

AGENDA

Georges River Local Planning Panel

Thursday, 04 December 2025

4:00 PM

Blended Meeting

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

Participants:

Graham Brown (Chairperson)

Judith Clark (Expert Panel Member)

Larissa Ozog (Expert Panel Member)

Andrew Loukopoulos (Community Representative)

GEORGES RIVER LOCAL PLANNING PANEL MEETING

ORDER OF BUSINESS

1. ON SITE INSPECTIONS

2. OPENING

3. ACKNOWLEDGEMENT OF COUNTRY

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

4. APOLOGIES / LEAVE OF ABSENCE

5. NOTICE OF WEBCASTING

6. DISCLOSURES OF INTEREST

7. CONSIDERATION OF ITEM(S) AND VERBAL SUBMISSIONS

8. CLOSED SESSION – DELIBERATION OF REPORTS

LPP037-25	176-178 Princes Highway BEVERLEY PARK – DA2025/0068 (Report by Senior Development Assessment Planner)	3
LPP038-25	1-5 Stanley Street and 1-11 Princes Highway KOGARAH – DA2025/0282 (Report by Senior Development Assessment Planner)	49
LPP039-25	8 Beach Street BLAKEHURST – DA2025/0258 (Report by Senior Development Assessment Planner)	119
LPP040-25	22 Pleasant Way, Blakehurst – DA2025/0172 (Report by Development Assessment Planner)	157
LPP041-25	15 Peake Parade, Peakhurst – DA2024/0378 (Report by Senior Development Assessment Planner)	223

9. CONFIRMATION OF MINUTES

Georges River Local Planning Panel Meeting - 04 December 2025

REPORTS AND LPP DELIBERATIONS**REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 04 DECEMBER 2025****LPP037-25 176-178 PRINCES HIGHWAY BEVERLEY PARK NSW 2217**

LPP Report No	LPP037-25	Development Application No	DA2025/0068
Site Address & Ward Locality	176-178 Princes Highway BEVERLEY PARK NSW 2217 Kogarah Bay Ward		
Proposed Development	Alterations and additions to an approved residential flat building (L&E Court approved DA2020/0462) for layout changes and addition of two storeys.		
Owners	AB Horizon Developments Pty Ltd		
Applicant	Fuse Projects Pty Ltd		
Planner/Architect	BMA Urban		
Date Of Lodgement	5/03/2025		
Submissions	Thirty-nine (39)		
Cost of Works	\$2,450,615.00		
Local Planning Panel Criteria	This matter is reported to Council's Local Planning Panel as the application seeks consent for a development for which State Environmental Planning Policy (Housing) 2021 applies and is four or more storeys in height.		
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, SEPP (Housing) 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 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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LPP037-25

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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 4.6 Height of Building of GE LEP 2021
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.

BACKGROUND

- Development Application DA2020/0462 was approved on 19 July 2022 following a Class 1 Appeal in *Loucas Architects v Georges River Council* (LEC 2021/337124). The approved development involved the demolition of existing dwellings, lot consolidation, and construction of a six-storey residential flat building comprising 25 residential units with basement car parking.
- MOD 2022/0214 was approved on 8 May 2024 for a number of changes across the building the most notable of which involved the deletion of a basement level.

PROPOSAL

- The proposal seeks consent for alterations and additions to an LEC approved residential flat building (DA2020/0462). It includes layout changes to the approved building and to the basement levels, as well as the addition of two extra storeys.
 - Basement Changes:**
 - Basement 2: The footprint is extended next to the fire stair at the southwest corner, and storage cages have been added.
 - Basement 1: Basement 1B adds two car spaces, while Basement 1A removes one car space. An additional accessible parking space is provided, and the Sprinkler/Fire Hydrant Room is relocated to the extended southwest corner of the site.
 - Ground, First, and Second Floors:**
 - No changes are proposed to these levels.
 - Upper Floors:**
 - Third Floor: Floor-to-floor height increased to 3.2 m.
 - Fourth Floor: RL changed to 31.00.
 - Fifth Floor: RL changed to 34.10.
 - Sixth Floor: The communal rooftop has been removed and replaced with a new floor, maintaining the same layout and footprint as the fourth and fifth floors, with RL changed to 37.20.
 - Seventh Floor: A new floor has been added with the same layout and footprint as the fourth and fifth floors.
 - Communal Rooftop: Now relocated above the seventh floor.

- **Affordable Housing:**

- Six units are proposed to be dedicated as affordable housing in accordance with SEPP (Housing) 2021, Part 2 – Development for Affordable Housing, Division 1 – In-fill Affordable Housing. These include ground floor units G.01, G.02, G.03, and G.04, plus units 1.03 and 1.04 on Level 1. This represents a total of six affordable units or 16.6% of the total gross floor area.

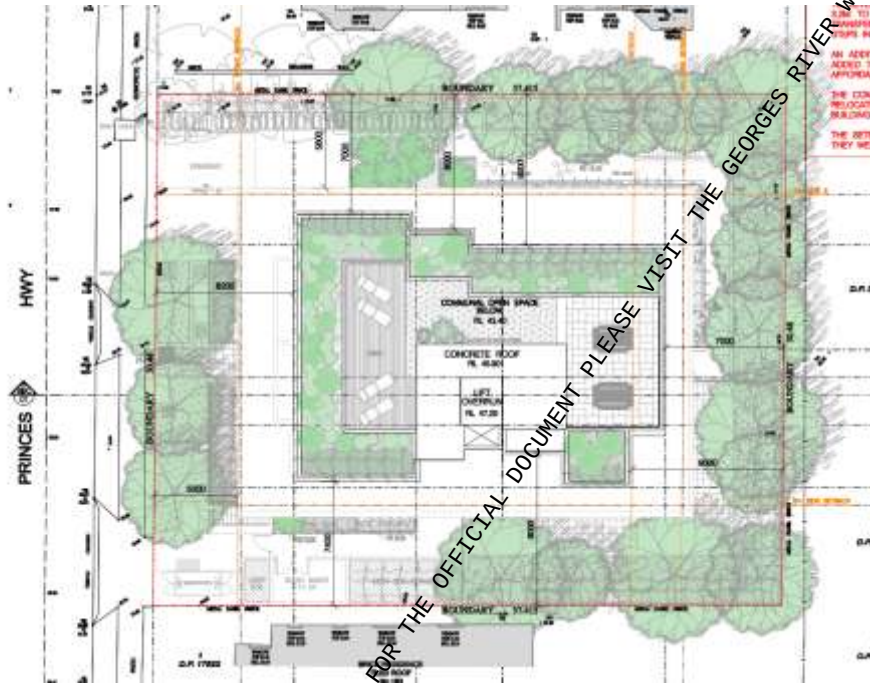


Figure 1: Site Plan (Architectural Plans)



Figure 2: North West Elevation (Architectural Plans)





Figure 5: North East Elevation (Architectural Plans)

SITE AND LOCALITY

4. The site, known as 176–178 Princes Highway, Beverley Park and is legally described as Lot 1 in DP 798485 and Lot 1 in DP 126339. It is located on the south-eastern side of the street and comprises two rectangular allotments, each measuring 570.2 m², for a combined total area of 1,140.4 m². The site is generally level with a slight cross fall of approximately 0.5 m to the rear and is currently occupied by two single storey dwelling houses, along with detached garages and sheds.
5. The site is zoned R4 – High Density Residential under the Georges River Local Environmental Plan 2021 (GRLEP 2021) and fronts Princes Highway, which is zoned SP2 – Classified Road. The northern side of Princes Highway opposite the site is zoned E1 – Local Centre and is located in the suburb of Beverley Park. The site's unique qualities are outlined in the Beverley Park and Ramsgate Locality Statement in Part 5.19 of the Georges River Development Control Plan 2021 (DCP).
6. Residential flat buildings are a permissible form of development with consent within the R4 land use zone pursuant to the provisions of the GRLEP. Surrounding development primarily comprises of single storey dwelling houses to the southwest, multi-dwelling housing to the northeast, and residential flat buildings to the southwest.
7. Recent redevelopments to the rear of the site reflect current development controls, and the site immediately to the south is under construction at 13–21 Wyuna Street. Development on the northern side of Princes Highway includes mixed-use buildings with Aldi and a post office at ground level and residential units above.

ZONING AND PERMISSIBILITY

8. The site is situated within Zone R4 High Density Residential pursuant to the provisions of the GRLEP 2021. The proposed development is for a residential flat building which is a permissible land use with development content.

ASSESSMENT

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:

- SEPP(Housing) 2021
 - Clause 18(3) – Building Height
 - Clause 20(3) – Design Requirements, and
 - Clause 147(1)(b) – Apartment Design Guide
- GRLEP 2021
 - Clause 4.3 – Building Height
 - Clause 4.6 – Exceptions to Development Standards, and
 - Clause 6.10 - Design excellence.
- GRDCP 2021
 - Part 3 – Waste Management
 - Part 6.3 – High Density Residential Development

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

SEPP (HOUSING) 2021 CHAPTER 2 AFFORDABLE HOUSING DIVISION 1 – IN-FILL AFFORDABLE HOUSING		
Standard	Proposed	Compliance
21m building height is mapped, which allows a 30% bonus to 27.3m.	The proposal seeks a maximum building height of 28.74m (measured to the lift overrun) The applicant supplied a Clause 4.6 request to justify the height variation. See further comments below.	☐ Yes ☒ No
Section 20 Design requirements		
Standard	Proposed	Compliance
3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	The design of the development is not consistent with the expected future desired character of the area.	☐ Yes ☒ No

Georges River Local Environmental Plan 2021					
Section	Text	Comment	Y	N	N/A
4.3 Height of Buildings	Standard: 21m	Proposed: 28.74m (measured to the lift overrun)	☐	☒	☐
4.4 Floor space ratio	Standard: 2:1	Proposed: 2.17:1 – An additional 30% is allowable under the State Environmental Planning Policy (Housing) 2021, and as such the proposal reflects a compliant FSR.	☒	☐	☐

Georges River Local Environmental Plan 2021

Section	Text	Comment	Y	N	N/A
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 request has been provided and is assessed in this report.	☐	☒	☐
6.10 Design excellence	Applies to residential accommodation within the Foreshore Scenic Protection Map Area as well as buildings 3 or more storeys in height in R4 zone.	Comments were received from Councils Urban Design Team who was unable to support the proposal as it does not demonstrate design excellence.	☐	☒	☐
The application has been assessed against the relevant provisions of the Georges River Local Environmental Plan 2021. The proposal does not comply with one or more of the aims or controls of the EPI.					

Building Height

11. The subject site is affected by Clause 4.3 of the Georges River Local Environmental Plan 2021 (GRLEP 2021), which prescribes a maximum building height of 21m.
12. As per Clause 18(3) of the SEPP (Housing) 2021 an additional 30% bonus to building height is allowable, subject to the inclusion of the minimum affordable housing component. The intent of this control is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low and moderate income households.
13. The proposed development has a maximum building height of 28.27m. With the 30% bonus applied, the permissible maximum building height is 27.3m. Therefore, the proposal represents a 5.27% variation to the standard, equating to an exceedance of 1.44m.
14. 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.

Waste Management

15. The proposal fails to comply with Clause 3.12 'Waste Management' of the Georges River Development Control Plan 2021. The submitted Waste Management Plan is inadequate and inconsistent with the DCP requirements.
16. Onsite bin storage does not meet the required ratios, and a compliant dual chute system has not been provided for the building, which exceeds six levels.
17. There are no provisions for organics storage and rotation, and the design lacks a hygienic bin wash area.
18. Bulky waste storage areas have inadequate access and non-compliant travel path widths.
19. Further, the proposal does not satisfy onsite collection requirements for developments located on State Roads, including the Princes Highway.

SUBMISSIONS

20. The DA was publicly notified on 25 March 2025 for 21 days. 39 submissions were received by Council. A summary of the submissions can be found below:

Issue	Comment
Building Height	Concern was raised regarding the height of building of the development. The proposed development has been assessed in accordance with the definition of height of building. The proposal in its current form exceeds the maximum allowable height of building and is not supported.
Overshadowing	Issues of solar access and overshadowing were raised. An assessment of the application has revealed that the proposal fails to comply with the minimum requirements for solar access and overshadowing is not considered acceptable.
Loss of Privacy	It is considered that the development has not been sensitively designed to be respectful of impacts onto the adjoining allotments with respect to maintaining privacy and minimising overlooking.
Precedent for Future	The proposal in its current form is reflective of an undesirable development within the locality and as such is not supportable in its current form.
Property Value Impact	This is not a material planning consideration under S.4.15 of the Environmental Planning and Assessment Act 1979. It's encouraged discussions are undertaken between the owner and applicant regarding potential compensation.
Traffic & Parking	Concern is raised with respect to on street parking. The proposal in its current form is compliant with the required vehicle parking on site and is in accordance with GRDCP 2021 car parking controls. The application was referred to Councils Traffic Engineer who raised no concerns with the proposal, subject to the imposition of conditions.
Mental Health Concerns	Council acknowledges your concerns with regard to implications on personal mental health as a result of the development proposal, although Council is limited to considering matters under s4.15 of the Environmental Planning and Assessment Act 1979.
Apartment Design Guide breaches	The proposal in its current form reflects a number of non-compliances found within the Apartment Design Guide. As such, the proposal is not supportable in its current form.

REFERRAL COMMENTS

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

Specialist/Agencies	Comment
Development Engineer	No objection subject to recommended conditions.
GIS	No objection subject to recommended conditions.
Urban Design	Unable to support the proposal.
Traffic	No objection subject to recommended conditions.
Waste Management	Unable to support the proposal.
Ausgrid	No objection subject to recommended conditions.
Landscape & Arboricultural Consultant	No objection subject to recommended conditions.
Water NSW	Additional information required.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

22. This matter is reported to Council's Local Planning Panel as the application seeks consent for a development for which State Environmental Planning Policy (Housing) 2021 applies and is four or more storeys in height.

CONCLUSION

23. 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.
24. 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:
25. The proposed variation to Clause 4.3 is not sufficiently justified by the provided Clause 4.6 and the variation is not considered to be in the public interest, being contrary to the zone and standard objectives.

RECOMMENDATION

26. Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer determines DA2025/0068 for alterations and additions to an approved residential flat building or layout changes and addition of two storeys on 176-178 Princes Highway, Beverly Park, should not be approved subject to the refusal reasons referenced below:
- The proposed development fails to satisfy the relevant requirements of Clause 147(1)(b) of the State Environmental Planning Policy (Housing) 2021 with respect to the following parts of the Apartment Design Guide [Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979]:
 - Design criteria of objective 3F-1: Visual privacy, in that adequate building separation distances are not provided; and
 - Design criteria of objective 4A-1: Solar and daylight access, in that it does not minimise loss of sunlight to adjacent buildings.
 - The application fails to satisfy Clause 20(3) of the State Environmental Planning Policy (Housing) 2021 with regard to design requirements [Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979].
 - The application fails to satisfy Clause 4.3 of the Georges River Local Environmental Plan 2021 and exceeds the non-discretionary building height limit specified in Clause 18(3) of the State Environmental Planning Policy (Housing) 2021 [Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979].
 - The application fails to satisfy Clause 4.6 of Georges River Local Environmental Plan 2021 with regard to departures from development standards [Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979].
 - The application fails to satisfy Clause 6.10 of the Georges River Local Environmental Plan 2021 with regard to design excellence [Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979].
 - The application fails to satisfy the provisions Part 3 of the Georges River Development Control Plan 2021 with regard to waste management [Pursuant to S4.15(1)(a)(iii) of the Environmental Planning & Assessment Act 1979].

7. The application fails to satisfy the provisions Part 6.3 of the Georges River Development Control Plan 2021 with regard to the high density residential controls [Pursuant to S4.15(1)(a)(iii) of the Environmental Planning & Assessment Act 1979].
8. The proposed development is unsatisfactory, as insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development [Pursuant to Sections 4.15(1)(a)(iv) of the Environmental Planning and Assessment Act 1979]
9. Having regard to the previous reasons noted above and the number of submissions received by Council against the proposed development, approval of the development application is not in the public interest [Pursuant to the provisions of Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979].
10. The development is considered to result in the unorderly development of land [Pursuant to Section 1.3(c) of the Environmental Planning & Assessment Act 1979]; and
11. The site is considered unsuitable for the proposed development [Pursuant to S4.15(1)(c) of the Environmental Planning & Assessment Act 1979]; and
12. For the reasons stated above, it is considered that the development is not in the public interest [Pursuant to S4.15(1)(e) of the Environmental Planning & Assessment Act 1979].

ATTACHMENTS

Attachment [1](#) Assessment Report



Attachment [2](#) Architectural Plans (Redacted)





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	DA2025/0068
PAN	PAN-514474
Description	Alterations and additions to an approved residential flat building or layout changes and addition of two storeys.
Address	176-178 Princes Highway, Beverly Park
Lot / DP	Lot 1 DP 126339 & Lot 1 DP 798485
Applicant	Fuse Projects Pty Ltd
Owner(s)	AB Horizon Developments Pty Ltd
Responsible Officer	Sophie Griffiths

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 the Development Application due to the reasons discussed within this report.

Proposal

Description	Alterations and additions to an approved residential flat building (L&E Court approved DA2020/0462) for layout changes and addition of two storeys.
Estimated Development Cost	\$2,450,615.00
Floor Space Ratio	2.17:1.
Maximum Height of Building	28.74m
Vegetation Removal	Nil – As approved.



A site plan is provided below:

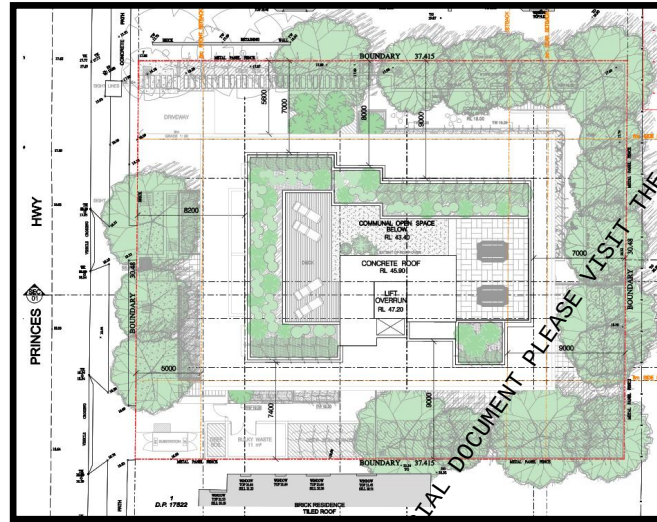


Figure 1 – Site plan (Source: Architectural Plans)

Aerial Image of Land Zoning

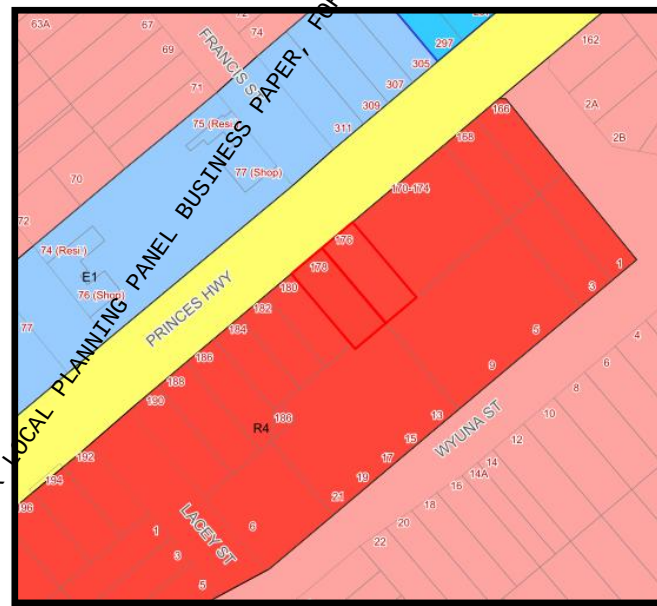


Figure 2 –Aerial view of development site outlined in red (Source: IntraMaps)

Aerial Image of Site

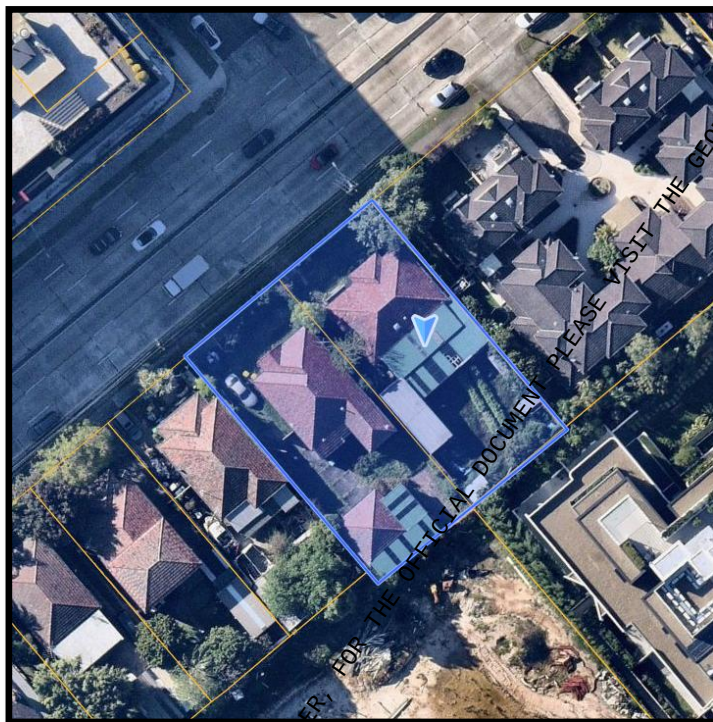


Figure 3—Aerial view of development site outlined in blue (Source: Nearmap)

History			
Application Number	Lodged	Determined	Comments
DA2020/0462	8/12/2020	19/07/2022	Approved by LEC. Consent is valid until 19/07/2027.

Processing		
Action	Date	Comments
Submission	27 February 2025	-
Lodgement	5 March 2025	-

Assessment - Section 4.15 Evaluation

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

Environmental Planning Policies	Applicable	
	Y	N
SEPP (Biodiversity Conservation) 2021	☒	☐
SEPP (Housing) 2021	☒	☐



SEPP (Resilience and Hazards) 2021	☒	☐
SEPP (Sustainable Buildings) 2022	☒	☐
SEPP (Transport and Infrastructure) 2021	☒	☐
Georges River Local Environmental Plan 2021	☒	☐

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.

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

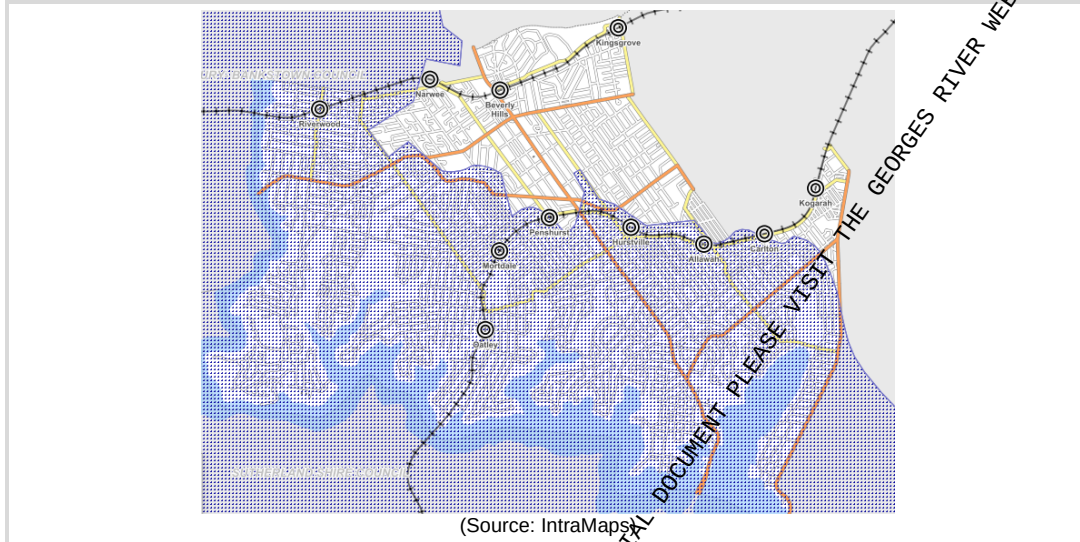
No removal

This application does not seek to remove any vegetation from the subject site and is therefore consistent with the aims of SEPP (Biodiversity).

SEPP (Biodiversity and Conservation) 2021 Chapter 6

Intro

Chapter 6 of SEPP (Biodiversity) applies to all development on land in a regulated catchment. The following parts of Georges River Council fall within the regulated catchment of the Georges River:



State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 6 Assessment

Complies

The proposed development has been assessed against the provisions of Chapter 6 and complies. The development demonstrates a neutral or beneficial effect on water quality and minimises impacts on water flow, stormwater runoff, and groundwater. It avoids adverse effects on aquatic ecology, including riparian vegetation, wetlands, and migratory species, and includes appropriate erosion control measures.

The proposal ensures no release of pollutants during flooding and supports the natural recession of floodwaters into wetlands and riverine ecosystems.

Public access provisions are not applicable.

The development aligns with total catchment management principles, and therefore consultation with adjoining councils was not required.

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 that 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 R4 High Density Residential.
 - 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 (HOUSING) 2021 CHAPTER 2 AFFORDABLE HOUSING DIVISION 1 – IN-FILL AFFORDABLE HOUSING		
Standard	Proposed	Compliance
1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the development on the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).	Mapped 2:1 Maximum bonus increases to 6:1 The application demonstrates compliance with the maximum permitted FSR for the site (with bonus) of 2.17:1.	☒ Yes ☐ No
2) The minimum affordable housing component, which must be at least 10%, is calculated as follows— $\text{affordable housing component} = \frac{\text{additional floor space ratio}}{(\text{as a percentage})} \div 2$		
3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).	21m building height is mapped, which allows a 30% bonus to 27.3m. The proposal seeks a maximum building height of 28.74m (measured to the lift overrun) The applicant supplied a Clause 4.6 request to justify the height variation. See further comments below.	☐ Yes ☒ No
Section 19 Non-discretionary development standards – the Act, s.4.15		
Standard	Proposed	Compliance
1) The following are non-discretionary development standards in relation to the residential development to which this division applies—		☒ Yes ☐ No
(a) a minimum site area of 450m ² ,	Site area: 1,140.1m ²	
(b) a minimum landscaped area that is the lesser of— (i) 35m ² per dwelling, or (ii) 30% of the site area,	Landscaped area to remain unchanged as per LEC approval.	
(e) the following number of parking spaces for dwellings used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,	Sufficient parking arrangements proposed within the basement level of the subject development.	



(iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,		
(f) the following number of parking spaces for dwellings not used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,		
(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	Noted. Complies.	
2) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	Noted	
Section 20 Design requirements		
Standard	Proposed	Compliance
3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	The design of the development is not consistent with the expected future desired character of the area.	☐ Yes ☒ No

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

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

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

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

Standard	Proposal	Complies
3F- Visual Privacy		
3F-1 Objective Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy Design Criteria 1. Separation between windows of habitable rooms and balconies is provided to ensure visual privacy is achieved.	The proposal does not provide for adequate building separation distances as nominated within this control.	No



Minimum required separation distances from buildings to the side and rear boundaries are as follows: Up to 12m (4 storeys) Habitable and balconies - 6m Non-habitable - 3m Up to 25m (5-8 storeys) Habitable and balconies - 9m Non-habitable - 4.5m Over 25m (9+ storeys) Habitable and balconies - 12m Non-habitable - 6m		
4A- Solar and daylight access		
4A-1 Objective To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space Design Criteria Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter in the Sydney Metropolitan Area A maximum of 15% of apartments in a building may receive no direct sunlight between 9am and 3pm in midwinter.	The proposal does not provide for adequate solar access as nominated within this control.	No

SEPP (Sustainable Buildings) 2022

Intro

SEPP (Sustainable Buildings) 2022 aims to encourage the design and delivery of sustainable buildings, ensure consistent assessment of sustainability in buildings, minimise the consumption of energy, reduce greenhouse gas emissions, minimise the consumption of mains-supplied potable water and to ensure good thermal performance of buildings. The SEPP sets standards for BASIX buildings, which are defined as developments which include at least 1 dwelling (excluding boarding houses, hostels and so-living housing which accommodate more than 12 residents or have a gross floor area exceeding 300m²).

Schedule 1 of the SEPP sets out standards which apply to the erection of a new BASIX building.

Schedule 2 of the SEPP sets out standards which apply to alterations to a BASIX building with construction costs in excess of \$50,000.00 as well as to the construction of a swimming pool, spa or combination thereof which serve a single dwelling and which have a capacity of 40,000L or more.

Note: if a swimming pool and spa are to be constructed as part of the same application as alterations to a dwelling which exceed \$50,000.00 in construction costs, then BASIX requirements adhere to the pool regardless of volume.

Note: standards may not apply to heritage items or an item in a heritage conservation area where the Planning Secretary is satisfied the development is not capable of achieving compliance.

SEPP (Sustainable Buildings) 2022

Assessment

Certificate Number:	1778872M_02
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Certificate Date:	20 December 2024			
	Y	N	N/A	
Correct DP shown on the certificate	DP 126339	☒	☐	☐
Date of certificate is not older than 3 months to lodgement	Achieved.	☒	☐	☐
The application has been assessed against the relevant provisions of SEPP (Sustainable Buildings) 2021. The proposal complies with the objectives 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
- 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.	Achieved	☒	☒	☐
2.48(2)(b)	Any response to the above has been considered.	Confirmation has not been provided that Ausgrid has approved the proposed substation location without a blast wall protecting the existing adjacent building	☐	☒	☐

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
- (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.	Vehicle access to remain unchanged as per LEC approved DA2020/0462.	☒	☐	☐
2.119(2)(b)	The safety and ongoing operation of the classified roadway will not be adversely affected by the development.	Vehicle access to remain unchanged as per LEC approved DA2020/0462.	☒	☐	☐
2.119(2)(c)	If the development is of a type sensitive to noise, it is appropriately located and designed to reduce impacts.	Vehicle access to remain unchanged as per LEC approved DA2020/0462.	☒	☐	☐

Division 17 Roads and traffic

Subdivision 2 Development in or adjacent to road corridors and road reservations

2.120 Impact of road noise or vibration on non-road development

This section applies to residential development on land that is adjacent classified roads.

Y N N/A



SEPP (Transport and Infrastructure) 2021

2.120(2)	Council must take into consideration the requirements of the Guide .	Noted.	☒	☐	☐
2.120(3)	If the development is for residential accommodation, Council must ensure the following ALeq levels are not exceeded: (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am, (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.	Sufficient acoustic report has been provided which demonstrates compliance with the ALeq levels.	☒	☐	☐

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.

Georges River Local Environmental Plan 2021

Section	Text	Comment	Y	N	N/A
2.2 Zoning	Refer to LEP map.	R4 High Density	☒	☐	☐
2.7 Demolition	The demolition of a building requires development consent.	Noted. Demolition not included as part of this development application.	☐	☐	☒
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: 28.74m (measured to the lift overrun)	☐	☒	☐
4.4 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: 2:1 Proposed: 2.17:1 – An additional 30% is allowable under the State Environmental Planning Policy (Housing) 2021, and as such the proposal reflects a compliant FSR.	☒	☐	☐
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 request has been provided and is assessed in this report.	☐	☒	☐



Georges River Local Environmental Plan 2021					
Section	Text	Comment	Y	N	N/A
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.	The existing development is not a heritage item, nor located within a heritage conservation area.	☐	☐	☒
5.21 Flood planning	To minimise flood risk to life and property, ensure development is compatible with flood behaviour (including climate change impacts), avoid adverse environmental impacts, and enable safe occupation and evacuation during flood events.	The site is not subject to flooding.	☐	☐	☒
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 raised no concerns with the proposal subject to the imposition of conditions.	☒	☐	☐
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.	Comments were received from Council's Development Engineer who raised no concerns with the proposal subject to the imposition of conditions.	☒	☐	☐
6.10 Design excellence	Applies to residential accommodation within the Foreshore Scenic Protection Map Area as well as buildings 3 or more storeys in height in R4 zone.	Comments were received from Council's Urban Design Team who was unable to support the proposal as it does not demonstrate design excellence.	☐	☒	☐
6.12 Landscaped areas in certain residential and conservation zones	Development consent must not be granted to development on land to which this clause applies unless at least the following percentages of the site area consists of landscaped areas or natural rock outcrops— (c) for development in Zone R3 Medium Density Residential—20% of the site area (d) for development in Zone R4 High Density Residential—10% of the site area If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle and any right of carriageway is not to be included in calculating the site area.	Landscaped area to remain unchanged as per LEC approval.	☐	☐	☒
The application has been assessed against the relevant provisions of the Georges River Local Environmental Plan 2021.					



Georges River Local Environmental Plan 2021				
Section	Text	Comment	Y	N
	The proposal does not comply with one or more of the aims or controls of the EPI.			

GRLEP 2021 Clause 4.6 Variation

Clause 4.6 Exceptions to Development Standard of Georges River Local Environmental Plan (GRLEP) 2021 states in subsection 3, *that development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

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

Variation of a Development Standard

The proposed variation relates to building height. This matter is a Development Standard as defined in the Environmental Planning and Assessment Act 1979 and, as a result, the matter can be considered through Clause 4.6.

Written Request

Clause 35B of the Environmental Planning and Assessment Regulation 2021 requires the applicant to prepare a document (written request) that sets out the grounds on which these matters are demonstrated. The development application was accompanied by a written request for the proposed Clause 4.6 variation.

Proposed Variation

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

Name of Clause	Proposed Variation
4.3 – Height of Building	A variation of 5.27% or 1.44m under the requirement.

Summary of 4.6 Assessment

The proposal seeks to vary Clause 4.3 of the Georges River Local Environmental Plan 2021. The variation request does not demonstrate sufficient environmental planning grounds to justify contravening the development standard and that compliance with the development standard is unreasonable or unnecessary. Thus, the requirements of this clause have not been met, and the variation cannot be supported.

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

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.

Part 3 – General Planning Considerations

The proposal fails to comply with Clause 3.12 'Waste Management' of the Georges River DCP 2021 due to an inadequate and inconsistent Waste Management Plan, insufficient onsite bin storage at required ratios, lack of



a compliant dual chute system for buildings over six levels, absence of provisions for organics storage and rotation, no hygienic bin wash area, inadequate bulky waste storage access and travel path widths and non-compliance with onsite collection requirements for State Roads such as Princes Highway. Additionally, kerbside collection is prohibited, and private waste services must operate entirely within the property.

Part 6.3 - High Density Residential Controls

The proposal fails to comply with several key provisions of Part 6.3 of the Georges River Development Control Plan 2021. Specifically, it does not meet the requirements for building setbacks and street interface, resulting in poor integration with the public domain. The basement setbacks are inadequate, contributing to excessive bulk and limiting opportunities for landscaping. The design is inconsistent with the desired street character and built form and fails to provide appropriate façade treatment and street corners. The proposal also compromises the available solar access for both the development and adjoining properties. These non-compliances collectively indicate that the proposal does not satisfy the objectives of Part 6.3 and cannot be supported in its current form.

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

- 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-one (21) days in which to view the plans and submit any comments on the proposal. **Thirty-nine (39)** submissions were received during the neighbour notification period.



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

Issue	Comment
Building Height	Concern was raised regarding the height of building of the development. The proposed development has been assessed in accordance with the definition of height of building. The proposal in its current form exceeds the maximum allowable height of building and is not supported.
Overshadowing	Issues of solar access and overshadowing were raised. An assessment of the application has revealed that the proposal fails to comply with the minimum requirements for solar access and overshadowing is not considered acceptable.
Loss of Privacy	It is considered that the development has not been sensitively designed to be respectful of impacts onto the adjoining allotments with respect to maintaining privacy and minimising overlooking.
Precedent for Future	The proposal in its current form is reflective of an undesirable development within the locality and as such is not supportable in its current form.
Property Value Impact	This is not a material planning consideration under s.4.15 of the Environmental Planning and Assessment Act 1979. It's encouraged discussions are undertaken between the owner and applicant regarding potential compensation.
Traffic & Parking	Concern is raised with respect to on street parking. The proposal in its current form is compliant with the required vehicle parking on site and is in accordance with GRDCP 2021 car parking controls. The application was referred to Councils Traffic Engineer who raised no concerns with the proposal, subject to the imposition of conditions.
Mental Health Concerns	Council acknowledges your concerns with regard to implications on personal mental health as a result of the development proposal, although Council is limited to considering matters under s4.15 of the Environmental Planning and Assessment Act 1979.
Apartment Design Guide breaches	The proposal in its current form reflects a number of non-compliances found within the Apartment Design Guide. As such, the proposal is not supportable in its current form.

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.

Referrals

Internal Referrals		
Specialist	Comment	Outcome
Development Engineer	No objections raised with regard to the proposal and conditions recommended.	Conditions of consent imposed subject to the approval of the application.
GIS	No objections raised with regard to the proposal and conditions recommended.	Conditions of consent imposed subject to the approval of the application.
Landscape and Arboricultural	Supported subject to conditions.	Conditions of consent imposed
Urban Design	The proposal has numerous non-compliance considered by the applicant as is not supported in its current form and requires above concerns to be addressed for the proposal to be taken into considered adequate / appropriate by the applicant. However, considering the cumulative impact of the non-compliance, it is considered that the proposal does not demonstrate design excellence and should not be supported.	Fails to achieve compliance with Clause 6.10 of the GRLEP 2021 and forms part of the reasons to refuse this application.
Traffic	No objections raised with regard to the proposal and conditions recommended.	Conditions of consent imposed.
Waste Management	The applicant must provide an updated Waste Management Plan which contains all relevant information as described in the Georges River DCP. The Applicant must make design amendments to include all items identified above. Following the submission of an updated Waste Management Plan and design drawing further assessment is required by the Waste Developments Officer and conditions will be provided.	Unable to support.

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 with regard to the proposal and conditions recommended.	Conditions of consent imposed.
Water NSW	Additional information requested.	Information not provided.

Contributions

No Section 7.11 or 7.12 development contributions apply as the proposal is recommended for refusal and will not proceed to 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 proposed variation to Clause 4.3 is not sufficiently justified by the provided Clause 4.6 and the variation is not considered to be in the public interest, being contrary to the zone and standard objectives.

Determination

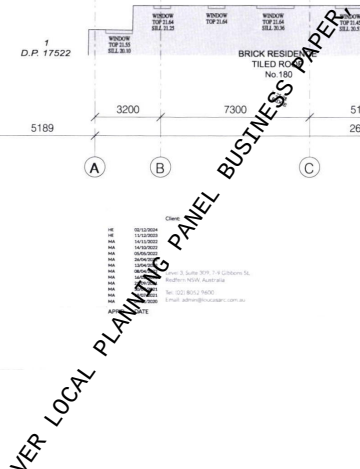
Refusal of Application

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer determines DA2025/0068 for alterations and additions to an approved residential flat building or layout changes and addition of two storeys on 176-178 Princes Highway, Beverly Park, should not be approved subject to the refusal reasons referenced below:

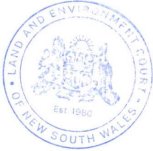
- The proposed development fails to satisfy the relevant requirements of Clause 147(1)(b) of the State Environmental Planning Policy (Housing) 2021 with respect to the following parts of the Apartment Design Guide [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*]:
 - Design criteria of objective 3F-1: Visual privacy, in that adequate building separation distances are not provided; and
 - Design criteria of objective 4A-1: Solar and daylight access, in that it does not minimise loss of sunlight to adjacent buildings.
- The application fails to satisfy Clause 20(3) of the State Environmental Planning Policy (Housing) 2021 with regard to design requirements [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
- The application fails to satisfy Clause 4.3 of the Georges River Local Environmental Plan 2021 and exceeds the non-discretionary building height limit specified in Clause 18(3) of the State Environmental Planning Policy (Housing) 2021 [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].



4. The application fails to satisfy Clause 4.6 of Georges River Local Environmental Plan 2021 with regard to departures from development standards [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
5. The application fails to satisfy Clause 6.10 of the Georges River Local Environmental Plan 2021 with regard to design excellence [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
6. The application fails to satisfy the provisions Part 3 of the Georges River Development Control Plan 2021 with regard to waste management [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
7. The application fails to satisfy the provisions Part 6.3 of the Georges River Development Control Plan 2021 with regard to the high density residential controls [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
8. The proposed development is unsatisfactory, as insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development [Pursuant to Sections 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979*].
9. Having regard to the previous reasons noted above and the number of submissions received by Council against the proposed development, approval of the development application is not in the public interest [Pursuant to the provisions of Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*].
10. The development is considered to result in the unordered development of land [Pursuant to Section 1.3(c) of the *Environmental Planning & Assessment Act 1979*]; and
11. The site is considered unsuitable for the proposed development [Pursuant to S4.15(1)(c) of the *Environmental Planning & Assessment Act 1979*]; and
12. For the reasons stated above, it is considered that the development is not in the public interest [Pursuant to S4.15(1)(e) of the *Environmental Planning & Assessment Act 1979*].



- RECOMMENDING DA
- BASEMENT LEVELS REDESIGNED CAR SPACES, BICYCLE SPACES AND STORAGE CAGES RELOCATED.
 - THE FLOOR TO FLOOR HEIGHT FROM LEVEL 3 TO LEVEL 4 HAS BEEN INCREASED TO 3.2M TO ALLOW FOR THE TRANSFER OF THE BUILDING WHERE IT STEPS IN ABOVE.
 - AN ADDITIONAL 2 LEVELS HAVE BEEN ADDED TO THE SCHEME UNDER THE AFFORDABLE HOUSING SCHEME.
 - THE COMMUNAL OPEN SPACE HAS BEEN RELOCATED TO THE ROOF TOP AS THE BUILDING HAS BEEN RAISED BY 2 LEVELS.
 - THE SETBACKS HAVE BEEN MAINTAINED AS THEY WERE AND COMPLIANT WITH THE ADG



FILED ON
11 SEP 2025



SCHEDULE OF COLOURS & FINISHES:

														
FB FACE BRICK	R1 RENDER & PAINT WHITE	R2 RENDER & PAINT MEDIUM GREY	R3 RENDER & PAINT DARK GREY	FW1 FEATURE WALL 1 METAL CLADDING MINI-ORB WHITE	FW2 FEATURE WALL 1 METAL CLADDING MINI-ORB DARK GREY	FW3 FEATURE WALL 3 METAL CLADDING DARK GREY	FW4 FEATURE WALL 3 METAL CLADDING WHITE	FW5 FIBRE CEMENT CLADDING	FW6 FEATURE WALL 3 METAL CLADDING TIMBER FINISH SOFFIT	MR1 METAL RAILING POWDER COAT MEDIUM GREY FINISH	G1 CLEAR GLASS GLAZING / BALUSTRADE	PS1 FIXED VERTICAL PRIVACY SCREEN POWDER COAT CHARCOAL GREY COLOUR FINISH	AF1 ALUMINIUM FRAME POWDER COAT FINISH CHARCOAL GREY WINDOWS AND DOORS	OG OBSCURED GLASS

True North
Scale: 1:100 @A1 1:200 @A3
Date Printed:

REVISION	REVISION DESCRIPTION
1	DA101 Amendment to Council's additional needs added to development
2	DA101 Amendment to Council
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ARCHITECT
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www.loucas.com.au

Project Name
RESIDENTIAL DEVELOPMENT
178-178 PRINCES HWY, BEVERLEY PARK

Drawing Title
NORTH-WEST ELEVATION
PRINCES HWY

Project Number
Pn-15001
Drawing Status
AUTHORITY APPROVAL

Drawing Number
A-2000
Scale
T

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AMENDING DA

- BASEMENT LEVELS, REDESIGNED CAR SPACES, BICYCLE SPACES AND STORAGE CAGES RELOCATED.
- THE FLOOR TO FLOOR HEIGHT FROM LEVEL 3 TO LEVEL 4 HAS BEEN INCREASED TO 3.2M TO ALLOW FOR THE TRANSFER OF THE BUILDING WHERE IT STEPS IN ABOVE.
- AN ADDITIONAL 2 LEVELS HAVE BEEN ADDED TO THE SCHEME UNDER THE AFFORDABLE HOUSING SCHEME.
- THE COMMUNAL OPEN SPACE HAS BEEN RELOCATED TO THE ROOF TOP AS THE BUILDING HAS BEEN RAISED BY 2 LEVELS.
- THE SETBACKS HAVE BEEN MAINTAINED AS THEY WERE AND COMPLIANT WITH THE ADG



FILED ON
11 SEP 2025



SCHEDULE OF COLOURS & FINISHES:

FB	R1	R2	R3	FW1	FW2	FW3	FW4	FW5	FW6	MR1	G1	PS1	AF1	OG
FACE BRICK	RENDER & PAINT WHITE	RENDER & PAINT MEDIUM GREY	RENDER & PAINT DARK GREY	FEATURE WALL 1 METAL CLADDING MINI GRB WHITE	FEATURE WALL 1 METAL CLADDING MINI GRB DARK GREY	FEATURE METAL CLADDING DARK	FEATURE WALL 3 METAL CLADDING WHITE	FIBRE CEMENT CLADDING	FEATURE WALL 3 METAL CLADDING TIMBER FINISH SOFFIT	METAL RAILING POWDER COAT MEDIUM GREY FINISH	CLEAR GLASS GLAZING / BALUSTRADE	FIXED VERTICAL PRIVACY SCREEN POWDER COAT MEDIUM GREY COLOUR FINISH	ALUMINIUM FRAME POWDER COAT FINISH CHARCOAL GREY WINDOWS AND DOORS	OBSCURED GLASS

True North
Scale: 1:100 @A1 1:200 @A3
Date Printed:

ISSUE	REVISION DESCRIPTION
1	As DA Transmitted to Council 1 additional level added to development
2	As DA Transmitted to Council
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100/100 DORA DRIVE
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www.loucas.com.au

Project Details
RESIDENTIAL DEVELOPMENT
176-178 PRINCES HWY, BEVERLEY PARK

Drawing Title
SOUTH-WEST ELEVATION

Project Number
Ph-15001
Drawing Status
AUTHORITY APPROVAL

Drawing Number
A-2100
Issue
T

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SCHEDULE OF COLOURS & FINISHES:

														
FB FACE BRICK	R1 RENDER & PAINT WHITE	R2 RENDER & PAINT MEDIUM GREY	R3 RENDER & PAINT DARK GREY	FW1 FEATURE WALL 1 METAL CLADDING MIN.ORG. WHITE	FW2 FEATURE WALL 1 METAL CLADDING MIN.ORG. DARK GREY	FW3 FEATURE WALL 3 METAL CLADDING DARK GREY	FW4 FEATURE WALL 3 METAL CLADDING WHITE	FW5 FIBRE CEMENT CLADDING	FW6 FEATURE WALL 3 METAL CLADDING TIMBER FINISH SOFFIT	MR1 METAL RAILING POWDER COAT MEDIUM GREY FINISH	G1 CLEAR GLASS GLAZING / BALUSTRADE	PS1 FIXED VERTICAL PRIVACY SCREEN POWDER COAT MEDIUM GREY COLOUR FINISH	AF1 ALUMINIUM FRAME POWDER COAT FINISH CHARCOAL GREY WINDOWS AND DOORS	OG OBSCURED GLASS

True North
Scale: 1:100 @A1 1:200 @A3
Date Printed:

REVISION	DESCRIPTION
1	As per Amendment to Council / Additional work added to development
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Project Details
RESIDENTIAL DEVELOPMENT
176-178 PRINCES HWY, BEVERLEY PARK

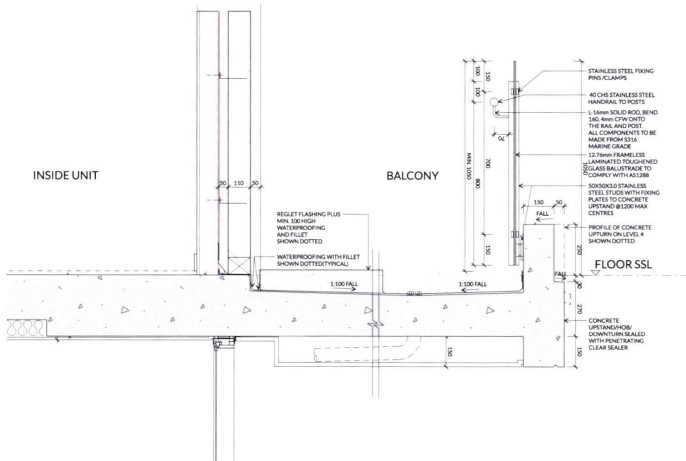
Drawing Title
SOUTH-EAST ELEVATION

Project Number:
Ph-15001
Drawing Status:
AUTHORITY APPROVAL

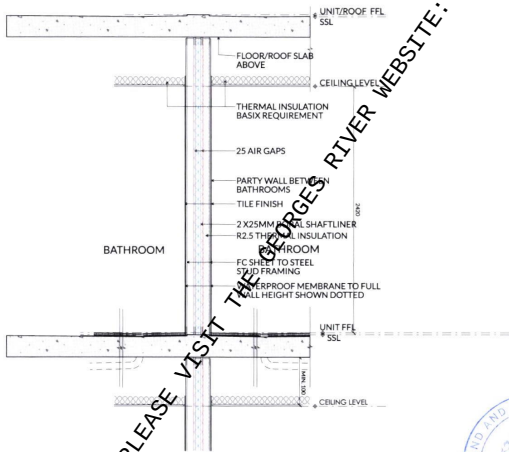
Drawing Number:
A-2200
Issue:
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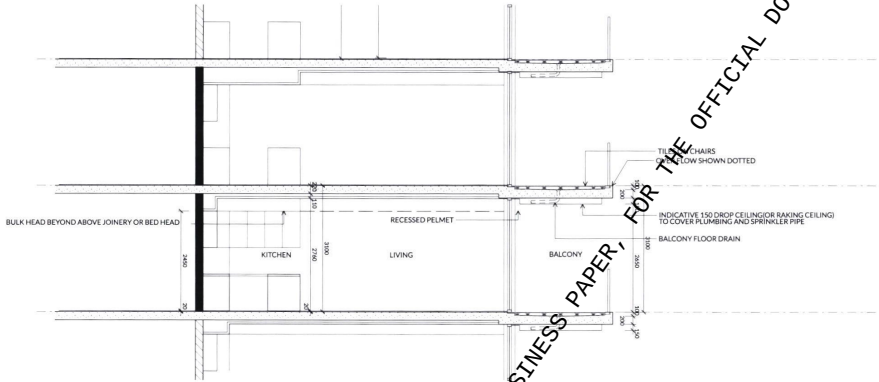




1 TYPICAL SECTION 01
SCALE 1:10 @ A1



2 TYPICAL SECTION 02
SCALE 1:20 @ A1



3 TYPICAL SECTION 03
SCALE 1:50 @ A1



4 KITCHEN EXAMPLE
SCALE N.T.S.



FILED ON
11 SEP 2025

Date Printed:

NO.	REVISION DESCRIPTION
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Project Details
RESIDENTIAL DEVELOPMENT
176-178 PRINCES HWY, BEVERLEY PARK

Drawing Title
SECTION DETAILS

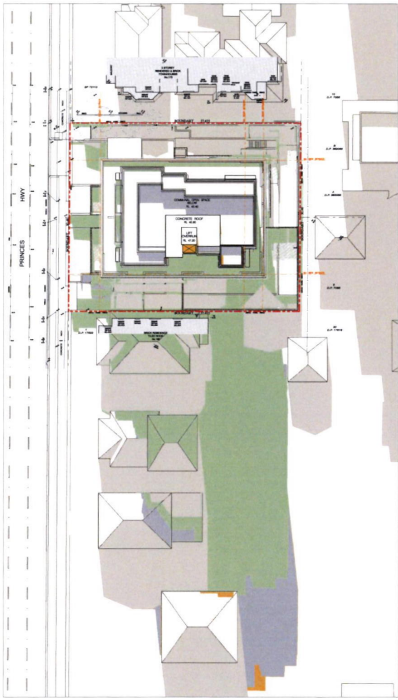
Project Number
Ph-15001

Drawing Status
AUTHORITY APPROVAL

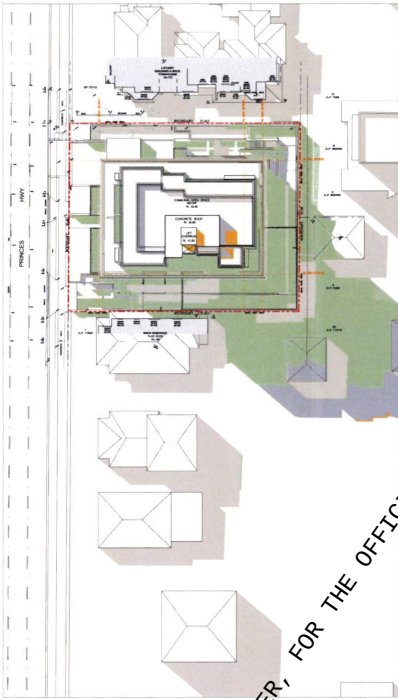
Drawing Number
A-2700

Scale
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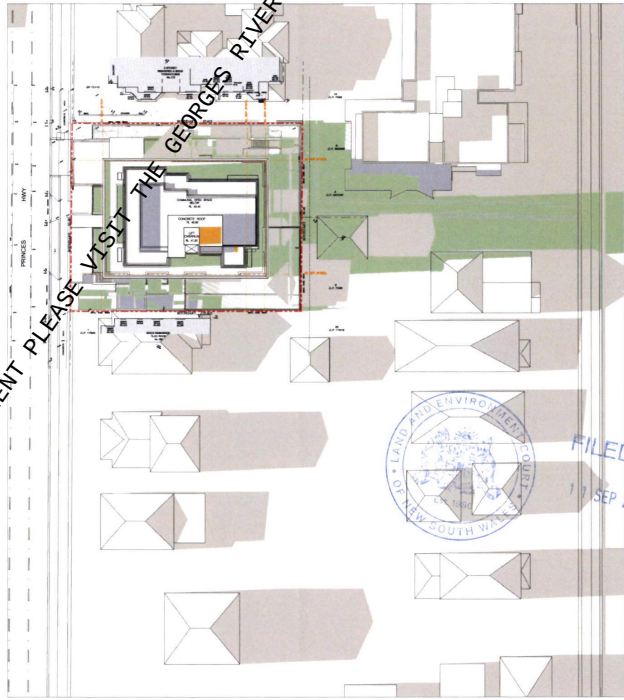
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01 SHADOW DIAGRAM - JUNE 21ST 9AM



02 SHADOW DIAGRAM - JUNE 21ST 12PM



03 SHADOW DIAGRAM - JUNE 21ST 3PM

- EXISTING SHADOWS
- APPROVED DA2020/0462 SHADOWS
- PROPOSED DA AMENDMENTS SHADOWS
- PROPOSED SHADOW PARTS OF THE BUILDING OVER THE MAX HEIGHT LIMIT (27.3M)



Date Printed:
20/12/2024
H:\pin_15001_176-178-princes-hwy-beverley-park\dwg\GIS-microstation\DA-da-amendment\pin-A-4000-Shadow-Diagrams.dgn

NO.	REVISION DESCRIPTION
1	ISSUED FOR APPROVAL
2	FOR APPROVAL
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LOUCAS ARCHITECTS
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Project Name:
RESIDENTIAL DEVELOPMENT
176-178 PRINCES HWY, BEVERLEY PARK

Drawing Title:
SHADOW DIAGRAMS
21ST JUNE

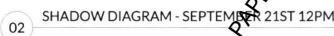
Project Number:
Ph-15001

Drawing Status:
AUTHORITY APPROVAL

Drawing Number:
A-4000

Sheet:
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Project Number: Pn-15001
Drawing Number: A-4100
Drawing Status: AUTHORITY APPROVAL
Issue: S

Date Printed: 20/12/2024

2	REVISED OR SUBMISSION
3	Amendments to upper floor, issue to council
4	Or amendments, issue to council
5	Or issue
ISSUE	REVISION DESCRIPTION

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Client:

HE	00/10/2004
HE	11/10/2003
MA	14/11/2002
MA	14/10/2002
MA	06/06/2002
MA	26/04/2001
MA	12/04/2001
MA	08/04/2001
MA	24/03/2001
MA	22/03/2001
MA	19/03/2001
MA	06/03/2001
MA	03/03/2001

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ABN 92 626 290 122
Level 2, Suite 309, 7-9 Gibbons St,
Ruslem NSW, Australia
Tel: (02) 8052 9600
Email: admin@loucasart.com.au
Nominated Architect:
Jim Apostolu, 7490

CTS



LOUCAS
ARCHITECTS

Project Details:
RESIDENTIAL DEVELOPMENT
176-178 PRINCES HWY, BEVERLY PARK

Drawing Title:
SHADOW DIAGRAMS
21ST SEPTEMBER

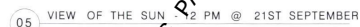
Project Number:
Pn-15001

Drawing Number:
A-4100

AUTHORITY APPROVAL

Issue:
S

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THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATION, REPORTS AND
DRAWINGS | CONSULTANT OF THE DRAWING | DRAWING NO. PLUT 14/01/2023



ISSUE	REVISION DESCRIPTION
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S	AMENDING CA
R	\$4.35 Amendments to Council
Q	\$4.35 ISSUE
P	\$4.35 Issue to consultants
O	Issue for without prejudice meeting
N	Issue for without prejudice meeting
M	Issue for without prejudice meeting
L	Issue for consultants coordination
K	Additional information
J	AMENDED CA SUBMISSION
I	Amendments to upper floor, Issue to council
H	CA amendments, Issue to council
G	CA ISSUE

ISSUE	REVISION DESCRIPTION
04	da amendments (plot A-4300_View

	Client
HE	00/12/2004
HE	12/12/2002
MA	14/12/2002
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MA	14/04/2002

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Nominated Architect:
Jim Apostolou 7490

LOUCAS
ARCHITECTS

178-178 PRINCES HWY, BEVERLEY PARK

S

DIAGRAMS

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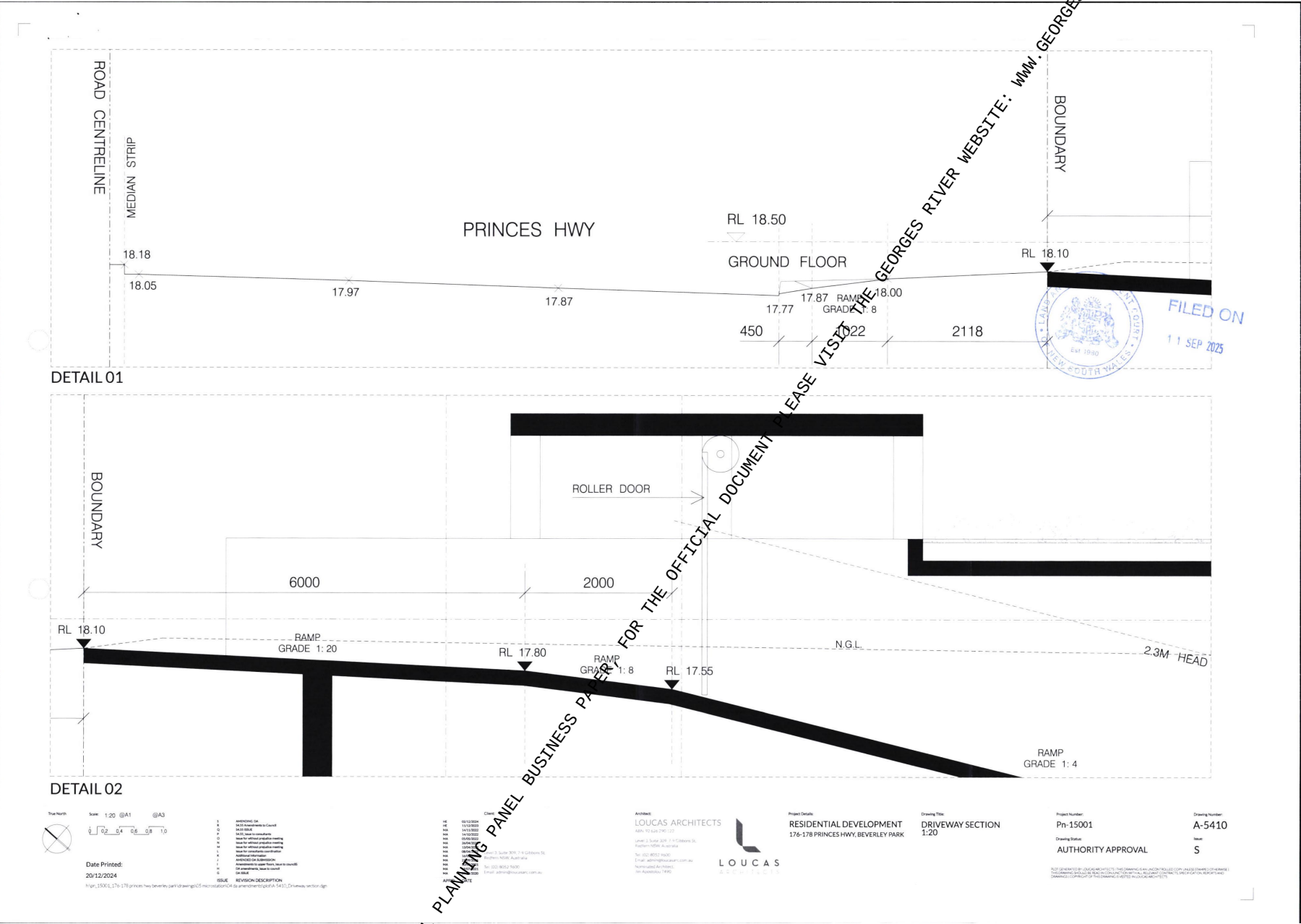
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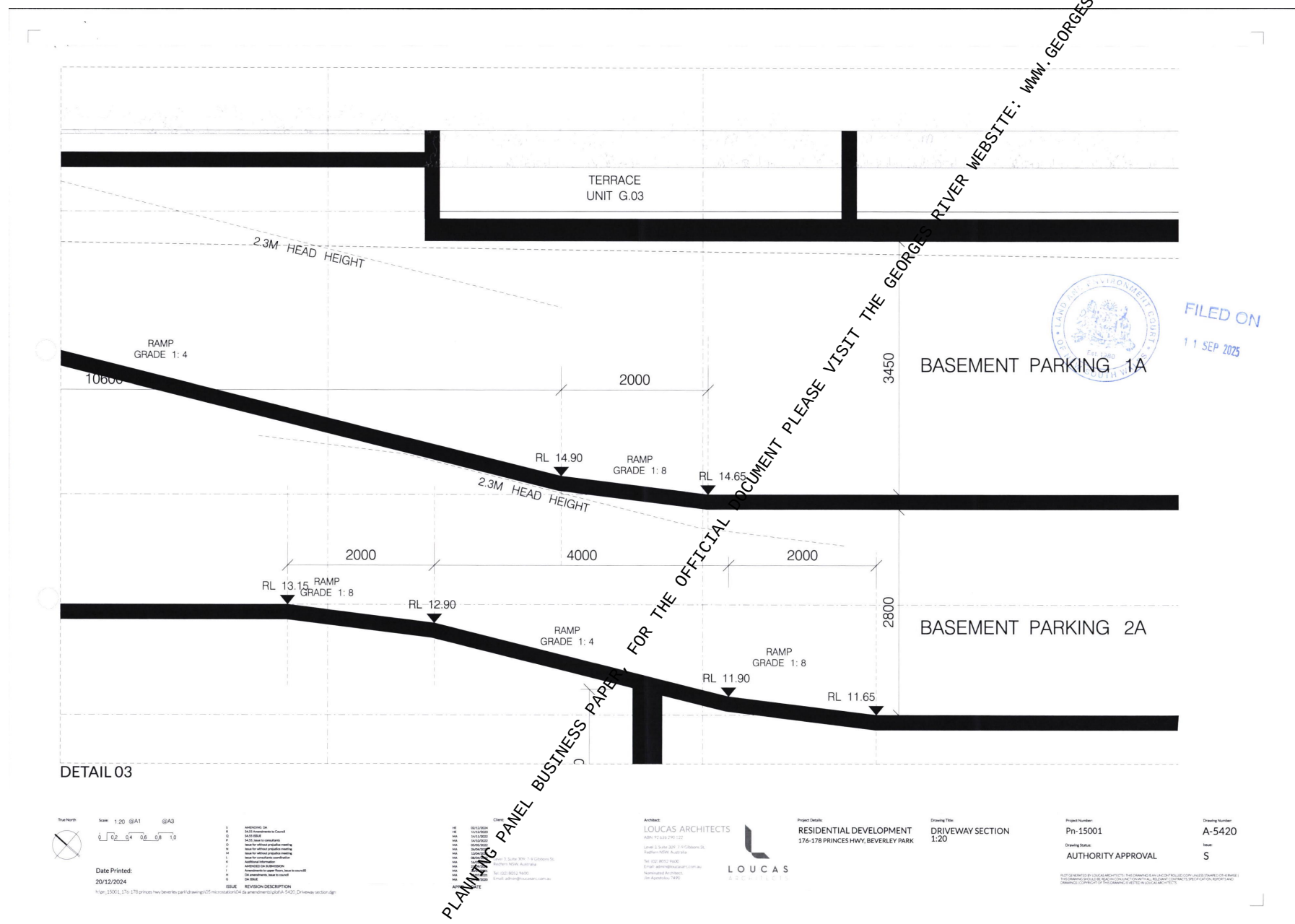
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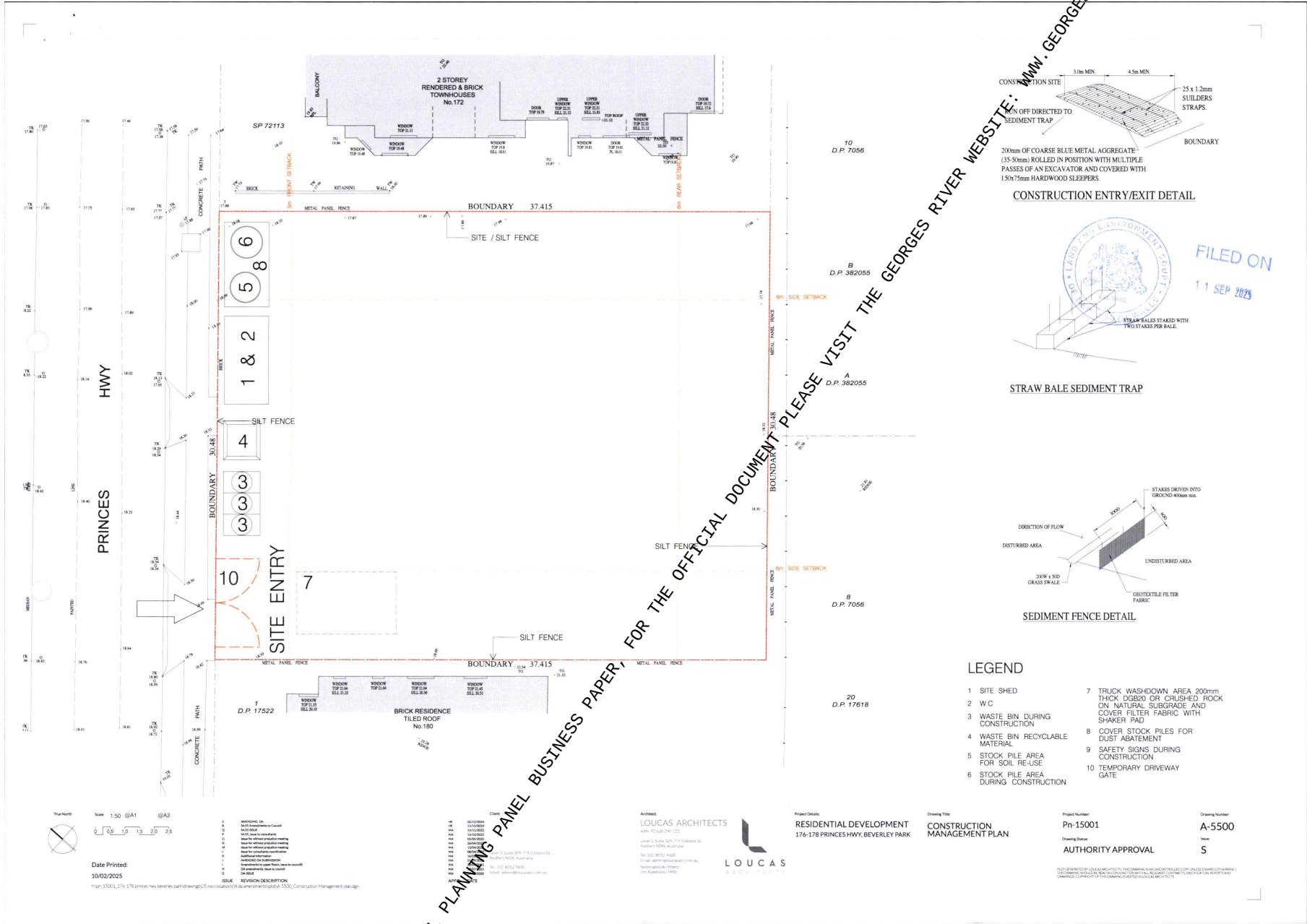
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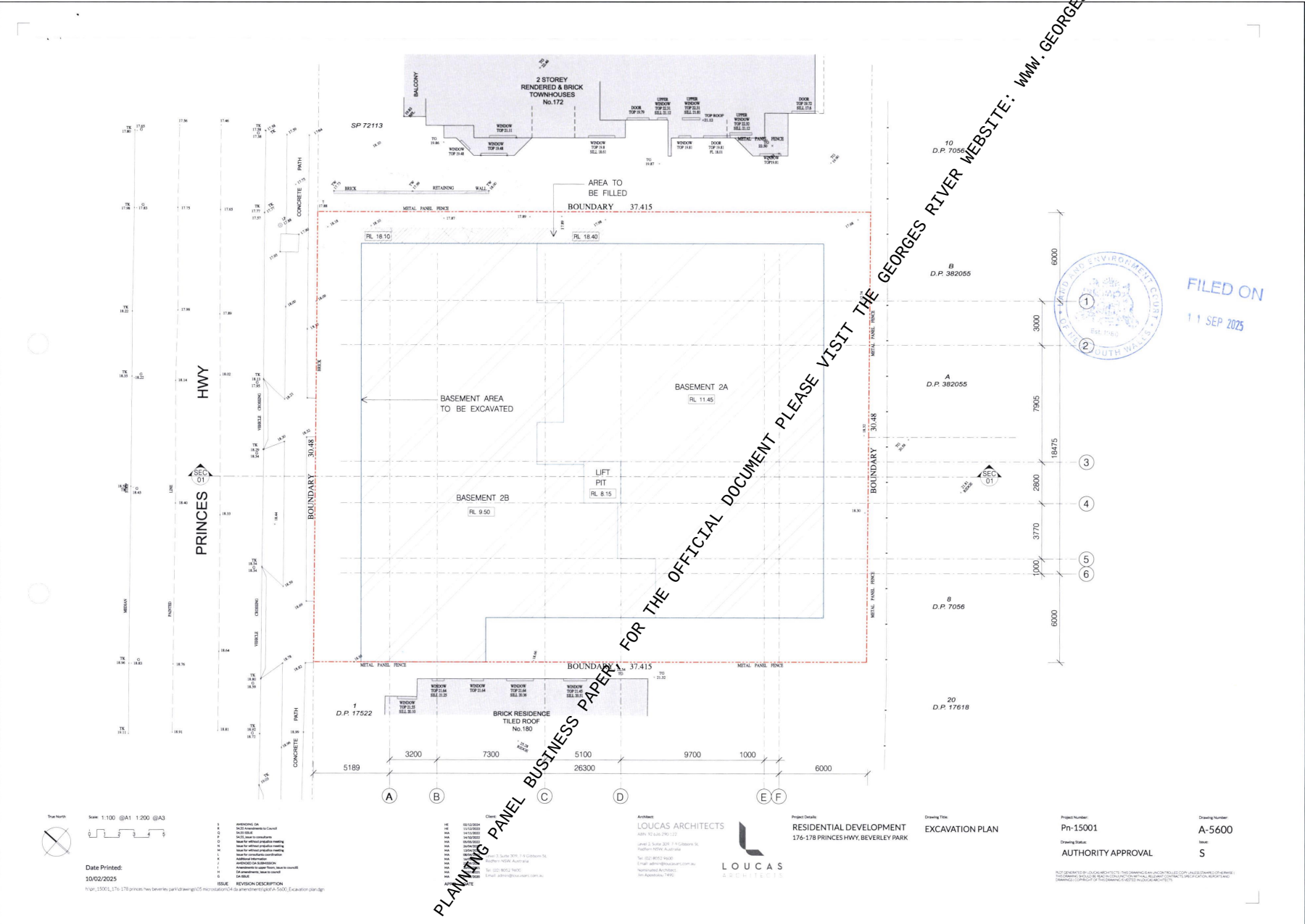
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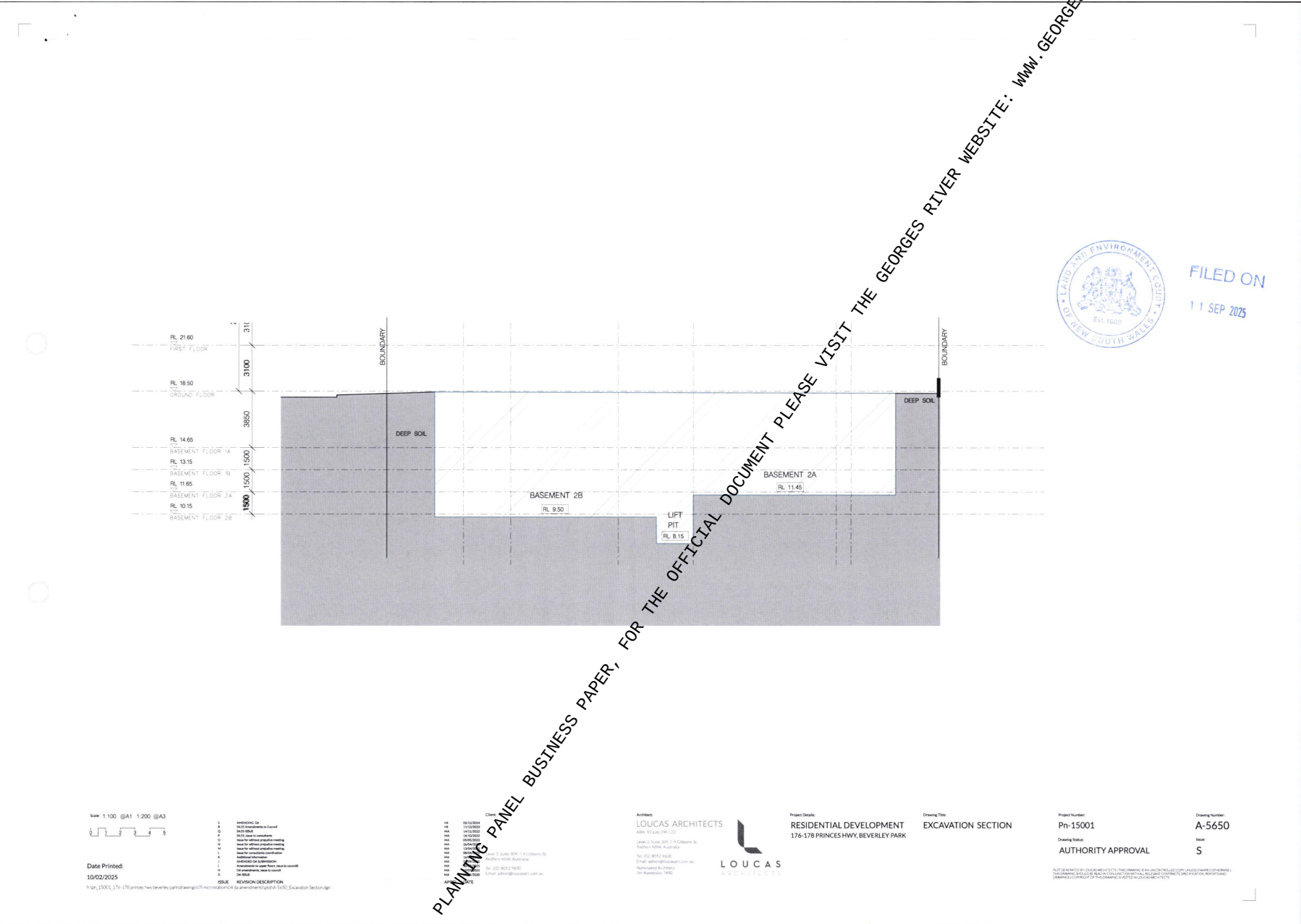


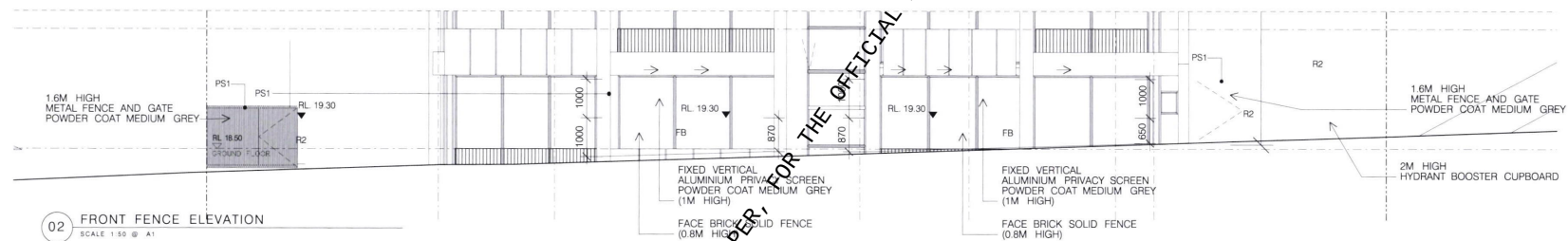
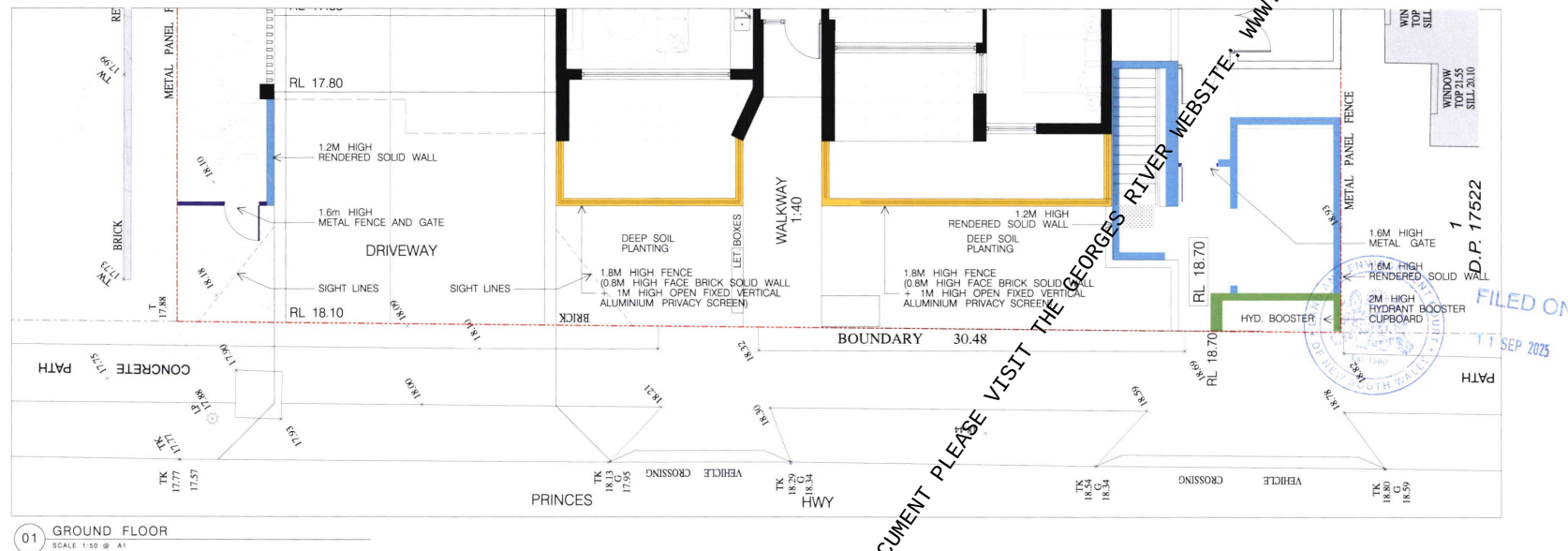












SCHEDULE OF COLOURS & FINISHES:

		
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True North

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The diagram shows a circular area with a diagonal line passing through it. The line is labeled 'True North'. To the right of the circle is a scale bar with markings for 0, 1, 2, 3, 4, and 5. Above the scale bar is the text 'Scale: 1:100 @A1 1:200 @A3'.

Date Printed: 10/02/2025

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NR	27/03/2020
NR	06/03/2021
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NA	02/03/2020

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Nominated Architect.
Jim Apostolou: 7490

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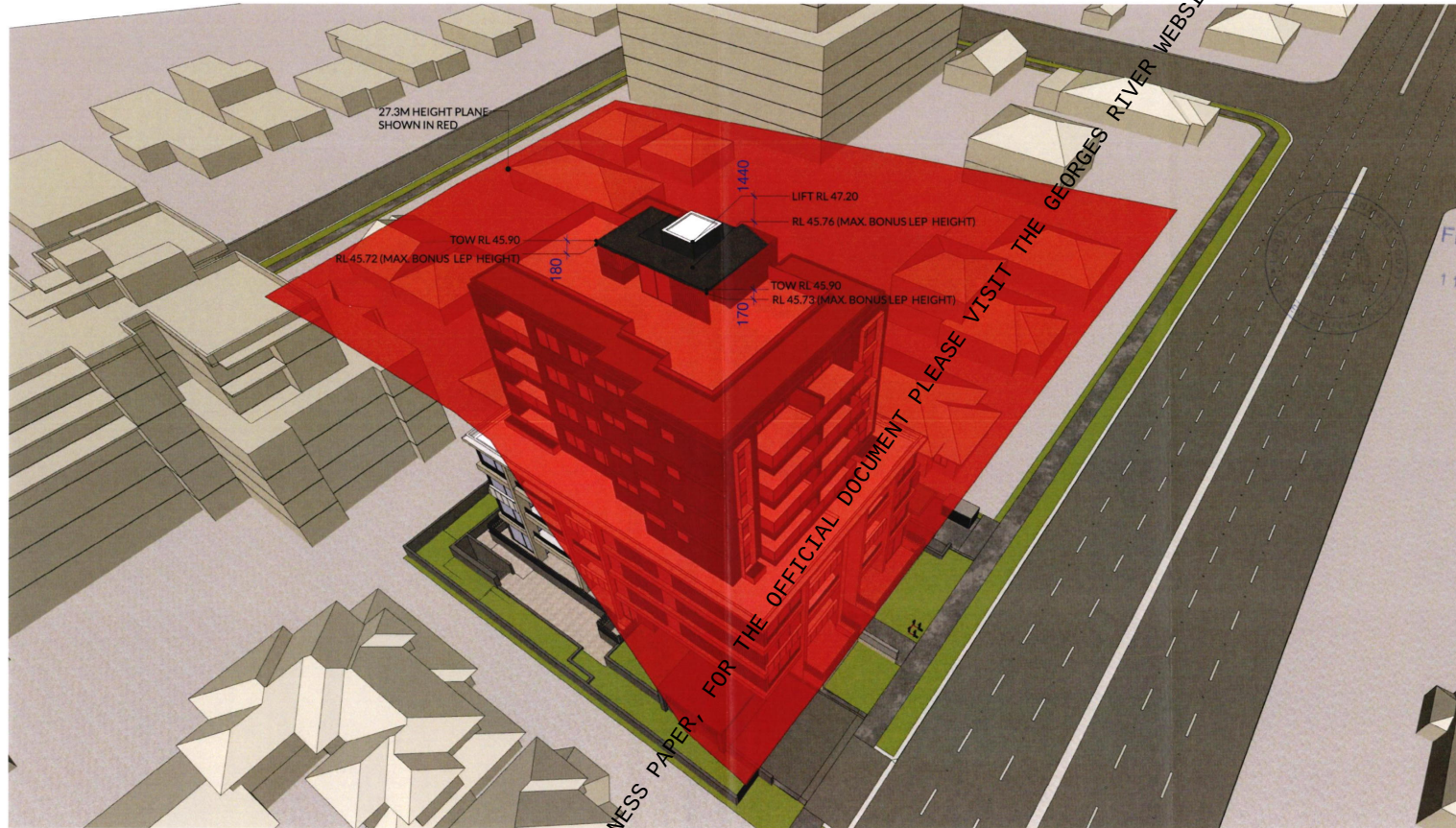
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RESIDENTIAL DEVELOPMENT
176-178 PRINCES HWY, BEVERLY PARK

Drawing Title:
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Project Number:
Pn-15001

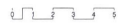
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01 MAXIMUM HEIGHT PLANE DIAGRAM - 21M

Scale: 1:100 @A1 1:200 @A3



Date Printed:

ISSUE	REVISION DESCRIPTION
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DATE	DESCRIPTION
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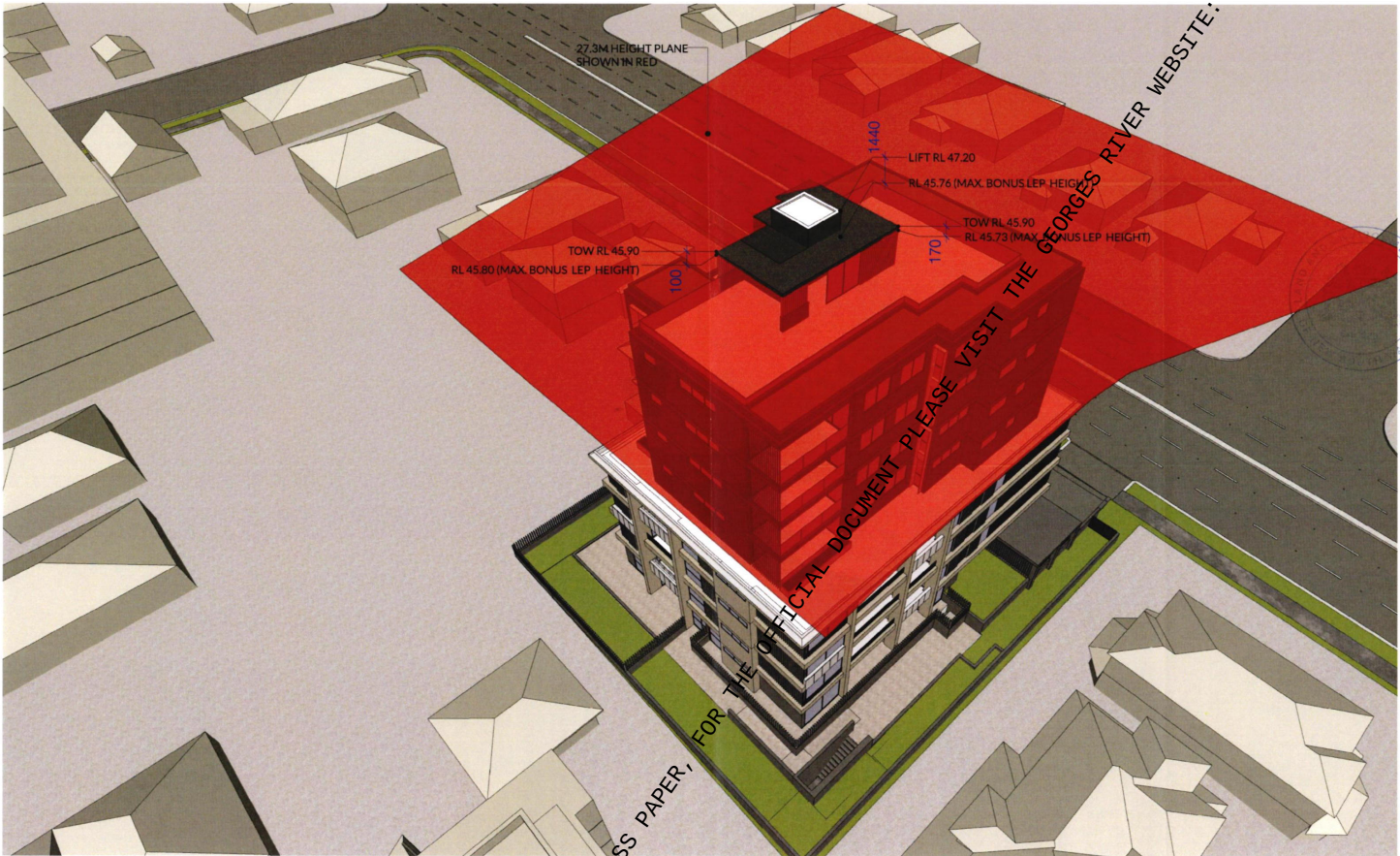
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 RESIDENTIAL DEVELOPMENT
 176-178 PRINCES HWY, BEVERLEY PARK

Drawing Title
 MAXIMUM HEIGHT PLANE
 DIAGRAM 01

Project Number
 Pn-15001
Drawing Status
 AUTHORITY APPROVAL

Drawing Number
 A-6000
Issue
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FILED ON
11 SEP 2025

01 MAXIMUM HEIGHT PLANE DIAGRAM - 21M

Scale: 1:100 @A1 1:200 @A3

Date Printed:

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ISSUE	REVISION DESCRIPTION
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Project Details
RESIDENTIAL DEVELOPMENT
176-178 PRINCES HWY, BEVERLY PARK

Drawing Title
MAXIMUM HEIGHT PLANE
DIAGRAM 02

Project Number
Pn-15001
Drawing Status
AUTHORITY APPROVAL

Drawing Number
A-6100
Issue
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Scale: 1:100 @A1 1:200 @A3

Date Printed:

S	AMENDING DA
E	\$4.00 Amendments to Council
Q	\$4.00 ISSUE
P	AMENDING/AMENDMENTS meeting
O	leave for without prejudice meeting
N	leave for without prejudice meeting
M	leave for without prejudice meeting
L	leave for consultants coordination
K	Additional Information
J	AMENDING DA SUBMISSION
I	Amendments to upper floors, leave to council
H	DA amendments, leave to council
G	DA ISSUE
ISSUE	REVISION DESCRIPTION

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NA	27/02/2002
NA	02/02/2002

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Nominated Architect:
Jim Apostolou 7490



Project Details:
RESIDENTIAL DEVELOPMENT
176-178 PRINCES HWY, BEVERLY PARK

Drawing Title:

MAXIMUM HEIGHT PLANE
DIAGRAM 03

Project Number:
Pn-15001

Drawing Status:

AUTHORITY APPROVAL

Drawing Number:
A-6200

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REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 04 DECEMBER 2025

LPP038-25 1-5 STANLEY STREET AND 1-11 PRINCES HIGHWAY KOGARAH NSW 2217

LPP Report No	LPP038-25	Development Application No	DA2025/0282
Site Address & Ward Locality	1-5 Stanley Street and 1-11 Princes Highway KOGARAH NSW 2217 Kogarah Bay Ward		
Proposed Development	Alterations and additions to an approved 10 storey mixed use development DA2023/0222 (L&E Court approved) with changes to unit mix, an additional three (3) levels, and increase from 95 to 106 units.		
Owners	Kogarah Investments No.3 Pty Ltd		
Applicant	Kogarah Investments No.3 Pty Ltd		
Planner/Architect	Sutherland & Associates Planning		
Date Of Lodgement	18/06/2025		
Submissions	Nine (9)		
Cost of Works	\$4,841,069.00		
Local Planning Panel Criteria	This matter is reported to Council's Local Planning Panel as the application seeks consent for a development for which State Environmental Planning Policy (Housing) 2021 applies and is four or more storeys in height.		
List of all relevant s.4.15 matters	SEPP (Resilience and Hazards) 2021, SEPP (Biodiversity and Conservation) 2021, SEPP (Transport and Infrastructure) 2021, SEPP (Industry and Employment) 2021, SEPP (Housing) 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 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.
-----------------------	--

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

LPP038-25

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
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.

Summary of matters for consideration under Section 4.15 Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes - Clause 4.3 Height of Building of GRLEP 2021
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.

BACKGROUND

- On 21 May 2025, consent was granted to Development Application No. DA2023/0222 by Land and Environment Court. (Kogarah Investments No. 3 Pty Ltd v Georges River Council [2025] NSWLEC 1353). The Development consent was for the "demolition of existing structures, removal of sixteen trees and the construction of a ten storey mixed-use development comprising a residential flat building containing 95 apartments (20 x 1 bedroom, 67 x 2 bedroom, 8 x 3 bedroom), and 3 commercial/retail tenancies (70.9m², 59.3m² and 79.6m²), four levels of basement parking containing 85 car parking spaces, landscaping and site works"
- On 18 June 2025, DA2025/0282, subject of this report, was lodged with Council.
- On 20 August 2025, the Applicant commenced proceedings in Class 1 of the Land and Environment Court's jurisdiction appealing against the Respondent's deemed refusal of the development application.

PROPOSAL

4. Development Application No. DA2025/0282 is seeking approval for the alterations and additions to a 10-storey mixed-use development approved under Development Consent No. DA2023/0222 by the LEC on 21 May 2025 in respect of the land at 1 Stanley Street, Kogarah. The development application seeks to construct an additional 3 storeys, increasing the number of units from 95 (20 x 1 bedroom, 67 x 2 bedroom, 8 x 3 bedroom) to 106 (19 x 1 bedroom, 56 x 2 bedroom, 31 x 3 bedroom), increase car parking from 85 to 111 car spaces, provision of 19 affordable apartments, reconfiguration of the internal floor plans and refinement of the facades to integrate the 3 additional levels.

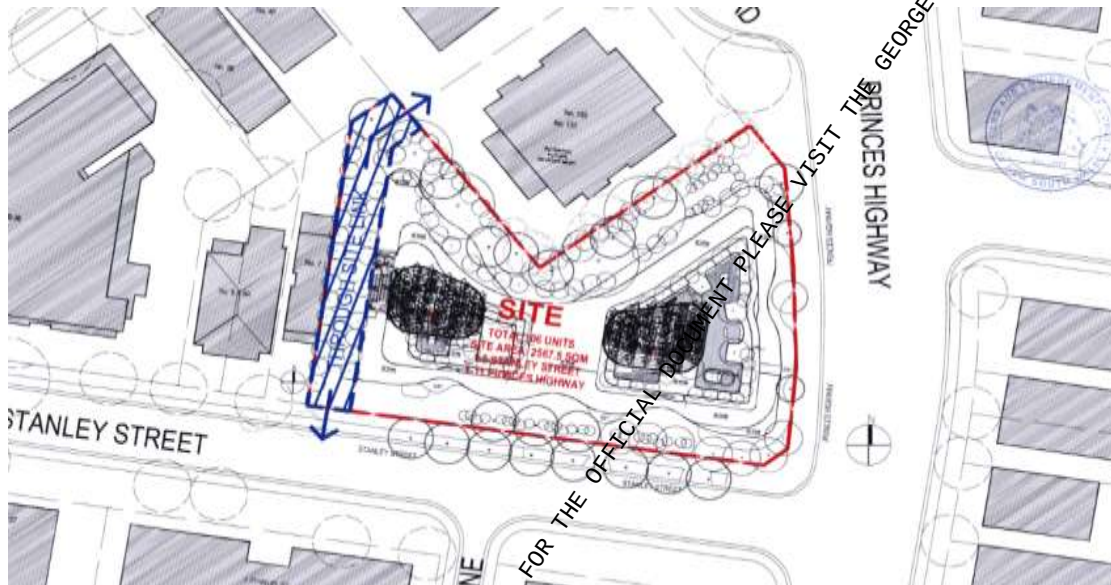


Figure 1: Site Plan (Architectural Plans)



Figure 2: North Elevation (Architectural Plans)



Figure 3: South Elevation (Architectural Plans)



Figure 4: East Elevation (Architectural Plans)



Figure 5: West Elevation (Architectural Plans)

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SITE AND LOCALITY

5. The site at 1 Stanley Street, Kogarah (Lot 15 DP 1304812) is an irregularly shaped allotment on the northern side of Stanley Street and western side of Princes Highway, forming the south-western corner. It has frontages of 51.625m to Princes Highway and 64.055m to Stanley Street, with a total area of 2,567.49m² and a gentle cross fall of about 2m. The site currently contains a mix of dwellings, a small residential flat building, and commercial premises fronting Princes Highway, with some vegetation.
6. Surrounding development is varied. To the north are 3 and 4-storey residential flat buildings at 133–137 and 125–131 Harrow Road, and to the north-west an older dwelling at 40 Victoria Street adjoining St George Girls High School, a local heritage item. To the west are 2-storey attached dwellings at 7, 9 and 9A Stanley Street. To the east, across Princes Highway in the Bayside LGA, are older commercial and residential buildings. To the south, across Stanley Street, are high-density buildings including a 7-storey mixed-use building at 13–19 Princes Highway and two 10-storey residential flat buildings at 2–10 and 12–24 Stanley Street.
7. The site is well-connected, close to Kogarah Town Centre, Kogarah Railway Station, hospitals, schools, St George TAFE, and about 300m from Rockdale Plaza.

ZONING AND PERMISSIBILITY

8. The site is situated within Zone R4 High Density Residential pursuant to the provisions of the Georges River Local Environmental Plan 2021. The proposed development is for shop top housing development which is a permissible land use with development content.

ASSESSMENT

9. 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 controls:
 - SEPP(Housing) 2021
 - Clause 147(1)(a) – Design Principals
 - Clause 147(1)(b) – Apartment Design Guide, and
 - Clause 18(3) – Building Height
 - GRLEP 2021
 - Clause 4.3 – Building Height
 - Clause 4.6 – Exceptions to Development Standards
 - Clause 6.7 – Airspace Operations, and
 - Clause 6.10 - Design excellence.
 - GRDCP 2021
 - Part 3 – Waste Management
 - Part 6.3 – High Density Residential Development
 - Part 10 – Trees and Landscaping and Vehicular Access and Parking
 - Appendix 4 – Waste Management
10. The table below presents a summary in respect to numerical compliance:

SEPP (HOUSING) 2021**CHAPTER 2 AFFORDABLE HOUSING - DIVISION 1 – IN-FILL AFFORDABLE HOUSING**

Standard	Proposed	Compliance
33m building height is mapped, which allows a 30% bonus to 43m.	The proposal seeks a maximum building height of 45.2m (top of eastern roof structure).	☐ Yes ☒ No
Development is eligible for 30% additional building height as it affordable housing.	The applicant supplied a Clause 4.6 request to justify the height variation.	
Section 20 Design requirements		
Standard	Proposed	Compliance
3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	The design of the development is not consistent with the expected future desired character of the area.	☐ Yes ☒ No

Georges River Local Environmental Plan 2021

Section	Standard	Proposal	Y	N	N/A
4.3 Height of Buildings	Standard: 33m	Proposed: 45.2m	☐	☒	☐
4.4 Floor space ratio	Standard: 4:1	Proposed: 3.94:1 – An additional 30% is allowable under the State Environmental Planning Policy (Housing) 2021.	☒	☐	☐
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 request has been provided and is assessed in this report.	☐	☒	☐
6.10 Design excellence	Applies to residential accommodation within the Foreshore Scenic Protection Map Area as well as buildings 3 or more storeys in height in R4 zone.	Comments were received from Councils Urban Design Team who was unable to support the proposal as it does not demonstrate design excellence.	☐	☒	☐

BUILDING HEIGHT

11. The subject site is affected by Clause 4.3 of the Georges River Local Environmental Plan 2021 (GRLEP 2021) which prescribes a maximum building height of 33m.
12. As per Clause 18(3) of the SEPP (Housing) 2021 an additional 30% bonus to building height is allowable subject to the inclusion of the minimum affordable housing component. The intent of this controls is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low- and moderate-income households.
13. The proposed development has a maximum building height of 45.2 m. With the 30% bonus applied, the permissible maximum building height is 43 m. Therefore, the proposal represents a 5.12% variation to the standard, equating to an exceedance of 2.2 m.
14. 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.

LANDSCAPING

15. The proposed waste collection area within the deep soil zone compromises the objectives within Part 3.3 of the Georges River Development Control Plan 2021 as:
- It prevents the establishment of substantial canopy trees that can reach a mature height proportionate to the building scale.
 - It restricts healthy growth environments for trees, reducing their ability to mitigate visual bulk and environmental impacts of hard surfaces and structures.
 - It results in inadequate landscaping to soften the built form when viewed from the public domain, undermining streetscape quality and green character.
16. The basement setback is inadequate, contributing to excessive bulk and limiting opportunities for landscaping.

CARPARKING

17. Part 10.1 of the GRDCP 2021 adopts the RMS Guide to Traffic Generating Development for car parking rates. The guide requires the provision of visitor parking at a rate of 1 space per 5 units. The proposed development fails to provide any visitor parking spaces, which is inconsistent with this requirement.
18. The absence of visitor parking is unacceptable and contrary to the objectives within the GRDCP 2021, which seek to ensure adequate parking provision to meet the needs of residents and visitors without detriment to the public domain

WASTE MANAGEMENT

19. These provisions found in the GRDCP 2021, regarding waste management require waste collection to occur on-site or via a 'wheel out, wheel back' method to ensure safe and efficient servicing without adverse impacts on the public domain. Kerbside collection is specifically discouraged under Section 4.3.6.2(6) of GRDCP 2021. Further, the proposal is inconsistent with Objective (a), which seeks to ensure waste management systems are safe, functional, and integrated into the development, and Objective (g), which aims to minimise adverse visual and amenity impacts from waste storage and collection areas.
20. Further, Part 10.1.6(5) of GRDCP 2021, require developments to integrate landscaping and tree planting that enhance the precinct's character and provide visual relief from built form. By locating the waste collection area in the front setback:
- The design fails to deliver the required tree planting and landscape treatments that define the precinct's intended green streetscape.
 - It compromises the ability to achieve deep soil planting and canopy coverage, which are essential for visual amenity and environmental performance.
 - The outcome conflicts with the precinct vision for a landscaped interface along Stanley Street, reducing compliance with the intended public domain character.

SUBMISSIONS

21. The development application was notified and advertised between 26 June 2025 and 17 July 2025. Nine (9) submissions in response to the notification period were received. A summary of the submissions can be found below:

Issue	Comment
Building Height and scale	Concern was raised regarding the height of building of the development. The proposed development has been assessed in accordance with the definition of height of building. The proposal in its current form exceeds the maximum allowable height of building and is not supported.
Overshadowing and Loss of Amenity	Issues of solar access and overshadowing were raised. An assessment of the application has revealed that insufficient information has been provided to determine the impacts of the proposal and is not supported.
Parking and Traffic	Concern is raised with respect to on street parking. The proposal in its current form is not compliant with the required vehicle parking on site in accordance with GRDCP 2021 car parking controls and is not supported.
Noise and Garage Location	The proposed basement entry is to remain unchanged as part of this proposal as per the previous Land and Environment Court approval. The application was referred to Transport for NSW for review whereby no concerns were raised. Conditions of consent are to be imposed, subject to approval, to ensure acoustic treatments are imposed throughout the life of the development.
Infrastructure and Community Impact	Assessment of the proposal concludes that the proposal is not within the public interest for reasons listed within the report. As a result, the proposal is not being supported.
Waste Management	Concern has been raised regarding the waste management for the subject development. The submitted waste management plan fails to satisfy all criteria outlined within the Georges River Development Control Plan 2021 and is not supported in its current form.
Affordable Housing Motive	The State Environmental Planning Policy (Housing) 2021 which includes controls around affordable housing developments is a State Government initiative. Council do not play a role in establishing these controls. Concerns regarding this should be directed to your local representative.
Environmental and Safety Risks	Concern has been raised regarding the proposals impact on adjoining neighbouring properties. Subject to approval, conditions of consent would be imposed with respect to a dilapidation report to be prepared pre and post construction to manage potential adverse impacts. It is not assumed the proposal will have an adverse effect on neighbouring properties.
Mental Health and Quality of Life	Council acknowledges your concerns with regard to implications on personal mental health as a result of the development proposal, although Council is limited to considering matters under s4.15 of the Environmental Planning and Assessment Act 1979.

REFERRAL COMMENTS

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

Specialist/Agencies	Comment
Development Engineer	No objection subject to recommended conditions.
Land Information GIS	No objection subject to recommended conditions.
Urban Design	Unable to support the proposal.
Traffic	Unable to support the proposal.
Aviation	No objection subject to recommended conditions.
Transport for NSW	No objection subject to recommended conditions.
Landscape & Arboricultural Consultant	No objection subject to recommended conditions.
Air Services Australia & Sydney Airport Corporation	No response received at the time of determination.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

23. This matter is reported to Council's Local Planning Panel as the application seeks consent for a development for which State Environmental Planning Policy (Housing) 2021 applies and is four or more storeys in height.

CONCLUSION

24. 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.
25. 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:
26. The proposed variation to Clause 4.3 is not sufficiently justified by the provided Clause 4.6 and the variation is not considered to be in the public interest, being contrary to the zone and standard objectives.

RECOMMENDATION

27. Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer determines DA2025/0282 for alterations and additions to an approved 10 storey mixed use development on 1-5 Stanley Street, Kogarah, should not be approved subject to the refusal reasons referenced below:
1. The proposed development fails to satisfy the relevant requirements of Clause 147(1)(a) of the State Environmental Planning Policy (Housing) 2021 with respect to the design quality of the development evaluated in accordance with the design principles for residential apartment development set out in Schedule 9 [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
 2. The proposed development fails to satisfy the relevant requirements of Clause 147(1)(b) of the State Environmental Planning Policy (Housing) 2021 with respect to the following parts of the Apartment Design Guide [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*]:
 - a. Design criteria of objective 4E-1: Private open space and balconies, in that balcony sizes are inadequate.
 - b. Design criteria of objective 4F-1: Common circulation and spaces, in that poor corridor amenity is reflected throughout.
 3. The application fails to satisfy Clause 4.3 of the Georges River Local Environmental Plan 2021 and exceeds the non-discretionary building height limit specified in Clause 18(3) of the State Environmental Planning Policy (Housing) 2021 [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
 4. The application fails to satisfy Clause 4.6 of Georges River Local Environmental Plan 2021 with regard to demonstrating compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds to support the departure [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
 5. The application fails to satisfy Clause 6.7 of Georges River Local Environmental Plan 2021 with regard to airspace operations [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
 6. The application fails to satisfy Clause 6.10 of the Georges River Local Environmental Plan 2021 with regard to design excellence [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].

7. The application fails to satisfy Part 3 of the Georges River Development Control Plan 2021 with regard to waste management [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
8. The application fails to satisfy Part 6.3 of the Georges River Development Control Plan 2021 with regard to the high density residential controls [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
9. The application fails to satisfy Part 10 of the Georges River Development Control Plan 2021 with regard to trees and landscape and vehicular access and car parking [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
10. The application fails to satisfy Appendix 4 of the Georges River Development Control Plan 2021 with regard to waste management [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
11. The proposed development is unsatisfactory, as insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development [Pursuant to Sections 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979*] including:
 - a. Sufficient architectural plans have not been provided.
 - b. A sufficient survey plan has not been provided.
 - c. Sufficient solar access diagrams have not been provided.
 - d. A view analysis has not been provided in relation to view loss.
 - e. A sufficient waste management plan has not been provided.
12. Having regard to the previous reasons noted above and the number of submissions received by Council against the proposed development, approval of the development application is not in the public interest [Pursuant to the provisions of Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*].
13. The development is considered to result in the unorderly development of land [Pursuant to Section 1.3(c) of the *Environmental Planning & Assessment Act 1979*]; and
14. The site is considered unsuitable for the proposed development [Pursuant to S4.15(1)(c) of the *Environmental Planning & Assessment Act 1979*]; and
15. For the reasons stated above, it is considered that the development is not in the public interest [Pursuant to S4.15(1)(e) of the *Environmental Planning & Assessment Act 1979*].

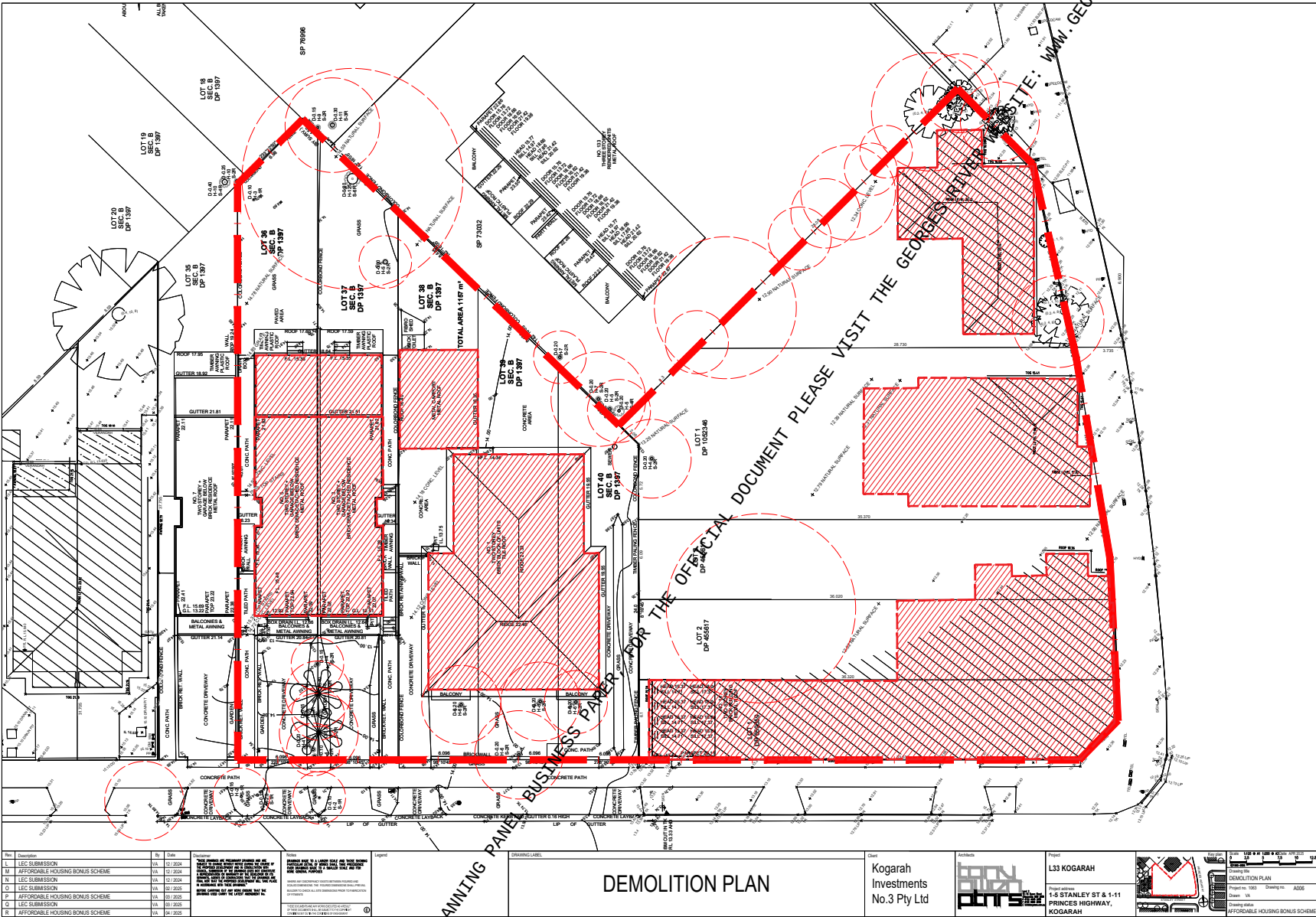
ATTACHMENTS

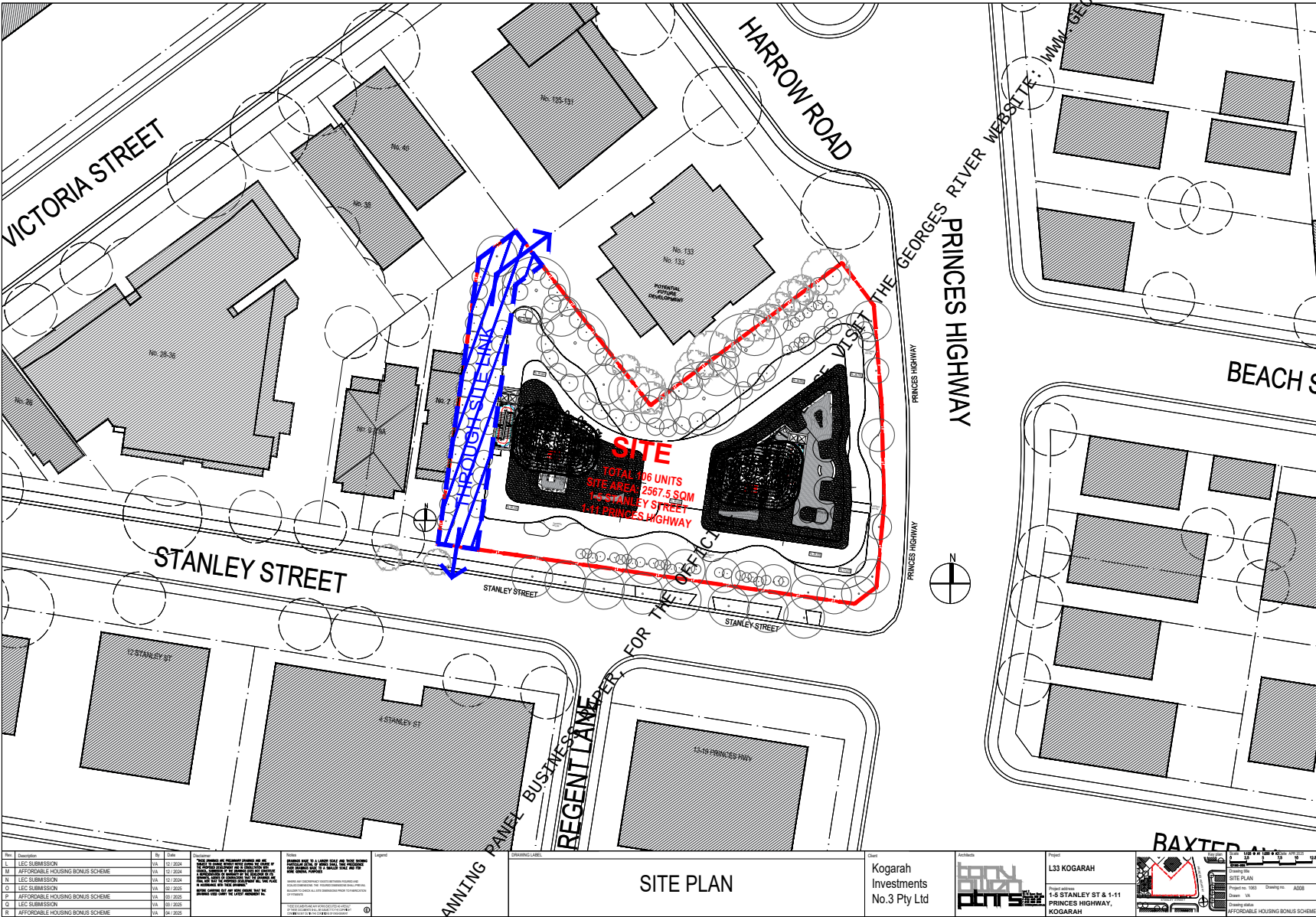
Attachment [1](#) Architectural Plans (Redacted)



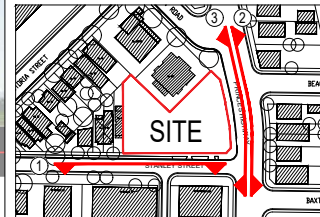
Attachment [2](#) Assessment Report (PDF)



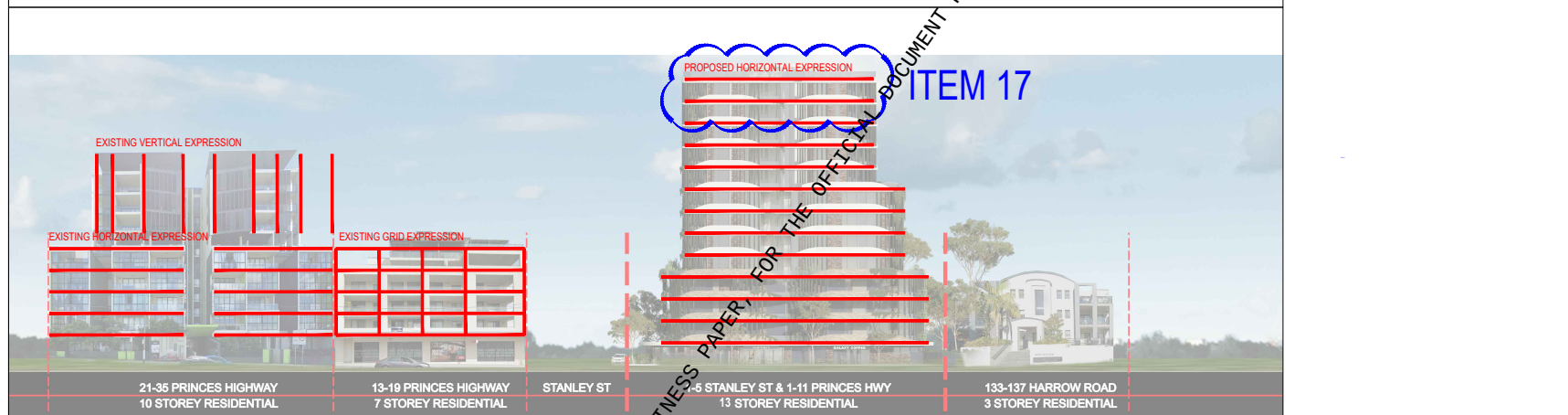




No.		Revision	No.	Date	Notes	Author	Checked	Drawn	Scale	Project	Client	Project	Project Address	Project Date	Project No.	Project Name
1		LEC SUBMISSION	1A	12/2024	THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY APPROVALS AND PERMITS. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE CLIENT AND THE DESIGNER.	Design	Design	Design	1:100	L33 KOGARAH	Kogarah Investments No.3 Pty Ltd	L33 KOGARAH	1-5 STANLEY ST & 1-11 PRINCES HIGHWAY, KOGARAH	12/2024	1003	1003
2		AFFORDABLE HOUSING BONUS SCHEME	1A	12/2024												
3		LEC SUBMISSION	1A	12/2024												
4		LEC SUBMISSION	1A	12/2024												
5		AFFORDABLE HOUSING BONUS SCHEME	1A	12/2024												
6		LEC SUBMISSION	1A	12/2024												
7		AFFORDABLE HOUSING BONUS SCHEME	1A	12/2024												



STREETSCAPE 1 - STANLEY ST LOOKING SOUTH



STREETSCAPE 3 - PRINCES HIGHWAY LOOKING WEST^{NEXT} AFTER DEVELOPMENT

[illegible]

EXTERNAL FINISHES LEGEND

- ① CONCRETE PANELS - PAINTED WHITE;
- ② FACE BRICK - KRAUSE MID-BLEND;
- ③ FACE BRICK - KRAUSE EMPEROR / MID-BLEND;
- ④ VERTICAL ALUMINUM FINS - DARK GRAY;
- ⑤ POWDER COATED ALUMINUM FRAMED GLASS BALUSTRADES - DARK GRAY;
- ⑥ POWDER COATED ALUMINUM FRAMED GLASS WINDOWS - DARK GRAY;
- ⑦ POWDER COATED ALUMINUM FRAMED GLASS SLIDING DOORS - DARK GRAY;
- ⑧ COLOR BACK GLASS SPANDREL - DARK GRAY;

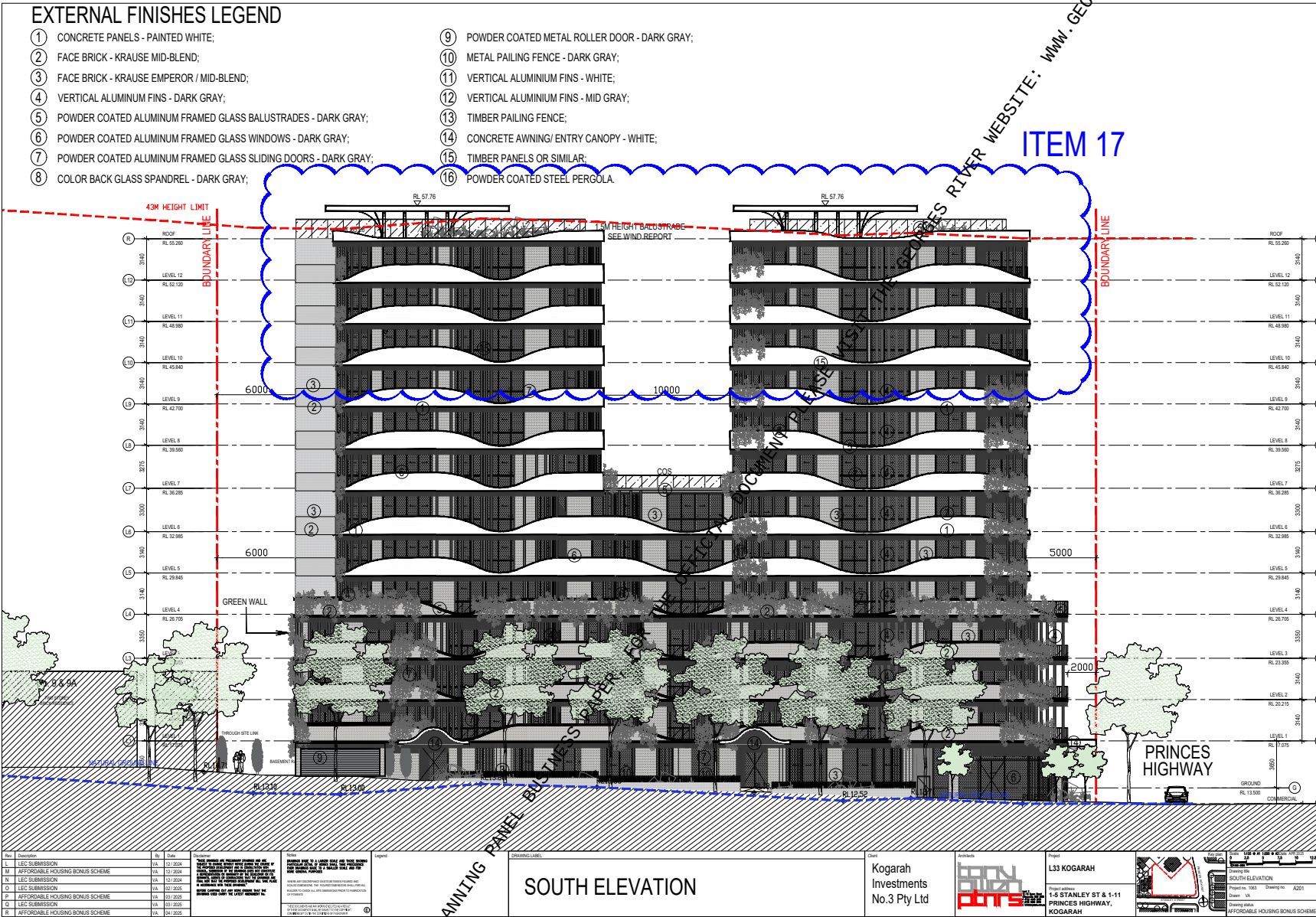
- ⑨ POWDER COATED METAL ROLLER DOOR - DARK GRAY;
- ⑩ METAL PAILING FENCE - DARK GRAY;
- ⑪ VERTICAL ALUMINIUM FINS - WHITE;
- ⑫ VERTICAL ALUMINIUM FINS - MID GRAY;
- ⑬ TIMBER PAILING FENCE;
- ⑭ CONCRETE AWNING/ ENTRY CANOPY - WHITE;
- ⑮ TIMBER PANELS OR SIMILAR;
- ⑯ POWDER COATED STEEL PERGOLA.

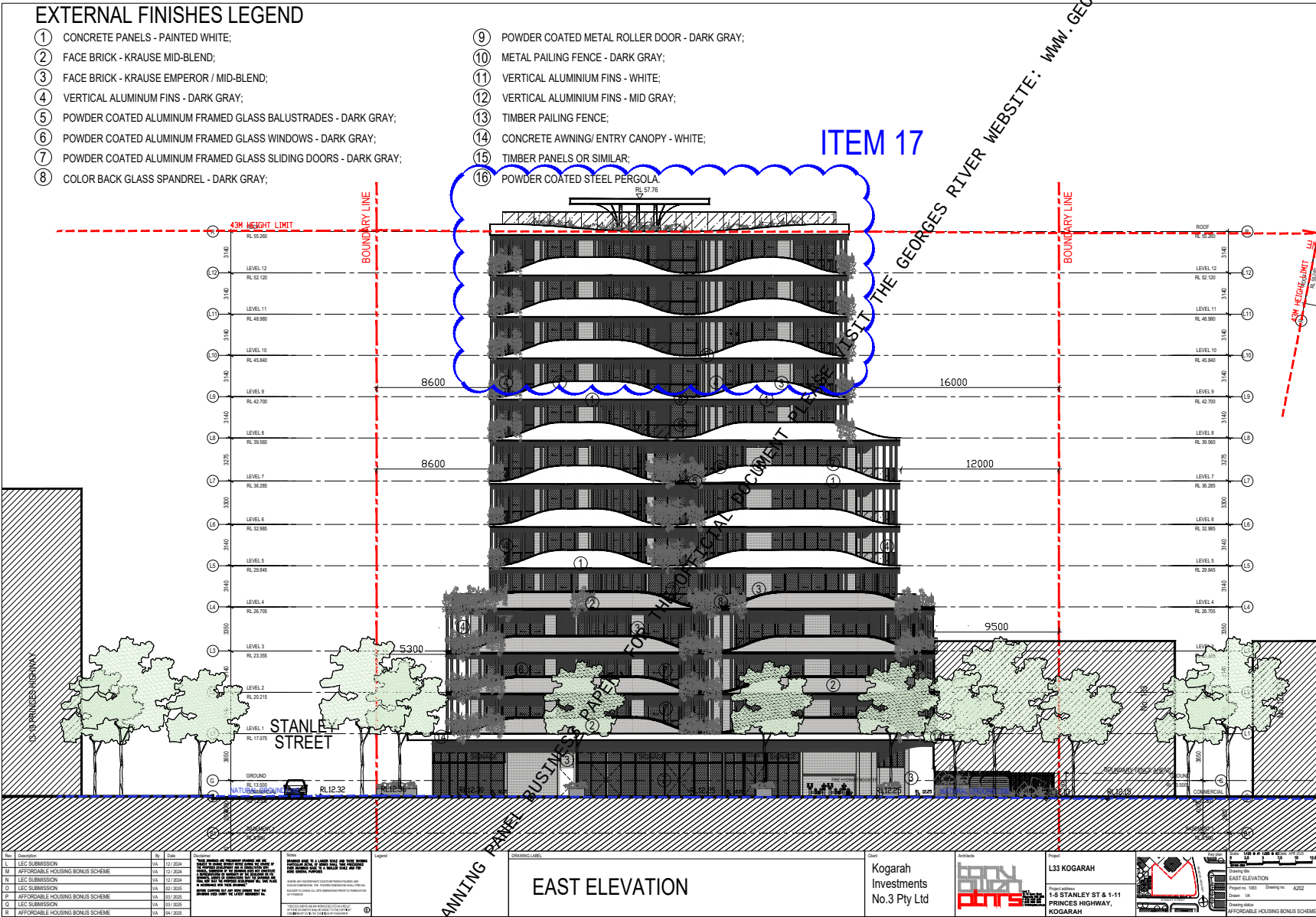
PRINCES HIGHWAY

NORTH ELEVATION

PRINCES HIGHWAY

NORTH ELEVATION





4

5

6

7

8

9

POWDER COATED METAL ROLLER DOOR - DARK GRAY;

10

11

12

13

14

15

16

1

CONCRETE PANELS - PAINTED WHITE;

2

FACE BRICK - KRAUSE MID-BLEND;

3

4

5

6

7

8

9

POWDER COATED METAL ROLLER DOOR - DARK GRAY;

10

11

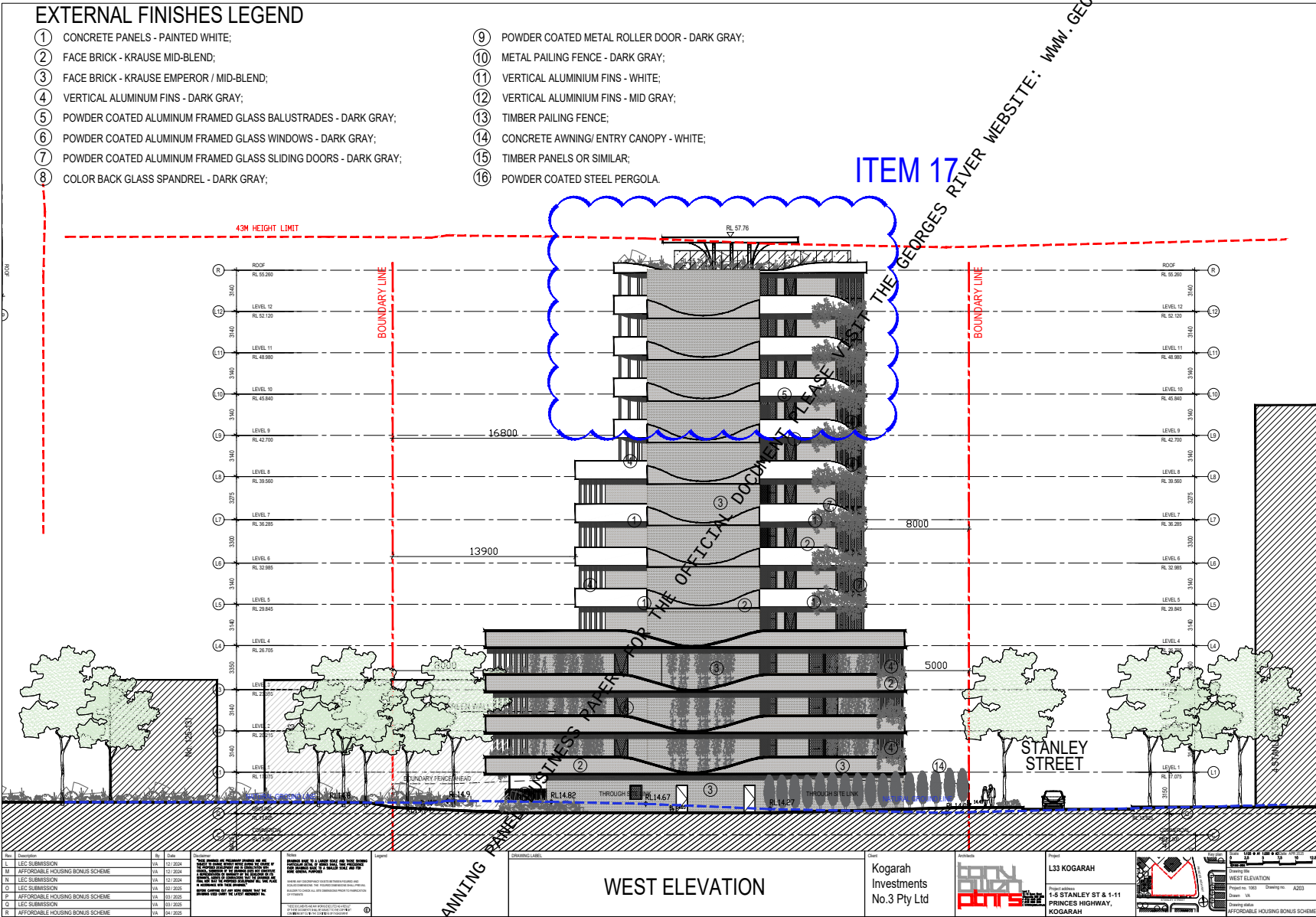
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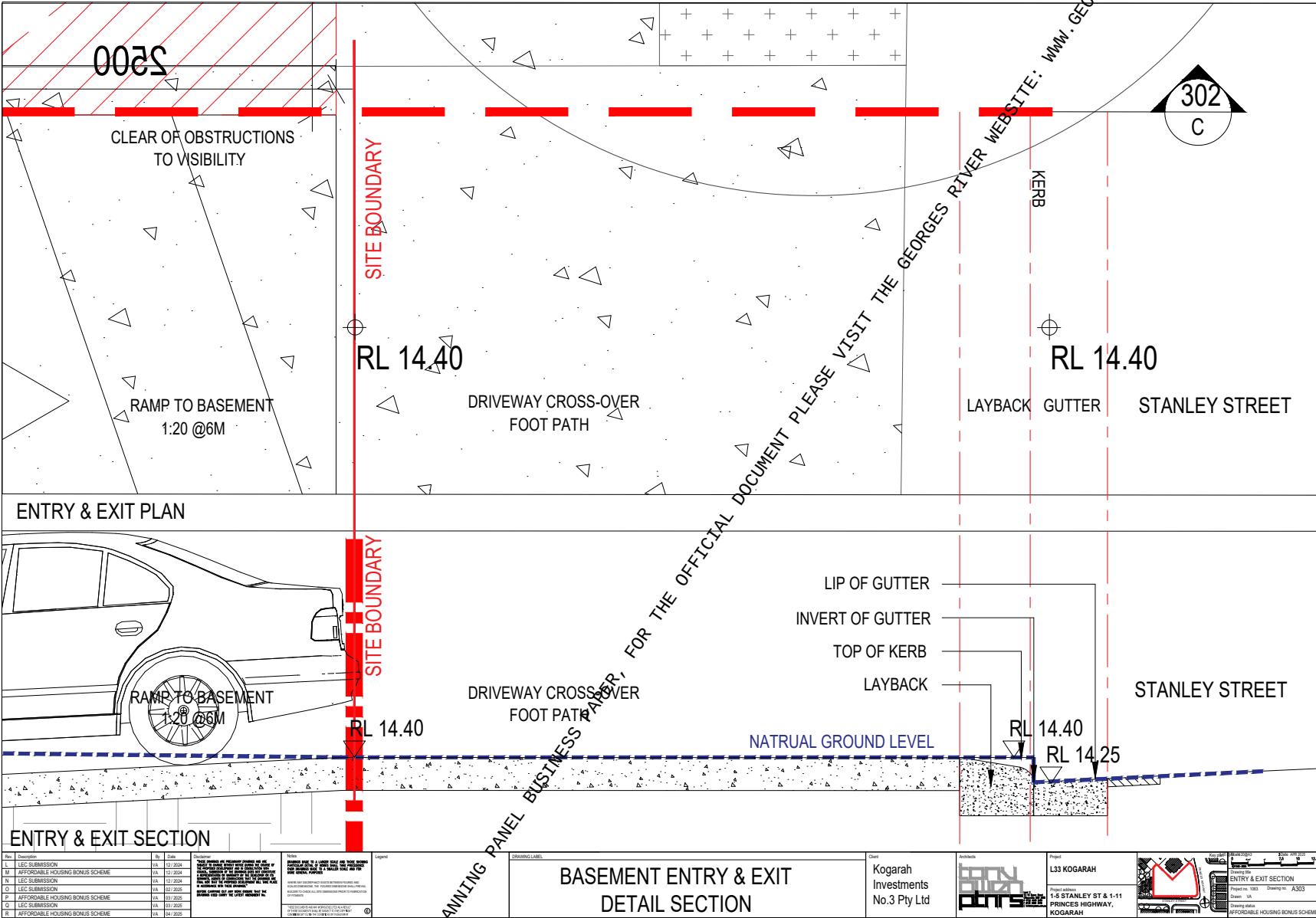
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15

16









ITEM 17

Rev	Description	No	Date	Revised By	Revised For	Legend	Client	Architect	Project	Scale	Sheet No.
1	LEC SUBMISSION	NA	12/2024				Kogarah Investments No.3 Pty Ltd		L33 KOGARAH	1:500	1
M	AFFORDABLE HOUSING BONUS SCHEME	NA	12/2024						1-5 STANLEY ST & 1-11 PRINCES HIGHWAY, KOGARAH	1:500	1
N	LEC SUBMISSION	NA	12/2024							1:500	1
O	LEC SUBMISSION	NA	12/2024							1:500	1
P	AFFORDABLE HOUSING BONUS SCHEME	NA	12/2024							1:500	1
Q	LEC SUBMISSION	NA	12/2024							1:500	1
R	AFFORDABLE HOUSING BONUS SCHEME	NA	12/2024							1:500	1

PERSPECTIVE 2

FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU

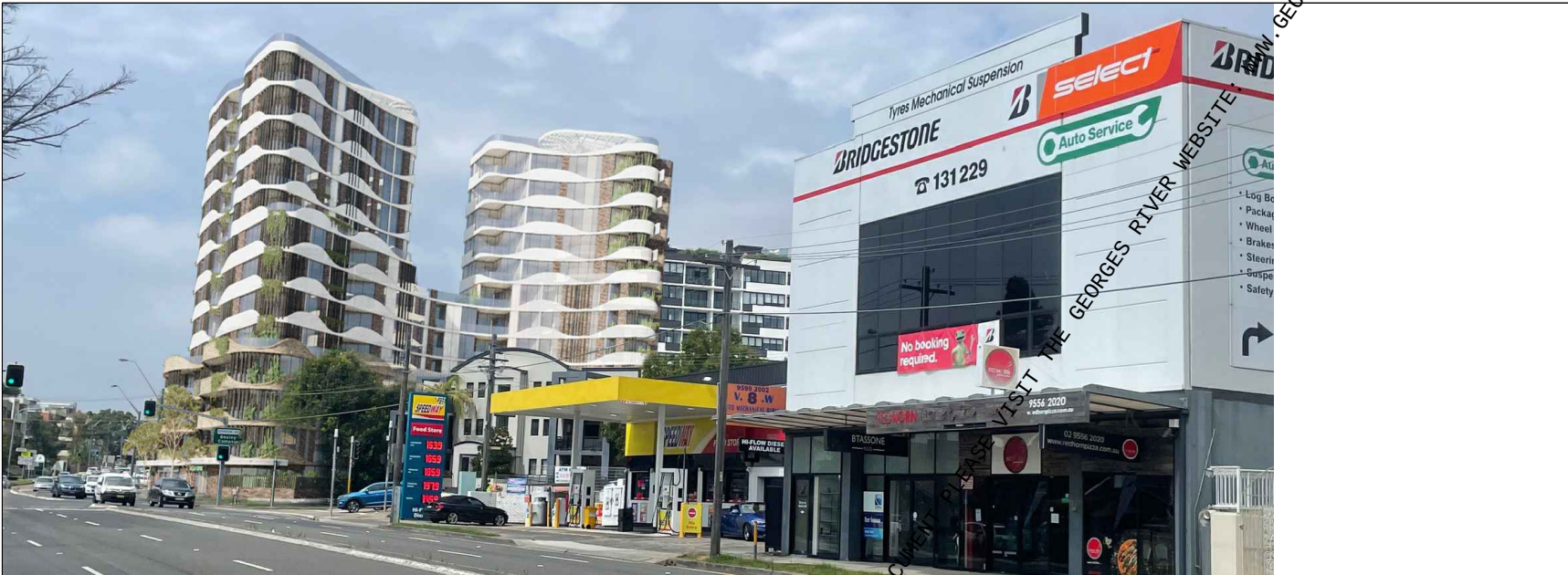
GEORGES RIVER LOCAL PLANNING PANEL BUSINESS PAPER



ITEM 17

No.		Description	No.	Date	Author	Notes	Legend	DRAWING LABELS		Client	Architect	Project	Scale		Sheet No.
L	1	LEC SUBMISSION	NA	12/2024	NA	THIS DRAWING IS A PRELIMINARY DESIGN AND NOT A FINAL DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.	PERMITS FOR A LIMITED TIME AND THIS PERMIT IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED. THE INFORMATION PROVIDED IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.	PERSPECTIVE 3		Kogarah Investments No.3 Pty Ltd	Architects	L33 KOGARAH	1:500	1:500	1:500
M	1	AFFORDABLE HOUSING BONUS SCHEME	NA	12/2024	NA	THIS DRAWING IS A PRELIMINARY DESIGN AND NOT A FINAL DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.	PERMITS FOR A LIMITED TIME AND THIS PERMIT IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED. THE INFORMATION PROVIDED IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.					1-5 STANLEY ST & 1-11 PRINCES HIGHWAY, KOGARAH	Project No. 1001	Drawing No. A402	Sheet No. 1 of 1
N	1	LEC SUBMISSION	NA	12/2024	NA	THIS DRAWING IS A PRELIMINARY DESIGN AND NOT A FINAL DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.	PERMITS FOR A LIMITED TIME AND THIS PERMIT IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED. THE INFORMATION PROVIDED IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.						Project No. 1001	Drawing No. A402	Sheet No. 1 of 1
O	1	LEC SUBMISSION	NA	12/2024	NA	THIS DRAWING IS A PRELIMINARY DESIGN AND NOT A FINAL DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.	PERMITS FOR A LIMITED TIME AND THIS PERMIT IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED. THE INFORMATION PROVIDED IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.						Project No. 1001	Drawing No. A402	Sheet No. 1 of 1
P	1	AFFORDABLE HOUSING BONUS SCHEME	NA	12/2024	NA	THIS DRAWING IS A PRELIMINARY DESIGN AND NOT A FINAL DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.	PERMITS FOR A LIMITED TIME AND THIS PERMIT IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED. THE INFORMATION PROVIDED IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.						Project No. 1001	Drawing No. A402	Sheet No. 1 of 1
Q	1	LEC SUBMISSION	NA	12/2024	NA	THIS DRAWING IS A PRELIMINARY DESIGN AND NOT A FINAL DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.	PERMITS FOR A LIMITED TIME AND THIS PERMIT IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED. THE INFORMATION PROVIDED IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.						Project No. 1001	Drawing No. A402	Sheet No. 1 of 1
R	1	AFFORDABLE HOUSING BONUS SCHEME	NA	12/2024	NA	THIS DRAWING IS A PRELIMINARY DESIGN AND NOT A FINAL DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.	PERMITS FOR A LIMITED TIME AND THIS PERMIT IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED. THE INFORMATION PROVIDED IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.						Project No. 1001	Drawing No. A402	Sheet No. 1 of 1

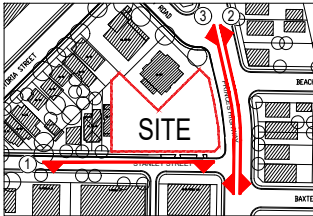
VER LOCAL PLANNING PANEL BUSINESS PAPER FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU



STREETSCAPE DIAGRAM 1 - Princes Highway Looking South



STREETSCAPE DIAGRAM 3 - Princes Highway Looking West



Rev		Description	Rev	Date	Drawn by	Checked by	Project	Client	Architect	Project	Project address	Project no.	Sheet no.	Sheet title
1		LEC SUBMISSION	1	12/2024	NA	NA	FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE	Kogarah Investments No.3 Pty Ltd	points	L33 KOGARAH	1-5 STANLEY ST & 1-11 PRINCES HIGHWAY, KOGARAH	1003	1	STREETSCAPE DIAGRAMS 1
2		AFFORDABLE HOUSING BONUS SCHEME	2	12/2024	NA	NA	FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE							
3		LEC SUBMISSION	3	12/2024	NA	NA	FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE							
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5		AFFORDABLE HOUSING BONUS SCHEME	5	12/2024	NA	NA	FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE							
6		LEC SUBMISSION	6	12/2024	NA	NA	FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE							
7		AFFORDABLE HOUSING BONUS SCHEME	7	12/2024	NA	NA	FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE							

STREETSCAPE DIAGRAMS 1



FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU

No.	Description	No.	Date	Author	Notes	Legend
L1	LEC SUBMISSION	NA	12/2024	NA	THIS DRAWING IS A PRELIMINARY DESIGN AND NOT A FINAL DESIGN. IT IS SUBJECT TO APPROVAL BY THE LOCAL PLANNING PANEL AND THE GEORGES RIVER LOCAL PLANNING PANEL. IT IS NOT TO BE USED FOR ANY OTHER PURPOSE.	
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O	LEC SUBMISSION	NA	12/2024	NA		
P	AFFORDABLE HOUSING BONUS SCHEME	NA	12/2024	NA		
Q	LEC SUBMISSION	NA	12/2024	NA		
R	AFFORDABLE HOUSING BONUS SCHEME	NA	12/2024	NA		

STREETSCAPE DIAGRAM 2
Princes Highway Looking North

Client
Kogarah Investments
No.3 Pty Ltd

Architects
L33 KOGARAH

Project
1-5 STANLEY ST & 1-11 PRINCES HIGHWAY, KOGARAH

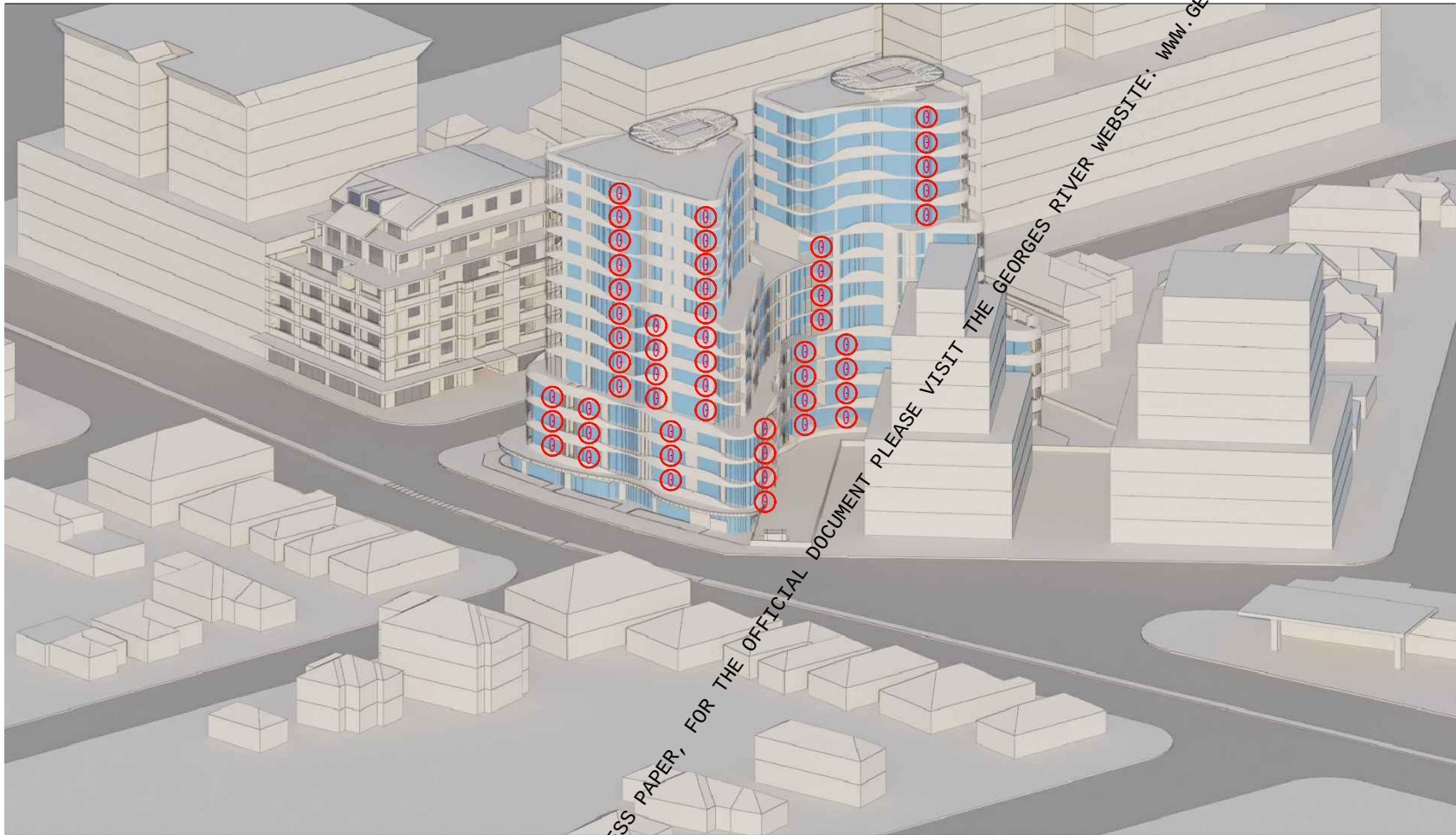
Drawing No.
STREETSCAPE DIAGRAM 2

Project No.
1003

Drawing No.
A404

Drawing Date
AUGUST 2024

Drawing Title
AFFORDABLE HOUSING BONUS SCHEME



JUNE 21 @ 9AM

AFFORDABLE HOUSING

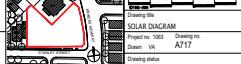
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N	LEC SUBMISSION	18A	12/2024			
O	LEC SUBMISSION	19A	12/2024			
P	AFFORDABLE HOUSING BONUS SCHEME	19A	08/2025			
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R	AFFORDABLE HOUSING BONUS SCHEME	19A	08/2025			

SOLAR DIAGRAM
-WINTER SOLSTICE

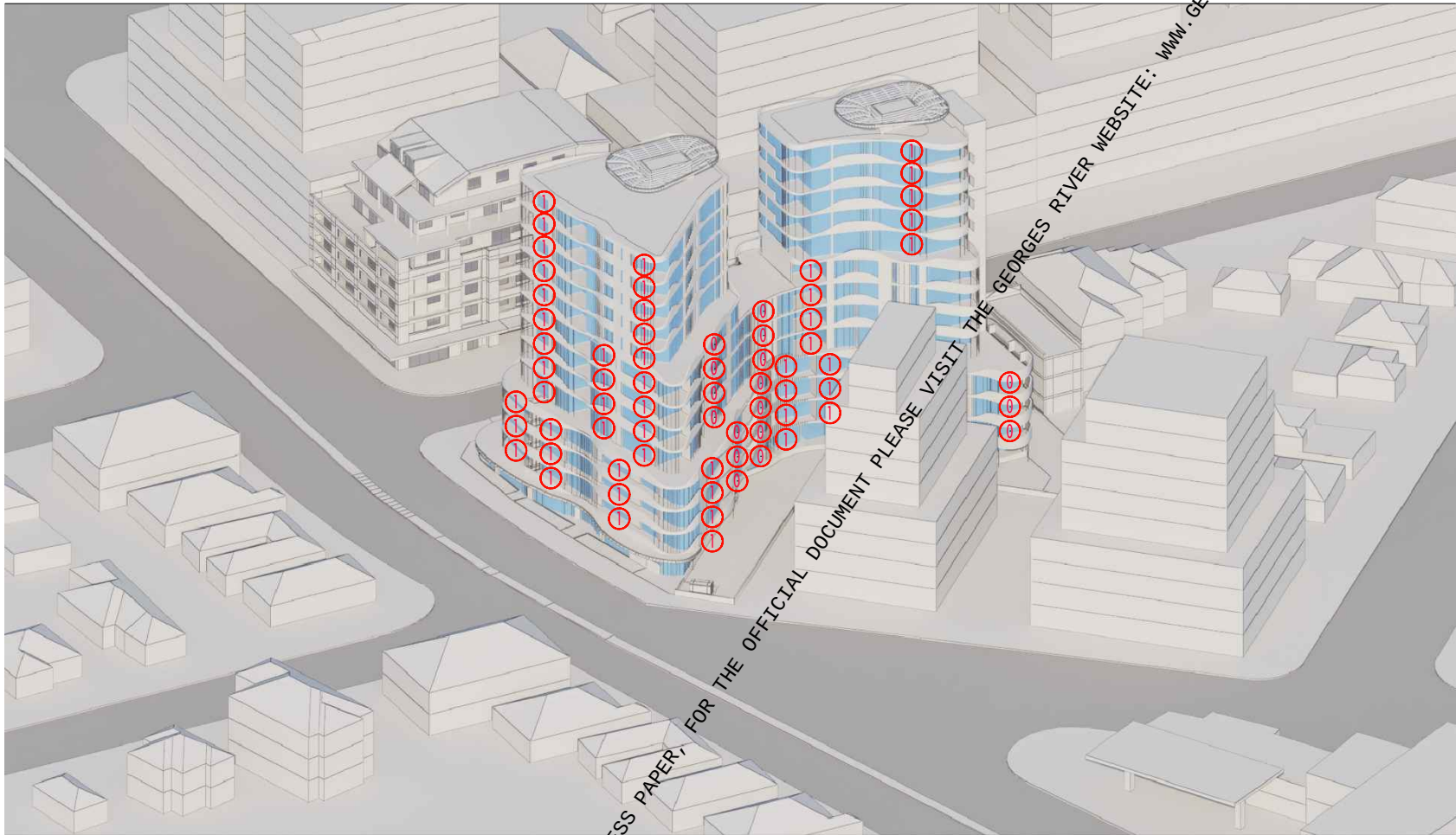
Kogarah
Investments
No.3 Pty Ltd



Project:
L33 KOGARAH
1-5 STANLEY ST & 1-11
PRINCES HIGHWAY,
KOGARAH



POTENTIAL DEVELOPMENTS



JUNE 21 @ 10AM

AFFORDABLE HOUSING

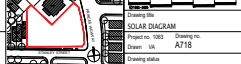
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R	LEC SUBMISSION	NA	12/2024	NA	NA	NA
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SOLAR DIAGRAM
-WINTER SOLSTICE

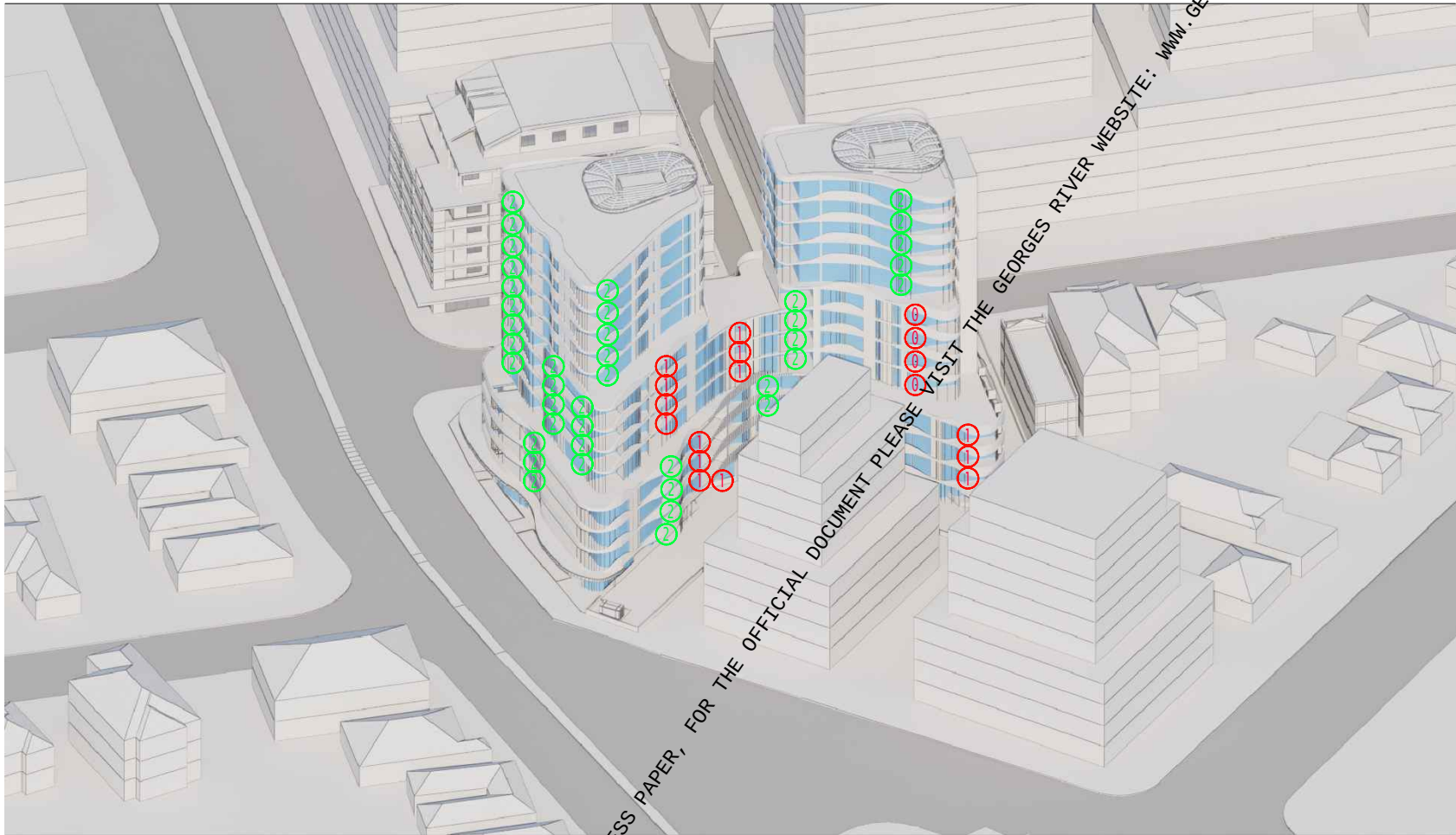
Kogarah
Investments
No.3 Pty Ltd



Project
L33 KOGARAH
Project address
1-5 STANLEY ST & 1-11
PRINCES HIGHWAY,
KOGARAH



POTENTIAL DEVELOPMENTS



JUNE 21 @ 11AM

AFFORDABLE HOUSING

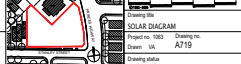
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O	LEC SUBMISSION	NA	12/2025			
P	AFFORDABLE HOUSING BONUS SCHEME	NA	01/2026			
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R	AFFORDABLE HOUSING BONUS SCHEME	NA	01/2026			

SOLAR DIAGRAM
-WINTER SOLSTICE

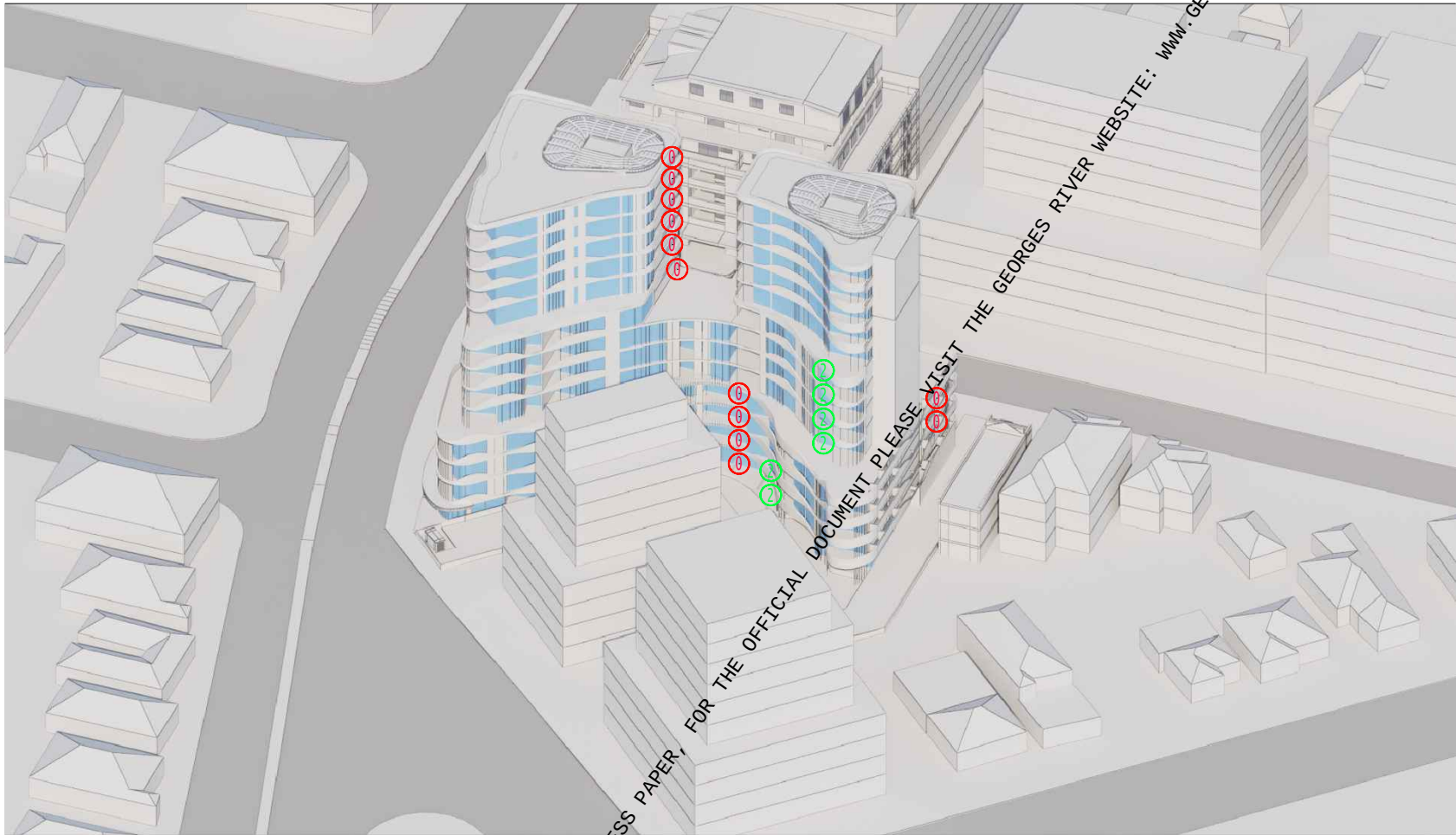
Kogarah
Investments
No.3 Pty Ltd



Project:
L33 KOGARAH
1-5 STANLEY ST & 1-11
PRINCES HIGHWAY,
KOGARAH



POTENTIAL DEVELOPMENTS



JUNE 21 @ 1PM

AFFORDABLE HOUSING

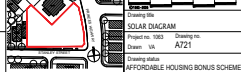
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P	AFFORDABLE HOUSING BONUS SCHEME	NA	12/2024	
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R	AFFORDABLE HOUSING BONUS SCHEME	NA	12/2024	

SOLAR DIAGRAM
-WINTER SOLSTICE

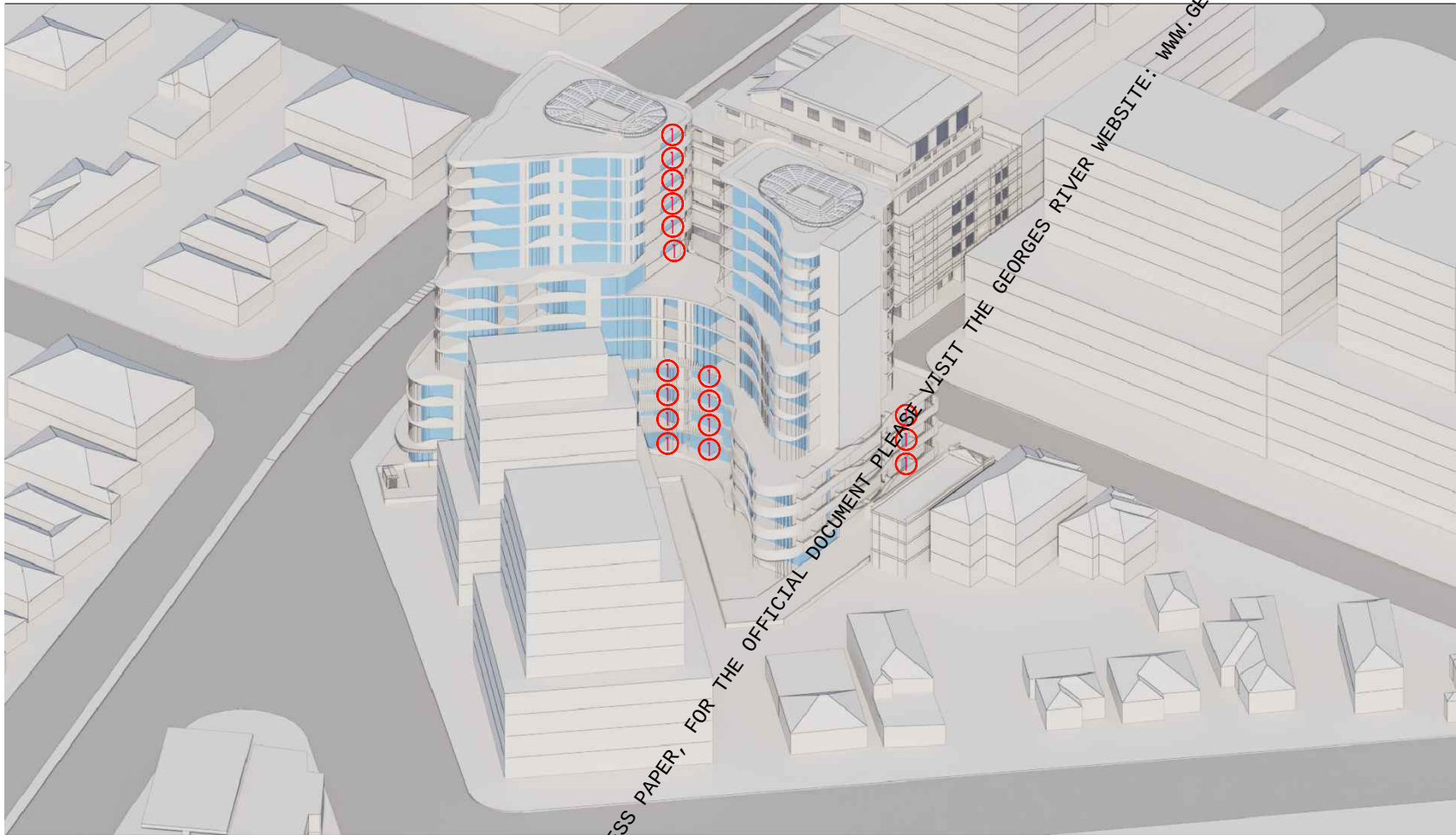
Kogarah
Investments
No.3 Pty Ltd



Project:
L33 KOGARAH
1-5 STANLEY ST & 1-11
PRINCES HIGHWAY,
KOGARAH



POTENTIAL DEVELOPMENTS



JUNE 21 @ 2PM

AFFORDABLE HOUSING

No.	Description	No.	Date	Author	Notes	Legend
L	LEC SUBMISSION	16	12/2024	16/12/2024	16/12/2024	
M	AFFORDABLE HOUSING BONUS SCHEME	17	12/2024	17/12/2024	17/12/2024	
N	LEC SUBMISSION	18	12/2024	18/12/2024	18/12/2024	
O	LEC SUBMISSION	19	12/2024	19/12/2024	19/12/2024	
P	AFFORDABLE HOUSING BONUS SCHEME	20	12/2024	20/12/2024	20/12/2024	
Q	LEC SUBMISSION	21	12/2024	21/12/2024	21/12/2024	
R	AFFORDABLE HOUSING BONUS SCHEME	22	12/2024	22/12/2024	22/12/2024	

SOLAR DIAGRAM
-WINTER SOLSTICE

Kogarah
Investments
No.3 Pty Ltd

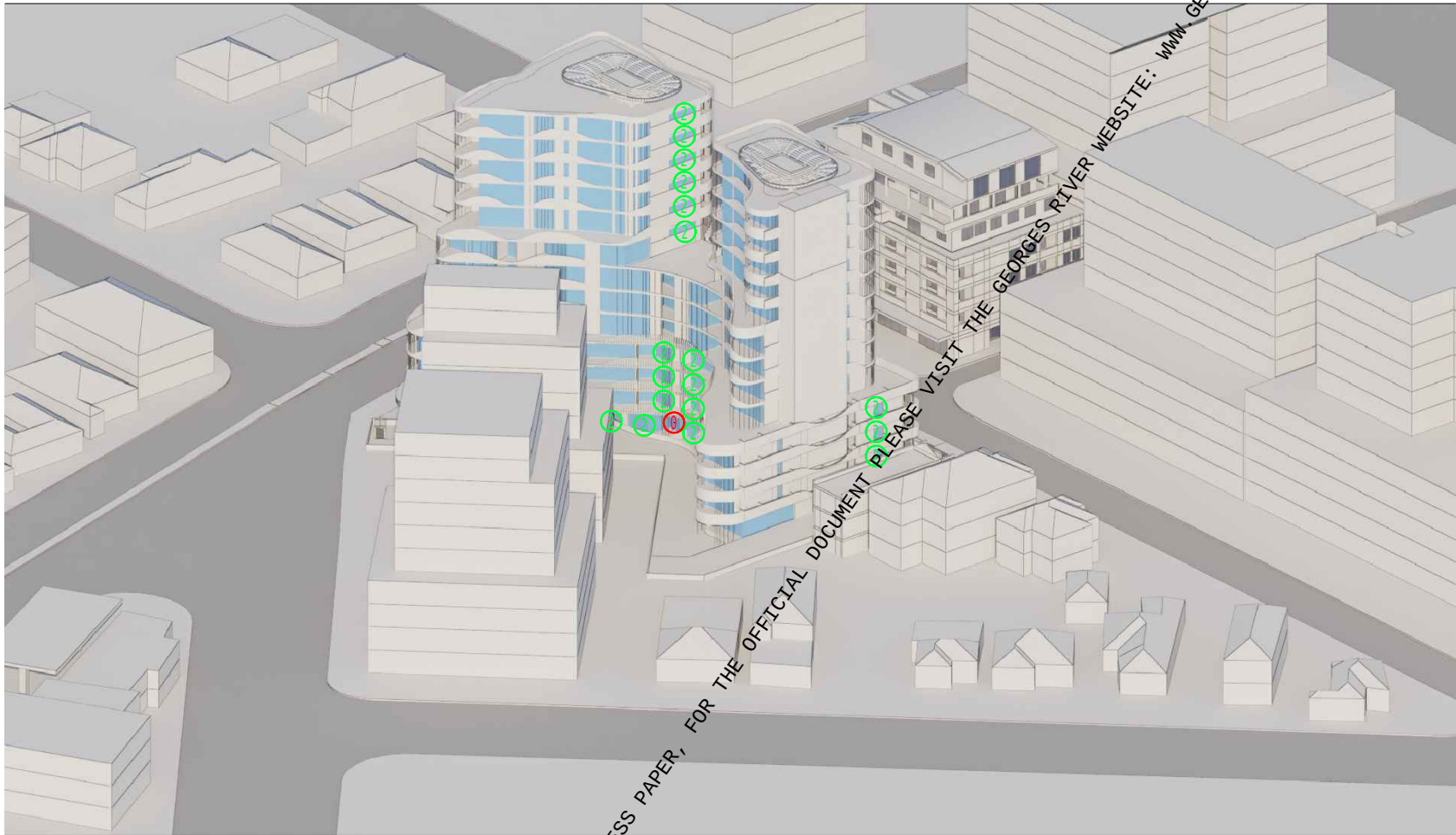


Project
L33 KOGARAH
1-5 STANLEY ST & 1-11
PRINCES HIGHWAY,
KOGARAH



Drawing No.
SOLAR DIAGRAM
Drawing No.
A722
Drawing Date
AFFORDABLE HOUSING BONUS SCHEME

POTENTIAL DEVELOPMENTS



JUNE 21 @ 3PM

PROPOSED SCHEME: 1-5 STANLEY ST & 1-11 PRINCES HIGHWAY, KOGARAH
80 out of 106 Units have solar access to Living Room
75.4% OF THE TOTAL UNITS HAVE 2 HRS SOLAR ACCESS (COMPLY)

AFFORDABLE HOUSING

No.	Description	No.	Date	Comments	Notes	Legend
L	LEC SUBMISSION	NA	12/2024			
M	AFFORDABLE HOUSING BONUS SCHEME	NA	12/2024			
N	LEC SUBMISSION	NA	12/2024			
O	LEC SUBMISSION	NA	12/2025			
P	AFFORDABLE HOUSING BONUS SCHEME	NA	01/2026			
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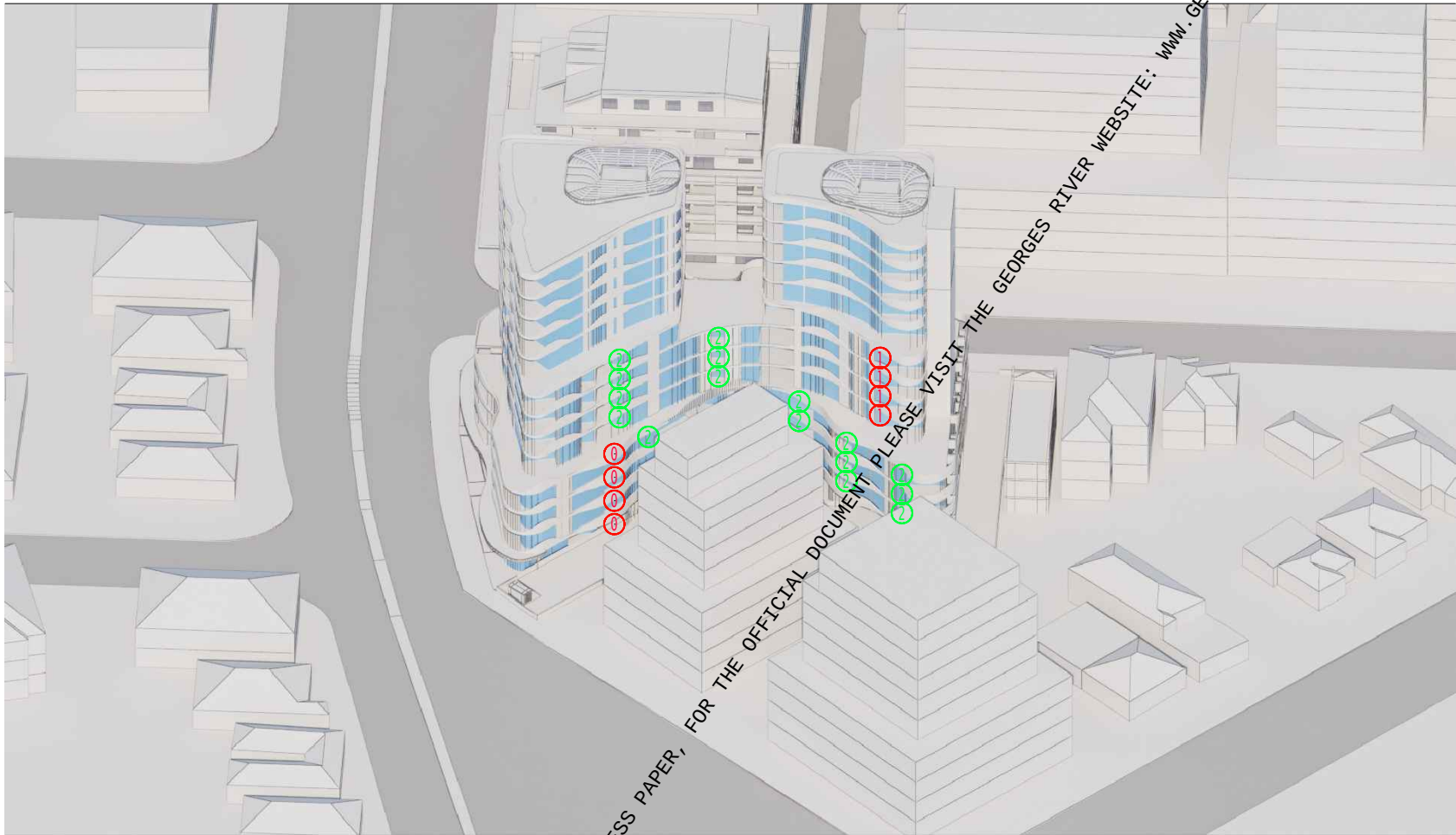
SOLAR DIAGRAM
-WINTER SOLSTICE

Client
Kogarah
Investments
No.3 Pty Ltd



POTENTIAL DEVELOPMENTS

Project L33 KOGARAH	Project address 1-5 STANLEY ST & 1-11 PRINCES HIGHWAY, KOGARAH	Drawing title SOLAR DIAGRAM	Drawing no. A723	Drawing date AFFORDABLE HOUSING BONUS SCHEME
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JUNE 21 @ 12PM

AFFORDABLE HOUSING

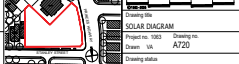
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O	LEC SUBMISSION	19A	12/2024	
P	AFFORDABLE HOUSING BONUS SCHEME	20A	12/2024	
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R	AFFORDABLE HOUSING BONUS SCHEME	22A	12/2024	

SOLAR DIAGRAM
-WINTER SOLSTICE

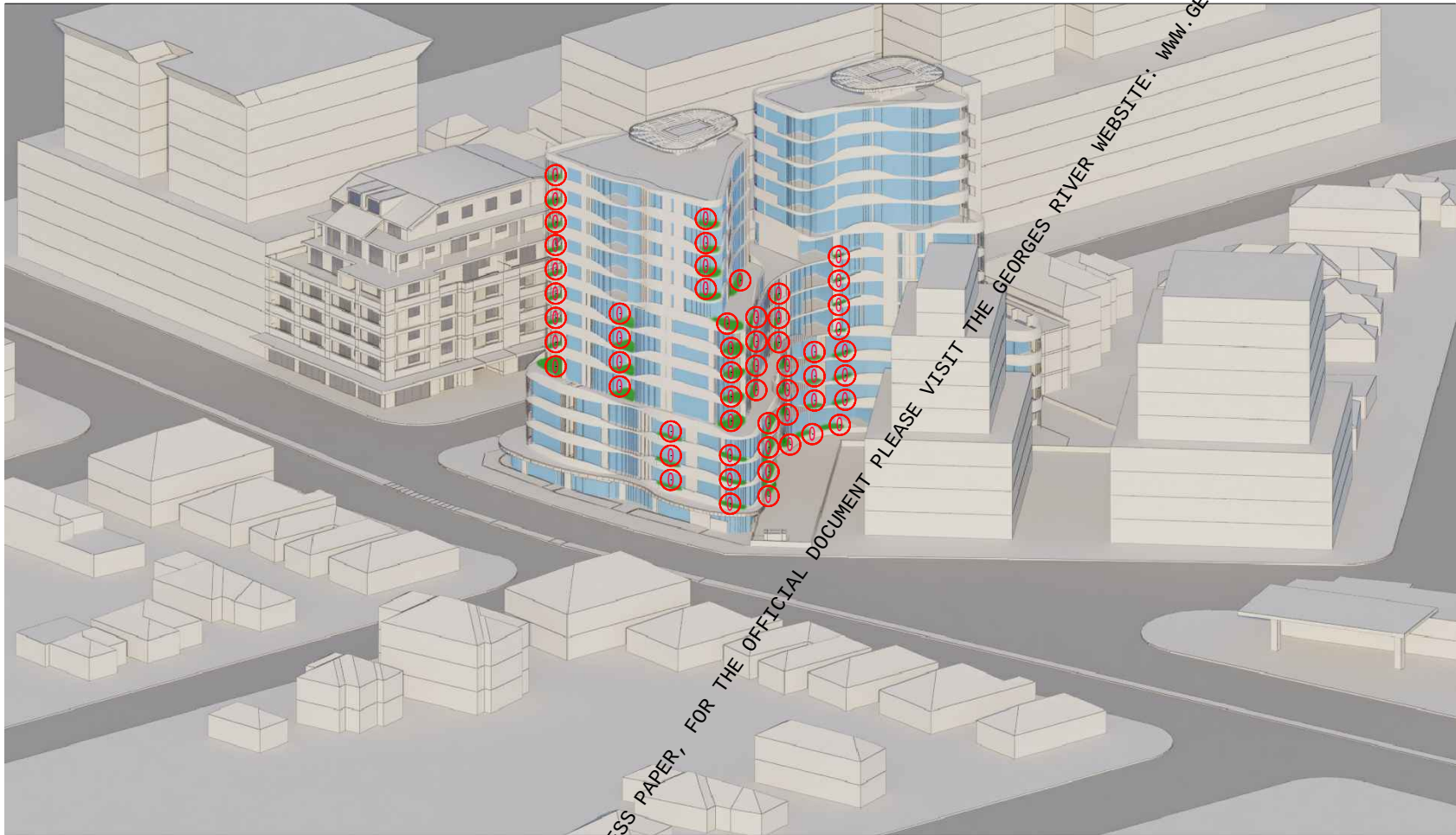
Kogarah
Investments
No.3 Pty Ltd



Project:
L33 KOGARAH
1-5 STANLEY ST & 1-11
PRINCES HIGHWAY,
KOGARAH



POTENTIAL DEVELOPMENTS

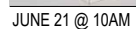


JUNE 21 @ 9AM

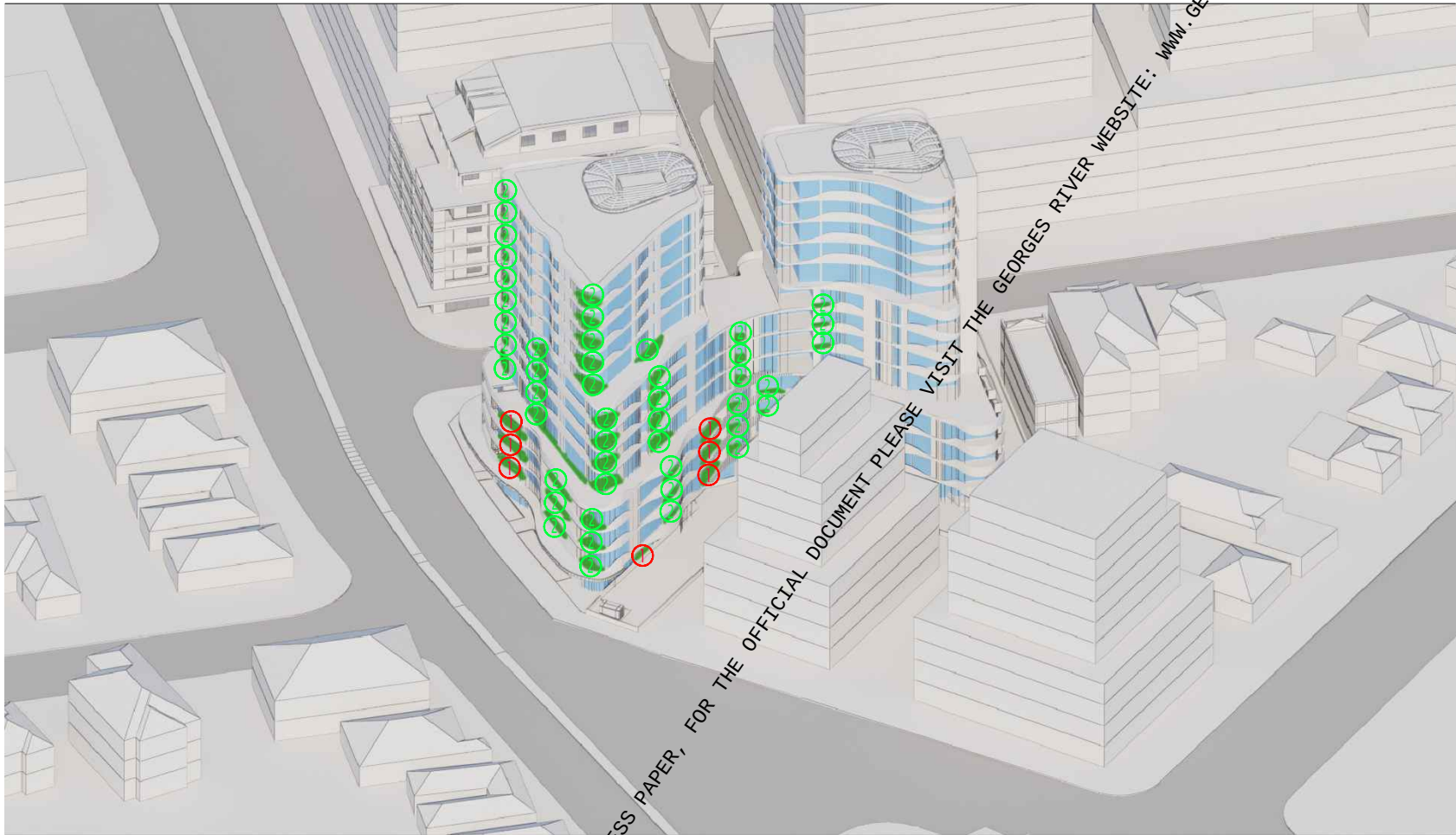
Rev		Description	No	Date	Author	Checker	Project	Client	Project	Project	Project
L	1	LEC SUBMISSION	1A	12/2024				Kogarah Investments No.3 Pty Ltd	L33 KOGARAH	1-5 STANLEY ST & 1-11 PRINCES HIGHWAY, KOGARAH	P/S SOLAR DIAGRAM
M	1	AFFORDABLE HOUSING BONUS SCHEME	1A	12/2024							
N	1	LEC SUBMISSION	1A	12/2024							
O	1	LEC SUBMISSION	1A	12/2024							
P	1	AFFORDABLE HOUSING BONUS SCHEME	1A	08/2025							
Q	1	LEC SUBMISSION	1A	08/2025							
R	1	AFFORDABLE HOUSING BONUS SCHEME	1A	08/2025							

PRIVATE OPEN SPACE
SOLAR DIAGRAM

POTENTIAL DEVELOPMENTS



<table border="1"> <thead> <tr> <th>No</th> <th>Description</th> <th>By</th> <th>Date</th> <th>Signature</th> <th>Notes</th> </tr> </thead> <tbody> <tr> <td>L</td> <td>LEC SUBMISSION</td> <td>VA</td> <td>12/20/2014</td> <td></td> <td>REMARKS: PLOT IS A LARGER SIZE AND MUST BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THE MEETING. THE SUBMITTER MUST PROVIDE A LETTER FROM THE ARCHITECT CONFIRMING THE SUBMITTER'S COMMITMENT TO THE PROJECT. THE SUBMITTER MUST ALSO PROVIDE A LETTER FROM THE ARCHITECT CONFIRMING THE SUBMITTER'S COMMITMENT TO THE PROJECT. THE SUBMITTER MUST ALSO PROVIDE A LETTER FROM THE ARCHITECT CONFIRMING THE SUBMITTER'S COMMITMENT TO THE PROJECT.</td> </tr> <tr> <td>M</td> <td>AFFORDABLE HOUSING BONUS SCHEME</td> <td>VA</td> <td>12/20/2014</td> <td></td> <td></td> </tr> <tr> <td>N</td> <td>LEC SUBMISSION</td> <td>VA</td> <td>12/20/2014</td> <td></td> <td></td> </tr> <tr> <td>O</td> <td>LEC SUBMISSION</td> <td>VA</td> <td>12/20/2014</td> <td></td> <td></td> </tr> <tr> <td>P</td> <td>AFFORDABLE HOUSING BONUS SCHEME</td> <td>VA</td> <td>12/20/2014</td> <td></td> <td></td> </tr> <tr> <td>Q</td> <td>LEC SUBMISSION</td> <td>VA</td> <td>12/20/2014</td> <td></td> <td></td> </tr> <tr> <td>R</td> <td>LEC SUBMISSION</td> <td>VA</td> <td>12/20/2014</td> <td></td> <td></td> </tr> </tbody> </table>		No	Description	By	Date	Signature	Notes	L	LEC SUBMISSION	VA	12/20/2014		REMARKS: PLOT IS A LARGER SIZE AND MUST BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THE MEETING. THE SUBMITTER MUST PROVIDE A LETTER FROM THE ARCHITECT CONFIRMING THE SUBMITTER'S COMMITMENT TO THE PROJECT. THE SUBMITTER MUST ALSO PROVIDE A LETTER FROM THE ARCHITECT CONFIRMING THE SUBMITTER'S COMMITMENT TO THE PROJECT. THE SUBMITTER MUST ALSO PROVIDE A LETTER FROM THE ARCHITECT CONFIRMING THE SUBMITTER'S COMMITMENT TO THE PROJECT.	M	AFFORDABLE HOUSING BONUS SCHEME	VA	12/20/2014			N	LEC SUBMISSION	VA	12/20/2014			O	LEC SUBMISSION	VA	12/20/2014			P	AFFORDABLE HOUSING BONUS SCHEME	VA	12/20/2014			Q	LEC SUBMISSION	VA	12/20/2014			R	LEC SUBMISSION	VA	12/20/2014			PROJECT LABEL PRIVATE OPEN SPACE SOLAR DIAGRAM		Client Kogarah Investments No.3 Pty Ltd	Architects PLANITS	Panel L33 KOGARAH Project address 1-4 STANLEY ST & 1-11 PRINCES HIGHWAY, KOGARAH NSW 2213	Key plan PLANITS
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JUNE 21 @ 11AM

POTENTIAL DEVELOPMENTS						
No	Description	No	Date	Comments	Notes	Legend
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Q	LEC SUBMISSION	1A	12/2024			
R	AFFORDABLE HOUSING BONUS SCHEME	1A	12/2024			

Drawing Label	Client	Architect	Project
PRIVATE OPEN SPACE SOLAR DIAGRAM	Kogarah Investments No.3 Pty Ltd		L33 KOGARAH Project address: 1-5 STANLEY ST & 1-11 PRINCES HIGHWAY, KOGARAH

Project	Project address	Project name	Project number	Project date
L33 KOGARAH	1-5 STANLEY ST & 1-11 PRINCES HIGHWAY, KOGARAH	KOGARAH INVESTMENTS NO.3 PTY LTD	1A	12/2024

Project	Project address	Project name	Project number	Project date
L33 KOGARAH	1-5 STANLEY ST & 1-11 PRINCES HIGHWAY, KOGARAH	KOGARAH INVESTMENTS NO.3 PTY LTD	1A	12/2024

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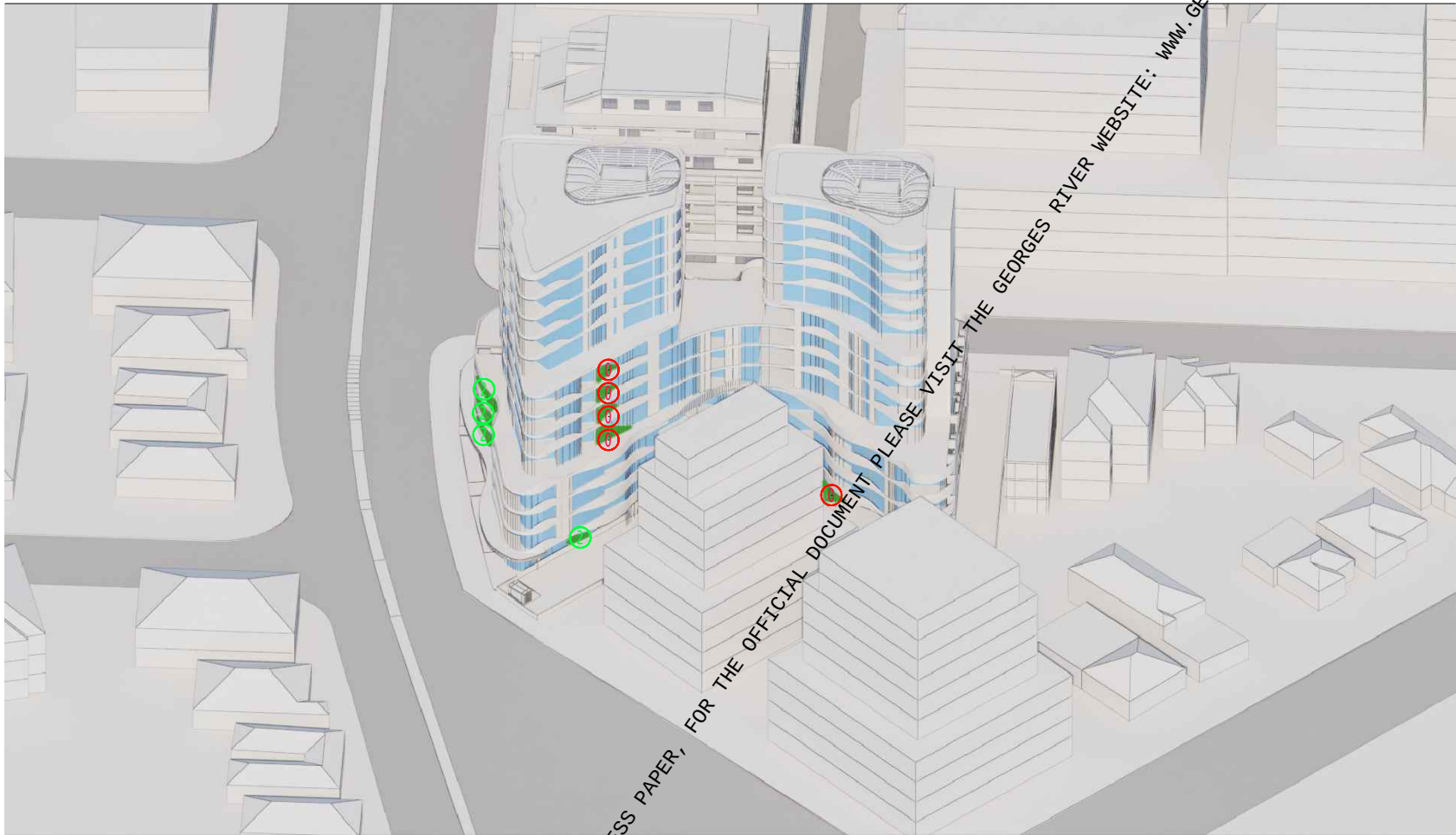
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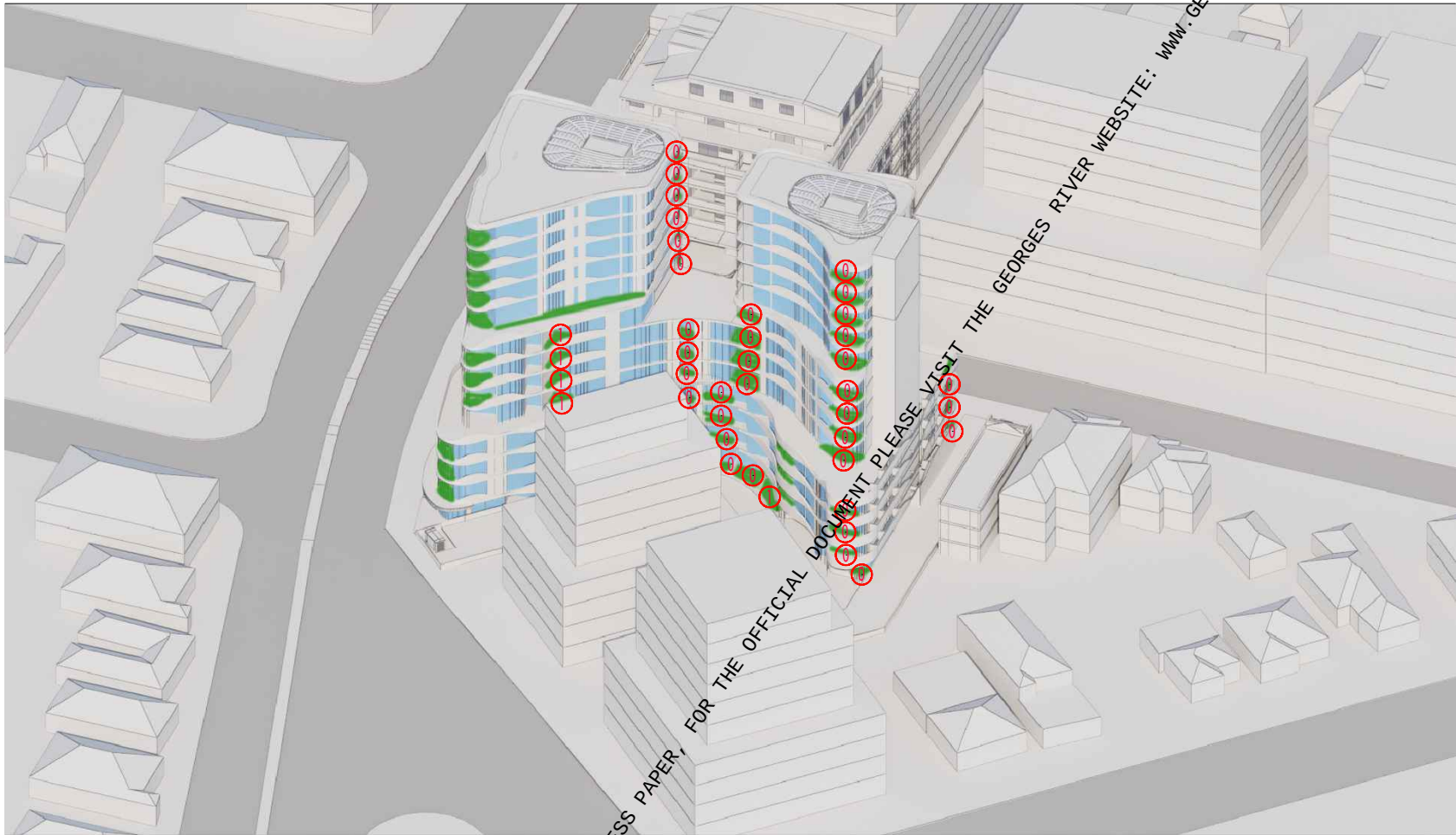
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JUNE 21 @ 12PM

Rev	Description	No	Date	Drawn by	Checked by	Notes	Legend	DRAWING LABEL		Client	Architect	Project	
L	LEC SUBMISSION	NA	12/2024			FOR THE PURPOSES OF THE AFFORDABLE HOUSING BONUS SCHEME, THE PROPOSED DEVELOPMENT IS A SINGLE-STOREY HOUSE WITH A GROUND FLOOR AREA OF 100.00 SQM AND A TOTAL FLOOR AREA OF 100.00 SQM. THE PROPOSED DEVELOPMENT IS A SINGLE-STOREY HOUSE WITH A GROUND FLOOR AREA OF 100.00 SQM AND A TOTAL FLOOR AREA OF 100.00 SQM.		PRIVATE OPEN SPACE SOLAR DIAGRAM		Kogarah Investments No.3 Pty Ltd		L33 KOGARAH POS SOLAR DIAGRAM 1-5 STANLEY ST & 1-11 PRINCES HIGHWAY, KOGARAH	
M	AFFORDABLE HOUSING BONUS SCHEME	NA	12/2024										
N	LEC SUBMISSION	NA	12/2024										
O	LEC SUBMISSION	NA	12/2024										
P	AFFORDABLE HOUSING BONUS SCHEME	NA	12/2024										
Q	LEC SUBMISSION	NA	12/2024										
R	AFFORDABLE HOUSING BONUS SCHEME	NA	12/2024										

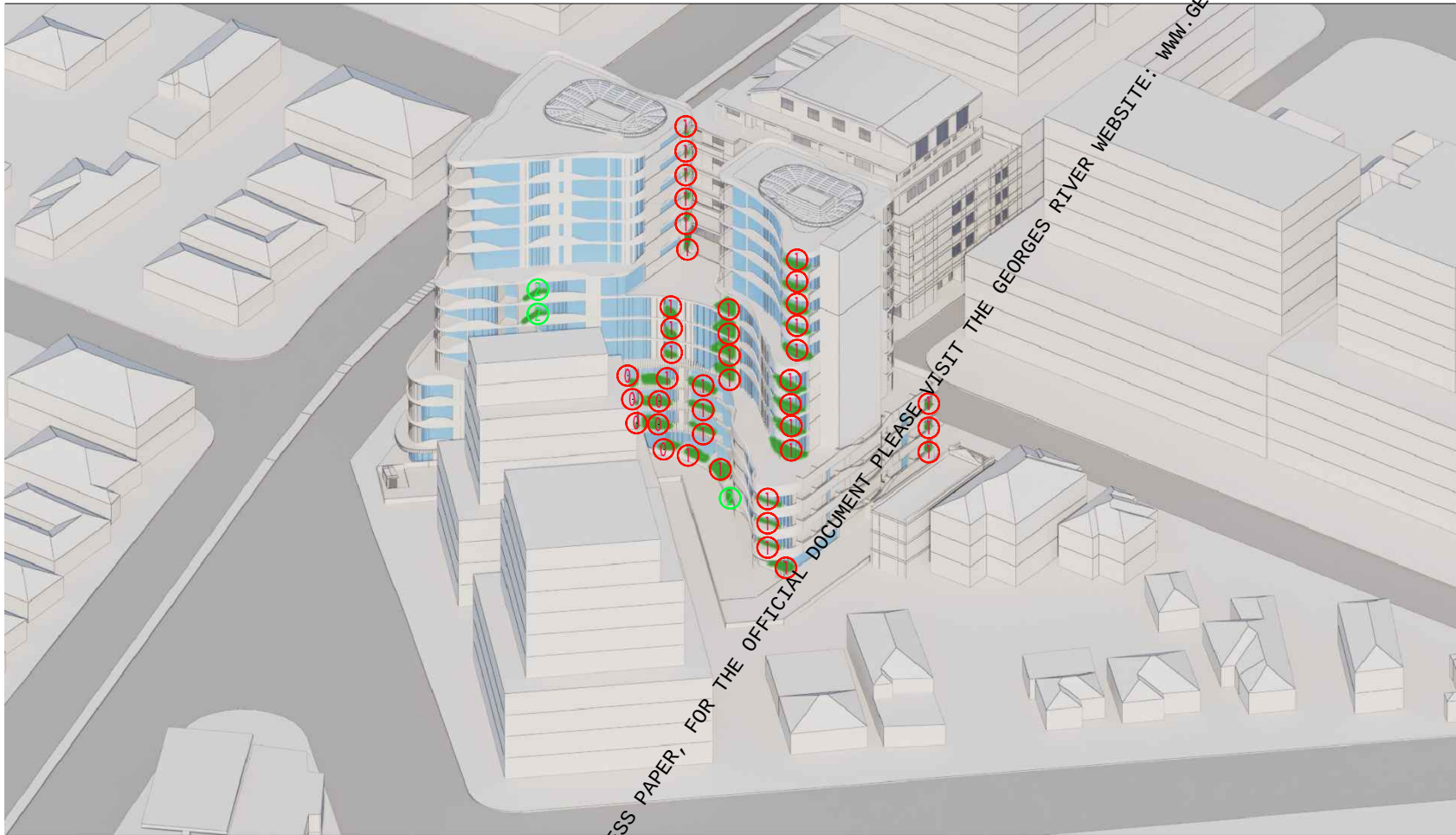


JUNE 21 @ 1PM

Rev			Description	No	Date	Drawn by	Checked by	Project	Client	Project	Project address	Project	Project
1			LEC SUBMISSION	1A	12/2024			Kogarah Investments No.3 Pty Ltd	Kogarah Investments No.3 Pty Ltd	L33 KOGARAH	1-5 STANLEY ST & 1-11 PRINCES HIGHWAY, KOGARAH	KOS SOLAR DIAGRAM	Drawing title: A729
2			AFFORDABLE HOUSING BONUS SCHEME	1A	12/2024								
3			LEC SUBMISSION	1A	12/2024								
4			LEC SUBMISSION	1A	12/2024								
5			AFFORDABLE HOUSING BONUS SCHEME	1A	12/2024								
6			LEC SUBMISSION	1A	12/2024								
7			AFFORDABLE HOUSING BONUS SCHEME	1A	12/2024								
8			LEC SUBMISSION	1A	12/2024								
9			AFFORDABLE HOUSING BONUS SCHEME	1A	12/2024								

PRIVATE OPEN SPACE
SOLAR DIAGRAM

POTENTIAL DEVELOPMENTS



JUNE 21 @ 2PM

Rev		Description	No	Date	Drawn by	Checked by	Project	Legend	DRAWING LABEL		Client	Aspects	Project	Project address	Project no.	Project title	Project title	Project title
L	1	LEC SUBMISSION	1A	12/2024	1A	12/2024	1A	12/2024	1A	12/2024	1A	12/2024	1A	1A	1A	1A	1A	1A
M	1	AFFORDABLE HOUSING BONUS SCHEME	1A	12/2024	1A	12/2024	1A	12/2024	1A	12/2024	1A	12/2024	1A	1A	1A	1A	1A	1A
N	1	LEC SUBMISSION	1A	12/2024	1A	12/2024	1A	12/2024	1A	12/2024	1A	12/2024	1A	1A	1A	1A	1A	1A
O	1	LEC SUBMISSION	1A	12/2024	1A	12/2024	1A	12/2024	1A	12/2024	1A	12/2024	1A	1A	1A	1A	1A	1A
P	1	AFFORDABLE HOUSING BONUS SCHEME	1A	12/2024	1A	12/2024	1A	12/2024	1A	12/2024	1A	12/2024	1A	1A	1A	1A	1A	1A
Q	1	LEC SUBMISSION	1A	12/2024	1A	12/2024	1A	12/2024	1A	12/2024	1A	12/2024	1A	1A	1A	1A	1A	1A
R	1	AFFORDABLE HOUSING BONUS SCHEME	1A	12/2024	1A	12/2024	1A	12/2024	1A	12/2024	1A	12/2024	1A	1A	1A	1A	1A	1A

PRIVATE OPEN SPACE
SOLAR DIAGRAM

Kogarah
Investments
No.3 Pty Ltd

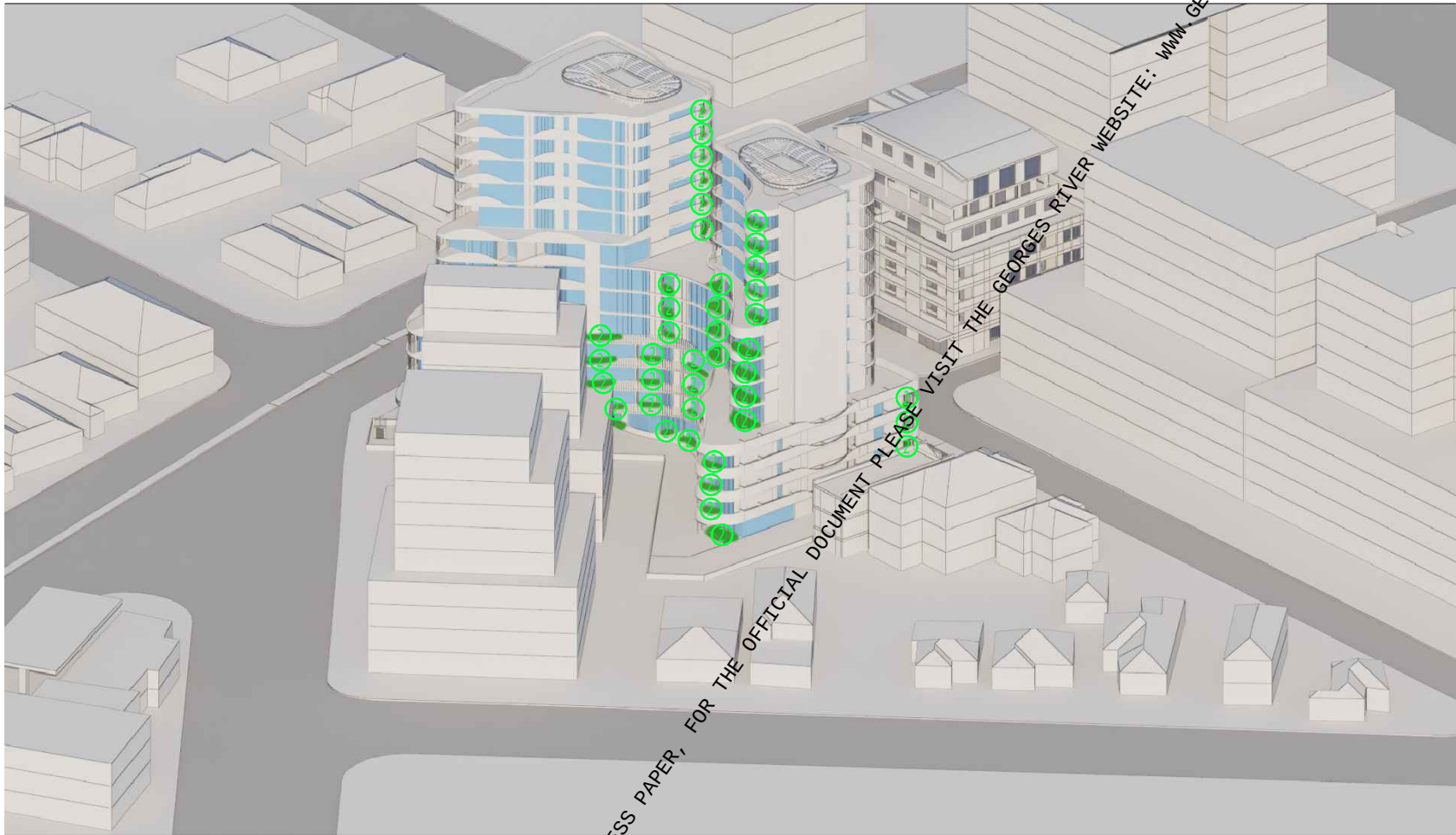
Aspects

L33 KOGARAH

Project address
1-5 STANLEY ST & 1-11
PRINCES HIGHWAY,
KOGARAH

Project no.
AY30

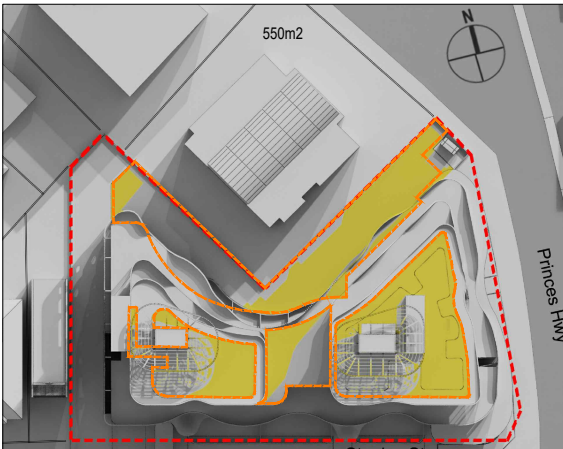
Project title
AFFORDABLE HOUSING BONUS SCHEME



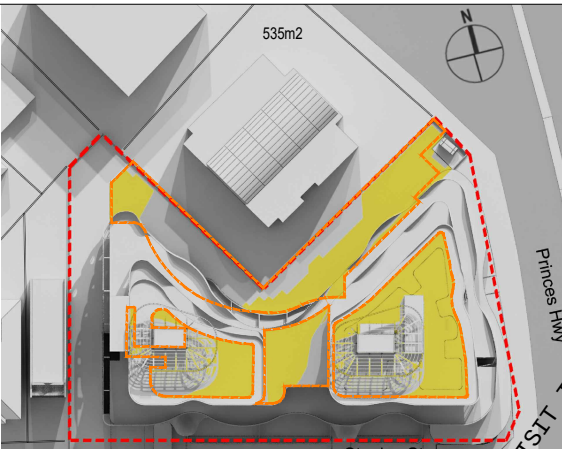
JUNE 21 @ 3PM

PROPOSED SCHEME: 1-5 STANLEY ST & 1-11 PRINCES HIGHWAY, KOGARAH
89 out of 106 Units have solar access on the balcony
84% OF THE TOTAL UNITS HAVE 2 HRS SOLAR ACCESS (COMPLIANT)

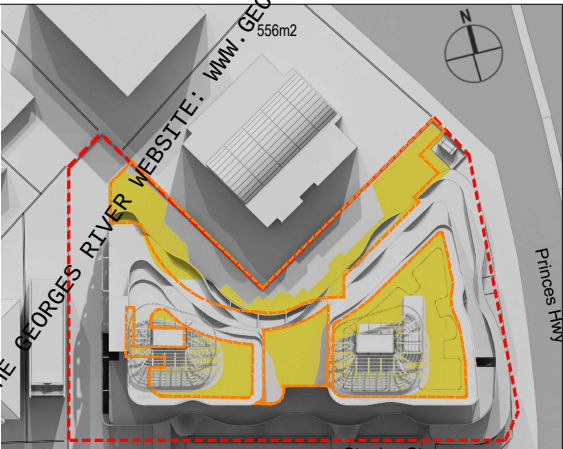
SUBMISSIONS			NOTES		LEGEND	DRAWING LABELS		CLIENT	ARCHITECT	PROJECT		DRAWING NO.	DRAWING DATE
No.	Description	No.	Date	Comments									
L	LEC SUBMISSION	NA	12/2024	THIS SUBMISSION IS A PRELIMINARY DESIGN AND IS NOT FOR CONSTRUCTION. IT IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.	PRIVATE OPEN SPACE SOLAR DIAGRAM	Kogarah Investments No.3 Pty Ltd		L33 KOGARAH		1-5 STANLEY ST & 1-11 PRINCES HIGHWAY, KOGARAH	A731	A731	A731
M	AFFORDABLE HOUSING BONUS SCHEME	NA	12/2024	THIS SUBMISSION IS A PRELIMINARY DESIGN AND IS NOT FOR CONSTRUCTION. IT IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.									
N	LEC SUBMISSION	NA	12/2024	THIS SUBMISSION IS A PRELIMINARY DESIGN AND IS NOT FOR CONSTRUCTION. IT IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.	PRIVATE OPEN SPACE SOLAR DIAGRAM	Kogarah Investments No.3 Pty Ltd		L33 KOGARAH		1-5 STANLEY ST & 1-11 PRINCES HIGHWAY, KOGARAH	A731	A731	A731
O	LEC SUBMISSION	NA	12/2024	THIS SUBMISSION IS A PRELIMINARY DESIGN AND IS NOT FOR CONSTRUCTION. IT IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.									
P	AFFORDABLE HOUSING BONUS SCHEME	NA	12/2024	THIS SUBMISSION IS A PRELIMINARY DESIGN AND IS NOT FOR CONSTRUCTION. IT IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.	PRIVATE OPEN SPACE SOLAR DIAGRAM	Kogarah Investments No.3 Pty Ltd		L33 KOGARAH		1-5 STANLEY ST & 1-11 PRINCES HIGHWAY, KOGARAH	A731	A731	A731
Q	LEC SUBMISSION	NA	12/2024	THIS SUBMISSION IS A PRELIMINARY DESIGN AND IS NOT FOR CONSTRUCTION. IT IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.									
R	AFFORDABLE HOUSING BONUS SCHEME	NA	12/2024	THIS SUBMISSION IS A PRELIMINARY DESIGN AND IS NOT FOR CONSTRUCTION. IT IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.	PRIVATE OPEN SPACE SOLAR DIAGRAM	Kogarah Investments No.3 Pty Ltd		L33 KOGARAH		1-5 STANLEY ST & 1-11 PRINCES HIGHWAY, KOGARAH	A731	A731	A731



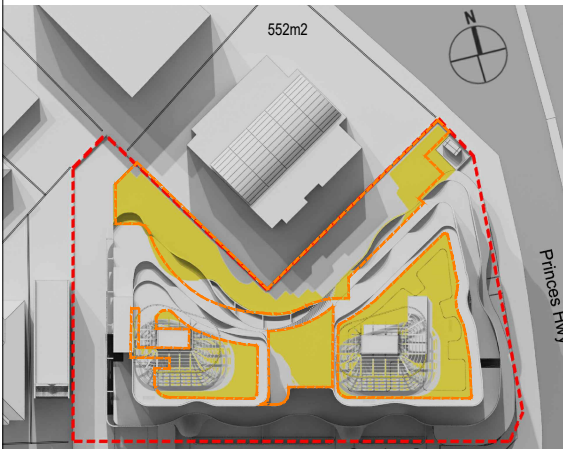
JUNE 21 @ 9AM-11AM
550m² out of 641.9m² of C.O.S. area achieve 2-hour solar access
=85% of C.O.S. required area



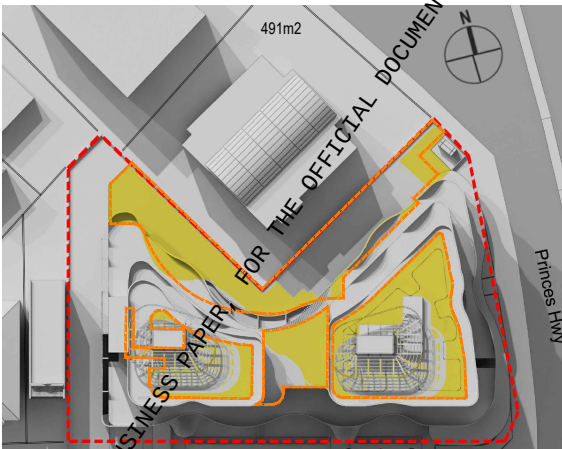
JUNE 21 @ 10AM-11AM
535m² out of 641.9m² of C.O.S. area achieve 2-hour solar access
=83% of C.O.S. required area



JUNE 21 @ 11AM-1PM
556m² out of 641.9m² of C.O.S. area achieve 2-hour solar access
=86% of C.O.S. required area



JUNE 21 @ 12PM-2PM
552m² out of 641.9m² of C.O.S. area achieve 2-hour solar access
=85% of C.O.S. required area



JUNE 21 @ 1PM-3PM
491m² out of 641.9m² of C.O.S. area achieve 2-hour solar access
=76% of C.O.S. required area

SITE AREA: 2567.49 sqm

PROPOSED C.O.S. - STAGE 2
(GROUND LEVEL, LEVEL 8 & AND ROOF)
998.1 sqm 38.9% OF SITE AREA

Required COS Area = 641.9 sqm (25%)

556m² out of 641.9m² of C.O.S. area achieve 2-hour solar access
=86% of C.O.S. required area

- 2 hours Solar Acces to C.O.S Area
- SURROUNDING BUILDING SHADOW
- PROPOSED C.O.S AREA

No.	Description	By	Date	Comments	Notes	Legend
L	LEC SUBMISSION	VA	12/2024			
M	AFFORDABLE HOUSING BONUS SCHEME	VA	12/2024			
N	LEC SUBMISSION	VA	12/2024			
O	LEC SUBMISSION	VA	12/2024			
P	AFFORDABLE HOUSING BONUS SCHEME	VA	08/2025			
Q	LEC SUBMISSION	VA	03/2025			
R	AFFORDABLE HOUSING BONUS SCHEME	VA	04/2025			

**C.O.S SOLAR DIAGRAM
-WINTER SOLSTICE**

Client
**Kogarah Investments
No.3 Pty Ltd**

Architects
L33 KOGARAH

Project
L33 KOGARAH

Project address
**1-5 STANLEY ST & 1-11
PRINCES HIGHWAY,
KOGARAH**

Drawing title
COS SOLAR DIAGRAM

Project no.
1025

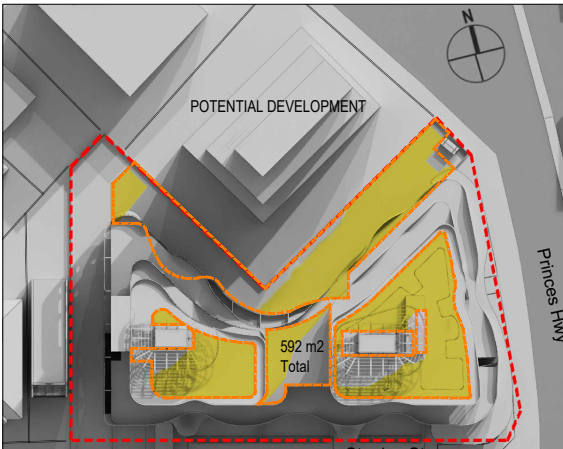
Drawing no.
A732

Scale
1:100

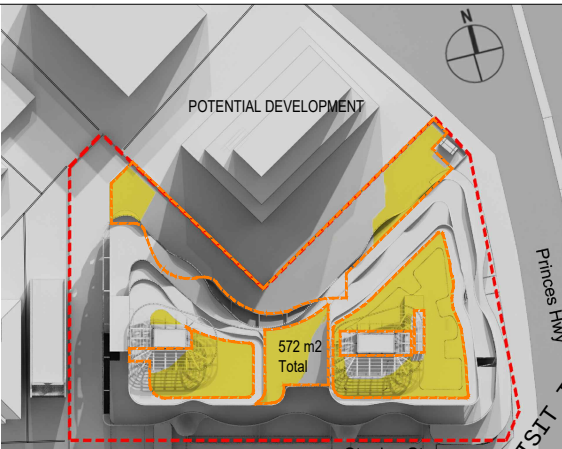
North arrow

Site plan

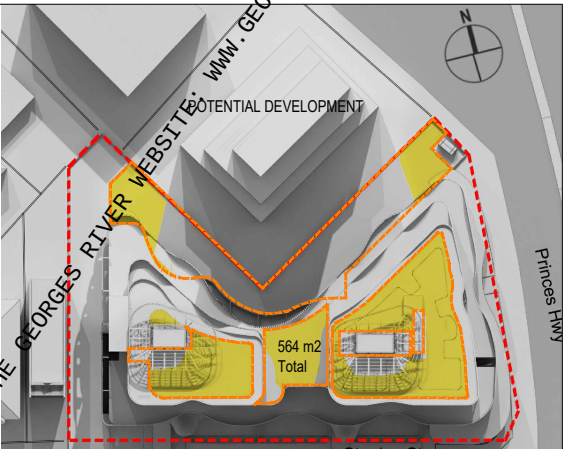
Legend



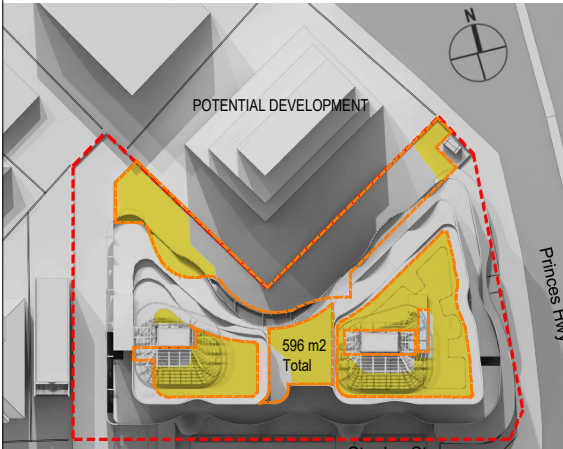
JUNE 21 @ 9AM-11AM
592m² out of 641.9m² of C.O.S. area achieve 2-hour solar access
=92% of C.O.S. required area



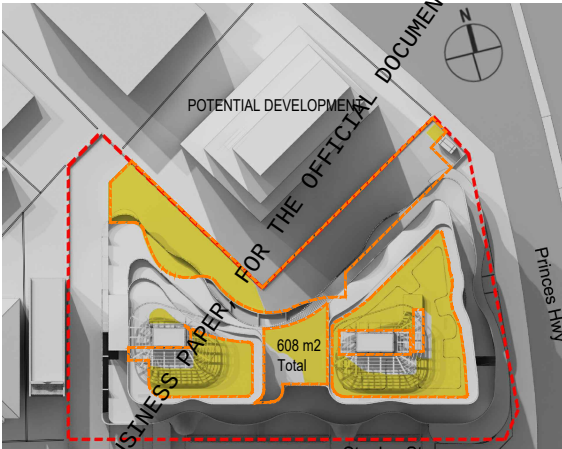
JUNE 21 @ 10AM-11AM
572m² out of 641.9m² of C.O.S. area achieve 2-hour solar access
=89% of C.O.S. required area



JUNE 21 @ 11AM-1PM
564m² out of 641.9m² of C.O.S. area achieve 2-hour solar access
=88% of C.O.S. required area



JUNE 21 @ 12PM-2PM
596m² out of 641.9m² of C.O.S. area achieve 2-hour solar access
=93% of C.O.S. required area



JUNE 21 @ 1PM-3PM
608m² out of 641.9m² of C.O.S. area achieve 2-hour solar access
=95% of C.O.S. required area

SITE AREA: 2567.49 sqm

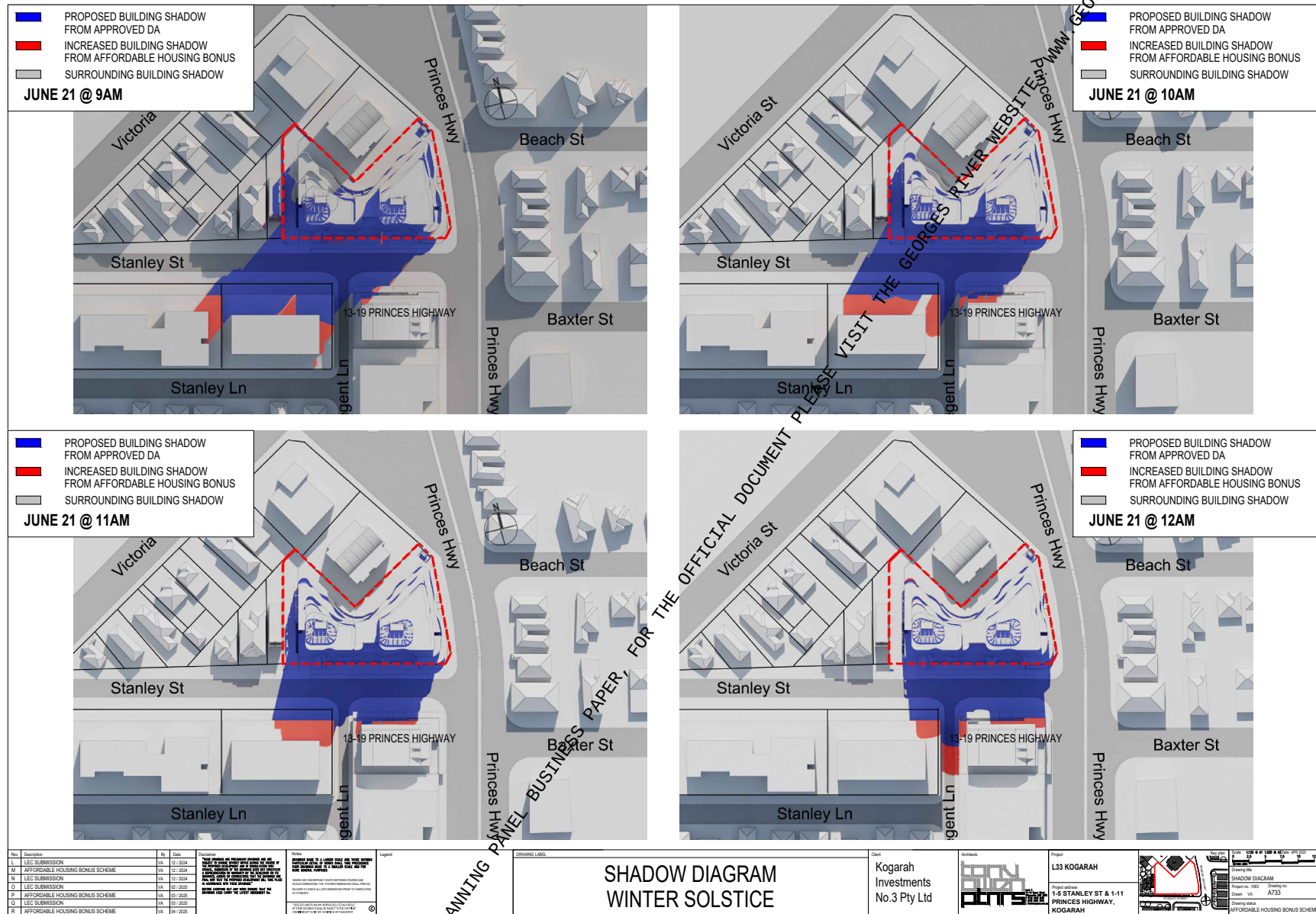
PROPOSED C.O.S. - STAGE 2
(GROUND LEVEL, LEVEL 8 & AND ROOF)
998.1 sqm 38.9% OF SITE AREA

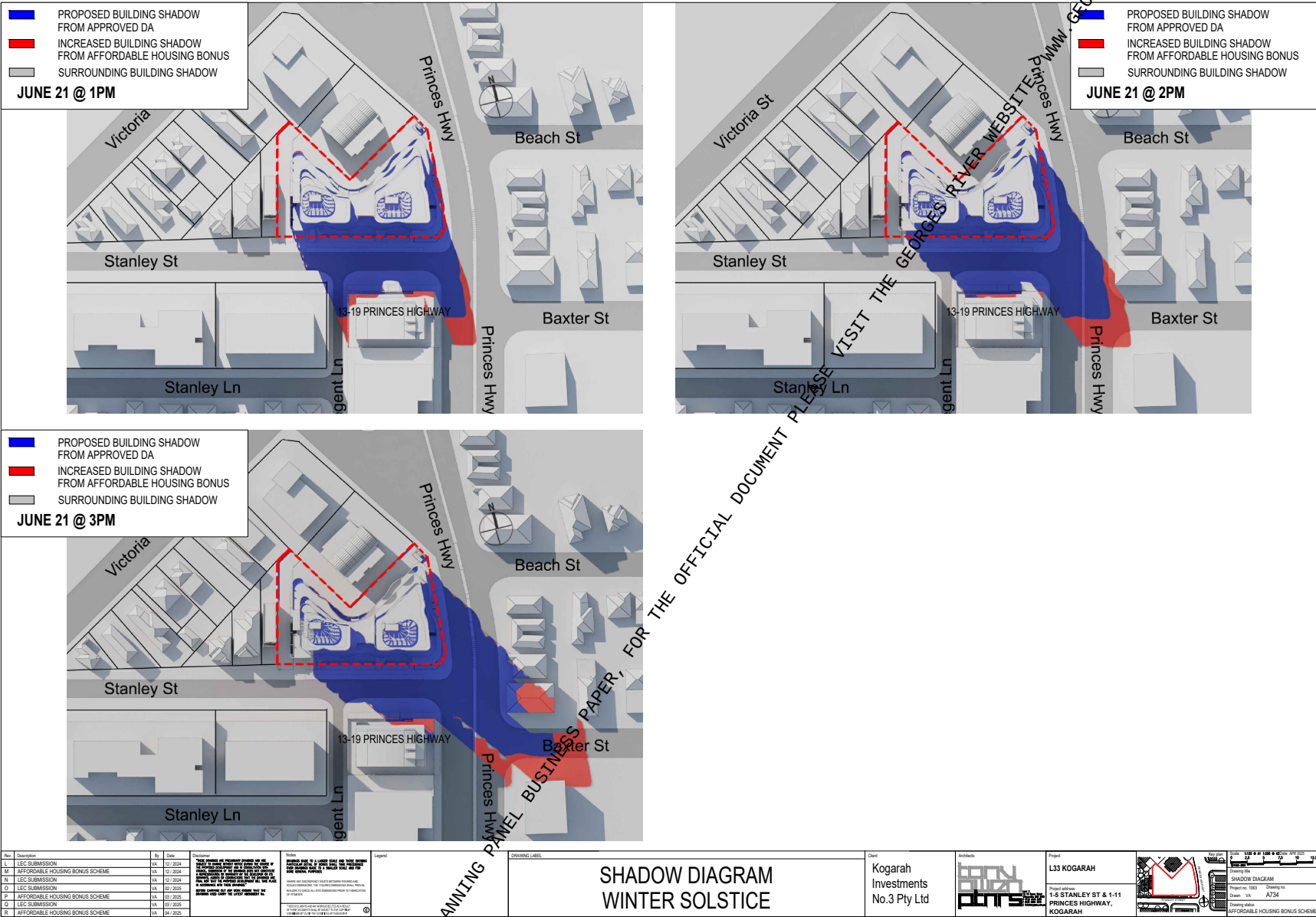
Required COS Area = 641.9 sqm (25%)

608m² out of 641.9m² of C.O.S. area achieve 2-hour solar access from 1PM-3PM
=95% of C.O.S. required area

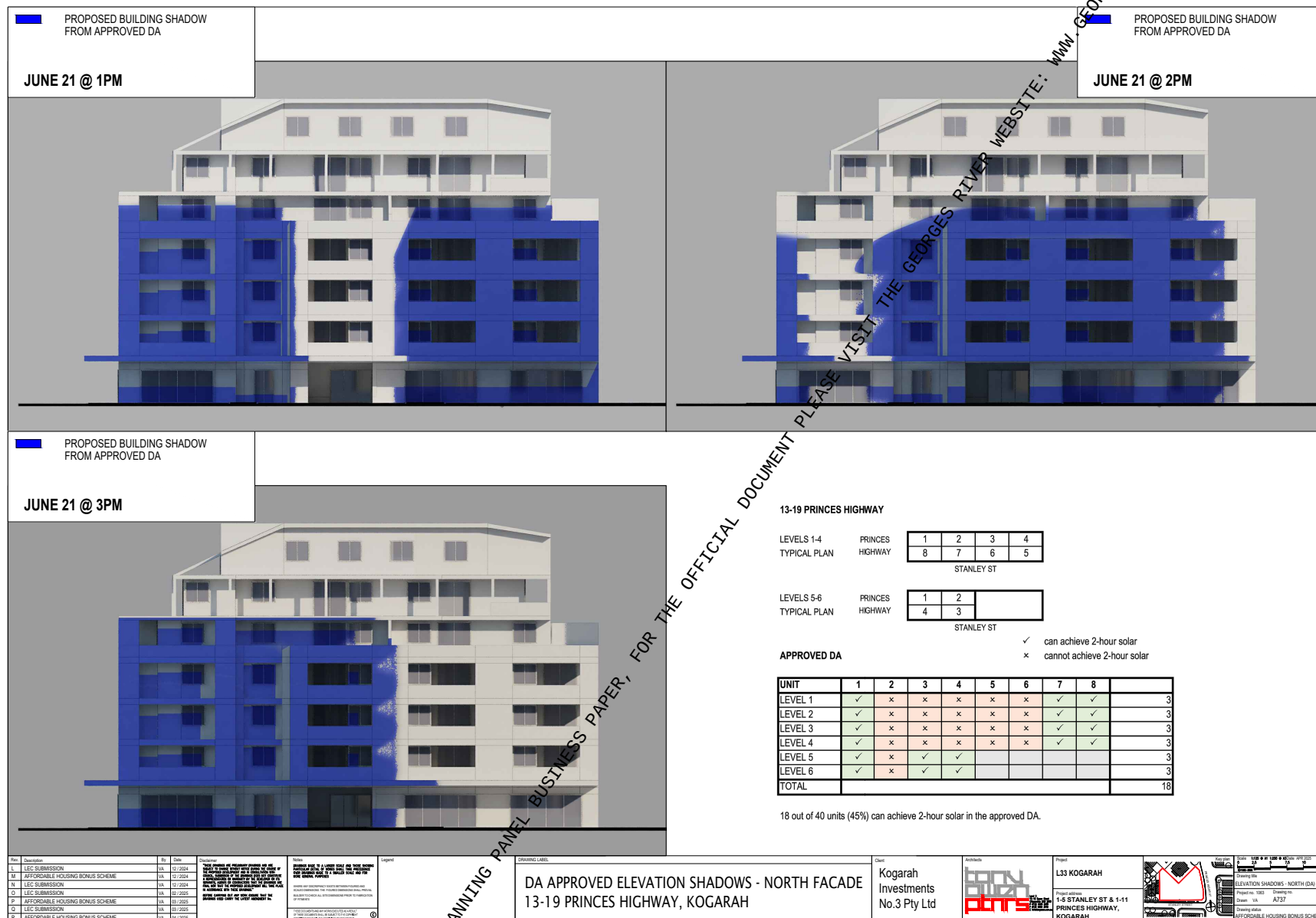
- 2 hours Solar Access to C.O.S Area
- SURROUNDING BUILDING SHADOW
- PROPOSED C.O.S AREA

Description		By	Date	Comments	Notes	Legend	DRAWING LABELS		Client	Architect	Project	Drawing Title	
L	LEC SUBMISSION	VA	12/2024		RECEIVED BY A COUNCIL OFFICE ON 12/12/2024. THE COUNCIL OFFICE HAS ADVISED THAT THE SUBMISSION IS NOT A COUNCIL OFFICE MATTER AND IS NOT A COUNCIL OFFICE MATTER. THE COUNCIL OFFICE HAS ADVISED THAT THE SUBMISSION IS NOT A COUNCIL OFFICE MATTER AND IS NOT A COUNCIL OFFICE MATTER. THE COUNCIL OFFICE HAS ADVISED THAT THE SUBMISSION IS NOT A COUNCIL OFFICE MATTER AND IS NOT A COUNCIL OFFICE MATTER. THE COUNCIL OFFICE HAS ADVISED THAT THE SUBMISSION IS NOT A COUNCIL OFFICE MATTER AND IS NOT A COUNCIL OFFICE MATTER. THE COUNCIL OFFICE HAS ADVISED THAT THE SUBMISSION IS NOT A COUNCIL OFFICE MATTER AND IS NOT A COUNCIL OFFICE MATTER. THE COUNCIL OFFICE HAS ADVISED THAT THE SUBMISSION IS NOT A COUNCIL OFFICE MATTER AND IS NOT A COUNCIL OFFICE MATTER. THE COUNCIL OFFICE HAS ADVISED THAT THE SUBMISSION IS NOT A COUNCIL OFFICE MATTER AND IS NOT A COUNCIL OFFICE MATTER. 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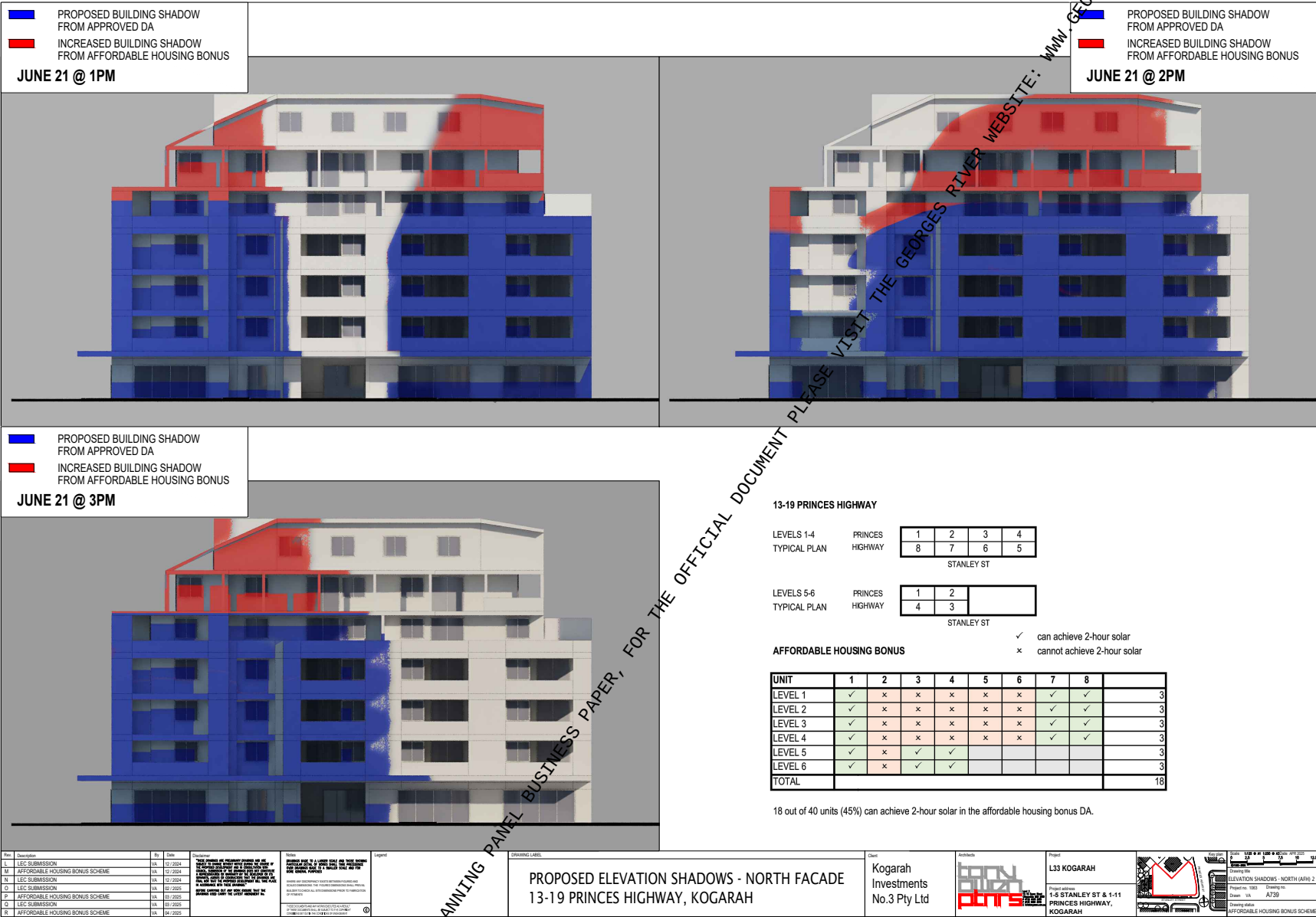




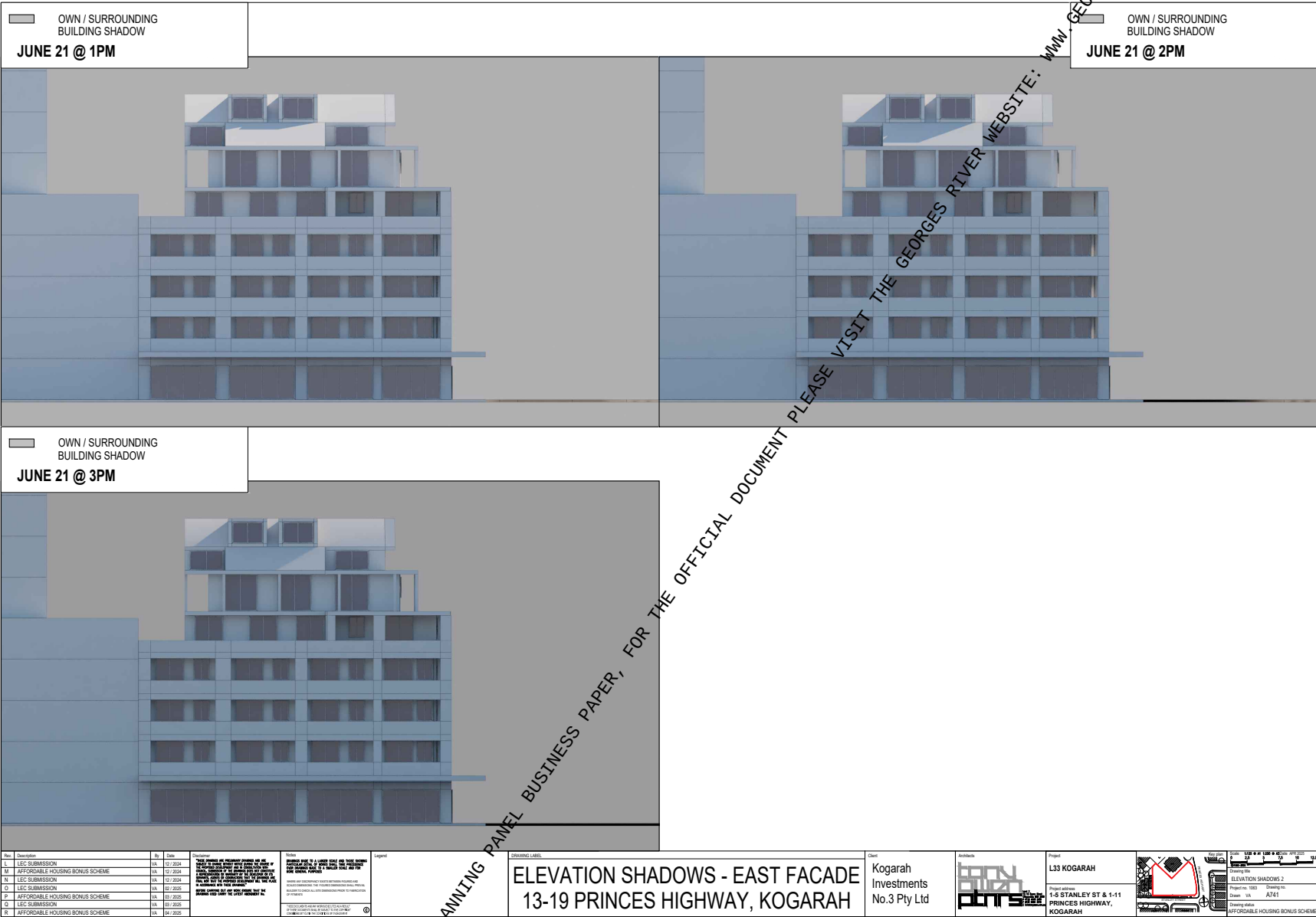


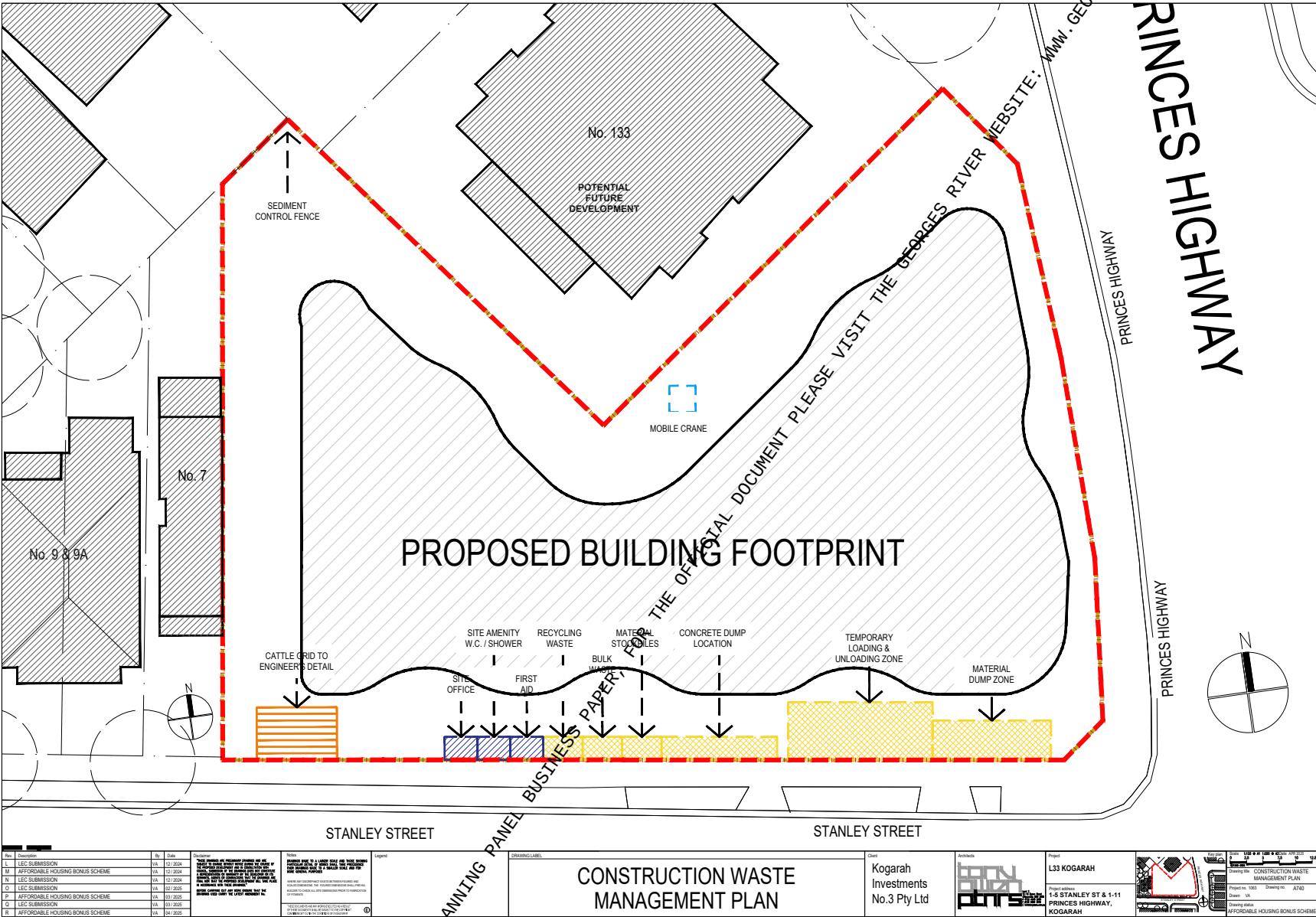














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LESS PAPER, FOR YOU

No.	Description	No.	Date	Designer	Notes	Project	Client	Architect	Project	Key Plan	Site	Scale	1:500	1:200	1:100	1:50	1:20	1:10
L	LEC SUBMISSION	VA	12/1/2024		DESIGNED FOR L & L STANLEY STAY ON THIS PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT.	EXTERNAL FINISHES SCHEDULE	Kogarah Investments No.3 Pty Ltd		L33 KOGARAH			Scale	1:500	1:200	1:100	1:50	1:20	1:10
M	AFFORDABLE HOUSING BONUS SCHEME	VA	12/1/2024		DESIGNED FOR L & L STANLEY STAY ON THIS PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT.	EXTERNAL FINISHES SCHEDULE	Kogarah Investments No.3 Pty Ltd		L33 KOGARAH			Scale	1:500	1:200	1:100	1:50	1:20	1:10
N	LEC SUBMISSION	VA	12/1/2024		DESIGNED FOR L & L STANLEY STAY ON THIS PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT.	EXTERNAL FINISHES SCHEDULE	Kogarah Investments No.3 Pty Ltd		L33 KOGARAH			Scale	1:500	1:200	1:100	1:50	1:20	1:10
O	AFFORDABLE HOUSING BONUS SCHEME	VA	12/1/2024		DESIGNED FOR L & L STANLEY STAY ON THIS PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT.	EXTERNAL FINISHES SCHEDULE	Kogarah Investments No.3 Pty Ltd		L33 KOGARAH			Scale	1:500	1:200	1:100	1:50	1:20	1:10
P	LEC SUBMISSION	VA	12/1/2024		DESIGNED FOR L & L STANLEY STAY ON THIS PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT.	EXTERNAL FINISHES SCHEDULE	Kogarah Investments No.3 Pty Ltd		L33 KOGARAH			Scale	1:500	1:200	1:100	1:50	1:20	1:10
Q	AFFORDABLE HOUSING BONUS SCHEME	VA	12/1/2024		DESIGNED FOR L & L STANLEY STAY ON THIS PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT.	EXTERNAL FINISHES SCHEDULE	Kogarah Investments No.3 Pty Ltd		L33 KOGARAH			Scale	1:500	1:200	1:100	1:50	1:20	1:10
R	LEC SUBMISSION	VA	12/1/2024		DESIGNED FOR L & L STANLEY STAY ON THIS PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT.	EXTERNAL FINISHES SCHEDULE	Kogarah Investments No.3 Pty Ltd		L33 KOGARAH			Scale	1:500	1:200	1:100	1:50	1:20	1:10
S	AFFORDABLE HOUSING BONUS SCHEME	VA	12/1/2024		DESIGNED FOR L & L STANLEY STAY ON THIS PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT. THE DESIGNER HAS NO CONTROL OVER THE PROJECT.	EXTERNAL FINISHES SCHEDULE	Kogarah Investments No.3 Pty Ltd		L33 KOGARAH			Scale	1:500	1:200	1:100	1:50	1:20	1:10





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	DA2025/0282
PAN	PAN-543051
Description	Alterations and additions to an approved 10 storey mixed use development DA2023/0222 (L&E Court approved) with changes to unit mix, an additional three (3) levels, and increase from 95 to 106 units
Address	5 Stanley Street KOGARAH NSW 2217
Lot / DP	Lot 15 DP 1304812
Applicant	Kogarah Investments No.3 Pty Ltd
Owner(s)	Kogarah Investments No.3 Pty Ltd
Responsible Officer	Sophie Griffiths

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.

Proposal

Description	Alterations and additions to an approved 10 storey mixed use development DA2023/0222 (L&E Court approved) with changes to unit mix, an additional three (3) levels, and increase from 95 to 106 units.
Estimated Development Cost	\$4,841,069.00
Floor Space Ratio	3.94:1.
Maximum Height of Building	45.2m
Vegetation Removal	Nil – Generally as approved, refer to below assessment.



A site plan is provided below:

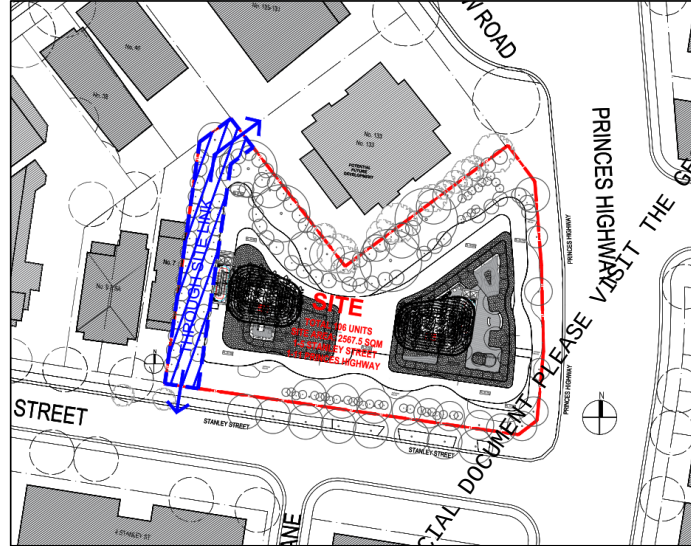


Figure 1 – Site plan (Source: Architectural Plans)

Aerial Image of Land Zoning

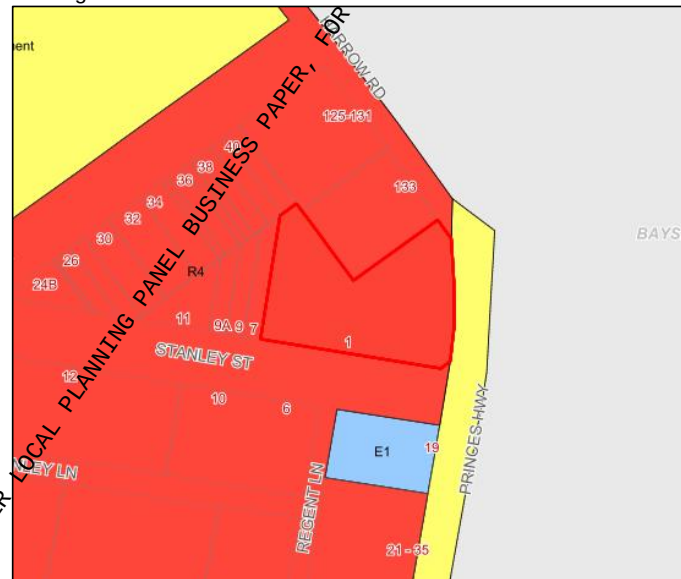


Figure 2 –Aerial view of development site outlined in red (Source: IntraMaps)





Aerial Image of Site

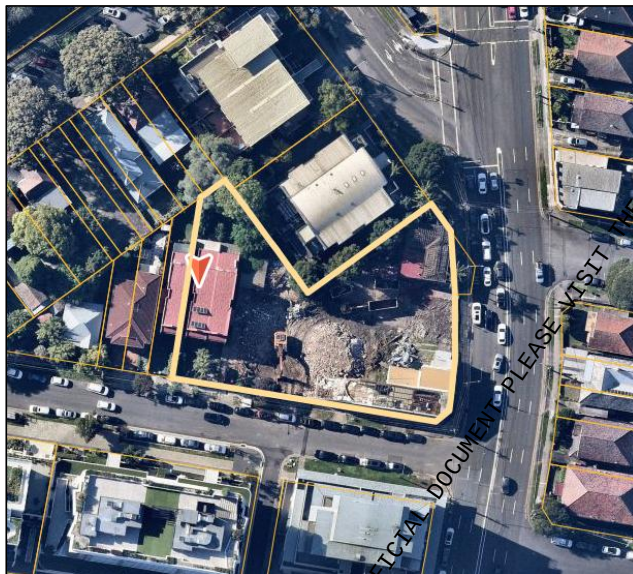


Figure 3—Aerial view of development site outlined in yellow (Source: Nearmap)

History			
Application Number	Lodged	Determined	Comments
DA2023/0222	13/07/2023	21/05/2025	Approved by LEC.

Processing		
Action	Date	Comments
Submission	10 June 2025	-
Lodgement	19 June 2025	-

Assessment - Section 4.15 Evaluation

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

Environmental Planning Policies	Applicable	
	Y	N
SEPP (Biodiversity Conservation) 2021	☒	☐
SEPP (Housing) 2021	☒	☐
SEPP (Resilience and Hazards) 2021	☒	☐
SEPP (Sustainable Buildings) 2022	☒	☐
SEPP (Transport and Infrastructure) 2021	☒	☐
Georges River Local Environmental Plan 2021	☒	☐



Chapter 2

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 $\geq 3\text{m}$, diameter $\geq 100\text{mm}$ at ground level, or branch spread $\geq 3\text{m}$), 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.

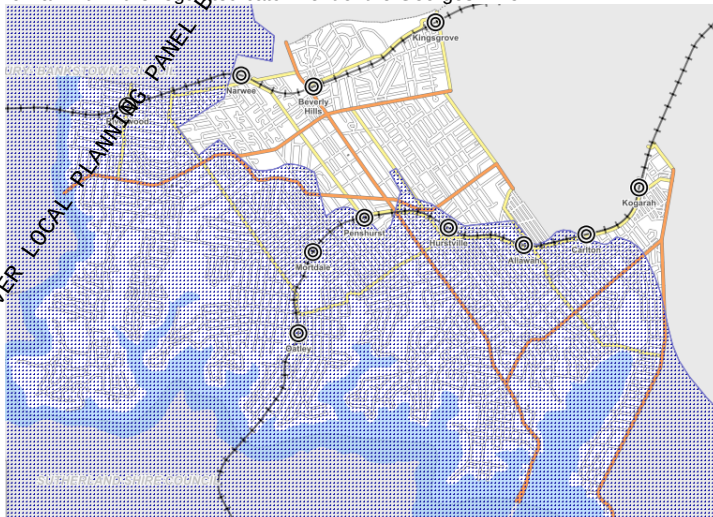
Trees located within 3m of the external wall of an approved dwelling, not including a secondary dwelling are exempt from protection as well as any trees referenced in Appendix 8 of Council's DCP.

No removal

This application does not seek to remove any vegetation from the subject site and is therefore consistent with the aims of SEPP (Biodiversity).

Intro

Chapter 6 of SEPP (Biodiversity) applies to all development on land in a regulated catchment. The following parts of Georges River Council fall within the regulated catchment of the Georges River:



(Source: IntraMaps)



State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 6

Not Applicable

The subject development site falls outside the regulated catchment and accordingly Chapter 6 of SEPP (Biodiversity) does not apply to this application.

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 that 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 R4 High Density Residential.
- 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 (HOUSING) 2021

CHAPTER 2 AFFORDABLE HOUSING DIVISION 1 – INFILL AFFORDABLE HOUSING

Standard	Proposed	Compliance
1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the development on the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).	Mapped 4:1 Maximum bonus increases to 5.2:1 The application demonstrates compliance with the maximum permitted FSR for the site (with bonus) of 3.94:1.	☒ Yes ☐ No
2) The minimum affordable housing component, which must be at least 10%, is calculated as follows— $\text{affordable housing component} = \frac{\text{additional floor space ratio}}{(\text{as a percentage})} + 2$		
3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the development on the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).	33m building height is mapped, which allows a 30% bonus to 43m. The proposal seeks a maximum building height of 45.2m (top of eastern roof structure).	☐ Yes ☒ No



Example— Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development involves residential flat buildings or shop top housing.	The applicant supplied a Clause 4.6 request to justify the height variation. See further comments below.	
Section 19 Non-discretionary development standards – the Act, s.425		
Standard	Proposed	Compliance
1) The following are non-discretionary development standards in relation to the residential development to which this division applies—		☐ Yes ☒ No
(a) a minimum site area of 450m ² ,	Site area: 2,567.49m ²	
(e) the following number of parking spaces for dwellings used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms— at least 1 parking space,	The proposed development provides insufficient residential visitor parking, which will negatively impact the availability of parking within the surrounding locality in which there is generally a high demand for on-street parking.	
(f) the following number of parking spaces for dwellings not used for affordable housing— (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,		
(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,	Refer to ADG Assessment	
2) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.	Noted	
Section 20 Design requirements		
Standard	Proposed	Compliance
3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with— (a) the desirable elements of the character of the local area, or (b) for precincts undergoing transition—the desired future character of the precinct.	The design of the development is not consistent with the expected future desired character of the area.	☐ Yes ☒ No
Section 21 Must be used for affordable housing for at least 15 years		
Standard	Proposed	Compliance



1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development— (a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and (b) the affordable housing component will be managed by a registered community housing provider.	The proposed development will be managed by a registered community housing provider.	☒ Yes ☐ No
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Chapter 4 - State Environmental Planning Policy (Housing) 2021 applies to the assessment of DAs for residential flat developments of three (3) or more storeys in height and containing at least four (4) dwellings.

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

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

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

Standard	Proposal	Complies
3J-Bicycle and carparking		
3J-1 <u>Objective</u> Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas <u>Design Criteria</u> 1. For development in the following locations: • on sites that are within 600 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less the car parking needs for a development must be provided off street	The proposed development provides insufficient residential visitor parking, whereby the 1 per 5 units for visitor parking rate is applied (as per DCP rate). As a result of the limited visitor parking provided the proposal remains deficient with regard to its available parking on site, which will negatively impact the availability of parking within the surrounding locality in which there is generally a high demand for on-street parking. Note: The visitor parking rate is established within the GRDCP 2021.	N



Note: Parking rates are informed by Section 19 of the SEPP (Housing) 2021, the GTGD, and the GRDCP 2021. The parking requirement for Metropolitan Sub-Regional Centres outlined in the GTGD is applicable given Kogarah is considered a sub-regional centre. Summarised below are the parking requirements: 1-bed unit: 0.5/unit 2-bed unit: 0.9/unit 2-bed affordable unit: 0.5/unit 3-bed unit: 1.4/unit 3-bed affordable unit: 1/unit Visitors: 1/5 units Commercial: 1/60sqm		
3J-2 <u>Objective</u> Parking and facilities are provided for other modes of transport		
3J-3 <u>Objective</u> Car park design and access is safe and secure		
3J-4 <u>Objective</u> Visual and environmental impacts of underground car parking are minimised		
4E- Private Open space and balconies		
4E-1 <u>Objective</u> Apartments provide appropriately sized private open space and balconies to enhance residential amenity <u>Design Criteria</u> All apartments are required to have primary balconies as follows: -1 bedroom = 8sqm/2m depth -2 bedroom = 10sqm/2m depth -3+ bedroom = 12sqm/2.4m The minimum balcony depth to be counted as contributing to the balcony area is 1m. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15sqm and a minimum depth of 3m	Some balconies are of inadequate size, contrary to the design criteria under Objective 4E-1 of the ADG. The unit schedule does not represent the "useable" areas of the private open space, and this should be adjusted to reflect correct sizes.	N
4F- Common circulation areas		



4F-1 Objective Common circulation spaces achieve good amenity and properly service the number of apartments Design Criteria The maximum number of apartments off a circulation core on a single level is eight For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	The proposed changes, which include retrofitting building services and utilities, most of which were overlooked or inadequately provided at the original DA stage, is further compromising the approved spaces with average or below average amenity, being contrary to Objective 4F-1 in the ADG.	N
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SEPP (Sustainable Buildings) 2022

Intro

SEPP (Sustainable Buildings) 2022 aims to encourage the design and delivery of sustainable buildings, ensure consistent assessment of sustainability in buildings, minimise the consumption of energy, reduce greenhouse gas emissions, minimise the consumption of mains-supplied potable water and to ensure good thermal performance of buildings. The SEPP sets standards for BASIX buildings, which are defined as developments which include at least 1 dwelling (excluding boarding houses, hostels and co-living housing which accommodate more than 12 residents or have a gross floor area exceeding 300m²).

Schedule 1 of the SEPP sets out standards which apply to the erection of a new BASIX building.

Schedule 2 of the SEPP sets out standards which apply to alterations to a BASIX building with construction costs in excess of \$50,000.00 as well as to the construction of a swimming pool, spa or combination thereof which serve a single dwelling and which have a capacity of 40,000L or more.

Note: if a swimming pool and spa are to be constructed as part of the same application as alterations to a dwelling which exceed \$50,000.00 in construction costs, then BASIX requirements adhere to the pool regardless of volume.

Note: standards may not apply to heritage items or an item in a heritage conservation area where the Planning Secretary is satisfied the development is not capable of achieving compliance.

SEPP (Sustainable Buildings) 2022

Assessment

Certificate Number:	1367763M_03			
Certificate Date:	15 April 2025			
		Y	N	N/A
Correct DP shown on the certificate	DP 659359	☒	☐	☐
Date of certificate is not older than 3 months to lodgement	Achieved.	☒	☐	☐
The application has been assessed against the relevant provisions of SEPP (Sustainable Buildings) 2021. The proposal complies with the objectives 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

Y N N/A



SEPP (Transport and Infrastructure) 2021

• 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 • 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.	Achieved	☒	☐	☐
2.48(2)(b)	Any response to the above has been considered.	No objections raised by 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.	Vehicle access to remain unchanged as per LEC approval	☒	☐	☐
2.119(2)(b)	The safety and ongoing operation of the classified roadway will not be adversely affected by the development.	Vehicle access to remain unchanged as per LEC approval	☒	☐	☐
2.119(2)(c)	If the development is of a type sensitive to noise, it is appropriately located and designed to reduce impacts.	Vehicle access to remain unchanged as per LEC approval	☒	☐	☐
Division 17 Roads and traffic Subdivision 2 Development in or adjacent to road corridors and road reservations					
2.120 Impact of road noise or vibration on non-road development			Y	N	N/A
This section applies to residential development on land that is adjacent classified roads.					
2.120(2)	Council must take into consideration the requirements of the Guide .	Noted.	☒	☐	☐
2.120(3)	If the development is for residential accommodation, Council must ensure the following ALeq levels are not exceeded: (a) in any bedroom in the residential accommodation—35 dB(A) at any time between 10.00 pm and 7.00 am, (b) anywhere else in the residential accommodation (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.	Sufficient acoustic report has been provided which demonstrate compliance with the ALeq levels.	☒	☐	☐
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.					



Georges River Local Environmental Plan 2021					
Section	Text	Comment		N	N/A
2.2 Zoning	Refer to LEP map.	R4 High Density	☒	☐	☐
2.7 Demolition	The demolition of a building requires development consent.	Noted. Demolition not included as part of this development application.	☐	☐	☒
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,	Standard: 33m	☐	☒	☐
	(b) to minimise the impact of overshadowing, visual impact, disruption of views and loss of privacy on adjoining properties and open space areas,	Proposed: 45.2m	☐	☒	☐
4.4 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: 4:1	☐	☐	☐
		Proposed: 3.94:1 – An additional 30% is allowable under the State Environmental Planning Policy (Housing) 2021.	☒	☐	☐
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, and (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.	A Clause 4.6 variation request has been provided 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.	The existing development is not a heritage item, nor located within a heritage conservation area.	☐	☐	☒
5.21 Flood planning	To minimise flood risk to life and property, ensure development is compatible with flood behaviour (including climate change impacts), avoid adverse environmental impacts, and enable safe occupation and evacuation during flood events.	The site is not subject to flooding.	☐	☐	☒
6.1 Acid sulfate soils	To ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage	Not applicable	☐	☐	☒
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 raised no concerns with the	☒	☐	☐



Georges River Local Environmental Plan 2021					
Section	Text	Comment	Y	N	N/A
		proposal subject to the imposition of conditions.			
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.	Comments were received from Council's Development Engineer who raised no concerns with the proposal subject to the imposition of conditions.	☒	☐	☐
6.10 Design excellence	Applies to residential accommodation within the Foreshore Scenic Protection Map Area as well as buildings 3 or more storeys in height in R4 zone.	Comments were received from Council's Urban Design Team who was unable to support the proposal as it does not demonstrate design excellence.	☐	☒	☐
The application has been assessed against the relevant provisions of the Georges River Local Environmental Plan 2021. The proposal does not comply with one or more of the aims or controls of the EPI.					

GRLEP 2021 Clause 4.6 Variation

Clause 4.6 Exceptions to Development Standard of Georges River Local Environmental Plan (GRLEP) 2021 states in subsection 3, *that development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

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

Variation of a Development Standard

The proposed variation relates to building height. This matter is a Development Standard as defined in the Environmental Planning and Assessment Act 1979 and, as a result, the matter can be considered through Clause 4.6.

Written Request

Clause 35B of the Environmental Planning and Assessment Regulation 2021 requires the applicant to prepare a document (written request) that sets out the grounds on which these matters are demonstrated. The development application was accompanied by a written request for the proposed Clause 4.6 variation.

Proposed Variation

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

Name of Clause	Proposed Variation
4.3 – Height of Building	A variation of 5.12% or 2.2m above the requirement.

Summary of 4.6 Assessment

The proposal seeks to vary Clause 4.3 of the Georges River Local Environmental Plan 2021. The proposed development has an estimated height of 45.2m to the top of the eastern roof structure over the communal open space facilities, which exceeds the maximum building height.



The actual maximum height of the building is inconsistent and cannot be confirmed as the submitted survey plan does not provide contours, and the spot levels provided are significantly separated across the submitted survey making it difficult to ascertain an accurate height. The height to the uppermost part of the eastern building is likely to be higher than that identified on the submitted drawings, at the eastern end of the roof pergola, then the height nominated on the drawings.

The accompanying Clause 4.6 Variation which seeks to vary the development standard in Clause 4.3 of GRLEP 2021 under Clause 4.6 of GRLEP 2021, has not accurately reflected the accurate height of the development.

The determining authority cannot be satisfied that the Clause 4.6 variation request adequately addresses the following matters:

- A correct identification of the extent of variation to the development standard for which consent is sought,
- 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.

Thus, the requirements of this clause have not been met, and the variation cannot be supported

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

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.

Part 3 – General Planning Considerations

3.3 – Landscaping

The proposed waste collection area within the deep soil zone compromises the objectives within Part 3.3 of the Georges River Development Control Plan 2021 as:

- It prevents the establishment of substantial canopy trees that can reach a mature height proportionate to the building scale.
- It restricts healthy growth environments for trees, reducing their ability to mitigate visual bulk and environmental impacts of hard surfaces and structures.
- It results in inadequate landscaping to soften the built form when viewed from the public domain, undermining streetscape quality and green character.

Part 6.3 - High Density Residential Controls

Section 6.3.6 – The submitted solar analysis is inconsistent with the most recently approved development.

The proposal fails to comply with several key provisions of Part 6.3 of the Georges River Development Control Plan 2021. Specifically, it does not meet the requirements for building setbacks and street interface, resulting in poor integration with the public domain. The basement setbacks are inadequate, contributing to excessive bulk and limiting opportunities for landscaping. The design is inconsistent with the desired street character and built form and fails to provide appropriate façade treatment and street corners. The proposal also compromises the available solar access for both the development and adjoining properties. These non-



compliances collectively indicate that the proposal does not satisfy the objectives of Part 6.3 and cannot be supported in its current form.

Part 10 – Precincts

Kogarah North Precinct

Part 10.1 of the GRDCP 2021 adopts the RMS Guide to Traffic Generating Development for car parking rates applicable to sub-regional centres, which requires the provision of visitor parking at a rate of 1 space per 5 units. The proposed development fails to provide any visitor parking spaces, which is inconsistent with this requirement. This shortfall will place additional pressure on the surrounding street network, where on-street parking is already in high demand, and will adversely impact the amenity of the locality. The absence of visitor parking is therefore unacceptable and contrary to the objectives of Part 10.1, which seek to ensure adequate parking provision to meet the needs of residents and visitors without detriment to the public domain.

Controls

Further, Part 10.1.6(5), require developments to integrate landscaping and tree planting that enhance the precinct's character and provide visual relief from built form. By locating the waste collection area in the front setback:

- The design fails to deliver the required tree planting and landscape treatments that define the precinct's intended green streetscape.
- It compromises the ability to achieve deep soil planting and canopy coverage, which are essential for visual amenity and environmental performance.
- The outcome conflicts with the precinct vision for a landscaped interface along Stanley Street, reducing compliance with the intended public domain character.

As outlined further below, the proposed streetside waste holding area is located immediately adjacent to two ground-level residential apartments and the public domain. This positioning will result in unacceptable acoustic, visual, and odour impacts for these dwellings and the surrounding streetscape. Such impacts are inconsistent with Section 10.1.6(18)(10)(b) of the GRDCP 2021, which seeks to ensure that waste storage and collection areas are designed and located to minimise adverse amenity impacts on residents and the public domain.

Appendices

Appendix 4 – Waste Management

The proposed waste collection area on the ground floor is not supported as it conflicts with the approved 'wheel out, wheel back' servicing arrangement and does not comply with Section 4.3.6(b) and (d) of Appendix 4 of the GRDCP 2021. These provisions require waste collection to occur on-site or via a 'wheel out, wheel back' method to ensure safe and efficient servicing without adverse impacts on the public domain. Kerbside collection is specifically discouraged under Section 4.3.6.2(q). Furthermore, the proposal is inconsistent with Objective (a), which seeks to ensure waste management systems are safe, functional, and integrated into the development, and Objective (g), which aims to minimise adverse visual and amenity impacts from waste storage and collection areas.

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

- 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-one (21) days in which to view the plans and submit any comments on the proposal. **Nine (9)** submissions were received during the neighbour notification period.

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

Issue	Comment
Building Height and scale	Concern was raised regarding the height of building of the development. The proposed development has been assessed in accordance with the definition of height of building. The proposal in its current form exceeds the maximum allowable height of building and is not supported.
Overshadowing and Loss of amenity	Issues of solar access and overshadowing were raised. An assessment of the application has revealed that insufficient information has been provided to determine the impacts of the proposal and is not supported.
Parking and Traffic	Concern is raised with respect to on street parking. The proposal in its current form is not compliant with the required vehicle parking on site in accordance with GRDCP 2021 car parking controls and is not supported.
Noise and Garage Location	The proposed basement entry is to remain unchanged as part of this proposal as per the previous Land and Environment Court approval. The application was referred to Transport for NSW for review whereby no concerns were raised. Conditions of consent are to be imposed, subject to approval, to ensure acoustic treatments are imposed throughout the life of the development.



Infrastructure and Community Impact	Assessment of the proposal concludes that the proposal is not within the public interest for reasons listed within the report. As a result, the proposal is not being supported.
Waste Management	Concern has been raised regarding the waste management for the subject development. The submitted waste management plan fails to satisfy all criteria outlined within the Georges River Development Control Plan 2021 and is not supported in its current form.
Affordable Housing Motive	The State Environmental Planning Policy (Housing) 2021 which includes controls around affordable housing developments is a State Government initiative. Council do not play a role in establishing these controls. Concerns regarding this should be directed to your local representative.
Environmental and Safety Risks	Concern has been raised regarding the proposals impact on adjoining neighbouring properties. Subject to approval conditions of consent would be imposed with respect to a dilapidation report to be prepared pre and post construction to manage potential adverse impacts. It is not assumed the proposal will have an adverse effect on neighbouring properties.
Mental Health and Quality of Life	Council acknowledges your concerns with regard to implications on personal mental health as a result of the development proposal, although Council is limited to considering matters under s4.15 of the Environmental Planning and Assessment Act 1979.

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.

Referrals

Internal Referrals		
Specialist	Comment	Outcome
Development Engineer	No objections raised with regard to the proposal and conditions recommended.	Conditions of consent imposed subject to the approval of the application.
Land Information GIS	No objections raised with regard to the proposal and conditions recommended.	Conditions of consent imposed subject to the approval of the application.



Urban Design	The major issues with the proposal is the retrofitting of services at the expense of internal amenity and the quality of public / private interface and activation. The proposal is not supported from urban design perspective and requires amendments for it to be taken not consideration.	Fails to achieve compliance with Clause 6.10 of the GRLEP 2021 and forms part of the reasons to refuse this application.
Traffic	Councils Traffic Officer made the following recommendations: - The application not be approved as proposed - The application be amended to include the following: (a) The site being further excavated to provide for an additional level of basement parking that includes the provision of parking for an additional 21 visitor vehicles. (b) Provision being made within the site for the removal of residential and commercial waste and recyclables.	Unable to be supported.

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 with regard to the proposal and conditions recommended.	Conditions of consent imposed.
Transport for NSW	The referral body has considered the following planning provisions: - Clause 2.122 of SEPP (Transport and Infrastructure) 2021. Negligible impact on the surrounding state road network	Existing conditions dated 9 August 2023 are to remain imposed.
Landscape & Arboricultural Consultant	Supported subject to conditioned.	The proposal generally remains consistent with the LEC approval, conditions of consent imposed.



Airport Developments	The referral body has considered the following planning provisions: - Section 38 of EP&A Regulations 2021. No objections raised.	Note: To ensure compliance with aviation safety regulations, it is recommended that a development application be submitted directly to the airport operator. The airport will typically conduct the initial assessment of obstacles within this designated area and refer the matter to Airservices if a penetration is identified in their evaluation. No objections were raised in its current form.
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Contributions

No Section 7.11 or 7.12 development contributions apply as the proposal is recommended for refusal and will not proceed to 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 regard to the matters listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 for the reasons as follows:

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

Determination

Refusal of Application

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer determines DA2025/0282 for alterations and additions to an approved 10 storey mixed use development on 1-5 Stanley Street, Kogarah, should not be approved subject to the refusal reasons referenced below:

1. The proposed development fails to satisfy the relevant requirements of Clause 147(1)(a) of the State Environmental Planning Policy (Housing) 2021 with respect to the design quality of the development evaluated in accordance with the design principles for residential apartment development set out in Schedule 9 [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
2. The proposed development fails to satisfy the relevant requirements of Clause 147(1)(b) of the State Environmental Planning Policy (Housing) 2021 with respect to the following parts of the Apartment Design Guide [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*]:
 - a. Design criteria of objective 4E-1: Private open space and balconies, in that balcony sizes are inadequate.
 - b. Design criteria of objective 4F-1: Common circulation and spaces, in that poor corridor amenity is reflected throughout.



3. The application fails to satisfy Clause 4.3 of the Georges River Local Environmental Plan 2021 and exceeds the non-discretionary building height limit specified in Clause 18(3) of the State Environmental Planning Policy (Housing) 2021 [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
4. The application fails to satisfy Clause 4.6 of Georges River Local Environmental Plan 2021 with regard to demonstrating compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds to support the departure [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
5. The application fails to satisfy Clause 6.7 of Georges River Local Environmental Plan 2021 with regard to airspace operations [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
6. The application fails to satisfy Clause 6.10 of the Georges River Local Environmental Plan 2021 with regard to design excellence [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
7. The application fails to satisfy Part 3 of the Georges River Development Control Plan 2021 with regard to waste management [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
8. The application fails to satisfy Part 6.3 of the Georges River Development Control Plan 2021 with regard to the high density residential controls [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
9. The application fails to satisfy Part 10 of the Georges River Development Control Plan 2021 with regard to trees and landscape and vehicular access and carparking [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
10. The application fails to satisfy Appendix 4 of the Georges River Development Control Plan 2021 with regard to waste management [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
11. The proposed development is unsatisfactory, as insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development [Pursuant to Sections 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979*] including:
 - a. Sufficient architectural plans have not been provided.
 - b. A sufficient survey plan has not been provided.
 - c. Sufficient solar access diagrams have not been provided.
 - d. A view analysis has not been provided in relation to view loss.
 - e. A sufficient waste management plan has not been provided.
12. Having regard to the previous reasons noted above and the number of submissions received by Council against the proposed development, approval of the development application is not in the public interest [Pursuant to the provisions of Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*].
13. The development is considered to result in the unordered development of land [Pursuant to Section 16(c) of the *Environmental Planning & Assessment Act 1979*]; and
14. The site is considered unsuitable for the proposed development [Pursuant to S4.15(1)(c) of the *Environmental Planning & Assessment Act 1979*]; and
15. For the reasons stated above, it is considered that the development is not in the public interest [Pursuant to S4.15(1)(e) of the *Environmental Planning & Assessment Act 1979*].



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REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 04 DECEMBER 2025

LPP039-25 8 BEACH STREET BLAKEHURST NSW 2221

LPP Report No	LPP039-25	Development Application No	DA2025/0258
Site Address & Ward Locality	8 Beach Street BLAKEHURST NSW 2221 Blakehurst Ward		
Proposed Development	Demolition works, construction of dwelling house and pond		
Owners	Jing Qiang Ji & Yan Yu		
Applicant	The Trustee For The Mortada Trust		
Planner/Architect	M Cubed Architecture		
Date Of Lodgement	26/05/2025		
Submissions	One (1)		
Cost of Works	\$2,265,000.00		
Local Planning Panel Criteria	Departure from development standard more than 10%		
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, 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 Architectural Plans		
Report prepared by	Senior Development Assessment Planner		

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

LPP039-25

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?	No Clause 4.6 variation request received
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

BACKGROUND

1. The Application was lodged on 26 May 2025.
2. On 10 October 2025, the Applicant commenced proceedings in Class 1 of the Land and Environment Courts jurisdiction (LEC) appealing against the deemed refusal of the development application.

PROPOSAL

3. Development Application No. **DA2025/0258** seeks consent for the demolition of the existing dwelling and the removal of 12 trees.
4. The application also proposes the construction of a three-storey dwelling comprising a basement level with a garage and turntable, rumpus room, storage, plant room, services, lift and stairs, WC, fishpond, fire pit, and associated landscaping.
5. The ground floor will include a study and guest rooms, formal lounge and dining areas, kitchen with butler's pantry, tearoom, laundry, lift and stairs, and a balcony/terrace serving the living spaces.
6. The first floor will contain four bedrooms, each with an ensuite, along with voids and a balcony/terrace serving the master bedroom. The proposal also includes landscaping and associated works such as retaining walls and a driveway.



Figure 1 – Site plan (Source: Architectural Plans)



Figure 2 – North elevation (Source: Architectural Plans)



Figure 3 – South elevation (Source: Architectural Plans)

SITE AND LOCALITY

7. The site currently contains a two-storey dwelling located on the eastern side of Beach Street and incorporates a jetty within the Kogarah Bay foreshore.
8. Access is provided via a battleaxe handle. The site dimensions are approximately 21.33m at the rear, 90.76m along the southern boundary, and 139.81m along the northern boundary including the access handle. The total site area is 2,063.3m², comprising Lot 544 (289.9m²) and Lot 2 (1,773.4m²). The land falls from RL6.22 at the front to RL1.5 at the rear adjoining the Kogarah Bay/Georges River foreshore.
9. The Mean High-Water Mark (MHW) applies to the rear portion of the site, ranging from RL1.53 on the southern boundary to RL3.21 on the northern boundary. A swimming pool and cabana structure are located beyond the MHW.
10. The site contains numerous sandstone outcrops, including a large cluster near the northern boundary behind the existing dwelling. The top of this cluster reaches approximately RL7.03 and intersects with a retaining wall at RL2.07.
11. To the north is the access handle and a two-storey dwelling at No. 6 Beach Street. To the east lies No. 10 Beach Street, which benefits from direct street access. Immediately to the south is Lot A DP227684, providing pedestrian access from No. 12 Beach Street to the foreshore. Further south is No. 14 Beach Street, which contains a two-storey dwelling.

ZONING AND PERMISSIBILITY

12. The site is situated within Zone R2 Low Density Residential and partly W2 Recreational Waterways pursuant to the provisions of the Georges River Local Environmental Plan 2021 (GRLEP 2021). The proposed development is for a new dwelling which is a permissible land use with development consent.

ASSESSMENT

13. 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 controls:

- SEPP (Resilience and Hazards) 2021
 - Chapter 2 – Coastal Management
- SEPP (Biodiversity and Conservation) 2021
 - Chapter 6 – Water Catchments
- GRLEP 2021
 - Clause 4.3 – Building Height
 - Clause 4.6 – Exceptions to Development Standards
 - Clause 6.2 – Earthworks
 - Clause 6.4 – Foreshore Area and Coastal Hazards
 - Clause 6.6 – Foreshore Scenic Protection Area
 - Clause 6.9 – Essential Services
 - Clause 6.10 – Design Excellence
 - Clause 6.12 – Landscape Area in Certain Residential and Conservation Zones
- GRDCP 2021
 - Part 3.8 – View Impacts
 - Part 3.5 – Earthworks
 - Part 5 – Residential Locality Statements
 - Part 6.1 – Low Density residential Controls
 - Part 6.1.2.1 – Streetscape Character and Built Form
 - Part 6.1.2.2 - Building Scale and Height
 - Part 6.1.2.8 – Visual Privacy

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

Georges River Local Environmental Plan 2021

Section	Standard	Proposal	Y	N	N/A
4.3 Height of Buildings	Max 9m	Insufficient information has been provided to determine the overall building height of the proposal due to the absence of RLs. Based on the information provided it is estimated the building height be 10.25m. No Clause 4.6 variation submitted.	☐	☒	☐
4.4 Floor space ratio	$[(1773.4 - 1500) \times 0.1 + 562.5] \div 1773.4 = 0.33:1$ (max)	The maximum permissible FSR of 0.33:1 equates to a maximum gross floor area of 585.22m ² The proposal seeks a maximum gross floor area of 536.40m ²	☒	☐	☐
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 affected by Class 3 and 5. Insufficient information has been provided to determine the likely impacts to the water table. The application is not supported by an acid sulfate soil management plan.	☐	☒	☐
6.2 Earthworks	To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land	The proposal is contrary to the provisions of Clause 6.2 of the LEP in that the substantive excavation and earthworks is considered to adversely impact the foreshore setting including outcrops and trees / vegetation and the excavation is to result in the site being further impacted by flooding.	☐	☒	☐
6.4 Foreshore area and coastal hazards and risk	To protect people and property from coastal hazards linked to climate change, ensure development does not disrupt natural foreshore processes or amenity, and promote public access along the foreshore.	Refer to the above.	☐	☒	☐
6.6 Foreshore scenic protection area	To protect, maintain, and enhance the scenic, ecological, and cultural values of the Georges River foreshore, including significant views, native vegetation, landscape dominance, and the recovery of threatened species and habitats.	Refer to the above.	☐	☒	☐
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.	Deficient stormwater management has been proposed on site. An appropriate method and location for a stormwater discharge point has not been indicated.	☐	☒	☐
6.10 Design excellence	Applies to new dwellings (not secondary dwellings) within the Foreshore Scenic Protection Map Area.	The proposal remains inconsistent with the objectives of Clause 6.10 of the LEP.	☐	☒	☐
6.12	Development consent must not be granted to development on land to	The proposal is inconsistent with the objectives of this clause in that	☐	☒	☐

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Georges River Local Environmental Plan 2021

Section	Standard	Proposal	Y	N	N/A
Landscaped areas in certain residential and conservation zones	which this clause applies unless at least the following percentages of the site area consists of landscaped areas or natural rock outcrops— (a) for a dwelling house located on land outside the Foreshore Scenic Protection Area—20% of the site area, or (b) for a dwelling house located on land within the Foreshore Scenic Protection Area—25% of the site area, (c) for development in Zone R3 Medium Density Residential—20% of the site area (d) for development in Zone R4 High Density Residential—10% of the site area If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle and any right of carriageway is not to be included in calculating the site area.	the removal of 12 trees within a foreshore setting have not been suitably offset by replacement trees to a ratio of 2:1, nor have the extent of hard surfaces been minimised. It has not been adequately demonstrated that the proposal satisfies the numerical landscape requirements.			

Earthworks

15. The proposal seeks to incorporate approximately 4.19m of cut and removal of outcrops, resulting in retaining walls over 3m and a design that does not step with the site topography
16. These extensive earthworks are likely to adversely impact the foreshore setting, vegetation, and increase flood risk given the site's 1% AEP and PMF mapping. Combined with the exceedance of the height standard, the proposal contributes to excessive bulk and scale, overshadowing, view loss, and privacy impacts.
17. It should also be noted that the application provides insufficient information to determine the potential impacts on the water table.

Bulk and Scale

18. The proposal presents as a three-storey built form incorporating substantial void areas at the first-floor level, totalling approximately 51m². This results in a building mass significantly larger than that envisaged by the maximum floor space ratio.
19. Furthermore, the increased mass is considered to cause adverse view loss and overshadowing, particularly in relation to adjoining lots to the south and west.
20. The proposed 3 storey development incorporates the removal of rock outcrops to the rear and does not incorporate stepping or split levels to respond to existing topography. The lack of stepping exacerbates the bulk and scale of the three-storey dwelling noting that the resultant form also exceeds the 9m height of building standard (see above).
21. The resultant design approach (inclusive of 51m² voids) fails to mitigate the overall scale of the proposal and associated impacts (including tree /vegetation removal, disturbance of rock outcrops, views, privacy and overshadowing) relative to the physical constraints of the site and character of the foreshore and wider locality.

SUBMISSIONS

22. The application was notified in accordance with Council policy by letter and given fourteen (14) days in which to view the plans and submit any comments on the proposal. One (1) submission was received during the neighbour notification period.

Issue	Comment
Landscape Species	Council's Landscape Officer has reviewed the proposal and supports the landscaping concept subject to the imposition of conditions of consent, which will ensure an appropriate selection of species is selected.

REFERRAL COMMENTS

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

Specialist/Agencies	Comment
Development Engineer	Unable to support the proposal.
Landscape	Conditions of consent imposed.
Ausgrid	Conditions of consent imposed.

CONCLUSION

24. 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.
25. 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:
26. The proposed variation to Clause 4.3 is not sufficiently justified, noting that no Clause 4.6 variation request has been provided in support of the proposal. The development is not considered to be in the public interest, being contrary to the zone and standard objectives.

RECOMMENDATION

27. Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer determines DA2025/0258 for demolition works, construction of a dwelling house and pond on Lot 544 DP 729323 & Lot 2 DP 1188970 on land known as 8 Beach Street, Blakehurst, should not be approved subject to the refusal reasons referenced below:
- The application fails to satisfy Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021 with regard to coastal management [Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979].,
 - The application fails to satisfy Chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 with regard to water catchments [Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979].
 - The application fails to satisfy Clause 4.3 of the Georges River Local Environmental Plan 2021 with regard to building height [Pursuant to the provisions of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979].

4. The application fails to satisfy Clause 4.6 of the Georges River Local Environmental Plan 2021 with regard to demonstrating compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds to support the departure [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
5. The application fails to satisfy Clause 6.2 of the Georges River Local Environmental Plan 2021 with regard to earthworks [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
6. The application fails to satisfy Clause 6.4 of the Georges River Local Environmental Plan 2021 with regard to foreshore area and coastal hazards and risk [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
7. The application fails to satisfy Clause 6.6 of the Georges River Local Environmental Plan 2021 with regard to the foreshore scenic protection area [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
8. The application fails to satisfy Clause 6.9 of the Georges River Local Environmental Plan 2021 with regard available essential services [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
9. The application fails to satisfy Clause 6.10 of the Georges River Local Environmental Plan 2021 with regard to design excellence [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
10. The application fails to satisfy Clause 6.12 of the Georges River Local Environmental Plan 2021 with regard to landscape area in certain residential and conservation zones [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
11. The application fails to satisfy Part 3.8 of the Georges River Development Control Plan 2021 with regard to view impacts [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
12. The application fails to satisfy Part 3.5 of the Georges River Development Control Plan 2021 with regard to earthworks [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
13. The application fails to satisfy Part 5 of the Georges River Development Control Plan 2021 with regard to the residential locality statements, specifically the Blakehurst locality statement [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
14. The application fails to satisfy Part 6.1.2.1 of the Georges River Development Control Plan 2021 with regard to streetscape character and built form [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
15. The application fails to satisfy Part 6.1.2.2 of the Georges River Development Control Plan 2021 with regard to building scale and height [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
16. The application fails to satisfy Part 6.1.2.8 of the Georges River Development Control Plan 2021 with regard to visual privacy [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
17. The proposed development is unsatisfactory as it fails to demonstrate acceptable disposal of stormwater from the subject land [Pursuant to the provisions of Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*].

18. The proposed development is unsatisfactory, as insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development [Pursuant to Sections 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979*] including:
- a. Chapter 6, Water Catchments of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 was not addressed as part of the application.
 - b. Clause 5.10(8) of the GRLEP 2021 was not addressed as part of the application.
 - c. Clause 6.1(2)(4) of the GRLEP 2021 was not addressed as part of the application.
 - d. Clause 6.4 of the GRLEP 2021 was not addressed as part of the application.
 - e. A view analysis has not been provided in relation to view loss.
 - f. Insufficient information has been provided to determine the visual privacy impacts of adjoining residences.
 - g. Insufficient information has been provided regarding the calculation of maximum building height relative to existing ground.
 - h. A deficient GFA calculation plan has been provided with the application.
 - i. A deficient set of shadow diagrams have been provided with the application.
 - j. Insufficient architectural plans have been provided with regard to cut and fill/retaining walls.
19. The development is considered to result in the unorderly development of land [Pursuant to Section 1.3(c) of the *Environmental Planning & Assessment Act 1979*].
20. The site is considered unsuitable for the proposed development [Pursuant to S4.15(1)(c) of the *Environmental Planning & Assessment Act 1979*]; and
21. For the reasons stated above, it is considered that the development is not in the public interest [Pursuant to S4.15(1)(e) of the *Environmental Planning & Assessment Act 1979*].

ATTACHMENTS

Attachment [1](#) Assessment Report



Attachment [2](#) Architectural Plans (Redacted)





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	DA2025/0258
PAN	PAN-538832
Description	Demolition works, construction of dwelling house and pond
Address	8 Beach Street BLAKEHURST NSW 2221
Lot / DP	Lot 544 DP 729323 & Lot 2 DP 1188970
Applicant	The Trustee For The Mortada Trust
Owner(s)	J Q Ji, Y Yu
Responsible Officer	Sophie Griffiths

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

Affection	Y	N	Comment
Georges River Local Environmental Plan 2021			
(5.1) Land Acquisition	☐	☒	
(5.7) Development Below Mean High Water Mark	☒	☐	Mean High Water Mark (MHWM) applies to the rear portion of the site at approximately RL1.53 (southern boundary) to RL3.21m (northern boundary) as denoted on the survey plan. The site contains a swimming pool and cabana type structure beyond MHWM.
(5.10) Heritage Conservation	☐	☒	
(5.21) Flood Planning	☒	☐	The lower southern and foreshore portion of the site is identified as affected by the 1% AEP and PMF.
(5.23) Public Bushland	☐	☒	



Site Affections			
Affection	Y	N	Comment
(6.1) Acid Sulfate Soils	☐	☐	Class 3/Class 5
(6.4) Foreshore Area and Coastal Hazards and Risk	☒	☐	Refer to below assessment
(6.5) Riparian Land and Waterways	☒	☐	Sensitive land
(6.6) Foreshore Scenic Protection Area	☒	☐	
(6.7) Airspace Operations	☐	☒	
(6.8) Development in Areas Subject to Aircraft Noise	☐	☒	

A site plan is provided below:

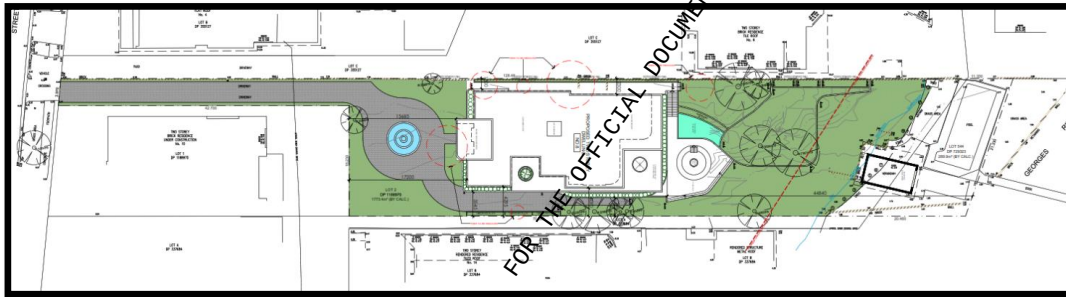


Figure 1 – Site plan (Source: Architectural Plans)

Aerial Image of Land Zoning

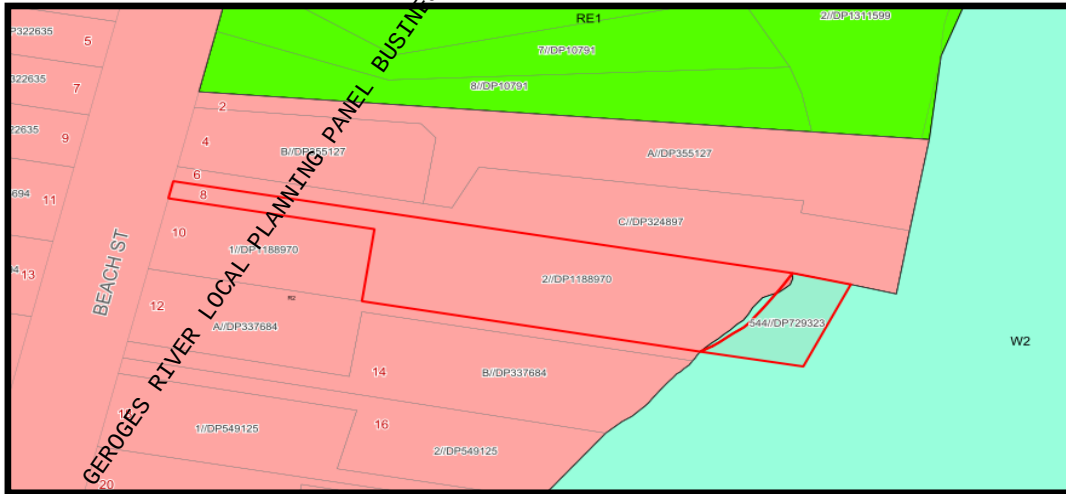


Figure 2 –Aerial view of development site outlined in red (Source: IntraMaps)



Aerial Image of Site



Figure 3—Aerial view of development site outlined in blue (Source: Nearmap)

Processing		
Action	Date	Comments
Submission	26/05/2025	-
Lodgement	30/05/2025	-

Assessment - Section 4.15 Evaluation

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

Environmental Planning Policies	Applicable	
	Y	N
SEPP (Biodiversity Conservation) 2021	☒	☐
SEPP (Housing) 2021	☐	☒
SEPP (Resilience and Hazards) 2021	☒	☐
SEPP (Sustainable Buildings) 2022	☒	☐
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.

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 $\geq 3\text{m}$, diameter $\geq 100\text{mm}$ at ground level, or branch spread $\geq 3\text{m}$), 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

Complies

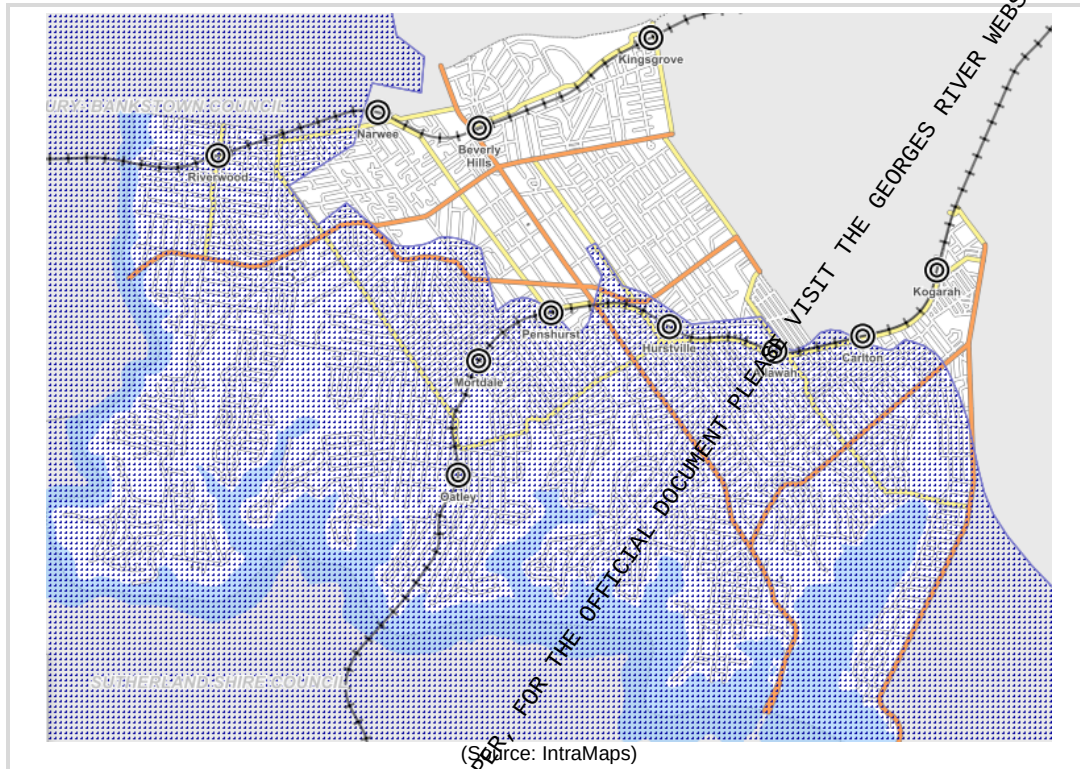
The proposed vegetation removal has been assessed against the provisions of Chapter 2 of SEPP (Biodiversity and Conservation) 2021. The vegetation identified for removal is not exempt under GRDCP 2021 and therefore requires consideration under SEPP (Biodiversity). The application complies with Section 2.6, as the clearing will be authorised through conditions of consent issued by Council and does not exceed the biodiversity offsets scheme threshold. The works are not located on biodiversity certified land. Accordingly, the development complies with the relevant provisions of Chapter 2 of the SEPP.

Conditions of consent to apply, subject to the approval of the development application.

SEPP (Biodiversity and Conservation) 2021 Chapter 6

Intro

Chapter 6 of SEPP (Biodiversity) applies to all development on land in a regulated catchment. The following parts of Georges River Council fall within the regulated catchment of the Georges River:



(Source: IntraMaps)

State Environmental Planning Policy (Biodiversity and Conservation) 2021 Chapter 6 Assessment

The proposed development does not comply with the requirements of Chapter 6.

The development is likely to result in cumulative environmental harm, including degraded water quality, increased stormwater runoff, disruption to natural water flow and groundwater systems, and risks to aquatic ecology and wetlands.

The proposal may lead to the release of pollutants during flood events and interfere with the natural recession of floodwaters into wetlands and marine ecosystems.

SEPP (Resilience and Hazards) 2021 Chapter 2 – Coastal Management

Section	Text	Comment	Y	N	N/A
2.4 Identification of coastal management areas	(a) the coastal wetlands and littoral rainforests area	Not applicable	☐	☐	☒
	(b) the coastal vulnerability area	Applies.	☒	☐	☐
	(c) the coastal environment area	Applies	☒	☐	☐
	(d) the coastal use area	Applies	☒	☐	☐
Part 2.2 Development controls for coastal management areas					
Division 3 Coastal environment area					



SEPP (Resilience and Hazards) 2021
Chapter 2 – Coastal Management

Section	Text	Comment	Y	N	N/A
2.10(1) Development on land within the coastal environment area	Development consent must not be granted unless the consent authority has considered whether the development is likely to cause an adverse impact on the following— (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, (b) coastal environmental values and natural coastal processes, (c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1, (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms, (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, (f) Aboriginal cultural heritage, practices and places, (g) the use of the surf zone.	The site is mapped within the coastal environment area. Insufficient information has been provided to determine if the proposal will adversely impact on the coastal environment area.	☐	☒	☐
2.10(2) Development on land within the coastal environment area	Development consent must not be granted unless the consent authority is satisfied that— (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subsection (1), or (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.	Insufficient information has been provided to determine if the proposal will adversely impact on the coastal environment area.	☐	☒	☐
Division 5 General					
2.12 Development in coastal zone Generally— development not to increase risk of coastal hazards	Development consent must not be granted to development on land within the coastal zone unless the consent authority is satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land.	Insufficient information has been provided to determine if the proposal will adversely impact on the coastal environment area.	☐	☒	☐



SEPP (Resilience and Hazards) 2021 Chapter 2 – Coastal Management

Section	Text	Comment	Y	N	N/A
2.13 Development in coastal zone generally—coastal management programs to be considered	Development consent must not be granted to development on land within the coastal zone unless the consent authority has taken into consideration the relevant provisions of any certified coastal management program that applies to the land.	Insufficient information has been provided to determine if the proposal will adversely impact on the coastal environment area.	☐	☒	☐
2.15 Hierarchy of development controls if overlapping	If a single parcel of land is identified by this Chapter as being within more than one coastal management area the development controls of the highest of the following coastal management areas (set out highest to lowest) prevail— (a) the coastal wetlands and littoral rainforests area, (b) the coastal vulnerability area, (c) the coastal environment area, (d) the coastal use area.	The application has been assessed in accordance with the provided hierarchy.	☒	☐	☐

The application has been assessed against the relevant provisions Chapter 2 of SEPP (Resilience and Hazards) 2021. The proposal complies with the objectives and controls of the SEPP.

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 that 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 R2 Low Density Residential.
- 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 (Sustainable Buildings) 2022 Intro

SEPP (Sustainable Buildings) 2022 aims to encourage the design and delivery of sustainable buildings, ensure consistent assessment of sustainability in buildings, minimise the consumption of energy, reduce greenhouse gas emissions, minimise the consumption of mains-supplied potable water and to ensure good thermal performance of buildings. The SEPP sets standards for BASIX buildings, which are defined as developments which include at least 1 dwelling (excluding boarding houses, hostels and co-living housing which accommodate more than 12 residents or have a gross floor area exceeding 300m²).



Schedule 1 of the SEPP sets out standards which apply to the erection of a new BASIX building.

Schedule 2 of the SEPP sets out standards which apply to alterations to a BASIX building with construction costs in excess of \$50,000.00 as well as to the construction of a swimming pool, spa or combination thereof which serve a single dwelling and which have a capacity of 40,000L or more.

Note: if a swimming pool and spa are to be constructed as part of the same application as alterations to a dwelling which exceed \$50,000.00 in construction costs, then BASIX requirements adhere to the pool regardless of volume.

Note: standards may not apply to heritage items or an item in a heritage conservation area where the Planning Secretary is satisfied the development is not capable of achieving compliance.

SEPP (Sustainable Buildings) 2022

Assessment

Certificate Number:	1793171S
Certificate Date:	28 April 2025
The application has been assessed against the relevant provisions of SEPP (Sustainable Buildings) 2021. The proposal complies with the objectives 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
- Installation of a pool within 30 metres of supporting overhead electricity transmission lines or within 5 metres of overhead power lines

Y N N/A

2.48(2)(a)	Written notice to the electrical supply authority has been carried out.	Achieved	☒	☐	☐
2.48(2)(b)	Any response to the above has been considered.	No objection raised by Ausgrid	☒	☐	☐

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.

Georges River Local Environmental Plan 2021

Section	Text	Comment	Y	N	N/A
2.2 Zoning	Refer to LEP map.	R2 Low Density	☒	☐	☐
2.3 Zone objectives	R2 • To provide for the housing needs of the community within a low density residential environment. • 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.	Achieved	☒	☐	☐



Georges River Local Environmental Plan 2021

Georges River Local Environmental Plan 2021

Section	Text	Comment	Y	N	N/A												
	To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River local government area.																
2.7 Demolition	The demolition of a building requires development consent.	Demolition plan provided.	☒	☐	☐												
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: 9m Proposed: Insufficient information has been provided to determine the overall building height of the proposal due to the absence of RLs. Based on the information provided its estimated the maximum building height be 10.25m	☐	☒	☐												
4.4 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: $\frac{[(1773.4 - 1500) \times 0.1 + 562.5]}{1773.4} = 0.33:1$ Proposed: The maximum permissible FSR of 0.33:1 equates to a maximum gross floor area of 8.25.22m² The proposal seeks a maximum gross floor area of 536.10m²	☒	☐	☐												
4.4A Exceptions to floor space ratio—certain residential accommodation	<table><thead><tr><th colspan="2">Dwelling</th></tr><tr><th>Site Area</th><th>Max. FSR</th></tr></thead><tbody><tr><td>Less than or 650</td><td>0.55:1</td></tr><tr><td>650 – 1,000</td><td>$\frac{[(\text{site area} - 650) \times 0.3 + 357.5]}{\text{site area}}:1$</td></tr><tr><td>1,000 – 1,500</td><td>$\frac{[(\text{site area} - 1000) \times 0.2 + 462.5]}{\text{site area}}:1$</td></tr><tr><td>1,500 +</td><td>$\frac{[(\text{site area} - 1,500) \times 0.1 + 562.5]}{\text{site area}}:1$</td></tr></tbody></table>	Dwelling		Site Area	Max. FSR	Less than or 650	0.55:1	650 – 1,000	$\frac{[(\text{site area} - 650) \times 0.3 + 357.5]}{\text{site area}}:1$	1,000 – 1,500	$\frac{[(\text{site area} - 1000) \times 0.2 + 462.5]}{\text{site area}}:1$	1,500 +	$\frac{[(\text{site area} - 1,500) \times 0.1 + 562.5]}{\text{site area}}:1$	Refer to FSR assessment above.	☒	☐	☐
Dwelling																	
Site Area	Max. FSR																
Less than or 650	0.55:1																
650 – 1,000	$\frac{[(\text{site area} - 650) \times 0.3 + 357.5]}{\text{site area}}:1$																
1,000 – 1,500	$\frac{[(\text{site area} - 1000) \times 0.2 + 462.5]}{\text{site area}}:1$																
1,500 +	$\frac{[(\text{site area} - 1,500) \times 0.1 + 562.5]}{\text{site area}}:1$																
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.	☒	☐	☐												



Georges River Local Environmental Plan 2021

Section	Text	Comment	Y	N	N/A
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.	The application is not supported by a Clause 4.6 variation request seeking to vary the Height of Building Development Standard.	☐	☒	☐
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 affected by Class 3 and 5. Insufficient information has been provided to determine the likely impacts to the water table. The application is not supported by an acid sulfate soils management plan.	☐	☒	☐
6.2 Earthworks	To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land	The proposal is contrary to the provisions of Clause 6.2 of the LEP in that the substantive excavation and earthworks is considered to adversely impact the foreshore setting including outcrops and trees / vegetation and the excavation is to result in the site being further impacted by flooding.	☐	☒	☐
6.4 Foreshore area and coastal hazards and risk	To protect people and property from coastal hazards linked to climate change, ensure development does not disrupt natural foreshore processes or amenity, and promote public access along the foreshore.	Refer to the above.	☐	☒	☐
6.6 Foreshore scenic protection area	To protect, maintain and enhance the scenic, ecological, and cultural values of the Georges River foreshore, including significant views, native vegetation, landscape dominance and the recovery of threatened species and habitats.	Refer to the above.	☐	☒	☐
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.	Deficient stormwater management has been proposed on site. An appropriate method and location for a stormwater discharge point has not been indicated.	☐	☒	☐
6.10 Design excellence	Applies to new dwellings (not secondary dwellings) within the Foreshore Scenic Protection Map Area.	The proposal remains inconsistent with the objectives of Clause 6.10 of the LEP.	☐	☒	☐
6.12 Landscaped areas in certain residential and conservation zones	Development consent must not be granted to development on land to which this clause applies unless at least the following percentages of the site area consists of landscaped areas or natural rock outcrops—	The proposal is inconsistent with the objectives of this clause in that the removal of 12 trees within a foreshore setting have not been suitably offset by replacement trees to a ratio of 2:1,	☐	☒	☐



Georges River Local Environmental Plan 2021					
Section	Text	Comment	Y	N	N/A
	(a) for a dwelling house located on land outside the Foreshore Scenic Protection Area—20% of the site area, or (b) for a dwelling house located on land within the Foreshore Scenic Protection Area—25% of the site area, (c) for development in Zone R3 Medium Density Residential—20% of the site area (d) for development in Zone R4 High Density Residential—10% of the site area If a lot is a battle-axe lot or other lot with an access handle, the area of the access handle and any right of carriageway is not to be included in calculating the site area.	nor have the extent of hard surfaces been minimised. It has not been adequately demonstrated that the proposal satisfies the numerical landscape requirements.			
The application has been assessed against the relevant provisions of the Georges River Local Environmental Plan 2021. The proposal does not comply with one or more of the aims or controls of the EPI.					

GRLEP 2021 Clause 4.6 Variation

Clause 4.6 Exceptions to Development Standard of Georges River Local Environmental Plan (GRLEP) 2021 states in subsection 3, *that development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*

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

Variation of a Development Standard

The proposed variation relates to building height. This matter is a Development Standard as defined in the Environmental Planning and Assessment Act 1979 and, as a result, the matter can be considered through Clause 4.6.

Written Request

Clause 35B of the Environmental Planning and Assessment Regulation 2021 requires the applicant to prepare a document (written request) that sets out the grounds on which these matters are demonstrated. The development application was not accompanied by a written request for the proposed Clause 4.6 variation. **As a result, the development application cannot be approved.**

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	☒	☐	



Georges River Development Control Plan 2021			
Part	Name		N
Part 5	Residential Locality Statements	☒	☐
Part 6.1	Low Density Residential Controls	☒	☐
Part 6.4	Ancillary Development	☒	☐
Part 6.5	Foreshore Locality Controls	☒	☐
Appendices	Supporting Information (e.g. Exempt Tree Works)	☒	☐

Part 3 – General Planning Considerations

3.8 – Views Impacts

Part 3.8 of the GRDCP aims to protect public vistas, consider views during site analysis, and promote reasonable view sharing in line with the Tenacity Planning Principle. Development must ensure views from both public spaces and private dwellings are respected. The subject site is surrounded by properties at 10, 12, and 14 Beach Street, which currently enjoy views over the site toward Kogarah Bay and Georges River. The proposed development, with its increased footprint and height, is likely to impact these views. The applicant's reliance on outdated imagery and lack of a detailed view impact assessment is contrary to Clause 3.8 of the GRDCP 2021.

3.5 – Earthworks

Part 3.5.1 of the GRDCP seeks to limit excavation by maintaining natural ground levels within 900mm of boundaries and restricting cut and fill to a maximum of 1m, with works near trees complying with AS4970. The proposed development significantly exceeds these controls, incorporating approximately 4.19m of cut and removal of rock outcrops, resulting in retaining walls over 3m and a design that does not step with site topography. These extensive earthworks are likely to adversely impact the foreshore setting, vegetation, and increase flood risk given the site's 1% AEP and PMF mapping. Combined with the exceedance of the height standard, the proposal contributes to excessive bulk and scale, overshadowing, view loss, and privacy impacts. Accordingly, the development is contrary to Part 3.5.1 of the GRDCP.

Part 5 – Residential Locality Statement.

5.17 – Blakehurst Locality Statement

The Blakehurst locality is intended to retain its low-density suburban character through contemporary, human-scaled design, while allowing well-designed higher-density development near the commercial centre and Tom Ugly's Point. Development should respect bushland landscaping, maintain consistent setbacks, retain trees, share water views, and preserve public views to waterways. In contrast, the proposed three-storey dwelling introduces significant bulk and scale through large void areas (approx. 51m²), flat roof forms, and parapets, resulting in a building mass exceeding the envisaged FSR. The design lacks stepping or split levels to respond to topography, involves extensive excavation (approx. 4.19m) and removal of rock outcrops, and fails to mitigate impacts on views, privacy, and overshadowing. Combined with tree removal and incongruous materiality, the proposal visually dominates the foreshore and conflicts with the intended bushland character of the locality.

Part 6.1 – Low Density Residential Controls

6.1.2.1 – Streetscape Character and Built Form

6.1.2.2 – Building Scale and Height

The above seeks to ensure single dwellings complement and enhance the streetscape and foreshore character through appropriate scale, form, and finishes, while minimising impacts on neighbouring amenity and view corridors. Controls require sensitive design, limit first-floor voids to 15m², encourage split-level responses on sloping sites, and restrict dwellings to two storeys plus basement.



The proposed development significantly departs from these objectives and controls. It incorporates approximately 51m² of voids, creating excessive building mass beyond the intended FSR, and introduces a three-storey form exceeding the 9m height standard. The design lacks stepping or split levels, involves extensive excavation (approx. 4.19m) and removal of rock outcrops, and fails to respond to site topography.

Large flat roof areas and parapets add visual bulk, while tree removal and incongruous materiality diminish the bushland character. These factors result in adverse view loss, overshadowing, and privacy impacts, with unresolved GFA calculations and potential non-compliance regarding basement areas. Overall, the proposal visually dominates the foreshore and conflicts with the intended character and physical constraints of the site.

6.1.2.8 – Visual Privacy

Part 6.1.2.8 of the GRDCP requires upper-level windows and balconies to be designed to minimise overlooking, with controls limiting balcony projections to 1.5m beyond the rear wall and requiring screening or oblique views. Applications must also include detailed site analysis showing adjoining openings and levels. The proposed development includes an elevated ground floor balcony extending along the eastern and southern facades, a 1.6m rear projection, and a landscaped terrace near the northern boundary. These elements enable direct overlooking of private open spaces and openings of adjoining properties at 6 and 14 Beach Street, resulting in significant privacy impacts contrary to Part 6.1.2.8 controls.

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

- 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 fourteen (14) days in which to view the plans and submit any comments on the proposal. One (1) submission was received during the neighbour notification period.



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

Issue	Comment
Landscape Species	Council's Landscape Officer has reviewed the proposal and supports the landscaping concept subject to the imposition of conditions of consent which will ensure an appropriate selection of species is selected.

The Public Interest

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

- 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.

Referrals

Internal Referrals		
Specialist	Comment	Outcome
Development Engineer	The proposed site stormwater discharge location is not considered feasible to construct, as timber slips in this area cannot accommodate the proposed grate & trench spreader.	An amended stormwater design to be provided.
Landscape	No objections raised with regard to the proposal and conditions recommended.	Conditions of consent recommended if approved

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 with regard to the proposal and conditions recommended.	Conditions of consent recommended if approved

Contributions

No Section 9.11 or 7.12 development contributions apply as the proposal is recommended for refusal and will not proceed to 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 proposed variation to Clause 4.3 is not sufficiently justified, noting that no Clause 4.6 variation request has been provided in support of the proposal. The development is not considered to be in the public interest, being contrary to the zone and standard objectives.

Determination

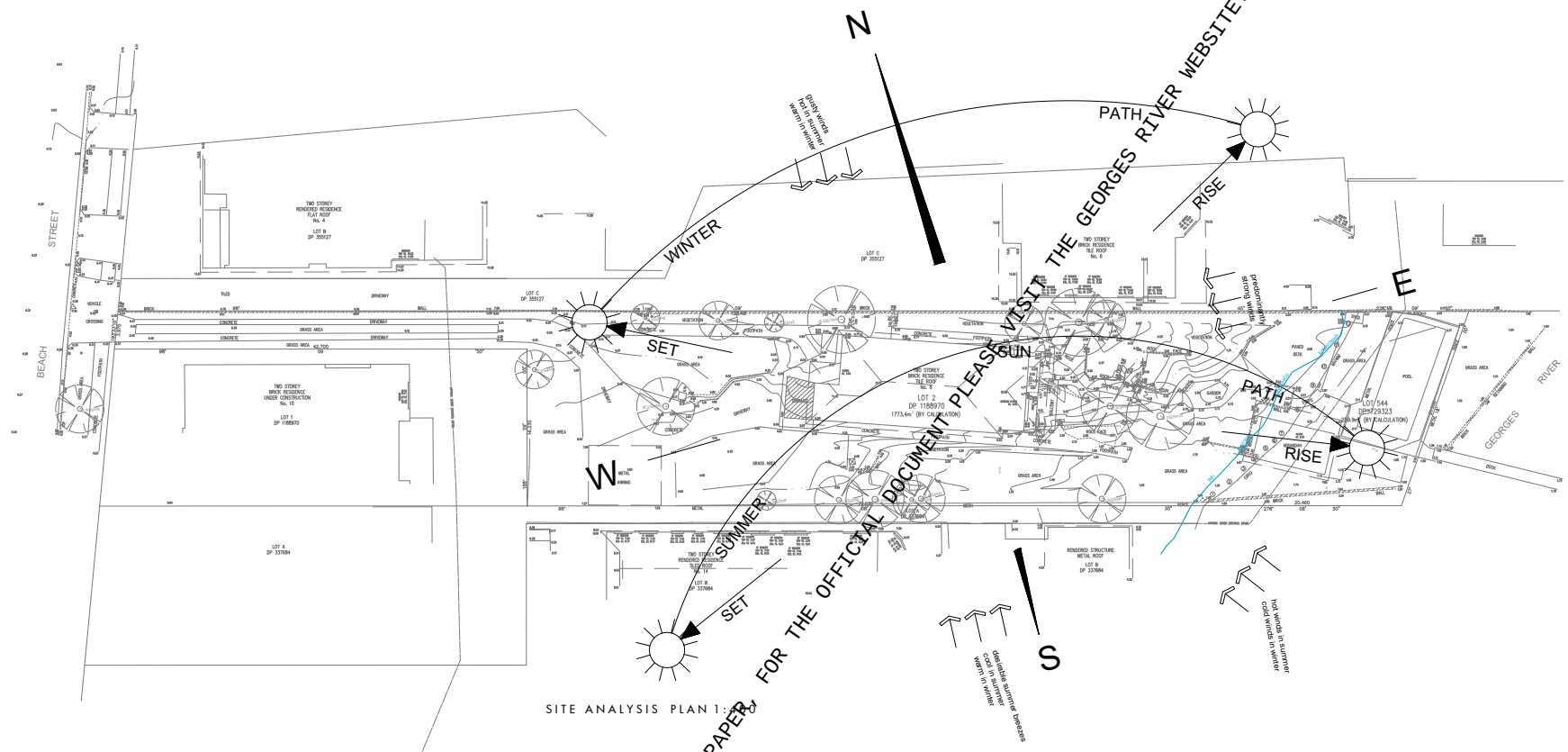
Refusal of Application

Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegated officer determines DA2025/0258 for demolition works, construction of a dwelling house and pond on Lot 544 DP 729323 & Lot 2 DP 1188970 on land known as 8 Beach Street, Blakehurst, should not be approved subject to the refusal reasons referenced below:

1. The application fails to satisfy Chapter 2 of the State Environmental Planning Policy (Resilience and Hazards) 2021 with regard to coastal management [Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979].
2. The application fails to satisfy Chapter 6 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 with regard to water catchments [Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979].
3. The application fails to satisfy Clause 4.3 of the Georges River Local Environmental Plan 2021 with regard to building height [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
4. The application fails to satisfy Clause 4.6 of the Georges River Local Environmental Plan 2021 with regard to demonstrating compliance is unreasonable or unnecessary and that there are sufficient environmental planning grounds to support the departure [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
5. The application fails to satisfy Clause 6.2 of the Georges River Local Environmental Plan 2021 with regard to earthworks [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
6. The application fails to satisfy Clause 6.4 of the Georges River Local Environmental Plan 2021 with regard to foreshore area and coastal hazards and risk [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
7. The application fails to satisfy Clause 6.6 of the Georges River Local Environmental Plan 2021 with regard to the foreshore scenic protection area [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
8. The application fails to satisfy Clause 6.9 of the Georges River Local Environmental Plan 2021 with regard available essential services [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
9. The application fails to satisfy Clause 6.10 of the Georges River Local Environmental Plan 2021 with regard to design excellence [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
10. The application fails to satisfy Clause 6.12 of the Georges River Local Environmental Plan 2021 with regard to landscape area in certain residential and conservation zones [Pursuant to the provisions of Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*].
11. The application fails to satisfy Part 3.8 of the Georges River Development Control Plan 2021 with regard to view impacts [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].



12. The application fails to satisfy Part 3.5 of the Georges River Development Control Plan 2021 with regard to earthworks [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
13. The application fails to satisfy Part 5 of the Georges River Development Control Plan 2021 with regard to the residential locality statements, specifically the Blakehurst locality statement [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
14. The application fails to satisfy Part 6.1.2.1 of the Georges River Development Control Plan 2021 with regard to streetscape character and built form [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
15. The application fails to satisfy Part 6.1.2.2 of the Georges River Development Control Plan 2021 with regard to building scale and height [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
16. The application fails to satisfy Part 6.1.2.8 of the Georges River Development Control Plan 2021 with regard to visual privacy [Pursuant to S4.15(1)(a)(iii) of the *Environmental Planning & Assessment Act 1979*].
17. The proposed development is unsatisfactory as it fails to demonstrate acceptable disposal of stormwater from the subject land [Pursuant to the provisions of Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*].
18. The proposed development is unsatisfactory, as insufficient information has been provided by the applicant to allow a proper and thorough assessment of the impacts of the proposed development and the suitability of the site for the development [Pursuant to Sections 4.15(1)(a)(iv) of the *Environmental Planning and Assessment Act 1979*] including:
 - a. Chapter 6, Water Catchments of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 was not addressed as part of the application.
 - b. Clause 5.10(8) of the GRLEP 2021 was not addressed as part of the application.
 - c. Clause 6.1(2)(4) of the GRLEP 2021 was not addressed as part of the application.
 - d. Clause 6.4 of the GRLEP 2021 was not addressed as part of the application.
 - e. A view analysis has not been provided in relation to view loss.
 - f. Insufficient information has been provided to determine the visual privacy impacts of adjoining residences.
 - g. Insufficient information has been provided regarding the calculation of maximum building height relative to existing ground.
 - h. A deficient GFA calculation plan has been provided with the application.
 - i. A deficient set of shadow diagrams have been provided with the application.
 - j. Insufficient architectural plans have been provided with regard to cut and fill/retaining walls.
19. The development is considered to result in the unordered development of land [Pursuant to Section 1.3(c) of the *Environmental Planning & Assessment Act 1979*].
20. The site is considered unsuitable for the proposed development [Pursuant to S4.15(1)(c) of the *Environmental Planning & Assessment Act 1979*]; and
21. For the reasons stated above, it is considered that the development is not in the public interest [Pursuant to S4.15(1)(e) of the *Environmental Planning & Assessment Act 1979*].



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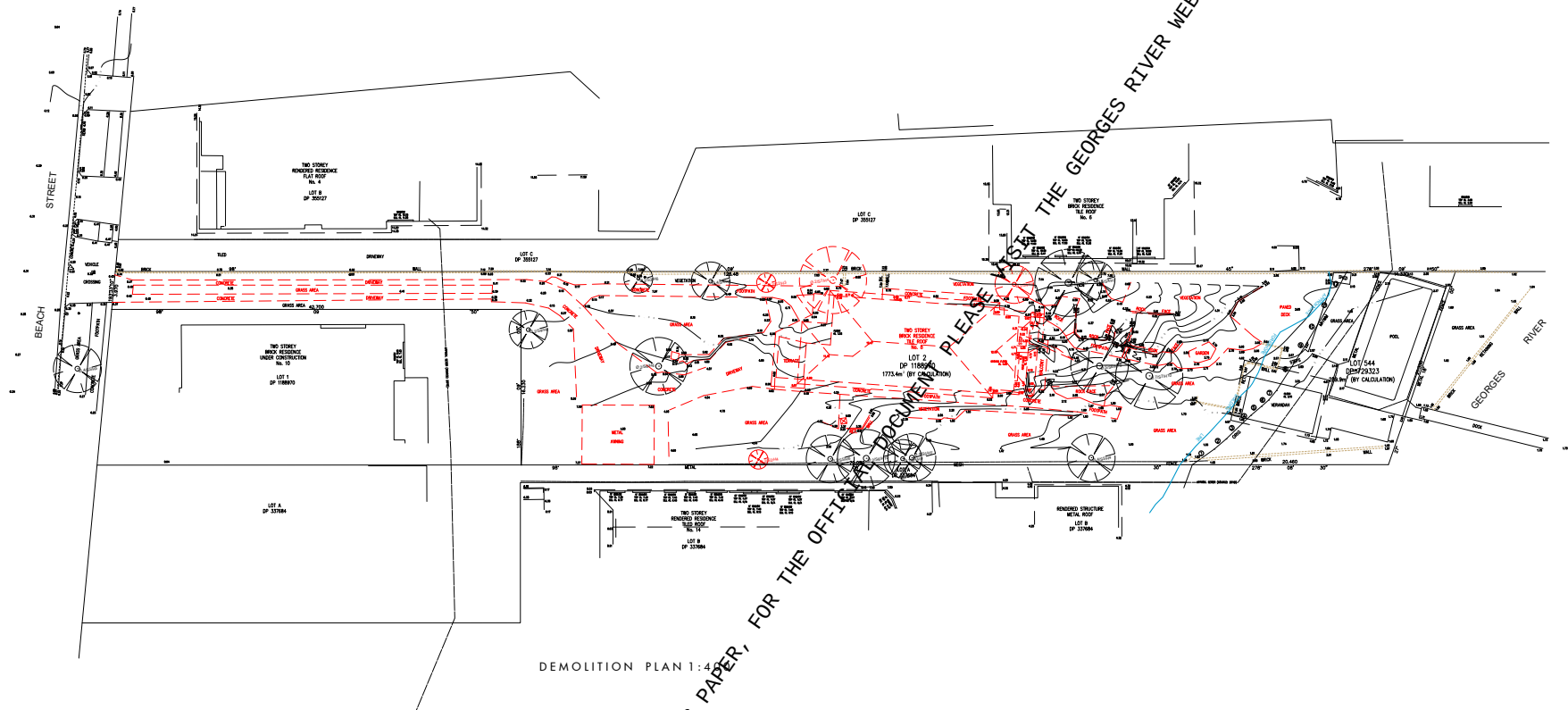


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date: 15th April 2025			

8 Beach St. **BLAKEHURST**

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3/17



GFA CALCULATIONS	
SITE AREA = 1773.40 m²	
FSR = [(site area - 1500) x 0.1 + 562.5] : site area : 1 = 589.84 m²	
ground floor area:	273.2 m²
1st floor area:	202.9 m²
lower ground floor area:	33 m²
Boat Shed (Included)	27 m²
TOTAL PROPOSED FLOOR AREA:	536.10 m²
LANDSCAPE CALCULATION	
REQUIRED 25% of site area Less Handle 168m²	401.35 m² of 1605.40 m²
TOTAL LANDSCAPED AREA:	758 m² (40%)

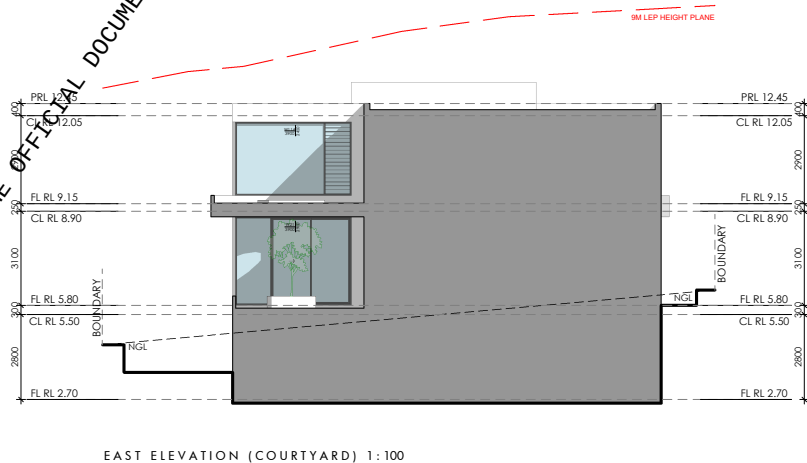
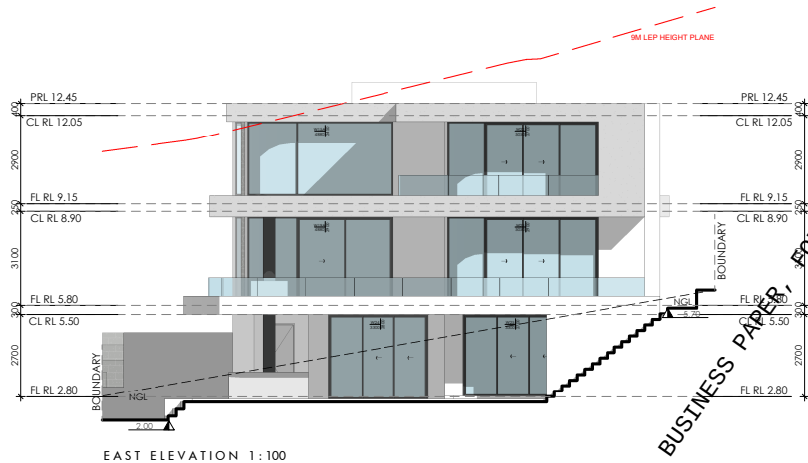
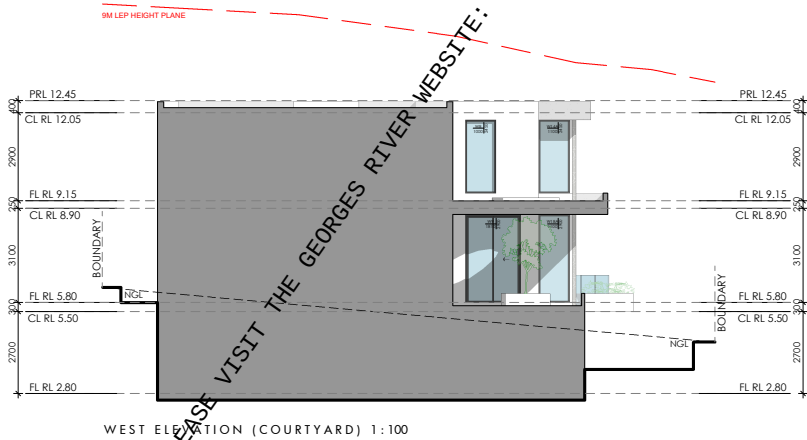
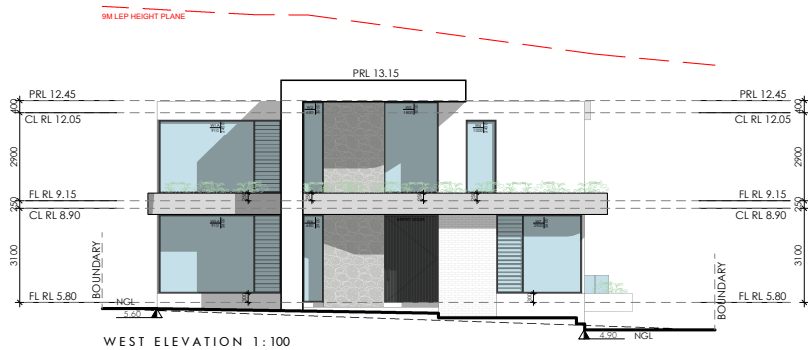


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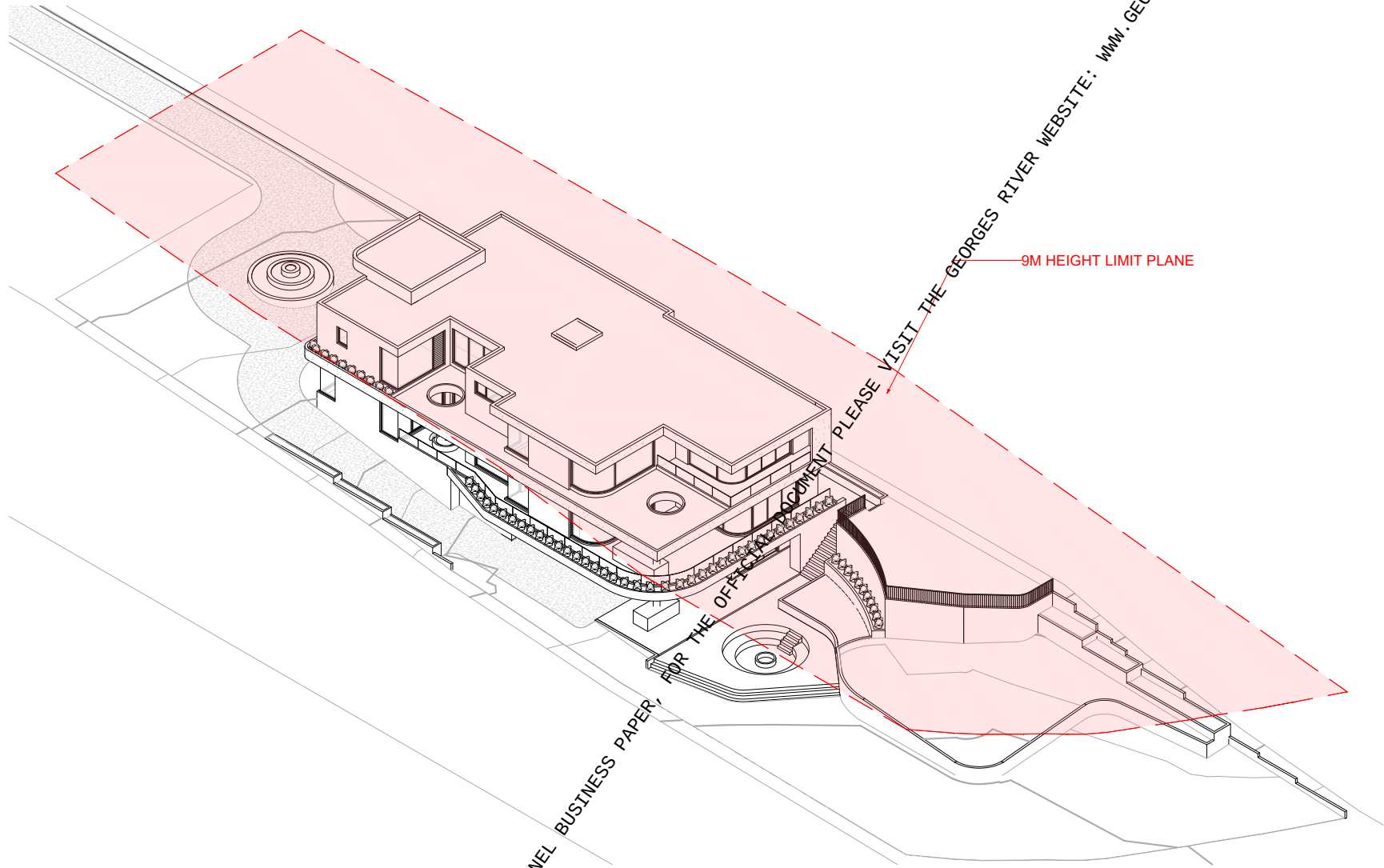
Scale: A2
date: 15th April 2025

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MOUNZER ARCHITECT 1997

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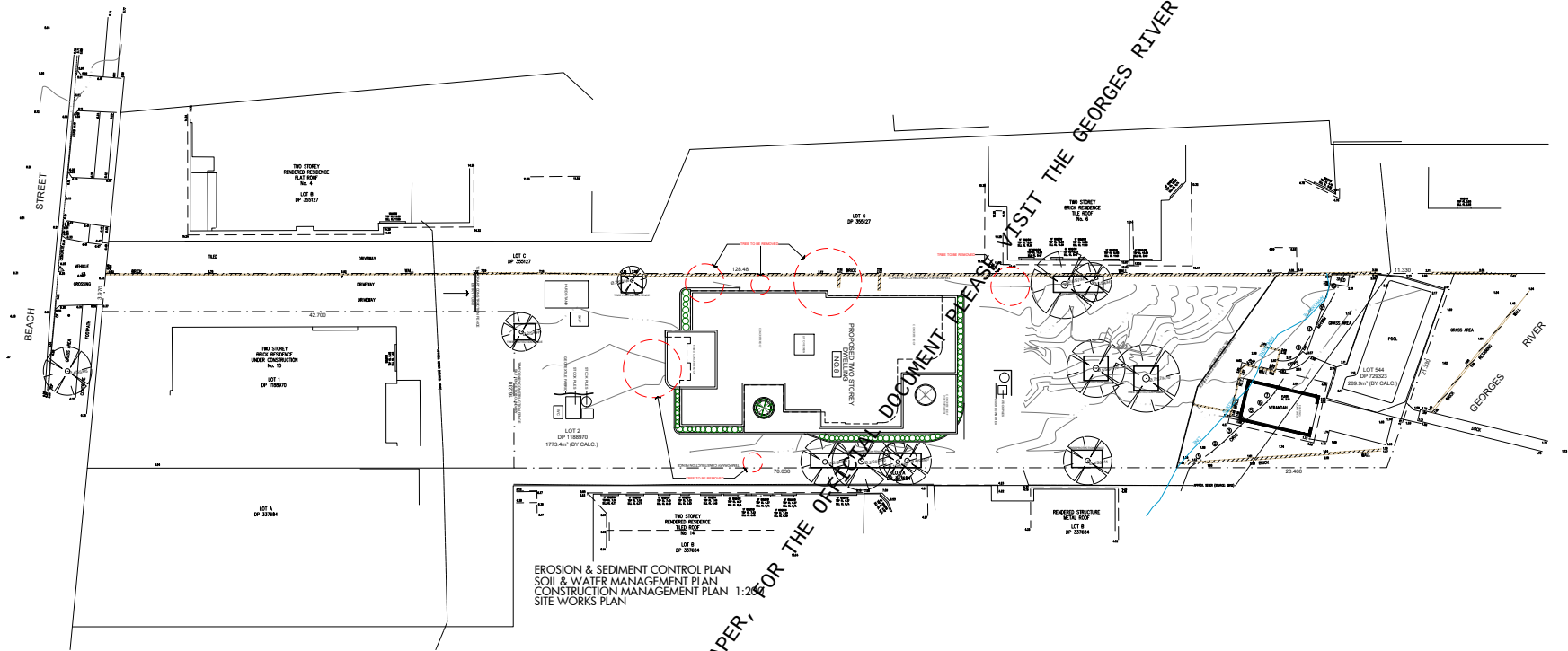


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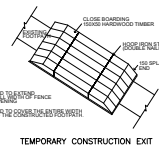
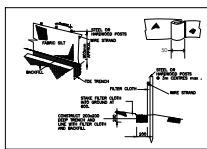
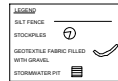
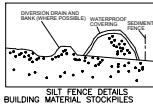
POTENTIAL VIEW FROM
ADDITIONAL SECOND STOREY



EROSION & SEDIMENT CONTROL PLAN
SOIL & WATER MANAGEMENT PLAN
CONSTRUCTION MANAGEMENT PLAN 1:20
SITE WORKS PLAN

- EROSION CONTROL NOTES:**
- 1. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSTALLED PRIOR TO SITE DETERMINATION AND TO BE MAINTAINED DURING CONSTRUCTION AND POST CONSTRUCTION.
 - 2. STRIPPING OF GRASS AND VEGETATION ETC. SHOULD BE DONE BY BEST PRACTICE METHODS.
 - 3. FENCING FROM ALL AREAS THAT WILL BE EXPOSED TO EROSION AND SEDIMENTATION.
 - 4. FENCING TO BE CONNECTED TO STORMWATER DRAINAGE SYSTEMS.
 - 5. FENCING TO BE REMOVED TO BE SWEPT DAILY.
 - 6. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE MAINTAINED DURING CONSTRUCTION AND POST CONSTRUCTION.
 - 7. FENCING TO BE REMOVED TO BE SWEPT DAILY.
 - 8. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE MAINTAINED DURING CONSTRUCTION AND POST CONSTRUCTION.
 - 9. FENCING TO BE REMOVED TO BE SWEPT DAILY.
 - 10. ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE MAINTAINED DURING CONSTRUCTION AND POST CONSTRUCTION.

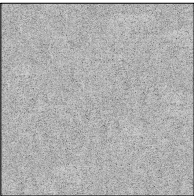
- SILTATION MANAGEMENT PROCEDURE**
- 1. DIRECT SILTATION CONTROL MEASURES TO BE INSTALLED PRIOR TO SITE DETERMINATION AND TO BE MAINTAINED DURING CONSTRUCTION AND POST CONSTRUCTION.
 - 2. STRIPPING OF GRASS AND VEGETATION ETC. SHOULD BE DONE BY BEST PRACTICE METHODS.
 - 3. FENCING FROM ALL AREAS THAT WILL BE EXPOSED TO EROSION AND SEDIMENTATION.
 - 4. FENCING TO BE CONNECTED TO STORMWATER DRAINAGE SYSTEMS.
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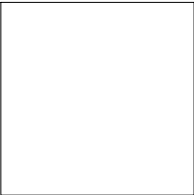
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Project Name	Blakelhurst
Client	Blakelhurst
Drawn By	Blakelhurst
Checked By	Blakelhurst
Date	15/18

SCHEDULE OF COLOURS & FINISHES



AWNING AND BALCONY BANDS
FINISH: MATT FINISH
TYPE: ROCKCOTE CONCRETE TEXTURE
COLOUR: LITE GREY



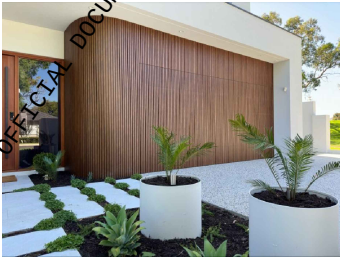
EXTERNAL WALLS/FRONT FENCE
FINISH: GLOSS/ SEMI-GLOSS
TYPE: RENDER
COLOUR: DULUX NATURAL WHITE



WINDOW DOOR FRAME
FINISH: SATIN
TYPE: POWDER COATED ALUMINIUM
COLOUR: CHARCOAL



GLASS BALUSTRADE
FINISH: FRAMELESS TRANSPARENT
TYPE: EMBEDDED INTO CONCRETE HOB
COLOUR: CLEAR GLASS



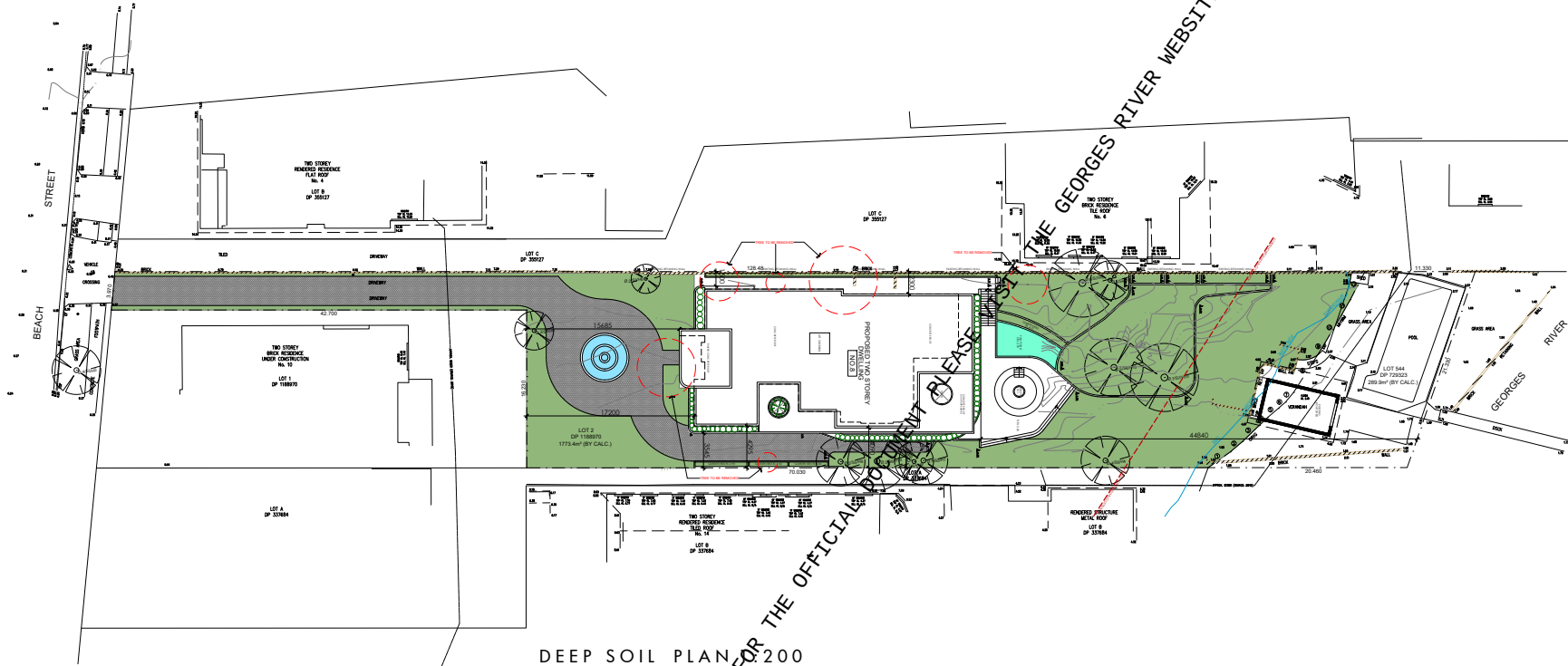
ENTRY DOOR, FEATURE WALL
TYPE: BIOWOOD CLADDING
COLOUR: DARK BROWN/WOODLAND GREY



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			16/17



DEEP SOIL PLAN, 200

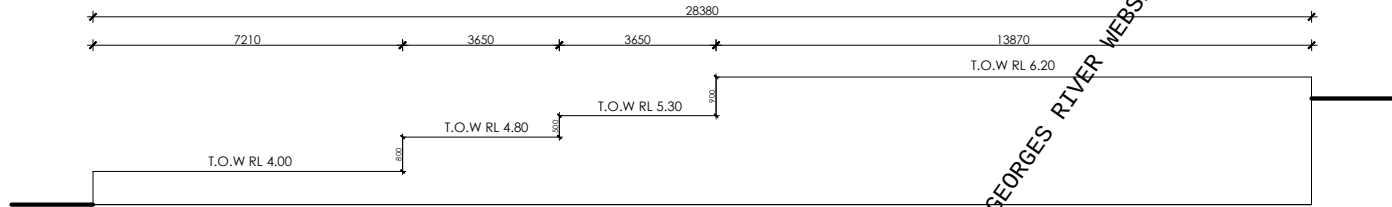
LANDSCAPE CALCULATION

TOTAL LANDSCAPED AREA	728 M ² (80%)
TOTAL LOT AREA	912 M ² (100%)

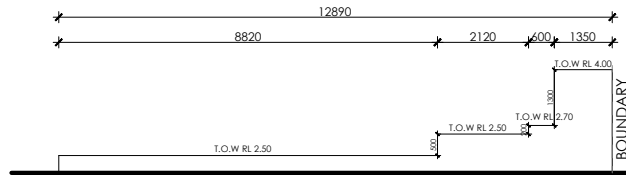


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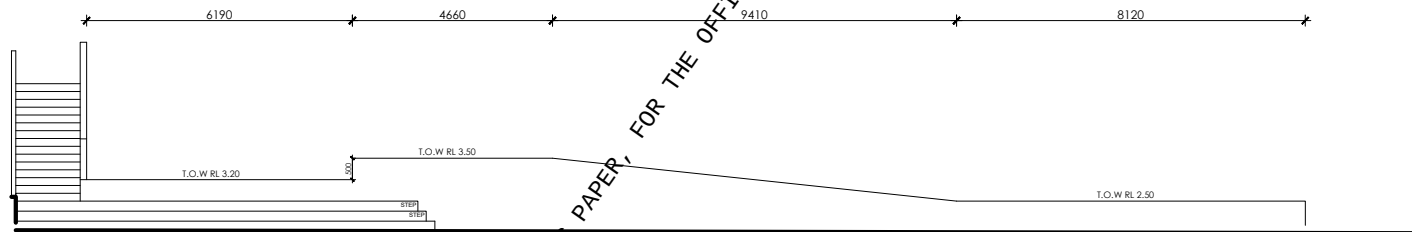
Project Name	8 Beach St, BIAKEHURST
Client	Mourner Mortdale
Date	12th April 2025
Sheet	1 of 1



SOUTH ELEVATION RETAINING WALL 1:100



EAST ELEVATION RETAINING WALL 1:100



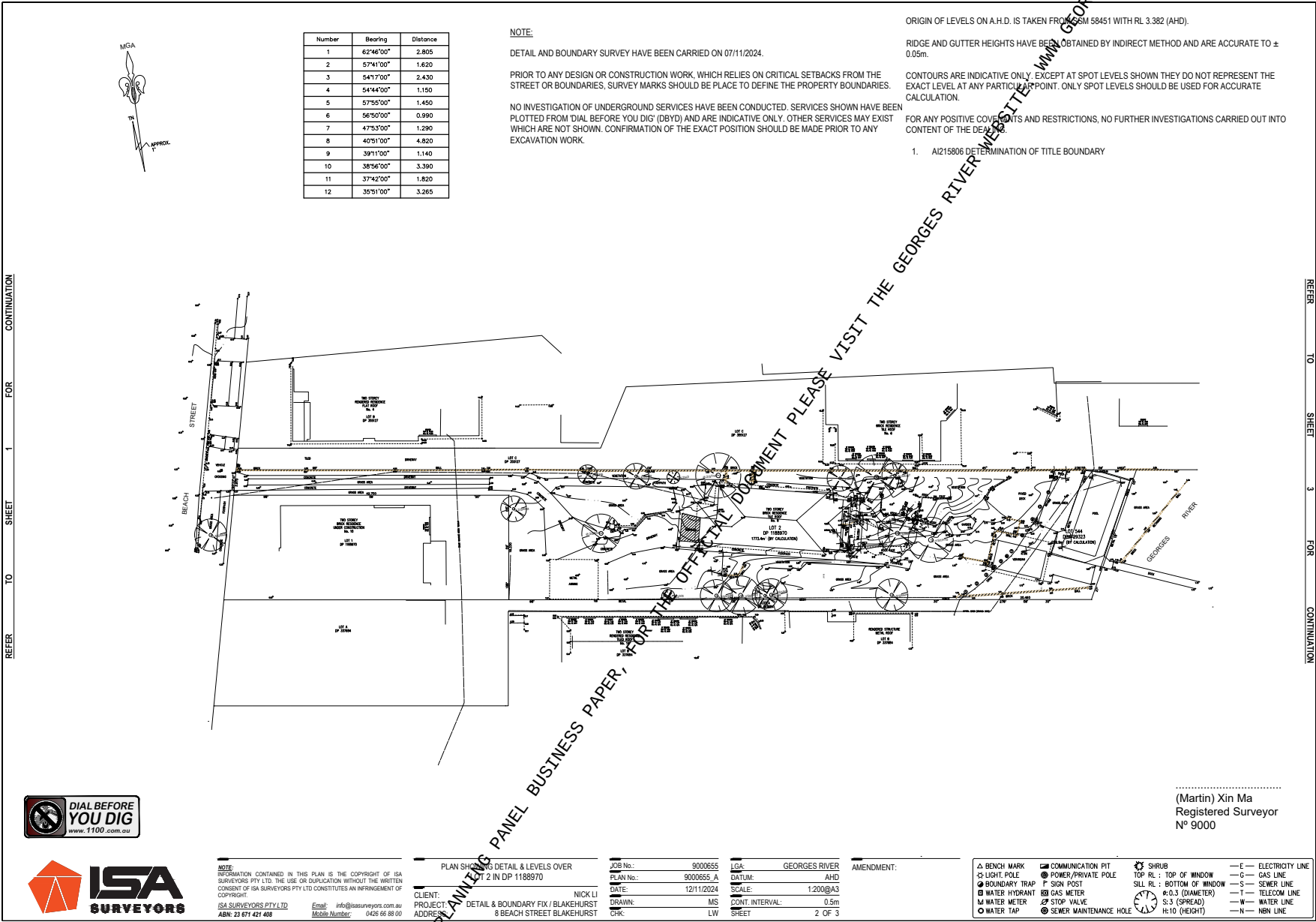
NORTH ELEVATION RETAINING WALL 1:100



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date: 15th April 2025	Mounzer Mortada NICKNAMED ARCHITECT 10697	M: 0405 125 350 E: info@mcubed.com.au W: mcubed.com.au	



REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 04 DECEMBER 2025

LPP040-25 22 PLEASANT WAY, BLAKEHURST

LPP Report No	LPP040-25	Development Application No	DA2025/0172
Site Address & Ward Locality	22 Pleasant Way, Blakehurst Blakehurst Ward		
Proposed Development	Demolition works and construction of a dwelling house and swimming pool		
Owners	Ricky Kerem and Sultan Kerem		
Applicant	Fikri Kerem		
Planner/Architect	Resolut		
Date Of Lodgement	11/08/2025		
Submissions	1		
Cost of Works	\$4,574,165.00		
Local Planning Panel Criteria	Departure from development standard more than 10%		
List of all relevant s.4.15 matters (formerly s79C(1)(a))	State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Sustainable Buildings) 2022, Statement Environmental Planning Policy (Transport and Infrastructure) 2021, Georges River Local Environmental Plan 2021, Georges River Development Control Plan 2021		
List all documents submitted with this report for the Panel's consideration	Assessment Report and Architectural Plans		
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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LPP040-25

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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 - Height of building, Floor Space Ratio and Foreshore Building Line
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	N/A – application recommended for refusal

PROPOSAL

- Development Application (DA2025/0172) was lodged on 4 April 2025. The application seeks consent for the demolition of existing structures, and construction of multi-level dwelling house including a swimming pool and boatshed on land identified as Lot 11 on Deposited Plan (DP) 207914, also known as 22 Pleasant Way, Blakehurst.
- On 10 July 2025 the Applicant commenced proceedings in Class 1 of the Land and Environment Courts jurisdiction (LEC) appealing against the deemed refusal of the development application.

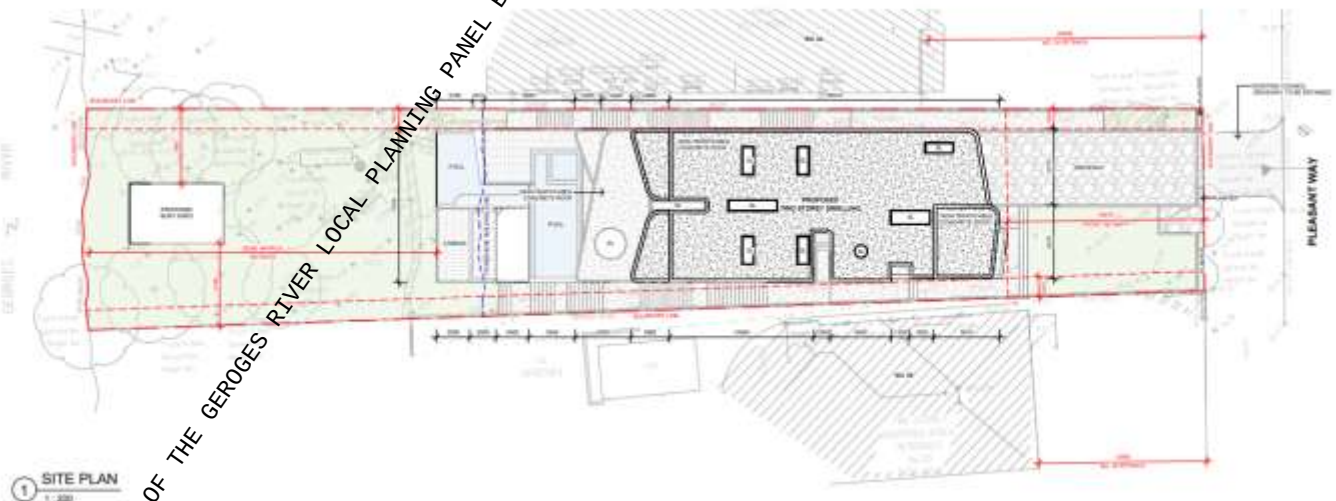
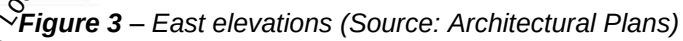


Figure 1 – Site plan (Source: Architectural Plans)



Figure 2 – North elevations (Source: Architectural Plans)



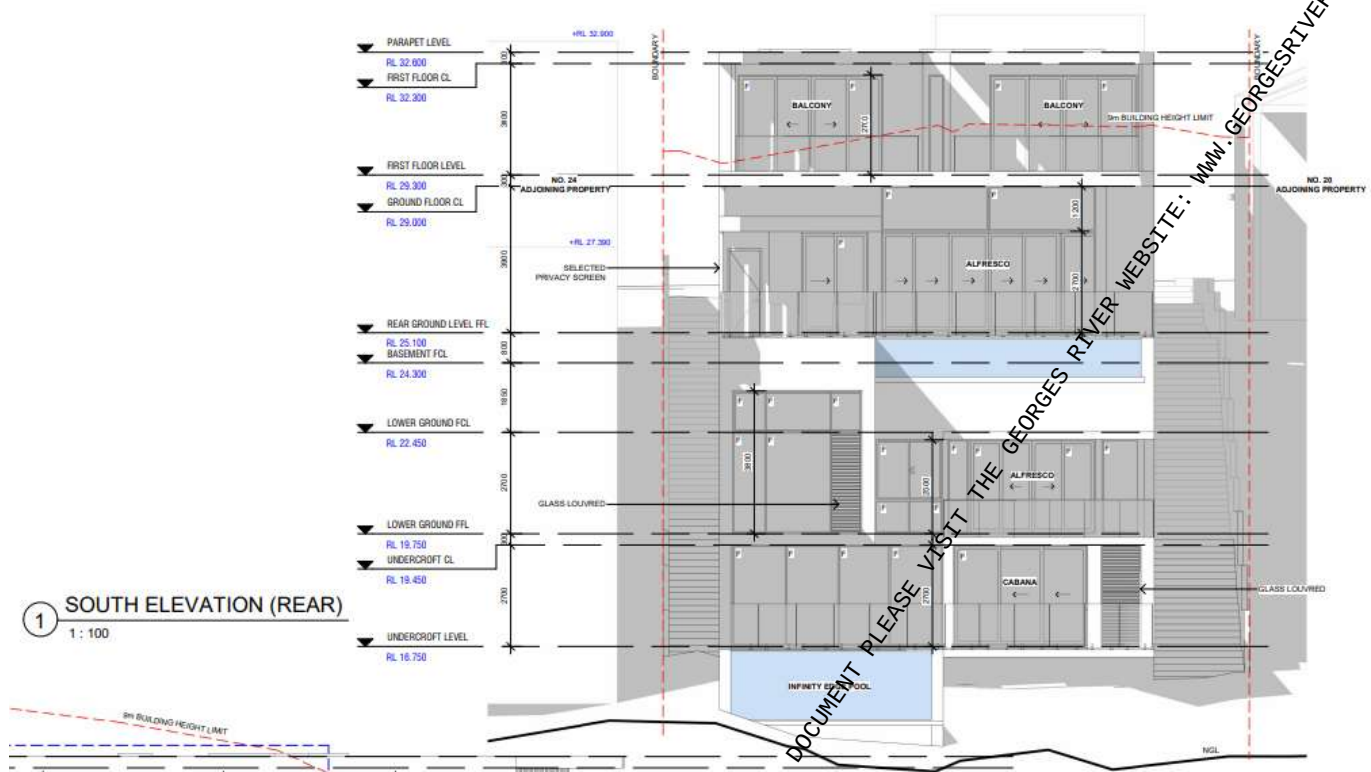


Figure 4 – South elevations (Source: Architectural Plans)

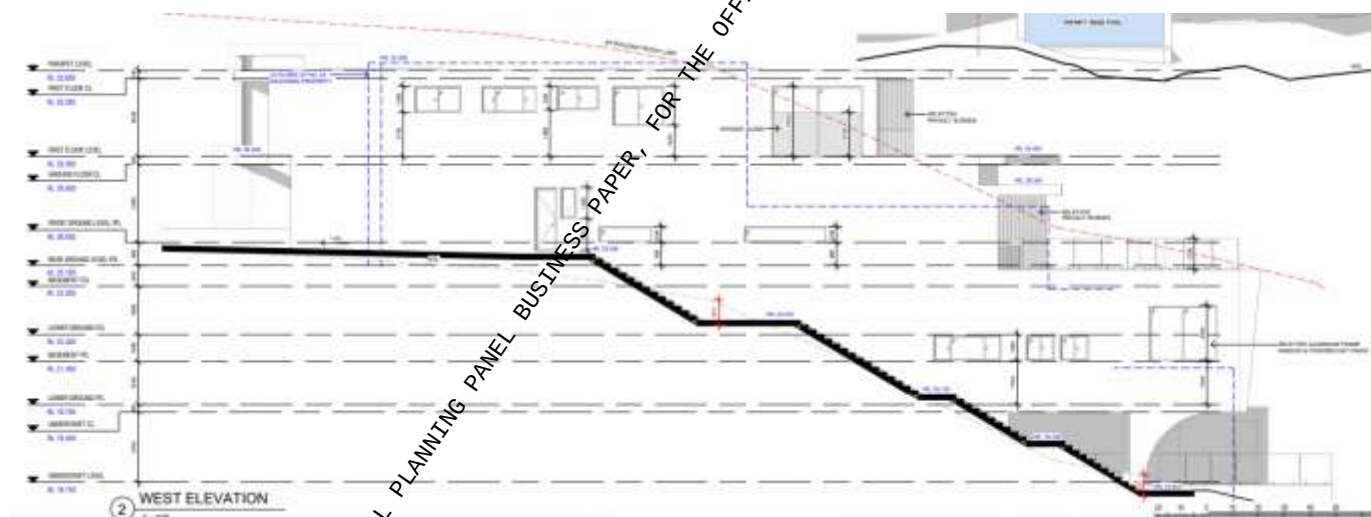


Figure 5 – West elevations (Source: Architectural Plans)

SITE AND LOCALITY

3. The site is known as 22 Pleasant Way, Blakehurst and is legally described as Lot 11, DP 207914.
4. The site consists of a generally rectangular shaped allotment. The area of the Site is approximately 1, 416m², however the DA is not accompanied by a boundary survey which addresses cl41 of the *Surveying and Spatial Information Regulation 2024*.
5. The site falls significantly from the street frontage to the foreshore, with a cross-fall of approximately 16.9m excluding the access handle.
6. The site is affected by the following:
 - a. Right of footway easement 1.22m wide along the length of the southern side boundary (J58788); and

- b. Drainage easement traversing through the Site from 54 Annette Street's north-eastern rear corner, diagonally across the south-eastern side boundary of the Site to the MHW (L854233).
7. The site is presently occupied by a two storey dwelling house and swimming pool. To the south of the dwelling there is a retaining wall and a series of meandering stairs, leading down toward the foreshore of the Georges River.
 8. The southern boundary of the Site is defined by the natural feature of the high water mark of the tidal waters of the Georges River. The site adjoins the Georges River which is Crown Land.
 9. The Site is located in the suburb of Blakehurst. The unique qualities of the Blakehurst locality are identified in the Blakehurst Locality Statement at Part 5.18 of the Georges River Development Control Plan 2021.
 10. The development surrounding the site primarily consists of 1 and 2 storey dwelling houses on land with sloping topography, many with swimming pools. Many dwellings have views to and are visible from the waterway. Existing dwelling houses range in age and style from older traditional face brick and pitched tile roofing designs to more contemporary styles with rendered finishes and parapet roof forms.

ZONING AND PERMISSIBILITY

11. The subject site is zoned R2 Low-Density Residential under the provisions of Georges River Local Environmental Plan 2021 (GRLEP2021). The proposal is defined as a 'dwelling house' which is permissible with development consent.

SUBMISSIONS

12. 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. A submission was received during the neighbour notification period.

Issue	Comment
Extent of non-compliance	The proposal results in significant non-compliances with the provisions of the GRLEP and GRDCP and is not considered to achieve an acceptable planning outcome. Accordingly, the application is recommended for refusal
Incorrect shadow diagram	
Cut and Fill	
Privacy	

ASSESSMENT

13. 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, except for the following controls:
 - SEPP (Biodiversity and Conservation) 2021
 - Chapter 2 Vegetation in non-rural areas

- GRLEP 2021
 - Clause 2.3 Zone objectives and Land Use Table
 - Clause 4.3 Height of buildings
 - Clause 4.4A Exceptions to floor space ratio – certain residential accommodation
 - Clause 4.6 Exceptions to development standards
 - Clause 5.7 Development below mean high water mark
 - Clause 6.2 Earthworks
 - Clause 6.4 Foreshore area and coastal hazards and risk
 - Clause 6.6 Foreshore scenic protection area
 - Clause 6.10 Design excellence
- GRDCP 2021
 - Section 3.5.1 Excavation (including cut and fill)
 - Section 6.1.2.1 Streetscape Character and Built Form
 - Section 6.1.2.2 Building Scale and Height
 - Section 6.1.2.5 Landscaping
 - Section 6.1.2.6 Excavation
 - Section 6.1.2.7 Vehicular Access
 - Section 6.1.2.8 Visual Privacy
 - Section 6.1.2.11 Materials, Colour Schemes and Details
 - Section 6.4.1 Fences and Walls
 - Section 6.4.3 Outbuildings
 - Section 6.4.4 Swimming Pools/Spas
 - Section 6.5.1 Foreshore Scenic Protection Area
 - Section 6.5.2.3 Boatsheds

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

GRLEP 2021			
Standard	Required	Proposed	Complies Yes/no
4.3 - Height of Buildings	9m (maximum)	16m (77.8 % variation) Clause 4.6 variation request lodged	No
4.4 - Floor Space Ratio	0.385:1 = 545.7sqm (maximum)	Total: 552.15sqm (1.18% variation) Clause 4.6 variation requests lodged.	No
6.4 - Foreshore area	30m (minimum)	26.8m (10.7% variation) Clause 4.6 variation requests lodged	No
6.12 – Landscaped Area	25% or 354 sqm	500 sqm	Yes

GRDCP 2021			
Standard	Required	Proposal	Complies yes/no
6.1.2.3 Setbacks	Setbacks (minimum): Front: 14.8m (per prevailing street setback) Garage: 15.8.3m (based on required front setback) Side: 1.5m Rear: 13.9m	Front setback: 14.875m Garage front setback: 17.875m Minimum side setback: 1.5m Rear setback: 26.28m	Yes
6.1.2.5 Landscaping	Front setback impervious area (maximum): 50%	56.6%	No
6.1.2.7 Vehicular Access, Parking and Circulation	A dwelling is to provide one (1) garage and one (1) tandem driveway parking space. Driveway width at the boundary maximum 4m	2 covered parking space provided. 4.8m width driveway at the boundary.	No
6.1.3.10 Private Open Space	60 sqm (minimum):	Adequate private open space provided with compliant dimensions.	Yes

REFERRAL COMMENTS

15. 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	Objection was raised due to the absence of arborist report and poor landscape outcome proposed in the landscape plan.
Ausgrid	No objection subject to recommended conditions.

REASONS FOR REFERRAL TO THE LOCAL PLANNING PANEL

16. The proposal involves a 77.8% variation to Clause 4.3 and 10.7% variation to Clause 6.4 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

17. The proposal has been assessed against the relevant provisions of State Environmental Planning Policies, the provisions of the GRLEP 2021 and GRDCP 2021.
18. 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:
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
 - Georges River Local Environmental Plan 2021
 - Georges River Development Control Plan 2021

RECOMMENDATION

19. Pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the panel determines DA2025/0172 for Demolition works and construction of a dwelling house and swimming pool on Lot/s 11 in DP 207914 on land known as 22 Pleasant Way, Blakehurst, should not be approved subject to the refusal reasons referenced below:
- A. Potential Use of the lower ground level as a separate domicile – The proposal appears to include a second occupancy due to the additional kitchen on the lower ground floor and an entry arrangement which could allow it to be access and used as a separate dwelling.
 - B. Environmental Planning Instrument – State Environmental Planning Policies (Biodiversity and Conservation) 2021 – Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development failed to demonstrate full compliance with the clause as the application does not provide sufficient information including an arborist report and landscape plan prepared by suitably qualified professional.
 - C. Environmental Planning Instrument – Local Environmental Plan – Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development has failed to demonstrate compliance with the following clause of the Georges River Local Environmental Plan 2021
 - i. Clause 2.3 Zone Objectives and Land Use Table – The proposal does not satisfy the zone objective and does not enhance the existing environmental character of Georges River local government area.
 - ii. Clause 4.3 Height of buildings – The proposal exceeds the maximum height shown for land on the Height of Buildings Map.
 - iii. Clause 4.4A Exceptions to floor space ratio – certain residential accommodation – The proposal exceeds the maximum permitted floor space ratio for the site.
 - iv. Clause 4.6 Exceptions to development standards – The written request made under this clause is not well founded.
 - v. Clause 5.7 Development below mean high water mark – The application is unclear that the proposed work is located within the Site or on Crown land and whether clause 5.7 is triggered for assessment.
 - vi. Clause 6.2 Earthworks – The excessive excavation does ensure that the proposed earthworks will have a detrimental impact on features of the surrounding land.
 - vii. Clause 6.4 Foreshore area and coastal hazards and risk – The proposal involves construction forward of the foreshore building line which is not exempted under cl 6.4(3).
 - viii. Clause 6.6 Foreshore scenic protection area – The proposal does not reinforce and improve the dominance of landscape over built form, hard surfaces and cut and fill. It does not facilitate protection of the natural environment, including topography.
 - ix. Clause 6.10 Design excellence – The proposal does not exhibit design excellence.

- D. Development Control Plan – Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development has failed to demonstrate compliance with the following sections of the Georges River Development Control Plan 2021.
- (i) Section 3.5.1 – Excavation (including cut and fill) – The proposal involves excavation more than 1m below existing ground level.
 - (ii) Section 6.1.2.1 – Streetscape Character and Built Form – The proposal will have adverse impact upon the streetscape.
 - (iii) Section 6.1.2.2 – Building Scale and Height – The proposal does not demonstrate compliance with the objectives and does not respond sufficiently to the topography of the site.
 - (iv) Section 6.1.2.5 – Landscaping – The proposal does not enhance the existing streetscape and impervious area would occupy more than 50% of the street setback area.
 - (v) Section 6.1.2.6 – Excavation – The proposal introduces excessive excavation.
 - (vi) Section 6.1.2.7 – Vehicular Access – The proposed car access and garage visually dominant both the development and the streetscape.
 - (vii) Section 6.1.2.8 – Visual Privacy – The proposal has adverse privacy impacts and does not minimise overlooking of adjacent properties
 - (viii) Section 6.1.2.11 – Materials, Colour Schemes and Details – The proposal contains large expanses of predominantly light colours and does not enhance identifiable visual cohesiveness or special qualities in the locality.
 - (ix) Section 6.4.1- Fences and Walls – The proposed front fence does not contribute positively to the streetscape.
 - (x) Section 6.4.3 – Outbuildings – The proposed boatshed does not minimise impact upon the natural landscape due to its height and materials.
 - (xi) Section 6.4.4 – Swimming Pools/Spas – The proposed swimming pool has adverse privacy impacts.
 - (xii) Section 6.5.1 – Foreshore Scenic Protection Area – The proposal has adverse impacts on the Foreshore Scenic Protection Area.
 - (xiii) Section 6.5.2.3 – Boatsheds – The proposed boatshed does not have minimal visual impact and is not of a sympathetic scale and character to the natural landform.
- E. Likely Impacts – Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to have an adverse built environment impact. The proposal demonstrates excessive visual dominance that would detract from the desired streetscape and character of the locality.
- F. Suitability of site – Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not considered suitable for the proposed development as the proposal is not compatible with the scale, character and amenity of the subject site and the surrounding developments in the locality due to excessive building bulk and amenity impact.
- G. Public interest – Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979. The proposed development is not considered to be in the public interest and is likely to set an undesirable precedent within the locality.
- H. Insufficient and inaccurate information – The applicant has failed to provide accurate information including:

- i. The site survey has not surveyed the boundaries and does not contain boundary dimensions.
- ii. The site survey shows site area by title only, where the southern boundary is defined by the natural feature of the 'high water mark'.
- iii. The architectural plans are deficient in the following respects:
 - o The Schedule of Materials and Finishes is not adequately detailed or specific and does not fully describe all elevations of the building or ancillary structures including the boat shed.
 - o The boat shed is inadequately dimensioned and has no RLs.
 - o A GFA calculation diagram has not been provided to clearly demonstrate the areas of the proposal that have been included in the GFA calculation, which should be calculated with an accurate site area.
 - o A landscaped area calculation diagram has not been clearly demonstrate the areas of the Site that have been included in the landscaped area calculation.
- iv. A photo rendering showing the proposal as viewed from the waterway has not been provided.
- v. The landscape plan contains inadequate detail.
- vi. No Arborist report has been provided.
- vii. No bushfire assessment report has been provided.

ATTACHMENTS

Attachment [1](#) Architectural plans (InfoCouncil Report Attachment)



Attachment [2](#) Assessment Report - 22/81 Pleasant Way, Blakehurst DA2025-0172



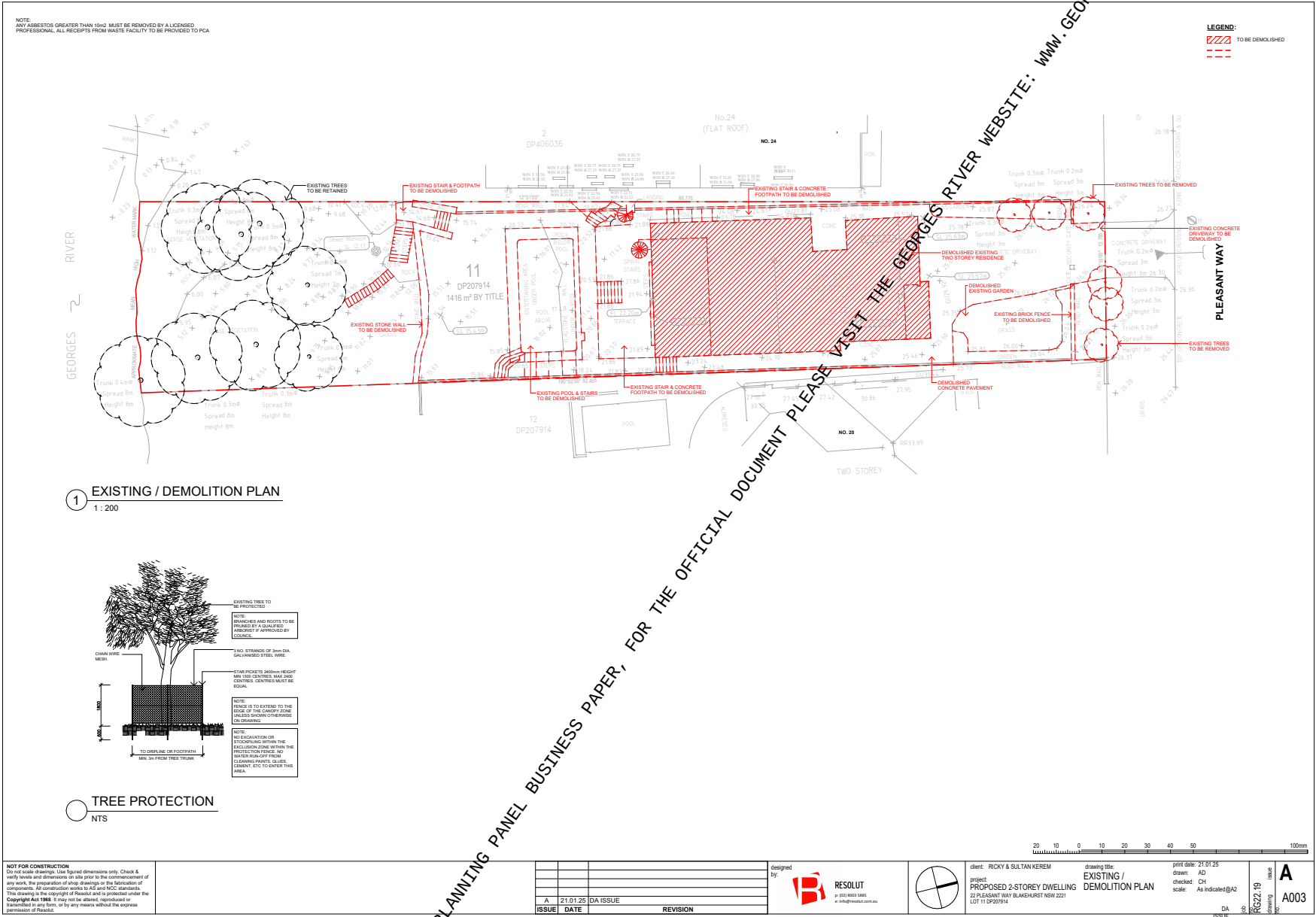
22 PLEASANT WAY
BLAKEHURST NSW 2221
LOT 11 DP207914

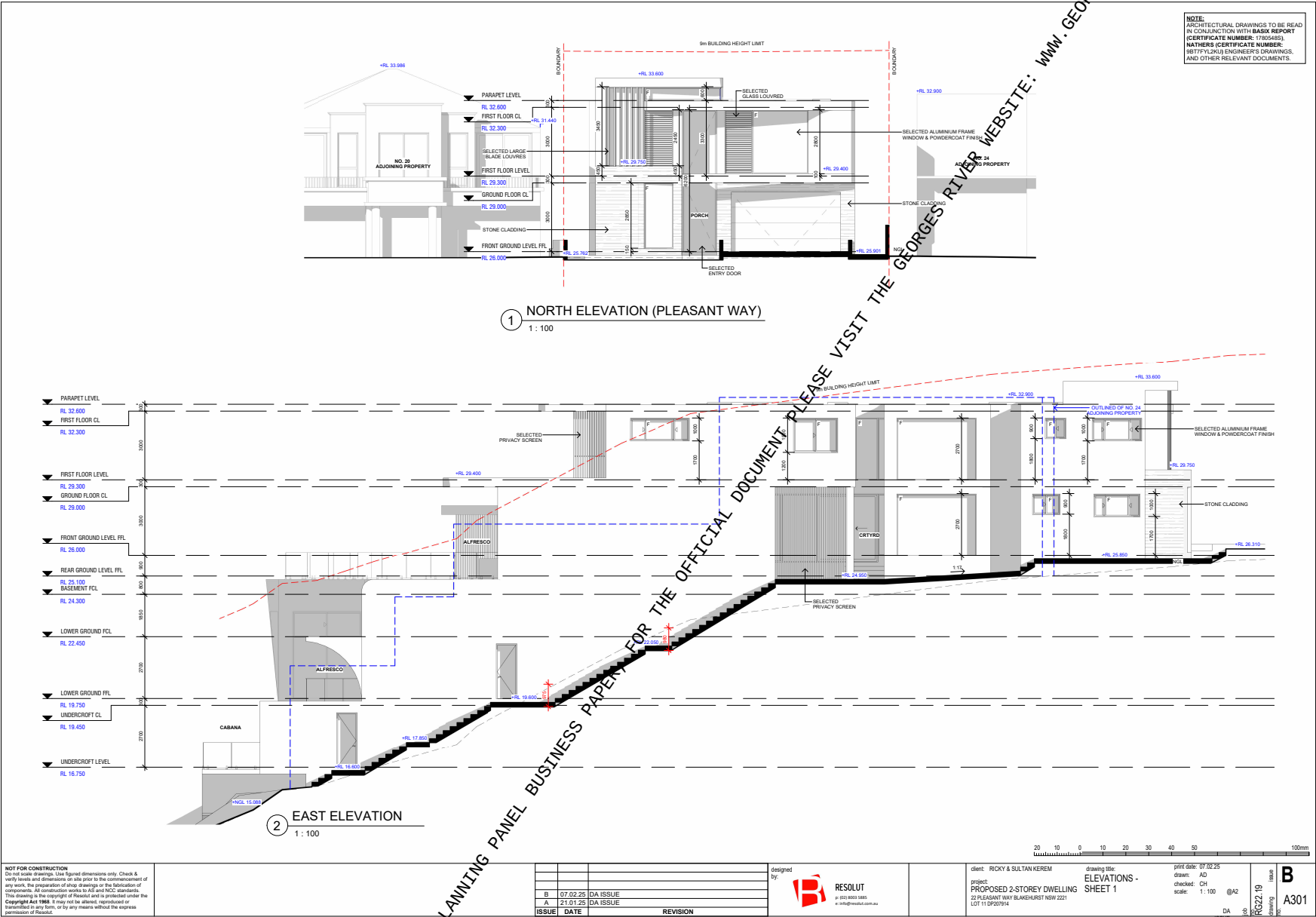


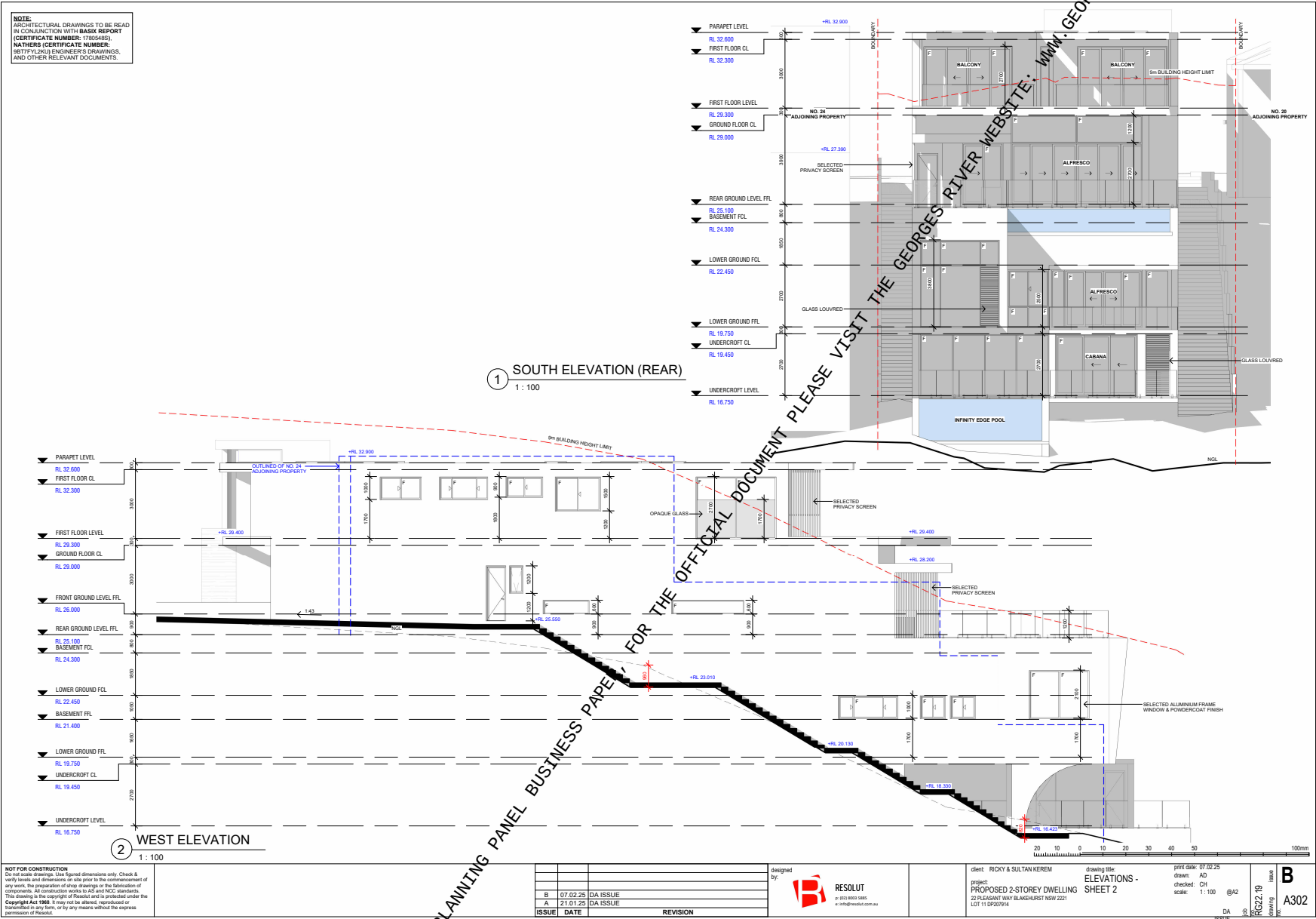
DRAWING LIST				
SHEET NUMBER	SHEET NAME	CURRENT REVISION DATE	CURRENT REVISION	
A001	COVER PAGE	10.04.25	C	
A002	SEDIMENT & SOIL EROSION PLAN	21.01.25	A	
A003	EXISTINGS / DEMOLITION PLAN	21.01.25	A	
A004	SITE ANALYSIS PLAN	21.01.25	A	
A100	SITE PLAN	21.01.25	A	
A101	UNDERCROFT FLOOR PLAN	21.01.25	A	
A102	LOWER GROUND FLOOR PLAN	21.01.25	A	
A103	GROUND FLOOR PLAN	21.01.25	A	
A104	FIRST FLOOR PLAN	07.02.25	B	
A105	ROOF PLAN	07.02.25	B	
A201	BUILDING SECTION - SHEET 1	21.01.25	A	
A202	BUILDING SECTION - SHEET 2	07.02.25	B	
A205	SWIMMING POOL DETAILS	21.01.25	A	
A1010	FENCING DETAIL	11.01.25	A	
A230	BOAT SHED	10.04.25	B	
A230	DEEP SOIL CALCULATION PLAN	10.04.25	A	
A301	ELEVATIONS - SHEET 1	07.02.25	B	
A302	ELEVATIONS - SHEET 2	07.02.25	B	
A301	3D PERSPECTIVE VIEWS	07.02.25	B	
A302	3D PERSPECTIVE VIEWS	07.02.25	B	
A601	WINTER SOLISTICE SHADOW DIAGRAM	21.01.25	A	
A602	IGNORER SHADOW DIAGRAM	21.01.25	A	
A603	CONCEPT LANDSCAPE PLAN	09.02.25	A	

drawing title: COVER PAGE	print date: 10.04.25 drawn: AD checked: CH scale: As indicated@A2	RG22.19 drawing issue C A001
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DA	RG	draw	no.
ISSUE			









Assessment Report

DA2025/0172

LOT 11 DP 207914

22 Pleasant Way Blakenhurst NSW 2221

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

Proposal

The works proposed in this application are specifically outlined below:

Demolition

- Demolition of existing structure; and
- Removal of existing trees at the front (northern end) of the allotment.

Undercroft Floor Plan

- Swimming pool, spa, cabana and pool pump & Filter room; and
- Sauna, bathroom, guest bedroom, study and lift

Lower Ground Floor Plan

- Garage with turning bay, services, lobby, lift and stairs, plant room
- Kitchen, rumpus and bathroom; and
- Bedroom x2 with ensuites.

Ground Floor Plan

- Vehicular access from Pleasant Way to a car lift
- Office, toilet, lift, mud room and cool room;
- Outdoor courtyard on the eastern side of the dwelling
- Kitchen/living dining; and
- Outdoor alfresco with swimming pool and BBQ area.

First Floor Plan

- Bedroom x5 with associated bathrooms and ensuites
- Lift and stair access; and
- Small balconies at the southern end of the dwelling accessible off Bedroom No. 4 and Master Bedroom.

Other

- Boarded at the southern end of the site

A site plan is provided below:



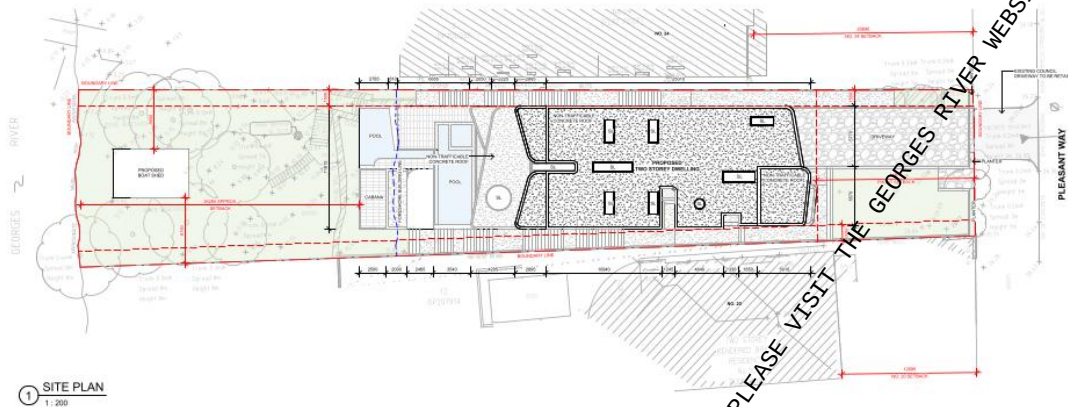


Figure 1 – Site plan (Source: Architectural Plans)

Site and Locality

Site Description

The site is known as 22 Pleasant Way, Blakehurst and is legally described as Lot 11, DP 207914. The site consists of a generally rectangular shaped allotment. The area of the site is approximately 1,416sqm, and falls significantly from the street frontage to the foreshore, with a cross fall of approximately 16.9m excluding the access handle. The site currently contains a two storey dwelling house and swimming pool. To the south of the dwelling there is a retaining wall and a series of meandering stairs, leading down toward the foreshore of the Georges River.

The development surrounding the site primarily consists of 1 and 2-storey dwelling houses on land with sloping topography, many with swimming pools. Many dwellings have views to and are visible from the waterway. Existing dwelling houses range in age and style from older traditional face brick and pitched tile roofing designs to more contemporary styles with rendered finishes and parapet roof forms.



Aerial Image of Land Zoning

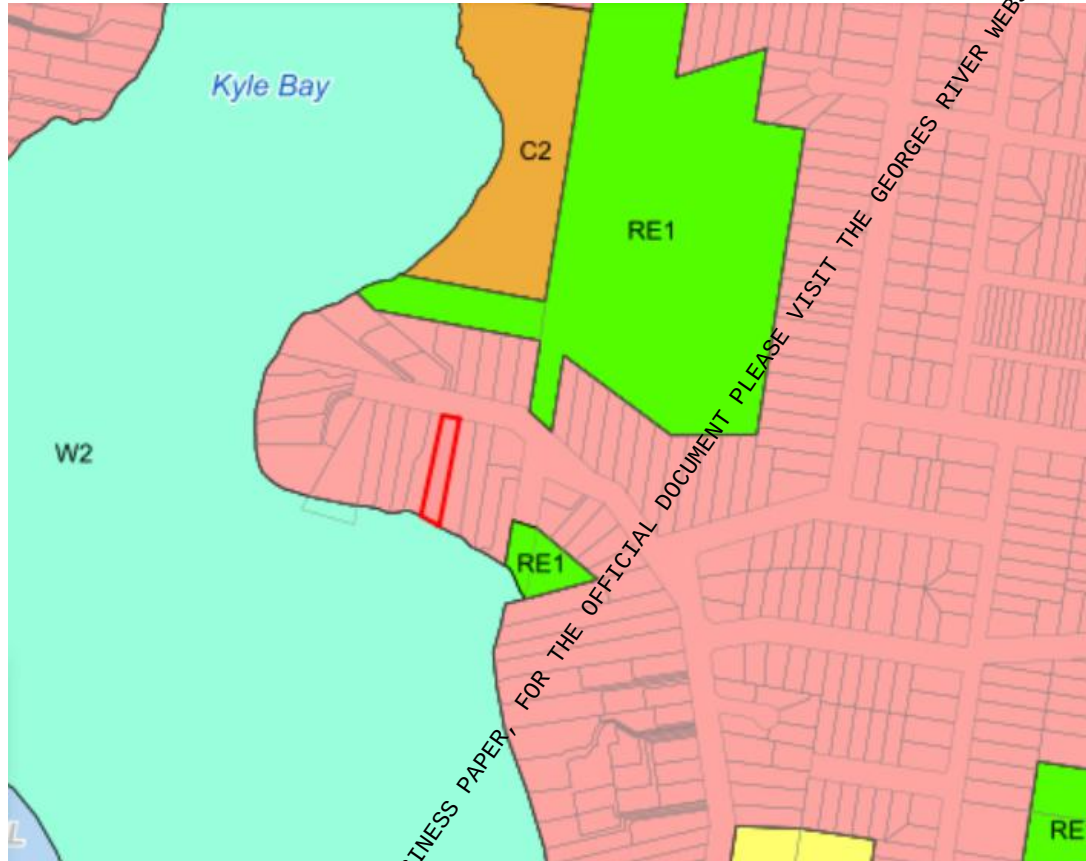


Figure 2 –Aerial view of development site outlined in red (Source: IntraMaps)



Aerial Image of Site

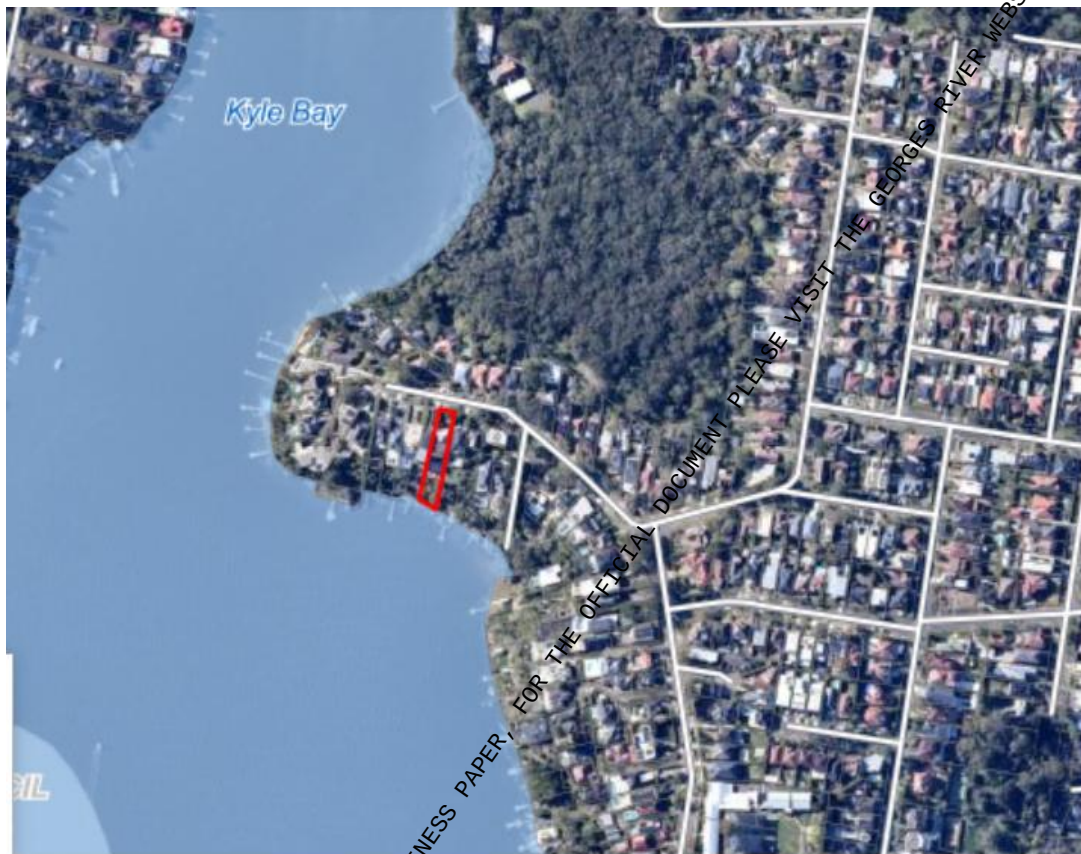


Figure 3—Aerial view of development site outlined in red (Source: IntraMaps)

Background

History

The following applications are relevant to the proposed works.

DA/CDC Number	Proposed Works	Determination	Date	Relevance
ON2021/0624	Direction under Swimming Pool Act to provide effective fencing	Issued	16/11/21	-
DA2025/0139	Dwelling house, pool and boatshed	Returned	4/4/25	Returned for owners consent, stormwater checklist and deep soil plan

Processing

Application History



Action	Date	Comment
Submission Date	Thursday, 10 April 2025	
Lodgement Date	Monday, 28 April 2025	

Assessment - Section 4.15 Evaluation

The following is an assessment of the application with regard to Section 4.15(4) Evaluation of the Environmental Planning and Assessment Act 1979.

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

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

The provisions of any environmental planning instrument (EPI)

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

The Provisions of any applicable Act

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

Site Affections Relevant Under SEPPs

SEPPs		Applicable	
Affection	SEPP Name	Yes	No
Water Catchment	SEPP (Biodiversity Conservation) 2021	☒	☐
Land Contamination	SEPP (Resilience and Hazards) 2021	☒	☐
Coastal Zone	SEPP (Resilience and Hazards) 2021	☒	☐
Adjoins Classified Road	SEPP (Transport and Infrastructure) 2021	☐	☒
Adjoins Rail Corridor	SEPP (Transport and Infrastructure) 2021	☐	☒
Gas Pipeline Buffer	SEPP (Transport and Infrastructure) 2021	☐	☒

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



SEPP (Sustainable Buildings) 2022	☒	☒
SEPP (Transport and Infrastructure) 2021	☒	☐

Compliance with the identified applicable State Environmental Planning Policies (SEPPs) 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 number of trees near the proposed development.

Council's landscape officer reviewed the application and raised objection to the proposed tree works for the following reasons:

- The submitted landscape plan is not provided by a Landscape architect or AQF Level 5 Landscape designer, and the proposal will result in poor landscape outcome.
- There is no Arborist report and Council does not know what trees at the front are being retained or removed and what replacement trees are proposed.

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

State Environmental Planning Policy (Sustainable Buildings) 2022

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

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:	Mr Kexuan Sun
Certificate Number	1780548S
Certificate Date	21 January 2025

State Environmental Planning Policy (Resilience and Hazards) 2021

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

Chapter 2 – Coastal Management

The subject site is located within the Coastal Zone and the proposed development is identified on land within the following areas:



- Coastal Environment area
- Coastal Use area

Before granting development consent on any land within the coastal zone the consent authority must be satisfied that the proposed development is not likely to cause increased risk of coastal hazards on that land or other land. Council is satisfied that the proposal is unlikely to cause increased risk of coastal hazards on that land or other land.

Clause 2.10 - Development on land within the coastal environment area

The consent authority to consider the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment; coastal environmental values and natural coastal processes; the water quality of the marine estate (within the meaning of the [Marine Estate Management Act 2014](#)); marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms; existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability; Aboriginal cultural heritage, practices and places and the use of the surf zone.

These factors have been considered in the assessment of this application and Council is satisfied that subject to appropriate conditions the development has been designed, sited and can be managed to avoid any adverse impact detailed in Clause 2.10(1).

Cause 2.11 - Development on land within the coastal use area

The consent authority must consider whether the proposed development is likely to cause an adverse impact on existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability; overshadowing, wind funneling and the loss of views from public places to foreshores; the visual amenity and scenic qualities of the coast, including coastal headlands; Aboriginal cultural heritage, practices and places, and cultural and built environment heritage.

These factors have been considered in the assessment of this application and Council is satisfied that subject to appropriate conditions the development has been designed, sited and can be managed to avoid any adverse impact detailed in Clause 2.11(1).

Further Council has considered the bulk, scale and size of the proposed development and its impact on the surrounding coastal and built environment. The proposal is compliant with the GRDCP 2021 controls for these type of waterfront structures and consistent with all of the other similar structures within the nearby waterway. The relevant matters within Clause 2.11(1) have therefore been considered and the proposal is satisfactory.

Chapter 4 Remediation of Land

Clause 4.4 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 arial 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 5 – Electricity transmission or distribution

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

Ausgrid raised no objection to the proposal.

The Provisions of any Local Environmental Plan

Georges River Local Environmental Plan 2021

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

Site Affectations

Site Affectations Relevant Under GRLEP 2021		Applicable	
Clause No.	Clause Name/Affectation	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 – Class 5	☒	☐
6.4	Foreshore Building Line – 30m (from MHWL)	☒	☐
6.4	Coastal Hazard and Risk	☒	☐
6.5	Riparian Lands & Waterways	☒	☐
6.6	Foreshore Scenic Protection Area – also consider Design Excellence	☒	☐
6.8	Impacted by airspace operations (NOTE: Applies to 67-89 Croydon Road, 1-7 Somerset (odd only), 2-8 Bristol (even), 1-5 Bristol (odd) in Hurstville)	☐	☒
6.10	Design Excellence – FSPA or R4 land	☒	☐
Other Affectations			
	Bushfire Prone Land	☒	☐
	Council Owned Land	☐	☒



Crown Land – The site adjoins Georges River which is Crown Land	☐	☒
Easements Within Lot Boundaries	☐	☒
Narrow lot housing precinct	☐	☒
Other (if yes describe)	☐	☒

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

GRLEP 2021 Numeric Controls			
Standard	Required	Proposed	Compliance
Cl. 4.3 Height of Buildings	Maximum 9m	16m. (measured from the rear balcony of first floor level to the study room at the undercroft level). Refer to the Section A Plan.	☐ Yes ☒ No



Cl. 4.4 Floor Space Ratio	Maximum 0.55:1 (778.8m ²)	0.390 :1 (552.15m ²)	☐ Yes ☒ No
Or	Or		
Cl. 4.4A Exceptions to floor space ratio—certain residential accommodation	Maximum 0.385:1 (545.7m ²)		
Cl 6.4 Foreshore Area	30m	26.8m	☐ Yes ☒ No
Cl 6.12 Landscaped Area	Minimum 25% (354m ²)	35.3% (500m ²)	☒ Yes ☐ No

GRLEP 2021 Part 5 – Miscellaneous Provisions**Clause 5.7 – Development below mean high water mark**

Standard	Proposal	Compliance
Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).	An accurate boundary survey (transposed on the architectural drawings) is required to determine if the proposed boat shed and ancillary works are located within the Site or on Crown land and whether clause 5.7 is triggered for assessment.	☐ 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	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



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.		
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: 1. The proposed earthworks will have a detrimental impact on features of the surrounding land	☐ Yes ☒ No
Clause 6.3 - Stormwater Management		
Standard	Proposal	Compliance
(2) In deciding whether to grant development consent for development, the consent authority must be satisfied that the development— (a) is designed to maximise the use of water permeable surfaces on the land	The proposal is satisfactory with regards to the matters identified.	☒ Yes ☐ No



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.		
Clause 6.4 – Foreshore area and coastal hazards and risk		
Standard	Proposal	Compliance
(3) Development consent must not be granted for development on land to which this clause applies except for the following purposes— (a) the alteration, or demolition and rebuilding, of an existing building if the footprint of the building will not extend further forward than the footprint of the existing building into the foreshore building line or the land identified on the Coastal Hazard and Risk Map (b) the erection of a building if the levels, depth or other exceptional features of the site make it appropriate to do so, (c) boat sheds, cycling paths, fences, sea walls, swimming pools, water recreation structures or walking tracks. (4) In deciding whether to grant development consent, the consent authority must consider the following matters—	The foreshore building is 30m. The following works are proposed below the FBL: - construction of cabana The proposal represents a variation to the development standard. The proposal involves construction forward of the foreshore building line which is not exempted under cl 6.4(3)	☐ Yes ☒ No



(a) whether the development addresses the impacts of sea level rise and tidal inundation as a result of climate change, (b) whether the development could be located on parts of the site not exposed to coastal hazards, (c) whether the development will cause congestion or generate conflict between people using open space areas or the waterway, (d) whether the development will cause environmental harm by pollution or siltation of the waterway, (e) opportunities to provide reasonable, continuous public access along the foreshore, considering the needs of property owners, (f) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. (5) In this clause— foreshore area means the land between the foreshore building line and the mean high water mark of the nearest bay or river. Foreshore building line means the line shown as the foreshore building line on the Foreshore Building Line Map.		
Clause 6.5 – Riparian land and waterways		
Standard	Proposal	Compliance
(3) In deciding whether to grant development consent for development on land to which this clause applies, Council must consider the following— (a) whether the development is likely to have an adverse impact on the following— i. the water quality and flows within the waterway, ii. the stability of the bed, shore and banks of the waterway, iii. the future rehabilitation of the waterway and riparian areas,	Following consideration of the matters identified in Clause (3), the proposal is considered to suitably respond to this criterion. The proposal also appropriately addresses the matters identified in Clause (4).	☒ Yes ☐ No



iv. the biophysical, hydrological or ecological integrity of adjacent coastal wetlands, including the aquatic and riparian species, habitats and ecosystems of the waterway, v. indigenous trees and other vegetation, vi. opportunities for additional planting of local native riparian vegetation, (b) whether the development is likely to increase water extraction from the waterway, (c) whether the development will cause environmental harm by pollution or siltation of the waterway, (d) appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. (4) Development consent must not be granted to development on land to which this clause applies unless Council is satisfied that— (a) the development is designed, sited and will be managed to avoid significant adverse environmental impact, or (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.		
Clause 6.6 Foreshore scenic protection area		
Standard	Proposal	Compliance
(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,	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	☐ Yes ☒ No



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.	of the scenic areas of the Georges River. The proposal does not reinforce and improve the dominance of landscape over built form, hard surfaces and cut and fill. The proposal does not facilitate the protection of the natural environment, including topography.	
Clause 6.9 Essential Services		
Standard	Proposal	Compliance
Development consent must not be granted to development unless Council is satisfied that any of the following services that are essential for the development are available, or that adequate arrangements have been made to make them available when required a) the supply of water, b) the supply of electricity, c) the supply of telecommunications facilities, d) the disposal and management of sewage	The proposal has, or includes arrangements that will make available these essential services.	☒ Yes ☐ No



e) stormwater drainage or on-site conservation, f) suitable vehicular access.		
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 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,	The proposal is located within the Foreshore Scenic Protection Area for residential accommodation. As such, Clause 6.10 applies. The proposal does not exhibit design excellence in respect of: 1. Architectural design 2. Materials 3. The impact of the external appearance on the public domain 4. Impact upon views to and from the waterway 5. Relationship with surrounding development 6. Bulk and massing 7. Reflectivity 8. Integration with landscape design.	Yes ☒ No



(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. The following comments are made with respect to the proposal considering the objectives and controls contained within the DCP.

Georges River Development Control Plan 2021

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

Waste Management		
3.12 Waste Management		
Control	Proposal	Compliance
1. Development must comply with Council's Waste Management requirements regarding construction waste and ongoing management of waste materials (per Appendix 4 of the GRDCP).	The proposal complies with Appendix 4 of the GRDCP and therefore complies with the controls of this section.	☒ Yes ☐ No

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

Streetscape Character and Built Form		
6.1.2.1 Streetscape Character and Built Form		
Control	Proposal	Compliance



1. New buildings and additions are to consider the Desired Future Character statement in Part 5 of this DCP.	The proposal does not comply with Part 6.1.2.1 for the following reasons: 1. The lychgate on the front boundary does not: (a) Reflect the dominant pattern of the streetscape with regard to the location and proportion of built elements in the streetscape. (b) Complement, conserve and enhance the visual character of the street and neighbourhood through appropriate building scale and form. (c) Ensure that all elements of development visible from the street and public domain make a positive contribution to the streetscape. 2. The proposed vehicular access and parking will have adverse impacts upon the streetscape. Please see assessment in Part 6.1.2.7	☐ Yes ☒ No
2. New buildings and additions are to be designed with an articulated front façade		
3. Developments on sites with two (2) or more frontages are to address all frontages.		
4. Dwelling houses are to have windows presenting to the street from a habitable room to encourage passive surveillance		
5. Development must be sensitively designed so as to minimise adverse impacts on the amenity and view corridors of neighbouring public and private property while maintaining reasonable amenity for the proposed development and is to balance this requirement with the amenity afforded to the new development.		
6. The maximum size of voids at the first floor level should be a cumulative total of 15m ² (excluding voids associated with internal stairs).		

Building Scale and Height

6.1.2.2 Building Scale and Height

Control	Proposal	Compliance
1. New buildings are to consider and respond to the predominant and desired future scale of buildings within the neighbourhood, and consider the topography and form of the site.	The proposal does not comply with Part 6.1.2.2 for the following reasons: 1. The proposal does not respond sufficiently to the topography of the site. 2. Part of the proposal exceed 2 storeys. 3. The topographic conditions do not require a basement and the area of the basement exceeds the areas nominated under control 4.	☐ Yes ☒ No
2. On sites with a gradient or cross fall greater than 1:10, dwellings are to adopt a split-level approach to minimise excavation and fill. The overall design of the dwelling should respond to the topography of the site.		
3. A maximum of two (2) storeys plus basement is permissible at any point above ground level (existing).		



Basements are to protrude no more than 1m above existing ground level.	4. The areas in excess have not been included in the GFA for the purpose of calculating FSR.	
4. Where topography conditions require a basement, the area of the basement should not exceed the area required to meet the car parking requirements for the development, access ramp to the parking and a maximum 10m ² for storage and 20m ² for plant rooms. Additional basement area to that required to satisfy these requirements may be included as floor space area when calculating floor space ratio.	5. The proposal does not satisfy objectives (a) (b) and (d) which provide as follows: (a) "Ensure that buildings are compatible with the height, bulk and scale of the desired future character of the locality." (b) "Minimise adverse visual impact, disruption of views, loss of privacy and loss of sunshine to existing residential developments." (d) "Reduce the visual dominance of development when viewed from the waterways, as well as other public places such as parks, roads and community facilities."	
5. Where the entry to the basement carpark is visible from the street, the entry should be recessed a minimum of 1m (from the edge of the external wall or balcony) from the levels above and the external walls of the garage differentiated from the walls above through articulation and external materials.		

Setbacks		
6.1.2.3 Setbacks		
Control	Proposal	Compliance
<u>Front Setbacks</u> 1. The minimum setback from the primary street boundary is: i. 4.5m to the main building wall / façade; ii. 5.5m to the front facade of a garage or carport, or at least 1m behind the main building wall / façade, whichever is the greater; iii. Where the prevailing street setback is greater than the minimum, the average setback of dwellings on adjoining lots is to be applied. Note: The "Prevailing Street Setback" is the setback calculated by averaging	Prevailing street setback: 14.8m Front setback: 14.875m Garage front setback: 17.875m Minimum side setback: 1.5m Rear setback: 26.28m No balcony proposed within the front setback area.	☒ Yes ☐ No



the setback of two (2) adjoining residential properties on both sides of the development.		
2. Balconies cannot encroach into the front setback space.		
3. For corner lots, the setback from the secondary street boundary is to be at least: i. 1.2m to the building line if the site is less than 15m in width (see Figure 1); or ii. 2.0m to the building line if the site is 15m or greater in width (see Figure 2).		
<u>Side and Rear Setbacks</u> 4. Buildings are to have a minimum rear setback of 15% of the average site length, or 6m, whichever is the greater (excluding detached secondary dwellings – see Point 12 in Section 6.1.2.12- Secondary Dwellings of this DCP).		
5. The minimum side setbacks for ground and first floor are: i. 900mm for lots up to 12.5m in width measured at the front building line for the length of the development. ii. 1.2m for lots greater than 12.5m in width measured at the front building line for the length of the development. iii. 1.5m for all lots within the Foreshore Scenic Protection Area measured at the front building line for the length of the development.		
6. Where alterations and additions (ground and first floor) to an existing dwelling are proposed, an existing side setback less than the setback required in Control 2 can be maintained, provided the reduced setback does not adversely affect compliance with the solar access and landscaped area controls or adversely impact upon the visual and acoustic amenity of neighbouring dwellings.		
7. For battle-axe lots, minimum side and rear boundary setbacks apply, except the front setback of the battle-		



axe lot without a street frontage, where a minimum setback of 4.0m is to be provided as illustrated in Figure 3.		
8. Any garages or parking structures fronting rear lanes may encroach upon the rear setback areas but are still to provide a minimum setback of 1m from the lane.		
Note: The definition of “building line or setback” is provided in the Georges River Local Environmental Plan 2021 (GRLEP 2021)		

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

Landscaping		
6.1.2.5 Landscaping		
Control	Proposal	Compliance
1. Landscaped area (has the same meaning as GRLEP 2021) is to be provided in accordance with the table contained within Clause 6.12	Front impervious area 56.6%.	☐ Yes ☒ No



Landscaped areas in certain residential and conservation zones of the GRLEP 2021.	The proposed landscaping does not satisfy the objectives (a), (b) and (d) in this section, which provide as follows.	
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.	(a) "Enhance the existing streetscape."	
3. Provide a landscape setting within the primary and secondary street frontages, where impervious areas are minimised. Impervious areas include hard paving, gravel, concrete, artificial turf, rock gardens (excluding natural rock outcrops) and other material that does not permit soft soil landscaping.	(b) "Enhance the quality and amenity of the built form by reducing the visual and environmental impacts of buildings, structures and hardstand areas."	
4. Impervious areas are to occupy no more than:	(d) "Minimise the extent of hard paved areas and facilitate rainwater infiltration to the water table."	
i. 60% of the street setback area where the front setback is less than 6m, or	Proposal will result in impervious area occupy more than 50% of the street setback area.	
ii. 50% of the street setback area where the front setback is 6m or greater, or	The proposal fails to demonstrate 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.	
iii. 50% of the primary street setback area on corner allotments.	The proposal will have a significant adverse effect on existing vegetation on the site. The submitted landscape plans, coupled with no Arboricultural assessment, it is therefore considered an unacceptable planning and environmental outcome and reflects a lack of serious consideration when set against Councils planning instruments and hence why the proposal cannot be supported.	
5. The front setback area must accommodate at least one (1) tree capable of achieving a minimum mature height of 6-8m with a spreading canopy. A schedule of appropriate species to consider is provided on Council's website.		
6. Preference is to be given to incorporating locally indigenous plants.		

Earthworks		
3.5.1 Earthworks		
Control	Proposal	Compliance
1. Natural ground level should be maintained within 900mm of a side or rear boundary.	The proposal does not comply with Part 3.5.1 for the following reasons:	☐ Yes ☒ No



3. Habitable Rooms (not including bathrooms, laundries and storerooms) are to be located above existing ground level.	1. The proposal involves excavation more than 1m below existing ground level. 2. The proposal does not satisfy control No.3 that habitable rooms (guest bedroom and study on the undercroft level) are located below existing ground level.	
4. Rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls are not to be removed or covered.		
5. Development is to be located so that the clearing of vegetation is avoided.		
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).		
7. Soil depth around buildings should be capable of sustaining trees as well as shrubs and smaller scale gardens.		
8. Earthworks are not to increase or concentrate overland stormwater flow or aggravating existing flood conditions on adjacent land.		
9. Fill material must be virgin excavated natural material (VENM)		
10. For flood-affected sites, cut and fill is to comply with the requirements of Chapter 6 of Council's Stormwater Management Policy		
3.5.2 Construction Management/Erosion and Sediment Control		
Control	Proposal	Compliance
1. Development must minimise any soil loss from the site to reduce impacts of sedimentation on waterways through the use of the following: - Sediment fencing; - Water diversion; - Single entry/exit points - Filtration materials such as straw bales and turf strips.	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. The proposal minimises cut and fill and site disturbance. The proposal is not considered to have a high potential risk to groundwater.	☒ Yes ☐ No
2. Development that involves site disturbance is to provide an erosion and sediment control plan which details		



the proposed method of soil management and its implementation. Such measures are to be in accordance with The Blue Book – Managing Urban Stormwater, Soils & Construction by LandCom	The proposal is accompanied by adequate documentation that ensures no adverse impacts result to groundwater, significant trees, or Councils public domain.	
3. Development is to minimise site disturbance including impacts on vegetation and significant trees and the need for cut and fill.		
4. Construction works within a tree protection zone (TPZ) of a tree on the development site or adjoining land, must be undertaken in accordance with AS 4970 (Protection of trees on development sites).		
5. Development which has a high potential risk to groundwater must submit a geotechnical report to address how possible impacts on groundwater are minimised.		
6. Work must not be carried out in a public road or footpath unless a permit has been granted by Council (or other relevant roads authority) under s.138 of the Roads Act 1993, and / or s.68 of the Local Government Act 1993. These are separate approvals to development consent or a Complying Development Certificate. Consult with Council to determine if a permit is required.		
6.1.2.6 Excavation (Cut and Fill)		
Control	Proposal	Compliance
1. Any excavation must not extend beyond the building footprint, including for any basement car park.	The proposal does not comply with Part 6.1.2.6 for the following reasons: 1. The proposal involves excessive excavation. 2. The proposed earthworks will have detrimental impact on features of the surrounding land.	☐ Yes ☒ No
2. The depth of cut or fill must not exceed 1.0m from existing ground level, except where the excavation is for a basement car park.		
3. Developments should avoid unnecessary earthworks by designing		



and siting buildings that respond to the natural slope of the land. The building footprint must be designed to minimise cut and fill by allowing the building mass to step in accordance with the slope of the land.	3. The proposal involves excavation more than 1m below existing ground level.	
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Vehicular Access, Parking and Circulation

3.13 Parking Access and Transport

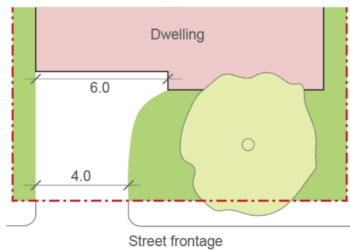
Control	Proposal	Compliance
Parking required: The development has 3 or more bedrooms therefore 2 spaces are required.	The proposal provides 2 car parking spaces for 8 beds.	☒ Yes ☐ No

6.1.2.7 Vehicular Access, Parking and Circulation

Control	Proposal	Compliance
1. Car parking is to be provided in accordance with the requirements in Part 3 of this DCP.	The proposal does not comply with Part 6.1.2.7 for the following reasons: - The proposed car access and garage visually dominate both the development and the streetscape. The proposed driveway exceeds 4m in width and dominates the frontage	☐ Yes ☒ No
2. A dwelling is to provide one (1) garage and one (1) tandem driveway parking space forward of the garage (unless otherwise accommodated within the building envelope).		
3. Driveways, garages and basements should be accessed from a secondary street or rear lane where this is available.		
4. Entry to parking facilities off the rear lane must be setback a minimum of 1m from the lane.		
5. Driveway crossings are to be positioned so that on-street parking and landscaping on the site are maximised and removal or damage to existing street trees is avoided.		
6. The maximum driveway width at the street boundary is 4.0m. The driveway width may increase to a maximum of 6.0m to accommodate double garages at the front building line in accordance with Figure 4 below to the extent required for a B99 vehicle entry and		



exit from the garage in accordance with AS2890.1 Parking Facilities (Note: forward entry and exit from a site is not required unless the development is on a major road or as advised by Council). This does not apply to rear lanes.



7. Basements are permitted where the LEP height development standard is not exceeded, and it is demonstrated that there will be no adverse environmental impacts (e.g. affectation of watercourses and geological structure).

- (i) Basements on land where the average grade is less than 12.5% are permitted only where they are not considered a storey (see definition in the LEP) and the overall development presents as two (2) storeys to the street.

8. Car parking layout and vehicular access requirements and design are to be in accordance with the Australian Standards, in particular AS 2890.1 (latest edition).

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

Visual Privacy

6.1.2.8 - Visual Privacy

Control	Proposal	Compliance
1. Windows from active rooms are to be offset with windows in adjacent dwellings, or appropriately treated so as to avoid direct overlooking onto neighbouring windows.	The proposal fails to achieve adequate visual privacy protection for the following reasons: 1. Several side facing windows do not minimise overlooking of adjacent properties.	☐ Yes ☒ No
2. For active rooms or balconies on an upper level, the design should		



incorporate placement of room windows or screening devices to only allow oblique views to adjoining properties.	2. Upper levels balconies project more than 1.5m beyond the main rear wall alignment.	
3. Upper level balconies should not project more than 1500mm beyond the main rear wall alignment so as to minimise adverse visual privacy impacts to adjoining properties.		
4. Windows for primary living rooms must be designed so that they reasonably maintain the privacy of adjoining main living rooms and private open space areas.		
5. Development applications are to be accompanied by a survey plan or site analysis plan (to AHD) of the proposed dwelling showing the location of adjoining property windows, floors levels, window sill levels and ridge and gutter line levels.		
6. Roof top terraces are not permitted on top of dwelling houses, secondary dwellings and ancillary structures, such as boat sheds and garages.		

Noise and Machinery

6.1.2.9 Noise

Control	Proposal	Compliance
1. Noise generators such as plant and machinery including air conditioning units and pool pumps are located away from windows or other openings in habitable rooms; they are to be screened to reduce noise or acoustically treated.	The noise generators are placed away from and acoustically treated. Standard conditions to be imposed to limit noise generation should this application be approved.	☒ Yes ☐ No

6.4.2 Air Conditioning

Control	Proposal	Compliance
1. Air conditioning units should be sited so that they are not visible from the street.	The proposal complies with Part 6.4.2 of the DCP and a suitable condition of consent will be imposed to limit noise generation should this application be approved.	☒ Yes ☐ No
2. The noise level from air conditioning condensers/systems is not to exceed		



the LAeq 15 minute by 5dBA measured at the property boundary.		
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Solar Access		
6.1.2.10 Solar Access		
Control	Proposal	Compliance
1. New buildings and additions are sited and designed to facilitate a minimum of 3 hours direct sunlight between 9am and 3pm on 21 June onto living room windows and at least 50% of the minimum amount of private open space.	The proposal enables at least 3 hours of direct solar access onto the living room and the private open space between 9am and 3pm on 21 June. The proposal enables at least 3 hours of direct solar access onto adjoining north-facing windows and 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.	☒ Yes ☐ No
2. To facilitate sunlight penetration to adjoining development, building bulk may be required to be articulated to achieve the required sunlight access.		
3. Direct sunlight to north-facing windows of habitable rooms and 50% of the principal private open space area of adjacent dwellings should not be reduced to less than 3 hours between 9.00am and 3.00pm on 21 June.		
4. Note: Variations will be considered for developments that comply with all other requirements but are located on sites with an east-west orientation or steeply sloping sites with a southerly orientation away from the street.		
5. Shadow diagrams are required to show the impact of the proposal on solar access to the principal private open space and living rooms of neighbouring properties. Existing overshadowing by fences, roof overhangs and changes in level should also be reflected in the diagrams. It may also be necessary to provide elevations or views from sun diagrams to demonstrate appropriate solar access provision to adjoining development.		
6. Consider and minimise overshadowing impacts on the solar photovoltaic panels of neighbouring buildings where a variation to the		



building setbacks or number of storeys is sought		
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Materials, Colour Schemes and Details

6.1.2.11 Materials, Colour Schemes and Details

Control	Proposal	Compliance
1. Large expansive surfaces of predominantly white, light or primary colours which would dominate the streetscape or other vistas should not be used.	The proposal does not provide an adequate material and colour scheme that is consistent with the existing streetscape for the following reasons: 1. The choice of external materials, colour schemes does not reinforce and enhance identifiable visual cohesiveness or special qualities of the locality. 2. The proposal contains large expanses of predominantly light colours. 3. Not all materials have low reflectivity due to the extensive use of glass on the south elevation including on the balustrades.	☐ Yes ☒ No
2. New development should incorporate colour schemes that have a hue and tonal relationship with the predominant colour schemes found in the street.		
3. Matching buildings in a row should be finished in the same colour or have a tonal relationship.		
4. All materials and finishes utilised should have low reflectivity.		

Site Facilities

6.1.2.13 Site Facilities

Control	Proposal	Compliance
1. All dwellings are to be provided with adequate and practical internal and external storage (garage, garden sheds, etc.).	All site facilities provided per DCP requirements.	☒ Yes ☐ No
2. Provision for water, sewerage and stormwater drainage for the site shall be nominated on the plans to Council's satisfaction.		
3. Each dwelling must provide adequate space for the storage of garbage and recycling bins (a space of at least 3m x 1m per dwelling must be provided) and are not to be located within the front setback.		
4. Letterboxes are to be located on the frontage where the address has been		



allocated in accordance with Australia Post requirements.		
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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 does not comply with the following numeric controls: Front fence height – 1.8m The proposal exceeds 0.9m height and is of masonry construction The proposal does not satisfy the objectives (a) and (b) in that it does not ensure the front fence would improve contribute positively to the streetscape	☐ Yes ☒ No
2. Preferred materials for fencing are masonry, stone, ornate timber, or ornate metal.		
3. For sloping streets, fences and walls must be stepped to comply with the required maximum fence height.		
4. Where noise attenuation or protection of amenity requires a higher fence, front fences may be permitted to a maximum 1.8m and must be setback a minimum of 1m from the boundary to allow landscape screening to be provided.		
Landscape species chosen should be designed to screen the fence without impeding pedestrian movements along the roadway. Front fences and landscape screening must not compromise vehicular movement sightlines.		
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.		
7. In the case of corner sites with two street frontages, a 1.8m fence height is only permitted behind the building line. Fencing forward of the building line is limited to a maximum height of between 900mm-1.2m.		
9. Fencing must have regard for the Swimming pool Act 1992 where a swimming pool exists or is proposed.		
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.		
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Outbuildings		
6.4.3 Outbuildings		
Control	Proposal	Compliance
1. Outbuildings are not to be located within the front building line setback and must be set back a minimum of 900mm from all site boundaries. Windows and glass doors must face into the yard of the subject site or be appropriately treated to reduce visual impacts if facing a neighbouring property.	The proposed outbuilding does not comply with Part 6.4.3 for the following reasons (please refer to Part 6.5.2.3 for dimension of the proposed boatshed): 1. The proposed boatshed does not minimise impact upon the natural landscape due to its height and materials. 2. The proposed boatshed exceeds 2.5m to the eave line. 3. An accurate boundary survey transposed on the architectural drawings is required to determine if the proposed boatshed and ancillary works are located within the site or on Crown Land and whether clause 5.7 of the GRLEP 2021 is triggered for assessment.	☐ Yes ☒ No
2. Outbuildings must not be used as a secondary dwelling or dual occupancy.		
3. Outbuildings must be positioned so they do not overshadow habitable areas or open space of adjoining properties.		
4. The sum of the floor space of all outbuildings on a site (excluding carports and open structures such as pergolas, awnings and the like) must not exceed 30m ² .		
5. The maximum height of outbuildings is 3.5m to the ridge and 2.5m to the underside of the eaves above existing ground level.		
6. Landscaped area for single dwellings (as defined in the GRLEP 2021) is to be provided in accordance with the table contained within Clause 6.12 Landscaped areas in certain residential and environmental protection zones of the GRLEP 2021.		
7. The minimum setbacks for garages, gyms, cabanas and sheds are 900mm from all boundaries.		



8. Outbuildings, other than garages, where located on rear laneways, are to be setback a minimum of 1m from the laneway boundary.		
9. External finishes and claddings of ancillary structures and outbuildings are to have low reflectivity finishes.		

Swimming Pools and Spas

6.4.4 Swimming Pools and Spas

Control	Proposal	Compliance
1. Swimming pools/spas are to be located to the rear of properties.	The proposed outbuilding does not comply with Part 6.4.3 for the following reasons: 1. The top of the swimming pool coping is not as close to the ground as possible and exceeds 1m above ground level. 2. The decking around the pools is more than 0.6m above ground level.	☐ Yes ☒ No
2. For corner allotments or where the property has two street frontages, swimming pools/spas are not to be located in the primary frontage.		
3. Swimming pools/spas must be positioned a minimum of 900mm from the property boundary with the water line being a minimum of 1500mm from the property boundary.		
4. In-ground swimming pools shall be built so that the top of the swimming pool coping is as close to the existing ground level as possible. On sloping sites this will often require excavation of the site on the high side to obtain the minimum out of ground exposure of the swimming pool consistent with the low side.		
5. Swimming pools/spas are to be no more than 500mm above existing ground level.		
6. On steeply sloping sites, Council may consider allowing the top of the swimming pool at one point or along one side to extend up to 1m above existing ground level, provided that the exposed face of the swimming pool wall is treated to minimise impact. The materials and design of the retaining wall should be integrated with and complement the style of the swimming pool.		
7. Decking around a swimming pool must not be more than 600mm above existing ground level.		



8. Filling is not permitted between the swimming pool and the property boundary. The position of the swimming pool, in relation to neighbours and other residents, must be considered to minimise noise associated with activities carried out in the swimming pool or from the swimming pool equipment, such as cleaning equipment.		
9. Council may require mechanical equipment to be suitably acoustically treated so that noise to adjoining properties is reduced.		
10. A pool fence complying with the legislation is to separate access from the residential dwelling on the site to the pool.		
11. Safety and security measures for swimming pools must comply with the relevant requirements of the <i>Swimming Pools Act 1992</i> and any relevant Australian Standards.		
12. A spa is not required to be surrounded by a child resistant barrier provided that the spa is covered or secured by a child-safe structure (e.g. door, lid or mesh) that is fastened to the spa pool by a child-resistant device at all times when the spa pool is not in actual use and complies with <i>Swimming Pools Act 1992</i> and any relevant Australian Standards.		

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 does not achieve a balance between realising the development potential of sites with protecting the integrity of the environmental qualities and scenic landscape values of the Georges River foreshore and does not ensure that the development is sited and designed to blend with the surrounding environment,	☐ Yes ☒ No
2. Removal of existing native vegetation minimised to that which is		



reasonably required to site and construct a building.	particularly when viewed from highly visited public viewing points.	
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.		
7. Landscaped areas below the Foreshore Building Line (FBL) should maximise the use of indigenous plant material and preferably use exclusively indigenous plants. Turf should be limited in this area. Details of planting are to be indicated on any landscape plan submitted to Council.		
8. A landscape plan is to be submitted for any development between the FBL and Mean High Water Mark (MHW). The level of detail required will depend on the level of works being undertaken. Where a landscape plan is submitted it should indicate the existing and proposed changes in contours, existing trees/vegetation to be retained and removed, measures to protect vegetation during construction and proposed planting, including species and common names.		
9. Natural features that make a contribution to the environmental qualities and scenic landscape values of the foreshore, including mature native tree and sandstone rock	Existing natural features are retained.	



outcrops, platforms and low cliffs, are retained.		
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 a incompatible bulk and scale for the following reasons:	
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.	1. The proposal does not minimise building size, height, bulk, siting and external materials.	
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:	2. The proposal does locate the building to sit discretely within the landscape.	
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.		
13. Facades and rooflines of dwellings facing the water are to be broken up into smaller elements with a balance of solid walls to glazed areas. Rectangular or boxy shaped dwellings with large expanses of glazing and reflective materials are not acceptable. In this regard, the maximum amount of glazed area to solid area for façades facing the foreshore is to be 50%-50%.	The proposal is not considered to have a compatible presence for the following reasons:	
	1. The amount of glazing facing the foreshore exceeds 50%.	
	2. The proposal does not include colours that are dark earthy tones that	



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.	harmonise and recede into the background landscape.	
15. Buildings fronting the waterway must have a compatible presence when viewed from the waterway and incorporate design elements (such as roof forms, textures, materials, the arrangement of windows, modulation, spatial separation, landscaping etc) that are compatible with any design themes for the locality.	3. The proposal does not have a compatible presence when viewed from the waterway and incorporate design elements (such as roof forms, textures, materials and the arrangement of windows) that are compatible with design themes for the locality.	
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.		
17. Adequate landscaping shall be provided to screen undercroft areas and reduce their impact when viewed from the water.		
18. The extent of associated paved surfaces is minimised to that which provides essential site access and reasonable private open space.		
19. Buildings have external finishes that are non-reflective and coloured to blend with the surrounding landscape.	The buildings do not have non-reflective external finishes.	



20. Swimming pools and surrounds should be sited in areas that minimise the removal of trees and limit impact on natural landform features (rock shelves and platforms).	The proposed swimming pool is located appropriately and minimises impact to natural surrounds.	COPY OF THE GEORGES RIVER SCAPING PANEL BUSINESS PAPER, FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE.
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.	Proposed driveways and other forms of vehicular access are as close as practical to running 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	
24. Retaining walls are not to be located: Between the FBL and MHWM Within 40m of MHWM		
25. Landscaping works and other structures including retaining walls, stairs, paths and driveways are not permitted below the deemed MHWM except where approved by NSW Maritime.		
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.		
27. Development provides opportunities to create view corridors		



from the public domain to the Georges River.	from the public domain to the Georges River.	
Development in the Foreshore Area		
6.5.2.3 Boatsheds		
Control	Proposal	Compliance
1. Boatsheds have a specific form and dimensions as shown in Figure 2. They must be single storey with a maximum floor level 900mm above MHW and a maximum length of 7m. Flat roof with a slope of less than 15% is not permitted.	The dimensions of the proposed boatshed is as follows: Height: 4.94m Length: 7.2m Width: 4.5m Floor level: insufficient information Door height: 3m Western Side setback: 5.65m Eastern Side setback: 6.19m	☐ Yes ☒ No
2. Boatsheds are to be designed to minimise excavation and constructed of timber, stone, brick or other material satisfactory to Council.	The proposed boatshed does not require extensive excavation, tree removal, or removal of existing rock outcrops.	
3. Boatsheds should be sited so as to minimise the removal of remnant native vegetation and the excavation of sandstone rock shelves and outcrops.	The proposed boat shed does not satisfy this provision for the following reasons: The proposed boat shed exceeds 7m in length and has a roof pitch of 3%, which does not comply with the required minimum roof pitch of 15%. - The FFL of the proposed boat shed is more than 0.9m above the (assumed) MHW.	
4. Boatsheds are setback a minimum 1.5m from the side boundary. Council may consider a variation where there is: i. No detrimental impact on the view from the waterway ii. No loss of an existing view to the water from the adjoining lands to the waterway iii. A need to accommodate any significant vegetation, natural rock formations or other site features.		
6.5.2.7 Swimming pools/spas		
Control	Proposal	Compliance
1. Any swimming pool or spa pool is to be sited as close to natural or existing	The proposed pool does not comply with this provision for the following reasons:	☐ Yes



ground level as possible. In this regard, the coping level of swimming pools and spa pools is not to be elevated more than 500mm above natural or existing ground level.	1. The top of the swimming pool coping is not as close to the ground as possible and exceeds 1m above ground level.	☒ No
2. Any exposed edge is to have the natural or existing ground level reinstated and be suitably landscaped with mature trees and landscaping so as to reduce the visual impact from the waterway.		
3. The construction of swimming pools and spa pools below the FBL and above MHWL should avoid reshaping of the landform and removal of native vegetation and significant trees. In areas where the construction of a pool will necessitate excessive excavation or the removal of significant vegetation, the siting of the pool may be restricted to above the FBL.		
4. Pool/spa fencing that is visible from the foreshore/water must be open or transparent and must be of a colour that blends into the landscape character of the waterway.		
5. With respect to existing swimming pools/spa pools below MHWL, Council is unlikely to request that the pool be removed or filled, unless it is considered that its economic life has been reached. In circumstances where it is considered that the economic life of the pool has been reached, and the Department of Lands is in agreement, then Council may require, upon substantial redevelopment, that the pool be removed.		

Any Planning Agreement Under Section 7.4

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



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

The Regulations

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

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

The Likely Impacts of the Development

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

Likely Impacts of the Development	
Natural Environment	The development is located within an established residential area and is considered to result in unreasonable impact on the natural environment.
Built Environment	The built form and supporting infrastructure are inappropriate with its setting and is inconsistent with the desired future character of the site.
Social Impact	The proposal will have no significant social impact on the locality.
Economic Impact	The proposal is not considered to result in unreasonable economic impact.

Site Suitability

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

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

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. 1 submission were received during the neighbour notification period.

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

Issue	Comment
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Extent of non-compliance	The proposal results in significant non-compliances with the provisions of the GRLEP and GRDCP and is not considered to achieve an acceptable planning outcome. Accordingly, the application is recommended for refusal
Incorrect shadow diagram	
Cut and Fill	
Privacy	

The Public Interest

Section 4.15 (e) the public interest.

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

1. The proposal does not satisfy the objectives of the R2 Low Density Residential zone, in particular "To provide for housing within a landscaped setting that enhances the existing environmental character of the Georges River local government area."
2. The proposal does not satisfy the objectives of GRLEP 6.6 Foreshore scenic protection area, in particular "(d) to reinforce and improve the dominance of landscape over built form, hard surfaces and cut and fill" ; and "(f) to enhance existing environmental, cultural and built character values of the foreshore."

Referrals

Internal Referrals

Internal Referrals		
Specialist	Comment	Outcome
Development Engineer	The officer has considered the following planning provisions: - Clause 5.21 of GRLEP 2021 - Clause 6.3 of GRLEP 2021 - Clause 6.9 of GRLEP 2021 - Part 3.10 of GRDCP 2021 - Georges River Stormwater Management Policy No objections raised to the proposal and conditions recommended.	Conditions will be imposed should this application be approved.
Landscape Officer	The officer has considered the following planning provisions: - SEPP (Biodiversity Conservation) 2021 - Part 3.2 of GRDCP 2021	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.



	- Part 3.3 of GRDCP 2021 - Georges River Tree Management Policy 2024 The following objections were raised: a) Arborist report is required by an AQF 5 Arborist who shall assess all trees at 3m and taller on the property and adjacent properties and assess the impacts from the boatshed and stormwater piping. Encroachments are required from all impacts to all trees upon the site and adjacent sites. b) Recommendations are required to minimize impacts to all trees by providing amendments to locations of proposed infrastructure. c) A landscape plan be provided by a Landscape Architect or AQF 5 Landscape designer demonstrating all trees being retained, removed and proposed. The boatshed appears with no steps, landscape, access or usable areas and this is a poor landscape outcome, whereby uncertainty of what is to occur close to the waters edge is a concern.	
Environmental Health Officer	The officer has considered the following planning provisions: - Clause 6.1 of GRLEP 2021 - Part 3.2 of GRDCP 2021 - Part 3.3 of GRDCP 2021 No objections raised to the proposal and conditions recommended.	Conditions will be imposed should this application be approved.

External Referrals



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

Contributions

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

REFUSAL

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

Determination

Refusal of Application

Pursuant to Section 4.16(4)(b) of the Environmental Planning and Assessment Act 1979 (as amended), the delegate officer determines DA2025/0172 for Demolition works and construction of a dwelling house and swimming pool on Lot/s 11 in DP 207914 on land known as 22 Pleasant Way, Blakehurst, should not be approved subject to the refusal reasons referenced below:

- 1. Potential Use of the lower ground level as a separate domicile** – The proposal appears to include a second occupancy due to the additional kitchen on the lower ground floor and an entry arrangement which could allow it to be access and used as a separate dwelling.
- 2. Environmental Planning Instrument – State Environmental Planning Policies (Biodiversity and Conservation) 2021** – Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development failed to demonstrate full compliance with the clause as the application does not provide sufficient information including an arborist report and landscape plan prepared by suitably qualified professional.



3. Environmental Planning Instrument – Local Environmental Plan – Pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979, the proposed development has failed to demonstrate compliance with the following clause of the Georges River Local Environmental Plan 2021

Clause 2.3 Zone Objectives and Land Use Table – The proposal does not satisfy the zone objective and does not enhance the existing environmental character of Georges River local government area.

Clause 4.3 Height of buildings – The proposal exceeds the maximum height shown for land on the Height of Buildings Map.

Clause 4.4A Exceptions to floor space ratio – certain residential accommodation – The proposal exceeds the maximum permitted floor space ratio for the site.

Clause 4.6 Exceptions to development standards – The written request made under this clause is not well founded.

Clause 5.7 Development below mean high water mark – The application is unclear that the proposed work is located within the Site or on Crown land and whether clause 5.7 is triggered for assessment.

Clause 6.2 Earthworks – The excessive excavation does ensure that the proposed earthworks will have a detrimental impact on features of the surrounding land.

Clause 6.4 Foreshore area and coastal hazards and risk – The proposal involves construction forward of the foreshore building line which is not exempted under cl 6.4(3).

Clause 6.6 Foreshore scenic protection area – The proposal does not reinforce and improve the dominance of landscape over built form, hard surfaces and cut and fill. It does not facilitate protection of the natural environment, including topography.

Clause 6.10 Design excellence – The proposal does not exhibit design excellence.

4. Development Control Plan – Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposed development has failed to demonstrate compliance with the following sections of the Georges River Development Control Plan 2021.

Section 3.5.1 – Excavation (including cut and fill) – The proposal involves excavation more than 1m below existing ground level.

Section 6.1.2.1 – Streetscape Character and Built Form – The proposal will have adverse impact upon the streetscape.



Section 6.1.2.2 – Building Scale and Height – The proposal does not demonstrate compliance with the objectives and does not respond sufficiently to the topography of the site.

Section 6.1.2.5 – Landscaping – The proposal does not enhance the existing streetscape and impervious area would occupy more than 50% of the street setback area.

Section 6.1.2.6 – Excavation – The proposal introduces excessive excavation.

Section 6.1.2.7 – Vehicular Access – The proposed car access and garage visually dominant both the development and the streetscape.

Section 6.1.2.8 – Visual Privacy – The proposal has adverse privacy impacts and does not minimise overlooking of adjacent properties

Section 6.1.2.11 – Materials, Colour Schemes and Details – The proposal contains large expanses of predominantly light colours and does not enhance identifiable visual cohesiveness or special qualities in the locality.

Section 6.4.1- Fences and Walls – The proposed front fence does not contribute positively to the streetscape.

Section 6.4.3 – Outbuildings – The proposed boatshed does not minimise impact upon the natural landscape due to its height and materials.

Section 6.4.4 – Swimming Pools/Spas – The proposed swimming pool has adverse privacy impacts.

Section 6.5.1 – Foreshore Scenic Protection Area – The proposal has adverse impacts on the Foreshore Scenic Protection Area.

Section 6.5.2.3 – Boatsheds – The proposed boatshed does not have minimal visual impact and is not of a sympathetic scale and character to the natural landform.

5. Likely Impacts – Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, the proposed development is likely to have an adverse built environment impact. The proposal demonstrates excessive visual dominance that would detract from the desired streetscape and character of the locality.

6. Suitability of site – Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the site is not considered suitable for the proposed development as the proposal is not compatible with the scale, character and amenity of the subject site and the surrounding developments in the locality due to excessive building bulk and amenity impact.



7. Public interest – Pursuant to Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979. The proposed development is not considered to be in the public interest and is likely to set an undesirable precedent within the locality.

8. Insufficient and inaccurate information – The applicant has failed to provide accurate information including:

- (a) The site survey has not surveyed the boundaries and does not contain boundary dimensions.
- (b) The site survey shows site area by title only, where the southern boundary is defined by the natural feature of the 'high water mark'.
- (c) The architectural plans are deficient in the following respects:
 - (i) The Schedule of Materials and Finishes is not adequately detailed or specific and does not fully describe all elevations of the building or ancillary structures including the boat shed.
 - (ii) The boat shed is inadequately dimensioned and has no RLs.
 - (iii) A GFA calculation diagram has not been provided to clearly demonstrate the areas of the proposal that have been included in the GFA calculation, which should be calculated with an accurate site area.
 - (iv) A landscaped area calculation diagram has not been clearly demonstrate the areas of the Site that have been included in the landscaped area calculation.
- (d) A photo rendering showing the proposal as viewed from the waterway has not been provided.
- (e) The landscape plan contains inadequate detail.
- (f) No Arborist report has been provided.
- (g) No bushfire assessment report has been provided.

Signed



Assessing Officer: Kevin Suen

Title: Development Assessment Planner – Fast Track

Date: 26 November 2025

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



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

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

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REPORT TO GEORGES RIVER LOCAL PLANNING PANEL MEETING OF THURSDAY, 04 DECEMBER 2025

LPP041-25 16 PEAKE PARADE, PEAKHURST NSW 2210

LPP Report No	LPP041-25	Development Application No	DA2024/0378
Site Address & Ward Locality	16 Peake Parade, Peakhurst NSW 2210 Peakhurst Ward		
Proposed Development	Demolition, construction of an attached two storey dual occupancy, swimming pools, landscaping and site works including subdivision		
Owners	Zoran Kevilovski and Suzana Staninovski		
Applicant	Dan Nguyen		
Planner/Architect	Bryan Design Architectural Solutions		
Date Of Lodgement	13/08/2024		
Submissions	0		
Cost of Works	\$750,000.00		
Local Planning Panel Criteria	Proposed variation to development standard exceeds 10%.		
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 (GRLEP 2021), Georges River Development Control Plan 2021 (GRDCP 2025)		
List all documents submitted with this report for the Panel's consideration	Statement of Environmental Effects and Architectural Plans		
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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LPP041-25

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?	No variation request supplied.
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (under s7.24)?	Not Applicable
Conditions Have draft conditions been provided to the applicant for comment?	N/A – application recommended for refusal

PROPOSAL

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

Demolition

- Dwelling house and attached shed
- Attached garage
- Driveway, and
- Removal of twelve trees

Dual Occupancy (Attached)

- Unit 1 (eastern dwelling)
 - o Ground floor
 - Open kitchen/family/dining area with access to verandah and pool
 - Courtyard
 - Laundry room
 - Bathroom,
 - Bedroom,
 - Formal living area with front porch access, and
 - One-car garage.
 - First floor
 - Master bedroom with walk-in-robe, ensuite bathroom, and front balcony access
 - One bedroom with ensuite bathroom,
 - Two bedrooms, and
 - One bathroom.
- Unit 2 (western dwelling)
 - o Ground floor

- Open kitchen/family/dining area with access to verandah and pool
- Courtyard
- Laundry room
- Bathroom,
- Bedroom,
- Formal living area with front porch access, and
- One-car garage.
- First floor
 - Master bedroom with walk-in-robe, ensuite bathroom, and front balcony access
 - One bedroom with ensuite bathroom,
 - Two bedrooms, and
 - One bathroom.

Torrens Title Subdivision

- Unit 1 (eastern lot)
 - 347.48sqm
- Unit 2 (western lot)
 - 330.42sqm

Additional works

- Stormwater works including the installation of an Onsite Stormwater Detention (OSD) basins on each proposed dwelling, and a $\varnothing 225$ mm pipe on Pearce Avenue Reserve to drain into an existing creek.
- New driveway shared amongst the proposed dwellings.

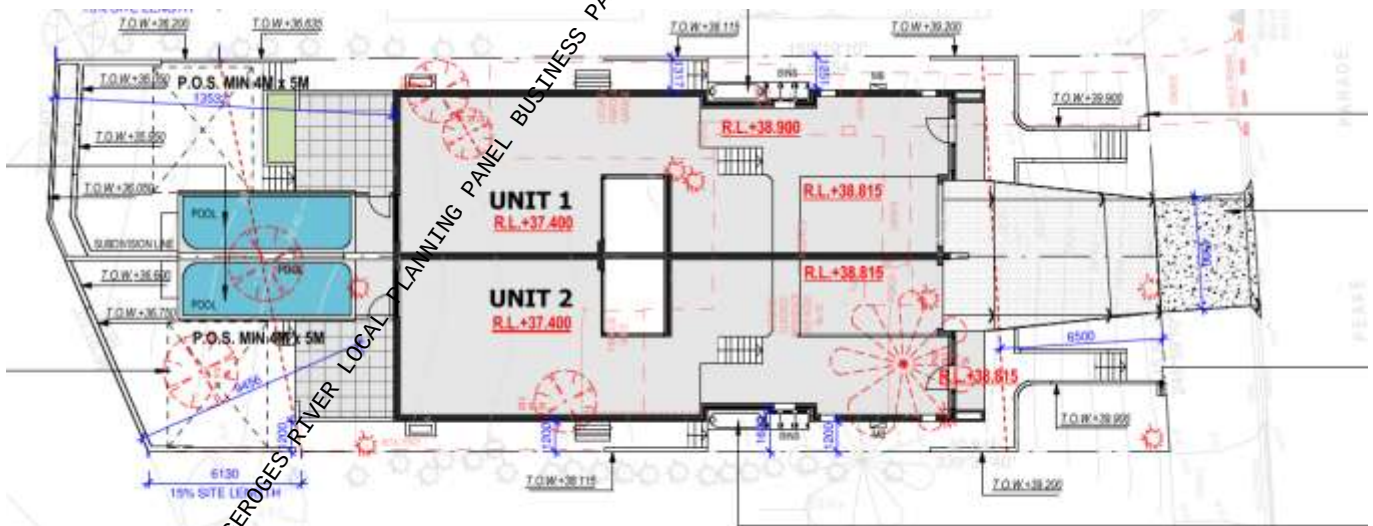


Figure 1 – Site plan (Source: Architectural Plans)

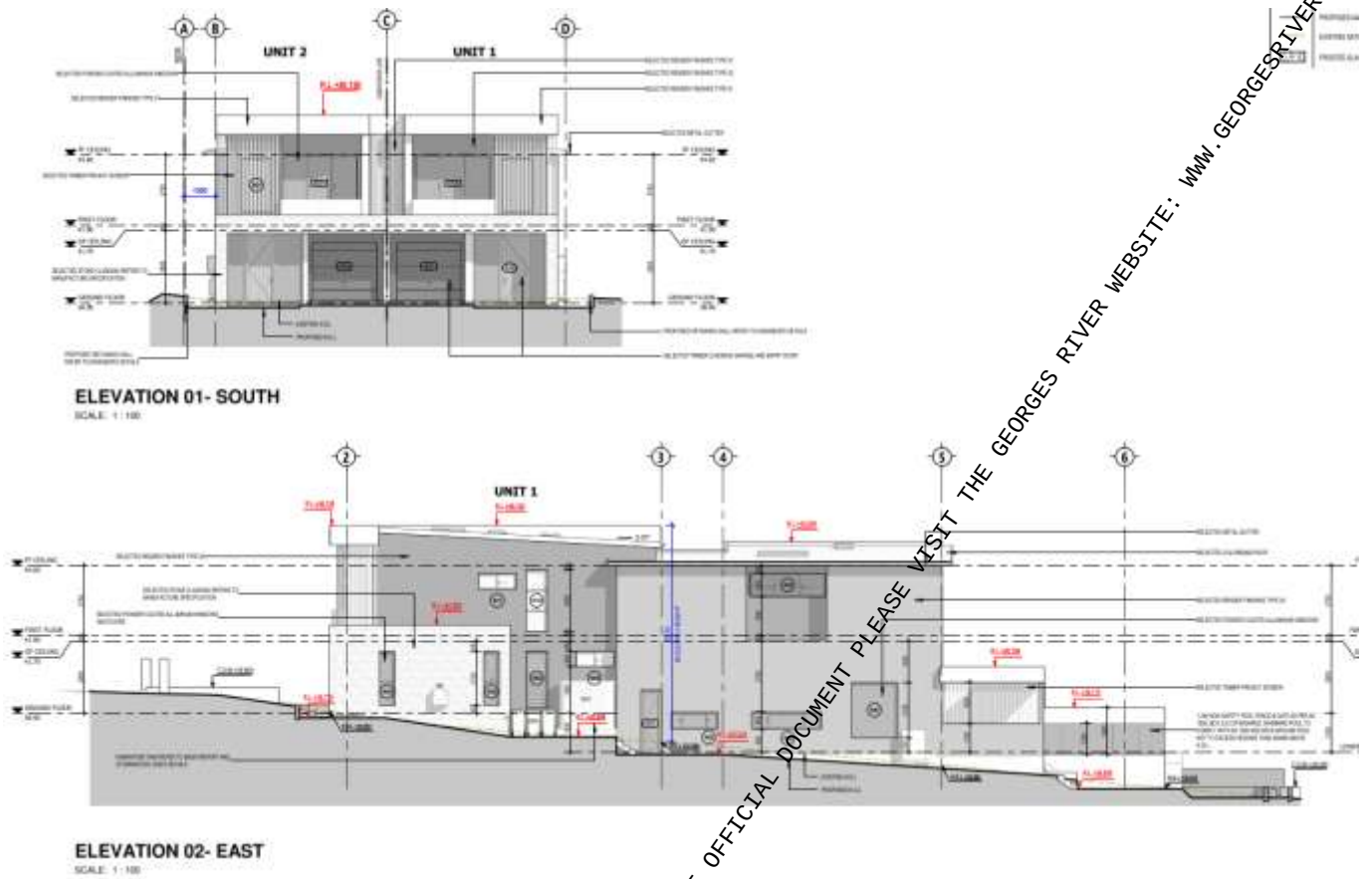


Figure 2 – South (front) and east elevations (Source: Architectural Plans)

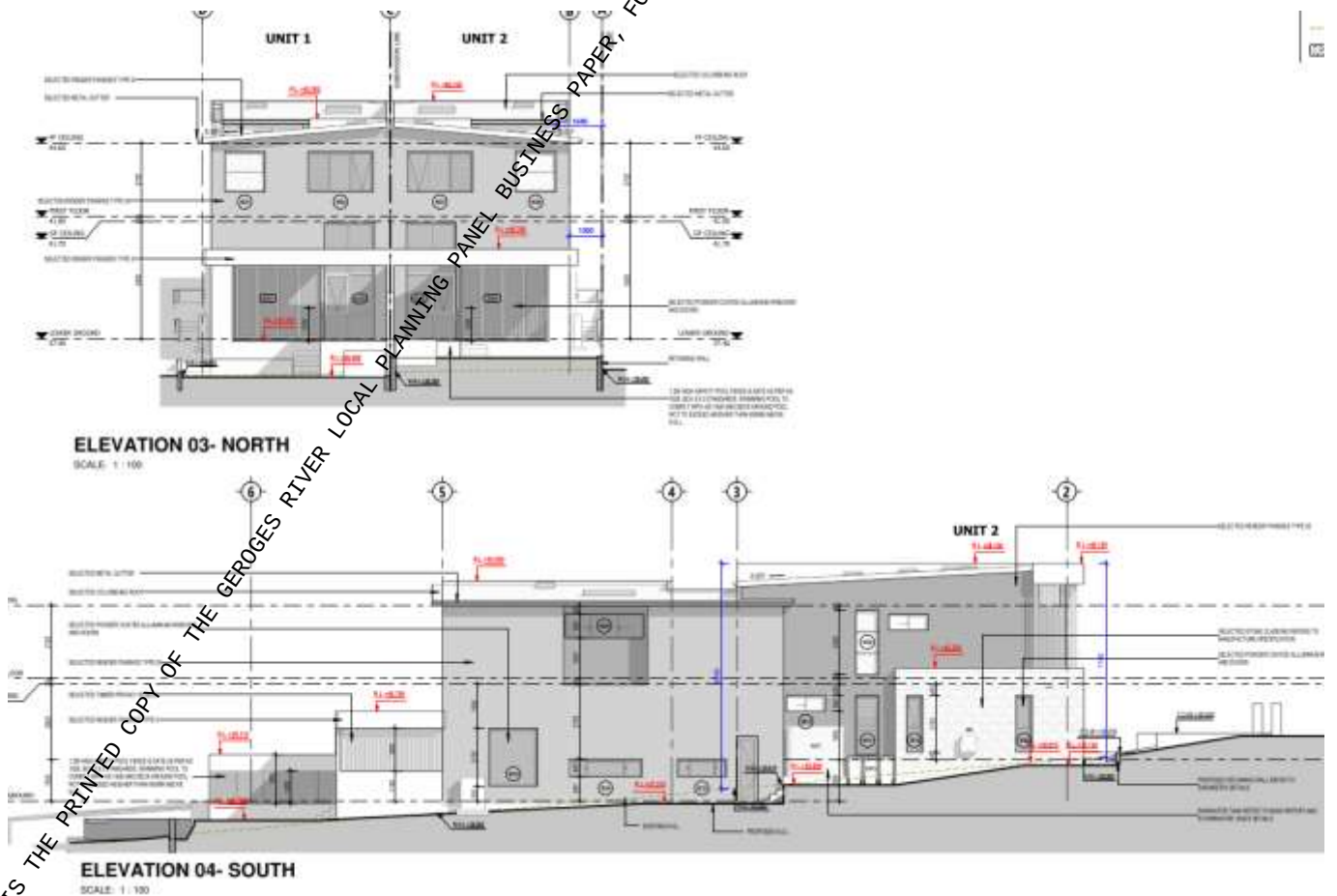


Figure 3 – North and west elevations (Source: Architectural Plans)

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Figure 4 – View of the subject site from the front (Source: Assessing Officer)

SITE AND LOCALITY

2. The site currently contains a detached dwelling house with attached shed and an attached garage. The site slopes to the rear and abuts Pearce Avenue Reserve to the rear. The site is accessed from Peake Parade.
3. Existing development in the locality consists of a mixture of dual occupancies, residential flat building, and multi-dwelling housing. Adjoining the subject site consists of parkland to the north, a residential flat building under construction, and a two-storey semi-detached dwelling to the east.

ZONING AND PERMISSIBILITY

4. The subject site is zoned R4 High Density Residential under the provisions of Georges River Local Environmental Plan 2021 (GRLEP 2021). The proposal is defined as a 'dual occupancy (attached)' 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, except for the following controls:
 - GRLEP 2021
 - Clause 4.4A - Exceptions to floor space ratio—certain residential accommodation
 - Clause 6.3 - Stormwater
 - Clause 6.9 – Essential Services, and

- Clause 6.12 - Landscaped Area.
- GRDCP 2021
 - Rear setback, and
 - Pool projection

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	300sqm per lot in FSPA (minimum)	Unit 1: 347.46sqm Unit 2: 330.42sqm	Yes
4.1B - Minimum Lot Size for Dual Occupancies	Minimum 650sqm lot size <u>Attached dual occupancy</u> Minimum width: 15m	Lot size 676.58m ² Lot width 15.85m	Yes
4.3 - Height of Buildings	12m (maximum)	8.7m	Yes
4.4 - Floor Space Ratio	0.6:1 = 405.95sqm (maximum)	Total: 437.0sqm (7.6% variation) No Clause 4.6 variation requests lodged.	No
6.12 - Landscaped Area	25% or 169.15sqm (minimum)	20.2% (136.7sqm) (19.2% variation) No Clause 4.6 variation requests lodged.	No

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	1.1m for both dwellings Unit 1: 7sqm Unit 2: 7sqm	No Yes
6.1.3.3 Setbacks	Setbacks (minimum): Front: 6.3m (per prevailing street setback) Garage: 7.3m (based on required front setback) Side: 1.2m Rear: 6.3m	Front setback: Unit 1: 6.5m Unit 2: 7.3m Garage front setback: Unit 1: 8.3m Unit 2: 8.5m Minimum side setback: Unit 1: 1.261m Unit 2: 1.2m Rear setback: Unit 1: 9.6m	No

6.1.3.8 Vehicular Access, Parking and Circulation	Each dwelling is to provide one (1) garage and one (1) tandem driveway parking space	Unit 2: 5.9m 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): 65%	Unit 1: 60.1% Unit 2: 55.5%	Yes

Stormwater discharge

7. The proposal involves the construction of a stormwater pipe within Pearce Avenue Reserve.
8. Per Council's Stormwater Management Policy, a stormwater pipe in public reserve is to have a size of 375mm in diameter or a 5% AEP capacity, whichever is greater, and be constructed of reinforced concrete. Furthermore, the pipe shall not interfere with any existing utilities.
9. The proposed stormwater pipe has a diameter of 225mm and interferes with an existing sewer pipe located within Pearce Avenue Reserve. See Figure 5 below for the proposed stormwater alignment.
10. The proposal does not comply with Clauses 6.3 and 6.9 of the GRLEP 2021 and on that basis the application is recommended for refusal.

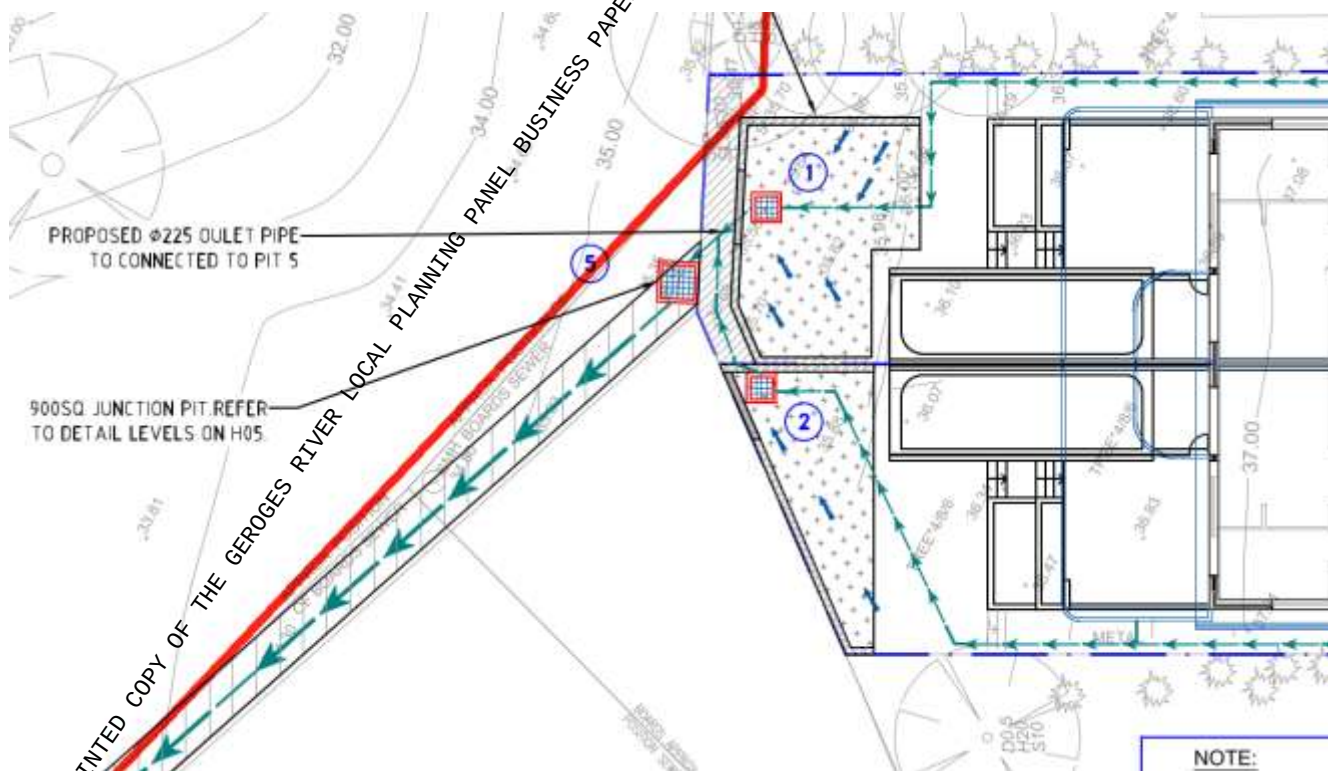


Figure 5 – Proposed stormwater alignment in cyan, existing sewer pipe in red (Source: stormwater plan)

SUBMISSIONS

11. 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.
12. Council received no submissions during the neighbour notification period.

REFERRAL COMMENTS

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

Specialist/Agencies	Comment
Development Engineer	Objection raised on the following basis: - The proposed stormwater system in Pearce Avenue Reserve will interfere with an existing sewer pipe.
Asset and Infrastructure Engineer	Objection was raised due to insufficient stormwater pipe size.
Landscape Officer	No objection subject to recommended conditions.
Ausgrid	No objection subject to recommended conditions.

REASON FOR REFERRAL TO THE LOCAL PLANNING PANEL

14. The proposal involves a 19.2% variation to Clause 6.12 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

15. The proposal has been assessed against the relevant provisions of State Environmental Planning Policies, the provisions of the GRLEP 2021 and GRDCP 2021.
16. 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

17. Pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended), DA2024/0378 for Demolition, construction of an attached two storey dual occupancy, swimming pools, landscaping and site works including subdivision on Lot 292 DP 36537 being land known as 16 Peake Parade, Peakhurst NSW 2210, is recommended for refusal for the reasons outlined below.

1. The development does not comply with Clause 4.4A – Exceptions to floor space ratio—certain residential accommodation, as the proposed development demonstrates a floor space ratio of 0.65:1, exceeding the maximum allowable floor space ratio of 0.6:1, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
2. The development does not comply with Clause 6.12 – Landscaped Area, as the proposed landscaped area accounts for 20.2% of the site area, below the minimum landscaped area of 25%, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
3. The development does not comply with Clause 6.3 - Stormwater Management and 6.9 - Essential Services, as the proposed stormwater system is of insufficient capacity and interferes with an existing sewer pipe, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
4. The proposal fails to comply with Section 6.1.3 of GRDCP 2021, as it does not achieve the required rear setback of 6.3m. Unit 2 provides a rear setback of 5.9m, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
5. The proposal fails to comply with Section 6.4.4 of GRDCP 2021, as the swimming pools are projected maximum 1.2m above the existing ground level, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
6. 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.
7. 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

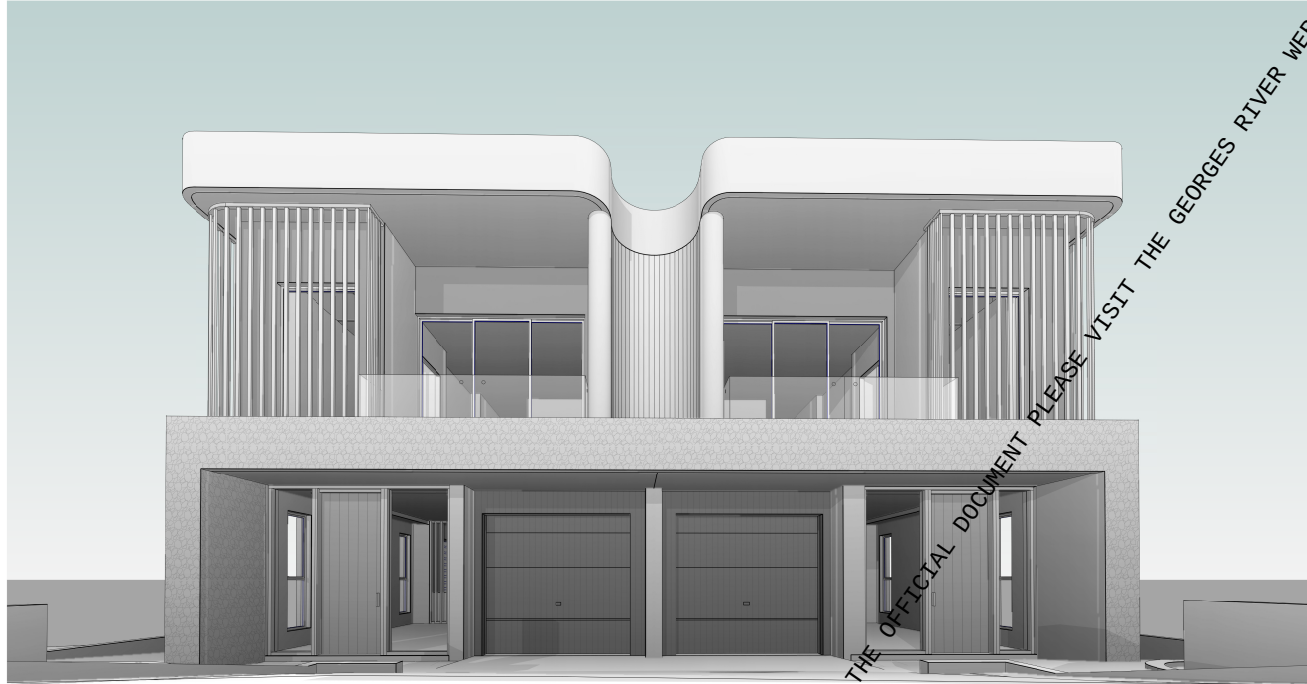
Attachment [1](#) Architectural Plans - 16 Peake Parade, Peakhurst - DA2024/0378



Attachment [2](#) Assessment Report - 16 Peake Parade, Peakhurst - DA2024/0378



PROPOSED ATTACHED DUAL OCCUPANCY AT 16 PEAKE PARADE, PAKEHURST



SURVEY NOTES

DO NOT SCALE OFF THE DRAWINGS UNLESS OTHERWISE STATED AND USE FIGURED DIMENSIONS IN PREFERENCE

ALL DIMENSIONS ARE TO BE CHECKED AND VERIFIED BY THE BUILDER ON THE SITE BEFORE THE COMMENCEMENT OF ANY WORK. ALL DIMENSIONS AND LEVELS ARE THE SUBJECT TO FINAL SURVEY AND SET-OUT

SERVICES SHOWN HAVE BEEN DERIVED FROM VISUAL EVIDENCE APPARENT AT THE TIME OF SURVEY. THE RELEVANT SERVICE AUTHORITY SHALL BE CONTACTED TO VERIFY THE EXISTENCE AND POSITION OF ALL SERVICES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION OR EXCAVATION

GENERAL NOTES

1. WRITTEN DIMENSIONS TO TAKE PRECEDENCE OVER SCALE
2. BUILDER TO VERIFY ALL BOUNDARY CLEARANCES AND SITE SET OUT DIMENSIONS PRIOR TO COMMENCEMENT OF CONSTRUCTION
3. LEVELS AND CONTOURS ARE BASED ON SUPPLIED DATUM. PRIOR TO CONSTRUCTION THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR POSSIBLE MINIMUM FLOOR LEVEL REQUIREMENTS AND FLOOD INFORMATION.
4. ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING CODE OF AUSTRALIA, ALL LOCAL AND STATE GOVERNMENT ORDINANCES, RELEVANT AUSTRALIAN STANDARDS, LOCAL ELECTRICITY AND WATER AUTHORITIES CONCERNED
5. ALL STRUCTURAL WORK AND SITE DRAINAGE TO BE SUBJECT TO THE ENGINEERS DETAILS OR CERTIFICATION WHERE REQUIRED BY COUNCIL
6. ARTICULATION JOINTS IN MASONRY TO BE PROVIDED AS PER ENGINEERS DETAILS AND/OR IN ACCORDANCE WITH BCA CLAUSE 3.3.1.8
7. RETAINING WALLS ARE REQUIRED TO BE ENGINEER DESIGNED AND CERTIFIED WHERE REQUIRED
8. ALL PLUMBING WORKS TO BE STRICTLY IN ACCORDANCE WITH A.S. 3500 AND APPROVED BY RELEVANT AUTHORITIES
9. ALL DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE ENGINEERS STRUCTURAL DRAWINGS
10. ALL WINDOWS AND GLAZING TO COMPLY WITH A.S. 1288 & A.S. 2047
11. BATTERS TO COMPLY WITH APPROPRIATE SOIL CLASSIFICATION DESCRIBED IN TABLE 3.1.1.1 BCA VOL 2
12. ENGINEER TO PROVIDE DESIGN TO ADDRESS FOOTINGS IF BUILT IN CLOSE PROXIMITY TO SEWER, STORMWATER EASEMENTS
13. VEHICULAR CROSSOVER TO BE CONSTRUCTED AS PER COUNCIL REQUIREMENTS
14. ARTICULATED JOINTS IN ACCORDANCE WITH BCA 3.3.1.8 (VOL2)
15. VENTILATION TO WC TO BE AN EXHAUST FAN IN ACCORDANCE WITH BCA- F4.5 & AS-1869.2
16. PROVIDE COLD WATER CONNECTION & GPO TO DISHWASHER SPACE
17. HOT WATER SYSTEM TO COMPLY WITH A.S.3500
18. DOWNPIPES TO BE A MAXIMUM 12M SPACING AND ADJACENT TO VALLEY INTERSECTIONS
19. DRAINAGE TO BE IN ACCORDANCE WITH PART 3 OF THE BCA. POINT OF DISCHARGE TO MEET LOCAL AUTHORITY REQUIREMENTS

BUILDING CODE OF AUSTRALIA VOLUME 2 2019 EDITION OF THE NCC & RELEVANT AUSTRALIAN STANDARDS NOTES:

- ALL WINDOWS TO HABITABLE ROOMS REQUIRING RESTRICTED OPENINGS MUST COMPLY WITH P3.9.2.6 OF BCA VOL 2
- NON-SLIP NOSINGS: TREADS TO STAIRS TO COMPLY WITH P3.9.1.4 OF BCA VOL 2
- ALL MASONRY WALLS TO COMPLY WITH P3.3.5 OF BCA VOL 2 AND AS3700
- TERMITE MANAGEMENT SYSTEMS TO BE INSTALLED AS PER AS3660.1
- HIGH IMPACT VAPOR BARRIER TO COMPLY WITH P3.2.2.6 OF BCA VOL 2
- GUTTERS AND DOWNPIPES TO COMPLY WITH AS3500.3 AND/OR AS3500.5
- WET AREA MEMBRANE TO BE INSTALLED AS PER AS2740 AND P3.8.1 OF BCA VOL 2
- ALL ENCLOSED WATER CLOSET DOORS MUST SWING OUT OR BE PROVIDED WITH REMOVABLE HINGES OR CAVITY SLIDING DOOR AS PER P3.8.3.3 OF BCA VOL 2
- SMOKE ALARMS TO BE INSTALLED IN ACCORDANCE WITH P3.9.1.2 OF BCA VOL 2
- STAIRS TO BE CONSTRUCTED IN ACCORDANCE WITH P3.9.1.2 OF BCA VOL 2
- FINISH OF STAIRS MUST MEET THE REQUIREMENTS OF P3.9.1.4 OF BCA VOL 2
- LANDINGS TO BE PROVIDED MUST COMPLY WITH P3.9.1.5 OF BCA VOL 2
- BARRIERS AND BALUSTRADING TO COMPLY WITH P3.9.2.3 OF BCA VOL 2
- HANDRAILS SERVING STAIRS TO COMPLY WITH P3.9.2.4 OF BCA VOL 2
- ROOM HEIGHTS IN HABITABLE ROOMS MUST BE A MINIMUM OF 2.4M MEASURED FROM THE FINISHED FLOOR TO THE CEILING LINING AS PER P3.8.2 OF BCA VOL 2

PROJECT INFORMATION	
SHEET No.	SHEET NAME
DA 000	COVERPAGE
DA 100	SPECIFICATIONS
DA 101	SITE ANALYSIS
DA 102	SITE PLAN
DA 103	SITE CALCULATION
DA 104	SUBDIVISION PLAN
DA 105	ENVIRONMENTAL SITE MANAGEMENT PLAN
DA 106	STREETScape CHARACTER ANALYSIS

PROJECT INFORMATION	
SHEET No.	SHEET NAME
DA 200	GROUND FLOOR
DA 201	FIRST FLOOR
DA 202	ROOF FLOOR
DA 300	ELEVATIONS 1-2
DA 301	ELEVATIONS 3-4
DA 401	SECTION 1-1 & 2-2
DA 402	SECTION 3-3
DA 403	DRIVEWAY CROSSING DETAILS

PROJECT INFORMATION	
SHEET No.	SHEET NAME
DA 500	DEMOLITION AND EROSION, SEDIMENT CONTROL PLAN
DA 501	LANDSCAPE PLAN
DA 600	WINDOWS AND DOOR SCHEDULE
DA 700	SCHEDULE OF FINISHES
DA 800	SHADOW DIAGRAM
DA 900	DEEP SOIL PLAN
DA 901	BASIX COMMITMENT 01
DA 902	BASIX COMMITMENT 02



PROJECT DETAILS

PROPOSED ATTACHED DUAL OCCUPANCY

AT

16 PEAKE PARADE, PAKEHURST

PROJECT NO.
22156

CLIENT DETAILS
MR SONNY

ISSUED FOR DA SUBMISSION 31/03/2025

ISSUE

B

GENERAL SPECIFICATION NOTES

Coordination
Refer to and coordinate information contained in the architectural drawings, and the documentation of other consultants. Notify any discrepancies between the architectural and/or other consultants documentation prior to proceeding with the works.

Specifications and Schedules
Refer to and coordinate with applicable Specifications and Schedules. Notify any discrepancies between documents prior to proceeding with the works.

Detail Drawings
Drawings at larger scales take precedence over drawings at smaller scales, Notify any discrepancies prior to proceeding with the works.

Execution of the works
Execute the works in accordance and compliance with:
-The approved Development Application and in accordance with the relevant Conditions of Consent and other relevant Local Authority requirements;
-The requirements scheduled by a current BASIX Certificate consistent with the works.
-The current edition of the Building Code of Australia (as amended); and
-Current editions of the relevant Australian and other applicable published standards relevant to the execution of the works.

Units of measurement
Dimensions are shown in millimetres unless noted otherwise.

Materials handling and storage
Material, fixtures and fittings are to be handled, stored and installed in accordance with the Manufacturer's current written instructions.

Structure
Foundations, footings, reinforced concrete slabs, retaining walls, framing, bracing, tie-down and other structural elements are to be constructed in accordance with the Structural Engineer's details and specifications.

Hydraulics
Stormwater drainage, waste water drainage, fresh water, gas supply and other hydraulic services are to be constructed in accordance with Local Authority and Hydraulic Engineer's requirements.

General Specifications
Execute the works in compliance with the relevant deemed-to-satisfy provisions of the Building Code of Australia (BCA) (Volume 2), current editions of relevant Australian and other applicable published Standards and the relevant requirements of Local and/or Statutory Authorities applicable to the execution of the works. This schedule of codes and standards outlines the minimum acceptable standards.

Termite protection
Provide termite protection: In accordance with Part 3.1.3 -Termite Risk Management of the BCA (Volume 2) and to AS 3660.1 (Termite management - New building work)
Provide professional certification of the termite protection measures to the principal certifying authority, confirming compliance with the provisions of the BCA and Australian Standard.
Flashing and damp-proof courses Flashings and damp-proof courses: To AS/NZS 2904 (Damp proof courses and flashings).

Fasteners
Steel nails: Hot-dip galvanised to AS/NZS 4680 (Hot-dip galvanisation (zinc) coatings on fabricated ferrous articles).
Self-drilling screws: To AS 3566.1 (Self-drilling screws for the building and construction industries)

Metal finishes
Corrosion protection: To BCA Volume 2 clause 3.4.2.2 (Acceptable construction - Framing - Steel framing - General).

Site Preparation
Demolition
Demolish existing structures as shown: To AS 2601 (Demolition of structures).
Earthworks
To be carried out in accordance with:
The requirements of the Environmental Planning & Assessment Act 1979;
Relevant conditions of the development consent; and the relevant requirements of Part 3.1.1 of the BCA (Volume 2).
Stormwater drainage
Part 3.1.2 of the BCA (Volume 2) and AS/NZS 3500 (Part 3 - Stormwater drainage).
AS/NZS 3500 (Part 5 - Domestic installations - Section 5 - stormwater drainage).

Structural design
For details of structural footings, slabs, framing and the like refer to structural engineering details, to be prepared by a qualified structural engineer.
Structural design is to be in accordance with the relevant structural design manuals.
Site Classification
To be in accordance with Part 3.2.4 of the BCA (Volume 2)
Structural design manuals
AS 1170.1 (Dead and live loads and load combinations)
AS 1170.2 (AS 4055 - Wind loads) AS 1170.4 (Earthquake loads)
AS 1720.1 (Timber structures code) AS 2159 (Piling - design and installation)
AS 2327.1 (Composite structures)
AS 3600 (Concrete structures)
AS 4100 (Steel structures)
Structural design certification
Submit structural engineer's design certification, in accordance with Local Authority requirements, the Principal Certifying Authority prior to the commencement of works.

Concrete construction
Concrete structures generally: To AS 3600 (Concrete structures).
Ground Slabs and footings: To AS 2870 (Residential slabs and footings - Construction).
Ready mixed supply: To AS 1379
(Specification and supply of concrete). **Footings and slabs**
Design and construct footings and slabs: In accordance with Part 3.2 of the BCA (Volume 2) and AS 2870 (Residential slabs and footings), AS 3600 (Concrete structures) and AS 2159 (Piling - Design and installation).

Brick & block construction (masonry)
Masonry construction: To be in accordance with Part 3.3 of the BCA (Volume 2) and to AS 3700 (Masonry structures).
Masonry units: To AS/NZS 4455 (Masonry units and segmental pavers). Clay brick durability below damp-proof course: Use exposure category to AS/NZS 4456.10 (Masonry units and segmental pavers - Methods of test -Determining resistance to salt attack) Appendix A (Salt attack resistance categories).

Galvanising
Galvanising mild steel components (including fasteners) to AS 1214 or AS/NZS 4680, as appropriate, where exposed to weather, embedded in masonry or in contact with chemically treated timber.
Wall Ties
Wall tie type: To BCA Volume 2 clause 3.3.3.2 (Acceptable construction - Masonry - Masonry accessories - Wall ties) and AS/NZS 2699.1 (Built-in components for masonry construction -Wall ties); Non-seismic areas: Type A; Seismic areas: Type B.
Wall tie spacing: To BCA Volume 2 Figure 3.3.3.1 (Typical brick ties spacing in cavity and veneer construction).
Wall tie corrosion protection: To BCA Volume 2 Table 3.3.3.1 (Corrosion protection for wall ties).
Lintels generally: In accordance with Part 3.3.3.4 of the BCA (Volume 2).

Timber & steel framed construction
Sub-floor ventilation
To be in accordance with Part 3.4.1 of the BCA (Volume 2)
Timber wall, floor and roof framing Timber framing: To be in accordance with Part 3.4 of the BCA (Volume 2) and
AS 1684.4 (Residential timber-framed construction - Simplified - Non-cyclonic) or AS 1720.1 (Timber structures -Design methods).
Steel framing and structural steel members
Steel framing: to be in accordance with Part 3.4.2 of the BCA (Volume 2). Acceptable construction practice (Part 3.4.2.1 of the BCA) and / or
AS 4100 (Steel structures)
Cold-formed steel framing: Provide a proprietary system designed to AS 3623 (Domestic metal framing).

Roof and wall cladding
Roof tiling
To be in accordance with Parts 3.5.1.1 & 3.5.1.2 of the BCA (Volume 2) and AS 2049 (Roof tiles).
Roof tile installation: To AS 2050 (Installation of roofing tiles).
Metal roof sheeting
To be in accordance with Parts 3.5.1.1 & 3.5.1.3 of the BCA (Volume 2). Metal roofing design and installation: To AS 1562.1 (Design and installation of sheet roof and wall cladding - Metal).
Roof plumbing
To be in accordance with Part 3.5.2 of the BCA (Volume 2) and AS/NZS 3500 (Part 3 - Stormwater drainage) and AS/NZS 3500 (Part 5 - Domestic installation - section 5 - stormwater drainage).
Wall cladding
To be in accordance with Part 3.5.3 of the BCA (Volume 2)
Installation and sarking
Bulk insulation: To AS/NZS 4859.1
(Materials for the thermal insulation of buildings - General criteria and technical provisions), Section 5. Reflective insulation: To AS/NZS 4859.1, Section 9.
Sarking material: To AS/NZS 4200.1 (Plastic building materials and underlays - Materials).

Windows and doors
Glazing to be in accordance with Part 3.6 of the BCA (Volume 2).
Glass Selection and installation: To AS 1288 (Glass in buildings -Selection and installation).
Timber doorsets: To AS 2689 (Timber doors).
Timber frames and jambs: To AS 2689 (Timber doorsets)
Security screen doors and window grilles: To AS 5039 (Security screen doors and security window grilles). Window selection and installation: To AS 2047 (Windows in buildings - Selection and installation).
Doorset installation: To AS 1909 (Installation of timber doorsets). Garage doors: To AS/NZS 4505 (Domestic garage doors).

Lining
Plasterboard: To AS/NZS 2588 (Gypsum plasterboard). Plasterboard installation: To AS/NZS 2589.1 (Gypsum linings in residential and light commercial construction -Application and finishing - Gypsum plasterboard) Level 4 finish.
Cement: To AS/NZS 2908.2 (Cellulose-cement products - Flat Sheets), Type B, Category 2.
Fibrous plaster products: To AS 2185 (Fibrous plaster products).

Health and amenity
Wet areas
Refer to "Waterproofing".
Room heights
To be in accordance with Part 3.8.2 of the BCA (Volume 2).
Kitchen, sanitary and washing facilities
To be in accordance with Parts 3.8.3.2 and 3.8.3.3 of the BCA (Volume 2).
Natural and artificial light
To be in accordance with Parts 3.8.4.2 and 3.8.4.3 of the BCA (Volume 2).
Ventilation
To be in accordance with Part 3.8.5 of the BCA (Volume 2).
Natural Ventilation: Parts 3.8.5.2 and 3.8.5.3 of the BCA (Volume 2). Mechanical Ventilation: Parts 3.8.5.0 and 3.8.5.3 of the BCA (Volume 2).
Sound insulation
To be in accordance with Part 3.8.6.1 of the BCA (Volume 2).

Safe movement and access
Stair construction
To be in accordance with Part 3.9.1.1 of the BCA (Volume 2) - Acceptable construction practice.
Balustrades
To be in accordance with Part 3.9.2.1 of the BCA (Volume 2) - Acceptable construction practice.

Block and tile finishes
Ceramic tiling: Follow the guidance provided by AS 3958.1 (Ceramic tiles -Guide to the installation of ceramic tiles) and AS 3958.2 (Ceramic tiles - Guide to the selection of a ceramic tiling system). Adhesives: To AS 2358 (Adhesives -For fixing ceramic tiles).

Waterproofing
To be in accordance with Part 3.8.1 of the BCA (Volume 2).
Waterproofing: To AS 3740 (Waterproofing of wet areas in residential buildings).
Refer to architectural details of waterproofing.

Floor coatings and coverings
Carpeting: To AS/NZS 2455.1 (Textile floor coverings - Installation practice -General).
Resilient finishes: To AS 1884 (Floor coverings - Resilient sheet and tiles -Laying and maintenance practices).

Painting
Painting generally: Follow the guidance provided by AS/NZS 2311 (Guide to the painting of buildings) and AS/NZS 2312 (Guide to the protection of structural steel against atmospheric corrosion by the use of protective coatings).
Plumbing installations
Where a discrepancy arises the hydraulic consultant's, local or statutory authority's requirements take precedence over the following standards to the extent of the discrepancy. Plumbing and draining products: To SAA MP52 (Manual of authorization procedures for plumbing and drainage products) and AS/NZS 3718 (Water supply - Tap ware).
Stormwater: To AS/NZS 3500.3 (Plumbing and Drainage - Stormwater drainage) or AS/NZS 3500.5 (National Plumbing and Drainage - Domestic installations).
Wastewater: To AS/NZS 3500.2 (Plumbing and Drainage - Sanitary plumbing and drainage) or AS/NZS 3500.5. Freshwater: To AS/NZS 3500.1 (Plumbing and Drainage - Water services) and AS/NZS 3500.4 (Plumbing and Drainage - Heated water services) or AS/NZS 3500.5.
Gas: To AS 5601 (Gas installation code).

Electrical installations
Where a discrepancy arises the electrical consultant's, local or statutory authority's requirements take precedence over the following standards to the extent of the discrepancy. (Electrical installation: To AS/NZS 3018 (Electrical installation - Domestic installations).
Smoke Alarms: Refer to "Fire Safety, Smoke Alarms".
Smoke alarm installation and testing: To AS 1670.1 (Fire detection, warning, control and intercom systems - System design, installation, and commissioning -Fire) in accordance with the requirements of the Building Code of Australia. Connect smoke alarms to mains power.
Test electrical installations: To AS/NZS 3017 (Electrical installations - Testing guidelines). Certify compliance with AS/NZS 3018.

Mechanical installations
Mechanical ventilation: To AS 1668.2 (The use of ventilation and air-conditioning in buildings - Mechanical ventilation for acceptable indoor quality) - Grade 2 amenity.



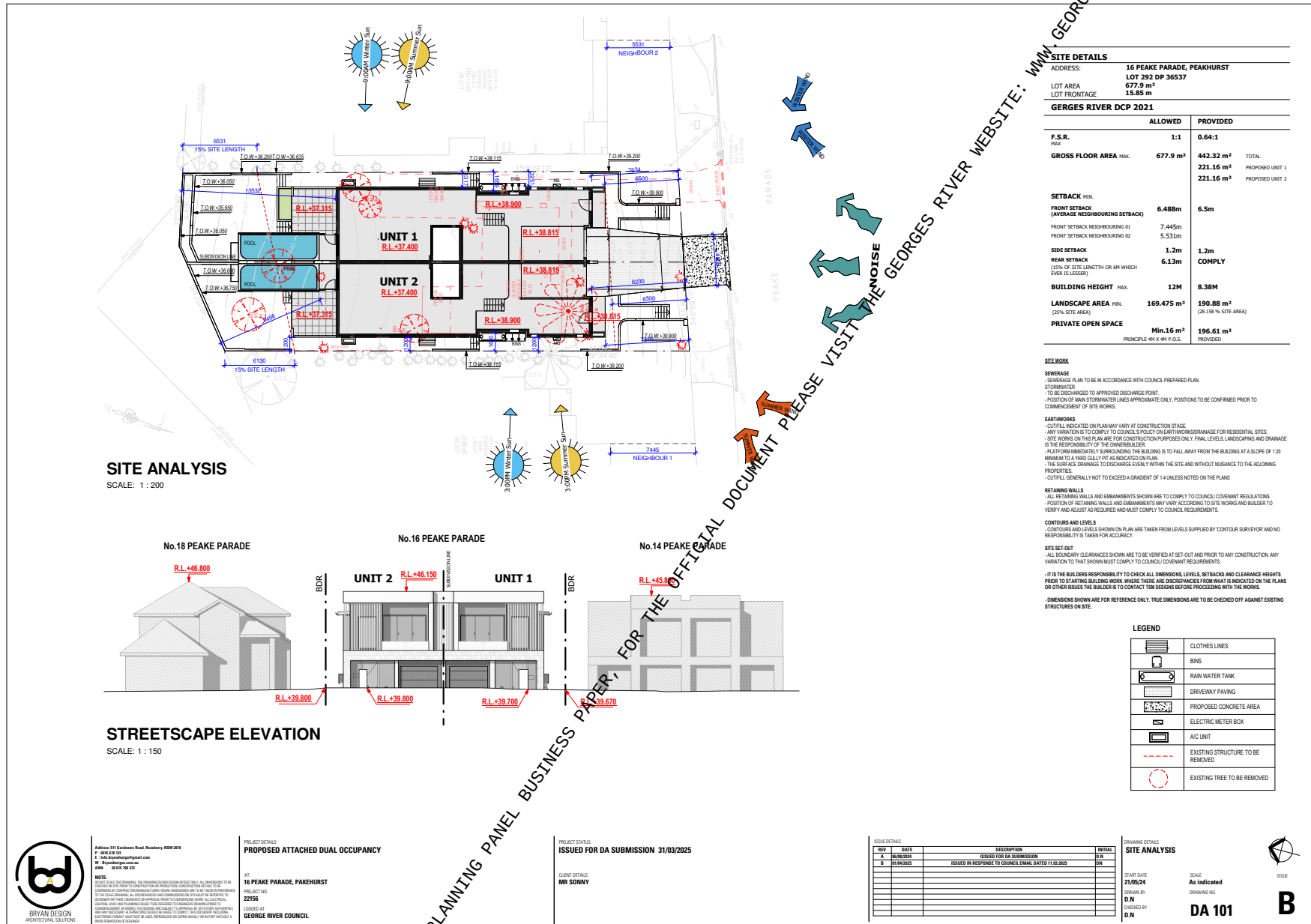
Address: 311 Garsfield Road, Rusebury NSW 2018
E: info.bryandesign@gmail.com
P: 0294562000
ABN: 36410 780 222
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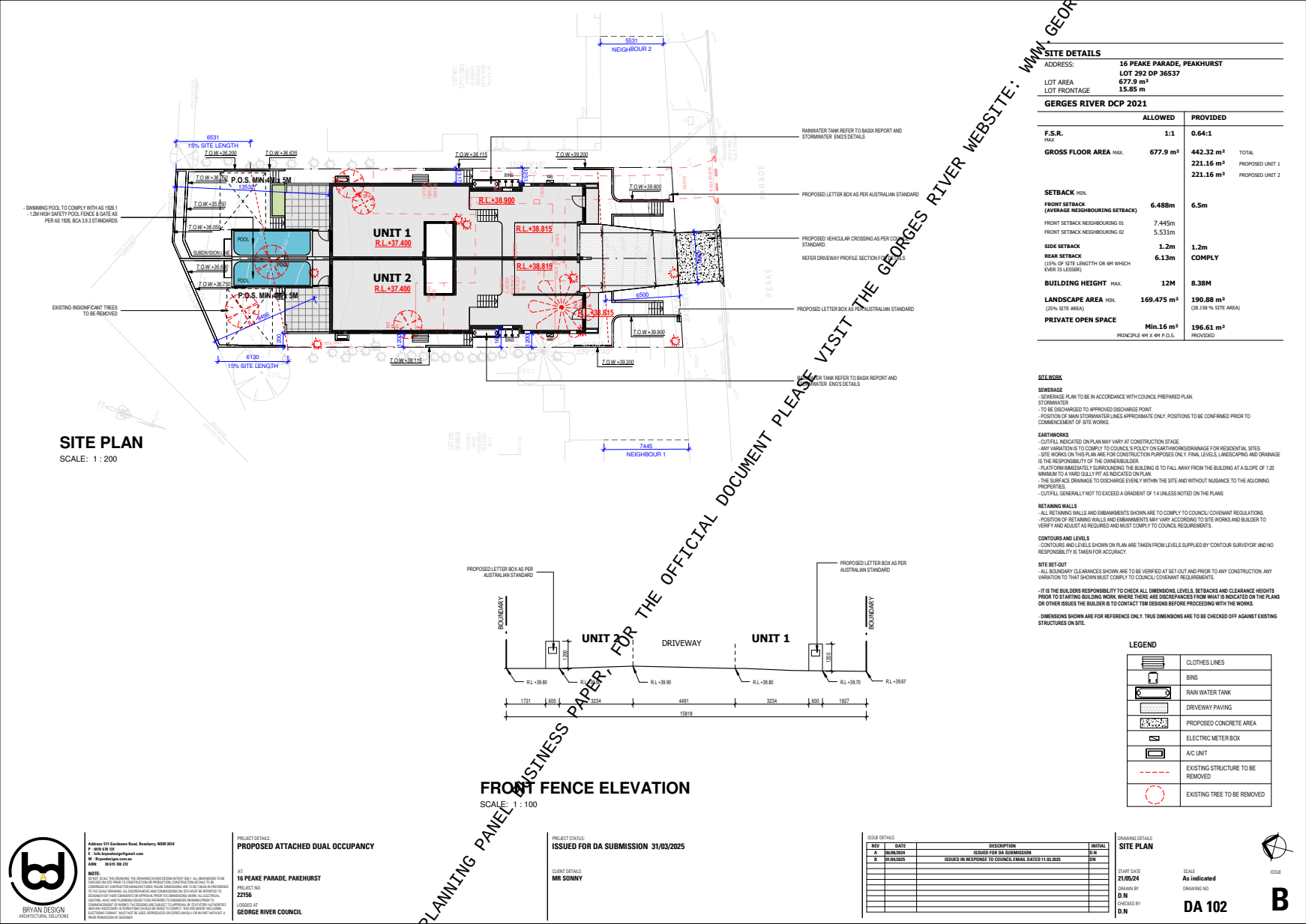
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AS
16 PEAKE PARADE, PAKEHURST
PROJECT NO:
22756
LOADED AT
GEORGE RIVER COUNCIL

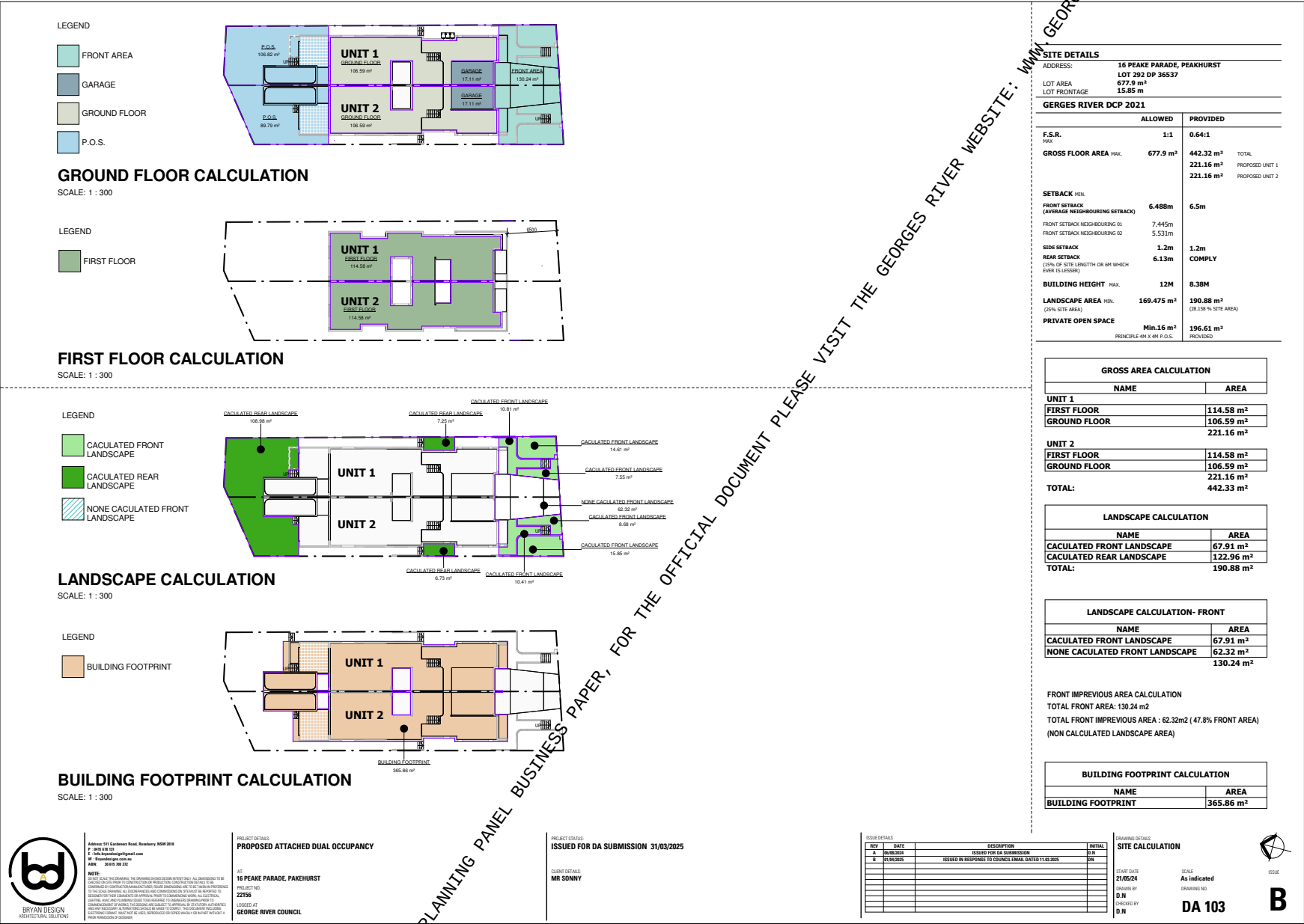
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ISSUED FOR DA SUBMISSION 31/03/2025
CLIENT DETAILS
MR SONNY

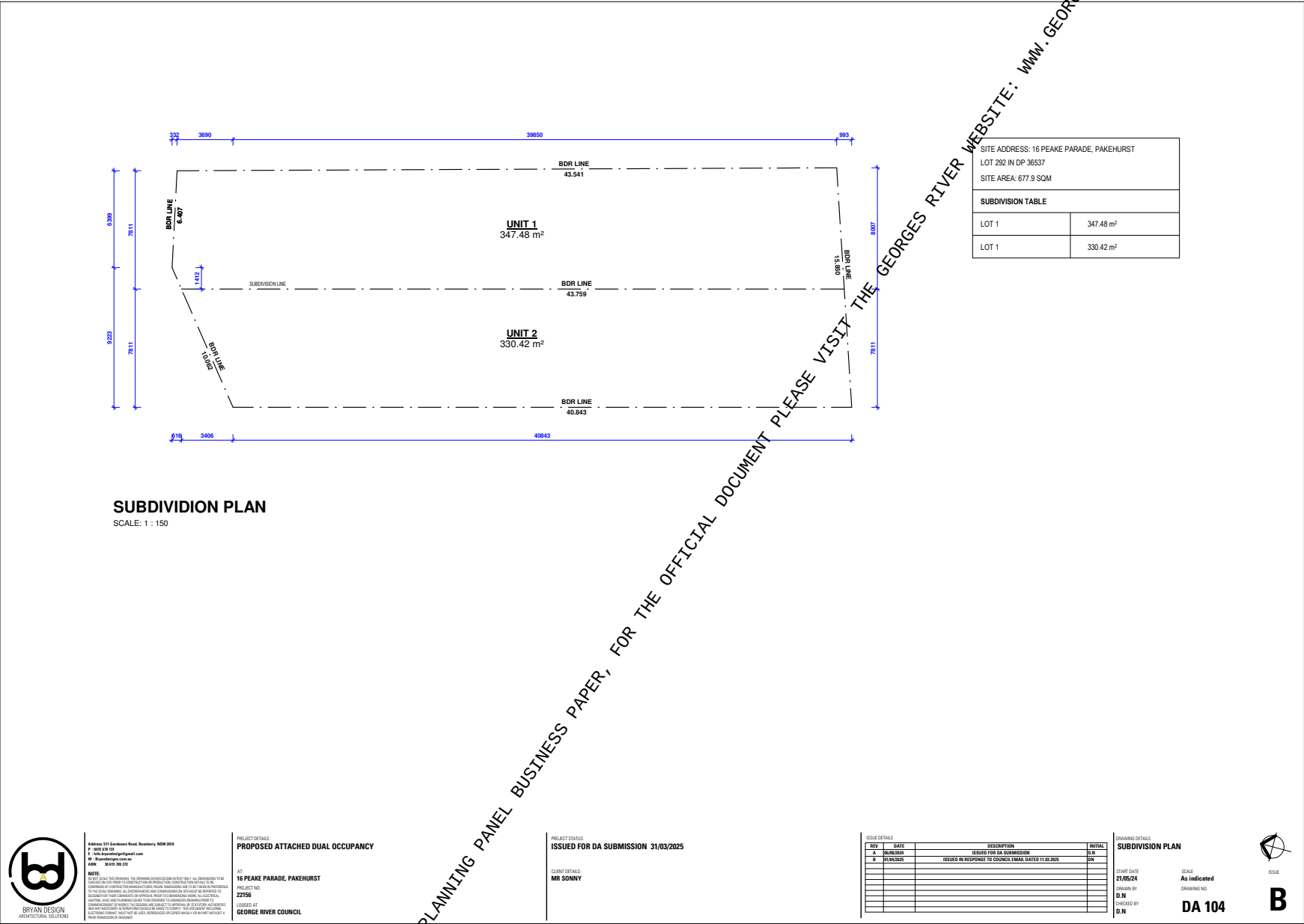
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B	04/05/2024	ISSUED IN RESPONSE TO COUNCIL EMAIL DATED 11.05.2025	BN

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21/05/24
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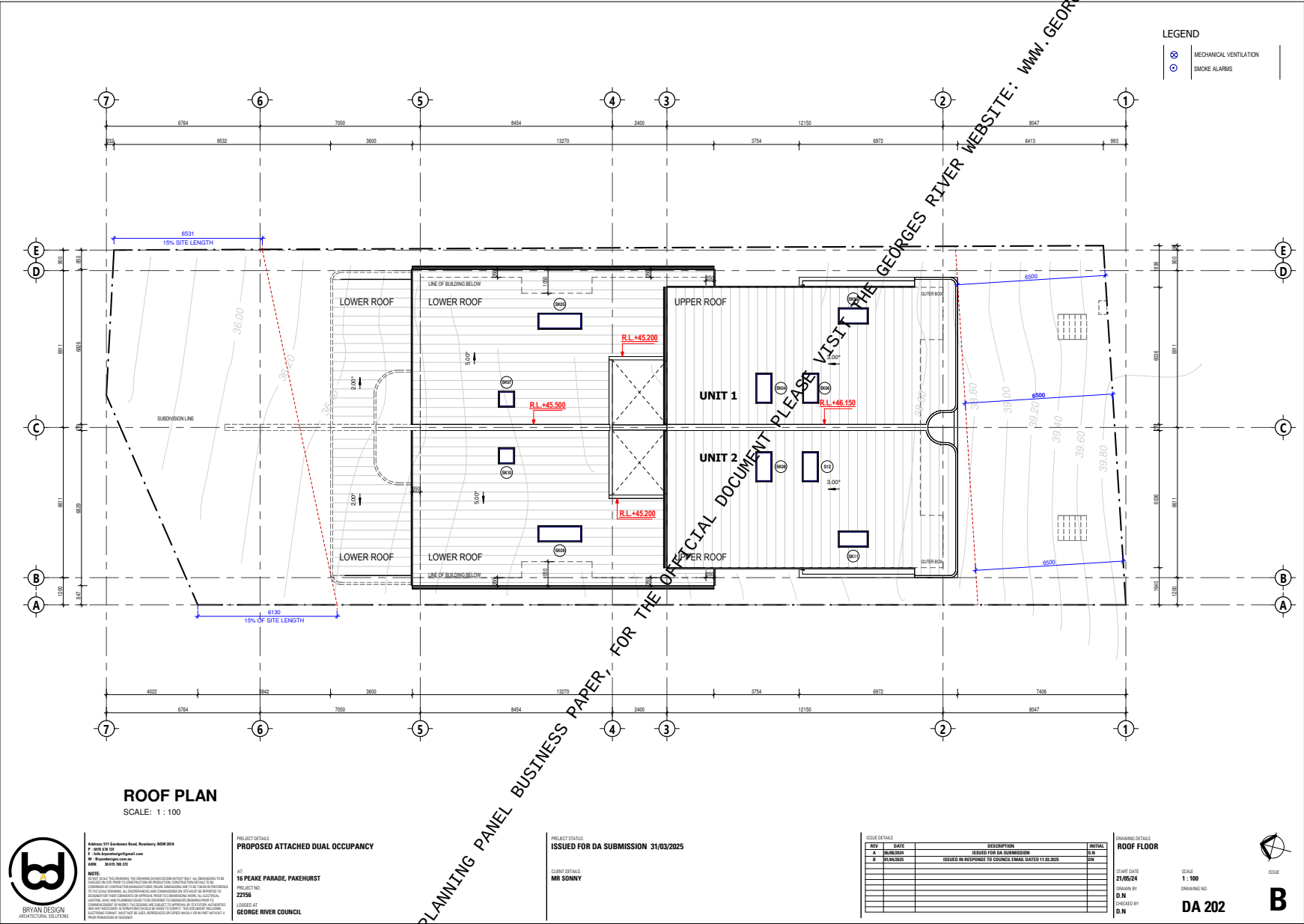


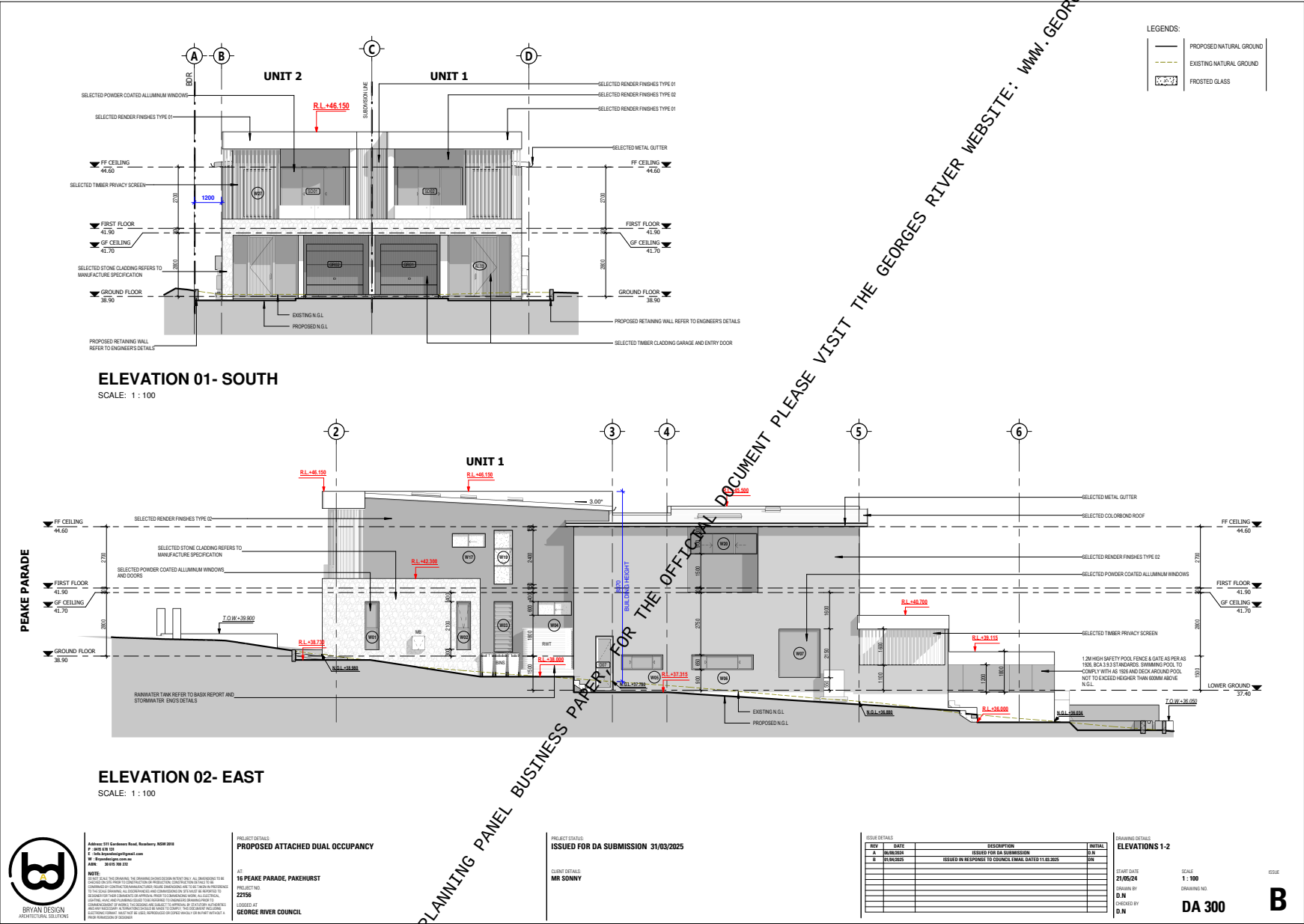


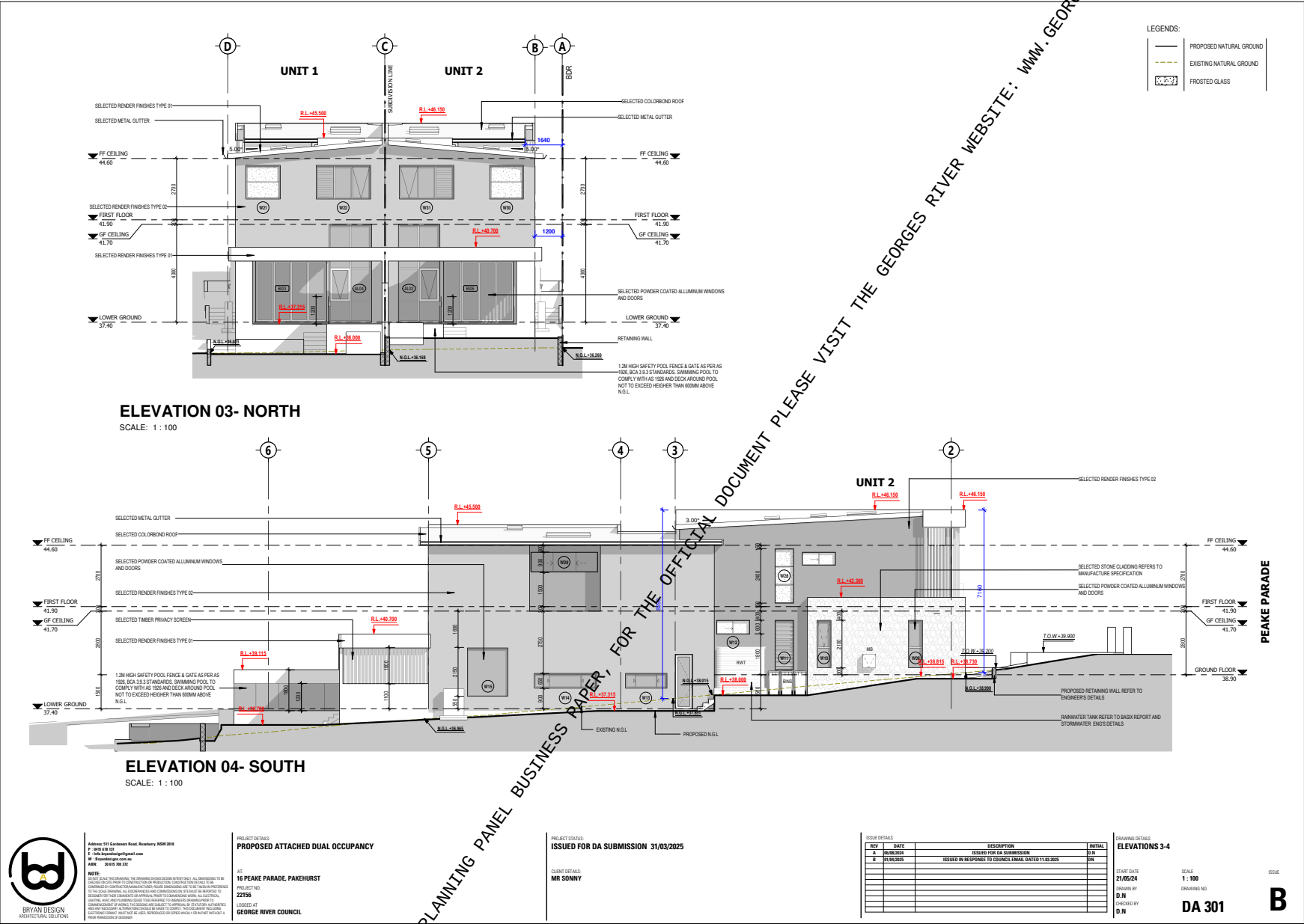


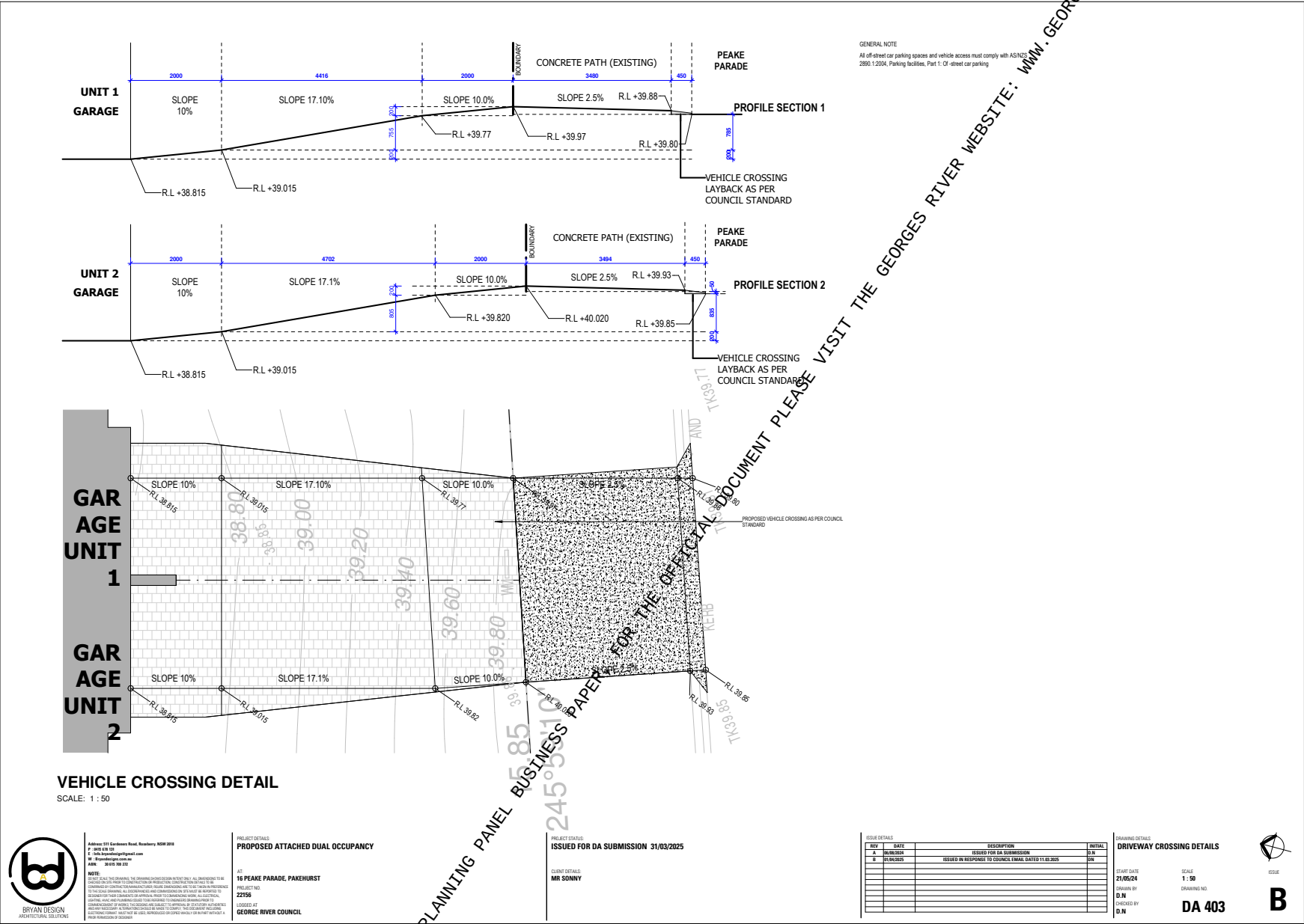


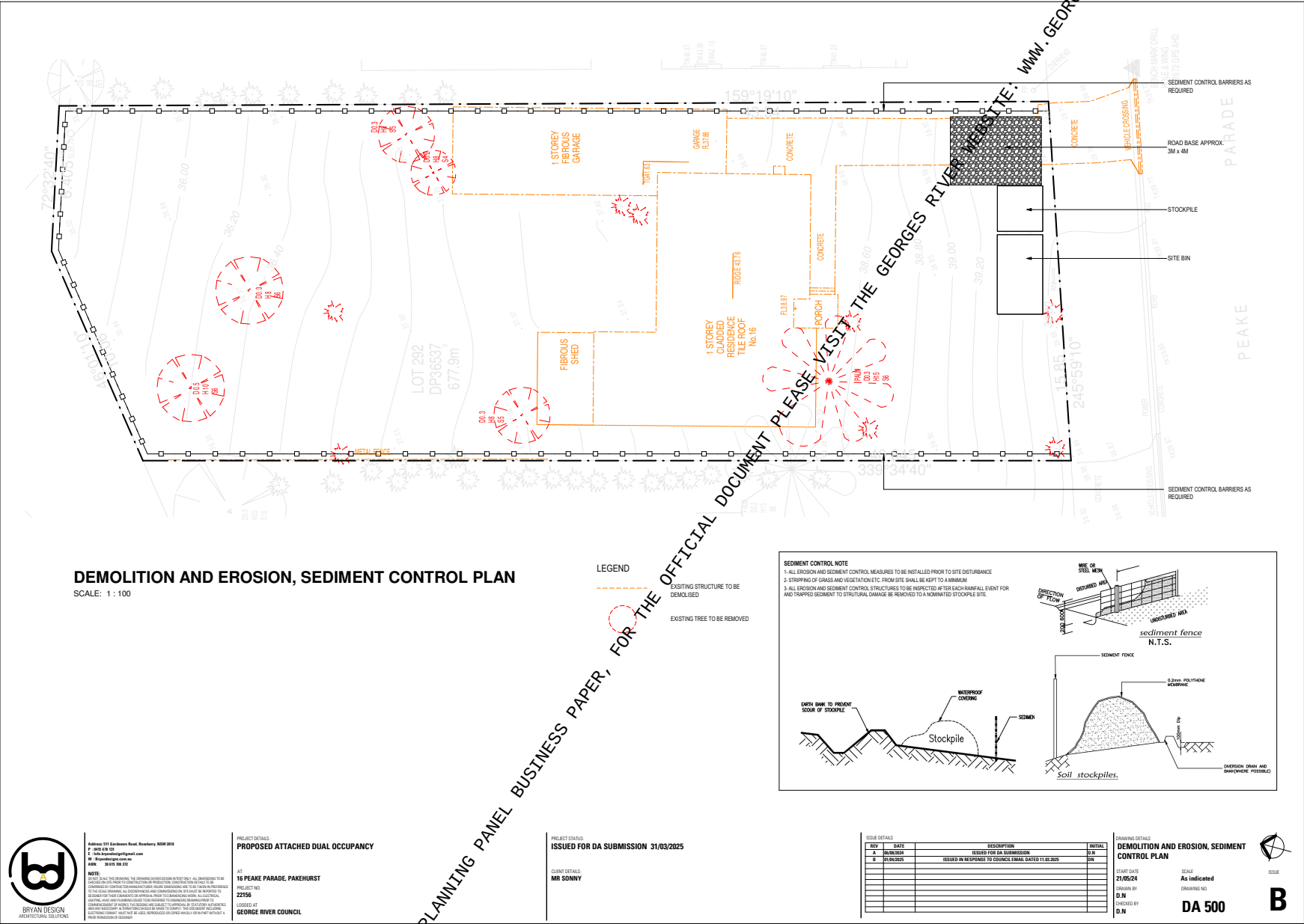












FOR THE OFFICIAL DOCUMENT PLEASE VISIT THE GEORGES RIVER WEBSITE: WWW.GEORGESRIVER.NSW.GOV.AU

WINDOW SCHEDULE

Mark	Width	Height	Sill Height
S12	1275	665	
W01	610	2100	300
W02	610	2100	300
W03	850	2200	200
W04	1450	600	1800
W05	1810	650	900
W06	2700	650	900
W07	1800	2150	550
W08	2410	2100	300
W09	610	2100	300
W10	610	2100	300
W11	850	2200	200
W12	1450	600	1800
W13	1810	650	900
W14	2700	650	900
W15	1800	2150	550
W16	2410	2100	300
W17	1450	600	1800
W19	850	2400	150
W20	2900	900	1500
W21	1500	1500	900
W22	2410	1500	900
W23	1810	1800	600
W24	1810	1800	600
W25	1810	1800	600
W26	1450	600	1800
W27	1210	2100	500
W28	850	2400	150
W29	2900	900	1500
W30	1500	1500	900
W31	2410	1500	900
W32	1810	1800	600
W33	1810	1800	600
W34	1810	1800	600
W35	1810	1800	600
W36	1210	2100	500

DOOR SCHEDULE

Mark	Width	Height
B101	2510	2700
B102	2400	2700
B103	3100	2700
B104	2510	2700
B105	2400	2700
B106	3100	2700
SD01	2880	2400
SD02	2880	2400

SKYLIGHT SCHEDULE

Mark	Width	Height
SK03	1275	665
SK04	1275	665
SK05	1885	665
SK06	1275	665
SK07	665	665
SK08	1275	665
SK09	1885	665
SK10	665	665
SK11	1275	665

ALUMINIUM DOOR

Name	Width	Height
AL01	2096.077	2700
AL02	1895	4300
AL03	2776.077	2700
AL04	1895	4300

PROJECT DETAILS

PROPOSED ATTACHED DUAL OCCUPANCY

16 PEAKE PARADE, PAKEHURST

27506

LOADED AT

GEORGE RIVER COUNCIL

PROJECT DETAILS

ISSUED FOR DA SUBMISSION 31/03/2025

CURRENT DETAILS

MIR SONNY

REVISIONS

REV	DATE	DESCRIPTION	INITIAL
A	20/03/2024	ISSUED FOR DA SUBMISSION	D.N
B	27/03/2025	ISSUED IN RESPONSE TO COUNCIL EMAIL DATED 11/03/2025	D.N

DRAWING DETAILS

WINDOWS AND DOOR SCHEDULE

START DATE: 21/05/24

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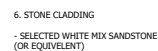
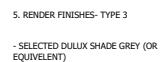
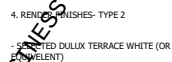
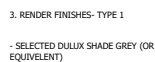
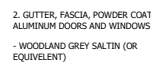
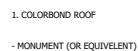
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AT:
16 PEAKE PARADE, PAKEHURST
PROJECT NO.
22156
LOGGED AT
GEORGE RIVER COUNCIL

CLIENT DETAILS:
MR. SONNY

[illegible]

DRAWING DETAILS
SCHEDULE OF FINISHES

START DATE
21/05/24

DRAWN BY
D.N

CHECKED BY
D.N

SCALE
1 : 100

DRAWING NO.
PA 700

B



Address: 311 Gardeners Road, Rosebury NSW 2018
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ABN 36 615 700 231

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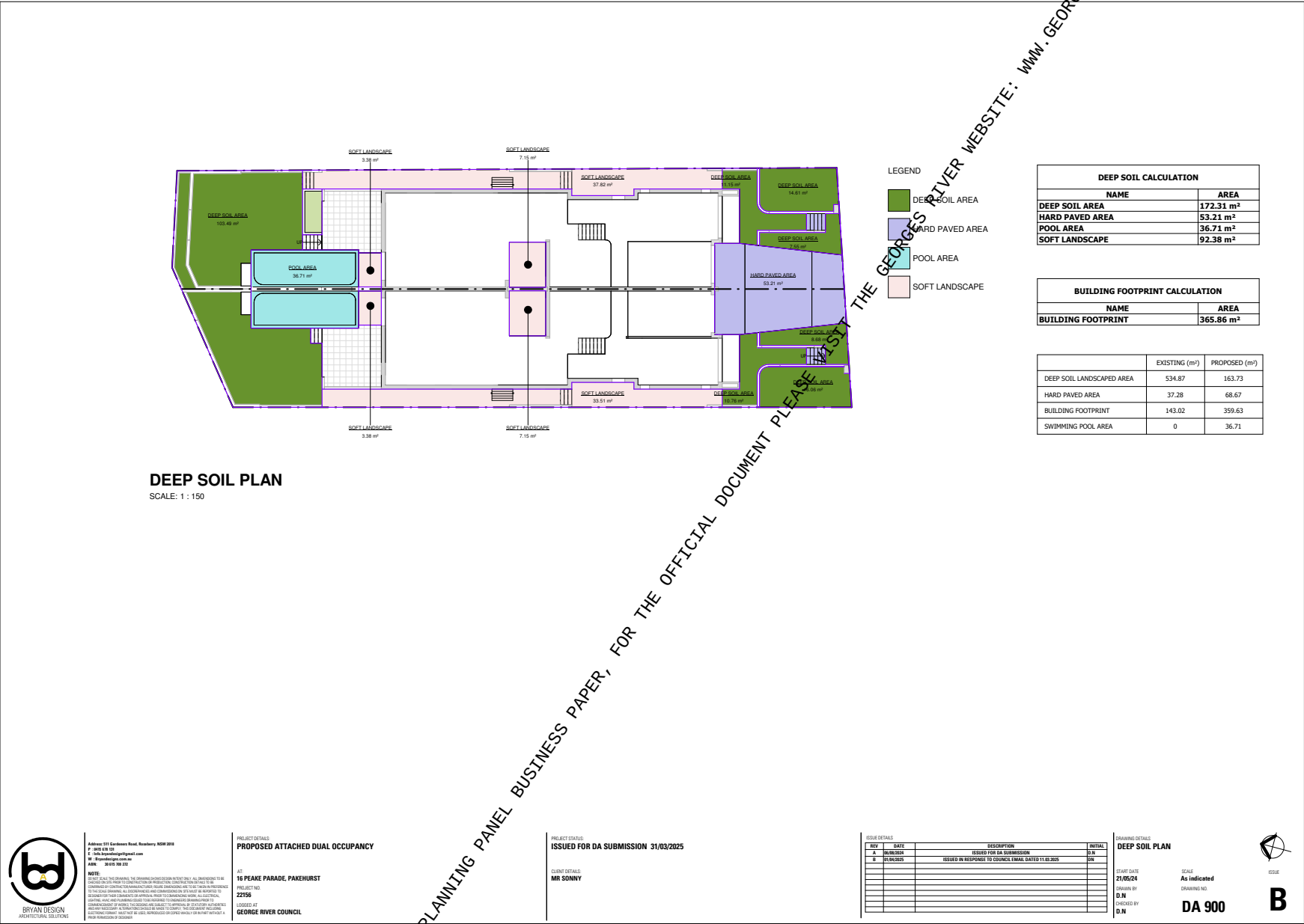
PROJECT DETAILS
PROPOSED ATTACHED DUAL OCCUPANCY
16 PEAKE PARADE, PAKEHURST
22156
LOADED AT
GEORGE RIVER COUNCIL

PROJECT DETAILS
ISSUED FOR DA SUBMISSION 31/03/2025
CURRENT DETAILS
MIR SONNY

REV	DATE	DESCRIPTION	INITIAL
A	20/05/24	ISSUED FOR DA SUBMISSION	D.N.
B	21/05/24	ISSUED IN RESPONSE TO COUNCIL EMAIL DATED 11.05.2025	D.N.

DRAWING DETAILS
SHADOW DIAGRAM
START DATE
21/05/24
DRAWN BY
D.N.
CHECKED BY
D.N.
SCALE
1 : 200
DRAWING NO.
DA 800







Assessment Report

DA2024/0378

Lot 292 DP 36537

16 Peake Parade, 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 components are to be removed:

- Dwelling house and attached shed,
- Attached garage,
- Driveway, and
- Twelve trees

Dual Occupancy (Attached)

The construction of a dwelling house with the following layout:

- Unit 1 (eastern dwelling)
 - o Ground floor
 - Open kitchen/family/dining area with access to verandah and pool
 - Courtyard
 - Laundry room
 - Bathroom,
 - Bedroom,
 - Formal living area with front porch access, and
 - One-car garage.
 - o First floor
 - Master bedroom with walk-in-robe, ensuite bathroom, and front balcony access
 - One bedroom with ensuite bathroom,
 - Two bedrooms, and
 - One bathroom.
- Unit 2 (western dwelling)
 - o Ground floor
 - Open kitchen/family/dining area with access to verandah and pool
 - Courtyard
 - Laundry room
 - Bathroom,
 - Bedroom,
 - Formal living area with front porch access, and
 - One-car garage.
 - o First floor
 - Master bedroom with walk-in-robe, ensuite bathroom, and front balcony access
 - One bedroom with ensuite bathroom,
 - Two bedrooms, and
 - One bathroom.



Torrens Title Subdivision

The construction of a dwelling house with the following layout:

- Unit 1 (eastern lot)
 - o 347.48sqm
- Unit 2 (western lot)
 - o 330.42sqm

Additional works ancillary to dwelling include:

- Stormwater works including the installation of an Onsite Stormwater Detention (OSD) basins on each proposed dwelling, and a $\varnothing 225\text{mm}$ pipe on Pearce Avenue Reserve to drain into an existing creek.
- New driveway shared amongst the proposed dwellings.

A site plan is provided below:

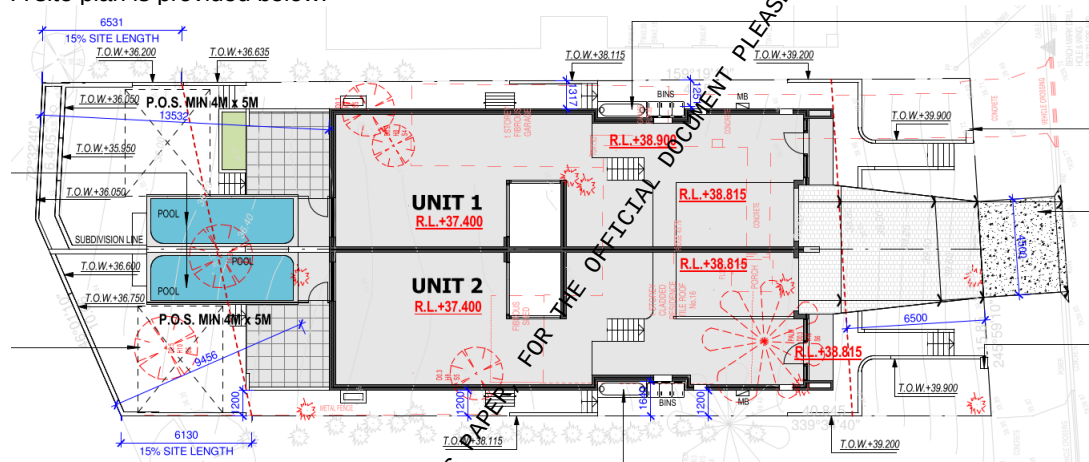


Figure 1 – Site plan (Source: Architectural Plans)

Site and Locality

Site Description

The site currently contains a detached dwelling house with attached shed and an attached garage. The site slopes to the rear and abuts Pearce Avenue Reserve to the rear.

Vehicular access is gained via Peake Parade.

Vegetation on the site consists of 12 trees

Orientation is south-north.

No easements identified on subject site.

Locality Description

Existing development in the locality consists of a mixture of dual occupancies, multi-dwelling housing, and residential flat buildings.



Existing development adjoining the subject site consists of parkland to the north, a residential flat building under construction, and a two-storey semi-detached dwelling to the east.

Aerial Image of Land Zoning

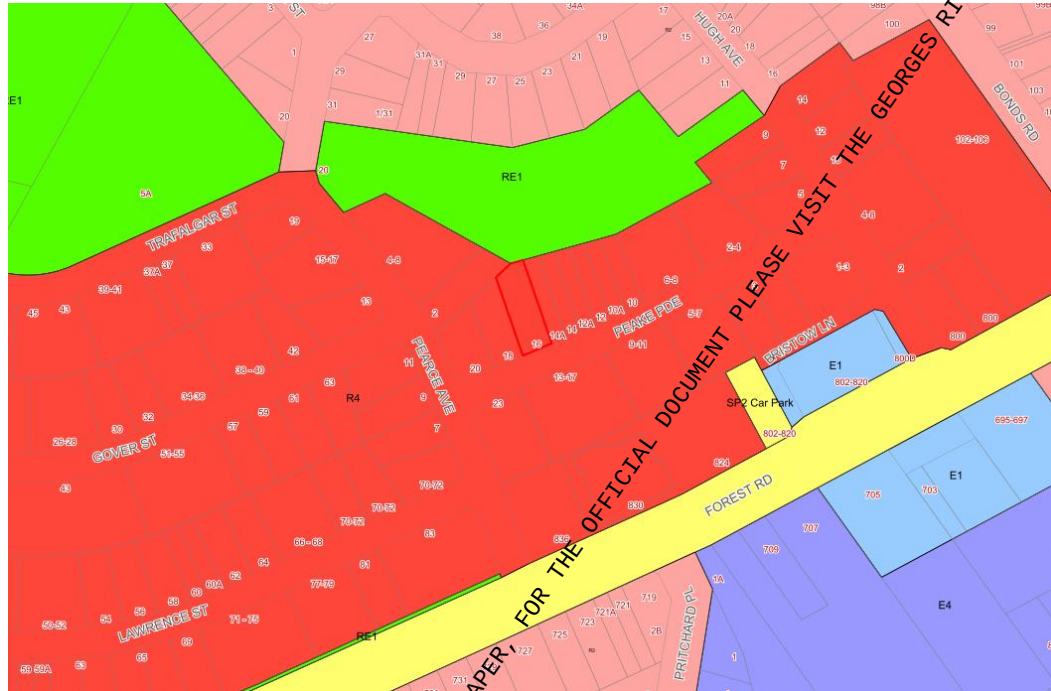


Figure 2 –Aerial view of development site outlined in red (Source: IntraMaps)

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.

Application Number	Proposed Works	Determination	Date	Relevance
Rev2020/0003	Review of DA2017/0627	Refused by Local Planning Panel	5 March 2020	-
DA2017/0627	Residential flat building	Refused by Local Planning Panel	19 September 2019	-

Processing

Application History		
Action	Date	Comment
Submission Date	Thursday, 8 August 2024	
Lodgement Date	Tuesday, 13 August 2024	



Assigned to first officer	Thursday, 5 September 2024	
Request for Additional Information Sent	Tuesday, 24 March 2026	
Assigned to second officer	Monday, 14 July 2025	
Request for Additional Information Sent	Thursday, 21 August 2025	
Final plans received	Wednesday, 24 September 2025	
Assigned to third officer	Friday, 3 October 2025	
Site Inspection Conducted	Monday, 10 November 2025	

Site Inspection

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



Figure 4: 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 Policy (SEPPs)

Site Affections Relevant Under SEPPs

SEPPs		Applicable	
Affection	SEPP Name	Yes	No
Water Catchment	SEPP (Biodiversity Conservation) 2021	☒	☐
Land Contamination	SEPP (Resilience and Hazards) 2021	☐	☒
Coastal Zone	SEPP (Resilience and Hazards) 2021	☐	☒
Adjoins Classified Road	SEPP (Transport and Infrastructure) 2021	☐	☒
Adjoins Rail Corridor	SEPP (Transport and Infrastructure) 2021	☐	☒
Gas Pipeline Buffer	SEPP (Transport and Infrastructure) 2021	☐	☒

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

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



State Environmental Planning Policy (Biodiversity and Conservation) 2021

State Environmental Planning Policy (Biodiversity and Conservation) 2021 is applicable to the development as the subject site is located within the Georges River Catchment and affects 12 trees near the proposed development.

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

However, the proposal fails to demonstrate adequate stormwater drainage. The proposed stormwater pipe is of insufficient capacity and interferes with an existing sewer pipe. The proposal may cause adverse environmental impacts on the Georges River Catchment.

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

State Environmental Planning Policy (Sustainable Buildings) 2022

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

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:	Sustainability-Z Pty Limited
Certificate Number:	1754404M
Certificate Date:	05 July 2024

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 5 – Electricity transmission or distribution

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

Ausgrid raised no objection to the proposal.

The Provisions of any Local Environmental Plan

Georges River Local Environmental Plan 2021

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

Site Affections

Site Affections Relevant Under GRLEP 2021		Applicable	
Clause No.	Clause Name/Affection	Yes	No
5.7	Development Below Mean High Water Mark	☐	☒
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 and Waterways	☐	☒
6.6	Foreshore Scenic Protection Area – also consider Design Excellence	☐	☒
6.8	Impacted by airspace operations (NOTE: Applies to 67-89 Croydon Road, 1-7 Somerset (odd only), 2-8 Bristol (even), 1-5 Bristol (odd) in Hurstville)	☐	☒
6.10	Design Excellence – FSPA or R4 land	☐	☒
Other Affections			
	Bushfire Prone Land	☐	☒
	Council Owned Land	☐	☒
	Crown Land	☐	☒
	Easements Within Lot Boundaries	☐	☒
	Narrow lot housing precinct	☐	☒

Other (if yes describe)

☐☒

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

GRLEP 2021 Numeric Controls			
Standard	Required	Proposed	Compliance
CI. 4.1A Minimum Subdivision Lot Size for Dual Occupancies	Minimum 300m ² per lot (non FSPA)	Unit 1: 347.48sqm Unit 2: 330.42sqm	☒ Yes ☐ No
CI. 4.1B Minimum Lot Size for Dual Occupancies	Minimum 650m ² lot size (non FSPA) <u>Attached dual occupancy</u> Minimum width: 15m	Lot size 676.58m ² Lot width 15.85m	☒ Yes ☐ No

Cl. 4.3 <i>Height of Buildings</i>	Maximum 12m	8.7m	☒ Yes ☐ No
Cl. 4.4A <i>Exceptions to floor space ratio—certain residential accommodation</i>	Site area: 676.58sqm Maximum 0.6:1 (405.95m ²)	G/F: 211.4sqm 1/F: 225.6sqm Total: 437.0sqm (7.6% variation) No Clause 4.6 variation requests supplied.	☐ Yes ☒ No
Cl 6.12 <i>Landscaped Area</i>	Minimum 25% (169.15m ²)	20.2% (136.7m ²) 19.2% variation) No Clause 4.6 variation requests supplied.	☐ 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,	The proposed earthworks are satisfactory with regards to the matters identified.	☒ Yes ☐ No

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

c) the supply of telecommunications facilities, d) the disposal and management of sewage e) stormwater drainage or on-site conservation, f) suitable vehicular access.		
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Clause 4.6 Assessment

The Applicant has not submitted a Clause 4.6 variation request.

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.

Pursuant to Clause 4.6(3), Council cannot consider variation to a development standard as no Clause 4.6 variation request was submitted.

The absence of a Clause 4.6 submission forms part of the reasons for the 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		
3.16.1 Lot Size and Shape		
Control	Proposal	Compliance
1. Development is to comply with the minimum Lot Standard as prescribed in Clauses 4.1 through to 4.1B of the Georges River LEP 2021 and associated maps where applicable.	The proposal complies with the minimum lot requirements as stipulated by the GRLEP 2021.	☒ Yes ☐ No
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 does not comply 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	Accessways 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: 1.1m Unit 2: 1.1m	☐ Yes ☒ No, however variation to this control will not form part of the reasons to refuse this application.
2. Driveways and accessways should not dominate the streetscape and located to comply with AS2890 (latest edition).	Upper level voids: Unit 1: 7sqm Unit 2: 7sqm	
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 façade and avoid an expansive blank wall; v. Open verandahs; vi. Use of bay windows or similar features along the façade	Garage width: Unit 1: 2.5m Unit 2: 2.5m The street-facing elevation contains the following features: - Defined entry feature - Shutters over balconies - Balcony treatment on first floor, and - Projected balconies. Both dwellings incorporate street-facing windows from habitable rooms. The proposed driveways do not dominate the streetscape and comply with AS2890. Both dwellings incorporate a single-car garage each.	
4. Each dwelling entrance is to be clearly identifiable from the street and recessed a maximum of 1m into the façade of the dwelling.	The variation to the entrance recessed can be addressed via condition and is therefore not included as part of the reasons to refuse this application.	
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		

15m2 (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 The proposal considers and responds to the predominant and desired future scale of buildings within the neighbourhood and has had regard to the topography and form of the site.	☒ 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.		

Setbacks

6.1.3.3 Setbacks

Control	Proposal	Compliance
<u>Front setbacks</u> 1. Minimum setback from the primary street boundary for ground and first floor is: 4.5m to the main building wall / facade;	Prevailing street setback: 6.3m Front setback: Unit 1: 6.5m Unit 2: 7.3m	☐ Yes ☒ No

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.	Garage front setback: Unit 1: 8.3m Unit 2: 8.5m Minimum side setback: Unit 1: 1.261m Unit 2: 1.2m Rear setback: Unit 1: 9.6m Unit 2: 5.9m	
<u>Side by side configuration (including duplex configuration)</u> Side setback: 1.2m outside FSPA Rear setback: 15% of average site length or 6.0m, whichever is the greater Required rear setback: 6.3m		

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. 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	The proposed roofs are sufficient to accommodate photovoltaic panels.	☒ Yes ☐ No
6.1.34 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	The proposal enables at least 3 hours of direct solar access onto the living room and 100% of the private open space for	☒ Yes ☐ No

June onto living room windows and at least 50% of the minimum amount of private open space.	both dwellings between 9am and 3pm on 21 June.	
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.	
3. Shadow diagrams are to be submitted demonstrating the shadow impacts for the winter solstice (21 June) between 9.00am and 3.00pm.	Shadow diagrams supplied per DCP requirement.	
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 proposal utilises the following measures to maintain visual privacy: - High sill windows on the first floor, and - Increased side setbacks on the first floor	☒ Yes ☐ No
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.	No roof top terraces proposed. The proposed living room and active room windows are designed to allow opaque views into the adjoining properties only.	
4. Roof top terraces are not permitted on top of dual occupancies and ancillary structures, such as boat sheds and garages.		

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.	The proposal incorporates co-location of quiet uses. 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.		

Earthworks

3.5.1 Earthworks

Control	Proposal	Compliance
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1. Natural ground level should be maintained within 900mm of a side or rear boundary.	The proposal maintains existing ground level near site and rear boundaries.	☒ Yes ☐ No
3. Habitable Rooms (not including bathrooms, laundries and storerooms) are to be located above existing ground level.	Habitable rooms are located above existing ground level.	
4. Rock outcrops, overhangs, boulders, sandstone platforms or sandstone retaining walls are not to be removed or covered.	Existing rock outcrops, overhangs, boulders, sandstone platform, and sandstone retaining walls are being retained.	
5. Development is to be located so that the clearing of vegetation is avoided.	The proposed earthworks avoids vegetation removal and will not adversely affect the health of existing vegetations.	
6. Cut and fill within a tree protection zone of a tree on the development site or adjoining land must be undertaken in accordance with AS4970 (protection of trees on development sites).	Adequate soil depth is provided to sustain tree growth.	
7. Soil depth around buildings should be capable of sustaining trees as well as shrubs and smaller scale gardens.	The earthworks proposed do not impact adversely on stormwater or flood with regards to impacts on adjoining properties.	
8. Earthworks are not to increase or concentrate overland stormwater flow or aggravating existing flood condition 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)		
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 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	The proposal minimises cut and fill and site disturbance. The proposal is not considered to have a high potential risk to groundwater.	

management and its implementation. Such measures are to be in accordance with The Blue Book – Managing Urban Stormwater, Soils & Construction by LandCom	The proposal is accompanied by adequate documentation that ensures no adverse impacts result to groundwater, significant trees, or Councils public domain.	
3. Development is to minimise site disturbance including impacts on vegetation and significant trees and the need for cut and fill.		
4. Construction works within a tree protection zone (TPZ) of a tree on the development site or adjoining land, must be undertaken in accordance with AS 4970 (Protection of trees on development sites).		
5. Development which has a high potential risk to groundwater must submit a geotechnical report to address how possible impacts on groundwater are minimised.		
6. Work must not be carried out in a public road or footpath unless a permit has been granted by Council (or other relevant roads authority) under s.138 of the Roads Act 1993, and / or s.68 of the Local Government Act 1993. These are separate approvals to development consent or a Complying Development Certificate. Consult with Council to determine if a permit is required.		
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: 0.23m Maximum fill depth: 0.82m	☒ Yes ☐ No
2. The depth of cut and fill must not exceed 0.0m from existing ground level except where the excavation is for a basement car park.	The proposal demonstrates measures to minimise earthworks.	
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.		
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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 5 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: - Driveway width at front boundary: 4.5m (shared driveway) - Maximum driveway width: 2.9m - Garage width: 2.5m (single-car width) The proposed basement parking complies with the setback requirements outlined in Section 6.1.3.3. 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 on 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; 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.	Adequate private open space provided for both dwellings, all with compliant dimensions and on the same level, provided which attempts to maximise solar access.	☒ Yes ☐ No
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: 60.1% Unit 2: 55.5%	☒ 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.	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 natural rock outcrops) and other material that does not permit soft soil landscaping.	The proposal demonstrates an area within the front yard that one (1) tree capable of achieving a minimum mature height of 6-8m with a spreading canopy can be accommodated.	
4. Impervious areas are to occupy no more than: ii. 65% of the street setback area where the front setback is 6m or greater,		
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, compatible to each proposed dwelling, and is of low reflectivity.	☒ 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.		
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Site Facilities		
6.1.2.13 Site Facilities		
Control	Proposal	Compliance
1. All dwellings are to be provided with adequate and practical internal and external storage (garage, garden sheds, etc.).	The proposed stormwater plan is not adequate.	☐ Yes ☒ No
2. Provision for water, sewerage and stormwater drainage for the site shall be nominated on the plans to Council's satisfaction.		
3. Each dwelling must provide adequate space for the storage of garbage and recycling bins (a space of at least 3m x 1m per dwelling must be provided) and are not to be located within the front setback.		
4. Letterboxes are to be located on the frontage where the address has been allocated in accordance with Australia Post requirements.		

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 – 0.9m The proposal fencing is compatible with the site context and does not hinder sightlines of road users. The proposed retaining walls are located within the subject site.	☒ Yes ☐ No
2. Preferred materials for fencing are masonry, stone, ornate timber, or ornate metal.		
3. For sloping streets, fences and walls must be stepped to comply with the required maximum fence height.		
4. 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.		
9. Fencing must have regard for the Swimming pool Act 1992 where a swimming pool exists or is proposed.		
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.		
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.		

Swimming Pools and Spas		
6.4.4 Swimming Pools and Spas		
Control	Proposal	Compliance
1. Swimming pools/spas are to be located to the rear of properties.	The proposed swimming pool demonstrates the following setbacks and elevation: Setback from pool frame: 5.2m Setback from water line: 5.4m Pool elevation from existing ground level: 1.2m	☐ Yes ☒ No
3. Swimming pools/spas must be positioned a minimum of 900mm from the property boundary with the water line being a minimum of 1500mm from the property boundary.		
4. In-ground swimming pools shall be built so that the top of the swimming		

pool coping is as close to the existing ground level as possible. On sloping sites this will often require excavation of the site on the high side to obtain the minimum out of ground exposure of the swimming pool consistent with the low side.	Deck elevation from existing ground level: 0.5m	The proposed swimming pool fence does not comply with the Swimming Pools Act 1992 and the Australian Standard given the pool gates swing towards the pool. It is noted that this issue can be addressed via condition should this application be recommended for approval.
5. Swimming pools/spas are to be no more than 500mm above existing ground level.		
7. Decking around a swimming pool must not be more than 600mm above existing ground level.		
8. Filling is not permitted between the swimming pool and the property boundary. The position of the swimming pool, in relation to neighbours and other residents, must be considered to minimise noise associated with activities carried out in the swimming pool or from the swimming pool equipment, such as cleaning equipment.		
9. Council may require mechanical equipment to be suitably acoustically treated so that noise to adjoining properties is reduced.		
10. A pool fence complying with the legislation is to separate access from the residential dwelling on the site to the pool.		
11. Safety and security measures for swimming pools must comply with the relevant requirements of the <i>Swimming Pools Act 1992</i> and any relevant Australian Standards.		

Any Planning Agreement Under Section 7.4

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

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

The Regulations

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



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

The Likely Impacts of the Development

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

Likely Impacts of the Development	
Natural Environment	The proposal fails to demonstrate adequate stormwater discharge which may cause damage to the Pearce Avenue Reserve.
Built Environment	The proposal fails to demonstrate compliant stormwater discharge. Furthermore, the proposal does not comply with the development standards regarding landscaped area and floor space ratio, and GRDCP controls on building setback and pool elevation. The proposal is of a bulk and scale that is not compatible with the desired built form of the locality.
Social Impact	The proposal fails to demonstrate adequate stormwater drainage provision in Pearce Avenue Reserve and cause adverse visual amenity impacts as a result of excessive bulk and scale.
Economic Impact	The proposal is not considered to result in unreasonable economic impact

Site Suitability

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

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

- The proposal fails to demonstrate adequate stormwater discharge arrangement in Pearce Avenue Reserve,
- The proposal demonstrates excessive floor space ratio, and inadequate provision of landscaped area
- The proposal is non-compliant with rear setback controls, and
- The proposed swimming pools are excessively projected above the existing ground level.

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.

Revised Plans - Re-notification

The applicant lodged revised plans on Wednesday, 24 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 is not considered to be in the public interest for the following reasons:

- The proposal fails to demonstrate adequate stormwater discharge arrangement in Pearce Avenue Reserve,
- The proposal demonstrates excessive floor space ratio, and inadequate provision of landscaped area
- The proposal is non-compliant with rear setback controls, and
- The proposed swimming pools are excessively projected above the existing ground level.
- The approval of this application will set an adverse precedence.

Referrals

Internal Referrals

Internal Referrals		
Specialist	Comments	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 following objections were raised: - The proposed stormwater pipe conflicts with an existing sewer pipe located within Pearce Avenue Reserve. The development engineer advised that such issue must be rectified	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.

	by amending the stormwater plan.	
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.	
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 The following objections were raised: Council's A&L Engineer required the following specification for the stormwater pipe on Pearce Avenue Reserve: - A reinforced concrete pipe of 375mm diameter or 5% AEP capacity, whichever is the greater, is required per Council's stormwater policy. - All new pits proposed in the reserve shall be 900x900 with grate and child safety locks. - Connection from the pit inside property boundary to the new pit in the reserve shall be 45degree. The proposed stormwater pipe is of a diameter of 225mm only.	Failure to achieve compliance with this matter forms part of the reasons to refuse this application.

External Referrals

External Referrals		
Referral Body	Comment	Outcome
Ausgrid	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.	-

Contributions

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

The proposal also involves residential subdivision and is subject to the Housing and Productivity Contribution. As per the Environmental Planning and Assessment (Housing and Productivity Contribution) Order 2024, the development is categorised under Division 1, Section 5. A suitable condition of consent would have been included 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 fails to demonstrate adequate stormwater discharge arrangement in Pearce Avenue Reserve,
- The proposal demonstrates excessive floor space ratio, and inadequate provision of landscaped area
- The proposal is non-compliant with rear setback controls, and
- The proposed swimming pools are excessively projected above the existing ground level.
- The approval of this application will set an adverse precedence.

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 DA2024/0378 for Demolition, construction of a attached two storey dual occupancy, swimming pools, landscaping and site works including subdivision on Lot 292 DP 36537 on land known as 16 Peake Parade, Peakhurst NSW 2210, to be refused subject to the reasons referenced below:

Appendix 1 – Reasons for refusal

1. The development does not comply with Clause 4.4A – Exceptions to floor space ratio— certain residential accommodation, as the proposed development demonstrates a floor space ratio of 0.65:1, exceeding the maximum allowable floor space ratio of 0.6:1, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
2. The development does not comply with Clause 6.12 – Landscaped Area, as the proposed landscaped area accounts for 20.2% of the site area, below the minimum landscaped area of 25%, pursuant to Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979.
3. The development does not comply with Clause 6.3 - Stormwater Management and 6.9 - Essential Services, as the proposed stormwater system is of insufficient capacity and interferes with an existing sewer pipe, pursuant to Section 4.15(1)(a)(i) 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 rear setback of 6.3m. Unit 2 provides a rear setback of 5.9m, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
5. The proposal fails to comply with Sections 6.4.4 of GRDCP 2021, as the swimming pools are projected maximum 1.2m above the existing ground level, pursuant to Section 4.15 (1)(a)(iii) of the Environmental Planning and Assessment Act 1979.
6. 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.
7. 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.

