. While Clause 4.6 allows flexibility, the magnitude of the variation (nearly four times the permitted FSR) undermines the strategic intent of the LEP and sets an undesirable precedent. The scale of exceedance is not considered minor or reasonable.

Insufficient Environmental Planning Grounds

The justification provided focuses heavily on the retention of the approved building envelope and internal reconfiguration. However, Clause 4.6(3)(b) requires sufficient environmental planning grounds to justify the contravention of the development standard. The grounds presented are largely generic and relate to the development as a whole rather than specifically to the FSR breach. For example:

- The argument that the breach is "imperceptible" does not address the planning implications of increased density.
- The claim that the use requires a large floorplate does not inherently justify exceeding the FSR control.
- The assertion that deletion of floor space would be uneconomic is not a valid planning ground under Clause 4.6.

Objectives of the FSR Standard Not Adequately Met

Clause 4.4 aims to:

- Ensure compatibility with the bulk and scale of the locality.
- Control development intensity relative to infrastructure and amenity.

While the applicant argues that the proposal is compatible with the approved envelope, the increase in GFA intensifies the use beyond what was originally contemplated. The change from mixed-use to self-storage may reduce traffic, but the increased density still has implications for servicing, waste, and long-term land use planning.

Reliance on Previous Consent is Misplaced

The applicant references DA2024/0007, which approved an FSR of 3.1:1. However, each Clause 4.6 request must be assessed on its own merits. The current proposal seeks a further increase beyond what was previously supported, and the planning context may have changed. The previous approval does not automatically justify a greater exceedance.

Having regard to Clause 4.6(3)(b) and the need to demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard. The Applicant's written submission demonstrates that compliance with the floor space ratio development standard is unreasonable or unnecessary in the circumstances of the case. It also demonstrates there is insufficient environmental planning grounds to justify varying this development standard.

The Clause 4.6 variation request to **exceed the FSR control by 278% is not supported**. The proposal fails to demonstrate that compliance is unreasonable or unnecessary in the circumstances and does not provide sufficient environmental planning grounds to justify the contravention. The variation is inconsistent with the objectives of the development standard and the zone, and approval would compromise the integrity of the planning framework.

GRLEP 2021 Part 6 – Additional Local Provisions

Clause 6.1 – Acid sulfate soils

Standard	Proposal	Compliance
(2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works. Class 5 The site is 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.	The site is identified as containing Class 5 acid sulfate soils, but the works are not located on land within 500m of land of a lower class and is not below 5m Australian Height Datum. No further action is therefore required. Notwithstanding, an acid sulfate soils management plan has been submitted, and this has been found satisfactory by Council's Environmental Health Officer. Conditions are included in the recommendation to ensure compliance with this requirement.	☒ Yes ☐ No

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,	The proposed earth works are unsatisfactory for the following reasons: - The quality of the fill or the soil to be excavated has not been adequately considered by the Applicant.	☐ Yes ☒ No

(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.		
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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 and 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	The proposal is satisfactory with regards to the matters identified.	☒ Yes ☐ No

(d) is designed to minimise the impact on public drainage systems.		
Clause 6.9 Essential Services		
Standard	Proposal	Compliance
Development consent must not be granted to development unless Council is satisfied that any of the following services that are essential for the development are available, or that adequate arrangements have been made to make them available when required 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
Clause 6.10 Design Excellence		
Standard	Proposal	Compliance
(2) This clause applies to development on land within the Foreshore Scenic Protection Area involving— (a) the erection of a new building, or (b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant. (3) For land identified in on the Foreshore Scenic Protection Area Map: (i) bed and breakfast accommodation, (ii) health services facilities, (iii) marinas, (iv) residential accommodation, except for secondary dwellings, (4) Development consent must not be granted for development to which this clause applies unless Council	The proposal fails to comply with Clause 6.10 for the following reasons: - o Public Private Interface - o Architectural Expression / Building Bulk and Scale Refer to the Urban Designers comment below in this assessment report.	☐ Yes ☒ No

considers that the development exhibits design excellence.

(5) In considering whether the development exhibits design excellence, Council must have regard to the following matters—

(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,

(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,

(c) whether the development detrimentally impacts on view corridors,

(d) how the development addresses the following matters—

- i. the suitability of the land for development,
- ii. existing and proposed uses and use mix,
- iii. heritage issues and streetscape constraints,
- iv. the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
- v. bulk, massing and modulation of buildings,
- vi. street frontage heights,
- vii. environmental impacts such as sustainable design, overshadowing and solar access, visual and acoustic privacy, noise, wind and reflectivity,
- viii. pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of pedestrian networks,

ix.the impact on, and proposed improvements to, the public domain, x.achieving appropriate interfaces at ground level between the building and the public domain, xi.excellence and integration of landscape design, xii.the provision of communal spaces and meeting places, xiii.the provision of public art in the public domain, xiv.the provision of on-site integrated waste and recycling infrastructure, xv.the promotion of safety through the application of the principles of crime prevention through environmental design.		
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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 GRDCP 2021.

Georges River Development Control Plan 2021

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

Part 3 – General Planning Considerations

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
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Universal / Accessible Design

3.17 Universal / Accessible Design

Control	Proposal	Compliance
3. Accessways for pedestrians and vehicles to be separated	Accessway for pedestrians and vehicles is separate.	☒ Yes ☐ No

Parking Access and Transport

3.13 Parking Rates

Control	Proposal	Compliance
1. Car parking rates in accordance with Table 1 – Parking Requirements.	Car parking is in accordance with Table 1 – Parking Requirements.	☒ Yes ☐ No

Advertising and 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 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.	The proposed signs have been designed to relate to the proposed use and built form. The signage is not visually cluttering or distracting and is restricted to wall signage and a pylon sign. The proposed signs will be internally illuminated and will not result in any light spillage to residential properties or distract passing drivers. Illumination can be controlled by a timing device. The proposed signage clearly indicates the use of the building by Kennards Storage and will be written in English. Two signs are proposed at the eastern elevation including a Kennards Storage sign and a separate lock symbol sign.	☒ Yes ☐ No

viii. Not comprise a flag pole sign. ix. Not compromise road or pedestrian safety including cyclists. x. Be a minimum of 2.6 metres above any footpath where the sign is not flush with the wall. xi. Be at least 600mm from a kerb or roadway edge where the sign is over a public road.	The proposed signs do not project above the wall. The proposed signage is for business identification, not advertising.	
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		
3. In addition to the above, illumination of signage should: i. Be integrated with the design of the sign. ii. Not cause light spillage into nearby residential properties. iii. Not use complex displays, moving signs, flashing lights or the like that hold driver's attention beyond 'glance appreciation', and iv. Be fitted with an automatic timing device, controlling the illumination hours.		
4. In residential zones, signage should not be illuminated.		
5. All commercial advertising should comply with SEPP No.64-Advertising and Signage.		
<u>Business Identification Signs</u> 6. Business identification signs (refer to Figure 2 below) should: i. Identify the significant owners, tenants and uses of buildings. ii. Consolidate signs for multiple tenancies. iii. Be displayed in English, but may include a translation in another language not larger than the English message.		

iv. Not incorporate advertising of products and services that are not directly related to the approved use of the premises. v. Comply with the general controls and the relevant prescriptive measures in Table 7.		
<u>Flush Wall Sign</u> Must comply with all of the following controls, otherwise prohibited: a. Only one sign per building elevation; b. Must not have an area greater than: i. 10% of the elevation, if the elevation is >200m² ii. 20m² if the elevation is greater than 100m² but		
<u>New Developments</u> 9. For new buildings, the location, type and total number of advertising signs should be considered at the development application stage so that they can be integrated into the design of buildings. This information is to be included as part of any development application for a new building.		

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
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 avoid vegetation removal and will not adversely affect the health of existing vegetations.	
6. Cut and fill within a tree protection zone of a tree on the development site or adjoining land must be undertaken		

in accordance with AS4970 (protection of trees on development sites).	Adequate soil depth is provided to sustain tree growth.	
7. Soil depth around buildings should be capable of sustaining trees as well as shrubs and smaller scale gardens.	The earthworks proposed do not impact adversely on stormwater or flood with regards to impacts on adjoining properties.	
8. Earthworks are not to increase or concentrate overland stormwater flow or aggravating existing flood conditions on adjacent land.	Condition(s) are to be applied to ensure that any fill is to be VENM if the application is supported.	
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.	The proposal includes a sediment control plan indicating implementation of these measures. A suitable condition will be included in the consent which ensures compliance with the control.	☒ 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 minimises cut and fill and site disturbance. The proposal is not considered to have a high potential risk to groundwater.	
3. Development is to minimise site disturbance including impacts on vegetation and significant trees and the need for cut and fill.	The proposal is accompanied by adequate documentation that ensures no adverse impacts result to groundwater, significant trees, or Councils public domain.	
4. Construction works within a tree protection zone (TPZ) of a tree on the development site or adjoining land,		

must be undertaken in accordance with AS 4970 (Protection of trees on development sites).		
5. Development which has a high potential risk to groundwater must submit a geotechnical report to address how possible impacts on groundwater are minimised.		
6. Work must not be carried out in a public road or footpath unless a permit has been granted by Council (or other relevant roads authority) under s.138 of the Roads Act 1993, and / or s.68 of the Local Government Act 1993. These are separate approvals to development consent or a Complying Development Certificate. Consult with Council to determine if a permit is required.		

Industrial Development		
9.2.1 Built Form		
Control	Proposal	Compliance
1. Development is to comply with the maximum Height of Building Standard for land zoned E4 General Industrial prescribed in Clause 4.3 and associated maps of the Georges River LEP 2021.	The proposed development fails to comply with GRLEP Clause 4.3 Height of Building and Clause 4.4 Floor Space Ratio.	☐ Yes ☒ No
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.		

Industrial Development		
9.2.2 Site Area and Subdivision		
Control	Proposal	Compliance

1. Development is to comply with the minimum lot size standards for land zoned E4 General Industrial as prescribed in Clause 4.1 of the Georges River LEP 2021 and associated maps.	The proposed development complies with Clause 4.1 of GRLEP 2021, the site is not proposed to be subdivided.	☒ Yes ☐ No
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Industrial Development		
9.2.3 Setbacks		
Control	Proposal	Compliance
1. 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).	Front setback is a minimum 4.5m. A deep soil landscaped strip greater than 3m is provided to the front boundary. Nil setback proposed to side and rear setbacks which abuts existing industrial development. Subject site does not adjoin sensitive land uses.	☒ Yes ☐ No
2. 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.		
3. A minimum secondary street setback of 3 metres is required for all industrial development, except where otherwise specified in the site-specific precinct controls.		
4. The secondary street setback frontage is to contain deep soil landscaping with minimum dimensions of 3 metres in width. This area is to be devoid of any structures, storage areas, car parking and manoeuvring areas.		
5. Nil setbacks to side and rear boundaries are permitted where abutting existing industrial development.		
6. Greater setbacks are required where adjoining a sensitive land use – refer to Section 9.2.11 – Industrial / Sensitive Land Use Interface controls in this DCP.		

Industrial Development		
9.2.4 Building Design & Appearance		
Control	Proposal	Compliance
1. Building facades are to be an innovative and contemporary architectural appearance.	Whilst the built form has been approved under a previous CDC application the proposed development fails to comply with Section 9.2.4(8) as it does not demonstrate Design Excellence is achieved in accordance with Clause 6.10 of the GRLEP 2021.	☐ Yes ☒ No
2. 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.		
3. Building facades visible from a public road, 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.		
4. Building facades are to be designed to minimise the visual dominance of loading docks fronting the street.		
5. 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.		
6. External finishes must be robust and graffiti resistant, in particular those facades fronting a public road, reserve or railway.		
7. Non-reflective materials and finishes are to be used. Reflective surfaces on the external wall of a proposed building are to be no greater than 20%.		

8. In addition to the above requirements, any new industrial development exceeding 12 metres in height is to comply with the provisions outlined in Clause 6.10 - Design excellence of the Georges River LEP 2021.		
9. All rooftop or exposed structures including lift motor rooms, plant rooms, etc., together with air conditioning, ventilation and exhaust systems, are to be suitably screened and integrated with the building in order to ensure a properly integrated overall appearance. If the site adjoins a residential premise the facilities are to be located away from the residential boundary.		
10. Council may require the bundling of cables in the area surrounding the development to reduce the visual impact of overhead street cables.		
11. Lighting must be provided to the external entry path, common lobby, driveway, and car park to a building using vandal resistant, high mounted light fixtures.		
12. The lighting in a car park must conform to the relevant Australian standards.		
13. External lighting to an industrial development must give consideration to the impact of glare on the amenity of adjoining residents.		
14. The siting of a telecommunication facility, aerial, satellite dish, plant room, lift motor room, mechanical ventilation stack, exhaust stack, and the like must integrate with the architectural features of the building to which it is attached; or be sufficiently screened when viewed from the street and neighbouring residential zoned land.		
15. Service areas including waste, recycling areas and external storage areas are to be located away from principal street frontages and screened from view.		
16. Fencing is not to be constructed within any landscape setback area.		

17. Fencing at the front of premises is to be of an open design and a maximum height of 1.8m.		
18. Fences on boundaries directly adjoining residential properties are to be constructed of pre-painted solid metal or full brick to provide screening and noise control.		

Industrial Development		
9.2.5 Landscaping		
Control	Proposal	Compliance
1. Deep soil landscaping is to be provided in the front setback area. This landscaping is to have a minimum depth of 3m measured from the front boundary (see Figure 1).	Deep soil landscape area provided. No outdoor communal area has been provided.	☐ Yes ☒ No
2. Deep soil landscaped areas are to be provided to areas fronting both primary and secondary streets, and sensitive land uses – refer to Section 9.2.3 – Setbacks and Section 9.2.11 – Industrial / Sensitive Land Use Interface controls in this DCP.		
3. Landscaping, with a minimum width of 2.5m, is to be provided around car parking areas. This landscaping is to include suitable canopy trees to provide shade		
4. Buildings, driveways and service trenches are to have a minimum setback of 4m from existing trees on the site and adjoining land which have been assessed as being significant and warranting retention.		
5. An outdoor communal area is to be provided within sites at a rate of 1m ² per employee with a minimum total area of 10m ² .		
6. Outdoor communal areas should incorporate green space and shading where possible.		
7. Energy efficient and sustainable landscaping practices are to be incorporated in the landscape design.		

8. Street trees are to be planted to all street frontages.		
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Industrial Development		
9.2.6 Vehicle Access and Parking		
Control	Proposal	Compliance
1. Car parking and loading bays are to comply with the requirements of Section 3.13 – Parking Access and Transport of this DCP.	The proposed development achieves compliance with the car parking provisions as detailed under Section 3.13 Parking Access and Transport of GRDCP 2021.	☒ Yes ☐ No
2. Design and layout of parking and loading facilities is in accordance with the relevant Australian Standards.		
3. All vehicles are to enter and leave the site in a forward direction.		
4. All loading facilities are to be provided in accordance with the current RMS 'Guidelines to Traffic Generating Developments'.		
5. Buildings shall be designed to allow loading/unloading of vehicles within the building.		
6. Where site width allows, loading docks are to be situated to the side or rear of buildings.		
7. Access and mobility provisions must comply with Section 3.17 - Universal / Accessible Design of this DCP.		
8. Pedestrian access through car parking areas should be clearly marked, and where possible emphasised by the use of raised and textured surfaces.		
9. Pedestrian access through car parks should be kept separate from vehicle access ways.		

Industrial Development		
9.2.7 Environmental Protection Acoustic and Visual privacy		
Control	Proposal	Compliance

1. Development is to comply with the relevant provisions specified in the Noise Policy for Industry (2017).	The subject site is situated in an industrial area away from residential areas.	☒ Yes ☐ No
2. Development is to comply with the relevant provisions specified in SEPP (Transport and Infrastructure) 2021.	The proposed development is for a self-storage facility and thus is not anticipated to generate excessive amounts of noise.	
3. 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.	The proposal does not involve any hazardous substances.	
4. Where appropriate individual buildings and groups of buildings are to be located to act as barriers to the noise.		
5. Utilise the site and building layout to maximise the potential for acoustic privacy by providing adequate building separation within the development and from neighbouring buildings. This is particularly important where proposed development abuts residential uses and/or residentially zoned land.		
6. Developments within 200m of a residential or sensitive land use are to be designed to minimise impacts on the amenity of residential or sensitive land uses.		

Industrial Development		
Operational Restrictions		
Control	Proposal	Compliance
1. The hours of operation of industrial activities (with the exception of ancillary offices and other non-noise generating components) are between the hours of 7.00 am and 7.00 pm. Mondays to Saturdays inclusive, with no work on Sundays or Public Holidays.	No Plan of Management submitted with the application.	☐ Yes ☒ No
2. Uses that propose to operate outside of the standard hours of		

operation referenced above are required to submit a Plan of Management. Further details are outlined in Council's Development Application Guide.		
3. For uses adjoining residential land, refer to Section 9.2.11 – Industrial / Sensitive Land Use Interface controls in this DCP.		

Industrial Development		
Waste		
Control	Proposal	Compliance
1. Comply with the provisions of Section 3.12 – Waste Management of this DCP.	The waste is in accordance with the provisions of 3.12 – Waste Management.	☒ Yes ☐ No

Industrial Development		
9.2.12 Safety and Security		
Control	Proposal	Compliance
1. Buildings are to be orientated towards public streets and, where relevant, internal streets to consolidated developments.	Built form has been oriented towards the street. The front entry is clearly visible from the street. Office area (showroom) overlooks the street. Car parking located on the subject site within a secure area.	☒ Yes ☐ No
2. Frontages and entries overlook and are clearly visible from the street whilst providing a sense of address and visual interest.		
3. Office and administration areas should be located at the front of the building overlooking the street and any associated car parking areas.		
4. Minimise the number of pedestrian and vehicular access points in close proximity to each other and nearby uses.		
5. Staff parking should be secured and contain lighting in accordance with relevant Australia Standards.		

Industrial Development

9.2.8 Signage

Control	Proposal	Compliance
1. Signage is to comply with the requirements of SEPP (Industry & Employment) 2021.	Signage is in accordance with the provisions of SEPP and Section 3.18 of GRDCP 2021.	☒ Yes
2. Signage is to comply with the requirements of Section 3.18 – Advertising and Signage of this DCP.		☐ No

Industrial Development**9.2.9 Office Premises**

Control	Proposal	Compliance
1. In an industrial building where ancillary office or showrooms are proposed, the office or showroom area shall not exceed 25% of the total floor space of the premises.	The proposed showroom does not exceed 25% of the total floor space.	☒ Yes ☐ No

Industrial Development**9.3.3 Carlton**

Control	Proposal	Compliance
<u>Desired Future Character</u> The Carlton precinct is an important precinct as it provides and will continue to provide a largely local service function and essential services to the local community and businesses. Regeneration of older building stock should be encouraged, along with amalgamation of smaller and narrower lots to achieve larger development sites, with increased landscaping and off-street parking. Opportunities exist for greening of this precinct and improved public domain, through street tree planting, landscaped frontages and landscaped setbacks to the stormwater channel and residential interfaces.	The proposal fails to comply with objective (c) Encourage high quality buildings of contemporary design to create attractive streetscapes;	☐ Yes ☒ No

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 exceedance in the height of building development standard will disrupt the established skyline or character of the area, especially as surrounding buildings are significantly lower in height. The bulk and scale resulting from FSR non-compliance leads to a visually dominant and intrusive built form.
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 E4 General Industrial. The proposal is not considered a suitable outcome for the subject site for the following reasons:

- The proposal is not compatible with the desired future character
- The bulk, proportion and form are not in keeping with the streetscape
- The proposal does not contribute the visual interest of the streetscape but disrupts it; and
- The proposal will protrude above the existing and proposed buildings / structures.

Submissions

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

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

The Public Interest

Section 4.15 (e) the public interest.

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

- The proposal is not compatible with the desired future character
- The bulk, proportion and form are not in keeping with the streetscape
- The proposal does not contribute the visual interest of the streetscape but disrupts it; and
- The proposal will protrude above the existing and proposed buildings / structures.

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 imposed, if the application were of a supportive nature.
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: Public/Private Interface As stated, there is a minor reduction in the setback adjacent the at-grade parking along Bellevue Parade from 3.26m to 2.4m. Any reduction to the approved setback even if minor is not supported given its impact on the streetscape and deep soil planting especially considering the objectives to <i>improve landscape frontages and creating attractive streetscapes</i> and the dominant scale of the development. The dimensions of the pylon sign have not been provided on the drawings or the SEE. However, on the plan (Drawing 21-056 DA011 Rev Q), there appears to be an	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.

increase in the width and the base of the signage. Any increase in the size of the signage is not supported, given its impact on the streetscape especially considering the trademark very bold, high-contrast colours associated with Kennards Storage.

Lastly, the originally approved location of the pylon signage in proximity to the driveway is considered appropriate given the immediate context. Relocating the pylon sign to be adjacent the Showroom space will compromise the deep soil area and disrupt the streetscape. This will be inconsistent with the above GRDCP PART 9.3.3 objective; hence not supported.

Architectural Expression / Building Bulk and Scale

While GRLEP cl. 6.10 requires developments *to deliver the highest standard of sustainable architecture and urban design*.

The CDC approved built form had significant non-compliances to the GRLEP HOB and FSR. The proposal includes further increase to the FSR requiring significant alterations and additions and as such is assessed on its on merit.

The proposed development with significant variation to GRLEP FSR (variation - 126% of 3:1 and 378% of 1:1) and HOB (170.8% variation) will dominate the streetscape with the significant bulk, which is enhanced by lack of articulation and massing variation. The north, south and west facades are dominated by large spans of solid blank walls and present a "box-shaped" bulky form.

It is considered that the CDC approved building envelope failed to achieve design excellence as well as satisfy SEPP assessment criteria. Significant amendments are proposed to the CDC approved development. However, the proposal fails to improve the design

	quality, public / private interface and façade treatment to achieve design excellence and achieve a development that will enhance the streetscape and is in keeping with the existing and desired future character. Hence, the proposal is not supported.	
Land Information (GIS)	No objections raised to the proposal and conditions recommended.	Conditions imposed, if the application were of a supportive nature.
Environmental Health Officer	The officer has considered the following planning provisions: - Clause 6.1 of GRLEP 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 The following objections were raised: 1. Hours of operations. No Plan of Management submitted. 2. A copy of the preliminary and Detailed Site investigation (DSI) prepared by ADE in 2021 for 165-169 Bellevue Pde Carlton. Alternatively request a DSI Report. 3. A Remediation Action Plan (RAP) to provide details of the work required to ensure the land can be made suitable for the proposed use.	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.
Traffic Engineering	The officer has considered the following planning provisions: - Clause 6.9 of GRLEP 2021 - Part 3.13 of GRDCP 2021 No objections raised to the proposal and conditions recommended.	Conditions imposed, if the application were of a supportive nature.

External Referrals

Referral Body	Comment	Outcome
Auscom	The referral body has considered the following planning provisions: - Clause 2.48 of SEPP (Transport and Infrastructure) 2021	Conditions imposed, if the application were of a supportive nature.

	No objections raised to the proposal and conditions recommended.	
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Contributions

The development is subject to Section 7.11/7.12 Contributions. A condition of consent requiring payment of the contribution and identifying it is subject to indexation in accordance with the plan would be imposed should this application be recommended for approval.

Conclusion

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

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

Statement of Reasons

- The proposal fails to ensure that the site is suitable from a remediation perspective for the proposed use, as per SEPP (Resilience and Hazards) 2021.
- The proposed variation to Clause 4.3 Height of Building and Clause 4.4 Floor Space Ratio is not sufficiently justified and the variations are not considered to be in the public interest, being contrary to the zone and standard objectives.
- The proposal fails to comply with Clause 6.10 Design Excellence as the proposal is not compatible with the desired future character, bulk, proportion and form are not in keeping with the streetscape and the proposal will protrude above the existing and proposed buildings / structures.
- The proposal fails to provide a detailed Plan of Management to support the application.

Recommendation

Refusal of Application

Pursuant to Section 4.16(4)(b) of the Environmental Planning and Assessment Act 1979 (as amended), recommends that Georges River Local Planning Panel determine DA2025/0301 for change of use of an approved mixed use development to a self-storage development and alterations and additions on Lot 15 DP 25093, Lot 16 DP 25093 and Lot 14 DP 25093 on land known as 165-169 Bellevue Parade, Carlton, should not be approved subject to the refusal reasons referenced below:

1. The proposal does not demonstrate that the site is suitable for the intended use in accordance with Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021, Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979
2. The proposed height of the building fails to comply with the maximum height permitted under clause 4.3 of the Georges River Local Environmental Plan 2021, pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

3. The proposed development exceeds the maximum floor space ratio permitted under clause 4.4 of the Georges River Local Environmental Plan 2021, pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
4. The development seeks to vary the height control and floor space ratio, however, the submitted clause 4.6 variation report only relates to floor space ratio and it fails to demonstrate that a floor space ratio variation should be supported, pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
5. Without a clause 4.6 variation for the exceedance in height, the application cannot be determined in accordance with Clause 4.6(3) of the Georges River Local Environmental Plan 2021, pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
6. The proposed earthworks are unsatisfactory and the quality of the soil to be excavated has not been determined failing to satisfy Clause 6.2 of the Georges River Local Environmental Plan 2021, pursuant to section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
7. The design of the building does not achieve design excellence, being contrary to Clause 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.
8. The proposed development results in unacceptable built form scale, being inconsistent Section 9.2.1.1 of the Georges River Development Control Plan 2021, pursuant to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
9. The proposed development results in unacceptable built form bulk, being inconsistent Section 9.2.1.2 of the Georges River Development Control Plan 2021, pursuant to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
10. The proposed development results in unacceptable building design and appearance, being inconsistent Section 9.2.4.3 of the Georges River Development Control Plan 2021, pursuant to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
11. The proposal fails to provide an outdoor communal area, being inconsistent with Section 9.2.5.5 of the Georges River Development Control Plan 2021, pursuant to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
12. The proposed development fails to provide a Plan of Management in accordance with Section 9.2 of the Georges River Development Control Plan 2021, pursuant to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
13. The proposed development fails to encourage high quality buildings of contemporary design to create attractive streetscapes within the suburb of Carlton being inconsistent with Section 6.1.2.2 of the Georges River Development Control Plan 2021, pursuant to section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
14. The development will result in unacceptable built form with excessive bulk and scale resulting in an overwhelming development without appropriate transition to lower scale developments

surrounding the site being an unsuitable development for the site, pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979.

15. The proposal, in its current form, is not suitable for the site or its locality and is likely to set an undesirable precedent, pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.
16. 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.

REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 20 NOVEMBER 2025

LPP035-25 31 CLARKE STREET, PEAKHURST NSW 2210

LPP Report No	LPP035-25	Development Application No	DA2025/0207
Site Address & Ward Locality	31 Clarke Street, Peakhurst NSW 2210 Peakhurst Ward		
Proposed Development	Demolition works, tree removal, construction of a detached dual occupancy and subdivision		
Owners	Haifa El Ashkar		
Applicant	Haifa El Ashkar		
Planner/Architect	Planner: Roberto Bianco Architect: George Melhem		
Date Of Lodgement	6/05/2025		
Submissions	0		
Cost of Works	\$1,596,054.34		
Local Planning Panel Criteria	This proposal contains a variation of greater than 10% to a development standard		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, Georges River Local Environmental Plan 2021, Georges River Development Control Plan 2021		
List all documents submitted with this report for the Panel's consideration	Statement of Environmental Effects (SEE), Clause 4.6 Variation included in SEE), Architectural Plans, Landscape Plans, Stormwater Plans, Arboricultural Impact Assessment Report, and Site Inspection Pictures		
Report prepared by	Senior Development Assessment Planner		

RECOMMENDATION	Refusal
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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LPP035-25

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Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes - Clause 4.1B
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 – application recommended for refusal

PROPOSAL

- Approval is sought for Demolition works, tree removal, construction of a detached dual occupancy and subdivision. The proposal comprises of the following components:

Demolition

The following are proposed to be demolished/removed:

- Dwelling house and associated swimming pool
- Driveway and driveway crossover
- Outbuildings, and
- Two trees.

Detached Dual Occupancy

The construction of a detached dual occupancy with the following layout:

- Unit 1 (northern unit)
 - o The ground floor will contain:
 - Rumpus room with private open space access
 - Bathroom,
 - Three bedrooms,
 - Laundry room, and
 - One car garage
 - o The first floor will contain:
 - Open style living/dining/kitchen area with pantry and rear balcony access,
 - Toilet,
 - Study room,
 - Master bedroom with walk-in-robe, ensuite bathroom, and front balcony access, and
 - Entry way with porch.
- Unit 2 (southern unit)
 - o The ground floor will contain:
 - Rumpus room with private open space access
 - Bathroom,

- Three bedrooms,
- Laundry room, and
- One car garage
- The first floor will contain:
 - Open style living/dining/kitchen area with pantry and rear balcony access,
 - Toilet,
 - Office space
 - Master bedroom with walk-in-robe, ensuite bathroom, and front balcony access, and
 - Entry way with porch.

Additional works ancillary to dwelling include:

- Construction of new driveway crossover for each proposed dwelling,
- Stormwater works including the installation of an on-site stormwater detention (OSD) system and level spreader for each dwelling.
- A 1.2m high front boundary fence and inter-allotment fencing.

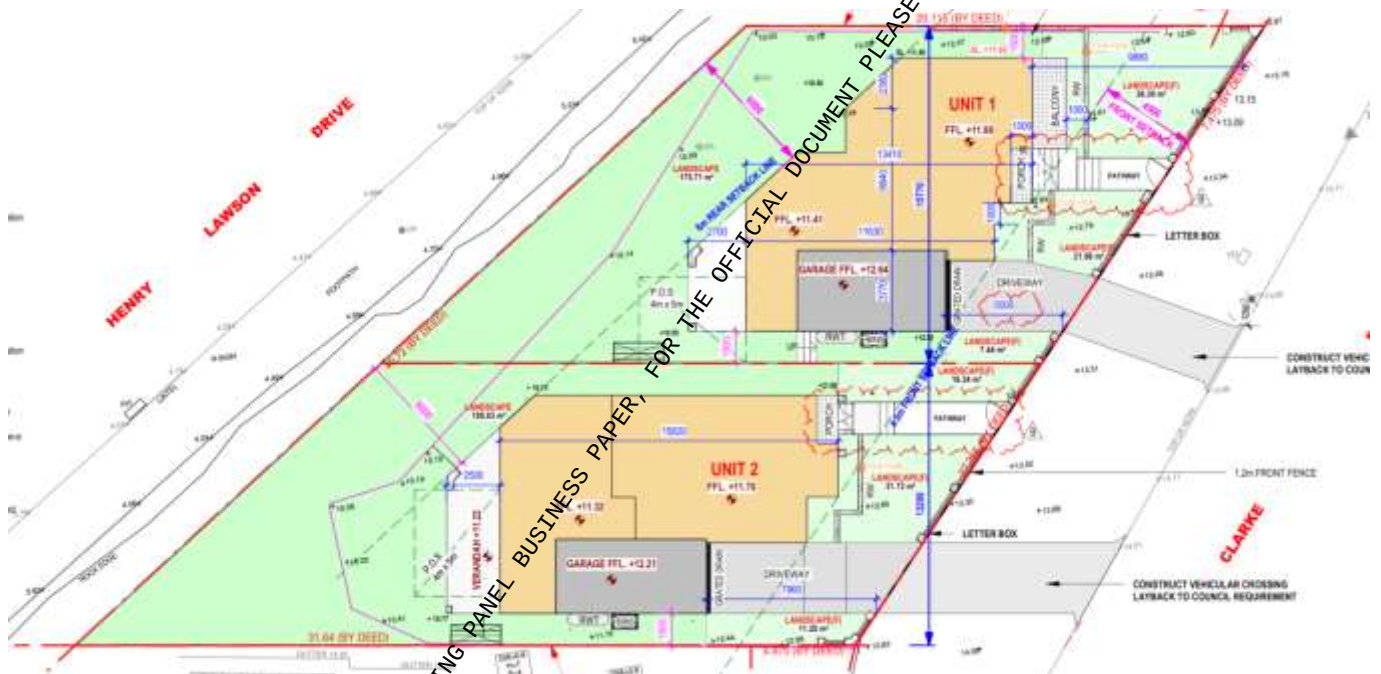


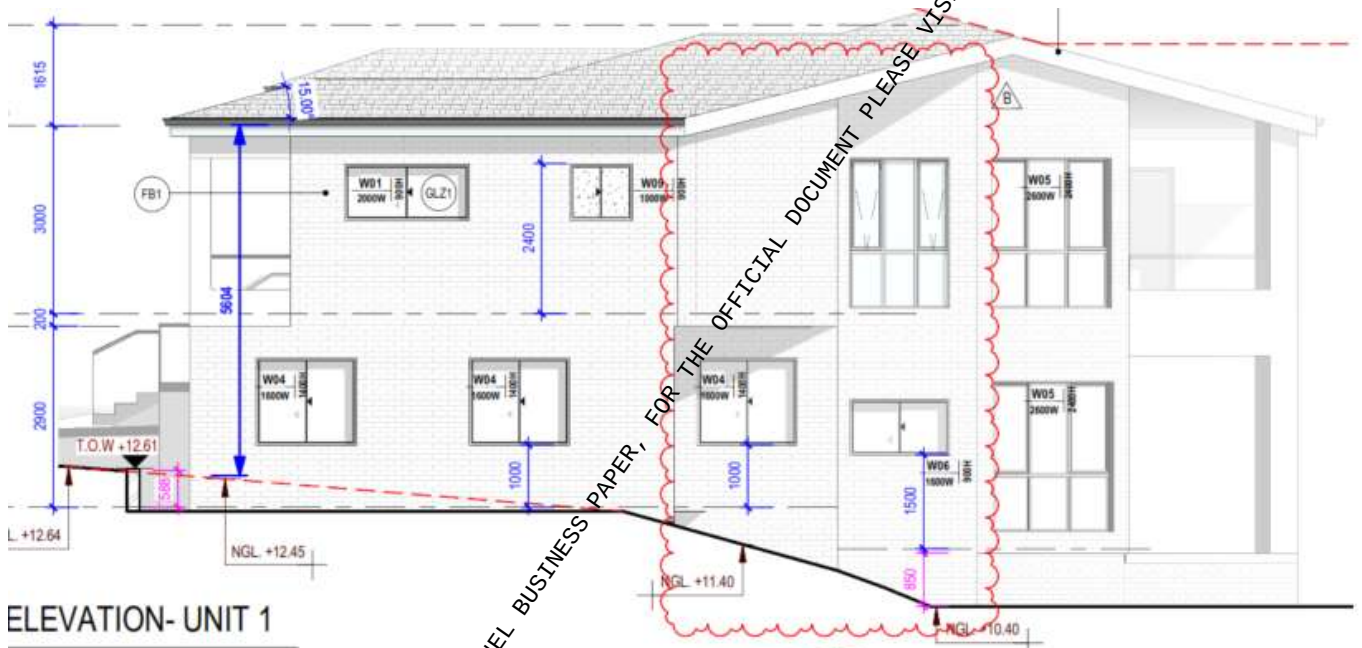
Figure 1 – Site plan (Source: Architectural Plans)



Figure 2 – Front (east) elevation (Source: Architectural Plans)



Figure 3 – West elevation (Source: Architectural Plans)



ELEVATION- UNIT 1

1 : 100

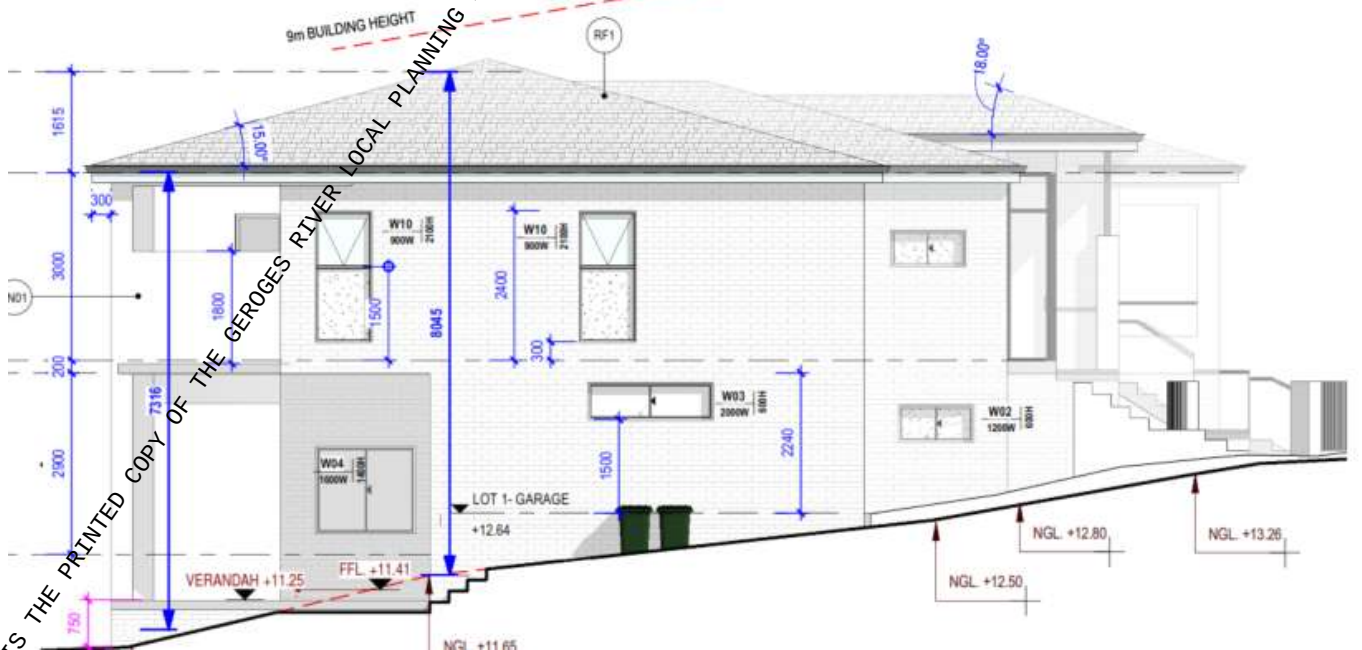


Figure 4 – South (above) and north (below) elevation of Unit 1 (Source: Architectural Plans)

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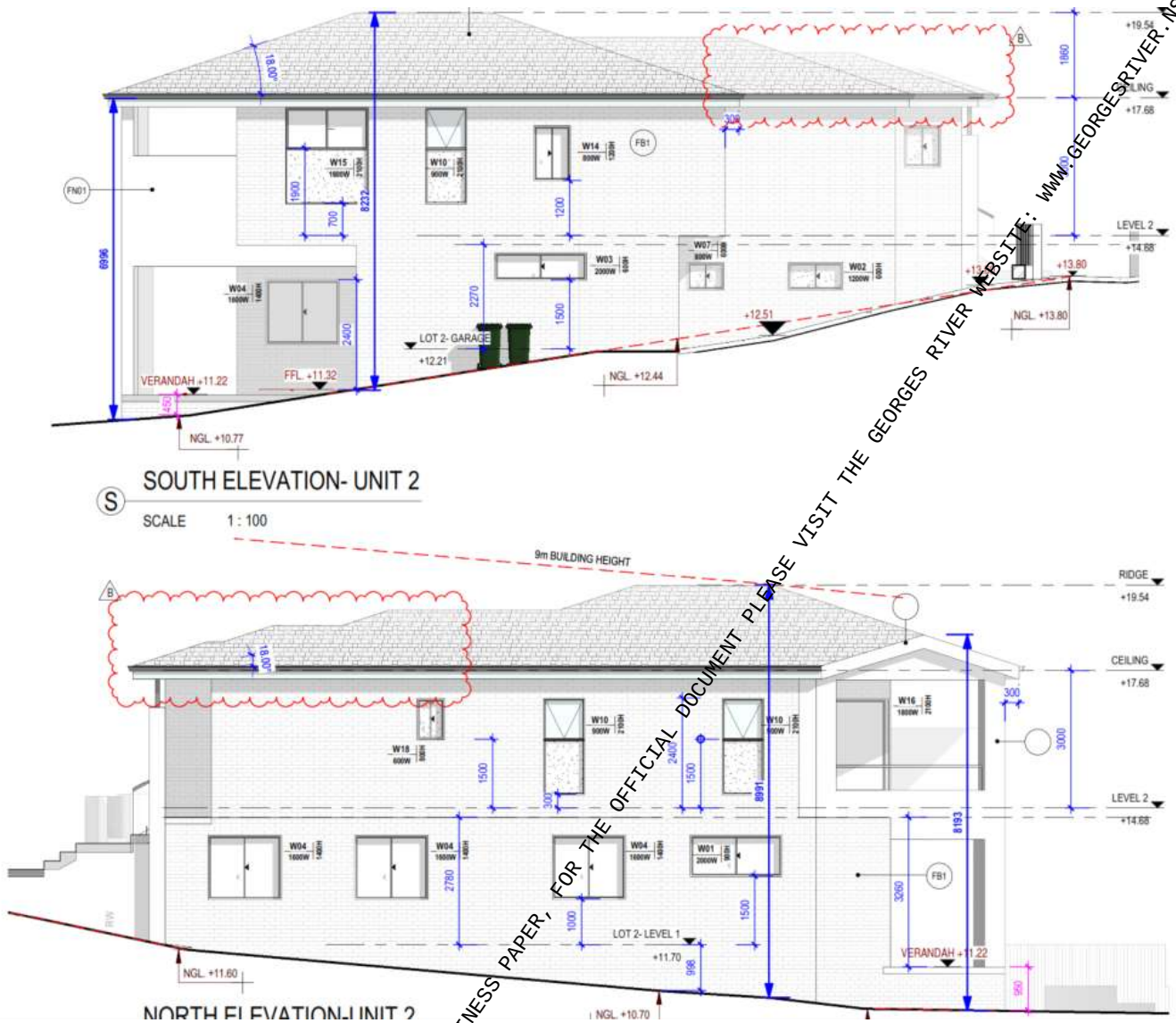


Figure 5 – South (above) and north (below) elevation of Unit 2 (Source: Architectural Plans)



Figure 6 – View of the subject site from the front (Source: Assessing Officer)



Figure 7 – View of the existing private open space (Source: Assessing Officer)

SITE AND LOCALITY

2. The site has two frontages. The primary frontage is Clarke Street, and the secondary frontage is Henry Lawson Drive. The existing development sits approximately 5.5m to 6.4m above Henry Lawson Drive on a natural northwest-facing cliff. The site is located on a northwest-facing slope and has an average gradient of approximately 14.2%.
3. Existing development in the locality predominantly consists of one-to-two-storey detached dwelling houses. Adjoining the subject site consists of parkland to the north, and a two-storey dwelling house with swimming pool and tennis court to the south.

ZONING AND PERMISSIBILITY

4. The subject site is zoned R2 Low Density Residential under the provisions of GRLEP 2021. The proposal is defined as a 'dual occupancy (detached)' which is permissible with development consent.

ASSESSMENT

5. Having regard to the matters for consideration under *Section 4.15(1) of the Environmental Planning and Assessment Act 1979*, the subject application complies with the applicable planning controls with the exception of the following planning matters:
 - GRLEP 2021
 - Clause 4.1B - Minimum lot size for dual occupancies, and
 - Design excellence.
 - GRDCP 2021
 - Streetscape character, and
 - Front setbacks.

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

GRLEP 2021			
Standard	Required	Proposed	Complies yes/no
4.1A - Minimum Subdivision Lot Size for Dual Occupancies	430sqm per lot in FSPA (minimum)	Lot 1 (south): 441.51sqm Lot 2 (north): 431.09sqm	Yes
4.1B - Minimum Lot Size for Dual Occupancies	Minimum 1,000sqm lot size (FSPA) <u>Detached dual occupancy</u> minimum width at front building line: 22m.	Lot size 872.57m ² This represents a variation of 12.7%. Lot width 34.7m	No Yes
4.3 - Height of Buildings	9m (maximum)	Unit 1: 8.4m Unit 2: 8.55m	Yes
4.4 - Floor Space Ratio	0.6:1 = 523.5sqm (maximum)	Total: 402.0sqm	Yes
6.12 - Landscaped Area	25% (minimum)	48.6% (424.2sqm)	Yes

GRDCP 2021			
Standard	Required	Proposal	Complies yes/no
6.1.3.1 Streetscape Character and Built Form	Entrance recess from front façade (maximum): 1.0m Upper level void (maximum): 15sqm	1.0m for both dwellings Unit 1: 1.9sqm Unit 2: 0sqm	Yes Yes
6.1.3.3 Setbacks	Setbacks (minimum): Front: 11.1m (per prevailing street setback) Garage: 12.1m (based on required front setback) Side: 1.5m Rear: 6.0m	Front setback: Unit 1: 4.5m Unit 2: 4.5m Garage front setback: Unit 1: 4.9m Unit 2: 6.9m Minimum side setback: Unit 1: 1.5m Unit 2: 1.5m Rear setback: Unit 1: 6.0m Unit 2: 6.0m	No
6.1.3.5 - Visual Privacy	Balcony width (maximum): 1.5m	Unit 1: 2.6m Unit 2: 4.3m	No, however acceptable on merit
6.1.3.8 Vehicular Access, Parking and Circulation	Each dwelling is to provide one (1) garage and one (1) tandem driveway parking space	Each dwelling is provided one garage and one tandem driveway parking space	Yes

6.1.3.10 - Private Open Space	Private open space dimensions (minimum): 4m by 5m	Both private open spaces comply with the minimum dimensions.	Yes
6.1.3.11 Landscaping	Front setback impervious area (minimum): 70%	Unit 1: 34.2% Unit 2: 42.8%	Yes

Minimum Lot Size

7. The subject site is affected by Clause 4.1B of the Georges River Local Environmental Plan 2021 (GRLEP 2021), which prescribes a minimum lot size of 1,000sqm within the Foreshore Scenic Protection Area (FSPA). The proposed development has a lot size of 872.57sqm by Deposited Plan, representing a 12.7% variation from the development standard.
8. The intention of the minimum lot size control is to preserve a building scale that is compatible with the existing and desired character of the FSPA. The proposal introduces a level of intensification that is considered incompatible with the desired character of the FSPA. Furthermore, variation to the development standard contributed to insufficient front setbacks, which detracts from the established streetscape and scenic quality of the locality.
9. It is noted that since the commencement of GRLEP 2021, Council has not supported any variations to the minimum lot size development standard under Clause 4.1B.
10. Although a Clause 4.6 variation request was submitted in support of the proposal, the justification provided fails to demonstrate that compliance with the development standard is unreasonable or unnecessary, and that there are sufficient environmental planning grounds to warrant support for the variation.

Street Activation

11. Object (a) of Part 6.1.3.1 Streetscape Character and Built Form of the GRDCP 2021 requires new dual occupancy developments to contribute to the creation of cohesive streetscapes.
12. The proposal incorporates an elevated front entrance on the first floor for both units. A review of the locality indicates that the dwellings on the lower side of Clarke Street predominantly feature front entrances near the street level. The front door location does not conform to the existing streetscape character and diminishes interaction between the buildings and the public domain.

Balcony Width

13. Control 3 of Part 6.1.3.5 Visual Privacy of the GRDCP requires a dwelling house to have a maximum balcony width of 1.5m. The proposal demonstrates an upper balcony width of 2.6m for Unit 1, and 4.3m for Unit 2.
14. Variation is considered acceptable in this instance as the variation will not result in adverse visual privacy impacts. Unlike a typical suburban allotment, the subject site has no neighbour towards the rear and northern side of the site. It is further noted that both proposed dwellings are situated forward of the adjoining residence on 33 Clarke Street. Given the siting of the dwellings, the width of the balcony will not introduce privacy intrusions.

Earthworks

15. Control 1 of Part 6.1.3.7 Excavation (Cut and Fill) of the GRDCP requires no earthworks beyond the building footprint. The proposal involves cuts ranging from 0.52m to 0.95m beyond the building footprints.
16. Variation in this instance is considered acceptable in this instance given the proposed excavation outside of the building footprint is limited to the northern side boundary area and thin strips of land forward of the dwellings. Those earthworks are required to enable the construction of the dwellings and enable internal access. Furthermore, the excavation will not affect any trees near the proposed development.

SUBMISSIONS

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

REFERRAL COMMENTS

19. 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.
Landscape Officer	No objection subject to recommended conditions.
Ausgrid	No objection subject to recommended conditions.
Transport for NSW	No objection subject to recommended conditions.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

20. The proposal involves a 12.7% variation to Clause 4.1B of the GRLEP 2021. In accordance with Schedule 1 subsection 3 of the Local Planning Panels Direction, this development requires referral to the Georges River Local Planning Panel.

CONCLUSION

21. The proposal has been assessed against the relevant provisions of State Environmental Planning Policies, the provisions of the GRLEP 2021 and GRDCP 2021.
22. The proposal fails to demonstrate compliance with the following Environmental Planning Instruments and Development Control Plan and therefore is not considered to be suitable for the site:

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

RECOMMENDATION

23. Pursuant to *Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979* (as amended), DA2025/0207 for Demolition works, tree removal, construction of a detached dual occupancy and subdivision on Lot 1 and 2 DP 226514 and Lot 1 DP 654502 being land known as 31 Clarke Street, Peakhurst NSW 2210, is recommended for refusal for the reasons outlined below.
1. The development does not comply with Clause 4.1B – Minimum Lot Size for Dual Occupancies of the GRLEP 2021, as the subject site has an area of 872.57sqm by Deposited Plan, below the required minimum lot size of 1,000sqm, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
 2. Clause 4.6 – Exceptions to development standards. The submitted Clause 4.6 variation requests does not demonstrate sufficient planning grounds to warrant variation to the minimum lot size standard. The variation to the development standard will result in excessive intensification, is not consistent with the existing and future desired character of the Foreshore Scenic Protection Area.
 3. The proposal fails to comply with Sections 6.1.3.1 of GRDCP 2021, as the proposal contains elevated front entrances that are not conducive to street activation, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
 4. The proposal fails to comply with Sections 6.1.3.3 of GRDCP 2021, as it does not achieve the required setbacks - front (11.1m) and garage (12.1m). The dwellings provide only 4.5m and 4.9m respectively, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
 5. For the above reasons, the proposed development is not suitable for the site, Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.
 6. For the above reasons, approval of the proposed development is not in the public interest, Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979,

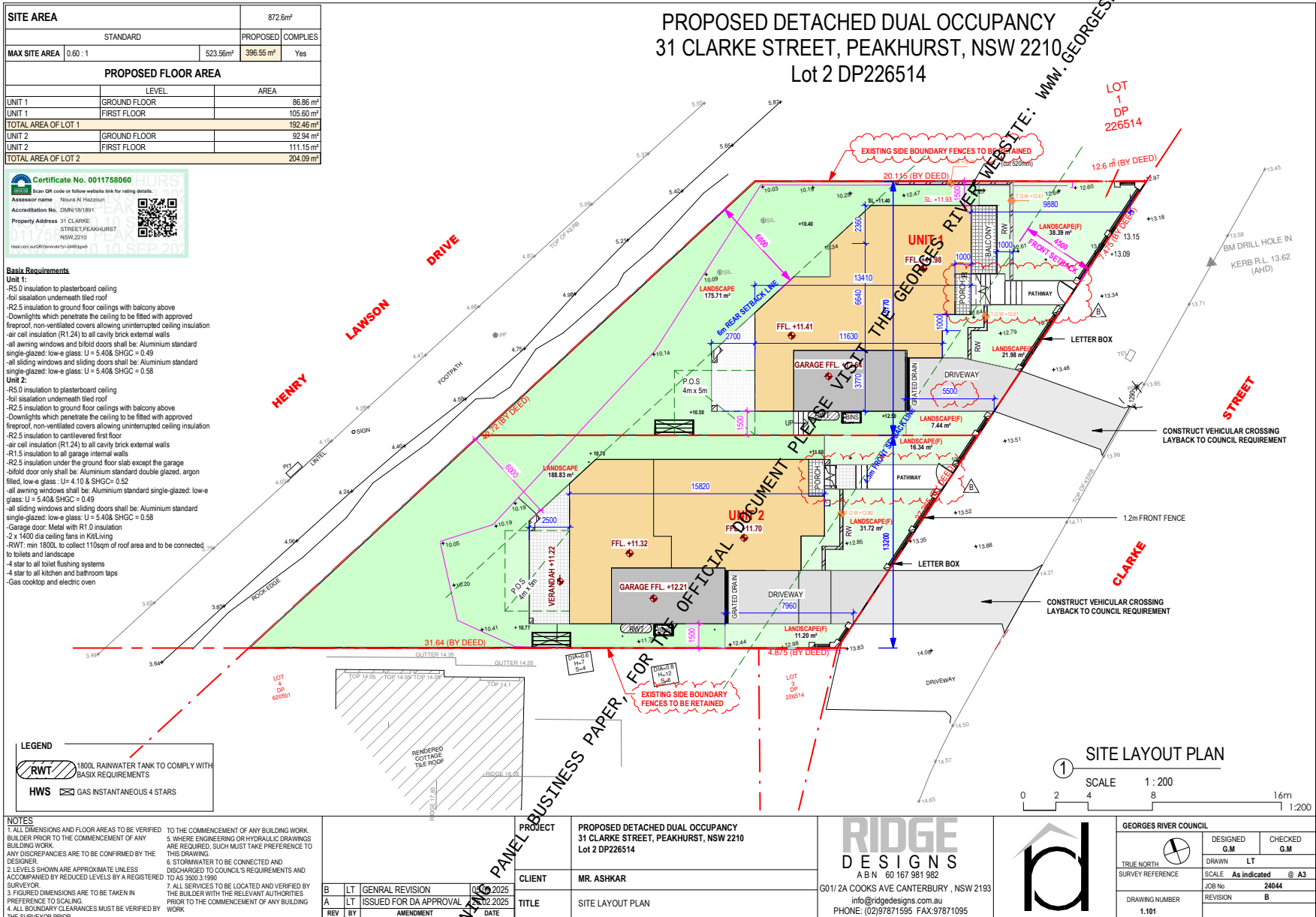
ATTACHMENTS

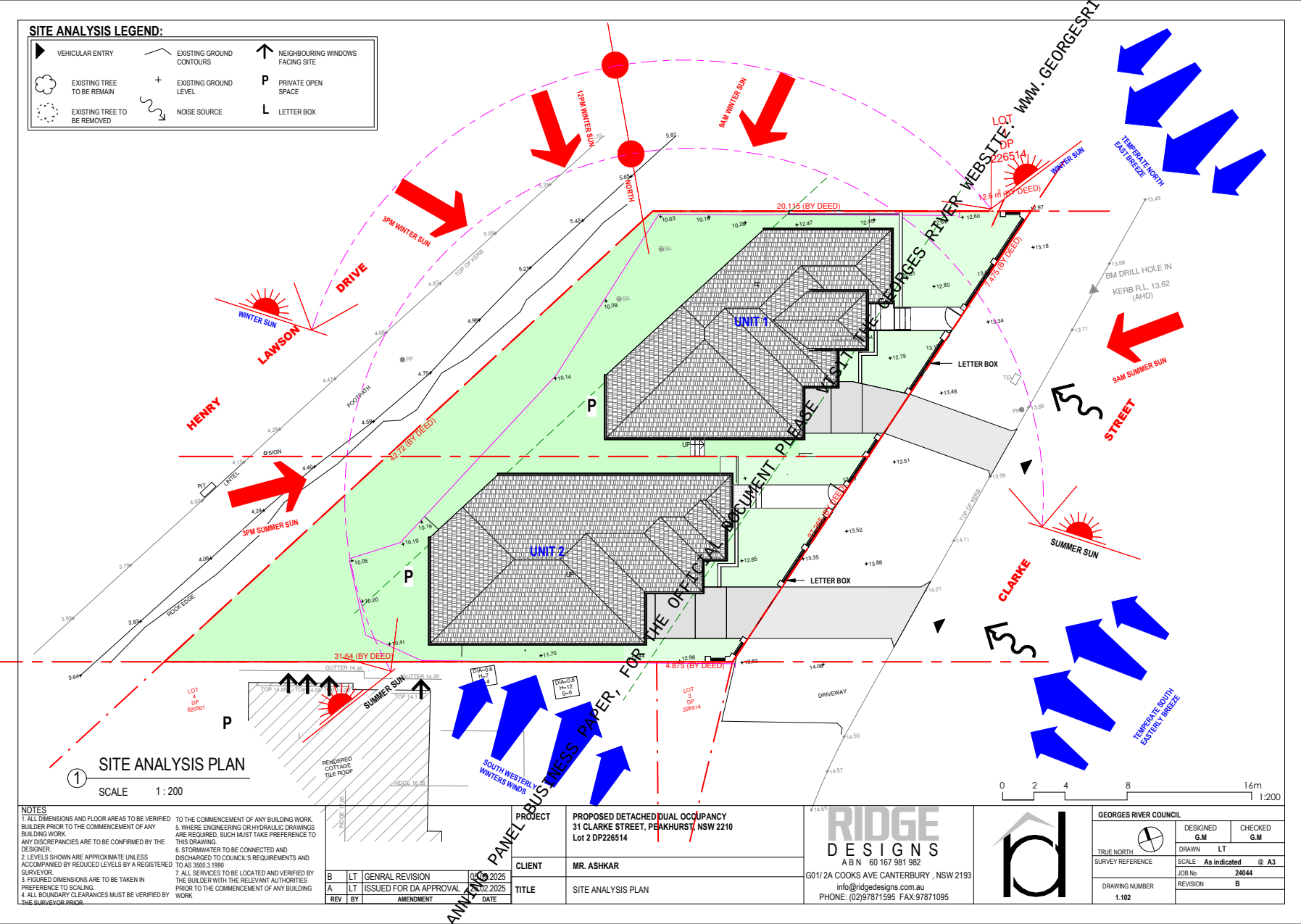
Attachment [1](#) Architectural Plans - 31 Clarke Street, Peakhurst NSW 2210

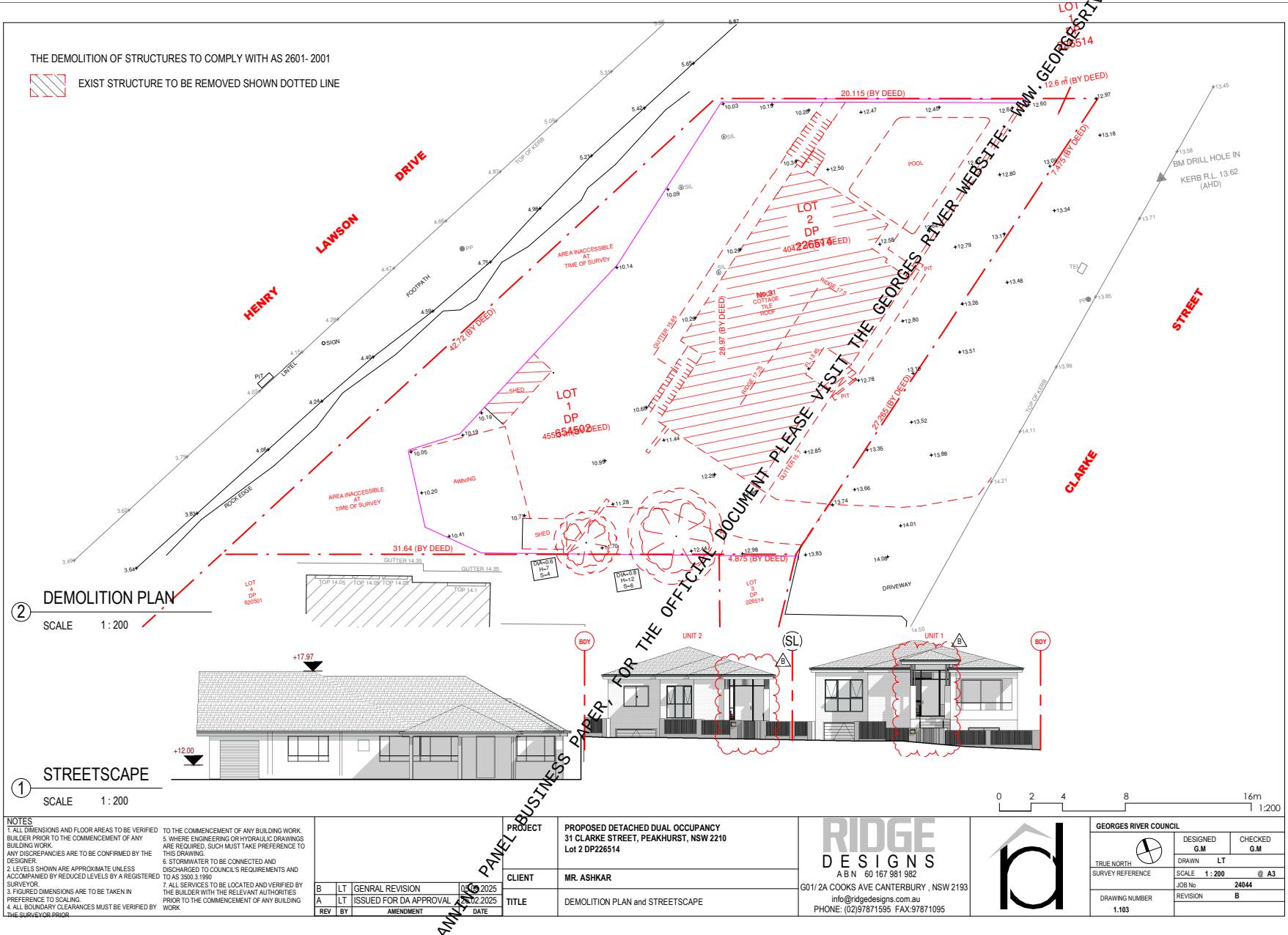


Attachment [2](#) Assessment Report - 31 Clarke Street, Peakhurst NSW 2210





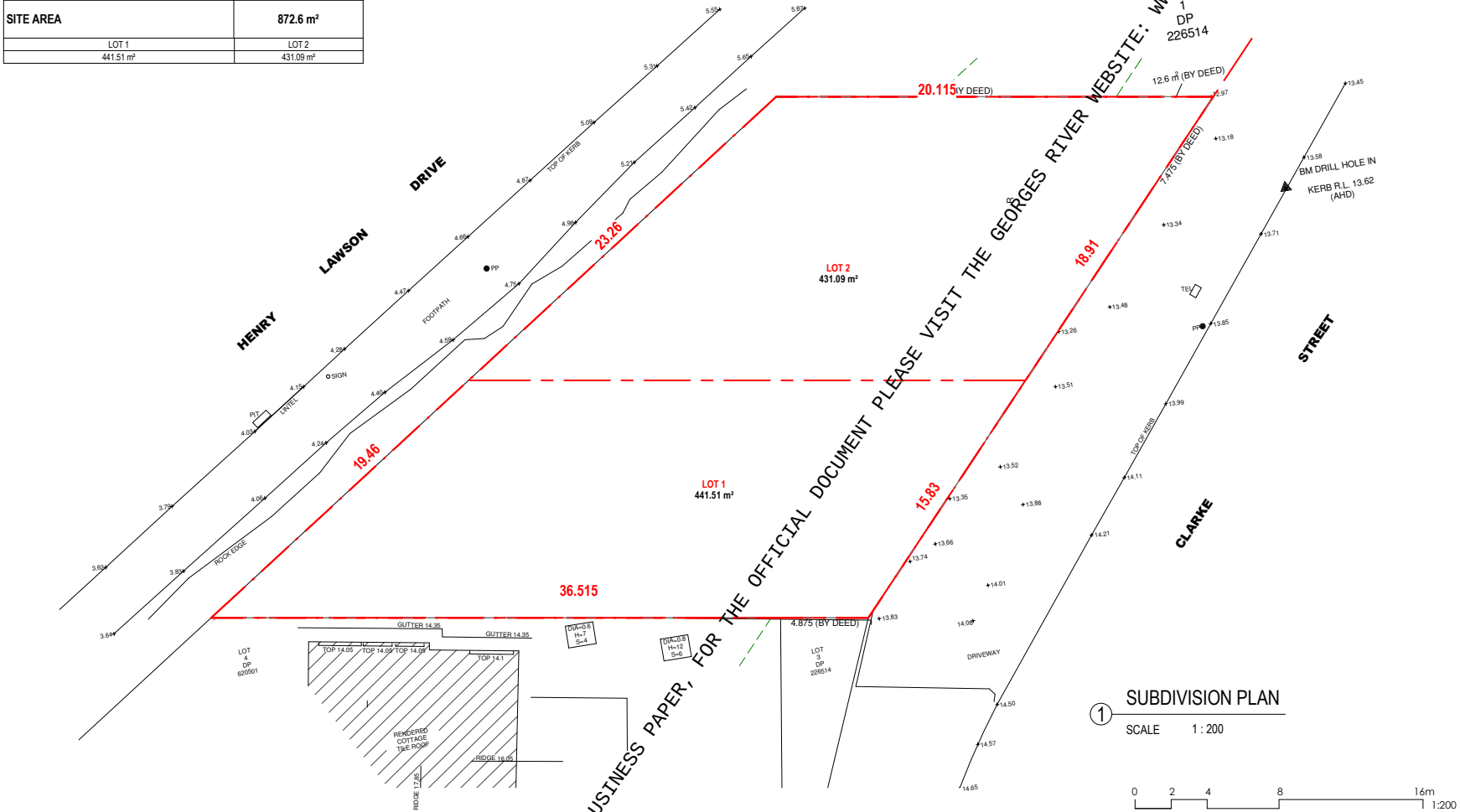




SUBDIVISION TABLE

31 CLARKE STREET, PEAKHURST, NSW 2210
Lot 2 DP226514

SITE AREA	872.6 m ²
LOT 1 441.51 m ²	LOT 2 431.09 m ²



NOTES

1. ALL DIMENSIONS AND FLOOR AREAS TO BE VERIFIED BY THE SURVEYOR PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK.
2. LEVELS SHOWN ARE APPROXIMATE UNLESS ACCOMPANIED BY REDUCED LEVELS BY A REGISTERED SURVEYOR.
3. FIGURED DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO SCALING.
4. ALL BOUNDARY CLEARANCES MUST BE VERIFIED BY THE SURVEYOR PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK.
5. WHERE ENGINEERING OR HYDRAULIC DRAWINGS ARE REQUIRED, SUCH MUST TAKE PREFERENCE TO THIS DRAWING.
6. STORMWATER TO BE CONNECTED AND DISCHARGED TO COUNCIL'S REQUIREMENTS AND TO AS 3500.3:1990.
7. ALL SERVICES TO BE LOCATED AND VERIFIED BY THE BUILDER WITH THE RELEVANT AUTHORITIES PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK.

A	LT	ISSUED FOR DA APPROVAL	2025
REV	BY	AMENDMENT	DATE

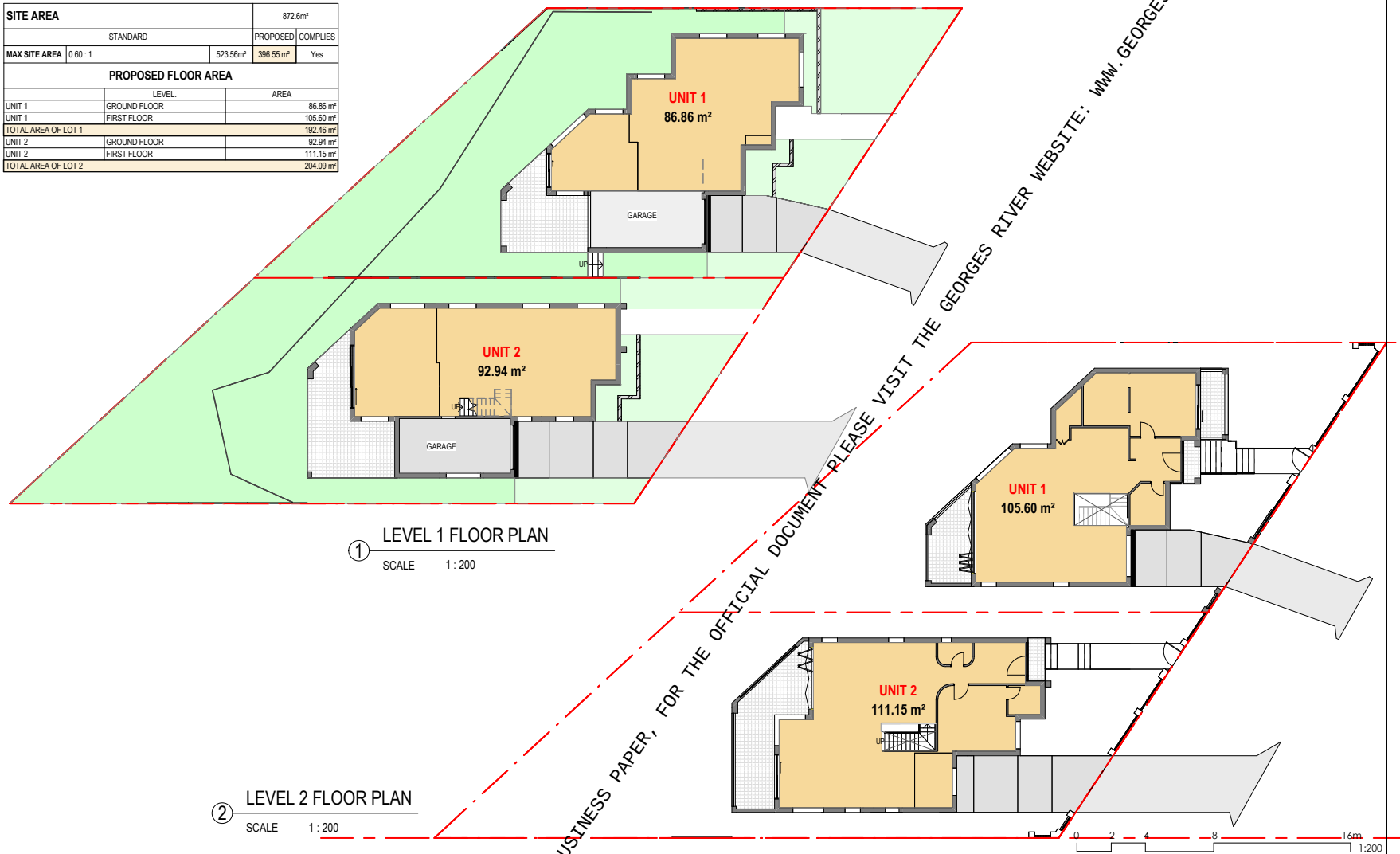
PROJECT	PROPOSED DETACHED DUAL OCCUPANCY 31 CLARKE STREET, PEAKHURST, NSW 2210 Lot 2 DP226514
CLIENT	MR. ASHKAR
TITLE	SUBDIVISION PLAN

RIDGE DESIGNS
A B N 60 167 981 982
60/1 2A COOKS AVE CANTERBURY, NSW 2193
info@ridgedesigns.com.au
PHONE: (02)97871595 FAX: 97871095



GEORGES RIVER COUNCIL	
DESIGNED G.M.	CHECKED G.M.
DRAWN LT	SCALE 1:200 @ A3
SURVEY REFERENCE	JOB No 24044
DRAWING NUMBER 1.104	REVISION A

SITE AREA		872.6m²
STANDARD		PROPOSED COMPLIES
MAX SITE AREA	0.60 : 1	523.56m² 396.55 m² Yes
PROPOSED FLOOR AREA		
LEVEL		AREA
UNIT 1	GROUND FLOOR	86.86 m²
UNIT 1	FIRST FLOOR	105.60 m²
TOTAL AREA OF LOT 1		192.46 m²
UNIT 2	GROUND FLOOR	92.94 m²
UNIT 2	FIRST FLOOR	111.15 m²
TOTAL AREA OF LOT 2		204.09 m²



NOTES

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B	LT	GENERAL REVISION	04/06/2025
A	LT	ISSUED FOR DA APPROVAL	14/02/2025
REV	BY	AMENDMENT	DATE

PROJECT	PROPOSED DETACHED DUAL OCCUPANCY 31 CLARKE STREET, PEAKHURST, NSW 2210 Lot 2 DP226514
CLIENT	MR. ASHKAR
TITLE	GFA DIAGRAMS

RIDGE DESIGNS
A B N 60 167 981 982
G01/ 2A COOKS AVE CANTERBURY , NSW 2193
info@ridgedesigns.com.au
PHONE: (02)97871595 FAX:97871095



GEORGES RIVER COUNCIL	
DESIGNED G.M	CHECKED G.M
DRAWN QX	SCALE 1:200
SURVEY REFERENCE	JOB No 24044
DRAWING NUMBER 1.105	REVISION B

DEEP SOIL AREA CALCULATION:

GEORGES RIVER DCP 2021:

6.1.3 Dual Occupancy

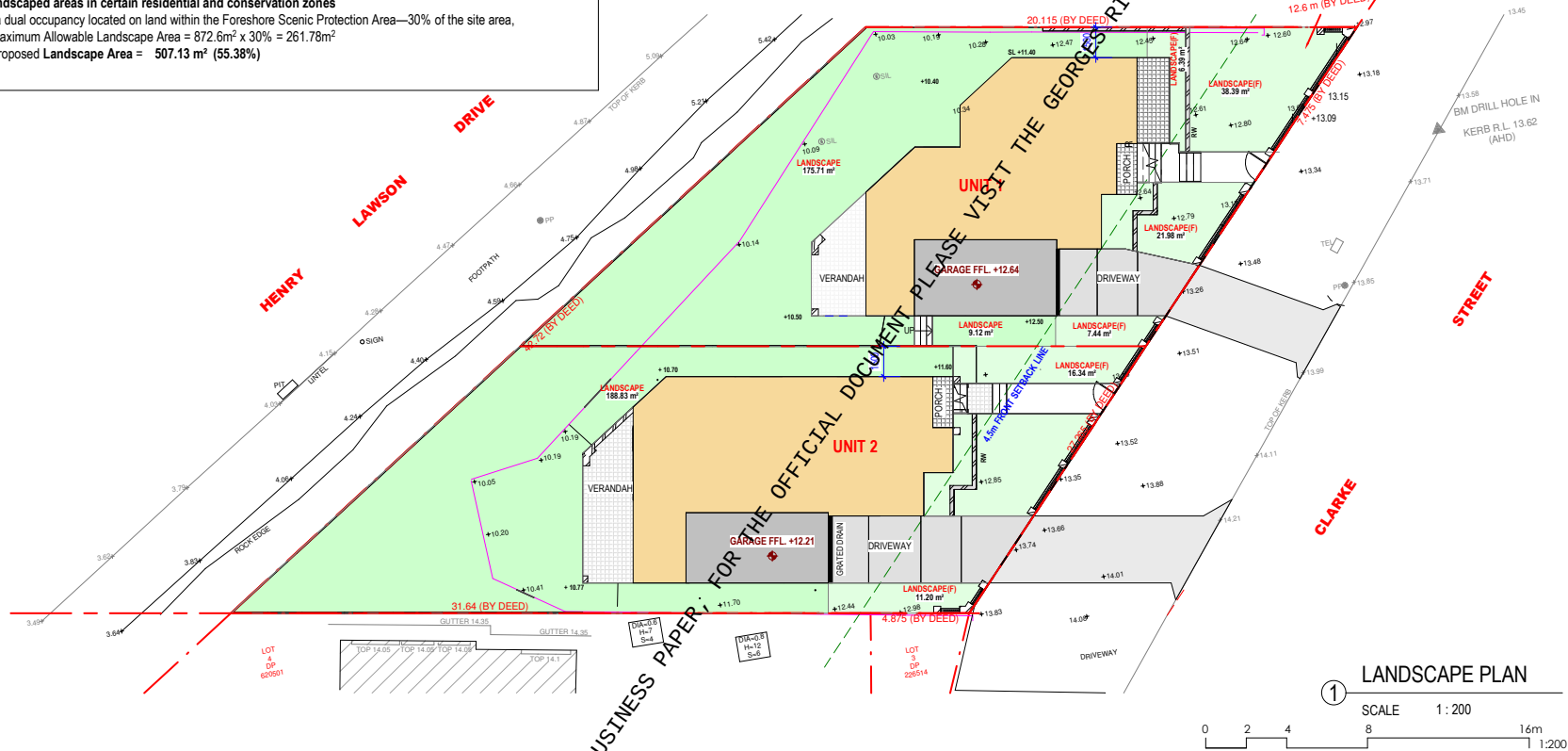
11. Landscaping: Landscaped area for dual occupancies (has the same meaning as the Georges River LEP 2021) is to be provided in accordance with the table contained within Clause 6.12 Landscaped areas in certain residential and conservation zones of the GRLEP 2021.

IMPERVIOUS AREAS CALCULATION:

Impervious areas are to occupy no more than 40% of the street setback
Frontage Area = 204.6m²
Maximum Allowable Impervious area at frontage = 204.6m² x 40% = 81.84m²
Proposed Impervious Area at frontage = 78.83m² (38.5%)
Proposed Landscape Area at frontage = 125.77m² (61.5%)

6.12 Landscaped areas in certain residential and conservation zones

(d) for a dual occupancy located on land within the Foreshore Scenic Protection Area—30% of the site area,
Maximum Allowable Landscape Area = 872.6m² x 30% = 261.78m²
Proposed Landscape Area = 507.13 m² (55.38%)



NOTES

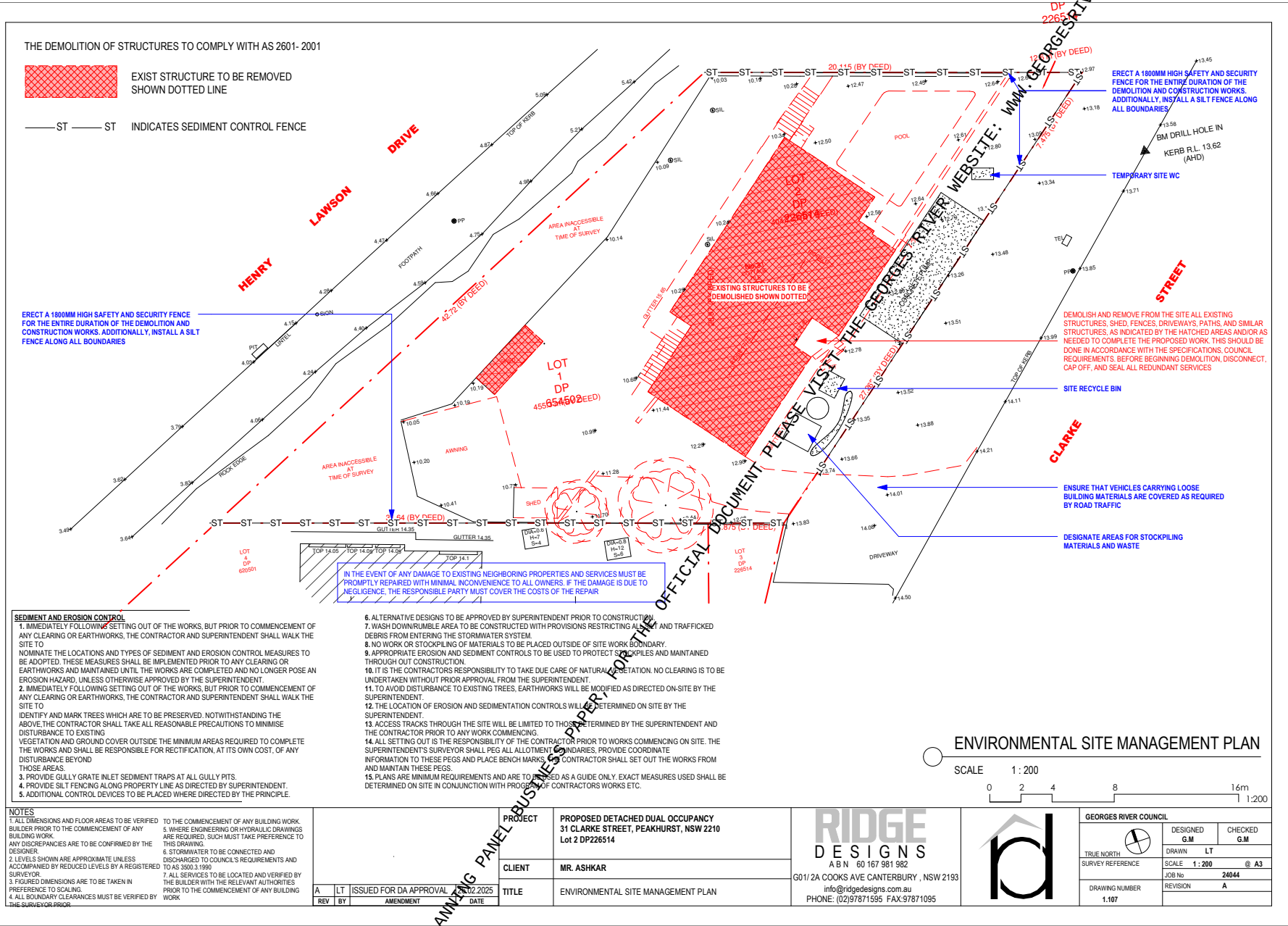
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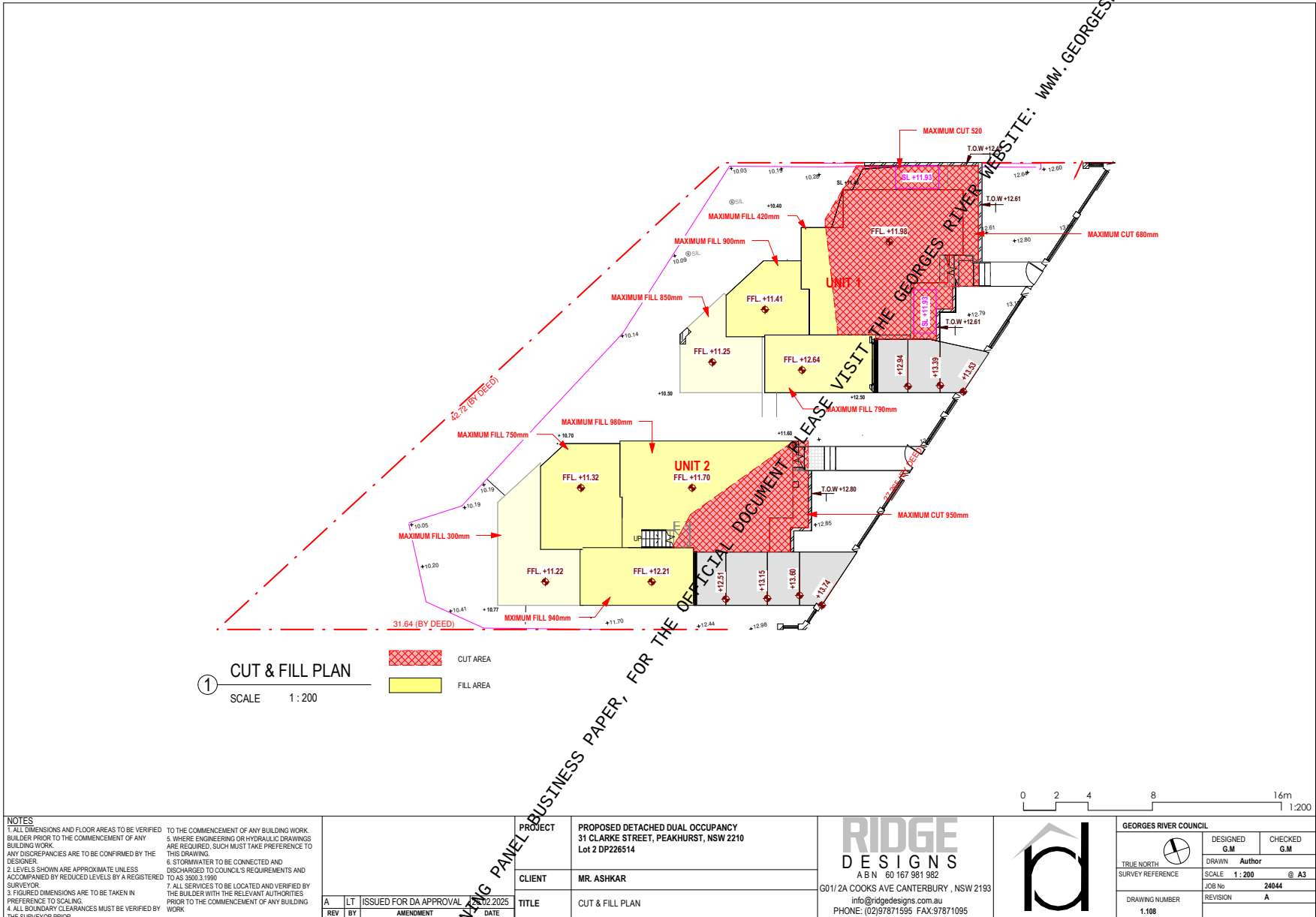
PROJECT		PROPOSED DETACHED DUAL OCCUPANCY 31 CLARKE STREET, PEAKHURST, NSW 2210 Lot 2 DP226514	
CLIENT		MR. ASHKAR	
TITLE		DEEP SOIL PLAN	
REV	BY	AMENDMENT	DATE
B	LT	GENERAL REVISION	04/05/2025
A	LT	ISSUED FOR DA APPROVAL	16/02/2025

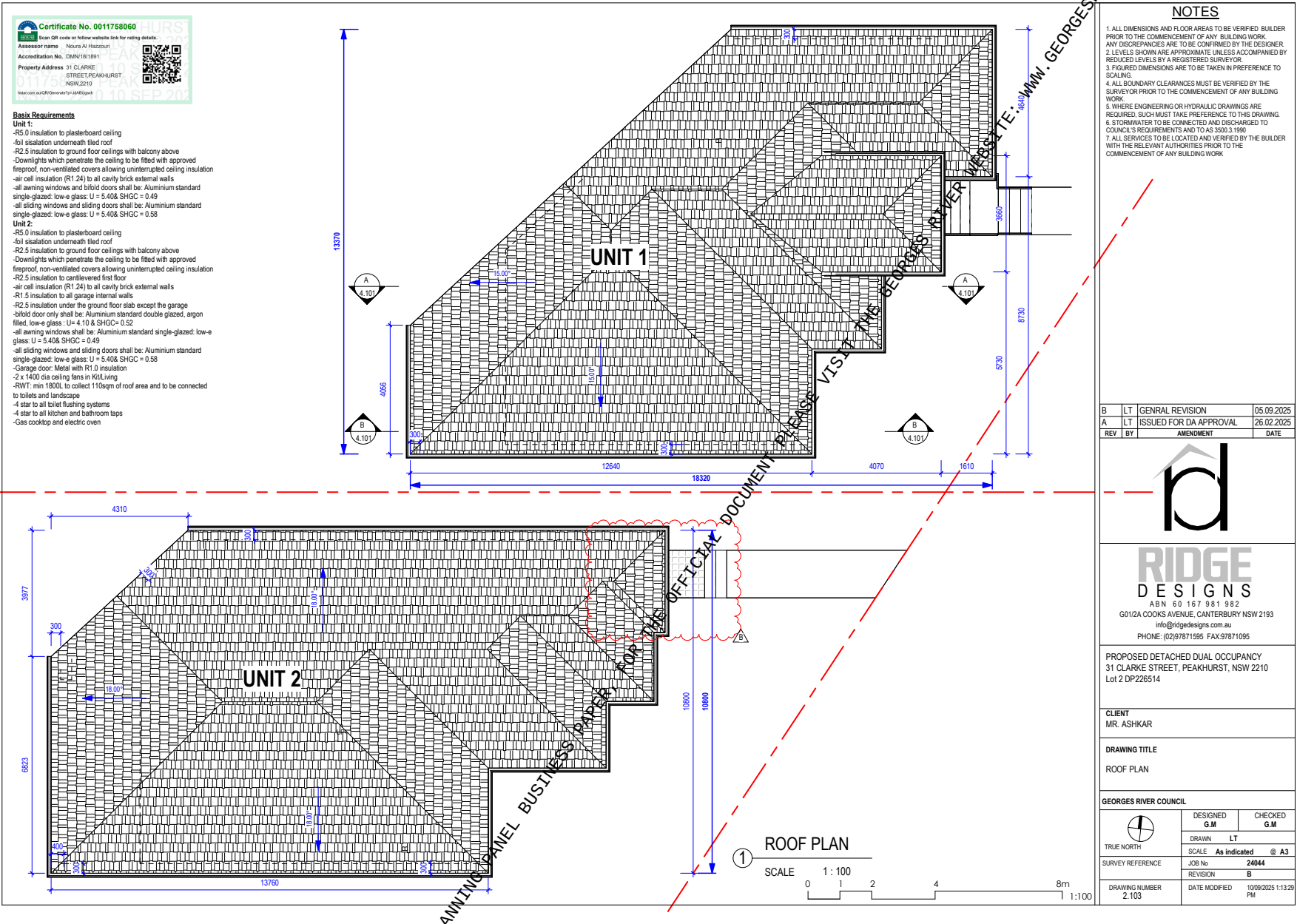
RIDGE DESIGNS
A B N 60 167 981 982
G01/ 2A COOKS AVE CANTERBURY, NSW 2193
info@ridgedesigns.com.au
PHONE: (02)97871595 FAX:97871095

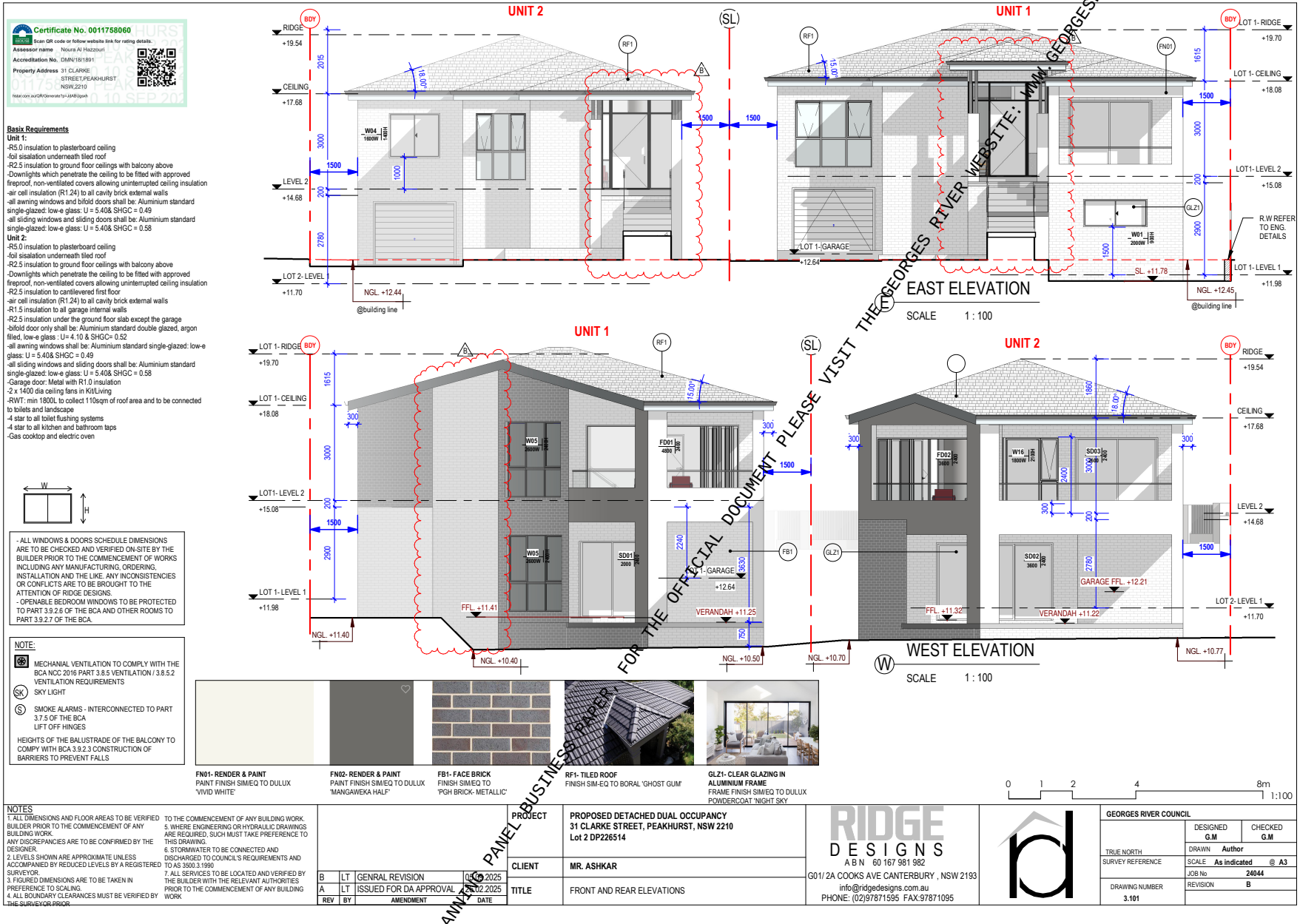


GEORGES RIVER COUNCIL	
DESIGNED G.M.	CHECKED G.M.
DRAWN Author	SCALE 1:200 @ A3
SURVEY REFERENCE	JOB No 24044
DRAWING NUMBER 1.106	REVISION B









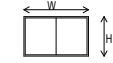


Basic Requirements

- Unit 1:**
- R5.0 insulation to plasterboard ceiling
 - foil insulation underneath tiled roof
 - R2.5 insulation to ground floor ceilings with balcony above
 - Downlights which penetrate the ceiling to be fitted with approved fireproof, non-ventilated covers allowing uninterrupted ceiling insulation
 - air cell insulation (R1.24) to all cavity brick external walls
 - all awning windows and bifold doors shall be: Aluminium standard single-glazed: low-e glass: U = 5.408 & SHGC = 0.49
 - all sliding windows and sliding doors shall be: Aluminium standard single-glazed: low-e glass: U = 5.408 & SHGC = 0.58
- Unit 2:**
- R5.0 insulation to plasterboard ceiling
 - foil insulation underneath tiled roof
 - R2.5 insulation to ground floor ceilings with balcony above
 - Downlights which penetrate the ceiling to be fitted with approved fireproof, non-ventilated covers allowing uninterrupted ceiling insulation
 - R2.5 insulation to cantilevered first floor
 - air cell insulation (R1.24) to all cavity brick external walls
 - R1.5 insulation to all garage internal walls
 - R2.5 insulation under the ground floor slab except the garage
 - bifold door only shall be: Aluminium standard double glazed, argon filled, low-e glass: U = 4.10 & SHGC = 0.52
 - all awning windows shall be: Aluminium standard single-glazed: low-e glass: U = 5.408 & SHGC = 0.49
 - all sliding windows and sliding doors shall be: Aluminium standard single-glazed: low-e glass: U = 5.408 & SHGC = 0.58
 - Garage door: Metal with R1.0 insulation
 - 2 x 1400 dia ceiling fans in KiloLiving
 - RWT: min 1800L to collect 110sqm of roof area and to be connected to toilets and landscape
 - 4 star to all toilet flushing systems
 - 4 star to all kitchen and bathroom taps
 - Gas cooktop and electric oven

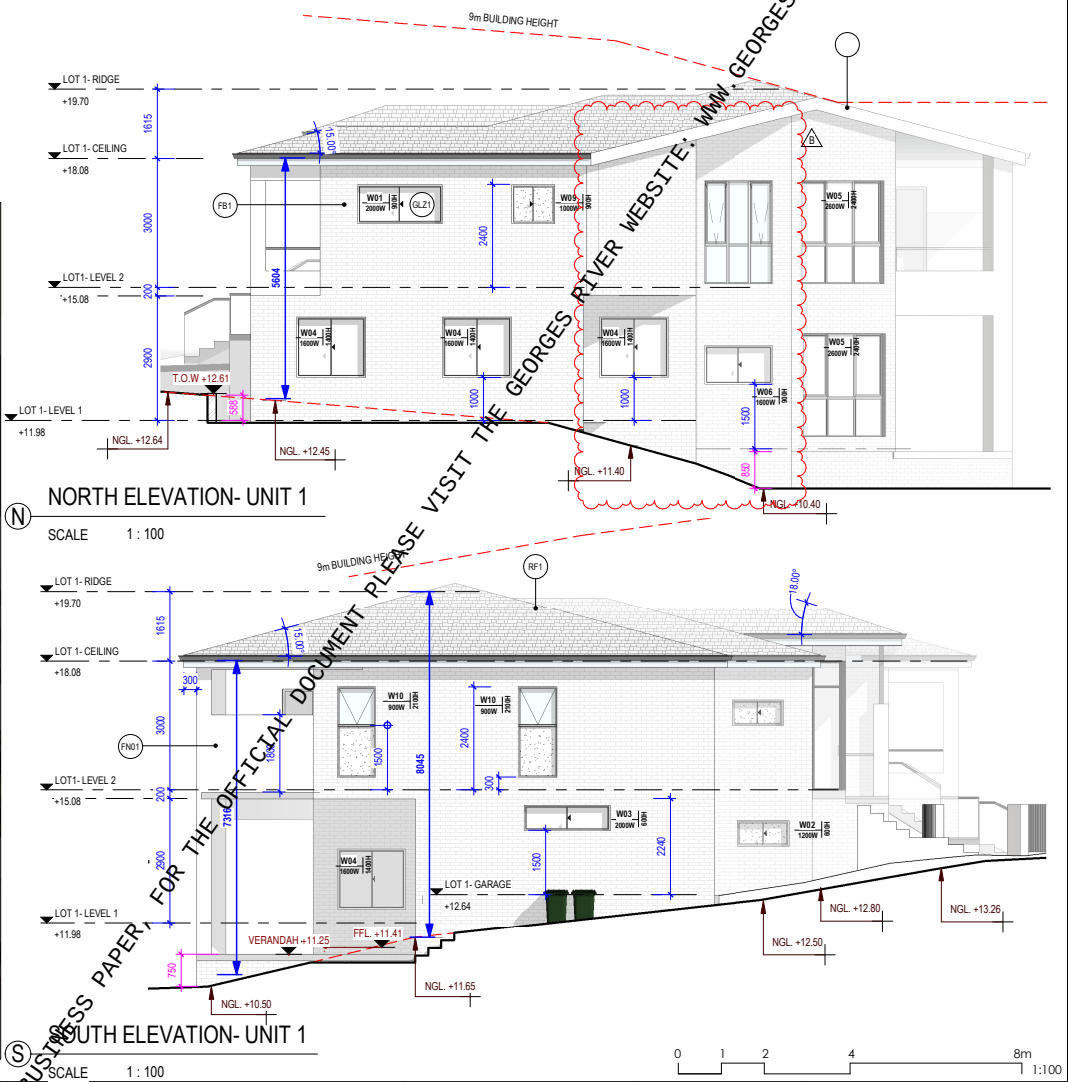
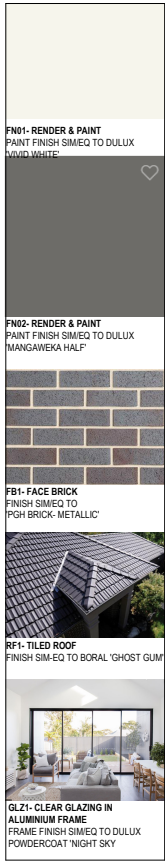
NOTE:

- MECHANICAL VENTILATION TO COMPLY WITH THE BCA 2016 PART 3.8.5 VENTILATION / 3.8.5.2 VENTILATION REQUIREMENTS
 - SKY LIGHT
 - SMOKE ALARMS - INTERCONNECTED TO PART 3.7.5 OF THE BCA
 - LIFT OFF HINGES
- HEIGHTS OF THE BALUSTRADE OF THE BALCONY TO COMPLY WITH BCA 3.9.2.3 CONSTRUCTION OF BARRIERS TO PREVENT FALLS



- ALL WINDOWS & DOORS SCHEDULE DIMENSIONS ARE TO BE CHECKED AND VERIFIED ON-SITE BY THE BUILDER PRIOR TO THE COMMENCEMENT OF WORKS INCLUDING ANY MANUFACTURING, ORDERING, INSTALLATION AND THE LIKE. ANY INCONSISTENCIES OR CONFLICTS ARE TO BE BROUGHT TO THE ATTENTION OF RIDGE DESIGNS.
- OPENABLE BEDROOM WINDOWS TO BE PROTECTED TO PART 3.9.2.8 OF THE BCA AND OTHER ROOMS TO PART 3.9.2.7 OF THE BCA

SCHEDULE-WINDOW DOOR			
TYPE	HEIGHT	WIDTH	NO.OFF
W01	900	2000	3
W02	600	1200	3
W03	600	2000	2
W04	1400	1600	9
W05	2400	2600	2
W06	900	1600	1
W07	600	800	1
W08	2100	2400	1
W09	900	1000	1
W10	2100	900	5
W13	2100	1600	1
W14	1200	800	1
W15	2100	1800	1
W16	2100	1800	1
W17	900	800	1
W18	900	600	1
W22	2400	1600	1
FD01	2400	4800	1
FD02	2400	3600	1
SD01	2400	2000	1
SD02	2400	3600	1
SD03	2400	2600	2



NOTES

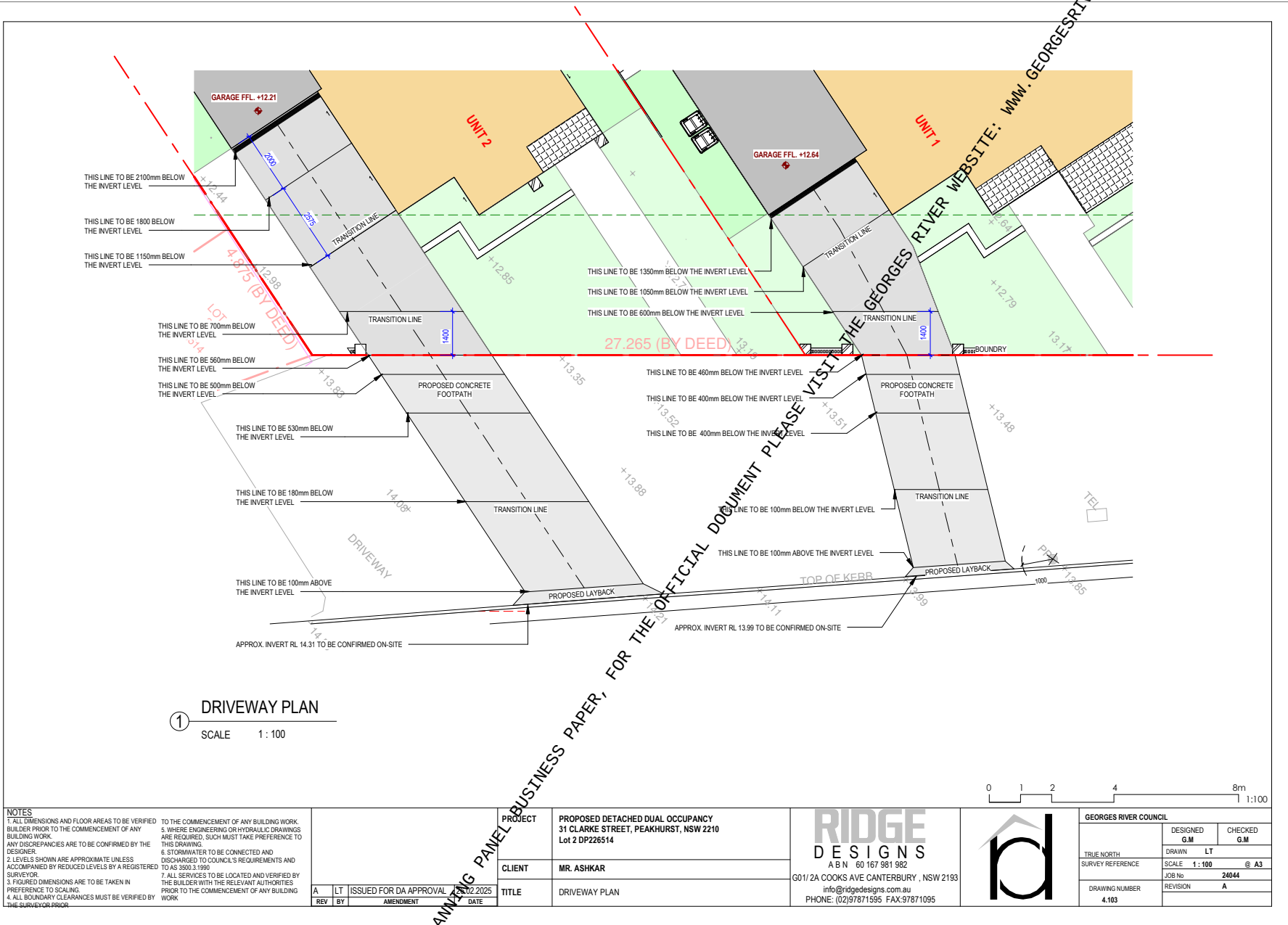
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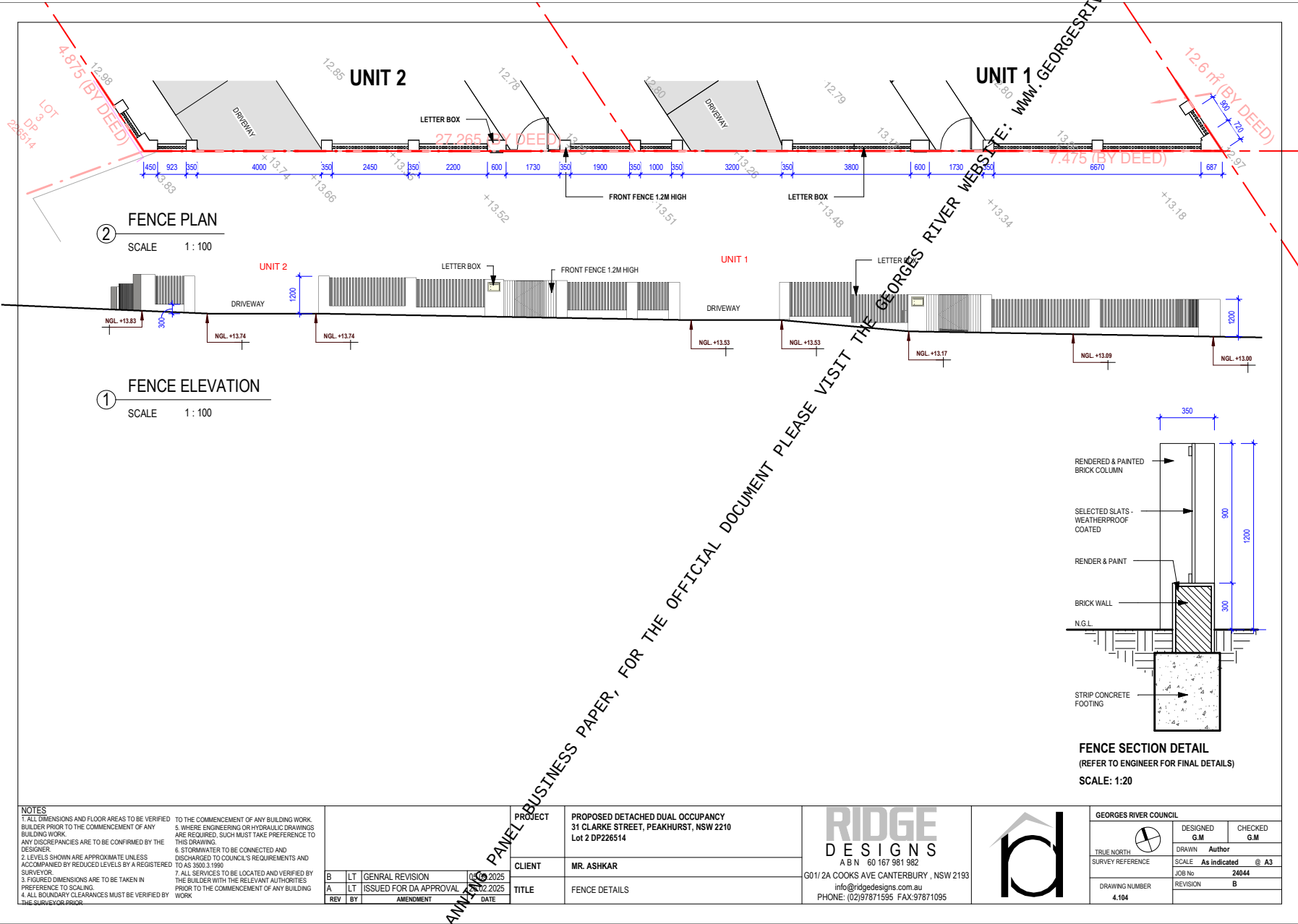
PROJECT		CLIENT		TITLE	
PROPOSED DETACHED DUAL OCCUPANCY 31 CLARKE STREET, PEAKHURST, NSW 2210 Lot 2 DP226514		MR. ASHKAR		SIDE ELEVATIONS - UNIT 1	
DATE: 04/06/2025		DATE: 04/06/2025			
ISSUED FOR DA APPROVAL					
REV	BY	AMENDMENT			
B	LT	GENERAL REVISION			
A	LT	ISSUED FOR DA APPROVAL			

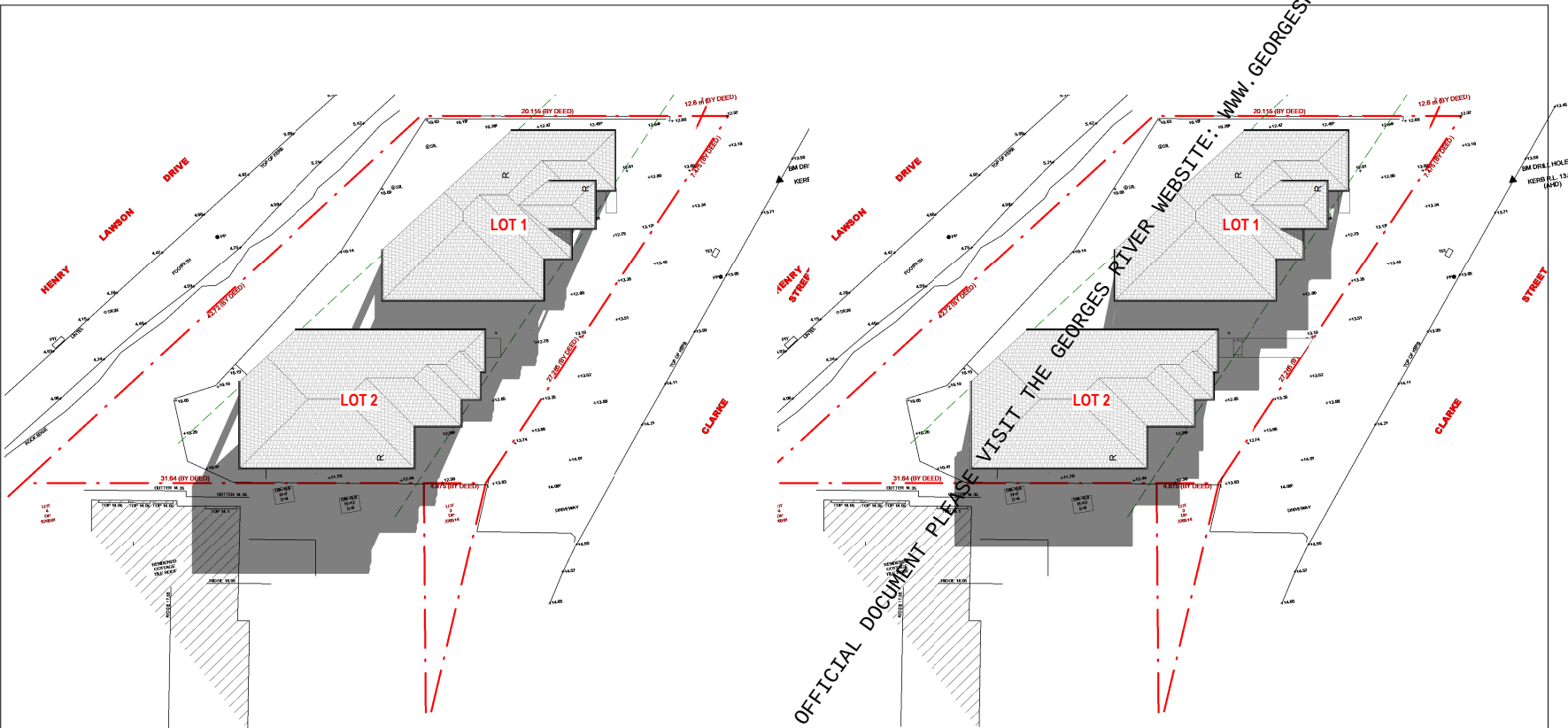
RIDGE DESIGNS
A B N 60 167 981 982
G01/ 2A COOKS AVE CANTERBURY, NSW 2193
info@ridgedesigns.com.au
PHONE: (02)97871595 FAX: 97871095

GEORGES RIVER COUNCIL			
TRUE NORTH SURVEY REFERENCE DRAWING NUMBER 3.102	DESIGNED	G.M	CHECKED
	DRAWN	LT	G.M
	SCALE	As indicated	@ A3
	JOB No	24044	REVISION
		B	

	DESIGNED G.M	CHECKED G.M
TRUE NORTH	DRAWN LT	
SURVEY REFERENCE	SCALE As indicated @ A3	
	JOB No 24044	
DRAWING NUMBER	REVISION B	
3.103		



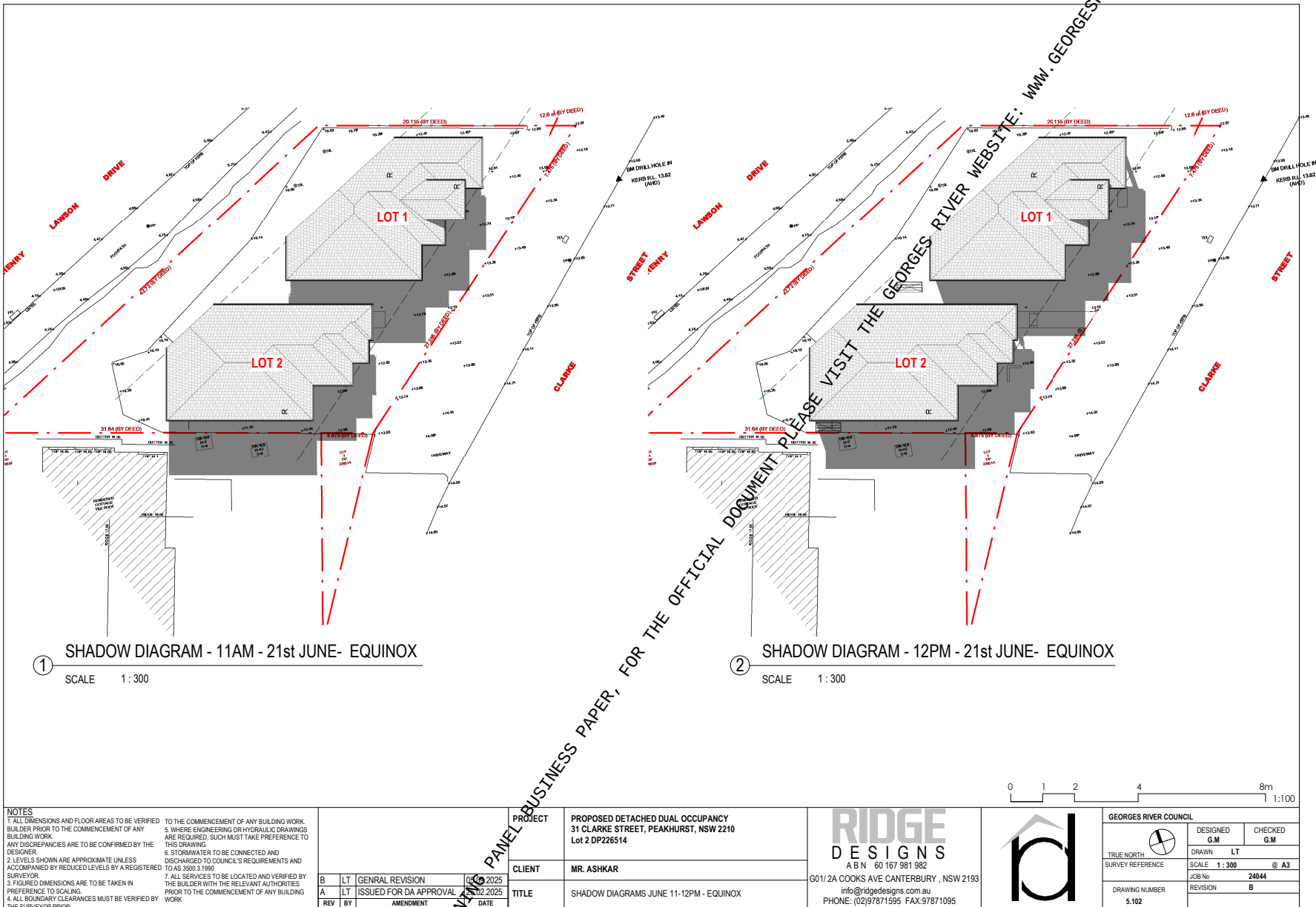


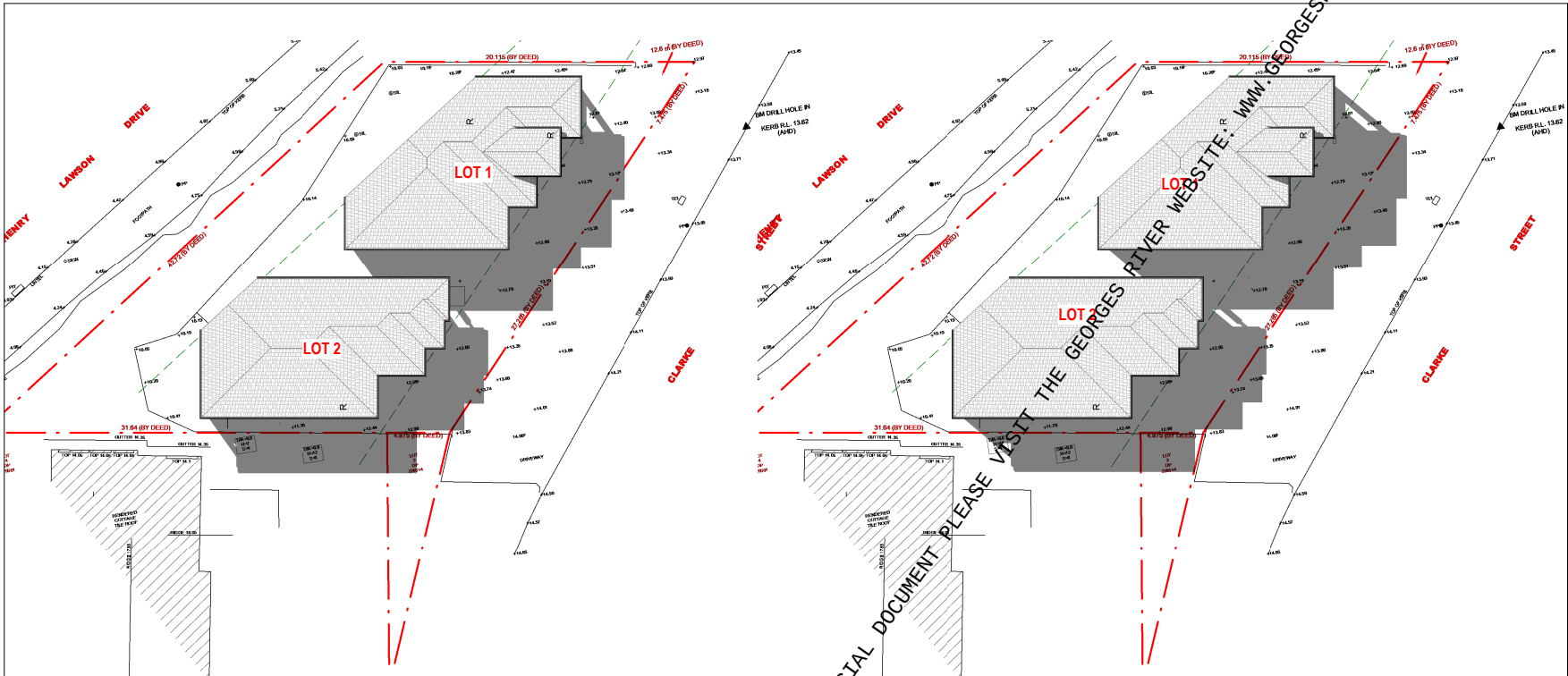


① SHADOW DIAGRAM - 9AM - 21st JUNE - EQUINOX
SCALE 1 : 300

② SHADOW DIAGRAM - 10 AM - 21st JUNE- EQUINOX
SCALE 1 : 300

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DESIGNED G.M.				CHECKED G.M.		DRAWN LT		SCALE @ A3		JOB No 24044		REVISION B	
TRUE NORTH				SURVEY REFERENCE		DRAWING NUMBER 5.101							





① SHADOW DIAGRAM - 1PM - 21st JUNE
SCALE 1:300

② SHADOW DIAGRAM - 2PM - 21st JUNE
SCALE 1:300

NOTES

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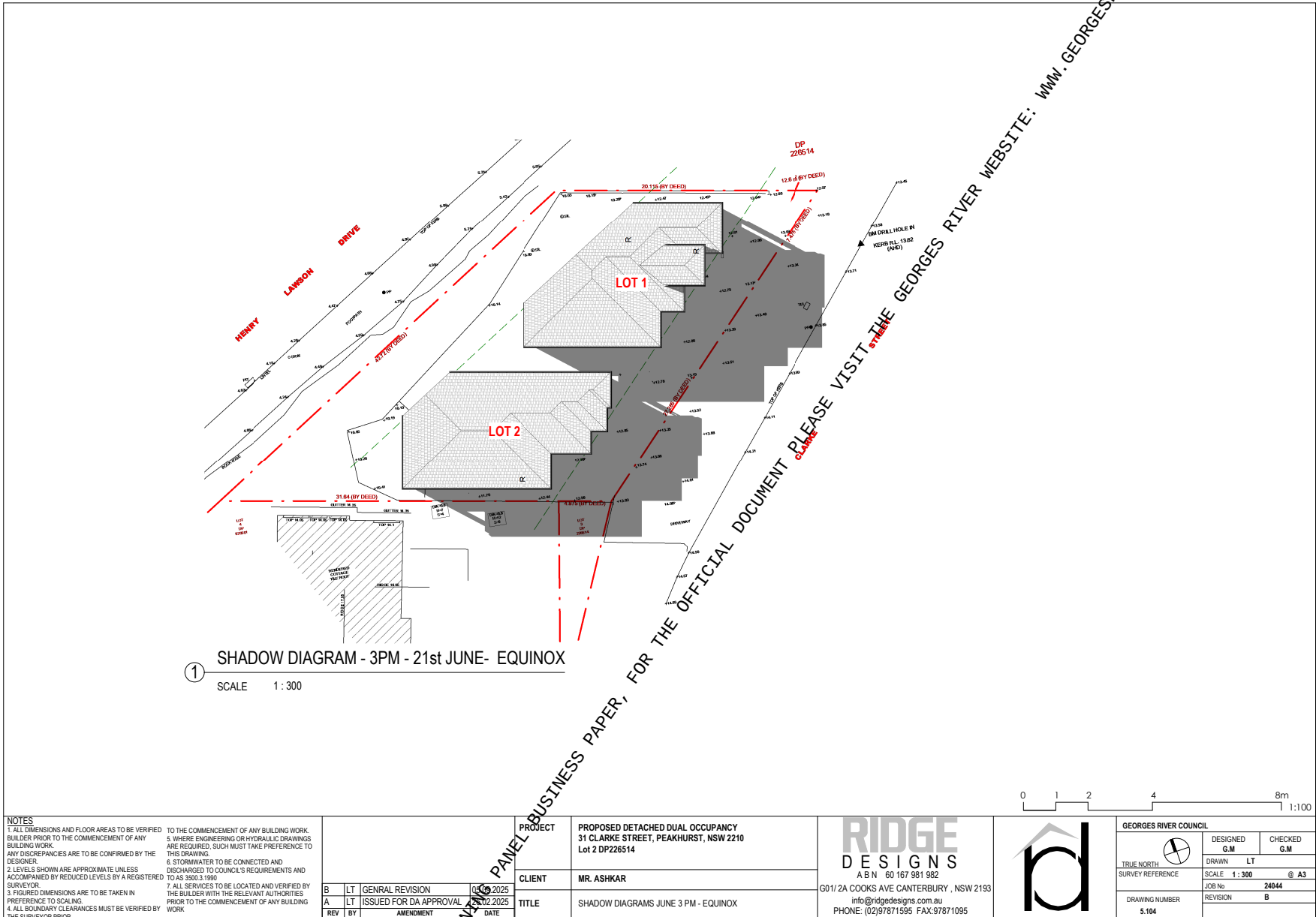
REV		BY	AMENDMENT	DATE
B	LT	GENERAL REVISION		04/06/2025
A	LT	ISSUED FOR DA APPROVAL		16/02/2025

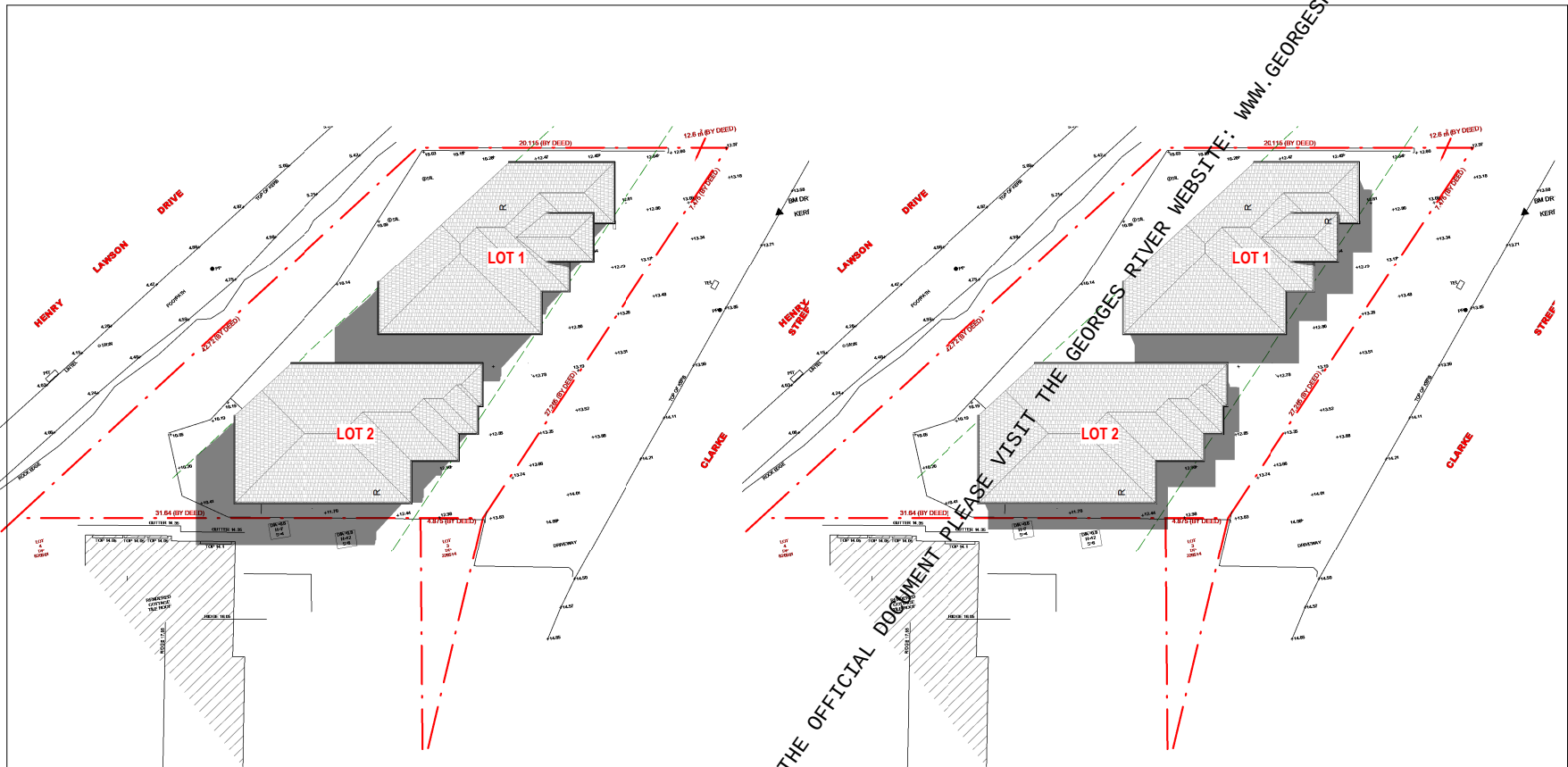
PROJECT	PROPOSED DETACHED DUAL OCCUPANCY 31 CLARKE STREET, PEAKHURST, NSW 2210 Lot 2 DP226514
CLIENT	MR. ASHKAR
TITLE	SHADOW DIAGRAMS JUNE 1-2PM - EQUINOX

RIDGE DESIGNS
A B N 60 167 981 982
60/1 2A COOKS AVE CANTERBURY, NSW 2193
info@ridgedesigns.com.au
PHONE: (02)97871595 FAX: 97871095



GEORGES RIVER COUNCIL	
DESIGNED G.M	CHECKED G.M
DRAWN Author	
SURVEY REFERENCE	SCALE 1:300 @ A3
DRAWING NUMBER 5.103	JOB No 24044 REVISION B





① SHADOW DIAGRAM - 9AM - 21st MAR.& SEP. - EQUINOX
SCALE 1:300

② SHADOW DIAGRAM - 12PM - 21st MAR. & SEP. - EQUINOX
SCALE 1:300

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- 6. STORMWATER TO BE CONNECTED AND DISCHARGED TO COUNCIL'S REQUIREMENTS AND TO AS 3500.3.1990.
- 7. ALL SERVICES TO BE LOCATED AND VERIFIED BY THE BUILDER WITH THE RELEVANT AUTHORITIES PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK.

REV		BY	AMENDMENT	DATE
B	LT	GENERAL REVISION		04/03/2025
A	LT	ISSUED FOR DA APPROVAL		14/02/2025

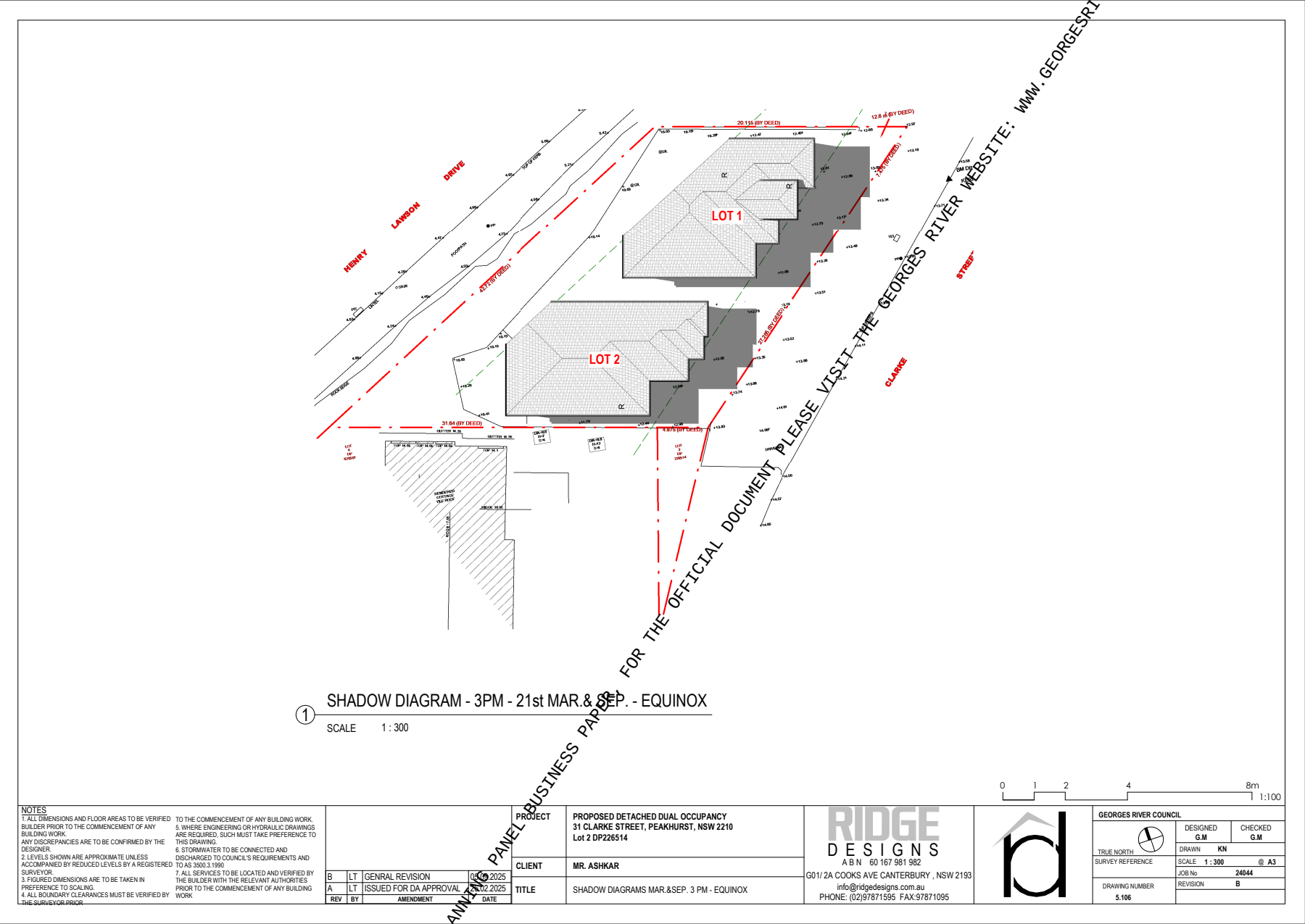
PROJECT	PROPOSED DETACHED DUAL OCCUPANCY 31 CLARKE STREET, PEAKHURST, NSW 2210 Lot 2 DP226514
CLIENT	MR. ASHKAR
TITLE	SHADOW DIAGRAMS MAR.&SEP. 9- 12PM - EQUINOX

RIDGE
DESIGNS

A B N 60 167 981 982
G01/ 2A COOKS AVE CANTERBURY , NSW 2193
info@ridgedesigns.com.au
PHONE: (02)97871595 FAX:97871095



GEORGES RIVER COUNCIL	
DESIGNED G.M	CHECKED G.M
DRAWN LT	
SCALE 1:300	@ A3
JOB No 24044	REVISION B
DRAWING NUMBER 5.105	



BASIX NOTE

CERTIFICATE NUMBER: 1785682M_02

1. Commitments for multi-dwelling houses**(a) Dwellings****(i) Water**

- (b) The applicant must plant indigenous or low water use species of vegetation throughout the area of land specified for the dwelling in the "Indigenous species" column of the table below, as private landscaping for that dwelling. (This area of indigenous vegetation is to be contained within the "Area of garden and lawn" for the dwelling specified in the "Description of Project" table).
- (c) The applicant must not install a private swimming pool or spa for the dwelling, with a volume exceeding that specified for it in the table below.
- (d) The pool or spa must be located as specified in the table.
- (e) The applicant must install, for the dwelling, each alternative water supply system, with the specified size, listed for that dwelling in the table below. Each system must be configured to collect run-off from the areas specified (excluding any area which supplies any other alternative water supply system), and to divert overflow as specified. Each system must be connected as specified.

Dwelling No.	All shower-heads	Fixtures				Appliances			Individual Pool			Individual Spa	
		All toilet flushing systems	All kitchen taps	All bathroom taps	Hot water recirculation	All clothes washers	All clothes washers	Volume (max volume)	Pool cover	Pool location	Pool shaded	Volume (max volume)	Spa cover
All dwellings	4 star(>4.5 but <=6 L/min)	4 star	4 star	4 star	no	-	-	-	-	-	-	-	-

Alternative water source							
Dwelling No.	Alternative water supply system	Size	Configuration	Landscape connection	Toilet connection	Laundry connection	Pool top-up
All dwellings	Individual water tank (no. 1)	Tank size (min) 1800.0 litres	To collect run-off from at least 110.0 square metres of roof area; 0.0 square metres of impervious area; 0.0 square metres of garden and lawn area and; 0.0 square metres of planter box area	yes	yes	no	no

(ii) Energy

- (b) The applicant must install each hot water system specified for the dwelling in the table below, so that the dwelling's hot water is supplied by that system. If the table specifies a central hot water system for the dwelling, then the applicant must connect that central system to the dwelling, so that the dwelling's hot water is supplied by that central system.
- (c) This commitment applies to each room or area of the dwelling which is referred to in a heading to the "Natural lighting" column of the table below (but only to the extent specified for that room or area). The applicant must ensure that each such room or area is fitted with a window and/or skylight.
- (d) The applicant must install the photovoltaic system specified for the dwelling under the "Photovoltaic system" heading of the "Alternative energy" column of the table below, and connect the system to that dwelling's electrical system.

Dwelling No.	Hot water system	Bathroom ventilation system		Operation control	Bathroom ventilation system		Operation control	Laundry ventilation system	
		Each bathroom	Each kitchen		Each bathroom	Each kitchen		Each laundry	Operation control
U-1	gas instantaneous 4 star	no mechanical ventilation (ie. natural)	-	-	no mechanical ventilation (ie. natural)	-	-	individual fan, open to facade	manual switch on/off
All other dwellings	gas instantaneous 4 star	no mechanical ventilation (ie. natural)	-	-	no mechanical ventilation (ie. natural)	-	-	natural ventilation only, or no laundry	-

Dwelling No.	Cooling		Heating		Natural lighting	
	living areas	bedroom areas	living areas	bedroom areas	No. of bathrooms &/ or toilets	Main kitchen
All dwellings	1-phase airconditioning - ducted / 5 star (average zone)	1-phase airconditioning - ducted / 5 star (average zone)	1-phase airconditioning - ducted / 5 star (average zone)	1-phase airconditioning - ducted / 5 star (average zone)	3	yes

Dwelling No.	Individual pool		Individual spa		Appliances & other efficiency measures				
	Pool heating system	Pool Pump	Timer	Spa heating system	Kitchen cooktop/oven	Dishwasher	Clothes dryer	Indoor or sheltered clothes drying line	Private outdoor or sheltered clothes drying line
All dwelling	-	-	-	-	Gas cooktop/ electric oven	-	-	no	yes

Dwelling No.	Alternative energy		Photovoltaic collector installation	Orientation inputs
	Photovoltaic system (min rated electrical output in peak kW)	Photovoltaic collector installation		
All dwellings	-	-	-	-

(iii) Thermal Comfort

- (d) The applicant must show on the plans accompanying the development application for the proposed development, all matters which the Thermal Comfort Protocol requires to be shown on the plans. Those plans must bear a stamp of endorsement from the Accredited Assessor, to certify that this is the case.
- (e) Where there is an in-slab heating or cooling system, the applicant must:
- (a) Install insulation with an R-value of not less than 1.0 around the vertical edges of the perimeter of the slab; or
- (b) On a suspended floor, install insulation with an R-value of not less than 1.0 underneath the slab and around the vertical edges of the perimeter of the slab.
- (f) The applicant must construct the floors and walls of the development in accordance with the specifications listed in the table below.
- (g) The applicant must show on the plans accompanying the development application for a construction certificate (or complying development certificate, if applicable), the location of ceiling fans set out in the Assessor Certificate.

NOTES

1. ALL DIMENSIONS AND FLOOR AREAS TO BE VERIFIED BY THE SURVEYOR PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK.
2. LEVELS SHOWN ARE APPROXIMATE UNLESS ACCOMPANIED BY REDUCED LEVELS BY A REGISTERED SURVEYOR.
3. FIGURED DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO SCALING.
4. ALL BOUNDARY CLEARANCES MUST BE VERIFIED BY THE SURVEYOR PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK.
5. WHERE ENGINEERING OR HYDRAULIC DRAWINGS ARE REQUIRED, SUCH MUST TAKE PREFERENCE TO THIS DRAWING.
6. STORMWATER TO BE CONNECTED AND DISCHARGED TO COUNCIL'S REQUIREMENTS AND TO AS 3500.3:1990.
7. ALL SERVICES TO BE LOCATED AND VERIFIED BY THE BUILDER WITH THE RELEVANT AUTHORITIES PRIOR TO THE COMMENCEMENT OF ANY BUILDING WORK.

A	LT	ISSUED FOR DA APPROVAL	DATE	DATE
REV	BY	AMENDMENT	DATE	DATE

PROJECT	PROPOSED DETACHED DUAL OCCUPANCY 31 CLARKE STREET, PEAKHURST, NSW 2210 Lot 2 DP226514
CLIENT	MR. ASHKAR
TITLE	BASIX NOTE

RIDGE DESIGNS	A B N 60 167 981 982 G01/ 2A COOKS AVE CANTERBURY , NSW 2193 info@ridgedesigns.com.au PHONE: (02)97871595 FAX:97871095



GEORGES RIVER COUNCIL			
TRUE NORTH	DESIGNED	CHECKED	
	G.M	G.M	
SURVEY REFERENCE	DRAWN LT		
DRAWING NUMBER 6.101	SCALE		@ A3
	JOB No 24044		
	REVISION A		

Thermal loads			
Dwelling No.	Area adjusted heating load (in mJ/m2 /yr)	Area adjusted cooling load (in mJ/m2 /yr)	Area adjusted total load (in mJ/m2 /yr)
U-1	12.8	15.6	28.4
All other dwellings	21.6	8.3	29.9

Construction of floors and walls			
Dwelling No.	Concrete slab on ground (m2)	Suspended floor with open subfloor (m2)	Suspended floor above garage (m2)
U-1	87.42	-	21.61
All other dwellings	93.21	-	21.45

					Floor types					
Concrete slab on ground					Suspended floor above enclosed subfloor			Suspended floor above open subfloor		
Dwelling No.	Area (m²)	Insulation	Low emissions option	Dematerialisation	Construction type	Area (m²)	Insulation	Construction type	Area (m²)	Insulation
U-1	87.42	-	-	conventional slab	-	-	-	-	-	-
All other dwellings	93.21	-	-	conventional slab	-	-	-	-	-	-

		Floor types									
First floor above habitable rooms or mezzanine			Suspended floor above open subfloor			Garage floor					
Dwelling No.	Construction type	Area (m²)	Insulation	Construction type	Area (m²)	Insulation	Construction type	Area (m²)	Insulation	Low emissions option	Dematerialisation
U-1	concret - suspended	86.68	-	concret - suspended	21.61	-	Concrete slab on ground	21.61	-	none	conventional slab
All other dwellings	concret - suspended	86.68	-	concret - suspended	21.45	-	Concrete slab on ground	21.45	-	none	conventional slab

					External walls				
External wall type 1					External wall type 2				
Dwelling No.	Wall type	Area (m²)	Insulation	Low emissions option	Wall type	Area (m²)	Insulation	Low emissions option	
U-1	cavity brick	235.11	-	-	-	-	-	-	
All other dwellings	cavity brick	218.29	-	-	-	-	-	-	

	External walls							
	External wall type 3				External wall type 4			
Dwelling No.	Wall type	Area (m²)	Insulation	Low emissions option	Wall type	Area (m²)	Insulation	Low emissions option
All dwellings	-	-	-	-	-	-	-	-

		Internal walls							
		Internal walls shared with garage			Internal wall type 1		Internal wall type 2		
Dwelling No.	Wall type	Area (m²)	Insulation	Wall type	Area (m²)	Insulation	Wall type	Area (m²)	Insulation
U-1	single skin masonry	-	-	single skin masonry	156.8	-	-	-	-
All other dwellings	single skin masonry	162	-	single skin masonry	161.35	-	-	-	-

Flat ceiling / pitched roof			Ceiling and roof			Raked ceiling / pitched or skillion roof			Flat ceiling / flat roof			
Dwelling No.	Construction type	Area (m²)	Insulation	Construction type	Area (m²)	Insulation	Construction type	Area (m²)	Insulation	Construction type	Area (m²)	Insulation
U-1	framed - terra cotta tiles, frame: timber - untreated softwood	193.02	Ceiling: fibreglass batts or roll, Roof: foil/sarking	-	-	Ceiling: Roof.	framed - metal roof, frame: timber - untreated softwood	-	Ceiling: none, Roof: foil/sarking	-	-	Ceiling: none, Roof: foil/sarking
All other dwellings	framed - terra cotta tiles, frame: timber - untreated softwood	209.32	Ceiling: fibreglass batts or roll, Roof: foil/sarking	-	-	Ceiling: Roof.	framed - metal roof, frame: timber - untreated softwood	-	Ceiling: none, Roof: foil/sarking	-	-	Ceiling: none, Roof: foil/sarking

Glazing type			Frame types					
Dwelling No.	Single glazing (m²)	Double glazing (m²)	Triple glazing (m²)	Aluminium frames (m²)	Timber frames (m²)	uPVC frames (m²)	Steel frames (m²)	Composite frames (m²)
U-1	54.27	-	-	54.27	-	-	-	-
All other dwellings	57.34	-	-	57.34	-	-	-	-

2. Commitments for common areas and central systems/facilities for the development (non-building specific)**(a) Common areas and central systems/facilities**

- (i) The applicant must install (or ensure that the development is serviced by) the alternative water supply system(s) specified in the "Central systems" column of the table below. In each case, the system must be configured, and be connected, as specified in the table.
- (c) A swimming pool or spa listed in the table must not have a volume (in kLs) greater than that specified for the pool or spa in the table.

Common area	Showerheads rating	Toilet rating	Taps rating	Clothes washer rating
All common areas	no common facility	no common facility	no common facility	no common laundry facility

(ii) Energy

- (c) The applicant must install the systems and fixtures specified in the "Central energy systems" column of the table below. In each case, the system or fixture must be of the type, and meet the specifications, listed for it in the table.

Central energy systems	Type	Specification
Other	-	-



Assessment Report

DA2025/0207

Lot 1 DP 654502, Lot 1 and 2 DP
226514

31 Clarke Street, Peakhurst NSW 2210

Acknowledgment of Country

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

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Report Summary

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

Refusal

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

Proposal

The works proposed in this application are specifically outlined below.

Demolition

The following are proposed to be demolished/removed:

- Dwelling house and associated swimming pool
- Driveway and driveway crossover
- Outbuildings, and
- Two trees.

Detached Dual Occupancy

The construction of a detached dual occupancy with the following layout:

- Unit 1 (northern unit)
 - o The ground floor will contain:
 - Rumpus room with private open space access
 - Bathroom,
 - Three bedrooms,
 - Laundry room, and
 - One car garage
 - o The first floor will contain:
 - Open style living/dining/kitchen area with pantry and rear balcony access,
 - Toilet,
 - Study room,
 - Master bedroom with walk-in-robe, ensuite bathroom, and front balcony access, and
 - Entry way with porch.
- Unit 2 (southern unit)
 - o The ground floor will contain:
 - Rumpus room with private open space access
 - Bathroom,
 - Three bedrooms,
 - Laundry room, and
 - One car garage
 - o The first floor will contain:
 - Open style living/dining/kitchen area with pantry and rear balcony access,
 - Toilet,
 - Office space
 - Master bedroom with walk-in-robe, ensuite bathroom, and front balcony access, and
 - Entry way with porch.

Additional works ancillary to dwelling include:

- Construction of new driveway crossover for each proposed dwelling,
- Stormwater works including the installation of an on-site stormwater detention (OSD) system and level spreader for each dwelling.
- A 1.2m high front boundary fence and inter-allotment fencing.

A site plan is provided below:

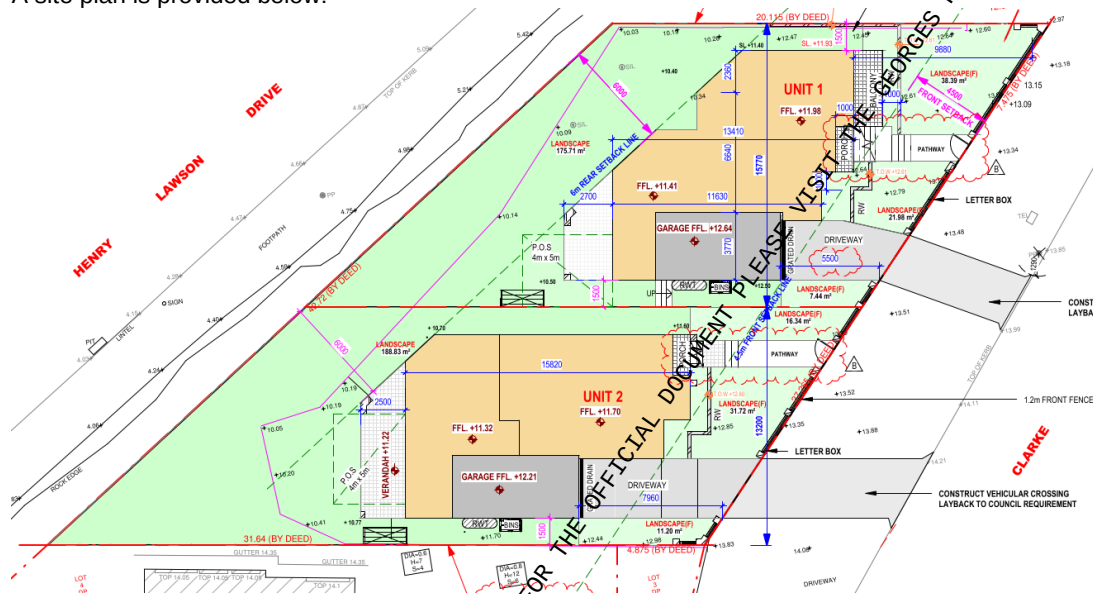


Figure 1 – Site plan (Source: Architectural Plans)

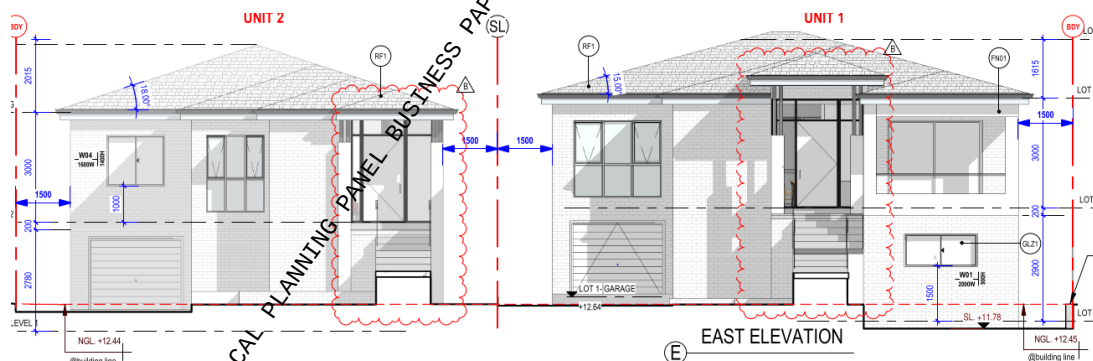


Figure 2 – East (front) elevation (Source: Architectural Plans)

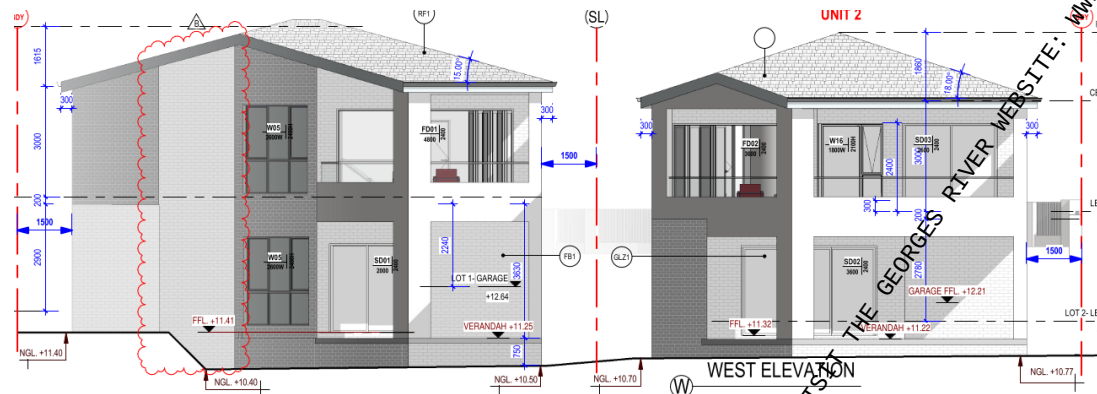


Figure 3 – West elevation (Source: Architectural Plans)

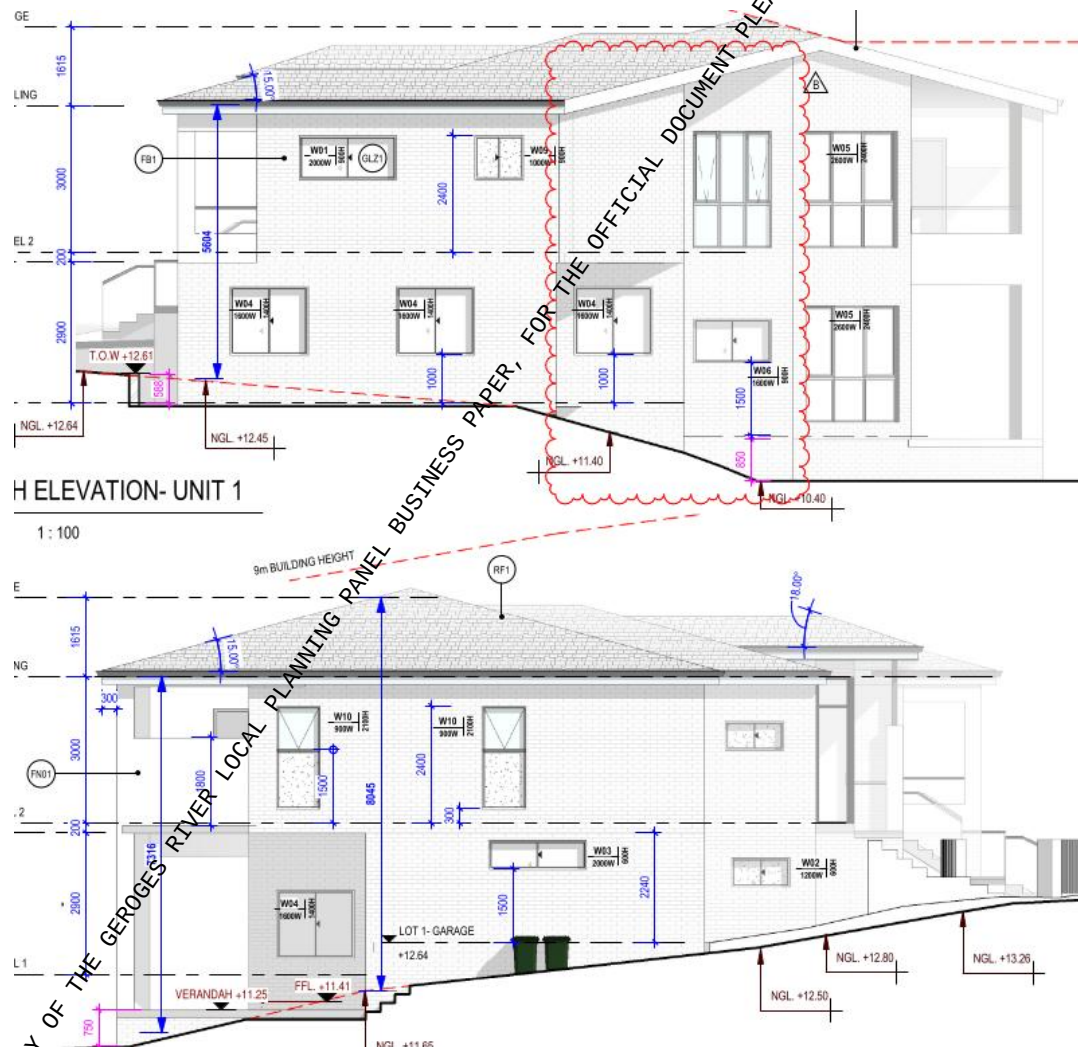


Figure 4 – Unit 1 northern (upper) and southern (lower) side elevations (Source: Architectural Plans)

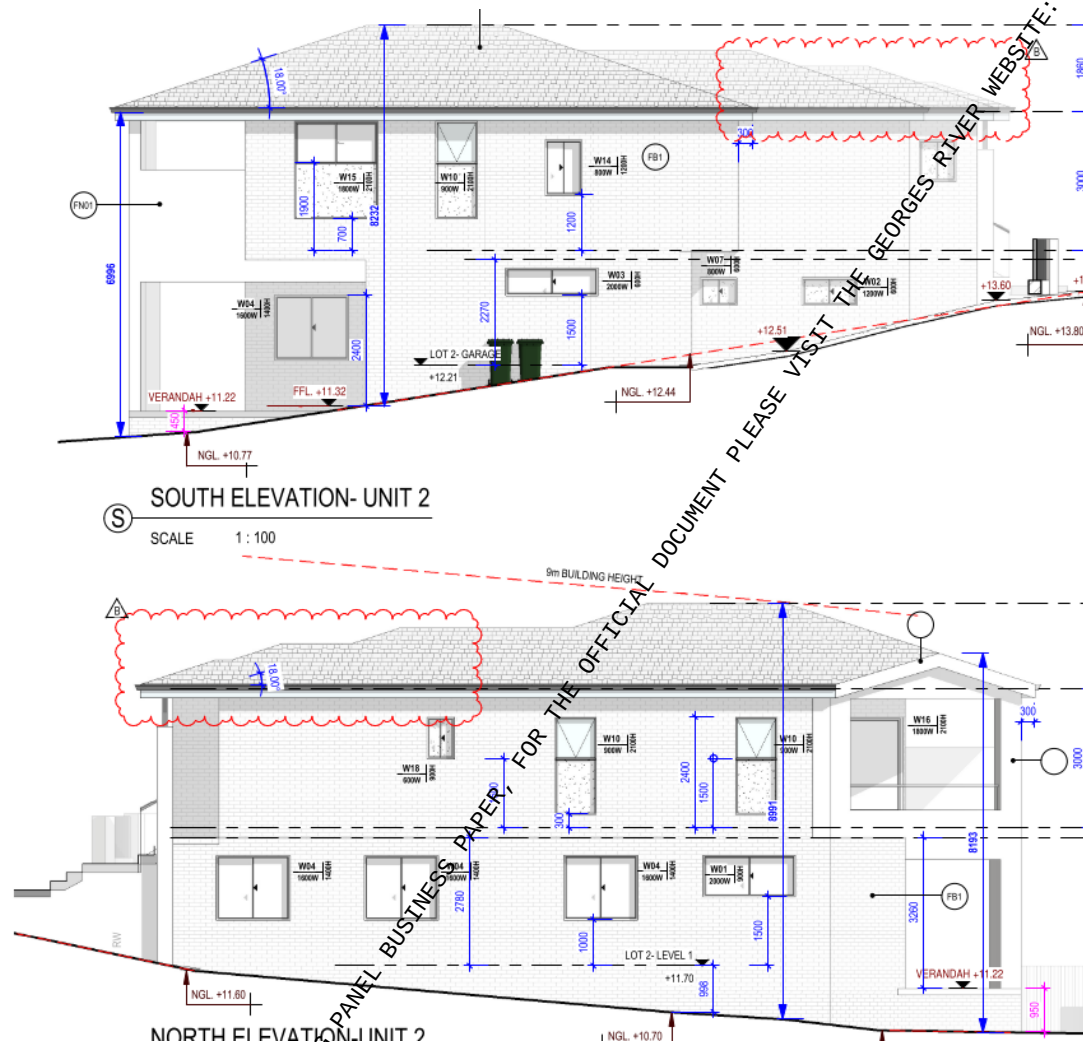


Figure 5 – Unit 2 southern (upper) and northern (lower) side elevations (Source: Architectural Plans)

Site and Locality

Site Description

The site has two frontages. The primary frontage is Clarke Street and the secondary frontage is Henry Lawson Drive. The existing development sits approximately 5.5m to 6.4m above Henry Lawson Drive on a natural northwest-facing cliff. The site is located on a northwest-facing slope and has an average gradient of approximately 14.2%.

The site currently contains a dwelling house with swimming pool, a carport with attached outbuilding, and a shed. The western end of the site is bounded by a brick wall.

Vehicular access is gained via Clarke Street.

Vegetation on the site consists of two trees on the southern boundary, and dense shrubs and small trees between the backyard and Henry Lawson Drive.

Orientation of the site is east-west.

No easements identified on subject site.

Locality Description

Existing development in the locality predominantly consists of one-to-two-storey detached dwelling houses.

Existing development adjoining the subject site consists of parkland to the north, and a two-storey dwelling house with swimming pool and tennis court to the south.

Aerial Image of Land Zoning

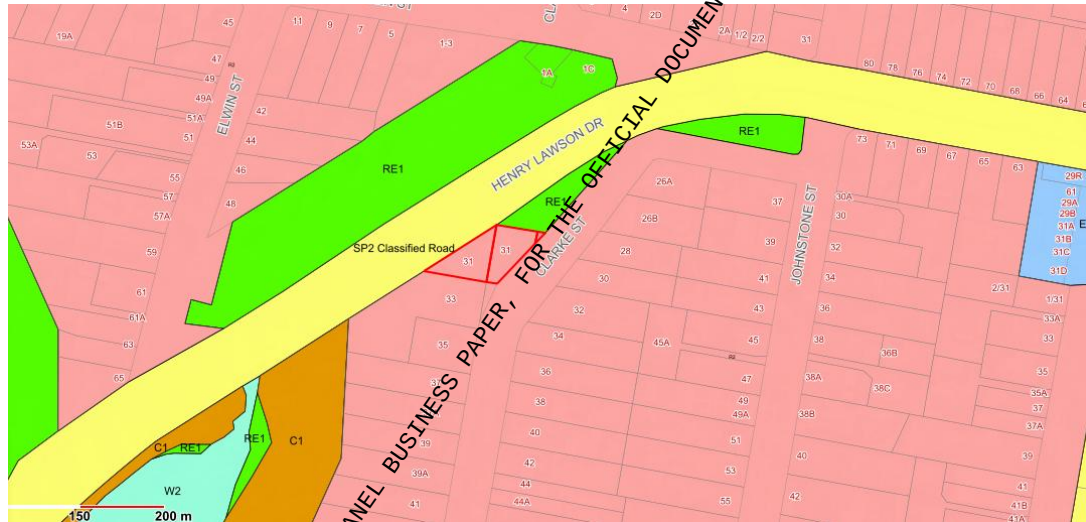


Figure 6 –Aerial view of development site outlined in red (Source: IntraMaps)

Aerial Image of Site

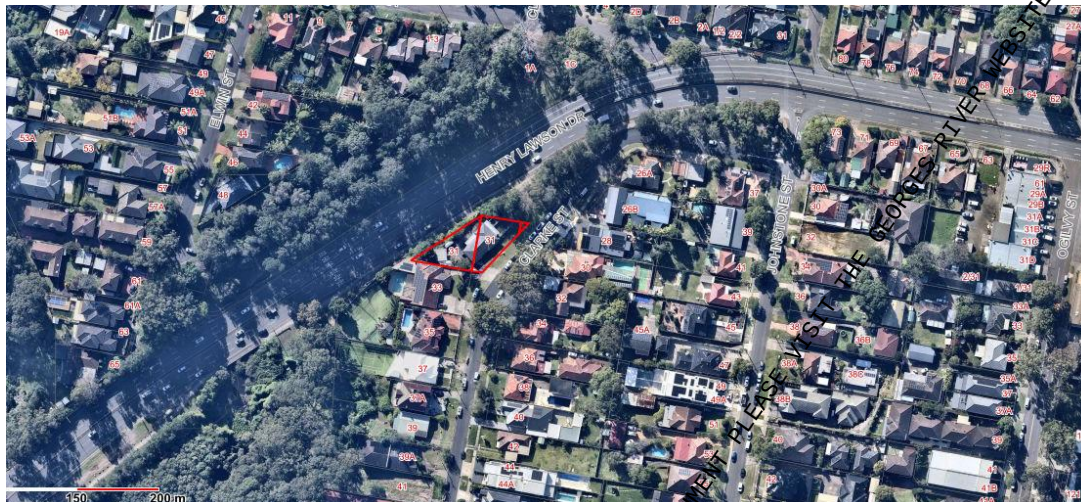


Figure 7–Aerial view of development site outlined in red (Source: IntraMaps)

Background

History

The following applications are relevant to the proposed works.

Application Number	Proposed Works	Determination	Date	Relevance
PRE2023/0004	Pre-lodgement application for demolition works and construction of a dual occupancy and subdivision		9 March 2023	The applicant was advised that Council is unlikely to support a variation to Clause 4.1B as there is no environmental planning justification for the variation.
86/BA-344	Extension to existing house	Approval	22 May 1986	-
72/BA-1021	Swimming pool	Approval	Unknown	-

Processing

Application History		
Action	Date	Comment
Submission date	Thursday, 1 May 2025	
Lodgement date	Monday, 5 May 2025	
Site inspection conducted	Tuesday, 19 August 2025	

Request to withdraw letter sent	Monday, 1 September 2025	
Revised documentation received	Wednesday, 10 September 2025	

Site Inspection

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



Figure 8: Street view of development site (Image taken facing South/East/West/North (Source: Assessing Officer))

Assessment - Section 4.15 Evaluation

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

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

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

The provisions of any environmental planning instrument (EPI)

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

The Provisions of any applicable Act

The Provision of any Applicable State Environmental Planning Policies (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 2 trees near the proposed development.

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

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 should this application be recommended for approval.

State Environmental Planning Policy (Sustainable Buildings) 2022

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

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

The details of the provided BASIX Certificate are provided below:

BASIX Certificate Details	
Author:	Melz Designs Pty Ltd
Certificate Number:	1785682M_02
Certificate Date:	10 September 2025

State Environmental Planning Policy (Resilience and Hazards) 2021

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

Chapter 4 – Remediation of Land

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

As part of the assessment process, a site inspection was conducted, and Council's Contamination Records and 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.

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 6 – Electricity transmission or distribution

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



Ausgrid raised no objection to the proposal.

Division 17 – Roads and Traffic

Clause 2.119 is applicable to this application as the proposed development has a frontage on a classified road. Council is satisfied that the proposal avoids creating additional vehicular access on classified road, maintains safety on the classified road, and adequately ameliorates potential traffic noise and emissions.

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 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 does not align with the zone objectives for the following reasons: The proposal fails to promote a high standard of urban design and built form.	☐ 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.	Demolition forms part of the proposed development.	☒ Yes ☐ No

GRLEP 2021 Numeric Controls			
Standard	Required	Proposed	Compliance
Cl. 4.1A Minimum Subdivision Lot Size for Dual Occupancies	Minimum 430m ² per lot (FSPA)	Lot 1 (south): 441.51sqm Lot 2 (north): 431.09sqm	☒ Yes ☐ No
Cl 4.1B Minimum Lot Size for Dual Occupancies	Minimum 1,000m ² lot size (FSPA) <u>Detached dual occupancy</u> (b) otherwise – minimum width: 22m.	Lot size 872.57m ² Lot width 34.7m This represents a variation of 12.7%. A variation request to the minimum lot size was submitted. See below the Clause 4.6 assessment.	☐ Yes ☒ No

Cl. 4.3 <i>Height of Buildings</i>	Maximum 9m	Unit 1: 8.4m Unit 2: 8.55m	☒ Yes ☐ No
Cl. 4.4A <i>Exceptions to floor space ratio— certain residential accommodation</i>	Maximum 0.6:1 (523.5m ²)	0.46:1 (402.0m ²)	☒ Yes ☐ No
Cl 6.12 <i>Landscaped Area</i>	Minimum 25% (218.14m ²)	48.6% (424.2m ²)	☒ 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 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 in 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.	The site identified as containing Class 5 acid sulfate soils, but the works are not located on land within 500m of land of a lower class, and is not below 5m Australian Height Datum. No further action is therefore required.	☒ Yes ☐ No

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,	The proposed earthworks are satisfactory with regards to the matters identified.	☒ Yes ☐ No

(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.		
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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.	Concurrence comment from Transport for NSW has yet to be received. Notwithstanding that, Council's stormwater engineer raised no objection to the proposed stormwater system.	☒ Yes ☐ No

Clause 6.6 Foreshore scenic protection area

Standard	Proposal	Compliance
(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must be satisfied that the development would facilitate the following— (a) the protection of the natural environment, including topography, rock formations, canopy vegetation or other significant vegetation, (b) the avoidance or minimisation of the disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations, (c) the maintenance and enhancement of native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors, (d) the achievement of no net loss of significant vegetation or habitat, (e) the avoidance of clearing steep slopes and facilitation of the stability of the land, (f) the minimisation of the impact on the views and visual environment, including views to and from the Georges River, foreshore reserves, residential areas and public places, (g) the minimisation of the height and bulk of the development by stepping the development to accommodate the fall in the land.	The proposal is not satisfactory with regards the matters identified in (3). The proposal does not satisfy the objectives of this clause. The proposal fails to recognise, protect, and enhance the natural, visual, environmental and heritage qualities of the scenic areas of the Georges River.	☐ 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	The proposal has, or includes arrangements that will make available these essential services.	☒ Yes ☐ No

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.		
Clause 6.10 Design Excellence		
Standard	Proposal	Compliance
(2) This clause applies to development on land within the Foreshore Scenic Protection Area involving— (a) the erection of a new building, or (b) additions or external alterations to an existing building that, in the opinion of the consent authority, are significant. (3) For land identified in on the Foreshore Scenic Protection Area Map: (iv) residential accommodation, except for secondary dwellings, (4) Development consent must not be granted for development to which this clause applies unless Council considers that the development exhibits design excellence. (5) In considering whether the development exhibits design excellence, Council must have regard to the following matters— (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,	The proposal is located within the Foreshore Scenic Protection Area for residential accommodation. As such, Clause 6.10 applies. The proposal fails to comply with Clause 6.10 for the following reasons: - The proposal will introduce intensification of built form that is not suitable for the Foreshore Scenic Protection Area. - The proposal demonstrates insufficient front setback.	☐ Yes ☒ No

(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, 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.		
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GRLEP 2021 Clause 4.6 Variation

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

Name of Clause	Proposed Variation
Clause 4.1B Minimum lot sizes and special provisions for certain dwellings	Required: 1,000sqm Site area: 872.57sqm (a variation of 12.7% or 127.43sqm);

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 4.1B.

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 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 resultant lots are capable of providing dwellings that comply with key built form and open space controls (such as setbacks, floor space ratio, and landscaped area).
- Clause 4.1A requires each resultant lot to have a minimum size of 430sqm. Both proposed lots comply with Clause 4.1A which demonstrates the capacity of the subject site to accommodate the minimum subdivision lot size envisaged for the FSPA.
- Clause 4.1B requires a minimum site area of 650sqm for allotments outside of the FSPA in areas zoned R2 Low Density Residential. The subject site, which is located within the R2 zone, would easily comply with Clause 4.1B if the site is not identified within the FSPA.
- The proposal will not cause adverse amenity impacts
- The proposal will enable the consolidation of the subject site from three lots into two.

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

Objective	Assessment
(a) to ensure that lots for residential accommodation are of sufficient size to accommodate proposed dwellings, setbacks to adjoining residential land, private open space and landscaped areas, driveways and vehicle manoeuvring areas,	The proposed dwellings demonstrate insufficient front setbacks as a result of the insufficient lot size.
(b) to ensure that dual occupancies in Zone R2 Low Density Residential retain the general low-density scale and character of existing single dwelling development,	The minimum lot size development standard is intended to control the extent of densification within the FSPA. The proposal introduces densification that is not compatible with the desired scale of development within the FSPA.
(c) to ensure that multi dwelling housing in Zone R3 Medium Density Residential retain the general medium-density scale and character of existing multi dwelling development,	Not applicable. Subject site is zoned R2 Low Density Residential.

(d) to minimise any likely adverse impact of the development on the amenity of the area,	The proposed variation to minimum lot size is substantial and will result in densification that is unsympathetic to the FSPA. Furthermore, it is considered that the variation contributes to insufficient front setbacks that are incompatible with the prevailing building separation rhythm.
(e) where an existing lot is inadequate in terms of its area or width—to require the consolidation of 2 or more lots.	It is acknowledged that the proposal will enable three existing lots to be consolidated into two lots. Notwithstanding that, the lot consolidation does not alleviate the concerns of incompatible built form.

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

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

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

- This test is not applicable.

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

- The underlying objectives of Clause 4.1B are to ensure there is sufficient area for dual occupancy development and to ensure new developments are of a form and scale that is appropriate for the locality, which is within the FSPA. Those objectives are relevant to all residential accommodation developments within the FSPA including the subject proposal.

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:

- This test is not applicable.

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

- The minimum lot size development standard supports the underlying objectives of Clause 4.1B to ensure there is sufficient area for dual occupancy development in FSPA and to ensure new developments are of a form and scale that is appropriate for the FSPA.

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:

- This test is not applicable.

Assessment Officer Comments: According to Council's Clause 4.6 variation register, Clause 4.1B has not been varied since GRLEP 2021 is in effect. On that basis, it is considered that Council has not abandoned or destroyed this development standard.

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:

- This test is not applicable.

Assessment Officer Comments: The R2 Low Density Residential zoning of the subject site is considered to be appropriate given the zoning maintains the low density characteristics of the locality.

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 has sufficient environmental planning grounds to justify the contravention.
- The subject site is not visible from the waterway despite being located within the FSPA.
- The proposal will create two lots that comply with Clause 4.1A minimum subdivision lot size requirement
- The proposal complies with the key built form and open space controls
- The proposal enables lot consolidation and the resultant lots align with the subdivision pattern found in the locality.
- There were previous dual occupancy approvals in the Georges River area with variations to the minimum site area development standard.

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

- The proposal will result in densification which is not sympathetic to the FSPA. The inadequate minimum lot size contributes to insufficient front setback
- The minimum lot size development standard has strictly enforced since the GRLEP 2021 has come into effect
- Compliance with Clause 4.1A and the site not being visible from Salt Pan Creek are not matters of consideration that relates to Clause 4.1B.

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 reasons for refusal of the subject application.



Provisions of any Proposed Instrument

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

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

Provisions of any Development Control Plan

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

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

Georges River Development Control Plan 2021

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

View Impacts		
3.8 View Impacts		
Control	Proposal	Compliance
1. The development shall provide for the reasonable sharing of views.	The proposal allows for the reasonable sharing of views.	☒ Yes ☐ No

Waste Management		
3.12 Waste Management		
Control	Proposal	Compliance
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

Subdivision		
3.16.2 Roads, Vehicular Access and Car Parking		
Control	Proposal	Compliance

4. Driveway to comply with AS2890.1 (2004)	The proposed driveway complies with AS2890.1	☒ Yes ☐ No
3.16.3 Utilities and Services		
Control	Proposal	Compliance
1. Development is to comply with requirements outlined in Clause 6.9 Essential services of the Georges River LEP 2021.	The proposal complies with Clause 6.9 of the GRLEP 2021.	☒ Yes ☐ No

Universal / Accessible Design		
3.17 Universal / Accessible Design		
Control	Proposal	Compliance
3. Accessways for pedestrians and vehicles to be separated	Accessway for pedestrians and vehicles are separated.	☒ Yes ☐ No

Streetscape Character and Built Form		
6.1.3.1 Streetscape Character and Built Form		
Control	Proposal	Compliance
1. Dual occupancies are to have windows in all street-facing elevations. Service rooms such as bathrooms and ensuites are not to be within primary or secondary street frontages.	Entrance recess from front façade Unit 1: 1.0m Unit 2: 1.0m	☐ Yes ☒ No
2. Driveways and accessways should not dominate the streetscape and located to comply with AS2890.1 (latest edition).	Upper level voids: Unit 1: 1.9sqm Unit 2: 0sqm	
3. The design of the street facing elevation of any dual occupancy development should seek to incorporate design features such as: i. A defined entry feature; ii. Awnings, louvers, shutters or other features over windows; iii. Balcony or window box treatment to any first floor element; iv. Recessed or projected prominent architectural elements to visibly break up the facade and avoid an expansive blank wall;	Garage width: Unit 1: 2.5m Unit 2: 2.5m Despite the numerical compliance, the proposal does not conform to Objective (a) of Section 6.1.3.1 which requires new dual occupancy developments to contribute to the creation of cohesive streetscapes. The proposal incorporates an elevated front entrance on the first floor for both	

v. Open verandahs; vi. Use of bay windows or similar features along the façade	units. A review of the locality indicates that the dwellings on the lower side of Clarke Street predominantly feature front entrances near the street level. The front door location does not conform to the existing streetscape character, and diminishes interaction between the buildings and the public domain.	
4. Each dwelling entrance is to be clearly identifiable from the street and recessed a maximum of 1m into the façade of the dwelling.		
5. Access to garaging and additional parking spaces for dual occupancy dwellings should not result in large expanses of paved surfaces within the street setback of the development.		
6. The maximum size of voids at the first floor level should be a total of 15m ² (excluding voids associated with internal stairs) for each of the two dwellings.		
7. Garages for each dwelling within an attached dual occupancy development must be a single car space wide only. Two car garages in a tandem arrangement may be acceptable.		

Building Scale and Height

6.1.3.2 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 respond to the topography and form of the site.	Storeys proposed: 2 for both dwellings The proposal represents excessive intensification of the subject site in contravention to the future desired character of the Foreshore Scenic Protection Area.	☐ 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. On sloping allotments, dwellings are to adopt a split-level approach in the design of the development to minimise excavation and fill and to achieve a design response that relates appropriately to the sloping topography of the site.		
3. A maximum of two (2) storeys over a basement is permissible at any point above ground level (existing).		

Basements are to protrude no more than 1m above the existing ground level.		
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Setbacks		
6.1.3.3 Setbacks		
Control	Proposal	Compliance
Front Setbacks 1. Minimum setback from the primary street boundary for ground and first floor is: i. 4.5m to the main building wall / facade; ii. 5.5m to the front wall or door of the garage, carport or on-site parking space; iii. Where the prevailing street setback is greater than the minimum, the average setback of dwellings on adjoining lots is to be applied. <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. 3. For detached dual occupancies in a 'side-by-side' configuration where both dwellings address the primary street, the minimum side setback (ground and first floor) to the external side boundaries and the internal allotment boundary is to be a minimum 1.2m for lots outside a Foreshore Scenic Protection Area (creating a separation of 2.4m between dwellings). For lots within a Foreshore Scenic Protection Area, side setbacks for a detached dual occupancy are to be a minimum of 1.5m (creating a separation of 3m between dwellings). 4. For attached and detached dual occupancies in a 'side-by-side' configuration where both dwellings	Prevailing street setback: 11.1m Front setback: Unit 1: 4.5m Unit 2: 4.5m Garage front setback: Unit 1: 4.9m Unit 2: 6.9m Minimum side setback: Unit 1: 1.5m Unit 2: 1.5m Rear setback: Unit 1: 6.0m Unit 2: 6.0m	☐ Yes ☒ No

address the street, each dwelling is to have a minimum rear setback (ground and first floor) of 15% of the average site length, or 6.0m, whichever is greater.		
Required rear setback: 6.0m		

Solar Access

3.11 Ecologically Sustainable Development

Control	Proposal	Compliance
15. The use, location and placement of photovoltaic solar panels are to consider the potential permissible building form on adjacent properties.	The use location and placement of solar panels are considered to meet the requirements of this clause.	☒ Yes ☐ No
16. Where possible, proposals for new buildings, alterations and additions, and major tree plantings are to maintain solar access to existing photovoltaic solar panels having regard to their performance, efficiency, economic viability, and reasonableness of their location		

6.1.3.4 Solar Access

Control	Proposal	Compliance
1. New buildings and additions are to provide a minimum of 3 hours direct sunlight between 9am and 3pm on 21 June onto living room windows and at least 50% of the minimum amount of private open space.	The proposal enables at least 3 hours of direct solar access onto the living room and 100% of the private open space for both dwellings between 9am and 3pm on 21 June.	☒ Yes ☐ No
2. Direct sunlight to north-facing windows of habitable rooms and 50% of the area of principal private open space of neighbouring dwellings should not be reduced to less than 3 hours between 9.00am and 3.00pm on 21 June. <u>Note:</u> Variations will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation.	The proposal enables at least 3 hours of direct solar access onto adjoining north-facing windows and 100% of the adjoining private open space between 9am and 3pm on 21 June. The proposal enables adequate solar exposure to adjoining PV panels. Shadow diagrams supplied per DCP requirement.	
3. Shadow diagrams are to be submitted demonstrating the shadow		

impacts for the winter solstice (21 June) between 9.00am and 3.00pm.		
4. Shadow diagrams are required to show the impact of the proposal on solar access available to the living rooms and main open space 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 elevational or view from the sun diagrams to demonstrate appropriate solar access provision to adjoining development.		
5. 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.		

Visual Privacy		
6.1.3.5 - Visual Privacy		
Control	Proposal	Compliance
1. Windows and balconies of main living areas are to be directed toward the front and rear of a site.	The rear balconies demonstrate the following widths: Unit 1: 2.6m Unit 2: 4.3m	☐ Yes ☒ No, however acceptable on merit
2. Windows and balconies of habitable rooms are not to directly overlook windows, balconies and the open space of adjacent dwellings. To ensure appropriate privacy, consideration should be given to including: i. Physical screening devices such as fixed external timber battens; ii. Splaying or staggering the location of windows; iii. Use of level changes; iv. Use of increased window sill heights or the use of glazing such as frosted glass or glass blocks; v. Avoiding elevated decks or balconies; and vi. Increasing building setbacks from the side boundary.	The proposed non-compliance is considered acceptable on merit. See Comment 1 for further details. The proposal utilises the following measures to maintain visual privacy: - Both proposed dwellings are located forward of the adjoining dwellings, eliminating overlooking into adjoining living spaces and private open spaces. No roof top terraces proposed. The proposed living room and active room windows are designed to allow opaque views into the adjoining properties only.	

3. First floor balconies located at the rear of dwellings must not project more than 1500mm beyond the main rear wall alignment and must incorporate fin walls or privacy screens on the sides to prevent overlooking of the living rooms and main private open space areas of adjoining properties.	Survey plan supplied per DCP requirements.	
4. Roof top terraces are not permitted on top of dual occupancies and ancillary structures, such as boat sheds and garages.		
Comment 1 – Variation to Balcony Width Control 3 of Part 6.1.3.5 of the GRDCP requires a dwelling house to have a maximum balcony width of 1.5m. The proposal demonstrates an upper balcony width of 2.6m for Unit 1, and 4.3m for Unit 2. Variation is considered acceptable in this instance for the following reasons outlined below: 1. Privacy Impact – Unlike a typical suburban allotment, the subject site has no neighbour towards the rear and northern side of the site. It is further noted that both proposed dwellings are situated forward of the adjoining residence on 33 Clarke Street. Given the siting of the dwellings, the width of the balcony will not introduce privacy intrusions. 2. The proposed balcony width aligns with the following GRDCP objectives: (a) Ensure the siting and design of buildings provides a high level of visual and acoustic privacy for residents and neighbouring dwellings and their private open space. (b) Minimise direct overlooking from windows, decks, balconies and terraces. (c) Minimise direct overlooking between primary living rooms and private open space on the subject site and that of the adjoining sites.		

Noise and Machinery		
6.1.3.6 Noise		
Control	Proposal	Compliance
1. In developments sharing a common wall between dwellings, the co-location of quiet uses (such as bedrooms) with noisier rooms (such as bathrooms, laundries and living rooms) should be avoided.	No noise generators identified. Standard noise control conditions to be imposed.	☒ Yes ☐ No
2. Noise generators such as air conditioning units, pool pumps and other plant or equipment are to be located away from windows or other		

openings in habitable rooms. These are also to be screened or otherwise acoustically treated.		
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Earthworks		
3.5.1 Earthworks		
Control	Proposal	Compliance
1. Natural ground level should be maintained within 900mm of a side or rear boundary.	The proposal maintains existing ground level near site and rear boundaries.	☒ 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 vegetation.	
6. Cut and fill within a tree protection zone of a tree on the development site or adjoining land must be undertaken in accordance with AS4970 (protection of trees on development sites).	Adequate soil depth is provided to sustain tree growth.	
7. Soil depth around buildings should be capable of sustaining trees as well as shrubs and smaller scale gardens.	The earthworks proposed do not impact adversely on stormwater or flood with regards to impacts on adjoining properties.	
8. Earthworks are not to increase or concentrate overland stormwater flow or aggravating existing flood conditions on adjacent land.	Condition(s) are to be applied to ensure that any fill is to be VENM should this application be recommended for approval.	
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.	The proposal includes a sediment control plan indicating implementation of these measures. A suitable condition would be included in the consent which ensures compliance with the control should this application be recommended for approval.	☒ 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 minimises cut and fill and site disturbance. The proposal is not considered to have a high potential risk to groundwater.	
3. Development is to minimise site disturbance including impacts on vegetation and significant trees and the need for cut and fill.	The proposal is accompanied by adequate documentation that ensures no adverse impacts result to groundwater, significant trees, or Councils public domain.	
4. Construction works within a tree protection zone (TPZ) of a tree on the development site or adjoining land, must be undertaken in accordance with AS 4970 (Protection of trees on development sites).		
5. Development which has a high potential risk to groundwater must submit a geotechnical report to address how possible impacts on groundwater are minimised.		
6. Work must not be carried out in a public road or footpath unless a permit has been granted by Council (or other relevant roads authority) under s.138 of the Roads Act 1993, and / or s.68 of the Local Government Act 1993. These are separate approvals to development consent or a Complying Development Certificate. Consult with Council to determine if a permit is required.		
6.1.3.7 Excavation (Cut and Fill)		

Control	Proposal	Compliance
1. Any excavation must not extend beyond the building footprint, including any basement car park.	Maximum cut depth: Unit 1: 0.5m Unit 2: 0.59m	☐ Yes ☒ No, acceptable on merit
2. The depth of cut and fill must not exceed 1.0m from existing ground level, except where the excavation is for a basement car park.	Maximum fill depth: Unit 1: 0.96m Unit 2: 1.0m	
3. Developments are to avoid unnecessary earthworks by designing and siting developments to respond to the natural slope of the land. The building footprint must be designed to minimise cut and fill by allowing the building mass to step in accordance with the slope of the land.	Minor excavation is proposed beyond the building footprint. See Comment 2 for further details.	
Comment 2 – Variation to Excavation Requirement Control 1 of Part 6.1.3.7 of the GRDCP requires no earthworks beyond the building footprint. The proposal involves cuts ranging from 0.52m to 0.95m beyond the building footprints. See Figure 9 for the extent of cut and fill proposed.		

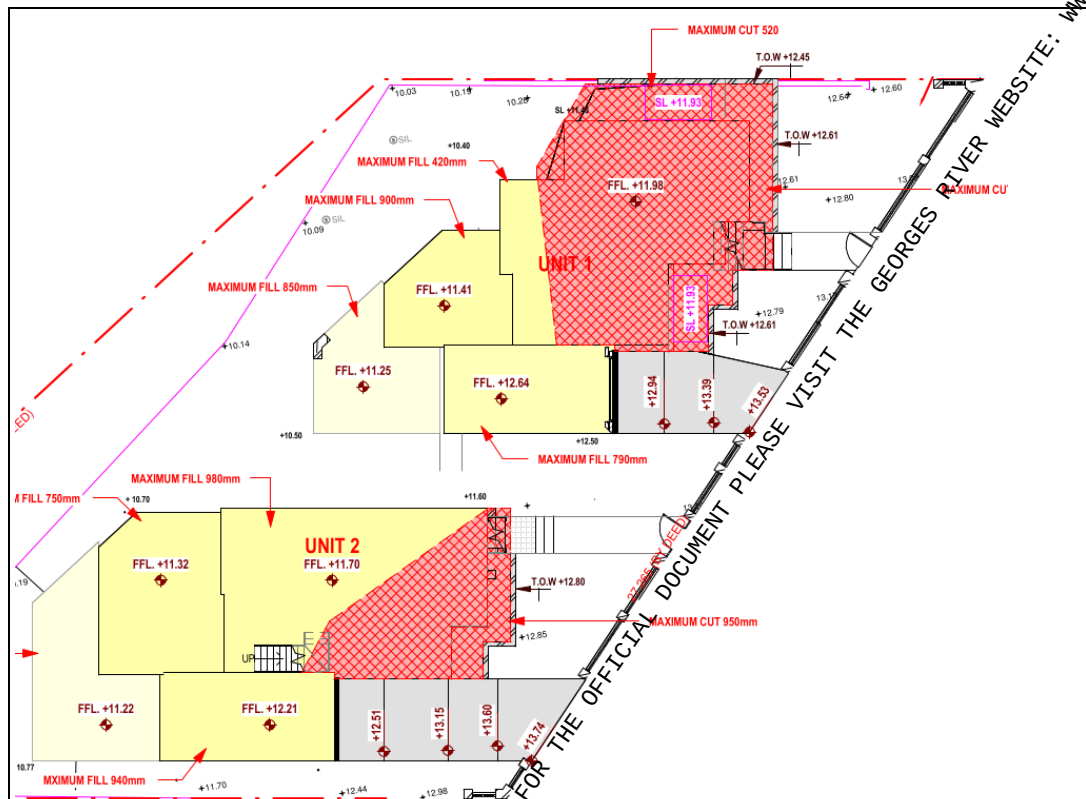


Figure 9: Cut and fill plan. Cut is indicated in red; fill is indicated in yellow (Source: architectural plans)

Variation in this instance is considered acceptable in this instance for the following reasons outlined below:

1. Design merit – The proposed excavation outside of the building footprint is limited to the northern side boundary area and thin strips of land forward of the dwellings. Those earthworks are required to enable the construction of the dwellings and enable internal access. It is further noted that no excavation deeper than 1.0m is proposed.
2. Tree affectation – The proposed excavation will not affect any trees within the subject site and within the adjoining properties.
3. The proposed earthwork aligns with the following Part 6.1.3.7 GRDCP objectives:
 - a) Have regard to existing natural ground levels and existing landform.
 - c) Minimise the extent of excavation and fill.
 - d) Ensure that excavation and fill does not result in an unreasonable loss of privacy or security for neighbours.

Vehicular Access, Parking and Circulation

3.13 Parking Access and Transport		
Control	Proposal	Compliance
Parking required: The development has 3 or more bedrooms therefore 2 spaces are required.	The proposal provides 2 car parking spaces for 4 beds for both dwellings.	☒ Yes ☐ No
6.1.3.8 Vehicular Access, Parking and Circulation		
Control	Proposal	Compliance
1. Each dwelling is to provide one (1) garage and one (1) tandem driveway parking space forward of the garage (unless otherwise accommodated within the building envelope).	The proposal demonstrates the following numerical design parameters: - Maximum driveway width: 3.3m for both dwellings. - Garage width: single width of both dwellings. The proposed driveway and driveway crossover complies with relevant Australian Standard and will not result in the net loss of street tree or street parking.	☒ Yes ☐ No
2. Car parking is to be provided in accordance with the requirements in Part 3 General Issues of this DCP.		
4. Driveway crossings are to be positioned so that on-street parking and landscaping on the site and the public domain are maximised, and the removal or damage to existing street trees is avoided.		
5. The maximum driveway width between the street boundary and the primary building setback alignment of the garage is 4 metres.		
7. Internal driveway grades are to be in accordance with Australian Standard 2890.1 (latest edition).		
9. Dual occupancy developments are to have only one (1) single width garage per dwelling. Where garaging is provided for two (2) cars, this must be in a tandem parking configuration.		

Private Open Space		
6.1.3.10 - Private Open Space		
Control	Proposal	Compliance
1. An area of Private Open Space is to be provided which: i. Is located at ground level;	Adequate private open space provided, all with compliant dimensions and on the	☒ Yes ☐ No

ii. Has a minimum dimension of 4m x 5m; iii. Is not steeper than 1 in 20; iv. Is directly accessible from a main living area; and v. May include a covered patio area.	same level, provided which attempts to maximise solar access.	
2. The private open space is to be located at the rear of the property and/or behind the building line established by the front setback.		
3. Private open space is to be provided for all dwellings.		
5. Private open space is to be located so as to maximise solar access.		
6. Private open space is to be designed to minimise adverse impacts upon the privacy of the occupants of adjacent sites and within the proposed development.		

Landscaping		
6.1.3.11 Landscaping		
Control	Proposal	Compliance
1. Landscaped area for dual occupancies (has the same meaning as the Georges River LEP 2021) is to be provided in accordance with the table contained within Clause 6.12 Landscaped areas in certain residential and conservation zones of the GRLEP 2021.	100% of the landscaped area has a minimum dimension of 1.2m. Impervious surfaces in front setback area Unit 1: 34.2% Unit 2: 42.8%	☒ 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.	The proposed landscaped complies with Clause 6.12 of the GRLEP 2021. The proposal provides a landscape setting within the street frontage(s), where impervious areas are minimised.	
3. To provide a landscape setting within the primary and secondary street frontages, impervious paved areas are to be minimised. Impervious areas include hard paving, gravel, concrete, artificial turf, rock gardens (excluding	The proposal demonstrates an area within the front yard that one (1) tree capable of achieving a minimum mature height of 6-8m with a spreading canopy can be accommodated.	

natural rock outcrops) and other material that does not permit soft soil landscaping.		
4. Impervious areas are to occupy no more than: i. 70% of the street setback area where the front setback is less than 6m,		
5. The front setback area must accommodate at least one (1) tree capable of achieving a minimum mature height of 6-8m with a spreading canopy. A schedule of appropriate species is provided on Council's website.		
6. Preference is to be given to incorporating locally indigenous plants.		

Materials, Colour Schemes and Details

6.1.3.12 Materials, Colour Schemes and Details

Control	Proposal	Compliance
1. No large expansive surfaces of predominantly white, light or primary colours would dominate the streetscape or other vista should be used.	The proposal incorporates a material and colour scheme that is sympathetic to the existing streetscape and the desired future character of the locality.	☒ 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

6.1.3.13 Site Facilities

Control	Proposal	Compliance
1. All dwellings are to be provided with adequate and practical internal and		☒ Yes

external storage (garage, garden sheds, etc.).	All site facilities provided per DCP requirements.	☐ 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.		

Fences and Walls

6.4.1 Fences and Walls

Control	Proposal	Compliance
1. Fence heights are to be limited to a maximum of: i. 900mm for solid masonry; ii. 1.2m for open or partially transparent styles such as picket or palisade.	The proposal complies with the following numeric controls: Front fence height – 1.2m for open style fence Retaining wall height – maximum 0.95m	☒ Yes ☐ No
2. Preferred materials for fencing are masonry, stone, ornate timber, or ornate metal.	Existing side and rear boundary fences to be retained.	
3. For sloping streets, fences and walls must be stepped to comply with the required maximum fence height.	The proposal fencing is compatible with the site context and does not hinder sightlines of road users.	
5. Fencing (and landscape screening) is to be located to ensure sightlines between pedestrians and vehicles exiting the site are not obscured. Gates are not to open over the public roadway or footpath.		
6. Side and rear boundary fences must not be higher than 1.8m on level sites, or 1.8m as measured from the low side where there is a difference in level either side of the boundary. An additional 300mm of lattice is permitted for privacy screening.		

10. Construction of retaining walls or associated drainage work along common boundaries must not compromise the structural integrity of any existing retaining wall or structures on the subject or adjoining allotments. All components, including footings and aggregate lines, must be wholly contained within the property.		
11. A retaining wall that is visible from the street or public area must: i. be constructed to a height no greater than 1.0m, and ii. be designed so a minimum setback of 1.0m between the retaining wall and the boundary is provided to permit landscaping, and iii. Be constructed of materials that are durable and do not detract from the streetscape.		
12. No part of any retaining wall or its footings is to encroach onto an easement unless approval from the beneficiary is obtained, and the purpose of the easement is not interfered with.		
13. Any retaining walls, required as part of the dwelling construction to contain potential land stability and/or the structural integrity of adjoining properties, must be completed and certified by an appropriately qualified and practicing engineer prior to occupation of the dwelling.		
14. Excavation or filling requiring retaining shall be shored or retained immediately to protect neighbouring properties from loss of support and to prevent soil erosion.		

Foreshore Locality

Foreshore Scenic Protection Area		
6.5.1 – Foreshore Scenic Protection Area		
Control	Proposal	Compliance

1. Development applications are supported by a site analysis and design response demonstrating how the relevant provisions of the LEP and the objectives of this part of the DCP have been addressed.	The proposal is supported by a site analysis and design response demonstrating how the relevant provisions of the LEP and the objectives of this part of the DCP have been addressed.	☐ Yes ☒ No
2. Removal of existing native vegetation minimised to that which is reasonably required to site and construct a building.	The proposal minimises the removal of native vegetation and does not affect the integrity of the edge of bushland closest to the Georges River. The proposal retains ridgeline vegetation to provide a backdrop to the waterway. Adequate complementary planting is provided to lessen the impact of the proposed development.	
3. The integrity of the existing edge of bushland closest to the Georges River is retained.		
4. Vegetation along ridgelines and on hillsides is retained and supplemented to provide a backdrop to the waterway.		
5. New, complementary planting and landscaping is encouraged.		
6. Where on a steep site, vegetation is used to screen the impact of support structures such as piers.		
10. The visual impact of buildings is minimised having regard to building size, height, bulk, siting, external materials and colours and cut and fill.	The proposal is considered to have an incompatible bulk and scale for the following reasons: - The subject site does not have sufficient area to accommodate the intensification of built form that is suitable within the Foreshore Scenic Protection Area.	
11. Buildings should be sited on the block to retain existing ridgeline vegetation, where possible. Siting buildings on existing building footprints or reducing building footprints to retain vegetation is highly recommended.		
12. Where on a steep site, buildings are sited to sit discretely within the landscape using hillsides as a backdrop and below the tree canopy. The building footprint is to result in the following:		

i. The preservation of topographic features of the site, including rock shelves and cliff faces; ii. The retention of significant trees and vegetation, particularly in areas where the loss of this vegetation would result in the visual scarring of the landscape, when viewed from the water, and iii. Minimised site disturbance through cutting and/or filling of the site.		
14. Colours that harmonise with and recede into the background landscape are to be used. In this regard, dark and earthy tones are recommended and white and light coloured roofs and walls are not permitted. To ensure that colours are appropriate, a schedule of proposed colours is to be submitted with the Development Application and will be enforced as a condition of consent.	The proposal features a predominantly earthy tone and glazing that is compatible to the background landscape and the existing dwelling. No blank walls proposed facing the waterfront.	
16. Blank walls facing the waterfront shall not be permitted. In this regard, walls are to be articulated and should incorporate design features, such as: i. Awnings or other features over windows; ii. Recessing or projecting architectural elements; or iii. Open, deep verandas.		
18. The extent of associated paved surfaces is minimised to that which provides essential site access and reasonable private open space.	The extent of paved surfaced proposed seems essential to the site and reasonable.	
19. Buildings have external finishes that are non-reflective and coloured to blend with the surrounding landscape.	The proposal demonstrates external finishes that are non-reflective and coloured to blend with the surrounding landscape.	

21. Fences are low in profile and are at least 50% transparent.	Proposed fencing is low in profile and at least 50% transparent.	
22. Driveways and other forms of vehicular access are as close as practical to running parallel with contours.	N/A – it would not be practical to require driveway to run parallel with contours.	
23. The natural landform is to be retained and the use of retaining walls and terracing is discouraged.	The proposal minimises the use of retaining wall and respects the natural landform	
26. Where retaining walls are constructed in other areas, materials and colours that blend with the character and landscape of the area are used. Where retaining walls face the foreshore they are to be constructed of coarse, rock faced stone or a stone facing and are to be no higher than 600mm above natural or existing ground level. Under no circumstances will Council permit a masonry faced retaining wall facing the foreshore.	The requirement for retaining wall external finishes would have been imposed by condition should this application be recommended for approval.	
27. Development provides opportunities to create view corridors from the public domain to the Georges River.	The development will not diminish the opportunities to create view corridors from the public domain to the Georges River.	

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 proposal will result in excessive intensification of built form inconsistent with the future desired character of the Foreshore Scenic Protection Area.
Social Impact	The proposal will result in excessive intensification of built form and adverse streetscape impacts.
Economic Impact	The proposal is not considered to result in unreasonable economic impact

Site Suitability

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

The site is zoned R2 Low Density Residential. The proposal is not considered a suitable outcome for the subject site for the following reasons:

- The proposal represents a substantial deviation from the minimum lot size development standard. The proposal will result in excessive densification which detracts from the desired character of the Foreshore Scenic Protection Area.
- The proposal fails to maximise street activation.
- The proposed front setback does not align with the prevailing street separation rhythm.

Submissions

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

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

Revised Plans - Re-notification

The applicant lodged revised plans on Wednesday, 10 September 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 represents a substantial deviation from the minimum lot size development standard. The proposal will result in excessive densification which detracts from the desired character of the Foreshore Scenic Protection Area.
- The proposal fails to maximise street activation.
- The proposed front setback does not align with the prevailing street separation rhythm.
- The approval of this proposal will set an adverse precedence in the wider Georges River Local Government Area.

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

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 The Development Engineer raised no objection to the proposal and conditions recommended.	-
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.	
Land Information (GIS)	No objections raised to the proposal and conditions recommended.	-
Environmental Health Officer	The officer has considered the following planning provisions: - Clause 6.1 of GRLEP 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 No objections raised to the proposal and conditions recommended.	-
Asset and Infrastructure	The officer has considered the following planning provisions: - Clause 6.9 of GRLEP 2021 - Part 3.13 of GRDCP 2021 - Part 3.15 of GRDCP 2021 No objections raised to the proposal and conditions 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.	-
Transport for NSW	The referral body raised no objection subject to recommended conditions.	-

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 as follows:

- The proposal represents a substantial deviation from the minimum lot size development standard. The proposal will result in excessive densification which detracts from the desired character of the Foreshore Scenic Protection Area.
- The proposal fails to maximise street activation.
- The proposed front setback does not align with the prevailing street separation rhythm.

The proposed variation to Clause 4.1B not sufficiently justified by the provided Clause 4.6 and the variation is not considered to be in the public interest, being contrary to the zone and standard objectives.

Recommendation

Refusal of Application

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer recommends DA2025/0207 for Demolition works, tree removal, construction of a detached dual occupancy and subdivision on Lot 1 in DP 654502 and Lots 1 and 2 in DP 226514 on land known as 31 Clarke Street, Peakhurst NSW 2210, not to be approved subject to the reasons referenced below:

Appendix 1 – Reasons for Refusal

Reason(s) for Refusal - The reason(s) for refusal are:

- a) The development does not comply with Clause 4.1B – Minimum Lot Size for Dual Occupancies of the GRLEP 2021, as the subject site has an area of 872.57sqm by Deposited Plan, below the required minimum lot size of 1,000sqm, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
- b) Clause 4.6 – Exceptions to development standards. The submitted Clause 4.6 variation requests does not demonstrate sufficient planning grounds to warrant variation to the minimum lot size standard. The variation to the development standard will result in excessive intensification which detracts from the desired character of the Foreshore Scenic Protection Area.
- c) The proposal fails to comply with Sections 6.1.3.1 of GRDCP 2021, as the proposal contains elevated front entrances that are not conducive to street activation, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
- d) The proposal fails to comply with Sections 6.1.3.3 of GRDCP 2021, as it does not achieve the required setbacks - front (11.1m) and garage (12.1m). The dwellings provide only 4.5m and 4.9m respectively, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
- e) For the above reasons, the proposed development is not suitable for the site, Pursuant to Section 4.15 (1)(c) of the Environmental Planning and Assessment Act 1979.
- f) For the above reasons, the proposed development is not considered to be in the public interest, Pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979.

REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 20 NOVEMBER 2025

LPP036-25 253 PRINCES HIGHWAY, CARLTON

LPP Report No	LPP036-25	Development Application No	DA2024/0465
Site Address & Ward Locality	253 Princes Highway, Carlton Kogarah Bay Ward		
Proposed Development	Alterations and additions to the existing building to create a new centre-based child care facility		
Owners	Miles Corporation Pty Ltd		
Applicant	Mr Edward Zaki		
Planner/Architect	N/A		
Date Of Lodgement	2/10/2024		
Submissions	Nil		
Cost of Works	\$2,436,068.00		
Local Planning Panel Criteria	Clause 4.6 variation - variation greater than 10% of the development standard		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Transport & Infrastructure) 2021 (T&I SEPP) 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	Planning Assessment Report Architectural Drawings Clause 4.6 Variation Statement		
Report prepared by	Development Assessment Planner		

RECOMMENDATION	Refusal
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Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
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LPP036-25

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Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes
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

SITE PLAN



EXECUTIVE SUMMARY PROPOSAL

- Development Application No. DA2024/0465 seeks development consent for Alterations and additions to the existing building to create a new centre-based child care facility on the land at 253 Princes Highway, Carlton.
- The centre proposes to cater for children as follows:
 - 0-2 = Twelve (12) – 3 educators
 - 2-3 = Ten (10) – 2 educators
 - 3-6 = Ninety-seven (97) – 6.46 educators
- A total of nineteen (19) staff members are proposed be employed and the hours of operation will be:
 - Monday to Friday – 7am to 6pm, with no operations on public holidays
- The proposed works will comprise of the following
 - Partial demolition of the existing commercial building
 - Construction and fit out of the existing commercial building to make a 2 storey centre based child care centre, consisting of the following:

- Ground Floor
 - Foyer
 - Office
 - Laundry and Bathroom
 - Store Room
 - Programming Room
 - Lift
 - Kitchen
 - Staff Room
 - Smart Room
 - Internal Courtyard
 - Four indoor playrooms catering for a range of children of varying age groups.
 - Outdoor Courtyard Play Area
- First Floor
 - Outdoor Play Area
 - Two bathrooms

5. The following images outline the proposed development and built form.



Figure 1: South-West Elevation of Proposal

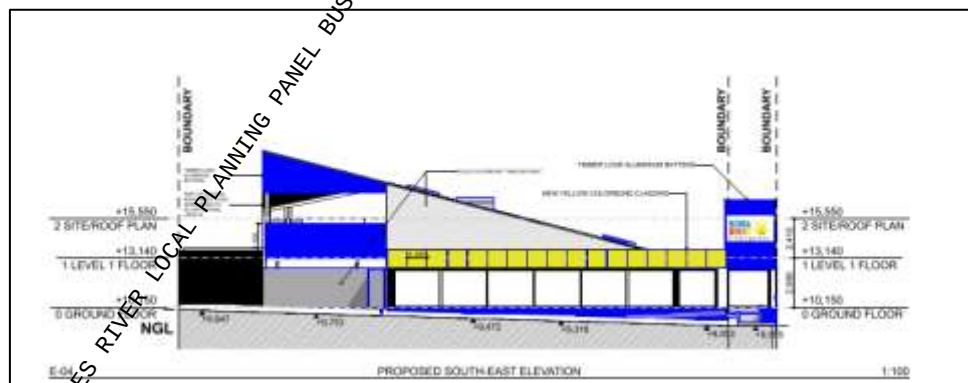


Figure 2: South-East Elevation of Proposal

SITE AND LOCALITY

6. The site is described as Lot 202 DP 746731 and is identified as 253 Princes Highway, Carlton. The site is irregular in shape with a total site area of 2059m² by title and is a corner allotment facing both Ecole Street and Princes Highway.
7. It has a 57.6m front boundary towards Princes Highway, a 33.6m side boundary facing Ecole Street, a 56m total rear boundary and a 31.7m side boundary. Access to the site's parking is via Ecole Street.

8. Currently on the site is an existing two storey commercial building, which is currently vacant. Previously, this building was used as a retail shopping building. Adjoining the site to the rear is an existing public school, known as Carlton South Public School.
9. In close proximity to the site is Jubilee Oval and an existing Rise and Shine childcare centre located across Princes Highway. This is within the existing St George Leagues Club site. The area is generally low density residential, however, the primary zoning for the area is of mixed-use development.

ZONING AND PERMISSIBILITY

10. The subject site is zoned MU1 Mixed Use and centre-based child care facilities are permitted within the zone and satisfy the objectives of the zone.

SUBMISSIONS

11. The application was placed on public exhibition and adjoining residents were notified by letter and given fourteen (14) days to respond. No submissions were received.

BACKGROUND

12. On 2 October 2024, the application was submitted to NSW Planning Portal.
13. On 9 October 2024, the application was formally lodged with Council.
14. On 10 June 2025, the application was re-allocated to the current responsible planner.
15. On 17 June 2025, a site inspection of the site took place.
16. On 13 August 2025, a letter was uploaded by Council to the NSW Planning Portal requesting that the application be withdrawn due to insufficient information being submitted on lodgement and the proposal not being supported in its current form.
17. A Teams meeting was held on Wednesday, 3 September to discuss the items raised in Council's letter dated 13 August 2025. Despite the meeting, the issues raised still remain unresolved as outlined below:
 - A Plan of Management has still not been submitted to date. The document uploaded at lodgement titled 'Plan of Management' was in fact a 'Social Impact Comment', not a Plan of Management.
 - Owner's consent has not been provided for the proposed staff parking at 110 Princes Highway. Even if obtained, the DA would need to be amended to include the additional site and re-advertised.
 - Several required reports and information remain outstanding, including:
 - Traffic and parking non-compliances
 - Emergency and Evacuation Plan
 - Air Quality Assessment
 - Site area discrepancies
 - Amended plans for laundry space
 - Ventilation Assessment
 - Driveway profiles
 - Arboricultural Impact Assessment and updated landscape plans
 - Kitchen and waste details under the Food Act
18. It is noted that TfNSW concurrence was received on 16 October. However, the correspondence also highlights the absence of the owner's consent for the staff parking located on the opposite site.

ASSESSMENT

19. The application has been assessed having regard to the Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, the provisions of the relevant State Environmental Planning Policies, GRLEP2021 and GRDCP 2021. The subject application has not provided sufficient information and does not comply with the following applicable planning provisions:
- (a) T&I SEPP:
 - (i) Chapter 3 Section 3.3 – Early education and care facilities – specific development controls
 - (b) GRLEP 2021
 - (i) Clause 6.9 – Essential services
 - (c) GRDCP 2021
 - (i) Section 3.5 – Earthworks
 - (ii) Section 3.13 – Parking and access
 - (iii) Section 4.2.2 – Childcare parking requirements
 - (iv) Section 4.2.4 – Management operations
20. The proposed development fails to comply with the *Child Care Planning Guideline (CCPG)* Part 3.1 requirements for site selection and will result in adverse impacts onto the adjoining areas due to traffic congestion.
21. The proposed development fails to comply with the *Child Care Planning Guideline (CCPG)* Part 3.2 requirements for local character as inadequate solid fencing along the Princes Highway have not been provided along a classified road.
22. The proposed development fails to comply with GR LEP 2021, Clause 6.9 as inadequate and insufficient parking has been provided. This includes not having enough parking required for the amount of children and staff, as well as adequate manoeuvring.
23. The proposed development fails to comply with the *CCPG* Part 3.8 as inadequate room for the passing of two prams has been provided.
24. The proposed development fails to comply with GR DCP 2021, Part 3.13, Section 20, 21 and 22 for 'At Grade Parking' regarding the landscaping provided on site.
25. The proposed development fails to comply with GR DCP 2021, Part 3.13 as inadequate parking is provided on site for the amount of children and staff.
26. The development application should be refused because the proposed development is not in the public interest having regard to the adverse impacts raised in this report.
27. Finally, the submitted application contains insufficient and inconsistent information as outlined below:
- (a) Incorrect site area listed compared to the DP, with a total discrepancy of 1075sqm.
 - (b) No detailed Plan of Management provided with the application, addressing how the child care centre will be managed.
 - (c) No Emergency and Evacuation Plan provided, stipulated under Regulation 97 and 168 of the Child Care Planning Guidelines.
 - (d) No Air Quality Assessment Report provided, given the fact that the site adjoins a major classified road.

- (e) No Arboricultural Impact Assessment Report was provided detailing the impact the proposed development will have on adjoining trees, as well as a non-destructive root investigation.
- (f) Driveway profiles demonstrating compliance with AS2890.1 2004 B85 Profile.
- (g) Further details entailed under the Food Act and Food Standard Code, which details how food is prepared within the centre.
- (h) Details of the construction of the vehicle crossing showing how vehicles will be restricted to left in/left out at all times.
- (i) No queuing analysis was provided, detailing that the proposed development will not result in the queuing of vehicles out of the site and onto the Council's road reserve during the busy drop off and pick up times.
- (j) No further information regarding the four additional car spaces within the adjoining child care centre and if consent has been granted for this. Furthermore, no advice was provided that by utilising these spots that it would contravene the existing development consent.

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

Development Standard	Required	Proposed	Compliance
T&I SEPP Chapter 3 Section 3.23 <i>Consideration any applicable provisions of the Child Care Planning Guideline (CCPG)</i>	CCPG Section 3.1 - Site selection: - Consider acoustic and privacy impacts - Traffic and parking - Visual impacts	Does not comply due to traffic and parking requirements not being met.	No
	CCPG Section 3.2 – Local Character and the Public Domain Interface: - respond to predominant streetscape - orientation of building to maintain privacy - height and setbacks consistent with surrounding form and streetscape	Designed to comply as the existing building is being utilised for the development	Yes
	CCPG Section 3.4 – Landscaping Appropriate planting should be provided along the boundary integrated with fencing.	Inadequate landscaping is proposed.	No
	CCPG Section 3.5 – Visual and acoustic privacy	Inadequate information provided including air quality assessment.	No

Development Standard	Required	Proposed	Compliance
	Section 3.36 – Noise and air pollution		
	<u>CCPG</u> Section 3.8 – Traffic, Parking and pedestrian circulation	The parking and layout design and circulation is unacceptable as discussed above.	No
<u>T&I SEPP</u> Chapter 3 Section 3.26(b) <u>National Regulations</u> Section 107 and 108	<u>Indoor Space</u> • Min 3.25m ² per child <u>Outdoor Space</u> • Min 7m ² per child	Indoor space = 409m ² External space = 895m ²	Yes
Height (GRLEP 2021 - Cl.4.3)	Max of 21m	9.3m	As existing
Floor Space ratio (GRLEP 2021 – Cl.4.4)	Minimum 1,441.3m ² (0.7:1)	808.4sqm (0.39:1)	No
Car Parking (GRDCP 2021 – Section 3.13 and Section 3.17)	30 parking spaces required.	8 provided.	No

CONCLUSION

29. The proposal has been assessed against the relevant provisions of the State Environmental Planning Policies, the provisions of the GRLEP 2021 and GRDCP 2021.
30. The application has been assessed against the relevant provisions of the relevant State Environmental Planning Policies, the Georges River Local Environmental Plan 2021 and the Georges River Development Control Plan 2021. The proposal does not satisfactorily demonstrate compliance or resolution of key planning controls. Deficiencies in the supporting information, car-parking design, transport/childcare guideline compliance, and overall site suitability are not resolved. Approval of the development in its current form is not in the public interest. On this basis, it is recommended that the application be refused.

RECOMMENDATION

31. Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), DA2024/0465 which seeks consent for alterations and additions to the existing building to create a new centre-based child care facility on Lot 202 DP 746731 at 253 Princes Highway, Carlton, is refused for the reasons outlined below:
 1. The application fails to provide sufficient information to assess the impacts of the proposed development, pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979.
The proposed development fails to demonstrate compliance with Chapter 3 Section 3.23, of the State Environmental Planning Policy (Transport and Infrastructure) 2021 and in particular the Childcare Planning Guideline, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

3. The proposal fails to provide adequate car parking design requirements in accordance with Section 3.13 of the Georges River Development Control Plan 2021, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
4. 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.
5. The proposed development, in its current form, is not considered to be in the public interest, pursuant to Section 4.15 (1)(e) of the Environmental Planning and Assessment Act 1979.

ATTACHMENTS

Attachment [1](#) Refusal Report - 253-255 Princes Highway Carlton



Attachment [2](#) Architectural Plans - 253-255 Princes Highway Carlton



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

Introduction

Application Number	DA2024/0465
PAN	PAN-475792
Description	Alterations and additions to the existing building to create a new centre-based child care facility
Address	253 Princes Highway, CARLTON NSW 2118
Lot / DP	Lot 202 DP 746731
Applicant	Edward Zaki
Owner(s)	Miles Corporation Pty Ltd
Responsible Officer	Alec Richardson

Recommendation

Summary	The development has been assessed having regards to the Matters for Consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.
Refusal	The assessment recommends that Council as the Consent Authority in accordance with Section 4.16 (1)(b) <i>Environmental Planning & Assessment Act 1979</i> , refuse to the Development Application due to the reasons discussed within this report.

Site Affections

Affectation	Y	N	Comment
Georges River Local Environmental Plan 2021			
(5.1) Land Acquisition	☐	☒	
(5.7) Development Below Mean High Water Mark	☐	☒	
(5.10) Heritage Conservation	☐	☒	
(5.21) Flood Planning	☐	☒	
(5.23) Public Bushland	☐	☒	
(6.1) Acid Sulfate Soils	☒	☐	
(6.4) Foreshore Area and Coastal Hazards and Risk	☐	☒	
(6.5) Riparian Land and Waterways	☐	☒	

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Site Affections

Affectation	Y	N	Comment
(6.6) Foreshore Scenic Protection Area	☐	☒	
(6.7) Airspace Operations	☐	☒	
(6.8) Development in Areas Subject to Aircraft Noise	☐	☒	
Others			
Bushfire Prone Land	☐	☒	
Contamination	☐	☒	
Council Owned Land	☐	☒	
Crown Land	☐	☒	
Easements	☐	☒	
Narrow Lot Housing Precinct	☐	☒	
Rail Noise	☒	☒	
Road Noise	☒	☐	

Proposal

Car Parking	Twenty-four (24) spaces provided on site, with four being staff parking An additional four staff spaces are provided within the adjoining Rise and Shine centre located at 110 Princes Highway, Beverley Park.
Demolition	Minor demolition proposed
Estimated Development Cost	\$8,436,068.00
Floor Space Ratio	0.39:1 (808.4sqm)
Front Setback	As existing
Maximum Height of Building	9.3m proposed
Number of Children	0-2 = Twelve (12) 2-3 = Ten (10) 3-6 = Ninety-seven (97)
Number of Staff	Nineteen (19)
Rear Setback	As existing
Vegetation Removal	Yes

A site plan is provided below:

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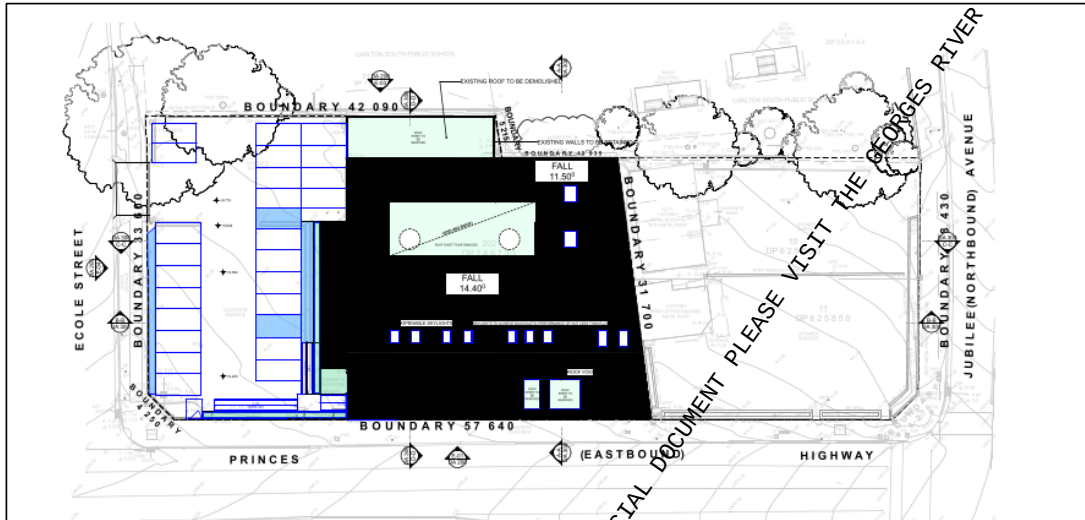


Figure 1 – Site plan (Source: Architectural Plans)

Aerial Image of Land Zoning



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

Aerial Image of Site

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

History			
Application Number	Lodged	Determined	Comments
DA2019/0116		04/09/2020	Existing Application Approved by LEC, which is valid until 4 th September 2025.

Processing		
Action	Date	Comments
Submission	2 October 2024	-
Lodgement	9 October 2024	-
Site Inspection	17 June 2025	-
RFI Issued	13 August 2025	Request to Withdraw Letter Sent to Applicant

Site Inspection

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

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

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Figure 5: Existing ground floor of the site (Source: Assessing Officer)

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Figure 6: Street view of development site on adjoining road (Source: Assessing Officer)

Referrals				
Authority	Y	N	Date Referred	Comments
Concurrence / Referrals / Determining Authority				
Local Planning Panel	☒	☐	-	The application must be determined by the Local Planning Panel due to the minimum floor space ratio variation of 43.6%.
Ausgrid	☒	☐		The application was referred to Ausgrid for comment who found the application satisfactory subject to conditions being imposed if it were to be approved.
Department of Education	☒	☐		The application was referred to DOE for comment who found the application satisfactory subject to conditions being imposed if it were to be approved.
TfNSW	☒	☐	25 November 2024	The application was referred to TfNSW as the site adjoins a major road. There it was found that the proposal is unsatisfactory as it poses major safety risks to the public. The comments provided are below:

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Referrals

Authority	Y	N	Date Referred	Comments
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Left-in Left-out system: Based on the information provided, TfNSW is not satisfied that adequate measures have been proposed to enforce the left-in and left-out turning movements at the access driveway in Ecole Street, as outlined in Section 4.2 of Traffic and Parking Impact Assessment (TIA) prepare by Hemanote Consultants (dated 31 July 2024). Without sufficient measures, the DA is likely to result in unacceptable queuing onto the Princes Highway, particularly during AM peak times, such as the school drop-off period.

TfNSW notes that the submitted TIA assumes all vehicle movements will follow a one-way flow from Wheeler Street through Ecole Street onto the Princes Highway via a left-in and left-out configuration, as depicted in Figures 6 and 7. However, the information provided lacks designs for the proposed driveway treatment to demonstrate how movements to and from the site will be physically restricted to left-in and left-out only without adversely impacting upon car park provision, required internal manoeuvring, etc as well as sufficient details as to how this system will be adhered to. TfNSW is not supportive of relying on signage in isolation as the only measure to enforce the proposed left-in and left-out system on which the submitted TIA has been based and believes the provision of additional treatments at the driveway to physically restrict/prevent right-turn movements is required. TfNSW requests that further details (e.g. concept design with swept paths, etc) be provided to address these concerns.

Outside car parking: Though the Council is the responsible authority to determine whether the proposed development adequately achieves the required number of car parking spaces, TfNSW is of the opinion that the proposed on-site car parking is insufficient to accommodate the proposed 119 children and 19 staff. TfNSW notes that the DA proposes allocating four of the required parking spaces at 110 Princes Highway, Beverly Park, which is located on a separate parcel of land under different ownership on the opposite side of the Princes Highway. TfNSW has concerns with this arrangement. Firstly, the users of these car spaces will likely cross the Princes Highway at Ecole Street which raises significant safety issues. Secondly, there are uncertainties about how the continued availability and maintenance of these parking spaces would be legally guaranteed given the two parcels of land are in separate ownership. TfNSW does not consider the off-site car parking provision letter, as sufficient to address these issues. TfNSW requests further details on how safety concerns for pedestrians crossing the Princes Highway to access these spaces will be mitigated. Additionally, if adequate safety measures can be identified and implemented, details are required on how the applicant will legally ensure the provision of these parking spaces for the duration of the DA.

Princes Highway signage and line marking: TfNSW notes that road markings and signage along the Princes Highway frontage of the site will need to be amended to prohibit users of the childcare centre from parking vehicles along this frontage. Specifically, the kerbside/cleanway line marking along the Princes Highway will need to be solid between Ecole Street and Jubilee Avenue including the installation and changing of 'No Stopping' signage (R5-400n (L&R)) along the Princes Highway frontage (e.g. an additional 'No Stopping' sign and changing the 'No Stopping' sign on the approach to the Jubilee Avenue intersection). TfNSW requests that a plan detailing the above is provided.

Further Comments

It is noted that on 16 October 2025, Transport for NSW submitted a revised referral letter to Council addressing the following information:

Left-in Left-out system: TfNSW notes that the submitted TIA assumes all vehicle movements will follow a one-way flow from Wheeler Street through Ecole Street onto the Princes Highway via a left-in and left-out configuration, as depicted in Figures 6 and 7. Based on the additional information provided, TfNSW requests that Council considers the imposition of a condition of consent requiring the installation of an 'All Traffic Left' sign being placed at the exit driveway.

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Referrals

Authority	Y	N	Date Referred	Comments
<u>Outside car parking:</u> Though the Council is the responsible authority to determine whether the proposed development adequately achieves the required number of car parking spaces, including the adequacy of the provision of four staff parking spaces at 110 Princes Highway, Beverly Park, should Council accept the provision of the four staff parking spaces on a parcel of land this has a separate owner to the child care centre, TfNSW requests that Council consider the imposition of a condition of consent requiring the preparation and submission of a Plan of Management which requires staff not to park on the subject site, and that staff cross the Princes Highway safely at the signalised intersection of Princes Highway/Jubilee Ave, to and from the childcare centre. <u>Section 2.120 (Impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Transport and Infrastructure) 2021:</u> The provisions of Section 2.120 apply to the proposed DA as the annual average daily traffic volume along this section of the Princes Highway is more than 20,000 vehicles. As such, the developer should be able to demonstrate to the satisfaction of the Council that the DA is able to comply with provisions contained in Section 2.120 of State Environmental Planning Policy (Transport and Infrastructure) 2021 specifically in relation to measures to ensure the required noise levels are not exceeded. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on the Princes Highway during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.js As of this report being written, Council is yet to receive any additional information from the applicant or from TfNSW addressing the concerns raised.				

Council Referrals

Building Surveyor	☒	☐	15 November 2024	The application was referred to Council's Building Surveyor where the proposal was found to be satisfactory subject to conditions of consent being imposed if approved.
Development Engineering	☒	☐	16 January 2025	The application was referred to Council's Development Engineer where the proposal was found to be satisfactory subject to conditions of consent being imposed if approved.
Environmental Health	☒	☐	13 December 2024	The application was referred to Council's Environmental Health Officer who requested the following additional information be provided:

A. Under the Food Act and Food Standard Code

Provide a layout of the kitchen to include:

- What sort of food will be prepared?
- **Preparation space:** adequate space must be provided for all food related activities
- **Sinks**

Food wash sinks: having given a considering to the proposal, it is likely that food will be washed by immersing water – food wash sink with adjacent draining/loading spaces for the purpose of food washing is required.

- o Wash up sink: identify the wash up sink and ensure that adjacent draining/loading spaces are provided. The requirement is a double bowl sink with draining space or single bowl sink with a dish washer if all food preparation equipment can fit into the dishwasher for cleaning and sanitising.
- o Hand wash basin: the proposed plan included a hand wash at the entry to the kitchen, this is a typical set up for Rise and Shine Child Care centre. The intend for the hand wash basin at the entry of the kitchen to ensure that staff wash they hands as they enter the kitchen which is a great practice. It is recommended that

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Referrals

Authority	Y	N	Date Referred	Comments
a second-hand wash basin is installed in the food preparation area to ensure that the food handlers have easy access to hand washing as the food preparation area is on the other side of the kitchen. - Floor waste: floors must be graded to floor waste. All floor waste must be fitted with a basket arrestor and connected to the sewer. - Ventilation: based on the type and amount of food made, natural ventilation may not be sufficient and mechanical ventilation may be required. - Waste storage area is proposed to be outdoor area, the following details are required - o provided with a hose tap connected to the water supply. - o paved with impervious floor materials. - o coved at the intersection of the floor and the walls. - o graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water). - Walls material: light colour, made from materials easy to clean and do not absorb grease and oil. - Ceiling: light colour, easy to clean and drop ceiling not permitted in the kitchen and storage rooms. - Floor: light colour, easy to clean. B. Under the Protection of the Environment Act 1997 The Detailed Site Investigation report recommended that the existing concrete slabs within the building and adjacent southwest carpark to be retained. Will there be any work required for the ground floor outdoor area that may require modification to the concrete slabs? If so, a Remediation Action Plan needs to be submitted.				
Infrastructure / Assets	☒	☐	13 November 2024	The application was referred to Council's Assets and Infrastructure Officer who requested the following additional information be provided:
Driveway profiles demonstrating compliance with the AS2890.1:2004 B85 Profile (85th percentile Vehicle). This profile (scale 1:20) is to show levels and grades from road centreline to the proposed internal garage floor level including but not limited to levels of, Road centreline, changes of grade, on road surface, lip of gutter, invert of gutter, back of vehicular crossing (gutter layback), front of path, back of path and boundary. The profiles provided are to include the existing natural surface of the lane as well as the proposed design including cut and fill dimensions. Additional profiles are to be provided on either side of the driveway.				
Landscaping	☒	☐	26 November 2024	The application was referred to Council's Landscape Officer where it was found that the following information has not been provided:
1) That the Landscaping Plan be amended to include at least three (3) canopy trees that will reach a minimum mature height 12 metres and canopy spread of 10 metres within the play area. 2) The proposed synthetic turf is not supported. The plans must be amended to provide an organic permeable ground cover that will assist with ground run off, create a healthy soil profile and water access to future tree roots. 3) That one (1) shade tree be provided for every six (6) car parking spaces in accordance with GRC DCP Part 3.13 section 20, 21 and 22 for 'At Grade Parking'. The tree species must have a straight single trunk with a minimum mature height 15 metres and canopy spread of 12 metres. 4) That an Arboricultural Impact Assessment report (AIA) as specified below are submitted to assist with Councils assessment of the proposal.				
Arboricultural Impact Assessment (AIA) minimum requirements The AIA must be written in accordance with <i>Australian Standards 'Protection of trees on development sites' AS4970-2009</i> and the Georges River Tree Management Policy and include the following information:				

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Referrals

Authority	Y	N	Date Referred	Comments
(i) the AIA must be based on and reference the most up-to-date plans (inc. Stormwater, landscape etc.) being assessed by Council; (ii) include all trees that will be impacted by development (indirectly and directly) e.g. trees within the site, neighboring trees and street trees; (iii) Tree Protection Zone (TPZ), Structural Root Zone (SRZ) and Canopy Spread must be accurately measured in accordance with AS4970-2009, (iv) a scaled Tree Protection Plan (TPP) that shows the TPZ, SRZ, Canopy Spread and development encroachments within those zones; (v) percentage of TPZ encroachments to all existing trees; (vi) recommendations to reduce tree impacts i.e., design modifications and/or work methods; (vii) a detailed discussion and site-specific tree protection measures; (viii) accurate Useful Life Expectancy (ULE), Landscape Significance and Retention Value ratings using a recognized method e.g. IACA Significance of a Tree Assessment Rating System (STARS); (ix) where a major TPZ encroachment occurs, the AQF Level 5 Arborist must demonstrate the tree(s) would remain viable into the future e.g. non-destructive root investigations; (x) a Pruning Specification must be provided for any proposed pruning to existing trees (including neighboring trees) for construction activity e.g., hoarding, scaffolding, piling and rigging etc. A Pruning Specification must include the following and be written in accordance with Georges River Tree Management Policy: - Number of branches and orientation, branch diameter, percentage of canopy removal, - Clear photos of individual branches recommend for pruning, - Pruning works must be specified in accordance with <i>Australian Standard 4373-2007, Pruning of Amenity Trees</i>. (Note: branches impacted by temporary structures e.g. scaffolding must be temporarily tied/brushed back or scaffolding build around them.) Non-destructive root investigation minimum requirements a) Non-destructive exploratory root investigations must be undertaken by a AQF5 Arborist. Any tree sensitive excavation techniques employed must be non-destructive (i.e. by hand, pneumatic, hydraulic); ground penetrating radar will not be considered sufficient. b) During the root mapping procedure, any roots with a diameter of at least 20mm must be preserved and safeguarded against moisture loss, physical, and solar damage. c) Excavations for root mapping must be conducted to a minimum depth of 700 mm below the existing grade or to the depth of excavation specified in, or would be required to facilitate, the proposal. d) Clear and dated photos of all trenches with depths, widths, and proximity (metres) to tree(s) must be shown. e) All found roots must be clearly photographed and numbered/labelled with reference to a tree and root data schedule. f) A tree and root data schedule must detail the root orientation, diameter, depth, function and proposed for removal or retention.				
Traffic	☒	☐	11 February 2025	The application was referred to Council's Traffic Engineer who found the application unsatisfactory in its current form for the following reasons:
The application fails to make adequate provision on site for the parking of teaching and ancillary staff and visitor vehicles to satisfy the requirements of <i>GRDCP2021 – Part 3 – General Planning Considerations – s3.13 Parking Access and Transport</i>. The current plans state a total amount of 28 spots available on-site, however it is evident that a total of 30 spots are required for the number of children and staff proposed.				

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Referrals

Authority	Y	N	Date Referred	Comments
2. The proposal for four (4) staff vehicles to be parked off site within a car parking area owned and operated by St George Leagues Club Ltd to the south-east is contrary to s3.8 <i>Traffic, parking and pedestrian circulation - C30</i>. The car park is neither a public nor a commercially operated car park. The proposal also fails to: (i) Confirm the owner of the land, St George Leagues Club Ltd, agrees to the vehicles being parked as proposed. (ii) Provide advice that the parking of four (4) additional vehicles on the St George Leagues Club Ltd owned lands does not contravene a condition of development consent relating to the number of parking spaces required for the parking of club related staff and visitor vehicles. (iii) Provide advice that the four parking spaces will be legally available for the duration of the proposed development at 253 Princes Highway, Carlton. 3. Car parking spaces 10, 22, 23 and 24 being unsuitable for parking on safety and other grounds. It is recommended that spots 22, 23 and 24 be deleted on safety and manoeuvring grounds, whereas spot 10 shall not be used for visitor parking. 4. The proposed pathway behind parking spaces 15 to 22 inclusive being insufficient in width and not satisfying the requirements of the <i>Child Care Planning Guidelines – C35</i> for the passing of two (2) prams. 5. The loading bay being firstly unsatisfactory with regards to its location and time limited operation and secondly, the dimensions of the bay not complying with the requirements of <i>AS2890.2:2018 Parking Facilities, Part 2 - off street commercial vehicle parking</i>. A mini, rear loader waste collection truck requires a larger loading bay and manoeuvring area than that of the application's, Small Rigid Vehicle (SRV). Furthermore, it is recommended that the loading bay: - o Be a separate and dedicated facility clear of visitor parking spaces and pedestrian paths. - o The bin storage area and loading bay be combined to minimise bin travel paths - o The loading bay be located and designed to satisfy the requirements of <i>AS2890.2:2018 Parking Facilities, Part 2 - off street commercial vehicle parking</i> for access, parking, and operation of the design service vehicle. 6. The application fails to provide details of the construction of the vehicle crossing showing how vehicles will be restricted to left in left out at all times. The provision of signage alone is not approved to control vehicle movements into and out of the site. 7. The application fails to confirm drivers approaching the site from the south on the Princes Highway will travel along the Wheeler Street, Ecole Lane, Ecole Street route. 8. The application failing to provide a queuing analysis that confirms the layout and design of the car parking area with multiple car parking spaces adjacent to and in the immediate vicinity of the point of vehicle entry/exit will not result in the queuing of vehicles out of the site and onto the Council's road reserve during the busy drop off and pick up times.				
Heritage	☒	☐	15 November 2024	The application was referred to Council's Heritage officer who found the application satisfactory.

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Assessment - Section 4.15 Evaluation

The Provisions of any applicable Act

Education and Care Services National Regulations Part 4.3 Physical Environment						
Section	Text	Comment	Y	N	N/A	
Cl. 104(1) Fencing	The approved provider of an education and care service must ensure that any outdoor space used by children at the education and care service premises is enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.	Designed to comply – sufficient fencing provided around the areas to protect children from going over and under it.	☒	☐	☐	
Cl. 106 Laundry and hygiene facilities	The approved provider of an education and care service must ensure that the service has— (1) laundry facilities or access to laundry facilities; or (2) other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering— that are adequate and appropriate for the needs of the service.	Does not comply – sufficient laundry and hygiene facilities have not been provided.	☐	☒	☐	
Cl. 107(2) Space Requirements – indoor space	The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 3.25 square metres of unencumbered indoor space.	Designed to comply – sufficient indoor space of 409.97m ² provided for 119 children.	☒	☐	☐	
Cl. 107(3-6) Space Requirements – indoor space	(3) In calculating the area of unencumbered indoor space— (a) the following areas are to be excluded— (i) any passageway or thoroughfare (including door swings); (ii) any toilet and hygiene facilities; (iii) any nappy changing area or area for preparing bottles; (iv) any area permanently set aside for the use or storage of cots; (v) any area permanently set aside for storage; (vi) any area or room for staff or administration;	Noted and considered.	☒	☐	☐	

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Education and Care Services National Regulations Part 4.3 Physical Environment

Section	Text	Comment	Y	N	N/A
	(vii) any other space that is not suitable for children; (b) the area of a kitchen is to be excluded, unless the kitchen is primarily to be used by children as part of an educational program provided by the service. (4) The area of a verandah may be included in calculating the area of indoor space only with the written approval of the Regulatory Authority. (5) A verandah that is included in calculating the area of outdoor space cannot be included in calculating the area of indoor space. (6) In this regulation a reference to a child does not include— (a) a child being educated or cared for in an emergency in the circumstances set out in regulation 123(5); or (b) an additional child being educated or cared for in exceptional circumstances as set out in regulation 124(5) and (6).				
Cl. 108(2) Space Requirements – outdoor space	The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7 square metres of unencumbered outdoor space.	Designed to comply – simulated outdoor space of 895m ² for 119 children provided on site.	☒	☐	☐
Cl. 108(3-5) Space Requirements – outdoor space	(3) In calculating the area of unencumbered outdoor space required, the following areas are to be excluded— (a) any pathway or thoroughfare, except where used by children as part of the education and care program; (b) any car parking area; (c) any storage shed or other storage area; (d) any other space that is not suitable for children. (4) A verandah that is included in calculating the area of indoor space cannot be included in	Noted and considered.	☒	☐	☐

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Education and Care Services National Regulations Part 4.3 Physical Environment

Section	Text	Comment	Y	N	N/A
	calculating the area of outdoor space. (5) An area of unencumbered indoor space may be included in calculating the outdoor space of a service that provides education and care to children over preschool age if— (a) the Regulatory Authority has given written approval; and (b) that indoor space has not been included in calculating the indoor space under regulation 107.				
Cl. 109 Toilet and hygiene facilities	The approved provider of an education and care service must ensure that— (a) adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and (b) the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.	Designed to comply – adequate toilet and hygiene facilities provided which comply with the appropriate standard.	☒	☐	☐
Cl. 110 Ventilation and natural light	The approved provider of an education and care service must ensure that the indoor spaces used by children at the education and care service premises— (a) are well ventilated; and (b) have adequate natural light; and (c) are maintained at a temperature that ensures the safety and wellbeing of children.	Does not comply – no ventilation assessment provided as the subject site adjoins a classified road.	☐	☒	☐
Cl. 111 Administrative space	The approved provider of a centre-based service must ensure that an adequate area or areas are available at the education and care service premises for the purposes of— (a) conducting the administrative functions of the service; and consulting with parents of children; and (c) conducting private conversations.	Designed to comply – adequate administrative spaces provided to consult with parents and children within private conversations.	☒	☐	☐

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Education and Care Services National Regulations Part 4.3 Physical Environment

Section	Text	Comment	Y	N	N/A
Cl. 112 Nappy change facilities	(1) This regulation applies if a centre-based service educates and cares for children who wear nappies. (2) The approved provider of the service must ensure that adequate and appropriate hygienic facilities are provided for nappy changing. (3) Without limiting subregulation (2), the approved provider of the service must ensure that the following are provided— (a) if any of the children are under 3 years of age, at least 1 properly constructed nappy changing bench; and (b) hand cleansing facilities for adults in the immediate vicinity of the nappy change area. (4) The approved provider of the service must ensure that nappy change facilities are designed, located and maintained in a way that prevents unsupervised access by children.	Designed to comply – adequate facilities provided within each bathroom for each learning room. It is designed to accommodate a bench and cleansing facilities in close proximity.	☒	☐	☐
Cl. 113 Outdoor space—natural environment	The approved provider of a centre-based service must ensure that the outdoor spaces provided at the education and care service premises allow children to explore and experience the natural environment.	Designed to comply – adequate space for exploration provided.	☒	☐	☐
Cl. 114 Outdoor space—shade	The approved provider of a centre-based service must ensure that outdoor spaces provided at the education and care service premises include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	Designed to comply – adequate shade provided for all children.	☒	☐	☐
Cl. 115 Premises designed to facilitate supervision	The approved provider of a centre-based service must ensure that the education and care service premises (including toilets and nappy change facilities) are designed and maintained in a way that facilitates supervision of children at all times that they are being educated and cared for by the service, having regard to the need to maintain the rights and dignity of the children.	The design of the centre accommodates for supervision at all times.	☒	☐	☐
Part 4.4 Staffing Arrangements					

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S4.15 Environmental Planning & Assessment Act, 1979



Education and Care Services National Regulations Part 4.3 Physical Environment

Section	Text	Comment	Y	N	N/A
Cl. 123 Educator to child ratios—centre-based services	(1) The minimum number of educators required to educate and care for children at a centre-based service is to be calculated in accordance with the following ratios— (a) for children from birth to 24 months of age—1 educator to 4 children; (b) for children over 24 months and less than 36 months of age—1 educator to 5 children; (c) for children aged 36 months of age or over (not including children over preschool age)—1 educator to 11 children; (d) for children over preschool age, 1 educator to 15 children. (2) If children being educated and cared for at a centre-based service are of mixed ages the minimum number of educators for the children must meet the requirements of subregulation (1) at all times.	Sufficient educators for all ages provided within the centre.	☒	☐	☐

The application has been assessed against the relevant provisions of the national regulations. The proposal complies with the objectives and controls of the regulations.

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

Environmental Planning Policies	Applicable	
	Y	N
SEPP (Biodiversity Conservation) 2021	☒	☐
SEPP (Industry and Employment) 2021	☒	☐
SEPP (Resilience and Hazards) 2021	☒	☐
SEPP (Transport and Infrastructure) 2021	☒	☐
Georges River Local Environmental Plan 2021	☒	☐

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

SEPP (Biodiversity and Conservation) 2021

Chapter 2

Chapter 2 of SEPP (Biodiversity) aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation. Chapter 2 applies to the whole of Georges River Council, including the subject development site.

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Part 2.3 of SEPP (Biodiversity) requires a permit for the removal of any of the following types of vegetation in accordance with Council's DCP as follows:

- Works to any part of a tree (above or below ground) that meets the definition of a tree (height $\geq$ 3m, diameter $\geq$ 100mm at ground level, or branch spread $\geq$ 3m), unless the works are listed as exempt in Appendix 8.
 - Removal of dead, dying, or hazardous trees, unless exempt.
 - Pruning of live canopy or roots, including selective pruning near structures.
 - Installation of root barriers.
 - Tree removal for construction or structural conflict, where no feasible alternatives exist.
 - Works on heritage-listed trees or properties, including those on the Significant Tree Register.
 - Tree works on land with threatened ecological communities or native fauna habitat.
 - Any tree works associated with development activity.
 - Works within 5m of a tree trunk or Tree Protection Zone (TPZ), requiring an Arboriculture Impact Assessment.
 - Any works to trees on public land, unless exempt under Appendix 8 or carried out by authorised persons.

Trees located within 3m of the external wall of an approved dwelling, not including a secondary dwelling are exempt from protection as well as any trees referenced in Appendix 8 of Council's DCP.

SEPP (Biodiversity and Conservation) 2021 Chapter 2

Assessment

Does not comply

The proposed vegetation removal has been assessed against the provisions of Chapter 2 of SEPP (Biodiversity and Conservation) 2021. The vegetation identified for removal is not exempt under GRDCP 2021 and therefore requires consideration under SEPP (Biodiversity). The application has not provided sufficient information for an adequate assessment to occur, and therefore the application is not supported.

SEPP (Resilience and Hazards) 2021

Chapter 4 Remediation of land

Chapter 4, Section 4.6 requires a consent authority to consider whether the land is contaminated prior to granting consent to the carrying out of any development on the land. Should the land be contaminated, the consent authority must be satisfied that the land is suitable in a contaminated state for the proposed use. If the land requires remediation to be undertaken to make it suitable for the proposed use, the consent authority must be satisfied that the land will be remediated before the land is used for that purpose.

- The subject site is zoned MU1 Mixed Use zone.
- A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination.
- Historic aerial photographs do not indicate an obvious history of a previous land use that may have caused contamination.
- A search of Council records did not include any reference to contamination on site or uses on the site that may have caused contamination.
- The Statement of Environmental Effects states that the property is not contaminated.

The subject site is not contaminated. The subject site is suitable for the proposed land use.

SEPP (Industry and Employment) 2021

Chapter 3 Advertising and Signage

Section	Text	Comment	Y	N	N/A
3.1 Aims	a) to ensure that signage (including advertising)— i. is compatible with the desired amenity and visual character of an area, and	Noted.	☒	☐	☐

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SEPP (Industry and Employment) 2021 Chapter 3 Advertising and Signage

Section	Text	Comment	Y	N	N/A
	ii. provides effective communication in suitable locations, and iii. is of high quality design and finish.				
	b) to regulate the display of advertisements in transport corridors, and		☒	☐	☐
3.6 Granting of consent to signage	A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied— 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.	Noted.	☒	☐	☐
3.8 Prohibited advertisements	Despite the provisions of any other environmental planning instrument, the display of an advertisement is prohibited on land that, under an environmental planning instrument, is within any of the following zones or descriptions— - environmentally sensitive area - heritage area (excluding railway stations) - natural or other conservation area - open space - waterway - residential (but not including a mixed residential and business zone, or similar zones) - scenic protection area - national park - nature reserve	Complies – the signage is proposed within a E1 – Local Centre zone.	☒	☐	☐
3.16 Advertisements greater than 20 square metres and within 250 metres of, and visible from, a classified road	1. This section applies to the display of an advertisement to which section 3.15 applies, that is within 250 metres of a classified road any part of which is visible 2. The consent authority must not grant development consent to the display of an advertisement to which this section applies without the concurrence of TfNSW. from the classified road.	Noted, concurrence from TfNSW provided.	☒	☐	☐

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SEPP (Industry and Employment) 2021 Chapter 3 Advertising and Signage

Section	Text	Comment	Y	N	N/A
SCHEDULE 5 ASSESSMENT CRITERIA					
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?	Designed to comply – the proposed signage of the child care centre is consistent with the character of the area and the overall theme of advertising.	☒	☐	☐
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?	Designed to comply – the proposal does not detract from the amenity of the area.	☒	☐	☐
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?	Designed to comply – the proposal's signage is built into the existing building and does not obscure views, nor does it dominate the skyline.	☒	☐	☐
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?	Designed to comply – as the signage is built into the existing building form, it has no negative impact on the streetscape and is appropriate for the area.	☒	☐	☐
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?	Designed to comply – the proposed signage is compatible with the scale and characteristics of the building.	☒	☐	☐

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SEPP (Industry and Employment) 2021
Chapter 3 Advertising and Signage

Section	Text	Comment	Y	N	N/A
	- 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?				
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?	No safety devices or platforms proposed, however, if approved, would be conditional.	☒	☐	☐
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?	Designed to comply – the sign is illuminated by LED strip lights, however has been assessed as not having an adverse impact on the setting. If approved, conditions of consent would be imposed to limit the illumination and be adjusted.	☒	☐	☐
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?	Designed to comply – no adverse impact onto the safety of drivers and pedestrians in the area.	☒	☐	☐

The application has been assessed against the relevant provisions of SEPP (Industry and Employment) 2021 Chapter 3. The proposal complies with the principles and controls of the EPI.

SEPP (Transport and Infrastructure) 2021
Division 5 Electricity transmission or distribution
Subdivision 2 – Development likely to affect an electricity transmission or distribution network (Ausgrid)

This section applies to development or modification applications which include:

- Penetration of ground within 2 metres of an underground power line
- Works within 10 metres of any part of an electricity tower
- Works immediately adjacent to a substation
- Works immediately adjacent to an electricity easement
- Works within 5m of an overhead power line

Y N N/A

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SEPP (Transport and Infrastructure) 2021

Installation of a pool within 30 metres of supporting overhead electricity transmission lines or within 5 metres of overhead power lines					
2.48(2)(a)	Written notice to the electrical supply authority has been carried out.	Considered and supplied from Ausgrid.	☒	☐	☐
2.48(2)(b)	Any response to the above has been considered.	Considered and supplied from Ausgrid.	☒	☐	☐
Division 17 Roads and traffic Subdivision 2 Development in or adjacent to road corridors and road reservations					
(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and			Y	N	N/A
(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.					
2.119(2)(a)	Where practicable and safe, vehicle access is from a road other than a classified road.	Provided – vehicular access is provided on Ecole Street.	☒	☐	☐
2.119(2)(b)	The safety and ongoing operation of the classified roadway will not be adversely affected by the development.	Designed to comply – TfNSW has assessed the application based on the submitted plans and is satisfied subject to conditions of consent if approved.	☒	☐	☐
2.119(2)(c)	If the development is of a type sensitive to noise, it is appropriately located and designed to reduce impacts.	Designed to comply – TfNSW has assessed the application based on the submitted plans and is satisfied subject to conditions of consent if approved.	☒	☐	☐
2.120	Impact of Road Noise or Vibration on non-road development	Designed to comply – TfNSW has assessed the application based on the submitted plans and is satisfied subject to conditions of consent if approved.	☒	☐	☐
The application has been assessed against the relevant provisions of SEPP (Transport and Infrastructure) 2021. The proposal complies with the objectives and controls of the EPI.					

SEPP (Transport and Infrastructure) 2021 Part 3.2 Early education and care facilities – specific development controls

Section	Text	Comment	Y	N	N/A
3.22 Centre-based child care facility concurrence of Regulatory Authority required for certain development	If the development does not provide indoor and outdoor unencumbered play space requirements in accordance with regulations 107 and 108 of the Education and Care Services National Regulations the consent authority must not approve the development without concurrence of the regulatory authority.	Concurrence from the Department of Education is required in this instance as the proposed childcare centre does not have any outdoor space. The proposed childcare centre is entirely enclosed within an existing commercial building and relies on a simulated outdoor space. Concurrence from the Department of Education is obtained on 4 December 2024	☒	☐	☐

Assessment Report (Centre-based Child Care Facility)

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SEPP (Transport and Infrastructure) 2021					
Part 3.3 Early education and care facilities – specific development controls					
Section	Text	Comment	Y	N	N/A
3.23 Centre-based child care facility—matters for consideration by consent authorities	Before determining this application, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline.	Considered – an assessment has been made in this report.	☒	☐	☐
3.26(2) Centre-based child care facility—non-discretionary development standards	The following are non-discretionary development standards for the purposes of section 4.15(2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility— (a) location—the development may be located at any distance from an existing or proposed early education and care facility, (b) indoor or outdoor space (i) the development complies with the requirements of regulations 107 and 108 (indoor and outdoor play space), or (ii) the development complies with the requirements of clause 28 (indoor and useable outdoor play space), or (c) site area and site dimensions—the development may be located on a site of any size and have any length of street frontage or any allotment depth, (d) colour of building materials or shade structures—the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.	The proposed childcare centre is located in an appropriate area. The proposal complies with Regulation 107 and 108. The assessment of the proposal against the Child Care Planning Guideline 2021 is detailed below. The subject site is not related to any heritage item. Subclause (d) does not apply in this instance.	☒	☐	☐
3.27(1) Centre-based child care facility—development control plans	A provision of a development control plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to	Noted The provisions of the Georges River Development Control Plan (GRDCP) 2021 pertaining to this clause have been applied during the assessment of this development application with the exception of those specified.	☒	☐	☐

Assessment Report (Centre-based Child Care Facility)

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SEPP (Transport and Infrastructure) 2021

Part 3.3 Early education and care facilities – specific development controls

Section	Text	Comment	Y	N	N/A
	development for the purpose of a centre-based child care facility— (a) operational or management plans or arrangements (including hours of operation), (b) demonstrated need or demand for child care services, (c) proximity of facility to other early education and care facilities, (d) any matter relating to development for the purpose of a centre-based child care facility contained in— (i) the design principles set out in Part 2 of the Child Care Planning Guideline, or (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates).				
Child Care Planning Guideline					
3.1 Site selection and location			☐	☐	☐
	1 - To ensure that appropriate zone considerations are assessed when selecting a site. Note: Special consideration for low density residential, commercial, industrial, public / private recreation zones and sites on school sites	The acoustic report was assessed by Council's Environmental Health Officer and raised no objection. The proposal is unlikely to worsen privacy intrusion on adjoining residential properties given the subject building is adjacent to an existing primary school. The proposal is confined entirely within an existing building, with no impact on setback and building bulk. The traffic generation as a result of this proposal is not within the tolerance of the local road network during morning and afternoon peak hours. Council's Traffic Engineer and Transport for NSW both raised concerns regarding the potential increase in traffic and queuing of cars along the Princes Highway and Ecole Street. This has been further	☐	☒	☐

Assessment Report (Centre-based Child Care Facility)

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SEPP (Transport and Infrastructure) 2021

Part 3.3 Early education and care facilities – specific development controls

Section	Text	Comment	Y	N	N/A
		addressed in the 'Referral' section of this report.			
	C2 - To ensure that the site selected for a proposed child care facility is suitable for the use Note: Site is environmentally safe from risk and contaminants.	A centre-based childcare centre is permissible on the subject site. The proposal is not affected by environmental hazards and contaminants. The subject site has been utilised as a commercial building since its completion. The subject site is not located closely to incompatible social uses such as restricted premises, drug clinics, licenced alcohol and gambling premises, and sex services.	☒	☐	☐
	C3 - To ensure that sites for child care facilities are appropriately located Note: Site is near compatible land uses	The proposed childcare centre is located adjacent to a local primary school and childcare centre. It is near employment towns, however, has minimal access to public transport (bus stops located along the Princes Highway) and is not within pedestrian connectivity. However, this is considered acceptable for the area.	☒	☐	☐
	C4 - To ensure that sites for child care facilities do not incur risks from environmental, health and safety hazards Note: Avoidance of hazardous industry, petrol stations, etc.	Designed to comply – is not located in proximity to heavy industrial areas which would impact children, staff and visitors.	☒	☐	☐
3.2 Local character, streetscape and the public domain interface	C5 - To ensure that the child care facility is compatible with the local character and surrounding streetscape Note: Responds to character of area and reflects surrounding land uses.	The proposed building is within the existing streetscape, as it is predominately maintain the existing shape of the existing. Furthermore, the design of it is in direct comparison with the adjoining childcare centre on the opposite side of the highway.	☒	☐	☐
	C6 - To ensure clear delineation between the child care facility and public spaces Note: Fencing and passive surveillance.	Designed to comply – windows do present to the street to allow passive surveillance, adequate fencing is provided to ensure safety.	☒	☐	☐
	C7 - On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by changes in materials, plant species and colours.	Designed to comply – does not have multiple buildings and or entries. One single entry has been provided.	☒	☐	☐

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SEPP (Transport and Infrastructure) 2021					
Part 3.3 Early education and care facilities – specific development controls					
Section	Text	Comment	Y	N	N/A
	C8 - To ensure developments fronting parks, open spaces or bushland respond to the site	N/A – does not adjoin a public park, open space or bushland.	☐	☐	☒
	C9 - To ensure that front fences and retaining walls respond to and complement the context and character of the area and do not dominate the public domain	Designed to comply – the front fence is built from as an open style aluminium fence.	☒	☐	☐
	C10 - To ensure adequate fencing or acoustic walls when facing a classified road	Does not comply – no high solid fencing provided and no screen landscaping toward Princes Highway provided	☐	☒	☐
3.3 Building orientation, envelope and design	C11 - To respond to the streetscape and site, while optimising solar access and opportunities for shade Note: minimisation of privacy impacts, optimisation of solar access, avoidance of shadowing, minimisation of cut and fill and protection from wind	No visual privacy impact onto adjoining properties, corner allotment. The proposal adequately addresses overshadowing, minimising cut and fill etc. Due to the orientation of the lot and the location of the existing building, sufficient sunlight is provided through the use of skylights on top and northern windows where possible.	☒	☐	☐
	C12 - To ensure that the scale of the child care facility is compatible with adjoining development and the impact on adjoining buildings is minimised Note: height and setbacks are consistent with locality	Existing setbacks from the commercial premises are provided and utilised, therefore being within the existing streetscape. Building height is well under the 21m maximum. Furthermore, existing side and rear setbacks are to be maintained and are acceptable.	☒	☐	☐
	0.5:1 FSR applies where an LEP does not specify				
	C13 - To ensure that setbacks from the boundary of a child care facility are consistent with the predominant development within the immediate context	Front and side non-compliant setbacks are provided (nil setback) with 21m street setback to Ecole Street. However, this is remaining as existing and is considered acceptable.	☒	☐	☐
	C14 - To ensure prevailing setbacks are used on residential land	N/A – not in an residential zone.	☐	☐	☒
	C15 - To ensure that buildings are designed to create safe environments for all users. Note: Visible form the street with easy pedestrian access	One single entry provided via a left in, left out system. Does not allow for ease of access to pedestrians. Parking is directly accessible from the street and visible from the street frontage. Is accessed through main carpark. Pedestrian access is gained via Princes Highway gate.	☐	☒	☐
	C16 - To ensure that buildings are designed to create safe environments for all users	Designed to comply – all floor levels provided are flat with no platform lifts. An access report has been	☒	☐	☐

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SEPP (Transport and Infrastructure) 2021

Part 3.3 Early education and care facilities – specific development controls

Section	Text	Comment	Y	N	N/A
	Note: Accessibility outside of and within the building Note: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.	provided and is deemed to be satisfactory for accessible design.			
3.4 Landscaping	C17 - To provide landscape design that contributes to the streetscape and amenity	Does not comply – referral to Council's Landscape Officer does not comply, and is addressed in the 'Referral' section of this report.	☐	☒	☐
	C18 - Incorporate car parking into the landscape design of the site by: - planting shade trees in large car parking areas to create a cool outdoor environment and reduce summer heat radiating into buildings - taking into account streetscape, local character, pedestrian safety and context when siting car parking areas within the front setback - using low level landscaping to soften and screen parking areas.	Does not comply – referral to Council's Landscape Officer does not comply, and is addressed in the 'Referral' section of this report.	☐	☒	☐
3.5 Visual and acoustic privacy	C19 - To protect the privacy and security of children attending the facility Note: Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.	N/A – no open balconies and not within a mixed-use development.	☐	☐	☒
	C20 - To minimise direct overlooking from public places	Opaque glassing provided on the Princes Highway elevation, limiting looking from main highway into southern rooms. The existing site and building layout is adequate for limited overlooking opportunities into the centre.	☒	☐	☐
	C21 - To minimise impacts on privacy of adjoining properties.	Overlooking opportunities presented to the adjoining car park for the primary school. This is minimised due to the setback of this being over 5m from the boundary and is supported.	☒	☐	☐
	C22 - To minimise the impact of child care facilities on the acoustic privacy of neighbouring residential developments.	N/A – not located adjacent to residential accommodation and is not a new development.	☐	☐	☒

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SEPP (Transport and Infrastructure) 2021

Part 3.3 Early education and care facilities – specific development controls

Section	Text	Comment	Y	N	N/A
	C23 - A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters: - identify an appropriate noise level for a child care facility located in residential and other zones - determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use - determine the appropriate height of any acoustic fence to enable the noise criteria to be met.	Acoustic report has been provided and assessed accordingly.	☒	☐	☐
	C24 - To ensure that outside noise levels on the facility are minimised to acceptable levels.	An acoustic report has been submitted and assessed accordingly. Furthermore, the measures provided within the building are considered acceptable.	☒	☐	☐
3.6 Noise and air pollution	C25 - An acoustic report should identify appropriate noise levels for sleeping areas and other non-play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations: - on industrial zoned land where the ANEF contour is between 20 and 25 - along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 - on a major or busy road - other land that is impacted by substantial external noise.	Provided.	☒	☐	☐
	C26 - To ensure air quality is acceptable where child care facilities are proposed close to external sources of air pollution such as major roads and industrial development Note: Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.	Does not comply – no air quality assessment report has been provided.	☐	☒	☐
	C27 - A suitably qualified air quality professional should prepare an air quality assessment report to	Does not comply – no air quality assessment report has been provided.	☐	☒	☐

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SEPP (Transport and Infrastructure) 2021

Part 3.3 Early education and care facilities – specific development controls

Section	Text	Comment	Y	N	N/A
	demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as: - creating an appropriate separation distance between the facility and the pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution - using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway - incorporating ventilation design into the design of the facility				
3.7 Hours of operation	C28 - Hours of operation where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses	N/A – not within a residential zone or area.	☐	☐	☒
	C29 - Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses	The hours proposed are as follows: Monday to Friday – 7am to 6pm These hours are found to be satisfactory.	☒	☐	☐
3.8 Traffic, parking and pedestrian circulation	C30 - To provide parking that satisfies the needs of users and demand generated by the centre Note: Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.	Does not comply – insufficient parking provided in accordance with GR DCP 2021.	☐	☒	☐
	C31 - In commercial or industrial zones and mixed-use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle	Location of the childcare centre does not allow for on street parking to be accommodated. Due to the location of the highway, as well as high frequency uses of the primary school and nearby oval. This means that on	☐	☒	☐

Assessment Report (Centre-based Child Care Facility)

S4.15 Environmental Planning & Assessment Act, 1979



SEPP (Transport and Infrastructure) 2021

Part 3.3 Early education and care facilities – specific development controls

Section	Text	Comment	Y	N	N/A
	movement or potential conflicts with trucks and large vehicles.	street parking must not be considered appropriate.			
	C32 - A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses, to optimise the safety and convenience of the parking area(s) and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that: - the amenity of the surrounding area will not be affected - there will be no impacts on the safe operation of the surrounding road network.	A Traffic and Parking Study has been provided and assessed accordingly.	☒	☐	☐
	C33 - Alternate vehicular access should be provided where child care facilities are on sites fronting: - a classified road - roads which carry freight traffic or transport dangerous goods or hazardous materials. The alternate access must have regard to: - the prevailing traffic conditions - pedestrian and vehicle safety including bicycle movements - the likely impact of the development on traffic.	Alternative access provided to Ecole Street through the existing vehicular access onto the site.	☒	☐	☐
	C34 - Child care facilities proposed within cul-de-sacs or via narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.	N/A – the proposal is not within a cul de sac or narrow road.	☐	☐	☒
	C35 - To provide a safe and connected environment for pedestrians both on and around the site - separate pedestrian access from the car park to the facility - defined pedestrian crossings and defined/ separate paths included within large car parking areas - separate pedestrian and vehicle entries from the street for parents, children and visitors	Does not comply – refer to Council's Traffic Engineer's comments in the 'referral' section of this report.	☐	☒	☐

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S4.15 Environmental Planning & Assessment Act, 1979



SEPP (Transport and Infrastructure) 2021

Part 3.3 Early education and care facilities – specific development controls

Section	Text	Comment	Y	N	N/A
	- pedestrian paths that enable two prams to pass each other - delivery, loading and vehicle turnaround areas located away from the main pedestrian access to the building and in clearly designated, separate facilities - minimise the number of locations where pedestrians and vehicles cross each other - in commercial or industrial zones and mixed-use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas - vehicles can enter and leave the site in a forward direction - clear sightlines are maintained for drivers to child pedestrians, particularly at crossing locations				
	C36 - Mixed use developments should include: - driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks - drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or manoeuvring areas used by vehicles accessing other parts of the site - parking that is separate from other uses, located and grouped together and conveniently located near the entrance or access point to the facility.	N/A – not a mixed use development	☐	☐	☒
	C37 - Car parking design should: - include a child safe fence to separate car parking areas from the building entrance and play areas - provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance	The proposal provides a child safe fence to separate both the parking areas and the play areas. Furthermore, the accessible parking spot is provided as close to the primary entrance in accordance with the Australian Standard.	☒	☐	☐

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S4.15 Environmental Planning & Assessment Act, 1979



SEPP (Transport and Infrastructure) 2021

Part 3.3 Early education and care facilities – specific development controls

Section	Text	Comment	Y	N	N/A
	with appropriate Australian Standards include wheelchair and pram accessible parking.				
4.1 Indoor space requirements	Regulation 107: Every child being educated and cared for within a facility must have a minimum of 3.25m² of unencumbered indoor space. Unencumbered indoor space excludes any of the following: - passageway or thoroughfare (including door swings) used for circulation - toilet and hygiene facilities - nappy changing area or area for preparing bottles - area permanently set aside for the use or storage of cots - area permanently set aside for storage - area or room for staff or administration - kitchens, unless the kitchen is designed to be used predominately by the children as part of an educational program e.g. a learning kitchen - on-site laundry - other space that is not suitable for children Note: For a verandah to be included as unencumbered indoor space, any opening must be able to be fully closed during inclement weather. It can only be counted once and therefore cannot be counted as outdoor space as well as indoor space. Note: Storage areas including binery units are not to be included in the calculation of indoor space. To achieve a functional unencumbered area free of clutter, storage areas need to be considered when designing and calculating the spatial requirements of the facility. It is recommended that a child care facility provide: - a minimum of 0.3m³ per child of external storage space - a minimum of 0.2m³ per child of internal storage space.	Children = 119. A minimum of 386.75m² of floor space required. Total on GF = 409.97m²	☒	☐	☐

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S4.15 Environmental Planning & Assessment Act, 1979



SEPP (Transport and Infrastructure) 2021

Part 3.3 Early education and care facilities – specific development controls

Section	Text	Comment	Y	N	N/A
	Note: Storage of items such as prams, bikes and scooters should be located adjacent to the building entrance.				
4.2 Laundry and hygiene facilities	Regulation 106: There must be laundry facilities or access to laundry facilities; or other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage prior to their disposal or laundering. The laundry and hygienic facilities must be located and maintained in a way that is not accessible by, and does not pose a risk to, children. A facility that does not contain on site laundry facilities must make external laundering arrangements. Any external laundry facility providing services to the facility needs to comply with any relevant Australian Standards.	Does not comply – no storage nominated for soiled items within the laundry area provided.	☐	☒	☐
4.3 Toilet and hygiene facilities	Regulation 109: A service must ensure that adequate, developmentally and age-appropriate toilet, washing and drying facilities are provided for use by children being educated and cared for by the service; and the location and design of the toilet, washing and drying facilities enable safe use and convenient access by the children.	Sufficient toilet and hygiene facilities provided with adequate windows for surveillance inside provided.	☒	☐	☒
4.4 Ventilation and natural light	Regulation 110: Services must be well ventilated, have adequate natural light, and be maintained at a temperature that ensures the safety and wellbeing of children. Child care facilities must comply with the light and ventilation and minimum ceiling height requirements of the National Construction Code. Ceiling height requirements may be affected by the capacity of the facility. Ventilation Good ventilation can be achieved through a mixture of natural cross ventilation and air conditioning.	No ventilation assessment has been provided and cannot be assessed accordingly.	☐	☒	☐

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Part 3.3 Early education and care facilities – specific development controls

Section	Text	Comment	Y	N	N/A
	Encouraging natural ventilation is the basis of sustainable design; however, there will be circumstances where mechanical ventilation will be essential to creating ambient temperatures within a facility. To achieve adequate natural ventilation, the design of the child care facilities must address the orientation of the building, the configuration of rooms and the external building envelope, with natural air flow generally reducing the deeper a building becomes. It is recommended that child care facilities ensure natural ventilation is available to each indoor activity room. Natural light Solar and daylight access reduces reliance on artificial lighting and heating improves energy efficiency and creates comfortable learning environments through pleasant conditions. Natural light contributes to a sense of well-being, is important to the development of children and improves service outcomes. Daylight and solar access changes with the time of day, seasons and weather conditions. When designing child care facilities consideration should be given to: • providing windows facing different orientations • using skylights as appropriate • ceiling heights. Designers should aim to minimise the need for artificial lighting during the day, especially in circumstances where room depth exceeds ceiling height by 2.5 times. It is recommended that ceiling heights be proportional to the room size, which can be achieved using raked ceilings and exposed trusses, creating a sense of space and visual interest.				
4.5 Administrative space	Regulation 111: A service must provide adequate area or areas for the purposes of conducting the	Designed to comply – sufficient administrative areas provided on the ground floor to consult with parents	☒	☐	☐

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Part 3.3 Early education and care facilities – specific development controls

Section	Text	Comment	Y	N	N/A
	administrative functions of the service, consulting with parents of children and conducting private conversations.	and conducting private conversations.			
4.6 Nappy change facilities	Regulation 112: Child care facilities must provide for children who wear nappies, including appropriate hygienic facilities for nappy changing and bathing. All nappy changing facilities should be designed and located in an area that prevents unsupervised access by children.	Nappy changing facilities are provided within each bathroom located for each learning room. This comes with a bench type baby bath, and a sink is provided outside of this.	☒	☐	☐
4.7 Premises designed to facilitate supervision	Regulation 115: A centre-based service must ensure that the rooms and facilities within the premises (including toilets, nappy change facilities, indoor and outdoor activity rooms and play spaces) are designed to facilitate adequate supervision of children at all times, having regard to the need to maintain their rights and dignity	Designed to comply – adequate supervision provided within the premises across all areas.	☒	☐	☐
4.8 Emergency and evacuation procedures	Regulations 97 & 168: Emergency procedures and evacuation Risks associated with multi-storey buildings, including the appropriate child-to-staff ratios and emergency and evacuation plans need to be assessed in the context of the service approval. Facility design and features should provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency. This should take into consideration the number and age of the occupants, emergency and evacuation plans, the location of the facility and the relevant fire safety measures within the building	No Detailed Emergency and Evacuation Plan provided.	☐	☒	☐
4.9 Outdoor space requirements	Regulation 108: An education and care service premises must provide for every child being educated and cared for within the facility to have a minimum of 7.0m ² of unencumbered outdoor space. Unencumbered outdoor space excludes any of the following:	Children = 119. 833m ² of outdoor space required. Provided = 895m ² provided as a simulated outdoor environment on both the ground and first floor.	☒	☐	☐

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Part 3.3 Early education and care facilities – specific development controls

Section	Text	Comment	Y	N	N/A
	- pathway or thoroughfare, except where used by children as part of the education and care program - car parking area - storage shed or other storage area - laundry - other space that is not suitable for children Note: A verandah that is included within indoor space cannot be included when calculating outdoor space and vice versa. Note: Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children's play. Simulated outdoor environments Applicants should aim to provide the requisite amount of unencumbered outdoor space in all development applications. A service approval will only be granted in exceptional circumstances when outdoor space requirements are not met. For an exemption to be granted, the preferred alternate solution is that indoor space be designed as a simulated outdoor environment. Simulated outdoor space must be provided in addition to indoor space and cannot be counted twice when calculating areas. Simulated outdoor environments are internal spaces that have all the features and experiences and qualities of an outdoor space. They should promote the same learning outcomes that are developed during outdoor play. Simulated outdoor environments should have: - more access to natural light and ventilation than required for an internal space through large windows, glass doors and panels to enable views of trees, views of				

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Part 3.3 Early education and care facilities – specific development controls

Section	Text	Comment	Y	N	N/A
	the sky and clouds and movement outside the facility • skylights to give a sense of the external climate • a combination of different floor types and textures, including wooden decking, pebbles, mounds, ridges, grass, bark and artificial grass, to mimic the uneven surfaces of an outdoor environment • sand pits and water play areas • furniture made of logs and stepping logs • dense indoor planting and green vegetated walls • climbing frames, walking and/or bike tracks • vegetable gardens and gardening tubs				
4.10 Natural environment	Regulation 113: The approved provider of a centre-based service must ensure that the outdoor spaces allow children to safely explore and experience the natural environment. Creating a natural environment to meet this regulation includes the use of natural features such as trees, sand and natural vegetation within the outdoor space. Shrubs and trees selected for the play space must be safe for children. Avoid plant species that risk the health and safety of the centre's occupants, such as those which: • are known to be poisonous, produce toxins or have toxic leaves or berries • have seed pods or stone fruit, attract bees, have thorns, spikes or prickly foliage or drop branches. The outdoor space should be designed to: • provide a variety of experiences that facilitate the development of cognitive and physical skills, provide opportunities for social interaction and appreciation of the natural environment	Adequate natural environments provided. The submitted landscape plan provides a variety of different learning opportunities for children in an outdoor setting. This includes the use of sandpits, trike paths and cubby houses.	☒	☐	☐

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Part 3.3 Early education and care facilities – specific development controls

Section	Text	Comment	Y	N	N/A
	ensure adequate supervision and minimise opportunities for bullying and antisocial behaviour enhance outdoor learning, socialisation and recreation by positioning outdoor urban furniture and play equipment in configurations that facilitate interaction.				
4.11 Shade	Regulation 114: The approved provider of a centre-based service must ensure that outdoor spaces include adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun. Providing the correct balance of sunlight and shade to play areas is important for the health and well-being of children and staff. Combining built and natural shade will often be the best option. Outdoor play areas should: - have a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m²) of the 7.0m² of outdoor space per child required. - adequate shade for outdoor play areas is to be provided in the form of natural shade such as trees or built shade structures giving protection from ultraviolet radiation to at least 30 per cent of the outdoor play area - have evenly distributed shade structures over different activity spaces. Natural shade should be a major element in outdoor play areas. Trees with dense foliage and wide-spreading canopies provide the best protection. Existing stands of trees, particularly in rear setbacks, should be retained to provide shaded play areas. Species that suit local soil and climatic conditions and the character of the environment are recommended	Adequate sunlight provided to most northern outdoor play areas, providing 2 hours of sunlight in winter months. However, this is not provided for all 119 children (2.1sqm), with only 212sqm provided, instead of 249sqm. Adequate shade structures provided via the roof.	☐	☒	☐
4.12 Fencing	Regulation 104: Any outdoor space used by children must be enclosed by a fence or barrier that is of a height and design that children	Designed to comply – adequate fencing provided that children cannot go over or under.	☒	☐	☐

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Part 3.3 Early education and care facilities – specific development controls

Section	Text	Comment	Y	N	N/A
	preschool age or under cannot go through, over or under it.				
4.13 Soil assessment	Regulation 25: Subclause (d) of Regulation 25 requires an assessment of soil at a proposed site, and in some cases, sites already in use for such purposes as part of an application for service approval. With every service application one of the following is required: - a soil assessment for the site of the proposed education and care service premises - if a soil assessment for the site of the proposed child care facility has previously been undertaken, a statement to that effect specifying when the soil assessment was undertaken a statement made by the applicant that states, to the best of the applicant's knowledge, the site history does not indicate that the site is likely to be contaminated in a way that poses an unacceptable risk to the health of children.	No soil assessment required to be completed. Use of existing building with no excavation proposed exceeding a depth of one metre.	☒	☐	☐

The application has been assessed against the relevant provisions of the Guideline. The proposal does not comply with one or more of the aims or controls of the Guideline.

Georges River Local Environmental Plan 2021

Section	Text	Comment	Y	N	N/A
1.2 Aim 10	(b) to provide for a range of business uses which promote employment and economic growth and contribute to the viability and vibrancy of centres,, (c) to promote and facilitate an ecologically and economically sustainable and vegetated urban environment in which the needs and aspirations of the community are realised, (d) to provide for a range of recreational, social, cultural and community service opportunities to meet the needs of the Georges River community, (e) to protect and preserve the natural, built, cultural and Aboriginal heritage of Georges	The proposal meets the aims of the LEP.	☒	☐	☐

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S4.15 Environmental Planning & Assessment Act, 1979



Georges River Local Environmental Plan 2021

Section	Text	Comment	N	N/A
	River and to build upon and enhance the character of local areas, (f) to promote a high standard of urban design and built form, (g) to protect, preserve and enhance the natural landform, vegetation and open space, especially foreshores or bushland, in order to maintain landscape amenity and public access and use, (h) to protect, maintain and improve waterway health to achieve the environmental values of the community and uses for waterways,			
2.2 Zoning	Refer to LEP map.	E1 Local Centre	☒	☐
2.3 Zone objectives	- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area. - To encourage investment in local commercial development that generates employment opportunities and economic growth. - To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area. - To encourage business, retail, community and other non-residential land uses on the ground floor of buildings. - To maximise public transport patronage and encourage walking and cycling. - To encourage development that is compatible with the centre's position on the centres hierarchy.	The proposal complies with the objectives of the zone.	☒	☐
2.7 Demolition	The demolition of a building requires development consent.	Noted.	☒	☐
4.3 Height of Buildings	(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality, (b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,	Standard: 21m Proposed: 9.3m (as existing)	☒	☐

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Georges River Local Environmental Plan 2021

Section	Text	Comment	N	N/A
4.4B Floor space ratio	To ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality.	Standard: Minimum 0.7:1 (1,441.3m ²) Proposed: 0.39:1 (808.4m ²)	☐	☒
4.5 Calculation of floor space ratio and site area	To set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios	The application has been assessed in accordance with the provisions of this section.	☒	☐
4.6 Exceptions to development standards	(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development, (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	A Clause 4.6 variation statement has been provided by the applicant and is assessed in this report.	☒	☐
5.10 Heritage conservation	To conserve the environmental and cultural heritage of the Georges River local government area, including heritage items, conservation areas, archaeological sites, and Aboriginal places of significance.	Comments were received from Council's Heritage Officer who supported the application if it was to be approved.	☒	☐
6.1 Acid sulfate soils	To ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage	The subject site is identified as being on Class 5 Acid Sulfate Soils. As no works proposed is impacting on this, the proposal is considered satisfactory.	☒	☐
6.3 Stormwater management	To minimise the impacts of urban stormwater on land to which this Plan applies and on adjoining properties, native bushland and receiving waters	Comments were received from Council's Development Engineer who supported the application if it was to be approved.	☒	☐
6.9 Essential services	The property must have in place by determination the following services: (a) water, (b) electricity, (c) telecommunications facilities, (d) the disposal and management of sewage, (e) stormwater drainage or on-site conservation, (f) suitable vehicular access.	The proposal has not included the following arrangements satisfactorily: - Vehicular Access	☐	☒
6.11 Environmental Sustainability	Applies in R4, E1, E2 and MU1 zones for new buildings, changes of uses and alterations and additions. Consent must not be granted 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—	Applies as it is within the E1 Local Centre. However, the building is not greater than 1,500 square metres in floor area and is supported.	☒	☐

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Georges River Local Environmental Plan 2021

Section	Text	Comment	N	N/A
	(a) water demand reduction, including water efficiency, water recycling and minimisation of potable water usage, (b) energy demand reduction, including energy generation, use of renewable energy and reduced reliance on mains power, (c) indoor environmental quality, including daylight provision, glare control, cross ventilation and thermal comfort, (d) the minimisation of surfaces that absorb and retain heat and the use of surfaces that reflect heat where possible, (e) a reduction in new materials consumption and use of sustainable materials, including recycled content in concrete, sustainable timber and PVC minimisation, (f) transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces.			
6.13 Development in Zones E1 and MU1	(2) This clause applies to land in the following zones— (a) Zone E1 Local Centre, (b) Zone MU1 Mixed Use. (3) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied the development will not cause a part of the ground floor of a building that is facing a street to be used for the purpose of residential accommodation or tourist and visitor accommodation. (4) Development consent must not be granted for the erection of a building with a gross floor area on the ground floor of more than 500m² on land identified as "Area A" on the Land Zoning Map unless the consent authority is satisfied at least 500m² of the gross floor area on the ground floor will be used for— (a) a purpose other than residential accommodation or tourist and visitor accommodation, and (b) a purpose specified in subclause (4).	Located within a E1 Local Centre. The proposal is for a centre based child care centre and satisfies the controls stipulated within the clause.	☒	☐

The application has been assessed against the relevant provisions of the Georges River Local Environmental Plan 2021.

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Georges River Local Environmental Plan 2021

Section	Text	Comment	N	N/A
	The proposal does not comply with one or more of the aims or controls of the EPI.			

GRLEP 2021 Clause 4.6 Variation

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

Name of Clause	Proposed Variation
4.4B – Exceptions to floor space ratio – non-residential uses	A variation of 42.6% or 612.7sqm under the requirement.

Clause 4.6 Assessment

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:

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

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:

- The objectives of the standard are achieved notwithstanding non-compliance with the standard;
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
- The 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 above mentioned 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:

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

"The intent of this objective is to provide a contemplated mix between residential and non-residential uses across a development. This objective seeks to limit the residential capacity on the land by way of ensuring that a minimum non-residential yield is provided which is suitably balanced across the development."

Given that the proposed development seeks the provision of 100% of any intended floor area to non-residential uses, it is deemed to respond to the core objective of the standard. The breach is more of a technical nature noting that it is the result of the provision of a development on the land that is not only being carried out independently of any combined residential uses but presents with an overall gross floor area and ensuing building form that is well below the maximums prescribed to the land.

While the development as a whole does not meet the 0.7:1 generation of non-residential uses, it continues to promote employment and the established hierarchy of land uses within the E1 zone along the north-western side of the Princes Highway.

In this regard, the development continues to meet the sole objective of this standard despite a technical departure relevant to the extent of overall non-residential floor space ratio being met."

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

Objective	Assessment
<i>The objective of this clause is to encourage an appropriate mix of residential and non-residential uses in order to ensure a suitable level of non-residential floor space is provided to promote employment and reflect the hierarchy of Zone E1 Local Centre and Zone MU1 Mixed Use.</i>	The Applicant's assessment of the non-compliance is considered to be justified as a technical non-compliance. The existing building and its footprint are maintaining as existing, with the proposed childcare centre taking up the entirety of the floor space. It is noted that the objectives of the E1 Local Centre are to provide a range of retail, business and community uses that serves the community, and the use of the proposal meets the criteria.

As outlined above, the proposal is consistent with the objectives of the standard in isolation. As the application is being refused, the variation is not supported.

The applicant only utilised the first test to establish that the variation is to be supported, referencing *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*.

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 proposed development is for built form that is permissible and is consistent with the objectives of the provisions of 4.4B contained in GRLEP 2021;
- The proposal provides for 100% of any intended gross floor area to be used as non-residential and will therefore, meet the underlying Intent of the control objective despite meeting the numerical
A compliant scheme would generate additional levels of impact/s as it would require the provision of an unnecessary 1,367 .3m2 of non-residential floor space to a development that does not necessitate it; and
- All other requirements relating FSR and land use are consistent noting the existing and transitional for of the Local Centre context.

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It is considered that the proposal demonstrates sufficient environmental planning grounds to warrant the variation, as it is maintaining the existing commercial building on site for the new proposal for a childcare centre.

Summary of 4.6 Assessment and Conclusion

4.6 Variation Not Supported

The proposal seeks to vary **Clause 4.4B** of the Georges River Local Environmental Plan. The 4.6 variation request has been assessed and is considered to be satisfactory with regards to the matters it is required to address under Clause 4.6(3). In isolation, the variation is supported and recommended. However, as the application is being refused on other grounds stipulated in this report, the request is denied.

Provisions of any Proposed Instrument

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

Provisions of any Development Control Plan

Georges River Development Control Plan 2021

Part	Name	Y	N
Part 3	General Planning Considerations	☒	☐
Part 4	General Land Use	☒	☐
Part 6.5	Foreshore Locality Controls	☐	☒
Appendices	Supporting Information (e.g. Exempt Tree Works)	☐	☒

3.5 Earthworks

Clause	Text	Comment	Y	N	N/A
3.5(1)	Natural ground level should be maintained within 900mm of a side and rear boundary.	The proposal maintains natural ground level within 900mm of the side and rear boundary, as the existing dwelling is proposed to be maintained.	☒	☐	☐
3.5(2)	Cut and fill should not alter natural or existing ground levels by more than 1m	Designed to comply – cut and fill is within 1m of existing ground level.	☒	☐	☐
3.5(3)	Habitable rooms (not including bathrooms, laundries and storerooms) are to be located above existing ground level	Designed to comply – all habitable rooms are located above existing ground level.	☒	☐	☐
3.5(4)	Development is to be located so that clearing of vegetation is avoided.	Refer to Council's Landscape Officer's comments in the 'Referral' section of this report.	☐	☒	☐
3.5(6)	Cut and fill within a tree protection zone (TPZ) of a tree on the development site or adjoining land, must be undertaken in accordance with Australian Standard AS 4970	Refer to Council's Landscape Officer's comments in the 'Referral' section of this report.	☐	☒	☐

Assessment Report (Centre-based Child Care Facility)

S4.15 Environmental Planning & Assessment Act, 1979



3.5 Earthworks

Clause	Text	Comment		N	N/A
	(Protection of trees on development sites).				
3.5.2 Erosion & Sediment Control	Standard conditions of consent would be imposed on any development consent which would adequately restrict erosion and control sediment release.		☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.5. The proposal does not comply with one or more of the objectives or controls of this section of the DCP.					

3.6 Contaminated Land

Clause	Text	Comment	Y	N	N/A
3.6(1)	Each development application is to include information sufficient to allow Council to meet its obligation to determine whether development should be restricted due to the presence of contamination.	The application has been assessed against the relevant provisions of SEPP (Resilience and Hazards) 2021 within this report.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.6. The proposal complies with the objectives and controls of this section of the DCP.					

3.7 Heritage

Clause	Text	Comment	Y	N	N/A
3.7.6 Development in the vicinity of a Heritage Item or Heritage Conservation Area	Ensure development in the vicinity of a heritage item or heritage conservation area is designed and sited to protect the heritage significance of the item or heritage conservation area.	The site is located within the vicinity of a Heritage item. The application has been assessed by Council's Heritage Officer and is found to be satisfactory.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.7. The proposal complies with the objectives and controls of this section of the DCP.					

3.10 Water Management

Clause	Text	Comment	Y	N	N/A
Stormwater Management	The development must comply with Council's Stormwater Management Policy, incorporate WSUD principles, ensure on-site detention does not compromise deep soil zones or landscaping, and manage runoff to prevent adverse impacts on neighbouring properties.	Designed to comply – the submitted stormwater plans have been assessed by Council's Development Engineer and is found to be satisfactory subject to conditions if approved.	☒	☐	☐

Assessment Report (Centre-based Child Care Facility)

S4.15 Environmental Planning & Assessment Act, 1979



3.10 Water Management

Clause	Text	Comment	Y	N	N/A
Water Quality	All development must include measures to control stormwater pollutants and treat runoff to reduce erosion, sedimentation, and nutrient dispersal, especially near waterways and bushland.	Designed to comply – the submitted stormwater plans have been assessed by Council's Development Engineer and is found to be satisfactory subject to conditions if approved.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.10. The proposal complies with the objectives and controls of this section of the DCP.					

3.12 Waste Management

Clause	Text	Comment	Y	N	N/A
3.12	All development must provide well-integrated, conveniently located waste storage and recycling facilities that support reuse and minimise impacts on streetscape and neighbouring amenity.	A 'Recycling and Waste Management Plan' has been submitted with the application and is compliant with Clause 3.12.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.12. The proposal complies with the objectives and controls of this section of the DCP.					

3.13 Parking Access and Transportation

Clause	Text	Comment	Y	N	N/A
3.13(1) Rate	- Home based: 1 space per employee and 1 space per child. 1 space per 2 staff plus: 20 – 39 children: 1 space per 4 children 40 – 59 children: 1 space per 5 children 60+ children: 1 space per 6 children. A transport and parking assessment study is required.	Does not comply – parking requirements are as follows: REQUIRED = 29.3 (rounded to 30) (10 for staff, 20 for dropping off, picking up) PROPOSED = 28 (8 for staff, 20 for dropping off/picking up).	☐	☒	☐
Design and Layout of Car Parking Areas	Be designed in accordance with the requirements set out in AS 2890.1 (2004) and AS 2890.2 (2002) for off street parking	Does not comply – the proposed parking does not comply with the Australian Standard, specifically parking spaces 24, 23, 22 and 10. It is recommended that visitor space 24, 23 and 22 be deleted on safety grounds due to not being able to safely manoeuvre in and out of the car park. Whereas parking space 10 must not be used for visitor parking as it is tandem parking shared with a staff member.	☐	☒	☒

Assessment Report (Centre-based Child Care Facility)

S4.15 Environmental Planning & Assessment Act, 1979



3.13 Parking Access and Transportation					
Clause	Text	Comment		N	N/A
3.13(20) At-Grade Parking	Building frontages are level with the street.	Does not comply – refer to Council's Landscape Officer for comments.	☐	☒	☐
3.13(21) At-Grade Parking	Must include: i. Planting beds fronting a street are to have a minimum width of 1m. ii. Shade trees at a ratio of 1 tree per 6 parking spaces. iii. Planting selection avoids species with short lifespans or which may drop items into the carpark.	Does not comply – refer to Council's Landscape Officer for comments.	☐	☒	☐
3.13(22) At-Grade Parking	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.	Does not comply – refer to Council's Landscape Officer for comments.	☐	☒	☐
3.13(23) Accessible Parking	Parking complies with AS 1428 Design for access and mobility and AS/NZS 2890.6. 2-3% of all spaces should be accessible (minimum 1).		☐	☐	☐
3.13(24) Accessible Parking	Accessible parking spaces shall be located close to an accessible lift, ramp or building entrance and be provided with an accessible path of travel.	Designed to comply – accessible parking provided close to a ramp leading up to the main entrance.	☒	☐	☐
3.13(30 & 31) Pedestrians	Ensure pedestrian safety, and separate pedestrian and vehicle routes.	Designed to comply	☒	☐	☐
3.13(32, 33 & 34) Access	Design driveways to minimise visual impact on the street and maximise pedestrian safety. Ensure that all vehicles, including vehicles using loading bays, can enter and leave the site in a forward direction. Avoid locating accessways to driveways adjacent to the doors or windows of habitable rooms.	Does not comply – refer to Council's Traffic Engineer for comment.	☐	☒	☐

The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.13. The proposal does not comply with one or more of the objectives or controls of this section of the DCP.

Assessment Report (Centre-based Child Care Facility)

S4.15 Environmental Planning & Assessment Act, 1979

**3.14 Utilities**

Clause	Text	Comment		N	N/A
Utilities	Development must provide essential services integrated into building and site design to minimise streetscape impacts and support future occupants.	Designed to comply – services have been integrated into the site and existing building to minimise the impact onto the existing streetscape.	☒	☐	☐

The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.14. The proposal complies with the objectives and controls of this section of the DCP.

3.18 Advertising and Signage

Clause	Text	Comment	Y	N	N/A
(1)	Signs should be designed and located to: i. Relate to the use of the premises. ii. Be consistent with best practice guidelines. iii. Be integrated with the architecture of the supporting building, not obscure significant architectural features and maintain the dominance of the architecture. iv. Be limited in number to avoid cluttering, distraction and unnecessary repetition. v. Not cover mechanical ventilation inlets or outlets. vi. Not comprise a roof sign. vii. Not comprise an above awning sign. viii. Not comprise a flag pole sign. ix. Not compromise road or pedestrian safety including cyclists. x. Be a minimum of 2.6 metres above any footpath where the sign is not flush with the wall. Be at least 600mm from a kerb or roadway edge where the sign is over a public road.	Designed to comply – the design of the advertising signage is consistent with the controls listed and is found to be satisfactory.	☒	☐	☐
(4)	In residential zones, signage should not be illuminated.		☒	☐	☐

The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.18. The proposal complies with the objectives and controls of this section of the DCP.

3.20 Noise and Vibration

Clause	Text	Comment	Y	N	N/A
3.20.2(1) Road and Rail	Acoustic assessments for noise sensitive developments as defined in	Designed to comply – an acoustic assessment report has been	☒	☐	☐

Assessment Report (Centre-based Child Care Facility)

S4.15 Environmental Planning & Assessment Act, 1979



3.20 Noise and Vibration

Clause	Text	Comment	N	N/A
	clauses 87 and 102 of the Infrastructure SEPP may be required if located in the vicinity of a rail corridor or busy roads.	submitted with the application and is deemed to be satisfactory.		
3.20.3(1) Noise Generating	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.	Designed to comply – the development is designed and sited so that noise is minimised adjoining a busy road.	☒	☐
3.20.3(2) Noise Generating	Noise generating developments should be accompanied by an acoustic report that demonstrates the development is sited and designed to: i. Minimise the effect of noise and vibration on surrounding sensitive land uses; and ii. Comply with relevant State Government and Council guidelines.	Provided	☒	☐
3.20.3(3) Noise Generating	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.	Designed to comply – the loading/unloading bays within the site are adequately sited to minimise noise	☒	☐
3.20.3(4) Noise Generating	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.	Designed to comply – hours of operation and scheduled hours provided to minimise noise.	☒	☐

The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 3.20. The proposal does not comply with one or more of the objectives or controls of this section of the DCP.

Assessment Report (Centre-based Child Care Facility)

S4.15 Environmental Planning & Assessment Act, 1979



Part 5 – Residential Locality Statement

Area	Comment		N	N/A
Carlton (South)	The proposed development demonstrates consistency with the Residential Locality Statement by respecting the established and desired future character of the area, integrating well with the surrounding streetscape, and maintaining key features such as building form, scale, setbacks, and landscaping that contribute to the locality's unique identity.	☒	☐	☐
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 5. The proposal complies with the objectives and controls of this section of the DCP.				

4.2 Early Education and Child Care Facilities

Clause	Text	Comment	Y	N	N/A
- Ensure that childcare centres are compatible with neighbouring land uses. - Ensure that childcare centres integrate into existing residential environments and are unobtrusive in terms of size, bulk and height. - Ensure that childcare centres are appropriate for the surrounding built form and natural landscape. - Ensure that childcare centres will have minimum impact on surrounding land uses. - Ensure the health, safety and wellbeing of children and staff in childcare centres.		Does not comply – the proposed development will have an adverse impact on surrounding land uses and the safety of children and staff due to inadequate traffic and parking provided.	☐	☒	☐
4.2.1 Building Setbacks					
- Ensure the height and scale of a child care centre relates to site conditions, complements the prevailing character of the streetscape and minimises any adverse amenity impacts upon the surrounding properties. - Ensure the appearance of the development enhances the streetscape		Noted.	☐	☐	☐
(1)	The child care centre should comply with the relevant setback controls as stipulated in this DCP as follows: i. Within a residential zone, setbacks for dwelling houses; and ii. Within a commercial / industrial zone – setbacks will be considered on a merit basis.	Acceptable – the proposed child care centre is maintaining the existing commercial building and is not altering the existing side and rear setbacks.	☒	☐	☐
4.2.2 Provision of Parking					
Comply with rate in Section 3.13 in basement or at-grade.					
4.2.3 Signage					
- Complement and enhance the predominant character of the locality. - Not obscure the view of attractive landscapes, streetscapes, or significant buildings. - Not adversely affect the safety of traffic or pedestrians.		Noted.	☒	☐	☐
(2)	For child care centres in all other zones, compliance should be	See previous assessment above.	☐	☐	☒

Assessment Report (Centre-based Child Care Facility)

S4.15 Environmental Planning & Assessment Act, 1979



4.2 Early Education and Child Care Facilities

Clause	Text	Comment	N	N/A
	achieved with Council's signage requirements.			
4.2.4 Management of Operations				
	- Ensure clear and suitable operational measures and practices are in place for the ongoing management of child care centres. - Provide certainty for both the consent authority and the local community about the - ongoing management practices to be employed to manage neighbourhood impacts	Noted.	☒	☐
1	An application for child care centres must be accompanied by a Plan of Management which provides all details relevant to the operation of the premises. Further details are outlined in Council's Development Application Guide.	Does not comply – no 'Plan of Management' submitted with the application. It is noted that a 'Social Impact Comment' was provided.	☐	☒
The application has been assessed against the relevant provisions of the Georges River Development Control Plan 2021 Part 4.2. The proposal does not comply with one or more of the objectives or controls of this section of the DCP.				

Any Planning Agreement Under Section 7.4

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

The Regulations

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

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

The Likely Impacts of the Development

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

Likely Impacts of the Development	
Natural Environment	The development is considered to result in unreasonable impact on the natural environment.
Built Environment	The built form and supporting infrastructure are inappropriate for the setting and are inconsistent with the desired future character of the site.
Social Impact	The proposal will have a significant social impact on the locality.
Economic Impact	The proposal is not considered to result in unreasonable economic impact

Site Suitability

The site is zoned E1 Local Centre. The proposal is considered a suitable outcome for the subject site for the following reasons:

Assessment Report (Centre-based Child Care Facility)

S4.15 Environmental Planning & Assessment Act, 1979



- The proposed development will result in unreasonable impacts to the natural and built environment.
- The proposed development will result in unreasonable amenity impacts to the adjoining neighbours.

Submissions

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

The Public Interest

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

- Inadequate information has been submitted to enable a proper assessment.
- Insufficient parking and car parking layout will impact the surrounding locality.
- The proposed development will result in unreasonable impacts to the natural and built environment.
- The proposed development will result in unreasonable amenity impacts to the public and the safety of the children and staff.

Contributions

The development is subject to Section 7.11/7.12 Contributions. In accordance with the Georges River Local Development Contributions Plan 2021, a condition of consent requiring payment of the contribution and identifying it is subject to indexation in accordance with the plan would be imposed if the application was to be approved.

Conclusion

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

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

The proposed variation to Clause 4.6B of GR LEP 2021 is sufficiently justified by the provided Clause 4.6 and the variation is considered to be in the public interest, being contrary to the zone and standard objectives.

Determination

Refusal of Application

Pursuant to Section 16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer determines DA2024/0465 for the alterations and additions to the existing building to create a new centre-based childcare facility on 253 Princes Highway, Carlton, should not be approved subject to the refusal reasons referenced below:

- (a) The application fails to provide sufficient information to assess the impacts of the proposed development, pursuant to Section 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979.
- (b) The proposed development fails to demonstrate compliance with Chapter 3 Section 3.23, of the State Environmental Planning Policy (Transport and Infrastructure) 2021 and in particular the Childcare Planning Guideline, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.

Assessment Report (Centre-based Child Care Facility)

S4.15 Environmental Planning & Assessment Act, 1979



- (c) The proposal fails to provide adequate car parking design requirements in accordance with Section 3.13 of the Georges River Development Control Plan 2021, pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
- (d) 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.
- (e) 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.

Signed

A. Richardson

Assessing Officer: Alec Richardson
Title: Development Assessment Planner
Date: 31 October 2025

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

Delegated Officer:

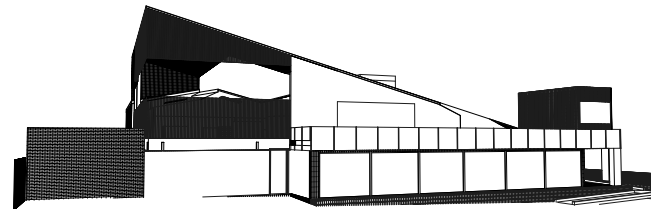
Title:
Date:

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

PROPOSED DEVELOPMENT APPLICATION FOR A CHILD CARE CENTRE AT:
255 Princes Highway, Carlton, NSW

Development Application Prepared by **FLDC ARCHITECTS**
2D, 322 Kingsgrove Rd, Kingsgrove, Sydney 2208, Office - 02 9588 FLDC (3532) Email - info@fldc.com.au
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- DRAWING REGISTRY ...**
- DA001 COVER PAGE
 - DA002 SITE ANALYSIS
 - DA003 STREET CHARACTER ANALYSIS
 - DA100 PROPOSED SITE/ROOF PLAN
 - DA101 PROPOSED GROUND FLOOR PLAN
 - DA102 PROPOSED LEVEL 1 FLOOR PLAN
 - DA200 EXISTING ELEVATIONS
 - DA201 PROPOSED ELEVATIONS
 - DA202 FENCE ELEVATIONS
 - DA300 PROPOSED SECTIONS
 - DA301 PROPOSED SECTIONS
 - DA400 INDOOR + OUTDOOR CALCULATIONS
 - DA401 FSR CALCULATIONS
 - DA500 DISABLED BATHROOM DETAILS
 - DA501 KITCHEN DETAILS
 - DA502 KITCHEN DETAILS
 - DA600 EROSION AND SEDIMENT CONTROL PLAN
 - DA700 DEEP SOIL PLAN
 - DA1000 SITE MANAGEMENT PLAN
 - DA1100 SIGNAGE PLAN



PERSPECTIVE - ECOLE STREET



Childcare Centre Calculations

Age	Spaces	Indoor Available	Indoor Required	Outdoor Available	Outdoor Required	Staff
0 - 2	12	39 m ²	43.36 m ²	64 m ²		3
2 - 3	10	32.5 m ²	42.88 m ²	70 m ²		2
3 - 6	80	315.25 m ²	326.73 m ²	879 m ²		10
Total	102	387.15 m ²	413.01 m ²	913.06 m ²		15

Legend Areas

	Outdoor Unencumbered Play Area
	Indoor Unencumbered Area
	Services & Common Area

General Notes

This Butler shall check all dimensions and levels on site prior to construction. Any errors, discrepancies or omissions to the architect. Drawings shall not be used for construction purposes until issued for construction. Do not make drawings. All boundaries and contours subject to survey.

CLIENT :

#Client Company

#Client Address

#Client City, #Client Postcode

#Client Phone Number / #Client Fax / #Client Email

PROJECT NAME:

P2302CAR - CHILDCARE CENTRE

SITE:

255 PRINCES HIGHWAY, CARLTON
LOT 202-/DP746731

DRAWING TITLE:

COVERPAGE

Project No: P2302CAR

Scale: 1:100 (B1) 1:200 (B2)

Start Date: 15.01.2023

Drawn By: R.C.

Checked By: R.C.

Station: DA

Drawing No: DA001

Rev: N

REGISTRATION #146

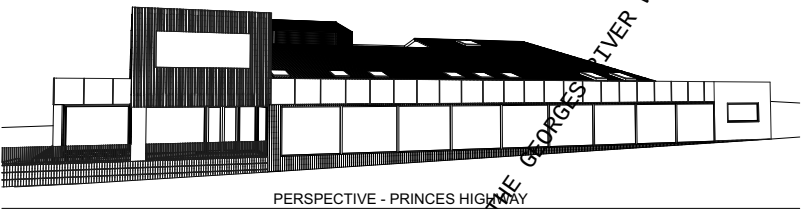
FLDC ARCHITECTS

Member Australian Institute of Architects

p) 02 9588 FLDC web: www.fldc.com.au

f) 02 9580 8592 email: info@fldc.com.au

Suite 2D, 322 Kingsgrove Road, Kingsgrove NSW 2218



PERSPECTIVE - PRINCES HIGHWAY



CHECK AND VERIFY ALL DIMENSIONS AND DETAILS ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORKS, AND REPORT ANY DISCREPANCIES OR ANOMALIES TO THE OFFICE OF FLDC ARCHITECTS FOR CLARIFICATION.

ALL WORKS TO BE CARRIED OUT IN STRICT ACCORDANCE WITH ALL CURRENT BUILDING CODES AND RELEVANT AUSTRALIAN STANDARDS, AND TO THE SATISFACTION OF THE GOVERNING LOCAL AUTHORITIES.

ALL BUILDING DOCUMENTATION TO BE READ IN CONJUNCTION WITH STAMPED TOWN PLANNING DRAWINGS.

BUILDER TO REMOVE ALL RUBBISH AND DEBRIS FROM SITE PRIOR TO CONSTRUCTION IN PREPARATION FOR NEW WORKS.

BUILDER TO EXCAVATE AS REQUIRED TO SUIT NEW CONSTRUCTION WORKS; MAKE GOOD ALL SITE WORKS, CUT AND FILL AS REQUIRED.

NEW 100mm MIN SEWER QUALITY PVC STORMWATER DRAINAGE PIPES TO ALL NEW WORKS. 100mm MIN FALL STORMWATER TO BE TAKEN TO LEGAL POINT OF DISCHARGE TO THE SATISFACTION OF THE RELEVANT AUTHORITY. BUILDER TO CONFIRM THE EXACT LOCATION OF THE LEGAL POINT OF DISCHARGE PRIOR TO THE COMMENCEMENT OF ANY DRAINAGE WORKS.

EXISTING

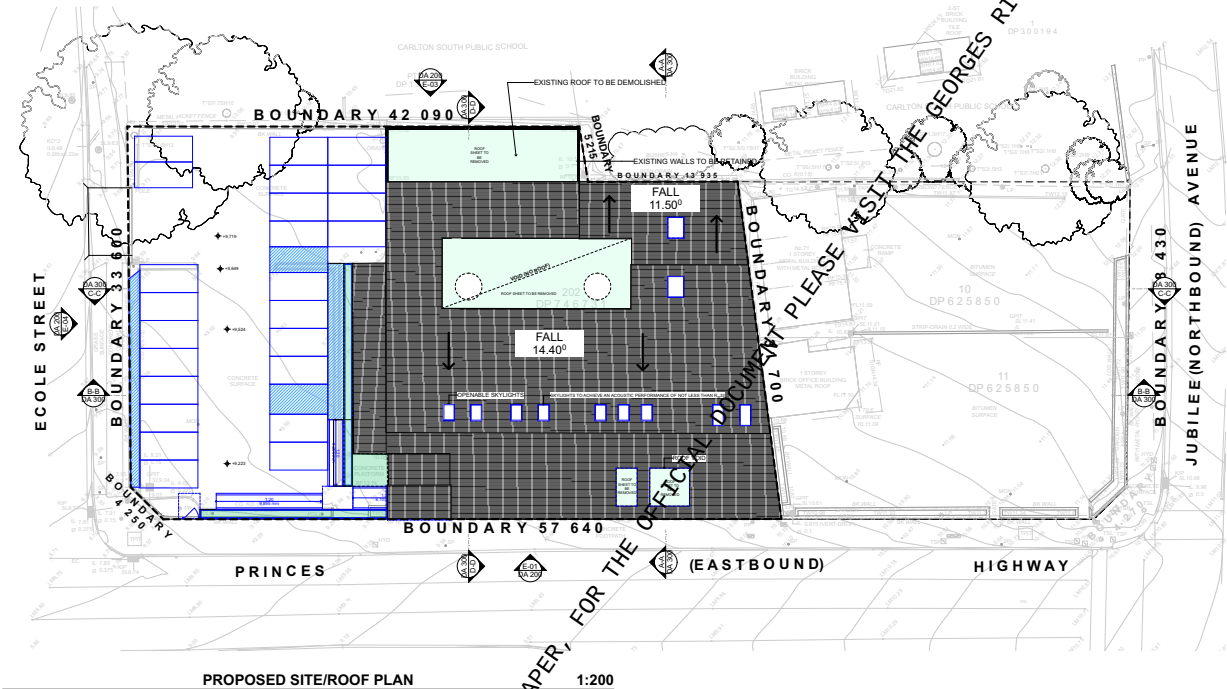
DEMOLISHED

PROPOSED

Area Analysis:

255 PRINCES HIGHWAY, CARLTON 2218
Site Area = 3134 m²
Lot 202 in D.P. 746731
Calculations - External Walls excluded in calc.

CALCULATIONS
GROUND FLOOR AREA = 908.61 m²
FIRST FLOOR AREA = 18.05 m²
TOTAL AREA = 826.66 m²
PROPOSED FSR = 0.261
ALLOWABLE FSR = 0.21
MAX. HEIGHT = 21 m



Childcare Centre Calculations						
Age	Spaces	Indoor Required	Indoor Available	Outdoor Required	Outdoor Available	Staff
0 - 2	12	30 m ²	43.30 m ²	84 m ²	910.26 m ²	3
2 - 3	10	32.0 m ²	42.88 m ²	70 m ²		2
3 - 6	80	315.25 m ²	326.73 m ²	879 m ²		10
Total	102	377.55 m ²	413.91 m ²	933 m ²	910.26 m ²	15

Legend Areas

Outdoor Unencumbered Play Area

Indoor Unencumbered Area

Services & Common Area

NORTH

General Notes

CLIENT

CLIENT COMPANY

PROJECT NAME

P2302CAR - CHILDCARE CENTRE

SITE

255 PRINCES HIGHWAY, CARLTON
LOT 202/-DP746731

DRAWING TITLE

PROPOSED SITE/ROOF PLAN

Project No

P2302CAR

Scale

1:100 (A1)
1:200 (A2)

Start Date

15.01.2023

Plot Date

NA

Drawn By

K.C.

Checked By

N.T.

Station

DA

Drawing No

DA 100

Rev

N

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REGISTRATION #140

FLDC ARCHITECTS

ARCHITECTS

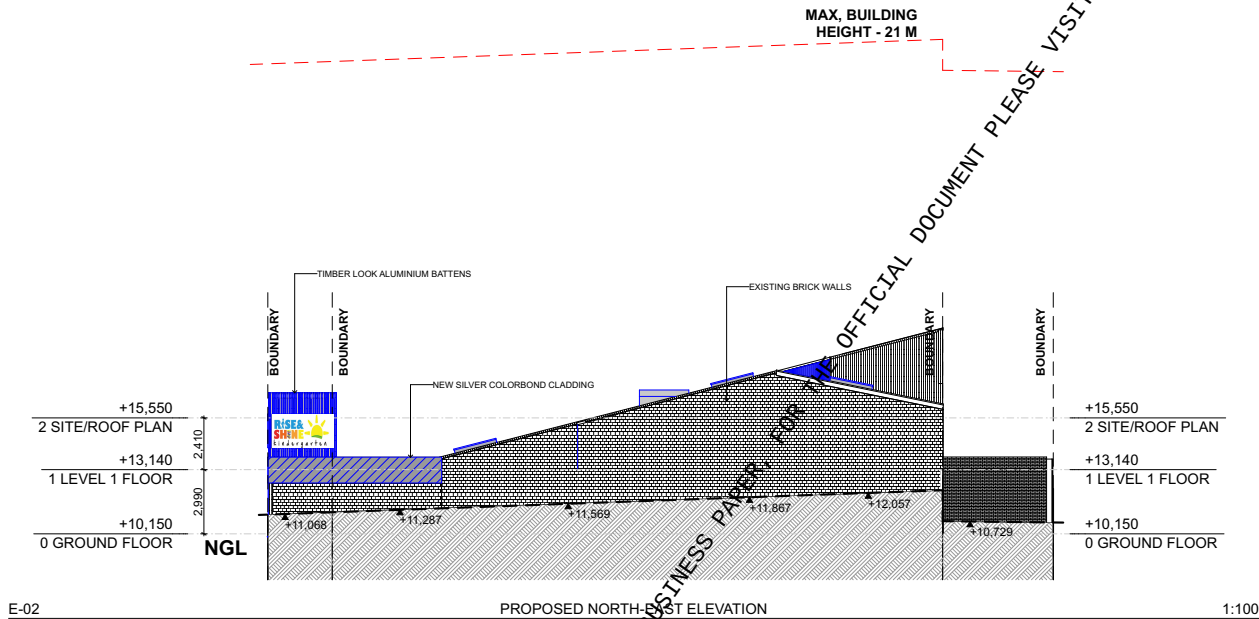
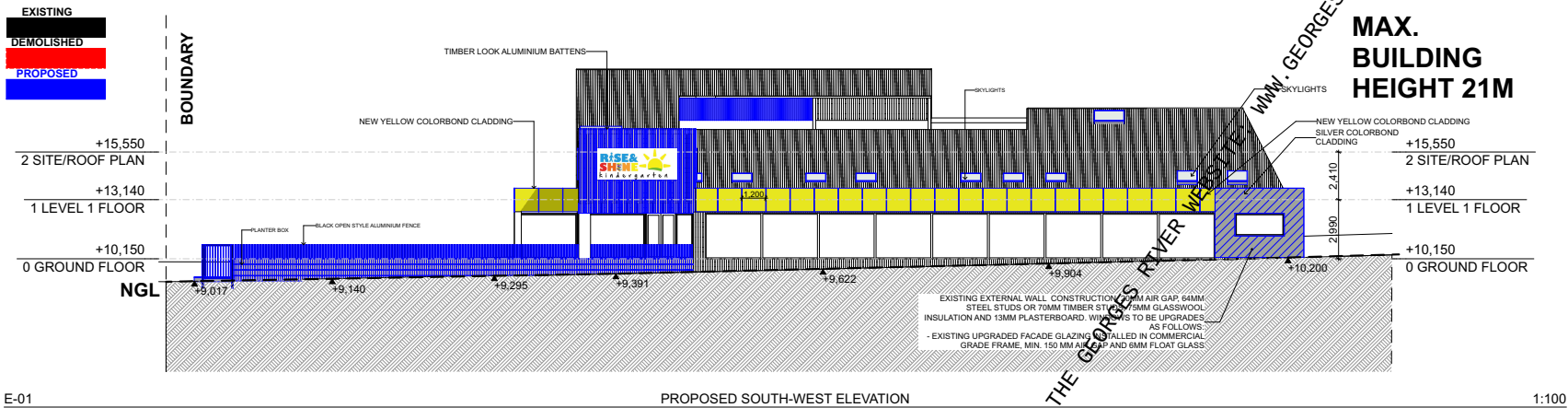
web: www.fldc.com.au

p) 02 9588 FLDC

f) 02 9580 8592

email: info@fldc.com.au

Stalle 20, 322 Kingsgrove Road, Kingsgrove NSW 2218



Childcare Centre Calculations						
Age	Spaces	Indoor Required	Indoor Available	Outdoor Required	Outdoor Available	Staff
0 - 2	12	39 m ²	43.36 m ²	64 m ²		3
2 - 3	10	32.8 m ²	42.88 m ²	70 m ²	910.26 m ²	2
3 - 5	80	315.25 m ²	326.73 m ²	879 m ²		10
Total	102	387.44 m ²	413.01 m ²	913.98 m ²	910.26 m ²	15

Legend Areas	
	Outdoor Unencumbered Play Area
	Indoor Unencumbered Area
	Services & Common Area

General Notes	
1. The Builder shall check all dimensions and levels on site prior to construction.	
2. The Builder shall ensure all dimensions and levels are as shown on the drawings.	
3. The Builder shall ensure all dimensions and levels are as shown on the drawings.	
4. The Builder shall ensure all dimensions and levels are as shown on the drawings.	
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PROJECT NAME:	
P2302CAR - CHILDCARE CENTRE	
SITE:	
255 PRINCES HIGHWAY, CARLTON LOT 202-/DP746731	

DRAWING TITLE:	
PROPOSED ELEVATIONS	

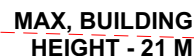
Project No:	
P2302CAR	
Scale:	
1:100 (A1) 1:200 (A2)	
Status:	
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Start Date:	
15.01.2023	
Plot Date:	
N/A	
Drawn By:	
N/A	
Checked By:	
N/A	
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REGISTRATION #140	
p) 02 9588 FLDC f) 02 9580 8592 web: www.fldc.com.au email: info@fldc.com.au	
Suite 2D, 322 Kingsgrove Road, Kingsgrove NSW 2218	



E-03

PROPOSED NORTH-WEST ELEVATION

1:100



E-04

PROPOSED SOUTH-EAST ELEVATION

1:100

Legend Areas

- Outdoor Unencumbered Play Area
- Indoor Unencumbered Area
- Services & Common Area

[illegible]

PROJECT NAME :
P2302CAR - CHILDCARE CENTRE

SITE :
**255 PRINCES HIGHWAY, CARLTON
LOT 202/-/DP746731**

DRAWING TITLE :

PROPOSED ELEVATIONS

Project No: P2302CAR		COPYRIGHT © FLDC REGISTRATION #1840	
Scale: 1:100 @ A1 1:200 @ A3	Status: DA	FLDC  + ARCHITECTS p) 02 9588 FLDC web: www.flfdc.com.au f) 02 9580 8592 email: info@flfdc.com.au Suite 20, 322 Kingsgrove Road, Kingsgrove NSW 2208	
Start Date: 18.01.2023	Drawing No:		
Plot Date: xx	DA 202		
Drawn By: K.C.	Rev: N		